

# ***NORTH CAROLINA REGISTER***

**VOLUME 11 • ISSUE 27 • Pages 2049 - 2112  
May 1, 1997**

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Contested Case Decisions

## **PUBLISHED BY**

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through April 10, 1997.

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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
The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:	(1) temporary rules;	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.	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of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.	EARLIEST DATE FOR PUBLIC HEARING: The hearing date shall be at least 15 days after the date a notice of the hearing is published.
	(2) notices of rule-making proceedings;			
(3) text of proposed rules;				
(4) text of permanent rules approved by the Rules Review Commission;				END OF REQUIRED COMMENT PERIOD (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.
(5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;				(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.
(6) Executive Orders of the Governor;			EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT: The date of the next issue following the end of the comment period.	
(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;		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.		
(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.				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.
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.				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.

*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.*

**TITLE 11 - DEPARTMENT OF  
INSURANCE**

**CHAPTER 8 - ENGINEERING AND BUILDING  
CODES DIVISION**

**N.C. Home Inspector Licensure Board Rules**

"The North Carolina Home Inspector Licensure Board wishes to acknowledge the participation of the American Society of Home Inspectors for their help in the development of rules 11 NCAC 8 .1000, .1100, and .1200, published in the April 1, 1997, issue of the North Carolina Register."

U.S. Department of Justice

Civil Rights Division

*Voting Section*

*P.O. Box 66128*

*Washington, D.C. 20035-6128*

IKP:GS:RJD:emr  
DJ 166-012-3  
97-0338

March 26, 1997

George A. Weaver, Esq.  
County Attorney  
113 East Nash Street  
Suite 404  
Wilson, North Carolina 27893

Dear Mr. Weaver:

This refers to the relocation of the Board of Elections for Wilson 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 January 31, 1997.

The Attorney General does not interpose any objection to the specified change. 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 change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Isabelle Katz Pinzler  
Acting Assistant Attorney General  
Civil Rights Division

By:

Elizabeth Johnson  
Chief, Voting Section



STATE OF NORTH CAROLINA  
ENVIRONMENTAL MANAGEMENT COMMISSION  
POST OFFICE BOX 29535  
RALEIGH, NORTH CAROLINA 27626-0535

**PUBLIC NOTICE OF INTENT TO ISSUE STATE GENERAL NPDES PERMITS**

Public notice of intent to issue State National Pollutant Discharge Elimination System (NPDES) General Permits for Point Source Discharges of Wastewater associated with:

NPDES No. NCG500000 governing the discharge of non-contact cooling water, boiler blowdown, cooling tower blowdown, condensate and similar wastewaters.

NPDES No. NCG520000 governing the discharge of Sand Dredging wastewater and similar wastewaters.

NPDES No. NCG530000 governing the discharge from fish farms, seafood packing and rinsing and similar wastewaters.

NPDES No. NCG550000 governing the discharge of domestic wastewaters from single family residences and other discharges with similar characteristics.

On the basis of preliminary staff review and application of Article 21 of Chapter 143 of the General Statutes of North Carolina, Public Law 92-500 and other lawful standards and regulations, the North Carolina Environmental Management Commission proposes to modify the State NPDES General Permits for the discharge as described above.

INFORMATION: Copies of the draft NPDES General Permits and Fact Sheets concerning the draft Permits are available by writing or calling:

Charles H. Weaver, Jr.  
NC DEHNR / Division of Water Quality  
NPDES Group  
P.O. Box 29535  
Raleigh, North Carolina 27626-0535

Telephone (919) 733-5083, ext. 511

Persons wishing to comment upon or object to the proposed determinations are invited to submit their comments in writing to the above address no later than **May 31, 1997**. All comments received prior to that date will be considered in the final determination regarding permit issuance. A public meeting may be held where the Director of the Division of Water Quality finds a significant degree of public interest in any proposed permit issuance.

The draft Permits, Fact Sheets and other information are on file at the Division of Water Quality, 512 N. Salisbury Street, Room 925, Archdale Building, Raleigh, North Carolina. They may be inspected during normal office hours. Copies of the information on file are available upon request and payment of the costs of reproduction. All such comments and requests regarding these matters should make reference to the appropriate draft Permit Number.

Date: April 9, 1997

/s/David A. Goodrich  
for/A. Preston Howard, Jr., P.E., Director  
Division of Water Quality

STATE OF NORTH CAROLINA

BEFORE THE  
TAX REVIEW BOARD

COUNTY OF WAKE

IN THE MATTER OF:

The Proposed Assessment of  
additional income tax for  
the taxable year of 1992 by the  
by the Secretary of Revenue  
against **Edward R. and Loretta K. Crume**

**ADMINISTRATIVE  
DECISION NUMBER: 330**

THIS MATTER was heard before the Tax Review Board (hereinafter "Board") on January 29, 1997, in the City of Raleigh, Wake County, North Carolina, in the office of the State Treasurer. It involved the petition by Edward R. and Loretta K. Crume (hereinafter "Taxpayers") from the Final Decision of Michael A. Hannah, Assistant Secretary for Legal and Administrative Services for the Department of Revenue (hereinafter "Assistant Secretary") entered on July 17, 1996, sustaining a proposed assessment of additional income tax for the taxable year of 1992.

Chairman Harlan E. Boyles presided over the hearing with duly appointed member, Noel L. Allen, attorney at Law.

The Taxpayers appeared at the hearing pro se; George W. Boylan, Special Deputy Attorney General, appeared on behalf of the Department of Revenue.

The Tax Review Board, as a quasi-judicial body, provides administrative review to Taxpayers from the Secretary of Revenue's decisions sustaining the assessment of tax or additional tax pursuant to the North Carolina Revenue Laws. The scope of administrative review for petitions filed with the Board is governed by G.S. §105-241.2(b2). G.S. § 105-241.2(b2) states in pertinent part:

- (b2). ... after conducting a hearing under this section, the Board shall confirm, modify, reverse, reduce or increase the assessment or decision of the Secretary.

THE BOARD HAVING REVIEWED THE PETITION, THE FINAL DECISION AND RECORD MADE IN THE PROCEEDING; AND HAVING CAREFULLY CONSIDERED THE MATTERS OF RECORD AND THE ARGUMENTS PRESENTED RENDERED THE FOLLOWING DECISION: that the findings of fact made by the Assistant Secretary were fully supported by competent evidence in the record, that the conclusions of law made by the Assistant Secretary were fully supported by the findings of fact, and that the decision by the Assistant Secretary was fully supported by the conclusions of law;

IT IS THEREFORE ORDERED that the Final Decision of the Assistant Secretary entered on July 17, 1996, regarding this matter is **CONFIRMED** in every respect.

Entered this the 27th day of March, 1997.

TAX REVIEW BOARD

/s/Harlan E. Boyles, Chairman  
State Treasurer

/s/Noel L. Allen, member

Note: At the time of this hearing, the new Chairman of the Utilities Commission had been named, but the effective date of the appointment would not commence until February 1, 1997. The new Chairman of the Utilities Commission would not be an ex officio member of the Board until February 1, 1997. Therefore, the members who participated in the hearing proceeded with the deliberation of this matter and rendered a decision.

*A Notice of Rule-making Proceedings is a statement of subject matter of the agency's proposed rule making. The agency must publish a notice of the subject matter for public comment at least 60 days prior to publishing the proposed text of a rule. Publication of a temporary rule serves as a Notice of Rule-making Proceedings and can be found in the Register under the section heading of Temporary Rules. A Rule-making Agenda published by an agency serves as Rule-making Proceedings and can be found in the Register under the section heading of Rule-making Agendas. Statutory reference: G.S. 150B-21.2.*

**TITLE 2 - DEPARTMENT OF AGRICULTURE**

**CHAPTER 52 - VETERINARY DIVISION**

**SUBCHAPTER 52A - RULES AND REGULATIONS ADOPTED BY REFERENCE**

**SUBCHAPTER 52D - MEAT AND POULTRY INSPECTION**

***Notice of Rule-making Proceedings** is hereby given by the North Carolina Board of Agriculture in accordance with G.S. 150B-21.2. 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 proceedings and any comments received on this notice.*

**Citation to Existing Rules Affected by this Rule-Making:** 2 NCAC 52A .0004 - .0009 and 52D .0001 - Other rules may be proposed in the course of the rule-making process.

**Authority for the rule-making:** G.S. 106-540; 106-549.21; 106-549.22; 106-549.28; 150B-14

**Statement of the Subject Matter:** *These rules incorporate by reference federal standards for inspection and labeling of meat products. The State is required by federal law to maintain program standards equal to federal standards in order to permit the sale of State-inspected meat products.*

**Reason for Proposed Action:** *To update incorporations by reference to include current federal standards and to include subsequent amendments and editions.*

**Comment Procedures:** *Written comments may be submitted no later than June 30, 1997, to David S. McLeod, Secretary, Board of Agriculture, P.O. Box 27647, Raleigh, NC 27611.*

*This Section contains the text of proposed rules. At least 60 days prior to the publication of text, the agency published a Notice of Rule-making Proceedings. The agency must accept comments on the proposed rule for at least 30 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. The required comment period is 60 days for a rule that has a substantial economic impact of at least five million dollars (\$5,000,000). Statutory reference: G.S. 150B-21.2.*

## TITLE 10 - DEPARTMENT OF HUMAN RESOURCES

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the NC Child Day Care Commission intends to amend rules cited as 10 NCAC 3U .0705 and .1717. Notice of Rule-making Proceedings was published in the Register on October 15, 1996.

**Proposed Effective Date:** July 1, 1998

**A Public Hearing** will be conducted at 1:00 p.m. on September 11, 1997 at the Division of Child Development, 319 Chapanoke Road, Suite 120, Room 300, Raleigh, NC 27603.

**Reason for Proposed Action:** Amendment is needed to allow other organizations approved by the Division of Child Development to conduct CPR training for child day care providers.

**Comment Procedures:** Comments may be presented in writing or at the public hearing or orally at the hearing. Time limits for oral remarks may be imposed by the Commission Chairman. Any person may request copies of these Rules by calling Nancy Guy, Division of Child Development, 319 Chapanoke Road, Suite 120, Raleigh, NC 27603, (919) 662-4543.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

### CHAPTER 3 - FACILITY SERVICES

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

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

##### **.0705 SPECIAL TRAINING REQUIREMENTS**

(a) At least one staff member shall be knowledgeable of and able to recognize common contagious and infectious diseases.

(b) Staff who have completed a course in basic first aid in the last three years shall be present at the facility at all times children are present. The number of staff required to complete the course shall be based on the number of children

present in the facility as shown in the following chart:

Number of children present	Number of staff required
1 - 29	1 staff
30 - 79	2 staff
80 and above	3 staff

Verification of each required staff person's completion of this course shall be maintained in the person's individual personnel file in the facility. The basic first aid course at a minimum shall address principles for responding to emergencies, rescue breathing, and techniques for handling common childhood injuries, accidents and illnesses such as: choking, burns, fractures, bites and stings, wounds, scrapes, bruises, cuts and lacerations, poisoning, seizures, bleeding, allergic reactions, eye and nose injuries and sudden changes in body temperature.

(c) A first aid information sheet shall be posted in a prominent place for quick referral. Copies of this form may be requested from the Medical Society of the State of North Carolina, P.O. Box 27167, Raleigh, North Carolina, 27611.

(d) Each day care facility shall have at least one person on the premises at all times who has successfully completed a cardiopulmonary resuscitation (CPR) course provided by either the American Heart Association or the American Red Cross or other organizations approved by the Division within the last 12 months. Other organizations will be approved if the Division determines that the courses offered are substantially equivalent to those offered by the American Red Cross. Successfully completed is defined as demonstrating competency, as evaluated by the instructor, in performing CPR. The course shall provide training in CPR appropriate for the ages of children in care. Documentation of successful completion of the course from the American Heart Association or the American Red Cross shall be on file in the facility.

(e) There shall be at least two staff, including the administrator, who have completed at least four clock hours of training in safety. At a minimum, this training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor area, and age and developmentally appropriate playground equipment. Each day care facility shall have until January 1, 1997 for the required number of staff people to obtain this training. Administrators hired after July 1, 1996 shall have six months from the date of employment to obtain the training.

*Authority G.S. 110-91(1), (8); 143B-168.3.*

#### SECTION .1700 - DAY CARE HOME STANDARDS



**.1717 HEALTH, SAFETY AND SANITATION REQUIREMENTS**

(a) Each day care home shall comply with the following standards in order to maintain a safe, healthy and sanitary environment for children:

(1) To assure a healthy environment, the operator shall:

(A) have on file, for each child who attends on a regular basis, a health and emergency information form completed and signed by the child's parents or guardian. The completed form shall be on file on the first day the child attends. A recommended form is available from the section. However, the operator may use another form provided that form includes the following information:

- (i) the child's name, address, and date of birth;
- (ii) the names of individuals to whom the child may be released;
- (iii) the general status of the child's health;
- (iv) any allergies or restrictions on the child's participation in activities with specific instructions from the child's parent or physician;
- (v) the names and phone numbers of persons to be contacted in an emergency situation;
- (vi) the name and phone number of the child's physician and preferred hospital;
- (vii) authorization for the operator to administer specified medication according to the parent's instructions, if the parent so desires;
- (viii) notarized authorization for the operator to seek emergency medical care in the parent's absence.

(B) serve nutritious meals and snacks appropriate in amount and type of foods served for the ages of the children in care.

(C) provide frequent opportunities for outdoor play or fresh air.

(D) provide adequate and individual space for each child to rest comfortably.

(E) be able to recognize symptoms of childhood illnesses.

(F) provide a quiet, separate area which can be easily supervised for children too sick to remain with other children. Parents shall be notified immediately if their child becomes too sick to remain in care.

(G) visually supervise all children who are awake and be able to hear and respond quickly to those children who are sleeping

or napping.

(H) have completed a basic first aid course within the last three years. The course, at a minimum, shall address principles for responding to emergencies, techniques for rescue breathing, and techniques for handling common childhood injuries, accidents and illnesses such as: choking, burns, fractures, bites and stings, wounds, scrapes, bruises, cuts and lacerations, poisoning, seizures, bleeding, allergic reactions, eye and nose injuries and sudden changes in body temperature.

(I) have successfully completed a course by the American Heart Association or the American Red Cross or other organizations approved by the Division in cardiopulmonary resuscitation (CPR) appropriate for the ages of children in care prior to registration and annually thereafter. Other organizations will be approved if the Division determines that the courses offered are substantially equivalent to those offered by the American Red Cross. Successfully completed is defined as demonstrating competency, as evaluated by the instructor, in performing CPR. Documentation of successful completion of the course from the American Heart Association or the American Red Cross shall be on file in the home.

(2) To assure each child's health and well-being, no child shall be subjected to any form of corporal punishment by the day care home operator, substitute caregiver, or any other person in the home, whether or not these persons reside in the home.

(A) No child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking.

(B) No child shall ever be placed in a locked room, closet, or box.

(C) No discipline shall ever be delegated to another child.

(D) Discipline shall in no way be related to food, rest or toileting.

(i) No food shall be withheld, or given, as a means of discipline.

(ii) No child shall ever be disciplined for lapses in toilet training.

(iii) No child shall ever be disciplined for not sleeping during rest period.

(3) To assure a safe environment, the home operator shall:

(A) keep all areas used by the children, indoors and outdoors, reasonably clean and orderly

and free of items which are potentially hazardous to children. This includes the removal of small items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment.

- (B) safely store equipment and supplies such as lawnmowers, power tools, or nails so they are inaccessible to children.
- (C) ensure that all stationary outdoor equipment is firmly anchored and is not installed over concrete or asphalt. Footings which anchor the equipment shall not be exposed.
- (D) securely mount electric fans out of the reach of children or have a mesh guard on each fan.
- (E) cover all electrical outlets not in use and remove old, cracked or frayed cords in occupied outlets.
- (F) separate firearms and ammunition and store both in areas inaccessible to children.
- (G) keep items used for starting fires, such as matches and lighters, out of the children's reach.
- (H) keep all medicines in locked storage.
- (I) keep hazardous cleaning supplies and other items that might be poisonous out of reach or in locked storage when preschool-aged children are in care, e.g., toxic plants.
- (J) keep first-aid supplies in a place easily accessible to the operator.
- (K) keep the equipment and toys in good repair and appropriate for the ages of children in care.
- (L) have a working telephone within close proximity of the day care home. Emergency phone numbers shall be readily available.
- (M) have access to a means of transportation that is always available for emergency situations.
- (N) have solid, safe and railed stairs and steps if these are used by the children. Indoor stairs with more than two steps shall be guarded if any children in care are two years of age or younger.
- (O) maintain any swimming pools or wading pools on the premises in a manner which will safeguard the lives and health of the children. All swimming pools used by day care children shall meet the "Rules Governing Public Swimming Pools," in accordance with 15A NCAC 18A .2500 which are hereby incorporated by reference including subsequent amendments. A copy of these Rules is on file at the Division of Child Development, 319 Chapanoke Road, Raleigh, NC 27626, or may be obtained at

no cost by writing the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Health, PO Box 27687, Raleigh, NC 27611-7687.

- (P) enclose any in-ground swimming pools by a fence approximately four feet high to prevent chance access by children. The swimming pool shall be separate from the play area. Access to the water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children.
- (Q) complete a form which explains the operator's procedures in emergency situations. The form shall be supplied by the section.
- (R) practice and maintain records of monthly fire drills giving the date each drill is held, the time of day, and the length of time taken to evacuate the home.
- (S) make all necessary efforts to provide a safe indoor and outdoor environment for the children in care. Animals that are potentially dangerous to children, such as pit bulldogs and rottweilers or other animals determined by the Section to be dangerous, are not permitted on the premises of a day care home.
- (T) complete an incident report each time a child receives medical treatment by a physician, nurse, physician's assistant, nurse practitioner, community clinic, or local health department, as a result of an incident occurring while the child is in the day care home. This report shall include, at a minimum: child's name, date and time of incident, part of body injured, type of injury, location where incident occurred, equipment involved in injury (if any), names of adult witnesses to incident, description of how incident occurred, steps taken to prevent reoccurrence, and treatment received. This report shall be signed by the operator and the parent and maintained in the child's file. A copy shall be mailed to the Division within seven calendar days after the incident occurs.
- (U) complete an incident log any time an incident report is completed. This log shall be cumulative and maintained in a separate file and shall be available for review by a representative of the Division. This log shall be completed on a form supplied by the Division.
- (V) complete a monthly check for hazards on the outdoor play area. The form shall be



- maintained in the day care home for review by a representative of the Division. The form shall be supplied by the Division.
- (4) To assure the safety of children whenever they are transported, the operator, or any other transportation provider, shall:
    - (A) have written permission from a parent or guardian to transport his or her child and notify the parent when and where the child is to be transported.
    - (B) comply with all applicable state and federal laws and regulations concerning the transportation of passengers. All children regardless of age or location in the vehicle shall be restrained by individual seat belts or child restraint devices.
    - (C) have a valid driver's license issued by the Division of Motor Vehicles, not including a limited permit.
    - (D) assure that each child is seated in a manufacturer's designated area.
    - (E) never leave children in a vehicle unattended by an adult.
    - (F) have emergency and identification information about each child in the vehicle whenever children are being transported.
  - (5) To assure a sanitary environment, the operator shall:
    - (A) collect and submit samples of water from each well used for the children's water supply for bacteriological analysis to the local health department or a laboratory certified to analyze drinking water for public water supplies by the North Carolina Division of Laboratory Services prior to registration and before each renewal. Results of the analysis shall be on file in the home.
    - (B) have sanitary toilet, diaper changing and handwashing facilities.
    - (C) place soiled diapers in a covered, leak-proof container which is emptied and cleaned daily.
    - (D) wash his or her hands before handling food and feeding the children.
    - (E) wash his or her hands before, as well as after, diapering each child.
    - (F) use sanitary procedures when preparing and serving food.
    - (G) refrigerate all perishable food and beverages. The refrigerator shall be in good repair and maintain a temperature of 45 degrees Fahrenheit or below. A refrigerator thermometer is required to monitor the temperature.
    - (H) label all bottles for each individual child, except when there is only one bottle-fed child in care.
    - (I) serve only pasteurized milk and milk products.
    - (J) have a house that is free of rodents.
    - (K) screen all windows and doors used for ventilation.
    - (L) have all household pets vaccinated with up-to-date vaccinations as required by North Carolina law and local ordinances. Rabies vaccinations are required for cats and dogs.
    - (M) store garbage in waterproof containers with tight fitting covers.
    - (N) provide individual linens for rest time for each child in care for more than four hours. The linens shall be changed weekly or whenever they become soiled or wet.
- (b) The operator shall assure that the structure in which the day care home is located complies with the following requirements:
- (1) Comply with Section 509.2 of the North Carolina Building Code or have written approval for use as a day care home by the local building inspector as follows:
    - (A) Meet Volume I-B Uniform Residential Building Code or be a manufactured home bearing a third party inspection label certifying compliance with the Federal Manufactured Home Construction and Safety Standards or certifying compliance with construction standards adopted and enforced by the State of North Carolina. Homes shall be installed in accordance with North Carolina Manufactured/Mobile Home Regulations published by the NC Department of Insurance.
 

**Exception:** Single wide manufactured homes will be limited to a maximum of three preschool-aged children (not more than two may be two years of age or less) and two school-aged children.
    - (B) All children shall be kept on the ground level with an exit at grade.
    - (C) All homes shall be equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other.
    - (D) All homes shall be provided with at least one five lb. 2-A:10-B:C type extinguisher readily accessible for every 2,500 square feet of floor area.
    - (E) Fuel burning space heaters, fireplaces and floor furnaces which are listed and approved for that installation and are provided with a protective screen attached securely to substantial supports will be allowed. However, unvented fuel burning heaters and

portable electric space heaters of all types are prohibited.

- (2) Assure that all indoor areas used by children are adequately heated in cool weather and ventilated in warm weather.
- (3) Cover or insulate hot pipes or radiators which are accessible to the children.

*Authority G.S. 110-88(3); 110-101; 143B-168.3.*

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

**N**otice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Coastal Resources Commission intends to amend rules cited as 15A NCAC 7H .0106, .0201 - .0202, .0204 - .0206, .0208 and adopt 7M .1201 - .1202. Notice of Rule-making Proceedings was published in the Register on January 2, 1997 and February 14, 1997.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 4:00 p.m. on May 29, 1997 at the Radisson Prince Charles, 450 Hay Street, Fayetteville, NC.

### **Reason for Proposed Action:**

**15A NCAC 7H .0106, .0208; 7M .1201 - .1202** - The Coastal Resources Commission currently has no specific use standards for mining hard minerals in ocean waters. Offshore mining for phosphates and sand and gravel is a distinct possibility in the future. The general use standards for public trust AECs are not adequate to review a development proposal for offshore mining. The Mining Act does not cover areas less than an acre, nor does the Division of Land Resources permit mining activities that are non-commercial.

**15A NCAC 7H .0201 - .0202, .0204 - .0206** - The NC Ocean Resources Task Force recommended that the Estuarine System Area of Environmental Concern (AEC) be amended to "Estuarine and Ocean" system to clarify that the waters of the Atlantic Ocean within the state's jurisdiction are located within this AEC category. The current title of the AEC category is confusing since many people do not realize that ocean waters are included in two estuarine system subcategories: estuarine waters and public trust areas. This change will not affect how the rules are applied. The amendment will be made consistent throughout Subchapter 7H .0200.

**Comment Procedures:** All persons interested in this matter are invited to attend the public hearing. The Coastal Resources Commission will receive mailed written comments postmarked no later than June 2, 1997. Any person desiring to make lengthy comments is requested to submit a written

statement for inclusion in the record of proceedings at the public hearing. Additional information concerning the hearing or proposal may be obtained by contacting Kim Crawford, EHNR Div. Of Coastal Management, PO Box 27687, Raleigh, NC 27611-7687, 919/733-2293.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## **CHAPTER 7 - COASTAL MANAGEMENT**

### **SUBCHAPTER 7H - STATE GUIDELINES FOR AREAS OF ENVIRONMENTAL CONCERN**

#### **SECTION .0100 - INTRODUCTION AND GENERAL COMMENTS**

##### **.0106 GENERAL DEFINITIONS**

The following definitions apply whenever these terms are used in this Subchapter:

- (1) "Normal High Water" is the ordinary extent of high tide based on site conditions such as presence and location of vegetation, which has its distribution influenced by tidal action, and the location of the apparent high tide line.
- (2) "Normal Water Level" is the level of water bodies with less than six inches of lunar tide during periods of little or no wind. It can be determined by the presence of such physical and biological indicators as erosion escarpments, trash lines, water lines, marsh grasses and barnacles.
- (3) Unless specifically limited, the term "structures" includes, but is not limited to, buildings, bridges, roads, piers, wharves and docks (supported on piles), bulkheads, breakwaters, jetties, mooring pilings and buoys, pile clusters (dolphins), navigational aids and elevated boat ramps.
- (4) "Mining" is defined as:

(a) The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of mineral, ores, or other solid matter.

(b) Any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location.

(c) The preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

This definition applies regardless of whether the mining activity is for a commercial or non-commercial purpose, and regardless of the size of the affected area.



*Authority G.S. 113A-102; 113A-107.*

## **SECTION .0200 - THE ESTUARINE AND OCEAN SYSTEM**

### **.0201 ESTUARINE AND OCEAN SYSTEM CATEGORIES**

The first AECs discussed collectively are those water and land areas of the coast that contribute enormous economic, social, and biological values to North Carolina as components of the estuarine system. Included within the estuarine and ocean system are the following AEC categories: estuarine waters, coastal wetlands, public trust areas, and estuarine shorelines. Each of the AECs is either geographically within the estuary or, because of its location and nature, may significantly affect the estuary.

*Authority G.S. 113A-113(b)(1); 113A-113(b)(2); 113A-113(b)(5); 113A-113(b)(6)b; 113A-124.*

### **.0202 SIGNIFICANCE OF THE SYSTEMS APPROACH IN ESTUARIES**

The management program must embrace all characteristics, processes, and features of the whole system and not characterize individually any one component of an estuary. The AECs are interdependent and ultimately require management as a unit. Any alteration, however slight, in a given component of the estuarine and ocean system may result in unforeseen consequences in what may appear as totally unrelated areas of the estuary. For example, destruction of wetlands may have harmful effects on estuarine waters which are also areas within the public trust. As a unified system, changes in one AEC category may affect the function and use within another category.

*Authority G.S. 113A-107(a); 113A-107(b); 113A-124.*

### **.0204 AECs WITHIN THE ESTUARINE AND OCEAN SYSTEM**

The following regulations in this Section define each AEC within the estuarine and ocean system, describe its significance, articulate the policies regarding development, and state the standards for development within each AEC.

*Authority G.S. 113A-107(a); 113A-107(b); 113A-124.*

### **.0205 COASTAL WETLANDS**

(a) Description. Coastal wetlands are defined as any salt marsh or other marsh subject to regular or occasional flooding by tides, including wind tides (whether or not the tide waters reach the marshland areas through natural or artificial watercourses), provided this shall not include hurricane or tropical storm tides. Coastal wetlands contain some, but not necessarily all, of the following marsh plant species:

- (1) Cord Grass (*Spartina alterniflora*),
- (2) Black Needlerush (*Juncus roemerianus*),

- (3) Glasswort (*Salicornia* spp.),
- (4) Salt Grass (*Distichlis spicata*),
- (5) Sea Lavender (*Limonium* spp.),
- (6) Bulrush (*Scirpus* spp.),
- (7) Saw Grass (*Cladium jamaicense*),
- (8) Cat-tail (*Typha* spp.),
- (9) Salt Meadow Grass (*Spartina patens*),
- (10) Salt Reed Grass (*Spartina cynosuroides*).

Included in this definition of coastal wetlands is "such contiguous land as the Secretary of EHNH reasonably deems necessary to affect by any such order in carrying out the purposes of this Section." [G.S. 113-230(a)].

(b) Significance. The unique productivity of the estuarine and ocean system is supported by detritus (decayed plant material) and nutrients that are exported from the coastal marshlands. The amount of exportation and degree of importance appears to be variable from marsh to marsh, depending primarily upon its frequency of inundation and inherent characteristics of the various plant species. Without the marsh, the high productivity levels and complex food chains typically found in the estuaries could not be maintained.

Man harvests various aspects of this productivity when he fishes, hunts, and gathers shellfish from the estuary. Estuarine dependent species of fish and shellfish such as menhaden, shrimp, flounder, oysters, and crabs currently make up over 90 percent of the total value of North Carolina's commercial catch. The marshlands, therefore, support an enormous amount of commercial and recreational businesses along the seacoast.

The roots, rhizomes, stems, and seeds of coastal wetlands act as good quality waterfowl and wildlife feeding and nesting materials. In addition, coastal wetlands serve as the first line of defense in retarding estuarine shoreline erosion. The plant stems and leaves tend to dissipate wave action, while the vast network of roots and rhizomes resists soil erosion. In this way, the coastal wetlands serve as barriers against flood damage and control erosion between the estuary and the uplands.

Marshlands also act as nutrient and sediment traps by slowing the water which flows over them and causing suspended organic and inorganic particles to settle out. In this manner, the nutrient storehouse is maintained, and sediment harmful to marine organisms is removed. Also, pollutants and excessive nutrients are absorbed by the marsh plants, thus providing an inexpensive water treatment service.

(c) Management Objective. To conserve and manage coastal wetlands so as to safeguard and perpetuate their biological, social, economic and aesthetic values; to coordinate and establish a management system capable of conserving and utilizing coastal wetlands as a natural resource essential to the functioning of the entire estuarine system.

(d) Use Standards. Suitable land uses shall be those consistent with the management objective in this Rule. Highest priority of use shall be allocated to the conservation

of existing coastal wetlands. Second priority of coastal wetland use shall be given to those types of development activities that require water access and cannot function elsewhere.

Unacceptable land uses may include, but would not be limited to, the following examples: restaurants and businesses; residences, apartments, motels, hotels, and trailer parks; parking lots and private roads and highways; and factories. Examples of acceptable land uses may include utility easements, fishing piers, docks, and agricultural uses, such as farming and forestry drainage, as permitted under North Carolina's Dredge and Fill Act or other applicable laws.

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

*Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(1); 113A-124.*

#### **.0206 ESTUARINE WATERS**

(a) Description. Estuarine waters are defined in G.S. ~~113A-113(b)(2)~~ 113A-113(b)(2) to include all the waters of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and tributaries thereto seaward of the dividing line between coastal fishing waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environment, Health, and Natural Resources and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at 15A NCAC 3Q .0200.

(b) Significance. Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean system, integrating aquatic influences from both the land and the sea. Estuaries are among the most productive natural environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the ten leading species in the commercial catch, all but one are dependent on the estuary.

This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy, fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas.

Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations, and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics, recreation, and education.

(c) Management Objective. To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system.

(d) Use Standards. Suitable land/water uses shall be those consistent with the management objectives in this Rule. Highest priority of use shall be allocated to the conservation of estuarine waters and ~~its~~ their vital components. Second priority of estuarine waters use shall be given to those types of development activities that require water access and use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation channels; boat docks, marinas, piers, wharfs, and mooring pilings.

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

*Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(2); 113A-124.*

#### **.0208 USE STANDARDS**

(a) General Use Standards

(1) Uses which are not water dependent shall not be permitted in coastal wetlands, estuarine waters, and public trust areas. Restaurants, residences, apartments, motels, hotels, trailer parks, private roads, factories, and parking lots are examples of uses that are not water dependent. Uses that are water dependent may include: utility easements; docks; wharfs; boat ramps; dredging; bridges and bridge approaches; revetments, bulkheads; culverts; groins; navigational aids; mooring pilings; navigational channels; simple access channels and drainage ditches.

(2) Before being granted a permit by the CRC or local permitting authority, there shall be a finding that the applicant has complied with the following standards:

(A) The location, design, and need for development, as well as the construction activities involved shall be consistent with the stated management objective.

(B) Before receiving approval for location of a use or development within these AECs, the permit-letting authority shall find that no suitable alternative site or location outside of the AEC exists for the use or



development and, further, that the applicant has selected a combination of sites and design that will have a minimum adverse impact upon the productivity and biologic integrity of coastal marshland, shellfish beds, beds of submerged aquatic vegetation, spawning and nursery areas, important nesting and wintering sites for waterfowl and wildlife, and important natural erosion barriers (cypress fringes, marshes, clay soils).

