



Volume 15, Issue 22  
Pages 1852 - 1897

May 15, 2001

This issue contains documents officially filed  
through April 24, 2001.

Office of Administrative Hearings  
Rules Division  
424 North Blount Street (27601)  
6714 Mail Service Center  
Raleigh, NC 27699-6714  
(919) 733-2678  
FAX (919) 733-3462

Julian Mann III, Director  
Camille Winston, Deputy Director  
Molly Masich, Director of APA Services  
Ruby Creech, Publications Coordinator  
Linda Dupree, Editorial Assistant  
Dana Sholes, Editorial Assistant  
Rhonda Wright, Editorial Assistant

**I. IN ADDITION**

Elections, Board of, Written Opinions..... 1852 - 1854

**II. RULE-MAKING PROCEEDINGS**

**Environment and Natural Resources**

Coastal Resources Commission..... 1857 - 1858

Environmental Management..... 1855 - 1857

Marine Fisheries Commission..... 1857

**Licensing Boards**

Appraisal Board ..... 1859

General Contractors ..... 1858 - 1859

Pharmacy, Board of ..... 1859

**III. PROPOSED RULES**

**Environment and Natural Resources**

Marine Fisheries Commission..... 1862 - 1864

**Health and Human Services**

Mental Health, Developmental Disabilities

And Substance Abuse Services ..... 1860 - 1862

**State Personnel**

State Personnel Commission..... 1864 - 1869

**IV. TEMPORARY RULES**

**Environment and Natural Resources**

Environmental Management..... 1877 - 1880

Marine Fisheries Commission..... 1880 - 1883

**Health and Human Services**

Facilities Services ..... 1870 - 1874

Medical Care Commission..... 1874 - 1877

**V. RULES REVIEW COMMISSION** ..... 1884 - 1885

**VI. CONTESTED CASE DECISIONS**

Index to ALJ Decisions ..... 1886 - 1897

**VII. CUMULATIVE INDEX** ..... 1 - 85

*North Carolina Register* is published semi-monthly for \$195 per year by the Office of Administrative Hearings, 424 North Blount Street, Raleigh, NC 27601. *North Carolina Register* (ISSN 15200604) to mail at Periodicals Rates is paid at Raleigh, NC. POSTMASTER: Send Address changes to the *North Carolina Register*, 6714 Mail Service Center, Raleigh, NC 27699-6714.

**NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM**

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

**TITLE/MAJOR DIVISIONS OF THE NORTH CAROLINA ADMINISTRATIVE CODE**

<b>TITLE</b>	<b>DEPARTMENT</b>	<b>LICENSING BOARDS</b>	<b>CHAPTER</b>
1	Administration	Acupuncture	1
2	Agriculture	Architecture	2
3	Auditor	Athletic Trainer Examiners	3
4	Commerce	Auctioneers	4
5	Correction	Barber Examiners	6
6	Council of State	Certified Public Accountant Examiners	8
7	Cultural Resources	Chiropractic Examiners	10
8	Elections	Employee Assistance Professionals	11
9	Governor	General Contractors	12
10	Health and Human Services	Cosmetic Art Examiners	14
11	Insurance	Dental Examiners	16
12	Justice	Dietetics/Nutrition	17
13	Labor	Electrical Contractors	18
14A	Crime Control & Public Safety	Electrolysis	19
15A	Environment and Natural Resources	Foresters	20
16	Public Education	Geologists	21
17	Revenue	Hearing Aid Dealers and Fitters	22
18	Secretary of State	Landscape Architects	26
19A	Transportation	Landscape Contractors	28
20	Treasurer	Massage & Bodywork Therapy	30
*21	Occupational Licensing Boards	Marital and Family Therapy	31
22	Administrative Procedures (Repealed)	Medical Examiners	32
23	Community Colleges	Midwifery Joint Committee	33
24	Independent Agencies	Mortuary Science	34
25	State Personnel	Nursing	36
26	Administrative Hearings	Nursing Home Administrators	37
27	NC State Bar	Occupational Therapists	38
28	Juvenile Justice and Delinquency	Opticians	40
	Prevention	Optometry	42
		Osteopathic Examination & Reg. (Repealed)	44
		Pastoral Counselors, Fee-Based Practicing	45
		Pharmacy	46
		Physical Therapy Examiners	48
		Plumbing, Heating & Fire Sprinkler Contractors	50
		Podiatry Examiners	52
		Professional Counselors	53
		Psychology Board	54
		Professional Engineers & Land Surveyors	56
		Real Estate Appraisal Board	57
		Real Estate Commission	58
		Refrigeration Examiners	60
		Sanitarian Examiners	62
		Social Work Certification	63
		Soil Scientists	69
		Speech & Language Pathologists & Audiologists	64
		Substance Abuse Professionals	68
		Therapeutic Recreation Certification	65
		Veterinary Medical Board	66

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

**NORTH CAROLINA REGISTER**  
 Publication Schedule for July 2000 – June 2001

Filing Deadlines			Notice of Rule-Making Proceedings	Notice of Text							Temporary Rule
volume & issue number	issue date	last day for filing	earliest register issue for publication of text	earliest date for public hearing	non-substantial economic impact			substantial economic impact			270 <sup>th</sup> day from issue date
					end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	end of required comment period	deadline to submit to RRC for review at next meeting	first legislative day of the next regular session	
15:13	01/02/01	12/07/00	03/15/01	01/17/01	02/01/01	02/20/01	05/00/02	03/05/01	03/20/01	05/00/02	09/29/01
15:14	01/16/01	12/20/00	04/02/01	01/31/01	02/15/01	02/20/01	05/00/02	03/19/01	03/20/01	05/00/02	10/13/01
15:15	02/01/01	01/10/01	04/02/01	02/16/01	03/05/01	03/20/01	05/00/02	04/02/01	04/20/01	05/00/02	10/29/01
15:16	02/15/01	01/25/01	05/01/01	03/02/01	03/19/01	03/20/01	05/00/02	04/16/01	04/20/01	05/00/02	11/12/01
15:17	03/01/01	02/08/01	05/01/01	03/16/01	04/02/01	04/20/01	05/00/02	04/30/01	05/21/01	05/00/02	11/26/01
15:18	03/15/01	02/22/01	05/15/01	03/30/01	04/16/01	04/20/01	05/00/02	05/14/01	05/21/01	05/00/02	12/10/01
15:19	04/02/01	03/12/01	06/01/01	04/17/01	05/02/01	05/21/01	05/00/02	06/01/01	06/20/01	05/00/02	12/28/01
15:20	04/16/01	03/26/01	06/15/01	05/01/01	05/16/01	05/21/01	05/00/02	06/15/01	06/20/01	05/00/02	01/11/02
15:21	05/01/01	04/10/01	07/02/01	05/16/01	05/31/01	06/20/01	05/00/02	07/02/01	07/20/01	05/00/02	01/26/02
15:22	05/15/01	04/24/01	07/16/01	05/30/01	06/14/01	06/20/01	05/00/02	07/16/01	07/20/01	05/00/02	02/09/02
15:23	06/01/01	05/11/01	08/01/01	06/18/01	07/02/01	07/20/01	05/00/02	07/31/01	08/20/01	05/00/02	02/26/02
15:24	06/15/01	05/25/01	08/15/01	07/02/01	07/16/01	07/20/01	05/00/02	08/14/01	08/20/01	05/00/02	03/12/02
16:01	07/02/01	06/11/01	09/04/01	07/17/01	08/01/01	08/20/01	05/00/02	08/31/01	09/20/01	05/00/02	03/29/02
16:02	07/16/01	06/22/01	09/17/01	07/31/01	08/15/01	08/20/01	05/00/02	09/14/01	09/20/01	05/00/02	04/12/02
16:03	08/01/01	07/11/01	10/01/01	08/16/01	08/31/01	09/20/01	05/00/02	10/01/01	10/22/01	05/00/02	04/28/02
16:04	08/15/01	07/25/01	10/15/01	08/30/01	09/14/01	09/20/01	05/00/02	10/15/01	10/22/01	05/00/02	05/12/02
16:05	09/04/01	08/13/01	11/15/01	09/19/01	10/04/01	10/22/01	05/00/02	11/05/01	11/20/01	05/00/02	06/01/02
16:06	09/17/01	08/24/01	12/03/01	10/02/01	10/17/01	10/22/01	05/00/02	11/16/01	11/20/01	05/00/02	06/14/02
16:07	10/01/01	09/10/01	12/03/01	10/16/01	10/31/01	11/20/01	05/00/02	11/30/01	12/20/01	05/00/02	06/28/02
16:08	10/15/01	09/24/01	12/17/01	10/30/01	11/14/01	11/20/01	05/00/02	12/14/01	12/20/01	05/00/02	07/12/02
16:09	11/01/01	10/11/01	01/02/02	11/16/01	12/03/01	12/20/01	05/00/02	12/31/01	01/21/02	05/00/02	07/29/02
16:10	11/15/01	10/24/01	01/15/02	11/30/01	12/17/01	12/20/01	05/00/02	01/14/02	01/21/02	05/00/02	08/12/02
16:11	12/03/01	11/07/01	02/01/02	12/18/01	01/02/02	01/22/02	05/00/02	02/01/02	02/20/02	05/00/02	08/30/02
16:12	12/17/01	11/26/01	02/15/02	01/02/02	01/16/02	01/22/02	05/00/02	02/15/02	02/20/02	05/00/02	09/13/02

## EXPLANATION OF THE PUBLICATION SCHEDULE

This Publication Schedule is prepared by the Office of Administrative Hearings as a public service and the computation of time periods are not to be deemed binding or controlling. Time is computed according to 26 NCAC 2C .0302 and the Rules of Civil Procedure, Rule 6.

### GENERAL

The North Carolina Register shall be published twice a month and contains the following information submitted for publication by a state agency:

- (1) temporary rules;
- (2) notices of rule-making proceedings;
- (3) text of proposed rules;
- (4) text of permanent rules approved by the Rules Review Commission;
- (5) notices of receipt of a petition for municipal incorporation, as required by G.S. 120-165;
- (6) Executive Orders of the Governor;
- (7) final decision letters from the U.S. Attorney General concerning changes in laws affecting voting in a jurisdiction subject of Section 5 of the Voting Rights Act of 1965, as required by G.S. 120-30.9H;
- (8) orders of the Tax Review Board issued under G.S. 105-241.2; and
- (9) other information the Codifier of Rules determines to be helpful to the public.

**COMPUTING TIME:** In computing time in the schedule, the day of publication of the North Carolina Register is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday, or State holiday, in which event the period runs until the preceding day which is not a Saturday, Sunday, or State holiday.

### FILING DEADLINES

**ISSUE DATE:** The Register is published on the first and fifteen of each month if the first or fifteenth of the month is not a Saturday, Sunday, or State holiday for employees mandated by the State Personnel Commission. If the first or fifteenth of any month is a Saturday, Sunday, or a holiday for State employees, the North Carolina Register issue for that day will be published on the day of that month after the first or fifteenth that is not a Saturday, Sunday, or holiday for State employees.

**LAST DAY FOR FILING:** The last day for filing for any issue is 15 days before the issue date excluding Saturdays, Sundays, and holidays for State employees.

### NOTICE OF RULE-MAKING PROCEEDINGS

**END OF COMMENT PERIOD TO A NOTICE OF RULE-MAKING PROCEEDINGS:** This date is 60 days from the issue date. An agency shall accept comments on the notice of rule-making proceeding until the text of the proposed rules is published, and the text of the proposed rule shall not be published until at least 60 days after the notice of rule-making proceedings was published.

**EARLIEST REGISTER ISSUE FOR PUBLICATION OF TEXT:** The date of the next issue following the end of the comment period.

### NOTICE OF TEXT

**EARLIEST DATE FOR PUBLIC HEARING:** The hearing date shall be at least 15 days after the date a notice of the hearing is published.

### END OF REQUIRED COMMENT PERIOD

- (1) **RULE WITH NON-SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule for at least 30 days after the text is published or until the date of any public hearings held on the proposed rule, whichever is longer.
- (2) **RULE WITH SUBSTANTIAL ECONOMIC IMPACT:** An agency shall accept comments on the text of a proposed rule published in the Register and that has a substantial economic impact requiring a fiscal note under G.S. 150B-21.4(b1) for at least 60 days after publication or until the date of any public hearing held on the rule, whichever is longer.

### DEADLINE TO SUBMIT TO THE RULES REVIEW COMMISSION:

The Commission shall review a rule submitted to it on or before the twentieth of a month by the last day of the next month.

### FIRST LEGISLATIVE DAY OF THE NEXT REGULAR SESSION OF THE GENERAL ASSEMBLY:

This date is the first legislative day of the next regular session of the General Assembly following approval of the rule by the Rules Review Commission. See G.S. 150B-21.3, Effective date of rules.

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

**STATE BOARD OF ELECTIONS**

6400 Mail Service Center ? Raleigh, NC 27699-6400

GARY O. BARTLETT  
Director

Mailing Address:

PO Box 2169  
Raleigh, NC 27602-2169  
(919) 733-7173  
Fax (919) 715-0135

February 28, 2001

Mr. Ferrell Blount  
Southern Republican Leadership Conference 2002  
PO Box 12949  
Raleigh, NC 27605

Re: Southern Republican Leadership Conference 2002

Dear Mr. Blount,

Your letter dated February 22, 2001 details the plans for the Southern Republican Leadership Conference 2002 (SRLC) and requests a ruling pursuant to G. S. 163-278.23.

Contingent upon all the assurances and performances set out in your letter, SRLC will not be required to file a report disclosing the finances of the conference. The more important assurances given are as follow:

- The SRLC will be an independent business entity with separate accounts from the North Carolina Republican Party.
- All funds raised from corporations will be solicited by SRLC and spent on the actual conference.
- The North Carolina Republican Party will collect registration fees and will not solicit or accept any registration fees from any business entity.
- Any potential revenue derived by the North Carolina Republican Party will come totally from individual participants.

The November 1, 1989 letter of this office from Executive Secretary-Director Alex K. Brock to Mr. R. Jack Hawke and the October 31, 1989 letter of Mr. Hawke to this office, are attached and are incorporated into this opinion by reference.

If any of the circumstances of the 2002 SRLC conference set out in your recent letter change, please contact this office.

Sincerely,

Gary O. Bartlett  
Executive Secretary-Director

Attachments: Your letter of February 22, 2001  
Letter of Mr. Jack Hawke of October 31, 1989  
This office's letter of November 1, 1989

cc: North Carolina Republican Party

STATE BOARD OF ELECTIONS

6400 Mail Service Center ? Raleigh, NC 27699-6400

GARY O. BARTLETT  
Director

Mailing Address:

PO Box 2169  
Raleigh, NC 27602-2169  
(919) 733-7173  
Fax (919) 715-0135

April 18, 2001

Mr. Duane Royal  
Treasurer Sampson County Republican Party  
PO Box 1325  
Clinton, NC 28328

RE: Donation Use as to Party Headquarters

Dear Mr. Royal,

Your letter of March 29, 2001 requests guidance for political party building fund donation use and a ruling pursuant to GS 163-278.23. We welcome your request in order to have the opportunity to provide more detail to all parties as to this issue.

GS 163-278.19B controls the issue of donations to political party headquarters building funds. Please note (4) of that statute that specifically prohibits the use of building funds to pay utilities or to purchase equipment other than fixtures. Only expenditures authorized by GS 63-278.19B(4) may be made from the building fund. As such, the building fund can not be used to:

- (1) Pay utilities
- (2) Purchase furniture unless it becomes a fixture
- (3) Purchase computers or related information technology items unless they become fixtures

A display case affixed to the building would be a fixture, which could be paid for out of the building fund. A fixture is an item attached to realty to which an expectation attaches that it will stay on or in the real estate. This would include light fixtures, sinks, bathtubs, commodes, heating and air conditioning systems, built-in kitchen appliances, wallpaper or paint, installed carpet or flooring, window dressings, and other similar type items.

Since furniture and computers are not fixtures, they are not allowed to be paid under the provisions of GS 63-278.19(B). Thus the prohibition against contributions from corporations and business entities would come into play to make in-kind donations, of these types and from the list above, from businesses unlawful. In-kind donations by businesses of items and services allowed to be paid from a political party building fund would be lawful.

This office would interpret the "renovation" language found in the statute to allow repairs and maintenance to the building and fixtures (both as to the cost of materials and labor) to be paid for out of a political party building fund. Maintenance would also include pest control, lawn-care, and landscaping for the headquarters. Business entities would be able to provide funds or in-kind donations for these maintenance and repair needs as per the provisions of GS 163-278.19A.

This office would interpret that maintenance of the building would also include the costs of maintaining property insurance upon it and fixtures, but would exclude liability coverage and personal property coverage on non-fixture contents. Thus it may be necessary that the insurance premium on the party headquarters be unbundled so as to determine the actual cost of property coverage to the building and fixtures.

The payment of property tax upon the building and its fixtures from the building fund will be allowed by this office, based upon the fact that the payment of such taxes are necessary to maintain the building ownership in the political party, and that tax payments are often covered in escrow accounts paid into jointly with the allowable mortgage payment. Since items of personal property can not be bought with building fund monies, the tax on personal property can not be paid from the building fund.

Based upon a review of building fund reports filed with this office, it appears that disbursements from building funds for personal property have been made. Notice is hereby given that this office will not review building fund reports for enforcement purposes for a period until July 1, 2001 to allow political party organizations to amend their building fund reports to reflect corrected disbursements. The parties are allowed, as well, to amend their reports to reflect additional retroactive disbursements from building funds based upon any allowance of the same contained in this opinion. I would also ask the state parties headquarters staff to share this information with counties that have or plan to have county headquarters.

Sincerely,

Gary O. Bartlett  
Executive Secretary-Director

Cc: North Carolina Democratic Party  
Cc: North Carolina Republican Party  
Cc: North Carolina Libertarian Party

STATE BOARD OF ELECTIONS

6400 Mail Service Center ? Raleigh, NC 27699-6400

GARY O. BARTLETT  
Director

Mailing Address:

PO Box 2169  
Raleigh, NC 27602-2169  
(919) 733-7173  
Fax (919) 715-0135

October 8, 1998

Mr. George E. Wilson, Treasurer  
Sampson County Republican Party  
PO Box 1325  
Clinton, NC 28328

Re: Advisory Ruling issued under G.S. 163-278.23

Dear Mr. Wilson:

In your letter dated September 29, 1998, you state that the Sampson County Republican Party is in the process of totally renovating the headquarters it owns. New bathrooms, kitchen area, heat & air conditioning, new lighting, store front, ceiling, carpet, walls, and other items have been built and paid for from the Building Fund. The request for a ruling is to determine is whether or not building fun money can be used to purchase appliances, desks, chairs, telephone system, and etc.

An October 7, 1994 opinion on "Political Party Building Funds" permitted State political parties to accept contributions from business entities, including corporations into a separate segregated building fund. Provided district and county executive committees strictly adhere to the provisions, district and county executive committee building funds may accept business contributions. The provisions are as follows:

1. Business contributions solicited and accepted are designated for the building fund.
2. Potential business contributors are advised that all business contributions will be exclusively for the building fund.
3. A separate segregated bank account in which only business contributions designated for the building fund will be deposited is established.
4. The funds deposited in that separate account will be expended only to purchase or construct, or in payment of the mortgage, for a headquarters, or to refund contributions if a facility is not acquired.
5. No business funds received will be used for the purpose of influencing Federal, State, or local elections.
6. No limit, other than on a voluntary basis, is placed on the amount of the business contributions, individual or collectively, to the building fund.
7. The building fund contributions and expenditures shall be disclosed to the public in an annual report filed at the Campaign Reporting Office, no later than the last Friday in January of the following year.

The opinion gave particular attention to the fact that the building fund ruling does not allow either monetary or in-kind contributions from any business entity for headquarters rent and utilities, either as a part of a building fund or into any political party fund or bank account.

After careful review, and considering that the opinion provides for a building fund to receive business contributions only to purchase or construct or in payment of the mortgage for a headquarters, or to refund contributions if a facility is not acquired, the response must be no. The Building Fund cannot be used to purchase equipment and furnishings for headquarters and should refund any business contributions that remain after reconstruction is complete and any mortgage is paid.

I am sorry this ruling is unfavorable. However, the Sampson County Republican Party may certainly pay for equipment and furnishings from its treasury account holding funds contributed by individuals from their personal funds.

Very truly yours,

Gary O. Bartlett  
Executive Secretary-Director

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

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**CHAPTER 02 – ENVIRONMENTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 02B .0304 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

**Statement of the Subject Matter:** The Environmental Management Commission (EMC) is proposing to reclassify a portion of the North Toe River in Avery and Mitchell Counties (French Broad River Basin) from Class C Tr (Trout) to Water Supply-V Tr.

**Reason for Proposed Action:** The Town of Spruce Pine has requested that the headwaters above their WS-IV North Toe River Water Supply Watershed and associated tributaries in Avery County (French Broad River Basin) be reclassified from Class C Tr to WS-V Tr. The segment of the river which is requested for reclassification extends from a point located approximately 4.5 miles due north of the Avery County/Mitchell County line to the headwaters (source); this point is also the upper boundary of a WS-IV water supply watershed (which extends downstream to the Spruce Pine water supply intake). Thus, in this case, no intake or critical area for an intake is located nor is proposed to be located in the waters to be reclassified. The Town's current water supply intake, critical area, and protected area will not be altered, but all waters above and draining to the water supply watershed will be reclassified; this proposed area comprises the northernmost portion of the North Toe River. The tributaries flowing into the part of the North Toe River to be reclassified are currently Class C Tr or Class C, and these tributaries are proposed to be reclassified to WS-V Tr and WS-V, respectively. The Public Water Supply (PWS) Section of the NC Division of Environmental Health (DEH) has given the Town of Spruce Pine permission to pursue expansion of their water treatment plant, and as part of this process, the town was required by the NC DEH PWS Section to request this reclassification. Avery County, the Town of Newland, and

Mitchell County are the three local governments to be affected. No confirmation that the water is suitable for treatment for potable use was required from the PWS Section, and DWQ did not collect water samples from the waters to be reclassified in order to determine if these waters meet the water quality standards required by a WS-V classification; this confirmation and sampling were not required because the waters proposed to be reclassified are located above a current water supply (WS-IV) intake, and therefore met water quality standards for a water supply classification. In addition, all the waters proposed to be reclassified had a water supply classification in 1994; due to a following court decision and an EMC rule reinterpretation, the water supply classifications of some of these waters were removed. Furthermore, staff with the PWS Section is not aware of any new discharges or pollution sources in the waters proposed for reclassification since an earlier sanitary survey of those waters was done in 1990. If reclassified, more stringent water quality standards will apply to the waters to be reclassified. However, due to the past classification history of these waters, the NPDES discharges into these waters currently meet these more stringent water quality standards. Nevertheless, any new NPDES discharges will need to comply with these more stringent standards. In addition, DOT Best Management Practices (BMPs) will need to be applied as practical for WS-V waters (whereas no DOT BMPs are required for Class C waters).

**Comment Procedures:** The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal can be submitted. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission whether in favor or opposed to an and all provisions of the proposal being noticed. Written comments may be submitted to Elizabeth Kountis, DENR/Division of Water Quality, Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or by calling Elizabeth Kountis at (919) 733-5083, ext. 369.

\*\*\*\*\*

**CHAPTER 02 – ENVIRONMENTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.



**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 02B .0304 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

**Statement of the Subject Matter:** The Environmental Management Commission (EMC) is proposing to reclassify the French Broad River (Transylvania, Henderson, Buncombe, and Madison Counties) in the French Broad River Basin from Class C/C Tr (Trout)/Water Supply-IV/Water Supply-IV CA (Critical Area) to Class B (Primary Recreation)/B Tr/Water Supply-IV & B/Water Supply-IV CA & B. The EMC is also proposing to reclassify the Nolichucky River (Mitchell and Yancey Counties) in the French Broad River Basin from Class C to Class B.

**Reason for Proposed Action:** Asheville Regional Office DWQ staff requested reclassification of the French Broad River (Transylvania, Henderson, Buncombe, and Madison Counties; French Broad River Basin) and Nolichucky River (Mitchell and Yancey Counties; French Broad River Basin) to Class B. More specifically, the French Broad River is to be reclassified from Class C/C Tr/WS-IV/WS-IV CA to Class B/B Tr/WS-IV&B/WS-IV CA&B, and the Nolichucky River would be reclassified from Class C to Class B. This reclassification consists of the entire French Broad River main stem including the main stems of its four headwater forks as well as the Bent Creek watershed (below Lake Powhatan dam) and Davidson River watershed, and the entire Nolichucky River main stem including the North Toe River main stem from S.R.1187 (near Toecane) to its confluence with the Nolichucky River. Approximately 160 and 23 river miles exist within the proposed French Broad River and Nolichucky River reclassification area, respectively. The purpose of this Rule change is to protect the existing waters' primary recreation uses. Primary recreation means swimming, skin diving, skiing, and similar uses involving human body contact with water where such activities take place in an organized or on a frequent basis. Both of these rivers receive heavy recreational use, with 27 river boat access sites on the main stem of the French Broad River and national forest land within both river areas. Water quality studies conducted in the summers of 1998 and 1999 show that these waters meet the criteria for Class B in the above-mentioned areas proposed for reclassification. If reclassified, facilities that are not discharging will not be affected. However, new wastewater discharges, expansions of existing discharges, and existing discharges with fecal violations to these waters will need to comply with reliability standards; these standards require facilities to insure continued treatment of wastewater during instances of power failure. In addition, dischargers who do not currently have a fecal limit will be required to have a fecal limit and disinfect. The water quality standard to be met for fecal coliform for Class B waters is that it not exceed a geometric mean of 200/100 ml based on at least five consecutive samples examined during any 30-day period and it not exceed 400/100 ml in more than 20% of the samples examined during such a period. For dischargers to Tr waters that do not disinfect by chlorination but wish to do so, a chlorine limit and

dechlorination will be required. It is important to note that sources of water pollution which preclude any uses affiliated with a B classification shall be considered to be violating a water quality standard, and discharges in the immediate vicinity of bathing areas may not be allowed if the Director determines that the waste can not be reliably treated to ensure the protection of primary recreation.

**Comment Procedures:** The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal can be submitted. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to Elizabeth Kountis, DENR/Division of Water Quality, Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or by calling Elizabeth Kountis at (919) 733-5083, ext. 369.

\*\*\*\*\*

CHAPTER 02 – ENVIRONMENTAL MANAGEMENT

**Notice of Rule-making Proceedings** is hereby given by the Environmental Management Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 02B .0315 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 143-214.1; 143-215.1; 143-215.3(a)(1)

**Statement of the Subject Matter:** The Environmental Management Commission (EMC) is proposing to reclassify a portion of the Neuse River in Lenoir County (Neuse River Basin) from Class C NSW (Nutrient Sensitive Waters) to Water Supply-IV CA (Critical Area) NSW.

