

# ***NORTH CAROLINA REGISTER***

**VOLUME 32 • ISSUE 20 • Pages 1917 – 1940**

**April 16, 2018**

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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) 431-3073

### **Fiscal Notes & Economic Analysis and Governor's Review**

Office of State Budget and Management

116 West Jones Street

Raleigh, North Carolina 27603-8005

(919) 807-4700

(919) 733-0640 FAX

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(919) 807-4740

Carrie Hollis, Economic Analyst

[osbmruleanalysis@osbm.nc.gov](mailto:osbmruleanalysis@osbm.nc.gov)

(919) 807-4757

NC Association of County Commissioners

215 North Dawson Street

Raleigh, North Carolina 27603

(919) 715-2893

contact: Amy Bason

[amy.bason@ncacc.org](mailto:amy.bason@ncacc.org)

NC League of Municipalities

(919) 715-4000

150 Fayetteville Street, Suite 300

Raleigh, North Carolina 27601

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[scollins@nclm.org](mailto:scollins@nclm.org)

### **Legislative Process Concerning Rule-making**

545 Legislative Office Building

300 North Salisbury Street

Raleigh, North Carolina 27611

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(919) 715-5460 FAX

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**NORTH CAROLINA REGISTER**  
Publication Schedule for January 2018 – December 2018

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	Deadline to submit to RRC for review at next meeting	RRC Meeting Date	Earliest Eff. Date of Permanent Rule	Delayed Eff. Date of Permanent Rule 31st legislative day of the session beginning:	270 <sup>th</sup> day from publication in the Register
32:13	01/02/18	12/06/17	01/17/18	03/05/18	03/20/18	04/19/18	05/01/18	05/2018	09/29/18
32:14	01/16/18	12/19/17	01/31/18	03/19/18	03/20/18	04/19/18	05/01/18	05/2018	10/13/18
32:15	02/01/18	01/10/18	02/16/18	04/02/18	04/20/18	05/17/18	06/01/18	01/2019	10/29/18
32:16	02/15/18	01/25/18	03/02/18	04/16/18	04/20/18	05/17/18	06/01/18	01/2019	11/12/18
32:17	03/01/18	02/08/18	03/16/18	04/30/18	05/21/18	06/21/18	07/01/18	01/2019	11/26/18
32:18	03/15/18	02/22/18	03/30/18	05/14/18	05/21/18	06/21/18	07/01/18	01/2019	12/10/18
32:19	04/02/18	03/09/18	04/17/18	06/01/18	06/20/18	07/19/18	08/01/18	01/2019	12/28/18
32:20	04/16/18	03/23/18	05/01/18	06/15/18	06/20/18	07/19/18	08/01/18	01/2019	01/11/19
32:21	05/01/18	04/10/18	05/16/18	07/02/18	07/20/18	08/16/18	09/01/18	01/2019	01/26/19
32:22	05/15/18	04/24/18	05/30/18	07/16/18	07/20/18	08/16/18	09/01/18	01/2019	02/09/19
32:23	06/01/18	05/10/18	06/16/18	07/31/18	08/20/18	09/20/18	10/01/18	01/2019	02/26/19
32:24	06/15/18	05/24/18	06/30/18	08/14/18	08/20/18	09/20/18	10/01/18	01/2019	03/12/19
33:01	07/02/18	06/11/18	07/17/18	08/31/18	09/20/18	10/18/18	11/01/18	01/2019	03/29/19
33:02	07/16/18	06/22/18	07/31/18	09/14/18	09/20/18	10/18/18	11/01/18	01/2019	04/12/19
33:03	08/01/18	07/11/18	08/16/18	10/01/18	10/22/18	11/15/18	12/01/18	01/2019	04/28/19
33:04	08/15/18	07/25/18	08/30/18	10/15/18	10/22/18	11/15/18	12/01/18	01/2019	05/12/19
33:05	09/04/18	08/13/18	09/19/18	11/05/18	11/20/18	12/20/18	01/01/19	01/2019	06/01/19
33:06	09/17/18	08/24/18	10/02/18	11/16/18	11/20/18	12/20/18	01/01/19	01/2019	06/14/19
33:07	10/01/18	09/10/18	10/16/18	11/30/18	12/20/18	01/17/19	02/01/19	05/2020	06/28/19
33:08	10/15/18	09/24/18	10/30/18	12/14/18	12/20/18	01/17/19	02/01/19	05/2020	07/12/19
33:09	11/01/18	10/11/18	11/16/18	12/31/18	01/22/19	02/21/19	03/01/19	05/2020	07/29/19
33:10	11/15/18	10/24/18	11/30/18	01/14/19	01/22/19	02/21/19	03/01/19	05/2020	08/12/19
33:11	12/03/18	11/07/18	12/18/18	02/01/19	02/20/19	03/21/19	04/01/19	05/2020	08/30/19
33:12	12/17/18	11/26/18	01/01/19	02/15/19	02/20/19	03/21/19	04/01/19	05/2020	09/13/19

## **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 Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

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

### **NOTICE OF TEXT**

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

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

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

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

PUBLIC NOTICE  
STATE OF NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT COMMISSION

**The Division of Energy, Mineral, and Land Resources (DEMLR) invites public comment on, or objections to, the permitting actions listed below.** Persons wishing to comment or object may submit written comments to the address below by the due dates indicated. All comments received prior to the dates will be considered in the final determinations regarding permit issuance. Public comments may result in changes to the proposed permitting actions. All comments should reference the specific permitting actions listed below and the permit number. DEMLR intends to re-issue the following NPDES industrial stormwater General Permits.

NCG050000 for Apparel, Printing, Leather, Rubber, and Miscellaneous Manufacturing stormwater discharges : to be revised and re-issued with proposed re-issuance date - 5/31/2018; public comment period ends 5/16/2018.

NCG070000 for Stone, Clay, Glass, and Concrete products stormwater discharges: to be revised and re-issued with proposed re-issuance date - 5/31/2018; public comment period ends 5/16/2018.

NCG110000 for Treatment Works stormwater discharges: to be revised and re-issued with proposed re-issuance date - 5/31/2018; public comment period ends 5/16/2018.

NCG130000 for Non-metal Waste and Scrap Recycling stormwater discharges: to be revised and re-issued with proposed re-issuance date – 5/31/2018; public comment period ends 5/16/2018.