- (C) Development shall not violate water and air quality standards.
  - (D) Development shall not cause major or irreversible damage to valuable documented archaeological or historic resources.
  - (E) Development shall not measurably increase siltation.
  - (F) Development shall not create stagnant water bodies.
  - (G) Development shall be timed to have minimum adverse significant affect on life cycles of estuarine and ocean resources.
  - (H) Development shall not impede navigation or create undue interference with access to, or use of, public trust areas or estuarine waters.
- (3) When the proposed development is in conflict with the general or specific use standards set forth in this Rule, the CRC may approve the development if the applicant can demonstrate that the activity associated with the proposed project will have public benefits as identified in the findings and goals of the Coastal Area Management Act, that the public benefits clearly outweigh the long range adverse effects of the project, that there is no reasonable and prudent alternate site available for the project, and that all reasonable means and measures to mitigate adverse impacts of the project have been incorporated into the project design and will be implemented at the applicant's expense. These measures taken to mitigate or minimize adverse impacts may include actions that will:
- (A) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
  - (B) restore the affected environment; or
  - (C) compensate for the adverse impacts by replacing or providing substitute resources.
- (4) Primary nursery areas are those areas in the estuarine and ocean system where initial post larval development of finfish and crustaceans takes place. They are usually located in the uppermost sections of a system where populations are uniformly early juvenile stages. They are officially designated and described by the N.C. Marine Fisheries Commission in 15A NCAC 3B .1405 and by the

N.C. Wildlife Resources Commission in 15A NCAC 10C .0110.

- (5) Outstanding Resource Waters are those estuarine waters and public trust areas classified by the N.C. Environmental Management Commission pursuant to Title 15A, Subchapter 2B .0216 of the N.C. Administrative Code as Outstanding Resource Waters (ORW) upon finding that such waters are of exceptional state or national recreational or ecological significance. In those estuarine waters and public trust areas classified as ORW by the Environmental Management Commission (EMC), no permit required by the Coastal Area Management Act shall be approved for any project which would be inconsistent with applicable use standards adopted by the CRC, EMC, or Marine Fisheries Commission (MFC) for estuarine waters, public trust areas, or coastal wetlands. For development activities not covered by specific use standards, no permit shall be issued if the activity would, based on site specific information, materially degrade the water quality or outstanding resource values unless such degradation is temporary.
  - (6) Beds of submerged aquatic vegetation (SAV) are those habitats in public trust and estuarine waters vegetated with one or more species of submergent vegetation. These vegetation beds occur in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas. In either case, the bed is defined by the presence of above-ground leaves or the below-ground rhizomes and propagules. In defining SAVs, the CRC recognizes the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et. seq.) and does not intend the SAV definition and its implementing rules to apply to or conflict with the non-development control activities authorized by that Act.
- (b) Specific Use Standards
- (1) Navigation channels, canals, and boat basins shall be aligned or located so as to avoid primary nursery areas highly productive shellfish beds, beds of submerged aquatic vegetation, or significant areas of regularly or irregularly flooded coastal wetlands.
    - (A) Navigation channels and canals may be allowed through narrow fringes of regularly and irregularly flooded coastal wetlands if the loss of wetlands will have no significant adverse impacts on fishery resources, water quality or adjacent wetlands, and, if there is no reasonable alternative that would avoid the wetland losses.
    - (B) All spoil material from new construction shall be confined landward of regularly and irregularly flooded coastal wetlands and stabilized to prevent entry of sediments into

- the adjacent water bodies or marsh.
- (C) Spoil from maintenance of channels and canals through irregularly flooded wetlands shall be placed on non-wetland areas, remnant spoil piles, or disposed of by a method having no significant, long term wetland impacts. Under no circumstances shall spoil be placed on regularly flooded wetlands.
  - (D) Widths of the canals and channels shall be the minimum required to meet the applicant's needs and provide adequate water circulation.
  - (E) Boat basin design shall maximize water exchange by having the widest possible opening and the shortest practical entrance canal. Depths of boat basins shall decrease from the waterward end inland.
  - (F) Any canal or boat basin shall be excavated no deeper than the depth of the connecting channels.
  - (G) Canals for the purpose of multiple residential development shall have:
    - (i) no septic tanks unless they meet the standards set by the Division of Environmental Management and the Division of Environmental Health;
    - (ii) no untreated or treated point source discharge;
    - (iii) storm water routing and retention areas such as settling basins and grassed swales.
  - (H) Construction of finger canal systems shall not be allowed. Canals shall be either straight or meandering with no right angle corners.
  - (I) Canals shall be designed so as not to create an erosion hazard to adjoining property. Design may include bulkheading, vegetative stabilization, or adequate setbacks based on soil characteristics.
  - (J) Maintenance excavation in canals, channels and boat basins within primary nursery areas and beds of submerged aquatic vegetation should be avoided. However, when essential to maintain a traditional and established use, maintenance excavation may be approved if the applicant meets all of the following criteria as shown by clear and convincing evidence accompanying the permit application. This Rule does not affect restrictions placed on permits issued after March 1, 1991.
    - (i) The applicant demonstrates and documents that a water-dependent need exists for the excavation; and
    - (ii) There exists a previously permitted channel which was constructed or maintained under permits issued by the State or Federal government. If a natural channel was in use, or if a human-made channel was constructed before permitting was necessary, there shall be clear evidence that the channel was continuously used for a specific purpose; and
- (iii) Excavated material can be removed and placed in an approved disposal area without significantly impacting adjacent nursery areas and beds of submerged aquatic vegetation; and
  - (iv) The original depth and width of a human-made or natural channel will not be increased to allow a new or expanded use of the channel.
- (2) Hydraulic Dredging
    - (A) The terminal end of the dredge pipeline shall be positioned at a distance sufficient to preclude erosion of the containment dike and a maximum distance from spillways to allow adequate settlement of suspended solids.
    - (B) Dredge spoil shall be either confined on high ground by adequate retaining structures or if the material is suitable, deposited on beaches for purposes of renourishment, with the exception of (G) of this Subsection (b)(2).
    - (C) Confinement of excavated materials shall be on high ground landward of regularly and irregularly flooded marshland and with adequate soil stabilization measures to prevent entry of sediments into the adjacent water bodies or marsh.
    - (D) Effluent from diked areas receiving disposal from hydraulic dredging operations shall be contained by pipe, trough, or similar device to a point waterward of emergent vegetation or, where local conditions require, below mean low water.
    - (E) When possible, effluent from diked disposal areas shall be returned to the area being dredged.
    - (F) A water control structure shall be installed at the intake end of the effluent pipe.
    - (G) Publicly funded projects shall be considered by review agencies on a case-by-case basis with respect to dredging methods and spoil disposal.
    - (H) Dredge spoil from closed shellfish waters and effluent from diked disposal areas used when dredging in closed shellfish waters shall be returned to the closed shellfish waters.
  - (3) Drainage Ditches
    - (A) Drainage ditches located through any



marshland shall not exceed six feet wide by four feet deep (from ground surface) unless the applicant shows that larger ditches are necessary for adequate drainage.

- (B) Spoil derived from the construction or maintenance of drainage ditches through regularly flooded marsh shall be placed landward of these marsh areas in a manner that will insure that entry of sediment into the water or marsh will not occur. Spoil derived from the construction or maintenance of drainage ditches through irregularly flooded marshes shall be placed on nonwetlands wherever feasible. Non-wetland areas include relic disposal sites.
- (C) Excavation of new ditches through high ground shall take place landward of a temporary earthen plug or other methods to minimize siltation to adjacent water bodies.
- (D) Drainage ditches shall not have a significant adverse effect on primary nursery areas, productive shellfish beds, beds of submerged aquatic vegetation, or other documented important estuarine habitat. Particular attention shall be placed on the effects of freshwater inflows, sediment, and nutrient introduction. Settling basins, water gates, retention structures are examples of design alternatives that may be used to minimize sediment introduction.
- (4) Nonagricultural Drainage
  - (A) Drainage ditches shall be designed so that restrictions in the volume or diversions of flow are minimized to both surface and ground water.
  - (B) Drainage ditches shall provide for the passage of migratory organisms by allowing free passage of water of sufficient depth.
  - (C) Drainage ditches shall not create stagnant water pools or significant changes in the velocity of flow.
  - (D) Drainage ditches shall not divert or restrict water flow to important wetlands or marine habitats.
- (5) Marinas. Marinas are defined as any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than 10 boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haulout facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Expansion of existing facilities shall also comply with these standards for all development other than maintenance and repair necessary to

maintain previous service levels.

- (A) Marinas shall be sited in non-wetland areas or in deep waters (areas not requiring dredging) and shall not disturb valuable shallow water, submerged aquatic vegetation, and wetland habitats, except for dredging necessary for access to high-ground sites. The following four alternatives for siting marinas are listed in order of preference for the least damaging alternative; marina projects shall be designed to have the highest of these four priorities that is deemed feasible by the permit letting agency:
  - (i) an upland basin site requiring no alteration of wetland or estuarine habitat and providing adequate flushing by tidal or wind generated water circulation;
  - (ii) an upland basin site requiring dredging for access when the necessary dredging and operation of the marina will not result in the significant degradation of existing fishery, shellfish, or wetland resources and the basin design shall provide adequate flushing by tidal or wind generated water circulation;
  - (iii) an open water site located outside a primary nursery area which utilizes piers or docks rather than channels or canals to reach deeper water; and
  - (iv) an open water marina requiring excavation of no intertidal habitat, and no dredging greater than the depth of the connecting channel.
- (B) Marinas which require dredging shall not be located in primary nursery areas nor in areas which require dredging through primary nursery areas for access. Maintenance dredging in primary nursery areas for existing marinas shall be considered on a case-by-case basis.
- (C) To minimize coverage of public trust areas by docks and moored vessels, dry storage marinas shall be used where feasible.
- (D) Marinas to be developed in waters subject to public trust rights (other than those created by dredging upland basins or canals) for the purpose of providing docking for residential developments shall be allowed no more than 27 square feet of public trust areas for every one lin. ft. of shoreline adjacent to these public trust areas for construction of docks and mooring facilities. The 27 square feet allocation shall not apply to fairway areas between parallel piers or any portion of the

- pier used only for access from land to the docking spaces.
- (E) To protect water quality of shellfishing areas, marinas shall not be located within areas where shellfish harvesting for human consumption is a significant existing use or adjacent to such areas if shellfish harvest closure is anticipated to result from the location of the marina. In compliance with Section 101(a)(2) of the Clean Water Act and North Carolina Water Quality Standards adopted pursuant to that section, shellfish harvesting is a significant existing use if it can be established that shellfish have been regularly harvested for human consumption since November 28, 1975 or that shellfish apparently are propagating and surviving in a biologically suitable habitat and are available and suitable for harvesting for the purpose of human consumption. The Division of Marine Fisheries shall be consulted regarding the significance of shellfish harvest as an existing use and the magnitude of the quantities of shellfish which have been harvested or are available for harvest in the area where harvest will be affected by the development.
  - (F) Marinas shall not be located without written consent from the controlling parties in areas of submerged lands which have been leased from the state or deeded by the state.
  - (G) Marina basins shall be designed to promote flushing through the following design criteria:
    - (i) the basin and channel depths shall gradually increase toward open water and shall never be deeper than the waters to which they connect; and
    - (ii) when possible, an opening shall be provided at opposite ends of the basin to establish flow-through circulation.
  - (H) Marinas shall be designed to minimize adverse effects on navigation and public use of public trust areas while allowing the applicant adequate access to deep waters.
  - (I) Marinas shall be located and constructed so as to avoid adverse impacts on navigation throughout all federally maintained channels and their immediate boundaries. This includes mooring sites (permanent or temporary), speed or traffic reductions, or any other device, either physical or regulatory, that may cause a federally maintained channel to be restricted.
  - (J) Open water marinas shall not be enclosed within breakwaters that preclude circulation sufficient to maintain water quality.
  - (K) Marinas which require dredging shall provide areas to accomplish disposal needs for future dredging consistent with the requirements in Subparagraph (b)(2) of this Rule. Proof of the ability to truck the spoil material from the marina site to an acceptable disposal area will be acceptable.
  - (L) Marina design shall comply with all applicable requirements for management of stormwater runoff.
  - (M) Marinas shall post a notice prohibiting the discharge of any waste from boat toilets and explaining the availability of information on local pump-out services.
  - (N) Boat maintenance areas shall be designed so that all scraping, sandblasting, and painting will be done over dry land with adequate containment devices to prevent entry of waste materials into adjacent waters.
  - (O) All marinas shall comply with all applicable standards for docks and piers, bulkheading, dredging and spoil disposal.
  - (P) All applications for marinas shall be reviewed to determine their potential impact and compliance with applicable standards. Such review shall consider the cumulative impacts of marina development.
  - (Q) Replacement of existing marinas to maintain previous service levels shall be allowed provided that the preceding rules are complied with to the maximum extent possible, with due consideration being given to replacement costs, service needs.
- (6) Docks and Piers.
- (A) Docks and piers shall not significantly interfere with water flows.
  - (B) To preclude the adverse effects of shading coastal wetlands vegetation, docks and piers built over coastal wetlands shall not exceed six feet in width. "T"s and platforms associated with residential piers shall be at the waterward end, and shall not exceed a total area of 500 square feet with no more than six feet of the dimension perpendicular to the marsh edge extending over coastal wetlands. Water dependent projects requiring piers or wharfs of dimensions greater than those stated in this Rule shall be considered on a case-by-case basis.
  - (C) Piers shall be designed to minimize adverse effects on navigation and public use of waters while allowing the applicant adequate access to deep waters by:
    - (i) not extending beyond the established pier length along the same shoreline for similar use; (This restriction shall not apply to piers 200 feet or less in length unless necessary to avoid

- unreasonable interference with navigation or other uses of the waters by the public);
  - (ii) not extending into the channel portion of the water body; and
  - (iii) not extending more than one-third the width of a natural water body or man-made canal or basin. Measurements to determine widths of the channels, canals or basins shall be made from the waterward edge of any coastal wetland vegetation which borders the water body. The one-third length limitation shall not apply in areas where the U.S. Army Corps of Engineers, or a local government in consultation with the Corps of Engineers, has established an official pier-head line.
  - (D) Pier alignments along federally maintained channels shall meet Corps of Engineers District guidelines.
  - (E) Piers shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier and the adjacent property owner's areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the pier commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier. Application of this Rule may be aided by reference to an approved diagram illustrating the rule as applied to various shoreline configurations. Copies of the diagram may be obtained from the Division of Coastal Management. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable.
  - (F) Docks and piers shall not significantly interfere with shellfish franchises or leases.
- Applicants for authorization to construct a dock or pier shall provide notice of the permit application or exemption request to the owner of any part of a shellfish franchise or lease over which the proposed dock or pier would extend.
- (7) Bulkheads and Shore Stabilization Measures
    - (A) Bulkhead alignment, for the purpose of shoreline stabilization, shall approximate mean high water or normal water level.
    - (B) Bulkheads shall be constructed landward of significant marshland or marshgrass fringes.
    - (C) Bulkhead fill material shall be obtained from an approved upland source, or if the bulkhead is a part of a permitted project involving excavation from a non-upland source, the material so obtained may be contained behind the bulkhead.
    - (D) Bulkheads or other structures employed for shoreline stabilization shall be permitted below approximate mean high water or normal water level only when the following standards are met:
      - (i) the property to be bulkheaded has an identifiable erosion problem, whether it results from natural causes or adjacent bulkheads, or it has unusual geographic or geologic features, e.g. steep grade bank, which will cause the applicant unreasonable hardship under the other provisions of this Rule;
      - (ii) the bulkhead alignment extends no further below approximate mean high water or normal water level than necessary to allow recovery of the area eroded in the year prior to the date of application, to align with adjacent bulkheads, or to mitigate the unreasonable hardship resulting from the unusual geographic or geologic features;
      - (iii) the bulkhead alignment will not result in significant adverse impacts to public trust rights or to the property of adjacent riparian owners;
      - (iv) the need for a bulkhead below approximate mean high water or normal water level is documented in the Field Investigation Report or other reports prepared by the Division of Coastal Management; and
      - (v) the property to be bulkheaded is in a nonoceanfront area.
    - (E) Where possible, sloping rip-rap, gabions, or vegetation shall be used rather than vertical



- seawalls.
- (8) Beach Nourishment
- (A) Beach creation or maintenance may be allowed to enhance water related recreational facilities for public, commercial, and private use.
  - (B) Beaches may be created or maintained in areas where they have historically been found due to natural processes. They will not be allowed in areas of high erosion rates where frequent maintenance will be necessary.
  - (C) Placing unconfined sand material in the water and along the shoreline shall not be allowed as a method of shoreline erosion control.
  - (D) Material placed in the water and along the shoreline shall be clean sand free from pollutants and highly erodible finger material. Grain size shall be equal to or larger than that found naturally at the site.
  - (E) Material from dredging projects may be used for beach nourishment if:
    - (i) it is first handled in a manner consistent with rules governing spoil disposal;
    - (ii) it is allowed to dry for a suitable period; and
    - (iii) only that material of acceptable grain size is removed from the disposal site for placement on the beach. Material shall not be placed directly on the beach by dredge or dragline during maintenance excavation.
  - (F) Beach creation shall not be allowed in any primary nursery areas, nor in any areas where siltation from the site would pose a threat to shellfish beds.
  - (G) Material shall not be placed on any coastal wetlands or beds of submerged aquatic vegetation.
  - (H) Material shall not be placed on any submerged bottom with significant shellfish resources.
  - (I) Beach construction shall not create the potential for filling adjacent or nearby navigation channels, canals, or boat basins.
  - (J) Beach construction shall not violate water quality standards.
  - (K) Permit renewal of these projects shall require an evaluation of any adverse impacts of the original work.
  - (L) Permits issued for this development shall be limited to authorizing beach nourishment only one time during the life of the permit. Permits may be renewed for maintenance work or repeated need for nourishment.
- (9) Wooden and Riprap Groins
- (A) Groins shall not extend more than 25 ft. waterward of the mean high water or normal water level unless a longer structure is justified by site specific conditions, sound engineering and design principals.
  - (B) Groins shall be set back a minimum of 15 ft. from the adjoining property lines. This setback may be waived by written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. Should the adjacent property be sold before construction of the groin commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the groin.
  - (C) Groins shall pose no threat to navigation.
  - (D) The height of groins shall not exceed 1 ft. above mean high water or the normal water level.
  - (E) No more than two structures shall be allowed per 100 ft. of shoreline unless the applicant provides evidence that more structures are needed for shoreline stabilization.
  - (F) "L" and "T" sections shall not be allowed at the end of groins.
  - (G) Riprap material used for groin construction shall be free from loose dirt or any other pollutant in other than non-harmful quantities and of a size sufficient to prevent its movement from the site by wave and current action.
- (10) "Freestanding Moorings".
- (A) A "freestanding mooring" is any means to attach a ship, boat, vessel, floating structure or other water craft to a stationary underwater device, mooring buoy, buoyed anchor, or piling (as long as the piling is not associated with an existing or proposed pier, dock, or boathouse).
  - (B) Freestanding moorings shall be permitted only:
    - (i) to riparian property owners within their riparian corridors; or
    - (ii) to any applicant proposing to locate a mooring buoy consistent with a water use plan that may be incorporated into either the local zoning or land use plan.
  - (C) All approved mooring fields shall provide suitable area for access to any mooring(s) and other land based operations which shall include but not be limited to wastewater pumpout, trash disposal and vehicle parking.
  - (D) If the agreement referenced in specific

- condition in Part (b)(10)(C) of this Rule is terminated or the facility no longer exist, the permit shall become null and void and the permitted project removed from the AEC.
- (E) To protect water quality of shellfishing areas, mooring fields shall not be located within areas where shellfish harvesting for human consumption is a significant existing use or adjacent to such areas if shellfish harvest closure is anticipated to result from the location of the mooring field. In compliance with Section 101(a)(2) of the Federal Water Pollution Control Act, 33 U.S.C. 1251 (a)(2), and North Carolina Water Quality Standards adopted pursuant to that section, shellfish harvesting is a significant existing use if it can be established that shellfish have been regularly harvested for human consumption since November 28, 1975 or that shellfish apparently are propagating and surviving in a biologically suitable habitat and are available and suitable for harvesting for the purpose of human consumption. The Division of Marine Fisheries shall be consulted regarding the significance of shellfish harvest as an existing use and the magnitude of the quantities of shellfish which have been harvested or are available for harvest in the area where harvest will be affected by the development.
- (F) Moorings shall not be located without written consent from the controlling parties in areas of submerged lands which have been leased from the state or deeded by the state.
- (G) Moorings shall be located and constructed so as to avoid adverse impacts on navigation throughout all federally maintained channels and their immediate boundaries. This includes mooring sites (permanent or temporary), speed or traffic reductions, or any other device, either physical or regulatory, that may cause a federally maintained channel to be restricted.
- (H) Open water moorings shall not be enclosed within breakwaters that preclude circulation sufficient to maintain water quality.
- (I) Moorings and the associated land based operation design shall comply with all applicable requirements for management of stormwater runoff.
- (J) Mooring fields shall have posted in view of patrons a notice prohibiting the discharge of any waste from boat toilets or any other discharge and explaining the availability of information on local pump-out services and waste disposal.
- (K) Freestanding moorings associated with commercial shipping, public service or temporary construction/salvage operations may be permitted without a public sponsor and shall be evaluated on a case-by-case basis.
- (L) Freestanding mooring buoys and piles shall be evaluated based upon the arc of the swing including the vessel to be moored. Moorings and the attached vessel shall not interfere with the access of any riparian owner nor shall it block riparian access by blocking channels, deep water, etc. which allows riparian access. Freestanding moorings shall not interfere with the ability of any riparian owner to place a pier for access.
- (M) Freestanding moorings shall not be established in submerged cable/pipeline crossing areas or in a manner which interferes with the operations of an access through any bridge.
- (N) Freestanding moorings shall be marked or colored in compliance with U.S. Coast Guard and N.C. Wildlife Resource Commission requirements and the required marking maintained for the life of the mooring(s).
- (O) The type of material used to create a mooring must be free of pollutants and of a design and type of material so as to not present a hazard to navigation or public safety.
- (P) Existing freestanding moorings (i.e. buoys/pilings) may be maintained in place for two years. However, if the moorings(s) deteriorate or are damaged such that replacement is necessary during the two year period, the mooring(s) then shall comply with those guidelines of the Division in place at that time. In any event, existing moorings shall comply with these Rules within two years.
- (11) Filling of Canals, Basins and Ditches - Notwithstanding the general use standards for estuarine systems as set out in 7H .0208(a) of this Rule, filling canals, basins and ditches shall be allowed if:
- (A) the area to be filled was not created by excavating lands which were below the normal high water or normal water level; and
- (B) if the area was created from wetlands, the elevation of the proposed filling does not exceed the elevation of said wetlands so that

- (C) wetland function will be restored; and the filling will not adversely impact any designated primary nursery area, shellfish bed, bed of submerged aquatic vegetation, coastal wetlands other than a narrow fringe around the shoreline, recognized public trust right or established public trust usage; and
  - (D) the filling will not adversely affect the value and enjoyment of property of any riparian owner; and
  - (E) the filling will further some policy of the Commission such as retreating from erosion or avoiding water quality degradation.
- (12) "Ocean Mining"
- (A) The productivity and biological significance of mine sites, or borrow sites used for sediment extraction, must be evaluated and a reasonable protection strategy for these natural functions and values provided with the state approval request or permit application.
  - (B) Natural reefs, coral outcrops, artificial reefs, seaweed communities, and significant nearshore benthic communities shall be avoided.
  - (C) Significant archaeological resources/shipwrecks identified by the Division of Archives and History, and unique geological features identified by the Division of Land Resources shall be avoided.
  - (D) Ocean mining activities shall not be conducted on or within 500 meters of areas containing significant biological communities, such as high relief hard bottom areas. High relief is defined for this standard as relief greater than or equal to one-half meter per five meters of horizontal distance.
  - (E) Mining activities shall be timed to avoid biologically active periods where these activities will have a significant impact on the affected biological resources.
  - (F) The proposal shall not have significant adverse impacts on either potable groundwater supplies or wildlife, fresh water fisheries, estuarine fisheries, or marine fisheries.
  - (G) A determination of monitoring needs to ensure that these guidelines are met will be made by the state during the state review and approval process. Implementation of these monitoring needs is the responsibility of the applicant.
  - (H) Where impacts cannot be avoided, and the impact significantly affects any land, or water use or natural or historic

resource of the coastal area, applicants may request mitigation approval under 15A NCAC 7M .0700.

- (I) Affected areas shall be restored to their original functions pursuant to a plan of reclamation/restoration, which must be a part of the consistency determination or permit.
- (J) Dredging activities for the purposes of mining natural resources must be consistent with the development standards outlined in this Rule.

Authority G.S. 113A-107(b); 113A-108; 113A-113(b); 113A-124.

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

### SECTION .1200 - POLICIES ON OCEAN MINING

#### .1201 DECLARATION OF GENERAL POLICY

(a) The Atlantic Ocean is designated a Public Trust Area Of Environmental Concern (AEC) out to the three-mile state jurisdictional boundary; however, the ocean environment does not end at the state/federal jurisdictional boundary. Mining activities impacting the federal jurisdictional ocean and its resources can, and probably would, also impact the state jurisdictional ocean and estuarine systems and vice-versa. Therefore, it is state policy that every avenue and opportunity to protect the physical ocean environment and its resources as an integrated and interrelated system will be utilized.

(b) The usefulness, productivity, scenic, historic and cultural values of the state's ocean waters will receive the greatest practical degree of protection and restoration. No ocean mining shall be conducted unless plans for such mining include reasonable provisions for protection of the physical environment, its resources, and appropriate reclamation or mitigation of the affected area as set forth and implemented under authority of the Mining Act (G.S. 74-48) and Coastal Area Management Act (G.S. 113A-100).

(c) Mining activities in state waters, or in federal waters insofar as the activities affect any land, water use or natural or historic resource of the state waters, shall be done in a manner that provides for protection of those resources and uses. The siting and timing of such activities shall be consistent with established state standards and regulations and shall comply with applicable local land use plan policies, and AEC use standards.

Authority G.S. 113A-102; 113A-107.

#### .1202 POLICY STATEMENTS

(a) Impacts from mining activities involving dredging, blasting, or other methods of excavation, spoil disposal, or construction of related structures that can be expected to



affect the physical ocean environment or its resources shall be identified and minimized. Any significant unavoidable damages from these actions shall be otherwise mitigated as appropriate.

(b) Damage to or interference with existing or traditional public trust uses, such as fishing, navigation, or access to public trust areas, or areas with high biological, historical, archaeological, or recreational value are activities that significantly affect land or water uses or natural resources of the coastal area. They shall be avoided to the maximum extent feasible.

(c) Offshore reefs, rock outcrops, hard bottom areas, and other significant living resource habitat shall be avoided unless it can be demonstrated that the mining activity will not significantly adversely affect these resources, land or water uses or the natural resources of the coastal area, or unless their existing biological functions can be sustained through mitigation.

Authority G.S. 113A-102; 113A-107.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNHR - Coastal Resources Commission intends to amend rules cited as 15A NCAC 7H .0304 - .0305. Notice of Rule-making Proceedings was published in the Register on November 1, 1996.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 7:00 p.m. on May 21, 1997 at the DEHNR - Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, NC 28405.

**Reason for Proposed Action:** To designate certain previously vegetated areas that lost vegetation in Hurricane Fran as unvegetated beach areas under Subchapter 7H Rule .0304 and to establish procedures for determining the setback measurement lines for these areas under Subchapter 7H Rule .0305.

**Comment Procedures:** Oral comments will be accepted at the public hearing, however comments may be time limited at the discretion of the Chairman. Written comments should be mailed to Mr. Preston Pate, NC Division of Coastal Management, Hestron Plaza II, 151-B NC Highway 24, Morehead City, NC 28557. Written comments will be accepted through June 2, 1997.

**Fiscal Note:** These Rules affect the expenditures of state funds. These Rules do not affect the expenditures of local funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## SECTION .0300 - OCEAN HAZARD AREAS

### .0304 AECs WITHIN OCEAN HAZARD AREAS

The ocean hazard system of AECs contains all of the following areas:

- (1) Ocean Erodible Area. This is the area in which there exists a substantial possibility of excessive erosion and significant shoreline fluctuation. The seaward boundary of this area is the mean low water line. The landward extent of this area is determined as follows:
  - (a) a distance landward from the first line of stable natural vegetation to the recession line that would be established by multiplying the long-term annual erosion rate times 60, provided that, where there has been no long-term erosion or the rate is less than two feet per year, this distance shall be set at 120 feet landward from the first line of stable natural vegetation. For the purposes of this Rule, the erosion rates shall be the long-term average based on available historical data. The current long-term average erosion rate data for each segment of the North Carolina coast is depicted on maps entitled "Long Term Annual Shoreline Change Rates updated through 1992" and approved by the Coastal Resources Commission on September 27, 1996 (except as such rates may be varied in individual contested cases, declaratory or interpretive rulings). The maps are available without cost from any local permit officer or the Division of Coastal Management; and
  - (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to the recession line that would be generated by a storm having a one percent chance of being equaled or exceeded in any given year.
- (2) The High Hazard Flood Area. This is the area subject to high velocity waters (including, but not limited to, hurricane wave wash) in a storm having a one percent chance of being equaled or exceeded in any given year, as identified as zone V1-30 on the flood insurance rate maps of the Federal Insurance Administration, U.S. Department of Housing and Urban Development.
- (3) Inlet Hazard Area. The inlet hazard areas are natural-hazard areas that are especially vulnerable to erosion, flooding and other adverse effects of sand, wind, and water because of their proximity to dynamic ocean inlets. This area shall extend landward from the mean low water line a distance

sufficient to encompass that area within which the inlet will, based on statistical analysis, migrate, and shall consider such factors as previous inlet territory, structurally weak areas near the inlet (such as an unusually narrow barrier island, an unusually long channel feeding the inlet, or an overwash area), and external influences such as jetties and channelization. The areas identified as suggested Inlet Hazard Areas included in the report entitled INLET HAZARD AREAS, The Final Report and Recommendations to the Coastal Resources Commission, 1978, as amended in 1981, by Loie J. Priddy and Rick Carraway are incorporated by reference without future changes are hereby designated as Inlet Hazard Areas except that the Cape Fear Inlet Hazard as shown on said map shall not extend northeast of the Baldhead Island marina entrance channel. In all cases, this area shall be an extension of the adjacent ocean erodible area and in no case shall the width of the inlet hazard area be less than the width of the adjacent ocean erodible area. This report is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Coastal Management, 2728 Capital Boulevard, Raleigh, North Carolina. Small scaled photo copies are available at no charge.

- (4) Unvegetated Beach Area. Beach areas within the Ocean Hazard Area where no stable natural vegetation is present may be designated as an unvegetated beach area on either a permanent or temporary basis:

(a) An area appropriate for permanent designation as an unvegetated beach area This is a dynamic area that is subject to rapid unpredictable landform change from wind and wave action. The areas in this category shall be designated following detailed studies by the Coastal Resources Commission. These areas shall be designated on maps approved by the Commission and available without cost from any local permit officer or the Division of Coastal Management.

(b) An area that is suddenly unvegetated as a result of a hurricane or other major storm event may be designated as an unvegetated beach area for a specific period of time. At the expiration of the time specified by the Commission, the area shall return to its pre-storm designation. Areas appropriate for such designation are those in which vegetation has been lost over such a large land area that extrapolation of the vegetation line under the procedure set out in Rule .0305(e) of this Section is inappropriate.

The Commission designates as temporary unvegetated beach areas those oceanfront areas in

New Hanover, Pender, Carteret and Onslow Counties in which the vegetation line as shown on aerial photography dated August 8, 9, and 17, 1996, was destroyed as a result of Hurricane Fran on September 5, 1996. This designation shall continue until such time as stable, natural vegetation has reestablished or until the area is permanently designated as an unvegetated beach area pursuant to Sub-Item 4(a) of this Rule.

Authority G.S. 113A-107; 113A-113; 113A-124.

#### **.0305 GENERAL IDENTIFICATION AND DESCRIPTION OF LANDFORMS**

(a) Ocean Beaches. Ocean beaches are lands consisting of unconsolidated soil materials that extend from the mean low water line landward to a point where either:

- (1) the growth of vegetation occurs, or
- (2) a distinct change in slope or elevation alters the configuration of the landform, whichever is farther landward.

(b) Primary Dunes. Primary dunes are the first mounds of sand located landward of the ocean beaches having an elevation equal to the mean flood level (in a storm having a one percent chance of being equaled or exceeded in any given year) for the area plus six feet. The primary dune extends landward to the lowest elevation in the depression behind that same mound of sand (commonly referred to as the dune trough).

(c) Frontal Dunes. The frontal dune is deemed to be the first mound of sand located landward of the ocean beach having sufficient vegetation, height, continuity and configuration to offer protective value.

(d) General Identification. For the purpose of public and administrative notice and convenience, each designated minor development permit-letting agency with ocean hazard areas may designate, subject to CRC approval, a readily identifiable land area within which the ocean hazard areas occur. This designated notice area must include all of the land areas defined in Rule .0304 of this Section. Natural or man-made landmarks may be considered in delineating this area.

