## NORTH CAROLINA

## REGISTER

## VOLUME 14 • ISSUE 18 • Pases 15931663

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## PUBLISHED BY

The OJfce oJ Administrative Hearinss

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For those persons that have questions or concerns resardins the Administrative Procedure Act or any of its components. consult with the asencies below. The bolded headinss are typical issues which the siven asency can address but are not inclusive.
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|  |  | 气 $\stackrel{\text { 娄 }}{\vec{E}}$ | $\begin{aligned} & \text { à } \\ & \text { O } \\ & \text { N } \end{aligned}$ | 2 <br> $\stackrel{2}{\mathrm{~N}}$ <br>  | $\begin{aligned} & \text { B } \\ & \stackrel{0}{5} \\ & 0 \end{aligned}$ | $\begin{aligned} & \text { B } \\ & \text { n } \\ & 0 \end{aligned}$ | $\begin{aligned} & \text { 응 } \\ & \text { ò } \\ & \text { ㅇ } \end{aligned}$ | $\begin{aligned} & \text { ®in } \\ & \text { Ĩㅇ } \end{aligned}$ | $\stackrel{\stackrel{8}{\mathrm{R}}}{\stackrel{N}{\circ}}$ | $\begin{gathered} \stackrel{8}{\mathrm{y}} \\ \underset{\sim}{2} \end{gathered}$ | $\begin{aligned} & \stackrel{8}{8} \\ & \stackrel{\rightharpoonup}{5} \\ & \frac{5}{2} \end{aligned}$ | $\begin{aligned} & \text { O} \\ & \text { c } \\ & \text { N } \end{aligned}$ | $\begin{aligned} & \text { BO} \\ & \stackrel{\circ}{5} \\ & \hline \end{aligned}$ | $\begin{aligned} & \text { og } \\ & \stackrel{y}{4} \end{aligned}$ |  |  | $\stackrel{\stackrel{8}{\mathrm{~B}}}{\stackrel{-}{\mathrm{S}}}$ | $\begin{aligned} & \stackrel{8}{4} \\ & \text { N } \\ & \stackrel{y}{0} \end{aligned}$ | $\underset{\substack{\circ}}{\stackrel{\circ}{8}}$ |  | $\stackrel{\text { B }}{\underset{\delta}{8}}$ | $\begin{aligned} & \text { Bi } \\ & \text { त } \\ & \text { I } \end{aligned}$ | $\frac{\text { B }}{i}$ | $\begin{aligned} & \text { \% } \\ & \text { N } \\ & \text { S } \end{aligned}$ | $\begin{aligned} & \stackrel{8}{5} \\ & \stackrel{y}{6} \end{aligned}$ | 을 |
| $\begin{aligned} & \frac{5}{3} \\ & \frac{6}{4} \\ & \hline 1 \end{aligned}$ |  |  | $\begin{aligned} & 8 \\ & \frac{8}{9} \\ & 0 \end{aligned}$ | $\frac{8}{\stackrel{\circ}{5}}$ | $\begin{aligned} & \text { 옹 } \\ & \text { 응 } \end{aligned}$ | $\begin{aligned} & \text { Ois } \\ & \text { N } \\ & \text { NJ } \end{aligned}$ | $\begin{aligned} & 8 \\ & \frac{8}{8} \\ & \frac{8}{6} \end{aligned}$ | $\begin{aligned} & \stackrel{8}{5} \\ & \stackrel{y}{n} \\ & \end{aligned}$ | $\begin{aligned} & \frac{8}{6} \\ & 0 \\ & \text { O} \\ & \hline \end{aligned}$ | $\frac{\mathrm{B}}{\underset{\mathrm{G}}{\mathrm{G}}}$ | $\begin{aligned} & \text { B} \\ & \stackrel{5}{2} \\ & \text { no } \end{aligned}$ | $\frac{\stackrel{8}{5}}{\stackrel{N}{n}}$ | $\begin{aligned} & 8 \\ & \stackrel{8}{0} \\ & 0 . \end{aligned}$ | $\begin{aligned} & \stackrel{8}{5} \\ & \stackrel{n}{\overleftarrow{~}} \end{aligned}$ | $\begin{aligned} & 8 \\ & \stackrel{8}{6} \\ & \stackrel{6}{8} \end{aligned}$ | $\begin{aligned} & \text { B } \\ & \stackrel{8}{5} \\ & \stackrel{1}{5} \end{aligned}$ |  | $\underset{\underset{\infty}{\infty}}{\stackrel{y}{n}}$ | $\begin{aligned} & \stackrel{8}{8} \\ & \stackrel{8}{8} \end{aligned}$ | $\begin{aligned} & \stackrel{8}{8} \\ & \stackrel{n}{8} \end{aligned}$ | $\begin{aligned} & \text { BiN } \\ & \text { No } \end{aligned}$ | $\begin{aligned} & 8 \\ & 0 \\ & 0 \\ & 0 \end{aligned}$ | $\begin{aligned} & 8 \\ & \stackrel{8}{9} \\ & \hline \end{aligned}$ | $\begin{aligned} & 8 \\ & \stackrel{y}{n} \\ & \equiv \end{aligned}$ | $\begin{aligned} & 8 \\ & \stackrel{8}{0} \\ & \hline \end{aligned}$ | \％ |
|  |  |  | $\underset{\square}{7}$ | $\underset{\underset{~}{\ddagger}}{\square}$ | $\stackrel{\text { vigu }}{\underset{\sim}{i}}$ | $\stackrel{\asymp}{\rightrightarrows}$ | $\stackrel{\pi}{i}$ | $\frac{\boldsymbol{x}}{\underset{y}{ \pm}}$ | $\frac{\stackrel{2}{3}}{ \pm}$ | $\stackrel{\text { N}}{ \pm}$ | $\underset{\Xi}{\tilde{Z}}$ | $\underset{~}{\text { モ }}$ | $\underset{\beth}{\underset{\beth}{3}}$ | $\begin{aligned} & \underset{\sim}{ \pm} \\ & \underset{\sim}{*} \end{aligned}$ | $\stackrel{\bar{i}}{\underset{\sim}{8}}$ | $\begin{aligned} & \underset{\underset{y}{x}}{\underset{\theta}{x}} \end{aligned}$ | $\begin{aligned} & \underset{\ddot{\ddot{x}}}{=} \end{aligned}$ |  | $\begin{aligned} & \underline{w} \\ & \underset{y}{\ddot{H}} \end{aligned}$ |  | $\begin{aligned} & \stackrel{y}{\underset{y}{x}} \end{aligned}$ | $\begin{aligned} & x \\ & \underset{y}{0} \\ & \underset{y}{x} \end{aligned}$ | $\begin{aligned} & \stackrel{\text { gity }}{\underset{y}{*}} \end{aligned}$ | $\stackrel{e}{\stackrel{e}{i n}}$ | $\stackrel{ت}{\ddot{u}}$ |  |

EXPLANATION OF THE PUBLICATION SCHEDULE
This Publication Schedule is prepared by the Office of Administrative Hearinss as a public service and the computation of time reriods are not to be deemed bindins or controllins. Time is computed accordins to 26 NCAC 2C 0302 and the Rules of Civil Procedure Rule 6
FILING DEADLINES
NOTICE OF RULE MAKING PROCEEDINGS
NOTICE OF TEXT
EARLIEST DATE FOR PUBLIC HEARING: The hearins date shall be at least 15 days after the date a notice of the hearins is published
END OF REQUIRED COMMENT PERIOD
(I)RULE WITH NON SUBSTANTIAL ECONOMIC IMPACT An asency shall accept comments on the text of a promosed rule for at least 30 days after the text is published or until the date of any public hearines held on the proposed rule whichever is lonser
(2)RULE WITH SUBSTANTIAL ECONOMIC IMPACT An asency shall accert comments on the text of a provosed rule published in the Resister and that has a substantial economic impact reчuirins a fiscal note under GS $150 \mathrm{~B} 21.4(\mathrm{bl})$ for at least 60 days after rublication or until the date of any sublic hearins held on the rule whichever is lonser.
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 $b y$ the last day of the next month
FIRST LEGISLATIVE DAY OF THE NEXT
REGULAR SESSION OF THE GENERAL assembly: This date is the first lesislative day of the next resular session of the General Assembly followins arroval of the rule by the Rules Review Commission See G.S 150B 21 3. Effective date of rules

Thus Section contains tublic notices that are reyuired to be mublished in the Resister or have been aproved by the Codither oJ Rules br rublication.

## SUMMARY OF NOTICE OF INTENT TO REDEVELOP A BROWNFIELDS PROPERTY

## CK LAND DEVELOPMENT, INC.

Pursuant to NCGS 3 I 30A 31034 CK Land Develorment Inc has filed with the North Carolina Derartment of Environment and Natural Resources (DENR) a Notice of Intent to Redevelor a Brownfields Proverts ( Property) in Charlotre Mecklenburs County North Carolina The Prorert consists of tax rarcels 12304114 throuth 12304121 which comprise 284 acres at the northeast comer of the intersection of South Boulevard and East Park Avenue Environmental contamination exists on the Prorerty in zroundwater and soil CK Land Develorment Inc has committed itself to make no other use of the Prorerty than for shors offices and residences The Notice of lntent to Redevelor a Brownfields Property includes (I) a prorosed Brownfields Asreement between DENR and CK Land Develorment lnc which in turn includes (a) a lesal description of the Property (b) a mar showins the location of the Prorerty (c) a description of the contaminants involved and their concentrations in the media of the Prorerty (d) the above stated description of the intended future use of the Prorerty and (e) proposed investication and remediation, and (2) a prorosed Notice of Brownfields Prorerty prepared in accordance with G S 130A31035 The full Notice of Intent to Redevelor a Brownfields Prorerty mar be reviewed at the Mecklenburs County Resister of Deeds office 720 E. 4th St Charlotte NC 28202 (704)3362443, or at 401 Oberlin Rd Raleioh NC 27605 by contactine Scott Ross at that address at scott ross ${ }^{2}$ ncmail net or at 919$) 7332801$ ext 328 Written public comments may be submitted to DENR within 60 days of the date of this Notice Written reчuests for a rublic meetins may be submitted to DENR within 30 days of the date of this Notice All such comments and reчuests and/or reчuests to view the full Notice of Intent should be addressed as follows

Mr Bruce Nicholson<br>Head Srecial Remediation Branch<br>Surerfund Section<br>Division of Waste Manasement<br>NC Derartment of Environment and Natural Resources<br>401 Oberlin Road Suite 150<br>Raleish North Carolina 27605

# U.S. Department of Justice 

Civil Rishts Division

Votins Section
P() Box 56128
Washinston. D.C. 200356128

October 13. 1999

Mr Gary O Bartlett<br>Executive Secretary Director<br>State Board of Elections<br>PO Box 2169<br>Raleish North Carolina 27602

## Dear Mr Bartlett

This refers to Session Law 1999453 which adds an additional чuestion on ethnicity to voter resistration forms, reчuires monthly revorts of deaths and felonies to the State Board of Elections and county boards of elections, allows the State Board of Elections more flexibility in adortins temrorary election rules, and imroses certain limitations on camraisn financins and rolitical activity of candidates includins clarifyins the definition of campaisn support and opposition prohibitins lobbyins sroups from solicitins campaisn contributions reчuirins candidates and orsanizations to arpear or indicate sponsorshir in television commercials and radio advertisements and $\mu$ rohibitins anony mous campaion contributions or contributions made on behalf of other rersons, and Session Law 1999455 which makes chanses to absentee votins procedures includins the elimination of the excuse recuirement for November seneral elections in even numbered years, allows counties to desisnate more than one one stor votins location and establishes the votins procedures for such locations, clarifies the information reчuired to be kert in a county $s$ resister of absentee votins, provides for a revised absentee ballot arplication and process wherein an absentee ballot may so directly to an aprlicant even if reчuested by a suardian, sets the minimum number of times a county board of elections must meet to consider absentee ballot arplications, broadens the definition of near relative as concerns who may reчuest an absentee ballot on another persons behalf, allows absentee ballots to be returned by commercial courier fax or e mail, clarifies that absentee ballot applications must be retained by a county board of elections for one year, reчuires that absentee ballots from one stor votins locations counted electronically not be counted until the rolls close on election day, allows a candidate to be a witness on an absentee ballot for a near relative, rermits raper ballots voted at curbside by elderly or disabled voters to be transrorted to the county board office for countins if the precinct uses electronic tabulators, and rermits the State Board of Elections to rromulsate rules on the transmittal of faxed ore mailed absentee ballots for the State of North Carolina submitted to the Attorney General pursuant to Section 5 of the Votins Rishts Act 42 U S C. 1973c We received your submission on Ausust 271999

The Attorney General does not interrose any oblection to the srecified chanses However we note that Section 5 expressly rrovides that the failure of the Attorney General to object does not bar subseчuent litisation to en oin the enforcement of the chanses See the Procedures for the Administration of Section 5 ( 28 C F R 5141 )

Session Laws 1999453 and 455 include provisions that are enablins in nature Therefore any chanses affectins votins that are adorted pursuant to this lesislation will be subject to Section 5 review les adoution by the State Board of Elections of any temporary election rules or rules sovernins faxed or e mailed absentee ballots) See 28 C F R 5115

Section 6 of Session Law 1999455 includes provisions that are enablins in nature Therefore local urisdictions are not relieved of their responsibility to seek Section 5 reclearance of any chanses affectins votins that are adorted pursuant to this lesislation les establishment of additional one stor votins locations) 28 C.FR 5115

Sincerely.
Joserh D Rich
Actins Chief
Votins Section

# US Derartment of Justice <br> Civil Rishts Division 

JDR VLO DCM .dh
DJ 1660123
Votins Section
PO Box 66128
Washinzton. D.C. 200356128

October 181999
Mr Gary O Bartlett
Executive Secretary Director
State Board of Elections
PO Box 2169
Raleish North Carolina 27602
Dear Mr Bartlett
This refers to the Session Law 1999227 which rrovides for the following updates reчuirements for the states participation in the 2000 Census Redistrictins Data Prosram of the U S Bureau of the Census, extends the time reriod durins which boards of election are restricted from chansins votine precinct boundaries with certain exceptions throush January 2002 sub.ect to the arrroval of the Executive Secretary Director of the State Board of Elections, rermits the postronement of the effective date of 2000 Census precincts under specified circumstances, eliminates the reyuirement for countr boards of election to file precinct data annually with the state, amends the definition of visible physical features for rurposes of establishins rrecinct boundaries, permits municiralities to postrone elections scheduled for 200 underspecified circumstances, and revises the candidate 4 ualification period for municiral offices in the 2001 elections for the State of North Carolina submitted to the Attorney General pursuant to Section 5 of the Votins Rishts Act. 42 U S C. 1973c We received sour submission on Ausust 171999

The Attomer General does not interrose any oblection to the specified chanses However we note that Section 5 expressly provides that the failure of the Attorney General to oblect does not bar subsequent litisation to enioin the enforcement of the chanses See the Procedures for the Administration of Section 5 (28 C F R 51 41)

Session Law 1999227 includes provisions that are enablins in nature. Therefore local iurisdictions are not relieved of their responsibility to seek Section $5 \mu$ reclearance of any chanses affectins votins that are adopted pursuant to this lesislation les rostronement of municiral elections scheduled for 2001) See 28 C.F R 51

Sincerely.<br>Joserh D Rich<br>Actins Chef<br>Votine Section

# U.S Department of Justice 

Civil Rishts Division

JDR VLO DCM idh
DJ 1660123
I 9992370
Votins Section
P() Box 66128
Washinston. D.C. 200356128

November 1999
Mr Gary O Bartlett
Executive Secretary Director
State Board of Elections
PO Box 2169
Raleish North Carolina 27602

## Dear Mr Bartlett

This refers to Session Law 1999424 which makes technical chanses to the election laws revises retition requirements redefines rolitical committee and referendum committee chanses the duties of the Executive Secretary Director of the State Board of Elections resardins the provision of written rulinss on campaisn finance matters clarifies the authority of the State Board of Elections resardins elections and accessible rollins rlaces clarifies the arpeal rocess and candidate vacancies in nonrartisan dudicial elections, and Session Law 1999426 which lowers the rorulation threshold for full time county boards of elections offices chanses campaisn finance and voter resistration rrocedures increases the minimum comrensation of countr election directors srants the State Board of Elections sreater authority over municiral boards of elections and srants county boards of elections sreater authority over the establishment of rollins places for the State of North Carolina submitted to the Attorney General pursuant to Section 5 of the Votins Rishts Act 42 U S C. 1973c We received your submission on Ausust 31 1999, surplemental information was received on October 281999

The Attorney General does not interpose any obection to the srecified chanses However we note that Section 5 expressly rrovides that the failure of the Attorney General to oblect does not bar subseyuent litisation to enoin the enforcement of the chanses See the Procedures for the Administration of Section 5 (28 C.FR 51 41)

Session Law 1999426 contains provisions that are enablins in nature Therefore any chanses affectins votins that are adorted pursuant to this lesislation will be subject to Section 5 review le z adoption of rules resardins accessible rollins rlaces desisnation of pollins place outside of precinct establishins more than one rollins place in precinct) See 28 C FR 5I 15

Sincerely.
Joserh D Rich
Votine Section

A Notice of Rule makins Proceedinss is a statement of subvect matter of the asencys trorosed rule makins. The azency must mublish a notice of the subsect matter br nublic comment ar least 60 davs trior to rublishins the prorosed text of a rule. Publication of a temoorary rule serves as a Notice of Rule makins Proceedinss and can be bund in the Resister under the section headins of Temiorary Rules. A Rule makins Azenda rublished by an asency serves as Rule makins Proceedinss and can be bund in the Resister under the section headins of Rule makins Asendas. Statutory rekrence: G.S. 150B 21.2.

## TITLE 2 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

## CHAPTER 43 MARKETS

NTotice oJ Rule makins Proceedinss is hereby given by the North Carolina Board o. 1 Asmculture in accordance with G.S. $150 B$ 21.2. The asency shall subseчuently rublish in the Resister the text o.the rules it profoses to adoнt as a result of this notice of rule makins troceedinss and any comments received on this notice.

Citation to Existins Rules Affected bs this Rule Makins: 2 NCAC $43 L .0304 .0305$ Other rules may be pro\%osed in the course of the rule makine rrocess.

Authority for the rule makins: G.S. 106 22. 106 530, 105 6.1

Statement of the SubJect Matter: These rules establish kes br the use of the various lacilities and related services at the Western North Carolina Asricultural Center.

Reason for Proposed Action: There is a need to increase .kes hor rental of lacilities at the Western North Carolina Asricultural Center to cover increased oreratins costs and make other chanses to urdate and clarity these rules.

Comment Procedures: Written comments may be submitted to David S. McLeod. Secretary North Carolina Board of Asriculture. P() Box 27547. Raleish. NC' 27611.

## TITLE 10 DEPARTMENT OF HEALTH AND HUMAN SERVICES

## CHAPTER 3 FACILITY SERVICES

$N$Totice of Rule makins Proceedinss is herebs siven by the 1 DHHS/Division of Faciliry Services in accordance with G.S. I50B 21 2. The agency shall subseyuenty tublish in the Resister the text o. The rule's, it profoses to adort as a result of this notice of rule makins proceedinss and any commems received on this notice.

Citation to Existins Rules Affected by this Rule Makins: 10 NCAC $3 R .3001 \quad 3002.3010 \quad 3020 \quad 3030.3032 \quad 3040$ .3050 .3088 . 61016141 (other rules may be rrorosed in the course of the rule making rrocess.

Authority for the rule makins: G.S. $131 E$ 176'25,. $131 E$ 175! 1: 131E 183'b.

Statement of the SubJect Matter: The rules contain rolicies and need determinations Srom Siate Medical Facilities Plans .for trevious years.

Reason for Proposed Action: Each year the derartment develors an annual State Medical Facilities Plan' SMFP, there.bre the rules for the 19961997 and 1998 SMFP s are obsolete and should be revealed.

Comment Procedures: Written comments concernins the rule makine action must be submitted to .Jackie R. Sherfard. Rule makins Coordinator. Division of Facility Services 2701 Mail Service Center Raleish. NC' 276992701.

## TITLE I5A DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

## CHAPTER 2 ENVIRONMENTAL MANAGEMENT

Notice oJ Rule making Proceedinss is hereby given by DENR Environmental Manasement Commission in accordance with G.S. l50B2l.2. The akency shall subseyuently rublish in the Rexister the text of the rule it proroses to adopt as a result of this notice of rule makins rroceedinss and any comments received on this notice.

Citation to Existins Rules Affected bs this Rule Makins: 15A NCAC $2 H .0200$ (other rules may be froнosed in the course of the rule makine trocess

Authority for the rule makins: $G . S . \operatorname{l+3} 215.3^{\prime} a,^{\prime} l, 1+3$ 215.10C

Statement of the Sublect Matter: To establish rules to adort new verbrmance and technical standards for anmal waste manazement technolosies. Comments will be solicited on how these rules can be develored to reduce rotential risks to human healit and the environment throush transfort of rollulants via sur.lace water sroundwater and the air.

Reason for Proposed Action: Animal waste in Norih Carolina is manased predominately throush anaerobic lasoons and strashelds This waste manasement system roses rotential risks to human health and the enviramment throush franspori of pollutanes via surbace water. sroundwater and the air. The Envirommental Manasement

Commission is profosins to initiate the rrocess to develor rules which would rrovide improved environmental protection trom risks associated with animal tacilities. The Commission is interested in comments resardins levels of environmental and health risks associated with various technolozies and when improvements to existins technolosies or conversions to new technolosies are warranted. Comments are also srecifically reчuested on how to incorrorate ineans to address sroundwater surlace water. odor and atmostheric derosition concerns into rules. Comments on timelines to accomplish improvements are also solicited.

Comment Procedures: The rurrose ofthis announcement is to encourase those interested in this rule makins to rrovide written comments that can be used in drantins the lansuabe of the rule. Written comments may be submitted to Dennis Ramsey. DENR Division of Water Uuality. Non discharse Branch. 1617 Mail Service Center. Raleish. NC' 276991617. Uuestions may be directed to Dennis Ramsey at '919, 733 5083 ext. 528. or Deunis.ramsey ${ }^{(1)}$ ncmail.net.

This Section contains the texp of rrorosed rules. At least 60 days prior to the rublication of text the agency rublished a Notice of Rule makins Proceedinss. The asency must accept comments on the prorosed rule .br at least 30 days hrom the rublication date. or until the rublic hearins. or a later date $1 /$ speci hed in the notice by the asency. The reyuired comment reriod is 60 days Jor a rule that has a substantial economic impact olat least Ive millton dollars ' $\$ 5.000000$. Statutory re.krence: G.S. 150B 21.2.

## TITLE 2 DEPARTMENT OF AGRICULTURE

NTotice is hereby given in accordance with G.S $150 B 212$ that the NC Board of Asriculture intends to amend the rule cited as 2 NCAC 52B.0201. Notice of Rule makins Proceedinss was rublished in the Resister on January lf. 2000.

Proposed Effective Date: ,huly 1. 2000
Instructions on How to Demand a Public Hearins 'must be reчuested in writins within 15 dars o. notice,: Any verson may reчuest a rublic hearins on the rrorosed rule by submittins a reyuest in uritins no larer than March 302000 to David S. McLeod. Secretary. North Carolina Board of Asriculture. PO Box 27647. Raleish. NC 27611.

Reason for Proposed Action: The State Veterinarian recommends this profosed chanse in order to prevent the spread o.Janimal diseases.

Comment Procedures: Written comments may be submitted no later than Atril l+ 2000. to David S. McLeod Secretary. North Carolina Board of Asriculture. P() Box 27647. Raleish. NC 27617.

## Fiscal Impact

State Local Sub. None

## CHAPTER 52 VETERINARY DIVISION

## SUBCHAPTER 52B ANIMAL DISEASE

## SECTION . 0200 ADMISSION OF LIVESTOCK TO NORTH CAROLINA

. 0201 HEALTH REGULATIONS IN GENERAL
(a) No animal includins roulity or birds of any species that is affected with or recently exrosed to any infectious contasious or communcable disease or which orisinates from a чuarantine area shall be transported or in any manner moved into the state until written permission for such importation has been obtained from

State Vetermarian of North Carolina
North Carolina Department of Asriculture
and Consumer Services
Raleizh North Carolina 27611
Those diseased or exposed animals which are aprroved by the Animal and Plant Health Inspection Service Veterinary Services United States Devartment of Asricuilture for
interstate shirment for immediate slaushter are exempt from this provision provision, however any vehicle used to transport such diseased or exposed animals must be cleaned and disinfected immediately after use and prior to transportins other animals
(b) All livestock (includins the American buffalo or bison which for the purrose of this Section shall be considered as beef cattle) transported or otherwise moved into the state shall be accompanied by an official health certificate and rermit when required which shall be attached to the waybill or shall be in the rossession of the driver of the vehicle or rerson in charse of the livestock
(c) A cory of the health certificate arrroved by the chief livestock sanitary official of the state of orisin shall be forwarded within 30 days of issuance to

> State Veterinanan

472 Asriculture Buildins
Post Office Box 26026
Raleish North Carolina 27611
(d) Livestock enterins North Carolina without a prover health certificate and rermit when required shall be чuarantined and held at the owners risk and expense until released by the State Veterinarian

Authority G.S. 106 307.4. 106 307.5, 106317,106348 , 106540.

## TITLE 10 DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby siven in accordance with G.S $150 B 21.2$ that the DHHS Division of Medical Assistance intends 10 amend the rule cited as 10 NC'AC' 26 H .0401 . Notice oJ Rule makins Proceedinss was rublished in the Resister on January 4. 2000.

Proposed Effective Date: Arril l 2001
A Public Hearins will be conducted at l:30 r.m. on March 302000 af 1985 Imstead Dr Kirby Buildins. Room 152. Raleizh NC 27603.

Reason for Proposed Action: This chanse increases Medicand thrsician allowables to match Medicare rates.

Comment Procedures: Written comments concernins this rule makins action must be submitted by May 15. 2000 to Portia $W$ Rochelle Rule makins Coordinator Division of Medical Assistance. 1985 'Jmstead Drive. 2504 Mail Service Center. Raleish NC 276992504.

## Fiscal Impact

 State Local $\checkmark \checkmark$
## CHAPTER 26 MEDICAL ASSISTANCE

## SUBCHAPTER 26H REIMBURSEMENT PLANS

## SECT ION . 0400 PROVIDER FEE SCHEDULES

The text in bold has been approved by the Rules Review Commission and is waitins for lesislative approval.

## .0401 PHYSICIAN S FEE SCHEDULE

(a) Effective January 12000 1995 (see Parasraph (b) of this Rulet physicians services whether furnished in the office the ratients home a hospital a nursins facility or elsewhere the North Carolina Medicaid Fee Schedule shall be based on the Medicare Fee Schedule Resource Based Relative Value System (RBRVS) excert for rayments to the various Medical Faculty Practice Plans of the University of North Carolina Charel Hill and East Carolina University which witt shall be reimbursed at cost and cost settled at year end, end Effective Januars 1, 1998, the The North Carolina Medicaid Fee Sehedute is based on the Medicare-Fee-Schedule-Resource Based Relative Value Srstem (RBRVS) -in effect in fiseal rear 1993 1997-tas adopted by Medicare at 56 F.R. 59501 (November 25, 1991, effective Jamuar: 1. 1992. applicable to services furnished besinnins Januars 1,1992 ), but with the followins clarifications and modifications
(1) A maximum fee is established for each service and is arplicable to all srecialties and settinss in which the service is rendered Payment is equal to the lower of the maximum fee or the provider; customary charse to the seneral public for the particular service rendered
(2) Fees are established on a statewide basis usins the Medicare Geobrarhic Practice Cost Indiees-for North Carolina
(3) There will be no-transition period-in applsins the Medicaid-fees whereas Medicare has a five sear phase in period
(4) Annual chanses in the Medicaid varments will shall be arrlied each January 1 and fee increases will shall be arplied based on the forecasted Gross National Product (GNP) Implicit Price-Deflator Said annual chanees in the Medicaid parments shall not exceed the percentase increase sranted by the North Carolina General Assembly
(5)(2) Fees for services deemed to be associated with adequacy of access to health care services may be increased based on administrative review The service must be essential to the health needs of the Medicaid recirients no other comparable treatment available and a fee adiustment must be necessary to maintain rhysician particiration at a level adeчuate to meet the needs of Medicaid rectrients A fee may also be decreased based on-administrative
review if it is determined that the fee may exceed the Medicare allowable amount for the same or similar services or if the fee is hisher than Medicaid fees for simitar services or if the fee is too hish in relation to the skills time and other resources reyuired to provide the particular service
(6)(3) Fees for new services are established based on this Rule utilizins the most recent RBRVS if applicable If there is no relative value unit (RVU) available from Medicare fees will shall be established based on the fees for similar services If there is no RVU or similar service the fee wifl shall be set at 75 rercent of the rrovider s customary charse to the seneral $\mu$ ublic For codes not covered by Medicare that Medicaid covers annual chanses in the Medicaid rayments will be applied each January 1 and fee increases will be applied based on the forecasted Gross National Product (GNP) Implicit Price Deflator Said annual chanses in the Medicaid payments shall not exceed the percentase increase sranted by the North Carolina State Lesislature
(4) For codes not covered by Medicare that Medicaid covers a code may also be decreased based on administrative review if it is determined that the fee may exceed the Medicare allowable amount for similar services or if the fee is hisher than Medicaid fees for similar services or if the fee is too hish in relation to the skills time and other resources reчuired to provide the particular service
(b) This reimbursement limitation shall become effective in accordance with the rrovisions of GS 108A 55(c) These chanses to the Physicians Fee Schedule allowables shall become effective when the Health Care Financins Administration. U. S. Department of Health and Human Services, arproves amendment to HCFA by the Director of the Division of Medical Assistance on or about January 1. 2000 as \#MA 99 12 1998 as \#MA 9807 wherein the Director proposes amendments of the State Plan to amend the Physicians Fee Schedule.

Authority G.S. $108 A 25^{\prime} b$.

NTotice is hereby siven in accordance with G.S. I50B 21.2 that the Social Services Commission intends to amend the rule ciled as 10 NCAC 41S. 0613. Notice of Rule makins Proceedinss was rublished in the Resister on Ausust l6. 1999.

Proposed Effective Date: Arril 17. 2001

A Public Hearins will be conducted at 10:00 a.m. on April 18. 2000 at the Albemarle Buildins. Room 819 E. Raleish. NC' 27603.

Reason for Proposed Action: Permanent amendment of the licensure rule $10 \mathrm{NC} A C^{\prime} 41 \mathrm{~S} .0613$ is rrorosed as a result of a
child latality in a residential child care kacility on March $1 /$ 1999. The childs death occurred as a resuli of improver restraint technuues utilized by a child care worker. Licensure rules bovernins frover restraint techniyues are needed immediately to ensure that such an incident never occurs abain due to the mmerover usase oll restraints. Amendment of 10 NCAC 4 S .0613 will ensure sreater protection of bster children in residentual child care Jacilities. 10 NCAC 4150613 sets brth the reчurrements .br residential child care lacilities i.Irestraints are utilized.

Comment Procedures: Anyone wishins to comment on these rrorosed rules should contact Sharnese Ransome. APA Coordinator. Social Services Commission. NC Division of Social Services. 325 N. Salisbury St. 240l Mail Service Center. Raleish. NC 27699 2401. thone !919, 7333055. Comments will be accerted in uritins throush 5:00 r.m. on Arril lf. 2000. Verbal comments may be tresented af the rublic hearins on Atril 18. 2000.

Fiscal Impact
State Local Sub. None

## CHAPTER 41 CHILDREN S SERVICES

## SUBCHAPTER 4IS MINIMUM LICENSING STANDARDS FOR RESIDENTIAL CHILD CARE

## SECTION 0600 SERVICE DELIVERY

## . 0613 DISCIPLINE AND BEHAVIOR MANAGEMENT

(a) The residential child care facility shall have written policies and rrocedures on discipline and behavor manasement manasement includine the troe and use of rhysical restraint holds if utilized which- A cory of the written policies and procedures shall be provided to and discussed with altchildren parents-or lesal custodians each child and the childs parents or lesal custodians pior to or at the time of admission Which-Policies and procedures shall include
(1) Proactive means for interactins with and teachins children which emphasize $\mu$ raise and encourazement for exhibitins self control and desired behavior and
(2) Methods for protectins children and others when a child is out of control
(b) The residental chid care facilit shall implement standards for behavior which are reasonable and develormentally arprorriate
(c) The residential child care facility shall not ensase in discipline or behavior manasement which includes
(1) Corporal/\%hysical punishment,
(2) Cruel severe or humiliatins actions,
(3) Discipline of one child by another child,
(4) Denial of ford sleer clothine or shelter,
(5) Densal of famil, contact meludine family time telerhone or mail contacts with family
(6) Assiznment of extremely strenuous exercise or work,
(7) Verbal abuse or ridicule,
(8) Chemical mechanical or mhysical restraints excent as specified in 10 NCAC 41 S 0614 (e) or
(9) Locked rooms
(d) The residential child care facility shall srohibit isolation as a behavioral control measure except when the facility provides it in an unlocked room within hearins distance of a staff member and the lensth of time alone is aryrorriate to the child s aze and stakes of develorment
(e) If physical restrants are used utilized the residential chiid care facilit shall have written policies and procedures on the topes of and use of physical restraints which shall be discussed with each child parents or lesal eustodian prior to or upon admission The facilitr-shall train and surervise staff in the safe use of physical restraint The facility-shall documents each ineident of physical restraint on an incident report which shall be filed in the childs record The facilitr shall assien surervisors staff to review and initial each incident report within 24 hours of the -physical restraint to evaluate that the correct steps were followed bs the direct ehildeare staff who applied the -hysical restraint
(1) Physical restraint holds shall be administered by yualified trained staff No child or srour of children shall be allowed to participate in the physical restraint of another child,
(2) No child shall be physically restrained utilizins a protective or mechanical device Physical restraint holds shall
(A) not be used for purposes of discipline or convenience.
(B) only be used as a last resort if less restrictive approaches have failed.
(C) be administered in the least restrictive manner possible to protect the child or others from imminent risk of harm. and
(D) end when the child becomes calm
(3) The residential child care facilit shall
(A) Ensure that any physical restraint hold utilized on a child is administered $\underline{\mathrm{b}} \boldsymbol{a}$ a trained staff member with a second staff member in attendance. Concurrent with the administration of a physical restraint hold and for a minimum of 15 minutes subsequent to the termination of the hold a staff member shall
(i) monitor the childs breathins.
(ii) ascertain that the child is verbally responsive and motorically in control, and
(iii) shali ensure that the child remains conscious without any complaints of pain
If at any time durins the administration of a phesical restraint hold the child complains of beine urable to breathe or loses motor control the staff member administerine the
physical restraint hold shall immediately terminate the hold or ad ust the position to ensure that the child s breathine and motor control are not restricted If at any time the child appears to be in distress a staff member shall immediatel. seek medical attention for the child.
(B) Document each incident of a child beine sublected to a phosical restraint hold on an incident report This report shall include
(i) the child s name ase heisht and weisht.
(ii) the tyre of hold utilized,
(iii) the duration of the hold,
(iv) the staff member administerine the hold.
(v) staff member witnessins the hold,
(vi) supervisory staff who reviewed the incident report,
(vii) less restrictive alternatives that were attempted $\frac{\text { rrior to utilizine physical }}{}$ restraint.
(viii) the child s behavior which necessitated the use of physical restraint. and
(ix) whether the childs condition necessitated medical attention
Within 48 hours supervisory staff shall review the incident report to ensure that correct steps were followed and shall forward the report to the lesal custodian and the licensine authority,
(C) Submit a summary revort to the Division of Social Services by the 10 茥 day of each month indicatine the number of rhusical restraint holds used durine the previous month on each child and any in uries that resulted.
(D) Ensure that any physical restraint hold utilized on a child is administered by a competent staff member who has completed at least 16 hours of trainine in behavior manasement includins techniчues for de escalatine problem behavior and the approrriate use of physical restraint holds Thereafter staff authorized to use physical restraint holds shall must also annually complete at least $\underline{8}$ hours of behavior manasement trainins includins techniчues for de escalatine problem behavior, and
(E) Complete an annual review of the discirline and behavior manazement policies and techniчues to verify that the physical restraint holds beine utilized are beine applied proverly and safely This review shall be documented and submitted to the licensins authority as part of the annual licensins renewal application

NTotice is hereby given in accordance with G.S. 150B 21.2 that the DHHS Division of Medical Assistance intends to amend the rule cited as 10 NCAC 50B .0305. Notice of Rule makins Proceedinss was rublished in the Resister on Ausust 2. 1999.

Proposed Effective Date: Ausust l. 2000.
A Public Hearins will be conducted at 1:30 r.m. on March 302000 at 1985'Jmstead Drive. Room 132. Kirby Buildins Raleish NC 27603.

Reason for Proposed Action: 'Jnemplorment was treviously de.ined as workins 100 hours or less ver month. The revised resulation allows states to develor a reasonable de.fition of unemplorment as lons as it is not more restrictive than the . .rmer de.hnition.

Comment Procedures: Written comments concernins this rule makins action must be submitted by Arril 14. 2000 to Portia W. Rochelle. Rule makins Coordinator. Division of Medical Assistance, 1985 J Jstead Drive. $250 \neq$ Mail Service Center Raleish NC 276992504.

Fiscal Impact
State Local Sub. None $\checkmark \quad \checkmark$

## CHAPTER 50 MEDICAL ASSISTANCE

## SUBCHAPTER 50B ELIGIBILITY DETERMINATION

## SECTION . 0300 CONDITIONS OF ELIGIBILITY

## . 0305 DEPRIVATION

Derrivation shall be due to
(I) Death of either parent
(2) Physical or mental incaracity of either parents based on a physical or mental defect illness or impairment of such a debilitatins nature as to reduce substantially or eliminate the rarents ability to surport or care for the otherwise elisible child, provided that the defect illness or impairment shall be expected to last for at least 30 dayz
(3) Continued absence of parent for reason other than death or hospitalization and this absence interferes with the childs receipt of maintenance physical care or suidance from his parent and precludes the parents beine counted on for suprort or care for the child Such continued absence may be due to any of the followins
(a) Divorce
(b) Sevaration
(c) Desertion or abandonment
(d) Absence from the home for treatment or
medical care and the expected duration of the absence will exceed 12 months
(e) Incarceration in an institution
(f) Temrorary absence of the rayee relative or of the child from the home shall not affect elisibility. if the absent member of the household has not established another abode of a permanent nature and the reasons for absence indicate that the absence will be temporary. A child mas be temporarily absent from the home for various reasons but the resronsible relative shall have a definite plan for brinsins the child back into the home when the need for his absence has rassed The exercise of parental control and suidance by the relative rather than the physical presence of the relative or the child in the home shall be the important factor to be considered
(4) Parents livins tosether and not married to each other where the putative fathers duty to surport the child has not been established
(5) Unemrlosed Parent Status for Two Parent Families The child shall be derrived if both parents are in the home and
(a) The principle wase earner the parent who earns the sreater amount of income in the 24 months prior to the month of arplication) is unemployed The parents are elisible for Medicaid because countable income is eyual to or less than the approrriate catesorically needy income limit as defined in 10 NCAC $\underline{50} \underline{B}$.0303(e), or
(b) If the sross wases of both parents are equal the parent who worked the lesser number of hours shall be considered the principle wase earmer or The parents are elisible for Medicaid under medically needy elisible criteria by virture of meetins a deductible based uron income which exceeds the appropriate income limit as defined in 10 NCAC 50 B 0303(e)
tet If the hours worked are equal the-parents must desisnate in writins the principle wase earner:

Authority G.S. 108A 28. I08A 54, 42 C.F.R. 435510. 89 CFS 922.

