

NORTH CAROLINA REGISTER

VOLUME 24 • ISSUE 04 • Pages 149 - 184

August 17, 2009

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For questions or concerns regarding the Administrative Procedure Act or any of its components, consult with the agencies below. The bolded headings are typical issues which the given agency can address, but are not inclusive.

Rule Notices, Filings, Register, Deadlines, Copies of Proposed Rules, etc.

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Office of State Budget and Management
116 West Jones Street
Raleigh, North Carolina 27603-8005
(919) 807-4700
(919) 733-0640 FAX

contact: Nathan Knuffman, Asst. Budget Officer osbmruleanalysis@ncmail.net (919)807-4728

Governor's Review

Eddie Speas eddie.speas@nc.gov
Legal Counsel to the Governor (919) 733-5811
116 West Jones Street
Raleigh, North Carolina 27603

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Joint Legislative Administrative Procedure Oversight Committee
545 Legislative Office Building
300 North Salisbury Street (919) 733-2578
Raleigh, North Carolina 27611 (919) 715-5460 FAX

contact: Karen Cochrane-Brown, Staff Attorney karenc@ncleg.net
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County and Municipality Government Questions or Notification

NC Association of County Commissioners
215 North Dawson Street (919) 715-2893
Raleigh, North Carolina 27603

contact: Jim Blackburn jim.blackburn@ncacc.org
Rebecca Troutman rebecca.troutman@ncacc.org

NC League of Municipalities (919) 715-4000
215 North Dawson Street
Raleigh, North Carolina 27603

contact: Erin L. Wynia ewynia@nclm.org

NORTH CAROLINA REGISTER
Publication Schedule for January 2009 – December 2009

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 31st legislative day of the session beginning:	270 th day from publication in the Register
23:13	01/02/09	12/08/08	01/17/09	03/03/09	03/20/09	05/01/09	05/2010	09/29/09
23:14	01/15/09	12/19/08	01/30/09	03/16/09	03/20/09	05/01/09	05/2010	10/12/09
23:15	02/02/09	01/09/09	02/17/09	04/03/09	04/20/09	06/01/09	05/2010	10/30/09
23:16	02/16/09	01/26/09	03/03/09	04/17/09	04/20/09	06/01/09	05/2010	11/13/09
23:17	03/02/09	02/09/09	03/17/09	05/01/09	05/20/09	07/01/09	05/2010	11/27/09
23:18	03/16/09	02/23/09	03/31/09	05/15/09	05/20/09	07/01/09	05/2010	12/11/09
23:19	04/01/09	03/11/09	04/16/09	06/01/09	06/22/09	08/01/09	05/2010	12/27/09
23:20	04/15/09	03/24/09	04/30/09	06/15/09	06/22/09	08/01/09	05/2010	01/10/10
23:21	05/01/09	04/09/09	05/16/09	06/30/09	07/20/09	09/01/09	05/2010	01/26/10
23:22	05/15/09	04/24/09	05/30/09	07/14/09	07/20/09	09/01/09	05/2010	02/09/10
23:23	06/01/09	05/08/09	06/16/09	07/31/09	08/20/09	10/01/09	05/2010	02/26/10
23:24	06/15/09	05/22/09	06/30/09	08/14/09	08/20/09	10/01/09	05/2010	03/12/10
24:01	07/01/09	06/10/09	07/16/09	08/31/09	09/21/09	11/01/09	05/2010	03/28/10
24:02	07/15/09	06/23/09	07/30/09	09/14/09	09/21/09	11/01/09	05/2010	04/11/10
24:03	08/03/09	07/13/09	08/18/09	10/02/09	10/20/09	12/01/09	05/2010	04/30/10
24:04	08/17/09	07/27/09	09/01/09	10/16/09	10/20/09	12/01/09	05/2010	05/14/10
24:05	09/01/09	08/11/09	09/16/09	11/02/09	11/20/09	01/01/10	05/2010	05/29/10
24:06	09/15/09	08/24/09	09/30/09	11/16/09	11/20/09	01/01/10	05/2010	06/12/10
24:07	10/01/09	09/10/09	10/16/09	11/30/09	12/21/09	02/01/10	05/2010	06/28/10
24:08	10/15/09	09/24/09	10/30/09	12/14/09	12/21/09	02/01/10	05/2010	07/12/10
24:09	11/02/09	10/12/09	11/17/09	01/02/10	01/20/10	03/01/10	05/2010	07/30/10
24:10	11/16/09	10/23/09	12/01/09	01/15/10	01/20/10	03/01/10	05/2010	08/13/10
24:11	12/01/09	11/05/09	12/16/09	02/01/10	02/22/10	04/01/10	05/2010	08/28/10
24:12	12/15/09	11/20/09	12/30/09	02/15/10	02/22/10	04/01/10	05/2010	09/11/10

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.



EXECUTIVE ORDER NO. 19

**DESIGNATING THE NORTH CAROLINA HEALTH AND WELLNESS TRUST FUND
COMMISSION AS THE AUTHORIZED ENTITY UNDER THE HEALTH
INFORMATION TECHNOLOGY FOR ECONOMIC AND CLINICAL HEALTH ACT
OF THE AMERICAN RECOVERY AND REINVESTMENT ACT**

WHEREAS, the U.S. Department of Health and Human Services, Office of the National Coordinator for Health Information Technology, is authorized under the American Recovery and Reinvestment Act (hereafter "ARRA") to award grants to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards; and

WHEREAS, under ARRA Section 3013, the State may designate a Qualified State-Designated Entity to apply for and receive North Carolina's share of the Health Information Technology grant and loan funds under the ARRA; and

WHEREAS, the North Carolina Health and Wellness Trust Fund Commission (hereafter "Health and Wellness Trust Fund") is charged by North Carolina General Statutes to administer the provisions of Chapter 147, Article 6C of the North Carolina General Statutes, which includes addressing the health needs of vulnerable and underserved populations and developing a comprehensive, community-based plan with goals and objectives to improve the health and wellness of the people of North Carolina; and

WHEREAS, the Health and Wellness Trust Fund has an excellent reputation investing in programs and partnerships that address access, prevention, education, and research to help all North Carolinians achieve better health; and

WHEREAS, the Health and Wellness Trust Fund has established a North Carolina Health Information Technology Collaborative, and the members of such Collaborative will be appointed by me, in consultation with the Health and Wellness Trust Fund Chair, to include partners from the public, private, and non-profit sector; and

WHEREAS, the North Carolina Health Information Technology Collaborative will make recommendations regarding the North Carolina Health Information Technology Action Plan and applications for federal Health Information Technology funds.

NOW THEREFORE, by the power vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

The North Carolina Health and Wellness Trust Fund Commission, by and through the North Carolina Health Information Technology Collaborative, is hereby designated on behalf of the State of North Carolina as the Qualified State-Designated Entity to apply for and administer grants made available by the United States Department of Health and Human Services, Office of National Coordinator for Health Information Technology.

This order is effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this sixteenth day of July in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-fourth.



Beverly Eaves Perdue
Governor

ATTEST:

Elaine F. Marshall
Secretary of State
behalf of Elaine F. Marshall



EXECUTIVE ORDER NUMBER NO. 20

ESTABLISHING BUDGET MANAGEMENT RESTRICTIONS
FOR STATE AGENCIES FOR THE 2009-10 FISCAL YEAR

WHEREAS, the new fiscal year for North Carolina began July 1, 2009; and

WHEREAS, the North Carolina General Assembly has not adopted a State budget for the 2009-11 biennium; and

WHEREAS, without a State budget, State and local agencies continue to be limited in their ability to expend funds and plan for the needs of their agencies and the citizens they serve; and

WHEREAS, the State continues to experience economic and financial adversity; and

WHEREAS, it continues to be important for state agencies to reduce and prioritize expenditures; and

WHEREAS, to ensure that the State does not incur a deficit for the fiscal year covered by a budget, Article III, Sec. 5(3) of the Constitution requires the Governor to effect the necessary economies in State expenditures to keep the budget balanced.

NOW THEREFORE, by the authority vested in me as Governor by Article III, Sec. 5(3) of the Constitution of North Carolina to ensure that a deficit is not incurred in the administration of the budget for fiscal year 2009-10, **IT IS ORDERED**:

The State Budget Director and the Office of State Budget and Management (OSBM), under the Governor's direction, shall take the following steps to continue to reduce and prioritize State expenditures from funds appropriated to operate State departments and institutions:

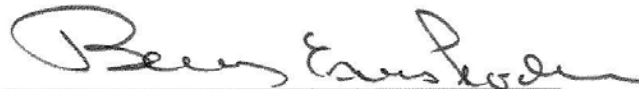
1. OSBM shall only approve allotments for mandatory obligations, including payroll, utilities, medical supplies, financial aid, required State Aid, and debt service.

2. OSBM shall require that agency heads preapprove and report to OSBM all purchase orders for goods or services that will require the expenditure of State funds.
3. OSBM shall restrict all travel requiring the expenditure of State funds.
4. OSBM shall restrict agencies from filling vacant permanent or temporary positions, except for those for which commitments have been made prior to the date of this Order.
5. OSBM shall restrict agencies from making promotions, reallocations (position reclassifications), career-banding adjustments, in-range adjustments or other salary adjustments.

In implementing this Order, the State Budget Director and OSBM may make special exceptions for direct classroom instruction expenses, federal recovery act compliance and emergency situations related to law enforcement, health care and public safety. The State Budget Director, under the Governor's direction, shall issue any necessary directives to state agencies to implement this Order.

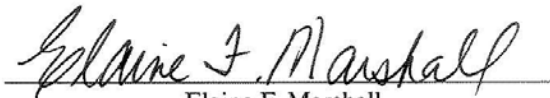
This Executive Order rescinds Executive Order No. 6, issued on January 13, 2009. This Order shall be effective immediately and shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-fourth day of July in the year of our Lord two thousand and nine, and of the Independence of the United States of America the two hundred and thirty-fourth.



Beverly Eaves Perdue
Governor

ATTEST:



Elaine F. Marshall
Secretary of State





STATE BOARD OF ELECTIONS

6400 Mail Service Center • Raleigh, North Carolina 27699-6400

GARY O. BARTLETT
Executive Director

MAILING ADDRESS:
P.O. BOX 27255
RALEIGH, NC 27611-7255
PHONE: (919) 733-7173

July 20, 2009

The Honorable Garland E. Pierce
House of Representatives
North Carolina General Assembly
21981 Buie Street
Wagram, NC 28396

RE: Advisory Opinion Pursuant to N.C.G.S. § 163-278.23: Use of Political Committee Funds for Expenses Related to Service in Office

Dear Rep. Pierce:

You have asked for an opinion pursuant to N.C.G.S. § 163-278.23 on whether, under Article 22A of Chapter 163 of the General Statutes, the funds of your political committee may be spent for purchases of school supplies for children in your district. Effective October 1, 2006, "[a] candidate or candidate campaign committee may use contributions only for the following purposes" as set forth in N.C.G.S. § 163-278.16B:

1. Expenditures resulting from the campaign for public office by the candidate or candidate's campaign committee.
2. Expenditures resulting from holding public office.
3. Contributions to an organization described in section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 170(c)), provided that the candidate or the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.
4. Contributions to a national, State, or district or county committee of a political party or a caucus of the political party.
5. Contributions to another candidate or candidate's campaign committee.
6. To return all or a portion of a contribution to the contributor.
7. Payment of any penalties against the candidate or candidate's campaign committee for violation of this Article imposed by a board of elections or a court of competent jurisdiction.

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In our conversation after you delivered your written request for an opinion, you indicated that you had been approached by educational leaders in your district requesting that you provide funds for the purchase of school supplies for children in the public school system. You do not believe you would have been approached but for your elected office as it has not been your practice to provide school supplies in the past. Based on these assertions, this expenditure appears to fall under the statute's authorized purpose in that it is an "expenditure[] resulting from holding public office;" thus, it is a permitted expenditure for your political committee under Article 22A of Chapter 163 of the General Statutes. As you are aware, any expenditure made by a political committee must be reported in accordance with the requirements of Article 22A.

This opinion is based upon the facts as stated in your letter of July 15, 2009, as elaborated upon in our subsequent conversation. If these facts change, you should evaluate whether this opinion is still applicable and binding. Finally, this opinion addresses only compliance with campaign finance statutes, particularly N.C.G.S. § 163-278.23. It will be filed with the Codifier of Rules to be published unedited in the North Carolina Register and the North Carolina Administrative Code.

Sincerely,



Gary O. Bartlett
Executive Director

cc: Julian Mann, III Codifier of Rules
Kim Strach

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days.

Statutory reference: G.S. 150B-21.2.

TITLE 10A – DEPARTMENT OF HEALTH AND HUMAN SERVICES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Medical Care Commission intends to amend the rule cited as 10A NCAC 13K .1202.

Proposed Effective Date: January 1, 2010

Public Hearing:

Date: October 5, 2009

Time: 11:00 a.m.

Location: Room 201 Council Building, Division of Health Service Regulation, Dorothea Dix Campus, 701 Barbour Drive, Raleigh, NC 27603

Reason for Proposed Action: The proposed amendment will allow the Hospice licensure rule for the staffing requirements for a Registered Nurse in an inpatient hospice facility providing respite care to be consistent with the federal Hospice Medicare Conditions of Participation.

Procedure by which a person can object to the agency on a proposed rule: An individual may object to the agency on the proposed rule by submitting written comments on the proposed rule. They may also object by attending the public hearing and personally voice their objections during that time.

Comments may be submitted to: Nadine Pfeiffer, Division of Health Service Regulation, 2701 Mail Service Center, Raleigh, NC 27699-2701, fax (919)733-2757, email dhsr.rulescoordinator@dhhs.nc.gov

Comment period ends: October 16, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact: A copy of the fiscal note can be obtained from the agency.

