Contact List for Rulemaking Questions or Concerns

For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

**Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.**
Office of Administrative Hearings
Rules Division
1711 New Hope Church Road   (919) 431-3000
Raleigh, North Carolina 27609   (919) 431-3104 FAX
contact:  Molly Masich, Codifier of Rules  molly.masich@oah.nc.gov  (919) 431-3071
Dana Vojtko, Publications Coordinator  dana.vojtko@oah.nc.gov  (919) 431-3075
Julie Edwards, Editorial Assistant  julie.edwards@oah.nc.gov  (919) 431-3073
Tammara Chalmers, Editorial Assistant  tammara.chalmers@oah.nc.gov  (919) 431-3083

**Rule Review and Legal Issues**
Rules Review Commission
1711 New Hope Church Road   (919) 431-3000
Raleigh, North Carolina 27609   (919) 431-3104 FAX
contact:  Joe DeLuca Jr., Commission Counsel  joe.deluca@oah.nc.gov  (919) 431-3081
Amanda Reeder, Commission Counsel  amanda.reeder@oah.nc.gov  (919) 431-3079

**Fiscal Notes & Economic Analysis and Governor's Review**
Office of State Budget and Management
116 West Jones Street   (919) 807-4700
Raleigh, North Carolina 27603-8005   (919) 733-0640 FAX
Contact:  Anca Grozav, Economic Analyst  osbmruleanalysis@osbm.nc.gov  (919) 807-4740
NC Association of County Commissioners
215 North Dawson Street   (919) 715-2893
Raleigh, North Carolina 27603
contact:  Amy Bason  amy.bason@ncacc.org
NC League of Municipalities
215 North Dawson Street   (919) 715-4000
Raleigh, North Carolina 27603
contact:  Erin L. Wynia  ewynia@nclm.org

**Legislative Process Concerning Rule-making**
Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street   (919) 733-2578
Raleigh, North Carolina 27611   (919) 715-5460 FAX
contact:  Karen Cochrane-Brown, Staff Attorney  Karen.cochrane-brown@ncleg.net
Jeff Hudson, Staff Attorney  Jeffrey.hudson@ncleg.net
<table>
<thead>
<tr>
<th>Volume &amp; issue number</th>
<th>Issue date</th>
<th>Last day for filing</th>
<th>Earliest date for public hearing</th>
<th>End of required comment period</th>
<th>Deadline to submit to RRC for review at next meeting</th>
<th>Earliest Eff. Date of Permanent Rule</th>
<th>Delayed Eff. Date of Permanent Rule</th>
<th>31st legislative day of the session beginning:</th>
<th>270th day from publication in the Register</th>
</tr>
</thead>
<tbody>
<tr>
<td>27:13</td>
<td>01/02/13</td>
<td>12/06/12</td>
<td>01/17/13</td>
<td>03/04/13</td>
<td>03/20/13</td>
<td>05/01/13</td>
<td>05/2014</td>
<td>09/29/13</td>
<td></td>
</tr>
<tr>
<td>27:14</td>
<td>01/15/13</td>
<td>12/19/12</td>
<td>01/30/13</td>
<td>03/18/13</td>
<td>03/20/13</td>
<td>05/01/13</td>
<td>05/2014</td>
<td>10/12/13</td>
<td></td>
</tr>
<tr>
<td>27:15</td>
<td>02/01/13</td>
<td>01/10/13</td>
<td>02/16/13</td>
<td>04/02/13</td>
<td>04/22/13</td>
<td>06/01/13</td>
<td>05/2014</td>
<td>10/29/13</td>
<td></td>
</tr>
<tr>
<td>27:16</td>
<td>02/15/13</td>
<td>01/25/13</td>
<td>03/02/13</td>
<td>04/16/13</td>
<td>04/22/13</td>
<td>06/01/13</td>
<td>05/2014</td>
<td>11/12/13</td>
<td></td>
</tr>
<tr>
<td>27:17</td>
<td>03/01/13</td>
<td>02/08/13</td>
<td>03/16/13</td>
<td>04/30/13</td>
<td>05/20/13</td>
<td>07/01/13</td>
<td>05/2014</td>
<td>11/26/13</td>
<td></td>
</tr>
<tr>
<td>27:18</td>
<td>03/15/13</td>
<td>02/22/13</td>
<td>03/30/13</td>
<td>05/14/13</td>
<td>05/20/13</td>
<td>07/01/13</td>
<td>05/2014</td>
<td>12/10/13</td>
<td></td>
</tr>
<tr>
<td>27:19</td>
<td>04/01/13</td>
<td>03/08/13</td>
<td>04/16/13</td>
<td>05/31/13</td>
<td>06/20/13</td>
<td>08/01/13</td>
<td>05/2014</td>
<td>12/27/13</td>
<td></td>
</tr>
<tr>
<td>27:20</td>
<td>04/15/13</td>
<td>03/22/13</td>
<td>04/30/13</td>
<td>06/14/13</td>
<td>06/20/13</td>
<td>08/01/13</td>
<td>05/2014</td>
<td>01/10/14</td>
<td></td>
</tr>
<tr>
<td>27:21</td>
<td>05/01/13</td>
<td>04/10/13</td>
<td>05/16/13</td>
<td>07/01/13</td>
<td>07/22/13</td>
<td>09/01/13</td>
<td>05/2014</td>
<td>01/26/14</td>
<td></td>
</tr>
<tr>
<td>27:22</td>
<td>05/15/13</td>
<td>04/24/13</td>
<td>05/30/13</td>
<td>07/15/13</td>
<td>07/22/13</td>
<td>09/01/13</td>
<td>05/2014</td>
<td>02/09/14</td>
<td></td>
</tr>
<tr>
<td>27:23</td>
<td>06/03/13</td>
<td>05/10/13</td>
<td>06/18/13</td>
<td>08/02/13</td>
<td>08/20/13</td>
<td>10/01/13</td>
<td>05/2014</td>
<td>02/28/14</td>
<td></td>
</tr>
<tr>
<td>27:24</td>
<td>06/17/13</td>
<td>05/24/13</td>
<td>07/02/13</td>
<td>08/16/13</td>
<td>08/20/13</td>
<td>10/01/13</td>
<td>05/2014</td>
<td>03/14/14</td>
<td></td>
</tr>
<tr>
<td>28:01</td>
<td>07/01/13</td>
<td>06/10/13</td>
<td>07/16/13</td>
<td>08/30/13</td>
<td>09/20/13</td>
<td>11/01/13</td>
<td>05/2014</td>
<td>03/28/14</td>
<td></td>
</tr>
<tr>
<td>28:02</td>
<td>07/15/13</td>
<td>06/21/13</td>
<td>07/30/13</td>
<td>09/13/13</td>
<td>09/20/13</td>
<td>11/01/13</td>
<td>05/2014</td>
<td>04/11/14</td>
<td></td>
</tr>
<tr>
<td>28:03</td>
<td>08/01/13</td>
<td>07/11/13</td>
<td>08/16/13</td>
<td>09/30/13</td>
<td>10/21/13</td>
<td>12/01/13</td>
<td>05/2014</td>
<td>04/28/14</td>
<td></td>
</tr>
<tr>
<td>28:04</td>
<td>08/15/13</td>
<td>07/25/13</td>
<td>08/30/13</td>
<td>10/14/13</td>
<td>10/21/13</td>
<td>12/01/13</td>
<td>05/2014</td>
<td>05/12/14</td>
<td></td>
</tr>
<tr>
<td>28:05</td>
<td>09/03/13</td>
<td>08/12/13</td>
<td>09/18/13</td>
<td>11/04/13</td>
<td>11/20/13</td>
<td>01/01/14</td>
<td>05/2014</td>
<td>05/31/14</td>
<td></td>
</tr>
<tr>
<td>28:06</td>
<td>09/16/13</td>
<td>08/23/13</td>
<td>10/01/13</td>
<td>11/15/13</td>
<td>11/20/13</td>
<td>01/01/14</td>
<td>05/2014</td>
<td>06/13/14</td>
<td></td>
</tr>
<tr>
<td>28:07</td>
<td>10/01/13</td>
<td>09/10/13</td>
<td>10/16/13</td>
<td>12/02/13</td>
<td>12/20/13</td>
<td>02/01/14</td>
<td>05/2014</td>
<td>06/28/14</td>
<td></td>
</tr>
<tr>
<td>28:08</td>
<td>10/15/13</td>
<td>09/24/13</td>
<td>10/30/13</td>
<td>12/16/13</td>
<td>12/20/13</td>
<td>02/01/14</td>
<td>05/2014</td>
<td>07/12/14</td>
<td></td>
</tr>
<tr>
<td>28:09</td>
<td>11/01/13</td>
<td>10/11/13</td>
<td>11/16/13</td>
<td>12/31/13</td>
<td>01/21/14</td>
<td>03/01/14</td>
<td>05/2014</td>
<td>07/29/14</td>
<td></td>
</tr>
<tr>
<td>28:10</td>
<td>11/15/13</td>
<td>10/24/13</td>
<td>11/30/13</td>
<td>01/14/14</td>
<td>01/21/14</td>
<td>03/01/14</td>
<td>05/2014</td>
<td>08/12/14</td>
<td></td>
</tr>
<tr>
<td>28:11</td>
<td>12/02/13</td>
<td>11/06/13</td>
<td>12/17/13</td>
<td>01/31/14</td>
<td>02/20/14</td>
<td>04/01/14</td>
<td>05/2014</td>
<td>08/29/14</td>
<td></td>
</tr>
<tr>
<td>28:12</td>
<td>12/16/13</td>
<td>11/21/13</td>
<td>12/31/13</td>
<td>02/14/14</td>
<td>02/20/14</td>
<td>04/01/14</td>
<td>05/2014</td>
<td>09/12/14</td>
<td></td>
</tr>
</tbody>
</table>
EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

(1) temporary rules;
(2) notices of rule-making proceedings;
(3) text of proposed rules;
(4) text of permanent rules approved by the Rules Review Commission;
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
(6) Executive Orders of the Governor;
(7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
(8) orders of the Tax Review Board issued under G.S. 105-241.2; and
(9) other information the Codifier of Rules determines to be helpful to the public.

COMPUTING TIME: In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

FILING DEADLINES

ISSUE DATE: The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

LAST DAY FOR FILING: The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

NOTICE OF TEXT

EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.

END OF REQUIRED COMMENT PERIOD
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.

DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION: The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY: This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.
State of North Carolina

May 21, 2013

EXECUTIVE ORDER NO. 10

DISASTER DECLARATION FOR THE TOWNS OF MURPHY AND ROBBINSVILLE

WHEREAS, the North Carolina Emergency Management Act, Chapter 166A of the North Carolina General Statutes, authorizes the issuance of a disaster declaration for an emergency area as defined in N.C.G.S. § 166A-19.3(7), and categorizing the disaster as a Type I, Type II or Type III disaster as defined in N.C.G.S. § 166A-19.31(10); and

WHEREAS, starting on January 15, 2013, the Town of Murphy in Cherokee County, North Carolina and the Town of Robbinsville in Graham County, North Carolina were impacted by severe flooding caused by heavy rains; and

WHEREAS, as a result of the flooding the Town of Murphy proclaimed a local state of emergency on January 15, 2013; and

WHEREAS, as a result of the flooding the Town of Robbinsville proclaimed a local state of emergency on January 15, 2013; and

WHEREAS, due to the impact of the flooding, a joint preliminary damage assessment was done by local, state and federal emergency management officials on January 23, 2013 in the Towns of Murphy and Robbinsville; and

WHEREAS, I have determined that a Type I disaster, as defined in N.C.G.S. § 166A-19.21(b)(1), exists in the State of North Carolina, specifically in the Towns of Murphy and Robbinsville; and

WHEREAS, pursuant to N.C.G.S. § 166A-19.21(b)(1), the criteria for a Type I disaster are met if: (1) the Secretary of the Department of Public Safety has provided a preliminary damage assessment to the Governor and the General Assembly; (2) the Towns of Murphy and Robbinsville declared a local state of emergency pursuant to N.C.G.S. § 166A-19.22; (3) the preliminary damage assessment meets or exceeds the State infrastructure criteria set out in G.S. 166A-19.41(b)(2)a.; and (4) a major disaster declaration by the President of the United States pursuant to the Stafford Act has not been declared; and

WHEREAS, pursuant to N.C.G.S. § 166A-19.41(b), if a disaster is declared, the Governor may make State funds available for emergency assistance to the extent of individual assistance and public assistance for recovery from those disasters for which federal assistance under the Stafford Act is either not available or does not adequately meet the needs of the citizens of the State in the emergency area.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, IT IS ORDERED:
Section 1. Pursuant to N.C.G.S. § 166A-19.21(b)(1), a Type I disaster is hereby declared for the Town of Murphy in Cherokee County, North Carolina and for the Town of Robbinsville in Graham County, North Carolina.

Section 2. I authorize state disaster assistance in the form of public assistance grants to eligible governments located within the emergency area that meet the terms and conditions under N.C.G.S. § 166A-19.41(b)(2). The public assistance grants are for the following:

a. Debris clearance.
b. Emergency protective measures.

Section 3. I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be promptly filed with the Secretary of the Department of Public Safety, the Secretary of State, and the clerks of superior court in the counties to which it applies; and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

Section 4. This Type I disaster declaration shall expire 60 days after issuance unless renewed by the Governor or the General Assembly. Such renewals may be made in increments of 30 days each, not to exceed a total of 120 days from the date of first issuance.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 21st day of May in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

[Signature]
Pat McCrory
Governor

ATTEST:

[Signature]
Ellen F. Markham
Secretary of State
State of North Carolina

May 21, 2013

EXECUTIVE ORDER NO. 11

PROMULGATION AND IMPLEMENTATION OF THE NORTH CAROLINA EMERGENCY OPERATIONS PLAN

WHEREAS, the North Carolina Emergency Management Act, specifically, N.C.G.S. §166A-19.10(b)(7), authorizes the Governor to utilize the services, equipment, supplies, and facilities of existing departments, offices, and agencies of the State in planning for and responding to emergencies; and

WHEREAS, the North Carolina Emergency Management Act, specifically N.C.G.S. §166A-19.10(b)(7), requires the officers and personnel of all such departments, offices, and agencies to cooperate with and extend such services and facilities upon request; and

WHEREAS, the functions of the State emergency management program include preparation and maintenance of State plans for disasters; and

WHEREAS, to facilitate a coordinated, effective relief and recovery effort among State and local government entities and agencies, this order is executed.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and laws of North Carolina, IT IS ORDERED:

Section 1. All State and local government entities are directed to cooperate in the implementation of the provisions of the North Carolina Emergency Operations Plan dated June 2012.

Section 2. I hereby delegate to the Secretary of the North Carolina Department of Public Safety, or the Secretary’s designee, all power and authority granted to me and required of me by Chapter 166A of the General Statutes for the purposes of promulgating and implementing the said Emergency Operations Plan.

Section 3. The Secretary of the North Carolina Department of Public Safety shall make necessary changes to the North Carolina Emergency Operations Plan with appropriate coordination and shall similarly promulgate additional annexes and appendices as required.
Section 4. The Secretary of the North Carolina Department of Public Safety, as chief coordinating officer for the State of North Carolina, shall exercise the powers prescribed in N.C.G.S. §143B-602.

Section 5. This executive order supersedes Executive Order No. 15 (June 11, 2009). This order is effective immediately and shall remain in effect until rescinded or superseded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 21st of May in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

Pat McCrory
Governor

ATTEST:

Elected F. Mitchell
Secretary of State
EXECUTIVE ORDER NO. 12

AMENDING THE STATE E-MAIL RETENTION AND ARCHIVING POLICY

WHEREAS, the North Carolina Public Records Law declares that the public records and public information compiled by the agencies of North Carolina government or its subdivisions are the property of the people; and

WHEREAS, Governor Perdue issued Executive Order 18, entitled E-mail Retention and Archiving Policy, on July 7, 2009; and

WHEREAS, the Office of Information Technology Services (ITS) is transitioning to a new enterprise e-mail archiving system; and

WHEREAS, the State will achieve significant cost savings by reducing the number of years e-mails that must be maintained in the ITS archiving system; and

WHEREAS, the North Carolina Department of Cultural Resources (DCR) may preserve e-mails of historical value for the State’s permanent collection.

NOW, THEREFORE, pursuant to the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, IT IS ORDERED THAT:

1. Executive Branch employees shall treat all e-mail messages which they send or receive in connection with the transaction of public business as public records and shall handle and maintain them in compliance with the Public Records Law and records retention schedules in the same manner as paper documents or other tangible records.