## TITLE I5A DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby siven in accordance with G.S. $150 B 212$ that the DENR Forest Resources intends to adori the rules cuted as 15A NCAC' 9C .1102.1104 Nonce of Rule makins Proceedinss was mblished in the Resister on Ianiary
14. 2000

Proposed Effective Date: Arril l. 2001.
A Public Hearins will be conducted ai 10.00 a.m. on March 302000 at the Archdale Buildins $10^{\text {th }}$ Floor Conterence Room. Raleish. NC' 27604.

Reason for Proposed Action: To initiate rules to assist in implementins the Prescribed Burnins Act. fassed by the $N($ General Assembly in May 1999.

Comment Procedures: Written comments will be accepted throush Atril 14. 2000 and should be addressed to David Jarman NC Division of Forest Resources. 1616 Mail Service Center. Raleish. NC 276991616.

## Fiscal Impact <br> State Local

Sub. None
$\checkmark$

## CHAPTER 9 DIVISION OF FOREST RESOURCES

## SUBCHAPTER 9C DIVISION PROGRAMS

## SECTION .II00 NC PRESCRIBED BURNING ACT

## .I102 BURNER CERTIFICATION

The N C. Division of Forest Resources hereafter referred to as DFR shall conduct a bumer Certification rrosram composed of the followins
(1) Each candidate shall attend and successfully complete a prescribed burn school consistins of instruction on The NC Prescribed Burnins Act weather fuels smoke manasement firins techniчues and plannins executine and morvine ur the burn, a field trie to examine burn sites before and after burnins, and a written test DFR shall offer a minimum of one of these schools annually at a charse of twent five dollars (\$2500) per participant
(2) An alternative abbreviated school may be provided candidates who have successfully completed an aprroved prescribed burn school other than the DFR school Other acceptable rescribed burn schools shall be approved by DFR if all topics contained in the NC Prescribed Burn School were included Candidates are responsible for providine documentation of torics covered and successful completion to DFR. This abbreviated school shall include the NC Prescribed Burn Act and the NC. Smoke Manasement System A minimum of one of these schools shall be offered annually if there are reчuests
(3) In order to be certified each candidate whether they train under Parasraph (1) or (2) of this Rule shall successfully conduct a prescribed burm under the observation of a certified bumer The candidate
must submit to DFR a completed DFR Certified Burner checkoff sheet sisned by a certified burner
(4) Successful candidates shall receive both a numbered certificate and pocket card

Authority G.S. 113 8. 11360.21 throush 113 60.31, 143B10.

## . 1103 FOREST LAND

GS Article 4E and the rules in this Section only arrly to the burnine of forest lands as defined Forest land is land $10 \%$ or more stocked with trees includine land which formerly had tree cover that will be reforested Minimum size for forest land is one acre Minimum strip width is 120 feet This act does not arply to brush riles windrows or land clearins
debris

Authority G.S. 113 8. 11360.21 throush 113 60.31, 143 B 10.

## . 1104 PRESCRIPTION FILING

Prior to each prescribed burn the burner must file a cory of the fully completed prescrivtion for that burn with an employee of DFR This employee shall note the date and time the rrescription was received sion the prescription and forward it to the local DFR district office DFR shall retain these $\mu$ rescriptions for five years

Authority G.S. 113 8. 11360.21 throush ll3 60.31, 143 B 10.

This Section includes temporary rules reviewed by the Codiher of Rules and entered in the North Carolina Administrative Code and includes Jrom time to time. a listins oftemporary rules that have expired. See G.S. 150 B 21.1 and 26 NCAC 2 C 0500 .br adottion and hilins reyuirements. Pursuant to G.S. $150 \mathrm{~B} 21 . l^{\prime}$ e, rublication of a temrorary rule in the North Carolina Resister serves as a notice of rule makins rroceedinss unless this notice has been previously mublished by the asency.

## TITLE 2 DEPARTMENT OF AGRICULTURE

Rule makins Asencs: North Carolina Board of Asriculture
Rule Citation: $2 N C A C$ 52B 0207
Effective Date: February 21. 2000
Findinss Reviewed and Approved by: Beecher R Gray
Authority for the rule makins: G.S. 106 307.5. 106 316.1, 106317. 106318

Reason for Proposed Action: Asency stall and swine industry advisory committees recommended the adortion of temporary rules to prevent the reintroduction of rseudorabies. a swine disease. into North Carolina now that it has been eliminated Jrom North Carolina swine herds.

Comment Procedures: Written comments may be submitted to David S. McLeod. Secretary Nortl Carolina Board of Asriculture. P() Box 27647. Raleish. NC 27611.

## CHAPTER 52 VETERINARY DIVISION

## SUBCHAPTER 52B ANIMAL DISEASE

## SECTION. 0200 ADMISSION OF LIVESTOCK TO NORTH CAROLINA

. 0207 IMPORTATION REQUIREMENTS: SWINE
(a) All swine imported into the state excert by special permit or for immediate slaushter shall be accompanied by an official health certificate issued by a state federal or accredited veterinarian statins that they are free from any siens of an infectious or communicable disease and are not known to have been exposed to same The health certificate shail contain the car tas number of each animal or other identification accevtable to the Srate Veterinarian Swine imported for feedins or breedins purroses shall be moved in clean and disinfected trucks or other convesances
(b) Breedine swine and all other swine beine shipred to a breedins swine premise shall onsinate from a Validated Brucellosis Free herd or a Validated Brucellosis Free State and shall orisinate from a Uualified Pseudorabies Nesative herd Qualified Nesative Gene Altered Vaccinated Herd (UNV) or Pseudorabies Stase IV or V (Free) State. Breeding swine and all other swine beine shipred to a breedine swine rremise orisinatins from Stase II II/III or III areas or states must also be isolated and test mesative to a statistical 95/5
sample test usins an arproved $\mu$ seudorabies serolosical test between 30 and 60 days after arrival and before beins added to the herd
(c) All feeder swine imported into the state shall be accompanied $b$ y an official health certificate issued by a state. federal or accredited veterinarian statins or showins that
(I) A permit for entry was obtained within 30 days $\mu$ rior to entry for feeder piss that orisinate from a Stase II I//III III state or area and that they shall be чuarantined until slauzhtered, or
(2) The swine orisinated from a rseudorabies free area as determined by the State Veterinarian or
(3) The swine orisinated from a Qualified Pseudorabies Nesative Herd, or
(4) The swine orisinated from a monitored feeder pis herd or
(5) Swine from Stase II II/III IlI areas or states orisinated from a Qualified Nesative herd or a $\mu_{3}$ eudorabies monitored herd or tested nesative on a statistical (95/10) test within 30 days prior to shirment
(d) Healthy swine for feedins purposes may move directly from a farm of orisin in a contisuous state on which the $y$ have been located for not less than 30 days to a livestock market or stockyard in North Carolina that has been state federal approved for handlins feeder swine without the health certificate required herein provided such swine are accompanied by proof of the pseudorabies status of the herd of orisin accevtable to the State Veterinarian Such swine shall be inspected by a state or federal inspector or approved accredited veterinarian prior to sale at the market
(e) Healthy swine may be shipred into the state for immediate slaushter without a health certificate $\mu$ rovided the $\boldsymbol{y}$ so directly to a slaushterins establishment approved by the State Veterinarian or to a state federal approved livestock market or stockyard for sale to an approved slaushtering establishment for immediate slaushter only
(f) Swine from a pseudorabies yuarantined herd or swine which have been in contact with pseudorabies quarantined swine may be imported into the state for immediate slaubhter only under the followint conditions
(1) the swine must be accompanied by a shippins permit (Veterinary Services Form (27) issued by a veterinarian accredited pursuant to 9 CFR 161 or a state or federal animal health employee consionine the swine onls to a slaushterins establishment under state or federal inspection.
(2) the vehicle transportins the swine must be sealed after loadine with an official USDA or state of orisin seal The seal number must be recorded on
the VS Form 127 The seal can be broken or removed only by an NCDA\&CS or a USDA employee or other individual authorized by the State Veterinarian, and
(3) the vehicle used to transport the swine must be cleaned and disinfected in a manner approved by the State Veterinarian immediately after unloadine the swine and prior to usine the vehicle to transport other livestock

## (f)(z) Sportins swine

(1) For purposes of this Rule
(A) Sportins swine means any domestic or feral swine intended for huntins purposes and includes the proseny of these swine whether or not the prozeny are intended for huntins purposes,
(B) Feral swine means any swine that have lived any rart of its life free roamins
(2) No person shall import sportins swine into North Carolina unless
(A) The swine have not been fed sarbase within their lifetime, and the herd of orisin is validated brucellosis free and чualified rseudorabies nesative, and
(B) The swine have not been members of a herd of swine known to be infected with brucellosis or $\mu_{\text {seudorabies within the }}$ previous 12 months, and
(C) The individual animals six months of ase or over have a nebative brucellosis and $\mu_{\text {seudorabies }}$ test within 30 dass of movement, and
(D) The swine have not been a rart of a feral swine porulation or been exposed to swine cartured from a feral swine rorulation within the previous 12 months, and
(E) The swine are accomranied by an official health certificate or certificate of veterinary inspection identifyins each animal by ear tas breed ase sex the state of orisin and certifyins that the swine meet the import reчuirements of North Carolina
Note: Violation of this Rule is a misdemeanor under GS 1063076 which provides for a five hundred dollar ( $\$ 50000$ ) fine six months imprisonment or both

History Note: Authority G.S. 106 307.5. 106 316.1, 106317.106318.

Ell Atrill 1984.
Amended Ell February 1. 1996. May I. 1992. June I. 1989, January 1. 1989,
Temtorary Amendment EJI Atril 301999.
Temporary Amendment EIt February 21, 2000.

## TITLE 4 DEPARTMENT OF COMMERCE

Rule makins Asencs: Derartment of Commerce
Rule Citation: 4 NCAC IL.0101 . 0106
Effective Date: February 18. 2000

Findinss Reviewed and Approved by: Julian Mann. III
Authority for the rule makins: S.L. 1999463
Reason for Proposed Action: Rules sovernins srants to successhtl SBA Disaster Home Loan Arplicants.

Comment Procedures: Comments or yuestions may be directed to Leza Aycock. 9197333309.

## CHAPTER I DEPARTMENTAL RULES

## SUBCHAPTERIL GRANTS TO SUCCESSFUL SBA DISASTER HOME LOAN APPLICANTS

## SECTION .OIOO GENERAL INFORMATION

## . 0101 SCOPE

(a) Grants shall be available to homeowners who are approved for a disaster home loan from the $\underline{U} \underline{S}$ Small Business Administration (SBA) for damase to their primary residence as a result of Hurricane Flord Primary residence is defined as housins that the homeowner occupies or intends to occury durins the ma-ority of the calendar year A primary residence does not have more than $15 \%$ of the syuare footase used in a trade or business and is not used as income producins or investment property
(b) The residence must be located in one of the counties declared a ma-or disaster as a result of Hurricane Floyd by the President of the United States under the Stafford Act LP L 93288 )
(c) Applications will be accepted until six months after the date of the final Federal Emersency Manasement Asency (FEMA) resistration deadline for damases sustained from Hurricane Flogd

History Note: Authority (G.S. I502B 21.I, S.L. 1999463, Temporary Adortion E.tI February 18 2009 to extire on .January L. 2003.

## 0102 ELIGIBILITY

(a) The homeowner is not reyuired to finalize the SBA loan in order to be elizible for the state srant The loan must only be approved as documented by an aprroval letter from SBA
(1) Homeowners are elisible for three maximum brant amounts dependins uron aze income and amount of damake to the primary residence
(2) Amount of damase includes only damaze to real proverty Damase to personal proverty is not included in determinins elisibility or maximum Erant amount
(3) Amount of damake is determined by the SBA Loss

Verifier as documented on a SBA Verification of Real Property - Home Report LSBA Form 20565 99)
(4) When one or more of the owners of a primary residence is ase 60 or over as documented on the application for a SBA disaster home loan income is not a factor in determinins the maximum srant amount.
(5) When all owners of a primary residence are under ase 60 and the combined annual adiusted sross income of the homeowners is One Hundred Thousand Dollars ( $\$ 100000$ ) or over the homeowner is not elisible for a srant.
(b) Rezardless of the maximum srant amount for which the homeowner is elivible based uron ase income and amount of damaee no zrant shall exceed the amount of damase to real property of the primary residence as verified by the SBA damaze assessment

History Note: Authority G.S. 150B 21.1, S.L. 1999463.
Temporary Adotion Ent February 18. 2000 to expire on January $\underline{1 .} 2003$.

## . 0103 BENEFITS

Benefits are sraduated devendine uron ase and adiusted sross income of the homeowner and amount of damase to the primary residence
(1) Homeownerts) ase 60 or over and
(a) Damase assessed at less than Twenty Five Thousand Dollars (\$25000) - maximum srant shall be Five Thousand Dollars (\$5000)
(b) Damaze of Twenty Five Thousand Dollars (\$25.000) and over - srant shall be Ten Thousand Dollars ( $\$ 10^{-} 0000$ )
(2) Homeowner(3) under aze 60 with a combined annual adiusted sross income under Thirty Five Thousand Dollars ( $\$ 35000$ )
(a) Damaze assessed at less than Twenty Five Thousand Dollars $(\$ 25000)$ maximum srant shall be Five Thousand Dollars (\$5000)
(b) Damase of Twenty Five Thousand Dollars (\$25000) and over - stant shall be Ten Thousand Dollars (\$10000)
(3) Homeowner(s) under ake 60 with a combined annual adiusted Eross income of Thirty Five Thousand Dollars ( $\$ 35000$ ) or more but less than One Hundred Thousand Dollars $(\$ 100000)$ and
(a) Damaze assessed at less than Twenty Five Thousand Dollars $\quad \$ 25000$ ) maximum srant shall be Two Thousand Five Hundred Dollars $(\$ 2500)$
(b) Damase of Twenty Five Thousand Dollars ( $\$ 25000$ ) or over but less than Fifty Thousand Dollars ( $\$ 50$ 000) - Erant shall be Five Thousand Dollars $1 \$ 5000$ )
(c) Damase of Fifty Thousand Doliars $\underline{(\$ 50000)}$
or more - srant shall be Ten Thousand ( $\$ 10000$ )

History Note: Authority G.S. 150B 21.1. S.L 1999463. Temporary Adohion ElI February 18. 2000 to expire on January $\underline{1} \underline{2003 .}$

## . 0104 PROCEDURES FOR HOMEOWNERS

(a) Homeownerts) shall aprly to the desisnated office in the county in which the primary residence for which the loan has been approved is located
(b) The applicant homeowner is required to brins four documents to verify elisibility
(1) A drivers license or other form of identification with hhotoeraph,
(2) A cory of the arplication completed by the homeowner and submitted to SBA,
(3) A cory of the damaze assessment completed by the SBA Loss Verifier as documented on a SBA Verification of Real Proverty _ Home Revort (SBA Form 20565 99).
(4) A copy of the letter from SBA notifying the homeowner of the loan approval

History Note: Authority G.S. 150B 21.1, S.L 1999463,
Temporary Adotion Elt February 18, 2000 to expire on January 12003.

## 0105 PROCEDURES FOR COUNTIES

(a) Each of the counties participatine in the prosram shall desisnate one office _ either the counts Finance Office or the county Derartment of Social Services - to verify elisibility and process srant proceeds
(b) Desienated county staff will review the documents make copies for audit purposes and notify the homeowner of the amount of srant for which they are elisible.
(c) Grant funds will be issued to the homeowner within one week of makins application with all supportins documentation to the county
(d) A notice will be included with all brant checks to inform the recivient that $p$ roceeds are sub.ect to federal durlication of benefits limitations and that the State of North Carolina will inform the SBA that the homeowner has received the srant
(e) The count will fax a report weekly to the NC Department of Commerce detailine the name FEMA teleresistration number SBA trackine number and srant amount issued to all yualif yine homeowners

History Note: Authority G.S. 150B 21.1, S.L. 1999463.
Temporary Adotion Eft February 18 2000 ta expire on . January 1.2003

## .0106 APPEAL

A homeowner may appeal a srant decision to the county manaser. If that appeal is not satisfactory the homeowner may arpeal to the Secretary of Commerce Decisions by the Secretary of Commerce shall be final

History Note: Authority G.S. 150B 21.1. S.L $1999+63$.
Temporary Adottion Ent February 18. 2000 to exiire on January l. 2003.

## TITLE 8 DEPARTMENT OF ELECTIONS

Rule makins Asency: State Board of Elections
Rule Citation: 8 NCAC' 10.0101 . 0105
Effective Date: Mayl 2000
Findinss Reviewed and Approved by: Beecher R. Gray
Authority for the rule makins: G.S. 16322.163140 'ci'3. 163 160. 163 160.1

Reason for Proposed Action: These rules rermit rotation of candidate names on trimary ballots rursuant to G.S. 163 $1+0^{\prime} c, 3$ in those counties where ballot rotation is practicable. The rules hurther prohibit counties trom replacins their votins systems with eyuirment that does not fermit ballot rotation in a primary without sisniticant additional expense. Finally, the rules reyuire eyuirment vendors to provide in.brmation to the State Board o.JElections about ey uirment carability to rotate names.

Comment Procedures: Comments may be submitted in writins to Zee B. Lamb. State Board of Elections. P() Box 2169. Raleish. NC 27602 or by e mail to Zee.lamb ${ }^{W}$ ncmail.net.

## CHAPTER 10 BALLOT ROTATION RULES FOR PRIMARY ELECTION BALLOTS

## SECTION .OI00 GENERAL BALLOT ROTATION RULES FOR PRIMARY ELECTION BALLOTS

## . 0101 REUUIREMENTS FOR EUUIPMENT VENDORS

Each vendor selline or leasine or seekint to sell or lease voting systems in any urisdiction in North Carolina shall provide the State Board of Elections with a description of each type of votint system it has sold or leased in North Carolina or it proposes to sell or lease in North Carolina The description shall include an assessment of whether the system allows rotation of candidate names on primary election ballots and if it does not an assessment of the cost per machine of modifyine the system to allow such rotation Each vendor sellint or leasins votine systems shall urdate this description a三 needed because of chanses in its systems but shall provide an urdate at least annually by January 1 of each year on forms provided by the State Board of Elections. Failure to provide this information annually may result in proceedines to withdraw approval of the voting system previously issued by the State Board of Elections pursuant to GS 163160

History Note: Authority G.S. 163 22. 163 140'c,'3,. 163 160. 163 160.1,

Temporary Adoption E.K May $\underline{1 .} 2000$.

## . 0102 LIST OF QUALIFIED VOTING SYSTEMS

The State Board of Elections shall maintain a list of yualified votine systems which allow for rotation of candidate names on primary election ballots

History Note• Authority G.S. 163 22. 163 140'c,!3. 163 160. 163 160.1.

Temporary Adoution Ett May L. 2000.

## . 0103 CANDIDATE NAMES TO BE ROTATED FOR PAPER BALLOTS AND SOME VOTING SYSTEMS

In those counties which use paper ballots or which own or lease a votine system which allows rotation of candidate names on primary election ballots without sienificant additional expense names of candidates shall occury alternate positions uron the ballot to the end that the name of each candidate shall occury with reference to the name of every other candidate for the same office first position second position and every other position uron an equal number of ballots If the votins system in carable of allowins candidate name rotation by precinct but not by individual voter without sisnificant additional expense the names of all candidates in a primary election shall be rotated precinct by precinct for each office in the order in which the precincts are set out in the official abstract for the count.

History Note: Authority G.S. 163 22. $163140^{\prime} c \prime^{\prime} 3,163$ 160163160.1.

Temtorary Adotion Ent May l. 2000.

## . 0104 ROTATION NOT REQUIRED FOR MAIL IN ABSENTEE BALLOTS

Rotation of candidate names in primary elections shall not be reyuired for mail in absentee ballots

History Note: Authority (G.S. 153 22. $153140^{\prime} \mathrm{c}, 3$. 163 160.163160.1.

Temporary Adoftion EtI May L. 2000.
. 0105 REPLACEMENT VOTING SYSTEMS MUST PERMIT CANDIDATE NAME ROTATION
County boards of elections may not chanse from paver ballots or a votine system which does not permit rotation of candidate names in primary elections unless the replacement system permits rotation of candidate names in primary elections without sisnificant additional expense

History Note: Authority G.S. 163 22. $163140^{\prime} c 1^{\prime} 3,163$ 160.163160.1,

Temporary Adoption EIt May I. 2000.
. 0106 SIGNIFICANT ADDITIONAL EXPENSE

The term siznificant additional expense is defined as $10 \%$ of the cost of conductine the primary election and includes but is not limited to costs such as additional printine costs additional prosrammine costs additional personnel costs and additional trainins costs attributable to rotation of candidate names on primary ballots

History Note: Authority G.S. 163 22. 163 140'c,'3. 163 160. 163160.1 .

Temrorary Adortion EII May 1.2000.

Rule makins Asencs: State Board of Elections

Rule Citation: 8 NCAC'11.0101.0106
Effective Date: May 1. 2000

Findinss Reviewed and Aprroved by: Beecher R Gray

Authority for the rule makins: G.S. 163 22. 163 160. 163 160.1

Reason for Prorosed Action: These rules provide a procedure Jor withdrawins arproval previously siven by the State Board oJ Elections .br votins systems. Approval may be withdrawn .br sood cause shown.

Comment Procedures: Comments may be submitted in writins to Zee B. Lamb. State Board of Elections. P() Box 2169. Raleish NC' 27602 or by e mail to Zee.lamb $\bigotimes_{n c m a i l . n e t . ~}^{n}$

## CHAPTER $1 I$ PROCEDURE FOR WITHDRAWAL OF APPROVAL OF VOTING SYSTEM

## SECTION . 0100 PROCEDURE FOR WITHDRAWAL OF APPROVAL OF VOTING SYSTEM

## . 0101 WITHDRAWAL OF VOTING SYSTEM APPROVAL UPON GOOD CAUSE SHOWN

Uron sood cause shown arproval of a previously approved votine system may be withdrawn by the State Board of Elections after notice and an orportunity to be heard is afforded the vendor.

History Note: Authority G.S. 16322163160.1631601 1,
Temorary Adortion E.I. May L. 2000.

## RA10F

## VOTING SYSTEM TO MEET REUUIREMENTS

Good cause shall include hut is not limited to the failure of the votins system to meet any requirements of G S 163 and of federal law such that the carability of complyins with those requirements is brousht into question It shall include the failure to surply the information required in 8 NCAC 10 of
these Rules.

History Note: Authority G.S 153 22. $163160 \quad 163$ 160.1, Temerary Adorion ETI May L. 2000.

## . 0103 NOTICE REUUIRED

Notice of the allesed failure of the votine system or of the vendor in meetine the informational requirements of 8 NCAC 10. shall be provided to the vendor in writins by certified mail. Such notice shall also include the date of an evidentiary hearine to be conducted by the State Board of Elections on the allesed failure with such hearins to be conducted no sooner than 14 days after service of the notice Notice of the hearins shall also be provided in writine to those county boards of elections which have filed with the State Board of Elections a report showins that the county has leased or purchased the voting system at issue.

History Note: Authority G.s. 163 22. 163160.163 160.1. Temporary Adortion ETI May L. 2000.

## . 0104 EVIDENCE OF ALLEGED FAILURE OF VOTING SYSTEM

At the hearins the affected vendor interested county boards of elections elections officials experts and staff and State Board of Elections staff may offer evidence and arsument as to the allesed failure of the voting system or the allesed failure to meet the requirements of 8 NCAC 10

History Note: Authority G.S. 163 22.163160.163160.1.
Temrorary Adortion E.II May L. 2000.

## . 0105 FINAL DECISION

Followins the hearins the State Board of Elections shall make findinss and conclusions in a written order on whether the approval for the votins system shall be withdrawn Notice of the order shall be delivered personally or by certified mail to interested varties

History Note: Authority G.S. 163 22. 163 160. 163 160.1, Temporary Adortion E.I. May L. 2000.

## . 0106 ORDER WITHDRAWING APPROVAL MAY BE APPEALED

Assurance that votins systems have the carability of meetine all statutory and resulatory requirements is critical to the conduct of primaries and elections therefore withdrawal of arproval of a votins system may be arrealed pursuant to GS 16322 and GS 163181.

History Note: Authority G.S. 163 22. 163160 . 163 160.1, Temtorary Adortion ETI May L 2000.

## TITLE 15A DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Rule makins Asencs: Environmental Manasement Commission

Rule Citation: $15 A N C A C$ 2 $2 B .023 f$

Effective Date: March 15. 2000

Findinss Reviewed and Approved by: Beecher R. Gray

Authority for the rule makins: G.S $14321+1,1+3215$. 1+3 215.1. 1+3 215.3'a'1, S.L. 1995. c. 572

Reason for Proposed Action: In .June 1998. the 'JS Environmental Protection Asency ${ }^{\prime} E P A$, and the Neuse River Foundation settled a lawsuit. As rart of that settlement. the EPA asreed to develor a total maximum daily load 'TMDL, br total nitrosen . br the Neuse River estuary i.f the state of North Carolina did not submit one to them by ()ctober 31 1998. All TMDLs must be develored in accordance with the rrovisions of Section 303'd, of the Clean Water Act and 40 CFR 130.7. The North Carolina Division oJWater Uuality met this deadline. and the TMDL uas subseyuently artroved by EPA in July 1999. As rart of this TMDL allocations of total nitrosen were made to roint sources and various nonfoint source catesories. The existins rule that outlines the mutrient sensitive waters reyuirements .or wastewater discharsers in the Neuse River Basin contains errors. As uritten. the wastewater discharzers uould not meet their allocation specitied in the artroved TMDL. In accordance with 40 CFR 122. $7^{\prime}$, and 40 CFR 122.4t, the nitrogen limits stecined in the NPDES permits must be in line with the artroved TMDL or EPA cannot arrove the vermits. Nesotiations related to the TMDL have rrevented re issuance o.f over 100 NPDES vermits in the Neuse River Basin. In order for the Division to issue the NPDES rermits in the shortest reasonable time while comtlyins with the TMDL and lederal resulations, this Rule will be adoнted as a temporary rule.

Comment Procedures: Written comments may be submitted Mike Templeton Derartment of Environment and Natural Resources, DWY Plannins Branch. 1617 Mail Service Center Raleish. NC' 27699 1617. Phone '919,733 5083 ext. $5+1$.

## CHAPTER 2 ENVIRONMENTAL MANAGEMENT

## SUBCHAPTER 2B SURFACE WATER AND WETLAND STANDARDS

## SECTION . 0200 CLASSIFICATIONS AND WATER UUALITY STANDARDS APPLICABLE TO SURFACE WATERS AND WETLANDS OF NORTH CAROLINA

.0234
NEUSE RIVER BASIN NUTRIENT SENSITIVE WATERS MANAGEMENT STRATEGY: WASTEWATER DISCHARGE REUUIREMENTS

The followins-is the National-Pollutant Discharse Elimination System (NPDES) wastewater discharse manasement strates for the Neuse River Basin
(H) All new and expandine discharsers shall document that-all-practical alternatives to surface-water discharse were evaluated pursuant to 15 A NCAC $2 \mathrm{H} 0105(\mathrm{c})(2)$ prior to a submittal of an arplication-for a discharee For purroses of this Rute-permitted discharses means those individually rermitted and not those covered under seneral permits
(2) All wastewater discharsers breater than or equal to 0.5 million ballons per das (MGD) permitted flow resardless of current loadine levels shall evaluate and ortimize the oreration of their facilities in order to reduce nutrient loadinss-- One year after the effective date of this Rule a revort shall be submitted to the-division br each-wastewater discharser or colfectivels by an Association documentins the efforts/level of reductions achieved
(3) The collective total nitrosen load for all individually permitted wastewater discharses shall on an annual mass basis be no more than 28 million rounds ret rear unless-individual wastewater discharses seraratels or collectivels purchase a portion of the nonpoint source allocation in accordance with the formula for offset rarments set forth in LSA NCAC 2B-0240- Items (5) (6) and (7) of this-Rute indicate how this load is allocated-in the-basin Compliance with the -28 -million rounds annual averase mass load of total nitrosen shall be required within five rears of the effective date of this RuteIf discharsers individually choose to make nutrient offset rayments rer-Rule 0240 of this Section those-offset parments shall be required prior to permit issuance and reissuance-Nutrient offset parments made to purchase nitrosen load reductions from nonroint sources shall not be eredited to the existins nonpoint sources load altocation
(4) Any existins individual dischareet or collective sroup of wastewater discharsers that accepts wastewater from another-wastewater treatment facility in the Neuse River Basin and that results in the elimination of the discharse from that wastewater treatment facility shall be allowed to increase the annual mass load of total nitrosen discharsed bs the annual mass load of total nitrosen allocated to the wastewater treatment facilits that is eliminated - If the wastewater treatment system that is to be eliminated has a vermitted flow of less than $05-\mathrm{MGD}$ the annual mass load of total nitrosen shall be calculated from the most recent available data on that facility
(5) The individualls permitted wastewater discharses to the Neure-River basin with permitted flows of less than 05 MGD in 1995 shall be altocated an annual averase mass load of 280000 pounds-of-total
nitrosen All existins-facilities above Falls Lake Dam with permitted Hows sreater than or eyual to 005 MGD -shall meet a чuarterly averase-total phosphorus limit of $2 \mathrm{~ms} / 1$ More strinsent limits mar appls to protect water yuahits standards in tocalized areas
(6) The followins-Sub Item srecifies the nutrient allocations for discharees above Falts Lake with rermitted flows Ereater than or equal to 05 MGD in! 1995
(a) The individualls permitted discharses above Falls Lake Dam with rermitted flows of sreater than or equal to $05-\mathrm{MGD}$ in 1995 shall be aftocated an annual averase mass load of 444000 pounds of total nitrosen The estimate of the total-nitrosen load discharsed throush the Falls Lake Dam to the lower Neuse River shall be 15 -percent or 66600 pounds annual averase total nitrosen discharsed to the lower Neuse River The load shall be allocated to the indridual facilities based uron the ratto of their 1995 rermitted flow to the total permitted flow of those discharsers breater than or equal to 0.5 MGD above the Falts Lake Dam
(b) Alt existins facilities above Falls Lake Dam with vermitted flows sreater than or eyual to 005 MGD shall meet a yuarterls averase total phosphorus limit of $2 \mathrm{~ms} / \mathrm{l}$ More strineent limits mas appls to protect water qualitr standands in localized areas
(7) The followins Sub Item specifies the nutrient allocations for discharses below Fatts Lake with permitted flows sreater than or equal to 05 MGD in 1995.
(a) Wastewater treatment-plants below Falls take Dam that have a permitted flow breater than or equal to $0-5-\mathrm{MGD}$-shalt be assioned an annual mass-loadins-limit-for-totat nitrosen based uron the ratio of their flow to the sum of the individual flows as set forth in Sub item $(7)(b)$ of this-Rule multiplied by 245 million pounds within five rears of the effective date of this Rule-
(b) For purroses of the above calculation the flows shall be-
Central Johnston Counts-499 MGD-Raleish 60 MGD Claston $1-9 \mathrm{MGD}$ Burlmeton Industries 5 MGD Cary Northside 12 MGD Wake-Forest 6 MGD Cary Southside 16 MGD-Apex - 36 MGD Fuxuay Varina 6 MGD Berrson-3 MGD Goldsbom i6 8 MGD Kinston-Peachtree-6.75-MGD EaGranse 075 MGD -Kinston Northside 45 MGD Dupont Kinston 36 MGD Kenly 063 MGD Wilson 14 MGD Conientnea Sewerase District 285 Farmvitte 35 MGD Zebuton 185 MGD Weverhaeuser 32 MGD

New Bern 47 MGD Havelock 19 MGD US Marine Corts Cherry Point 35 MGD CWS Inc-NE Craven Utilities 1 MGD and Snow Hill 05 MGD -
(e) All existins facilities below Falls Lake Dam with reermitted flows steater than or equat to 0.5 MGD shall meet a yuarterb averase total phos horus limit of $2 \mathrm{~ms} / \mathrm{l}$ Uron expansion these facilities must meet a monthly averase total phosphorous limit of $\mathrm{t} \mathrm{ms} / \mathrm{h}$. Nore strimsent limits mar aprls to protect water quality standards in focalized areas
(8) All new wastewater discharbe flows flows not permitted-prior to - December 31 1995 shalt document efforts to obtain allocation from the load established in Item (3) of this Rule from existins wastewater discharbes If allocation can not be obtained from-the existins discharsers new discharsers may purchase a portion of the nonroint source load allocation at a rate of 200 percent of the eost as set in 15A NCAC 2B 0240 to implement practices desisned to reduce that same loadins created by the new discharse Payment for the rortion of the nonpoint source load alfocation purchased shall be made prior to permit issuance and reissuance-The new discharse shall at a minimum combly with an annual mass load of total nitrosen based on a concentration of $3-5 \mathrm{~ms} / 1$ and their permitted flow-These facilities must meet a monthly averase total phosphorous himit of 1 ms h More strinsent limits mar be siven to protect water чuality standands in tocalized areas
(9) The followins Sub Item deseribes the-ortion-for discharsers to - oin an Association to collectively meet nutrient load allocations-
(a) Alldischarsers within the basin may form an Association to meet their alfocated-total nitrosen load eollectively - For diseharsers that ©in the Association an asreement shall be drafted between the Division and the Association that includes-annual-loadins tarbets The total nitrosen load allocated to the Association shall be calculated by the sum of the individuat altocated loads develored in Items (5) (6) and (7) of this-Rule The membership of the -Association shall be established no later than Mareh 11998 All faciltues who aprly for membership in the Association prior to March 11998 shall be accerted-Thereafter the Division shall accent new members in the Association on every five year anniversary of March $1-1998$ based on applications for membershit received before that date from fachotes existine as of the effective date of this Rute
(b) Fhis annual total nitrosen loadins tarset shall be met within five sears of the effective date of thrs Rule-The asreenent mar also require
sterwise decreases in total nitrosen loads for the five years followins the effective date of this-Rute When develorins-a-finat asreement the Commission--shall acknowledse the differences- in transport percentases between dischareers above and below Falls Lake Dam -The Association shall also document reduction in total nitrosen loadines for ans member facilities tocated in Craven Jones Pamlico and Carteret Counties as a result of their immediate proximity to the estuary If the-Association does not meet its annual total nitrosen loadins tarset in any siven rear the Association shall make parments for nonpoint-source-controb- at a rate-as-set in-15A-NCAC 2B 0240 No Association exists for the purroses of this Rule until the Asreement is formally approved br the Commission
(c) All existins Association discharsers betow Falts Lake Dam that have a permitted flow sreater than or equal to $-05-\mathrm{MGD}$-shall receive a yuarterly averase total phosphorus limit of 2 mE 月 in their NPDES permits All existins Association discharsers above Falts Eake Dam that have a permitted flow sreater than or equal to 005 MGD shall receive a чuarterly averase total phosphorus limit of 2 mbll in their NPDES-rermits New and expandine-Association disehareers shall receive a yuarterly averase total phosphorus limit of $2 \mathrm{mb} / \mathrm{lin}$ their NPDES permits - More strineent phosphorous limits mar appls to protect water yuality standards in localized areas
The followint is the National Pollutant Discharse Elimination System (NPDES) wastewater discharse manasement stratesy for the Neuse River Basin
(1) Purpose The purvose of this Rule is to establish minimum nutrient control requirements for source discharses in the Neuse River Basin in order to restore the quality of its waters and protect its desienated uses
(2) Applicability This Rule applies to all wastewater treatment facilities in the Neuse River Basin that receive nitrosen bearins wastewater and are reyuired to obtain individual NPDES vermits
(3) Definitions For the purposes of this Rule the followins definitions apply
(a) In resard to point source discharsers treatment facilities wastewater flows or
discharses or like matters
(i) Existine means that which obtained a NPDES vermit on or before December 311995
(ii) Expandins means that which increases beyond its permitted flow as defined in this Rule
(iii) New means that which had not obtained a NPDES vermit on or before December 311995
(b) MGD means million Eallons per day
(c) Nitrosen wasteload allocation is that portion of the Neuse River nitrosen TMDL assisned to individually permitted wastewater facilities in the basin and represents the maximum allowable load of total nitrosen to the estuary from these point source discharsers
(d) Nitrosen estuary allocation or estuary allocation means the mass loadine of total nitrosen at the estuary that is reserved for a discharser or brour of discharsers A discharsers or broups estuary allocation is equivalent to its discharse allocation multiplied by its assizned transport factor
(e) Nitrosen discharse allocation or dischares allocation means the mass loadine of total nitrosen at the points) of discharse that is reserved for a discharser or srour of discharsers A dischareers or srours discharse allocation is equivalent to its estuary allocation divided $b y$ its assisned transport factor
(f) Nitrosen TMDL or TMDL means the total nitrosen load to the Neuse River estuary that is $\mu$ redicted to maintain adeчuate water yuality to surport all desisnated uses in the estuary and is arproved by the United States Environmental Protection Asency in accordance with the federal Clean Water Act
(b) Nonroint source load allocation is that portion of the Neuse River nitrosen TMDL assisned to all other nitrosen sources in the basin other than individually permitted wastewater facilities and represents the maximum allowable load of total nitrosen to the estuary from these nonpoint sources
(h) Permitted flow means the maximum monthly averaze flow authorized in a facilitys NPDES vermit as of December 31 1995 with the followint excertions

| Facility | Name |  |
| :--- | :--- | :--- |
| Benson |  | NPDES No |
| Goldshoro |  | NC0020389 |
| Kenly |  | NC0023949 |
| Snow |  | NC0064891 |
| Wilson |  | NC0020842 |

