

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections State Uniform Construction Code Council

Disciplinary Proceedings (LAC 55:V.1102)

The Louisiana Department of Public Safety and Corrections, Louisiana State Uniform Construction Code Council hereby adopts the following Emergency Rule governing the implementation of Act 12 of the 2005 First Extraordinary Session, R.S. 40:1730.21 et seq. This Rule is being adopted in accordance with the Emergency Rule provisions of R.S. 49:953(B) of the Administrative Procedure Act. This Emergency Rule becomes effective on the date of the signature by the authorized representative of the Louisiana State Uniform Construction Council, April 9, 2008, and shall remain in effect for the maximum period allowed by the APA, which is 120 days.

As a result of the widespread damage caused by Hurricanes Rita and Katrina, the legislature enacted and mandated a state uniform construction code to promote public safety and building integrity. This new code went into effect statewide on January 1, 2007. The Louisiana State Uniform Construction Code Council ("Council") promulgated rules governing the adoption of the state uniform construction code and various other matters. The council instituted, in the regular rulemaking process, a Rule pertaining to informal disciplinary proceedings against those individuals holding a certificate of registration. In this previous Rule, the process for informal proceedings were not streamlined. Recently, the council has been receiving written complaints against certain certificate of registration holders. In order to more efficiently investigate and commence informal action against a certificate of registration holder, it was necessary to amend §1102. Immediately adopting this rule will provide for a more efficient informal proceeding process when investigation complaints filed against an individual holding a certificate of registration.

Title 55

PUBLIC SAFETY

Part VI. Uniform Construction Code

Chapter 11. Disciplinary Proceedings

§1102. Informal Proceedings

A. Notice. If the Council receives written information indicating that a person holding a certificate of registration (registrant) is violating or has violated any provision of R.S. 40:1730.21 et seq., or this Part, the council, after an informal investigation, by the council administrator or his/her designee, shall notify the registrant, in writing, of the findings of the informal investigation by the council administrator. The council administrator is authorized to conduct the informal investigation by telephone or site visit as deemed necessary by the council administrator. Furthermore, for complaints involving an immediate safety threat or dangerous condition, the council administrator shall notify, in writing, the local building official of the complaint. After presentation of a report by the council administrator, the council may, in writing, order the registrant to immediately cease the conduct or violation.

B. Response. The registrant after written informal notice from the council, shall respond in writing to the council's informal notice within 21 days of receipt by providing

the council with a written statement containing any information related to the allegations of the informal notice which would show compliance with all requirements for retention or renewal of his/her certificate of registration. In lieu of providing a written statement, the registrant may request, in writing to the council administrator, an informal conference with the council chair, code enforcement advisory committee chair, council administrator, and legal counsel. In the event that a resolution to the matter is not accomplished during the informal procedures, the council administrator shall forward a report to the council for initiation of the formal procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D), and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007), amended LR 34:

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