

NORTH CAROLINA REGISTER

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May 16, 2016

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

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215 North Dawson Street

Raleigh, North Carolina 27603

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NORTH CAROLINA REGISTER
 Publication Schedule for January 2016 – December 2016

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
30:13	01/04/16	12/08/15	01/19/16	03/04/16	03/21/16	05/01/16	01/2017	09/30/16
30:14	01/15/16	12/21/15	01/30/16	03/15/16	03/21/16	05/01/16	01/2017	10/11/16
30:15	02/01/16	01/08/16	02/16/16	04/01/16	04/20/16	06/01/16	01/2017	10/28/16
30:16	02/15/16	01/25/16	03/01/16	04/15/16	04/20/16	06/01/16	01/2017	11/11/16
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31:09	11/01/16	10/11/16	11/16/16	01/03/17	01/20/17	03/01/17	05/2018	07/29/17
31:10	11/15/16	10/24/16	11/30/16	01/17/17	01/20/17	03/01/17	05/2018	08/12/17
31:11	12/01/16	11/07/16	12/16/16	01/30/17	02/20/17	04/01/17	05/2018	08/28/17
31:12	12/15/16	11/22/16	12/30/16	02/13/17	02/20/17	04/01/17	05/2018	09/11/17

This publication is printed on permanent, acid-free paper in compliance with G.S. 125-11.13

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) text of proposed rules;
- (3) text of permanent rules approved by the Rules Review Commission;
- (4) emergency rules
- (5) Executive Orders of the Governor;
- (6) 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; and
- (7) 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 rul



State of North Carolina

PAT McCRORY
GOVERNOR

April 12, 2016

EXECUTIVE ORDER NO. 93

TO PROTECT PRIVACY AND EQUALITY

WHEREAS, North Carolina's rich legacy of inclusiveness, diversity and hospitality makes North Carolina a global destination for jobs, business, tourists and talent;

WHEREAS, it is the policy of the Executive Branch that government services be provided equally to all people;

WHEREAS, N.C. Gen. Stat. § 160A-499.2 permits municipalities to adopt ordinances prohibiting discrimination in housing and real estate transactions, and any municipality may expand such ordinance consistent with the federal Fair Housing Act;

WHEREAS, N.C. Gen. Stat. § 143-422.2(c) permits local governments or other political subdivisions of the State to set their own employment policies applicable to their own personnel;

WHEREAS, North Carolina law allows private businesses and nonprofit employers to establish their own non-discrimination employment policies;

WHEREAS, N.C. Gen. Stat. § 143-128.2 requires each city, county or other local public entity to adopt goals for participation by minority businesses and to make good faith efforts to recruit minority participation in line with those goals;

WHEREAS, North Carolina law allows a private business or nonprofit to set their own restroom, locker room or shower policies;

WHEREAS, our citizens have basic common-sense expectations of privacy in our restrooms, locker rooms and shower facilities for children, women and men;

WHEREAS, to protect expectations of privacy in restrooms, locker rooms and shower facilities in public buildings, including our schools, the State of North Carolina maintains these facilities on the basis of biological sex;

WHEREAS, State agencies and local governments are allowed to make reasonable accommodations in restrooms, locker rooms and shower facilities due to special individual circumstances;

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

Section 1. Public Services

In the provision of government services and in the administration of programs, including, but not limited to public safety, health and welfare, public agencies shall serve all people equally, consistent with the mission and requirements of the service or program.

Section 2. Equal Employment Opportunity Policy for State Employees

I hereby affirm that the State of North Carolina is committed to administering and implementing all State human resources policies, practices and programs fairly and equitably, without unlawful discrimination, harassment or retaliation on the basis of race, religion, color, national origin, sex, sexual orientation, gender identity, age, political affiliation, genetic information, or disability.

I also affirm that private businesses, nonprofit employers and local governments may establish their own non-discrimination employment policies.

Section 3. Restroom Accommodations

In North Carolina, private businesses can set their own rules for their own restroom, locker room and shower facilities, free from government interference.

Under current law, every multiple occupancy restroom, locker room or shower facility located in a cabinet agency must be designated for and only used by persons based on their biological sex. Agencies may make reasonable accommodations upon a person's request due to special circumstances.

Therefore, when readily available and when practicable in the best judgment of the agency, all cabinet agencies shall provide a reasonable accommodation of a single occupancy restroom, locker room or shower facility upon request due to special circumstances.

All council of state agencies, cities, counties, the University of North Carolina System and the North Carolina Community College System are invited and encouraged to make a similar accommodation when practicable.

Section 4. State Buildings and Facilities Leased to Private Entities

The Department of Administration shall interpret the application of N.C. Gen. Stat. § 143-760 as follows:

When a private entity leases State real property and the property in the lessee's exclusive possession includes multiple occupancy restrooms, locker rooms or other like facilities, the private entity will control the signage and use of these facilities.

All council of state agencies, cities, counties, the University of North Carolina System and the North Carolina Community College System are invited and encouraged to adopt a similar interpretation of N.C. Gen. Stat. § 143-760.

Section 5. Human Relations Commission

Pursuant to N.C. Gen. Stat. § 143B-391, the Human Relations Commission in the Department of Administration shall promote equality and opportunity for all citizens.

The Human Relations Commission shall work with local government officials to study problems and promote understanding, respect and goodwill among all citizens in all communities in North Carolina.

The Human Relations Commission shall receive, investigate and conciliate fair housing, employment discrimination and public accommodations complaints.

The Human Relations Commission shall submit an annual report by April 1st to the Governor detailing the number of complaints received, the number of investigations completed, and the number of conciliations in the preceding calendar year. This report shall also describe any education and outreach efforts made by the Commission in that same calendar year.

Section 6. State Cause of Action for Wrongful Discharge

I support and encourage the General Assembly to take all necessary steps to restore a State cause of action for wrongful discharge based on unlawful employment discrimination.

Section 7. State or Federal Law

Nothing in this section shall be interpreted as an abrogation of any requirements otherwise imposed by applicable federal or state laws or regulations.

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 twelfth day of April in the year of our Lord two thousand and sixteen.


Pat McCrory
Governor



ATTEST:


Elaine F. Marshall
Deputy Secretary of State

NOTICE OF RULE MAKING PROCEEDINGS AND PUBLIC HEARING

NORTH CAROLINA BUILDING CODE COUNCIL

Notice of Rule-making Proceedings *is hereby given by NC Building Code Council in accordance with G.S. 150B-21.5(d).*

Citation to Existing Rule Affected by this Rule-Making: *North Carolina Building, Existing Building, Fire, Plumbing, and Residential Codes.*

Authority for Rule-making: *G.S. 143-136; 143-138.*

Reason for Proposed Action: *To incorporate changes in the NC State Building Codes as a result of rulemaking petitions filed with the NC Building Code Council and to incorporate changes proposed by the Council.*

Public Hearing: *Tuesday, June 14, 2016, 9:00AM, NCSU McKimmon Center, 1101 Gorman Street, Raleigh, NC 27606. Comments on both the proposed rule and any fiscal impact will be accepted.*

Comment Procedures: *Written comments may be sent to Barry Gupton, Secretary, NC Building Code Council, NC Department of Insurance, 322 Chapanoke Road, Suite 200, Raleigh, NC 27603. Comments on both the proposed rule and any fiscal impact will be accepted. Comment period expires on July 15, 2016.*

Statement of Subject Matter:

1. Request by Ed Johnson & Tommy Faulkner, representing Campus Safety Products, LLC, to amend the 2012 NC Building Code and Fire Code, Section 1008; and the Existing Building Code, Sections 403 and 704 as follows:

1008.1.11 Emergency lockdown safety mechanisms. *Approved emergency lockdown safety mechanisms shall be permitted in schools, government, and non-government office environments for the purposes of establishing a secured area in accordance with lockdown plans in Section 404.3.3 and Items 1-8 below:*

- 1. The emergency lockdown safety mechanism shall be readily distinguishable as engaged or disengaged.*
- 2. Clearly identifiable operating procedures shall be posted on or within close proximity of the installed mechanism.*
- 3. The emergency lockdown safety mechanism shall be readily engaged from the egress side without the use of a key or special knowledge or effort.*
- 4. The emergency lockdown safety mechanism shall have a built-in mechanical feature to prevent unintended engagement.*
- 5. The emergency lockdown safety mechanism shall have the capability to operate on outward swinging doors, inward swinging doors, and free-swinging doors.*
- 6. The emergency lockdown safety mechanism shall be readily disengaged from the ingress side with proper tools and instruction.*

7. The mechanism shall be installed 6 inches (152 mm) minimum and 48 inches (1219 mm) maximum above the finished floor. However, the maximum installed height shall be limited such that the emergency lockdown safety mechanism is at least 30 inches (762 mm) from any glass openings within the door.

8. A building occupant shall not be required to pass through more than one door equipped with an emergency lockdown safety mechanism before entering an exit.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2016 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

Reason Given – This purpose of this amendment is to specify a means to lockdown a building during an active shooter event, while allowing authorized entry and exit after the event.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

2. Request by Leon Skinner, representing NC Existing Building Code Ad Hoc Committee, to amend the 2012 NC Existing Building Code, Section 1401.2.6 as follows:

1401.2.6 Occupant Load Increase. Where the existing occupant load is increased by more than 20 percent or in Group A occupancies, where the occupant load is greater than 300, compliance with Chapter 14 is not permitted. Compliance with other methods in this code shall be permitted.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2016 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

Reason Given – This purpose of this amendment is to limit the increase in occupant load in existing buildings, unless life-safety features are provided as required for new construction.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

3. Request by Leon Skinner, representing NC Existing Building Code Ad Hoc Committee, to amend the 2012 NC Existing Building Code, Section 609.4 as follows:

609.4 Water Supply System Test. Existing water supply systems that are repaired or replaced shall be allowed to be tested and proved tight under a water pressure of normal operating pressure of the existing water supply system. The pressure shall be held at least 15 minutes.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2016 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

Reason Given – This purpose of this amendment is to allow a repair or replacement to be tested at normal operating pressure, rather than the new construction test requirement.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

4. Request by Leon Skinner, representing Raleigh Building & Safety Services, to amend the 2012 NC Plumbing Code, Table 605.3 as follows:

TABLE 605.3

WATER SERVICE PIPE

(Add the following material and standard. There are no other changes to the table)

Polyvinyl Chloride (PVC) Pressure Pipe AWWA C-900/NSF-61

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2016 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

Reason Given – This purpose of this amendment is to allow this material to be used as water service piping on private property. This material is currently used for local and municipal water distribution systems.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

5. Request by Bill Collins, representing Baker Residential, to amend the 2012 NC Residential Code, Section R905.10 as follows:

R905.10 Metal roof panels. The installation of metal roof panels shall comply with the provisions of this section. Ridge/Hip Flashing and sealant shall be installed per the manufacturer’s instructions.