The General Permits and Fact Sheets may be viewed 45 days in advance of the scheduled re-issuance dates noted above at: <https://deq.nc.gov/news/events/public-notice-hearings>

Please direct comments or objections to:  
Stormwater Permitting Program  
NC Division of Energy, Mineral, and Land Resources  
1612 Mail Service Center  
Raleigh, NC 27699-1612  
Telephone Number: (919) 807-6370  
[julie.ventaloro@ncdenr.gov](mailto:julie.ventaloro@ncdenr.gov)

**Note from the Codifier:** The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. 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 02 – DEPARTMENT OF AGRICULTURE AND  
CONSUMER SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Board of Agriculture intends to amend the rule cited as 02 NCAC 20B .0103.*

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm>

**Proposed Effective Date:** August 1, 2018

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than May 1, 2018 to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001.*

**Reason for Proposed Action:** *The amendment to remove paragraph (b) aligns with rule with current practices at the fair while allowing renters an effective way for advertising. Inclusion of this prohibition has a negative impact on the ability to rent space.*

**Comments may be submitted to:** Tina Hlabse, 1001 Mail Service Center, Raleigh, NC 27699-1001; email [tina.hlabse@ncagr.gov](mailto:tina.hlabse@ncagr.gov)

**Comment period ends:** June 15, 2018

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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

- ☐ State funds affected  
☐ Environmental permitting of DOT affected

- ☐ Analysis submitted to Board of Transportation  
☐ Local funds affected  
☐ Substantial economic impact (≥\$1,000,000)  
☐ Approved by OSBM  
☒ No fiscal note required by G.S. 150B-21.4

**CHAPTER 20 - STATE FAIR**

**SUBCHAPTER 20B - REGULATIONS OF THE STATE  
FAIR**

**SECTION .0100 - GENERAL PROVISIONS**

**02 NCAC 20B .0103 ADVERTISING MATTER**

(a) Distribution of advertising material or matter of any kind, nature, or description by concessionaires, exhibitors, patrons attending annual exhibitions on the State Fairgrounds, political parties, or by any other person or persons whomsoever, shall be, and the same hereby is, prohibited on the State Fairgrounds unless such distribution shall be within and from the assigned and designated space and shall have been first duly authorized by the State Fair Manager upon application thereto, and that advertising material or matter of any kind, nature or description shall be on the counter or display area and shall not be handed out unless a fair patron requests such materials. Promiscuous handing out of such material, even from designated areas, is strictly forbidden.

~~(b) The distribution in any manner of advertising material having a gummed or adhesive backing, such as labels, lapel badges, car bumper or window stickers, etc., whether such distribution shall be from a contracted exhibit or concession space or elsewhere, is prohibited upon the State Fair grounds. Persons or firms found distributing such materials shall immediately forfeit all space right and, in addition, may be held financially responsible for any and all damage done to or occasioned by the State Fair as a result of these materials being affixed to State Fair property by third parties.~~

~~(e)(b)~~ Operation of a sound truck or other mobile vehicle equipped with a public address system or sign, whether such vehicle is in motion or parked on the fair grounds, whether within or without the fenced-off area thereof, is hereby prohibited.

~~(d)(c)~~ For the purpose of enforcing the provisions of this Section, it is hereby determined that the State Fair grounds shall consist of and constitute that certain area of land in Wake County bounded on the south by Hillsborough Street, on the east by Blue Ridge Boulevard, on the north by Trinity Road, and on the west by the Gov. James B. Hunt, Jr. Horse Complex, and includes the area without as well as within the fenced portion thereof.

~~(e)(d)~~ The prohibitions and restrictions relating to advertising in these regulations shall not be construed as being applicable to lettered service trucks advertising a concern or its products while making necessary deliveries of merchandise or service to

concessionaires or exhibitors on the State Fair grounds, or the normal small advertising on bumpers and windows of vehicles.

*Authority G.S. 106-503.*

\*\*\*\*\*

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Agriculture intends to amend the rule cited as 02 NCAC 43L .0337.

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<http://www.ncagr.gov/AdministrativeRules/ProposedRules/index.htm>

**Proposed Effective Date:** August 1, 2018

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than May 1, 2018 to Tina Hlabse, Secretary, NC Board of Agriculture, 1001 Mail Service Center, Raleigh, NC 27699-1001.*

**Reason for Proposed Action:** *This amendment lets the Western NC Ag Center manager allow reasonable, controlled access to alcohol sales and consumption at the year-round events held at the Western NC Ag Center annually. The amendment makes the rule identical to that for the NC State Fairgrounds and State Fair in regards to alcoholic beverages.*

**Comments may be submitted to:** Tina Hlabse, 1001 Mail Service Center, Raleigh, NC 27699-1001; email [tina.hlabse@ncagr.gov](mailto:tina.hlabse@ncagr.gov)

**Comment period ends:** June 15, 2018

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected

- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4

## CHAPTER 43 - MARKETS

### SUBCHAPTER 43L - MARKETS

#### SECTION .0300 - FEES: WESTERN NORTH CAROLINA HORSE AND LIVESTOCK FACILITY FEE SCHEDULE

##### 02 NCAC 43L .0337 ALCOHOLIC BEVERAGES

(a) ~~A person shall not possess any alcoholic beverage on Agricultural Center property except as permitted by the Agricultural Center Manager and in compliance with the rules of the North Carolina Alcoholic Beverage Control Commission. The possession, sale, or consumption of any alcoholic beverage shall be in compliance with the state alcoholic beverage control laws set forth in G.S. 18B and rules set forth in 14B NCAC 15.~~

(b) ~~Alcoholic beverages shall not be sold during the annual North Carolina Mountain State Fair. The sampling or sale of alcoholic beverages at an event on the Western NC Agricultural Center, including the Mountain State Fair, shall require approval by the Manager of the Western NC Agricultural Center or his or her designee in negotiation and at the time of the signing of the contract to rent the premises. In making this determination, the Manager of the Western NC Agricultural Center Manager shall consider the following factors:~~

- (1) the nature of the event;
- (2) the time of the event;
- (3) the number of attendees at the event;
- (4) the age of the attendees at the event;
- (5) prior history of the event;
- (6) other events on Western NC Agricultural Center property at that time;
- (7) security needed and available at the time of the event; and
- (8) the health, safety and welfare of all patrons on State Fair property.

*Authority G.S. 106-530; 106-6.1.*

## TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 06 – BOARD OF BARBER EXAMINERS

**Notice** is hereby given in accordance with G.S. 150B-21.2 that the Board of Barber Examiners intends to amend the rule cited as 21 NCAC 06F .0101.