- ☒ **State**
☐ **Local**
☐ **Substantive** (≥\$3,000,000)
☐ **None**

CHAPTER 13 – NC MEDICAL CARE COMMISSION

SUBCHAPTER 13K – HOSPICE LICENSING RULES

SECTION .1200 - HOSPICE INPATIENT CARE

10A NCAC 13K .1202 ADDITIONAL STAFFING REQUIREMENTS FOR HOSPICE INPATIENT UNITS

(a) All nursing services shall be provided under the supervision of a registered nurse.

(b) ~~There shall be sufficient nursing personnel on duty to meet patients' total nursing needs. In place of the staffing requirements in 10A NCAC 13K .1102(a) and (b), one registered nurse and one additional staff person shall be on duty at all times.~~ A facility providing respite care must provide 24 – hour nursing services that meet the nursing needs of all patients and are furnished in accordance with each patient's plan of care. Each patient must receive all nursing services as prescribed by the physician and must be kept comfortable, clean, well-groomed and protected from accident, injury and infection. The presence of a Registered Nurse (RN) to provide direct care on all shifts is not required for patients receiving general inpatient care for respite unless specific nursing needs are in an individual patient's plan of care. If a patient in an inpatient facility is receiving general inpatient care for symptom management, then the 24-hour patient care RN staff must be available.

(c) Considerations for determining sufficiency of nursing personnel ~~include, but are not limited to:~~ include:

- (1) number of patients;
- (2) specific patient care requirements;
- (3) family care needs; and
- (4) availability of support from other interdisciplinary team members.

(d) Hospice caregivers shall only provide care to patients in licensed hospice residential beds in a combined hospice inpatient and residential facility.

Authority G.S. 131E-202.

TITLE 12 – DEPARTMENT OF JUSTICE

Notice is hereby given in accordance with G.S. 150B-21.2 that the N.C. Sheriff's Education and Training Standards Commission intends to amend the rules cited as 12 NCAC 10B .0305, .0502 and .2005-.2007.

Proposed Effective Date: January 1, 2010

Public Hearing:

Date: September 16, 2009

Time: 8:30 a.m.

Location: Vineland Depot, 701 S. Madison Street, Whiteville, NC 28472

Reason for Proposed Action:

12 NCAC 10B .0305 – Rule sets out the requirements for background investigations. Amendment is proposed to correct language in Subparagraph (f)(3). The IQ inquiry is made to the various States and not to local sheriffs or police.

12 NCAC 10B .0502 – Rule sets out the Basic Law Enforcement Training Requirements for Deputy Sheriffs.

12 NCAC 10B .2005 – To improve performance, reduce errors and reduce the number of lawsuits, and protect the public health, safety and welfare by ensuring each officer remains knowledgeable in their areas of enforcement, corrections, or communications.

12 NCAC 10B .2006 – A person may be out of service for an extended period of time after having failed to complete required in-service training. The current rules provide that the individual must make up the topics mandated in the year they were under an obligation to complete in-service training. This has proven problematic as most community colleges are no longer offering old in-service training courses. The amendment would require the individual to make up the topics in the year immediately preceding the year they wish to return to service.

12 NCAC 10B .2007 – Reporting who has or has not complied with in-service training is needed in order for the Division to enforce the requirements.

Procedure by which a person can object to the agency on a proposed rule: Objections shall be submitted in writing explaining the reasons for objection and specifying the portion of the rule to which the objection is being made. Such objection should be sent to: Julia Lohman, Sheriff's Standards Division, NC Department of Justice, P. O. Box 629, Raleigh, NC 27602.

Comments may be submitted to: Julia Lohman, Sheriff's Standards Division, NC Department of Justice, P. O. Box 629, Raleigh, NC 27602; phone (919) 716-6460; fax (919) 716-6753; email jlohman@ncdoj.gov

Comment period ends: November 2, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission

approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact: A copy of the fiscal note can be obtained from the agency.

- ☒ State
- ☒ Local
- ☒ Substantive (≥\$3,000,000)
- ☐ None

CHAPTER 10 - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

SECTION .0300 – MINIMUM STANDARDS FOR EMPLOYMENT AND CERTIFICATION AS A JUSTICE OFFICER

12 NCAC 10B .0305 BACKGROUND INVESTIGATION

(a) Prior to the background investigation conducted by the employing agency to determine the applicant's suitability to perform essential job functions, the applicant shall complete the Commission's Personal History Statement (F-3) to provide a basis for the investigation. The Personal History Statement (F-3) submitted to the Division shall be completed no more than 120 days prior to the applicant's date of appointment.

(b) If the Personal History Statement (F-3) was completed more than 120 days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the applicant who shall initial and date all changes or a new Personal History Statement (F-3) must be completed.

(c) The employing agency shall ensure the proper dates, signatures, and notarizations are affixed to the Personal History Statement (F-3); and shall also certify that the results of the background investigation are consistent with the information provided by the applicant on the Personal History Statement (F-3), and if not, provide the applicant the opportunity to update the F-3 prior to submission to the Division.

(d) The employing agency, prior to employment, shall examine the applicant's character traits and habits relevant to his/her performance as a justice officer and shall determine whether the applicant is of good moral character as defined in Rule .0301(a)(8). The investigator shall summarize the results of the investigation on the Commission-mandated Background Investigation Form (F-8) which shall be signed and dated by the investigator.

(e) The Background Investigation Form (F-8) shall include records checks from:

- (1) a state-wide search of the Administrative Office of the Courts (AOC) computerized system;
- (2) the national criminal record database accessible through the Division of Criminal Information (DCI) network;
- (3) the North Carolina Department of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina; and
- (4) out-of-state motor vehicles check obtained through the Division of Criminal Information or obtained through the any other state's Department of Motor Vehicles if the applicant held a license in that State(s) within the 10 year period prior to the date of appointment.

(f) The Background Investigation must also include records checks from jurisdictions in which the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:

- (1) Where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks are acceptable;
- (2) Where the applicant resided in another country, an Interpol records check is acceptable provided the country is a member of Interpol; or if the applicant was in the United States military, a military records check is acceptable; or if neither, efforts shall be made and documented to attempt to obtain a records check from the country and submitted if available;
- (3) Where the applicant resided in a State other than North Carolina, a records check through the Division of Criminal Information using the IQ inquiry is acceptable provided the State will respond to that of inquiry; submitted to both the municipality, city or town where the applicant resided and the county-wide Sheriff's Office or Police Department is acceptable provided those agencies will respond to this type of inquiry; or if not, then either a records check response from those agencies both the municipality, city or town where the applicant resided and the county-wide Sheriff's Office or Police Department obtained through traditional correspondence; or a records check from the appropriate county-wide or state-wide record holding agency is acceptable.

(g) If the applicant had prior military service, the Background Investigation must also include a copy of the applicant's DD214 which shows the characterization of discharge for each discharge which occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check is also required.

(h) All records checks shall be performed on each name by which the applicant for certification has ever been known since the age of 12. If the applicant has had an official name change which occurred after the applicant had reached the age of 12

years of age, then documentation of that name change is required.

(i) The employing agency shall forward to the Division certified copies of any criminal charge(s) and disposition(s) known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall explain to the satisfaction of Division staff that charges or other violations which may result from the records checks required in Paragraph (e) of this Section do not pertain to the applicant for certification. This documentation shall be included with all other documentation required in 12 NCAC 10B .0408.

(j) The employing agency shall include a signed and notarized Release Authorization Form which authorizes the Division staff to obtain documents and records pertaining to the applicant for certification which may be required in order to determine whether certification may be granted.

Authority G.S. 17E-7.

SECTION .0500 - MINIMUM STANDARDS OF TRAINING FOR DEPUTY SHERIFFS

12 NCAC 10B .0502 BASIC LAW ENFORCEMENT TRAINING COURSE FOR DEPUTIES

(a) The basic training course for deputy sheriffs consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 618 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

- (1) **LEGAL UNIT**
 - (A) Motor Vehicle Laws 20 hours
 - (B) Preparing for Court and Testifying in Court 12 hours
 - (C) Elements of Criminal Law 24 hours
 - (D) Juvenile Laws and Procedures 108 hours
 - (E) Arrest, Search and Seizure/Constitutional Law 28 hours
 - (F) ABC Laws and Procedures 4 hours
 - UNIT TOTAL 9896 Hours**
- (2) **PATROL DUTIES UNIT**
 - (A) Techniques of Traffic Law Enforcement 24 hours
 - (B) Explosives and Hazardous Materials Emergencies 12 hours
 - (C) Traffic Accident Investigation 20 hours
 - (D) In-Custody Transportation 8 hours
 - (E) Crowd Management 12 hours
 - (F) Patrol Techniques 2620 hours
 - (G) Law Enforcement Communication and Information Systems 8 hours
 - (H) Anti-Terrorism 4 hours
 - (I) Rapid Deployment 8 hours
 - UNIT TOTAL 12246 hours**

- (3) **LAW ENFORCEMENT COMMUNICATION UNIT**
 - (A) Dealing with Victims and the Public 10 hours
 - (B) Domestic Violence Response 12 hours
 - (C) Ethics for Professional Law Enforcement 4 hours
 - (D) Individuals with Mental Illness and Mental Retardation 8 hours
 - (E) Crime Prevention Techniques 6 hours
 - (F) Communication Skills for Law Enforcement Officers 8 hours
 - UNIT TOTAL 48 hours
- (4) **INVESTIGATION UNIT**
 - (A) Fingerprinting and Photographing Arrestee 6 hours
 - (B) Field Note-taking and Report Writing 12 hours
 - (C) Criminal Investigation 34 hours
 - (D) Interviews: Field and In-Custody 16 hours
 - (E) Controlled Substances 12 hours
 - UNIT TOTAL 80 hours
- (5) **PRACTICAL APPLICATION UNIT**
 - (A) First Responder 3240 hours
 - (B) Firearms 48 hours
 - (C) Law Enforcement Driver Training 40 hours
 - (D) Physical Fitness 8 hours
 - (i) Fitness Assessment and Testing 12 hours
 - (ii) 1 hour - 3 days a week 34 hours
 - (E) Subject Control Arrest Techniques 40 hours
 - UNIT TOTAL 216222 hours
- (6) **SHERIFF-SPECIFIC UNIT**
 - (A) Civil Process 24 hours
 - (B) Sheriffs' Responsibilities: Detention Duties 4 hours
 - (C) Sheriffs' Responsibilities: Court Duties 6 hours
 - UNIT TOTAL 34 hours
- (7) **COURSE ORIENTATION** 2 hours
- (8) **TESTING** 20 hours
- TOTAL COURSE HOURS 618 HOURS**

(c) The "Basic Law Enforcement Training Manual" as published by the North Carolina Justice Academy shall be used as the as basic curriculum for this Basic Law Enforcement Training Course. Copies of this manual may be obtained at cost by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385-0099.

(d) The Commission shall designate the developer of the Basic Law Enforcement Training Course curricula and such designation shall be deemed by the Commission as approval for the developer to conduct pilot Basic Law Enforcement Training Courses. Individuals who successfully complete such a pilot

Basic Law Enforcement Training Course offering shall be deemed to have successfully complied with and satisfied the minimum training requirement.

(e) The rules governing Minimum Standards for Completion of Training, codified as Title 12, Subchapter 9B, Section .0400 of the North Carolina Administrative Code, and previously incorporated by the North Carolina Criminal Justice Education and Training Standards Commission, are hereby adopted by reference, and shall, automatically include any later amendments and editions of the adopted matter to apply to actions of the North Carolina Sheriffs' Education and Training Standards Commission. Copies of the incorporated materials may be obtained at no cost from the Criminal Justice Standards Division, North Carolina Department of Justice, 114 West Edenton Street, Post Office Drawer 149, Raleigh, North Carolina 27602.

Authority G.S. 17E-4(a).

SECTION .2000 - IN-SERVICE TRAINING FOR JUSTICE OFFICERS

12 NCAC 10B .2005 MINIMUM TRAINING REQUIREMENTS

(a) A Sheriff or Department Head may choose to use a lesson plan developed by the North Carolina Justice Academy, or may opt to use a lesson plan for any of the topical areas developed by another entity. The Sheriff or Department Head may also opt to use a lesson plan developed by a certified instructor, provided that the instructor develops the lesson plan in accordance with the Instructional Systems Development model as taught in Criminal Justice Instructor Training in 12 NCAC 09B .0209.