Motion/Second/Approved – The request was granted. The proposed effective date of this rule is December 1, 2016 (earliest through RRC), unless the BCC assigns a delayed effective date (January 1, 2018).

Reason Given – This purpose of this proposal is to ensure the highest possible quality of workmanship and to emphasize the manufacturers’ installation instructions for local code enforcement officials.

Fiscal Statement – This rule is anticipated to provide equivalent compliance with no net decrease/increase in cost. This rule is not expected to either have a substantial economic impact or increase local and state funds. A fiscal note has not been prepared.

NOTICE:

Appeals and Interpretations of the North Carolina State Building Codes are published online at the following link.

http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Code_Interpretations&user=Code_Enforcement_Resources

NOTICE:

Objections and Legislative Review requests may be made to the NC Office of Administrative Hearings in accordance with G.S. 150B-21.3(b2) after Rules are adopted by the Building Code Council.

<http://www.ncoah.com/rules/>

PUBLIC NOTICE

STATE OF NORTH CAROLINA

ENVIRONMENTAL MANAGEMENT COMMISSION

The Division of Energy, Mineral, and Land Resources (DEMLR) invites public comment on, or objections to, the permitting actions listed below. Persons wishing to comment or object may submit written comments to the address below by the due dates indicated. All comments received prior to the dates will be considered in the final determinations regarding permit issuance. Public comments may result in changes to the proposed permitting actions. All comments should reference the specific permitting actions listed below and the permit number. **DEMLR intends to re-issue the following NPDES industrial discharge General Permits for a short duration permit cycle and without changes.**

NCG010000 for construction activities stormwater: to be re-issued for two years with no changes; the proposed re-issuance date is 8/1/16; public comment period ends 6/15/16.

NCG140000 for ready-mixed concrete manufacturing stormwater and wastewater: to be re-issued for one year with no changes, proposed re-issuance date – 7/1/16; public comment period ends 6/15/16.

NCG240000 for compost manufacturing stormwater and wastewater: to be re-issued for one year with no changes, proposed re-issuance date – 10/1/16; public comment period ends 6/15/16.

The current General Permits may be viewed at:

<https://deq.nc.gov/about/divisions/energy-mineral-land-resources/stormwater;>

Please direct comments or objections to:

Stormwater Permitting Program

NC Division of Energy, Mineral, and Land Resources

1612 Mail Service Center

Raleigh, NC 27699-1612

Telephone Number: (919) 807-6375

rick.riddle@ncdenr.gov

Public Notice
North Carolina Environmental Management Commission
Division of Water Resources/Water Quality Permitting Section
1617 Mail Service Center
Raleigh, NC 27699-1617
Notice of Intent to Reissue an NPDES General Wastewater Permits

The North Carolina Environmental Management Commission proposes to reissue the following NPDES wastewater general permits:

NPDES General Permit No. NCG510000 for the discharge of treated wastewater resulting from the remediation of petroleum-contaminated groundwater and similar wastewaters.

NPDES General Permit No. NCG560000 for the discharge of pesticide products.

Written comments regarding the proposed general permit will be accepted until 30 days after the publish date of this notice. The Director of the NC Division of Water Resources (DWR) may hold a public hearing should there be a significant degree of public interest. Please mail comments and/or information requests to DWR at the above address. Interested persons may visit the DWQ at 512 N. Salisbury Street, Raleigh, NC to review information on file. Additional information on this notice may be found on our website:

<http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/npdes-wastewater/public-notice>

For questions or comments about NPDES General Permit No. NCG510000 for the discharge of treated wastewater resulting from the remediation of petroleum-contaminated groundwater and similar wastewaters, please contact Derek Denard at phone #- (919) 807-6307 or via e-mail: derek.denard@ncdenr.gov

For questions or comments about NPDES General Permit No. NCG560000 for the discharge of pesticide products, please contact Sonia Gregory at phone #- (919) 807-6333 or via e-mail: sonia.gregory@ncdenr.gov

IN ADDITION

North Carolina Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101

(919) 807-2875

NOTICE OF VERBATIM ADOPTION OF FEDERAL STANDARDS

In consideration of G.S. 150B-21.5(c) the Occupational Safety and Health Division of the Department of Labor hereby gives notice that:

- rule changes have been submitted to update the *North Carolina Administrative Code* at 13 NCAC 07.0101, to incorporate by reference the occupational safety and health related provisions of Title 29 of the *Code of Federal Regulations* Parts 1910 promulgated as of March 1, 2016, except as specifically described, and
- the *North Carolina Administrative Code* at 13 NCAC 07A .0301 automatically includes amendments to certain parts of the *Code of Federal Regulations*, including Title 29, Part 1904—Recording and Reporting Occupational Injuries and Illnesses.

This update encompasses the following recent verbatim adoption:

- Occupational Safety and Health Standards, CFR Correction § 1910.106 Flammable Liquids (81 FR 10490, March 1, 2016)

The *Federal Registers* (FR), as cited above, explains that the correction is to reinstate introductory text.

For additional information, please contact:

Bureau of Education, Training and Technical Assistance
Occupational Safety and Health Division
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

For additional information regarding North Carolina's process of adopting federal OSHA Standards verbatim, please contact:

Jane Ammons Gilchrist, Agency Rulemaking Coordinator
North Carolina Department of Labor
Legal Affairs Division
1101 Mail Service Center
Raleigh, North Carolina 27699-1101

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 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 22 - HEARING AID DEALERS AND FITTERS BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC State Hearing Aid Dealers and Fitters Board intends to amend the rules cited as 21 NCAC 22F .0202, .0208; and 22L .0101.

Link to agency website pursuant to G.S. 150B-19.1(c): www.nchalb.org/regulatory/rulechange.php

Proposed Effective Date: October 1, 2016

Public Hearing:

Date: Monday, June 6, 2016

Time: 12:45 p.m.

Location: Paragon Bank, Training Room, 3535 Glenwood Ave, Raleigh, NC 27612

Reason for Proposed Action: Amend continuing education requirements and clarify Board procedures for handling complaints.

Comments may be submitted to: Catherine Jorgensen, Rulemaking Coordinator, NC State Hearing Aid Dealers and Fitters Board, 3801 Lake Boone Trail, Ste 190, Raleigh, NC 27607, email rules@nchalb.org

Comment period ends: July 15, 2016

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 (check all that apply).

State funds affected

- Environmental permitting of DOT affected Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (>=\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 22F - LICENSING PROVISIONS

SECTION .0200 - CONTINUING EDUCATION

21 NCAC 22F .0202 ANNUAL CONTINUING EDUCATION REQUIREMENTS

(a) A licensee shall complete and record with the Board at least ten hours (1.00 CEU credit) of Board-approved continuing education annually, including at least five hours (0.50 CEU credit) classified as Category 1 in accordance with Rule .0203 of this Section.

(b) The CEU Accrual Period for each license renewal shall be the calendar year preceding license renewal. CEU credit cannot be carried over from one CEU Accrual Period to the next, even if the CEU credit earned exceeds the license renewal requirement.

(c) A licensee may receive CEU credit for only one of the sessions when sessions with essentially identical content are presented at the same or different CE Programs during any two consecutive Board CEU Accrual Periods. The Board shall determine whether sessions have essentially identical content by reviewing the presenters, educational objectives, and content for each session as provided on the program application.

(d) A licensee completing the same self study during any two consecutive CEU Accrual Periods shall be granted CEU credit only once.

(e)(c) An individual passing the licensing exam during a CEU Accrual Period satisfies the continuing education requirement for the corresponding license renewal.

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0208 SELF-STUDY

(a) Self-study may be completed to satisfy up to all 10 five hours of the continuing education requirement during each CEU Accrual Period.

(b) Each self-study event shall be one session and up to 40 five sessions completed in the same CEU Accrual Period may be reported on one self-study Report of Attendance as a self-study Program.

(c) A licensee shall record self-study CEU credit with the Board by submitting all of the following:

- (1) an electronic CEU Verification Report;
(2) a completed self-study Report of Attendance;

- (3) an official transcript listing the licensee's score of 80 percent or greater on an internet-presented examination pertaining to the content of the self-study activity; and
 - (4) the recording fee as set forth in Rule 21 NCAC 22A .0501 for each self-study program.
- (d) The Board shall accept electronic images of the self-study Report of Attendance and official transcripts when submitted electronically in conjunction with the CEU Verification Report.

Authority G.S. 93D-3(c); 93D-11.

**SUBCHAPTER 22L – ADMINISTRATIVE HEARINGS
AND DISCIPLINE**

**21 NCAC 22L .0101 COMMITTEE ON
INVESTIGATIONS**

(a) The Committee on Investigations shall review all complaints submitted to the Board. The Committee on Investigations may:

- (1) hire an investigator or such persons as it deems necessary to determine whether it believes that probable cause exists to support formal disciplinary action against a licensee, apprentice, or registered sponsor;
- (2) subpoena persons to provide the Committee with sworn testimony or documents, provided that the subpoena is signed by the President or Secretary-Treasurer of the Board;
- (3) make inquiries designed to assist the Committee in its review of matters under investigation; or
- (4) initiate charges against a licensee, apprentice or registered sponsor if violations are suggested by the evidence considered by the Committee during an investigation of a complaint.