**Reason for Proposed Action:** The Wooten Company has requested on behalf of Lenoir County that a Neuse River segment in Lenoir County (Neuse River Basin) be reclassified to WS-IV so that five cities in Lenoir County and perhaps adjacent counties may meet demands for long-term drinking water supply. The segment of the river requested for reclassification is currently Class C NSW and extends from Pot Neck (which is along S.R. 1324 just east of its intersection with S.R. 1335) to a point on the Neuse River in Lenoir County near the Wayne County/Lenoir County line. Included in the proposed watershed are tributaries that are currently classified as Class C NSW or Class C Sw NSW. Under the current proposal, the area that is within 10 miles and draining to the intake (Protected Area) would be reclassified to WS-IV NSW and WS-IV Sw NSW, and the area 0.5 mile and draining to the river intake would be reclassified to WS-IV CA (Critical

Area) NSW. Water quality studies revealed that levels of some parameters were above DWQ water quality standards or action levels for the existing Class C waters, but levels of only one parameter, total phenol, were above the DWQ water supply standards. The DWQ water supply standard for total phenol is based on the toxicity of chlorinated phenols to humans, whereas the water quality study result for total phenol measures all forms of phenol in a given sample. As chlorinated phenols are not naturally occurring, and there is no notable source of chlorine in the proposed water supply watershed, it is suspected that the total phenol reported represents non-chlorinated phenols. Non-chlorinated phenols are not toxic to man and frequently may be formed naturally from decaying plant material that is suspected to be prevalent in these waters. The Public Water Supply Section of the NC Division of Environmental Health stated that all parameter levels exceeding DWQ standards or action levels can be addressed via proper treatment. Sampling efforts were repeated on April 3, 2001, and analytical results should be available mid-2001. If reclassified, additional regulations will be required in the proposed water supply watershed within which Lenoir County and the Town of LaGrange have jurisdiction. Low Density and High Density development options are available for projects that require a Sedimentation and Erosion Control Plan and are located within the proposed watershed. Under Low Density development, one dwelling unit per 0.5 acre or 24% built upon area (bua) and 30 foot buffers are permitted in both the CA and Protected Area (PA). Under High Density development, 24-50% bua and 100 foot buffers are required in the CA whereas 24-70% bua and 100 foot buffers are permitted in the PA. The High Density development option also requires the control of runoff from the first 1" of rainfall by engineered stormwater controls. Three dwelling units per acre or 36% built upon area are options under Low or High Density development within the PA if there is no curb and gutter street system used. Although there are no permitted dischargers in the area proposed for reclassification, any new industrial wastewater discharges in the CA will require additional treatment. No new landfills will be allowed in the CA, and DOT Best Management Practices (BMPs) will be required throughout the entire proposed water supply watershed.

**Comment Procedures:** The purpose of this announcement is to encourage those interested in this proposal to provide written comments. Written comments, data, or other information relevant to this proposal can be submitted. It is very important that all interested and potentially affected persons or parties make their views known to the Environmental Management Commission whether in favor or opposed to any and all provisions of the proposal being noticed. Written comments may be submitted to Elizabeth Kountis, DENR/Division of Water Quality, Planning Branch, 1617 Mail Service Center, Raleigh, NC 27699-1617, or by calling Elizabeth Kountis at (919) 733-5083, ext. 369.

\*\*\*\*\*

**CHAPTER 03 – MARINE FISHERIES**

**Notice of Rule-making Proceedings** is hereby given by the NC Marine Fisheries Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 03I, 03J, 03M, 03N, 03O - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113-134; 113-182; 113-221; 143B-289.52

**Statement of the Subject Matter:** Procedures for consideration of applications to the Standard Commercial Fishing Licenses Eligibility Pool; beach seines; fyke nets, hickory shad; black sea bass; nursery areas; southern flounder fishery management plan; dolphin/wahoo restrictions.

**Reason for Proposed Action:** The Marine Fisheries Commission is reviewing and considering updating the rules governing the Standard Commercial Fishing License Eligibility Board; allowing a limited number of hickory shad to be used for bait; examining the need to define and restrict beach seines and fyke nets; considering management restrictions for black sea bass; reviewing nursery areas; management actions necessary to implement the southern flounder fishery management plan; and considering management restrictions to comply with the dolphin/wahoo fishery management plan.

**Comment Procedures:** Written comments are encouraged and may be submitted to MFC, Juanita Gaskill, PO Box 769, Morehead City, NC 28557.

\*\*\*\*\*

**CHAPTER 07 – COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07B - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** Land use plan guidelines

**Reason for Proposed Action:** In November, 1998, the Coastal Resources Commission (CRC) authorized the appointment of the Land Use Plan Review Team to evaluate the CAMA land use planning program and make recommendations for improvement. Based on the recommendations submitted in September, 2000, the CRC is

revising it's land use planning guidelines (Subchapter 7B). The revised guidelines aim to improve the quality of local plans by better supporting the purposes and goals of CAMA. The rules include simple, clear requirements for land use plans, improved land suitability analysis and management objectives to tie land use plans to CAMA goals.

**Comment Procedures:** Written comments may be submitted to Kathy Vinson, 151-B, Hwy 24, Hestron Plaza II, Morehead City, NC 28557, phone 252-808-2808.

\*\*\*\*\*

**CHAPTER 07 – COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07K .0213 - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** High Hazard Flood AEC Exceptions

**Reason for Proposed Action:** The proposed amendment will reduce the permitting burden for certain types of development located in the high hazard flood AEC.

**Comment Procedures:** Written comments may be submitted to Charles S. Jones, 151-B, Hwy 24, Hestron Plaza II, Morehead City, NC 28557, phone 252-808-2808.

\*\*\*\*\*

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**CHAPTER 07 – COASTAL MANAGEMENT**

**Notice of Rule-making Proceedings** is hereby given by the Coastal Resources Commission in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rule(s) it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 15A NCAC 07L - Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 113A-119.1

**Statement of the Subject Matter:** Local Planning and Management Grants

**Reason for Proposed Action:** The Department of Environment and Natural Resources is revising the funding rules for Local Planning and Management Grants to local governments. These grants provide funding assistance for CAMA land use plans and coastal planning and management projects within North Carolina's coastal area. These changes are based on the recommendations of the Land Use Plan Review Team, which was appointed by the Coastal Resources Commission to evaluate the current program and make recommendations for improvement. The revisions include a more cost effective framework for funding land use plans and incentives to improve the level of implementation.

**Comment Procedures:** Comments may be submitted to Kathy Vinson, 151-B Hwy 24, Hestron Plaza II, Morehead City, NC 28557, phone 252-808-2808.

**TITLE 21 – OCCUPATIONAL LICENSING BOARDS**

**CHAPTER 12 – LICENSING BOARD FOR GENERAL CONTRACTORS**

**Notice of Rule-making Proceedings** is hereby given by NC Licensing Board for General Contractors in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 21 NCAC 12 .0103; .0202; .0204; .0503; .0818. Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 87-1; 87-2; 87-3; 87-4; 87-5; 87-6; 87-7; 87-8; 87-10; 87-11; 150B-38

**Statement of the Subject Matter:** Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Licensing Board for General Contractors (Board) will consider adopting rules, repealing rules, or amending rules addressing the structure of the Board, contractor classifications, licensure eligibility; licensure renewal; requests for hearing; the definition of "undertaking to bid or construct" on a public job; and minimum experience requirements for licensure applicants.

**Reason for Proposed Action:**

1. To amend power of Secretary-Treasurer to allow for designee to sign checks;
2. To amend licensure classifications to provide that if an applicant passes the building, public utilities, and highway examinations, license granted to the applicant will carry with it a designation of "unclassified";
3. To increase the financial responsibility requirements for working capital for limited, intermediate, and unlimited licenses and to increase the bond amounts required to demonstrate financial responsibility for limited, intermediate, and unlimited licenses;
4. To require a corporate licensee to notify the Board of its dissolution or suspension of its corporate charter within 30

- days and to require a foreign corporation to notify the Board of revocation of its certificate of authority;
- 5. To set a time limit within which an individual must file a request for a hearing;
- 6. To define "undertakes to bid or construct" under G.S. 87-1 for public jobs; and
- 7. To establish minimum experience requirements for licensure applicants.

**Comment Procedures:** Written comments may be submitted on the subject matter of the proposed rulemaking to Mark D. Selph at the Board's office. The Board's address is P.O. Box 17187, Raleigh, NC 27619.

\*\*\*\*\*

**CHAPTER 46 - BOARD OF PHARMACY**

**Notice of Rule-making Proceedings** is hereby given by NC Board of Pharmacy in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 21 NCAC 46 .1414; .1601; .1814; .2004; .2502. Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 90-85.6; 90-85.21; 90-85.25; 90-85.32; 90-85.33; 90-640; 150B-38

**Statement of the Subject Matter:** Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Board of Pharmacy (Board) will consider adopting rules, repealing rules, or amending rules addressing drug distribution and control in a health care facility pharmacy, pharmacy permits, automated dispensing or drug supply devices, requests for hearings, responsibilities of pharmacist-managers, exemptions from wearing identification badges, and identification requirements for persons picking up prescriptions.

**Reason for Proposed Action:**

- 1. To set out requirements for supervision of technicians using pyxis machines;
- 2. To revise number of technicians a pharmacist may supervise;
- 3. To set out time limit within which an individual may request a formal hearing;

- 4. To require that documentation of dispensing errors be readily retrievable and available for inspection at permitted location;
- 5. To set out exemptions from wearing of identification badges requirement; and
- 6. To require positive identification of persons picking up prescriptions.

**Comment Procedures:** Written comments may be submitted on the subject matter of the proposed rulemaking to David R. Work, Executive Director, P.O. Box 459, Carrboro, NC 27510-0459.

\*\*\*\*\*

**CHAPTER 57 – REAL ESTATE APPRAISAL BOARD**

**Notice of Rule-making Proceedings** is hereby given by NC Appraisal Board in accordance with G.S. 150B-21.2. The agency shall subsequently publish in the Register the text of the rules it proposes to adopt as a result of this notice of rule-making proceedings and any comments received on this notice.

**Citation to Existing Rule Affected by this Rule-making:** 21 NCAC 57A .0200; .0300; .0400; 57B .0100; .0200; .0300; .0400; .0500; .0600; 57C .0101-0104. Other rules may be proposed in the course of the rule-making process.

**Authority for the Rule-making:** G.S. 93E-1-10

**Statement of the Subject Matter:** Review of current rules indicates a need for technical and clerical changes. Also, the board must come into compliance with changes in continuing education requirements on the federal level for trainees and appraisers.

**Reason for Proposed Action:** There has been a change in continuing education requirements for appraisers by the appraiser qualifications Board of Appraisal Foundation, in accordance with Title XI of the US Code. In addition, some technical and clerical changes to the rules are necessary. These changes also address requirements for continuing education sponsors.

**Comment Procedures:** Written comments should be directed to Mel Black, Executive Director, NC Appraisal Board, PO Box 20500, Raleigh, NC 27619-0500.

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

**TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Commission for Mental Health, Developmental Disabilities and Substance Abuse Services intends to amend the rule cited as 10 NCAC 45H .0205. Notice of Rule-making Proceedings was published in the Register on November 15, 2000.*

**Proposed Effective Date:** August 1, 2002

**Instructions on How to Demand a Public Hearing:** *(must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rule by submitting a request in writing within 15 days of this notice. The request should be submitted to John Womble, DMHDDSAS, Regulatory Unit, 3016 Mail Service Center, Raleigh, NC 27699-3016.*

**Reason for Proposed Action:** *This action is proposed in order to be consistent with the Drug Enforcement Administration (DEA) by placing "Modafinil" and Zaleplon in Schedule IV of the federal controlled substance act. Modafinil is a central nervous system (CNS) stimulant that produces many of the same pharmacological effects and adverse reactions as classic psychomotor stimulants, but at higher doses. Zaleplon is a central nervous system (CNS) depressant for short-term treatment of insomnia.*

**Comment Procedures:** *Written comments should be sent to John Womble, Regulatory Branch, 3016 Mail Service Center, Raleigh, NC 27699-3016.*

- Fiscal Impact**
- State
  - Local
  - Substantive (≥\$5,000,000)
  - None

**CHAPTER 45 - COMMISSION FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE SERVICES**

**SUBCHAPTER 45H – DRUG TREATMENT FACILITIES**

**SECTION .0200 – SCHEDULES OF CONTROLLED SUBSTANCES**

**10 NCAC 45H .0205 SCHEDULE IV**

(a) Schedule IV shall consist of the drugs and other substances by whatever official name, common or usual name, chemical name or brand name designated listed in this Rule. Each drug or substance has been assigned the Drug Enforcement Administration controlled substances code number set forth opposite it.

(b) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Alprazolam	2882
(2)	Barbital	2145
(3)	Bromazepam	2748
(4)	Camazepam	2749
(5)	Chloral betaine	2460
(6)	Chloral hydrate	2465
(7)	Chlordiazepoxide	2744
(8)	Clobazam	2751
(9)	Clonazepam	2737
(10)	Clorazepate	2768
(11)	Clotiazepam	2752
(12)	Cloxazolam	2753
(13)	Delorazepam	2754
(14)	Diazepam	2765
(15)	Estazolam	2756
(16)	Ethchlorvynol	2540
(17)	Ethinamate	2545

**PROPOSED RULES**

(18)	Ethyl loflazepate	2758
(19)	Fludiazepam	2759
(20)	Flunitrazepam	2763
(21)	Flurazepam	2767
(22)	Halazepam	2762
(23)	Haloxazolam	2771
(24)	Ketazolam	2772
(25)	Loprazolam	2773
(26)	Lorazepam	2885
(27)	Lormetazepam	2774
(28)	Mebutamate	2800
(29)	Medazepam	2836
(30)	Meprobamate	2820
(31)	Methohexital	2264
(32)	Methylphenobarbital (mephobarbital)	2250
(33)	Midazolam	2884
(34)	Nimetazepam	2837
(35)	Nitrazepam	2834
(36)	Nordiazepam	2838
(37)	Oxazepam	2835
(38)	Oxazolam	2839
(39)	Paraldehyde	2585
(40)	Petrichloral	2591
(41)	Phenobarbital	2285
(42)	Pinazepam	2883
(43)	Prazepam	2764
(44)	Quazepam	2881
(45)	Temazepam	2925
(46)	Tetrazepam	2886
(47)	Triazolam	2887
<u>(48)</u>	<u>Zaleplon</u>	
<u>(48)(49)</u>	<u>Zolpidem</u>	2783

(c) Fenfluramine. Any material compound, mixture or preparation which contains any of the following substances including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible:

Fenfluramine	1670
--------------	------

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or other preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1)	Cathine [(+)-norpseudoephedrine]	1230
(2)	Diethylpropion	1610
(3)	Fencamfamin	1760
(4)	Fenproporex	1575
(5)	Mazindol	1605
(6)	Mefenorex	1580
<u>(7)</u>	<u>Modafinil</u>	
<u>(7)(8)</u>	<u>Phentermine</u>	1640
<u>(8)(9)</u>	<u>Pemolin (including organometallic complexes and chelates thereof)</u>	1530
<u>(9)(10)</u>	<u>Sibutramine</u>	1675

(e) Other Substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts:

(1)	Butorphanol (including its optical isomers)	9720
(2)	Pentazocine	9709
(3)	Pipradrol	1750
(4)	SPA [(-)-1-dimethylamino-1,2-diphenylethane]	1635

(f) Narcotic Drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing limited quantities of any of the following narcotic drugs, or any salt thereof:

(1)	not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit,	9167
(2)	Dextropropoxyphene (alpha-(8f)-4-dimethylamino-1,2-diphenyl-3-	

	methyl-2-propionoxybutane),	9278
(3)	Buprenorphine	9064

Authority G.S. 90-88; 90-92; 143B-147.

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

- Local
- Substantive (≥\$5,000,000)
- None

*Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Marine Fisheries Commission intends to amend the rule cited as 15A NCAC 03O .0101. Notice of Rule-making Proceedings was published in the Register on January 2, 2001.*

**CHAPTER 03 – MARINE FISHERIES**

**SUBCHAPTER 03O – LICENSES, LEASES AND FRANCHISES**

**Proposed Effective Date:** August 1, 2002

**SECTION .0100 – LICENSES**

**Public Hearing:**

**Date:** June 6, 2001

**Time:** 7:00 p.m.

**Location:** New Bern Riverfront Convention Center, Tryon Room, New Bern, NC

**15A NCAC 03O .0101 PROCEDURE AND REQUIREMENTS TO OBTAIN LICENSES, ENDORSEMENTS AND COMMERCIAL FISHING VESSEL REGISTRATIONS**

(a) To obtain any Marine Fisheries licenses, endorsements, commercial fishing vessel registrations except Recreational Fishing Tournament Licenses to Sell Fish and Land or Sell Licenses, the following information is required for a proper application by the licensee, a responsible party or person holding a power of attorney:

**Reason for Proposed Action:** *The Fisheries Reform Act of 1997 and its amendments (House Bill 1448) created a new license system that became effective July 1, 1999. Included in the Fisheries Reform Act of 1997 was the authority of the Marine Fisheries Commission to adopt rules to implement such a license system. Due to the complexity and comprehensiveness of the Fisheries Reform Act into all areas of fishery management as well as licensing, the Marine Fisheries Commission has phased implementation of various aspects of the Fisheries Reform Act, such as licensing and permits, to allow for more thorough review by the various Committees of the Commission and the Commission itself. The renewal process was not addressed in the original licensing rules because the emphasis was on getting this new complex license scheme implemented. In 1999, the General Assembly modified the licensing provisions to allow the advance sale or renewal of licenses prior to the beginning of the fiscal year in Session Laws 1999-209, s. 6, which added Subsection (j) to G.S. 113-168.1. The development of a mail-in renewal system to better implement this advance sale provision and the streamlining of the renewal process is still part of the implementation process of the Fisheries Reform Act.*

- (1) Full name, physical address, mailing address, date of birth, and signature of the licensee on the application. If the licensee is not appearing before a license agent or a representative of the Division, the licensee's signature on the application must be notarized;
- (2) Current picture identification of licensee or responsible party; acceptable forms of picture identification are driver's license, state identification card, military identification card, resident alien card (green card) or passport or if purchased by mail, a copy thereof;
- (3) Certification that the applicant does not have four or more marine or estuarine resource violations during the previous three years;
- (4) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted;
- (5) Current articles of incorporation and a current list of corporate officers when purchasing a license or commercial fishing vessel registration in a corporate name. In the case of incorporation of an individual fishing vessel, the name of the master of that vessel shall also be specified. It is unlawful to fail to notify the Morehead City Office of the Division of Marine Fisheries within five days of change of the master specified for that vessel;

**Comment Procedures:** *Written comments are encouraged and may be submitted to the MFC, Juanita Gaskill, PO Box 769, Morehead City, NC 28557. Oral comments may be presented at the public hearing scheduled for June 6, 2001 at New Bern Riverfront Convention Center, Tryon Room, New Bern, NC beginning at 7:00 p.m. Oral presentation length may be limited, depending on the number of people that wish to speak at the public hearing. The public comments period will end on June 14, 2001. The Marine Fisheries Commission will consider this Rule and the public comments at a business session scheduled for June 7-8 at the New Bern Riverfront Convention Center, Tryon Room, New Bern, NC.*

**Fiscal Impact**

State



**PROPOSED RULES**

- (6) If a partnership is established by a written partnership agreement, a current copy of such agreement shall be provided when purchasing a license, endorsement or commercial fishing vessel registration in a partnership name;
  - (7) For nonresidents, certification of the state of residency;
  - (8) In addition to the information required in G.S. 113-169.4, linear length of pier when purchasing an Ocean Fishing Pier License;
  - (9) In addition to the information required in G.S. 113-171.1, current aircraft registration and list of operator(s) when purchasing a Spotter Plane License;
  - (10) In addition, for fish dealers licenses, the physical address of the established location where business is conducted and, if different, the address where records are kept.
- (b) To obtain a License to Land Flounder from the Atlantic Ocean:
- (1) To qualify for a License to Land Flounder from the Atlantic Ocean, the applicant shall:
    - (A) have landed in North Carolina at least 1,000 pounds of flounder from a single vessel each year from the Atlantic Ocean during any two of the 1992-93, 1993-94, 1994-95 license years for which the person had a vessel that was licensed to land in North Carolina; and
    - (B) have been licensed under G.S. 113-152 or 113-153 during any two of the 1992-93, 1993-94, or 1994-95 license years; and
    - (C) hold a valid Standard or Retired Standard Commercial Fishing License or valid Land or Sell License.
  - (2) It is lawful for a person to hold Licenses to Land Flounder from the Atlantic Ocean equal to the number of vessels that he owns that individually met the eligibility requirements of Parts (b) (1) (A) and (b) (1) (B) of this Rule.
  - (3) The License to Land Flounder from the Atlantic Ocean is only valid when used on the vessel specified at the time of license issuance.
  - (4) At the time of issuance, the applicant for the License to Land Flounder from the Atlantic Ocean shall specify the name of the master of the vessel for each License to Land Flounder from the Atlantic Ocean issued.
  - (5) Applicants for a License to Land Flounder from the Atlantic Ocean shall complete an application form provided by the Division of Marine Fisheries and submit it to the Morehead City Office of the Division of Marine Fisheries for processing.
- (6) It is unlawful for the holder of the License to Land Flounder from the Atlantic Ocean to fail to notify the Morehead Office of the Division of Marine Fisheries within five days of change as to the master identified on the license.
- (7) Licenses to Land Flounder from the Atlantic Ocean are issued for the current license year and expire on June 30.
- (c) To obtain a Recreational Fishing Tournament License to Sell Fish, the following information is required for a proper application:
- (1) Full name, physical address, mailing address, date of birth, signature of the tournament organizer, name of tournament, and dates of tournament on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature must be notarized on the application.
  - (2) Current picture identification of tournament organizer; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport, or if purchased by mail, a copy thereof.
  - (3) The tournament organizer must apply with the Division of Marine Fisheries at least 30 days prior to the starting date of the tournament.
- (d) To obtain a Land or Sell License, the following information is required for a proper application:
- (1) Full name, physical address, mailing address, date of birth, and signature of the responsible party or master for the vessel on the license application. If the licensee is not appearing before a representative of the Division, the licensee's signature on the application must be notarized on the application;
  - (2) Current picture identification of responsible party or master; acceptable forms of picture identification are driver's license, state identification card, military identification card, or passport or if applying by mail, a copy thereof;
  - (3) Valid documentation papers or current motor boat registration or copy thereof when purchasing a commercial fishing vessel registration. If an application for transfer of documentation is pending, a copy of the pending application and a notarized bill of sale may be submitted.
- Fees will be based on the vessel's homeport as it appears on the U.S. Coast Guard documentation papers or the State in which the vessel is registered.
- (e) Proof of residency in North Carolina for:
- (1) Standard Commercial Fishing License or Retired Standard Commercial Fishing License shall be:



**PROPOSED RULES**

- (A) a notarized certification from the applicant that the applicant is a resident of the State of North Carolina as defined by G.S. 113-130(4); and
  - (B) a notarized certification from the applicant that a North Carolina State Income Tax Return was filed for the previous calendar or tax year as a North Carolina resident; or
  - (C) a notarized certification that the applicant was not required to file a North Carolina State Income Tax Return for the previous calendar or tax year; or
  - (D) military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.
- (2) All other types of licenses:
- (A) North Carolina voter registration card; or
  - (B) Current North Carolina Driver's License; or
  - (C) Current North Carolina Certificate of Domicile; or
  - (D) Current North Carolina Identification Card issued by the North Carolina Division of Motor Vehicles; or
  - (E) Military identification, military dependent identification and permanent change of station orders or assignment orders substantiating individual's active duty assignment at a military facility in North Carolina.

- last issuance of license, endorsement or commercial fishing vessel registration.
- (2) Certification that articles of incorporation and list of corporate officers, if incorporated, written partnership agreement, if written partnership, or documentation papers or motor boat registration previously provided for initial license purchase is still valid and current for renewal.
- (3) Current and valid state driver's license or state identification picture identification numbers and expiration dates must be verified on mail license renewal applications or any other electronic license renewal process, otherwise the licensee must provide a photocopy for renewal by mail or visit a Division License Office and present a current and valid picture identification pursuant to Subparagraph (a)(2) of this Rule.
- (4) The Division of Marine Fisheries may require current copies of documentation for licenses, endorsements, commercial fishing vessel registration on renewal when necessary to verify inconsistent information or the information cannot be verified by independent sources.
- (5) If the linear length of the pier has not changed for the Ocean Fishing Pier License renewal, the responsible party will certify that the length is accurate; otherwise, a Marine Patrol Officer's signature is required to certify the linear length before the license can be renewed.

*Authority G.S. 113-134; 113-168; 113-168.1; 113-168.2; 113-168.3; 113-168.4; 113-168.5; 113-168.6; 113-169; 113-169.2; 113-169.3; 113-169.4; 113-169.5; 113-171.1; 143B-289.52.*

---

**TITLE 25 – OFFICE OF STATE PERSONNEL**

*Notice is hereby given in accordance with G.S. 150B-21.2 that the State Personnel Commission intends to amend the rules cited as 25 NCAC 01B .0437; 01C .0214 and 01J .0603. Notice of Rule-making Proceedings for 25 NCAC 01B .0437 was published in the Register on October 2, 2000 and for 25 NCAC 01C .0214 and 01J .0603 was published October 16, 2000.*

**Proposed Effective Date:** July 1, 2002

**Public Hearing:**

**Date:** June 6, 2001

**Time:** 10:00

**Location:** 116 West Jones Street, Administration Building, 5<sup>th</sup> Floor Conference Room, Raleigh, NC

**Reason for Proposed Action:**

*25 NCAC 01B .0437 - H.B. 968 reduced the Commission's time in which it may exercise jurisdiction over Recommended*

Decisions rendered by the Administrative Law Judges from 90 to 60 days. This compressed time period will require the commission to hear every case in which the Office of Administrative Hearings delivers a record to the Office of State Personnel at any time prior to a commission meeting. In order for the commissioners to have adequate time to review the parties written arguments in each case, it will be important for the Parties to submit those as soon as possible after the Recommended Decision in a mater is issued.

25 NCAC 01C .0214 and 01J .0603 - The proposed amendment to these rules would allow the agency/university the option to issue a final response before the 60 calendar expiration period. Should an agency/university exercise this option it waives its right to make another or different determination. A written final agency decision waiver should be issued to the grievant and the grievant should acknowledge waiver and return such written acknowledgement to the agency/university.

**Comment Procedures:**

25 NCAC 01B .0437 - Written comments may be submitted to Delores A. Joyner, Office of State Personnel, 1331 Mail Service Center, Raleigh, NC 27699-1331. Oral comments will be received at the public hearing. Written comments must be received no later than June 14, 2001.

25 NCAC 01C .0214 and 01J .0603 – Written comments may be submitted to Ms. Nellie Riley, Hearing Officer, Office of State Personnel, 1331 Mail Service Center, Raleigh, NC 27699-1331. Oral comments will be received at the public hearing. Written comments must be received no later than June 14, 2001.

**Fiscal Impact**

- State
- Local
- Substantive (≥\$5,000,000)
- None

**CHAPTER 01 – OFFICE OF STATE PERSONNEL**

**SUBCHAPTER 01B – STATE PERSONNEL COMMISSION**

**SECTION .0400 – APPEAL TO COMMISSION**

**25 NCAC 01B .0437 STATE PERSONNEL COMMISSION: PROCEDURES**

(a) The State Personnel Commission Administrator, on behalf of theThe State Personnel Commission—Commission, shall receive the record in the contested cases forwarded by the Office of Administrative Hearings and the State Personnel Commission shall make a final administrative decision in the case. Any record received by the Administrator on the day of a Commission meeting shall be deemed to have been received after the Commission meeting and the time in which the Commission has to review and decide the case shall run from the Commission meeting. The Office of State Personnel shall be responsible for the administrative management of contested

cases coming before the Commission for its review and decision.