~~(b) The 2006 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:~~

- ~~(1) Legal Update;~~
- ~~(2) Ethics;~~
- ~~(3) Juvenile Minority Sensitivity Training;~~
- ~~(4) Methamphetamine Awareness or Methamphetamine Investigative Issues;~~
- ~~(5) Firearms Training and Recertification for deputy sheriffs and detention officers as set out in Section .2100 of this Subchapter; and~~
- ~~(6) Any topic areas of the Sheriff's choosing.~~

~~(c) The 2007 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:~~

- ~~(1) Legal Update;~~
- ~~(2) Ethics (on duty or off duty);~~
- ~~(3) Juvenile Minority Sensitivity Training;~~
- ~~(4) Domestic Violence;~~
- ~~(5) Interacting with Special Populations (which shall include autism);~~
- ~~(6) Firearms Training and Recertification for deputy sheriffs and detention officers as set out in Section .2100 of this Subchapter; and~~
- ~~(7) Any topic areas of the Sheriff's choosing.~~

~~(d) The 2007 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:~~

- ~~(1) Detention Legal Update;~~
- ~~(2) Ethics for Detention Officers;~~

- (3) ~~Special Inmate Population Management; and~~
 (4) ~~Any topic areas of the Sheriff's or Department Head's choosing.~~
- (e) ~~The 2007 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:~~
 (1) ~~Handling Suicidal Callers;~~
 (2) ~~Emergency Call Taking Procedures;~~
 (3) ~~Terrorism Training an Awareness Level For Telecommunicators;~~
 (4) ~~Officer Safety Training for Telecommunicators; and~~
 (5) ~~Any topic areas of the Sheriff's or Department Head's choosing.~~
- (f) ~~The 2008 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:~~
 (1) ~~Legal Update;~~
 (2) ~~Career Survival: Truth or Consequences;~~
 (3) ~~Juvenile Minority Sensitivity Training;~~
 (4) ~~Response to Critical Incidents;~~
 (5) ~~Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and~~
 (6) ~~Any topic areas of the Sheriff's choosing.~~
- (g) ~~The 2008 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:~~
 (1) ~~Detention Officer Legal Update;~~
 (2) ~~Professionalism for Detention Officers;~~
 (3) ~~Inmate Movement; and~~
 (4) ~~Any topic areas of the Sheriff's or Department Head's choosing.~~
- (h) ~~The 2008 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:~~
 (1) ~~Teletypewriter (TTY);~~
 (2) ~~Customer Service;~~
 (3) ~~Incident Command; and~~
 (4) ~~Any topic areas of the Sheriff's or Department Head's choosing.~~
- (i)(b) ~~The 2009 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:~~
 (1) ~~Legal Update;~~
 (2) ~~Career Survival: Training & Standards Issues;~~
 (3) ~~Juvenile Minority Sensitivity Training: Juvenile Law;~~
 (4) ~~Domestic Violence;~~
 (5) ~~Drug Diversion for Patrol Officers;~~
 (6) ~~Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and~~
 (7) ~~Any topic areas of the Sheriff's choosing.~~
- (j)(c) ~~The 2009 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:~~
 (1) ~~Career Survival for Detention Officers;~~
 (2) ~~Recognition of Mental Illnesses and Suicide Identifiers;~~
 (3) ~~Detention Officer Legal Update; and~~
 (4) ~~Any topic areas of the Sheriff's or Department Head's choosing.~~

(k)(d) The 2009 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:

- (1) Professionalism in Emergency Services;
- (2) Dealing with the Mentally Ill;
- (3) Community, School and Campus Safety Issues for Telecommunicators; and
- (4) Any topic areas of the Sheriff's or Department Head's choosing.

(e) The 2010 Law Enforcement In-Service Training Program requires 24 hours of training in the following topical areas:

- (1) Legal Update;
- (2) Juvenile Minority Sensitivity Training: Race Matters;
- (3) Career Survival: Positive Ways to be Successful;
- (4) Firearms Training and Requalification for deputy sheriffs as set out in Section .2100 of this Subchapter; and
- (5) Any topic areas of the Sheriff's choosing.

(f) The 2010 Detention Officer In-Service Training Program requires 16 hours of training in the following topical areas:

- (1) Cryptology and Contraband via Mail;
- (2) Legal Update for Detention Officers;
- (3) Career Survival for Detention Officers; and
- (4) Any topic areas of the Sheriff's or Department Head's choosing.

(g) The 2010 Telecommunicator In-Service Training Program requires 16 hours of training in the following topical areas:

- (1) Amber and Silver Alerts;
- (2) Call Taking Procedures in Emergency Services;
- (3) Critical Incident Stress Management; and
- (4) Any topic areas of the Sheriff's or Department Head's choosing.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2006 IN-SERVICE TRAINING PROGRAM SPECIFICATIONS

Justice officers who have been active as a deputy sheriff, detention officer, or telecommunicator between January and June of each calendar year must complete the respective In-Service Training Program(s) established by 12 NCAC 10B .2002 by December of each calendar year. For each justice officer holding multiple certifications from the Commission, the Sheriff shall designate the officer's primary duties for the purpose of selecting which one of the in-service training programs the officer must complete for a calendar year. A justice officer who fails to complete in-service training as required, but is either separated or made inactive prior to the end of the calendar year, may be re-activated after completing the in-service training program prescribed for the year immediately preceding the year in which the officer is being activated.

Authority G.S. 17E-4; 17E-7.

12 NCAC 10B .2007 SHERIFF/AGENCY HEAD RESPONSIBILITIES

Each Sheriff or Department Head shall ensure that the respectively required In-Service Training Program established by this Section is conducted. In addition, the Sheriff or Department Head shall:

- (1) report to the Division those deputy sheriffs, detention officers and telecommunicators who are inactive;
- (2) maintain a roster of each deputy sheriff, detention officer and telecommunicator who successfully completes the respectively required In-Service Training Program;
- (3) report to the Division by January 15th, 2007, those active deputy sheriffs who fail to complete the 2006 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005. The reporting shall be on a Commission form;
- ~~(4) report to the Division by January 15th, 2008:~~
 - ~~(a) those active telecommunicators who fail to complete the 2007 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;~~
 - ~~(b) those active detention officers who fail to complete the 2007 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and~~
 - ~~(c) those active deputy sheriffs who fail to complete the 2007 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005;~~

~~The reporting shall be on a Commission form.~~

- ~~(5)~~(4) report to the Division by January 15th, 2009:
 - (a) those active telecommunicators who fail to complete the 2008 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;
 - (b) those active detention officers who fail to complete the 2008 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and
 - (c) those active deputy sheriffs who fail to complete the 2008 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005;

The reporting shall be on a Commission form.

- ~~(6)~~(5) report to the Division by January 15th, 2010:
 - (a) those active telecommunicators who fail to complete the ~~2008~~2009 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;

- (b) those active detention officers who fail to complete the ~~2008~~2009 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and
- (c) those active deputy sheriffs who fail to complete the ~~2008~~2009 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005.

The reporting shall be on a Commission form.

- ~~(6)~~ report to the Division by January 15th, 2011:
 - ~~(a) those active telecommunicators who fail to complete the 2010 Telecommunicator Officer In-Service Training Program in accordance with 12 NCAC 10B .2005;~~
 - ~~(b) those active detention officers who fail to complete the 2010 Detention Officer In-Service Training Program in accordance with 12 NCAC 10B .2005; and~~
 - ~~(c) those active deputy sheriffs who fail to complete the 2010 Law Enforcement In-Service Training Program in accordance with 12 NCAC 10B .2005.~~

The reporting shall be on a Commission form.

Authority G.S. 17E-4; 17E-7.

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Alarm Systems Licensing Board intends to amend the rules cited as 12 NCAC 11 .0203 and .0302.

Proposed Effective Date: *December 1, 2009*

Public Hearing:

Date: *September 1, 2009*

Time: *2:00 p.m.*

Location: *Conference Room, 434 Fayetteville Street, Suite 2500, Raleigh, NC 27601*

Reason for Proposed Action: *The Board is fee funded. It is necessary to raise fees in order to maintain a positive financial balance.*

Procedure by which a person can object to the agency on a proposed rule: *Objections must be submitted in writing on or before the end of the comment period and must be mailed to Terry Wright, Director ASLB, 1631 Midtown Place, Suite 104, Raleigh, NC 27609.*

Comments may be submitted to: *Terry Wright, 1631 Midtown Place, Suite 104, Raleigh, 27609*

Comment period ends: *October 16, 2009*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- ☐ State
☐ Local
☐ Substantive (≥\$3,000,000)
☒ None

CHAPTER 11 – ALARM SYSTEMS LICENSING BOARD

SECTION .0200 - PROVISIONS FOR LICENSEES

12 NCAC 11 .0203 FEES FOR LICENSES

(a) Application license fees are as follows:

- (1) One hundred fifty dollars (\$150.00) non-refundable initial application fee;
- (2) ~~Three hundred fifty dollars (\$350.00) biannual~~
Three hundred seventy-five dollar (\$375.00) biennial fee for a new or renewal license;
- (3) One hundred fifty dollars (\$150.00) branch office license fee;
- (4) One hundred dollars (\$100.00) late renewal fee to be paid in addition to the renewal fee if the license has not been renewed on or before the expiration date.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing Board.

Authority G.S. 74D-7.

SECTION .0300 - PROVISIONS FOR REGISTRANTS

12 NCAC 11 .0302 FEES FOR REGISTRATION

(a) Registration fees are as follows:

- (1) ~~Forty dollars (\$40.00)~~ Forty-five dollar (\$45.00) non-refundable biennial registration fee;
- (2) Ten dollar (\$10.00) non-refundable re-issue fee for lost cards or for registration of an employee who changes employment to another licensee;
- (3) Ten dollar (\$10.00) non-refundable annual multiple registration fee.

- (4) Ten dollar (\$10.00) fee for each reconsideration of a registration permit that has been previously filed with the Board but returned to the licensee or applicant for correctable errors.

(b) Fees shall be paid in the form of a check or money order made payable to the Alarm Systems Licensing Board.

Authority G.S. 74D-7.

TITLE 15A – DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rules cited as 15A NCAC 02D .0408, .0540, .1104, .1402; and 02Q .0711.

Proposed Effective Date: *January 1, 2010*

Public Hearing:

Date: *September 23, 2009*

Time: *7:00 p.m.*

Location: *2728 Capital Blvd., Air Quality Annex Training Room AQ-526, Raleigh, NC 27604*

Reason for Proposed Action:

15A NCAC 02D .0408 – Lead, *is proposed for amendment to update the ambient air quality standard for lead to reflect the federal revisions to the lead National Ambient Air Quality Standards.*

15A NCAC 02D .0540 – Particulates From Fugitive Dust Emission Sources, *is proposed for amendment to remove the phrase "from process operations" from the definition of fugitive dust emissions.*

15A NCAC 02D .1104 – Toxic Air Pollutant Guidelines *is proposed for amendment to remove the annual Acceptable Ambient Level (AAL) and add daily and hourly AALs for Acrylonitrile.*

15A NCAC 02D .1402 – .1402(a) *is proposed for amendment to clarify applicability language, 02D .1402(c) is proposed for amendment to change cross-reference from .1409(b) to .1409(c), 02D .1402(d) is proposed for amendment to correct a cross-reference from .1409 to .1409(b), and insert clarifying language for RACT applicability.*

15 NCAC 02Q .0711 – Emission Rates Requiring a Permit (TPER) *is proposed for amendment to remove the annual Acceptable Ambient Level (AAL) and add daily and hourly AALs for Acrylonitrile.*

Procedure by which a person can object to the agency on a proposed rule: *If you have any objections to the proposed rule, please mail a letter including your specific reasons to: Mr. Michael Abraczinskas, Division of Air Quality, 1641 Mail Service Center, Raleigh, NC 27699-1641.*

Comments may be submitted to: Michael Abraczinskas, Division of Air Quality, 1641 Mail Service Center, Raleigh, NC 27699-1641; phone (919) 715-3473; fax (919) 715-7476; email michael.abraczinskas@ncdenr.gov

Comment period ends: October 16, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- ☐ State
☐ Local
☐ Substantive (≥\$3,000,000)
☒ None

**CHAPTER 02 - ENVIRONMENTAL MANAGEMENT
COMMISSION**

**SUBCHAPTER 02D - AIR POLLUTION CONTROL
REQUIREMENTS**

SECTION .0400 - AMBIENT AIR QUALITY STANDARDS

15A NCAC 02D .0408 LEAD

The ambient air quality standard for lead and its compounds, measured as elemental lead by a reference method based on Appendix G of 40 CFR Part 50 or by an equivalent method established under 40 CFR Part 53, is ~~4-5~~ 0.15 micrograms per cubic meter, ~~maximum arithmetic mean over a calendar quarter based on a rolling three month period with a maximum (not-to-be-exceeded) form, evaluated over a three year period.~~

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3).

SECTION .0500 - EMISSION CONTROL STANDARDS

**15A NCAC 02D .0540 PARTICULATES FROM
FUGITIVE DUST EMISSION SOURCES**

(a) For the purpose of this Rule the following definitions shall apply:

- (1) "Excess fugitive dust emissions" means:
 (A) Fugitive dust is visible extending beyond the facility's property line, or
 (B) Upon inspection of settled dust on adjacent property, the Division finds

that the dust came from the adjacent facility.

- (2) "Fugitive dust emissions" means particulate matter ~~from process operations~~ that does not pass through a process stack or vent and that is generated within plant property boundaries from activities such as: unloading and loading areas, process areas, stockpiles, stock pile working, plant parking lots, and plant roads (including access roads and haul roads).
 (3) "Production of crops" means cultivation of land for crop planting; crop irrigation; harvesting; on site curing, storage, or preparation of crops; or protecting them from damage or disease conducted according to practices acceptable to the Department of Agriculture.
 (4) "Public parking" means an area dedicated to or maintained for the parking of vehicles by the general public.
 (5) "Public road" means any road that is part of the State highway system or any road, street, or right-of-way dedicated or maintained for public use.
 (6) "Substantive complaints" means complaints that are verified with physical evidence.

(b) This Rule does not apply to:

- (1) abrasive blasting covered under Rule .0541 of this Section;
 (2) cotton ginning operations covered under Rule .0542 of this Section;
 (3) non-production military base operations;
 (4) land disturbing activities, such as clearing, grading, or digging, and related activities such as, hauling fill and cut material, building material, or equipment; or
 (5) public roads, public parking, timber harvesting, or production of crops.

(c) The owner or operator of a facility required to have a permit under 15A NCAC 02Q or of a source subject to a requirement under 15A NCAC 02D shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints, or visible emissions in excess of that allowed under Paragraph (e) of this Rule.

(d) If fugitive dust emissions from a facility required to comply with this Rule cause or contribute to substantive complaints, the owner or operator of the facility shall:

- (1) within 30 days upon receipt of written notification from the Director of a second substantive complaint in a 12-month period, submit to the Director a written report that includes the identification of the probable source(s) of the fugitive dust emissions causing complaints and what immediate measures can be made to abate the fugitive emissions;
 (2) within 60 days of the initial report submitted under Subparagraph (1) of this Paragraph,

- (3) submit to the Director a control plan as described in Paragraph (f) of this Rule; and within 30 days after the Director approves the plan, be in compliance with the plan.