**Link to agency website pursuant to G.S. 150B-19.1(c):**  
<https://www.ncbarbers.com/news.html>

**Proposed Effective Date:** August 1, 2018

**Public Hearing:**  
**Date:** May 3, 2018

**Time:** 10:00 a.m.

**Location:** North Carolina Board of Barber Examiners, 5809 Departure Drive, Suite 102, Raleigh, NC 27616

**Reason for Proposed Action:** *The amendment would allow barber schools located within jail or prison facilities to have a minimum of three rather than ten barber chairs.*

**Comments may be submitted to:** Dennis Seavers, 5809 Departure Drive, Suite 102, Raleigh, NC 27616; fax (919) 981-5068; email dseavers@ncbarbers.com

**Comment period ends:** June 15, 2018

**Procedure for Subjecting a Proposed Rule to Legislative Review:**

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

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

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (≥\$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4

**SUBCHAPTER 06F – BARBER SCHOOL**

**SECTION .0100 – BARBER SCHOOL**

**21 NCAC 06F .0101 PHYSICAL STRUCTURE**

(a) For the purpose of this Rule, "practical area" means the area of the school where barbering services are provided.

(b) The physical structure of barber schools in North Carolina shall conform to the following criteria:

- (1) be a minimum of 14 linear feet wide;
- (2) be equipped with a minimum of three barber chairs for barber schools within jail or prison facilities or 10 barber chairs for all other schools, and these chairs shall that meet the sanitary conditions required by G.S. 86A-15(a)(2);
- (3) have a minimum of 896 square feet in the practical ~~area for the first 10 chairs; area;~~

- (4) have an additional 70 square feet in the practical area for each additional barber chair over ~~the required 10;~~ 10 chairs;
- (5) have at least five linear feet of space between each chair, center to center;
- (6) have no more than two students enrolled per barber chair;
- (7) be equipped with toilet facilities with hand-washing sink or basin;
- (8) have concrete or wood floors covered with smooth, nonporous materials;
- (9) have instructional materials, such as blackboard space or slide programs;
- (10) have a workstand, with a mounted mirror with minimum dimensions of 36 inches tall and 20 inches wide, for each barber chair in the practical area, constructed of material that can be washed and cleansed;
- (11) have a tool cabinet for each barber chair, with a door to limit exposure of the tools to the open air;
- (12) have a towel cabinet, or other method of storage, so that clean towels are stored separate from used towels;
- (13) have at least one ~~fully~~ functional sink or lavatory, with hot and cold water, for each two barber chairs, located within seven unobstructed linear feet of each barber chair. This sink distance requirement does not apply to schools permitted on or before September 1, 2009;
- (14) have the school separate from any other place or type of business, except for a business allowed by G.S. 86A-15(a)(1)(b), by a wall of ceiling height;
- (15) have a classroom area, separate from the practical area, with desk chairs sufficient to serve the number of students enrolled, and a desk and chair for the instructors;
- (16) have a means for electronic recordation of student hours;
- (17) have a sign displayed in each practical area of the school stating that all barbering services are performed by students; and
- (18) have a bulletin board hanging in each classroom area with a posting of the ~~sanitation~~ rules in this Subchapter and the minimum school curricula as set forth in 21 NCAC 06F .0120.

This Paragraph applies to barber schools permitted on or after December 1, 1994 or which undergo structural renovations after that date.

(c) All barber schools seeking a new permit shall receive a satisfactory building inspection by the jurisdiction having authority prior to obtaining a shop inspection pursuant to 21 NCAC 06L .0105.

*Authority G.S. 86A-15; 86A-22.*



*This Section contains information for the meeting of the Rules Review Commission March 15, 2018 at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3000. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2<sup>nd</sup> business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.*

**RULES REVIEW COMMISSION MEMBERS****Appointed by Senate**

Jeff Hyde (1<sup>st</sup> Vice Chair)  
Robert A. Bryan, Jr.  
Margaret Currin  
Jeffrey A. Poley

**Appointed by House**

Garth Dunklin (Chair)  
Andrew P. Atkins  
Anna Baird Choi  
Paul Powell  
Jeanette Doran (2<sup>nd</sup> Vice Chair)

**COMMISSION COUNSEL**

Amber Cronk May (919)431-3074  
Amanda Reeder (919)431-3079  
Jason Thomas (919)431-3081

**RULES REVIEW COMMISSION MEETING DATES**

April 19, 2018                      May 17, 2018  
June 21, 2018                      July 19, 2018

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**RULES REVIEW COMMISSION MEETING****MINUTES****March 15, 2018**

The Rules Review Commission met on Thursday, March 15, 2018, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Garth Dunklin, Jay Hemphill, Jeff Hyde, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana McGhee.

The meeting was called to order at 10:04 a.m. with Chairman Dunklin presiding.

Chairman Dunklin 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 appearances of conflicts of interest.

Chairman Dunklin introduced OAH extern Jack Williams to the Commission.

**APPROVAL OF MINUTES**

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the February 15, 2018 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS****Board of Agriculture**

02 NCAC 60B .0101, .0201, .0202, .0205, .0302, .0401, .0402, .0603, .0604, .0605, .0701, .0702, .0804, .0805, .0901, .1003, .1004, .1005, .1006, .1007, .1008, .1009, .1010, .1011, .1012, .1013, .1014, .1015, .1016, .1017, .1018, .1019, .1020, .1021, .1022, .1023, .1024, .1025, .1026, .1027, .1028, .1029, .1030, .1031, .1032; 60C .0101, .0102, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, and .0209 - All rules were unanimously approved.

**Environmental Management Commission**

15A NCAC 02Q .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0109, .0110, .0111, .0112, .0113, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0313, .0314, .0315, .0316, .0317, .0318, .0401, .0402, .0501, .0502, .0503, .0504, .0505, .0507, .0508, .0509, .0510, .0512, .0513, .0514, .0515, .0516, .0517, .0518, .0519, .0520, .0521, .0522, .0523, .0524, .0525, .0526, .0527, .0528, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0901, .0902, and .0903 - All rules were unanimously approved.

**Licensing Board for General Contractors**

21 NCAC 12 .0204, .0503, and .0504 - All rules were unanimously approved.

Prior to the review of the rules from the Licensing Board for General Contractors, Commissioner Atkins recused himself and did not participate in any discussion or vote concerning the rules because of a conflict.

Prior to the review of the rules from the Licensing Board for General Contractors, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board, and she is the rulemaking coordinator for the Board.

**Building Code Council**

2018 Residential Code Tables N1102.1.2, N1102.1.4; 2018 Energy Conservation Code Tables R402.1.2, R402.1.4 – The agency is addressing the objections from the February meeting. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

*Pre-Reviewed Rules*

**Acupuncture Licensing Board**

All rules were unanimously approved.

**Board of Barber Examiners**

All rules were unanimously approved.

**Board of Dental Examiners**

All rules were unanimously approved.