(b) Oral Argument. Either party to a contested case may request the opportunity to appear before the State Personnel Commission and make oral argument in all cases, cases except those arising under G.S. 126-14.4. Such arguments shall be based solely on the information contained in the record submitted by the OAH. Oral arguments shall be requested or waived in writing no more than 10 calendar days after the filing date of the recommended decision of the Administrative Law Judge and the parties shall attach a copy of the Administrative Law Judge's recommended decision to the request or waiver, notice by the Commission has been sent to the parties that the Commission has received the official record from the OAH in the contested case. After 30 calendar days have passed since the notice to the parties that the official record has been received by the Commission, the Commission shall send After the Commission has received either a request or waiver of oral argument from the parties, the Commission shall send a notice of review which shall contain the date, time and place of the Commission meeting at which the case shall may be reviewed. If a party fails—has failed to request or waive oral argument in a timely fashion, that party may not be allowed to present oral argument—argument or file legal briefs or memoranda to the Commission. Each party requesting oral argument shall be allotted a maximum of 10 minutes for the presentation, unless the time period is extended by a vote of the Commission. Time may be extended by the Commission for good cause shown as defined in 25 NCAC 01B .0439. All requests to speak for more than 10 minutes shall be made in writing in the same document which requests the opportunity to make oral argument. The party which did not prevail before the Administrative Law Judge is entitled to make the first oral argument and to present a rebuttal. If both parties are seeking changes in the Administrative Law Judge's recommended decision, both parties may present a rebuttal and the party with the burden of proof in the contested case is entitled to the last rebuttal.

(c) Briefs, Legal Memoranda, Attorney's Fees Requests. All briefs and legal memoranda in cases other than those arising under G.S. 14.4 shall be received by the Office of State Personnel no later than 30 calendar days after the date of the notice sent by the Commission notifying the parties of the Commission's receipt of the official record from the OAH—the filing date of the recommended decision of the Administrative Law Judge. Such document shall also be served upon the opposing party—party and a copy of the recommended decision of the Administrative Law Judge shall be attached to the document. Such a document received after the deadline shall be presented to the Commission only after the party has shown that the opposing party was served with the document no later than 30 calendar days after the date of the notice sent by the Commission notifying the parties of the Commission's receipt of the official record from the OAH—filing date of the recommended decision of the Administrative Law Judge. Attorney's fees requests must be presented to the Commission by the prevailing party to a Commission Decision and Order at least one month before the meeting at which the matter is to be considered. Such requests must also be served upon the opposing party. The Commission shall notify the parties upon receipt of a request for attorneys fees and provide an

opportunity for the opposing party to file objections to the fees requested. If the parties wish to make oral argument on an attorney's fees request, a request for oral argument must be received by the Office of State Personnel within two weeks after the filing of the attorney's fees request and at least one month prior to the meeting at which such oral argument is requested. Parties shall submit 25 copies of each pleading (with three holes in the left margin) filed with the Commission. An extension of time to file documents with the Commission may be granted by the Administrator for good cause shown as defined in 25 NCAC 01B .0439.

(d) Written Exceptions. Proposed Alternative Findings, Conclusions and Recommendations. Each party shall submit written exceptions to the recommended decision of the Administrative Law Judge, unless the party accepts the recommended decision in its entirety. Any party may choose to submit proposed alternative findings of fact and conclusion of law. Exceptions and alternative findings of fact and conclusions shall be received by the Office of State Personnel no later than 30 calendar days after the ~~date of the notice sent by the Commission notifying the parties of the Commission's receipt of the official record from the OAH.~~ filing date of the recommended decision of the Administrative Law Judge. Written exceptions shall be specifically drawn. Each exception and proposed alternative finding or conclusion shall specifically, separately, and in detail, set forth how the finding or conclusion is clearly contrary to the preponderance of the admissible evidence, the specific reason(s) the Commission should not adopt the Administrative Law Judge's recommended finding of fact or conclusion of law and the specific evidence in the record which supports the rejection of the Administrative Law Judge's recommended finding of fact or conclusion of law, including but not limited to references to the testimony of witnesses, any evidentiary exhibits, and any exercise of discretion by the agency to which deference should be accorded. Any new findings of fact proposed to the Commission must be supported by a preponderance of the evidence which shall be set forth in support of the new finding of fact. Any new decision proposed to the Commission must be supported by a preponderance of the admissible evidence in the record and the reason that the Administrative Law Judge's decision is clearly contrary to the preponderance of the admissible evidence in the record must be set forth in detail. If the Administrative Law Judge has recommended granting summary judgment or judgment on the pleadings and a party proposes that the Commission reject the Administrative Law Judge's decision, the party shall set forth the basis for rejecting the Administrative Law Judge's decision in detail. Reference must be made to the transcript (and volumes, where applicable), if the transcript of the hearing was made and is available. Where a party excepts to a finding, conclusion, or recommendation and requests its deletion or amendment, an alternative finding, conclusion, or recommendation shall be made. Such a document received after the deadline shall be presented to the Commission only after the party has shown that the opposing party was served with the document no later than 30 calendar days after ~~the date of the notice sent by the Commission notifying the parties of the Commission's receipt of the official record from the OAH.~~ the filing date of the Administrative Law Judge's recommended decision. The Commission may adopt the findings of fact and conclusions of

law of the Administrative Law Judge, or ~~to~~ amend the same, or ~~to~~ adopt alternative findings of fact and conclusion of law, either from those submitted by the parties or drawn from its own review of the whole record. Parties shall submit 20 25 copies of each pleading (with three holes in the left margin) filed with the Commission. An extension of time to file documents with the Commission may be granted by the Administrator for good cause shown as defined in 25 NCAC 01B .0439.

(e) Proposed Decision and Order. Each party to a contested case shall submit a proposed Decision and Order for consideration by the Commission in that case. The proposed Decision and Order shall be received by the Office of State Personnel no later than 30 calendar days after the ~~date of the notice sent by the Commission notifying the parties of the Commission's receipt of the official record from OAH.~~ filing date of the recommended decision of the Administrative Law Judge. The Commission may delay decision in a case until all parties have submitted a proposed Decision and Order. The Proposed Decision and Order shall indicate which findings, conclusions, and recommendations of the Administrative Law Judge are being deleted or amended and why, ~~and what new findings, and conclusions are being adopted and specifically, separately, and in detail, set forth how the finding or conclusion is clearly contrary to the preponderance of the admissible evidence.~~ The Proposed Decision and Order must include the specific reason(s) the Commission should not adopt the Administrative Law Judge's recommended finding of fact or conclusion of law and the specific evidence in the record which supports the rejection of the Administrative Law Judge's recommended finding of fact or conclusion of law, including but not limited to references to the testimony of witnesses, any evidentiary exhibits, and any exercise of discretion by the agency to which deference should be accorded. Any new findings of fact proposed to the Commission must be supported by a preponderance of the evidence which shall be set forth in support of the new finding of fact in the Proposed Decision and Order. Any new conclusions of law or decision proposed to the Commission must be supported by a preponderance of the admissible evidence in the record and the reason that the Administrative Law Judge's decision is clearly contrary to the preponderance of the admissible evidence in the record must be set forth in detail in the Proposed Decision and Order. If the Administrative Law Judge has recommended granting summary judgment or judgment on the pleadings and a party proposes that the Commission reject the Administrative Law Judge's decision, the party shall set forth the basis for rejecting the Administrative Law Judge's decision in detail in the Proposed Decision and Order. The proposed Decision and Order shall contain an order in the case for the signature of the Administrator to the Commission, consistent with and supported by the findings and conclusions. Parties shall submit 20 25 copies of each pleading (with three holes in the left margin) filed with the Commission. An extension of time to file documents with the Commission may be granted by the Administrator for good cause shown as defined in 25 NCAC 01B .0439.

(f) Service on Opposing Parties. Copies of all documents permitted or required by this Rule shall be served on the opposing party, but no later than 30 calendar days after ~~the~~

~~date of the notice sent by the Commission notifying the parties of the Commission's receipt of the official record from the OAH; the filing date of the recommended decision of the Administrative Law Judge. If a document is filed electronically with the Commission as permitted in 25 NCAC 01B .0437(i), the document must also be served electronically on the opposing party if the opposing party has an electronic address. Electronic service must be followed by service of printed copies of any document filed electronically within 24 hours of electronic filing.~~

(g) Notification. The parties or when applicable, the legal representative of record for a party, shall be notified by certified mail, return receipt requested, of the Commission's decision. The Commission's decision shall be prepared and sent out by the Office of State Personnel. Copies or the content of a specific decision and order shall not be released to non-parties until the Office of State Personnel has knowledge that all parties have received a copy of the Decision and Order.

~~(h) Cases arising under G.S. 126-14.4. In contested cases arising under G.S. 126-14.4, where the Commission is required to make a decision within 60 days of receipt of the official record, the parties shall not be entitled to appear in person before the Commission and make oral argument. Instead, either party may request an opportunity to make oral argument to the Commission in a teleconference (or by other video or audio electronic conferencing means) within 10 calendar days of notice by the Commission that it has received the official record from the Office of Administrative Hearings. If a party requests the opportunity to present an oral argument in a teleconference, a teleconference shall be scheduled by the Office of State Personnel and a Notice of Review via Teleconference shall be sent to the parties which shall contain the date and time the teleconference will take place and the telephone numbers at which the parties will be called. No delays in scheduling the teleconference shall be permitted which would prejudice the Commission's ability to render its written decision in compliance with the statutory 60 day deadline. Any briefs or legal memoranda which the parties wish to submit must be received by the Office of State Personnel no later than 14 calendar days after notice that the Commission has received the official record from the Office of Administrative Hearings. An extension of time to file documents with the Commission may be granted by the Administrator for good cause shown as defined in 25 NCAC 01B .0439. Each party requesting oral argument shall be allotted a maximum of 10 minutes for the presentation, unless the time period is extended by a vote of the Commission for good cause shown as defined in 25 NCAC 01B .0439. All requests to speak for more than 10 minutes shall be made in writing in the same document which requests the opportunity to make oral argument. The party which did not prevail before the Administrative Law Judge is entitled to make the first oral argument and to present a rebuttal. If both parties are seeking changes in the Administrative Law Judge's recommended decision, both parties may present a rebuttal and the party with the burden of proof in the contested case is entitled to the last rebuttal.~~

~~(h) Electronic Filing. Any documents which are required or permitted to be filed under 25 NCAC 01B .0437, may be filed electronically by midnight of the filing date with the State~~

Personnel Commission Administrator in a format readable by the Administrator. Printed copies of any documents filed electronically must also be filed with the Administrator in accordance with 25 NCAC 01B .0437(c), (d) and (e) within 24 hours of the electronic filing.

Authority G.S. 126-4.

**SUBCHAPTER 01C – PERSONNEL ADMINISTRATION**

**SECTION .0200 – GENERAL EMPLOYMENT POLICIES**

**25 NCAC 01C .0214 UNLAWFUL WORKPLACE HARASSMENT**

(a) Purpose. The purpose of this policy is to establish that the State of North Carolina prohibits in any form unlawful workplace harassment of state employees or applicants, and to require that every agency subject to the State Personnel Act establishes policies and programs to ensure that work sites are free of unlawful workplace harassment.

(b) Unlawful workplace harassment is defined as unsolicited, and unwelcome speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3 that creates a hostile work environment or circumstances involving quid pro quo:

- (1) Hostile Work Environment is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by looked looking at all of the circumstances, including the frequency of the allegedly harassing conduct, its severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's work performance.
- (2) Quid Pro Quo harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:
  - (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- (3) Retaliation is adverse action taken because of opposition to unlawful workplace harassment.

(c) Policy. The policy of the State of North Carolina is that no state employee may engage in conduct that falls under the definition of unlawful workplace harassment indicated in Paragraph (b) of this Rule. No personnel decisions shall be made on the basis of ~~upon~~ race, sex, creed, religion, national origin, age, color, or handicapping condition as defined by G.S. 168A-3. All



(d) employees are guaranteed the right to work in an environment free from unlawful workplace harassment and retaliation. Unlawful workplace harassment shall ~~hereforth~~ henceforth be deemed a form of discrimination prohibited by G.S. 126-16 and G.S. 126-36.

(e) Grievances. Any current or former state employee who feels he/she has been the victim of unlawful workplace harassment in violation of this policy and G.S. 126-16 and G.S. 126-36 may file a grievance through the departmental grievance procedure. Filing such a written complaint shall be a prerequisite to any further appeal to the State Personnel Commission regarding unlawful workplace harassment. After the employee's written complaint is submitted to the department or agency, the department or agency shall have 60 days within which to consider the complaint and take any appropriate remedial action, ~~if any unless the department or agency has waived the 60-day period, and the employee has acknowledged such waiver. The waiver and acknowledgement shall be in writing.~~ Consistent with G.S. 126-34, G.S. 126-34.1, G.S. 126-36 and ~~G.S. 126-36.1~~ G.S. 126-36.1, any current or former state employee who feels that he/she has been subjected to unlawful workplace harassment may appeal directly to the State Personnel Commission (such appeal consisting of a contested case hearing under G.S. 150B and a decision by the State Personnel Commission) only after submitting a written complaint and ~~waiting sixty days from the submission of the complaint after receiving notification of remedial action, if any, by the department or agency.~~

(f) Departmental Plans. Each department head or university chancellor shall include as a supplement to the Affirmative Action Plan a plan setting for the steps to be taken to prevent and correct unlawful workplace harassment. Each department or university shall submit such a plan to the Office of State Personnel for review, technical assistance, and approval by the Director of State Personnel. Each plan on unlawful workplace harassment shall, at the minimum, include:

- (1) publishing and disseminating a policy statement establishing that unlawful workplace harassment of employees and applicants is prohibited;
- (2) establishment of internal procedure to handle complaints of unlawful workplace harassment. This procedure shall provide prompt investigation and resolution of complaints within the department or university and shall offer the employee recourse other than through the immediate supervisor;
- (3) utilization of training and other methods to prevent unlawful workplace harassment;
- (4) stating that the department will, in allegations of unlawful workplace harassment, review the entire record and the totality of the circumstances, to determine whether the alleged conduct constitutes unlawful workplace harassment;
- (5) development of appropriate disciplinary actions for conduct determined to constitute unlawful workplace harassment, to be implemented on a case by case basis on the facts of each complaint;

(6) prohibition of internal interference, coercion, restraint or reprisal against any person complaining of alleged unlawful workplace harassment;

(7) notification to all employees that a complaint or allegation of unlawful workplace harassment must be filed within the department or agency and that the agency or department has 60 days (or less, if waived by agency or department and acknowledged by employee) to take appropriate action, if any, in response to the complaint prior to the filing of a complaint of unlawful workplace harassment with the State Personnel Commission.

*Authority G.S. 126-4; 126-16; 126-17; 126-36; 126-36.1.*

**SUBCHAPTER 01J – EMPLOYEE RELATIONS**

**SECTION .0600 – DISCIPLINARY ACTION:  
SUSPENSION AND DISMISSAL**

**25 NCAC 01J .0603 APPEALS**

(a) A career employee who has been demoted, suspended or dismissed shall have 15 calendar days from the date of his receipt of written notice of such action to file an appeal with his department/university grievance procedure. Grievances which do not allege discrimination, a violation of G.S. 126-7.1(a) or (c), a violation of G.S. 126-82, or that do not allege a denial of employment or promotion in violation of G.S. 126-14.2 must follow the department or university grievance procedure. An appeal to the State Personnel Commission of a final departmental or university decision must be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 within 30 calendar days of receipt of the final agency decision. Grievances which allege unlawful workplace harassment must be submitted in writing to the agency or department, within 30 calendar days of the alleged harassing action, and the agency or department must be given 60 calendar days in which to take appropriate remedial action, if any, unless the department or agency has waived the 60-day period, and the employee has acknowledged such waiver. The acknowledgement and waiver shall be in writing. An appeal to the State Personnel Commission of unlawful workplace harassment must be filed with the Office of Administrative Hearings in accordance with G.S. 150B-23 and within 30 calendar days of notification of the remedial action, if any, taken by the agency. ~~60<sup>th</sup> day of the period given to the agency to consider the unlawful workplace harassment complaint.~~

(b) Grievances which allege discrimination not including unlawful workplace harassment may, at the election of the employee, proceed through the department or university procedure or proceed directly to the State Personnel Commission (SPC) for a hearing by the Office of Administrative Hearings (OAH) and a decision by the SPC. A direct appeal to the SPC (such appeal involving a contested case hearing by the OAH and a recommended decision by that agency to the SPC) alleging discrimination not including unlawful workplace harassment must be filed in accordance

**PROPOSED RULES**

---

with G.S. 150B-23 and must be filed within 30 calendar days of receipt of notice of the alleged discriminatory act.

(c) Grievances which allege a violation of G.S. 126-14.2 must be filed with the Civil Rights Division of the OAH within 30 calendar days after the employee or applicant receives written notice that the position in question has been filled. The employee or applicant must file a petition for a contested case hearing pursuant to G.S. 126-34.1 and Article 3 of Chapter 150B within 15 days of the initial determination by the OAH Civil Rights Division that there has been a violation of G.S. 126-14.2.

(d) Grievances filed on an untimely basis (see G.S. 126-14.4, 126-35, 126-36 and 126-38) must be dismissed. Allegations

of discrimination raised more than 30 calendar days after receipt of notice of the occurrence of the alleged discriminatory act must be dismissed. Grievances alleging unlawful workplace harassment raised more than 30 calendar days after ~~the 60<sup>th</sup> day of the 60-day time period given to the agency to consider an unlawful workplace harassment complaint must be dismissed.~~ notification of the remedial action, if any, taken by the agency must be dismissed.

*Authority G.S. 126-1A; 126-35; 126-36; 126-38; 150B, Article 3; 150B-23.*

**TEMPORARY RULES**

*This Section includes temporary rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code and includes, from time to time, a listing of temporary rules that have expired. See G.S. 150B-21.1 and 26 NCAC 02C .0500 for adoption and filing requirements. Pursuant to G.S. 150B-21.1(e), publication of a temporary rule in the North Carolina Register serves as a notice of rule-making proceedings unless this notice has been previously published by the agency.*

**TITLE 10 – DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Rule-making Agency:** *Division of Facility Services, DHHS*

**Rule Citation:** *10 NCAC 03R .6302, .6308*

**Effective Date:** *May 1, 2001*

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

**Authority for the rulemaking:** *G.S. 131E-176(25); 131E-177(1); 131E-183(b)*

**Reason for Proposed Action:** *The amendment/peal to these Rules are necessary to comply with recent changes in Ambulatory Surgical Service Area 24 that now eliminate the need for one additional ambulatory surgical facility in that area (as identified in the 2001 SMFP and promulgated by the aforementioned temporary rules). Temporary rule-making is necessary because the process does not provide the Department with the time necessary to utilize the permanent rule-making process.*

**Comment Procedures:** *Questions or comments concerning the rules should be directed to Jackie Sheppard, Assistant Director/Rule-Making Coordinator, Division of Facility Services, 701 Barbour Dr., 2701 Mail Service Center, Raleigh, NC 27699-2701.*

**CHAPTER 03 – FACILITY SERVICES**

**SUBCHAPTER 03R – CERTIFICATE OF NEED REGULATIONS**

**SECTION .6300 – PLANNING POLICIES AND NEED DETERMINATION FOR 2001**

**10 NCAC 03R .6302 CERTIFICATE OF NEED REVIEW SCHEDULE**

The Department of Health and Human Services (DHHS) has established the following review schedules for certificate of need applications:

~~(1) Ambulatory Surgical Facilities (in accordance with the need determination in 10 NCAC 03R .6308)~~

<del>Ambulatory Surgery Service Area</del>	<del>CON Beginning Review Date</del>
<del>Area 24 (Greene, Lenoir, Martin and Pitt Counties)</del>	<del>September 1, 2001</del>

~~(2)(1) Heart-Lung Bypass Machine (in accordance with the need determination in 10 NCAC 03R .6310)~~

<del>Hospital Service System</del>	<del>CON Beginning Review Date</del>
<del>Gaston Memorial</del>	<del>August 1, 2001</del>

~~(3)(2) Fixed Cardiac Catheterization Equipment (in accordance with the need determination in 10 NCAC 03R .6311)~~

<del>County</del>	<del>CON Beginning Review Date</del>
<del>Pasquotank</del>	<del>March 1, 2001</del>
<del>Johnston</del>	<del>July 1, 2001</del>

~~(4)(3) Shared Fixed Cardiac Catheterization Equipment (in accordance with the need determination in 10 NCAC 03R .6312)~~

<del>CON Beginning</del>
--------------------------

**TEMPORARY RULES**

Hospital Service System	Review Date
Lake Norman Regional	April 1, 2001

~~(5)~~(4) Positron Emission Tomography Scanners (in accordance with the need determination in 10 NCAC 03R .6314)

Health Service Area (HSA)	CON Beginning Review Date
I	October 1, 2001
III	April 1, 2001
IV	July 1, 2001
V	November 1, 2001
VI	March 1, 2001

~~(6)~~(5) Magnetic Resonance Imaging Scanners (in accordance with the need determinations in 10 NCAC 03R .6320)

Magnetic Resonance Imaging Scanners Service Area	CON Beginning Review Date
3 (Buncombe, Madison, McDowell, Mitchell, Yancey)	August 1, 2001
13 (Caswell, Durham, Granville, Person, Vance, Warren)	November 1, 2001
17 (Anson, Mecklenburg, Union)	October 1, 2001
19 (Franklin, Harnett, Johnston, Lee, Wake)	March 1, 2001
21 (Bladen, Brunswick, Columbus, Duplin, New Hanover, Pender)	July 1, 2001

~~(7)~~(6) Magnetic Resonance Imaging Scanners (in accordance with the need determination in 10 NCAC 03R .6321)

Magnetic Resonance Imaging Scanners Service Area	CON Beginning Review Date
15 (Davidson, Guilford, Randolph & Rockingham)	August 1, 2001
17 (Anson, Mecklenburg, Union)	April 1, 2001

~~(8)~~(7) Nursing Care Beds (in accordance with the need determination in 10 NCAC 03R .6322)

County	CON Beginning Review Date
Davie	August 1, 2001
Wayne	May 1, 2001

~~(9)~~(8) Medicare-Certified Home Health Agencies or Offices (in accordance with the need determination in 10 NCAC 03R .6323)

County	CON Beginning Review Date
Pamlico	November 1, 2001

~~(10)~~(9) Hospice Home Care Program Need Determination (in accordance with the need determination in 10 NCAC 03R .6326)

County	CON Beginning Review Date
Wake	May 1, 2001

~~(11)~~(10) Adolescent Residential Chemical Dependency (Substance Abuse) Treatment Beds (in accordance with the need determination in 10 NCAC 03R .6329)



**TEMPORARY RULES**

Mental Health Planning Region	CON Beginning Review Date
Western Region	June 1, 2001

~~(12)~~(11) Chemical Dependency (Substance Abuse) Beds – Adult Detox-Only Beds (in accordance with the need determination in 10 NCAC 03R .6330)

Mental Health Planning Area	CON Beginning Review Date
1 (Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain)	June 1, 2001
4 (Henderson, Transylvania)	June 1, 2001
5 (Alexander, Burke, Caldwell, McDowell)	June 1, 2001
6 (Rutherford, Polk)	June 1, 2001
7 (Cleveland, Gaston, Lincoln)	June 1, 2001
10 (Rowan, Stanly, Cabarrus, Union)	June 1, 2001
11 (Surry, Yadkin, Iredell)	June 1, 2001
13 (Rockingham)	June 1, 2001
15 (Alamance, Caswell)	June 1, 2001
16 (Orange, Person, Chatham)	July 1, 2001
18 (Vance, Granville, Franklin, Warren)	July 1, 2001
19 (Davidson)	June 1, 2001
21 (Bladen, Columbus, Robeson, Scotland)	July 1, 2001
24 (Johnston)	July 1, 2001
25 (Wake)	July 1, 2001
29 (Wayne)	July 1, 2001
30 (Wilson, Greene)	July 1, 2001
31 (Edgecombe, Nash)	July 1, 2001
32 (Halifax)	July 1, 2001
33 (Carteret, Craven, Jones, Pamlico)	July 1, 2001
34 (Lenoir)	July 1, 2001
36 (Bertie, Gates, Hertford, Northampton)	July 1, 2001
37 (Beaufort, Hyde, Martin, Tyrrell, Washington)	July 1, 2001
38 (Camden, Chowan, Currituck, Dare, Pasquotank, Perquimans)	July 1, 2001
39 (Duplin, Sampson)	July 1, 2001

~~(13)~~(12) Intermediate Care Facilities for the Mentally Retarded (in accordance with need determination in 10 NCAC 03R .6331.

Mental Health Planning Area	CON Beginning Review Date
Statewide demonstration project, in any HSA except HSA IV	February 1, 2001

~~(14)~~(13) There are 11 categories of projects for certificate of need review. The DHHS shall determine the appropriate review category or categories for all applications submitted pursuant to 10 NCAC 3R .0304. For proposals which include more than one category, the DHHS may require the applicant to submit separate applications. If it is not practical to submit separate applications, the DHHS shall determine in which category the application shall be reviewed. The review of an application for a certificate of need shall commence in the next applicable review schedule after the application has been determined to be complete. The 11 categories are:

- (a) Category A. Proposals submitted by acute care hospitals, except those proposals included in Categories B through H and Categories J and K, including but not limited to the following types of projects: renovation, construction, equipment, and acute care services.
- (b) Category B. Proposals for nursing care beds; new continuing care retirement communities applying for exemption under 10 NCAC 03R .6337; and relocations of nursing care beds under 10 NCAC 03R .6339 or 10 NCAC 03R .6341.
- (c) Category C. Proposals for new psychiatric facilities; psychiatric beds in existing health care facilities; new intermediate care facilities for the mentally retarded (ICF/MR) and ICF/MR beds in existing health care

**TEMPORARY RULES**

- facilities; new substance abuse and chemical dependency treatment facilities; substance abuse and chemical dependency treatment beds in existing health care facilities.
- (d) Category D. Proposals for new dialysis stations in response to the "county need" or "facility need" methodologies; and relocations of existing dialysis stations to another county.
  - (e) Category E. Proposals for new or expanded inpatient rehabilitation facilities and inpatient rehabilitation beds in other health care facilities; and new or expanded ambulatory surgical facilities except those proposals included in Category H.
  - (f) Category F. Proposals for new Medicare-certified home health agencies or offices, new hospices, new hospice inpatient facility beds, and new hospice residential care facility beds.
  - (g) Category G. Proposals for conversion of hospital beds to nursing care under 10 NCAC 03R .6336.
  - (h) Category H. Proposals for bone marrow transplantation services, burn intensive care services, neonatal intensive care services, open heart surgery services, solid organ transplantation services, air ambulance equipment, cardiac angioplasty equipment, cardiac catheterization equipment, heart-lung bypass machines, gamma knives, lithotriptors, magnetic resonance imaging scanners, positron emission tomography scanners, major medical equipment as defined in G.S. 131E-176 (14f), diagnostic centers as defined in G.S. 131E-176 (7a), and oncology treatment centers as defined in G.S. 131E-176 (18a).
  - (i) Category I. Proposals involving cost overruns; expansions of existing continuing care retirement communities which are licensed by the Department of Insurance at the date the application is filed and are applying under 10 NCAC 3R .6337 for exemption from need determinations in 10 NCAC 03R .6322; relocations within the same county of existing health service facilities, beds or dialysis stations which do not involve an increase in the number of health service facility beds or stations; relocations of nursing care beds from State Psychiatric Hospitals to local communities pursuant to 10 NCAC 03R .6340; reallocation of beds or services; Category A proposals submitted by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; proposals submitted pursuant to 10 NCAC 03R .6332(c) by Academic Medical Center Teaching Hospitals designated prior to January 1, 1990; acquisition of replacement equipment that does not result in an increase in the inventory; and any other proposal not included in Categories A through H and Categories J and K.
  - (j) Category J. Proposals for demonstration projects.
  - (k) Category K. Proposals for conversion of acute care hospitals to long-term acute care hospitals.