(e) "Vegetation Line" means the first line of stable natural vegetation, which shall be used as the reference point for measuring oceanfront setbacks. This line represents the boundary between the normal dry-sand beach, which is subject to constant flux due to waves, tides, storms and wind, and the more stable upland areas. It is generally located at or immediately oceanward of the seaward toe of the frontal dune or erosion escarpment. In areas where there is no stable natural vegetation present, this line shall be established by connecting or extending the lines from the nearest adjacent vegetation on either side of the site and by extrapolating (by either on-ground observation or by aerial photographic interpretation) to establish the line. In areas within the boundaries of a large scale beach nourishment or spoil deposition project, the vegetation line that existed before commencement of the project shall be used as the vegetation



line for determining oceanfront setbacks after the project is completed. A project shall be considered large scale when:

- (1) it places more than a total volume of 200,000 cubic yards of sand at an average ratio of more than 50 cubic yards of sand per linear foot of shoreline, or
- (2) it is a Hurricane Protection project constructed by the U.S. Army Corps of Engineers.

(f) "Erosion Escarpment" means normal vertical drop in the beach profile caused from high tide or storm tide erosion.

(g) Measurement line means the line from which the ocean front setback as described in Rule .0306(a) of this Section is measured in the unvegetated beach area of environmental concern as described in Rule .0304(4) of this Section. Procedures for determining the measurement line in areas designated pursuant to Rule .0304(4)(a) of this Section shall be adopted by the Commission for each area where such a line is designated pursuant to the provisions of G.S. 150B. These procedures shall be available from any local permit officer or the Division of Coastal Management. In areas designated pursuant to Rule .0304(4)(b) of this Section, the Division of Coastal Management shall establish a measurement line that approximates the location at which the vegetation line is expected to reestablish by:

- (1) determining the distance the vegetation line receded at the closest vegetated site to the proposed development site; and
- (2) locating the line of stable natural vegetation on the most current pre-storm aerial photography of the proposed development site and moving this line landward the distance determined in Subparagraph (g)(1) of this Rule.

The measurement line established pursuant to this process shall in every case be located landward of the average width of the beach as determined from the most current pre-storm aerial photography.

Authority G.S. 113A-107; 113A-113(b)(6); 113A-124.

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Notice is hereby given in accordance with G.S. 150B-21.2 that the EHNR - Coastal Resources Commission intends to amend rules cited as 15A NCAC 7H .1601, .1604 - .1605. Notice of Rule-making Proceedings was published in the Register on November 1, 1996.

**Proposed Effective Date:** August 1, 1998

**A Public Hearing** will be conducted at 7:00 p.m. on May 21, 1997 at the DEHNR - Wilmington Regional Office, 127 Cardinal Drive Extension, Wilmington, NC 28405.

**Reason for Proposed Action:** Amend existing rules to allow the addition of two types of utility lines (natural gas and domestic sanitary sewer) to the CAMA general permit for installation of utility lines.

**Comment Procedures:** Written comments should be mailed to Mr. Preston Pate, NC Division of Coastal Management, Hestron Plaza II, 151-B, NC Highway 24, Morehead City, NC 28557. Comments will be accepted through June 2, 1997.

**Fiscal Note:** These Rules do not affect the expenditures or revenues of state or local government funds. These Rules do not have a substantial economic impact of at least five million dollars (\$5,000,000) in a 12-month period.

## SECTION .1600 - GENERAL PERMIT FOR THE INSTALLATION OF AERIAL AND SUBAQUEOUS UTILITY LINES WITH ATTENDANT STRUCTURES IN COASTAL WETLANDS; ESTUARINE WATERS; PUBLIC TRUST WATERS AND ESTUARINE SHORELINES

### .1601 PURPOSE

This permit will allow for the installation of utility lines both aerially ~~and/or~~ and subaqueously in the coastal wetland, estuarine water, public trust ~~water areas~~ and estuarine shoreline AECs according to the authority provided in Subchapter 7J .1100 and according to the following guidelines. This general permit shall not apply to the ocean hazard AECs.

Authority G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1.

### .1604 GENERAL CONDITIONS

(a) Utility lines for the purpose of this general permit or any pipes or pipelines for the transportation of potable water, domestic sanitary sewage, natural gas, and any cable, line, or wire for the transmission, for any purpose, of electrical energy, telephone and telegraph messages, and radio and television communication.

(b) There must be no resultant change in preconstruction bottom contours. Authorized fill includes only that necessary to backfill or bed the utility line. Any excess material must be removed to an upland disposal area.

(c) The utility line crossing will not adversely affect a public water supply intake.

(d) The utility line route or construction method will not disrupt the movement of those species of aquatic life indigenous to the waterbody.

(e) Individuals shall allow authorized representatives of the Department of Environment, Health, and Natural Resources to make periodic inspections at any time necessary to ensure that the activity being performed under authority of this general permit is in accordance with the terms and conditions prescribed herein.

~~(f) This general permit will not be applicable to proposed excavation when the Department determines that the proposed activity would adversely affect areas which possess historic, cultural, scenic, conservation or recreational values.~~

~~(g) This general permit will not be applicable to proposed installation where the Department believes that the proposed activity might significantly affect the quality of the environment or unnecessarily endanger adjoining properties. In such cases an individual permit application and review of the proposed project may be initiated using the application forms, fees and procedures required by 15A NCAC 7J.~~

(f) This general permit will not be applicable to proposed construction where the Department believes that the proposed activity might unnecessarily endanger adjoining properties, or significantly affect areas which possess historic, cultural, scenic, conservation or recreational values, or the quality of the human environment.

~~(h)(g)~~ This permit does not eliminate the need to obtain any other required state, local, or federal authorization, nor, to abide by regulations adopted by any federal or other state agency.

~~(h)(h)~~ Development carried out under this permit must be consistent with all local requirements, AEC guidelines, and local Land Use Plans current at the time of authorization.

Authority *G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1.*

#### .1605 SPECIFIC CONDITIONS

Proposed utility line installations must meet each of the following specific conditions to be eligible for authorization by this general permit:

- (1) All domestic sanitary sewer line requests must be accompanied by a statement of prior approval from the N.C. Division of Water Quality.
- ~~(1)(2)~~ All spoils which are permanently removed must be placed on a highground disposal site and stabilized so as not to return to waters, marsh or other wetlands.
- ~~(2)(3)~~ Any additional backfill material required must be

clean sand or rock free of organic matter.

- ~~(3)(4)~~ Cuts through wetlands must be minimized.
  - ~~(4)(5)~~ Finished grades or subaqueous or wetland crossing must be returned to preproject contours.
  - ~~(5)(6)~~ There can be no work within any productive shellfish beds.
  - ~~(6)(7)~~ No excavation or filling activities will be permitted between April 1 and September 30 of any year within any designated primary nursery area.
  - ~~(7)(8)~~ Subaqueous lines must be placed at a depth of 6' below the project depth of federal projects. In other areas they will be installed at a minimum depth of 2' below the bottom contour.
  - ~~(8)(9)~~ The minimum clearance for aerial communication lines or any lines not transmitting electricity will be 10' above the clearance required for bridges in the vicinity.
  - ~~(9)(10)~~ The minimum clearance for aerial electrical transmission lines shall be consistent with those established by the U.S. Army Corps of Engineers and U.S. Coast Guard.
  - ~~(10)(11)~~ The installation of a utility line on pipe bents or otherwise above the elevation of mean high or mean ordinary water must be of sufficient height to allow for traditional navigation in the water body.
- Additionally the utility line must not interfere with the waterflow of normal or flood waters.
- (12) Natural gas lines must not exceed 11 inches in diameter.

Authority *G.S. 113-229(c1); 113A-107(a)(b); 113A-113(b); 113A-118.1.*



*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 unless this notice has been previously published by the agency.*

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

**Rule-making Agency:** DEHNR - Environmental Management Commission

**Rule Citation:** 15A NCAC 2H .0225

**Effective Date:** May 8, 1997

**Findings Reviewed by Beecher R. Gray:** Approved

**Authority for the rule-making:** G.S. 143-215.1(b)(3) and (4); 143-215.3(a)(1); 143-215.10C(a)

**Reason for Proposed Action:** The legislature amended the North Carolina General Statutes in the 1996 General Assembly Session to require animal waste management systems be permitted through the use of a series of general permits (143-215.10C). Per the statute, permitting was to be initiated January 1, 1997. In order to begin, the permitting program needed the ability to issue general permits. The Environmental Management Commission adopted a temporary rule on October 10, 1996, which became effective on November 8, 1996, establishing rules implementing the animal waste nondischarge general permit program. Following publication of the temporary rule (15A NCAC 2H .0225), the general permits for animal waste facilities were processed and issued. During the development of and the public hearing process for the animal waste general permits, staff determined that modifications to the adopted temporary rule were necessary to implement the animal waste program in accordance with other State land-based disposal permitting.

The publication of the temporary rule, also acted as the notice of a proposed permanent rule making. A hearing was subsequently held on the proposed permanent rule on January 30, 1997. At that public hearing, staff presented materials recommending modifications to the rule to enable the animal waste permitting program to be carried out in accordance with other State nondischarge permitting programs. Multiple commenters also suggested that the rule needed to be modified.

The modifications to the rule include providing the ability to implement a compliance boundary established in accordance with Classifications and Water Quality Standards Applicable to the Groundwaters of North Carolina (15A NCAC 2L .0107) for attainment of groundwater quality standards on each site, as well as other minor clarifying modifications. All other land-based nondischarge permit programs use compliance boundaries for determining if a facility is adequately protecting the

groundwater quality standards. The original intent was to use compliance boundaries with the animal general permits as well. The intent can be supported by the record of the permit development which included compliance boundary provisions in the draft versions of the general permits and also from the hearing officers' report on the general permits. However, upon review of the temporary rule adopted in October 1996, staff determined that the language inadvertently prohibited the use of groundwater compliance boundaries. In order to implement the animal waste permitting program in accordance with other land-based nondischarge permitting programs and the groundwater regulations, the previously adopted temporary rule requires modification.

A permanent rule is required to enable the continued use of general permitting for animal waste operations as mandated by G.S. 143-215.10C. This amended temporary rule would continue to act as the foundation to provide the Division with the authority to modify and re-issue general permits and to continue to develop new animal general permits as necessary. The ability to issue general permits will increase the efficiency and effectiveness of the permitting program, reduce the time required to obtain a permit and provide for increased public input into the development of the general permits.

**Comment Procedures:** Comments, statements, data and other information may be submitted in writing within 30 days after the date of publication of this issue in the North Carolina Register. Copies of the proposed rules and information package may be obtained by contacting the Permits & Engineering Unit at (919)733-5083 (ext. 574 or ext. 524). Written comments may be submitted to Coleen Sullins, Division of Water Quality, Water Quality Section, Permits & Engineering Unit, P.O. Box 29535, Raleigh, NC 27626-0535.

**CHAPTER 2 - ENVIRONMENTAL  
MANAGEMENT**

**SUBCHAPTER 2H - PROCEDURES FOR  
PERMITS: APPROVALS**

**SECTION .0200 - WASTE NOT DISCHARGED  
SURFACE WATERS**

**.0225 CONDITIONS FOR ISSUING GENERAL  
PERMITS**

(a) In accordance with the provisions of G.S. 143-215.1(b)(3) and (d), general permits may be developed by the Division and issued by the Director for categories of activities covered by this Rule. General permits may be written for categories of activities that involve the same or substantially

similar operations, have similar treated waste characteristics, require the same limitations or operating conditions, and require the same or similar monitoring. In accordance with G.S. 143-215.10C, general permits may be issued for any category of animal operation, based on species, number of animals, and other relevant factors. Each of the general permits shall be issued under G.S. 143-215.1(d). After issuance of a general permit by the Director, persons operating facilities described by the general permit may request coverage under it, and the Director or his designee may grant appropriate certification. All individual operations which receive a "Certificate of Coverage" under a general permit are permitted under the specific general permit for which the coverage was issued. A Certificate of Coverage shall mean the approval given to facilities that meet the requirements of coverage under the general permit. Persons operating facilities covered under general permits developed in accordance with this Rule shall be subject to the same limits, conditions, management practices, enforcement authorities, and rights and privileges as specified in the general permit.

(b) Upon development of a draft general permit, the Director shall publicly notice under G.S. 143-215.4 (b)(1) and (2), at least 30 days prior to final action, an intent to issue the general permit. A one time publication of the notice in a newspaper having general circulation in the geographic areas affected by the proposed permit shall be required. The notice shall provide the name, address and phone number of the agency issuing the notice, a brief description of the intended action, and a brief description of the procedures for the formulation of final determinations, including a 30-day comment period and other means by which interested persons may comment upon the determinations.

(c) No provisions in any general permit issued under this Rule shall be interpreted as allowing the permittee to violate state surface water quality standards, groundwater quality standards outside a Compliance Boundary established in accordance with 15A NCAC 2L .0107 (b), (c), (e)(2)(A), (e)(2)(C), (f)(1), (f)(3), (h), (j) and (k), or other applicable environmental standards. Construction of new water supply wells for human consumption shall be prohibited within Compliance Boundaries for facilities covered under general permits issued under this Section. General permits issued pursuant to this Rule will be considered individual permits for purposes of Compliance Boundaries established under 15A NCAC 2L .0107.

(d) To obtain an individual certificate of coverage, a Notice of Intent to be covered by the general permit must be given using forms provided by the Division, following the application procedures specified in this Section. ~~If all requirements are met, coverage~~ Coverage under the general permit ~~may~~ shall be granted unless the Director makes a determination under Paragraph (h) of this Rule that an individual permit is required. If all requirements are not met, an individual permit application and full application review procedure shall be required.

(e) General permits shall be effective for a term not to exceed five years at the end of which the Division may renew them. The Division shall satisfy public notice requirements prior to renewal of general permits. Operators covered by general permits need not submit new Notices of Intent or renewal requests unless so directed by the Division. If the Division chooses not to renew a general permit, all operations covered under that general permit shall be notified to submit applications for individual permits.

(f) Anyone engaged in activities covered by the general permit rules but not permitted in accordance with this Section shall be considered in violation of G.S. 143-215.1.

(g) Any individual covered or considering coverage under a general permit may choose to pursue an individual permit for any operation covered by this Rule.

(h) The Director may require any person, otherwise eligible for coverage under a general permit, to apply for an individual permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and application instructions, a statement establishing the required date for submission of the application, and a statement informing the person that coverage by the general permit shall automatically terminate upon issuance of the individual permit. Reasons for requiring application for an individual permit may include:

- (1) the operation is a significant contributor of ~~pollutants;~~ pollutants to the waters of the state;
- (2) conditions at the permitted site change, altering the constituents or characteristics of the wastewater such that the operation no longer qualifies for coverage under a general permit;
- (3) noncompliance with the general permit;
- (4) noncompliance with Division Rules;
- (5) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the operation;
- (6) a determination that there has been or is the potential to have a direct discharge of wastewater, sludge or residuals to waters of the state;
- (7) the system has been allowed to deteriorate or leak such that it poses an immediate threat to the environment.

(i) General permits or individual certificate of coverages may be modified, terminated, or revoked and reissued in accordance with the authority and requirements of rules of this Section.

*History Note:* Authority G.S. 143-215.1; 143-215.3(a)(1); 143-215.10C;

*Temporary Adoption Eff. November 8, 1996;*

*Temporary Amendment Eff. May 8, 1997.*



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**Rule-making Agency:** EHNR - Environmental Management Commission

**Rule Citation:** 15A NCAC 2R .0501 - .0504

**Effective Date:** May 6, 1997

**Findings Reviewed by Beecher R. Gray:** Approved

**Authority for the rule-making:** G.S. 143-214.8 through 143-214.13

**Reason for Proposed Action:** During the 1996 session of the North Carolina General Assembly, Article 21 of Chapter 143 of the General Statutes was amended by adding sections 143-214.8 through 214.13. These sections established the Wetlands Restoration Program as a non-regulatory statewide program for the acquisition, maintenance, restoration, enhancement, and creation of wetland and riparian resources that contribute to the protection and improvement of water quality, flood prevention, fisheries, wildlife habitat, and recreational opportunities. The purpose of this rule-making initiative is to establish the Wetlands Restoration Fund, which is a component of the Wetlands Restoration Program, and a standardized schedule of per acre payment amounts for individuals to voluntarily pay into the fund in lieu of compensatory mitigation requirements.

**Comment Procedures:** Comments, statements, data and other information may be submitted in writing within 60 days of the date of publication of this issue of the NC Register. Copies of the proposed rules and information concerning the rules may be obtained by contacting the Wetlands Restoration Program at (919) 733-5083 ext. 358 or by submitting a written request to the address below. Written comments may be submitted to Ron Ferrell, Wetlands Restoration Program, Division of Water Quality, P.O. Box 29535, Raleigh, NC 27626-0535.

## SUBCHAPTER 2R - WETLANDS RESTORATION PROGRAM

### SECTION .0500 - WETLANDS RESTORATION FUND

#### .0501 PURPOSE

(a) The purpose of the Wetlands Restoration Fund (Fund) is to provide a repository for monetary contributions or payments and donations or dedications of interests in real property. Fund assets will be used to promote the restoration, enhancement, preservation, or creation of wetlands and riparian areas. Fund assets will only be used for the purpose of contributing directly to the acquisition, perpetual maintenance, enhancement, restoration, or creation

of wetlands and riparian areas as described in G.S. 143-214.8 through 143-214.13 in accordance with the wetlands restoration plans developed for each river basin.

(b) Payments into the Fund as determined in accordance with Rule .0502 of this Section shall be considered as compliance with the compensatory mitigation requirements of certifications issued by the Department under 33 U.S.C. § 1341; and permits or authorizations issued by the United States Army Corps of Engineers under 33 U.S.C. § 1344 if the contributions will meet the mitigation requirements of the U. S. Army Corps of Engineers.

(c) Donations or dedications of interest in real property may be accepted if consistent with the goals and objectives of the restoration plan for the river basin as determined by the Secretary or Designee.

*History Note:* Authority G.S. 143-214.11; 143-214.12; Temporary Adoption Eff. May 6, 1997.

#### .0502 DEFINITIONS

(a) Compensatory mitigation means the restoration, creation, enhancement or preservation of wetlands, riparian areas and classified surface waters that is required as a condition of certifications issued by the Department under 33 U.S.C. § 1341 and permits or authorizations issued by the United States Army Corps of Engineers under 33 U.S.C. § 1341.

(b) Non-riparian wetlands means Class WL wetlands as defined in 15A NCAC 2B .0101(c)(8) whose major source of water is precipitation. Wetland types generally considered to be non-riparian include wet flats, pocosins and ephemeral wetlands.

(c) Riparian wetlands means Class WL wetlands as defined in 15A NCAC 2B .0101(c)(8) whose major source of water is ground water or surface water. Wetland types generally considered to be riparian include freshwater marshes, swamp forests, bottomland hardwood forests, headwater forests, bog forests, mountain bogs and seeps.

*History Note:* Authority G.S. 143-214.11; 143-214.12; Temporary Adoption Eff. May 6, 1997.

#### .0503 SCHEDULE OF FEES

(a) This schedule of fees is based on the cost of restoring or creating wetlands or surface waters capable of performing the same or similar functions as the wetlands or surface waters that have been impaired by permitted development projects. The fees include directly related costs of restoration planning, land acquisition, long-term monitoring, maintenance and preservation of restored areas.

(b) The amount of payment into the Fund in lieu of compensatory mitigation requirements as described in Rule .0501(b) of this Section shall be determined in accordance with Subparagraphs (1) through (3) of this Paragraph. The fee will be based on the acres and types of compensatory mitigation specified in the approved U.S. Army Corps of Engineers permit under 33 U.S.C. § 1344 or the certification

issued by this Department under 33 U.S.C. § 1341. Payments shall be calculated in 0.25 acre increments for wetlands and by the linear foot for streams.

- (1) Classified surface waters other than wetlands as defined in 15A NCAC 2B .0202. The payment shall be one hundred twenty-five dollars (\$125.00) per linear foot of stream.
- (2) Class WL wetlands as defined in 15A NCAC 2B .0101(c)(8). The payment shall be:
  - (A) twelve thousand dollars (\$12,000) per acre for non-riparian wetlands.
  - (B) twenty-four thousand dollars (\$24,000) per acre for riparian wetlands.
- (3) Class SWL wetlands as defined in 15A NCAC 2B .0101(d)(4). The payment shall be one hundred twenty thousand dollars (\$120,000) per acre.

(c) Donations or dedications of interest in real property may be accepted in lieu of compensatory mitigation requirements as described in Rule .0501(b) of this Section provided that the property has been identified as an approved site in the restoration plan developed for each river basin. Other properties may be considered by the Secretary or his designee on a case-by-case basis. The decision on whether to accept other properties shall include a determination that restoration or preservation of the property is consistent with

the goals and objectives of the restoration plan for the river basin. The amount of credit for donations of property shall consider the costs of restoration planning, long-term monitoring, and maintenance of the donated property.

(d) This fee schedule will be subject to update and revision upon determination that assessed fees vary from the actual costs of restoration activities described in Rule .0501(a) of this Section.

*History Note: Authority G.S. 143-214.11; 143-214.12; Temporary Adoption Eff. May 6, 1997.*

#### **.0504 PAYMENT**

(a) Payment of fees shall be made by check or electronic fund transfer to the North Carolina Wetland Restoration Fund.

(b) Donations or dedications of interest in real property shall be deeded to the State of North Carolina or to other public or private nonprofit conservation organizations as approved by the Department.

*History Note: Authority G.S. 143-214.11; 143-214.12; Temporary Adoption Eff. May 6, 1997.*

*This Section contains the agenda for the next meeting of the Rules Review Commission on Thursday, May 15, 1997, 10:00 a.m., at 1307 Glenwood Ave., Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Monday, May 12, 1997, at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.*

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**  
 Philip O. Redwine - Chairman  
 Vernice B. Howard  
 Teresa L. Smallwood  
 Charles H. Henry

**Appointed by House**  
 Bill Graham - Vice Chairman  
 James Mallory, III  
 Paul Powell  
 Anita White

**RULES REVIEW COMMISSION MEETING DATES**

June 19, 1997	September 18, 1997
July 17, 1997	October 16, 1997
August 21, 1997	November 20, 1997

**MEETING DATE: MAY 15, 1997**

**LOG OF FILINGS**

**RULES SUBMITTED: MARCH 20, 1997 THROUGH APRIL 20, 1997**

AGENCY/DIVISION	RULE NAME	RULE	ACTION
<b>AGRICULTURE/NC BOARD OF AGRICULTURE/STATE MARKETING AUTHORITY</b>			
	Standards for Receptacles	2 NCAC 43F .0003	Amend
	Definitions	2 NCAC 43H .0001	Amend
	Special Requirements	2 NCAC 43H .0007	Adopt
	Gate Fees	2 NCAC 43L .0202	Amend
	Retail Buildings	2 NCAC 43L .0401	Amend
	Gate Fees	2 NCAC 43L .0402	Amend
	Farmers and Truckers Sheds	2 NCAC 43L .0403	Amend
	Yearly Delivery Permit	2 NCAC 43L .0405	Amend
<b>AGRICULTURE/NC BOARD OF AGRICULTURE</b>			
	Importation Requirements	2 NCAC 52B .0212	Amend
	Calfhood Vaccination	2 NCAC 52B .0303	Amend
	Intrastate Requirements	2 NCAC 52C .0701	Adopt
<b>DHR/COMMISSION FOR MH/DD/SAS</b>			
	Staff	10 NCAC 14V .3402	Amend
	Operations	10 NCAC 14V .3803	Amend
	Staff	10 NCAC 14V .5602	Amend
	Placement of Clients	10 NCAC 15A .0128	Repeal
	Resolution of Differences	10 NCAC 15A .0129	Repeal
<b>DHR/DIVISION OF MEDICAL ASSISTANCE</b>			
	Case Management	10 NCAC 26B .0123	Amend



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**RULES REVIEW COMMISSION**

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Cost Reporting

10 NCAC 26H .0104

Amend

**JUSTICE/STATE BUREAU INVESTIGATION/DIVISION OF CRIMINAL INFORMATION**

Advisory Policy Board

12 NCAC 4E .0103

Amend

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**RULES REVIEW OBJECTIONS****ACUPUNCTURE LICENSING BOARD**

21 NCAC 1 .0706 - Continuances

Agency Revised Rule

RRC Objection

01/16/97

Obj. Removed

02/20/97

21 NCAC 1 .0707 - Disqualification for Personal Bias

Agency Revised Rule

RRC Objection

01/16/97

Obj. Removed

02/20/97

**ADMINISTRATION****State Construction**

1 NCAC 30G .0102 - Policy

No Response from Agency

RRC Objection

03/20/97

04/17/97

1 NCAC 30G .0104 - General Procedures

No Response from Agency

RRC Objection

03/20/97

04/17/97

**COMMUNITY COLLEGES**

23 NCAC 2C .0304 - Student Loan Funds for Vocational and Technical Education

Agency Revised Rule

RRC Objection

01/16/97

Obj. Removed

02/20/97

23 NCAC 2E .0203 - Standards for Technical-Vocational Curriculum

Agency Revised Rule

RRC Objection

01/16/97

Obj. Removed

02/20/97

**ENVIRONMENT, HEALTH, AND NATURAL RESOURCES****Coastal Management**

15A NCAC 7M .0403 - Policy Statements

Agency Revised Rule

RRC Objection

01/16/97

Obj. Removed

02/20/97

**Marine Fisheries**

15A NCAC 3O .0101 - License Agents

RRC Objection

04/17/97

**HUMAN RESOURCES****Child Day Care Commission**

10 NCAC 3U .0707 - In-Service Training Requirements

Agency Revised Rule

RRC Objection

03/20/97

Obj. Removed

04/17/97

**Facility Services**

10 NCAC 3R .3030 - Facility and Service Need Determinations

Agency Revised Rule

RRC Objection

10/17/96

No Response from Agency

Obj. Cont'd

11/21/96

Agency Revised Rule

Obj. Cont'd

12/19/96

Agency Revised Rule

Obj. Cont'd

02/20/97

Agency Revised Rule

Obj. Removed

03/20/97

10 NCAC 3R .3033 - Open Heart Surgery Services Need Determinations (Rev. Cat. H)

RRC Objection

01/16/97

Obj. Cont'd

02/20/97

Obj. Cont'd

03/20/97

10 NCAC 3R .3034 - Heart-Lung Bypass Mch. Need Det./New Open Heart Sgy. Svcs.

RRC Objection

01/16/97

Obj. Cont'd

02/20/97

## RULES REVIEW COMMISSION

<i>Rule Returned to Agency</i>		03/20/97
10 NCAC 3R .3035 - Heart-Lung Bypass Mch. Need Det./Existing Open Heart Sgy. Svcs.	RRC Objection	01/16/97
	Obj. Cont'd	02/20/97
<i>Rule Returned to Agency</i>		03/20/97
10 NCAC 3R .3036 - Cardiac Catheterization Eqpt Need Det./New Providers	RRC Objection	01/16/97
	Obj. Cont'd	02/20/97
<i>Rule Returned to Agency</i>		03/20/97
10 NCAC 3R .3037 - Cardiac Catheterization Eqpt Need Det./Existing Providers	RRC Objection	01/16/97
	Obj. Cont'd	02/20/97
<i>Rule Returned to Agency</i>		03/20/97
10 NCAC 3R .3038 - Cardiac Angioplasty Eqpt Need Det./New Providers	RRC Objection	01/16/97
	Obj. Cont'd	02/20/97
<i>Rule Returned to Agency</i>		03/20/97
10 NCAC 3R .3039 - Cardiac Angioplasty Eqpt Need Det./Existing Providers	RRC Objection	01/16/97
	Obj. Cont'd	02/20/97
<i>Rule Returned to Agency</i>		03/20/97
<b>Medical Assistance</b>		
10 NCAC 26B .0113 - Case Mgmt Svcs/Adults/Children/at Risk/Abuse/Neglect/Exploitation		
<i>Returned to Agency for Failure to Comply with APA</i>		04/17/97
<b>Mental Health: Other Programs</b>		
10 NCAC 18W .0201 - Scope	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
10 NCAC 18W .0203 - General Provisions	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
10 NCAC 18W .0205 - Emotional, Mental or Neurological Handicap Defined	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
10 NCAC 18W .0211 - Needs Assessment	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
10 NCAC 18W .0214 - Area Program Requirements	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
10 NCAC 18W .0215 - Division Requirements	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
10 NCAC 18W .0218 - Contested Case Hearings	RRC Objection	01/16/97
<i>Agency Revised Rule</i>	Obj. Removed	02/20/97
<b>INSURANCE</b>		
11 NCAC 12 .1702 - Viatical Settlement Providers	RRC Objection	03/20/97
<i>Agency Revised Rule</i>	Obj. Removed	04/17/97
<b>DEPARTMENT OF JUSTICE</b>		
<b>Criminal Justice Education &amp; Training Standards Commission</b>		
12 NCAC 9B .0102 - Background Investigation	RRC Objection	04/17/97
<b>BOARD OF NURSING</b>		
21 NCAC 36 .0320 - Students	RRC Objection	03/20/97
<i>Agency Revised Rule</i>	Obj. Removed	04/17/97
<b>BOARD OF PHARMACY</b>		
21 NCAC 46 .1317 - Definitions	RRC Objection	03/20/97
<i>Agency Revised Rule</i>	Obj. Removed	04/17/97
21 NCAC 46 .1410 - Personnel	RRC Objection	03/20/97

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**RULES REVIEW COMMISSION**

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<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1411 - Responsibilities of the Pharmacist-Manager	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1412 - Physical Requirements	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1414 - Drug Distribution and Control	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1415 - Medication in Health Care Facility Emergency Departments	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1416 - Repackaging	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1604 - Transfer of Permits Allowed	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .1703 - Drugs to Be Dispensed	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>
21 NCAC 46 .2611 - Medical Equipment	<i>RRC Objection</i>	<i>03/20/97</i>
<i>Agency Revised Rule</i>	<i>Obj. Removed</i>	<i>04/17/97</i>

**TRANSPORTATION****Division of Motor Vehicles**

19A NCAC 3J .0306 - Course of Instruction	<i>RRC Objection</i>	<i>02/20/97</i>
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19A NCAC 3J .0307 - Student Requirements	<i>RRC Objection</i>	<i>02/20/97</i>
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*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.*

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*Chief Administrative Law Judge*  
JULIAN MANN, III

