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NORTH CAROLINA REGISTER

**VOLUME 10 • ISSUE 19 • Pages 2478 - 2586
January 2, 1996**

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Environment, Health, and Natural Resources
Human Resources
Secretary of State
Soil Scientists Licensing Board
Rules Review Commission
Contested Case Decisions

PUBLISHED BY

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NORTH CAROLINA REGISTER

IN THIS ISSUE



**Volume 10, Issue 19
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This issue contains documents officially
filed through December 7, 1995.

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volume and issue number	issue date	last day for filing	end of comment period	earliest register issue for publication of text	earliest date for public hearing	A. non-substantial economic impact			B. substantial economic impact			
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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 2B .0103 and the Rules of Civil Procedure, Rule 6.

GENERAL	FILING DEADLINES	NOTICE OF RULE-MAKING PROCEEDINGS	NOTICE OF TEXT
<p>The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:</p> <ul style="list-style-type: none"> (1) temporary rules; (2) notices of rule-making proceedings; (3) text of proposed rules; (4) text of permanent rules approved by the Rules Review Commission; (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165; (6) Executive Orders of the Governor; (7) 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; (8) orders of the Tax Review Board issued under G.S. 105-241.2; and (9) other information the Codifier of Rules determines to be helpful to the public. 	<p>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 closest to (either before or after) the first or fifteenth respectively that is not a Saturday, Sunday, or holiday for State employees.</p> <p>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.</p>	<p>END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS: This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.</p> <p>EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.</p>	<p>EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.</p> <p>END OF REQUIRED COMMENT PERIOD</p> <p>(1) RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.</p> <p>(2) RULE WITH SUBSTANTIAL ECONOMIC IMPACT: An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.</p>
			<p>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.</p>
<p>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.</p>			<p>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 of rules.</p>

This Section contains public notices that are required to be published in the Register or have been approved by the Codifier of Rules for publication.

DLP:MAP:NT:emr
DJ 166-012-3
95-3091

U.S. Department of Justice

Civil Rights Division

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

November 15, 1995

Donald I. McRee, Jr., Esq.
County Attorney
P.O. Box 39
Elizabeth City, North Carolina 27907-0039

Dear Mr. McRee:

This refers to the adoption of the Votronic DRE Touch Screen Voting System for Pasquotank County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 20, 1995.

The Attorney General does not interpose any objection to the specified change. However, we note that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

By:

Elizabeth Johnson
Acting Chief, Voting Section

U.S. Department of Justice

Civil Rights Division

Voting Section

P.O. Box 66128

Washington, D.C. 20035-6128

DLP:GS:JSS:jdp:emr

DJ 166-012-3

95-3045

November 15, 1995

Robert W. Oast, Jr., Esq.

City Attorney

P.O. Box 7207

Greenville, North Carolina 27835-7207

Dear Mr. Oast:

This refers to five annexations (Ordinance Nos. 95-56 to 58, 95-72, and 95-73) and their designation to voting districts of the City of Greenville in Pitt County, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on September 19, 1995.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick

Assistant Attorney General

Civil Rights Division

By:

Elizabeth Johnson

Acting Chief, Voting Section

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

CHAPTER 7 - COASTAL MANAGEMENT

**SUBCHAPTER 7M - GENERAL POLICY
GUIDELINES FOR THE COASTAL AREA**

**SECTION .0300 - SHOREFRONT ACCESS
POLICIES**

The Coastal Resources Commission would like to announce a change in the location and date of their public hearings to be held on rules proposed for amendment in 15A NCAC 7M .0300. This subject matter notice was previously published in Volume 10, Issue 16B of the *NC Register* on pages 1921-1922. These hearings have been rescheduled as follows:

Date: March 28, 1996
Time: 4:00 p.m.
Location: Blockade Runner Hotel
275 Waynick Boulevard
Wrightsville Beach, North Carolina

TITLE 18 - SECRETARY OF STATE

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Boxing Commission intends to adopt rules cited as 18 NCAC 9 .0101 - .0108. The agency is publishing the text of the rules it proposes to adopt as a result of any comments received on the subject matter. Subject matter was published in 10:16B NCR 2015.

Proposed Effective Date: April 1, 1996

Reason for Proposed Action: To enact legislation passed by the 1995 legislative session in Ratified House Bill 555.

Comment Procedures: The Division will accept written comments up until 5:00 p.m. on February 5, 1996 at the Secretary of State's Office, 300 N. Salisbury Street, Raleigh, NC 27603-5909.

Fiscal Note: These Rules do not affect the expenditures or revenues of local government or state funds.

CHAPTER 9 - NC BOXING COMMISSION

SECTION .0100 - PURPOSE

**.0101 PURPOSE, APPLICABILITY
AND SCOPE OF THE RULES**

(a) These Rules implement the provisions of G.S. 143, Article 68 of the North Carolina General Statutes, and establish the regulations and standards set forth by the State

Boxing Commission relative to the conduct, promotion, and performances of boxing and kickboxing matches held in North Carolina.

(b) These Rules do not apply to any:

- (1) Match conducted or sponsored by a university, college or secondary school if all the participants are students regularly enrolled in the institution;
- (2) Match conducted or sponsored solely by a nationally chartered veteran's organization registered with the State;
- (3) Match conducted or sponsored solely by any company or detachment of the North Carolina National Guard, or the U. S. Armed Services;
- (4) Official Olympic event; or
- (5) Any contest sponsored or sanctioned by the Amateur Athletic Union, the U.S. Amateur Boxing Federation or such other amateur association or group as may be approved or recognized by the Commission.

Authority G.S. 143-652.

.0102 DEFINITIONS

The definitions contained in G.S. 143-651 apply equally in this Chapter unless indicated otherwise.

Authority G.S. 143-652.

**.0103 NORTH CAROLINA STATE
BOXING COMMISSION**

(a) At the first meeting after January 1 of each year, the Secretary of State shall appoint a chairman from among the members of the North Carolina State Boxing Commission (hereafter the "Commission").

(b) No member of the Commission shall have any direct or indirect financial or pecuniary interest in any person or boxing match under the jurisdiction of the Commission.

(c) No member of the Commission shall participate in any manner in a match held in North Carolina.

(d) If any member of the Commission holds a personal membership or holds an office in a boxing association or such similar organization, that commissioner so affiliated shall excuse himself from any vote regarding matters associated with or pertaining to the organization to which he is affiliated when acting in his capacity as commissioner of the Commission. No commissioner shall represent to another person or organization that he is acting for or representing the Commission unless he has first obtained the authority of the Commission to so act or represent.

(e) The executive director appointed by the Secretary of State is designated as a Commission representative and shall:

- (1) Maintain a Commission office within the Secretary of State's office in Raleigh, North Carolina;
- (2) Perform all administrative functions to ensure that the Commission operates and carries on its

- business in a lawful manner;
- (3) Be the custodian of the records of the Commission;
 - (4) Ensure that proper notice and recording is made of all meetings of the Commission;
 - (5) Attend all Commission meetings;
 - (6) Approve, issue, withhold or deny licenses and permits subject to review by the Commission and according to the provisions of G.S. 143-654 and G.S. 143-655 and the rules set forth in this Chapter;
 - (7) Be present at all matches and act as the Commission representative in charge or, in his absence, appoint another Commission representative to be the Commission representative in charge;
 - (8) Ensure that all matches are conducted in accordance with the provisions of G.S. 143, Article 68 and the rules set forth in this Chapter. This shall include but not be limited to appointing or causing to be appointed licensed match officials and reviewing and approving or disapproving a match or fight card based on weights, abilities, records or physical condition of the prospective contestants. The executive director or the Commission representative in charge shall not approve a match where it is reasonable to assume, based on weights, abilities, records or physical condition of the prospective contestants, that the match would not be competitive, would be unreasonably physically unsafe for one or both contestants, or would not be in the best interest of the sport or the welfare of the public;
 - (9) Issue or cause to be issued administrative complaints in accordance with the provisions of G.S. 143, Article 68 and the rules set forth in this Chapter;
 - (10) Have the authority to affix his signature to documents which attest to or represent official Commission action;
 - (11) Not have any direct or indirect financial or pecuniary interest in any person or boxing match under the jurisdiction of the Commission. This applies to any other employee of the Commission as well; and
 - (12) Be responsible for notifying the Commission of any violation which would be grounds for suspension or revocation of any person's license, of violations that could cause the cancellation of a match or any matter which could reasonably be anticipated to negatively affect the health of a participant, the safety or welfare of the public, or result in legal action being taken against the Commission.
- (f) The Commission representative in charge of a match shall be responsible for:
- (1) Ensuring that all the requirements indicated in

- this Chapter to be the responsibility of the Commission are properly and timely carried out as set forth in this Chapter;
- (2) Appointing the inspectors for each match for which he is responsible. There shall be a minimum of two referees, three judges (plus two kick count judges for kickboxing matches), one announcer, one timekeeper and two inspectors present at each boxing match;
 - (3) Inscribing the result of each match on the passport of each participant, if so requested;
 - (4) Having rubber gloves available for use by the seconds, physicians and officials; and
 - (5) Ensuring that all officials are paid by the promoter prior to their leaving the premises of the boxing matches after the matches have been concluded; and that all officials acknowledge by signature, on a form provided by the Commission, the receipt of payment.
- (g) The Commission representative shall appoint a minimum of two inspectors for each boxing match and shall advise each inspector of the contestants for whom he shall be responsible. Each inspector shall be responsible for observing the conduct of the seconds in the corner of his designated contestant during the course of the match and immediately reporting any violation or suspicious or improper behavior to the Commission representative. Each inspector shall be responsible for being present in his designated contestant's dressing room at the appropriate time to insure that:
- (1) No illegal drugs or foreign substances are ingested or used. Any use or suspected use of an illegal drug or foreign substance shall be immediately reported to the Commission representative;
 - (2) Handwraps are properly applied and initialed by the inspector;
 - (3) Gloves to be used are clean, sanitary and in good condition, and are properly laced and tied;
 - (4) A urine sample is collected, when necessary, in accordance with the prescribed protocol as designated by these Rules; and
 - (5) Proper security is maintained for the protection of the contestant, and the public, and to ensure that the Commission representative and inspectors can properly carry out the provisions of G.S. 143, Article 68 and the Rules set forth in this Chapter.
- (h) Each member of the Commission or the executive director may issue subpoenas requiring the attendance and testimony of, or the production of books and papers by, any person whom the Commission believes to have information or documents of importance to any Commission investigation:
- (1) The executive director shall issue or cause to be issued all administrative complaints as the Commission so directs, either as the result of official

Commission action or through specific directive or delegation of authority as provided for in these Rules.

- (2) The Commission shall issue all final orders, provided however that the executive director shall be delegated the authority to affix his signature to documents which attest to or represent official Commission action.
- (3) When required, as a result of appeal for informal administrative review, the Commission shall appoint a hearing officer who shall be selected from among the Commission or employees of the Commission.

(i) Forms for applications for licenses and permits will be available from the Commission, and may be deemed appropriate to use by the Commission, the executive director or the Commission representative. These forms may be obtained by contacting, and shall be filed with:

North Carolina Boxing Commission
Department of the Secretary of State
300 N. Salisbury Street
Raleigh, North Carolina 27603
Telephone (919) 733-3924.

Authority G.S. 143-652.

.0104 CONDUCT OF BOXING MATCHES

(a) Boxers shall be classified by weight as follows:

- (1) Flyweight - to 112 lbs.
- (2) Bantamweight - to 118 lbs.
- (3) Featherweight - to 126 lbs.
- (4) Junior Lightweight - to 130 lbs.
- (5) Lightweight - to 135 lbs.
- (6) Junior Welterweight - to 140 lbs.
- (7) Welterweight - to 147 lbs.
- (8) Junior Middleweight - to 154 lbs.
- (9) Middleweight - to 160 lbs.
- (10) Light Heavyweight - to 175 lbs.
- (11) Cruiserweight - to 190 lbs.
- (12) Heavyweight - over 190 lbs.

(b) Additional weight categories are permitted, provided however that contestants shall be required to conform to the rule regarding weight spread shown in this Rule. A contest shall not be permitted if the difference in weight between the contestants exceeds the difference shown in the following schedule:

- (1) to 112 lbs. - not more than 4 lbs.
- (2) 112 to 118 lbs. - not more than 4 lbs.
- (3) 118 to 126 lbs. - not more than 6 lbs.
- (4) 126 to 135 lbs. - not more than 6 lbs.
- (5) 135 to 147 lbs. - not more than 8 lbs.
- (6) 147 to 160 lbs. - not more than 10 lbs.
- (7) 160 to 175 lbs. - not more than 12 lbs.
- (8) 175 to 190 lbs. - not more than 15 lbs.
- (9) 190 lbs. and over - no limit.

(c) Contestants in matches shall be weighed on the same

scale at a time and place to be determined by the Commission representative, in the presence of the opponent and a Commission representative. The weigh-in shall occur 12 hours or less prior to the scheduled starting time of the first match of the program of matches, provided however, that where a program of matches is scheduled to begin in the afternoon, the executive director, if requested by the promoter, shall approve an early weigh-in time of 8:00 p.m. or later the evening before the day of the program of matches. Substitution of a contestant or contestants shall not be allowed after the weigh-in.

(d) Failure of a contestant to be present at the weigh-in at the time and place designated by the Commission representative shall result in the following penalties, which shall be in addition to his loss of right to view the weigh-in of his opponent:

- (1) In lieu of suspension or revocation of the participant's license for the first occurrence, the contestants shall be penalized by assessing a fine of twenty five dollars (\$25.00);
- (2) In lieu of suspension or revocation of the participant's license for the second occurrence, the contestant shall be penalized by assessing a fine of fifty dollars (\$50.00);
- (3) The third occurrence shall be penalized by suspending the license of the contestant and not allowing the contestant to engage in the program of matches; and
- (4) The fourth occurrence shall be penalized by revoking the license of the participant.

(d) If, at the time of the official weigh-in, the weight of any contestant in a contest fails to meet the weight parameters of the rules set forth in this Chapter, he shall have two additional hours to meet such weight parameters.

(e) At the time of weigh-in, each contestant in a contest shall be required to provide to the Commission representative for inspection a picture identification issued by a federal, state or local unit of government or other similar authority. A properly issued and annotated passport shall be required for all contestants who are licensed in any state which requires and issues a passport. The contestant may utilize the passport issued by another state in which he is licensed provided that such passport contains the minimum information as required in this Rule:

- (1) Legal name of contestant;
- (2) Ring name of contestant;
- (3) A passport type picture which clearly shows the face of the contestant. Passports issued by states that do not require a picture shall be accompanied by another form of positive identification;
- (4) Address of contestant;
- (5) Age of contestant;
- (6) Date, place, opponent and result of the contestant's professional contests since the issuance of the passport, which entries must be signed by the Commission representative or other Commission official as designated by these Rules or the

rules of the jurisdiction in which the match occurred; and

- (7) Signature of the contestant and a statement attesting to the validity of the information contained in his passport.

(f) The contestant may be required to complete a contestant information form which shall be provided by the commission. Any contestant who refuses to complete this form shall not be allowed to engage in any match in North Carolina.

(g) Each contestant shall, at the time of the weigh-in, be examined by a physician. The physician shall certify in writing the contestant's physical condition and his professional assessment as to whether or not the contestant may engage in the match. The physician shall, prior to the match, file with the Commission representative his written report of examination of the contestant, which report shall state whether or not, in the opinion of the physician, the contestant is physically fit to engage in the match. No contestant shall be permitted to engage in a match unless he has been examined and pronounced fit to do so by a physician. Physicians shall utilize the appropriate forms furnished by the Commission. The examination given all contestants shall include the following:

- (1) Temperature;
- (2) Pulse; sitting, standing and running;
- (3) Lungs;
- (4) Heart; and
- (5) Blood pressure.

(h) No contestant shall be allowed to engage in any match if any of the following conditions are found by the physician:

- (1) Hernia, or bubonocoele;
- (2) Organic heart murmurs;
- (3) Active pulmonary lesions;
- (4) Abnormal temperature as determined by the physician;
- (5) Systolic pressure over 150;
- (6) Infectious skin lesions, such as boils or infected wounds;
- (7) Recent wounds, especially on face and ears;
- (8) Hand injuries, and fractures less than 6 weeks old, if, in the physician's opinion, the injury would be detrimental to the contestant's health or ability to effectively compete or exhibit;
- (9) An indication that the contestant is using or is under the influence of narcotics, drugs, stimulants, depressants, alcohol, local anesthetics or such a high level of analgesics as to render the contestant unable to recognize if he is seriously injured. If the physician finds any indication or evidence that the contestant is using, is under the influence, of unauthorized drugs or foreign substances such that the physician cannot make a definite determination and therefor allows the match to proceed, the physician shall immediately advise the Commission representative who

- (10) shall ensure that a urine sample is taken and processed in accordance with these Rules; Retinopathy or detached retina; provided however, that at the request of the applicant the Commission shall review individual cases of repaired retinal damage for the purpose of permitting the individual to engage in a boxing match in North Carolina. In order for the Commission to consider such request the individual must provide to the Commission such medical information as the Commission deems appropriate which must include a written statement by the doctor performing the retinal repair that the retina is completely healed; that in his opinion, within a reasonable medical certainty, no unusual or extraordinary risk to the individual is anticipated as a result of the repaired retina and authorizes the individual to engage in the sport of boxing or kickboxing. In the event the physician who made the repair is unavailable, the individual must authorize the Commission and the Commission's physician total and unlimited access to all medical records pertaining to the damage, repair of the damage and any subsequent treatment regarding the eyes. Nevertheless, the Commission shall then direct its physician to review all information and to examine the individual seeking licensure and report the results and recommendation to the Commission for consideration by the full Commission. Any costs associated with the review and examination of records or the individual shall be borne by the individual seeking licensure;
- (11) Dental abscess;
 - (12) Ophthalmological problem;
 - (13) History of epilepsy or seizures;
 - (14) Blindness;
 - (15) History of kidney problems;
 - (16) Change in gait or balance; or
 - (17) History of any change in a CAT scan, electroencephalogram (EEG), or electrocardiogram (EKG).

(i) The Commission representative shall, whenever necessary, require that a referee undergo a physical examination prior to acting as a referee in any match.

(j) If at any time, evidence is revealed that indicates that the match may be adverse to the health of a contestant or referee, the Commission representative shall order a medical examination to be given to the contestant or referee, the report of which examination shall be made to the Commission representative.

(k) Boxing Gloves - All contestants must wear thumb attached boxing gloves. Boxing gloves weighing a minimum of 8 ounces shall be worn by contestants weighing 160 lbs. or less. Boxing gloves weighing a minimum of 10 ounces shall be worn by contestants weighing 160 lbs. or more. An ample supply of boxing gloves, in good condi-

tion, must be kept on hand by the promoter. All gloves must pass the inspection of the referee and/or the Commission representative, and the Commission may require a brand new set of gloves for any event.

(l) Bandages and handwraps shall meet the following requirements:

- (1) In all weight classes except light heavyweight, cruiserweight and heavyweight, all bandages and handwraps applied to each hand of a contestant shall be restricted to soft cloth, not more than 10 yards in length and two inches in width, held in place by not more than 4 feet of surgical tape.
- (2) In the light heavyweight, cruiserweight and heavyweight weight classes, all bandages and handwraps applied to each hand of a contestant shall be restricted to soft cloth, not more than 12 yards in length and two inches in width, held in place by not more than 8 feet of surgical tape.
- (3) The use of six inches of adhesive tape, not more than one inch in width, shall be permitted across the back of each hand before bandaging or wrapping the hands, provided however, that the tape shall not be applied across the knuckles.
- (4) All bandages and handwraps shall be applied and adjusted in the dressing room in the presence of the inspector. The inspector shall initial or in some other manner mark the bandage or handwrap on each hand so as to be able to determine at the conclusion of the match whether or not the bandage or handwrap was tampered with after the inspector initially examined the bandage or handwrap.

(m) Each contestant's apparel and appearance shall meet the following requirements:

- (1) Boxing trunks, the belt of which shall not extend above the waistline;
- (2) A protective cup, which shall be firmly adjusted before entering the ring;
- (3) An individually fitted mouthpiece, which mouthpiece shall be in the contestant's mouth at all times during the fight period of each round as provided by these Rules;
- (4) Shoes made of soft material as is standard for the type of event in which the contestant is to engage, and not fitted with spikes, cleats, hard soles or hard heels;
- (5) An abdominal guard of standard type which provides sufficient protection to withstand any low blow.
- (6) Although not required, it is permissible for female contestants to wear a protective pelvic girdle to cover the pubic area, coccyx and sides of the hips;
- (7) Female contestants must wear a breast protector;
- (8) All contestants shall be clean and present a neat appearance. This also applies to the contestants' ring apparel. If the Commission representative

determines the hair on the contestant's head or face presents any potential hazard to the safety of the contestant, his opponent or will interfere with the supervision of the match he shall notify the contestant of such determination at the time of the weigh-in. If, at the time the inspector makes the final inspection of the contestant before the match begins, the contestant has not made the necessary corrections, he shall not be permitted to fight and shall be disqualified; and

(9) Any contestant who fails to comply with these requirements shall not be allowed to participate in a match and such failure to comply with these requirements shall be grounds for suspension of the contestant's license.

(n) A boxing ring must meet the following requirements:

- (1) The ring must be not less than 16 feet square nor more than 24 feet square within the ropes. The ring floor must extend at least 18 inches beyond the ropes. The ring floor shall be padded to a thickness of at least 1 inch, and must be padded with insulate or another similar closed-cell foam. Padding must extend beyond the ring ropes and over the edge of the platform, with a top covering of canvas, duck or similar material tightly stretched and laced to the ring platform. Material that tends to gather in lumps or ridges must not be used.
- (2) The ring platform must not be more than five feet above the floor of the building, and must be provided with suitable steps for use by contestants and ring officials.
- (3) Ring posts must be of a metal not less than three inches in diameter, extending from the floor of the building to a height of 58 inches above the ring floor. Ring posts must be at least 18 inches away from the ropes.
- (4) There must be four ring ropes, not less than one inch in diameter and wrapped in soft material. The ring ropes shall extend in parallel lines 18, 30, 42, and 54 inches in height above the ring floor.
- (5) The floor plan and apron seating arrangements shall be approved by the Commission representative.

(o) Length and number of rounds shall be as follows:

- (1) The length of each round of a match shall be three minutes with one minute rest intervals between rounds.
- (2) A match shall be scheduled for four, six, eight, or 10 rounds, depending on the experience of the contestants and whether or not the match is a main event.
- (3) A championship match shall be scheduled for 12 rounds.

(p) The following rules apply to scoring of boxing matches:

- (1) Scoring shall be by the "10 point must" system. The winner of any round shall be awarded 10 points. The loser of any round shall be awarded one to nine points. When a round is even, each contestant shall be scored 10 points.
- (2) The awarding or deducting of points by the judges and referee, the determination as to the occurrence of knockdowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the following manner and based on the following criteria, which criteria is listed in the order of importance:
 - (A) The only fair punch is a punch delivered with the padded knuckle part of the glove to the front or side of the head or body above the belt, and the contestant who delivers such a punch shall be awarded points in proportion to its damaging effects.
 - (B) A clean knockdown shall be highly scored. A knockdown is scored as soon as it occurs. The contestant who takes advantage of the full 9-second count shall be credited with ring generalship that would not be credited to him if he arose immediately and, in a groggy condition, tried to continue. If he arises before the count of nine and handles himself well, either aggressively or defensively after he is on his feet, he shall be credited with ring generalship. If the contestant who is down arises during the count, the referee may, if he deems it advisable, step between the contestants for such period of time to assure himself that the contestant who has just arisen is able to continue. When so assured, he shall, without loss of time, order both contestants to proceed with the match. The following shall be used to determine when a knockdown has occurred and the procedure to be followed after a knockdown has occurred:
 - (i) A contestant shall be considered to be knocked down when:
 - (I) Any part of his body, other than his feet, is on the floor;
 - (II) He is hanging helplessly over the ropes;
 - (III) He is rising from a down position; or
 - (IV) At the conclusion of a round in a match, he leaves the ring and fails to be in the ring when the bell sounds indicating the beginning of the next round.
 - (ii) When a contestant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner and shall immediately begin a 10-second count over the
contestant who is down. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count.
 - (iii) If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out, provided however, that if the contestant is counted out by virtue of his failure to be in the ring when the bell sounds indicating the beginning of the next round, the match shall be terminated and the contestant who was counted out shall be declared the loser by technical knockout.
 - (iv) If a contestant is knocked down and is down at the time the bell rings to end the round, the knockdown timekeeper shall continue to count. If the downed contestant fails to rise before the count of 10, he shall be considered to have been knocked out in the next subsequent round. If a contestant is knocked down and is down at the time the bell rings in the final round, the knockdown timekeeper shall cease the count and the contest shall be deemed to be concluded.
 - (v) If both contestants are knocked down at the same time, counting shall be continued as long as either remains down. If both contestants remain down until the count of 10, the match shall be terminated and the decision shall be a technical draw.
 - (vi) A contestant who has been knocked down shall be required to take a count of eight whether or not he has regained his feet before the count of eight has been reached. The referee may, if in his opinion a contestant has been dazed or significantly hurt but remains standing, administer a standing 8-count. A standing 8-count shall be considered a knockdown.
 - (vii) If a contestant who is down arises before the count of 10 is reached, and then goes down immediately, without being struck, the referee shall resume the count where he previously stopped counting.
 - (viii) When a contestant is knocked out, the referee shall perform a full 10 second count before terminating the match, provided however that if, in the opinion of the referee or physician, the contestant re-

- quires immediate medical attention, the referee shall not be required to count to 10.
- (ix) If a contestant is knocked out of or has fallen out of the ring the referee shall allow the contestant a reasonable period of time to re-enter the ring, provided however, that if the contestant was knocked out of the ring as a result of a legal technique and is unable to regain his feet, the referee shall consider this to be a knockdown and shall begin a 10 second count. The opponent shall be ordered to retire to the furthest neutral corner, where he shall remain until signaled by the referee to continue with the match. If a contestant intentionally falls through the ropes, his seconds shall not assist him and, the contestant shall be considered to have been knocked down and the appropriate count and procedures for knockdowns shall be initiated by the referee. If a contestant is assisted to his feet, enters the ring and immediately goes down, the referee shall begin a 10 second count or shall continue a 10 second count started after the contestant was knocked out of the ring. Any contestant who does not immediately re-enter the ring shall be deemed to have been knocked down and the appropriate count and procedures used in the event of a knockdown shall be used. If, in the opinion of the referee, the contestant has been dazed or significantly hurt but remains standing, the referee shall administer a standing 8-count.
- (x) If the contestant who is not down and who has been ordered to a neutral corner, fails to stay in the neutral corner the referee and knockdown timekeeper shall cease the count and shall not resume the count until the contestant has retired to the neutral corner.
- (xi) If a towel is thrown into the ring when a contestant is down, the towel shall be ignored and the referee and knockdown timekeeper shall continue to count as if it had not appeared.
- (3) If a contestant slips, falls down or is pushed down, the referee shall order him to his feet immediately.
- (4) Except in the case of punching while the opponent is down, a foul, whether intentional or unintentional, may result in a deduction of a point, as determined by the referee. The first offense of punching while down shall result in the deduction of two points from the score of the contestant who punches his opponent while his opponent is down, unless the first offense is determined by the referee to be a blatant and clear disregard of the rule. If such determination is made by the referee, the contestant committing the foul shall be immediately disqualified and his opponent shall be declared the winner by disqualification. The second offense of punching while down shall result in the disqualification of the contestant committing the offense and his opponent shall be declared the winner by disqualification. In the case of all other fouls, the referee shall determine whether or not a point is to be deducted, using as his criteria the severity of the foul and its effect upon the opponent. When the referee determines that he shall deduct a point from a contestant, he shall immediately advise the contestant and judges of such action. The referee shall not tolerate continual and repeated Commission of fouls by a contestant. The referee shall give warning to a contestant who continually and repeatedly commits fouls and when, in the opinion of the referee, the contestant has displayed persistent disregard for the rule governing the Commission of fouls, the referee shall disqualify the contestant, terminate the match and provide such findings to the Commission for appropriate action. Points for fouls shall only be deducted in the round in which the fouls occurred. A contestant shall not be penalized in a subsequent round for fouls that occurred in a previous round. The following actions are considered to be fouls, the committing of which may result in a deduction of points:
- (A) Major fouls consist of the following:
- (i) Punching below the belt;
 - (ii) Punching an opponent who is down or is getting up after being down;
 - (iii) Holding an opponent with one hand and punching with the other;
 - (iv) Holding or deliberately maintaining a clinch after several warnings;
 - (v) Wrestling or kicking;
 - (vi) Striking an opponent who is helpless as a result of punches received and so supported by the ropes that he does not fall;
 - (vii) Butting with the head or shoulder or using the knee;
 - (viii) Punching with an open glove, or with the butt of the hand, the wrist or elbow and all backhand punches;
 - (ix) Purposely going down without being punched;
 - (x) Striking deliberately at that part of the back near the spine and over the kidneys;
 - (xi) The deliberate use of the pivot punch or

- rabbit punch or any punch struck at the back of the neck near the base of the skull and which is not the result of the opponent turning his head to avoid a punch;
- (xii) Jabbing the opponent's eyes with the thumb of the glove;
 - (xiii) The use of abusive language in the ring;
 - (xiv) Any unsportsmanlike trick or action causing injury to an opponent;
 - (xv) Punching on the break;
 - (xvi) Punching after the bell has sounded ending the round;
 - (xvii) Roughing at the ropes;
 - (xviii) Pushing an opponent around the ring or into the ropes;
 - (xix) Tripping; or
 - (xx) Intentional spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth.
- (B) Minor fouls include:
- (i) Punching or flicking with the open glove; and
 - (ii) Clinching after warning has been given.
- (5) Points for aggressiveness shall be awarded to the contestant who sustains the actions of a round by the greatest number of skillful attacks.
 - (6) A contestant shall be awarded points for sportsmanlike conduct, close adherence to the rules and refraining from taking technical advantage of situations which are unfair to his opponent. Points shall be deducted from a contestant for unsportsmanlike conduct, disregard of the rules and taking technical advantage of situations which are unfair to his opponent.
 - (7) Points shall be given for clever defensive work such as avoiding or blocking a punch.
 - (8) Points shall be awarded where ring generalship is conspicuous. Ring generalship includes the ability to:
 - (A) Quickly recognize and take advantage of every opportunity presented;
 - (B) Cope with a diversity of situations;
 - (C) Anticipate and neutralize an opponent's form of attack; and
 - (D) Force an opponent to adopt a style of boxing at which he is not particularly skillful.
 - (9) Points shall be deducted when a contestant persistently delays the action of a match by clinching, holding or lack of aggressiveness.
- (g) The following rules apply to the determination of a win or draw:
- (1) A contestant who knocks out his opponent shall be declared the winner of the match.
 - (2) If both contestants are knocked down at the same time and both contestants remain down until the count of 10, the match shall be considered a technical draw.
- (3) A contestant who is awarded a technical knock-out shall be declared the winner of the match.
 - (4) A contestant who is knocked down three times in any one round shall be considered to have lost the match by a technical knockout. If requested by a sanctioning body, this Rule may be waived for a championship fight.
 - (5) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each contestant, the scores for all rounds shall be compiled for each judge and the following criteria shall be used:
 - (A) Three wins shall be declared a win;
 - (B) Two wins and one draw shall be declared a win;
 - (C) Two wins and one loss shall be declared a win;
 - (D) One win and two draws shall be declared a draw;
 - (E) One win, one draw and one loss shall be declared a draw;
 - (F) One win and two losses shall be declared a loss;
 - (G) Three draws shall be declared a draw;
 - (H) Two draws and one loss shall be declared a draw;
 - (I) One draw and two losses shall be declared a loss; and
 - (J) Three losses shall be declared a loss.
 - (6) A contestant shall not be declared the winner of a match on a claim of low blow foul and a contestant shall not lose a match by reason of a low blow foul.
 - (7) No contestant shall be awarded a match based on an unintentional foul unless the foul was unintentional butting. If a match is temporarily halted because of an unintentional foul, the referee shall determine whether the contestant who has been fouled can continue. If the referee determines that the contestant can continue, the referee shall order the match to be continued. If the referee determines that the contestant is unable to continue the match as a result of an unintentional foul other than for butting, the match shall be terminated but no decision shall be rendered by the referee, who shall order the purses of both contestants withheld. The Commission shall then rule as to the disposition of the purses. If a contestant is unintentionally butted in a match so that he cannot continue, the referee shall declare the result of the match using the following criteria:
 - (A) If the unintentional butt occurs prior to the scoring of the third round and the fouled contestant is unable to continue, the result shall be a technical draw.

(B) During a four or six round match, if the unintentional butt occurs in any round subsequent to the scoring of the third round or occurs prior to the scoring of third round but the contestant is not determined to be unable to continue until after the scoring of the third round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(C) During an eight round match, if the unintentional butt occurs in any round subsequent to the scoring of the fourth round or occurs prior to the scoring of fourth round but the contestant is not determined to be unable to continue until after the scoring of the fourth round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(D) During a ten round match, if the unintentional butt occurs in any round subsequent to the scoring of the fifth round or occurs prior to the scoring of fifth round but the contestant is not determined to be unable to continue until after the scoring of the fifth round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(E) During a twelve round match, if the unintentional butt occurs in any round subsequent to the scoring of the sixth round or occurs prior to the scoring of sixth round but the contestant is not determined to be unable to continue until after the scoring of the sixth round, the determination of win, loss or draw shall be based upon the score cards of the judges.

(8) When an injury is produced by a fair punch but because of the severity of the injury the match cannot continue, the injured contestant shall be declared the loser by a technical knockout.

(r) If a contestant refuses to continue a match while physically able to do so, the referee shall disqualify him, award the match to his opponent, and shall direct that the purse be withheld. The referee shall provide a written report to the Commission. If the Commission determines that the contestant refused to continue a match while physically able to do so, the Commission may require that the contestant's purse be forfeited to the Commission and shall impose a period of suspension for a period not less than six months.

(s) In any case where the referee determines that both contestants are not honestly competing, that a knockdown is intentional and predetermined by both parties or a foul has been prearranged so as to cause the match to be terminated, he shall not finish the knockdown count or disqualify either contestant for fouling or render a decision, but shall instead terminate the match not later than the end of the round and order the promoter to surrender the purses of both contestants to the Commission representative pending an investigation of the alleged violation. The announcer or referee

shall inform the audience that no decision has been rendered.

(I) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, and the Commission representative is unable to locate another qualified person to act as referee, the match shall be terminated, no decision shall be rendered and the purses of both contestants shall be withheld. The Commission shall then rule as to the disposition of the purses.

(u) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:

(1) There was collusion affecting the result of any match;

(2) The compilation of the round or match score cards of the referee and judges shows an error which indicates that the decision was awarded to the wrong contestant;

(3) There was a violation of these Rules, relating to drugs or foreign substances; or

(4) There was a violation of G.S. 143, Article 68 or the rules set forth in this Chapter which violation affected the result of the match.

If it is determined that any of the above occurred, the decision rendered shall be changed as directed by the Commission .

(v) As a result of injuries or suspected injuries sustained or suspected to have been sustained in any match, the Commission representative may, based upon the recommendation of the physician, order a medical examination to be given to any contestant or referee at any time if he has cause to believe that the health or safety of the contestant or referee is in jeopardy.

(w) When it shall appear to a physician, for whatever reason and regardless of how the injury was sustained, that a contestant or referee is no longer able to safely continue to compete or officiate, the physician shall report such findings, in writing, to the executive director. If the physician has so recommended, the contestant or referee shall not be permitted to participate until such time as he is certified as fit to participate by the physician.