(i) Total nitrozen means the sum of the orsanic nitrate nitrite and ammonia forms of nitrosen.
(1) Transport factor is the fraction of the total nitrosen in a discharse or srout of discharses that is predicted to reach the estuary
(4) The following Sub Item srecifies the nitrosen wasteload allocation for point sources
(a) Besinnine with the calendar year 2003 the nitrosen wasteload allocation for point sources shall not exceed 164 million pounds per calendar year plus any portion of the nonpoint source load allocation purchased in accordance with the provisions in lems (7) and (8) of this Rule and 15A NCAC 2B .0240
(b) The Commission may adiust the nitrosen wasteload allocation whenever necessary to ensure that water quality in the estuary meets all standards in 15 A NCAC 2B 0200 or to conform with applicable state or federal requirements
(5) The following Sub Item specifies nitrosen discharse allocations for point sources
(a) Uron adoption of this Rule and until revised by the Commission consistent with Sub Item (b) of this Item the following broup discharse allocations for total nitrosen shall apply in order to comply with the nitrosen wasteload allocation for point sources in Item (4) of this Rule
(i) Discharsers with vermitted flows less than 05 MGD shall be assizned collectively an annual discharse allocation of 155400 pounds of total nitrosen
(ii) Discharsers urstream of Falls Lake Dam and with permitted flows sreater than or equal to 05 MGD shall be assizned collectively an annual discharse allocation of 443700 pounds of total nitrosen
(iii) Municipal discharsers downstream of Falls Lake Dam and with permitted flows sreater than or eyual to 05 MGD shall be assiened collectivel, an annual discharbe allocation of $\underline{2004500}$ pounds of total nitrosen
(iv) Industrial dischargers downstream of Falls Lake Dam and with rermitted flows sreater than or equal to 05 MGD shall be assiened coliectively an annual discharse allocation of 396900 pounds of total nitrosen
(v) Withn each erour in Sub Items (i) (iv) of this Item each mdiydual discharser shall be assiened an
individual discharee allocation and the equivalent estuary allocation Each discharsers discharse allocation shall be calculated as its permitted flow divided by the total pernitted flow of the srour multiplied $b$ by the srour discharse allocation
(b) In the event that the nitrosen wasteload allocation for point sources is revised as provided in ltem (4) of this Rule the Commission shall apportion the revised load amone the existine facilities and shall revise discharee allocations as needed The Commission shall consider
(i) fate and transport of nitrosen in the river basin.
(ii) technical feasibility and economic reasonableness of source reduction and treatment method 3 ,
(iii) economies of scale.
(iv) nitrosen control measures already implemented.
(v) probable need for srowth and expansion.
(vi) incentives for responsible plannins utilities manasement resource protection and cooverative efforts amone discharsers, and
(vii) other factors the Commission deems relevant
(6) The following Sub Item specifies nutrient controls for existine facilities
(a) Besinnint with calendar year 2003 each discharser with a permitted flow equal to or Ereater than 05 MGD shall be subiect to a total nitrozen permit limit equal to its individual discharse allocation pursuant to Item (5) of this Rule
(b) Effective January 12003 discharsers shall be sub.ect to the followins limits for total phosphorus
(i) All existine facilities above Falls Lake Dam with permitted flows sreater than or eyual to 005 MGD shall meet a yuarterly averase total rhosphorus limit of $2 \mathrm{mb} / \mathrm{L}$
(ii) All existing facilities below Falls Lake Dam with permitted flows sreater than or equal to 05 MGD shall meet a yuarterls averase total phosphorus limit of $2 \mathrm{~m} / \mathrm{L}$
(c) The director may establish more strineent limits for nitrosen or phosphorus upon findine that such limits are necessary to protect water yualite standards in localized areas
(7) The followins Sub Item specifies nutrient controls
for new facilities
(a) New facilities shall evaluate all practical alternatives to surface water discharse pursuant to 15 A NCAC 2 H 0105(c)(2) prior to submittins an arplication to discharse
(b) New facilities submittins an aprlication shall make every reasonable effort to obtain estuary allocation for the new wastewater discharse from existine discharsers If estuary allocation cannot be obtained from the existins facilities new facilities may purchase a portion of the nonroint source load allocation for a period of 30 years at a rate of 200 vercent of the cost as set in 15A NCAC 2B . 0240 to implement practices desiened to offset the loadine created by the new facility Payment for each 30 year portion of the nonpoint source load allocation shall be made prior to the ensuine permit issuance
(c) A new facility shall be sub.ect to a total nitrosen annual mass vernit limit calculated usins a concentration of $35 \mathrm{~m} s / \mathrm{L}$ and the maximum monthly averase flow limit in the NPDES $\frac{\nu \text { ermit }}{}$
(d) For new discharsers of an industrial nature the maximum nitrosen discharse allocation shall be calculated usine the nitrosen concentration representine the best available technolozy economically achie vable
(e) New discharbers must meet a monthly averake total phosphorous limit of $1 \mathrm{mz} / \mathrm{L}$
(f) The director may establish more strinsent limits for nitrosen or phosphorus uron findine that such limits are necessary to protect water 4uality standards in localized areas
(8) The followins Sub Item specifies nutrient controls for expanding facilities
(a) Expandins facilities shall evaluate all practical alternatives to surface water discharse pursuant to 15 A NCAC 2 H $0105(\mathrm{c})(2)$ prior to submitting an application to discharse
(b) Facilities submittins an application for increased discharse shall make every reasonable effort to minimize increases in their nitrosen discharbes such as reducins sources of nitrosen to the facility or increasine the nitrosen treatment caracity of the facility, or to obtain estuary allocation from existine discharsers
(c) If these measures do not produce adeuvate estuary allocation for the expanded flows facilities may purchase a portion of the nonpoint source load allocation for a period of 30 years at a rate of 200 percent of the cost as set in 15 A NCAC 2 B 0240 to implement
practices desizned to offset the loadins created by the new facility Parment for each 30 year vortion of the nonroint source load allocation shall be made prior to the ensuine vermit issuance
(d) The expanded facility shall be sub.ect to a total nitrosen annual mass permit limit calculated usins a concentration of $35 \mathrm{~m} \approx / \mathrm{L}$ and the maximum monthly averase flow limit in the NPDES permit
(e) Exrandins facilities must meet a monthly averase total phosphorous limit of $1 \mathrm{mb} / \mathrm{L}$ unless the $y$ are a member in sood standink of a srour compliance association described in Item (9) of this Rule in which case they must meet a quarterly averase total phosphorus limit of $2 \mathrm{mb} / \mathrm{L}$
(f) The director may establish more strinsent limits for nitrosen or phosphorus uron findine that such limits are necessary to rrotect water yuality standards in localized areas.
(9) The followine Sub Item describes the ortion for discharsers to soin a srour compliance association to collectively meet nutrient load allocations
(a) Any or all facilities within the basin have the option of formine a zrour compliance association to meet nitrozen estuary allocations collectivel, More than one brour compliance association may be established and aprroved by the Commission No facility may belone to more than one association at a time
(b) An abreement shall be drafted between the Division and member facilities to establish an operatine framework for srour compliance The asreement shall identify at a minimum the member facilities their combined total nitrosen estuary allocation and monitorine and reportine requirements No association exists for the purposes of this Rule until the azreement is formally approved by the Commission
(c) The membershir of an association shall be established no later than March 152000 All existins rermitted facilities that aprly for membershir in an association prior to March 152000 shall be accepted Thereafter the Division shall accert new members in the association on a periodic basis not to exceed once in five years
(d) An associations estuary allocation of total nitrosen shall be the sum of its members individual estuary allocations rlus any other estuary allocation obtained by the association
(e) The combined estuary allocation for each established association shall become effective besinning with calendar year 2003.

Association members shall be exempted from individual permit limits for total nitrosen so lons as they remain members in sood standine in such an association
(f) If an association does not meet its total nitrosen estuary allocation in ans siven calendar year besinnine with calendar year 2003. it shall make offset payments for nonroint source controls no later than May 1 of the followine year at the rate set in 15 A NCAC 2B 0240
(10) Resional Facilities In the event that an existins discharser or sroup of discharsers accepts wastewater from another NPDES permitted treatment facility in the Neuse River Basin and that acceptance results in the elimination of the discharse from the treatment facility the eliminated facilitys total nitrosen estuary allocation shall be transferred and added to the acceptins discharsers estuary allocation

History Note: Authority G.S. 143 2l4.1. 143 215. 143 215.l. 143 215.3'a!lノ S.L. 1995. c. 572.

Temporary Adortion E.II. January 22. 1998.
EII. Ausust 1. 1998
Temporary Amendment E11 March 152000.

Rule makins Asencs: Environmental Manasement Commission

Rule Citation: $15 A N C A C 2 H .0227$
Effective Date: March 1. 2000
Findinss Reviewed and Approved by: Beecher R. Gray
Authority for the rule makins: G.S. 1432151,143
215.3'a! ! 1, S.L. 1999 c. 329

Reason for Proposed Action: With the enactment of $H B$ 1160. S.LI999 c. 329. a new rermittins prosram was reyuired by the General Assembly. The vermittins prosram Jor systemwide collection system vermits will be a vermanent rrosram. The rule establishes the reчuirements o.lcollection system owners. the frocedures br issuins new vermits renewal of permits and the scove ol the prosram. The requirements will be needed on a contimual basis.

Comment Procedures: Written comments may be submitted to Kim H. Colson. Division of Water Uuality. Water Uuality Section. Non Discharze Permittins 'Jnit 1617 Mail Service Center. Raleish NC 27699 1617. An imbrmation rackase may be obtained by contacme the Non Discharse Permitmus Unit at'919, 733 5083'ext. 574 or 524 .

## CHAPTER 2 ENVIRONMENTAL MANAGEMENT

## SUBCHAPTER 2H PROCEDURES FOR PERMITS: APPROVALS

## SECTION . 0200 WASTE NOT DISCHARGED TO SURFACE WATERS

## . 0227 SYSTEM WIDE COLLECTION SYSTEM PERMITTING

(a) In accordance with the North Carolina Clean Water Act of $1999 \mathrm{~S} L 1999 \mathrm{c} 329 \leq 112$ the Director may issue system wide permits for collection systems
(b) The following definitions arply to this Rule
(1) Collection system means a srour of contisuous sewer systems that convey municipal or domestic wastewater to a wastewater treatment facility or separately owned sewer system
(2) Hish rriority sewer line means any aerial line sub waterway crossins line contactine surface waters sirhon line positioned parallel to streambanks that are subect to erodins in such a manner that may threaten the sewer line or line desionated as hish priority in a permit
(c) Permit applications for the initial issuance of a collection system permit shall be completed and submitted to the Division within 60 days of the collection system owners receipt of the Divisions request for application submittal The Division shall request the initial aprlication submittal by certified mail Permit renewal requests shall be submitted to the Director at least 180 days prior to expiration unless the permit has been revoked in accordance with Rule 0213 of this Section All applications must be submitted in triplicate and made on official forms completely filled out where arplicable and fully executed
(d) Collection systems that have a desisn flow and convey an actual flow less than 200000 sallons per day shall be deemed to be permitted pursuant to GS $1432151(\mathrm{~b})(4) \mathrm{e}$ and it shall not be necessary for the Division to issue individual permits for the operation and maintenance of the these systems and their associated manasement prosrams provided that the followins criteria are met
(1) The sewer system is effectively maintained and orerated at all times to prevent discharse to land or surface waters and any contravention of the sroundwater standards in 15 A NCAC 2L 0200 or the surface water standards in 15 A NCAC 2B 0200 .
(2) A mar of the sewer system has been develored rrior to January 12004 and is actively maintained,
(3) An operation and maintenance plan has been develored and implemented,
(4) Pume stations that are not connected to a telemetry system are inspected at leasi three times rer week until July 1 2000, thereafter pump stations are inspected at least daily as defined in 15 A NCAC 2B 050315 ) until Juls 1 2001, and thereafter rump stations are inspected every day Pump stations that are conmecied to a relemetry system are inspecied at
least once per week,
(5) Hish priority sewer lines are inspected at least once per every six month period of time,
(6) A seneral observation of the entire sewer system is conducted at least once per year,
(7) Inspection and maintenance records are maintained for a veriod of at least three years. and
(8) Overflows and bypasses are reported to the appropriate Division resional office in accordance with 15 A NCAC 2B 0506(a) and public notice is provided as reчuired by GS 143215 LC
(e) The Director may on a case by case basis determine that a collection system should not be deemed to be permitted in accordance with this Rule and reyuire the owner of the collection $\mathrm{y} y \mathrm{stem}$ to obtain an individual collection $\frac{y y s t e m}{}$ permit from the Division if
(1) The owner of the collection system does not maintain compliance with the reyuirements of Paraeraph (d) of this Rule, or
(2) The collection zystem is determined to be contributins to the impairment of surface waters specified on the Division s list benerated as a result of the Federal Water Pollution Control Act Clean Water Act) Section 303(d) 33 U.SC. Section 13131(d)

History Note: Authority G.S. l43 215.l'a), 143 $215.3^{\prime}$ a夫'd. NC Clean Water Act ofl999. S.L. 1999 c. 329. Temporary Adoption E.T. March L. 2000.

Rue makins Asencs: Commission .or Health Services
Rule Citation: 15A NCAC 19 A. 0401
Effective Date: February 23. 2000
Findines Reviewed by Beecher R. Gray: Aprroved
Authority for the rule makins: G.S. 130 A 152
Reason for Proposed Action: When the temporary rule was rublished in Volume 14 Issue 6 !9/15/99, and the prorosed rule in Yolume 14 Issue 10'11/15/99, of the North Carolina Resister. the Heratitis $B$ vaccine contained thimerosal which is a mercury containins treservative that kills bacteria. Due to the rotential risk of a cumulative level ofmercury over the hirst six months o.Jli.k. the 'JS Public Health Service and the American Academy of Pediatrics ' AAP, ointly recommended that the tirst dose of heratitis $B$ be delayed until two to six months of lik. Subsequently, the AAP issued a statement recommendins to delay dosaze $\mid$ until six months of ase because a licensed thimerosal tree heratitis $B$ vaccime was not available. There.bre, the AAP s statement was in conllict with the North Carolina Code which stated that the tirst dose must be administered by three months of faze. Also amendins this
rule to comply with AAP recommendations save health care rroviders the Rexibility to administer the first dose of Heratitis $B$ vaccine between two to six months of li.e. However. durins the week of Febriary 7. 2000. azency stall in the North Carolina Immunization Prosram were noti.ted by the AAP and the Center .br Disease Control and Prevention ' $C D C$, that thimerosal tree heratitis $B$ vaccine is now readily available. With this inbrmation confirmed the Commission Jar Health Services at its February 16. 2000 meetins withdrew the troposed rule. The Commission br Health Services does not wish to let the temforary rule expire because health care providers must be notitited as soon as possible to return to the standins Code of administerins the Itrst dose at birth. In a recent study by The American Academy of Pediatrics. Resumption o.f heratitis $B$ vaccination of youns in.lants is important because conhtsion about recommendations has resulted in some hossitals Jailins to immunize children delivered to heratitis $B$ sur.lace antizen fositive women. Data demonstrate that children who do not receive heratitis $B$ vaccine at birth are less likely to comtlete this series of immunizations. There.tore. heratitis $B$ immunization of all in.lants should be reinstituted immediately.

Comment Procedures: Comments. statements. data and other in.brmation may be submitted in writins within 60 days of rublication of this issue in the NC Resister. Cories of the frorosed rules and in.tormation rackazes may be obtained by contactins the Immunization Branch at '919, 7156764. Written comments may be submitted to Barbara Laymon. Immunization Branch l330 St. Marys St. 1916 Mail Service Center. Raleizh. NC 276991916.

## CHAPTER 19 HEALTH: EPIDEMIOLOGY

## SUBCHAPTER 19A COMMUNICABLE DISEASE CONTROL

## SECTION. 0400 IMMUNIZATION

## . 0401 DOSAGE AND AGE REQUIREMENTS FOR

 IMMUNIZATIONEvery individual in North Carolina required to be immunized pursuant to GS $130 \mathrm{~A} \mid 52$ throush $130 \mathrm{~A} \mid 57$ shall be immunized asainst the followins diseases by receivins the srecified minimum doses of vaccines by the srecified ases
(I) Diphtheria tetanus and whooring coush vaccine five doses three doses by ase seven months and two booster doses one by ase 19 months and the second on or after the fourth birthday and before enrollins in school (K I) for the first time The requirements for booster doses of dirhtheria tetanus and whoorine coush vaccine shall not aprly to individuals who enrolled for the first time in the first srade before July 1987 However
(a) An individual who has attained his or her seventh birthday without bavins been
immunized asainst whoorine coush shall not be required to be immunized with a vaccine preparation containins whoorins coush antisen.
(b) Individuals who receive the first booster dose of dirhtheria tetanus and whoorins coush vaccine on or after the fourth birthday shall not be reyuired to have a second booster dose,
(c) Individuals attendins school collese or university or who besan tbeir tetanus/diphtheria toxoid series on or after the ase of seven years shall be reчuired to have three doses of tetanus/diphtheria toxoid of which one must have been within the last 10 years,
(2) Poliomyelitis vaccine four doses two doses of trivalent tyre by ase five months, a third dose trivalent type before ase 19 months and a booster dose of trivalent tyre on or after the fourth birthday and before enrollins in school (K. I) for the first time However
(a) An individual attendine school who has attained his or her 18 th birthday shall not be reчuired to receive polio vaccine,
(b) Individuals who receive the third dose of poliomyelitis vaccine on or after the fourth birthday shall not be reчuired to receive a fourth dose.
(c) The reчuirements for booster doses of poliomuelitis vaccine shall not arply to individuals who enrolled for the first time in the first srade before July 1 1987,
(3) Measles (rubeola) vaccine two doses of live attenuated vaccine administered at least 30 days arart one dose on or after ase 12 months and before ase 16 months and a second dose before enrollins in school ( $\mathrm{K} \mid$ ) for the first time However
(a) An individual who has been documented by serolosical testing to have a protective antibody titer asainst measles shall not be reчuired to receive measles vaccine,
(b) An individual who has been diasnosed $\mu$ rior to January I 1994 by a Physician licensed to practice medicine as havine measles (rubeola) disease shall not be required to receive measles vaccine,
(c) An individual born prior to 1957 shall not be required to receive measles vaccine,
(d) The reчuirement for a second dose of measles vaccine shall not arpl, to individuals who enroli in school ( $\mathrm{K} \mid$ ) or in coliese or university for the firsi time before July 1 . 1994.
(4) Rubella vaccine one dose of live attenuated vaccine on or after ase 12 months and before ase 16 months However
(a) An individual who has been documented by serolosic testins to have a protective antibody titer atainst rubella shall not be required to receive rubella vaccine,
(b) An individual who has attained his or her fiftieth birthday shall not be required to receive rubella vaccine,
(c) An individual who entered a collese or university after his or her thirtieth birthday and before February I 1989 shall not reyuired to meet the requirement for rubella vaccine,
(5) Mumps vaccine one dose of live attenuated vaccine administered on or after ase 12 months and before ase 16 months However
(a) An individual born prior to 1957 shall not be reчuired to receive mumps vaccine,
(b) The reчuirements for mumps vaccine shall not apply to individuals who enrolled for the first time in the first srade before July $l$ l 987 or in collese or university before July $l$ 1994 An individual who has been documented by serolosical testins to have a rrotective antibody titer azainst mumps shall not be required to recenve mumrs vaccine,
(6) Haemorhilus inthenzae $b$ con usate vaccine three doses of HbOC or two doses of PRP OMP before ase seven months and a booster dose of any tyre on or after ase 12 months and by ase 16 months Individuals born before October I 1988 shall not be reчuired to be vaccinated asainst Haemorhilus infuenzae. $b$ Individuals who receive the first dose of Haemorhilus in.Iuenzae b vaccine on or after 12 months of ase and before 15 months of ase shall be reчuired to have only two doses of HbOC or PRP OMP Individuals who receive the first dose of Haemo hilus in.fuenzae. b. vaccine on or after 15 months of ase shall be required to have only one dose of any of the Haemorhilus intuenzae con'usate vaccines includins PRP D However no individual who has rassed their fifth birthday shall be reчuired to be vaccinated asainst Haemorhilus in.luenzae b
(7) Heratitis $B$ vaccine three doses by ase 19 months one dose by ase three months a second dose before ase five months and a third dose $\underline{\mathrm{h}}$ ase 19 months Individuals born before July I 1994 shall not be required to be vaccinated asairst heratitis $B$

[^1]Temforary Amendment ElI. Ausust 20. 1999.
Temporary Amendment EIt February 232000.

## TITLE 16 DEPARTMENT OF PUBLIC EDUCATION

Rule makins Asency: State Board of Education

Rule Citation: 16 NCAC' $6 E .0301$
Effective Date: March 15. 2000
Findinss Reviewed and Arproved bs: Beecher R. Gray
Authority for the rule makins: G.S. $1 / 5 C^{\prime} 12^{\prime} 28$, $1 / 5 \mathrm{C}$ 216. 2088.1

Reason for Proposed Action: The General Assembly directed the State Board to adort rules to de.fne exemplary prosress and successhal completion of a treatment counselins trosram. The General Assembly hrther directed the State Board to coordinate meetinss with the Division of Nonrublic Education and the State Board o. Community Collezes to develor coordinated rules. rolicies. and suidelines.

Comment Procedures: Uuestions or written comments resardins this matter may be directed to Harry E. Wilson Rule Makins Coordinator. 2086 Education Buildins. 301 N. Wilminston St.. Raleish NC 27601 2825, '919, 7151310.

## CHAPTER 6 ELEMENTARY AND SECONDARY EDUCATION

## SUBCHAPTER 6E STUDENTS

## SECTION 0300 DRIVER TRAINING

## . 0301 DRIVER TRAINING

(a) In discharsins their duty to provide a course of trainins and instruction in the oreration of motor vehicles as set forth in GS 1ISC 216 local boards of education shall rrovide a prosram which meets the followins standards and reyuirements
(1) Principals shall enroll students who meet the criteria established by GS 2088 ( a ) (i) (iii) and (iv).
(2) The prosram will be free of charse to elisible students.
(3) Enrollees must obtain either a temporary learner $s$ rermit or a restricted instruction permit before the $y$ besin behind the wheel instruction
(4) Classroom instruction will consist of at least 30 clock hours of instruction in the torics previously listed in the Healthful Livine section of the Teacher Handbook Besinnins in school year 199293 students may take and rass a rroficiency examination develored or desisnated by the

Derartment of Public Instruction to waive the classroom instruction Each student must complete a minimum of 6 hours of behind the wheel instruction
(5) The prosram will be reasonably available on a year round basis to all elisible persons
(6) The local board of education will determine class size restrictions but may not allow instruction in the car to less than two nor more than four students
(7) The local board of education will determine the amount of instruction ver day for classroom or in car instruction or a combination of both.
(8) The local board of education will issue a certificate to students who satisfactorily complete the $\mu$ rescribed course
(9) Driver education instructors must possess a valid North Carolina driver s license and must have a drivins record accertable to the local board of education In addition instructors hired for driver education shall either
(A) hold a driver education certificate issued by the SBE, or
(B) have non certified status accordins to minimum standards established by Rule 0302 of this Section
(10) Excent as rreviously allowed by the SBE the prosram shall not be provided durins the resular instructional day
(b) Two or more local boards of education may :ointly orerate a prosram under a written asreement meetins the requirements of GS 160A460 et sey The asreement shall provide for one local board of education to assume administrative responsibility for the rrosram
(c) For purposes of G S 20 ll GS $20132(\mathrm{cl})$ and G S $115 \mathrm{C} 12(28)$ the followins definitions shall arply
(1) Hibh school diploma or its equivalent means and includes the General Eчuivalency Dirloma (GED) and the adult hish school dirloma
(2) Makine $\mu$ rosress toward obtainins a hish school dirloma means that the student must pass at least seventy rercent ( $70 \%$ ) of the maximum of possible courses each semester and meet rromotion standards established by the LEA
(3) Substantial hardshir means a demonstrable burden on the student or the student s family as evidenced by circumstances such as the followins
(A) The rarent is unable to drive due to sickness or other impairment and the student is the only person of drivins ase in the household
(B) The student requires transportation to and from a iob that is necessary to the welfare of the students family and the student is unable to obtain transportation by any means other than drivine
(C) The student has been unable to attend school due to documented medical reasons but the student is demonstratins the ability to maintain prosress toward obtainins a hish
school diploma
(4) A student who cannot make prosress toward obtainins a hizh school diploma or its equivalent shall mean a student who has been identified $b y$ the princiral or princiral s desiznee tosether with the IEP committee or the schools student assistance team as not havins the caracity to meet the reчuirements for a hish school dirloma or its equivalent due to a disability
(5) Exemplary behavior shall mean that a student whose operators permit or license has been revoked pursuant to G.S $20132(\mathrm{cl})$ and who has returned to school has since returnine to school,
(A) had no additional incidents of misconduct for which expulsion suspension or assiznment to an alternative educational settins is required or
(B) had no violations of local school board policies such as attendance dress codes or other behaviors that may result in disciplinary action azainst the student
(6) Successful completion of a treatment counselint prosram shall mean completion of a minimum of $\lfloor 2$ hours of drus or alcohol treatment counselins a mental health treatment prosram or other intervention prosram reчuired by the LEA
(d) Each LEA shall determine the rrocess by which decisions concernins the issuance of a drivins elisibility certificate shall be arrealed
(e) The princiral of a hish school or the principal s desisnee shall notify the Division of Motor Vehicles whenever a student is no lonser makins prozress toward obtainins a hish school diploma or its equivalent or when the student has drorped out of school
(f) Each charter school non rublic school accredited by the SBE and community collese shall desisnate an official who shall notify the Division of Motor Vehicles whenever a student is no lonser makins probress toward obtainins a hibh school diploma

History Note: Filed as a Temforary Rule EII. Aus. 12. 1991 For a Period o.ll 80 days to Exfire on Feb, 7. 1992,
Authority G.S. 20 88.1. $115 C^{\circ} 12: 28$, 115C' 216.
ARRC' ()bsection Lodsed Ausust 22. 1991,
EII. March 1. 1992
Temporary Amendment EII. Ausust 151998.
Temporary Amendment EII March 15. 2000.

## TITLE 17 DEPARTMENT OF REVENUE

Rule makins Asencs: North Carolina Devartment of Revenue

Rule Citation: $17 N C A C 10.0204$

Effective Date: February 24. 2000

Findinss Reviewed bs Beecher R. Gray: Aprroved
Authority for the rule makins: G.S. $\left.150 B 2 l . l^{\prime} a\right)^{\prime} 2$, $S . L$. 99463.

Reason for Proposed Action: Charter 463 of the 1999 Session Laws was enacted in the special session held last December. It aprrorriates Hinds br various hurricane relie. $f$ eflorts. The Derartment of Revenue is administerins the srants to local sovernments authorized by Section 4.1'5, o. that act. The srants are suprosed to be made by May 12000 The rule intorms counties and cities of the intormation they must rrovide to receive the srants.

Comment Procedures: Submit written comments to John C. Bailey Prorerty Tax Division Director, at PO Box $87 l$. Raleish. NC' 27602. If you have yuestions. call Mr. Bailey at 1919, 7337711.

## CHAPTER IO PROPERTY TAX

## SECTION 0200 GENERAL PROVISIONS

## . 0204 GRANTS TO COUNTIES AND CITIES TO OFFSET HURRICANE LOSSES

(a) Information - Counties must report the information listed below to the Department of Revenue on a form provided by the Devartment This information is reчuired to receive a grant under Section 4 (15) of SL 99463 The Department will send each affected county a copy of a form to complete that sets out the required information The form must be returned to the Department by March 152000
(1) Parcel ID Number,
(2) Proverty value as of January 1 1999 before the fall hurricanes.
(3) Property value as of January 12000 If a county reappraises property for tax year 20002001 the county must report the value as if the reappraisal had not occurred.
(4) Total property valuation loss.
(5) 19992000 county tax rate,
(6) 19992000 city tax rate
(b) Distribution - The Department of Revenue will distribute erants under Section $41(5)$ of SL 99463 by May L. 2000 If the total loss for all cities and counties exceeds $\$ 63$ million the Department must reduce the amount of each brant proportionately

Hisiory Note: Authority G.S. 150B 21.1'a'2, S.L. 99463, Temforary Adofion Ell February 24, 2000 to Expire on huly L. 2000

## TITLE 21 OCCUPATIONAL LICENSING BOARDS

## CHAPTER 30 RULES AND REGULATIONS OF THE NORTH CAROLINA BOARD OF MASSAGE AND

## BODYWORK THERAPY

Rule makins Asency: North Carolina Board oJ Massase \& Bodywork Therary

Rule Citation: 21 NCAC 30 . 0101 .0102, .0201 .0204, . 0301 .0306, .0401 .0404, .0501 .0506, . $0601.0604, .0701$ .0702, .0801 .0803,.0901.0905

Effective Date: February 15. 2000

Findinss Reviewed and Approved bs: Beecher R. Gray

Authority for the rule makins: G.S. 90 626'9,
Reason for Proposed Action: The North Carolina Board of Massaze and Bodrwork Therary was created by Article 36 o. 1 Charter 90 o.J the North Carolina General Statutes and was sisned by the Governor on November 6. 1998. Board members were Jinally arrointed in late strins ofl999. Stafl to assist the Board was hired in May 1999. The Board has met monthly since May of 1999 to establish Meetins Procedures Guidelines and drats of Temporary Rules. The monthly meetinss o. the Board have been oren to the rublic with due notice and have been resularly attended by rerresentatives of the associations that make ur the massase and bodywork therary pro.ession in North Carolina. From June 1999 throush December 1999 the Board at its resular monthly rublic meetinss worked on drats of the Temtorary Rules. Profosed Temporary Rules were inhormally reviewed by an attorney for the Rules Review Commission to . Jurther assist in their rreyaration. Proнosed Temporary Rules were . brmally adoused by the Board on, Ianuary 6. 2000.
The Massase and Bodrwork Therary Licensure Law reyuires licensure as a massase and bodrwork therarist ellective November 1. 1998 and licenses were to be reyuired e.llective July l. 1999. The Board was unable to meet that timetable due to the extended discussions on the proposed Temporary Rules as well as other administrative matters the Board needed to accomplish. The Board needs to ador! Temporary Rules so they can besin the licensure trocess as soon as rossible. An arplicant seekins a Provisional License must submit an aptication urior to November l. 2000 in order to be elisible .Jor licensure or they will lose their risht to arply .hr a Provisional License. If the Board were reyuired to comply with the normal notice and hearins reчuirements . tor vermanent rules or it the Board were to wait until vermanent rules were adorted and arroved arplicants would lose important licensure and provisional licensure can be .inalized and sent out to arrlicants and rotential licensees as soon as rossible.
It was impossible .br the Board to rrovide Sormal notice of rule makins. Beins a new licensins Board. the Board did not know who its licensees would be. This is to reyuest that the one hundred and eishty day de.tnition of a recent act of the General Assembly be waived due to the delay in aprointments to the Board and the extended amount o.f time srent by the

Board develorins Meetins Procedures and rrorosed Temporary Rules.

Comment Procedures: Written comments must be directed to Charles P. Wilkins. Rule makins Coordinator. P() Box 2539. Raleizh NC 27602.

## SECTION . 0100 ORGANIZATION AND GENERAL PROVISIONS

## . 0101 PURPOSE

(a) The purpose of the Board is to rezulate the practice of massase and bodywork therapy in this State in order to ensure minimum standards of comretency and to protect the public health safety and welfare.
(b) The Board resulates the practice of massase and body work therapy by
(1) Determinins the yualifications of persons seekins to practice massase and bodywork therapy and authorizins persons who have met the statutory requirements to so practice, and
(2) Enforcins the provisions of laws soverning the practice of massase and bodywork therary and those duly enacted rules desizned to ensure its safe and ethical practice
(c) The Board is not a Board of arbitration and has no urisdiction to settle disputes between parties

History Note: Authority G.S. 90621.90626.
Temtorary Adotion EIT February 15. 2000

## .0102 DEFINITIONS

In addition to the definitions set forth in GS $90622(1)$ throush (5) the followins definitions arply
(1) Practice Act - G S Chapter 90 Article 36 of The North Carolina Massaze and Bodywork Therapy Practice Act
(2) Licensee - A person who holds a valid license issued by the Board to ensase in the practice of massase and bodywork therapy.
(3) Reciprocity - Pursuant to GS 90630 a provision which shall arply only to yualified practitioners of massase and bodywork therary who reside outside the State, or yualified practitioners who have resided in the State for not more than one hundred eishty days
(4) Place of business - The primary street location where the licensee provides massase and body work therapy If the licensee provides massaze and bodywork therary only at the location of clients then it shall be the residence street address of the licensee
(5) Malrractice. - Professional misconduct or unreasonable lack of skill
(6) Gross neslisence - The intentional failure to perform a manifest duty in reckless disresard of the consequences as affectine the life or proverty of another
(7) Incompetency - Conduct which evidences a lack of ability fitness or knowledse to apply princirles of skills of the profession of massase and bodywork therary.
(8) Sexual activity. Any direct or indirect physical contact or verbal communication by any rerson or between persons which is intended to erotically stimulate either person or which is likely to cause such stimulation and includes sexual intercourse. fellatio cunnilinsus masturbation or anal intercourse As used herein masturbation means the manirulation of any body tissue with the intent to cause sexual arousal Sexual activity can involve the use of any device or object and is not dependent on whether penetration orsasm or elaculation has occurred
(9) Therareutic educational or relaxation purposes Pursuant to GS $90622(3)$ that which is intended to $r$ ositively affect the health and well beine of the client and which does not include sexual activity as defined in this Rule

History Note: Authority G.S. 90 622. 90 626:9,
Temporary Adortion ED. February 152000.

## SECTION . 0200 APPLICATION FOR LICENSE

## .0201 APPLICATION AND SCOPE

Each applicant for a license as a massase and bodywork therarist shall complete an arplication form provided by the Board This form shall be submitted to the Board and shall be accomranied by
(1) Recent orisinal photosraphls) of the arplicant of accertable чuality for identification as reчuired by application Such photosraph shall be of the head and shoulders passport tyre two inches by two inches in size,
(2) The proper fees as reчuired by Rule 0204 of this section,
(3) Documentation that the arrlicant has earned a hizh school diploma or eчuivalent,
(4) Documentation that the arplicant is 18 years of ase or older.
(5) Documentation that the applicant has successfully completed a course of study at a Board approved school consistine of a minimum of 500 classroom hours of surervised instruction If the applicant attended a school which is not Board approved the Board may elect to review that applicants educational credentials for approval on a case by case basis. At a minimum the documentation of such trainine must come from a school which is licensed by the educational licensine authonty in the state territory or country in which it operates or is exempt by statute The curriculum must meet or be substantially equivalent to the standards set forth in 21 NCAC $300602(2)$.
(6) Documentation that the arplicant has achieved a
passins score on an examination administered by a certifyine asency that has been aprroved by the National Commission of Certifyins Asencies and documentation that the arplicant is a certificant in sood standine with such asency, and
(7) A form rrovided by the Board containine sisned statements from two licensed massase and bodywork therapists or other licensed health care practitioners attestine to the arplicants sood moral character and adherence to ethical standards

History Note: Authority G.S. $90626^{\prime} 2,90629$,
Temporary Adoption Eff February 152000.

## . 0202 INTERVIEWS

Interviews may be reчuired by the Board if it has yuestions about the rualifications of an applicant

History Note: Authority G.S. 90 626'2,
Temporary Adortion EII February 152000

## . 0203 EXEMPTIONS FROM LICENSURE

(a) The Board considers practitioners of movement education as well as practitioners of enersy based techniчues whose techniчues do not involve direct manirulation of the soft tissues of the body and who are usine only those techniques in their practice to be within the score of the exemptions set forth in G S 90624 (6) and (7) respectively Persons who are utilizins such techniчues alons with the practice of massase or bodywork therary as defined in GS $90622(3)$ are not considered to be exempt and will be reчuired to be licensed
(b) Services such as herbal body wraps skin exfoliatins treatments or the torical aprlication of products to the skin for beautification $\mu$ urroses are not considered to be the $\mu$ ractice of massabe and bodywork therary as lons as such services do not involve direct manirulation of the soft tissues of the body Those who are utilizins such techniques alons with the rractice of massase or bodywork therary are not considered exempt and will be reчuired to be licensed

History Note: Authority G.S 90624 .
Temporary Adoftion ED February 15. 2000

## . 0204 FEES

(a) Fees are as follows. (1) Application for examination $\quad \$ 20000$
(2) License fee $\quad 15000$
(3) License renewal $\underline{10000}$
(4) Late renewal renalty $\quad 7500$
(5) Durlicate license 2500
(6) Provisional license $\quad \underline{5000}$
(b) Fees shall be nonrefundable and shall be raid in the form of a cashiers check certified check or money order made payable to the North Carolina Board of Massaze and Bodywork Theravy Personal checks shall be accerted for payment of renewal fees
(c) A versonal check returned for insufficient funds may be
srounds for disciplinaty action
History Note: Authority G.S. 90 626'8, 90628.
Temporary Adoption Eth February 15 2000.

## SECTION . 0300 LICENSING

## . 0301 PROFESSIONAL DESIGNATIONS

(a) All licensees shall use the professional title Licensed Massase and Bodswork Therapist or the letters L.MBT when the are holdins themselves out to be a licensee in their professional communications
(b) Licensees shall not use any other letters or abbreviations after their name when they are holding themselves out to be a licensee in their professional communications except those which are convered by a desree from an accredited post secondary institution a license from another occurational licensing board or certification from an asency which is approved by the National Commission on Certifyinz Azencies
(c) Licensees may also use other words descriptive of their work consistent with 21 NCAC $300501(1)$ such as areas of clinical specialty in addition to their $\varphi$ rimary identification as a Licensed Massase and Bod work Therapist

History Note: Authority G.S. $90623^{\prime} \mathrm{c}, 90626^{\prime} 9$,
Temporary Adoption Ett February 15. 2000.

## . 0302 DISPLAY OF LICENSE

A license shall be displayed in a prominent place at the licensees primary place of business to be visible for inspection A licensee providins massase and bodywork therapy outside their primary business location or at the location of clients shall have their licensure card availahle for inspection uron reyuest

History Note: Authority G.S. 90 626'9,
Temtorary Adoption Elt February 15, 2000.

## . 0303 LICENSE RENEWAL

(a) Any licensee desirins the renewal of a license shall comply with all continuins education reчuirements shall apply for renewal and shall submit the reчuired fee
(b) A license which has not been renewed prior to its expiration date is considered lapsed
(c) Licenses larsed in excess of 24 months are expired and shall not be renewable Persons whose licenses have expired and who desire to be licensed shall not be entitled to renew their license but shall apply for a new license
(d) Any person whose license has larsed or expired and who ensases in any massase and body work therary activities soverned $b y$ the Practice Act will be sub.ect to the renalties prescribed in 21 NCAC 300905 herein

History Note: Authority G.S. 90 626'3,
Temporary Adortion EDI February 152000.

In addition to the reчuirements of G.S 90630 an applicant for licensure by reciprocity shall be elisible if
(1) The arplicant is in sood standine in each state where he or she has been licensed.
(2) A state in which the applicant is licensed has sranted similar reciprocity to licensees in this State,
(3) The aprlicant complies with all requirements for licensure completes the application and pass the license fee

History Note: Authority G.S 90 626:9, 90630.
Temporary Adoption EIt February 15.2000

## . 0305 PROVISIONAL LICENSE

(a) An applicant who does not meet the educational reчuirement of G S $90629(4)$ or the examination requirement of GS $90629(5)$ as intervreted by 21 NCAC $300201(5)$. may prior to November L. 2000 apply for a provisional license The applicant shall complete the application form provided by the Board which shall be submitted to the Board and accompanied by
(1) Recent orisinal photosraph(s) of the applicant of acceptable yuality for identification as reyuired by application Such photosraph shall be of the head and shoulders passport type two inches by two inches in size.
(2) The proper fees as required by 21 NCAC 30 0204,
(3) Documentation that they have obtained a hizh school diploma or eyuivalent.
(4) Documentation that they are 18 years of ase or older,
(5) Sizned and notarized statements from three licensed massaze and bodywork therapists or other health care practitioners licensed under GS 90 attestins to the sound moral character professional yualifications and competence of the applicant.
(6) Documentation of a minimum of 500 hours of professional $\frac{\mu \text { ractice }}{}$ in the field of massase and bodywork therapy durins the four rears prior to the arplication to the Board For the purposes of this Section professional practice shali be defined as performins at least 100 hours of massase and bodywork therapy for comrensation in a calendar year,
(7) Documentation that the arrlicant has been practicine in the State at the time the arplication is submitted
(b) At the end of two years after the zrantine of the mrovisional license the aprlicant shall submit evidence to the Board of his or her compliance with the continuins education reчuirements of 21 NCAC 300701 and 0702 Upon receipt of prover documentation the applicant shall be issued a license to practice massase and hody work therapy

History Note: Authority 90626 3, S.L 1998.c. 230 s. 14. Temforary Adotion E.J February 15 2000

## . 0304 LICENSE BY RECIPROCITY

## DISCIPLINE

(a) The Board may deny an application for licensure or refuse to license an arplicant for any of the reasons set forth in GS 90633
(b) The Board may suspend or revoke the license of a massase and hod $w$ work therapist or issue a letter of reprimand to a licensee for any of the reasons set forth in GS 90633

History Note: Authority G.S. 90626 3, 90633.
Temporary Adoption Ett February 15. 2000.