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

**ADMINISTRATIVE LAW JUDGES**

Brenda B. Becton  
Sammie Chess Jr.  
Beecher R. Gray  
Meg Scott Phipps

Robert Roosevelt Reilly Jr.  
Dolores O. Smith  
Thomas R. West

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Rodney Hanson v. Department of Human Resources	96 CSE 1860	West	03/25/97	
Jerome Maddox v. Department of Human Resources	96 CSE 1865	Chess	01/28/97	
Samuel L. Powell v. Department of Human Resources	96 CSE 1894	West	03/25/97	
Billy E. Adams II v. Child Support Enforcement Agency	96 CSE 1900	Mann	03/05/97	
Ramon Domenech v. Department of Human Resources	96 CSE 1912	Gray	02/03/97	
Terence L. McMurray v. Department of Human Resources	96 CSE 1947	Morrison	03/25/97	
Amil Rafkah v. Department of Human Resources	96 CSE 2020	Reilly	02/25/97	
William R. Briggs v. Department of Human Resources	96 CSE 2021	West	02/17/97	
Sanford Tyler v. Department of Human Resources	96 CSE 2067	Phipps	02/17/97	
Jonah F. Fuller v. Department of Human Resources	96 CSE 2068	Mann	03/05/97	
Thomas Edward Kutchev v. Child Support Enforcement Agency	97 CSE 0047	Smith	03/13/97	
George G. Grill, Sr. v. Child Support Enforcement	96 CRA 1185	Becton	02/28/97	
Phillip L. Lewis v. Department of Human Resources	96 CRA 1225	Becton	12/18/96	
John William Vestal Sr. v. Department of Human Resources	96 CRA 1244	Reilly	12/10/96	
George W. Burnett, Jr. v. Department of Human Resources	96 CRA 1248	Smith	03/13/97	
Charles F. Haag, Jr. v. Department of Human Resources	96 CRA 1289	Phipps	12/12/96	
Walter Richardson, Jr. v. Department of Human Resources	96 CRA 1302	Morrison	12/10/96	
Clifton Huff v. Child Support Enforcement Mecklenburg	96 CRA 1318	Mann	01/22/97	
Scott Sanders v. Department of Human Resources	96 CRA 1320	Morrison	12/12/96	
Mark Stephens v. Department of Human Resources	96 CRA 1321	Reilly	12/13/96	
Clarence M. Hunter v. Onslow County DSS-CSE	96 CRA 1322	West	03/21/97	
Teresa Devalle v. Department of Human Resources	96 CRA 1329	Gray	01/13/97	
Larry Michael Rollins, Jr. v. Department of Human Resources	96 CRA 1341	Reilly	01/10/97	
Garry G. Hickman v. Department of Human Resources	96 CRA 1350*17	West	02/10/97	
Richard A. Patton Jr. v. Department of Human Resources	96 CRA 1354*18	Reilly	02/06/97	
Kenneth Ray Lowery v. Department of Human Resources	96 CRA 1355	Becton	01/15/97	
Jeffrey Len Ezzell v. Department of Human Resources	96 CRA 1368*18	Phipps	02/06/97	
Jeffrey Len Ezzell v. Department of Human Resources	96 CRA 1369	Phipps	12/12/96	
Tessa Jones v. Department of Human Resources	96 CRA 1372	Mann	12/10/96	
Tessa Jones v. Department of Human Resources	96 CRA 1373*19	Mann	02/10/97	
Ronald Graham Moore v. Department of Human Resources	96 CRA 1374	Gray	01/14/97	
Thomas R. Rotundo v. Mecklenburg County Child Support Enforcement	96 CRA 1385*24	Becton	04/02/97	
John G. Howard, Jr. v. Department of Human Resources	96 CRA 1386	Reilly	12/13/96	
Gregory B. Phy v. Department of Human Resources	96 CRA 1399	West	11/14/96	
Raymond E. Smith v. Department of Human Resources	96 CRA 1404	West	01/10/97	
Robert A. Green v. Department of Human Resources	96 CRA 1436*12	Gray	12/12/96	
Michael Roddy v. Department of Human Resources	96 CRA 1442*20	Smith	02/17/97	
Kevin J. Miller v. Department of Human Resources	96 CRA 1443	Becton	01/13/97	
Timothy Schnell v. Department of Human Resources	96 CRA 1447	Morrison	01/30/97	
Walter Love v. Department of Human Resources	96 CRA 1465*21	Gray	02/18/97	
Roger W. Taylor v. Department of Human Resources	96 CRA 1478	Mann	01/10/97	
William D. Wall v. Child Support Enforcement	96 CRA 1481*22	Morrison	02/18/97	
Barbara Renea Caldwell v. Cumberland Cty Child Support Enforcement	96 CRA 1510	Reilly	01/14/97	
Lee G. Sanders Jr. v. Department of Human Resources	96 CRA 1515	Reilly	01/13/97	
Brian Kevin King v. Department of Human Resources	96 CRA 1516	West	01/13/97	
Laura D. Prince v. Department of Human Resources	96 CRA 1517	Smith	01/13/97	
George D. Brickell v. Department of Human Resources	96 CRA 1526	Morrison	12/10/96	
Kelvine Lance Thompson v. Department of Human Resources	96 CRA 1537	Becton	12/18/96	
Marcus Watkins v. Stanly County Department of Social Services	96 CRA 1554	West	01/13/97	
Garry G. Hickman v. Department of Human Resources	96 CRA 1563*17	West	02/10/97	
David Lynn Jones v. Department of Human Resources	96 CRA 1565	West	01/13/97	
Kenneth Joe Diamond v. Cumberland County Child Support Enforcement	96 CRA 1624*23	Gray	03/03/97	
Keith W. Phillips v. Cleveland Cty Department of Social Services	96 CRA 1627	West	01/14/97	
Judy R. Johnson v. Department of Human Resources	96 CRA 1631	Phipps	01/14/97	
Levern Blue v. Department of Human Resources	96 CRA 1650	West	01/14/97	
Michael E. Kimbril v. Child Support Agency Buncombe County	96 CRA 1666	Smith	01/14/97	
Spencer L. Allen v. Department of Human Resources	96 CRA 1676	Smith	01/14/97	
James Robert Liles v. Department of Human Resources	96 CRA 1678	Chess	02/18/97	
Clyde E. Williams v. Department of Human Resources	96 CRA 1689	Becton	03/21/97	
Tommy Allen Springs v. Forsyth Cty Dept. of Social Services	96 CRA 1733	Becton	02/06/97	
David Ray Rowdy v. Dept. of Human Resources	96 CRA 1751	Gray	02/07/97	
John E. Gombocs v. Dept. of Human Resources	96 CRA 1755	Smith	02/10/97	
Charles John Widelski v. Department of Human Resources	96 CRA 1765	Reilly	02/06/97	
John B. Wiggins v. Department of Human Resources	96 CRA 1772	Morrison	03/21/97	
Wayne L. Weeks v. Department of Human Resources	96 CRA 1776	Becton	02/06/97	
Amanda F. Blount v. Cumberland Cty Child Support Enforcement	96 CRA 1790	West	02/10/97	
Oscar C. Adams v. Department of Human Resources	96 CRA 1799	Gray	03/03/97	
Norman Eugene Cameron v. Support Enforcement Fayetteville	96 CRA 1807	Smith	02/06/97	



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David J. Hildebrand v. Department of Human Resources	96 CRA 1819	Morrison	02/06/97	
Debra J. Davis v. Columbus County Dept. Social Service	96 CRA 1842	Mann	02/10/97	
Tracy Robertson v. Department of Human Resources	96 CRA 1851	West	03/21/97	
Debra Wade v. Department of Human Resources	96 CRA 1852	Smith	02/06/97	
Casey C. Townsend v. Department of Human Resources	96 CRA 1856	Mann	02/10/96	
Samuel L. Powell v. Department of Human Resources	96 CRA 1893	West	02/17/96	
Scott James Petrill v. Department of Human Resources	96 CRA 1913	Morrison	03/18/97	
Samual L. Gordon v. Department of Human Resources	96 CRA 1919	Gray	02/18/96	
C. Lee Bartlett v. Department of Human Resources	96 CRA 1938	Morrison	02/18/96	
Terence L. McMurray v. Department of Human Resources	96 CRA 1946	Morrison	02/18/96	
Paul Mobley Jr. v. Department of Human Resources	96 CRA 1980	Phipps	03/24/97	
Joseph Lupo v. Department of Human Resources	96 CRA 1991	Phipps	03/06/97	
Anthony O. Houston v. Department of Human Resources	96 CRA 1996	Morrison	03/20/97	
William R. Briggs v. Department of Human Resources	96 CRA 2022	West	03/05/97	
Daniel J. McDowell v. Department of Human Resources	96 CRA 2106	Mann	03/24/97	
Johnie J. Peterkin v. Department of Human Resources	96 CRA 2107	Morrison	03/20/97	
Melinda S. Tunner v. Department of Human Resources	95 DCS 0921	Morrison	05/09/96	
Jeanne G. Bishop v. Department of Human Resources	95 DCS 0958	West	04/04/96	
Rebecca Beaver v. Department of Human Resources	95 DCS 1114	Reilly	04/26/96	
Vivian B. White v. Department of Human Resources	95 DCS 1115	Phipps	06/04/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1137**	Chess	06/11/96	
Mary R. Mahon v. Department of Human Resources	95 DCS 1142**	Chess	06/11/96	
Laura Heidorf v. Department of Human Resources	96 DCS 0065	Reilly	03/22/96	
Lois Floyd Barber v. Department of Human Resources	96 DCS 0176	Gray	07/30/96	
La Rue Herring v. Department of Human Resources	96 DCS 0298	Gray	11/06/96	
Debra D. Hammonds v. Department of Human Resources	96 DCS 0792	Chess	10/08/96	
Carolyn Cole v. Department of Human Resources	96 DCS 1127	Chess	04/08/97	
Vickie Osoria v. Department of Human Resources	96 DCS 1140	Gray	12/12/96	
Trinc P. Bollinger v. Department of Human Resources	96 DCS 1353	Smith	12/12/96	
Christie L. Pittman v. Department of Human Resources	96 DCS 1561	Mann	01/27/97	
Lorna Sharpe-Ester v. Department of Human Resources	96 DCS 1687	West	02/10/97	

## INSURANCE

Carol M. Hall v. Teachers & State Employees Comp. Major Medical Plan	95 INS 1141	Phipps	04/01/96	
Arthur Wayne Dempsey v. Department of Insurance	95 INS 1255	Smith	04/22/96	
Deborah B. Beavers v. Teachers & St. Emp. Comp. Major Med. Plan	95 INS 1411	Smith	05/10/96	11:05 NCR 308
Nadia A. Hakim v. Department of Insurance	95 INS 1422	Smith	03/26/96	
Kathleen D. Jarvis v. Teachers & St. Emp. Comp. Major Med. Plan	96 INS 0075	Morrison	10/16/96	
Mary Alice Casey v. Department of Insurance	96 INS 0148	Reilly	08/14/96	
Nancy C. Lowe v. Teachers & State Employees Comp. Major Med. Plan	96 INS 0726	West	11/20/96	

## JUSTICE

Wendy Atwood v. Department of Justice (Company Police Program)	96 DOJ 0111	Chess	08/07/96	
Deborah K. Torrance v. Company Police Program Administrator	96 DOJ 0363	Becton	08/14/96	
John O. Beach v. Alarm Systems Licensing Board	96 DOJ 1362	West	11/19/96	
Ronald R. Coats v. Alarm Systems Licensing Board	96 DOJ 1364	Phipps	11/26/96	

## Education and Training Standards Division

Freddie Lavern Thompson v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 0731	Chess	02/29/96	
Shane Douglas Crawford v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 0943	Reilly	05/17/96	
Charles Henry Daniels v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1070	West	06/12/96	
Valerie Maxine Brewington v. Criml. Justice Ed. & Training Stds. Comm.	95 DOJ 1129	Smith	04/12/96	
Patricia Josephine Bonanno v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1152	Chess	03/25/96	
Douglas Allan Stuart v. Sheriffs' Ed. & Training Stds. Comm.	95 DOJ 1189	Morrison	06/06/96	
Rick M. Evoy v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1235	Chess	03/25/96	
Windell Daniels v. Criminal Justice Ed. & Training Stds. Comm.	95 DOJ 1320	Gray	07/24/96	
Gregory Lee Daughtridge v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0027	Reilly	03/19/96	
Sherrie Ann Gainey v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0028	Becton	08/09/96	
Stuart Hugh Rogers v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0029	West	06/18/96	
Brian Thomas Craven v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0036	Gray	07/09/96	
Larry D. Weston v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0037	Smith	06/12/96	
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0068	Gray	03/26/96	
Ken Montie Oxendine v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0071	West	03/28/96	
James Leon Hunt v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0077	Phipps	07/25/96	
David Kent Knight v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0115	West	03/28/96	
Demetrius Arnez Brown v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0138	Becton	08/09/96	
Claude F. Nunnery v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0305	Gray	08/28/96	
John Charles Maloney v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0306	Smith	08/16/96	
Jimmie L. Cooper v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0352	Morrison	07/12/96	
Jerry Glenn Monette v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0420	Morrison	07/26/96	11:10 NCR 874
Carlton Gerald v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0432	Becton	08/07/96	

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Woodrow Andrew Clark v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0515	West	10/07/96	
Warren Scott Nail v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0576	Becton	08/07/96	
Zoriana Lyczkowski v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0619	Morrison	10/21/96	
Philip A. Berezik, Jr. v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0652	Reilly	11/13/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Morrison	08/02/96	
George Willie Gilliam v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0656	Phipps	01/28/97	
Glenn R. Brammer v. Sheriffs' Ed. & Training Standards Comm.	96 DOJ 0839	Smith	09/05/96	
Timothy Wayne Fulford v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0840	Smith	09/16/96	
Brent Lee Millsaps v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0841	Chess	09/24/96	
Debra McHale Sadler v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 0891	Smith	03/13/97	
James Michael Doe v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 0957	Phipps	12/06/96	
Charles M. Perry v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1016	Smith	01/22/97	
Gregory K. Knox v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1836	Reilly	02/03/97	
Tyrone Sutton v. Criminal Justice Ed. & Training Stds. Comm.	96 DOJ 1837	Becton	02/17/97	
Bobby V. Hancock v. Sheriffs' Ed. & Training Stds. Comm.	96 DOJ 1885	Becton	02/17/97	

## Private Protective Services Board

Timothy A. Hawkins v. Private Protective Services Board	95 DOJ 1419	West	04/12/96	
William F. Combs v. Private Protective Services Board	96 DOJ 0022	West	03/22/96	
Randy C. Hoyle v. Private Protective Services Board	96 DOJ 0024	Smith	06/10/96	
John Darrell Shaver v. Private Protective Services Board	96 DOJ 0127	Reilly	02/26/97	
Daniel Ray Williams v. Private Protective Services Board	96 DOJ 0128	Reilly	02/26/97	
Robert A. Gibson v. Private Protective Services Board	96 DOJ 0386	Smith	07/03/96	
Jimmy D. Matthews v. Private Protective Services Board	96 DOJ 0676	Reilly	07/11/96	
Johnnie Lee King v. Private Protective Services Board	96 DOJ 0677	Reilly	07/11/96	
Charlie C. Brackett v. Private Protective Services Board	96 DOJ 0712	Becton	02/03/97	
Thomas R. Harris v. Private Protective Services Board	96 DOJ 0761	Reilly	07/11/96	
Private Protective Services Board v. Henry E. Byrd, Jr.	96 DOJ 0796	Mann	08/19/96	
Larry Boggs v. Private Protective Services Board	96 DOJ 0797	Morrison	10/10/96	
Private Protective Services Board v. Charles T. Mathis	96 DOJ 0798	Mann	08/27/96	
Private Protective Services Board v. Ricky C. Mullinax	96 DOJ 0800	Becton	10/04/96	
Private Protective Services Board v. Michael A. Smith	96 DOJ 0801	Becton	10/09/96	
Keith L. Saunders v. Private Protective Services Board	96 DOJ 1363	Smith	01/15/97	

## MEDICAL BOARD

Medical Board v. Martin A. Hatcher, M.D.	92 BME 0510	Gray	06/28/96	11:08 NCR 555
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## PUBLIC INSTRUCTION

Lavern K. Suggs v. NC Board of Education	95 EDC 0383	Smith	03/13/96	11:01 NCR 50
V.A.A. and R.L.A. v. Johnston County School System	95 EDC 1024	Mann	02/11/97	11:24 NCR 1860
J.T.S. & T.S., Parents of E.M.S. v. Chapel Hill-Carrboro City Schl. Sys.	95 EDC 1194	Mann	04/12/96	
L.O. v. Charlotte-Mecklenburg Board of Education	96 EDC 0285	Mann	05/31/96	
Candycce Ewanda Newsome v. Hertford County Board of Education	96 EDC 0344	Chess	05/15/96	
W. and G.B., on Behalf of C.B. v. Winston-Salem/Forsyth Cty. Schools	96 EDC 0349	Mann	09/03/96	
Zelma J. Hillsman v. NC State Board of Education	96 EDC 0399	Phipps	01/27/97	11:23 NCR 1808
Cyvonne Rush Bryant v. NC State Board of Education	96 EDC 0591	Becton	09/11/96	
Steve Wright Brown v. State Board of Education	96 EDC 0593	Reilly	10/11/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0613	Chess	08/14/96	
Blaise Malveau v. Cumberland County Board of Education	96 EDC 0614	Chess	08/14/96	
John Barlow v. Watauga County Board of Education	96 EDC 0623	Reilly	07/24/96	
Louis Craig Gill v. State Board of Education	96 EDC 0675	Smith	12/18/96	11:20 NCR 1624
John L. Archer v. Department of Public Instruction	96 EDC 0678	Smith	08/02/96	
Pamela F. Cummings v. Department of Public Instruction	96 EDC 0742	Smith	08/16/96	
Susie Whitley/Brandon Whitley v. Charlotte-Mecklenburg Bd. of Ed.	96 EDC 0964	Chess	09/17/96	
Larry Goins v. Department of Public Instruction	96 EDC 0994	Reilly	04/10/97	
Michael Wayne Geter v. Charlotte-Mecklenburg School Board	96 EDC 1036	West	09/23/96	
Ted Louis Raye v. State Board of Education	96 EDC 1055	Morrison	01/10/97	
Felicia M. Moore v. Charlotte-Mecklenburg Schools & Dept. of Public Ins.	96 EDC 1303	Smith	11/25/96	
Michael B. Trombley v. Department of Public Instruction	96 EDC 1970	Gray	02/20/97	

## REVENUE

Long Branch Env. Ed. Ctr., Inc. v. Buncombe Cty Comm., Buncombe Cty Bd. of Equalization and Review and the Buncombe Cty Tax Assessor	97 REV 0135	Chess	03/17/97	
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## STATE PERSONNEL

### Department of Administration

Jimmie A. Hughes, Jr. v. Department of Administration	96 OSP 0008	Reilly	07/23/96	
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Jonathan L. Fann v. Department of Administration, Admin. Personnel	96 OSP 0042	Gray	05/24/96	
Carlton Gerald v. State Capitol Police, Department of Administration	96 OSP 0116	Gray	04/25/96	
<i>Administrative Office of the Court</i>				
Ethel R. Tyson v. NC Judicial Dept., Administrative Office of the Court	96 OSP 0080	Smith	03/15/96	
<i>Albemarle Mental Health Center</i>				
Judy A. Gordon v. Albemarle Mental Health Center	96 OSP 0354	Chess	10/17/96	
<i>Caldwell County</i>				
Blake C. Pace v. Caldwell County	96 OSP 0047	Morrison	04/01/96	
<i>Catawba County Mental Health</i>				
Tonyer J. Ruff v. Catawba County Mental Health	96 OSP 0951	Becton	10/22/96	
<i>Central North Carolina School for the Deaf</i>				
Felicia S. Milton v. Central North Carolina School for the Deaf	95 OSP 1241	Chess	05/17/96	
<i>Department of Correction</i>				
Haydee Craver v. Department of Correction, Pender Correctional Inst.	95 OSP 1046	Gray	03/12/96	
Nancy L. Marek v. Department of Correction, Division of Prisons	95 OSP 1075	Chess	02/17/97	
Gregory Allen Jones v. Department of Correction, Supt. Bonnie Boyette	95 OSP 1290	Phipps	05/14/96	
Carolyn Cheek v. Department of Correction	95 OSP 1441	Smith	09/19/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	95 OSP 1460	Gray	05/17/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0092	Gray	06/03/96	
Brenda Propst v. Foothills Correctional Institution	96 OSP 0199	Morrison	04/09/96	
Delon D. Solomon v. Department of Correction	96 OSP 0258	West	07/02/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0261	Morrison	08/05/96	
Ann Williams v. Department of Correction	96 OSP 0279	Phipps	10/31/96	
Haydee C. Craver v. Department of Correction, Christopher Phillips	96 OSP 0348	Phipps	05/15/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0372**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0373**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0374**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0375**	Smith	07/05/96	
Dwight Taylor, Mike Estep, Jackie Boone, Robert Pitman, Jeffery Clark v. Department of Correction	96 OSP 0376**	Smith	07/05/96	
Rebecca A. Faison v. Department of Correction for Women	96 OSP 0383	Becton	10/01/96	
Calvia L. Hill v. Department of Correction, McCain Correctional Hospital	96 OSP 0397	Gray	08/15/96	
Pamela Robinson v. Department of Correction	96 OSP 0403	Phipps	12/18/96	
James A. Klein v. Department of Correction	96 OSP 0434	Gray	10/29/96	
James E. Holmes v. Secretary Franklin Freeman (DOC), Parole Comm.	96 OSP 0538	Becton	02/07/97	
Greggory Thomas, Sr. v. Department of Correction	96 OSP 0578	Chess	04/10/97	
Tony R. Broffman v. Department of Correction	96 OSP 0625	Becton	08/29/96	
Mary Hargraves v. Department of Correction	96 OSP 0674	Smith	09/05/96	
Michael S. Doe v. Caswell Center	96 OSP 0691	Phipps	09/23/96	
Timothy L. Willis v. Caswell Correctional Center	96 OSP 0715	West	07/30/96	
Alisha Louise Staley v. Randolph Correctional Center	96 OSP 0780	Smith	10/16/96	
Thomas N. Powell v. Department of Correction ENTERPRISE	96 OSP 0950	Chess	04/15/97	
Sharon Oxendine v. Department of Correction	96 OSP 0999	Becton	10/22/96	
James D. Dowdy v. Department of Correction	96 OSP 1081	Smith	02/21/97	
Larry W. Cole, Sr. v. Brown Creek Correctional Inst.	96 OSP 1136	Phipps	02/10/97	
Martin Tyler Wells, Sr. v. Dept of Correction Sandhill Youth Center	96 OSP 1142	Chess	01/28/97	
Timothy J. Ciscel & Anita K Ciscel v. DOP/Piedmont Corr. Inst.	96 OSP 1149	Chess	01/24/97	
Charles H. Perry v. Department of Correction	96 OSP 1542	Reilly	01/02/97	
Barbara Graham v. Department of Correction	96 OSP 1700	Becton	03/07/97	11:25 NCR 1964
Calvia L. Hill v. Dept. of Correction, Lumberton Correctional Inst.	96 OSP 1705	Smith	03/27/97	
Samuel Davenport v. Department of Correction	96 OSP 1973	Chess	04/04/97	
Mohammad R. Pirouzkah v. Department of Correction	97 OSP 0038	Phipps	03/24/97	
Mohammad R. Pirouzkah v. Department of Correction	97 OSP 0239	Gray	04/11/97	
<i>Craven County Health Department</i>				
Linda Walker v. Craven County Health Department	95 OSP 1171* <sup>15</sup>	Smith	01/24/97	
Patricia Kemp v. Craven County Health Department	95 OSP 1233* <sup>15</sup>	Smith	01/24/97	



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Patricia Kemp v. Craven County Health Department	96 OSP 0324*15	Smith	01/24/97	
<i>Department of Crime Control and Public Safety</i>				
Jerry Lee Fields v. State Highway Patrol	94 OSP 1174*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 0249*9	Smith	07/23/96	
Hearl Oxendine v. Crime Control & Public Safety, St. Highway Patrol	95 OSP 0697	Smith	10/16/96	
Jerry Lee Fields v. State Highway Patrol	95 OSP 0836*10	Gray	08/05/96	
Gene Wells v. Crime Control & Public Safety, State Highway Patrol	95 OSP 1050*9	Smith	07/23/96	
Lloyd Edward Lowry v. Department of Crime Control & Public Safety	96 OSP 0341	Reilly	02/28/97	11:24 NCR 1886
Peter Mason Griffin v. Crime Control & Public Safety, St. Hwy Patrol	96 OSP 1309	Gray	12/12/96	
Mary S. Holmes v. Victim & Justice Services Division, DCCPS	96 OSP 2000	Morrison	04/16/97	
<i>Durham County Health Department</i>				
Lylla D. Stockton v. Durham County Health Department	95 OSP 0176	West	07/02/96	
<i>Employment Security Commission</i>				
Gene S. Baker v. Gov. James B. Hunt, Jr., Ann Q. Duncan, Chairman, Employment Security Commission	93 OSP 0707	Becton	05/16/96	11:05 NCR 300
William Herbert Allen v. Employment Security Commission	94 OSP 1688	West	06/11/96	
Patricia Gary v. Employment Security Commission	95 OSP 0793	Chess	05/14/96	
Tonderlier Lynch v. Emp. Security Comm., Austin Quality Foods, Inc.	96 OSP 0275	Chess	05/21/96	
Jessie James Thomas, Jr. v. Employment Security Commission	96 OSP 1961	Phipps	01/27/97	
<i>Department of Environment, Health, and Natural Resources</i>				
Robertta Ann "Robin" Hood v. Environment, Health, & Natural Resources	95 OSP 0035	Reilly	04/09/96	
Kathy B. Vinson v. Dept. of Environment, Health, & Natural Resources	95 OSP 0203	Gray	09/18/96	11:13 NCR 1087
Diana Tootle v. Department of Environment, Health, & Natural Resources	95 OSP 0569	Reilly	03/24/97	11:26 NCR 2042
Donald E. Batts v. Division of Adult Health, EHNR	95 OSP 1071	Smith	10/01/96	
<i>Guilford County Area Mental Health, Developmental Disabilities and Substance Abuse</i>				
Stuart Klatte v. Guilford Cty Area MH/DD/SAS, St. Per Comm, OSP	95 OSP 1179	Smith	07/19/96	11:10 NCR 865
<i>Department of Human Resources</i>				
Sheila Logan v. Black Mountain Center, Dept. of Human Resources	95 OSP 0672	Chess	01/24/97	
Myron A. Smith v. DHR, Division of Child Development	95 OSP 1033	Morrison	11/27/96	
Ophelia Webb v. Edard R. Inman, Dir. Alamance Cty DSS, Alamance Cty DSS, Alamance County, and DHR	96 OSP 0112	Gray	03/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0114*11	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0146*11	Gray	11/05/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0147*11	Gray	11/05/96	
Gail Marie Rodgers Lincoln v. DHR, DMH/DD/SAS-Cherry Hosp., Cherry Hospital	96 OSP 0159	Chess	06/17/96	
Cynthia D. Hickman v. DHR, Central School for the Deaf	96 OSP 0191	Becton	09/23/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0217	Reilly	08/13/96	
Peggy Pledger v. Department of Human Resources, Dorothea Dix Hosp.	96 OSP 0241*11	Gray	11/05/96	
Mary A. Boogaerts v. Cherry Hospital, Goldsboro, NC	96 OSP 0269	Becton	05/29/96	
Kelvin Parter v. Dorothea Dix Hospital	96 OSP 0294	Chess	08/07/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0543	Reilly	07/09/96	
Johnny Earl Young v. Unit Head Director of Food & Nutrition	96 OSP 0590	Reilly	07/09/96	
Kim A. Bell v. Walter B. Jones Alcohol & Drug Abuse Treatment Center	96 OSP 0597	Becton	09/11/96	
William C. Neal v. Department of Human Resources	96 OSP 0605	Morrison	04/17/97	11:27 NCR 2099
Allen J. Wright, Jr. v. Blue Ridge Area Authority	96 OSP 0665	Reilly	12/20/96	
Lynn S. Hales v. John Umstead Hospital	96 OSP 0729	West	10/02/96	
Deborah Ayala v. DHR/DSS/Child Support Enforcement	96 OSP 1062	Smith	10/29/96	
Jacqueline C. Branch v. Division of Facility Services	96 OSP 1089	Smith	12/09/96	
<i>Buncombe County Department of Social Services</i>				
Kathy Davis v. Buncombe County Department of Social Services	95 OSP 1487	West	08/09/96	
<i>Caswell Center</i>				
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	89 OSP 0411	Becton	03/26/96	
Ramona C. Jenkins v. Department of Human Resources, Caswell Center	91 OSP 0522	Becton	03/26/96	11:02 NCR 89
Franklin D. Sutton v. Department of Human Resources, Caswell Center	94 OSP 0766	Smith	03/21/96	
<i>Cumberland County Department of Social Services</i>				

**CONTESTED CASE DECISIONS**

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
Deborah McKoy v. Cumberland County Department of Social Services	95 OSP 1059	Chess	02/17/97	
Ruth Fortner v. Cumberland County Department of Social Services	96 OSP 0829	Becton	12/02/96	
<i>Durham County Department of Social Services</i>				
Jan E. Smith v. Durham County Department of Social Services	95 OSP 1121	Morrison	05/24/96	
<i>Halifax County Department of Social Services</i>				
Clairbel Thomas v. Halifax County DSS & Director, Halifax County DSS	95 OSP 0905	West	05/29/96	11:06 NCR 395
<i>Haywood County Department of Social Services</i>				
Carol Hubbard v. Haywood County Department of Social Services	95 OSP 1084	Reilly	08/30/96	11:13 NCR 1092
<i>Lenoir County Department of Social Services</i>				
Sharron S. Moten v. Lenoir County DSS, Jack B. Jones	96 OSP 1100	Gray	12/06/96	
Felicia Ann Baker v. Lenoir County DSS, Jack B. Jones	96 OSP 1101	Gray	12/12/96	
<i>Division of Medical Assistance</i>				
Harold Wiggins v. Division of Medical Assistance	95 OSP 1482	West	06/11/96	
<i>O'Berry Center</i>				
Samuel Geddie v. O'Berry Center	96 OSP 0414	Morrison	06/13/96	
Gale Worrells v. Department of Human Resources, O'Berry Center	96 OSP 1011	Gray	01/09/97	11:21 NCR 1699
<i>Onslow County Department of Social Services</i>				
Andrew Kent Wigmore v. Onslow County Department of Social Services	96 OSP 1014	Trawick	04/15/97	11:27 NCR 2108
<i>Rockingham County Department of Social Services</i>				
Loretta Lawson v. Rockingham County DSS	96 OSP 0471	West	06/13/96	
<i>Vance County Department of Social Services</i>				
Robert Eugene Davis v. Vance County Department of Social Services	96 OSP 0157	Reilly	10/28/96	
<i>Wake County Department of Social Services</i>				
Phyllis Gilbert v. Wake County Department of Social Services	95 OSP 1238	Phipps	06/27/96	
<i>Wilson County Department of Social Services</i>				
Karen R. Davis v. Wilson County Department of Social Services	96 OSP 0394	Chess	11/01/96	
<i>Department of Insurance</i>				
Larry W. Creech v. Department of Insurance	95 OSP 0631	Reilly	06/06/96	11:07 NCR 434
<i>Department of Justice</i>				
Thomas M. Hughes v. State Bureau of Investigation, Dept. of Justice	95 OSP 0368	Becton	02/28/97	11:24 NCR 1877
<i>Department of Labor</i>				
Kevin P. Kolbe, Sr. v. Department of Labor	95 OSP 0968	Morrison	03/14/96	11:01 NCR 58
Sydney Cheryl Sutton v. Department of Labor	95 OSP 1211	Phipps	02/04/97	
<i>New Hanover County Board of Health</i>				
Tabandeh Zand v. New Hanover County Board of Health	95 OSP 1035	Smith	03/01/96	
<i>Department of Public Instruction</i>				
Johnny Leak v. Public Schools of NC, Dept. of Public Instruction	96 OSP 0861	Phipps	09/05/96	
McLennard Jay v. Person County Schools	96 OSP 0862	Phipps	09/04/96	
<i>Sandhill Community College</i>				
Earl Levon Womack v. Sandhill Community College Bd. of Trustees	96 OSP 0573	Phipps	07/25/96	

# 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>Office of the State Controller</i>				
Angela M. Terry v. Office of the State Controller	96 OSP 0402	Becton	08/07/96	
<i>Tideland Mental Health Center</i>				
Lisa C. Selfridge v. Tideland Mental Health Center	96 OSP 1144	Smith	02/10/97	
<i>Department of Transportation</i>				
Pearlie M. Simuel-Johnson v. Department of Transportation	94 OSP 0589 <sup>*1</sup>	Gray	03/01/96	
Dorothy J. Grays v. Div. of Motor Vehicles, Dept. of Transportation	94 OSP 1044	Reilly	04/12/96	11:03 NCR 173
Bobby R. Mayo v. Department of Transportation	95 OSP 0561 <sup>*13</sup>	Reilly	01/08/97	
James H. Broyhill v. Department of Transportation	95 OSP 0673	Gray	12/02/96	
Bobby R. Mayo v. Department of Transportation	95 OSP 0798 <sup>*13</sup>	Reilly	01/08/97	
Pearlie M. Simuel-Johnson v. Department of Transportation	95 OSP 0837 <sup>*1</sup>	Gray	03/01/96	
Lisa Ann Lee v. Department of Transportation	95 OSP 1099	Reilly	07/31/96	
Melvin Duncan v. Department of Transportation	95 OSP 1462	Morrison	03/08/96	
Greg Brown v. Department of Transportation	96 OSP 0048	Reilly	05/02/96	
Jesse Wayne Castle v. State Highway Maint., Guess Rd., Durham, NC	96 OSP 0087	Gray	04/15/96	
Archie Brooks v. W. F. Rosser, Department of Transportation	96 OSP 0239	Smith	05/17/96	
Jessie L. Allen et al. v. DMV Enforcement Section	96 OSP 0408	Becton	08/12/96	
Dwight Odell Graves v. DOT Maintenance, Caswell County	96 OSP 0616	Morrison	10/24/96	
R.L. Singleton v. Department of Transportation	96 OSP 0683	Becton	08/12/96	
William Dean Gillenwater v. Department of Transportation	96 OSP 0684	Gray	12/13/96	
Shirley Pierce v. DOT/DMV Drivers License	96 OSP 0731	West	03/31/97	
Stephanie Taylor v. Department of Motor Vehicles	96 OSP 0955	Becton	08/29/96	11:13 NCR 1095
James M. Stokes, III v. Department of Transportation	96 OSP 0983	Smith	03/03/97	11:24 NCR 1891
Larry J. Winstead v. Department of Transportation	97 OSP 0060	Becton	03/27/97	
<i>Tri-County Mental Health Complex</i>				
Deborah Heil v. Tri-County Mental Health Complex	95 OSP 1100	Smith	03/22/96	
<i>University of North Carolina</i>				
Gregory Lapicki v. East Carolina University	94 OSP 1721	Reilly	09/26/96	
William C. Neal v. Fayetteville State University	95 OSP 0392	Smith	04/22/96	
Pamela B. Edwards v. University of North Carolina at Chapel Hill	95 OSP 0842	Chess	06/28/96	
Keith R. Cameron v. University of North Carolina at Chapel Hill	95 OSP 1060	Morrison	06/24/96	
Bruce W. Hunt v. Pembroke State University	95 OSP 1288	Becton	12/02/96	
Francina Y. Tate v. Chancellor Julius L. Chambers, NC Central Univ.	95 OSP 1432	Smith	04/22/96	
Renee Lynch v. NC Central University	95 OSP 1461	Smith	10/03/96	11:15 NCR 1255
Jerel H. Bonner v. School of Nursing UNC at Chapel Hill	96 OSP 0026	Gray	03/12/96	11:01 NCR 61
Janice S. Walton v. ASU, Beverly Christian, Joan Critcher, Libby Clawson	96 OSP 0055	West	01/15/97	
Janice S. Walton v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0062	West	03/13/96	
Janice S. Carroll v. Appalachian St University, Claude Cooper, Bill Ragan	96 OSP 0063	West	03/07/96	
Vernell Mitchell v. North Carolina Cooperative Extension	96 OSP 0132	Gray	05/10/96	
Bela E. Karvaly, Ph.D. v. ECU Bd. of Trustees, Ch. Richard R. Eakin	96 OSP 0150	Chess	05/08/96	
Bela E. Karvaly, Ph.D. v. UNC Bd. of Gov., Pres. C.D. Spangler, Jr.	96 OSP 0151	Chess	05/08/96	
Teresa Dail McCaskill v. East Carolina University	96 OSP 0212	Gray	01/10/97	
Carl E. Whigham v. UNC Hospitals at Chapel Hill	96 OSP 0248	Chess	06/11/96	
Gejuan Long v. Winston Salem State University	96 OSP 0253	Gray	01/17/97	
Theresa Louise Whittington v. Appalachian State University	96 OSP 0350	Smith	10/09/96	
Joey M. Carey v. A & T State University	96 OSP 0393	West	10/10/96	
J. Scott Spears v. Ralph Pederson and UNC-C	96 OSP 0548	Chess	08/30/96	
Richard Paul Schneck v. ECU Human Res., Sch. of Med., Psych. Med.	96 OSP 0759	Smith	12/19/96	
Rebecca Williams v. Winston Salem State University	96 OSP 0807	Smith	01/23/97	
Nellie Joyce Ferguson v. UNC Physicians & Assoc., Charles Foskey, Dir.	96 OSP 0977	Phipps	10/02/96	
Kristin K. Parkinson v. Western Carolina University	96 OSP 0987	Becton	10/22/96	
Mae Helen Lewis v. UNC Greensboro - Physical Plant	96 OSP 1000	Reilly	10/21/96	
Frederick A. Parmley v. NCSU Public Safety	96 OSP 1037	Smith	01/14/97	
Donna M. VanHook v. UNC Hospitals at Chapel Hill	96 OSP 1103	Gray	01/29/97	
Tommie Thompson v. UNCG, Physical Plant	96 OSP 1135	Chess	01/29/97	
Harvey Lee Clemmons v. North Carolina State University	96 OSP 1426	Reilly	01/16/97	
Andrew W. Gholson v. North Carolina State University	96 OSP 1730	Reilly	01/15/97	

\* Consolidated cases.