(e) The Director may require that the owner or operator of a facility covered by Paragraph (c) of this Rule, develop and submit a fugitive dust control plan as described in Paragraph (f) of this Rule if:

- (1) ambient air quality measurements or dispersion modeling as provided in 15A NCAC 02D .1106(e) show violation or a potential for a violation of an ambient air quality standard for particulates in 15A NCAC 02D .0400; or
- (2) if the Division observes excessive fugitive dust emissions from the facility beyond the property boundaries for six minutes in any one hour using Reference Method 22 in 40 CFR 60, Appendix A.

(f) The fugitive dust control plan shall:

- (1) identify the sources of fugitive dust emissions within the facility;
- (2) describe how fugitive dust will be controlled from each identified source;
- (3) contain a schedule by which the plan will be implemented;
- (4) describe how the plan will be implemented, including training of facility personnel; and
- (5) describe methods to verify compliance with the plan.

(g) The Director shall approve the plan if he finds that:

- (1) the plan contains all required elements in Paragraph (f) of this Rule;
- (2) the proposed schedule contained in the plan will reduce fugitive dust emissions in a timely manner;
- (3) the methods used to control fugitive dust emissions are sufficient to prevent fugitive dust emissions from causing or contributing to

a violation of the ambient air quality standards for particulates; and

- (4) the described compliance verification methods are sufficient to verify compliance with the plan.

If the Director finds that the proposed plan does not meet the requirements of this Paragraph he shall notify the owner or operator of the facility of any deficiencies in the proposed plan. The owner or operator shall have 30 days after receiving written notification from the Director to correct the deficiencies or submit a schedule describing actions to be taken and the time by which they will be implemented.

(h) If after a plan has been implemented, the Director finds that the plan inadequately controls fugitive dust emissions, he shall require the owner or operator of the facility to correct the deficiencies in the plan. Within 90 days after receiving written notification from the Director identifying the deficiency, the owner or operator of the facility shall submit a revision to his plan to correct the deficiencies.

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5); 143-215.108(c)(7).

SECTION .1100 - CONTROL OF TOXIC AIR POLLUTANTS

15A NCAC 02D .1104 TOXIC AIR POLLUTANT GUIDELINES

A facility shall not emit any of the following toxic air pollutants in such quantities that may cause or contribute beyond the premises (adjacent property boundary) to any significant ambient air concentration that may adversely affect human health. In determining these significant ambient air concentrations, the Division shall be guided by the following list of acceptable ambient levels in milligrams per cubic meter at 77° F (25°C) and 29.92 inches (760 mm) of mercury pressure (except for asbestos):

Pollutant (CAS Number)	Annual (Carcinogens)	24-hour (Chronic Toxicants)	1-hour (Acute Systemic Toxicants)	1-hour (Acute Irritants)
acetaldehyde (75-07-0)				27
acetic acid (64-19-7)				3.7
acrolein (107-02-8)				0.08
acrylonitrile (107-13-1)	4.5×10^{-4}	.03	1	
ammonia (7664-41-7)				2.7
aniline (62-53-3)			1	
arsenic and inorganic arsenic compounds	2.3×10^{-7}			
asbestos (1332-21-4)	2.8×10^{-11} fibers/ml			
aziridine (151-56-4)		0.006		
benzene (71-43-2)	1.2×10^{-4}			
benzidine and salts (92-87-5)	1.5×10^{-8}			

PROPOSED RULES

Pollutant (CAS Number)	Annual (Carcinogens)	24-hour (Chronic Toxicants)	1-hour (Acute Systemic Toxicants)	1-hour (Acute Irritants)
benzo(a)pyrene (50-32-8)	3.3×10^{-5}			
benzyl chloride (100-44-7)			0.5	
beryllium (7440-41-7)	4.1×10^{-6}			
beryllium chloride (7787-47-5)	4.1×10^{-6}			
beryllium fluoride (7787-49-7)	4.1×10^{-6}			
beryllium nitrate (13597-99-4)	4.1×10^{-6}			
bioavailable chromate pigments, as chromium (VI) equivalent	8.3×10^{-8}			
bis-chloromethyl ether (542-88-1)	3.7×10^{-7}			
bromine (7726-95-6)				0.2
1,3-butadiene (106-99-0)	4.4×10^{-4}			
cadmium (7440-43-9)	5.5×10^{-6}			
cadmium acetate (543-90-8)	5.5×10^{-6}			
cadmium bromide (7789-42-6)	5.5×10^{-6}			
carbon disulfide (75-15-0)		0.186		
carbon tetrachloride (56-23-5)	6.7×10^{-3}			
chlorine (7782-50-5)		0.0375		0.9
chlorobenzene (108-90-7)		2.2		
chloroform (67-66-3)	4.3×10^{-3}			
chloroprene (126-99-8)		0.44	3.5	
cresol (1319-77-3)			2.2	
p-dichlorobenzene (106-46-7)				66
dichlorodifluoromethane (75-71-8)		248		
dichlorofluoromethane (75-43-4)		0.5		
di(2-ethylhexyl)phthalate (117-81-7)		0.03		
dimethyl sulfate (77-78-1)		0.003		
1,4-dioxane (123-91-1)		0.56		
epichlorohydrin (106-89-8)	8.3×10^{-2}			
ethyl acetate (141-78-6)			140	
ethylenediamine (107-15-3)		0.3	2.5	
ethylene dibromide (106-93-4)	4.0×10^{-4}			
ethylene dichloride (107-06-2)	3.8×10^{-3}			
ethylene glycol monoethyl ether (110-80-5)		0.12	1.9	
ethylene oxide (75-21-8)	2.7×10^{-5}			
ethyl mercaptan (75-08-1)			0.1	
fluorides		0.016	0.25	
formaldehyde (50-00-0)				0.15
hexachlorocyclopentadiene (77-47-4)		0.0006	0.01	
hexachlorodibenzo-p-dioxin (57653-85-7)	7.6×10^{-8}			
n-hexane (110-54-3)		1.1		
hexane isomers except n-hexane				360
hydrazine (302-01-2)		0.0006		
hydrogen chloride (7647-01-0)				0.7
hydrogen cyanide (74-90-8)		0.14	1.1	
hydrogen fluoride (7664-39-3)		0.03		0.25
hydrogen sulfide (7783-06-4)		0.12		
maleic anhydride (108-31-6)		0.012	0.1	
manganese and compounds		0.031		

PROPOSED RULES

Pollutant (CAS Number)	Annual (Carcinogens)	24-hour (Chronic Toxicants)	1-hour (Acute Systemic Toxicants)	1-hour (Acute Irritants)
manganese cyclopentadienyl tricarbonyl (12079-65-1)		0.0006		
manganese tetroxide (1317-35-7)		0.0062		
mercury, alkyl		0.00006		
mercury, aryl and inorganic compounds		0.0006		
mercury, vapor (7439-97-6)		0.0006		
methyl chloroform (71-55-6)		12		245
methylene chloride (75-09-2)	2.4×10^{-2}		1.7	
methyl ethyl ketone (78-93-3)		3.7		88.5
methyl isobutyl ketone (108-10-1)		2.56		30
methyl mercaptan (74-93-1)			0.05	
nickel carbonyl (13463-39-3)		0.0006		
nickel metal (7440-02-0)		0.006		
nickel, soluble compounds, as nickel		0.0006		
nickel subsulfide (12035-72-2)	2.1×10^{-6}			
nitric acid (7697-37-2)				1
nitrobenzene (98-95-3)		0.06	0.5	
n-nitrosodimethylamine (62-75-9)	5.0×10^{-5}			
non-specific chromium (VI) compounds, as chromium (VI) equivalent	8.3×10^{-8}			
pentachlorophenol (87-86-5)		0.003	0.025	
perchloroethylene (127-18-4)	1.9×10^{-1}			
phenol (108-95-2)			0.95	
phosgene (75-44-5)		0.0025		
phosphine (7803-51-2)				0.13
polychlorinated biphenyls (1336-36-3)	8.3×10^{-5}			
soluble chromate compounds, as chromium (VI) equivalent		6.2×10^{-4}		
styrene (100-42-5)			10.6	
sulfuric acid (7664-93-9)		0.012	0.1	
tetrachlorodibenzo-p-dioxin (1746-01-6)	3.0×10^{-9}			
1,1,1,2-tetrachloro-2,2,- difluoroethane (76-11-9)		52		
1,1,2,2-tetrachloro-1,2- difluoroethane (76-12-0)		52		
1,1,2,2-tetrachloroethane (79-34-5)	6.3×10^{-3}			
toluene (108-88-3)		4.7		56
toluene diisocyanate, 2,4- (584-84-9) and 2,6- (91-08-7) isomers		0.0002		
trichloroethylene (79-01-6)	5.9×10^{-2}			
trichlorofluoromethane (75-69-4)			560	
1,1,2-trichloro-1,2,2- trifluoroethane (76-13-1)				950
vinyl chloride (75-01-4)	3.8×10^{-4}			
vinylidene chloride (75-35-4)		0.12		
xylene (1330-20-7)		2.7		65

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(3),(4),(5); 143B-282; S.L. 1989, c. 168, s. 45.

SECTION .1400 – NITROGEN OXIDES

15A NCAC 02D .1402 APPLICABILITY

(a) The rules in this Section do not apply except as specifically set out in this Rule. ~~In the event that the U.S. Circuit Court does not mandate vacatur of the Clean Air Interstate Rule consistent with its July 11, 2008 Order, North Carolina v. EPA, 531 F.3d 896 (D.C. Cir 2008),~~ Section .2400 of this Subchapter shall apply rather than the nitrogen oxide (NOx) state implementation plan (SIP) call (40 CFR 51.121) provisions of Rules .1402(c) and (h), .1403(a) and (d) through (f), ~~(e),~~ .1404(a), (b), and (d) through (j), ~~.1409(b), .1409(c), (d), and (h), and .1416 through .1423 of this Subchapter that would be in conflict therewith.~~ Subchapter. To the extent that the Court mandates vacatur of the Clean Air Interstate Rule, the provisions of Rules .1402(c) and (h), .1403(a) and (d) through (f), .1404(a), (b), and (d) through (j), .1409(b), (d), and (h), and .1416 through .1423 of this Subchapter shall apply.

(b) The requirements of this Section shall apply to all sources May 1 through September 30 of each year.

(c) Rules ~~.1409(b)~~ .1409(c) and .1416 through .1423 of this Section apply statewide.

(d) The Rules .1407 through ~~.1409(b)~~ and .1413 of this Section apply to facilities with ~~the potential to emit 100 ton or more nitrogen oxides~~ potential emissions of nitrogen oxides equal to or greater than 100 tons per year or 560 pounds per calendar day beginning May 1 through September 30 of any year in the following areas:

- (1) Cabarrus County
- (2) Gaston County
- (3) Lincoln County
- (4) Mecklenburg County
- (5) Rowan County
- (6) Union County
- (7) Davidson Township and Coddle Creek Township in Iredell County

(e) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Davidson, Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin River, the Director shall initiate analysis to determine the control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the rules implemented are to apply in Davidson, Forsyth, or Guilford County or that part of Davie County bounded by the Yadkin River, Dutchmans Creek, North Carolina Highway 801, Fulton Creek and back to Yadkin River or any combination thereof. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing rules in this

Section, the Director shall send written notification to all permitted facilities within the county in which the rules are being implemented that are or may be subject to the requirements of this Section informing them that they are or may be subject to the requirements of this Section. (For Forsyth County, "Director" means for the purpose of notifying permitted facilities in Forsyth County, the Director of the Forsyth County local air pollution control program.) Compliance shall be according to Rule .1403 of this Section.

(f) If a violation of the ambient air quality standard for ozone is measured according to 40 CFR 50.9 in Durham or Wake County or Dutchville Township in Granville County, the Director shall initiate analysis to determine the control measures needed to attain and maintain the ambient air quality standard for ozone. By the following May 1, the Director shall implement the specific stationary source control measures contained in this Section that are required as part of the control strategy necessary to bring the area into compliance and to maintain compliance with the ambient air quality standard for ozone. The Director shall implement the rules in this Section identified as necessary by the analysis by notice in the North Carolina Register. The notice shall identify the rules that are to be implemented and shall identify whether the rules implemented are to apply in Durham or Wake County or Dutchville Township in Granville County or any combination thereof. At least one week before the scheduled publication date of the North Carolina Register containing the Director's notice implementing ~~rules~~ Rules .1407 through .1409(b) and .1413 of this Section, ~~in this Section,~~ the Director shall send written notification to all permitted facilities within the county in which the rules are being implemented that are or may be subject to the requirements of this Section informing them that they are or may be subject to the requirements of this Section. Compliance shall be in according to Rule .1403 of this Section.

(g) If EPA notifies the State that its nonattainment plan for ozone has failed to attain the ambient air quality standard for ozone in the Charlotte-Gastonia-Rock Hill ozone nonattainment area, the rules in this Section shall apply to facilities in Cabarrus, Gaston, Lincoln, Mecklenburg, Rowan, and Union Counties and Davidson and Coddle Creek townships in Iredell County with the potential to emit at least 50 tons ~~but less than 100 tons~~ of nitrogen oxides per year. Within 60 days of receipt of the notification from EPA, the Director shall notice the applicability of these rules to these sources in the North Carolina Register and shall send written notification to all permitted facilities within the counties in which the rules are being implemented that are or may be subject to the requirements of this Section informing them that they are or may be subject to the requirements of this Section. (For Mecklenburg County, "Director" means for the purpose of notifying permitted facilities in Mecklenburg County, the Director of the Mecklenburg County local air pollution control program.) Compliance shall be according to Rule .1403 of this Section.