## SECTION. 0400 BUSINESS PRACTICES

## .040I ADDRESS OF RECORD

Each licensee shall notify the Board in writins of the licensee $s$ current residence street address and primary place of business The licensee shall indicate to the Board their mailins address and telephone number for the purposes of receivins communication from the Board and for listins in the resistry of licensees

History Note: Authority G.S. 90 626'9,
Temヶorary Adohion EtI February 15 2000

## .0402 TRADE NAMES

Licensees who conduct business under a name that is different than the licensees surname are required to file an assumed name certificate and shall comply with the reчuirements of GS 6668 The licensee shall notify the Board in writins of all assumed name certificates filed with any county resister of deeds

History Note: Authority G.S. $90626^{\prime} 9$,,
Temforary Ado+tion Ett February 15 2000.

## . 0403 CHANGE OF ADDRESS OR TRADE NAME

All licensees shall notify the Board in writine of each chanse of trade name or address of record within 30 days of such chanse

History Note: Authority G.S. 90 626'9,
Temporary Adortion ETh February 15. 2000.

## . 0404 ADVERTISING

(a) Any advertisement of massase and bodywork therapy services in any advertisins medium as defined herein shall include the licensee s name and license number whether or not a trade name is used
(b) Advertisink medium shall be defined as any form of written printed broadcast or computer based advertisine or other promotional materials excent a telephone directory listint for which no additional advertising charse is made
(c) A business or establishment which emeloys or contracts with massase and bodywork therarists licensed by the Board may advertise on behalf of those licensees by complyins with the requirements of this section

Temporary Adoнtion EtI February 15 2000.

## SECTION . 0500 STANDARDS OF PROFESSIONAL CONDUCT

## .0501 CODE OF ETHICS

This Code of Ethics establishes standards for the practice of massase and body work therapy which are intended to protect the rublic health safety and welfare to rreserve the intesrity of the profession and to allow for the proper discharse of responsibilities to those served Licensees shall have a commitment to provide the hishest yuality of care to those who seek their professional services and shall
(1) Represent their yualifications credentials and professional affiliations accurately and vrovide only those services which they are yualified to verform.
(2) Inчuire as to the health status of each client before treatment to determine whether there are contraindications for the application of massase and bodywork therapy,
(3) Inform clients other health care practitioners and the public of the scove and limitations of the practice of massase and bodywork theray and refer clients to apभrorriate health care $\frac{\text { practitioners }}{}$ whenever indicated.
(4) Maintain the confidentiality of all client information unless disclosure is consented to by the client required $\underline{b y}$ law or $\underline{b} \underline{y}$ court order,
(5) Obtain and document the informed consent of the client before providins treatment Informed consent may be siven in written or verbal form.
(6) Provide drapins and treatment in a way that ensures the safety comfort and privacy of the client.
(7) Respect the clients rikht to refuse modify or terminate treatment rebardless of $\mu$ rior consent Biven.
(8) Refrain from initiatins or ensakine in any sexual activity involvins a client as defined in Rule $0102(8)$.
(9) Refuse any sifts or benefits which are intended to influence a referral decision or treatment that are primarily for personal sain and not for the sood of the client

History Note: Authorty G.S. 90 621, 90 626'9",
Temtorary Adotion Ell February 15.2000.

## . 0502 FACILITY REQUIREMENTS

(a) The practice of massage and bod work therapg shall be conducted in facilities which are safe and sanitary Licensees shall maintain their treatment facilities accordine to the followine standards
(1) Comply with all local buildine code requirements,
(2) Comply with all state fire safety codes.
(3) Comply with all state health inspection codes.
(4) Maintain all equirment used in the practice of massace and bodywork therapy in a safe and sanitary condition.

History Noie: Authority G.S. $90623^{\prime} \mathrm{c}, 90626^{\prime} 9$,
(5) Launder or sanitize before reuse all materials furnished for the personal use of the client includint towels and linens.
(6) Provide adequate toilet and lavatory facilities for the client.
(7) If equipred with a whirlvool bath sauna steam cabinet or steam room maintain adeyuate and clean shower facilities on the premises.
(8) Maintain a lavatory for hand cleansink or have available a chemical sermicidal product desisned to disinfect and cleanse hands without the use of a lavatory
(b) For treatments which are ziven at the location of a client only Subparasraphs (4) (5) and (8) of this Rule apply For treatments which are siven at a temporary location lasting not more than five days such as a trade show sportins event or community festival only Subparasraphs (4) and (8) of this Rule apply

History Note: Authority G.S. 90 626'9,
Temporary Adoption ElI February 15.2000.

## . 0503 HYGIENE

Licensees shall maintain a professional standard of hysiene in the $p$ ractice of massase and body work therapy
(1) Before and after each treatment licensees shall cleanse and disinfect their hands using a lavatory or a chemical sermicidal $\frac{\mu r o d u c t}{}$
(2) Licensees shall maintain a barrier of unbroken skin on their hands forearms and elbows at all times In the case of broken skin the licensee shall use a finser cot slove or chemical barrier product to cover the affected area during treatment

History Note: Authority G.S. 90 626'9,
Temporary Adomion Ell February 15.2000.

## . 0504 DRAPING OF CLIENTS

(a) Licensees shall maintain a sufficient supply of clean drapes for the purpose of draping each client durins treatment As used herein draves mean towels sheets sowns or other appropriate coverinss
(b) Before proceedine with a treatment licensees shall explain expected drapint techniyues to the client and provide the client with a clean drave for the purpose of ensurins their safety comfort and privacy
(c) The requirements of Parabraphs (a) and (b) of this Rule do not arply in the case of treatments where the client does not disrobe

History Note: Authority G.S. $90625^{\prime} 9$,
Temporary Adoption Ell February 15. 2000.

## . 0505 SEXUAL ACTIVITY PROHIBITED

(a) Sexual activity with a client as defined in 21 NCAC 30 $010218)$ is prohibited where the practice of massase and bod $y$ work therary is conducted
(b) No licensee shall ensaze in or permit any person or
persons to ensase in sexual activity with a client in a location where the practice of massase and bodywork therapy is conducted or use such location to make arransements to ensaze in sexual activity in any other place
(c) Licensees shali not use the theravist client relationship to ensaze in sexual activity with any client or to make arransements to ensaze in sexual activity with any client

History Note: Authority (G.S. $90626^{\prime} 9$,.
Temporary Adotion E.t. February 15.2000

## . 0506 CONTINUING DUTY TO REPORT CERTAIN CRIMES AND CIVIL SUITS

(a) All licensees are under a continuine duty to report to the Board any and all of the following by themselves or by other licensees
(1) Charses of convictions of or pleas of ruilty or no contest to a felony,
(2) Charses of convictions of or pleas of suilty or no contest to any crime that involves moral turvitude.
(3) Charses of convictions of or pleas of builty or no contest to any alcohol or drus related offense.
(b) All licensees are under a continuint duty to report to the Board if they are named as a defendant in a civil suit arisins out of a licensees s practice of massase and body work therapy
(c) A licensee must report a charse conviction plea in a criminal case or involvement as a defendant in a civil suit as set forth in Parabraphs (a) and (b) of this Rule within 30 days after it occurs

## History Note: Authority G.S. 90 626'9, <br> Temtorary Adortion Ell February 15. 2000.

## SECTION . 0600 MASSAGE AND BODYWORK THERAPY SCHOOLS

## . 0601 BOARD APPROVAL

(a) Any school whether in this State or another state territory or country that offers a certificate diploma or desree prosram in massaze and bodywork therary may make application for Board approval on a form provided by the Board Every school must submit an application to be considered for approval whether or not such school has been licensed approved or accredited $\underline{\text { by }}$ another asency state board accreditation commission or trade association A school which operates more than one location shall submit a separate arplication for each location
(b) The Board shall srant approval to schools that meet the standards set forth in this section The Board shall maintain a list of aproved schools
(c) In order to maintain approval status each school shall submit an annual revort on a form provided by the Board which may include documentation of continued state licensure where such licenses are required and any chanses in curriculum instructional staff or administrative staff
(d) An approved school shall notify the Board in writine within 30 days of any chanse in the schools location address ownership or controlline interest
(e) The Board may refuse to issue approval to an applicant or may withdraw approval sranted to a school if the aprlicant for approval or holder of such approval
(I) Fails to maintain at any time the minimum requirements for approval set forth in this Section,
(2) Fails to require its students to complete the minimum standards in order to sraduate.
(3) Submits documents to the Board which contain false or misleadins information.
(4) Violates GS 115D 93(c) or any statute or rule reyuired for licensure of that school by its educational licensins authority or
(5) Violates any applicable rule of this Section

History Note: Authority G.S. 90631 ,
Temtorary Adottion Ent February 15. 2000.

## . 0602 MINIMUM REQUIREMENTS FOR APPROVAL

(a) The minimum reчuirements for approval of massase and bod $y$ work therary schools are
(I) Authority to overate
(A) Proprietary schools in the State shall provide documentation that they are licensed $\underline{b}$ y the State Board of Community Colleeses purs uant to GS 115 D Article 8 or subsequent State licensins authority, or shall be exempt from licensure $\underline{b} y$ statute
(B) Any school outside the State shall provide documentation that it is licensed by the equivalent educational licensins authority in the state territory or country in which it operates, or shall be exempt from licensure by statute
(C) A Community Collese within the State which offers a certificate diploma or desree prosram in the field of massage and bodywork therapy shall have approval from the State Board of Community Collezes to conduct such prosram as required by GS 115D $5(f)$ and 23 NCAC 2E $0201(\mathrm{a})$
(2) General reyuirements Schools shall provide documentation that they meet the followine criteria (A) The schools director administrative staff and instructional staff possess adeyuate education and experience to carry out their responsibilities.
(B) The school has adequate space eyurment instructional materials learnine resources and instructional staff to provide trainine of sood yuality,
(C) A cory of the school bulletin or catalos is provided to the student uron enrollment which shall include course descristions schedule of tuition fees and other charses sradins polics. standards for completion and administrative rolicies.
(D) Uron completion of training the student is
siven a certificate diploma or desree indicatins the prosram satisfactorily completed.
(E) Adequate records are maintained to show attendance and academic prosress or srades, satisfactory standards relatins to attendance prosress and conduct are enforced.
(F) The school complies with all city county State and Federal reyuirements such as fire codes buildine and sanitation codes,
(G) The school is financially sound and capable of fulfilline its commitments for tramine,
(H) The school does not utilize advertisine of any ty ye which is erroneous or misleading either by actual statement omission or intimation.
(I) The school owners directors administrators and instructors are of sood reputation and character.
(J) Such additional criteria as may be deemed necessary by the Board
Curriculum
(A) Schools shall provide documentation that they offer a curriculum consistins of a minimum of 500 classroom hours of supervised instruction A classroom hour of supervised instruction shall consist of at least 50 minutes of any one clock hour durins which the student participates in a learnins activity in the physical presence of a member of the schools instructional staff Prosrams shall be a minimum of six month in lensth with no more than $\underline{12}$ instructional hours in one day
(B) At a minimum the curriculum shall contain the followine hours of specific instruction
(i) 200 hours in the fundamental theory and wractice of massaze and bodywork therary which shall include application of hands on methods client assessment skills indications and contraindications for treatment.
(ii) 100 hours in anatomy and physiolosy which shall include the structure and function of the human bods and common patholosies,
(iii) 200 hours in other courses which are consistent with the school shilosorhy and educational ob,ectives, such courses shall include theraveutic communication skills siandard practices for hysiene and control of infectious diseases $\mu$ rofessional ethics laws and rules and business practices Such courses may aliso include additional hands on techniчues wecific arplications ad.unctive modalities inderth anatomy and physiolory kinesiolozy haycholosy

> and supervised clinical practice, (iv) $\frac{\text { Such additional criteria }}{} \begin{aligned} & \text { as may } \\ & \text { deemed necessary by the Board. }\end{aligned}$
(4) Transfer of Credit A school shall not srant transfer credit from another institution unless the followins standards are met
(A) The school from where credit is beins transferred must be licensed by the educational licensins authority in the state in which it orerates or be exempt by statute,
(B) The school from where credit is beins transferred shall provide an official transcript,
(C) Courses for which credit is sranted shall be parallel in content and intensity to the courses presently offered by the school, and
(D) Documentation of previous trainins shall be included in each students permanent file
(5) Student comrensation prohibited A student enrolled in a Board aprroved school shall not receive a fee or other consideration for their work while they are completins clinical requirements for sraduation whether or not the school charses a fee for services $\rho$ rovided in a student clinic
(b) Any school aprroval issued by the Board shall be restricted to the probrams of instruction or courses specifically indicated in the orisinal application for approval A school desirins to offer additional prosrams of instruction mas submit a surplementary arrlication for arproval as directed $\underline{\mathrm{b} y}$ the Board

History Note: Authority G.S. 90 631,
Temporary Adortion E.t. February 152000.
. 0603 DOCUMENTATION OF SUCCESSFUL COMPLETION
(a) In order to be acknowledsed as having successfully completed a course of study as reчuired by GS $90629(4)$ an applicant for licensure must submit an official transcript to the Board s administrative office
(b) Such transcript must document to the satisfaction of the Board that the aprlicant has completed all reчuirements in a course of study which meets the minimum curriculum standards set forth in this section and shall indicate the followins
(1) Passins srades in all courses,
(2) Dates of attendance,
(3) Date of sraduation or successful completion of the entire prosram, and
(4) Total number of surervised classroom hours of instruction

History Note: Authority G.S. 90631.
Temtorary Adoftion E.11 February 15. 2000.

## . 0604 APPROVAL DESIGNATION

A school which is arproved by the Board may utilize the desisnation Arproved by the North Carolina Board of

Massase and Bodywork Therary or NC. Board Arrroved An approved school may utilize this desisnation only to promote a prosram in massase and bodywork therapy and shall not utilize this desisnation to promote any other prosram

History Note: Authority (i.S. 90 631,
Temporary Adoption ETI February 15. 2000.

## SECTION. 0700 CONTINUING EDUCATION

## .070I CONTINUING EDUCATION REUUIRED FOR LICENSE RENEWAL

When rene wins a license to practice massase and bodywork therary each licensee shall submit evidence to the Board that they have completed the required hours of arroved continuins education durins the immediately precedins licensure period

History Note: Authority G.S. 90 626.9, 90632,
Temporary Adortion EII February 15. 2000.

## . 0702 APPROVED PROVIDER

(a) Approved continuins education shall be defined as any course workshor or seminar relatins to the practice of massase and bodywork therary which is conducted by an approved provider
(b) An approved provider is one which meets the criteria established by the Board

History Note: Authority (i.S. 90 626'9, 90 632,
Temrorary Adortion Ell. February 15. 2000.

## SECTION . 0800 RULES

. 0801 PETITIONS FOR ADOPTION, AMENDMENT OR REPEAL OF RULES
(a) The procedure for petitionins the Board to adort amend or repeal a rule and for the Boards response is soverned by G S 150B 20
(b) Rule makins retitions shall be sent to the Board No special form is reчuired but the retitioner shall state his or her name and address The petition shall include
(1) A draft of any rrorosed rule or amendment to a rule,
(2) The reason for the proposal,
(3) The effect of the rrorosal on existins rules or decisions,
(4) Any data suprortins the proposed rule chanse,
(5) Practices likely to be affected by the proposed rule chanse,
(6) Persons likely to be affected by the proposed rule chanze

History Note: Authority G.S. 150 B 20 .
Temtorary Adohtion EIT. February 15. 2000.

## .0802 <br> RULE MAKING NOTICE AND PUBLIC HEARING

(a) Any verson who wishes to receive individual notice of asency rule makins shall file a written reyuest with the Board and shall be responsible for the actual cost of printins and mailine said notice.
(b) Any public rule makins hearins shall be conducted by the Board Chair or by any person he or she may desisnate The presidine officer shall have control of the hearine includine settins limits on oral presentations and shall conduct the hearine so as to provide a reasonable oprortunity for any interested verson to present views data and comments

History Note: Authority G.S. 150B 21.2.
Temforary Adoption E.II February 15 2000.

## . 0803 DECLARATORY RULINGS

(a) The issuance of declaratory rulines by the Board is soverned by GS I50B 4
(b) A reчuest for a declaratory rulins shall be in writine and addressed to the Board The request shall contain the followins information
(1) The name and address of the rerson makine the request,
(2) The statute or rule to which the requesi relates,
(3) A concise statement of the manner in which the person has been or may be assrieved by the statute or rule, and
(4) A statement as to whether a hearing is desired and if desired the reason therefore
(c) The Board shall refuse to isisue a declaratory rulins under the followins circumstances
(1) When the Board has already made a controllins decision on substantially similar facts in a contested case,
(2) When the facts underlsine the reyuest for a ruline on a rule were specifically considered at the time of the adoption of the rule in question and
(3) When the subiect matter of the request is involved in pending litisation in North Carolina

History Note: Authority (j.S. 150B4.
Teintorary Adoftion ETI February 15. 2000.

## SECTION . 0900 COMPLAINTS DISCIPLINARY ACTION AND HEARINGS

. 0901 PURPOSE AND SCOPE
The Practice Act authorizes the Board to conduct investizations subroena individuals and records and do all other thinss necessary and proper to discipline persons licensed under the Act The Board may issue review deny suspend revoke or refuse to issue or renew any license under the Act This law was enacted to rrotect the public health safety and welfare, therefore it is the policy of the Board to discirline incomvetent and fraudulent practitioners

History Note: Authority © S 90 626:5,:6,!7,

Temporary Adoption Ett February 15. 2000.

## 0902 COMPLAINTS

(a) A complaint reEardine a violation of the Practice Act or Rules and Resulations shall be submitted in writins and shall document
(1) The name of the licensee or other person involved,
(2) A description of the allesed behavior or incident, and
(3) The name mailine address and vhone number of the person filine the complaint
(b) The complaint shall be delivered to the Board administrative offices by mail rrivate carrier or in person. Complaints transmitted by facsimile or electronic mail will not be accepted
(c) An incomplete complaint may be corrected and resubmitted

History Note: Authority (F.S. 90 626'13,,
Temporary Adoнtion Elt February 15. 2000.

## 0903 ACTION ON A COMPLAINT

Action on a complaint consists of the followins
(1) The Board shall receive and acknowledse complaints open a confidential file and initiate complaint trackine
(2) Complaints will be screened to determine Jurisdiction and the tyre of response appropriate for the complaint
(3) Investisation
(a) If the facts do not clearly indicate a Practice Act violation and the complaint can be handled without an investization the Board shall reyuest that the licensee cease conduct that could result in a Practice Act violation
(b) If the facts clearly indicate a Practice Act violation the Board shall commence an investisation The Board may utilize additional personnel such as licensees law enforcement officials or other technical personnel that may be required in a particular case If a Board member is utilized in the investigation care must be taken to observe due process by separatins.
(i) investization
(ii) prosecution and
(iii) hearines and final decision makins.

No Board member shall particivate in more than one of these three sters in the enforcement process.
(c) A confidential report of each investization shall be prepared for the Board s review
(4) Formal and Informal Hearinss
(a) The Board after review of an investizative file may schedule an informal meetins
(b) If the matter cannot be resolved informally then a formal hearins shall be held
(c) Members of the Board shall not make ex parte communication with parties to a hearins.
(5) Final Orders As soon as possible but at least within sixty (60) days the Board will issue its final decision in writine specifyine the date on which it will take effect. The Board will serve one cory of the decision on each party to the hearins
(6) Compliance The Board Chair will cause a follow ur inyuiry to determine that the orders of the Board are beint obeyed

History Note: Authority G.S. 90 626'5,.'6,.'7, '13»,
Temforary Adomion Eth February 15 2000.

## . 0904 FORMAL HEARING

Formal hearinse shall be conducted in accordance with GS 150 B 38 et sey

History Note: Authority G.S. 90 626'6, G.S. $150 B 38$. Temporary Adomion Elt February 15. 2000.

## . 0905 DISCIPLINARY SANCTIONS

(a) The followine tores of disciplinary sanctions may amons others be utilized by the Board
(1) Denial of Arplication Refusal to license the arplicant.
(2) Letter of Reprimand An expression of displeasure

The mildest form of administrative action This formal expression of disapproval will be retained in the licensees file but shall not be publicly announced It is not published but is released uron request.
(3) Probation A period of time where certain restrictions or conditions are imposed on a license Continued licensure is subect to fulfillment of specified conditions.
(4) Suspension of license A condition of probation. Loss of license for a certain duration of time after which the individual may be reyuired to reapply for licensure or remain on rrobation.
(5) Refusal of License Renewal A refusal to reinstate or renew a license,
(6) Revocation of license An involuntary termination of a license,
(7) In.unction A court action prohibitins or compelline conduct by a licensee
(b) The Board may reyuest information from professional associations professional review orsanizations (PROs). hospitals clinics or other institutions in which a licensee performs professional services on possible chemical abuse or incompetent or unethical behavior
(c) The Board will provide notice of sanction taken by it to other public entities as necessary to ensure that other state boards and enforcement authorities receive the names of licensees disciplined

History Note: Authority G.S. $90626^{\prime} \nrightarrow$,
Temporary Adotion EM. February 15. 2000.

This Section contains the asenda for the next meetins of the Rules Review Commission on Thursday March $\underline{16} \underline{2000}$ 1000 am at 1307 Glenwood Ave Assembly Room Raleish NC Anyone wishins to submit written comment on ans rule before the Commission should submit those comments to the RRC staff the asenc, and the individual Commissioners by Friday March $\underline{10} \underline{2000}$ at $\underline{500} \underline{p . m}$ Srecific instructions and addresses may be obtained from the Rules Review Commission at 9197332721 Anyone wishins to address the Commission should notify the RRC staff and the azency at least 24 hours $\mu$ rior to the meetins

## RULES REVIEW COMMISSION MEMBERS

Aprointed b, Senate<br>Teresa L. Smallwood Vice Chairman<br>John Arrowood Laura Devan<br>Jim Funderburke David Twiddy<br>Appointed by House<br>Paul Powell Chairman Walter Futch Jennie J Hayman Georse Robinson<br>R Palmer Suєョ

## RULES REVIEW COMMISSION MEETING DATES

March 162000
Arril 13. 2000
LOG OF FILINGS
RULES SUBMITTED: January 20. 2000 throush February 20.2000

## RULE NAME

RULE CITATION
ACTION

## DEPARTMENT OF COMMERCE/INFORMATION TECHNOLOGY SERVICES

| Forms Terms and Conditions | 4 NCAC 21 A 0101 | Adort |
| :---: | :---: | :---: |
| Definitions | 4 NCAC 21 A 0102 | Adort |
| Benchmark | 4 NCAC 21 A 0103 | Adort |
| Procedure | 4 NCAC 21 B 0101 | Adort |
| Verbal Reyuests | 4 NCAC 21 B 0102 | Adort |
| Confidentiality | 4 NCAC 21 B 0103 | Adort |
| Tyres of Srecifications | 4 NCAC 21 B 0201 | Adort |
| Need | 4 NCAC 21 B 0202 | Adort |
| Develorment of Srecifications | 4 NCAC 21 B 0203 | Adort |
| Articles for Srecial Purroses | 4 NCAC 21 B 0204 | Adort |
| Submission for Adortion | 4 NCAC 21 B 0205 | Adort |
| Cories of Srecifications | 4 NCAC 21 B 0206 | Adort |
| Confidentiality | 4 NCAC 21 B 0207 | Adort |
| Procurement Procedures | 4 NCAC 21 B 0301 | Adort |
| Methods of Source Selection | 4 NCAC 21 B 0302 | Adort |
| Electronic Facsimile and Telephone Offers | 4 NCAC 21 B 0303 | Adort |
| Recall of Offers | 4 NCAC 21 B 0304 | Adort |
| Public Orenins | 4 NCAC 21 B 0305 | Adort |
| Late Offers Modifications or Withdrawals | 4 NCAC 21 B 0306 | Adort |
| Error/Clarification | 4 NCAC 21 B 0307 | Adort |
| Extension of Accertance Time | 4 NCAC 21 B 0308 | Adori |
| Evaluation | 4 NCAC 21 B 0309 | Adory |
| Notification of Award | 4 NCAC 21 B 0310 | Adoert |
| Lack of Comretition | 4 NCAC 21 B 031 l | Adori |
| Solicitation Documents | 4 NCAC 21 B 0312 | Adort |
| Division of Requirements | 4 NCAC 21B 0313 | Adont |
| Advertisement Requirements | 4 NCAC 21 B 0314 | Adort |
| Mandatory Conferences/Site Visits | 4 NCAC 21 B 0315 | Adort |
| Basis for Relection | 4 NCAC 21 B 0401 | Adort |
| Public Record | 4 NCAC 21 B 0402 | Adong |
| Neeotiation | 4 NCAC 21 B 0403 | Adori |

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dPrehearins Conference
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Tarset Population
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4 NCAC 21 B $0501 \quad$ Adopt
4 NCAC $2 \mid \mathrm{B} 0502$ Adort
4 NCAC 21 B 0503 Adowt
4 NCAC 21B 0504 Adort
4 NCAC $2 \mid \mathrm{B} 0505 \quad$ Adout
4 NCAC $2 \mid \mathrm{B} 0601 \quad$ Adort
4 NCAC 21 B 0602 Adort
4 NCAC 21 B 0603 Adort
4 NCAC 2lB $0701 \quad$ Adort
4 NCAC 21B 0702 Adort
4 NCAC 2| B 0703 Adowt
4 NCAC 2|B 0801 Adowt
4 NCAC 21 B $0901 \quad$ Adort
4 NCAC $2 \mid \mathrm{B} 0902$ Adout
$4 \mathrm{NCAC} 2 \mid \mathrm{B} 100 \mathrm{~A} \quad$ Adort
4 NCAC $2 \mid$ B 1002 Adout
4 NCAC 21 B 1003 Adort
4 NCAC 2l B 1004 Adort
4 NCAC 21B 1005 Adort
4 NCAC 21 B 1006 Adort
4 NCAC 2 L B 1007 Adort
4 NCAC 21 B $1008 \quad$ Adort
4 NCAC 21 B 1009 Adout
4 NCAC 21 B 1010 Adoyt
4 NCAC $21 \mathrm{~B} \mid 01 \mathrm{l}$ Adort
4 NCAC $21 \mathrm{~B} \mid 012$ Adort
4 NCAC 21 B 1013 Adort
4 NCAC 21 B 1014 Adort
4 NCAC $2 \mid \mathrm{B} 1015$ Adort
4 NCAC $21 \mathrm{~B} 1016 \quad$ Adort
4 NCAC 21 B 1017 Adort
4 NCAC 21 B 1018 Adort
4 NCAC 21 B 1019 Adort
4 NCAC 21 B $1020 \quad$ Adort
4 NCAC 21 B 102 l Adort
4 NCAC 21 B 1022 Adort
4 NCAC 21 B 1023 Adort
4 NCAC 21 B 1024 Adort
4 NCAC 2l B 1025 Adoht
4 NCAC 21 B 1026 Adort
4 NCAC 21 B 1027 Adort
4 NCAC 21 B 1028 Adort
4 NCAC 21 B 1029 Adort
4 NCAC 21 B 1030 Adort
4 NCAC 2| 103 l Adort
4 NCAC 21 B 1101 Adort
4 NCAC $2 \mid \mathrm{B} 1102$ Adout
4 NCAC $21 \mathrm{~B} \mid 103$ Adort
4 NCAC $2|\mathrm{~B}| 104 \quad$ Adort
4 NCAC 21 B 1105 Adort
4 NCAC 21 B $1201 \quad$ Adort
4 NCAC 2| B 1202 Adort

| 10 NCAC 42A 0801 | Adort |
| :--- | :--- |
| 10 NCAC 42A 0802 | Adort |
| 10 NCAC 42A 0803 | Adort |
| 10 NCAC 42A 0804 | Adort |
| 10 NCAC 42A 0805 | Adort |

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DENR/ENVIRONMENTAL MANAGEMENT COMMISSION
Broad River Basin
Emission Standards
Rerortins Reчuirements
Recordkeepins Reyuirements
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General
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10 NCAC 42A 0806
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10 NCAC 42A 0807 Adort
10 NCAC 42A 0808 Adort

| 10 NCAC 42A 0809 | Adort |
| :--- | :--- |
| 10 NCAC 42A 0810 | Adort |
| 10 NCAC 42E 0801 | Amend |
| 10 NCAC 42E 1501 | Adort |
| 10 NCAC 42E 1502 | Adort |
| 10 NCAC 42Z 0108 | Adort |
| 10 NCAC 42Z 1001 | Adort |

10 NCAC 47B 0103 Amend
10 NCAC 47B 0204 Adort
10 NCAC 47B 0407 Adort

11 NCAC 100105 Amend
II NCAC 100110 Amend

| 11 NCAC IIF 040\| | Ame |
| :---: | :---: |
| II NCAC IIF 0402 | Amend |
| II NCAC IIF 0403 | Amend |
| II NCAC IIF 0404 | Amend |
| I 1 NCAC IIF 0405 | Amend |
| 11 NCAC IIF 050\| | Adort |
| I 1 NCAC IIF. 0502 | Adort |
| 11 NCAC IIF 0503 | Adort |


| II NCAC 121701 | Amend |
| :--- | :--- | :--- |
| II NCAC 121702 | Amend |
| II NCAC 121703 | Amend |

Amend Amend Amend Amend Amend Adort

Amend

| 15 NCAC 2B 0306 | Amend |
| :---: | :---: |
| 15 NCAC 2D 1703 | Amend |
| 15 NCAC 2D 1708 | Amend |
| 15 NCAC 2D 1709 | Amend |
| 15 NCAC 2D 2101 | Adort |
| 15 NCAC 2D 2102 | Adort |
| 15 NCAC 2D 2103 | Adowt |
| 15 NCAC 2D 2104 | Adent |
| 15 NCAC 2P 0402 | Adort |
| 15 NCAC 25 0101 | Adont |
| 15 NCAC 2S 0102 | Adort |
| 5 NCAC 2S 0201 | Ado |



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Corporation Billed for the Tax
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Business and Nonbusiness Income Interest and Penalties
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Purchases by Manufacturers
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Medical Surplies and Eyurrment
Institutions Etc
Refunds to Nonrrofit Entities
Refunds to Counties Cities Etc
Sales to and by Hospitals
Refunds Hosritals \& Similar Institutions
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Service Charse
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Sales by Veterinarians
Florist Nurserymen Greenhouse Orer
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Trade Ins Transfer to New Business
Trade Ins on Exemnt Sales

16 NCAC 6C 0308
16 NCAC 6C 0309
16 NCAC 6C 0311
16 NCAC 6C 0312
16 NCAC 6C 0313
16 NCAC 6E 0202
16 NCAC 6G 0502
16 NCAC 6H 0103

16 NCAC 6 H 0106

17 NCAC IC 0502
17 NCAC LC 0504
17 NCAC LC 0506 17 NCAC IC 0509

| 17 NCAC 1C 0601 | Amend |
| :--- | :--- |
| 17 NCAC 3B 0302 | Rereal |
| 17 NCAC 3C 0008 | Amend |
| 17 NCAC 4B 4301 | Rereal |
| 17 NCAC 4B 4302 | Rereal |
| 17 NCAC 4B 4401 | Rereal |
| 17 NCAC 4B 4402 | Rereal |
| 17 NCAC 4E 0703 | Amend |
| 17 NCAC 5B 0603 | Rereal |
| 17 NCAC 5B 0803 | Rereal |
| 17 NCAC 5B 0903 | Rereal |
| 17 NCAC 5B 1112 | Rereal |
| 17 NCAC 5C 0702 | Rereal |


| 17 NCAC 5C 0703 | Amend |
| :---: | :---: |
| 17 NCAC 5C 2003 | Repeal |
| 17 NCAC 6B 0605 | Amend |
| 17 NCAC 6B 3408 | Repeal |
| 17 NCAC 6B 3503 | Amend |
| 17 NCAC 7B 0104 | Amend |
| 17 NCAC 7B 0118 | Amend |
| 17 NCAC 7B 0123 | Amend |
| 17 NCAC 7B 0207 | Amend |
| 17 NCAC 7B 1401 | Amend |
| 17 NCAC 7B 1404 | Amend |
| 17 NCAC 7B 1601 | Amend |
| 17 NCAC 7B 1602 | Amend |
| 17 NCAC 7B 1702 | Amend |
| 17 NCAC 7B 1801 | Amend |
| 17 NCAC 7B 1802 | Amend |
| 17 NCAC 7 B 1902 | Amend |
| 17 NCAC 7B 2213 | Amend |
| 17 NCAC 7B 2401 | Amend |
| 17 NCAC 7B 2402 | Amend |
| 17 NCAC 7B 2801 | Amend |
| 17 NCAC 7B 2901 | Amend |
| 17 NCAC 7B 2903 | Rereal |
| 17 NCAC 7B 300L | Amend |
| 17 NCAC 7B 3004 | Amend |
| 17 NCAC 7 B 3009 | Amend |
| 17 NCAC 7B 3010 | Repeal |


| Used Parts from Junked Property | 17 NCAC 7B 3013 | Amend |
| :---: | :---: | :---: |
| Cellular Telerhone Companies | 17 NCAC 7B 3204 | Amend |
| Refunds to Interstate Carriers | 17 NCAC 7B 4301 | Amend |
| Refund Claims Limitations | 17 NCAC 7B 4303 | Amend |
| Refunds | 17 NCAC 9I 0302 | Amend |
| Record Keepins Reчuirements | 17 NCAC 9K. 0602 | Amend |
| Reportins Sales and Deliveries | 17 NCAC 9L 0403 | Rereal |
| Location | 17 NCAC 100101 | Rereal |
| Procedure for Claimins Exclusion | 17 NCAC 100405 | Amend |
| Certification Reчmnts for Cty Assessors | 17 NCAC 100504 | Amend |
| Continuins Education Reчuirements | 17 NCAC 100505 | Amend |

TRANSPORTATION, DEPARTMENT OF/DIVISION OF HIGHWAYS

| Reчuests for Permits | 19 NCAC 2E 0602 | Amend |
| :--- | :--- | :--- |
| School Bus Driver Certificates | 19 NCAC 3G 0203 | Amend |
| Issuins of Orisinal Certificate | 19 NCAC 3G 0205 | Amend |
| Period of Certification | 19 NCAC 3G 0206 | Amend |
| Renewal of Certification | $19 \mathrm{NCAC} \mathrm{3G} \mathrm{0207}$ | Amend |
| Cancellation of Certification | $19 \mathrm{NCAC} \mathrm{3G} \mathrm{0209}$ | Amend |
| Renewal of Certification After | $19 \mathrm{NCAC} \mathrm{3G} \mathrm{0213}$ | Amend |

STATE BOARDS/N C BOARD OF ARCHITECTURE

| Written Examination | 21 NCAC 20302 | Amend |
| :--- | :--- | :--- |
| Resistration by Recirrocity without | 21 NCAC 20303 | Amend |
| Written Exam |  |  |

STATE BOARDS/N C BOARD FOR LICENSING OF GEOLOGISTS

| Filins of Charses | 21 |
| :--- | :--- |
| Revrimand | 21 |
| Investization | 21 |
| Discirlinary Procedure | 21 |
| Rules of Professional Conduct | 21 |
| Rules of Conduct of Advertisins | 21 |


| NCAC 21 | 0501 | Amend |
| :---: | :---: | :---: |
| NCAC 21 | 0502 | Amend |
| NCAC 21 | 0514 | Amend |
| NCAC 21 | 0515 | Amend |
| NCAC 21 | 1101 | Adovt |
| NCAC 21 | 1102 | Adort |
| NCAC 36 | 0220 | Amend |
| NCAC 36 | 0221 | Amend |
| NCAC 36 | 0227 | Amend |
| NCAC 36 | 0318 | Amend |
| NCAC 36 | 0404 | Amend |
| NCAC 36 | 0405 | Amend |
| NCAC 36 | 0701 | Adowt |
| NCAC 36 | 0702 | Adout |
| NCAC 36 | 0703 | Adort |
| NCAC 36 | 0704 | Adowt |
| NCAC 36 | 0705 | Adopt |

STATE BOARDS/N C STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

| Initial Licensure Fee | 21 NCAC 37D 0202 | Amend |
| :---: | :---: | :---: |
| Combination of Education and Experience | 21 NCAC 37D 0302 | Amend |
| Reчuired Course | 21 NCAC 37D 0303 | Amend |
| Trainins Permit | 21 NCAC 37D 0403 | Amend |
| Administrator in Trainins Рrosram | 21 NCAC 37D 0405 | Amend |
| AIT Time on the Job | 21 NCAC 37D 0407 | Amend |
| Precentor Qualifications | 21 NCAC 37D 0502 | Amend |
| Precertor Compliance | 21 NCAC 37D 0504 | Adowt |
| Elisibility | 21 NCAC 37D 0601 | Amend |
| National Examination Administration | 21 NCAC 37D 0603 | Amend |
| Subject Areas | 21 NCAC 37D 0605 | Amend |
| Elisibility | 21 NCAC 37D 0701 | Amend |


| Grade Reyuired | 21 NCAC 37D. 0704 | Adort |
| :---: | :---: | :---: |
| Aprlication Process | 21 NCAC 37E 0101 | Amend |
| Arplication Contents | 21 NCAC 37E. 0102 | Amend |
| Arrlication Contents | 21 NCAC 37E 0102 | Amend |
| Prerequisites for Temporars License | 21 NCAC 37F 0101 | Amend |
| Issuance/Renewal of Temporary License | 21 NCAC 37F 0102 | Amend |
| Issuance/Renewal of Temporary License | 21 NCAC 37F 0102 | Amend |
| Renewal Fee | 21 NCAC 37G 0102 | Amend |
| Inactive Status Reyuirements | 21 NCAC 37G 0201 | Amend |
| Inactive Status Reчuirements | 21 NCAC 37 G 0201 | Amend |
| Continuins Education Prosrams of Study | $2!\mathrm{NCAC} 37 \mathrm{H} 0!02$ | Amend |
| Continuins Education Prosrams of Study | 21 NCAC 37 H 0102 | Amend |
| Preceptor Credit | 21 NCAC 37H 0104 | Amend |
| Investisation Discirline and Contested Case Proc | 21 NCAC 3710101 | Amend |

## STATE BOARDS/STATE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS

| Srecial Examinations | 21 NCAC 50 | 0304 | Amend |
| :---: | :---: | :---: | :---: |
| Arrlications for Licensure by Reciprocity | 21 NCAC 50 | 0310 | Amend |
| Permits | 21 NCAC 50 | 0402 | Amend |
| Active Emplorment | 21 NCAC 50 | 0404 | Amend |
| Resronsibility of Licensed Person | 21 NCAC 50 | 0406 | Amend |
| Guidelines on Discirlinary Actions | 21 NCAC 50 | 0412 | Amend |
| Air Conditionins Further Defined | 2! NCAC 50 | 0501 | Amend |
| Heatins License Reчuired Alterations | 21 NCAC 50 | 0508 | Amend |
| Emrloyees Exempted from Licensure | 21 NCAC 50 | 0512 | Amend |
| Risht to Hearins | 21 NCAC 50 | 1001 | Repeal |
| Notice of Hearins | 21 NCAC 50 | 1004 | Amend |
| Informal Procedures | 21 NCAC 50 | 1006 | Amend |
| Petition for Intervention | 21 NCAC 50 | 1007 | Repeal |
| Tyres of Intervention | 21 NCAC 50 | 1008 | Repeal |
| Disuualification of Board Members | 21 NCAC 50 | 1009 | Repeal |
| Subroenas | 21 NCAC 50 | 1010 | Repeal |
| Witnesses | 21 NCAC 50 | 1011 | Rereal |
| Prorosals for Decision | 21 NCAC 50 | 1013 | Repeal |
| Administrative Hearine Procedures | 21 NCAC 50 | 1014 | Amend |
| Examination Fees | 21 NCAC 50 | 1101 | Amend |
| Notice of Rulemakins Hearinss | 21 NCAC 50 | 1204 | Amend |
| Notice of Mailins List | 21 NCAC 50 | 1205 | Amend |
| Additional İnformation | 21 NCAC 50 | 1206 | Repeal |
| Written Submissions | 21 NCAC 50 | 1210 | Amend |
| Statement of Reasons for Decision | 21 NCAC 50 | 1212 | Rereal |
| Record of Proceedinss | 21 NCAC 50 | 1213 | Reveal |
| Temmorary Rules | 21 NCAC 50 | 1214 | Amend |
| RD OF REFRIGERATION EXAMINERS |  |  |  |
| Office of Board | 21 NCAC 60 | 0102 | Amend |
| Reyuirements for Examination Arplicants | 21 NCAC 60 | 0207 | Amend |
| Permits | 21 NCAC 60 | 0311 | Amend |
| Chanse of Address | 21 NCAC 60 | 0316 | Adort |
| Preferrins Charses | 21 NCAC 60 | 1102 | Amend |
| TANCE ABUSE PROFESSIONAL CERTIFICATION BOARD |  |  |  |
| Definitions | 21 NCAC 68 | 0101 | Amend |
| Comretence | 21 NCAC 68 | 0503 | Amend |
| Client Welfare | 21 NCAC 68 | 0507 | Amend |
| Client Relationshirs | 21 NCAC 68 | 0509 | Amend |
| Remuneration | 21 NCAC 68 | 0511 | Amend |
| Grounds for Professional Discirline | 21 NCAC 68 | 0601 | Amend |
| Who Shall Hear Contested Cases | 21 NCAC 68 | 0706 | Amend |

## RULES REVIEW COMMISSION

February 17, 2000

## MINUTES

The Rules Review Commission met on January 202000 in the Assembly Room of the Methodist Buildins. 1307 Glenwood Avenue Raleish North Carolina Commissioners in attendance were Vice Chairman Palmer Suss. Jennie J Hayman Walter Futch Paul Powell Laura Devan Jim R. Funderburk. David R Twiddy and Georse Robinson

Staff members present were Joseph J. DeLuca Staff Director, Bobby Bryan Rules Review Specialist, and Sandy Webster
The followins reorle attended

| White Watkins | AFMA |
| :--- | :--- |
| John McFadyen | DENR/DEH/PWSS |
| Jessica Gill | DENR/Coastal Manasement |
| Janice Fain | DHHS/CD |
| Dedra Alston | DENR |
| Tom West | Poyner and Srruill |
| Thomas Allen | DENR/DAU |
| Ellie Srrenkel | Insurance |
| Emily Lee | Transrortation |
| Diane Reed | DENR/DWU |
| David Srratley | Commerce Finance Center |
| Stewart Dickinson | Commerce Finance Center |
| Mary Johnson | Commerce Finance Center |
| Jeff Mannins | DENR/DWU |
| Rich Gannon | DENR/DWQ |
| Lin Xu | DENR/DWU |
| Kathry Jones Coorer | Attorney General |
| Anna Baird | Navization \& Pilotaze Commission |
| Denise Stanford | Licensins Board for General Contractors |
| Lacy Love | Transrortation |
| Billy Daniel | DOR |
| Brenda Grady | Transrortation |
| Gaines Weaver | Attorney General |

## APPROVAL OF MINUTES

The meetins was called to order at 1003 a m with Vice Cbairman Suss presidins He asked for any discussion comments or corrections concernins the minutes of the January 202000 meetins There beins none the minutes were aproved

## FOLLOW UP MATTERS

4 NCAC 150121 COMMERCE/Care Fear River Navisation \& Pilotase Commission The rewritten rule submitted by the asency was aprroved by the Commission

10 NCAC 3U 0102 and 2510 DHHS/Child Care Commission The rewritten rules submitted by the asency were arproved by the Commission

13 NCAC 7F 0601 0602060306040605 and 0606 DEPARTMENT OF LABOR No action was necessary on these rules

I5A NCAC 2B 0225024102420260 and 0261 DENR/Environmental Manasement Commission The rewritten rules submitted by the asency were arproved by the Commission with the excertion of 0225 No rewritten rule has yet been received for this rule Commissioner Suse recused himself from 0241 and 0242

15A NCAC 2D 1207 DENR/Environmental Manasement Commission The rewritten rule submitted by the asency was arproved by the Commission

15A NCAC 2 Q 01030508 and 0702 DENR/Environmental Manasement Commission The rewritten rules submitted by the asency were approved by the Commission.

