

Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, February 18, 2025 3:45 PM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm

Thank you for your email.

Yes, you are correct. It will be at the February meeting. Thank you for catching that.

Bill

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Tuesday, February 18, 2025 3:44 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm

Good afternoon,

Thank you for your email. May I confirm the RCC Meeting date will be March, not February?

Thank you,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
800 826-6200 (statewide)

Fax: 919 715-4209

Lidd.shropshire@ncdps.gov

www.ncdps.gov



From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Tuesday, February 18, 2025 12:23 PM

To: Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Shropshire, Liddie <lidd.shropshire@ncdps.gov>

Subject: FW: Crime Victims Comp Comm

Good afternoon,

It is my intention to recommend approval of the attached rules as revised at the March RRC meeting.

As always if you have any questions please feel free to me.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

Raleigh NC, 27609

(984) 236-1939

Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm
Attachments: Crime Victims Compensation 14B NCAC 09.0302 6.17.2024 Adopted Rule 12.2024 R2.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, February 18, 2025 12:23 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Shropshire, Liddie <lidd.shropshire@ncdps.gov>
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Good afternoon,

It is my intention to recommend approval of the attached rules as revised at the March RRC meeting.

As always if you have any questions please feel free to me.

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Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm
Attachments: Crime Victims Compensation 14B NCAC 09.0302 6.17.2024 Adopted Rule 12.2024 R2.docx

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Tuesday, February 18, 2025 11:23 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: Crime Victims Comp Comm

Good morning,

Please see history note on line 17; effective date March 1, 2025. Thank you,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
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1 14B NCAC 09 .0302 is adopted for amendment as follows:

2
3 **14B NCAC 09 .0302 PROCESSING AND PAYMENT OF CLAIMS**

4 ~~(a) An application for a claim shall be accepted only when submitted on an approved claim application form located~~
5 ~~on the Crime Victim Compensation website, <http://www.ncdps.gov/4victims> and a determination is made by the~~
6 ~~Director that the application is complete with the required information in accordance with G.S. 15B-7. {An application~~
7 ~~for a claim shall be accepted when submitted through approved electronic application portal, or by fax, or email on an~~
8 ~~approved claim application and a determination is made by the Director that the submitted application is complete.~~

9 (a) ~~Claims will be processed in the order in which the completed applications are received, deliverable by United~~
10 ~~States mail. In any consideration of competing claims, with respect to priority order of processing, the filed date~~
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16 ~~be access to the portal using a weblink or a QR code. The public will gain access using electronic devices such as~~
17 ~~smart phones, computers, tablets and I-pads. The Director shall determine if the application is complete with the~~
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19 ~~preceding conditions are met. The date stamped on the claim shall control the order of processing any competing~~
20 ~~claims.~~

21 (b) ~~Every claim filed is subject to investigation to determine eligibility in accordance with G.S. 15B-8 by the Director.~~
22 ~~Failure of the claimant to cooperate in the may result in a denial of the claim or a reduction in the amount awarded.~~
23 ~~Each claim filed is investigated by Commission staff to in accordance with G.S. 15B-8.~~

24 (d) ~~The Director or the Commission may reopen the investigation of into any claim upon a finding that the claimant~~
25 ~~has provided additional information. receiving additional information regarding the claim incident. {This information~~
26 ~~may be provided by the victim/claimant, law enforcement, medical documents and the court system according to G.S.~~
27 ~~11 (d).}~~

28 (b) The Director shall mail a written statement of the award decision to the ~~claimant~~ claimant, along with the check
29 for the award, if any, within 15 business days of the Director's or the Commission's decision according to G.S. 15B-
30 10 or verification of current collateral source information, whichever occurs last according to G.S. 15B-16. This
31 written statement shall notify the ~~claimant~~ claimant whether this check is a partial or complete payment of the ~~award~~;
32 award, of any payments made directly to a service ~~provider~~; provider, and of appeal rights.

33 (c) Claims shall be docketed on a list to be reviewed by the Commission or the Director for determination of payment
34 in accordance with G.S. 15B-8 and 15B-10 in an order determined by the Director.

35 (d) All payments of compensation shall be made in strict accordance with the award issued by the Director or the
36 Commission according to G.S. 15B-2 (1), 15B-10, and 15B-11.

