

# NORTH CAROLINA



## REGISTER

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**NORTH CAROLINA ADMINISTRATIVE CODE CLASSIFICATION SYSTEM**

*The North Carolina Administrative Code (NCAC) has four major classifications of rules. Three of these, titles, chapters, and sections are mandatory. The major classification 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. Subchapters are optional classifications to be used by agencies when appropriate.*

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| 2                  | AGRICULTURE & CONSUMER SERVICES             | 2 Architecture                                    | 2 Agricultural Finance Authority              |
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| 4                  | COMMERCE                                    | 4 Auctioneers                                     | 4 Reserved                                    |
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|                    |   | 52 Podiatry Examiners                             |   |
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|                    |   | 64 Speech & Language Pathologists & Audiologists  |   |
|                    |   | 65 Therapeutic Recreation Certification           |   |
|                    |   | 66 Veterinary Medical                             |   |
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**Note:** Title 21 contains the chapters of the various occupational licensing boards and Title 24 contains the chapters of independent agencies.

**NORTH CAROLINA REGISTER**  
 Publication Schedule for January 2004 – December 2004

| FILING DEADLINES      |            |                     | NOTICE OF TEXT                   |                                | PERMANENT RULE                                       |                                      |   | TEMPORARY RULES  |
|-----------------------|------------|---------------------|----------------------------------|--------------------------------|--|--------------------------------------|---|--|
| Volume & issue number | Issue date | Last day for filing | Earliest date for public hearing | End of required comment period | Deadline to submit to RRC for review at next meeting | Earliest Eff. Date of Permanent Rule | Delayed Eff. Date of Permanent Rule (first legislative day of the next regular session) | 270 <sup>th</sup> day from publication in the Register |
| 18:13                 | 01/02/04   | 12/08/03            | 01/17/04                         | 03/02/04                       | 03/22/04   | 05/01/04                             | 05/10/04  | 09/28/04   |
| 18:14                 | 01/15/04   | 12/19/03            | 01/30/04                         | 03/15/04                       | 03/22/04   | 05/01/04                             | 05/10/04  | 10/11/04   |
| 18:15                 | 02/02/04   | 01/09/04            | 02/17/04                         | 04/02/04                       | 04/20/04   | 06/01/04                             | 01/26/05  | 10/29/04   |
| 18:16                 | 02/16/04   | 01/26/04            | 03/02/04                         | 04/16/04                       | 04/20/04   | 06/01/04                             | 01/26/05  | 11/12/04   |
| 18:17                 | 03/01/04   | 02/09/04            | 03/16/04                         | 04/30/04                       | 05/20/04   | 07/01/04                             | 01/26/05  | 11/26/04   |
| 18:18                 | 03/15/04   | 02/23/04            | 03/30/04                         | 05/14/04                       | 05/20/04   | 07/01/04                             | 01/26/05  | 12/10/04   |
| 18:19                 | 04/01/04   | 03/11/04            | 04/16/04                         | 06/01/04                       | 06/21/04   | 08/01/04                             | 01/26/05  | 12/27/04   |
| 18:20                 | 04/15/04   | 03/24/04            | 04/30/04                         | 06/14/04                       | 06/21/04   | 08/01/04                             | 01/26/05  | 01/10/05   |
| 18:21                 | 05/03/04   | 04/12/04            | 05/18/04                         | 07/02/04                       | 07/20/04   | 09/01/04                             | 01/26/05  | 01/28/05   |
| 18:22                 | 05/17/04   | 04/26/04            | 06/01/04                         | 07/16/04                       | 07/20/04   | 09/01/04                             | 01/26/05  | 02/11/05   |
| 18:23                 | 06/01/04   | 05/10/04            | 06/16/04                         | 08/02/04                       | 08/20/04   | 10/01/04                             | 01/26/05  | 02/26/05   |
| 18:24                 | 06/15/04   | 05/24/04            | 06/30/04                         | 08/16/04                       | 08/20/04   | 10/01/04                             | 01/26/05  | 03/12/05   |
| 19:01                 | 07/01/04   | 06/10/04            | 07/16/04                         | 08/30/04                       | 09/20/04   | 11/01/04                             | 01/26/05  | 03/28/05   |
| 19:02                 | 07/15/04   | 06/23/04            | 07/30/04                         | 09/13/04                       | 09/20/04   | 11/01/04                             | 01/26/05  | 04/11/05   |
| 19:03                 | 08/02/04   | 07/12/04            | 08/17/04                         | 10/01/04                       | 10/20/04   | 12/01/04                             | 01/26/05  | 04/29/05   |
| 19:04                 | 08/16/04   | 07/26/04            | 08/31/04                         | 10/15/04                       | 10/20/04   | 12/01/04                             | 01/26/05  | 05/13/05   |
| 19:05                 | 09/01/04   | 08/11/04            | 09/16/04                         | 11/01/04                       | 11/22/04   | 01/01/05                             | 01/26/05  | 05/29/05   |
| 19:06                 | 09/15/04   | 08/24/04            | 09/30/04                         | 11/15/04                       | 11/22/04   | 01/01/05                             | 01/26/05  | 06/12/05   |
| 19:07                 | 10/01/04   | 09/10/04            | 10/16/04                         | 11/30/04                       | 12/20/04   | 02/01/05                             | 05/00/06  | 06/28/05   |
| 19:08                 | 10/15/04   | 09/24/04            | 10/30/04                         | 12/14/04                       | 12/20/04   | 02/01/05                             | 05/00/06  | 07/12/05   |
| 19:09                 | 11/01/04   | 10/11/04            | 11/16/04                         | 12/31/04                       | 01/20/05   | 03/01/05                             | 05/00/06  | 07/29/05   |
| 19:10                 | 11/15/04   | 10/22/04            | 11/30/04                         | 01/14/05                       | 01/20/05   | 03/01/05                             | 05/00/06  | 08/12/05   |
| 19:11                 | 12/01/04   | 11/05/04            | 12/16/04                         | 01/31/05                       | 02/21/05   | 04/01/05                             | 05/00/06  | 08/28/05   |
| 19:12                 | 12/15/04   | 11/22/04            | 12/30/04                         | 02/14/05                       | 02/21/05   | 04/01/05                             | 05/00/06  | 09/11/05   |

## 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 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**  
An agency shall accept comments on the text of a proposed rule for at least 60 days after the text is published or until the date of any public hearings held on the proposed 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.

*Note from the Codifier: 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.*

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

The Charlotte-Mecklenburg Board of Education

Pursuant to N.C.G.S. § 130A-310.34, The Charlotte-Mecklenburg Board of Education has filed with the North Carolina Department of Environment and Natural Resources ("DENR") a Notice of Intent to Redevelop a Brownfields Property ("Property") in Charlotte, Mecklenburg County, North Carolina. The Property consists of a 0.24-acre parcel at 3004 Bank Street and 3331 Griffith Street, which lies on the southwest corner of the intersection of Griffith Street and Bank Street. Environmental contamination exists on the Property in soil and groundwater. The Charlotte-Mecklenburg Board of Education has committed itself to redevelop the Property for no use other than as an entry plaza for a new middle school planned for neighboring property. The Notice of Intent to Redevelop a Brownfields Property includes: (1) a proposed Brownfields Agreement between DENR and The Charlotte-Mecklenburg Board of Education, which in turn includes (a) a map showing the location of the Property, (b) a description of the contaminants involved and their concentrations in the media of the Property, (c) the above-stated description of the intended future use of the Property, and (d) proposed investigation and remediation; and (2) a proposed Notice of Brownfields Property prepared in accordance with G.S. 130A-310.35. The full Notice of Intent to Redevelop a Brownfields Property may be reviewed at the City of Charlotte's Economic Development office at 600 East Trade Street, Charlotte, NC 28202 by contacting Carolyn Minnich at that address, at [cminnich@ci.charlotte.nc.us](mailto:cminnich@ci.charlotte.nc.us), or at (704) 336-3499; or at 401 Oberlin Rd., Raleigh, NC 27605 by contacting Shirley Liggins at that address, at [shirley.liggins@ncmail.net](mailto:shirley.liggins@ncmail.net), or at (919) 733-2801, ext. 336. DENR will provide auxiliary aids and services at the Raleigh location for persons with disabilities who wish to review the documents. Written public comments may be submitted to DENR within 60 days after the date this Notice is published in a newspaper of general circulation serving the area in which the brownfields property is located, or in the North Carolina Register, whichever is later. Written requests for a public meeting may be submitted to DENR within 30 days after the period for written public comments begins. All such comments and requests should be addressed as follows:

Mr. Bruce Nicholson  
Brownfields Program Manager  
Division of Waste Management  
NC Department of Environment and Natural Resources  
401 Oberlin Road, Suite 150  
Raleigh, North Carolina 27605

**Note from the Codifier:** *The rules published in this Section of the NC Register are emergency rules reviewed by the Codifier of Rules and entered in the North Carolina Administrative Code. The agency must subsequently publish a proposed temporary rule on the OAH website ([www.ncoah.com/rules](http://www.ncoah.com/rules)) and submit that adopted temporary rule to the Rules Review Commission within 60 days from publication of the emergency rule or the emergency rule will expire on the 60<sup>th</sup> day from publication. This section of the Register may also include, from time to time, a listing of emergency rules that have expired. See G.S. 150B-21.1A and 26 NCAC 02C .0600 for adoption and filing requirements.*

**TITLE 21 – OCCUPATION LICENSING BOARDS**

**CHAPTER 46 – BOARD OF PHARMACY**

**Rule-making Agency:** *North Carolina Board of Pharmacy*

**Rule Citation:** *21 NCAC 46 .2507*

**Effective Date:** *May 11, 2004*

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

**Reason for Action:** *Immediate adoption is required to allow pharmacists to prebook influenza vaccinations in order to be prepared to meet the increased demand for influenza vaccinations in the coming fall and winter and to have sufficient quantities on hand to allow pharmacists to administer the vaccinations.*

**21 NCAC 46 .2507 ADMINISTRATION OF VACCINATIONS BY PHARMACISTS**

~~A pharmacist who has successfully completed a course of training approved by the Board, and the North Carolina Medical Board, or the North Carolina Board of Nursing, may administer immunizations.~~

(a) Purpose. The purpose of this section is to provide standards for pharmacists engaged in the administration of vaccines as authorized in G.S. 90-85.3(r) of the North Carolina Pharmacy Practice Act.

(b) Definitions. The following words and terms, when used in this Section, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) "ACPE" means American Council on Pharmaceutical Education.
- (2) "Administer" means the direct application of a drug to the body of a patient by injection, inhalation, ingestion, or other means by:
  - (A) a pharmacist, an authorized agent under his/her supervision, or other person authorized by law; or
  - (B) the patient at the direction of a practitioner.
- (3) "Antibody" means a protein in the blood that is produced in response to stimulation by a specific antigen. Antibodies help destroy the antigen that produced them. Antibodies against an antigen usually equate to immunity to that antigen.
- (4) "Antigen" means a substance recognized by the body as being foreign; it results in the production of specific antibodies directed against it.

- (5) "Board" means the North Carolina Board of Pharmacy.
- (6) "Confidential record" means any health-related record that contains information that identifies an individual and that is maintained by a pharmacy or pharmacist such as a patient medication record, prescription drug order, or medication order.
- (7) "Immunization" means the act of inducing antibody formation, thus leading to immunity.
- (8) "Medical Practice Act" means the North Carolina Medical Practice Act.
- (9) "Physician" means a currently licensed M.D. or D.O. in good standing with the North Carolina Medical Board who is responsible for the on-going, continuous supervision of the pharmacist pursuant to written protocols between the pharmacist and the physician.
- (10) "Vaccination" means the act of administering any antigen in order to induce immunity; is not synonymous with immunization since vaccination does not imply success.
- (11) "Vaccine" means a specially prepared antigen, which upon administration to a person will result in immunity.
- (12) Written Protocol--A physician's order, standing medical order, or other order or protocol. A written protocol must be prepared, signed and dated by the physician and pharmacist and contain the following:
  - (A) the name of the individual physician authorized to prescribe drugs and responsible for authorizing the written protocol;
  - (B) the name of the individual pharmacist authorized to administer vaccines;
  - (C) the immunizations or vaccinations that may be administered by the pharmacist;
  - (D) procedures to follow, including any drugs required by the pharmacist for treatment of the patient, in the event of an emergency or severe adverse reaction following vaccine administration;
  - (E) the reporting requirements by the pharmacist to the physician issuing the written protocol, including content and time frame;
  - (F) locations at which the pharmacist may administer immunizations or vaccinations; and

(G) the requirement for annual review of the protocols by the physician and pharmacist.