(b) ~~The complainant shall submit a signed complaint on the Board provided Board-approved complaint form-form. The complaint form which is available on the Board website (www.nchalb.org) or by contacting the Board office.~~

(c) The Board shall not respond to or investigate anonymous complaints or inquiries. The Board shall return incomplete forms to the complainant, if a complainant is listed on the incomplete form.

(d) The Committee on Investigations shall administratively close:

- (1) any complaint anonymously submitted;
- (2) a complaint that alleges an advertising violation which occurred more than one year prior to notifying the Board of the alleged violation;
- (3) a complaint withdrawn by the complainant at any stage of the ~~investigation~~-investigation; or
- (4) incomplete forms.

(e) After a preliminary review of a complaint, the Committee on Investigations shall:

- (1) recommend to the Board a finding that there is no probable cause to believe a violation of the law or rules exists; or
- (2) serve the respondent with a written explanation of the charges being investigated by the Committee.

(f) The respondent shall answer in writing within 20 days of receipt of the notification of charges.

(g) The Committee ~~shall~~may offer the complainant a summary of the respondent's answer.

(h) The Committee ~~shall~~may offer the parties an opportunity to present oral statements to the Committee after the written answer is received from the respondent. Neither party is compelled to attend.

(i) With assistance from the Board's legal counsel, the Committee shall determine the validity and merit of the charges, and whether the accused party has violated any standard of conduct which would justify a disciplinary action based upon the grounds as specified in G.S. 93D-13 or this Chapter.

(j) The Committee on Investigations shall present its findings and recommendation to the Board, including proposed discipline, if any, but shall not identify the parties to the complaint to the full Board except by descriptive titles, such as licensee, apprentice, sponsor, and consumer.

(k) The Board may find no probable cause for disciplinary action and dismiss the charges. The Committee on Investigations shall notify the parties of the Board action. The Board shall not release the letter of notification to any member of the public pursuant to G.S. 93D-13(c).

(l) The Board may find no probable cause for disciplinary action but issue a letter of caution to the respondent. The Board does not consider this letter a public record and shall not release the letter of caution to any member of the public pursuant to G.S. 93D-13(c).

(m) The Board may find probable cause for disciplinary action and serve the respondent with a private reprimand. The Board does not consider the content of the private reprimand a public record pursuant to G.S. 93D-13(c). The Board shall deem the private reprimand accepted as formal discipline in the matter unless the respondent submits a refusal to accept the private reprimand which shall:

- (1) be in writing, addressed to the Committee on Investigations;
- (2) be filed with the executive secretary for the Board within 20 days after service of the private reprimand; and
- (3) include a request for a contested case hearing in accordance with 21 NCAC 22L .0103.

(n) The Board may find probable cause of a violation of the Board's statute or rules and authorize the Committee on Investigations, by and through the Board's legal counsel, to undertake negotiations with the respondent to settle the matter without a hearing when such settlement accomplishes the Board's duty to protect the consuming public.

(o) The Board may find probable cause for disciplinary action beyond a private reprimand due to the circumstances and nature of the violation. In such cases, the Board shall:

- (1) serve a notice of hearing on the accused party as required by G.S. 150B, Article 3A., which may also be released to any requesting member of the public pursuant to G.S. 93D-13(c);
- (2) designate a presiding officer for the contested case; and
- (3) conduct a hearing in accordance with the rules of this Subchapter.

Authority G.S. 93D-3; 93D-13; 150B-38.

CHAPTER 28 – LANDSCAPE CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Landscape Contractors' Licensing Board intends to adopt the rules cited as 21 NCAC 28B .0101-.0103; .0201-.0204; .0301-.0302; .0401-.0405; .0501-.0511; .0601; .0701; .0801-.0804.

Link to agency website pursuant to G.S. 150B-19.1(c): www.nclclb.com

Proposed Effective Date: September 1, 2016

Public Hearing:

Date: June 6, 2016

Time: 10:00 a.m.

Location: 3901 Barrett Drive, Suite 202, Raleigh, NC 27609

Reason for Proposed Action:

21 NCAC 28B .0101 - Provide public with notice of Board location and hours of operation

21 NCAC 28B .0102 - Provide public with notice of when and where Board meetings will be held

21 NCAC 28B .0103 - Clarify statute re: definition of "readily available"

21 NCAC 28B .0201 - Set out requirements of licensure application

21 NCAC 28B .0202 - Set out requirements for application by reciprocity

21 NCAC 28B .0203 - Comply with mandate of 93B-15.1 re: military applicants and spouses

21 NCAC 28B .0204 - Provide detail re: what information shall be maintained by licensee

21 NCAC 28B .0301 - Set out requirements of licensure renewal

21 NCAC 28B .0302 - Set out requirements of reinstatement process

21 NCAC 28B .0401 - Inform licensees of requirement to notify Board of CE

21 NCAC 28B .0402 - Describe types of CE that are permissible

21 NCAC 28B .0403 - Inform licensees of how long CE info must be maintained

21 NCAC 28B .0404 - Provide process for extension of time request re: CE

21 NCAC 28B .0405 - Provide CE approval process

21 NCAC 28B .0501 - .0511 - Provide minimum standards on various aspects of landscape contracting

21 NCAC 28B .0601 - Set out fees to be charged as authorized by statute

21 NCAC 28B .0701 - Notify licensees how complaints are to be filed and processed

21 NCAC 28B .0801 - Notify licensees of process after probable cause finding

21 NCAC 28B .0802 - Notify licensees of hearing process

21 NCAC 28B .0803 - Notify licensees of the right to request and process for subpoenas

21 NCAC 28B .0804 - Notify licensees re: how summary suspensions will be processed

Comments may be submitted to: Calvin M. Kirven, Executive Administrator, 3901 Barrett Drive, Suite 202, phone (919) 266-8070, email ckirven@nclclb.com

Comment period ends: July 15, 2016

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (≥\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 28B – LICENSING BOARD RULES

SECTION .0100 – STATUTORY AND ADMINISTRATIVE PROVISIONS

21 NCAC 28B .0101 NAME AND LOCATION OF BOARD

(a) Unless otherwise directed, all communications shall be addressed to the North Carolina Landscape Contractors' Licensing Board ("Board") at 3901 Barrett Drive, Suite 202, Raleigh, North Carolina 27609. Applications and other information are available on the Board's website: www.nclclb.com.

(b) The Board office is open from 9:00 a.m. until 5:00 p.m., Monday through Friday.

(c) The Board office is closed on State and Federal holidays.

Authority G.S. 89D-14; 89D-15(2).

21 NCAC 28B .0102 MEETINGS

(a) Regular meetings of the Board will be held at the Board office or other location chosen by the Chairman. Additional meetings may be held at such other times and places as the Board deems necessary.

(b) The Board shall hold an annual meeting every January. At that meeting, the Board shall elect a chairman, a vice chairman, a secretary-treasurer, and such other officers as may be deemed necessary by the Board.

Authority G.S. 89D-14; 89D-15(2).

21 NCAC 28B .0103 PRACTICE OF LANDSCAPE CONTRACTING

An individual who is "readily available to exercise supervision over the landscape construction and contracting work" as set forth in G.S. 89D-12(a) and G.S. 89D-17(f) is an individual who is physically located no more than 100 miles from where the construction or contract project is located or who is available electronically with the ability to view the construction or contract project.

Authority G.S. 89D-12(a); 89D-15(2).

SECTION .0200 – LICENSURE; RECIPROCITY; SEAL

21 NCAC 28B .0201 APPLICATIONS FOR LICENSURE

(a) All applicants for licensure or examination shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office. The application shall require the following:

- (1) The Social Security Number of applicant;
- (2) The applicant's contact information;
- (3) The name of business under which licensee will be operating, if any;
- (4) Information about all crimes of which the applicant has been convicted;
- (5) Documentation regarding all crimes of which the applicant has been convicted;
- (6) Information indicating whether the applicant has any disciplinary history with any other occupational licensing, registration or certification board or agency;
- (7) Three personal letters of reference;
- (8) Two professional letters of reference;
- (9) The corporate surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- (10) The application fee as set forth in Rule .0601 of this Subchapter.

(b) Once an applicant has submitted a complete application and has been determined to have met the minimum qualifications set forth in G.S. 89D-16(a), the Board will notify the applicant that the applicant is permitted to take an examination. Prior to taking the examination, the applicant shall submit an examination fee as set out in this Subchapter. In order to be permitted to take an examination, an applicant shall submit a complete application no less than 30 days prior to a scheduled examination date.

(c) All letters of reference shall include the following information for the person providing the reference:

- (1) Name;
- (2) Address;
- (3) Phone number; and

(4) Email address.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

Authority G.S. 89D-15(2); 89D-15(4); 89D-16; 89D-20.

21 NCAC 28B .0202 RECIPROCITY

(a) All applicants for licensure by reciprocity shall submit an application to the Board. The application form shall be available on the Board website or may be obtained by contacting the Board office located as described in Rule .0101 of this Subchapter.

(b) All applications shall include the following:

- (1) The license by reciprocity application fee as set forth in Rule .0601 of this Subchapter;
- (2) Documentation establishing that the applicant holds an active license, certification, or registration as a landscape contractor in another state or country;
- (3) Information indicating whether the applicant has any disciplinary history with any other occupational licensing, registration or certification board or agency;
- (4) The corporate surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- (5) Contact information for three personal references;
- (6) Contact information for two professional references; and
- (7) Documentation regarding all crimes of which the applicant has been convicted.

If there is any evidence to show that the applicant has been disciplined in any jurisdiction where the applicant is currently or has been licensed, certified, or registered or that the applicant has committed any acts that would constitute a violation under G.S. 89D-22, the applicant shall not be licensed by reciprocity.

(c) Once an applicant has submitted a complete application and the Board has determined that the requirements for licensure, certification, or registration in the applicant's home jurisdiction are substantially equivalent to the requirements in G.S. 89D-16, the Board shall issue a license to the applicant.