2. All Executive Branch agencies shall copy all e-mails sent and received by their employees to an archive at least once daily. ITS shall provide and maintain an archive service for all agencies for which it provides e-mail services. ITS e-mail archives shall be maintained for five years unless a longer period is required by law or by an approved records retention and disposition schedule. Each Executive Branch agency that does not use ITS e-mail services or the ITS e-mail archive shall employ an archiving system that creates a back-up copy of the messages in all agency e-mail systems at least once daily. E-mails retained in agency archives systems shall also be retained for five years.
3. All e-mail archives created after the issuance of Executive Order 150 and prior to the implementation of such enterprise e-mail archive systems shall be maintained for 5 years unless a longer period is required by law or by an approved record retention and disposition schedule.

4. The Department of Cultural Resources shall develop a policy that identifies those e-mails of historical value that should be retained for a longer period of time. It shall work with the North Carolina Department of Cultural Resources and other agencies as necessary to identify and transfer e-mails to the Department of Cultural Resources that should be preserved beyond 5 years.

5. Except as amended herein, Executive Order 18 remains in full force and effect.

6. This Executive Order is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this the 21st day of May in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-seventh.

[Signature]
Pat McCrory
Governor

ATTEST:

[Signature]
Eldene F. Marshall
Secretary of State
The Division of Water Quality (DWQ) invites public comment on, or objections to, the permitting action listed below. Persons wishing to comment or object may submit written comments to the address below by the due date indicated. All comments received prior to the date will be considered in the final determinations regarding permit issuance. Public comments on the draft permit may result in changes to the final version. All comments should reference the specific permitting actions listed below and the permit number.

DWQ intends to renew NPDES General Permit NCG210000 for the discharge of stormwater from industrial activity classified as Lumber and Wood Products, Except Furniture. The public comment period closes July 17, 2013. The draft General Permit and Fact Sheet may be viewed at http://portal.ncdenr.org/web/wq/ws/su/public-notices.

Please direct comments or objections to:
Stormwater Permitting Unit
NC Division of Water Quality
1617 Mail Service Center
Raleigh, NC 27699-1617
Telephone Number: (919) 807-6376
ken.pickle@ncdenr.gov
TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to adopt the rules cited as 15A NCAC 10C .0306-.0320, amend the rules cited as 15A NCAC 10C .0305; 10F. .0201.

Agency obtained G.S. 150B-19.1 certification:
☑ OSBM certified on: May 15, 2013
☐ RRC certified on: 
☐ Not Required

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncwildlife.org/ProposedRegulations.aspx

Proposed Effective Date: November 1, 2013

Public Hearing:
Date: July 17, 2013
Time: 10:00 a.m.
Location: 1751 Varsity Drive, Raleigh, NC 27606

Reason for Proposed Action:
15A NCAC 10C .0305 – As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. The Commission feels that this Rule does not meet the criteria of “clear and unambiguous.” The Commission proposes to amend 10C .0305 set for the seasons, creel limits, size limits and exception for black bass only. The Commission intends to adopt rules for every other game fish (considering saltwater fish collectively) in which regulations apply to only a single game fish per rule.

15A NCAC 10C .0306 – As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning crappie and adopt 10C .0306 which will contain seasons, creel limits, size limits and exceptions for crappie only.

15A NCAC 10C .0307 – As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning saltwater fish and adopt 10C .0307 which will contain seasons, creel limits, size limits and exceptions for saltwater fish only.

15A NCAC 10C .0308 – As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning kokanee salmon and adopt 10C .0308 which will contain seasons, creel limits, size limits and exceptions for kokanee salmon only.

15A NCAC 10C .0309 - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning muskellunge and adopt 10C .0309 which will contain seasons, creel limits, size limits and exceptions for muskellunge only.

15A NCAC 10C .0310 - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning pickerel and adopt 10C .0310 which will contain seasons, creel limits, size limits and exceptions for pickerel only.

15A NCAC 10C .0311 - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning roanoke and rock bass and adopt 10C .0311 which will contain seasons, creel limits, size limits and exceptions for roanoke and rock bass only.

15A NCAC 10C .0312 - currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning saugers and adopt 10C .0312 which will contain seasons, creel limits, size limits and exceptions for sauger only.

15A NCAC 10C .0313 - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning shad and adopt 10C .0313 which will contain seasons, creel limits, size limits and exceptions for shad only.

15A NCAC 10C .0314 - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning striped bass and adopt 10C .0314 which will contain seasons, creel limits, size limits and exceptions for striped bass only.

15A NCAC 10C .0315 - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To
increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning sunfish and adopt 10C .0315 which will contain seasons, creel limits, size limits and exceptions for sunfish only.

**15A NCAC 10C .0316** - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning trout and adopt 10C .0316 which will contain seasons, creel limits, size limits and exceptions for trout only.

**15A NCAC 10C .0317** - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning walleye and adopt 10C .0317 which will contain seasons, creel limits, size limits and exceptions for walleye only.

**15A NCAC 10C .0318** - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning white bass and adopt 10C .0318 which will contain seasons, creel limits, size limits and exceptions for white bass only.

**15A NCAC 10C .0319** - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning white perch and adopt 10C .0319 which will contain seasons, creel limits, size limits and exceptions for white perch only.

**15A NCAC 10C .0320** - As currently written, 10C .0305 contains too much information about too many different species of game fish and the organization of the Rule is confusing. To increase clarity, the Commission intends to amend 10C .0305 to delete any text concerning yellow perch and adopt 10C .0320 which will contain seasons, creel limits, size limits and exceptions for yellow perch only.

**15A NCAC 10F .0201** - The proposed amendments to 10F .0201 will: provide a definition for racing vessels that are exempt from the personal flotation device (pfd) requirement; and exempt tubes, paddle boards and flotation toys from the pfd requirement.

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 919-431-3000.

Fiscal impact (check all that apply).

- [ ] State funds affected
- [ ] Environmental permitting of DOT affected
- [ ] Analysis submitted to Board of Transportation
- [ ] Local funds affected
- [ ] Date submitted to OSBM:
- [ ] Substantial economic impact (> $500,000)
- [x] Approved by OSBM
- [ ] No fiscal note required by G.S. 150B-21.4

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10C - INLAND FISHING REGULATIONS

**15A NCAC 10C .0305** BLACK BASS

(a) The daily creel limit for Largemouth, Smallmouth and Spotted Bass — collectively known as Black Bass — is five fish, except in waters identified in Paragraphs (b) and (c) of this Rule. There is no minimum size limit for these fish, but only two of them may be less than 14 inches except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) of this Rule. There is no closed season, except for waters identified in Paragraph (k) of this Rule.

Generally, Subject to the exceptions listed in Paragraph (b) of this Rule, the open seasons and creel and size limits are as indicated in the following table:

(b) In Lake Cammack in Alamance County and Lake Holt in Granville County the daily creel limit for Largemouth Bass is 10 fish and no more than two fish greater than 14 inches may be possessed.

(c) In Lake Santeetlah in Graham County, there is no daily creel limit for Black Bass less than 14 inches. The daily creel limit for Black Bass greater than 14 inches is five fish.

(d) The minimum size limit for Black Bass is 14 inches, with no exceptions in:

1. Lake Raleigh in Wake County;
2. Lake Mattamuskeet and associated canals in Hyde County;
3. Pungo Lake in Washington and Hyde counties;
4. New Lake in Hyde County;
and the Currituck, Roanoke, Croatan and Albemarle sounds and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernong River and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge).

(e) In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties the minimum size limit for Largemouth Bass is 16 inches, with no exceptions.

(f) In Lake Phelps the minimum size limit is 14 inches, with no exceptions, and no fish between 16 and 20 inches may be possessed.

(g) In Shearon Harris Reservoir, there is no minimum size limit for Black Bass, but only two Black Bass less than 14 inches and no Black Bass between 16 and 20 inches may be possessed.

(h) In Randleman Reservoir, there is no minimum size limit for Largemouth Bass, but only two Largemouth Bass less than 14 inches and only one Largemouth Bass greater than 20 inches may be possessed.

(i) In Lake Thom-A-Lex in Davidson County, the minimum size limit for Black Bass is 18 inches with no exceptions.

(j) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia) there is no minimum size limit for Black Bass, but no fish between 14 and 20 inches in length may be possessed and only one Black Bass greater than 20 inches may be possessed.

(k) In Sutton Lake, the minimum size limit for Black Bass is 14 inches with no exceptions and no Black Bass may be possessed from December 1 through March 31.

(l) For purposes of this Rule, creel limits apply to Largemouth, Smallmouth and Spotted Bass in aggregate unless otherwise specified.

### TABLE 1

<table>
<thead>
<tr>
<th>GAME FISHES</th>
<th>DAILY CREEL LIMITS</th>
<th>MINIMUM SIZE LIMITS</th>
<th>OPEN SEASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mountain Trout:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wild Trout</td>
<td>4</td>
<td>7 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Hatchery Sup. Trout</td>
<td>7</td>
<td>None</td>
<td>All year, except</td>
</tr>
<tr>
<td>Ported Trout</td>
<td>(exc. (3))</td>
<td>(exc. (3))</td>
<td>March 1 to 7:00 a.m.</td>
</tr>
<tr>
<td>Waters and</td>
<td></td>
<td></td>
<td>on first Saturday</td>
</tr>
<tr>
<td>Undesignated waters</td>
<td></td>
<td></td>
<td>in April</td>
</tr>
<tr>
<td>(exc. (3))</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Muskellunge</td>
<td>1</td>
<td>12 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Pickerel: Chain</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>and Redfin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walleye</td>
<td>8</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. (7)&amp;(20))</td>
<td></td>
<td>(exc. (7)&amp;(20))</td>
<td></td>
</tr>
<tr>
<td>Sauger</td>
<td>8</td>
<td>15 in.</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Black Bass:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Largemouth</td>
<td>5</td>
<td>14 in. (2 fish may be less than 14 in.)</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Smallmouth</td>
<td>(exc. (16),(19)&amp;(21))</td>
<td>(exc. (6),(8),(16),(19)&amp;(21))</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>and Spotted</td>
<td></td>
<td>(exc. (13))</td>
<td></td>
</tr>
<tr>
<td>Roanoke and Rock Bass</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>(exc. (18))</td>
<td></td>
<td>(exc. (18))</td>
<td></td>
</tr>
<tr>
<td>White Bass</td>
<td>25</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Sea Trout (Spotted or Speckled)</td>
<td>(exc. (15))</td>
<td>(exc. (15))</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Flounder</td>
<td>(exc. (15))</td>
<td>(exc. (15))</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Red drum (channel bass, red fish, puppy drum)</td>
<td>(exc. (15))</td>
<td>(exc. (15))</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Striped Bass</td>
<td>8 aggregate</td>
<td>16 in. (2 fish may be less than 16 in.)</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>and their hybrids (Morone Hybrids)</td>
<td>(exc. (1),(2),(4),(5)&amp;(10))</td>
<td>(exc. (1),(2), (exc. (4),(5),(10)&amp;(11))</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Shad: (American and hickory)</td>
<td>(exc. (17))</td>
<td>(exc. (17))</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Kokanee Salmon</td>
<td>7</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
<tr>
<td>Crappie and Spotted</td>
<td>None</td>
<td>None</td>
<td>ALL YEAR</td>
</tr>
</tbody>
</table>

27:24 NORTH CAROLINA REGISTER  JUNE 17, 2013
PROPOSED RULES

(b) Exceptions

(1) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the creel limit on striped bass and Morone hybrids is four in aggregate and the minimum length limit is 24 inches from October 1 through May 31. From June 1 through September 30 the daily creel limit on striped bass and Morone hybrids is four in aggregate with no minimum size limit.

(2) In the Cape Fear River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, Lake Rhodhiss, Lake Hickory, and Lookout Shoals Reservoir, the creel limit on striped bass and Morone hybrids is four in aggregate and the minimum size limit is 20 inches. In Lake Gaston and Roanoke Rapids Reservoir the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit of 20 inches from October 1 through May 31 and no minimum size limit from June 1 through September 30. In Lake Norman the creel limit on striped bass and Morone hybrids is four in aggregate with a minimum size limit of 16 inches from October 1 through May 31 and no minimum size limit from June 1 through September 30.

(3) In designated public mountain trout waters the season for taking all species of fish is the same as the trout fishing season. There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area (including tributaries). Catawba River from Muddy Creek to the City of Morganton watershed intake dam, and the impounded waters of power reservoirs and municipally owned water supply reservoirs open to the public for fishing.

(4) In the inland fishing waters of Neuse, Pungo and Tar-Pamlico rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95, subject to the exceptions listed in this Paragraph, the daily creel limit for striped bass and their hybrids is two fish in aggregate. The minimum length limit is 18 inches and no striped bass or striped bass hybrids between the lengths of 22 inches and 27 inches may be possessed. In these waters, the season for taking and possessing striped bass is closed from May 1 through September 30. In the inland fishing waters of the Cape Fear River and its tributaries, the season for taking and possessing striped bass is closed year-round. In the Pee Dee River and its tributaries from the South Carolina line upstream to Blewett Falls Dam, the season for taking and possessing striped bass and their hybrids is open year-round, the daily creel limit is three fish in aggregate and the minimum length limit is 18 inches.

(5) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0107(1)(c)] of the Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the open season for taking and possessing striped bass and their hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season the daily creel limit for striped bass and their hybrids is two fish in aggregate, the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit. Only one fish larger than 27 inches may be retained in the daily creel limit.

(6) The minimum size limit for all species of black bass is 14 inches, with no exception in:
  (A) Lake Raleigh in Wake County;
  (B) Sutton Lake in New Hanover County;
  (C) Lake Mattamuskeet and associated canals in Hyde County;
  (D) Pungo Lake in Washington and Hyde counties;
  (E) New Lake in Hyde County;
  (F) and the Currituck, Roanoke, Croatan and Albemarle sounds and all their tributaries including Roanoke River downstream of Roanoke Rapids Dam, Chowan River, Yeopim River, Pasquotank River, Perquimans River, North River, Northwest River, Scuppernong River and Alligator River (including the Alligator/Pungo Canal east of the NC Hwy 264/45 bridge).

In Cane Creek Lake in Union County, and Buckhorn Reservoir in Wilson and Nash counties the minimum size limit for largemouth bass is 16 inches, with no exception. In Lake Phelps and Shearon Harris Reservoir no black bass between 16 and 20 inches shall be possessed. In Randleman Reservoir only one largemouth bass greater than 20 inches may be possessed.

(7) A minimum size limit of 15 inches applies to walleye taken from Lake James and its tributaries, and the daily creel limit for walleye...
is four fish in Linville River upstream from the NC 126 bridge above Lake James.

(8) The minimum size limit for all black bass, with no exception, is 18 inches in Lake Thom-A-Lex in Davidson County.

(9) A daily creel limit of 20 fish and a minimum size limit of 10 inches apply to crappie in B. Everett Jordan Reservoir and in the Roanoke River and its tributaries downstream of Roanoke Rapids Dam, and in the Cashie, Middle, and Eastmost rivers and their tributaries. A daily creel limit of 20 fish and a minimum size limit of eight inches apply to crappie in all the following waters and to the tributaries of the waters specified in Parts A, H, I, J, K, L, M, N and O of this Subparagraph:

(A) all public waters west of Interstate 77,

(B) South Yadkin River downstream of Cooleemee Dam,

(C) Yadkin-Pee Dee River from Idols Dam to the South Carolina State line including High Rock Lake, Tuckertown Lake, Badin Lake, Falls Lake, Lake Tillery, and Blewett Falls Lake,

(D) Lake Norman,

(E) Lake Hyco,

(F) Lake Ramseur,

(G) Cane Creek Lake,

(H) Tar River downstream of Tar River Reservoir Dam,

(I) Neuse River downstream of Falls Lake Dam,

(J) Haw River downstream of Jordan Lake Dam,

(K) Deep River downstream of Lockville Dam,

(L) Cape Fear River,

(M) Waccamaw River downstream of Lake Waccamaw Dam,

(N) Lumber River including Drowning Creek,

(O) all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and Roanoke River and tributaries below Roanoke Rapids Dam, as listed above.

In Buckhorn Reservoir in Wilson and Nash counties a daily creel limit of 20 fish applies to crappie.

(10) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Alligator River, Seppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), striped bass fishing season, size limits and creel limits are the same as those established by rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

(11) The Executive Director may, by proclamation, suspend or extend the open and close season for striped bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.