1 ~~(h) A claimant who fails to cooperate with or supply requested information including medical expenses, current~~
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3 ~~information may have the claim denied or the award reduced, in the discretion of the Director or the Commission.~~

4 (e) The claimant shall inform the Director at any time before any action brought to recover damages for the criminally
5 injurious conduct that is the basis of any claim or award and the availability of any collateral source. Each claim filed
6 is investigated to determine eligibility in accordance with G.S. 15B-7 (b). The failure to provide such information
7 may be considered as fraud in accordance with G.S. 15B-7(b), allowing the Director or the Commission to reduce or
8 deny an award or to recover monies previously paid.

9 (f) All notifications and payments or other documents transmitted by ~~mailing~~ U.S. Mail will be sent to the address
10 submitted by the claimant. The claimant shall notify the Director in writing of any change of address.

11
12 *History Note: Authority G.S. 15B-2; 15B-3; 15B-4; 15B-6;15B-7; 15B-8; 15B-10; 15B-11; 15B-16*
13 *Temporary Rule Eff. November 24, 1987 For a Period of 171 Days to Expire on May 13, 1988;*
14 *Eff. April 1, 1988;*
15 *Transferred from 14A NCAC 11 .0501 Eff. June 1, 2013;*
16 *Readopted Eff. September 1, 2020.*
17 *Eff. March 1, 2025*
18

Burgos, Alexander N

To: Peaslee, William W; Shropshire, Liddie
Subject: RE: Crime Victims Comp Comm

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, February 18, 2025 8:07 AM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm

Thank you. Looks good. Please add an effective date in the History Note.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm
Attachments: Crime Victims Compensation 14B NCAC 09.0302 6.17.2024 Adopted Rule 12.2024 R2.docx

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Monday, February 17, 2025 4:32 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: Crime Victims Comp Comm

Good afternoon,

Thank you for your email. Please see below responses.

On line 13, I believe you intended "G.S. 15B-7." NCGS 15B-11 does not address information that is required to apply. Please also note that "NCGS" is contrary to RRC style guide.

Please see edit to line 13. Yes, it was intended to be G.S. 15B-7.

Line 23 is unclear and ambiguous. The "Commission staff" does not have the authority to determine eligibility. It could however make a recommendation to those who do have authority. Further, is this necessary?

Please see edit line 23. Upon review of RCC Council and feedback, this language is duplicative of 15B-7. Therefore, we are deleting it from the rule.

Thank you for your consideration.

Respectfully,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
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800 826-6200 (statewide)
Fax: 919 715-4209
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1 14B NCAC 09 .0302 is adopted for amendment as follows:

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3 **14B NCAC 09 .0302 PROCESSING AND PAYMENT OF CLAIMS**

4 ~~(a) An application for a claim shall be accepted only when submitted on an approved claim application form located~~
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20 ~~claims.~~

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22 ~~Failure of the claimant to cooperate in the may result in a denial of the claim or a reduction in the amount awarded.~~
23 ~~Each claim filed is investigated by Commission staff to in accordance with G.S. 15B-8.~~

24 (d) ~~The Director or the Commission may reopen the investigation of into any claim upon a finding that the claimant~~
25 ~~has provided additional information. receiving additional information regarding the claim incident. {This information~~
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35 (d) All payments of compensation shall be made in strict accordance with the award issued by the Director or the
36 Commission according to G.S. 15B-2 (1), 15B-10, and 15B-11.

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7 may be considered as fraud in accordance with G.S. 15B-7(b), allowing the Director or the Commission to reduce or
8 deny an award or to recover monies previously paid.

9 (f) All notifications and payments or other documents transmitted by ~~mailing~~ U.S. Mail will be sent to the address
10 submitted by the claimant. The claimant shall notify the Director in writing of any change of address.

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12 *History Note: Authority G.S. 15B-2; 15B-3; 15B-4; 15B-6;15B-7; 15B-8; 15B-10; 15B-11; 15B-16*
13 *Temporary Rule Eff. November 24, 1987 For a Period of 171 Days to Expire on May 13, 1988;*
14 *Eff. April 1, 1988;*
15 *Transferred from 14A NCAC 11 .0501 Eff. June 1, 2013;*
16 *Readopted Eff. September 1, 2020.*
17
18

Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Saturday, February 15, 2025 10:22 AM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm

Thank you for your email.

On line 13, I believe you intended "G.S. 15B-7." NCGS 15B-11 does not address information that is required to apply. Please also note that "NCGS" is contrary to RRC style guide.