(d) All applications shall be notarized. Incomplete applications shall not be processed. Application fees are non-refundable.

Authority G.S. 89D-15(2); 89D-15(3); 89D-15(4); 89D-16; 89D-19; 89D-22.

21 NCAC 28B .0203 MILITARY-TRAINED APPLICANT; MILITARY SPOUSE

(a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license to the applicant who satisfies the following conditions:

- (1) submission of a complete application for licensure;
- (2) submission of an application fee in accordance with Rule .0601 of this Subchapter; and
- (3) providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1), (2) and (3).

(b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license to the applicant who satisfies the following conditions:

- (1) submission of a complete Application for Licensure;
- (2) submission of a license fee in accordance with G.S. 89D-21(a);
- (3) submission of written documentation demonstrating that the applicant is married to an active member of the U.S. military; and
- (4) providing documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1), (2), (3) and (4).

Authority G.S. 89D-15(2); 89D-15(4); 89D-21; 93B-15.1.

21 NCAC 28B .0204 MAINTAIN CURRENT INFORMATION

(a) Every licensee shall keep the Board advised of the licensee's current mailing address, phone number, email address, and the name or names under which the licensee is practicing. If any change occurs, the licensee shall notify the Board in writing of the change within 60 days.

(b) Upon the dissolution of a professional relationship, the member or members thereof shall notify the Board in writing concerning such dissolution and of the succeeding status and addresses of the individuals or firm.

(c) Upon the lapse of a surety bond or revocation of a letter of credit prescribed in G.S. 89D-16(a)(4), a licensee shall notify the Board in writing. If a licensee fails to renew the surety bond or obtain a new letter of credit within thirty days after the lapse or revocation, the license shall be revoked.

(d) Failure to notify the Board of the changes described in Paragraphs (a), (b), or (c) of this Rule shall constitute a violation of G.S. 89D-22.

Authority G.S. 89D-15(2), 89D-15(11); 89D-16(a)(4); 89D-17(h); 89D-22(8).

SECTION .0300 – LICENSE RENEWAL; REINSTATEMENT

21 NCAC 28B .0301 LICENSE RENEWAL; WAIVER

(a) All licensees seeking renewal shall submit annually to the Board a renewal application. The deadline for submission is August 1 in the renewal year. Applications shall be postmarked or received by the Board no later than August 1. If August 1 falls on a Saturday or Sunday, the application shall be postmarked or received no later than the following Monday. The application form is available on the Board website or may be obtained by contacting the Board office.

(b) All renewal applications shall include the following:

- (1) The license renewal fee set forth in Rule .0601 of this Subchapter;
- (2) Documentation showing that the licensee has met the Board's continuing education requirements as set forth in section .0400. However, if the licensee was licensed by examination within the previous 12 months, the

licensee is not required to submit evidence of continuing education; and

- (3) Documentation regarding all crimes of which the licensee has been convicted since the previous licensure or renewal.

(c) Incomplete applications shall not be processed. Renewal fees are non-refundable.

(d) An individual who is serving in the Armed Forces of the United States shall receive an extension of time to pay the license renewal fee upon submission of the following to the Board:

- (1) Written request for waiver; and
- (2) Documentation that the licensee is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

Authority G.S. 89D-15(2); 89D-15(4); 89D-20; 93B-15; 105-249.2.

21 NCAC 28B .0302 REINSTATEMENT

(a) Any licensee whose license has been revoked due to non-renewal pursuant to 89D-20(a) for no more than one year may request reinstatement by the Board. The licensee shall submit the following to the Board:

- (1) Application for Reinstatement;
- (2) Reinstatement fee as set forth in Rule .0601 of this Subchapter;
- (3) Corporate surety bond or an irrevocable letter of credit as prescribed by G.S. 89D-16(a)(4);
- (4) Documentation showing that the licensee has met the Board's continuing education requirements;
- (5) Documentation regarding all crimes of which the applicant has been convicted since the previous application or renewal was filed with the Board; and
- (6) Attestation that the licensee has not engaged in the practice of landscape construction or contracting after the notice of revocation was issued.

(b) Any licensee whose license is suspended for failure to obtain continuing education as required by G.S. 89D-20(b) and this Subchapter may request reinstatement pursuant to G.S. 89D-20(b).

Authority G.S. 89D-15(2); 89D-15(4); 89D-20.

SECTION .0400 - CONTINUING EDUCATION

21 NCAC 28B .0401 GENERAL

To ensure continuing efforts on the part of licensed contractors to remain current with new developments in landscape technology and to encourage better business practices and safety in the profession, continuing education is required as a condition of license renewal. A licensee shall submit, as a part of his or her renewal application, evidence that he or she has met the Board's continuing education requirements. Except as provided in Rule .0301 of this Subchapter, renewal applications that do not contain this information shall be deemed incomplete.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20.

21 NCAC 28B .0402 CONTINUING EDUCATION UNITS

(a) A licensee shall complete seven continuing education units (CEUs) during the year preceding renewal. Beginning with renewals filed after August 1, 2016, at least three of the seven CEUs must be technical credits and at least two of the seven CEUs must be business credits. If the information provided to the Board is unclear, the Board may request additional information from a licensee in order to assure compliance with continuing education requirements.

(b) For the purposes of this Rule, "technical credits" are defined as credits relating directly to the subject matter of landscape contracting as described in G.S. 89D-11(3), and "business credits" are defined as credits relating to general business practices, including business planning, contracts, liability exposure, human resources, basic accounting, financial statements, and safety.

(c) CEUs shall be determined as follows:

<u>Type of Qualifying Activity</u>	<u>Minimum time required for 1 CEU</u>
<u>Live course</u>	<u>50 minutes</u>
<u>Online course</u>	<u>50 minutes</u>
<u>Trade Shows, Field Days, and Tours</u>	<u>4 hours</u>
<u>Board Member Service</u>	<u>1 hour</u>
<u>Teaching or instructing</u>	<u>1 hour</u>
<u>In-house or Green Industry training</u>	<u>1 hour</u>

(d) No more than two CEU credits will be given for qualifying teaching or instructing in one year.

(e) Credit shall not be given in increments of less than .5 CEUs. Breaks in courses shall not be counted towards CEU credit.

(f) Requests for pre-approval shall be submitted at least 45 days prior to the first day of the course or event.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b).

21 NCAC 28B .0403 CONTINUING EDUCATION RECORDS; AUDIT

(a) A licensee shall maintain records of attendance at continuing education programs for which CEUs have been approved for two years following the renewal approval date to which the CEUs were applied.

(b) Compliance with annual CEU requirements shall be determined through an audit process conducted by the Board. Licensees selected for auditing shall provide the Board with the following documentation of the CEU activities claimed for the renewal period:

- (1) Attendance verification records; and
- (2) Information regarding course content, instructors, and sponsoring organization.

(c) Licensees selected for audit shall submit all requested information to the Board within 21 calendar days after the date the licensee was notified by the Board of the audit.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b).

21 NCAC 28B .0404 EXTENSION OF TIME

(a) The Board shall grant a licensee an extension of time to complete CEU requirements during a period of service in the Armed Forces of the United States upon submission of the following to the Board:

- (1) Written request for an extension; and
- (2) Documentation that the licensee is serving in the Armed Forces of the United States and is eligible for an extension of time to file a tax return pursuant to G.S. 105-249.2.

(b) The Board shall grant a licensee an extension of time or waiver to obtain CEU requirements if he or she has a disability or illness that prevents him or her from complying with CEU requirements. In order to receive the waiver, a licensee shall provide the Board with the following:

- (1) Written request for waiver; and
- (2) Documentation that describes the disability or illness prevents the licensee from complying with the Board's CEU requirements. If the Board determines that, because of the disability or illness, the licensee could not reasonably be expected to comply with the Board's CEU requirements, the licensee shall be granted an extension of time in which to obtain the required CEUs.

(c) Where on a case-by-case basis the Board determines that the licensee could not reasonably be expected to comply with the Board's CEU requirements, the licensee shall be granted an extension of time in which to obtain the required CEUs. To be considered for an extension of time, a licensee shall submit the following:

- (1) Written request for extension; and
- (2) Documentation that supports the reason for the extension.

(d) The Board shall grant a waiver of CEU requirements upon submission of documentation that a licensee is in active duty while serving in the Armed Forces and is or has been deployed for at least eight months during the twelve-month period during which CEUs were required.

(e) An extension granted under Paragraphs (b) or (c) of this Rule shall not exceed one year.

Authority G.S. 89D-15(2); 89D-15(4); 89D-15(12); 89D-20(b); 93B-15; 105-249.2.

21 NCAC 28B .0405 REQUESTS FOR APPROVAL

(a) All requests for CEU approval shall include the following:

- (1) An application for Continuing Education Credit;
- (2) The number of Continuing Education Units (CEUs) requested; and
- (3) The Location, date(s), and time(s) of course, activity, or Landscape Contractor's Licensing Board meetings attended or to be attended.

(b) For live and online courses and teaching or instructing activity, in addition to the requirements of Paragraph (a) of this Rule, all requests shall include the following:

- (1) The course title(s) and a description of course content;
- (2) The name and educational or professional credentials of the instructor;
- (3) The duration of the course or activity; and
- (4) An attestation that the course provider will maintain attendance records for one year after the date of the course.

(c) For trade shows, field days, and tours, requests for approval shall, in addition to the requirements of Paragraph (a) of this Rule, include materials or handouts promoting or obtained during the event.

(d) For in-house or Green Industry training, requests for approval shall include the following, in addition to the requirements of Paragraph (a) of this Rule:

- (1) A description of training provided; and
- (2) The name(s) of training instructors.

(e) For the purposes of this Rule, "Green Industry" is defined as greenhouse, nursery, floriculture, sod, Christmas tree producers, and related industry trades.

Authority G.S. 89D-15(2); 89D-15(4); 89D-20(b).