(12) In Roanoke River downstream of Roanoke Rapids Dam, Tar River downstream of Tar River Reservoir Dam, Neuse River downstream of Falls Lake Dam, Haw River downstream of Jordan Lake Dam, Deep River downstream of Lockville Dam, Cape Fear River, Waccamaw River downstream of Lake Waccamaw Dam, the entire Lumber River including Drowning Creek, in all their tributaries, and in all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, the daily creel limit for sunfish is 30 in aggregate, no more than 12 of which shall be redbreast sunfish.

(13) In Sutton Lake, no largemouth bass shall be possessed from December 1 through March 31.

(14) The season for taking American and hickory shad with bow nets is March 1 through April 30.

(15) In inland fishing waters, sea trout (spotted or speckled), flounder, and red drum recreational seasons, size limits and creel limits are the same as those established by Marine Fisheries Commission rule or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

(16) In the Alleghany County portion of New River downstream of Fields Dam (Grayson County, Virginia), the daily creel limit for black bass is five fish, except no black bass between 14 and 20 inches in length shall be possessed and only one black bass greater than 20 inches may be possessed in the daily creel limit.

(17) In the inland waters of Roanoke River, Neuse River, and their tributaries, the daily creel limit for American and hickory shad is 10 in aggregate, only one of which may be an American shad. In Roanoke Rapids Reservoir, Lake Gaston and John H. Kerr Reservoir, no American shad may be possessed.

(18) In all public fishing waters east of Interstate 77, the minimum length for Roanoke and rock bass is 8 inches and the daily creel limit is two fish in aggregate.

(19) In Lake Cammack in Alamanee County and Lake Holt in Granville County the daily creel limit for largemouth bass is 10 fish and no more than two fish greater than 14 inches may be possessed.
(20) In John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake, the minimum size limit for walleye is 18 inches and the daily creel limit is five fish.

(21) In Lake Santeetlah in Graham County, there is no daily creel limit for black bass less than 14 inches and no more than five black bass greater than 14 inches may be possessed.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0306 CRAPPIE
(a) There is no daily creel limit for Crappie, except for waters identified in Paragraphs (b), (c), and (d) of this Rule. There is no minimum size limit for these fish, except for waters identified in Paragraphs (d) and (e). There is no closed season.
(b) In Buckhorn Reservoir in Wilson and Nash counties the daily creel limit is 20 fish.
(c) In the following waters, the daily creel limit is 20 fish and the minimum size limit is 10 inches:
   (1) B. Everett Jordan Reservoir,
   (2) Roanoke River and its tributaries downstream of Roanoke Rapids dam,
   (3) Cashie River and its tributaries,
   (4) Middle River and its tributaries, and
   (5) Eastmost River and its tributaries.
(d) In the following waters, the daily creel limit is 20 fish and the minimum size limit is eight inches:
   (1) South Yadkin River downstream of Cooleemee Dam;
   (2) Yadkin River downstream from Idols Dam;
   (3) Pee Dee River from Blewett Falls Dam to the South Carolina state line;
   (4) High Rock Lake;
   (5) Tuckerton Lake;
   (6) Badin Lake;
   (7) Falls Lake (Stanly and Montgomery counties);
   (8) Lake Tillery;
   (9) Blewett Falls Lake;
   (10) Lake Norman;
   (11) Lake Hyco;
   (12) Lake Ramseur;
   (13) Cane Creek Lake;
   (14) Tar River downstream of Tar River Reservoir Dam;
   (15) Neuse River downstream of Falls Lake Dam;
   (16) Haw River downstream of Jordan Lake Dam;
   (17) Deep River downstream of Lockville Dam;
   (18) Cape Fear River;
   (19) Waccamaw River downstream of Lake Waccamaw Dam;
   (20) Lumber River including Drowning Creek;
   (21) all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and waters listed in Paragraph (c) of this Rule; and
   (22) all public waters west of Interstate 77.

For waters in Subparagraphs (14) through (22), the restrictions apply to all tributaries.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0307 FLOUNDER, SEA TROUT AND RED DRUM
In inland fishing waters, Sea Trout (Spotted or Speckled), Flounder, and Red Drum (also known as Channel Bass, Red Fish or Puppy Drum) recreational seasons, size limits and creel limits are the same as those established in the Rules of the Marine Fisheries Commission or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0308 KOKANEE SALMON
The daily creel limit for Kokanee Salmon is seven fish. There is no minimum size limit for these fish. There is no closed season for Kokanee Salmon.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0309 MUSKELLUNGE
The daily creel limit for Muskellunge is one fish. The minimum size limit for this fish is 42 inches. There is no closed season for Muskellunge.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0310 PICKEREL
There is no daily creel limit and no minimum size limit for Pickerel (Chain and Redfin). There is no closed season for Pickerel.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0311 ROANOKE AND ROCK BASS
(a) There is no daily creel limit and no minimum size limit for Roanoke and Rock Bass, except for waters identified in Paragraph (b) of this Rule. There is no closed season for Roanoke and Rock Bass.
(b) In all public fishing waters east of Interstate 77, the daily creel limit for Roanoke and Rock Bass is two fish in aggregate and the minimum size for these fish is 8 inches.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0312 SAUGER
The daily creel limit for Sauger is eight fish. The minimum size limit for these fish is 15 inches. There is no closed season for Sauger.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0313 SHAD (AMERICAN AND HICKORY)
(a) The daily creel limit for American and Hickory Shad in aggregate is 10 fish, except for waters identified in Paragraphs (b), (c), and (d) of this Rule. There is no minimum size limit for these fish in aggregate. No closed season applies.

(b) In all public fishing waters east of Interstate 95, the daily creel limit for American and Hickory Shad is 10 fish. There is no minimum size limit for these fish. No closed season applies.

(c) In the following waters, the daily creel limit for American and Hickory Shad is 10 fish and the minimum size limit is 12 inches:
   (1) Neuse River downstream of Falls Lake Dam;
   (2) Haw River downstream of Jordan Lake Dam;
   (3) Deep River downstream of Lockville Dam;
   (4) Cape Fear River;
   (5) Waccamaw River downstream of Lake Waccamaw Dam;
   (6) Lumber River including Drowning Creek;
   (7) all other public fishing waters east of Interstate 95 except Tar River Reservoir in Nash County, Sutton Lake in New Hanover County, and waters listed in Paragraph (c) of this Rule; and
   (8) all public waters west of Interstate 77.

(d) For waters in Subparagraphs (14) through (22), the restrictions apply to all tributaries.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0307 FLOUNDER, SEA TROUT AND RED DRUM
In inland fishing waters, Sea Trout (Spotted or Speckled), Flounder, and Red Drum (also known as Channel Bass, Red Fish or Puppy Drum) recreational seasons, size limits and creel limits are the same as those established in the Rules of the Marine Fisheries Commission or proclamations issued by the Fisheries Director in adjacent joint or coastal fishing waters.

Authority G.S. 113-134; 113-292; 113-304; 113-305.
(b), (c) and (d) of this Rule. There is no minimum size limit for these fish. There is no closed season, except for waters identified in Paragraph (e) of this Rule.

(b) In the inland waters of Roanoke River, Neuse River, and their tributaries, the daily creel limit for American and Hickory Shad is 10 in aggregate, only one of which may be an American Shad.

(c) In the inland waters of the Cape Fear River and its tributaries, the daily creel limit for American and Hickory Shad is 10 in aggregate, only five of which may be American Shad.

(d) In Roanoke Rapids Reservoir, Lake Gaston and John H. Kerr Reservoir, no American Shad may be possessed.

(e) The season for taking American and Hickory Shad with bow nets is March 1 through April 30.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0314 STRIPED BASS

(a) The daily creel limit for Striped Bass and its hybrids is eight fish in aggregate, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i) and (j) of this Rule. There is no minimum size limit for these fish, but only two of them may be less than 16 inches, except in waters identified in Paragraphs (b), (c), (d), (e), (f), (g), (h), (i) and (j) of this Rule. There is no closed season, except for waters identified in Paragraphs (g), (h), (i), (j), and (k) of this Rule.

(b) In the Dan River upstream from its confluence with Bannister River to the dam at Union Street in Danville, VA and in John H. Kerr Reservoir, the daily creel limit on Striped Bass and its hybrids is two in aggregate and the minimum size limit is 24 inches from October 1 through May 31. From June 1 through September 30, the daily creel limit on Striped Bass and its hybrids is four in aggregate with no minimum size limit.

(c) In the Cape Fear River upstream of Buckhorn Dam; the Deep River to the first impoundment; the Haw River to the first impoundment; B. Everett Jordan Reservoir; Lake Rhodhiss; Lake Hickory; and Lookout Shoals Reservoir, the daily creel limit on Striped Bass and its hybrids is four in aggregate and the minimum size limit is 20 inches.

(d) In Lake Gaston and Roanoke Rapids Reservoir, the daily creel limit on Striped Bass and its hybrids is four in aggregate. The minimum size limit for these fish is 20 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(e) In Lake Norman the daily creel limit on Striped Bass and its hybrids is four in aggregate. The minimum size limit for these fish is 16 inches from October 1 through May 31. There is no minimum size limit for these fish from June 1 through September 30.

(f) In Lake Matamuskeet and in the Pee Dee River and its tributaries downstream the Blewett Falls Dam to the South Carolina state line, the daily creel limit is three fish in aggregate and the minimum size limit is 18 inches.

(g) In the inland fishing waters of Neuse, Pungo and Tar Pamlico rivers and their tributaries extending upstream to the first impoundment of the main course on the river or its tributaries, and in all other inland fishing waters east of Interstate 95 not specified in Paragraphs (f), (h), (i) and (j) of this Rule, the daily creel limit for Striped Bass and its hybrids is two fish in aggregate. The minimum size limit is 18 inches and no Striped Bass or hybrids between the lengths of 22 inches and 27 inches may be possessed. In these waters, the season for taking and possessing Striped Bass is closed from May 1 through September 30.

(h) In the inland fishing waters of the Cape Fear River and its tributaries downstream of Buckhorn Dam, the season for taking and possessing Striped Bass is closed year-round.

(i) In the inland and joint fishing waters [as identified in 15A NCAC 10C .0170(1)(e)] of the Roanoke River Striped Bass Management Area, which includes the Roanoke, Cashie, Middle and Eastmost rivers and their tributaries, the open season for taking and possessing Striped Bass and its hybrids is March 1 through April 30 from the joint-coastal fishing waters boundary at Albemarle Sound upstream to Roanoke Rapids Lake dam. During the open season the daily creel limit for Striped Bass and its hybrids is two fish in aggregate, the minimum size limit is 18 inches. No fish between 22 inches and 27 inches in length shall be retained in the daily creel limit. Only one fish larger than 27 inches may be retained in the daily creel limit.

(j) In designated inland fishing waters of Roanoke Sound, Croatan Sound, Albemarle Sound, Chowan River, Currituck Sound, Aligator River, Scuppernong River, and their tributaries (excluding the Roanoke River and Cashie River and their tributaries), Striped Bass fishing season, size limits and creel limits are the same as those established by Rules or proclamations of the Marine Fisheries Commission in adjacent joint or coastal fishing waters.

(k) The Executive Director may, by proclamation, suspend or extend the hook-and-line season for Striped Bass in the inland and joint waters of coastal rivers and their tributaries. It is unlawful to violate the provisions of any proclamation issued under this authority.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0315 SUNFISH

(a) For purposes of this Rule, Sunfish include bluegill, redbreast, redear, pumpkinseed, warmouth, flier and all other species of the sunfish family (Centrarchidae) not specified in 15A NCAC 10C .0305, 15A NCAC 10C .0306 and 15A NCAC 10C .0311.

(b) There is no daily creel limit for Sunfish, except for waters identified in Paragraph (c) of this Rule. There is no minimum size limit for these fish. There is no closed season.

(c) In the following waters and all their tributaries, the daily creel limit for Sunfish is 30 in aggregate, no more than 12 of which may be Redbreast Sunfish:

(1) Roanoke River downstream of Roanoke Rapids Dam;

(2) Tar River downstream of Tar River Reservoir Dam;

(3) Neuse River downstream of Falls Lake Dam;

(4) Haw River downstream of Jordan Lake Dam;

(5) Deep River downstream of Lockville Dam;

(6) Cape Fear River;

(7) Waccamaw River downstream of Lake Waccamaw Dam;

(8) Lumber River including Drowning Creek; and
(9) all other public fishing waters east of Interstate 95, except Tar River Reservoir in Nash County.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0316 TROUT
(a) The daily creel limit for trout in Hatchery-Supported Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in April until March 1, except for waters designated in Paragraphs (d) and (g) of this Rule.
(b) The daily creel limit for trout in Wild Trout Waters and Wild Trout/Natural Bait Trout Waters is four fish. The minimum size limit for these fish is seven inches. There is no closed season.
(c) No trout may be harvested from Catch and Release/Artificial Lures Only Trout Waters or Catch and Release/Artificial Flies Only Trout Waters. Trout may not be possessed while fishing these waters.
(d) The daily creel limit for trout in Delayed Harvest Trout Waters is seven fish. There is no minimum size limit for these fish. The open season is from 7 a.m. on the first Saturday in June until 12 p.m. that same day. During this season only individuals under the age of 16 may fish. From 12 p.m. on the first Saturday in June until September 30, the Delayed Harvest Trout Waters Season is open for all anglers. From October 1 to one-half hour after sunset on the Friday before the first Saturday in June, trout may not be harvested or possessed while fishing these waters. Delayed Harvest Trout Waters are closed to all fishing from one-half hour after sunset on the Friday before the first Saturday in June to 6 a.m. on the first Saturday in June.
(e) The daily creel limit for trout in Special Regulation Trout Waters is seven fish. There is no minimum size limit for these fish, but only one may be greater than 14 inches. There is no closed season.
(f) The daily creel limit for trout in undesignated trout waters is seven fish. There is no minimum size limit for these fish. Trout may not be possessed while fishing these waters from March 1 until 7 a.m. on the first Saturday in April, except waters designated in Paragraph (g) of this Rule.
(g) There is no closed season on taking trout from Linville River within Linville Gorge Wilderness Area and the impounded waters of power reservoirs and municipally-owned water supply reservoirs open to the public for fishing.
(h) In designated Public Mountain Trout Waters the season for taking all species of fish is the same as the trout fishing season.
(i) All trout water designations and manners of take are set forth in 15A NCAC 10C .0205.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0317 WALLEYE
(a) The daily creel limit for Walleye is eight fish except for waters identified in Paragraphs (b) and (d) of this Rule. There is no minimum size limit for these fish except for waters identified in Paragraphs (c) and (d) of this Rule. There is no closed season.
(b) In Linville River upstream from the NC 126 bridge, the daily creel limit for Walleye is four fish.
(c) In Lake James and its tributaries, except the Linville River upstream from the N.C. 126 bridge, the minimum size limit for walleye is 15 inches.
(d) In John H. Kerr Reservoir, Lake Gaston, and Roanoke Rapids Lake, the daily creel limit is five fish and the minimum size limit for Walleye is 18 inches.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0318 WHITE BASS
The daily creel limit for White Bass is 25 fish. There is no minimum size limit for these fish. There is no closed season for White Bass.

Authority G.S. 113-134; 113-292.

15A NCAC 10C .0319 WHITE PERCH
There is no daily creel limit and no minimum size limit for White Perch. There is no closed season for White Perch.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

15A NCAC 10C .0320 YELLOW PERCH
There is no daily creel limit and no minimum size limit for Yellow Perch. There is no closed season for Yellow Perch.

Authority G.S. 113-134; 113-292; 113-304; 113-305.

SUBCHAPTER 10F - MOTORBOATS AND WATER SAFETY

SECTION .0200 - SAFETY EQUIPMENT AND ACCIDENT REPORTS

15A NCAC 10F .0201 SAFETY EQUIPMENT
(a) Federal Regulations Adopted. As its regulations governing required equipment of vessels as defined in G.S. 75A-2(5), pursuant to G.S. 75A-6, the Wildlife Resources Commission adopts the following federal regulations, to be applicable to vessels operated on all waters of this state as defined by G.S. 75A-6(m) and 113-307. Without limitation to the adoption of the Federal regulations named herein, the rules set forth in subsections (b) through (g) shall apply to vessels operating in State waters.
(b) Personal Flotation Devices (hereinafter referred to as PFDs) are required as follows except as provided in Subparagraph (6) of this Paragraph:
(1) No person may operate a vessel unless at least one PFD of the following types is on board and readily accessible for each person:
   (A) Type I PFD;
(B) Type II PFD; or
(C) Type III PFD.

(2) No person may operate a vessel 16 feet or more in length unless one type IV PFD is on board and immediately available for use, in addition to the total number of PFDs required in Subparagraph (1) of this Paragraph.

