

## **CHAPTER 90-02-04 ACTION BEFORE BOARD**

### **Section**

90-02-04-01	Procedure
90-02-04-02	Hearing Officer
90-02-04-03	Record
90-02-04-04	Violations - Penalty

#### **90-02-04-01. Procedure.**

All proceedings before the board shall be conducted in accordance with the procedure established by North Dakota Century Code chapter 28-32.

**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10

**Law Implemented:** NDCC 43-35-19

#### **90-02-04-02. Hearing officer.**

In all proceedings the secretary shall request the office of administrative hearings of this state to designate a hearing officer to conduct the necessary hearings and proceedings. The person so designated shall be appointed such hearing officer.

**History:** Amended effective May 1, 2002.

**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10

**Law Implemented:** NDCC 43-35-20

#### **90-02-04-03. Record.**

The board shall make a record of all hearings. Any party may request a copy of the hearing record through the secretary or office of administrative hearings and by paying the associated costs.

**History:** Amended effective May 1, 2002.

**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10

**Law Implemented:** NDCC 43-35-19

#### **90-02-04-04. Violations - Penalty.**

If the board shall find a certified water well contractor, pump and pitless unit installer, or monitoring well contractor to be in violation of the requirements of any section of North Dakota Century Code chapter 43-35 and any rule of this board or of any rule of the department of environmental quality for water well construction and pitless unit installation or monitoring well construction, it shall order a suspension of the contractor's certification for a period of up to six months or a fine of up to five hundred dollars, or both. If the violation is a second offense, the board shall make a formal request to the state's attorney of the county in which the incident occurred to bring charges under North Dakota Century Code section 43-35-22. Upon determination that a third offense has been committed, the board shall revoke the certification and vigorously prosecute under all legal sanctions available.

**History:** Amended effective May 1, 2002.

**General Authority:** NDCC 28-32-02, 43-35-01, 43-35-10

**Law Implemented:** NDCC 43-35-20, 43-35-22