15A NCAC 7J 0406 DENR/Coastal Resources Commission The rewritten rule submitted by the agency was aproved by the Commission

15A NCAC 7M 0307 and 0403 DENR/Coastal Resources Commission The Commission arproved the rewritten 0307 submitted by the asency They responded that they would answer the oblections to 0403 at the Arril meetine.

21 NCAC 10101 N C Acupuncture Licensins Board The rewritten rule submitted by the asency was approved by the Commission

## LOG OF FILINGS

Vice Chairman Suss presided over the review of the los and all rules were approved with the followins exceptions
4 NCAC II 0202 COMMERCE/Commerce Finance Center The Commission oblected to this rule due to ambisuity In (c) it is not clear what standards the Department will use in aprrovins out of state banks and other financial institutions In (i) it is not clear what is meant by reasonable $\mu$ rosress and satisfactory $\mu$ rosress

4 NCAC $1 I 0701$ COMMERCE/Commerce Finance Center The Commission obected to this rule due to lack of necessity There is not any thins in this rule which is not already in the statute and so the rule is unnecessary

15A NCAC 2B 021 L DENR/Environmental Manasement Commission The Commission oblected to this rule due to ambisuity. In (4) it is not clear what is meant by a sisnificant causative factor The obection to this rule aprlies to existins lansuase in the rule
L5A NCAC 2B 0220 DENR/Environmental Manasement Commission The Commission objected to this rule due to ambisuity In (3) (a) it is not clear what is meant by slow movins waters $\operatorname{In}(3)()$ it is not clear what is meant by arpreciably modified It is also not clear what water manasement rractices are arrororiate In (4) it is not clear what is meant by a sisnificant causative factor. The obection to this rule aprlies to existins lansuage in the rule

15A NCAC 2B 0223 DENR/Environmental Manasement Commission The Commission obected to this rule due to ambisuity In (a) it is not clear what is meant by substantially impair the use of water The obiection to this rule arrlies to existins lansuase in the rule

L5A NCAC 2B 0225 DENR/Environmental Manasement Commission This is a second version (and a separate filins) of the same rule that is in the follow ur matters The Commission also objected to this version for the same reasons as it oblected to the
 the rule

15 A NCAC $18 D 0203$ DENR/Water Treatment Facility Orerators Certification Board The Commission oblected to this rule due to ambieuity The use of etc in (b) (1) $(\mathrm{C})(\mathrm{b})(3)(\mathrm{A})(\mathrm{b})(8)(\mathrm{C})(\mathrm{b})(9)(\mathrm{D})$ and (b) ( 5 ) E ) makes each of these provisions unclear. It is not clear what else is meant. This obection applies to existins lansuase in the rule

I5A NCAC I 8D 0403 DENR/Water Treatment Facility Orerators Certification Board The Commission objected to this rule due to lack of statutory authority and ambisuity The added sentence in (a) is beyond the Boards authority GS 90A $25(\mathrm{c}$ ) reчuires the Board to issue arprorriate certificates to holders of voluntary certificates There is no rrovision for a deadline In (b) it is not clear what standards the Board will use in sivins permission to be resporisible for more than ten systems

17 NCAC 4B 0302 DEPARTMENT OF REVENUE The Commission obected to this rule due to lack of statutory authority and ambisuity There is no authority for the last sentence in (a) GS $105371(\mathrm{a}(1)$ and (2) and 10538 l (a) state that the tax is imposed when an admission fee is chared If no admission fee is charsed no tax is imposed There is no authorits for the last sentence in (b) GS $10537(b)$ and 10538 (la) make the taxes due the $10^{\text {th }}$ day after the end of each month There is also no authority to require somethins different from temrorary amusements It is also not clear how to dismeush between a temporary
and continuins amusement
17 NCAC 4E 0703 DEPARTMENT OF REVENUE This rule was withdrawn by the asency
19A NCAC 2E 0201 DEPARTMENT OF TRANSPORTATION This rule was withdrawn by the asenc,
21 NCAC 120202 N C LICENSING BOARD FOR GENERAL CONTRACTORS The Commission oblected to this rule due to ambisuity In (a)(3) it is not clear what is meant by prover yualification In (a)(4) it is not clear what standards the Board will use in determinine that contractor чualifies for the subclassifications Parasraph (b) implies that there are yualifications for classifications other than passins the examinations It is not clear what they are and they do not aprear to be in the statutes or rules This oblection arrlies to existins lansuase in the rule

21 NCAC 120204 N C LICENSING BOARD FOR GENERAL CONTRACTORS This rule was withdrawn by the asency
21 NCAC 120209 N C LICENSING BOARD FOR GENERAL CONTRACTORS The Commission oblected to this rule due to ambiruity In (a) it is not clear when it is arprorriate for an arrlication to be accomranied by a Certificate of Assumed Name One would uresume it is any time one has been filed but that is not clear from the rule It is also not clear what documents filed with the Secretary of State s office other than Articles of Incorroration and Certificate of Authority are arprorriate

21 NCAC 120402 N C LICENSING BOARD FOR GENERAL CONTRACTORS The Commission obiected to this rule due to ambisuity and lack of necessity The last sentence is iust information and not a rule and is thus unnecessary In addition it is not clear what is meant $b y$ other available materials

21 NCAC 120405 N C LICENSING BOARD FOR GENERAL CONTRACTORS The Commission obiected to this rule due to ambisuity It is not clear what is meant by arprorriate examinations provider

21 NCAC 120410 N C LICENSING BOARD FOR GENERAL CONTRACTORS The Commission obected to this rule due to lack of statutory authority This rule is not consistent with GS 87101 d$)$ If there is a resular meetins of the Board within 30 days of the date of the failed examination and the arplicant pays the examination fee he is entitled to be reexamined

21 NCAC 120907 N C LICENSING BOARD FOR GENERAL CONTRACTORS The Commission oblected to this rule due to lack of statutory authority The provision in (d) allowins the Board in its discretion to order a continuance amounts to a waiver or modification rrovision without specific suidelines in violation of GS 150B19(6) This oblection arplies to existins lansuase in the rule

21 NCAC 58A 0406 N C REAL ESTATE COMMISSION Commissioner Suss recused himself from all of the Real Estate rules The Commission obected to this rule due to ambisuity In (b) it is unclear what period of time constitutes immediately followine... Commissioner Twiddy voted not to obect to this rule

26 NCAC 10103 OFFICE OF ADMINISTRATIVE HEARINGS This rule was withdrawn by the asency
26 NCAC 2C 0108 OFFICE OF ADMINISTRATIVE HEARINGS This rule was withdrawn by the asency

## COMMISSION PROCEDURES AND OTHER MATTERS

Mr DeLuca reported that he had attended a Joint Administrative Procedures Oversisht Committee meetins and reported on rules and the continuins lawsuit He also reported that the motion for hearinss is scheduled for the week of March 6 Commissioner Futch wanted to verify the dates of all meetinss in 2000 and was informed that with the excertion of Auril $13^{\text {th }}$. all meetinss would be on the third Thursday

The next meetine will be on Thursday March 162000
The meetins adourned at ll 26 a m
Respectfully submitted
Sandy Webster

This Section contains the hull text of some of the more sisnificant Administrative Law Judse decisions alons with an index to all recent contesied cases decisions which are hled under North Carolinas Administrative Procedure Act. Cories of the decisions listed in the index and not rublished are available uron reyuest br a minimal charse by contactins the OJtce of Administrative Hearinss !919, 733 2698. Also the Contested Case Dectsions are available on the Internet at the .bllowins address: hitr://www state.nc.us/()AH/hearinss/dectsion/caseindex.htm.

# OFFICE OF ADMINISTRATIVE HEARINGS 

## Chie J Administrative Law Judse JULIAN MANN. III

Senior Administrative Law Judse FRED G MORRISON JR.

## ADMINIST RATIVE LAW JUDGES

| Sammie Chess Jr | Mes Scott Phiprs |
| :--- | :---: |
| Beecher R Gray | Robert Roosevelt Reilly Jr |
| Melissa Owens Lassiter | Beryl E Wade |

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and
Priva Trends Inc
Laidlaw Transii Sves Inc v Katie G Dorsett Sec s/Dert/Administration

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Alcoholic Beverase Control Commission v Kesland lnc T/A Cloud 9
Alcoholic Beverase Control Commission v Food Lion Inc Store \#L 351
Alcoholic Beverase Control Commission v Stor 1 Inc T/A Stop | Grocery
Alcoholic Beverase Control Commission v Georse Steven Everett
t/a Casino Snooks Place
Alcoholic Beverase Control Commission v Beech Mountain Resort Ine Alcoholic Bev Control Comm v Partnershir T/A Mermaid Rest \& Lze Alcoholic Beverase Control Commission v Jaeson Nouns Kim Alcoholic Beverase Control Commission v Lillian Sarah Clars
Alcoholic Beverase Control Commission v Circle K Stores Inc T/A
Circle K \#8620
Alcoholic Beverase Control Commission v Circle K Stores Inc T/A
Circle K \#8357
Alcoholic Beverase Control Commission y Vnus Enterprices LLC t/a Rendez Vous Club \& Cit of Chariote
Alcoholic Bererase Control Commission v Mohammad Salim Pirani
Alcoholic Beverase Control Commission v Creek Lounse Inc U/a
Creek Lounse
Delores Ann Holles v Alcoholic Beverase Control Commission Alcoholic Beverase Control Commission v Partnershis T/A
Corrothers Community Center/Private Club
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Beverase Control Commission

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Larrs C Oiler v North Carolina Auctoneer Licensins Board Georse W Phillırs II v NC Auctioneer Licensins Board

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98 DOA 0811 Chess 06/10/90 DECISION

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07/14/99

| 99 OAH 0665 | Chess | $07 / 14 / 99$ |
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| 99 OAH 0718 | Chess | $07 / 16 / 99$ |

98 DAG 1770 Reill, 07/12/99

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98 ABC 1099
98 ABC 1337
98 ABC 1546

| 99 ABC 0287 | Reill, | 08/11/99 |  |
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| 99 ABC 0367 | Chess | 09/1 7/99 |  |
| 99 ABC 0407 | Morrison | 07/09/99 |  |
| 99 ABC 0615 | Phires | 09/01/99 |  |
| 99 ABC 0651 | Chess | 12/30/99 |  |
| 99 ABC 0656 | Gras | 11/29/99 |  |
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| 99 ABC 0780 | Morrison | 09/21/99 |  |
| 99 ABC 0820 | Morsan | 10/13/99 |  |
| 99 ABC 0876 | Gras | 08/10/99 |  |
| 99 ABC 0986 | Lassiter | 11/03/99 |  |
| 99 ABC 1637 | Morrison | 01/07/00 | 14 (6 NCR 1489 |

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Vernel Capel Harris v Crime Victims Compensation Commission
Paul Richard Mull v Crime Victims Comrensation Commission
Coradene Mashand v Crime Victiras Compensation Commission
Edna Carr v Crime Victims Comeensation Commission
Eric Charles Williams v Crime Control \& Public Safet Div of State Hishway Patrol
Bobby Mills v Crime Victims Comrensation Commission
William Samuel McCraw v Crime Victims Compensation Commission
Anson D Looney v Crime Victims Compensation Commission
Elvin Williams Jr v Crime Victims Cormensation Commission Michael Anthony Powell v Crime Victims Compensation Commission Mary Elizabeth Peorles Hosan v Crime Victims Compensation Comm Louise Dowd v Crime Victims Comrensation Commission
Lemuel Ray Jenkins v Crime Victims Compensation Commission
Annabell B McCormick v Crime Victims Compensation Commission
Christorher Beasley y Crime Victims Compensation Commission Johnola E McAllister v NC Victim and Justice Services
Nancy Davis Cave v N C Victim and Justice Services
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T Farnell Shinsleton v Environment and Natural Resources
Town of Massville v Environment and Natural Resources
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Jerry Franks and John Schifano et al v Environment \& Natural Resources and Wake Counts Board of Commissioners
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Ronald L Walker Sr v Environmental Health Ala Count
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Foothills Action Comm For The Environment and The Blue Rudse
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| 95 CPS 1353 | Gra, | $09 / 13 / 99$ |
| 97 CPS 1172 | Chess | $10 / 12 / 99$ |
| 98 CPS 0328 | Chess | $01 / 31 / 00$ |
| 98 CPS 0342 | Chess | $07 / 26 / 99$ |
| 98 CPS 0398 | Chess | $10 / 09 / 99$ |
| 98 CPS 0788 | Chess | $10 / 28 / 99$ |
| 98 CPS 1279 | Chess | $11 / 01 / 99$ |
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| 98 CPS 1412 | Wade | $08 / 06 / 99$ |
| 98 CPS 1626 | Morrison | $06 / 09 / 99$ |
| 99 CPS 0096 | Morrison | $05 / 25 / 99$ |
| 99 CPS 0118 | Owens | $08 / 03 / 99$ |
| 99 CPS 0426 | Reills | $08 / 03 / 99$ |
| 99 CPS 0504 | Reill, | $07 / 29 / 99$ |
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| 99 CPS 0521 | Gra, | $09 / 08 / 99$ |
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| 99 EHR 0642 | Mann | $08 / 10 / 99$ |
| 99 EHR 0127 | Gray | $07 / 27 / 99$ |
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| 99 EHR 0632 | Wade <br> 99 <br> 9 EHR 0799 | Morrison |
| 99 EHR 0553 | Reill. | $10 / 04 / 99$ |

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99 DHR 0621
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99 DHR 0688
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99 DHR 1038

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| Della C Jones v Health \& Human Services Div of Facilit Services | 98 DHR 1680 | Gray | 06/09/99 |
| Heather Alane Scott v Health \& Human Sves Div of Facilit, Serrices | 98 DHR 1671 | Gray | 10/08/99 |
| Effie Ruth Smith v Health \& Human Sves Div of Facilit Services | 98 DHR 1774 | Chess | 07/14/99 |
| Vivienne Geloria Marshall v DHHS Div of Facilit Services | 98 DHR 1786 | Phirys | 09/02/99 |
| Sarah L. Mathis v DHHS Div of Facilit, Services | 99 DHR 0032 | Morrison | 09/24/99 |
| Doris Laviner Moser v Health \& Human Services Div of Facilit Sves | 99 DHR 0074 | Wade | 08/06/99 |
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| Alvin L Phrnon Jr v Health \& Human Sves Dept of Facilit, | 99 DHR 0230 | Mann | 07/07/99 |
| Cabarrus Memorial Hospital d/b/a Northeast Medical Center v DHHS Div of Facility Services Certificate of Need Section \& Cabarrus Diasnostic lmasins lnc | 99 DHR 0392 | Gra, | 11/18/99 |
| Cabarrus Diasnostic Imasins Inc v DHHS Div of Facilit Services Certificate of Need Section \& Cabarrus Memorial Hosrital d/b/a Northeast Medical Center | 99 DHR 0396 | Gras | 12/20/99 |
| Barbara Rhue v DFs 99 DHR $04014^{3}$ | Wade | 07/30/99 |  |
| Barbara Rhue v DF S 99 DHR 0414* ${ }^{3}$ | Wade | 07/30/99 |  |
| Michelle Johnson v DHHS Division of Facilit, Services | 99 DHR 0546 | Gras | 10/12/99 |
| Esther Nieves v Health \& Human Services Div of Facilit, Services | 99 DHR 0766 | Phirys | 07/21/99 |
| Shirle: Ann Beck v Division of Facilit, Services | 99 DHR 0942 | Mann | 09/24/99 |
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| Interim HealthCare Morris Grour Inc Lisa B Morris RN BSN v DHHS Division of Medical Assistance | 99 DHR 0552 | Mann | 09/01/99 |
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| Theresa Mabry in behalf of Aaron Mabry a minor child v DHHS Div of MH/DD/SAS Willie M Section | 99 DHR I 132 | Gras | 12/20/99 |
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| Dr H Michael Poole v DHHS Div of Vocational Rehabilitation | 99 DHR 1495 | Gras | $0 \mathrm{~L} / 04 / 00$ |
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| Robert H Riley v lredell Count DSS | 99 DHR 0354 | Wade | 07/21/99 |
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| Veronica Owens v Dept of Social Services Union Count | 99 MSS 0677 | Mann | 08/17/99 |
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| Linds Teachout v Derartment of Health \& Human Sersices | 98 CRA 0727 | Reilly | 06/24/99 |
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| Flord W Hubbard v Derartment of Human Resources | 96 CSE 1725 | Reill | 09/02/99 |
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David M VanDjke v Depariment of Human Resources
Jerome Maddox $v$ Devartment of Health \& Human Services
Samuel L Gordon v Derariment of Health \& Human Services Sam Anderson v Derartment of Human Resources
Donald Edward Law Il y Derartment of Human Resources
Sechia Lee Corbett v Department of Human Resources Robert T Ausband v Devartment of Human Resources
Shawn E Williams v Department of Human Resources
Derrick Dobbins v Department of Health \& Human Services
Antonio Melendez v Derartment of Health \& Human Services
William W Heck y Derartment of Human Resources
Matthew S Conklin v Devartment of Health \& Human Services
Rickes Lishtner v Defartment of Human Resources
Matthew S Conklin v Department of Health \& Human Services Robert M Chandler Jr v Department of Health \& Human Services Jermaine L Covinston v Devartment of Health \& Human Services Mitchell Moses Jr v Department of Health \& Human Services Grad. L Chosewood v Derartment of Health \& Human Services Fulton Allen Tillman v Department of Health \& Human Services Nathaniel Alston v Defartment of Health \& Human Services Bret Burtrum v Department of Health \& Human Services Cedric A Hurst v Department of Human Resources Dane Wesles Ware v Depariment of Health \& Human Services Paul H Padrick v Department of Health \& Human Services Oscar William Willoushb, Sr v Devt of Health \& Human Services Kelvin E Townsend v Department of Health \& Human Services Bill, J Youns v Derartment of Health \& Human Services Rodney Eusene Caldwell v Department of Health \& Human Services Adelheide J Cooper v Devartment of Health \& Human Services Beverl, K Thompson v Department of Health \& Human Services Michael L Timmer v Department of Health \& Human Services Elizabeth F West v Deartment of Health \& Human Services Tros Gibson v Devartment of Health \& Human Services Ros D Washinston v Derartment of Health \& Human Services Everett A Mitchell v Derartment of Health \& Human Services Cores Antoine Johnson v Department of Health \& Human Services Holland E Harold v Department of Health \& Human Services Larry Lowell Dixon v Derartment of Health \& Human Services Calvin D Alston v Department of Health \& Human Services Maryuel Simmons v Derartment of Health \& Human Services Anthony Vincente Battista v Devartment of Health \& Human Services Gerald Scott Saucier v Department of Health \& Human Services Lawrence Gordon Soles v Depariment of Health \& Hurnan Services Mohamed Moustafa v Derartment of Heaith \& Human Services Damion C Graham v Department of Health \& Human Services Vicks L Day v Department of Health \& Human Services Matthew Conklin v Derartment of Health \& Human Services Charlie James White v Department of Health \& Human Services Bennie Lamar Knishten v Department of Health \& Human Services Larie Bolton v Department of Health \& Human Services Rand Lewis Bryant v Derartment of Health \& Human Services Earl C Jones Sr v Devartment of Health \& Human Services Joserh F Donaldson III v Derartment of Health \& Human Services Naion V Pride v Department of Health \& Human Services Claude W Jordan v Derartment of Health \& Human Services Henrs Roosevelt Mercer v Derartment of Health \& Human Services Bobbs Gene Owens v Devartment of Health \& Human Services Thomas L Vaushn v Devariment of Health \& Human Services Robert F Skipper y Department of Health \& Human Services Gerald W Lawson v Department of Health \& Human Services David S Yusko v Department of Health \& Human Services Debbie Galmon Moore v Devartment of Health \& Human Services Kenneth Dana Kirk v Devartment of Health \& Human Services Gill T Smith v Derariment of Health \& Human Services Clarence Earl Burden v Derartment of Health \& Human Services Gary Willis v Department of Health \& Human Services Phillir Drse $v$ Department of Health \& Human Services William Kizzie v Department of Health \& Human Services June S Shepherd v Departmeni of Health \& Human Services

## CASE NUMBER

DATE OF DECISION

98 CSE 1419 98 CSE 1428 98 CSE 1435 98 CSE 1440 98 CSE 1549 98 CSE 1562 98 CSE 1563 98 CSE 1585 98 CSE 1586 98 CSE 1588 $98 \operatorname{CSE} 1612$ 98 CSEI613 98 CSE 1616 98 CSE 1635 98 CSE 1638 $98 \operatorname{CSE} 1702^{13}$ 98 CSE 1717 $98 \operatorname{CSE} 1785^{13}$ 98 CSE 1789 99 CSE 0209 99 CSE 0217 99 CSE 0301 99 CSE 0311 99 CSE 0317 99 CSE 03I 8 99 CSE 0330 99 CSE 0359 99 CSE 0370 99 CSE 0371 99 CSE 0373 99 CSE 0374 99 CSE 0427 99 CSE 0428 99 CSE 0435 99 CSE 0437 99 CSE 0451 99 CSE 0462 99 CSE 0481 99 CSE 0483 99 CSE 0486 99 CSE 0509 99 CSE 0518 99 CSE 0539 99 CSE 0547 99 CSE 0551 99 CSE 0576 99 CSE 0581 99 CSE 0582 99 CSE 0635 99 CSE 0679 99 CSE 0689 99 CSE 0690 99 CSE 0702 99 CSE 0735 99 CSE 0737 99 CSE 0801 99 CSE 0802 99 CSE 0825 99 CSE 0831 99 CSE 0841 99 CSE 0877 99 CSE 0883 99 CSE 0899 99 CSE 0909 99 CSE 0953 99 CSE 0957 99 CSE 0972 99 CSE 1015 99 CSE 1037 99 CSE 1040 99 CSE 1043 99 CSE 1049 99 CSE 1074

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$06 / 14 / 99$ 10/20/99 07/L 9/99 06/14/99 06/08/99 05/25/99 07/L 9/99 06/25/99 $10 / 05 / 99$ 09/1 3/99 I I /02/99 $08 / 24 / 99$
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| Morrison | $10 / 20 / 99$ |
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| Lassiter | $11 / 16 / 99$ |
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| Gra, | $10 / 18 / 99$ |
| Mann | $10 / 26 / 99$ |
| Wade | $11 / 30 / 99$ |
| Chess | $11 / 18 / 99$ |
| Gras | $12 / 02 / 99$ |
| Mann | $12 / 14 / 99$ |
| Morrison | $12 / 01 / 99$ |
| Lassitei | $12 / 09 / 99$ |

REGISTER CITATION

PUBLISHED DECISION路

| AGENCY | CASE <br> NUMBER | ALJ | DATE OF <br> DECISION |
| :---: | :---: | :---: | :---: |
| James Homokiv Derartment of Health \＆Human Services | 99 CSE II41 | Lassiter | $01 / 05 / 00$ |
| Frank Edward Crane v Haswood Co Dert of Social Services | 99 CSE 1168 | Wade | $01 / 04 / 00$ |
| Michael Bryant v Derartment of Health \＆Human Services | 99 CSE 1235 | Gray | 11／17／99 |
| John Aurruon＇e v Derartment of Health \＆Human Services | 99 CSE 1258 | Mann | 01／12／00 |
| Richard A McKeller v Department of Health \＆Human Services | 99 CSE 1264 | Lassiter | 01／21／00 |
| Sharon Tucker v Department of Health \＆Human Services | 99 CSE 1283 | Reilly | 11／30／99 |
| Darryl A Bonner Sr v Department of Health \＆Human Services | 99 CSE 1284 | Wade | 02／03／00 |
| Louella R Snider v Department of Health \＆Human Services | 99 CSE 1286 | Gray | 02／08／00 |
| Rasmond Ortiz v Derartment of Health \＆Human Services | 99 CSE 1287 | Mann | 01／12／00 |
| Eddie Southards v Derartment of Health \＆Human Services | 99 CSE 1288 | Morrison | 11／30／99 |
| Adelheide Coorer v Derartment of Health \＆Human Services | 99 CSE 1310 | Lassiter | 12／23／99 |
| Elliot G Skillern v Department of Health \＆Human Services | 99 CSE 1313 | Reilly | 01／24／00 |
| John Ciccarelli v Deparmment of Health \＆Human Services | 99 CSE1324 | Wade | 12／15／99 |
| Eusene R Hoover v Department of Health \＆Human Services | 99 CSE 1333 | Morrison | 12／20／99 |
| David Black v Derartment of Health \＆Human Services | 99 CSE 1334 | Reill： | 12／17／99 |
| David Black v Devartment of Health \＆Human Services | 99 CSE 1738 | Reill： | 12／17／99 |
| Malcolm 5 Munso v Department of Health \＆Human Services | 99 CSE 1345 | Lassiter | 12／23／99 |
| Phillip W Wyman Jr v Derartment of Health \＆Human Services | 99 CSE 1354 | Mann | 02／08／00 |
| Terry J Vickers v Department of Health \＆Human Services | 99 CSE 1360 | Wade | 02／22／00 |
| Resinald B Bration v Department of Health \＆Human Services | 99 CSE 1368 | Morrison | 02／08／00 |
| John J Lowman v Derartment of Health \＆Human Services | 99 CSE 1374 | Mann | 02／08／00 |
| Georse T Crudur v Devartment of Health \＆Human Services | 99 CSE 1375 | Reilly | 01／05／00 |
| Hasan A Rahman v Devartment of Health \＆Human Services | 99 CSE 1378 | Gray | 12／20／99 |
| Warren Love Jr v Derartment of Health \＆Human Services | 99 CSE 1385 | Morrison | 02／08／00 |
| Robert E Wilson v Department of Health \＆Human Services | 99 CSE 1404 | Morrison | 02／18／00 |
| William Kizzic v Department of Health \＆Human Services | 99 CSE 1409 | Chess | 02／04／00 |
| Kins O Williams v Department of Health \＆Human Services | 99 CSE 1412 | Mann | 12／20／99 |
| Michael J Artis V Derartment of Health \＆Human Services | 99 CSE 1419 | Morrison | 12／13／99 |
| Jav Martin Crneckiy v Devartment of Health \＆Human Services | 99 CSE 1425 | Reill： | 02／14／00 |
| Keith L Epps v Derartment of Health \＆Human Services | 99 CSE 1426 | Wade | $01 / 06 / 00$ |
| Randolph C Pitcock v Department of Health \＆Human Services | 99 CSE 1429 | Mann | $01 / 21 / 00$ |
| Keith J Ullom v Devartment of Health \＆Human Services | 99 CSE 1430 | Morrison | 02／10／00 |
| Robert E Hall v Department of Health \＆Human Services | 99 CSE 1435 | Mann | 02／／4／00 |
| Nelson B Chambers v Derartment of Health \＆Human Services | 99 CSE 1437 | Mann | $01 / 04 / 00$ |
| William Wilcoxv Department of Health \＆Human Services | 99 CSE 1440 | Reilly | 01／04／00 |
| Patrick Lindse，v Derartment of Health \＆Human Services | 99 CSE 1444 | Gray | 02／21／00 |
| Robert Potts v Department of Health \＆Human Services | 99 CSE 1447 | Lassiter | 02／21／00 |
| Manuel U Marin v Department of Health \＆Human Services | 99 CSE 1450 | Chess | 02／21／00 |
| Ray Robinson v Derartment of Health \＆Human Services | 99 CSE 1463 | Lassiter | 02／1 5／00 |
| James Scotl Perry v Devartment of Health \＆Human Services | 99 CSE 1465 | Wade | 02／21／00 |
| Bobbr L Bell v Devartment of Health \＆Human Services | 99 CSE 1468 | Gray | 02／04／00 |
| Everton Walker v Derartment of Health \＆Human Services | 99 CSE 1476 | Lassiter | $01 / 11 / 00$ |
| Charles Bradley v Department of Health \＆Human Services | 99 CSE 1477 | Mann | $01 / 12 / 00$ |
| Cliffored Blackburn v Department of Health \＆Human Services | 99 CSE 1478 | Reill， | 02／21／00 |
| James Freeman v Derartment of Health \＆Human Services | 99 CSE 1480 | Wade | 02／21／00 |
| Kevin Vereen v Department of Health \＆Human Services | 99 CSE 1485 | Morrison | 02／21／00 |
| Robert T Ausband v Department of Health \＆Human Services | 99 CSE 1492 | Mann | 01／21／00 |
| Willie J Gadson v Department of Health \＆Human Services | 99 CSE1498 | Reill | 01／04／00 |
| Aherrik Lane v Department of Health \＆Human Services | 99 CSE 1500 | Chess | 02／22／00 |
| Michael David Jarvis v Department of Health \＆Human Services | 99 CSE 1503 | Morrison | 02／04／00 |
| Micker Robinson v Derartment of Health \＆Human Services | 99 CSE 1506 | Reill： | 02／21／00 |
| Dawud S Shabazz v Department of Health \＆Human Services | 99 CSE 1509 | Wade | 02／03／00 |
| Calvin L McFarden v Department of Health \＆Human Services | 99 CSE 1511 | Gras | 02／21／00 |
| Dennis R Carros Jr v Department of Health \＆Human Services | 99 CSE 1514 | Lassiter | 02／21／00 |
| Warne L DeRoss v Devartment of Health \＆Human Services | 99 CSE 1515 | Wade | 02／21／00 |
| Rex E Barnett v Department of Health \＆Human Services | 99 CSE 1528 | Reill， | 02／24／00 |
| Ansela M Whitc v Derartment of Health \＆Human Services | 99 CSE 1532 | Gras | 02／11／00 |
| Pamatha Shields v Department of Health \＆Human Services | 99 CSE 1534 | Morrison | 02／21／00 |
| Karlos M Gresory v Department of Health \＆Human Services | 99 CSE 1535 | Lassiter | 01／11／00 |
| Farrell John Jordan v Devariment of Health \＆Human Services | 99 CSE 1536 | Mann | 02／15／00 |
| Joserh E Hosch v Derartment of Health \＆Human Services | 99 CSE 1540 | Chess | 02／22／00 |
| Georse L Cherry v Devartment of Health \＆Human Services | 99 CSE 1546 | Reill： | 02／01／00 |
| Jose A Baralasav Devartment of Health \＆Human Services | 99 CSE 1564 | Morrison | 02／15／00 |
| Thomas A Stewart II v Devariment of Health \＆Human Sersices | 99 CSE 1569 | Reill， | 01／11／00 |
| Donald D Birkhofer v Derartment of Health \＆Human Serrices | 99 CSE 1570 | Wade | $01 / 07 / 00$ |
| Vashon Kearne：v Derartment of Health \＆Human Services | 99 CSE 1576 | Gras | 02／08／00 |
| Peter Feise v Department of Health \＆Human Services | 99 CSE 1581 | Mann | 02／15／00 |
| Donald S Dorest v Department of Health \＆Human Services | 99 CSE 1588 | Lassiter | 01／05／00 |
| Randy Russotti v Derartment of Health \＆Human Services | 99 CSE 1606 | Gray | 02／08／00 |
| Malcolm Kelly Teasue v Derartment of Health \＆Human Services | 99 CSE 1621 | Mann | 02／15／00 |
| Willie J Curry v Derartment of Health \＆Human Services | 99 CSE 1623 | Lassiter | 01／05／00 |
| Frank P Nelson v Devartment of Health \＆Human Services | 99 CSE 1667 | Reill | 02／15／00 |

PUBLISHED DECISION REGISTER CITATION
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99 CSE 1334 $99 \operatorname{CSE} 1338$ 99 CSE 1345 99 CSE 1354 99 CSE 1360 99 CSE 1374 $99 \operatorname{CSE} 1375$ 99 CSE 1378 － の 99 CSE 1412 99 CJE 1419 99 CSE 1425 99 CSE 1426 $99 \operatorname{CSE} 1429$ 99 CSE 1430 99 CSE 1435 99 CSE 1437 99 CSE 1440 99 CSE 1444 99 CSE 1447

## 9 CSE 1463

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99 CSE 1476
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99 CSE 1478 － CSEl485 99 CSE 1492 99 CSE 1498 99 CSE 1503 99 CSE 1506 99 CSE 1509 99 CSEISII 99 CSE 1514 99 CSE 1515 99 CSE 1528 99 CSE 1532 99 CSE 1534 99 CSE 1535 99 CSE 1536 99 CSE 1540 のター の先先 －CJE 1576 99 CSE 1581 99 CSE 1588 99 CSE 1606 99 CSE 1621 99 CSE 1667

## AGENCY

Muriel Thomas v DHR Div of Social Services 98 DCS 0631
Kathrjn P Fasan v Derartment of Health \& Human Services Tresha W Robinson v Department of Health \& Human Services Robert Dwayne Kennedy v Department of Health \& Human Services Deborah Seesars v Derartment of Health \& Human Services Lillian Anne Darroch v Devartment of Health \& Human Services Evel.n C Pratt v Derartment of Health \& Human Services Jacyueline D Caldwell v Derartment of Health \& Human Services

## JUSTICE

Alarm Systems Licensins Board
Terry Allen Bricke: v Alarm Systems Licensins Board Travis Eric Reardonv Alarm Systems Licensins Board Brian Anthony Bartimac v Alarm Systeras Licensine Board
Paul Luke Walczak v Alarm Sysierns Licensins Board Melvin T Lohr v Alarm Systems Licensins Board Bradford D Penny y Alarm Systems Licensins Board Benn' L Shaw v Alarm Systems Licensins Board Tracey Larue Santana v Alarm Systems Licensins Board Donald Eusene Boser v Alarm Systems Licensins Board Kaiur Washhurn v Alarm Sistems Licensins Board Timoths Chezere Sifford v Alarm Systems Licensins Board Howard Douslas Selfy Alarm Systems Licensins Board Edward W Hester v Alarm Systems Licensins Board Steven Crais Holloway v Alarm Systems Licensins Board Richard C Youns v Alarm Systeras Licensins Board Roser Bennett Jr v Alarm Systems Licensins Board Heather Linn Griffin v Alarm Sistems Licensins Board