(h) Regardless of any other statement of applicability of this Section, this Section does not apply to any:

- (1) source not required to obtain an air permit under 15A NCAC 02Q .0102 or is an

insignificant activity as defined at 15A NCAC 02Q .0103(19);

- (2) incinerator or thermal or catalytic oxidizer used primarily for the control of air pollution;
- (3) emergency generator;
- (4) emergency use internal combustion engine;
- (5) ~~source that is not covered under Rules .1416, .1417, or .1418 of this Section, and that is at a facility with a federally enforceable potential to emit nitrogen oxides of:~~
 - (A) ~~less than 100 tons per year; and~~
 - (B) ~~less than 560 pounds per calendar day beginning May 1 through September 30 of any year.~~

- (6)(5) stationary internal combustion engine less than 2400 brake horsepower that operates no more than the following hours between May 1 and September 30:

- (A) for diesel engines:
t = 833,333 / ES
- (B) for natural gas-fired engines:
t = 700,280 / ES

where t equals time in hours and ES equals engine size in horsepower.

- (i) The exemption in Subparagraph (h)(6)(5) of this Rule does not apply to any of the sources listed in Rule .1417(a)(1) or (2),

or (b), of this Section except as it applies to a stationary combustion turbine constructed before January 1, 1979, that has a federally enforceable permit that restricts:

- (1) its potential emissions of nitrogen oxides to no more than 25 tons between May 1 and September 30;
- (2) it to burning only natural gas or oil; and
- (3) its hours of operation as described in 40 CFR 96.4(b)(1)(ii) and (iii).

Authority G.S. 143-215.3(a)(1); 143-215.107(a)(5), (7), (10).

SUBCHAPTER 02Q - AIR QUALITY PERMITS PROCEDURES

SECTION .0700 - TOXIC AIR POLLUTANT PROCEDURES

15A NCAC 02Q .0711 EMISSION RATES REQUIRING A PERMIT

(a) A permit to emit toxic air pollutants is required for any facility whose actual (or permitted if higher) rate of emissions from all sources are greater than any one of the following toxic air pollutant permitting emissions rates:

Pollutant (CAS Number)	Carcinogens lb/yr	Chronic Toxicants lb/day	Acute Systemic Toxicants lb/hr	Acute Irritants lb/hr
acetaldehyde (75-07-0)				6.8
acetic acid (64-19-7)				0.96
acrolein (107-02-8)				0.02
acrylonitrile (107-13-1)	40	0.4	0.22	
ammonia (7664-41-7)				0.68
aniline (62-53-3)			0.25	
arsenic and inorganic arsenic compounds	0.016			
asbestos (1332-21-4)	1.9 X 10 ⁻⁶			
aziridine (151-56-4)		0.13		
benzene (71-43-2)	8.1			
benzidine and salts (92-87-5)	0.0010			
benzo(a)pyrene (50-32-8)	2.2			
benzyl chloride (100-44-7)			0.13	
beryllium (7440-41-7)	0.28			
beryllium chloride (7787-47-5)	0.28			
beryllium fluoride (7787-49-7)	0.28			
beryllium nitrate (13597-99-4)	0.28			
bioavailable chromate pigments, as chromium (VI) equivalent	0.0056			
bis-chloromethyl ether (542-88-1)	0.025			
bromine (7726-95-6)				0.052
1,3-butadiene (106-99-0)	11			
cadmium (7440-43-9)	0.37			
cadmium acetate (543-90-8)	0.37			
cadmium bromide (7789-42-6)	0.37			

PROPOSED RULES

carbon disulfide (75-15-0)		3.9		
carbon tetrachloride (56-23-5)	460			
chlorine (7782-50-5)		0.79		0.23
chlorobenzene (108-90-7)		46		
chloroform (67-66-3)	290			
chloroprene (126-99-8)		9.2	0.89	
cresol (1319-77-3)			0.56	
p-dichlorobenzene (106-46-7)				16.8
dichlorodifluoromethane (75-71-8)		5200		
dichlorofluoromethane (75-43-4)		10		
di(2-ethylhexyl)phthalate (117-81-7)		0.63		
dimethyl sulfate (77-78-1)		0.063		
1,4-dioxane (123-91-1)		12		
epichlorohydrin (106-89-8)	5600			
ethyl acetate (141-78-6)			36	
ethylenediamine (107-15-3)		6.3	0.64	
ethylene dibromide (106-93-4)	27			
ethylene dichloride (107-06-2)	260			
ethylene glycol monoethyl ether (110-80-5)		2.5	0.48	
ethylene oxide (75-21-8)	1.8			
ethyl mercaptan (75-08-1)			0.025	
fluorides		0.34	0.064	
formaldehyde (50-00-0)				0.04
hexachlorocyclopentadiene (77-47-4)		0.013	0.0025	
hexachlorodibenzo-p-dioxin (57653-85-7)	0.0051			
n-hexane (110-54-3)		23		
hexane isomers except n-hexane				92
hydrazine (302-01-2)		0.013		
hydrogen chloride (7647-01-0)				0.18
hydrogen cyanide (74-90-8)		2.9	0.28	
hydrogen fluoride (7664-39-3)		0.63		0.064
hydrogen sulfide (7783-06-4)		1.7		
maleic anhydride (108-31-6)		0.25	0.025	
manganese and compounds		0.63		
manganese cyclopentadienyl tricarbonyl (12079-65-1)		0.013		
manganese tetroxide (1317-35-7)		0.13		
mercury, alkyl		0.0013		
mercury, aryl and inorganic compounds		0.013		
mercury, vapor (7439-97-6)		0.013		
methyl chloroform (71-55-6)		250		64
methylene chloride (75-09-2)	1600		0.39	
methyl ethyl ketone (78-93-3)		78		22.4
methyl isobutyl ketone (108-10-1)		52		7.6
methyl mercaptan (74-93-1)			0.013	
nickel carbonyl (13463-39-3)		0.013		
nickel metal (7440-02-0)		0.13		
nickel, soluble compounds, as nickel		0.013		
nickel subsulfide (12035-72-2)	0.14			
nitric acid (7697-37-2)				0.256
nitrobenzene (98-95-3)		1.3	0.13	
n-nitrosodimethylamine (62-75-9)	3.4			
non-specific chromium (VI) compounds, as chromium (VI) equivalent	0.0056			
pentachlorophenol (87-86-5)		0.063	0.0064	

perchloroethylene (127-18-4)	13000			
phenol (108-95-2)			0.24	
phosgene (75-44-5)		0.052		
phosphine (7803-51-2)				0.032
polychlorinated biphenyls (1336-36-3)	5.6			
soluble chromate compounds, as chromium (VI) equivalent		0.013		
styrene (100-42-5)			2.7	
sulfuric acid (7664-93-9)		0.25	0.025	
tetrachlorodibenzo-p-dioxin (1746-01-6)	0.00020			
1,1,1,2-tetrachloro-2,2,- difluoroethane (76-11-9)		1100		
1,1,2,2-tetrachloro-1,2- difluoroethane (76-12-0)		1100		
1,1,2,2-tetrachloroethane (79-34-5)	430			
toluene (108-88-3)		98		14.4
toluene diisocyanate,2,4-(584-84-9) and 2,6-(91-08-7) isomers		0.003		
trichloroethylene (79-01-6)	4000			
trichlorofluoromethane (75-69-4)			140	
1,1,2-trichloro-1,2,2-trifluoroethane (76-13-1)				240
vinyl chloride (75-01-4)	26			
vinylidene chloride (75-35-4)		2.5		
xylene (1330-20-7)		57		16.4

(b) For the following pollutants, the highest emissions occurring for any 15-minute period shall be multiplied by four and the product shall be compared to the value in Paragraph (a). These pollutants are:

- (1) acetaldehyde (75-07-0)
- (2) acetic acid (64-19-7)
- (3) acrolein (107-02-8)
- (4) ammonia (7664-41-7)
- (5) bromine (7726-95-6)
- (6) chlorine (7782-50-5)
- (7) formaldehyde (50-00-0)
- (8) hydrogen chloride (7647-01-0)
- (9) hydrogen fluoride (7664-39-3)
- (10) nitric acid (7697-37-2)

Authority G.S. 143-215.3(a)(1); 143-215.108; 143B-282; S L. 1989, c. 168, s. 45.

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 14 – BOARD OF COSMETIC ART EXAMINERS

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Board of Cosmetic Art Examiners intends to amend the rules cited as 21 NCAC 14G .0103; 14I .0108; 14J .0106, .0206, .0207; 14N .0113; and 14R .0102.

Proposed Effective Date: December 1, 2009

Public Hearing:

Date: September 1, 2009

Time: 8:00 a.m.

Location: 1201 Front Street, Suite 110, Raleigh, NC 27609

Reason for Proposed Action:

21 NCAC 14G .0103; 14J .0106, .0206 – This rule change clarifies that a distance of at least 40 inches must be maintained between shampoo bowls to allow for adequate room to use the bowl.

21 NCAC 14I .0108 – This rule change clarifies what is needed to identify a school on the school seal.

21 NCAC 14J .0207 – This rule change clarifies that the use of simulated product on live model performances shall not be accepted.

21 NCAC 14N .0113 – This rule change eliminates a section of the rule that allows students to return to school after graduation with 1200 hours to earn additional hours and obtain a license rather than be examined for the license achieved.

21 NCAC 14R .0102 – This rule change eliminates a reference to a rule that no longer exists.

Procedure by which a person can object to the agency on a proposed rule: Send a letter to 1201 Front Street, Suite 110, Raleigh, NC 27609

Comments may be submitted to: Stefanie Kuzdrall, 1201 Front Street, Suite 110, Raleigh, NC 27609

Comment period ends: October 16, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- ☐ State
☐ Local
☐ Substantive ($\geq \$3,000,000$)
☒ None

**SUBCHAPTER 14G - REQUIREMENTS FOR THE
ESTABLISHMENT OF COSMETIC ART SCHOOLS**

SECTION .0100 - PERMANENT FILES

21 NCAC 14G .0103 SPACE REQUIREMENTS

- (a) The Cosmetic Art Board shall issue letters of approval only to cosmetic art schools that have at least 2,800 square feet of inside floor space for 20 stations or 4,200 square feet of inside floor space for 30 stations located within the same building. An additional 140 square feet of floor space shall be required for each station above 20 stations, up to and including a total of 30 stations. Thereafter, an additional 40 square feet shall be required for each station in excess of 30 stations. For purpose of this Rule, the day and night classes shall be counted as separate enrollments. A school may have a recitation room located in an adjacent building or another building within 500 feet of the main cosmetology building.
- (b) Each cosmetic art school must have no less than 20 hairdressing stations, arranged to accommodate not less than 20 students and arranged so that the course of study and training cosmetology, as prescribed in 21 NCAC 14J .0306, may be given. All stations must be numbered numerically.
- (c) Cosmetic art schools must have a beginner department containing sufficient space to comfortably accommodate at least 10 students and having at least 40 inches between ~~mannequins~~, mannequins and shampoo bowls, center of bowl to center of bowl.
- (d) The Board shall issue a letter of approval only to manicurist schools that have at least 1,000 square feet of inside floor space located within the same building.
- (e) Manicurist schools with 1,000 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 40 square feet of inside floor space must be provided.

- (f) Manicurist schools must have 10 manicurist tables and chairs a minimum of two feet apart, side to side, arranged to comfortably accommodate ten students.
- (g) The Board shall issue a letter of approval only to esthetician schools that have at least 1,500 square feet of inside floor space located within the same building.
- (h) Esthetician schools with 1,500 square feet of inside floor space shall enroll no more than 20 students at one time, and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided.
- (i) Schools combining both manicuring and esthetics training programs with 1,500 feet of inside floor space shall enroll no more than a total of 20 students at one time and for each student enrolled in addition to 20 students, 50 square feet of inside floor space must be provided. Equipment requirements for both manicurist schools and esthetician schools shall be followed.

Authority G.S. 88B-4.

**SUBCHAPTER 14I - OPERATIONS OF SCHOOLS OF
COSMETIC ART**

SECTION .0100 - RECORD KEEPING

21 NCAC 14I .0108 SEAL

Each cosmetic art school must have ~~an identifying seal, a matchless, raised seal identifying the school and physical location~~ to be used on all applications, reports, drop-out notices, and other official papers. Electronically sent enrollments and drop-out notices are exempted from this requirement.

Authority G.S. 88-23; 88-30.

SUBCHAPTER 14J - COSMETOLOGY CURRICULUM

SECTION .0100 – BEGINNERS' DEPARTMENT

**21 NCAC 14J .0106 EQUIPMENT FOR BEGINNER
DEPARTMENT**

The beginner department shall be equipped with the following minimum equipment for every 20 students in the department:

- (1) one manicure table and stool;
- (2) two shampoo bowls and ~~chairs~~; chairs, each bowl must be at least 40 inches apart center of bowl to center of bowl;
- (3) one mannequin with hair per student;
- (4) thermal styling equipment for the purpose of curling or straightening the hair;
- (5) visual aids;
- (6) one mannequin practice table to accommodate at least ten students;
- (7) sufficient cold wave rods for each student in the department.

Authority G.S. 88B-4.

SECTION .0200 - ADVANCED DEPARTMENT

21 NCAC 14J .0206 EQUIPMENT IN ADVANCED

DEPARTMENT

The advanced department must be equipped with the following equipment:

- (1) for departments with 20 to 29 stations, two manicure tables and stools;
- (2) for departments with 30 or more stations, four manicure tables and stools;
- (3) for departments with 20 to 29 stations, eight dryers and chairs;
- (4) for departments with 30 or more stations, 12 dryers and chairs;
- (5) eight shampoo bowls and ~~chairs~~; chairs, each bowl must be at least 40 inches apart center of bowl to center of bowl;
- (6) 20 dressing tables and styling chairs;
- (7) for departments with 20 to 29 stations, one facial chair;

- (8) for departments with 30 or more stations, two facial chairs;
- (9) thermal styling equipment for the purpose of curling or straightening the hair.

Authority G.S. 88B-4.

21 NCAC 14J .0207 LIVE MODEL/MANNEQUIN PERFORMANCE REQUIREMENTS

(a) The following minimum live model/mannequin performance completions shall be done by each student in the advanced department before the student is eligible to take the cosmetologist's examination. Sharing of performance completions shall not be allowed. Credit for a performance shall be given to only one student.