(c) Policies and Procedures

- (1) Pharmacists must follow a written protocol as specified in Subparagraph (b)(12) of this Rule for administration of vaccines and the treatment of severe adverse events following administration.
- (2) The pharmacist administering vaccines must maintain written policies and procedures for handling and disposal of used or contaminated equipment and supplies.
- (3) The pharmacist or pharmacist's agent must give the appropriate vaccine information to the patient or legal representative with each dose of vaccine. The pharmacist must ensure that the patient or legal representative is available and has read, or has had read to them, the information provided and has had their questions answered prior to administering the vaccine.
- (4) The pharmacist must report adverse events to the primary care provider as identified by the patient.
- (5) The pharmacist shall not administer vaccines to patients under 18 years of age.

(d) Pharmacist requirements. Pharmacists who enter into a written protocol with a physician to administer vaccines shall:

- (1) hold a current provider level cardiopulmonary resuscitation (CPR) certification issued by the American Heart Association or the American Red Cross or equivalent;
- (2) successfully complete a certificate program in the administration of vaccines accredited by the Centers for Disease Control, the ACPE or a similar health authority or professional body approved by the Board;
- (3) maintain documentation of:
  - (A) completion of the initial course specified in Subparagraph (2) of this Paragraph;
  - (B) three hours of continuing education every two years beginning January 1, 2006, which are designed to maintain competency in the disease states, drugs, and administration of vaccines;
  - (C) current certification specified in Subparagraph (1) of this Paragraph;
  - (D) original written physician protocol;
  - (E) annual review and revision of original written protocol with physician;
  - (F) any problems or complications reported; and
  - (G) items specified in Paragraph (g) of this Rule.

(e) Supervising Physician responsibilities. Physicians who enter into a written protocol with a pharmacist to administer vaccines shall:

- (1) be responsible for the formulation or approval and periodic review of the written protocols;
- (2) be easily accessible to the pharmacist administering the vaccines or be available through direct telecommunication for consultation, assistance, direction, and provide adequate back-up coverage; and
- (3) review written protocol with pharmacist at least annually and revise if necessary.

(f) Supervision. Pharmacists involved in the administration of immunizations or vaccinations shall be under the supervision of a physician. Physician supervision shall be considered adequate if the delegating physician:

- (1) is responsible for the formulation or approval of the physician's order, standing medical order, standing delegation order, or other order or protocol and periodically reviews the order or protocol and the services provided to a patient under the order or protocol;
- (2) is geographically located so as to be easily accessible to the pharmacist administering the immunization or vaccination;
- (3) receives, as appropriate, a periodic status report on the patient, including any problem or complication encountered; and
- (4) is available through direct telecommunication for consultation, assistance, and direction.

(g) Drugs. The following requirements pertain to drugs administered by a pharmacist:

- (1) Drugs administered by a pharmacist under the provisions of this section shall be in the legal possession of:
  - (A) a pharmacy, which shall be the pharmacy responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination; or
  - (B) a physician, who shall be responsible for drug accountability, including the maintenance of records of administration of the immunization or vaccination;
- (2) Drugs shall be transported and stored at the proper temperatures indicated for each drug;
- (3) Pharmacists while actively engaged in the administration of vaccines under written protocol, may have in their custody and control the vaccines identified in the written protocol and any other drugs listed in the written protocol to treat adverse reactions; and
- (4) After administering vaccines at a location other than a pharmacy, the pharmacist shall return all unused prescription medications to the pharmacy or physician responsible for the drugs.

(h) Record Keeping and Reporting

- (1) A pharmacist who administers any vaccine shall maintain the following information,

readily retrievable, in the pharmacy records regarding each administration:

- (A) The name, address, and date of birth of the patient;
  - (B) The date of the administration;
  - (C) The administration site of injection (e.g., right arm, left leg, right upper arm);
  - (D) route of administration of the vaccine;
  - (E) The name, manufacturer, lot number, and expiration date of the vaccine;
  - (F) Dose administered;
  - (G) The name and address of the patient's primary health care provider, as identified by the patient; and
  - (H) The name or identifiable initials of the administering pharmacist.
- (2) A pharmacist who administers vaccines shall document annual review with physician of

written protocol in the records of the pharmacy that is in possession of the vaccines administered.

(i) Confidentiality.

- (1) The pharmacist shall comply with the privacy provisions of the federal Health Insurance Portability and Accountability Act of 1996 and any rules adopted pursuant to this act.
- (2) Any other confidentiality provisions of federal or state laws.
- (3) Violations of these Rules by a pharmacist and/or supervising physician shall constitute grounds by the licensee's respective Board to initiate disciplinary action against that licensee's license.

*History Note: Authority G.S. 90-85.3; 90-85.6; Eff. April 1, 2003; Emergency Amendment Eff. May 11, 2004.*



**Note from the Codifier:** The rules published in this Section of the NC Register are temporary rules reviewed and approved by the Rules Review Commission (RRC) and have been delivered to the Codifier of Rules for entry into the North Carolina Administrative Code. A temporary rule expires on the 270<sup>th</sup> day from publication in the Register unless the agency submits the permanent rule to the Rules Review Commission by the 270<sup>th</sup> day.  
This section of the Register may also include, 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.

**EXPIRED TEMPORARY RULES**

The following temporary rules have expired and are removed from the NC Administrative Code. The dates shown to the right of the rule citation are the original effective date and the date the rule expired.

| <u>Rule Citation</u>    | <u>Effective Date</u> | <u>Expiration Date</u> |
|-------------------------|-----------------------|------------------------|
| DHHS/Medical Assistance |                       |                        |
| 10A NCAC 21B .0402      | 01/01/01              | 10/12/03               |
| 10A NCAC 22G .0101      | 06/26/03              | 04/27/04               |
| 10A NCAC 22G .0307      | 06/26/03              | 04/27/04               |
| 10A NCAC 22G .0508      | 12/20/02              | 11/28/03               |
| 10A NCAC 22O .0410      | 12/27/02              | 10/12/03               |

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## RULES REVIEW COMMISSION

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*This Section contains information for the meeting of the Rules Review Commission on \_\_\_\_ at 1307 Glenwood Avenue, Assembly Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments by Friday, \_\_\_\_ to the RRC staff, the agency, and the individual Commissioners. 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**

Jim R. Funderburke - 1st Vice Chair  
David Twiddy - 2nd Vice Chair  
Thomas Hilliard, III  
Robert Saunders  
Jeffrey P. Gray

#### **Appointed by House**

Jennie J. Hayman - Chairman  
Graham Bell  
Dana E. Simpson  
Dr. John Tart

### RULES REVIEW COMMISSION MEETING DATES

|                   |                    |
|-------------------|--------------------|
| June 17, 2004     | July 22, 2004      |
| August 19, 2004   | September 16, 2004 |
| October 21, 2004  | November 18, 2004  |
| December 16, 2004 |                    |

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### NOTICE

The Rules Review Commission meeting in July has been rescheduled from Thursday, July 15, 2004 to one week later, Thursday, July 22, 2004.

## 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 <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. Elkins II*

### RULES DECLARED VOID

04 NCAC 02S .0212 CONSUMPTION: INTOXICATION BY PERMITTEE PROHIBITED  
Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge James L. Conner, II declared 04 NCAC 02S .0212(b) void as applied in NC Alcoholic Beverage Control Commission v. Midnight Sun Investments, Inc. t/a Tiki Cabaret (03 ABC 1732).

20 NCAC 02B .0508 FAILURE TO RESPOND  
Pursuant to G.S. 150B-33(b)(9), Administrative Law Judge Melissa Owens Lassiter declared 20 NCAC 02B .0508 void as applied in Burton L. Russell v. Department of State Treasurer, Retirement Systems Division (03 DST 1715).

| <u>AGENCY</u>   | <u>CASE NUMBER</u> | <u>ALJ</u> | <u>DATE OF DECISION</u> | <u>PUBLISHED DECISION REGISTER CITATION</u> |
|---|--------------------|------------|-------------------------|---|
| <b><u>ALCOHOLIC BEVERAGE CONTROL COMMISSION</u></b>   |                    |            |                         |   |
| Ice 2 K t/a Sports Dimensions, Inc. v. ABC Commission   | 02 ABC 0683        | Gray       | 11/25/03                |   |
| Carolina Sports Arena LLC T/A NC Sports Arena v ABC Comm.   | 02 ABC 1491        | Conner     | 09/11/03                |   |
| ABC v. Fast Fare Inc, T/A Fast Fare NC 576  | 02 ABC 1882        | Gray       | 09/22/03                |   |
| Ki Young Kim v. Ann H. Johnson, ABC Commission in Raleigh   | 03 ABC 0177        | Mann       | 06/17/03                |   |
| ABC Commission v. Pantana Bob's, Inc. T/A Pantana Bob's   | 03 ABC 0233        | Mann       | 10/03/03                |   |
| C&C Entertainment, Inc. d/b/a Carolina Live   | 03 ABC 1037        | Lassiter   | 09/30/03                |   |
| ABC v. Lake Point Restaurant, Inc. T/A Larkins on the Lake Bay Front Bar and Grill  | 03 ABC 1246        | Hunter     | 01/01/04                | 18:17 NCR 1540                              |
| ABC Commission v LLPH Inc T/A Tsunami Sportsbar & Grill, 947 Carter Dr, Suite 4, Calabash, NC 28467                         | 03 ABC 1530        | Conner     | 02/05/04                |   |
| ABC Commission v. Erick Salgado,T/A Confety's 123 2613 Lee Avenue Sanford, NC 27330   | 03 ABC 2342        | Mann       | 04/13/04                |   |
| ABC Commission v. Chelsie Paul Grose, Brown Mountain Grocery And Service Station  | 04 ABC 0064        | Chess      | 03/03/04                |   |
| ABC Commission v. Jose-Martin Ortega Ramirez T/A Dona Ole Rest.   | 04 ABC 0094        | Gray       | 03/02/04                |   |
| ABC Commission v. Taqueria El Azteca Inc T/A Taqueria El Azteca   | 04 ABC 0095        | Gray       | 03/02/04                |   |
| ABC Commission v. Jus Imagine, LLC, T/A Imagine   | 04 ABC 0173        | Gray       | 03/31/04                |   |
| ABC Commission v. Raleigh Bryce Olive T/A Olives Cash Svc Ctr   | 04 ABC 0174        | Gray       | 03/22/04                |   |
| <b><u>MEDICAL BOARD</u></b>   |                    |            |                         |   |
| NC Medical Board v. Miles James Jones   | 03 BME 1338        | Elkins     | 03/26/04                | 18:22 NCR 2063                              |
| <b><u>AGRICULTURE</u></b>   |                    |            |                         |   |
| Phoenix Ski Corp. v. Dept. of Ag. & Cons. Svcs. & Dept. of Admin. & Carolina Cable Lift, LLC.                               | 02 DAG 0560        | Lewis      | 06/30/03                | 18:03 NCR 217                               |
| <b><u>CRIME CONTROL AND PUBLIC SAFETY</u></b>   |                    |            |                         |   |
| Myrtle J. Price v. Crime Victims Comp. Comm, Dept. of Crime Control & Public Safety, Victims Compensation Services Division | 03 CPS 0173        | Wade       | 06/27/03                |   |
| Dolores Chavis v. NC Crime Victim Compensation Commission   | 03 CPS 0359        | Conner     | 03/18/04                | 18:22 NCR 2067                              |
| Regis A Urik v DOCCPS, Div. of Victim Comp. Services  | 03 CPS 0707        | Gray       | 10/21/03                |   |
| Fredrica Wood-Jones v DOCC&PS, Div of Victim Comp. & Svcs.  | 03 CPS 0804        | Gray       | 10/06/03                |   |
| Michael L Pompey v. Crime Control & Public Safety, Div. of Victim   | 03 CPS 0828        | Gray       | 09/03/03                |   |

