

32B-3-202 Timing of reporting violations.

Except when the person subject to administrative action is staff:

- (1) A disciplinary proceeding may not be initiated or maintained by the commission or department on the basis, in whole or in part, of a violation of this title unless a person subject to administrative action against whom the violation is alleged is notified by the department of the violation in accordance with this section.
- (2)
 - (a) A nondepartment enforcement agency or nondepartment enforcement officer may not report a violation of this title to the department more than eight business days after the day on which a nondepartment enforcement officer or agency completes an investigation that finds a violation of this title.
 - (b) If the commission or department wants the right to initiate or maintain a disciplinary proceeding on the basis, in whole or in part, of a violation of this title alleged in a report described in Subsection (2)(a), the department shall notify a person subject to administrative action who is alleged by the report to have violated this title:
 - (i) by no later than eight business days of the day on which the department receives the report described in Subsection (2)(a); and
 - (ii) that the commission or department may initiate or maintain a disciplinary proceeding on the basis, in whole or in part, of the violation.
- (3) If the commission or department wants the right to initiate or maintain a disciplinary proceeding on the basis, in whole or in part, of a violation of this title alleged by a report of a department compliance officer, the department shall notify a person subject to administrative action who is alleged by the report to have violated this title:
 - (a) by no later than eight business days of the day on which the department compliance officer completes an investigation that finds a violation of this title; and
 - (b) that the commission or department may initiate or maintain a disciplinary proceeding on the basis, in whole or in part, of the violation.
- (4)
 - (a) A notice required by this section may be done orally, if after the oral notification the department provides written notification.
 - (b) The written notification described in Subsection (4)(a) may be sent outside the time periods required by this section.
- (5) The department shall maintain a record of a notification required by this section that includes:
 - (a) the name of the person notified; and
 - (b) the date of the notification.

Enacted by Chapter 276, 2010 General Session