Line 23 is unclear and ambiguous. The "Commission staff" does not have the authority to determine eligibility. It could however make a recommendation to those who do have authority. Further, is this necessary?

Please reply by COB Monday. Please do not make any other changes other than in reply to the above.

As always if you have any questions please feel free to contact me.

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm extension letter
Attachments: Crime Victims Compensation 14B NCAC 09.0302 6.17.2024 Adopted Rule 12.2024 R1.docx; 01.2025 - Crime Victims Compensation Commission Request for Changes 1.16.2025.docx

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Friday, February 14, 2025 5:35 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm extension letter

Good afternoon,

Please find attached edits to request for changes and highlighted consistent with rule [26 NCAC 02C .0405](#). Again, thank you for the feedback.

Respectfully,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Crime Victims Compensation Commission

RULE CITATION: 14B NCAC 09 .0302

DEADLINE FOR RECEIPT: January 16, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Page 1, Line 12, Paragraph (b): Which rule, if any, sets forth the substantive requirements of the application form? See G.S. 150B-2(8a)d.

Please see NCGS 15B-7 for a list of information required on the form. Please see edits made in lines 12 and 13.

Page 1, Line 21, Paragraph (c): Explain why the Director's determination of eligibility is not contrary to G.S. 150B-10 in which the Commission decides eligibility over \$12.5K or in matters involving future economic loss.

Please see NCGS 15B-10. After further review NCGS 15B-10 addresses eligibility for awarding claims. Therefore, this rule is not necessary and duplicative of the statute. Therefore, we are deleting it from the rule.

Page 1, Lines 21-22, Paragraph (c): Who makes the decision whether a claimant has cooperated?

After further review, this language is duplicative of 15B-11(c). Therefore, we are deleting it from the rule. Please see edit lines 21-22.

Page 1, Line 22, Paragraph (c): Replace "may" with "shall" or explain the criteria which will be used in exercising this discretion.

After further review, this language is duplicative of 15B-11(c). Therefore, we are deleting it from the rule. Please see edit line 22.

Page 1, Line 23, Paragraph (c): Investigated by whom? Please see edit line 23. Each claim is investigated by Commission staff.

Page 1, Line 25, Paragraph (d): The use of the word "may" implies discretion. What criteria will be considered in exercising this discretion? Please see edit in line 25. After further review, this language is not consistent with NCGS 15B-11(d). Therefore, we are deleting it from the rule.

Page 1, Line 27-28, Paragraph (d): I believe you mean G.S. 15B-11(d).

Please see edit lines 27-28. This is correct. However, as described above we are deleting this sentence.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 2, 2025

Page 2, Line 3, Paragraph (h): The use of the word “may” implies discretion. What criteria will be considered in exercising this discretion?

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 3, Paragraph (h): While the Director can make the determination based upon stated criteria, the Director Commission does not have complete subjective discretion.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 3, Paragraph (h): As written, the rule permits the Director to make the determination for matters over \$12.5K.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 7, Paragraph (h): The use of the word “may” implies discretion. What criteria will be considered in exercising this discretion?

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 3, Paragraph (h): Explain how G.S. 15B-7(b) authorizes the Director or the Commission to reduce or deny an award.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 2, 2025

1 14B NCAC 09 .0302 is adopted for amendment as follows:

2
3 **14B NCAC 09 .0302 PROCESSING AND PAYMENT OF CLAIMS**

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12 *History Note: Authority G.S. 15B-2; 15B-3; 15B-4; 15B-6;15B-7; 15B-8; 15B-10; 15B-11; 15B-16*
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Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm extension letter

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Friday, February 14, 2025 4:49 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm extension letter

Thank you for the clarification.

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
800 826-6200 (statewide)
Fax: 919 715-4209
Lidd.shropshire@ncdps.gov
www.ncdps.gov



Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm extension letter

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, February 14, 2025 4:47 PM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm extension letter

Please read the rule again. That which is highlighted is the language which has been changed since the adoption of the proposed rule. In other words, look at the language from the proposed rule (the one published in the NC Register with the agency amendments). If you make any changes after publication to what the agency published, that language needs to be highlighted.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm extension letter
Attachments: Crime Victims Compensation 14B NCAC 09.0302 6.17.2024 Adopted Rule 12.2024 R1.docx; 01.2025 - Crime Victims Compensation Commission Request for Changes 1.16.2025.docx

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Friday, February 14, 2025 4:38 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm extension letter

Good afternoon,

Please find attached edits to request for changes and highlighted consistent with rule [26 NCAC 02C .0405](#). Thank you for the feedback.

