

Amended Hearing Rule Requires Filing of Settlements

On August 17, 2023, the Rules Review Commission approved a revision to the regulations governing the North Carolina Office of Administrative Hearings (OAH). This revision requires agencies that enter into settlement agreements after the filing of a contested case hearing to file the settlement agreement with OAH for inclusion in the Official Record. This revision becomes effective September 1, 2023.

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.

1 26 NCAC 03 .0106 is amended as published in 39:19 NCR 1954 as follows:

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5 consent order at any time during the proceedings. Parties may enter into such agreements on their own or may ask for a
6 settlement conference with an administrative law judge to promote consensual disposition of the case.

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

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

12 *Eff. August 1, 1986;*

13 *Amended Eff. November 1, 1987;*

14 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;*

15 *Amended Eff. September 1, 2023.*

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