~~(15)~~(14) A service, facility, or equipment for which a need determination is identified in Items (1) through (13) of this Rule shall have only one scheduled review date and one corresponding application filing deadline in the calendar year as specified in these items, even though the following review schedule shows multiple review dates for the broad category. Applications for certificates of need for new institutional health services not specified in Items (1) through (13) of this Rule shall be reviewed pursuant to the following review schedule, with the exception that no reviews are scheduled if the need determination is zero. Need determinations for additional dialysis stations pursuant to the "county need" or "facility need" methodologies shall be reviewed in accordance with 10 NCAC 03R .6324 or 10 NCAC 03R .6325.

CON Beginning Review Date	Review Categories for HSA I, II, III	Review Categories for HSA IV, V, VI
January 1, 2001	D	D
February 1, 2001	A, E, G, I, J	J
March 1, 2001	--	A, E, G, H, I
April 1, 2001	B, F, H, I	--
May 1, 2001	--	B, F, I
June 1, 2001	A, C, I, K	K
July 1, 2001	--	A, C, H, I
August 1, 2001	B, E, H, I	--
September 1, 2001	D	B, D, E, I
October 1, 2001	A, F, H, I	--
November 1, 2001	--	A, F, H, I
December 1, 2001	C, I	C, I

For purposes of Magnetic Resonance Imaging (MRI) scanners reviews only, Anson County in MRI Area 17 is considered to be in HSA III and Caswell County in MRI Area 13 is considered to be in HSA IV.

~~(16)~~(15) In order to give the DHHS sufficient time to provide public notice of review and public notice of public hearings as required by G.S. 131E-185, the deadline for filing certificate of need applications is 5:00 p.m. on the 15<sup>th</sup> day of the month preceding the "CON Beginning Review Date." In instances when the 15<sup>th</sup> day of the month falls on a

**TEMPORARY RULES**

weekend or holiday, the filing deadline is 5:00 p.m. on the next business day. The filing deadline is absolute and applications received after the deadline shall not be reviewed in that review period.

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 2001;  
Temporary Amendment Eff. May 1, 2001.

**10 NCAC 03R .6308 AMBULATORY SURGICAL FACILITIES NEED DETERMINATION (REVIEW CATEGORY E)**

~~It is determined that there is a need for one additional ambulatory surgical facility with two operating rooms in Ambulatory Surgery Service Area 24. It is determined that there is no need for additional Ambulatory Surgical Facilities in any other Ambulatory Surgical Facility Planning Area.~~

*History Note:* Authority G.S. 131E-176(25); 131E-177(1); 131E-183(b);  
Temporary Adoption Eff. January 1, 2001;  
Temporary Repeal Eff. May 1, 2001.

\*\*\*\*\*

**Rule-making Agency:** NC Medical Care Commission

**Rule Citation:** 10 NCAC 42B .2701-.2703; 42C .4002-.4004; 42D .2302-.2304

**Effective Date:** May 1, 2001

**Findings Reviewe d and Approved by:** Beecher R. Gray

**Authority for the rulemaking:** G.S. 131D-2; Session Law 2000-129

**Reason for Proposed Action:** S.L. 2000-129 modified G.S. 131D-34.1 to require Adult Care Homes, Family Care Homes and DDA's to notify the Department of deaths occurring in these facilities. These temporary rules were adopted to establish the requirements by which deaths – and the information needed for each death – are to be reported to the Department. The NC Medical Care Commission has the authority to adopt rules pertaining to Adult Care Homes. Given S.L. 2000-129 effective date of January 1, 2001, temporary rule-making action is needed. Otherwise, the earliest effective date under permanent rule-making would be July 1, 2002.

**Comment Procedures:** Questions or comments concerning the rules should be directed to Jackie Sheppard, Assistant Director/Rule-making Coordinator, Division of Facility Services, 701 Barbour Dr., 2701 Mail Service Center, Raleigh, NC 27699-2701.

**CHAPTER 42 – INDIVIDUAL AND FAMILY SUPPORT**

**SUBCHAPTER 42B – LICENSING OF HOMES FOR DEVELOPMENTALLY DISABLED ADULTS**

**SECTION .2700 – DEATH REPORTING REQUIREMENTS**

**10 NCAC 42B .2701 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Accident" means an unexpected, unnatural or irregular event contributing to a resident's death and includes, but is not limited to, medication errors, falls, fractures, choking, elopement, exposure, poisoning, drowning, burns or thermal injury, electrocution, misuse of equipment, motor vehicle accidents, and natural disasters.
- (2) "Division" means the Division of Facility Services (DFS).
- (2) "Immediately" means at once, at or near the present time, without delay.
- (3) "Violence" means physical force exerted for the purpose of violating, damaging, abusing or injuring.

*History Note:* Authority G.S. 131D-2;  
Temporary Adoption Eff. May 1, 2001.

**10 NCAC 42B .2702 SCOPE**

For purposes of this Section, facilities licensed in accordance with G.S. 131D-2 shall report resident deaths to the Division of Facility Services.

*History Note:* Authority G.S. 131D-2;  
Temporary Adoption Eff. May 1, 2001.

**10 NCAC 42B .2703 REPORTING REQUIREMENTS**

- (a) Upon learning of the death of a resident a facility shall file a report in accordance with G.S. 131D-34.1 and these Rules. A facility shall be deemed to have learned of a death when any facility staff obtains reliable information that the death occurred.
- (b) A written notice containing the information listed under Paragraph (d) of this Rule shall be made immediately for a resident death occurring in an adult care home within seven days of the use of a physical restraint or physical hold on the resident or within 24 hours of the resident's transfer from the adult care home to a hospital, if the death occurred within seven days of physical restraint or physical hold of the resident.
- (c) A written notice containing the information under Paragraph (d) of this Rule shall be made within three days of any death resulting from violence, accident, suicide or homicide.
- (d) Written notice may be submitted in person or by telefacsimile or electronic mail. If the reporting facility does not have the capacity or capability to submit a written notice immediately, the information contained in the notice can be reported by telephone following the same time requirements under Subparagraphs (b) and (c) of this Rule until such time

the written notice can be submitted. The notice shall include at least the following information:

- (1) Reporting facility: Name, address, county, license number (if applicable), Medicare/Medicaid provider number (if applicable), facility administrator and telephone number, name and title of person preparing report, first person to learn of death and first staff to receive report of death, and date and time report prepared;
- (2) Resident information: Name, Medicaid number (if applicable), date of birth, age, sex, race, primary admitting diagnoses, and date of most recent admission to an acute care hospital;
- (3) Circumstances of death: place and address where resident died, date and time death was discovered, physical location decedent was found, cause of death (if known), whether or not decedent was restrained at the time of death or within seven days of death and if so, a description of the type of restraint and its usage, and a description of events surrounding the death; and
- (4) Other information: list of other authorities such as law enforcement or the County Department of Social Services that have been notified, have investigated or are in the process of investigating the death or events related to the death.

(e) The facility shall submit a written report, using a form pursuant to G.S. 131D-34.1(e). The facility shall provide, fully and accurately, all information sought on the form. If the facility is unable to obtain any information sought on the form, or if any such information is not yet available, the facility shall so explain on the form.

(f) In addition, the facility shall:

- (1) Notify the Division of Facility Services immediately whenever it has reason to believe that information provided may be erroneous, misleading, or otherwise unreliable;
- (2) Submit to the Division of Facility Services, immediately after it becomes available, any information required by this Rule that was previously unavailable; and
- (3) Provide, upon request by the Division of Facility Services, other information the facility obtains regarding the death, including, but not limited to, death certificates, autopsy reports, and reports by other authorities.

(g) With regard to any resident death under circumstances described in G.S. 130A-383, a facility shall notify the appropriate law enforcement authorities so the medical examiner of the county in which the body is found can be notified. Documentation of such notification shall be maintained by the facility and be made available for review by the Division upon request.

(h) In deaths not under the jurisdiction of the medical examiner, the facility shall notify the decedent's next-of-kin,

or other individual authorized according to G.S. 130A-398, that an autopsy may be requested as designated in G.S. 130A-389.

*History Note: Authority G.S. 131D-2; Temporary Adoption Eff. May 1, 2001.*

**SUBCHAPTER 42C – LICENSING OF FAMILY CARE HOMES**

**SECTION .4000 – DEATH REPORTING REQUIREMENTS**

**10 NCAC 42C .4002 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Accident" means an unexpected, unnatural or irregular event contributing to a resident's death and includes, but is not limited to, medication errors, falls, fractures, choking, elopement, exposure, poisoning, drowning, burns or thermal injury, electrocution, misuse of equipment, motor vehicle accidents, and natural disasters.
- (2) "Division" means the Division of Facility Services (DFS).
- (3) "Immediately" means at once, at or near the present time, without delay.
- (4) "Violence" means physical force exerted for the purpose of violating, damaging, abusing or injuring.

*History Note: Authority G.S. 131D-2; Temporary Adoption Eff. May 1, 2001.*

**10 NCAC 42C .4003 SCOPE**

For purposes of this Section, facilities licensed in accordance with G.S. 131D-2 shall report resident deaths to the Division of Facility Services.

*History Note: Authority G.S. 131D-2; Temporary Adoption Eff. May 1, 2001.*

**10 NCAC 42C .4004 REPORTING REQUIREMENTS**

(a) Upon learning of the death of a resident a facility shall file a report in accordance with G.S. 131D-34.1 and these Rules. A facility shall be deemed to have learned of a death when any facility staff obtains reliable information that the death occurred.

(b) A written notice containing the information listed under Paragraph (d) of this Rule shall be made immediately for a resident death occurring in an adult care home within seven days of the use of a physical restraint or physical hold on the resident or within 24 hours of the resident's transfer from the adult care home to a hospital, if the death occurred within seven days of physical restraint or physical hold of the resident.

(c) A written notice containing the information under Paragraph (d) of this Rule shall be made within three days of any death resulting from violence, accident, suicide or homicide.

(d) Written notice may be submitted in person or by telefacsimile or electronic mail. If the reporting facility does not have the capacity or capability to submit a written notice immediately, the information contained in the notice can be reported by telephone following the same time requirements under Subparagraphs (b) and (c) of this Rule until such time the written notice can be submitted. The notice shall include at least the following information:

- (1) Reporting facility: Name, address, county, license number (if applicable), Medicare/Medicaid provider number (if applicable), facility administrator and telephone number, name and title of person preparing report, first person to learn of death and first staff to receive report of death, and date and time report prepared;
- (2) Resident information: Name, Medicaid number (if applicable), date of birth, age, sex, race, primary admitting diagnoses, and date of most recent admission to an acute care hospital;
- (3) Circumstances of death: place and address where resident died, date and time death was discovered, physical location decedent was found, cause of death (if known), whether or not decedent was restrained at the time of death or within seven days of death and if so, a description of the type of restraint and its usage, and a description of events surrounding the death.; and
- (4) Other information: list of other authorities such as law enforcement or the County Department of Social Services that have been notified, have investigated or are in the process of investigating the death or events related to the death.

(e) The facility shall submit a written report, using a form pursuant to G.S. 131D-34.1(e). The facility shall provide, fully and accurately, all information sought on the form. If the facility is unable to obtain any information sought on the form, or if any such information is not yet available, the facility shall so explain on the form.

(f) In addition, the facility shall:

- (1) Notify the Division of Facility Services immediately whenever it has reason to believe that information provided may be erroneous, misleading, or otherwise unreliable;
- (2) Submit to the Division of Facility Services, immediately after it becomes available, any information required by this Rule that was previously unavailable; and
- (3) Provide, upon request by the Division of Facility Services, other information the facility obtains regarding the death, including, but not limited to, death certificates, autopsy reports, and reports by other authorities.

(g) With regard to any resident death under circumstances described in G.S. 130A-383, a facility shall notify the appropriate law enforcement authorities so the medical

examiner of the county in which the body is found can be notified. Documentation of such notification shall be maintained by the facility and be made available for review by the Division upon request.

(h) In deaths not under the jurisdiction of the medical examiner, the facility shall notify the decedent's next-of-kin, or other individual authorized according to G.S. 130A-398, that an autopsy may be requested as designated in G.S. 130A-389.

*History Note: Authority G.S. 131D-2;  
Temporary Adoption Eff. May 1, 2001.*

**SUBCHAPTER 42D – LICENSING OF HOMES FOR THE AGED AND INFIRM**

**SECTION .2300 – DEATH REPORTING REQUIREMENTS**

**10 NCAC 42D .2302 DEFINITIONS**

The following definitions shall apply throughout this Section:

- (1) "Accident" means an unexpected, unnatural or irregular event contributing to a resident's death and includes, but is not limited to, medication errors, falls, fractures, choking, elopement, exposure, poisoning, drowning, burns or thermal injury, electrocution, misuse of equipment, motor vehicle accidents, and natural disasters.
- (2) "Division" means the Division of Facility Services (DFS).
- (2) "Immediately" means at once, at or near the present time, without delay.
- (3) "Violence" means physical force exerted for the purpose of violating, damaging, abusing or injuring.

*History Note: Authority G.S. 131D-2;  
Temporary Adoption Eff. May 1, 2001.*

**10 NCAC 42D .2303 SCOPE**

For purposes of this Section, facilities licensed in accordance with G.S. 131D-2 shall report resident deaths to the Division of Facility Services.

*History Note: Authority G.S. 131D-2;  
Temporary Adoption Eff. May 1, 2001.*

**10 NCAC 42D .2304 REPORTING REQUIREMENTS**

(a) Upon learning of the death of a resident a facility shall file a report in accordance with G.S. 131D-34.1 and these Rules. A facility shall be deemed to have learned of a death when any facility staff obtains reliable information that the death occurred.

(b) A written notice containing the information listed under Paragraph (d) of this Rule shall be made immediately for a resident death occurring in an adult care home within seven days of the use of a physical restraint or physical hold on the resident or within 24 hours of the resident's transfer from the adult care home to a hospital, if the death occurred within



seven days of physical restraint or physical hold of the resident.

(c) A written notice containing the information under Paragraph (d) of this Rule shall be made within three days of any death resulting from violence, accident, suicide or homicide.

(d) Written notice may be submitted in person or by telefacsimile or electronic mail. If the reporting facility does not have the capacity or capability to submit a written notice immediately, the information contained in the notice can be reported by telephone following the same time requirements under Subparagraphs (b) and (c) of this Rule until such time the written notice can be submitted. The notice shall include at least the following information:

- (1) Reporting facility: Name, address, county, license number (if applicable), Medicare/Medicaid provider number (if applicable), facility administrator and telephone number, name and title of person preparing report, first person to learn of death and first staff to receive report of death, and date and time report prepared;
- (2) Resident information: Name, Medicaid number (if applicable), date of birth, age, sex, race, primary admitting diagnoses, and date of most recent admission to an acute care hospital;
- (3) Circumstances of death: place and address where resident died, date and time death was discovered, physical location decedent was found, cause of death (if known), whether or not decedent was restrained at the time of death or within seven days of death and if so, a description of the type of restraint and its usage, and a description of events surrounding the death.; and
- (4) Other information: list of other authorities such as law enforcement or the County Department of Social Services that have been notified, have investigated or are in the process of investigating the death or events related to the death.

(e) The facility shall submit a written report, using a form pursuant to G.S. 131D-34.1(e). The facility shall provide, fully and accurately, all information sought on the form. If the facility is unable to obtain any information sought on the form, or if any such information is not yet available, the facility shall so explain on the form.

(f) In addition, the facility shall:

- (1) Notify the Division of Facility Services immediately whenever it has reason to believe that information provided may be erroneous, misleading, or otherwise unreliable;
- (2) Submit to the Division of Facility Services, immediately after it becomes available, any information required by this Rule that was previously unavailable; and
- (3) Provide, upon request by the Division of Facility Services, other information the facility obtains regarding the death,

including, but not limited to, death certificates, autopsy reports, and reports by other authorities.

(g) With regard to any resident death under circumstances described in G.S. 130A-383, a facility shall notify the appropriate law enforcement authorities so the medical examiner of the county in which the body is found can be notified. Documentation of such notification shall be maintained by the facility and be made available for review by the Division upon request.

(h) In deaths not under the jurisdiction of the medical examiner, the facility shall notify the decedent's next-of-kin, or other individual authorized according to G.S. 130A-398, that an autopsy may be requested as designated in G.S. 130A-389.

*History Note: Authority G.S. 131D-2; Temporary Adoption Eff. May 1, 2001.*

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

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

**Rule Citation:** *15A NCAC 02S .0102-.0103; .0202; .0301-.0302; .0401*

**Effective Date:** *June 1, 2001*

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

**Authority for the rulemaking:** *G.S. 143-215.104D(b); 150B-21.2*

**Reason for Proposed Action:** *These Rules are needed to implement the Dry-Cleaning Solvent Cleanup Act (DSCA) of 1997 as amended by S.L. 2000-19 so that dry-cleaning sites in North Carolina that are contaminated by dry-cleaning solvent can be certified into the DSCA Program. Once certified into the DSCA program, the threats to human health and the environment posed by the environmental contamination will be assessed and corrective actions can be taken at these sites.*

**Comment Procedures:** *Please send all comments to Lisa Taber, Division of Waste Management, Superfund Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.*

**CHAPTER 02 – ENVIRONMENT MANAGEMENT**

**SUBCHAPTER 02S – RULES AND CRITERIA FOR THE ADMINISTRATION OF THE DRY-CLEANING SOLVENT CLEANUP FUND**

**SECTION .0100 – GENERAL CONSIDERATIONS**

**15A NCAC 02S .0102 DEFINITIONS**

The definition of any word or phrase used in this Subchapter shall be the same as given in G.S. 143-215.104B and the

following words and phrases shall have the following meanings:

- ~~(1) "Number of full time employees" is equivalent to the total hours worked by all persons employed by a company or corporation in the previous year divided by 40 hours per week.~~
- ~~(2) "Impervious" means a material that is specifically manufactured for the containment of dry-cleaning solvent.~~
- (1) "Act" means the Dry-Cleaning Solvent Cleanup Act of 1997 and any amendments thereto.
- (2) "Apparel and household fabrics" means apparel and fabrics that have been purchased at retail or have been purchased at wholesale for rental at retail.
- (3) "Business" means a sole proprietorship, a partnership, a limited partnership, a limited liability company, a corporation or any other business entity.
- (4) "Closed container solvent transfer system" means a device or system specifically designed to fill a dry-cleaning machine with dry-cleaning solvent through a mechanical valve or sealed coupling in order to prevent spills or other loss of solvent liquids or vapors to the environment.
- (5) "Discovery Site" means the physical site or area where dry-cleaning solvent contamination has been discovered. A discovery site may or may not be the same property as the facility site.
- (6) "Division" means the Division of Waste Management of the Department of Environment and Natural Resources.
- (7) "Dry-Cleaning Business" means a business having engaged in dry-cleaning operations or the operation of a wholesale distribution facility at a facility site.
- (8) "Environmental media" means soil, sediment, surface water, groundwater or other physical substance.
- (9) "Facility site" means the physical location of a dry-cleaning facility, a wholesale distribution facility or an abandoned site.
- (10) "Material impervious to dry-cleaning solvent" means a material that has been demonstrated by the manufacturer or a reputable testing organization to maintain its chemical and structural integrity in the presence of the applicable dry-cleaning solvent and prevent the movement of dry-cleaning solvent for a period of at least 72 hours.
- (11) "Number of full time employees" means the number of full-time equivalent employees employed by a person who owns a dry-cleaning facility, as calculated pursuant to 15A NCAC 02S.0103.

(12) "Person" means any and all natural persons, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized or existing under the laws of this State or any other state or country.

(13) "Petitioner" means a potentially responsible party that submits a petition for certification of a facility site.

*History Note: Authority G.S. 143-215.104D(b); 150B-21.2;*

*Eff. August 1, 2000;*

*Temporary Amendment Eff. June 1, 2001.*

**15A NCAC 02S .0103 CALCULATION OF FULL TIME EQUIVALENT EMPLOYMENT**

(a) This Rule governs the calculation of the number of full-time equivalent employees employed by a person who owns a dry-cleaning facility. For the purposes of this Rule, the person that owns the dry-cleaning facility shall be referred to as the "facility owner." If the dry-cleaning facility is jointly owned by more than one person, the full-time equivalent employment associated with the dry-cleaning facility shall be the number of full-time equivalent employees employed in activities related to dry-cleaning by all persons with an ownership interest in the dry-cleaning facility.

(b) The number of full-time employees employed by a facility owner in activities related to dry-cleaning operations shall be the sum of the following:

(1) the number of salaried employees employed by the facility owner in activities related to dry-cleaning operations;

(2) the total number of hours worked in the previous calendar year by non-salaried employees employed by the facility owner in activities related to dry-cleaning operations divided by 2080; and

(3) the lesser of:

(A) the number of persons who hold ownership interests in the dry-cleaning facility, but are not included in Subparagraphs (1) or (2) of this Paragraph, and who perform activities related to dry-cleaning operations at a dry-cleaning facility in which the persons have ownership interests; or

(B) the total number of hours worked by such persons divided by 2080.

(c) If a facility owner was not engaged in the operation of dry-cleaning facilities during the entire calendar year for which full-time equivalent employment is being calculated, then the number in Subparagraph (b)(2) of this Rule shall be prorated according to the number of weeks, or partial weeks, during the previous calendar year that the facility owner was engaged in the operation of such dry-cleaning facilities.

(d) For the purposes of this Section, an employee shall be considered to be employed in activities related to dry-cleaning

operations if the employee's duties include any of the following activities:

- (1) the provision of dry-cleaning or laundry services, including the collection, cleaning, pressing, altering, repair, packaging, handling, or delivery of items of apparel or household fabrics for which dry-cleaning or laundry services are provided;
- (2) the supervision of employees involved in the provision of dry-cleaning or laundry services as described in Subparagraph (d)(1) of this Rule;
- (3) the maintenance or operation of physical facilities used to provide dry-cleaning or laundry services as described in Subparagraph (d)(1) of this Rule; or
- ~~(3)~~(4) the management, including accounting, financial, human resource, or other support functions, of the business providing dry-cleaning or laundry services as described in Subparagraph (d)(1) of this Rule.

*History Note:* Authority G.S. 143-215.104D(b); 150B-21.2; Temporary Adoption Eff. June 1, 2001.

**SECTION .0200 – MINIMUM MANAGEMENT PRACTICES**

**15A NCAC 02S .0202 REQUIRED MINIMUM MANAGEMENT PRACTICES**

(a) ~~Any~~All abandoned ~~site~~sites, as defined by G.S.143-215.104(B)(b)(1), ~~wishing to petition for certification pursuant to the Dry-Cleaning Solvent Cleanup Act of 1997 shall demonstrate~~shall at all times after this Rule becomes effective, ~~compliance~~comply with Required Minimum Management Practice (b)(5) of this Rule.

(b) All ~~currently operating dry-cleaning, or dry-cleaning facilities and~~ wholesale distribution facilities ~~wishing to petition for certification pursuant to the Dry-Cleaning Solvent Cleanup Act of 1997 shall demonstrate~~shall, at all times after this Rule becomes effective, ~~compliance~~comply with the following minimum management practices:

- (1) At no time shall any dry-cleaning solvent, wastes containing dry-cleaning solvent, or water containing dry-cleaning solvent be discharged onto land or into waters of the State, sanitary sewers, storm drains, floor drains, septic systems, boilers, or cooling-towers. All invoices generated as a result of disposal of all dry-cleaning solvent waste shall be made available for review by the Department. If a dry-cleaning facility uses devices such as atomizers, evaporators, carbon filters, or other equipment for the treatment of wastewater containing solvent, all records, including but not limited to, invoices for the purchase, maintenance, and service of such devices, shall be made available to the Department. Records shall be kept for a period of three years.

(2) Spill containment shall be ~~constructed in areas installed and maintained under and~~ around dry-cleaning machines, filters, dry-cleaning solvent pumps, stills, vapor adsorbers, solvent storage areas, and waste solvent storage areas by January 1, 2002. ~~The spill~~ Spill~~be constructed of or sealed with materials that are impervious to the applicable dry-cleaning solvent with a~~ containment shall have a volumetric capacity of 110 percent of the largest vessel, tank, or container within the spill containment area and shall be capable of preventing the release of the applicable liquid dry-cleaning solvent beyond the spill containment area for a period of at least 72 hours. All floor drains within or beneath the spill containment area shall be removed or permanently sealed with materials impervious to dry-cleaning solvents. Emergency adsorbent spill clean-up materials shall be on the premises. Facilities must maintain an emergency response plan that is in compliance with federal, state and local requirements.

(3) All perchloroethylene dry-cleaning machines installed at a dry-cleaning facility after the effective date of this Rule shall meet air emissions that equal or exceed the standards that apply to a comparable dry-to-dry perchloroethylene dry-cleaning machine with an integrated refrigerated condenser. All perchloroethylene dry-cleaning facilities must be in compliance with the EPA Perchloroethylene Dry Cleaner NESHAP: 40CFR, Part 63, Subpart M to be eligible for certification.

(4) Facilities that use perchloroethylene shall use a closed container solvent transfer system by January 1, 2002.

(5) Within six months of the effective date of this Rule, no dry-cleaning facility shall use underground storage tanks for solvents or waste.

*History Note:* Authority G.S. 143-215.104D(b); 150B-21.2; Eff. August 1, 2000; Temporary Amendment Eff. June 1, 2001.

**SECTION .0300 - PETITIONS FOR CERTIFICATION**

**15A NCAC 02S .0301 FILING**

(a) Any potentially responsible party may petition for certification of a facility site by filing a petition with the Division using forms provided by the Division. Petitions shall be verified by the petitioner, and shall include a laboratory analysis demonstrating the presence of dry-cleaning solvent in environmental media at the discovery site.



(b) Petition forms may be obtained from the Dry-Cleaning Solvent Cleanup Act Program of the Superfund Section of the Division, 401 Oberlin Road, Raleigh, North Carolina 27605.

*History Note:* Authority G.S. 143-215.104D(b); 150B-21.2; Temporary Adoption Eff. June 1, 2001.

**15A NCAC 02S .0302 OTHER POTENTIALLY RESPONSIBLE PARTIES**

(a) After receiving a petition, the Division may notify other potentially responsible parties that a petition has been filed.

(b) The Division may request from any potentially responsible party that has not petitioned for certification of the facility site additional information concerning the dry-cleaning business, the discovery site, or the facility site. The Division may refuse to enter into an assessment or remediation agreement with any potentially responsible party that:

- (1) fails to provide within 60 days any additional information requested by the Division that is in the possession or control of the party; or
- (2) fails or refuses to cooperate in the assessment or remediation of the facility site or the discovery site.

The time for responding to requests for additional information described in this Rule shall be measured from the date a request for information is received by the potentially responsible party from whom the information is requested.

*History Note:* Authority G.S. 143-215.104D(b); 150B-21.2; Temporary Adoption Eff. June 1, 2001.

**SECTION .0400 – ASSESSMENT AGREEMENTS**

**15A NCAC 02S .0401 PRIORITIZATION ASSESSMENT**

(a) Upon receipt of a petition for certification that meets the requirements of the Act and Section .0300 of this Subchapter, the Division may enter into an agreement with one or more potentially responsible parties that have petitioned for certification requiring such party or parties to provide a prioritization assessment of the dry-cleaning solvent contamination identified in the petition. A prioritization assessment agreement entered into pursuant to this Paragraph shall qualify the petitioners party thereto to the liability protections of the Act.