		1200 Hours		1500 Hours	
		Live Model	Maniq.	Live Model	Maniq.
(1)	scalp and hair treatments w/massage	8		10	
(2)	fullhead fingerwave and style	3	OR 3	5	OR 5
(3)	fullhead pincurl and style	3	OR 3	5	OR 5
(4)	Hair Styling – sets, blowdrying Thermal press/flat iron, artificial hair	80	56	100	70
(5)	haircuts	60	8	75	10
(6)	chemical reformation or permanent waving & relaxers	16	12	20	15
(7)	temporary color	3		5	
(8)	Color Application – semi, demi, Permanent color, and hair lightening	24	8	30	10
(9)	Multidimensional Color – low/high Lighting, cap, bleach	3	8	5	10
(10)	lash & brow tinting	2		4	
(11)	Nail Care – manicures and pedicures	12		15	
(12)	artificial nails (sets)	4	OR 4	4	OR 4
(13)	facials with massage/makeup	3		10	
(14)	hair removal	3		5	

(b) Certification of live model or mannequin performance completions shall be required along with the application for the examination.

(c) A live model may be substituted for a mannequin for any mannequin service.

(d) All mannequin services may be performed using a simulated product.

(e) Simulated product shall not be allowed for credit for live model performance.

Authority G.S. 88-23.

SUBCHAPTER 14N - EXAMINATIONS

SECTION .0100 – GENERAL PROVISIONS

21 NCAC 14N .0113 RE-EXAMINATION

(a) Notwithstanding any other provision of the rules in this Subchapter, pursuant to G.S. 88B-18(d) a cosmetologist,

esthetician, manicurist, or teacher candidate who has failed either section of the examination three times, shall complete the following amounts of study at an approved cosmetic art school before reapplication for examination shall be accepted by the Board:

- (1) Cosmetologist 200 hours,
- (2) Esthetician 80 hours,
- (3) Manicurist 40 hours,
- (4) Teacher:
 - (A) cosmetology 100 hours,
 - (B) esthetician 80 hours,
 - (C) manicurist 40 hours.

(b) Teacher candidates with no prior cosmetic art teacher training program experience shall be required to complete at least a minimum of the hours required for the teacher curriculum in the discipline in which they hold a license. The required minimums for teacher curriculums are 800 hours of a cosmetology teacher curriculum, 650 hours of an esthetician teacher curriculum, or 320 hours of a manicurist teacher curriculum.

(c) The school in which the student has enrolled pursuant to G.S. 88B-18(d) shall design a course of study for that student in order to correct the student's deficiencies.

~~(d) A candidate for licensure as an apprentice cosmetologist who:~~

- ~~(1) passes the examination with a score of 75 percent or more on both sections; and~~
- ~~(2) subsequently completes an additional 300 hours of cosmetology curriculum within one year of the examination date shall be licensed as a cosmetologist under G.S. 88B-7 without retaking the examination.~~

Authority G.S. 88B-4; 88B-18.

SUBCHAPTER 14R – CONTINUING EDUCATION

SECTION .0100 – CONTINUING EDUCATION

21 NCAC 14R .0102 APPLICATION CRITERIA AND CONTINUING EDUCATION COURSE APPROVAL

(a) Application for course approval shall be completed on forms provided by the Board and shall demonstrate that the applicant is:

- ~~(1) A provider as defined in 21 NCAC 14A .0101;~~
- ~~(2)(1)~~ Submitting the form to the Board's office at least 30 days prior to the proposed initial date of the course offering.
- ~~(3)(2)~~ Proposing a course offering that must include at least 50% of subject matter in the cosmetic arts or cosmetic art teacher training techniques;
- ~~(4)(3)~~ Providing a resume for all course instructors.

(b) The following offerings shall not be approved by the Board for continuing education credit:

- (1) That portion of any offering devoted to any breaks including: breakfast, lunch and dinner or other refreshments;
- (2) Any application that fails to meet the standards of this Rule.

(c) A continuing education number shall be assigned to each approved course.

(d) Approved courses may be conducted as often as desired during the calendar year.

Authority G.S. 88B-4; 88B-21(e).

CHAPTER 18 - BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Examiners of Electrical Contractors intends to amend the rules cited as 21 NCAC 18B .0201, .0202, .0801, .0804, .0805, .0901, .1101 and .1102.

Proposed Effective Date: January 1, 2010

Public Hearing:

Date: September 24, 2009

Time: 8:30 a.m.

Location: Office of the State Board of Examiners of Electrical Contractors, 3101 Industrial Drive, Suite 206, Raleigh, NC 27619

Reason for Proposed Action: The Board desires to receive public comment on a proposal to write a specialty license classification for electrical wiring carried out by fire alarm system contractors, to make provision for other types of low voltage wiring, and to establish requirements for experience, continuing education, and examination. In addition, the Board seeks to eliminate confusion as to the handling of examination applications by persons with criminal convictions.

Procedure by which a person can object to the agency on a proposed rule: Any person desiring to comment upon or object to a proposed rule may do so either by appearing at the public hearing or in writing submitted prior to the end of the comment period. Written objections must be mailed to Robert L. Brooks, Jr., 3101 Industrial Drive, Suite 206, Raleigh, NC 27619.

Comments may be submitted to: Robert L. Brooks, Jr., 3101 Industrial Drive, Suite 206, Raleigh, NC 27619; phone (919) 733-9042

Comment period ends: October 16, 2009

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal Impact:

- ☐ State
- ☐ Local
- ☐ Substantive (\geq \$3,000,000)
- ☒ None

SUBCHAPTER 18B – BOARD'S RULES FOR THE IMPLEMENTATION OF THE ELECTRICAL CONTRACTING LICENSING ACT

SECTION .0200 - EXAMINATIONS

21 NCAC 18B .0201 REQUIREMENTS FOR ALL EXAMINATION APPLICANTS

(a) To take an examination in any electrical contracting license classification, the applicant must:

- (1) be at least 18 years of age;
- (2) submit the required duly filed application as defined in Rule .0210;
- (3) submit with the application written statements from at least two responsible persons attesting to the applicant's good character; and
- (4) meet any other requirements set out in Paragraph (b) of this Rule.

(b) Examination applicants must meet the following requirements for the specified license classifications:

- (1) Limited classification. An applicant must have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both.
- (2) Intermediate classification. An applicant must have at least six years of experience, as defined in Rule .0202 of this Section, of which at least four years shall be primary experience. The balance of experience may be primary, secondary or both.
- (3) Unlimited classification. An applicant must:
 - (A) have at least seven years of experience, as defined in Rule .0202 of this Section, of which at least five years shall be primary experience. The balance of experience may be primary, secondary or both, and
 - (B) submit with the application written statements from at least two responsible persons, who are knowledgeable of the applicant's electrical experience, attesting to the applicant's ability to satisfactorily supervise and direct all electrical wiring or electrical installation work done by an electrical contracting business in the unlimited classification.
- (4) Single family detached residential dwelling (SP-SFD) classification. An applicant must have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both.
- (5) Special restricted ~~low~~ fire alarm/low voltage (~~SP-LV~~)(SP-FA/LV) classification. An applicant must have at least three years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any

of the capacities listed in Rule .0202 that the applicant gained in the low voltage field.

(6) Special restricted elevator (SP-EL) classification. An applicant must:

- (A) have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two and one-half years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the elevator field, and
- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful elevator business in this State.

(7) Special restricted plumbing and heating (SP-PH) classification. An applicant must:

- (A) have at least three years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the plumbing, heating or air conditioning field, and
- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful plumbing, heating or air conditioning business in this State.

(8) Special restricted ground water pump (SP-WP) classification. An applicant must:

- (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the ground water pump field, and

- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful ground water pump business in this State.
- (9) Special restricted electric sign (SP-ES) classification. An applicant must:
- (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience in any of the capacities listed in Rule .0202 that the applicant gained in the electric sign field, and
- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful electric sign business in this State.
- (10) Special restricted swimming pool (SP-SP) classification. An applicant must:
- (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the swimming pool field, and
- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful swimming pool business in this State.

directly related thereto. Examples of the capacity in which a person may work in gaining primary experience and the percentages for creditable primary experience are as follows:

- | | Percentage |
|--|------------|
| (1) journeyman electrician or electrician mechanic, both meaning the same; | 100 |
| (2) electrical foreman; | 100 |
| (3) electrical general foreman; | 100 |
| (4) electrical superintendent; | 100 |
| (5) electrical general superintendent; | 100 |
| (6) estimator for licensed electrical contractor; | 100 |
| (7) electrical inspector recognized as such by the State Department of Insurance; | 100 |
| (8) time spent by a professional engineer who is responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering design, or consulting; | 100 |
| (9) full-time instructor teaching National Electrical Code and <u>NFPA 72</u> and related electrical courses at a college, university, community college, technical institute, high school or vocational school; | 50 |
| (10) maintenance journeyman electrician or electrician mechanic employed in a full-time electrical maintenance department; | 100 |
| (11) time actually spent in electrical maintenance by a maintenance journeyman electrician or electrician mechanic regularly employed in other than a full-time electrical maintenance department; | 100 |
| (12) military person holding an electrician rating or rank of at least E-4 who is engaged in land based electrical installations similar or equivalent to work performed by an electrical contractor; | 100 |
| (13) time actually spent in part-time or incidental work in any primary experience category <u>category</u> ; | 100 |
| (14) <u>time actually spent installing and/or maintaining fire alarm/low voltage systems;</u> | 100 |
| (15) <u>time as a holder of NICET certification on NFPA 72.</u> | 50 |

In calculating accumulative primary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by dividing the total hours of primary experience by 2,000. Example: Applicant has worked in primary capacity for a total of 7,200 hours of primary experience.

$$\frac{7,200}{2,000} = 3.6 \text{ years creditable primary work experience}$$

(b) Secondary. Secondary experience shall mean working experience gained while engaged in work or training that is related in varying degrees to the installation of electrical wiring and equipment governed by the National Electrical Code.

Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44.

21 NCAC 18B .0202 EXPERIENCE

(a) Primary. Primary experience shall mean working experience gained by the applicant while engaged actively and directly in the installation of electrical wiring and equipment governed by the National Electrical Code or work activities

Examples of the type of work or training in which a person may engage to gain creditable secondary experience and the percentages for creditable secondary experience are as follows:

	Percentage
(1) apprentice electrician training in an approved program;	100
(2) apprentice electrician or helper other than as described in Items (1) and (3) of this list	80
(3) time actually spent in electrical maintenance by a maintenance apprentice or electrician helper regularly employed in other than a full-time electrical maintenance department;	80
(4) student satisfactorily completing National Electrical Code and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	50
(5) time spent by a professional engineer who is not responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	50
(6) electrical construction design under the supervision of a professional engineer;	50
(7) sales representative for an electrical wholesaler, distributor, or manufacturer;	20
(8) appliance service and repair;	20
(9) electric utility lineman;	10
(10) electric utility serviceman.	20

In calculating accumulative secondary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by applying the percentage for creditable secondary experience and dividing the remainder hours by 2,000. Example: Applicant has 1,000 hours of work experience as a helper or regular apprentice and 2,200 hours of experience while enrolled in an approved apprentice training program: 1,000 hours at 80 percent = 800 hours secondary experience; 2,200 hours at 100 percent = 2,200 hours secondary experience; $\frac{800 + 2,200}{2,000} = 1.5$ years creditable secondary experience

(c) Other Experience. The Board shall approve other experience that it finds to be equivalent or similar to the primary or secondary experience defined in this Rule.

Authority G.S. 87-42; 87-43.3; 87-43.4.

SECTION .0800 - SPECIAL RESTRICTED LICENSES

21 NCAC 18B .0801 GENERAL PROVISIONS

(a) Types. A special restricted electrical contracting license classification is a classification established by the Board pursuant to G.S. 87-43.3 or established directly by G.S. 87-43.4. Its purpose is to license persons, partnerships, firms, or corporations to engage or offer to engage in only a limited phase

of electrical contracting work. Each special restricted license classification is separate from all other special restricted and regular license classifications. At the direction of G.S. 87-43.4, the Board created the special restricted single family dwelling electrical contracting license. Pursuant to G.S. 87-43.3, the Board has established the following special restricted electrical contracting licenses:

- (1) ~~low fire alarm/low~~ voltage wiring license (~~SP-LV~~);(~~SP-FA/LV~~);
- (2) elevator license (SP-EL);
- (3) plumbing, heating, and air conditioning license (SP-PH);
- (4) groundwater pump license (SP-WP);
- (5) electric sign license (SP-ES); and
- (6) swimming pool license (SP-SP).

(b) Limited Scope. A special restricted contracting license does not authorize the licensee to engage or offer to engage in the business of electrical contracting in general. It authorizes the licensee to engage or offer to engage only in the limited phase of electrical contracting described in the Rule in this Section that specifies the scope of the applicable special restricted license.

(c) No Project Value Limit. The limitations concerning the dollar value of projects that may be undertaken by a limited or an intermediate licensee do not apply to special restricted licensees. Thus, the holder of a special restricted license may engage or offer to engage in any project authorized by the license regardless of the dollar value of the project.

(d) Effect of Regular License. A licensee in the regular license classifications, whether limited, intermediate or unlimited, is qualified to engage or offer to engage in any activity authorized by a special restricted license, subject to the project value limitations contained in G.S. 87-43.3, and does not have to obtain a special restricted license.

Authority G.S. 87-42; 87-43.3; 87-43.4.

