

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to amend the rule cited as 26 NCAC 01 .0103.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.oah.nc.gov>

Proposed Effective Date: August 1, 2021

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Send public hearing request via email to Bill Culpepper, NC OAH General Counsel, at bill.culpepper@oah.nc.gov*

Reason for Proposed Action: *NC OAH has eliminated contracting for court reporting and transcriptionist services, thereby permitting attorneys to contract directly with court reporters and transcriptionists that have been approved by the Administrative Office of the Courts. The proposed rule reflects this NC OAH operational change and updates the existing rule to reflect current NC OAH operations, including NC OAH's implementation of an electronic filing and case management system and installation of modern technology equipment in NC OAH courtrooms subsequent to the adoption of the current rule.*

Comments may be submitted to: *Bill Culpepper, General Counsel, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609; phone (984) 236-1931; fax (984) 236-1871; email bill.culpepper@oah.nc.gov*

Comment period ends: June 14, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 01 - GENERAL

SECTION .0100 - GENERAL

26 NCAC 01 .0103 COST TO PUBLIC

(a) Copies of any public records documents filed in the Office of Administrative Hearings are available at the "actual cost" as defined in G.S. ~~132-6.2(b)~~, 132-6.2(b) for making the copy and mailing cost if applicable. The Office of Administrative Hearings OAH shall provide its "actual cost" on the Office of Administrative Hearings OAH website.

~~(b) Certified copies of any public document filed in the Office of Administrative Hearings are available at a cost of one dollar (\$1.00) per certification in addition to any other applicable cost for the public document. Electronic copy certification is not available.~~

~~(c) Transcripts are available of contested case hearings. Procedures for requesting and costs of transcripts are in 26 NCAC 03 .0123.~~

~~(d) Copies of recordings are available in the original recording format and media only.~~

~~(e) Video conferencing fees including cancellation fees shall be paid by the requesting party. The video conferencing fees are set at the rates established by the Office of Information Technology Services (ITS).~~

~~(f) North Carolina sales tax shall be added if applicable.~~

~~(b)(g) There is no charge to the requesting party unless the actual cost total charge is equal to or exceeds ten dollars (\$10.00), ~~three dollars (\$3.00)~~.~~

*History Note: Authority G.S. 7A-751; 132-6.2; 150B-19; 150B-21.25; 150B-37;
Eff. August 1, 1986;
Amended Eff. April 1, 1990; January 1, 1989;
Recodified from 26 NCAC 1 .0001 Eff. January 1, 1991;
Amended Eff. April 1, 2009; May 1, 2001; August 1, 2000; February 1, 1994; August 2, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. August 1, 2021.*