(b) An agreement made pursuant to Paragraph (a) of this Rule shall provide that costs associated with the prioritization assessment be paid by the petitioner or petitioners who are party to the agreement, provided that costs in excess of the petitioner's deductible and copay obligations under the Act shall be reimbursed from the Fund in accordance with the provisions of the Act.

*History Note:* Authority G.S. 143-215.104D(b); 150B-21.2; Temporary Adoption Eff. June 1, 2001.

**TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES**

**Rule-making Agency:** *NC Marine Fisheries Commission*

**Rule Citation:** *15A NCAC 03J .0103; 03M .0101, .0501*

**Effective Date:** *May 1, 2001*

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

**Authority for the rulemaking:** *G.S. 113-134; 113-173; 113-182; 113-221; 143B-289.52*

**Reason for Proposed Action:**

*15A NCAC 03J .0103; 03M .0501 - The Fisheries Reform Act of 1997 and its amendments (House Bill 1448) required a complete review of the Marine Fisheries Laws. Section 6.10 authorizes the Marine Fisheries Commission to adopt temporary rules until all rules necessary to implement the provisions of this act have become effective. The Red Drum Fishery Management Plan was approved on March 30, 2001. The change in the attendance line uses landmarks more easily recognized by fishermen and Marine Patrol personnel. The change in the proclamation authority allows for flexibility in management of both recreational and commercial fisheries, deletes a daily trip limit which while in place allowed for an overage in the harvest of the red drum commercial harvest cap and amends the fishing year from a calendar year to one that more accurately reflects when the fishery is prosecuted. Implementation of this Rule is an integral part of implementing the Red Drum Fishery Management Plan.*

*15A NCAC 03M .0101 – The Fisheries Reform Act of 1997 and its amendments (House Bill 1448) required a complete review of the Marine Fisheries Laws. Section 6.10 authorizes the Marine Fisheries Commission to adopt temporary rules until all rules necessary to implement the provisions of this act have become effective. The River Herring Fishery Management Plan adopted under the authority of the Fisheries Reform Act of 1997 recommended a creel limit for fish taken by hook-and-line. The fact that river herring are used as bait was overlooked and the effect that the mutilated finfish rule has on the use of any fish with a creel limit imposed on it was not foreseen. The use of herring and alewife as bait is a common practice in several fisheries, particularly striped bass. There was no intent to not allow this practice to continue. Implementation of this rule is an integral part of implementing the River Herring Fishery Management Plan.*

**Comment Procedures:** *Written comments are encouraged and may be submitted to the MFC, Juanita Gaskill, PO Box 769, Morehead City, NC 28557.*

**CHAPTER 03 – MARINE FISHERIES**

**SUBCHAPTER 03J – NETS, POTS, DREDGES AND OTHER FISHING DEVICES**

**SECTION .0100 – NET RULES, GENERAL**

**15A NCAC 03J .0103 GILL NETS, SEINES, IDENTIFICATION, RESTRICTIONS**

(a) It is unlawful to use a gill net with a mesh length less than 2½ inches.

(b) The Fisheries Director may, by proclamation, limit or prohibit the use of gill nets or seines in coastal waters, or any portion thereof, or impose any or all of the following restrictions on the use of gill nets or seines:

- (1) Specify area.
- (2) Specify season.
- (3) Specify gill net mesh length.
- (4) Specify means/methods.
- (5) Specify net number and length.

(c) It is unlawful to use fixed or stationary gill nets in the Atlantic Ocean, drift gill nets in the Atlantic Ocean for recreational purposes, or any gill nets in internal waters unless nets are marked by attaching to them at each end two separate yellow buoys which shall be of solid foam or other solid buoyant material no less than five inches in diameter and no less than five inches in length. Gill nets which are not connected together at the top line shall be considered as individual nets, requiring two buoys at each end of each individual net. Gill nets connected together at the top line shall be considered as a continuous net requiring two buoys at each end of the continuous net. Any other marking buoys on gill nets used for recreational purposes shall be yellow except one additional buoy, any shade of hot pink in color, constructed as specified in Paragraph (c) of this Rule, shall be added at each end of each individual net. Any other marking buoys on gill nets used in commercial fishing operations shall be yellow except that one additional identification buoy of any color or any combination of colors, except any shade of hot pink, may be used at either or both ends. The owner shall always be identified on a buoy on each end either by using engraved buoys or by attaching engraved metal or plastic tags to the buoys. Such identification shall include owner's last name and initials and if a vessel is used, one of the following:

- (1) Owner's N.C. motor boat registration number, or
- (2) Owner's U.S. vessel documentation name.

(d) It is unlawful to use gill nets:

- (1) Within 200 yards of any pound net with lead and pound or heart in use;
- (2) From March 1 through October 31 in the Intracoastal Waterway within 150 yards of any railroad or highway bridge.

(e) It is unlawful to use gill nets within 100 feet either side of the center line of the Intracoastal Waterway Channel south of Quick Flasher No. 54 in Alligator River at the southern entrance to the Intracoastal Waterway to the South Carolina line, unless such net is used in accordance with the following conditions:

- (1) No more than two gill nets per boat may be used at any one time;
- (2) Any net used must be attended by the fisherman from a boat who shall at no time be more than 100 yards from either net; and
- (3) Any individual setting such nets shall remove them, when necessary, in sufficient time to permit unrestricted boat navigation.

(f) It is unlawful to use drift gill nets in violation of 15A NCAC 03J .0101(2) and Paragraph (e) of this Rule.

(g) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation in the following areas:

- (1) Pamlico River, west of a line beginning at a point on Mauls Point at 35° 26.9176' N - 76° 55.5253' W; to a point on Ragged Point at 35° 27.5768 N - 76° 54.3612' W;
- (2) Within 200 yards of any shoreline in Pamlico River and its tributaries east of the line from Mauls Point at 35° 26.9176' N - 76° 55.5253' W; to Ragged Point at 35° 27.5768' N - 76° 54.3612' W and west of a line beginning at a point on Pamlico Point at 35° 18.5906' N - 76° 28.9530' W; through Marker #1 to a point on Roos Point at 35° 22.3622' N - 76° 28.2032' W;
- (3) Pungo River, east of a line beginning at a point on Durants Point at 35° 30.5312' N - 76° 35.1594' W; to the northern side of the breakwater at 35° 31.7198' N - 76° 36.9195' W;
- (4) Within 200 yards of any shoreline in Pungo River and its tributaries west of the line from Durants Point at 35° 30.5312' N - 76° 35.1594' W; to the northern side of the breakwater at 35° 31.7198' N - 76° 35.1594' W, and west of a line beginning at a point on Pamlico Point at 35° 18.5906' N - 76° 28.9530' W; through Marker #1 to a point on Roos Point at 35° 22.3622' N - 76° 28.2032' W;
- (5) Neuse River and its tributaries northwest of the Highway 17 highrise bridge;
- (6) Trent River and its tributaries;
- (7) Within 200 yards of any shoreline in Neuse River and its tributaries east of a line from the Highway 17 highrise bridge and west of a line beginning at a point on Wilkinson Point at 34° 57.9116' N - 76° 48.2240' W; to a point on Cherry Point at 34° 56.3658' N - 76° 48.7110' W.

(h) It is unlawful to use unattended gill nets with a mesh length less than five inches in a commercial fishing operation from May 1 through October 31 in the following internal coastal and joint waters of the state south of a line beginning at a point on Roanoke Marshes Point at 35° 48.3693' N - 75° 43.7232' W; to a point on Eagle Nest Bay at 35° 44.1710' N - 75° 31.0520' W to the South Carolina State Line:

- (1) All primary nursery areas described in 15A NCAC 03R .0103, all permanent secondary nursery areas described in 15A NCAC 03R .0104, and no trawl areas described in 15A NCAC 03R .0106 (3),(4),(6), and (7);
- (2) In the area along the Outer Banks, beginning at a point on Core Banks at 34° 58.7853' N - 76° 09.8922' W; to a point on Wainwright Island at 34° 59.4664' N - 76° 12.4859' W; to a point at 35° 00.2666' N - 76° 12.2000' W; to a point [near Beacon "HL"](#) at 35°

01.5833' N - 76° 11.4500' W; to a point [near North Rock](#) at 35° 06.4000' N - 76° 04.3333' W; to a point [near Nine Foot Shoal Channel](#) at 35° 08.4333' N - 76° 02.5000' W; to a point [near the west end of Clark Reef](#) at 35° 09.3000' N - 75° 54.8166' W; [to a point south of Legged Lump at 35° 10.9666' N - 75° 49.7166' W; to a point on Legged Lump at 35° 11.4833' N - 75° 51.0833' W; to a point near No. 36 in Rollinson Channel at 35° 15.5000' N - 75° 43.4000' W; to a point near No. 2 in Cape Channel at 35° 19.0333' N - 75° 36.3166' W; to a point near No. 2 in Avon Channel at 35° 22.3000' N - 75° 33.2000' W; to a point at 35° 22.8000' N - 75° 33.6000' W; to a point on Gull Island at 35° 28.4500' N - 75° 31.3500' W; to a point west of Salvo at 35° 32.6000' N - 75° 31.8500' W; to a point west of Rodanthe Pier at 35° 35.0000' N - 75° 29.8833' W; to a point near No. 2 in Chicamacomico Channel, to a point west of Beach Slough at 35° 40.0000' N - 75° 32.8666' W; to a point west of Pea Island at 35° 35.9833' N - 75° 31.2000' W; to a point 35° 45.1833' N - 75° 34.1000' W; to a point at 35° \[44.1710' 44.1833'\]\(#\) N - 75° \[31.0520' 31.0833'\]\(#\) W. Thence running south along the shoreline across the inlets to the point of beginning;](#)

- (3) In Back and Core sounds, beginning at a point on Shackleford Banks at 34° 39.6601' N - 76° 34.4078' W; to a point at Marker #3 at 34° 41.3166' N - 76° 33.8333' W; to a point at 34° 40.4500' N - 76° 30.6833' W; to a point near Marker "A37" at 34° 43.5833' N - 76° 28.5833' W; to a point at 34° 43.7500' N - 76° 28.6000' W; to a point at 34° 48.1500' N - 76° 24.7833' W; to a point near Drum Inlet at 34° 51.0500' N - 76° 20.3000' W; to a point at 34° 53.4166' N - 76° 17.3500'; to a point at 34° 53.9166' N - 76° 17.1166' W; to a point at 34° 53.5500' N - 76° 16.4166' W; to a point at 34° 56.5500' N - 76° 13.6166' W; to a point at 34° 56.4833' N - 76° 13.2833' W; to a point at 34° 58.1833' N - 76° 12.3000' W; to a point at 34° 58.8000' N - 76° 12.5166' W; to a point on Wainwright Island at 34° 59.4664' N - 76° 12.4859' W; to a point on Core Banks at 34° 58.7832' N - 76° 09.8922' W; thence following the shoreline south across Drum and Barden inlets to the point of beginning;
- (4) Within 200 yards of any shoreline, except from October 1 through October 31, south and east of Highway 12 in Carteret County and south of a line from a point on Core Banks at 34° 58.7853' N - 76° 09.8922' W; to Camp Point at 35° 59.7942' N - 76° 14.6514' W to the South Carolina State Line.

113-221; 143B-289.52  
 Eff. January 1, 1991;  
 Amended Eff. August 1, 1998; March 1, 1996; March 1, 1994;  
 July 1, 1993; September 1, 1991;  
 Temporary Amendment Eff. October 2, 1999; July 1, 1999;  
 October 22, 1998;  
 Amended Eff. April 1, 2001;  
[Temporary Amendment Eff. May 1, 2001.](#)

**SUBCHAPTER 03M – FINFISH**

**SECTION .0100 – FINFISH, GENERAL**

**15A NCAC 03M .0101 MUTILATED FINFISH**

It is unlawful to possess aboard a vessel or while engaged in fishing from the shore or a pier any species of finfish which is subject to a size or harvest restriction without having head and tail attached. Blueback herring and alewife shall be exempt from this Rule when used for bait provided that not more than two fish per boat or fishing operation may be cut for bait at any one time.

*History Note:* Authority G.S. 113-134; 113-185; 143B-289.52;  
 Eff. January 1, 1991;  
 Amended Eff. January 1, 1991;  
[Temporary Amendment Eff. May 1, 2001.](#)

**SECTION .0500 – OTHER FINFISH**

**15A NCAC 03M .0501 RED DRUM**

(a) The Fisheries Director, may by proclamation, impose any or all of the following restrictions on the taking of red drum:

- (1) Specify areas.
- (2) Specify seasons.
- (3) Specify quantity ~~for fish taken by commercial gear.~~
- (4) Specify means/methods.
- (5) Specify size ~~for fish taken by commercial gear.~~

(b) It is unlawful to remove red drum from any type of net with the aid of any boat hook, gaff, spear, gig, or similar device.

(c) It is unlawful to possess red drum less than 18 inches total length or greater than 27 inches total length.

(d) It is unlawful to possess more than one red drum per person per day taken by hook-and-line or for recreational purposes.

~~(e) It is unlawful to possess more than 100 pounds of red drum per day taken in a commercial fishing operation, regardless of the number of individuals or vessels involved.~~

~~(e)(f)~~ The annual commercial harvest limit ([September through August 31](#) ~~January through December~~) for red drum is 250,000 pounds. If the harvest limit is projected to be taken, the Fisheries Director shall, by proclamation, prohibit possession of red drum taken in a commercial fishing operation.

*History Note:* Authority G.S. 113-134; 113-182; 113-221; 143B-289.52;  
 Eff. January 1, 1991;

*History Note:* Authority G.S. 113-134; 113-173; 113-182;

**TEMPORARY RULES**

---

*Amended Eff. March 1, 1996; October 1, 1992; September 1, 1991;*  
*Temporary Amendment Eff. May 1, 2000; July 1, 1999;*  
*October 22, 1998;*

*Amended Eff. April 1, 2001;*  
[\*Temporary Amendment Eff. May 1, 2001.\*](#)

**RULES REVIEW COMMISSION**

This Section contains the agenda for the next meeting of the Rules Review Commission on Wednesday, May 17, 2001, 10:00 a.m. at 1307 Glenwood Avenue, Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners by Tuesday, May 11, 2001 at 5:00 p.m. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-733-2721. Anyone wishing to address the Commission should notify the RRC staff and the agency at least 24 hours prior to the meeting.

**RULES REVIEW COMMISSION MEMBERS**

**Appointed by Senate**

Paul Powell - Chairman  
Robert Saunders  
Laura Devan  
Jim Funderburke  
David Twiddy

**Appointed by House**

John Arrowood - 1<sup>st</sup> Vice Chairman  
Jennie J. Hayman 2<sup>nd</sup> Vice Chairman  
Walter Futch  
Jeffrey P. Gray  
George Robinson

**RULES REVIEW COMMISSION MEETING DATES**

May 17, 2001  
July 19, 2001

June 14, 2001  
August 16, 2001

**Log of Filings (Log #175)  
March 21, 2001 through April 20, 2001**

**DHHS**

Respite Care	10 NCAC 42B .2407	Adopt
Respite Care	10 NCAC 42C .2406	Adopt
Respite Care	10 NCAC 42D .1832	Adopt

**DENR/MARINE FISHERIES COMMISSION**

Snapper-Grouper	15 NCAC 03M .0506	Amend
-----------------	-------------------	-------

**DENR/SOIL AND WATER CONSERVATION COMMISSION**

Objectives	15 NCAC 06G .0101	Adopt
Eligibility	15 NCAC 06G .0102	Adopt
Conservation Plan	15 NCAC 06G .0103	Adopt
Approving State Agreements	15 NCAC 06G .0104	Adopt
Payment	15 NCAC 06G .0105	Adopt
Dispute Resolution	15 NCAC 06G .0106	Adopt

**DENR/WILDLIFE RESOURCES COMMISSION**

Deer (White-Tailed)	15 NCAC 10B .0203	Amend
Quail	15 NCAC 10B .0208	Amend
Wild Turkey (Breaded Turkeys Only)	15 NCAC 10B .0209	Amend
Public Mountain Trout Waters	15 NCAC 10C .0205	Amend
Possession of Certain Fishes	15 NCAC 10C .0211	Amend
Open Seasons: Creel and Size Limits	15 NCAC 10C .0305	Amend
Manner of Taking Nongame Fishes: Purchase & Sale	15 NCAC 10C .0401	Amend
Taking Nongame Fishes for Bait	15 NCAC 10C .0402	Amend
Taking Nongame Fishes for Bait	15 NCAC 10C .0404	Amend
Permitted Specials Devices & Open Seasons	15 NCAC 10C .0407	Amend
Hunting on Gamelands	15 NCAC 10D .0103	Amend
Fishing on Gamelands	15 NCAC 10D .0104	Amend
McDowell County	15 NCAC 10F .0339	Amend
General Requirements	15 NCAC 10H .0301	Amend
Game Bird Propagation	15 NCAC 10H .0901	Amend
Special Concern Species Listed	15 NCAC 10I .0105	Amend

**TRANSPORTATION, DEPARTMENT OF/DIVISION OF HIGHWAYS**

Permits-Issuance and Fees	19 NCAC 02D .0602	Amend
---------------------------	-------------------	-------

**STATE BOARDS/EXAMINERS OF ELECTRICAL CONTRACTORS**

Fees	21 NCAC 18B .0209	Amend
------	-------------------	-------

**AGENDA**  
**RULES REVIEW COMMISSION**  
**May 17, 2001**

Call to Order and Opening Remarks

Review of minutes of last meeting

Follow Up Matters

- (A) Department of Agriculture Structural Pest Control Committee– 2 NCAC 34 .0502: Objection on 12/21/00 (DeLuca)
- (B) DHHS/Division of Medical Assistance - 10 NCAC 26H .0506: Objection on 04/19/01 (DeLuca)
- (C) DHHS/Social Services Commission - 10 NCAC 41S All Rules: Objected on 04/19/01 (DeLuca)
- (D) DHHS/Social Services Commission – 10 NCAC 41T .0106; .0201: Objected on 04/19/01 (DeLuca)
- (E) NC Alarm Systems Licensing Board – 12 NCAC 11 .0502: Objection on 02/28/01 (DeLuca)
- (F) DENR/Environmental Management Commission – 15A NCAC 2E .0502: Objection on 02/28/01 (Bryan)
- (G) Commission for Health Services – 15A NCAC 18A .3307; .3313; .3319; .3323; .3324; .3327; .3330; .3331; .3334: Objected on 04/19/01 (Bryan)
- (H) State Board of Education – 16 NCAC 6E .0301: Objection on 04/19/01 (Bryan)
- (I) Department of Transportation – 19A NCAC 2D .0601: Objection on 02/28/01 (Bryan)
- (J) State Board of Community Colleges – 23 NCAC 2C .0308: Objection on 04/19/01 (Bryan)
- (K) State Board of Community Colleges – 23 NCAC 2D .0202: Objection on 04/19/01 (Bryan)

Review of rules (Log Report #175)

**V. Commission Business**

VI. Next meeting: Thursday, June 21, 2001

**CONTESTED CASE DECISIONS**

*This Section contains the full text of some of the more significant Administrative Law Judge decisions along with an index to all recent contested cases decisions which are filed under North Carolina's Administrative Procedure Act. Copies of the decisions listed in the index and not published are available upon request for a minimal charge by contacting the Office of Administrative Hearings, (919) 733-2698. Also, the Contested Case Decisions are available on the Internet at the following address: <http://www.ncoah.com/hearings>.*

**OFFICE OF ADMINISTRATIVE HEARINGS**

**Chief Administrative Law Judge**  
JULIAN MANN, III

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

**ADMINISTRATIVE LAW JUDGES**

*Sammie Chess Jr.*  
*Beecher R. Gray*  
*Melissa Owens Lassiter*

*James L. Conner, II*  
*Beryl E. Wade*  
*A.B. (Butch) Elkins*

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<b>ALCOHOL BEVERAGE CONTROL COMMISSION</b>				
Dano's, Inc. v. NC ABC Commission	96 ABC 0250	Gray	03/16/01	
NC ABC Commission v Food Lion, Inc. T/A Food Lion Store 540	99 ABC 0366	Mann	05/30/00	
NC ABC Commission v.DCL., Inc. T/A Cheap Shot O'Malleys	99 ABC 1341	Morrison	06/15/00	15:03 NCR 340
Daniel W. Shelton T/A Shelton Broers v.NC ABC Commission	99 ABC 1641	Conner	08/31/00	15:08 NCR 879
NC ABC Commission v. Harris Teeter, Inc. T/A Harris Teeter 142	99 ABC 1746	Lassiter	05/01/00	
NC ABC Commission v. Headlights, Inc. T/A Headlights	00 ABC 0302	Gray	08/21/00	
Timothy Lee Hopper v. NC ABC Commission	00 ABC 0326	Lassiter	10/20/00	
NC ABC Commission v. A-1 Stop Food Store, Inc., T/A One Stop Grocery	00 ABC 0410	Gray	01/17/01	
Steven Wilson McCrae v. NC ABC Commission	00 ABC 0598	Wade	08/23/00	
Xavier DeShawn Bradley v. NC ABC Commission	00 ABC 0619	Mann	08/08/00	
NC Beverage Control Commission v. Rhonda Davis Lemons, Ind. T/A	00 ABC 0965	Mann	02/05/01	
NC ABC Commission v. Kevin Scott Heath, Robinhood Grille, LLC t/a Robinhood Grille	00 ABC 1026	Gray	12/19/00	15:14 NCR 1390
NC ABC Commission v. Alliance Corp of Fayetteville, T/A Pavillion	00 ABC 1439	Anderson	04/05/01	
<b>BOARD OF MORTUARY SCIENCE</b>				
NC Board of Mortuary Science v. R.L. Sanders Funeral Home, Hugh Sanders and Demetrice Brewington	99 BMS 1180	Lassiter	11/27/00	
NC Board of Mortuary Science v. John Charles McNeill, McNeill Funerals, Inc.	00 BMS 0564	Wade	10/13/00	
<b>CRIME CONTROL AND PUBLIC SAFETY</b>				
Terry Ramey D/B/A/Ramey's Wrecker Service v. NC Dept. of of Crime Control & Public Safety, NC State Highway Patrol	99 CPS 1160	Morrison	01/26/01	15:17 NCR 1594
Mamie Lee French v. N.C. Crime Victims Compensation Commission	99 CPS 1646	Conner	04/27/00	15:01 NCR 38
Pearl J. Conner v. Victim & Justice Services, Dept of Crime Control & Public Safety	00 CPS 0903	Lassiter	11/09/00	
Kenneth E. Brooks v. NC Crime Victims Compensation Commission	00 CPS 1048	Lassiter	12/21/00	
Kathy Oates Parzygnat v. NC Crime Victims Compensation Commission	00 CPS 1054	Conner	01/29/01	
Dowu Thomas v. NC Crime Victims Compensation Commission	00 CPS 1090	Mann	01/17/01	
Derrick Davis v. NC Crime Victims Compensation Commission	00 CPS 1352	Gray	02/01/01	
Lisa D. Richmond (Lee) v. NC Crime Victims Compensation Commission	00 CPS 1489	Mann	03/29/01	
<b>HEALTH AND HUMAN SERVICES</b>				
William M. Gardin v. Department of Health & Human Services	98 CRA 1054	Lassiter	06/20/00	
Frederica LaShon Smith v. Department of Health & Human Services	00 CRA 0278 <sup>1</sup>	Wade	06/30/00	
Charles Cecil Douglas v. Department of Health & Human Services	00 CRA 0648	Wade	08/23/00	
Anthony Clement v. Department of Health & Human Services	00 CRA 1501	Morrison	03/29/01	
Tyrone Banks v. Department of Health & Human Services	00 CRA 1759	Gray	01/16/01	
Terry Weathers v. Department of Health & Human Services	00 CRA 1769	Conner	02/14/01	
Fredrick Gilmore v. Department of Health & Human Services	00 CRA 2125 <sup>10</sup>	Morrison	03/21/01	
<b>Child Support Enforcement Section</b>				
Steven M. Helms v. Department of Health & Human Services	98 CSE 1634	Gray	07/13/00	