(3) No person may operate a vessel while such vessel is underway with any child under 13 years old aboard unless each such child is:
(A) wearing an appropriate PFD approved by the Coast Guard; or
(B) below decks; or
(C) in an enclosed cabin.

This Subparagraph does not apply to a vessel that is registered as a commercial vessel.

(4) A Type V PFD may be carried in lieu of any PFD required under Subparagraph (1) of this Paragraph provided:
(A) the approval label for the Type V PFD indicates that the device is approved for the activity for which the vessel is used; or
(B) the Type V PFD is used in accordance with the requirements on the approval label and with the requirements in its owners manual.

(5) No person may operate a vessel unless each required PFD is:
(A) in serviceable condition;
(B) of appropriate size and fit for the intended wearer;
(C) USCG approved; and
(D) legibly marked with its approval number, as specified in CFR Title 46 Part 25 and CFR Title 33 Part 175.

(6) Exemptions:
(A) Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of any type PFD required under this Paragraph.

(c) Fire Extinguishers are required as follows:
(1) All motorboats shall carry at least the minimum number of USCG approved hand portable fire extinguishers specified in this Rule if any one of the following conditions exist:
(A) Closed compartments under thwarts and seats wherein portable fuel tanks may be stored;
(B) double bottoms not sealed to the hull or which are not completely filled with flotation material;
(C) closed living spaces;
(D) closed stowage compartments in which combustible or flammable materials are stowed;
(E) permanently installed fuel tanks; or
(F) motorboats of Class 2 or longer;

(2) Motorboats of Class A and 1 (less than 26 feet): One Type B-I
(3) Motorboats of Class 2; Two Type B-I extinguishers
(4) Motorboats of Class 3; Three Type B-I extinguishers
(5) One Type B-II hand held fire extinguisher may be substituted for two B-I hand portable fire extinguishers. A fixed fire extinguishing system installed in the engine compartment is equal to one Type B-I hand portable fire extinguisher.

Exemption to fire extinguisher requirements: Open Vessels. Vessels less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors.

(d) Every engine installed in a vessel using gasoline as fuel must be equipped with an acceptable means of backfire flame control, except outboard motors. An acceptable means of backfire flame control meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175.

(e) Every vessel, except those open vessels defined in Paragraph (c) of this Rule, using as fuel any liquid of a volatile nature, shall be provided with such means of properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or flammable gases. Proper and efficient ventilation meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175.

(f) Sound Devices
(1) Vessels of less than 12 meters (39.4 feet) in length shall be equipped with some means of making an efficient sound signal.
(2) Vessels greater than 12 meters (39.4 feet) in length shall be provided with a whistle and a bell which complies with 33 USC 2033.

(g) Lights. The lights prescribed by these Rules shall be exhibited from sunset to sunrise, and in restricted visibility.
During such times no other lights shall be exhibited, except such lights as cannot be mistaken for the lights specified in these Rules or do not impair their visibility or distinctive character, or interfere with keeping a proper lookout. They may be exhibited in all other circumstances when deemed necessary:

1. Vessels greater than 12 meters (39.4 feet) but less than 20 meters (65.6 feet) in length shall exhibit:
   - A masthead light forward visible for three miles;
   - Sidelights, green to starboard and red to port visible for two miles; and
   - A stern light visible for two miles;

2. Vessels less than 12 meters (39.4 feet) in length shall exhibit:
   - An all-round white light visible for two miles; and
   - Sidelights, green to starboard and red to port visible for 1 mile;

3. Sailing vessels underway that are seven meters (23 feet) in length or greater shall exhibit:
   - A stern light visible for two miles; and
   - Sidelights, green to starboard and red to port visible for two miles;

4. In a sailing vessel less than 20 meters in length the lights prescribed in Subparagraph (3) of this Paragraph may be combined in one lantern carried at or near the top of the mast where it can be best seen;

5. A sailing vessel of less than seven meters (23 feet) in length shall, if practicable, exhibit the lights prescribed in Subparagraph (3) or (4) of this Paragraph; if not the vessel shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent a collision;

6. A vessel under oars may exhibit the lights prescribed in this Rule for sailing vessels, but if not, shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent a collision; and

7. Vessels of 10 Horsepower or Less. On waters of this State not subject to the jurisdiction of the United States, vessels propelled by machinery of 10 horsepower or less, in lieu of the foregoing requirements, may carry from one-half hour after sunset to one-half hour before sunrise a white light in the stern or have on board a hand flashlight in good working condition which shall be ready at hand and shall be temporarily displayed in sufficient time to prevent collision. On waters of this State that are subject to the jurisdiction of the United States, this exception, though permissible under state law, is not sanctioned by any federal law or regulation.

Authority G.S. 75A-3; 75A-6; 113-307.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 16 – BOARD OF DENTAL EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Dental Examiners intends to amend the Rule cited as 21 NCAC 16Q .0501.

Agency obtained G.S. 150B-19.1 certification:

☐ OSBM certified on:
☐ RRC certified on:
☒ Not Required

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncdentalboard.org

Proposed Effective Date: October 1, 2013

Public Hearing:

Date: July 11, 2013
Time: 7:00 p.m.
Location: NC Dental Board, 507 Airport Blvd, Suite 105, Morrisville, NC 27560

Reason for Proposed Action: 21 NCAC 16Q .0501 is proposed for amendment to clarify the requirement for renewal of a moderate conscious sedation permit, moderate pediatric conscious sedation permit, minimal conscious sedation permit and moderate conscious sedation permit limited to oral routes.

Procedure by which a person can object to the agency on a proposed rule: Submit written objections to Mr. Bobby D. White, Chief Operations Officer, N.C. State Board of Dental Examiners, 507 Airport Boulevard, Suite 105, Morrisville, NC 27560.

Comments may be submitted to: Bobby D. White, 507 Airport Boulevard, Suite 105, Morrisville, NC 27560

Comment period ends: August 16, 2013

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...
Fiscal impact (check all that apply).

- [ ] State funds affected
- [ ] Environmental permitting of DOT affected
- [ ] Analysis submitted to Board of Transportation
- [ ] Local funds affected
- [ ] Date submitted to OSBM:
- [ ] Substantial economic impact (≥$500,000)
- [ ] Approved by OSBM
- [x] No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 16Q - GENERAL ANESTHESIA AND SEDATION

SECTION .0500 - RENEWAL OF PERMITS

21 NCAC 16Q .0501 ANNUAL RENEWAL REQUIRED

(a) General anesthesia and all sedation permits shall be renewed by the Board annually. Such renewal shall be accomplished in conjunction with the license renewal process, and applications for permits shall be made at the same time as applications for renewal of licenses. A one hundred ($100.00) annual renewal fee shall be paid at the time of renewal.

(b) All sedation permits shall be subject to the same renewal deadlines as are dental practice licenses, in accordance with G.S. 90-31. If the permit renewal application is not received by the date specified in G.S. 90-31, continued administration of general anesthesia or any level of conscious sedation shall be unlawful and shall subject the dentist to the penalties prescribed by Section .0700 of this Subchapter.

(c) As a condition for renewal of the general anesthesia permit, the permit holder shall meet the requirements of 21 NCAC 16Q .0202 and document current, successful completion of advanced cardiac life support (ACLS) training, or its age-specific equivalent or other equivalent course, and auxiliary personnel shall document annual, successful completion of basic life support (BLS) training.

(d) As a condition for renewal of the moderate conscious sedation permit or moderate pediatric conscious sedation permit, the permit holder shall meet the requirements of 21 NCAC 16Q .0302 and the criteria set out in subparagraph (1) or (2) and the following criteria:

1. Document annual, successful completion of BLS training and obtain three hours of continuing education each year in one or more of the following areas, which may be counted toward fulfillment of the continuing education required each calendar year for license renewal:
   - (A) Sedation;
   - (B) Medical emergencies;
   - (C) Monitoring IV sedation and the use of monitoring equipment;
   - (D) Pharmacology of drugs and agents used in IV sedation;
   - (E) Physical evaluation, risk assessment, or behavioral management;
   - (F) Audit ACLS/PALS courses;
   - (G) Airway management.

2. As a condition for renewal of the minimal conscious sedation permit holders must have current ACLS/PALS courses at all times.

(e) As a condition for renewal of the minimal conscious sedation permit and the moderate conscious sedation permit limited to oral routes and nitrous oxide inhalation, the permit holder shall meet the requirements of 16Q .0402 and shall document annual, successful completion of BLS training and obtain six hours of continuing education every two years in one or more of the following areas, which may be counted toward fulfillment of the continuing education required each calendar year for license renewal:

1. Pediatric or adult sedation;
2. Medical emergencies;
3. Monitoring sedation and the use of monitoring equipment;
4. Pharmacology of drugs and agents used in sedation;
5. Physical evaluation, risk assessment, or behavioral management;
6. Audit ACLS/PALS courses;
7. Airway management.

(g) Any dentist who fails to renew a general anesthesia or sedation permit on or before March 31 of each year must complete a reinstatement application, pay the one hundred dollar ($100.00) renewal fee and a one hundred dollar ($100.00) penalty and comply with all conditions for renewal set out in this Rule for the permit sought. Dentists whose anesthesia or sedation permits have been lapsed for more than 12 calendar months must pass a facilities inspection as part of the reinstatement process.

Authority G.S. 90-28; 90-30.1; 90-48.

* * * * * * * * * * * * * * * * * * * *

CHAPTER 22 - HEARING AID DEALERS AND FITTERS BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Hearing Aid Dealers and Fitters Board intends to adopt the rule cited as 21 NCAC 22L .0116 and amend the rules cited as 21 NCAC 22L .0101, .0103-.0106, .0109-.0113, .0115.

Agency obtained G.S. 150B-19.1 certification:

- [ ] OSBM certified on:
- [ ] RRC certified on:
- [x] Not Required
PROPOSED RULES

Proposed Effective Date: October 1, 2013

Public Hearing:
Date: August 1, 2013
Time: 12:45 p.m.
Location: Commission Room, Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609

Reason for Proposed Action: The Board has done an annual review of rules and is seeking to update how the Board processes complaints and administers discipline, including contested case hearings. The rule changes would also provide for how and when the Board makes disciplinary actions public.

Procedure by which a person can object to the agency on a proposed rule: A person can object to the agency by speaking at the public hearing on June 6, 2013 or by submitting written comments to the following address no later than August 16, 2013: ATTN: Hearing Aid Dealers and Fitters Board, PO Box 97833, Raleigh, NC 27624.

Comments may be submitted to: Catherine Jorgensen, Rulemaking Coordinator, NC State Hearing Aid Dealers and Fitters Board, PO Box 97833, Raleigh, NC 27624

Comment period ends: August 16, 2013

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 919-431-3000.

Fiscal impact (check all that apply).

☐ State funds affected
☐ Environmental permitting of DOT affected
☐ Analysis submitted to Board of Transportation
☐ Local funds affected
☐ Date submitted to OSBM:
☐ Substantial economic impact (£500,000)
☐ Approved by OSBM
☐ No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 22L – ADMINISTRATIVE HEARINGS AND DISCIPLINE

21 NCAC 22L .0101 COMMITTEE ON INVESTIGATIONS

(a) Upon receipt of a written and signed charge alleging misconduct against a licensee or registrant of the Board, the Board shall inform the accused party in writing of the nature of the charges as filed with the Board. The Board shall not accept anonymous complaints alleging misconduct against a licensee or registrant of the Board.

(b) The accused party shall respond to the charges by filing a written answer with the Board within 20 days from receipt thereof the complaint. The Board shall provide the complaining party with a copy of the accused party's answer and within 20 days from receipt thereof the complaining party shall file a reply to the accused party's answer.

(c) The Board's Executive Secretary shall refer the charges as filed with the Board, the answer, and the reply to the Committee on Investigations (hereinafter referred to as "Committee") unless the complaint party withdraws the complaint at the time the reply is filed. The Committee shall consist of two members of the Board, one of whom shall serve as chairman.

(d) Whenever the Board receives a written and signed complaint with documentation of an advertisement which, on its face, appears to contain a violation of the Board's Statutes or Rules, the advertisement shall be referred to the Committee for investigation.

(f) The Committee shall investigate each complaint or advertisement referred to it by the Board and as part of the investigation shall invite the accused party and the complaining party before the Committee and the Board's legal counsel to present their oral statements, but neither party shall be compelled to attend.

(g) If the complaint has not been withdrawn by the complaining party at the time of the completion of the investigation, the Committee, after consulting with the Board's legal counsel, shall submit its findings to the Board and the Board shall determine whether or not there is probable cause to believe that the accused party has violated any standard of conduct which would justify a disciplinary hearing based upon the grounds as specified in G.S. 93D-13 or this Chapter.

(h) If probable cause is found, the Board shall authorize a Notice of Hearing to be served on the licensee or registrant as required by G.S. 150B, Article 3A.

(i) If probable cause is found, it is determined that a disciplinary hearing is not warranted, the Board may issue a private reprimand to the accused party. A statement of such reprimand shall be mailed to the accused party. Within 20 days after receipt of the reprimand, the accused party may refuse the reprimand. Such refusal shall be addressed to the Committee and filed with the Secretary for the Board. The legal counsel for the Board may thereafter prepare, file, and serve a Notice of Hearing as necessary. If the letter of reprimand is accepted, a record of the reprimand shall be maintained in the office of the Board.

(j) If no probable cause is found, the Board shall dismiss the charges and direct the Committee to prepare a statement of the reasons therefor which shall be mailed to the accused party and the complaining party.
(k) Any committee member is disqualified to participate further in the contested case involving any person for whom the committee member participated in the investigatory process.

(a) The Committee on Investigations shall review all complaints submitted to the Board. The Committee on Investigations shall consist of two or three members of the Board, one of whom shall serve as chairman. The Committee on Investigations may:

1. employ such persons as it deems necessary to determine whether there exists probable cause to support formal disciplinary action against a licensee, apprentice, or registered sponsor;
2. determine the need to subpoena persons to provide the Committee with sworn testimony or documents, provided that the subpoena is signed by the President or Secretary-Treasurer of the Board;
3. undertake other actions designed to assist the Committee in its inquiry; or
4. initiate charges against a licensee, apprentice or registered sponsor if other violations are suggested by the evidence considered by the Committee during an investigation of a complaint.

(b) The Complainant shall submit a signed complaint on the Board-approved complaint form which is available on the Board website (www.nchalb.org) or by contacting the Board office.
(c) The Board shall not respond to or investigate anonymous complaints or inquiries.
(d) The Committee may hire an investigator or subpoena testimony or records at any point during its review of the complaint, provided that the subpoena is signed by the President or Secretary-Treasurer of the Board.
(e) The Committee on Investigations shall administratively close:

1. any complaint anonymously submitted;
2. a complaint that alleges an advertising violation which occurred more than one year prior to notifying the Board of the alleged violation; or
3. a complaint withdrawn by the Complainant at any stage of the investigation.

(f) After a preliminary review of a complaint, the Committee on Investigations shall:

1. recommend to the Board a finding that there is no probable cause to believe there is a violation of the law or rules exists, and upon approval of the Board close the matter without further inquiry; or
2. serve the Respondent with a written explanation of the charges being investigated by the Committee.

(g) The Respondent shall answer in writing within 20 days of receipt of the notification of charges.
(h) The Committee shall offer the Complainant a summary of the Respondent's answer.
(i) The Committee shall offer the parties an opportunity to present oral statements to the Committee after the written answer is received from the Respondent. Neither party shall be compelled to attend.
(j) With assistance from the Board's legal counsel, the Committee shall determine the validity and merit of the charges, and whether the accused party has violated any standard of conduct which would justify a disciplinary action based upon the grounds as specified in G.S. 93D-13 or this Chapter.
(k) The Committee on Investigations shall present its findings and recommendation to the Board, including proposed discipline, if any, but shall not identify the parties to the complaint to the full Board except by descriptive titles, such as licensee, apprentice, sponsor, and consumer.
(l) The Board may find no probable cause for disciplinary action and dismiss the charges. The Committee on Investigations shall notify the parties of the Board action. This notification shall not be a public record pursuant to G.S. 93D-13(c).
(m) The Board may find no probable cause for disciplinary action but issue a letter of caution to the Respondent. This letter shall not be a public record pursuant to G.S. 93D-13(c).
(n) The Board may find probable cause for disciplinary action and serve the Respondent with a private reprimand. The content of the private reprimand shall not be a public record. The Board shall deem the private reprimand accepted as formal discipline in the matter unless the Respondent submits a refusal to accept the private reprimand which shall:

1. be in writing, addressed to the Committee on Investigations;
2. be filed with the executive secretary for the Board within 20 days after service of the private reprimand; and
3. include a request for a contested case hearing in accordance with 21 NCAC 22L .0103.
(o) The Board may find probable cause of a violation of the Board's statute or rules and authorize the Committee on Investigations, by and through the Board's legal counsel, to undertake negotiations with the Respondent to settle the matter without a hearing under terms agreed upon by the Board, when such settlement accomplishes the Board's duty to protect the consuming public.
(p) The Board may find probable cause for disciplinary action beyond a private reprimand due to the circumstances and nature of the violation. In such cases, the Board shall:

1. serve a Notice of Hearing on the accused party as required by G.S. 150B, Article 3A., which shall be a public record pursuant to G.S. 93D-13(c); or
2. designate a presiding officer for the contested case; and
3. conduct a hearing in accordance with the rules of this Subchapter.