*Non Pre-Reviewed Rules*

**Banking Commission**

04 NCAC 03C .1001 was unanimously approved.

**Criminal Justice Education and Training Standards Commission**

All rules were unanimously approved.

**Alcoholic Beverage Control Commission**

14B NCAC 15A .0102 was unanimously approved.

**Alarm Systems Licensing Board**

14B NCAC 17 .0204 was unanimously approved.

**Department of Revenue**

17 NCAC 05 - The Commission extended the period of review for the rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the Department of Revenue additional time to revise the rules in response to the technical change requests.

**Board of Chiropractic Examiners**

All rules were unanimously approved.

Prior to the review of the rules from the Board of Chiropractic Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm represents the Board.

**Board of Landscape Architects**

All rules were unanimously approved.

**Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors**

All rules were unanimously approved.

**State Human Resources Commission**

All rules were unanimously approved.

**EXISTING RULES REVIEW**

**Department of Natural and Cultural Resources**

07 NCAC 13A, 13B, 13C, 13D, 13F, 13G, and 13I - The agency requested an extension of the deadline established in Rule 26 NCAC 05 .0203, as it submitted the reports three business days after the filing deadline.

The Commission approved the extension request with Commissioners Bryan and Dunklin voting against.

The Commission unanimously approved the reports as submitted by the agency.

Phil Feagan, General Counsel for the agency, addressed the Commission.

**Parks and Recreation Authority**

07 NCAC 13K - The agency requested an extension of the deadline established in Rule 26 NCAC 05 .0203, as it submitted the reports three business days after the filing deadline.

The Commission approved the extension request with Commissioner Dunklin voting against.

The Commission unanimously approved the report as submitted by the agency.

**Board of Physical Therapy Examiners**

21 NCAC 48 - The Commission unanimously approved the report as submitted by the agency.

**Real Estate Commission**

21 NCAC 58 - The Commission unanimously approved the report as submitted by the agency.

**Environmental Management Commission**

15A NCAC 13C - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than April 30, 2021 pursuant to G.S. 150B-21.3A(d)(2).

**Industrial Commission**

04 NCAC 10 – The agency requested that the Commission clarify the rules subject to the Periodic Review and Expiration of Existing Rules Review pursuant to G.S. 150B-21.3A as scheduled for May 2019. The Commission tabled the discussion pending the submission of a request for exemption pursuant to Rule 26 NCAC 05 .0209 from the agency.

Commissioner Hyde was not present during the discussion or vote concerning the report.

**COMMISSION BUSINESS**

The meeting adjourned at 11:35 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 19<sup>th</sup> at 10:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Garth Dunklin, Chair

**March 15, 2018**

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Dennis Seavers	BBE
Jennifer Everett	DEQ
Charminique Williams	CJETS
Gail Bledsoe	NCFS
SEAN BROGAN	NCFS
Lorrie Christopher	NCCLB
Kathy Arney	NCBPE
Daphne T. Ward	NCBPE
Jack Williams	NC OAH
Bryan Downy	NC STATE PARKS
Denise Mazza	NC OSHR
Maggie Craven	ASLB/NCBLA
Pamela Taylor Shaw	OSHP
Jessica Middlebrook	OSHR
Tien Cheng	NCDACS
Whitney Waldenbury	Dental Board
Phil Flagan	DNR
JOSEPH GUYOT	NCFS.
Melissa Vuotto	REC
Rob Patchett	REC
Alex Johnson	OAH

**March 15, 2018**

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Alec Fournier	Young Moore
Patrick Knowlson	NC DEQ DAQ
Jonathan Avery	NC DNCR
Carol Tingley	NC DNCR
Brian Dowdy	NC DNCR
Matthew Davis	NC DEQ DAQ
Steve Hall	NC DEQ DAQ
Kendall Bourdano	NC IC
Tom Sullivan	NC BOCE
John Riggelman	NC BOCE
STAC Meyer	DNCR



STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

March 15, 2018

Jennifer Everett, Rulemaking Coordinator  
Department of Environment Quality  
Environmental Management Commission  
1601 Mail Service Center  
Raleigh, North Carolina 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 13C**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the March 15, 2018 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than April 30, 2021.

Please note that the rules set forth in 15A NCAC 13A and 15A NCAC 13B are not subject to this readoption date. Those rules address separate rulemaking needs and have been scheduled for a different readoption date.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Abigail M. Hammond".

Abigail M. Hammond  
Commission Counsel

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
April 20, 2017  
APO Review: June 24, 2017**

**Environmental Management Commission  
Total: 156**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>15A NCAC 13A .0102</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0103</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0104</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0105</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0106</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0107</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0108</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0109</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0110</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0111</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0112</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0113</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0116</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0117</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0118</u>	Necessary with substantive public interest
<u>15A NCAC 13A .0119</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0101</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0102</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0103</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0104</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0105</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0106</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0201</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0202</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0203</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0204</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0301</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0302</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0401</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0402</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0501</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0502</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0503</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0504</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0505</u>	Necessary with substantive public interest
<u>15A NCAC 13B .0508</u>	Necessary with substantive public interest

<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0509</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0510</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0531</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0532</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0533</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0534</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0535</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0536</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0537</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0538</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0539</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0540</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0541</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0542</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0543</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0544</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0545</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0546</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0547</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0562</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0563</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0564</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0565</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0566</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0601</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0602</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0701</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0702</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0703</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0704</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0705</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0706</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0831</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0832</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0833</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0834</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0835</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0836</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0837</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0838</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0839</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0840</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0841</u>	Necessary-with-substantive-public-interest
<u>15A</u>	<u>NCAC</u>	<u>13B</u>	<u>.0842</u>	Necessary-with-substantive-public-interest





<del>15A NCAC 13B .1625</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1626</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1627</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1628</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1629</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1630</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1631</del>	Necessary with substantive public interest
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<del>15A NCAC 13B .1635</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1636</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1637</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1680</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1701</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1702</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1703</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1704</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1705</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1706</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1707</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1708</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1709</del>	Necessary with substantive public interest
<del>15A NCAC 13B .1710</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0301</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0302</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0303</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0304</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0305</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0306</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0307</del>	Necessary with substantive public interest
<del>15A NCAC 13C .0308</del>	Necessary with substantive public interest