21 NCAC 18B .0804 SCOPE OF SP-FA/LV LICENSE

(a) Definition. ~~Low Fire alarm, burglar alarm and low voltage wiring is~~ wiring systems are defined as:

- (1) wiring systems of 50 volts or less and control circuits directly associated therewith;
- (2) wiring systems that have a voltage in excess of 50 volts and consist solely of power limited circuits meeting the definition of a Class II or Class III wiring system in the National Electrical Code; or
- (3) line voltage wiring that has a voltage no in excess of 300 volts to ground and is installed from the load-side terminals of a disconnecting means or from a junction box, either of which has been installed by others, for the specific purpose of supplying the low voltage wiring system involved. Some low voltage wiring systems that meet this definition are exempt under Rule ~~.0805~~; .0805;
- (4) interconnected components wired to a common control panel either as a standalone fire alarm system or as part of a combination burglar/fire system to monitor and annunciate

the status of evidence of flame, heat, smoke and/or water flow within a building or structure per the requirements of the N.C. State Building Code and NFPA 72; or

(5) burglar alarm system as defined in G.S. 74D.

(b) Scope. A special restricted ~~low~~ fire alarm/low voltage electrical contracting license authorizes the licensee to install, maintain, or repair only low voltage wiring and directly related wiring. Wiring is directed related if it:

- (1) originates at the load-side terminals of a disconnecting means or junction box that:
 - (A) has been installed, complete with line-side connections, by others for the specific purpose of supplying the low voltage wiring system involved; and
 - (B) is permanently and legibly marked to identify the low voltage wiring system supplied; and
- (2) is not installed in a location considered as hazardous under the National Electrical Code.

Authority G.S. 87-42; 87-43.3.

21 NCAC 18B .0805 EXEMPTION OF CERTAIN LOW VOLTAGE WIRING SYSTEMS

(a) Exemption. ~~The~~ Except a fire alarm, burglar alarm and low voltage wiring system as defined in Rule .0804, the installation, maintenance, or repair of certain low voltage wiring systems may be performed by those not licensed by the Board if all of the following conditions are met:

- (1) the system is not required by the N.C. State Building Code;
- (2) the low voltage control circuit and power supply is a Class II or Class III system as defined in the National Electrical Code;
- (3) the system operates at a voltage not in excess of 50 volts or meets the provisions for sound-recording and similar equipment in the National Electrical Code;
- (4) no part of the system is installed in an area considered as hazardous under the National Electrical Code;
- (5) the system is current limited or protected by a circuit breaker, fuse, or other current limiting device; and
- (6) a failure in the system would not, in the opinion of the electrical inspector having jurisdiction, create a shock or fire hazard to persons or property.

(b) Rulings. The Board's executive director shall research the requirements of the N. C. State Building Code, make field investigations of low voltage wiring systems in question, and issue rulings on whether a low voltage system meets the above criteria. When the executive director is unable to make a determination he shall refer the case involved to the Board for a ruling.

Authority G.S. 87-42; 87-43.3.

SECTION .0900 - VIOLATIONS AND CONTESTED CASE HEARINGS

21 NCAC 18B .0901 APPLICANTS CONVICTED OF CRIMES

The Board shall not consider the examination application of a person who has been convicted of a crime involving fraud or moral turpitude until at least one year has elapsed following the applicant's completion of the terms and conditions of any punishment for the conviction, except for ~~parole~~ and unsupervised probation.

Authority G.S. 87-42; 87-43.3; 87-43.4; 87-47(a1)(4).

SECTION .1100 - CONTINUING EDUCATION

21 NCAC 18B .1101 CONTINUING EDUCATION REQUIREMENTS: LISTED QUALIFIED INDIVIDUALS

(a) Every listed qualified individual, including listed individuals pursuant to G.S. 87-50, shall complete continuing education for each annual license period to renew the license on which the qualified individual is currently listed, for the next annual license period, except as follows:

- (1) individuals becoming qualified by examination during the 12 month period immediately preceding the license renewal date;
- (2) qualified individuals unable to fulfill the required number of hours as the result of illness as certified in writing by the attending physician; or
- (3) approved instructors presenting courses in accordance with this Section.

(b) The number of required contact hours for every listed qualified individual shall be determined by the classification of license on which the qualified individual is currently listed as follows:

- (1) qualified individuals currently listed on a license in the limited, intermediate, unlimited and special restricted single family dwelling classifications shall complete at least eight hours of approved continuing education for license renewal, and
- (2) qualified individuals currently listed on a license in the special restricted ~~low~~ fire alarm/low voltage ~~voltage~~ (SP-LV), (SP-FA/LV), special restricted elevator (SP-EL), special restricted plumbing and heating (SP-PH), special restricted ground water pump (SP-WP), special restricted electric sign (SP-ES) and special restricted swimming pool (SP-SP) classifications shall complete at least four hours of approved continuing education for license renewal.

(c) The Board, pursuant to Rules .1102 and .1103 of the Section, approves course sponsors and instructors, and courses. Because of differences in the electrical contracting industry and individual needs of listed qualified individuals, each qualified

individual must exercise judgment in selecting courses for which continuing education is claimed and in choosing only those courses that will advance the individual's knowledge.

(d) Course sponsors may be, but are not limited to, colleges or universities, community colleges, trade associations, providers of self-study programs, employers, third party professional examination companies, private instructors and the like.

(e) North Carolina listed qualified individuals residing within the state must obtain the required continuing education hours by taking a course provided by an approved sponsor.

(f) North Carolina listed qualified individuals residing outside of North Carolina, including listed qualified individuals pursuant to G.S. 87-50, may obtain credit for courses offered in North Carolina. They may also obtain credit for courses offered in their state, province or country of residence and provided by non-approved sponsors or instructors provided the Board subsequently approves the courses taken, pursuant to Rule .1102(b) of this Section.

(g) Effective for renewals on or after July 1, 2008, all persons seeking to renew qualification must demonstrate that a minimum of one-half the continuing education hours for each annual license period were obtained by in-person classroom or seminar attendance.

Authority G.S. 87-42; 87-44.1.

21 NCAC 18B .1102 MINIMUM REQUIREMENTS FOR COURSE SPONSOR APPROVAL

(a) Each course sponsor shall submit an application for continuing education course sponsor approval to the Board on a form provided by the Board by March 1 prior to the fiscal year (July 1 - June 30) in which the course will be offered. The application shall include:

- (1) the name of the sponsor;
- (2) sponsor contact person, address and telephone number;
- (3) course title and outline;

- (4) course contact hours;
- (5) schedule of courses, if established, including dates, time and locations;
- (6) course fee; and
- (7) name(s) of instructor(s).

(b) To qualify as an approved continuing education course sponsor:

- (1) all courses offered by the sponsor shall last no fewer than two contact hours required for the license classification pursuant to Rule .1101(b) of this Section; and
- (2) all courses offered by the sponsor shall cover articles of the current National Electrical ~~Code~~; Code; NFPA 72 and reference materials for Fire Alarm Systems; G.S. 87, Article 4; Title 21 North Carolina Administrative Code Chapter 18B; or other subject matter satisfying the requirements in G.S. 87-44.1 as approved by the Board.

(c) The course offered shall be presented by one or more instructors approved by the Board.

(d) The course sponsor or instructor shall provide the Board with a certified class roster of all attending qualified individuals within 30 days after the completion of each course.

(e) The course sponsor or instructor shall provide each attending qualified individual with a certificate of completion within 30 days after completion of each course.

(f) The Board shall approve or deny applications at its April meeting.

(g) Upon approval of the application, each approved sponsor shall agree to conduct courses in accordance with this Section and shall indicate its agreement by signing a continuing education sponsor agreement form provided by the Board.

Authority G.S. 87-42; 87-44.1.

This Section contains information for the meeting of the Rules Review Commission on Thursday, August 20, 2009 9:00 a.m. at 1711 New Hope Church Road, RRC Commission Room, Raleigh, NC. Anyone wishing to submit written comment on any rule before the Commission should submit those comments to the RRC staff, the agency, and the individual Commissioners. Specific instructions and addresses may be obtained from the Rules Review Commission at 919-431-3100. Anyone wishing to address the Commission should notify the RRC staff and the agency no later than 5:00 p.m. of the 2nd business day before the meeting. Please refer to RRC rules codified in 26 NCAC 05.

RULES REVIEW COMMISSION MEMBERS**Appointed by Senate**

Jim R. Funderburke - 1st Vice Chair
David Twiddy - 2nd Vice Chair
Keith O. Gregory
Jerry R. Crisp
Jeffrey P. Gray

Appointed by House

Jennie J. Hayman - Chairman
John B. Lewis
Clarence E. Horton, Jr.
Daniel F. McLawhorn
Curtis Venable

COMMISSION COUNSEL

Joe Deluca (919)431-3081
Bobby Bryan (919)431-3079

RULES REVIEW COMMISSION MEETING DATES

August 20, 2009 September 17, 2009
October 15, 2009 November 19, 2009

RULES REVIEW COMMISSION**July 16, 2009****MINUTES**

The Rules Review Commission met on Thursday, July 16, 2009, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Jerry Crisp, Jim Funderburk, Jeff Gray, John Lewis, Dan McLawhorn, and Curtis Venable.

Staff members present were: Joseph DeLuca and Bobby Bryan, Commission Counsel; Tammara Chalmers, Julie Edwards and Dana Vojtko.

The following people were among those attending the meeting:

Amanda Reeder	DHHS/Division of Mental Health, Developmental Disabilities and Substance Abuse Services
Andrea Borden	DHHS/Division of Mental Health, Developmental Disabilities and Substance Abuse Services
Nadine Pfeiffer	DHHS/Division of Health Service Regulation
Alice Lenihan	DHHS/Division of Public Health
Donna Smith	Department of Justice
John Maddux	City of Raleigh Intern
Carolyn Bakewell	Dental Board
Charles Wilkins	Board of Massage and Bodywork Therapy
Jason Amen Hetep	OAH
Chris Musial	CSL/Charitable Solicitation Division
Matt Golden	CSL
Lee Hoffman	DHHS/CON
Peggy Schaefer	NC Justice Academy
Denise Baker	DHHS/Division of Mental Health, Developmental Disabilities and Substance Abuse Services

APPROVAL OF MINUTES

The meeting was called to order at 9:04 a.m. with Mr. Funderburk presiding. He reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e). Vice-Chairman Funderburk

asked for any discussion, comments, or corrections concerning the minutes of the June 18, 2009 meeting. There were none and the minutes were approved as distributed.

Commissioner McLawhorn introduced a City of Raleigh intern who was in attendance at the meeting: John Maddux from Campbell Law School.

FOLLOW-UP MATTERS

10A NCAC 43D .0207, .0408 – Commission for Public Health. The Commission approved the rewritten rules submitted by the agency.

12 NCAC 07D .0112, .0806 – Private Protective Services Board. These rules were returned to the agency at the agency's request.

12 NCAC 09B .0301 – Criminal Justice Education and Training Standards Commission. No rewritten rule has been submitted and no action was taken.

21 NCAC 12 .0202 – Licensing Board for General Contractors. No rewritten rule has been submitted and no action was taken.

21 NCAC 56 .0103, .0503 – Board of Examiners for Engineers and Surveyors. No rewritten rules have been submitted and no action was taken.

LOG OF FILINGS

Vice-Chairman Funderburk presided over the review of the log of permanent rules.

All permanent rules were approved unanimously with the following exceptions:

Prior to the review of the rule from the Board of Examiners for Speech and Language Pathologists and Audiologists, Commissioner McLawhorn recused himself and did not participate in any discussion or vote concerning this rule because a member of his immediate family is licensed by the agency.

21 NCAC 64 .0202: Board of Examiners for Speech and Language Pathologists and Audiologists - The Commission extended the period of review on this rule. The Commission did so in order to determine whether the rule currently states "may shall" in (f) rather than one or the other; to determine whether the agency actually gave notice of the proposed change(s) in the rule as indicated on the original submission for filing form; to make the requested change in (e) and the history note; and to determine whether the other technical changes were complied with. In addition it appears that a further technical correction is needed in(c) line 25 by deleting a redundant "is."

Prior to the review of the rules from the State Personnel Commission, Commissioner Crisp recused himself and did not participate in any discussion or vote concerning these rules because he is a state employee.

Prior to the review of the rules from the Office of Administrative Hearings, Commissioner Venable recused himself and did not participate in any discussion or vote concerning these rules because he was involved in writing the rules.

Commissioner Gray served in the capacity of "Acting Legal Counsel" in the review of the rules from the Office of Administrative Hearings due to the possible appearance of a conflict of interest for Commission Counsel since they are now employees of OAH.

COMMISSION PROCEDURES AND OTHER BUSINESS

The meeting adjourned at 9:23 a.m.

The next scheduled meeting of the Commission is Thursday, August 20, 2009 at 9:00 a.m.