Authority G.S. 93D-3; 93D-13; 150B-38.

21 NCAC 22L .0103 REQUEST FOR HEARING
(a) When an individual believes that individual's rights, duties, or privileges have been affected by the Board's administrative action, but has not received notice of a right to an administrative hearing, that individual

An individual that
cannot resolve a matter with the Board related to rights, duties, or privileges that have been affected by the Board's administrative action may file a formal request for a hearing.

(b) Before an individual may file a request, that individual is encouraged to exhaust all reasonable efforts to resolve the issue informally with the Board.

(c) Subsequent to such informal action, if still dissatisfied, the individual must submit a request to the Board's office, with the

(b) The request hearing shall bear the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information: HEARING and contain the following:

(1) Name and address of the petitioner;
(2) A concise statement of the action taken by the Board which is challenged;
(3) A concise statement of the way in which the petitioner has been aggrieved; and
(4) A clear and specific statement of request for a hearing.

(d) The request will be acknowledged promptly, and it deemed appropriate by the Board in accordance with Rule .0004 of this Subchapter, a hearing will be scheduled.

Authority G.S. 93D-3; 150B-38.

21 NCAC 22L .0104 GRANTING OR DENYING HEARING REQUESTS

(a) The Board shall grant a request for a hearing if it determines that the party requesting the hearing is a "person aggrieved" within the meaning of G.S. 150B-2(6).

(b) Approval of a request for a hearing will be signified by the issuing of a notice as required by G.S. 150B-38(b) and explained in Rule .0005-0105 of this Subchapter.

(c) The denial of request for a hearing shall be issued no later than 60 days after the submission of the request. Such denial shall contain a statement of the reasons for the denial of the request.

Authority G.S. 93D-3; 150B-38.

21 NCAC 22L .0105 NOTICE OF HEARING

(a) The Board shall give serve the party or parties in a contested case a notice of hearing not less than 30 days before the hearing. Said The notice shall include: contain the following information, in addition to the items specified in G.S. 150B-38(b):

(1) the name, position, address and telephone number of a person at the office of the Board to contact for further information or discussion; and
(2) any other information deemed relevant to informing the parties as to the procedure of the hearing.

(1) A statement of the date, hour, place, and nature of the hearing;
(2) A reference to the particular sections of the statutes and rules involved;
(3) A short and plain statement of the facts alleged; and
(4) the name, position, address and telephone number of a person at the office of the Board to contact for further information on the hearing process.

(b) The Board shall give serve notice to all parties with a the notice of hearing on all parties either personally or by certified mail or, if those methods are unavailable, in accordance with G.S. 1A-1, Rule 4(j1). Rule 4(j).

In the event that notice is accomplished by certified mail, the delivery date on the return receipt shall be the date of the service of notice.

(c) If the Board determines that the public health, safety or welfare requires such action, it may issue an order summarily suspending a license or registration. Upon service of the order, the licensee or registrant to whom the order is directed shall immediately cease fitting and selling hearing aids in North Carolina. The Board shall promptly give serve a notice of hearing pursuant to G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of until the Board issues a final agency decision pursuant to G.S. 150B-42 in accordance with Rule .0115 of this subchapter.

Authority G.S. 93D-3; 93D-13; 150B-3(c); 150B-38; 150B-42.

21 NCAC 22L .0106 PRESIDING OFFICER

For all contested case hearings, the Board shall designate one or more of its members as the presiding officer, unless the majority of the Board elects to apply to the Office of Administrative Hearings for the designation of an administrative law judge to hear the a case pursuant to G.S. 150B-40(c).

Authority G.S. 93D-3; 150B-38; 150B-40.

21 NCAC 22L .0109 INFORMAL PROCEDURES

(a) The administrative law judge, as presiding officer acting for the Board, may direct the parties to conduct an informal pre-hearing conference, or the parties may request such a conference, which shall be scheduled at a time and place selected agreed upon by the parties. If the parties do not agree on the time and place of the pre-hearing conference within a reasonable time, the Board presiding officer may set the time and place of the pre-hearing conference, giving reasonable written notice to all parties in the proceedings.

(b) At the discretion of the Board, presiding officer, all or part of the pre-hearing conference may be conducted by telephone or other electronic means, if each party has an opportunity to participate while the conference is taking place.

(c) The parties shall conduct the pre-hearing conference to deal with, where applicable:

(1) exploring settlement possibilities;
(2) formulating, clarifying, and simplifying the issues to be contested at the hearing;
(3) preparing stipulations of facts or findings;
(4) ruling on the identity and number of witnesses;
(5) determining the extent to which direct evidence, rebuttal evidence, or cross-examination will be presented in written form and the extent to which telephone, video tape, or other electronic means will be used as a substitute for proceedings in person;
(6) determining what depositions, discovery orders, or subpoenas will be needed;
(7) determining the need for consolidation of cases or joint hearing;
(8) determining the order of presentation of evidence and cross-examination; and
(9) considering any other matters which may promote the prompt, orderly, and efficient disposition of the case.

Authority G.S. 93D-3; 150B-38.

21 NCAC 22L .0110 DISQUALIFICATION OF BOARD MEMBERS

(a) Self-disqualification. If for any reason a board member determines that personal bias or other factors render that member unable to perform all duties in an impartial manner, that board member shall voluntarily decline to participate in the final decision.

(b) Request for Disqualification. If for any reason any party in a contested case believes that a board member is personally biased or otherwise unable to perform all duties in an impartial manner, the party shall make a written request that such board member be disqualified. The request shall be accompanied by a sworn, notarized affidavit. The title of such affidavit shall bear the notation: AFFIDAVIT IN SUPPORT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (Name of Case).

(c) Contents of Affidavit. The affidavit shall state all facts the party deems to be relevant to the disqualification of the board member.

(d) Timeliness of Affidavit. An affidavit of disqualification shall be considered timely if filed 10 calendar days before commencement of the hearing. Any other affidavit shall be considered timely provided it is filed at the first opportunity after the party becomes aware of facts which give rise to a reasonable belief that a board member may be disqualified under this Rule.

(e) The Board shall determine the matter as a part of the record in the case in accordance with G.S. 150B-40. Procedure for Determining Disqualification:

(1) The Board shall appoint a board member to investigate the allegations of the affidavit.

(2) The investigator shall report to the Board the findings of the investigation.

(3) The Board shall decide whether to disqualify the challenged individual.

(4) The person whose disqualification is to be determined shall not participate in the decision but may be called upon to furnish information to the other members of the Board.

(5) A record of proceedings and the reasons for any decision reached shall be maintained as part of the contested case record.

(f) In the event of disqualification, the disqualified member shall not participate in the final decision.

Authority G.S. 93D-3; 150B-38; 150B-40.

21 NCAC 22L .0111 FAILURE TO APPEAR

(a) Continuances and adjournments shall be granted by the administrative law judge only upon a showing of good cause and upon the receipt of a timely made request at the discretion of the presiding officer.

(b) Should a party fail to appear at a hearing or fail to appear following the granting of a continuance or adjournment, the hearing shall be conducted in the party’s absence, if a party fails to appear at a hearing after proper notice, the presiding officer shall determine whether to continue the hearing or proceed with the hearing and allow the agency to make its decision in the absence of the party.

(c) If a hearing is conducted and a decision is reached in an administrative hearing in the absence of a party, that party may file a written petition with the Board for a reopening of the case.

(d) Petitions for reopening a case shall not be granted except when the petitioner can show that the reasons for his failure to appear were justifiable and unavoidable and that fairness requires reopening the case. Such petitions, however, shall have no effect on the running of the 30 day period for seeking judicial review, which starts from the day the party is served with the final decision.

Authority G.S. 150B-38; 150B-40.
21 NCAC 22L .0113 SUBPOENAS

(a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either at a hearing or for the purposes of discovery, shall be made in writing to the Board, shall identify any document sought with specificity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and place for responding to the subpoena. The administrative law judge, as presiding officer acting for the Board, shall issue the requested subpoenas within five days of receipt of the request.

(b) Subpoenas shall contain: the caption of the case; the name and address of the person subpoenaed; the date, hour and location of the hearing in which the witness is commanded to appear; a particularized description of the books, papers, records or objects the witness is directed to bring with him to the hearing, if any; the identity of the party on whose application the subpoena was issued; the date of issue; the signature of the presiding officer; and a "return of service". The "return of service" form, as filled out, shall show the name and capacity of the person serving the subpoena the date on which service was made, the person on whom service was made, the manner in which service was made, and the signature of the person making service.

(c) Subpoenas shall be served by the sheriff of the county in which the person subpoenaed resides, when the party requesting such subpoena pays the sheriff's service fee. The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person serving the subpoena shall fill out the "return of service" form for each copy and properly return one copy of the subpoena, with the attached "return of service" form, completed, to the Board.

(d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena with the Board's office.

(e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked or modified. These reasons may include lack of relevancy of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought, or other undue hardship.

(f) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with filing of the objection with the Board.

(g) The party who requested the subpoena, in such time as may be granted by the Board, may file a written response to the objection. The written response shall be served by the requesting party on the objecting witness simultaneously with filing the response with the Board.

(h) After receipt of the objection and response thereto, if any, the administrative law judge shall issue a notice to the party who requested the subpoena and the party challenging the subpoena, and may notify any other party or parties of an open hearing, to be scheduled as soon as practicable, at which time evidence and testimony may be presented, limited to the narrow questions raised by the objection and response.

(i) Promptly after the close of such hearing, the administrative law judge hearing the contested case will rule on the challenge and issue a written decision. A copy of the decision shall be issued to all parties and made a part of the record.

(a) A party in a contested case may request a subpoena. The request shall:

(1) be made in writing to the Board;

(2) include a particularized description of the books, papers, records or objects the recipient shall produce pursuant to the subpoena;

(3) include the full name and home or business address of the person to be subpoenaed; and

(4) include the date, time, and place for responding to the subpoena.

(b) The Board-designated presiding officer for the contested case shall issue the requested subpoena in duplicate within five days of receipt of the request. A subpoena shall include:

(1) the caption of the case;

(2) the name and address of the person subpoenaed;

(3) the date, hour and location to appear;

(4) a particularized description of the books, papers, records or objects the recipient shall produce pursuant to the subpoena;

(5) the identity of the party requesting the subpoena;

(6) the date of issuance of the subpoena;

(7) the signature of the presiding officer;

(8) a return of service form; and

(9) instructions for objecting to the subpoena.

(c) The party requesting the subpoena shall provide a copy of the issued subpoena to all parties in the contested case at the time the subpoena is served on the recipient.

(d) A subpoena shall be served in accordance with G.S. 1A-1, Rule 45. The person serving the subpoena shall return one copy of the subpoena with a completed return of service form to the Board.

(e) The completed return of service form shall provide:

(1) the name and capacity of the person serving the subpoena;

(2) the date on which service was made;

(3) the person on whom service was made;

(4) the manner in which service was made; and

(5) the signature of the person effectuating service.

(f) A recipient of a subpoena issued by the Board may file a written objection to the subpoena with the presiding officer. The recipient shall serve a copy of the objection on the party requesting the subpoena. The objection may be made on any of the following grounds:

(1) the subpoena requests evidence not related to a matter at issue;

(2) the subpoena does not describe with sufficient particularity the evidence to produce;

(3) the subpoena fails to allow reasonable time for compliance;

(4) the subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection;

(5) the subpoena subjects a person to an undue burden or expense;
The parties proposal for decision exceptions or the hearing agency decision” for the right to judicial review. Said decision shall be part of the record and a copy thereof given to all parties.

The Board may adopt the proposal for decision or may modify it as the Board deems necessary. The decision rendered shall be issued promptly to all parties designating the time and place for oral argument.

Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter shall be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions shall be filed with the Board within 10 days after the party has received the “proposal for decision” proposal for decision as drafted by the administrative law judge.

Any party may present oral argument to the Board upon request. The request shall be included with the written exceptions.

Upon receipt of request for further oral argument, notice shall be issued promptly to all parties designating the time and place for such oral argument.

The Board may adopt the proposal for decision or modify it as the Board deems necessary. The decision rendered shall be part of the record and a copy thereof given to all parties. The decision as adopted or modified shall become the “final agency decision” for the right to judicial review. Said decision shall be rendered by the Board within 60 days after the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision shall be rendered within 60 days after the next regularly scheduled Board meeting following receipt of the written exceptions.

The Board shall render the final agency decision within 60 days after the next regularly scheduled Board meeting following the deadline for receipt of the written exceptions or the hearing of further oral arguments, whichever is later.

When the Board conducts the contested case hearing, the Board shall render a final agency decision within 60 days after the hearing if no transcript is requested by the Board or either party, or within 45 days after receipt of a transcript of the hearing. The parties may submit proposed decisions within 20 days after the hearing or receipt of the transcript, whichever is later.

Authority G.S. 93D-3; 150B-38; 150B-40.

21 NCAC 22L .0115 PROPOSALS FOR DECISIONS AND FINAL DECISION

(a) When an administrative law judge conducts the hearing, a "proposal for decision" shall be rendered within 45 days after the hearing pursuant to the Rules of the Office of Administrative Hearings, in accordance with 26 NCAC 03 .0127. The parties may file written exceptions to this "proposal for decision", the proposal for decision and submit their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals shall be filed within 10 days after the party has received the “proposal for decision” proposal for decision as drafted by the administrative law judge.

(b) Any exceptions to the procedure during the hearing, the handling of the hearing by the administrative law judge, rulings on evidence, or any other matter shall be written and refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The exceptions shall be filed with the Board within 10 days after the party has received the “proposal for decision” proposal for decision as drafted by the administrative law judge.

(c) Any party may present oral argument to the Board upon request. The request shall be included with the written exceptions.

(d) Upon receipt of request for further oral argument, notice shall be issued promptly to all parties designating the time and place for such oral argument.

(e) The Board may adopt the proposal for decision or modify it as the Board deems necessary. The decision rendered shall be part of the record and a copy thereof given to all parties. The decision as adopted or modified shall become the “final agency decision” for the right to judicial review. Said decision shall be rendered by the Board within 60 days after the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision shall be rendered within 60 days after the next regularly scheduled Board meeting following receipt of the written exceptions.

(f) The Board shall render the final agency decision within 60 days after the next regularly scheduled Board meeting following the deadline for receipt of the written exceptions or the hearing of further oral arguments, whichever is later.

(g) When the Board conducts the contested case hearing, the Board shall render a final agency decision within 60 days after the hearing if no transcript is requested by the Board or either party, or within 45 days after receipt of a transcript of the hearing. The parties may submit proposed decisions within 20 days after the hearing or receipt of the transcript, whichever is later.

Authority G.S. 93D-3; 150B-38; 150B-40.

21 NCAC 22L .0116 PUBLICATION OF DISCIPLINARY ACTIONS

(a) Formal disciplinary actions imposed by the Board shall be published on the Board's website (www.nchalb.org) within 60 days of the final agency decision as follows:

(1) Notice of a suspension of license or registration shall be posted on the website during suspension period, including a link to a copy of the final agency decision;

(2) Notice of the reinstatement of a suspended license or registration shall be posted on the website for 90 days, including a link to the final agency decision for reinstatement;

(3) Notice of revocation of a license or registration shall be posted on the website for three years from the date of revocation, including a link to a copy of the final agency decision;

(b) The content of the private reprimand will remain private (not a public record), but the existence of a private reprimand will be reported in accordance with this Rule.

(c) When responding to public information requests about disciplinary actions against a specific licensee, the Board shall respond with a record of the date and type of discipline for the preceding five years.

(d) The Board will purge records of disciplinary actions from the licensee's file after five years, except that a permanent notation shall be made on the licensee's file of the date a license was revoked.