**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>Wake County Board of Health</i>				
Debbie L. Whitley v. Env. Health Div. Wake Cty. Dept. of Health	96 OSP 1090	Smith	09/05/96	
<b>STATE TREASURER</b>				
Donald B. Durham v. Teachers' & St. Employees Retirement Sys	92 DST 1066	Chess	07/17/96	11:09 NCR 810
Linda H. Belk v. Bd. of Trustees Teachers & St. Emp Retirement Sys	96 DST 0600	Smith	03/13/97	
Barbara Dauterman v. Teachers' & St. Employees Retirement Sys	96 DST 0913	Phipps	03/07/97	
Joyce Clyburn v. Dept. of State Treasurer Retirement Systems Division	96 DST 1087	Smith	10/18/96	
<b>DEPARTMENT OF TRANSPORTATION</b>				
James E. Phillips v. Department of Transportation, Div. of Motor Vehicles	96 DOT 1829	Reilly	12/10/96	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Sylvia Jeffries v. University of NC Hospitals at Chapel Hill	96 UNC 0067	Gray	04/16/96	
James E. Boudwin v. University of NC Hospitals at Chapel Hill	96 UNC 0343	Chess	07/22/96	
Rufus T. Moore Jr. v. UNC Hospital	96 UNC 0470	Reilly	08/12/96	
Marcia Spruill v. UNC Hospitals - Patient Accounts	96 UNC 0500	Becton	07/10/96	
Charles E. Houlik v. UNC Hospitals	96 UNC 0588	Morrison	08/09/96	

**STATE OF NORTH CAROLINA**  
**COUNTY OF CARTERET**

**IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
96 EHR 1126**

**FREDERICK ALBRITTON and wife PEGGY S.** )  
**ALBRITTON,** )  
**Petitioners,** )  
 )  
**v.** )  
 )  
**DEPARTMENT OF ENVIRONMENT, HEALTH,** )  
**AND NATURAL RESOURCES** )  
**Respondent.** )

**RECOMMENDED DECISION**

This matter came on for hearing before the undersigned administrative law judge on February 21, 1997 in New Bern. The petitioners appeared *pro se*. Amy R. Gillespie represented the respondent. The petitioner presented one witness and introduced sixteen photographs. The respondent presented three witnesses and introduced Exhibits #1, 3, 4, 5, 7 and 6A - 6F which are photographs.

**ISSUE**

Did the respondent err by denying petitioners' request for a minor permit under the Coastal Area Management Act to construct a single family dwelling on their lot at Atlantic Beach?

**FINDINGS OF FACT**

1. On May 2, 1996, petitioners submitted a Minor Permit Application to build a single family residence on oceanfront property owned by them at 310 Glenn Street, Atlantic Beach. The permit was required under the Coastal Area Management Act because the property is within an area of environmental concern.
2. Rule 15A NCAC 7H.0306 of the Coastal Resources Commission requires that oceanfront development be sited a specified distance landward of the first line of stable, natural vegetation.
3. The first line of stable, natural vegetation within the bounds of the property itself was only 30 to 50 feet seaward of the road.
4. However, a line, significantly closer to the ocean, was established through the extrapolation method provided in Rule 15A NCAC 7H.0305(e). The first line of stable, natural vegetation on the two adjacent lots to the east and west, were determined through on-ground observation and by aerial photograph. These lines were then extended across the petitioners' lot and were considered to be the first line of stable, natural vegetation for the lot.
5. Small, unconnected clumps of vegetation existed seaward of the extrapolated line on the petitioners' lot.
6. 60 feet was then measured landward from the extrapolated vegetation line to determine the oceanfront development setback for the petitioners' lot. This measurement was calculated pursuant to 15A NCAC 7H.0306, which provides that the setback distance is determined by multiplying the long-term average annual erosion rate on the property by 30. In this case, the erosion rate established through Commission rule-making was 2 feet per year. The result is a setback requirement of 60 feet.
7. This 60 feet was marked off landward from the first line of stable, natural vegetation (the setback line) on a sketch submitted by petitioners with their permit application. This sketch is part of respondent's Exhibit #5.
8. Consequently, only 22 to 30 feet remained between this point and the road marking the landward boundary of the lot. This is insufficient space to build petitioners' proposed 30 x 30 foot dwelling and satisfy applicable street setback requirements.

9. On August 27, 1996, respondent denied the petitioners' application pursuant to G.S. § 113A-120(8), which requires an application to be denied if the proposed development would be inconsistent with the rules of the Coastal Resources Commission.

10. No evidence was introduced at the administrative hearing concerning whether or not the denial of petitioners' application so restricted the use of their property as to deprive them of the practical uses thereof, being not otherwise authorized by law. No evidence was also introduced concerning whether or not the deprivation of practical uses constituted an unreasonable exercise of the police power because the denial of the application constituted the equivalent of taking without compensation.

#### **CONCLUSIONS OF LAW**

1. The respondent properly denied the petitioners' application.
2. If the denial is upheld, the petitioners may seek compensation pursuant to GS 113A-123. See the recent decision of the Court of Appeals in King v. State of North Carolina (February 18, 1997).

#### **RECOMMENDED DECISION**

The Coastal Resources Commission should uphold the permit denial decision by the respondent.

#### **NOTICE**

The Coastal Resource Commission will make the final agency decision. It will give each party the opportunity to file exceptions to this recommended decision and to present written arguments. The agency will serve a copy of the final decision on all parties, the attorneys of record and the Office of Administrative Hearings.

This the 2nd day of April, 1997.

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Robert Roosevelt Reilly, Jr.  
Administrative Law Judge



**STATE OF NORTH CAROLINA**

**COUNTY OF WAKE**

**IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
96 OSP 0605**

**WILLIAM C. NEAL**

**Petitioner,**

**v.**

**N.C. DEPARTMENT OF HUMAN RESOURCES,**

**Respondent.**

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**RECOMMENDED DECISION**

This matter was heard in Raleigh, North Carolina on October 28-30, 1996 and December 9, 10, and 19, 1996 by Senior Administrative Law Judge Fred G. Morrison, Jr.

**APPEARANCES**

Petitioner: Thomas Hilliard, III  
Attorney at Law  
P. O. Box 25305  
Raleigh, North Carolina 27611

Respondent: Victoria L. Voight  
Assistant Attorney General  
N.C. Department of Justice  
P. O. Box 3642  
Raleigh, North Carolina 27602-0629

**ISSUES**

1. Did DHR have just cause to demote Petitioner for unsatisfactory job performance?
2. Did DHR comply with all applicable procedural requirements in demoting Petitioner for unsatisfactory job performance?

**WITNESSES**

The following people testified for Petitioner: Jim Jarrard; Lynda Richard; Susan White; Petitioner; and Debra Dihoff.

The following people testified for Respondent: Thomas Michael Fain; Michael Mayer; Michael Moseley; Susan White; Leza Aycock; and Phillip Hoffman.

**EXHIBITS**

The following proposed exhibits submitted by Petitioner were actually admitted into evidence at the hearing: 1A-1C, 3-10, 17, 19-32, 39-45, 48, 50, 52-54, 56

The following proposed exhibits submitted by Respondent were actually admitted into evidence at the hearing: 1-7, 9, 11-16, 18, 20, 22, 24-25, 28-30, 33-34, 36-42, 44-53, 55-57, 59-60, 62-63, 65

**Based upon the official documents in the file, sworn testimony of the witnesses, and other competent and admissible evidence, the undersigned makes the following:**

**FINDINGS OF FACT**

1. Petitioner is a current State employee and has been employed by the State since 1974. During his employment with the State, Petitioner has worked in various accounting and business related positions and has served as the Director of Business Services at a State university.

2. In the spring of 1994, Petitioner applied for and was selected to fill the position of Business Officer I with the Thomas S. Section of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH) of the Department of Human Resources (DHR). The position is a pay grade 73. Petitioner's annual salary at the time of hire was \$42,671.00.
3. The Thomas S. Section is a subunit of the DMH. It was created in response to a class action lawsuit on behalf of adults with mental retardation who were inappropriately served in the State's psychiatric hospitals. The purpose of the Section is to provide services to identified class members in accordance with the requirements of a federal court order. The Section has a current annual budget of 73.5 million dollars.
4. The Business Officer I position serves as the budget officer for the Thomas S. Section and is responsible for handling budget administration, contracts and community funding. As stated in the position description, the job requires a great deal of independence and initiative and requires the employee to participate in the allocation of funds; to realign funds as needed to cover unforeseen budget needs; to coordinate the development of contracts; and to review and approve all contract invoices to ensure accuracy and timely payment. The position serves as a member of the Thomas S. Management Team and participates in weekly management team meetings. The position is physically located in the Thomas S. Office and receives day to day assignments from the Thomas S. Section Chief, but is actually part of the DMH budget staff and receives professional supervision from DMH's Chief Budget Officer. For this reason, the position is described as having a dual reporting relationship and personnel decisions regarding the filling of the position are jointly made.
5. At the time Petitioner was selected to fill the Thomas S. Budget officer position, the Thomas S. Section Chief was Mike Moseley and DMH's Chief Budget Officer was Phillip Hoffman. Moseley and Hoffman jointly interviewed Petitioner for the Thomas S. Budget officer position. During the interview, they discussed the duties of the position; the competing demands inherent in the job; and the demanding work schedule. At the conclusion of the selection process both felt Petitioner had the background necessary to perform the duties of the position and agreed to offer Petitioner the business officer position.
6. During the period of time that Moseley served as Thomas S. Section Chief, he provided Petitioner feedback concerning his performance which included at least one documented counseling enumerating a number of areas of performance which needed improvement and providing guidance as to specific improvements which Petitioner needed to make. Among the items discussed was the timely processing of invoices (to be paid within 3-5 days of receipt) and the need to notify Hoffman prior to the 5th day if this time frame could not be met. As of the date Moseley left the Section Chief position in December of 1994, many of these performance deficiencies had not been corrected.
7. In December of 1994, Susan White became the new Thomas S. Section Chief. White had previously served as the Section's Assistant Chief. Shortly after assuming her new duties as Section Chief, White prepared a work plan for Petitioner which she forwarded to Hoffman for approval. Among the duties listed in the workplan were: coordinate the development of contracts; and process all bills for payment within 5 days of receipt.
8. A similar work plan was prepared for the 95/96 work year. It provided for the review and processing of contracts for approval in accordance with DHR and State Purchase and Contract guidelines; the processing of contracts for approval in a timely manner; the processing of contract invoices for payment within three working days of receipt; and the processing of all bills or requests for payment within 3 days of receipt. Under the heading, "behavioral expectations", the work plan stated that Petitioner should "Seek solutions to problems actively before being asked or told to do so. Takes action to achieve results."
9. During the period of time that she served as Section Chief, White also noted problems with Petitioner's performance, including: failure to follow-up or follow through with promised actions; problems with understanding basic budget concepts; and failure to timely complete work assignments. She addressed these problems in various ways, including face-to-face discussions, memos to Petitioner and Hoffman; work plans; and disciplinary action.
10. In an April 17, 1995, memo, Petitioner was advised of the need to develop guidelines or parameters for contract development and approval.
11. On May 1, 1995, Petitioner received written documentation of an oral warning for failure to timely process an allocation letter. White had specifically asked Petitioner to prepare an allocation letter to cover an urgent request by an area program. The letter was not prepared within the allotted time frame. White then followed-up with

Petitioner concerning the status of the letter and informed Petitioner that the letter needed to go out ASAP. Petitioner assured White that it would go out within two weeks. Again, the letter was not received within the promised time frame. White made a third inquiry as to the status of the letter and was informed that Petitioner had not sent it out because there was not enough money in that line item of the budget. White authorized the transfer of funds to cover the allocation and the letter was finally sent out. In the written documentation, Petitioner was advised that when there was a problem which prevented him from complying with the standard processing time frame, he was expected to let someone know that there was a problem.

12. On May 23, 1995, Petitioner received a written warning for failing to timely and accurately prepare a series of allocation letters. Once again, the incident involved Petitioner having made certain promises regarding the time frame for completion of the work which he didn't keep.
13. On June 2, 1995, Petitioner received a memo from Hoffman which referenced several problems with his performance. In the memo, Hoffman informed Petitioner that when he encountered problems accomplishing his work he should bring it to Hoffman's attention.
14. On or about July 18, 1995, Petitioner attended a predisciplinary conference regarding his failure to timely process a request for payment from the federal Special Master's Office. The Special Master oversees the Section's implementation of the federal court order. The Special Master had requested special handling of a request for payment covering salaries and expenses for the month of July in order to avoid a payment delay such as the one that occurred at the beginning of the previous fiscal year. Through correspondence, Petitioner advised the Special Master that the request "could" be processed during the week of July 10. Petitioner later requested approval for vacation for the week of July 10. Prior to approving the request, White asked Petitioner whether he had done everything necessary to honor the Special Master's request. Petitioner told White that he had submitted the request to the fiscal office for payment and that all that remained was for the fiscal office to begin writing checks for the new fiscal year. While Petitioner was on vacation, the Special Master called about the status of the checks. White contacted the fiscal office and was informed that no request for payment had been received. During the conference, Petitioner requested additional time to respond to the allegations, which was granted. After receiving Petitioner's response, though not happy with his performance, Hoffman decided that the incident might have resulted from miscommunication and misunderstandings and, giving Petitioner the benefit of the doubt, decided not to give Petitioner a disciplinary action for the incident. Petitioner was, however, again reminded that he was to process all requests for payment within 3 days.
15. Among the clients served by the Section under the federal court order was a man referred to during the hearing as Tommy J. Tommy is a particularly difficult client to serve because, in addition to being mentally retarded, he has a significant hearing impairment, is incredibly strong, has a very short fuse, and had a documented history of sexual problems involving children. Because of this, the area program covering Tommy's county of residence had refused to serve Tommy. The Section had arranged to provide services to Tommy at a special facility in Florida; however, the Section was under increasing pressure from the Special Master to provide appropriate services to Tommy in North Carolina. Eventually, the Special Master issued a series of orders demanding that Tommy be returned to North Carolina by a date certain and threatened to hold DHR's Secretary in contempt if this deadline was not met.
16. In February of 1995, the Section asked a private, nonprofit corporation named New Partners Inc., (NPI), to develop a plan to provide services to Tommy in North Carolina. NPI was a relatively new company, headquartered in Ohio, which had recently begun providing services in North Carolina. The company's focus was the provision of services to difficult-to-serve clients like Tommy. Mike Mayer, the network director for NPI, flew down to examine Tommy and developed a service delivery plan which was tentatively approved by the Special Master. The Special Master reluctantly agreed to give the Section until July 19, 1995, to bring Tommy back to North Carolina, but warned that further delays could result in the issuance of contempt citations.
17. From the outset, both the Section and NPI knew that it would be difficult to meet the deadline imposed by the Special Master. First, the concept of contracting directly with a service provider was new to the Section. The Section traditionally allocated service delivery funds to the area mental health programs which, in turn, contracted directly with the service provider for the delivery of services. In this case, since the area program had stated that it had no interest in serving Tommy, the Section was forced to contract directly with the service provider. Neither the Section nor DMH had experience or guidelines governing such contracts. Additionally, the plan necessitated the purchase of a residence to house Tommy, and neither the DMH nor NPI wanted to assume responsibility for the purchase or



ownership of property. Lastly, implementation of the plan was extremely costly and both parties were continually looking for ways to reduce the cost of service. Resolution of these issues required the involvement of DMH budget and fiscal staff and delayed approval of the initial contract. The initial contract was not signed until April of 1995.

In accordance with standard DMH practice, the initial contract was set to expire on June 30, 1995, with the understanding that the parties would negotiate a subsequent amendment or extension contract to cover services to be provided during the 95/96 fiscal year.

18. The initial contract generally provided for the provision of services to Tommy J. and three other yet-to-be-identified clients at a residence or residences to be purchased by NPI. It contained no service delivery dates and dealt primarily with the issue of start-up costs. As set forth in the initial contract, Petitioner was designated as the contract administrator for the Section and Mike Mayer was designated as contract administrator for NPI.
19. Because of the delays in getting the initial contract approved, on May 10, 1995, NPI notified the Section it would not be able to meet its initial projected time frame for the provision of services to Tommy J. It also notified the Section that it appeared likely that it would need an additional fifteen thousand dollars to cover the purchase of a residence if and when it found one suitable.
20. On May 17, 1995, White sent Petitioner a memo requesting that he do what was necessary to get NPI the additional \$15,000.00 in start-up funds and suggesting that he walk the request over to Mr. Hoffman for approval as soon as it was formulated.
21. As of May 22, 1995, Petitioner had not prepared a contract amendment to cover the additional start-up costs. In frustration, White assigned Jim Jarrard, another Section employee, to "assist" Petitioner in preparing the contract amendment. In so doing, she sent Petitioner a second memo to which she attached a copy of the Special Master's order so that he would clearly understand the importance of doing whatever was necessary to assist NPI in meeting the July 19, 1995, deadline.
22. That same day, Jarrard prepared a proposed amendment for Hoffman's review. Three days later, Jarrard delivered the proposed amendment to Petitioner for processing. In accordance with DMH procedure, Petitioner submitted the proposed amendment to DMH's fiscal office for approval. On June 1, 1995, Petitioner faxed a proposed amendment to NPI for signature.
23. In addition to containing an additional \$15,000.00 in start-up funds, the proposed amendment contained service delivery dates for Tommy J. (July 19, 1995) and the three yet-to-be-identified other clients (June 30, 1995). The proposed amendment did not extend the duration of the contract. NPI refused to sign the proposed amendment because it contained service delivery dates contrary to those contained in its May 10, 1995, letter and required the provision of services during the next fiscal year (the 7/19/95 placement date for Tommy J.) without extending the duration of the contract. Petitioner was notified of NPI's concerns by Mayer. Petitioner promised to investigate these concerns and get back in touch. Mayer also sent White a letter noting NPI's disappointment with the Section's response times to date and informing her that these delays were impacting NPI's ability to adhere to the previously agreed to time frames.
24. On June 5, 1995, Mayer met with various representatives of the Section, including Petitioner, to discuss the status of the project; the problems with locating suitable housing; and strategies for meeting the deadline for bringing Tommy J. back to North Carolina.
25. As of June 11, 1995, Mayer had still not received a revised contract amendment for signature. On June 12, 1995, Mayer called Petitioner about the status of the contract and was advised that Lynda Richard, the Section's Client Services Director, had initialed the changes he had requested and that a revised amendment should be forthcoming.
26. Thereafter, Mayer had several phone conversations with Petitioner about various issues relating to service delivery costs to be contained in the extension contract; however, it was not until July 18, 1995, after the initial Tommy J. contract had expired and the day before NPI was to begin providing services to Tommy in North Carolina, that Mayer received a draft of the extension contract for review and comment. The draft extension contract had not yet been reviewed or approved by the DMH fiscal office.
27. NPI had several problems with the draft extension contract, not the least of which was that it required that NPI "place" the three other clients by June 30, 1995 (a deadline which had already passed and which NPI had repeatedly said it

could not meet). NPI immediately notified Petitioner orally and in writing of the problems it had with the draft extension contract.

28. On July 26, 1995, Petitioner sent a revised draft extension contract to Leza Aycock, DMH's Chief Fiscal Officer, for review and approval. Petitioner faxed a courtesy copy of the revised draft to Mayer. In reviewing the revised draft, Mayer noticed that although Petitioner had changed the service delivery date for the other three clients as requested by NPI, he had not made other language changes requested by NPI (NPI had requested that the wording be changed from "move into their placements" to "will receive services by") which were critical to NPI's ability to comply with the contract provisions. Mayer immediately called Petitioner and requested that this language be changed.
29. Upon receipt of the revised draft extension contract (which was drafted in the form of an amendment), Aycock asked Petitioner to provide her with a copy of the initial contract. Aycock then reviewed the extension contract against the initial contract and prepared a list of items that needed to be clarified or corrected before she could approve the extension contract for signature. This list was forwarded to Petitioner on August 6, 1995. Petitioner did not contact Aycock about the list and Aycock did not receive any new drafts of the extension contract during the months of August or September.
30. In late July, August, and early September, Mayer contacted Petitioner on numerous occasions to check on the status of the contract and was told that the extension contract should be ready "soon".
31. On August 11, 1995, Petitioner received an invoice from NPI for services rendered during the 95-96 fiscal year. Petitioner did not process the invoice for payment, nor did he notify anyone that he was not processing it. On September 9, 1995, Petitioner received a second invoice from NPI for services rendered during the 95-96 fiscal year. Petitioner did not process the invoice for payment, nor did he notify anyone that he was not processing it.
32. During the latter half of September, Mayer's contacts with Petitioner regarding approval of the extension contract and payment of the pending invoices became more frequent and more urgent. Petitioner continued to assure Mayer that the contract should be ready soon and payment received within a few days thereafter.
33. On September 29, 1995, Mayer told Petitioner that he couldn't wait any longer and that he was going to contact White. Petitioner assured Mayer that the contract should be ready the first of next week. Mayer called White and told her that the extension contract hadn't been approved and NPI hadn't been paid. This was the first notice White had of the problem. White told him that she would check into it and get back in touch. White went to Petitioner to inquire as to the status of the contract. Petitioner told her that the extension contract had been submitted to fiscal for approval. Petitioner then contacted Mayer and asked for fiscal information to extend the contract through October. Mayer faxed the requested information to Petitioner that same date.
34. Also on September 29, 1995, Petitioner prepared another draft revision of the extension contract which he then forwarded to Aycock in the DMH fiscal office for approval. The cover memo on the new draft extension contract didn't indicate that there was any urgency with respect to approval and the package was not received in the fiscal office until October 3, 1995. The new draft extension contract did not address all of the issues outlined in Aycock's August checklist. It also did not include the language changes regarding service delivery dates previously requested by NPI. The new draft extended the contract through October of 1995.
35. On October 4, 1995, Hoffman sent Petitioner an urgent E-mail informing him of problems with the draft extension contract and asking to meet with Petitioner and others ASAP to address these problems. That same date, Petitioner received a third invoice from NPI covering services provided during the 95/96 fiscal year. In a telephone call with Mayer, Petitioner stated that the contract was ready to be signed as soon as he made a few more calculations.
36. On October 6, 1995, Mayer notified Petitioner that NPI still had not been paid and that if payment was not received immediately, NPI intended to terminate services.
37. On October 9, 1995, Mayer again contacted Petitioner about the contract and Petitioner stated that it was hours away from being finalized. That same day, Petitioner sent White a memo, attaching the NPI invoices, and notifying her that NPI has made an "urgent request for payment". Petitioner suggested that White contact Hoffman and Aycock and request that they approve payment of the invoices even though a contract covering the service delivery period had not yet been approved. White did as suggested by Petitioner and was informed by Hoffman and Aycock that they could not approve payment without an approved contract.



38. On October 11, 1995, Mayer contacted Hoffman about the contract. They discussed the areas of concern and Hoffman faxed him revised information for review and approval.
39. On October 13, 1995, the contract was signed and the invoices were paid.
40. As a result of the delay in payment of the invoices, Mayer testified that NPI's payroll checks bounced, its credit record was damaged, and continued services to the Section clients covered by the contract were jeopardized.
41. Hoffman and White discussed the problems with the handling of the NPI contract with Michael Fain, DMH Personnel Officer. Fain provided them advice based upon the information contained in his copy of the State Personnel Manual. The "Disciplinary Action Section" of the Manual was amended by the State Personnel Commission effective October 1, 1995; however, the Office of State Personnel did not send out copies of the new policy until October 26, 1995, and Fain did not receive a preliminary copy of the policy until November 14, 1995.
42. Hoffman and White decided to conduct a predissmissal conference. White agreed to make the arrangements. On October 12, 1995, White sent Petitioner a certified email message instructing him to attend a meeting on October 17, 1995. The message stated that the meeting related to Petitioner's handling of the NPI contract and described the meeting as a predissmissal conference. The message informed Petitioner that Hoffman had asked that he prepare a chronology of the events surrounding the NPI contract problems. White copied Hoffman on the email. After White received notice that Neal had received the message, she stopped by his office to ask if he had any questions about the meeting.
43. On October 17, 1995, Petitioner attended a meeting with White, Hoffman, and Fain. Fain was present in an advisory capacity. Petitioner was again informed that the meeting was a predissmissal conference. Petitioner, White, and Hoffman discussed the problems with the processing of the NPI contract. Among the concerns expressed by Hoffman were: Petitioner's failure to timely respond to Aycock's list of concerns; his lack of work on the contract during August and September; and his statements to Mayer that the contract was close to being approved and that payment should be received soon. Hoffman and White discussed the similarity of the NPI situation to Petitioner's past performance problems including the problems surrounding the handling of the Special Master's request. Petitioner had not completed the chronology requested by Hoffman. Petitioner requested additional time to respond to the allegations. Hoffman agreed to give Petitioner additional time to prepare a response, stating that he would meet with Petitioner again after he had an opportunity to review his response.
44. Petitioner provided Hoffman with both a chronology and a written response. In the response, Petitioner stated that the reason he didn't work on the contract in August and September was because he was waiting for resolution of an issue relating to property ownership and this information was not received until September. Hoffman rejected this explanation because the property ownership issue was not crucial to the processing of the extension contract; it didn't explain why Petitioner did not notify someone in a position of authority concerning the problem with the NPI contract; and it didn't explain why he didn't notify someone that invoices were going unpaid pending resolution of the problem. It also did not explain statements that Petitioner made to NPI regarding the status of the contract.
45. On October 23, 1995, Petitioner and Hoffman met to discuss Petitioner's response to the allegations. In that meeting, Petitioner stated that the reason he did not work on the NPI extension contract in August and September was because he had been busy working on allocation letters. Hoffman rejected this explanation because these were basically form letters which take very little time to prepare.
46. On October 26, 1995, Hoffman dismissed Petitioner from employment based upon his handling of the NPI extension contract. In the dismissal letter, Hoffman specifically listed as reasons for Petitioner's dismissal: his failure to work on the contract amendment between August 11, 1995, and September 29, 1995; his failure to notify Hoffman or White of the problems with the proposed amendments; his statements to NPI regarding the status of the contract upon which NPI relied; and his deficiencies regarding the timely processing of contracts and invoices and the provision of notice to Hoffman or White when these time frames could not be met.
47. Petitioner challenged his dismissal through the DHR grievance process. On January 31, 1996, Petitioner was provided a hearing before a DHR hearing officer. Present at the hearing were Hoffman, White, Fain, and Mayer. At the hearing, Petitioner was allowed to present documentary and testimonial evidence and to ask questions of the witnesses. At the conclusion of the hearing, the hearing officer found that while Petitioner committed the acts listed in the dismissal letter and while his acts violated known work rules and seriously impacted NPI, they were not



"willful" and thus did not constitute personal conduct, but rather were in the nature of unsatisfactory job performance. Since Petitioner had only received one written warning prior to his dismissal, the hearing officer concluded that Hoffman lacked just cause to dismiss Petitioner and recommended that he be reinstated. Because the hearing officer concluded that Petitioner's actions constituted unsatisfactory job performance and because he had previously received a written warning, the hearing officer recommended that Petitioner be demoted effective the date of the original dismissal. By letter dated April 24, 1996, the Secretary adopted the findings, conclusions and recommendation of the hearing officer and ordered that Petitioner be reinstated and retroactively demoted. Petitioner then filed his petition for a contested case hearing, attaching a copy of this letter.

48. By letter dated April 26, 1996, Petitioner was reinstated and retroactively demoted effective October 27, 1995, from a Business Officer I position, pay grade 73, to an Accounting Specialist II position, pay grade 69. Petitioner's salary was reduced by 10% from \$45,266.00 to \$40,739.00 and he was transferred from DMH to the DHR's Division of Social Services. Petitioner received back pay from October 27, 1995, at the reduced salary. A memo setting forth the reasons for his demotion was substituted for the dismissal letter in Petitioner's personnel file. There was no conference held with Petitioner following the Secretary's decision to demote.

### CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter pursuant to Chapters 126 and Chapter 150B of the North Carolina General Statutes and has the authority to issue a recommended decision to the State Personnel Commission ("SPC") which shall make the final decision.
2. G.S. § 126-35 states that "[n]o career State employee subject to the State Personnel Act shall be discharged, suspended, or demoted for disciplinary reasons, except for just cause." As defined by SPC rules in effect at the time this action was taken, "[e]ither unacceptable or grossly inefficient job performance or unacceptable personal conduct constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly." 26 NCAC 1J.0604(c).
3. The term "unacceptable job performance" means the failure to satisfactorily meet job requirements as specified in the job description, work plan, or as directed by management of the work unit or agency. Prior to being dismissed for unacceptable job performance, an employee shall receive at least two prior disciplinary actions. The actions need not all concern the same type of unsatisfactory performance and actions related to personal conduct may be included in the progressive system for performance related dismissal provided that the employee receives at least the number of actions, regardless of the basis of the actions, required for dismissal on the basis of inadequate performance. 25 NCAC 1J.0605. Prior to being demoted for unacceptable job performance, an employee shall receive at least one prior disciplinary action. 25 NCAC 1J.0612(1). Examples of employee activities which have been found by the courts to constitute unacceptable job performance include: failure to report resident abuse; failing to sign out or inform the supervisor before leaving the building on break; and failing to meet established quotas. See Walker v. DHR, 79 N.C. App. 125, 338 S.E.2d 826, disc. rev. denied, 313 N.C. 533, 344 S.E.2d 8 (1986); Walker v. DHR, 100 N.C. App. 498, 397 S.E.2d 350 (1990), disc. rev. denied, 328 N.C. 98, 402 S.E.2d 430 (1991); and Amanini v. DHR, 114 N.C. App. 668, 443 S.E.2d 114 (1994).
4. The term "grossly inefficient job performance" means the failure to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or agency where that failure results in: the creation of the potential for death or serious bodily injury to an employee or to members of the public or to a person over whom the employee has responsibility; or the loss of or damage to state property or funds that result in a serious impact on the state or work unit. 25 NCAC 1J.0614(f). Dismissal on the basis of grossly inefficient job performance is administered in the same manner as for unacceptable job performance. Employees may be dismissed on the basis of a current incident of grossly inefficient job performance without any prior disciplinary action. 25 NCAC 1J.0606. Similarly, an employee may be demoted for grossly inefficient job performance without any prior disciplinary action. 25 NCAC 1J.0612(2).
5. The term "unacceptable personal conduct" is defined, in part, as conduct for which no reasonable person should expect to receive prior warnings, or the willful violation of known or written work rules. 25 NCAC 1J.0614(i). Employees may be dismissed or demoted for a current incident of unacceptable personal conduct, without any prior disciplinary action.. 25 NCAC 1J.0608 and 1J.0612(a)(3). Actions by State employees which have been found by the courts

to constitute unacceptable personal misconduct include: failing to assist in a management investigation; intoxication; participation in an action which seriously disrupted or disturbed the normal operations of the workplace; and insubordination. See Reed v. Byrd, 41 N.C. App. 625, 255 S.E.2d 606 (1979); Jones v. DHR, 300 N.C. App. 687, 268 S.E.2d 500 (1980); Leiphart v. N.C. School of the Arts, 80 N.C. App. 339, 342 S.E.2d 914, cert. denied, 318 N.C. 507, 349 S.E.2d 862 (1986); and Walter v. Vance County, 90 N.C. App. 636, 369 S.E.2d 631 (1988).

6. Prior to effecting a dismissal for any reason, certain procedural requirements must be met. The employee must be given advance written notice of the pre-dismissal conference which includes the time, location, and issue for which dismissal has been recommended. Attendance at the conference is limited to the employee and the person conducting the conference; however, a second management representative and security personnel may also be present. The purpose of the pre-dismissal conference is to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee, in order to ensure that a dismissal decision is sound and not based on misinformation or mistake. Every effort shall be made to assure that the employee has had a full opportunity to set forth any available information in opposition to the recommendation to dismiss prior to the end of the conference. 25 NCAC 1J.0613(4). Failure to conduct a pre-dismissal conference is a procedural violation for which limited remedies are available. 25 NCAC 1B.0432(c).
7. Prior to effecting a disciplinary demotion for any reason, certain procedural requirements must also be met. The employee must be given advanced oral or written notice of a pre-disciplinary conference which includes the time, location, and issue for which discipline has been recommended. There are no restrictions or limitations contained in the rules with respect to who may attend a pre-disciplinary conference and the term is not otherwise defined in the rules. There is, however, a definition for disciplinary action which includes as subsets both demotion and dismissal. 25 NCAC 1J.0613(93)(c); 1J.0604(a).
8. The certified E-mail sent to Petitioner by White on October 12, 1995, met the notice requirements for both a pre-disciplinary and a pre-dismissal conference. It was in writing; it contained the location and time of the meeting; and it set forth the issue for which discipline or dismissal had been recommended.
9. The October 17, 1995, meeting of Petitioner, Hoffman, White and Fain met the requirements for a pre-disciplinary conference, such as they were. It also substantially met the requirements for a pre-dismissal conference. The rule limits the number of management representatives to two and there were only two present, Hoffman and White. Fain was there in an advisory capacity as DMH's personnel officer. While the rules do not specifically provide for the presence of a representative of the personnel office, they do not prohibit it either. Petitioner did not object to Fain's presence at the conference and offered no evidence that he was harmed by Fain's presence. Thus, Fain's presence constituted, at most, a harmless, technical violation. Further, during the conference Petitioner asked for and was given additional time to prepare a response. Thereafter, a second meeting was conducted, attended by only Petitioner and Hoffman. Any technical defect caused by Fain's presence at the first meeting was cured by the second one-on-one meeting. DHR was not required to prepare a second written notice since the second meeting was an extension of the original conference and the topic was the same. Similarly, DHR was not required to conduct a second pre-disciplinary conference prior to demoting Petitioner, having determined that the decision to dismiss him was inappropriate. The issue which had resulted in the decision to take disciplinary action was the same, Petitioner's handling of the NPI extension contract. This issue had been thoroughly discussed in the October 17, and 23 conferences and during the DHR step three hearing. There was nothing to be gained by conducting yet another meeting to discuss this issue.
10. Petitioner's actions with respect to the handling of the NPI extension contract, at minimum, constituted unacceptable job performance. (The question as to whether aspects of those actions might also have constituted grossly ineffective job performance or unacceptable personal conduct is not before us.) Petitioner did not process the extension contract in a timely manner and his explanations for why he did not do this are not acceptable. Petitioner did little or no work on the contract during a critical six week period. Petitioner's explanation that he was waiting for resolution of the property ownership question is inadequate, as is his suggestion that he was busy working on the allocation letters. The ownership issue was not a crucial element of the extension contract and the issuance of the allocation letters should not have taken six weeks to complete. Petitioner did not process the invoices for payment in a timely manner and his explanation for why he did not do so also is not acceptable since the reason he espoused (that there was not a contract in place) was partially within his power to remedy. More importantly, Petitioner did not notify either Hoffman or White that he did not have an extension contract in place and that he was holding invoices pending the execution of that contract. Petitioner had been repeatedly placed on notice orally and in writing that contracts were to be processed promptly and that invoices were to be submitted for payment within three days of receipt. He didn't do either of these things. Petitioner had also been repeatedly told, orally and in writing, that if he couldn't meet these



time frames, if there was a problem of any kind, he needed to tell either Hoffman or White. He didn't do that either. Given that White had already placed Petitioner on notice as to the importance of the NPI contract to the Section, Petitioner's failure to at least tell Hoffman or White that there was a problem, so that they could try and resolve it before it reached crisis proportions, was inexcusable. Lastly, Petitioner's statements to NPI concerning the status of the contract were detrimental to both the Section and NPI. Petitioner was responsible for preparing the draft extension contract and submitting it to Aycock for approval. From mid August till the end of September the only thing holding up the processing of that contract was Petitioner, yet Petitioner repeatedly assured NPI that the contract should be ready "soon", "in a few days", "the first of next week". NPI relied on that assurance to its detriment. That reliance almost caused NPI to shut its doors and if that had happened the Section would have been hard-pressed to secure adequate placement for the clients served by NPI and probably would have been facing federal sanctions. Petitioner's actions in this regard, at minimum, constituted extremely poor judgment.

11. Respondent had just cause to demote Petitioner for unacceptable job performance and to reduce his salary by 10%. Prior to being demoted for unacceptable job performance, the employee must have received at least one prior disciplinary action. Petitioner received a written warning on May 23, 1995. His actions with regard to the processing of the NPI extension contract constituted a second incident of unsatisfactory job performance for which demotion was an appropriate remedy. Thus, DHR had just cause to demote Petitioner for these actions. Petitioner has contended that because DHR initially labeled his actions "unacceptable personal conduct" rather than "unsatisfactory job performance" he was entitled to reinstatement to his previous pay and pay grade and, at most, to demotion effective the date of DHR's step three decision; however, the rules clearly state that the incorrect labeling of a disciplinary action as being either "performance" or "conduct" is not the test. The test is whether the substantive acts alleged constitute just cause for taking the particular disciplinary action in question. In this case, the question is whether Petitioner's actions with respect to the NPI contract plus his prior performance record constituted just cause for demoting him in October of 1995. The answer to this question is yes. Further, Petitioner had actual notice of the reasons for that action as of that date. For this reason, DHR not only had just cause to demote Petitioner, it had just cause to demote him as of the date the original disciplinary action was taken.
12. Since he was given back pay and the letter to Petitioner dated April 26, 1996, stated that he was being demoted from "your present classification as Business Officer I", Petitioner is entitled to an award of reasonable attorney's fees pursuant to G. S. 126-4(11) and pertinent rules of the State Personnel Commission. Since he had been dismissed, he had to be reinstated to his former position before he could be demoted.

### **RECOMMENDED DECISION**

It is recommended that the State Personnel Commission affirm DHR's decision to demote Petitioner, but award him reasonable attorney's fees upon submission of his counsel's affidavit.

### **ORDER**

It is hereby ordered that the agency serve 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 Statutes Section 150B-36(b).

### **NOTICE**

Before the agency makes the FINAL DECISION, it is required by North Carolina General Statutes section 150B-36(a) 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.

The agency is required by North Carolina General Statutes section 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.

This the 17th day of April, 1997.

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Fred G. Morrison, Jr.  
Senior Administrative Law Judge



STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
96 OSP 1014

ANDREW KENT WIGMORE,  
Petitioner,

v.

ONSLow COUNTY DEPARTMENT OF  
SOCIAL SERVICES,  
Respondent.

RECOMMENDED DECISION

THIS MATTER came on for hearing before the undersigned Administrative Law Judge during the course of a regularly scheduled hearing held on January 17, 1997 in Courtroom No. 2 of the Pender County Courthouse in Burgaw, Pender County, North Carolina. Petitioner appeared before the Court represented by his attorney, David P. Voerman. Respondent appeared before the Court represented by its attorney, Cynthia L. Turco. The Administrative Law Judge, based upon the evidence presented, including all witnesses who testified at the hearing, all exhibits which were admitted, and the arguments of counsel as made, makes the following recommended Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1. This action was instituted by Petitioner on August 2, 1996 through the filing and service of a formal Petition for a Contested Case hearing pursuant to N.C.G.S. §126-34 et seq.  
  
Prior to filing the aforesaid Petition, Petitioner had sought to pursue grievance options within the local grievance procedures established by the Onslow County Personnel Policies in accordance with Article VIII Section 5, of the Onslow County Personnel Policy and in accordance with N.C.G.S. §126-35 and relevant portions of the State Personnel Act and implementing regulations.
2. Petitioner is an attorney who was formerly employed as an Attorney I by the Onslow County Department of Social Services. Petitioner held such employment from on or about September 12, 1994 until on or about July 2, 1996.
3. Petitioner's work responsibilities were primarily in the Section IV-D Unit of the Onslow County Department of Social Services. The Section IV-D Unit handles child support enforcement matters. A preponderance of Petitioner's work responsibilities were, therefore, related to child support enforcement in the Section IV-D Unit. Petitioner's other duties were to handle child protective services matters when the Senior Department Attorney was unavailable to cover such matters.
4. Mr. James Coats had served as the Acting Director of the Onslow County Department of Social Services since June 5, 1996. In his role as Acting Director, Coats had direct supervisory responsibility for Petitioner. Under this arrangement, Petitioner reported directly to Coats as the Acting Director of the Department and Coats served as Petitioner's supervisor. Coats became dissatisfied with this arrangement as it did not allow him to provide sufficient "hands on" supervision of Petitioner's employment performance.
5. On July 1, 1996, Coats met with the Executive Committee within the Onslow County Department of Social Services. The Executive Committee was composed of Division Chiefs within the Department. As part of this meeting, Coats informed the members of the Executive Committee of Coats' intention to make an organizational change within the Department. This change would result in a change in the supervision arrangement for Petitioner. Specifically, Coats told the Executive Committee that Coats wished to place Petitioner under the supervision of Ms. Linda Byrd, Supervisor of the Section IV-D Unit of the Department where most of Petitioner's work was performed. No objection to this proposed change was made by any members of the Executive Committee.
6. The change proposed by Coats with regard to Petitioner only involved a change in Petitioner's supervisor.

It was not a demotion and did not involve a change in Petitioner's position, classification, salary, benefits, or work responsibilities. At the time the change was made, the change also did not involve any physical relocation of Petitioner with the Department.

7. Under the changed supervision arrangement, Coats, as Acting Director, would retain supervision of the entire Department. Such supervision would include supervision of all Department Heads and other supervisory staff within the Department, including Ms. Linda Byrd, the person who would assume supervisory responsibilities for Petitioner.
8. Coats intended to implement the proposed change immediately.
9. The change in supervision with regard to Petitioner was to provide for greater supervision of Petitioner's work. The change was not intended or calculated to get rid of Petitioner as a Department employee.
10. Prior to the change proposed by Coats, Petitioner and Ms. Linda Byrd had had some problems relating to one another. These problems preceded Coats' service as Acting Director. Coats had no direct knowledge about these problems and they were not a consideration in his decision to change Petitioner's supervision.
11. At or around 9:00 a.m. on July 2, 1996, Coats called Petitioner to Coats' office in the Department and informed Petitioner of Coats' decision to change Petitioner's supervisor. Only Coats and Petitioner were present in Coats' office at the time this information was presented by Coats to Petitioner. In response to the information shared by Coats, Petitioner asked Coats if the change would result in Petitioner being supervised by Ms. Linda Byrd. When Coats answered affirmatively, Petitioner stated, "I'll never take supervision from that woman [referring to Ms. Linda Byrd]. She is crazy. I'll quit and go clean out my office right now." Petitioner then abruptly left Coats' office. Petitioner's statement and conduct was a resignation from employment. Coats considered Petitioner's statement and conduct to be a resignation from employment.
12. The Onslow County Personnel Policy - 1996 specifies, in Article VII, Section 2, that a minimum of two (2) weeks written notice is expected of all resigning employees and that such notice is to be given to the Department Head (or in the case of Department Heads to the County Manager). These resignation provisions are not the only means whereby resignation can be accomplished. The provisions did not preclude Petitioner or any other Department employee from resigning from employment, based on the employee's words and conduct, and without any prior notice.
13. After Petitioner left Coats' office, Coats prepared a letter accepting Petitioner's resignation from employment with the Department. Coats placed the letter in a sealed envelope and had Mr. Wayne Davey, another member of the Department administrative staff, deliver the letter to Petitioner. Davey placed the sealed envelope on Petitioner's desk in Petitioner's office in the Department.
14. Coats also attempted to deliver the letter accepting Petitioner's resignation by trying to hand deliver a copy to Petitioner in person later in the day on July 2, 1996. Coats also sent a copy of the letter to Petitioner by certified mail, return receipt requested.
15. Petitioner never indicated to Coats at any later point in time that Petitioner would agree to accept the changed supervision arrangement Coats was implementing.
16. Following Petitioner's resignation, the change in supervision which Coats had implemented was applied to Petitioner's successor and the change is still in effect within the Department.
17. Petitioner received compensation and benefits from the Department through and including July 2, 1996.

#### **CONCLUSIONS OF LAW**

Based on the aforesaid Finding of Fact, the Court hereby concludes, as a matter of law, as follows:

1. This Court has jurisdiction over the subject matter of this action and the parties hereto.

2. On July 2, 1996, Petitioner, Andrew Kent Wigmore, by his words and conduct, voluntarily tendered a resignation from Petitioner's employment as an Attorney I with the Onslow County Department of Social Services. Such resignation occurred after Petitioner was informed about an organizational change which Department Acting Director Coats was making within the Department whereby Petitioner's supervisor would change from Coats, as Acting Director, to Ms. Linda Byrd, supervisor of the Section IV-D Unit within the Department. The change was being implemented immediately. The change involved only a change in Petitioner's supervisor. The change was not a demotion and did not involve any change in Petitioner's position, classification, salary, benefits, work responsibilities or physical relocation within the Department. The change was being made to allow for better supervision of Petitioner and was not intended or calculated to get rid of Petitioner as a Department employee. Under the changed supervision arrangement, Coats, as Acting Director, would retain supervision of the entire Department including supervision of Ms. Linda Byrd, the person who would assume responsibility for supervising Petitioner.
3. Petitioner resigned from Petitioner's employment with the Onslow County Department of Social Services at or about 9:00 a.m on July 2, 1996 during a conference between Petitioner and Coats. The conference occurred in Coats' office in the Department. When Coats informed Petitioner about the change in supervision Coats was implementing, Petitioner told Coats that "I will never take supervision from that woman [referring to Ms. Linda Byrd]. She is crazy. I will quit and clean out my desk right now." After making these statements, Petitioner abruptly departed from Coats' office. Coats considered and determined to treat Petitioner's words and conduct were a resignation from employment.
4. After making the statement and engaging in the conduct, Petitioner never indicated to Coats at any later point in time that Petitioner would agree to accept the changed supervision arrangement Coats was implementing with regard to Petitioner's position in the Department.
5. On July 2, 1996, Coats' accepted Petitioner's resignation from employment.
6. The resignation provision set forth in Article VII, Section 2 of the Onslow County Personnel Policy - 1996, which specify that a minimum of two (2) weeks written notice is expected of all resigning employees, are not the only means whereby an employee can resign from his employment with the County. These provisions do not give and are not intended to give an employee a 2-week period within which to change the employee's mind. Nor do these provisions require a 2-week period to expire before a resignation can be accepted. Such provisions do not preclude an employee from resigning from his or her employment, based on the employee's words and conduct, and without any prior notice.
7. Petitioner failed to present any evidence at the trial of this matter which would give rise to a finding by the Court that Petitioner was demoted, discharged, or otherwise adversely or improperly treated with regard to the matters at issue in this case.
8. Petitioner voluntarily resigned from Petitioner's employment with the Onslow County Department of Social Services, which resignation was accepted, and is, therefore, not entitled to any relief, as a matter of law in this case.

**ORDER**

IT IS HEREBY PROPOSED that the Personnel Commission enter the following ORDER:

1. It is hereby ORDERED that Petitioner Andrew Kent Wignore be deemed to have voluntarily resigned, as a matter of law, from Petitioner's employment as an Attorney I with the Onslow County Department of Social Services on July 2, 1996.
2. That Petitioner has received all compensation and other benefits to which he was entitled in connection with his former employment with the Onslow County Department of Social Services.
3. That judgment be rendered in favor of Respondent Onslow County Department of Social Services.



4. That each party bear its own expenses and costs, including attorneys' fees, with regard to this action.

RESPECTFULLY submitted this the 8<sup>th</sup> day of April, 1997.

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Honorable Gary E. Trawick  
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**

<b>TITLE</b>	<b>DEPARTMENT</b>	<b>LICENSING BOARDS</b>	<b>CHAPTER</b>
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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This index provides information related to notices, rules and other documents published in the Register. The information provided below includes notices and rules published on or after December 1, 1995 and will be cumulative through March 1997. For assistance contact the Rules Division at 919/733-2678.

Fiscal Note: S = Rule affects the expenditure or distribution of state funds. L = Rule affects the expenditure or distribution of local government funds. SE = Rule has a substantial economic impact of at least \$5,000,000 in a 12-month period. \* = Rule-making agency has determined that the rule does not impact state or local funds and does not have a substantial economic impact. See G.S. 150B-21.4.

## ACUPUNCTURE LICENSING BOARD

21 NCAC 01 .0101	11:18 NCR 1368									
21 NCAC 01 .0301		10:22 NCR 2860	Temp. Expired							
21 NCAC 01 .0702			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0703			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0704			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0705	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		Codified	
21 NCAC 01 .0706			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0707			10:16 NCR 2027	*	Approve	02/20/97	*			
21 NCAC 01 .0709	10:17 NCR 2228		10:22 NCR 2834	*	Approve	04/18/96	*		Codified	
21 NCAC 01 .0710			10:16 NCR 2027	*	Approve	01/16/97	*			
21 NCAC 01 .0711			10:16 NCR 2027	*	Approve	01/16/97	*			

## ADMINISTRATIVE HEARINGS

### Hearings Division

26 NCAC 03 .0301	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0302	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0303	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0304	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	
26 NCAC 03 .0305	11:03 NCR 110		11:09 NCR 588	*	Approve	10/17/96			Codified	

### Rules Division

26 NCAC 02C	11:19 NCR 1413									
26 NCAC 02C .0102	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			Codified	
26 NCAC 02C .0103	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
26 NCAC 02C .0111	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96			Codified	
26 NCAC 02C .0307	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	



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26 NCAC 02C .0401	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
26 NCAC 02C .0502	11:09 NCR 570		11:13 NCR 1058	*	Approve	12/19/96	*		Codified	
<b>ADMINISTRATION</b>										
1 NCAC 39 .0101	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96			Codified	
1 NCAC 39 .0201	10:16A NCR 1672		11:14 NCR 1111	*	Approve	12/19/96			Codified	
<b>State Building Commission</b>										
1 NCAC 30G .0101		11:04 NCR 194	11:19 NCR 1414	*	Approve	03/20/97			11-26 NCR 2004	
1 NCAC 30G .0102		11:04 NCR 194	11:19 NCR 1414	*	Object	03/20/97				
1 NCAC 30G .0103		11:04 NCR 194	11:19 NCR 1414	*	Approve	03/20/97	*		11-26 NCR 2004	
1 NCAC 30G .0104		11:04 NCR 194	11:19 NCR 1414	S/L	Object	03/20/97				
1 NCAC 30G .0105		11:04 NCR 194	11:19 NCR 1414	S/L	Approve	03/20/97			11-26 NCR 2004	
<b>AGRICULTURE</b>										
2 NCAC 09C .0701	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 09C .0702	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 09C .0704	10:24 NCR 3056	11:05 NCR 282	11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48A .0206	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11-22 NCR 1717	
2 NCAC 48A .0211	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97				
2 NCAC 48A .0214	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		11-22 NCR 1717	
2 NCAC 48A .1103	10:24 NCR 3056		11:06 NCR 324	*	Approve	01/16/97			11-22 NCR 1717	
2 NCAC 48A .1110	10:24 NCR 3056		11:06 NCR 324	*	Ext. Review	12/19/96	*		Codified	
2 NCAC 48B .0112	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		Codified	
2 NCAC 48B .0114	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 48B .0119	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		Codified	
2 NCAC 48B .0120	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96	*		Codified	
2 NCAC 52A .0004	11:27 NCR 2053			*	Approve	12/19/96				
2 NCAC 52A .0005	11:27 NCR 2053			*	Approve	12/19/96				
2 NCAC 52A .0006	11:27 NCR 2053			*	Approve	12/19/96				
2 NCAC 52A .0007	11:27 NCR 2053			*	Approve	12/19/96	*			

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					Action	Date				
2 NCAC 52A .0008	11:27 NCR 2053									
2 NCAC 52A .0009	11:27 NCR 2053									
2 NCAC 52B .0201	10:24 NCR 3056		11:06 NCR 324	*	Approve	12/19/96			Codified	
2 NCAC 52B .0212	11:14 NCR 1107		11:22 NCR 1709	*						
2 NCAC 52B .0303	11:14 NCR 1107		11:22 NCR 1709	*						
2 NCAC 52C .0701	11:14 NCR 1107		11:22 NCR 1709	*						
2 NCAC 52D .0001	11:27 NCR 2053									
<b>Marketing Authority</b>										
2 NCAC 43F .0003	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43I .0001	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43I .0007	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0202	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0401	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0402	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0403	11:14 NCR 1107		11:22 NCR 1706	*						
2 NCAC 43L .0405	11:14 NCR 1107		11:22 NCR 1706	*						
<b>Plant Conservation Board</b>										
2 NCAC 48F .0301	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0302	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97			11:26 NCR 2004	
2 NCAC 48F .0304	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0305	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
2 NCAC 48F .0306	11:07 NCR 407		11:11 NCR 883	*	Approve	03/20/97	*		11:26 NCR 2004	
<b>Structural Pest Control</b>										
2 NCAC 34 .0503		11:21 NCR 1651								
2 NCAC 34 .0602		11:21 NCR 1651								
2 NCAC 34 .0604		11:21 NCR 1651								
2 NCAC 34 .0605		11:21 NCR 1651								

## AUCTIONEERS LICENSING BOARD

21 NCAC 04B .0202 11:18 NCR 1368

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COMMERCE										
4 NCAC 01E	11:09 NCR 569									
4 NCAC 01F	11:09 NCR 569									
4 NCAC 01H	11:09 NCR 569									
4 NCAC 01I	11:09 NCR 569									
4 NCAC 01J	11:09 NCR 569									
4 NCAC 01K	11:09 NCR 569									
Community Assistance										
4 NCAC 01K .0501	11:09 NCR 569									
4 NCAC 01K .0502	11:09 NCR 569									
4 NCAC 01K .0503	11:09 NCR 569									
4 NCAC 01K .0504	11:09 NCR 569									
4 NCAC 01K .0505	11:09 NCR 569									
4 NCAC 01K .0506	11:09 NCR 569									
4 NCAC 19L .0401	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0403	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0404	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0407	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0501	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0502	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0505	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0706	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0707	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0708	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0805	11:09 NCR 569									
4 NCAC 19L .0901	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0906	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0907	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .0911	11:09 NCR 569		11:14 NCR 1113	*						



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4 NCAC 19L .1002	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1004	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1009	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1011	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1301	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1302	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1303	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1701	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1702	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1703	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1801	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1802	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1803	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1804	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1805	11:09 NCR 569		11:14 NCR 1113	*						
4 NCAC 19L .1900	11:09 NCR 569		11:14 NCR 1113	*						
<b>Credit Union Division</b>										
4 NCAC 06C .0205	10:18 NCR 2398									
4 NCAC 06C .0407	10:18 NCR 2398									
4 NCAC 06C .0409	10:18 NCR 2398									
<b>Energy</b>										
4 NCAC 12C .0007					Approve	07/18/96			Codified	
<b>State Ports Authority</b>										
4 NCAC 13A .0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0105	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0203	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13A .0204	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B .0001	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13B.0002	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0003	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0004	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13B.0005	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13C.0001	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13D.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0101	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0102	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0103	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0201	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0202	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0301	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0302	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0401	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0402	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0403	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0404	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0405	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0501	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0502	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0601	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0602	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0603	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0701	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0702	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0801	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0803	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0901	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13E.0902	10:24 NCR 3056		11:13 NCR 1040	*						
4 NCAC 13F.0301	10:24 NCR 3056		11:13 NCR 1040	*						

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4 NCAC 13F .0302	10:24 NCR 3056		11:13 NCR 1040	*						
<b>COMMUNITY COLLEGES</b>										
23 NCAC 01A .0001	11:18 NCR 1369	11:25 NCR 1919			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0001					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0004					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0005					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 01B .0008					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 02C .0108	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02C .0202	11:18 NCR 1369									
23 NCAC 02C .0207	11:18 NCR 1369									
23 NCAC 02C .0304										
23 NCAC 02C .0305	11:18 NCR 1369	11:25 NCR 1919			Object	01/16/97	*		11:24 NCR 1832	Notice Not Required
23 NCAC 02C .0604	11:18 NCR 1369	11:25 NCR 1919			Approve	02/20/97				
23 NCAC 02C .0701	11:18 NCR 1369									
23 NCAC 02D .0103	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0104										
23 NCAC 02D .0201	11:18 NCR 1369	11:25 NCR 1919			Approve	01/16/97			11:22 NCR 1717	Notice Not Required
23 NCAC 02D .0202	11:17 NCR 1336									
23 NCAC 02D .0202	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0301	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0323	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0324	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02D .0325	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		Codified	
23 NCAC 02D .0327	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0101	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0102	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0201	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0203	10:24 NCR 3058		11:09 NCR 585	*	Object	01/16/97	*		11:24 NCR 1832	
					Approve	02/20/97				



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23 NCAC 02E .0203	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0204	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0205	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0501	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 02E .0604	11:18 NCR 1369	11:25 NCR 1919								
23 NCAC 03A .0113	10:24 NCR 3058		11:09 NCR 585	*	Approve	11/21/96	*		Codified	
<b>CRIME CONTROL &amp; PUBLIC SAFETY</b>										
14A NCAC 07 .0313	11:24 NCR 1818									
<b>CULTURAL RESOURCES</b>										
<b>USS North Carolina Battleship Commission</b>										
7 NCAC 05 .0202	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0203	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0203		11:19 NCR 1436								
7 NCAC 05 .0204	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
7 NCAC 05 .0207	10:18 NCR 2398		11:04 NCR 188	*	Approve	12/19/96			Codified	
<b>DENTAL EXAMINERS</b>										
21 NCAC 16B .0303	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0002	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16I .0004	11:20 NCR 1538									
21 NCAC 16I .0005	11:20 NCR 1538									
21 NCAC 16I .0006	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16M .0003	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0001	11:20 NCR 1538		11:25 NCR 1915	*						
21 NCAC 16R .0002	11:20 NCR 1538									
21 NCAC 16R .0003	11:20 NCR 1538									
21 NCAC 16R .0004	11:20 NCR 1538		11:25 NCR 1915	*						

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					Action	Date				
21 NCAC 16R .0005	11:20 NCR 1538									
21 NCAC 16V .0101	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
21 NCAC 16V .0102	10:16 NCR 2043		11:20 NCR 1556	*						Notice Subject Matter
<b>ENVIRONMENT, HEALTH, AND NATURAL RESOURCES</b>										
15A Public Notice										
15A Public Notice										11:01 NCR 2
15A NCAC 01K	10:19 NCR 2506									11:09 NCR 590
15A NCAC 01M .0101		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0101		11:19 NCR 1439								
15A NCAC 01M .0102		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0102		11:19 NCR 1439								
15A NCAC 01M .0201		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0201		11:19 NCR 1439								
15A NCAC 01M .0202		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0202		11:19 NCR 1439								
15A NCAC 01M .0301		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0301		11:19 NCR 1439								
15A NCAC 01M .0302		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0302		11:19 NCR 1439								
15A NCAC 01M .0303		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0303		11:19 NCR 1439								
15A NCAC 01M .0304		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0304		11:19 NCR 1439								
15A NCAC 01M .0305		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0305		11:19 NCR 1439								
15A NCAC 01M .0306		11:06 NCR 368	Temp Expired							
15A NCAC 01M .0306		11:19 NCR 1439								
<b>Coastal Resources Commission</b>										
15A NCAC 07	11:04 NCR 183									
15A NCAC 07H .0104	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96				11:09 NCR 575

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					Action	Date				
15A NCAC 07H .0106	10:16 NCR 1921		11:04 NCR 190	*	Approve	12/19/96	*			11:20 NCR 1569
15A NCAC 07H .0106	11:19 NCR 1408		11:27 NCR 2058	*	Approve	09/19/96	*		Codified	Notice Subject Matter
15A NCAC 07H .0201	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0202	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0203	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0204	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0205	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0206	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0207	11:22 NCR 1704		agency withdrew							
15A NCAC 07H .0208	11:22 NCR 1704		11:27 NCR 2058	*						
15A NCAC 07H .0208	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0208	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07H .0304	10:24 NCR 3045		11:07 NCR 409	*	Object	11/21/96	*		Codified	11:09 NCR 575
					Approve	12/19/96				11:20 NCR 1569
15A NCAC 07H .0304	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S						
15A NCAC 07H .0305	11:15 NCR 1200	11:15 NCR 1226	11:27 NCR 2069	S						
15A NCAC 07H .0306	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .0309	11:08 NCR 442		11:12 NCR 981	*						
15A NCAC 07H .1104	11:04 NCR 183		11:11 NCR 907	*	Approve	01/16/97	*		11:22 NCR 1717	
15A NCAC 07H .1202	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1204	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1205	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1304	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1404	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1504	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1600	11:15 NCR 1200									
15A NCAC 07H .1601	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 07H .1604	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 07H .1605	11:15 NCR 1200		11:27 NCR 2071	*						
15A NCAC 07H .1704	11:04 NCR 183		11:11 NCR 907	*						



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15A NCAC 07H .1804	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .1904	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2004	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07H .2104	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07J .0102	10:24 NCR 3045		11:04 NCR 190	*						
15A NCAC 07K .0203	11:04 NCR 183		11:11 NCR 907	*						
15A NCAC 07M .0301	10:16B NCR 1921		11:11 NCR 907	*	Approve	11/21/96			Codified	
15A NCAC 07M .0302	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0303	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0304	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0305	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0306	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0307	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0308	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0309	10:16B NCR 1921		11:11 NCR 907	*						
15A NCAC 07M .0401	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0402	10:18 NCR 2317		11:11 NCR 931	*	Approve	01/16/97	*			
15A NCAC 07M .0403	10:18 NCR 2317		11:11 NCR 931	*	Object	01/16/97	*			
					Approve	02/20/97	*		11:24 NCR 1832	
15A NCAC 07M .1201	11:19 NCR 1408		11:27 NCR 2058	*						
15A NCAC 07M .1202	11:19 NCR 1408		11:27 NCR 2058	*						
<b>Environmental Management Commission</b>										
15A NCAC 02	10:24 NCR 3045									
15A NCAC 02	11:04 NCR 183									
15A NCAC 02	11:19 NCR 1408									
15A NCAC 02B .0101	11:24 NCR 1818									
15A NCAC 02B .0202	11:24 NCR 1818									
15A NCAC 02B .0223	11:02 NCR 75									
15A NCAC 02B .0223	11:03 NCR 109									
15A NCAC 02B .0224	10:18 NCR 2400									
			11:12 NCR 973	*						