Respectfully,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
800 826-6200 (statewide)
Fax: 919 715-4209
Lidd.shropshire@ncdps.gov
www.ncdps.gov



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, February 14, 2025 3:58 PM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Crime Victims Comp Comm extension letter

Thank you for your email.

Please see [26 NCAC 02C .0405](#) If you have made changes they need to be highlighted consistent with this rule.

As always if you have any questions please feel free to let me know.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Crime Victims Compensation Commission

RULE CITATION: 14B NCAC 09 .0302

DEADLINE FOR RECEIPT: January 16, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Page 1, Line 12, Paragraph (b): Which rule, if any, sets forth the substantive requirements of the application form? See G.S. 150B-2(8a)d.

Please see NCGS 15B-7 for a list of information required on the form. Please see edits made in lines 12 and 13.

Page 1, Line 21, Paragraph (c): Explain why the Director's determination of eligibility is not contrary to G.S. 150B-10 in which the Commission decides eligibility over \$12.5K or in matters involving future economic loss.

Please see NCGS 15B-10. After further review NCGS 15B-10 addresses eligibility for awarding claims. Therefore, this rule is not necessary and duplicative of the statute. Therefore, we are deleting it from the rule.

Page 1, Lines 21-22, Paragraph (c): Who makes the decision whether a claimant has cooperated?

After further review, this language is duplicative of 15B-11(c). Therefore, we are deleting it from the rule. Please see edit lines 21-22.

Page 1, Line 22, Paragraph (c): Replace "may" with "shall" or explain the criteria which will be used in exercising this discretion.

After further review, this language is duplicative of 15B-11(c). Therefore, we are deleting it from the rule. Please see edit line 22.

Page 1, Line 23, Paragraph (c): Investigated by whom? Please see edit line 23. Each claim is investigated by Commission staff.

Page 1, Line 25, Paragraph (d): The use of the word "may" implies discretion. What criteria will be considered in exercising this discretion? Please see edit in line 25. After further review, this language is not consistent with NCGS 15B-11(d). Therefore, we are deleting it from the rule.

Page 1, Line 27-28, Paragraph (d): I believe you mean G.S. 15B-11(d).

Please see edit lines 27-28. This is correct. However, as described above we are deleting this sentence.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 2, 2025

Page 2, Line 3, Paragraph (h): The use of the word “may” implies discretion. What criteria will be considered in exercising this discretion?

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 3, Paragraph (h): While the Director can make the determination based upon stated criteria, the Director Commission does not have complete subjective discretion.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 3, Paragraph (h): As written, the rule permits the Director to make the determination for matters over \$12.5K.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 7, Paragraph (h): The use of the word “may” implies discretion. What criteria will be considered in exercising this discretion?

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Page 2, Line 3, Paragraph (h): Explain how G.S. 15B-7(b) authorizes the Director or the Commission to reduce or deny an award.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 2, 2025

1 14B NCAC 09 .0302 is adopted for amendment as follows:

2
3 **14B NCAC 09 .0302 PROCESSING AND PAYMENT OF CLAIMS**

4 ~~(a) An application for a claim shall be accepted only when submitted on an approved claim application form located~~
5 ~~on the Crime Victim Compensation website, <http://www.ncdps.gov/4victims> and a determination is made by the~~
6 ~~Director that the application is complete with the required information in accordance with G.S. 15B-7. {An application~~
7 ~~for a claim shall be accepted when submitted through approved electronic application portal, or by fax, or email on an~~
8 ~~approved claim application and a determination is made by the Director that the submitted application is complete.~~

