

(e) The broker has knowingly employed, or continues to employ, any person who has been convicted of a felony, without the written approval of the Commissioner; or

(f) The broker has, in the course of customs business, with intent to defraud, in any manner willfully and knowingly deceived, misled or threatened any client or prospective client.

[T.D. 86-161, 51 FR 30344, Aug. 26, 1986]

§ 111.54 Appropriate officer of the Customs.

Unless otherwise indicated in this part, the port director shall be the appropriate officer of the Customs within the scope of section 641(d)(2), Tariff Act of 1930, as amended (19 U.S.C. 1641(d)(2)). In the case of sickness or absence of the port director, another Customs officer designated by the port director shall be the appropriate officer of the Customs. If the office of port director is vacant or the port director is unable to designate a Customs officer, Headquarters shall designate a Customs officer to be the appropriate officer of the Customs.

[T.D. 75-58, 40 FR 11562, Mar. 12, 1975, as amended by T.D. 86-161, 51 FR 30344, Aug. 26, 1986]

§ 111.55 Investigation of complaints.

Every complaint or charge against a broker which may be the basis for disciplinary action shall be forwarded for investigation to the special agent in charge of the area in which the broker is located. The special agent in charge shall submit a report on the investigation to the director of the port and send a copy of it to the Commissioner.

§ 111.56 Review of report on investigation.

The port director shall review the report of investigation to determine if there is sufficient basis to recommend that charges be preferred against the broker. He shall then submit his recommendation with supporting reasons to the Commissioner for final determination together with a proposed statement of charges when recommending that charges be preferred.

§ 111.57 Determination by Commissioner.

(a) *Determination not to prefer charges.* If the Commissioner determines that charges will not be preferred, he shall notify the port director of his decision.

(b) *Determination to prefer charges.* If the Commissioner determines that charges will be preferred, he shall notify the port director of his determination and require that a proposed statement of charges be prepared for his review, if not previously submitted.

[T.D. 70-134, 35 FR 9254, June 13, 1970, as amended by T.D. 86-161, 51 FR 30344, Aug. 26, 1986]

§ 111.58 Content of statement of charges.

The statement of charges shall give a plain and concise, but not necessarily detailed, description of the facts claimed to constitute grounds for suspension or revocation of the license. The statement of charges also shall specify the sanction being proposed (e.g., suspension of the broker's license, or revocation of the license) but if a suspension is proposed the charges need not state a specific period of time for which suspension is proposed. A statement of charges which fairly informs the accused of the charges against him so that he is able to prepare his response shall be deemed sufficient. Different means by which a purpose might have been accomplished or different intents with which acts might have been done so as to constitute grounds for suspension or revocation of license may be alleged in the statement of charges in a single count in the alternative.

[T.D. 70-134, 35 FR 9254, June 13, 1970, as amended by T.D. 86-161, 51 FR 30344, 30345, Aug. 26, 1986]

§ 111.59 Preliminary proceedings.

(a) *Opportunity to participate.* The port director shall advise the broker of his opportunity to participate in preliminary proceedings with an opportunity to avoid formal proceedings against his license.

(b) *Notice of preliminary proceedings.* The port director shall serve upon the broker, as set forth in § 111.63, written notice that: