

NORTH CAROLINA REGISTER

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July 1, 2026

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PUBLISHED BY

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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.

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919-715-2893

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Raleigh, North Carolina 27601

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545 Legislative Office Building

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NORTH CAROLINA REGISTER
Publication Schedule for January 2026 – December 2026

FILING DEADLINES			NOTICE OF TEXT		PERMANENT RULE			TEMPORARY RULES
Volume & issue number	Issue date	Last day for filing	Earliest date for public hearing	End of required comment Period/Latest date for public hearing	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	270 th day from publication in the Register
40:13	01/02/26	12/11/25	01/17/26	03/03/26	03/20/26	04/28/2026	05/01/26	09/29/26
40:14	01/15/26	12/23/25	01/30/26	03/16/26	03/20/26	04/28/2026	05/01/26	10/12/26
40:15	02/02/26	01/09/26	02/17/26	04/06/26	04/20/26	05/28/2026	06/01/26	10/30/26
40:16	02/16/26	01/26/26	03/03/26	04/17/26	04/20/26	05/28/2026	06/01/26	11/13/26
40:17	03/02/26	02/09/26	03/17/26	05/01/26	05/20/26	06/25/2026	07/01/26	11/27/26
40:18	03/16/26	02/23/26	03/31/26	05/15/26	05/20/26	06/25/2026	07/01/26	12/11/26
40:19	04/01/26	03/11/26	04/16/26	06/01/26	06/20/26	07/30/2026	08/01/26	12/27/26
40:20	04/15/26	03/24/26	04/30/26	06/15/26	06/20/26	07/30/2026	08/01/26	01/10/27
40:21	05/01/26	04/10/26	05/16/26	06/30/26	07/20/26	08/27/2026	09/01/26	01/26/27
40:22	05/15/26	04/24/26	05/30/26	07/14/26	07/20/26	08/27/2026	09/01/26	02/09/27
40:23	06/01/26	05/08/26	06/16/26	07/31/26	08/20/26	09/29/2026	10/01/26	02/26/27
40:24	06/15/26	05/22/26	06/30/26	08/14/26	08/20/26	09/29/2026	10/01/26	03/12/27
41:01	07/01/26	06/10/26	07/16/26	08/31/26	09/20/26	10/29/2026	11/01/26	03/28/27
41:02	07/15/26	06/23/26	07/30/26	09/14/26	09/20/26	10/29/2026	11/01/26	04/11/27
41:03	08/03/26	07/13/26	08/18/26	10/02/26	10/20/26	11/24/2026	12/01/26	04/30/27
41:04	08/17/26	07/27/26	09/01/26	10/16/26	10/20/26	11/24/2026	12/01/26	05/14/27
41:05	09/01/26	08/11/26	09/16/26	11/02/26	11/20/26	12/17/2026	01/01/27	05/29/27
41:06	09/15/26	08/24/26	09/30/26	11/16/26	11/20/26	12/17/2026	01/01/27	06/12/27
41:07	10/01/26	09/10/26	10/16/26	11/30/26	12/20/26	01/28/2027*	02/01/27	06/28/27
41:08	10/15/26	09/24/26	10/30/26	12/14/26	12/20/26	01/28/2027*	02/01/27	07/12/27
41:09	11/02/26	10/12/26	11/17/26	01/04/27	01/20/27	02/25/2027*	03/01/27	07/30/27
41:10	11/16/26	10/23/26	12/01/26	01/15/27	01/20/27	02/25/2027*	03/01/27	08/13/27
41:11	12/01/26	11/05/26	12/16/26	02/01/27	02/20/27	03/25/2027*	04/01/27	08/28/27
41:12	12/15/26	11/20/26	12/30/26	02/15/27	02/20/27	03/25/2027*	04/01/27	09/11/27

*Dates not approved by RRC

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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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 Human Resources 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 but not later than 60 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.

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.

Pursuant to G.S. 150B-21.2, the North Carolina State Board of Elections (State Board of Elections) intends to adopt permanent rules 08 NCAC 18 .0201, .0501 – .0505. The text of these proposed rules was published in Volume 40, Issue 22 of the North Carolina Register. The public hearing related to these permanent rules was originally scheduled for Monday, June 22, 2026, at 10:00am at the State Board of Elections offices. The public hearing occurred, but due to technical difficulties with the recording of the hearing, the public hearing will be rescheduled to the date, time, and location listed below.

Public Hearing:

- Date: Thursday, July 16, 2026
- Time: 9:00am
- Location: State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

The public comment period will be extended to this same date and closes on July 16, 2026.

How to Submit a Public Comment:

- Online: <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>
- Email: rulemaking.sboe@ncsbe.gov
- Mail: Attn: Rulemaking Coordinator, P.O. Box 27255, Raleigh, NC 27611-7255

North Carolina License and Theft Bureau

PUBLIC NOTICE

This serves as a notice pursuant to G.S. § 20-288 of a license application submission by a manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative that has not been previously issued a license by the Division.

Applicant's Name: CMH MANUFACTURING, INC.

Applicant's Address: 2600 HIGHWAY 226
SAVANNAH, TN 38372

Application Date: 6/03/2026

Names and titles of any individual listed on the application as an owner, partner, member or officer of the applicant:

Officers

- **Executive Director**
Dan Edsel Batchelor
- **Vice President**
Matthew Allen Belcher
- **Executive Director**
Matthew Allen Belcher
- **Chairman of the Board**
Kevin T Clayton
- **Assistant Secretary**
Richard Eric Jackson
- **President**
Ronald Gerry Powell, Jr

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept written comments on any proposed rules for at least 60 days from the publication date, or until the date of any public hearing, whichever is longer. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 08 – STATE BOARD OF ELECTIONS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to amend the rule cited as 08 NCAC 21 .0203.

Link to agency website pursuant to G.S. 150B-19.1(e): https://www.ncsbe.gov/about-elections/legal-resources/rulemaking

Proposed Effective Date: January 1, 2027

Public Hearing:

Date: August 3, 2026

Time: 10:00 A.M.

Location: State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

Reason for Proposed Action: Pursuant to G.S. 163-278.10A, candidate committees for county office, municipal office, local school board, and soil and water conservation district, as well political party committees, may be exempt from filing campaign finance disclosure reports if the committee determines that it does not intend to receive in contributions or in loans or spend more than \$1,000 during the election cycle. If a political committee intends to stay under the threshold in G.S. 163-278.10A for a subsequent election cycle, the treasurer is required to file a new certification of threshold with the board of elections. The proposed amendment changes the deadline for filing the certification from January 31 to March 31.

Comments may be submitted to: Lindsey Wakely, P.O. Box 27255, Raleigh, NC 27611; email rulemaking.sboe@ncsbe.gov (Comments may be submitted online at https://www.ncsbe.gov/about-elections/legal-resources/rulemaking)

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via

email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

CHAPTER 21 - DEPARTMENTAL RULES

SECTION .0200 - NONCOMPLIANCE

08 NCAC 21 .0203 CERTIFICATION OF THRESHOLD

(a) A political committee that intends to stay within the threshold in G.S. 163-278.10A for a subsequent election cycle shall file a certification with the board of elections according to the following schedule:

- (1) for a candidate committee with an election cycle ending on December 31 of an odd-numbered year, by January March 31 of the next even-numbered year.
(2) for a candidate committee with an election cycle ending on December 31 of an even-numbered year, by January March 31 of the next odd-numbered year.
(3) for a political party committee or affiliated party committee with an election cycle ending on December 31 of an even-numbered year, by January March 31 of the next odd-numbered year.

(b) A political committee that fails to file the certification by the due date in Paragraph (a) of this Rule, shall be responsible for filing all reports required in G.S. 163-278.9 or G.S. 163-278.40B, G.S. 163-278.40C, G.S. 163-278.40D, or G.S. 163-278.40E for the subsequent election cycle.

Authority G.S. 163-278.10A; 163-278.21.

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to amend the rule cited as 08 NCAC 21 .0206.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

Proposed Effective Date: November 1, 2026

Public Hearing:

Date: August 3, 2026

Time: 10:00 A.M.

Location: State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

Reason for Proposed Action: Civil penalties for late campaign finance disclosure reports may be waived in whole or in part for good cause. See G.S. 163-278.34(d). The proposed amendment delegates authority to State Board of Elections staff to grant a good cause waiver of a civil penalty assessment issued under G.S. 163-278.34(a) if a condition described in the rule is met. The proposed rule amendment further clarifies that all remaining waiver requests shall be presented to the State Board for a final determination.

Comments may be submitted to: Lindsey Wakely, P.O. Box 27255, Raleigh, NC 27611; email rulemaking.sboe@ncsbe.gov (Comments may be submitted online at <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>)

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

CHAPTER 21 - DEPARTMENTAL RULES

SECTION .0200 - NONCOMPLIANCE

08 NCAC 21 .0206 REQUESTING A WAIVER OF A CIVIL LATE PENALTY

(a) A political committee, referendum committee, individual, or entity requesting a waiver of a civil late penalty under G.S. 163-278.34(a) shall complete and file the form available on the State Board's website within 60 days of service of the notice of penalty assessment. The form shall be signed and notarized and set forth any facts or circumstances that support good cause for a waiver of the penalty.

(b) Waiver requests shall be filed with the State Board using one of the following methods:

- Hand-delivery during regular business hours to the State Board's offices.
United States Postal Service to the mailing address listed on the State Board's website.
Delivery service authorized by G.S. 1A-1, Rule 4 to the physical address published on the State Board's website.
Email to campaign.reporting@ncsbe.gov so long as the original signed copy is retained by the political committee, referendum committee, individual or entity for at least two years counting from the date of the election to which the late report affects.

(c) A waiver request is considered filed on the date it is postmarked by the United States Postal Service or marked with an equivalent marking by a delivery service authorized by G.S. 1A-1, Rule 4. A waiver request filed by email must be sent to campaign.reporting@ncsbe.gov by 11:59 pm to be considered filed on that date.

(d) State Board staff shall review the waiver request, any supporting documentation provided, and the relevant report, and issue a good cause waiver of the penalty assessment if one of the following is found to apply:

- The report was the first late report of the committee, or the first late report within the last 10 years;
For a candidate committee, the late report was due after the election and did not result in any contribution or expenditure not being disclosed to the public;
For a political party committee, PAC, or referendum committee, the late report did not result in any contribution or expenditure not being disclosed to the public;
The late report resulted from a family emergency, severe illness or hospitalization, natural disaster, or similar unforeseen circumstances;
The late report resulted from insufficient or inaccurate guidance from the State Board office or county board office; or
The late report resulted from documented issues with the U.S. Postal Service or other delivery service.

(e) If State Board staff do not find one of the factors in Paragraph (d) to apply, the waiver request shall be presented to the State Board for a final determination.

~~(d) Examples of factors considered by the State Board in determining the presence of good cause include but are not limited to:~~

- ~~(1) Whether the late report was the first late report of the committee or the first late report within the last 10 years.~~
- ~~(2) Whether the late report was due prior to or after the election for a candidate.~~
- ~~(3) Whether the late report resulted in any contribution or expenditure not being disclosed to the public.~~
- ~~(4) Whether the late report resulted from a family emergency, severe illness or hospitalization, natural disaster, or similar unforeseen circumstance.~~
- ~~(5) Whether the treasurer or assistant treasurer received insufficient guidance from the State Board office or county board office in attempting to file reports.~~
- ~~(6) Whether documented issues with the U.S. Postal Service or other delivery service inhibited the committee from filing a timely report.~~

~~(f)(e)~~ If a waiver request is denied by the State Board, a notice of the denial shall be served by any means authorized under G.S. 1A-1, Rule 4. The notice of the denial shall direct the political committee, referendum committee, individual or entity to pay the assessment within 30 days.

Authority G.S. 163-278.21; 163-278.34.

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 21 .0801-.0804.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

Proposed Effective Date: January 1, 2027

Public Hearing:

Date: August 3, 2026

Time: 10:00 A.M.

Location: State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603

Reason for Proposed Action: G.S. 163-278.19B permits a political party executive committee or affiliated party committee to establish and operate a headquarters building fund. The State Board has proposed a series of rules to outline the reporting requirements for building funds. The proposed rules require a building fund to register as a separate political committee for reporting purposes and for the contents of reports to follow G.S.

163-278.11. Proposed rule 08 NCAC 21 .0802 clarifies that building funds may not be commingled with the political party executive committee or affiliated party committee operating funds. Proposed rule 08 NCAC 21 .0804 further requires that a monetary donation in excess of \$50 must be made in a verifiable form of payment.

Comments may be submitted to: Lindsey Wakely, P.O. Box 27255, Raleigh, NC 27611; email rulemaking.sboe@ncsbe.gov

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000 over 5 years)
- Approved by OSBM
- No fiscal note required

CHAPTER 21 - DEPARTMENTAL RULES

SECTION .0800 – POLITICAL PARTY HEADQUARTERS BUILDING FUNDS

08 NCAC 21 .0801 ORGANIZATION AND REPORTING

(a) Each headquarters building fund established by a political party executive committee or affiliated party committee shall be treated as a separate political committee for reporting purposes. The political party executive committee or affiliated party committee shall appoint a treasurer for the headquarters building fund and file the following with the State Board within 10 days of establishing the headquarters building fund:

- (1) a statement of organization that discloses the following:
 - (A) the name of the political party executive committee or affiliated party committee establishing the headquarters building fund;

- (B) the name of the headquarters building fund. The name shall include the name of the political party executive committee or affiliated party committee establishing the fund and the term "building fund";
- (C) the name, mailing address, and email address of the treasurer for the headquarters building fund;
- (D) the names, mailing addresses, and email addresses of any assistant treasurers for the headquarters building fund; and
- (E) the date the headquarters building fund was established.

(2) a certification of financial accounts disclosing all banks, safety deposit boxes, or other depositories used, including the names and numbers of all accounts, shall be filed with the statement of organization. The State Board shall keep all account names and numbers confidential.

(3) a report of all donations to and spending by the headquarters building fund not previously disclosed.

(b) The treasurer shall report subsequent donations to and spending by the headquarters building fund according to the schedule in G.S. 163-278.9. Quarterly Reports shall be filed during even-numbered years.

(c) Each statement and report must be signed and certified as true and correct by the treasurer or an assistant treasurer for the headquarters building fund.

Authority G.S. 163-278.19B; 163-278.21.

08 NCAC 21 .0802 COMMINGLING OF DONATIONS

The treasurer for the headquarters building fund shall maintain all monies of the headquarters building fund in bank accounts used exclusively for the headquarters building fund and shall not commingle these funds with operating funds for the political party executive committee or affiliated party committee.

Authority G.S. 163-278.19B; 163-278.21.

08 NCAC 21 .0803 CONTENTS OF REPORTS

(a) Each disclosure report filed shall list all donations received by or on behalf of the headquarters building fund during the applicable period. The report shall list the name and complete mailing address of each donor, the amount donated, the principal occupation of the donor, and the date the donation was received. The total sum of all donations to date shall be included. The definition of "principal occupation of the donor" in G.S. 163-278.11 shall apply to this section.

(b) The treasurer shall not be required to report the name, address, or principal occupation of any individual who donates fifty dollars (\$50.00) or less to the headquarters building fund during an election as defined in G.S. 163-278.13.

(c) Each disclosure report filed shall also list all expenditures made during the applicable period. The report shall list the name and complete mailing address of each payee, the amount paid, the purpose, and the date such payment was made. The total sum of all expenditures to date shall be included.

(d) The disclosure report filed shall list all proceeds derived from loans. The report shall list the amount of the loan, the source, the period, the rate of interest, and the security pledged, if any, and all makers and endorsers.

Authority G.S. 163-278.19B; 163-278.21.

08 NCAC 21 .0804 DONATIONS

No treasurer or headquarters building fund may accept any monetary donation in excess of fifty dollars (\$50.00) unless the donation is in the form of a check, draft, money order, credit card charge, debit, or other noncash method that can be subject to written verification.

Authority G.S. 163-278.19B; 163-278.21.

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Elections intends to adopt the rules cited as 08 NCAC 21 .0901-.0907.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncsbe.gov/about-elections/legal-resources/rulemaking>

Proposed Effective Date: *November 1, 2026*

Public Hearing:

Date: *August 3, 2026*

Time: *10:00 A.M.*

Location: *State Board of Elections, Dobbs Building, 430 N. Salisbury St., Raleigh, NC 27603*

Reason for Proposed Action: *Under G.S. 163-278.22(7), it is the duty and power of the State Board to investigate potential violations of Article 22A and Article 22M of Chapter 163 of the General Statutes. The rules proposed by the State Board direct the process and procedures to be followed by when the State Board receives a signed and sworn campaign finance complaint from a registered voter. As stated in proposed rule 08 NCAC 21 .0901, the series of rules are not intended to apply to complaints involving potential violations of Part 1A of Article 22A regarding disclosure requirements in media advertisements. The proposed rules are ultimately intended to replace the Campaign Finance Complaint Policy adopted by the State Board in 2019. Definitions for the section can be found in proposed 08 NCAC 21 .0902.*

Proposed rule 08 NCAC 21 .0903 outlines the contents of complaints and how complaints may be filed with the State Board. After receipt of a complaint, proposed rule 08 NCAC 21 .0905 outlines the notice that will be provided by the State Board to the subject the complaint, and the opportunity and timeline in which the subject may provide a written response to the allegations.

Rules 08 NCAC 21 .0906 and 08 NCAC 21 .0907 outline the preliminary investigation, when a case will be opened, and any subsequent formal investigation. Rule 08 NCAC 21 .0907 articulates when a case may be closed for lack of probable cause and in paragraph (b) describes the notice that will be provided to the State Board of Elections prior to staff closure of the complaint.

08 NCAC 21 .0904 interprets confidentiality provision in G.S. 163-278.22(7) to state that complaints and other documents gathered by the State Board during an investigation are confidential and may not be released by the State Board for public inspection or copying.

Comments may be submitted to: Lindsey Wakely, P.O. Box 27255, Raleigh, NC 27611; email rulemaking.sboe@ncsbe.gov

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

CHAPTER 21 - DEPARTMENTAL RULES

SECTION .0900 – CAMPAIGN FINANCE COMPLAINTS AND INVESTIGATIONS

08 NCAC 21 .0901 SCOPE

The rules in this Section apply only to complaints of violations of Part 1 and Part 2 of Article 22A and Article 22M of Chapter 163 of the North Carolina General Statutes. The rules of this Section do not apply to Part 1A of Article 22A regarding Disclosure Requirements for Media Advertisements.

Authority G.S. 163-278.21; 163-278.22.

08 NCAC 21 .0902 DEFINITIONS

For the purposes of this Section:

- (1) "Complainant" means a North Carolina registered voter who submits an acceptable complaint pursuant to Rule .0903 of this Section.
(2) "Respondent" means the candidate, treasurer, individual, person, political committee, referendum committee, media or other entity alleged to have violated North Carolina law.

Authority G.S. 163-278.21; 163-278.22.

08 NCAC 21 .0903 COMPLAINTS

(a) Any North Carolina registered voter with knowledge of a potential violation may submit a written complaint, signed and sworn under oath or affirmation, which shall include:

- (1) The name and residential address of the complainant;
(2) The name and residential address of the respondent, if known;
(3) A statement of the facts constituting the alleged violation; and
(4) The names of any individuals with knowledge of the matter.

(b) A form for submitting a complaint shall be available on the State Board's website at www.ncsbe.gov.

(c) Complaints shall be emailed to investigations@ncsbe.gov or mailed to P.O. Box 27255, Raleigh, North Carolina, 27611-7255.

(d) State Board staff may decline a complaint that does not meet the requirements set forth in G.S. 163-278.22(7) or this Rule, or does not allege a violation.

Authority G.S. 163-278.21; 163-278.22.

08 NCAC 21 .0904 CONFIDENTIALITY

Complaints and any other documents gathered by the State Board during an investigation are confidential and shall not be made available for public inspection or copying until the investigation is concluded.

Authority G.S. 163-278.21; 163-278.22.

08 NCAC 21 .0905 NOTICE AND WRITTEN RESPONSE

(a) Within 15 calendar days of receiving a complaint alleging that a statement filed with the State Board does not conform to Article 22A or Article 22M of Chapter 163 of the North Carolina General Statutes or to the truth, or that an individual, candidate, treasurer, political committee, referendum committee, media, or other entity has failed to file a statement required by this Article, the State Board shall notify the respondent that a complaint has been received.

(b) The State Board may temporarily withhold notice under Paragraph (a) of this Rule if release of the information would materially compromise a criminal investigation.

(c) Before any action is taken requiring compliance, the respondent shall be provided with a copy of the complaint and an opportunity to submit a written response. The respondent shall

submit the written response no later than 30 calendar days after receiving a written request for a response from the State Board. The Executive Director may extend the deadline in this Paragraph for up to 60 calendar days upon good cause shown.

Authority G.S. 163-278.21; 163-278.22; 163-278.23.

08 NCAC 21 .0906 PRELIMINARY INVESTIGATION

(a) State Board staff shall complete a preliminary investigation of a complaint within 120 days of receipt.

(b) When conducting a preliminary investigation, the scope of the State Board's investigation shall not be limited to the allegations in the complaint.

(c) If the preliminary investigation establishes reason to believe that a respondent may have engaged in conduct that could result in the issuance of a civil penalty under G.S. 163-278.34(b) or could result in a criminal penalty under G.S. 163-278.27, the State Board staff shall open a case and initiate a formal investigation. Staff shall also open a case and initiate a formal investigation if there is reason to believe that a respondent may have willfully attempted to conceal contributions or expenditure under G.S. 163-278.34(a).

(d) The Executive Director may extend the deadline in Paragraph (a) of this Rule if an audit of the political committee or referendum committee is required to identify potential violations.

Authority G.S. 163-278.21; 163-278.22.

08 NCAC 21 .0907 FORMAL INVESTIGATION

(a) The State Board shall conduct a formal investigation to the extent necessary to either close the case for lack of probable cause; for the State Board to decide to proceed with a civil penalty or other civil remedy under G.S. 163-278.34; or for the State Board to decide to proceed with a criminal referral under G.S. 163-278.27.

(b) If the formal investigation establishes a lack of probable cause, State Board staff shall prepare a closure report and transmit that report to State Board members. If within five business days of transmission two State Board members request further briefing, the State Board shall receive a full briefing on the results of the investigation at a meeting scheduled consistent with G.S. 163-20.

Authority G.S. 163-278.21; 163-278.22.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 10B .0204, .0205, .0304, .0305, and .0408.

Link to agency website pursuant to G.S. 150B-19.1(c): https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/

Proposed Effective Date: November 1, 2026

Public Hearing:

Date: July 16, 2026

Time: 10:00 A.M.

Location: 1700 Tryon Park Dr., Raleigh NC 27610

Reason for Proposed Action: 12 NCAC 10B.0204 Suspension: Revocation: or Denial of Certification - This amendment will add two additional grounds upon which the Commission may revoke, deny, or suspend the certification of a justice officer.

12 NCAC 10B.0205 Period of Suspension, Revocation, or Denial - This amendment provides for the appropriate sanctions for when the justice office is found to have engaged in the activity provided in the corresponding 10B .0204 amendments.

12 NCAC 10B.0304 Medical Examination – This amendment allows a waiver of the medical exam under specified conditions.

12 NCAC 10B.0305 Background Investigation - This amendment modifies the wording "age of majority" to "age of 18 years of age."

12 NCAC 10B.0408 Verification of Records to the Division - This amendment clarifies when and how criminal record checks are to be conducted.

Comments may be submitted to: Robin Pendergraft, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email rpendergraft@ncdoj.gov

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

CHAPTER 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND

TRAINING STANDARDS COMMISSION
SECTION .0200 - ENFORCEMENT RULES

12 NCAC 10B .0204 SUSPENSION: REVOCATION:
OR DENIAL OF CERTIFICATION

(a) The Commission shall revoke or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:

- (1) a felony; or
- (2) a crime for which the authorized punishment could have been imprisonment for more than two years.

(b) The Commission shall revoke, deny, or suspend the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer:

- (1) has not enrolled in and satisfactorily completed the required basic training course in its entirety within a one year time period as specified by the rules in this Subchapter;
- (2) fails to meet or maintain any of the employment or certification standards required by 12 NCAC 10B .0300;
- (3) fails to satisfactorily complete the in-service training requirements as presented in 12 NCAC 10B .2000 and .2100 or 12 NCAC 09E .0100;
- (4) has refused to submit to the drug screen as required by the rules in this Chapter or the rules of the Criminal Justice Education and Training Standards Commission or has refused to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is certified; or
- (5) has produced a positive result on any drug screen reported to the Commission as specified in 12 NCAC 10B .0410 or reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or boards' standards, a person as a justice officer, a corrections officer as defined in 12 NCAC 09G .0102 or a criminal justice officer as defined in 12 NCAC 09A .0103(7), unless the positive result is due to a medically indicated cause.

(c) The Commission may revoke, deny, or suspend the certification of a justice officer when the Commission finds that the applicant for certification or certified justice officer:

- (1) has knowingly made a material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;

(2) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;

(3) has knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating whatsoever, aided another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Subparagraph also applies to obtaining or attempting to obtain in-service firearms requalification as required by 12 NCAC 10B .2000 and .2100;

(4) has been removed from office by decree of the Superior Court in accordance with the provisions of G.S. 128-16 or has been removed from office by sentence of the court in accord with the provisions of G.S. 14-230; or

(5) has been denied certification or had such certification suspended or revoked by the North Carolina Criminal Justice Education and Training Standards Commission, or a similar North Carolina, out-of-state or federal approving, certifying or licensing agency;

(6) has engaged in sexual activity, whether in uniform of the employing agency or out of uniform,

(A) while on duty;

(B) while on or off duty in a motor vehicle owned or under the control of a law enforcement agency;

(C) while on or off duty on the premises operated by the employing criminal justice agency;

(D) while in uniform of the employing agency in a public place;

(E) with an employee with whom the person had at the time supervisory responsibilities; or

(F) with a student who at the time is enrolled in a Commission-approved course in which the officer is an instructor, qualified assistant, or school director.

For purposes of this subsection, sexual activity includes any act defined as a sexual act or sexual contact per G.S. 14-27.20 and includes vaginal intercourse; or

(7) has been found to be untruthful during a criminal or internal formal investigation

conducted by a law enforcement agency or during an investigation for a rules violation conducted by the North Carolina Criminal Justice Standards Division, North Carolina Sheriffs' Standards Division, or the North Carolina Company and Campus Police Administrator.

(d) The Commission may revoke, suspend or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of:

- (1) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor and which occurred after the date of appointment;
- (2) a crime or unlawful act defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor within the five-year period prior to the date of appointment;
- (3) four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(b) as Class B misdemeanors regardless of the date of commission or conviction;
- (4) an accumulation of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as a Class A misdemeanor, regardless of the date of commission or conviction except the applicant shall be certified if the last conviction or commission occurred more than two years prior to the date of appointment; or
- (5) any combination of four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(a) as a Class A misdemeanor or defined in 12 NCAC 10B .0103(17)(b) as a Class B misdemeanor regardless of the date of commission or conviction.

(e) Without limiting the application of G.S. 17E, a person who has had his certification suspended or revoked shall not exercise the authority or perform the duties of a justice officer during the period of suspension or revocation.

(f) Without limiting the application of G.S. 17E, a person who has been denied certification revoked shall not be employed or appointed as a justice officer or exercise the authority or perform the duties of a justice officer.

(g) If the Commission does revoke, suspend, or deny the certification of a justice officer pursuant to this Rule, the period of such sanction shall be as set out in 12 NCAC 10B .0205.

Authority G.S. 17E-7.

12 NCAC 10B .0205 PERIOD OF SUSPENSION, REVOCATION, OR DENIAL

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be:

- (1) permanent where the cause of sanction is:
 - (a) commission or conviction of a felony;
 - (b) commission or conviction of a crime for which authorized punishment

included imprisonment for more than two years; or
(c) the second revocation, suspension, or denial of an officer's certification for any of the causes requiring at least a five-year period of revocation, suspension, or denial as set out in Item (2) of this Rule.

(2) not less than five years where the cause of sanction is:

- (a) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(1);
- (b) material misrepresentation of any information required for certification or accreditation from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. A material misrepresentation is a false representation of fact or omission of fact reported to or required to be reported to the Commission that if the true fact were known would have induced or caused the Commission to have treated the individual's certification or application for certification differently;
- (c) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, obtained or attempted to obtain credit, training or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission;
- (d) knowingly and designedly by any means of false pretense, deception, fraud, misrepresentation or cheating, aiding another in obtaining or attempting to obtain credit, training, or certification from the Commission or the North Carolina Criminal Justice Education and Training Standards Commission. This Sub-Item also applies to obtaining or attempting to obtain credit for in-service training as required by 12 NCAC 10B .1700, .1800, .2000, or .2100;
- (e) failure to make ~~either~~ any of the notifications as required by 12 NCAC 10B .0301(13);
- (f) removal from office under the provisions of G.S. 128-16 or the provisions of G.S. 14-230;
- (g) a positive result on a drug screen, refusal to submit to drug testing as required by the rules in this Chapter or the rules of the Criminal Justice

Education and Training Standards Commission, or refusal to submit to an in-service drug screen pursuant to the guidelines set forth in the Drug Screening Implementation Guide as required by the employing agency through which the officer is ~~certified~~ certified;

- (h) engaging in sexual activity outlined in .0204(c)(6) of this Subchapter; or
- (i) untruthfulness during a criminal or internal formal investigation conducted by a law enforcement agency or during an investigation for a rules violation conducted by the Division, the Company and Campus Police Administrator, or the Criminal Justice Standards Division as outlined in 12 NCAC 10B .0204(c)(7).

The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

- (3) for an indefinite period, but continuing so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:
 - (a) failure to meet or satisfy relevant basic training requirements pursuant to Sections .0500, .0600, and .1300 of this Subchapter.
 - (b) failure to meet or maintain the minimum standards of employment or certification pursuant to 12 NCAC 10B .0301;
 - (c) failure to meet or satisfy the in-service training requirements as prescribed in 12 NCAC 10B .2000 or .2100 or 12 NCAC 09E .0100;
 - (d) commission or conviction of offenses as specified in 12 NCAC 10B .0204(d)(2), (3), (4) and (5); or
 - (e) denial, suspension, or revocation of certification pursuant to 12 NCAC 10B .0204(c)(5).

The Commission may either reduce or suspend the periods of sanction where revocation, denial, or suspension of certification is based upon a finding of a violation of 12 NCAC 10B .0204(d) or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.

Authority G.S. 17E-4; 17E-7; 17E-9.

SECTION .0300 – MINIMUM STANDARDS FOR EMPLOYMENT AND CERTIFICATION AS A JUSTICE OFFICER

12 NCAC 10B .0304 MEDICAL EXAMINATION

(a) Each applicant for certification or enrollment in a Commission-certified basic training course shall complete, sign, and date the Commission's Medical History Statement Form (F-1) and shall be examined by either a physician, surgeon, physician's assistant, or nurse practitioner, who is licensed to practice in North Carolina, or who is authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces, as outlined in 10 U.S.C. 1094, to help determine his or her fitness to carry out the physical requirements of the position of justice officer.

(b) The requirements of this rule shall be waived if the applicant for entry into any Commission-certified basic training course is:

- (1) currently certified through the N.C. Sheriff's Education and Training Standards Commission as a justice officer;
- (2) is seeking dual certification;
- (3) has completed the required Medical History Statement (F-1) and medical exam for entry into a previously attended, completed Commission-certified basic training course; and
- (4) the previous Medical History Statement and medical exam were completed within five years from the date of enrollment.

~~(b)(c)~~ Prior to being examined, the applicant shall provide the examining surgeon, physician, physician's assistant, or nurse practitioner with:

- (1) the Medical History Statement Form (F-1) which must be read, completed, and signed; and
- (2) the Instructions to Agency and Examiner for Completion of Medical Examination Report Form (F-2A) attached to the Medical Examination Report Form (F-2).

~~(e)(d)~~ The "Medical Screening Guidelines Implementation Manual for Certification of Justice Officers" in the State of North Carolina as published by the North Carolina Department of Justice may be obtained, at no cost, at <https://ncdoj.gov/law-enforcement-training/sheriffs/>.

~~(d)(e)~~ The examining physician, surgeon, physician's assistant, or nurse practitioner shall record the results of the examination on the Medical Examination Report Form (F-2) and shall sign and date the form.

~~(e)(f)~~ The Medical Examination Report Form (F-2) and the Medical History Statement Form (F-1) shall be valid for one year after the date the examination was conducted and shall be completed prior to:

- (1) the applicant's beginning the Detention Officer Certification Course, the Basic Law Enforcement Training Course, or the Telecommunicator Certification Course; and
- (2) the agency submission of application for certification to the Commission.

Authority G.S. 17E-7.

12 NCAC 10B .0305 BACKGROUND INVESTIGATION

(a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The investigation shall determine whether the applicant is of good moral character pursuant to Rule .0301(12) of this Section. This examination includes completion of the Commission's Personal History Statement Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history record check required by each.

(b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3) to provide a basis for the investigation. The agency shall certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement Form (F-3). The agency shall then give the applicant the opportunity to update the Personal History Statement Form (F-3) prior to submission to the Division.

(c) The agency shall utilize an investigator with experience or training in conducting background investigations. The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-8) which shall include information concerning the following:

- (1) biographical information;
- (2) family;
- (3) education;
- (4) employment;
- (5) criminal history including:
 - (A) a statewide search of the Administrative Office of the Courts (AOC) computerized system;
 - (B) a search of the national criminal record database accessible through the Division of Criminal Information (DCI) network; and
 - (C) where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information (DCI) using the Out-of-State Computer Name Query (IQ) shall be accepted if the state will respond to an Out-of-State Computer Name Query. If not, then either a records check response from both the municipality, city, or town, where the applicant resided and the county-wide Sheriff's Office or Police Department obtained by mail, facsimile, or electronic mail, or a records check from the county-wide or state-wide record holding agency shall be acceptable;
- (6) military service history. If the applicant had prior military service, the background investigation shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the

- DD214 indicates a discharge characterization of any type other than Honorable, then a military records check for any arrests or charges from the military shall also be required;
- (7) credit history;
- (8) fingerprint criminal history records check results pursuant to Rule .0303 of this Section;
- (9) driving history including a search of:
 - (A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license in North Carolina; and
 - (B) an out-of-state- motor vehicles check obtained through the Division of Criminal Information (DCI) or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license;
- (10) prior applications to law enforcement agencies;
- (11) civil court history;
- (12) applicant interview;
- (13) interviews with the applicant's references; and
- (14) a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3).

(d) If a criminal record is found, criminal records shall be obtained from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction.

(e) Records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of ~~majority~~, 18 years of age. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency.

(f) The Mandated Background Investigation Form (F-8) shall be completed within 120 days of employment. If the investigator signs the form more than 120 days prior to the applicant's date of employment, then the investigator will certify with a notarized statement on their agency letterhead that all information on the form has been updated or a new F-8 shall be completed.

(g) The employing agency shall include a form or letter signed and notarized by the applicant that authorizes the Division staff to obtain documents and records pertaining to the applicant for certification that may be required in order to determine whether certification may be granted and authorizes entities maintaining such records to release them to the Division. A sample release authorization form is available on the Division's website at no cost: <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

(h) The employing agency shall provide to the Division staff the results of a completed and processed form AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on the Commission's website at no cost:

<https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

(i) The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of employment. If the form is completed more than 120 days prior to the applicant's date of employment, the Personal History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120 days prior to employment or a new Personal History Statement (F-3) shall be completed.

Authority G.S. 17E-7.

SECTION .0400 - CERTIFICATION OF JUSTICE OFFICERS

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

(a) Before the Division will issue certification of a justice officer, the employing agency shall submit to the Division the following documents:

- (1) the Report of Appointment (F-4);
- (2) a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;
- (3) documentation of the applicant's compliance with the probationary certification requirements pursuant to Rule .0403(f) of this Section by submitting the applicant's Firearms Qualification Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by the sheriff to carry a firearm;
- (4) the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303 of this Subchapter;
- (5) the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter;
- (6) the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
- (7) copies of court documentation and final disposition from the Clerk of Court in the county of adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- (8) a notarized written statement from the applicant providing a description of the circumstances surrounding all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and
- (9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced in Subparagraph (7) of this

Paragraph or any expunged charges pursuant to Subparagraph (5) of this Paragraph.

(10) Criminal history pursuant to Rule 10B .0305(5)(A)(B)(C) of this Subchapter. Record checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of 18 years of age.

(b) Compliance with this Rule is waived, with the exception of the requirements of Subparagraphs (a)(1), (2), and (3) of this Rule for officers applying for dual certification as defined in Rule .0103(9) of this Subchapter provided that:

- (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention officer, or telecommunicator, with the employing agency requesting dual certification; and
- (2) the officer has continuously been employed as a justice officer with the agency.

Authority G.S. 17E-4; 17E-7.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Sheriffs' Education and Training Standards Commission intends to amend the rule cited as 12 NCAC 10B .2104.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>

Proposed Effective Date: January 1, 2027

Public Hearing:

Date: July 16, 2026

Time: 10:00 a.m.

Location: 1700 Tryon Park Dr., Raleigh, NC 27610

Reason for Proposed Action: 12 NCAC 10B .2104 Annual Firearms Qualifications - This amendment provides additional details to the required annual firearms qualifications for authorized deputy sheriffs and detention officers. It is also modified in cooperation and in conjunction with the Criminal Justice Commission's proposed firearms rule.

Comments may be submitted to: Robin Pendergraft, 1700 Tryon Park Dr., Raleigh, NC 27610; phone (919) 779-8213; email rpendergraft@ncdoj.gov

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000 over 5 years)
- Approved by OSBM
- No fiscal note required

CHAPTER 10 - SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .2100 - DEPUTY SHERIFFS' AND DETENTION OFFICERS' FIREARMS IN-SERVICE TRAINING REQUALIFICATION PROGRAM

12 NCAC 10B .2104 ANNUAL FIREARMS QUALIFICATION SPECIFICATIONS

(a) All deputy sheriffs and detention officers who are authorized by the sheriff to carry a handgun shall qualify prior to carrying the handgun in the performance of official duties and a minimum of once each calendar year with each department approved agency-approved service handgun by completing handgun. Qualification shall consist of either completion of a BLET firearms qualification course, pursuant to 12 NCAC 09B .0205, or completion of the Qualification firearms qualification courses set forth in Paragraphs (b), (c), and (e) of this Rule. In the discretion of the Agency Head, an agency may allow the use of specialized sights as part of any course of fire in the Day Accuracy Qualification course, Low-Light Accuracy Qualification course, Day Decision Making Qualification course, or Low-Light Decision Making Qualification course. For the purpose of this Rule, service handgun shall include any semi-automatic pistol or revolver.

(b) The Accuracy Qualification course of fire shall meet the following minimum requirements for Day Accuracy Qualification:

- (1) ~~No Firing~~ no fewer than thirty (30) rounds;
- (2) Firing from the three (3), five (5), seven (7), ten (10), fifteen (15), and twenty-five (25) yard lines and shall consist of a minimum of four rounds fired from each yard line and no more than the following percentage of shots rounds fired at each yard line:
 - (A) 3-yard line: ~~40%~~ 12%

- (B) 5-yard line: 12%
- (C) 7-yard line: ~~30%~~ 40%
- (D) 10-yard line: 20%
- (E) 15-yard line: ~~25%~~ 30%; or
- (F) 25-yard line: ~~20%~~ 30%

- (3) Firing at least two rounds from each of the following positions:
 - (A) Standing;
 - (B) Kneeling;
 - (C) Barricade; and
 - (D) Prone is optional based on the agency's preference;
- (4) Firing at least two rounds using the dominant hand only;
- (5) Firing at least two rounds using the support hand only;
- (6) ~~Fire after drawing from the holster;~~ At least one stage of fire must include a mandatory magazine change; and
- (7) ~~At least one stage that includes a mandatory magazine change. Prior to beginning any sequence of fire, the handgun must be holstered and all retention devices secured. The requirement to holster the handgun with all retention devices secured does not apply when a series of continued fire is required or a momentary pause in firing is necessary for reloading.~~

(c) The Accuracy Qualification course of fire shall meet the following minimum requirements for Low-Light Accuracy Qualification:

- (1) ~~No Firing~~ no fewer than thirty (30) rounds;
- (2) Firing from the three (3), five (5), seven (7), ten (10), and fifteen (15) yard lines and shall consist of a minimum of four rounds fired from each yard line and no more than the following percentage of shots rounds fired at each yard line: ~~line;~~ using the lighting as specified:
 - (A) 3-yard line: ~~43%~~ 20% - the use of no light is required;
 - (B) 5-yard line: ~~26%~~ 30% - using only a flashlight is required;
 - (C) 7-yard line: ~~24%~~ 30% - using only blue lights is required;
 - (D) 10-yard line: ~~24%~~ 30% - using only blue lights and low-beam headlights is required;
 - (E) 15-yard line: ~~24%~~ 30% - using only blue lights and low-beam or high-beam headlights is required; and
 - (F) At the 5, 7, 10, and 15 yard lines, in addition to the lighting as specified above, the agency can allow officers to also use a weapon-mounted light.
- (3) Firing at least two rounds from the following positions:
 - (A) Standing; ~~and~~
 - (B) ~~Kneeling;~~ Kneeling; and

(C) Barricade and Prone are optional based on the agency's preference.

- (4) Firing at least two rounds using the dominant hand only;
- (5) Firing at least two rounds using the support hand only;
- (6) ~~Firing after drawing from the holster; At least one stage of fire must include a mandatory magazine change; and~~
- (7) ~~At least one stage that includes a mandatory magazine change; Prior to beginning any sequence of fire, the handgun must be holstered and all retention devices secured. The requirement to holster the handgun with all retention devices secured does not apply when a series of continued fire is required or a momentary pause in firing is necessary for reloading.~~
- (8) ~~At least one stage that includes the use of a flashlight or weapon mounted light;~~
- (9) ~~At least one stage that includes the use of blue lights;~~
- (10) ~~At least one stage that includes the use of low-beam headlights and blue lights; and~~
- (11) ~~At least one stage that includes the use of headlights, blue lights, and all available lighting.~~

(d) All deputy sheriffs and detention officers shall successfully complete a Decision Making Qualification course for both day and low-light at least once each calendar year.

(e) The Decision Making Qualification course shall meet the following minimum requirements:

- (1) Day Decision Making Qualification:
 - (A) No fewer than three decision points within the course;
 - (B) Required target discrimination decision (shoot/no-shoot);
 - (C) Required articulation by the officer of a minimum of two decisions made during the course; and
 - (D) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.
- (2) Low-Light Decision Making Qualification:
 - (A) No fewer than three decision points within the course;
 - (B) Required target discrimination decision (shoot/no-shoot);
 - (C) Required use of a flashlight, weapon-mounted light, or other shooter-controlled light source;

(D) Required articulation by the officer of a minimum of two decisions made during the course; and

(E) Shall contain a detailed diagram of the decision making course, with a written explanation of the course, and a scoring matrix outlining what constitutes passing and failing performance, which shall be maintained in an Annual Qualification file by the agency and made available for audit.

(f) If a deputy sheriff's or detention officer's ~~handgun~~ service firearm is replaced with another service ~~handgun~~ firearm of the same make and model, ~~they~~ the officer shall successfully complete the Day Accuracy Qualification with the new service ~~handgun~~ firearm within 15 days of issuance. If a deputy sheriff's or detention officer's service firearm is replaced with another service firearm of a different make, different model, or with a different sighting system, the officer must meet the requirements outlined in Paragraphs (a) or (g) of this Rule.

(g) All deputy sheriffs and detention officers who are issued or otherwise authorized by the sheriff to use a shotgun, rifle, or automatic weapon shall qualify with each weapon respectively, for both day and low-light use prior to carrying the weapon in the performance of law enforcement duties and at least once each calendar year thereafter.

(h) The accuracy qualification courses required by Paragraphs (a), (b), and (c) of this Rule shall be completed with duty equipment and duty ammunition or ballistic-equivalent ammunition including lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(i) All deputy sheriffs and detention officers who are issued or authorized to use a less-lethal weapon, that may also be classified as a firearm, shall qualify with each weapon, respectively, in compliance with the manufacturer's specifications or certification ~~requirements.~~ requirements prior to carrying the weapon in the performance of official duties, and as required by the manufacturer thereafter.

(j) ~~The accuracy qualification and decision making qualification courses required by Paragraphs (a) through (g) and (k) of this Rule shall define~~ For purposes of this Rule, low-light for an outdoor range is defined as beginning 30 minutes after sunset, based on the time provided by the U.S. Naval Observatory chart (located here: https://aa.usno.navy.mil/data/RS_OneYear) for the date of qualification, specific to the location of the outdoor range. For an indoor range, transition to low-light environment occurs by cutting off the lighting and is not defined by a specific time.

(k) ~~All~~ Pursuant to G.S. 14-269 and the Law Enforcement Officers Safety Act of 2004, H.R.218, 108th Cong. (2004), (located here: <https://www.congress.gov/bill/108th-congress/house-bill/218>), all deputy sheriffs and detention officers who are authorized by the sheriff to carry off-duty handguns shall qualify with ~~the~~ each such off-duty handgun a minimum of once each calendar year pursuant to Paragraphs (a) through ~~(e)(c)~~ of this Rule with each handgun the officer carries off-duty using ammunition approved by the sheriff.

~~(l)~~ All deputy sheriffs and detention officers who are issued or have access to any weapons not stated in this Rule must qualify with these weapons once each calendar year using ammunition approved by the sheriff.

~~(m)~~(l) To satisfy the requirements for all firearms accuracy qualifications, a deputy sheriff or detention officer shall attain a minimum qualification score of 80 percent accuracy with each weapon. ~~at least once in three attempts with no more than three attempts on each course of fire per day.~~

~~(n)~~(m) To satisfy the requirements for all decision making qualification courses, a deputy sheriff or detention officer shall attain a passing score as outlined by the specific ~~course~~ courses scoring matrix.

~~(o)~~(n) ~~In cases where reduced sized targets are used to simulate actual distances, a modified course of fire may be used.~~

~~(p)~~(n) ~~The following shall apply to each~~ Each Day Accuracy Qualification course and Low-Light Accuracy Qualification course:

- (1) ~~Each course shall~~ Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day shall be deemed a failure.
- (3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.
- (4) ~~No practice is allowed once qualification begins. Practice is not allowed until after the officer qualifies successfully or the third qualification attempt is completed. Between each qualification attempt by an individual, but not during a qualification attempt, any or all of the following may occur: coaching, advice, live fire, dry fire, or use of a simulator.~~
- (5) ~~Each course shall~~ Shall be completed with each weapon for which qualification is required.
- (6) Each Qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on the same day.
- (7) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any Qualification course, access to the weapon shall be restricted until such time the deputy sheriff or detention officer successfully qualifies with the weapon.

~~(q)~~(o) ~~The following shall apply to each~~ Each Day Decision Making Qualification course and Low-Light Decision-Making Qualification course:

- (1) ~~Each course shall~~ Shall be completed successfully on a single day, once out of three attempts.
- (2) Failure to qualify within three attempts on a single day shall be deemed a failure.
- (3) Once qualification has begun, if a deputy sheriff or detention officer is unsuccessful at any

qualification attempt and fails to complete three attempts in a single day, the officer shall be deemed to have failed to qualify.

(4) ~~No practice shall be allowed once qualification begins. Practice shall not be allowed until after the deputy sheriff or detention officer qualifies successfully or the third qualification attempt is completed. Between each qualification attempt by an individual officer, but not during a qualification attempt, any or all of the following may occur: coaching, advice, live fire, dry fire, or use of a simulator.~~

(5) Each qualification course may take place on different days; however, all three attempts to qualify for that course shall occur on the same day.

(6) Once a deputy sheriff or detention officer has failed to qualify in three attempts or failed to complete three attempts to qualify in a single day on any qualification course, access to the weapon shall be restricted until such time the officer successfully qualifies with the weapon.

(7) Simulators, including virtual reality simulator headsets, are permitted for use during a Decision Making Qualification course, provided a Specialized Firearms Instructor certified by the Criminal Justice Education and Training Standards Commission is present to supervise.

(8) Non-lethal ammunition, such as force-on-force ammunition, Simunitions, and paintballs, is permitted for use during a Decision Making Qualification course.

Authority G.S. 17E-4; 17E-7.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0707, and .0904.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board>

Proposed Effective Date: November 1, 2026

Public Hearing:

Date: July 31, 2026

Time: 2:00 P.M.

Location: 3101 Industrial Dr., Suite 104 Raleigh, NC 27609

Reason for Proposed Action: *The rule governing unarmed guard training, .0707, is being amended to limit all types of training to 35 students and the rule governing the renewal of a firearms trainer's requalification, .0904, is being amended to reduce the number of attempts.*

Comments may be submitted to: Paul Sherwin, 310 I Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-5320; email paul.sherwin@ncdps.gov

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0707 TRAINING REQUIREMENTS FOR UNARMED SECURITY GUARDS

(a) The basic unarmed security guard training course shall consist of a minimum of 16 hours of classroom instruction including:
(1) The Security Officer in North Carolina -- (minimum of one hour);
(2) Legal Issues for Security Officers -- (minimum of three hours);
(3) Emergency Response -- (minimum of three hours);
(4) Communications -- (minimum of two hours);
(5) Patrol Procedures -- (minimum of three hours);
(6) Note Taking and Report Writing -- (minimum of three hours); and
(7) Professional Conduct -- (minimum of one hour).
(b) A minimum of four hours of instruction consisting of the topics in Subparagraph (a)(1) and Subparagraph (a)(2) of this Rule shall be completed before any security guard, including probationary, is placed on a duty station. The 16 hour basic

unarmed security guard course shall be completed within 30 days from the date of permanent, non-probationary employment.
(c) Training shall be conducted by a Board certified unarmed security guard trainer. A Board created lesson plan covering the training requirements in Paragraph (a) of this Rule shall be used by each trainer and a copy made available to each student during instruction. The trainer may use other forms of media and training materials to supplement the training requirements of Paragraph (a) of this Rule.
(d) The 16 hours of training may be delivered in-person, in-person remotely, synchronously on-line, or in a hybrid format under the following conditions:

- (1) "In-Person" means an instructor physically present in-person in a classroom setting with students physically present in-person in a classroom setting. This is considered traditional in-person training. "In-Person remotely" means an instructor delivering a course to students in an in-person seated classroom while also transmitting to another or multiple other classrooms where students are in-person and observing via video and sound technology. Students must have the ability to have constant audio and visual communication with the instructor as the instructor is presenting. "Synchronously on-line" means instruction utilizing an on-line audio/video platform where the instructor is teaching the course live to students that are attending live and the instructor and students have constant visual and audio communication with each other available. "Hybrid format" means instruction utilizing both in-person classroom teaching as well as synchronously on-line. The instruction is delivered by an instructor that is in-person in a classroom with in-person seated students while the instruction is also being delivered simultaneously in an on-line live format where on-line students have had the ability to have constant audio and video communication with the in-person students and instructor.
(2) Each student is provided a copy of the unarmed security guard training manual to use for the duration of the 16 hour training course.
(3) The technology used allows the trainer to see the students and the students to see the trainer in real time during the training.
(4) All students are able to see and read the screen or monitor, and they must be able to hear and understand the audio presentation. All monitors used in a classroom setting must be at least 32 inches.
(5) The technology used is of sufficient quality so that the training audio and video is delivered smoothly and without interruption.
(6) The total number of students receiving the in-person or in-person remotely in-person, in-person remotely, synchronous on-line, or in a hybrid format training at one time does shall not

~~exceed 35 students. 35. There is no size limitation for synchronous on-line training.~~

- (7) Any additional training beyond the Board mandated training in the unarmed security guard training manual is taught either before or after the 16 hour unarmed security officer training.

Authority G.S. 74C-5; 74C-11; 74C-13(m).

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. The application shall contain:

- (1) name, address, telephone numbers, and social security number;
- (2) gender and race;
- (3) current employer;
- (4) date of birth, birth country, state or province, county or parish, and citizenship; and
- (5) driver's license number and state of issuance.

(b) This online application shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months; and
- (3) the applicant's renewal fee, along with the convenience fee charged by the Board's on-line application vendor and a separate credit card transaction fee.

(c) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(d) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. The applicant shall furnish the Board a copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

(e) For firearms requalification, the trainer shall meet the requirements of Rule .0901(a)(3) of this Chapter and shall be required to qualify only once in two consecutive attempts.

(e)(f) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(f)(g) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

(g)(h) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; 93B-15.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 02Q .0807.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission/emc-proposed-rules>

Proposed Effective Date: January 1, 2027

Public Hearing:

Date: August 27, 2026

Time: 6:00 P.M.

Location: 1st Floor Training Room (#1210), DEQ Green Square Office Building, 217 West Jones Street, Raleigh, NC 27603, or virtually using Cisco WebEx, Digital Hearing Link: <https://tinyurl.com/mw5m5hyt> Meeting Password: NCDQAQ-PH
Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US TOLL +1-415-655-0003, Access code: 2427 672 2370

If you wish to speak at the digital public hearing, you must register, provide the required information, and follow instructions on ways to join the public hearing. Registration must be completed by 4:00 PM on August 27, 2026.

To register, please click the following link: <https://forms.cloud.microsoft/g/H9buCmjTPB>

**For instructions on ways to join the public hearing, please refer to the following link: <https://www.deq.nc.gov/about/boards-and-commissions/how-attend-webex-meeting-0>*

**If you have technical difficulties, the following automated voicemail has been set up to receive your verbal comments: 919-707-8430*

Reason for Proposed Action: To receive comments on the proposed amendments to 15A NCAC 02Q .0807, Emergency Generators, and the accompanying regulatory impact analysis (RIA). The revisions are proposed to include non-emergency stationary reciprocating internal combustion engines (RICE) in the exclusionary rule for emergency engines. The proposed exclusionary rule allows these engines to redefine their potential emissions as actual emissions to exclude them from Title V permitting. The proposed revisions will allow non-emergency stationary RICE to take advantage of 15A NCAC 02Q .0903, which exempts both emergency and non-emergency RICE from obtaining a construction and operating permit if their emissions are below major source thresholds. On May 14, 2026, the Environmental Management Commission approved proceeding to public comment on the proposed amendments. The text of the rule and RIA is also available on the DAQ website: <http://deq.nc.gov/about/divisions/air-quality/air-quality-rules/rules-hearing-process>

Comments may be submitted to: Katherine Quinlan, 217 West Jones St., 1641 Mail Service Center, Raleigh, NC 27699-1641; phone (919) 707-8702; email daq.publiccomments@deq.nc.gov (Please type "Non-Emergency RICE" in subject line)

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000 over 5 years)
- Approved by OSBM
- No fiscal note required

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES

SECTION .0800 - EXCLUSIONARY RULES

15A NCAC 02Q .0807 EMERGENCY GENERATORS AND STATIONARY INTERNAL COMBUSTION ENGINES

(a) This Rule shall apply to facilities whose only sources requiring a permit are one or more emergency generators or ~~emergency use~~ stationary internal combustion engines and associated ~~fuel~~ gasoline storage tanks.

(b) For the purposes of this Rule:

(1) "Emergency generator" means a stationary reciprocating internal combustion engine used to generate electricity or mechanical work at the facility only during ~~the loss of primary power~~ an emergency situation that is beyond the control of the owner or operator of the facility ~~or during maintenance if necessary to protect the environment.~~ All emergency stationary internal combustion engines shall comply with the requirements specified in 40 CFR 66.6640(f). An emergency generator may be operated periodically to ensure that it will operate.

(2) ~~"Emergency use internal combustion engines" means stationary internal combustion engines used to drive pumps, aerators, and other equipment at the facility only during the loss of primary power that is beyond the control of the owner or operator of the facility or during maintenance if necessary to protect the environment. An emergency use internal combustion engine may be operated periodically to ensure that it will operate.~~

(2) "Stationary internal combustion engines" means any non-emergency reciprocating internal combustion engine that is not mobile and uses reciprocating motion to convert heat energy into mechanical work that can be used to drive pumps, compressors, and other equipment, or can be used to power an electric generator to produce electricity.

(c) A facility with potential emissions, as determined in accordance with this Rule, that are less than 100 tons per year of each regulated air pollutant, 10 tons per year of each hazardous air pollutant, and 25 tons per year of all hazardous air pollutants combined, and which meets all other requirements of this Rule, shall not be required to obtain a Title V permit pursuant to 15A NCAC 02Q .0500. For the purposes of this Rule, potential emissions from emergency generators and ~~emergency use~~ stationary internal combustion engines shall be determined using actual annual fuel consumption.

(d) Notwithstanding the provisions of 15A NCAC 02Q .0801(d), the owner or operator of a facility utilizing this Rule to exempt the facility from the permitting requirements of Section .0500 of this Subchapter shall request that the Director confirm that the facility meets the requirements of this Rule. The request shall be submitted in accordance with Subparagraphs (1) and (2) of this Paragraph.

(1) A facility with only emergency generators existing on or before [DATE that this rule amendment becomes effective] shall make this

request on or before [DATE that is 6 months after effective date of rule amendment] to continue utilizing this Rule to be exempt from the requirements of Section .0500 of this Subchapter.

- (2) All other facilities shall submit this request to the Director and shall receive a written determination from the Director that the facility meets the requirements of this Rule, prior to utilizing this Rule to be exempt from the requirements of Section .0500 of this Subchapter.

~~(e) A facility whose emergency generators and emergency use internal combustion engines that consume less than: The request required by Paragraph (d) of this Rule shall include:~~

- ~~(1) 322,000 gallons per year of diesel fuel for diesel powered generators; the name and address of the affected facility;~~
- ~~(2) 62,500,000 cubic feet per year of natural gas for natural gas powered generators; a listing of all engines at the facility and the specifications of each engine, including engine manufacturer, engine model, engine size, fuel type, date of engine manufacture and whether the engine is used for emergency or non-emergency use;~~
- ~~(3) the applicable emission factor for each regulated pollutant and each hazardous air pollutant emitted from each engine. The applicable emission factor shall be determined in accordance with Paragraph (f) of this Rule;~~
- ~~(3)(4) 1,440,000 gallons per year of liquefied petroleum gas for liquefied petroleum gas powered generators; and calculations of the estimated actual emissions of each regulated pollutant and hazardous air pollutant from each engine using the estimated actual annual fuel usage and applicable emission factors in accordance with Subparagraph (3) of this Paragraph;~~
- ~~(5) a listing of the associated fuel storage tanks at the facility that includes the storage tank volume and the contents of the storage tank. If any of the engines use gasoline as a primary or secondary fuel, the owner or operator shall provide a calculation of gasoline storage tank emissions; and~~
- ~~(4)(6) 50,800 gallons per year of gasoline for gasoline powered generators; a demonstration that the collective emissions from all engines at the site, as calculated in accordance with Subparagraph (4) of this Paragraph, and any emissions from tanks specified in Subparagraph (5) of this Paragraph, will not exceed the levels in Paragraph (c) of this Rule.~~

~~shall be exempt from the requirements of 15A NCAC 02Q .0500.~~
(f) The emission factors for each engine shall be determined in accordance with Subparagraphs (f)(1) and (f)(2) of this Rule.

- (1) If the engine is subject to one or more emission standards under 40 CFR Part 60, Subpart III or

JJJJ, the emission factors shall be determined in accordance with Parts (A) and (B) of this Subparagraph.

- (A) An applicable emission limit in 40 CFR Part 60, Subpart III or JJJJ may be used as the emission factor for pollutants limited by an applicable emission standard for that engine in 40 CFR Part 60, Subpart III or JJJJ.
- (B) The applicable emission factor listed in Table 1 of this Rule shall be used as the emission factor for pollutants that are not limited by an applicable emission standard for that engine in 40 CFR Part 60, Subpart III or JJJJ.

- (2) If the engine is not subject to an emission standard under 40 CFR Part 60, Subpart III or JJJJ, the emission factors shall be those shown in Table 1 of this Rule.

Table 1. Emission Factors for Regulated Pollutants from Engines, in pounds per million British thermal units (lb/MMBtu).

<u>Engine Fuel Type</u>	<u>NOx</u>	<u>CO</u>	<u>SO2</u>	<u>VOC</u>	<u>PM10</u>
<u>Natural gas 2-stroke lean-burn</u>	<u>3.17</u>	<u>0.386</u>	<u>0.000588</u>	<u>0.12</u>	<u>0.0483</u>
<u>Natural gas 4-stroke lean burn</u>	<u>4.08</u>	<u>0.557</u>	<u>0.000588</u>	<u>0.118</u>	<u>0.0100</u>
<u>Natural gas 4-stroke rich-burn</u>	<u>2.27</u>	<u>3.72</u>	<u>0.000588</u>	<u>0.0296</u>	<u>0.0194</u>
<u>Liquefied petroleum gas (LPG)</u>	<u>1.48</u>	<u>1.37</u>	<u>0.0037</u>	<u>0.883</u>	<u>0.053</u>
<u>Gasoline</u>	<u>1.63</u>	<u>0.99</u>	<u>0.084</u>	<u>3.03</u>	<u>0.10</u>
<u>Diesel (<=600 HP)</u>	<u>4.41</u>	<u>0.95</u>	<u>0.29</u>	<u>0.36</u>	<u>0.31</u>
<u>Diesel (>600 HP)</u>	<u>3.2</u>	<u>0.85</u>	<u>0.0015</u>	<u>0.09</u>	<u>0.1</u>

(g) The owner or operator of a facility exempted by this Rule from the requirements in 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office a report containing the information described in Paragraph (h) of this Rule. The frequency of these reports shall be as described in Subparagraphs (1) or (2) of this Paragraph.

- (1) The report shall be submitted on an annual basis, no later than March 1 of each year, if the facility's potential emissions are less than:
 - (A) 75 tons per year of each regulated pollutant;
 - (B) 7.5 tons per year of each hazardous air pollutant; and
 - (C) 18 tons per year of all hazardous air pollutants combined.
- (2) The report shall be submitted quarterly if the facility's potential emissions of any pollutant exceed the amounts specified in Parts (1)(A) through (1)(C) of this Paragraph but are less

PROPOSED RULES

than 100 tons per year for each regulated pollutant, 10 tons per year for each hazardous air pollutant, and 25 tons per year for all hazardous air pollutants combined.

No later than one week after a facility's potential emissions equal or exceed 100 tons per year for any regulated pollutant, 10 tons per year for any hazardous air pollutant, or 25 tons per year for all hazardous air pollutants combined, the facility shall notify the Director of the exceedance, and the facility shall submit a permit application pursuant to 15A NCAC 02Q .0500 no later than the end of the month following the month of the exceedance.

~~(e)(h)~~ The owner or operator report required by Paragraph (g) of this Rule shall contain the following information: of a emergency generator or emergency use internal combustion engine exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall submit to the regional supervisor of the appropriate Division regional office by March 1 of each year a report containing the following information:

- (1) the name and location of the facility;
- (2) for each month occurring since the previous report submitted by the facility:
 - (A) the types and quantity of fuel consumed by each engine at the facility; consumed by emergency generators and emergency use internal combustion engines;
 - (B) calculations of the monthly emissions of each regulated air pollutant and hazardous air pollutant; and
 - (C) for facilities that use gasoline engines, calculations of each regulated air pollutant and each hazardous air pollutant emissions from all gasoline storage tanks at the facility; and
- (3) calculations of the total annual emissions of each regulated air pollutant and hazardous air pollutant from all generators, engines, and tanks at the facility on a 12-calendar-month rolling basis. Annual reports shall include 12 annual emission totals, for each of the 12-calendar-month rolling periods ending on each month during the year. Quarterly reports shall include three annual emission totals, one for each of the 12-calendar-month rolling periods ending on each month during the quarter; and
- ~~(3)~~(4) the signature of the responsible official, as defined in 15A NCAC 02Q .0303, certifying as to the truth and accuracy of the report.

The engine calculations specified in Subparagraphs (h)(2) and (h)(3) of this Rule shall follow the same methodologies used in the request to the Director pursuant to Paragraph (d) of this Rule.

(i) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall maintain monthly records for each emergency generator and stationary internal combustion engine, including:

- (1) for each emergency generator and stationary internal combustion engine:
 - (A) the hours of operation;

- (B) the quantity of each type of fuel combusted;
- (C) calculations of the pounds of each regulated air pollutant emitted;
- (D) calculations of the pounds of each hazardous air pollutant emitted;
- (E) calculations of the pounds of all hazardous air pollutants emitted; and
- (2) for facilities that use gasoline engines, calculations of each regulated air pollutant and each hazardous air pollutant emitted from any gasoline storage tanks at the facility.

In addition to the reports required by Paragraph (h) of this Rule, the records required by Subparagraphs (i)(1) and (i)(2) of this Rule shall be provided to the Director upon request, and shall be retained onsite for each of the previous three years.

~~(f) The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall provide documentation of types and quantities of fuel consumed to the Director upon request. The owner or operator of a facility exempted by this Rule from the requirements of 15A NCAC 02Q .0500 shall retain records to document types and quantities of fuels consumed for each of the previous three years.~~

~~(g) For facilities covered by this Rule, the owner or operator shall report to the Director any exceedance of a requirement of this Rule within one week of its occurrence.~~

Authority G.S. 143-215.3(a); 143-215.107(a)(10); 143-215.108.

* * * * *

Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Public Health intends to amend the rule cited as 15A NCAC 18C .1303.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules>

Proposed Effective Date: *Pending Legislative Review*

Public Hearing:

Date: *August 6, 2026*

Time: *1:00 P.M.*

Location: *Ground Floor Hearing Room, Archdale Building 512 North Salisbury Street, Raleigh NC 27604*

Reason for Proposed Action: *Session Law (SL 2025-94) passed by the NC General Assembly requires amendments to 15A NCAC 18C .1303. The Public Water Supply Section within the Department of Environmental Quality hereby proposes modifications to Rule 18C .1303 to revise the oversight requirements applicable to supplemental treatment facilities. Per language provided in SL 2025-94 Section 25, the frequency of oversight visits required for these types of facilities may be reduced from weekly to once per month, provided the facility feeds only disinfectant and meets other technical criteria related to process automation and real-time data access, as specified in 18C .1303, Paragraph (e). The water system must also remain in*

compliance with all other provisions of 18C to be eligible for reduced oversight.

Comments may be submitted to: Ava Fierst, NC Division of Water Resources, Public Water Supply Section 1634 Mail Service Center Raleigh NC 27699-1634; email ava.fierst@deq.nc.gov

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18C - WATER SUPPLIES

SECTION .1300 - OPERATION OF PUBLIC WATER SUPPLIES

15A NCAC 18C .1303 FACILITY OVERSIGHT

(a) Treatment Facility Oversight. At a minimum, the supplier of water shall ensure that during each oversight visit required by this Rule the water system's treatment facility receives a routine visual inspection from the source to the point where water enters the distribution system; equipment settings are adjusted and chemical feed tanks are filled as necessary; dates and quantities of chemicals added are recorded; and the physical and chemical tests required on plant monthly operation reports are performed. In addition, the supplier of water shall have an ORC, or a certified treatment facility operator working under the direction of the ORC, on site as frequently as necessary to ensure compliance with the requirements of this Section and Subchapter. At least one visit per week shall be performed by the ORC for the treatment facility or by an operator with a grade of certification corresponding to or higher than the classification of the facility. The supplier of water

shall provide oversight at a public water system treatment facility while the facility is in operation, as follows:

- (1) Surface Water or Groundwater Under the Direct Influence (GWUDI) of Surface Water Treatment Facilities. Surface water or GWUDI systems shall provide an operator as required in 15A NCAC 18D .0206 and shall have the ORC or an operator with a grade of certification corresponding to or higher than the classification of the facility on-site at least 20 percent of the time the facility is in operation, as calculated on a weekly basis.
(2) Ground Water Treatment Facilities. The requirements for ground water treatment facilities are as follows:
(A) Ground water treatment facilities with any individual parameter rating value of 10 or higher as classified by 15A NCAC 18D .0203 shall be visited by an operator daily.
(B) Ground water treatment facilities with all individual parameter rating values less than 10 as classified 15A NCAC 18D .0203 shall be visited by an operator as often as necessary to ensure compliance with the requirements of this Subchapter but no less often than denoted in Table B below. For the standard frequency of three times per week, no more than two consecutive days shall pass between operator oversight visits. For the standard frequency of two times per week, no more than three consecutive days shall pass between operator oversight visits.
(3) Supplemental Treatment Facilities. The requirements for supplemental treatment facilities are as follows:
(A) A supplemental treatment facility, including booster chlorination, is a facility designed to treat water that has previously been treated to meet standards of the "North Carolina Drinking Water Act." Supplemental treatment facilities with any individual parameter rating value of 10 or higher as designated by 15A NCAC 18D .0203 shall be visited by an operator daily.
(B) Supplemental treatment facilities with all individual parameter rating values less than 10 as designated by 15A NCAC 18D .0203 shall be visited by an operator as often as necessary to ensure compliance with the requirements of this Subchapter but no less often than denoted in Table B below. For the standard frequency of

three times per week, no more than two consecutive days shall pass between operator oversight visits. For the standard frequency of two times per week, no more than three consecutive days shall pass between operator oversight visits.

Table B: Standard Frequency of Oversight Visits for Ground Water and Supplemental Treatment Facilities

SYSTEM TYPE	Population size	standard frequency of oversight VISITS
Community	> 10,000 > 3,300 to 9,999 501 to 3,300 500 or fewer	Daily Five times per week Three times per week Two times per week
Non-transient, non-community	> 1,000 1,000 or fewer	Three times per week Two times per week
Transient, non-community	Any population size	Once per week, unless an ORC is not required by 15A NCAC 18D .0206

(b) Distribution Facility Oversight. Distribution facilities have no specified standard frequency of oversight visits under this Section. The distribution facility shall be visited by the operator as frequently as necessary to operate the facility, provide emergency response and ensure compliance with the requirements of this Section and Subchapter.

(c) Increased Frequency of Oversight. The requirements for increasing the frequency of oversight visits are:

- (1) A system that fails to maintain any operational parameter or has any failure of the treatment or distribution facility that would cause a violation of water quality or treatment standards of Section .1500 of this Subchapter shall be visited by the operator daily until the system has returned to compliance, as determined by the Department. Daily visits shall be required for all systems failing to maintain minimum residual disinfectant concentrations under Rules .2002 or .2201 of this Subchapter or maximum residual disinfectant levels under Rule .2008 of this Subchapter until compliant disinfection levels are restored, regardless of the standard frequency of oversight visits for that system.
- (2) The Department may require additional operator oversight visits for a system that has a violation of this Subchapter, an equipment malfunction, a customer complaint, an emergency or other situation that may affect the ability of the system to comply with the requirements of this Subchapter. In determining the frequency and duration of increased oversight visits, the Department shall consider the following:

- (A) nature of the malfunction, complaint, emergency or other situation;

- (B) degree of risk to the public health or welfare;
- (C) size and type of population exposed;
- (D) type of treatment and chemicals used by the water system;
- (E) type, size, and configuration of the distribution system; and
- (F) potential or actual damage to property or the environment.

(d) Reduced Frequency of Oversight. The Department may grant written approval to reduce the standard frequency of operator oversight visits of this Subchapter to not less than once per week if a system can document compliance with this Subchapter and any of the following:

- (1) Equivalent public health protection is provided through use of remotely controlled continuous monitoring and recording technology. The recorded data must be reviewed at a minimum of five days a week. This technology must be capable of contacting the operator 24 hours a day, seven days a week in case of operational failure, including a loss of signal.
- (2) Equivalent public health protection is provided by operator visits less frequent than those specified under Part (a)(2)(B) of this Rule based on a facility's overall contribution to the daily flow of the water system and the system's proposed alternative plan and schedule.
- (3) Equivalent public health protection is provided through use of process control devices and standard operating procedures to ensure that no chemical misfeeds can occur and include all of the following, at a minimum:
 - (A) wiring of chemical pumps to the well pumps such that they must operate simultaneously;
 - (B) devices to regulate chemical feeds such that overfeeding and underfeeding of chemicals is prevented;
 - (C) anti-siphoning devices installed to prevent siphonage of chemicals into the water system;
 - (D) demonstration that adequate chemical storage and supply is available to ensure continuous feed between visits; and
 - (E) equipment is calibrated in accordance with manufacturers' recommendations but in no case less than once per year.

(e) Further Reduced Frequency of Oversight for Supplemental Treatment Systems. The Department may grant written approval to reduce the standard frequency of operator oversight visits of this Rule to not less than once per calendar month for a supplemental treatment facility if the supplemental treatment facility meets all the following conditions:

- (1) Complies with Subchapter 18C of Title 15A of the North Carolina Administrative Code.

- (2) Complies with at least one of the listed subdivisions in Paragraph (d) of this Rule.
- (3) Feeds only disinfectant chemicals, as defined in Rule .0203 of Subchapter 18D of Title 15A of the North Carolina Administrative Code.
- (4) Ensures additional public health protection is provided by utilizing all of the following:
 - (A) A physical emergency shutdown switch located on facility premises;
 - (B) Automated treatment system shutdown when the treatment facility system detects no water flow;
 - (C) Automated treatment system shutdown when the treatment system detects that the treatment chemical levels exceed the maximum disinfectant residual level for the disinfectant;
 - (D) Monthly checks to ensure equipment is calibrated to manufacturer specifications;
 - (E) Remote, real-time access to adequate chemical storage volumes, including remote alarms to indicate low chemical storage volumes; and
 - (F) Sensor mechanisms linked to remote alarms for high and low disinfectant residual, high water pressure, high water temperature, water leaks, and no flow.

Reason for Proposed Action: *The changes to the Department’s general rules are promulgated pursuant to the requirements of the Existing Rules Review process set out in G.S. 150B-21.3A and the readoption schedule established by the Rules Review Commission. The proposed rules provide standard procedures related to payment of fees to the Department and filings. The rules establish the Department’s waiver request procedures and the criteria used to make decisions on such requests. The rules reestablish the procedures for making requests for declaratory rulings and submitting petitions for rulemaking and set out the criteria the Department will use in reviewing requests for declaratory rulings and petitions for rulemaking.*

Comments may be submitted to: *Ann B. Wall, General Counsel and Rulemaking Coordinator; PO Box 29622, Raleigh, NC 27626-0622; phone (919) 814-5400; email rules@sosnc.gov*

Comment period ends: *August 31, 2026*

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina 27609 or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000 over 5 years)
- Approved by OSBM
- No fiscal note required

CHAPTER 01 - DEPARTMENTAL RULES

SUBCHAPTER 01A - GENERAL

SECTION .0100 – ORGANIZATION OF DEPARTMENT

18 NCAC 01A .0101 SECRETARY OF STATE

Authority G.S. 143A-19; 147-34.

SECTION .0200 – PETITIONS FOR RULEMAKING

Authority G.S. 90A-29; 130A-315; P.L. 93-523.

TITLE 18 – OFFICE OF THE SECRETARY OF STATE

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Department of the Secretary of State intends to adopt the rules cited as 18 NCAC 01B .0101-.0104, .0201-.0206, .0301-.0309, .0401-.0408; 01C .0101-.0105, .0201-.0206, .0301-.0308; 01D .0101-.0103, .0201-.0203, .0301-.0308, and repeal through readoption the rules cited as 18 NCAC 01A .0101 and .0103.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) is available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): https://sosnc.gov/divisions/general_counsel/departmental_rules

Proposed Effective Date: *December 1, 2026*

Instructions on How to Demand a Public Hearing: *(must be requested in writing within 15 days of notice): Public-hearing demands may be submitted to rules@sosnc.gov and Ann Wall, General Counsel, awall@sosnc.gov*

18 NCAC 01A .0103 PETITION FOR RULE-MAKING OR DECLARATORY RULING

Authority G.S. 150B-18; 150B-20.

SUBCHAPTER 01B - GENERALLY APPLICABLE RULES (RESERVED)

SECTION .0100 GENERAL (RESERVED)

18 NCAC 01B .0101 SCOPE

The rules in this Subchapter shall apply to all rules in Title 18 of the North Carolina Administrative Code, unless:

- (1) otherwise stated; or
(2) there is a conflict or inconsistency between the rules in this Subchapter and the rules in another Subchapter, in which case the other Subchapter's rules shall prevail.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0102 DEFINITIONS

For purposes of this Title:

- (1) "Filer" means a person that submits a filing to the Department.
(2) "Filing" means a form or other document required or permitted to be filed with the Department.
(3) "Form" means a departmental data collection instrument that requires or requests information, without regard to the format.
(4) "Form preparer" means an individual who enters information on a form:
(a) at the direction of another; and
(b) without exercising independent judgment or discretion as to the content entered.
(5) "Person" means the term as set forth in G.S. 12-3(6).
(6) "Secretary" means the North Carolina Secretary of State or the Secretary's designee.
(7) "United States" or "U.S." means the term as defined in G.S. 12-3(11).

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0103 GENERAL CONTACT INFORMATION AND OPERATING HOURS

(a) Physical address: the Department of the Secretary of State is located at 2 South Salisbury Street, Raleigh, North Carolina, 27601-2903.

(b) Mailing address: the Department's mailing address is P.O. Box 29622, Raleigh, North Carolina 27626-0622.

(c) Email address: the Department may be contacted by email for general issues at corpinfo@sosnc.gov. Unless specifically permitted by a rule in this Title, email shall not be used for submitting applications.

(d) Website: the Department's website is: www.sosnc.gov.

(e) Telephone number: the telephone number for the Department's customer service unit is (919) 814-5400.

(f) Hours: departmental hours for the public are 8:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of State holidays.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0104 COMPUTATION OF TIME PERIODS

The Department shall calculate time periods based on G.S. 1A-1, Rule 6(a), (e), and (f).

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

SECTION .0200 - FEES PAID TO THE DEPARTMENT (RESERVED)

18 NCAC 01B .0201 U.S. CURRENCY

Filers and other persons paying fees to the Department shall pay all fees in U.S. dollars and cents.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0202 ONLINE FEE PAYMENT

Persons who pay fees to the Department online shall pay by:

- (1) an automated clearinghouse debit account (ACH);
(2) a credit card; or
(3) a debit card.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0203 FEES PAID IN PERSON

Filers and others who pay fees in person shall pay with:

- (1) cash;
(2) a credit or debit card;

- (3) a money order; or
- (4) one of the following types of checks, made payable to the N.C. Department of the Secretary of State:
 - (a) a personal or business check; or
 - (b) a cashier's check.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0204 FEES PAID BY USPS OR BY DELIVERY SERVICE

Filers and others who pay fees to the Department through delivery by United States Postal Service (USPS) or by a designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2) shall pay using one of the following methods, made payable to the N.C. Department of the Secretary of State:

- (1) a personal or business check;
- (2) a money order; or
- (3) a cashier's check.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0205 FEE FOR DISHONORED PAYMENT

Pursuant to G.S. 25-3-506, the Department shall charge a thirty-five dollar (\$35.00) processing fee to a filer if a payment is dishonored by a bank or financial institution.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0206 NOTICE TO FILER OF DISHONORED PAYMENT

Upon receipt of notice of dishonor of a payment, the Department shall notify a filer orally or in writing that:

- (1) the payment the filer submitted has been dishonored; and
- (2) the payment and fee set out in Rule .0205 of this Section shall be paid in full within 15 calendar days of the date the Department orally or in writing notifies the filer of the dishonor.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

SECTION .0300 FILINGS – GENERAL (RESERVED)

18 NCAC 01B .0301 FORM USE REQUIRED

In submitting a filing, a filer shall:

- (1) use a form specified in the applicable General Statute or rule; or
- (2) if there is not a required form in the applicable General Statute or rule, include as an addendum any supplemental information that the filer deems necessary to support a filing made pursuant to rule or statute.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0302 MODE OF FILING

(a) Filers shall submit filings electronically by means established by the Department unless paper filing is specifically permitted pursuant to this Rule.

- (b) The Department shall allow filers to submit paper filings if:
- (1) allowed pursuant to the General Statutes or the rules in this Title;
 - (2) the Department has not established electronic means for submitting a filing; or
 - (3) if a filer lacks the technological capacity to file electronically.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0303 INAPPLICABLE QUESTIONS

If a question or item is not applicable to a filer making a paper submission, the filer shall not leave the question or item blank but shall respond "not applicable" or "N/A."

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0304 ATTACHMENTS

If a form does not include enough space to provide a complete and accurate response to a question or request for information from the Department, a filer shall:

- (1) include with the form an attachment containing the information that did not fit on the form;
- (2) make a note at the location of a question or request for information that an attachment has been added in order to fully respond. Note: An example is "See Attachment 1"; and

- (3) identify on the attachment to which question or request for information the additional information relates.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0305 SIGNATURE FOR ENTITY

(a) If an individual is signing a form or other filing for a business entity:

- (1) the signer shall be duly authorized by law and the entity to sign; and
- (2) the signer shall include the signer's title, position, and authorization to sign.

(b) For purposes of this Rule, "duly authorized by law" means as required by G.S. 55D-10(b)(5) for an entity, by the owner for a sole proprietorship, or by a general partner for a general partnership.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0306 FORM PREPARER SIGNATURE REQUIRED

A form preparer who is not the authorized signer pursuant to Rule .0305 of this Section shall:

- (1) sign in the space provided for a preparer's signature on a form; or
- (2) document and note "form preparer" next to the signature.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0307 INCOMPLETE FILINGS

The Department shall consider a filing incomplete for:

- (1) failure to provide information required pursuant to the General Statutes or the applicable rules;
- (2) lack of a signature required by the General Statutes or the rules; or
- (3) lack of a notarial act where required by the General Statutes or the rules.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0308 REJECTION OF INCOMPLETE FILINGS

The Department shall reject a filing if it is incomplete and not remedied by the filer within the time specified by the Department.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

18 NCAC 01B .0309 PROOF OF SUBMISSION

(a) Where the Department makes a filing available online in a format that allows a person to view the public record and print or save it, that shall constitute proof of submission.

(b) A person may obtain proof of submission of a filing to the Department by:

- (1) providing a duplicate of the filing at the time of hand delivery and requesting at that time that the Department file stamp a copy; or
- (2) requesting that a file-stamped copy be returned and supplying to the Department both a copy of the form and a self-addressed, stamped envelope (SASE) or prepaid delivery service envelope in which to return the file-stamped copy.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4.

SECTION .0400 – WAIVERS AND EXTENSIONS (RESERVED)

18 NCAC 01B .0401 WAIVER

Based on the factors in Rule .0404 of this Section, the Department may waive any rule in this Title on request of a filer or on its own initiative.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0402 CONTENTS OF WAIVER REQUEST

A request for waiver of a rule shall be in writing and shall include:

- (1) the subject line "request for rule waiver";
- (2) the name of the person submitting the waiver request;
- (3) the typewritten or printed name of the person signing the waiver request;
- (4) the authority of the signatory to sign the waiver request on behalf of the person making the request if the signatory is not the same;

- (5) contact information for the person requesting the waiver and any person signing the waiver request, including:
 - (a) mailing address;
 - (b) email address; and
 - (c) telephone number;
- (6) if the person requesting the waiver is an entity:
 - (a) the state of formation; and
 - (b) the precise name of the entity as it appears in the records of the filing office of the state of formation;
- (7) whether the request is for waiver of an entire rule or a portion of a rule;
- (8) the specific rule for which waiver is requested, including:
 - (a) the rule title;
 - (b) the citation for the rule as it appears in the North Carolina Administrative Code; and
 - (c) if the request is for less than an entire rule, the specific paragraph or item numbers for which waiver is requested;
- (9) an explanation of the reasons for the request, including facts supporting the request;
- (10) information related to the factors in Rule .0404 of this Section that the requestor asks the Department to consider;
- (11) supporting documentation, if any;
- (12) whether the person or entity making the request has previously filed a waiver request with the Department;
- (13) a description of any previous waiver requests or the date of the requests; and
- (14) the signature of the person making the request verifying that the request is true and correct and the date signed.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0403 SUBMISSION OF WAIVER REQUEST

A waiver request shall be submitted to the Department at the physical address found in Rule .0103(a) of this Subchapter or at the mailing address found in Rule .0103(b) of this Subchapter and be addressed to:

- (1) the Secretary of State by name and title; and
- (2) copy both:
 - (a) the Department's General Counsel; and
 - (b) the Director of the Division to whose rules the proposed waiver request applies.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0404 FACTORS USED IN CONSIDERING WAIVER REQUESTS

(a) The Department shall consider the following factors, as applicable, when considering whether to grant or deny a waiver request:

- (1) information about the requestor and the request, including the requestor's:
 - (A) explanation of the reasons for the request;
 - (B) control over the circumstances leading to the request;
 - (C) experience with the law and the rules related to the request;
 - (D) record of timeliness, completeness, and accuracy of filings with the Department;
 - (E) history of waiver requests, if any; and
 - (F) impact on the requestor of granting or denying the request;

- (2) impact on the public of granting or denying the request, including:
 - (A) harm or benefit to the public; and
 - (B) consistency of implementation and enforcement of the General Statutes and the rule for which a waiver is requested;

- (3) impact on the Department of granting or denying the request, including:
 - (A) impact on processing of other filings pursuant to the rule for which waiver is requested;
 - (B) availability of departmental resources;
 - (C) impact of the waiver on others subject to the rule for which waiver is requested; and
 - (D) impact on the likelihood of similar additional waiver requests; and

- (4) any disaster declarations made pursuant to state or federal law.

(b) For purposes of this Rule, "harm" shall include:

- (1) loss or damage to a person affecting:
 - (A) liberty;
 - (B) child custody, parental rights, child support, or visitation;
 - (C) reputation;
 - (D) money;
 - (E) real or intangible property;
 - (F) time; or
 - (G) a contract, permit, license, certification, approval, or transaction; or

- (2) an act that undermines public confidence in the Department or its actions.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0405 DEPARTMENT-INITIATED WAIVERS

If the Department waives a rule on its own initiative, it shall consider the factors in Rule .0404 of this Section, and upon initiating the waiver shall provide notice to persons known to it to be affected by the waiver:

- (1) directly if the waiver affects a single person; and
- (2) by a posting on its website.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0406 NOTICE TO REQUESTOR OF WAIVER

Within five business days of its decision on a waiver request, the Department shall notify the requestor in writing of:

- (1) its decision whether to grant the waiver request, grant a modified version of the waiver request, or deny the request; and
- (2) that a granted waiver request:
 - (a) is based upon the information provided in the request;
 - (b) is valid only with respect to the specific rule for which waiver was requested; and
 - (c) may be withdrawn if the Department later learns that the requestor omitted information or provided incorrect information that would have impacted the Department's decision on the request.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0407 EXTENSION REQUESTS

(a) A person responding to any request for information from the Department may submit a written request for an extension of time to respond.

- (b) A request pursuant to Paragraph (a) of this Rule shall:
- (1) be for an extension lasting no more than 30 days; and
 - (2) include the reason an extension is necessary.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-

58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

18 NCAC 01B .0408 RESPONSE TO EXTENSION REQUESTS

The Department shall consider the following, as applicable, when deciding on its response to an extension request:

- (1) the nature of the information requested;
- (2) the reasons stated in the extension request;
- (3) the urgency of the Department's need for the information;
- (4) the anticipated ease of production by the recipient of the request; and
- (5) applicable factors for waivers listed in Rule .0404 of this Section.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-19(6).

SUBCHAPTER 01C - PETITIONS FOR RULEMAKING (RESERVED)

SECTION .0100 – GENERAL PROCEDURES (RESERVED)

18 NCAC 01C .0101 DEFINITIONS

- (a) "Complete petition" means that a petition for rulemaking includes all information required by the applicable rules in this Subchapter.
- (b) "Submitted" means that a petition for rulemaking has been delivered to the Department and has been determined to be complete.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0102 PETITIONS FOR RULEMAKING GENERALLY

(a) A petition for rulemaking shall be in writing and shall specifically request that the Department engage in rulemaking to:

- (1) amend one or more existing rules; or
- (2) adopt one or more new rules.

(b) A petition may combine a request for one or more of the rulemaking actions in Paragraph (a) of this Rule. A combined request shall include the information required by the rules in this Subchapter for each type of rulemaking requested.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0103 METHOD OF SUBMISSION OF PETITION FOR RULEMAKING

Petitions for rulemaking shall be delivered to the Department at the address in either 18 NCAC 01B .0103(a) or (b). Petitions for rulemaking shall not be submitted to the Department by email.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0104 PETITION ADDRESSEES

A petitioner shall:

- (1) address the petition to the Secretary of State by name and title; and
- (2) copy both:
 - (a) the Department's General Counsel; and
 - (b) the Director of the Division to whose rules the proposed rulemaking would apply.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0105 FORM OF PETITION

The Department shall deem a petition as having been submitted if the document:

- (1) is complete; and
- (2) is designated "petition for rulemaking" in the subject, header, or title line and on any container envelope.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

SECTION .0200 – PETITION CONTENTS (RESERVED)

18 NCAC 01C .0201 PETITION CONTENTS – THE PETITIONER

A complete petition shall state the following information:

- (1) the name of the petitioner;
- (2) the typewritten or printed name of the individual signing the petition;
- (3) the authority of the signatory to sign the petition on behalf of the petitioner if the signatory is not the same as the petitioner;
- (4) Contact information for the petitioner and any individual signing the petition:
 - (a) mailing address;
 - (b) email address; and
 - (c) telephone number; and

- (5) if the petitioner is an entity:
 - (a) the state of formation; and
 - (b) the precise name of the entity as it appears in the records of the filing office in the state of formation.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0202 PETITION CONTENTS – ALL PETITIONS

A complete petition shall contain the following information for each proposed amendment and adoption:

- (1) a statement indicating, to the extent known, whether and how each proposed amendment or adoption would affect, or be affected by, existing:
 - (a) rules or orders;
 - (b) investigations;
 - (c) hearings or judicial proceedings;
 - (d) judicial opinions; and
 - (e) policies, practices or procedures;
- (2) a statement indicating how the proposed changes are aligned with the purposes of applicable statutes;
- (3) to the extent known:
 - (a) names or classes of persons potentially affected by the proposed rule change, and contact information for them; and
 - (b) names of individuals, public interest groups, stakeholders or other identifiable classes with a likely interest in the proposed rule change, and contact information for them;
- (4) anticipated fiscal impact of the proposed amendment or adoption including, to the extent known:
 - (a) the impact on local governments;
 - (b) the impact on the Department and other State agencies;
 - (c) the impact on the regulated community or identifiable stakeholders;
 - (d) the impact on the general public; and
 - (e) any information that the Department should consider when considering any fiscal impact;
- (5) to the extent known, rules or regulations similar to the changes requested by the petitioner have been adopted by other states or the federal government.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-

1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0203 PETITION CONTENTS – PROPOSED AMENDMENTS

For each existing rule for which amendment is requested, a complete petition shall include:

- (1) details of the existing rule proposed to be changed, including:
 - (a) the chapter, subchapter, and rule number which the petitioner proposes for amendment;
 - (b) the title and text of the rule; and
 - (c) the rule history note, including statutory authority; and
- (2) details of the proposed rule change, including:
 - (a) the text of the proposed amendment using strikethrough to indicate proposed deletions of existing rule language, and underlining to indicate proposed additional language; and
 - (b) the statutory authority for each proposed amendment specifying:
 - (i) whether statutory authority for the existing rule is authority for the proposed amendment; or
 - (ii) a citation to the specific General Statute or Session Law that the petitioner submits is authority for the proposed change;
- (3) a statement specific to each proposed amendment explaining:
 - (a) why added language is:
 - (i) necessary; and
 - (ii) not redundant;
 - (b) how the amended language would affect the meaning of the existing rule;
 - (c) the cumulative impact of the requested changes, in context with other related rules;
 - (d) to the extent available, the sound, reasonably available scientific, technical, economic, and other relevant information on which the petitioner bases the proposed rule changes; and
 - (e) whether and how the proposed changes would affect other departmental rules; and
- (4) an explanation, to the extent known, of how each individual rule change and group of rule changes would affect:
 - (a) the petitioner;
 - (b) members of the regulated community;
 - (c) local governments;
 - (d) members of the public; and
 - (e) the Department.

Note: For purposes of this rule "affect" includes the costs and benefits to all parties.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0204 PETITION CONTENTS – PROPOSED NEW RULES

For each new rule that the petitioner proposes, the complete petition shall provide:

- (1) details of the rule, including:
 - (a) the chapter, subchapter, and section in which the petitioner proposes that the new rule be codified;
 - (b) the proposed rule title;
 - (c) the proposed rule text, underlined; and
 - (d) the specific General Statute or Session Law providing authority for the proposed new rule. Note: The petitioner shall provide the alphanumeric designation and citation for proposed new chapters, subchapters, and sections;
- (2) an explanation of the need for the new rule, including:
 - (a) why the new rule is:
 - (i) necessary; and
 - (ii) not redundant; and
 - (b) all circumstances creating a need for the rule, including changes in:
 - (i) the regulated community;
 - (ii) federal or state law, regulations, policies, procedures or agency orders;
 - (iii) uniform or model laws; or
 - (iv) model rules promulgated by national organizations. Note: The North American Association of Securities Administrators (NASAA) is an example of a national organization that promulgates model rules; and
- (3) a statement, to the extent known, of the effect of the proposed new rule on:
 - (a) the petitioner;
 - (b) members of the regulated community;
 - (c) local governments;
 - (d) the public; and
 - (e) the Department.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0205 PROPOSED NEW RULE STRUCTURES

For each new group of rules for which the petitioner proposes a new chapter, subchapter or section, the petitioner shall explain why the proposed new group of rules should not be codified in an existing chapter, subchapter or section.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0206 ADDITIONAL PETITION INFORMATION

A petitioner may provide additional information to assist the Department in reviewing the petition, including:

- (1) stakeholder comments;
- (2) documents and data regarding:
 - (a) the need for, and the public interest being served by, the proposed rulemaking;
 - (b) reasons existing rules do not meet the need to be addressed by the proposed rulemaking; and
 - (c) sound, reasonably available scientific, technical, economic, and other relevant information supporting the proposed rulemaking;
- (3) a statement explaining the costs and cost factors, if known;
- (4) other information that the petitioner believes will help the Department in its consideration of the request; and
- (5) if the petitioner seeks adoption by the Department of a temporary or emergency rule:
 - (a) an explanation how the proposed rule meets the requirements of G.S. 150B-21.1 or 150B-21.1A respectively;
 - (b) proposed findings of need for the temporary or emergency rule; and
 - (c) the proposed temporary rule required to be submitted to the Codifier of Rules simultaneously with the proposed emergency rule.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

SECTION .0300 – DEPARTMENT ACTION ON PETITIONS (RESERVED)

18 NCAC 01C .0301 INCOMPLETE PETITIONS

If a petition for rulemaking is incomplete because it lacks information required by the rules in this Subchapter, the Department shall within three business days after determining the

petition is incomplete, notify the petitioner that the petition is incomplete, specifying:

- (1) the aspects of the petition that are incomplete;
- (2) that the petition is not deemed to have been submitted unless it is completed;
- (3) a deadline of no less than five business days within which to complete the petition; and
- (4) that the petition will be denied if not completed.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0302 NOTICE OF COMPLETE PETITION

The Department shall notify the petitioner in writing within three business days after determining that a petition is complete.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0303 ADDITIONAL INFORMATION

(a) The Department may request that the petitioner provide additional information related to a complete petition for rulemaking.

(b) Before making a decision on a complete petition, the Department may request comment from:

- (1) potentially affected members of the regulated community; and
- (2) the public.

(c) The Department may consider additional information in ruling on a complete petition, including contacting persons known to have an interest in the subject of the petition.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0304 SUMMARY DENIAL OF UNAUTHORIZED PETITIONS

The Department shall review and deny a petition that seeks any relief prohibited by G.S. 150B-19 or that:

- (1) deals with subjects outside the Department's jurisdiction and authority;
- (2) proposes rulemaking that would, in the opinion of the Department, require statutory changes; or
- (3) is deemed incomplete and the Petitioner fails to provide the information necessary to make the petition complete within the time provided by the Department pursuant to the rules in this Subchapter.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0305 FACTORS FOR REVIEW OF A PETITION

When determining whether to grant or deny a petition for rulemaking, the Secretary or her designee shall consider as applicable:

- (1) the limitations set forth in G.S. 150B-19 and G.S. 150B-19.1; and
- (2) factors including:
 - (a) whether there is statutory authority for the proposed amendment or new rule;
 - (b) the extent to which the amendment or adoption of the proposed rule would affect the interests of persons other than the petitioner;
 - (c) the effect of the proposed change on existing rules, programs, procedures, and resources;
 - (d) anticipated fiscal impact of the proposed changes, including, to the extent known:
 - (i) the impact on local governments;
 - (ii) the impact on the Department and other State agencies;
 - (iii) the impact on the regulated community; or
 - (iv) the impact on the general public;
 - (e) changes described pursuant to Rule .0204(2)(b) of this Subchapter;
 - (f) whether the Department has engaged in rulemaking on the same or similar topics within the preceding two years;
 - (g) whether the Department has previously received and considered a petition for rulemaking on the same or similar rules, and any action taken on the prior petition;
 - (h) whether the proposed rulemaking is aligned with the purpose of the applicable statute; and
 - (i) whether the Department presently has the resources to engage in the requested rulemaking.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0306 DEPARTMENTAL REVIEW OF PETITIONS

When determining whether to grant or deny a complete petition for rulemaking, the Secretary or her designee shall consider:

- (1) the contents of the petition;
- (2) any additional information provided by the petitioner or gained by the Department pursuant to Rule .0303 of this Section;
- (3) the applicable factors set out in Rule .0305 of this Section; and
- (4) the public interest.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0307 DISPOSITION OF THE PETITION FOR RULEMAKING

- (a) The Department shall notify the petitioner in writing of its decision to grant or deny the petition.
- (b) The Department shall post the complete petition for rulemaking and the Department's response to the request on its website.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

18 NCAC 01C .0308 RECORD OF PETITIONS FOR RULEMAKING

The Department shall maintain a record of petitions for rulemaking that shall include:

- (1) the petition and any comments or supporting materials submitted by the petitioner;
- (2) any other comments received by the Department; and
- (3) a copy of:
 - (a) the Department's grant or denial of the declaratory ruling request; and
 - (b) the Department's ruling on the merits of the request.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-20.

SUBCHAPTER 01D REQUESTS FOR DECLARATORY RULINGS (RESERVED)

SECTION .0100 – GENERAL PROCEDURES (RESERVED)

18 NCAC 01D .0101 ELIGIBILITY TO SUBMIT A REQUEST FOR A DECLARATORY RULING

A person aggrieved, as defined in G.S. 150B-2(6), may submit a request to the Department for a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the Department or of a departmental rule or any inconsistent interpretation of a rule by the Department.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0102 METHOD OF SUBMITTING REQUESTS FOR DECLARATORY RULINGS

A request for a declaratory ruling shall be submitted to the Department's address as set out in 18 NCAC 01B .0103(a) or (b). No request for a declaratory ruling shall be submitted by email.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0103 ADDRESSEE OF REQUEST FOR DECLARATORY RULING

A person submitting a request for a declaratory ruling shall address the request to:

- (1) the Secretary of State;
- (2) the Director of the Division whose administrative action, rule, order, or statute is the alleged reason for the person being aggrieved; and
- (3) copy the Department's General Counsel.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

SECTION .0200 – REQUESTS REQUEST CONTENTS (RESERVED)

18 NCAC 01D .0201 CONTENTS - THE REQUESTOR

A complete request for declaratory ruling shall state the following information:

- (1) the name of the person making the request with:
 - (a) the typewritten or printed name of the individual signing the request;
 - (b) the authority of the signatory to sign the request on behalf of the person making the request if the signatory is not the same as the person making the request;

(c) contact information for the person making the request and any individual signing the request:

- (i) mailing address;
- (ii) email address; and
- (iii) telephone number; and

(2) if the person making the request is an entity:

- (a) the state of its formation; and
- (b) the precise name of the entity as it appears in the records of the filing office in the state of formation.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0202 CONTENTS - TYPE OF RULING REQUESTED

A request for a declaratory ruling shall provide:

(1) a citation to the specific General Statutes, rules, departmental orders, or declaratory rulings to which the request relates;

(2) a statement as to whether the request is for a ruling on:

- (a) the validity of a rule;
- (b) the applicability or potential applicability of a statute, rule, or order to a specific factual situation;

(c) resolution of a conflict within the Department regarding:

- (i) an interpretation of the law; or
- (ii) an interpretation of a rule adopted by the agency; or

(d) resolution of an inconsistency within the Department regarding:

- (i) an interpretation of the law; or
- (ii) an interpretation of a rule adopted by the agency.

The request may be for any combination of rulings permitted by this Rule if all information required by the rules in this Subchapter is included.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0203 ADDITIONAL REQUEST CONTENT

The request shall also include:

- (1) an explanation of the consequences of both a favorable and unfavorable declaratory ruling;
- (2) a statement of the desired outcome;

- (3) to the extent known, any pending departmental investigation or action, or judicial or quasi-judicial action, including contested cases, that may bear on requested declaratory ruling;
- (4) other facts, data, and arguments that will help the Department understand and rule on the request;
- (5) a statement of legal arguments and authority supporting the request;
- (6) names and email addresses or other contact information for stakeholders likely to have an interest in the outcome of the request;
- (7) any other information, documentation, or data that may assist the Department in rendering its decision;
- (8) designation of trade secrets in accordance with the requirements of G.S. 132-1.2 and Article 24 of G.S. Chapter 66, accompanied by a copy of the request with the designated information redacted; and
- (9) a signature block, including:
 - (a) the printed name of the person making the request;
 - (b) the signature of the person, made under oath and before a notary public verifying that the information supplied in the request is true and complete;
 - (c) the date signed; and
 - (d) a jurat completed by the notary public after administration of the oath.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

SECTION .0300 – DEPARTMENT ACTION ON REQUESTS (RESERVED)

18 NCAC 01D .0301 INCOMPLETE DECLARATORY RULING REQUESTS NOT RECEIVED

- (a) The Department shall not review a declaratory ruling until the request is complete.
- (b) No incomplete request shall be deemed received for purposes of establishing the time within which the Department must grant or deny a request for a declaratory ruling.
- (c) For purposes of this Subchapter, "complete" means that the request includes the information required by the rules in this Subchapter.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0302 NOTICE OF INCOMPLETE REQUEST

Within three business days of determining that a declaratory ruling request is incomplete, the Department shall notify the person making the request in writing of the omitted items and require its completion within five business days.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0303 REQUEST RECEIPT DATE

- (a) The Department shall mark a declaratory ruling request as "received" on the date on which the Department received a complete request.
- (b) An incomplete request is received on the date that the Department received all information necessary for the request to be complete.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0304 ADDITIONAL INFORMATION

- (a) The Department may request additional information to assist in reviewing the request.
- (b) When requesting additional information, the Department may establish a deadline for delivery of no less than five business days.
- (c) When making its decision regarding the request, the Department may consider additional information, including information from any source the Department believes to be relevant and reliable.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0305 GRANT OR DENIAL CONSIDERATIONS

When determining whether to grant or deny the declaratory ruling request, the Department shall consider the following factors, as applicable:

- (1) whether the requestor is, in fact, a person aggrieved within the meaning of G.S. 150B-2(6) and 150B-4;
- (2) whether the Department has the authority to render a declaratory ruling on the request;
- (3) whether the request is the subject of, or materially related to, an investigation, an audit, review, hearing, a contested case in the Office of Administrative Hearings, or a matter in the General Courts of Justice;
- (4) whether a challenged rule is unclear on its face;

- (5) whether circumstances have changed since the adoption or departmental interpretation of the challenged rule;
- (6) whether the request includes factors not considered by the Department at the time of adoption of the rule or interpretation;
- (7) whether the rule or statute is unclear in application to facts stated in the request;
- (8) whether a fair question exists regarding the validity of the rule because of an absence of authority at the time of adoption or irregularities in the Department's rulemaking proceeding;
- (9) whether, within the preceding five years, the Department has made a factual determination that is similar and controlling, making the need for a declaratory ruling moot;
- (10) whether, within the preceding five years, the Department has issued a declaratory ruling on substantially similar facts;
- (11) whether a court in the General Courts of Justice has issued a decision in a case with substantially similar facts;
- (12) whether the rulemaking record shows that the factual issues raised in the request were specifically considered prior to or at the time of adoption of the rule;
- (13) whether the subject matter of the request is involved in pending litigation in any state or federal court in North Carolina or in the Office of Administrative Hearings;
- (14) whether the subject matter of the request is involved in pending legislation or rulemaking;
- (15) whether the request complies with the rules in this Section; and
- (16) whether there is reason to believe that the request is connected to a violation of the relevant General Statutes or rules adopted by the Department.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0306 EVIDENCE AND ARGUMENT ON THE MERITS OF THE REQUEST FOR DECLARATORY RULING

Before deciding the merits of the request, and upon consideration of the complete request for a declaratory ruling, the Secretary or her designee shall determine if additional information or presentation(s) are needed and if so, may:

- (1) request additional written submissions from the person making the request;
- (2) request a written response from the Division or any other person; and
- (3) hear oral arguments from those persons the Secretary deems appropriate.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0307 NOTICE OF REQUESTS FOR DECLARATORY RULINGS

(a) The Department shall post requests for declaratory rulings on its website when the requests are determined complete pursuant to the rules in this Subchapter.

(b) The Department shall issue written notice of its decision whether to grant or deny a request for a declaratory ruling:

- (1) directly to the person making the request; and
- (2) by posting its decision on its website.

(c) The notice of decision shall include the reasoning that supports the decision.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

18 NCAC 01D .0308 RECORD OF DECLARATORY RULINGS

The Department shall maintain a record of requests for declaratory rulings that shall contain:

- (1) the request for a declaratory ruling;
- (2) all written submissions by the requestor or any person related to the request; and
- (3) a copy of:
 - (a) the Department's grant or denial of the declaratory ruling request; or
 - (b) the Department's ruling on the merits of the request.

Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 93B-15.1(g); 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 26 - LANDSCAPE ARCHITECTS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Landscape Architects intends to adopt the rule cited as 21 NCAC 26 .0108.

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

Proposed Effective Date: November 1, 2026

Public Hearing:

Date: August 17, 2026

Time: 2:00 P.M.

Location: Conference Room, BOLA Office 3733 Benson Drive Raleigh, NC 27609

Reason for Proposed Action: It was recently discovered that the Board did not adopt a rule setting forth its procedure for requesting a declaratory ruling when the requirement in G.S. 150B-4(a) was enacted. It is now doing so.

Comments may be submitted to: Barbara U. Geiger; 3733 Benson Drive, Raleigh, NC 27609; phone (919) 850-9088; email barbara.geiger@ncbola.org

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
Local funds affected
Substantial economic impact (>= \$1,000,000 over 5 years)
Approved by OSBM
No fiscal note required

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 26 .0108 DECLARATORY RULING PROCEDURES

(a) All requests for declaratory rulings shall be in writing and mailed to the Board at the Board's address.

(b) Each request for a declaratory ruling shall include the following information:

- (1) the name and address of person requesting the ruling;
(2) the statute or rule to which the request relates;
(3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute or its potential application to him or her;

- (4) names and addresses of additional third persons known to the person aggrieved who may possibly be affected by the requested ruling;
(5) a statement of all material facts;
(6) a statement whether or not the person aggrieved is aware of any pending Board action or court action that may bear on the applicability of the statute or rule to the person's particular situation; and
(7) a statement of the arguments and legal authority supporting the person's position on the applicability of this statute or rule.

The petitioner shall sign and verify the request before an officer qualified to administer oaths that the information supplied in the request is true and accurate.

(c) Within 30 days of receipt of a request for a declaratory ruling, the Board shall determine whether a ruling is appropriate under the facts stated.

(d) The Board shall proceed to issue a declaratory ruling when the person requesting the rule shows that, with regard to the facts presented:

- (1) the rule or statute in question is unclear on its face;
(2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;
(3) the factors specified in the request were not given appropriate consideration by the Board at the time the rule was adopted;
(4) the rule or statute is unclear in its application to the requesting person's facts; or
(5) a fair question exists regarding the validity of the rule because of an absence of authority for the Board's adoption of the rule or other irregularities in the Board's rule-making proceedings.

(e) The Board shall not issue a declaratory ruling when the petitioner or his or her request is the subject of, or materially related to, an investigation by the Board or contested case before the Board.

(f) When the Board determines for good cause that the issuance of a declaratory ruling is unnecessary, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will ordinarily decline to issue a declaratory ruling when:

- (1) there has been a similar controlling factual determination made by the Board;
(2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to, or at the time of adoption of the rule;
(3) the subject matter of the request is involved in pending litigation in any state or federal court in North Carolina, or pending legislation or rulemaking;
(4) the request does not comply with the procedural guidelines within Paragraphs (a) and (b) of this Rule;

- (5) the Board has previously issued a declaratory ruling on substantially similar facts;
- (6) the Board has previously issued a final agency decision in a contested case on substantially similar facts;
- (7) the subject matter is one concerning which the Board is without authority to make a decision binding the Board or the petitioner;
- (8) the petitioner is not aggrieved by the rule or statute in question or otherwise has no interest in the subject matter of the request; or
- (9) there is reason to believe that the petitioner or some other person or entity materially connected to the subject matter of the request is acting in violation of the G.S. Chapter 89A or the rules adopted by the Board.

The denial of the request is immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.

(g) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other appropriate procedures. A written ruling on the merits shall be issued within 45 days of the decision to grant the request.

(h) If the Board finds evidence that the factors listed in Subparagraphs (d)(1), (2), or (3) of this Rule exist or potentially exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-making proceedings on the rule.

(i) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board. The record will contain:

- (1) the request for a declaratory ruling;
- (2) all written submissions filed in the request, whether filed by the person requesting the ruling or by any other person;
- (3) a record or summary of oral presentations, if any; and
- (4) a copy of the declaratory ruling.

Authority G.S. 150B-4.

CHAPTER 36 - NURSING

Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Nursing intends to adopt the rule cited as 21 NCAC 36 .0114, and amend the rules cited as 21 NCAC 36 .0120, .0318, .0403, and .0406.

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

Proposed Effective Date: December 1, 2026

Public Hearing:

Date: August 12, 2026

Time: 1:00 p.m.

Location: 4516 Lake Boone Trail, Raleigh, NC 27607

Reason for Proposed Action: .0114: *As part of periodic review, NCBON has been reviewing Chapter 36 of the NC Administrative Code. Staff identified the need for a rule which will permit the Board to waive any of the rules under certain circumstances. Adopting a waiver rule aligns with other licensing boards and would be consistent with best practice to grant the NCBON the discretion to waive their own rule in the interest of carrying out the mission of public protection.*

.0120 and .0318: *NCBON received a request to amend the faculty rule to increase access to clinical faculty in the rural areas of North Carolina. The proposed amendment seeks to expand nursing faculty eligibility throughout North Carolina by allowing qualified ADN-prepared registered nurses to serve as clinical faculty in ADN and LPN pre-licensure programs, addressing persistent faculty shortages especially in rural areas. In addition, the NCBON clarified the definition of "preceptor" based on amendments to .0318.*

.0403 and .0406: *G.S. 90-171.56 gives the NCBON authority to "establish standards for faculty and applicant requirements for medication aide training and provide ongoing review and evaluation, and recommend changes, for faculty and medication aide training requirements to support safe medication administration and improve client, resident, and patient outcomes." Based on this authority, the NCBON reviewed current rules regarding Medication Aide RN Instructor approval. In addition, the Division of Health Service Regulation (DHSR) transitioned the current competency exam to the Medication Aide Competency Exam (MACE®). Proposed amendments to the rule reflect best practice that supports safe medication administration in nursing homes.*

Comments may be submitted to: Angela Ellis, PO Box 2129, Raleigh, NC 27602-2129; email lawsrules@ncbon.com

Comment period ends: August 31, 2026

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 a written objection to the Rules Review Commission. 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 letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

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

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000 over 5 years)
- Approved by OSBM
- No fiscal note required

SECTION .0100 - GENERAL PROVISIONS

21 NCAC 36 .0114 WAIVER OF ENFORCEMENT

(a) The Board may waive, upon written request or on its own initiative, the enforcement of specific rules in this Chapter so long as the waiver is consistent with the Board's mission, authorized by law, and will not impair the rights of any party. Factors the Board shall use in determining whether to grant the waiver are:

- (1) degree of benefit to the public;
- (2) degree of disruption to the Board;
- (3) cost to the Board;
- (4) whether the requesting party had control over the circumstances to support a request for a waiver;
- (5) notice to and opposition by the public, provided that notice would not conflict with laws prohibiting disclosure of information;
- (6) need for the waiver; and
- (7) previous requests for waivers submitted from the requesting party.

(b) The Board may waive any rule in this Chapter that is not statutorily required upon its own initiative during a declared state of emergency authorized by a federal, state, or local governmental authority impacting North Carolina citizens in order to increase access to care.

(c) The party requesting waiver of a rule shall submit a written request to the Board at lawsrules@ncbon.com. The written request shall include the rule(s) for which a waiver is sought and an explanation as to why the rule(s) should be waived with any supporting documentation.

Authority G.S. 90-12.5; 90-171.23(3); 90-171.49; 150B-19(6); 21 NCAC 36 .0814.

21 NCAC 36 .0120 DEFINITIONS

The following definitions apply throughout this chapter unless the context indicates otherwise:

- (1) "Administrative Law Counsel" means an attorney licensed to practice in this State whom the Board has retained to serve as procedural officer for contested cases.
- (2) "Academic term" means one semester of a school year.
- (3) "Accountability/Responsibility" means being answerable for action or inaction of self, and of others in the context of delegation or assignment.
- (4) "Accredited institution" means an institution accredited by a United States Department of

- (5) Education-approved institutional accrediting body.
- (5) "Active Practice" means activities that are performed, either for compensation or without compensation, consistent with the scope of practice for each level of licensure as defined in G.S. 90-171.20(4), (7), and (8).
- (6) "Advanced Practice Registered Nurse (APRN)" means a nurse practitioner, nurse anesthetist, nurse-midwife, or clinical nurse specialist.
- (7) "Assigning" means designating responsibility for implementation of a specific activity or set of activities to an individual licensed and competent to perform such activities.
- (8) "Bulletin" means the official publication of the Board.
- (9) "Chief Nursing Administrator" means a senior level executive within the healthcare organization responsible for overseeing the practice of nursing to ensure consistency in practice standards and to facilitate an interdisciplinary team approach to the delivery of care.
- (10) "Clinical Agency" means an agency established to administer or provide health care services in which a student provides care to clients under the supervision of faculty or a preceptor.
- (11) "Clinical experience" means application of nursing knowledge demonstrating clinical judgment in a current or evolving practice setting in which a student provides care to clients under the supervision of faculty or a preceptor.
- (12) "Clinical judgment" means the observed outcome of critical thinking and decision-making. It is an iterative process that uses nursing knowledge to observe and assess presenting situations, identify a prioritized client concern, and generate the best possible evidence-based solutions in order to deliver safe client care.
- (13) "Competent" means having the knowledge, skills, and ability to safely perform an activity or role.
- (14) "Continuing Competence" means on-going acquisition and application of knowledge and the decision-making, psychomotor, and interpersonal skills expected of the licensed nurse resulting in nursing care that contributes to the health and welfare of clients served.
- (15) "Contact Hour" means 60 minutes of an organized learning experience.
- (16) "Continuing Education Activity" means a planned, organized learning experience that is related to the practice of nursing or contributes to the competency of a nurse as outlined in 21 NCAC 36 .0223(a)(2).
- (17) "Controlling institution" means the degree-granting organization or hospital under which a

- nursing education program is operating or seeking to establish a new nursing education program. The controlling institution shall hold approval or applicable licensure by the appropriate North Carolina agency, the University of North Carolina System, or North Carolina Community College System and be accredited by an accrediting body recognized by the United States Secretary of Education.
- (18) "Curriculum" means an organized system of teaching and learning activities directed toward the achievement of specified learning objectives and outcomes.
- (19) "Delegation" means transferring to a competent individual the authority to perform a specific nursing activity in a selected situation. The nurse retains accountability/responsibility for the delegation.
- (20) "Debriefing" means an organized learning activity that follows a clinical or simulated experience and is led by a trained faculty facilitator. Students' reflective thinking is encouraged and feedback is provided regarding the students' performance during discussion of various aspects of the completed experiences.
- (21) "DHSR" means Division of Health Service Regulation.
- (22) "Dimensions of Practice" means aspects of nursing practice, including professional responsibility, knowledge-based practice, ethical and legal practice, and collaborating with others, consistent with G.S. 90-171.20(4), (7), and (8).
- (23) "Distance education" means teaching and learning strategies used to meet the learning needs of students when the students and faculty are not in the same location.
- (24) "External standardized examination" means a commercially available standardized predictive test that provides individual student scores that are linked to a probability of passing the NCLEX™ examination.
- (25) "Faculty directed clinical practice" means clinical experiences provided under the accountability/responsibility and direction of program faculty.
- (26) "Focused client care experience" means a clinical experience that emulates an entry-level work experience in nursing, assisting the student in transitioning to an entry-level nursing practice. Supervision may be by faculty and preceptor dyad or direct faculty supervision.
- (27) "Full Approval" is the status assigned to a program following graduation by the first cohort of students, evidence of compliance with Section .0300 of this Chapter, and an NCLEX® examination pass rate that meets or exceeds 90 percent of the national pass rate for licensure level on first writing of the licensure examination for calendar years ending December 31.
- (28) "Initial Approval" means the status assigned to a nursing education program following submission of a new, complete application and documented evidence of compliance with Section .0300 of this Chapter.
- (29) "Interdisciplinary faculty" means faculty from professions other than nursing.
- (30) "Interdisciplinary team" means all individuals involved in providing a client's care who cooperate, collaborate, communicate, and integrate care to ensure that care is continuous and reliable.
- (31) "Learning resources" means materials that faculty use to assist students in meeting the expectations for learning defined by the curriculum.
- (32) "Level of Licensure" means practice of nursing by either a licensed practical nurse or a registered nurse, as defined in G.S. 90-171.20(7) and (8).
- (33) "Level of student" means the point in the program to which the student has progressed.
- (34) "Maximum enrollment" means the total number of pre-licensure students that can be enrolled in the program at any one time. The number reflects the capacity of the program based on demonstrated resources sufficient to implement the curriculum.
- (35) "Methods of Instruction" means the planned process through which teacher and student interact with selected environment and content so that the response of the student gives evidence that learning has taken place, based upon stated course objectives and outcomes for learning experiences in classroom, laboratory, simulation, and clinical settings.
- (36) "National Credentialing Body" means a credentialing body that offers certification or re-certification in the licensed nurse's or Advanced Practice Registered Nurse's specialty area of practice.
- (37) "NCLEX-PN™" means the National Council Licensure Examinations for Practical Nurses.
- (38) "NCLEX-RN™" means the National Council Licensure Examinations for Registered Nurses.
- (39) "Nursing Accreditation body" means a national nursing accrediting body that is recognized by the United States Department of Education.
- (40) "Program faculty" means individuals employed full or part-time by an academic institution responsible for developing, implementing, evaluating, and updating nursing curricula.
- (41) "Nursing project" means a project or research study of a topic related to nursing practice that includes a problem statement, objectives, methodology, and summary of findings.

- (42) "Participating in" means to have a part in or contribute to the elements of the nursing process. As defined by the legal scope of practice, the licensed practical nurse role for participating in the nursing process is dependent upon the assignment and supervision by the registered nurse, physician, dentist, or other person authorized by State law to provide the supervision.
- (43) "Pattern of noncompliance" means episodes of recurring non-compliance with one or more Rules in Section .0300.
- (44) "Preceptor" means a registered nurse ~~at or above the level of licensure~~ that an assigned student is seeking who may serve as a teacher, mentor, role model, and supervisor for the student in a faculty-directed clinical experience.
- (45) "Prescribing Authority" means the legal permission granted by the Board of Nursing and Medical Board for the nurse practitioner and nurse midwife to procure and prescribe legend and controlled pharmacological agents and devices to a client in compliance with Board rules and other applicable federal and State law, regulations, and rules.
- (46) "Program Closure" means to cease operation of a program.
- (47) "Program Description Report" means a written assessment of a program designed to detail program features and operations which support Board evaluation of compliance with established regulations as set forth in Section .0300 of this Chapter.
- (48) "Program" means a course of study that prepares an individual to function as an entry-level practitioner of nursing. The four types of programs are:
- (a) Bachelor of Science Degree in Nursing (BSN) - Curriculum components for the BSN provide for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, therapeutic interventions, and current trends in health care. For this program type, the client is the individual, family, group, and community;
 - (b) Associate Degree in Nursing (ADN) – Curriculum components for the ADN provide for the attainment of knowledge and skill sets in the current practice in nursing, community concepts, health care delivery, communications, therapeutic interventions, and current trends in health care. For this program type, client is the individual, group of individuals, and family;
 - (c) Practical Nurse Diploma (PN) - Curriculum components for the PN diploma prepare for providing direct nursing care under the supervision of a registered nurse or other health care provider as defined by the Nursing Practice Act. Curriculum components provide for the attainment of knowledge and skill sets in the current practice of practical nursing, communications, therapeutic interventions, including pharmacology, growth and development, and current trends in health care. For this program type client is the individual or group of individuals; and
 - (d) Direct Master's Entry (DME) – Curriculum components for a DME provide for the attainment of knowledge and skill sets in the current practice in nursing, nursing theory, nursing research, community and public health, health care policy, health care delivery and finance, communications, therapeutic interventions, and current trends in health care. For this program type, the client is the individual, family, group, and community. The DME will provide additional education for strengthened competencies in organizational and systems thinking, quality improvement and safety, care coordination, interprofessional communication, and team-based care and leadership for students with a non-nursing baccalaureate degree.
- (49) "Review" means collecting and analyzing information to assess compliance with Section .0300 of this Chapter. Information may be collected by multiple methods, including review of written reports and materials, on-site observations, review of documents, and in-person or telephone interviews and conferences.
- (50) "Self-Assessment" means the process whereby an individual reviews their own nursing practice and identifies the knowledge and skills possessed as well as those skills to be strengthened or acquired.
- (51) "Simulation" means a technique, not a technology, to replace or amplify clinical experiences with guided experiences that evoke or replicate substantial aspects of the real world of nursing practice in a fully interactive manner.

- (52) "Specialty" means a broad, population-based focus of study encompassing the common health-related problems of a particular group of patients and the likely co-morbidities, interventions, and responses to those problems.
- (53) "Supervision" means the provision of guidance or direction, evaluation, and follow-up by a licensed nurse to accomplish an assigned or delegated nursing activity or set of activities.
- (54) "Survey" means an on-site visit for the purpose of gathering data in relation to reviewing a program's compliance with Section .0300 of this Chapter.
- (55) "Traditional clinical experience" means a clinical experience where the student provides in-person care to patients/clients under the guidance of an instructor or preceptor.
- (56) "Warning Status" means the status assigned to a nursing education program found to be noncompliant with any provision in Section .0300 of this Chapter.

~~(4)(6)~~ ~~full-time~~ faculty shall hold a graduate degree from an accredited institution or obtain a graduate degree in nursing from an accredited institution within five years of initial full-time employment;

~~(5)(7)~~ prior to or within the first three years of employment, have education in teaching and learning principles for adult education, including curriculum development, implementation, and evaluation, appropriate to faculty assignment. Once completed, this education need not be repeated if the employing organization is changed. This education may be demonstrated by one of the following:

- (A) completion of 45 contact hours of Board-approved continuing education courses;
- (B) completion of a certificate program in nursing education;
- (C) nine semester hours of graduate course work in adult learning and learning principles;
- (D) national certification in nursing education;
- (E) documentation of completion of structured, individualized development activities of at least 45 contact hours approved by the Board. Criteria for approval shall include content in the faculty role in the curriculum implementation, curricular objectives to be met and evaluated, review of strategies for identified student population, and expectations of student and faculty performance; or individuals with prior teaching experience in an academic setting seeking a faculty position shall be evaluated by the Program Director to assess each individual's prior teaching experience commensurate with formal education in teaching and learning principles for adult education including curriculum development, implementation, and evaluation, appropriate to faculty assignment.

~~(6)(8)~~ maintain competence pursuant to Rule .0232 of this Chapter in the areas of assigned responsibility.

(d) Interdisciplinary faculty who teach in program courses shall be licensed or certified in the content area in which they are teaching.

(e) Clinical preceptors shall hold an active unencumbered license to practice as a registered nurse in North ~~Carolina~~. Carolina or a multistate licensure privilege to practice.

(f) The program shall provide workshops and presentations devoted to faculty development.

(g) The faculty-student ratio for faculty-directed preceptor clinical experiences shall be no greater than 1:15. The faculty-

Authority G.S. 90-171.23; 90-171.38.

SECTION .0300 - APPROVAL OF NURSING PROGRAMS

21 NCAC 36 .0318 FACULTY

(a) The program shall develop policies for program faculty members consistent with those for other faculty of the controlling institution, with variations as needed due to the nature of the nursing curriculum.

(b) Fifty percent or more of the nursing faculty per program shall hold a graduate degree.

(c) Nurses licensed pursuant to this Chapter who are ~~full-time and part-time~~ faculty and who teach in a program as a nurse shall:

- (1) hold an active unencumbered license or multistate licensure privilege to practice as a registered nurse in North Carolina;
- (2) hold either a ~~baccalaureate in nursing or a~~ graduate degree in nursing, nursing, a baccalaureate in nursing, or an associate degree in nursing from an accredited institution;
- (3) didactic faculty shall hold either a baccalaureate in nursing, a graduate degree in nursing, or active enrollment in a graduate degree nursing program from an accredited institution;
- (4) Clinical faculty shall have at least an associate's degree in nursing and at least two years of clinical experience necessary to function effectively and safely in the clinical nurse faculty's area of responsibility necessary for practical nurse and associate degree programs;

~~(3)(5)~~ have two calendar years or the equivalent of full-time experience as a registered nurse. A full-time registered nurse is a registered nurse employed by the program who is regularly assigned to work at least 40 hours each week in a position;

student ratio for all other clinical experiences shall be no greater than 1:10.

Authority G.S. 90-171.23(b)(8); 90-171.38; 90-171.83.

SECTION .0400 - UNLICENSED PERSONNEL: NURSE AIDES

21 NCAC 36 .0403 QUALIFICATIONS OF NURSE AIDE

(a) A nurse aide I shall perform basic nursing skills and personal care activities after successfully completing an approved nurse aide I training and competency evaluation or equivalent as approved by the Division of Health Service Regulation (DHSR). A licensed nurse shall delegate these activities only after considering the variables defined in Rule .0401(b) and (c) of this Section. Pursuant to G.S. 90-171.55, no individual may function as a nurse aide I, regardless of title, providing nursing care activities, as identified in Rule .0401(a) of this Section, to clients or residents unless:

- (1) the individual has successfully completed, in addition to an orientation program specific to the employing facility, a State-approved nurse aide I training and competency evaluation program or its equivalent; or a State-approved competency evaluation program and the employing facility or agency has verified listing on the Division of Health Service Regulation Nurse Aide Registry (DHSR Nurse Aide Registry); or
- (2) the employing agency or facility has assured that the individual is enrolled in a State-approved nurse aide I training and competency evaluation program that the individual will successfully complete within four months of employment date. During the four month period, the individual shall be assigned only tasks for which they have demonstrated competence and that they perform under supervision.

(b) A nurse aide II shall perform more complex nursing skills with emphasis on sterile technique in elimination, oxygenation, and nutrition after successful completion of a Board-approved nurse aide II training and competency evaluation program. A licensed nurse shall delegate these activities to the nurse aide II only after consideration of the variables described in Rule .0401(b) and (c) of this Section. Pursuant to G.S. 90-171.55, no individual may function as a nurse aide II unless:

- (1) the individual has successfully completed, in addition to an orientation program specific to the employing agency, a Board-approved nurse aide II course according to these Rules or its equivalent as identified by the Board;
- (2) the individual is listed as a nurse aide I on the DHSR Nurse Aide Registry with no substantiated findings of abuse, neglect, exploitation, mistreatment, diversion of drugs, fraud, or misappropriation of client or employing facility property listed on the DHSR

Nurse Aide Registry and/or on the NC Health Care Personnel Registry; and
(3) the employing facility or agency has inquired of the Board as to information in the Board of Nursing Nurse Aide II Registry concerning the individual and confirms with the Board that the individual is listed on the Board Nurse Aide II Registry as a nurse aide II.

(c) Listing on a Nurse Aide Registry is not required if the care is performed by clients themselves, their families or significant others, or by caretakers who provide personal care to individuals whose health care needs are incidental to the personal care required.

~~(d) Pursuant to G.S. 131E-114.2 and G.S. 131E-270, a medication aide shall be limited to performing technical aspects of medication administration, consistent with Rule .0401(b) and (c) of this Section, Rule .0221 of this Chapter, and only after:~~

- ~~(1) successful completion of a Board approved medication aide training program;~~
- ~~(2) successful completion of a State approved competency evaluation program; and~~
- ~~(3) listing on the Medication Aide Registry.~~

Authority G.S. 90-171.20(2)(4)(7)d.,e.g.; 90-171.43(4); 90-171.55; 90-171.56; ~~131E-114.2; 131E-270~~; 42U.S.C.S. 1395i-3 (1987).

21 NCAC 36 .0406 TRAINING FOR MEDICATION AIDE TRAINING REQUIREMENTS AIDES IN A NURSING HOME

~~(a) Faculty for the medication aide training program shall:~~

- ~~(1) have an active, unencumbered license to practice as a registered nurse in North Carolina;~~
- ~~(2) have had at least two years of practice experience as a registered nurse that includes medication administration;~~
- ~~(3) have successfully completed an instructor training program approved by the Board according to these Rules; and~~
- ~~(4) maintain Board certification as a medication aide instructor.~~

~~(b) A medication aide instructor certification shall be renewed every two years provided the following requirements are met:~~

- ~~(1) the individual has taught at least one medication aide training program within the preceding two years; and~~
- ~~(2) the individual has reviewed program changes approved by the Board and posted on the Board's website at www.ncbon.com.~~

~~(c) An applicant for a medication aide training program approved by the Board shall have a high school diploma or High School Equivalency.~~

(a) An entity seeking Board approval to offer a training for medication aides in a nursing home shall be one of the following:

- (1) a state-licensed proprietary school approved as defined in G.S. 115D-87;
- (2) a licensed care facility as defined in G.S. 131E-116(2); or

- (3) a state or private educational institution as defined in G.S. 127A-192.
- (b) The entity shall employ a Registered Nurse Instructor qualified pursuant to this rule and designate authority and responsibility for maintaining compliance with the rules in this Chapter in the training for medication aides in a nursing home.
- (c) To qualify as a Registered Nurse Instructor for a training for medication aides in nursing homes, a registered nurse shall:
 - (1) hold an active, unencumbered license or privilege to practice as a registered nurse in North Carolina; and
 - (2) have a minimum of two years employment as a registered nurse.
- (d) The Registered Nurse Instructor shall submit an Application for Training for Medication Aides in Nursing Homes at least 60 days prior to the proposed training start date. The entity shall not solicit students until the training for medication aides in nursing homes has been approved by the Board.
- (e) The Application for Training for Medication Aides in Nursing Homes shall be posted on the Board's website at www.ncbon.com and shall contain the following:
 - (1) the entity name, address, county, and location of the training;
 - (2) the Registered Nurse Instructor's name, license number, phone number, and email address;
 - (3) name and license number of all registered nurse(s) providing instruction in the training;
 - (4) the proposed training start date;
 - (5) a Clinical Site Form signed by the Registered Nurse Instructor and an authorized representative of the clinical agency. The Clinical Site Form shall be posted on the Board's website at www.ncbon.com;
 - (6) admission requirements for learners in the training;
 - (7) maximum projected learner enrollment per training; and
 - (8) the training syllabus which includes:
 - (A) objectives pertaining to the knowledge, skills, and abilities expected for learner performance;
 - (B) course content outline in the sequence of instruction;
 - (C) source references for content;
 - (D) allocation of time for didactic content, laboratory experience, and clinical experience, including the name of the registered nurse providing training instruction;
 - (E) a proposed schedule for the training which indicates the frequency and duration of instruction; and
 - (F) a plan for evaluation of learner performance by the registered nurse providing instruction in the training which includes evaluation tools used in the training.
- (f) The Registered Nurse Instructor shall verify that the learner is eligible for admission to the training for medication aides in a

nursing home. To be eligible for admission to a Board-approved training for medication aides in a nursing home, the learner shall meet the following minimum requirements:

- (1) be listed as a Nurse Aide I on the DHSR Nurse Aide I Registry in accordance with 10A NCAC 13O .0301; and
- (2) have a minimum of 1,000 hours of continuous work experience as a Nurse Aide I in a nursing home.
- (g) The curriculum for the training for medication aides in a nursing home shall include the content provided in the Medication Aide Certification Exam (MACE) Content Outline as administered by Credentia Nurse, LLC and their successors according to 10A NCAC 13O .0201(c) and located at www.credentia.com.
- (h) The maximum number of learners shall be 10 per class.
- (i) The training for medication aides in a nursing home shall include a minimum of 40 hours of didactic content and 20 hours of clinical experience.
- (j) The clinical experience shall:
 - (1) require onsite supervision by a registered nurse providing training instruction at all times;
 - (2) not exceed a registered nurse-to-learner ratio of 1:2;
 - (3) require the learner to demonstrate the administration of medications consistent with Board-approved competency skills checklists located at www.ncbon.com; and
 - (4) support the curriculum of the training for medication aides in a nursing home as outlined in Paragraph (g) of this Rule.
- (k) Requests for changes to the Board-approved training for medication aides in nursing homes shall be submitted by the Registered Nurse Instructor in writing for Board approval. Requests for changes in the curriculum shall be submitted at least 60 days prior to the proposed implementation date of the changes. The entity shall notify the Board in writing of any change of the Registered Nurse Instructor at least 5 business days prior to the change.
- (l) The Registered Nurse Instructor shall submit an annual report for the training for medication aides in nursing homes on behalf of the entity to the Board via email by March 31 of each year. The annual report shall include the following:
 - (1) the name, address, county, and location of the training;
 - (2) the number of students enrolled in the training;
 - (3) the number of students who completed the training;
 - (4) the name and license number of the registered nurse(s) providing training instruction;
 - (5) the name and location of all clinical agencies used by the training; and
 - (6) attestation by the Registered Nurse Instructor to the training's compliance with this Rule.
- (m) If the Board finds that the entity is not compliant with this rule, the Board shall give written notice by certified mail to the Registered Nurse Instructor identifying the areas of noncompliance.

(n) The Registered Nurse Instructor shall submit a request for change to the Board within 10 days from the date of receipt of the certified mailing. The request for change shall acknowledge the areas of non-compliance and how the Registered Nurse Instructor will remedy the non-compliance. The Board shall either approve the request for change and no further action against the entity will be taken or the Board shall deny the request for change. If the Board denies the request for change, the Board shall withdraw approval of the training for medication aides in nursing homes. The entity shall no longer be permitted to offer the training, and the Registered Nurse Instructor shall immediately cease operation of the training and provide notification to the Board of the plan for closure for learners enrolled in the training.

(o) If the entity contests the denial of the request for change, the Registered Nurse Instructor shall submit a request for hearing before the Board within 10 days of the issuance of the denial of the request for change and be provided with a hearing at the next meeting of the Board for which notice can be provided. The Board shall determine at hearing whether to grant the request for change

or cease operation of the training for medication aides in nursing homes.

(p) An entity offering the training for medication aides in nursing homes where learners have not completed the training for a period of two consecutive years shall be deemed closed by the Board.

(q) When a Board-approved training for medication aides in nursing homes closes, the Registered Nurse Instructor shall notify the Board in writing within 30 days of the closing and how learner records will be stored.

(r) A list of Board-approved trainings for medication aides in nursing homes shall be posted on the Board's website at www.ncbon.com and include the name of the entity and Registered Nurse Instructor, physical address, and email address.

Authority G.S. 90-171.56; 115D-87; 127A-192; 131E-114.2; 131E-116(2); 131E-270.

APPROVED RULES

*This Section includes a listing of rules approved by the Rules Review Commission followed by the full text of those rules. The rules that have been approved by the RRC in a form different from that originally noticed in the Register or when no notice was required to be published in the Register are identified by an * in the listing of approved rules. Statutory Reference: G.S. 150B-21.17.*

Rules approved by the Rules Review Commission at its meeting on May 28, 2026 Meeting.

**REGISTER CITATION TO THE
NOTICE OF TEXT**

CHILD CARE COMMISSION

<u>Scope</u>	10A NCAC	09	.2801	40:06	NCR
<u>Application for a Two through Five Star Rated License</u>	10A NCAC	09	.2802	40:06	NCR
<u>Caregiving Activities for Preschool-Aged Children</u>	10A NCAC	09	.2806	40:06	NCR
<u>Enhanced Space Requirements</u>	10A NCAC	09	.2809	40:06	NCR
<u>Enhanced Program Standards for Child Care Centers</u>	10A NCAC	09	.2817	40:06	NCR
<u>Enhanced Staff/Child Ratios for a Rated License for Child...</u>	10A NCAC	09	.2818	40:06	NCR
<u>Enhanced Education Standards for On-site Administrators f...</u>	10A NCAC	09	.2819	40:06	NCR
<u>Enhanced Education Standards for Lead Teachers for a Rate...</u>	10A NCAC	09	.2820	40:06	NCR
<u>Enhanced Education Standards for Teachers for Rated Licen...</u>	10A NCAC	09	.2821	40:06	NCR
<u>Enhanced Education Standards for Program Coordinators for...</u>	10A NCAC	09	.2822	40:06	NCR
<u>Enhanced Education Standards for Group Leaders and Assist...</u>	10A NCAC	09	.2823	40:06	NCR
<u>Enhanced Education Standards for a Rated License for Admi...</u>	10A NCAC	09	.2824	40:06	NCR
<u>Enhanced Education Standards for Program Coordinators for...</u>	10A NCAC	09	.2825	40:06	NCR
<u>Enhanced Education Standards for Operators for a Rated Li...</u>	10A NCAC	09	.2827	40:06	NCR
<u>Enhanced Program Standards for a Rated License for Family...</u>	10A NCAC	09	.2828	40:06	NCR
<u>Quality Points Options</u>	10A NCAC	09	.2829	40:06	NCR
<u>Maintaining the Star Rating</u>	10A NCAC	09	.2830	40:06	NCR
<u>How an Operator May Request or Appeal A Change in Rating</u>	10A NCAC	09	.2831	40:06	NCR

STATE FIRE MARSHAL, OFFICE OF

<u>Definitions</u>	11 NCAC	05A	.0901*	40:13	NCR
<u>Purpose</u>	11 NCAC	05A	.0902*	40:13	NCR
<u>Rating of Fire District</u>	11 NCAC	05A	.0903*	40:13	NCR
<u>Facilities</u>	11 NCAC	05A	.0904*	40:13	NCR
<u>Apparatus Specifications and Equipment</u>	11 NCAC	05A	.0905*	40:13	NCR
<u>Training</u>	11 NCAC	05A	.0907*	40:13	NCR
<u>Communications and Alarms</u>	11 NCAC	05A	.0908*	40:13	NCR
<u>Incident Reporting</u>	11 NCAC	05A	.0910*	40:13	NCR
<u>Records</u>	11 NCAC	05A	.0911*	40:13	NCR
<u>Non-Compliance</u>	11 NCAC	05A	.0912*	40:13	NCR

HOME INSPECTOR LICENSURE BOARD

<u>Insurance Requirements</u>	11 NCAC	08	.1006*	40:16	NCR
<u>Definitions</u>	11 NCAC	08	.1101*	40:16	NCR
<u>Structural Components</u>	11 NCAC	08	.1106*	40:16	NCR
<u>Pre-Drywall Inspection</u>	11 NCAC	08	.1117*	40:16	NCR

APPROVED RULES

<u>Investigation</u>	11 NCAC	08	.1204*	40:16 NCR
SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION				
<u>Detention Officer Certification Course</u>	12 NCAC	10B	.0601*	40:16 NCR
<u>Evaluation for Training Waiver</u>	12 NCAC	10B	.0603*	40:16 NCR
<u>Administration of Detention Officer Certification Course</u>	12 NCAC	10B	.0703*	40:16 NCR
<u>Limited Lecturer Certification</u>	12 NCAC	10B	.0908*	40:16 NCR
<u>Instructors</u>	12 NCAC	10B	.2004*	40:16 NCR
LABOR, DEPARTMENT OF				
<u>Training on Human Trafficking</u>	13 NCAC	01D	.0101	40:16 NCR
WILDLIFE RESOURCES COMMISSION				
<u>License Fees</u>	15A NCAC	10A	.1601*	40:13 NCR
<u>Brunswick County</u>	15A NCAC	10F	.0305	40:14 NCR
<u>General Requirements and Fees</u>	15A NCAC	10H	.1801*	40:13 NCR
EDUCATION, STATE BOARD OF				
<u>Flexible Funding</u>	16 NCAC	06G	.0303*	40:09 NCR
<u>School Reform Models</u>	16 NCAC	06G	.0317	40:09 NCR
<u>Restart Model</u>	16 NCAC	06G	.0318*	40:09 NCR
<u>Transformation Model</u>	16 NCAC	06G	.0319	40:09 NCR
<u>Turnaround Model</u>	16 NCAC	06G	.0320	40:09 NCR
ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS, BOARD OF				
<u>Authority: Name and Location of Board</u>	21 NCAC	02	.0101	40:10 NCR
<u>Seal of Board</u>	21 NCAC	02	.0106*	40:10 NCR
<u>Forms</u>	21 NCAC	02	.0107	40:10 NCR
<u>Fees</u>	21 NCAC	02	.0108	40:10 NCR
<u>Definitions</u>	21 NCAC	02	.0109	40:10 NCR
<u>Architect, Registered Interior Designer, Firm or Partners...</u>	21 NCAC	02	.0201*	40:10 NCR
<u>Rules of Professional Conduct</u>	21 NCAC	02	.0203*	40:10 NCR
<u>Forms of Practice</u>	21 NCAC	02	.0204*	40:10 NCR
<u>Name of Firm</u>	21 NCAC	02	.0205*	40:10 NCR
<u>Requirement for and Use of Professional Seal by an Archit...</u>	21 NCAC	02	.0206*	40:10 NCR
<u>Incompetence</u>	21 NCAC	02	.0210	40:10 NCR
<u>Individual Licenses and Registrations</u>	21 NCAC	02	.0213	40:10 NCR
<u>Firm Practice of Architecture and Registered Interior Design</u>	21 NCAC	02	.0214*	40:10 NCR
<u>Out of State Firms</u>	21 NCAC	02	.0215*	40:10 NCR
<u>Architect Emeritus</u>	21 NCAC	02	.0217*	40:10 NCR
<u>Architectural Licensure by Examination</u>	21 NCAC	02	.0302*	40:10 NCR
<u>Architecture Licensure by Reciprocity</u>	21 NCAC	02	.0303	40:10 NCR
<u>Interior Designer Registration</u>	21 NCAC	02	.0306*	40:10 NCR
<u>Rule-Making Petitions</u>	21 NCAC	02	.0401	40:10 NCR
<u>Notice of Rule-Making Hearings</u>	21 NCAC	02	.0402	40:10 NCR
<u>Notice Mailing List</u>	21 NCAC	02	.0403	40:10 NCR
<u>Submission of Data</u>	21 NCAC	02	.0404*	40:10 NCR
<u>Presiding Officer: Powers and Duties</u>	21 NCAC	02	.0405*	40:10 NCR

APPROVED RULES

<u>Record of Proceedings</u>	21 NCAC	02	.0406*	40:10 NCR
<u>Procedure for Declaratory Ruling</u>	21 NCAC	02	.0501*	40:10 NCR
<u>Professional Standards Committee</u>	21 NCAC	02	.0601*	40:10 NCR
<u>Request for Hearing</u>	21 NCAC	02	.0603*	40:10 NCR
<u>Granting or Denying Hearing Requests</u>	21 NCAC	02	.0604*	40:10 NCR
<u>Notice of Hearing</u>	21 NCAC	02	.0605*	40:10 NCR
<u>Petition for Intervention</u>	21 NCAC	02	.0607	40:10 NCR
<u>Types of Intervention</u>	21 NCAC	02	.0608	40:10 NCR
<u>Informal Procedures</u>	21 NCAC	02	.0609	40:10 NCR
<u>Disqualification of Board Members</u>	21 NCAC	02	.0610*	40:10 NCR
<u>Continuances Failure to Appear</u>	21 NCAC	02	.0701*	40:10 NCR
<u>Witnesses</u>	21 NCAC	02	.0702	40:10 NCR
<u>Subpoenas</u>	21 NCAC	02	.0703*	40:10 NCR
<u>Final Agency Decision</u>	21 NCAC	02	.0704*	40:10 NCR
<u>Proposals for Decisions</u>	21 NCAC	02	.0705*	40:10 NCR
<u>Scope</u>	21 NCAC	02	.0901	40:10 NCR
<u>Requirements</u>	21 NCAC	02	.0903*	40:10 NCR
<u>Determination of Credit</u>	21 NCAC	02	.0904*	40:10 NCR
<u>Record Keeping</u>	21 NCAC	02	.0905*	40:10 NCR
<u>Exceptions</u>	21 NCAC	02	.0906*	40:10 NCR
<u>Reinstatement</u>	21 NCAC	02	.0907	40:10 NCR
<u>Reciprocity</u>	21 NCAC	02	.0908	40:10 NCR
<u>Forms</u>	21 NCAC	02	.0909	40:10 NCR
<u>Non-Compliance</u>	21 NCAC	02	.0910	40:10 NCR

CERTIFIED PUBLIC ACCOUNTANT EXAMINERS, BOARD OF

<u>Formal Name</u>	21 NCAC	08A	.0101	40:12 NCR
<u>Address and Phone Number</u>	21 NCAC	08A	.0102	40:12 NCR
<u>Office Hours</u>	21 NCAC	08A	.0103	40:12 NCR
<u>Election of Officers</u>	21 NCAC	08A	.0201	40:12 NCR
<u>Quorum</u>	21 NCAC	08A	.0203	40:12 NCR
<u>Definitions</u>	21 NCAC	08A	.0301*	40:12 NCR
<u>Public Practice of Accountancy or Accounting</u>	21 NCAC	08A	.0307	40:12 NCR
<u>Holding Out to the Public</u>	21 NCAC	08A	.0308	40:12 NCR
<u>Concentration in Accounting</u>	21 NCAC	08A	.0309	40:12 NCR
<u>Direct Supervision Defined</u>	21 NCAC	08A	.0310	40:12 NCR
<u>Petitions</u>	21 NCAC	08B	.0101	40:12 NCR
<u>Contents of Petition for New Rule</u>	21 NCAC	08B	.0102	40:12 NCR
<u>Contents of Petitions for Rule Amendment or Repeal</u>	21 NCAC	08B	.0104	40:12 NCR
<u>Granting or Denying Petitions</u>	21 NCAC	08B	.0105	40:12 NCR
<u>Mailing List</u>	21 NCAC	08B	.0202	40:12 NCR
<u>Oral Presentation</u>	21 NCAC	08B	.0304	40:12 NCR
<u>Control of Rule-Making Hearings</u>	21 NCAC	08B	.0307	40:12 NCR
<u>Request for Declaratory Ruling</u>	21 NCAC	08B	.0501	40:12 NCR
<u>Contents of Request</u>	21 NCAC	08B	.0502	40:12 NCR
<u>Refusal to Issue Declaratory Ruling</u>	21 NCAC	08B	.0503	40:12 NCR
<u>Circumstances</u>	21 NCAC	08B	.0507	40:12 NCR
<u>Requests for Informal Opinions</u>	21 NCAC	08B	.0508	40:12 NCR

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<u>Additional Information on Notices of Hearings</u>	21 NCAC	08C .0103	40:12 NCR
<u>Written Petition for Intervention</u>	21 NCAC	08C .0104	40:12 NCR
<u>Notice of Allowance or Denial of Petition to Intervene</u>	21 NCAC	08C .0105	40:12 NCR
<u>Disqualification of Board Member</u>	21 NCAC	08C .0107	40:12 NCR
<u>Affidavit of Disqualification</u>	21 NCAC	08C .0108	40:12 NCR
<u>Filing Affidavit of Disqualification</u>	21 NCAC	08C .0109	40:12 NCR
<u>Determination of Disqualification</u>	21 NCAC	08C .0110	40:12 NCR
<u>New Hearing After Disqualification</u>	21 NCAC	08C .0111	40:12 NCR
<u>Pre-Hearing Conference</u>	21 NCAC	08C .0114	40:12 NCR
<u>Purposes of a Pre-Hearing Conference</u>	21 NCAC	08C .0115	40:12 NCR
<u>Notice of Pre-Hearing Conference</u>	21 NCAC	08C .0116	40:12 NCR
<u>Continuances</u>	21 NCAC	08C .0118	40:12 NCR
<u>Service of Subpoenas</u>	21 NCAC	08C .0121	40:12 NCR
<u>Objections to Subpoenas</u>	21 NCAC	08C .0122	40:12 NCR
<u>Responses to Objections to Subpoenas</u>	21 NCAC	08C .0123	40:12 NCR
<u>Hearings on Subpoena Challenges</u>	21 NCAC	08C .0124	40:12 NCR
<u>Records of Contested Cases</u>	21 NCAC	08C .0125	40:12 NCR
<u>Hearing Exhibits</u>	21 NCAC	08C .0126	40:12 NCR
<u>Time and Place of CPA Examinations</u>	21 NCAC	08F .0101	40:12 NCR
<u>Type of CPA Examination</u>	21 NCAC	08F .0102	40:12 NCR
<u>Filing of Examination Applications and Fees</u>	21 NCAC	08F .0103	40:12 NCR
<u>Conditioning Requirements</u>	21 NCAC	08F .0105	40:12 NCR
<u>Granting Examination Credit from other Jurisdictions</u>	21 NCAC	08F .0106	40:12 NCR
<u>Communication of Results of CPA Examinations</u>	21 NCAC	08F .0107	40:12 NCR
<u>Ineligibility Due to Violation of Accountancy Act</u>	21 NCAC	08F .0111	40:12 NCR
<u>Candidate's Request to Review CPA Examination</u>	21 NCAC	08F .0113	40:12 NCR
<u>Education and Work Experience Required Prior to CPA Exam</u>	21 NCAC	08F .0302	40:12 NCR
<u>Semester Hour Equivalent</u>	21 NCAC	08F .0303*	40:12 NCR
<u>Work Experience Required of Candidates for CPA Certification</u>	21 NCAC	08F .0401	40:12 NCR
<u>Satisfaction of Experience Requirement by Teaching</u>	21 NCAC	08F .0409	40:12 NCR
<u>Education Required of Candidates for CPA Certification</u>	21 NCAC	08F .0410	40:12 NCR
<u>Work Experience Forms</u>	21 NCAC	08F .0411	40:12 NCR
<u>Application for CPA Certificate</u>	21 NCAC	08F .0502	40:12 NCR
<u>Candidates' Accountancy Law Course Requirement</u>	21 NCAC	08F .0504	40:12 NCR
<u>Moral Character Form</u>	21 NCAC	08F .0505	40:12 NCR
<u>CPE Requirements for CPAS</u>	21 NCAC	08G .0401	40:12 NCR
<u>Qualification of CPE Sponsors</u>	21 NCAC	08G .0403	40:12 NCR
<u>Requirements for CPE Credit</u>	21 NCAC	08G .0404	40:12 NCR
<u>Compliance with CPE Requirements</u>	21 NCAC	08G .0406	40:12 NCR
<u>Computation of CPE Credits</u>	21 NCAC	08G .0409	40:12 NCR
<u>Reciprocal Certificates</u>	21 NCAC	08H .0101	40:12 NCR
<u>Temporary Permit</u>	21 NCAC	08H .0102	40:12 NCR
<u>Notice to Board of Discipline by other Agency</u>	21 NCAC	08H .0104	40:12 NCR
<u>Disciplinary Action</u>	21 NCAC	08I .0101	40:12 NCR
<u>Procedure when Petition Against Board Member or Employee</u>	21 NCAC	08I .0102	40:12 NCR
<u>Modification of Discipline</u>	21 NCAC	08I .0104	40:12 NCR
<u>Revocation of Certificates</u>	21 NCAC	08I .0105	40:12 NCR

APPROVED RULES

<u>Annual Renewal of Certificate, Forfeiture, and Reapplication</u>	21 NCAC	08J .0101*	40:12 NCR
<u>Inactive Status; Change of Status</u>	21 NCAC	08J .0105	40:12 NCR
<u>Forfeiture of Certificate and Reissuance</u>	21 NCAC	08J .0106*	40:12 NCR
<u>Mailing Addresses of Certificate Holders and CPA Firms</u>	21 NCAC	08J .0107	40:12 NCR
<u>CPA Firm Registration</u>	21 NCAC	08J .0108	40:12 NCR
<u>CPA Firm Practice Privilege Notification</u>	21 NCAC	08J .0109	40:12 NCR
<u>Registration Fees</u>	21 NCAC	08J .0110	40:12 NCR
<u>Compliance with CPA Firm Registration</u>	21 NCAC	08J .0111	40:12 NCR
<u>Retired Status - Change of Status</u>	21 NCAC	08J .0112	40:12 NCR
<u>License Renewal Form</u>	21 NCAC	08J .0113*	40:12 NCR
<u>Registration and Renewal</u>	21 NCAC	08K .0104	40:12 NCR
<u>Supplemental Reports</u>	21 NCAC	08K .0105	40:12 NCR
<u>Corporate and Professional Limited Liability Company Names</u>	21 NCAC	08K .0201	40:12 NCR
<u>Registered Limited Liability Partnerships</u>	21 NCAC	08K .0301	40:12 NCR
<u>Peer Review Requirements</u>	21 NCAC	08M .0105	40:12 NCR
<u>Compliance</u>	21 NCAC	08M .0106*	40:12 NCR
<u>Ethical Duties of Reviewer</u>	21 NCAC	08M .0107	40:12 NCR
<u>Scope of These Rules</u>	21 NCAC	08N .0101	40:12 NCR
<u>Applicability and Organization of Rules</u>	21 NCAC	08N .0102	40:12 NCR
<u>Responsibility for Compliance by Others</u>	21 NCAC	08N .0103	40:12 NCR
<u>Integrity</u>	21 NCAC	08N .0201	40:12 NCR
<u>Deceptive Conduct Prohibited</u>	21 NCAC	08N .0202	40:12 NCR
<u>Discreditable Conduct Prohibited</u>	21 NCAC	08N .0203	40:12 NCR
<u>Discipline by Federal and State Authorities</u>	21 NCAC	08N .0204	40:12 NCR
<u>Confidentiality</u>	21 NCAC	08N .0205	40:12 NCR
<u>Cooperation with Board Inquiry</u>	21 NCAC	08N .0206	40:12 NCR
<u>Violation of Tax Laws</u>	21 NCAC	08N .0207	40:12 NCR
<u>Reporting Convictions, Judgements, and Disciplinary Actions</u>	21 NCAC	08N .0208	40:12 NCR
<u>Accounting Principles</u>	21 NCAC	08N .0209	40:12 NCR
<u>Responsibilities in Tax Practice</u>	21 NCAC	08N .0211	40:12 NCR
<u>Competence</u>	21 NCAC	08N .0212	40:12 NCR
<u>Other Rules</u>	21 NCAC	08N .0213	40:12 NCR
<u>Outsourcing to Third-Party Service Providers</u>	21 NCAC	08N .0214	40:12 NCR
<u>International Financial Accounting Standards</u>	21 NCAC	08N .0215	40:12 NCR
<u>Professional Judgment</u>	21 NCAC	08N .0216	40:12 NCR
<u>Professional Judgement</u>	21 NCAC	08N .0301	40:12 NCR
<u>Forms of Practice</u>	21 NCAC	08N .0302	40:12 NCR
<u>Objectivity and Conflicts of Interest</u>	21 NCAC	08N .0303	40:12 NCR
<u>Consulting Services Standards</u>	21 NCAC	08N .0304	40:12 NCR
<u>Retention of Client Records</u>	21 NCAC	08N .0305	40:12 NCR
<u>Advertising or Other Forms of Solicitation</u>	21 NCAC	08N .0306	40:12 NCR
<u>CPA Firm Names</u>	21 NCAC	08N .0307	40:12 NCR
<u>Valuation Services Standards</u>	21 NCAC	08N .0308	40:12 NCR
<u>Personal Financial Planning Services</u>	21 NCAC	08N .0309	40:12 NCR
<u>Forensic Services</u>	21 NCAC	08N .0310	40:12 NCR
<u>Public Reliance</u>	21 NCAC	08N .0401	40:12 NCR
<u>Independence</u>	21 NCAC	08N .0402	40:12 NCR

<u>Auditing Standards</u>	21 NCAC	08N .0403	40:12 NCR
<u>Accounting and Review Services Standards</u>	21 NCAC	08N .0404	40:12 NCR
<u>Governmental Accounting Standards</u>	21 NCAC	08N .0405	40:12 NCR
<u>Attestation Standards</u>	21 NCAC	08N .0406	40:12 NCR
<u>Peer Review Standards</u>	21 NCAC	08N .0408	40:12 NCR
<u>Government Auditing Standards</u>	21 NCAC	08N .0409	40:12 NCR
<u>International Standards on Auditing</u>	21 NCAC	08N .0410	40:12 NCR
<u>Audits Subject to the Single Audit Act</u>	21 NCAC	08N .0411	40:12 NCR
<u>Forensic Services</u>	21 NCAC	08N .0412	40:12 NCR

LOCKSMITH LICENSING BOARD

<u>Examination Fee</u>	21 NCAC	29 .0201	40:10 NCR
<u>Application Requirements</u>	21 NCAC	29 .0202*	40:10 NCR
<u>Requirements of Examinees</u>	21 NCAC	29 .0204*	40:10 NCR
<u>Special Administration</u>	21 NCAC	29 .0206*	40:10 NCR
<u>Obligation of Licensed Locksmiths</u>	21 NCAC	29 .0501*	40:10 NCR

MEDICAL BOARD

<u>Conversion Application for Physician License</u>	21 NCAC	32B .1403*	40:11 NCR
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PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS OF

<u>Qualifications Determined by Examination</u>	21 NCAC	50 .0301*	40:14 NCR
<u>Applications: Issuance of License</u>	21 NCAC	50 .0306*	40:14 NCR
<u>Limited Plumbing Water Heater Replacement Contractor License</u>	21 NCAC	50 .0521*	40:14 NCR
<u>Examination Fees</u>	21 NCAC	50 .1101*	40:14 NCR

The following rules are subject to Legislative Review:

ELECTIONS, STATE BOARD OF

<u>Definitions</u>	08 NCAC	23 .0101*	40:14 NCR
<u>Entry of Challenge</u>	08 NCAC	23 .0102*	40:14 NCR
<u>Preliminary Hearing</u>	08 NCAC	23 .0103*	40:14 NCR
<u>Challenge Hearing</u>	08 NCAC	23 .0104*	40:14 NCR

TITLE 08 - BOARD OF ELECTIONS

CHAPTER 23 – LIST MAINTENANCE

SECTION .0100 – NON-CITIZEN LIST MAINTENANCE

08 NCAC 23 .0101 DEFINITIONS

For purposes of this Section:

- (1) "Chair" means a member appointed to be the chair of a county board of elections pursuant to G.S. 163-30.
- (2) "Challenge" means a challenge entered by a county board under Rule .0102 of this Section.
- (3) "Challenge hearing" means the hearing conducted under Rule .0104 of this Section.

- (4) "Challenged voter" means a potential noncitizen whose eligibility to remain registered to vote has been challenged pursuant to the procedures in this Section.
- (5) "Director of elections" means the county director of elections for a county appointed pursuant to G.S. 163-35.
- (6) "Documentation of citizenship" means an original or copy of a document issued by a state, federal, or tribal government showing the citizenship of the person to whom the document was issued. Documentation of citizenship shall include, but is not limited to, a birth certificate, a document showing place of birth issued by a vital records office, a passport or passport card issued by the United States Department of

State, a consular report of birth abroad issued by the United States Department of State, a certificate of citizenship or naturalization issued by the Department of Homeland Security's United States Citizenship and Immigration Services. Documentation of citizenship shall also include documentation showing the citizenship of a parent, when provided with documentation indicating the parental relationship to the person presenting the documentation, to demonstrate citizenship derived from a parent pursuant to the applicable provisions of 8 U.S.C. 1431 and 8 U.S.C. 1432 of the federal Immigration and Nationality Act. 8 U.S.C. 1431 is incorporated by reference, including subsequent amendments and editions, and is available for free at <https://www.govinfo.gov/app/details/USCOD E-2024-title8/USCODE-2024-title8-chap12-subchapIII-partII-sec1431>. 8 U.S.C. 1432 (repealed effective February 27, 2001) is incorporated by reference and is available for free at <https://www.govinfo.gov/app/details/USCOD E-1999-title8/USCODE-1999-title8-chap12-subchapIII-partII-sec1432>.

- (7) "Notice of non-citizenship" means a written notice sent by the State Board of elections to a county board of elections identifying a registered voter in the county as a potential noncitizen. The notice of non-citizenship shall include the source of the information used to identify the registered voter as a potential noncitizen.
- (8) "Preliminary hearing" means the hearing conducted under Rule .0103 of this Section.
- (9) "Potential noncitizen" means a registered voter who has been identified by the State Board of Elections as potentially not being a United States citizen based on information obtained by the State Board from official government records and databases and which identifies a registered voter as not being a United States citizen, such as records related to obtaining a driver's license or databases maintained by U.S. Citizenship and Immigration Services. A potential noncitizen does not mean a registered voter for whom the State Board has in its possession or control any information or documents demonstrating that the voter has previously provided documentation of citizenship, nor does it mean a registered voter who has previously been found to be a United States citizen by a county board of elections.

08 NCAC 23 .0102 ENTRY OF CHALLENGE

(a) No later than five business days after receiving a notice of non-citizenship from the State Board of Elections, county board staff shall review the county board's records to determine if the potential noncitizen has previously provided documentation of citizenship. If county board staff cannot locate information or documents in the county board's records demonstrating that the potential noncitizen has provided documentation of citizenship, then the director of elections for the county board receiving the notice or their designee on the county board staff shall enter a challenge to the potential noncitizen's eligibility to remain registered to vote under G.S. 163-85(c)(7). The challenge shall be entered by filing at the county board office a form provided by the State Board, which shall include the following:

- (1) the physical address, mailing address, telephone number, and email address for the county board;
- (2) the printed name and signature of the official entering the challenge;
- (3) the date the challenge is entered;
- (4) the challenged voter's name and current residential address contained in their registration record; and
- (5) the following statement: "The voter's eligibility to remain registered to vote in North Carolina is being challenged because the county board of elections has been notified by the State Board of Elections that information available from official government records or databases indicates that the voter is not a U.S. citizen, and a review of information and documents in the county board's records does not show that the voter has provided documentation of citizenship."

(b) Within three business days of the challenge being entered, the county board shall set a date for the preliminary hearing in accordance with Rule .0103(a) of this Section and send notice of the challenge to the challenged voter along with the date, time, and location of the preliminary hearing. The notice of the challenge shall be in writing and sent by U.S. mail using a method of delivery that documents receipt. The notice shall also be provided by email using any email address that the county board possesses for the challenged voter. The following shall be included with the notice of the challenge:

- (1) a copy of the entered challenge;
- (2) the information contained within the notice of non-citizenship;
- (3) information about the qualifications to vote in North Carolina;
- (4) a copy of the rules in this Section;
- (5) instructions for how the challenged voter may respond to the challenge, which shall include examples of documentation of citizenship or information the challenged voter may submit for the county board's consideration, how the challenged voter can submit such documentation or information before or at the preliminary hearing, and how to voluntarily

History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-86; Eff. Pending Legislative Review.

cancel their registration should they desire to do so; and

- (6) the following statement: "If the information we have that you are not a U.S. citizen is incorrect or outdated, please contact the county board of elections to provide proof of citizenship, so that we can update our records. If you are a U.S. citizen and meet all other qualifications to vote, then you can remain registered and vote."

History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85;

Eff. Pending Legislative Review.

08 NCAC 23 .0103 PRELIMINARY HEARING

(a) A preliminary hearing shall be held no earlier than 10 business days and no later than 20 business days after the notice of preliminary hearing is mailed to the challenged voter in accordance with Rule .0102 of this Section, unless the challenged voter voluntarily cancels their registration before the date of the hearing. The preliminary hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The written notice required by G.S. 143-318.12(b)(2) shall be emailed at least five business days before the preliminary hearing to the county board's notice list and any other person who has requested that the county board give them notice of proceedings under this Section, and to the challenged voter by separate email if the county board possesses an email address for the challenged voter.

(b) The county board shall follow the procedures in G.S. 163-85(d) for the receipt of evidence at the preliminary hearing. At the conclusion of the preliminary hearing, the county board shall make the probable cause determination required under G.S. 163-85(d) as to whether the challenged voter is a United States citizen. The county board's determination of probable cause shall be based on only the following:

- (1) the notice of non-citizenship and any related documentation or information provided by the State Board;
- (2) official government documents and information from official government records and databases obtained by the county board; and
- (3) any documentation of citizenship or information that can be used to determine the challenged voter's citizenship that is submitted to the county board by the challenged voter, whether submitted before or at the preliminary hearing.

When reviewing documentation of citizenship provided by the challenged voter, the county board shall determine whether the name on the documentation is the same as or substantially equivalent to the name contained in the voter's voter registration record by applying the standards in 08 NCAC 17 .0101(a)(3).

(c) The county board's determination of probable cause under Paragraph (b) of this Rule shall be announced at the preliminary hearing and the county board shall then proceed as follows:

- (1) If the county board determines that probable cause exists that the challenged voter is not a United States citizen, then the county board

shall set a date for the challenge hearing and send notice of the challenge hearing to the challenged voter in accordance with Rule .0104(b) of this Section.

- (2) If the county board determines that probable cause does not exist that the challenged voter is not a United States citizen, then the county board shall dismiss the challenge and proceed in accordance with G.S. 163-90.2(b). The grounds for the county board's decision shall be recorded in a written decision within ten business days of the preliminary hearing and a copy of the written decision shall be provided to the challenged voter using the same method of delivery used to send the notice of the challenge under Rule .0102(b) of this Section. The official entering the challenge shall have no right of appeal of the county board's dismissal of the challenge.

History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-85; 163-90.1; 163-90.2;

Eff. Pending Legislative Review.

08 NCAC 23 .0104 CHALLENGE HEARING

(a) A challenge hearing shall be held no earlier than 10 business days and no later than 20 business days after the county board has ordered the challenge to proceed to a challenge hearing under Rule .0103(d)(1) of this Section, unless the challenged voter voluntarily cancels their registration before the date of the hearing. If the county board is unable to confirm that the challenged voter received the notice of the challenge hearing, then the county board shall continue the hearing to a date no earlier than 10 business days from the date of the original challenge hearing. The challenge hearing shall be noticed as a special meeting in accordance with G.S. 143-318.12(b). The written notice required by G.S. 143-318.12(b)(2) shall be emailed at least 10 business days before the challenge hearing to the county board's notice list and any other person who has requested that the county board give them notice of proceedings under this Section.

(b) The county board shall send written notice of the challenge hearing to the challenged voter by the deadline to do so in G.S. 163-86(b) and no later than three business days after the county board has ordered the challenge to proceed to a challenge hearing under Rule .0103(d)(1) of this Section or has continued the hearing as provided in this Rule. The notice to the challenged voter shall include the information required under G.S. 163-86(b) and shall be sent by U.S. mail using a method of delivery that documents receipt. The notice shall also be provided by email to the challenged voter using any email address that the county board possesses for the challenged voter.

(c) The county board shall conduct the challenge hearing using the procedures in G.S. 163-86(c) and (d) as well as the following additional procedures:

- (1) The challenge hearing shall be recorded by a court reporter or by mechanical means.
- (2) Upon request by the challenged voter, the chair or any two members of the county board shall issue subpoenas for witnesses or documents,

when the chair or two members of the county board conclude that the witnesses or documents are likely to provide information that is both relevant and material to the challenged voter's citizenship, the information sought is not unnecessarily duplicative of other available evidence, and the subpoena is not likely to subject the recipient to undue burden or expense. Such subpoenas shall be served in the same manner as allowed in the North Carolina Rules of Civil Procedure. The county board shall continue the hearing to a date no earlier than 10 business days from the date of the challenge hearing if the county board is unable to confirm service of the subpoenas.

- (3) After the challenged voter has been administered the first oath under G.S. 163-86(c), the county board shall provide the challenged voter with the information and documents included with the notice of the challenge under Rule .0102(b) of this Section as well as any additional information and documents considered by the county board at the preliminary hearing.
- (4) The challenged voter shall be permitted the opportunity to present documentation of citizenship and sworn testimony as to their citizenship before being tendered the second oath under G.S. 163-86(c). If the challenged voter submits documentation of citizenship, then the county board shall, when reviewing the documentation of citizenship, determine whether the name on the documentation is the same as or substantially equivalent to the name contained in the voter's voter registration record by applying the standards in 08 NCAC 17 .0101(a)(3).
- (5) The county board shall continue the challenge hearing to a later date upon oral or written request to do so by the challenged voter if that request is accompanied by documentation showing the challenged voter has made a request to a government agency to obtain documentation of citizenship. In setting the date of the continued challenge hearing, the county board shall consider information from the government agency regarding the time needed to process the challenged voter's request.
- (6) If the challenged voter or an authorized representative does not appear at the challenge hearing, and the challenged voter has not submitted any documentation of citizenship for the county board's consideration, then the notice of non-citizenship shall be treated by the county board as affirmative proof necessary to sustain the challenge under G.S. 163-90.1(b).
- (7) If the challenged voter has not submitted documentation of citizenship but has provided sworn testimony or other evidence regarding

their citizenship, then the county board shall consider that testimony or other evidence when determining whether to sustain or overrule the challenge.

(d) The county board's decision on the challenge shall be announced at the conclusion of the challenge hearing and the grounds for the county board's decision shall be recorded in a written decision within five business days of the challenge hearing. A copy of the written decision shall be sent to the challenged voter using the same method of delivery used to send the notice of the challenge under Rule .0102(b) of this Section. In making its decision on the challenge, the county board shall do one of the following:

- (1) If the challenged voter refuses to take the second oath under G.S. 163-86(c) or submit to the county board the affidavit required by G.S. 163-86(d), or if the county board finds that the challenged voter is not a United States citizen by the greater weight of the evidence, then the county board shall sustain the challenge and proceed in accordance with G.S. 163-90.2(a). The time in which the voter has the right to appeal under G.S. 163-90.2(c) shall be measured from the date on which the written decision is recorded and sent to the challenged voter in accordance with this Paragraph.
- (2) If the county board decides that the challenge cannot be substantiated by the greater weight of the evidence, or finds that the challenged voter is a United States citizen by the greater weight of the evidence, then the county board shall overrule the challenge and proceed in accordance with G.S. 163-90.2(b). The official entering the challenge shall have no right of appeal of the county board's decision to overrule the challenge.

History Note: Authority G.S. 163-22; 163-82.14; 163-82.26; 163-86; 163-90.1; 163-90.2; Eff. Pending Legislative Review.

TITLE 10A - DEPARTMENT OF HEALTH AND HUMAN SERVICES

10A NCAC 09 .2801 SCOPE

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; Eff. April 1, 1999; Amended Eff. July 1, 2010; May 1, 2006; Readopted Eff. March 1, 2019; Repealed Eff. June 1, 2026.

10A NCAC 09 .2802 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b);

Eff. April 1, 1999;
Amended Eff. September 1, 2012; July 1, 2010; May 1, 2006;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2806 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1612;
Amended Eff. May 1, 2013; May 1, 2006;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2809 ENHANCED SPACE REQUIREMENTS

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1604;
Amended Eff. May 1, 2006;
Readopted Eff. March 1, 2019;
Amended Eff. July 1, 2023; February 1, 2021;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2817 ENHANCED PROGRAM STANDARDS FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Readopted Eff. March 1, 2019;
Amended Eff. February 1, 2021;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2818 ENHANCED STAFF/CHILD RATIOS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. May 1, 2006;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2819 ENHANCED EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Amended Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2820 ENHANCED EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2821 ENHANCED EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2822 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2823 ENHANCED EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE CENTERS AND FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2824 ENHANCED EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2825 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2827 ENHANCED EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Amended Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2828 ENHANCED PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Recodified from Rule .2821 Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Amended Eff. July 1, 2021;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2829 QUALITY POINT OPTIONS

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s. 10.7(b);
Eff. May 1, 2006;
Amended Eff. December 1, 2006;
Recodified from Rule .2823 Eff. August 1, 2012;
Amended Eff. July 1, 2015; September 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2830 MAINTAINING THE STAR RATING

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Recodified from Rule .2809 Eff. May 1, 2006;
Recodified from Rule .2824 Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Repealed Eff. June 1, 2026.

10A NCAC 09 .2831 HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Recodified from Rule .2810 Eff. May 1, 2006;
Amended Eff. May 1, 2006;
Recodified from Rule .2825 Eff. August 1, 2012;

TITLE 11 - DEPARTMENT OF INSURANCE

11 NCAC 05A .0901 DEFINITIONS

As used in this Subchapter:

- (1) "9S Inspection" means an inspection conducted by the Office of State Fire Marshal (OSFM) to ensure compliance with the requirements of this Section in order to receive a public protection classification rating.
- (2) "Automatic Aid" means assistance dispatched automatically by contractual agreement between two communities or fire districts to all structure fires.
- (3) "Eligible Firefighter" means all persons 18 years of age or older who are firefighters as defined by G.S. 58-86-2.
- (4) "Engine" means a motorized vehicle meeting the requirements of NFPA 1901, "Standard for Automotive Fire Apparatus."
- (5) "Fire Department" means an organization established or organized under applicable State and local laws, for the purpose of limiting, reducing, or preventing damage or personal injury caused by fire or other emergency.
- (6) "Fire Districts" or "Insurance Districts" means an area within a city, town, municipality, or county that is established in order to provide fire prevention and fire suppression services.
- (7) "Fire Station" means a building for housing a certified engine and personnel.
- (8) "Gallons Per Minute" or "GPM" means the volume of water flow from a hose, hydrant, or other fire suppression apparatus.
- (9) "Insurance Services Office" or "ISO" means the Insurance Services Office, Inc.
- (10) "North Carolina Fire Suppression Rating Schedule" or "NCFRSRS" means the current edition of the ISO Fire Suppression Rating Schedule.
- (11) "Pounds Per Square Inch" or "PSI" means the pressure a gas or liquid exerts on the walls of its container.
- (12) "Public Protection Classification" or "PPC" means a rating given to fire districts or insurance districts throughout the State on their ability to provide fire prevention and fire suppression services to affected areas within its jurisdictional boundaries.
- (13) "Response District" means an area within a city, town, or municipality to which a fire department responds in order to provide fire prevention and fire suppression services.
- (14) "Road Miles" are the miles that a fire apparatus will travel from a fire station to an emergency scene.

- (15) "Rural Fire District" means a fire district that is outside the jurisdictional boundaries of a city, town, or municipality and is established pursuant to Chapter 69, Article 3A or Chapter 153A, Article 11 of the General Statutes.
- (16) "Structure Fire" means a condition where an actual monetary loss or physical damage has occurred to a building or constructed area due to the result of a fire.
- (17) "Tanker" means an apparatus designed to carry water to fires, whether equipped with or without a pump to dispense the water.

- (1) The name of the fire district;
- (2) The name of the entity that operates the fire district. Note: as an example, the city, town, county, or non-profit corporation;
- (3) The name of the person in charge of the entity that operates the fire district. Note: as an example, the president of the board of directors of the fire district, county manager, or city manager;
- (4) The name and title of the Fire Chief;
- (5) The physical address of the location of every fire station utilized by the fire department;
- (6) The mailing address of the fire department;
- (7) The Federal (FEIN) Tax ID number of the fire department;
- (8) Copies of any contracts with a local government body to provide fire protection; and
- (9) A Geographic Information System ("GIS") computer-generated map of the fire district, and documentation of the approval of the map by the local governing body if applicable.

History Note: Authority G.S. 58-78A-1(b)(20); 58-78A-2; 58-36-10; 58-40-25; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0902 PURPOSE

- (a) This Section establishes standards for insurance public protection classifications for fire districts throughout the State.
- (b) Fire districts in all rural areas of the State and in cities with populations of 100,000 or fewer according to the most recent annual population estimates certified by the State Budget Officer shall be inspected by OSFM in accordance with the requirements of this Section. All other fire districts in the State shall be inspected by the Insurance Services Office in accordance with this Section.
- (c) A "PPC 1" is the best rating, and a "PPC 10" indicates that the fire district does not meet the minimum protection requirements.
- (d) A fire district that meets the certification requirements set forth in this Section shall be given a public protection classification of "PPC 9S."
- (e) A fire district that meets the certification requirements set forth in this Section, but contains properties within its jurisdictional limits that are more than five but within six road miles from a responding fire station, shall be given a public protection classification rating of "PPC 9E."
- (f) If a fire district contains some properties within its jurisdictional limits that meet the requirements of a certain PPC rating, and some properties within its jurisdictional limits that meet the requirements of another PPC rating, the fire district may receive a split rating.
- (g) To receive a public protection classification better than a "PPC 9S," a fire district must meet the requirements of this Section and the North Carolina Fire Suppression Rating Schedule.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0903 RATING OF FIRE DISTRICTS

- (a) To receive a PPC rating, a fire department shall submit a written request to OSFM containing the following information:

- (b) A fire department may contract with more than one unit of government to provide fire protection. In addition, a local unit of government may contract with more than one fire department to provide fire protection.
- (c) 9S Re-Inspections. Fire departments shall be re-inspected by OSFM at least every seven years and shall be notified by OSFM of such 9S re-inspection in writing at least 30 days in advance. In addition, upon receipt of information alleging noncompliance with this Section that is reviewed and verified by OSFM, OSFM shall perform unannounced re-inspections of fire departments.
- (d) New Station Inspection. A fire department may request a certification inspection for any additional station that the fire department seeks to include in the rating of its fire district. Before OSFM will conduct the inspection, the fire department must provide the following:
 - (1) Proof of Certificate of Occupancy; and
 - (2) If the fire department is adding to their rated insurance district with an additional station or making any changes to the response district lines, new maps and approvals in accordance with Subparagraph (a)(9) of this Rule.
- (e) Merging of fire departments. When two or more fire departments merge into one fire department, OSFM shall conduct a 9S inspection. Before the inspection will be conducted, the fire departments must provide to OSFM the information required by Paragraph (a) of this Rule.
- (f) Unless otherwise approved pursuant to Paragraph (g) of this Rule, a fire district may not extend more than five road miles from a responding fire station.
- (g) A rural fire district may extend its boundaries to more than five but within six road miles from a responding fire department if the fire department enters a written automatic aid contract with another jurisdiction that requires the responding party to respond with at least one piece of fire apparatus capable of carrying at least 1,000 gallons of water and the extension is approved by the board of county commissioners of the county to which the rural fire district is extended.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; 58-83-1; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0904 FACILITIES

A fire department shall have heating for all-weather protection of apparatus at every fire station.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0905 APPARATUS SPECIFICATIONS AND EQUIPMENT

- (a) Engines. All stations shall have at least one engine that:
 - (1) Is constructed in accordance with NFPA 1901;
 - (2) Annually undergoes a fire pump performance test, as identified in NFPA 1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(3)(A) of this Rule shall satisfy this requirement; and
 - (3) Is equipped with the following:
 - (A) A pump certified by an independent third-party certification organization that is accredited for inspection and testing systems on fire apparatus in accordance with NFPA 1901.
 - (B) A pump rated at not less than 750 GPM at 150 PSI net pump pressure.
 - (C) A tank with at least a 300-gallon capacity.
 - (D) Two 200-foot pre-connected hose lines, with a diameter of 1 ½ inches, 1 ¾ inches, or 2 inches, with nozzles that have a minimum flow of 95 GPM.
 - (E) At least 20 feet of hard-suction hose in a size to flow the capacity of the engine, or at least 15 feet of soft-suction hose with a diameter of at least four inches.
 - (F) Four self-contained breathing apparatus (SCBA). To the extent practicable, SCBAs shall comply with NFPA 1981.
 - (G) Four spare SCBA cylinders.
 - (H) One roof ladder at least 12 feet long.
 - (I) One extension ladder at least 24 feet long.
 - (J) One folding ladder.
 - (K) One pike-head axe.
 - (L) One flat-head axe.
 - (M) One forcible entry tool.
 - (N) One pike pole or plaster hook at least 6 feet long.
 - (O) Two portable, rechargeable hand lights in accordance with NFPA 70.

- (P) 100 feet of utility rope, at least ½ inch in diameter.
- (Q) Two 20-pound, class BC portable extinguishers.
- (R) One 2½-gallon water extinguisher.
- (S) One first aid kit.
- (T) One bolt cutter at least 14 inches long.
- (U) One two-way radio assigned to the apparatus.
- (V) One traffic vest for each riding position or a minimum of two traffic vests if the fire department has issued a traffic vest to all members.

- (b) Tankers. If a station has a tanker, the tanker shall:
 - (1) Be equipped with at least 1,000 gallons of water.
 - (2) Be equipped with hoses and equipment for filling the tank and transferring water to the engine.
 - (3) Be properly baffled in accordance with NFPA 1901.
 - (4) Be equipped with one traffic vest for each riding position or a minimum of two traffic vests if the fire department has issued a traffic vest to all members.

(c) Protective Clothing. Each eligible firefighter shall be provided protective clothing. Protective clothing provided to eligible firefighters should, to the extent practicable, comply with the requirements of NFPA 1851 and shall include the following:

- (1) Helmet.
- (2) Coat.
- (3) Pants.
- (4) Boots.
- (5) Gloves.
- (6) Hoods.

- (d) Fire departments shall ensure that all apparatus are registered with the North Carolina Division of Motor Vehicles and insured.
- (e) All NFPA standards referenced in this Section are hereby incorporated by reference, including subsequent amendments and editions. Copies of these standards may be viewed online for free at the National Fire Protection Association website at <http://www.nfpa.org>.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0907 TRAINING

- (a) Eligible firefighters shall have attended at least 36 hours of training in the previous 12 months in the area of fire prevention, fire suppression, or protection of life and property. No more than 12 hours of emergency medical services training may be counted toward the 36-hour training requirement.
- (b) Fire departments shall provide a total of 48 hours of training per year.
- (c) Within one year of appointment, the fire chief of each fire department shall complete a class on management of fire

department operations and records approved by the State Fire and Rescue Commission.

(d) Fire departments shall maintain training records in accordance with 11 NCAC 05A .0911.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0908 COMMUNICATIONS AND ALARMS

(a) Fire departments shall utilize a Public Service Answering Point (PSAP) established pursuant to NCFRS Section 107 D, to receive 911 calls and dispatching, 24 hours per day, 7 days per week.

(b) Notification to firefighters of emergencies may be provided by pagers, portable radios with alerting capabilities, or station alerting devices with paid personnel. Text paging or phone paging by a third party shall not be an acceptable means of notification, unless the paging system is owned by the authority having jurisdiction.

(c) In jurisdictions utilizing Automatic Vehicle Location (AVL) systems, the fire department that is responsible for the fire district shall be dispatched, along with the closest unit recommendation of the AVL systems. In accordance with 11 NCAC 05A .0903(g), if a jurisdiction is utilizing AVL for unit dispatch in a six-mile district, it shall ensure that an apparatus with a minimum of 1,000 gallons of water is dispatched as required by the automatic aid protocols.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 05A .0910 INCIDENT REPORTING

(a) In addition to the requirements of this Rule regarding reporting the storage and deployment of Aqueous Film Forming Foam (AFFF), when a fire department responds to an incident, the fire chief shall ensure that an incident report containing the date, time, and location of the incident is completed using software compatible with the records management system maintained by OSFM.

(b) All reports shall be submitted to OSFM as soon as practicable. Incident reports shall not be submitted to OSFM later than 90 days from incident occurrence.

(c) When a fire department responds to a fire involving fatalities, an initial report shall be filed by the fire chief or fire marshal of the authority having jurisdiction within 48 hours of the incident to OSFM.

(d) In accordance with G.S. 58-82B-10, an online reporting portal for the storage and deployment of AFFF has been created at the following website: <https://ncdoi.imagetrendelite.com/Elite/Organizationncdoi/>. This online reporting portal consists of an online database and an online reporting tool to capture the storage and deployment of AFFF.

(e) The fire chief or fire marshal of the authority having jurisdiction shall ensure that the following information regarding AFFF inventory for their fire department is entered into the online database:

- (1) The number of trucks at each department that carry AFFF, and the fire station or other location, including street address, where each truck is located.
- (2) The volume, trade name, and Chemical Abstract Service (CAS) number of the AFFF on each truck.
- (3) An inventory, including the volume, trade name, and CAS number of AFFF stored by each fire department at a fire station or other location, including the street address where the AFFF is stored.
- (4) The volume, trade name, and CAS number of AFFF products that are no longer utilized and could be removed from inventory for disposal, including the street address where the AFFF is stored.
- (5) A photograph of the label and the container of the AFFF. For the purpose of this Subparagraph, a photograph includes an electronic image produced by the camera of an electronic device. The information entered in the online database shall be updated annually in accordance with G.S. 58-82B-5.

(f) When a fire department responds to a fire, conducts training involving AFFF in any quantity, or has an accidental spill, the fire chief shall ensure an initial report is entered in the online reporting tool within 15 days of the incident or the training event, including the following:

- (1) The date, time, and location, including street address and GPS coordinates, where AFFF was involved, the trade name, and CAS number of the AFFF used.
- (2) The total volume of AFFF involved, including gallons of foam and gallons of water and total concentration of foam.
- (3) The reason for the deployment of AFFF, such as firefighting, fire prevention, other emergency response actions intended to protect property or public safety, training, or an accidental spill.

(g) The fire chief or fire marshal of the authority having jurisdiction shall ensure that an annual report is available in the online reporting tool by July 1st of each year that includes the information required by Paragraph (g) of this Rule.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; 58-79-1; 58-79-45; 58-82B-5; 58-82B-10; S.L. 2021-180, s. 8.10(i); Eff. January 1, 2018; Amended Eff. June 1, 2026; June 1, 2023.

11 NCAC 05A .0911 RECORDS

(a) A fire department shall maintain the following records for 36 months for inspection by OSFM:

- (1) Apparatus maintenance logs and equipment inventory for in service engines and tankers. A fire department shall inspect all in service engine and tanker equipment inventory monthly and document the inspection.
- (2) Fire pump performance tests. A fire department shall perform a fire pump performance test on at least one engine annually, in accordance with NFPA 1911. If the engine was purchased within the previous 12 months, the certification required by Part (a)(3)(A) of 11 NCAC 05A .0905 shall satisfy the requirement.
- (3) Training records for all eligible firefighters. Training records shall include the dates, topics, hours, and personnel in attendance.
- (4) The AFFF inventory and usage reports created in accordance with 11 NCAC 05A .0910.
- (5) Records evidencing monthly functional testing of the components of the fire department's self-contained breathing apparatus (SCBA).
- (6) Evidence of completion of criminal history record checks for each applicant over the age of 18, in accordance with G.S. 143B-1209.24.

(b) A fire department shall maintain incident reports related to response to structure fires for a minimum of five years in accordance with 11 NCAC 05A .0910.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; 58-82B-5; 58-82B-10; Eff. January 1, 2018; Amended Eff. June 1, 2026; June 1, 2023.

11 NCAC 05A .0912 NON-COMPLIANCE

(a) Upon completion of an inspection, the OSFM representative will review the inspection results with the fire chief or the chief's designee. Any fire department that fails to meet any of the standards set forth in this Section shall be considered non-compliant for the purpose of determining Fire Insurance District Rating Classifications.

(b) A non-compliant fire department shall have a period of 15 days from the date of the inspection to submit a written corrective action plan to OSFM. The corrective action plan shall address each deficiency found in the inspection and the corrective action the fire department will take in response to the deficiency. If a non-compliant fire department fails to provide a written corrective action plan to OSFM within 15 days from the date of the inspection, OSFM shall consult with the governing body that contracts for the fire district and place the fire department on probation until the fire department provides the written corrective action plan to OSFM, for a period not to exceed three months. If the fire department fails to provide the written corrective action plan to OSFM by the end of the three-month probation period, OSFM shall designate the fire department as "PPC10" (non-certified).

(c) Upon receipt of approval of the corrective action plan from OSFM, the fire department shall have three months to become compliant. If the fire department remains non-compliant after the expiration of the three-month corrective action period, OSFM shall consult with the governing body that contracts for the fire

district and place the fire department on probation until the fire department becomes compliant, for a period not to exceed six months. Upon completion of the probationary period, OSFM shall re-inspect the fire department for compliance. If the fire department remains non-compliant, OSFM shall designate the fire department as a "PPC10" (non-certified).

(d) Notwithstanding the provisions of Paragraph (c) of this Rule, a non-compliant fire department that is determined to be non-compliant based on its failure to ensure four eligible firefighters respond to all structure fires shall have a period of 15 days from the date of inspection to submit a written action plan to OSFM and six months from the date of providing the written corrective action plan to OSFM to become compliant. If no structure fires occur in the fire department's fire district within the six-month period following submission of a written corrective action plan to OSFM, OSFM shall re-inspect the fire department for compliance after an additional six months.

History Note: Authority G.S. 58-36-10; 58-40-25; 58-78A-1(b)(20); 58-78A-2; Eff. January 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 08 .1006 INSURANCE REQUIREMENTS

(a) To be licensed as a home inspector, an applicant shall meet the requirements set forth in G.S. 143-151.51(b) including general liability insurance that meets the following requirements:

- (1) The general liability insurance policy shall cover the licensee's activities performed during the course of a home inspection on the premises of the home inspection; and
- (2) The general liability insurance policy shall include coverage for both property damage and bodily injury coverage.

(b) The amount of the surety bond required in G.S. 143-151.51(b) shall be at least five thousand dollars (\$5,000). Any surety bond shall be written by a surety company that is authorized by the Commissioner of Insurance to do business in this State.

(c) Each licensed home inspector shall annually submit, during the month of January, a certificate of insurance evidencing the general liability insurance required by G.S. 143-151.58(b) and Paragraph (a) of this Rule. The Board shall be listed as the certificate holder on the certificate of insurance. Failure to timely submit the required certificate of insurance shall constitute grounds for disciplinary action.

History Note: Authority G.S. 143-151.49(a)(13); 143-151.51; 143-151.56(a)(8); 143-151.58(b); Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996; Temporary Adoption Eff. October 24, 1996; Eff. July 1, 1998; Amended Eff. October 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 1, 2026.

11 NCAC 08 .1101 DEFINITIONS

The following definitions apply to this Section:

- (1) "Abnormal" means nontypical or unusual conditions that could cause damage to systems and components of the home.
- (2) "Arc-fault circuit interrupter" means a device intended to provide protection from the effects of arc faults by recognizing characteristics unique to arcing and de-energizing the circuit when an arc fault is detected.
- (3) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions as stated in manufacturer's instructions.
- (4) "Central air conditioning" means a system that uses ducts to distribute cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.
- (5) "Component" means a readily accessible and visible aspect of a system, such as a floor or wall, but not individual pieces such as boards or nails where many similar pieces make up the component.
- (6) "Cosmetic damage" means blemishes or defects that do not interfere with the functionality of the component or system.
- (7) "Cross connection" means any physical connection or contact between potable water and any source of contamination.
- (8) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.
- (9) "Describe" means report in writing a system or component by its type, or other inspected characteristics, to distinguish it from other systems or components used for the same purpose.
- (10) "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or fastened by other means and that would not be disassembled by a homeowner in the course of routine household maintenance.
- (11) "Enter" means to go into an area to inspect all visible components.
- (12) "Finishes" means ceilings and wall coverings such as drywall, paneling, or drop ceiling panels.
- (13) "Functional drainage" means a drain that empties at a rate equal to or greater than the supply water flow to the fixture.
- (14) "Functional flow" means a usable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.
- (15) "Gray water" means wastewater generated from household activities that do not involve human waste, such as bathing, showering, handwashing, and laundry, which typically contains some residues from soap, detergent, and dirt.
- (16) "Gray water system" means a water reuse system contained within a single-family residence commercial building that filters gray water or captured rainwater and reuses it for nonpotable purposes such as toilet flushing and irrigation.
- (17) "Ground-fault circuit interrupter" means devices intended for the protection of people that de-energizes a circuit or portion thereof within an established period of time when currents are out of balance.
- (18) "Habitable space" means a space in a building for living, sleeping, eating, or cooking. "Habitable space" does not mean a bathroom, toilet room, closet, or any space used or designed for storage.
- (19) "Harmful" means conditions that cause damage to systems and components of the home.
- (20) "Inspect" means to make a visual examination.
- (21) "Installed" means attached or connected such that an item requires tools for removal.
- (22) "Normal operating controls" means homeowner operated devices such as a thermostat, wall switch, or safety switch.
- (23) "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the on-site well water.
- (24) "On-site water supply quantity" means the rate of flow of on-site well water.
- (25) "Operate" means to cause systems or equipment to function as intended.
- (26) "Pre-drywall inspection" means a limited home inspection primarily performed prior to concealment of plumbing, electrical, mechanical, and structural items that will be covered by insulation and finishes (open cavity) on homes under construction involving two or more systems.
- (27) "Readily accessible" means within reach, without the use of a ladder, not blocked by appliances, and approachable or enterable for visual inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.
- (28) "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one

person; and its edges and fasteners are not painted in place. This definition is limited to those panels within reach standing on the floor or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.

- (29) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a flashlight.
- (30) "Representative number" means, for multiple identical components such as windows and electrical outlets, one such component per room; and, for multiple identical exterior components, one such component on each side of the building.
- (31) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.
- (32) "Sewage pump" means a device used at elevations where mechanical assistance is needed to move effluent to a sewage system.
- (33) "Shut down" means a piece of equipment or a system that cannot be operated by the device or control provided for homeowner operation. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.
- (34) "Solid fuel heating device" means any wood, coal, fossil, or other similar organic fuel burning device, including fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.
- (35) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).
- (36) "Sump pump" means a device used to remove non-effluent drainage.
- (37) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.
- (38) "Technically exhaustive" means an inspection involving the use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.
- (39) "Under floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

History Note: Authority G.S. 143-151.49; Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996; Temporary Adoption Eff. October 24, 1996;

Eff. July 1, 1998; Amended Eff. February 1, 2007; April 1, 2005; May 1, 2003; Readopted Eff. October 1, 2018; Amended Eff. June 1, 2026; October 1, 2024.

11 NCAC 08 .1106 STRUCTURAL COMPONENTS

- (a) The home inspector shall inspect structural components including:
 - (1) Foundation;
 - (2) Floors;
 - (3) Walls;
 - (4) Columns or piers;
 - (5) Ceilings; and
 - (6) Roofs.
- (b) The home inspector shall describe the type of:
 - (1) Foundation;
 - (2) Floor structure;
 - (3) Wall structure;
 - (4) Columns or piers;
 - (5) Ceiling structure; and
 - (6) Roof structure.
- (c) The home inspector shall:
 - (1) Probe structural components where deterioration is suspected;
 - (2) Enter underfloor crawl spaces, basements, and attic spaces except when access is obstructed, when entry could damage the property, or when dangerous or adverse situations are suspected;
 - (3) Report access locations to underfloor crawl spaces and attics, whether underfloor crawl spaces and attics are fully accessible or if specific areas are not accessible, and the methods used to inspect underfloor crawl spaces and attics; and
 - (4) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

History Note: Authority G.S. 143-151.49; Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996; Temporary Adoption Eff. October 24, 1996; Eff. July 1, 1998; Amended Eff. April 1, 2005; July 1, 2000; Readopted Eff. October 1, 2018; Amended Eff. June 1, 2026.

11 NCAC 08 .1117 PRE-DRYWALL INSPECTION

- (a) Pre-drywall inspections shall be performed in accordance with this Rule and 11 NCAC 08 .1116. Pre-drywall inspections shall provide the client with an understanding of the property conditions, as inspected at the time of the pre-drywall inspection.
- (b) Home inspectors shall:
 - (1) provide a written contract, signed by the client, before the pre-drywall inspection is performed that shall:
 - (A) state that the pre-drywall inspection is performed in accordance with the

- Standards of Practice of the North Carolina Home Inspector Licensure Board as set forth in this Section;
- (B) state what services shall be provided and the cost; and
 - (C) when a pre-drywall inspection is for only one or a limited number of systems or components, state that the inspection is limited to only those systems or components;
- (2) inspect readily visible and readily accessible installed systems and components described in this Rule;
 - (3) submit a written report, pursuant to G.S. 143-151.58(a), to the client that shall:
 - (A) describe those systems and components required to be described by this Rule;
 - (B) state which systems and components present at the home and designated for pre-drywall inspection by this Rule were not inspected, and the reason for not inspecting;
 - (C) state any systems or components inspected that do not function as intended, appear not to be installed as intended, or need further evaluation, based upon documented tangible evidence;
 - (D) describe each system or component, pursuant to Part (b)(3)(C) of this Rule; state how the condition is defective; explain the implications of defective conditions reported; and direct the client to a course of action for repair, monitoring, or further investigation by a specialist or the contractor;
 - (E) state the name, license number, and signature of the person conducting the pre-drywall inspection on the cover page or second page of the report; and
 - (F) state the address of the home inspected and the date of the inspection on the cover page or second page of the report.
- (c) Home inspectors may:
- (1) report observations and conditions, including safety or habitability concerns, or render opinions of items in addition to those required in Paragraph (b) of this Rule;
 - (2) exclude systems and components from the inspection if requested by the client, and so stated in the written contract;
 - (3) cite defects as violations of the North Carolina State Residential Building Code provided that the home inspector conforms to the requirements of G.S. 143-151.58(a2); and
 - (4) cite variations from or inconsistencies with manufacturers' installation instructions. If citing manufacturers' instructions, home inspectors must provide copies of the instructions or links to those instructions with the report and refer the system or component for verification and repair by a specialist or the contractor.
- (d) The home inspector shall inspect installed components and systems including:
 - (1) Structural foundation and framing:
 - (A) foundation;
 - (B) floors;
 - (C) walls;
 - (D) columns or posts;
 - (E) ceilings;
 - (F) roof; and
 - (G) presence or absence of fireblocking and draftstopping.
 - (2) Exterior:
 - (A) wall cladding and flashing;
 - (B) fenestrations including doors, windows, and skylights; and
 - (C) decks, balconies, stoops, steps, areaways, porches, and appurtenant railings.
 - (3) Roofing:
 - (A) roof coverings;
 - (B) flashing;
 - (C) skylights, chimneys, and roof penetrations; and
 - (D) signs of leaks or abnormal condensation on building components.
 - (4) Plumbing:
 - (A) interior water supply and distribution system, including: piping materials, supports, and insulation;
 - (B) interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports; and pipe insulation;
 - (C) hot water systems including: water heating equipment, normal operating controls, automatic safety controls, and chimneys, flues, and vents; and
 - (D) fuel gas piping including supports, bonding, and material.
 - (5) Electrical:
 - (A) electrical conductors, distribution boxes, and panel boxes; and
 - (B) compatibility of branch circuit conductors' ampacities for their apparent use.
 - (6) HVAC:
 - (A) heating, air conditioning, appliances, and ventilation equipment; and
 - (B) ductwork.
- (e) The home inspector shall describe systems and components listed in Paragraph (d) at the time of the pre-drywall inspection. The home inspector shall identify any system or component that is not completely installed at the time of the pre-drywall

inspection and describe the system or component in sufficient detail to explain the extent of installation remaining to be completed.

(f) Pre-drywall exclusions.

- (1) Home inspectors are not required to report on:
 - (A) the life expectancy of any component or system;
 - (B) the causes of the need for a repair;
 - (C) the methods, materials, and costs of corrections;
 - (D) the suitability of the property for any specialized use;
 - (E) compliance or non-compliance with codes, ordinances, statutes, regulatory requirements, or restrictions, including fire and life safety requirements;
 - (F) the market value of the property or its marketability;
 - (G) the advisability or inadvisability of purchasing the property;
 - (H) any component that was not inspected;
 - (I) the presence or absence of pests such as wood damaging organisms, rodents, or insects;
 - (J) cosmetic damage, underground items, or items identified as not installed;
 - (K) the presence or absence of systems installed to control or remove suspected hazardous substances, pests, or insects;
 - (L) compliance or non-compliance with contract specifications, construction plans, drawings, and specifications; and
 - (M) preparation for future installations, such as electric vehicle charging stations or low voltage wiring.
- (2) Home inspectors are not required to:
 - (A) offer warranties or guarantees of any kind;
 - (B) calculate the strength, adequacy, or efficiency of any system or component;
 - (C) review plans for compliance with codes or determine the adequacy of the design, strength, or efficiency of any system or component;
 - (D) determine the adequacy, proper installation, and hourly rating of any fire rated assembly or system;
 - (E) enter any area or perform any procedure that may damage the property or its components or be dangerous to or adversely affect the health or safety of the home inspector or other persons;
 - (F) operate any system or component that is shut down or otherwise inoperable;

- (G) move personal items, tools, building materials, panels, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;
- (H) determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including mold, toxins, carcinogens, noise, and contaminants in the building or in soil, water, and air;
- (I) determine the effectiveness of any system installed to control or remove suspected hazardous substances;
- (J) determine House Energy Ratings (HER), insulation R values, and system or component efficiencies;
- (K) inspect heat recovery and similar whole house ventilation systems;
- (L) predict future condition, including failure of components;
- (M) project operating costs of components;
- (N) evaluate acoustical characteristics of any system or component;
- (O) inspect equipment or accessories that are not listed as components to be inspected in this Rule;
- (P) disturb insulation, except where readily visible evidence indicates a problem;
- (Q) inspect elevators or related equipment meant to transport occupants or materials between elevations;
- (R) inspect low voltage systems; and
- (S) evaluate installation of components with respect to manufacturers' instructions or specifications.

(3) Home inspectors shall not:

- (A) offer or perform any act or service contrary to law; or
- (B) offer or perform engineering, architectural, plumbing, electrical, or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the home inspector holds a valid occupational license. In that case the home inspector shall inform the client that the home inspector is so licensed, and therefore qualified to go beyond this Rule and perform additional inspections beyond those within the scope of the Standards of Practice.

History Note: Authority G.S. 143-151.58; 143-151.49; Eff. June 1, 2026.

11 NCAC 08 .1204 INVESTIGATION

(a) On receipt of a complaint conforming to this Section, the Engineering and Codes Division shall conduct an investigation.

(b) A copy of the complaint and supporting information as set forth in Rule .1202(d) and (f) of this Section shall be transmitted to the home inspector. The home inspector shall submit a written response to the Engineering and Codes Division within two weeks after receipt of the copy of the complaint.

(c) Upon completion of the investigation, the Board's Investigation Review Committee ("Committee") shall make a determination of whether there is sufficient evidence to support a finding of a violation of G.S. 143-151.56(a). Based on its determination, the Committee may:

- (1) recommend to the Board that the complaint be dismissed;
- (2) recommend to the Board to dismiss the complaint and issue a letter of caution to the home inspector;
- (3) recommend to the Board that the complaint be resolved by consent agreement if the home inspector agrees to the terms of the consent agreement; or
- (4) recommend to the Board to establish a time and place for a disciplinary hearing and give notice to the home inspector and complainant. Prior to the matters being heard and determined by the Board, it may be resolved by consent agreement with the approval of the Board.

(d) The Committee shall notify the complainant and the home inspector of its determination.

History Note: Authority G.S. 143-151.49; 143-151.56; 150B-38(h); Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996; Temporary Adoption Eff. October 24, 1996; Eff. July 1, 1998; Amended Eff. February 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9, 2018; Amended Eff. June 1, 2026.

TITLE 12 - DEPARTMENT OF JUSTICE

12 NCAC 10B .0601 DETENTION OFFICER CERTIFICATION COURSE

(a) The detention officer certification training program shall consist of the 182-hour Detention Officer Certification Course developed by the North Carolina Justice Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.

(b) Each Detention Officer Certification Course shall include the following identified topic areas and minimum instructional hours for each area:

- (1) LEGAL UNIT

	(A)	Orientation	3 hours
	(B)	Criminal Justice Systems	2 hours
	(C)	Legal Aspects of Management and Supervision	14 hours
	(D)	Introduction to Rules and Regulations	2 hours
	(E)	Ethics	3 hours
		UNIT TOTAL	24 Hours
(2)		PHYSICAL UNIT	
	(A)	Contraband/Searches	6 hours
	(B)	Patrol and Security	5 hours
	(C)	Key and Tool Control	2 hours
	(D)	Investigative Process	8 hours
	(E)	Transportation of Inmates	7 hours
	(F)	Prison Rape Elimination Act	2 hours
		UNIT TOTAL	30 Hours
(3)		PRACTICAL APPLICATION UNIT	
	(A)	Processing Inmates	8 hours
	(B)	Supervision and Management of Inmates	5 hours
	(C)	Suicides and Crisis Management	5 hours
	(D)	Aspects of Mental Illness	6 hours
	(E)	Fire Emergencies	4 hours
	(F)	Notetaking and Report Writing	6 hours
	(G)	Communication Skills	5 hours
		UNIT TOTAL	39 hours
(4)		MEDICAL UNIT	
	(A)	First Aid and CPR	8 hours
	(B)	Medical Care	6 hours
	(C)	Stress	3 hours
	(D)	Compliance and Control Tactics	40 hours
	(E)	Physical Fitness for Detention Officers	22 hours
		UNIT TOTAL	79 hours
(5)		REVIEW AND TESTING	7 hours
(6)		STATE EXAM	3 hours
		TOTAL HOURS	182 HOURS

(c) No Detention Officer Certification Course shall be offered by any agency or institution without first complying with the requirements set forth in Rules .0704 and .0802 of this Subchapter. Any agency or institution desiring to offer the Detention Officer Certification Course shall file a Pre-Delivery Report, Form F-7A, with the Division.

History Note: Authority G.S. 17E-4(a); Eff. January 1, 1989; Amended Eff. August 1, 2016; February 1, 2014; August 1, 2011; October 1, 2009; January 1, 2006; August 2, 2002; August 1, 2000; August 1, 1998; February 1, 1998; January 1, 1996; June 1, 1992; January 1, 1992; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. June 1, 2026; July 1, 2025.

12 NCAC 10B .0603 EVALUATION FOR TRAINING WAIVER

(a) Applicants for detention officer certification with prior detention or correctional officer experience who have been employed and certified as a detention or correctional officer may seek a training waiver evaluation pursuant to this Section.

(b) The Division shall use the following to evaluate a detention officer's training and experience to grant a training waiver:

- (1) Persons who separated from a detention officer position during the probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as set forth in Rule .0602(a) of this Section.
- (2) Persons who separated from a detention officer position during their probationary period after completion of a commission-certified Detention Officer Certification Course and who have been separated from a detention officer position for one year or less shall serve the remainder of the initial probationary period in accordance with G.S. 17E-7(b), but need not complete an additional training program.
- (3) Persons who separated from a detention officer position during the probationary period without completion of a commission-certified Detention Officer Certification Course, or whose certification was suspended pursuant to Rule .0204(b)(1) of this Subchapter and who have remained separated or suspended for over one year shall complete a commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination, and shall be allowed a 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (4) Persons holding General Justice Officer Certification as a detention officer pursuant to Rule .0404 of this Subchapter who completed a commission-certified Detention Officer Certification Course and who separated from a detention officer position for more than one year shall complete a subsequent commission-certified Detention Officer Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.
- (5) Persons holding Grandfather Detention Officer Certification pursuant to G.S. 17E-7(a), who separate from a detention officer position and remain separated from a detention officer position for more than one year shall complete a commission-certified Detention Officer

Certification Course in its entirety and pass the State Comprehensive Examination within the 12 month probationary period as prescribed in Rule .0602(a) of this Section.

- (6) Persons transferring to a sheriff's office from another law enforcement agency who hold a detention officer certification issued by the North Carolina Criminal Justice Education and Training Standards Commission are subject to evaluation of their prior training and experience on an individual basis. The Division shall review the training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 based upon topics covered and determine what additional training, if any, is required under Rule .0601.

- (c) The Division shall grant a training waiver to individuals that:
 - (1) hold general certification as a correctional officer from the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
 - (2) completed training as a correctional officer between January 1, 1981 and August 1, 2002;
 - (3) are an applicant for justice officer certification as a detention officer through a sheriff's office or a district confinement facility; and
 - (4) do not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Applicants that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section. During this probationary period, they must take and successfully complete the State Comprehensive Examination in its entirety as set forth in Rule .0606 of this Section after completing the following topic areas in a commission-certified Detention Officer Certification Course:

Orientation	3 hours
Legal Aspects of Management & Supervision	14 hours
Medical Care in the Jail	6 hours
Investigative Process in the Jail	8 hours
Criminal Justice System	2 hours
Introduction to Rules and Regulations Governing Jails	2 hours
Compliance and Control Tactics	40 hours
TOTAL HOURS	75 hours

- (d) The Division shall grant a training waiver to individuals that:
 - (1) hold general certification as a correctional officer issued by the North Carolina Criminal Justice Education and Training Standards Commission under 12 NCAC 09G .0304;
 - (2) have completed training as a correctional officer after August 1, 2002;
 - (3) are applicants for detention officer certification through a sheriff's office or a district confinement facility; and

- (4) do not have a break in service exceeding one year from the time of last employment as a correctional officer to the time of being appointed as a detention officer.

Detention officers that are granted a training waiver under this section shall serve a 12-month probationary period as set forth in Rule .0602(a) of this Section and provide the record of completion of the Basic Correctional Officer Training Course as defined in 12 NCAC 09G .0411. The Division shall review the course curriculum of the correctional officer training received against the training required by Rule .0601 of this Section and determine whether that training is comparable to the requirements set out in Rule .0601 of this Section. Based upon topics covered in the basic correctional officer training course, the Division shall determine if additional training is required to ensure the applicant has received training comparable to that specified in Rule .0601 of this Section. The Division shall notify the employing agency of the resulting training requirements, if any, and the officer shall take and successfully complete the State Comprehensive

Examination as set forth in Rule .0606 of this Section in its entirety during the probationary period after completing any training as determined to be necessary by the training evaluation referenced in this section, in a commission-certified Detention Officer Certification Course.

(e) Applicants for detention officer certification who hold probationary justice officer certification as a deputy pursuant to Rule .0402 of this Subchapter or general justice officer certification as a deputy pursuant to Rule .0404 of this Subchapter, with the North Carolina Sheriffs' Education and Training Standards Commission, or a law enforcement officer that has probationary law enforcement officer certification, pursuant to 12 NCAC 09C .0303 or general law enforcement officer certification, pursuant to 12 NCAC 09C .0304, issued by the Criminal Justice Education and Training Standards Commission, shall be granted a training waiver pursuant to this Section provided the individual:

- (1) has successfully completed the NC Basic Law Enforcement Training Course as outlined in 12 NCAC 09B .0205;
- (2) has had no break in service as a deputy sheriff or law enforcement officer exceeding one year;
- (3) serves a 12-month probationary period as a detention officer, as set forth in Rule .0602(a) of this Section; and
- (4) takes and successfully completes the State Comprehensive Examination for the Detention Officer Certification Course in its entirety as set forth in Rule .0606 of this Section during that probationary period after:

- (A) completing the following topic areas in a full delivery of a commission-certified Detention Officer Certification Course:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours
Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

or

- (B) completing a commission certified truncated delivery of the Detention Officer Certification Course that covers the following topic areas:

Course Orientation	3 hours
Ethics	3 hours
Fire Emergencies	4 hours
Aspects of Mental Illness	6 hours
Review and Testing	7 hours
Legal Aspects of Management and Supervision	14 hours
Contraband/Searches	6 hours
Medical Care in the Jail	6 hours
Patrol and Security Function of the Jail	5 hours
Key and Tool Control	2 hours
Supervision and Management of Inmates	5 hours
Suicides and Crisis Management	5 hours
Introduction to Rules and Regulations	2 hours

Stress	3 hours
Prison Rape Elimination Act	2 hours
TOTAL HOURS	73 hours

(f) A truncated delivery of the Detention Officer Certification Course that only teaches blocks as specified in Paragraph (e) of this Rule is hereby authorized and shall comply with the following requirements:

- (1) Each applicant shall complete form F-1, Medical History Statement, and pass the medical exam as required by Rule .0304 of this Subchapter.
- (2) Each executive officer or officers of the institution or agency sponsoring a truncated Detention Officer Certification Course shall comply with the provisions of Rule .0703 of this Subchapter except for Part .0703(c)(3)(D).
- (3) Each school director shall submit to the Commission a Pre-Delivery Report of Training Course Presentation (Form F-7A) in compliance with Rule .0704(6) of this Subchapter.
- (4) Each school director shall not more than 10 days after receiving from the Commission's representative the Report of Examination Scores, submit to the Commission a Post-Delivery Report of Training Course Presentation (Form 7-B) in compliance with Rule .0704(13) of this Subchapter.
- (5) The delivering institution or agency must be certified to deliver the Detention Officer Certification Course under Rule .0802 of this Subchapter.
- (6) Each presentation of the truncated Detention Officer Certification Course shall be reported to the Commission in compliance with Rule .0803 of this Subchapter.
- (7) All instructors, school directors, executive officers, or lecturers involved in teaching and administering a truncated Detention Officer Certification Course shall hold the same certifications and qualifications required of instructors, school directors, executive officers, or lecturers in the full Detention Officer Certification Course.

History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 1989; Amended Eff. February 1, 2014; August 1, 2011; January 1, 2006; August 1, 2002; August 1, 1998; February 1, 1998; January 1, 1996; January 1, 1993; January 1, 1992; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. June 1, 2026; February 1, 2024; December 1, 2023; December 1, 2022.

12 NCAC 10B .0703 ADMINISTRATION OF DETENTION OFFICER CERTIFICATION COURSE

(a) The executive officer or officers of the institution or agency sponsoring a Detention Officer Certification Course shall have primary responsibility for implementation of the rules in this Section and for administration of the school.

(b) The executive officers shall designate a compensated staff member who may apply to the Commission to be the school director. No more than two school directors shall be designated at each certified institution or agency to deliver a Detention Officer Certification Course. The school director shall have administrative responsibility for planning, scheduling, presenting, coordinating, reporting, and generally managing each sponsored detention officer certification course and shall be readily available at all times during course delivery as specified in 12 NCAC 10B .0704(b). The School Director may designate a Qualified Assistant to assist in the administration of the Detention Officer Certification Course, where the School Director has provided justification for the need including overlapping or simultaneous Commission-mandated courses, satellite delivery locations, or responsibility for multiple courses. This person must be selected by the School Director, who will forward identifying and contact information to the Division. Division staff will conduct a course orientation with the designated person. In order to retain the designation as a qualified assistant, the person must attend the Annual School Directors' Conference.

(c) The executive officers of the institution or agency sponsoring the Detention Officer Certification Course shall:

- (1) acquire and allocate sufficient financial resources to provide commission-certified instructors and to meet other necessary program expenses;
- (2) provide adequate secretarial, clerical, and other supportive staff assistance as required by the school director;
- (3) provide or make available suitable facilities, equipment, materials, and supplies for comprehensive and qualitative course delivery, as required in the "Detention Officer Certification Course Management Guide" and specifically including the following:
 - (A) a well-lighted and ventilated classroom with a seating capacity sufficient to accommodate all attending trainees;
 - (B) audio-visual equipment and other instructional devices and aids necessary and beneficial to the delivery of effective training;
 - (C) a library for trainees' use covering the subject matter areas relevant to the training course, maintained in current status and having sufficient copies for convenient trainee access; and

- (D) an area designated for instruction of compliance and control tactics which enables the safe execution of the basic detention officer compliance and control tactics topic area, with the following specifications:
- (i) 30 square feet of floor space per student during the practical exercise portion of this topic area and while testing trainees' proficiency in performing the required maneuvers;
 - (ii) one instructor for every 10 students during the practical exercise portion of this topic area and while testing trainees' proficiency in performing the required maneuvers;
 - (iii) restrooms and drinking water within 100 yards of the training site; and
 - (iv) telephone or radio communication immediately available on site.
- (E) an area designated for use as a jail cell for performing the practical exercises in the topic area entitled "Contraband Searches". If a county jail cell is unavailable, a simulated jail cell is acceptable provided it is built to the same specifications required by the Department of Human Resources with regards to size;
- (F) an area designated for fire emergencies instruction which enables the safe execution of the lesson plan as follows:
- (i) a well-ventilated, open area which allows for the setting and putting out of a fire;
 - (ii) restrooms and drinking water within 100 yards of the training site; and
 - (iii) telephone or radio communication immediately available on site.
- (G) an area designated for physical fitness for detention officer trainees to include:
- (i) an area for running, weight lifting and other exercises performed during the physical fitness topic area which provides a minimum of 20 square feet per trainee during the performance of the exercises required in the physical fitness topic area;
 - (ii) restrooms and drinking water within 100 yards of the training site;
 - (iii) telephone or radio communication immediately available on site;
 - (iv) shower facilities, if physical fitness is performed prior to classroom training;
 - (v) one instructor for every 10 students during the physical assessment portion of this block of instruction; and
 - (vi) sufficient instructors as needed to maintain visual contact with students while performing any physical exercise.
- (H) an area designated for instruction in first aid and CPR techniques which provides a minimum of 20 square feet per trainee during the practical exercise portion and testing for proficiency in administering CPR. There must also be one instructor for every 10 students during the practical exercise portion and proficiency testing in administering CPR.
- (d) If an institution or agency does not own a facility as required in this Section, written agreements with other entities must be made to assure use of and timely access to the facilities. A copy of the agreement must accompany the originating institution or agency "Pre-Delivery Report" (Form F7-A) when submitted to the Division.

History Note: Authority G.S. 17E-4; Eff. January 1, 1989; Amended Eff. February 1, 2009; January 1, 2006; January 1, 2005; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. June 1, 2026.

12 NCAC 10B .0908 LIMITED LECTURER CERTIFICATION

(a) The Commission shall issue a Limited Lecturer Certification to an applicant who has developed specific or special skills by virtue of specific or special training. Limited Lecturer Certification shall be issued in the following topical areas:

- (1) First Aid and CPR;
- (2) Compliance and Control Tactics;
- (3) Fire Emergencies in the Jail;
- (4) Medical Care in the Jail; and
- (5) Physical Fitness for Detention Officers.

(b) To be eligible for a Limited Lecturer Certificate for topic areas set forth in Paragraph (a) of this Rule, the applicant must meet the qualifications as follows:

- (1) First Aid and CPR: first aid and CPR instructor with the American Red Cross, American Heart Association (AHA), American Safety and Health Institute (ASHI), or National Safety Council (NSC); or a licensed physician, Nurse Practitioner, Licensed Practical Nurse (LPN), Registered Nurse (RN), Physician's Assistant, or Emergency Medical Technician (EMT);
- (2) Compliance and Control Tactics: certified by N.C. Criminal Justice Education and Training Standards Commission as Compliance and Control Tactics Instructor and compliance with Rule .0903(c) of this Section;
- (3) Fire Emergencies in the Jail: Certified Fire Instructor (Level II or higher) through the North Carolina Department of Insurance Office of State Fire Marshall, or a Specialized Instructor in the Explosive and Hazardous Material Emergencies topical area through the NC Criminal Justice Commission;
- (4) Medical Care in a Jail: A Licensed Physician, Nurse Practitioner, LPN, RN, or EMT, or Physician's Assistant; and
- (5) Physical Fitness for Detention Officer: certified as a Physical Fitness Instructor by the North Carolina Criminal Justice Education and Training Standards Commission.

(c) In addition to the requirements set out in Paragraph (b) of this Rule, applicants for Limited Lecturer Certification must possess current certification to perform CPR which was obtained through the applicant having shown proficiency both cognitively and through skills testing.

History Note: Authority G.S. 17E-4; Eff. January 1, 1989; Amended Eff. February 1, 2012; January 1, 2006; August 1, 2002; August 1, 2000; August 1, 1998; January 1, 1996; January 1, 1992; January 1, 1991; January 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. June 1, 2026.

12 NCAC 10B .2004 INSTRUCTORS

The following requirements and responsibilities are hereby established for instructors who conduct a Commission-mandated In-Service Training Program:

- (1) The instructors shall:
 - (a) hold General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306;
 - (b) hold Professional Lecturer Instructor certification issued by either the Commission as set out in either 12

NCAC 10B .0906 or .0916, or the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, or General Instructor Certification as issued by the North Carolina Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0302, .0304, and .0306, when teaching a legal block of instruction;

(c) hold Professional Lecturer Instructor certification issued by the Criminal Justice Education and Training Standards Commission as set out in 12 NCAC 09B .0306, when teaching a medical or psychological block of instruction; or

(d) hold Specific Instructor Certification issued by the Criminal Justice Education and training Standards Commission when teaching the lesson plans published by the NC Justice Academy as follows:

- (i) Firearms range qualification must be taught by a Firearms Instructor certified in accordance with 12 NCAC 09B .0304(f). The instructor who teaches the classroom instruction regarding use of force may either hold Professional Lecturer Certification as set out in 12 NCAC 09B .0306(a)(1); 12 NCAC 10B .0906, or .0916 or hold a Specific Certification-Firearms issued by the North Carolina Criminal Justice Education and Training Standards Commission;
- (ii) Weapons Retention and Disarming Techniques must be taught by Compliance and Control Tactics Instructor certified in accordance with 12 NCAC 09B .0304(d);
- (iii) Spontaneous Attack Defense and Subject Control/Arrest Techniques must be taught by a Compliance and Control Tactics Instructor certified in accordance with 12 NCAC 09B .0304(d);
- (iv) Handcuffing and Impact Weapons Refresher and Compliance and Control Tactics: Equipment

- Retention must be taught by a Compliance and Control Tactics Instructor certified in accordance with 12 NCAC 09B .0304(d);
- (v) Wellness and Stress Awareness and Health and Fitness for Detention Officers must be taught by a Physical Fitness Instructor certified in accordance with 12 NCAC 09B .0304(h);
 - (vi) Law Enforcement Driver Training (classroom and practical) must be taught by a Specialized Law Enforcement Driver Training Instructor certified in accordance with 12 NCAC 09B .0304(g); and
 - (vii) Active Shooter: Practical Refresher must be taught by a General Instructor as set out in Sub-item (1)(a) of this Rule, who has also completed the North Carolina Justice Academy's "Rapid Deployment Instructor Training Course."

- (5) The instructor shall document the successful or unsuccessful completion of training for each person attending a training program and forward a record of their completion to each person's Sheriff or Department Head.

History Note: Authority G.S. 17E-4; 17E-7; Eff. January 1, 2007; Amended Eff. January 1, 2013; February 1, 2012; January 1, 2011; March 1, 2010; January 1, 2009; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018; Amended Eff. June 1, 2026; February 1, 2023.

TITLE 13 - DEPARTMENT OF LABOR

13 NCAC 01D .0101 TRAINING ON HUMAN TRAFFICKING

(a) Any individual required to complete the training required by G.S. 130A-511(b) shall complete one of the following existing training courses identified by the Department:

- (1) Businesses Ending Slavery and Trafficking ("BEST"): "Inhospitable to Human Trafficking;"
- (2) Protect All Children from Trafficking ("PACT"): "Your Role in Preventing Human Trafficking: Recognize the Signs;"
- (3) PACT for Employees: "Recognize and Respond: Addressing Human Trafficking in the Hospitality Industry for Associates;"
- (4) PACT for Managers: "Recognize and Respond: Addressing Human Trafficking in the Hospitality Industry for Managers;"
- (5) Unbound Now: "Identifying and Responding to Human Trafficking: Commercial Lodging and Hospitality Industry;"
- (6) Marriott International Human Trafficking Prevention Training;
- (7) Hilton, Hyatt, and IHG: "Preventing Human Trafficking;"
- (8) Linville Resorts: "Human Trafficking Awareness Training;" or
- (9) NC Stop Human Trafficking: "Human Trafficking Training for the Hospitality Industry."

(b) The Department shall provide links to register for each training course on its website at www.labor.nc.gov.

History Note: Authority G.S. 130A-511; Eff. September 1, 2025; Amended Eff. June 1, 2026.

TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY

In addition, each instructor certified by the Criminal Justice Education and Training Standards Commission to teach in a Commission-certified course shall remain competent in his or her specific or specialty areas. Competent includes remaining current in the instructor's area of expertise, which may be demonstrated by attending and successfully completing all instructor updates issued by the Commission.

- (2) Instructors who teach a required in-service training course must achieve a passing grade on a course-specific test developed by the North Carolina Justice Academy or by the agency delivering the training. Instructors who teach a required in-service training course online, in addition to meeting the above testing requirement, must also complete the in-service training for the course he or she will be teaching. Instructors who teach an in-service training course in a traditional classroom format will receive credit toward their own in-service training requirements, provided that they pass all required tests and have their instruction documented once completed.
- (3) The use of guest participants is permitted provided they are subject to the direct on-site supervision of a commission-certified instructor.
- (4) The instructor shall deliver the training consistent with the specifications as established in the rules in this Section.

15A NCAC 10A .1601 LICENSE FEES

(a) License fees established by the Commission in this Rule shall be subject to the requirements of G.S. 113-270.1B(e).

(b) The following fees shall apply to combination hunting and inland fishing licenses issued by the Commission, as set forth in G.S. 113-270.1C:

- (1) Resident Annual Combination Hunting and Inland Fishing License - \$44.00.
- (2) Resident Disabled Veteran Lifetime Combination Hunting and Inland Fishing License - \$15.00.
- (3) Resident Totally Disabled Lifetime Combination Hunting and Inland Fishing License - \$15.00.

(c) The following fees shall apply to sportsman licenses issued by the Commission, as set forth in G.S. 113-270.1D:

- (1) Annual Sportsman License - \$66.00.
- (2) Infant Lifetime Sportsman License - \$261.00.
- (3) Youth Lifetime Sportsman License - \$456.00.
- (4) Adult Resident Lifetime Sportsman License - \$652.00.
- (5) Nonresident Lifetime Sportsman License - \$1,563.00.
- (6) Age 70 Resident Lifetime Sportsman License - \$20.00.
- (7) Resident Disabled Veteran Lifetime Sportsman License - \$131.00.
- (8) Resident Totally Disabled Lifetime Sportsman License - \$131.00.

(d) The following fees shall apply to hunting licenses issued by the Commission, as set forth in G.S. 113-270.2:

- (1) Resident State Hunting License - \$32.00.
- (2) Lifetime Resident Comprehensive Hunting License - \$326.00.
- (3) Controlled Hunting Preserve Hunting License - \$28.00.
- (4) Resident Annual Comprehensive Hunting License - \$49.00.
- (5) Nonresident State Hunting Licenses:
 - (A) Season License - \$124.00.
 - (B) Ten-Day License - \$99.00.
- (6) Falconry Hunting License - \$32.00.

(e) The following fees shall apply to special activity licenses issued by the Commission, as set forth in G.S. 113-270.3:

- (1) Resident Big Game Hunting License - \$18.00.
- (2) Nonresident Bear Hunting License - \$294.00.
- (3) Bear Management Stamp - \$15.00.
- (4) Nonresident Big Game Hunting License:
 - (A) Season License - \$124.00.
 - (B) Ten-Day License - \$99.00.
- (5) Bonus Antlerless Deer License - \$15.00.
- (6) Game Land License - \$20.00.
- (7) Falconry License - \$15.00.
- (8) Migratory Waterfowl Hunting License - \$18.00.
- (9) Resident American Alligator License - \$308.00.
- (10) Nonresident American Alligator License - \$615.00.

(11) Resident Elk License - \$615.00.

(12) Nonresident Elk License - \$1,229.00.

(f) The following fees shall apply to hunting and fishing guide licenses issued by the Commission, as set forth in G.S. 113-270.4:

- (1) Resident Hunting and Fishing Guide License - \$20.00.
- (2) Nonresident Hunting and Fishing Guide License - \$196.00.

(g) The following fees shall apply to trapping licenses issued by the Commission, as set forth in G.S. 113-270.5:

- (1) Resident State Trapping License - \$40.00.
- (2) Resident Lifetime Trapping License - \$370.00.
- (3) Nonresident State Trapping License - \$164.00.

(h) The following fees shall apply to hook-and-line licenses in inland and joint fishing waters issued by the Commission, as set forth in G.S. 113-271:

- (1) Resident State Inland Fishing License - \$32.00.
- (2) Lifetime Resident Comprehensive Inland Fishing License - \$326.00.
- (3) Nonresident State Inland Fishing License - \$56.00.
- (4) Short-Term Inland Fishing License:
 - (A) Resident 10-day Inland Fishing License - \$12.00.
 - (B) Nonresident 10-day Inland Fishing License - \$29.00.
- (5) Age 70 Resident Lifetime Inland Fishing License - \$20.00.
- (6) Resident Disabled Veteran Lifetime Inland Fishing License - \$15.00.
- (7) Resident Totally Disabled Lifetime Inland Fishing License - \$15.00.
- (8) Special Landholder and Guest Fishing License - \$131.00.
- (9) Mountain Heritage Trout Waters Three-Day Fishing License - \$11.00.

(i) The following shall apply to special device licenses issued by the Commission, as set forth in G.S. 113-272.2:

- (1) Resident Special Device License - \$99.00.
- (2) Nonresident Special Device License - \$652.00.

(j) The non-refundable fee for a collection license issued by the Commission, as set forth in G.S. 113-272.4 shall be \$13.00.

(k) The following non-refundable fees shall apply to captivity licenses issued by the Commission, as set forth in G.S. 113-272.5:

- (1) Captivity License for Holding - \$63.00.
- (2) Captivity License for Rehabilitation - \$13.00.

(l) The following non-refundable fees shall apply to dealer licenses issued by the Commission as set forth in G.S. 113-273:

- (1) Resident Fur-dealer License - \$32.00.
- (2) Nonresident Fur-dealer License - \$63.00.
- (3) Fur-dealer Station License - \$125.00.
- (4) Controlled Hunting Preserve Operator License - \$124.00.
- (5) Controlled Hunting Preserve Rabbit Operator License - \$32.00.
- (6) Game Bird Propagation License - \$13.00.
- (7) Furbearer Propagation License - \$35.00.
- (8) Taxidermy License - \$63.00.
- (9) Taxidermy Cervid Certification - \$7.00.

- (10) Wildlife Control Agent License - \$63.00.
- (11) Wildlife Control Technician Certification - \$32.00.
- (12) Alligator Control Agent Certification - \$32.00.

(m) The following non-refundable fees shall apply to permits issued by the Commission, as set forth in G.S. 113-274:

- (1) Possession Permit - \$13.00.
- (2) Exportation or Importation Permit - \$13.00.
- (3) Trophy Wildlife Sale Permit - \$13.00.
- (4) Endangered Species Permit - \$13.00.
- (5) Field Trial Permit - \$13.00.

(n) Unified hunting and fishing licenses issued by the Commission, as set forth in G.S. 113-351:

- (1) Annual Resident Unified Sportsman/Coastal Recreational Fishing License - \$85.00.
- (2) Annual Resident Unified Inland/Coastal Recreational Fishing License - \$51.00.
- (3) Lifetime Unified Sportsman/Coastal Recreational Fishing Licenses:
 - (A) Infant Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$359.00.
 - (B) Youth Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$587.00.
 - (C) Resident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$880.00.
 - (D) Nonresident Adult Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$2,019.00.
 - (E) Resident Age 70 Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$40.00.
 - (F) Resident Disabled Veteran Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$144.00.
 - (G) Resident Totally Disabled Lifetime Unified Sportsman/Coastal Recreational Fishing License - \$144.00.
- (4) Resident Lifetime Unified Inland/Coastal Recreational Fishing License - \$587.00.

(o) The following fees shall apply to Coastal Recreational Fishing Licenses issued by the Commission, as set forth in G.S. 113-174.2:

- (1) Annual Resident Coastal Recreational Fishing License - \$20.00.
- (2) Annual Nonresident Coastal Recreational Fishing License - \$40.00.
- (3) Ten-Day Resident Coastal Recreational Fishing License - \$9.00.
- (4) Ten-Day Nonresident Coastal Recreational Fishing License - \$15.00.
- (5) Infant Lifetime Coastal Recreational Fishing License - \$131.00.
- (6) Youth Lifetime Coastal Recreational Fishing License - \$196.00.

- (7) Resident Adult Lifetime Coastal Recreational Fishing License - \$326.00.
- (8) Nonresident Adult Lifetime Coastal Recreational Fishing License - \$652.00.
- (9) Resident Age 70 Lifetime Coastal Recreational Fishing License - \$20.00.
- (10) Resident Disabled Veteran Coastal Recreational Fishing License - \$15.00.
- (11) Resident Totally Disabled Coastal Recreational Fishing License - \$15.00.

History Note: Authority G.S. 113-270.1B(e); Temporary Adoption Eff. January 1, 2020; Eff. July 1, 2020; Amended Eff. July 1, 2026; July 1, 2024; May 1, 2022.

15A NCAC 10F .0305 BRUNSWICK COUNTY

(a) Regulated Areas. This Rule applies to the following waters in Brunswick County:

- (1) Varnamtown. Lockwood Folly River in the Town of Varnamtown from a point at 33.94966 N, 78.22587 W, 500 yards northwest of the boat ramp at the end of S.R. 1123 otherwise known as Fisherman Road, to a point at 33.94498 N, 78.22206 W, 180 yards southeast of the boat ramp, and including the portion of the river otherwise known as Mill Creek where it meets Lockwood Folly River directly across from the boat ramp, to a point 100 feet northeast at 33.94687 N, 78.22235 W;
- (2) Calabash. Calabash River in the Town of Calabash, from a point in the water at the end of Marina Drive at 33.88638 N, 78.56254 W to a point 650 yards southwest at the southern end of the deep-sea fishing docks at 33.88344 N, 78.56751 W;
- (3) Southport. Morningstar Marinas Southport, shore to shore beginning at its intersection with the Intracoastal Waterway at a point at 33.91685 N, 78.02865 W;
- (4) Town Creek Township. Town Creek east of S.R. 1609, otherwise known as Clearview Lane in Town Creek Township, shore to shore from a point at 34.16788 N, 78.07139 W, north and east around a bend in the creek to a point at 34.16910 N, 78.07030 W;
- (5) Shallotte:
 - (A) Shallotte River east of S.R. 1233, otherwise known as Village Point Road SW south of the Town of Shallotte, shore to shore from its intersection with the Intracoastal Waterway at a point at 33.91477 N, 78.37103 W to point 500 feet north at 33.91613 N, 78.37126 W;
 - (B) Lockwood Folly River at Rourk's Landing Subdivision, beginning at a point south of the subdivision at 33.95338 N, 78.22553 W, north and

- west around two sharp bends in the channel and ending north at a point at 33.95539 N, 78.22900 W; and
- (C) within 20 yards of the shoreline and 50 yards east and 50 yards west of the Brick Landing Boating Access Area on the Intracoastal Waterway at 1921 Brick Landing Road SW in Shallotte.
- (6) Ocean Isle Beach:
- (A) Intracoastal Waterway in the Town of Ocean Isle Beach in the vicinity of the N.C. Highway 904 Odell Williamson Bridge and Ocean Isle Beach Boating Access Area at 67 Causeway Drive, shore to shore from a point 100 yards east of the N.C. Highway 904 Odell Williamson Bridge at 33.89578 N, 78.43870 W, to a point 100 yards west of the Bridge at 33.89551 N, 78.44077 W; and
- (B) the waters in the natural and concrete canals located on the south side of the Intracoastal Waterway, east of N.C. Highway 904 in the Town of Ocean Isle Beach.
- (7) Oak Island:
- (A) Montgomery Slough, otherwise known as Davis Creek, within 100 yards of the hotel and marina at the northern end of 57th Place West in the Town of Oak Island;
- (B) Montgomery Slough, otherwise known as Davis Creek, shore to shore from its entrance at the Intracoastal Waterway west of SW Yacht Drive at a point at 33.92145 N, 78.19408 W, to the canal end at NE 40th Street in the Town of Oak Island;
- (C) Intracoastal Waterway, within 50 yards of the Oak Island Boating Access Area at 4950 Fish Factory Road SE in Oak Island; and
- (D) Intracoastal Waterway 50 yards east and 50 yards west of the G.V. Barbee Bridge otherwise known as the Oak Island Bridge, in Oak Island.
- (8) Sunset Beach. Intracoastal Waterway in the Town of Sunset Beach in the vicinity of the S.R. 1172 Sunset Beach Bridge and Sunset Beach Boating Access Area at 101 Sunset Boulevard, shore to shore from a point 150 yards east of the Sunset Beach Bridge at 33.88173 N, 78.50995 W, to a point 50 yards west of the bridge at 33.88111 N, 78.51194 W;
- (9) Bolivia. The waters within 50 yards of the Sunset Harbor Boating Access Area adjacent to the Intracoastal Waterway at 356 Riverview Drive SE in Bolivia;
- (10) Holden Beach. Intracoastal Waterway in the Town of Holden Beach, N.C. Highway 130 Holden Beach Bridge and Holden Beach Boating Access Area at 99 S. Shore Drive, shore to shore between a point 250 feet west and a point 100 feet east of the Holden Beach Bridge;
- (11) Winnabow. The waters within 50 yards of Rices Creek Boating Access Area on Rice Creek at 797 Gordon Lewis Drive SE in Winnabow; and
- (12) Ash. The waters within 50 yards of the Pireway Boating Access Area on Waccamaw River at 9739 Pireway Road NW in Ash.
- (b) Speed Limit. No person shall operate a vessel at greater than no-wake speed within the regulated areas described in Paragraph (a) of this Rule.
- (c) Placement of Markers.
- (1) the Board of Aldermen of Varnamtown shall be the designated agency implementing Subparagraph (a)(1) of this Rule ;
- (2) the Board of Commissioners of Brunswick County shall be the designated agency implementing Parts (a)(2) through (4), Parts (a)(5)(A) and (B), (a)(6)(B), and (a)(7)(A), (B), and (D) of this Rule;
- (3) the North Carolina Wildlife Resources Commission shall be the designated agency implementing Subparagraphs (a)(5)(C), (a)(6)(A), (a)(7)(C), and Subparagraphs (a)(8) through (12) of this Rule.

History Note: Authority G.S. 75A-3; 75A-15; Eff. February 1, 1976; Amended Eff. April 1, 1997; July 1, 1994; July 1, 1993; January 1, 1989; January 1, 1987; Temporary Amendment Eff. March 1, 1998; Amended Eff. April 1, 2009; April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016; Amended Eff. May 1, 2021; July 1, 2018; Temporary Amendment Eff. August 15, 2023; October 1, 2022; Amended Eff. February 1, 2024; Temporary Amendment Exp. Eff. May 11, 2024; Amended Eff. June 1, 2026; February 1, 2025.

15A NCAC 10H .1801 GENERAL REQUIREMENTS AND FEES

- (a) The rules in this Section apply to commercial permits issued by the Wildlife Resources Commission.
- (b) The use of Wildlife Resources Commission property, as defined by G.S. 113-129, by an individual or business for profit or benefit is unlawful, unless the individual or business using the property for an unlicensed activity first obtains a commercial permit as provided by this Rule.
- (c) The following definitions shall apply to all rules in this Section:
- (1) "Benefit" means the exchange of money, goods, services, or the growth or promotion of a business or organization.

- (2) "Commercial activity" means an unlicensed activity for which individuals pay to participate or use equipment and that takes individuals or groups to Commission property for participation in the unlicensed activity, the purpose of which is financial gain or benefit of the commercial business.
- (3) "Commercial business" means any individual or business using Commission property for financial gain or benefit.
- (4) "Commercial permit" means either a commercial use permit or event permit for otherwise unlicensed activities.
- (5) "Commission property" means Wildlife Resources Commission property as defined in G.S. 113-129(18).
- (6) "Commercial use" means the use of Commission property for financial gain or benefit.
- (7) "Commercial use permit" means a permit that allows for the commercial use of Wildlife Resources Commission property.
- (8) "Event" means an organized gathering of more than 10 people on Commission property where money is exchanged for participation in an unlicensed activity.
- (9) "Event permit" means a permit that allows for the use of Commission property for a one-time event.
- (10) "Unlicensed activity" means any outdoor activity that the Commission does not regulate through a Commission-issued license or permit.

(d) Application for a commercial permit shall be made online at www.ncwildlife.org or at Commission headquarters located at 1751 Varsity Drive, Raleigh, NC 27606-2576. Information required from the applicant shall include:

- (1) the applicant's name, address, telephone number;
- (2) name of business, company, or organization;
- (3) type of commercial activity or event;
- (4) dates of activity or event;
- (5) locations of commercial activity or event;
- (6) certificate of insurance; and
- (7) for event permits, the number of individuals anticipated to partake in the event.

(e) The fee for a commercial use permit shall be one hundred and two dollars (\$102.00). The fee for an event permit shall be based on the number individuals participating in the event, including event participants, volunteers, staff, and spectators. The event permit fee schedule is as follows:

- (1) ten to 100 individuals - \$51;
- (2) one hundred and one to 250 individuals - \$102;
- (3) two hundred and fifty-one to 500 individuals - \$153;
- (4) five hundred and one to 1000 individuals - \$204; and
- (5) over 1000 individuals - \$255.

(f) In addition to the commercial permit fee, a fee of three dollars (\$3.00) per individual participating in the permitted activity on

Commission property shall be required and remitted to the Commission no more than 30 days after the event for which the permit was acquired or every quarter during the year for which the commercial use permit is valid.

(g) Unless authorized by the Commission, commercial permit holders and their patrons shall not block access or prevent others from entering or exiting any Commission property.

(h) Commercial permits are non-transferable between individuals, businesses, or companies and a separate permit is required for each commercial activity or event.

(i) The Commission may deny permits or issue permit requirements for use of its property based on the time of year, holidays, safety concerns, biological impacts, compatibility of requested activity with intended use of an area or property, failure to adhere to the conditions set forth in these Rules and Commission planned or sponsored events.

(j) Unless a more limited duration is designated on the permit, a commercial use permit shall be valid from January 1 through December 31 of the same year. An event permit shall be valid for the duration of the event and expires at its conclusion.

(k) Records of commercial activities shall be available for inspection by representatives of the Commission upon request and during normal operating hours.

(l) The Executive Director of the Commission or his or her designee may warn, cite, or revoke a permit holder's commercial permit, if the permit holder violates any rules set forth by the Commission in this Subchapter or any conditions of the permit.

History Note: Authority G.S. 113-134; 113-264; Eff. January 1, 2025; Amended Eff. July 1, 2026.

TITLE 16 - TITLE 16 - EDUCATION - NO CONVERSION FOUND

16 NCAC 06G .0303 DEFINITIONS

As used in this Section, the following definitions shall apply:

- (1) "Achievement Score" means the overall achievement score calculated according to G.S. 115C-83.15(b).
- (2) "Assistance team" means an assistance team assigned by the State Board of Education to a low-performing school under G.S. 115C-105.38.
- (3) "Continually Low-Performing School" or "CLPS" is defined in G.S. 115C-105.37A(a).
- (4) "Education Management Organization" or "EMO" is defined in 16 NCAC 06G .0523.
- (5) "Identified student subgroup" means one of the subgroups identified in G.S. 115C-83.15(d1), provided there are at least 30 students served by a school.
- (6) "Low-Performing School" is defined in G.S. 115C-105.37(a).
- (7) "Restart Model" is defined in G.S. 115C-105.37B(a)(2).
- (8) "School Improvement Plan" means the plan described in G.S. 115C-105.37(a1).

- (9) "School Reform Model" means one of the following:
 - (a) Restart Model;
 - (b) Transformation Model; or
 - (c) Turnaround Model.
- (10) "Transformation Model" is defined in G.S. 115C-105.37B(a)(1).
- (11) "Turnaround Model" is defined in G.S. 115C-105.37B(a)(3).

History Note: Authority G.S. 115C-83.15; 115C-105.37; 115C-105.37A; 115C-105.37B; 115C-105.38; Filed as a Temporary Rule Eff. November 7, 1989 for a period of 180 days to expire on May 6, 1990; Eff. May 1, 1990; Amended Eff. June 1, 1996; Readopted Eff. June 1, 2026.

16 NCAC 06G .0317 SCHOOL REFORM MODELS

- (a) A local school administrative unit that wants to implement a school reform model in a continually low-performing school shall follow the provisions of 16 NCAC 06G .0318, 06G .0319, or 06G .0320, depending on the type of school reform model the LSAU wants.
- (b) The SBE shall authorize the LSAU to implement the requested school reform model if the LSAU submits the information required by the relevant Rule, and the SBE determines that the LSAU has the ability to implement a School Improvement Plan consistent with the authorized school reform model and is likely to operate the school in an educationally and economically sound manner to improve student learning. The LSAU shall operate the school under the authorized school reform model until the SBE refuses to continue or removes the authorization.
- (c) The SBE may refuse to continue or remove authorization to operate a school under a school reform model whenever it determines that:
 - (1) The school has failed to realize the academic goals in the School Improvement Plan and the failure to reduce administrative barriers that contributed to the school's identification as continually low performing means the school is unlikely to realize those goals within the next two years;
 - (2) The LSAU has failed to comply with applicable state or federal laws, has failed to provide the SBE with required reports, or failed to submit the School Improvement Plan for SBE approval in accordance with G.S. 115C-105.37A(a);
 - (3) A school operating under the Restart Model has not demonstrated academic gain in any two years from Year 2 to Year 4 of any five-year cycle and is unlikely to demonstrate academic gain within the next two years;
 - (4) The LSAU requests removal of the authorization and the SBE determines that the school is more likely to realize greater growth scores or achievement scores without the

authority to operate under the approved school reform model; or

- (5) If the LSAU continues to operate the school under the approved school reform model, the school is unlikely to meet expected growth under G.S. 115C-83.15(f) and realize lower achievement scores in the next two years.
- (d) If the local board of education determines that no school reform model has been or would be effective in removing improving school performance or otherwise concludes that closure of the school is appropriate, it may close the school in accordance with G.S. 115C-72 and reassign the students enrolled in the school to other, higher-achieving schools within the LSAU consistent with Chapter 115C, Article 25 of the General Statutes.

History Note: Authority G.S. 115C-105.37B; Eff. January 1, 2025; Amended Eff. June 1, 2026.

16 NCAC 06G .0318 RESTART MODEL

- (a) A local school administrative unit that wants to implement a Restart Model in a continually low-performing school shall apply to the State Board of Education by February 28th of the school year preceding the school year in which the LSAU wants to implement the model. The application shall include the following:
 - (1) A description of how the LSAU will support the school in providing each student with the opportunity for a sound basic education.
 - (2) Specific goals for increasing the achievement score, growth score, and subgroup growth scores in the school.
 - (3) A description of how the LSAU will utilize operational flexibilities to realize the goals identified in Subparagraph (a)(2) of this Rule.
 - (4) A description of any administrative barriers, such as teacher turnover, that the LSAU believes contributed to the school's identification as continually low-performing and standards for measuring progress in reducing those barriers.
 - (5) A declaration of intent to contract with an educational management organization to implement the Restart Model, if applicable. The declaration of intent shall include:
 - (A) The name, address, email, and telephone number for the EMO;
 - (B) The website for the EMO; and
 - (C) An explanation of how the services of the EMO will contribute to improved growth scores and achievement scores at the school.
 - (6) A proposed budget outlining the revenues and expenditures necessary to implement the Restart Model;
 - (7) A timeline for implementing the Restart Model.
 - (8) A written commitment to implement the Restart Model for at least five years.
 - (9) The name of a staff member at the LSAU who shall serve as the point of contact for the school.

(b) If the SBE authorizes an LSAU to implement the Restart Model, the LSAU shall implement the model for a minimum of five school years, unless the SBE removes authorization in accordance with 16 NCAC 06G .0317(c). Subsequent provisions of this rule shall apply to the initial five years and any subsequent five-year period of continued authorization.

(c) Upon receipt of authorization from the SBE, the LSAU shall include the operational flexibilities described in its application as action steps in the School Improvement Plan, specifying the school year(s) in which the operational flexibilities are to be utilized, and submit the School Improvement Plan to the SBE for review and approval in accordance with G.S. 115C-105.37A(a). The revised School Improvement Plan is due to the SBE no later than September 30th following SBE authorization.

(d) The LSAU shall file regular reports with the SBE regarding implementation of the Restart Model, including the following:

- (1) By December 1st of Year 2 of initial implementation of the Restart Model and every year thereafter, the LSAU shall submit an annual report that documents how the school utilized the operational flexibilities authorized in the Restart Model in the past year. The annual report shall provide evidence of any measurable progress toward the goals outlined in its application or the prior annual report that can be attributed to the use of those operational flexibilities.
- (2) By September 30th of Year 2 and every year thereafter, the LSAU shall identify continuing, modified, or new goals for the following school year, describe how it intends to utilize operational flexibilities to realize those goals, and document action steps in the School Improvement Plan, specifying the school year(s) in which the operational flexibilities are to be utilized.
- (3) By January 31st of Year 5, the LSAU shall submit a report describing and documenting:
 - (A) All policies, guidelines, or directives it adopted to implement the Restart Model; and
 - (B) All efforts to reduce administrative barriers identified in the initial application or prior annual reports and all measurable changes to those barriers attributable to those efforts.
- (4) By May 31st of the school year following approval by the SBE of an application for continued authorization under Paragraph (g), the LSAU shall submit evidence of how the LSAU has supported the school's operation under the Restart Model and use of operational flexibilities have helped to improve its growth and achievement scores.

(e) To continue operating the school under Restart Model after five years, the school must demonstrate academic gain in at least two of three years from Year 2 through Year 4. A school may demonstrate academic gain under any of the following scenarios:

- (1) The school is no longer identified as continually low-performing and has met or exceeded expected growth under G.S. 115C-83.15(f). Under this scenario, the SBE may reduce the reporting requirements in Paragraph (g) of this Rule if the SBE determines that the reduced reporting requirements would not compromise the SBE's ability to make decisions regarding the implementation of the Restart Model in the school.
- (2) The school is no longer identified as continually low-performing but has not met expected growth.
- (3) The school is still identified as continually low-performing, but the school has met or exceeded expected growth and realized a net increase in its achievement score over five years.
- (4) The school is still identified as continually low-performing and realized a net decrease in its achievement school over five years, but the school has met or exceeded expected growth and at least 50 percent of identified student subgroups served by the school have met or exceeded growth under G.S. 115C-83.15(d2).
- (5) The school is still identified as continually low-performing and realized a net decrease in its achievement school over five years, but the school has met or exceeded expected growth and demonstrated measurable progress toward at least 50 percent of the operational flexibility goals identified in the initial application or the most recent annual report filed in accordance with Subparagraph (d)(1) of this Rule.
- (6) The school is still identified as continually low-performing and has not met expected growth, but the school has realized a net increase in its achievement score of at least five points over five years.
- (7) The school is still identified as continually low-performing and has not met expected growth, but the school has realized a net increase in its achievement score of between zero and five points over five years and at least 50 percent of identified student subgroups served by the school have met or exceeded growth under G.S. 115C-83.15(d2).
- (8) The school is still identified as continually low-performing and has not met expected growth, but the school has realized a net increase in its achievement score of between zero and five points over five years and demonstrated measurable progress toward at least 50 percent of the operational flexibility goals identified in the initial application or the most recent annual report filed in accordance with Subparagraph (d)(1) of this Rule.

(f) If the school has not demonstrated measurable progress toward academic gain after Year 2, the school shall submit to additional oversight from the SBE beginning in Year 3.

(g) If, at the end of Year 5, the school has demonstrated academic gain and the LSAU wants to continue operating the school under the Restart Model, the LSAU must declare its intent to the SBE by February 28th of Year 5. The SBE may continue the authorization for another five years unless the SBE determines that continuing to operate the school under the Restart Model is likely to result in lower indications of growth or a decrease in achievement scores.

(h) If the school does not demonstrate academic gain in any two years from Year 2 to Year 4 and the LSAU wants to continue operating the school under the Restart Model, the LSAU shall apply to the SBE for continued authorization by February 28th of Year 5. That application shall include the following:

- (1) An explanation of the rationale for requesting continued authorization as well as an explanation of the perceived causes of the decline in the school's growth score and achievement score.
- (2) An explanation of the level of decision-making authority and influence with LSAU leadership held by the point of contact for the school.
- (3) An explanation of how the LSAU will provide comprehensive and differentiated support the school in a manner beyond the standard support provided to all schools in the LSAU.
- (4) An explanation of support that the LSAU will provide to the school principal either directly or through external partners funded by the LSAU.
- (5) A description of any new strategies for demonstrating academic gain through the use of operational flexibility or other methods.
- (6) A written commitment to cooperate with oversight and support from the SBE during the term of the Restart Model.

The SBE may approve the application and continue the authorization for a period up to five years if the SBE determines the school is likely to demonstrate academic gain under the revised School Improvement Plan. If the SBE continues the authorization under these circumstances, the school shall submit to additional oversight and intensive support from the SBE until it demonstrates measurable progress toward academic gain.

History Note: Authority G.S. 115C-105.37B; Eff. June 1, 2026.

16 NCAC 06G .0319 TRANSFORMATION MODEL

(a) A local school administrative unit that wants to implement a Transformation Model in a continually low-performing school shall apply to the State Board of Education by February 28th of the preceding the school year in which the LSAU wants to implement the model. The application shall include the following:

- (1) A description of how the LSAU will implement improvements in the four areas critical to transforming a CLPS listed in G.S. 115C-105.37B(a)(1).
- (2) Specific goals for increasing the achievement score, growth score, and subgroup growth scores in the school.

(3) A proposed budget detailing the revenues and expenditures necessary to implement the Transformation Model.

(4) A timeline for implementing the Transformation Model.

(b) An LSAU that has been authorized to implement a Transformation Model shall submit an annual report to the SBE by December 1st of each year describing and documenting how the LSAU has implemented the Transformation Model to improve the school's growth score and achievement score within the preceding school year.

History Note: Authority G.S. 115C-105.37B; Eff. June 1, 2026.

16 NCAC 06G .0320 TURNAROUND MODEL

(a) A local school administrative unit that wants to implement a Turnaround Model in a continually low-performing school shall apply to the State Board of Education by February 28th of the preceding the school year in which the LSAU wants to implement the model. The application shall include the following:

(1) A description of the new governance structure to be implemented in the school.

(2) Specific goals for increasing the achievement score, growth score, and subgroup growth scores in the school.

(3) A description of the procedures that the LSAU will use when removing staff, including due process protections where required by law.

(4) A proposed budget outlining the revenues and expenditures necessary to implement the Turnaround Model.

(5) A timeline for implementing the Turnaround Model.

(b) An LSAU that has been authorized to implement a Turnaround Model shall submit an annual report to the SBE by December 1st of each year describing and documenting how the LSAU has implemented the Turnaround Model to improve the school's growth score and achievement score within the preceding school year.

History Note: Authority G.S. 115C-105.37B; Eff. June 1, 2026.

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 02 - ARCHITECTURE AND REGISTERED INTERIOR DESIGNERS

21 NCAC 02 .0101 AUTHORITY: NAME AND LOCATION OF BOARD

The "North Carolina Board of Architecture and Registered Interior Designers," subsequently herein referred to as the "Board," is established and authorized by Chapter 83A of the General Statutes of North Carolina. Unless otherwise directed, all communications shall be addressed to the Board at 434 Fayetteville Street, Suite 2005, Raleigh, North Carolina 27601.

History Note: Authority G.S. 83A-2; 83A-6; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. June 1, 1995; May 1, 1989; November 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. October 1, 2021; Readopted Eff. June 1, 2026.

21 NCAC 02 .0106 SEAL OF BOARD

The official seal adopted by the Board is the Great Seal of the State of North Carolina as set forth in G.S. 147-26 with the inscription of the Board name on the perimeter.

History Note: Authority G.S. 83A-5; 83A-6; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0107 FORMS

Any forms referred to or required by these rules are available on the Board web site at www.ncbarch.org.

History Note: Authority G.S. 83A-6; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 2014; May 1, 1989; November 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0108 FEES

The fees required by the Board are set forth below:

Initial License to Practice Architecture:	
By Exam	\$55.00
By Reciprocity	\$155.00
Architecture Firm License	\$100.00
Annual License to Practice Architecture Renewal:	
Individual	\$55.00
Firm	\$125.00
Late Renewal Penalty for Individual Architects and Firms:	
Up-to-30 days	\$55.00
30 days to 1 year	\$100.00
Reinstatement of Expired License:	
Individual Architect	\$260.00
Architecture Firm	\$300.00
Initial Registration to Practice Interior Design:	
For NCIDQ Certified Individual	\$155.00
Firm Registration	\$100.00

Addition of Interior Design Firm Registration for Currently Licensed Architecture Firms	\$50.00
Annual Registration to Practice Interior Design Renewal:	
Individual	\$55.00
Firm	\$125.00
Late Renewal Penalty for Interior Designers and Interior Design Firms:	
Up-to-30 days	\$55.00
30 days to 1 year	\$100.00
Reinstatement of Expired Registration	
Interior Designer Individual	\$260.00
Interior Design Firm	\$300.00

All fees paid to the Board are non-refundable.

History Note: Authority G.S. 55B-10; 83A-4; 83A-11; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 2014; December 1, 2010; June 1, 1995; December 1, 1992; May 1, 1991; May 1, 1989; July 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. November 1, 2017; Temporary Amendment Eff. November 30, 2021; Amended Eff. April 1, 2024; June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0109 DEFINITIONS

In addition to the statutory definitions in G.S. 83A-1, as used in these Rules, the following terms shall have the following meanings:

- (1) "Delinquent" is the status of a license registration that has not been renewed in accordance with Rule .0213(b) of this Chapter for individuals and Rule .0214(c) of this Chapter for firms.
- (2) "Fictitious name" is any assumed name, style, or designation other than the proper legal name of the entity as registered with the Secretary of State. The surname of a person, standing alone or coupled with words that describe the business, is not a fictitious business name. The inclusion of words that suggest additional owners, such as "Company," "& Company," "& Sons," "& Associates," makes the name an assumed or fictitious name. For partnerships, the last name of all partners shall be listed, or the fictitious name definition applies.
- (3) "Procurement" means purchasing or pricing of materials to construct a building or structure.
- (4) "Direct Supervision" as used in North Carolina G.S. 83A-15(a)(1)b means responsible control as defined in Rule .0203 of this Chapter.
- (5) "Continuing Competency" as used in G.S. 83A-6(a) means continuing education obtained post licensure or registration that enables an

architect or registered interior designer to increase or update knowledge of and competence in technical and professional subjects related to the practice of architecture and interior design to safeguard the public's health, safety, and welfare.

- (6) "Health, safety, or welfare" (HSW) as used in G.S. 83A-6(a) means technical and professional subjects that according to these rules safeguard the public and that are necessary for the proper evaluation, design, construction and utilization of buildings and the built environment.
- (7) "Architect-of-record" or "Designer-of-record" means persons or entities whose seals appear on plans, specifications, and contract documents.

- (5) dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- (6) any denial, limitation, reprimand, suspension, or revocation taken against the licensee or registrant's credentials, to include a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed;
- (6) whether the terms of the adverse action have been satisfied; and
- (7) whether any liens or judgments have been filed or entered against the licensee or registrant and, if so, the jurisdiction, date, and parties involved with such lien or judgment.

History Note: Authority G.S. 83A-6;

Eff. November 1, 2010;

Amended Eff. October 1, 2012;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Temporary Amendment Eff. November 30, 2021;

Amended Eff. June 1, 2022;

Readopted Eff. June 1, 2026.

21 NCAC 02 .0201 ARCHITECT, REGISTERED INTERIOR DESIGNER, FIRM OR PARTNERSHIP CONTACT INFORMATION AS ON FILE WITH THE BOARD

(a) Every individual licensee and registrant shall keep the Board advised of his or her preferred current contact information. Current contact information includes a physical mailing address, email, phone numbers, and the name of the firm or partnership where he or she is employed. Every individual licensee and registrant shall notify the Board in writing of all changes to contact information within 30 days of such changes.

(b) The licensee or registrant shall give notice in writing to the Board of the following within 30 days of the following adverse actions:

- (1) the filing of any criminal charges against the licensee or registrant and, if so, the jurisdiction, charge, and case number of each such charge;
- (2) any conviction of, or plea of nolo contendere by, the licensee or registrant for a felony or misdemeanor under any laws and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction or plea of nolo contendere.
- (3) the filing of any disciplinary action, charges, or contested case proceeding against the licensee or registrant before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action;
- (4) the finding by any court, board, agency, or professional organization that the licensee or registrant is guilty of unprofessional conduct,

(c) Each firm or partnership shall, within 30 days, notify the Board of all changes in ownership, association, contact information, email, or physical address. Upon the dissolution of a firm, the architect or registered interior designer in responsible control of the firm at the time of dissolution shall notify the Board within 30 days concerning such dissolution and of the succeeding status and addresses of the architects and registered interior designers employed by the firm.

(d) Each licensed or registered firm shall give notice in writing to the Board of the following within 30 days of the following adverse actions:

- (1) the filing of any criminal charges against the firm or any of its owners and, if so, the jurisdiction, charge, and case number of each such charge;
- (2) any conviction of, or plea of nolo contendere by, the firm or any of its owners for a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;
- (3) the filing of any disciplinary action, charges, or complaint against the firm or any of its owners before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action;
- (4) the finding by any court, board, agency, or professional organization that the firm or any of its owners is guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- (5) any denial, limitation, reprimand, suspension, or revocation taken against the firm's credentials or that of any of its owners, to include a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and whether the terms of the adverse action have been satisfied; and

- (6) whether any liens or judgments have been filed or entered against the firm or any of its owners and, if so, the jurisdiction, date, and parties involved with such lien or judgment.

- (4) ordinarily applied by architects or interior designers of good standing.
- (4) Responsible Control. "Responsible Control" means responsibility for exercising the ultimate authority over, and possessing the knowledge and ability to oversee, delegate, and integrate the design and technical decisions related to the preparation of the project's instruments of service and the project's implementation in conformance with the standard of care. Instruments of service are defined as the collection of documents, drawings, specifications, calculations, and other tangible materials produced by design professionals during the various stages of a project. Standard of care is defined as the care usually exercised by one in the profession, on the same type of project, at the same time and in the same place, under similar circumstances and conditions. No architect or registered interior designer shall affix his or her seal and signature to contract documents developed by others not under the architect's or registered interior designer's responsible control.
- (5) An architect or registered interior designer shall not deliberately make a false statement or deliberately fail to disclose a fact requested in connection with their application for license or registration renewal.
- (6) An architect or registered interior designer shall not assist in the application for licensure or registration of a person known by the architect or registered interior designer to be unqualified with respect to education, training, experience, or character.
- (7) An architect or registered interior designer shall issue public statements only in an unbiased and truthful manner and:
 - (a) shall be objective and truthful in all professional reports, statements, or testimony. The architect or registered interior designer shall include all relevant and pertinent information in such reports, statements, or testimony;
 - (b) when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon knowledge of the facts at issue, upon a background of technical competence in the subject matter, and of the accuracy and propriety of the individual's testimony;
 - (c) shall issue no statements, criticisms, or arguments on architectural or interior design matters connected with public policy which are inspired or paid for by an interested party, or parties, unless the architect or registered

History Note: Authority G.S. 83A-5; 83A-6; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. November 1, 2010; June 1, 1995; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. April 1, 2024; June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0203 RULES OF PROFESSIONAL CONDUCT

All persons licensed or registered under the provisions of Chapter 83A of the North Carolina General Statutes are charged with having knowledge of the rules of this Chapter and are deemed to be familiar with their provisions and to understand them. Each licensed or registered person and entity shall sign a statement on the renewal notice affirming understanding of the laws and rules.

- (1) Licensees and registrants shall conduct their practice to safeguard life, health, and property as provided in G.S. 83A-12. The licensee or registrant shall always recognize the primary obligation to protect the public in the performance of their professional duties. If the licensee or registrant's professional judgment is overruled under circumstances where the licensee or registrant, in their professional judgment, believes health, safety, and welfare of the public are endangered, the licensee or registrant shall inform the employer, the client, the contractor, other affected parties, and any appropriate regulatory agency of the possible consequences of the situation.
- (2) In designing a project, the licensee or registrant shall consider all applicable federal, State, and municipal building laws and rules. A licensee or registrant shall undertake to perform professional services only when they, together with those whom the licensee or registrant may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved. While a licensee or registrant may rely on the advice of other professionals such as attorneys, engineers, or other qualified persons as to the intent and meaning of such laws and rules, once having obtained advice, a licensee or registrant shall not design a project in violation of laws and rules.
- (3) In practicing architecture or interior design, the licensee or registrant shall act with reasonable care and competence and shall apply the technical knowledge and skill which is

- interior designer has prefaced the comment by explicitly identifying their name, by disclosing the identities of the party or parties on whose behalf the architect or registered interior designer is speaking, and by revealing the existence of any pecuniary interest the architect or registered interior designer may have in the matters; and
- (d) shall not attempt to harm the professional reputation, prospects, practice, or employment of another architect or registered interior designer, nor indiscriminately criticize another architect's or registered interior designer's work. Indiscriminate criticism is a statement without basis or cause or that is not objective and truthful or that fails to include all factual information. If the architect or registered interior designer believes that another architect or registered interior designer is in violation of Chapter 83A of the North Carolina General Statutes or the Rules of this Chapter, such information shall be presented to the North Carolina Board of Architecture and Registered Interior Designers in writing.
- (8) An architect or registered interior designer shall avoid conflicts of interest and:
- (a) shall inform the employer or client, and any reviewing agency, of any business association, interests, or circumstances that attempts to influence the judgment or the quality of services of the architect or registered interior designer. If, in the course of their work on a project, an architect or registered interior designer becomes aware of a decision taken by their employer or client, against their advice, which violates applicable State or municipal building laws or federal regulations and which will, in their judgment, affect adversely the safety to the public of the finished project, the architect or registered interior designer shall:
- (i) report the decision to the local building inspector or other public official charged with the enforcement of the applicable State or municipal building laws and regulations;
- (ii) refuse to consent to the decision;
- (iii) in circumstances where the architect or registered interior designer reasonably believes that other such decisions will be taken notwithstanding his or her objection, terminate their services with reference to the project; and
- (iv) in the case of termination in accordance with clause in Sub-Item (a)(iii) of this Rule, the architect or registered interior designer shall have no liability to his or her client or employer on account of such termination.
- (b) shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are disclosed to, and agreed to, in writing, by all interested parties;
- (c) shall not solicit or accept financial or other valuable considerations from material, furniture, fixtures, or equipment suppliers for specifying their products unless disclosed to the client;
- (d) shall not pay or offer to pay, a commission, political contribution, gift, or other consideration in order to secure work. Gifts of nominal value including entertainment and hospitality are permitted;
- (e) when in public service as a member, advisor, or employee of a governmental body or department, shall not participate in considerations or actions with respect to services provided by the licensee or registrant or the licensee's or registrant's firm in private architectural or registered interior design practices;
- (f) shall not engage in any false, deceptive, fraudulent, or misleading advertising;
- (g) shall not attempt to supplant another architect or registered interior designer on a specific project after becoming aware that the other has been selected for the employment;
- (h) when acting as the interpreter of building contract documents and the judge of contract performance, an architect or interior designer shall

- render decisions in an impartial manner;
 - (i) if an architect or registered interior designer has any business association or financial interest which influences their judgment in connection with the performance of professional services, they shall disclose in writing to their client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, they will either terminate such association or interest or offer to give up the commission or employment;
 - (j) an architect or registered interior designer making public statements on architectural or interior design questions shall disclose when they are being compensated for making such statements.
- (9) A licensee or registrant shall solicit or accept work on the basis of qualifications and:
- (a) shall not offer to pay any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies;
 - (b) shall not solicit or submit proposals for professional services containing a false, fraudulent, misleading, or deceptive statement or claim regarding the cost, quality, or extent of services to be rendered;
 - (c) shall, with regard to fee bidding on public projects, comply with, and not knowingly cooperate in any violation of the provisions of G.S. 143-64.31(a), (a1), (e), and (f) for State projects and, with the Brooks Act, 40 U.S.C. 541 et seq. for federal projects;
 - (d) shall not falsify or permit misrepresentation of academic or professional qualifications and shall only report educational qualifications when a degree or certificate was awarded unless it is stated that no degree or certificate was awarded; and
 - (e) shall represent to a prospective or existing client or employer their qualifications and the scope of their responsibility in connection with work for which they are claiming credit. Misrepresentation shall be found if any of the following is not complied with:
 - (i) Each licensee or registrant shall state their prior professional experience and the firm they are representing while presenting qualifications to all prospective clients. If the licensee or registrant uses visual representations of prior projects or experience, all designers or architects of record shall be identified.
 - (ii) An architect or registered interior designer who has been an employee of another firm may not claim credit for projects contracted for in the name of the previous employer. They shall indicate, next to the listing for each project, that individual experience gained in connection with the project was acquired as an employee and identify the previous firm. The architect or registered interior designer shall also describe the nature and extent of their participation in the project.
 - (iii) An architect or registered interior designer who presents a project that has received awards or public recognition shall comply with the requirements in this Sub-Item with regard to project presentation to the public and prospective clients.
 - (iv) Projects that remain unconstructed and are listed as credits in presentation items shall be listed as "unbuilt" or a similar designation, as determined by the architect or registered interior designer.
- (10) A licensee or registrant shall perform services in compliance with all of the provisions of this Chapter and any federal, State, and municipal laws or regulations that apply and:
- (a) shall not knowingly associate with or permit the use of the licensee's or registrant's name or firm name in a business venture by any person or firm which the licensee or registrant knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is not licensed or registered;

- (b) if the licensee or registrant has knowledge or reason to believe that another person or firm may be in violation of the rules of this Chapter or of the North Carolina Architectural and Registered Interior Design Practice Act (Chapter 83A) of the North Carolina General Statutes, they shall present such information to the Board in writing and shall cooperate with the Board in furnishing further information or assistance as may be required by the Board; and
 - (c) An architect or registered interior designer shall cooperate with the Board in connection with any inquiry it shall make. Cooperation includes responding to all inquiries from the Board or its representative and claiming correspondence from the U. S. Postal Service, or other delivery service, sent to the licensee or registrant from the Board in a timely manner. The Board shall utilize electronic mail as its primary method of communication with licensees and registrants. "Timely" is defined as within the time specified in the correspondence, or if no time is specified, within 15 business days of receipt.
- (11) An architect or registered interior designer who has received a reprimand or civil penalty or whose professional license or registration is revoked, suspended, denied, refused renewal, refused reinstatement, put on probation, restricted, or surrendered as a result of disciplinary action by another jurisdiction is subject to discipline by the Board if the licensee's or registrant's action constitutes a violation of Chapter 83A of the North Carolina General Statutes or the rules of this Chapter adopted by the Board.
- (12) In addition to the grounds stated in G.S. 83A-14 and G.S. 83A-15(3), the following acts or omissions may be deemed to be "unprofessional conduct" and to be cause for the levy of a civil penalty or for denial, suspension, or revocation of a license or registration or firm certificate of licensure or registration to practice architecture or registered interior design:
- (a) An architect or registered interior designer shall not, in the conduct of their professional practice, knowingly violate any State or federal criminal law. A criminal conviction shall be deemed prima facie evidence of knowingly violating the law.
 - (b) Evasion of professional duties.
 - (i) An architect or registered interior designer shall not, through employment by contractors whether or not the contractors are licensed under Chapter 87 of the North Carolina General Statutes, or by another individual or entity not holding an individual or firm registration from the Board, enable the employer to offer or perform architectural services or registered interior design services. In design/build arrangements, the architect or registered interior designer shall not be an employee of a person or firm not holding a license to practice architecture or registered interior design in North Carolina.
 - (ii) An architect or registered interior designer shall not furnish limited services in such manner as to enable owners, draftsmen, or others to evade the public health and safety requirements of Chapter 83A of the North Carolina General Statutes, G.S. 133-2, Chapter 153A, G.S. 153A-357, G.S. 160A-412, or G.S. 160A-417.
 - (iii) When building plans are begun or contracted for by persons not licensed or registered and qualified, an architect or registered interior designer shall not take over, review, revise, or sign or seal such drawings or revisions thereof for such persons or do any act to enable either persons or the project owners to evade the requirements of Chapter 83A of the North Carolina General Statutes, G.S. 133-2, G.S. 153A-357, or G.S. 160A-417.
 - (c) It is unprofessional conduct for an architect or registered interior designer to be found by a court to have infringed upon the copyrighted works of other architects, registered interior

- designers, or other design professionals.
- (13) An architect, registered interior designer, or firm shall not maintain or represent by sign, listing, or other manner that they have a physical presence in North Carolina unless such office employs a licensed architect or registered interior designer who is a resident in North Carolina whose principal place of business takes place in that office. This item does not apply to on-site project offices during construction of a project.
- (14) An architect or registered interior designer shall not knowingly continue to offer or render architectural or registered interior design services as set forth in Chapter 83A of the North Carolina General Statutes after their license or registration expires, is placed on delinquent status, is revoked, or suspended for failure to renew.
- (15) Architects or registered interior designers preparing plans for building permits shall submit plans that are complete and buildable. Such plans shall conform with the State Building Code and local plan submission requirements. Professional judgment shall be exercised to reflect sufficient documentation necessary for plan approval. Provided, however, this Rule does not alter any standard of liability applicable to licensees or registrants.

- (2) limited liability companies that are established under the provisions of Chapter 57D of the North Carolina General Statutes;
- (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
- (4) business corporations that are established under the provisions of Chapter 55 of the North Carolina General Statutes; or
- (5) general partnerships.

Each limited liability partnership and each general partnership engaged in the practice of architecture or registered interior design in North Carolina shall keep a current list of all resident and non-resident partners of the partnership. One annual listing by a representative of the partnership shall satisfy the requirement of this Paragraph for all partners in the firm; however, each partner shall remain responsible for compliance with the rules. Changes in the information required by this Paragraph shall be filed with the Board office within 30 days after the change occurs.

(c) All individuals who practice architecture through entities described in Subparagraphs (a)(1) through (a)(4) of this Rule shall be licensed to practice architecture.

(d) All individuals who practice interior design through entities described in Subparagraphs (b)(1) through (b)(4) of this Rule shall be registered to practice interior design.

History Note: Authority G.S. 55B; 57C; 59-84.2; 83A-4; 83A-6; 83A-8;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. October 1, 2012; December 1, 2010; June 1, 1995;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Temporary Amendment Eff. November 30, 2021;

Amended Eff. June 1, 2022;

Readopted Eff. June 1, 2026.

History Note: Authority G.S. 83A-6; 83A-14; 83A-15; 83A-16;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. May 1, 1989; November 1, 1979;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Temporary Amendment Eff. November 30, 2021;

Amended Eff. April 1, 2024; June 1, 2022;

Readopted Eff. June 1, 2026.

21 NCAC 02 .0204 FORMS OF PRACTICE

(a) The practice of architecture shall be carried out by one of the following types of entities:

- (1) sole practitioners;
- (2) professional limited liability companies that are established under the provisions of G.S. 57D-2-02;
- (3) limited liability partnerships that are established under the provisions of G.S. 59-84.2;
- (4) professional corporations that are established under the provisions of Chapter 55B of the North Carolina General Statutes; or
- (5) general partnerships.

(b) The practice of registered interior design shall be carried out by one of the following types of entities:

- (1) sole practitioners;

21 NCAC 02 .0205 NAME OF FIRM

(a) A licensee or registrant shall not engage in the practice of architecture or registered interior design under a firm name which is misleading or deceptive in any way as to the legal form of the firm or the persons who are partners, officers, members, or shareholders in the firm. The Board shall approve all firm names to be used in this State. Examples of misleading or deceptive firm names include the following:

- (1) use of the plural "architects" or "registered interior designers" by a sole practitioner or a firm employing only one architect or registered interior designer in a firm;
- (2) use of the name of an employee unless that employee is a licensed or registered partner, licensed or registered officer, licensed or registered member, or licensed or registered shareholder;
- (3) use of the name of a deceased architect or registered interior designer in order to benefit from their reputation, when that architect or registered interior designer was not a former

partner, officer, member, or shareholder in the present firm;

- (4) use a name which is deceptively similar to that of an existing firm name; and
- (5) use of a fictitious or assumed name by a sole proprietor.

(b) Failure of the firm to register a fictitious or assumed name shall be prima facie evidence of the name being misleading or deceptive.

History Note: Authority G.S. 55B-5; 83A-6; 83A-8; 83A-9; 83A-12;

Eff. February 1, 1976;

Readopted Eff. September 29, 1977;

Amended Eff. November 1, 2010; July 1, 2006; June 1, 1995, April 1, 1991; May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;

Temporary Amendment Eff. November 30, 2021;

Amended Eff. June 1, 2022;

Readopted Eff. June 1, 2026.

21 NCAC 02 .0206 REQUIREMENT FOR AND USE OF PROFESSIONAL SEAL BY AN ARCHITECT OR REGISTERED INTERIOR DESIGNER

(a) An architect shall seal his or her work whether or not the work is for an exempt project as defined in G.S. 83A-13. An architect shall not sign nor seal drawings, specifications, reports, or other professional work that was not prepared by the architect or under his or her responsible control. Documents shall be sealed as follows:

- (1) An architect may seal those portions of the professional work that:
 - (A) were prepared by or under the responsible control of persons who are licensed architects in this State if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his or her work; and
 - (B) are not required by law to be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his or her work.
- (2) A registered interior designer may seal those portions of the professional work that were prepared by or under the responsible control of persons who are registered interior designers in this State if the registered interior designer has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into their work.
- (3) Individual Architect Seal Design shall be as follows:
 - (A) The seal may be a rubber stamp, embossed seal, computer-generated

seal, or other facsimile that becomes a permanent addition to original paper drawings or sets of specifications for use in this State. For the purposes of this Rule, the term "for use in this State" means drawings and sets of specifications prepared for bidding, procurement, permitting, or for construction. For purposes of this Rule, "original" means the version of drawings and sets of specifications from which all paper copies can be made.

- (B) The standard design of the seal shall be two concentric circles in which "North Carolina" and the name of the licensee are placed within the outermost circle and in which the license number of the licensee and "Licensed Architect" placed within the innermost circle. The size shall be 1 1/2 to 1 3/4 inches in diameter.
- (C) The original, handwritten signature of the individual named on the seal shall be considered part of the individual seal and shall appear across the face of each original seal imprint along with the date of affixation. The use of signature reproductions such as rubber stamps, computer generated, or other facsimiles on paper copies are not permitted in lieu of actual handwritten and hand dated signatures.
- (4) Architecture Firm Seal Design shall be as follows:
 - (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to paper drawings or sets of specifications.
 - (B) The design of the firm seal shall be two concentric circles in which the architectural firm's approved name shall be between the inner and outer circles and the firm's license number is placed within the innermost circle. The size shall be 1 1/2 to 1 3/4 inches in diameter. For a Professional Corporation, the words "Architectural Corporation, North Carolina" shall be along the inside perimeter of the inner circle. For a Professional Limited Liability Company, the words "Architectural Company" shall be along the inside perimeter of the inner circle.
- (5) Individual Registered Interior Designer Seal Design shall be as follows:

- (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to original paper drawings or sets of specifications for use in this State. For the purposes of this Rule, the term "for use in this State" means drawings and sets of specifications prepared for bidding, procurement, permitting, or for construction. For purposes of this Rule, "original" means the version of drawings and sets of specifications from which all paper copies can be made.
 - (B) The standard design of the seal shall be two concentric ovals in which "North Carolina" and the name of the registrant are placed within the outermost oval and in which the registration number of the registrant and "Registered Interior Designer" be placed within the innermost oval. The dimensions shall be two inches tall by 2.75 inches wide.
 - (C) The original, handwritten signature of the individual named on the seal shall be considered part of the individual seal and shall appear across the face of each original seal imprint along with the date of affixation. The use of signature reproductions such as rubber stamps, computer generated, or other facsimiles on paper are not permitted in lieu of actual handwritten and hand dated signatures.
- (6) Registered Interior Design Firm Seal Design shall be as follows:
- (A) The seal may be a rubber stamp, embossed seal, computer-generated seal, or other facsimile that becomes a permanent addition to drawings or sets of specifications.
 - (B) The design of the seal shall be two concentric ovals in which the registered interior design firm's approved name shall be between the inner and outer ovals and the firm's registration number is placed within the innermost oval. The size shall be 2 to 2 ¾ inches in diameter. For a Corporation the words "Registered Interior Design Corporation, North Carolina" shall be along the inside perimeter of the inner circle. For a Limited Liability Company, the words "Registered Interior Design Company" shall be along the inside perimeter of the inner oval.
- (7) Architects and registered interior designers shall affix their seal on one original of all their drawings and sets of specifications prepared by them for use in this State as follows:
 - (A) on the cover sheet of each design and on each drawing prepared by the architect or registered interior designer for the design;
 - (B) on the index page identifying each set of specifications; and
 - (C) on the index page of all other technical submissions. For the purposes of this Rule, "technical submissions" refer to plans, drawings, specifications, studies, addenda, and other technical reports prepared in the course of practicing architecture or registered interior design.
 - (8) Presentation documents, such as renderings created by an architect or registered interior designer used to communicate conceptual information, shall not be sealed or signed.
 - (9) Documents considered incomplete by the architect or registered interior designer may be released for interim review without the architect's or registered interior designers seal or signature affixed, but shall be dated, bear the architect's or registered interior designer's name, and be marked or designated as follows "Incomplete - for interim review only and not intended for bidding, procurement, permit, or construction purposes."
 - (10) Those sheets or pages prepared by licensed professional consultants, such as structural, mechanical or electrical engineers retained by the architect or registered interior designer, shall bear the seal and registration or license number of the consultant responsible therefore, and shall not be sealed by the architect or registered interior designer.
 - (11) The use of the prescribed seal on paper is an individual act whereby the architect or registered interior designer must personally sign over the imprint of the seal. By sealing documents for use in this State, an architect or registered interior designer is representing that he or she is in responsible control over the content of such documents and has applied the required professional standard of care. The architect or registered interior designer is responsible for security of the seal when not in use.
 - (12) Use of Firm Seal. The use of the firm seal does not replace the statutory requirement for an architect's or registered interior designer's individual seal as required in Rule .0203(4) of this Chapter. The firm seal must be affixed in addition to the individual seal on the cover sheet. A firm shall designate a principle or other

authorized individual to be responsible for the security of the firm seal.

(b) Prototypical building design documents prepared by architects or registered interior designers who are licensed or registered in this State or in their state of origin may be sealed by a succeeding licensed architect or registered interior designer in North Carolina provided:

- (1) the seal of the original architect or registered interior designer appears on the documents to authenticate authorship;
- (2) the words "Prototypical Design Documents/Not for Construction" appear on each sheet of the documents by the original architect or registered interior designer;
- (3) the succeeding North Carolina architect or registered interior designer identifies all modifications to the standard design documents;
- (4) the succeeding North Carolina architect or registered interior designer assumes responsibility for the adequacy of the design for the specific application in North Carolina and for the design conforming with applicable building codes, local conditions, site condition; and
- (5) the succeeding North Carolina architect or registered interior designer affixes his or her seal to the prototypical design documents with a statement as follows: "These documents have been examined by the undersigned. I have determined that they comply with existing local North Carolina codes, and I assume responsibility for the adequacy of the design for the specific application in North Carolina."

(c) Post construction record drawings prepared by an architect or registered interior designer, but based upon representations of contractors, are not plans that are for "bidding, procurement, permit, or construction purposes" and therefore shall not be sealed by the architect or registered interior designer. Post construction record drawings shall bear the name of the architect or registered interior designer and include language that states "these drawings are post construction record drawings and are based in part upon the representations of others and are not for bidding, procurement, permit, or construction purposes."

(d) Documents to be electronically transmitted beyond the direct control of the licensee or registrant that are signed using a digital signature, shall contain the authentication procedure in a secure mode and a list of the hardware, software, and parameters used to prepare the document(s). Secure mode means that the authentication procedure has protective measures to prevent alteration or overriding of the authentication procedure. The term "digital signature" shall be an electronic authentication process that is attached to or logically associated with an electronic document. Unlocked copies of sealed construction documents may be provided to entities to allow for electronic usage where document content is not effectively being altered, such as when presented for plan review approval stamps or contractor material takeoffs. An effective alteration means a change that may impact

health, safety, or welfare, such as a change to egress or a change to window placement. The digital signature shall be:

- (1) Unique to the person using it;
- (2) Capable of verification;
- (3) Under the sole control of the person using it; and
- (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(e) Documents for use in this State, that are transmitted electronically beyond the direct control of the licensee or registrant, shall have the computer-generated image of the seal removed from the original file, unless signed with a digital signature as defined in this Rule. After removal of the image of the seal, the electronic media shall have the following inserted in lieu of the signature and date: "This document was originally issued and sealed by (name of sealer), (license or registration number), on (date of sealing). This medium shall not be considered a certified document." Hardcopy documents containing the original seal, signature and date of the licensee or registrant may be duplicated by photocopy or electronic scanning processes and distributed either in hardcopy or electronic medium. The scanned digital files of certified documents are not subject to the requirements of this Paragraph. The electronic transmission beyond the direct control of the licensee or registrant of Computer Aided Design (CAD), vector, or other files subject to easy editing are subject to the requirements of this Paragraph. A file subject to "easy editing" is one consisting of separate elements that can be individually modified or deleted. Documents that are excepted from certification by a statement meeting the following requirements are not subject to the requirements of this Paragraph:

- (1) "Preliminary - Do not use for construction";
- (2) "Progress Drawings - Do not use for construction";
- (3) "Final Drawing - Not released for construction";
- (4) "Final Drawing - For Review Purposes Only";
- (5) "Not a Certified Document - This document was originally issued and sealed by (name of licensee or registrant), (license or registration number), on (date of sealing). This document shall not be considered a certified document"; and
- (6) "Not a Certified Document as to the Original Document but Only as to the Revisions - This document originally issued and sealed by (name of licensee or registrant), (license or registration number), on (date of sealing). This document is only certified as to the revisions".

History Note: Authority G.S. 83A-6; 83A-10; 83A-12; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 1, 2010; July 1, 2006; October 1, 1995; July 1, 1993; May 1, 1989; October 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. April 1, 2024; June 1, 2022; November 1, 2017;

Readopted Eff. June 1, 2026.

21 NCAC 02 .0210 INCOMPETENCE

- (a) No person shall be permitted to practice architecture or registered interior design if such person is found by a licensed physician or court of law to be impaired in his or her ability to practice the profession because of physical or mental disability.
- (b) No person shall be permitted to practice architecture or registered interior design if such person is found insane or incompetent by a court of law.

History Note: Authority G.S. 83A-6; 83A-14; 83A-15; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 2006; June 1, 1995; May 1, 1989; November 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Temporary Amendment Expired Eff. September 11, 2022; Amended Eff. April 1, 2024; Readopted Eff. June 1, 2026.

21 NCAC 02 .0213 INDIVIDUAL LICENSES AND REGISTRATIONS

(a) Renewal. The license to practice architecture or interior design registration must be renewed on or before the first day in July each year. Continued practice after such date shall constitute unlawful practice as set forth in G.S. 83A-12 and may be grounds for disciplinary action. No less than 30 days prior to the renewal date, the Board shall send a notice of renewal to each individual licensee or registrant via electronic mail. The licensee or registrant shall submit to the Board the completed license or registration renewal documentation, along with the annual license or registration renewal fee. The Board shall not accept incomplete renewal documentation. If the accompanying payment in the amount of the renewal fee is dishonored by the licensee or registrant's drawee bank for any reason, the Board shall suspend the license or registration until the renewal fees and check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, as well as Section .0900 of this Chapter, the Executive Director shall approve renewal of the license or registration for the current renewal year. Renewal fees are non-refundable. All applications for renewal of individual licensure or registration shall contain the following:

- (1) the licensee's or registrant's name, mailing address, physical address, email address, and phone number;
- (2) whether the licensee or registrant has satisfied the continuing education requirements set forth in Rule .0903 of this Chapter;
- (3) since issuance of the individual's licensure or registration or the individual's last renewal, whichever is later:
 - (A) whether the licensee or registrant has had a credential denied, limited, reprimanded, suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date

and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and whether the terms of the adverse action have been satisfied;

- (B) whether the licensee or registrant has been convicted of a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;
- (C) whether any criminal charges have been filed or are pending against the licensee or registrant and, if so, the jurisdiction, charge, and case number of each such charge;
- (D) whether any court, board, agency, or professional organization has found the licensee or registrant guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- (E) whether any disciplinary action, charges, or controversy is pending against the licensee or registrant before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action; or
- (F) whether any liens or judgments have been filed or entered against the licensee or registrant and, if so, the jurisdiction, date, and parties to such lien or judgment.

(b) Late Renewal. If the Board has not received the annual renewal fee and completed renewal documentation on or before the first day of July, each year the license or registration shall expire and be placed on delinquent status. For the purpose of this Rule, "delinquent status" means an administrative suspension and is not considered discipline. The license or registration may be renewed at any time within one year of being deemed delinquent, upon the return of the completed renewal documentation, the annual renewal fee, and the late renewal penalty and demonstration of compliance with Section .0900 of this Chapter.

(c) Reinstatement. After one year from the date of expiration, the Board shall revoke the license or registration for failure to renew. Reinstatement shall occur pursuant to G.S. 83A-11 and Sections .0300 and .0900 of this Chapter.

(d) Any individual who is currently licensed or registered by and in good standing with the Board who is serving in the armed forces of the United States shall not be subject to late fees, suspension, or revocation for failure to renew licensure on or before the first day July each year, provided that the individual

has been granted an extension of time to file a tax return as set forth in G.S. 105-249.2.

History Note: Authority G.S. 83A-6; 83A-11; 93B-15(b); Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. December 1, 2010; July 1, 2006; July 1, 1999; May 1, 1989; November 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Amended Eff. November 1, 2017; Temporary Amendment Eff. November 30, 2021; Amended Eff. April 1, 2024; June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0214 FIRM PRACTICE OF ARCHITECTURE AND REGISTERED INTERIOR DESIGN

(a) Prior to offering and rendering architectural or registered interior design services as set forth in Chapter 83A of the North Carolina General Statutes and Rule .0204(a) and Rule .0204(c) of this Chapter, all firms shall submit an application for firm licensure or registration and be granted licensure or registration by the Board. Application for firm licensure or registration to practice of architecture or registered interior design within the State of North Carolina shall be made upon forms provided on the Board web site at www.ncbarch.org and include the required application fee as set forth in Rule .0108 of this Chapter. Licensure for firm practice of architecture shall be issued only under the provisions of the Professional Corporation Act, Chapter 55B of the North Carolina General Statutes and G.S 57D-2-02. Registration for firm practice of interior design shall be issued only under the provisions of the Business Corporation Act Chapter 55 and the Limited Liability Company Act, Chapter 57D of the North Carolina General Statutes. All applications for firm licensure or registration shall contain the following:

- (1) the firm's name, mailing address, physical address, email address, and phone number;
- (2) the firm's representative completing the application;
- (3) for all officers, directors and shareholders, if the firm is a professional corporation:
 - (A) the profession;
 - (B) the credential number and jurisdiction in which the credential was issued, if outside of North Carolina;
 - (C) the credential number issued by the Board, if any;
 - (D) whether the individual is an officer, director, or shareholder; and
 - (E) percentage of stock owned.
- (4) for all members and owners, if the firm is a professional limited liability company:
 - (A) the profession;
 - (B) the credential number and jurisdiction in which the credential was issued, if outside of North Carolina;
 - (C) the credential number issued by the Board, if any;

- (D) whether the individual is a member or manager; and
- (E) percentage of membership held.
- (5) the names, position, and ownership interest of any non-licensed shareholder or member of the firm;
- (6) whether the firm is a professional corporation or professional limited liability company;
- (7) whether the firm intends to form a new entity with the North Carolina Secretary of State and, if so, copies of the proposed articles of incorporation or organization;
- (8) whether the firm intends to register with the North Carolina Secretary of State as a foreign entity and, if so, copies of the articles of incorporation or organization filed in the other jurisdiction;
- (9) whether the firm or any of its owners ever has had a credential denied, limited, reprimanded, suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the adverse action imposed; and whether the terms of the adverse action have been satisfied;
- (10) whether the firm or any of its owners ever has been convicted of a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;
- (11) whether any criminal charges have been filed or are pending against the firm or any of its owners and, if so, the jurisdiction, charge, and case number of each such charge;
- (12) whether any court, board, agency, or professional organization has found the firm or any of its owners guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;
- (13) whether any disciplinary action, charges, or controversy is pending against the firm or any of its owners before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action;
- (14) whether any liens or judgments have been filed or entered against the firm or any of its owners and, if so, the jurisdiction, date, and parties to such lien or judgment;
- (15) if the firm is a foreign entity, a certification from the person identified in Subparagraph (b)(2) of this Rule that:
 - (A) the information contained in the application is true and correct to the

best of his or her knowledge and belief; and

- (B) he or she has read the statutes and rules set forth in North Carolina General Statutes 55B for corporations, or Chapter 57D for PLLCs, Chapter 83A, and this Chapter.

- (16) if the firm is an entity desiring to be incorporated or organized in North Carolina, a certification from the incorporator or organizer that the information contained in the application is true and correct to the best of his or her knowledge and belief; and

- (17) a certification that the incorporator, organizer, officer, or owner of the firm has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789.

(b) Architecture firm licensure and interior design firm registration shall be renewed on or before December 31st of each year. If the Board has not received the annual renewal fee as set forth in Rule .0108 of this Chapter and completed application on or before December 31st of each year, the architecture firm license or interior design firm registration shall expire. The Board shall send a notice of renewal to each licensed and registered firm no less than 30 days prior to the renewal date. Renewal documentation shall be accompanied by the renewal fee. If the accompanying draft or check in the amount of the renewal fee is dishonored by the firm's drawee bank for any reason, the Board shall suspend the firm license or registration until the renewal fees and returned check charges are paid. When the annual renewal has been completed according to the provisions of G.S. 83A-11, the Executive Director shall approve renewal for the firm for the current renewal year. Upon completion of the firm annual renewal, the Board may randomly audit the compliance of firm licenses and registrations and require proof in the form of corporate records maintained pursuant to Chapters 55 and 57D of the North Carolina General Statutes. Such records shall be maintained for a period of seven years after the renewal is submitted. Renewal fees are non-refundable. All applications for renewal of firm licensure or registration shall contain the following:

- (1) the firm's name, mailing address, physical address, email address, and phone number;
- (2) the firm's representative completing the application;
- (3) since issuance of the firm's licensure or registration or the firm's last renewal, whichever is later,
 - (A) whether the firm or any of its owners has had a credential denied, limited, reprimanded, suspended, or revoked and, if so, a statement providing the reason for the adverse action; the date and jurisdiction in which the adverse action occurred; the terms of the

adverse action imposed; and whether the terms of the adverse action have been satisfied;

- (B) whether the firm or any of its owners has been convicted of a felony or misdemeanor under any laws and, and, if so, the jurisdiction, charge, case number, and date of each such criminal conviction;

- (C) whether any criminal charges have been filed or are pending against the firm or any of its owners and, if so, the jurisdiction, charge, and case number of each such charge;

- (D) whether any court, board, agency, or professional organization has found the firm or any of its owners guilty of unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, case number, and date of such adverse action;

- (E) whether any disciplinary action, charges, or controversy is pending against the firm or any of its owners before any court, board, agency, or professional organization for unprofessional conduct, dishonest or fraudulent practice, or incompetent practice and, if so, the jurisdiction, charge, and case number of each such pending action; or

- (F) whether any liens or judgments have been filed or entered against the firm or any of its owners and, if so, the jurisdiction, date, and parties involved with such lien or judgment;

- (4) an affirmation from the architectural firm's Chief Executive Officer or person designated by firm resolution as a responsible officer in charge that:

- (A) the information contained in the renewal application is true and correct to the best of his or her knowledge and belief;

- (B) ownership of the shares or stock or membership of the firm is in compliance with the rules and laws of North Carolina;

- (C) any officers, directors, shareholders or members and professional employees, who are practicing architecture or registered interior design for said firm in the State of North Carolina, are duly licensed to so practice in this State;

- (D) at least one officer, director, and shareholder or member/owner of the firm is licensed in North Carolina;

- (E) non-licensed individuals do not own no more than one-third of the total stock or ownership; and
- (F) the firm has read and understands the public notice statement on employee misclassification that is set forth in the application and has disclosed any investigations for employee misclassification, and its results, over the preceding 12-month period, as prescribed by G.S. 143-789.

(c) Failure to Renew and Reinstatement. Within one year of the expiration, the firm license or registration may be renewed at any time, upon the return of the completed renewal documents, the annual renewal fee, and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee the licensee or registrant shall seek reinstatement, as allowed by G.S. 83A-11. The Board may reinstate the firms' license or registration, as allowed by G.S. 83A-11.

(d) Seal. Each licensed or registered firm shall adopt a seal pursuant to Rule .0206 of this Chapter.

(e) Every firm, partnership, corporation or limited liability company that performs or offers to perform architectural or registered interior design services in the State of North Carolina shall have a resident Architect or Registered Interior Designer in Responsible Control in each separate office located in North Carolina where architectural or registered interior design services are performed or offered to be performed. Out-of-state office locations where architectural or registered interior design services are performed or offered to be performed for North Carolina projects shall have architects or registered interior designers in responsible control of only the specific projects in North Carolina.

History Note: Authority G.S. 55B-5; 55B-10; 55B-15; 83A-6; 83A-8; 83A-10;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. July 1, 2014; December 1, 2010; July 1, 1993; May 1, 1989; November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Temporary Amendment Eff. November 30, 2021;
Amended Eff. April 1, 2024; June 1, 2022;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0215 OUT OF STATE FIRMS

(a) Architectural and interior design firms from other states shall be granted firm licensure or registration for practice in this State upon receipt by the Board of a completed application as set forth in Rule .0214(a) of this Section, fees as required by Rule .0108 of this Chapter, and the submission of a copy of their firm charter, or other corresponding documents, amended as may be necessary to ensure compliance with all requirements of Chapter 55B, the Professional Corporation Act for architectural firms and Chapter 55, the Business Corporation Act for registered interior design firms. In addition to the other requirements as set out in G.S. 83A-8, out of state interior design firms shall, prior to registration, receive from the Secretary of State of North Carolina a certificate of authority to do business within the State. Architectural firms

shall obtain a certificate for filing from the Board prior to submitting application to the Secretary of State for a Certificate of Authority.

(b) Designated Individuals. If an out of state entity offers both architectural and engineering services, then it shall comply with requirements set forth in Chapter 89C of the North Carolina General Statutes. An out of state entity shall have at least one officer, director and shareholder licensed as an architect in this State. Two-thirds of the issued and outstanding shares of the out of state corporations shall be owned by licensed architects or engineers who are licensed to practice their profession in a jurisdiction of the United States. However, the firm shall designate at least one architect who is licensed in the State of North Carolina to be in responsible control for the firm practice of architecture within the State of North Carolina. A registered interior design firm shall designate one registered interior designer to be in responsible control of all interior design work offered and performed by that firm in this State.

(c) Partnerships. An out of state architectural or registered interior design partnership may practice architecture or registered interior design if every partner in the firm is licensed or registered as an individual in this State under Rule .0213, and the partnership complies with Paragraph (f) of this Rule .

(d) Limited Liability Companies. An out of state Limited Liability Company may practice architecture or registered interior design if the Limited Liability Company complies with Chapter 57D of the North Carolina General Statutes and at least one member and one owner are licensed or registered as an individual under Rule .0213 of this Section and comply with Paragraph (a) of this Rule.

(e) Limited Liability Partnerships. An out of state Limited Liability Partnership may practice architecture or registered interior design if the Limited Liability Partnership complies with Chapter 59 of the North Carolian General Statutes, and at least one partner is licensed or registered as an individual under Rule .0213 of this Section.

(f) Failure to Renew and Reinstatement. If the Board has not received the annual firm renewal fee and completed application as required by Rule .0214(b) of this Section, on or before December 31st each year, the firm license or registration shall expire and be deemed delinquent. The firm registration may be renewed at any time within one year, upon the return of the completed application, the annual renewal fee, and the late renewal fees. After one year from the date of expiration for non-payment of the annual renewal fee, the license or registration shall be automatically revoked. The Board may reinstate the firm's license or registration, as allowed by G.S. 83A-11.

History Note: Authority G.S. 55B-6; 55B-16; 83A-6; 83A-8; 83A-9;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. December 1, 2010; June 1, 1995; July 1, 1993; May 1, 1989; November 1, 1979;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
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Readopted Eff. June 1, 2026.

21 NCAC 02 .0217 ARCHITECT EMERITUS

(a) Resident architects who have been registered in this State, and who are retired from active practice or other related professional activities in any jurisdiction, may apply for "Emeritus Status" by submitting a form provided by the Board showing compliance with the requirements of this Section. "Retired" means that the architect no longer practices architecture as defined in G.S. 83A-1. Nonresident architects who have been continuously certified by the National Council of Architecture Registration Boards who are retired from active practice, or other related professional activities in any jurisdiction, and who are "emeritus," inactive, or retired in every other jurisdiction in which they are licensed, may also apply for "Emeritus Status" by submitting a form provided by the Board showing compliance with the requirements of this Section. Any reference to an architect on "Emeritus Status" on any letter, title, sign, card, or other device shall list such individual as "Architect Emeritus."

(b) The Application for Emeritus Status form shall request the following information from the Applicant:

- (1) first, middle, and last name and salutation;
- (2) The license number issued by the Board;
- (3) Mailing address and an indication if the address is a home or firm address, including firm name if applicable;
- (4) Phone number of the applicant;
- (5) Email address;
- (6) Date of birth;
- (7) The applicant's acknowledgment that he or she has read the definition of the practice of architecture as set forth in G.S. 83A-1;
- (8) If the applicant is the owner of an architecture firm and if so, the nature of the ownership;
- (9) If the applicant's name will be listed on an architecture firm's letterhead and if so, the circumstances surrounding such listing;
- (10) If the applicant will use his or her architect seal on any plans or construction documents and if so, the circumstances surrounding such usage;
- (11) If the applicant will be providing consulting services in the field of architecture and if so, the nature of the consulting services;
- (12) If the applicant will be licensed in any other jurisdiction and if so, which ones;
- (13) If the applicant will be providing drafting or design services or otherwise aid another licensee and if so, what type of services;
- (14) If the applicant will be identified as an architect in advertising or promotional literature and if so, the circumstances for such advertising or promotion;
- (15) If the applicant will be an employee of an architecture firm and if so, which firm;
- (16) If the applicant will be an employee or consultant for a design/build firm and if so, which firm;
- (17) If the applicant will be an employee of an engineering firm or architecture firm or any other business involved in construction and if so, which firm or business;

(18) If the applicant will be identified on business cards, letterhead, or advertising materials as an architect, a member of American Institute of Architects (AIA), or using any other words or letters indicating that Applicant is a licensed architect and if so, the circumstances surrounding such identification; and

(19) Certification by the applicant that he or she has read the North Carolina Architectural Laws and Rules, understands the information provided in the Application for Emeritus Status, and has completely retired from the practice of architecture.

History Note: Authority G.S. 83A-4; 83A-6; 83A-11; 83A-12; Eff. November 1, 1991; Amended Eff. July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0302 ARCHITECTURAL LICENSURE BY EXAMINATION

(a) Those individuals who wish to take the Architectural Registration Exam (ARE) shall contact the National Council of Architecture Registration Boards (NCARB) directly to obtain exam eligibility. Upon completion of all requirements set forth in the NCARB Architecture Experience Program (AXP), a candidate seeking licensure by exam in North Carolina shall direct NCARB to transmit a completed NCARB AXP record to the North Carolina Board of Architecture and Registered Interior Designers.

(b) Upon passing all sections of the NCARB ARE, fulfillment of all NCARB AXP requirements, and completion of the National Architectural Accrediting Board (NAAB) accredited degree, NCARB, as directed by the candidate, will transmit a completed NCARB AXP file to the Board to determine compliance with G.S. 83A-7(a)(1)(a), which shall be deemed satisfied through completion of the requirements set forth in Subparagraphs (1) through (5) of this Paragraph. The Board shall grant licensure by exam to those individuals who:

- (1) are of good moral character as defined in G.S. 83A-1(5);
- (2) are at least 18 years of age;
- (3) have completed a NAAB accredited professional degree in architecture or who have completed a NAAB accredited degree program that is identified as an NCARB endorsed Integrated Path To Architectural Licensure Degree Program;
- (4) have completed the NCARB AXP; and
- (5) submit the Application for Licensure by Exam and fee as required by Rule .0108 of this Chapter.

(c) Retention of credit for purposes of licensure by examination in North Carolina.

- (1) Passing scores received after July 1, 2006 on any part of the ARE remain valid for a period of time established by the exam provider, NCARB.
- (2) Scores received on any part of the ARE prior to July 1, 2006 are invalid.

(d) Practical training pursuant to G.S. 83A-7(a)(2) means practical experience and diversified training as defined by the NCARB AXP.

(e) During the application process, Board members, in order to augment the evidence submitted in an application may interview the applicant regarding qualifications required in Paragraph (b) of this Rule. The Board shall determine whether an interview is needed on a case-by-case basis, based upon information in the application, including any academic or professional discipline.

(f) To complete the ARE, an exam candidate shall receive a passing grade in each division of the ARE. Information regarding NCARB grading methods and procedures can be found on their web site at www.ncarb.org.

(g) A person currently employed under the responsible control of an architect, who holds a Professional Degree from a NAAB accredited program, and who maintains an active NCARB AXP record, or has completed the NCARB AXP, may use the title "Architectural Intern" or "Intern Architect" in conjunction with his or her current employment.

(h) The fees for examination, or parts thereof, are set and collected by the NCARB. Fee information is available on the NCARB web site at www.ncarb.org.

(i) The standards of the National Council of Architecture Registration Boards and its eligibility requirements are hereby incorporated by reference, including subsequent amendments and editions, and can be accessed at no charge at www.ncarb.org.

History Note: Authority G.S. 83A-1; 83A-6; 83A-7; 83A-12; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. March 1, 2016; July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; July 1, 1996; June 1, 1995; December 1, 1992; July 1, 1991; Amended Eff. November 1, 2017; Temporary Amendment Eff. November 30, 2021; Amended Eff. April 1, 2024; June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0303 ARCHITECTURE LICENSURE BY RECIPROCITY

(a) An individual who holds a current license in good standing from a National Council of Architecture Registration Boards (NCARB) recognized jurisdiction and a Certified Council Certificate issued by NCARB shall qualify for licensure by reciprocity upon receipt of a certified record from NCARB and the Board application for licensure by reciprocity and fee as required by Rule .0108 of this Chapter as provided in G.S. 83A-7(b). Revocation of the certificate by NCARB shall automatically suspend the architect's license to practice in North Carolina until such time as the certificate is reinstated by NCARB.

(b) In order to supplement or clarify the contents of a record or application, the Board may interview the applicant to ensure that

the applicant has had sufficient architectural practice experience to be able to practice architecture in this State.

History Note: Authority G.S. 83A-6; 83A-7; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 2014; November 1, 2010; July 1, 2006; July 1, 2000; October 1, 1995; May 1, 1989; October 1, 1984; September 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. April 1, 2024; June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0306 INTERIOR DESIGNER REGISTRATION

(a) Those individuals who wish to practice as a registered interior designer in North Carolina shall demonstrate that they have satisfied the educational and professional experience eligibility requirements adopted by the Council for Interior Design Qualification (CIDQ) to sit for the National Council for Interior Design Qualification Examination (NCIDQ), shall pass the NCIDQ Examination, and submit to the Board an application for registration and fee as required by Rule .0108 of this Chapter. Revocation of the certificate by CIDQ shall automatically suspend the interior designer's registration to practice in North Carolina until such time as the certificate is reinstated by CIDQ.

(b) An architect shall be granted registration to practice interior design so long as they are currently licensed, in good standing in the State of North Carolina, and submit the Board application for registration and fee.

(c) In order to supplement or clarify the contents of a record or application, the Board may interview the applicant to ensure that the applicant has had interior design experience to be able to practice registered interior design in this State.

(d) The standards of the CIDQ and its eligibility requirements are hereby incorporated by reference, including subsequent amendments and editions, and can be accessed at no charge at www.cidq.org.

History Note: Authority G.S. 83A-7; Temporary Adoption Eff. November 30, 2021; Eff. June 1, 2022; Amended Eff. April 1, 2024; Readopted Eff. June 1, 2026.

21 NCAC 02 .0401 RULE-MAKING PETITIONS

A person may petition the Board to adopt a new rule or change or amend an existing rule by sending a rule-making petition in writing to the Board at the Board's address set out in Rule .0101. The petition must be titled "Petition for Rule-making" and shall include the following information:

- (1) the name and address of the person submitting the petition;
- (2) a citation to any rule for which a change or repeal is requested;
- (3) a draft of any proposed rule or amended rule;
- (4) an explanation of why the new rule, amendment, or repeal is requested and the

- effects of the new rule, amendment, or repeal on the Board's procedure or the persons regulated by the Board; and
 (5) any other information the person submitting the petition considers relevant.

History Note: Authority G.S. 150B-20; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0402 NOTICE OF RULE-MAKING HEARINGS

Upon a determination to hold a rule-making proceeding, either in response to a petition or otherwise, the Board shall give notice to all interested persons pursuant to the procedure established in Article 2A of Chapter 150B of the North Carolina General Statutes.

History Note: Authority G.S. 83A-6; 150B-20; 150B-21.1; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. June 1, 1995; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0403 NOTICE MAILING LIST

Any person desiring to be placed on the mailing list for Board rule-making notices shall file such request in writing, furnishing his name and mailing address to the Board. The letter of request shall state those subject areas within the authority of the Board for which the person wants notice.

History Note: Authority G.S. 83A-6; 150B-20; 150B-21.1; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0404 SUBMISSION OF DATA

Any person desiring to present data, views, or arguments on a proposed rule may do so at the public hearing conducted in accordance with Article 2A of Chapter 150B of the North Carolina General Statutes. Any person desiring to make an oral presentation to the Board prior to or at the hearing shall submit a written copy of the presentation to the Board prior to or at the hearing.

History Note: Authority G.S. 83A-6; 150B-20; 150B-21.1; 150B-21.2; Eff. February 1, 1976;

Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0405 PRESIDING OFFICER: POWERS AND DUTIES

The presiding officer at a rule-making hearing shall recognize speakers, allot time for presentations, and direct the discussion and management of the hearing. The presiding officer shall ensure that each person participating in the hearing is given an opportunity to present views, data, and comments.

History Note: Authority G.S. 83A-6; 150B-20; 150B-21.1; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. June 1, 1995; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0406 RECORD OF PROCEEDINGS

A record of all rule-making proceedings will be maintained in the Board office for as long as the rule is in effect. This record shall contain all items required by G.S. 150B-21.2(i). The Board's Executive Director shall be the custodian of records related to rule-making by the Board.

History Note: Authority G.S. 83A-6; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0501 PROCEDURE FOR DECLARATORY RULING

- (a) The Board shall decide whether to grant or deny a request to make a declaratory ruling on the validity of a rule, or on the applicability of particular facts to a statute or to a rule or order of the Board, within 60 days of receiving the petition. The Board shall refuse to grant a petition for a declaratory ruling when there has been a similar factual determination in a contested case or one is likely to be made in a pending contested case or investigation.
- (b) The Board will presume that its current rules are valid unless this presumption is rebutted by persuasive evidence as offered in the petition for the declaratory ruling. When the Board determines that a rule is invalid, the Board shall initiate rule-making proceedings to repeal the rule and send written notice of the proceeding to the person who submitted the request.

History Note: Authority G.S. 83A-6; 150B-4; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0601 PROFESSIONAL STANDARDS COMMITTEE

- (a) The Professional Standards Committee ("Committee") shall be appointed by the President of the Board. Complaints regarding violations of the law or Board rules shall be referred to the Committee.
- (b) The Committee shall determine whether a complaint warrants further investigation or, if proven, constitutes probable cause and justifies contested case proceedings.
- (c) If probable cause is found by the Committee, the staff and board counsel shall serve a Notice of Hearing for a contested case proceeding.
- (d) If probable cause is not found, the Committee shall dismiss such a matter with or without prejudice.

History Note: Authority G.S. 83A-6; 83A-14; 83A-15; 150B-41; Eff. March 1, 1984; Amended Eff. November 1, 1991; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0603 REQUEST FOR HEARING

- (a) Any time an individual believes he is a person aggrieved by the Board's administrative action, but has not received notice of a right to an administrative hearing, the aggrieved person may file a request for a hearing, in accordance with Paragraph (c) of this Rule.
- (b) Before filing a request for a hearing, that individual shall exhaust all reasonable efforts to resolve the issue informally with the Board.
- (c) To request a hearing, the individual shall submit a written request to the Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request must contain the following information:
 - (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.

History Note: Authority G.S. 83A-6; 150B-38; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Recodified from 21 NCAC 2 .0602; Amended Eff. June 1, 1995; June 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0604 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) 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.

History Note: Authority G.S. 83A-6; 150B-38; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Recodified from 21 NCAC 2 .0603; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0605 NOTICE OF HEARING

The Board shall serve the party or parties in a contested case with written notice of hearing not less than 30 days before the hearing. Said notice shall 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 offices of the Board to contact for further information or discussion; and
- (2) the date, time, and place for a pre-hearing conference, if any.

History Note: Authority G.S. 83A-6; 150B-3(c); 150B-38; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Recodified from 21 NCAC 2 .0604; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0607 PETITION FOR INTERVENTION

History Note: Authority G.S. 83A-6; 150B-11; 150B-38; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Recodified from 21 NCAC 2 .0606; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Repealed Eff. June 1, 2026.

21 NCAC 02 .0608 TYPES OF INTERVENTION

History Note: Authority G.S. 83A-6; 150B-11; 150B-38; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Recodified from 21 NCAC 2 .0607; Amended Eff. May 1, 1989;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Repealed Eff. June 1, 2026.*

21 NCAC 02 .0609 INFORMAL PROCEDURES

- (a) The Board and the party or parties may agree in advance to simplify the hearing by entering into written stipulations that:
- (1) decrease the number of issues to be contested at the hearing;
 - (2) accept the admissibility or authenticity of certain proposed evidence; and
 - (3) accept findings of fact or conclusions of law.
- (b) Informal disposition may be made of any contested case or any issue therein by stipulation, agreement, or consent order at any time.

*History Note: Authority G.S. 83A-6; 150B-22; 150B-38;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0608;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Readopted Eff. June 1, 2026.*

21 NCAC 02 .0610 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 participate in Board business in an impartial manner, or gives the appearance that the member is unable to conduct Board business in an impartial manner, that Board member shall voluntarily decline to participate in the hearing or decision.
- (b) Petition for Disqualification. If for any reason any party in a contested case believes that a Board member is personally biased or otherwise unable to conduct the hearing and perform all duties in an impartial manner, the party may file a sworn, notarized affidavit with the Board. The title of such affidavit must bear the notation: AFFIDAVIT OF DISQUALIFICATION OF BOARD MEMBER IN THE CASE OF (name of case).
- (c) Contents of Affidavit. The affidavit must state all facts the party deems to be relevant to the disqualification of the Board member.
- (d) Timeliness of Affidavit. An affidavit of disqualification will be considered timely if filed at least 10 days before commencement of the hearing. Any other affidavit will 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) Procedure for Determining Disqualification:
- (1) The Board will appoint a Board member to investigate the allegations of the affidavit.
 - (2) The investigator will 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 will 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 will be maintained as part of the contested case record.
 - (6) When a Board member is disqualified prior to the commencement of the hearing or after the hearing has begun, such hearing will continue with the remaining members sitting provided that the remaining members still constitute a majority of the Board.
 - (7) If disqualification of a Board member leaves less than a majority of the Board, the Board shall petition the Office of Administrative Hearings to appoint an administrative law judge to hear the contested case pursuant to G.S. 150B-40(e).
 - (8) Where a petition for disqualification is filed less than 10 days before or during the course of a hearing, the hearing shall continue with the challenged Board member sitting. Petitioner shall have the opportunity to present evidence supporting his or her petition, and the petition and any evidence relative thereto presented at the hearing shall be made a part of the record. The Board, before rendering its decision, shall decide whether the evidence justifies disqualification. In the event of disqualification, the disqualified member will not participate in further deliberation or decision of the case.

*History Note: Authority G.S. 83A-6; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Recodified from 21 NCAC 2 .0609;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015;
Readopted Eff. June 1, 2026.*

21 NCAC 02 .0701 CONTINUANCES FAILURE TO APPEAR

Motions for a continuance of a hearing shall be reviewed in accordance with the North Carolina Rules of Civil Procedure as set forth in G.S. 1A-1, Rule 40(b). The Board is not required to grant a motion to continue. All motions for continuance shall be addressed to the presiding officer. In determining whether good cause exists as set forth in G.S. 1A-1, Rule 40, the presiding officer shall consider the ability of the party requesting a continuance to proceed without a continuance. Motions for a continuance shall be in writing and shall be received in the office of the Board no less than seven calendar days before the hearing date. A motion for a continuance shall be denied if a continuance has been previously granted unless the reason for the motion could not have been ascertained earlier.

History Note: Authority G.S. 83A-6; G.S. 1A-1, Rule 40(b); 150B-38; 150B-40;

Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. November 1, 2010; May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. January 13, 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0702 WITNESSES

Any party may be a witness and may present testimony of witnesses on the party's behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation and shall be recorded or transcribed. At the request of a party or upon the Board's own motion, the presiding officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses.

History Note: Authority G.S. 83A-6; 150B-38; 150B-40;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. January 13, 2015;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0703 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 sufficient particularity, and shall include the full name and home or business address of all persons to be subpoenaed and, if known, the date, time, and location in which the witness is commanded to appear. The Board shall issue the requested subpoenas within five business days of its receipt of the written request.

(b) Subpoenas shall contain:

- (1) the caption of the case;
- (2) the name and address of the person subpoenaed;
- (3) the date, hour, and location of the hearing in which the witness is commanded to appear;
- (4) a particularized description of the books, papers, records, or objects the witness is directed to bring with them to the hearing, if any;
- (5) the identity of the party on whose application the subpoena was issued;
- (6) the date of issuance;
- (7) the signature of one of the members of the Board or the Board's Secretary; and
- (8) a "return of service." The "return of service" form, as filled out pursuant to Paragraph (c) of this Rule shall include:
 - (A) the name and capacity of the person serving the subpoena,
 - (B) the date on which service was made,
 - (C) the person on whom service was made,
 - (D) the manner in which service was made, and

(E) the signature of the person making service.

(c) Subpoenas shall be served in a manner as set forth in Rule 45 of the N.C. Rules of Civil Procedure.

(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.

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

(g) The party who requested the subpoena, in such time as may be granted by the presiding officer, 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 presiding officer 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) After the close of such hearing, the Board shall 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.

History Note: Authority G.S. 83A-6; 150B-38; 150B-39;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. November 1, 2010; May 1, 1989;
Readopted Eff. June 1, 2026; October 1, 2015.

21 NCAC 02 .0704 FINAL AGENCY DECISION

The Board will issue its written final decision within 60 days after its next regularly scheduled meeting following the close of the contested case hearing, in accordance with G.S. 150B-42.

History Note: Authority G.S. 83A-6; 150B-38; 150B-42;
Eff. February 1, 1976;
Readopted Eff. September 29, 1977;
Amended Eff. May 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without
substantive public interest Eff. January 13, 2015;
Amended Eff. October 1, 2021;
Readopted Eff. June 1, 2026.

21 NCAC 02 .0705 PROPOSALS FOR DECISIONS

(a) When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall be rendered to the Board by the N.C. Office of Administrative Hearings. The parties may file written exceptions to this "proposal for decision" and submit to the Board their own proposed findings of fact and conclusions of law. The exceptions and alternative proposals shall be submitted to the Board within 10 days after the party has been served with the "proposal for decision."

(b) Any exceptions shall be written and shall refer specifically to pages of the record or otherwise precisely identify the occurrence to which exception is taken. The written exceptions shall bear the notation: EXCEPTIONS TO THE PROCEEDINGS IN THE CASE OF (name of case).

(c) Any party may present oral and written argument to the Board upon request, pursuant to G.S. 150B-40(e). The requests must be included with the written exceptions.

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

(e) The Board's final decision shall be a part of the record and shall be served on the parties in accordance with G.S. 150B-42. The decision as adopted or modified becomes the "final agency decision" for the right to judicial review. Said decision will be rendered by the Board within 60 days of the next regularly scheduled meeting following the oral arguments, if any. If there are no oral arguments presented, the decision will be rendered within 60 days of the next regularly scheduled Board meeting following receipt of the written exceptions.

History Note: Authority G.S. 83A-6; 150B-38; 150B-40; Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Readopted Eff. June 1, 2026.

21 NCAC 02 .0901 SCOPE

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Amended Eff. July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Repealed Eff. June 1, 2026.

21 NCAC 02 .0903 REQUIREMENTS

(a) Every licensee and registrant shall obtain 12 contact hours of continuing education for each calendar year. "Contact Hour" means 50 minutes of direct contact.

(b) The contact hours shall be obtained in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in technical and professional architectural and interior design subjects related to safeguarding public health, safety, and welfare ("HSW"). "Structured educational activities" are activities in which at least 75 percent of an activity's content and instructional time is devoted to HSW subjects related to the practice of architecture, including courses of study or other activities under the areas identified as HSW by individuals or organizations, whether delivered by direct contact or distance learning methods.

(c) Licensees and registrants shall not carry forward any contact hours into the subsequent calendar year.

(d) Licensees and registrants shall certify completion of the contact hours for the previous calendar year with annual renewal.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Amended Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0904 DETERMINATION OF CREDIT

The Board may randomly audit the compliance of individual licensees and registrants and require proof, in the form of records maintained pursuant to Rule .0905 of this Section, of participation in courses or programs that conform with the content and contact hours calculation requirements contained in G.S. 83A-6(a) and these Rules.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Amended Eff. October 1, 2012; July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0905 RECORD KEEPING

(a) The licensee or registrant shall maintain records to support credits claimed. Records shall be any of the following:

- (1) a self-made log showing the type of activity claimed, sponsoring organization, location, duration, the name of the instructor or speaker, and contact hours earned; or
- (2) attendance certificates or other evidence of participation that includes the type of activity claimed, sponsoring organization, location, duration, the name of the instructor or speaker, and contact hours earned; or
- (3) records maintained by the American Institute of Architects Continuing Education System (AIA/CES) or the International Design Continuing Education Council (IDCEC).

(b) Records shall be retained by the licensee or registrant for a period of six years after the credit is claimed and provided to the Board upon request.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Amended Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022;

Readopted Eff. June 1, 2026.

21 NCAC 02 .0906 CONTINUING EDUCATION EXCEPTIONS

A licensee or registrant shall be exempt from the continuing education requirements for any of the following reasons:

- (1) new licensees or registrants for the calendar year in which they become licensed or registered;
- (2) architects or registered interior designers currently licensed by or registered and in good standing with the Board (whose license or registration is not suspended or revoked) who are serving in the armed forces of the United States and who are eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2 are granted a waiver of their mandatory continuing education requirements for the time period disregarded pursuant to the Internal Revenue Code 26 U.S.C. 7508;
- (3) the Board shall exempt a licensee or registrant if the Board determines that the licensee or registrant is experiencing physical disability, illness, or other extenuating circumstances that prevent the licensee or registrant from continuing education. Supporting documentation must be furnished to the Board; or
- (4) licensees who receive emeritus status from the Board. In order to return to active practice, licensees shall complete continuing education requirements for each exempted year not to exceed two years.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Amended Eff. October 1, 2012; July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0907 REINSTATEMENT

A former licensee or registrant may only apply for reinstatement pursuant to G.S. 83A-11 if he or she has earned all delinquent contact hours within the 12 months preceding the application. However, if the total number of contact hours required to become current exceeds 24, then 24 shall be the maximum number required.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022;

Readopted Eff. June 1, 2026.

21 NCAC 02 .0908 CONTINUING EDUCATION RECIPROCITY

The continuing education requirements of North Carolina shall be deemed satisfied by a non-resident licensee or registrant provided:

- (1) the licensee or registrant's resident jurisdiction has a similar continuing education program; and
- (2) the same jurisdiction accepts the North Carolina continuing education requirements as satisfying their requirements.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0909 DOCUMENTATION AND AUDITS

All renewal applications shall require the completion of a continuing education certification provided by the Board documenting the contact hours claimed for the renewal period. Upon request by the Board, the licensee or registrant shall supply documentation as set forth in Rule .0905 of this Chapter to permit audit verification.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; Eff. July 1, 1998; Amended Eff. October 1, 2012; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

21 NCAC 02 .0910 NON-COMPLIANCE

(a) If any credits are disallowed by the Board, then the licensee or registrant shall have 60 calendar days from the date on the notice to substantiate the original claim or obtain other contact hours to meet the minimum requirements.

(b) A licensee or registrant who fails to complete the continuing education requirement by the end of the previous calendar year shall have his or her license or registration placed on probation and shall complete the outstanding continuing education by December 31st of the current calendar year. If the licensee or registrant fails to complete the outstanding continuing education requirements his or her license shall be suspended for 60 days or until such time as compliance is demonstrated if prior to 60 days. If the licensee or registrant fails to complete the outstanding continuing education within the 60 days suspension period, his or her license or registration shall be revoked.

History Note: Authority G.S. 83A-6(a)(4); 83A-6(a)(5); 83A-11; 83A-15; Eff. July 1, 1998; Amended Eff. October 1, 2012; July 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 13, 2015; Temporary Amendment Eff. November 30, 2021; Amended Eff. June 1, 2022; Readopted Eff. June 1, 2026.

History Note: Authority G.S. 93-12; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. April 1, 2003; May 1, 1989; June 1, 1985; October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Repealed Eff. June 1, 2026.

CHAPTER 08 - CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

21 NCAC 08A .0101 FORMAL NAME

The formal name for the agency is the State Board of Certified Public Accountant Examiners. The informal and acceptable title of the Board is the Board of CPA Examiners.

History Note: Authority G.S. 93-12; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. July 1, 1987; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08A .0102 ADDRESS, PHONE NUMBER, AND WEBSITE

The Board's physical address is Suite 104, 1101 Oberlin Road, Raleigh, North Carolina 27605. The mailing address is Post Office Box 12827, Raleigh, North Carolina 27605-2827. The telephone number is (919) 733-4222. The Board's website is https://nccpaboard.gov.

History Note: Authority G.S. 93-12(3); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; April 1, 1987; October 1, 1984; April 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08A .0103 OFFICE HOURS

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. The office is closed on recognized state holidays.

History Note: Authority G.S. 93-12(3); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08A .0201 ELECTION OF OFFICERS

21 NCAC 08A .0203 QUORUM

Four members of the Board shall constitute a quorum to transact all business.

History Note: Authority G.S. 93-12; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. October 1, 1984; August 24, 1981; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08A .0301 DEFINITIONS

(a) The definitions set out in G.S. 93-1(a) apply when those defined terms are used in this Chapter. (b) In addition to the definitions set out in G.S. 93-1(a), the following definitions apply when these terms are used in this Chapter:

- (1) "Active," when used to refer to the status of a person, describes a person who possesses a North Carolina certificate of qualification and who has not otherwise been granted inactive or CPA-retired status;
(2) "Agreed-upon procedures" means a professional service whereby a CPA is engaged to issue a report of findings based on specific procedures performed on identified subject matter;
(3) "AICPA" means the American Institute of Certified Public Accountants;
(4) "Applicant" means a person who has applied to take the CPA examination or applied for a certificate of qualification;
(5) "Attest service" means a professional service whereby a CPA in the practice of public accounting is engaged to issue or does issue:
(A) any audit or engagement to be performed in accordance with the Statements on Auditing Standards, Statements on Generally Accepted Governmental Auditing Standards, Public Company Accounting Oversight Board Auditing Standards, and International Standards on Auditing;
(B) any review engagement to be performed in accordance with the Statements on Standards for Accounting and Review Services;

- (C) any compilation engagement to be performed in accordance with the Statements on Standards for Accounting and Review Services; or
- (D) any engagement to be performed in accordance with the Statements on Standards for Attestation Engagements;
- (6) "Audit" means a professional service whereby a CPA is engaged to examine financial statements, items, accounts, or elements of a financial statement prepared by management, in order to express an opinion on whether the financial statements, items, accounts, or elements of a financial statement are presented in conformity with an applicable reporting framework, that enhances the degree of confidence that intended users can place on the financial statements, items, accounts, or elements of a financial statement;
- (7) "Calendar year" means the 12 months beginning January 1 and ending December 31;
- (8) "Candidate" means a person whose application to take the CPA examination has been accepted by the Board and who may sit for the CPA examination;
- (9) "Client" means a person or an entity who orally or in writing agrees with a licensee to receive any professional services performed or delivered;
- (10) "Commission" means compensation, except a referral fee, for recommending or referring any product or service to be supplied by another person;
- (11) "Compilation" means a professional service whereby a CPA is engaged to present, in the form of financial statements, information that is the representation of management without expressing any assurance on the statements;
- (12) "Contingent fee" means a fee established for the performance of any service pursuant to an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of such service;
- (13) "CPA" means certified public accountant;
- (14) "CPA firm" means an entity that is registered with the Board pursuant to Rule 08J .0108 of this Chapter or practices in the State by exercising the practice privilege as set forth by G.S. 93-10;
- (15) "CPE" means continuing professional education;
- (16) "Disciplinary action" means revocation, suspension of, or refusal to grant a certificate, or the imposition of a reprimand, probation, constructive comment, or any other penalty or condition;
- (17) "FASB" means the Financial Accounting Standards Board;
- (18) "Firm network" means an association of entities that includes one or more firms that cooperate for the purpose of enhancing the firms' capabilities to provide professional services and share one or more of the following characteristics:
 - (A) the use of a common brand name, including initials, as part of the firm name;
 - (B) common control among the firms through ownership, management, or other means;
 - (C) profits or costs, excluding costs of operating the association; costs of developing audit methodologies, manuals, and training courses; and other costs that are immaterial to the firm;
 - (D) common business strategy that involves ongoing collaboration amongst the firms whereby the firms are responsible for implementing the association's strategy and are accountable for performance pursuant to that strategy;
 - (E) significant part of professional resources; or
 - (F) common quality control policies and procedures that firms are required to implement and that are monitored by the association;
- (19) "GASB" means the Governmental Accounting Standards Board;
- (20) "Good moral character" means a personal history of honesty, trustworthiness, fairness, a good reputation for fair dealings, and respect for the rights of others and for state and federal laws, subject to the requirements of N.C. Gen. Stat. §93B-8.1(b).
- (21) "Inactive," when used to refer to the status of a person, describes a person who has requested inactive status and has been approved by the Board and who does not use the title certified public accountant, nor does he or she allow anyone to refer to him or her as a certified public accountant, and neither he nor she nor anyone else refers to him or her in any representation as described in Rule .0308(b) of this Section;
- (22) "IRS" means the Internal Revenue Service;
- (23) "Jurisdiction" means any state or territory of the United States or the District of Columbia;
- (24) "License year" means the 12 months beginning July 1 and ending June 30;
- (25) "Member of a CPA firm" means any CPA who has an equity ownership interest in a CPA firm;

- (26) "NASBA" means the National Association of State Boards of Accountancy;
- (27) "NCACPA" means the North Carolina Association of Certified Public Accountants;
- (28) "North Carolina office" means any office physically located in North Carolina;
- (29) "Person" means any natural person, corporation, partnership, professional limited liability company, registered limited liability partnership, unincorporated association, or other entity;
- (30) "Professional" means arising out of or related to the particular knowledge or skills associated with CPAs;
- (31) "Referral fee" means compensation for recommending or referring any service of a CPA to any person;
- (32) "Revenue Department" means the North Carolina Department of Revenue;
- (33) "Review" means a professional service whereby a CPA is engaged to perform procedures, limited to analytical procedures and inquiries, to obtain a reasonable basis for expressing limited assurance on whether any material modifications should be made to the financial statements for them to be in conformity with generally accepted accounting principles or other comprehensive basis of accounting;
- (34) "Reviewer" means a member of a review team including the review team captain;
- (35) "Suspension" means a revocation of a certificate for a specified period of time. A CPA may be reinstated after a specific period of time if the CPA has met all conditions imposed by the Board at the time of suspension;
- (36) "Work papers" mean the CPA's records of the procedures applied, the tests performed, the information obtained, and the conclusions reached in attest services, tax services, consulting services, special report services, or other engagements. Work papers include programs used to perform professional services, analyses, memoranda, letters of confirmation and representation, checklists, copies or abstracts of company documents, and schedules of commentaries prepared or obtained by the CPA. The forms include handwritten, typed, printed, word processed, photocopied, photographed, and computerized data, or in any other form of letters, words, pictures, sounds, or symbols; and

(c) Any requirement to comply by a specific date to the Board that falls on a weekend or federal holiday shall be received as in compliance if postmarked by U.S. Postal Service cancellation by that date, if received by a private delivery service by that date, or received in the Board office on the next business day.

History Note: Authority G.S. 93-1; 93-12; 93-12(3);

Eff. February 1, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. January 1, 2014; February 1, 2011; January 1, 2006; January 1, 2004; April 1, 1999; August 1, 1998; February 1, 1996; April 1, 1994; September 1, 1992;
Readopted Eff. February 1, 2016;
Amended Eff. May 1, 2017;
Readopted Eff. June 1, 2026.

21 NCAC 08A .0307 PUBLIC PRACTICE OF ACCOUNTANCY OR ACCOUNTING

(a) A person is engaged in the "public practice of accountancy" who:

- (1) holds out to the public as a certified public accountant or an accountant; and
- (2) in consideration of compensation received or to be received, offers to perform or does perform for other persons services that involve:
 - (A) preparing, auditing, or verifying financial transactions, books, accounts, or records;
 - (B) preparing, verifying or certifying financial, accounting, and related statements intended for publication, including preparing tax returns;
 - (C) rendering professional services or assistance in or about any and all matters of principle or detail relating to accounting procedure and systems; or
 - (D) recording, presenting or certifying, and interpreting such service (including tax, consulting or management advisory services) through statements and reports.

(b) Services, as described in Subparagraph (a)(2) of this Rule, may be performed on a full-time, part-time or temporary basis in the various accounting fields, including public accounting, governmental or other not-for-profit accounting, industrial, commercial or financial accounting, taxation and tax-related matters.

History Note: Authority G.S. 93-1(a)(5);93-12;
Eff. October 1, 1984;
Amended Eff. April 1, 1994; March 1, 1990;
Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08A .0308 HOLDING OUT TO THE PUBLIC

(a) The phrase "holds himself out to the public as a certified public accountant," as used in defining "public practice of accountancy" in G.S. 93-1(a)(5) and in these rules, means any representation that a person holds a certificate of qualification, if that representation is made in connection with an offer to perform or the performance of accountancy services for the public, regardless of whether that representation is made by the person, someone associated with that person, or someone serving as that person's agent. Any such representation is presumed to invite the public to rely upon the professional skills implied by the

certificate in connection with the professional services offered to be performed or performed by the person.

(b) For purposes of this Rule, a "representation" shall be deemed to include any oral, electronic, or written communication indicating that the person holds a certificate, including without limitation, the use of titles or legends on letterheads, reports, business cards, brochures, resumes, office signs, telephone directories, websites, the Internet, or any other advertisements, news articles, publications, listings, tax return signatures, signatures on experience or character affidavits for exam or certificate applicants, displayed membership in CPA associations, displayed CPA licenses from this or any other jurisdiction, and displayed certificates or licenses from other organizations which have the designation "CPA" or "Certified Public Accountant" by the person's name.

History Note: Authority G.S. 93-1(a)(5); 93-12; Eff. September 1, 1988; Amended Eff. January 1, 2006; April 1, 1999; April 1, 1994; May 1, 1989; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08A .0309 CONCENTRATION IN ACCOUNTING

(a) A concentration in accounting includes:

- (1) at least 30 semester hours, or the equivalent in quarter hours, of undergraduate accountancy courses that shall include no more than six semester hours of accounting principles and no more than three semester hours of business law;
- (2) at least 20 semester hours or the equivalent in quarter hours, of graduate accounting courses that are open exclusively to graduate students; or
- (3) a combination of undergraduate and graduate courses that would be equivalent to Subparagraph (1) or (2) of this Rule.

(b) In recognition of differences in the level of graduate and undergraduate courses, one semester (or quarter) hour of graduate study in accounting is considered the equivalent of one and one-half semester (or quarter) hours of undergraduate study in accounting.

(c) Up to four semester hours, or the equivalent in quarter hours, of graduate income tax courses completed in law schools may count towards the semester hour requirement of Paragraph (a) of this Rule.

(d) When, in the Board's determination, an accounting course duplicates another course previously taken, only the semester (or quarter) hours of one of the courses shall be counted in determining if the applicant has a concentration in accounting.

(e) Accounting courses include such courses as principles courses at the elementary, intermediate and advanced levels; managerial accounting; business law; cost accounting; fund accounting; auditing; and taxation. There are many college courses offered that would be helpful in the practice of accountancy, but are not included in the definition of a concentration in accounting. Such courses include business finance, business management, computer science, economics, writing skills, accounting internships, and CPA exam review.

History Note: Authority G.S. 93-12(5); Eff. May 1, 1989; Amended Eff. February 1, 2011; January 1, 2001; April 1, 1994; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08A .0310 DIRECT SUPERVISION DEFINED

"Direct supervision" means:

- (1) having jurisdiction and oversight authority over the process of planning, coordinating, guiding, inspecting, controlling, and evaluating on a continuing basis the activities and accomplishments of the employees under one's command;
- (2) having the power of direction and decision in implementing activities to meet the objectives of one's stewardship;
- (3) having authority delegated by higher management to hire, transfer, suspend, recall, promote, assign, or discharge an employee under one's charge or to recommend such action through the proper administrative chain of command;
- (4) having authority to supervise the employee in the usual line of authority unrestricted by multiple positions of influence; and
- (5) having authority to verify the employee's experience in a notarized experience affidavit.

History Note: Authority G.S. 93-12(5); Eff. May 1, 1989; Amended Eff. April 1, 1999; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0101 PETITIONS

Any person wishing to submit a petition requesting the adoption, amendment or repeal of a rule by the Board shall address a petition to the Board's Executive Director, at the address as set forth in 21 NCAC 08A .0102.

History Note: Authority G.S. 93-12; 150B-20; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; July 1, 1987; October 1, 1984; April 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0102 CONTENTS OF PETITION FOR NEW RULE

A petition requesting the adoption of a rule should contain the following information:

- (1) either a draft of the proposed rule or a summary of the contents of the proposed rule;
- (2) reason for the proposal;
- (3) effect of the new rule on existing rules;

- (4) data supporting the rule proposal;
- (5) effects of the rule on existing practices in the area involved; and
- (6) name, address and phone number of each petitioner.

History Note: Authority G.S. 93-12; 150B-20; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0104 CONTENTS OF PETITIONS FOR RULE AMENDMENT OR REPEAL

A petition requesting the amendment or repeal of a rule should contain the following information:

- (1) rule affected;
- (2) reasons for change;
- (3) either a draft of the proposed amendment or a summary of the proposed amendment, if the petition is to amend the rule;
- (4) data supporting the rule proposal;
- (5) effect of the proposed change on existing practices in the area involved; and
- (6) name, address and phone number of each petitioner.

History Note: Authority G.S. 93-12; 150B-20; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0105 GRANTING OR DENYING PETITIONS

The Executive Director of the Board shall make a recommendation to a committee of the Board and the committee shall recommend to the full Board, based on a study of the facts stated in the petition, whether the public interest will be better served by granting or denying the petition. The Board will consider all the contents of the submitted petition plus any additional information deemed relevant.

History Note: Authority G.S. 93-12; 150B-20; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; July 1, 1987; June 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0202 MAILING LIST

(a) Persons or agencies desiring to be placed on the mailing list for the Board's rule-making notices issued pursuant to G.S. 150B-21.2 may file a request in writing, furnishing their name and

mailing address to the Executive Director of the Board, at the address set forth in 21 NCAC 08A .0102.

(b) The request shall state the subject areas within the authority of the agency for which notice is requested.

History Note: Authority G.S. 93-12; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. April 1, 1994; May 1, 1989; April 1, 1987; October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0304 ORAL PRESENTATION

Upon receipt of a request to make an oral presentation at a rule-making hearing, the Executive Director will acknowledge receipt of the request and inform the person making the request of any limitations deemed necessary to achieve a full and effective public hearing on the proposed rule.

History Note: Authority G.S. 93-12; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; June 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0307 CONTROL OF RULE-MAKING HEARINGS

(a) The presiding officer of a rule-making hearing shall have complete control of the proceedings including the following:

- (1) extension of any deadlines;
- (2) rescheduling a hearing time, as announced at the published hearing, and continuation of any hearing;
- (3) limitations for individual presentations;
- (4) recognition of speakers; and
- (5) direction of the flow of discussion and the management of the hearing.

(b) The presiding officer at all times shall take care that each person participating in the hearing is given a fair opportunity to present views, data and comments.

History Note: Authority G.S. 93-12; 150B-21.2; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0501 REQUEST FOR DECLARATORY RULING

Any person aggrieved, as defined in G.S. 150B-2(6), by a statute administered or rule promulgated by the Board may request a declaratory ruling as to how the statute or rule applies to a given factual situation or whether a particular Board rule is valid. All

requests for declaratory rulings shall be in writing and mailed to the Board at the address as set forth in 21 NCAC 08A .0102.

History Note: Authority G.S. 93-12; 150B-4; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; October 1, 1984; April 1, 1982; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0502 CONTENTS OF REQUEST

All requests for a declaratory ruling must include the following information:

- (1) name, address, and phone number of each petitioner;
- (2) statute or rule to which the petition relates;
- (3) concise statement of the manner in which the petitioner is aggrieved, as defined in G.S. 150B-2(6), or thinks that he or she may be injured by the rule or statute and its application to him or her; and
- (4) statement of whether an oral hearing is desired and if so the reasons for such an oral hearing.

History Note: Authority G.S. 93-12; 150B-4; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. April 1, 1994; June 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0503 REFUSAL TO ISSUE DECLARATORY RULING

Whenever the Board believes for good reason that issuing a declaratory ruling is undesirable, it may refuse to do so. The Board will notify the petitioner in writing of its reasons for refusing to issue a declaratory ruling.

History Note: Authority G.S. 93-12; 150B-4; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0507 CIRCUMSTANCES

As a general rule the Board will issue a declaratory ruling except:

- (1) when the subject of a requested declaratory ruling is also the subject of a lawsuit pending in a court of this state or a federal court;
- (2) when the facts presented in the request were considered at a rule-making hearing; or
- (3) in other special circumstances, as determined by the Board.

History Note: Authority G.S. 93-12; 150B-4;

Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08B .0508 REQUESTS FOR INFORMAL OPINIONS

Requests to Board employees or legal counsel, or requests to Board members not in accordance with Rule .0501 of this Section, for opinions concerning the application of the Board's rules or any statutes are discouraged. If ever an opinion is given, it shall not be binding on the Board. Applicants, licensees, and any other persons who act in reliance on such opinions do so at their own risk.

History Note: Authority G.S. 93-12(3); 93-12(9); 150B-17; Eff. December 1, 1987; Amended Eff. May 1, 1989; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08C .0103 ADDITIONAL INFORMATION ON NOTICES OF HEARINGS

In addition to the items required by G.S. 150B-38 to be included in a notice of hearing for a contested case before the Board, such a notice shall include the following information:

- (1) the name, title, address and phone number of Board personnel to contact for further information or discussion; and
- (2) the date and place for any pre-hearing conference.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0104 WRITTEN PETITION FOR INTERVENTION

A person desiring to intervene in a contested case must file a written petition with the Board at the address as set forth in 21 NCAC 08A .0102. A petition to intervene shall be filed in accordance with G.S. 1A-1, Rule 24.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0105 NOTICE OF ALLOWANCE OR DENIAL OF PETITION TO INTERVENE

(a) If a petition for intervention is one of right, or if a petition for permissive intervention is allowed by the Board, the Board will promptly send written notice of the intervention to all parties, including the intervenor. In cases of permissive intervention, such notification will also include a statement of any limitations of time, subject matter, evidence or any other matters the Board thereby imposes upon the intervenor.

(b) If the Board denies a petition for permissive intervention, it will promptly send written notice of such denial to the petitioner and all parties setting forth its reasons for denying the petition.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0107 DISQUALIFICATION OF BOARD MEMBER

(a) A Board member shall be disqualified from participating in the hearing of any contested case or performing any duties related to a contested case if personal bias or other factors would keep the member from being able to participate in the hearing or to perform any duty related to the contested case or hearing in an impartial manner.

(b) If a party to a hearing or any other interested person has a reasonable good faith belief that a Board member should be disqualified, that person shall submit an affidavit of disqualification to the Board.

History Note: Authority G.S. 93-12; 150B-40; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0108 AFFIDAVIT OF DISQUALIFICATION

An affidavit of disqualification must state all the facts the affiant deems relevant to the disqualification of the Board member.

History Note: Authority G.S. 93-12; 150B-40; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0109 FILING AFFIDAVIT OF DISQUALIFICATION

An affidavit of disqualification must be filed with the Board office before commencement of the hearing. However, it may be filed after the commencement of the hearing if it is filed within a reasonable time after the affiant knows or reasonably should know the facts giving rise to the affiant's reasonable belief that the Board member should be disqualified from participating in a contested case under this Section.

History Note: Authority G.S. 93-12; 150B-40; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0110 DETERMINATION OF DISQUALIFICATION

(a) The members of the Board not challenged in an affidavit of disqualification shall determine whether the challenged Board member should be disqualified from participating in the hearing of a contested case. In making this determination, those Board members may:

- (1) call upon the challenged Board member to furnish relevant information; and
- (2) appoint a member of the Board or a member of the staff to investigate the allegations of the affidavit and report their findings and recommendations to the Board.

(b) The Board will maintain a record of the proceedings on disqualification and a written summary of its conclusions as part of the record of the contested case.

History Note: Authority G.S. 93-12; 150B-40; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0111 NEW HEARING AFTER DISQUALIFICATION

(a) Upon request of a party to a contested case, the Board will conduct a new hearing of the contested case if a Board member was disqualified after the beginning of the initial hearing and if either:

- (1) less than a majority of Board members remained at the hearing subsequent to the disqualification; or
- (2) when the Board determines that substantial prejudice would result if a new hearing was not conducted.

(b) The Board member who has been disqualified shall not participate in the determination of whether substantial prejudice would result if a new hearing was not conducted.

History Note: Authority G.S. 93-12; 150B-40; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0114 PRE-HEARING CONFERENCE

(a) The Board may itself conduct an informal pre-hearing conference for the purposes set forth in 21 NCAC 8C .0115 or it may designate a committee to conduct such a conference. The committee so designated may be composed entirely of staff members.

(b) Evidence of conduct or evidence of statements made during the pre-hearing conference are not admissible at the hearing in a contested case. However, evidence otherwise discoverable shall not be excluded merely because it is presented during the pre-hearing conference.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0115 PURPOSES OF A PRE-HEARING CONFERENCE

The purposes of a pre-hearing conference in a contested case are:

- (1) to determine the possibility of simplifying or eliminating the issues;
- (2) to facilitate the stipulation to facts or findings by the parties;
- (3) to identify evidence which will be needed at the hearing;
- (4) to determine the validity of proposed evidence;
- (5) to determine the need for depositions or subpoenas;
- (6) to determine the relevance of findings in some other case to the case at hand;
- (7) to determine the need for consolidation of cases or joint hearings; and
- (8) to determine any other matters which will reduce cost or save time or otherwise aid in the expeditious disposition of the contested case.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0116 NOTICE OF PRE-HEARING CONFERENCE

Notice of a pre-hearing conference in a contested case will be given in the notice of hearing for the case or, if the decision to hold a pre-hearing conference is made after the notice of hearing has been sent, in a subsequent notice.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0118 CONTINUANCES

A continuance of a pre-hearing conference will be granted to a party only under compelling circumstances, especially when a continuance has been previously requested by and granted to the party. Under no circumstances is the Board required to grant continuances.

History Note: Authority G.S. 93-12; 150B-38; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0121 SERVICE OF SUBPOENAS

(a) Subpoenas shall be served as the officer issuing the subpoenas shall direct and as may be appropriate to the circumstances of the

case. The Executive Director, Board counsel, or staff member designated by the Executive Director may serve subpoenas on behalf of the Board pursuant to G.S. 1A-1, Rule 45(e).

(b) Subpoenas shall be issued in duplicate and contain a Return of Service. The Return of Service shall be the same as that found in the Subpoena and Return of Service forms provided by the North Carolina Administrative Office of the Courts. The person serving the subpoena shall fill out the Return of Service form for each copy and promptly return one copy of the subpoena containing the completed Return of Service form to the Board office.

History Note: Authority G.S. 93-12; 150B-39; Eff. May 1, 1989; Amended Eff. March 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0122 OBJECTIONS TO SUBPOENAS

(a) A person who is subject to a subpoena or a party to the contested case may file an objection to the subpoena with the Board within ten days of the issuance of the subpoena.

(b) An objection to a subpoena must include a concise but complete statement of reasons why the subpoena should be revoked or modified. These reasons may include, for example, lack of relevancy of the evidence requested, lack of particularity in the description of the evidence sought, or any other reason sufficient in law for holding the subpoena invalid, such as the evidence is privileged or the appearance or production would be so disruptive as to be unreasonable in light of the significance of the evidence sought or would produce some other undue hardship.

(c) The person objecting to the subpoena must serve a copy of the objection upon the party who requested the subpoena. Service must be on or before the date the objection is filed with the Board's office and may be accomplished by the United States Postal Service.

History Note: Authority G.S. 93-12; 150B-39; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0123 RESPONSES TO OBJECTIONS TO SUBPOENAS

(a) The person requesting the subpoena may file a written response to the objection to the subpoena with the Board within ten days of service of the objection.

(b) The person responding shall also serve a copy of the response upon the person who objected to the subpoena. Service must be on or before the date the response is filed with the Board's office and may be accomplished by the United States Postal Service.

History Note: Authority G.S. 93-12; 150B-39; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0124 HEARINGS ON SUBPOENA CHALLENGES

- (a) After receipt of an objection to a subpoena, the Board shall schedule a public hearing on the objection within a reasonable time and shall issue a notice of hearing to the person requesting the subpoena and to the person objecting to it. The Board may also give notice to all other parties to the contested case.
- (b) The hearing on objections to a subpoena shall be limited to the issues properly raised by the objection and any response, and all parties to the contested case may present evidence at the hearing relevant to those issues.
- (c) Promptly after the close of a hearing, the Board shall rule on the objection to the subpoena and shall issue a written decision. The copy of the decision will be issued to all parties to the hearing and will be made a part of the permanent record of the contested case.

History Note: Authority G.S. 93-12; 150B-39; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0125 RECORDS OF CONTESTED CASES

A copy of the record of a contested case proceeding may be obtained by requesting such in writing from the Board.

History Note: Authority G.S. 93-12; 150B-42; Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08C .0126 HEARING EXHIBITS

- (a) The Board staff shall serve upon the Respondent copies of documents it plans to offer as evidence at a contested case hearing at least 10 business days prior to the scheduled hearing.
- (b) Respondent shall likewise serve upon the Board staff copies of documents Respondent plans to offer as evidence at the hearing at least 10 business days prior to the scheduled hearing.
- (c) A party may object to the admission of evidence that was not timely served in accordance with this Rule. The objecting party must show that it was prejudiced by a violation of this Rule. Upon a valid objection, the presiding officer may refuse to admit the evidence, continue the hearing to a future date, or take other action within the presiding officer's discretion.
- (d) Respondents shall supply at the hearing 16 copies of any document(s) that was not served upon the Board staff in advance as prescribed in Paragraph (b) of this Rule.

History Note: Authority G.S. 93-12; 150B-41; Eff. February 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08F .0101 TIME AND PLACE OF CPA EXAMINATIONS

- (a) The Board shall offer the CPA examination through the examination vendors(s), who have contracted with NASBA, through out the calendar year.
- (b) The months the CPA Examination is administered are determined by the examination vendor(s).
- (c) The examination vendor(s) shall provide examination applicants with computer access at the testing centers for the CPA examination.

History Note: Authority G.S. 93-12(3); 93-12(4); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. February 1, 2011; January 1, 2004; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08F .0102 TYPE OF CPA EXAMINATION

The Uniform CPA Examination prepared by the AICPA shall be the CPA examination used by the Board.

History Note: Authority G.S. 93-12(3); 93-12(4); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08F .0103 FILING OF EXAMINATION APPLICATIONS AND FEES

- (a) All applications for CPA examinations shall be filed with the Board and accompanied by the examination fees. The Board sets the fees for each examination at the amount that enables the Board to recover its actual costs of examination services. If a check or credit card authorization fails to clear the bank, the application shall be deemed incomplete and returned. CPA examination applications and fee information are on the Board's website at nccpaboard.gov and may be requested from the Board.
- (b) The initial application filed to take the examination shall include supporting documentation demonstrating that all legal requirements have been met, including:
 - (1) minimum legal age;
 - (2) education; and
 - (3) good moral character.
- (c) In addition, any person born outside the United States shall furnish to the Board office:
 - (1) evidence of citizenship; or
 - (2) evidence of resident alien status; or
 - (3) other bona fide evidence that the applicant is legally allowed to remain in the United States; or
 - (4) a notarized affidavit of intention to become a U.S. citizen; or
 - (5) evidence that the applicant is a citizen of a foreign jurisdiction that extends to citizens of

this State like or similar privileges to be examined.

(d) Education and satisfaction of degree requirements shall be proven by submission of either original official transcripts, not photocopies, signed by the college registrar and bearing the college seal or by electronic delivery of official transcripts directly from the college registrar or through the institution's chosen provider. Official transcripts shall show the grades the applicant received on courses completed and shall also show degree(s) awarded. A letter from the college registrar of the school may be filed as documentation that the applicant has met the graduation requirements if the degree has not been awarded and posted to the transcript. No examination grades shall be released until an official transcript is filed with the Board confirming the education requirement as stated in the college registrar's letter.

(e) Applicants for re-examination shall not be required to resubmit official transcripts, additional statements, or affidavits regarding education.

(f) To document good moral character as required by G.S. 93-12(5), three persons not related by blood or marriage to the applicant shall sign the application certifying the good moral character of the applicant and the Board shall conduct a background check of the applicant including a check of criminal records.

(g) An applicant shall include as part of any application for the CPA examination a statement of explanation and a certified copy of the final disposition if the applicant has been arrested, charged, convicted or found guilty of, received a prayer for judgment continued, or pleaded nolo contendere to any criminal offense. An applicant shall not be required to disclose any arrest, charge, or conviction that has been expunged by a court.

(h) If an applicant has been denied any license by any state or federal agency, the applicant shall include as part of the application for the CPA examination a statement explaining such denial. An applicant shall include a statement of explanation and a certified copy of applicable license records if the applicant has been registered with or licensed by a state or federal agency and has been disciplined by that agency.

(i) An applicant shall submit one photograph or digital image as part of the application for the CPA examination. The photograph or digital image shall be of the applicant alone, front view, full face, taken in normal street attire without a hat or dark glasses, with a plain light background, and taken within the last six months. The photograph or digital image may be in black and white or in color. Retouched photographs or digital images shall not be accepted. If submitting a photograph, applicants shall write their names on the back of their photograph, with the photograph two by two inches in size.

(j) If an applicant's name has legally changed and is different from the name on any transcript or other document supplied to the Board, the applicant shall furnish copies of the documents legally authorizing the name change.

(k) Candidates shall file initial and re-exam applications to sit for the CPA examination on forms provided by the Board.

(l) Examination fees are valid for a six-month period from the date of the applicant's notice to schedule for the examination from the examination vendor.

(m) No application for examination shall be considered while the applicant is serving a sentence for any criminal offense. Serving

a sentence includes incarceration, supervised probation, parole, or conditionally suspended sentence, any of which are imposed as a result of having been convicted or having pled to a criminal charge.

History Note: Authority G.S. 93-2; 93-12(3); 93-12(4); 93-12(5); 93-12(7); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. January 1, 2014; February 1, 2011; January 1, 2006; January 1, 2004; August 1, 1998; February 1, 1996; April 1, 1994; March 1, 1990; May 1, 1989; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; February 1, 2018; Readopted Eff. June 1, 2026.

21 NCAC 08F .0105 CONDITIONING REQUIREMENTS

(a) Passing Grades. A candidate shall pass all sections of the examination with a grade of 75 or higher on each section.

(b) Military Service. A candidate who is on active military service shall not have the time on active military service counted against Subparagraph (c)(1) of this Rule unless the candidate applies to take the examination during the active military service, in which case each month a candidate sits shall be counted toward Subparagraph (c)(1) of this Rule.

(c) A candidate is subject to the following conditioning requirements:

- (1) a candidate shall earn a passing grade on all sections of the examination within a 30-month period;
- (2) a candidate may sit for any section of the examination individually and in any order;
- (3) a candidate may retake the same section of the examination as many times during a one-year period as determined by the examination vendors but shall not retake a failed test section until the candidate has been notified of the score of the most recent attempt of that failed section;
- (4) credit awarded by the Board for passage of a section of the examination shall be valid for a 30-month period from the date the passing scores are released by the examination vendors;
- (5) the 30-month period begins on the date the first passing score is released to the candidate and concludes with the sit date of the final passed examination section, regardless of when the score is released by the examination vendors for the final passed section. A candidate, after earning credit for the initial passed section, must complete the remaining test sections of the examination by the last day of the 30-month period. If all four sections of the examination are not passed within the 30-month period, credit for any test section passed outside of the 30-month period shall expire; and
- (6) notwithstanding Subparagraphs (c)(1), (c)(4), and (c)(5) of this Rule, the period of time in which to pass all test sections of the

examination may be extended by the Board upon a showing that the credit was lost by reason of circumstances beyond the testing candidate's control.

History Note: Authority G.S. 93-12(3); 93-12(4); 93-12(5);
Eff. February 1, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. February 1, 2011; January 1, 2006; January 1, 2004; August 1, 1998; April 1, 1994; April 1, 1991; March 1, 1990;
Readopted Eff. February 1, 2016;
Amended Eff. April 1, 2024; September 1, 2023; January 1, 2020;
Readopted Eff. June 1, 2026.

21 NCAC 08F .0106 GRANTING EXAMINATION CREDIT FROM OTHER JURISDICTIONS

(a) The Board may grant candidates credit for passing parts of the AICPA Uniform CPA Examination in another jurisdiction or territory of the United States.

(b) To be considered for credit, the passing grades must meet the requirements of 21 NCAC 08F .0105. To transfer credit, the candidate must file an application with the Board on a form provided by the Board. Such application may be made simultaneously with the application to take the CPA examination.

History Note: Authority G.S. 93-12(2); 93-12(3);
Eff. February 1, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. January 1, 2006; May 1, 1989; October 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Readopted Eff. June 1, 2026.

21 NCAC 08F .0107 COMMUNICATION OF RESULTS OF CPA EXAMINATIONS

NASBA notifies candidates once their score(s) are finalized and the results are available for review. Grades awarded to candidates shall not be released to third parties except by written consent of the candidate.

History Note: Authority G.S. 93-12(2); 93-12(3);
Eff. February 1, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. January 1, 2006; April 1, 1999; April 1, 1994; May 1, 1989; December 1, 1987; June 1, 1985;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Readopted Eff. June 1, 2026.

21 NCAC 08F .0111 INELIGIBILITY DUE TO VIOLATION OF ACCOUNTANCY ACT

(a) A person may not be eligible to take the CPA examination or receive a North Carolina certificate of qualification as a CPA if the Board determines that the person has engaged in conduct that would constitute a violation of G.S. 93 or the Rules of Professional Ethics and Conduct as set forth in 21 NCAC 08N.

(b) Any individual found to have engaged in conduct that subverts, or attempts to subvert the CPA Examination process

may have his or her scores on the examination withheld and declared invalid, be disqualified from holding the CPA certification, and may be subject to the imposition of other appropriate sanctions.

(c) Conduct that subverts or attempts to subvert the examination process includes the following:

- (1) conduct that violates the standard of the test administration such as communicating with any other examinee during the administration of the examination;
- (2) having in one's possession during the administration of the examination any books, notes, written or printed material, or data of any other kind, other than the distributed examination materials;
- (3) failure to cooperate with testing officials;
- (4) conduct that violates the credentialing process, such as falsifying or misrepresenting educational credentials or other information required for admission to the examination, impersonating an examinee, or having an impersonator take the examination on another's behalf;
- (5) conduct that violates the nondisclosure prohibitions of the examination or aiding or abetting another in doing so; or
- (6) retaking or attempting to retake an examination section by an individual holding a valid CPA certificate in this State or a candidate who has unexpired credit for having already passed the same examination section, unless directed to do so by the Board.

History Note: Authority G.S. 93-12(5); 93-12(9);
Eff. May 1, 1989;
Amended Eff. April 1, 2003;
Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08F .0113 CANDIDATE'S REQUEST TO REVIEW CPA EXAMINATION

The Board shall allow North Carolina candidates pursuant to G.S. 93B-8 to have the privilege to review their CPA examination. The candidate must make the request for the review within 60 days after the release of the grades in question.

History Note: Authority G.S. 93-12(3);
Eff. August 1, 1995;
Amended Eff. January 1, 2004;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Readopted Eff. June 1, 2026.

21 NCAC 08F .0302 EDUCATION REQUIRED PRIOR TO CPA EXAM

(a) Applicants who intend to demonstrate their possession of sufficient education to become a CPA by showing that they possess a bachelor's degree shall submit official transcripts with their application to take the CPA examination. Official transcripts

shall show the grades the applicant received on courses completed and shall also show degrees awarded.

(b) The Board may approve an application to take the CPA examination prior to the applicant's obtaining the concentration of accounting or the receipt of a bachelor's degree, if:

- (1) the concentration in accounting that shall be included in or supplement the bachelor's degree is already complete or is reasonably expected to be completed by the end of the school term within which the examination falls; and
- (2) an applicant reasonably expects to receive the bachelor's degree within 120 days after the application is approved by the Board. However, if the applicant fails to receive the degree within the specified time, the CPA examination grades shall not be released and if the applicant wishes to retake the examination, the applicant shall reapply.

History Note: Authority G.S. 93-12(3); 93-12(5); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. February 1, 2011; August 1, 1998; April 1, 1994; May 1, 1989; September 1, 1988; April 1, 1987; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08F .0303 SEMESTER HOUR EQUIVALENT

One quarter hour of undergraduate study reported on an official transcript shall equal two-thirds of a semester hour for the purposes of measuring earned educational credits.

History Note: Authority G.S. 93-12(5); Eff. October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08F .0401 WORK EXPERIENCE REQUIRED OF CANDIDATES FOR CPA CERTIFICATION

(a) G.S. 93-12(5)c. sets forth work experience alternatives, one of which is required of candidates applying for CPA certification. In connection with those requirements, the following provisions apply:

- (1) the work experience shall be acquired prior to the date a candidate applies for certification; and
- (2) all experience that is required to be under the direct supervision of a CPA shall be under the direct supervision of a licensed CPA on active status in one of the U.S. states or jurisdictions.

(b) The following provisions apply to all candidates seeking to meet the work experience requirement of G.S. 93-12(5)c.3. by working in the field of accounting:

- (1) One year of work experience is 52 weeks of full-time employment. The candidate is employed full-time when the candidate is expected by the employer to work for the

employer at least 30 hours each week. Any other work is working part-time.

(2) All weeks of actual full-time employment are added to all full-time equivalent weeks in order to calculate how much work experience a candidate has acquired. Dividing that number by 52 results in the years of work experience the candidate has acquired.

(3) Full-time-equivalent weeks are determined by the number of actual part-time hours the candidate has worked. Actual part-time hours do not include hours paid for sick leave, vacation leave, attending continuing education courses, or other time not spent directly performing accounting services. For each calendar week during which the candidate worked actual part-time hours of 30 hours or more, the candidate receives one full-time-equivalent week. The actual part-time hours worked in the remaining calendar weeks are added together and divided by 30. The resulting number is the additional number of full-time-equivalent weeks to which the candidate is entitled.

(4) The candidate shall submit experience affidavits on forms provided by the Board from all of the relevant employers as identified by Rule .0411 of this section. If the experience was obtained while working under the supervision of a CPA, then the supervising CPA must sign the affidavit. The affidavit will confirm the dates of employment for the CPA and the type of duties assigned to the applicant. The affidavit does not require the supervising CPA to state an opinion regarding the applicant's competency or the quality of the applicant's work. If the experience was not acquired while employed with a CPA firm, the candidate shall also submit details of the work experience and supervision on a form provided by the Board. Experience affidavits for part-time work shall contain a record of the actual part-time hours the candidate has worked for each week of part-time employment. Both the experience affidavit and the form for additional detail shall be certified by the employer's office supervisor or an owner of the firm who is a certificate holder.

(c) Rule .0409 of this Section applies to teaching experience acquired pursuant to G.S.93-12(5)c.2 and 4.

History Note: Authority G.S. 93-12(3); 93-12(5); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Temporary Amendment Eff. June 17, 1982 for a period of 120 days to expire on October 12, 1982; Legislative Objection Lodged Eff. July 20, 1982; Amended Eff. February 1, 2011; January 1, 2006; August 1, 1998; March 1, 1990; July 1, 1989; December 1, 1988; September 1, 1988;

Readopted Eff. February 1, 2016;
Amended Eff. April 1, 2024; September 1, 2023;
Readopted Eff. June 1, 2026.

21 NCAC 08F .0409 SATISFACTION OF EXPERIENCE REQUIREMENT BY TEACHING

(a) Teaching Experience. The requirement of "four years experience teaching accounting," G.S. 93-12(5), means teaching accounting full-time for four years.

- (1) Full-time teaching as described by the rules of the educational institution where the applicant taught will be accepted by the Board to be full-time teaching. However, in no case will less than 12 semester hours, or the equivalent, be accepted by the Board as full-time teaching.
- (2) If the applicant has not taught accounting full-time for four years, credit will be allowed by the Board for teaching accounting less than full-time on a pro rata basis based upon the number of semester hours required for full-time teaching at the educational institution where the applicant taught. However, in no case can an applicant receive credit for a full-time teaching year for teaching done in less than one academic year or more credit than one full-time teaching year for teaching done within one calendar year.
- (3) Courses outside the field of accounting will not be counted toward full-time teaching. Such courses include, but are not limited to: business law, finance, computer applications, personnel management, economics and statistics.
- (4) Of the four years of full-time teaching experience, teaching accounting principles (below intermediate accounting) cannot be counted toward the educational requirement for more than the equivalent of two full-time years. The remaining two full-time teaching years must be taught in at least two different areas of advanced accounting such as auditing, income tax, intermediate financial accounting or advanced managerial accounting, and the applicant must have taught at least nine semester hours, or the equivalent, in at least two of the different areas.

(b) Required Information. Applicants must submit with their application a letter from each institution where they taught, certified by the applicant's dean or department head at that institution. The letter must state:

- (1) the number of credit hours which the applicant taught each year;
- (2) the names and academic level of the courses taught; and
- (3) the number of hours set by the rules of the institution as full-time teaching for each relevant year.

(c) Burden of Proof. An applicant having taught in an accredited institution other than a four-year accredited college or university has the burden of proving that the credits earned by students

taking those courses which the applicant taught would transfer to a four-year accredited college or university.

History Note: Authority G.S. 93-12(5); Eff. December 1, 1983; Amended Eff. January 1, 2006; April 1, 1994; May 1, 1989; January 1, 1988; July 1, 1985; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08F .0410 EDUCATION REQUIRED OF CANDIDATES FOR CPA CERTIFICATION

(a) G.S. 93-12(5)a. sets forth the education required of candidates applying for CPA certification. The educational hours required include:

- (1) a concentration in accounting, as defined by 21 NCAC 08A .0309; and
- (2) 24 semester hours of coursework that includes one three-semester hour course from at least 8 of the following 10 fields of study:
 - (A) communications;
 - (B) computer technology;
 - (C) economics;
 - (D) ethics;
 - (E) finance;
 - (F) humanities or social science;
 - (G) international environment;
 - (H) law;
 - (I) management; or
 - (J) statistics.

(b) Anyone applying for CPA certification who holds a Master's or more advanced degree in accounting, tax law, economics, finance, business administration, or a law degree from an accredited college or university is in compliance with Subparagraph (a)(2) of this Rule.

History Note: Authority G.S. 93-12(5); Eff. January 1, 2001; Amended Eff. February 1, 2011; January 1, 2006; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08F .0411 WORK EXPERIENCE FORMS

(a) A CPA license applicant shall complete and submit work experience affidavits to the Board to document the work experience required of applicants applying for CPA certification.

- (b) The work experience forms shall contain the following:
- (1) The applicant's full name;
 - (2) The applicant's mailing address;
 - (3) Identification of the type of work experience obtained by the applicant in accordance with G.S. 93-12(5)c. A separate form must be completed for each different type of experience provided;
 - (4) Identification of the beginning and ending dates during which the work experience was obtained;

- (5) A description of the job titles and/or classifications of work performed during the time period noted;
- (6) A description of the job duties assigned to the applicant during the time period noted; and
- (7) The affidavit of the supervising CPA affirming the work experience being reported by the applicant. The affidavit should include the following information from the supervising CPA:
 - (A) Signature, printed name, title, telephone number, and the CPAs certificate number and date of certificate issuance;
 - (B) Company where the work experience was obtained, mailing address, and email address;
 - (C) Date that the affidavit was signed;
 - (D) Identification as to whether the CPA certificate was issued by North Carolina or from another jurisdiction and the current status of the CPA certificate;
 - (E) Whether the CPA certificate(s) of the CPA supervisor(s) has ever been revoked or suspended and if so, documentation that states the dates, periods, and reasons for the revocation(s) or suspension(s); and
 - (F) If the employment of the CPA supervisor has changed since the work experience was earned, the CPA supervisor should provide current address, email address, and daytime telephone number.

(c) If the work experience is obtained through part-time work, the applicant must complete a supplemental form that documents the hours worked, by week, in meeting the work experience requirement. Part-time hours are measured as per Rule .0401(b)(3) of this Section.

(d) If the work experience is obtained through self-employment, the applicant must complete a supplemental form that affirms work performed for clients during the same period needed for certification. The affidavit should include the following information:

- (1) The applicant's full name;
- (2) The beginning and end dates of accounting service provided to the client;
- (3) Identification of the types of services provided by the applicant to the client;
- (4) Signature, date, printed name, address, company name, telephone number, fax number, and email address of the client for whom the accounting services were performed;
- (5) The affidavit must be notarized for authentication; and
- (6) Affidavits must be completed for a minimum of five different individuals of companies to affirm that the applicant has performed

accounting work on full-time basis for the entire reported period. In addition, the applicant must submit supporting documentation to support the self-employment experience. Examples include state or local privilege licenses and/or copies of Schedule C pages of the applicant's tax returns.

(e) If the work experience is obtained through teaching, the applicant must complete a supplemental form that affirms the qualifying teaching experience. The teaching experience affirmation shall contain the following:

- (1) The applicant's full name;
- (2) The beginning and end dates during which the applicant was teaching at the educational institution;
- (3) Information as to whether the institution is on a quarter or semester hour system and the minimum amount of time necessary to be categorized as full-time teaching;
- (4) A listing by quarter/semester/year of the course that was taught by the applicant and the number of hours related to the course taught;
- (5) The printed name, signature, date, and name of the educational institution for the person affirming the teaching experience; and
- (6) The seal for the educational institution.

History Note: Authority G.S. 93-12(5)c.; Eff. June 1, 2026.

21 NCAC 08F .0502 APPLICATION FOR CPA CERTIFICATE

(a) A person applying for a certificate of qualification shall file with the Board an application and an experience affidavit on forms provided by the Board and supporting documentation to determine that the applicant has met the statutory and rule requirements. CPA certificate applications and fee information are on the Board's website as set forth in 21 NCAC 08A .0102 or may be requested from the Board.

(b) The application for a CPA certificate shall include three certificates of good moral character on forms as identified per Rule .0505 of this Section and provided by the Board which shall be completed by CPAs. The certificate of good moral character will require CPAs to describe their familiarity with the applicant and to state whether they believe the applicant will conscientiously observe the professional responsibilities of a CPA. They will also disclose whether they are aware of any events that need to be disclosed pursuant to Paragraph (c) of this Rule. The Board shall conduct a background check of the applicant including a check of criminal records.

(c) An applicant shall include as part of any application for a CPA certificate a statement of explanation and a certified copy of final disposition if the applicant has been arrested, charged, convicted or found guilty of, received a prayer for judgment continued, or pleaded nolo contendere to any criminal offense. An applicant shall not be required to disclose any arrest, charge, or conviction that has been expunged by the court.

(d) If an applicant has been denied any license by any state or federal agency, the applicant shall also include as part of the

application for the CPA certificate a statement explaining such denial. An applicant shall include a statement of explanation and a certified copy of applicable license records if the applicant has been registered with or licensed by a state or federal agency and has been disciplined by that agency.

(e) No application for a certificate shall be considered while the applicant is serving a sentence for any criminal offense. Serving a sentence includes incarceration, probation (supervised or unsupervised), parole, or conditionally suspended sentence, any of which are imposed as a result of having been convicted or having pled to a criminal charge.

History Note: Authority G.S. 93-2; 93-12(3); 93-12(5); Eff. December 1, 1982; Amended Eff. January 1, 2014; March 1, 1990; May 1, 1989; October 1, 1984; Readopted Eff. February 1, 2016; Amended Eff. February 1, 2018; Readopted Eff. June 1, 2026.

21 NCAC 08F .0504 CANDIDATES' ACCOUNTANCY LAW COURSE REQUIREMENT

Within one year prior to applying for certification, all candidates for original or reciprocal certification must complete an 400-minute course on the North Carolina Accountancy Statutes and Rules, including the Rules of Professional Ethics and Conduct contained therein.

History Note: Authority G.S. 93-12(8a); Eff. October 1, 1987; Amended Eff. April 1, 2003; April 1, 1999; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08F .0505 MORAL CHARACTER FORM

(a) A CPA license applicant shall complete and submit three certificates of moral character completed by CPAs.

(b) The moral character form shall contain the following:

- (1) The applicant's full name and mailing address;
- (2) Identification as to whether the application type is for an original CPA certificate applicant, a reinstatement of a CPA certificate, or a reissuance of a CPA certificate;
- (3) Identification of the number of years and months that the signing CPA has known the applicant;
- (4) A description in detail of the opportunities that the signing CPA has had to evaluate the applicant's moral character;
- (5) Affirmation that the applicant is of good moral character within the expectations of the professional responsibilities of a CPA;
- (6) Affirmation, to the best of the signing CPA's knowledge, that the applicant has not been convicted of, found guilty of, received a prayer for judgment continued, or pleaded nolo contendere to any office, excluding non-criminal traffic infractions. If so, a statement

providing additional information is required that provides the jurisdiction, charge, and disposition of each conviction; and

- (7) An affirmation from the signing CPA that includes:
 - (A) Signature, printed name, and title of the signing CPA;
 - (B) The employer of the signing CPA, mailing address, daytime phone number, and email address;
 - (C) Date that the affidavit was signed; and
 - (D) Identification of the signing CPA's certificate number and the issuing jurisdiction.

History Note: Authority G.S. 93-2; Eff. June 1, 2026.

21 NCAC 08G .0401 CPE REQUIREMENTS FOR CPAS

(a) In order for a CPA to receive credit for CPE activities:

- (1) the CPA shall attend or complete the activity and receive a certificate of completion as set forth in the Standards for CPE Program Sponsors in the NASBA/AICPA Statement on Standards for Continuing Professional Education (CPE) Programs, including subsequent amendments and editions, that are hereby incorporated by reference. Copies of the Standards for CPE Program Sponsors can be found at no cost on the NASBA website at www.nasbaregistry.org/the-standards;
- (2) the activity shall meet the requirements set out in Rule .0404 of this Section; and
- (3) the activity shall increase the professional competency of the CPA.

(b) An activity that increases the professional competency of a CPA shall be an activity in an area of the profession in which the CPA practices or is planning to practice, or in the area of professional ethics.

(c) Because of differences in the education and experience of CPAs, an activity may contribute to the professional competence of one CPA but not another. Each CPA shall therefore exercise judgment in selecting activities for which CPE credit is claimed and choose only those that contribute to that CPA's professional competence. Courses that cover substantially the same content, learning objectives, and materials as a course the CPA has already completed and received credit for within the certification cycle, regardless of the format or provider, are considered duplicate courses and do not qualify for additional CPE credit.

(d) Active CPAs shall complete 2,000 CPE minutes computed in accordance with Rule .0409 of this Section by December 31 of each year, except as follows:

- (1) CPAs having certificate applications approved by the Board in April to June shall complete 1,500 CPE minutes during the same calendar year;
- (2) CPAs having certificate applications approved by the Board in July to September shall

- complete 1,000 CPE minutes during the same calendar year; or
- (3) CPAs having certificate applications approved by the Board in October to December shall complete 500 CPE minutes during the same calendar year; and

Any CPE minutes completed during the calendar year in which the certificate application is approved may be used for that year's requirement even if the minutes were completed before the certificate was granted.

(e) A CPA shall complete a minimum of 50 CPE minutes annually in activities on regulatory or behavioral professional ethics and conduct. Ethics CPE shall be offered by a CPE sponsor registered with NASBA pursuant to Rule .0403(c) of this Section.

(f) There shall be no CPE requirements for inactive or CPA-retired CPAs.

(g) When a CPA has completed more than the required number of minutes of CPE in any one calendar year, up to 1,000 minutes shall be carried forward and treated as minutes earned in the following year. Ethics CPE minutes may not be included in any carry forward minutes to meet the requirement of Paragraph (e) of this Rule. A CPA shall not claim CPE credit for activities taken in any year prior to the year of certification.

(h) Any CPE minutes used to satisfy the requirements for change of status as set forth in 21 NCAC 08J .0105, for reissuance as set forth in 21 NCAC 08J .0106, or for application for a new certificate as set forth in Rule 08I .0104 of this Chapter may be used to satisfy the annual CPE requirement set forth in Paragraph (d) of this Rule.

(i) It shall be the CPA's responsibility to maintain records substantiating the CPE credits claimed for the current year and for each of the four calendar years prior to the current year.

(j) A non-resident licensee may satisfy the annual CPE requirements in the jurisdiction where the CPA is licensed and currently works or resides. If there is no annual CPE requirement in the jurisdiction where the CPA is licensed and currently works or resides, the CPA shall comply with Paragraph (d) of this Rule. A non-resident licensee whose office is in North Carolina shall comply with Paragraph (e) of this Rule. All other non-resident licensees may satisfy Paragraph (e) of this Rule by completing the ethics requirements in the jurisdiction in which the non-resident licensee is licensed as a CPA and works or resides. If there is no ethics CPE requirement in the jurisdiction where the non-resident licensee is licensed and currently works or resides, the non-resident licensee shall comply with Paragraph (e) of this Rule.

History Note: Authority G.S. 93-12(3); 93-12(8b); Eff. May 1, 1981; Amended Eff. January 1, 2014; January 1, 2007; January 1, 2004; August 1, 1995; April 1, 1994; May 1, 1989; September 1, 1988; Readopted Eff. February 1, 2016; Amended Eff. January 1, 2020; Readopted Eff. June 1, 2026.

21 NCAC 08G .0403 QUALIFICATION OF CPE SPONSORS

(a) The Board shall not register CPE activities, sponsors, or providers of CPE activities.

(b) CPE providers not listed on the NASBA National Registry of CPE Sponsors shall comply with the Standards for CPE Program Sponsors in the NASBA/AICPA Statement on Standards for Continuing Professional Education (CPE) Programs found on the NASBA website at www.nasbaregistry.org.

(c) Sponsors of continuing education activities that are listed on the NASBA National Registry of CPE Sponsors shall be considered by the Board as compliant with the Standards for CPE Program Sponsors in the NASBA/AICPA Statement on Standards for Continuing Profession Education (CPE) Programs found on the NASBA website at www.nasbaregistry.org.

(d) If a sponsor listed on the National Registry of CPE Sponsor fails to comply with Paragraph (c) of this Rule, it shall be grounds for the Board to disqualify the sponsor as a CPE sponsor with this Board and to notify NASBA and the public of this action.

History Note: Authority G.S. 93-12(3); 93-12(8b); Eff. May 1, 1981; Amended Eff. January 1, 2014; January 1, 2007; January 1, 2004; March 1, 1990; May 1, 1989; August 1, 1988; February 1, 1983; Readopted Eff. February 1, 2016; Amended Eff. January 1, 2020; Readopted Eff. June 1, 2026.

21 NCAC 08G .0404 REQUIREMENTS FOR CPE CREDIT

(a) A CPA shall not be granted CPE credit for an activity unless the activity is in one of the fields of study listed in the NASBA Fields of Study, including subsequent amendments and editions, which are hereby incorporated by reference. Copies of the NASBA Fields of Study can be found at no cost on the NASBA website at www.nasbaregistry.org/the-standards.

(b) The following shall qualify as acceptable types of CPE activities, provided the activities comply with the requirements set forth in Rule .0403(b) or (c) of this Section:

- (1) professional development activities of national and state accounting organizations;
- (2) technical sessions at meetings of national and state accounting organizations and their chapters;
- (3) courses taken at regionally accredited colleges and universities;
- (4) educational activities that are designed and intended for continuing professional education activity conducted within a business, accounting firm, or an association of accounting firms; or
- (5) correspondence activities that are designed and intended for continuing professional education.

(c) CPE credit shall be granted for instructing or authoring a CPE activity as long as the CPA's professional competency was increased and was in one of the fields of study recognized by the Board, as set forth in Paragraph (a) of this Rule.

(d) CPE credit shall not be granted for a self-study activity if the material that the CPA must study to take the examination is not designed for CPE purposes. This includes periodicals, guides, magazines, subscription services, books, reference manuals, and supplements that contain an examination to test the comprehension of the material read.

(e) A CPA may claim credit for an activity offered by a provider if the activity meets the requirements of this Rule and Rule .0409 of this Section. The CPA shall maintain documentation proving the activity met these standards.

History Note: Authority G.S. 93-12(8b); Eff. May 1, 1981; Amended Eff. January 1, 2007; January 1, 2004; August 1, 1998; February 1, 1996; March 1, 1990; May 1, 1989; August 1, 1988; February 1, 1983; Readopted Eff. February 1, 2016; Amended Eff. January 1, 2020; Readopted Eff. June 1, 2026.

21 NCAC 08G .0406 COMPLIANCE WITH CPE REQUIREMENTS

(a) All active CPAs shall file a reporting of CPE minutes by the July 1 renewal date of each year. The Board may verify the information submitted by licensees who apply for a renewal license.

(b) If a CPA fails to complete the CPE requirements prior to the end of the previous calendar year but the CPA has completed them by June 30, the Board may:

- (1) issue a letter of warning for the first such failure within a five-calendar year period; and
- (2) deny the renewal of the CPA's certificate for a period of not less than 30 days and until the CPA meets the reissuance requirements set forth in 21 NCAC 08J .0106 for the second such failure within a five-calendar year period.

History Note: Authority G.S. 93-12(8b); 93-12(9)(e); Eff. May 1, 1981; Amended Eff. January 1, 2007; January 1, 2004; April 1, 1994; March 1, 1990; May 1, 1989; October 1, 1988; Readopted Eff. February 1, 2016; Amended Eff. January 1, 2020; Readopted Eff. June 1, 2026.

21 NCAC 08G .0409 COMPUTATION OF CPE CREDITS

(a) Group Activity. CPE credit for a group activity shall be given based on contact minutes.

(b) Completing a College Course. CPE credit for completing a college course in the college curriculum shall be granted based on converting the number of credit hours the college gives the CPA for completing the course into minutes. One semester hour of college credit shall be 750 CPE minutes. No CPE credit shall be given to a CPA who audits a college course. No more than 50 percent of the CPE credits required for a year shall be credits for completing a college course.

(c) Self Study Activity. CPE credit for a self-study activity shall be given based on the number of minutes needed to complete the activity as determined by the sponsor.

(d) Preparing or Presenting a CPE Activity. CPE credit for preparing or presenting a CPE activity for CPAs shall be given based on the number of minutes spent in preparing or presenting the activity. Preparing includes activities such as authoring or conducting a technical review. No more than 50 percent of the

CPE credits required for a year shall be credits for preparing for or presenting CPE activities. CPE credit for preparing or presenting an activity shall be allowed only once a year for an activity prepared or presented more than once in the same year by the same CPA.

(e) Authoring a Publication. CPE credit for published articles and books shall be given based on the number of minutes the CPA spent writing the article or book. No more than 25 percent of a CPA's required CPE credits for a year shall be credits for published articles or books. An article written for a CPA's client or business newsletter shall not receive CPE credit.

(f) Instructing a College Course. CPE credit for instructing a college course above the level of accounting principles shall be given based on the number of credit hours the college gives a student for completing the course, using the calculation set forth in Paragraph (b) of this Rule. No more than 50 percent of the CPE credits required for a year shall be credits for instructing a college course.

(g) Nano Learning Activity. CPE credit for Nano Learning, a tutorial activity without interaction with a real-time instructor that is designed to permit a participant to learn a given subject through electronic media including technology applications/processes, computer-based or web-based technology, shall be based on the number of contact minutes. Nano Learning is not a group program. This CPE activity shall be offered by a CPE sponsor registered with NASBA pursuant to Rule .0403(c) of this Section.

(h) Blended Learning Activity. A Blended Learning program offers participants learning in multiple formats or delivery methods. Activities can include lectures, discussion, guided practice, games, case studies, and simulation. The varied delivery methods include Group Live, Group Internet Based, Self Study, or Nano Learning. The primary component of the program may be concurrent (a group program) or nonconcurrent, allowing the participant to control a portion of the time and place of the learning. CPE credit for Blended Learning shall be based on the number of contact minutes incorporated in all the learning formats in the Blended Learning activity. This CPE activity shall be offered by a CPE sponsor registered with NASBA pursuant to Rule .0403(c) of this Section.

(i) No more than 50 percent of the CPE credits required for a year in the aggregate shall be credits claimed under Paragraphs (b), (d), and (f) of this Rule.

History Note: Authority G.S. 93-12(8b); Eff. May 1, 1989; Amended Eff. July 1, 2015; January 1, 2014; February 1, 2012; January 1, 2007; January 1, 2004; February 1, 1996; April 1, 1994; March 1, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Amended Eff. January 1, 2020; Readopted Eff. June 1, 2026.

21 NCAC 08H .0101 RECIPROCAL CERTIFICATES

(a) Unless utilizing a practice privilege per G.S. 93-10(a), a person having a CPA certificate from another jurisdiction who desires to utilize the CPA title in this State or offer or render professional services as a CPA to his or her employer or a client

in this State shall obtain a reciprocal North Carolina CPA certificate.

(b) The fee for a reciprocal certificate shall be \$100. The fee specified does not exceed the maximum amount as set forth in G.S. 93-12(7a).

(c) An applicant for a reciprocal certificate shall meet the following requirements:

- (1) The applicant has the legal authority to use the CPA title and to practice public accountancy in a United States jurisdiction;
- (2) The applicant has received a passing score on each section of the Uniform CPA Examination; and
- (3) The applicant meets the minimum education requirements as defined by G.S. 93-12(5).

History Note: Authority G.S. 93-12(6); 93-12(7a); Eff. February 1, 1976;

Readopted Eff. September 26, 1977;

Amended Eff. February 1, 2011; January 1, 2006; April 1, 2003; April 1, 1999; August 1, 1998; September 1, 1992; March 1, 1990; May 1, 1989; June 1, 1988;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;

Amended Eff. September 1, 2023;

Readopted Eff. June 1, 2026.

21 NCAC 08H .0102 TEMPORARY PERMIT

(a) The Board may grant temporary permits only to applicants for reciprocal certificates pending their qualification under 21 NCAC 08H .0101.

(b) Upon approval of a temporary permit, the Board will issue the applicant a statement confirming that the CPA is in good standing in the state issuing the CPA's certificate and is entitled temporarily to use the CPA title and engage in the public practice of accountancy in North Carolina for a stated period. The stated period shall expire 120 days after issue or upon issuance of the individual's reciprocal certificate, whichever comes first.

History Note: Authority G.S. 93-12(6); 93-12(7a); Eff. February 1, 1976;

Readopted Eff. September 1, 1977;

Amended Eff. April 1, 1999; April 1, 1994; May 1, 1989; December 1, 1982;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;

Readopted Eff. June 1, 2026.

21 NCAC 08H .0104 NOTICE TO BOARD OF DISCIPLINE

Any applicant for or holder of a temporary permit or reciprocal certificate issued by this Board shall also comply with the reporting requirements listed in 21 NCAC 08N .0208.

History Note: Authority G.S. 93-12(3);

Eff. December 1, 1987;

Amended Eff. April 1, 1994; March 1, 1990; May 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;

Readopted Eff. June 1, 2026.

21 NCAC 08I .0101 DISCIPLINARY ACTION

(a) Any person may file a complaint with the Board against a CPA, pursuant to G.S. 150B, Article 3A for disciplinary action against a CPA for violations of G.S. 93 and this Chapter.

(b) The complaint form, which can be found on the Board's website or may be requested from the Board, requires the complainant to set forth the facts upon which the complaint is based. The complainant shall confirm that he or she believes the facts stated in the complaint are true and that he or she is prepared to prove them at a hearing. The complaint form shall contain the following:

- (1) The full name, mailing address, phone number, email address, and preferred method of contact for the complainant;
- (2) If represented by attorney, the attorney's name, address, phone number, and email address;
- (3) Identification as to whether there is a pending or completed lawsuit regarding the complaint;
- (4) The name of the CPA respondent, CPA business name, mailing address, phone number, email address, and CPA certificate number, if known;
- (5) A summary of the complaint;
- (6) Evidence to support the complaint including copies of business documents such as engagement letters, tax returns, financial statements, and correspondence;
- (7) A list of witnesses who can provide testimony to support the complaint, including their names, mailing addresses, phone numbers, and email addresses; and
- (8) A verification by the complainant confirming the facts and supporting documents presented as part of the complaint are true to the best of their knowledge or belief.

(c) The complaint shall be filed in the office of the Board. The Board's professional standards staff shall open a case file, notify the complainant of receipt of the complaint, notify and provide a copy of the complaint to the respondent named in the complaint, and conduct an investigation of the allegations in the complaint. Based upon the investigation and the recommendation of the Professional Standards Committee of the Board appointed by the Board President, and with the approval of the Board, the professional standards staff may do any of the following:

- (1) close the case without prejudice;
- (2) close the case with prejudice;
- (3) prepare a Consent Order;
- (4) apply to the courts for injunctive relief; or
- (5) prepare a proposed Hearing Notice.

The Professional Standards Committee shall determine whether the allegations in a case warrant applying to the courts for injunctive relief and whether the allegations in the proposed Hearing Notice, if proven, warrant a contested case proceeding pursuant to G.S. 150B-38 through G.S. 150B-42. A copy of any Hearing Notice filed and application for injunctive relief applied for shall be provided to the complainant in that matter.

(d) The Board shall notify the complainant and the respondent in any complaint filed with the Board of the disposition of the case and shall publish or announce the disciplinary action against a CPA.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. April 1, 1994; May 1, 1989; June 1, 1985; October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Amended Eff. May 1, 2017; Readopted Eff. June 1, 2026.

21 NCAC 08I .0102 PROCEDURE WHEN PETITION AGAINST BOARD MEMBER OR EMPLOYEE

If the person against whom a petition for disciplinary action is filed is a Board member or a Board employee, the Secretary-Treasurer or Executive Director shall immediately notify that person and every member of the Board of the petition. The person against whom the petition was filed shall not participate in considering or acting on the petition.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. May 1, 1989; June 1, 1985; October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08I .0104 MODIFICATION OF DISCIPLINE

(a) A person whose certificate or CPA firm whose registration has been permanently revoked by the Board may apply to the Board for modification of the discipline at any time after five years from the date of the original discipline. If an application for modification of discipline is denied, the person or CPA firm may re-apply three years thereafter.

(b) The application for modification of discipline shall be in writing and show good cause for the relief sought. The application for a person shall be accompanied by three or more supporting recommendations, made under oath, from CPAs who have personal knowledge of the facts relating to the revocation and of the activities of the applicant since the discipline was imposed. The application for a CPA firm shall be accompanied by three or more supporting recommendations, made under oath, for each CPA partner, CPA member, or CPA shareholder from CPAs who have personal knowledge of the facts relating to the revocation and of the activities of the CPA partner, CPA member, or CPA shareholder since the discipline was imposed.

(c) "Good cause" as used in Paragraph (b) of this Rule means that the applicant is rehabilitated with respect to the conduct that was the basis of the discipline. Evidence demonstrating such rehabilitation shall include evidence that:

- (1) the person has not engaged in any conduct during the discipline period that, if that person had been licensed or registered during such

- (2) the person has completed the sentence imposed with respect to any criminal conviction that constituted any part of the previous discipline; and
- (3) restitution has been made to any aggrieved party with respect to a court order, civil settlement, lien or other agreement.

(d) In determining good cause, the Board may consider all of the applicant's activities since the disciplinary penalty was imposed, the offense for which the applicant was disciplined, the applicant's activities during the time the applicant was in good standing with the Board, the applicant's rehabilitative efforts, restitution to damaged parties in the matter for which the penalty was imposed, and the applicant's general reputation for truth and professional probity. For the purpose of this Paragraph, "applicant" shall, in the case of a CPA firm, include CPA partners, CPA members, or CPA shareholders.

(e) Any person who applies for a modification of discipline and for a new certificate after revocation shall, in addition to the other requirements of this Section, comply with all qualifications and requirements for initial certification as identified by the Board that existed at the time of the original application.

(f) No application for a new certificate or for modification of discipline shall be considered while the applicant is serving a sentence for any criminal offense. Serving a sentence includes incarceration, probation (supervised or unsupervised), parole, or conditionally suspended sentence, any of which are imposed as a result of having been convicted or having pled to a criminal charge.

(g) An application shall be ruled upon by the Board on the basis of the recommendations and evidence submitted in support thereof. However, the Board may make additional inquiries of any person or persons, or request additional evidence it deems appropriate.

(h) As a condition for a new certificate or modification of discipline, the Board may impose terms and conditions it considers suitable to ensure the licensee's or CPA firm's future compliance with the statutory and rule requirements of the Board including the rules of Professional Ethics and Conduct as set forth in 21 NCAC 08N.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-2; 93-12(3); 93-12(7a); 93-12(7b); 93-12(9); Eff. September 1, 1982; Temporary Amendment Eff. September 15, 1983, for a period of 108 days to expire January 1, 1984; Amended Eff. January 1, 2014; April 1, 1999; August 1, 1998; February 1, 1996; April 1, 1994; March 1, 1990; May 1, 1989; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08I .0105 REVOCATION OF CERTIFICATES

(a) When a certificate is revoked either for a specific period of time or permanently, the certificate holder shall return the certificate to the Board office within 15 days of receipt of notice of revocation.

(b) Pursuant to the provisions of 21 NCAC 08I .0104, the Board may issue a new certificate bearing the previously issued number to anyone whose certificate has been revoked.

History Note: Authority G.S. 93-12(8); 93-12(9); 93-12(15); Eff. September 1, 1982; Amended Eff. August 1, 1998; July 1, 1987; October 1, 1984; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08J .0101 ANNUAL RENEWAL OF CERTIFICATE, FORFEITURE, AND REAPPLICATION

- (a) All active CPAs shall renew their certificates annually by the first day of July.
- (b) CPAs may renew their certificates online or by completing a certificate renewal application form as requested from the Board and described at Rule .0113 of this Section and paying the annual renewal fee of \$60.
- (c) Upon failure of a CPA to comply with any applicable part of Paragraph (b) of this Rule by July 1, the Board shall send notice of such failure in the form of a demand letter to the CPA at the most recent mailing address the Board has on file. Completed renewal application packages shall be postmarked with proper postage not later than 30 days after the mailing date of the demand letter, unless that date falls on a weekend, in which case the renewal package shall be postmarked or received in the Board office on the next business day. For renewal packages sent via the U.S. Postal Service, only a U.S. Postal Service cancellation shall be considered as the postmark. If the renewal package is sent to the Board office via a private delivery service, the date the package is received by the delivery service shall be considered as the postmark. Subsequent failure of the CPA to comply with any applicable part of Paragraph (b) of this Rule within 30 days after such notice is mailed by the Board automatically results in forfeiture of the CPA's certificate, as required by G.S. 93-12(15).
- (d) Upon forfeiture of a certificate, the certificate holder is no longer a CPA and the Board shall send notice of such forfeiture to the certificate holder by certified mail to the most recent mailing address the Board has on file. The certificate holder shall return the certificate to the Board office within 15 days after receipt of notice of forfeiture or, if the certificate has been destroyed or lost, shall submit an affidavit, on a form supplied by the Board, within 15 days of receipt of such notice that the certificate has been destroyed or has been lost and shall be returned to the Board if found.
- (e) A person who has forfeited a certificate pursuant to G.S. 93-12(15) for failure to renew his or her certificate may apply for reissuance under Rule .0106 of this Section.
- (f) If a check or credit card authorization for the annual renewal fee fails to clear the bank, the annual renewal shall be deemed incomplete and returned.
- (g) Any active CPA serving in the armed forces of the United States and to whom an extension of time to file a tax return is granted pursuant to G.S. 105-249.2, shall be granted the same extension of time to comply with the requirements of Paragraphs (a) and (b) of this Rule.

History Note: Authority G.S. 93-12(7a); 93-12(8); 93-12(8b); 93-12(15); 93B-15; Eff. February 1, 1976; Readopted Eff. September 26, 1977; Legislative Objection Lodged Eff. July 20, 1982; Amended Eff. August 1, 1982; Curative Amended Eff. August 1, 1982; Temporary Amendment Eff. May 13, 1983 for a period of 111 days to expire on September 1, 1983; Amended Eff. February 1, 2011; August 1, 1998; February 1, 1996; April 1, 1994; March 1, 1990; May 1, 1989; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08J .0105 INACTIVE STATUS: CHANGE OF STATUS

- (a) A CPA may apply to the Board for change of status to inactive status provided the CPA meets the description of inactive status as defined in 21 NCAC 08A .0301. Application for any status change shall be made on the form provided by the Board.
- (b) A CPA who does not meet the definition of inactive may not remain on inactive status.
- (c) A CPA on inactive status may change to active status by:
 - (1) paying the certificate fee amount of one hundred dollars (\$100.00) for the license year in which the application for change of status is received;
 - (2) furnishing the Board with evidence of satisfactory completion of 2,000 minutes of CPE courses during the 12-month period immediately preceding the application for change of status. Four hundred of the required 2,000 minutes shall be credits derived from a course or examination in North Carolina accountancy statutes and rules (including the Code of Professional Ethics and Conduct as set forth in 21 NCAC 08N contained therein) as set forth in 21 NCAC 08F .0504; and
 - (3) submitting a reinstatement application in accordance with the requirements as set forth in 21 NCAC 08F .0502(b) through (e).
- (d) The reclassification to inactive form shall contain the following:
 - (1) The licensee's full name and CPA certificate number;
 - (2) The licensee's mailing address, telephone number, and email address;
 - (3) Whether this is new contact information for the licensee;
 - (4) Whether the licensee wants to continue receiving the Board's communications by email;
 - (5) An affirmation that the licensee desires to be reclassified to inactive status and has read and understands that the licensee can no longer use the CPA title as an inactive CPA; and
 - (6) The licensee's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read

the Board rules found in 21 NCAC 08A .0301(b)(20), 08A .0308, and 08J .0105.

History Note: Authority G.S. 93-12(3); 93-12(7a); Eff. December 1, 1982; Curative Adopted Eff. January 25, 1983; Legislative Objection Lodged Eff. January 31, 1983; Amended Eff. January 1, 2014; February 1, 2012; February 1, 2011; August 1, 1998; August 1, 1995; April 1, 1994; March 1, 1990; May 1, 1989; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08J .0106 FORFEITURE OF CERTIFICATE AND REISSUANCE

(a) A person who has forfeited a certificate is no longer a CPA and thus is not subject to the renewal fee or CPE requirements contained in these Rules.

(b) A person who requests reissuance of a forfeited certificate shall make application and provide the following to the Board:

- (1) payment of the certificate fee of one hundred dollars (\$100.00);
- (2) submitting a reissuance application in accordance with the requirements as set forth in 21 NCAC 08F .0502(b) through (e); and
- (3) evidence of satisfactory completion of the CPE requirement described in Rule .0105(c)(2) of this Section.

(c) The certificate may be reissued if determined by the Board that the person meets the requirements as listed in Paragraph (b) of this Rule.

(d) The reissuance application form shall contain the following:

- (1) The applicant's full name and CPA certificate number;
- (2) The applicant's home address, telephone number, and email address;
- (3) The applicant's business name, address, telephone number, email address, and job title;
- (4) The applicant's occupation category, business concentration, and any membership associations;
- (5) Three certificates of moral character as per 21 NCAC 08F .0505;
- (6) Affirmation to the licensee's moral character as per 21 NCAC 08F .0505 and 21 NCAC 08N .0204 and, if applicable, a statement providing the relevant explanation and documents for any yes responses;
- (7) Affirmation that the applicant has refrained from using the CPA title during the period of revocation or forfeiture;
- (8) Whether the applicant classifies as active-duty military or a military veteran;
- (9) Whether the applicant has completed the accountancy law course within the 12-month period prior to submission of the application;
- (10) A report of the CPE credit minutes obtained by the applicant during the 12-month period prior to submission of the application identifying attending at least 2,000 continuing education

- (11) minutes of courses in accordance with Section .0400 – CPE Requirements of these Rules;
- (11) Whether the licensee has been subject to any investigation for employee misclassification since the previous renewal application was submitted;
- (12) The licensee's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the Board's applicable statutes and rules; and
- (13) The application fee, as prescribed by G.S. 93-12(7a). If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

History Note: Authority G.S. 93-12(3); 93-12(5); 93-12(7a); 93-12(8b); Eff. October 1, 1984; Amended Eff. January 1, 2014; July 1, 2010; August 1, 1998; February 1, 1996; April 1, 1994; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08J .0107 MAILING ADDRESSES OF CERTIFICATE HOLDERS AND CPA FIRMS

All certificate holders shall notify the Board electronically or in writing within 30 days of any change in home address, phone number, or email address. CPA firms shall notify the Board electronically or in writing within 30 days of any change in the CPA firm mailing address, business physical address, phone number, or contact email address.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(3); 93-12(7b)(5); Eff. October 1, 1984; Amended Eff. January 1, 2014; April 1, 1999; April 1, 1991; August 1, 1986; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08J .0108 CPA FIRM REGISTRATION AND ONGOING REQUIREMENTS

(a) All CPA firms shall register with the Board within 30 days after opening a North Carolina office or beginning a new CPA firm unless they are a professional corporation, professional limited liability company, or registered limited liability partnership, in which case they shall register prior to formation pursuant to 21 NCAC 08K .0104 and .0301.

(b) In addition to the registration required by Paragraph (a) of this Rule, all CPA firms shall renew annually by January 31 with the Board upon forms provided by the Board.

- (c) The information provided by the registration shall include:
- (1) Either an application for exemption from peer review, a request to be deemed in compliance with peer review or registration for peer review, pursuant to 21 NCAC 08M .0105;

- (2) For all CPA firms not exempt from the peer review program, with the registration immediately following its review, the information required by 21 NCAC 08M .0106(a);
 - (3) For all North Carolina offices, an office registration form indicating the name of the office supervisor, the location of the office and its telephone number;
 - (4) For all partnerships or registered limited liability partnerships, a list of all resident and nonresident partners of the partnership;
 - (5) For all professional limited liability companies, the information set forth in 21 NCAC 08K .0104(d);
 - (6) For all incorporated CPA firms, the information set forth in 21 NCAC 08K .0104(d);
 - (7) For all CPA firms, the appropriate registration fees as set forth in 21 NCAC 08J .0110; and
 - (8) For all new CPA firms, the percentage of ownership held by CPAs;
- (d) All information provided for renewal with the Board shall pertain to events of and action taken since the CPA firm's last registration or renewal.
- (e) With regard to Paragraph (c)(3) of this Rule, one representative of a CPA firm may file all documents with the Board on behalf of the CPA firm's offices in North Carolina. However, responsibility for compliance with this Rule remains with each office supervisor.
- (f) With regard to Paragraph (c)(4) or (c)(5) of this Rule, one annual listing by a representative of the partnership, registered limited liability partnership, or professional limited liability company shall satisfy the requirement for all owners of the CPA firm. However, each owner remains responsible for compliance with this Rule. The absence of a filing under Paragraph (c)(4) or (c)(5) of this Rule shall be construed to mean that no partnership, registered limited liability partnership, or professional limited liability company exists.
- (g) Notice that a CPA firm has dissolved or any change in the information required by Paragraph (c)(3) of this Rule shall be delivered to the Board's office within 30 days after the change or dissolution occurs. A professional corporation or professional limited liability company which is dissolving shall deliver the Articles of Dissolution to the Board's office within 30 days of filing with the Office of the Secretary of State.
- (h) a complete renewal, as required by Paragraphs (b) and (c) of this Rule, if delivered on a paper form, shall be postmarked with proper postage and received in the Board office not later than the last day of January unless that date falls on a weekend or federal holiday, in which case that day shall be the next business day. Only a U.S. Postal Service cancellation is considered as the postmark. If a renewal is sent to the Board office via a private delivery service, the date the package is received by the delivery service is considered as the postmark. If the renewal is delivered by electronic means, it shall be sent not later than midnight on the last day of January unless that date falls on a weekend or federal holiday, in which case that day shall be the next business day.

History Note: Authority G.S. 55B-6; 55B-10; 55B-12; 57D-1; 57D-2; 59-84.2; 93-12(8a); 93-12(8c); Eff. June 1, 1985; Amended Eff. February 1, 2011; January 1, 2004; April 1, 1999; August 1, 1998; August 1, 1995; April 1, 1994; April 1, 1991; May 1, 1989; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08J .0109 CPA FIRM PRACTICE PRIVILEGE NOTIFICATION

- (a) Notice pursuant to G.S. 93-10(c)(3) shall be made on a form supplied by the Board. The form requires the out-of-state CPA firm to identify itself and to disclose which of the services listed in G.S. 93-10(c)(3) are being provided to North Carolina clients.
- (b) The notification form shall contain the following:
- (1) The CPA firm's full name;
 - (2) The CPA firm's mailing address, telephone number, and website address;
 - (3) The supervising CPA's name, and email address;
 - (4) The supervising CPA's certificate number and issuing jurisdiction;
 - (5) An alternate contact person's name and email address;
 - (6) The date of the last accepted peer review and the administering entity of that peer review;
 - (7) Identification of the services listed in G.S. 93-10(c)(3) that are being provided to North Carolina clients;
 - (8) The supervising CPA's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that the CPA firm will comply with the Board's applicable statutes and rules; and
 - (9) The notification is provided to the Board without a fee.

History Note: Authority G.S. 93-10; Eff. February 1, 2011; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08J .0110 REGISTRATION FEES

The annual registration fees shall be as follows:

- (1) For all professional corporations or professional limited liability companies, twenty-five dollars (\$25.00); and
- (2) For all non-incorporated CPA firms which have offices both within and outside the state of North Carolina, whether sole proprietorships, partnerships, or registered limited liability partnerships, an amount equal to two thousand five hundred dollars (\$2,500) or the number of CPA members of the CPA firm multiplied by ten dollars (\$10.00), whichever is less.

History Note: Authority G.S. 55B-11; 55B-12; 57D-1; 57D-2; 59-84.2; 93-12(7b); 93-12(8a); 93-12(8c); Eff. April 1, 1991; Amended Eff. January 1, 2004; April 1, 1999; August 1, 1998; April 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08J .0111 COMPLIANCE WITH CPA FIRM REGISTRATION

If a CPA firm fails to comply with any part of Rule .0108 or Rule .0110 of this Section, and continues to offer or render services, the Board may take disciplinary action against the CPA firm's members. The disciplinary action may include:

- (1) one hundred dollars (\$100.00) civil penalty for non-compliance of less than 60 days;
- (2) two hundred dollars (\$200.00) civil penalty for non-compliance in excess of 60 days but not more than 120 days; or
- (3) five hundred dollars (\$500.00) civil penalty for each member for non-compliance in excess of 120 days.

History Note: Authority G.S. 55B-12; 57D-2-02; 59-84.2; 93-12(8c); 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; January 1, 2004; April 1, 1999; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08J .0112 RETIRED STATUS - CHANGE OF STATUS

(a) A CPA on active or inactive status may apply to the Board for a change to CPA-retired status if that CPA completes an application provided by the Board confirming the following:

- (1) they will not perform any of the services listed in 21 NCAC 08A .0307(a)(2) except that:
 - (A) they may prepare tax returns for themselves and their immediate family members without compensation. Immediate family is defined as spouse, domestic partner, parent, child, sibling, stepparent, parent-in-law, stepchild, child-in-law, grandparent, grandchild, sibling-in-law, or legal dependent; and
 - (B) they may prepare tax returns through public service programs without compensation, such as the Volunteer Income Tax Assistance program.
- (2) they will not hold themselves out to the public as a certified public accountant while they remain on CPA-retired status except that they may use the designation "CPA-retired".
- (3) they consent to the continued regulatory authority of the Board.

(b) Individuals on CPA-retired status may receive compensation for any services that are not listed in 21 NCAC 08A .0307(a)(2).

(c) Individuals on CPA-retired status must renew their certificate annually as set forth in 21 NCAC 08J .0101. However, individuals on CPA-retired status are exempt from the Board's annual CPE requirements.

(d) Individuals on CPA-retired status may not have an ownership interest in a CPA firm.

(e) In addition to the requirements in Paragraph (a) of this Rule, the application to move from inactive status to CPA-retired status will also contain the requirements set forth in 21 NCAC 08F .0502. However, the application will not require an experience affidavit or three certificates of good moral character.

(f) An individual on CPA-retired status may change to active status by:

- (1) furnishing the Board with evidence of satisfactory completion of 2,000 minutes of CPE courses during the 12-month period immediately preceding the application for change of status. Eight of the required hours shall be credits derived from a course or examination in North Carolina accountancy statutes and rules (including the Code of Professional Ethics and Conduct as set forth in 21 NCAC 08N contained therein) as set forth in 21 NCAC 08F .0504; and
- (2) submitting a reinstatement application in accordance with the requirements as set forth in 21 NCAC 08F .0502(b) through (e).

History Note: Authority G.S. 93-12(3); 93-12(8); 93-12(8b); Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08J .0113 LICENSE RENEWAL FORM

(a) To renew a CPA certificate, the licensee annually shall complete and submit to the Board a renewal application. Failure to submit a completed renewal application by July 31 shall cause the licensee's license to be forfeited.

(b) The renewal form shall contain the following:

- (1) The licensee's full name and license number;
- (2) Whether the licensee is renewing an active or retired status pursuant per Rule .0112 of this Section;
- (3) The licensee's job concentration area, occupation area, and job title;
- (4) Whether the licensee has complied with the Board's continuing professional education rules;
- (5) A report of the CPE credit minutes obtained by the licensee during the current reporting period identifying attending at least 2,000 continuing education minutes of courses in accordance with Section .0400 – CPE Requirements of these Rules since the previous renewal application was submitted;
- (6) Affirmation to the licensee's good moral character as per 21 NCAC 08F .0505 and 21 NCAC 08N .0204 since the previous renewal application was submitted and, if so, a

statement providing the relevant explanation and documents for any no responses;

- (7) Whether the licensee has been subject to any investigation for employee misclassification since the previous renewal application was submitted;
- (8) The licensee's signature to certify that he or she has prepared the application and has read the answers; that the information provided in the application is true; and that he or she has read the NC Industrial Commission Public Notice Statement; and
- (9) The application fee, as prescribed by G.S. 93-12(8). If the application fee is dishonored by the licensee's drawee bank for any reason, the Board shall suspend the license until the renewal fees and non-sufficient fund charges are paid.

History Note: Authority G.S. 93-12(8); Eff. June 1, 2026.

21 NCAC 08K .0104 REGISTRATION AND RENEWAL

(a) Domestic CPA professional corporations or professional limited liability companies must be formed and all CPA professional corporations or professional limited liability companies must be operated in accordance with the requirements set out in G.S. 55B and 57D. Before any CPA professional corporation or professional limited liability company can offer to perform or perform any professional services in this state, it must register with the Board.

(b) Initial registration.

- (1) Domestic CPA Corporation or Professional Limited Liability Company. In order to register initially with this Board, the incorporators of a domestic CPA corporation or professional limited liability company, prior to incorporation of the CPA firm, must:
 - (A) prepare and file with the Board the articles of incorporation along with any supporting documents and appropriate checks for fees payable to the Secretary of State;
 - (B) complete and file with the Board the application for professional corporation or professional limited liability company registration form along with any supporting documents; and
 - (C) pay to the Board an initial registration fee of fifty dollars (\$50.00) as set forth in G.S. 93-12(7b).
- (2) Foreign CPA Corporation or Foreign Limited Liability Company. To register initially with the Board, the officers of a foreign corporation or foreign limited liability company, prior to performing services or offering to perform

services in North Carolina, must submit to the Board:

- (A) on an application for registration form provided by the Board, a list of its present shareholders or members and the state or territory issuing the CPA certificate, or the equivalent, of each shareholder or member and the number of each certificate or equivalent;
- (B) the documents required by G.S. 55-15-01(a) and 57D-7; and
- (C) pay to the Board an initial registration fee of fifty dollars (\$50.00) as set forth in G.S. 93-12(7b).

(c) In addition to its initial registration, every CPA corporation or professional limited liability company, whether domestic or foreign, must renew annually pursuant to 21 NCAC 08J .0108.

(d) The application for registration by a CPA corporation or professional limited liability company shall provide the following information:

- (1) the name, address, phone number, and email address of the professional corporation or professional limited liability company;
- (2) the address of each office operated or maintained by the corporation or professional limited liability company;
- (3) the names and addresses of all the officers, directors, shareholders, or members; and
- (4) the names and addresses of all the employees and managers of the corporation or professional limited liability company licensed by the Board under the provisions of G.S. 93.

History Note: Authority G.S. 55B-11; 57D-1; 57D-2; 59-84.2; 93-8; 93-12(7b); 93-12(8c); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. July 1, 2010; April 1, 1999; April 1, 1994; April 1, 1991; May 1, 1989; August 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Amended Eff. March 1, 2020; Readopted Eff. June 1, 2026.

21 NCAC 08K .0105 SUPPLEMENTAL REPORTS

Professional corporations or professional limited liability companies registered with the Board pursuant to G.S. 55B and 57D shall file a certified copy of all amendments to the articles of incorporation or articles of organization prior to the effective date of each amendment.

History Note: Authority G.S. 55B-10; 57D-2-01; 93-8; 93-12(8a); Eff. February 1, 1976; Readopted Eff. September 26, 1977; Amended Eff. February 1, 2011; April 1, 1999; April 1, 1994; April 1, 1991; May 1, 1989;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Amended Eff. March 1, 2020;
Readopted Eff. June 1, 2026.*

21 NCAC 08K .0201 CORPORATE AND PROFESSIONAL LIMITED LIABILITY COMPANY NAMES

- (a) The corporate name of a professional corporation registered under these Rules shall contain the wording "corporation," "incorporated," "limited," "company," "professional corporation," or "professional association," or an abbreviation of one of the foregoing: "Corp.," "Inc.," "Ltd.," "Co.," "P.C.," or "P.A."
- (b) The corporate name of a professional limited liability company registered under these Rules shall contain the wording "professional limited liability company," "professional ltd. liability co.," "professional limited liability co.," or "professional ltd. liability company," or an abbreviation of one of the foregoing: "P.L.L.C." or "PLLC."
- (c) The use of "CPA" or "Certified Public Accountant(s)" in the corporate name is encouraged, but not required. Any name shall also meet the requirements in 21 NCAC 08N .0302 and .0307.

*History Note: Authority G.S. 55B-5; 55B-12; 57C-1; 57C-2;
Eff. February 1, 1976;
Readopted Eff. September 26, 1977;
Amended Eff. April 1, 1994; May 1, 1989; December 1, 1988;
April 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Readopted Eff. June 1, 2026.*

21 NCAC 08K .0301 REGISTERED LIMITED LIABILITY PARTNERSHIPS

- (a) Any CPA registered limited liability partnership created pursuant to and in compliance with G.S. 59 shall also comply with all accountancy laws and rules pertaining to partnerships.
- (b) Before any CPA registered limited liability partnership may perform or offer to perform any professional services in this state, it shall file with the Board the certificate of registration of the Secretary of State and appropriate fees payable to the Secretary of State.

*History Note: Authority G.S. 59-84.2; 59-84.3; 93-12;
Temporary Adoption Eff. October 1, 1993 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
Eff. April 1, 1994;
Amended Eff. August 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014;
Readopted Eff. June 1, 2026.*

21 NCAC 08M .0105 PEER REVIEW REQUIREMENTS

- (a) A CPA or CPA firm providing any of the following services to the public shall participate in a peer review program:
 - (1) audits;
 - (2) reviews of financial statements;

- (3) compilations of financial statements; or
- (4) any engagement to be performed in accordance with the Statements on Standards for Attestation Engagements.

(b) A CPA or CPA firm not providing any of the services listed in Paragraph (a) of this Rule is exempt from peer review until the issuance of the first report provided to a client. A CPA or CPA firm shall register with the peer review program as listed in Paragraph (d) of this Rule within 30 days of the issuance of the first report provided to a client.

(c) A CPA, a new CPA firm, or a CPA firm exempt from peer review that starts providing any of the services in Paragraph (a) of this Rule shall furnish to the peer review program selected financial statements, corresponding work papers, and any additional information or documentation required for the peer review program within 18 months of the issuance of the first report provided to a client.

(d) Enrollment in and completion of the AICPA Peer Review Program, or a program that substantially complies with the AICPA Standards for Performing and Reporting on Peer Reviews, shall be required. The AICPA Standards for Performing and Reporting on Peer Reviews are incorporated by reference, including subsequent amendments and editions. This document may be accessed at <https://us.aicpa.org/research/standards/peerreview> at no cost.

(e) CPA firms shall not rearrange their structure or act in any manner with the intent to avoid enrollment in peer review.

(f) A CPA firm that does not have offices in North Carolina and that has provided any services as listed in G.S. 93-10(c)(3) to North Carolina clients shall enroll in a peer review program.

(g) Subsequent peer reviews of a CPA firm are due three years and six months from the year end of the 12-month period of the first peer review, unless granted an extension by the peer review program.

(h) All CPA firms enrolled in the AICPA Peer Review Program registered with this Board shall also participate in the AICPA Facilitated State Board Access process and shall not opt out of any part of the process.

(i) The firm shall allow the administrating entity to provide the Board access to the documents and peer review information via a secure website process such as the AICPA Facilitated State Board Access (FSBA).

*History Note: Authority G.S. 93-10(c); 93-12(8c);
Eff. January 1, 2004;
Amended Eff. January 1, 2014; February 1, 2011; January 1, 2006;
Readopted Eff. February 1, 2016;
Amended Eff. September 1, 2023;
Readopted Eff. June 1, 2026.*

21 NCAC 08M .0106 COMPLIANCE

(a) A CPA firm registered for peer review shall provide to the Board the following:

- (1) peer review due date;
- (2) year end date;
- (3) the acceptance letter from the administering entity from the peer review program within 60 days of the date of the letter; and

- (4) for all failed and second passed with deficiencies reports, a package to include the following items issued by a peer review program within 60 days of the date of the completion letter:
- (A) peer review report accepted by the administering entity;
 - (B) the firm's letter of response to the peer review report;
 - (C) the acceptance letter from the administering entity; and
 - (D) letter signed by the administering entity notifying the firm that the required actions have been appropriately completed, if applicable.

(b) A peer review shall not be complete until the completion letter is issued by the peer review program with the new due date.

(c) If a CPA firm fails to comply with Rule .0105(c), (d), or (g) of this Section, and continues to offer or render services, the Board may take disciplinary action against the CPA firm's members that may include a suspension of each members' CPA certificate for a period of not less than 30 days and a civil penalty up to one thousand dollars (\$1,000) as set forth in G.S. 93-12(9).

History Note: Authority G.S. 93-12(7b); 93-12(8c); Eff. January 1, 2004; Amended Eff. February 1, 2011; January 1, 2006; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08M .0107 ETHICAL DUTIES OF REVIEWER

(a) A reviewer shall be independent with respect to the reviewed CPA firm and comply with the AICPA Standards for Performing and Reporting on Peer Reviews.

(b) Information concerning the participating CPA firm or its clients or personnel that is obtained as a consequence of the review is confidential and shall not be disclosed to anyone not involved in the peer review process.

History Note: Authority G.S. 93-12(7b); 93-12(8c); Eff. January 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 28, 2014; Readopted Eff. June 1, 2026.

21 NCAC 08N .0101 SCOPE OF THESE RULES

(a) The rules in this Subchapter are the Rules of Professional Ethics and Conduct that G.S. 93-12(9) authorizes the Board to adopt. As such, they complement the other statutory causes for discipline set out in G.S. 93-12 (9)(a) through (d) and other provisions of G.S. 93, 55B, 57D, and 59-84.2. These Rules cover a broad range of behavior and shall not enumerate every possible unethical act.

(b) In the interpretation and enforcement of these Rules, the Board will consider the following without dispositive weight: relevant interpretations, rulings and opinions issued by the boards of other jurisdictions and by appropriately authorized ethics committees of professional organizations.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Readopted Eff. May 1, 2026; February 1, 2016.

21 NCAC 08N .0102 APPLICABILITY AND ORGANIZATION OF RULES

These Rules are applicable to all certificate holders. Rules in Section .0200 of this Subchapter relate to CPAs whether or not employed in the public practice of accountancy. Rules in Section .0300 of this Subchapter pertain to CPAs using the CPA title in connection with providing products or services to clients. Rules in Section .0400 of this Subchapter pertain to CPAs whenever engaged in attest services.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0103 RESPONSIBILITY FOR COMPLIANCE BY OTHERS

A CPA and CPA firm shall be responsible for assuring compliance with the rules in this Subchapter by anyone who is the CPA's partner, fellow shareholder, member, officer, director, licensed employee, unlicensed employee or agent or unlicensed principal, or by anyone whom the CPA supervises. A CPA or CPA firm shall not permit others (including affiliated entities) to carry out on the CPA's behalf, with or without compensation, acts that if carried out by the CPA would be a violation of these Rules.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2006; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0201 INTEGRITY

The reliance of the public and the business community on sound financial reporting and advice on business affairs imposes on the accounting profession an obligation to maintain high standards of technical competence, morality, and integrity. A CPA shall at all times maintain independence of thought and action, hold the affairs of clients in strict confidence, strive continuously to improve professional skills, observe generally accepted accounting principles and standards, promote sound and informative financial reporting, uphold the dignity and honor of the accounting profession, and maintain high standards of personal conduct.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0202 DECEPTIVE CONDUCT PROHIBITED

- (a) A CPA shall not engage in deceptive conduct. "Deception" means any fraud, misrepresentations, representations, or omissions that a CPA either knew or should have known to have a capacity or tendency to be misleading. Deceptive conduct shall be prohibited whether or not anyone has actually been deceived.
- (b) Prohibited conduct under this Section includes deception in:

- (1) obtaining or maintaining employment;
- (2) obtaining or keeping clients;
- (3) obtaining or maintaining certification, inactive status, or exemption from peer review;
- (4) reporting CPE credits;
- (5) certifying the character or experience of exam or certificate applicants;
- (6) implying abilities not supported by education, professional attainments, or licensing recognition;
- (7) asserting that services or products sold in connection with use of the CPA title are of a particular quality or standard when they are not;
- (8) creating false or unjustified expectations of favorable results;
- (9) using or permitting another to use the CPA title in a form of business not permitted by the accountancy statutes or rules;
- (10) permitting anyone not certified in this State (including one licensed in another jurisdiction) to unlawfully use the CPA title in this State or to unlawfully operate as a CPA firm in this State; or
- (11) falsifying a review, report, or any required program or checklist of any peer review program.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(3); 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2014; January 1, 2004; April 1, 1999; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0203 DISCREDITABLE CONDUCT PROHIBITED

- (a) A CPA shall not engage in conduct discreditable to the accounting profession.
- (b) Prohibited discreditable conduct includes:
 - (1) acts that reflect adversely on the CPA's honesty, integrity, trustworthiness, good moral character, or fitness as a CPA;
 - (2) stating or implying an ability to improperly influence a governmental agency or official;
 - (3) failing to comply with any order issued by the Board;
 - (4) failing to fulfill the terms of a peer review engagement contract;
 - (5) misrepresentation in reporting CPE credits;
 - (6) entering into any settlement or other resolution of a dispute that purports to keep its contents confidential from the Board;
 - (7) failing to participate in a peer review program pursuant to 21 NCAC 08M .0105; or
 - (8) failing to execute an experience affidavit as set forth in 21 NCAC 08F .0401(b)(4) following a determination by the Board that the license applicant meets the Board's criteria to execute that affidavit.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(3); 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2014; January 1, 2004; August 1, 1995; Readopted Eff. February 1, 2016; Amended Eff. May 1, 2017; Readopted Eff. June 1, 2026.

21 NCAC 08N .0204 DISCIPLINE BY FEDERAL AND STATE AUTHORITIES

- (a) Violations of Other Authorities' Laws or Rules. A CPA shall not act in a way that would cause the CPA to be disciplined by federal or state agencies or boards for violations of laws or rules on ethics. CPAs who engage in activities regulated by other federal or state authorities (may include the following agencies: Internal Revenue Service, Department of Revenue, U.S. Securities and Exchange Commission, State Bar, North Carolina Secretary of State, Public Company Accounting Oversight Board, National Association of Securities Dealers, Department of Insurance, Government Accountability Office, U.S. Department of Housing and Urban Development, State Auditor, State Treasurer, or Local Government Commission) shall comply with all such authorities' ethics laws and rules.
- (b) Prima Facie Evidence. A conviction or final finding of unethical conduct by a competent authority is prima facie evidence of a violation of this Rule.
- (c) Notice to the Board Required. A CPA shall notify the Board in writing within 30 days of any conviction or finding against him or her of unlawful conduct by any federal or state court or regulatory authority.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2006; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0205 CONFIDENTIALITY

- (a) Nondisclosure. A CPA shall not disclose any confidential information obtained in the course of employment or a professional engagement except with the consent of the employer or client.
- (b) Exceptions. This Rule shall not be construed:
 - (1) to relieve a CPA of any reporting obligations pertaining to Section .0400 of this Subchapter;
 - (2) to affect in any way the CPA's compliance with an order of a court or a validly issued subpoena by this Board;
 - (3) to preclude the CPA from responding to any inquiry made by the AICPA Ethics Division or Trial Board, by a duly constituted investigative or disciplinary body of a state CPA society, or under state statutes;
 - (4) to preclude the disclosure of confidential client information necessary for the peer review process;
 - (5) to preclude the CPA from assisting the Board in enforcing the accountancy statutes and rules;
 - (6) to affect a CPA's disclosure of confidential information to state or federal authorities when

- the CPA concludes in good faith based upon professional judgment that a crime is being or is likely to be committed;
- (7) to affect a CPA's disclosure of confidential information when such disclosure is required by state or federal laws or regulations; or
- (8) to prohibit a CPA from revealing information:
- (A) in order to establish a claim or defense on behalf of the CPA in a controversy between the CPA and a client;
- (B) to establish a defense to a criminal charge or civil claim against the CPA based upon conduct in which the client was involved; or
- (C) to respond to allegations in any proceeding concerning the CPA's professional services to the client.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2004; April 1, 2003; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0206 COOPERATION WITH BOARD INQUIRY

A CPA shall provide full cooperation in connection with any inquiry made by the Board. Full cooperation includes responding within 21 days to all inquiries of the Board or representatives of the Board and claiming Board correspondence from the U.S. Postal Service, private delivery service, or personal delivery.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0207 VIOLATION OF TAX LAWS

A CPA shall not knowingly violate any state or federal tax laws or regulations in handling the CPA's personal business affairs, the business affairs of an employer or client, or the business affairs of any company owned by the CPA.

History Note: Authority G.S. 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0208 REPORTING CONVICTIONS, JUDGMENTS, AND DISCIPLINARY ACTIONS

- (a) Criminal Actions. A CPA shall notify the Board within 30 days of any conviction or finding of guilt of, pleading of nolo contendere, or receiving a prayer for judgment continued to any criminal offense.
- (b) Civil Actions. A CPA shall notify the Board within 30 days of any judgment or settlement in a civil suit, bankruptcy action, administrative proceeding, or binding arbitration that:

- (1) is grounded upon an allegation of professional negligence, gross negligence, dishonesty, fraud, misrepresentation, incompetence, or violation of any federal or state tax law and
- (2) was brought against either the CPA or a North Carolina office of a CPA firm of which the CPA was a managing owner.

(c) Settlements. A CPA shall notify the Board within 30 days of any written settlement in which a client or former client releases the CPA from liability that is grounded upon an allegation of professional negligence; gross negligence; dishonesty; fraud; misrepresentation; incompetence; or violation of any federal, state, or local law, regardless of whether the client or former client has filed a civil suit or criminal charge.

(d) Investigations. A CPA shall notify the Board within 30 days of any inquiry or investigation by the criminal investigation divisions of the Internal Revenue Service (IRS) or any state department of revenue pertaining to any personal or business tax matters.

(e) Liens. A CPA shall notify the Board within 30 days of the filing of any liens by the Internal Revenue Service (IRS) or any state department of revenue regarding the failure to pay or apparent failure to pay for any amounts due for any tax matters.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(3); 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2014; January 1, 2006; April 1, 2003; April 1, 1999; Readopted Eff. February 1, 2016; Amended Eff. May 1, 2017; Readopted Eff. June 1, 2026.

21 NCAC 08N .0209 ACCOUNTING PRINCIPLES

(a) Generally Accepted Accounting Principles. A CPA shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if such statements contain any departure from an accounting principle that has a material effect on the statements taken as a whole, unless the CPA can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases the CPA's report shall describe the departure, the approximate effects thereof, if practicable, and the reasons why compliance with the principle would result in a misleading statement.

(b) Financial Accounting Standards Board Accounting Standards Codification. The Financial Accounting Standards Board Accounting Standards Codification is incorporated by reference, including subsequent amendments and editions and shall be considered generally accepted accounting principles for the purposes of Paragraph (a) of this Rule. This document may be accessed at <https://asc.fasb.org> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. July 1, 2010; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0211 RESPONSIBILITIES IN TAX PRACTICE

(a) Standards for Tax Services. A CPA shall not render services in the area of taxation unless the CPA has complied with both the Statements on Standards for Tax Services and the Treasury Department Circular 230 as defined in this Section. In the event that there is a conflict between the Statements on Standards for Tax Services and Treasury Department Circular 230, the CPA shall comply with Treasury Department Circular 230.

(b) Statements on Standards for Tax Services. The Statements on Standards for Tax Services issued by the AICPA are incorporated by reference, including subsequent amendments and editions. This document may be accessed at <https://www.aicpa.org/resources/toolkit/statements-on-standards-for-tax-services> at no cost.

(c) Treasury Department Circular 230. The Treasury Department Circular 230 is incorporated by reference, including subsequent amendments and editions. This document may be accessed at <https://www.irs.gov/pub/irs-pdf/pcir230.pdf> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. July 1, 2010; February 1, 2006; April 1, 2003; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0212 COMPETENCE

A CPA shall perform professional services competently and shall:

- (1) undertake only those engagements that the CPA or CPA's firm can expect to complete with professional competence;
- (2) exercise due professional care in the performance of an engagement;
- (3) adequately plan and supervise an engagement; and
- (4) obtain sufficient relevant data to afford a reasonable basis for conclusions or recommendations in relation to an engagement.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Readopted Eff. June 1, 2026; February 1, 2016

21 NCAC 08N .0213 OTHER RULES

A CPA shall not willfully violate any other rule in this Chapter nor any other provision of the Accountancy Statutes, the Professional Corporation Act, the Partnership Act, or the North Carolina Limited Liability Company Act.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2006; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0214 OUTSOURCING TO THIRD-PARTY PROVIDERS

(a) A CPA shall provide a written disclosure in advance of the outsourcing to the client that he or she is using a third-party

provider to assist the CPA in providing any professional services to the client.

(b) A CPA outsourcing professional services to a third-party provider shall be responsible for ensuring a third-party provider is in compliance with all rules of Professional of Conduct and Ethics in this Subchapter.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. January 1, 2006; Amended Eff. July 1, 2010; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0215 INTERNATIONAL FINANCIAL ACCOUNTING STANDARDS

(a) International Financial Accounting Standards. A CPA shall not express an opinion that financial statements are presented in accordance with international financial accounting standards if such statements contain any departure from an accounting standard that has a material effect on the statements, taken as a whole, unless the CPA can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In such cases, the CPA's report shall describe the departure, the approximate effect thereof if practicable, and the reason why compliance with the standard would result in a misleading statement.

(b) International Financial Accounting Standards consist of the following:

- (1) International Financial Reporting Standards (IFRS) issued after 2003;
- (2) International Accounting Standards (IAS) issued before 2004;
- (3) Interpretations originated from the International Financial Reporting Interpretations Committee (IFRIC) issued after 2003; and
- (4) Standing Interpretations Committee (SIC) issued before 2003.

(c) Copies of Standards. Copies of International Financial Accounting Standards issued by IFRS are incorporated by reference, including subsequent amendments and editions. The documents may be accessed at <https://www.ifrs.org/issued-standards/list-of-standards/> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. February 1, 2011; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0216 PROFESSIONAL JUDGMENT

A CPA shall not subordinate the CPA's professional judgment to non-CPAs.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Readopted Eff. February 1, 2016; Eff. June 1, 2026.

21 NCAC 08N .0301 PROFESSIONAL JUDGMENT

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Readopted Eff. February 1, 2016; Repealed Eff. June 1, 2026.

21 NCAC 08N .0302 FORMS OF PRACTICE

(a) Authorized Forms of Practice. A CPA who uses CPA in or with the name of the business or offers or renders audits, reviews, compilations, agreed-upon procedure or engagement services performed in accordance with the standards in 21 NCAC 08A .0301(b)(5) in the public practice of accountancy to clients shall do so only through a registered sole proprietorship, partnership, Professional Corporation, Professional Limited Liability Company, or Registered Limited Liability Partnership.

(b) Authorized Ownership. A CPA firm may have an ownership of up to 49 percent by non-CPAs. A CPA firm shall have ownership of at least 51 percent and be controlled in law and fact by holders of valid CPA certificates who have the unrestricted privilege to use the CPA title and to practice public accountancy in a jurisdiction and at least one of whom shall be licensed by this Board.

(c) CPA Firm Registration Required. A CPA shall not offer or render professional services through a CPA firm that is in violation of the registration requirements of 21 NCAC 08J .0108, 08J .0110, or 08M .0105.

(d) Supervision of CPA Firms. Every North Carolina office of a CPA firm registered in North Carolina shall be actively and locally supervised by a designated actively licensed North Carolina CPA whose primary responsibility and a corresponding amount of time shall be work performed in that office.

(e) CPA Firm Requirements for CPA Ownership. A CPA firm and its designated supervising CPA shall be accountable for the following in regard to a CPA owner:

- (1) a CPA owner shall be a natural person or a general partnership or a limited liability partnership directly owned by natural persons;
- (2) a CPA owner shall actively participate in the business of the CPA firm; and
- (3) a CPA owner who, prior to January 1, 2006, is not actively participating in the CPA firm may continue as an owner until such time as his or her ownership is terminated.

(f) CPA Firm Requirements for Non-CPA Ownership. A CPA firm and its designated supervising CPA owner shall be accountable for the following in regard to a non-CPA owner:

- (1) a non-CPA owner shall be a natural person or a general partnership or limited liability partnership directly owned by natural persons;
- (2) a non-CPA owner shall actively participate in the business of the firm or an affiliated entity as his or her principal occupation;
- (3) a non-CPA owner shall comply with all applicable accountancy statutes and the rules as set forth in G.S. 93 and all rules in this Chapter;
- (4) a non-CPA owner shall be of good moral character and shall be dismissed and disqualified from ownership for any conduct

(5) that, if committed by a licensee, would result in a discipline pursuant to G.S. 93-12(9); and a non-CPA owner shall report his or her name, home address, phone number, social security number, and Federal Tax ID number (if any) on the CPA firm's registration.

(g) ESOP Ownership. Notwithstanding the restrictions set forth in Subparagraph (f) of this Rule, up to 49 percent of the ownership in a CPA firm may be held in an employee stock ownership plan ("ESOP") that meets the requirements of Section 409 of the Internal Revenue Code. All trustees of the ESOP must be licensed CPAs in a United States jurisdiction. Further, the beneficial ownership in an ESOP may not be held by persons who are not active participants in the CPA firm.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; January 1, 2006; April 1, 2003; April 1, 1999; August 1, 1995; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0303 OBJECTIVITY AND CONFLICTS OF INTEREST

(a) Personal Financial Interest in Advice. When offering or rendering accounting or related financial, tax, or management advice, a CPA shall be objective and shall not place the CPA's own financial interests nor the financial interests of a third party ahead of the legitimate financial interests of the CPA's client or the public in any context in which a client or the public can reasonably expect objectivity from one using the CPA title.

(b) Expectation of Objectivity Presumed. If the CPA uses the CPA title in any way to obtain or maintain a client relationship, the Board shall presume the reasonable expectation of objectivity.

(c) Acceptance of a Commission or Referral Fee. A CPA shall not recommend or refer to a client any product or service for a commission; recommend or refer any product or service to be supplied by a client; or receive a commission, when the CPA also performs the following for the client:

- (1) an audit or review of a financial statement;
- (2) a compilation of a financial statement when the CPA expects, or reasonably might expect, that a third party will use the financial statement and the CPA's compilation report does not disclose a lack of independence; or
- (3) an examination of prospective financial information.

This prohibition applies during the period in which the CPA is engaged to perform any of the services listed in Paragraph (c) of this Rule and the period covered by any historical financial statements involved in such listed services.

(d) Acceptance of a Contingent Fee.

- (1) The offering or rendering of professional services for, or the receipt of, a contingent fee by a CPA shall not be prohibited except for engaging to render or rendering by a CPA:
 - (A) of professional services for any person for whom the CPA also performs attest services, during the period of the attest services engagement, and the period

covered by any historical financial statements involved in such attest services; and

- (B) for the preparation of original or amended tax returns or claims for tax refunds.

- (2) Fees shall not be regarded as being contingent if fixed by courts or other public authorities or, in tax matters, if determined based on the results of judicial proceedings or the findings of governmental agencies.

(e) A CPA shall communicate in advance to a client the scope of services or products to be rendered or referred for which the CPA will receive a commission, referral, or contingent fee. A CPA shall provide disclosure in a written statement within ten business days of the service or product to be rendered or referred with the commission, referral, or contingent fee to be charged or received by the CPA.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2006; April 1, 1999; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0304 CONSULTING SERVICES STANDARDS

(a) Standards for Consulting Services. A CPA shall not render consulting services unless the CPA has complied with the Statements on Standards for Consulting Services.

(b) Statements on Standards for Consulting Services. The Statements on Standards for Consulting Services including the definition of such services issued by the AICPA are incorporated by reference, including subsequent amendments and editions. This document may be accessed at <https://www.aicpa.org/resources/download/statement-on-standards-for-consulting-services-no-1> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. July 1, 2010; January 1, 2006; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0305 RETENTION OF CLIENT RECORDS

(a) A CPA shall return client-provided records in the CPA's custody or control to the client at the client's request. Client-provided records are accounting or other records, including hardcopy and electronic reproductions of such records, belonging to the client that were provided to the CPA by, or on behalf of, the client.

(b) Unless a CPA and the client have agreed to the contrary, when a client makes a request for CPA prepared records or a CPA's work products that are in the CPA's custody or control that have not previously been provided to the client, the CPA shall respond to the client's request as follows:

- (1) The CPA shall provide CPA prepared records relating to a completed and issued work product

to the client, except that such records may be withheld if fees are due to the CPA for that specific work product; and

- (2) The CPA's work products shall be provided to the client, except that such work products may be withheld:

- (A) if fees are due to the CPA for the specific work product;
- (B) if the work product is incomplete;
- (C) if for the purpose of complying with professional standards. For example, withholding an audit report due to outstanding audit issues; or
- (D) if threatened or outstanding litigation exists concerning the engagement or CPA's work.

(c) CPA prepared records are accounting or other records that the CPA was not specifically engaged to prepare and that are not in the client's books and records or are otherwise not available to the client, thus rendering the client's financial information incomplete. Examples include adjusting, closing, combining, or consolidating journal entries including computations supporting such entries and supporting schedules and documents that the CPA proposed or prepared as part of an engagement, an audit being an example. CPA's work products are deliverables set forth in the terms of the engagement.

(d) Once a CPA has complied with the requirements described in Paragraphs (a) and (b) of this Rule, he or she shall not be under any further ethical obligation to:

- (1) comply with any subsequent requests to again provide records or copies of records described in Paragraphs (a) and (b) of this Rule. If subsequent to complying with a request, a client experiences a loss of records due to a natural disaster, the CPA shall comply with an additional request to provide such records that are in possession of the CPA; and
- (2) retain records for periods that exceed applicable professional standards, state and federal statutes and regulations, and contractual agreements relating to the service performed.

(e) A CPA who has provided records to an individual designated or held out as the client's representative, such as the general partner, or majority shareholder, shall not be obligated to provide such records to other individuals associated with the client. However, in the case of joint individual tax returns, each named taxpayer on that return shall be entitled to a copy of the tax returns and supporting schedules from the CPA.

(f) Work papers shall be the CPA's property, and the CPA is not required to provide such information to the client. However, state and federal statutes and regulations and contractual agreements may impose additional requirements on the CPA.

(g) In fulfilling a request for client provided records, CPA prepared records, or a CPA's work products, the CPA may:

- (1) charge the client a fee for the time and expense incurred to retrieve and copy such records and require that the client pay the fee before the CPA provides the records to the client;

- (2) provide the requested records in any format usable by the client. The CPA is not required to convert records that are not in electronic format to electronic format. If the client requests records in a specific format and the records are available in such format within the CPA's custody and control, the client's request shall be honored. In addition, the CPA is not required to provide the client with formulas, unless the formulas support the client's underlying accounting or other records or the CPA was engaged to provide such formulas as part of a completed work product. The CPA is not required to provide electronic data files to a client if they were created with tax preparation software owned or licensed by the CPA; and
- (3) make and retain copies of any records that the CPA returned or provided to the client.

(h) A CPA who is required to return or provide records to the client shall comply with the client's request as soon as practicable, but no later than 45 days after the request is made.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2006; April 1, 2003; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; May 1, 2017; Readopted Eff. June 1, 2026.

21 NCAC 08N .0306 ADVERTISING OR OTHER FORMS OF SOLICITATION

- (a) Deceptive Advertising. A CPA shall not seek to obtain clients by advertising or using other forms of solicitation in a manner that is deceptive.
- (b) Specialty Designations. A CPA may advertise the nature of services provided to clients, but the CPA shall not advertise or indicate a specialty designation or other title unless the CPA has met the requirements of the granting organization for the separate title or specialty designation and the individual is currently on active status and in good standing with the granting organization for the separate title or specialty designation.
- (c) The CPA firm shall offer to perform or perform professional services only in the exact name of the CPA firm as registered with the Board. The exact CPA firm name as registered with the Board shall be used on the following documents:
 - (1) contracts;
 - (2) engagement letters;
 - (3) tax returns; and
 - (4) all professional services reports.
- (d) The CPA firm may advertise professional services using the exact name of the CPA firm, a portion of the CPA firm name, or initials or acronyms derived from the exact CPA firm name as registered with the Board.
- (e) Any CPA or CPA firm offering to or performing professional services via the Internet shall include the following information on the Internet:
 - (1) CPA business or CPA firm name as registered with the Board;
 - (2) business phone number; and

- (3) North Carolina certificate number and North Carolina as jurisdiction of certification.
- (f) The use of the phrase "certified public accountant(s)" or "CPA(s)" in the name of any business entity on letterhead, professional services reports, business cards, brochures, building signage, office signs, telephone directories, contracts, engagement letters, tax returns, Internet directories, or any other advertisements or forms or solicitation shall be prohibited except for registered CPA firms.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; April 1, 1999; February 1, 1996; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0307 CPA FIRM NAMES

- (a) Registration of Firm Names. A business may not use a CPA firm name unless that name has been registered with the Board.
- (b) Misleading Names Prohibited. A CPA firm shall not trade upon the CPA title through use of any name that is misleading. A misleading CPA firm name includes, but are not limited to, the following:
 - (1) Implies the existence of a partnership or registered limited liability partnership or a professional corporation or professional limited liability company if the firm is not, in fact, one of those entities;
 - (2) Includes the name of an individual who is not a CPA if the words "certified public accountants" or "CPAs" are included in the firm name;
 - (3) Includes information about or indicates an association with persons who are not current or former members of the firm, unless the name is that of a firm network;
 - (4) Includes the terms "& Company", "& Associates", or "Group", but the firm does not include, in addition to the named partner, shareholder, owner, or member, at least one other unnamed partner, shareholder, owner, member, or staff employee;
 - (5) Contains any representation that would be likely to cause a reasonable person to have a false or unjustified expectation of favorable results or capabilities, including names indicating qualitative superiority or pricing differences;
 - (6) Claims or implies the ability to influence a regulatory body or official; or
 - (7) Includes the name of an owner whose license has been revoked for disciplinary reasons by the Board, whereby the licensee has been prohibited from practicing public accountancy or prohibited from using the title CPA or holding themselves out as a Certified Public Accountant.
- (c) Permissible Firm Names: The following is a non-exhaustive list of types of CPA firm names that are not in and of themselves misleading and are permissible so long as they do not violate other firm name provisions:

- (1) A firm name that includes the names or initials of one or more former or current owners;
- (2) A firm name that excludes the names of one or more former or current owners;
- (3) A firm name that uses the "CPA" title as part of the firm name when all named individuals are owners of the firm who hold the CPA title or are former owners who held the CPA title at the time they ceased to be owners of the firm; or
- (4) A firm name that includes the name of a non-CPA owner if the words "certified public accountant" or "CPA" title are not a part of the firm name.

(d) Any CPA firm registered in another jurisdiction that provides notification of intent to practice pursuant to G.S. 93-10(c)(3) may practice under the name as registered with that jurisdiction.

History Note: Authority G.S. 55B-5; 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; January 1, 2006; April 1, 1999; August 1, 1995; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0308 VALUATION SERVICES STANDARDS

- (a) Standards for Valuation Services. A CPA shall not render valuation services of a business, a business ownership interest, security, or intangible asset unless the CPA has complied with the Statements on Standards for Valuation Services.
- (b) Statements on Standards for Valuation Services. The Statements on Standards for Valuation Services, including the definition of such services, issued by the AICPA are incorporated by reference, including subsequent amendments and editions. This document may be accessed at <https://www.aicpa.org/resources/download/statement-on-standards-for-valuation-services-vs-section-100> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. January 1, 2006; Amended Eff. July 1, 2010; Readopted Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0309 PERSONAL FINANCIAL PLANNING SERVICES

- (a) Statement on Standards on Personal Financial Planning Services. A CPA shall not render personal financial planning services unless the CPA has complied with the Statement on Standards on Personal Financial Planning Services.
- (b) Statement on Standards on Personal Financial Planning Services. The Statement on Standards on Personal Financial Planning Services, including the definition of such services, issued by the AICPA are incorporated by reference, including subsequent amendments and editions. This document may be

accessed at <https://aicpa.org/resources/download/statement-on-standards-in-personal-financial-planning-services> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0310 FORENSIC SERVICES

- (a) Statement on Standards for Forensic Services. A CPA shall not render forensic services unless the CPA has complied with the Statement on Standards for Forensic Services.
- (b) Statement on Standards for Forensic Services. The Statement for Forensic Services, including the definition of such services, issued by the AICPA are incorporated by reference, including subsequent amendments and editions. This document may be accessed at <https://www.aicpa.org/resources/download/statement-on-standards-for-forensic-services> at no cost.

History Note: Authority G.S. 55B-12; 57-D-02); 93-12(9); Eff. September 1, 2023. Eff. June 1, 2026.

21 NCAC 08N .0401 PUBLIC RELIANCE

- The rules in this Section apply to any CPA who engages in attest services as defined in 21 NCAC 08A .0301(b)(5).
- History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. January 1, 2006; Readopted Eff. June 1, 2026; February 1, 2016.*

21 NCAC 08N .0402 INDEPENDENCE

- (a) A CPA, or the CPA's firm, who is performing an engagement in which the CPA, or the CPA's firm, will issue a report on financial statements of any client (other than a report in which lack of independence is disclosed) shall conform in fact and in appearance to the independence standards established by the AICPA and this Board, and, where applicable, the SEC, the U.S. GAO, the PCAOB and other national or international regulatory or professional standard setting bodies.
- (b) The PCAOB independence rules are hereby incorporated by reference, including subsequent amendments and editions. They may be accessed at www.pcaobus.org/oversight/standards/ethics-independence-rules.
- (c) The SEC independence rules are codified at 17 CFR 210.2-01 and are hereby incorporated by reference, including subsequent amendments and editions. They may be accessed at www.ecfr.gov/current/title-17/chapter-11 at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994; Amended Eff. February 1, 2011; April 1, 2003; Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0403 AUDITING STANDARDS

- (a) Standards for Auditing Services. A CPA shall not render auditing services unless the CPA has complied with the applicable generally accepted auditing standards.

(b) Statements on Auditing Standards. The Statements on Auditing Standards issued by the AICPA are incorporated by reference, including subsequent amendments and editions, and shall be considered generally accepted auditing standards for the purposes of Paragraph (a) of this Rule. This document may be accessed at <https://us.aicpa.org/research/standards/auditattest/clarifiedsas.html> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994;
Amended Eff. July 1, 2010; February 1, 2006;
Readopted Eff. February 1, 2016;
Amended Eff. September 1, 2023;
Readopted Eff. June 1, 2026.

21 NCAC 08N .0404 ACCOUNTING AND REVIEW SERVICES STANDARDS

(a) Standards for Accounting and Review Services. A CPA shall not render accounting and review services unless the CPA has complied with the standards for accounting and review services.
(b) Statements on Standards for Accounting and Review Services. The Statements on Standards for Accounting and Review Services issued by the AICPA are incorporated by reference, including subsequent amendments and editions, and shall be considered as the standards for accounting and review services for the purposes of Paragraph (a) of this Rule. This document may be accessed at <https://us.aicpa.org/research/standards/compilationreview.html> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994;
Amended Eff. July 1, 2010; February 1, 2006;
Readopted Eff. February 1, 2016;
Amended Eff. September 1, 2023;
Readopted Eff. June 1, 2026.

21 NCAC 08N .0405 GOVERNMENTAL ACCOUNTING STANDARDS

(a) Standards for Governmental Accounting. A CPA shall not permit the CPA's name to be associated with governmental financial statements for a client unless the CPA has complied with the standards for governmental accounting.
(b) Statements on Governmental Accounting and Financial Reporting Services. The Statements on Governmental Accounting and Financial Reporting Services issued by the GASB are incorporated by reference, including subsequent amendments and editions, and shall be considered as the standards for governmental accounting for the purposes of Paragraph (a) of this Rule. This document may be accessed at <https://www.gasb.org/standards> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1999;
Amended Eff. July 1, 2010; February 1, 2006;
Readopted Eff. February 1, 2016;
Amended Eff. September 1, 2023;
Readopted Eff. June 1, 2026.

21 NCAC 08N .0406 ATTESTATION STANDARDS

(a) Standards for Attestation Services. A CPA shall not render attestation services unless the CPA has complied with the applicable attestation standards.
(b) Statements on Standards for Attestation Engagements. The Statements on Standards for Attestation Engagements issued by the AICPA are incorporated by reference, including subsequent amendments and editions, and shall be considered attestation standards for the purposes of Paragraph (a) of this Rule. This document may be accessed at <https://us.aicpa.org/research/standards/auditattest/ssae> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994;
Amended Eff. July 1, 2010; February 1, 2006;
Readopted Eff. February 1, 2016;
Amended Eff. September 1, 2023;
Readopted Eff. June 1, 2026.

21 NCAC 08N .0408 PEER REVIEW STANDARDS

A CPA who is engaged to perform a peer review shall not violate the rules or standards as set in 21 NCAC 08M of the peer review program under which the review is made or the engagement contract connected with that peer review.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. April 1, 1994;
Amended Eff. January 1, 2006;
Readopted Eff. June 1, 2026; February 1, 2016.

21 NCAC 08N .0409 GOVERNMENT AUDITING STANDARDS

(a) Standards for Government Audits. A CPA shall not render audit services to a government entity or entity that receives government awards and is required to receive an audit in accordance with Government Auditing Standards unless the CPA has complied with the applicable Generally Accepted Government Auditing Standards.
(b) Government Auditing Standards. The Government Auditing Standards issued by the United States Government Accountability Office are incorporated by reference, including subsequent amendments and editions, and shall be considered Generally Accepted Government Auditing Standards for the purpose of Paragraph (a) of this Rule. This document may be accessed at <https://www.gao.gov/yellowbook> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. February 1, 2011;
Readopted Eff. February 1, 2016;
Amended Eff. September 1, 2023;
Readopted Eff. June 1, 2026.

21 NCAC 08N .0410 INTERNATIONAL STANDARDS ON AUDITING

(a) International Standards on Auditing. A CPA shall not render auditing services that report to comply with international standards unless the CPA has complied with the applicable international standards on auditing.

(b) Statement on International Standards on Auditing. The Statement on International Standards on Auditing issued by the International Auditing and Assurance Standards Board are incorporated by reference, including subsequent amendments and editions, and shall be considered International Standards on Auditing for the purpose of Paragraph (a) of this Rule. This document may be accessed at <https://www.iaasb.org/standards-pronouncements> at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. February 1, 2016; Amended Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0411 AUDITS SUBJECT TO THE SINGLE AUDIT ACT

A CPA rendering audit services to a state or local government entity, non-profit organization, or other entity that is subject to the Single Audit Act of 1984, P.L. 98-502, and the Single Audit Act Amendments of 1996, P.L. 104-156, must comply with the Single Audit Act amendments as implemented through Subpart F - Audit Requirements of Title 2 of C.F.R., Chapter II, Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200). 2 CFR part 200 is hereby incorporated by reference, including subsequent amendments and editions. This document may be accessed at www.ecfr.gov/current/title-2 at no cost.

History Note: Authority G.S. 55B-12; 57D-2-02; 93-12(9); Eff. September 1, 2023; Readopted Eff. June 1, 2026.

21 NCAC 08N .0412 FORENSIC SERVICES

History Note: Authority G.S. 55B-12; 57-D-02); 93-12(9); Eff. September 1, 2023; Repealed Eff. June 1, 2026.

CHAPTER 29 - LOCKSMITH LICENSING BOARD

21 NCAC 29 .0201 EXAMINATION FEE

(a) Applicants seeking to take the Locksmith licensing examination shall remit to the Board, along with the application as set forth in Rule .0202 of this Section, a fee of two hundred dollars (\$200.00).

(b) The applicant may take the examination at a commercial testing center that charges a fee. The applicant, and not the Board, shall bear the cost of any fees assessed by the commercial testing center.

History Note: Authority G.S. 74F-6; 74F-9; Temporary Adoption Eff. October 17, 2002; Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016; Amended Eff. June 1, 2026; June 1, 2017.

21 NCAC 29 .0202 APPLICATION REQUIREMENTS

(a) Applicants must register for an examination on the form prescribed by the Board. The application must be submitted to the Board's office at least 15 days before the requested examination date.

(b) To apply for a license, an individual must submit the following to the Board:

- (1) all applicable fees as set forth in Rule .0201 of this Section; and
- (2) a completed license application, as described in Paragraph (c) of this Rule.

(c) A license application for an individual shall contain the following:

- (1) the person's name;
- (2) the person's place of birth, date of birth, social security number, and citizenship status;
- (3) the person's current physical address, mailing address, telephone number, email address, and website;
- (4) the person's out-of-state licenses or certifications held, if any;
- (5) a list of all addresses at which the applicant has lived during the past five years;
- (6) the name, email address, home address, and length of relationship of two character references;
- (7) whether the applicant possesses a valid motor vehicle operator's permit and, if so, the license number and issuing state;
- (8) whether the applicant:
 - (A) has ever been involuntarily dismissed, fired, or allowed to resign in lieu of firing as a result of theft, embezzlement, or any alleged act that, if true, could have resulted in criminal prosecution;
 - (B) has ever been charged, convicted, or pled guilty to a criminal offense other than a minor traffic violation in any state;
 - (C) has ever been convicted or pled guilty at a court-martial while a member of the Armed or Reserved Forces;
 - (D) has ever been denied any professional license or had any professional license revoked in any state, including North Carolina; or
 - (E) has ever served in any branch of the US Military Services, and, if so, a copy of the applicant's Form DD-214 or equivalent;
- (9) the applicant's affirmation that all answers and statements in the application and supporting documents provided are true and accurate to the best of the applicant's knowledge. That the applicant understands the Board may verify and investigate such information, and that any material omission, misrepresentation, or

falsification is grounds for the Board's denial of the license application or revocation of a license;

- (10) the applicant's agreement that he or she has fully read the obligations of a licensee and will abide by the North Carolina Locksmith Licensing Act and the rules duly promulgated by the Board;
- (11) the applicant's signature and the date;
- (12) the applicant's signed and notarized authorization for release of records related to the applicant's military, education, and employment history;
- (13) the business name and trade name, address, website, and federal Employer Identification Number ("EIN") of the businesses under which the applicant is providing locksmith services; and
- (14) a signed electronic fingerprint submission to authorize the North Carolina State Bureau of Investigation to perform a national criminal history record check.

History Note: Authority G.S. 74F-6; 74F-7; Temporary Adoption Eff. November 13, 2002; Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016; Amended Eff. June 1, 2026.

21 NCAC 29 .0204 REQUIREMENTS OF EXAMINEES

- (a) Applicants at an examination session shall present a government-issued photo identification card to the examination proctor before the beginning of the examination session.
- (b) The applicant shall not bring books, calculators, or other items that may compromise the security and validity of the exam, such as a study guide or objects that are disruptive, into the examination room.
- (c) Electronic devices shall not be allowed in the examination room during the examination. Applicants shall not speak with anyone except the proctor during the examination session.
- (d) Applicants shall obey instructions from the proctor regarding when to begin and cease work on the examination.
- (e) Applicants shall be excused from the room during the examination only with permission from the proctor.
- (f) Failure to abide by any of the Paragraphs of this Rule shall result in invalidation of the applicant's examination results.
- (g) Applicants shall not make any written markings on the examination book provided by the proctor.
- (h) The applicant shall exit the examination room if the proctor determines that the applicant is disrupting the examination or failing to abide by any of the Paragraphs of this Rule. If an applicant is asked to exit the examination room, examination fees shall not be refunded.
- (i) Applicants shall be informed of the results of the examination by email. Examination results shall not be provided by the proctor at the testing site.

History Note: Authority G.S. 74F-6; 74F-7; Temporary Adoption Eff. November 13, 2002; Eff. August 1, 2004; Readopted Eff. June 1, 2017; Amended Eff. June 1, 2026.

21 NCAC 29 .0206 SPECIAL ADMINISTRATION

(a) Applicants with disabilities as defined by Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12131(2), which is hereby incorporated by reference, including subsequent amendments and editions, available at no cost at <https://www.ada.gov/law-and-regs/ada/#subchapter-ii---public-services-title-ii> and documented by a licensed medical professional shall be administered the NC Locksmith Licensing Exam under conditions that shall minimize the effect of the disabilities on their testing performance. Special test administrations shall be as comparable as possible to a standard testing administration.

(b) Applicants desiring to request testing accommodations under the ADA shall provide the following information to the Board at least 30 days prior to the desired testing date:

- (1) the type of accommodation requested;
- (2) a description of the limitations caused by the applicant's medical condition;
- (3) the manner in which the applicant's limitations impact the applicant's ability to take the examination required for licensure by the Board;
- (4) whether the applicant previously has been provided with a testing accommodation; and
- (5) medical certification from the applicant's treating healthcare provider attesting to the accuracy of the information provided by the applicant as set forth in Paragraph (b) of this Rule.

(c) The Board shall approve the requested testing accommodations if the Board determines that the requested testing accommodation constitutes a reasonable accommodation under the ADA.

History Note: Authority G.S. 74F-6; 74F-7; Eff. November 1, 2007; Readopted Eff. June 1, 2017; Amended Eff. June 1, 2026.

21 NCAC 29 .0501 OBLIGATION OF LICENSED LOCKSMITHS

(a) By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the provisions of this Section. Failure to comply shall be grounds for disciplinary action by the Board.

(b) Licensed individuals shall be responsible for the actions of their employees who are acting under their direct control and supervision, as defined by G.S. 74F-16(1). The term "employee" shall mean every person engaged in employment, express or implied, oral or written, including non-citizens, and also minors, whether lawfully or unlawfully employed.

(c) A licensed locksmith shall employ all apprentices under their supervision. A licensed locksmith shall provide supervision for all

apprentice locksmiths in their employ. A licensed locksmith is responsible for the instruction and training of their apprentice locksmiths in locksmith services and locksmith tools as defined in G.S. 74F-4. A licensed locksmith is responsible for the quality of their apprentice locksmith's services.

(d) A licensed locksmith shall dispatch an apprentice locksmith to the location where locksmith services are to be performed. A licensed locksmith shall be aware of the name and location of the client, the locksmith services required to be performed, the apprentice locksmith's ability to perform the locksmith services required, and the fee charged by the apprentice locksmith for the locksmith services performed.

(e) Upon request, an apprentice locksmith shall provide to the Board the contact information for their supervising licensed locksmith.

(f) A licensed locksmith shall report to the Board if, in the licensed locksmith's opinion, the apprentice locksmith has demonstrated any gross negligence, incompetency, or misconduct in the performance of locksmith services while under the licensed locksmith's supervision.

(g) A licensed locksmith and apprentice locksmith shall identify themselves and their company or business name truthfully while providing locksmith services.

History Note: Authority G.S. 74F-3; 74F-6; 74F-7.1; 74F-16; Temporary Adoption Eff. August 13, 2002; Eff. August 1, 2004; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016; Amended Eff. June 1, 2026; April 1, 2023.

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

21 NCAC 32B .1403 CONVERSION APPLICATION FOR PHYSICIAN LICENSE

(a) A resident training licensee who meets the qualifications listed in this Rule may apply to convert their resident training license to a full, unrestricted physician license.

(b) An applicant seeking to convert shall:

- (1) complete the Board's online application and provide the applicant's:
 - (A) legal name;
 - (B) personal mailing, physical, and email address;
 - (C) work mailing, physical, and email address;
 - (D) telephone number;
 - (E) social security number and date of birth;
 - (F) chronological history of education and employment from your first day of residency to present;
 - (G) history of government investigations;
 - (H) substance use history for the past five years;
 - (I) military service;

- (J) professional liability insurance history;
- (K) investigations for employment misclassification for the past five years;
- (L) history of regulatory actions, hospital privileges, and malpractice; and
- (M) attestation under oath or affirmation that the information on the application is true and complete, and authorizing the release to the Board of all information pertaining to the application;

- (2) submit documentation of a legal name change, if applicable;
- (3) supply a certified copy of the applicant's birth certificate if the applicant was born in the United States (U.S.) or a certified copy of a valid and unexpired U.S. passport. If the applicant does not possess proof of their U.S. citizenship, the applicant must provide information about the applicant's immigration status. Applicants who are not present in the U.S. and who do not plan to practice physically in the U.S. shall submit a statement to that effect;
- (4) submit proof that the applicant has completed graduate medical education as required by G.S. 90-9.1 or 90-9.2, as follows:
 - (A) A graduate of a medical school approved by LCME, CACMS, or COCA shall have completed at least one year of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA;
 - (B) A graduate of a medical school not approved by LCME shall have completed two years of graduate medical education approved by ACGME, CFPC, RCPSC, or AOA; or
 - (C) An applicant may satisfy the graduate medical education requirements of Parts (A) or (B) of this subparagraph by showing proof of current certification by a specialty board recognized by the ABMS, CCFP, FRCP, FRCS, or AOA;
- (5) if the applicant applied for a resident training license on the basis of COMLEX or USMLE examination, he or she shall provide proof that that the applicant has taken and passed within three attempts:
 - (A) the COMLEX Level 3; or
 - (B) the USMLE Step 3;
- (6) create an AMA Physician Profile and, if the applicant is an osteopathic physician, also create an AOA Physician Profile;
- (7) submit a letter from the graduate medical education program director recommending the

applicant for full licensure. The letter should indicate the applicant's status in the graduate medical education program and attest that the applicant is currently in good standing with the program or was in good standing at the time of application. The letter should also include information about the applicant's dates of participation in the program; any information pertaining to leaves of absence taken by the applicant; any investigations involving the applicant; any adverse actions taken against the applicant including probations, limitations or special requirements, or disciplinary actions; and any negative reports of the applicant due to behavior;

- (8) pay a non-refundable fee pursuant to G.S. 90-13.1(a); and
- (9) upon request, supply any additional information the Board deems necessary to evaluate the applicant's qualifications.

(c) A resident training licensee applying to convert to a full license must satisfy all of the following from the time of submitting an application for a resident's training license:

- (1) no professional liability insurance claims or payments;
- (2) no regulatory board complaints, investigations, or actions, including the applicant's withdrawal of a license application;
- (3) no adverse actions by a health care institution as described in G.S. 90-14.13(a); and
- (4) no adverse actions taken by a federal agency, the U.S. military, or medical societies.

If the applicant fails to satisfy all of the above, they may submit an application for a physician license under 21 NCAC 32B .1303.

(d) The Board must receive all of the following directly from the primary originating source before it begins processing an application:

- (1) Proof of graduate medical education from the graduate medical education program director;
- (2) Transcripts of examinations scores from the examining authority;
- (3) Proof of board certification from the certifying body, if applicable;
- (4) Physician profile from the AMA, and if applicable, the AOA;
- (5) National Practitioner Data Bank report from the U.S. Department of Health and Human Services; and
- (6) Practitioner profile from the Federation of State Medical Boards.

History Note: Authority G.S. 90-5.1(a)(3); 90-8.1; 90-9.1; 90-9.2; 90-13.1; Eff. June 1, 2026.

**CHAPTER 50 - PLUMBING, HEATING AND FIRE
SPRINKLER CONTRACTORS**

**21 NCAC 50 .0301 QUALIFICATIONS
DETERMINED BY EXAMINATION**

(a) In order to determine the qualifications of an applicant, the Board shall administer a written or computer-based examination covering the following categories:

- (1) Plumbing Contracting, Class I
- (2) Plumbing Contracting, Class II
- (3) Heating, Group No. 1 - Contracting, Class I
- (4) Heating, Group No. 1 - Contracting, Class II
- (5) Heating, Group No. 2 - Contracting, Class I
- (6) Heating, Group No. 3 - Contracting, Class I
- (7) Heating, Group No. 3 - Contracting, Class II
- (8) Fuel Piping Contractor
- (9) Fire Sprinkler Installation Contractor
- (10) Fire Sprinkler Inspection Contractor
- (11) Residential Fire Sprinkler Installation Contractor
- (12) Restricted Limited Plumbing Contractor
- (13) Fire Sprinkler Inspection Technician
- (14) Limited Fire Sprinkler Maintenance Technician
- (15) Plumbing Technician, Class I
- (16) Plumbing Technician, Class II
- (17) Heating Group No. 1 Technician, Class I
- (18) Heating Group No. 1 Technician, Class II
- (19) Heating Group No. 2 Technician
- (20) Heating Group No. 3 Technician, Class I
- (21) Heating Group No. 3 Technician, Class II
- (22) Fuel Piping Technician
- (23) Private Educational Institution Plumbing Technician
- (24) Private Educational Institution Heating Group 1 Technician
- (25) Private Educational Institution Heating Group 2 Technician
- (26) Private Educational Institution Heating Group 3 Technician
- (27) Residential Fire Sprinkler Design Contractor
- (28) Limited Plumbing Water Heater Replacement

(b) Each person being examined by the Board for a contractor license, other than a Fire Sprinkler Installation or Fire Sprinkler Inspection Contractor license, shall be required to pass both the business and law part and the technical part of the examination required by G.S. 87-21(b).

(c) Applicants for licensure as a Fire Sprinkler Installation Contractor shall submit evidence of current certification by the National Institute for Certification of Engineering Technologies (NICET) for Automated Sprinkler System Layout as a prerequisite for licensure. Applicants for licensure as a Fire Sprinkler Installation Contractor shall pass the business and law part of the examination administered by the Board. Persons licensed based upon NICET certification shall maintain such certification as a condition of license renewal.

(d) Applicants for licensure in the Fire Sprinkler Inspection Technician classification shall pass the technical examination offered by the Board. The Board shall accept the results of NICET examinations resulting in Level II Certification in "Inspection and Testing of Water-based Systems" by NICET or from Academy Certification Exams (ACE) examination resulting in Level II Certification in "Inspection and Testing of Water-based Systems"

in lieu of the technical part of the Board-administered examination. Applicants who obtain a license as a Fire Sprinkler Inspection Technician based on NICET or ACE certification shall maintain such certification as a condition of license renewal.

(e) Applicants for licensure as a Fire Sprinkler Inspection Contractor shall submit evidence of Level III certification in "Inspection and Testing of Water-based Fire Systems" by NICET or by Academy Certification Exams (ACE) in lieu of the technical part of the Board-administered examination. Applicants for licensure as a Fire Sprinkler Inspection Contractor shall also pass the business and law part of the examination administered by the Board. Contractors who obtain a license by NICET or ACE certification shall maintain such certification thereafter as a condition of license renewal.

(f) Applicants for licensure in the Limited Fire Sprinkler Maintenance Technician classification shall obtain a license based on maintenance experience, education, and job classification, as set forth in Rule .0306 of this Section and pass a test administered by the Board.

(g) Applicants for licensure as a Residential Fire Sprinkler Installation Contractor shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall pass the technical part of the Residential Fire Sprinkler Installation Contractor examination.

(h) Applicants for licensure as a Plumbing, Heating, or Fuel Piping Technician shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall pass the Class I or the Class II technical and Board laws and rules parts of the Board-administered examination related to the category for which a technician license is sought.

(i) Applicants who hold an active Plumbing, Heating, or Fuel Piping Technician Class I or Class II license obtained by examination, may obtain the Plumbing, Heating or Fuel Piping Contractor Class I or Class II license in the same category and class by meeting the experience requirement listed in Rule .0306 of this Section for the specific contractor license sought and by passing only the business portion of the examination.

(j) Applicants for licensure as a Restricted Limited Plumbing Contractor shall obtain a license based on experience, as set forth in Rule .0306 of this Section, and shall be required to pass both the business and law part and the technical part of the Restricted Limited Plumbing Contractor examination.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active certification as an On-site Wastewater Contractor, issued by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, may take the examination, provided the applicant demonstrates that he or she has attended a minimum of 8 semester hours of education in a plumbing program through a North Carolina Community

College program or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(m) Applicants for licensure as a Limited Plumbing Water Heater Replacement Contractor shall obtain a license based on experience set forth in Rule .0306 of this Section and shall be required to pass both the business and law part and the technical part of the Limited Plumbing Water Heater Replacement Contractor examination.

History Note: Authority G.S. 87-18; 87-21(a); 87-21(b); Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. July 1, 1991; May 1, 1989; August 1, 1982; Temporary Amendment Eff. September 15, 1997; Amended Eff. March 1, 2005; January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998; Emergency Amendment Eff. December 5, 2005; Emergency Amendment Expired February 13, 2006; Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; May 1, 2006; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. June 1, 2026; October 1, 2024; July 1, 2020.

21 NCAC 50 .0306 APPLICATIONS: ISSUANCE OF LICENSE

(a) All applicants for licensure or examination shall submit an application, setting forth the information required in G.S. 87-21 and the rules of this Chapter, on a form available on the Board website, <http://www.nclicensing.org> or at the Board office. The application shall require the following information:

- (1) Licensure and exam type requested;
- (2) Last name, first name, and middle name of applicant;
- (3) Date of application;
- (4) Social Security Number;
- (5) Date of Birth;
- (6) Mailing address;
- (7) Telephone numbers;
- (8) Email address;
- (9) Applicant's dated signature;
- (10) Any tax documents evidencing experience as an employee of a licensed contractor;
- (11) Experience description including number of hours of experience claimed and whether the experience involved maintenance, installation, or repair;
- (12) Experience verification with notarized signature of current or former employers;
- (13) Exam fee (credit card, check, or money order);
- (14) Whether the applicant has ever been charged or convicted of a crime and description of the same;
- (15) Whether the applicant is incarcerated, paroled, or on probation;
- (16) Signed authorization for a criminal background check;

- (17) License type and number if applicant holds other licenses issued by Board;
- (18) Whether the applicant requests to take the examination outside of North Carolina;
- (19) Signed authorization for release of social security number to the United State Social Security Administration for purposes of verification of social security number; and
- (20) If applicable, any military or military spouse experience claimed.

(b) Applicants for a plumbing or heating examination shall present evidence when submitting an application to establish completion of two years of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a license is sought, whether or not a license was required for the work performed. Applicants for a fuel piping examination shall present evidence when submitting an application to establish completion of one year of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of less than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(c) The Board shall issue a license certificate bearing the license number assigned to the qualifying individual.

(d) Fire Sprinkler Installation Contractors shall meet experience requirements in accordance with the National Institute for Certification in Engineering Technologies (NICET) examination criteria.

(e) Applicants for examination or licensure in the Fire Sprinkler Inspection Technician classification shall submit evidence adequate to establish that the applicant has either:

- (1) 4000 hours of experience in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA-25: Standard for the Inspection Testing and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, adopted by the North Carolina Building Code, which is hereby incorporated by reference, including all subsequent editions and amendments, as a full-time employee of a Fire Sprinkler Inspection Contractor or fire insurance underwriting organization. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;
- (2) 4000 hours of experience as a full-time employee of a hospital, manufacturing, government, or university facility under direct supervision of Fire Sprinkler Inspection Contractor or a Fire Sprinkler Inspection Technician involved in inspection and testing of previously installed fire sprinkler systems, consistent with NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems of the National Fire Protection Association, which is hereby

incorporated by reference, including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>;

- (3) 4000 hours of experience in installation of fire sprinkler systems as a full-time employee of a Fire Sprinkler Installation Contractor; or
- (4) a combination of 4000 hours of experience in any of the categories listed in this Paragraph.

(f) Applicants for licensure in the Fire Sprinkler Inspection Contractor classification shall meet experience requirements in accordance with the National Institute for Certification in Engineering Technologies (NICET) or the Academy Certification Exams (ACE) certification criteria.

(g) Applicants for initial licensure in the Limited Fire Sprinkler Maintenance Technician classification shall submit evidence of 2000 hours experience at the place for which license is sought as a full-time maintenance employee in facility maintenance with experience in periodic maintenance of fire protection systems, as described in Rule .0515 of this Chapter. Applicants who have held a Limited Fire Sprinkler Maintenance Technician license previously are not required to demonstrate experience in addition to the experience at the time of initial licensure, but shall submit a new application if relocating to a new location.

(h) Applicants for licensure in the Residential Fire Sprinkler Installation Contractor classification shall hold an active Plumbing Class I or Class II Contractor license issued by the Board for a minimum of two years and shall document attendance at a 16-hour course approved by the Board pursuant to the Rules in this Chapter covering NFPA 13D: Standard for the Installation of Sprinkler Systems in One-and Two-Family Dwellings and Manufactured Homes, which is hereby incorporated by reference, including all subsequent editions and amendments. The document may be accessed free of charge at <http://www.nfpa.org/codes-and-standards/>. Residential Fire Sprinkler Installation Contractors shall maintain a Plumbing Contractor license as a condition of renewal of the Residential Fire Sprinkler Installation Contractor license.

(i) Applicants for Licensure as a plumbing or heating Class I technician shall present evidence adequate to establish 3000 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a plumbing or heating Class II technician shall present evidence adequate to establish 2500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing or heating systems related to the category for which a technician license is sought, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class I technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Applicants for a license as a fuel piping Class II technician shall present evidence adequate to establish 1500 hours of experience in the installation, maintenance, service, or repair of fuel piping, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic

or technical training related to the field of endeavor for which the examination is requested.

(j) Applicants for a Restricted Limited Plumbing Contractor license shall present evidence at the time of application to establish 1500 hours of full-time experience in the installation, maintenance, service, or repair of plumbing systems, whether or not a license was required for the work performed. Up to one-half of the experience may be in academic or technical training related to the field of endeavor for which examination is requested. The Board shall prorate part-time work of fewer than 40 hours per week or part-time academic work of less than 15 semester or quarter hours.

(k) In lieu of the requirements of Paragraph (j) of this Rule, applicants for a Restricted Limited Plumbing Contractor License who present a current active License from the North Carolina Irrigation Contractor Licensing Board may take the examination, provided the applicant demonstrates that he or she holds certification as a Backflow Inspector from one of the municipalities in North Carolina, or demonstrates 500 hours of experience in the maintenance, service, or repair of components of plumbing systems.

(l) Applicants for license based on completion of an apprenticeship program as described in G.S. 93B-8.6(b) shall meet the same experience and training requirements for the category of license sought as is set forth in this Rule.

(m) Applicants for licensure as a Limited Plumbing Water Heater Replacement Contractor shall present evidence at the time of application to establish that they have held a heating or fuel piping technician or contractor license for a minimum of two years, are in good standing with the Board, and has attended and completed a 6-hour course approved by the Board that covers North Carolina State Residential Plumbing codes requirements, sizing, and installation techniques that relate to the replacement of existing potable water heaters.

History Note: Authority G.S. 87-18; 87-21(b); Eff. February 1, 1976; Readopted Eff. September 29, 1977; Amended Eff. January 1, 2004; July 1, 2003; August 1, 2002; July 1, 1998; September 1, 1994; November 1, 1993; April 1, 1991; May 1, 1990; Temporary Amendment Eff. August 31, 2004; Amended Eff. April 1, 2014; July 3, 2012; January 1, 2010; June 1, 2006; March 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. June 1, 2026; October 1, 2024; July 1, 2020; April 1, 2018.

21 NCAC 50 .0521 LIMITED PLUMBING WATER HEATER REPLACEMENT CONTRACTOR LICENSE

Licensure in the Limited Plumbing Water Heater Replacement classification is required of persons who do not possess a license

as a plumbing contractor, but contract the replacement of a potable water heater under the following limitations:

- (1) The water heater is being installed in a single family detached residential dwelling.
- (2) The contractor shall install the water heater in the same area as the water heater being replaced and can install no more than a total of 10 lineal feet of water distribution piping to properly connect the water heater to the existing water distribution system.
- (3) The Limited Plumbing Water Heater Replacement Contractor licensee shall not install recirculating loop piping but may reconnect to existing loop piping as long as the total lineal footage of water distribution pipe for the water heater replacement does not exceed 10 lineal feet.
- (4) All work meets the minimum standard of the North Carolina Building Codes and permitting requirements as incorporated by reference in 21 NCAC 50 .0414.

History Note: Authority G.S. 87-18; 87-21; Eff. June 1, 2026.

21 NCAC 50 .1101 EXAMINATION FEES

(a) An application to reissue or transfer a license to a different corporation, partnership, or individual name requires a fee of twenty-five dollars (\$25.00).

(b) An application to issue or transfer a license to the license of an existing licensee requires a fee of twenty-five dollars (\$25.00).

(c) An application for a license by examination requires a fee of one hundred-fifty dollars (\$150.00), consisting of an application fee of seventy-five dollars (\$75.00) and an examination fee of seventy-five dollars (\$75.00), which is nonrefundable. Upon passage of the examination, the license fee set forth in 21 NCAC 50 .1102 must be paid to obtain the license within 45 days of notification of the result of the examination, except that anyone passing the examination on or after October 1 of any year may elect to obtain a license for the following year rather than the year in which the exam was passed.

History Note: Authority G.S. 87-18; 87-22; 87-22.1; 87-26; Eff. May 1, 1989; Temporary Amendment Eff. November 17, 1989 for a period of 77 days to expire on February 1, 1990; Amended Eff. August 1, 2000; November 1, 1993; March 1, 1990; Temporary Amendment Eff. August 31, 2001; Amended Eff. March 1, 2005; December 1, 2003; April 1, 2003; December 4, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015; Amended Eff. June 1, 2026; March 1, 2023.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission on May 28&29th, 2026, 2026 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0103. Anyone wishing to submit written comments on any proposed permanent rule before the Commission should submit those comments pursuant to 26 NCAC 05 .0104. Anyone wishing to address the Commission should comply with 26 NCAC 05 .0105 and .0106.

RULES REVIEW COMMISSION MEMBERS

Appointed by Senate

Bill Nelson (2nd Vice-Chair)
Jeanette Doran
John Hahn
Jeff Hyde
Wyatt Dixon, III

Appointed by House

Jake Parker (Chair)
Paul Powell (1st Vice-Chair)
Wayne R. Boyles, III
Randy Overton

COMMISSION COUNSEL

Seth M. Ascher 984-236-1934
Travis Wiggs 984-236-1929
Christopher S. Miller 984-236-1935

RULES REVIEW COMMISSION MEETING DATES

July 30, 2026 September 29, 2026
August 27, 2026 October 29, 2026

RULES REVIEW COMMISSION MEETING

MINUTES

May 28, 2026

The Rules Review Commission met on Thursday, May 28, 2026, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, John Hahn, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room.

Staff member Alexander Burgos, Commission Counsel Travis Wiggs, Seth Ascher, and Christopher Miller were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

The Chair read into the record a letter of appreciation recognizing outgoing RRC Commissioner Chris Loutit.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair notified the Commission that the following agenda items will be taken up at the end of the meeting: Follow up matters from the Child Care Commission, and Permanent Rules from the State Board of Elections.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the April 28, 2026 meeting. There were none, and the minutes were unanimously approved as distributed.

The Chair asked for any discussion, comments, or corrections concerning the amended minutes of the March 26, 2026 meeting. There were none, and the amended minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

Council of State

06 NCAC 01 .0108, .0109, .0110, .0111, .0112, .0113, .0114; 02 .0105, .0106, .0107, .0108; 04 .0103, and .0104 – The agency is addressing change requests from Staff. The RRC extended the period of review at the April 28, 2026 meeting and will review these rules next month. No action was required by the Commission.

Child Care Commission

10A NCAC 09 .2102 – The Commission objected to this Rule finding that the rule did not satisfy the standards of G.S. 150B-21.9(a). Specifically, the Commission objected to the rule pursuant to G.S. 150B-21.9(a)(1), (2), and (3), on the basis of statutory authority, ambiguity, and necessity.

Beth Messersmith, a member of the Child Care Commission, addressed the Commission.

Tom Vitaglione, retired Healthcare Administrator and Child Care Advocate, addressed the Commission on behalf of the agency.

Sarah N. Tackett, DOJ Counsel for the agency, addressed the Commission.

Environmental Management Commission

15A NCAC 02Q .0114, .0501, .0507 - At the request of the agency, these Rules were returned to the agency. No action was required by the Commission.

Board of Certified Public Accountant Examiners

21 NCAC 08A .0101, .0102, .0103, .0201, .0203, .0301, .0307, .0308, .0309, .0310; 08B .0101, .0102, .0104, .0105, .0202, .0304, .0307, .0501, .0502, .0503, .0507, .0508; 08C .0103, .0104, .0105, .0107, .0108, .0109, .0110, .0111, .0114, .0115, .0116, .0118, .0121, .0122, .0123, .0124, .0125, .0126; 08F .0101, .0102, .0103, .0105, .0106, .0107, .0111, .0113, .0302, .0303, .0401, .0409, .0410, .0411, .0502, .0504, .0505; 08G .0401, .0403, .0404, .0406, .0409; .08H .0101, .0102, .0104; 08I .0101, .0102, .0104, .0105; 08J .0101; .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0112, .0113; 08K .0104, .0105, .0201, .0301; 08M .0105, .0106, .0107; 08N .0101, .0102, .0103, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0211, .0212, .0213, .0214, .0215, .0216, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0401, .0402, .0403, .0404, .0405, .0406, .0408, .0409, .0410, .0411, and .0412 were unanimously approved.

LOG OF FILINGS (PERMANENT RULES)

State Board of Elections

08 NCAC 23 .0101, .0102, .0103, and .0104.

Brian P. LiVecchi, Chief of Staff with the agency, addressed the Commission.

Kathy Martin with Democracy Out Loud and a concerned citizen, addressed the Commission.

Stephanie F. McGuire, a concerned citizen, addressed the Commission.

Robert G. Rodriguez with Democracy Out Loud and a concerned citizen, addressed the Commission.

Deborah J. Oronzio with Democracy Out Loud and a concerned citizen, addressed the Commission.

Child Care Commission

10A NCAC 09 .2801, .2802, .2806, .2809, .2817, .2818, .2819, .2820, .2821, .2822, .2823, .2824, .2825, .2827, .2828, .2829, .2830, and .2831 were unanimously approved.

Office of State Fire Marshal

11 NCAC 05A .0901, .0902, .0903, .0904, .0905, .0907, .0908, .0910, .0911, and .0912 were unanimously approved.

11 NCAC 05A .0906 and .0909 were withdrawn at the request of the agency. No action was required by the Commission.

Home Inspector Licensure Board

11 NCAC 08 .1006, .1101, .1106, .1117, and .1204 were unanimously approved.

Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0601, .0603, .0703, .0908, and .2004 were unanimously approved.

Department of Labor

13 NCAC 01D .0101 was unanimously approved.

Wildlife Resources Commission

15A NCAC 10A .1601, 10F .0305, and 10H .1801 were unanimously approved.

William Casola, the rulemaking coordinator with the agency, addressed the Commission.

State Board of Education

16 NCAC 06G .0303, .0317, .0318, .0319, and .0320 were unanimously approved.

Board of Architecture and Registered Interior Designers

21 NCAC 02 .0101, .0106, .0107, .0108, .0109, .0201, .0203, .0204, .0205, .0206, .0210, .0213, .0214, .0215, .0217, .0302, .0303, .0306, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0601, .0603, .0604, .0605, .0607, .0608, .0609, .0610, .0701, .0702, .0703, .0704, .0705, .0901, .0903, .0904, .0905, .0906, .0907, .0908, .0909, and .0910 were unanimously approved.

Catherine E. Lee, the rulemaking coordinator for the agency, addressed the Commission.

Locksmith Licensing Board

21 NCAC 29 .0201, .0202, .0204, .0206, and .0501 were unanimously approved.

Medical Board

21 NCAC 32B. 1403 was unanimously approved.

Board Of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

21 NCAC 50 .0301, .0306, .0521, and .1101 were unanimously approved.

Filings pursuant to G.S. 150B-21.5(c1)

Department of Labor

13 NCAC 07F .0101 - The filing of this rule with the Commission is to allow members of the public to request legislative review. No letters requesting legislative review were received. No action was required by the Commission.

EXISTING RULES REVIEW

Department of Administration

01 NCAC 05 - The Commission unanimously approved the report as submitted by the agency.

01 NCAC 30 - The Commission unanimously approved the report as submitted by the agency.

HHS - Division of Health Benefits

10A NCAC 23 - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 25 - The Commission unanimously approved the report as submitted by the agency.

Licensing Board for General Contractors

21 NCAC 12 – The Commission unanimously approved the report as submitted by the agency.

Board of Occupational Therapy

21 NCAC 38 - The Commission unanimously approved the report as submitted by the agency.

Board of Pharmacy

21 NCAC 46 – The Commission unanimously approved the report as submitted by the agency.

Office of Administrative Hearings

Commissioner Hahn presented 26 NCAC 01, 02, 03, and 04 and recommended approval of all four reports.

26 NCAC 01 - The Commission unanimously approved the report as submitted by the agency.

26 NCAC 02 - The Commission unanimously approved the report as submitted by the agency.

26 NCAC 03 - The Commission unanimously approved the report as submitted by the agency.

26 NCAC 04 - The Commission unanimously approved the report as submitted by the agency.

READOPTIONS

Commission of Navigation and Pilotage for the Cape Fear River and Bar

04 NCAC 15 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than June 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

Department of Natural & Cultural Resources

07 NCAC 01A, B, D, 02H, I J, and 03. As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than April 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

HHS - Division of Health Service Regulation

10A NCAC 14E, 14G, 14H - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than March 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

HHS - Division of Health Service Regulation

10A NCAC 14J - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than March 1, 2030, pursuant to G.S. 150B-21.3A(d)(2).

Department of Insurance

11 NCAC 11A, 11B, 11C, 11D, 11H, and 19 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than July 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Commissioner of Insurance

11 NCAC 11F - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2029, pursuant to G.S. 150B-21.3A(d)(2).

Sedimentation Control Commission

15A NCAC 04A, 04B, 04C, and 04E – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

Well Contractors Certification Commission

15A NCAC 27 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2028, pursuant to G.S. 150B-21.3A(d)(2).

Department of Transportation

19A NCAC 02 – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2031, pursuant to G.S. 150B-21.3A(d)(2).

Following the completion of the Existing Rules Review portion of the agenda on May 28, 2026, the Chair called the meeting into a brief recess at 11:14 a.m. The meeting resumed at 11:22 a.m.

At 11:53 a.m. and during the presentation by Deborah J. Oronzio on the out of order item for the permanent rules State Board of Elections, a power outage took place in the Commission room.

At 12:30 p.m., the Chair announced that due to the unexpected power outage at 11:53 a.m., the May 28, 2026 meeting is called into recess and will resume on Friday, May 29, 2026 at 10:00 a.m. in the Commission room. The meeting resumed at 10:00 a.m. on Friday, May 29, 2026 with the presentation by Deborah J. Oronzio on the permanent rules for the State Board of Elections and Commission Business.

**RULES REVIEW COMMISSION MEETING
MINUTES
May 29, 2026**

The May Meeting of the Rules Review Commission resumed on Friday, May 29, 2026 in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wayne Ronald Boyles, III, Jeanette Doran, Bill Nelson, Randy Overton, and Jake Parker were present in the Commission Room. Commissioners Wyatt Dixon, III, John Hahn, and Paul Powell were present via Webex.

Staff member Alexander Burgos, Commission Counsel Travis Wiggs, Seth Ascher, and Christopher Miller were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Parker presiding.

With some members attending in person and others joining via Webex, the Chair announced that all votes would be conducted by roll call.

Upon the call of the Chair, the Commission waived its March 2025 resolution in order to allow members to participate via Webex by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, John Hahn, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

State Board of Elections

08 NCAC 23 .0101, .0102, .0103, and .0104 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, John Hahn, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 08 NCAC 23 .0101, .0102, .0103, and .0104.

Deborah J. Oronzio with Democracy Out Loud and a concerned citizen, addressed the Commission.

The Commission voted to waive 26 NCAC 05 .0105 to allow Jay DeLancy the opportunity to speak before the Commission.

Jay DeLancy with the Voter Integrity Project NC, addressed the Commission.

Lindsey Wakely, the rulemaking coordinator with the agency, addressed the Commission.

Brian P. LiVecchi, Chief of Staff with the agency, addressed the Commission.

COMMISSION BUSINESS

State Human Resources Commission

25 NCAC 010 - Upon the call of the Chair, the Commission voted to approve the request from the State Human Resources Commission to remove the report for 25 NCAC 010 from the 2024 – 2027 Periodic Review Schedule by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne Ronald Boyles, III, Wyatt Dixon, III, Jeanette Doran, John Hahn, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Other Matters

The Chair gave an update on the CRC v. RRC litigation.

The Chair gave an update on the REINS Act committee meetings and related revisions to Form 0300 (Notice of Text Form) and Form 0400 (Submission for Permanent Rule Form).

The meeting adjourned at 10:43 a.m.

RULES REVIEW COMMISSION

The next regularly scheduled meeting of the Commission is Thursday, June 25, 2026, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jake Parker, Chair

RULES REVIEW COMMISSION

May 28, 2026

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Charlotte R. Stewart	Public
Cheryl Johnson	DCDEE
Jarah Tawlett	DOJ
Beth Messersmith	Child Care Commission
David Donohue	SEPA
DEB ORONZIO	DOL INDIVISIBLE
Catherine Lee	NCBA/RID & NCLLB
Trey Kennedy	DOE
Emily Wiley	NC DOT
Ashley Connor	NC DOJ
Joyce Marzula	Public
Kathy Martin	DOL / Indivisible
Donna Willis	DOL
Tom VITACIORS	PUBLIC
Stephanie McGuire	SELF
Lindsey Wakely	NCSBE
Kyle Heuser	OSFM
Bob Rodriguez	DOL
Will Casola	WRC
Jess Ostfeld	WRC
Joy Strickland	DOJ

Name	Agency
Kimberly Mallady	dhhs.nc.gov
William Casola	ncwildlife.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Ashley Snyder	labor.nc.gov
Brian Liebman	oah.nc.gov
Gabrielle McKeithen	doa.nc.gov
Anna Perkinson	nc.gov
Julie Ventaloro	osbm.nc.gov
Jennifer Everett	deq.nc.gov
Jonathan Avery	dncr.nc.gov
Donya Strong	doa.nc.gov
Anna Hayworth	ncagr.gov
Virginia Niehaus	dhhs.nc.gov
Michael Taranto	dpi.nc.gov
Julie Eddins	oah.nc.gov
Catherine Blum	deq.nc.gov
Marilyn Smalls	abc.nc.gov
Natalie	mindspring.com
Rosemary E McGee	
Helena Abbott	scsj.org
Kitz Rickert	
Keller, Shazia A	dhhs.nc.gov
Martha Glass	
Joan R Brooks	
Ken Schuesselin	bcbsnc.com
Robert Golan-Vilella	elias.law
Mark Swallow	
Deral Raynor	ncdoi.gov
Charles Wilkins	bws-law.com
Angela Ellis	ncbon.com
Robert Golan-Vilella	elias.law
Hope Ascher	
Janet F	
Joan R Brooks	
Clint Pinyan	brookspierce.com
Katie Chamblee-Ryan	elias.law
Eloy	elpueblo.org
Anna Baird Choi	nclbgc.org
Gina M. Von Oehsen Cleary	ncdoj.gov
Helena Abbott	scsj.org
Serena Samuels	oah.nc.gov
Melanie Katz	
Raj.Premakumar@dhhs.nc.gov	dhhs.nc.gov

RULES REVIEW COMMISSION

Name	Agency
jitz	
Shanah Black	dhhs.nc.gov
Tia	
Melanie Katz	
Max Dercole	dhhs.nc.gov
Rachel Smith Morgan	ncdoj.gov
Serena Samuels	oah.nc.gov
Tony Bailey	ncdoi.gov
Joan Brooks	
Martha Glass	
Chandra Graves	ncbon.com
Ashley D. White	ncmedboard.org
Renee Metz	abc.nc.gov
Joan R Brooks	
Robert Golan-Vilella	elias.law
Elizabeth Pope	ncswboard.gov
Natalie Lew	
Elly Young	ncdoj.gov
Rosemary E McGee	
Tyler Daye	commoncause.org
Katie Chamblee-Ryan	elias.law
Robert Golan-Vilella	elias.law
Renee Metz	abc.nc.gov
Robin Morris	
Robert Golan-Vilella	elias.law
Holly	academyexams.com
Rosemary E McGee	
Ellie Hall	
Clint Pinyan	brookspierce.com
Larry Ascher	
Judy Lotas	
Melanie Katz	
Amber Herrmann	

Rules Review Commission Meeting May 29, 2026 Via Webex

Name	Agency
Brian LiVecchi	ncsbe.gov
Christina Young	dhhs.nc.gov
William Casola	ncwildlife.gov
Devon Horine	dhhs.nc.gov
Nancy Hunter	dhhs.nc.gov
Kyle Heuser	ncdoi.gov
Brian Liebman	oah.nc.gov
Anna Perkinson	nc.gov

RULES REVIEW COMMISSION

Name	Agency
Julie Ventaloro	osbm.nc.gov
Alisha Benjamin	ncdoi.gov
Emily Jones	ncdot.gov
Anna Hayworth	ncagr.gov
Sharon Martin	commerce.nc.gov
Julie Eddins	oah.nc.gov
Catherine Blum	deq.nc.gov
Larry Ascher	
Democracy NC	democracync.org
Helena Abbott	scsj.org
Katie Chamblee-Ryan	elias.law
Max D	dhhs.nc.gov
Kitz Rickert	
Kathy martin	
Jenny Guest	
Shanah Black	dhhs.nc.gov
Serena Samuels	oah.nc.gov
Wyatt Dixon	proffittdixon.com
Rosemary E McGee	
Eloy	elpueblo.org
Joan R	
Helen Landi	hntb.com
Paul Powell	apbev.com
Joan Brooks	
Robert Golan-Vilella	elias.law
Hope Ascher	
Ellie Hal	
John Hahn	mayerbrown.com



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 29, 2026

Tommy Brendle, Cape Fear Rive and Pilotage Commission
Sent via email only to: tbrendle@cape-fear.net

Re: Readoption deadline for 04 NCAC 15

Dear Mr. Brendle,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the May 28, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
04 NCAC 15	June 1, 2028

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW

September 25, 2025

APO Review: November 26, 2025

Navigation and Pilotage for the Cape Fear River and Bar, Commission of
Total: 10

RRC Determination: Necessary

04 NCAC 15 .0118
04 NCAC 15 .0119
04 NCAC 15 .0120
04 NCAC 15 .0121
04 NCAC 15 .0122
04 NCAC 15 .0123
04 NCAC 15 .0125
04 NCAC 15 .0126
04 NCAC 15 .0127
04 NCAC 15 .0128



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 29, 2026

Jonathan Avery, Department of Natural & Cultural Resources
Sent via email only to: Jonathan.avery@dncr.nc.gov

Re: Readoption deadline for 07 NCAC 01A, B, D, 02H, I, J, 3

Dear Mr. Avery,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the May 28, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
07 NCAC 01A, B, D, 02H, I, J, 3	April 1, 2029

If you have any questions regarding the Commission’s actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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RRC DETERMINATION
PERIODIC RULE REVIEW

July 30, 2025

APO Review: September 30, 2025

Natural and Cultural Resources, Department of

Total: 27

RRC Determination: Necessary

07 NCAC 01B .0101
07 NCAC 01B .0102
07 NCAC 01B .0110
07 NCAC 02H .0101
07 NCAC 02H .0102
07 NCAC 02H .0103
07 NCAC 02H .0106
07 NCAC 02H .0107
07 NCAC 02H .0108
07 NCAC 02H .0109
07 NCAC 02H .0201
07 NCAC 02H .0202
07 NCAC 02H .0203
07 NCAC 02H .0301
07 NCAC 02H .0302
07 NCAC 02H .0303
07 NCAC 02H .0305
07 NCAC 02I .0201
07 NCAC 02I .0202
07 NCAC 02I .0301
07 NCAC 02I .0302
07 NCAC 02I .0303
07 NCAC 02I .0304
07 NCAC 02I .0305
07 NCAC 02I .0306
07 NCAC 02I .0307
07 NCAC 02I .0308

RRC DETERMINATION
PERIODIC RULE REVIEW
July 30, 2025
APO Review: September 30, 2025
Public Librarian Certification Commission
Total: 3

RRC Determination: Necessary
07 NCAC 02J .0101
07 NCAC 02J .0102
07 NCAC 02J .0103

RRC DETERMINATION
PERIODIC RULE REVIEW
July 30, 2025

APO Review: September 30, 2025
North Carolina Museum of Art, Board of Trustees of the
Total: 5

RRC Determination: Necessary
07 NCAC 03B .0102
07 NCAC 03B .0103
07 NCAC 03B .0104
07 NCAC 03B .0105
07 NCAC 03B .0106



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 29, 2026

Jonathan Avery, Department of Natural & Cultural Resources
Sent via email only to: Jonathan.avery@dncr.nc.gov

Re: Readoption deadline for 07 NCAC 01A, B, D, 02H, I, J, 3

Dear Mr. Avery,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the May 28, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
07 NCAC 01A, B, D, 02H, I, J, 3	April 1, 2029

If you have any questions regarding the Commission’s actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
July 30, 2025
APO Review: September 30, 2025
Public Librarian Certification Commission
Total: 3

RRC Determination: Necessary
07 NCAC 02J .0101
07 NCAC 02J .0102
07 NCAC 02J .0103



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 29, 2026

Jonathan Avery, Department of Natural & Cultural Resources
Sent via email only to: Jonathan.avery@dncr.nc.gov

Re: Readoption deadline for 07 NCAC 01A, B, D, 02H, I, J, 3

Dear Mr. Avery,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the May 28, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
07 NCAC 01A, B, D, 02H, I, J, 3	April 1, 2029

If you have any questions regarding the Commission’s actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

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Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
July 30, 2025

APO Review: September 30, 2025
North Carolina Museum of Art, Board of Trustees of the
Total: 5

RRC Determination: Necessary
07 NCAC 03B .0102
07 NCAC 03B .0103
07 NCAC 03B .0104
07 NCAC 03B .0105
07 NCAC 03B .0106



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 28, 2026

Shanah Black

Sent via email to: shanah.black@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 14E, 14G, 14H

Dear Ms. Black:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **March 1, 2030**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RULES REVIEW COMMISSION

RRC Determination
Periodic Rule Review
November 20, 2025
APO Review: January 21, 2026
HHS - Health Service Regulation, Division of
Total: 179

RRC Determination: Necessary

10A	NCAC 14E	.0101	Necessary	10A	NCAC 14J	.0703	Necessary
10A	NCAC 14E	.0106	Necessary	10A	NCAC 14J	.0704	Necessary
10A	NCAC 14E	.0107	Necessary	10A	NCAC 14J	.0705	Necessary
10A	NCAC 14E	.0109	Necessary	10A	NCAC 14J	.0801	Necessary
10A	NCAC 14E	.0111	Necessary	10A	NCAC 14J	.0901	Necessary
10A	NCAC 14G	.0102	Necessary	10A	NCAC 14J	.0902	Necessary
10A	NCAC 14H	.0101	Necessary	10A	NCAC 14J	.0903	Necessary
10A	NCAC 14H	.0102	Necessary	10A	NCAC 14J	.0904	Necessary
10A	NCAC 14H	.0103	Necessary	10A	NCAC 14J	.0905	Necessary
10A	NCAC 14H	.0104	Necessary	10A	NCAC 14J	.1001	Necessary
10A	NCAC 14H	.0105	Necessary	10A	NCAC 14J	.1002	Necessary
10A	NCAC 14H	.0106	Necessary	10A	NCAC 14J	.1003	Necessary
10A	NCAC 14H	.0107	Necessary	10A	NCAC 14J	.1004	Necessary
10A	NCAC 14H	.0108	Necessary	10A	NCAC 14J	.1101	Necessary
10A	NCAC 14J	.0101	Necessary	10A	NCAC 14J	.1102	Necessary
10A	NCAC 14J	.0102	Necessary	10A	NCAC 14J	.1202	Necessary
10A	NCAC 14J	.0103	Necessary	10A	NCAC 14J	.1203	Necessary
10A	NCAC 14J	.0201	Necessary	10A	NCAC 14J	.1204	Necessary
10A	NCAC 14J	.0202	Necessary	10A	NCAC 14J	.1206	Necessary
10A	NCAC 14J	.0203	Necessary	10A	NCAC 14J	.1207	Necessary
10A	NCAC 14J	.0204	Necessary	10A	NCAC 14J	.1208	Necessary
10A	NCAC 14J	.0301	Necessary	10A	NCAC 14J	.1209	Necessary
10A	NCAC 14J	.0302	Necessary	10A	NCAC 14J	.1210	Necessary
10A	NCAC 14J	.0303	Necessary	10A	NCAC 14J	.1211	Necessary
10A	NCAC 14J	.0304	Necessary	10A	NCAC 14J	.1212	Necessary
10A	NCAC 14J	.0305	Necessary	10A	NCAC 14J	.1213	Necessary
10A	NCAC 14J	.0401	Necessary	10A	NCAC 14J	.1214	Necessary
10A	NCAC 14J	.0402	Necessary	10A	NCAC 14J	.1215	Necessary
10A	NCAC 14J	.0403	Necessary	10A	NCAC 14J	.1216	Necessary
10A	NCAC 14J	.0404	Necessary	10A	NCAC 14J	.1217	Necessary
10A	NCAC 14J	.0405	Necessary	10A	NCAC 14J	.1218	Necessary
10A	NCAC 14J	.0501	Necessary	10A	NCAC 14J	.1219	Necessary
10A	NCAC 14J	.0601	Necessary	10A	NCAC 14J	.1220	Necessary
10A	NCAC 14J	.0701	Necessary	10A	NCAC 14J	.1221	Necessary
10A	NCAC 14J	.0702	Necessary	10A	NCAC 14J	.1222	Necessary

10A	NCAC 14J	.1223	Necessary	10A	NCAC 14J	.1534	Necessary
10A	NCAC 14J	.1224	Necessary	10A	NCAC 14J	.1535	Necessary
10A	NCAC 14J	.1225	Necessary	10A	NCAC 14J	.1536	Necessary
10A	NCAC 14J	.1226	Necessary	10A	NCAC 14J	.1601	Necessary
10A	NCAC 14J	.1301	Necessary	10A	NCAC 14J	.1602	Necessary
10A	NCAC 14J	.1302	Necessary	10A	NCAC 14J	.1603	Necessary
10A	NCAC 14J	.1303	Necessary	10A	NCAC 14J	.1604	Necessary
10A	NCAC 14J	.1304	Necessary	10A	NCAC 14J	.1605	Necessary
10A	NCAC 14J	.1305	Necessary	10A	NCAC 14J	.1606	Necessary
10A	NCAC 14J	.1306	Necessary	10A	NCAC 14J	.1607	Necessary
10A	NCAC 14J	.1401	Necessary	10A	NCAC 14J	.1701	Necessary
10A	NCAC 14J	.1501	Necessary	10A	NCAC 14J	.1702	Necessary
10A	NCAC 14J	.1502	Necessary	10A	NCAC 14J	.1703	Necessary
10A	NCAC 14J	.1503	Necessary	10A	NCAC 14J	.1704	Necessary
10A	NCAC 14J	.1504	Necessary	10A	NCAC 14J	.1705	Necessary
10A	NCAC 14J	.1505	Necessary	10A	NCAC 14J	.1706	Necessary
10A	NCAC 14J	.1506	Necessary	10A	NCAC 14J	.1707	Necessary
10A	NCAC 14J	.1507	Necessary	10A	NCAC 14J	.1708	Necessary
10A	NCAC 14J	.1508	Necessary	10A	NCAC 14J	.1709	Necessary
10A	NCAC 14J	.1509	Necessary	10A	NCAC 14J	.1710	Necessary
10A	NCAC 14J	.1510	Necessary	10A	NCAC 14J	.1711	Necessary
10A	NCAC 14J	.1511	Necessary	10A	NCAC 14J	.1712	Necessary
10A	NCAC 14J	.1512	Necessary	10A	NCAC 14J	.1713	Necessary
10A	NCAC 14J	.1513	Necessary	10A	NCAC 14J	.1714	Necessary
10A	NCAC 14J	.1514	Necessary	10A	NCAC 14J	.1715	Necessary
10A	NCAC 14J	.1515	Necessary	10A	NCAC 14J	.1716	Necessary
10A	NCAC 14J	.1516	Necessary	10A	NCAC 14J	.1717	Necessary
10A	NCAC 14J	.1517	Necessary	10A	NCAC 14J	.1718	Necessary
10A	NCAC 14J	.1518	Necessary	10A	NCAC 14J	.1719	Necessary
10A	NCAC 14J	.1519	Necessary	10A	NCAC 14J	.1720	Necessary
10A	NCAC 14J	.1520	Necessary	10A	NCAC 14J	.1721	Necessary
10A	NCAC 14J	.1521	Necessary	10A	NCAC 14J	.1722	Necessary
10A	NCAC 14J	.1522	Necessary	10A	NCAC 14J	.1723	Necessary
10A	NCAC 14J	.1523	Necessary	10A	NCAC 14J	.1724	Necessary
10A	NCAC 14J	.1524	Necessary	10A	NCAC 14J	.1725	Necessary
10A	NCAC 14J	.1525	Necessary	10A	NCAC 14J	.1726	Necessary
10A	NCAC 14J	.1526	Necessary	10A	NCAC 14J	.1727	Necessary
10A	NCAC 14J	.1527	Necessary	10A	NCAC 14J	.1728	Necessary
10A	NCAC 14J	.1528	Necessary	10A	NCAC 14J	.1729	Necessary
10A	NCAC 14J	.1529	Necessary	10A	NCAC 14J	.1730	Necessary
10A	NCAC 14J	.1530	Necessary	10A	NCAC 14J	.1731	Necessary
10A	NCAC 14J	.1531	Necessary	10A	NCAC 14J	.1732	Necessary
10A	NCAC 14J	.1532	Necessary	10A	NCAC 14J	.1733	Necessary
10A	NCAC 14J	.1533	Necessary	10A	NCAC 14J	.1734	Necessary

10A NCAC 14J .1735 Necessary
10A NCAC 14J .1736 Necessary
10A NCAC 14J .1737 Necessary
10A NCAC 14J .1738 Necessary
10A NCAC 14J .1739 Necessary
10A NCAC 14J .1740 Necessary
10A NCAC 14J .1741 Necessary
10A NCAC 14J .1742 Necessary
10A NCAC 14J .1743 Necessary
10A NCAC 14J .1744 Necessary
10A NCAC 14J .1745 Necessary
10A NCAC 14J .1746 Necessary
10A NCAC 14J .1747 Necessary
10A NCAC 14J .1748 Necessary
10A NCAC 14J .1749 Necessary
10A NCAC 14J .1750 Necessary
10A NCAC 14J .1751 Necessary
10A NCAC 14J .1752 Necessary
10A NCAC 14J .1753 Necessary
10A NCAC 14J .1754 Necessary
10A NCAC 14J .1755 Necessary



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

May 28, 2026

Alisha Benjamin

Sent via email to: alisha.benjamin@ncdoi.gov

Re: Readoption deadline for 11 NCAC 11A, 11B, 11C, 11D, 11H, and 11 NCAC 19

Dear Ms. Benjamin:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **July 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
October 30, 2025
APO Review: December 31, 2025
Insurance, Department of
Total: 49

RRC Determination: Necessary

11	NCAC 11A	.0105	Necessary	11	NCAC 11H	.0106	Necessary
11	NCAC 11A	.0106	Necessary	11	NCAC 11H	.0107	Necessary
11	NCAC 11B	.0152	Necessary	11	NCAC 11H	.0108	Necessary
11	NCAC 11B	.0303	Necessary	11	NCAC 11H	.0109	Necessary
11	NCAC 11C	.0104	Necessary	11	NCAC 11H	.0110	Necessary
11	NCAC 11C	.0105	Necessary	11	NCAC 11H	.0111	Necessary
11	NCAC 11C	.0114	Necessary	11	NCAC 19	.0102	Necessary
11	NCAC 11C	.0117	Necessary	11	NCAC 19	.0103	Necessary
11	NCAC 11C	.0119	Necessary	11	NCAC 19	.0104	Necessary
11	NCAC 11C	.0129	Necessary	11	NCAC 19	.0105	Necessary
11	NCAC 11C	.0307	Necessary	11	NCAC 19	.0106	Necessary
11	NCAC 11C	.0310	Necessary	11	NCAC 19	.0107	Necessary
11	NCAC 11C	.0311	Necessary	11	NCAC 19	.0108	Necessary
11	NCAC 11C	.0405	Necessary				
11	NCAC 11C	.0406	Necessary				
11	NCAC 11C	.0407	Necessary				
11	NCAC 11C	.0504	Necessary				
11	NCAC 11C	.0505	Necessary				
11	NCAC 11C	.0601	Necessary				
11	NCAC 11C	.0602	Necessary				
11	NCAC 11C	.0603	Necessary				
11	NCAC 11C	.0604	Necessary				
11	NCAC 11C	.0605	Necessary				
11	NCAC 11D	.0104	Necessary				
11	NCAC 11D	.0107	Necessary				
11	NCAC 11D	.0110	Necessary				
11	NCAC 11D	.0111	Necessary				
11	NCAC 11D	.0112	Necessary				
11	NCAC 11D	.0165	Necessary				
11	NCAC 11D	.0169	Necessary				
11	NCAC 11D	.0170	Necessary				
11	NCAC 11H	.0101	Necessary				
11	NCAC 11H	.0102	Necessary				
11	NCAC 11H	.0103	Necessary				
11	NCAC 11H	.0104	Necessary				
11	NCAC 11H	.0105	Necessary				



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

May 28, 2026

Alisha Benjamin

Sent via email to: alisha.benjamin@ncdoi.gov

Re: Readoption deadline for 11 NCAC 11F

Dear Ms. Benjamin:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2029**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
October 30, 2025
APO Review: December 31, 2025
Insurance, Commissioner of
Total: 28

RRC Determination: Necessary

11	NCAC 11F	.0201	Necessary
11	NCAC 11F	.0202	Necessary
11	NCAC 11F	.0203	Necessary
11	NCAC 11F	.0204	Necessary
11	NCAC 11F	.0205	Necessary
11	NCAC 11F	.0206	Necessary
11	NCAC 11F	.0207	Necessary
11	NCAC 11F	.0208	Necessary
11	NCAC 11F	.0301	Necessary
11	NCAC 11F	.0302	Necessary
11	NCAC 11F	.0303	Necessary
11	NCAC 11F	.0306	Necessary
11	NCAC 11F	.0307	Necessary
11	NCAC 11F	.0401	Necessary
11	NCAC 11F	.0402	Necessary
11	NCAC 11F	.0403	Necessary
11	NCAC 11F	.0404	Necessary
11	NCAC 11F	.0405	Necessary
11	NCAC 11F	.0406	Necessary
11	NCAC 11F	.0505	Necessary
11	NCAC 11F	.0601	Necessary
11	NCAC 11F	.0602	Necessary
11	NCAC 11F	.0603	Necessary
11	NCAC 11F	.0604	Necessary
11	NCAC 11F	.0605	Necessary
11	NCAC 11F	.0606	Necessary
11	NCAC 11F	.0701	Necessary
11	NCAC 11F	.0801	Necessary



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 28, 2026

Jennifer Everett

Sent via email to: jennifer.everett@deq.nc.gov

Re: Readoption deadline for 15A NCAC 04A, 04B, 04C, 04E

Dear Ms. Everett:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **December 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs

Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
January 29, 2026
APO Review: April 01, 2026
Sedimentation Control Commission
Total: 29

RRC Determination:

15A NCAC 04A .0101 Necessary
15A NCAC 04A .0105 Necessary
15A NCAC 04B .0105 Necessary
15A NCAC 04B .0106 Necessary
15A NCAC 04B .0107 Necessary
15A NCAC 04B .0108 Necessary
15A NCAC 04B .0109 Necessary
15A NCAC 04B .0110 Necessary
15A NCAC 04B .0111 Necessary
15A NCAC 04B .0112 Necessary
15A NCAC 04B .0113 Necessary
15A NCAC 04B .0115 Necessary
15A NCAC 04B .0118 Necessary
15A NCAC 04B .0120 Necessary
15A NCAC 04B .0122 Necessary
15A NCAC 04B .0124 Necessary
15A NCAC 04B .0125 Necessary
15A NCAC 04B .0126 Necessary
15A NCAC 04B .0127 Necessary
15A NCAC 04B .0129 Necessary
15A NCAC 04B .0130 Necessary
15A NCAC 04B .0131 Necessary
15A NCAC 04B .0132 Necessary
15A NCAC 04C .0107 Necessary
15A NCAC 04E .0104 Necessary
15A NCAC 04E .0201 Necessary
15A NCAC 04E .0501 Necessary
15A NCAC 04E .0502 Necessary
15A NCAC 04E .0503 Necessary



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 28, 2026

Raj Premakumar

Sent via email to: raj.premakumar@dhhs.nc.gov

Re: Readoption deadline for 15A NCAC 27

Dear Mr. Premakumar:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on May 28, 2026.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2028**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC Determination
Periodic Rule Review
December 18, 2025
APO Review: February 18, 2026
Well Contractors Certification Commission
Total: 18

RRC Determination: Necessary

15A	NCAC 27	.0301	Necessary
15A	NCAC 27	.0401	Necessary
15A	NCAC 27	.0410	Necessary
15A	NCAC 27	.0420	Necessary
15A	NCAC 27	.0430	Necessary
15A	NCAC 27	.0440	Necessary
15A	NCAC 27	.0510	Necessary
15A	NCAC 27	.0520	Necessary
15A	NCAC 27	.0601	Necessary
15A	NCAC 27	.0702	Necessary
15A	NCAC 27	.0801	Necessary
15A	NCAC 27	.0810	Necessary
15A	NCAC 27	.0820	Necessary
15A	NCAC 27	.0830	Necessary
15A	NCAC 27	.0901	Necessary
15A	NCAC 27	.0910	Necessary
15A	NCAC 27	.0920	Necessary
15A	NCAC 27	.0930	Necessary



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

May 29, 2026

Emily Wiley, Department of Transportation
Sent via email only to: rulemaking@ncdot.gov

Re: Readoption deadline for 19A NCAC 02

Dear Ms. Wiley,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the May 28, 2026, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted according to the following table:

Subchapter	Readoption Deadline
19A NCAC 02	October 1, 2031

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

Lawrence R. Duke
Senior Administrative Law Judge

An Equal Employment Opportunity Employer
1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
September 25, 2025
APO Review: November 26, 2025
Transportation, Department of
Total: 259

RRC Determination: Necessary

19A NCAC 02A .0102	19A NCAC 02B .0315	19A NCAC 02C .0202
19A NCAC 02A .0114	19A NCAC 02B .0317	19A NCAC 02C .0203
19A NCAC 02B .0131	19A NCAC 02B .0432	19A NCAC 02C .0204
19A NCAC 02B .0132	19A NCAC 02B .0433	19A NCAC 02C .0205
19A NCAC 02B .0133	19A NCAC 02B .0501	19A NCAC 02C .0212
19A NCAC 02B .0138	19A NCAC 02B .0502	19A NCAC 02C .0213
19A NCAC 02B .0139	19A NCAC 02B .0503	19A NCAC 02D .0102
19A NCAC 02B .0141	19A NCAC 02B .0504	19A NCAC 02D .0104
19A NCAC 02B .0142	19A NCAC 02B .0506	19A NCAC 02D .0112
19A NCAC 02B .0150	19A NCAC 02B .0507	19A NCAC 02D .0201
19A NCAC 02B .0153	19A NCAC 02B .0508	19A NCAC 02D .0202
19A NCAC 02B .0154	19A NCAC 02B .0509	19A NCAC 02D .0203
19A NCAC 02B .0155	19A NCAC 02B .0510	19A NCAC 02D .0402
19A NCAC 02B .0156	19A NCAC 02B .0511	19A NCAC 02D .0403
19A NCAC 02B .0157	19A NCAC 02B .0512	19A NCAC 02D .0404
19A NCAC 02B .0158	19A NCAC 02B .0513	19A NCAC 02D .0406
19A NCAC 02B .0164	19A NCAC 02B .0515	19A NCAC 02D .0408
19A NCAC 02B .0165	19A NCAC 02B .0601	19A NCAC 02D .0410
19A NCAC 02B .0212	19A NCAC 02B .0602	19A NCAC 02D .0414
19A NCAC 02B .0213	19A NCAC 02B .0603	19A NCAC 02D .0421
19A NCAC 02B .0216	19A NCAC 02B .0604	19A NCAC 02D .0423
19A NCAC 02B .0229	19A NCAC 02B .0605	19A NCAC 02D .0424
19A NCAC 02B .0231	19A NCAC 02C .0101	19A NCAC 02D .0501
19A NCAC 02B .0232	19A NCAC 02C .0102	19A NCAC 02D .0502
19A NCAC 02B .0233	19A NCAC 02C .0103	19A NCAC 02D .0503
19A NCAC 02B .0242	19A NCAC 02C .0104	19A NCAC 02D .0504
19A NCAC 02B .0243	19A NCAC 02C .0105	19A NCAC 02D .0505
19A NCAC 02B .0304	19A NCAC 02C .0106	19A NCAC 02D .0506
19A NCAC 02B .0305	19A NCAC 02C .0108	19A NCAC 02D .0507
19A NCAC 02B .0306	19A NCAC 02C .0109	19A NCAC 02D .0508
19A NCAC 02B .0309	19A NCAC 02C .0110	19A NCAC 02D .0509
19A NCAC 02B .0310	19A NCAC 02C .0111	19A NCAC 02D .0510
19A NCAC 02B .0311	19A NCAC 02C .0114	19A NCAC 02D .0511
19A NCAC 02B .0312	19A NCAC 02C .0115	19A NCAC 02D .0512
19A NCAC 02B .0313	19A NCAC 02C .0116	19A NCAC 02D .0513
19A NCAC 02B .0314	19A NCAC 02C .0201	19A NCAC 02D .0514

19A NCAC 02D .0515	19A NCAC 02D .0825	19A NCAC 02E .0404
19A NCAC 02D .0516	19A NCAC 02D .0827	19A NCAC 02E .0405
19A NCAC 02D .0517	19A NCAC 02D .0830	19A NCAC 02E .0407
19A NCAC 02D .0518	19A NCAC 02D .1001	19A NCAC 02E .0408
19A NCAC 02D .0519	19A NCAC 02D .1002	19A NCAC 02E .0409
19A NCAC 02D .0520	19A NCAC 02D .1003	19A NCAC 02E .0410
19A NCAC 02D .0521	19A NCAC 02D .1004	19A NCAC 02E .0412
19A NCAC 02D .0522	19A NCAC 02D .1005	19A NCAC 02E .0413
19A NCAC 02D .0523	19A NCAC 02D .1006	19A NCAC 02E .0414
19A NCAC 02D .0524	19A NCAC 02D .1007	19A NCAC 02E .0415
19A NCAC 02D .0525	19A NCAC 02D .1101	19A NCAC 02E .0416
19A NCAC 02D .0526	19A NCAC 02D .1102	19A NCAC 02E .0417
19A NCAC 02D .0527	19A NCAC 02D .1103	19A NCAC 02E .0418
19A NCAC 02D .0528	19A NCAC 02D .1104	19A NCAC 02E .0419
19A NCAC 02D .0529	19A NCAC 02D .1105	19A NCAC 02E .0420
19A NCAC 02D .0530	19A NCAC 02D .1106	19A NCAC 02E .0421
19A NCAC 02D .0533	19A NCAC 02D .1107	19A NCAC 02E .0422
19A NCAC 02D .0534	19A NCAC 02D .1108	19A NCAC 02E .0423
19A NCAC 02D .0535	19A NCAC 02D .1109	19A NCAC 02E .0426
19A NCAC 02D .0536	19A NCAC 02D .1110	19A NCAC 02E .0427
19A NCAC 02D .0537	19A NCAC 02D .1111	19A NCAC 02E .0601
19A NCAC 02D .0538	19A NCAC 02E .0101	19A NCAC 02E .0602
19A NCAC 02D .0539	19A NCAC 02E .0102	19A NCAC 02E .0603
19A NCAC 02D .0601	19A NCAC 02E .0201	19A NCAC 02E .0604
19A NCAC 02D .0602	19A NCAC 02E .0202	19A NCAC 02E .0608
19A NCAC 02D .0607	19A NCAC 02E .0203	19A NCAC 02E .0609
19A NCAC 02D .0633	19A NCAC 02E .0204	19A NCAC 02E .0610
19A NCAC 02D .0643	19A NCAC 02E .0206	19A NCAC 02E .0611
19A NCAC 02D .0644	19A NCAC 02E .0207	19A NCAC 02E .0612
19A NCAC 02D .0702	19A NCAC 02E .0208	19A NCAC 02E .0701
19A NCAC 02D .0704	19A NCAC 02E .0209	19A NCAC 02E .0702
19A NCAC 02D .0705	19A NCAC 02E .0210	19A NCAC 02E .0703
19A NCAC 02D .0707	19A NCAC 02E .0212	19A NCAC 02E .0801
19A NCAC 02D .0708	19A NCAC 02E .0213	19A NCAC 02E .0802
19A NCAC 02D .0709	19A NCAC 02E .0214	19A NCAC 02E .0803
19A NCAC 02D .0801	19A NCAC 02E .0215	19A NCAC 02E .0804
19A NCAC 02D .0803	19A NCAC 02E .0216	19A NCAC 02E .0901
19A NCAC 02D .0805	19A NCAC 02E .0221	19A NCAC 02E .0902
19A NCAC 02D .0806	19A NCAC 02E .0224	19A NCAC 02E .0903
19A NCAC 02D .0807	19A NCAC 02E .0225	19A NCAC 02E .0904
19A NCAC 02D .0810	19A NCAC 02E .0301	19A NCAC 02E .0905
19A NCAC 02D .0812	19A NCAC 02E .0303	19A NCAC 02E .0906
19A NCAC 02D .0818	19A NCAC 02E .0402	19A NCAC 02E .1001
19A NCAC 02D .0820	19A NCAC 02E .0403	19A NCAC 02E .1002

19A NCAC 02E .1003
19A NCAC 02E .1004
19A NCAC 02E .1005
19A NCAC 02E .1006
19A NCAC 02E .1007
19A NCAC 02E .1008
19A NCAC 02E .1009
19A NCAC 02E .1101
19A NCAC 02E .1103
19A NCAC 02E .1105
19A NCAC 02E .1106
19A NCAC 02E .1201
19A NCAC 02E .1202
19A NCAC 02E .1203
19A NCAC 02E .1204
19A NCAC 02E .1205
19A NCAC 02F .0101
19A NCAC 02F .0102
19A NCAC 02F .0103

LIST OF APPROVED PERMANENT RULES
May 28 & 29, 2026 Meeting

ELECTIONS, STATE BOARD OF
Definitions

08 NCAC 23 .0101

<u>Entry of Challenge</u>	08 NCAC	23	.0102
<u>Preliminary Hearing</u>	08 NCAC	23	.0103
<u>Challenge Hearing</u>	08 NCAC	23	.0104

CHILD CARE COMMISSION

<u>Scope</u>	10A NCAC	09	.2801
<u>Application for a Two through Five Star Rated License</u>	10A NCAC	09	.2802
<u>Caregiving Activities for Preschool-Aged Children</u>	10A NCAC	09	.2806
<u>Enhanced Space Requirements</u>	10A NCAC	09	.2809
<u>Enhanced Program Standards for Child Care Centers</u>	10A NCAC	09	.2817
<u>Enhanced Staff/Child Ratios for a Rated License for Child...</u>	10A NCAC	09	.2818
<u>Enhanced Education Standards for On-site Administrators f...</u>	10A NCAC	09	.2819
<u>Enhanced Education Standards for Lead Teachers for a Rate...</u>	10A NCAC	09	.2820
<u>Enhanced Education Standards for Teachers for Rated Licen...</u>	10A NCAC	09	.2821
<u>Enhanced Education Standards for Program Coordinators for...</u>	10A NCAC	09	.2822
<u>Enhanced Education Standards for Group Leaders and Assist...</u>	10A NCAC	09	.2823
<u>Enhanced Education Standards for a Rated License for Admi...</u>	10A NCAC	09	.2824
<u>Enhanced Education Standards for Program Coordinators for...</u>	10A NCAC	09	.2825
<u>Enhanced Education Standards for Operators for a Rated Li...</u>	10A NCAC	09	.2827
<u>Enhanced Program Standards for a Rated License for Family...</u>	10A NCAC	09	.2828
<u>Quality Points Options</u>	10A NCAC	09	.2829
<u>Maintaining the Star Rating</u>	10A NCAC	09	.2830
<u>How an Operator May Request or Appeal A Change in Rating</u>	10A NCAC	09	.2831

STATE FIRE MARSHAL, OFFICE OF

<u>Definitions</u>	11 NCAC	05A	.0901
<u>Purpose</u>	11 NCAC	05A	.0902
<u>Rating of Fire District</u>	11 NCAC	05A	.0903
<u>Facilities</u>	11 NCAC	05A	.0904
<u>Apparatus Specifications and Equipment</u>	11 NCAC	05A	.0905
<u>Training</u>	11 NCAC	05A	.0907
<u>Communications and Alarms</u>	11 NCAC	05A	.0908
<u>Incident Reporting</u>	11 NCAC	05A	.0910
<u>Records</u>	11 NCAC	05A	.0911
<u>Non-Compliance</u>	11 NCAC	05A	.0912

HOME INSPECTOR LICENSURE BOARD

<u>Insurance Requirements</u>	11 NCAC	08	.1006
<u>Definitions</u>	11 NCAC	08	.1101
<u>Structural Components</u>	11 NCAC	08	.1106
<u>Pre-Drywall Inspection</u>	11 NCAC	08	.1117
<u>Investigation</u>	11 NCAC	08	.1204

SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

<u>Detention Officer Certification Course</u>	12 NCAC	10B	.0601
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RULES REVIEW COMMISSION

<u>Evaluation for Training Waiver</u>	12 NCAC	10B .0603
<u>Administration of Detention Officer Certification Course</u>	12 NCAC	10B .0703
<u>Limited Lecturer Certification</u>	12 NCAC	10B .0908
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