## Education and Trainins Standards Division

Rock Steven Edwards v Criminal Justice Ed \& Trainins Stds Comm Michael Anselo Dunn Sr v Criminal Justice Ed \& Trainins Stds Comm Anthony Scott Hushes v Sheriffs Ed \& Trainins Standards Comm Hal Pilsreen v Criminal Justice Ed \& Trainins Stds Comm Emma J Kiser v Sheriffs Ed \& Trainins Standards Comm Keith Allen Norris v Sheriffs Ed \& Trainins Standards Comm Sherry Davis Kenney v Criminal Justice Ed \& Trainins Stds Comm Brian G Mead v Criminal Justice Education \& Trainine Stds Comm Steven Randolph Russell y Criminal Justice Ed \& Trainins Sids Comm Russell Lee Yelverton v Criminal Justice Ed \& Trainins Sids Comm James Marion Masseg v Criminal Justice Ed \& Trainins Stds Coram Mark E Narron v Sheriffs Ed \& Trainins Stds Commission Shean E Taulorv Sheriffs Ed \& Trainins Stds Commission Dennis L Ramsinsh v Sheriffs Ed \& Trainins Stds Commission Sandra G Armstrons v Sheriffs Ed \& Trainine Standards Comm Edward L Lusk v Sheriffs Ed \& Trainins Standards Comm Tonnette Bembury v Sheriffs Ed \& Trainine Standards Comm Terry Leon Jones v Criminal Justice Education \& Trainins Stds Comm Laverne Artis v Sheriffs Ed \& Trainine Standards Commission Brenda J Hines v Sheriffs Education \& Trainins Stds Comm Georse Hoke Powell Jr v Criminal Justice Ed \& Trainins Stds Comm Marcus Anthony Dixon v Sheriffs Education \& Trainins Stds Comm

## CASE NUMBER

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98 DCS 1769 99 DCS 0480 99 DCS 0482 99 DCS 0505 99 DCS 0555 99 DCS 0813 99 DCS 0974

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DATE OF DECISION

06/25/99
10/18/99
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99 DOJ 0097
99 DOJ 0446
99 DOJ 0487
99 DOJ 0489
99 DOJ 0490
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99 DOJ 1304
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98 DOJ 0906 98 DOJ 1503 98 DOJ 1530 98 DOJ 1775 98 DOJ 1793 99 DOJ 0045 99 DOJ 0067 99 DOJ 0106 99 DOJ Ol 23 99 DOJ 0131 99 DOJ 0168 99 DOJ 0453 99 DOJ 0790 99 DOJ 0796 99 DOJ 0844 99 DOJ 0846 99 DOJ 0934 99 DOJ 1054 99 DOJ 1137 99 DOJ 1138 99 DOJ 1363 99 DOJ I 527

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| Phirps | $09 / 02 / 99$ |
| Morrison | $10 / 12 / 99$ |
| Owens | $07 / 30 / 99$ |
| Wade | $05 / 25 / 99$ |
| Morrison | $05 / 24 / 99$ |
| Morrison | $05 / 24 / 99$ |
| Owens | $07 / 19 / 99$ |
| Morrison | $05 / 24 / 99$ |
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| Morrison | $10 / 25 / 99$ |
| Morrison | $06 / 08 / 99$ |
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| Gras | $11 / 29 / 99$ |
| Chess | $12 / 08 / 99$ |
| Morrison | $09 / 21 / 99$ |
| Gras | $11 / 10 / 99$ |
| Gras | $11 / 10 / 99$ |

PUBLISHED DECISION REGISTER CITATION

1404 NCR 351

14 II NCR 928

1407 NCR 568

| AGENCY | $\begin{gathered} \text { CASE } \\ \text { NUMBER } \\ \hline \end{gathered}$ | ALJ | DATE OF DECISION | PUBLISHED DECISION REGISTER CITATION |
| :---: | :---: | :---: | :---: | :---: |
| Peges Ann Galespie v Private Protective Services Board | 99 DOJ ! 12 l | Chess | 12/08/99 |  |
| Michael Jaye Korn v Private Protective Services Board | 99 DOJ lı22 | Wade | $01 / 07 / 00$ |  |
| Jacyueline Renee Ha,woody Private Protective Services Board | 99 DOJ ! 123 | Gray | 11/10/99 |  |
| Isaiah Kornesay Jr v Private Protective Services Board | 99 DOJ 1290 | Morrison | 12/07/99 |  |
| Wayne Orlando Miller v Private Protective Services Board | 99 DOJ 1291 | Morrison | 12/09/99 |  |
| Richard Asieduv Private Protective Services Board | 99 DOJ 1293 | Morrison | 12/09/99 |  |
| David Gresory Mims v Private Protective Services Board | 99 DOJ 1294 | Chess | 12/08/99 |  |
| Garland D Melvin v Private Protective Services Board | 99 DOJ 1296 | Morrison | 12/03/99 |  |
| Jerron Devoa Caldwell v Private Protective Services Board | 99 DOJ 1297 | Chess | 12/08/99 |  |
| Theodore Little v Private Protective Services Board | 99 DOJ 1300 | Wade | $01 / 07 / 00$ |  |
| Dennis L Youns v Private Protective Services Board | 99 DOJ 1301 | Morrison | 12/03/99 |  |
| Jose V Varsas v Private Protective Services Board | 99 DOJ 1302 | Morrison | 12/03/99 |  |
| GwendolinL Gray v Private Protective Services Board | 99 DOJ 1303 | Morrison | 12/03/99 |  |
| Allen D Edenburn v Private Protective Services Board | 99 DOJ 1305 | Morrison | 12/03/99 |  |
| Chris Georse McCracken v Private Protective Services Board | 99 DOJ 1417 | Morrison | 11/29/99 |  |
| PUBLIC INSTRUCTION |  |  |  |  |
| Martin Wayne Fletcher v St Bd of Educ Dert of Public lnstruction | 98 EDC 0001 | Chess | 09/21/994 |  |
| SH by and throush her suardian and custodian HH and H H v Henderson Counts Board of Education | 98 EDC 1124 | Mann | 06/1 1/99 |  |
| Paula Morrill individuall, $/$ n behalf of John Morrill v Wake Ct, Schools | 98 EDC 1205 | Gray | 09/24/99 |  |
| SLF and S F v charlote Mecklenburs Board of Education | 98 EDC 1649 | Mann | 06/04/99 |  |
| Marshall Scoti Brannan v Department of Public Instruction | 98 EDC 1796 | Owens | 07/1 3/99 | 1407 NCR 565 |
| Matthew Weber and his father and next friend Brian Weber and Brian Weber y Wilkes Count Schools | 99 EDC 0291 | Mann | 09/07/99 |  |
| Michael Mathison v Charlotte Mecklenburs Board of Education | 99 EDC 0390 | Gray | 12/6/99 |  |
| David J Dew v Charlotte Mecklenburs Board of Education | 99 EDC 0498 | Gray | 12/13/99 |  |
| Deborah F Brosden v State Board of Education | 99 EDC 0734 | Reills | 10/05/99 |  |
| C Kenneth Warrinston v Edsecombe County Schools | 99 EDC 0955 | Reill, | 09/29/99 |  |
| Edward Lawrence Morrill \& Paula Marie Morrill v Board of Directors Raleish Charter Hish School | 99 EDC 1080 | Chess | 01/IL/00 |  |
| Beverly Simon Hamilton v Union Count Board of Education | 99 EDC 1280 | Gray | 02/01/00 |  |
| STATE PERSONNEL |  |  |  |  |
| Devartment of Administration |  |  |  |  |
| Bernard A Brown v Department of Administration | 99 OSP1025 | Wade | 01/14/00 |  |
| Devartment of Asriculture |  |  |  |  |
| H C Troxter Jr v Dept of Abriculture and Consumer Services | 99 OSP 0659 | Chess | 07/27/99 |  |
| Community Colleses |  |  |  |  |
| Thomas Michael Chamberlin v Department of Community Colleses | 99 OSP 0286 | Phirps | 06/25/99 |  |
| Correction |  |  |  |  |
| E Warne Irvin v Department of Correction | 94 OSP 1791 | Morrison | 05/18/99 | 1401 NCR 60 |
| Pershield DeLoatch v Department of Correction | 98 OSP1026 | Gras | 08/11/99 |  |
| Deborah Smith v Department of Correction | 98 OSP 1126 | Chess | 06/22/99 |  |
| Masdean L Taslor v Derartment of Correction | 98 OSP 1272 | Chess | 05/4/99 |  |
| Ann McMillian v Morrison Youth Institution Depariment of Correction | 98 OSP 1275 | Chess | 05/12/99 |  |
| Edward Alan Roper v DOC Div of Prisons Western Youth Institute | 98 OSP 1644 | Gray | 08/L I/99 |  |
| Shirley Sellars v Derartment of Correction | 98 OSP $1788^{10}$ | Gray | 09/30/99 |  |
| Sean R Dillardv Dert of Correction Pasyuotank Correctional Inst | 98 OSP 1800 | Gray | 08/26/99 |  |
| DeCarlos Stanley v Department of Correction | 99 OSP 0027 | Morrison | 06/22/99 |  |
| Steve A Matthews v Derartment of Correction | 99 OSP0162 | Morrison | 08/20/99 |  |
| Patrick Smith v Derartment of Correction | 99 OSP 0163 | Morrison | 10/14/99 |  |
| Harry E Kenan v Cart BF Lewis Polk Youth lnstitution | 99 OSP 0257 | Phipps | 06/07/99 |  |
| Robert Russell Jr v Jeff Jones Div of Communit. Corrections | 99 OSP0258 | Lassiter | 09/29/99 |  |
| Judith Caves $v$ Department of Correction | 99 OSP 0338 | Phirps | 09/29/99 | 1411 NCR 945 |
| Shirler Sellars v Derartment of Correction | 99 OSP $0386^{10}$ | Gray | 09/30/99 |  |
| Richmond Fulmorev Derartment of Correction Wake Correctional | 99 OSP 0416 | Mann | 06/04/99 |  |
| Henry C Parks v DART/Admin Ann Shea Edward McCall Thomas G lvester | 99 OSP 0512 | Morrison | 09/22/99 |  |
| Jerry D Crawford v Devartment of Correction 99 OSP 0577 | Reill, | 06/02/99 |  |  |
| Walter L Whitaker v Cart Ricks Johnson Pasyuotank Corr last | 99 OSP 0644 | Gray | 10/12/99 |  |
| Anselo Alfonzo Smith v Department of Correction | 99 OSP 0675 | Gra, | 11/04/99 |  |
| Charles Creesan v Department of Correction | 99 OSP 0765 | Reill, | 08/03/99 |  |
| Kathi P Brown v NC Correctional Institute for Women | 99 OSP0914 | Chess | 12/10/99 |  |
| David J Dennis v Derartment of Corrections Polk Youth Institution | 99 OSP 0918 | Chess | 10/12/99 |  |
| Tara Kins v Devariment of Corrections | 99 OSP 0930 | Chess | 11/08/99 |  |
| Jorce Ann Bullock v Poik Youth Institution | 99 OSP 1065 | Wade | 11/15/99 |  |
| Timoths Ramey v Derartment of Correction | 99 OSP 1085 | Chess | 11/22/99 |  |
| Curtis Lee Tucker v Dert of Correction Caledonia | 99 OSP 1097 | Wade | 12/06/99 |  |

## AGENCY

Heather Williams v Derartment of Correction
June Anneite Cooles v DOC. Correction Enterprises
Edward E Hodse v Derartment of Correction
Russell S Jackson v Department of Correction Albemarle
Correctional Inst/Michael York
Valee Tavior v Derartment of Correction
Sharon Tucker v Ms LaVee Hamer DOC. Gen Counsel to the Secretary
Jan C Smith v Derartment of Correction Dari Cherry Prosram
June Annette Cooley v DOC Correction Enterprises
Crime Control and Public Saloty
Thomas Michael Chamberlin v DCCPS Center for Missins Persons
Ira Braswell IV v Governor s Crime Commission DCCPS

North Carolina School bor the DeaJ
Steve Crawford v North Carolina School for the Deaf
Dann, Wiison Carson v North Carolina School for the Deaf
Eric Arden Hurle, v North Carolina School for the Deaf
Emplosment Securits Commission
Russell J Susa v Emplorment Secunty Commission

## Environment and Natural Resources

L Clifton Carroll v Dept of Natural Resources Div of Parks and Recreation
Larry A Campbell v NC Wildife Resources Commission
Pathe Vivek v Devartment of Environment \& Natural Resources

## Health and Human Services

Debbie L Whitles v Wake County Department of Social Services
Vera Crenshaw v DHHS Julian F Keith Alc \& Drus Abuse Trumt Ctr Ive, $G$ Rhodes $v$ Pitt Count Mental Health Center
Dianna H Smith v DHHS Caswell Center
Odessa D Gwynn v Caswell Counts Health Department
Doris Virsinia Wearins v Durham Count Health Devartment
Leon Keav DHR OBerrs Center
Julia A Cameron v John Umstead Hosrital Health \& Human Services
Danns Jacobv Onslow Count Board of Health
Jency Abrams v Defartment of Health \& Human Services
Joann Thomas v Neuse Mental Health Center
Lisa Adams Houshton v Rockinsham Co Dept of Social Services
Timoth Truzy v Derartment of Health \& Human Services
Carlos D Burks Sr v North Carolina Srecial Care Center
Donna Pittman v Devartment of Health \& Human Services
Bryan Benson v Durham Ct Area MH/DD/SAS Prosram
Shirley C Jones v Department of Health \& Human Services
James Michael Dunn v Pitt Co Mental Health Develormental
Disabilities and Substance Abuse Area Prosram
Odell Hudson v Health \& Human Svcs Dorothea Dix Hospital
Erica Joynes v Durham County Derartment of Social Services
Thomas Michael Chamberlin v Off of Juvenile Justice Juvenile
Services Division $14^{\text {th }}$ District Court Division
Chergl Hishsmith v DHHS Youth Sves New Hanover Res Juvenile Detention Center
Carolinn A Carter v Cleveland Counts Dert of Social Services
Veda B Gill v Durharn Count Department of Social Services
Alan J Herrick v Rutherford Polk MH/DD/SAS
Jencs Abrams v Devartment of Health \& Human Services
Todd L Chavis v Murdoch Center 99 OSP!388
Edra W Childs v Gasion Lincolo Area Mental Health Prosram
Donald R Hoprer y Dart Caswell 4415
Anthony Katcliff v Devartment of Health \& Human Services
Johnston Countr
Lili Romaine Lee v Count of Johnston
9 OSP 0456

## Justice

Thomas Michaei Chamberlin v Justice Justice Academ,

Labor
Robert $C$ Adams v Derartment of Labor

DATE OF DECISION

PUBLISHED DECISION
REGISTER CITATION

1412 NCR 1082

I 4 I2 NCR 1086

I4 II NCR 936
1418 NCR 1661

| AGENCY | $\begin{gathered} \text { CASE } \\ \text { NUMBER } \\ \hline \end{gathered}$ | ALJ | $\begin{aligned} & \text { DATE OF } \\ & \text { DECISION } \\ & \hline \end{aligned}$ | PUBLISHED DECISION REGISTER CITATION |
| :---: | :---: | :---: | :---: | :---: |
| Billy McEachern v Schools of Robeson Count | 99 OSP 0189 | Wade | 09/04/99 |  |
| John Lee Herbin v Smarkand Manor Trainins School | 99 OSP 0273 | Gray | 08/04/99 |  |
| Linda D Charman v Lenoir Count Public Schools | 99 OSP 0691 | Reill, | 08/16/99 |  |
| State Auditor |  |  |  |  |
| Antonio Allen Bolton v Office of the N C State Auditor | 99 OSP 0979 | Wade | 11/22/99 |  |
| Transrortation |  |  |  |  |
| Michelle Malone, Wilkins v Derartment of Transportation | 98 OSP 0836 | Morrison | 05/20/99 |  |
| Jud. 5 Grindstaff v Derartment of Transportation | 98 OSP 1028 | Gray | 09/30/99 |  |
| Charles W McAdams v Dept of Transportation Div/Motor Vehicles | 99 OSP 0034 | Mann | 06/23/99 |  |
| Larry R Lane v Department of Transportation99 OSP 0105 | Mann | 06/11/99 |  |  |
| Ronald Roberson v Dert of Transportation Risht of Wa, Branch | 99 OSP 0142 | Morrison | 06/08/99 |  |
| Shelvia Davis v Department of Transportation 99 OSP 0156 | Owens | 06/23/99 |  |  |
| Carmalita Daniels v Department of Transportation | 99 OSP 0264 | Gray | 08/20/99 |  |
| Paul N Harris v Dept of Transportation Div of Motor Vehicles | 99 OSP 0625 | Gra, | 12/02/99 | 1414 NCR 1336 |
| Carolsn Camrell v Dert of Transportation | 99 OSP 0739 | Reilly | 12/03/99 | 1414 NCR 1339 |
| University of North Carolina |  |  |  |  |
| Wanda Troxler v A \& T State Universits and Dr Ray J Davis | 97 OSP 0819 | Phipps | 08/02/99 |  |
| Vivian Smith Hammiel Lins Chih C Hsu and Joel A Williams v East Carolina Universit | 97 OSP $1268{ }^{2}$ | Phiprs | 07/06/99 |  |
| Vivian Smith Hammiel Lins Chih C Hsu and Joel A Williams v East Carolina Universit | 97 OSP 1269 - ${ }^{2}$ | Phirps | 07/06/99 |  |
| Vivian Smith Hammiel Lins Chih C Hsu and Joel A Williams v East Carolina Universit | 97 OSP 1270*2 | Phipes | 07/06/99 |  |
| Jackie 5 Flowers v East Carolina Universit, | 98 OSP1618 | Reill | 06/24/99 |  |
| James A Benton v Universit of North Carolina at Charlotte | 99 OSP 0047 | Wade | 10/08/99 |  |
| Trace, L Wilson v North Carolina Central Universit | 99 OSP 0388 | Chess | 12/06/99 |  |
| Rex A Coushenour v University of North Carolina at Charel Hill | 99 OSP 0517.6 | Reill, | 08/27/99 |  |
| Anna Anita Huff v Dr Lonnie Sharpe/Dr Reza Salami Coll /Ensineerins | 99 OSP 0599 | Chess | 07/16/93 |  |
| Rex A Coushenour v Universit of North Carolina at Charel Hill | 99 OSP 0623.6 | Reill, | 08/27/99 |  |
| Thomas Michael Chamberlin v UNC a Charel Hill Devt of Universit Housins Division of Student Affairs | 99 OSP 0674*4 | Gras | 08/16/99 |  |
| Halycon Tudie Blake v University of North Carolina at Chapel Hill | 99 OSP 0686 | Gray | 07/08/99 |  |
| Bridsette R Booker v Winston Salem State Universit | 99 OSP 0731 | Chess | 09/03/99 |  |
| Rex A Coushenour v University of North Carolina at Chavel Hill | 99 OSP 0830* ${ }^{6}$ | Reill, | 08/27/99 |  |
| Temperance T Tobe v North Carolina Central University | 99 OSP 0865 | Chess | 08/24/99 |  |
| Phyllis Martin v NC A \& T State University | 99 OSP 1030 | Lassiter | 01/04/00 |  |
| Inez Eason v Universit, of North Carolina at Wilminston | 99 OSP1069 | Mann | 02/14/00 |  |
| James W Murrell v Universit of North Carolina at Charel Hill | 99 OSP 1102 | Morrison | 11/29/99 |  |
| Harold Richardson v University of North Carolina at Charlotte | 99 OSP 1208 | Wade | 11/15/99 |  |
| Albertina Thompson v Chancellor James Renick of NC A \& T Univ | 99 OSP 1578 | Gray | 12/17/99 |  |
| DEPARTMENT OF LABOR |  |  |  |  |
| Bellacinos v Derartment of Labor 99 DOL 1216 | Reilly | 12/14/99 |  |  |
| DEPARTMENT OF TRANSPORTATION |  |  |  |  |
| Peter Ka, Stern v Devartment of Transportation | 99 DOT 0668 | Owens | 07/29/99 |  |
| UNIVERSITY OF NORTH CAROLINA |  |  |  |  |
| Sterhanie A Pasnev UNC Hosritals | 99 UNC 0375 | Morrison | 06/21/99 |  |
| Barbara A Russell v UNC Hosritals | 99 UNC 0540 | Gray | 08/11/99 |  |
| Robin Perkins Stephens v UNC Hospitals | 99 UNC 0563 | Owens | 07/21/99 |  |
| Rita Jo Kincaid v UNC Hospitals | 99 UNC 0746 ${ }^{5}$ | Reill, | 08/09/99 |  |
| Rita Jo Kincaid v UNC Hospitals | 99 UNC $0747{ }^{5}$ | Reill, | 08/09/99 |  |
| Edna Heath v UNC Hospitals | 99 UNC 0943 | Chess | 10/15/99 |  |
| Clinton E Taslor Sr v UNC Hospitals | 99 UNC 1117 | Morrison | 12/22/99 |  |

## IN THE OFFICE OF ADMINISTRATIVE HEARINGS <br> 98 DOJ 1503

COUNTY OF DURHAM

## MICHAEL ANGELO DUNN, SR.

Petitioner,
v.

## RECOMMENDED DECISION

## N.C. CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION,

Respondent. J

The above entitled contested case was commenced by the filins of a reчuest for the aprointment of an Administrative Law Judse to preside pursuant to N C G S s 150B 40(e) A hearins was beld before Administrative Law Judse Sammie Chess Jr on October 291999 in Raleish North Carolina

## APPEARANCES

Petitioner was represented by Amiel J Rossabi and R Stuart Albrizht of Adams Kleemeier Навan Hannah \& Fouts PLLC

Resrondent was represented by Assistant Attorney General John P. Gravalec Pannone

## ISSUE

Is Petitioners certification as a law enforcement officer proverly sublect to revocation and/or suspension on the srounds that he allesedly committed two felony offenses and allesedly failed to meet or maintain sood moral character?

## RULES/STATUTES

1 N.C.GS.s 14100
2 NCGS 514120
3 NCGS 1 17C
4. $\quad 12$ NCAC 9A. 0204(a) ()
5. $\quad 12 \mathrm{NCAC} 9 \mathrm{~A} .0204(\mathrm{~b})(2)$
$6 \quad 12$ NCAC 9A 0204(c)
$7 \quad 12$ NCAC 9A $0205(\mathrm{a}$ (।)
$8 \quad 12 \mathrm{NCAC} 9 \mathrm{BOLOL}(3)$

## FINDINGS OF FACT Stipulated Facts

1 Both rarties are promerly before this Administrative Law Judse in that iurisdiction and venue are proper that both parties received notice of hearins and that Petitioner received the Prorosed Revocation of Law Enforcement Officer letter mailed by Resrondent on Sertember I 1998

2 The North Carolina Criminal Justice Education and Trainins Standards Commission has the authority sranted under Chapter 17 C of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code Charter 9 to certify criminal ustice officers and to deny revoke or suspend such certification

3 Petitioner successfully completed 620 hours of Basic Police Recruit Trainins at the Hish Point Police Trainins Center on November 191976

4 Petirioner was issued a probationary certification (PRA 238747222) on November 29 ( 976 by Resrondent to serve as a full time law enforcement officer

5 Petitioner was issued a seneral certification (GNA 238747222) on Ausust 5. (977 by Respondent to serve as a full time law enforcement officer

6 That on March 181994 a fire at a residence located at 907 Enterprise Drive Hish Point. North Carolina caused extensive damaze to said residence

7 That the Guilford County Resister of Deeds Records show the owners at the time of the fire to be the Petitioner. Michael A Dunn and Gwendoyn Dunn now remarried and known as Gwendolyn Tyson

8 That as yart of the insurance coverase on the residence at 907 enterprise Drive Hish Point North Carolina a supplemental payment of a claim check \#269502 was drawn on the account of Banker and Shiprers Insurance Company The amount of said check was $\$ 21607.46$ Said check was made rayable to Michael A Dunn Gwendolyn S Tyson and Fleet Real Estate and/or assizn

9 The allesed siznatures of Michael A Dunn and Gwendolyn Tyson arpear as endorsers of check \#269502
10 Michael A Dunn sisned check \#269502
II Dawana Fant (daushter of Michael A Dunn and Gwendolyn Tyson) sizned the name Gwendolyn Tyson on check \#269502
l2 That check \#269502 was nesotiated successfully
13 That on Sertember 25 1996 Gwendolyn Tyson executed an affidavit for forsery of a check with the Hizh Point Police Department In said affidavit Gwendolyn Tyson stated that she never sizned endorsed or authorized any other person to sisn her name on check \#269502 nor did her sisnature arpear on said check with her knowledse or consent

14 That the Hizh Point Police Derartment conducted a criminal investization into Gwendolyn Tyson s complaint and that at the conclusion of the investization no criminal charses arisins out of the complaint were brousht (Cory of letter from Assistant District Attorney Richard Lyle attached )

15 That Hish Point Police Department conducted an internal investisation of Gwendolyn Tyson s complaint and Michael A Dunn was subseчuently terminated from the Hizh Point Police Derartment

## Ad.udicated Facts

16 Michael A Dunn (Dunn) was a sood hard workins officer with a sood record (Hearins Transcrirt (Htr ) $r 77$. lines 39$)$

17 At the time he was terminated Dunn had been a Hish Point Police Officer for 21 years and nine months (Htr. $r(35$ lines $(625)$

18 Dunn was nominated for officer of the year 3 times most recently in 1997 (Htr $\boldsymbol{f}$ [37 lines 8 I।)
(9)Bostic is an upstandins citizen and truthful (Respondents Ex 2 н 53 lines 5 (3)
$20 \quad$ In 1994 Ms Gwendolyn Tyson called Mr Bostic on the telerhone told him she knew him and that she wanred him to loan her $\$ 2500$ because her house was destroyed by fire and she needed to eat and a rlace to sleer After that telerhone call Ms Tyson went to Bostic s house and althoush Bostic did not recosnize her loaned her $\$ 2500$ because he at that time. believed she needed it for food and shelter (Petitioner s Ex 9 yara 2)

21 After sivins her the $\$ 2500$ she handed him a check in the amount of aproximately $\$ 2100000$ made payable to her and Dunn for fire damase At first Ms Tyson told Bostic to hold the check as collateral for the $\$ 2500$ loan he had extended to her, however she also told Bostic that she would be by his house to pick ur the check and refay the loan within the next several days (Petitioner sEx 9 rara 3)

22 Several weeks rassed and she did not pick ur the check and therefore Bostic telephoned Dunn Dunn told Bostic that Ms Tyson was his former wife Bostic explained to Dunn the circumstances about Dunn sformer wife deliverins the
check to him and Bostic told him that his former wife had not picked up the check and had made no effort to pick ur the check (Petitioner s Ex 9.. rara 4).

23 At the end of Bostic s telerhone conversation with Dunn Dunn sussested that Bostic wait a few more days to see if his former wife would rick ur the check Several days later wben Ms. Tyson had still not storred bs Bostic shouse Dunn came by and offered to revay his former wife s loan in exchanse for the check and Bostic accerted that offer (Petitioner s Ex 9 para 5).
24. Ms. Tyson went to Bostic practically a total stranser at nisht and handed him a check in the amount of arproximately $\$ 2100000$ and several weeks rassed but she never came back to Bostic s house to rick ur the check as she had promised. (Petitioner s Ex. 9 para 6)

25 At no time after Bostic delivered the check to Dunn did Ms Tyson demand that Bostic return the check to her nor did she complain to Bostic or in any way resist Bostic s delivery of the check to Dunn (Petitioners Ex 9 rara 7)

26 Ms Tyson started usins cocaine around 1992. (Resrondents Ex 2.r 32).

27 Ms Tyson used cocaine on a resular basis besinnins in March 1993 (Resrondent s Ex 2. r. 35 lines 16 22)
28 Ms Tyson was a cocaine addict by at least February 1994 at which time she was free basing cocaine and also besan smokins cocaine (Respondent sEx $2 \mu 3839$ and $\mu 43$ lines22 23)
29. If workers were raid with money from check $\# 269502$ Ms. Tyson didn $t$ care how the money from check \#269502 was used. (Resrondents Ex 2. p. 60 line ( 0 throush line 3. r 61).

30 Dunn did not misuse any of the rroceeds from \#269502 and in any event how the rroceeds were used by Dunn is not at issue in this matter (Respondent sex $4 \mu 4$, Ex $2, \mu 68$ lines 1 12)
31. $\ln (994 \mathrm{Ms}$ Tyson was admitted to multirle mental hospitals as a result of sufferins from a psychotic breakdown (Resrondents Ex 2 r. 30 lines 17 23)
32. From March 1994 until November 1994 Ms Tyson went to her fire damased house to sleer with her daushter. Althoush her daushter had died many months before. Ms Tyson actually believed that her daushter was alive durins this time reriod (Resrondent s Ex. 2. p 88 89)

33 After repair work had been performed on Ms Tyson s fire damased house Ms Tyson becan to remove items from that house and sell them for money to support her drus habit (Htr $\mu .189$ lines 3 7).

34 Former Lieutenant Danny Nunn (Nunn) of the Hish Point Police Devartment conducted the criminal investisation of Dunn resardins check \#269502 (Hitr p. 22 23)

35 Nunn interviewed Ms Gwendolyn Tyson at the Women s Prison on September 25 1996 in Raleith NC (Htr. P. 24. lines 710 and $r 31$. lines 11 14).

36 Captain Lester Fortune (Fortune) of the Hish Point Police Derartment was also present when Nunn interviewed Ms Tyson on September 25. 1996 (Htr $\sim 24$ lines $1114, \mu 56$ lines 1 ( 13 )

37 Fortune conducted the internal affairs investisation of Dunn resardins check \#269502 (Htr $\boldsymbol{\rho} 53$ lines 24)
38 Nurun initially testified that his interview with Ms Tyson lasted aproximately an hour or so (Htr $\mu 25$ lines 571

39 Nunn later testified that his interview with Ms Tyson lasted close to only fifteen minutes (Htr $\quad 31$ line 21 throush linel $\mu$ 32)

40 Other than askins about the insurance company s name Nunn did not ask Tyson the same yuestion more than once (Hitr r 32 lines 1320 )

41 In a letter dated March 6. L996. Ms Tyson admitted that she is in dail for amons criminal offenses armed robbery The March 61996 letter to then Hish Point Police Chief Hoyns was the first complaint Ms Tyson made to the Hish Point Police Derartment resardins check \# 269502 (Htr r 53 line 25 throuzh line ( $3 \sim 54$ ) She claims she is in ail because she was framed by Dunn and Dunn s friends.

42 Nunn did nothins to investizate Ms Tyson s motive for fabricatins facts about Mr Dunn as set forth in the above rarasrarh and in fact raid no attention to the fact that she had such a motive (Htr. r.36. line 16 throush line $3 \mu .37$ ).

43 Nunn was unaware of the law of ratification (Htr r. 37 lines 4 6)
44 Nunn did not know and did not care that Ms Tyson was a cocaine addict from arproximately February 1994 to November 1994 (Htr $\mu 37$ line 10 throush line $5 \mu 39$ )

45 Nunn did not know and did not care that Ms Tyson was visitins her deceased child at her fire damased home believins that her child was still alive (Htr. r 39 line 19 throush line 5 r 40)

46 Nunn was unaware of the law of abandonment (Htr r 40 lines ll l3)
47 Nunn s investization turned ur nothins to show that Dunn misarrrorriated any of the rroceeds from check \#269502 (Htr v 42 lines (4 (6)

48 Nunn did not know that Ms Tyson was admitted to mental hospitals for mental disorders durins 1994 (Htr $r$ 42 lines (724)

49 Nunn s interview with Ms Tyson on September 251996 was his only interview with her and the only time he ever talked to her (Htr $\boldsymbol{\rho} 42$ lines : $8, \boldsymbol{\mu} 46$ lines 22 24)

50 Nunn talked to Ms. Fant on more than one occasion but did not tare record all of his conversations with Ms Fant (Htr r 46 lines $1719, \boldsymbol{p} 47$ lines 8 (0)

51 Ms Fant told Nunn that her father Dunn never asked her to sisn Ms Tyson s name to check \#269502 (Htr $r 48$ line 7 throush line $1 \quad r$ 49)

52 The interview between Nunn Fortune and Ms Tyson lasted aprroximately one hour (Htr $\boldsymbol{\mu} 56$ lines 2123, ~ 64 lines 2425 )

53 The entire interview between Nunn Fortune and Ms Tyson was recorded (Htr $\mu 56$ line 25 throush line $2 \mu$. 57, r. 65 lines ( 3 and lines 22 25)

54 Nunn intentionally failed to produce the entire transcript of his meetins with Ms Tyson on September 251999 thereby preventins material evidence from beins presented at the hearins of this matter ( $\mathrm{Htr} \mu 65$ line 21 throush line $6 \mu$ 66)

55 After Nunn completed his investisation of Dunn he turned it over to the Guilford County District Attorney s Office After reviewins Nunn s investisation Assistant District Attorney Richard R Lyle wrote in a letter to Nunn dated April 7 1997 that it is the orinion of the District Attorney soffice in Hish Point that there is not sufficient credible evidence to sustain a conviction (Stirulation)

56 Fortune never asked Dunn srecifically about how the sisnatures sot on check \#269502 (Htr r. 60 line 24 throush line $4 \boldsymbol{\mu}$ 61)

57 Fortune met only once with Ms Tyson which was at the Sertember 251996 meetins as set forth above and asked no yuestions at that meetins (Htr $\mu 62$ lines $13, \mu 64$ lines 15 19, $\mu 67$ lines 14 16)

58 Fortune in conductins his investisation relied on Nunn sinvestisation (Htr $\quad$ \& 63 lines 19 21)

59 Fortune was unaware of the law of ratification or abandonment (Htr $\boldsymbol{\mu} 64$ lines 9 (4)
60. Fortune knew that Ms. Tyson believes she is in prison because Dunn framed her and knew that Ms. Tyson was a cocaine addict from at least February 1994 throusb November $!994$ Fortune also knew that Ms Tyson was in and out of mental hospitals in 1994 However none of these facts bearins on Ms. Tyson s credibility are documented in his report that was ultimately sent to Hish Point Police Chief Uuilas ( Quivas). (Htr. r. 66. line 8 throush line 13 r. 67, r 68 lines 47 , Respondent sex 4)

61 Fortune did not know that durins 1994 Ms Tyson was visitins her dead baby at the fire damased house believins that her baby was alive (Htr $\boldsymbol{\mu} 67$ lines 19 25)
62. Fortune did not know that Ms. Tyson had rrior to 1994 . filed a false rerort with the rolice derartment (Htr. $\boldsymbol{\mu}$ 69 line 6 throush line 11 r 70, Petitioner s Ex. 2)
63. Dunn told Fortune that he believed that Ms Tyson told Ms. Fant to sion check \#269502. (Htr $\boldsymbol{\mu} 71$ lines 10 $12, \mu$ 72. lines $1618, \mu 82$ lines 811$)$.
64. Fortune intentionally made a material misrepresentation resardins check \#269502 on at least one occasion when he sisned an affidavit statins that Dunn did noi claim that Tyson save him or his daushter vermission to sizn her name on the check (Petitioner s Ex 5. rara 13, Htr. r 82 lines (2 19)
65. Fortune admitted that if Ms Tyson told Ms Fant to sizn check \#269502. then there would have been no forbery (Htr $\sim 71$ lines $1314, \boldsymbol{\mu} 72$ lines 27 )
66. After Ms Tyson mailed her first March 6. 1996 letter complainins of Dunn resardins check \#269502 Fortune responded with a letter to Ms. Tyson statine that it was a civil matter and the Hish Point Police Department did not want to deal with it. (Htr $\boldsymbol{\sim} 73$ lines 5 20)
67. Only after Ms. Tyson mailed a second letter and threatened to have the entire Hish Point Police Department investisated did the Hish Point Police Department besin an investisation of Dunn resardins check \#269502. Ytr. f. 75 line 18 throush line $3 r .76$ )
68. Uuilas relied on the internal affairs investisation and Nunn s investization in makins his decision to terminate Dunn (Htr $\boldsymbol{\mu} 86$ lines $1521, \mu 93$ lines 7 (4)
69. Quitas never met nor talked with Ms Tyson or Mr Rufus Bostic (Bostic). (Htr. н. 87 lines 8 9, $\mu 105$ lines 1517 and lines 1520 )

70 Uuias never read Bostic s affidavit dated May 22 1997. (Htr $\boldsymbol{\mu}$ 106 lines 4 9)
$71 \quad$ Luias is unaware of the law of ratification and abandonment (Htr $\mu 92$ linel 5 throush line $3 \mu 93$ )
72. Uuias did not believe Ms. Tyson s credibility was at issue in this case (Htr $\boldsymbol{\mu} 95$ lines 6 8)
73. Uuias did not care about Ms Tyson s criminal record (Htr $\boldsymbol{\mu}$ (08 lines 20 22)

74 Uui as did not know and did not believe that it was relevant that Ms. Tyson was a cocaine addict from at least February 1994 to November 1994 (Htr $\mu .96$ lines $2123 \mu 97$ lines 25)

75 Uuias did not know and did not care that Ms Tyson was in and out of mental hospitals durine 1994 (Htr $\boldsymbol{\mu}$ 98. lines 521 )

76 Uui as did not know and did not care that durine 1994 Ms Tyson was visitins her dead baby at the fire damased house believins that her baby was alive ( $\mathrm{Htr} \quad \mathrm{\mu} 99$ lines 9 (4)

77 Everythins Quias knew about Ms Tyson resardins Dunn s investisation was based on her comrlaint in her letter to the Hish Point Police Devartment (Htr $\sim 108$ line 25 throush line $5 \sim 109$ )

78 Quilas admits that if Ms Tyson lied and had actualls authorized Fant to sizn her (Trson s) name on check \#269502 then there would be no forsery (Htr $\mu$ ll0 line 24 throush line $4 \mu$ (II)

79 Dunn told Qui'as that he believed that Ms. Tyson had authorized Fant to sien Ms. Tyson s name to check \#269502 (Htr r. 101 line $I I$ throush line $9 \sim(02$. Petitioner s Ex. 8. razes $\lfloor 3$ (4)

80 Dunn told Quias that he did not encourase Fant to sizn check \#269502 (Htr. . 102 lines 2 5, Petitioner s Ex 8 rases (3 (4)

B1 Dunn told Quilas that Dunn did not believe a forsery was committed resardins check \#269502. (Htr.. \%. 102. lines 13 17, Petitioners Ex 8 rase (5)

82 The Standards Committee meetins that initially found urobable cause for the criminal charses and lack of sood moral character resardins Dunn and check \#269506 did not last lonser than five minutes did not discuss any credibility issues concernins Ms Tyson (such as her cocaine addiction and motive to fabricate and embellish facts concernins Dunn) or that 45 minutes of Nunn s interview with Ms Tyson on September 25 1996 is missins (Htr $\rho$ 118 $\mu$ (23)
83. The decision of Standards Committee meetins was based on the internal affairs investisation of the Hish Point Police Derartment and Mr Dunn scertification history (Htr rl 127 linesl 2 16)

84 Ms Tyson knowinsl, helred Dunn use proceeds from check \#269502 to rerair the fire damased house includins but not limited to helpins Dunn buy and or install ceilins fans with lishts a double sink a commode carret and vinsl floors for the hallway and three bathrooms. (Htr $, \boldsymbol{\mu} \boldsymbol{1} 154156, p, 173$. lines $2123, \mu 185$ lines 1725 )

85 For his efforts in helpinE Ms Tyson as set forth in Parabraph above Dunn received no monetary eain or benefit and he did not in'ure or deceive anyone in doins so

86 Fant often sizned checks for her mother Ms Tyson with the permission of Ms Tyson (Htr $\boldsymbol{\mu} 172$ lines 16 19, $\boldsymbol{\mu}(92$ lines 7 (0)
87. Dunn reasonably believed that Ms Tyson had siven Fant the authority to sisn Ms Tyson s name to check \#269502. (Htr $\mu$ I 52 lines 7 19)

88 Dunn believed that if Ms Tyson authorized Fant to sizn Ms. Tyson s name to a check then that was accertable. (Htr p. 172 lines 8 19)

89 Ms Tyson authorized Fant to sisn Ms Tyson s name to check \#269502. (Htr $\sim$ L 84 line 24 throush line 8. r . (85)

90 Ms Tyson believes the reason she is in prison now is because of Dunn and since she has been incarcerated has threatened to set even with Dunn for what she believes he did to her (Htr. r. 187 lines 7 20)

91 At one point after the investisation of Dunn had started Ms Tyson called Fant and encourazed her to forset that she had sisned check $\# 269502$ that Ms Tyson had siven the imrression to Nunn that Dunn had forsed the check and that Ms Tyson wanted to keer it that way Fant then informed Nunn of this conversation with Ms Tyson (Htr $\boldsymbol{\mu}$. 190 line 23 throush line $9 \sim$ 191)

92 Nunn never documented the facts mentioned in the parasraph above all of which bear on Ms Tysons credibility

93 Dunn did not attempt to try and bet Fant to sizn Ms Tyson s name on check \#269502 (Htr $\mu 201$ lines 6 9)

## CONCLUSIONS OF LAW

$1 \quad$ Dunn did not act with the intent to defraud deceive or in'ure another person resardine check \#269502,
2 Dunn did not act for the sake of sain resardins check \#269502,
3 Dunn received nothins of monetary value from check \#269502,
4 Tyson authorized Fant to sisn Tyson s name to check \#269502,

5 Dunn honestly believed that Tyson authorized Fant to sien Tyson s name to check \#269502,
6 Tyson ratified Dunn s actions resardins check \#269502,
7. Tyson abandoned her interest in check $\# 269502$,

8 Dunn did not falsely make make a false representation about or alter check \#269502, and

9 Dunn did not commit the crimes of Utterins Instrument Containins Forsed Endorsement Or Obtainins Proverty By False Pretenses and therefore did not fail to maintain sood moral character resardins check \#269502

## PROPOSED DECISION

Based uron the foresoins Findinss of Fact and Conclusions of Law it is hereby rrorosed that Dunn should not have his law enforcement officer certification revoked

## ORDER

It is hereby ordered that the asency serve a cory of the final decision on the Office of Administration Hearinss 424 North Blount Street Raleish NC 2760 i in accordance with N C G S 3 150B 36(b)

## NOTICE

The asency makins the final decision in this contested case is reyuired to sive each rarty an orportunity to file exceptions and prorosed findinss of fact and to present oral and written arsuments to the asency N C.GS 3 (50B 40(e)

A cory of the final asency decision or order shall be served uron each party personally or by certified mail addressed to the rarty at the latest address siven by the rarty to the asency and a cory shall be furnished to his attorney of record. NCGS 3 I 50B 42(a) It is requested that the asency furnish a cory to the Office of Administrative Hearinss

The asency that will make the final decision in this contested case is the North Carolina Criminal Justice Education and Trainins Standards Commission

This the $20^{\text {th }}$ day of January 2000

Sammie Chess Jr
Administrative Law Judse

STATE OF NORTH CAROLINA

## IN THE OFFICE OF ADMINISTRATIVE HEARINGS 99 EHR 0358

COUNTY OF MCDOWELL

|  | ) | RECOMMENDED DECISION |
| :---: | :---: | :---: |
| MCDOWELL DEVELOPMENT | J |  |
| ALLEN GURLEY VICE PRESIDENT | , |  |
| (LUS 98 087) | , |  |
| Petitioner | ) |  |
|  | , |  |
| v. | ) |  |
|  | ) |  |
| DEPARTMENT OF ENVIRONMENT AND NATURAL | ) |  |
| RESOURCES | , |  |
| Respondent. | ) |  |
|  | J |  |

This contested case was heard on December 91999 in the Buncombe County Courthouse Asheville North Carolina by Chief Administrative Law Judge Julian Mann III

## APPEARANCES

For Petitioner: $\left.\begin{array}{ll}\text { Stephen R Little } \\ \text { Attorney at Law } \\ & 8 \text { North Main Street } \\ \text { Marion North Carolina } 28752 \\ \text { Attorney for Petitioner }\end{array}\right\}$

## ISSUES

1 Did the Petitioner violate the Sedimentation Pollution Control Act of 1973 (N C G S Charter II 3A art 4) and implementins rules (15A NC. Admin Code 4) (sometimes hereinafter SPCA) as allesed in the Directors civil renalty assessment dated February 28 1999?

