

11 NCAC 13 .0528 IS ADOPTED WITH CHANGES AS PUBLISHED IN NCR 24:24 2188 AS FOLLOWS:

11 NCAC 13 .0528 **SANCTIONS FOR BCEC NONCOMPLIANCE BY LICENSEES, COURSE PROVIDERS AND INSTRUCTORS**

(a) The Commissioner shall proceed with administrative action under G.S. 58-71-80 against a professional bail bondsman, surety bail bondsman or runner ~~licensee~~ licensee for any of the following causes:

- (1) Failing to respond to Department inquiries, including continuing education audit requests, within seven calendar days after the receipt of the inquiry or request;
- (2) Requesting an extension of time to complete BCEC under false pretenses; or
- (3) Refusing to cooperate with Department employees in an investigation or inquiry.

(b) The Commissioner shall summarily suspend or terminate the provider or instructor's certificate of authority to provide or instruct a course for any of the following causes:

- (1) Advertising that a course is approved before the Commissioner has granted such approval in writing;
- (2) Submitting a course outline with material inaccuracies, either in length, presentation time, or topic content;
- (3) Presenting or using materials in a course that were not previously filed with the Commissioner pursuant to ~~11 NCAC 13.0256(a);~~ 11 NCAC 13.0526(a);
- (4) Failing to conduct a course for the full time specified in the approval request submitted to the Commissioner;
- (5) Preparing and distributing certificates of attendance or completion before the course has been approved;
- (6) Issuing certificates of attendance or completion before the completion of the course;
- (7) Failing to issue certificates of attendance or completion to any licensee who satisfactorily completes a course;
- (8) Failing to notify the Commissioner in writing of suspected or known violations of the North Carolina General Statutes or Administrative Code within 30 days after becoming aware of the violations;
- (9) ~~Violating the North Carolina General Statutes or Administrative Code;~~ Failing to comply with the rules in this Section or violating G.S. 58-71-80 and G.S. 58-71-95;
- (10) Failing to monitor attendance and ensure that licensees complete the course hours approved by the Commissioner; or
- (11) Preparing and distributing fraudulent certificates of attendance or completion.

(c) Course providers and instructors are responsible for the activities of persons conducting, supervising, instructing, proctoring, monitoring, moderating, facilitating, or in any way responsible for the conduct of any of the activities associated with the course.

(d) Upon a finding of a violation of this rule the Commissioner shall require the violator to:

- 1 (1) Refund all course tuition and fees to licensees;
- 2 (2) Provide licensees with a course to replace the course that was found in violation; or
- 3 (3) Cease all courses offered by the provider or instructor.
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5 *History Note:* *Authority G.S. 58-2-40; 58-71-71; 58-71-72;*
6 *Eff. ~~October 1, 2010~~ November 1, 2010.*