SECTION .0500 - MINIMUM STANDARDS

21 NCAC 28B .0501 GENERAL

(a) Prior to commencing work, services performed by a licensed landscape contractor ("licensed contractor") that exceed five thousand dollars (\$5,000) in value shall be described in writing and provided to the client or customer. This agreement may be authored by either party. This document shall contain:

- (1) The business name, license number, business address, and telephone number of the licensed contractor;
- (2) The name and address of client or customer;
- (3) The address or location of work to be performed, if different from the client or customer's address;
- (4) The date of the proposal;
- (5) The description of the work to be performed;
- (6) The total value in lump sum or time and material price;
- (7) The estimated time of completion;
- (8) The terms of payment;
- (9) The terms of warranty (if any);
- (10) The terms of maintenance, including the party responsible for maintenance;
- (11) The signatures of all parties by authorized individuals;
- (12) A statement that the licensed contractor is licensed by the Board and the current address and phone number of the Board; and
- (13) The date of signing.

(b) All work performed by a licensed contractor shall meet all applicable building codes, local ordinances, and project

specifications. All work performed by a licensed contractor shall meet manufacturer's specifications.

(c) If project plans or specifications prepared by someone other than the licensed contractor do not meet pertinent codes and ordinances, the licensed contractor shall bring this to the attention of the client or customer.

(d) If the licensed contractor observes a condition while the work is being performed that requires attention beyond the original scope of work, the contractor shall report the condition to an immediate supervisor, the owner, or the person responsible for authorizing the work.

(e) The licensed contractor shall call for utility location services pursuant to the N.C. 811 law, G.S. 87-115 et. seq.

(f) The licensed contractor shall maintain a worksite that meets OSHA standards for a safe workplace.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0502 PLANTING

When planting, the licensed contractor shall:

- (1) Avoid potential planting conflicts with utilities and sight lines.
- (2) Protect plant material from physical damage and desiccation during transport.
- (3) Maintain plants during landscape construction.
- (4) Consider the cultural requirements of individual plants.
- (5) Excavate the plant hole sufficiently to ensure plant establishment and to promote long-term health, typically two times the width of the plant ball or container size.
- (6) Scarify the sidewalls of the planting pit.
- (7) Set plants in an upright, plumb position, unless design intent dictates otherwise.
- (8) Set plants on a firm, solid base.
- (9) Remove all strings, twine, and strapping from around the trunk of trees.
- (10) Remove the top third to top half of burlap or other wrapping material from the rootball of balled and burlapped trees.
- (11) Remove top third to top half of wire baskets on balled and burlapped trees or bend basket wire back to be flush with the side of the ball.
- (12) Set the plant so that the top of root ball is at or slightly above surrounding soil and does not exceed four inches above the surrounding soil.
- (13) Prior to planting, insure that the trunk flare of a tree is not covered with soil, is at or above the surrounding finished grade, and that no soil has been placed on top of the root ball.
- (14) Prior to planting containerized plants, manage the rootball to mitigate problems such as circling roots. Acceptable mitigation methods shall include slicing the rootball, shaving the rootball, or redirecting roots.
- (15) Utilize backfill soil that is similar to the soil at the planting site or is amended to meet a specific landscaping objective.

- (16) Not firm backfill to a density that inhibits root growth.
- (17) Install backfill soil in such a manner that it is settled in layered sections to limit future settling.
- (18) Not utilize screened soil as the sole material for backfill.
- (19) When mulching plants, maintain a mulch depth that is beneficial to the health of the plants.
- (20) When mulch is applied, apply mulch so that it does not touch a tree trunk or root flare.
- (21) Water plants thoroughly and immediately after planting.
- (22) Notify client of his or her responsibility to water plants following installation.
- (23) Stake trees only when required due to high winds, extreme slopes, or soft soils;
 - (a) If trees are staked, the guys shall not be installed so as to provide pressure on the trunk.
 - (b) Guys in contact with the tree shall be of a material that will not damage the tree.
- (24) Provide plants that are true to name and species.
- (25) Provide plants that are healthy and in good condition.
- (26) Prune any broken limbs.
- (27) Prune co-dominant leaders in shade trees that typically have dominant leaders.
- (28) If a condition is observed while the work is being performed that is detrimental to the long-term health of the plant, the condition shall be reported to the customer or client, an immediate supervisor, the owner, or person responsible for authorizing the work.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0503 TURF

When establishing turf, the licensed contractor shall:

- (1) Notify the owner or the construction manager whether there is adequate time to establish the specified turf from seed within the construction schedule and prior to finish of the job;
- (2) Prior to lawn installation, loosen soil to a minimum depth of three inches;
- (3) Confirm that all lawn seed meets the standards of the NC Seed Law of 1963, as set forth in G.S. 106, Art. 31;
- (4) Evenly distribute seed;
- (5) Apply seed at manufacturer's recommended rates;
- (6) Roll or rake after seeding to insure good soil contact;
- (7) Install sod within 36 hours of harvesting unless weather conditions or turf types dictate a shorter timeframe;
- (8) Lay sod strips in a staggered pattern, horizontal to slopes and with tight seams;

- (9) Roll sod after installation to provide good soil contact;
- (10) Distribute sprigs evenly;
- (11) Insure that sprigs and sod plugs are in good contact with the soil;
- (12) Water lawn areas thoroughly and immediately after installation; and
- (13) Notify client of his or her responsibility to water turf following installation.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0504 FINISH GRADE

When grading, the licensed contractor shall:

- (1) Grade the surface such that the finish grade is smooth and free of depressions and debris;
- (2) Insure positive water flow through the site, away from structures, and in such a manner that there is no puddling or ponding; and
- (3) Comply with all applicable local and national building codes and ordinances regarding slopes and drainage.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0505 DESIGN AND CONSULTATION

(a) The licensed contractor shall be permitted to perform work as defined in G.S. 89D-11(3) and G.S. 89D-12 on the following project sites:

- (1) A single family residential project of any size;
- (2) A non-single family project under one acre in total area;
- (3) A residential, institutional, or commercial project over one acre in total area that involves only planting and mulching; and
- (4) Any other project not prohibited by, or specifically exempted from, the provisions of G.S. 83A, G.S. 89A, or G.S. 89C.

(b) Additionally, the licensed contractor shall:

- (1) Obtain direct knowledge of site conditions by visiting the site;
- (2) Insure that designs meet all applicable state and local codes and standards; and
- (3) Consider the cultural requirements of individual plants.

Authority G.S. 89D-11(3); 89D-15(2); 89D-15(16).

21 NCAC 28B .0506 DRAINAGE SYSTEMS AND CISTERNS

Licensed contractors shall:

- (1) Install drainage systems and cisterns in accordance with state and local codes and ordinances;
- (2) Install drainage conveyances in such a way that there is a positive flow;
- (3) Install drainage systems with measures that allow cleaning of the system;

- (4) Install drainage systems with adequate structural integrity so as to prevent crushing of the drainage system;
- (5) Install French drain systems to drain to daylight or into existing storm drainage; and
- (6) Insure that cisterns and closed drywells include an overflow outlet.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0507 LOW-VOLTAGE LIGHTING; POOLS

(a) When installing low-voltage landscape lighting systems, the licensed contractor shall:

- (1) Insure that all wire connections are waterproof;
- (2) Only use weather-proof fixtures;
- (3) Supply appropriate lamps with all fixtures;
- (4) Ensure that the total lamp wattage of each circuit does not exceed the National Electrical Code (NEC) standard for the size of wire being used;
- (5) Not load a wire to more than 80 percent of the wire's capacity;
- (6) Connect all exterior low-voltage wiring to a ground fault circuit interrupter (GFCI) circuit;
- (7) Mount transformers a minimum of 18 inches above grade;
- (8) Perform a post-installation inspection to verify that the lighting system is fully operational as intended; and
- (9) Provide literature to the client about the lighting components that lists appropriate lamps for fixtures.

(b) All garden pools shall be installed per all regional and local codes.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0508 WALLS

(a) When installing retaining walls, the licensed contractor shall:

- (1) Adhere to all pertinent codes.
- (2) Adhere to manufacturer's or design professionals specifications.
- (3) Bury the first course of a retaining wall.
- (4) Not construct dry-laid stone walls of a height more than 3 feet above grade.
- (5) Include a subdrain system that is constructed and sized to release the subsurface water behind the wall and not allow hydrostatic pressure to build behind the wall.
- (6) Construct on a level, well-compacted base of granular material at least 6 inches deep.
- (7) Place backfill behind retaining walls in lifts no greater than 6 inches before compacted (each lift shall be well-compacted).
- (8) Prevent excessive runoff from passing over a retaining wall.

- (9) Construct vertically-set timber walls with above-ground heights equal to or less than the depth of timbers below grade.
- (10) Install deadmen every fourth course on 8 feet centers when constructing horizontally-set timber retaining walls with staggered joints.
- (11) Stagger the joints when constructing dry-laid stone walls. If successive vertical joints occur, the licensed contractor shall avoid running vertical joints more than two courses.

(b) When installing freestanding walls, the licensed contractor shall:

- (1) Install footings for masonry and cast-in-place concrete freestanding walls of reinforced concrete. The top of the footing shall be at least 1 foot below grade.
- (2) Reinforce freestanding walls as needed to prevent displacement from wind loads.
- (3) Insure that moisture is prevented from entering a cavity wall during construction.
- (4) Insure that segmental wall construction meets segmental wall manufacturer's specifications.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0509 PAVING

When paving, the licensed contractor shall:

- (1) Follow manufacturer's recommendations and specifications;
- (2) Choose paving materials that are appropriate for the project, based on the contractor's professional judgment;
- (3) Install paving on a well-compacted base that will prevent settlement;
- (4) Install paved surfaces to allow for surface drainage and to prevent ponding;
- (5) Install reinforcement in concrete slabs so that the reinforcement is suspended within the concrete and not resting on the base course;
- (6) Not pour concrete if air temperatures, away from artificial heat or in the shade, is less than 35 degrees Fahrenheit;
- (7) Not pour concrete if the air temperature in the shade is 90 degrees Fahrenheit and rising or if the concrete temperature is greater than 95 degrees Fahrenheit;
- (8) Use a vibratory compacting device to set unit pavers and after joints are swept; and
- (9) Utilize an edge restraint on unit paver installations.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0510 PRUNING

When pruning, unless to achieve artistic intent, such as pleaching, pollarding, sculpting, topiary, or espalier, a licensed contractor shall:

- (1) Use sharp tools;

- (2) When making a pruning cut that removes a branch at its point of origin, make the cut close to the trunk or parent branch without cutting into the branch bark ridge or branch collar or leaving a stub;
- (3) Not flush cut;
- (4) Not top trees;
- (5) Remove branches in such a manner as to avoid damage to other parts of the plant or to other plants or property; and
- (6) Precut branches that are too large to support with one hand to avoid splitting the wood or tearing the bark.