(x) A participant, losing by knockout or having been rendered a decision of technical draw as a result of being counted out in any jurisdiction, shall be automatically suspended for a period of time to be determined by the executive director based upon the recommendation of the physician, or 60 calendar days from the date of the knockout or technical draw, whichever is longer. A contestant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period. After the suspension period and prior to engaging in any match, contact exhibition or contact sparring for training purposes he shall be examined by a physician. The contestant shall advise the physician of the previous knockout or technical draw and shall provide medical records or his permission for the physician to consult with the physician

who treated him at the time of the previous knockout or technical draw. The results of this examination shall be filed with the Commission prior to any further matches being approved for the contestant.

(y) A contestant losing by technical knockout shall be automatically suspended for a period of time to be determined by the executive director based upon the recommendation of the physician, or 30 calendar days from the date of the technical knockout, whichever is longer. A contestant shall not engage in any match, contact exhibition or contact sparring for training purposes during the suspension period without the approval of the physician.

(z) Any contestant who has lost six consecutive matches shall be automatically suspended and not be reinstated unless he has been examined and pronounced fit by a physician. In the case of repeated knockouts and severe beatings, the license of the contestant shall be revoked and shall not be reissued or renewed.

(aa) The following limitations shall apply to the ingestion of drugs and foreign substances by contestants:

- (1) No contestant shall at any time, use or be under the influence of any drug or foreign substance that would unfairly increase or decrease his performance, or impair his or the physician's ability to recognize a potentially serious injury or physical condition. No substance, other than plain drinking water, shall be given to or ingested by a contestant during the course of a match.

- (2) The following drug or foreign substance classifications are prohibited except as otherwise indicated:

(A) Stimulants - All stimulants are banned with the following exceptions:

- (i) Caffeine - provided, however, that an amount greater than 12 mcg/ml in the urine is prohibited;
- (ii) Beta 2 Agonist - provided it is selected from the following list and is in aerosol or inhalant form only:

Drug Chemical	Brand Name
(I) Mesylate	Tornalate
(II) Metaproterenol Sulfate	Alupent, Metaprel
(III) Albuterol Sulfate	Ventolin, Proventil
(IV) Terbutaline Sulfate	Brethaire;

(B) Narcotics;

(C) Anabolic Steroids, including human growth hormone;

(D) Diuretics;

(E) Alcohol;

(F) Local Anesthetics; and

(G) Corticosteroids.

- (3) Whenever the Commission representative has reason to believe that a contestant has ingested or used a prohibited drug or foreign substance,

the Commission representative shall request and the contestant shall provide, under the supervision of the physician, Commission representative or inspector, a sample of his urine taken not more than 1 hour after the conclusion of the match. No contestant shall use substances or methods which would alter the integrity of the urine sample. Urine samples shall be taken in accordance with the protocol as agreed upon in writing between the Commission and the laboratory used for processing the urine samples.

- (4) Failure or refusal to provide a urine sample immediately upon request shall result in the revocation of the contestant's license. Any contestant who has been adjudged the loser of a match and who subsequently refuses or is unable to provide a urine sample shall forfeit his share of the purse to the Commission. Any contestant who is adjudged the winner of a match and who subsequently refuses or is unable to provide a urine sample shall forfeit the win and shall not be allowed to engage in any future match in North Carolina. A no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the contestant found to be in violation of this Section had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is accomplished, the contestant found to be in violation of this section shall forfeit his share of the purse to the Commission.
- (5) After each match the physician shall advise the Commission representative as to whether or not he observed any behavior or other signs that would indicate the advisability of processing the urine sample. The Commission representative shall make the final decision as to the processing of the urine sample.

(bb) The following limitations shall apply to the external use of drugs or foreign substances by contestants.

- (1) No drug or foreign substance shall be used unless expressly provided for in these rules or as directed by the physician.

- (2) The following drugs or foreign substances may be used by contestants under the conditions described in this Chapter:

(A) Petroleum Jelly - The discretionary use of petroleum jelly shall be allowed around the eyes. However, the use of petroleum jelly on the arms, legs and body of a contestant is prohibited.

(B) The discretionary use of a 1/1000 solution of Adrenalin and Avitine, or their generic equivalents, as approved by the physician, shall be allowed between rounds to stop bleeding of minor cuts and lacerations sustained by a contestant.

(C) Any contestant determined to have been using or under the influence of a prohibited drug or foreign substance and who has been adjudged the loser of a match shall forfeit his share of the purse to the Commission. Any contestant determined to have been using or under the influence of a prohibited drug or foreign substance and who has been adjudged the winner of a match, shall forfeit the win and a no decision result shall be entered into the official record as the result of the match. The purse shall be redistributed as though the contestant found to be in violation of this Section had lost the match. If redistribution of the purse is not necessary or after redistribution of the purse is accomplished, the contestant found to be in violation of this Section shall forfeit his share of the purse to the Commission. The following penalties shall be assessed against any contestant found to be in violation of this Section:

- (i) The first occurrence shall be penalized by suspending the contestant's license banning his participating in any manner, in any match for a period of 180 calendar days;
- (ii) The second occurrence shall be penalized by suspending the contestant's license and banning his participation in any manner in any match for a period of one year;
- (iii) The third occurrence shall be penalized by permanently revoking the contestant's license and banning permanently his participation in any manner in any match or activity regulated by G.S. 143, Article 68.

(D) No person licensed by the Commission shall participate in or contribute to the act of violating this section and any violation shall be grounds for suspension or revocation of all licenses held by such person. Any person found to be in violation of this section shall forfeit his share of the purse or other compensation to the Commission and shall be assessed the following penalty:

- (i) The first occurrence shall be penalized by suspending the person's license and banning his participating in any manner, in any match for a period of 180 calendar days;
- (ii) The second occurrence shall be penalized by suspending the person's license and banning his participation in any manner, in any match for a period of one year;
- (iii) The third occurrence shall be penalized by permanently revoking the person's license and banning permanently his participation in any manner, in any match or activity regulated by G.S. 143, Article 68.

(cc) Drugs, containers and other equipment used in conjunction with the match, regardless of why or how they are used or where they are located shall at all times be available for inspection by the physician, referee or Commission representative and shall be seized if there is any evidence that they may have been used to violate or are in violation of any provision of G.S. 143, Article 68 or these Rules.

(dd) It shall be the responsibility of every person under the jurisdiction of the Commission to immediately advise the physician, referee or Commission representative of any knowledge that any contestant scheduled to be engaged in any match has, in violation of this Section, ingested or is under the influence of any drug or foreign substance prohibited by these Rules.

Authority G.S. 143-652.

.0105 PERMITS

(a) No promoter shall present a program of matches unless he has first obtained a permit.

(b) No promoter shall be given tentative approval for or issued a permit if such person has an unpaid fine or any delinquent indebtedness outstanding to the Commission.

(c) Each application for a permit shall be in writing, verified by the applicant, complete, have any required attachments, and be accompanied by the required fee. The application for permit shall be required to be on file with the Commission at least 7 calendar days prior to the scheduled program of matches.

(d) Upon receipt of the application for permit, the executive director shall review the application and, if the application is in compliance with the requirements of G.S. 143, Article 68 and the rules set forth in this Chapter, he shall give tentative approval to the promoter for the proposed date of the program. The approval shall be considered to be a tentative approval. If the executive director determines that the application for permit is not in compliance with Article 68 or the rules as set forth in this Chapter, he shall immediately advise the promoter that the application for permit has been disapproved and shall state the reasons that the application is not in compliance. The executive director shall deny an application for permit if another program of matches has previously been scheduled for the same date, and he has determined that adequate staff would not be available to properly supervise both programs of matches.

(e) The promoter shall be required to provide the proposed fight card not later than 7 calendar days prior to the proposed date of the program. The promoter may advise the executive director verbally of the names of the proposed contestants. The executive director shall review the proposed fight card and, if he determines that all the proposed matches meet the requirements of Article 68, and the rules set forth in this Chapter, he shall approve the proposed fight card. If the executive director determines that the proposed fight card is not in compliance with Article 68 or the Rules

set forth in this Chapter, he shall not approve the proposed fight card and shall immediately advise the promoter that the proposed fight card has been disapproved and the reasons for the disapproval.

(f) All other pre-match requirements of the promoter described in Article 68 and the rules set forth in this Chapter shall be accomplished before final approval is given and the permit issued. The final approval of the permit shall not be given unless the executive director or Commission representative has observed that all requirements related to facilities, equipment, personnel, licensing and approvals, and procurement of insurance have been met by the promoter. Immediately upon determining that the promoter has met all the requirements as set forth in this Chapter, the executive director shall issue the permit. If the executive director or Commission representative determines that the promoter is not in compliance with the requirements set forth in this Rule, the executive director shall rescind the tentative approval of the permit and the program of matches shall be canceled. If the program of matches is canceled, all tickets shall be refunded in accordance with the refund provisions set forth in these Rules.

(g) A permit shall only be valid for the program of matches for which it was issued. A new permit shall be required for each program of matches. If, after the payment of the permit fee to the Commission, a program of matches is canceled for any reason, whether by the promoter or the Commission, the permit fee shall not be refunded, provided however, that the fee shall be refunded if the cancellation by the Commission was the result of an error made by the Commission and which was through no fault of the promoter.

(h) A non-refundable permit fee shall be submitted with the application for permit and shall be based on the seating capacity of the premises to be utilized to present the program of matches. The following fee structure shall be utilized to determine the permit fee:

- (1) Seating capacity is less than 2000 - Fee = \$100.00
- (2) Seating capacity is 2000 or more but no greater than 5000 - Fee = \$200.00
- (3) Seating capacity exceeds 5000 - Fee = \$300.00

Authority G.S. 143-652.

.0106 LICENSING REQUIREMENTS AND DUTIES OF LICENSEES

(a) No person may act as an announcer, timekeeper, judge, physician, trainer, manager, promoter, foreign copromoter, second, referee, contestant, matchmaker, booking agent or representative of a booking agent for any match held in North Carolina without first obtaining the appropriate license.

(b) No person shall be issued a license if such person has an unpaid fine or any delinquent indebtedness outstanding to the Commission.

(c) No person shall be issued a license who, in any

jurisdiction, has been convicted of any act which would constitute a violation of G.S. 143, Article 68 or the rules set forth in this Chapter; or which would constitute any of the grounds set forth in G.S. 143, Article 68 for suspension or revocation of a license; or against whom such charges are pending before any regulatory body.

(d) No person shall be issued a license who has been named in an administrative action or indictment for any act which would constitute a violation of G.S. 143, Article 68 or the rules set forth in this Chapter, or which act would constitute a ground for suspension or revocation of a license.

(e) No person shall transfer or attempt to transfer, including by the use of a power of attorney, any rights, privileges, responsibilities, duties, obligations or liabilities which by their nature are entitled to or encumbered by only those individuals holding a license to perform and be responsible for such activities.

(f) For the purposes of these Rules, the requirements and responsibilities of a foreign copromoter shall be the same as that of a promoter, and wherever the term promoter is used it is deemed to include the term foreign copromoter.

(g) All applications for a license shall be in writing on a form provided by the Commission, verified by the applicant, complete and have any required attachments, and accompanied by the required fee.

(h) Upon receipt of an application for a license, the executive director shall review the application and, if the application is in compliance with the requirements of G.S. 143, Article 68 and the rules set forth in this Chapter, he shall issue the license. If the executive director determines that the application is not in compliance, he shall notify the applicant and set forth the reasons for his finding that the application is not in compliance.

(i) A license issued pursuant to G.S. 143, Article 68 and these Rules shall be valid from the date of issuance until December 31 of the year in which the license was effective. An application for the renewal of a license shall be submitted on the same forms as referenced in this Rule and all of the requirements, standards, and criteria used to approve or disapprove an application for a new or initial license shall be used to approve or disapprove the application for the renewal of a license.

(j) The following non-refundable fee shall accompany each application for a license:

(1)	Announcer	\$50.00
(2)	Booking Agent	\$100.00
(3)	Judge	\$50.00
(4)	Manager	\$100.00
(5)	Matchmaker	\$200.00
(6)	Contestant	\$25.00
(7)	Promoter	\$300.00
(8)	Referee	\$50.00
(9)	Representative of a Booking Agent	\$50.00
(10)	Second	\$25.00
(11)	Timekeeper	\$50.00
(12)	Trainer	\$25.00

(k) The following requirements shall apply to the licensing and duties of contestants:

- (1) No person shall act or perform as a contestant in any professional boxing or kickboxing match held in North Carolina without having first obtained a contestant license.
- (2) No contestant shall also be licensed as a judge, physician, promoter or referee and shall not act as a judge, promoter or referee.
- (3) No contestant shall have any financial or pecuniary interest in his opponent.
- (4) No person shall be licensed as a contestant and the license of any contestant shall be suspended or revoked if such person:
 - (A) Is under 18 years of age;
 - (B) Has had cardiac surgery;
 - (C) Has not received a ophthalmic examination within the immediate 12 month period prior to the date of the scheduled match and the results of the examination filed with the Commission;
 - (D) Is found to have any blindness or whose vision is so poor as to cause a significant health hazard or impairment to his ability to effectively participate in a match;
 - (E) Has suffered cerebral hemorrhage or any other serious head injury. The Commission representative shall, if he has cause to believe that a contestant may have suffered neurological injury, direct the contestant to undergo an EKG or CAT scan, and the interpretation and diagnosis shall be filed with the Commission; or
 - (F) Is no longer able to competently perform as determined by the Commission. A determination that a contestant is no longer able to competently perform shall be based on his win/lose/draw record, his previous opponents and the results of such matches, his proposed opponent and the results of the matches between his proposed opponent and others, his physical condition and his ability to perform effectively.
- (5) No contestant whose most recent match was eight rounds or more in duration, shall engage in a match with less than 7 calendar days between matches. No contestant whose most recent match was less than eight rounds in duration, shall engage in a match with less than 48 hours between matches.
- (6) Any contestant who fails to appear at a match or fails to appear timely at a match for which he or his manager has contracted and does not provide a valid reason or, in the case of physical disability, furnish a physician's certificate, shall be suspended for a period to be determined by the Commission. In making this determination, the Commission shall consider the following factors:
 - (A) The relative importance of the match;
 - (B) The contestant's past record of punctuality and tardiness; and
 - (C) The reason or reasons for his failure to appear or appear timely.

(l) The following requirements shall apply to the licensing and duties of promoters and matchmakers:

- (1) No person shall act as a promoter for any match held in North Carolina or into North Carolina via closed circuit without first having obtained a promoter license. No person shall act as a matchmaker, including a matchmaker employed by a promoter, for any match held in North Carolina without first having obtained a matchmaker license.
- (2) No licensed promoter or matchmaker shall act as a promoter or matchmaker for any boxing or kickboxing match in this state which match is not sanctioned by the Commission.
- (3) Any person licensed as an individual shall have sole ownership of such license and such license shall not be transferable or assignable to another. If such person is no longer in business, the license shall become void.
- (4) Any license issued to and in the name of a corporation shall not be transferable or assignable to another. If such corporation is no longer in business or no longer operates as the corporation, the license shall become void. If any officer of the corporation is added or deleted, the licensee shall, within 10 calendar days, notify the Commission of such addition or deletion. A newly added officer shall be required to submit an Application For Promoter Or Foreign Copromoter License.
- (5) Any license issued to a partnership shall not be transferable or assignable to another. If the partnership is no longer in business or no longer operates as the partnership, the license shall become void, provided however that if the business continues to operate but does not operate as a partnership and the sole remaining person was one of the licensed partners and all other previous licensed partners have, in writing, authorized such sole remaining person to have control and use of the licensed name, then the license may remain in force and effective until its expiration date, at which time the person shall apply as an individual.
- (6) No promoter shall also be licensed as a booking agent, representative of a booking agent, matchmaker, manager, second or trainer.
- (7) An applicant for a promoter's license shall satisfy the following bonding requirements:
 - (A) An applicant for a promoter license shall deposit with the Commission a bond or other security in the amount of five thousand dollars

(\$5,000) prior to being issued a promoter license. If, at any time and for whatever reason, the bond or other security is not maintained in full force and effect, the license shall be automatically void.

(B) If it is determined that the projected liability for a match may exceed five thousand dollars (\$5,000), the executive director shall require an additional bond or additional security for the match. The additional bond or additional security shall be required and used only for the designated match and shall be released or returned 90 calendar days after the date of the match unless, as a result of violations or suspected violations, the executive director determines that the additional bond or additional security shall be retained by the Commission for a longer period.

(C) The bond and other security, or additional bond and additional security shall be filed with the Commission for the purpose of providing surety that the promoter will and does faithfully perform and fulfill his obligations as described in Article 68, and the rules set forth in this Chapter. Any fault, negligence, error or omission, failure to fulfill contractual obligations, violation of any rules of the Commission or any other act or failure to act shall result in a claim for recovery from the bond and recovery from the other security. When the amount of recovery cannot be determined by the Commission due to the failure of the promoter to perform as required by G.S. 143, Article 68 or the rules set forth in this Chapter, the Commission shall recover the face value of the bond and other security and the additional bond and additional security, as appropriate provided however that the recovery shall not be greater than the amount of the bond and other security required to be deposited with the Commission.

(D) A bond or additional bond shall be acceptable if the following conditions are met:

- (i) The bond or additional bond shall have attached a power of attorney, which power of attorney shall not have an expiration date;
- (ii) The bond and additional bond shall provide surety in an amount equal to the face amount of the bond and additional bond and the aggregate annual liability shall be for the face amount of the bond and additional bond;
- (iii) The bond and additional bond shall be made out in the name of the North Carolina State Boxing Commission and shall be negotiable on the authority of the executive

director;

(iv) The bond and additional bond may not be canceled, for any reason, unless the following conditions have been met, provided however, when an additional bond is required, as referenced in, (II) in this Rule shall not apply:

- (I) The surety company has provided the Commission at least a 60 calendar-day written notice of intent to cancel; and
 - (II) The promoter's license has expired or the license has been returned to the Commission with a request to cancel such license and canceled by the Commission and the promoter has not filed an application for renewal of the license; and
 - (III) A period of 90 calendar days has elapsed since the most recent match of the promoter; and
- (v) The bond or additional bond is accompanied by a filing fee of twenty-five dollars (\$25.00) for each bond or additional bond.
- (E) Other security may be provided in lieu of the bond or additional bond provided the following conditions are met:
- (i) The security must be in the form of cash, a certified check or direct obligations of the United States or this state;
 - (ii) The certified check shall be made payable to the North Carolina State Boxing Commission and, the certified check and the direct obligations of the United States or this state shall be negotiable on the authority of the executive director;
 - (iii) The Commission shall not pay interest or other charges or fees to the promoter;
 - (iv) The security may not be canceled or requested to be returned, for any reason, unless the following conditions have been met, provided however, when an additional security is required, as referenced in, (II) and (IV) of this Rule shall not apply:
- (I) The promoter has provided the Commission at least a 60-calendar day written notice of request for return or release of the security; and
 - (II) The promoter's license has expired or the license has been returned to the Commission with a request for cancellation and canceled by the Commission and the promoter has not filed an application for renewal of the license, or the promoter has substituted a bond for the security and such bond indicates on its face that it shall retroactively cover the

- promoter for all times and for all obligations of the promoter covered by the security for which the bond is being substituted. In the event of substitution of a bond for the security on deposit with the Commission, (III) and (IV) in this Rule shall not apply; and
- (III) A period of 90 calendar days has elapsed since the most recent match of the promoter; and
- (IV) A period of 1 year has elapsed since the security was deposited with the Commission.
- (v) The security or additional security is accompanied by a filing fee of twenty-five dollars (\$25.00).
- (8) More than one promoter may be involved in the promotion of a single program of matches. The promoter to whom the permit is issued shall be considered as the promoter of record and such promoter shall be responsible for ensuring that all the requirements and responsibilities of the promoter are accomplished as set forth in this Chapter, provided however that the bonds or other securities deposited with the Commission of all promoters involved in the promotion of the program of matches shall be liable and used as surety against any claim or obligation involving the program of matches.
- (9) A matchmaker shall make matches in which the contestants are of similar ability and skill.
- (10) A matchmaker or promoter shall not contract with or negotiate with managers or contestants who are under suspension or whose license has been revoked in North Carolina or any other state.
- (11) Contracts between contestants and the promoter shall be filed with the Commission no later than at the time of weigh-in.
- (12) After the application for a permit has been tentatively approved and a proposed match has been approved, the promoter may provide the names of the contestants for the approved match to the media. Under no circumstances shall a promoter advertise, sell or cause to be sold any tickets, distribute or cause to be distributed any complimentary tickets, enter into any contracts or in any way make any obligations, commitments or announcements relative to a match or program of matches unless the match or program of matches has been approved and the permit has been tentatively approved.
- (13) The promoter shall, in the case of a substitution in a main event, post in a conspicuous place in front of the arena or directly over the cashier windows, notice of the substitution, and if time permits, shall advertise the substitution by radio and in a newspaper expected to have the widest circulation for the intended audience.
- (14) No promoter may pay, lend, or give a contestant an advance against his purse before a contest.
- (15) The promoter shall be responsible for ensuring that each contestant scheduled to be engaged in a match shall have received an ophthalmic examination, which examination shall have been performed within the immediate past 12-month period. The results of the examination shall be filed with the Commission prior to the match.
- (16) The Commission representative shall, if he has cause to believe that a contestant may have suffered cardiac or neurological injury, direct the contestant to undergo a EKG, EEG, or CAT scan. The interpretation and diagnosis shall be filed with the Commission. It is the responsibility of the promoter to ensure that this requirement is satisfied.
- (17) The promoter shall be responsible for acquiring insurance as described in the insurance section of these Rules.
- (18) The promoter shall advise all managers and contestants under contract for a match or program of matches of the time and place of the weigh-in as designated by the Commission representative and of the time and place of their appearance for the match or program of matches.
- (19) The promoter shall be responsible for providing the proper arena equipment, seating, services, facilities, personnel, ushers, ticket sellers, security and other equipment or services necessary to provide for the correct handling of the boxing or kickboxing program.
- (20) The promoter shall be responsible for contracting with and compensating the officials required to be present and rendering services during a program of matches. Included are an announcer, a timekeeper, two referees, three judges, plus two kick count judges for kickboxing and a ringside physician. A physician is also required to present at the weigh-in.
- (21) The promoter shall ensure that all tickets shall have clearly printed on them the admission price and no ticket shall be sold for a price higher than the price shown on its face. Each complimentary ticket shall have clearly printed on its face the face value of the ticket and in no case shall the dollar value shown on the face of the ticket be \$0.00. Each complimentary ticket shall be either marked "COMPLIMENTARY" in large letters on its face or shall be marked or punched in such a manner as to make it clear that the ticket is complimentary.
- (22) No promoter shall sell or issue, or cause to be sold or issued more tickets of admission for any

- match or program of matches than can be accommodated by the seating capacity of the premises where the match or program of matches is to be held.
- (23) The following criteria and procedure shall be used for the refunding of the purchase price of tickets:
- (A) The promoter shall refund the full purchase price of a ticket for a match or program of matches if:
 - (i) The match or program of matches is postponed; or
 - (ii) The main event or the entire program of matches is canceled; and
 - (iii) The person presenting the ticket for refund has presented such ticket within 30 calendar days after the scheduled date of the match or program of matches.
 - (B) Within 10 calendar days after the expiration of the 30-calendar day period, the promoter shall pay all unclaimed ticket receipts to the Commission. The Commission shall hold the funds in the State Boxing Commission Revenue Account for one year and make refunds during such time to any person presenting a valid ticket for a refund. Thereafter, the Commission shall apply all monies remaining from the unclaimed ticket receipts toward the operation of the Commission.
 - (C) Failure to comply with this provision shall result in the forfeiture of the bond or other security and additional bond or additional security and revocation of the license of the promoter or foreign copromoter.
- (24) The promoter shall retain all records necessary to justify and support the information submitted on any reports required by the Commission for a period of two years following the date of the match or program of matches.
- (25) It shall be the responsibility of the promoter to provide the following:
- (A) A portable resuscitator with all additional equipment necessary for its operation;
 - (B) An ambulance with two qualified attendants;
 - (C) A clean stretcher and clean blanket which shall be in place at all times throughout the program of matches;
 - (D) No match shall begin or continue unless such equipment and personnel are on the premises, in a state of readiness and in a pre-designated readily assessable location known to the referee, physicians and the Commission representative.
- (26) It shall be the responsibility of the promoter to have available at all times during the progress of a program of matches a person or persons capable of making emergency repairs, corrections and adjustments to the ring, lights and other necessary fixtures.
- (27) The promoter shall supply the following items which shall be in good working order and available for use as needed:
- (A) A public address system;
 - (B) Chairs, properly located in accordance with the floor plan;
 - (C) A bell, positioned in a neutral location designated by the Commission representative, for use by the timekeeper;
 - (D) Two stools, a clean water bucket and a clean water container for drinking purposes for each contestant's corner; and
 - (E) A complete set of numbered round cards, which shall be of such size as to make them clearly legible from all parts of the arena.
- (28) The promoter for the match shall be responsible for acquiring the insurance coverage described in this Chapter and filing with the Commission written evidence of insurance no later than 72 hours prior to the date of the match. Such evidence of insurance shall specify, at a minimum, the name of the insurance company, the insurance policy number, the effective date of the coverage and evidence that each contestant is covered by the insurance. Any deductible associated with the insurance policy shall be paid by the promoter. If the promoter fails to provide evidence of insurance as required in this Chapter the permit shall not be issued or, if issued, shall be suspended and the program of matches shall be canceled. Each contestant in a match held in North Carolina shall be covered by insurance for medical, surgical and hospital care for injuries sustained while engaged in a match. Said coverage shall be for an amount not less than two thousand five hundred dollars (\$2,500) for each contestant.
- (m) The following requirements shall apply to the licensing and duties of managers:
- (1) No person shall act as a manager for any contestant without having first obtained a manager license.
 - (2) No manager shall also be licensed as a judge, physician, promoter or referee and shall not act as a judge, physician, promoter or referee.
 - (3) No manager shall have financial or pecuniary interest in an opponent of his contestant.
 - (4) No licensed manager shall act as a manager in any boxing or kickboxing match in this state which match is not sanctioned by the Commission.
 - (5) No manager shall attempt to select or insist upon the selection of any referee or judge in a match in which a contestant under his management is to appear, nor shall he have the name of any

such referee or judge written into the contract governing such match.

- (6) No manager shall pay or contribute to the pay of any referee or judge.
- (7) A manager shall not coach or in any way assist a contestant during a match, or by word or action attempt to heckle or annoy his opponent. A manager shall not enter the corner or the ring at any time during the match. If any manager enters the corner or the ring during any match, he shall be immediately ejected by the referee, and the referee shall order the match to continue. However, a manager may be designated as a second for his contestant and, if so designated, shall comply with the requirements set forth for seconds in these Rules.
- (8) The manager shall furnish to his contestant a statement of distribution of the purse together with the contestant's share of the purse no later than 24 hours after the manager receives the purse and promoter's statement from the promoter. The manager shall retain a copy of his statement of distribution of the purse, certified by him to be correct, with receipted vouchers for all expenditures and deductions for a period of six months following the date of the match and shall present such copy to the Commission for inspection if requested to do so.
- (n) The following requirements shall apply to the licensing and duties of referees:
 - (1) No person shall act as a referee in a match held in North Carolina without first having obtained a referee license.
 - (2) If, during the course of a match, the referee receives an injury or is unable to continue acting in his capacity as referee, the Commission representative shall:
 - (A) Select another qualified person to act as referee for the remainder of the match and program of matches; or
 - (B) If no qualified person is available, cancel the remainder of the match and program of matches.
 - (3) No person who has financial or pecuniary interest in any contestant shall be granted a referee license.
 - (4) No referee shall also be licensed as a booking agent, manager, matchmaker, representative of a booking agent, second or trainer and shall not act as a booking agent, manager, matchmaker, contestant, representative of a booking agent, second or trainer.
 - (5) No licensed referee shall act as a referee at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any

boxing or kickboxing match held in this state unless the match is sanctioned by the Commission.

- (6) A referee, in addition to being examined by a physician prior to officiating, shall submit to an annual physical examination to establish his physical fitness. The result of this examination shall be filed with the Commission.
- (7) Prior to the beginning of each match, and periodically for the duration of the match, the referee shall examine the contestants' gloves, equipment, and person to ensure that no unsafe or improper conditions exists. Before allowing a match to continue after a contestant has been knocked down, the referee shall wipe clean the surface of the gloves of the contestant who was knocked down.
- (8) When a contestant receives an injury which the referee believes may incapacitate the contestant, the referee shall call time out and consult with the physician as to the advisability of allowing the match to continue. No person shall attempt to render aid to a contestant who has been counted out during the course of a match before the physician has examined the contestant. However, the referee may remove the contestant's mouthpiece.
- (9) The referee shall have the authority to:
 - (A) Terminate a match at any time when he considers that one of the contestants has such superior skills or ability as to make such match unreasonably dangerous to the other contestant;
 - (B) Disqualify a contestant who commits an intentional foul and award the decision to the opponent;
 - (C) Terminate a match and disqualify either or both contestants if he considers that either or both contestants are not competing in earnest;
 - (D) Terminate a match if either contestant has been injured and is in such condition that to continue the match might subject him to a more serious injury;
 - (E) Temporarily or permanently halt a match if he believes that a significant health hazard exists, which hazard could reasonably be anticipated to create a significant hazard to the contestants or the public; and
 - (F) Enforce discipline and the rules, as set forth in this Chapter, pertaining to the conduct and behavior of contestants, managers and seconds.
- (10) The referee shall not touch the contestants, except for the failure of either or both contestants to obey the break command.
- (11) The referee's remarks shall be limited to instructions to the contestants and to the chief seconds.
- (o) The following requirements shall apply to the licensing and duties of judges:

- (1) No person shall act as a judge in a match held in North Carolina without first having obtained a judge license.
 - (2) A judge shall not also be licensed as a booking agent, manager, matchmaker, contestant, representative of a booking agent, second or trainer.
 - (3) No judge shall have a financial or pecuniary interest in any contestant.
 - (4) No licensed judge shall act as a judge at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any boxing or kickboxing match held in this state unless the match is sanctioned by the Commission .
 - (5) Three scoring judges and two kick count judges (if applicable) shall be assigned to officiate in each match. If five judges are not available, the Commission representative may appoint a referee to act in the capacity of judge.
 - (6) The judges shall be located in seats designated for them by the Commission representative.
 - (7) No match shall begin or continue unless all three judges are in their designated seats.
 - (8) Judges shall, if requested by the referee, assist in deciding whether fouls have been committed, and may bring other points to the attention of the referee at the end of a round.
 - (9) It shall be the duty of each judge to:
 - (A) Be fully informed of and conversant with the rules, regulations, standards, guidelines and policies of G.S. 143, Article 68 and the rules set forth in this Chapter;
 - (B) Observe carefully at all times during the match the performance of the contestants;
 - (C) Appraise such performance fairly, accurately and expertly using G.S. 143, Article 68, and the rules set forth in this Chapter;
 - (D) Inscribe the result of such appraisal after each round on the round score card or match score card, whichever is appropriate, according to the scoring system adopted in this Chapter; and
 - (E) Complete and sign the match score card and deliver it to the referee at the conclusion of the match.
 - (10) Judges shall utilize forms provided by the Commission for scoring.
- (p) The following requirements shall apply to the licensing and duties of announcers:
- (1) No person shall act as an announcer at any match held in North Carolina without first having obtained an announcer license.
 - (2) No licensed announcer shall act as an announcer at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any boxing or kickboxing match held in this state unless the match is sanctioned by the Commission.
 - (3) The announcer shall make all announcements in the English language. He may also announce the match in another language after he has first made all announcements in the English language.
 - (4) An announcer shall be neatly and appropriately dressed while discharging his duties. Dress shall include jacket and tie.
 - (5) The announcer shall be at all times, subject and responsible to the Commission representative in the discharge of his duties and shall accept directions only from the Commission representative.
 - (6) Announcers shall not make unauthorized announcements or introductions of persons other than the contestants and officials unless the Commission representative has determined that the announcement or introduction is appropriate for the match. Under no circumstances shall an individual be introduced if his license has been revoked or is currently under suspension.
 - (7) After both contestants and their chief seconds are in the ring, the announcer shall announce the name of each contestant, his weight as determined at the weigh-in, and such other announcements as directed by the Commission representative.
 - (8) An announcer shall display strict impartiality in word and action while performing his duties.
 - (9) The number of the round shall be announced or displayed at the 1-minute interval between rounds.
 - (10) At the conclusion of each match, the announcer shall make the announcement of the win or draw in the manner and at such time as directed by the Commission representative.
 - (11) In the event of a knockout or a technical knockout, the announcer shall obtain the result and the official time of the termination of the match from the Commission representative, and shall announce the result, the time and the round in which the knockout or technical knockout occurred.
 - (12) At the conclusion of each match and immediately after the announcements have been made, the announcer shall submit to the Commission representative any match score cards used by the judges and the referee that he may have in his possession.
- (q) The following requirements shall apply to the licensing and duties of timekeepers and knockdown timekeepers:
- (1) No person shall act as a timekeeper or knockdown timekeeper for any match held in North

- Carolina without first obtaining a timekeeper license.
- (2) No licensed timekeeper shall act as a timekeeper at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any boxing or kickboxing match held in this state unless the match is sanctioned by the Commission.
 - (3) The timekeeper shall have with him during the performance of his duties a whistle, a 3-minute stopwatch, and a hammer or wooden mallet each of which shall be examined and checked as to accuracy for each match by the Commission representative.
 - (4) The timekeeper shall be located within his arm length of the bell in a seat designated by the Commission representative. No match shall begin or continue unless the timekeeper is in his designated seat.
 - (5) The timekeeper shall not use the whistle, bell, or other instrument during the progress of a round except in the manner and at the time authorized in this Chapter.
 - (6) Ten seconds before the beginning of each round, the timekeeper shall give warning to the seconds of each contestant by blowing the whistle. Ten seconds before the end of each round, the timekeeper shall give warning by pounding twice on the ring floor.
 - (7) If directed by the referee, the timekeeper shall take time out.
 - (8) The timekeeper shall strike the bell to signify the beginning and ending of each round.
 - (9) If a match ends before the scheduled number of rounds, the timekeeper shall inform the referee and the Commission representative of the exact duration of the match.
 - (10) The timekeeper shall be familiar with and perform such other duties as set forth these Rules.
 - (11) In the event that an automatic timekeeping machine is available, its use is authorized, provided however, that manual timekeeping is maintained in the event of equipment failure.
 - (12) The knockdown timekeeper shall have with him during the performance of his duties a knockdown watch which shall be examined and checked as to accuracy for each match by the Commission representative.
 - (13) The knockdown timekeeper shall be located adjacent to the timekeeper in a seat designated by the Commission representative. No match shall begin or continue unless the knockdown timekeeper is in his designated seat.
 - (14) The knockdown timekeeper shall count each second for knockdowns by striking the floor of the ring or a suitable wooden striking-board with a substantially constructed hammer or wooden mallet and, by stating in a loud voice, the elapse of each second.
- (15) The knockdown timekeeper shall be familiar with and perform such other duties as set forth in these Rules.
- (r) The following requirements shall apply to the licensing and duties of seconds:
- (1) No person shall act as a second for a contestant in any match held in North Carolina without first having obtained a second license except that a licensed manager may be designated as one of his contestant's seconds.
 - (2) No licensed second shall act as a second at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any boxing or kickboxing match held in this state unless the match is sanctioned by the Commission.
 - (3) No second shall have any financial or pecuniary interest in the opponent of his contestant.
 - (4) No second shall also be licensed as a judge, physician, promoter or referee and shall not act as a judge, physician, promoter or referee.
 - (5) Each contestant shall be allowed no more than three seconds, one of whom shall be designated the chief second. The chief second shall be in charge of the participant's corner and be responsible for the conduct of all seconds, and shall be held responsible for any violation committed by any second.
 - (6) The chief second of any contestant shall have with him at the ringside the following articles:
 - (A) One stool;
 - (B) One pair of scissors;
 - (C) One towel;
 - (D) One clean water bucket;
 - (E) One container of drinking water;
 - (F) The necessary tape and bandages; and
 - (G) Proper caustics to stop bleeding of minor cuts and lacerations.
 - (7) First aid and other ring equipment of a second shall in all cases and at all times before, during, and after use, be available for inspection by the physician and the Commission representative whose decision shall be final as to the propriety of its use.
 - (8) Seconds shall not coach or in any way assist a contestant during a round, or by word or action attempt to heckle or annoy his contestant's opponent. Seconds shall remain seated in place and silent during the fight period of any round and shall not knock or pound on the ring floor.
 - (9) No second shall attempt to render aid to a

contestant who has been counted out during the course of a match before the physician has examined the contestant.