**CONTESTED CASE DECISIONS**

Compensation Services

|   |             |          |          |  |
|---|-------------|----------|----------|--|
| Frances H Abegg v Bryan E Beatty, Sec DCCPS                 | 03 CPS 1359 | Gray     | 01/23/04 |  |
| James L. Dominick Jr. v. Victims Compensation Commission    | 03 CPS 1394 | Mann     | 04/29/04 |  |
| Tricia Diane Gerke v. Victim's Compensation Commission      | 03 CPS 1413 | Gray     | 10/06/03 |  |
| Deborah D. Barnes-Miller v. NC Victim and Justices Services | 03 CPS 1800 | Wade     | 03/11/04 |  |
| Shirley Simmons v. Crime Control & Public Safety            | 03 CPS 2062 | Gray     | 03/18/04 |  |
| Ruth Graham v. Crime Control & Public Safety                | 03 CPS 2123 | Elkins   | 03/23/04 |  |
| Joseph Reid v. NC Victim and Justice Services               | 04 CPS 0016 | Lassiter | 04/01/04 |  |

**HEALTH AND HUMAN SERVICES**

A list of Child Support Decisions may be obtained by accessing the OAH Website: [www.ncoah.com/decisions](http://www.ncoah.com/decisions).

|   |                          |          |          |                |
|---|--------------------------|----------|----------|----------------|
| Yelton's Healthcare v DHHS, Div of Fac. Svcs, Group Care Lic Sec  | 00 DHR 0249              | Gray     | 01/16/04 |                |
| Guilford Co Comm Action Program Inc v. DHHS   | 00 DHR 0984              | Gray     | 09/08/03 |                |
| Mary Edge v DHR, Div of Child Development   | 01 DHR 0720              | Gray     | 09/23/03 |                |
| Richard Hart & Jeannette Hart, Little People Day Car, ID 3355048  | 01 DHR 1464              | Wade     | 11/14/03 |                |
| v. Div of Child Dev Health & Human Services   | 01 DHR 1464              | Wade     | 11/14/03 |                |
| Adam Sayre, minor v. DHHS, Div of MH, and its agents SE Reg Mental Health Center  | 01 DHR 2352              | Conner   | 04/29/04 |                |
| Sunshine Schools, Inc. ID No. 9255424 v. DHHS, Div. of Child Dev.   | 02 DHR 0708              | Wade     | 11/24/03 | 18:14 NCR 1209 |
| Robbie Cummings v. DHHS   | 02 DHR 0815              | Conner   | 06/09/03 |                |
| Lee Co. Dept of Social Services v. DHHS   | 02 DHR 1021              | Elkins   | 12/01/03 | 18:14 NCR 1212 |
| Linda Ann Tyson v. Div. of Facility Services, Health Care Personnel Registry Section  | 02 DHR 1103              | Lassiter | 05/12/03 |                |
| Ricky Roberts for Angela Roberts v. DHHS, Div. of Med. Assistance   | 02 DHR 1138              | Lassiter | 04/25/03 | 18:01 NCR 52   |
| Wanda J. Vanhook v. DHHS, Div. of Med. Assistance   | 02 DHR 1459              | Gray     | 04/24/03 |                |
| Elaine B Shelton v. DHHS, Div. of Facility Services   | 02 DHR 1489              | Conner   | 05/28/03 |                |
| Juli A Murphy, Murphy's Munchkin Land Daycare ID 54000197 v. Div. of Child Development                                      | 02 DHR 1555              | Lassiter | 09/05/03 |                |
| Jones Hill Day Care, Ola M Jones v. (CACPP) Child & Adult Care Food Program   | 02 DHR 1601              | Lassiter | 05/16/03 |                |
| Michelle's Lullaby Day Care, Jerri Howell v. Div. of Child Development June Locklear  | 02 DHR 1672              | Wade     | 06/10/03 |                |
| Bibby's Group Home, Billy McEachern v. Mental Health Licensure and Joanne F Ranta v. DHHS, Div. of Facility Services        | 02 DHR 1749              | Gray     | 12/08/03 |                |
| Gregory Tabron v. DHHS, Div. of Facility Services   | 02 DHR 1752              | Mann     | 05/15/03 |                |
| Oncology Svcs Corp & MountainSide Holdings LLC v. DHHS, Div of Fac Svcs, Cert of Need Section & Scotland Mem Hospital, Inc. | 02 DHR 1789              | Elkins   | 05/16/03 |                |
| Doretha Leonard v. DHHS, Div. of Medical Assistance   | 02 DHR 1983              | Wade     | 08/13/03 | 18:06 NCR 439  |
| Jonathan Louis Jefferson, a minor by & through his parents, Cynthia & Louie Jefferson v. DHHS< Div. of Medical Assistance   | 02 DHR 2183              | Lassiter | 06/13/03 |                |
| Orlando Stephen Murphy v. DHHS, Div. of Fac Svcs, Health Care Personnel Registry Section                                    | 02 DHR 2186              | Lassiter | 10/08/03 |                |
| Tanile Woodberry, By & Through Her Attorney-in-Fact, Linda Monroe v. DHHS, Division of Medical Assistance                   | 02 DHR 2206              | Wade     | 11/04/03 |                |
| Veronica Walker, Ph.D v. DHHS, Div. of Facility Services  | 02 DHR 2212              | Chess    | 11/06/03 | 18:15 NCR 1353 |
| Gloria Howard v. DHHS   | 02 DHR 2246              | Chess    | 06/20/03 |                |
| Latrese Sherell Harris v. Nurse Aide Registry   | 02 DHR 2256              | Gray     | 09/04/03 |                |
| Wanda S Hudson v. Wake County Public School System  | 02 DHR 2290              | Chess    | 06/16/03 |                |
| Lawyers Glen Retirement Living Ctr, Charlotte Elliotte v DHHS, Div of Facility Svcs, Mecklenburg Co Dept of Social Services | 02 DHR 2305              | Wade     | 09/22/03 |                |
| Deloris Johnson, Cogic Cathedral Day Care Center v. Div. of Child Development   | 02 DHR 2319              | Chess    | 10/22/03 |                |
| James E Hill v. DHHS, Div. of Facility Services   | 02 DHR 2326              | Conner   | 03/30/04 |                |
| Duffie G Hunt v. Medicaid   | 03 DHR 0028              | Wade     | 05/30/03 |                |
| Valencia L Brown v Division of Medical Assistance (DMA)   | 03 DHR 0085              | Conner   | 06/06/03 |                |
| Sidney Elkins, Debra Elkins v. Columbus Co Dept of Social Services  | 03 DHR 0099              | Chess    | 11/17/03 |                |
| Sarah P Jordan v. DHHS, Div. of Facility Services   | 03 DHR 0105              | Gray     | 03/10/04 |                |
| Martha Banks (ID #72000027) v. Div. of Child Dev., Child Abuse/Neglect Dept., Perquimans Co. DSS                            | 03 DHR 0155              | Gray     | 06/18/03 |                |
| Southeastern Reg Med Ctr & Lumberton Radiological Assoc P.A. v DHHS, Div. of Facility Services                              | 03 DHR 0168              | Wade     | 06/12/03 |                |
| Little Angels Child Care Center v Arnette Cowan, Sup of Spec Nut. Prog.   | 03 DHR 0226              | Wade     | 10/31/03 | 18:12 NCR 1011 |
| Aaron Atwater v. DHHS, Div. of Medical Assistance   | 03 DHR 0229              | Lassiter | 11/24/03 |                |
| Grace Browning, Gorge D Browning Jr v John Umstead Hospital   | 03 DHR 0262              | Chess    | 08/18/03 |                |
| Vivian P Bailey v. DHHS, Div. of Child Development  | 03 DHR 0285              | Mann     | 10/03/03 |                |
| Nakeisha Shawon Leak v. DHHS, Office of Legal Affairs   | 03 DHR 0296              | Gray     | 12/18/03 |                |
| Richard Moore v. Dorothea Dix Hospital  | 03 DHR 0308              | Wade     | 06/25/03 |                |
| Krystal Hyatt v. Broughton Hospital   | 03 DHR 0312              | Mann     | 04/26/04 |                |
| Caatherine Williams v. DHHS   | 03 DHR 0316              | Chess    | 07/07/03 |                |
| Rachel Peek,Yancey Co. DSS v. DHHS  | 03 DHR 0320              | Mann     | 07/17/03 |                |
| Penny Yvette McCullers v DHHS, Div. of Facility Services  | 03 DHR 0330              | Chess    | 07/24/03 |                |
| Lisa Mendez v. Health Care Personnel Registry   | 03 DHR 0336 <sup>0</sup> | Mann     | 01/08/04 | 18:17 NCR 1543 |
| Twan Fields v. DHHS, Div. of Facility Services  | 03 DHR 0351              | Gary     | 06/27/03 |                |
| Kevin Douglas Heglar v. DHHS, Dorothea Dix Hospital   | 03 DHR 0355              | Morrison | 09/10/03 |                |
| Yolanda Covington v. RHA Health Svcs, DHS   | 03 DHR 0357              | Gray     | 09/17/03 |                |
| Constance Basnight v. Pasquotank County DSS   | 03 DHR 0360              | Lassiter | 07/17/03 |                |
|   | 03 DHR 0385              | Lassiter | 05/29/03 |                |