2 Was the amount of the assessment reasonable and arprorriate?
3 In makins the subiect assessment did the Respondent act arbitrarily and capriciously as allesed by the Petitioner?

## BURDEN OF PROOF

The burden of proof in this case is on the Respondent

## WITNESSES

| For Petitioner: | William Kehler III |
| :--- | :--- |
| For Respondent: | Charles T Koontz |
|  | Richard A Phillips |
|  | Charles H Gardner |

## EXHIBITS

| For Petitioner: | P2 P3 and P5 |
| :--- | :--- |
| For Respondent: | R1 throush R19 R21 and R22. |
|  | R20 was offered and received for illustrative purroses only |

Based uron the Prehearins Order filed herein and by the sreater weisht of the evidence the undersizned makes the followins

## FINDINGS OF FACT

1 Pentioner is the owner of a tract of real property located adacent to Hibhway 226 South of Marion in McDowell County Hishway 226 is a heavily traveled theroushfare. A watercourse Youns s Branch is located on the east side of the rroverty Petitioner owns approximately 40 acres. which it is develorins for commercial rurroses
2. On October 301998 Charles T Koontz inspected the site in чuestion for a land disturbins activity conducted by the Petitioner on Petitioner s property. Soil removed from a borrow site on the West side of the Hizhway was used as fill for an area on the East side of the Hishway

3 The area disturbed by the Petitioner was aprroximately three acres. Petitioner had not submitted to Resrondent a prorosed erosion and sedimentation control flan for the prolect prior to the commencement of the land disturbins activity nor had Respondent aprroved an erosion control plan
4. Mr Koontz found that the rotential for off site sedimentation existed While silt fencine bad been installed alons Youns s Branch located next to the fill area no measures had been installed on the entrance road to the borrow site

5 On November 2 1998. Respondent sent to the Petitioner a Notice of Violations of the Sedimentation Pollution Control Act ( NOV). The NOV informed the Petitioner that Petitioner was in violation of N C G S 33 I(3A 54(d)(4) 57(4) and $15 \mathrm{~A} \mathrm{~N} \mathrm{C} \mathrm{Admin} \mathrm{Code} \mathrm{4B} 0007$ for its failure where more than one acre was to be uncovered to file an acceptable erosion and sedimentation control plan with the Respondent at least 30 days prior to besinnins the land disturbins activits and for its failure to secure an approval of the rlan rrior to besinnins the activity The NOV advised the Petitioner that if an acceptable erosion control plan was not submitted by November 231998 enforcement action would be taken The Petitioner was also instructed to install interim measures sufficient to prorect the ad acent prorerty and watercourses The NOV further informed the Petitioner that no new land disturbins activity could be commenced without an arroroved rlan.

6 The Respondent mailed the NOV by certified mail addressed to the Petitioner return receirt reчuested which was received by the Petitioner on November 51998
7. Neither the Petitioner nor its aeen or designee submitted a roposed erosion control rlan by November 23

8 On November 251998 two dass followins the compliance deadline the Respondent received a letter from $R$ Carroll Williams P E indicatins that Mr Williams had been retained to assist in the preparation of a rlan
9. On November 301998 Mr Koontz asain inspected the land disturbins activity on Petitioner s site He found that since his rrevious insrection an additional 35 acres of land had been disturbed As of that date a rrorosed $\mu$ lan had not been submitted for the whole or any vart of the disturbed acrease
10. The site was in further need of culvert inlet protection a sediment tra in the ditchline next to the watercourse and Hishway 226 and the enlarsement of sediment trars on the entrance road

Il On December 21998 the Respondent sent a Notice of Continuins Violation (NOCV) to the Petitioner which indicated that the matter of the Petitioner; noncompliance was beine referred for enforcement

12 Respondent sent the NOCV by certified mail addressed to the Petitioner return receipt reчuested which was received by the Peritioner on December 51998

13 On December 181998 the Resrondent received a rrorosed erosion and sedimentation control plan for the Petitioner s prodect The Financial Responsibility/Ownershir Form ( FRO) submitted as a part of the prorosed rlan was sizned by William J Kehler in his caracity as Secretary/Treasurer The FRO indicated that McDowell Development Corroration was financially responsible for the land disturbins activity and that 324 acres were disturbed The rlan submittal did not include all of the disturbed areas at the site failins to address the borrow area and the disturbed areas north of Youns s Creek

14 On December 211998 Mr Koontz asain inspected the Petitioner s proverty and observed that an additional two acres had been disturbed since his rrevious insrection This disturbance included rechannelins 480 feet of Youns s Creek $\mu$ lacins this watercourse in a four foot diameter corrusated metal pire and fillins in the old Creek channel No erosion control measures had been بrovided alons the Creek A slisht amount of sediment had entered the Creek and sediment was beins tracked onto Hishway 226 at the entrance to the borrow site Off site sedimentation into the watercourse remained slisht due to no heavily occurrins rain

I5 The borrow site and Creek rechannel fill site were not included in the proposed erosion control plan received on December 181998

16 On December 231998 the Resrondent sent the Petitioner a Notice of Additional Violations received by the Petitioner on December 241998

17 On January 51999 Mr Koontz asain inspected the Petitioners land disturbins activities and found it to be in violation of the SPCA for Petitioners failure to comply with the rlan reyuirements A thoroush inspection was not rossible on this date because the sround was covered with ice

18 By letter dated January 121999 the Respondent disaprroved the Petitioner s proposed erosion control plan Petitioner did not arpeal the disarproval but chose to modify the proposed plan On January 181999 as an accommodation to a third party who had recently purchased a piece of the subiect property the Respondent aproved a rlan for that I 49 acre tract. only The remainder of the site remained under the NOV

19 On February 31999 Mr Koontz inspected the Petitioners land disturbins activity and found it to be in violation of the SPCA for Petitioners failure to comply with the rlan requirements amons others He found that off site sedimentation slisht in nature had occurred since his previous inspection

20 A modified prorosed erosion control rlan was submitted to the Respondent by the Petitioner on February 8 1999
$21 \quad$ Several days prior to Mr Koontz s inspection of October 301998 Mr Kehler met with K D Suttles a Resistered Land Surveyor (RLS) who had earlier surveyed the rroverty for the Petitioner Mr Kehler retained Mr Suttles to rrepare an erosion control plan for the Petitioners $\mu$ roiect

22 Mr Suttles prepared an aerial torosraphical mar depictins the Petitioners property Althoush an aerial torosraphical mar was not reчuired for an erosion control rlan it may have been useful for the rreraration of such a rlan for the disturbed areas of the site and for other related purposes for use with other asencies

23 On December 171998 Mr Suttles firm billed the Petitioner $\$ 2200$ for preparation of the aerial torozraphical mar On December 171998 Mr Suttles firm billed the Petitioner $\$ 2786$ for its services rendered between December I 1998 and December 161998 Not all of this billable work related to the preparation of an erosion control plan On February 91999 Mr Suttles firm billed the Petitioner \$1 814 for services rendered between December 3! 1998 and February 91999

24 Mr Kehler was aware of the reyuirements of Sedimentation Pollution Control Act havins received a NOV and a NOAV in 1991 relatins to his rersonal develorment of another site In his prior experiences Mr Kehler relied uron his seneral contractor to respond to any erosion control issues The Petitioner did not have a eeneral contractor for this pro ect and Mr Kehler relied uron Mr Suttles for these purroses When he received correspondence from the Resrondent he communicated with Mr Suttles

25 As the rarty resronsible for the land disturbins activity it was the Petitioner s resronsibility to ensure that an arprovable emsion control rlan was submitted to the Resrondent in a timely fashion

26 The Petitioner continued to disturb additional areas of sisnificant size about five and one half acres after
receivins the NOV. Petitioner thereby comrounded its problems. since the total acrease disturbed is a very sisnificant issue in the desisn of an erosion and sedimentation control plan

27 On December IL. 1998 the Respondent s Asheville Resional Office referred Petitioner s violations to Charles H. Gardner Director of the Division of Land Resources for enforcement purnoses.

28 On February 28 1998 the Director assessed civil renalties asainst the Petitioner in the total amount of fifteen thousand two hundred dollars (\$15200) This fisure represented a daily renalty of one hundred sixty dollars (\$160) arplied for a reriod of 95 days

29 Mr Gardner arrived at the renalty amount after reviewins the file includins the Guidelines completed by the Resional Office and after considerins those factors set forth in NCGS $3113 \mathrm{~A} 64(\mathrm{a})(3)$ and the rules of the North Carolina Sedimentation Commission
30. Mr Gardner assessed renalties for one violation Petitioners failure on a tract larser than one acre to file an erosion and sedimentation control rlan at least 30 dass before initiation of land disturbins activities and besinnins such activities without an arproved plan in violation of NC G S $33113 \mathrm{~A} 54(\mathrm{~d})(4) .57(4)$ and $15 \mathrm{~A} \mathrm{~N} \mathrm{C} .\mathrm{Admin} \mathrm{Code} \mathrm{4B} \mathrm{0007(c)}$

31 Twenty dollars ( $\$ 20$ ) of the daily renalty amount was attributable to Mr Gardner s consideration of the type of violation committed
32. Off site sedimentation slisht in desree had occurred from the Petitioner s site. After considerins the desree and extent of the harm caused $b y$ the violation. Mr Gardner increased the daily renalty amount by twenty dollars (\$20)

33 After considerins the effectiveness of sters taken to correct the violations Mr Gardner abain increased the daily renalty amount by twenty dollars (\$20)

34 After considerins whether the violation was committed willfully Mr Gardner increased the daily renalty amount by one hundred doillars ( $\$ 100$ )

35 Mr. Gardner did not increase the daily penalty amount after considerint the Petitioner s prior record the cost of rectifyins the damase or staff investibative costs Since he had considered the amount of money saved by the Petitioner s noncompliance in considerine the tyre of violation committed he did not further increase the daily renalty amount for this factor

36 The daily renalty amount was therefore one hundred and sixty dollars (\$160)

37 The renalty reriod besan on November 51998 the day the Petitioner received the NOV and ended on February 7. 1999 the day prior to receipt of the modified erosion control $\mu$ lan and totaled 95 days

38 The total amount of the renalty was therefore fifteen thousand two hundred dollars (\$15200)

Based uron the foresoins Findinss of Fact the undersisned makes the followins

## CONCLUSIONS OF LAW

1 The Petitioner violated the Sedimentation Pollution Control Act of 1973 (NC G S Charter L13A art 4) and implementins rules ( 15 A N.C Admin Code 4) as allesed in the Director s civil renalty assessment dated February 281999 Durins the 95 day reriod besinnine on November 51998 and endins on February 71999 the Petitioner viclated NCGS 83 $113 \mathrm{~A} 54(\mathrm{~d})(4) 57(4)$ and 15 ANC Admin Code $4 \mathrm{~B} 0007(\mathrm{c})$ where when more than one acre was to be uncovered an erosion and sedimentation control plan was not filed aí least 30 days before initiation of land disturbins acrivities on the sublect prorery and such activities were commenced urior to arproval of such a plan
2. The amount of the assessment was reasonable and arproriate The maximum dails renalty amount which could have been assessed was five hundred dollars (\$500) In arrivine at a daily renalty amount of one hundred and sixty dollars (S160) the Respondent proverly considered the relevant facts in lisht of the arplicable statutory and resulatory factors

3 In makins the subect assessment the Respondent did not act arbitrarily and carriciously The Resrondents decision was reasonable prudent and surported by the facts as found

Based uron the foresoins Findines of Fact and Conclusions of Law the undersisned makes the followins

## RECOMMENDED DECISION

The Resrondent s February 28 1999 assessment asainst the Petitioner for civil renalties in the total amount of fifteen thousand two hundred dollars (\$15200) for the Petitioners violations of the Sedimentation Pollution Control Act and implementins rules should be urheld and enforced asainst Petitioner

## ORDER

It is hereby ordered that the North Carolina Department of Environment and Natural Resources serve a cory of the final asency decision on the Office of Administrative Hearinss in accordance with NC G S \& 150B 36(b)

## NOTICE

The asency makins the final decision in this contested case is required to sive each rarty an orportunity to file excertions to this recommended decision and to present written arsuments to those in the asency who will make the final decision NCGS 3 (50B 36(a)

The agency is required by N C G S 3 150B 36(b) to serve a cory of the final decision on all parties and to furnish a cory to the rarties attorneys of record and to the Office of Administrative Hearinss

The asency which will make the final decision in this contested case is the North Carolina Derartment of Environment and Natural Resources

This the $24^{\text {th }}$ day of January 2000

Julian Mann III
Chief Administrative Law Judse

STATE OF NORTH CAROLINA
COUNTY OF CRAVEN

## IN THE OFFICE OF ADMINISTRATIVE HEARINGS 99 OSP 0254

## )

JOANN THOMAS ,
Petitioner,
v.
,
)
,
J
,

This matter came on for hearins before the undersisned administrative law Ludse on October 14 and 15 . 1999. in New Bern The retitioner was represented by Ralph T Bryant Jr The respondent was represented by Scott Hart The retitioner introduced Exhibits \# L 26 The respondent introduced Exhibits \# I 37 and made one offer of proof The retitioner filed a rrorosed recommended decision on December 23 1999 The respondent filed excertions on the same date and on January 62000

## PRELIMINARY MATTERS

At the besinnins of the hearine the court issued an order dismissins rlaintiff s claim of race discrimination findins that petitioner failed to allese race discrimination in her contested case retition and therefore the Office of Administrative Hearinzs lacked sub-ect matter urisdiction over the race discrimination claim

## ISSUE

Did the respondent Neuse Mental Health Center have Just cause to dismiss the retitioner for srossly inefficient .ob performance?

## FINDINGS OF FACT

1. Petitioner was employed by the respondent as a case manaser and was sublect to the State Personnel Act. Her employment ended December 18 l998 Her position involved workins one on one with individual consumers of Neuse Mental Health Center who suffered from mental and/or emotional disabilities The Center enabled consumers to participate more fully in daily activities at home and at work The case manaser performed the initial screenins and intake of consumers The case manasers worked with the assisned consumer in various caracities throushout the consumer s relationshir with the Center
2. The Notice of dismissal states that retitioner was dismissed for srossly inefficient lob rerformance The dismissal letter stated six suecific items which were the basis for the dismissal
3. Grossly inefficient sob performance occurs when the empiosee fails to satisfactorily perform iob reчuirements as specified in the iob description work plan or as directed by the manasement of the work unit or asency and that failure results in
(I) the creation of the rotential for death or serious harm to a client(s) an employee(s) members of the public or to a rerson(s) over whom the employee has resronsibility, or
(2) the loss of or damaze to asency prorerty or funds that result in a serious impact on the asency and/or work unit

4 Roy Wilson sisned the dismissal letter Mr Wilson is the Area Director of Neuse Mental Health Center Mr Wilson dismissed Ms Thomas under the brossly inefficient ob rerformance standard He believed that the standard was met because $M$ s Thomas performance met section $(a)(2)$ of the definition which states that the standard is satisfied when an employee fails to satisfactory perform the ob reyuirements .. and that failure results in (2) the loss of or damage to asency proverty or funds that result in a serious impact on the asency and/or work unit

5 Laura Richardson Price was Ms Thomas immediate surervisor Ms Price stated that she did not sussest that Ms

Thomas be terminated for the reasons srecified in the dismissal letter and that those reasons were not her reasons

10 In addition there were a number of employees who were not terminated for srossly inefficient performance even thoush their Medicaid raybacks equaled or exceeded that of the retitioner The evidence shows that the followins employees had the followins Medicaid raybacks durins this same reriod of time

| Dennis Sibole | S11 75929 | (Petitioner s Exhibit \#ll $\mathrm{P}^{\text {c 6 6) }}$ |
| :---: | :---: | :---: |
| Patricia Hunt | 665388 | (Petitioners Exhibit \#I $\mid \mu 8$ ) |
| Norma Joyner |  |  |
|  | 422131 | (Petitioner s Exhibit \#l\| r.9) |
| Anne Meador | 231268 | (Petitioner s Exhibit \#7) |
| Denise Baldree | 179640 | (Petitioner s Exhibit \#ll r.9) |
| Lynn Durham | 102002 | (Petitioner s Exhibit \#ll r. 4) |
| Crystal Rice | 85520 | (Petitioners Exhibit \#\| 1 r. 5) |
| Amy Dorsey | 91461 | (Petitioner s Exhibit \#7) |
| Catherine Platt | 56053 | (Petitioner s Exhibit \#7) |

II Evidence that other emrloyees had the same or sreater amounts of Medicaid paybacks than the retitioner but were not terminated or even discirlined undercuts Mr Wilsons rosition that the retitioner ensased in srossl, insufficient iob rerformance

12 The testimony was confusins about when a service rlan was actually due The more the respondents witnesses testified about when the service rlans were due the more they confused the matter The testimony of the respondent $s$ witness on the second day contradicted the previous testimony of another respondent s witness on the first day At the end of the first day the undersisned believed he understood when the service flan was due But by the end of the second day he also was confused about when the service rlans were due

13 Ms Thomas contended that two of the records were actually in the medical records section Initially Ms Price could not find evidence that the service plans had been filed Ms Thomas went to the medical records section. located the service rlans and made a corg of the service flans She informed her surervisor that the service رlans had actually been filed as she had stated Ms Thomas asked Ms Price to rescind the written wamins based on the fact that she had located the filed service plans Ms Price declined

## CONCLUSION OF LAW

I The respondent improperly dismissed the retitioner for srossly inefficient job rerformance Therefore the resrondent lacked ust cause to dismiss the retitioner

RECOMMENDED DECISION

It is therefore recommended that the retitioner be reinstated with full back ray and benefits from the date of her dismissal It is further recommended that the retitioner be awarded reasonable attorney $s$ fees and costs

This the $13^{\text {th }}$ day of January 2000

Robert Roosevelt Reilly Jt
Administrative Law Judse
CUMULATIVE INDEX
(Uvdated throush March 3. 2000)

| Abency/Rule Citation | Rule makins Proceedinss | Temporary Rule | Notice of Text | Fiscal Note | RRC Status |  | Text differs from proposal | Effective by Governor | Approved Rule | Other |
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|  |  |  |  |  | Action | Date |  |  |  |  |

This index provides information related to notices, rules and other documents published in the Resister. It includes information about rules for which Notice of Rule Makins Proceedinss or Notice of Text have been Published, rules submitted to the Rules Review Commission and rules codified since the last session of the General Assembly. For assistance contact the Rules Division at $919 / 7332678$,
Fiscal Note:
Fiscal Note: S - Rule affects the
$\$ 5,000.000$ in a 12 month period.
ACUPUNCTURE, LICENSING BOARD
21 NCAC $010101 \quad 1322$ NCR 1820
ADMINISTRATION
Council for Women, North Carolina
1 NCAC 171319 NCR 1606
Indian Affairs, Commission of
I NCAC $150201 \quad 1302$ NCR 175
I NCAC $150205 \quad 1302$ NCR 175
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1305 NCR 521
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|  |  |  |  |  | Action | Date |  |  |  |  |
| 26 NCAC 040104 | N/A |  | N/A | N/A | Aprove | 10/04/99 |  |  | 1410 NCR 839 |  |
| 26 NCAC 040108 | N/A |  | N/A | N/A | Approve | 11/17/99 |  |  | 1415 NCR 1354 |  |
| 26 NCAC 040202 | N/A |  | N/A | N/A | Aprove | 10/04/99 |  |  | 1410 NCR 839 |  |
| AGRICULTURE |  |  |  |  |  |  |  |  |  |  |
| 2 NCAC 20B 0104 | 1313 NCE 1040 |  | 1318 NCR 1503 | - | Oblect Approve | $\begin{aligned} & 07 / 15 / 99 \\ & 08 / 19 / 99 \end{aligned}$ | * |  | 1409 NCR 708 |  |
| 2 NCAC 43L 0304 | 1418 NCR 1597 |  |  |  |  |  |  |  |  |  |
| 2 NCAC 43L 0305 | 1418 NCR 1597 |  |  |  |  |  |  |  |  |  |
| 2 NCAC 43L 0309 | 1314 NCR 1109 |  | 1320 NCR 1718 | - | Object Aprove | $\begin{aligned} & 07 / / 5 / 99 \\ & 08 / 19 / 99 \end{aligned}$ | - |  | 1409 NCR 708 |  |
| Consumer Sersices |  |  |  |  |  |  |  |  |  |  |
| 2 NCAC 540101 | 1314 NCR 1119 | 1314 NCR 1119 | 1320 NCR 1718 | * | Aprrove | 07/15/99 |  |  | 1406 NCR 490 |  |
| 2 NCAC 540102 | 1314 NCR 1119 | 1314 NCR 1119 | 1320 NCR 1718 | - | Aprrove | 07/15/99 |  |  | 1406 NCR 490 |  |
| 2 NCAC 540103 | 1314 NCR 1119 | 1314 NCR 1119 <br> Tome Expired 10 / | $1320 \text { NCR } 1718$ | - | Ascy Withdrew | 07/15/99 |  |  |  |  |
| 2 NCAC 54.0104 | 1314 NCR 1119 | 1314 NCR 1119 | 1320 NCR 1718 | * | Aprrove | 07/15/99 | - |  | 1406 NCR 490 |  |
| 2 NCAC 540105 | 1314 NCR 1119 | 1314 NCR 1119 Tome Expircd $10 /$ | 1320 NCR 1718 99 | - | Ascy Withdrew | 07/15/99 |  |  |  |  |
| 2 NCAC 550101 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550102 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550103 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
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| 2 NCAC 550201 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 55.0202 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 55.0203 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550301 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 55.0302 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 55.0303 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550401 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550402 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |

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| 2 NCAC 550501 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550502 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| 2 NCAC 550503 |  | 1417 NCR 1512 |  |  |  |  |  |  |  |  |
| Pesticide Board |  |  |  |  |  |  |  |  |  |  |
| 2 NCAC 09 K 0214 | 1314 NCR 1109 |  | 1320 NCR 1717 | - | Approve | 107/15/99 | - |  | 1406 NCR 490 |  |
| 2 NCAC 09L 0502 | 1401 NCR 4 |  | 1405 NCR 374 | . |  |  |  |  |  |  |
| 2 NCAC 09L 1201 | 1401 NCR 4 |  | 1405 NCR 374 | - |  |  |  |  |  |  |
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| 2 NCAC 340102 | 1409 NCR 655 |  | 1413 NCR 1093 | - |  |  |  |  |  |  |
| 2 NCAC 340330 | 1409 NCR 687 | 1409 NCR 687 | 1413 NCR 1093 | * |  |  |  |  |  |  |
| 2 NCAC 340509 | 1409 NCR 687 |  | 1413 NCR 1093 | * |  |  |  |  |  |  |
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| 2 NCAC 52B 0201 | 1414 NCR 1223 |  | 1418NCR1599 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0206 | 1408 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0207 | 1323 NCR 1946 | 1323 NCR 1946 | 1403 NCR 128 | * | Ob.ect Approve | $\begin{aligned} & 11 / 17 / 99 \\ & 01 / 20 / 00 \end{aligned}$ | - |  |  |  |
| 2 NCAC 52B 0207 |  | 1418 NCR 1605 |  |  |  |  |  |  |  |  |
| 2 NCAC 52B 0302 | 1323 NCR 1901 |  | 1403 NCR 128 | * | Object Approve | $\begin{aligned} & 11 / 17 / 99 \\ & 01 / 20 / 00 \end{aligned}$ | - |  |  |  |
| 2 NCAC 52B 0401 | 1408 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | * |  |  |  |  |  |  |
| 2 NCAC 52B 0402 | 14 0R NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0403 | 14 OR NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | * |  |  |  |  |  |  |
| 2 NCAC 52B 0404 | 1408 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | * |  |  |  |  |  |  |
| 2 NCAC 52B 0405 | 1408 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0406 | 14 RR NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0407 | 14 OR NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | . |  |  |  |  |  |  |
| 2 NCAC 52B 0408 | 1408 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |

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| 2 NCAC 52B 0410 | 1408 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0411 | 1408 NCR 582 | 1808 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
| 2 NCAC 52B 0412 | 14 08 NCR 582 | 1408 NCR 582 | 1413 NCR 1097 | - |  |  |  |  |  |  |
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| 21 NCAC 57A 0305 | 1301 NCR 3 |  | 1305 NCR 513 | * | Oblect Arytove | $\begin{aligned} & 11 / 19 / 98 \\ & 03 / / 8 / 99 \end{aligned}$ | - |  | 1401 NCR 48 |  |
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| 21 NCAC 020302 | 1408 NCR 578 |  | 1413 NCR 1148 | * |  |  |  |  |  |  |
| 21 NCAC 02.0303 | 14 08 NCR 578 |  | 1413 NCR I148 | . |  |  |  |  |  |  |
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| 21 NCAC 048 0302 |  | 1413 NCR 1192 |  |  |  |  |  |  |  |  |
| 21 NCAC 04B 0404 |  | 1413 NCR 1192 |  |  |  |  |  |  |  |  |
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| 4 NCAC 01 K 0402 | 1109 NCR 569 |  | 1308 NCR 652 | . | Ob.cel | 12/17/9R |  |  |  |  |
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| 4 NCAC 03B 0101 | N/A |  | N/A | N/A | Ob.cet | 10/22/98 |  |  |  |  |
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| 4 NCAC 038 0102 | N/A |  | N/A | N/A | Object | 10/22/98 |  |  |  |  |
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| 4 NCAC 03B 0103 | N/A |  | N/A | N/A | Object | 10/22/98 |  |  |  |  |
|  |  |  |  |  | Aprrove | 03/18/99 |  |  | 1401 NCR 48 |  |
| 4 NCAC 03 H 0102 | N/A |  | N/A | N/A | Object |  |  |  |  |  |
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| 4 NCAC 03L 0201 | 1324 NCR 1997 |  | 1404 NCR 274 | . | Arprove | 11/17/99 |  |  | 1415 NCR 1354 |  |
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| 4 NCAC 03L 0604 | 1324 NCR 1997 |  | 1404 NCR 274 | * | Approve | 11/17/99 |  |  | 1415 NCR 1354 |  |
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| 4 NCAC 150121 | 1403 NCR 125 |  | 1407 NCR 522 | - | Oblect <br> ObJect | $\begin{aligned} & 12 / 16 / 99 \\ & 01 / 20 / 00 \end{aligned}$ |  |  |  |  |
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|  | 1409 NCR 662 | S/L | Approve | 01/20/00 |
|  | 1323 NCR 1937 | - | Approve | 12/16/99 |
|  | 1409 NCR 662 | S/ | Apptove | $01 / 20 / 00$ |
|  | 1313 NCR 1044 | 5 | Approve | 05/20/99 |
|  | 1313 NCR 1044 | 5 | Approve | 05/20/99 |
|  | 1313 NCR 1044 | S | Aprtove | 05/20/99 |
|  | 1313 NCR 1044 | S | Obicet | 05/20/99 |
|  |  |  | Approve | 06/17/99 |
|  | 1313 NCR 1044 | 5 | Aprtove | 05/20/99 |

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| 15A NCAC 07J 0204 | 1406 NCR 428 |  | 1409 NCR 662 | S/L | Apyrove | $01 / 20 / 00$ | - |  |  |  |
| 15 A NCAC 07J 0404 | 1406 NCR 428 |  | 1409 NCR 662 | S/L | Apytove | 0120/00 | - |  |  |  |
| I5A NCAC 07J D405 | 1224 NCR 2202 |  |  |  |  |  |  |  |  |  |
| I5A NCAC 07J 0405 | 1406 NCR 428 |  | 1409 NCR 662 | S/L | Apptove | 01/20/00 | - |  |  |  |
| 15A NCAC 07J 0406 | 1406 NCR 428 |  | 1409 NCR 662 | S/L | Oblect | 01/20/00 |  |  |  |  |
| ISA NCAC 07K 0203 | 1221 NCR 1873 |  | 1323 NCR 1937 | . | Aperove | 12/16/99 | - |  | 1417 NCR 1525 | 1402 NCR 74 |
| 15A NCAC 07K 0203 | 1406 NCR 428 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07K 0208 | 1221 NCR 1873 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 07K 0208 | 1406 NCR 42R |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 07K 0209 | 1221 NCR 1873 |  | 1323 NCR 1937 | - | Apquove |  | - |  | 1417 NCR 1525 | 1402 NCR 74 |
| 15A NCAC 07L 0202 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 07L 0203 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07L 0206 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07L 0302 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07L 0304 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07L 0401 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07L 0405 | 1221 NCR 1874 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 07 M 0300 | 1224 NCR 2202 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 07M 0307 | 1322 NCR 1818 |  | 1409 NCR 666 | 5/L | ObJect | 01/20/00 |  |  |  |  |
| 15 A NCAC 07M 0401 | 1304 NCR 361 | 1312 NCR 976 | 1316 NCR 1259 | - |  |  |  |  |  |  |
|  |  |  | 1409 NCR 666 | - | Apquove | 01/20/00 |  |  |  |  |
| 15A NCAC 07M 0401 | 1401 NCR 44 | 1401 NCR 44 | 1409 NCR 666 | * | Apytove | 01/20/00 |  |  |  |  |
| 15 A NCAC 07M 0402 | 1304 NCR 361 | 1312 NCR 976 | 1316 NCR 1259 | * |  |  |  |  |  |  |
|  |  |  | 1409 NCR 666 | - | Apytove | 01/20/00 |  |  |  |  |
| 15 A NCAC 07 M 0402 | 1401 NCR 44 | 1401 NCR 44 | 1409 NCR 666 | - | Aprtove | 01/20/00 |  |  |  |  |
| 15 A NCAC 07M 0403 | 1304 NCR 361 | 1312 NCR 976 | 1316 NCR 1259 | - |  |  |  |  |  |  |
|  |  |  | 1409 NCR 666 | . | ObJect | 01/20/00 |  |  |  |  |
| 15A NCAC 07M 0403 | 1401 NCR 44 | 1401 NCR 44 | 1409 NCR 666 | - |  |  |  |  |  |  |
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| 1324 NCR 2017 | 1404 NCR 287 | - | Object | 01/20/00 |  |  |  |  |
|  | 1304 NCR 368 | - |  |  |  |  |  |  |
|  | 1304 NCR 368 | - |  |  |  |  |  |  |
|  | 1304 NCR 368 | L/SE |  |  |  |  |  |  |
|  | 1403 NCR 162 | SE |  |  |  |  |  |  |
|  | 1403 NCR 162 | SE |  |  |  |  |  |  |
|  | 1403 NCR 162 | SE |  |  |  |  |  |  |
|  | 1403 NCR 162 | L/SE |  |  |  |  |  |  |
| 1413 NCR 1177 | 1403 NCR 162 | L/SE | Aprrove | 01/20/00 | . |  |  |  |
| 1413 NCR 1177 | 1403 NCR 162 | SE | Object | 01/20/00 |  |  |  |  |
| 1413 NCR 1177 | 1403 NCR 162 | SE | Object | 01/20/00 |  |  |  |  |
|  | 1320 NCR 1727 | - | Aprrove | 01/20/00 |  |  |  |  |
|  | 1320 NCR 1727 | - | Apyrove | 01/20/00 |  |  |  |  |
|  | 1320 NCR 1727 | - | Apyrove | 01/20/00 |  |  |  | 1402 NCR 73 |
|  | 1323 NCR 1929 | - | Aprrove | 01/20/00 |  |  |  |  |
|  | 1320 NCR 1727 | - | Aprtove | 01/20/00 |  |  |  |  |
|  | 1323 NCR 1929 | - | Arptove | 01/20/00 |  |  |  |  |
|  | 1201 NCR 6 | , | Aprove | 01/15/98 | - |  | 1221 NCR 1886 | Disayroved (HB1402) |
|  | 1323 NCR 1929 | . | Aprtove | 01/20/00 |  |  |  |  |

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15A NCAC 02D $0542 \quad 1324$ NCR 1994 15A NCAC 02D 0610 11 15 NCR 1200 15A NCAC 02D 0611 H15 NCR 1200 15A NCAC 02D 0612 II 15 NCR 1200 15A NCAC 02D 0613 1/ 15 NCR 1200 15A NCAC 02D 0614 1/ 15 NCR 1200 15A NCAC 02D 0615 11 15 NCR 1200 15A NCAC 02D $0806 \quad 1126$ NCR 1976 15 A NCAC 02 D 09021119 NCR 1408 15A NCAC 02D 0903 11 15 NCR 1200 15A NCAC 02D 0909 11 19 NCR 1408 15A NCAC 02D 0912 H15 NCR 1200 15A NCAC 02D 09171119 NCR 1408 15A NCAC 02D D918 1119 NCR 1408 15A NCAC 02D 09191119 NCR 1408 15A NCAC 02D 0920 II 19 NCR 1408 15A NCAC 02D 0921 1/ 19 NCR 1408 15A NCAC 02D $09221 / 19$ NCR 1408 15A NCAC 02D 0923 1! 19 NCR 140 R 15A NCAC 02D 0924 1/ 19 NCR 1408 15A NCAC 02D $0926 \quad 1316$ NCR 1252 15A NCAC 02D $0927 \quad 1316$ NCR 1252 15A NCAC 02D $0932 \quad 1316$ NCR 1252 15A NCAC 02D 0934 /119 NCR 1408 15A NCAC 02D 0948 11 19 NCR 1408 15A NCAC 02D 09491119 NCR 1408
 15A NCAC 02D 0951 11 19 NCR 1408