(10) If any second enters the ring during any fight period of any match, he shall be immediately ejected by the referee, and the referee shall order the match to continue.

(11) The excessive or undue spraying of water on any fighter between rounds is prohibited.

(12) Only one second shall be allowed in the ring. No second shall enter the ring until the bell indicates the end of a round. He shall leave the ring at the sound of the timekeeper's whistle indicating the beginning of the next round is imminent. Prior to the beginning of each round, the entire ring platform and ropes shall be cleared of all obstructions, including buckets, stools, towels, and other articles; and none of these articles shall again be placed on the ring platform until the bell has sounded indicating the end of the round.

(s) The following requirements shall apply to the licensing and duties of trainers:

(1) No person shall act as a trainer for any contestant without having first obtained a trainer license.

(2) No licensed trainer shall act as a second at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any boxing or kickboxing match held in this state unless the match is sanctioned by the Commission.

(3) No trainer shall have financial or pecuniary interest in an opponent of his participant.

(4) No trainer shall also be licensed as a judge, referee, physician or promoter and shall not act as a judge, referee, physician or promoter.

(5) The trainer shall prepare the contestant for the match in which he is to engage and shall provide information and direction so as to ensure that the contestant is in good physical condition and is prepared to utilize and display his skills to the best of his ability.

(6) A trainer shall not coach or in any way assist a contestant during a match, or by word or action attempt to heckle or annoy his participant's opponent.

(7) A trainer shall not enter the corner or the ring at any time during the match and shall remain seated and silent during the match.

(8) If any trainer enters the corner or the ring during any match, he shall be immediately ejected by the referee, and the referee shall order the match to continue.

(t) The following requirements shall apply to the

licensing and activities of booking agents and their representatives:

(1) No person shall act as a booking agent or representative of a booking agent without first having obtained the appropriate license.

(2) No booking agent or representative of a booking agent shall also be licensed as a judge, physician, referee or promoter and shall not act as a judge, physician, referee or promoter.

(3) No licensed booking agent shall act as a second at any boxing or kickboxing match in a state without a state boxing Commission unless the match is sanctioned by a national or international organization recognized by the Commission, or at any boxing or kickboxing match held in this state unless the match is sanctioned by the Commission.

(u) The following requirements shall apply to the licensing and duties of physicians:

(1) No person shall act as a physician in any match held in North Carolina without first having obtained a physician license.

(2) No physician shall have financial or pecuniary interest in any contestant under the jurisdiction of the Commission.

(3) No physician shall also be licensed as a booking agent, manager, matchmaker or representative of a booking agent and shall not act as a booking agent, manager, matchmaker or representative of a booking agent.

(4) At least one physician shall be present at each match and render service and assistance as provided for in these Rules. A physician shall be located near each contestant's corner in a designated seat for the duration of each match. No match shall be allowed to begin or continue unless at least one physician is in his designated seat.

(5) The physician shall provide medical assistance for any illness or injury sustained by any person under the jurisdiction of the Commission.

(6) If, at any time during the match, the physician is of the opinion that a contestant has received severe punishment or injury, or that to continue the match would pose the threat of unreasonable harm or injury to a contestant, the physician shall advise the referee that the match should be terminated.

(7) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, the physician shall notify the Commission representative who shall temporarily halt the match. The injured referee shall be attended by the physician until he is no longer in danger or has been transferred to the care of another qualified person.

- (8) In the event of injury to or illness of any person under the jurisdiction of the Commission and while located on the premises where a program of matches is being conducted, the physician shall have complete charge of such person and shall be accorded the full cooperation of all Commission representatives and licensees present.
- (9) Whenever a knockout occurs in any match, the physician shall examine the contestant knocked out immediately after the match. In the event of a knockout or other serious injury, the physician shall remain on the premises to provide medical attention as needed. When the physician is satisfied that the injured or knocked out contestant has recovered to the extent that the physician releases the contestant from his care, he shall, prior to releasing him, instruct him as to the danger signs of which the contestant should be aware and which would indicate the need to seek immediate medical attention.
- (10) The physician shall not leave the premises until after the decision in the final match has been rendered and he is satisfied that his services are no longer necessary.

Authority G.S. 143-652.

.0107 CONTRACTS AND FINANCIAL ARRANGEMENTS

- (a) A promoter or matchmaker shall not contract with or negotiate with managers or contestants who are under suspension or whose license has been revoked in North Carolina or any other state.
- (b) All contracts shall be in writing and shall be filed with the Commission within seven days after execution. The Commission shall be notified immediately of any changes in contractual status, which change shall be in writing, signed by all parties of the contract and filed with the Commission within seven calendar days after execution. Contracts between contestants and the promoter shall be filed with the Commission no later than at the time of the weigh-in.
- (c) No unlicensed manager, unlicensed agent, or other unlicensed person shall negotiate or contract for or on behalf of any contestant with any promoter or matchmaker under the jurisdiction of the Commission. Any contract or negotiation entered into by such licensed person shall be unenforceable.
- (d) No manager shall negotiate, obligate or contract for matches for a contestant not under contract to him.
- (e) The Commission shall be notified immediately of any changes in contractual status, which change shall be in writing, signed by all parties to the contract and filed with the Commission no later than at the time of the weigh-in.
- (f) No contract shall be entered into which entitles a manager or group of managers to a total fee in excess of 33 1/3% of the gross earnings of the contestants, and no

contract containing such a provision shall be valid or binding.

(g) Release of a contestant from a contestant or manager contract shall be in writing and filed with the Commission.

(h) No manager of a contestant shall sell, assign, transfer any interest, or in any way encumber, or attempt to sell, assign, transfer any interest or in any way encumber in whole or in part, which he holds in any contract for services of such contestant without notice to and written consent of such contestant and without notice to and written consent of the commission.

(i) No person shall sign a contract with a contestant as a promoter, manager, matchmaker, or trainer unless such person has first applied for and been granted the appropriate license, or such a contract shall not be valid.

(j) Each contract between a manager and a contestant shall contain provisions governing its duration, division of the contestant's purse, and any minimum sum guaranteed to the contestant by the manager. Each contract shall provide and if not included, shall be deemed to include, that it is automatically terminated if the license of either party is revoked by the Commission or if the manager fails to renew his license before its expiration date. If the license of either party is suspended, the contract is not binding upon the other party during the period of suspension, provided however that if the manager's license is revoked or suspended for a period of greater than sixty days, the contract shall be automatically terminated.

(k) The Commission is authorized to withhold any or all of any manager's share of a purse in the event of a contractual dispute as to entitlement to any portion of a purse. If the Commission deems it appropriate, the Commission is hereby authorized to impale interested parties over any disputed funds into the appropriate circuit court for resolution of the dispute prior to release of all or any part of the funds.

(l) No manager shall attempt to select or insist upon the selection of any referee or judge in a match in which a contestant under his management is to appear, nor shall he have the name of any such referee or judge written into the contract governing such match.

(m) No manager shall pay or contribute to the pay of any referee, judge, or timekeeper.

(n) Unless otherwise directed by the Commission's representative, all moneys due officials shall be distributed by the promoter to the Commission's representative at the conclusion of the weigh-in or before the first contest at the program of matches. Unless otherwise directed by the Commission's representative, all moneys due contestants shall be distributed by the promoter during or immediately after the conclusion of the program of matches. Payments of purse amounts and payments to officials shall be made in cash unless otherwise pre-approved by the Commission. For accounting purposes, a promoter may make checks payable to contestants but must immediately cash such checks. In no case shall a contestant be required to accept a payment by check in lieu of cash. The promoter shall

retain receipted vouchers for all expenditures and deductions, for a period of six months, during which time the promoter must provide to the Commission upon demand such copy.

(o) The manager shall furnish to the contestant he manages a statement of distribution, together with the contestant's share of the purse, no later than 24 hours after the manager receives the purse and a statement from the promoter. The manager shall retain receipted vouchers for all expenditures and deductions, for one year following the expiration date of the contract between manager and contestant, during which time the manager must provide to the Commission upon demand such copy.

Authority G.S. 143-652.

.0108 KICKBOXING

(a) Kickboxing shall be classified by weight as follows:

- (1) Flyweight - to 120 lbs.
- (2) Bantamweight - to 125 lbs.
- (3) Featherweight - to 130 lbs.
- (4) Lightweight - to 140 lbs.
- (5) Welterweight - to 154 lbs.
- (6) Middleweight - to 167 lbs.
- (7) Light Heavyweight/Cruiserweight - to 184 lbs.
- (8) Heavyweight - over 184 lbs.

(b) Additional weight categories are permitted provided however that kickboxers shall be required to conform to the rule regarding weight spread of contestants shown in this Rule. A contest shall not be permitted if the difference in weight between the contestants exceeds the difference shown in the following schedule:

- (1) to 120 lbs. - not more than 4 lbs.
- (2) 120 to 125 lbs. - not more than 6 lbs.
- (3) 125 to 130 lbs. - not more than 6 lbs.
- (4) 130 to 140 lbs. - not more than 8 lbs.
- (5) 140 to 154 lbs. - not more than 10 lbs.
- (6) 154 to 167 lbs. - not more than 12 lbs.
- (7) 167 to 184 lbs. - not more than 15 lbs.
- (8) 184 and over - no limit

(c) Each contestant shall wear the following:

- (1) Kickboxing type trunks or karate style long pants, the belt of which does not extend above the waistline;
- (2) A protective groin cup, which shall be firmly adjusted before entering the ring;
- (3) An individually fitted mouthpiece which shall be in the contestant's mouth at all times during the fight period of each round;
- (4) Breast protectors for female contestants;
- (5) An abdominal guard of standard type which provides sufficient protection to withstand any low blow; and
- (6) Although not required, it is permissible for female contestants to wear a protective pelvic girdle to cover the pubic area, ovaries, coccyx and sides of the hips.

(d) All contestants shall be clean and present a neat appearance. This also applies to the contestants ring apparel. If the Commission representative determines the hair on the contestant's head or face presents any potential hazard to the safety of the contestant, his opponent or will interfere with the supervision of the match he shall notify the contestant of such determination at the time of the weigh-in. If, at the time the inspector makes the final inspection of the contestant before the match begins, the contestant has not made the necessary corrections, he shall not be permitted to fight and shall be disqualified.

(e) Any contestant who fails to comply with these requirements shall not be allowed to participate in a match and such failure to comply with these requirements shall be grounds for suspension of the contestant's license.

(f) All contestants must wear thumb attached kickboxing gloves, and footpads. Kickboxing gloves weighing a minimum of 8 ounces shall be worn by contestants weighing 154 lbs. or less. Kickboxing gloves weighing a minimum of 10 ounces shall be worn by contestants weighing 154 lbs. or more. An ample supply of kickboxing gloves and footpads in good condition, must be kept on hand by the promoter. All gloves and footpads must pass the inspection of the referee and/or the Commission representative, and the Commission may require a brand new set of gloves or footpads for any event. Laces of gloves shall be knotted on the back of the wrist with tape applied over the laces so as to prevent injury to the opponent.

(g) Wrapping of hands and feet is required, and shall conform to the standards as described in Rule .0104(l) of this Section. Footpads are required and shall be approved by the referee or Commission representative.

(h) Shinguards are required and shall be of a soft material of a type and construction normally used for kickboxing. Shinguards shall be held in place at two locations using no more than two windings of 1 1/2 inch surgical tape.

(i) The ring must meet the requirements as described under "boxing ring" in Rule .0104(n) of this Section.

(j) The length of each round of a match shall be two minutes with one minute rest intervals between rounds.

(k) A match shall be scheduled for four, six, eight, or 10 rounds, depending on the experience of the contestants and whether or not the match is a main event. A championship match shall be scheduled for 12 rounds.

(l) Scoring shall be by the "10 point must" system. The winner of any round shall be awarded 10 points by the scoring judge, provided however that penalty points will be deducted for fouls or for failure to execute the eight required kicks. The loser of any round shall be scored 7 to 9 points, provided however that penalty points may be deducted for fouls or for failure to execute the number of required kicks. Decimal scoring using 1/2 points (0.5) may be permitted.

(m) The awarding or deducting of points by the judges and referee, the determination as to the occurrence of knockdowns, knockouts and fouls and the procedure to be used following such occurrence shall be accomplished in the

following manner and based on the following criteria, which criteria is listed in the order of importance:

- (1) Offensive full-contact professional karate punching, kicking and striking techniques, with the exception of those techniques identified in this Chapter as fouls, are appropriate, and the execution of such techniques in an effective and timely manner shall be scored highly. Professional karate techniques include all techniques in various karate, kung fu, tae kwon do and similar fighting systems, which techniques may be executed according to the individual kickboxer's style or system of fighting.
- (2) A clean knockdown shall be highly scored. A successful sweep is not considered a knockdown. The following shall be used to determine when a knockdown has occurred and the procedure to be followed after a knockdown has occurred:
 - (A) A contestant shall be considered to be knocked down when:
 - (i) Any part of his body, other than his feet, is on the floor;
 - (ii) He is hanging helplessly over the ropes;
 - (iii) He is rising from a down position;
 - (iv) He purposefully falls down without being hit; or
 - (v) At the conclusion of a round in a match, he leaves the ring and fails to be in the ring when the bell sounds indicating the beginning of the next round.
 - (B) When a contestant is knocked down, the referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner, and shall immediately begin a 10-second count, of which 8 seconds shall be mandatory, over the contestant who is down. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The assistant or knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count.
 - (C) If the contestant taking the count is still down when the referee calls the count of 10, the referee shall wave both arms to indicate that the contestant has been knocked out, provided however, that if the contestant is counted out by virtue of his failure to be in the ring when the bell sounds indicating the beginning of the next round, the match shall be terminated and the contestant who was counted out shall be declared the loser by technical knockout.
 - (D) If a contestant is knocked down and is down at the time the bell rings to end the round, the knockdown timekeeper shall continue to count. If the downed contestant fails to rise before the

count of 10, he shall be considered to have been knocked out in the subsequent round. If a contestant is knocked down and is down at the time the bell rings in the final round, the knockdown timekeeper shall continue to count and if the downed contestant fails to rise before the count of 10 the downed contestant shall be considered to have been knocked out in the final round.

- (E) If both participants are knocked down at the same time, counting shall continue as long as either remains down. If both participants remain down until the count of 10, the match shall be terminated and the decision shall be a technical draw.
- (F) A contestant who has been knocked down shall be required to take a count of eight whether or not he has regained his feet before the count of eight has been reached.
- (G) The referee shall, if in his opinion a contestant has been dazed or significantly hurt but remains standing, administer a standing 8-count. The referee shall order the opponent to retire to the farthest neutral corner of the ring by pointing to that corner, and shall immediately begin the 8 second count. He shall announce the passing of the seconds, accompanying the count with a downward motion of his arm. The assistant or knockdown timekeeper, by effective signaling, shall provide the referee the correct one second interval for his count. The referee's count is the official count. A standing 8-count shall be considered a knockdown.
- (H) If a contestant who is down arises before the count of 10 is reached, and then goes down immediately, without being struck, the referee shall resume the count where he previously stopped counting.
- (I) When a contestant is knocked out, the referee shall perform a full 10 second count before terminating the match, provided however that if, in the opinion of the referee or physician, the contestant requires immediate medical attention, the referee shall not be required to count to 10. The referee shall waive his arms to indicate that the contestant is knocked out and shall immediately summon the physician.
- (J) If a contestant is knocked out of or has fallen out of the ring the referee shall allow the contestant a reasonable period of time to re-enter the ring, provided however, that if the contestant was knocked out of the ring as a result of a legal technique and is unable to regain his feet, the referee shall consider this to be a knockdown and shall begin a 10 second count. The opponent shall be ordered to retire

to the furthest neutral corner, where he shall remain until signaled by the referee to continue with the match. If a contestant intentionally falls through the ropes, his seconds shall not assist him and, the contestant shall be considered to have been knocked down and the appropriate count and procedures for knock-downs shall be initiated by the referee. If a contestant is assisted to his feet, enters the ring and immediately goes down, the referee shall begin a 10 second count or shall continue a 10 second count started after the contestant was knocked out of the ring. Any contestant who does not immediately re-enter the ring shall be deemed to have been knocked down and the appropriate count and procedures used in the event of a knockdown shall be used. If, in the opinion of the referee, the contestant has been dazed or significantly hurt but remains standing, the referee shall administer a standing 8-count.

(K) When a contestant rises from being knocked down, the referee shall, if he deems it advisable, step between the participants for such period of time to assure himself that the contestant who has just arisen is able to continue. When so assured, he shall, without loss of time, order both participants to proceed with the match.

(L) Should the contestant who is not down and who has been ordered to a neutral corner, fail to stay in the neutral corner, the referee and knockdown timekeeper shall cease the count and shall not resume the count until the contestant has retired to the neutral corner.

(M) Unless otherwise approved before the match, a towel thrown into the ring shall be ignored and the match shall commence as though it had not appeared.

(N) If a contestant slips, falls down or is pushed down, the referee shall immediately order him to his feet, clean his gloves of any dirt and debris and order the match to continue.

(O) If a contestant is knocked down three times during any one round, he shall be declared the loser by technical knockout, provided however, that this rule may be waived in advance for a championship match.

(3) Legal kicks are those which are attempts to land hard on a target area of the opponent's body with the intent to do damage. The determination of a legal kick shall be made by the kick count judge. The minimum kick requirement shall be 8 legal kicks delivered above the belt. For each legal kick less than the minimum number required, a contestant shall be penalized by the deduction of one point, not to exceed three

points in any one round. Each knockdown in a round shall result in the reduction by 1 of the minimum number of kicks required for each participant. At the point of a knockdown, which shall be indicated by the referee performing the mandatory 8-count, both kick count judges shall flip another card to show the awarding of a kick to each participant, thereby reducing the number of required kicks remaining to be executed in order to meet the minimum. The scoring judges shall score the round, after which the point or points penalized for failure to execute the minimum number of kicks shall be deducted from the score.

(4) Sweeping is that technique used to throw the opponent off balance. When used, it must be an obvious attempt to unbalance the opponent's front leg and not be intended to injure the leg. Sweeps must be executed with the arch part of the foot and delivered to the outside portion of the forward leg only. A sweep delivered to the inside, front or rear of the leg, or a kick directed to the inside region of the thigh, non-footpad to footpad or shin to shin sweeps are fouls and will be so penalized. The low kick of French savate or coup de pied bas is considered a sweep and is subject to the same restrictions.

(5) A foul, whether intentional or unintentional, will result in a warning or deduction of a point or points, as determined by the referee:

(A) The referee shall determine the severity of the penalty using as his criteria the intent of the contestant committing the foul and the result and effect of the foul upon the opponent.

(B) When the referee determines that he shall deduct a point or points from a participant, he shall immediately notify the Commission representative or scorekeeper (if one is used), who will ensure that the specified number of points are deducted from each of the judge's score cards at the end of the round.

(C) The referee shall not tolerate continual and repeated Commission of fouls by a participant. The referee shall give warning to a contestant who continually and repeatedly commits fouls and when, in the opinion of the referee, the contestant has displayed persistent disregard for the rule governing the Commission of fouls, the referee shall disqualify the participant, terminate the match and provide such findings to the Commission for appropriate action.

(D) Points for fouls shall only be deducted in the round in which the fouls occurred. A contestant shall not be penalized in a subsequent round for fouls that occurred in a previous round.

- (E) The following actions are considered to be fouls, the committing of which will result in a deduction of points:
- (i) Striking below the belt in an unauthorized manner;
 - (ii) Striking an opponent who is down or is getting up after being down;
 - (iii) Holding an opponent with one hand and punching with the other;
 - (iv) Holding or deliberately maintaining a clinch;
 - (v) Butting with the head;
 - (vi) Striking with the knee, elbow or palm-heel;
 - (vii) Clubbing blows with the hand;
 - (viii) Striking to the face with any part of the arm other than the gloved hand;
 - (ix) Deliberately striking or kicking the groin area, women's breasts, women's ovaries, back of the head, neck or throat, or that part of the back near the spine and over the kidneys;
 - (x) The deliberate use of any scraping or rabbit blow;
 - (xi) Flicking or jabbing the opponent's eyes with the thumb of the glove;
 - (xii) Hitting with the open glove or with the wrist;
 - (xiii) The use of abusive language in the ring or corner, or spitting or biting;
 - (xiv) Kicking with the knee, or kicking into the knee or to the inside region of the thigh, and sweeps to the inside region of the leg or shin-to-shin sweeps;
 - (xv) Linear or straight-in striking or kicking to the spine;
 - (xvi) Intentionally pushing, shoving or wrestling an opponent to the ring floor or out of the ring, or throwing or taking an opponent to the floor in any unauthorized manner including illegal sweeps;
 - (xvii) Attacking or striking on the break;
 - (xviii) Striking after the bell has sounded ending the round;
 - (xix) Intentionally delaying the contest through any action or failure to act;
 - (xx) Leg checking which is the act of extending the leg to check an opponent's leg to prevent him from kicking;
 - (xxi) Grabbing or holding an opponent's leg or foot followed by a takedown, strike or kick;
 - (xxii) Pushing an opponent around the ring or into the ropes;
 - (xxiii) Anti-joint techniques which is the act of striking or applying leverage against any joint;
 - (xxiv) Holding the ropes with one hand while kicking, punching or defending with the other hand or the legs;
 - (xxv) Any unsportsmanlike action which causes or is intended to cause injury to an opponent; or
 - (xxvi) Intentional spitting out of the mouthpiece or allowing the mouthpiece to fall out of the mouth.
- (n) Wins or draws shall be determined as follows:
- (1) A contestant who knocks out his opponent shall be declared the winner of the match.
 - (2) If both participants are knocked down at the same time and both participants remain down until the count of 10, the match shall be considered a technical draw.
 - (3) A contestant who is awarded a technical knockout shall be declared the winner of the match.
 - (4) A contestant who is knocked down three times in any one round shall be considered to have lost the match by a technical knockout. If requested by a sanctioning body, this Rule shall be waived for a championship fight.
 - (5) When the winner of a match is to be determined by the number of points awarded or deducted or by the number of rounds awarded to each participant, the scores for all rounds shall be compiled for each judge and the following criteria shall be used:
 - (A) Three wins shall be declared a win;
 - (B) Two wins and one draw shall be declared a win;
 - (C) Two wins and one loss shall be declared a win;
 - (D) One win and two draws shall be declared a draw;
 - (E) One win, one draw and one loss shall be declared a draw;
 - (F) One win and two losses shall be declared a loss;
 - (G) Three draws shall be declared a draw;
 - (H) Two draws and one loss shall be declared a draw;
 - (I) One draw and two losses shall be declared a loss; and
 - (J) Three losses shall be declared a loss.
 - (6) If, as the result of a foul, whether unintentional or intentional, except for an unintentional butt, a contestant is unable to continue, the following procedure shall be used to determine the result of the match:
 - (A) If the foul occurs prior to the scoring of the first round the result shall be a technical draw;
 - (B) If the foul occurs in any round subsequent to the first round or the foul occurs in the first round but the contestant is not determined to be unable to continue until after the scoring of

the first round, the winner shall be the contestant who is leading based upon the score cards of the judges.

- (7) If, as the result of an unintentional butt foul, a contestant is unable to continue, the following procedure shall be used to determine the result of the match:
 - (A) If the foul occurs prior to the scoring of the third round and the fouled contestant is unable to continue, the result shall be a technical draw;
 - (B) If the foul occurs in any round subsequent to the third round or the foul occurs in the first, second or third rounds round but the contestant is not determined to be unable to continue until after the scoring of the third round, the winner shall be the contestant who is leading based upon the score cards of the judges;
- (8) When an injury is produced by a fair strike but because of the severity of the injury the match cannot continue, the injured contestant shall be declared the loser by a technical knockout.
- (9) If a contestant refuses to continue a match while physically able to do so, the referee shall disqualify him, award the match to his opponent, and shall direct that the purse be withheld. The referee shall provide a written report to the Commission. If the Commission determines that the contestant refused to continue a match while physically able to do so, the Commission shall require that the participant's purse shall be forfeited to the Commission and shall impose a period of suspension for a period not less than six months.
- (10) In any case where the referee determines that both participants are not honestly competing, that a knockdown is intentional and predetermined by both parties or a foul has been prearranged so as to cause the match to be terminated, he shall not finish the knockdown count or disqualify either contestant for fouling or render a decision, but shall instead terminate the match not later than the end of the round and order the promoter to surrender the purses of both participants to the Commission representative pending an investigation of the alleged violation. The announcer or referee shall inform the audience that no decision has been rendered.
- (11) If, in the opinion of the physician, the referee has received an injury, the seriousness of which prevents him from continuing to officiate, and the Commission representative is unable to locate another qualified person to act as referee, the match shall be terminated, no decision shall be rendered and the purses of both participants shall be withheld. The Commission shall then rule as to the disposition of the purses.

(o) Finality of decisions shall be governed by the following:

- (1) A decision rendered at the conclusion or termination of any match is final and shall not be changed unless it is determined that any of the following occurred:
 - (A) There was collusion affecting the result of any match;
 - (B) The compilation of the round or match score cards shows an error which indicates that the decision was awarded to the wrong participant;
 - (C) There was a violation of these rules relating to drugs or foreign substances; or
 - (D) There was a violation of the rules set forth in this Chapter which violation affected the result of the match.
 - (2) If it is determined that any of the the above occurred, the decision rendered shall be changed as directed by the Commission.
- (p) Kickboxers shall conform to the standards set forth for boxers in Rule .0104(v) - (z) of this Section.

Authority G.S. 143-652.

**TITLE 10 - DEPARTMENT OF HUMAN
RESOURCES**

CHAPTER 3 - FACILITY SERVICES

**SUBCHAPTER 3U - CHILD DAY CARE
STANDARDS**

**SECTION .0700 - HEALTH AND OTHER
STANDARDS FOR CENTER STAFF**

Notice of Rule-making Proceeding is hereby given by the NC Child Day Care Commission in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceeding and any comments received on this notice.

Rule Citation: 10 NCAC 3U .0704 and .0705

Statutory Authority for the rule-making: G.S. 110-91(8)

Statement of the Subject Matter: *Qualification requirements for day care center administrators and day care center teachers.*

Reason for Proposed Action: *To amend the rules to include completion of the NC Child Care Credential as an option for qualification.*

Comment Procedures: *Question or written comments regarding this matter may be directed to Jeanne Marlowe, APA Coordinator, Division of Child Development, 319 Chapanoke Rd., PO Box 29553, Raleigh, NC 27626-0553; (919) 662-4535.*

**TITLE 15A - DEPARTMENT OF ENVIRONMENT,
HEALTH, AND NATURAL RESOURCES**

CHAPTER 1 - DEPARTMENTAL RULES

**SUBCHAPTER 1K - GROUNDWATER
PROTECTION LOAN FUND**

Notice of Rule-making Proceeding is hereby given by the Department of Environment, Health, and Natural Resources in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceeding and any comments received on this notice.

Rule Citation: 15A NCAC 1K

Statutory Authority for the rule-making: G.S. 143-215.74E

Statement of the Subject Matter: *The proposed rules set forth the requirements and procedures for the training and certification of persons who perform the land application of animal waste resulting from the raising of swine (Sus scrofa) to be certified as required by G.S. 143-215.74C-E. The purpose of the rules is to reduce nonpoint source pollution in order to protect the public health and to conserve and protect the quality of the State's water resources. These Rules are also intended to encourage the development and improvement of the State's agricultural land for the production of food and other agricultural products.*

The proposed rules apply to all swine facilities designed to manage and that actually serve more than 250 swine. Such facilities will be required to designate and maintain a certified operator in charge for the land application of animal waste by January 1, 1997. Only the certified operator in charge may apply animal waste to the land. The owner of the facility is responsible for ensuring that the waste application is performed by a certified operator in charge or a person under the supervision of a certified operator in charge.

Reason for Proposed Action: *The purpose of this rule-making is to establish the certification procedures and requirements for operators of animal waste management systems as required by G.S. 143-215.74E(d). The intent of this certification is to reduce nonpoint source pollution that may result from the land application of animal waste that is generated by the raising of swine (Sus scrofa). The certification program will be designed to protect the public health and to encourage the development and improvement of the State's agricultural land for the production of food and other agricultural products*

Comment Procedures: *Comments, statements, data, and other information may be submitted in writing no later than March 4, 1996. Written comments may be submitted to Ron Ferrell, Division of Environmental Management, Water Quality Section, Water Pollution Control System Operators Certification Commission, P.O. Box 29535, Raleigh, NC 27626-0535.*

**CHAPTER 10 - WILDLIFE RESOURCES AND
WATER SAFETY**

**SUBCHAPTER 10F - MOTORBOATS AND
WATER SAFETY**

**SECTION .0100 - MOTORBOAT
REGISTRATION**

Notice of Rule-making Proceeding is hereby given by the N.C. Wildlife Resources Commission in accor-

dance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceeding and any comments received on this notice.

Rule Citation: 15A NCAC 10F .0100

Statutory Authority for the rule-making: G.S. 75A-3; 75A-5; 33 C.F.R. 174.21;

Statement of the Subject Matter:

Local Water Safety Regulations.

Boat Registration.

Reason for Proposed Action:

Local Water Safety Regulations - To regulate boat speed in congested areas by establishing no-wake zones in the the following counties: (A) Brunswick Co. - Town Creek Coloney Area. (B) Catawba Co. - Lake Hickory. (C) Dare Co. - Baum Bay Harbor. (D) Person Co. - Mayo Lake.

Boat Registration - To clarify rule and add provisions relating to vessel registration agents.

Comment Procedures: *The record of hearing will be open for receipt of written comments from January 2, 1996 - March 4, 1996. Such written comments must be delivered or mailed to the N.C. Wildlife Resources Commission, 512 N. Salisbury Street, Raleigh, NC 27604-1188.*

**TITLE 21 - OCCUPATIONAL LICENSING
BOARDS**

**CHAPTER 69 - NORTH CAROLINA BOARD FOR
LICENSING SOIL SCIENTISTS**

Notice of Rule-making Proceeding is hereby given by the North Carolina Board for Licensing Soil Scientists in accordance with G.S. 150B-21.2(b). The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceeding and any comments received on this notice.

Rule Citation: 21 NCAC 69

Statutory Authority for the rule-making: G.S. 89F-5(6)

Statement of the Subject Matter: *Board needs to adopt rules that establish licensing requirements for soil scientists. The Board intends to file temporary rules for those requirements necessary for licensing.*

Reason for Proposed Action: *Ratification of Chapter 89F of North Carolina's General Statutes titled, Soil Scientist Licensing Act.*

Comment Procedures: *Written comments pertaining to these rules will be accepted through March 4, 1996. They should be addressed to: Joseph Kleiss, Coordinator, NC Board for Licensing of Soil Scientists, PO Box 5316, Raleigh, NC 27650-5316.*

The Codifier of Rules has entered the following temporary rule(s) in the North Carolina Administrative Code. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the *North Carolina Register* serves as a notice of rule-making proceedings for a permanent rule that does not differ substantially from the published temporary rule.

TITLE 15A - DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES

Rule-making Agency: *Environmental Management Commission*

Rule Citation: *15A NCAC 2L .0106 and 15A NCAC 2P .0402*

Effective Date: *January 2, 1996*

Findings Reviewed by the Codifier of Rules: *Approved*

Statutory Authority for the rule-making: *143-215.2; 143-215.3(a); 143-215.94V; 143B-282*

Reason for Proposed Action:

15A NCAC 2L .0106 - Amendments will require the owner or operator or a landowner, eligible for reimbursement from the state's Commercial and Non-Commercial Underground Storage Tank Trust Funds pursuant to NCGS 143-215.94E(b1), to determine the degree of risk to human health and the environment that is posed by a discharge or release from a petroleum underground storage tank. This rule change is necessary in order to enact the requirements of G.S. 143-215.94V. Other amendments to this rule are intended to assure that state trust fund reimbursements are continued for sites that have the greatest risk and to reduce the demand on trust funds.

15A NCAC 2P .0402 - clarifies which costs will not be reimbursed and how the Department will determine which costs are reasonable and necessary. This change will enable the Division to more effectively prioritize reimbursements from the trust funds based on the degree of risk from a release of petroleum.

Comment Procedures: *All persons interested in this matter are encouraged to submit written comments or questions to David Hance, EHNR-DEM: Groundwater Section, PO Box 29578, Raleigh, NC 27626-0578. Comments will be accepted by the agency through March 4, 1996.*

CHAPTER 2 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 2L - GROUNDWATER CLASSIFICATION AND STANDARDS

SECTION .0100 - GENERAL CONSIDERATIONS

.0106 CORRECTIVE ACTION

(a) Where groundwater quality has been degraded, the goal of any required corrective action shall be restoration to the level of the standards, or as closely thereto as is economically and technologically feasible. In all cases involving requests to the Director for approval of corrective action plans, or termination of corrective action, the responsibility for providing all information required by this Rule lies with the person(s) making the request.

(b) Any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance or oil to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, mitigate any hazards resulting from exposure to the pollutants and notify the Division of the discharge.

(c) Any person conducting or controlling an activity which has not been permitted by the Division and which results in an increase in the concentration of a substance in excess of the standard, other than agricultural operations, shall:

- (1) immediately notify the Division of the activity that has resulted in the increase and the contaminant concentration levels;
- (2) take immediate action to eliminate the source or sources of contamination;
- (3) submit a report to the Director assessing the cause, significance and extent of the violation; and
- (4) implement an approved corrective action plan for restoration of groundwater quality in accordance with a schedule established by the Director, or his designee. In establishing a schedule the Director, or his designee shall consider any reasonable schedule proposed by the person submitting the plan. A report shall be made to the Health Director of the county or counties in which the contamination occurs in accordance with the requirements

of Rule .0114(a) in this Section.

(d) Any person conducting or controlling an activity which is conducted under the authority of a permit issued by the Division and which results in an increase in concentration of a substance in excess of the standards:

- (1) at or beyond a review boundary, shall demonstrate, through predictive calculations or modeling, that natural site conditions, facility design and operational controls will prevent a violation of standards at the compliance boundary; or submit a plan for alteration of existing site conditions, facility design or operational controls that will prevent a violation at the compliance boundary, and implement that plan upon its approval by the Director, or his designee.
- (2) at or beyond a compliance boundary, shall assess the cause, significance and extent of the violation of standards and submit the results of the investigation, and a plan and proposed schedule for corrective action to the Director, or his designee. The permittee shall implement the plan as approved by and in accordance with a schedule established by the Director, or his designee. In establishing a schedule the Director, or his designee shall consider any reasonable schedule proposed by the permittee.