Authority G.S. 93D-3; 93D-13.
This Section contains information for the meeting of the Rules Review Commission on May 16, 2013 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate
Addison Bell
Margaret Currin
Pete Osborne
Bob Rippy
Faylene Whitaker

Appointed by House
Ralph A. Walker
Anna Baird Choi
Jeanette Doran
Garth K. Dunklin
Stephanie Simpson

COMMISSION COUNSEL
Joe Deluca (919)431-3081
Amanda Reeder (919)431-3079

RULES REVIEW COMMISSION MEETING DATES
June 19, 2013 July 18, 2013
August 15, 2013 September 19, 2013

RULES REVIEW COMMISSION MEETING
MINUTES
May 16, 2013

The Rules Review Commission met on Thursday, May 16, 2013, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Anna Baird Choi, Margaret Currin, Garth Dunklin, Pete Osborne, Bob Rippy, Stefanie Simpson, Ralph Walker and Faylene Whitaker.

Staff members present were: Joe DeLuca and Amanda Reeder, Commission Counsel; Dana Vojtko and Tammara Chalmers.

The meeting was called to order at 10:04 a.m. with Vice-Chairman Currin presiding. She reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e).

APPROVAL OF MINUTES

Vice-Chairman Currin asked for any discussion, comments, or corrections concerning the minutes of the April 18, 2013 meeting. There were none and the minutes were approved as distributed.

Vice-Chairman Currin welcomed and introduced OAH summer extern, Matthew Henry.

FOLLOW-UP MATTERS

Department of Commerce – Division of Employment Security:
04 NCAC 24E .0102, .0104 – The Commission unanimously approved the re-written rules.

Office of Information Technology Services:
09 NCAC 06A .0101, .0102, .0103 – There has been no response from the agency and no action was taken.

Chapter 06B .0101, .0102, .0103, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0401, .0402, .0403, .0404, .0405, .0501,
There has been no response from the agency and no action was taken.

Child Care Commission:
10A NCAC 09 .3004 – The rule was returned to the agency at the agency’s request.

Hearing Aid Dealers and Fitters Board:
21 NCAC 22F .0120, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209 – There was no action on these rules. The rules were published on the OAH website on May 13, 2013 pursuant to G.S. 150B-21.1(a3).

Board of Physical Therapy Examiners:
21 NCAC 48A .0107 – The Commission unanimously approved the re-written rule.

LOG OF FILINGS
Vice-Chairman Currin presided over the review of the log of permanent rules.

Alcoholic Beverage Control Commission
04 NCAC 02S .0228 was unanimously approved.

Department of Commerce – Credit Union Division
The rules were withdrawn by the agency.

Criminal Justice Education and Training Standards Commission
All rules were approved unanimously.

Department of Transportation
All rules were unanimously approved.

The Commission received more than 10 letters of objection to 19A NCAC 02D .0531 and .0532. Pursuant to G.S. 150B-21.3, these rules are now subject to legislative review and a delayed effective date.

Board of Barber Examiners
Prior to the review of the rules from the Board of Barber Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning these rules because Allen, Pinnix & Nichols handles some matters for the board as outside counsel.

At the request of Bain Jones, the board’s attorney the Commission extended the period of review on all the rules. They did so in order to give the agency additional time to understand staff’s comments concerning the rules, make technical changes, make any other changes the agency wished to satisfy staff’s concerns, and to prepare any other response to staff’s comments.

Board of Cosmetic Art Examiners
All rules were unanimously approved.

Board of Podiatry Examiners
21 NCAC 52 .0208 was unanimously approved.

21 NCAC 52 .0211 - The Commission objected to this rule, finding the board does not have statutory authority to issue the unrestricted temporary license for individuals practicing solely on federal military installations proposed by paragraph (b) of the rule.

The agency requested that the Commission waive its Rule 26 NCAC 05 .0108 and review the rewritten rule at the meeting. Commissioner Dunklin moved to deny the request. The motion was seconded and unanimously approved.
Prior to the review of the rules from the Building Code Council, Commissioner Osborne recused himself and did not participate in any discussion or vote concerning these rules because he owns a construction business.

All rules were unanimously approved.

**G.S 150B-19.1(h) RRC CERTIFICATION**

**Home Inspector Licensure Board**

At the request of the agency these rules were removed from the agenda.

**Criminal Justice Education and Training Standards Commission**

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 12 NCAC 09B .0205, .0209, .0226, .0227, .0232, .0233, .0305, .0405, .0502; 09E .0105; and 09G .0311.

Trevor Allen and Richard Squires from the agency addressed the Commission.

**State Board of Education**

The Commission certified that the agency adhered to the principles in G.S. 150B-19.1 for proposed rules 16 NCAC 06D .0508 and 06G .0504.

The agency requested that the Commission defer action on rules 16 NCAC 06G .0312 and .0503 until further notice and remove the items from the agenda. The Commission agreed to this request.

Katie Cornetto from the agency addressed the Commission.

**COMMISSION BUSINESS**

Commissioners agreed to move the June meeting to Wednesday, June 19th to ensure there will be a quorum.

Commission Counsel gave the Commissioners updates on proposed legislation affecting rulemaking.

The meeting adjourned at 11:38 a.m.

The next scheduled meeting of the Commission is Wednesday, June 19th at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings / Rules Division.

Respectfully Submitted,

___________________________
Dana Vojtko
Publications Coordinator

Minutes approved by the Rules Review Commission:

___________________________
Margaret Currin, Vice-Chair
<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Betsy Beichman</td>
<td>DOT - Transportation</td>
</tr>
<tr>
<td>Bob Hamilton</td>
<td>ABC Commission</td>
</tr>
<tr>
<td>Helen Vande</td>
<td>DOT</td>
</tr>
<tr>
<td>Barry Gupton</td>
<td>NCDOT - NC8CC</td>
</tr>
<tr>
<td>Camm F. McClain</td>
<td>Nc Dept of Comm, DES</td>
</tr>
<tr>
<td>Thelma M. Hill</td>
<td>Commerce</td>
</tr>
<tr>
<td>Lynda Elliott</td>
<td>nc Bd of Cosmetile Arts</td>
</tr>
<tr>
<td>Ben F. Massey Jr.</td>
<td>N. C. Board of PT. Examiners</td>
</tr>
<tr>
<td>John Silverstein</td>
<td></td>
</tr>
<tr>
<td>Jed Pies</td>
<td>NCDOT Ferry Division</td>
</tr>
<tr>
<td>Richard Bradford</td>
<td>DOS - ITS</td>
</tr>
<tr>
<td>Rich Sgro</td>
<td>DOS - CS 57's</td>
</tr>
<tr>
<td>Trent Allen</td>
<td></td>
</tr>
<tr>
<td>Penny DePas</td>
<td>NC Bd of Podiatry Examiners</td>
</tr>
<tr>
<td>Lance Cramden</td>
<td>NC State Bd of Ed</td>
</tr>
<tr>
<td>Vicente Carrejo</td>
<td></td>
</tr>
<tr>
<td>Betty Martin</td>
<td></td>
</tr>
<tr>
<td>Betsy West</td>
<td></td>
</tr>
<tr>
<td>Neilyn Gonzalez</td>
<td>Starners University of Beauty and Cosmetology</td>
</tr>
<tr>
<td>Trace Garrett</td>
<td>NCHBA</td>
</tr>
</tbody>
</table>
## LIST OF APPROVED PERMANENT RULES
### May 16, 2013 Meeting

### ALCOHOLIC BEVERAGE CONTROL COMMISSION

Dispensing Alcoholic Beverages: Production Identification
04 NCAC 02S .0228

### COMMERCE - EMPLOYMENT SECURITY, DIVISION OF

Request for Documents and Records
04 NCAC 24E .0102
Payment of Fees
04 NCAC 24E .0104

### CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Responsibilities of the School Director
12 NCAC 09B .0202
Specialized Instructor Certification
12 NCAC 09B .0304
Comprehensive Written Exam - Specialized Instructor Training
12 NCAC 09B .0414
Satisfaction of Minimum Training - Specialized Instructor
12 NCAC 09B .0415
Specialized Explosives and Hazardous Materials Instructor...
12 NCAC 09B .0417

### TRANSPORTATION, DEPARTMENT OF

Free Operations
19A NCAC 02D .0531
Toll Operations
19A NCAC 02D .0532

### COSMETIC ART EXAMINERS, BOARD OF

Water Supply
21 NCAC 14H .0301
Revocation of Licenses and Other Disciplinary Measures
21 NCAC 14P .0108
Permanent Records, Forms and Documentation
21 NCAC 14T .0502
Cosmetology Curriculum
21 NCAC 14T .0602
Apprentice Cosmetology Curriculum
21 NCAC 14T .0603
Natural Hair Care Styling Curriculum
21 NCAC 14T .0606
Instruction Guidelines
21 NCAC 14T .0612
School Operations/Licensure Maintenance
21 NCAC 14T .0701

### PHYSICAL THERAPY EXAMINERS, BOARD OF

Identification Requirements
21 NCAC 48A .0107

### PODIATRY EXAMINERS, BOARD OF

Continuing Education
21 NCAC 52 .0208

### BUILDING CODE COUNCIL

2012 NC Energy Conservation Code/Building Envelope Requir...
502.1.2, 502.2(1), 502.2(2)
2012 NC Residential Code/Exterior Walls
Table R302.1
2012 NC Residential Code/Ground Vapor Retarder
R408.2
2012 NC Residential Code/Minimum Width of Concrete or Mas...
Table R403.1
2012 NC Energy Conservation, Residential Codes/Duct Leaka...
Chapter 4, Chapter 11
# LIST OF CERTIFIED RULES
May 16, 2013 Meeting

## CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

<table>
<thead>
<tr>
<th>Rule Description</th>
<th>NCAC Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Law Enforcement Training</td>
<td>12 NCAC 09B .0205</td>
</tr>
<tr>
<td>Criminal Justice Instructor Training</td>
<td>12 NCAC 09B .0209</td>
</tr>
<tr>
<td>Specialized Firearms Instruction Training</td>
<td>12 NCAC 09B .0226</td>
</tr>
<tr>
<td>Specialized Driver Instructor Training</td>
<td>12 NCAC 09B .0227</td>
</tr>
<tr>
<td>Specialized Subject Control Arrest Techniques Instructor</td>
<td>12 NCAC 09B .0232</td>
</tr>
<tr>
<td>Specialized Physical Fitness Instructor Training</td>
<td>12 NCAC 09B .0233</td>
</tr>
<tr>
<td>Terms and Conditions of Specialized Instructor Certification</td>
<td>12 NCAC 09B .0305</td>
</tr>
<tr>
<td>Completion of Basic Law Enforcement Training Course</td>
<td>12 NCAC 09B .0405</td>
</tr>
<tr>
<td>Terms and Conditions of School Director Certification</td>
<td>12 NCAC 09B .0502</td>
</tr>
<tr>
<td>Minimum Training Specifications: Annual In-Service Training</td>
<td>12 NCAC 09E .0105</td>
</tr>
<tr>
<td>Terms and Conditions of Specialized Instructor Certification</td>
<td>12 NCAC 09G .0311</td>
</tr>
</tbody>
</table>

## STATE BOARD OF EDUCATION

<table>
<thead>
<tr>
<th>Rule Description</th>
<th>NCAC Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>NC General Assembly's Read to Achieve Program</td>
<td>16 NCAC 06D .0508</td>
</tr>
<tr>
<td>High School Accreditation Framework</td>
<td>16 NCAC 06G .0504</td>
</tr>
</tbody>
</table>
CONTESTED CASE DECISIONS

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 431-3000. Also, the Contested Case Decisions are available on the Internet at http://www.ncoah.com/hearings.

OFFICE OF ADMINISTRATIVE HEARINGS

Chief Administrative Law Judge
JULIAN MANN, III

Senior Administrative Law Judge
FRED G. MORRISON JR.

ADMINISTRATIVE LAW JUDGES

Beecher R. Gray
Selina Brooks
Melissa Owens Lassiter
Don Overby

Randall May
A. B. Elkins II
Joe Webster

AGENCY

ALCOHOLIC BEVERAGE CONTROL COMMISSION

James Ivery Smith, Ivy Lee Armstrong v. ABC Commission
11 ABC 08266 04/12/12

Trawick Enterprises LLC v. ABC Commission
11 ABC 08901 05/11/12 27:01 NCR 39

Dawson Street Mini Mart Lovell Glover v. ABC Commission
11 ABC 12597 05/23/12

ABC Commission v. Christian Broome Hunt T/A Ricky's Sports Bar and Grill
11 ABC 13161 05/03/12

Alabarati Brothers, LLC T/A Day N Nite Food Mart, v. ABC Commission
11 ABC 13545 05/01/12

Playground LLC, T/A Playground v. ABC Commission
11 ABC 14031 05/16/12 27:01 NCR 64

ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar
11 ABC 14036 07/05/12

ABC Commission v. D's Drive Thru Inc. T/A D's Drive Thru
12 ABC 00060 05/29/12

ABC Commission v. Choudhary, LLC T/A Speedway
12 ABC 00721 05/01/12

ABC Commission v. Dos Perros Restaurant LLC T/A Dos Perros Restaurant
12 ABC 05312 09/25/12

ABC Commission v. Bobby Warren Joyner T/A Hillsdale Club
12 ABC 06153 11/06/12

ABC Commission v. Quick Quality, Inc., T/A Rock Star Grill and Bar
12 ABC 07260 12/11/12

ABC Commission v. Fat Cats Grill and Oyster Bar Inc, T/A Fat Cats Grill and Oyster Bar
12 ABC 08988 12/19/12

ABC Commission v. Wachdi Khamis Awad T/A Brothers in the Hood
12 ABC 09188 03/06/13

DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY

Brian J. Johnson v. Department of Public Safety Victim Services
12 CPS 01664 12/21/12

George H. Jaggers, III v. Crime Victims Compensation Commission
12 CPS 01693 11/01/12

Teresa Herbin v. Department of Public Safety Victim Services
12 CPS 03680 08/10/12

Jacqueline M Davis victim-Antonio T Davis v. Dept. of Public Safety
12 CPS 05919 11/06/12

Demario J. Livingston v. Dept. of Public Safety Victim Services
12 CPS 06245 10/19/12

Shirley Ann Robinson v. N.C. Crime Victims Compensation Commission
12 CPS 07601 12/07/12

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Stonesthrow Group Home Medicaid Provider #6603018 Owned by Alberta Professional Services Inc v. DHHS, Division of Mental Health/Development Disabilities/Substance Abuse, and DMA
09 DHR 05790 01/11/13

Bright Haven Residential and Community Care d/b/a New Directions Group Home v. Division of Medical Assistance, DHHS
10 DHR 00232 04/27/12

Warren W Gold, Gold Care Inc. d/b/a Hill Forest Rest Home, v. DHHS/Division of Health Service Regulation, Adult Care Licensure Section
10 DHR 01666 05/18/12