**CONTESTED CASE DECISIONS**

David R. North v. Department of Health & Human Services	99 CSE 0408	Chess	10/25/00
Michael A. Cameron v. Department of Health & Human Services	99 CSE 0424	Mann	09/25/00
Charles Jr. Lotharp v. Department of Health & Human Services	99 CSE 0626	Lassiter	02/09/01
Marcus James Ward v. Department of Health & Human Services	99 CSE 0784	Wade	09/29/00
Omer D. & Marinda A. Potter v. Department of Health & Human Services	99 CSE 0798	Chess	10/25/00
Anthony R. McRae Sr. v. Department of Health & Human Services	99 CSE 0812	Morrison	12/20/00
Richard Cook v. Department of Health & Human Services	99 CSE 0873 <sup>4</sup>	Chess	10/27/00
Richard C. Mack v. Department of Health & Human Services	99 CSE 1244	Mann	08/16/00
John Ray McCarroll v. Department of Health & Human Services	99 CSE 1272	Lassiter	08/16/00
Loany Centeno v. Department of Health & Human Services	99 CSE 1325	Chess	06/29/00
Craig D. McLeod v. Department of Health & Human Services	99 CSE 1369	Lassiter	08/29/00
Jermaine L. Covington v. Department of Health & Human Services	99 CSE 1408	Lassiter	11/01/00
Joseph E. Toothman v. Department of Health & Human Services	99 CSE 1428	Gray	09/27/00
Kenneth W. Freeman, Jr. v. Department of Health & Human Services	99 CSE 1455	Wade	10/31/00
Darryl Glenn Cannady v. Department of Health & Human Services	99 CSE 1457	Gray	07/27/00
Michael A. Whitlow v. Department of Health & Human Services	99 CSE 1482	Gray	07/11/00
Susan Marie Grier v. Department of Health & Human Services	99 CSE 1484	Mann	06/02/00
David R. McDonald v. Department of Health & Human Services	99 CSE 1486	Lassiter	10/02/00
Larry N. McLain v. Department of Health & Human Services	99 CSE 1488	Lassiter	08/16/00
Randy Gillespie v. Department of Health & Human Services	99 CSE 1491	Gray	08/22/00
Tony R. Wood v. Department of Health & Human Services	99 CSE 1501	Gray	01/12/01
Samuel E. Massenberg, Jr. v. Department of Health & Human Services	99 CSE 1513	Morrison	09/27/00
Nina Maier v. Department of Health & Human Services	99 CSE 1541	Gray	07/28/00
Edward J. Lucero v. Department of Health & Human Services	99 CSE 1542	Mann	10/31/00
Ronald E. Davis, Jr. v. Department of Health & Human Services	99 CSE 1554	Gray	07/28/00
Almiron J. Deis v. Department of Health & Human Services	99 CSE 1589	Mann	10/31/00
Kenneth Jones v. Department of Health & Human Services	99 CSE 1590	Gray	08/22/00
Anthony C. Lambert v. Department of Health & Human Services	99 CSE 1699	Gray	06/05/00
Richard Cook v. Department of Health & Human Services	00 CSE 0053 <sup>4</sup>	Chess	10/27/00
Wendy Gosnell v. Department of Health & Human Services	00 CSE 0073	Mann	06/14/00
Matthew Gibson v. Department of Health & Human Services	00 CSE 0076	Mann	10/31/00
Dwight Dion Hallman v. Department of Health & Human Services	00 CSE 0098	Mann	06/14/00
Davis, Donald George v. Department of Health & Human Services	00 CSE 0107	Wade	06/08/00
Davis, Donald George v. Department of Health & Human Services	00 CSE 0108	Wade	06/08/00
Todd A. Flanders v. Department of Health & Human Services	00 CSE 0152	Mann	03/13/01
Thomas Jackson v. Department of Health & Human Services	00 CSE 0165	Chess	07/27/00
Albertus Shaw III v. Department of Health & Human Services	00 CSE 0176	Gray	06/05/00
Linwood Morris v. Department of Health & Human Services	00 CSE 0178	Mann	06/14/00
John H. Jones v. Department of Health & Human Services	00 CSE 0181	Morrison	08/25/00
Eddie J. Sykes v. Department of Health & Human Services	00 CSE 0192	Lassiter	06/13/00
Andrew S. McKenzie v. Department of Health & Human Services	00 CSE 0193	Wade	06/08/00
Darryal K. Anderson v. Department of Health & Human Services	00 CSE 0200	Gray	06/09/00
John V. Wiberg, Jr. v. Department of Health & Human Services	00 CSE 0211	Mann	06/23/00
William Jerry Gibbs v. Department of Health & Human Services	00 CSE 0213	Gray	06/22/00
Gregory L. Pinkett v. Department of Health & Human Services	00 CSE 0214	Wade	10/31/00
Joseph D. Turnage v. Department of Health & Human Services	00 CSE 0220	Morrison	11/16/00
Izell Anthony Twigg v. Department of Health & Human Services	00 CSE 0226	Gray	06/07/00
Don Fitzgerald Harris v. Department of Health & Human Services	00 CSE 0230	Mann	08/01/00
Benjamin E. Walker v. Department of Health & Human Services	00 CSE 0232	Morrison	07/31/00
Randy Keith Beddard v. Department of Health & Human Services	00 CSE 0236	Lassiter	06/20/00
Delinda Guthrie Montague v. Department of Health & Human Services	00 CSE 0237	Mann	08/01/00
Lavarr Sharpe v. Department of Health & Human Services	00 CSE 0240	Mann	06/26/00
Timothy Holtzclaw v. Department of Health & Human Services	00 CSE 0245	Gray	09/14/00
Melton Tillery v. Department of Health & Human Services	00 CSE 0246	Lassiter	06/20/00
Darla Judkin v. Department of Health & Human Services	00 CSE 0254	Chess	08/23/00
Robert L. Coffey v. Department of Health & Human Services	00 CSE 0255 <sup>12</sup>	Gray	03/30/01
Christopher Mark Boyette v. Department of Health & Human Services	00 CSE 0262	Lassiter	11/01/00
Ronald L. Long, Jr. v. Department of Health & Human Services	00 CSE 0265	Mann	08/31/00
David Lee Jones v. Department of Health & Human Services	00 CSE 0269	Conner	09/27/00
Walter Witherspoon v. Department of Health & Human Services	00 CSE 0268	Chess	06/19/00
Frederica LaShon Smith v. Department of Health & Human Services	00 CSE 0279	Wade	06/08/00
John Wayne Chambers v. Department of Health & Human Services	00 CSE 0280	Mann	06/30/00
George Fuller v. Department of Health & Human Services	00 CSE 0283	Morrison	06/28/00
Robert G. Wilson v. Department of Health & Human Services	00 CSE 0285	Lassiter	05/25/00
Gary Frank Ramsey v. Department of Health & Human Services	00 CSE 0292	Mann	06/29/00
Pierce Foster Williams, Jr., v. Department of Health & Human Services	00 CSE 0297	Conner	09/26/00
Shylatron Copeland v. Department of Health & Human Services	00 CSE 0316	Mann	06/26/00
Isaac L. McCoy v. Department of Health & Human Services	00 CSE 0324	Lassiter	06/29/00
Robert Boening v. Department of Health & Human Services	00 CSE 0341	Mann	06/26/00
Joseph Patrick Santana v. Department of Health & Human Services	00 CSE 0344	Morrison	06/07/00
Hilton R. Shaw v. Department of Health & Human Services	00 CSE 0346	Lassiter	07/07/00
Glennie Mae Jones v. Department of Health & Human Services	00 CSE 0349	Mann	10/30/00
Anthony B. Bryant v. Department of Health & Human Services	00 CSE 0351	Wade	07/19/00
Michael Shelton DeBerry v. Department of Health & Human Services	00 CSE 0353	Gray	06/22/00
Leroy L. Alford v. Department of Health & Human Services	00 CSE 0354	Mann	06/26/00
Michael A. Tarach v. Department of Health & Human Services	00 CSE 0357	Morrison	07/26/00
Jeffrey T. Daye v. Department of Health & Human Services	00 CSE 0369	Lassiter	07/07/00
Don Wesley King v. Department of Health & Human Services	00 CSE 0381	Mann	04/12/01
Robert L. Coffey v. Department of Health & Human Services	00 CSE 0385 <sup>12</sup>	Gray	03/30/01
Michael Powell v. Department of Health & Human Services	00 CSE 0389	Conner	07/27/00
Jerry M. Thurmond v. Department of Health & Human Services	00 CSE 0390	Wade	06/30/00



**CONTESTED CASE DECISIONS**

Donald E. Church v. Department of Health & Human Services	00 CSE 0394	Gray	07/11/00
Ricky Barrett v. Department of Health & Human Services	00 CSE 0415	Mann	07/17/00
Kenneth Ray Smith v. Department of Health & Human Services	00 CSE 0416	Morrison	05/31/00
Juan M. Acosta v. Department of Health & Human Services	00 CSE 0417	Lassiter	06/24/00
Ronald T. Palmer v. Department of Health & Human Services	00 CSE 0422	Mann	10/31/00
Stanley Ray Allison v. Department of Health & Human Services	00 CSE 0425	Gray	07/11/00
James T. Graham v. Department of Health & Human Services	00 CSE 0426	Wade	06/08/00
Rufus Mitchell Simmons, Jr. v. Department of Health & Human Services	00 CSE 0431	Gray	06/27/00
James Howard Alexander v. Department of Health & Human Services	00 CSE 0433	Mann	06/26/00
Steve A. Hayward v. Department of Health & Human Services	00 CSE 0435	Morrison	07/14/00
Rodney C LeBlanc v. Department of Health & Human Services	00 CSE 0444	Mann	03/28/01
Ronnie N. Morgan v. Department of Health & Human Services	00 CSE 0446	Gray	01/17/01
Leonard Gabriel v. Department of Health & Human Services	00 CSE 0450	Mann	06/29/00
Patrick L. Moore v. Department of Health & Human Services	00 CSE 0463	Wade	06/19/00
Gregory Lee Bell v. Department of Health & Human Services	00 CSE 0464	Connor	06/29/00
Tamika B. Jenkins v. Department of Health & Human Services	00 CSE 0466	Chess	06/19/00
William R. Parker v. Department of Health & Human Services	00 CSE 0467	Gray	06/26/00
Vernon Ledbetter v. Department of Health & Human Services	00 CSE 0468	Mann	06/14/00
Garry L. Studer v. Department of Health & Human Services	00 CSE 0471	Lassiter	07/31/00
Johnnie Green v. Department of Health & Human Services	00 CSE 0472	Wade	08/09/00
Roger Shular v. Department of Health & Human Services	00 CSE 0478	Mann	07/26/00
William A. Toney v. Department of Health & Human Services	00 CSE 0480	Wade	06/19/00
Larry O. Anthony v. Department of Health & Human Services	00 CSE 0484	Connor	06/26/00
Johnny Daye v. Department of Health & Human Services	00 CSE 0485	Gray	06/22/00
Jose A. Seijo v. Department of Health & Human Services	00 CSE 0491	Morrison	06/26/00
Randy Hammonds v. Department of Health & Human Services	00 CSE 0495	Lassiter	06/20/00
Shawn F. Moser Sr. v. Department of Health & Human Services	00 CSE 0511	Conner	08/14/00
Timothy Franklin Clowney v. Department of Health & Human Services	00 CSE 0512	Wade	08/09/00
Clarence Evans v. Department of Health & Human Services	00 CSE 0513 <sup>2</sup>	Conner	07/28/00
Clarence Evans v. Department of Health & Human Services	00 CSE 0545 <sup>2</sup>	Conner	07/28/00
Rickey L. Gullede v. Department of Health & Human Services	00 CSE 0558	Mann	06/26/00
Damon Barnes Jr. v. Department of Health & Human Services	00 CSE 0567	Lassiter	08/16/00
William A. Bell v. Department of Health & Human Services	00 CSE 0589	Gray	08/21/00
Robert Lee Thompson v. Department of Health & Human Services	00 CSE 0592	Wade	08/10/00
William T. Hutto v. Department of Health & Human Services	00 CSE 0594	Conner	09/07/00
Julian Orlando Fernandez v. Department of Health & Human Services	00 CSE 0599	Gray	08/21/00
Bryan Keith Wilkerson v. Department of Health & Human Services	00 CSE 0607	Morrison	08/01/00
Rodney A. Hopper v. Department of Health & Human Services	00 CSE 0613	Wade	08/23/00
Tabitha Angley v. Department of Health & Human Services	00 CSE 0614	Conner	07/27/00
Douglas M. Coker v. Department of Health & Human Services	00 CSE 0622	Chess	07/11/00
Mark Christopher Smith v. Department of Health & Human Services	00 CSE 0627	Gray	08/21/00
Rhonda Styers v. Department of Health & Human Services	00 CSE 0639	Mann	10/30/00
Terrence L. Holder v. Department of Health & Human Services	00 CSE 0640	Morrison	08/18/00
Anthony L. Reid v. Department of Health & Human Services	00 CSE 0647	Lassiter	01/16/01
Mikal M. Mua'zzin v. Department of Health & Human Services	00 CSE 0651	Conner	08/28/00
Jose' D. Rivas v. Department of Health & Human Services	00 CSE 0658	Chess	08/07/00
Benny G. Bowen v. Department of Health & Human Services	00 CSE 0666	Mann	12/11/00
Valerie A. Simpson v. Department of Health & Human Services	00 CSE 0673	Morrison	07/07/00
James H. Hopper, Jr. v. Department of Health & Human Services	00 CSE 0677	Lassiter	08/29/00
Joseph I. Woodcock v. Department of Health & Human Services	00 CSE 0684	Lassiter	07/07/00
Kenneth R. Harker v. Department of Health & Human Services	00 CSE 0686	Wade	09/11/00
Justine Roberts v. Department of Health & Human Services	00 CSE 0694	Conner	08/28/00
Dana E. Grice v. Department of Health & Human Services	00 CSE 0709	Morrison	09/08/00
Alfred R. Swain v. Department of Health & Human Services	00 CSE 0718	Mann	06/28/00
Tyrone K. Anthony v. Department of Health & Human Services	00 CSE 0741	Wade	10/31/00
James C. Martin, Jr. v. Department of Health & Human Services	00 CSE 0751	Conner	08/30/00
Wade A. Burgess v. Department of Health & Human Services	00 CSE 0757	Gray	08/22/00
Donald Daniel Harmon v. Department of Health & Human Services	00 CSE 0758	Mann	10/24/00
Parnell Dougloss Sparks v. Department of Health & Human Services	00 CSE 0761	Morrison	06/06/00
Kevin S. Tate v. Department of Health & Human Services	00 CSE 0764	Lassiter	09/11/00
Jeffrey Otis Hair v. Department of Health & Human Services	00 CSE 0766	Mann	07/17/00
Ricky A. Phillips v. Department of Health & Human Services	00 CSE 0777	Morrison	08/01/00
Catherine A. Odom v. Department of Health & Human Services	00 CSE 0792	Mann	08/31/00
George Franklin Anderson v. Department of Health & Human Services	00 CSE 0793	Morrison	08/09/00
Raymond Thomas Carpenter, Jr. v. Department of Health & Human Svcs	00 CSE 0810	Mann	09/25/00
Darrell Johnson v. Department of Health & Human Services	00 CSE 0811	Wade	09/29/00
Ronald Owen Goodwin v. Department of Health & Human Services	00 CSE 0831	Chess	09/07/00
Jean M. Brown v. Department of Health & Human Services	00 CSE 0848	Wade	08/10/00
Richard B. Malloy v. Department of Health & Human Services	00 CSE 0849	Wade	10/02/00
Ronald R. Lemmons v. Department of Health & Human Services	00 CSE 0865	Gray	08/21/00
Gregory C. Tweed v. Department of Health & Human Services	00 CSE 0876	Conner	01/25/01
St. Clair Staley v. Department of Health & Human Services	00 CSE 0890 <sup>3</sup>	Conner	10/06/00
Kenneth Duncan v. Department of Health & Human Services	00 CSE 0896	Gray	09/27/00
Kelvin Hardesty v. Department of Health & Human Services	00 CSE 0901	Lassiter	10/02/00
Michael Anthony Wright v. Department of Health & Human Services	00 CSE 0922	Lassiter	10/17/00
Cyrus V. Perry v. Department of Health & Human Services	00 CSE 0924	Gray	09/29/00
Jamey Johnson v. Department of Health & Human Services	00 CSE 0925	Wade	10/10/00
Marvin A. Smith v. Department of Health & Human Services	00 CSE 0932	Conner	09/21/00
Chris Michael Moore v. Department of Health & Human Services	00 CSE 0945	Gray	10/17/00
James C. Boyce v. Department of Health & Human Services	00 CSE 0946	Wade	12/01/00
Matthew Russell Schmidt v. Department of Health & Human Services	00 CSE 0963	Morrison	10/04/00
Keith Stephenson v. Department of Health & Human Services	00 CSE 0979	Chess	10/25/00

**CONTESTED CASE DECISIONS**

Walter R. Spencer, Jr. v. Department of Health & Human Services	00 CSE 1010	Morrison	10/27/00
Keith D. Meredith v. Department of Health & Human Services	00 CSE 1011	Morrison	09/19/00
Billy Joe Davis v. Department of Health & Human Services	00 CSE 1012	Lassiter	09/08/00
Darwin Dean Graves v. Department of Health & Human Services	00 CSE 1014	Conner	11/28/00
Norman G. Mitchell v. Department of Health & Human Services	00 CSE 1036	Chess	12/18/00
Mary A. Hines v. Department of Health & Human Services	00 CSE 1047	Gray	10/20/00
St. Clair Staley v. Department of Health & Human Services	00 CSE 1069 <sup>3</sup>	Conner	10/06/00
Nancy Moore v. Department of Health & Human Services	00 CSE 1081	Lassiter	11/16/00
Carl V. Greggs, Sr. v. Department of Health & Human Services	00 CSE 1082	Wade	11/16/00
Chester L. Jenkins v. Department of Health & Human Services	00 CSE 1089	Chess	12/13/00
Tacha Hyatt-Crowder v. Department of Health & Human Services	00 CSE 1098	Gray	11/07/00
Stan Valentine v. Department of Health & Human Services	00 CSE 1100	Morrison	11/16/00
Larry D Houston v. Department of Health & Human Services	00 CSE 1155	Gray	02/27/01
Carlos Eugene Jacobs v. Department of Health & Human Services	00 CSE 1259	Mann	11/30/00
Norman Bell v. Department of Health & Human Services	00 CSE 1268	Morrison	11/28/00
Travis Armstrong v. Department of Health & Human Services	00 CSE 1283	Lassiter	02/22/01
Donald Curtin Weatherford v. Department of Health & Human Services	00 CSE 1345	Chess	04/06/01
Daniel J. Sandford v. Department of Health & Human Services	00 CSE 1350	Wade	02/13/01
Victor Ferguson v. Department of Health & Human Services	00 CSE 1396	Mann	06/26/00
Tony E. Plyler v. Department of Health & Human Services	00 CSE 1447	Wade	01/12/01
Terry Isom v. Department of Health & Human Services	00 CSE 1463	Morrison	03/14/01
Teresa A. Ingraham v. Department of Health & Human Services	00 CSE 1464	Chess	12/29/00
Tommy William Carter v. Department of Health & Human Services	00 CSE 1485	Gray	01/31/01
Michael Hudson v. Department of Health & Human Services	00 CSE 1493	Wade	02/02/01
Robert M. Murray v. Department of Health & Human Services	00 CSE 1507	Lassiter	02/09/01
Misha C Mfum v. Department of Health & Human Services	00 CSE 1509	Wade	02/12/01
Kevin R. McCray v. Department of Health & Human Services	00 CSE 1525	Chess	01/30/01
Keith Everett Fick v. Department of Health & Human Services	00 CSE 1531	Lassiter	02/28/01
Jimmy Moore v. Department of Health & Human Services	00 CSE 1535	Conner	02/14/01
Stan Matthire v. Department of Health & Human Services	00 CSE 1536	Chess	01/30/01
Richard McCason v. Department of Health & Human Services	00 CSE 1543	Mann	01/03/01
Calvin G. Carter v. Department of Health & Human Services	00 CSE 1546	Lassiter	02/09/01
Jesse T Jefferson III v. Department of Health & Human Services	00 CSE 1553	Conner	03/14/01
Mark Andrew Cohn v. Department of Health & Human Services	00 CSE 1560	Gray	02/09/01
Savoy L. Miler v. Department of Health & Human Services	00 CSE 1571	Lassiter	01/31/01
Elmer L. Mosley v. Department of Health & Human Services	00 CSE 1581	Wade	02/02/01
David E. Allen v. Department of Health & Human Services	00 CSE 1589	Lassiter	02/09/01
David W Morris v. Department of Health & Human Services	00 CSE 1591	Wade	02/13/01
Jonathan Gregg Holland v. Department of Health & Human Services	00 CSE 1592	Conner	02/14/01
David Bass Jr v. Department of Health & Human Services	00 CSE 1595	Mann	02/13/01
Clyde Michael Trout v. Department of Health & Human Services	00 CSE 1596	Morrison	01/03/01
Sharon S. Godwin v. Department of Health & Human Services	00 CSE 1598	Morrison	02/09/01
Vincent Ackerman v. Department of Health & Human Services	00 CSE 1599	Wade	02/13/01
Micheal King v. Department of Health & Human Services	00 CSE 1600	Conner	02/22/01
Johnny Drakakides v. Department of Health & Human Services	00 CSE 1608	Morrison	02/28/01
Phyllis A King v. Department of Health & Human Services	00 CSE 1609	Lassiter	02/20/01
Bonita Ann Wilson v. Department of Health & Human Services	00 CSE 1619	Chess	02/27/01
Bernie Mayr Jr v. Department of Health & Human Services	00 CSE 1622	Morrison	01/31/01
Stephen N Powers v. Department of Health & Human Services	00 CSE 1623	Lassiter	02/20/01
Kenneth B Thomas v. Department of Health & Human Services	00 CSE 1624	Mann	02/21/01
Jeffrey Pullum v. Department of Health & Human Services	00 CSE 1625	Mann	03/30/01
Reginald Sanders v. Department of Health & Human Services	00 CSE 1626	Wade	02/20/01
Cleveland J Johnson v. Department of Health & Human Services	00 CSE 1628	Chess	02/27/01
Mark D Kane v. Department of Health & Human Services	00 CSE 1634	Morrison	03/13/01
Charles M Edwards v. Department of Health & Human Services	00 CSE 1635	Lassiter	02/20/01
Samuel E Ray v. Department of Health & Human Services	00 CSE 1636	Gray	03/22/01
Stephen Hiles v. Department of Health & Human Services	00 CSE 1638	Conner	02/22/01
Richard L Hannon v. Department of Health & Human Services	00 CSE 1639	Chess	03/22/01
Ricky L McCartney v. Department of Health & Human Services	00 CSE 1641	Wade	03/05/01
Timothy F Fulbright v. Department of Health & Human Services	00 CSE 1647	Morrison	02/20/01
David E Evans v. Department of Health & Human Services	00 CSE 1648	Lassiter	02/20/01
James David Johnson Jr v. Department of Health & Human Services	00 CSE 1650	Wade	02/20/01
Dale F Green v. Department of Health & Human Services	00 CSE 1651	Conner	03/14/01
Michael Dewayne Hester v. Department of Health & Human Services	00 CSE 1653	Gray	02/20/01
Mark A Pekuri v. Department of Health & Human Services	00 CSE 1658	Lassiter	02/28/01
Ronny S Marth v. Department of Health & Human Services	00 CSE 1661	Conner	03/22/01
Curtis B Blakney v. Department of Health & Human Services	00 CSE 1670	Gray	02/20/01
Richard Bourbon Jr. v. Department of Health & Human Services	00 CSE 1674	Lassiter	03/12/01
James M McCoy v. Department of Health & Human Services	00 CSE 1678	Wade	02/20/01
Michael Wilder Sr v. Department of Health & Human Services	00 CSE 1677	Conner	03/14/01
Carl R Cooper v. Department of Health & Human Services	00 CSE 1682	Lassiter	02/27/01
James Scott Lee v. Department of Health & Human Services	00 CSE 1688	Conner	02/15/01
Osmer Marshall Harris v. Department of Health & Human Services	00 CSE 1692	Gray	03/30/01
Robert E Peterson Jr. v. Department of Health & Human Services	00 CSE 1696	Lassiter	02/27/01
William A Caudle Jr v. Department of Health & Human Services	00 CSE 1699	Conner	03/14/01
Karen R. McLean v. Department of Health & Human Services	00 CSE 1707	Gray	01/12/01
Horace Thompson King Iv v. Department of Health & Human Services	00 CSE 1708	Mann	04/12/01
Jonathan B Frazier v. Department of Health & Human Services	00 CSE 1715	Gray	02/27/01
Daniel L. Phillips v. Department of Health & Human Services	00 CSE 1717	Morrison	01/31/01
Mauricio Lopez-Granados v. Department of Health & Human Services	00 CSE 1729	Gray	02/06/01
Emar Ifediara v. Department of Health & Human Services	00 CSE 1731	Morrison	02/27/01
John R Davis v. Department of Health & Human Services	00 CSE 1747	Conner	03/14/01

**CONTESTED CASE DECISIONS**

Martin W Rogers v. Department of Health & Human Services	00 CSE 1748	Wade	03/05/01
Ronald F Channell v. Department of Health & Human Services	00 CSE 1749	Conner	03/14/01
Louis William v. Department of Health & Human Services	00 CSE 1754	Lassiter	02/27/01
Robert Barry Jenkins Jr v. Department of Health & Human Services	00 CSE 1755	Gray	03/13/01
John F McCollum v. Department of Health & Human Services	00 CSE 1760	Wade	02/28/01
Craig S Murphy v. Department of Health & Human Services	00 CSE 1765	Morrison	04/04/01
John B Cox v. Department of Health & Human Services	00 CSE 1766	Lassiter	02/27/01
Anthony D Hines v. Department of Health & Human Services	00 CSE 1771	Gray	02/27/01
Gary E Nielsen v. Department of Health & Human Services	00 CSE 1772	Mann	02/28/01
James Faison v. Department of Health & Human Services	00 CSE 1774	Lassiter	03/05/01
Charles Junot v. Department of Health & Human Services	00 CSE 1775	Morrison	02/27/01
Richard Cook v. Department of Health & Human Services	00 CSE 1777	Conner	03/14/01
Kenneth E Frost v. Department of Health & Human Services	00 CSE 1783	Conner	03/14/01
George L Hart Jr. v. Department of Health & Human Services	00 CSE 1784	Morrison	02/27/01
Marti M Smith v. Department of Health & Human Services	00 CSE 1788	Lassiter	03/27/01
Tammy L Galdones v. Department of Health & Human Services	00 CSE 1800	Wade	03/08/01
Tarrence U Jackson v. Department of Health & Human Services	00 CSE 1802	Conner	03/14/01
Martin L Wheeler Jr v. Department of Health & Human Services	00 CSE 1803 <sup>3</sup>	Chess	04/05/01
Clarence McCorkle, Jr v. Department of Health & Human Services	00 CSE 1805	Chess	02/26/01
Joseph P Bell v. Department of Health & Human Services	00 CSE 1807	Morrison	03/12/01
Lionel Cox v. Department of Health & Human Services	00 CSE 1808	Lassiter	03/27/01
Clinton Wilson v. Department of Health & Human Services	00 CSE 1810	Wade	03/08/01
James F Forney Jr v. Department of Health & Human Services	00 CSE 1811	Conner	03/14/01
Rodney Foster v. Department of Health & Human Services	00 CSE 1813	Gray	03/09/01
Jimmie Lee Nesbitt v. Department of Health & Human Services	00 CSE 1814	Mann	03/21/01
George Smith v. Department of Health & Human Services	00 CSE 1815	Morrison	04/10/01
James S Rollins v. Department of Health & Human Services	00 CSE 1816	Lassiter	03/12/01
Johnny Worth Deaver v. Department of Health & Human Services	00 CSE 1817	Morrison	03/13/01
Shawn T Miller v. Department of Health & Human Services	00 CSE 1818	Wade	03/08/01
Adrian Dixon v. Department of Health & Human Services	00 CSE 1820	Chess	03/19/01
Donna M Ledbetter v. Department of Health & Human Services	00 CSE 1823	Conner	03/14/01
Mark Jeffrey Duncan v. Department of Health & Human Services	00 CSE 1825	Lassiter	02/20/01
Ricky Lee Barrett v. Department of Health & Human Services	00 CSE 1827	Wade	03/08/01
Cynthia W McDaniel v. Department of Health & Human Services	00 CSE 1830	Gray	03/13/01
James T Jarvis IV v. Department of Health & Human Services	00 CSE 1832	Morrison	03/12/01
Michael O'Neal Fletcher v. Department of Health & Human Services	00 CSE 1834	Wade	03/08/01
Manargo V Boykin v. Department of Health & Human Services	00 CSE 1836	Conner	03/14/01
Dexter Leon Scott v. Department of Health & Human Services	00 CSE 1839	Chess	02/27/01
Jacqueline R Graham v. Department of Health & Human Services	00 CSE 1845	Morrison	03/12/01
Rasheed R Owens v. Department of Health & Human Services	00 CSE 1846	Lassiter	03/30/01
Roger H Allred Jr. v. Department of Health & Human Services	00 CSE 1848	Wade	03/08/01
David M Greene v. Department of Health & Human Services	00 CSE 1852	Morrison	03/12/01
Michael T Wilfong v. Department of Health & Human Services	00 CSE 1854	Lassiter	03/12/01
Bobby Grady v. Department of Health & Human Services	00 CSE 1856	Conner	03/14/01
Martin L Wheeler Jr v. Department of Health & Human Services	00 CSE 1858 <sup>3</sup>	Chess	04/05/01
Dallas Walter Hamlett Jr v. Department of Health & Human Services	00 CSE 1859	Chess	04/02/01
Richard H Burkett v. Department of Health & Human Services	00 CSE 1864	Morrison	03/12/01
Terry L Barnette v. Department of Health & Human Services	00 CSE 1874	Gray	03/06/01
Benton P Welsh v. Department of Health & Human Services	00 CSE 1887	Wade	03/15/01
Kenney Curry v. Department of Health & Human Services	00 CSE 1888	Conner	03/21/01
Clarence McCorkle Jr v. Department of Health & Human Services	00 CSE 1890	Gray	03/15/01
William D Wall v. Department of Health & Human Services	00 CSE 1891	Mann	03/22/01
Cortez L Farrington v. Department of Health & Human Services	00 CSE 1892	Morrison	03/14/01
Lonnie Mathwig v. Department of Health & Human Services	00 CSE 1893	Lassiter	02/28/01
Carl Miller v. Department of Health & Human Services	00 CSE 1894	Morrison	01/31/01
Johnny Sellars v. Department of Health & Human Services	00 CSE 1895	Wade	03/15/01
Cuong Phu Le v. Department of Health & Human Services	00 CSE 1896	Conner	03/21/01
Stephen Budensiek v. Department of Health & Human Services	00 CSE 1898	Gray	03/15/01
Victor S Glass v. Department of Health & Human Services	00 CSE 1902	Morrison	02/28/01
James E Smith v. Department of Health & Human Services	00 CSE 1905	Wade	03/15/01
Isaac L McCoy v. Department of Health & Human Services	00 CSE 1906	Conner	03/21/01
Dan L Puryear v. Department of Health & Human Services	00 CSE 1908	Gray	03/15/01
Chris Flowers v. Department of Health & Human Services	00 CSE 1911	Morrison	04/04/01
Maryann Denise Hardy v. Department of Health & Human Services	00 CSE 1913	Lassiter	04/04/01
Ray A Blackwell v. Department of Health & Human Services	00 CSE 1914	Wade	03/15/01
Jeremy F White v. Department of Health & Human Services	00 CSE 1916	Conner	03/21/01
Douglas C Fitzpatrick v. Department of Health & Human Services	00 CSE 1924	Mann	03/22/01
Johnny R Chance v. Department of Health & Human Services	00 CSE 1925	Wade	03/05/01
Jeffrey Kelly v. Department of Health & Human Services	00 CSE 1926	Conner	03/14/01
Martin Scott Evans v. Department of Health & Human Services	00 CSE 1932	Morrison	03/14/01
Israel Uzoma v. Department of Health & Human Services	00 CSE 1933	Morrison	03/14/01
Kevin Seay v. Department of Health & Human Services	00 CSE 1934	Lassiter	03/30/01
Robin Ramsey Parrott v. Department of Health & Human Services	00 CSE 1935	Conner	03/21/01
Roy Bethel Calhoun III v. Department of Health & Human Services	00 CSE 1939	Wade	03/15/01
Carnel Draughn Sr v. Department of Health & Human Services	00 CSE 1943	Lassiter	04/03/01
Clint Norris Jones v. Department of Health & Human Services	00 CSE 1944	Morrison	03/14/01
Tracy Clark v. Department of Health & Human Services	00 CSE 1961	Conner	03/23/01
Derwin Knight v. Department of Health & Human Services	00 CSE 1962	Chess	03/15/01
Robert L Harrell v. Department of Health & Human Services	00 CSE 1963	Gray	03/15/01
Sherrie Weaver v. Department of Health & Human Services	00 CSE 1964	Mann	03/22/01
Andrea Wilson v. Department of Health & Human Services	00 CSE 1966	Lassiter	03/12/01
Anthony Short v. Department of Health & Human Services	00 CSE 1968	Wade	03/22/01