(e) For the purposes of Paragraphs (c) and (d) of this Rule, an activity conducted under the authority of a permit issued by the Division, and subject to Paragraph (d) of this Rule, is one for which:

- (1) a permit has been issued pursuant to G.S. 143-215.1;
- (2) the permit was originally issued after December 30, 1983;
- (3) the substance for which a standard has been exceeded outside the compliance boundary has been released to groundwater as a result of the permitted activity;
- (4) all other activities shall for the purpose of this Rule be deemed not permitted by the Division and subject to the provisions of Paragraph (c) of this Rule.

(f) Corrective action required following discovery of the unauthorized release of a contaminant to the surface or subsurface of the land, and prior to or concurrent with the assessment required in Paragraphs (c) and (d) of this Rule, shall include, but is not limited to:

- (1) Prevention of fire, explosion or the spread of noxious fumes;
- (2) Abatement, containment or control of the migration of contaminants;
- (3) Removal, or treatment and control of any primary pollution source such as buried waste, waste stockpiles or surficial accumulations of free products;
- (4) Removal, treatment or control of secondary pollution sources which would be potential continuing sources of pollutants to the groundwaters such as contaminated soils and non-aqueous phase liquids. Contaminated soils which threaten the quality of groundwaters must be treated, contained or disposed of in accordance with applicable rules and procedures established by the Division. The treatment or disposal of contaminated soils shall be conducted in a manner that will not result in a violation of standards or North Carolina Hazardous Waste Management rules.

(g) The site assessment conducted pursuant to the requirements of Paragraph (c) of this Rule, shall include:

- (1) The source and cause of contamination;
- (2) Any imminent hazards to public health and safety and actions taken to mitigate them in accordance with Paragraph (f) of this Rule;
- (3) All receptors and significant exposure pathways;
- (4) The horizontal and vertical extent of soil and groundwater contamination and all significant factors affecting contaminant transport; and
- (5) Geological and hydrogeological features influencing the movement, chemical, and physical character of the contaminants.

Reports of site assessments shall be submitted to the Division as soon as practicable or in accordance with a schedule established by the Director, or his designee. In establishing a schedule the Director, or his designee shall consider any reasonable proposal by the person submitting the report.

(h) Corrective action plans for restoration of groundwater quality, submitted pursuant to Paragraphs (c) and (d) of this Rule shall include:

- (1) A description of the proposed corrective action and reasons for its selection.
- (2) Specific plans, including engineering details where applicable, for restoring groundwater quality.
- (3) A schedule for the implementation and operation of the proposed plan.
- (4) A monitoring plan for evaluating the effectiveness of the proposed corrective action and the movement of the contaminant plume.

(i) In the evaluation of corrective action plans, the Director, or his designee shall consider the extent of any violations, the extent of any threat to human health or safety, the extent of damage or potential adverse impact to the environment, technology available to accomplish restoration, the potential for degradation of the contaminants in the environment, the time and costs estimated to achieve groundwater quality restoration, and the public and economic benefits to be derived from

groundwater quality restoration.

(j) A corrective action plan prepared pursuant to Paragraph (c) or (d) of this Rule must be implemented using the best available technology for restoration of groundwater quality to the level of the standards, except as provided in Paragraphs (k), (l), ~~and (m)~~ (m), (r) and (s) of this Rule.

(k) Any person required to implement an approved corrective action plan for a non-permitted site pursuant to this Rule may request that the Director approve such a plan without requiring groundwater remediation to the standards. A request submitted to the Director under this Paragraph shall include a description of site specific conditions, including information on the availability of public water supplies for the affected area; the technical basis for the request; and any other information requested by the Director to thoroughly evaluate the request. In addition, the person making the request must demonstrate to the satisfaction of the Director:

- (1) that all sources of contamination and free product have been removed or controlled pursuant to Paragraph (f) of this Rule;
- (2) that the time and direction of contaminant travel can be predicted with reasonable certainty;
- (3) that contaminants have not and will not migrate onto adjacent properties, or that:
 - (A) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater, or
 - (B) the owners of such properties have consented in writing to the request;
- (4) that the standards specified in Rule .0202 of this Subchapter will be met at a location no closer than one year time of travel upgradient of an existing or foreseeable receptor, based on travel time and the natural attenuation capacity of subsurface materials or on a physical barrier to groundwater migration that exists or will be installed by the person making the request;
- (5) that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 2B .0200;
- (6) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section;
- (7) that the proposed corrective action plan would be consistent with all other environmental laws.

(l) Any person required to implement an approved corrective action plan for a non-permitted site pursuant to this Rule may request that the Director approve such a plan based upon natural processes of degradation and attenuation of contaminants. A request submitted to the Director under this Paragraph shall include a description of site specific conditions, including written documentation of projected groundwater use in the contaminated area based on current state or local government planning efforts; the technical basis for the request; and any other information requested by the Director to thoroughly evaluate the request. In addition, the person making the request must demonstrate to the satisfaction of the Director:

- (1) that all sources of contamination and free product have been removed or controlled pursuant to Paragraph (f) of this Rule;
- (2) that the contaminant has the capacity to degrade or attenuate under the site-specific conditions;
- (3) that the time and direction of contaminant travel can be predicted with reasonable certainty;
- (4) that contaminant migration will not result in any violation of applicable groundwater standards at any existing or foreseeable receptor;
- (5) that contaminants have not and will not migrate onto adjacent properties, or that:
 - (A) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater, or
 - (B) the owners of such properties have consented in writing to the request;
- (6) that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 2B .0200;
- (7) that the person making the request will put in place a groundwater monitoring program sufficient to track the degradation and attenuation of contaminants and contaminant by-products within and down gradient of the plume and to detect contaminants and contaminant by-products prior to their reaching any existing or foreseeable receptor at least one year's time of travel upgradient of the receptor and no greater than the distance the groundwater at the contaminated site is predicted to travel in five years;
- (8) that all necessary access agreements needed to monitor groundwater quality pursuant to Subparagraph (7) of this Paragraph have been or can be obtained;
- (9) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
- (10) that the proposed corrective action plan would be consistent with all other environmental laws.

(m) The Division or any person required to implement an approved corrective action plan for a non-permitted site pursuant to this Rule may request that the Director approve termination of corrective action.

- (1) A request submitted to the Director under this Paragraph shall include:
 - (A) a discussion of the duration of the corrective action, the total project's cost, projected annual cost for continuance and evaluation of the success of the corrective action;
 - (B) an evaluation of alternate treatment technologies which could result in further reduction of contaminant levels projected capital and annual operating costs for each technology;
 - (C) effects, including health and safety impacts, on groundwater users if contaminant levels remain at levels existing at the time corrective action is terminated; and
 - (D) any other information requested by the Director to thoroughly evaluate the request.
- (2) In addition, the person making the request must demonstrate to the satisfaction of the Director:
 - (A) that continuation of corrective action would not result in a significant reduction in the concentration of contaminants (At a minimum this demonstration must show the duration and degree of success of existing remedial efforts to attain standards and include a showing that the asymptotic slope of the contaminants curve of decontamination is less than a ratio of 1:40 over a term of one year based on quarterly sampling);
 - (B) that contaminants have not and will not migrate onto adjacent properties, or that:
 - (i) such properties are served by an existing public water supply system dependent on surface waters or hydraulically isolated groundwater, or
 - (ii) the owners of such properties have consented in writing to the request;
 - (C) that, if the contaminant plumes expected to intercept surface waters, the groundwater discharge will not possess contaminant concentrations that would result in violations of standards for surface waters contained in 15A NCAC 2B .0200;
 - (D) that public notice of the request has been provided in accordance with Rule .0114(b) of this Section; and
 - (E) that the proposed termination would be consistent with all other environmental laws.
- (3) The Director shall not authorize termination of corrective action for any area that, at the time the request is made, has been identified by a state or local groundwater use planning process for resource development.
- (4) The Director may authorize the termination of corrective action, or amend the corrective action plan after considering all the information in the request. Upon termination of corrective action, the Director shall required implementation of a groundwater monitoring program sufficient to track the degradation and attenuation of contaminants at a location of at least one year's predicted time of travel upgradient of any existing or foreseeable receptor. The monitoring program shall remain in effect until there is sufficient evidence that the contaminant concentrations have been reduced to the level of the standards.

(n) Upon a determination by the Director that continued corrective action would result in no significant reduction in contaminant concentrations, and the contaminated groundwaters can be rendered potable by treatment using readily available and economically reasonable technologies, the Director may designate the remaining area of degraded groundwater RS. Where the remaining degraded groundwaters cannot be made potable by such treatment, the Director may consider a request for reclassification of the groundwater to a GC classification as outlined in Rule .0201 of this Subchapter.

(o) If at any time the Director determines that a new technology is available that would remediate the contaminated groundwater to the standards specified in Rule .0202 of this Subchapter, the Director may require the responsible party to evaluate the economic and technological feasibility of implementing the new technology in an active groundwater corrective action plan in accordance with a schedule established by the Director. The Director's determination to utilize new technology at any site or for any particular constituent shall include a consideration of the factors in Paragraph (h) of this Rule.

(p) Where standards are exceeded as a result of the application of pesticides or other agricultural chemicals, the Director shall request the Pesticide Board or the Department of Agriculture to assist the Division of Environmental Management in determining the cause of the violation. If the violation is determined to have resulted from the use of pesticides, the Director shall request the Pesticide Board to take appropriate regulatory action to control the use of the chemical or chemicals responsible for, or contributing to, such violations, or to discontinue their use.

(q) The approval pursuant to this Rule of any corrective action plan, or modification or termination thereof, which permits the migration of a contaminant onto adjacent property, shall not affect any private right of action by any party which may be effected by that contamination.

(r) If the increase in the concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial or noncommercial underground storage tank as defined in G.S. 143-215.94A, any person required to implement an approved corrective action plan pursuant to this Rule and seeking reimbursement for the Commercial or Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds shall implement a corrective action plan meeting the requirements of Paragraphs (k) or (l) of this Rule unless such a person demonstrates to the Director that:

- (1) contamination resulting from the discharge cannot qualify for approval of a plan based on the requirements of the Paragraphs; or
- (2) the cost of making such a demonstration would exceed the cost of implementing a corrective action plan submitted pursuant to Paragraph (c) of this Rule.

(s) If the increase in the concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial or noncommercial underground storage tank as defined in G.S. 143-215.94A, the Director may require any person implementing or operating a previously approved corrective action plan pursuant to this Rule to:

- (1) develop and implement a corrective action plan meeting the requirements of Paragraphs (k) and (l) of this Rule;
or
- (2) seek discontinuance of corrective action pursuant to Paragraph (m) of this Rule.

*History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.94A; 143-215.94V; 143B-282;
Eff. August 1, 1989;
Amended Eff. October 1, 1993; September 1, 1992;
Temporary Amendment Eff. January 2, 1996.*

SUBCHAPTER 2P - LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP FUNDS

SECTION .0400 - REIMBURSEMENT PROCEDURE

.0402 CLEANUP COSTS

(a) In determining whether costs expended by an owner or operator or landowner are reasonable and necessary, the Division shall consider the following:

- (1) Adequacy and cost-effectiveness of any work performed and technical activity utilized by the owner or operator or landowner in performing release response, site assessment and corrective action.
- (2) Typical billing rates of engineering, geological, or other environmental consulting firms providing similar services in the State as determined by the Division.
- (3) Typical rental rates for any necessary equipment as determined by the Division. The amount reimbursed for equipment rental shall not exceed the typical purchase price of such equipment.
- (4) Typical costs or rates of any other necessary service, labor or expense as determined by the Division.
- (5) Whether costs expended for corrective action were required by 15A NCAC 2L .0106.

(b) Expenditures not eligible for reimbursement shall include the following:

- (1) Costs of the removal and disposal of noncommercial underground storage tanks and contents removed on or after July 3, 1991, and of commercial underground storage tanks and contents removed on or after January 1, 1992;
- (2) Costs of the replacement of any underground storage tank, piping, fitting, or ancillary equipment;
- (3) Costs incurred in preparation of any proposals or bid by a provider of service for the purpose of soliciting or bidding for the opportunity to perform an environmental investigation or cleanup, even if that provider is ultimately selected to provide the service solicited;
- (4) Interest on any accounts, loans, etc.;
- (5) Expenses charged by the owner or operator or landowner in the processing and management of a reimbursement application or subsequent claims;
- (6) Attorney's fees;
- (7) Penalties, fees, and fines assessed by any court or agency;
- (8) Loss of profits, fees, and wages incurred by the owner or operator or landowner;
- (9) Any other expenses not specifically related to environmental cleanup, or implementation of a cost effective environmental cleanup, or third party bodily injury or property damage.

*History Note: Authority G.S. 143-215.3; 143-215.94B; 143-215.94D; 143-215.94E; 143-215.94L; 143-215.94T;
143-215.94V; 143B-282;
Eff. February 1, 1993;
Amended Eff. September 1, 1993;
Temporary Amendment Eff. January 2, 1996.*

This Section contains a listing of the rules that RRC has objected to in accordance with G.S. 150B-21.9(a). State agencies are required to respond to RRC objections as provided in G.S. 150B-21.12(a).

RULES REVIEW OBJECTIONS

AGRICULTURE

Structural Pest Control Division

2 NCAC 34 .0904 - Prohibited Acts	RRC Objection	10/18/95
Agency Revised Rule	Obj. Removed	10/18/95

HUMAN RESOURCES

Facility Services

10 NCAC 3C .3001 - Definitions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3108 - Suspension of Admissions	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3205 - Discharge of Minor or Incompetent	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3302 - Minimum Provisions of Patient's Bill of Rights	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3502 - Bylaws	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3602 - Responsibilities	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3603 - Personnel Policies and Practices	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3607 - Personnel Health Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3608 - Insurance	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3704 - Status	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .3902 - Manager	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .3904 - Patient Access	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95

Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4003 - Policies and Procedures	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4102 - Classification of Optional Emergency Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4104 - Medical Director	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4203 - Nursing Staff	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4303 - Nursing Services Maternal Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4307 - Nursing Staff of Neonatal Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4401 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4502 - Pharmacist	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4508 - Space		
RRC Rescinded its July Approval		10/18/95
Rule Withdrawn by Agency		10/18/95
10 NCAC 3C .4512 - Medications Dispensed	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4702 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4703 - Sanitation and Safety	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4704 - Distribution of Food	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3C .4705 - Nutritional Support	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4801 - Organization	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3C .4905 - Tissue Removal and Disposal	RRC Objection	07/13/95

<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>
10 NCAC 3C .5002 - <i>Delivery of Care</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Returned to Agency</i>		<i>10/18/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .5201 - <i>Psychiatric/Substance Abuse Svcs.: Applicability of Rules</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>
10 NCAC 3C .5202 - <i>Definitions Applicable/Psychiatric/Substance Abuse Svcs.</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Cont'd</i>	<i>10/18/95</i>
<i>Agency Filed Rule for Codification Over RRC Objection</i>	Eff.	01/01/96
10 NCAC 3C .5205 - <i>Seclusion</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>10/18/95</i>
10 NCAC 3C .5302 - <i>Definitions</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5309 - <i>Nursing/Health Care Administration and Supervision</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5315 - <i>Dental Care</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5318 - <i>Activities and Recreation</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5319 - <i>Social Services</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5322 - <i>Brain Injury Extended Care Physician Services</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5323 - <i>Brain Injury Extended Care Program Requirements</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5324 - <i>Special Nursing Req. Brain Injury Long Term Care</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5325 - <i>Ventilator Dependence</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5326 - <i>Physician Services for Ventilator Dependent Patients</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5403 - <i>HIV Designated Unit Policies and Procedures</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5405 - <i>Physician Services in a HIV Designated Unit</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5407 - <i>Use of Investigational Drugs on the HIV Designated Unit</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>
<i>Rule Withdrawn by Agency</i>		<i>10/18/95</i>
10 NCAC 3C .5501 - <i>Definitions</i>	<i>RRC Objection</i>	<i>07/13/95</i>
<i>No Response from Agency</i>	<i>Obj. Cont'd</i>	<i>09/21/95</i>

<i>Rule Withdrawn by Agency</i>			10/18/95
10 NCAC 3C .5502 - Physician Reg. for Inpatient Rehab. Facilities or Units	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Withdrawn by Agency</i>			10/18/95
10 NCAC 3C .5507 - Comprehensive Rehabilitation Personnel Administration	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Withdrawn by Agency</i>			10/18/95
10 NCAC 3C .5508 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Withdrawn by Agency</i>			10/18/95
10 NCAC 3C .5512 - Additional Req. for Traumatic Brain Injury Patients	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Withdrawn by Agency</i>			10/18/95
10 NCAC 3C .5513 - Additional Req. for Spinal Cord Injury Patients	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Withdrawn by Agency</i>			10/18/95
10 NCAC 3C .6102 - List of Referenced Codes and Standards	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Agency Revised Rule</i>	Obj. Removed		10/18/95
10 NCAC 3C .6208 - Obstetrical Department Requirements	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Agency Revised Rule</i>	Obj. Removed		10/18/95
10 NCAC 3H .2001 - Definitions	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2201 - Administrator	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2202 - Admissions	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2203 - Patients Not to be Admitted	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2206 - Medical Director	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2209 - Infection Control	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Agency Revised Rule</i>	Obj. Removed		10/18/95
10 NCAC 3H .2212 - Quality Assurance Committee	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2301 - Patient Assessment and Care Planning	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96
10 NCAC 3H .2302 - Nursing Services	RRC Objection		07/13/95
<i>No Response from Agency</i>	Obj. Cont'd		09/21/95
<i>Rule Returned to Agency</i>			10/18/95
<i>Agency Filed Rule for Codification Over RRC Objection</i>		Eff.	01/01/96

10 NCAC 3H .2308 - Domiciliary Home Personnel Requirements	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2401 - Maintenance of Medical Records	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2501 - Availability of Physician's Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2505 - Brain Injury Long-Term Care Physician Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2506 - Physician Services for Ventilator Dependent Patients	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2601 - Availability of Pharmaceutical Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2604 - Drug Procurement	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Removed	10/18/95
10 NCAC 3H .2605 - Drug Storage and Disposition	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2606 - Pharmaceutical Records	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2607 - Emergency Drugs	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2701 - Provision of Nutrition and Dietetic Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Agency Revised Rule	Obj. Cont'd	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2801 - Activity Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .2802 - Social Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3002 - Quality of Specialized Rehabilitation Services	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95
Rule Returned to Agency		10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff.	01/01/96
10 NCAC 3H .3003 - Ventilator Dependence	RRC Objection	07/13/95
No Response from Agency	Obj. Cont'd	09/21/95

Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3004 - Brain Injury Long-Term Care	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Agency Revised Rule	Obj. Cont'd 10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3005 - Special Nursing Req. for Brain Injury Long-Term Care	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Agency Revised Rule	Obj. Cont'd 10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3011 - HIV Designated Unit Policies and Procedures	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3012 - Physician Services in an HIV Designated Unit	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3013 - Special Nursing Requirements for an HIV Designated Unit	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3015 - Use of Investigational Drugs for HIV Designated Units	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3016 - Additional Social Work Req. for HIV Designated Units	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3021- Physician Req. for Inpatient Rehab. Facilities or Units	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3027 - Comprehensive Inpatient Rehab. Program Staffing Req.	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3031 - Additional Req. for Spinal Cord Injury Patients	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Rule Returned to Agency	10/18/95
Agency Filed Rule for Codification Over RRC Objection	Eff. 01/01/96
10 NCAC 3H .3103 - Site	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Agency Revised Rule	Obj. Removed 10/18/95
10 NCAC 3H .3201 - Required Spaces	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Agency Revised Rule	Obj. Removed 10/18/95
10 NCAC 3H .3401 - Heating and Air Conditioning	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Agency Revised Rule	Obj. Removed 10/18/95
10 NCAC 3H .3404 - Other	RRC Objection 07/13/95
No Response from Agency	Obj. Cont'd 09/21/95
Agency Revised Rule	Obj. Removed 10/18/95

RRC has Objected on 07/13/95 to the Following Repeals in 10 NCAC 3C and 10 NCAC 3H:

10 NCAC 3C .0101 - .0102, .0104 - .0110, .0201 - .0203, .0301 - .0307, .0401 - .0407, .0501 - .0505, .0601 - .0604,

RULES REVIEW COMMISSION

.0701 - .0708, .0801 - .0805, .0807, .0901 - .0917, .1001 - .1006, .1101 - .1102, .1201 - .1204, .1301 - .1303, .1401 - .1405, .1501 - .1508, .1510, .1601 - .1606, .1701 - .1717, .1801 - .1805, .2101 - .2105.

No Response from Agency

Obj. Cont'd 09/21/95

Obj. Removed 10/18/95

10 NCAC 3C .1901 - .1912, .1915 - .1932, .2001 - .2008, .2020 - .2033

RRC Objection 07/13/95

No Response from Agency

Obj. Cont'd 09/21/95

Rules Returned to Agency

10/18/95

10 NCAC 3H .0108 - .0109, .0206 - .0220, .0306 - .0318, .0407 - .0409, .0505 - .0507, .0510 - .0517, .0605 - .0609, .0705 - .0712, .0810 - .0812, .0903 - .0911, .1003 - .1008, .1105 - .1109, .1130 - .1136, .1150 - .1163, .1204 - .1208, .1210, .1306 - .1308, .1405 - .1406, .1408 - .1410, .1501 - .1503, .1612 - .1613, .1703 - .1704, .1804 - .1807.

No Response from Agency

Obj. Cont'd 09/21/95

Obj. Removed 10/18/95

10 NCAC 3L .0901 - Definitions

RRC Objection 11/16/95

10 NCAC 3L .1004 - Evaluation

RRC Objection 11/16/95

10 NCAC 3L .1102 - Nursing Services and Duties

RRC Objection 11/16/95

10 NCAC 3L .1103 - Physical Therapy Services

RRC Objection 11/16/95

10 NCAC 3L .1105 - Occupational Therapy Services

RRC Objection 11/16/95

10 NCAC 3L .1106 - Medical Social Work Services

RRC Objection 11/16/95

10 NCAC 3L .1108 - Infusion Nursing Services

RRC Objection 11/16/95

10 NCAC 3L .1109 - Clinical Respiratory Svcs, Including Pulmonary, or Ventilation Svcs

RRC Objection 11/16/95

10 NCAC 3L .1110 - Supvn/Competency/In-Home Aides/Other In-Home Care Providers

RRC Objection 11/16/95

10 NCAC 3L .1202 - Case Review and Plan of Care

RRC Objection 11/16/95

10 NCAC 3L .1402 - Content of Record

RRC Objection 11/16/95

Medical Assistance

10 NCAC 26I .0101 - Purpose and Scope

RRC Objection 10/18/95

Rule Returned to Agency

Obj. Cont'd 11/16/95

10 NCAC 26I .0102 - Requests for Formal and Informal Appeals

RRC Objection 10/18/95

Rule Returned to Agency

Obj. Cont'd 11/16/95

10 NCAC 26I .0103 - Time Limits on Requests for Recipient/Applicant Informal Appeals

RRC Objection 10/18/95

Rule Returned to Agency

Obj. Cont'd 11/16/95

10 NCAC 26I .0106 - Payment Pending Appeals

RRC Objection 10/18/95

Rule Returned to Agency

Obj. Cont'd 11/16/95

10 NCAC 26I .0107 - Dismissal of Appeal

RRC Objection 10/18/95

Agency Revised Rule

Obj. Removed 10/18/95

JUSTICE

N.C. Sheriffs' Education and Training Standards Commission

12 NCAC 10B .0102 - Purpose

RRC Objection 11/16/95

Agency Repealed Rule

Obj. Removed 11/16/95

12 NCAC 10B .0503 - Time Req/Completion/Basic Law Enforcement Training Course

RRC Objection 11/16/95

Agency Revised Rule

Obj. Removed 11/16/95

12 NCAC 10B .0602 - Time Req/Completion/Jailer Cert Training Course

RRC Objection 11/16/95

Agency Revised Rule

Obj. Removed 11/16/95

12 NCAC 10B .0605 - Completion of Jailer Certification Course

RRC Objection 11/16/95

Agency Revised Rule

Obj. Removed 11/16/95

12 NCAC 10B .0704 - Responsibilities: School Directors

RRC Objection 11/16/95

Agency Revised Rule

Obj. Removed 11/16/95

LICENSING BOARDS AND COMMISSIONS

Acupuncture Licensing Board

21 NCAC 1 .0501 - Qualifications for Establishing a School for Acupuncture in N.C.

RRC Objection 11/16/95

Agency Revised Rule

Obj. Removed

11/16/95

Board of Architecture

21 NCAC 2 .0302 - Written Examination
Agency Revised Rule

RRC Objection
Obj. Removed

11/16/95
11/16/95

Board of Medical Examiners

21 NCAC 32M .0006 - Prescribing Privileges
Agency Revised Rule
21 NCAC 32N .0002 - Continuances
Agency Responded - Agency Will Not Revise Rule

RRC Objection
Obj. Removed
RRC Objection
Obj. Cont'd

11/16/95
11/16/95
08/10/95
09/21/95

Board of Nursing

21 NCAC 36 .0403 - Qualifications
Agency Revised Rule
21 NCAC 36 .0404 - Registration
Agency Revised Rule
21 NCAC 36 .0405 - Approval of Nurse Aide Education Programs
Agency Revised Rule

RRC Objection
Obj. Removed
RRC Objection
Obj. Removed
RRC Objection
Obj. Removed

11/16/95
11/16/95
11/16/95
11/16/95
11/16/95
11/16/95

PUBLIC EDUCATION

Elementary and Secondary Education

16 NCAC 6D .0106 - Limited English Proficiency Programs
Rule Withdrawn by Agency

10/18/95

SECRETARY OF STATE

Securities Division

18 NCAC 6 .1209 - Nonprofit Securities
Agency Revised Rule
Rule Returned to Agency
18 NCAC 6 .1314 - Escrow Agreements
Rule Returned to Agency
18 NCAC 6 .1401 - Application for Registration of Dealers
Agency Revised Rule
Rule Returned to Agency
18 NCAC 6 .1702 - Application for Investment Adviser Registration
Agency Revised Rule
Rule Returned to Agency

RRC Objection
Obj. Cont'd
RRC Objection
RRC Objection
Obj. Cont'd
RRC Objection
Obj. Cont'd

08/10/95
08/10/95
09/21/95
08/10/95
09/21/95
08/10/95
08/10/95
08/10/95
08/10/95
09/21/95

STATE PERSONNEL

Office of State Personnel

25 NCAC 1J .0505 - Leave to Prepare Grievance
Agency Revised Rule
25 NCAC 1J .0509 - Agency Grievance Reports
Agency Revised Rule
25 NCAC 1J .0802 - Awards Committee
Agency Revised Rule
25 NCAC 1K .0318 - Tax Status

RRC Objection
Obj. Removed
RRC Objection
Obj. Removed
RRC Objection
Obj. Removed
RRC Objection

11/16/95
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RULES REVIEW COMMISSION

<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>25 NCAC 1K .0705 - Program Participation</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>25 NCAC 1L .0104 - Program Implementation: Department and University Level</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>
<i>25 NCAC 1L .0106 - Compliance Information</i>	<i>RRC Objection</i>	<i>11/16/95</i>
<i>Agency Repealed Rule</i>	<i>Obj. Removed</i>	<i>11/16/95</i>

This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698.

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
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Senter-Sanders Tractor Corp. v. Admin., Div of Purchase & Contract	94 DOA 0803	Nesnow	03/06/95	
CMC Maintenance Co., a Div. of RDS Corp. v. Dept. of Administration, Div. of Purchase & Contract, et al.	95 DOA 0194	Phippa	06/13/95	
<i>State Construction Office</i>				
W. M. Piatt & Company v. State Construction Office, DOA	94 DOA 0738	Nesnow	04/11/95	10:03 NCR 221
Holland Group, Inc. v. Dept. of Administration, St. Construction Office	94 DOA 1565	Nesnow	06/01/95	10:07 NCR 619
ALCOHOLIC BEVERAGE CONTROL COMMISSION				
Ali Alsaras v. Alcoholic Beverage Control Commission	94 ABC 0526	Chess	05/16/95	
Norman D. Forbes v. Alcoholic Beverage Control Commission	94 ABC 0787	Gray	03/17/95	
Ben Sproul and Steve Pauls v. Alcoholic Beverage Control Comm.	94 ABC 1046	Chess	08/17/95	
Albert Stanley Tomance v. Alcoholic Beverage Control Commission	94 ABC 1168	Becton	03/07/95	
Robert Johnson v. Alcoholic Beverage Control Commission	94 ABC 1661	West	05/01/95	
Stinking Mercury, Inc. v. Alcoholic Beverage Control Commission	94 ABC 1682	Chess	05/03/95	
Alcoholic Beverage Control Comm. v. Depot Stop N Go, Inc.	94 ABC 1694	Mann	03/29/95	
John H. Robinson v. Alcoholic Beverage Control Commission	94 ABC 1727	Morrison	05/18/95	
Clara and Carson Young v. Alcoholic Beverage Control Commission	94 ABC 1729	Chess	05/11/95	
Vladimir Walter Kozlik Jr. v. Alcoholic Beverage Control Commission	94 ABC 1754*12	Mann	08/02/95	10:11 NCR 960
Bryan Lynn Whitaker, Susan Ansley Whitaker v. ABC Commission	94 ABC 1784	Mann	04/19/95	
Diamond Club, Inc. v. Alcoholic Beverage Control Commission	94 ABC 1803	Mann	04/07/95	
Alcoholic Beverage Control Commission v. Weisner, Inc.	95 ABC 0068	West	06/07/95	
Robert Louia Reese v. Alcoholic Beverage Control Commission	95 ABC 0074	Chess	05/25/95	
Alcoholic Beverage Control Comm v. Thomas Henry Dodaon	95 ABC 0095	Phippa	12/01/95	
Ray E. Bailey v. Alcoholic Beverage Control Commission	95 ABC 0210	Gray	05/01/95	
Legwin Z. Williams v. Alcoholic Beverage Control Commission	95 ABC 0224	Nesnow	05/31/95	10:06 NCR 417
Taleb Abed Rahman v. Alcoholic Beverage Control Commission	95 ABC 0323	Phippa	08/02/95	
Sherrill Douglas Langston v. Alcoholic Beverage Control Commission	95 ABC 0415	Nesnow	08/01/95	10:10 NCR 868
Alcoholic Beverage Control Comm. v. Janice Mac Miles	95 ABC 0434	West	07/20/95	
Imran Ali Hameerah v. Alcoholic Beverage Control Commission and	95 ABC 0477	Phippa	07/14/95	
City of Raleigh				
Ali Mohamed Ahmed v. Alcoholic Beverage Control Commission	95 ABC 0487	Gray	10/03/95	
Alcoholic Beverage Control Commission v. Vladimir Walter Kozlik Jr.	95 ABC 0518*12	Mann	08/02/95	10:11 NCR 960
Mychal R. Hill v. Alcoholic Beverage Control Commission	95 ABC 0617	Morrison	09/08/95	
Alcoholic Beverage Control Comm. v. Goldstar Food, Inc.	95 ABC 0678	Gray	10/30/95	
Collie Hawkins v. Alcoholic Beverage Control Commission	95 ABC 0696	Gray	10/06/95	
Alcoholic Bev Cont Comm. v. Partnership, T/A Royal Knights Soc Club	95 ABC 0711	Phipps	09/14/95	
Alcoholic Beverage Control Commission v. Lebyy Rhew Allen	95 ABC 0712	Gray	10/04/95	
Alcoholic Beverage Control Comm. v. Nancy Wheeler Wolfe	95 ABC 0713	Phippa	09/14/95	
Mustafa Yacoub Salameh v. Alcoholic Beverage Control Commission	95 ABC 0763	Gray	12/01/95	
John Edsel Rhodes v. Alcoholic Beverage Control Commission	95 ABC 0792	Nesnow	10/25/95	
Sadiq Deeb Ali, Patricia Billings v. Alcoholic Beverage Control Comm.	95 ABC 0830	Becton	11/29/95	
Samih Atieh Hadi v. Alcoholic Beverage Control Commission	95 ABC 0867	Gray	12/14/95	
BOARD OF CHIROPRACTIC EXAMINERS				
Robert J. Manna, D.C. v. Board of Chiropractic Examiners	95 BOC 1105	West	10/20/95	

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Patrick O. Hawkins v. Office of Administrative Hearings	95 CPS 0361	Phipps	08/01/95	
<i>Crime Victims Compensation Commission</i>				
John Pavlikianidis v. Victims Compensation Commission	94 CPS 0237	Morrison	03/21/95	10:02 NCR 176
Fay, Cynthia, S. Dalton v. Crime Victims Compensation Commission	94 CPS 0445**	West	05/30/95	
Phyllis H. Steinmetz v. Crime Victims Compensation Commission	94 CPS 0542	West	05/16/95	
Hubert Johnson, Edna J. Carter v. Crime Victims Compensation Comm.	94 CPS 1177	Mann	06/12/95	
Wayne L. Utley v. Crime Victims Compensation Commission	94 CPS 1180	Becton	03/07/95	
Sandra H. Hughes v. Victims Compensation Commission	94 CPS 1600	Morrison	06/09/95	
Kristine S. Ray v. Crime Victims Compensation Commission	94 CPS 1673	Chess	04/20/95	
Shirley Moody Myers v. Crime Victims Compensation Commission	94 CPS 1674	Chess	04/20/95	
Thomasine Inman v. Crime Victims Compensation Commission	94 CPS 1731	Nesnow	03/09/95	
Irmgard Gordos v. Crime Victims Compensation Commission	94 CPS 1782	Gray	03/09/95	
Fay, Cynthia, S. Dalton v. Crime Victims Compensation Commission	95 CPS 0010**	West	05/30/95	
Ellen Sherwin v. Crime Vic Comp James Byrum Emp/ Baptist Hosp	95 CPS 0012	West	03/22/95	
Anthony Harold Stone v. Crime Victims Compensation Commission	95 CPS 0115	Chess	08/22/95	
Howard B. Peterson v. Crime Victims Compensation Commission	95 CPS 0163	Reilly	07/06/95	
Ella Ruth Jordan v. Gary B. Eichelberger Dir., Crime Vic. Comp. Comm.	95 CPS 0181	West	06/21/95	
Lynn H. Henderson v. CPS, Crime Victims Compensation Commission	95 CPS 0212	Morrison	05/08/95	
Larusha Bey v. Crime Victims Compensation Commission	95 CPS 0245	Reilly	06/02/95	
Percible Gaston v. Crime Victims Compensation Commission	95 CPS 0270	Gray	06/13/95	
Horton Edward v. Crime Victims Compensation Commission	95 CPS 0331	Phipps	07/25/95	
David Leo Rice v. CPS, Crime Victims Compensation Commission	95 CPS 0335	Morrison	09/15/95	
Janet Ring Stevens v. Crime Victims Compensation Commission	95 CPS 0337	Gray	07/21/95	
Michael A. Herd v. Crime Victims Compensation Commission	95 CPS 0349	Chess	08/15/95	
Juan Aguilar v. Crime Victims Compensation Commission	95 CPS 0356	Reilly	06/22/95	
Albert Lionell Meadows v. Crime Victims Compensation Commission	95 CPS 0373	Gray	09/27/95	
John Kuwalik v. Crime Victims Compensation Commission	95 CPS 0381	Becton	07/10/95	
Sandra Jones v. Crime Victims Compensation Commission	95 CPS 0427	Nesnow	06/02/95	
Edsel Batts Jr. v. CPS, Crime Victims Compensation Commission	95 CPS 0456	Phipps	09/29/95	
James T. Todd v. Crime Victims Compensation Commission	95 CPS 0459	Nesnow	09/26/95	10:15 NCR 1624
Mark Edward Altman v. CPS, Crime Victims Compensation Commission	95 CPS 0461	West	07/25/95	
Fred McMillan v. Victims Compensation Commission	95 CPS 0481	Phipps	10/12/95	
Brandi Faith Blalock, Dorothy Smith Blalock v. Crime Vic Comp Comm.	95 CPS 0540	Phipps	10/10/95	10:15 NCR 1628
Roland Lee Kelly, Jr. v. United Family Svcs, Vic Assis/Crime Vic. Comp	95 CPS 0568	Phipps	08/09/95	
Diane B. Commander v. Crime Victims Compensation Commission	95 CPS 0591	Nesnow	10/19/95	
Danny Ray Bell v. Crime Victims Compensation Commission	95 CPS 0737	Reilly	09/11/95	
Margie Lunsford v. Crime Victims Compensation Commission	95 CPS 0779	Becton	09/19/95	
Donald Ray Williams v. Crime Victims Compensation Commission	95 CPS 0788	Nesnow	11/17/95	
Jill M. LaSanta v. Crime Victims Compensation Commission	95 CPS 1029	Reilly	10/25/95	
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Diane Rawls v. North Carolina Board of Electrolysis Examiners	95 BEE 0173	West	08/03/95	
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James J. Collins, Admin. for James Joseph Collins, ME-91-1173, Deceased v. Environment, Health, & Natural Resources	92 EHR 0300	Nesnow	12/15/95	10:19 NCR 2539
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Setzer Bros. Inc. v. Environment, Health, and Natural Resources	94 EHR 1676	Nesnow	03/09/95	
Environment, Health, & Natural Resources v. Royal James Cafe	94 EHR 1756	Becton	06/30/95	10:08 NCR 696
John W. VanHoy, Jr. & Adjacent Land Owners v. EHNR and Shugart Enterprises, Inc.	95 EHR 0016	Phipps	11/03/95	10:17 NCR 2279
Browning-Ferris Ind. of S. Atlantic, Inc. and Sampson Cty. Disposal, Inc. v. Dept. of Environment, Health, and Natural Resources, and Hoke County and Bladen County	95 EHR 0506	West	06/13/95	
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<i>Carteret County Health Department</i>				
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<i>Coastal Resources</i>				
William C. Young v. Coastal Resources Commission and Robert L. Casper, Jr. and Mary M. Casper	95 EHR 0009	Chess	06/13/95	
Howard C. Slack v. Coastal Resources Comm, EHNR	95 EHR 0140	Phipps	03/22/95	10:02 NCR 185
<i>Davidson County Health Department</i>				
John Dee Clodfelter v. Davidson County Health Dept.; EHNR	94 EHR 1037	Chess	03/13/95	
<i>Environmental Health</i>				
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Kenith & Shirley L. Barrett v. Montgomery Cty Hlth Dept, Env. Health	95 EHR 0736	Gray	12/13/95	
<i>Environmental Management</i>				
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Empire Power Co. and George Clark v. EHNR, Div. of Env. Mgmt. and Duke Power Company	92 EHR 0021* ¹	Gray	04/03/95	
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Kenan Oil Company, Inc. v. EHNR, Div. of Environmental Mgmt.	94 EHR 0894	Nesnow	05/08/95	
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Rodney Brent Becker, et al. v. Div. of Environmental Mgmt, EHNR and Federal Paper Board Company, Inc.	95 EHR 0390	Chess	11/20/95	
Burke Oil Company v. EHNR, Division of Environmental Management	95 EHR 0616	West	12/13/95	
Minnie Kelly Hunt; William Hunt; Sunset Beach Taxpayers Assoc. & NC Coastal Federation v. Environment, Health, and Natural Resources and South Brunswick Water & Sewer Auth.; Brunswick County; Town of Calabash; and Town of Sunset Beach	95 EHR 0828	West	12/14/95	
<i>Division of Epidemiology</i>				
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<i>Hyde County Health Department</i>				
Fritzner Henry v. Hyde County Health Department	94 EHR 0924	Gray	03/09/95	
<i>Macon County Health Department</i>				
Four Residents on Genva Circle v. Macon County Health Department	94 EHR 1202	Nesnow	03/27/95	
<i>Marine Fisheries</i>				
Chancy Junior Sawyer v. EHNR, Division of Marine Fisheries	94 EHR 1786	Chess	05/22/95	
<i>Maternal and Child Health</i>				
Jimmy Franklin v. EHNR Maternal & Child Hlth, Nutrition Services	94 EHR 0288	Gray	05/22/95	
Middleburg Variety v. EHNR, Maternal & Child Health, Nutrition Svcs.	94 EHR 1601	Chess	05/01/95	

* Consolidated cases.