Warren W Gold, Gold Care Inc. d/b/a Hill Forest Rest Home v. DHHS, Division of Health Service Regulation, Adult Care Licensure and Certification Section
10 DHR 05801 05/18/12
<table>
<thead>
<tr>
<th>Case Description</th>
<th>DHHS Case</th>
<th>Decision Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gold Care Inc. Licensee Hill Forest Rest Home Warren W. Gold v. DHHS, Adult Care</td>
<td>10 DHR 05861</td>
<td>05/18/12</td>
</tr>
<tr>
<td>Licensure Section</td>
<td>10 DHR 07700</td>
<td>01/29/13</td>
</tr>
<tr>
<td>Mary Ann Barnes v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry</td>
<td>11 DHR 6488</td>
<td>07/16/12</td>
</tr>
<tr>
<td>Comprehensive PT Center v. DHHS, Division of Medical Assistance</td>
<td>11 DHR 9197</td>
<td>08/14/12</td>
</tr>
<tr>
<td>Cherry's Group Home, Alphonso Cherry v. DHSR Michelle Elliot</td>
<td>11 DHR 09590</td>
<td>07/12/12</td>
</tr>
<tr>
<td>Leslie Taylor v. DHHS, Division of Health Regulation</td>
<td>11 DHR 10404</td>
<td>10/19/12</td>
</tr>
<tr>
<td>Powell's Medical Facility and Eddie N. Powell, M.D., v. DHHS, Division of Medical Assistance</td>
<td>11 DHR 01451</td>
<td>03/05/12</td>
</tr>
<tr>
<td>Julie Sadowski v. DHHS, Division of Health Service Regulation</td>
<td>11 DHR 01955</td>
<td>04/03/12</td>
</tr>
<tr>
<td>Carlos Kendrick Hamilton v. DHHS, Division of Social Services</td>
<td>11 DHR 11161</td>
<td>10/16/12</td>
</tr>
<tr>
<td>Teresa Diane Marsh v. DHHS, Division of Health Service Regulation</td>
<td>11 DHR 11456</td>
<td>04/27/12</td>
</tr>
<tr>
<td>Betty Parks v. Division of Child Development, DHHS</td>
<td>11 DHR 11738</td>
<td>06/20/12</td>
</tr>
<tr>
<td>Lorrie Ann Varner v. DHHS, Regulation Health Care Personnel Registry Section</td>
<td>11 DHR 11867</td>
<td>08/02/12</td>
</tr>
<tr>
<td>Brenda Brewer v. DHHS, Division of Child Development</td>
<td>11 DHR 12064</td>
<td>08/03/12</td>
</tr>
<tr>
<td>Timothy John Murray v. DHHS, Division of Health Service Regulation</td>
<td>11 DHR 12594</td>
<td>06/15/12</td>
</tr>
<tr>
<td>Holly Springs Hospital II, LLC v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc., Harnett Health System, Inc. and WakeMed</td>
<td>11 DHR 12727</td>
<td>04/12/12</td>
</tr>
<tr>
<td>Rex Hospital, Inc., v. DHHS, Division of Health Service Regulation, CON Section and WakeMed, Holly Springs Hospital II, LLC, and Harnett Health System, Inc.</td>
<td>11 DHR 12794</td>
<td>04/12/12</td>
</tr>
<tr>
<td>Harnett Health System, Inc., v. DHHS, Division of Health Service Regulation, CON Section and Rex Hospital, Inc., Holly Springs Hospital II, LLC, and WakeMed</td>
<td>11 DHR 12795</td>
<td>04/12/12</td>
</tr>
<tr>
<td>WakeMed v. DHHS, Division of Health Service Regulation, CON Section and Holly Springs Hospital II, LLC, Rex Hospital, Inc., and Harnett Health System, Inc</td>
<td>11 DHR 12796</td>
<td>04/12/12</td>
</tr>
<tr>
<td>Sandra Ellis v. DHHS</td>
<td>11 DHR 12959</td>
<td>07/11/12</td>
</tr>
<tr>
<td>Shirley Dowdy v. DHHS</td>
<td>11 DHR 13267</td>
<td>03/25/13</td>
</tr>
<tr>
<td>Vendell Haughton v. DHHS, Division of Medical Assistance</td>
<td>11 DHR 13616</td>
<td>07/05/12</td>
</tr>
<tr>
<td>Tarsand Denise Morrison v. DHHS, Division of Health Service Regulation</td>
<td>11 DHR 13906</td>
<td>07/11/12</td>
</tr>
<tr>
<td>Care Well of Charlotte Inc, Joy Steele v. DHHS</td>
<td>11 DHR 13909</td>
<td>08/02/12</td>
</tr>
<tr>
<td>Carrie's Loving Hands Inc. #MHL #040-047 Felicia McGee v. DHHS, DHSR, Mental Health Licensure and Certification</td>
<td>11 DHR 14172</td>
<td>01/22/13</td>
</tr>
<tr>
<td>Carrie's Loving Hands Inc. #MHL #010-047 Felicia McGee v. DHHS, DHSR, Mental Health Licensure and Certification</td>
<td>11 DHR 14173</td>
<td>01/22/03</td>
</tr>
<tr>
<td>Michael Timothy Smith, Jr. v. DHHS, Division of Health Service Regulation</td>
<td>11 DHR 14184</td>
<td>08/01/12</td>
</tr>
<tr>
<td>John S. Won v. DHHS</td>
<td>11 DHR 14232</td>
<td>09/05/12</td>
</tr>
<tr>
<td>Cynthia Tuck Champsion v. DHHS, Division of Health Service Regulation</td>
<td>11 DHR 14283</td>
<td>06/15/12</td>
</tr>
<tr>
<td>Leslie Taylor, and Octavia Carlton v. Mecklenburg County Department of Social Services Youth and Family Services Division</td>
<td>11 DHR 14335</td>
<td>10/12/12</td>
</tr>
<tr>
<td>Lauren Stewart v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry</td>
<td>11 DHR 14570</td>
<td>06/08/12</td>
</tr>
<tr>
<td>Alice M. Oakley v. Division of Child Development, DHHS</td>
<td>11 DHR 14571</td>
<td>05/15/12</td>
</tr>
<tr>
<td>McWilliams Center for Counseling Inc., v. DHHS, Division of Mental Health, Developmental Disabilities, Substance Abuse Services, and agency of the State of NC</td>
<td>11 DHR 15098</td>
<td>11/13/12</td>
</tr>
<tr>
<td>Althea L. Flythe v. Durham County Health Department</td>
<td>12 DHR 00242</td>
<td>05/17/12</td>
</tr>
<tr>
<td>Jerri Long v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry</td>
<td>12 DHR 00361</td>
<td>07/06/12</td>
</tr>
<tr>
<td>Renal Advantage, Inc., v. DHHS, Division of Health Service Regulation, CON Section and DVA Healthcare Renal Care, Inc</td>
<td>12 DHR 00518</td>
<td>08/28/12</td>
</tr>
<tr>
<td>Angela Moye v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry</td>
<td>12 DHR 00642</td>
<td>08/23/12</td>
</tr>
<tr>
<td>Jessica Lynn Ward v. DHHS</td>
<td>12 DHR 00643</td>
<td>05/17/12</td>
</tr>
<tr>
<td>Trinity Child Care II &amp; I v. DHHS, Division of Public Health, Child and Adult Care Food Program</td>
<td>12 DHR 00861</td>
<td>04/20/12</td>
</tr>
<tr>
<td>Dr. Karen J. Williams, LPC v. DHHS, Division of Medical Assistance</td>
<td>12 DHR 00926</td>
<td>09/18/12</td>
</tr>
<tr>
<td>Faith Home Care of NC, Bonita Wright v. DHHS, DMA</td>
<td>12 DHR 00928</td>
<td>07/25/12</td>
</tr>
<tr>
<td>Olar Underwood v. Division of Child Development and Early Education</td>
<td>12 DHR 00990</td>
<td>10/22/12</td>
</tr>
<tr>
<td>Angela C Jackson v. DHHS</td>
<td>12 DHR 01097</td>
<td>06/19/12</td>
</tr>
<tr>
<td>Paula N Umstead v. DHHS</td>
<td>12 DHR 01098</td>
<td>05/11/12</td>
</tr>
<tr>
<td>Daniel W. Harris, Jr., v. DHHS, Division of Health Service Regulation</td>
<td>12 DHR 01138</td>
<td>10/19/12</td>
</tr>
<tr>
<td>ACI Support Specialists Inc. Case #2009-4249 v. DHHS</td>
<td>12 DHR 01141</td>
<td>06/06/12</td>
</tr>
<tr>
<td>AriLand Healthcare Service, LLC, NCMHL #018-092, Shawn Kuhl Director of Operations v. DHHS, Emery E. Milliken, General Counsel</td>
<td>12 DHR 01165</td>
<td>05/25/12</td>
</tr>
</tbody>
</table>
Kenneth Holman v. DHHS 12 DHR 01244 06/05/12

Hillcrest Resthome Inc. ($2000 penalty) v. DHHS 12 DHR 01289 05/30/12

Hillcrest Resthome Inc. ($4000 penalty) v. DHHS 12 DHR 01290 05/30/12

Vivian Barrear v. DHHS, Division of Medical Assistance DHHS 12 DHR 01296 06/06/12

Patricia Satterwhite v. DHHS 12 DHR 01338 07/23/12

Timothy L Durham v. DHHS, Division of Health Services Regulation 12 DHR 01396 09/04/12

Clydette Dickens v. Nash Co DSS 12 DHR 01625 05/15/12

American Mobility LLC, Norman Mazer v. DHHS 12 DHR 01733 11/20/12

Robert Lee Raines v. DHHS 12 DHR 01736 05/30/12

Ms. Antoinette L. Williams v. DHHS 12 DHR 01739 06/15/12

Felicia McGee Owner of Carrie's Loving Hand Inc. and Caring Arms Inc v. DHHS, DHSR Mental Health Licensure Certification

Tricia Watkins v. DHHS, Division of Medical Assistance, Office of Medicaid TLW-Auditing Office 12 DHR 01807 06/01/12

First Path Home Care Services Gregory Locklear v. DHHS 12 DHR 01878 06/22/12

Patriotic Health Care Systems, LLC v. DHHS 12 DHR 02105 09/19/12

John and Christina Shipman v. DHHS 12 DHR 02107 07/24/12

Team Daniel, LLC v. DHHS, DMA 12 DHR 02162 09/11/13

Leslie Taylor, Octavia Carlton, Paula Carlton 12 DHR 02217 08/31/12

Madeline Brown v. DHHS, Division of Health Service Regulation 12 DHR 02257 06/01/12

Evelyn Evans v. DHHS, Division of Health Service Regulation 12 DHR 02258 07/02/12

Shannon Santimore v. DHHS, Division of Public Health, Epidemiology Section 12 DHR 02348 12/20/12

Precious Haven Inc. Melissa McAllister v. DHHS, Program Integrity 12 DHR 02430 05/18/12

Michael and Jamie Hart v. Davidson County, Department of Social Services 12 DHR 02542 07/03/12

Annamae R. Smith v. DHHS, Division of Medical Assistance 12 DHR 02657 11/05/12

Our Daily Living, Christopher OnWuka, Director v. DHHS 12 DHR 02777 10/17/12

Jessica L Thomas v. Randolph County DSS 12 DHR 02955 07/24/12

Moses E Shoffner v. DHHS, Division of Child Development 12 DHR 03459 08/15/12

Marco Evans v. DHHS, Division of Health Service Regulation 12 DHR 04110 07/30/12

James C. Bartley v. DHHS, DMA 12 DHR 04116 07/25/12

Estate of Mary P Lipe Medicaid ID #901463645S Alvena C Higgins v. DHHS, DMS 12 DHR 04260 01/16/13

Emelda Bih Che v. Health Care Personnel Registry 12 DHR 04834 01/24/13

LaBrenda Jane Elliot v. DHHS, Division of Medical Assistance 12 DHR 04993 09/24/12

Esther H Beal v. Office of Chief Medical Examiner 12 DHR 05094 11/14/12

James Johnson v. DHHS, Division of Health Service Regulation 12 DHR 05148 09/11/12

Cathy Crosland v. DHHS, Division of Health Service Regulation 12 DHR 05610 08/06/12

Brenda Triplett Andrews v. DHHS, Division of Health Service Regulation 12 DHR 05745 12/10/12

Southern Living Home Care Agency Inc., v. DHHS 12 DHR 05864 11/06/12

Beverly Coleman v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section 12 DHR 05961 09/05/12

Dwight William Osborne v. Glana M Surles, DHHS (Medicaid) 12 DHR 05693 09/14/12

Gregory Howard v. Health Care Personnel Registry 12 DHR 06157 09/07/12

Joshua Goss v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry 12 DHR 06158 03/04/13

Harrison E Shell Jr v. Wake County Human Services 12 DHR 06203 08/28/12

Valtina Bronson v. DHHS, Division of Health Service Regulation 12 DHR 06365 08/29/12

Danny Skipper AKA Danny Skipper v. DHHS, Division of Health Services Regulation 12 DHR 06403 10/22/12

Stalin Bailon v. Department of Social Services 12 DHR 06584 10/17/12

Tonya Diane Warfield v. DHHS, Division of Health Service Regulation, Health Care Personnel Registry Section 12 DHR 06682 01/07/13

Our Daily Living, Christopher OnWuka, Director v. DHHS 12 DHR 06683 10/17/12

Brittney Nicole Brabham v. DHHS, Division Health Service Regulation, Healthcare Personnel Registry 12 DHR 06786 03/27/13

Darina Renee Ford v. DHHS 12 DHR 07166 11/19/12

Marquis Gerade Harrell v. DHHS, Health Care Personnel Registry, Leslie Chabet 12 DHR 07170 10/23/12

KMG Holdings Inc. – The Lighthouse II of Clayton MHL #051-138 v. DHHS, Division of Health Licensure and Certification 12 DHR 07292 11/08/12

Curtain Climbers, Rhonda Corn v. Division of Child Development, DHHS 12 DHR 07295 01/16/13

Denise Marie Shear v. DHHS, Division of Health Service Regulation 12 DHR 07547 11/07/12

Tertique Epps, Family Legacy Mental Health Services DBA Task Inc v. DHHS and PBH 12 DHR 07616 11/09/12

Angela Mackey v. DHHS, Division of Health Service Regulation 12 DHR 07619 10/05/12

Eloise Dowtin v. The Emmanuel Home IV v. Division of Health Service Regulation 12 DHR 07620 11/06/12

Orlando Stephen Murphy v. DHHS, DHSR, Health Care Personnel 12 DHR 07640 02/05/13

Yolanda McKinnon v. DHHS 12 DHR 07711 01/11/13
Koffi Paul Aboagye v. DHHS, Division of Health Service Regulation
Mark Thomas v. DHHS, Division of Health Service Regulation
Annie Garner Ham v. DHHS, Division Health Service Regulation
Daniel Saft, A+ Residential Care (MHL #092-811) v. DHHS, DHR, Mental Health Licensure and Certification Section
Ronald Dixon v. Division of Child Development, DHHS
Jah Mary Weese v. DHHS, Division of Health Service Regulation
Natasha Dione Howell v. DHHS, Division of Health Service Regulation
White Oak Homes II Inc., Lisa Atkinson v. DHHS, Mental Health Licensure and Certification Section, Division of Health Service
Carolyn Ragin v. DHHS, Division of Health Services Regulation
April Hood-Baker v. DHHS, DMA Glana M Surles
Tyskon & Shannetta Barfield v. DHHS
Cynthia M Rose v. Division of Child Development, DHHS
Carolina Solution, Inc v DHHS
Speech and Therapy Solutions v. DHHS
Treasure Dominique Corry v. State of NC Nurse Aide Registry
Bio-Medical Applications of North Carolina, Inc., D/B/A FMC Anderson Creek
Linda Johnson v. Caswell Center
Carolina Family Alliance, c/o Sabrian Mack Exec Director v. DHHS
Inder P Singh v. DHHS, WIC

DEPARTMENT OF ADMINISTRATION
Meheerrin Indian Tribe v. Commission of Indian Affairs

DEPARTMENT OF CORRECTIONS
Myron Roderick Nunn v. Jennifer O'Neal, Accountant DOC
Moses Leon Faison v. Department of Correction

DEPARTMENT OF JUSTICE
Tommy Keith Lymon v. Criminal Justice Education and Training Standards Commission
Greary Michael Chlebus v. Criminal Justice Education and Training Standards Commission
Dillard Nathanael Hymes v. Criminal Justice Education and Training Standards Commission
Barbara Renay Whaley v. Criminal Justice Education and Training Standards Commission
Robert Kendrick Mewborn v. Criminal Justice Education and Training Standards Commission
Athena Lynn Prevatte v. Sheriffs' Education and Training Standards Commission
Shatel Nate Coates v. Sheriffs' Education and Training Standards
James Lee Ray v. Sheriffs' Education Training Standards
Ko Yang v. Sheriffs' Education and Training Standards Commission
Dustin Edward Wright v. Sheriffs' Education and Training Standards Commission
Walter Scott Thomas v. Sheriffs' Education and Training Standards Commission
Darryl Howard v. Criminal Justice Education and Training Standards Commission
John Jay O'Neal v. Criminal Justice Education and Training Standards Commission
Charlesene Cotton v. Criminal Justice Education and Training Standards Commission
William James Becker v. Criminal Justice Education and Training Standards Commission
Steve Michael Galloway, Jr, Private Protective Services Board
Justin Thomas Medlin v. Alarm Systems Licensing Board