**LIST OF APPROVED PERMANENT RULES**

**March 15, 2018 Meeting**

**AGRICULTURE, BOARD OF**

<u>County Cooperation: Fiscal Aspects</u>	02 NCAC	60B .0101
<u>Burning Permits for Forest Fire Prevention: Cancellation</u>	02 NCAC	60B .0201
<u>Summoning Fire Fighters</u>	02 NCAC	60B .0202
<u>Personal Injury Liability During Forest Fire Control</u>	02 NCAC	60B .0205
<u>Control Actions and Limitations</u>	02 NCAC	60B .0302
<u>Referrals and Limitations</u>	02 NCAC	60B .0401
<u>Technical Services</u>	02 NCAC	60B .0402
<u>Fees for Services</u>	02 NCAC	60B .0603
<u>Contracts for Services</u>	02 NCAC	60B .0604
<u>Authority to Sub-Contract Custom Services</u>	02 NCAC	60B .0605
<u>Administration of Program</u>	02 NCAC	60B .0701
<u>Approved Practices and Sub-Practices</u>	02 NCAC	60B .0702
<u>Limitation of Services</u>	02 NCAC	60B .0804
<u>Procedures</u>	02 NCAC	60B .0805
<u>Burner Certification</u>	02 NCAC	60B .0901
<u>Permits</u>	02 NCAC	60B .1003
<u>Rock or Cliff Climbing and Repelling</u>	02 NCAC	60B .1004
<u>Bathing or Swimming</u>	02 NCAC	60B .1005
<u>Hunting</u>	02 NCAC	60B .1006
<u>Fishing</u>	02 NCAC	60B .1007
<u>Animals at Large</u>	02 NCAC	60B .1008
<u>Boating</u>	02 NCAC	60B .1009
<u>Camping</u>	02 NCAC	60B .1010
<u>Sports and Games</u>	02 NCAC	60B .1011
<u>Horses</u>	02 NCAC	60B .1012
<u>Bicycles</u>	02 NCAC	60B .1013
<u>Skates, Blades and Boards</u>	02 NCAC	60B .1014
<u>Explosives</u>	02 NCAC	60B .1015
<u>Firearms</u>	02 NCAC	60B .1016
<u>Fires</u>	02 NCAC	60B .1017
<u>Disorderly Conduct</u>	02 NCAC	60B .1018
<u>Intoxicating Beverages and Drugs</u>	02 NCAC	60B .1019
<u>Damage to Buildings, Structures and Signs</u>	02 NCAC	60B .1020
<u>Commercial Enterprises</u>	02 NCAC	60B .1021
<u>Noise Regulations</u>	02 NCAC	60B .1022
<u>Meetings and Exhibitions</u>	02 NCAC	60B .1023
<u>Alms and Contributions</u>	02 NCAC	60B .1024
<u>Aviation</u>	02 NCAC	60B .1025
<u>Expulsion</u>	02 NCAC	60B .1026
<u>Motorized Vehicles</u>	02 NCAC	60B .1027
<u>Flowers, Plants, Minerals, Etc</u>	02 NCAC	60B .1028
<u>Trash and Debris</u>	02 NCAC	60B .1029
<u>Fees and Charges</u>	02 NCAC	60B .1030

<u>Hours of Operation</u>	02 NCAC	60B .1031
<u>Enforcement</u>	02 NCAC	60B .1032
<u>Introduction and Purpose</u>	02 NCAC	60C .0101
<u>Definitions</u>	02 NCAC	60C .0102
<u>Streamside Management Zone</u>	02 NCAC	60C .0201
<u>Prohibition of Debris Entering Streams and Waterbodies</u>	02 NCAC	60C .0202
<u>Access Road and Skid Trail Stream Crossings</u>	02 NCAC	60C .0203
<u>Access Road Entrances</u>	02 NCAC	60C .0204
<u>Prohibition/Waste Entering Streams/Waterbodies/Groundwater</u>	02 NCAC	60C .0205
<u>Pesticide Application</u>	02 NCAC	60C .0206
<u>Fertilizer Application</u>	02 NCAC	60C .0207
<u>Perennial Stream Temperature</u>	02 NCAC	60C .0208
<u>Rehabilitation of Project Site</u>	02 NCAC	60C .0209

**BANKING COMMISSION**

<u>Loan Documentation</u>	04 NCAC	03C .1001
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**CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION**

<u>Minimum Standards for Criminal Justice Officers</u>	12 NCAC	09B .0101
<u>Medical Examination</u>	12 NCAC	09B .0104
<u>Documentation of Educational Requirements</u>	12 NCAC	09B .0106
<u>Admission of Trainees</u>	12 NCAC	09B .0203
<u>Training Course Enrollment</u>	12 NCAC	09B .0204
<u>Basic Law Enforcement Training</u>	12 NCAC	09B .0205
<u>Criminal Justice Instructor Training</u>	12 NCAC	09B .0209
<u>Lateral Transfer of Law Enforcement Officers</u>	12 NCAC	09C .0306
<u>Annual In-Service Firearms Qualification Specifications</u>	12 NCAC	09E .0106
<u>Instructor Responsibilities</u>	12 NCAC	09F .0105
<u>Sanctions</u>	12 NCAC	09F .0106
<u>Education</u>	12 NCAC	09G .0204
<u>Instructor Training</u>	12 NCAC	09G .0414

**ALCOHOLIC BEVERAGE CONTROL COMMISSION**

<u>Location and Address</u>	14B NCAC	15A .0102
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**ALARM SYSTEMS LICENSING BOARD**

<u>Renewal or Re-issue of License</u>	14B NCAC	17 .0204
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**ENVIRONMENTAL MANAGEMENT COMMISSION**

<u>Required Air Quality Permits</u>	15A NCAC	02Q .0101
<u>Activities Exempted from Permit Requirements</u>	15A NCAC	02Q .0102
<u>Definitions</u>	15A NCAC	02Q .0103
<u>Where to Obtain and File Permit Applications</u>	15A NCAC	02Q .0104
<u>Copies of Referenced Documents</u>	15A NCAC	02Q .0105
<u>Incorporation by Reference</u>	15A NCAC	02Q .0106
<u>Confidential Information</u>	15A NCAC	02Q .0107
<u>Delegation of Authority</u>	15A NCAC	02Q .0108
<u>Compliance Schedule for Previously Exempted Activities</u>	15A NCAC	02Q .0109