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15A NCAC $02 \mathrm{D} 0952 \quad 1216$ NCR 1482 15 A NCAC $02 \mathrm{D} 0954 \quad 1115$ NCR 1200 $15 A$ NCAC 02 D 09581119 NCR 1408 15A NCAC 02 D 1005 1404 NCR 265 15A NCAC 02D 1100 110R NCR 442 15A NCAC 02D $11103 \quad 1304$ NCR 356 ISA NCAC 02D $1103 \quad 1404$ NCR 265 15A NCAC 02D $1104 \quad 1304$ NCR 356 15A NCAC 02D $1104 \quad 1316$ NCR 1252 15 A NCAC $02 \mathrm{D} 1105 \quad 1115$ NCR 1200 15A NCAC 02D $1106 \quad 1126$ NCR 1976 15A NCAC 02D $1200 \quad 1404$ NCR 265 15A NCAC 02D 12011312 NCR 943
ISANCAC $02 \mathrm{D} 1202 \quad 1312$ NCR 943 15A NCAC 02D $1203 \quad 1312$ NCR 943 15A NCAC 02D $1204 \quad 1312$ NCR 943 15A NCAC 02D $1205 \quad 1312$ NCR 943 15A NCAC 02D $1206 \quad 1312$ NCR 943 15A NCAC 02D $1207 \quad 1312$ NCR 943 15A NCAC 02D 12081312 NCR 943 15A NCAC 02D $1209 \quad 1312$ NCR 943 15ANCAC 02D $1201 \quad 1316$ NCR 1252 15 A NCAC $02 \mathrm{D} 1202 \quad 1316$ NCR 1252 15 A NCAC $02 \mathrm{D} 1203 \quad 1316$ NCR 1252 15A NCAC 02D $1204 \quad 1316$ NCR 1252 ISANCAC 02D $1205 \quad 1316$ NCR 1252 15A NCAC 02D $1206 \quad 1316$ NCR 1252
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| 15 N NCAC 02 C Dt02 |  | 1318 NCR 1545 | 1403 NCR 162 | - | Approve | 01/20/00 | - |  |  |  |
| 15 A NCAC 02 Y DI02 | 1324 NCR 1994 | 1410 NCR 823 | 1407 NCR 524 | - | Aprove | 01/20/00 | - |  |  |  |
| 15 A NCAC 0240102 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC02Y 0103 | 1324 NCR 1994 | 1410 NCR 823 | 1407 NCR 524 | - | Oblect | 01/20/00 |  |  |  |  |
| 15 A NCAC 02 Y 0109 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 02 L 0202 | 1324 NCR 1994 | 1410 NCR 823 | 1407 NCR 524 | * | Aprove | 01/20/00 |  |  |  |  |
| 15A NCAC 0240304 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 0240305 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 02 L 0306 | 1312 NCR 943 |  | 1403 NCR 162 | - | Aprove | 01/20/00 |  |  |  |  |
| 15 A NCAC 02 Y 0401 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 02 Y 0502 | 1324 NCR 1994 | 1410 NCR 823 | 1407 NCR 524 | 5 | Aprove | 01/20/00 |  |  |  |  |
| 15A NCAC 0240503 | 1324 NCR 1994 | 1410 NCR 823 | 1407 NCR 524 | . | Approve | 01/20/00 |  |  |  |  |
| 15 ANCAC 0240507 | 1324 NCR 1994 | 1410 NCR 823 | 1407 NCR 524 | - | Approve | 01/20/00 |  |  |  |  |
| 15 A NCAC 02 Y D508 | 1308 NCR 621 | 1410 NCR 823 | 1407 NCR 524 | - | Oblect | 01/20/00 |  |  |  |  |
| 15 ANCAC 02 Y D50\% | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 0240700 | 1108 NCR 442 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 0240702 | 1312 NCR 943 |  | $\begin{aligned} & 1320 \text { NCR } 1727 \\ & 1403 \text { NCR } 162 \end{aligned}$ |  | Approve ObJect | $10 / 04 / 99$ $01 / 20 / 00$ | - |  | 1410 NCR 839 |  |
| 15A NCAC 02 L 0703 | 1304 NCR 356 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 02 Y 0703 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 0240711 | 1304 NCR 356 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC02U 0711 | 1316 NCR 1252 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 02 L 0800 | 1404 NCR 265 |  |  |  |  |  |  |  |  |  |
| 15A NCAC 02R 0204 | 1202 NCR 52 |  | 1214 NCR 1267 | S |  |  |  |  |  |  |
| 15A NCAC 02R 0205 | 12 n NCR 52 |  | 1214 NCR 1267 | S |  |  |  |  |  |  |
| 15A NCAC 02R 0600 | 1202 NCR 52 |  |  |  |  |  |  |  |  |  |
| 15 A NCAC 02 S . 0101 | 1404 NCR 272 |  | 1410 NCR 755 | . |  |  |  |  |  |  |
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| Approve | 12/16/99 | . | 1417 NCR 1525 |
| Approve | 12/16/99 | - | 1417 NCR 1525 |
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| 15 A NCAC 0300301 | 1314 NCR 1113 | 1401 NCR 18 | 1406 NCR 443 | . | Apytove | 12/15/99 |  |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300302 | 1314 NCR 1113 | 1401 NCR 18 1404 NCR 323 | 1406 NCR 443 | * | Apstove | 12/16/99 | - |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300303 | 1314 NCR 1113 | 1401 NCRIR | 1406 NCR 443 | - | Apytove | 12/16/99 | - |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300304 | 1314 NCR 1113 | 14 ) 1 NCR 18 | 1406 NCR 443 | - | Ayprove | 12/16/99 |  |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300305 | 1314 NCR 1113 | 1401 NCR 18 | 1406 NCR 443 | - | Approve | 12/16/99 |  |  | 1417 NCR 1525 |  |
| 15A NCAC 0300306 | 1314 NCR1113 | 1401 NCR 18 | 1406 NCR 443 | - | Apptove | 12/16/99 |  |  | 1417 NCR 1525 |  |
| 15A NCAC 0300307 | 1314 NCR1113 | 1401 NCR 18 | 1406 NCR 443 | * | Approve | 12/15/99 |  |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300308 | 1314 NCR 1113 | 1401 NCR 18 | 1406 NCR 443 | * | Approve | 12/16/99 |  |  | 1417 NCR 1525 |  |
| 15A NCAC 0300309 | 1314 NCR 1113 | 1401 NCR 18 | 1406 NCR 443 | - | Ayptove | 12/15/99 |  |  | 1417 NCR 1525 |  |
| 15A NCAC 0300310 | 1314 NCR 1113 | 1401 NCR 18 | 1406 NCR 443 | - | Apgtove | 12/16/99 |  |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300401 | 1314 NCR 1113 | 1318 NCR 1553 | 1406 NCR 443 | . | Apyrove | 12/16/99 | - |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300402 | 1314 NCR 1113 | 1318 NCR 1553 | 1406 NCR 443 | * | Apyrove | 12/16/99 | - |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300403 | 1314 NCR 1113 | 1318 NCR 1553 | 1406 NCR 443 | - | Apyrove | 12/16/99 | . |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300404 | 1314 NCR 1113 | 1318 NCR 1553 | 1406 NCR 443 | * | Ob.cet Apytove | $\begin{aligned} & 12 / 16 / 99 \\ & 01 / 20 / 00 \end{aligned}$ | . |  |  |  |
| 15 A NCAC 0300405 | 1314 NCR 1113 | 1318 NCR 1553 | 1406 NCR 443 | * | Apytove | 12/16/99 |  |  | 1417 NCR 1525 |  |
| 15 A NCAC 0300406 | 1314 NCR 1113 | 1318 NCR 1553 | 1406 NCR 443 | - | Approve | 12/16/99 | - |  | 1417 NCR 1525 |  |
| 15A NCAC 03P 0101 | N/A |  | N/A | N/A | Apyrove | 07/15/99 |  |  | 1406 NCR 490 |  |
| 15A NCAC 03P 0102 | N/A |  | N/A | N/A | Apytove | 07/15/99 |  |  | 1406 NCR 490 |  |
| 15A NCAC03U 0106 | N/A |  | N/A | N/A | Apptove | 06/17/99 |  |  | 1405 NCR 402 |  |
| 15A NCAC 03 Y 0107 | 1126 NCR 1985 |  | 1313 NCR 1043 | - | Ayptove | 05/20/99 |  |  | 1404 NCR 330 |  |
| 15A NCAC 0340107 | 1412 NCR 95\% |  |  |  |  |  |  |  |  |  |
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| 21 NCAC 200103 |  | 1319 NCR 1695 | 1323 NCR 1942 | . | Approve | 10104/99 | - |  | 1410 NCR 839 |  |
| 21 NCAC 200104 |  | 1319 NCR 1695 | 1323 NCR 1942 | . | Apyrove | 1004/99 | - |  | 1410 NCR 839 |  |

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| 21) NCAC 200105 |  | 1319 NCR 1695 | 1323 NCR 1942 | . | Apytove | 10/04/99 | - |  | 1410 NCR 839 |  |
| 21 NCAC 200106 |  | 1319 NCR 1695 | 1323 NCR 1942 | - | Apptove | 10/04/99 | - |  | 1410 NCR 839 |  |
| 21 NCAC 200117 |  | 1319 NCR 1695 | 1323 NCR 1942 | . | Approve | 10/04/99 | . |  | 1410 NCR 839 |  |
| 21 NCAC 200120 |  | 1319 NCR 1695 | 1323 NCR 1942 | - | Ob.cet | 10/04/99 |  |  |  |  |
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| 21 NCAC 200122 |  | 1319 NCR 1695 | 1323 NCR 1942 | - | Apytove | 10/04/99 | - |  | 1410 NCR 839 |  |
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| 21 NCAC 120504 | 1313 NCR 1040 |  | 1318 NCR 1524 | * |  |  |  |  |  |  |
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| 21 NCAC 210502 | 1405 NCR 372 | 1412 NCR 1064 | 1412 NCR 1064 | - |  |  |  |  |  |  |
| 21 NCAC 210514 | 1405 NCR 372 | 1412 NCR 1064 | 1412 NCR 1064 | - |  |  |  |  |  |  |
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| 10 NCAC 19G 0827 |  | 1317 NCR 1378 | 1321 NCR 1785 | . | Approve Apyrove | $\begin{aligned} & 11 / / 7 / 99 \\ & 11 / 17 / 99 \end{aligned}$ | - |  | 1415 NCR 1354 1415 NCR 1354 |  |
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| 10 NCAC 01 B 0418 | 1314 NCR 1109 |  | 1322 NCR 1823 | $\cdot$ | Approve | 07/15/99 | - |  | 1406 NCR 490 |  |
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| 10 NCAC 01B 0420 | 1314 NCR 1109 |  | 1322 NCR 1823 | - | Approve | 07/15/99 | - |  | 1406 NCR 490 |  |
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| 10 NCAC 42B 2013 | 1405 NCR 370 |  |  |  |  |  |  |  |  |  |
| 10 NCAC 42B 2014 | 1405 NCR 370 |  |  |  |  |  |  |  |  |  |
| 10 NCAC 42B 2406 |  | 1410 NCR 799 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42 B 2501 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | * |  |  |  |  |  |  |
| $10 \mathrm{NCAC} \mathrm{42B} 2502$ | 1405 NCR 370 | 140 NCR 606 | 1413 NCR 1106 | . |  |  |  |  |  |  |
| 10 NCAC 42 B 2503 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | * |  |  |  |  |  |  |
| 10 NCAC 42B 2601 |  | 1410 NCR 799 | 1413 NCR 1106 | * |  |  |  |  |  |  |
| 10 NCAC 42C 2005 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR 1106 | . |  |  |  |  |  |  |
| 10 NCAC 42C 2011 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 2012 | 1405 NCR 370 | 14 0R NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 2013 | 1405 NCR 370 | 140 R NCR 606 1410 NCR 799 | 1413 NCR 1106 <br> 1413 NCR 1106 | $\begin{aligned} & \mathrm{S} \\ & \mathrm{~S} \end{aligned}$ |  |  |  |  |  |  |
| 10 NCAC 42C 2014 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR 1106 |  |  |  |  |  |  |  |
|  |  | 1410 NCR 799 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42 C 2015 |  | 1410 NCR 799 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 2207 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 2214 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 2302 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42 C 2501 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42 C 2505 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42 C 2506 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 2703 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |
| 10 NCAC 42C 3401 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR 1106 | 5 |  |  |  |  |  |  |
| 10 NCAC 42 C 3402 | 1405 NCR 370 | 14 DR NCR 606 | 1413 NCR 1106 | . |  |  |  |  |  |  |
| 10 NCAC 42 C 3701 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR IIO6 | - |  |  |  |  |  |  |
| 10 NCAC 42 C 3703 | 1405 NCR 370 | 14 OR NCR 606 | 1413 NCR 1106 | $\cdot$ |  |  |  |  |  |  |
| 10 NCAC 42C 3801 | 1405 NCR 370 | 1408 NCR 606 | 1413 NCR 1106 | - |  |  |  |  |  |  |

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| 10 NCAC 14V 7000 | 1407 NCR 518 |  |  |  |  |  |  |  |  |  |
| 10 NCAC 14 V 7006 |  | 1201 NCR 31 Tcmp Expired $03 / 2$ | 1207 NCR 511 98 | - |  |  |  |  |  |  |
| 10 NCAC 14V7201 | 1305 NCR 436 |  | 1313 NCR 1042 | . |  |  |  |  |  |  |
| 10 NCAC 14V 7202 | 1305 NCR 436 |  | 1313 NCR 1042 | - |  |  |  |  |  |  |
| 10 NCAC 14V 7203 | 1305 NCR 436 |  | 1313 NCR 1042 | - |  |  |  |  |  |  |
| 10 NCAC 14 V 7204 | 1305 NCR 436 |  | 1313 NCR 1042 | - |  |  |  |  |  |  |
| 10 NCAC 14 V 7205 | 1305 NCR 436 |  | 1313 NCR1042 | . |  |  |  |  |  |  |
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| 10 NCAC 24 | 1406 NCR 427 |  |  |  |  |  |  |  |  |  |
| 10 NCAC 29 C 0103 |  | 1306 NCR 566 | 1319 NCR 1611 | - | Aprove | 07/15/99 |  |  | 1406 NCR 490 |  |
| 10 NCAC 29C 0201 | 1410 NCR 798 | 1410 NCR 798 |  |  |  |  |  |  |  |  |
| 10 NCAC 29C 0201 | 1412 NCR 1036 | 1412 NCR 1036 |  |  |  |  |  |  |  |  |
| 10 NCAC 29C 0202 | 1410 NCR 798 | 1410 NCR 798 |  |  |  |  |  |  |  |  |
| 10 NCAC 29C 0202 | 1412 NCR 1036 | 1412 NCR 1036 |  |  |  |  |  |  |  |  |
| 10 NCAC 29 C 0203 | 1410 NCR 798 | 1410 NCR 798 |  |  |  |  |  |  |  |  |
| 10 NCAC 29C 0204 | 1410 NCR 798 | 1410 NCR 798 |  |  |  |  |  |  |  |  |
| 10 NCAC 29C 0205 | 1410 NCR 798 | 1410 NCR 798 |  |  |  |  |  |  |  |  |
| 10 NCAC 29C 0206 | 1410 NCR 798 | 1410 NCR 798 |  |  |  |  |  |  |  |  |
| 10 NCAC 41 H 0304 | 1410 NCR 742 |  | 1416 NCR 1406 | - |  |  |  |  |  |  |
| 10 NCAC 4110102 | 1017 NCR 2228 |  | 1021 NCR 2687 | - |  |  |  |  |  |  |
| 10 NCAC 4IP 0106 | 1410 NCR 742 |  | 1416 NCR1406 | - |  |  |  |  |  |  |
| 10 NCAC 4150613 |  | 1404 NCR 321 | 1418 NCR 1600 | - |  |  |  |  |  |  |
| 10 NCAC 42A 0801 | 1406 NCR 427 | 1408 NCR 602 | 1413 NCR 1100 | S/L |  |  |  |  |  |  |
| 10 NCAC 42A 0802 | 1406 NCR 427 | 1408 NCR 602 | 1413 NCR 1100 | S/L |  |  |  |  |  |  |
| 10 NCAC 42A 0803 | 1406 NCR 427 | 1408 NCR 602 | 1413 NCR 1100 | S/L |  |  |  |  |  |  |
| 10 NCAC 42A 0804 | 1406 NCR 427 | 1408 NCR 602 | 1413 NCR 1100 | S/L |  |  |  |  |  |  |

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10 NCAC 20 C 02031407 NCR 519 10 NCAC 20C 02041407 NCR 519 10 NCAC 20C 02051407 NCR 519 10 NCAC 20C 02061407 NCR 519 10 NCAC $20 \mathrm{C} 0301 \quad 1407$ NCR 519
 10 NCAC 20C $0303 \quad 1407$ NCR 519 10 NCAC 20C 03041407 NCR 519 10 NCAC 20C $0305 \quad 1407$ NCR 519 10 NCAC $20 \mathrm{C} 0306 \quad 1407$ NCR 519 10 NCAC 20C 03071407 NCR 519 10 PCCAC 20C $0308 \quad 1407$ NCR 519 10 NCAC 20C $0310 \quad 1407$ NCR 519 10 NCAC 20C $0311 \quad 1407$ NCR 519 10 NCAC 20C $0313 \quad 1407$ NCR 519 10 NCAC 20C $0314 \quad 1407$ NCR 519 10 NCAC 20C $0315 \quad 1407$ NCR 519 10 NCAC 20C $0316 \quad 1407$ NCR 519 10 NCAC 20 C 0401 10 NCAC 20C 040R 1407 NCR 519 10 NCAC 20C $0502 \quad 1407$ NCR 519 10 NCAC 20C $0601 \quad 1407$ NCR 519 10 NCAC 20C $0603-1407$ NCR 519 10 NCAC 20C 06041407 NCR 519 10 NCAC 20D 01011407 NCR 519 10 NCAC 20D 02011407 NCR 519
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1410 NCR 839
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1405 NCR 402 1405 NCR 402 1405 NCR 402 1410 NCR R39
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| 12 NCAC 09E 0107 | 1314 NCR 1110 |  | 1319 NCR 1611 | - | Approve | 06/17/99 |  |  | 1405 NCR 402 |  |
| Private Protective Scrvices Board |  |  |  |  |  |  |  |  |  |  |
| 12 NCAC 07D 0807 | 1314 NCR 1110 |  | 1407 NCR 523 | - |  |  |  |  |  |  |
| Sheriffs Education and Trainine Standards Commission |  |  |  |  |  |  |  |  |  |  |
| 12 NCAC 10 B 0103 | 1314 NCR1110 |  | 1319 NCR 1637 | 5 | Ob.cct <br> Relurn to Asey <br> Apytove | $\begin{aligned} & 06 / 17 / 99 \\ & 07 / / 5 / 99 \\ & 11 / 17 / 99 \end{aligned}$ | * |  | 1415 NCR 1354 |  |
| 12 NCAC 10 BH 0302 | 1412 NCR 957 |  | 1416 NCR 1410 | . |  |  |  |  |  |  |
| 12 NCAC 10B 0303 | 1412 NCR 957 |  | 1416 NCR 1410 | - |  |  |  |  |  |  |
| 12 NCAC 10 B 0502 | 1314 NCR 1110 |  | 1319 NCR 1637 | L | Oblect Approve | $\begin{aligned} & 06 / 17 / 99 \\ & 11 / 17 / 99 \end{aligned}$ | - |  | 1415 NCR 1354 |  |
| 12 NCAC 10 B 0505 | 1314 NCR 1110 |  | 1319 NCR 1637 | . | Aprrove | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 10B 0506 | 1314 NCR1110 |  | 1319 NCR 1637 | . | Aprove | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 10B 0507 | 1314 NCR 1110 |  | 1319 NCR 1637 | * | Approve | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 10 B 0508 | 1314 NCR 1110 |  | 1319 NCR 1637 | * | Arptove | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 10B 0509 | 1314 NCR 1110 |  | 1319 NCR 1637 | . | Approve | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 108 0601 | 1314 NCR 1110 |  | 1319 NCR 1637 | 5/L | Object Approve | $\begin{aligned} & 06 / 17 / 99 \\ & 11 / 17 / 99 \end{aligned}$ | - |  | 1415 NCR 1354 |  |
| 12 NCAC 10B 0606 | 1314 NCR 1110 |  |  |  |  |  |  |  |  |  |
| 12 NCAC 108 0607 | 1314 NCR 1110 |  |  |  |  |  |  |  |  |  |
| 12 NCAC 10B 0703 | 1314 NCR 1110 |  | 1319 NCR 1637 | S/L | Aprtove | 06/17/99 | - |  | 1405 NCR 402 |  |
| 12 NCAC 10 B 090 B | 1314 NCR IILO |  | 1319 NCR 1637 | 5/L | Aperove | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 10 B 0909 | 1412 NCR 957 |  | 1416 NCR 1410 | , |  |  |  |  |  |  |
| 12 NCAC 10 BB 1002 | 1314 NCR 1110 |  | 1319 NCR 1637 | - | Approve | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 1081401 | 1314 NCR 1110 |  | 1319 NCR 1637 | S | Approve | 06/17/99 |  |  | 1405 NCR 402 |  |
| 12 NCAC 10B 1402 | 1314 NCR 1110 |  | 1319 NCR 1637 | 5 | Apptove | 06/17/99 | * |  | 1405 NCR 402 |  |
| 12 NCAC 10B 1403 | 1314 NCR 1110 |  | 1319 NCR 1637 | S | Arprove | 06/17/99 | * |  | 1405 NCR 402 |  |
| 12 NCAC 10B 1404 | 1314 NCR 1110 |  | 1319 NCR 1637 | 5 | Approve | 06/1799 | - |  | 1405 NCR 402 |  |
| 12 NCAC 10 BP 1405 | 1314 NCR 1110 |  | 1319 NCR 1637 | 5 | Approve | 06/17/99 | * |  | 1405 NCR 402 |  |
| 12 NCAC 10 B 1406 | 1314 NCR 1110 |  | 1319 NCR 1637 | 5 | Aprtove | 06/27/99 |  |  | 1405 NCR 402 |  |

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| 13 NCAC01B 0100 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC $01 B 8200$ | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 01 B 0300 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 01 B 0400 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC OIB 0500 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC OLB 0600 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC OLC 0100 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 01 C 0200 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC OLC 0300 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC OLC 0400 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
| 13 NCAC OIC 0500 | 1407 NCR 519 |  |  |  |  |  |  |  |  |  |
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| 13 NCAC 15.0201 |  | 1414 NCR 1315 |  |  |  |  |  |  |  |  |
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| Verbatim Adoption Federal Standards |  |  |  |  |  |  |  |  |  | 1407 NCR 517 |
| 13 NCAC 77A 0401 | 1402 NCR 78 |  | 1412 NCR 961 | - |  |  |  |  |  |  |
| 13 NCAC 07F 0101 | 1402 NCR 78 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 07F 0201 | 1103 NCR 106 |  | 1416 NCR 1412 | N/A |  |  |  |  |  |  |
| 13 NCAC 07F 0201 | 1402 NCR 78 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 07F 0410 | 1402 NCR 78 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 07F 0601 | 1302 NCR 176 |  | 1321 NCR 1786 | S/LSE | ObJect | 10/04/99 |  |  |  |  |
|  |  |  |  |  | ObJect | 12/16/99 |  |  |  |  |
| 13 NCAC 07F 0602 | 1302 NCR 176 |  | 1321 NCR 1786 | S/L | ObJect Oblect | $\begin{aligned} & 11 / 164 / 99 \\ & 12 / 16 / 99 \end{aligned}$ |  |  |  |  |
| 13 NCAC 07F 0603 | 1302 NCR 176 |  | 1321 NCR 1786 | S/L/SE | ObJect | 10/04/99 |  |  |  |  |
| 13 NCAC 07F 0604 | 1302 NCR 176 |  | 1321 NCR 1786 | S/L/SE | ObJect <br> ObJect | $\begin{aligned} & 12 / 16 / 99 \\ & 10 / 04 / 99 \end{aligned}$ |  |  |  |  |

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| 13 NCAC 07 F 0605 | 1302 NCR 176 |  | 1321 NCR 1786 | S/L/SE | Oblect | 10/04/99 |  |  |  |  |
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| 13 NCAC 07F 0606 | 1302 NCR 176 |  | 1321 NCR 1786 | S/L | Oblect | 10/04/99 |  |  |  |  |
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| 13 NCAC 190101 | N/A | N/A | N/A | N/A | Aprrove | 08/19/99 |  |  | 1409 NCR 708 |  |
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| 13 NCAC 120501 | 1303 NCR 268 |  |  |  |  |  |  |  |  |  |
| 13 NCAC 12 0R01 | 1303 NCR 268 |  |  |  |  |  |  |  |  |  |
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| 21 NCAC 26.0101 | 1405 NCR 373 |  | 1412 NCR 1015 | - |  |  |  |  |  |  |
| 21 NCAC 26.0104 | 1405 NCR 373 |  | 1412 NCR 1015 | * |  |  |  |  |  |  |
| 21 NCAC 260105 | 1405 NCR 373 |  | 1412 NCR 1015 | . |  |  |  |  |  |  |
| 21 NCAC 260302 | 1405 NCR 373 |  | 1412 NCR 1015 | - |  |  |  |  |  |  |
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| 21 NCAC 300102 |  | 14 IR NCR 1619 |  |  |  |  |  |  |  |  |
| 21 NCAC 30.0201 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
| 21 NCAC 300202 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
| 21 NCAC 300203 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
| 21 NCAC 300204 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
| 21 NCAC 300301 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
| 21 NCAC 30.0302 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
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| 21 NCAC 300304 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
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| 21 NCAC 300306 |  | 1418 NCR 1619 |  |  |  |  |  |  |  |  |
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| 21 NCAC 3200120 | 1118 NCR 1369 |  | 1308 NCR 709 | - |  |  |  |  |  |  |
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| 21 NCAC 32R 0104 | 1403 NCR 127 |  | 1416 NCR 1455 | - |  |  |  |  |  |  |
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| 21 NCAC 330102 | 1412 NCR 958 |  | 1416 NCR 1456 | * |  |  |  |  |  |  |
| 21 NCAC 330104 | 1412 NCR 958 |  | 1416 NCR 1456 | * |  |  |  |  |  |  |
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| 21 NCAC 360213 | 1322 NCR 1821 |  | 1402 NCR 82 | - | Approve | 11/17/99 |  |  | 1415 NCR 1354 |  |
| 21 NCAC 360220 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 360221 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 36.0227 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 36031 B | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 360404 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 36.0405 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 36.0701 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 360702 | 1407 NCR 52l |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 360703 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
| 21 NCAC 360704 | 1407 NCR 521 |  | 1412 NCR 1016 | - |  |  |  |  |  | 1413 NCR 1090 |
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| 21 NCAC 37E 0101 | 1408 NCR 578 |  | 1413 NCR 1149 |
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| 21 NCAC 37F 0101 | 1408 NCR 578 |  | 1413 NCR 1149 |
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| 21 NCAC 461413 | 1322 NCR 1821 |  | 1406 NCR 480 | - | Approve | 11/17/99 | - |  | 1415 NCR 1354 |  |
| 21 NCAC 461414 | 1322 NCR 1821 |  |  |  |  |  |  |  |  |  |
| 21 NCAC 461508 | 1322 NCR 1821 |  | 1406 NCR 480 | * | Approve | 11/17/99 | . |  | 1415 NCR 1354 |  |
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| 21 NCAC 54 2504 | 1205 NCR 33R |  |  |  |  |  |  |  |  |  |
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| 16 NCAC 06D 0503 |  |  | 1324 NCR 2008 | 5 | Ob.cet | 10/04/99 |  |  |  |  |
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| 16 NCAC 06D 0503 |  |  | 1417 NCR 1506 | * |  |  |  |  |  |  |
| 16 NCAC 06D 0504 |  |  | 1324 NCR 2008 | 5 | Ob.ect | 10/04/99 |  |  |  |  |
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| 16 NCAC 06D 0505 |  |  | 1324 NCR 2008 | 5 | Aprtove | 10/04/99 | - |  | 1415 NCR 1354 |  |
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| 16 NCAC 06E 0301 |  | 1305 NCR 523 |  |  |  |  |  |  |  |  |
| 16 NCAC 06E 0301 |  | 1418 NCR 1618 |  |  |  |  |  |  |  |  |
| 16 NCAC 06E 0301 |  |  | 1318 NCR 1503 | - | Aprtove | 07/15/99 |  |  | 1406 NCR 490 |  |
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| 16 NCAC 06G 0309 |  |  | 1318 NCR 1503 | . | Aprove | 07/15/99 |  |  | 1406 NCR 490 |  |
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| 16 NCAC 06G 0502 |  |  | 1318 NCR 1503 | - | Return to Ascy | 07/15/99 |  |  |  |  |
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| 16 NCAC $06 \mathrm{H}^{0} 0101$ |  |  | 1318 NCR 1503 | - | Return to Abcy | 07/15/99 |  |  |  |  |
| 16 NCAC 06 H 0101 | N/A |  | N/A | N/A | Aprove | 10/04/99 |  |  | 1415 NCR 1354 |  |
| 16 NCAC 06H 0103 |  |  | 1318 NCR 1503 | - | Return to Ascy | 07/15/99 |  |  |  |  |
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| 16 NCAC 06H 0105 |  |  | 1318 NCR 1503 | - | Return to Ascy | 07/15/99 |  |  |  |  |
| 16 NCAC 06H 0105 | N/A |  | N/A | N/A | Aprove | 10/04/99 |  |  | 1415 NCR 1354 |  |
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| 16 NCAC 06H 0i07 | N/A |  | N/A | N/A | Arptove | 10/04/99 |  |  | 1415 NCR 1354 |  |
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| 15 NCAC 06\% 0108 | N/A |  | N/A | N/A | A\% ${ }^{\text {diove }}$ | 10/04/99 |  |  | 1415 NCR 1354 |  |

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| 16 NCAC 06 H 0109 |  |  | 1318 NCR 1503 | - | Return to Ascy | 07/15/99 |  |  |  |  |
| 16 NCAC 06H 0109 | N/A |  | N/A | N/A | Approve | 10/04/99 |  |  | 1415 NCR 1354 |  |
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| 21 NCAC 58A 0109 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0110 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0113 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0114 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0301 | 1405 NCR 429 |  | 1410 NCR 772 | . |  |  |  |  |  |  |
| 21 NCAC 58A 0302 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0303 | 1405 NCR 429 |  | 1410 NCR 772 | 5 |  |  |  |  |  |  |
| 21 NCAC 5RA 0304 | 1405 NCR 429 |  | 1410 NCR 772 | . |  |  |  |  |  |  |
| 21 NCAC 58A 0401 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0402 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0403 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0404 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0406 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0503 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0505 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58A 0601 | 1406 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 5RA 0615 | 1405 NCR 429 |  | 1410 NCR 772 | . |  |  |  |  |  |  |
| 21 NCAC 5RA 1402 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 5RA 1703 | 1405 NCR 429 |  | 1410 NCR 772 | $\cdot$ |  |  |  |  |  |  |
| 21 NCAC 5RA 1708 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58B 0101 | 1405 NCR 429 |  | 1410 NCR 772 | - |  |  |  |  |  |  |
| 21 NCAC 58B 0102 | 1406 NCR 429 |  | 1410 NCR 772 | . |  |  |  |  |  |  |


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> 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR. 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772 1410 NCR 772

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| 21 NCAC 5RE 0205 | 1406 NCR 429 |  | 1410 NCR 772 | * |  |  |  |  |  |  |
| 21 NCAC 58E 0304 | 1406 NCR 429 |  | 1410 NCR 772 | * |  |  |  |  |  |  |
| 21 NCAC 5RE 0310 | 1406 NCR 429 |  | 1410 NCR 772 | * |  |  |  |  |  |  |
| 21 NCAC 5RE 0412 | 1406 NCR 429 |  | 1410 NCR 772 | . |  |  |  |  |  |  |
| 21 NCAC 5RE 0515 | 1406 NCR 429 |  | 1410 NCR 772 | . |  |  |  |  |  |  |
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| 21 NCAC 600102 | 14 OR NCR 579 |  | 1412 NCR 1028 | * |  |  |  |  |  |  |
| 21 NCAC 600207 | 14 OR NCR 579 |  | 1412 NCR 1028 | * |  |  |  |  |  |  |
| 21 NCAC 600311 | 1408 NCR 579 |  | 1412 NCR 1028 | $\cdots$ |  |  |  |  |  |  |
| 21 NCAC 600316 | 1408 NCR 579 |  | 1412 NCR 1028 | . |  |  |  |  |  |  |
| 21 NCAC 601102 | 1408 NCR 579 |  | 1412 NCR 1028 | - |  |  |  |  |  |  |
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| 17 NCAC 01 C 0502 | N/A |  | 1416 NCR 1424 | - |  |  |  |  |  |  |
| 17 NCAC 01 C .0504 | N/A |  | 1416 NCR 1424 | * |  |  |  |  |  |  |
| 17 NCAC 01 C 0506 | N/A |  | 1416 NCR 1424 | * |  |  |  |  |  |  |
| 17 NCAC 01 C 0509 | N/A |  | 1416 NCR 1424 | * |  |  |  |  |  |  |
| 17 NCAC 01 C 060 l | N/A |  | 1416 NCR 1424 | - |  |  |  |  |  |  |
| 17 NCAC 03B 0302 | N/A |  | 1416 NCR 1427 | . |  |  |  |  |  |  |
| 17 NCAC 03C 010 R | N/A |  | 1416 NCR 1427 | - |  |  |  |  |  |  |
| 17 NCAC 04 B 0102 | N/A |  | 13 OR NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04 B 0104 | N/A |  | 13 OR NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0105 | N/A |  | 13 OR NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0106 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0107 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0301 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0302 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0306 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0308 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |

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| 17 NCAC 04 B 0309 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04 B 0310 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0311 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0312 | N/A |  | 13 ar NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 0403 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 0480405 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 2902 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 4301 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04B 4301 | N/A |  | 1416 NCR 1428 | $\cdot$ |  |  |  |  |  |  |
| 17 NCAC 04B 4302 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 048 4302 | N/A |  | 1416 NCR 1428 | - |  |  |  |  |  |  |
| 17 NCAC 0484401 | N/A |  | 1416 NCR 1428 |  |  |  |  |  |  |  |
| 17 NCAC 048 4402 | N/A |  | 1415 NCR 1428 | - |  |  |  |  |  |  |
| 17 NCAC 04C 0603 | N/A |  | 1416 NCR 1428 |  |  |  |  |  |  |  |
| 17 NCAC 04C 1101 | N/A |  | 1416 NCR 1428 | . |  |  |  |  |  |  |
| 17 NCAC 04C 1801 | N/A |  | 1416 NCR 1428 | . |  |  |  |  |  |  |
| 17 NCAC 04E 0102 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04E 0103 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04E 0291 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04E 0291 | N/A |  | 1416 NCR 1428 | - |  |  |  |  |  |  |
| 17 NCAC 04E 0202 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04E 0203 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04E 0302 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04E 0703 | N/A |  | 1308 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 04 F 0005 | N/A |  | 13 08 NCR 690 | N/A |  |  |  |  |  |  |
| 17 NCAC 05B 0603 | N/A |  | 1416 NCR 1431 | . |  |  |  |  |  |  |
| 17 NCAC 05 B 0803 | N/A |  | 1416 NCR 1431 | - |  |  |  |  |  |  |
| 17 NCAC 05B 0903 | N/A |  | 1416 NCR 1431 | . |  |  |  |  |  |  |


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|  |  | 1408 NCR 645 | 1408 NCR 645 | . | Approve | 01/20/00 |  |  |  |  |
| 18 NCAC 061709 | 1417 NCR 1497 |  |  |  |  |  |  |  |  |  |
| 18 NCAC 061802 |  | 1207 NCR 534 | 1214 NCR 1312 | - |  |  |  |  |  |  |
|  |  | Tcme Expired 06 |  |  |  |  |  |  |  |  |
| IR NCAC 061803 |  | 1207 NCR 534 <br> Temp Expired 06/2 | $1214 \text { NCR } 1312$ | * |  |  |  |  |  |  |
| 18 NCAC 100101 | 1309 NCR 759 | 1314 NCR 1153 <br> Expired 10/12/99 <br> 1318 NCR 1556 <br> Expired 12/0/09 <br> 1412 NCR 1046 |  |  |  |  |  |  |  | emp Filed over ob |
| 18 NCAC 100201 | 1309 NCR 759 | 13 14 NCR1153 <br> Expired 10/12/99 <br> 13 IR NCR 1556 <br> Expired 12/10/99 <br> 1412 NCR 1046 |  |  |  |  |  |  |  |  |
| 18 NCAC 100301 | 1309 NCR 759 | 1412 NCR 1046 1314 NCR 1153 Expired 10/2/99 1318 NCR 1556 Expired 12/10/99 |  |  |  |  |  |  |  | Filed over ob. |
| 18 NCAC 10.0302 | 1309 NCR 759 | 1412 NCR 1046 1314 NCR 1153 Expired 10/12/99 |  |  |  |  |  |  |  | Temp Filed over ob. Temp Filed over ob |
| 18 NCAC 100303 | 1309 NCR 759 | 1314 NCR 1153 <br> Expired 10/12/99 <br> 1412 NCR 1046 |  |  |  |  |  |  |  | Temp Filed over ob |
| IR NCAC 100304 | 1309 NCR 759 | $\begin{aligned} & 1314 \text { NCR } 1153 \\ & \text { Expircd } 10 / 12 / 99 \\ & 1412 \text { NCR } 1046 \end{aligned}$ |  |  |  |  |  |  |  | Temp Filed over obl |
| 18 NCAC 100305 | 1309 NCR 759 | 1314 NCR 1153 <br> Expired 10/2 $1 / 99$ <br> 1318 NCR 1556 <br> Expired 12/0/99 <br> 1412 NCR 1046 |  |  |  |  |  |  |  | Temp Filed over ob |
| 18 NCAC 100306 |  | 1318 NCR 1556 Expired 12/0/09 1412 NCR 1046 |  |  |  |  |  |  |  | Teme Filed over ob. |
| 18 NCAC 100307 |  | 1318 NCR 1556 Expired I2/10/99 |  |  |  |  |  |  |  |  |



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| 21 NCAC 63 | 0201 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
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| 21 NCAC 63 | 0202 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0204 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0205 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0206 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0207 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0208 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0209 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0210 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0211 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
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| 21 NCAC 63 | 0301 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0302 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0303 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0304 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0305 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0306 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0401 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0402 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR1249 |
| 21 NCAC 63 | 0403 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0404 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0501 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0503 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
| 21 NCAC 63 | 0507 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 |
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| 21 NCAC 630601 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630602 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 530603 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630604 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630507 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 630609 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 630701 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 630702 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630703 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630704 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 530801 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR1249 | . |  |  |  |  |  |  |
| 21 NCAC 630802 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630803 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630804 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630805 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 63 DR06 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 630807 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | . |  |  |  |  |  |  |
| 21 NCAC 63 0r0x | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 630809 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
| 21 NCAC 630820 | 1409 NCR 697 | 1409 NCR 697 | 1414 NCR 1249 | - |  |  |  |  |  |  |
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| 25 NCAC 01 B 0354 | 1305 NCR 436 |  | 1309 NCR 773 | - |  |  |  |  |  |  |
| 25 NCAC OLB 0414 |  | 1318 NCR 1560 | 1322 NCR 1850 | - | Apyrove | 10/04/99 | - |  | 1410 NCR 839 |  |
| 25 NCAC 01 B 0434 |  | 1318 NCR 1560 | 1322 NCR 1850 | - | Approve | 10/04/99 | - |  | 1410 NCR 839 |  |
| 25 NCAC 01B 0437 | 1305 NCR 436 |  | 1309 NCR 773 | - | Obicct Aphrove | $\begin{aligned} & 10 / 04 / 99 \\ & 11 / 17 / 99 \end{aligned}$ | * |  | 1415 NCR 1354 |  |
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    Filed as a Temporary Amendment EnI May 21 1999.

[^2]:    Consolidated Cases

[^3]:    1412 NCR 963
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