9 (a) ~~Claims will be processed in the order in which the completed applications are received, deliverable by United~~
10 ~~States mail. In any consideration of competing claims, with respect to priority order of processing, the filed date~~
11 ~~stamped on the claim shall be controlling}. An application for a claim shall only be submitted on an approved claim~~
12 ~~application form located on the Crime Victim Compensation website, <https://www.ncdps.gov/4victims> and shall~~
13 ~~include information set forth in NCGS 15B-11. An application for a claim shall be submitted on an approved claim~~
14 ~~application through {an approved electronic portal,} the Crime Victim Compensation application portal, or by fax, or~~
15 ~~by email. The portal will be accessed through the NCDPS Victim Compensation Services website where there will~~
16 ~~be access to the portal using a weblink or a QR code. The public will gain access using electronic devices such as~~
17 ~~smart phones, computers, tablets and I-pads. The Director shall determine if the application is complete with the~~
18 ~~required information in accordance with G.S. 15B-7. An application for a claim shall be accepted only if all the~~
19 ~~preceding conditions are met. The date stamped on the claim shall control the order of processing any competing~~
20 ~~claims.~~

21 (b) ~~Every claim filed is subject to investigation to determine eligibility in accordance with G.S. 15B-8 by the Director.~~
22 ~~Failure of the claimant to cooperate in the may result in a denial of the claim or a reduction in the amount awarded.~~
23 ~~Each claim filed is investigated by Commission staff to determine eligibility in accordance with G.S. 15B-8.~~

24 ~~(d) The Director or the Commission may reopen the investigation of into any claim upon a finding that the claimant~~
25 ~~has provided additional information. receiving additional information regarding the claim incident. {This information~~
26 ~~may be provided by the victim/claimant, law enforcement, medical documents and the court system according to G.S.~~
27 ~~11 (d).}~~

28 (c) The Director shall mail a written statement of the award decision to the ~~claimant~~ claimant, along with the check
29 for the award, if any, within 15 business days of the Director's or the Commission's decision according to G.S. 15B-
30 10 or verification of current collateral source information, whichever occurs last according to G.S. 15B-16. This
31 written statement shall notify the ~~claimant~~ claimant whether this check is a partial or complete payment of the ~~award;~~
32 award, of any payments made directly to a service ~~provider;~~ provider, and of appeal rights.

33 (d) Claims shall be docketed on a list to be reviewed by the Commission or the Director for determination of payment
34 in accordance with G.S. 15B-8 and 15B-10 in an order determined by the Director.

35 (e) All payments of compensation shall be made in strict accordance with the award issued by the Director or the
36 Commission according to G.S. 15B-2 (1), 15B-10, and 15B-11.

1 ~~(h) A claimant who fails to cooperate with or supply requested information including medical expenses, current~~
2 ~~contact information, details regarding circumstances of crime to the Director or who supplies inaccurate or incomplete~~
3 ~~information may have the claim denied or the award reduced, in the discretion of the Director or the Commission.~~

4 (f) The claimant shall inform the Director at any time before any action brought to recover damages for the criminally
5 injurious conduct that is the basis of any claim or award and the availability of any collateral source. Each claim filed
6 is investigated to determine eligibility in accordance with G.S. 15B-7 (b). The failure to provide such information
7 may be considered as fraud in accordance with G.S. 15B-7(b), allowing the Director or the Commission to reduce or
8 deny an award or to recover monies previously paid.

9 (g) All notifications and payments or other documents transmitted by mailing U.S. Mail will be sent to the address
10 submitted by the claimant. The claimant shall notify the Director in writing of any change of address.

11
12 *History Note: Authority G.S. 15B-2; 15B-3; 15B-4; 15B-6;15B-7; 15B-8; 15B-10; 15B-11; 15B-16*
13 *Temporary Rule Eff. November 24, 1987 For a Period of 171 Days to Expire on May 13, 1988;*
14 *Eff. April 1, 1988;*
15 *Transferred from 14A NCAC 11 .0501 Eff. June 1, 2013;*
16 *Readopted Eff. September 1, 2020.*
17
18

Burgos, Alexander N

Subject: FW: Crime Victims Comp Comm extension letter
Attachments: Crime Victims Compensation 14B NCAC 09.0302 6.17.2024 Adopted Rule 12.2024 R1.docx; 01.2025 - Crime Victims Compensation Commission Request for Changes 1.16.2025.docx

From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Friday, February 14, 2025 12:26 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: Crime Victims Comp Comm extension letter

Good afternoon,

Please find attached responses to the request for changes and edits to rules. Thank you for your consideration of this matter.