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Barbara R. Amer d/b/a 311 Grocery Store v. EHNHR	95 EHR 0706*13	Reilly	10/23/95	
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Goldston Grocery, Larry Mis v. EHNHR, Div. of Maternal & Child Health	95 EHR 0869	Becton	09/13/95	
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<i>New Hanover County Health Department</i>				
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<i>Pitt County Public Health Center</i>				
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<i>Division of Solid Waste Management</i>				
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<i>Division of Facility Services</i>				
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<i>Certificate of Need Section</i>				
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The Carrolton of Fayetteville, Inc. and Highland House of Fayetteville, Inc. and Richard Allen, Sr. v. DHR, Division of Facility Services, Certificate of Need Section and Pine Manor Rest Home, Inc., d/b/a Pine Manor Health Care	94 DHR 0198*2	Reilly	04/05/95	
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Gordon G. Koltis, M.D., Carolina Radiation & Cancer Treatment Center, P.A., and Carolina Radiation Medicine, P.A. v. DHR, Div. of Facility Services, Certificate of Need Section, and Pitt County Memorial Hospital, Inc.	94 DHR 1820	Chess	09/25/95	
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<i>Medical Facilities Licensure Section</i>				
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Linda Faye Taylor v. DHR, Div/Facility Svcs., Med. Facilities Lic. Sec.	95 DHR 0410	Morrison	11/09/95	
Evangeline of King, Inc. v. DHR, Div/Fac Svcs, Med. Facilities Lic. Sec.	95 DHR 0413	Reilly	08/14/95	
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<i>Division of Social Services</i>				
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Sandra M. Hawkins v. DHR, Division of Social Services	95 DHR 0448	Nesnow	10/24/95	
Robert A. Byers, Sharon L. Byers v. DHR, Div. of Social Services	95 DHR 0488	Phipps	10/31/95	
<i>Child Support Enforcement Section</i>				
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Jackie E. Hackney v. Department of Human Resources	93 CSE 1088	Chess	03/20/95	
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Manuel F. Isla v. Department of Human Resources	93 CSE 1270*10	Becton	07/28/95	
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Leon McNair v. Department of Human Resources	93 CSE 1317	Becton	04/04/95	
Edwin A. Clarke v. Department of Human Resources	93 CSE 1319	Chess	03/08/95	
Wolfgang R. Walker v. Department of Human Resources	93 CSE 1374	Gray	04/28/95	
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Lloyd Lane Speake v. Department of Human Resources	93 CSE 1451	Chess	03/22/95	
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<i>Edgecombe County Health Department</i>				
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<i>Department of Environment, Health, and Natural Resources</i>				
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<i>Fayetteville State University</i>				
George Benstead v. Fayetteville State University	94 OSP 1597	Nesnow	04/04/95	
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<i>Forsyth Stokes Mental Health Center</i>				
Michael Howell v. Forsyth Stokes Mental Health Center	94 OSP 0499	Chess	03/24/95	
<i>Guilford County Mental Health</i>				
Darrell Edwin Fricke v. Guilford County Mental Health (Thomas S. Div.)	95 OSP 0942	West	09/22/95	
<i>Department of Human Resources</i>				
April Benfield v. Department of Human Resources and Western Carolina Center	94 OSP 1758	Nesnow	06/07/95	
Geraldine Blackston v. DHR, NC Special Care Center	94 OSP 1773	Becton	11/17/95	10:18 NCR 0000
Eugene Hightower, Jr. v. Department of Human Resources, EEO	94 OSP 1811	West	05/04/95	
Rebecca Johnson v. Human Resources, Special Care Center	95 OSP 0138	West	03/31/95	
Edward E. Williams v. NC Special Care Center, Def./Emp, DHR	95 OSP 0483	Reilly	10/03/95	
<i>Black Mountain ADATC</i>				
Julie Y. Newton v. ADATC Black Mtn & St. of North Carolina	95 OSP 0850	Nesnow	12/05/95	
<i>Black Mountain Center</i>				
James Harrison v. Black Mountain Center, Dept. of Human Resources	94 OSP 0994*11	Gray	07/31/95	
James Harrison v. Black Mountain Center, Dept. of Human Resources	95 OSP 0190*11	Gray	07/31/95	
<i>Caswell Center</i>				
David A. Kilpatrick v. DHR, Caswell Center	95 OSP 0267	Nesnow	10/25/95	
<i>Cherry Hospital</i>				
William H. Cooke v. DHR, Cherry Hospital	93 OSP 1547	Gray	03/16/95	
Sandra Chase Butts v. Department of Human Resources, Cherry Hospital	95 OSP 0047	West	11/29/95	10:18 NCR 0000
Deloris L. Johnson v. Cherry Hospital, DHR	95 OSP 0409	Gray	08/25/95	
<i>Cumberland County Department of Social Services</i>				
Gloria Daniels v. Cumberland County Department of Social Services	95 OSP 0714	Nesnow	12/04/95	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Durham County Department of Social Services</i>				
Delores H. Jeffers v. Durham County Department of Social Services	94 OSP 0939	Morrison	06/12/95	
Jacquenetta Blackwell v. Durham County Department of Social Services	95 OSP 0692	Reilly	11/28/95	
<i>Gaston County Department of Social Services</i>				
Bobbie J. Gilliam v. Gaston County Department of Social Services	94 OSP 0770	West	05/24/95	
<i>Halifax County Department of Social Services</i>				
Robert E. Sykes v. Halifax County Department of Social Services	94 OSP 0826	Gray	11/15/95	
<i>Iredell County Department of Social Services</i>				
Vernon E. Grosse v. Iredell County Department of Social Services	94 OSP 0282	Becton	03/09/95	
Bonnie N. Bellamy v. Iredell County Department of Social Services	94 OSP 0739	Chess	03/01/95	10:01 NCR 48
<i>Division of Medical Assistance</i>				
George F. Knight v. Division of Medical Assistance, DHR	95 OSP 0700	Reilly	11/28/95	
<i>Richmond County Department of Social Services</i>				
Emma Jane Bradley v. Richmond County Dept. of Social Services	95 OSP 0055	Reilly	07/18/95	10:09 NCR 809
<i>Wake County Department of Health</i>				
Regina K. Crowder v. Wake County/Health Dept., Caroline E. Lee, Dir.	94 OSP 1032*8	Nesnow	06/12/95	
Sabrina R. Crowder v. Wake County/Health Dept., Richard Stevens	94 OSP 1072*8	Nesnow	06/12/95	
Thomasine D. Avery v. Wake County/Health Department	94 OSP 1074*8	Nesnow	06/12/95	
<i>Wake County Department of Social Services</i>				
Olivia L. Jordan v. Wake County/Department of Social Services	94 OSP 1179*8	Nesnow	06/12/95	
<i>Department of Labor</i>				
Michael Robert Smith v. Department of Labor	94 OSP 0610	Nesnow	06/09/95	
<i>Lee-Harnett Area Mental Health, Developmental Disabilities, and Substance Abuse Authority</i>				
Julie Dyer v. Lee-Harnett Area MH/DD/SA Authority	94 OSP 0750	Gray	03/20/95	
<i>North Carolina Special Care Center</i>				
Lynn Banasiak Bass v. North Carolina Special Care Center	95 OSP 0419	Phipps	08/01/95	
<i>North Carolina State University</i>				
Artelia S. Clark v. N.C. State University	89 OSP 0612	Nesnow	07/07/95	
Wesley Brown v. N.C. State University	94 OSP 1173	Reilly	06/30/95	10:08 NCR 700
David L. Bauer v. North Carolina State University	95 OSP 0044	Morrison	04/25/95	
Billy Ray Kelly v. NCSU Physical Plant	95 OSP 0130	West	03/22/95	
Heather Ann Waskiewicz v. NCSU, Dept. of Public Safety	95 OSP 0213	Phipps	07/06/95	
Antoinette Chavis-Scott v. N.C.S.U. Accounts Payable	95 OSP 0800	Chess	10/31/95	
<i>Orange-Person-Chatham Mental Health</i>				
Patricia A. Harris v. Orange-Person-Chatham Mental Health	95 OSP 0162	West	04/11/95	
<i>Department of Revenue</i>				
Wayne Davenport v. Department of Revenue, Motor Fuels Tax Division	95 OSP 0902	Becton	11/03/95	

CONTESTED CASE DECISIONS

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<i>Richmond Community College</i>				
Willie J. Breeden v. Richmond Community College	95 OSP 0846	Gray	09/13/95	
<i>Department of Transportation</i>				
Michael E. Kornegay v. Department of Transportation	93 OSP 1700	Gray	03/24/95	
Robert F. Goins v. Department of Transportation	94 OSP 0281	Chess	05/30/95	
Esther Doe Murphy v. Department of Transportation	95 OSP 0114	Gray	07/10/95	
Debra R. Embden v. DOT, Division of Motor Vehicles	95 OSP 0411	Morrison	11/01/95	10:17 NCR 2286
Mary Matthews Finnerty v. Department of Transportation	95 OSP 0412	Nesnow	11/02/95	
Lonnice Joseph Cole v. NC DOT (TTI's Boone NC) Div. of Hwys	95 OSP 0606	West	10/24/95	
Judy H. Arnold v. Department of Transportation, Div. of Motor Vehicles	95 OSP 1075	Becton	07/31/95	
<i>Union County Schools</i>				
Carolyn H. Elkins v. Union County Schools	95 OSP 0948	Reilly	11/03/95	
<i>University of North Carolina</i>				
Beth Ann Miller v. UNC Student Health	94 OSP 0800	Nesnow	05/25/95	
Roberta Jones v. University of North Carolina-Chapel Hill	94 OSP 1718	Chess	10/31/95	10:17 NCR 2276
<i>UNC Hospitals</i>				
David Patrick Malone v. Univ. of NC Hospital at Chapel Hill	94 OSP 0771	Becton	03/14/95	
Lillian C. Daniels v. UNC Hospital	95 OSP 0056	Morrison	05/11/95	
<i>Wake County</i>				
Mark Morgan v. Wake County	94 OSP 0937	Nesnow	04/28/95	10:04 NCR 287
STATE TREASURER				
John W. Parris v. Bd. of Trustees//NC Local Gov. Emp. Retirement Sys.	91 DST 1093	Nesnow	05/04/95	
Channie S. Chapman v. Bd/Trustees//NC Local Gov. Emp. Ret Sys.	94 DST 0443	Morrison	05/15/95	
Bryan L. Basden v. Retirement Systems Division	95 OSP 0171	Chess	06/21/95	
Wayne La Broad v. Bd./Trustees//Teachers/St. Emp. Retirement Sys.	95 DST 0219	Morrison	07/14/95	
Tammy Evonne Ashcroft Brown v. Bd/Tr./NC Local Gov. Emp. Ret Sys.	95 DST 0404	Phipps	07/27/95	10:10 NCR 872
DEPARTMENT OF TRANSPORTATION				
Maupin Travel, Inc., Anthony W. Maupin v. Dept of Transportation	95 DOT 0818	Chess	12/05/95	
UNIVERSITY OF NORTH CAROLINA				
Jerry B. Potter, Sr. v. UNC Hospitals at Chapel Hill	95 UNC 0502	Gray	09/12/95	
Judy Blacknell v. University of NC Hospitals at Chapel Hill	95 UNC 0865	Chess	12/08/95	

V.

RECOMMENDED DECISION

10:19

Stipulated Factual Issues:

1. What do the facts and evidence indicate about the manner of Joseph Collins' death?
2. What does the Gunshot residue evidence indicate about who fired the gun?
3. Could the gun involved in the shooting be accidentally discharged by opening and closing the cylinder?
4. Does the location of the empty chamber to the left of the firing pin indicate that the gun was cocked and then decocked after the shooting?
5. What was the factual basis of the Medical Examiner's Office's determination of suicide?
6. Did Dr. Radisch and Dr. Butts concur with Dr. Chancellor's determination of suicide and if so, what facts and/or evidence did those doctor's base their determination on?
7. Was decedent emotionally distressed immediately prior to the shooting?
8. Was Collin's "messing with the gun" immediately prior to his shooting?

STATUTES AND RULES IN ISSUE

N.C. Gen. Stat. 130A-385(b)

N.C. Gen. Stat. 130A-385(c)

EXHIBITS

Joint Exhibits for Petitioner and Respondent:

- P#1 - SBI Report
- P#2 - Psychological Autopsy by Dr. Jonas Rappeport
- P#3 - Case of Moore v. Union Fidelity Life Insurance Co., 297 N.C. 375, 255 S.E.2d 160 (1979)
- P#4 - William S. Best - FAST Report
- P#5 - Letter of D.A. Lock to Michael Easley
- P#6 - Affidavit of Investigator Edward A. Livesay, Jr.
- P#7 - Letter from John Butts to Daniel A. Devay and response by Dr. Rappeport
- P#8 - Chancellor Deposition
- P#9 - Scheduling Order
- P#10 - Case of Maddox v. Colonial Life and Accident Insurance Company
- P#11 - Diagram of gun
- P#12 - The .357 Magnum carried by the decedent and the firing of which caused his death (The gun has been placed in the custody of the Petitioner with the instruction that he is to keep it in its present condition for the review of any subsequent decision makers).
- P#13 - White gloves
- P#14 - Yellow sweater (placed in the custody of the Petitioner)
- P#15 - Blue jeans (placed in the custody of the Petitioner)

ORDER

PETITIONER NO. 1 - THE SBI REPORT HAS BEEN AND REMAINS SEALED TO THE PUBLIC AND IS AVAILABLE ONLY FOR THOSE PARTIES INVOLVED IN ANY APPEALS OF THIS CONTESTED CASE.

WITNESSES

For Petitioner:

Edward A. Livesay, Jr.	-	Firearms expert
William S. Best	-	Gunshot residue

For Respondent:

Michael L. Creasy	-	Private Investigator
E. E. Bishop	-	SBI Firearms and Toolmark Specialist

STIPULATION AS TO WITNESSES

Each side stipulates that its witnesses and the witnesses interviewed as set out in the SBI Report who are not testifying at the hearing would have testified consistently with their statements in the SBI Report and consistently with statements exchanged between the parties in discovery, including affidavits and reports and that such statements shall be treated as testimony in this matter.

STIPULATIONS AS TO LAW

1. All parties are properly before this court.
2. This court has jurisdiction of the parties and the subject matter.
3. All parties have been correctly designated.
4. There is no question as to misjoinder or nonjoinder of parties.
5. This action is governed by the laws of the State of North Carolina.

STIPULATIONS OF FACTS

1. On Friday, December 6, 1991, James Joseph Collins (Collins), a twenty-one (21) year old rookie police officer gave his girlfriend, Julie Ann Cobb (Cobb) an engagement ring.
2. That evening Cobb was seen carrying Collins' Colt .357 caliber magnum into the local Burger King. A friend of Collins had heard that the gun had been given to Cobb by Collins for her protection.
3. Both Collins and Cobb were knowledgeable as to the firing and use of handguns. Collins had received training by the police department and owned a large collection of guns.
4. Cobb had received training by Collins in the firing of Collins' Colt .357 magnum, other handguns and rifles.
5. On the morning of December 7, 1991, Collins was upset with Cobb for not spending more time with him.
6. The next day, December 8, 1991, Collins left his home to drive Cobb to her residence. Collins was driving and Cobb was sitting in the passenger seat of Collins' car, a 1989 Pontiac Grand Prix.
7. As Collins was traveling down Rural Paved Road 2017 in Harnett County, at around 12:00 p.m., he abruptly pulled his vehicle off to the side of the road. The sudden stop created skid marks of over 49 feet in length and the screech of the tires was heard by people in the neighborhood.
8. Cobb's aunt, Fay Arnold, driving behind Collins' vehicle, saw Collins abruptly stop and pull off the road. As she passed his car she noticed his lights were blinking. Ms. Arnold turned around to see if anything was wrong. When she approached the vehicle, Collins appeared in good spirits and when she asked him if there was anything wrong, Collins said he was okay.
9. Some time after Collins parked the vehicle Ms. Marlene Ashworth drove past and noticed that Collins was shaking a finger at Cobb and he appeared to be "fussing" with her.

10. Between 11:40 a.m. and 11:45 a.m. (sic) Connie Beaston Stone, a neighbor, drove past the parked vehicle at a rate of speed of 15 to 20 miles per hour and did not see anyone in the vehicle.

11. Lewis Stone and his uncle, Lonnie Stone, stated that they drove past the parked vehicle around 10:00 or 10:30 a.m. (sic) and neither of them saw anyone in the vehicle. When they returned past the vehicle later at around 11:30 a.m. (sic) they stated it looked as if someone was in the vehicle.

12. Latitia Annette McNeill passed the car parked and saw Collins slumped over in the passenger seat and a female sitting in the drivers seat. When she drove back five (5) minutes later the car had not moved and Collins and Cobb were still in the same respective positions.

13. At approximately 12:21 p.m. Cobb pulled into the ambulance entrance of Betsy Johnson Hospital and was heard saying, "My friend has been shot" or "He's shot". Cobb was taken to a waiting room and left unattended.

14. Dr. Benjamin Frank and Physician Assistant Burroughs went to the vehicle and saw Collins seated in the passenger side of the vehicle with his legs angled towards the right side of the center console that separated the two front seats. The car was still running and the gear shift was in the number 1 position.

15. A .357 magnum was found on the floor of the front passenger side of the vehicle.

16. Dr. Frank noted that, upon examination, Collins had no pulse, showed no signs of breathing or movement, and made no statements in his presence. Collins was pronounced dead on arrival.

17. The North Carolina State Bureau of Investigation (SBI) conducted an investigation into this matter along with the Harnett County Sheriff's Department (HCSD) that included interviewing Cobb and giving her polygraph tests.

18. During her questioning by the police and the SBI, Cobb provided details as follows:

- a. Collins had pulled off to the side of the road and parked the vehicle in order to talk.
- b. Having gotten over their argument, she and Collins talked about getting married and re-sizing her engagement ring.
- c. Collins had taken the keys out of the ignition and was playing with them.
- d. Collins then pulled the Colt .357 magnum out of a holster located in the drivers side door pocket and was playing with it for about five (5) minutes by opening and closing the cylinder.
- e. As Cobb was facing forward and playing with her hair band she heard the gun discharge once.
- f. Collins told her that he had been shot and asked her to take him to Good Hope Hospital. Collins slumped over toward the passenger side of the vehicle.
- g. Cobb got out of the vehicle and went around to the drivers side of the vehicle dropping her hair band outside in the process.
- h. Collins, after he was shot, pulled himself across the center console of the vehicle into the passenger seat.
- i. Collins, after he was shot and from a slumped position, helped Cobb put the keys into the ignition, started the car for her and put the car in drive from its parked position.
- j. According to Cobb, she did not know where Good Hope Hospital was so she

drove Collins to the Betsy Johnson Memorial Hospital at rates of speed exceeding 100 miles per hour.

- k. Cobb could not remember where the gun was during the time she was driving and stated that she had put the car in the Number 1 position upon arriving at the hospital because Collins' legs were in the way.

19. Cobb had been previously convicted of making a false report and had violated the terms of her probation.

20. An examination of Collins' right hand and the weapon by E. E. Bishop of the SBI revealed that Collins' right hand was in contact with the cylinder when the gun was fired.

21. Doctor Michael L. Creasy, SBI Laboratory Technician, found high concentrations of gunshot residue on the back and palm of Collins' right hand and a smaller amount of residue on Cobb's hands.

22. The SBI and the HCSD, in the course of their investigation, failed to:

- a. Inspect the weapon for fingerprints; or
- b. Test for gunshot residue inside the vehicle.

23. District Attorney Thomas Lock, determined that there was insufficient evidence to indict Cobb as well as being of the opinion that the evidence tended to indicate Collins shot himself accidentally.

24. Dr. Karen Chancellor of the Medical Examiner's Office rendered a determination that Collins committed suicide.

Based upon careful consideration of the testimony and evidence presented at the hearing, the documents and exhibits received into evidence, and the entire record in this proceeding, the undersigned makes the following:

ADJUDICATED FACTS

- 1. The inconsistency in the times various witnesses drove past Collins' car is unexplained.
- 2. The observation of some of the witnesses that no one was in the car is also unexplained.
- 3. Dr. Karen Chancellor, a medical doctor with the State Medical Examiner's Office, performed the autopsy on decedent.
- 4. A psychological autopsy was conducted by Dr. Jonas Rappeport.
- 5. That report concluded that the decedent was not a likely candidate for suicide. It stated:

It is my opinion, within reasonable medical certainty, that the death of Jimmy Collins III on December 8, 1991, cannot be attributed to suicide. I have been unable to find any evidence that would lead me to believe that Jimmy Collins III was in a state of mind similar to that of others who have attempted or successfully completed suicide, as reported in the psychiatric and suicidology literature. Nor was Jimmy Collins' general life circumstances in a condition similar to those who attempt to or successfully commit suicide.

6. That report included interviews with the decedent's friends, one of whom reported telling the decedent that he was surprised that Jimmy was going to give Julie a ring. Jimmy said, "It's only temporary", and "It will be a lo-o-ong engagement."

7. The report also indicates that the decedent also told his mother that she could have the ring when he finished with it.

8. Edward Livsay, Jr., is a self-employed private investigator who has been retained by the Petitioner. Prior to becoming a private investigator, Mr. Livesay was with the Garner Police Department for 13 years, much of that time as a Detective.

9. During his tenure in law enforcement, Mr. Livesay carried a Colt Revolver which differs from the gun at issue, a .357 magnum, only in aesthetic appearance.

10. Mr. Livesay graduated from the University of Louisiana in Police Science and has taught extensively throughout the State, including at the SBI Academy in Salemburg. Mr. Livesay was permitted to testify as an expert in accident reconstruction.

11. Mr. Livesay demonstrated that a revolver such as the .357 magnum has a mechanism called a forcing cone. A forcing cone is a small rod at the front end of the cylinder and the base of the barrel. This cone forces the bullet through the barrel, causing gunshot residue (GSR) to spew out toward the front of the gun both from the front of the barrel and the front of the cylinder. Those are the only places where GSR would be emitted upon firing this weapon. Mr. Livesay testified that minute amounts of GSR would be emitted backward.

12. GSR is composed of deposits of antimony, lead and barium.

13. Mr. Livesay described both the single action and double action uses of a revolver such as the .357. In single action use, the shooter cocks the hammer manually before pulling the trigger. The pound pressure on the trigger is greatly reduced using this method.

14. The double action use of the weapon does not include cocking the hammer, but only pulling the trigger with the hammer cocking itself automatically. The pound pressure on the trigger pull is much greater using this method.

15. In either method of firing the weapon, the .357 cylinder rotates clockwise. That is, looking at the cylinder from the rear of the gun, upon starting to pull the trigger, the cylinder will rotate to the right, causing the cartridge which had been at the "twelve o'clock" position to move to the "one o'clock" position. The bullet will fire from the cartridge which had been at the "eleven o'clock" position. After the firing of the weapon, the empty cartridge will remain at the "twelve o'clock" position.

16. The weapon was examined shortly after the shooting by an SBI Agent. She drew two marker pen lines on either side of the cylinder at the top before she opened the cylinder. When she opened the cylinder she found the empty cartridge in the "eleven o'clock" position.

17. None of the witnesses could explain how the empty cartridge came to be in this position. The only possible explanation is some sort of human intervention. If the gun had been cocked twice, the empty cartridge would have moved over to the "one o'clock" position. If the gun had been fired once, the empty cartridge would have remained in the "twelve o'clock" position.

18. Mr. Livesay testified, and it is found as fact, that .357 will absolutely not fire unless the trigger is pulled. If the hammer is not cocked by hand, a safety (transfer) bar is in place between the hammer and the cartridge which would prevent the firing of the weapon even if it were dropped. If the hammer is not cocked, the same transfer bar is in place and the gun, similarly, can not be fired without pulling the trigger.

19. Mr. Livesay testified, and it is found as fact, that this gun could not go off by merely playing with the cylinder.

20. Additionally, Mr. Livesay testified that in his opinion, there is no way this weapon could have discharged accidentally, i.e., without pulling the trigger.

21. Mr. Livesay simulated firing tests using white gloves. He fired first from the "cup and saucer" position, i.e., his right hand holding the gun and his left hand supporting the firing hand. He found almost no GSR on the glove except for minute amounts of "rain."

22. Mr. Livesay then fired the weapon in an upside down position which had been described as a possible

method in the SBI report. Again, he found almost no GSR.

23. Mr. Livesay then fired the weapon in the self-defense position, i.e., having someone hold the gun as if it were directed at him. He reached out with his right hand to grasp the cylinder and prevent it from turning.

24. Police officers are trained to employ self-defense maneuvers if they lose control of their weapons during an arrest or altercation. Although it is a method of last resort, officers are trained to reach forward and grasp the cylinder in an effort to prevent the weapon from firing. Additionally, if they are able, they are trained to reach forward in this manner not only to prevent the cylinder from turning, but to place one of their fingers between the hammer and the firing pin to prevent contact.

25. Preventing a firing in this manner will work only if the hammer has not been manually cocked. If the hammer were manually cocked, the cylinder would have already rotated.

26. After testing in the self defense position, Mr. Livesay found GSR on the right hand glove with a heavy concentration on the palm of the hand. The discharge of the weapon in this manner also tore a hole in the palm of the glove.

27. Pictures taken of the decedent's right hand at the time of autopsy, show an inordinately large amount of GSR on the palm of his right hand as well as on the back of his right hand at the location between his thumb and forefinger.

28. This GSR finding is consistent with holding the barrel of the gun in the self-defense position.

29. The car, a 1989 Grand Prix, in which the shooting occurred, had front bucket seats. The console between the seats runs from the dashboard area down between the two bucket seats.

30. During his testing, Mr. Livesay attempted to pull himself over the console from the drivers seat to the passenger side without using his legs, since the bullet had lodged in the decedent's spinal cord. Mr. Livesay testified that he could not perform this maneuver. He further testified that another man of somewhat smaller stature also attempted to pull himself across the console and was able to do so only with great difficulty.

31. Willaim Samuel Best operates a private forensic laboratory and was retained by the Petitioner to conduct examinations into the method of death of the decedent. Mr. Best has extensive scientific training and operated the SBI chemistry lab for 14 years. He was permitted to testify as an expert in forensic chemistry.

32. Mr. Best was given the weapon, the automobile, the sweater, and the jeans worn by the decedent at the time of his death.

33. Mr. Best tested the yellow sweater for GSR. He found no reaction on the left sleeve and none on the shoulder portion. He did get a response on the right sleeve.

34. He testified that if the left hand was within 3" when the weapon was fired, he would have found GSR on the left sleeve.

35. Mr. Best also tested the front part of the legs of the jeans almost to the knees for GSR. Mr. Best testified that if the decedent had fired the gun in any configuration over his lap while sitting, there would be GSR on the upper part of the legs of the jeans. Mr. Best found no GSR in those areas.

36. He testified that he tested the car for GSR and found none.

37. SBI Agent Michael Creasy, however, testified that if the decedent were holding the weapon in a self defense type position, most of the GSR would be on his hand.

38. Mr. Best used luminol to test for blood inside the car and found two sites.

39. Mr. Best found no response on the driver's seat or on the console.

40. The major blood deposit was on the inside of the passenger door and was in the shape of a footprint at the highest portion of the passenger door beneath the window. The second was more vague but also appeared to be a footprint

lower down on the passenger door.

41. This information was not known to Dr. Chancellor at the time of the autopsy.

42. Additionally, this information provides data which cannot be explained at this time.

43. Mr. Best also tested the car for fibers from the yellow sweater worn by the decedent at the time of the accident and found none.

44. Mr. Best used the gun to fire both at contact and at 3 feet. He testified that he agreed with the SBI's finding that the gun was fired within 3" of the decedent.

45. The autopsy revealed a bullet trajectory straight from the wound site just below and slightly to the right of the belly button, travelling directly back to the spinal column.

46. Mr. Best testified that he was unable to find a position sitting in the driver's seat which would have left enough room around the steering wheel to hold a gun in a position which would result in the described trajectory.

47. Mr. Best testified that he did not test the gun holding it in an upside down position.

48. Michael Creasy is a Special Agent with the SBI assigned to the Crime Laboratory. Agent Creasy has 17 years' experience in trace evidence, paints, polymers and GSRs.

49. Agent Creasy has analysed trace evidence in approximately 600 cases a year for 17 years.

50. Agent Creasy was qualified to testify as an expert in forensic chemistry with a speciality in GSR analysis.

51. Agent Creasy was assigned to the case at hand and was given the hand wiping kit results from both Julie Ann Cobb and the decedent.

52. Agent Creasy found an inordinately high amount of GSR on Collins' right palm and the back of his right hand between the thumb and the forefinger. This high concentration in these areas is inconsistent with having the right hand in a firing position.

53. Agent Creasy found very similar amounts of GSR on Collins' left hand and on Cobb's right and left hands. This would be consistent with them both being in a confined space when the weapon was fired.

54. Agent Creasy found GSR on Cobb's palm with a lower amount on the back of Cobb's hand, which is inconsistent with firing the weapon. He testified that she would not have GSR on the palms of her hand if she had held the gun in the traditional way.

55. Agent Creasy also testified that if Cobb had washed her hands before she was tested with the hand wiping kit, he would expect to find very little, if any, GSR.

56. Agent Creasy testified that he does not know who fired the gun. He cannot exclude Cobb, but his best guess would be that Collins fired the gun with his left hand.

57. Finally, Agent Creasy testified, "I can make no determination that Cobb did or did not fire the gun."

58. Agent Creasy concluded that, at the time of the firing, the decedent's right hand was around the barrel of the gun, around or to the fore of the cylinder.

59. Agent Creasy testified and it is found as fact that the decedent absolutely could not have detonated that gun with only the right hand.

60. He further testified that he did not say only the right hand was used.

6. There was, at the time of the autopsy, insufficient evidence to indicate a suicide.

7. There was sufficient evidence available to the Medical Examiner at the time of the autopsy to indicate that the death was accidental.

8. N.C. Gen. Stat. 130A-385(c) provides:

(c) The Chief Medical Examiner shall have authority to amend a medical examiner death certificate.

Based upon the above Conclusions of Law, the undersigned makes the following:

RECOMMENDATION

That a Supplemental Death Certificate be issued showing the manner of death as accidental.

ORDER

It is hereby ordered that the agency served a copy of the final decision on the Office of Administrative Hearings, P. O. Drawer 27447, Raleigh, N. C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the State Health Director under the Department of Human Resources.

This the 15th day of December, 1995.

Dolores O. Nesnow
Administrative Law Judge

80. Dr. Chancellor testified that her notes taken during a phone conversation with Detective Atkins noted "Gunshot Residue Testing - Ms. Cobb - on palms of her hands - non-specific. Mr. Collins - consistent with firing of gun from right hand."

81. Dr. Chancellor testified that she knew GSR came out of the barrel of the gun and the cylinder, but she would not be surprised to see GSR on the palm of the hand because the hand does not configure exactly to the butt of the gun.

82. Agent Bishop testified that GSR on the palm of the hand is not consistent with the traditional firing position but is consistent with the hand being at or near the front of the cylinder.

83. Dr. Chancellor testified that she had not seen the Psychological Autopsy but that she was familiar with the 15 suicide indicators listed therein. She testified that she had considered some of those 15 indicators before issuing the Supplemental Death Certificate, but not in a formal manner.