Respectfully Submitted,

Dana Vojtko
Publications Coordinator

LIST OF APPROVED PERMANENT RULES
July 16, 2009 Meeting

HHS - HEALTH SERVICE REGULATION, DIVISION OF

<u>Definitions</u>	10A NCAC 14C .2601
<u>Information Required of Applicant</u>	10A NCAC 14C .2602

HHS - MENTAL HEALTH, DIVISION OF

<u>Scope</u>	10A NCAC 27G .0601
<u>Definitions</u>	10A NCAC 27G .0602
<u>Incident Response Requirements for Categories A and B Pro...</u>	10A NCAC 27G .0603
<u>Incident Reporting Requirements for Categories A and B Pr...</u>	10A NCAC 27G .0604
<u>Local Management Entity Management of Incidents</u>	10A NCAC 27G .0605
<u>Referral of Complaints to Local Management Entities Perta...</u>	10A NCAC 27G .0606
<u>Complaints Pertaining to Category A or Category B Provide...</u>	10A NCAC 27G .0607
<u>Local Monitoring</u>	10A NCAC 27G .0608
<u>Local Management Entity Reporting Requirements</u>	10A NCAC 27G .0609
<u>Requirements Concerning the Need for Protective Services</u>	10A NCAC 27G .0610

PUBLIC HEALTH, COMMISSION FOR

<u>Local WIC Agency Agreement and Budget</u>	10A NCAC 43D .0207
<u>Waiting List</u>	10A NCAC 43D .0408
<u>Determination of Financial Eligibility</u>	10A NCAC 45A .0202

JUSTICE ACADEMY

<u>Name and Location</u>	12 NCAC 06A .0101
<u>Mailing Address</u>	12 NCAC 06A .0102
<u>Firearms</u>	12 NCAC 06A .0603
<u>Valuables</u>	12 NCAC 06A .0604
<u>Use by Public</u>	12 NCAC 06A .0703
<u>Appeal Upon Unsatisfactory Completion of Course</u>	12 NCAC 06A .0803

REVENUE, DEPARTMENT OF

<u>Parents and Teachers Associations</u>	17 NCAC 07B .1603
<u>Sawdust Used as Fuel</u>	17 NCAC 07B .2102
<u>LP Gas Sold to Farmers</u>	17 NCAC 07B .2104
<u>Seafoods</u>	17 NCAC 07B .2212
<u>Subcontractors</u>	17 NCAC 07B .2607
<u>Sales of Developed Film to Television Stations</u>	17 NCAC 07B .3105
<u>Cable Service Providers</u>	17 NCAC 07B .3106
<u>Memorial Stone Sales</u>	17 NCAC 07B .3401
<u>Monument Manufacturers: Tools and Supplies</u>	17 NCAC 07B .3402
<u>Machinists: Foundrymen: Pattern Makers</u>	17 NCAC 07B .3501
<u>Molds: Dies: Retained by Seller</u>	17 NCAC 07B .3504
<u>Molds: Dies: Record Keeping</u>	17 NCAC 07B .3506
<u>Funeral Expenses</u>	17 NCAC 07B .3601
<u>Death Benefit Payments</u>	17 NCAC 07B .3603

<u>Sales of Lubricants</u>	17	NCAC 07B .3702
<u>Premiums and Gifts</u>	17	NCAC 07B .3801
<u>Redemption of Trading Stamps</u>	17	NCAC 07B .3803
<u>Fertilizer and Seeds</u>	17	NCAC 07B .4002
<u>Conditional Sales Contract</u>	17	NCAC 07B .4413
<u>Receipts of Laundries, etc.</u>	17	NCAC 07B .4501
<u>Equipment and Supplies for Laundries, etc.</u>	17	NCAC 07B .4503
<u>Laundry Business: Interstate</u>	17	NCAC 07B .4508
<u>Independent Cleaning Solicitors</u>	17	NCAC 07B .4510
<u>Cleaning Machinery Repairs</u>	17	NCAC 07B .4514

DENTAL EXAMINERS, BOARD OF

<u>In General</u>	21	NCAC 16B .0201
<u>Corporate or Limited Liability Company Name</u>	21	NCAC 16F .0103
<u>Certificate of Registration</u>	21	NCAC 16F .0104
<u>Eligibility Requirements</u>	21	NCAC 16Y .0101

MASSAGE AND BODYWORK THERAPY, BOARD OF

<u>Definitions</u>	21	NCAC 30 .0602
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STATE PERSONNEL COMMISSION

<u>Total State Service Defined</u>	25	NCAC 01D .0112
<u>Compensatory Time</u>	25	NCAC 01E .1006
<u>Posting and Announcement of Vacancies</u>	25	NCAC 01H .0631

ADMINISTRATIVE HEARINGS, OFFICE OF

<u>Hearing Procedures Rules</u>	26	NCAC 03 .0401
<u>Mediation Settlement Conference Rules</u>	26	NCAC 03 .0402
<u>Expedited Hearings Procedures for Complex Contested Cases</u>	26	NCAC 03 .0403

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) 431-3000. 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

Beecher R. Gray	Randall May
Selina Brooks	A. B. Elkins II
Melissa Owens Lassiter	Joe Webster
Don Overby	

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>ALJ</u>	<u>DATE OF DECISION</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOL BEVERAGE CONTROL COMMISSION</u>				
NC Alcoholic Beverage Control Commission v. Ciro Maya Maya, T/A Carolina Sports Arena	08 ABC 2411	Overby	06/29/09	
N.C. Alcoholic Beverage Control Commission v. Du Cong Phan T/A Good Food Market	09 ABC 0565	May	05/18/09	
North Carolina Alcoholic Beverage Control Commission v. Mayra Leticia Rodriguez, T/A La Perla Del Pacifico	09 ABC 0975	Gray	07/28/09	
<u>CRIME VICTIMS COMPENSATION</u>				
Robert Melvin v. Janice Carmichael, NC Crime Victim Compensation	08 CPS 2634	Elkins	06/01/09	
B-Red Enterprises, Inc., Linda Parrish v. Secretary of Crime Control and Public Safety	08 CPS 3043	Webster	06/23/09	
Allen Bender, AB's Gravel Driveways, LLC v. North Carolina State Highway Patrol, Motor Carrier Enforcement Section	09 CPS 1259	Gray	06/29/09	
Cape Romain Contractors, Inc., Andrew Dupre v. North Carolina Department of Crime Control and Public Safety, Division of State Highway Patrol, Motor Carrier Enforcement Section	09 CPS 1599	Gray	07/02/09	
John Emiliani, Jr., v. N.C. Division of Motor Vehicles	09 CPS 1604	Brooks	06/15/09	
Rowland L. Simmons v. North Carolina State Highway Patrol	09 CPS 2087	Brooks	05/19/09	
George Allen Cook (Case #08-35780), v. N.C. Department of Crime Control and Public Safety, Victim Compensation Services Division	09 CPS 2391	May	07/29/09	
Cynthia K. Shreve v. Victims Compensation Program	09 CPS 2404	May	06/23/09	
Allen Robinson v. NCSHP	09 CPS 2449	Overby	06/17/09	
Jeffrey Andrew Kennedy v. NC State Highway Patrol, Citation and Notice of Assessment	09 CPS 2511	May	07/09/09	
Rowland L. Simmons v. North Carolina State Highway Patrol	09 CPS 2885	May	06/11/09	
A list of Child Support Decisions may be obtained by accessing the OAH Website: http://www.ncoah.com/hearings/decisions/				
<u>DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>				
Patricia L. Tiller v. NC Dept. of Health & Human Ser., Health Care Personnel Registry Sec	07 DHR 0302	Lassiter	07/14/09	
Envisions of Life LLC v. Hearing Office – 05 Division of Medical Assistance	08 DHR 0967	Lassiter	07/01/09	
Choices Group Home Inc., Victor Vega v. N.C. Department of Health and Human Service Regulation	08 DHR 2404	Gray	07/16/09	

CONTESTED CASE DECISIONS

Choices Group Home Inc, Victor Vega v. Office of Administrative Hearings, Department of Health and Human Services	08 DHR 2512	Gray	07/16/09
Abundant Life Child Care Center, Tiffany D. Monroe v. Division of Child Development, June Locklear, Brenda Faircloth	08 DHR 2954	Elkins	06/03/09
Amy G. Poteat v. Health Care Personnel Registry	08 DHR 3489	May	06/03/09
Victoria Martin v. Surry County Dept of Health and Human Services AFDC/Work First	09 DHR 1533	May	06/04/09
Michael Parks Fresh Start Residential Services Inc. v. NC DHHS Division of Health Service Regulation Mental Health Licensure Certification	09 DHR 1474	Overby	06/17/09
Spring House Residential Facility v. N.C. Dept. of Health and Human Services DHSR MHLIC	09 DHR 1482	May	06/19/09
Yolanda Portillo v. N.C. Department of Health and Human Services	09 DHR 1558	Webster	07/17/09
Regina T. Jones v. N.C. Department of Health and Human Services	09 DHR 1859	Webster	06/23/09
Sharay C. Vinson v. North Carolina Department of Health and Human Services, Division of Health Service Regulation	09 DHR 1884	Brooks	07/10/09
Jason M. Paris (petitioner, Christine O. Jacobs (representing petitioner) v. N.C. Department of Health and Human Services (DHHS) Contour	09 DHR 2296	May	07/10/09
Helen Webb v. Department of Health and Human Dept. of Child Dept	09 DHR 2589	Webster	07/17/09
Brenda V. Patterson v. State Department of Social Services	09 DHR 2654	Webster	07/17/09
Brenda V. Patterson v. State Department of Social Services	09 DHR 2655	Webster	07/17/09
Angela Conner Tawes, Conner's Cape Hatteras Supermarket, Inc v. North Carolina Department of Health and Human Services, Division of Public Health, Women's and Children's Health Section	09 DHR 2717	Gray	06/15/09
Trinia E. McCorkle v. North Carolina Department of Health and Human Services, Division of Medical Assistance	09 DHR 2829	Brooks	07/10/09
Kasina L. Davis v. North Carolina Department of Health and Human Services, Division of Health Service Regulation, Health Care Personnel Registry Section	09 DHR 2832	Gray	07/01/09
Brenda V. Patterson v. N.C. State Department of Social Services	09 DHR 2836	Webster	07/17/09
Brenda Patterson v. Division of Child Development	09 DHR 2837	Webster	07/17/09
Edward A. Patterson v. Division of Child Development	09 DHR 2838	Webster	07/17/09
Brenda V. Patterson v. Division of Child Development	09 DHR 2839	Webster	07/17/09
Edward A. Patterson v. Division of Child Development	09 DHR 2841	Webster	07/17/09
Brenda V. Patterson v. State Department of Social Services	09 DHR 3002	Webster	07/17/09
Brenda V. Patterson v. State Department of Social Services	09 DHR 3003	Webster	07/17/09
Brenda V. Patterson v. State Department of Social Services	09 DHR 3004	Webster	07/17/09
Edward A. Patterson v. Division of Child Development	09 DHR 3113	Webster	07/17/09
Brenda V. Patterson v. Division of Child Development	09 DHR 3114	Webster	07/17/09
Edward A. Patterson v. Division of Child Development	09 DHR 3503	Webster	07/17/09

DEPARTMENT OF ADMINISTRATION

Meherrin Tribe of North Carolina by and through Douglas Patterson v. North Carolina Commission of Indian Affairs	09 DOA 2367	Morrison	06/15/09
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DEPARTMENT OF CORRECTION

Rufus Thomas Blackwell, III, v. (N.C. Department of Correction) Department of Payroll & Overpayment Manager	09 DOC 1296	Overby	07/08/09
Robert Allen Sartori v. K Dufault, C. Bray WCI Mail, Staff Department of Correction	09 DOC 3121	Gray	07/01/09

DEPARTMENT OF JUSTICE

Tyrone Scott v. North Carolina Private Protective Services Board	09 DOJ 0658	Gray	05/28/09
Jaime Patrick Clayborne v. Department of Justice Company Police Program	09 DOJ 1949	Webster	05/27/09
William Marquis Davis v. North Carolina Private Protective Services Board	09 DOJ 2506	Morrison	06/04/09
Ross Patton Gilmore v. North Carolina Alarm Licensing Board	09 DOJ 2452	Morrison	06/04/09
Edward A. Patterson v. Attorney General Office	09 DOJ 2840	Webster	07/17/09

DEPARTMENT OF TRANSPORTATION

Alvin J. Smith v. NC Div of Motor Vehicles, Driver Ass't Branch	09 DOT 2616	Brooks	06/09/09
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DEPARTMENT OF STATE TREASURER

Donna F. Levi v. Department of State Treasurer	09 DST 0161	Gray	07/17/09
Hilda Harris Member ID: 1725605 v. Department of State Treasurer Retirement Systems Division	09 DST 1290	Overby	05/27/09

EDUCATION, STATE BOARD OF

Courtney M. Sears, Petitioner v. Department of Public Instruction	08 EDC 3644	Morrison	06/08/09
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CONTESTED CASE DECISIONS

Licensure Section

Jennifer Satinsky v. North Carolina State Board of Education	08 EDC 3650	Morrision	06/05/09
Lindsey Forde-Smith v. North Carolina State Board of Education	09 EDC 1848	Gray	07/09/09

DEPT. OF ENVIRONMENT AND NATURAL RESOURCES

Old Mill Forestry, LLC v. N.C. Department of Environment and Natural Resources, Division of Water Quality	08 EHR 1806	Lassiter	05/08/09
Cherokee County Health Department James Pann(managing member, Creek Ridge Holdings, LLC) v. N.C. Department of Environment and Natural Resources	08 EHR 2986	Gray	05/27/09
John C Campbell Folk School, John M Clarke, Bldgs & Ground Mgr v. NCDENR Public Water Supply Section	09 EHR 1852	Overby	06/03/09

MISCELLANEOUS

Rodney Dale v. Judge Angela Hoyle	09 MIS 2704	May	06/09/09
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OFFICE OF STATE PERSONNEL

Julie Norris Watson v. NC DPI	08 OSP 0541	Brooks	05/22/09
Jody Lynn Hinson v. N.C. Department of Crime Control and Public Safety, N.C. Highway Patrol	08 OSP 2409	Overby	06/03/09
Timothy Strong v. Central Regional Hospital, NC DHHS	09 OSP 2401	Elkins	05/27/09
Benjamin Hicks v. Central Regional Hospital, NC DHHS	09 OSP 2399	Elkins	05/27/09
Thomas E. Freeman, Jr. v. NC DHHS/Central Regional Hospital And Whitaker School	09 OSP 2826	Webster	07/17/09

OFFICE OF SECRETARY OF STATE

Robert Lee Evans v. NC Office of Administrative Hearings	09 SOS 2300	Lassiter	06/03/09
Asali J. Howard v. North Carolina Department of The Secretary Of State	09 SOS 2707	May	07/16/09

UNC HOSPITALS

Carlos A Perez-Sanchez v. UNC Hospitals	09 UNC 1294	Overby	06/03/09
Bobbie Perlow v. UNC Hospitals	09 UNC 1606	Brooks	07/15/09
Nicole Bryant v. UNC Hospitals	09 UNC 2022	Lassiter	06/16/09
Ryan Rockey v. UNC Hospitals	09 UNC 2587	May	07/15/09
Mary Ann Strickland v. UNC Hospitals	09 UNC 2712	Overby	06/04/09