

1 08 NCAC 21 .0907 is proposed for adoption as follows:

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3 **08 NCAC 21 .0907 Formal Investigation**

4 (a) The State Board shall conduct a formal investigation to the extent necessary to either close the case for lack of
5 probable cause; for the State Board to decide to proceed with a civil penalty or other civil remedy under G.S. 163-
6 278.34; or for the State Board to decide to proceed with a criminal referral under G.S. 163-278.27.

7 (b) If the formal investigation establishes a lack of probable cause, State Board staff shall prepare a closure report and
8 transmit that report to State Board members. If within five business days of transmission two State Board members
9 request further briefing, the State Board shall receive a full briefing on the results of the investigation at a meeting
10 scheduled consistent with G.S. 163-20.

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12 *History Note: Authority G.S. 163-278.21; 163-278.22;*

13 *Eff. November 1, 2026.*