<u>Retention of Permit at Permitted Facility</u>	15A NCAC	02Q .0110
<u>Applicability Determinations</u>	15A NCAC	02Q .0111
<u>Application Requiring Professional Engineer Seal</u>	15A NCAC	02Q .0112
<u>Notification in Areas Without Zoning</u>	15A NCAC	02Q .0113
<u>Applicability</u>	15A NCAC	02Q .0201
<u>Definitions</u>	15A NCAC	02Q .0202
<u>Permit and Application Fees</u>	15A NCAC	02Q .0203
<u>Inflation Adjustment</u>	15A NCAC	02Q .0204
<u>Other Adjustments</u>	15A NCAC	02Q .0205
<u>Payment of Fees</u>	15A NCAC	02Q .0206
<u>Annual Emissions Reporting</u>	15A NCAC	02Q .0207
<u>Applicability</u>	15A NCAC	02Q .0301
<u>Definitions</u>	15A NCAC	02Q .0303
<u>Applications</u>	15A NCAC	02Q .0304
<u>Application Submittal Content</u>	15A NCAC	02Q .0305
<u>Permits Requiring Public Participation</u>	15A NCAC	02Q .0306
<u>Public Participation Procedures</u>	15A NCAC	02Q .0307
<u>Final Action on Permit Applications</u>	15A NCAC	02Q .0308
<u>Termination, Modification and Revocation of Permits</u>	15A NCAC	02Q .0309
<u>Permitting of Numerous Similar Facilities</u>	15A NCAC	02Q .0310
<u>Permitting of Facilities at Multiple Temporary Sites</u>	15A NCAC	02Q .0311
<u>Application Processing Schedule</u>	15A NCAC	02Q .0312
<u>Expected Application Processing Schedule</u>	15A NCAC	02Q .0313
<u>General Requirements for All Permits</u>	15A NCAC	02Q .0314
<u>Synthetic Minor Facilities</u>	15A NCAC	02Q .0315
<u>Administrative Permit Amendments</u>	15A NCAC	02Q .0316
<u>Avoidance Conditions</u>	15A NCAC	02Q .0317
<u>Changes Not Requiring Permit Revisions</u>	15A NCAC	02Q .0318
<u>Purpose and Applicability</u>	15A NCAC	02Q .0401
<u>Acid Rain Permitting Procedures</u>	15A NCAC	02Q .0402
<u>Purpose of Section and Requirement for a Permit</u>	15A NCAC	02Q .0501
<u>Applicability</u>	15A NCAC	02Q .0502
<u>Definitions</u>	15A NCAC	02Q .0503
<u>Option for Obtaining Construction and Operation Permit</u>	15A NCAC	02Q .0504
<u>Application Submittal Content</u>	15A NCAC	02Q .0505
<u>Application</u>	15A NCAC	02Q .0507
<u>Permit Content</u>	15A NCAC	02Q .0508
<u>Permitting of Numerous Similar Facilities</u>	15A NCAC	02Q .0509
<u>Permitting of Facilities at Multiple Temporary Sites</u>	15A NCAC	02Q .0510
<u>Permit Shield and Application Shield</u>	15A NCAC	02Q .0512
<u>Permit Renewal and Expiration</u>	15A NCAC	02Q .0513
<u>Administrative Permit Amendments</u>	15A NCAC	02Q .0514
<u>Minor Permit Modifications</u>	15A NCAC	02Q .0515
<u>Significant Permit Modification</u>	15A NCAC	02Q .0516
<u>Reopening for Cause</u>	15A NCAC	02Q .0517
<u>Final Action</u>	15A NCAC	02Q .0518
<u>Termination, Modification, Revocation of Permits</u>	15A NCAC	02Q .0519

<u>Certification by Responsible Official</u>	15A NCAC	02Q	.0520
<u>Public Participation</u>	15A NCAC	02Q	.0521
<u>Review by EPA and Affected States</u>	15A NCAC	02Q	.0522
<u>Changes Not Requiring Permit Revisions</u>	15A NCAC	02Q	.0523
<u>Ownership Change</u>	15A NCAC	02Q	.0524
<u>Application Processing Schedule</u>	15A NCAC	02Q	.0525
<u>112(J) Case-By-Case MACT Procedures</u>	15A NCAC	02Q	.0526
<u>Expedited Application Processing Schedule</u>	15A NCAC	02Q	.0527
<u>112(G) Case-By-Case MACT Procedures</u>	15A NCAC	02Q	.0528
<u>Purpose and Scope</u>	15A NCAC	02Q	.0801
<u>Gasoline Service Stations and Dispensing Facilities</u>	15A NCAC	02Q	.0802
<u>Coating, Solvent Cleaning, Graphic Arts</u>	15A NCAC	02Q	.0803
<u>Dry Cleaning Facilities</u>	15A NCAC	02Q	.0804
<u>Grain Elevators</u>	15A NCAC	02Q	.0805
<u>Cotton Gins</u>	15A NCAC	02Q	.0806
<u>Emergency Generators</u>	15A NCAC	02Q	.0807
<u>Peak Shaving Generators</u>	15A NCAC	02Q	.0808
<u>Concrete Batch Plants</u>	15A NCAC	02Q	.0809
<u>Air Curtain Burners</u>	15A NCAC	02Q	.0810
<u>Purpose and Scope</u>	15A NCAC	02Q	.0901
<u>Temporary Crushers</u>	15A NCAC	02Q	.0902
<u>Emergency Generators and Stationary Reciprocating Interna...</u>	15A NCAC	02Q	.0903

**ACUPUNCTURE LICENSING BOARD**

<u>Definitions</u>	21 NCAC	01	.0104
<u>Renewal of Licensure</u>	21 NCAC	01	.0201
<u>Standards for Continuing Education</u>	21 NCAC	01	.0301
<u>Acupuncture Procedures</u>	21 NCAC	01	.0402

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<u>Equipment</u>	21 NCAC	06L	.0103
<u>Systems of Grading Barber Shops and Barber Schools</u>	21 NCAC	06L	.0119

**CHIROPRACTIC EXAMINERS, BOARD OF**

<u>Application for Licensure</u>	21 NCAC	10	.0202
<u>North Carolina Examination</u>	21 NCAC	10	.0203
<u>Renewal of License</u>	21 NCAC	10	.0205
<u>Certification of Radiologic Technologists</u>	21 NCAC	10	.0206
<u>Certification of Clinical Assistants</u>	21 NCAC	10	.0213

**GENERAL CONTRACTORS, LICENSING BOARD FOR**

<u>License Limitations; Eligibility</u>	21 NCAC	12	.0204
<u>Renewal of License</u>	21 NCAC	12	.0503
<u>Increase in Limitation</u>	21 NCAC	12	.0504

**DENTAL EXAMINERS, BOARD OF**

<u>Functions Which May Be Delegated</u>	21 NCAC	16G	.0101
<u>Procedures Prohibited</u>	21 NCAC	16G	.0103

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**RULES REVIEW COMMISSION**

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<u>Permitted Functions of Dental Assistant II</u>	21 NCAC	16H	.0203
<u>Specific Prohibited Functions of Dental Assistants I and II</u>	21 NCAC	16H	.0205

