

TITLE 26 – OFFICE OF ADMINISTRATIVE HEARINGS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Office of Administrative Hearings intends to amend the rule cited as 26 NCAC 03 .0106.

Link to agency website pursuant to G.S. 150B-19.1(c): *oah.nc.gov*

Proposed Effective Date: *August 1, 2023*

Public Hearing:

Date: *April 18, 2023*

Time: *2:00 p.m.*

Location: *Commission Room, Office of Administrative Hearings, 1711 New Hope Church Rd., Raleigh, NC 27609*

Reason for Proposed Action: *The Office of Administrative Hearings is proposing this change to promote transparency and provide easier access to public records.*

Comments may be submitted to: *Ashley Snyder, 1711 New Hope Church Rd., Raleigh, NC 27609; email ashley.snyder@oah.nc.gov*

Comment period ends: *June 2, 2023*

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

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

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

CHAPTER 03 - HEARINGS DIVISION

SECTION .0100 - HEARING PROCEDURES

26 NCAC 03 .0106 CONSENT ORDER: SETTLEMENT: STIPULATION

(a) Informal disposition may be made of a contested case or an issue in a contested case by stipulation, agreement, or consent order at any time during the proceedings. Parties may enter into such agreements on their own or may ask for a settlement conference with an administrative law judge to promote consensual disposition of the case.

(b) If an agency enters into a settlement agreement after the commencement of a contested case, the agency shall file a copy of the settlement agreement with OAH. The settlement agreement shall be included in the official record of the contested case consistent with G.S. 132-1.3.

History Note: Authority G.S. 7A-750; 7A-751; 150B-31(b); 150B-37.