**CONTESTED CASE DECISIONS**

Mark Steven Harvey v. Department of Health & Human Services	00 CSE 1972	Conner	03/30/01
Barry L Chandler v. Department of Health & Human Services	00 CSE 1973	Morrison	04/17/01
Kenneth Edison Jones v. Department of Health & Human Services	00 CSE 1976	Wade	03/29/01
Everett McClain Jr v. Department of Health & Human Services	00 CSE 1979	Gray	03/09/01
Rodney Glenn Whicker v. Department of Health & Human Services	00 CSE 1981	Morrison	03/14/01
Joseph J McDowell v. Department of Health & Human Services	00 CSE 1982	Lassiter	02/20/01
Ricky N Coley v. Department of Health & Human Services	00 CSE 1985	Conner	03/21/01
Ronald E Harvey v. Department of Health & Human Services	00 CSE 1987	Gray	04/11/01
Steven G Williams v. Department of Health & Human Services	00 CSE 1989	Morrison	03/14/01
Alton R Hunt v. Department of Health & Human Services	00 CSE 1990	Lassiter	03/30/01
Terrance Thompson v. Department of Health & Human Services	00 CSE 1991	Mann	03/22/01
Patrick Kevin Swann v. Department of Health & Human Services	00 CSE 1992	Wade	03/15/01
James A Bowditch Sr v. Department of Health & Human Services	00 CSE 1993	Conner	03/14/01
Roger D Mintz v. Department of Health & Human Services	00 CSE 1997	Morrison	01/31/01
Eugene Harris v. Department of Health & Human Services	00 CSE 1998	Lassiter	03/21/01
Jimmy Clark v. Department of Health & Human Services	00 CSE 1999	Conner	02/14/01
Nancy Sells v. Department of Health & Human Services	00 CSE 2001	Conner	02/14/01
Jeffery A Maness v. Department of Health & Human Services	00 CSE 2003	Gray	02/28/01
Jerry L Jones v. Department of Health & Human Services	00 CSE 2005	Morrison	03/14/01
Kenneth D Abner v. Department of Health & Human Services	00 CSE 2008	Conner	03/22/01
Robert W MacDonald Sr. v. Department of Health & Human Services	00 CSE 2015	Wade	03/05/01
Norman Lee Fillers v. Department of Health & Human Services	00 CSE 2016	Conner	02/14/01
Gerald H Lord v. Department of Health & Human Services	00 CSE 2018	Gray	03/15/01
Michael William Smith v. Department of Health & Human Services	00 CSE 2019	Wade	04/04/01
Daniel H Caudill v. Department of Health & Human Services	00 CSE 2022	Chess	03/21/01
William R Payne v. Department of Health & Human Services	00 CSE 2023	Wade	03/15/01
Christopher Evans v. Department of Health & Human Services	00 CSE 2024	Conner	03/30/01
Jimmy D White v. Department of Health & Human Services	00 CSE 2026	Gray	03/22/01
Shawn E Richardson v. Department of Health & Human Services	00 CSE 2027	Mann	03/22/01
Franklin Givens v. Department of Health & Human Services	00 CSE 2028	Morrison	03/14/01
Myron S Pierce v. Department of Health & Human Services	00 CSE 2029	Lassiter	03/21/01
Terrence Dunlap v. Department of Health & Human Services	00 CSE 2030	Gray	03/21/01
Allen E Clyburn v. Department of Health & Human Services	00 CSE 2032	Chess	03/13/01
Sheila C Horne v. Department of Health & Human Services	00 CSE 2033	Wade	03/22/01
Shawn Braxton v. Department of Health & Human Services	00 CSE 2044	Gray	03/15/01
Derrick L Pope v. Department of Health & Human Services	00 CSE 2045	Conner	03/14/01
William Everett Banks Jr v. Department of Health & Human Services	00 CSE 2049	Morrison	03/14/01
Philip Ligatti v. Department of Health & Human Services	00 CSE 2058	Lassiter	02/20/01
Philip Ligatti v. Department of Health & Human Services	00 CSE 2059	Wade	02/20/01
Crystal Anne Barton v. Department of Health & Human Services	00 CSE 2064	Morrison	02/27/01
Chris Alexander King v. Department of Health & Human Services	00 CSE 2066	Wade	03/13/01
Marko D Perry v. Department of Health & Human Services	00 CSE 2067	Wade	03/22/01
James Thomas Smith v. Department of Health & Human Services	00 CSE 2068	Conner	03/23/01
Melvin T Green v. Department of Health & Human Services	00 CSE 2069	Chess	03/21/01
Dwayne Scott Barlow v. Department of Health & Human Services	00 CSE 2070	Gray	03/06/01
Harold D Overby Jr v. Department of Health & Human Services	00 CSE 2074	Morrison	02/20/01
Hamid Ehsani-Shishvan v. Department of Health & Human Services	00 CSE 2076	Mann	03/22/01
John William Berg Jr v. Department of Health & Human Services	00 CSE 2081	Conner	03/30/01
Jasper L Goodwin v. Department of Health & Human Services	00 CSE 2083	Gray	03/21/01
Alfredo Gomez v. Department of Health & Human Services	00 CSE 2092	Morrison	03/21/01
Jason A Knepshild v. Department of Health & Human Services	00 CSE 2093	Lassiter	03/26/01
Joseph L Sykes v. Department of Health & Human Services	00 CSE 2095	Conner	03/22/01
Michael R Sweat v. Department of Health & Human Services	00 CSE 2097	Conner	03/14/01
Russell L Brown v. Department of Health & Human Services	00 CSE 2105	Lassiter	03/21/01
Henry Johnson v. Department of Health & Human Services	00 CSE 2106	Gray	03/21/01
Victor L Foster Sr v. Department of Health & Human Services	00 CSE 2110	Morrison	03/05/01
Kimberly Sue Nance v. Department of Health & Human Services	00 CSE 2111	Lassiter	03/21/01
Jonathan P Deese v. Department of Health & Human Services	00 CSE 2112	Wade	02/02/01
David Bryant Shuping v. Department of Health & Human Services	00 CSE 2113	Conner	03/30/01
Christopher B Thompson v. Department of Health & Human Services	00 CSE 2123	Mann	03/22/01
Fredrick Gilmore v. Department of Health & Human Services	00 CSE 2124 <sup>10</sup>	Morrison	03/21/01
Dwayne Scott Barlow v. Department of Health & Human Services	00 CSE 2131	Wade	03/05/01
Randy L Galloway v. Department of Health & Human Services	00 CSE 2132	Conner	03/22/01
Joe L Green v. Department of Health & Human Services	00 CSE 2136	Gray	03/30/01
Paul Billiot v. Department of Health & Human Services	00 CSE 2137	Conner	03/30/01
Theodore Rasheed Akins v. Department of Health & Human Services	00 CSE 2142	Morrison	03/30/01
Anita Davis v. Department of Health & Human Services	00 CSE 2145	Lassiter	02/27/01
Marvin Price Jr v. Department of Health & Human Services	00 CSE 2146	Wade	04/04/01
Nathaniel Armstrong v. Department of Health & Human Services	00 CSE 2150	Gray	02/27/01
Samuel Thomas v. Department of Health & Human Services	00 CSE 2151	Morrison	03/30/01
Boulware, Rodney Durand v. Department of Health & Human Services	00 CSE 2154	Wade	03/13/01
Keith V Cunningham v. Department of Health & Human Services	00 CSE 2161	Gray	02/20/01
Derrick Link v. Department of Health & Human Services	00 CSE 2166	Mann	03/13/01
Kenneth W Kelly v. Department of Health & Human Services	00 CSE 2169	Wade	04/04/01
Stephen Lake Sargent v. Department of Health & Human Services	00 CSE 2176	Gray	03/30/01
Michael R Whitford v. Department of Health & Human Services	00 CSE 2178	Morrison	03/27/01
Christopher Scott v. Department of Health & Human Services	00 CSE 2182	Morrison	03/05/01
Aaron L Roper Sr v. Department of Health & Human Services	00 CSE 2187	Lassiter	04/03/01
Melissa Reid v. Department of Health & Human Services	00 CSE 2201	Conner	04/17/01
Jimmy K Wallace v. Department of Health & Human Services	00 CSE 2212	Morrison	03/29/01
Guy John Harris v. Department of Health & Human Services	00 CSE 2215	Wade	04/04/01
Rodger E Smith v. Department of Health & Human Services	00 CSE 2217	Morrison	04/03/01

**CONTESTED CASE DECISIONS**

Robert T Crider v. Department of Health & Human Services	00 CSE 2219	Gray	04/03/01	
Octavius A Williams v. Department of Health & Human Services	00 CSE 2220	Wade	04/04/01	
Timothy Sweat v. Department of Health & Human Services	00 CSE 2248	Gray	04/19/01	
Timothy Odell Lindsey v. Department of Health & Human Services	00 CSE 2249 <sup>14</sup>	Morrison	04/10/01	
Timothy Odell Lindsey v. Department of Health & Human Services	00 CSE 2250 <sup>14</sup>	Morrison	04/10/01	
Juan P Thompson v. Department of Health & Human Services	00 CSE 2251	Lassiter	04/10/01	
Kenneth Omar Tyson v. Department of Health & Human Services	00 CSE 2256	Conner	04/17/01	
Terrie Oatman v. Department of Health & Human Services	00 CSE 2263	Conner	04/17/01	
Richard E Chatman v. Department of Health & Human Services	00 CSE 2269	Morrison	04/10/01	
Charles Arthur Neal IV v. Department of Health & Human Services	00 CSE 2272	Conner	03/22/01	
Teller A Limon v. Department of Health & Human Services	01 CSE 0017	Morrison	03/27/01	
Courtney Brown v. Department of Health & Human Services	01 CSE 0059	Lassiter	03/05/01	
William L Anderson v. Department of Health & Human Services	00 CSE 0179	Conner	03/30/01	
Evelyn Brindle v. Department of Health & Human Services	01 CSE 0180	Chess	04/02/01	
Gary Russell Chambliss Jr v. Department of Health & Human Services	01 CSE 0241	Conner	03/30/01	
Thomas Mammarelli v. Department of Health & Human Services	01 CSE 0255	Gray	04/11/01	
Droester O Alexander v. Department of Health & Human Services	01 CSE 0367	Lassiter	04/10/01	
<b>Division of Social Services</b>				
Mary Laforet v. Department of Health & Human Services	99 DCS 0372	Lassiter	01/12/01	
Emma Burkes (Edwards) v. Department of Health & Human Services	00 DCS 1221	Morrison	08/17/00	
Frederica LaShon Smith v. Department of Health & Human Services	00 DCS 0277 <sup>1</sup>	Wade	06/30/00	
Michael Clay Mitchell v. Department of Health & Human Services	00 DCS 0300	Wade	06/30/00	
Sherry Moorefield v. Department of Health & Human Services	00 DCS 0350	Gray	08/25/00	
Pamela Browning Frazier v. Department of Health & Human Services	00 DCS 0479	Lassiter	06/12/00	
Lisa Lawler v. Department of Health & Human Services	00 DCS 0529	Morrison	08/29/00	
May M. Timmons v. Department of Health & Human Services	00 DCS 0546	Gray	06/22/00	
Starice Jennifer Anderson v. Department of Health & Human Services	00 DCS 0556	Gray	08/10/00	
Beverly Hawking v. Department of Health & Human Services	00 DCS 0600	Mann	06/30/00	
Lisa Hardy v. Department of Health & Human Services	00 DCS 0678	Mann	07/17/00	
Chasity Pipkin v. Department of Health & Human Services	00 DCS 0838	Gray	09/11/00	
Joyce Staley v. Department of Health & Human Services	00 DCS 0842	Conner	09/12/00	
Bessie B. Hampton v. Department of Health & Human Services	00 DCS 0845	Morrison	08/29/00	
Beverly Singleton v. Department of Health & Human Services	00 DCS 0846	Lassiter	08/18/00	
Kerry Lynn Morgan v. Department of Health & Human Services	00 DCS 0850	Conner	09/12/00	
Bonnie D. Drew v. Department of Health & Human Services	00 DCS 0906	Morrison	08/28/00	
Amy W. Hill v. Department of Health & Human Services	00 DCS 0974	Lassiter	09/08/00	
Amelia B. Bradshaw v. Department of Health & Human Services	00 DCS 0996	Mann	09/13/00	
Deborah Gray v. Department of Health & Human Services	00 DCS 1068	Morrison	09/19/00	
Kimberly D. Mays v. Department of Health & Human Services	00 DCS 1099	Gray	10/27/00	
Jennifer C. Dillard v. Department of Health & Human Services	00 DCS 1119	Wade	09/29/00	
Johnny K. Moore v. Department of Health & Human Services	00 DCS 1179	Morrison	10/04/00	
Latisha Eason Parker v. Department of Health & Human Services	00 DCS 1195	Wade	10/31/00	
Jannai Neal v. Department of Health & Human Services	00 DCS 1227	Conner	10/24/00	
Sheila Foy v. Department of Health & Human Services	00 DCS 1238	Gray	10/27/00	
Reta M. Dixon v. Department of Health & Human Services	00 DCS 1381	Conner	12/04/00	
Benita Hopkins v. Department of Health & Human Services	00 DCS 1444	Lassiter	12/18/00	
Mary Springer v. Department of Health & Human Services	00 DCS 1459	Conner	12/20/00	
Tameca Grant v. Department of Health & Human Services	00 DCS 1533	Wade	01/12/01	
Della T Austin for Christopher Moore v. Dept. of Health & Human Svcs.	00 DCS 1740	Lassiter	01/31/01	
Michael Anthony Bowden v. Department of Health & Human Services	00 DCS 2050	Lassiter	01/31/01	
Sanja S Whittington v. Department of Health & Human Services	00 DCS 2084	Morrison	02/12/01	
Fredrick Gilmore v. Department of Health & Human Services	00 DCS 2126 <sup>0</sup>	Morrison	03/21/01	
Benita J Marshall v. Department of Health & Human Services	01 DCS 0141	Morrison	03/30/01	
Albemarle Mental Health Center, Developmental Disabilities: Substance Abuse Services v. NC Dept. of Health & Human Services, Division of Medical Assistance and NC Council of Community Mental Health, Developmental Disabilities and Substance Abuse Programs, Inc.	98 DHR 1598	Reilly	12/15/00	15:15 NCR 1440
Estelle Roberta Allison Teague and Marlene Allison Creary v. Department of Health & Human Services	99 DHR 0120	Reilly	05/15/00	
Philistine Thompson v. Department of Health & Human Services	99 DHR 0741	Gray	08/22/00	
Ruth I. Johnson v. Department of Health & Human Services	99 DHR 0952	Chess	05/27/00	
Lakecher McFadden v. Department of Health & Human Services	99 DHR 1631	Conner	09/18/00	
Carrie Jenkins, by and through her Guardian, John Jenkins v. NC Dept. of Health & Human Services	00 DHR 0119	Wade	02/14/01	
Mary Johnson McClure v. Department of Health & Human Services	00 DHR 0368	Lassiter	06/19/00	
Barry Arthur Kelly, Linda Snipes Kelley v. Department of Health and Human Services	00 DHR 0038	Gray	09/15/00	
Vonda Scales Shore v. Department of Health & Human Services	00 DHR 0500	Lassiter	10/06/00	
Ann Marie & Daniel Short v. Department of Health & Human Services	00 DHR 0574	Reilly	05/22/00	
Lynell Holley Walton v. DHHS, (Health Care Personnel Registry & Investigations)	00 DHR 0605	Chess	08/15/00	
Deborah A. Shands v. Butner Adolescent Treatment Center	00 DHR 0695	Mann	07/27/00	
Larry E. Cummins MD, PI Case #1999-1752 v. Div. of Medical Assistance, Kim Meymandi, Chief Hearing Officer	00 DHR 0797	Lassiter	08/01/00	
Larry E. Cummins MD, PI Case #1999-1117 v. Div. of Medical Assistance, Kim Meymandi, Chief Hearing Officer	00 DHR 0798	Lassiter	08/01/00	
Lenora M Brewer v Office of Administrative	00 DHR 0943	Conner	03/01/01	
Robert and Shirley Harmon on behalf of Gary Harmon v. Crossroads Behavioral Healthcare Center and the NC Div of Mental Health, Dev.	00 DHR 0955	Chess	09/07/00	

**CONTESTED CASE DECISIONS**

Disabilities and Substance Abuse Services			
Walter W. Griswold for Kimberly Griswold v. Crossroads Behavioral Healthcare Center and the NC Div of Mental Health, Dev.	00 DHR 1025	Chess	09/07/00
Disabilities and Substance Abuse Services			
Janie Best v DHHS, NC Medical Examiner's Office	00 DHR 1029	Mann	02/20/01
Carolyn W. Cooper and Happy Days Child Care v. DHHS, Div of Child Development	00 DHR 1031	Gray	08/31/00
Mildred Willis v. Avante of Wilson, NC Dept of Health & Human Services	00 DHR 1310	Conner	02/16/01
Iola Jones v. NC Department of Human Resources	00 DHR 1320	Morrison	02/23/01
Larnetra D. Noel v. NC Department of Human Services	00 DHR 1327	Chess	10/06/00
Chawona Lynn Emanuel v. Department of Health & Human Services	00 DHR 1360	Gray	01/31/01
Lee T. Wilson v. NC DHHS, Office of the Controller	00 DHR 1371 <sup>6</sup>	Gray	01/09/01
Tracy McLeod v. First Health Richmond Cty Home Health, DHR -DOFS	00 DHR 1382	Gray	11/21/00
Lee T. Wilson v. NC DHHS, Office of the Controller	00 DHR 1383 <sup>6</sup>	Gray	01/09/01
Penny Jean Leary for Hyaile Okanoto v. Div. of Medical Assistance	00 DHR 1400	Gray	01/11/01
Sylvia Davis v. Homeplace of Burlington Nurse Aide Registry	00 DHR 1488	Mann	02/26/01
Reshea Devon Pierce v. Department of Health & Human Services	00 DHR 1516	Morrison	12/18/00
William C Wetmore v. DHHS, Health Care Personnel Registry Invstgns.	00 DHR 1744	Mann	02/08/01
Barbara Hayes v. Sampson Co Dept of Social Services, Sarah W. Bradshaw, Director & NC DHHS	00 DHR 2040	Gray	02/21/01
Beatrice Harper v. NC Human & Health Services	00 DHR 2048	Gray	02/06/01
Melissa M. Hale v. State of NC Office of Administrative Hearings	00 DHR 2077	Chess	01/26/01
James Crosland and wife, Carolyn Crosland v. Polk County Dept. of Social Services	00 DHR 2130	Gray	01/04/01
Brandi Joanna Padgett v. NC Department of Human Resources	00 DHR 2277	Gray	02/26/01
Rita Wilson v. Dept. of D.S.S. Cleveland County	01 DHR 0205	Elkins	04/18/01
Patricia A. Jackson v. Office of Administrative Hearings	01 DHR 0206	Lassiter	03/27/01
Kyna Z Robinson v. DHHS, Division of Child Development	01 DHR 0294	Lassiter	04/04/01
Amy Cahoon v. John Umstead Hospital & DHHS	01 DHR 0356	Lassiter	04/20/01
Beverly Merritt v. Nash County Dept Social Services – Food Stamp	01 DHR 0472	Lassiter	04/19/01
Charles Yancey Watson v. Currituck County Dept of Social Services	01 DHR 0507	Lassiter	04/19/01
Paula Martin v. DHHS, Division of Social Services	01 DHR 0536	Lassiter	04/20/01
<b>Division of Facility Services</b>			
Angela Denise Headen v. DHHS, Division of Facility Services	99 DHR 0107	Wade	04/11/00
Ruth Mae Wiley v. NC DHHS, Division of Facility Services	99 DHR 0331	Chess	05/27/00
Elyse Glover v. DHHS, Div of Facility Svcs., Personnel Registry Case	99 DHR 1036	Lassiter	06/29/00
Sharon J. Saxe v. DHHS, Division of Facility Services	99 DHR 1169	Lassiter	11/16/00
Crystal Shermain Byers v. DHHS, Division of Facility Services	00 DHR 0217	Mann	06/07/00
Rhonda Gail Andrew v. DHHS, Division of Facility Services	00 DHR 0282	Chess	09/21/00
Camille Faustin v. DHHS, Division of Facility Services	00 DHR 0298	Smith	06/28/00
David Jordan v. DHHS, Division of Facility Services	00 DHR 0311	Lassiter	06/19/00
Nancy Yarbrough Allen v. DHHS, Division of Facility Services	00 DHR 0356	Gray	06/23/00
Greensboro Heart Center, LLC v. NC DHHS, Division of Facility Services, Certificate of Need Section & The Moses H. Cone Memorial Hospital & The Moses H. Cone Memorial Hospital Operating Corporation	00 DHR 0375	Lassiter	12/19/00
Lester Lee Huskins v. DHHS, Division of Facility Services	00 DHR 0391	Lassiter	08/29/00
Charlene Jenkins v. DHHS, Div. of Facility Svcs., Health Care Personnel, Registry Section	00 DHR 0531	Wade	11/27/00
Helen Ramsey v. DHHS, Division of Facility Services	00 DHR 0578	Conner	01/29/01
Cynthia Renee Cajuste v. DHHS, Division of Facility Services	00 DHR 0606	Morrison	11/08/00
Celestine L. Bristol v. DHHS, Division of Facility Services	00 DHR 0636	Lassiter	08/15/00
Anthony Alan Bennett v DHHS, Division of Facility Services	00 DHR 0664	Conner	03/06/01
Violet Anne Berliner v. DHHS, Division of Facility Services	00 DHR 0685	Gray	11/17/00
MariaGoretti Adaugo Obialor v. DHHS, Div. of Facility Services	00 DHR 0743	Morrison	08/31/00
Charlotte A Withers v. DHHS, Division of Facility Services	00 DHR 0754 <sup>11</sup>	Gray	03/15/01
Huelva Dale Corbett v. DHHS, Div. of Facility Services	00 DHS 0780	Gray	09/27/00
Phoebe Visconti Sanders v. DHHS, Div. of Facility Services	00 DHR 0802	Lassiter	09/27/00
Iola Cook Jefferson v. DHHS, Division of Facility Services	00 DHR 0835	Lassiter	07/24/00
Michelle E. Lee v. DHHS, Division of Facility Services	00 DHR 0869	Conner	10/10/00
Betty Jean Ellis v. DHHS, Division of Facility Services	00 DHR 0880	Lassiter	09/08/00
Faleisha Cassandra Worsley v. DHHS, Division of Facility Services	00 DHR 1013	Chess	02/22/01
Hartis Stallings v. DHHS, Division of Facility Services	00 DHR 1037	Lassiter	08/29/00
Desiree P. Garay v. DHHS, Division of Facility Services	00 DHR 1038	Conner	09/20/00
Lauren Hoodenpyle v. DHHS Division of Facility Services	00 DHR 1045	Chess	09/12/00
Jacqueline Alexander v. DHHS, Division of Facility Services	00 DHR 1126	Lassiter	09/07/00
Charlotte A Withers v. DHHS, Division of Facility Services	00 DHR 1127 <sup>11</sup>	Gray	03/15/01
Debra Brown v. DHHS, Division of Facility Services	00 DHR 1136	Lassiter	09/07/00
Tracy Smith v. DHHS, Division of Facility Services	00 DHR 1236	Lassiter	10/16/00
Michele Carver v. DHHS, Div. of Facility Services, Health Care Personnel Registry	00 DHR 1289	Lassiter	10/05/00
Sherie Moran Hinson Edwards v. DHHS, Division of Facility Services	00 DHR 1299	Morrison	12/18/00
Mary Carmon Williams v. DHHS, Division of Facility Services	00 DHR 1308	Conner	02/01/01
Ruby L. Laughter v. DHHS, Division of Facility Services	00 DHR 1346	Lassiter	01/31/01
Lakiya S Mewborn v. DHHS, Division of Facility Services	00 DHR 1437	Gray	02/19/01
Jonathan L. Merrell & Judith A. Merrell, and Eyring Realty, Inc. v. DHHS, Division of Facility Services & S & R Healthcare, Inc.	00 DHR 1461	Mann	01/31/01
Ms Erman M Patterson v. DHHS, Division of Facility Services	00 DHR 1465	Gray	02/16/01
Elois Little v. DHHS, Division of Facility Services	00 DHR 1790	Morrison	02/15/01
Janet Stephens v. DHHS, Division of Facility Services	01 DHR 0008	Mann	02/08/01
Octavia L Hill v. WisperPines Nursing Home of Fayetteville and DHHS, Division of Facility Services	01 DHR 0009	Mann	02/08/01