**LANDSCAPE ARCHITECTS, BOARD OF**

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<u>Organization of the Board: Officers</u>	21 NCAC	26	.0103
<u>Fees</u>	21 NCAC	26	.0105
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<u>Name of Firm</u>	21 NCAC	26	.0206
<u>Application of Professional Seal</u>	21 NCAC	26	.0207
<u>Unprofessional Conduct</u>	21 NCAC	26	.0209
<u>Dishonest Practice</u>	21 NCAC	26	.0210
<u>Incompetence</u>	21 NCAC	26	.0211
<u>Examination and Licensure</u>	21 NCAC	26	.0301
<u>License by Comity</u>	21 NCAC	26	.0303
<u>Reinstatement After Revocation</u>	21 NCAC	26	.0306
<u>Continuing Education as a Condition of Annual Renewal</u>	21 NCAC	26	.0307
<u>Rule Making Procedures</u>	21 NCAC	26	.0401
<u>Disciplinary Review Process</u>	21 NCAC	26	.0510

**PLUMBING, HEATING AND FIRE SPRINKLER CONTRACTORS, BOARD OF EXAMINERS OF**

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<u>State and Local Government Plumbing or Heating Technician</u>	21 NCAC	50	.0312

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<u>Front Pay</u>	25 NCAC	01J	.1307
<u>Leave</u>	25 NCAC	01J	.1308
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<u>Interest</u>	25 NCAC	01J	.1310
<u>Reinstatement</u>	25 NCAC	01J	.1311
<u>Causes for Reinstatement</u>	25 NCAC	01J	.1312
<u>Discrimination, Harassment, or Retaliation</u>	25 NCAC	01J	.1314
<u>Voluntary Programs or Benefits</u>	25 NCAC	01J	.1315
<u>Remedies for Procedural Violations</u>	25 NCAC	01J	.1316
<u>Certain Remedies Not Available</u>	25 NCAC	01J	.1318
<u>Situations in Which Attorney's Fees May be Awarded</u>	25 NCAC	01J	.1319
<u>Attorney's Fees may be Awarded as a Result of a Settlement</u>	25 NCAC	01J	.1320

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**RRC Determination  
Periodic Rule Review  
March 15, 2018****Necessary with substantive public interest**

<b>Natural and Cultural Resources,</b>	<u>07 NCAC 13B .0901</u>	<u>07 NCAC 13B .1102</u>
<b>Department of</b>	<u>07 NCAC 13B .1003</u>	<u>07 NCAC 13B .1105</u>
<u>07 NCAC 13B .0101</u>	<u>07 NCAC 13B .1004</u>	<u>07 NCAC 13B .1205</u>
<u>07 NCAC 13B .0104</u>	<u>07 NCAC 13B .1101</u>	<u>07 NCAC 13C .0105</u>

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**RULES REVIEW COMMISSION**

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07 NCAC 13C .0201  
07 NCAC 13C .0202  
07 NCAC 13C .0203  
07 NCAC 13C .0301  
07 NCAC 13C .0302  
07 NCAC 13C .0303  
07 NCAC 13C .0304  
07 NCAC 13C .0305  
07 NCAC 13C .0306  
07 NCAC 13C .0307  
07 NCAC 13C .0309  
07 NCAC 13C .0310  
07 NCAC 13C .0311  
07 NCAC 13C .0312

07 NCAC 13C .0314  
07 NCAC 13C .0315  
07 NCAC 13F .0202  
07 NCAC 13F .0303  
07 NCAC 13F .0304

**North Carolina Parks and  
Recreation Authority**

07 NCAC 13K .0102  
07 NCAC 13K .0105  
07 NCAC 13K .0106  
07 NCAC 13K .0107  
07 NCAC 13K .0108  
07 NCAC 13K .0109

07 NCAC 13K .0110

**Physical Therapy Examiners,  
Board of**

21 NCAC 48F .0102  
21 NCAC 48F .0103  
21 NCAC 48G .0504

**Real Estate Commission**

21 NCAC 58A .0108  
21 NCAC 58A .0506  
21 NCAC 58A .0612  
21 NCAC 58A .2002

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**RRC Determination  
Periodic Rule Review  
March 15, 2018**

**Necessary without substantive public interest**

**Natural and Cultural Resources,  
Department of**

07 NCAC 13A .0105  
07 NCAC 13B .0103  
07 NCAC 13B .0201  
07 NCAC 13B .0203  
07 NCAC 13B .0204  
07 NCAC 13B .0301  
07 NCAC 13B .0302  
07 NCAC 13B .0303  
07 NCAC 13B .0401  
07 NCAC 13B .0402  
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07 NCAC 13B .0601  
07 NCAC 13B .0602  
07 NCAC 13B .0701  
07 NCAC 13B .0702  
07 NCAC 13B .0801  
07 NCAC 13B .0802  
07 NCAC 13B .0903  
07 NCAC 13B .1001  
07 NCAC 13B .1104  
07 NCAC 13B .1106  
07 NCAC 13B .1202  
07 NCAC 13B .1204  
07 NCAC 13C .0101  
07 NCAC 13C .0102  
07 NCAC 13C .0313  
07 NCAC 13C .0406  
07 NCAC 13C .0407  
07 NCAC 13C .0408  
07 NCAC 13D .0106  
07 NCAC 13G .0102  
07 NCAC 13G .0201  
07 NCAC 13G .0202  
07 NCAC 13G .0203

07 NCAC 13G .0301  
07 NCAC 13I .0102  
07 NCAC 13I .0201  
07 NCAC 13I .0202  
07 NCAC 13I .0203  
07 NCAC 13I .0204  
07 NCAC 13I .0205  
07 NCAC 13I .0301  
07 NCAC 13I .0302  
07 NCAC 13I .0303

**North Carolina Parks and  
Recreation Authority**

07 NCAC 13K .0103

**Physical Therapy Examiners,  
Board of**

21 NCAC 48A .0103  
21 NCAC 48A .0105  
21 NCAC 48A .0106  
21 NCAC 48A .0107  
21 NCAC 48B .0102  
21 NCAC 48B .0103  
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21 NCAC 48G .0602  
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21 NCAC 48G .0702  
21 NCAC 48G .0703  
21 NCAC 48G .0704  
21 NCAC 48G .0705  
21 NCAC 48G .0706  
21 NCAC 48H .0701  
21 NCAC 48H .0702  
21 NCAC 48H .0703  
21 NCAC 48H .0704

**Real Estate Commission**

21 NCAC 58A .0101  
21 NCAC 58A .0103  
21 NCAC 58A .0104  
21 NCAC 58A .0105  
21 NCAC 58A .0106  
21 NCAC 58A .0109  
21 NCAC 58A .0110  
21 NCAC 58A .0111  
21 NCAC 58A .0112  
21 NCAC 58A .0113  
21 NCAC 58A .0114  
21 NCAC 58A .0115  
21 NCAC 58A .0116  
21 NCAC 58A .0117  
21 NCAC 58A .0118