**CONTESTED CASE DECISIONS**

|  |                           |          |          |                |
|--|---------------------------|----------|----------|----------------|
| Waddell B Taylor v DHHS, John Umstead Hospital   | 03 DHR 0394               | Gray     | 09/23/03 |                |
| Dorothy Ann Bell v. DHHS, Div. of Facility Services  | 03 DHR 0437               | Morrison | 06/30/03 |                |
| Edmund Bond Small v. DHHS, Walter B Jones, ADATC   | 03 DHR 0445               | Lassiter | 07/21/03 |                |
| Janitta Brown v. DHHS, Dorothea Dix Hospital   | 03 DHR 0461               | Lassiter | 09/15/03 |                |
| Gerry Dwayne Cashwell v. DHHS  | 03 DHR 0469               | Gray     | 07/28/03 |                |
| Total Renal Care of NC, LLC v DHHS, Div. of Facility Services, CON<br>Section & Bio-Medical Applications of NC   | 03 DHR 0499               | Conner   | 12/09/03 | 18:17 NCR 1548 |
| Charlotte Orthopedic Specialists, P.A. v DHHS, Div. of Facility Svcs<br>CON Section & Orion Imaging LLC Mercy Hospital Inc d/b/a<br>Carolinas Medical Center-Pineville   | 03 DHR 0505               | Gray     | 12/23/03 | 18:19 NCR 1746 |
| Gregory Lewis Berry v. Burke Co. Dept of Social Services   | 03 DHR 0514               | Wade     | 08/19/03 |                |
| Robert L Scott v DHHS  | 03 DHR 0527               | Conner   | 12/02/03 |                |
| Donna Kay Kirkland v. DHHS, Broughton Hospital   | 03 DHR 0547               | Wade     | 08/29/03 |                |
| Penny Yvette McCullers v DHHS, Div. of Facility Services   | 03 DHR 0558 <sup>0</sup>  | Mann     | 01/08/04 | 18:17 NCR 1543 |
| The Presbyterian Hospital v. DHHS, Division of Facility Services and<br>Mooresville Hosp Mgmt Assoc Inc d/b/a Lake Norman Reg Med Ctr  | 03 DHR 0567               | Wade     | 12/19/03 | 18:15 NCR 1362 |
| Grace Browning v. John Umstead Hospital  | 03 DHR 0571               | Mann     | 10/03/03 |                |
| Becky Wood, Guardian Rep The Arc/NCLifeguardianship on behalf of<br>Mary Short (Ward) v. Richard Visingardi, Dir, Div of MH, DD, SAS   | 03 DHR 0575               | Chess    | 12/22/03 |                |
| Sabrina Regina Betts v. DHHS, Div. of Facility Services  | 03 DHR 0595               | Gray     | 09/12/03 |                |
| Andrea Ford v DHHS, Div. of Facility Services  | 03 DHR 0609               | Morrison | 06/04/03 |                |
| Wallace C Levi v. Div. of Medical Assistance   | 03 DHR 0633               | Wade     | 08/12/03 |                |
| Timothy Batts v. DHHS, Div. of Facility Services   | 03 DHR 0640               | Gray     | 09/12/03 |                |
| Jenny Cooley v. DHHS, Dorothea Dix Hospital  | 03 DHR 0657               | Conner   | 04/07/04 |                |
| Bestway Food's, Osama M Dari v. DOH WIC, Cory Menees, Unit Super.  | 03 DHR 0662               | Morrison | 07/28/03 |                |
| Charles Wakild & Susan Wakild v DENR, Div of Coastal Management  | 03 DHR 0663               | Morrison | 12/09/03 |                |
| Denise A Worthington v. DHHS, Office of the Controller   | 03 DHR 0672               | Gray     | 10/06/03 |                |
| Wake Radiology Services, LLC, Wake Radiology Consultants, P.A., Raleigh<br>MR Imaging Center Ltd Partnership & Wake Radiology Diagnostic<br>Imaging, Inc. v. DHHS, Div. of Facility Svcs., CON Sec., Robert J.<br>Fitzgerald, Dir, Lee B Hoffman, Chief of CON Sec. & Mobile Imaging<br>of North Carolina, LLC | 03 DHR 0676               | Gray     | 07/07/03 |                |
| Nedall H Hassan d/b/a GNS Express Mart v. DHHS   | 03 DHR 0695               | Lassiter | 10/14/03 |                |
| Samantha Jacobs v. DHHS, Div. of Facility Services   | 03 DHR 0697               | Lassiter | 06/19/03 |                |
| Jane McMillan v. DHHS, Div. of Facility Services   | 03 DHR 0698               | Lassiter | 06/19/03 |                |
| Veronica Williams v. Div. of Med. Assistance, Dana Harris, Super.  | 03 DHR 0737               | Mann     | 08/28/03 |                |
| Patti L Cain Small Fries by Patti v. Nutrition Services  | 03 DHR 0768               | Morrison | 07/31/03 |                |
| Humans United Giving Greater Services "Huggs" v DHHS   | 03 DHR 0767               | Lassiter | 01/15/04 |                |
| Essie Mae Crawley Davis v. DHHS, Division of Facility Services   | 03 DHR 0773               | Elkins   | 03/02/04 |                |
| Brian Keith Heilig v. DHHS, Div. of Medical Assistance   | 03 DHR 0779               | Mann     | 07/17/03 |                |
| Mrs Soon Ja An v. DHHS   | 03 DHR 0780               | Morrison | 07/28/03 |                |
| Kimberly Donyelle Miles v. DHHS, Div. of Facility Services   | 03 DHR 0795               | Lassiter | 09/11/03 |                |
| Sharmia Barnes v DHHS, Div of Facility Services  | 03 DHR 0830               | Conner   | 01/05/04 |                |
| Pamela Powell v. DMA Outpatient Therapy  | 03 DHR 0834               | Lassiter | 10/13/03 |                |
| Angela Carter Precious Love Turtledove v. Tarin Goodwin, St. of NC, DCD  | 03 DHR 0850               | Conner   | 09/23/03 |                |
| Donald Eugene Lowery by & through his guardian, Dennis Parise v. CAP<br>(DMA) Div. of Medical Assistance   | 03 DHR 0868               | Gray     | 12/17/03 |                |
| Nequita Williams v. DHHS, Div. of Medical Assistance   | 03 DHR 0895               | Wade     | 11/21/03 |                |
| Native Angels Home Care Agency, Inc. v. DHHS, Div. of Facility<br>Services, Certificate of Need Section & Community Health, Inc. d/b/a<br>Community Home Care and Hospice; and Consolidated Health Services  | 03 DHR 0903               | Conner   | 02/20/04 | 18:20 NCR 1804 |
| Ali Alsaras d/b/a University Market v. DHHS  | 03 DHR 0917               | Conner   | 12/02/03 |                |
| Kimberly Roberts v. DHHS, Div. of Facility Services  | 03 DHR 0927               | Gray     | 08/15/03 |                |
| Michael Hillis v. Department of Revenue  | 03 DHR 0935               | Conner   | 07/28/03 |                |
| Rose McCallum, Individually & as Owner & Representative of NC Preschool<br>Academy & Tina Octetree, Individually & as Director & Representative<br>Of NC Preschool Academy v. DHHS, Div. of Public Health  | 03 DHR 0951 <sup>11</sup> | Elkins   | 02/02/04 | 18:17 NCR 1571 |
| Rose McCallum, Individually & as Owner & Representative of NC Preschool<br>Academy & Tina Octetree, Individually & as Director & Representative<br>Of NC Preschool Academy v. DHHS, Div. of Public Health  | 03 DHR 0952 <sup>11</sup> | Elkins   | 02/02/04 | 18:17 NCR 1571 |
| Alvin Paulk v. DHHS, Div. of Child Development   | 03 DHR 0971               | Conner   | 07/25/03 |                |
| Nazih Hasan & Emao Hasan, Nes Convenient Mart v DHHS   | 03 DHR 0985               | Lassiter | 10/31/03 |                |
| Victor J Gray v Dorothea Dix Hospital  | 03 DHR 1039               | Morrison | 09/29/03 |                |
| Pine Forest Rest Home v DHHS, Div. of Facility Services  | 03 DHR 1066               | Gray     | 10/10/03 |                |
| Doris Froneberger v. DHHS, Div. of Facility Services   | 03 DHR 1081               | Gray     | 09/12/03 |                |
| Heather M Wood v. DHHS   | 03 DHR 1083               | Morrison | 10/30/03 |                |
| Lisa S Lincoln, Honeybees Creative Ctr v DHHS, Nutrition Branch  | 03 DHR 1091               | Elkins   | 11/13/03 |                |
| Wardeh Abukeshk v DHHS   | 03 DHR 1117               | Gray     | 12/10/03 |                |
| Esther M Huntley, Children Learning Ctr, Formerly Rainbow Nursery Sch<br>v. DHHS, Division of Child Development  | 03 DHR 1118               | Elkins   | 12/23/03 |                |
| Martha Williams v. Div of Child Development  | 03 DHR 1120               | Elkins   | 03/24/04 |                |
| Jaris Davis v. DHHS, Div. of Facility Services   | 03 DHR 1136               | Gray     | 10/07/03 |                |
| Albert Brower v. DHHS  | 03 DHR 1153               | Wade     | 09/04/03 |                |
| Sherry Autry v. DHHS   | 03 DHR 1204               | Elkins   | 12/22/03 |                |
| Angela Sadler v. DHHS, Div. of Facility Services   | 03 DHR 1210               | Conner   | 11/04/03 |                |
| Thomas Reiter, a minor, by his mother and Legal Guardian<br>Kathryn Reiter v. DHHS   | 03 DHR 1253               | Gray     | 03/26/04 |                |
| Bernard Frederic v Div of MH/DD/SAS  | 03 DHR 1298               | Conner   | 01/07/04 |                |
| Lisa Dupree v. NC State Veterans Nursing Home  | 03 DHR 1306               | Lassiter | 09/15/03 |                |