84. Dr. Chancellor testified that "a person's state of mind or psychological condition could have something to do with suicide, but I don't know how important it might be. I can't assess a degree of importance....the state of a person's mind, I would consider to be contributing information."

85. Dr. Chancellor testified in her deposition, "So, in summary, he's someone who knows how to use a gun. He has a contact wound to his abdomen. There's evidence that he fired the gun in gunshot residue testing. And I don't have anything else to point to him not firing the gun."

Based upon the above Findings of Fact, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Agent Creasy concluded that he is certain that the decedent's right hand was not in firing position but was on the barrel and the cylinder of the gun.

Agent Bishop, who spoke with the Medical Examiner before she made her finding, also determined that the decedent's hand was not in a firing position but was on the barrel and the cylinder of the gun.

The Medical Examiner mistakenly concluded that she was told that the GSR indicated that the decedent's right hand was in a firing position.

2. The Medical Examiner considered only some of the 15 suicide indicators and those she considered in an "informal manner."

Dr. Chancellor knew only that the decedent had argued with his girlfriend. She was not aware of information concerning the other 15 suicide indicators.

The Medical Examiner did not gather sufficient information concerning the decedent's state of mind.

3. The determination of suicide was incorrect because the Medical Examiner misunderstood the information given to her about gunshot residue and because she did not have adequate information about the decedent's state of mind.

4. N.C. Gen. Stat. 130A-385(b) provides in pertinent part:

(b) The medical examiner shall complete a certificate of death, stating the name of the disease which in his opinion caused death. If the death was from external causes, the medical examiner shall state on the certificate of death the means of death, and whether, in the medical examiner's opinion, the manner of death was accident, suicide, homicide, execution by the State, or undetermined. (Emphasis Added)

5. There was, at the time of the autopsy, insufficient evidence to indicate a homicide.

6. There was, at the time of the autopsy, insufficient evidence to indicate a suicide.

7. There was sufficient evidence available to the Medical Examiner at the time of the autopsy to indicate that the death was accidental.

8. N.C. Gen. Stat. 130A-385(c) provides:

- (c) The Chief Medical Examiner shall have authority to amend a medical examiner death certificate.

Based upon the above Conclusions of Law, the undersigned makes the following:

RECOMMENDATION

That a Supplemental Death Certificate be issued showing the manner of death as accidental.

ORDER

It is hereby ordered that the agency served a copy of the final decision on the Office of Administrative Hearings, P. O. Drawer 27447, Raleigh, N. C. 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the State Health Director under the Department of Human Resources.

This the 15th day of December, 1995.

Dolores O. Nesnow
Administrative Law Judge

WITNESSES

DHR called the following witnesses:

- B.J. Chandler - employee of Guilford County Department of Social Services in the Foster Home Finding Unit
- Pamela Myrick - employee of Guilford County Department of Social Services as an Adoption Social Worker
- Stephanie Hayes Jarvis - Abuse and Neglect consultant employed by DHR. At the times relevant to this case, employee of Forsyth County Department of Social Services

Petitioner called the following witnesses:

- Stephanie Hayes Jarvis - employee of Forsyth County Department of Social Services; Child Protective Services
- Dr. Ruth Guyer - Physician to foster child "J.S." Board certified Family Practitioner
- Sue Baynes - Owner of day care center attended by J.S.
- Sharon Lindenbaum - Employee of Forsyth County Department of Social Services, currently as a Child Support

Enforcement Agent

- Rev. Christine Oscar - Minister familiar with Petitioners and foster child J.S.
- Beth Channel - Friend of Petitioners acquainted with foster child J.S.
- Karen Bolton - Daughter of Guilford County Social Worker assigned to Petitioners; babysitter to J.S. on occasion
- Leslie Saleeby - Petitioner
- Deborah Kirby-Saleeby - Petitioner

EXHIBITS

The parties stipulated that documents attached to Petitioners' Prehearing Statement could be received into evidence. The Administrative Law Judge accepted the stipulation, and received those documents into evidence. The documents are marked "J", for judge, 1 through 16 for purposes of identification.

The parties also stipulated that the undated NOTICE OF ADMINISTRATIVE EVIDENCE could be received into evidence. The Administrative Law Judge accepted the stipulation, and received the document into evidence. The document is marked as "J17".

The following exhibits were stipulated to by the parties and received into evidence:

R1
R2

The following exhibits were tendered by Petitioners and received into evidence:

P3
P4
P5
P6

Exhibit P3 is a pair of J.S.'s shoes. The exhibit is retained in the custody of the Clerk of the Office of Administrative Hearings and can be released by appropriate order.

PROTECTIVE ORDER

At the beginning of the hearing, counsel advised the Administrative Law Judge of their concern for protecting the anonymity of the minor foster child and his minor siblings who, at one time, were in the care of Petitioners. Counsel's concern was heightened because a newspaper reporter was present. In order to protect the anonymity of the three minor children, preserve any statutory confidentiality of investigative reports, and maintain the openness of the courts to the public, the Administrative Law Judge entered the following protective order:

1. Counsel and the witnesses were ordered to use the initials of the three minor children who would be the subject of testimony;
2. The transcriptionist of the record of this case was ordered to edit the transcript to use the children's initials in the event a person inadvertently used the child's name;
3. The reporter from the Greensboro News & Record was ordered not to print the names of any children whose identity she learned during the hearing, but to instead use the child's initials. The reporter consented to this restraint.

FINDINGS OF FACT

1. Petitioners Deborah Kirby and Leslie Saleeby applied in 1992 for licensure as a family foster home. A family foster home license was issued in June 1992. Each was also licensed as a foster parent.
2. Between the time Kirby and Saleeby were licensed to operate a family foster home in June 1992 and December 1994 when their license or licenses were revoked, Guilford County Department of Social Services placed twelve children in their home.
3. Most of the children placed in the Kirby-Saleeby home were placed for a short term. Three children were placed for a longer term.
4. Those three children are siblings, and were placed in the Kirby-Saleeby home on February 26, 1993. The initials of the children, their gender, and their ages on February 26, 1993 are as follows:

a.	J.S.	-	4 yrs. 3 mos.	-	male
b.	A.S.	-	1 yr. 6 mos.	-	female
c.	T.S.	-	6 mos.	-	male
5. All three of the children had significant medical problems:
 - a. T.S. was hospitalized in August 1993 by Petitioners for urologic surgery by doctors at the UNC School of Medicine. Beginning in March 1993, Petitioners took T.S. to the School's Pediatric Pulmonary Division for treatment of his frequent, chronic difficulty in breathing;
 - b. Doctors at the School of Medicine first examined A.S. at Petitioners' urging and discovered that she suffered from many of the airway problems from which T.S. suffered;
 - c. J.S. walked like a toddler at 4 years of age and could not run as a result of a significant rotation of his femur bones. The handicap was treated by fitting J.S. with a series of orthopaedic shoes.
6. Kirby was told by the doctor who prescribed the shoes for J.S. to keep them on him except when he was in bed or in the water. The shoes are brown leather with round toes. The shoes lace up above the ankle.
7. When J.S. first began wearing the shoes, he was proud of them because he had never had a new pair of shoes. J.S. did not like subsequent pairs because the shoes rubbed blisters until they were broken in, and more importantly, other children picked on him.

8. J.S. began to resist wearing the shoes, and his balkiness became a point of conflict between J.S. and Kirby. Kirby consulted a psychologist, Dr. Courts, regarding J.S.'s defiance of her requiring him to wear the shoes. The psychologist discussed a "natural consequences" strategy. The strategy and J.S.'s balking at wearing the shoes is at the heart of this case.

9. All three of the children were significantly delayed developmentally when they were placed in the Kirby-Saleeby home. J.S. was closer to a two and a half year old developmentally than his biological age of four years and four months.

10. It is clear from the exhibits and the testimony of Dr. Guyer that Kirby and Saleeby consistently and persistently pursued general and specialized medical treatment for the three siblings.

11. It is clear from the exhibits and the testimony of the witnesses that the three siblings made significant medical, emotional and developmental progress while they were in the Kirby-Saleeby foster home.

12. It is clear from the exhibits and the testimony of Dr. Guyer that the doctors who treated the children believe they were loved and well treated by Petitioners, and that an allegation of abuse or neglect is inconsistent with their observations of the children with Kirby and Saleeby.

13. Kirby and Saleeby's home was re-licensed as a family foster care home in June 1993 by DHR.

14. At some time prior to August 1994, the rights of the parents of J.S., A.S., and T.S. were terminated. The three children became eligible for adoption, and Petitioners expressed to the Guilford County Department of Social Services their interest in adopting their three foster children.

15. The State of North Carolina licenses family foster care homes and foster parents, but the Department of Social Services for the county in which the parents live is responsible for placing foster children and adopted children.

16. In August 1995, Petitioners' foster care licenses were in the process of being renewed when a "Child Protective Service" complaint was made against Petitioners. It was alleged that Deborah Kirby had neglected J.S. by inappropriately disciplining him.

17. On August 15, 1995, a Child Protective Service Worker employed by Forsyth County Department of Social Services was assigned to investigate the complaint. It is standard practice for Departments of Social Service to use workers from a neighboring county's Department of Social Services to investigate allegations of neglect by foster parents.

18. Stephanie Hayes Jarvis was the worker assigned to investigate the complaint. Jarvis was employed by Forsyth County DSS until November 1994, at which time she became employed by Respondent as an "Abuse/Neglect consultant."

19. Jarvis interviewed workers at Guilford County DSS, J.S., Kirby, Saleeby, and teachers and the owner of the day care center J.S. attended.

20. J.S. told the investigator that he had been forced to run outside without his shoes on as discipline for having his shoes untied. J.S. told the investigator that his Mom, Kirby, wanted him to feel what it felt like to go without his shoes. J.S. told the investigator that Kirby had doctored his feet and that they hadn't hurt anymore.

21. J.S. had a biological age of six years at the time Jarvis interviewed him. The interview took place at the day care center attended by J.S.

22. Jarvis interviewed Kirby and Saleeby on August 19, 1994. Jarvis understood the following from the interview:

- a. The incident at issue occurred in July 1994. Kirby was with the foster children at home. Saleeby was not at home;
- b. J.S. was required to wear orthopaedic shoes, but did not like to wear them. Kirby had trouble getting J.S. to keep them tied;
- c. Kirby was mad when she got to the day care center to pick up J.S. and saw that his shoes were untied;

- d. When Kirby and J.S. got home she told him to go upstairs, take off his shoes and go outside and play. Kirby told J.S. she wanted him to see what it felt like to play without his shoes on;
- e. J.S. went outside to play, and after some period of time, came back in. Kirby was cooking dinner and told J.S. to go back outside;
- f. Kirby knew J.S.'s feet would get bruised because he had gone outside in the spring and injured his feet;
- g. Kirby gave J.S. a bath that night and saw that his feet were blistered. Kirby treated the blisters with Neosporin ointment and put band-aids on them;
- h. Kirby kept J.S. home from day care the next day;
- i. Kirby took J.S. to day care the next day and told the teachers what had happened. Kirby did not want J.S. to go swimming that day, and was irritated with two of the teachers for allowing J.S. to untie his shoes.

23. Approximately two weeks after the July incident, the complaint regarding Kirby was filed with Guilford County Department of Social Services.

24. The investigator, Jarvis, interviewed the owner of the day care center, Mrs. Baynes. Baynes thought highly of Kirby and Saleeby.

25. Jarvis interviewed two teachers. The statements of the teachers to Jarvis are set forth below. Neither of the teachers was present at the hearing and their statements to Jarvis relate alleged statements by J.S. to them. Petitioners objected to this testimony. The testimony of the teachers constitutes hearsay within hearsay. The Administrative Law Judge sustained the objection and did not allow the statements of the teachers into evidence to prove the truth of any matter asserted in the statements. A limiting instruction was placed on the record allowing the statements into evidence for the limited purpose of demonstrating the reasonableness of the decision of Guilford County to "substantiate" the allegation of neglect against Petitioners. Teacher Mandy Weaver told Jarvis that:

- a. She had observed the blisters on J.S.'s feet;
- b. She had talked with J.S. and confronted Kirby;
- c. J.S. told her that Mommy (Kirby) had told him to say it was his fault. Teacher Marion Exum told Jarvis that J.S. had told her that Mommy lied and that she had made him run on sticker balls.

26. The two teachers told Investigator Jarvis that Kirby was affectionate to J.S. when Saleeby was present, but not as affectionate when Saleeby was absent.

27. Jarvis is of the opinion that J.S. made a lot of developmental strides while in the home of Kirby and Saleeby.

28. Jarvis believes Kirby was upset with J.S. concerning his defiance of her instructions to wear the corrective shoes or to wear them properly laced, and that Kirby made a conscious decision to tell J.S. not to wear shoes knowing that the "natural consequences" would be blisters.

29. Based on her interviews with the two teachers, J.S., Kirby, Saleeby and Mrs. Baynes, Jarvis "substantiated" child neglect.

30. A "Neglected Juvenile" is "[a] juvenile who does not receive proper care, supervision, or discipline from his parent, guardian, custodian, or caretaker; or who has been abandoned; or who is not provided necessary medical care or other remedial care recognized under State law, or who lives in an environment injurious to his welfare, or who has been placed for care or adoption in violation of law." G.S. 7A-517(21).

31. The definition of an "Abused Juvenile" is set forth at G.S. 7A-517(1). The facts of this case do not fit the definition.

32. On September 7, 1994, Jarvis authored a report to Guilford County DSS finding that Kirby neglected J.S. by inappropriately disciplining him. Jarvis' decision was based on three conclusions: the punishment was too harsh for a child of J.S.'s age and resulted in injuries; the type of punishment had previously occurred and J.S. had previously sustained injuries as a result; and day care staff have reported that Kirby tends to overreact to minor behavior problems and that J.S. appears to be fearful of Kirby.

Jarvis stressed in her report that Kirby and Saleeby have " . . . done a great deal of work in regard to J.S.'s physical and social development, which should not be overshadowed by this incident."

Jarvis strongly recommended that Kirby participate in a program designed to assist in age appropriate, non-injurious discipline. Jarvis noted that Saleeby had not been found to be neglectful, but that it would be wise for Saleeby to participate in the program. See Exhibit J12.

33. As a result of Jarvis' report, on September 7, 1994, Guilford County DSS completed a form, introduced into evidence as part of Exhibit J12, substantiating child abuse/neglect of J.S. by Kirby. There is a place on the form to circle either abuse, or neglect, or both. Neither term is circled. The form is vague, but the Administrative Law Judge construes it for purposes of this case as a finding of both abuse and neglect.

34. As a result of Jarvis' report, on September 9, 1994, Guilford County Department of Social Services removed J.S., his two siblings, and one other child from the Kirby-Saleeby home.

35. By November 16, 1994, Petitioners had completed a five session parenting class of the kind recommended by Jarvis.

36. Sometime between December 1, 1994 and December 15, 1994, DHR revoked both Petitioners foster care licenses. See Exhibit J17.

37. While Jarvis believes Kirby intended for J.S. to experience discomfort from not wearing his shoes, Jarvis does not believe Kirby was malicious. Jarvis believes both Kirby and Saleeby cared for J.S.

38. Jarvis believes that Kirby was following a "natural consequences" theory of discipline to teach J.S. the consequences of leaving his shoes untied.

39. Jarvis believes that any Child Protective Services worker would conclude that Kirby's requiring J.S. to play outside without his shoes, with the knowledge that his feet would be bruised and blistered, was neglect.

40. Jarvis believes that J.S. and his siblings were not at risk.

41. Jarvis did not know that her conclusion that Kirby abused J.S. would lead to an automatic revocation of Kirby's foster care license.

42. Jarvis did not substantiate neglect or abuse against Saleeby.

43. When J.S. was placed in the Kirby-Saleeby home, his femur bones were rotated out 40%. The orthopaedic shoes were designed over a period of time to help rotate the bones in. The shoes were prescribed by an orthopaedic doctor.

44. Whenever J.S. was fitted with a new pair of shoes, they caused blisters. J.S. liked the first pair, but did not like subsequent pairs, primarily because other children teased him about the shoes.

45. Kirby discussed alternative therapy with the orthopaedic doctor, but was told by him to keep the shoes on J.S.

46. J.S. did not like to keep the shoes on and often defied Kirby's direction to keep them on and laced up. Kirby discussed this defiance with a psychologist, Dr. Courts.

47. Dr. Courts discussed with Kirby a "natural consequences" theory of discipline to encourage J.S. to wear the shoes.

48. Kirby employed "natural consequences" the first time in the spring of 1994 on a Saturday morning. J.S. did not have his shoes on. Kirby told him to put them on, and J.S. refused. Kirby said that was fine, but she wanted him to go outside to get the paper. J.S. got the paper, and when he returned, put his shoes on. When Kirby asked J.S. why he had

put his shoes on, J.S. told her his feet hurt when he went outside without them on.

49. The second time Kirby used "natural consequences" was the incident which led to the complaint to Guilford County DSS. The incident occurred on Thursday, July 19, 1994.

50. Kirby testified that she came to the day care center to pick up J.S. and saw that his shoes were not tied. Kirby was angry that the teachers would not require J.S. to wear the shoes properly.

51. Kirby testified at the hearing that when she got home with J.S. she sat him down and explained that he had to wear the shoes. Kirby testified that she told J.S. that if he did not want to wear them this one time, that he could take them off and see how it felt.

52. Kirby testified that: J.S. took the shoes off and went outside to play soccer; Kirby began to fix dinner and at some point asked J.S. if he wanted to come in; J.S. said he did not; when dinner was ready, J.S. came in and put the shoes on.

53. Kirby's testimony regarding the incident is different from Jarvis' understanding based on her interview of Kirby and Saleeby in the following respects:

- a. Jarvis understood that Kirby made J.S. take his shoes off;
- b. Jarvis understood that J.S. came inside at one point, rather than Kirby asking him if he wanted to, and that Kirby told him to go back outside.

54. Kirby wrote an account of the incident in her Prehearing Statement filed February 6, 1995. Kirby wrote that when she picked up J.S. from day care, he was sitting in front of the T.V. with his shoes off. Kirby was upset because the T.V. was being used as a babysitter, the shows being watched were inappropriate, J.S. had his shoes off and the teachers were allowing him to take his shoes off. Kirby wrote that when they got home, she told J.S. to go up to his room and take off his shoes because telling him over and over again to wear them was not working. Kirby told J.S. that going without the shoes might change his mind. J.S. and his siblings went outside with Kirby and began playing soccer. J.S. would often say "ouch" and whine, but when Kirby asked him if he wanted to put his shoes on, he said "no".

After a while, Kirby went inside to prepare dinner. Kirby called J.S. to come inside to wash up. When he went upstairs to wash up, J.S. put his boots back on.

55. Kirby wrote that, at bath time, she noticed blisters on J.S.'s foot and one or two scrapes. Kirby put Neosporin ointment on and band-aids.

56. Kirby wrote that she knew J.S. would hurt his foot a little by not wearing his shoes, but had no concern he would be seriously injured.

57. The Administrative Law Judge finds as fact that Jarvis' understanding of the incident and Kirby's written account of it are materially similar and are an accurate account of the incident.

58. Dr. Ruth Guyer is a board certified Family Practice physician who provided regular medical care to J.S. and his siblings. Kirby is the person who regularly brought the children for medical care. Guyer has never observed any neglect or abuse of the three children.

59. Guyer is familiar with the "natural consequences" theory through her practice and conversations with her husband who is a board certified psychologist. The theory is to let children experience the natural consequences of their actions.

60. Guyer testified that examples of "natural consequences" are:

- a. If a child is persistent in not getting dressed - tell the child she can go to school without any clothes on;
- b. If a child persistently slams drawers after being told not to - let the child experience a slammed finger.

61. Guyer testified it is an acceptable natural consequence if the child feels uncomfortable. It is not acceptable to put a child at risk of serious injury.
62. Guyer does not believe the injury to J.S.'s feet was serious.
63. Guyer is required by law to report abuse or neglect if she observes it or learns of it. Guyer would not have reported the incident at issue in this case, because she does not believe it constitutes abuse or neglect.
64. Dr. A.J. Courts, of Greensboro, North Carolina, began consulting with Petitioners and J.S. in September, 1993 on a regular basis. When Dr. Courts first saw J.S., ". . . he was very passive and withdrawn, too stubborn to give any meaningful cooperation." Dr. Courts worked with the three in doing behavioral modification.
65. Dr. Courts reported to Guilford County DSS in a letter dated September 1, 1994, that Kirby had been ". . . quite honest about saying she had become frustrated with [J.S.] and told him just to take his shoes off and go outside. His personality at this point is one in which he would just run and have a tendency to ignore any painful symptoms until later."
66. Dr. Courts concluded that, "I personally do not feel this was abuse, but a normal caretaker frustration that led to his hurting his feet."
67. Sharon Lindenbaum has been an employee of the Forsyth County Department of Social Services for twenty three years. Currently, she works as a Child Support Agent. Lindenbaum has known Kirby and Saleeby for seven years.
68. Lindenbaum has visited numerous clients' homes, and observed abuse and neglect. Lindenbaum does not believe Kirby abused or neglected J.S.
69. Lindenbaum knows that J.S. did not like the orthopaedic shoes and constantly wanted to take them off. Lindenbaum believes Kirby and Saleeby to be extremely caring.
70. Kirby and Saleeby had told Guilford County DSS they wanted to adopt J.S. and his siblings some time prior to the July 19, 1994 incident.
71. Lindenbaum testified that not all complaints of abuse and neglect are investigated. Lindenbaum believes this complaint was investigated because Kirby and Saleeby are lesbians and Guilford County DSS did not want two lesbians to adopt children. Lindenbaum believes some referrals for investigation of abuse and neglect are made out of malice, and that she has made complaints to Child Protective Services that were more serious and nothing would be done.
72. On October 15, 1993, Guilford County DSS had been ordered to process the children's case as an adoption. The children's case was transferred to the Adoption Unit at Guilford County DSS in May, 1994. On April 15, 1994, the court ordered that J.S. and his siblings remain in the custody of DSS (with Petitioners). Five days after the allegation of abuse was substantiated against Petitioners, DSS filed a Petition for Termination of Parental Rights to terminate the rights of the children's natural parents.
73. Petitioners do not believe Jarvis, the investigator who conducted the Child Protective Services investigation in this case, had any improper motive in conducting her investigation or in coming to the conclusions she did.
74. Lindenbaum and Jarvis have mutual respect for each other's professionalism.

Based on the foregoing, the undersigned makes the following:

CONCLUSIONS OF LAW

1. Three licenses will be dealt with by these Conclusions of Law: Kirby's as a foster parent; Saleeby's as a foster parent; and the Kirby-Saleeby as a family foster home. It is not clear from Respondent's Notice of Administrative Action that it has taken action against all three, because its December letter to Kirby and Saleeby states in the first line that the type of action taken is Revocation of Family Foster Home License. The parties have proceeded during the hearing of this case as if all three are at issue, so for that reason, all three licenses will be dealt with in these conclusions of law.
2. If Respondent's December 1994 Notice of Administrative Action is an automatic revocation of Saleeby's individual

license as a foster parent, the action is arbitrary and capricious and erroneous:

- a. Investigator Jarvis did not report to Guilford County DSS any substantiation of abuse or neglect against Saleeby. To the contrary, Jarvis wrote, ". . . Saleeby has not been found to be neglectful in regard to this incident . . ." in recommending Saleeby participate in parenting classes;
- b. The finding of "abuse/neglect" issued by Guilford County DSS on September 7, 1994 is addressed only to Kirby.

As a result, there would be no basis for DHR to automatically revoke Saleeby's individual license as a foster parent pursuant to 10 NCAC 41F .0702(a).

3. If Respondent's December 1994 Notice of Administrative Action is an automatic revocation of Kirby's individual license as a foster parent because of a finding of abuse by Guilford County DSS, the action is arbitrary and capricious and erroneous. There is no finding of abuse by Investigator Jarvis in her report dated September 7, 1994 to Guilford County DSS. There is no evidence of action which meets the definition of abuse. The Administrative Law Judge believes Guilford County DSS simply failed to make clear in its form letter to Kirby dated September 7, 1994 that its action was based on a substantiation of neglect. If, however, Guilford County DSS meant to conclude that Kirby abused J.S., the conclusion is unsupported by any report or evidence and is, therefore, arbitrary and capricious and erroneous.

4. The Respondent's action in issuing the Notice of Administrative Action against the Kirby-Saleeby family foster home license is not arbitrary or capricious:

- a. DHR acted as required by 10 NCAC 41F .0702(a) when it received a substantiation of "abuse/neglect" against Kirby;
- b. Even though there was no substantiation of abuse or neglect against Saleeby, the rules governing family foster homes make it clear it ". . . is a place of residence of a family, person or persons who are licensed to provide full time foster care services. . . ." 10 NCAC 41F .0601. Family foster home licenses are automatically revoked when an agency such as Guilford County DSS finds the foster parent has abused or neglected a child;
- c. The administrative rules reflect common sense that if one parent in the residence is abusive or neglectful towards the foster children, the residence itself cannot function as a proper family foster home.

5. The Respondent's action in issuing the Notice of Administrative Action against the Kirby-Saleeby family foster home license is erroneous because the whole record available to the Administrative Law Judge after a hearing leads to the conclusion that Kirby did not neglect J.S.

The record as a whole shows that J.S. was a child with severe developmental and behavioral problems who was defiant to Kirby about wearing the orthopaedic shoes. Kirby had sought alternatives to the source of conflict - the shoes - by talking to the orthopaedic doctor who prescribed them, but was told to keep them on J.S. unless he was sleeping or in the water. Kirby had consulted Dr. Courts regarding how to work with J.S. Dr. Courts emphasized behavior modification, such as "natural consequences."

Kirby became frustrated with J.S.'s defiance and the lack of cooperation of certain teachers at the day care center, and on July 19, 1994, told J.S. to take off the shoes, go outside and play and see how it felt. The consequence was that Kirby suffered predictable minor injuries to his feet.

This very well could be a neglectful act or even an abusive act in a different context. But Kirby was not malicious; Jarvis testified to that. Kirby was following the "natural consequences" behavior modification theory; Jarvis testified to that. Kirby had done a great deal of work in furthering J.S.'s physical and social development; Jarvis testified to that. J.S. was not at risk; Jarvis testified to that. And Jarvis felt that the proper remedy for the problem was parenting classes, which Kirby and Saleeby attended. Jarvis did not know that her "substantiation" of neglect would result in J.S. being removed from the Kirby-Saleeby foster home and it was not a result Jarvis intended.

After the licensure revocation, Dr. Courts, a medical doctor who had worked with J.S. and Kirby, and who was fully familiar with the facts, gave the opinion that Kirby had not abused J.S. Dr. Courts wrote that, when he had initially begun treating J.S. he was ". . . too stubborn to give any meaningful cooperation."

Dr. Guyer testified at the hearing with full knowledge of the facts. Dr. Guyer gave the opinion that Kirby had not neglected J.S.

6. J.S.'s refusal to wear the orthopaedic shoes was not a minor behavior problem. When J.S. continued a pattern of resisting wearing the shoes, Kirby did not improperly discipline J.S. Kirby did not neglect J.S.

7. The substantiation of neglect by Guilford County DSS is unsupported by the record as a whole, which is properly considered by the Administrative Law Judge after a due process hearing. See Dockery v. DHR, No. COA94-1039, filed 21 November 1995.

8. The automatic revocation of Kirby and Saleeby's family foster home was erroneous.

Based on the foregoing, the undersigned makes the following:

RECOMMENDED DECISION

Kirby and Saleeby's family foster home license should be reinstated. Any other foster parent license that DHR may have revoked automatically should be reinstated.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, PO Drawer 27447, Raleigh, NC 27611-7447, in accordance with North Carolina General Statute 150B-36(b).

NOTICE

The agency making the final decision in this contested case is required to give each party an opportunity to file exceptions to this recommended decision and to present written arguments to those in the agency who will make the final decision. G.S. 150B-36(a).

The agency is required by G.S. 150B-36(b) to serve a copy of the final decision on all parties and to furnish a copy to the parties' attorney of record and to the Office of Administrative Hearings.

The agency that will make the final decision in this contested case is the Secretary of the Department of Human Resources.

This the 7th day of December, 1995.

Thomas R. West
Administrative Law Judge

The North Carolina Administrative Code (NCAC) has four major subdivisions of rules. Two of these, titles and chapters, are mandatory. The major subdivision of the NCAC is the title. Each major department in the North Carolina executive branch of government has been assigned a title number. Titles are further broken down into chapters which shall be numerical in order. The other two, subchapters and sections are optional subdivisions to be used by agencies when appropriate.

TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE

TITLE DEPARTMENT LICENSING BOARDS CHAPTER

1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Auctioneers	4
4	Commerce	Barber Examiners	6
5	Correction	Certified Public Accountant Examiners	8
6	Council of State	Chiropractic Examiners	10
7	Cultural Resources	General Contractors	12
8	Elections	Cosmetic Art Examiners	14
9	Governor	Dental Examiners	16
10	Human Resources	Dietetics/Nutrition	17
11	Insurance	Electrical Contractors	18
12	Justice	Electrolysis	19
13	Labor	Foresters	20
14A	Crime Control & Public Safety	Geologists	21
15A	Environment, Health, and Natural Resources	Hearing Aid Dealers and Fitters	22
16	Public Education	Landscape Architects	26
17	Revenue	Landscape Contractors	28
18	Secretary of State	Marital and Family Therapy	31
19A	Transportation	Medical Examiners	32
20	Treasurer	Midwifery Joint Committee	33
*21	Occupational Licensing Boards	Mortuary Science	34
22	Administrative Procedures	Nursing	36
23	Community Colleges	Nursing Home Administrators	37
24	Independent Agencies	Occupational Therapists	38
25	State Personnel	Opticians	40
26	Administrative Hearings	Optometry	42
27	NC State Bar	Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Practicing Psychologists	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

Note: Title 21 contains the chapters of the various occupational licensing boards.

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ACUPUNCTURE LICENSING BOARD						
21 NCAC 01 .0101	10:02 NCR 150	07/01/95			08/01/95	
.0201	10:07 NCR 585	10/01/95			12/01/95	
.0401 - .0402	10:02 NCR 150	07/01/95			08/01/95	
.0501	10:07 NCR 585	10/01/95			12/01/95	
.0701	10:07 NCR 585	10/01/95			12/01/95	
.0702 - .0704	10:16 NCR 2027	02/01/96				
.0705	10:17 NCR 2228					Rule-Making Proceeding
.0706 - .0707	10:16 NCR 2027	02/01/96				
.0709	10:17 NCR 2228					Rule-Making Proceeding
.0710 - .0711	10:16 NCR 2027	02/01/96				
ADMINISTRATION						
1 NCAC 05A .0001 - .0002	10:16 NCR 1651	02/01/96				
.0004	10:16 NCR 1651	02/01/96				
.0009 - .0010	10:16 NCR 1651	02/01/96				
.0012	10:16 NCR 1651	02/01/96				
05B .0101 - .0103	10:16 NCR 1651	02/01/96				
.0201	10:16 NCR 1651	02/01/96				
.0203 - .0204	10:16 NCR 1651	02/01/96				
.0206 - .0210	10:16 NCR 1651	02/01/96				
.0301 - .0314	10:16 NCR 1651	02/01/96				
.0401 - .0404	10:16 NCR 1651	02/01/96				
.0501 - .0503	10:16 NCR 1651	02/01/96				
.0601 - .0602	10:16 NCR 1651	02/01/96				
.0701 - .0702	10:16 NCR 1651	02/01/96				
.0801 - .0808	10:16 NCR 1651	02/01/96				
.0810	10:16 NCR 1651	02/01/96				
.0901 - .0902	10:16 NCR 1651	02/01/96				
.0904 - .0906	10:16 NCR 1651	02/01/96				
.1001 - .1003	10:16 NCR 1651	02/01/96				
.1101	10:16 NCR 1651	02/01/96				
.1103 - .1104	10:16 NCR 1651	02/01/96				
.1106	10:16 NCR 1651	02/01/96				
.1108	10:16 NCR 1651	02/01/96				
.1201 - .1202	10:16 NCR 1651	02/01/96				
.1301 - .1302	10:16 NCR 1651	02/01/96				
.1401 - .1403	10:16 NCR 1651	02/01/96				
.1501 - .1513	10:16 NCR 1651	02/01/96				
.1516 - .1521	10:16 NCR 1651	02/01/96				
.1601 - .1603	10:16 NCR 1651	02/01/96				
.1701 - .1703	10:16 NCR 1651	02/01/96				
.1801 - .1804	10:16 NCR 1651	02/01/96				
.1901	10:16 NCR 1651	02/01/96				
.1903	10:16 NCR 1651	02/01/96				
.1906 - .1907	10:16 NCR 1651	02/01/96				
.1909	10:16 NCR 1651	02/01/96				
05C .0601 - .0602	10:16 NCR 1651	02/01/96				
.0701 - .0704	10:16 NCR 1651	02/01/96				
.0708	10:16 NCR 1651	02/01/96				
.0711	10:16 NCR 1651	02/01/96				
.0717 - .0718	10:16 NCR 1651	02/01/96				
.0720	10:16 NCR 1651	02/01/96				
.0722	10:16 NCR 1651	02/01/96				
.0803 - .0804	10:16 NCR 1651	02/01/96				
.0903	10:16 NCR 1651	02/01/96				
.1008 - .1009	10:16 NCR 1651	02/01/96				
05D .0101 - .0102	10:16 NCR 1651	02/01/96				
.0201 - .0206	10:16 NCR 1651	02/01/96				
.0208 - .0210	10:16 NCR 1651	02/01/96				
.0301 - .0303	10:16 NCR 1651	02/01/96				
.0401 - .0403	10:16 NCR 1651	02/01/96				
.0501 - .0509	10:16 NCR 1651	02/01/96				

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			State	Local		
39 .0101	10:16 NCR 1672	02/01/96				
.0201	10:16 NCR 1672	02/01/96				
ADMINISTRATIVE HEARINGS						
26 NCAC 02A .0101 - .0102	10:16 NCR 2160	02/01/96				
.0201 - .0212	10:16 NCR 2160	02/01/96				
.0301	10:16 NCR 2160	02/01/96				
.0303	10:16 NCR 2160	02/01/96				
.0401 - .0406	10:16 NCR 2160	02/01/96				
.0501 - .0507	10:16 NCR 2160	02/01/96				
02B .0101	10:16 NCR 2160	02/01/96				
.0103 - .0104	10:16 NCR 2160	02/01/96				
.0201 - .0204	10:16 NCR 2160	02/01/96				
.0301 - .0304	10:16 NCR 2160	02/01/96				
.0401	10:16 NCR 2160	02/01/96				
02C .0101 - .0109	10:16 NCR 2160	02/01/96				
.0201 - .0206	10:16 NCR 2160	02/01/96				
.0301 - .0305	10:16 NCR 2160	02/01/96				
.0401 - .0409	10:16 NCR 2160	02/01/96				
.0501 - .0503	10:16 NCR 2160	02/01/96				
AGRICULTURE						
2 NCAC 09L .1806	10:16 NCR 1674	03/01/96				
34 .0904	10:04 NCR 228	08/01/95			N/A	Renoticed in 10:7
.0904	10:07 NCR 430	11/01/95			11/01/95	
48A .1702	10:15 NCR 1432	02/01/96				
48C .0029	10:15 NCR 1432	02/01/96				
52B .0207	10:15 NCR 1432	02/01/96				
.0212	10:15 NCR 1432	02/01/96				
.0302	10:15 NCR 1432	02/01/96				
52C .0105	10:15 NCR 1432	02/01/96				
ARCHITECTURE						
21 NCAC 02 .0208	10:12 NCR 985	12/01/95			12/01/95	
02 .0301 - .0302	10:10 NCR 829	07/01/96			07/01/96	
AUCTIONEERS						
21 NCAC 04B .0103	10:16 NCR 2028	03/01/96				
.0201 - .0202	10:16 NCR 2028	03/01/96				
.0403	10:16 NCR 2028	03/01/96				
.0505	10:16 NCR 2028	03/01/96				
.0601 - .0602	10:16 NCR 2028	03/01/96				
BARBER EXAMINERS						
21 NCAC 06H .0002	10:16 NCR 2033	02/01/96				
06J .0002	10:16 NCR 2033	02/01/96				
06K .0003	10:16 NCR 2033	02/01/96				
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS						
21 NCAC 08A .0301	10:16 NCR 2033	02/01/96				
08F .0103	10:16 NCR 2033	02/01/96				
.0105	10:04 NCR 255	08/01/95			08/01/95	
.0113	10:04 NCR 255	08/01/95			08/01/95	
08G .0401	10:04 NCR 255	08/01/95			08/01/95	
.0404	10:16 NCR 2033	02/01/96				
.0409	10:16 NCR 2033	02/01/96				
08I .0004	10:16 NCR 2033	02/01/96				
08J .0001	10:16 NCR 2033	02/01/96				
.0005	10:04 NCR 255	08/01/95			08/01/95	
.0006	10:16 NCR 2033	02/01/96				
.0008	10:04 NCR 255	08/01/95			08/01/95	
08M .0102	10:04 NCR 255	08/01/95			N/A	RRC Obj./Rule Withdrawn