21 NCAC 58A .0301  
21 NCAC 58A .0302  
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21 NCAC 58B .0203  
21 NCAC 58B .0301  
21 NCAC 58B .0401  
21 NCAC 58B .0402  
21 NCAC 58B .0501  
21 NCAC 58B .0601  
21 NCAC 58B .0602  
21 NCAC 58G .0101

**RRC Determination**  
**Periodic Rule Review**  
**March 15, 2018**  
**Unnecessary**

**Natural and Cultural Resources,  
Department of**

07 NCAC 13A .0101  
07 NCAC 13A .0104  
07 NCAC 13C .0409  
07 NCAC 13D .0101  
07 NCAC 13F .0302  
07 NCAC 13G .0101  
07 NCAC 13G .0103

07 NCAC 13G .0305  
07 NCAC 13G .0306  
07 NCAC 13I .0101

**North Carolina Parks and  
Recreation Authority**

07 NCAC 13K .0101

**Real Estate Commission**

21 NCAC 58A .0303  
21 NCAC 58A .0802  
21 NCAC 58A .0803  
21 NCAC 58A .0805  
21 NCAC 58A .0905  
21 NCAC 58A .2001  
21 NCAC 58B .0701

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**CONTESTED CASE DECISIONS**

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*This Section contains a listing of recently issued Administrative Law Judge decisions for contested cases that are non-confidential. Published decisions are available for viewing on the OAH website at <http://www.ncoah.com/hearings/decisions/>. If you are having problems accessing the text of the decisions online or for other questions regarding contested cases or case decisions, please contact the Clerk's office by email: [oah.clerks@oah.nc.gov](mailto:oah.clerks@oah.nc.gov) or phone 919-431-3000.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

**Chief Administrative Law Judge**  
JULIAN MANN, III

**Senior Administrative Law Judge**  
FRED G. MORRISON JR.

**ADMINISTRATIVE LAW JUDGES**

Melissa Owens Lassiter  
Don Overby  
J. Randall May  
David Sutton

A. B. Elkins II  
Selina Malherbe  
J. Randolph Ward  
Stacey Bawtinheimer

Year	Code	Number	Date Decision Filed	Petitioner		Respondent	ALJ
				<b><u>PUBLISHED</u></b>			
17	ABC	04626	2/27/2018	NC Alcoholic Beverage Control Commission	v.	Prachi Adhikary, Inc T/A C Mart	Bawtinheimer
15	DHR	03118	2/21/2018	Carolyn Smith	v.	DHHS	Malherbe
17	DHR	06019	2/21/2018	Tammie Bullard	v.	North Carolina Department of Health and Human Services, Division of Health Service Regulation	Lassiter
17	DOJ	04617	2/27/2018	Thomas Carl Robbins	v.	NC Criminal Justice Education and Training Standards Commission	Overby
17	EHR	05445	2/22/2018	Sunset South Owners Association	v.	NC Department of Environmental Quality, Division of Energy Mineral & Land Resources	Lassiter
17	INS	07195	2/2/2018	John Lacy Kelly	v.	Department of Department of State Treasurer, North Carolina State Health Plan	Ward
				<b><u>UNPUBLISHED</u></b>			
17	ABC	06751	2/6/2018	NC Alcoholic Beverage Control Commission	v.	J C W Restaurant Group Inc T/A EMZY Sushi Bar and Asian Kitchen	Malherbe

**CONTESTED CASE DECISIONS**

17	ABC	06758	2/7/2018	NC Alcoholic Beverage Control Commission	v.	Dolgencorp LLC T/A Dollar General Store 168	Overby
17	ABC	06992	2/7/2018	NC Alcoholic Beverage Control Commission	v.	Stop N Go Food Mart Llc T/A Stop N Go Food Mart	Overby
17	BAR	07608	2/7/2018	Kareem Abdullah Kirk-Bey	v.	North Carolina State Bar Council	Malherbe
16	CSE	11176	2/2/2018	Daniel B Smith	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Malherbe
17	CSE	07470	2/27/2018	Kennedy A Maranga	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	CSE	07716	2/13/2018	Brian M Ross	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement	Sutton
17	CSE	08137	2/5/2018	Darnel N Smith	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	CSE	08171	2/8/2018	Joseph Booker	v.	North Carolina Child Support Enforcement	Sutton
17	CSE	08295	2/8/2018	Douglas A Gibson	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Malherbe
17	CSE	08432	2/16/2018	Sheldon P Ranz	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	Sutton
17	CSE	08475	2/23/2018	Randall S Moorefield	v.	NC Department of Health and Human Services, Division of Social Services, Child Support Enforcement Section	May
17	DHR	04802	2/15/2018	Dorothy A Graham	v.	Division of Child Development and Early Education	Mann
17	DHR	06735	2/15/2018	RBC Health Care Solutions Inc	v.	Division of Health Service Regulation	Ward
17	DHR	07290	2/1/2018	Doreen Fulton	v.	NC Department of Health and Human Services, Division of Child Development and Early Education	Ward
17	DHR	07767	2/7/2018	Aurora of Statesville LLC Brenda K Peterson, Executive Officer	v.	NC Department of Health and Human Services, Division of Health Service Regulation, Adult Care Licensure Section Office of Legal Affairs	May
17	DHR	07857	2/27/2018	Agape House @ Forest Drive Ezuma Asi	v.	NC Department of Health and Human Services, Division of Health Service Regulation	Ward
17	DHR	08443	2/8/2018	Roy Lee Ennals	v.	Department of Health and Human Services, Division of Health Service Regulation	Sutton
17	DHR	08547	2/14/2018	Will Parker & Mary Parker	v.	Mecklenburg County Department of Social Services Division of Youth and Family Services	Sutton
17	DHR	08605	2/27/2018	Ken Gordon Gamekeeper Restaurant	v.	NC DHHS Watauga Health Department	Mann

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**CONTESTED CASE DECISIONS**

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17	DOC	06814	2/28/2018	Kareem Abdullah Kirk	v.	North Carolina Department of Corrections	Mann
17	DOJ	05851	2/23/2018	Delton E Pettress	v.	NC Sheriffs Education and Training Standards Commission	Ward
17	OSP	08066	2/6/2018	Jessica Abrantes	v.	Consolidated Human Services Onslow County Government	Bawtinhimer
17	SOS	07004	2/7/2018	Bridgeway Associates NP Chanel N Harris	v.	NC Dept of the Secretary of State Trademark Section	Ward