**CONTESTED CASE DECISIONS**

|  |             |          |          |                |
|--|-------------|----------|----------|----------------|
| Mimi's House Day Care (ID #36000082) Hazel Jones Paris v. Div. of Child Development, Peggy Ball  | 03 DHR 1322 | Lassiter | 04/27/04 |                |
| LaQuasha K Massey v. DSS, Mecklenburg County   | 03 DHR 1375 | Elkins   | 12/16/03 |                |
| Nancy Graham, Alice Graham, Legal Guardian v. DHHS, Div of Medical Assistance  | 03 DHR 1384 | Hunter   | 04/19/04 |                |
| David L Hayden Sr, Margaret R Hayden v DHHS  | 03 DHR 1405 | Morrison | 12/19/03 | 18:16 NCR 1483 |
| Calvin Harris, Jr. v. Health Care Personnel Registry   | 03 DHR 1434 | Wade     | 10/06/03 |                |
| Karen J Andrews v. DHHS  | 03 DHR 1461 | Lassiter | 11/25/03 |                |
| Jean Rosen, Peek-A-Boo Child Care v. DHHS, Div of Child Development  | 03 DHR 1487 | Conner   | 04/15/04 |                |
| Apple Nursing Services v. DHHS   | 03 DHR 1488 | Chess    | 12/10/03 |                |
| Coastal Carolina Health Care PA d/b/a Coastal Carolina Imaging (P-6766-03) V DHHS Div of Facility Svcs, Certificate of Need Section  | 03 DHR 1496 | Lassiter | 11/06/03 |                |
| Roger William Suttles v. Broughton Hospital  | 03 DHR 1536 | Gray     | 12/22/03 |                |
| Barbara Hammond for Dennis Hammond v. DHHS   | 03 DHR 1539 | Elkins   | 12/23/03 |                |
| Kimberly Shepard v Western NC Group Home for Autistic Persons  | 03 DHR 1557 | Gray     | 02/10/04 |                |
| Virginia Ruth Mahala v. DHHS, Office of Legal Affairs  | 03 DHR 1574 | Conner   | 03/10/04 |                |
| Karoline Hatfield Kranicz v. DHHS, Div. of Facility Services   | 03 DHR 1584 | Gray     | 01/16/04 |                |
| Delaine Hairston v DHHS  | 03 DHR 1604 | Mann     | 11/25/03 |                |
| Linda Joyce Lindsey v DHHS, Div of Facility Services   | 03 DHR 1605 | Wade     | 02/11/04 |                |
| Stevie Meadows v DHHS, Div. of Facility Services   | 03 DHR 1607 | Lassiter | 01/28/04 |                |
| Tammy Hoyle for Leslie Hoyle v DHHS  | 03 DHR 1614 | Elkins   | 01/29/04 |                |
| Jermaine L Thurston Sr v. Health Care Personnel Registry   | 03 DHR 1622 | Elkins   | 01/26/04 |                |
| Ronald Bryan Gatlyn v. Health Care Personnel Registry  | 03 DHR 1655 | Lassiter | 10/28/03 |                |
| Sheila Ferrell Meeks v Office of Administrative Hearings   | 03 DHR 1672 | Lassiter | 12/02/03 |                |
| Willie S Neely v DHHS, Div. of Facility Services   | 03 DHR 1674 | Gray     | 11/20/03 |                |
| Mohammed Khalil v DHHS   | 03 DHR 1694 | Mann     | 02/03/04 |                |
| Christine Gordon v Health Care Personnel Registry  | 03 DHR 1697 | Elkins   | 12/16/03 |                |
| Doris Duff v DHHS, Div. of Facility Services   | 03 DHR 1720 | Lassiter | 12/02/03 |                |
| Rochelle M Jones v DHHS, Div of Facility Services  | 03 DHR 1734 | Wade     | 02/11/04 |                |
| Paditra C Dalton v DHHS, Div of Facility Services  | 03 DHR 1738 | Elkins   | 01/28/04 |                |
| Lalita Russell, Garfield Home Day Care v DHHS, Div of Child Dev.   | 03 DHR 1740 | Lassiter | 01/29/04 |                |
| Daniel H. Moore v. DHHS, Div. of Facility Services   | 03 DHR 1753 | Lassiter | 11/20/03 |                |
| Angela Kay Hudson v. DHHS, Div. of Facility Services   | 03 DHR 1789 | Elkins   | 12/19/03 |                |
| Adel Khatib v DHHS   | 03 DHR 1849 | Mann     | 01/28/04 |                |
| Patricia A Fox, Adm, Community Care of Jackson #1 v. Div. of Facility Services, Adult Care Licensure Section   | 03 DHR 1856 | Conner   | 12/18/03 |                |
| Thristopher Todd Smith v DHHS, Div. of Facility Services   | 03 DHR 1896 | Elkins   | 02/25/04 |                |
| Rev. David L. Moore, CEO Metropolitan Community Health Services v. DHHS, DFS CON Section   | 03 DHR 1955 | Gray     | 04/02/04 |                |
| Kimberly D Hamilton v. DHHS, Div of Child Development  | 03 DHR 1978 | Chess    | 01/07/04 |                |
| Iris Gail Smith on behalf of her son Tacory D Smith v DHHS, Div. of Medical Assistance   | 03 DHR 2119 | Elkins   | 02/10/04 |                |
| Linda's Child Day Care Center, Inc., Linda N. Powers v OAH   | 03 DHR 2120 | Gray     | 03/03/04 |                |
| Juliana Worthy Gladu, Childrens Cottage v State of NC, OAH   | 03 DHR 2208 | Lassiter | 01/08/04 |                |
| Dorothy Beaver Phillips v Health Care Personnel Registry   | 03 DHR 2290 | Gray     | 03/05/04 |                |
| ELM VILLA, LLC, David M. Crisp, Sr. (member) v. DHHS, DFS  | 03 DHR 2299 | Elkins   | 04/21/04 |                |
| Mooreville Hospital Management Assoc., inc d/b/a Lake Norman Reg Medical Center v. DHHS, Div of Facility Services, CON Section v. The Presbyterian Hospital                      | 03 DHR 2311 | Lassiter | 05/05/04 |                |
| Vodrick D Bess v DHHS, Div of Facility Svcs, Health Care Pers. Registry  | 03 DHR 2332 | Gray     | 01/23/04 |                |
| Donnie Hugh Shelton v DHHS, Division of Medical Assistance   | 03 DHR 2339 | Wade     | 02/25/04 |                |
| Outer Banks Haven, Inc d/b/a Britthaven of Outer Banks v. Dare Co. Dept of Social Services , J.F. Burris, in his official capacity as director and DHHS, Div. of Social Services | 03 DHR 2372 | Mann     | 04/21/04 |                |
| Libby R Moore v DHHS, Division of Medical Assistance   | 03 DHR 2379 | Elkins   | 02/24/04 |                |
| Hisham Ismail v. DHHS  | 03 DHR 2426 | Gray     | 03/26/04 |                |
| Carol Ingram v DHHS, Health Care Personnel Registry  | 03 DHR 2429 | Elkins   | 02/24/04 |                |
| Petra Chuo Mua v. DHHS   | 03 DHR 2440 | Mann     | 04/01/04 |                |
| Jacqueline M. Johnson v. DHHS, Division of Facility Services   | 03 DHR 2446 | Elkins   | 03/23/04 |                |
| Constance Sams on behalf of Ja'Kylah Sams v. DHHS, Div of Med Asst   | 04 DHR 0010 | Lassiter | 04/27/04 |                |
| Janet Enemal v NC Nurse Aide   | 04 DHR 0011 | Lassiter | 02/11/04 |                |
| D.M. a minor by his guardian J Timothy M v DHHS  | 04 DHR 0051 | Creech   | 03/04/04 | 18:20 NCR 1830 |
| Sylvia Ruffin v. DHHS, DFS   | 04 DHR 0054 | Lassiter | 03/31/04 |                |
| Antje Kromberg v DHHS  | 04 DHR 0058 | Morrison | 02/17/04 |                |
| Bobby Allen Jones v. DHHS, Office of Controller  | 04 DHR 0105 | Gray     | 04/21/04 |                |
| Monique Lloyd v. Health Care Personnel Investigation Program   | 04 DHR 0108 | Chess    | 04/01/04 |                |
| LaDonna K. Brewington v. DHHS  | 04 DHR 0221 | Elkins   | 03/25/04 |                |

**JUSTICE**

**Alarm Systems Licensing Board**

|  |             |          |          |
|--|-------------|----------|----------|
| Gregory L Swicegood, Jr. v. Alarm System Licensing Board | 03 DOJ 0503 | Morrison | 05/16/03 |
| Alan Bradford Foehner v. Alarm System Licensing Board    | 03 DOJ 0709 | Morrison | 08/05/03 |
| Jamey Darwin Raby v. Alarm Systems Licensing Board       | 03 DOJ 1355 | Conner   | 03/24/04 |

**Company Police Program**

|  |             |          |          |
|--|-------------|----------|----------|
| Jennifer Consuela Davis v. Attorney General's Office of Company Police Program | 03 DOJ 1706 | Lassiter | 04/06/04 |
| Darrell Wayne Gantt v. DOJ, of Company Police                                  | 03 DOJ 1757 | Conner   | 04/28/04 |

**CONTESTED CASE DECISIONS**

|   |                           |          |          |                |
|---|---------------------------|----------|----------|----------------|
| Program   |                           |          |          |                |
| Teddy Babson v. Attorney General's Office of Company Police Program                               | 03 DOJ 2118               | Morrison | 03/29/04 |                |
| <b><u>Private Protective Services Board</u></b>   |                           |          |          |                |
| John Curtis Howell v. Private Protective Services Board   | 02 DOJ 1562 <sup>10</sup> | Lassiter | 12/31/03 |                |
| John Curtis Howell v. Private Protective Services Board   | 03 DOJ 0214 <sup>10</sup> | Lassiter | 12/31/03 |                |
| Anthony Lamont Henderson v. Private Protective Services Board                                     | 03 DOJ 0502               | Morrison | 07/08/03 |                |
| John Lee Powell v. Private Protective Services Board  | 03 DOJ 0694               | Morrison | 07/09/03 |                |
| Howard Leon Fisher v. Private Protective Services Board   | 03 DOJ 0898               | Morrison | 08/14/03 | 18:06 NCR 444  |
| William Houston King Jr v. Private Protective Services Board                                      | 03 DOJ 0899               | Morrison | 07/11/03 |                |
| Derrick Lee McDonald v. Private Protective Services Board   | 03 DOJ 0946               | Morrison | 08/05/03 |                |
| Kenneth Wesley Eakes v. Private Protective Services Board   | 03 DOJ 1383               | Conner   | 03/23/04 |                |
| Sammy Denise Dillon v. Private Protective Services Board  | 03 DOJ 1358               | Conner   | 04/05/04 |                |
| Jason William Kane v Private Protective Services Board  | 03 DOJ 1708               | Morrison | 10/28/03 |                |
| George Donald Dixon, Jr v. Private Protective Services Board                                      | 03 DOJ 1924               | Morrison | 12/22/03 |                |
| Thomas Austin Atchison v. Private Protective Services Board                                       | 03 DOJ 1925               | Morrison | 12/23/03 | 18:15 NCR 1366 |
| <b><u>Sheriffs' Education &amp; Training Standards Commission</u></b>                             |                           |          |          |                |
| Harvey Clinton Blanton v. Sheriffs' Educ. & Trng. Stds. Comm.                                     | 02 DOJ 1202               | Gray     | 06/05/03 | 18:03 NCR 222  |
| Jonathan Mims v. Sheriffs' Education & Training Standards Comm.                                   | 02 DOJ 1263               | Gray     | 06/03/03 | 18:03 NCR 229  |
| Joshua Steven McCraw v Sheriffs' Educ. & Trng. Stds. Comm.  | 02 DOJ 1696               | Conner   | 12/02/03 |                |
| Joshua Phillip Grant v Sheriffs' Education & Training Standards Comm.                             | 02 DOJ 1787               | Wade     | 10/27/03 |                |
| Laura Dawn Watts v. Sheriffs' Education & Training Standards Comm.                                | 02 DOJ 1926               | Lassiter | 05/22/03 |                |
| Allen Wilson York v. Sheriffs' Education & Training Standards Comm.                               | 02 DOJ 2042               | Elkins   | 05/16/03 |                |
| Derek A Cousin v Criminal Justice Educ & Trng Stds. Comm.   | 03 DOJ 0250               | Gray     | 11/13/03 |                |
| Fred Hines, Jr v. Criminal Justice Educ. & Trng. Stds. Comm.                                      | 03 DOJ 0428               | Conner   | 07/29/03 |                |
| Alexander Draft: Registered Agent/Owner of A.D. Police Svcs., Inc. v. DOJ, Company Police Program | 03 DOJ 0484               | Mann     | 10/17/03 |                |
| Harvey Levale Cook v. Criminal Justice Educ & Trng Stds. Comm.                                    | 03 DOJ 0515               | Lassiter | 07/09/03 |                |
| Cynthia Darlene Harris v. Criminal Justice Educ. & Trng. Stds. Comm.                              | 03 DOJ 0516               | Lassiter | 06/06/03 |                |
| Mary Katherine McVey v. Criminal Justice Educ. & Trng. Stds. Comm.                                | 03 DOJ 0517               | Wade     | 08/11/03 |                |
| Kenneth Earl Brantley v Sheriffs' Educ & Trng Stds. Comm  | 03 DOJ 0604               | Gray     | 11/14/03 |                |
| Brian Carroll Hatley v Sheriffs' Education & Trng. Stds. Comm.                                    | 03 DOJ 0649               | Mann     | 10/02/03 |                |
| William Kelly Moore v Criminal Justice Educ & Trng Stds. Comm                                     | 03 DOJ 1068               | Morrison | 11/12/03 |                |
| Tammy Lynn Redmon v. Criminal Justice Educ & Trng Stds. Comm                                      | 03 DOJ 1069 <sup>14</sup> | Gray     | 05/05/04 |                |
| Michael Ray Walker v. Criminal Justice Educ. & Trng. Stds. Comm.                                  | 03 DOJ 1138               | Lassiter | 09/23/03 |                |
| Loy S. Lentz Jr v. Sheriffs' Educ. & Trng. Stds. Comm.  | 03 DOJ 1229               | Gray     | 10/02/03 |                |
| William Todd Streeter v. Sheriffs' Educ. & Trng Stds. Comm.                                       | 03 DOJ 1243               | Chess    | 12/08/03 |                |
| Dawn Wilkins Gilmore v. Sheriffs' Educ. & Trng. Stds. Comm  | 03 DOJ 1244               | Morrison | 12/17/03 |                |
| Tammy Lynn Redmon v. Sherriffs' Educ. & Trng. Stds. Comm  | 03 DOJ 1245 <sup>14</sup> | Gray     | 05/05/04 |                |
| Robert Lee Way v. Sheriffs' Educ. & Trng Stds. Comm.  | 03 DOJ 1263               | Chess    | 12/08/03 |                |
| Charles D Metters, Jr. v. Criminal Justice Educ. & Trng. Stds. Comm.                              | 03 DOJ 1471               | Chess    | 12/09/03 |                |
| Garry Lamount Lavender v. Criminal Justice Educ. & Trng. Stds. Comm.                              | 03 DOJ 1642               | Chess    | 01/13/04 |                |
| Shelton W. Belch v. Sheriffs' Educ. & Training Standards Comm.                                    | 03 DOJ 1701               | Lassiter | 04/06/04 |                |
| Damon Cunningham v. Dept of Justice, Company Police Program                                       | 03 DOJ 2112               | Lassiter | 01/23/04 |                |
| Joseph V. Milligan v. Sheriffs' Educ & Training Standards Comm.                                   | 03 DOJ 2424               | Morrison | 03/19/04 |                |
| <b><u>DEPARTMENT OF STATE TREASURER</u></b>   |                           |          |          |                |
| Burton L. Russell v. Dept. of State Treasurer   | 03 DST 1715               | Lassiter | 04/05/04 | 18:22 NCR 2070 |
| <b><u>DEPARTMENT OF TRANSPORTATION</u></b>  |                           |          |          |                |
| Chris Azar v. Department of Transportation  | 03 DOT 1345               | Morrison | 09/08/03 |                |
| <b><u>DEPARTMENT OF STATE TREASURER</u></b>   |                           |          |          |                |
| Shirlyn D. Brickhouse v. Dept. of St. Treasurer, Ret. Sys. Div.                                   | 02 DST 2315               | Chess    | 06/03/03 |                |
| J W Walton v DST, Retirement Systems Division   | 03 DST 0933               | Gray     | 01/30/04 | 18:17 NCR 1578 |
| <b><u>DEPARTMENT OF PUBLIC INSTRUCTION</u></b>  |                           |          |          |                |
| Robert Andrew Bartlett Sr. v. Dept. of Public Instruction   | 00 EDC 1306               | Gray     | 08/04/03 |                |
| Mary Margaret Davis v Dept of Public Instruction  | 02 EDC 0155               | Gray     | 12/19/03 |                |
| Charles Wordsworth v. State Board of Education  | 02 EDC 0572               | Lassiter | 10/17/03 |                |
| Charles Eugene Smith v. Department of Public Instruction  | 02 EDC 1082               | Mann     | 05/26/03 |                |
| Catherine Lockley v. Weldon High School Principal Mr. David Jones<br>Exceptional Program District | 04 EDC 0144               | Lassiter | 04/28/04 |                |
| <b><u>ENVIRONMENT AND NATURAL RESOURCES</u></b>   |                           |          |          |                |
| C B Roberson, Inc & Southside Oil Co, Inc v Env Mgmt Commission                                   | 95 EHR 0274 <sup>12</sup> | Gray     | 02/04/04 |                |
| C B Roberson, Inc & Southside Oil Co, Inc v Env Mgmt Commission                                   | 95 EHR 0275 <sup>12</sup> | Gray     | 02/04/04 |                |
| C B Roberson, Inc & Southside Oil Co, Inc v Env Mgmt Commission                                   | 95 EHR 0276 <sup>12</sup> | Gray     | 02/04/04 |                |
| C B Roberson, Inc & Southside Oil Co, Inc v Env Mgmt Commission                                   | 95 EHR 0277 <sup>12</sup> | Gray     | 02/04/04 |                |
| C B Roberson, Inc & Southside Oil Co, Inc v Env Mgmt Commission                                   | 95 EHR 0278 <sup>12</sup> | Gray     | 02/04/04 |                |
| Larry E. Sadler v. DENR   | 00 EHR 1322               | Gray     | 07/02/03 |                |
| Lester Hill v. Person Co. Health Dept., DENR  | 00 EHR 1392               | Gray     | 05/29/03 |                |
| John Burr v. Health Department, Mecklenburg County  | 01 EHR 1204               | Gray     | 05/28/03 |                |
| Richard S Pacula v. CAMA-Coastal Area Mgmt. Assoc.  | 01 EHR 2269 <sup>1</sup>  | Chess    | 05/14/03 |                |
| Rosa & Eddie Brame v. DENR  | 02 EHR 0319               | Wade     | 06/27/03 |                |
| Trafalgar Properties LLC v. County of Durham  | 03 EHR 0630               | Wade     | 07/18/03 |                |
| Gerald Max Toney and Lynn N. Toney v. DENR (McDowell Co.)   | 02 EHR 0887               | Mann     | 05/28/03 |                |