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			State	Local		
	.0102 - .0103	10:16 NCR 2033	02/01/96			
	.0104	10:04 NCR 255	08/01/95		08/01/95	
	.0206 - .0207	10:16 NCR 2033	02/01/96			
	.0304	10:16 NCR 2033	02/01/96			
	.0306	10:04 NCR 255	08/01/95		08/01/95	
	.0401	10:04 NCR 255	08/01/95		08/01/95	
	.0401 - .0402	10:16 NCR 2033	02/01/96			
08N	.0203	10:04 NCR 255	08/01/95		08/01/95	
	.0302	10:04 NCR 255	08/01/95		08/01/95	
	.0306	10:16 NCR 2033	02/01/96			
	.0307	10:04 NCR 255	08/01/95		08/01/95	
CHIROPRACTIC EXAMINERS						
21 NCAC 10	.0203	10:04 NCR 261	08/01/95		08/01/95	
COMMERCE						
4 NCAC 02R	.0303	10:16 NCR 1675	06/01/96			
	.0305	10:16 NCR 1675	06/01/96			
	.1708	10:16 NCR 1675	06/01/96			
	.1710	10:16 NCR 1675	06/01/96			
	.1801 - .1802	10:16 NCR 1675	06/01/96			
02S	.0102 - .0103	10:16 NCR 1675	06/01/96			
	.0105 - .0106	10:16 NCR 1675	06/01/96			
	.0109	10:16 NCR 1675	06/01/96			
	.0209	10:16 NCR 1675	06/01/96			
	.0228	10:16 NCR 1675	06/01/96			
	.0234 - .0235	10:16 NCR 1675	06/01/96			
	.0402 - .0404	10:16 NCR 1675	06/01/96			
	.0511 - .0513	10:16 NCR 1675	06/01/96			
	.0516	10:16 NCR 1675	06/01/96			
	.0519	10:16 NCR 1675	06/01/96			
	.0525	10:16 NCR 1675	06/01/96			
	.0614	10:16 NCR 1675	06/01/96			
	.0708	10:16 NCR 1675	06/01/96			
	.0901 - .0904	10:16 NCR 1675	06/01/96			
	.1005	10:16 NCR 1675	06/01/96			
	.1008	10:16 NCR 1675	06/01/96			
	.1011	10:16 NCR 1675	06/01/96			
	.1021	10:16 NCR 1675	06/01/96			
02T	.0101 - .0102	10:16 NCR 1675	06/01/96			
	.0201 - .0202	10:16 NCR 1675	06/01/96			
	.0206	10:16 NCR 1675	06/01/96			
	.0301 - .0305	10:16 NCR 1675	06/01/96			
	.0308 - .0309	10:16 NCR 1675	06/01/96			
	.0409 - .0411	10:16 NCR 1675	06/01/96			
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	.0601 - .0602	10:16 NCR 1675	06/01/96			
	.0604	10:16 NCR 1675	06/01/96			
	.0606	10:16 NCR 1675	06/01/96			
	.0707 - .0709	10:16 NCR 1675	06/01/96			
	.0711	10:16 NCR 1675	06/01/96			
	.1104 - .1108	10:16 NCR 1675	06/01/96			
06C	.0203	10:05 NCR 300	09/01/95			
	.0205	10:18 NCR 2398				Rule-Making Proceeding
	.0407	10:18 NCR 2398				Rule-Making Proceeding
	.0409	10:18 NCR 2398				Rule-Making Proceeding
10		10:15 NCR 1428				Public Notice
19L	.0401	10:16 NCR 1698	02/01/96			
	.0403	10:16 NCR 1698	02/01/96			
	.0407	10:16 NCR 1698	02/01/96			
	.0501 - .0502	10:16 NCR 1698	02/01/96			
	.0505	10:16 NCR 1698	02/01/96			
	.0802	10:16 NCR 1698	02/01/96			

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.0901	10:16 NCR 1698	02/01/96				
.0906 - .0907	10:16 NCR 1698	02/01/96				
.0911	10:16 NCR 1698	02/01/96				
.1002	10:16 NCR 1698	02/01/96				
.1004	10:16 NCR 1698	02/01/96				
.1009	10:16 NCR 1698	02/01/96				
.1301 - .1303	10:16 NCR 1698	02/01/96				
.1701 - .1703	10:16 NCR 1698	02/01/96				
.1801 - .1803	10:16 NCR 1698	02/01/96				
COMMUNITY COLLEGES						
23 NCAC 02C .0108	10:03 NCR 208	09/01/95			12/01/95	
.0210	10:07 NCR 587	01/01/96				
.0211	10:03 NCR 208	09/01/95			12/01/95	
.0301	10:07 NCR 587	01/01/96				
.0306	10:03 NCR 208	09/01/95			12/01/95	
02E .0403	10:07 NCR 587	01/01/96				
CORRECTION						
5 NCAC 05 .0001	10:01 NCR 12	07/01/95			07/01/95	
COSMETIC ART EXAMINERS						
21 NCAC 14B .0604	10:12 NCR 985	12/01/95				
14J .0502	10:14 NCR 1380	01/01/96				
14L .0301 - .0302	10:14 NCR 1380	01/01/96				
14N .0106 - .0108	10:14 NCR 1380	01/01/96				
.0112	10:14 NCR 1380	01/01/96				
CULTURAL RESOURCES						
7 NCAC 02F .0002	10:01 NCR 12	07/01/95			08/01/95	
05 .0200	10:18 NCR 2398					Rule-Making Proceeding
DIETETICS/NUTRITION						
21 NCAC 17 .0101 - .0102	10:16 NCR 2046	02/01/96				
.0104	10:16 NCR 2046	02/01/96				
.0107	10:16 NCR 2046	02/01/96				
.0113 - .0114	10:16 NCR 2046	02/01/96				
.0301 - .0304	10:16 NCR 2046	02/01/96				
.0401 - .0402	10:16 NCR 2046	02/01/96				
DENTAL EXAMINERS						
21 NCAC 16	10:16 NCR 2043	05/01/96				Notice on Subject Matter
21 NCAC 16H .0104	10:16 NCR 2043	05/01/96				
.0202 - .0203	10:16 NCR 2043	05/01/96				
16T .0001 - .0002	10:16 NCR 2043	05/01/96				
16U .0101 - .0102	10:16 NCR 2043	05/01/96				
.0201 - .0204	10:16 NCR 2043	05/01/96				
ELECTRICAL CONTRACTORS						
21 NCAC 18B .0103	10:15 NCR 1579	02/01/96				
.0207	10:15 NCR 1579	02/01/96				
.0303	10:15 NCR 1579	02/01/96				
.0402	10:15 NCR 1579	02/01/96				
.0601	10:15 NCR 1579	02/01/96				
.0902 - .0903	10:15 NCR 1579	02/01/96				
.0905	10:15 NCR 1579	02/01/96				
ELECTROLYSIS EXAMINERS						
21 NCAC 19 .0104	10:11 NCR 907	12/01/95			12/01/95	
.0204	10:11 NCR 907	12/01/95			12/01/95	
.0616	10:11 NCR 907	12/01/95			12/01/95	

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			State	Local		
ENVIRONMENT, HEALTH, AND NATURAL RESOURCES						
15A NCAC 01	10:18 NCR 2317					Rule-Making Agenda
01C .0101	10:16 NCR 1828	02/01/96				
.0503 - .0504	10:16 NCR 1828	02/01/96				
01K	10:19 NCR 2506					Rule-Making Proceeding
02	10:18 NCR 2316					Public Notice/303(d) list
02	10:18 NCR 2317					Rule-Making Agenda
02B .0101	10:01 NCR 13					Correction to Notice
.0104	10:01 NCR 13					Correction to Notice
.0202	10:01 NCR 13					Correction to Notice
.0211	10:01 NCR 13					Correction to Notice
.0216	10:16 NCR 1838	02/01/96				
.0224 - .0225	10:16 NCR 1838	02/01/96				
.0224	10:18 NCR 2400					Rule-Making Proceeding
.0227	10:18 NCR 2400					Rule-Making Proceeding
.0301	10:01 NCR 13					Correction to Notice
.0303	10:08 NCR 661	11/01/95				
.0303	10:18 NCR 2400					Rule-Making Proceeding
.0304	10:04 NCR 246	01/01/96			01/01/96	
.0304	10:05 NCR 301	11/01/95			11/01/95	
.0304	10:15 NCR 1515	04/01/96		x		
.0304	10:16 NCR 1846	05/01/96		x		
.0308 - .0310	10:08 NCR 661	11/01/95				
.0308	10:08 NCR 661	02/01/96				
.0313	10:11 NCR 901	02/01/96				
.0315 - .0316	10:08 NCR 661	11/01/95				
.0315	10:08 NCR 661	02/01/96				
.0315	10:16 NCR 1835	05/01/96				
.0316	10:04 NCR 246	01/01/96			01/01/96	
02C .0201 - .0216	10:16 NCR 1848	05/01/96				
02D .0101	10:16 NCR 1867	05/01/96				
.0501	10:16 NCR 1867	05/01/96				
.0516	10:16 NCR 1867	05/01/96				
.0518 - .0519	10:16 NCR 1867	05/01/96				
.0520	10:01 NCR 13	07/01/95	x	x		
.0520	10:16 NCR 1867	05/01/96				
.0521	10:16 NCR 1867	05/01/96				
.0524 - .0525	10:16 NCR 1867	05/01/96				
.0531	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0531	10:15 NCR 1515	04/01/96				
.0533	10:16 NCR 1867	05/01/96				
.0535	10:16 NCR 1867	05/01/96				
.0537	10:16 NCR 1867	05/01/96				
.0539	10:16 NCR 1867	05/01/96				
.0601	10:16 NCR 1867	05/01/96				
.0604	10:16 NCR 1867	05/01/96				
.0608	10:16 NCR 1867	05/01/96				
.0804 - .0805	10:15 NCR 1515	04/01/96		x		
.0901	10:15 NCR 1515	04/01/96				
.0902	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0902	10:16 NCR 1867	05/01/96				
.0909	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0917 - .0924	10:15 NCR 1515	04/01/96				
.0926 - .0928	10:15 NCR 1515	04/01/96				
.0929	10:16 NCR 1867	05/01/96				
.0934 - .0935	10:15 NCR 1515	04/01/96				
.0937	10:15 NCR 1515	04/01/96				
.0951	10:15 NCR 1515	04/01/96				
.0952	10:01 NCR 13	07/01/95	x	x	07/01/95	
.0953 - .0954	10:15 NCR 1515	04/01/96				
.1109 - .1111	10:16 NCR 1867	05/01/96				
.1202	10:16 NCR 1867	05/01/96				
.1204 - .1206	10:16 NCR 1867	05/01/96				

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.1304	10:15 NCR 1515	04/01/96				
.1402	10:01 NCR 13	07/01/95	x	x	07/01/95	
.1406	10:01 NCR 13	07/01/95	x	x		
.1409	10:01 NCR 13	07/01/95	x	x		
.1701 - .1702	10:01 NCR 13	07/01/95	x	x		
.1801 - .1803	10:01 NCR 13	07/01/95	x	x		
.1901 - .1906	10:16 NCR 1867	05/01/96		x		
02H .0219	10:14 NCR 1325	05/01/96				
.0610	10:16 NCR 1867	05/01/96				
02L .0106	10:19 NCR 2508				01/02/96	Temporary Amendment Eff. 1/2/96
02P .0402	10:19 NCR 2512				01/02/96	Temporary Amendment Eff. 1/2/96
02Q .0102	10:16 NCR 1867	05/01/96				
.0103	10:16 NCR 1867	05/01/96	x	x		
.0109	10:16 NCR 1867	05/01/96				
.0201 - .0204	10:16 NCR 1867	05/01/96				
.0207	10:16 NCR 1867	05/01/96				
.0302	10:16 NCR 1867	05/01/96				
.0311	10:16 NCR 1867	05/01/96				
.0401 - .0418	10:15 NCR 1515	04/01/96				
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.0526	10:16 NCR 1867	05/01/96				
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03J .0103 - .0104	10:14 NCR 1336	03/01/96				
.0107	10:14 NCR 1336	03/01/96	x			
.0202	10:14 NCR 1336	03/01/96				
.0301	10:14 NCR 1336	03/01/96				
.0401	10:14 NCR 1336	03/01/96				
.0402	10:14 NCR 1336	03/01/96				
.0403	10:15 NCR 1515	03/01/96				
03K .0104 - .0105	10:14 NCR 1336	03/01/96				
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03L .0301 - .0302	10:14 NCR 1336	03/01/96				
03M .0202	10:14 NCR 1336	03/01/96				
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04B .0016	10:07 NCR 579	10/01/95			10/01/95	
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.0028	10:02 NCR 149	07/01/95			08/01/95	
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04C .0007 - .0008	10:07 NCR 579	10/01/95			10/01/95	
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04D .0002 - .0003	10:07 NCR 579	10/01/95			10/01/95	
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07B .0101	10:09 NCR 751	12/01/95	x	x		
.0201 - .0216	10:09 NCR 751	12/01/95	x	x		
.0401 - .0406	10:09 NCR 751	12/01/95	x	x		

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07M	.0300	10:16 NCR 1921				Notice of Subject Matter
	.0300	10:19 NCR 2480				Change in Location of Hearings
	.0400	10:16 NCR 1921				Notice of Subject Matter
10B	.0115	10:06 NCR 338			11/01/95	
	.0115 - .0116	10:16 NCR 1922				
	.0201 - .0203	10:16 NCR 1923				
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	.0214	10:01 NCR 26			07/01/95	
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10D	.0002 - .0003	10:01 NCR 26			07/01/95	
	.0002 - .0004	10:16 NCR 1923				
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10F	.0100	10:19 NCR 2506				Rule-Making Proceeding
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10K	.0003	10:13 NCR 1159				
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11		10:18 NCR 2317				Rule-Making Agenda
	.0349	10:16 NCR 1958			05/01/96	
12		10:18 NCR 2317				Rule-Making Agenda
13		10:18 NCR 2317				Rule-Making Agenda
13A	.0006	10:13 NCR 1160			01/01/96	
	.0019	10:13 NCR 1160			01/01/96	
13B	.0101	10:06 NCR 350			10/01/95	
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	.0901 - .0905	10:16 NCR 1959				
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	.1627	10:06 NCR 350			N/A	Agency Did Not Adopt

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.2508	10:06 NCR 350	01/01/96			01/01/96	
.2509	10:06 NCR 350	01/01/96				RRC Obj/Rule Withdrawn
.2510 - .2511	10:06 NCR 350	01/01/96			01/01/96	
.2516 - .2519	10:06 NCR 350	01/01/96			01/01/96	
.2521 - .2524	10:06 NCR 350	01/01/96			01/01/96	
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.2528 - .2535	10:06 NCR 350	01/01/96			01/01/96	
.2537	10:06 NCR 350	01/01/96			01/01/96	
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.2601 - .2602	10:13 NCR 1160	01/01/96				
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19C .0206	10:05 NCR 305	10/01/95	x			
.0601 - .0603	10:16 NCR 1977	04/01/96				
.0605 - .0609	10:16 NCR 1977	04/01/96				
.0611	10:16 NCR 1977	04/01/96				
19H .0702	10:07 NCR 582	10/01/95	x		N/A	Withdrawn by Agency
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.0404	10:06 NCR 350	10/01/95	x		10/01/95	
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.0410	10:11 NCR 906	12/01/95		12/01/95

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			State	Local		
	.1202	10:14 NCR 1297	02/01/96			
	.1204	10:14 NCR 1297	02/01/96			
	.1212	10:14 NCR 1297	02/01/96			
03U	.0704	10:19 NCR 2506				Rule-Making Proceeding
	.0708	10:19 NCR 2506				Rule-Making Proceeding
14B	.0501 - .0503	10:07 NCR 430	05/01/96			
	.0505 - .0509	10:07 NCR 430	05/01/96			
14C	.1001 - .1006	10:15 NCR 1435	02/01/96			
	.1008	10:15 NCR 1435	02/01/96			
	.1010 - .1018	10:15 NCR 1435	02/01/96			
	.1101 - .1105	10:15 NCR 1435	02/01/96			
	.1107	10:15 NCR 1435	02/01/96			
	.1110 - .1111	10:15 NCR 1435	02/01/96			
	.1114 - .1121	10:15 NCR 1435	02/01/96			
	.1123	10:15 NCR 1435	02/01/96			
	.1125 - .1131	10:15 NCR 1435	02/01/96			
	.1133 - .1160	10:15 NCR 1435	02/01/96			
14D	.0006	10:15 NCR 1435	02/01/96			
14K	.0101 - .0103	10:07 NCR 430	05/01/96			
	.0201 - .0219	10:07 NCR 430	05/01/96			
	.0301 - .0310	10:07 NCR 430	05/01/96			
	.0312 - .0315	10:07 NCR 430	05/01/96			
	.0317 - .0324	10:07 NCR 430	05/01/96			
	.0326 - .0329	10:07 NCR 430	05/01/96			
	.0333 - .0348	10:07 NCR 430	05/01/96			
	.0350 - .0365	10:07 NCR 430	05/01/96			
	.0401 - .0408	10:07 NCR 430	05/01/96			
14L	.0101 - .0106	10:07 NCR 430	05/01/96			
	.0201 - .0203	10:07 NCR 430	05/01/96			
	.0301 - .0308	10:07 NCR 430	05/01/96			
	.0310	10:07 NCR 430	05/01/96			
	.0401 - .0407	10:07 NCR 430	05/01/96			
	.0601 - .0606	10:07 NCR 430	05/01/96			
	.0609	10:07 NCR 430	05/01/96			
	.0611 - .0615	10:07 NCR 430	05/01/96			
	.0701 - .0709	10:07 NCR 430	05/01/96			
	.0711 - .0712	10:07 NCR 430	05/01/96			
14M	.0101 - .0113	10:07 NCR 430	05/01/96			
	.0501 - .0511	10:07 NCR 430	05/01/96			
	.0601 - .0602	10:07 NCR 430	05/01/96			
	.0604	10:07 NCR 430	05/01/96			
	.0606	10:07 NCR 430	05/01/96			
	.0608 - .0612	10:07 NCR 430	05/01/96			
	.0614 - .0615	10:07 NCR 430	05/01/96			
	.0617 - .0621	10:07 NCR 430	05/01/96			
	.0701 - .0716	10:07 NCR 430	05/01/96			
14N	.0101 - .0107	10:07 NCR 430	05/01/96			
	.0201 - .0207	10:07 NCR 430	05/01/96			
	.0301 - .0307	10:07 NCR 430	05/01/96			
	.0401 - .0406	10:07 NCR 430	05/01/96			
	.0501 - .0507	10:07 NCR 430	05/01/96			
	.0701	10:07 NCR 430	05/01/96			
	.0703 - .0705	10:07 NCR 430	05/01/96			
	.0801 - .0811	10:07 NCR 430	05/01/96			
	.0901 - .0905	10:08 NCR 656	05/01/96			
14O	.0301 - .0314	10:07 NCR 430	05/01/96			
	.0401 - .0409	10:07 NCR 430	05/01/96			
	.0411 - .0416	10:07 NCR 430	05/01/96			
	.0501 - .0505	10:07 NCR 430	05/01/96			
	.0601 - .0609	10:07 NCR 430	05/01/96			
	.0611 - .0615	10:07 NCR 430	05/01/96			
	.0617 - .0618	10:07 NCR 430	05/01/96			
	.0701 - .0710	10:07 NCR 430	05/01/96			

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Agency/Rule Citation	Proposed in Register	Proposed Effective Date	Fiscal Note		Effective Date	Other Information
			State	Local		
14V	10:15 NCR 1479	05/01/96				Notice on Subject Matter
14V .0101 - .0104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0101 - .0104	10:13 NCR 1085	05/01/96				
.0201 - .0208	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0201 - .0208	10:13 NCR 1085	05/01/96				
.0301 - .0304	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0301 - .0304	10:13 NCR 1085	05/01/96				
.0401 - .0405	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0401 - .0405	10:13 NCR 1085	05/01/96				
.0501 - .0505	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0501 - .0505	10:13 NCR 1085	05/01/96				
.0601 - .0604	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0601 - .0607	10:13 NCR 1085	05/01/96				
.0701 - .0712	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0701 - .0713	10:13 NCR 1085	05/01/96				
.0801 - .0805	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.0801 - .0805	10:13 NCR 1085	05/01/96				
.1101 - .1103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1101 - .1103	10:13 NCR 1085	05/01/96				
.1201 - .1203	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1201 - .1203	10:13 NCR 1085	05/01/96				
.1301 - .1303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1301 - .1304	10:13 NCR 1085	05/01/96				
.1401 - .1403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1401 - .1403	10:13 NCR 1085	05/01/96				
.1501 - .1504	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.1501 - .1504	10:13 NCR 1085	05/01/96				
.2101 - .2104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2101 - .2104	10:13 NCR 1085	05/01/96				
.2201 - .2204	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2201 - .2204	10:13 NCR 1085	05/01/96				
.2301 - .2306	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2301 - .2306	10:13 NCR 1085	05/01/96				
.2401 - .2404	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2401 - .2404	10:13 NCR 1085	05/01/96				
.2501 - .2505	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.2501 - .2505	10:13 NCR 1085	05/01/96				
.3101 - .3103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3101 - .3103	10:13 NCR 1085	05/01/96				
.3201 - .3203	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3201 - .3203	10:13 NCR 1085	05/01/96				
.3301 - .3303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3301 - .3303	10:13 NCR 1085	05/01/96				
.3401 - .3403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3401 - .3403	10:13 NCR 1085	05/01/96				
.3501 - .3503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3501 - .3503	10:13 NCR 1085	05/01/96				
.3601 - .3604	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3601 - .3604	10:13 NCR 1085	05/01/96				
.3701 - .3703	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3701 - .3703	10:13 NCR 1085	05/01/96				
.3801 - .3803	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3801 - .3803	10:13 NCR 1085	05/01/96				
.3901 - .3903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.3901 - .3903	10:13 NCR 1085	05/01/96				
.4001 - .4003	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.4001 - .4003	10:13 NCR 1085	05/01/96				
.4101 - .4104	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.4101 - .4104	10:13 NCR 1085	05/01/96				
.4201 - .4203	10:13 NCR 1085	05/01/96				
.5001 - .5002	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5001 - .5003	10:13 NCR 1085	05/01/96				
.5101 - .5104	10:07 NCR 430	05/01/96				Agency Did Not Adopt

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.5101 - .5104	10:13 NCR 1085	05/01/96				
.5201 - .5204	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5201 - .5204	10:13 NCR 1085	05/01/96				
.5301 - .5303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5301 - .5303	10:13 NCR 1085	05/01/96				
.5401 - .5403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5401 - .5403	10:13 NCR 1085	05/01/96				
.5501 - .5503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5501 - .5503	10:13 NCR 1085	05/01/96				
.5601 - .5603	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5601 - .5603	10:13 NCR 1085	05/01/96				
.5701 - .5703	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5701 - .5703	10:13 NCR 1085	05/01/96				
.5801 - .5804	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5801 - .5804	10:13 NCR 1085	05/01/96				
.5901 - .5903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.5901 - .5903	10:13 NCR 1085	05/01/96				
.6001 - .6003	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6001 - .6003	10:13 NCR 1085	05/01/96				
.6101 - .6103	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6101 - .6103	10:13 NCR 1085	05/01/96				
.6201 - .6202	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6201 - .6202	10:13 NCR 1085	05/01/96				
.6301 - .6303	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6301 - .6303	10:13 NCR 1085	05/01/96				
.6401 - .6403	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6401 - .6403	10:13 NCR 1085	05/01/96				
.6501 - .6503	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6501 - .6503	10:13 NCR 1085	05/01/96				
.6601 - .6603	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6601 - .6603	10:13 NCR 1085	05/01/96				
.6701 - .6702	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6701 - .6702	10:13 NCR 1085	05/01/96				
.6801 - .6802	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6801 - .6802	10:13 NCR 1085	05/01/96				
.6901 - .6903	10:07 NCR 430	05/01/96				Agency Did Not Adopt
.6901 - .6903	10:13 NCR 1085	05/01/96				
15A .0115 - .0127	10:13 NCR 1085	01/01/96	x			
.0205 - .0228	10:13 NCR 1085	01/01/96	x			
18A .0124 - .0128	10:07 NCR 430	05/01/96				
.0130	10:07 NCR 430	05/01/96				
.0132 - .0133	10:07 NCR 430	05/01/96				
.0135 - .0136	10:07 NCR 430	05/01/96				
18D .0209	10:14 NCR 1311	01/01/96				
18F .0115 - .0117	10:14 NCR 1311	01/01/96				
18I .0114 - .0120	10:07 NCR 430	05/01/96				
18J .0110 - .0119	10:07 NCR 430	05/01/96				
.0212 - .0213	10:07 NCR 430	05/01/96				
.0304 - .0311	10:07 NCR 430	05/01/96				
.0507 - .0511	10:08 NCR 656	05/01/96				
.0601 - .0604	10:07 NCR 430	05/01/96				
.0701 - .0715	10:07 NCR 430	05/01/96				
.0801 - .0805	10:07 NCR 430	05/01/96				
.0803	10:02 NCR 118	07/01/95			07/01/95	
18K .0109 - .0116	10:07 NCR 430	05/01/96				
.0262 - .0263	10:08 NCR 656	05/01/96				
18L .0107 - .0108	10:07 NCR 430	05/01/96				
.0223 - .0224	10:07 NCR 430	05/01/96				
.0331 - .0336	10:07 NCR 430	05/01/96				
.0338 - .0339	10:07 NCR 430	05/01/96				
.0428 - .0434	10:07 NCR 430	05/01/96				
.0504	10:07 NCR 430	05/01/96				
.0511	10:07 NCR 430	05/01/96				

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			State	Local		
	.0513	10:07 NCR 430			05/01/96	
	.0601 - .0607	10:08 NCR 656			05/01/96	
	.0701 - .0705	10:07 NCR 430			05/01/96	
	.0707	10:07 NCR 430			05/01/96	
	.0801	10:07 NCR 430			05/01/96	
	.0803 - .0809	10:07 NCR 430			05/01/96	
	.0901 - .0904	10:07 NCR 430			05/01/96	
	.1001 - .1006	10:07 NCR 430			05/01/96	
	.1101 - .1103	10:07 NCR 430			05/01/96	
	.1105 - .1107	10:07 NCR 430			05/01/96	
	.1201	10:07 NCR 430			05/01/96	
	.1203 - .1206	10:07 NCR 430			05/01/96	
	.1301 - .1309	10:07 NCR 430			05/01/96	
	.1401 - .1403	10:07 NCR 430			05/01/96	
	.1501 - .1525	10:07 NCR 430			05/01/96	
18M	.0107 - .0110	10:07 NCR 430			05/01/96	
	.0206 - .0213	10:07 NCR 430			05/01/96	
	.0304 - .0307	10:07 NCR 430			05/01/96	
	.0406 - .0409	10:07 NCR 430			05/01/96	
	.0505 - .0506	10:07 NCR 430			05/01/96	
	.0607 - .0608	10:07 NCR 430			05/01/96	
	.0701	10:07 NCR 430			05/01/96	
	.0703 - .0706	10:07 NCR 430			05/01/96	
	.0708 - .0714	10:07 NCR 430			05/01/96	
	.0801 - .0803	10:07 NCR 430			05/01/96	
	.0817 - .0819	10:07 NCR 430			05/01/96	
	.0824 - .0838	10:07 NCR 430			05/01/96	
	.0901 - .0908	10:07 NCR 430			05/01/96	
	.1001 - .1009	10:07 NCR 430			05/01/96	
	.1101 - .1106	10:07 NCR 430			05/01/96	
	.1203 - .1204	10:07 NCR 430			05/01/96	
	.1302 - .1305	10:07 NCR 430			05/01/96	
	.1401 - .1403	10:07 NCR 430			05/01/96	
	.1405 - .1410	10:07 NCR 430			05/01/96	
18N	.0105 - .0110	10:07 NCR 430			05/01/96	
	.0204 - .0212	10:07 NCR 430			05/01/96	
	.0305 - .0306	10:07 NCR 430			05/01/96	
	.0601 - .0605	10:08 NCR 656			05/01/96	
	.0701 - .0709	10:08 NCR 656			05/01/96	
18O	.0517 - .0524	10:08 NCR 656			05/01/96	
18P	.0901 - .0903	10:07 NCR 430			05/01/96	
	.1001 - .1004	10:07 NCR 430			05/01/96	
18Q	.0284	10:07 NCR 430			05/01/96	
	.0286 - .0287	10:07 NCR 430			05/01/96	
	.0520 - .0521	10:07 NCR 430			05/01/96	
	.0538 - .0552	10:07 NCR 430			05/01/96	
19C	.0209	10:16 NCR 1708			02/01/96	
	.0408 - .0410	10:16 NCR 1708			02/01/96	
	.0504	10:16 NCR 1708			02/01/96	
	.0509 - .0512	10:16 NCR 1708			02/01/96	
	.0602	10:16 NCR 1708			02/01/96	
	.0604	10:16 NCR 1708			02/01/96	
	.0702 - .0703	10:16 NCR 1708			02/01/96	
19G	.0501 - .0502	10:14 NCR 1312			01/01/96	
	.0603	10:14 NCR 1312			01/01/96	
	.0606 - .0612	10:14 NCR 1312			01/01/96	
	.0803	10:14 NCR 1312			01/01/96	
	.0806	10:14 NCR 1312			01/01/96	
	.0817	10:14 NCR 1312			01/01/96	
	.0823	10:14 NCR 1312			01/01/96	
20A	.0102	10:16 NCR 1716			02/01/96	
20B	.0204 - .0206	10:16 NCR 1716			02/01/96	
	.0208 - .0210	10:16 NCR 1716			02/01/96	