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
800 826-6200 (statewide)
Fax: 919 715-4209
Lidd.shropshire@ncdps.gov
www.ncdps.gov



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Crime Victims Compensation Commission

RULE CITATION: 14B NCAC 09 .0302

DEADLINE FOR RECEIPT: January 16, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

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Page 1, Line 21, Paragraph (c): Explain why the Director's determination of eligibility is not contrary to G.S. 150B-10 in which the Commission decides eligibility over \$12.5K or in matters involving future economic loss.

Please see NCGS 15B-10. After further review NCGS 15B-10 addresses eligibility for awarding claims. Therefore, this rule is not necessary and duplicative of the statute. Therefore, we are deleting it from the rule.

Page 1, Lines 21-22, Paragraph (c): Who makes the decision whether a claimant has cooperated?

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Page 1, Line 27-28, Paragraph (d): I believe you mean G.S. 15B-11(d).

Please see edit lines 27-28. This is correct. However, as described above we are deleting this sentence.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 2, 2025

Page 2, Line 3, Paragraph (h): The use of the word “may” implies discretion. What criteria will be considered in exercising this discretion?

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Page 2, Line 3, Paragraph (h): While the Director can make the determination based upon stated criteria, the Director Commission does not have complete subjective discretion.

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Page 2, Line 3, Paragraph (h): Explain how G.S. 15B-7(b) authorizes the Director or the Commission to reduce or deny an award.

Please see edit. Upon review of RCC Council and feedback, we have deleted paragraph H.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

William W. Peaslee
Commission Counsel

Date submitted to agency: January 2, 2025

1 14B NCAC 09 .0302 is adopted for amendment as follows:

2
3 **14B NCAC 09 .0302 PROCESSING AND PAYMENT OF CLAIMS**

4 ~~(a) An application for a claim shall be accepted only when submitted on an approved claim application form located~~
5 ~~on the Crime Victim Compensation website, <http://www.ncdps.gov/4victims> and a determination is made by the~~
6 ~~Director that the application is complete with the required information in accordance with G.S. 15B-7. An application~~
7 ~~for a claim shall be accepted when submitted through approved electronic application portal, or by fax, or email on an~~
8 ~~approved claim application and a determination is made by the Director that the submitted application is complete.~~

9 (a) ~~Claims will be processed in the order in which the completed applications are received, deliverable by United~~
10 ~~States mail. In any consideration of competing claims, with respect to priority order of processing, the filed date~~
11 ~~stamped on the claim shall be controlling. An application for a claim shall only be submitted on an approved claim~~
12 ~~application form located on the Crime Victim Compensation website, <https://www.ncdps.gov/4victims> and shall~~
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14 ~~application through an approved electronic portal, the Crime Victim Compensation application portal, or by fax, or~~
15 ~~by email. The portal will be accessed through the NCDPS Victim Compensation Services website where there will~~
16 ~~be access to the portal using a weblink or a QR code. The public will gain access using electronic devices such as~~
17 ~~smart phones, computers, tablets and I-pads. The Director shall determine if the application is complete with the~~
18 ~~required information in accordance with G.S. 15B-7. An application for a claim shall be accepted only if all the~~
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20 ~~claims.~~

21 (b) ~~Every claim filed is subject to investigation to determine eligibility in accordance with G.S. 15B-8 by the Director.~~
22 ~~Failure of the claimant to cooperate in the may result in a denial of the claim or a reduction in the amount awarded.~~
23 ~~Each claim filed is investigated by Commission staff to determine eligibility in accordance with G.S. 15B-8.~~

24 ~~(d) The Director or the Commission may reopen the investigation of into any claim upon a finding that the claimant~~
25 ~~has provided additional information. receiving additional information regarding the claim incident. This information~~
26 ~~may be provided by the victim/claimant, law enforcement, medical documents and the court system according to G.S.~~
27 ~~11 (d).~~

28 (c) The Director shall mail a written statement of the award decision to the ~~claimant~~ claimant, along with the check
29 for the award, if any, within 15 business days of the Director's or the Commission's decision according to G.S. 15B-
30 10 or verification of current collateral source information, whichever occurs last according to G.S. 15B-16. This
31 written statement shall notify the ~~claimant~~ claimant whether this check is a partial or complete payment of the ~~award;~~
32 award, of any payments made directly to a service ~~provider;~~ provider, and of appeal rights.

33 (d) Claims shall be docketed on a list to be reviewed by the Commission or the Director for determination of payment
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35 (e) All payments of compensation shall be made in strict accordance with the award issued by the Director or the
36 Commission according to G.S. 15B-2 (1), 15B-10, and 15B-11.