**CONTESTED CASE DECISIONS**

|   |                          |          |          |                |
|---|--------------------------|----------|----------|----------------|
| Forest Sound Homeowners Assoc, James P Hynes, Pres. V. DENR, Div. of Coastal Management   | 02 EHR 1078              | Wade     | 06/09/03 |                |
| Richard S Pacula v. CAMA-Coastal Area Mgmt. Assoc.  | 02 EHR 1119 <sup>1</sup> | Chess    | 05/14/03 |                |
| James Odom Jr. v. Dept of Public Health   | 02 EHR 1152              | Gray     | 03/31/04 |                |
| Raphael J Scharf & wife Guylene Scharf v. DENR  | 02 EHR 1155              | Gray     | 11/24/03 |                |
| Former Center Mart, Joe Fred Ledbetter v. DENR, Div. of Waste Mgmt.   | 02 EHR 1302              | Conner   | 05/29/03 |                |
| Raleigh-Durham Airport Authority v DENR, Div. of Water Quality  | 02 EHR 1648              | Gray     | 12/19/03 |                |
| Lee Roy Smyre v. DENR, Div. of Water Quality  | 02 EHR 1509              | Wade     | 09/05/03 |                |
| Murphy's All Land Dev Inc d/b/a Emerald Cove Town homes at Wells Lake v. DENR   | 02 EHR 1735              | Conner   | 07/22/03 |                |
| Glenn Sasser v. DENR, Division of Coastal Management  | 02 EHR 1794              | Morrison | 08/28/03 | 18:07 NCR 485  |
| Michael E Hendrix v. Caldwell Co. Dept of Environmental Health  | 03 EHR 0006              | Gray     | 07/02/03 |                |
| Lawndale Service Ctr, Inc. C Valley v. DENR   | 03 EHR 0016              | Lassiter | 06/05/03 |                |
| Daniel W Bulla III v. Env. Health Section Stokes Co Health Dept.  | 03 EHR 0156              | Conner   | 09/11/03 |                |
| Nash-Rocky Mt Schools, Mark Strickland v DENR, Div of Wtr Quality   | 03 EHR 0242              | Lassiter | 10/30/03 |                |
| Nash-Rocky Mt Schools, Mark Strickland v DENR, Div of Wtr Quality   | 03 EHR 0242 <sup>6</sup> | Lassiter | 10/30/03 |                |
| Nash-Rocky Mt Schools, Mark Strickland v DENR, Div of Wtr Quality   | 03 EHR 0254 <sup>6</sup> | Lassiter | 10/30/03 |                |
| Alliance for Legal Action, Inc, Piedmont Quality of Life Coalition (an uninc assoc) Alberta Anderson, Cameron Anderson, Jean Black Richard Black, Walter S Druce, Ron Goga, Gil Happel, Carol Hoppe, Michael Hoppe, Patricia Nussbaum, Christine Peeler, Laura Pollak, Randall Schultz, Roch Smith Jr, Vassilia Smith v. Water Quality Comm, Env Mgmt Comm and Piedmont Triad Airport Authority | 03 EHR 0345              | Gray     | 01/08/04 |                |
| Robert Calvin Wyatt Jr, Calvin Wyatt v. DENR  | 03 EHR 0535              | Wade     | 07/31/03 |                |
| Charles Wakild/Susan Wakild v DENR, Div. Coastal Mgmt/Rick Gray   | 03 EHR 0663              | Morrison | 12/09/03 |                |
| Pacemaker Leasing Co v. DENR  | 03 EHR 0711              | Conner   | 09/10/03 |                |
| Curtis Carney v. Pitt Co Health Dept., Env. Health Div.   | 03 EHR 0766              | Conner   | 07/25/03 |                |
| J B Hooper v DENR   | 03 EHR 0876              | Lassiter | 10/22/03 |                |
| W E Ormond v DENR, Div of Waste Management  | 03 EHR 0883              | Gray     | 01/21/04 |                |
| Danny L Ottaway v. DENR, Div. of Air Quality  | 03 EHR 0948              | Gray     | 08/15/03 |                |
| Robert L Shepard v. Alamance Co. Health Board   | 03 EHR 0949              | Gray     | 07/30/03 |                |
| Lorraine E. Caracci v. Nash Co. Health Dept. Env. Health  | 03 EHR 0986              | Gray     | 11/26/03 |                |
| Megan Powell v. DENR  | 03 EHR 1071              | Lassiter | 08/18/03 |                |
| Redditt Alexander, Ida L Alexander v. Co. of Durham, Eng. Dept.   | 03 EHR 1074              | Morrison | 07/31/03 |                |
| Robert A Valois v. Coastal Resources Commission   | 03 EHR 1125              | Elkins   | 11/18/03 |                |
| St. Paul's Lutheran Church v. DENR  | 03 EHR 1151              | Morrison | 10/01/03 |                |
| Quible & Assoc PC; Joseph S Lassiter agent for Wilma M Midgett v. DENR, Div of Coastal Management   | 03 EHR 1193              | Elkins   | 11/06/03 |                |
| Connell E Purvis v DENR, Div of Marine Fisheries  | 03 EHR 1228              | Elkins   | 11/06/03 |                |
| Bobby Leathers v. DENR  | 03 EHR 1722              | Lassiter | 04/27/04 |                |
| Jerry B Lytton v. Mecklenburg County Health Department  | 03 EHR 1850              | Morrison | 12/29/03 |                |
| In the Matter of Willie Sloan v DENR  | 03 EHR 1927              | Elkins   | 02/13/04 |                |
| Donnie O. Lewis v. Div of Coastal Management  | 03 EHR 2251              | Gray     | 03/31/04 |                |
| Kenneth L Owen v. DENR  | 03 EHR 2276              | Wade     | 03/12/04 |                |
| Alexander and Sandra King v. DENR   | 04 EHR 0235              | Morrison | 04/16/04 |                |
| <b><u>HEARING AID DEALERS &amp; FITTERS BOARD</u></b>   |                          |          |          |                |
| Robert H Knox v. State Hearing Aid Dealers & Fitters Board  | 03 HAF 1785              | Morrison | 12/30/03 |                |
| <b><u>HUMAN RELATIONS FAIR HOUSING</u></b>  |                          |          |          |                |
| Sara E. Parker v. Human Relations Fair Housing  | 02 HRC 0621              | Gray     | 05/16/03 |                |
| Orange County Human Relations on behalf of Ginny Wolpin and Ginny Wolpin v. Cornerstone Realty Income Trust, Inc.   | 03 HRC 1116              | Elkins   | 03/24/04 |                |
| Legislative Testor & Afflant: Charliciar Pratt & Family v Durham Co Clerk of Court & Records Division of NC   | 03 HRC 1886              | Lassiter | 02/13/04 |                |
| <b><u>TEACHERS' &amp; STATE EMPLOYEES COMP. MAJOR MED PLAN</u></b>  |                          |          |          |                |
| Alma Louise Triplett v. Teachers' & St Emp Comp Maj Med Plan  | 02 INS 0268              | Gray     | 07/15/03 | 18:04 NCR 338  |
| Shawna J Talley v. Teachers' & St. Emp. Comp. Maj. Med. Plan  | 02 INS 1257              | Conner   | 08/06/03 | 18:05 NCR 405  |
| Bertha Reeves by her husband Laconya Reeves v. Teachers' & St. Emp. Comp Maj. Med. Plan   | 02 INS 1285              | Chess    | 08/26/03 |                |
| Carol W Walker v. Teachers' & State Emp. Comp Major Medical Plan  | 02 INS 1306              | Conner   | 12/19/03 | 18:15 NCR 1356 |
| Larry Pendry on behalf of Charles Elledge v Teachers' & St. Emp. Comp. Major Medical Plan   | 03 INS 0280              | Chess    | 09/11/03 |                |
| JEL Company, Leonard Jackson v. DOI & Diane G Miller, Asst Atty.  | 03 INS 0811              | Mann     | 08/28/03 |                |
| Lula F Bowman, Laura A Bowman v. Teachers' & St. Emp. Comp. Maj. Med. Plan  | 03 INS 0975              | Wade     | 10/22/03 |                |
| Barbara Jean Gribble v Teachers' & St Emp. Comp Major Medical Plan  | 03 INS 1130              | Mann     | 12/31/03 |                |
| David C Karasow v St. of NC Teachers' & St Emp Comp Maj. Med Plan   | 03 INS 1227              | Chess    | 11/20/03 |                |
| Cathy Penney v Teachers' & State Emp Comp Major Medical Plan  | 03 INS 1459              | Gray     | 12/04/03 |                |
| Harold L. Bastiste v. State Health Plan   | 03 INS 1486              | Wade     | 03/12/04 | 18:21 NCR 1924 |
| Heather A Smith v. Teachers & St Emp Comp Major Medical Plan  | 03 INS 1558              | Morrison | 12/12/03 |                |
| William F. Small, II v. Teachers & St. Emp. Comp. Major Medical Plan  | 04 INS 0143              | Gray     | 04/07/04 |                |
| <b><u>LOCKSMITH LICENSING BOARD</u></b>   |                          |          |          |                |
| Kenneth Allen Pace v. Locksmith Licensing Board   | 03 LLB 1325              | Conner   | 03/24/04 |                |