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					Action	Date				
15A NCAC 02B .0227	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0229	11:03 NCR 109		11:09 NCR 572	*	Object	11/21/96	*		Codified	
15A NCAC 02B .0229	11:24 NCR 1818									
15A NCAC 02B .0231	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L/S/E						
15A NCAC 02B .0232	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0233	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0234	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0235	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	*						
15A NCAC 02B .0236	11:02 NCR 75		11:10 NCR 824 11:14 NCR 1136	L						
15A NCAC 02B .0237					Approve	12/19/96			Codified	
15A NCAC 02B .0303	10:18 NCR 2400		11:12 NCR 973	*						
15A NCAC 02B .0304	11:24 NCR 1818									
15A NCAC 02B .0304	11:26 NCR 1976									
15A NCAC 02B .0304	11:26 NCR 1984									
15A NCAC 02B .0305	11:20 NCR 1534									
15A NCAC 02B .0306	11:26 NCR 1976									
15A NCAC 02B .0306	11:26 NCR 1984									
15A NCAC 02B .0307	11:26 NCR 1976									
15A NCAC 02B .0307	11:26 NCR 1984									
15A NCAC 02B .0308	11:20 NCR 1534									
15A NCAC 02B .0308	11:26 NCR 1976									
15A NCAC 02B .0308	11:26 NCR 1984									
15A NCAC 02B .0309	11:26 NCR 1976									
15A NCAC 02B .0309	11:26 NCR 1984									
15A NCAC 02B .0311	11:26 NCR 1976									

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15A NCAC 02B .0311	11:26 NCR 1984									
15A NCAC 02B .0313	11:24 NCR 1818									
15A NCAC 02B .0313	11:26 NCR 1976									
15A NCAC 02B .0313	11:26 NCR 1984									
15A NCAC 02B .0315	11:02 NCR 75		11:09 NCR 572	L	Approve	11/21/96	*		Codified	
15A NCAC 02B .0315	11:24 NCR 1818									
15A NCAC 02B .0316	11:20 NCR 1534									
15A NCAC 02B .0316	11:26 NCR 1976									
15A NCAC 02B .0316	11:26 NCR 1984									
15A NCAC 02B .0317	11:26 NCR 1976									
15A NCAC 02B .0317	11:26 NCR 1984									
15A NCAC 02C .0211					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0213					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02C .0214					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 02D .0101	11:15 NCR 1200									
15A NCAC 02D .0104	11:15 NCR 1200									
15A NCAC 02D .0105	11:15 NCR 1200									
15A NCAC 02D .0108	11:15 NCR 1200									
15A NCAC 02D .0202	11:15 NCR 1200									
15A NCAC 02D .0302	11:15 NCR 1200									
15A NCAC 02D .0307	11:15 NCR 1200									
15A NCAC 02D .0501	11:15 NCR 1200									
15A NCAC 02D .0518	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0518	11:19 NCR 1408									
15A NCAC 02D .0521	11:15 NCR 1200									
15A NCAC 02D .0524	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .0524	11:15 NCR 1200									
15A NCAC 02D .0525	11:15 NCR 1200									
15A NCAC 02D .0530	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	



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15A NCAC 02D .0531	11:15 NCR 1200									
15A NCAC 02D .0535	10:18 NCR 2317		11:16 NCR 1271	*	Approve	04/17/97				
15A NCAC 02D .0610	11:15 NCR 1200									
15A NCAC 02D .0806	11:26 NCR 1976									
15A NCAC 02D .0902	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0902	11:19 NCR 1408									
15A NCAC 02D .0907	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0909	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0909	11:19 NCR 1408									
15A NCAC 02D .0910	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0911	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0912	11:15 NCR 1200									
15A NCAC 02D .0917	11:19 NCR 1408									
15A NCAC 02D .0918	11:19 NCR 1408									
15A NCAC 02D .0919	11:19 NCR 1408									
15A NCAC 02D .0920	11:19 NCR 1408									
15A NCAC 02D .0921	11:19 NCR 1408									
15A NCAC 02D .0922	11:19 NCR 1408									
15A NCAC 02D .0923	11:19 NCR 1408									
15A NCAC 02D .0924	11:19 NCR 1408									
15A NCAC 02D .0934	11:19 NCR 1408									
15A NCAC 02D .0946	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .0948	11:19 NCR 1408									
15A NCAC 02D .0949	11:19 NCR 1408									
15A NCAC 02D .0950	11:19 NCR 1408									
15A NCAC 02D .0951	11:19 NCR 1408									
15A NCAC 02D .0953	11:15 NCR 1200									
15A NCAC 02D .0953	11:26 NCR 1976									
15A NCAC 02D .0954	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .0954	11:15 NCR 1200									

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					Action	Date				
15A NCAC 02D .1005	11:15 NCR 1200									
15A NCAC 02D .1100	11:08 NCR 442									
15A NCAC 02D .1106	11:26 NCR 1976									
15A NCAC 02D .1107	11:15 NCR 1200									
15A NCAC 02D .1110	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .1111	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02D .1201	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1202	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1203	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1203	11:15 NCR 1200									
15A NCAC 02D .1204	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1205	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1206	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1207	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97				
15A NCAC 02D .1208	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*			
15A NCAC 02D .1209	10:24 NCR 3045		11:16 NCR 1271	L/SE	Approve	04/17/97	*			
15A NCAC 02D .1402	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .1403	10:24 NCR 3045		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02D .1500	11:19 NCR 1408									
15A NCAC 02D .1902	11:19 NCR 1408									
15A NCAC 02D .1903	11:19 NCR 1408									
15A NCAC 02D .2200	11:15 NCR 1200									
15A NCAC 02D .2200	11:26 NCR 1976									
15A NCAC 02H .0225	11:15 NCR 1200	11:15 NCR 1225	11:20 NCR 1550	*						
15A NCAC 02H .0610	11:08 NCR 442	11:27 NCR 2073	11:27 NCR 2073	*						
15A NCAC 02H .1202	11:15 NCR 1200									
15A NCAC 02H .1203	11:15 NCR 1200									
15A NCAC 02H .1204	11:15 NCR 1200									
15A NCAC 02H .1205	11:15 NCR 1200									

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15A NCAC 02L	11:15 NCR 1200 11:15 NCR 1204									
15A NCAC 02L .0106		10:19 NCR 2508	11:21 NCR 1639	*						
15A NCAC 02L .0115	11:15 NCR 1200 11:15 NCR 1204		11:21 NCR 1639	L						
15A NCAC 02L .0202	10:20 NCR 2591									
15A NCAC 02N	11:15 NCR 1200									
15A NCAC 02N	11:15 NCR 1204									
15A NCAC 02N .0701	11:15 NCR 1200		11:21 NCR 1639	*						
15A NCAC 02N .0707	11:15 NCR 1204		11:21 NCR 1639	*						
15A NCAC 02P	11:15 NCR 1200									
15A NCAC 02P .0402	11:15 NCR 1204	10:19 NCR 2512	11:21 NCR 1639	*						
15A NCAC 02Q .0102			11:06 NCR 350	*						
15A NCAC 02Q .0102	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96	*		Codified	
15A NCAC 02Q .0102	11:19 NCR 1408									
15A NCAC 02Q .0104	10:24 NCR 2400		11:08 NCR 472	*	Approve	11/21/96	*		Codified	
15A NCAC 02Q .0107	10:18 NCR 2400		11:08 NCR 472	*	Approve	11/21/96			Codified	
15A NCAC 02Q .0207	11:19 NCR 1408									
15A NCAC 02Q .0300	11:26 NCR 1976									
15A NCAC 02Q .0312	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97				
15A NCAC 02Q .0313	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97				
15A NCAC 02Q .0507	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0512	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0514	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0515	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0517	10:24 NCR 2400		11:08 NCR 472	S/L	Approve	11/21/96			Codified	
15A NCAC 02Q .0525	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97				
15A NCAC 02Q .0527	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97				
15A NCAC 02Q .0607	10:24 NCR 3045		11:16 NCR 1271	*	Approve	04/17/97				
15A NCAC 02Q .0700	11:08 NCR 442									
15A NCAC 02R .0501		11:27 NCR 2075								



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15A NCAC 02R .0502		11:27 NCR 2075								
15A NCAC 02R .0503		11:27 NCR 2075								
15A NCAC 02R .0504		11:27 NCR 2075								
NPDES Permits										
NPDES Permits										11:06 NCR 317
NPDES Permits										11:07 NCR 406
										11:27 NCR 2051
<b>Health Services, Commission for</b>										
15A NCAC 13A .0101	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97				
15A NCAC 13A .0105	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97				
15A NCAC 13A .0107	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97				
15A NCAC 13A .0111	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97				
15A NCAC 13A .0112	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97				
15A NCAC 13A .0119	11:16 NCR 1269		11:20 NCR 1552	*	Approve	04/17/97				
15A NCAC 13B .1627	11:08 NCR 442		11:13 NCR 1055	*						
15A NCAC 13B .1800	11:08 NCR 442									
15A NCAC 13B .1800	11:26 NCR 1976									
15A NCAC 13C .0301	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0302	10:18 NCR 2317		11:06 NCR 357	*	Object Approve	09/19/96 11/21/96	*		Codified	
15A NCAC 13C .0303	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0304	10:18 NCR 2317		11:06 NCR 357	*	Approve	11/21/96	*		Codified	
15A NCAC 13C .0305	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0306	10:18 NCR 2317		11:06 NCR 357	*	Object Approve	09/19/96 11/21/96	*		Codified	
15A NCAC 13C .0307	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 13C .0308	10:18 NCR 2317		11:06 NCR 357	*	Approve	09/19/96	*		Codified	
15A NCAC 18A	11:04 NCR 183									
15A NCAC 18A .0134	11:08 NCR 442		11:12 NCR 987	*	Object Approve	12/19/96 01/16/97	*		11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0134									11:22 NCR 1717	
15A NCAC 18A .0136	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	

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15A NCAC 18A .0137	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0159	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0168	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11-22 NCR 1717	
15A NCAC 18A .0168					Approve	01/16/97	*		11-22 NCR 1717	Notice Not Required
15A NCAC 18A .0169	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0173	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	
15A NCAC 18A .0174	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0175	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0176	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11-22 NCR 1717	
15A NCAC 18A .0182	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0182					Approve	01/16/97			11-22 NCR 1717	
15A NCAC 18A .0183	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11-22 NCR 1717	Notice Not Required
15A NCAC 18A .0184	11-08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11-22 NCR 1717	
15A NCAC 18A .0185	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11-22 NCR 1717	
15A NCAC 18A .0186	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0187	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			11-22 NCR 1717	
15A NCAC 18A .0301	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11-22 NCR 1717	
15A NCAC 18A .0301					Approve	01/16/97			Codified	
15A NCAC 18A .0302	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11-22 NCR 1717	Notice Not Required
15A NCAC 18A .0401	11-08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A .0421	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0424	11-08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11-22 NCR 1717	
15A NCAC 18A .0425	11-08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A .0614	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0614					Object	12/19/96	*		11-22 NCR 1717	
15A NCAC 18A .0615	11-08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			Codified	
15A NCAC 18A .0616	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0617	11-08 NCR 442		11:12 NCR 987	*	Approve	12/19/96	*		Codified	

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15A NCAC 18A .0618	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0618					Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .0620	11:08 NCR 442		11:12 NCR 987	*	Approve	12/19/96			Codified	
15A NCAC 18A .0621	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .0901	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .1301	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1301					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .1302	11:08 NCR 442		11:12 NCR 987	*	Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .1319	11:08 NCR 442		11:12 NCR 987	*	Object	12/19/96	*		11:22 NCR 1717	
15A NCAC 18A .1301					Approve	01/16/97			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .1805	11:04 NCR 183		11:09 NCR 576	*	Approve	12/19/96			Codified	
15A NCAC 18A .1814					Approve	04/18/96			Codified	
15A NCAC 18A .1937	11:19 NCR 1408	11:20 NCR 1561			Object	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .1938	11:19 NCR 1408	11:20 NCR 1561			Approve	01/16/97			11:22 NCR 1717	
15A NCAC 18A .1958	11:19 NCR 1408	11:20 NCR 1561			Approve	01/16/97			Codified	
15A NCAC 18A .1961	11:19 NCR 1408	11:20 NCR 1561			Approve	12/19/96			11:22 NCR 1717	Notice Not Required
15A NCAC 18A .2601		11:01 NCR 24	11:05 NCR 273	*	Approve	10/17/96			Codified	
15A NCAC 18A .2701					Approve	06/20/96	*		Codified	
15A NCAC 19A .0101	11:26 NCR 1976									
15A NCAC 19A .0102	11:26 NCR 1976									
15A NCAC 19A .0201	11:26 NCR 1976									
15A NCAC 19A .0203	11:21 NCR 1638									
15A NCAC 19A .0205	11:26 NCR 1976									
15A NCAC 20D .0243										
15A NCAC 21H .0111		11:06 NCR 371	Temp expired		Approve	04/18/96			Codified	
15A NCAC 21H .0113		11:06 NCR 371	Temp expired							
15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*			
15A NCAC 21J .0101		11:07 NCR 422	11:20 NCR 1552	*	Approve	04/17/97	*			

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					Action	Date				
15A NCAC 24A .0202		11:24 NCR 1827								
15A NCAC 26C .0001	11:19 NCR 1408									
15A NCAC 26C .0002	11:19 NCR 1408									
15A NCAC 26C .0003	11:19 NCR 1408									
15A NCAC 26C .0004	11:19 NCR 1408									
15A NCAC 26C .0005	11:19 NCR 1408									
15A NCAC 26C .0006	11:19 NCR 1408									
15A NCAC 26C .0007	11:19 NCR 1408									
Marine Fisheries Commission										
15A NCAC 03	11:11 NCR 881									
15A NCAC 03	11:20 NCR 1537									
15A NCAC 03	11:26 NCR 1976									
15A NCAC 03	11:26 NCR 1985									
15A NCAC 031 .0101	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 031 .0105	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 031 .0107	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 031 .0110	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 031 .0116	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 031 .0117	11:26 NCR 1976	11:26 NCR 2000								
15A NCAC 031 .0019			10:21 NCR 2737	*	Approve	05/16/96	*		Codified	
15A NCAC 031 .0104	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 031 .0202	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 031 .0301	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 031 .0401			10:21 NCR 2688	*	Approve	05/16/96	*		Codified	
15A NCAC 03K .0105	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 03K .0204	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 03K .0304	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required
15A NCAC 03L .0102	11:07 NCR 407		11:11 NCR 888	*						
15A NCAC 03L .0201	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96	*		Codified	
15A NCAC 03L .0203	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice:Not Required



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15A NCAC 03L .0205	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03M .0202	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96			Codified	
15A NCAC 03M .0204		11:14 NCR 1153	11:18 NCR 1371	*						
15A NCAC 03M .0401	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03M .0503	11:07 NCR 407		11:11 NCR 938	*	Approve	12/19/96			Codified	
15A NCAC 03M .0503		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0504	11:03 NCR 110	11:11 NCR 938		*	Approve	12/19/96	*		Codified	
15A NCAC 03M .0506	11:07 NCR 407	11:14 NCR 1153	11:11 NCR 888	*	Approve	12/19/96			Codified	
15A NCAC 03M .0507		11:18 NCR 1383	11:26 NCR 1988	*						
15A NCAC 03M .0511	11:03 NCR 110	11:11 NCR 938	11:26 NCR 1988	*	Approve	12/19/96	*		Codified	
15A NCAC 03M .0514		11:18 NCR 1383	11:26 NCR 1088	*						
15A NCAC 03N .0103	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03N .0104	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03N .0105	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03O .0201	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03O .0202	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03O .0205	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03O .0208	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03R .0101	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03R .0102	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03R .0103	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03R .0104	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03R .0105	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
15A NCAC 03R .0106	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
15A NCAC 03R .0107	N/A	N/A	N/A		Approve	04/17/97			Codified	
15A NCAC 03R .0107	11:07 NCR 407		11:11 NCR 888	*	Approve	12/19/96			Codified	
<b>Parks and Recreation</b>										
15A NCAC 12B .1206	10:18 NCR 2317		11:12 NCR 985	*	Object Approve	11/21/96 12/19/96	*		Codified	

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Soil and Water Conservation										
15A NCAC 06E .0102	11-08 NCR 442		11-12 NCR 979	*						
15A NCAC 06E .0102		11-12 NCR 1004			Approve	12/19/96			Codified	
15A NCAC 06E .0103	11-08 NCR 442		11-12 NCR 979	*						
15A NCAC 06E .0105		11-12 NCR 1004			Approve	12/19/96			Codified	
Water Pollution Control System Operators Certification Commission										
15A NCAC 08A	11-26 NCR 1976									
15A NCAC 08B	11-26 NCR 1976									
15A NCAC 08C	11-26 NCR 1976									
15A NCAC 08D	11-26 NCR 1976									
15A NCAC 08E	11-26 NCR 1976									
15A NCAC 08F	11-26 NCR 1976									
15A NCAC 08F .0101		11-19 NCR 1442								
15A NCAC 08F .0102		11-19 NCR 1442								
15A NCAC 08F .0201		11-19 NCR 1442								
15A NCAC 08F .0202		11-19 NCR 1442								
15A NCAC 08F .0203		11-19 NCR 1442								
15A NCAC 08F .0301		11-19 NCR 1442								
15A NCAC 08F .0401		11-19 NCR 1442								
15A NCAC 08F .0402		11-19 NCR 1442								
15A NCAC 08F .0403		11-19 NCR 1442								
15A NCAC 08F .0404		11-19 NCR 1442								
15A NCAC 08F .0405		11-19 NCR 1442								
15A NCAC 08F .0406		11-19 NCR 1442								
15A NCAC 08F .0407		11-19 NCR 1442								
15A NCAC 08F .0501		11-19 NCR 1442								
15A NCAC 08F .0502		11-19 NCR 1442								
15A NCAC 08F .0503		11-19 NCR 1442								
15A NCAC 08F .0504		11-19 NCR 1442								
15A NCAC 08F .0505		11-19 NCR 1442								

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15A NCAC 08F .0506		11:19 NCR 1442								
<b>Wildlife Resources Commission</b>										
15A NCAC 10B .0106	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		Codified	
15A NCAC 10B .0113	11:07 NCR 408		11:12 NCR 983	*	Approve	12/19/96	*		Codified	
15A NCAC 10B .0115	11:07 NCR 408		11:12 NCR 984	*	Approve	12/19/96			Codified	
15A NCAC 10B .0115	11:11 NCR 882									
15A NCAC 10B .0116	11:12 NCR 959		11:18 NCR 1372	*	Approve	04/17/97				
15A NCAC 10B .0123	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96			Codified	
15A NCAC 10B .0203	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10B .0208	11:02 NCR 76		11:08 NCR 495	*						
15A NCAC 10B .0209	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96			Codified	
15A NCAC 10C .0107	11:02 NCR 76									
15A NCAC 10C .0205	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10C .0305	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10C .0401	11:02 NCR 76									
15A NCAC 10C .0401	11:07 NCR 408									
15A NCAC 10D .0002	11:02 NCR 76									
15A NCAC 10D .0003	11:02 NCR 76		11:08 NCR 495	*	Approve	11/21/96	*		Codified	
15A NCAC 10D .0003	N/A	N/A	N/A	*	Approve	11/21/96	*		Codified	Notice/Not Required
15A NCAC 10F .0102	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0103	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0104	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		Codified	
15A NCAC 10F .0105	10:19 NCR 2506		11:01 NCR 14	*	Approve	08/15/96	*		Codified	
15A NCAC 10F .0106	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0107	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0109	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0300	11:01 NCR 13									
15A NCAC 10F .0302	11:05 NCR 272		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0303	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			Codified	
15A NCAC 10F .0305	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			Codified	

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15A NCAC 10F .0307	11:02 NCR 76		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10F .0307	11:08 NCR 451		11:14 NCR 1150	*	Approve	03/20/97	*		11:26 NCR 2004	
15A NCAC 10F .0308	11:21 NCR 1638									
15A NCAC 10F .0310	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96			Codified	
15A NCAC 10F .0310	10:24 NCR 3057		11:06 NCR 355	*	Approve	09/19/96			Codified	
15A NCAC 10F .0317	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97				
15A NCAC 10F .0327	11:14 NCR 1109		11:20 NCR 1551	*	Approve	04/17/97				
15A NCAC 10F .0339	11:13 NCR 1039		11:19 NCR 1427	*	Approve	04/17/97				
15A NCAC 10F .0339	11:21 NCR 1638									
15A NCAC 10F .0342	10:19 NCR 2506		11:01 NCR 14	*	Withdrawn/Agcy	07/18/96				
15A NCAC 10F .0348	10:19 NCR 2506		11:01 NCR 14	*	Approve	07/18/96	*		Codified	
15A NCAC 10F .0355	11:25 NCR 1905									
15A NCAC 10F .0367	11:16 NCR 1269									
15A NCAC 10G	11:01 NCR 13									
15A NCAC 10G .0100	11:02 NCR 76									
15A NCAC 10G .0102	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0103	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0202	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0203	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0206	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0302	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0303	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0401	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96			Codified	
15A NCAC 10G .0402	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0403	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0404	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10G .0501	11:01 NCR 13		11:07 NCR 412	*	Approve	10/17/96	*		Codified	
15A NCAC 10I .0001	10:22 NCR 2829		11:04 NCR 191	*	Approve	09/19/96			Codified	
15A NCAC 10I .0002	11:02 NCR 76		11:08 NCR 495	*	Approve	10/17/96	*		Codified	
Wildlife Proclamation										11:03 NCR 104



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Wildlife Proclamation  
Wildlife Proclamation  
Wildlife Proclamation

11:04 NCR 182  
11:23 NCR 1778  
11:26 NCR 1969

## FINAL DECISION LETTERS

Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act  
Voting Rights Act

11:01 NCR 1  
11:04 NCR 181  
11:06 NCR 315  
11:07 NCR 405  
11:13 NCR 1038  
11:16 NCR 1263  
11:18 NCR 1367  
11:20 NCR 1533  
11:24 NCR 1814  
11:27 NCR 2050

## GENERAL CONTRACTORS LICENSING BOARD

21 NCAC 12 .0202 11:24 NCR 1828  
21 NCAC 12 .0204 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 583  
21 NCAC 12 .0503 10:22 NCR 2829 11:06 NCR 372 11:09 NCR 584

Approve 10/17/96  
Approve 10/17/96  
Codified  
Codified

## GOVERNOR'S EXECUTIVE ORDERS

Number 95 - Eff. 04/24/96  
Number 96 - Eff. 06/14/96  
Number 97 - Eff. 07/12/96  
Number 98 - Eff. 08/09/96  
Number 99 - Eff. 09/05/96  
Number 100 - Eff. 09/12/96  
Number 101 - Eff. 09/12/96  
Number 102 - Eff. 10/02/96  
Number 103 - Eff. 10/10/96  
Number 104 - Eff. 10/10/96

11:05 NCR 270  
11:08 NCR 441  
11:10 NCR 817  
11:11 NCR 880  
11:14 NCR 1101  
11:14 NCR 1101  
11:14 NCR 1101  
11:15 NCR 1197  
11:15 NCR 1197  
11:15 NCR 1197

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					Action	Date				
Number 105 - Eff. 12/02/96										11:19 NCR 1406
Number 106 - Eff. 12/11/96										11:21 NCR 1631
Number 107 - Eff. 02/20/97										11:25 NCR 1901
Number 108 - Eff. 02/24/97										11:25 NCR 1901
<b>HOUSING FINANCE AGENCY</b>										
24 NCAC 01P .0101		11:14 NCR 1154								
24 NCAC 01P .0102		11:14 NCR 1154								
24 NCAC 01P .0103		11:14 NCR 1154								
24 NCAC 01P .0201		11:14 NCR 1154								
24 NCAC 01P .0202		11:14 NCR 1154								
24 NCAC 01P .0203		11:14 NCR 1154								
<b>HUMAN RESOURCES</b>										
10 NCAC 41P .0013	11:06 NCR 323	11:08 NCR 528	11:12 NCR 966	L	Approve	12/19/96	*		Codified	
10 NCAC 01B	11:23 NCR 1779									
<b>Aging</b>										
10 NCAC 22	10:23 NCR 2956									
<b>Child Day Care Commission</b>										
10 NCAC 03U .0102		10:20 NCR 2593	11:10 NCR 819	S	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0302	11:24 NCR 1817									
10 NCAC 03U .0506	11:24 NCR 1817									
10 NCAC 03U .0509	11:24 NCR 1817									
10 NCAC 03U .0601	11:24 NCR 1817									
10 NCAC 03U .0602	11:24 NCR 1817									
10 NCAC 03U .0604	11:03 NCR 109		11:09 NCR 571	*	Approve	03/20/97			11:26 NCR 2004	
10 NCAC 03U .0604	11:24 NCR 1817									
10 NCAC 03U .0700	11:08 NCR 449		11:04 NCR 188	*	Object Approve	10/17/96 11/21/96	*		Codified	
10 NCAC 03U .0704	10:19 NCR 2506									
10 NCAC 03U .0705	11:14 NCR 1108		11:27 NCR 2054	*						

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					Action	Date				
10 NCAC 03U .0705	11:24 NCR 1817									
10 NCAC 03U .0707	11:08 NCR 449		11:17 NCR 1338	*	Object	03/20/97				
10 NCAC 03U .0710	10:22 NCR 2829		11:04 NCR 188	*	Approve	04/17/97	*			
					Object	10/17/96				
					Approve	11/21/96	*		Codified	
10 NCAC 03U .0714	11:24 NCR 1817									
10 NCAC 03U .0802	11:24 NCR 1817									
10 NCAC 03U .0803	11:24 NCR 1817									
10 NCAC 03U .0901	11:08 NCR 449		11:17 NCR 1338	*						
10 NCAC 03U .1402	11:24 NCR 1817									
10 NCAC 03U .1403	11:24 NCR 1817									
10 NCAC 03U .1717	11:14 NCR 1108		11:27 NCR 2054	*						
10 NCAC 03U .1717	11:24 NCR 1817									
10 NCAC 03U .2510	11:08 NCR 449									
10 NCAC 03U .2603	11:24 NCR 1817									
10 NCAC 03U .2606	11:08 NCR 449									
10 NCAC 03U .2610	11:24 NCR 1817									
10 NCAC 03U .2611	11:24 NCR 1817									
10 NCAC 03U .2701		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96	*		Codified	
					Approve	11/21/96				
10 NCAC 03U .2702		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96	*		Codified	
					Approve	11/21/96				
10 NCAC 03U .2703		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96	*		Codified	
					Approve	11/21/96				
10 NCAC 03U .2704		10:20 NCR 2593	11:10 NCR 819	S	Object	10/17/96	*		Codified	
					Approve	11/21/96				
Facility Services										
10 NCAC 03	10:18 NCR 2399									
10 NCAC 03R .3000	11:23 NCR 1780									
10 NCAC 03R .3001		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3001	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3002		11:21 NCR 1655								

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					Action	Date				
10 NCAC 03R .3010		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96			Codified	11:11 NCR 888
10 NCAC 03R .3020		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Approve	10/17/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3020	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3030		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96	*			11:11 NCR 888
					Object	11/21/96	*			
					Approve	03/20/97		11:26 NCR 2004		
10 NCAC 03R .3030	10:23 NCR 2956		11:06 NCR 328	S/L/SE	Approve	10/17/96	*		Codified	11:11 NCR 888
10 NCAC 03R .3032		10:21 NCR 2699	11:08 NCR 452	S/L/SE						
10 NCAC 03R .3032	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3033		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3034		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3035		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3036		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3037		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3038		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
10 NCAC 03R .3040		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	01/16/97				
			11:08 NCR 452	S/L/SE	Object	10/17/96	*		Codified	11:11 NCR 888
			11:11 NCR 888	S/L/SE	Approve	11/21/96				
10 NCAC 03R .3040	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3050		10:21 NCR 2699	11:08 NCR 452	S/L/SE	Object	10/17/96	*		Codified	11:11 NCR 888
			11:06 NCR 328	S/L/SE	Approve	11/21/96				
10 NCAC 03R .3050	10:23 NCR 2956		11:06 NCR 328	S/L/SE						
10 NCAC 03R .3051		11:21 NCR 1655								
10 NCAC 03R .3052		11:21 NCR 1655								
10 NCAC 03R .3053		11:21 NCR 1655								
10 NCAC 03R .3053		11:22 NCR 1713								
10 NCAC 03R .3054		11:21 NCR 1655								
10 NCAC 03R .3055		11:21 NCR 1655								
10 NCAC 03R .3056		11:21 NCR 1655								
10 NCAC 03R .3057		11:21 NCR 1655								
10 NCAC 03R .3058		11:21 NCR 1655								
10 NCAC 03R .3059		11:21 NCR 1655								
10 NCAC 03R .3060		11:21 NCR 1655								



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10 NCAC 03R .3061		11:21 NCR 1655								
10 NCAC 03R .3062		11:21 NCR 1655								
10 NCAC 03R .3063		11:21 NCR 1655								
10 NCAC 03R .3064		11:21 NCR 1655								
10 NCAC 03R .3065		11:21 NCR 1655								
10 NCAC 03R .3066		11:21 NCR 1655								
10 NCAC 03R .3067		11:21 NCR 1655								
10 NCAC 03R .3068		11:21 NCR 1655								
10 NCAC 03R .3069		11:21 NCR 1655								
10 NCAC 03R .3070		11:21 NCR 1655								
10 NCAC 03R .3071		11:21 NCR 1655								
10 NCAC 03R .3072		11:21 NCR 1655								
10 NCAC 03R .3073		11:21 NCR 1655								
10 NCAC 03R .3074		11:21 NCR 1655								
10 NCAC 03R .3075		11:21 NCR 1655								
10 NCAC 03R .3076		11:21 NCR 1655								
10 NCAC 03R .3077		11:21 NCR 1655								
10 NCAC 03R .3078		11:21 NCR 1655								
10 NCAC 03R .3079		11:21 NCR 1655								
10 NCAC 03R .3080		11:21 NCR 1655								
10 NCAC 03R .3081		11:21 NCR 1655								
10 NCAC 03R .3082		11:21 NCR 1655								
10 NCAC 03R .3083		11:21 NCR 1655								
10 NCAC 03R .3084		11:21 NCR 1655								
10 NCAC 03R .3085		11:21 NCR 1655								
10 NCAC 03R .3086		11:21 NCR 1655								
10 NCAC 03R .3087		11:21 NCR 1655								
10 NCAC 03R .3088		11:21 NCR 1655								
10 NCAC 03R .6001	11:22 NCR 1704									

Medical Assistance

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Disproportionate Share List										
10 NCAC 26B .0105	10-18 NCR 2398		10-22 NCR 2831	*	Approve	04/18/96	*		Codified	11-03 NCR 101
10 NCAC 26B .0123		11-19 NCR 1436	11-24 NCR 1824	*						
10 NCAC 26G .0707	11-08 NCR 450	11-15 NCR 1205	11-18 NCR 1371	*	Approve	04/17/97				
10 NCAC 26H .0101	11-14 NCR 1108									
10 NCAC 26H .0102	11-14 NCR 1108									
10 NCAC 26H .0104	11-16 NCR 1268		11-23 NCR 1781	S/L						
10 NCAC 26H .0212		11-15 NCR 1205								
10 NCAC 26H .0213		11-15 NCR 1205								
10 NCAC 26H .0213	11-18 NCR 1368									
10 NCAC 26H .0213		11-26 NCR 1997								
10 NCAC 26H .0506		11-02 NCR 77	Temp. Expired							11-06 NCR 316
10 NCAC 26H .0506	10-21 NCR 2686									
10 NCAC 26H .0506		11-19 NCR 1438								
10 NCAC 26H .0602	11-09 NCR 569	11-13 NCR 1062		S/L	Approve	12/19/96			Codified	
10 NCAC 50B .0202		11-10 NCR 841								
10 NCAC 50B .0404		11-10 NCR 841								
10 NCAC 50B .0409		11-10 NCR 841								
10 NCAC 50D										
10 NCAC 50D .0101	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0102	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0103	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0201	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0301	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0302	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0401	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0402	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0501	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0502	10-24 NCR 3057	11-04 NCR 196								
10 NCAC 50D .0503	10-24 NCR 3057	11-04 NCR 196								