Authority G.S. 89D-15(2); 89D-15(16).

21 NCAC 28B .0511 WILDFLOWER, NATIVE GRASS, AND NO-MOW SEED ESTABLISHMENT

When establishing wildflower, native grass, or no-mow seeding, a licensed contractor shall:

- (1) Prior to construction, inform the owner or construction manager of the time required to establish native bunch grasses and forbs from seed and whether this time is compatible with the construction schedule.
- (2) Confirm the suitability of the specified seed for the project.
- (3) Select seed that is regionally appropriate and of the geographic ecotype for the location of the project.
- (4) Use pure live seed (PLS) rates for seeding. If bulk seed is utilized, adjust the rates accordingly.
- (5) Use a temporary cover, nurse crop, or mulch when seeding that is non-allelopathic and seasonally appropriate.
- (6) Use highest seed rates on slopes greater than 30 degrees or when a dormant seeding schedule is utilized.
- (7) Employ a seeding method that buries seed less than one-quarter inch in depth, and cultipack or roll after seed distribution.

Authority G.S. 89D-15(2); 89D-15(16).

SECTION .0600 - FEES

21 NCAC 28B .0601 FEE SCHEDULE

(a) The Board shall charge the following fees:

- (1) Application: \$75.00;
- (2) Examination: \$150.00;
- (3) License fee: \$60.00;
- (4) License renewal: \$60.00;
- (5) Late renewal: \$25.00;
- (6) Reinstatement: \$100.00;
- (7) License by reciprocity: \$100.00;
- (8) Duplicate license: \$25.00.

(b) If the Board elects to use a testing service for the preparation, administration, or grading of examinations, the Board shall charge

the applicant the actual cost of the examination services and a prorated portion of the examination fee.

(c) All fees charged by the Board are non-refundable.

Authority G.S. 89D-15(2); 89D-15(10); 89D-21.

SECTION .0700 - COMPLAINTS; INVESTIGATIONS

21 NCAC 28B .0701 COMPLAINTS; INVESTIGATIONS

(a) All complaints filed with the Board shall be filed either on a form provided by the Board or via the Board's online complaint process at www.ncclcb.com. All complaints must contain the complainant's contact information. The Board will not investigate anonymous complaints. Incomplete complaints will not be investigated.

(b) Initial review of a complaint will be conducted by Board staff. If further review and investigation is warranted, the Board will assign an investigator who will conduct an investigation.

(c) Upon completion of the investigation, the investigator's report will be forwarded to a designated Board member and Board staff, who will make a recommendation, based upon whether the investigation produces evidence of a violation of G.S. 89D or the rules of this Subchapter, to the full Board as to whether the case should be dismissed or whether further action by the Board is warranted.

Authority G.S. 89D-15(2); 89D-15(6); 89D-15(7).

SECTION .0800 - HEARINGS PROCESS; SUMMARY SUSPENSION

21 NCAC 28B .0801 PROBABLE CAUSE

Upon a determination that there is probable cause to believe a violation of G.S. 89D or the rules of this Subchapter exists, the Board shall issue a Notice of Hearing pursuant to G.S. 150B-38(b) and (c). Any party served with a Notice of Hearing may file a written response pursuant to G.S. 150B-38(d).

Authority G.S. 89D-15(2); 89D-15(7); 89D-15(8); 150B-38.

21 NCAC 28B .0802 HEARINGS

(a) Contested case hearings shall be conducted by a majority of the Board unless the Board requests the designation of an administrative law judge pursuant to G.S. 150B-40(e). The Board chairman shall serve as the presiding officer unless he or she is absent or disqualified, in which case the vice-chairman shall preside. Hearings shall be conducted pursuant to G.S. 150B-40.

(b) An affidavit seeking disqualification of any Board member, if filed in good faith and in a timely manner, shall be ruled on by the remaining members of the Board. An affidavit is considered timely if it is filed:

- (1) Prior to the hearing; or
- (2) As soon after the commencement of the hearing as the affiant becomes aware of facts that give rise to his or her belief that a Board member should be disqualified.

Authority G.S. 89D-15(2); 89D-15(8); 150B-38; 150B-40.

21 NCAC 28B .0803 SUBPOENAS

(a) Pursuant to G.S. 150B-39, the Board may issue subpoenas for the appearance of witnesses or the production of documents or information, either at the hearing or for the purposes of discovery.

(b) After a notice of hearing in a contested case has been issued and served upon a licensee or, in a case concerning an application for licensure, the applicant, the respondent may request subpoenas for the attendance of witnesses and the production of evidence.

(c) Requests by a licensee or applicant for subpoenas shall be made in writing to the Board and shall include the following:

- (1) the name and home or business address of all persons to be subpoenaed; and
(2) the identification of any documents or information being sought.

Upon submission of a written request containing the information in Subparagraphs (1) and (2) of this Paragraph, the Board shall issue the subpoenas to the requesting party within three business days of the Board's receipt of the request.

(d) Subpoenas shall be served by the party requesting the subpoena as provided by the Rules of Civil Procedure, G.S. 1A, Rule 45. The cost of service, fees, and expenses of any witnesses or documents subpoenaed is prescribed by G.S. 150B-39.

Authority G.S. 89D-15(2); 89D-15(8); 150B-39; 150B-40(c).

21 NCAC 28B .0804 SUMMARY SUSPENSION

(a) The Board may summarily suspend a license pursuant to G.S. 150B-3(c).

(b) Upon the issuance of an order summarily suspending a license, the Board shall schedule a hearing to occur at the earliest practicable date. The order of summary suspension shall remain in effect until the proceedings are determined.

Authority G.S. 89D-15(2); 89D-15(4); 150B-3(c).

CHAPTER 32 - NORTH CAROLINA MEDICAL BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the North Carolina Medical Board intends to amend rules cited as 21 NCAC 32R .0101; and 32S .0216.

Link to agency website pursuant to G.S. 150B-19.1(c): http://www.ncmedboard.org/about-the-board/latest-board-activity/rule-change-tracker

Proposed Effective Date: September 1, 2016

Public Hearing:

Date: July 14, 2106

Time: 10:00 a.m.

Location: NC Medical Board, 1203 Front Street, Raleigh, NC 27604

Reason for Proposed Action: House Bill 97 and Session Law 2015-241 states that the board shall require continuing education on the abuse of controlled substances as a condition of license

renewal for health care providers who prescribe controlled substances.

Comments may be submitted to: Wanda Long, Rules Coordinator, NC Medical Board, P.O. Box 20007, Raleigh, NC 27619, fax (919) 326-0036, email rules@ncmedboard.org

Comment period ends: July 15, 2016

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 after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule 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 (check all that apply).

- State funds affected
Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
Local funds affected
Substantial economic impact (>=\$1,000,000)
Approved by OSBM
No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 32R – CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS

SECTION .0100 – CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS

21 NCAC 32R .0101 CONTINUING MEDICAL EDUCATION (CME) REQUIRED

(a) Continuing Medical Education (CME) is defined as education, training and activities to increase knowledge and skills generally recognized and accepted by the profession as within the basic medical sciences, the discipline of clinical medicine, and the provision of healthcare to the public. The purpose of CME is to maintain, develop, or improve the physician's knowledge, skills, professional performance and relationships which physicians use to provide services for their patients, their practice, the public, or the profession.

(b) Each person licensed to practice medicine in the State of North Carolina—Carolina, except those holding a residency training license, shall complete at least 60 hours of Category 1 CME relevant to the physician's current or intended specialty or area of practice every three years. Beginning on January 1, 2017, every physician who prescribes controlled substances, except those holding a residency training license, shall take at least three

hours of CME, from the required 60 hours of Category 1 CME, that is designed specifically to address controlled substance prescribing practices. The controlled substance prescribing CME shall include instruction on controlled substance prescribing practices, recognizing signs of the abuse or misuse of controlled substances, and controlled substance prescribing for chronic pain management.

(c) The three year period described in Paragraph (b) of this Rule begins on the physician's first birthday following initial licensure.

Authority G.S. 90-14(a)(15).

SUBCHAPTER 32S - PHYSICIAN ASSISTANTS

**SECTION .0200 – PHYSICIAN ASSISTANT
REGISTRATION**

**21 NCAC 32S .0216 CONTINUING MEDICAL
EDUCATION**

(a) A physician assistant shall complete at least ~~100 hours of continuing medical education (CME) every two years, at least 50 hours of continuing medical education (CME) every two years, which~~ The CME must be recognized by the National Commission on Certification of Physician Assistants (NCCPA) as Category I CME. A physician assistant shall provide CME documentation

for inspection by the board or its agent upon request. The two year period shall run from the physician assistant's birthday, beginning in the year 1999, or the first birthday following initial licensure, whichever occurs later.

(b) Beginning on January 1, 2017, a physician assistant who prescribes controlled substances must complete at least two hours of CME, from the required 50 hours, designed specifically to address controlled substance prescribing practices. The controlled substance prescribing CME, shall include instruction on controlled substance prescribing, recognizing signs of the abuse or misuse of controlled substances, and controlled substance prescribing for chronic pain management.