**CONTESTED CASE DECISIONS**

**MISCELLANEOUS**

Sara Parker & Deirdre M Parker v. NC Utilities Commission 04 MIS 0305 Elkins 03/23/04

**OFFICE OF STATE PERSONNEL**

|   |                           |          |          |               |
|---|---------------------------|----------|----------|---------------|
| Alvin Earl Williams v Dir of Cumberland Co Dept of Social Services                                      | 00 OSP 1490               | Chess    | 11/05/03 |               |
| Dorris D Wright v. Cabarrus Co. Dept. of Social Services  | 00 OSP 1506               | Gray     | 04/22/03 |               |
| Robert Banks Hinceman v. DHHS/Broughton Hospital  | 01 OSP 0827               | Elkins   | 05/01/03 | 18:01 NCR 45  |
| Robin Ritzheimer Austin v. Jim Jones, Hlth Dir, Judie DeMuth, Admin<br>Asst & the County of Stanly      | 01 OSP 0888 <sup>4</sup>  | Lassiter | 09/08/03 |               |
| Edward Allen Hughes, Jr v. Department of Correction   | 01 OSP 1011               | Gray     | 08/01/03 |               |
| Wanda Gore v. Department of Correction  | 01 OSP 1286               | Gray     | 05/16/03 |               |
| James F Pridgen Jr v. A&T State University  | 01 OSP 2182               | Gray     | 08/08/03 |               |
| Alan Foster v. Comm of Ag Meg Scott Phipps & DOA  | 02 OSP 0173               | Lewis    | 09/26/03 |               |
| James Earl Ray Artis v. East Carolina University  | 02 OSP 0274               | Gray     | 03/01/04 |               |
| Jerry Thomas Ferrell v. Department of Correction  | 02 OSP 0375               | Conner   | 09/15/03 |               |
| Angie Richardson v Department of Correction   | 02 OSP 0867 <sup>9</sup>  | Wade     | 11/14/03 |               |
| Carolyn Davis v. Durham MH/DD/SA Area Authority d/b/a The Durham Ctr                                    | 02 OSP 1001               | Lassiter | 08/06/03 | 18:05 NCR 410 |
| Carolyn Davis v. Durham MH/DD/SA Area Authority d/b/a The Durham Ctr                                    | 02 OSP 1001               | Lassiter | 08/06/03 | 18:07 NCR 494 |
| Terence G Westry v A&T State University   | 02 OSP 1019               | Conner   | 06/30/03 |               |
| Angie Richardson v Department of Correction   | 02 OSP 1027 <sup>9</sup>  | Wade     | 11/14/03 |               |
| Robert L. Swinney v. Department of Transportation   | 02 OSP 1109               | Gray     | 05/07/03 |               |
| Robin Ritzheimer Austin v. Jim Jones Hlth Dir Stanly County   | 02 OSP 1166 <sup>4</sup>  | Lassiter | 09/08/03 |               |
| Cynthia Michelle Guess-Godwin v. Winston Salem State Univ   | 02 OSP 1255               | Gray     | 09/04/03 |               |
| James Thomas Kinlaw v. ESC of NC  | 02 OSP 1343               | Wade     | 10/23/03 |               |
| Norman Burton v. Chatham County   | 02 OSP 1483 <sup>2</sup>  | Gray     | 05/12/03 |               |
| Jonah Uduagbomen v. Department of Transportation  | 02 OSP 1597               | Gray     | 06/19/03 |               |
| Charles M Alexander v. ESC of NC  | 02 OSP 1613               | Chess    | 07/01/03 |               |
| Gregory M Lewis v. DMV, Enforcement Section   | 02 OSP 1624 <sup>3</sup>  | Gray     | 07/23/03 |               |
| Norman Burton v. Chatham County   | 02 OSP 1625 <sup>2</sup>  | Gray     | 05/12/03 |               |
| Edward K Royal v. Dept. of Crime Control & Public Safety, Div. of<br>State Highway Patrol               | 02 OSP 1631               | Lassiter | 06/25/03 |               |
| Leonard Williams v Durham Co DSS, Children's Services   | 02 OSP 1681               | Elkins   | 01/28/04 |               |
| Gregory M Lewis v. DMV, Enforcement Section   | 02 OSP 1695 <sup>3</sup>  | Gray     | 07/23/03 |               |
| Patricia A Mabry v. Department of Corrections   | 02 OSP 1774               | Chess    | 06/27/03 |               |
| Chester Michael Martin v. Cumberland Co. Dept. of Social Services                                       | 02 OSP 1797               | Conner   | 05/09/03 |               |
| Linda H Boyle v. Wayne Co. Mental Health Area Board   | 02 OSP 1951               | Wade     | 08/13/03 |               |
| Patricia Doggett v. Trend Mental Health   | 02 OSP 2128               | Conner   | 07/08/03 |               |
| Sharon F Greene v. Weldon Freeman, Crime Control & Public Safety  | 02 OSP 2144               | Chess    | 08/29/03 |               |
| C.W. McAdams v. Division of Motor Vehicles  | 02 OSP 2265               | Conner   | 11/14/03 |               |
| Michael J Stolarik Sr v. Piedmont Behavioral Health Care  | 02 OSP 2293               | Chess    | 12/22/03 |               |
| William Michael McDuffie v. Wake Co Juvenile Detention Center   | 03 OSP 0013               | Wade     | 08/11/03 |               |
| Steven Wayne McCartney v. Lumberton Correctional Institution  | 03 OSP 0026               | Conner   | 05/29/03 |               |
| Deborah B. Estridge v. Buncombe County Health Center  | 03 OSP 0047               | Gray     | 04/07/04 |               |
| Eric M Petree v. Department of Corrections  | 03 OSP 0116               | Lassiter | 06/24/03 |               |
| Monica Lynn Johnson v. NC School of the Arts  | 03 OSP 0180               | Conner   | 07/29/03 |               |
| Dennis D Nielsen v DOC, Div of Community Correction   | 03 OSP 0195               | Wade     | 02/06/04 |               |
| Jeffrey W Byrd v. Fayetteville State University   | 03 OSP 0204               | Chess    | 06/04/03 |               |
| Tamara V McNeill v DPI  | 03 OSP 0212               | Conner   | 10/29/03 |               |
| Elmer Jack Smith v Employment Security Commission of NC   | 03 OSP 0295               | Elkins   | 01/29/04 |               |
| Tina Marie Walker v. Buncombe Co Dept of Social Services  | 03 OSP 0429               | Chess    | 08/18/03 |               |
| Lisa C Banks v. Craven Co Child Support Enforcement Office  | 03 OSP 0268               | Conner   | 07/31/03 |               |
| Beverly M Jennings v. Juv Justice, Swannanoa Valley Youth Dev Center                                    | 03 OSP 0408               | Chess    | 08/11/03 |               |
| Maranda Sharpe v. Department of Transportation  | 03 OSP 0412               | Chess    | 06/03/03 |               |
| James E. Sharpe v Department of Transportation, Div. 14 (Graham Co.)                                    | 03 OSP 0413               | Chess    | 06/03/03 |               |
| Larry S Height v. NC Utilities Commission   | 03 OSP 0507               | Conner   | 07/17/03 |               |
| Gary Melvin Moore v. Western Piedmont Community College   | 03 OSP 0548               | Wade     | 07/29/03 |               |
| Joan Milligan, Patricia Flanigan, Pauletta Highsmith, Edna Cummings<br>v. Fayetteville State University | 03 OSP 0562               | Conner   | 06/06/03 |               |
| Ty Atkinson v M S C Center  | 03 OSP 0577               | Conner   | 10/28/03 |               |
| Lisa D Barrett v. East Carolina University  | 03 OSP 0597               | Mann     | 08/05/03 |               |
| Stanley L Ingram & Clifford Wayne Brown v. Dept of Correction   | 03 OSP 0599 <sup>8</sup>  | Chess    | 10/20/03 |               |
| Wrenete Oladoye v Whitaker School   | 03 OSP 0620               | Conner   | 08/15/03 |               |
| Stanley L Ingram & Clifford Wayne Brown v. Dept of Correction   | 03 OSP 0629 <sup>8</sup>  | Chess    | 10/20/03 |               |
| Melinda O Wiggins v. Moore Co Health Department   | 03 OSP 0632               | Morrison | 09/17/03 |               |
| William Harold Maready Jr v. DOC, Pasquotank Correctional Inst.   | 03 OSP 0644               | Conner   | 08/01/03 |               |
| Henry Earl Stewart v Department of Transportation   | 03 OSP 0645               | Lassiter | 08/26/03 |               |
| Derwin D Johnson v. Department of Correction  | 03 OSP 0660               | Lassiter | 06/24/03 |               |
| Wanda Steward-Medley v. Department of Corrections, Div. of Prisons                                      | 03 OSP 0656               | Conner   | 06/20/03 |               |
| Sharon D Barnes v Satana Deberry, DHHS  | 03 OSP 0669               | Gray     | 01/16/04 |               |
| Priscilla Sledge v. Department of Correction  | 03 OSP 0675               | Conner   | 08/13/03 |               |
| Jerry B Davis v. Dorothea Dix Hospital/DHHS   | 03 OSP 0678               | Gray     | 07/14/03 |               |
| Leslie AllenWhittington v. Swannanoa Youth Dev. Center  | 03 OSP 0696               | Lassiter | 09/24/03 |               |
| Cathy S Carson v. NC School for the Deaf  | 03 OSP 0715               | Wade     | 07/22/03 |               |
| Edwin E Kirton III v. DOC, Warren Correctional  | 03 OSP 0769 <sup>11</sup> | Conner   | 12/22/03 |               |
| Edwin E Kirton III v. DOC, Warren Correctional  | 03 OSP 0770 <sup>11</sup> | Conner   | 12/22/03 |               |
| Edwin E Kirton III v. DOC, Warren Correctional  | 03 OSP 0771 <sup>11</sup> | Conner   | 12/22/03 |               |
| David L McMurray Jr. v. Highway Patrol  | 03 OSP 0801               | Lassiter | 06/19/03 |               |
| Harold Lorenzo Person v. E. Reg. Off. DOC, Div. of Prisons  | 03 OSP 0805               | Conner   | 08/21/03 |               |
| LaWanda J Abeguunrin v. Franklin Correctional Center  | 03 OSP 0825               | Gray     | 06/18/03 |               |