Argentina Rojas v. Department of Justice, Campus Police Officer Commission
Bruce Clyde Shoe v. Private Protective Services Board
Angela Louise Giles v. Private Protective Services Board
Marshall Todd Martin v. Sheriffs' Education
Frances Gentry Denton v. Sheriffs' Education and Training Standards Commission
James Philip Davenport v. Criminal Justice Education and Training Standards Commission
Alvin Louis Daniels v. Criminal Justice Education and Training Standards Commission
Michael Wayne McFalling v. Private Protective Services Board
Robert John Farmer v. Alarm Systems Licensing Board
Ricky Lee Ruhlman v. Private Protective Services Board
Leroy Wilson Jr., Private Protective Services Board
Clyde Eric Lovette v. Alarm Systems Licensing Board
Vincent Tyron Griffin v. Alarm Systems Licensing Board
<table>
<thead>
<tr>
<th>Case Title</th>
<th>Code</th>
<th>Decision Date</th>
<th>NCR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andre Carl Banks Jr., v. Alarm Systems Licensing Board</td>
<td>12 DOJ 01695</td>
<td>06/22/12</td>
<td>27:22 NCR 2139</td>
</tr>
<tr>
<td>Ryan Patrick Brooks v. Private Protective Services Board</td>
<td>12 DOJ 01696</td>
<td>06/05/12</td>
<td>27:21 NCR 1994</td>
</tr>
<tr>
<td>Dustin Lee Chavis v. Private Protective Services Board</td>
<td>12 DOJ 01697</td>
<td>06/01/12</td>
<td>27:21 NCR 1994</td>
</tr>
<tr>
<td>Jerome Douglas Mayfield v. Private Protective Services Board</td>
<td>12 DOJ 02381</td>
<td>06/15/12</td>
<td>27:21 NCR 1994</td>
</tr>
<tr>
<td>Elijah K. Vogel v. Private Protective Services Board</td>
<td>12 DOJ 02619</td>
<td>06/05/12</td>
<td>27:21 NCR 1994</td>
</tr>
<tr>
<td>Timmy Dean Adams v. Department of Justice, Company Police Program</td>
<td>12 DOJ 02778</td>
<td>12/21/12</td>
<td>27:21 NCR 1994</td>
</tr>
<tr>
<td>Sherman Montrell Devon McQueen v. Criminal Justice Education and Training Standards Commission</td>
<td>12 DOJ 03842</td>
<td>12/21/12</td>
<td>27:21 NCR 1994</td>
</tr>
<tr>
<td>Antonio Cornelius Hardy v. Criminal Justice Education and Training Standards Commission</td>
<td>12 DOJ 03844</td>
<td>11/19/12</td>
<td>27:22 NCR 2139</td>
</tr>
<tr>
<td>Jonathan Dryden Dunn v. Sheriffs' Education and Training Standards</td>
<td>12 DOJ 03845</td>
<td>03/28/13</td>
<td>27:22 NCR 2139</td>
</tr>
<tr>
<td>Barry Louis Christopher, Jr v. Private Protective Services Board</td>
<td>12 DOJ 05041</td>
<td>08/27/12</td>
<td>27:15 NCR 1570</td>
</tr>
<tr>
<td>Glenn Alvin Brand v. Sheriffs' Education and Training Standards</td>
<td>12 DOJ 05146</td>
<td>10/08/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Shannon Wallace v. DHHS</td>
<td>12 DOJ 05355</td>
<td>02/26/13</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Lawrence W. Sitgraves v. Private Protective Services Board</td>
<td>12 DOJ 06059</td>
<td>09/13/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Collin Michael Berry v. Private Protective Services Board</td>
<td>12 DOJ 06590</td>
<td>10/22/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Tiffany Ann Misel v. Private Protective Services Board</td>
<td>12 DOJ 06817</td>
<td>10/17/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Christopher A. Field v. Private Protective Services Board</td>
<td>12 DOJ 07548</td>
<td>12/19/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Porsche Renee Williams v. Private Protective Services Board</td>
<td>12 DOJ 07549</td>
<td>01/09/13</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>William Franklin Dietz v. Criminal Justice Education and Training Standards</td>
<td>12 DOJ 08010</td>
<td>02/19/13</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Elizabeth Crooks Goode v. Criminal Justice Education and Training Standards</td>
<td>12 DOJ 08014</td>
<td>12/14/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Sabrina Richelle Wright v. Sheriffs' Education and Training Standards Commission</td>
<td>12 DOJ 08048</td>
<td>01/16/13</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Phillip Eugene Dendy v. Sheriffs' Education and Training Standards</td>
<td>12 DOJ 08049</td>
<td>01/18/13</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Reginald E. James v. Private Protective Services Board</td>
<td>12 DOJ 08195</td>
<td>12/20/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Omega Young v. Private Protective Services Board</td>
<td>12 DOJ 08261</td>
<td>12/17/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Jovan Lamont Sears v. Private Protective Services Board</td>
<td>12 DOJ 08447</td>
<td>12/20/12</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td>Eddie Hugh Hardison v. Private Protective Services Board</td>
<td>13 DOJ 08765</td>
<td>04/02/13</td>
<td>27:21 NCR 2002</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF STATE TREASURER</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ella Joyner v. Department of State Treasurer Retirement System Division</td>
<td>11 DST 02437</td>
<td>07/12/12</td>
<td>27:07 NCR 758</td>
</tr>
<tr>
<td>William R. Tate v. Department of Treasurer, Retirement System Division</td>
<td>11 DST 04675</td>
<td>09/07/12</td>
<td>27:15 NCR 1574</td>
</tr>
<tr>
<td>Brenda C. Hemphill v. Department of Treasurer, Retirement System Division</td>
<td>11 DST 10252</td>
<td>09/26/12</td>
<td>27:15 NCR 1574</td>
</tr>
<tr>
<td>Russell E. Greene v. Department of State Treasurer Retirement Systems Division</td>
<td>11 DST 10875</td>
<td>06/14/12</td>
<td>27:04 NCR 543</td>
</tr>
<tr>
<td>James A Layton v. Department of State Treasurer</td>
<td>11 DST 12958</td>
<td>11/30/12</td>
<td>27:04 NCR 543</td>
</tr>
<tr>
<td>Marsha W Lilly, Robert L Hinton v. Retirement System</td>
<td>12 DST 01108</td>
<td>05/22/12</td>
<td>27:04 NCR 543</td>
</tr>
<tr>
<td><strong>STATE BOARD OF EDUCATION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Louis A. Hrebar v. State Board of Education</td>
<td>11 EDC 01445</td>
<td>07/27/12</td>
<td>27:07 NCR 769</td>
</tr>
<tr>
<td>Delene Huggins v. Department of Public Instruction</td>
<td>11 EDC 08899</td>
<td>06/28/12</td>
<td>27:07 NCR 769</td>
</tr>
<tr>
<td>Myra F. Moore v. NC Board of Education</td>
<td>11 EDC 11927</td>
<td>05/01/12</td>
<td>27:07 NCR 769</td>
</tr>
<tr>
<td>Dwayne White v. Department of Public Instruction, NC State Board of Education</td>
<td>11 EDC 11864</td>
<td>07/18/12</td>
<td>27:07 NCR 769</td>
</tr>
<tr>
<td>Jeffery Sloan v. NCDPI</td>
<td>11 EDC 14077</td>
<td>11/09/12</td>
<td>27:21 NCR 1974</td>
</tr>
<tr>
<td>Lia C Long v. DPI</td>
<td>12 EDC 00805</td>
<td>10/18/13</td>
<td>27:16 NCR 1716</td>
</tr>
<tr>
<td>North Carolina Learns Inc. d/b/a North Carolina Virtual Academy</td>
<td>12 EDC 01801</td>
<td>05/18/12</td>
<td>27:16 NCR 1716</td>
</tr>
<tr>
<td>Katherine Kwsell Harris v. Public Schools, Board of Education</td>
<td>12 EDC 06520</td>
<td>09/05/12</td>
<td>27:16 NCR 1716</td>
</tr>
<tr>
<td>Wanda McLaughlin v. State Board of Education</td>
<td>12 EDC 12410</td>
<td>03/27/13</td>
<td>27:16 NCR 1716</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pamlico-Tar River Foundation, NC Coastal Federation, Environmental Defense Fund, and Sierra Club v. DENR, Division of Water Quality and PCS Phosphate Company, Inc</td>
<td>09 EHR 1839</td>
<td>04/26/12</td>
<td>27:01 NCR 87</td>
</tr>
</tbody>
</table>
CONTESTED CASE DECISIONS

ALCHEM Inc., v. NCDENR
10 EHR 00296 02/05/13

Don Hillebrand v. County of Watauga County Health Dept
10 EHR 00933 05/10/12

ALCHEM Inc., v. NCDENR
10 EHR 05463 02/05/13

House of Raeford Farms, Inc., v. DENR
10 EHR 05508 05/31/12 27:01 NCR 99

Lacy H Caple DDS v. Division of Radiation Protection Bennifer Pate
11 EHR 11454 05/09/12

Friends of the Green Swamp and Blue Ridge Environmental Defense League, Inc v. DENR Division of Waste Management and Waste Management of the Carolinas, Inc., d/b/a Waste Management of Wilmington
11 EHR 12185 08/08/12 27:12 NCR 1224

Holmes Development & Realty, LLC, and H.L. Homes v. DENR – Land Quality Section (Re: LQS 11-018)
11 EHR 13208 06/29/12 27:07 NCR 774

Ik Kim IT and K Enterprise v. DENR
11 EHR 13910 11/06/12

Edward Dale Parker v. DENR
11 EHR 14390 02/22/13

Janezic Building Group LLC v. Orange County
12 EHR 01104 12/03/12 27:21 NCR 2008

Save Mart of Duplin LLC v. DENR
12 EHR 02328 07/25/12

DIVISION OF EMPLOYMENT SECURITY
Dwight Marvin Wright v. Department of Commerce, Division of Employment Security
12 ESC 05042 07/27/12

DEPARTMENT OF INSURANCE
Susan E. Montgomery Lee v. State Health Plan; Blue Cross Blue Shield
12 INS 10145 03/25/13

MISCELLANEOUS
Richard Lee Taylor v. City of Charlotte
11 MIS 14140 05/15/12

Lloyd M Anthony v. New Hanover County Sheriff Office
12 MIS 01803 06/07/12

Jackie Poole, Jamyan Brooks v. Orange County

OFFICE OF STATE PERSONNEL
Amanda Thaxton v. State Ethics Commission
09 OSP 03754 09/20/12

Dorothy H. Williams v. DHHS, Central Regional Hospital
10 OSP 5424 03/28/12 27:01 NCR 119

Stephen R. West v. The University of North Carolina at Chapel Hill
10 OSP 01567 11/26/12 27:21 NCR 1959

Larry F. Murphy v. Employment Security Commission of North Carolina
10 OSP 03213 06/04/12

Walter Bruce Williams v. Dept. of Crime Control and Public Safety Butner Public Safety Division
10 OSP 03551 04/23/12 27:01 NCR 148

Teresa J. Barrett v. DENR
10 OSP 04754 10/22/12 27:16 NCR 1726

Daniel Chase Parrott v. Crime Control and Public Safety, Butner Public Safety Division
10 OSP 04792 05/30/12

Steven M Mukumgu v. DAG
10 OSP 05199 08/07/12

Beatrice T. Jackson v. Durham County Health Department
11 OSP 3835 06/08/12

Brenda D. Triplett v. DOC
11 OSP 4605 03/20/12 27:06 NCR 669

Tommie J. Porter v. DOC
11 OSP 5352 06/05/12 27:06 NCR 678

Fortae McWilliams v. DOC
11 OSP 06236 05/30/12 27:06 NCR 684

Kimberly F. Loflin v. DOT, DMV
11 OSP 06762 07/10/12

John Hardin Swain v. DOC, Hyde Correctional Inst.
11 OSP 07956 04/23/12 27:06 NCR 693

John Fargher v. DOT
11 OSP 08111 04/18/12

Tammy Cagle v. Swain County, Department of Social Services
11 OSP 10307 09/26/12 27:16 NCR 1747

Doris Wearing v. Polk Correctional Inst. Mr. Solomon Superintendent
11 OSP 11023 10/19/12

Fredericka Florentina Demmings v. County of Durham
11 OSP 11498 06/12/12

Derick A Proctor v. Crime Control and Public Safety, State Capital Police Division
11 OSP 11499 12/06/12

David B. Stone v. Department of Cultural Resources
11 OSP 11926 08/10/12 27:12 NCR 1245

Pattie Hollingsworth v. Fayetteville State University
11 OSP 12152 02/27/13

William C. Spender v. Dept. of Agriculture & Consumer Services, Veterinary Division
11 OSP 12479 04/27/12

Terrence McDonald v. NCSU
11 OSP 12682 05/21/12

Terrence McDonald v. DHHS, Emery Milliken
11 OSP 12683 05/18/12

Phyllis Campbell v. DOC
11 OSP 13381 08/27/12 27:15 NCR 1579

Raeford Quick v. DOC
11 OSP 14436 05/22/12

Tawana McLaurin v. DOC
12 OSP 00116 08/21/12

Marva G. Scott v. Edgecombe County Social Services Board (Larry Woodley, Fate Taylor, Ernest Taylor, Viola Harris and Evelyn Johnson), Edgecombe County Commissioners and Edgecombe county manager, Lorenzo Carmon
12 OSP 00430 12/20/12 27:22 NCR 2152
CONTESTED CASE DECISIONS

Thomas B. Warren v. DAG, Forest Services Division 12 OSP 00615 11/27/12
Bon-Jerald Jacobs v. Pitt County Department of Social Services 12 OSP 00634 06/12/12
Sherry Baker v. Department of Public Safety 12 OSP 00841 10/09/12
Diane Farrington v. Chapel Hill-Carrboro City Schools 12 OSP 01300 07/12/12
Cynthia Moats v. Harnett County Health Dept 12 OSP 01536 08/10/12
Natalie Wallace-Gomes v. Winston-Salem State University 12 OSP 01627 05/15/12
Clark D. Whitlow v. UNC-Chapel Hill 12 OSP 01740 06/12/12
Jeffrey L. Wardick, v. Employment Securities Commission of NC 12 OSP 02027 07/16/12
Ricco Donnell Boyd v. NC A&T University 12 OSP 02219 01/31/13
Larry C. Goldston v. UNC-Chapel Hill 12 OSP 02222 09/26/12
Larry Batton v. Dept of Public Safety 12 OSP 02320 02/18/13
Sheila Bradley v. Community College System Sandhills Community College 12 OSP 02473 06/06/12
Brenda S. Sessoms v. Department of Public Safety 12 OSP 02507 07/25/12
Donnette J Amaro v. Onslow County Department of Social Services 12 OSP 02578 11/21/12
Ronald Gilliard v. N.C. Alcoholic Law Enforcement 12 OSP 02587 08/03/12
Larry C. Goldston v. UNC-Chapel Hill 12 OSP 02587 12/18/12

DEPARTMENT OF REVENUE
Jerry Lamont Lindsey v. Department of Revenue 11 REV 1914 07/25/12
Thomas E Gust v. Department of Revenue 11 REV 13557 08/15/12
James Cooper III Sui Juris v. Department of Revenue 11 REV 13792 11/14/12
Brian Daniel Reeves v. Department of Revenue 12 REV 01539 06/04/12
David Roser v. Department of Revenue 12 REV 01694 09/10/12
Ronnie Lee Nixon v. Department of Revenue 12 REV 01881 10/03/12
William S. Hall v. Department of Revenue 12 REV 04115 08/27/12
Noah D. Sheffield v. Department of Revenue 12 REV 07074 11/14/12
Jenny M. Sheffield v. Department of Revenue 12 REV 07075 11/14/12
Jesus A. Cabrera v. Department of Revenue 12 REV 08968 01/03/13

OFFICE OF SECRETARY OF STATE
Michael Anthony Farrow-Bey v. Department of Secretary of State 12 SOS 07865 12/14/12
Jennifer Lynn Pierce-Founder Share Our Shoes v. Secretary of State's Office 12 SOS 01653 07/11/12

UNC HOSPITALS
Onyedika C Nwaebube v. UNC Hospitals 12 UNC 01110 06/25/12
Nephtyia Wade v. UNC Hospitals Chapel Hill NC 12 UNC 01209 07/17/12
Fredia R Wall v. UNC Physicians & Associates 12 UNC 02256 10/04/12
Carolyn A. Green v. UNC Hospitals 12 UNC 02259 09/19/12
Annie E. Jarrett v. UNC Hospitals 12 UNC 03716 10/09/12
Vikki J Goings v. UNC Hospital 12 UNC 04109 09/18/12
Elonnie Alston v. UNC Hospitals 12 UNC 04551 09/11/12
Diara Z Andrews v. UNC Hospitals 12 UNC 04827 08/15/12
David Ryan Pierce v. UNC Hospitals, Patient Account Services, SODCA 12 UNC 05306 03/20/13
Shonte Hayes v. UNC P&A 12 UNC 05746 09/10/12
Tracy A. Spaine (Currier) v. UNC Hospitals 12 UNC 06822 11/06/12

WILDLIFE RESOURCES COMMISSION
People for the Ethical Treatment of Animals, Inc., v. NC Wildlife Resources Commission 12 WRC 07077 11/13/12 27:22 NCR 2165