~~(b)~~(c) A physician assistant who possesses a current certification with the NCCPA shall be deemed in compliance with the requirement of Paragraph (a) of this Rule. The physician assistant must attest on his or her annual renewal that he or she is currently certified by the NCCPA. Physician assistants who attest that they possess a current certificate with the NCCPA shall not be exempt from the controlled substance prescribing CME requirement of Paragraph (b) of this Rule and must complete the required two hours of controlled substance CME unless such CME is a component part of their certification activity.

Authority G.S. 90-5.1(a)(3); 90-5.1(a)(10); 90-9.3; 90-18(c)(13); 90-18.1.

RULES REVIEW COMMISSION

This Section contains information for the meeting of the Rules Review Commission February 18, 2016 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 919-431-3000. 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

Jeff Hyde (1st Vice Chair)
Robert A. Bryan, Jr.
Margaret Currin
Jay Hemphill
Jeffrey A. Poley

Appointed by House

Garth Dunklin (Chair)
Stephanie Simpson (2nd Vice Chair)
Anna Baird Choi
Jeanette Doran
Danny Earl Britt, Jr.

COMMISSION COUNSEL

Abigail Hammond	(919)431-3076
Amber Cronk May	(919)431-3074
Amanda Reeder	(919)431-3079
Jason Thomas	(919)431-3081

RULES REVIEW COMMISSION MEETING DATES

May 19, 2016	June 16, 2016
July 21, 2016	August 18, 2016

**RULES REVIEW COMMISSION MEETING
MINUTES
April 21, 2016**

The Rules Review Commission met on Thursday, April 21, 2016, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Danny Earl Britt, Jr., Margaret Currin, Jeanette Doran, Garth Dunklin, Jay Hemphill, Jeff Poley, and Stephanie Simpson.

Staff members present were Commission Counsels Abigail Hammond, Amber Cronk May, Amanda Reeder, and Jason Thomas; and Julie Brincefield, Alex Burgos, and Dana Vojtko.

The meeting was called to order at 10:02 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

APPROVAL OF MINUTES

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the March 17, 2016 meeting. There were none and the minutes were approved as distributed.

FOLLOW UP MATTERS

911 Board

09 NCAC 06C .0111, .0112, .0113, .0114, .0205, and .0216 – The agency is addressing the objections from the January meeting by publishing a Notice of Text in the North Carolina Register. No action was required by the Commission.

Social Services Commission

10A NCAC 71P .0101, .0102, .0103, .0201, .0202, .0301, .0302, .0303, .0304, .0306, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0502, .0504, .0505, .0506, .0507, .0508, .0601, .0602, .0603, .0604, .0608, .0701, .0702, .0704,

.0705, .0801, .0802, .0803, .0804, .0805, .0902, .0903, .0904, .0905, and .0906 – The agency is addressing the technical change requests from the March meeting. No action was required by the Commission.

Department of Insurance

11 NCAC 18 .0103; 20 .0202, .0203, .0204, .0301, .0302, .0404, .0410, .0601; and 21 .0106 were withdrawn at the request of the agency.

As these rules were readoptions scheduled by the Commission pursuant to G.S. 150B-21.3A(d)(2), the Commission will set a new readoption date for these Rules at the May meeting.

Property Tax Commission

17 NCAC 11 .0216, and .0217 - The agency is addressing the objections from the October meeting by publishing a Notice of Text in the North Carolina Register. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Pesticide Board

The Commission extended the period of review for these Rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Pesticide Board to extend the period in order to allow the agency to make technical changes and submit the rewritten rules at a later meeting.

Child Care Commission

10A NCAC 09 .1718 was unanimously approved.

Radiation Protection Commission

All rules were unanimously approved.

Criminal Justice Education and Training Standards Commission

12 NCAC 09F .0106 was unanimously approved.

Department of Revenue

All rules were unanimously approved.

Board of Dental Examiners

21 NCAC 16T .0101 was unanimously approved.

Brooke Ottesen, an attorney representing the agency, addressed the Commission.

Board of Examiners of Electrical Contractors

All rules were approved with the following exception:

21 NCAC 18B .0502 was withdrawn at the request of the agency.

Medical Board

21 NCAC 32T .0101 was unanimously approved.

Midwifery Joint Committee

21 NCAC 33 .0110 was unanimously approved.

Board of Pharmacy

21 NCAC 46 .3101 was unanimously approved.

Real Estate Commission

2nd Vice Chairman Simpson presided over the discussion and vote on the Real Estate Commission rules.

All rules were unanimously approved.

Prior to the review of the rules from the Real Estate Commission, Commissioner Currin recused herself and did not participate in any discussion or vote concerning the rules because she has an inactive broker's license.

Prior to the review of the rules from the Real Estate Commission, Commissioner Dunklin recused himself and did not participate in any discussion or vote concerning the rules because he practices before the Commission.

EXISTING RULES REVIEW

DHHS/Medical Care Commission

10A NCAC 13J – The Commission unanimously approved the report as submitted by the agency, with the exception that it reclassified Rules .1107 and .1502 as “Necessary with Substantive Public Interest.”

Prior to the review of the report from the Medical Care Commission, Commissioner Poley recused himself and did not participate in any discussion or vote concerning the report because he has a business conflict.

DHHS/Commission for Mental Health

10A NCAC 27A - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27B - The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27D - The Commission unanimously approved the report as submitted by the agency.

Department of Insurance

11 NCAC 06 - The Commission unanimously approved the report as submitted by the agency.

11 NCAC 13 - The Commission unanimously approved the report as submitted by the agency.

State Board of Education

16 NCAC 01 - The agency did not conduct the review and all rules contained in the report expired on April 21, 2016 pursuant to G.S. 150B-21.3A(d). No action was required by the Commission.

16 NCAC 02 - The Chapter is repealed. No action was required by the Commission.

16 NCAC 03 - The Chapter is repealed. No action was required by the Commission.

State Human Resources Commission

25 NCAC 01F - The Commission unanimously approved the report as submitted by the agency.

Prior to the review of the report from the State Human Resources Commission, Commissioner Doran recused herself and did not participate in any discussion or vote concerning the report because she is a State employee.

Alcoholic Beverage Control Commission

04 NCAC 02R (recodified as 14B NCAC 15A .1403) - As reflected in the attached letter, the Commission voted to schedule readoption of the Rule pursuant to G.S. 150B-21.3A(c)(2) no later than May 31, 2017.

Social Services Commission

10A NCAC 10 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than May 31, 2019.

Sedimentation Control Commission

15A NCAC 04 - As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than November 30, 2019.

Acupuncture Licensing Board

21 NCAC 01 – As reflected in the attached letter, the Commission voted to schedule readoption of these Rules pursuant to G.S. 150B-21.3A(c)(2) no later than May 31, 2017.

Licensing Board for General Contractors

The Board requested a waiver of Rules 26 NCAC 05 .0203 and .0211 for the report for 21 NCAC 12.

The waiver request was unanimously approved, and the Commission rescheduled the date of review for the report.

The Commission will review the Board's report at its May 19, 2016 meeting.

Catherine Lee, with the Law Office of Nichols, Choi & Lee, PLLC, representing the Board, addressed the Commission.

Molly Masich, Codifier of Rules with OAH, addressed the Commission.

COMMISSION BUSINESS

The Commission amended 26 NCAC 05 .0211 to reflect the recodification of rules in the Code.

The Commission discussed proposed amendments and adoptions of Rules 26 NCAC 05 .0103, .0104, .0301, .0302, and .0303.

Commission counsel discussed the written comments received and presented the Commission with a draft of proposed changes that staff prepared in response to the comments.

The Commission approved the Rules as presented with draft changes, except for Rule 26 NCAC 05 .0103. The Commission voted to amend Rule 26 NCAC 05 .0103(a) to state that the deadline to submit written comments for permanent rules is 5 p.m. the fifth business day before a meeting.

Molly Masich, Codifier of Rules with OAH, addressed the Commission.

Chairman Dunklin asked the Commission counsels to draft rule language for the Commission to consider when agencies ask to go earlier than scheduled.

The meeting adjourned at 11:29 a.m.

The next regularly scheduled meeting of the Commission is Thursday, May 19th at 10:00 a.m.

There is a digital recording of the entire meeting available from the Office of Administrative Hearings /Rules Division.

Respectfully Submitted,

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:

Garth Dunklin, Chair

April 21, 2016

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Loretta Bunch	NC DOT
Khonda R Smith	NC DOR
Dry Rulful	NC DOR
Brittan Johnson	NC DOR
Melissa Votto	NCREC
Chanara Graves	MJC
L. Larson Fourn	NC DH5R
Brooke Ottesen	NC State Board of DE
Debra Ann	DHHS/DEEZ
Curtis Puntan	BCB
Catherine Rosford	NC DHHS -
Ashley Rodgers	NC DEQ - DEMUR
Lorie Pugh	DHHS/ DEEZ
Kathany Burgon	DOJ / DCD
Catherine E Lee	Nichols Char. Lee
Jennifer Everett	DEQ
Greta Hill	NC DHSR
Nancy Joyce	NC DHSR
Trena Allen	DOJ - <u>CJETS!</u>
Denise Baker	NC DMH/MSAS
Alexi Grober	DOJ



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 21, 2016

Robert Hamilton, Rulemaking Coordinator
ABC Commission
400 East Tryon Road
Raleigh, North Carolina 27610

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **04 NCAC 02R (recodified to 14B NCAC 15A .1403)**

Dear Mr. Hamilton:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 21, 2016 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than May 31, 2017.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

cc: Renee Metz

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

3/8/2016

RRC Determination - Periodic Rule Review

Generated 3/8/2016 at 8:33 AM

**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2014 through June 30, 2015
Alcoholic Beverage Control Commission
Total: 1**

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<u>04 NCAC 02R .1404</u>	Necessary with substantive public interest	August 22, 2015

DRAFT

<http://rats/Reports/RRC/periodicRuleReview.pl?sType=RRCDetermination&sDetermination=Necessary%20with%20substantive%20public%20interest&bCo...> 1/1