1 ~~(h) A claimant who fails to cooperate with or supply requested information including medical expenses, current~~
2 ~~contact information, details regarding circumstances of crime to the Director or who supplies inaccurate or incomplete~~
3 ~~information may have the claim denied or the award reduced, in the discretion of the Director or the Commission.~~

4 (f) The claimant shall inform the Director at any time before any action brought to recover damages for the criminally
5 injurious conduct that is the basis of any claim or award and the availability of any collateral source. Each claim filed
6 is investigated to determine eligibility in accordance with G.S. 15B-7 (b). The failure to provide such information
7 may be considered as fraud in accordance with G.S. 15B-7(b), allowing the Director or the Commission to reduce or
8 deny an award or to recover monies previously paid.

9 (g) All notifications and payments or other documents transmitted by ~~mailing~~ U.S. Mail will be sent to the address
10 submitted by the claimant. The claimant shall notify the Director in writing of any change of address.

11
12 *History Note: Authority G.S. 15B-2; 15B-3; 15B-4; 15B-6;15B-7; 15B-8; 15B-10; 15B-11; 15B-16*
13 *Temporary Rule Eff. November 24, 1987 For a Period of 171 Days to Expire on May 13, 1988;*
14 *Eff. April 1, 1988;*
15 *Transferred from 14A NCAC 11 .0501 Eff. June 1, 2013;*
16 *Readopted Eff. September 1, 2020.*
17
18

Burgos, Alexander N

From: Shropshire, Liddie
Sent: Friday, January 31, 2025 9:12 AM
To: Peaslee, William W
Cc: Burgos, Alexander N
Subject: RE: Crime Victims Comp Comm extension letter

Good morning,

I have received the attached extension letter.

Thank you very much!

Respectfully,
Liddie

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
800 826-6200 (statewide)
Fax: 919 715-4209
Lidd.shropshire@ncdps.gov
www.ncdps.gov



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, January 31, 2025 7:56 AM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Crime Victims Comp Comm extension letter

Good morning,

Attached please find the extension letter for rule 14B NCAC 09 .0302.

As always if you have any questions please feel free to contact me.

Bill

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: 14B NCAC 09 .0302 request for changes

From: Peaslee, William W
Sent: Friday, January 17, 2025 10:32 AM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: 14B NCAC 09 .0302 request for changes

Good morning,

Thank you for your email.

I would not oppose as extension to the February RRC meeting.

Please be aware of G.S. 150B-21.2(g) with regard to substantial changes as you make revisions.

As always if you have any questions, feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Thursday, January 16, 2025 3:18 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: 14B NCAC 09 .0302 request for changes

Good afternoon,

We are reviewing your feedback and will respond as soon as possible; a one-to-two-week extension is needed to complete. I respectfully request that 14B NCAC 09 .0302 be considered at the Rules Review Commission's February 26, 2025, meeting instead of the January 29, 2025, meeting. This would give us time to make the necessary revisions to the rule.

Again, thank you for your consideration.

Sincerely,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
800 826-6200 (statewide)
Fax: 919 715-4209
Lidd.shropshire@ncdps.gov
www.ncdps.gov



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, January 14, 2025 4:15 PM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: 14B NCAC 09 .0302 request for changes

Thank you for your email.

How much more time will you need to revise the rules?

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Sent: Tuesday, January 14, 2025 3:26 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Subject: RE: 14B NCAC 09 .0302 request for changes

Good afternoon,

We are currently reviewing comments and making edits. However, we are not ready to provide revised rules and we are unable to meet the deadline. We would like to resolve the request for changes prior to presentation to the Rules Commission. Please advise, what are the options. Thank you for your consideration.

Respectfully,

Liddie D. Shropshire, Director
NC Department of Public Safety
Office of Victim Compensation Services
4232 Mail Service Center
Raleigh, NC 27699-4232
Tel: 919 733-7974 (within NC)
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Fax: 919 715-4209
Lidd.shropshire@ncdps.gov
www.ncdps.gov



From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, January 2, 2025 1:49 PM
To: Shropshire, Liddie <lidd.shropshire@ncdps.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 14B NCAC 09 .0302 request for changes

Good afternoon

Attached please find the request for changes for the CVCC's rules to be considered by the RRC at its January 2025 meeting.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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