**CONTESTED CASE DECISIONS**

Stephanie Mc Knight v. DHHS, Division of Facility Services	01 DHR 0235	Chess	04/02/01		
Octavia Hill v. Whispering Pines Nursing Home of Fayetteville and Dept. of Human Services, Division of Facility Services	01 DHR 0304	Elkins	04/12/01		
<b>DEPARTMENT OF AGRICULTURE</b>					
Norman Dudgeon dba Mountain Vista Growers v. NC Department of Agriculture	00 DAG 0676	Gray	02/16/01		
<b>ENVIRONMENT AND NATURAL RESOURCES</b>					
Ronnie L. Sturdivant v. Dept. of Environment & Natural Resources	98 EHR 1222	Lassiter	05/11/00	15:04 NCR	501
Willie Setzer, individually and as President of Setzer Brothers Well Boring & Drilling Co v. Dept of Environment & Natural Resources	98 EHR 1260 <sup>15</sup>	Chess	12/03/00		
Willie Setzer, individually and as President of Setzer Brothers Well Boring & Drilling Co v. Dept of Environment & Natural Resources	98 EHR 1261 <sup>15</sup>	Chess	12/03/00		
Willie Setzer, individually and as President of Setzer Brothers Well Boring & Drilling Co v. Dept of Environment & Natural Resources	98 EHR 1262 <sup>15</sup>	Chess	12/03/00		
Dan M. Eichenbaum v. DENR & Harrison Construction Division of APAC-Tennessee, Inc.	99 EHR 0191	Lassiter	11/21/00		
Dixie Lumber Company of Cherryville, Inc. v. Department of Environment & Natural Resources	99 EHR 0395	Wade	05/04/00		
Thomas Tilley, Trustee v. Dept. of Environment & Natural Resources	99 EHR 1136 <sup>7</sup>	Lassiter	01/01/00		
Shuttle Cleaning Service, Inc., Phillip Allen (Owner) v. Dept. of Environment & Natural Resources	99 EHR 1167	Reilly	05/19/00	15:06 NCR	696
Murphy Family Farms v. Department of Environment & Natural Resources	99 EHR 1181	Gray	08/14/00		
Sarah Robbins Collins v. Dept. of Environment & Natural Resources	99 EHR 1265	Wade	11/28/00		
William A. Weston, Jr. v. Dept. of Environment & Natural Resources	99 EHR 1538	Conner	05/24/00	15:03 NCR	343
William F. McBrayer, Jr. v. Dept. of Environment & Natural Resources	99 EHR 1566	Wade	08/21/00		
Howard L. Hardy, Kenneth & Vester Freeman v. Department of Environment & Natural Resources	99 EHR 1600	Gray	08/31/00		
Thomas Tilley, Trustee v. Dept. of Environment & Natural Resources	99 EHR 1627	Lassiter	01/01/00		
Gregory Marc Edwards v. Department of Environment & Natural Resources	99 EHR 1635	Wade	09/29/00		
Leonard F. Sutton v. Division of Forest Resources	00 EHR 0072	Morrison	12/18/00	15:15 NCR	1435
David Sinclair v. Dept. of Environment & Natural Resources	00 EHR 0126	Conner	08/15/00	15:06 NCR	693
Jerry D. Phillips v. Department of Environment & Natural Resources	00 EHR 0151	Chess	09/28/00		
Samuel A. Perrella v. Div. of Environmental Health, New Bern, NC	00 EHR 0219	Gray	11/16/01		
Amos Walter Jackson v. Dept. of Environment & Natural Resources	00 EHR 0568	Gray	09/22/00		
Archie D. Fellenzer, Jr. v. CAMA	00 EHR 0836	Morrison	11/03/00		
Turnbull Company LLC v. NC Dept of Environment & Natural Resources	00 EHR 0881	Wade	02/02/01		
Carolina Mountain Construction, Inc. v. Dept. of Env. & Natural Resources	00 EHR 0902	Chess	09/07/00		
Dudley A. Dawson v. NC DENR, (Person County Health Department)	00 EHR 0920	Lassiter	02/15/01		
Mark Oil Company, Inc. v. Department of Environment & Natural Resources	00 EHR 0926	Gray	12/29/00		
Peter Pallas v. New Hanover County Board of Health	00 EHR 1149	Chess	10/19/00		
Jerry J. Fowler v. Department of Environment & Natural Resources	00 EHR 1154	Chess	10/27/00		
William A. Sergeant Lot 9 v. Dept. of Environment & Natural Resources	00 EHR 1210	Gray	12/12/00		
Scotty's Mobile Village, Larry G. Scott v. Dept. of Env. & Natural Resources	00 EHR 1266	Morrison	12/12/00		
Arland Community Development v. Dept. of Env. & Natural Resources	00 EHR 1300	Mann	03/08/01		
Randy Graham v. Environmental Health of Alamance County	00 EHR 1393	Gray	12/29/00		
Chris & Senja Shumater v. Dept. of Environment & Natural Resources	00 EHR 1584	Morrison	12/18/00		
Lisa King v. Brunswick County Health Department	00 EHR 1778	Lassiter	01/19/01		
Robert H. Bilbro v. DENR/Division of Coastal Management	00 EHR 1843	Chess	01/19/01		
Levi Moore, Jr. v. Brunswick County Health Department	00 EHR 1883	Lassiter	02/13/01		
Kelly Jones v. Office of Administrative Hearings	01 EHR 0007	Chess	02/22/01		
<b>Coastal Resources Commission</b>					
Gregory A. Bohmert v. Coastal Resources Commission	99 EHR 1438	Reilly	05/24/00	15:03 NCR	342
<b>Division of Air Quality</b>					
Bullock Properties/Ralph M. Bullock v. DENR, Div. of Air Quality	99 EHR 1088	Morrison	04/12/00		
VXIII Airborne Corps & Fort Bragg, Dept. of the Army, USA v. State of North Carolina, Dept. of Environment and Natural Resources, Division of Air Quality	00 EHR 0227	Conner	08/31/00		
MW Clearing and Grading, Inc. v. DENR, Div. of Air Quality	00 EHR 0286	Wade	11/28/00		
Guy M Long III v. NC DENR, Division of Air Quality	00 EHR 0975	Chess	01/19/01		
Billy V. Cain v. NC DENR, Division of Air Quality	00 EHR 1351	Lassiter	01/11/01		
<b>Division of Land Resources</b>					
James Carlis Reavis and Melinda D. Reavis v. NC DENR, Division of Land Resources	98 EHR 1292	Gray	10/16/00		
<b>Division of Marine Fisheries</b>					
Harold & Jettie Babson v. DENR, Division of Marine Fisheries	98 EHR 0815	Gray	12/14/00		
<b>Division of Water Quality</b>					
Fred J. McPherson v. DENR, Division of Water Quality	00 EHR 0160	Morrison	09/01/00		
Town of Wallace v. NCDENR, Division of Water Quality	00 EHR 0247	Lassiter	10/05/00		
Frederick Holland, Hervie S. Honeycutt, and Mary Jane P. Osborne v. NCDENR, Division of Water Quality	00 EHR 0332	Conner	09/18/00		
J.C. Faw v. NC DENR, Division of Water Quality	00 EHR 0825	Wade	04/04/01		
John P. Hendrix v. NC DENR, Div. of Water Quality	00 EHR 0966	Wade	03/09/01		
Johnny Barrier, Jonas Ridge Nursing Home v. NC DENR, Division of Water Quality	00 EHR 2155	Conner	02/26/01		

**CONTESTED CASE DECISIONS**

**Division of Waste Management**

A. J. Lancaster, Jr. v. NC DENR, Div. of Waste Management 99 EHR 0994 Mann 07/27/00 15:05 NCR 636

**JUSTICE**

**Alarm Systems Licensing Board**

John Martin Canter v Alarm Systems Licensing Board 00 DOJ 0573 Gray 06/02/00  
 Kenneth Waits Putnam v. Alarm Systems Licensing Board 00 DOJ 0574 Gray 06/07/00  
 James Thomas Wagg v. Alarm Systems Licensing Board 00 DOJ 1124 Lassiter 11/02/00  
 Edwin Moore Stevens v. Alarm Systems Licensing Board 00 DOJ 1413 Lassiter 11/02/00  
 Phillip Randall Millard v. Alarm Systems Licensing Board 00 DOJ 2052 Mann 04/11/01  
 Brain Craig Glass v. Alarm Systems Licensing Board 00 DOJ 2053 Gray 02/09/01  
 Jody Durell Stancil v. Alarm Systems Licensing Board 00 DOJ 2054 Conner 02/22/01  
 James Eric Rollings v. Alarm Systems Licensing Board 01 DOJ 0014 Mann 03/15/01  
 Jerry Lee Futrell v. Alarm Systems Licensing Board 01 DOJ 0107 Mann 03/27/01

**Education and Training Standards Division**

Peter A. Davis v. Sheriffs' Education & Training Standards Comm. 99 DOJ 0531 Reilly 09/14/00  
 Emmitt O'Neal Thomas v. Sheriffs' Educ. & Training Stds. Commission 99 DOJ 0845 Lassiter 04/06/01  
 James Everett Hill v. Sheriffs' Education & Training Standards Comm. 99 DOJ 1479 Reilly 04/10/00  
 Leonard Karle Mapp v. NC Criminal Justice Educ & Trng Stds Comm 99 DOJ 1555 Gray 01/16/01  
 Juan Montez Jones v. N.C. Criminal Justice Education & Training Standards Commission 99 DOJ 1716 Conner 07/05/00  
 Larry G. McClain v. Sherriffs' Education & Training Standards Comm. 99 DOJ 1721 Morrison 06/28/00  
 Ersal Overton, III v. Sherriffs' Education & Training Standards Comm. 99 DOJ 0791 Mann 08/23/00 15:08 NCR 883  
 Keith Allen Murchison v. Sheriffs' Education & Training Stds Comm. 00 DOJ 0006 Lassiter 06/26/00  
 Margaret A. Singleton v. Sheriffs' Education & Training Stds. Comm. 00 DOJ 0056 Gray 03/01/00  
 William H. Norton, III v. NC Sheriffs' Educ. & Training Stds. Comm. 00 DOJ 0563 Gray 09/19/00  
 Larry Kevin Dean v. NC Criminal Justice Education & Training Standards Commission 00 DOJ 0610 Wade 02/06/01  
 Pierre Deberry Debnam v. NC Criminal Justice Education and Training Standards Commission 00 DOJ 0719 Morrison 08/15/00  
 Herbert Wilson Stubbs v. NC Criminal Justice Ed. & Training Stds. Comm. 00 DOJ 0907 Lassiter 11/02/00  
 Andrew Newsom v. Sheriffs' Education & Training Standards Comm. 00 DOJ 0909 Conner 03/05/01  
 Gary J Watts v. Sheriffs' Education & Training Standards Commission 00 DOJ 0910 Lassiter 03/02/01  
 Charles L. Garner, Jr. v. NC Criminal Justice Ed. & Training Stds. Comm. 00 DOJ 0993 Morrison 01/05/01  
 James Edward Ellerbe v. Sheriffs' Education & Training Stds. Comm. 00 DOJ 0948 Lassiter 07/31/00  
 Christopher L. Dammons v. Sheriffs' Education & Training Stds. Comm. 00 DOJ 1071 Mann 04/11/01  
 Dexter Dwayne Boyd v. Criminal Justice Education & Training Standards Commission 00 DOJ 1366 Lassiter 05/26/00  
 William J. Sciacca v. Sheriffs' Education & Training Stds. Comm 00 DOJ 1555 Mann 01/17/01  
 Rosamel T. Gresham v. Sherriffs' Education & Training Standards Comm. 00 DOJ 1557 Lassiter 12/20/00

**Private Protective Services Board**

Leisa M Roberts v. Private Protective Services Board 99 DOJ 0112 Conner 02/14/01  
 Charles A. Joyce and Carolina Security Patrol, Inc. v. Private Protective Services Board 00 DOJ 0004 Conner 08/14/00  
 George Thomas Bond v. Private Protective Services 00 DOJ 0014 Conner 05/11/00  
 Robert V. Croom and Robert V. Wooster v. Private Protective Services Board 00 DOJ 0058 Morrison 05/16/00  
 Sharon Blackstock v. Private Protective Services Board 00 DOJ 0059 Morrison 05/16/00  
 Samuel G. Slater v. Private Protective Services Board 00 DOJ 0090 Morrison 05/12/00  
 Keith Lewis v. Private Protective Services Board 00 DOJ 0113 Connor 06/07/00  
 Tammy Goforth Nichols v Private Protective Services Board 00 DOJ 2051 Gray 02/09/01  
 John W. Fromm v. Private Protective Services Board 00 DOJ 0570 Conner 06/07/00  
 Jason Stewart Duckett v. Private Protective Services Board 00 DOJ 0572 Gray 06/07/00  
 Shannon Ray Nance v. Private Protective Services Board 00 DOJ 0609 Gray 06/07/00  
 Franklin Delano Gann, Jr. v. Private Protective Services Board 00 DOJ 0670 Morrison 06/15/00  
 William Junior Holmes v. Private Protective Services Board 00 DOJ 0671 Morrison 06/15/00  
 Michael Burt v. Private Protective Services Board 00 DOJ 0672 Morrison 06/15/00  
 Jason William Kane v. Private Protective Services Board 00 DOJ 0952 Wade 09/08/00  
 Anthony Queen Williams v. Private Protective Services Board 00 DOJ 1005 Morrison 09/01/00  
 Calvin Earl McRae v. Private Protective Services Board 00 DOJ 0736 Morrison 08/02/00  
 Donna Rena Reynolds v. Private Protective Services Board 01 DOJ 0011 Mann 03/27/01  
 Richard Asiedu v Private Protective Services Board 01 DOJ 0012 Gray 02/07/01  
 Derrick Jaie Wiser v. Private Protective Services Board 01 DOJ 0013 Mann 03/27/01  
 David Heath Manning v. Private Protective Services Board 01 DOJ 0127 Mann 03/09/01

**PUBLIC INSTRUCTION**

Doris G. Branch v. NC Department of Public Instructions 98 EDC 0368 Gray 10/08/00 15:13 NCR 1233  
 Stacia R. Parker v. Charlotte-Mecklenburg Board of Education 99 EDC 0389 Gray 08/23/00  
 Charlie Lee Richardson v. Department of Public Instruction 99 EDC 0788 Reilly 04/11/00 15:01 NCR 45  
 Dale Y. Farmer v. Department of Public Instruction 00 EDC 0373 Gray 05/26/00  
 Cumberland County Board of Education v. Mr. and Mrs. Wesley Waters for Weston Harold Waters 00 EDC 0465 Wade 08/11/00  
 Kings Mountain Board of Education, Larry Allen, Melony Bolin, Ronald Hawkins, Shearra Miller, Stella Putnam, Joanne Cole, Otis Cole, Charlie Smith, Frank Smith, and Angela Smith v. NC State Board of Education and Cleveland County Board of Commissioners 00 EDC 0800 Morrison 06/26/00 15:04 NCR 492  
 Ray N. Anderson v. NC Department of Public Instruction 00 EDC 1226 Gray 03/16/01  
 James William Stockstill v. Orange County Board of Education, Orange 00 EDC 1261 Conner 09/28/00



**CONTESTED CASE DECISIONS**

County Schools and Randy Bridges Christopher Paul Thompson v. Polk County School System	00 EDC 1291	Conner	12/28/00	
<b>DEPARTMENT OF INSURANCE</b>				
Jacquelyn Hastings v. NC Teachers & State Employees' Comprehensive Major Medical Plan	98 INS 1662	Gray	05/25/00	
<b>DEPARTMENT OF LABOR</b>				
Secret Spot Surf Shop, Inc. v. NC Department of Labor	00 DOL 1213	Gray	03/26/01	
GTF, Inc. D/b/a Creekside Restaurant & Bar v. NC Dept. of Labor	01 DOL 0226	Morrison	04/06/01	
<b>MISCELLANEOUS</b>				
Nancy York Vorys v. Raleigh Police Department	00 MIS 1436	Gray	10/27/00	
Shane C. Balance v. Watauga County District Attorney and Watauga County Superior Court	00 MIS 1685	Mann	01/31/01	
<b>STATE PERSONNEL</b>				
Denise M. Ashe v. Northampton County Board of Commissioners, Northampton County Board of Social Services, Northampton County Department of Social Services	95 OSP 1011	Gray	08/29/00	
Sheila Harris	96 OSP 0686	Mann	02/12/01	
Michele Smith v. Cumberland Co. Dept. of Social Services	97 OSP 1344	Morgan	07/11/00	
Roosevelt Wilkerson, Jr. v. NC Department of Correction	98 OSP 1198 <sup>8</sup>	Gray	01/30/01	
Marshe Morgan v. Black Mount Center, NC DHHS	98 OSP 1302	Gray	07/11/00	15:05 NCR 624
Pat Hovis v. Lincoln County Department of Social Services	98 OSP 1348	Conner	11/15/00	
Roosevelt Wilkerson, Jr. v. NC Department of Correction	99 OSP 0084 <sup>8</sup>	Gray	01/30/01	
Larry Wellman v. Department of Health & Human Services	99 OSP 0484	Reilly	05/11/00	15:01 NCR 47
Betty R. Holman v. Broughton Hospital	99 OSP 0580	Hunter	05/08/00	
Doris A. Archibald v. Dare County Health Department	99 OSP 0622	Gray	08/10/00	
Mack Reid Merrill v. NC Department of Correction	99 OSP 0627	Wade	08/23/00	15:07 NCR 772
Russell J. Suga v. Employment Security Commission of NC	99 OSP 0768	Gray	06/23/00	
Glenn Roger Forrest v. NC Department of Transportation	99 OSP 0853	Lassiter	08/24/00	15:07 NCR 781
Ronald Dennis Long v. Western Carolina University	99 OSP 0870 <sup>9</sup>	Chess	02/01/01	
Sarah C. Hauser v. Forsyth Co., Department of Public Health	99 OSP 0923	Lassiter	04/20/00	15:01 NCR 5
Larry Mayo v. Employment Security Commission of NC	99 OSP 1023	Wade	06/30/00	
Michael Duane Maxwell v. Dept. of Health & Human Services	99 OSP 1068	Reilly	08/03/00	15:09 NCR 924
Mary Brown-Barbee v. Dept. of Environment & Natural Resources	99 OSP 1087	Morrison	12/11/01	
Joel T. Lewis v. Department of Correction	99 OSP 1116	Reilly	05/31/00	
Christopher D. Lunsford v. NC Dept. of Administration, Motor Fleet	99 OSP 1142	Morrison	08/11/00	
Van Sutton v. Office of Juvenile Justice/Dobbs School	99 OSP 1204	Gray	07/13/00	
Ronald Dennis Long v. Western Carolina University	99 OSP 1347 <sup>9</sup>	Chess	02/01/01	
Benny Callihan v. Department of Correction	99 OSP 1381	Wade	09/06/00	
Russell J. Suga v. Employment Security Commission of NC	99 OSP 1649	Gray	06/09/00	15:04 NCR 508
Thelma T. Utley v. NC State University	99 OSP 1708	Conner	12/08/00	
Preston D. Stiles v. NC Dept of Health & Human Svcs., Caswell Center	99 OSP 1757	Anderson	08/28/00	
Lawrence E. Cooke v. Craven Correctional Facility, NC Dept of Correction	00 OSP 0013	Conner	07/05/00	
Brenda Parker v. NC Div. of Motor Vehicles	00 OSP 0021	Gray	01/19/01	15:16 NCR 1545
Forrest Travis Coston v. NC Dept of Crime Control & Public Safety, NC State Highway Patrol	00 OSP 0022	Conner	01/24/01	
Fred J. Hargro, Jr. v. NC Dept of Crime Control & Public Safety, NC State Highway Patrol	00 OSP 0029	Morrison	08/08/00	
Robert Boyd Choat v. Department of Correction	00 OSP 0102	Reilly	07/24/00	
Larry Campbell v. Wildlife Resources Commission	00 OSP 0117 <sup>5</sup>	Reilly	09/28/00	
Larry Campbell v. Wildlife Resources Commission	00 OSP 0118 <sup>5</sup>	Reilly	09/28/00	
Eldee L Brown Jr v. NC Department of Commerce	00 OSP 0180	Morrison	12/19/00	
Vicky Ruffin-Jenkins v. Sparc Academy	00 OSP 0207	Connor	06/26/00	
Robert L. Swinney v. NC Department of Transportation	00 OSP 0281	Morrison	12/20/00	15:14 NCR 1392
Jesse C. Whitaker v. Facilities Operations (NCSU)	00 OSP 0342	Chess	07/11/00	
Gladys M. Sanders v. NC Department of Correction	00 OSP 0362	Gray	09/27/00	
Ronald Dennis Long v. Western Carolina University	00 OSP 0413 <sup>9</sup>	Chess	02/01/01	
Lillie B. Whitaker v. Center Point Human Resources, Ronald Morton	00 OSP 0443	Lassiter	07/24/00	
Starr M. Strickland v. Correction Enterprises, NC Dept. of Correction	00 OSP 0460	Chess	10/24/00	
Mary D. Eurquhart v. NC DOT, Division of Motor Vehicles	00 OSP 0470	Wade	03/09/01	
George W. Baysden, Jr. v. NC Department of Corrections	00 OSP 0483	Chess	12/20/00	
Addie M. Williams v. Pender Correctional Inst., Dept. of Correction	00 OSP 0562	Conner	09/12/00	
Paula M Wilson v. NC Department of Correction	00 OSP 0581	Morrison	12/15/00	
Shelby Gorham-Teel v. NC Dept of Corrections, Div. of Prisons	00 OSP 0586	Chess	07/10/00	
Michael Jackson v. University Graphics, NC State University	00 OSP 0621	Lassiter	08/16/00	
Marvin Clark v. NC Department of Correction	00 OSP 0623	Gray	08/03/00	
Pathe S. Vivek v. NC Dept. of Environment & Natural Resources	00 OSP 0631	Smith	01/12/01	
Linda O. Leder v. NC Department of Correction	00 OSP 0632	Conner	09/29/00	
James F. Pridgen, Jr. v. A&T State University, Millicent Hopkins	00 OSP 0652	Mann	07/27/00	
Robert L. Moore v. Pitt County Mental Health Dev Disabilities/SA	00 OSP 0708	Wade	02/05/01	
Warren Carlos Moore v. Pitt County Menatl Health Dev Disabilities/SA	00 OSP 0713	Wade	02/05/01	
Ronald Dennis Long v. Western Carolina University	00 OSP 0745 <sup>9</sup>	Chess	02/01/01	
Cheryl R Prather v. NC Department of Correction	00 OSP 0756	Chess	03/22/01	
Guy M Murrell v. Neuse Center for Mental Health	00 OSP 0790	Gray	12/12/00	
Mark Esposito v. NCDOT/Aviation, Bill Williams, Director	00 OSP 0791 <sup>9</sup>	Lassiter	07/24/00	
Ronald Dennis Long v. Western Carolina University	00 OSP 0821 <sup>9</sup>	Chess	02/01/01	
Ronald Dennis Long v. Western Carolina University	00 OSP 0822 <sup>9</sup>	Chess	02/01/01	
Marilyn R. Horton v. Gaston-Lincoln Mental Health	00 OSP 0912	Morrison	10/19/00	
Maurice Alson v. NC Department of Insurance	00 OSP 0953	Lassiter	04/03/01	

**CONTESTED CASE DECISIONS**

Jeffrey L. Teague v. NC Department of Correction	00 OSP 0978	Chess	10/27/00	
Ronald Dennis Long v. Western Carolina University	00 OSP 1094 <sup>9</sup>	Chess	02/01/01	
Bernadine Johnson v. Department of Correction	00 OSP 1118	Morrison	11/20/00	
Robert C. Adams v. NC Department of Labor	00 OSP 1185	Conner	11/28/00	
Pamela DeVose v. Durham County DSS	00 OSP 1189	Conner	12/28/00	
Billy Anderson v. NC Department of Correction	00 OSP 1196	Gray	03/08/01	
Steven Allen Slocum v. NC Dept. of Crime Control and Public Safety, Division of State Highway Patrol	00 OSP 1203	Conner	12/28/00	
Robert J. Lane v. Jim Webb, NC Special Care Center (DHR)	00 OSP 1241	Gray	01/23/01	
Pamela R. Smith v. NC Department of Public Instruction	00 OSP 1229	Conner	11/09/00	
Linda Sharp Brady v. Halifax Co. Department of Social Services	00 OSP 1263	Gray	02/23/01	
Wayne M. Wise v. NCCU-WNCU	00 OSP 1269	Gray	01/09/01	
Dora P. Pettiford v. NC Department of Health & Human Services	00 OSP 1279	Lassiter	09/25/00	
David A. Greats v. NC Department of Correction	00 OSP 1282	Conner	11/09/00	
Ronald Dennis "Butch" Long v. Western Carolina University	00 OSP 1307	Chess	02/02/01	
Ronald Dennis "Butch" Long v. Western Carolina University	00 OSP 1325	Chess	04/12/01	
Richard A Patterson v. Currituck Co. EMS, Currituck County, NC 27929	00 OSP 1330	Conner	02/21/01	
Jacqueline G Williams v. Kathlyn Flora, Director of Currituck County	00 OSP 1331	Conner	03/27/01	
Ronald Dennis "Butch" Long v. Western Carolina University	00 OSP 1349	Chess	04/12/01	
Wayne Davis v. Shelby City Schools	00 OSP 1402	Lassiter	12/20/00	
Larry Joel Williams v. Durham Co. Gov't, The Durham Center	00 OSP 1417	Gray	01/24/01	
Michael T. Winbush v. Winston-Salem State University	00 OSP 1429	Overby	04/03/01	15:21 NCR 1847
Treena S. Greene v. NC DOC, Pamlico Correctional Institution	00 OSP 1647	Chess	02/28/01	
Susan Mote Smith v. NC DHHS/Murdoch Center	00 OSP 1662	Mann	02/23/01	
Thomas Michael Chamberlain v. Alamance Community College	00 OSP 1799	Chess	03/22/01	
Danielle Hannon-Fox v. Nash Community College	00 OSP 1872	Mann	03/14/01	
Mary Ann Suprenant v. Randolph County Mental Health	00 OSP 2089	Morrison	02/14/01	
Billy Wayne Lacy v. Sandhills Center for Mental Health DD & SAS	00 OSP 2127	Morrison	02/28/01	
Erthel Hines v. NC Agricultural & Technical State University	00 OSP 2139	Morrison	12/21/00	
Johnny Lee Brown v. Harnett Correctional Institute	00 OSP 0146	Chess	03/06/01	
Henry C. Parks v. EEO Title VII Section, Cheryl C. Fellers	01 OSP 0063	Elkins	04/11/01	
Luther Kidd Ray v. NC Department of Correction	01 OSP 0149	Elkins	04/20/01	
Harvey L Justice Jr v. North Carolina Central University	01 OSP 0287	Lassiter	04/04/01	
<b>STATE TREASURER</b>				
Jean C. Burkhart v. NC Dept. of State Treasurer, Retirement Systems Division	99 DST 1475	Mann	05/30/00	15:05 NCR 633
<b>DEPARTMENT OF REVENUE</b>				
Eddie B. Thomas v. NC Department of Revenue	00 REV 0530	Gray	08/24/00	
Samuel W. Hinshaw v. NC Department of Revenue	00 REV 1008	Gray	12/20/00	
<b>SECRETARY OF STATE</b>				
Pamela J. Rollefson v. Secretary of State (Notary Division)	00 SOS 1470	Conner	01/26/01	
<b>UNIVERSITY OF NORTH CAROLINA</b>				
Theresa T. Godfrey v. UNC Hosp. at Chapel Hill, Dept of Pharm. Billing	00 UNC 0763	Lassiter	09/08/00	
Betty S. Matheson v. UNC Hospitals, Patient Accounting Department, OR Services	00 UNC 1020	Gray	10/09/00	
Ande West v. UNC Hospitals	00 UNC 1267	Conner	12/14/00	
Lisa Morelli v. SODCA Representative, UNC Hospitals	00 UNC 1328	Gray	12/28/00	
Felicia Higgins v. UNC Hospitals at Chapel Hill	00 UNC 1486	Mann	02/23/01	
<b>NC BOARD OF ETHICS</b>				
H. Michael Poole, Ph.D v. Perry Newsome, Exec. Dir. NC Board of Ethics	00 EBD 0696	Lassiter	08/25/00	