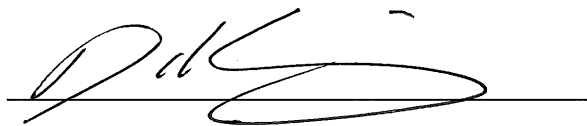
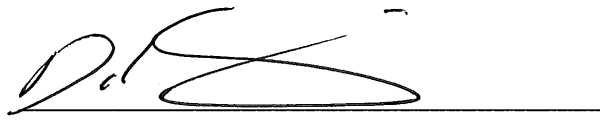


Suspension and Revocation of North Carolina Commission BSB 0101-03

Prepared by: Don Kinney

 Date: 07/29/2019

Approved by: Don Kinney

 Date: 07/29/2019

BOILER SAFETY BUREAU

STANDARD OPERATING PROCEDURE

1.0 Purpose

- 1.1 The purpose of this procedure is to establish the requirements for the suspension or revocation of a North Carolina Commission as an Inspector of Boilers and Pressure Vessels, in accordance with N.C. Gen. Stat. § 95-69.11(20) and NC Administrative Code Title 13, Chapter 13 .0203(e).

2.0 Scope

- 2.1 This procedure applies to any person holding a North Carolina Commission to inspect boilers and pressure vessels.

3.0 Personnel Responsibilities

- 3.1 The Bureau Chief has the overall responsibility for the implementation of this procedure.
- 3.2 The Assistant Bureau Chief is designated as the primary document custodian and is responsible for the control and review of this document.
- 3.3 The Bureau Chief may delegate any duties outlined in this procedure but retains overall responsibility.

4.0 Health and Safety Issues

- 4.1 This procedure is intended to promote the health and safety of North Carolina employees and the public by ensuring only competent and trustworthy Commissioned Inspectors are performing inspections in North Carolina.

5.0 Procedure

- 5.1 A North Carolina Commission may be suspended or revoked by the Bureau Chief if an Inspector is deemed incompetent or untrustworthy or has falsified any statement in an application or inspection report. Failure to conduct inspections in accordance with the Uniform Boiler and Pressure Vessel Act Chapter 95, Article 7A of the North Carolina General Statutes [See N.C. Gen. Stat. § 95-69.11(20)], and the Administrative Rules found in Title 13, Chapter 13 of the North Carolina Administrative Code, and Boiler Safety Bureau policies shall constitute incompetence.
- 5.2 Upon receiving a complaint or allegation of a violation of the Uniform Boiler and Pressure Vessel Act or the Administrative Rules, the Bureau Chief shall review relevant documents and information to determine if evidence exists to support proceeding with a suspension or revocation of a Commission. This may involve conducting interviews and/or investigatory meetings.
- 5.3 If the Bureau Chief determines that evidence exists to support proceeding with a suspension or revocation of a Commission pursuant to 13 NCAC 13.0203, the Bureau Chief shall:
 - 5.3.1 Give notice to the affected party, pursuant to N.C. Gen. Stat. § 150B-23, of the intent to suspend or revoke the Commission, and provide the location, date, and time for an official review meeting; and
 - 5.3.2 Conduct an official review meeting to present the alleged violations, findings, and the proposed action to be taken by the Bureau Chief regarding the Commission.
- 5.4 A North Carolina Commission may be suspended prior to an administrative hearing if the Bureau Chief determines that the continued performance of inspections by the Inspector at issue poses an imminent danger that could be expected to cause death or serious physical harm or otherwise creates a danger that may threaten the public health, safety, or welfare if the Commission is not

suspended. In this case, the proceedings shall be promptly commenced and determined in accordance with N.C. Gen. Stat. § 150B-3.

- 5.5 The Bureau Chief's decision regarding the competency of an Inspector shall be determined after consideration of the general knowledge, skill, and care possessed and employed by boiler and pressure vessel inspection personnel in good standing. Industry custom and practice shall be considered but are not determinative. The Bureau Chief shall give the Inspector an opportunity to show that he or she is conducting his or her duties in a competent manner and that suspension or revocation is unwarranted.
- 5.6 If the Inspector believes that the decision of the Bureau Chief is not warranted, the Inspector may take exception to the determination, in which event the Inspector may appeal the final determination of the action pursuant to N.C. Gen. Stat. § 150B.
- 5.7 Based on the nature of the case, the length of suspension of a Commission shall be determined by the Bureau Chief, and shall be either for:
 - 5.7.1 A period of six (6) months, without the requirement for re-taking the Commission exam, unless the six (6) months suspension causes the Inspector to not conduct an inspection during the calendar year, or
 - 5.7.2 A period of one (1) year, or longer if necessary to require the Inspector to re-take and pass the Commission exam before becoming commissioned again in this state, pursuant to 13 NCAC 13 .0202(c).
- 5.8 Revocation of a Commission for serious or repeated violations shall be for an indefinite period and a Commission shall not be re-issued to the person in the future. Examples of serious violations are, but not limited to, falsified statements in an application or report, and a conflict of interest pursuant to 13 NCAC 13 .0204.
- 5.9 Actions that would require the suspension or revocation of the Commission of an NCDOL Boiler Safety Bureau employee shall be grounds for discipline, up to and including dismissal.

6.0 Customer Service Requirements

- 6.1 This procedure is intended to provide the Commissioned Inspector and the Boiler Safety Bureau with adequate guidelines for the requirements to suspend or revoke an Inspector's Commission, and to provide fairness, consistency, and transparency during these proceedings.

7.0 Data and Record Management

- 7.1 All documents referenced during the proceedings shall be maintained in accordance with the Functional Schedule for North Carolina State Agencies as adopted by State Archives, a Division of the North Carolina Department of Natural and Cultural Resources .