**CONTESTED CASE DECISIONS**

|   |                           |          |          |
|---|---------------------------|----------|----------|
| Sheryl P Morton & Cassandra McDowell v. DHHS, Dis. Det. Section           | 03 OSP 0840 <sup>13</sup> | Gray     | 03/01/04 |
| Sheryl P Morton & Cassandra McDowell v. DHHS, Dis. Det. Section           | 03 OSP 0841 <sup>13</sup> | Gray     | 03/01/04 |
| Joseph Nichols v UNC at Chapel Hill                                       | 03 OSP 0857               | Gray     | 12/04/03 |
| Lazona Gale Spears v. Employment Security Commission                      | 03 OSP 0859               | Lassiter | 06/26/03 |
| Martin Hernandez v. Dobbs Youth Dev Ctr, DOJ&DP                           | 03 OSP 0862 <sup>5</sup>  | Morrison | 09/29/03 |
| Gail Hernandez v. Dobbs Youth Dev Ctr, DOJ&DP                             | 03 OSP 0863 <sup>5</sup>  | Morrison | 09/29/03 |
| Wanda Steward-Medley v Dept of Corrections, Div of Prisons                | 03 OSP 0873               | Morrison | 08/12/03 |
| Michael L Hillis v DHHS/Office of the Controller                          | 03 OSP 0874 <sup>7</sup>  | Lassiter | 11/10/03 |
| Jeffrey J Medley v. Department of Correction                              | 03 OSP 0879               | Gray     | 06/30/03 |
| Everette C Body v Department of Correction                                | 03 OSP 0885               | Conner   | 11/12/03 |
| Comatha B Johnson v. DHHS, Cherry Hospital                                | 03 OSP 0942               | Chess    | 08/19/03 |
| Dawn H Nelson v Department of Correction                                  | 03 OSP 0980               | Chess    | 02/11/04 |
| Ayesha Neal-Harry v Department of Correction                              | 03 OSP 0974               | Gray     | 01/20/04 |
| Edith C Fisher v. Cabarrus Health Alliance                                | 03 OSP 1010               | Conner   | 12/22/03 |
| Monica Dockery v. DOC, Div. of Prisons                                    | 03 OSP 1016               | Mann     | 07/18/03 |
| Walter D Giese v. George O'Daniel Onslow Co Health Dept.                  | 03 OSP 1017               | Morrison | 09/08/03 |
| Theresa R Rogers v. Off of the Secretary of State of NC                   | 03 OSP 1044               | Morrison | 09/25/03 |
| David Upchurch v. DOC   | 03 OSP 1076               | Connor   | 09/23/03 |
| Roberta Lane v DOC  | 03 OSP 1077               | Conner   | 10/29/03 |
| Mable Lynn Kelly v. SEAA  | 03 OSP 1129               | Chess    | 10/20/03 |
| Leon C Rogers v. John Umstead Hospital                                    | 03 OSP 1152               | Morrison | 09/11/03 |
| Mable Lynn Kelly v SEAA   | 03 OSP 1184               | Chess    | 10/20/03 |
| Marcella Thome v Department of Correction                                 | 03 OSP 1225               | Elkins   | 11/14/03 |
| Sharon D Wallace v. Department of Corrections                             | 03 OSP 1231               | Wade     | 09/17/03 |
| Michael L Hillis v DHHS/ENCSD   | 03 OSP 1239 <sup>7</sup>  | Lassiter | 11/10/03 |
| Michael L Hillis v DHHS/Eastern NC School for the Deaf                    | 03 OSP 1240 <sup>7</sup>  | Lassiter | 11/10/03 |
| Michael L Hillis v DHHS/Eastern NC School for the Deaf                    | 03 OSP 1241 <sup>7</sup>  | Lassiter | 11/10/03 |
| Luvae J Wall v. DHHS, Payroll Office                                      | 03 OSP 1259               | Morrison | 12/02/03 |
| Russell M Haas v Edgecombe Co Health Department                           | 03 OSP 1261               | Elkins   | 11/06/03 |
| Sergeant Tracy Millington v. Department of Correction                     | 03 OSP 1262               | Conner   | 10/21/03 |
| David Dotson v. NC State University Zoology Department                    | 03 OSP 1317               | Wade     | 10/27/03 |
| Walter Eugene Agers v. Winston-Salem State University                     | 03 OSP 1321               | Lassiter | 09/24/03 |
| Sheryl P Morton & Cassandra McDowell v. DHHS, Dis. Det. Section           | 03 OSP 1339 <sup>13</sup> | Gray     | 03/01/04 |
| Sheryl P Morton & Cassandra McDowell v. DHHS, Dis. Det. Section           | 03 OSP 1433 <sup>13</sup> | Gray     | 03/01/04 |
| Dennis D Foster v. Durham Co Sheriff's Department                         | 03 OSP 1353               | Morrison | 09/12/03 |
| Victor Marc Sain v. Catawba Valley Community College                      | 03 OSP 1380               | Conner   | 11/19/03 |
| Kimberly Ann Summers v. Bobby White Co Mgr, Caldwell                      | 03 OSP 1393               | Conner   | 11/04/03 |
| Willie Allen v Swannanoa Youth Dev Ctr (DJJDP)                            | 03 OSP 1412               | Conner   | 01/05/04 |
| Gloria Bennett v Dept of Correction DART Cherry Program                   | 03 OSP 1428               | Morrison | 12/04/03 |
| Richard Todd McLean v. John Umstead Hospital                              | 03 OSP 1448               | Wade     | 11/26/03 |
| Charles G Home Jr v. DOC  | 03 OSP 1479               | Lassiter | 10/28/03 |
| Charles G Home Jr v. DOC  | 03 OSP 1480               | Lassiter | 10/29/03 |
| Patricia Ann Palmer v NC State University                                 | 03 OSP 1481               | Wade     | 02/11/04 |
| Yolanda Lopez v DOC Harnett Correctional Inst                             | 03 OSP 1501               | Elkins   | 12/22/03 |
| Mable Lynn Kelly v State Educ. Assistance Authority                       | 03 OSP 1502               | Chess    | 12/03/03 |
| Stephen Wyatt Edwards v. Crime Control & Public Safety, St Hwy Patrol     | 03 OSP 1554               | Gray     | 03/03/04 |
| Manuel C Fleming v Department of Revenue                                  | 03 OSP 1576               | Morrison | 11/12/03 |
| Jesse C Whitaker v. Facilities Mgmt Operations of NCSU                    | 03 OSP 1645               | Lassiter | 11/26/03 |
| Peter A Fillare v. NCSU Dining  | 03 OSP 1646               | Lassiter | 12/02/03 |
| A Louise Nilsen Mankes v. Dr. Gatewood, UNC Gen Admin Dept NCSEAA         | 03 OSP 1660               | Lassiter | 12/16/03 |
| A Louise Nilsen Mankes v. Mr. Anthony Bordeaux, UNC Gen Admin Dept NCSEAA | 03 OSP 1661               | Lassiter | 12/16/03 |
| Sheerlene Artis v. Correction Enterprises, Manpower Services              | 03 OSP 1670               | Lassiter | 03/11/04 |
| John N Leak v Dept. of Public Instruction                                 | 03 OSP 1711               | Lassiter | 12/31/03 |
| Hamid Mozafaripour v Nursing Dept at Dorothea Dix Hospital                | 03 OSP 1745               | Lassiter | 02/10/04 |
| Carolyn A Little v Eastern Area Treatment Program                         | 03 OSP 1810               | Lassiter | 01/12/04 |
| Terry T Pigford v Eastern Area Treatment Program                          | 03 OSP 1811               | Lassiter | 01/12/04 |
| Sandra J Dills v Smokey Mtn Healthcare Assoc                              | 03 OSP 1962               | Chess    | 01/12/04 |
| Richard Jones v. NC Department of Revenue                                 | 03 OSP 1963               | Mann     | 03/31/04 |
| William Russell Robinson v School of Science & Math et. Al.               | 03 OSP 1977               | Lassiter | 02/16/04 |
| Dennis D. Foster v. Durham County Sheriff's Dept.                         | 03 OSP 2070               | Mann     | 04/26/04 |
| Elizabeth A Gregory, Correction Officer v Pasquotank Corr Inst #3740      | 03 OSP 2209               | Lassiter | 02/23/04 |
| Patricia Stoddard v Elizabeth City State University                       | 03 OSP 2228               | Lassiter | 02/18/04 |
| Christopher Paul Davis v DHHS and Caswell Center                          | 03 OSP 2275               | Conner   | 01/14/03 |
| Lonnie E. Williams v. NCCU  | 03 OSP 2301               | Mann     | 03/24/04 |
| Deborah Ann Bozsán v Henderson Co Board of Public Education               | 03 OSP 2303               | Wade     | 02/11/04 |
| Bernie C Thomas v Fayetteville State University                           | 03 OSP 2306               | Morrison | 03/03/04 |
| Vonnie C. Atkins v. Scotland Correctional Don Wood, Superintendent        | 03 OSP 2314 <sup>15</sup> | Lassiter | 04/28/04 |
| Leonard Gibson v Brown Creek Correctional Institution                     | 03 OSP 2317               | Gray     | 03/08/04 |
| Andora Taylor Hailey v Roslyn G Powell (Div Chief) Dept of Comm Corr.     | 03 OSP 2318               | Gray     | 03/05/04 |
| Milton Blackwell v. Elizabeth City State University                       | 03 OSP 2365               | Mann     | 04/20/04 |
| Shelia Whitehurst v. East Carolina University                             | 03 OSP 2406               | Mann     | 04/16/04 |
| Vonnie C. Atkins v. Scotland Correctional Don Wood, Superintendent        | 03 OSP 2442 <sup>15</sup> | Lassiter | 04/28/04 |
| Miracle L Smith v. State Highway Patrol                                   | 04 OSP 0039               | Gray     | 03/10/04 |
| Carol Caudle Lawrence v. UNC Charlotte                                    | 04 OSP 0159               | Conner   | 04/21/04 |
| Shirley Faith Crudup v. Murdoch Center                                    | 04 OSP 0160               | Gray     | 03/31/04 |
| Derone Brown, Jr v. DOC, Eastern Correctional Institution                 | 04 OSP 0236               | Gray     | 03/31/04 |

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**CONTESTED CASE DECISIONS**

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**UNIVERSITY OF NORTH CAROLINA HOSPITALS**

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| Donald R. Smith v. UNC Hospitals                                   | 02 UNC 1361 | Conner   | 06/05/03 |
| Martin B Strickland v. UNC Hospitals, Patient Accounts Services    | 02 UNC 1620 | Wade     | 08/29/03 |
| Mary Dieudone Frantz v. UNC Hospitals                              | 03 UNC 0409 | Mann     | 08/07/03 |
| Susan Kay Fryar v. UNC Hospitals                                   | 03 UNC 0410 | Mann     | 08/07/03 |
| Kendall Adams v. UNC Hospitals                                     | 03 UNC 0536 | Gray     | 08/11/03 |
| Janice Block v. UNC Hospitals                                      | 03 UNC 0720 | Gray     | 09/04/03 |
| Alfred Tilden Ward, Jr. v. UNC Hospitals & UNC Physicians & Assoc. | 03 UNC 0723 | Gray     | 06/23/03 |
| Ieshia Marlina Baskett v. UNC Hospitals, Patient Account Services  | 03 UNC 0894 | Gray     | 09/04/03 |
| Michael Gray Simmons v. UNC Hospitals                              | 03 UNC 0977 | Wade     | 11/25/03 |
| Keith Bagby Sr & Patricia Bagby v UNC Hospitals                    | 03 UNC 1011 | Elkins   | 11/07/03 |
| Mary P Kearney v. UNC Hospitals                                    | 03 UNC 1035 | Elkins   | 02/25/04 |
| D. Parker Lynch v. UNC Hospitals                                   | 03 UNC 1124 | Wade     | 11/19/03 |
| Steven R. Wilkerson v. UNC Hospitals                               | 03 UNC 1177 | Chess    | 09/18/03 |
| Yvonne Schreiner v. UNC Hospitals                                  | 03 UNC 1512 | Morrison | 10/31/03 |
| Michael J Cassidy v. UNC Hospitals                                 | 03 UNC 2428 | Conner   | 03/10/04 |

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