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Medical Care Commission										
10 NCAC 03B .11:16 NCR 1268										
10 NCAC 03B .1001		11:20 NCR 1560								
10 NCAC 03B .1002		11:20 NCR 1560								
10 NCAC 03C .3707	11:20 NCR 1534									
10 NCAC 03C .6208					Approve	04/18/96			Codified	
10 NCAC 03D .0800	11:23 NCR 1779									
10 NCAC 03D .0900	11:23 NCR 1779									
10 NCAC 03D .1000	11:23 NCR 1779									
10 NCAC 03D .1100	11:23 NCR 1779									
10 NCAC 03D .1200	11:23 NCR 1779									
10 NCAC 03D .1300	11:23 NCR 1779									
10 NCAC 03D .1400	11:23 NCR 1779									
10 NCAC 03D .1500	11:23 NCR 1779									
10 NCAC 03M .11:23 NCR 1779										
Mental Health, Developmental Disabilities and Substance Abuse Services										
10 NCAC 14V .3402	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 14V .3803	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 14V .5602	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 15A .0128	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 15A .0129	11:08 NCR 449		11:14 NCR 1124	*	Withdrawn	01/16/97				
			11:24 NCR 1822	*						
10 NCAC 18W .0201	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
					Approve	02/20/97	*			
10 NCAC 18W .0202	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
					Approve	01/16/97	*			
10 NCAC 18W .0203	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
					Approve	02/20/97	*			
10 NCAC 18W .0204	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
					Approve	01/16/97	*			
10 NCAC 18W .0205	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97	*			
					Approve	02/20/97	*			
10 NCAC 18W .0206	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			

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10 NCAC 18W .0207	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0208	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0209	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0210	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0211	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
					Approve	02/20/97	*			
10 NCAC 18W .0212	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0213	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0214	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
					Approve	02/20/97	*			
10 NCAC 18W .0215	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
					Approve	02/20/97	*			
10 NCAC 18W .0216	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
					Approve	02/20/97	*			
10 NCAC 18W .0217	10:15 NCR 1478		11:14 NCR 1124	S	Object	01/16/97				
					Approve	02/20/97	*			
10 NCAC 18W .0218	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 18W .0219	10:15 NCR 1478		11:14 NCR 1124	S	Approve	01/16/97	*			
10 NCAC 45H .0200	11:08 NCR 449			S	Object	01/16/97				
					Approve	02/20/97	*			
					Approve	01/16/97	*			
<b>Social Services Commission</b>										
10 NCAC 35E .0101		11:16 NCR 1288								
10 NCAC 35E .0105		11:16 NCR 1288								
10 NCAC 35E .0106		11:16 NCR 1288								
10 NCAC 35E .0308		11:16 NCR 1288								
10 NCAC 41F	10:23 NCR 2956									
10 NCAC 41F .0705	10:23 NCR 2956		11:03 NCR 111	L	Approve	07/18/96	*		Codified	
10 NCAC 41F .0706		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96			Codified	
10 NCAC 41F .0707		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96			Codified	
					Approve	09/19/96	*		Codified	
10 NCAC 41F .0812		10:21 NCR 2726	11:03 NCR 111	*	Approve	07/18/96			Codified	
10 NCAC 41F .0813		10:21 NCR 2726	11:03 NCR 111	S	Object	07/18/96			Codified	
					Approve	09/19/96	*		Codified	
10 NCAC 41F .0814	10:23 NCR 2956		11:03 NCR 111	L	Object	07/18/96			Codified	
					Approve	09/19/96	*		Codified	



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					Action	Date				
10 NCAC 411.0100	10:17 NCR 2228									
10 NCAC 411.0102	10:17 NCR 2228		10:21 NCR 2687	*	Object	11/21/96	*		Codified	Notice Not Required
10 NCAC 41P.0102	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96			Codified	
10 NCAC 41P.0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P.0105	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*		Codified	Notice Not Required
10 NCAC 41P.0106	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	12/19/96	*		Codified	
10 NCAC 41P.0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P.0108	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	Notice Not Required
10 NCAC 41P.0109	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	10/17/96	*		Codified	
10 NCAC 41P.0110	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P.0111	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 41P.0112	11:06 NCR 323	11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 42A.0701		10:21 NCR 2728	11:10 NCR 823	S/LSE	Approve	11/21/96			Codified	
10 NCAC 42A.0702		10:21 NCR 2728	11:10 NCR 823	*	Approve	11/21/96	*		Codified	
10 NCAC 42A.0703		10:21 NCR 2728	11:10 NCR 823	*	Object	11/21/96			Codified	
10 NCAC 42B.1209		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			Codified	
10 NCAC 42B.1210		10:21 NCR 2729	11:12 NCR 967	S/L	Approve	11/21/96	*		Codified	
10 NCAC 42B.1211		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42B.2402		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B.2403		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B.2404		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42B.2405		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C.2010		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42C.2011		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*		Codified	
10 NCAC 42C.2012		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42C.3701		10:21 NCR 2729	11:12 NCR 967	*	Object	11/21/96	*		Codified	
10 NCAC 42C.3702		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96	*		Codified	
10 NCAC 42C.3703		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	

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10 NCAC 42C .3704		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42D .1409		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42D .1410		10:21 NCR 2729	11:12 NCR 967	S/L	Object	11/21/96	*		Codified	
10 NCAC 42D .1411		10:21 NCR 2729	11:12 NCR 967	*	Approve	12/19/96			Codified	
10 NCAC 42D .1827		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96	*		Codified	
10 NCAC 42D .1828		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42D .1829		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42D .1830		10:21 NCR 2729	11:12 NCR 967	*	Approve	11/21/96			Codified	
10 NCAC 42J .0001		11:16 NCR 1288		*	Approve	11/21/96			Codified	
10 NCAC 42J .0004		11:16 NCR 1288								
10 NCAC 42J .0005		11:16 NCR 1288								
10 NCAC 42V .0201		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 42V .0802		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 42V .0803		10:20 NCR 2597	11:03 NCR 111	*	Approve	07/18/96	*		Codified	
10 NCAC 49A .0102		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			Codified	
10 NCAC 49B .0202		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 49B .0310		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96	*		Codified	
10 NCAC 49B .0502		11:08 NCR 528	11:12 NCR 960	*	Approve	11/21/96			Codified	
10 NCAC 49C .0107		10:18 NCR 2402	Temp. Expired							
<b>Vocational Rehabilitation Services</b>										
10 NCAC 20B .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0205	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0206	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0208	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0209	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0210	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0214	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0218	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
10 NCAC 20B .0222	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	

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					Action	Date				
10 NCAC 20B .0224	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0226	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20B .0227	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20C .0603	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96			Codified	
10 NCAC 20D .0204	11:08 NCR 450		11:13 NCR 1051	*	Approve	12/19/96	*		Codified	
<b>INSURANCE</b>										
<b>N.C. Home Inspector Licensure Board</b>										
11 NCAC 08 .1001		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrawn	03/97				11:27 NCR 2049 Temp Filed over obj
11 NCAC 08 .1002		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1003		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1004		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1005		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1006		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1007		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1008		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1009		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1010		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1011		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1101		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1102		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1103		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1104		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1105		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj
11 NCAC 08 .1106		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrawn	03/97				Temp Filed over obj

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					Action	Date				
11 NCAC 08 .1107		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1108		11:15 NCR 1212	11:25 NCR 1906	*						Temp Filed over obj
11 NCAC 08 .1109		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1110		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1111		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1112		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1113		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1114		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1115		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1116		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1201		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1202		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1203		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1204		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1205		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1206		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1207		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1208		11:15 NCR 1212	11:25 NCR 1906	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 08 .1209		11:15 NCR 1212	11:19 NCR 1416	*	Agency Withdrew	03/97				Temp Filed over obj
11 NCAC 10 .0602		11:15 NCR 1223	11:19 NCR 1426	*	Agency Withdrew	03/97			11:26 NCR 2004	Temp Filed over obj
11 NCAC 10 .0603		11:15 NCR 1223	11:25 NCR 1906	*	Approve	03/20/97	*		11:26 NCR 2004	Temp Filed over obj
11 NCAC 10 .0606		11:15 NCR 1223	11:19 NCR 1426	*	Approve	03/20/97	*		11:26 NCR 2004	Temp Filed over obj
11 NCAC 12 .0551	10:18 NCR 2399		10:22 NCR 2831	*	Approve	05/16/96	*		Codified	Temp Filed over obj



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					Action	Date				
11 NCAC 12 .1702	N/A	N/A	N/A		Approve	04/17/97				
11 NCAC 16 .0703	10:18 NCR 2399		10:22 NCR 2832	*	Approve	05/16/96			Codified	
<b>JUSTICE</b>										
<b>Attorney General/Company Police</b>										
12 NCAC 021 .0101					Approve	04/18/96			Codified	
12 NCAC 021 .0206					Approve	04/18/96			Codified	
12 NCAC 021 .0210					Approve	04/18/96			Codified	
<b>Alarm Systems Licensing Board</b>										
12 NCAC 11 .0202	10:24 NCR 3057		11:14 NCR 1136	*						
<b>Criminal Justice Education and Training Standards Commission</b>										
12 NCAC 09A .0103	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09B .0102	11:14 NCR 1109		11:20 NCR 1539	*	Object	04/17/97				
12 NCAC 09B .0111	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09B .0206	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09B .0224	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09B .0225	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09B .0409	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0304	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0307	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97	*			
12 NCAC 09C .0309	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0601	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0602	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0603	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0604	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0605	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0606	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0607	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
12 NCAC 09C .0608	11:14 NCR 1109		11:20 NCR 1539	*	Approve	04/17/97				
<b>Private Protective Services Board</b>										
12 NCAC 07D	11:10 NCR 818									

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12 NCAC 07D .11:16 NCR 1268										
12 NCAC 07D .0100	11:16 NCR 1268									
12 NCAC 07D .0104	11:16 NCR 1268									
12 NCAC 07D .0201	11:10 NCR 818									
12 NCAC 07D .0204	11:14 NCR 1108									
12 NCAC 07D .0504	11:10 NCR 818									
12 NCAC 07D .0701	11:10 NCR 818									
12 NCAC 07D .0801	11:10 NCR 818									
12 NCAC 07D .0902	11:10 NCR 818									
12 NCAC 07D .1106	11:14 NCR 1108									
<b>State Bureau of Investigation/Division of Criminal Information</b>										
12 NCAC 04E .0103	11:11 NCR 881		11:17 NCR 1339	*						11:22 NCR 1703
12 NCAC 04E .0104	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0401	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0404	11:17 NCR 1336		11:22 NCR 1710	*						
12 NCAC 04E .0405	11:17 NCR 1336		11:22 NCR 1710	*						
<b>LABOR</b>										
<b>Permanent Variance Filing</b>										
<b>Boiler &amp; Pressure Vessel</b>										
13 NCAC 13 .0213		11:25 NCR 1918								
<b>Occupational Safety and Health</b>										
<b>*Verbatim Adoption Federal Standards</b>										
*13 NCAC 07A .0301										11:25 NCR 1903
*13 NCAC 07F .0101										11:24 NCR 1813
*13 NCAC 07F .0101										11:25 NCR 1903
*13 NCAC 07F .0101										11:25 NCR 1903
*13 NCAC 07F .0201										11:25 NCR 1903
*13 NCAC 07F .0501										11:25 NCR 1903
13 NCAC 07A .0302	11:26 NCR 1984									
13 NCAC 07A .0900	11:11 NCR 881									

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13 NCAC 07F	11:03 NCR 106									
13 NCAC 07F .0101		11:03 NCR 119	Temp. Expired							
13 NCAC 07F .0101	11:24 NCR 1817									
13 NCAC 07F .0201	11:03 NCR 106									
13 NCAC 07F .0201	11:09 NCR 568									
13 NCAC 07F .0201	11:24 NCR 1817									
13 NCAC 07F .0301	11:03 NCR 106									
13 NCAC 16 .0102	11:26 NCR 1984									
13 NCAC 16 .0201	11:26 NCR 1984									
13 NCAC 16 .0202	11:26 NCR 1984									
13 NCAC 16 .0203	11:26 NCR 1984									
13 NCAC 16 .0204	11:26 NCR 1984									
13 NCAC 16 .0205	11:26 NCR 1984									
13 NCAC 16 .0206	11:26 NCR 1984									
13 NCAC 16 .0207	11:26 NCR 1984									
13 NCAC 16 .0208	11:26 NCR 1984									
13 NCAC 16 .0301	11:26 NCR 1984									
13 NCAC 16 .0302	11:26 NCR 1984									
13 NCAC 16 .0303	11:26 NCR 1984									
<b>MEDICAL BOARD</b>										
21 NCAC 32B	11:18 NCR 1369									
21 NCAC 32F .0003		11:18 NCR 1386								
21 NCAC 32II	10:18 NCR 2400									
21 NCAC 32II	11:26 NCR 1986									
21 NCAC 32II .0101	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32II .0102	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32II .0201	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32II .0203	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32II .0301	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 32II .0302	10:18 NCR 2400		10:22 NCR 2835	*	Approve	04/18/96	*		Codified	

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21 NCAC 3211 .0303	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0401	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0402	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0403	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0404	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0406	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0407	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0408	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96			Codified	
21 NCAC 3211 .0409	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0501	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0502	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0504	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0505	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0506	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0507	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0601	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0602	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0701	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0702	10-18 NCR 2400		10-22 NCR 2835	*	Object	04/18/96			Returned to Agency 6/20/96	
21 NCAC 3211 .0801	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0901	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 3211 .0902	10-18 NCR 2400		10-22 NCR 2835	*	Approve	04/18/96	*		Codified	
21 NCAC 320	11-18 NCR 1369			*	Approve	04/18/96			Codified	
<b>NURSING, BOARD OF</b>										
21 NCAC 36 .0109	11-24 NCR 1821			*	Object	03/20/97				
21 NCAC 36 .0320	11-14 NCR 1109		11-19 NCR 1428	*	Approve	04/17/97	*			
<b>NURSING HOME ADMINISTRATORS</b>										
21 NCAC 37D .0202		11-11 NCR 940	11-18 NCR 1372	*	Approve	04/17/97	*			
21 NCAC 37G .0102		11-11 NCR 940	11-18 NCR 1372	*	Approve	04/17/97				



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## OPTOMETRY, BOARD OF

21 NCAC 42B .0107 11:18 NCR 1369

## PSYCHOLOGY BOARD

21 NCAC 54 .1802

21 NCAC 54 .1803

21 NCAC 54 .2001

21 NCAC 54 .2002

21 NCAC 54 .2003

21 NCAC 54 .2004

21 NCAC 54 .2005

21 NCAC 54 .2007

21 NCAC 54 .2008

21 NCAC 54 .2009

21 NCAC 54 .2704

21 NCAC 54 .2706

## PUBLIC EDUCATION

16 NCAC 01A .0001

16 NCAC 01A .0003

## Standards Board for Public School Administration

16 NCAC 07 .0101 10:23 NCR 2957

16 NCAC 07 .0102 10:23 NCR 2957

16 NCAC 07 .0103 10:23 NCR 2957

16 NCAC 07 .0104 10:23 NCR 2957

16 NCAC 07 .0105 10:23 NCR 2957

16 NCAC 07 .0106 10:23 NCR 2957

16 NCAC 07 .0107 10:23 NCR 2957

16 NCAC 07 .0108 10:23 NCR 2957

16 NCAC 07 .0109 10:23 NCR 2957

11:25 NCR 1917

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

11:18 NCR 1373

Approve 04/18/96

Approve 04/18/96

Approve 05/16/96

Approve 05/16/96

Object 11/21/96

Approve 12/19/96

Object 11/21/96

Approve 12/19/96

Object 11/21/96

Approve 12/19/96

Withdrawn 11/21/96

Withdrawn 11/21/96

Withdrawn 11/21/96

Withdrawn 11/21/96

Withdrawn 11/21/96

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16 NCAC 07 .0110	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0111	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
16 NCAC 07 .0112	10:23 NCR 2957		11:09 NCR 576	*	Withdrawn	11/21/96				
<b>REAL ESTATE COMMISSION</b>										
21 NCAC 58A .0101	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0104	11:07 NCR 408		11:11 NCR 935	*	Approve	12/19/96	*		Codified	
21 NCAC 58A .0105	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0109	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0110	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .0302	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96			11:22 NCR 1717	
21 NCAC 58A .0503	10:22 NCR 2829		11:03 NCR 114	*	Approve	01/16/97	*		Codified	
21 NCAC 58A .0504	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			Codified	
21 NCAC 58A .1501	10:22 NCR 2829		11:03 NCR 114	*	Approve	12/19/96			11:22 NCR 1717	
21 NCAC 58A .1502	10:22 NCR 2829		11:03 NCR 114	*	Object	12/19/96	*		Codified	
21 NCAC 58A .1601	10:22 NCR 2835		11:03 NCR 114	*	Approve	01/16/97			11:22 NCR 1717	
<b>REFRIGERATION EXAMINERS</b>										
21 NCAC 60 .0204	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96			Codified	
21 NCAC 60 .0207	11:05 NCR 272		11:10 NCR 839	*	Approve	11/21/96	*		Codified	
21 NCAC 60 .0314	11:05 NCR 272		11:10 NCR 839	*	Object	11/21/96	*		Codified	
<b>REVENUE</b>										
17 NCAC 01C .0504		10:20 NCR 2599		*	Object	08/15/96			Codified	
17 NCAC 01C .0506		10:20 NCR 2599		*	Approve	09/19/96			Codified	
17 NCAC 01C .0506			11:10 NCR 838	*	Approve	08/15/96	*		11:22 NCR 1717	
17 NCAC 05C .0102			11:03 NCR 113	*	Approve	01/16/97				
			11:09 NCR 582	*	Object	11/21/96				
17 NCAC 05C .2101			10:24 NCR 3059	*	Rule Returned	01/16/97	*		Codified	
17 NCAC 06B .0612			10:22 NCR 2833	*	Approve	05/16/96	*		Codified	
				*	Approve	04/18/96	*		Codified	

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					Action	Date				
17 NCAC 06B .3716			10:22 NCR 2833	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .0118			11:12 NCR 998	*	Approve	11/21/96			Codified	
17 NCAC 07B .1101			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1105			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1108			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1109			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1110			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1112			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1114			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .1123			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1602			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1602			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .1701			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1702			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1702			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .1802			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .1802			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .2401			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .2601			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .3103			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .3106			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .4002			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .4004			10:21 NCR 2688	*	Approve	04/18/96			Codified	
17 NCAC 07B .4008			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4202			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .4301			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4408			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	
17 NCAC 07B .4501			11:12 NCR 998	*	Approve	11/21/96	*		Codified	
17 NCAC 07B .4902			10:21 NCR 2688	*	Approve	04/18/96	*		Codified	

Tax Review Board

11:02 NCR 72

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					Action	Date				
Tax Review Board										11:06 NCR 318
Tax Review Board										11:14 NCR 1104
Tax Review Board										11:16 NCR 1266
Tax Review Board										11:17 NCR 1332
Tax Review Board										11:21 NCR 1632
Tax Review Board										11:26 NCR 1970
Tax Review Board										11:27 NCR 2052
<b>SOCIAL WORK, BOARD OF</b>										
21 NCAC 63 .0306		10:21 NCR 2739	11:03 NCR 118	*	Approve	11/21/96	*		Codified	
<b>SOIL SCIENTISTS, BOARD FOR LICENSING</b>										
21 NCAC 69 .0101	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
21 NCAC 69 .0102	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0103	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0104	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0201	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0202	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0301	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0302	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96			Codified	
21 NCAC 69 .0303	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0304	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0305	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0306	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0307	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
21 NCAC 69 .0308	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0401	10:19 NCR 2507	11:04 NCR 200	11:08 NCR 523	*	Approve	09/19/96	*		Codified	
			11:08 NCR 523	*	Approve	09/19/96	*		Codified	



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21 NCAC 69 .0402	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*	Object	09/19/96				
			11:08 NCR 523	*	Approve	10/17/96	*		Codified	
21 NCAC 69 .0501	10:19 NCR 2507	11:04 NCR 200	11:04 NCR 200	*						
			11:08 NCR 523	*	Approve	09/19/96	*		Codified	

## SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGIST, BOARD OF EXAMINERS

21 NCAC 64 .0303 11:23 NCR 1780

## STATE PERSONNEL COMMISSION

25 NCAC 01D .2501		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2503		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2504		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2505		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2507		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2508		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2509		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2511		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2513		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2514		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01D .2516		11:13 NCR 1062	11:19 NCR 1429	*						
25 NCAC 01E .0705	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0707	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01E .0709	11:14 NCR 1110		11:19 NCR 1434	*						
25 NCAC 01J .0613		10:23 NCR 2960	Temp. Expired		Approve	03/21/96			Codified	
25 NCAC 01J .0613										

## SUBSTANCE ABUSE PROFESSIONALS CERTIFICATION BOARD

21 NCAC 68	10:18 NCR 2401			*			*			
21 NCAC 68 .0101	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0102	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0201	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0202	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0203	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0204	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	

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21 NCAC 68 .0205	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0206	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0207	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0208	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0209	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0210	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0211	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0212	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0213	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0401	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0402	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0403	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0404	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0405	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0406	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0407	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0701	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0702	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0703	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0704	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0705	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96			Codified	
21 NCAC 68 .0706	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0707	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0708	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
21 NCAC 68 .0709	10:18 NCR 2401		10:22 NCR 2850	*	Approve	04/18/96	*		Codified	
<b>TRANSPORTATION</b>										
19A NCAC 06B .0401	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0402	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0403	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0404	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	

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19A NCAC 06B .0405	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0406	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0407	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0408	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0409	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0410	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0411	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0412	10:23 NCR 2957		11:05 NCR 279	S	Object	08/15/96	*		Codified	
					Approve	09/19/96			Codified	
19A NCAC 06B .0413	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0414	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0415	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0416	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
19A NCAC 06B .0417	10:23 NCR 2957		11:05 NCR 279	S	Approve	08/15/96			Codified	
<b>Highways, Division of</b>										
19A NCAC 02B .0164	11:20 NCR 1537		11:26 NCR 1991	*						
19A NCAC 02B .0242	11:26 NCR 1986									
19A NCAC 02B .0303	11:26 NCR 1986									
19A NCAC 02D .0415	11:20 NCR 1537		11:26 NCR 2004	*						
19A NCAC 02D .0425										
19A NCAC 02D .1101	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D .1102	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			Codified	
					Object	08/15/96				
					Approve	09/19/96	*		Codified	
19A NCAC 02D .1103	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1104	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1105	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1106	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1107	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96			Codified	
19A NCAC 02D .1108	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96	*			
					Approve	09/19/96			Codified	

# CUMULATIVE INDEX

(April 1996 - June 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 02D .1109	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1110	10:23 NCR 2957		11:05 NCR 274	*	Approve	08/15/96	*		Codified	
19A NCAC 02D .1111	10:23 NCR 2957		11:05 NCR 274	*	Object	08/15/96				
19A NCAC 02D .1112	10:23 NCR 2957		11:05 NCR 274	*	Approve	09/19/96	*		Codified	
19A NCAC 02E .0210	N/A				Approve	08/15/96				
19A NCAC 02E .0210	N/A	N/A	N/A		Approve	04/17/97			Codified	Notice/Not Required
<b>Motor Vehicles, Division of</b>										
19A NCAC 03E .0403										
19A NCAC 03E .0501	11:01 NCR 13				Object	12/19/96				
19A NCAC 03E .0502	11:01 NCR 13		11:07 NCR 416	*	Approve	01/16/97	*		11:22 NCR 1717	Notice Not Required
19A NCAC 03E .0510	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0511	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0512	11:01 NCR 13		11:07 NCR 416	*	Approve	10/17/96	*		Codified	
19A NCAC 03E .0513	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0514	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0515	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0518	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0519	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03E .0522	11:01 NCR 13		11:07 NCR 416	*	Approve	09/19/96	*		Codified	
19A NCAC 03I .0100	11:19 NCR 1413									
19A NCAC 03I .0200	11:19 NCR 1413									
19A NCAC 03I .0300	11:19 NCR 1413									
19A NCAC 03I .0400	11:19 NCR 1413									
19A NCAC 03I .0500	11:19 NCR 1413									
19A NCAC 03I .0600	11:19 NCR 1413									
19A NCAC 03I .0700	11:19 NCR 1413									
19A NCAC 03I .0800	11:19 NCR 1413									
19A NCAC 03I .0102	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97	*		11:24 NCR 1832	
19A NCAC 03I .0306	11:11 NCR 882		11:17 NCR 1340	*	Object	02/20/97	*			
					Approve	03/20/97	*		11:26 NCR 2004	



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(April 1996 - June 1997)

Agency/Rule Citation	Rule-making Proceedings	Temporary Rule	Notice of Text	Fiscal Note	RRC Status		Text differs from proposal	Effective by Governor	Approved Rule	Other
					Action	Date				
19A NCAC 03J .0306					Approve	03/20/97			11:26 NCR 2004	Notice Not Required
19A NCAC 03J .0307	11:11 NCR 882		11:17 NCR 1340	*	<b>Object</b>	02/20/97				Return to Agency
19A NCAC 03J .0307					Approve	03/20/97			11:26 NCR 2004	Notice Not Required
19A NCAC 03J .0308					Approve	03/20/97			11:26 NCR 2004	Notice Not Required
19A NCAC 03J .0308	11:11 NCR 882		11:17 NCR 1340	*	<b>Object</b>	02/20/97	*			
					Approve	03/20/97	*		11:26 NCR 2004	
19A NCAC 03J .0601	11:11 NCR 882		11:17 NCR 1340	*	Approve	02/20/97			11:24 NCR 1832	



DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
<b>Title 1 - Dept. of Administration - Complete Title</b>	<b>201 00 001</b>	<b>\$90.00</b>
Division of Purchase & Contract	201 10 051	\$30.00
Federal Block Grant Funds	201 10 331	\$25.00
<b>Title 2 - Dept. of Agriculture - Complete Title</b>	<b>202 00 001</b>	<b>\$140.00</b>
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Structural Pest Control Committee	202 15 341	\$30.00
Agricultural Markets	202 15 431	\$30.00
Plant Industry	202 15 481	\$30.00
Animal Industry	202 15 521	\$30.00
<b>Title 3 - Dept. of State Auditor - Complete Title</b>	<b>203 00 001</b>	<b>\$25.00</b>
<b>Title 4 - Dept. of Commerce - Complete Title</b>	<b>204 00 001</b>	<b>\$125.00</b>
Alcoholic Beverage Control Commission	204 15 021	\$45.00
Banking Commission	204 15 031	\$45.00
Credit Union Division	204 15 061	\$25.00
Savings & Loan Division	204 15 091	\$25.00
Industrial Commission/Workers Compensation	204 15 101	\$30.00
Savings Institutions Division	204 15 161	\$35.00
<b>Title 5 - Dept. of Corrections - Complete Title</b>	<b>205 00 001</b>	<b>\$70.00</b>
Division of Prisons	205 15 021	\$35.00
<b>Title 6 - Council of State - Complete Title</b>	<b>206 00 001</b>	<b>\$30.00</b>
<b>Title 7 - Dept. of Cultural Resources - Complete Title</b>	<b>207 00 001</b>	<b>\$60.00</b>
<b>Title 8 - State Board of Elections - Complete Title</b>	<b>208 00 001</b>	<b>\$30.00</b>
<b>Title 9 - Offices of the Governor &amp; Lt. Governor - Complete Title</b>	<b>209 00 001</b>	<b>\$45.00</b>
<b>Title 10 - Dept. of Human Resources - Complete Title</b>	<b>210 00 001</b>	<b>\$470.00</b>
Licensing of Health Facilities	210 20 101	\$95.00
Detention Facilities	210 20 201	\$40.00
Mental Health & Rehabilitation Services	210 20 301	\$110.00
Social Services	210 20 401	\$185.00
Children Services/Day Care	210 20 411	\$55.00
Services for the Aging	210 20 421	\$45.00
Services for the Blind	210 20 431	\$40.00
Services for the Deaf & Hard of Hearing	210 20 441	\$25.00
Employment Opportunities	210 20 451	\$45.00
<b>Title 11 - Dept. of Insurance - Complete Title</b>	<b>211 00 001</b>	<b>\$90.00</b>
Insurance	211 10 011	\$80.00
Consumer Services	211 10 041	\$30.00
Fire & Rescue Services	211 10 051	\$25.00
Agent Services	211 10 061	\$35.00
Engineering & Building Codes	211 10 081	\$30.00
<b>Title 12 - Dept. of Justice - Complete Title</b>	<b>212 00 001</b>	<b>\$90.00</b>
Private Protective Services	212 10 071	\$30.00
Police & Sheriff's Education & Training Standards	212 10 091	\$40.00
NC Alarm Systems Licensing Board	212 10 111	\$30.00
<b>Title 13 - Dept. of Labor - Complete Title</b>	<b>213 00 001</b>	<b>\$110.00</b>
Mine & Quarry Safety	213 15 061	\$25.00
General Safety/OSHA	213 20 001	\$70.00
Wage & Hour Rules	213 15 121	\$25.00
Boiler & Pressure Vessel Safety	213 15 131	\$25.00
Apprenticeship & Training	213 15 141	\$25.00
Elevator & Amusement Device Safety	213 15 151	\$25.00
<b>Title 14A - Dept. of Crime Control &amp; Public Safety - Complete Title</b>	<b>214 00 001</b>	<b>\$45.00</b>
Alcohol Law Enforcement	214 00 081	\$25.00
Victims Compensation Fund	214 00 111	\$25.00
<b>Title 15A - Dept. of Environ., Health, &amp; Nat. Resources - Complete Title</b>	<b>215 00 001</b>	<b>\$395.00</b>
Environmental Management	215 15 001	\$165.00
Air Quality	215 15 101	\$90.00
Water Quality	215 15 201	\$85.00
Land & Waste Management	215 15 301	\$85.00
Solid Waste Management	215 15 311	\$50.00

DESCRIPTION	CODE	ANNUAL SUBSCRIPTION PRICE
Underground Storage Tanks	215 15 321	\$30.00
Coastal Management, Fishing & Boating	215 15 401	\$53.00
Environmental Health	215 25 001	\$150.00
Radiation/Nuclear Waste	215 25 101	\$65.00
Sanitation	215 25 201	\$60.00
Public Health	215 25 301	\$85.00
Intoxilizer & Breathalyzer	215 25 311	\$25.00
<b>Title 16 - Dept. of Public Instruction - Complete Title</b>	<b>216 00 001</b>	<b>\$60.00</b>
Elementary & Secondary Education	216 10 061	\$30.00
<b>Title 17 - Department of Revenue - Complete Title</b>	<b>217 00 001</b>	<b>\$130.00</b>
Taxes on Individuals	217 15 101	\$40.00
Taxes on Business	217 15 201	\$70.00
Sales & Use Tax Division	217 15 271	\$45.00
Motor Fuels Tax Division	217 15 291	\$30.00
<b>Title 18 - Secretary of State - Complete Title</b>	<b>218 00 001</b>	<b>\$60.00</b>
Securities Division	218 10 060	\$35.00
<b>Title 19A - Dept. of Transportation - Complete Title</b>	<b>219 00 001</b>	<b>\$90.00</b>
Division of Highways	219 10 021	\$45.00
Division of Motor Vehicles	219 10 031	\$45.00
<b>Title 20 - Dept. of the State Treasurer - Complete Title</b>	<b>220 00 001</b>	<b>\$45.00</b>
<b>Title 21 - Occupational Licensing Boards - Complete Title</b>	<b>221 00 001</b>	<b>\$230.00</b>
<b>Title 22 - Administrative Procedures - Repealed</b>	<b>n/a</b>	
<b>Title 23 - Community Colleges - Complete Title</b>	<b>223 00 001</b>	<b>\$45.00</b>
<b>Title 24 - Independent Agencies - Complete Title</b>	<b>224 00 001</b>	<b>\$40.00</b>
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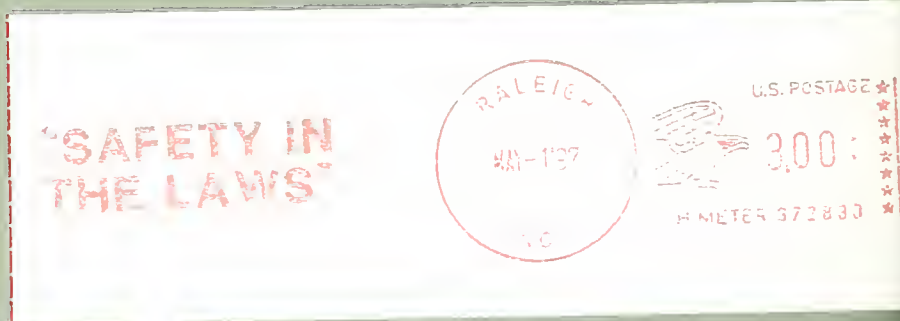
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