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	.0218	10:16 NCR 1716				
	.0222	10:16 NCR 1716				
	.0224	10:16 NCR 1716				
	.0226 - .0227	10:16 NCR 1716				
20C	.0205	10:16 NCR 1716		x		
	.0316	10:16 NCR 1716		x		
26B	.0105	10:18 NCR 2398				Rule-Making Proceeding
	.0110	10:08 NCR 660			10/01/95	
	.0112	10:16 NCR 1721				
	.0113	10:16 NCR 1721				
	.0124	10:02 NCR 118	x		07/01/95	
26G	.0703 - .0705	10:12 NCR 982			12/01/95	
26H	.0212 - .0213	10:13 NCR 1153	x			
	.0213	10:02 NCR 118			07/01/95	
	.0213	10:14 NCR 1317	x			
	.0302	10:04 NCR 228	x		08/01/95	
	.0304 - .0305	10:04 NCR 228	x		08/01/95	
	.0308 - .0309	10:04 NCR 228	x		08/01/95	
	.0508	10:12 NCR 982			12/01/95	
26I	.0101	10:10 NCR 826			12/11/95	Filed over RRC Objection
	.0102	10:10 NCR 826			12/01/95	
	.0103	10:10 NCR 826			12/11/95	Filed over RRC Objection
	.0104 - .0107	10:10 NCR 826			12/01/95	
26K	.0006	10:15 NCR 1479				
39D	.0302 - .0303	10:09 NCR 722			11/01/95	
	.0304	10:15 NCR 1483	x			
41F	.0706	10:03 NCR 196			08/01/95	
	.0812	10:03 NCR 196			08/01/95	
41I	.0100	10:17 NCR 2228				Rule-Making Proceeding
42B	.1209	10:13 NCR 1158				
42C	.2010	10:13 NCR 1158				
42D	.1409	10:13 NCR 1158				
42H	.0911	10:09 NCR 722			12/01/95	
42W	.0001 - .0002	10:10 NCR 828			11/01/95	
46A	.0001	10:16 NCR 1724				
	.0005	10:16 NCR 1724				
46C	.0107	10:16 NCR 1724				
46D	.0101	10:16 NCR 1724				
	.0103	10:16 NCR 1724				
	.0105 - .0107	10:16 NCR 1724				
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46E	.0108 - .0109	10:16 NCR 1724				
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46F	.0107 - .0108	10:16 NCR 1724				
	.0110	10:16 NCR 1724				
46G	.0110	10:16 NCR 1724				
	.0113	10:16 NCR 1724				
	.0214	10:16 NCR 1724				
46H	.0101	10:16 NCR 1724				
	.0103 - .0105	10:16 NCR 1724				
	.0108	10:16 NCR 1724				
	.0110	10:16 NCR 1724				
	.0201 - .0203	10:16 NCR 1724				
	.0206 - .0207	10:16 NCR 1724				
47B	.0404 - .0405	10:15 NCR 1483				
49B	.0102	10:15 NCR 1483				
49C	.0107	10:16 NCR 1731	x			
50B	.0313	10:14 NCR 1321				
50D	.0101 - .0103	10:15 NCR 1479				
	.0201	10:15 NCR 1479				
	.0301 - .0302	10:15 NCR 1479				
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INSURANCE						
11 NCAC 04	.0120 - .0124	10:15 NCR 1489			02/01/96	
	.0421 - .0422	10:15 NCR 1489			02/01/96	
	.0429 - .0430	10:15 NCR 1489			02/01/96	
	.0501 - .0509	10:16 NCR 1732			01/01/97	
06A	.0201	10:16 NCR 1738			02/01/96	
	.0217	10:16 NCR 1738			02/01/96	
	.0225 - .0226	10:16 NCR 1738			02/01/96	
	.0234 - .0236	10:16 NCR 1738			02/01/96	
	.0240	10:16 NCR 1738			02/01/96	
	.0301 - .0302	10:16 NCR 1738			02/01/96	
	.0304 - .0306	10:16 NCR 1738			02/01/96	
	.0402	10:16 NCR 1738			02/01/96	
	.0410	10:16 NCR 1738			02/01/96	
	.0413	10:16 NCR 1738			02/01/96	
	.0417	10:16 NCR 1738			02/01/96	
	.0501	10:16 NCR 1738			02/01/96	
	.0701 - .0705	10:16 NCR 1738			02/01/96	
	.0808 - .0810	10:16 NCR 1738			02/01/96	
	.0812	10:04 NCR 246			08/01/95	08/01/95
	.0813	10:16 NCR 1738			02/01/96	
	.0901 - .0904	10:16 NCR 1738			02/01/96	
09	.0101 - .0104	10:15 NCR 1490			02/01/96	
	.0201 - .0203	10:15 NCR 1490			02/01/96	
10	.0105	10:15 NCR 1492			02/01/96	
	.0605	10:15 NCR 1492			02/01/96	
	.1102 - .1103	10:15 NCR 1492			02/01/96	
	.1110 - .1111	10:15 NCR 1492			02/01/96	
	.1603	10:15 NCR 1492			02/01/96	
11B	.0111	10:15 NCR 1503			02/01/96	
	.0114	10:15 NCR 1503			02/01/96	
	.0140 - .0142	10:15 NCR 1503			02/01/96	
	.0146	10:15 NCR 1503			02/01/96	
	.0148	10:15 NCR 1503			02/01/96	
	.0302 - .0306	10:15 NCR 1503			02/01/96	
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11C	.0112 - .0113	10:15 NCR 1503			02/01/96	
	.0118	10:15 NCR 1503			02/01/96	
	.0132	10:15 NCR 1503			02/01/96	
	.0313	10:15 NCR 1503			02/01/96	
	.0504 - .0505	10:15 NCR 1503			02/01/96	
11D	.0108 - .0109	10:15 NCR 1503			02/01/96	
	.0302 - .0305	10:15 NCR 1503			02/01/96	
11F	.0401 - .0405	10:16 NCR 1756			02/01/97	
12	.0307	10:16 NCR 1764			02/01/96	
	.0326	10:16 NCR 1764			02/01/96	
	.0415 - .0416	10:16 NCR 1764			02/01/96	
	.0436	10:16 NCR 1764			02/01/96	
	.0449	10:16 NCR 1764			02/01/96	
	.0460	10:16 NCR 1764			02/01/96	
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	.0551	10:18 NCR 2399				Rule-Making Proceeding
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.0839	10:16 NCR 1764	02/01/96				
.0901	10:16 NCR 1787	03/01/96				
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.1701 - .1709	10:16 NCR 1764	02/01/96				
13 .0317	10:15 NCR 1513	02/01/96				
.0319	10:15 NCR 1513	02/01/96				
14 .0202	10:15 NCR 1503	02/01/96				
.0430 - .0432	10:15 NCR 1503	02/01/96				
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.0705	10:15 NCR 1503	02/01/96				
16 .0602	10:15 NCR 1514	02/01/96				
.0703	10:18 NCR 2399					
.0704	10:11 NCR 900	12/01/95			12/01/95	Rule-Making Proceeding
17 .0003	10:16 NCR 1787	02/01/96				
.0006	10:16 NCR 1764	02/01/96				
20 .0101	10:16 NCR 1787	03/01/96				
.0201 - .0205	10:16 NCR 1787	03/01/96				
.0301 - .0304	10:16 NCR 1787	03/01/96				
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.0601 - .0602	10:16 NCR 1787	03/01/96				
.0701 - .0703	10:16 NCR 1787	06/01/96				
21 .0101 - .0110	10:16 NCR 1787	03/01/96				
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12 NCAC 04E .0104	10:07 NCR 573	10/01/95			10/01/95	
07D .0201	10:07 NCR 575	10/01/95			12/01/95	
.0204	10:11 NCR 900	12/01/95				
.0301	10:07 NCR 575	10/01/95			12/01/95	
.0401	10:07 NCR 575	10/01/95			12/01/95	
.0701	10:07 NCR 575	10/01/95			12/01/95	
.0706	10:07 NCR 575	10/01/95			12/01/95	
.0801	10:07 NCR 575	10/01/95			12/01/95	
.0806	10:07 NCR 575	10/01/95			12/01/95	
.0808	10:16 NCR 1796	02/01/96				
.0902	10:07 NCR 575	10/01/95			12/01/95	
.0904	10:07 NCR 575	10/01/95			12/01/95	
09A .0204	10:02 NCR 122	08/01/95			08/01/95	
09B .0113	10:02 NCR 122	08/01/95			08/01/95	
.0201 - .0202	10:02 NCR 122	08/01/95			01/01/96	
.0205	10:02 NCR 122	08/01/95			07/01/97	
.0206	10:02 NCR 122	08/01/95			08/01/95	
.0210	10:02 NCR 122	08/01/95			08/01/95	
.0212 - .0214	10:02 NCR 122	08/01/95			08/01/95	
.0226 - .0228	10:02 NCR 122	08/01/95			08/01/95	
.0232 - .0233	10:02 NCR 122	08/01/95			08/01/95	
09C .0401	10:02 NCR 122	08/01/95			08/01/95	
.0601	10:02 NCR 122	08/01/95			08/01/95	
09D .0102	10:02 NCR 122	08/01/95			08/01/95	
.0104 - .0106	10:02 NCR 122	08/01/95			08/01/95	
09F .0101 - .0107	10:16 NCR 1797	05/01/96				
10B .0102 - .0103	10:09 NCR 723	01/01/96			01/01/96	
.0105	10:09 NCR 723	01/01/96			01/01/96	
.0204	10:09 NCR 723	01/01/96			01/01/96	
.0301	10:09 NCR 723	01/01/96			01/01/96	
.0304	10:09 NCR 723	01/01/96			01/01/96	
.0307	10:09 NCR 723	01/01/96			01/01/96	
.0401 - .0403	10:09 NCR 723	01/01/96			01/01/96	
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.0502 - .0503	10:09 NCR 723	01/01/96			01/01/96	
.0505	10:09 NCR 723	01/01/96			01/01/96	
.0601 - .0607	10:09 NCR 723	01/01/96			01/01/96	
.0702 - .0706	10:09 NCR 723	01/01/96			01/01/96	
.0801 - .0803	10:09 NCR 723	01/01/96			01/01/96	
.0901	10:09 NCR 723	01/01/96			01/01/96	
.0903 - .0906	10:09 NCR 723	01/01/96			01/01/96	
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.1201 - .1205	10:09 NCR 723	01/01/96			01/01/96	
11 .0210	10:05 NCR 301	09/01/95			10/01/95	
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13 NCAC	10:01 NCR 10	01/01/96				Notice on Subject Matter
	10:01 NCR 12	01/01/96				Notice on Subject Matter
	10:02 NCR 149	10/01/95				Notice on Subject Matter
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	10:03 NCR 197	01/01/96				Notice on Subject Matter
06	10:16 NCR 1799	04/01/96				Notice on Subject Matter
07F .0101	10:16 NCR 1800	04/01/96				
	.0201	10:16 NCR 1823			02/01/96	
12 .0101	10:02 NCR 142	08/01/95				
	.0303 - .0315	10:02 NCR 142			08/01/95	
	.0501 - .0502	10:02 NCR 142			08/01/95	
	.0803 - .0808	10:02 NCR 142			08/01/95	
15	10:16 NCR 1827	04/01/96				Notice on Subject Matter
18 .0101 - .0110	10:14 NCR 1323	01/01/96				
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21 NCAC 26 .0307	10:15 NCR 1583	02/01/96				
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	10:02 NCR 167					Rules Filed 03/95
	10:04 NCR 272					Rules Filed 04/95
	10:06 NCR 392					Rules Filed 05/95
	10:09 NCR 783					Rules Filed 06/95
	10:10 NCR 845					Rules Filed 07/95
	10:12 NCR 1017					Rules Filed 08/95
	10:15 NCR 1585					Rules Filed 09/95
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21 NCAC 31 .0102	10:16 NCR 2062	03/01/96				
	.0104	10:16 NCR 2062			03/01/96	
	.0201 - .0203	10:16 NCR 2062			03/01/96	
	.0301 - .0304	10:16 NCR 2062			03/01/96	
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	.0601 - .0609	10:16 NCR 2062			03/01/96	
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	.0801	10:16 NCR 2062			03/01/96	
	.0901	10:16 NCR 2062			03/01/96	
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21 NCAC 32B .0901 - .0902	10:10 NCR 831	11/01/95			12/01/95	
32F .0003	10:10 NCR 831	11/01/95			12/01/95	
32H	10:18 NCR 2400					Rule-Making Proceeding
	.0102	10:02 NCR 151			07/01/96	
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.0408	10:02 NCR 151	07/01/96			07/01/96	
.0506	10:02 NCR 151	07/01/96			07/01/96	
.0601	10:02 NCR 151	07/01/95			09/01/95	
.0602	10:02 NCR 151	07/01/96			07/01/96	
.0801	10:02 NCR 151	07/01/96			07/01/96	
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32I .0003 - .0004	10:02 NCR 151	07/01/95			09/01/95	
32M .0001	10:10 NCR 831	11/01/95			01/01/96	
.0002 - .0004	10:10 NCR 831	11/01/95				
.0005 - .0006	10:10 NCR 831	11/01/95			01/01/96	
.0007 - .0012	10:10 NCR 831	11/01/95				
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21 NCAC 34B .0401	10:13 NCR 1182	01/01/96				
34D .0202	10:13 NCR 1182	01/01/96				
.0301	10:13 NCR 1182	01/01/96				
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21 NCAC 36 .0109	10:11 NCR 908	01/01/96				
.0202 - .0203	10:11 NCR 908	01/01/96				
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.0211	10:11 NCR 908	01/01/96				
.0216 - .0219	10:11 NCR 908	01/01/96				
.0221	10:11 NCR 908	01/01/96				
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.0227	10:11 NCR 908	01/01/96				
.0228	10:16 NCR 2068	02/01/96				
.0318	10:11 NCR 908	01/01/96				
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.0322	10:11 NCR 908	01/01/96				
.0401 - .0405	10:10 NCR 839	12/01/95			12/01/95	
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21 NCAC 37 .0101	10:04 NCR 262	08/01/95			08/01/95	
.0302	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
.0404	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
.0502	10:03 NCR 206	08/01/95			08/01/95	
.0603	10:03 NCR 206	08/01/95			08/01/95	
.0904	10:04 NCR 262	08/01/95			N/A	Agency withdrew Rule
.0912	10:03 NCR 206	08/01/95			08/01/95	
.0914	10:03 NCR 206	08/01/95			N/A	Agency withdrew Rule
37A .0101	10:16 NCR 2069	04/01/96				
.0108	10:16 NCR 2069	04/01/96				
.0110	10:16 NCR 2069	04/01/96				
.0208	10:16 NCR 2069	04/01/96				
.0211	10:16 NCR 2069	04/01/96				
.0306	10:16 NCR 2069	04/01/96				
.0308	10:16 NCR 2069	04/01/96				
.0506	10:16 NCR 2069	04/01/96				
.0603 - .0604	10:16 NCR 2069	04/01/96				
.0702 - .0707	10:16 NCR 2069	04/01/96				
.0805	10:16 NCR 2069	04/01/96				
.0901	10:16 NCR 2069	04/01/96				
.0905	10:16 NCR 2069	04/01/96				
.0907	10:16 NCR 2069	04/01/96				
.1203	10:16 NCR 2069	04/01/96				
37B .0101 - .0103	10:16 NCR 2069	04/01/96				
.0201	10:16 NCR 2069	04/01/96				
.0203	10:16 NCR 2069	04/01/96				
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37C .0101 - .0103	10:16 NCR 2069	04/01/96				
37D .0101 - .0102	10:16 NCR 2069	04/01/96				
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	.0701 - .0703	10:16 NCR 2069			04/01/96	
37E	.0101 - .0102	10:16 NCR 2069			04/01/96	
37F	.0101 - .0102	10:16 NCR 2069			04/01/96	
37G	.0101 - .0102	10:16 NCR 2069			04/01/96	
	.0201 - .0202	10:16 NCR 2069			04/01/96	
	.0301	10:16 NCR 2069			04/01/96	
	.0401	10:16 NCR 2069			04/01/96	
37H	.0101 - .0104	10:16 NCR 2069			04/01/96	
37I	.0101	10:16 NCR 2069			04/01/96	
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21 NCAC 40	.0314	10:16 NCR 2081			02/01/96	
PASTORAL COUNSELORS, FEE-BASED PRACTICING						
21 NCAC 45	.0101	10:16 NCR 2082			03/01/96	
	.0201 - .0203	10:16 NCR 2082			03/01/96	
	.0301 - .0303	10:16 NCR 2082			03/01/96	
	.0401 - .0402	10:16 NCR 2082			03/01/96	
	.0501	10:16 NCR 2082			03/01/96	
	.0601	10:16 NCR 2082			03/01/96	
	.0701	10:16 NCR 2082			03/01/96	
	.0801 - .0802	10:16 NCR 2082			03/01/96	
	.0901	10:16 NCR 2082			03/01/96	
	.1001	10:16 NCR 2082			03/01/96	
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21 NCAC 46	.1204	10:16 NCR 2085			05/01/96	
	.1317	10:16 NCR 2085			05/01/96	
	.1401 - .1404	10:16 NCR 2085			05/01/96	
	.1406	10:16 NCR 2085			05/01/96	
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	.1410 - .1417	10:16 NCR 2085			05/01/96	
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	.2609	10:16 NCR 2085			05/01/96	
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21 NCAC 48A	.0001	10:16 NCR 2107			02/01/96	
	.0004	10:16 NCR 2107			02/01/96	
48B	.0002	10:16 NCR 2107			02/01/96	
48C	.0103	10:08 NCR 671			10/01/95	
48D	.0006	10:08 NCR 671			10/01/95	
	.0008	10:08 NCR 671			10/01/95	
	.0009 - .0011	10:16 NCR 2107			02/01/96	
	.0011	10:08 NCR 671			10/01/95	
48E	.0101	10:16 NCR 2107			02/01/96	
						N/A Agency withdrew Rule

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.0110	10:16 NCR 2107	02/01/96				
48F .0002	10:08 NCR 671	10/01/95			10/01/95	
.0003	10:16 NCR 2107	02/01/96				
48G .0501 - .0516	10:08 NCR 671	10/01/95			10/01/95	
.0504	10:16 NCR 2107	02/01/96				
.0509	10:16 NCR 2107	02/01/96				
.0601	10:08 NCR 671	10/01/95			10/01/95	
.0601	10:16 NCR 2107	02/01/96				
48H .0102	10:16 NCR 2107	02/01/96				
.0104	10:08 NCR 671	10/01/95			10/01/95	
.0701 - .0704	10:08 NCR 671	10/01/95			10/01/95	
.0701	10:16 NCR 2107	02/01/96				
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21 NCAC 50 .0402	10:01 NCR 39	09/01/95			09/01/95	
.0505	10:01 NCR 39	09/01/95			N/A	Agency Did Not Adopt
PROFESSIONAL COUNSELORS						
21 NCAC 53 .0204 - .0211	10:01 NCR 40	07/01/95			07/01/95	
.0301	10:01 NCR 40	07/01/95			07/01/95	
.0305 - .0309	10:01 NCR 40	07/01/95			07/01/95	
.0310	10:01 NCR 40	07/01/95				
.0403 - .0405	10:01 NCR 40	07/01/95			07/01/95	
.0601 - .0604	10:01 NCR 40	07/01/95			07/01/95	
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21 NCAC 56 .0802	10:11 NCR 934	12/01/95				
.0804	10:11 NCR 934	12/01/95				
.0902	10:11 NCR 934	12/01/95				
.1103	10:11 NCR 934	12/01/95				
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.1602	10:11 NCR 934	12/01/95				
.1604	10:11 NCR 934	12/01/95				
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.1707	10:11 NCR 934	12/01/95				
.1712 - .1713	10:11 NCR 934	12/01/95				
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21 NCAC 54 .1604 - .1605	10:16 NCR 2111	03/01/96				
.1608	10:16 NCR 2111	03/01/96				
.1610	10:16 NCR 2111	03/01/96				
.1701	10:11 NCR 929	12/01/95				
.1703 - .1705	10:16 NCR 2111	03/01/96				
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.1801 - .1803	10:16 NCR 2111	03/01/96				
.1901	10:16 NCR 2111	03/01/96				
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.2007 - .2009	10:16 NCR 2111	03/01/96				
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.2103	10:16 NCR 2111	03/01/96				
.2201 - .2204	10:16 NCR 2111	03/01/96				
.2704 - .2706	10:11 NCR 929	12/01/95				
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16 NCAC 06A .0001 - .0002	10:16 NCR 1997	04/01/96				
06B .0001 - .0002	10:16 NCR 1997	04/01/96				
.0004 - .0006	10:16 NCR 1997	04/01/96				
06C .0101	10:15 NCR 1565	04/01/96				
.0313	10:15 NCR 1565	04/01/96				

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Agency/Rule Citation	Proposed in Register	Proposed Effective Date	Fiscal Note		Effective Date	Other Information
			State	Local		
	.0401	10:17 NCR 2229			11/15/95	Temporary Amendment Rule
06D	.0102	10:16 NCR 1997	04/01/96			
	.0104	10:16 NCR 1997	04/01/96			
	.0106	10:07 NCR 584	11/01/95			
	.0301 - .0302	10:16 NCR 1997	04/01/96			
06E	.0101 - .0102	10:16 NCR 1997	04/01/96			
	.0104	10:16 NCR 1997	04/01/96			
	.0202	10:16 NCR 1997	04/01/96			
06G	.0301 - .0303	10:16 NCR 1997	04/01/96			
06H	.0001	10:16 NCR 1997	04/01/96			
	.0006 - .0008	10:16 NCR 1997	04/01/96			
REAL ESTATE COMMISSION						
21 NCAC 58A	.0104	10:16 NCR 2124	03/01/96			
	.0107	10:16 NCR 2124	03/01/96			
	.0110	10:02 NCR 157	07/01/95		07/01/95	
	.0113	10:16 NCR 2124	03/01/96			
	.0302	10:16 NCR 2124	03/01/96			
	.0401 - .0402	10:16 NCR 2124	03/01/96			
	.0403	10:04 NCR 263	08/01/95		08/01/95	
	.0502	10:16 NCR 2124	01/01/97			
	.0503	10:04 NCR 263	08/01/95		08/01/95	
	.0503 - .0506	10:16 NCR 2124	03/01/96			
	.0504 - .0506	10:02 NCR 157	07/01/95		07/01/95	
	.0505	10:04 NCR 263	08/01/95		08/01/95	
	.0510	10:16 NCR 2124	03/01/96			
	.0610	10:16 NCR 2124	03/01/96			
	.1702	10:16 NCR 2124	03/01/96			
	.1703	10:02 NCR 157	07/01/95		07/01/95	
	.1707 - .1708	10:02 NCR 157	07/01/95		07/01/95	
	.1708	10:16 NCR 2124	03/01/96			
	.1710 - .1711	10:02 NCR 157	07/01/95		07/01/95	
	.1711	10:16 NCR 2124	03/01/96			
58C	.0104	10:16 NCR 2124	03/01/96			
	.0305 - .0307	10:16 NCR 2124	03/01/96			
	.0311 - .0312	10:16 NCR 2124	03/01/96			
58E	.0103	10:02 NCR 157	07/01/95		07/01/95	
	.0203 - .0204	10:02 NCR 157	07/01/95		07/01/95	
	.0203 - .0204	10:16 NCR 2124	03/01/96			
	.0302 - .0304	10:16 NCR 2124	03/01/96			
	.0303 - .0305	10:02 NCR 157	07/01/95		07/01/95	
	.0310	10:16 NCR 2124	03/01/96			
	.0406 - .0407	10:02 NCR 157	07/01/95		07/01/95	
	.0406 - .0407	10:16 NCR 2124	03/01/96			
	.0411	10:16 NCR 2124	03/01/96			
	.0503	10:16 NCR 2124	03/01/96			
	.0506	10:02 NCR 157	07/01/95		07/01/95	
	.0511	10:16 NCR 2124	03/01/96			
	.0515	10:02 NCR 157	07/01/95		07/01/95	
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21 NCAC 60	.0102	10:04 NCR 264	08/01/95		08/01/95	
	.0105	10:09 NCR 781	11/01/95		11/01/95	
	.0204	10:04 NCR 264	08/01/95		08/01/95	
	.0314	10:04 NCR 264	08/01/95		08/01/95	
	.1102	10:04 NCR 264	08/01/95		08/01/95	
	.1103	10:09 NCR 781	11/01/95		11/01/95	
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Tax Review Board		10:01 NCR 03				
Tax Review Board		10:07 NCR 428				
Tax Review Board		10:09 NCR 716				
Tax Review Board		10:11 NCR 890				

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Agency/Rule Citation	Proposed in Register	Proposed Effective Date	Fiscal Note		Effective Date	Other Information
			State	Local		
Tax Review Board	10:17 NCR 2224					
17 NCAC 09G .0102	10:16 NCR 2006	11/30/96				
.0104 - .0105	10:16 NCR 2006	11/30/96				
.0107	10:16 NCR 2006	11/30/96				
.0201 - .0203	10:16 NCR 2006	11/30/96				
.0301 - .0304	10:16 NCR 2006	11/30/96				
.0306	10:16 NCR 2006	11/30/96				
.0402 - .0404	10:16 NCR 2006	11/30/96				
.0502 - .0509	10:16 NCR 2006	11/30/96				
.0512	10:16 NCR 2006	11/30/96				
.0514	10:16 NCR 2006	11/30/96				
.0516	10:16 NCR 2006	11/30/96				
09H .0102 - .0103	10:16 NCR 2006	11/30/96				
.0105	10:16 NCR 2006	11/30/96				
.0202 - .0203	10:16 NCR 2006	11/30/96				
.0206 - .0210	10:16 NCR 2006	11/30/96				
.0302 - .0303	10:16 NCR 2006	11/30/96				
.0305 - .0306	10:16 NCR 2006	11/30/96				
.0409	10:16 NCR 2006	11/30/96				
09K .0201 - .0206	10:16 NCR 2006	01/01/96				
.0401	10:16 NCR 2006	01/01/96				
.0501 - .0513	10:16 NCR 2006	01/01/96				
.0601 - .0602	10:16 NCR 2006	01/01/96				
09L .0301 - .0302	10:16 NCR 2006	01/01/96				
.0401 - .0404	10:16 NCR 2006	01/01/96				
SECRETARY OF STATE						
18 NCAC 04 .0102	10:15 NCR 1567	02/01/96				
.0201	10:15 NCR 1567	02/01/96				
.0203	10:15 NCR 1567	02/01/96				
.0205 - .0206	10:15 NCR 1567	02/01/96				
.0302 - .0308	10:15 NCR 1567	02/01/96				
.0311 - .0314	10:15 NCR 1567	02/01/96				
.0316 - .0318	10:15 NCR 1567	02/01/96				
.0401 - .0402	10:15 NCR 1567	02/01/96				
.0501 - .0504	10:15 NCR 1567	02/01/96				
05 .0101	10:15 NCR 1573	02/01/96				
.0203 - .0209	10:15 NCR 1573	02/01/96				
.0304 - .0305	10:15 NCR 1573	02/01/96				
.0404	10:15 NCR 1573	02/01/96				
06 .1205 - .1206	10:05 NCR 306	09/01/95				
.1208	10:05 NCR 306	09/01/95				
.1302 - .1305	10:05 NCR 306	09/01/95				
.1313	10:05 NCR 306	09/01/95				
.1402	10:11 NCR 906	12/01/95				
.1601 - .1602	10:15 NCR 1575	02/01/96				
.1604 - .1605	10:15 NCR 1575	02/01/96				
.1607	10:15 NCR 1575	02/01/96				
07 .0302	10:15 NCR 1578	02/01/96				
09	10:16 NCR 2015	04/01/96				Notice on Subject Matter
.0101 - .0108	10:19 NCR 2480	04/01/96				Temporary Adoption Eff. 1/1/96
SOCIAL WORK, BOARD OF						
21 NCAC 63 .0306	10:13 NCR 1185	01/01/96				
SOIL SCIENTISTS, BOARD FOR LICENSING						
21 NCAC 69	10:19 NCR 2507					Rule-Making Proceeding
STATE PERSONNEL						
25 NCAC 01B .0201	10:16 NCR 2155	02/01/96				
.0203 - .0207	10:16 NCR 2155	02/01/96				
.0213	10:16 NCR 2155	02/01/96				

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			State	Local		
	.0414	10:16 NCR 2155			02/01/96	
	.0431	10:16 NCR 2155			02/01/96	
	.0437 - .0439	10:16 NCR 2155			02/01/96	
01C	.0207	10:04 NCR 264			08/01/95	
	.0402 - .0408	10:04 NCR 264			08/01/95	
	.0412	10:16 NCR 2155			02/01/96	
01D	.0201	10:04 NCR 264			08/01/95	
	.0205	10:04 NCR 264			08/01/95	
	.0207	10:04 NCR 264			08/01/95	
	.0211	10:04 NCR 264			08/01/95	
	.0401	10:12 NCR 986			12/01/95	
	.0406	10:12 NCR 986			12/01/95	
	.0504	10:12 NCR 986			12/01/95	
	.0509	10:07 NCR 588			10/01/95	
	.0510 - .0511	10:12 NCR 986			12/01/95	
	.0515	10:12 NCR 986			12/01/95	
	.0520	10:16 NCR 2155			02/01/96	
	.0808	10:04 NCR 264			08/01/95	
	.0910	10:12 NCR 986			12/01/95	
	.1001	10:04 NCR 264			08/01/95	
	.1001	10:12 NCR 986			12/01/95	
	.1005	10:12 NCR 986			12/01/95	
	.1009	10:04 NCR 264			08/01/95	
	.1009 - .1010	10:12 NCR 986			12/01/95	
	.1201	10:04 NCR 264			08/01/95	
	.1204	10:04 NCR 264			08/01/95	
	.1401	10:04 NCR 264			08/01/95	
	.1801 - .1802	10:04 NCR 264			08/01/95	
	.1928	10:12 NCR 986			12/01/95	
	.2001	10:04 NCR 264			08/01/95	
	.2301 - .2305	10:16 NCR 2155			02/01/96	
	.2601 - .2604	10:12 NCR 986			12/01/95	
01E	.0304 - .0305	10:12 NCR 986			12/01/95	
	.0804	10:04 NCR 264			08/01/95	
	.1001 - .1002	10:12 NCR 986			12/01/95	
	.1110	10:12 NCR 986			12/01/95	
	.1402 - .1411	10:07 NCR 588			10/01/95	
01H	.0628	10:12 NCR 986			12/01/95	
01I	.2301 - .2310	10:12 NCR 986			12/01/95	
01J	.0401 - .0413	10:12 NCR 986			12/01/95	
	.0501 - .0511	10:12 NCR 986			12/01/95	
	.0604 - .0606	10:07 NCR 588			10/01/95	
	.0608	10:07 NCR 588			10/01/95	
	.0610 - .0615	10:07 NCR 588			10/01/95	
	.0801 - .0809	10:12 NCR 986			12/01/95	
01K	.0312	10:04 NCR 264			08/01/95	
	.0318	10:12 NCR 986			12/01/95	
	.0701 - .0705	10:12 NCR 986			12/01/95	
	.0707 - .0708	10:12 NCR 986			12/01/95	
01L	.0101 - .0106	10:12 NCR 986			12/02/95	

SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

21 NCAC 68	10:18 NCR 2401		
	.0501 - .0511	10:14 NCR 1382	02/01/96
	.0601 - .0610	10:14 NCR 1382	02/01/96

Rule-Making Proceeding

THERAPEUTIC RECREATION CERTIFICATION BOARD

21 NCAC 65	.0004	10:16 NCR 2140	02/01/96
	.0006 - .0007	10:16 NCR 2140	02/01/96

TRANSPORTATION

19A NCAC 02D	.0415	10:12 NCR 984	12/31/95
	.0801	10:04 NCR 254	09/01/95

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			State	Local		
.1101 - .1112	10:16 NCR 2015	03/01/96				
03D .0517	10:16 NCR 2020	02/01/96				
.0549	10:16 NCR 2020	02/01/96				
.0551 - .0553	10:16 NCR 2020	02/01/96				
04A .0004	10:10 NCR 829	12/01/95			12/01/95	
06B .0401 - .0417	10:16 NCR 2023	03/01/96	x			

VETERINARY MEDICAL BOARD

21 NCAC 66 .0101	10:16 NCR 2143	04/01/96
.0105 - .0106	10:16 NCR 2143	04/01/96
.0108	10:16 NCR 2143	04/01/96
.0201 - .0203	10:16 NCR 2143	04/01/96
.0205 - .0210	10:16 NCR 2143	04/01/96
.0301	10:16 NCR 2143	04/01/96
.0303 - .0308	10:16 NCR 2143	04/01/96
.0310 - .0311	10:16 NCR 2143	04/01/96
.0601	10:16 NCR 2143	04/01/96
.0606	10:16 NCR 2143	04/01/96
.0703	10:16 NCR 2143	04/01/96

BARCLAYS OFFICIAL NORTH CAROLINA ADMINISTRATIVE CODE - 1995

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Title 1 - Dept. of Administration - Full Title	201 00 00	\$63.00	\$90.00
Division of Purchase & Contract	201 10 05	\$21.00	\$30.00
Federal Block Grant Funds	201 10 33	\$17.50	\$25.00
Title 2 - Dept. of Agriculture - Full Title	202 00 00	\$98.00	\$140.00
Food & Drug Protection Division	202 15 09	\$28.00	\$40.00
Structural Pest Control Committee	202 15 34	\$21.00	\$30.00
Agricultural Markets	202 15 43	\$21.00	\$30.00
Plant Industry	202 15 48	\$21.00	\$30.00
Animal Industry	202 15 52	\$21.00	\$30.00
Title 3 - Dept. of State Auditor - Full Title	203 00 00	\$7.00	\$10.00
Title 4 - Dept. of Commerce - Full Title	204 00 00	\$87.60	\$125.00
Alcoholic Beverage Control Commission	204 15 02	\$12.00	\$40.00
Banking Commission	204 15 03	\$24.50	\$35.00
Credit Union Division	204 15 06	\$14.00	\$20.00
Savings & Loan Division	204 15 09	\$14.00	\$20.00
Industrial Commission/Workers Compensation	204 15 10	\$14.00	\$20.00
Savings Institutions Division	204 15 16	\$24.50	\$35.00
Title 5 - Dept. of Corrections - Full Title	205 00 00	\$56.00	\$80.00
Division of Prisons	205 15 02	\$24.50	\$35.00
Title 6 - Council of State - Full Title	206 00 00	\$21.00	\$30.00
Title 7 - Dept. of Cultural Resources - Full Title	207 00 00	\$21.00	\$30.00
Title 8 - State Board of Elections - Full Title	208 00 00	\$7.00	\$10.00
Title 9 - Offices of the Governor & Lt. Governor - Full Title	209 00 00	\$31.50	\$45.00
Title 10 - Dept. of Human Resources - Full Title	210 00 00	\$346.50	\$495.00
Licensing of Health Facilities	210 20 10	\$45.50	\$65.00
Datention Facilities	210 20 20	\$31.50	\$45.00
Mental Health & Rehabilitation Services	210 20 30	\$77.00	\$110.00
Social Services	210 20 40	\$119.00	\$170.00
Children Services/Day Care	210 20 41	\$31.50	\$45.00
Services for the Aging	210 20 42	\$31.50	\$45.00
Services for the Blind	210 20 43	\$28.00	\$40.00
Services for the Deaf & Hard of Hearing	210 20 44	\$17.50	\$25.00
Employment Opportunities	210 20 45	\$35.00	\$50.00
Title 11 - Dept. of Insurance - Full Title	211 00 00	\$63.00	\$90.00
Insurance	211 10 01	\$56.00	\$80.00
Consumer Services	211 10 04	\$24.50	\$35.00
Fire & Rescue Services	211 10 05	\$17.50	\$25.00
Agent Services	211 10 06	\$28.00	\$40.00
Engineering & Building Codes	211 10 08	\$21.00	\$30.00
Title 12 - Dept. of Justice - Full Title	212 00 00	\$63.00	\$90.00
Private Protective Services	212 10 07	\$21.00	\$30.00
Police & Sheriff's Education & Training Standards	212 10 09	\$31.50	\$45.00
NC Alarm Systems Licensing Board	212 10 11	\$17.50	\$25.00
Title 13 - Dept. of Labor - Full Title	213 00 00	\$77.00	\$110.00
Mine & Quarry Safety	213 15 06	\$14.00	\$20.00
General Safety/OSHA	213 20 00	\$31.50	\$45.00
Wage & Hour Rules	213 15 12	\$14.00	\$20.00
Boiler & Pressure Vessel Safety	213 15 13	\$14.00	\$20.00
Apprenticeship & Training	213 15 14	\$14.00	\$20.00
Elevator & Amusement Device Safety	213 15 15	\$14.00	\$20.00
Title 14A - Dept. of Crime Control & Public Safety - Full Title	214 00 00	\$31.50	\$45.00
Alcohol Law Enforcement	214 00 08	\$17.50	\$25.00
Victims Compensation Fund	214 00 11	\$14.00	\$20.00
Title 15A - Dept. of Environ., Health, & Nat. Resources - Full Title	215 00 00	\$276.50	\$395.00
Environmental Management	215 15 00	\$115.50	\$165.00
Air Quality	215 15 10	\$49.00	\$70.00
Water Quality	215 15 20	\$49.00	\$70.00
Land & Waste Management	215 15 30	\$56.00	\$80.00
Solid Waste Management	215 15 31	\$35.00	\$50.00
Underground Storage Tanks	215 15 32	\$17.50	\$25.00

DESCRIPTION	CODE	ONE-TIME PURCHASE PRICE	ANNUAL SUBSCRIPTION PRICE
Coastal Management	215 15 40	\$31.50	\$45.00
Environmental Health	215 25 00	\$105.00	\$150.00
Radiation/Nuclear Waste	215 25 10	\$42.00	\$60.00
Sanitation	215 25 20	\$35.00	\$50.00
Public Health	215 25 30	\$59.50	\$85.00
Intoxilizer & Breathalyzer	215 25 31	\$17.50	\$25.00
Title 16 - Dept. of Public Instruction - Full Title	216 00 00	\$21.00	\$30.00
Elementary & Secondary Education	216 10 06	\$21.00	\$30.00
Title 17 - Dept. of Revenue - Full Title	217 00 00	\$91.00	\$130.00
Taxes on Individuals	217 15 10	\$31.50	\$45.00
Taxes on Business	217 15 20	\$56.00	\$80.00
Sales & Use Tax Division	217 15 27	\$31.50	\$45.00
Motor Fuels Tax Division	217 15 29	\$21.00	\$30.00
Title 18 - Secretary of State - Full Title	218 00 00	\$21.00	\$30.00
Securities Division	218 10 06	\$21.00	\$30.00
Title 19A - Dept. of Transportation - Full Title	219 00 00	\$63.00	\$90.00
Division of Highways	219 10 02	\$28.00	\$40.00
Division of Motor Vehicles	219 10 03	\$35.00	\$50.00
Title 20 - Dept. of the State Treasurer - Full Title	220 00 00	\$31.50	\$45.00
Title 21 - Occupational Licensing Boards - Full Title	221 00 00	\$143.50	\$205.00
Title 22 - Administrative Procedures Act - Repealed	222 00 00	\$0.00	\$0.00
Title 23 - Dept. of Community Colleges - Full Title	223 00 00	\$7.00	\$10.00
Title 24 - Independent Agencies - Full Title	224 00 00	\$7.00	\$10.00
Title 25 - Office of State Personnel - Full Title	225 00 00	\$42.00	\$60.00
Title 26 - Office of Administrative Hearings - Full Title	226 00 00	\$7.00	\$10.00
Title 27 - North Carolina State Bar - Full Title	227 00 00	\$42.00	\$60.00
North Carolina Administrative Code - Full Code (Add \$85.00 Shipping and Handling)	299 99 98	\$375.00	\$750.00
CD-ROM North Carolina Administrative Code	266 00 00	- -	\$750.00
CD-ROM North Carolina Administrative Code (When purchased with the Full Code in Print)	266 50 00	- -	\$250.00
Master Index	288 50 00	\$295.00	\$475.00
Master Table of Contents	288 80 00	\$40.00	\$75.00
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