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 21, 2016

Dedra Alston, Rulemaking Coordinator
Carlotta Dixon, Rulemaking Coordinator
Social Services Commission
2401 Mail Service Center
Raleigh, North Carolina 27699-2401

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 10A NCAC 10

Dear Misses Alston and Dixon:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 21, 2016 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than May 31, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration 919/431-3000 fax: 919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
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An Equal Employment Opportunity Employer

RRC DETERMINATION
PERIODIC RULE REVIEW
February 18, 2016
APO Review: March 01, 2016
Social Services Commission
Total: 39

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>10A NCAC 10 .0102</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0202</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0203</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0306</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0307</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0308</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0309</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0310</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0311</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0312</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0313</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0502</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0503</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0504</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0505</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0506</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0601</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0602</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0701</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0702</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0902</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0903</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0904</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0905</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0906</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0907</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0908</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0909</u>	Necessary with substantive public interest
<u>10A NCAC 10 .0910</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1001</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1002</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1003</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1004</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1005</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1006</u>	Necessary with substantive public interest
<u>10A NCAC 10 .1007</u>	Necessary with substantive public interest

10A NCAC 10 .1101 Necessary with substantive public interest
10A NCAC 10 .1102 Necessary with substantive public interest
10A NCAC 10 .1103 Necessary with substantive public interest

DRAFT



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
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Street address:
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Raleigh, NC 27609-6285

April 21, 2016

Jennifer Everett, Rulemaking Coordinator
Department of Environment Quality
Sedimentation Control Commission
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of **15A NCAC 04**

Dear Ms. Everett:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 21, 2016 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than November 30, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration 919/431-3000 fax: 919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
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An Equal Employment Opportunity Employer

RRC DETERMINATION
PERIODIC RULE REVIEW
January 21, 2016
APO Review: February 02, 2016

Sedimentation Control Commission
Total: 26

RRC Determination: Necessary with substantive public interest

Rule	Determination
<u>15A NCAC 04A .0105</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0105</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0106</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0107</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0108</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0109</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0110</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0111</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0112</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0113</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0115</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0118</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0120</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0124</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0125</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0126</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0127</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0129</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0130</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0131</u>	Necessary with substantive public interest
<u>15A NCAC 04B .0132</u>	Necessary with substantive public interest
<u>15A NCAC 04C .0103</u>	Necessary with substantive public interest
<u>15A NCAC 04C .0106</u>	Necessary with substantive public interest
<u>15A NCAC 04C .0107</u>	Necessary with substantive public interest
<u>15A NCAC 04C .0108</u>	Necessary with substantive public interest
<u>15A NCAC 04D .0102</u>	Necessary with substantive public interest



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
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Raleigh, NC 27609-6285

March 17, 2016

Michael J. Tadych
Acupuncture Licensing Board
Stevens Martin Vaughn & Tadych
1101 Haynes Street, Suite 100
Raleigh, North Carolina 27604

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 21 NCAC 01

Dear Mr. Tadych:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the April 21, 2016 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than May 31, 2017.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

Administration 919/431-3000 fax:919/431-3100	Rules Division 919/431-3000 fax: 919/431-3104	Judges and Assistants 919/431-3000 fax: 919/431-3100	Clerk's Office 919/431-3000 fax: 919/431-3100	Rules Review Commission 919/431-3000 fax: 919/431-3104	Civil Rights Division 919/431-3036 fax: 919/431-3103
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An Equal Employment Opportunity Employer

6/17/2015

RRC Determination - Periodic Rule Review

Generated 6/17/2015 at 3:21 PM

**RRC DETERMINATION
PERIODIC RULE REVIEW
July 01, 2014 through June 30, 2015**

Acupuncture Licensing Board

Total: 4

RRC Determination: Necessary with substantive public interest

Rule	Determination	APO Review Date
<u>21 NCAC 01 .0104</u>	Necessary with substantive public interest	November 22, 2014
<u>21 NCAC 01 .0201</u>	Necessary with substantive public interest	November 22, 2014
<u>21 NCAC 01 .0301</u>	Necessary with substantive public interest	November 22, 2014
<u>21 NCAC 01 .0402</u>	Necessary with substantive public interest	November 22, 2014

DRAFT

**LIST OF APPROVED PERMANENT RULES
April 21, 2016 Meeting**

CHILD CARE COMMISSION

Requirements for Daily Operations 10A NCAC 09 .1718

RADIATION PROTECTION COMMISSION

Definitions 10A NCAC 15 .1403
Warning Signs Required 10A NCAC 15 .1414
Equipment 10A NCAC 15 .1415
Records: Reports and Operating Requirements 10A NCAC 15 .1418
Communication with the Agency: Agency Address 10A NCAC 15 .1419
Fees and Payment 10A NCAC 15 .1423

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

Sanctions 12 NCAC 09F .0106

REVENUE, DEPARTMENT OF

Forms and Required Account Identification Information 17 NCAC 01C .0322
Completing a Return 17 NCAC 06B .0104
Federal Forms 17 NCAC 06B .0106
Extensions 17 NCAC 06B .0107
Filing Requirements - General Statement 17 NCAC 06B .0109
Joint Federal but Separate State Return 17 NCAC 06B .0112
Taxpayers Domiciled in Community Property States 17 NCAC 06B .0113
Computation of Taxable Income - General 17 NCAC 06B .0114
Additions to Adjusted Gross Income 17 NCAC 06B .0115
Deductions From Adjusted Gross Income 17 NCAC 06B .0116
Reporting Income from Conveyance of Real Property Held in... 17 NCAC 06B .0119
Penalties for Failure to File and Pay 17 NCAC 06B .3203
Negligence Penalties 17 NCAC 06B .3204
Service Members Civil Relief Act 17 NCAC 06B .3407
General 17 NCAC 06B .3501
Partnership Returns 17 NCAC 06B .3503
NonResident Partners 17 NCAC 06B .3513
Interest Income Passed Through to Partners 17 NCAC 06B .3529
Payment of Tax 17 NCAC 06B .3718
Allocation of Adjustments 17 NCAC 06B .3723
Deposit of Payment 17 NCAC 06B .3804
Taxable Income of Nonresidents and Part-Year Residents 17 NCAC 06B .3904
NonResident Members of Professional Athletic Teams 17 NCAC 06B .3905
Purchase of Real Property Located in North Carolina from ... 17 NCAC 06B .3906
Nonresident Shareholders 17 NCAC 06B .4003
Basis In Stock 17 NCAC 06B .4005
General 17 NCAC 06B .4101

<u>Exempt Interest Dividends</u>	17	NCAC 06B .4102
<u>Ordinary Dividends</u>	17	NCAC 06B .4103
<u>Common Carriers</u>	17	NCAC 06C .0110
<u>Supplemental Wage Payments</u>	17	NCAC 06C .0117
<u>Employee's Withholding Allowance Certificate</u>	17	NCAC 06C .0123
<u>Additional Withholding Allowances</u>	17	NCAC 06C .0124
<u>Submission of Certain Withholding Allowance Certificates</u>	17	NCAC 06C .0126
<u>Annual Reports</u>	17	NCAC 06C .0203
<u>Amounts Withheld are Held in Trust for Secretary of Revenue</u>	17	NCAC 06C .0204
<u>Requirements for Filing</u>	17	NCAC 06D .0102

DENTAL EXAMINERS, BOARD OF

<u>Record Content</u>	21	NCAC 16T .0101
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ELECTRICAL CONTRACTORS, BOARD OF EXAMINERS OF

<u>Fees</u>	21	NCAC 18B .0209
<u>Waiting Period Between Examinations</u>	21	NCAC 18B .0211
<u>Renewal After Expiration of Annual License</u>	21	NCAC 18B .0406

MEDICAL BOARD

<u>Clinical Pharmacist Practitioner</u>	21	NCAC 32T .0101
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MIDWIFERY JOINT COMMITTEE

<u>Reporting Criteria</u>	21	NCAC 33 .0110
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PHARMACY, BOARD OF

<u>Clinical Pharmacist Practitioner</u>	21	NCAC 46 .3101
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REAL ESTATE COMMISSION

<u>Broker Name and Address</u>	21	NCAC 58A .0103
<u>Retention of Records</u>	21	NCAC 58A .0108
<u>Reporting Criminal Convictions and Disciplinary Actions</u>	21	NCAC 58A .0113
<u>Postponement of Postlicensing Education</u>	21	NCAC 58A .2104
<u>Proof of Eligibility</u>	21	NCAC 58A .2105
<u>Registration Fee</u>	21	NCAC 58B .0102
<u>Renewal of Time Share Project Registration</u>	21	NCAC 58B .0103

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

Melissa Owens Lassiter	A. B. Elkins II
Don Overby	Selina Brooks
J. Randall May	Phil Berger, Jr.
J. Randolph Ward	David Sutton

<u>AGENCY</u>	<u>CASE NUMBER</u>	<u>DATE</u>	<u>PUBLISHED DECISION REGISTER CITATION</u>
<u>ALCOHOLIC BEVERAGE CONTROL COMMISSION</u>			
Chief's Inc. v. Alcoholic Beverage Control Commission	13 ABC 18939	02/19/15	
NC Alcoholic Beverage Control Commission v. Partnership T/A Poor Boys	14 ABC 07103	08/21/15	30:08 NCR 918
American Legion, T/A Linton J Sutton Post 223-1 v. Alcoholic Beverage Control Commission	14 ABC 03686	12/23/14	
Alcoholic Beverage Control Commission v. AMH Diana Market Corp., T/A Green's Market	14 ABC 05071	01/14/15	
Alcoholic Beverage Control Commission v. Nick and Nates Pizzeria Inc T/A Nick and Nates Pizzeria	14 ABC 07115	01/14/15	
Alcoholic Beverage Control Commission v. Nick and Nates Pizzeria Inc T/A Nick and Nates Pizzeria	14 ABC 07116	01/14/15	
The Geube Group, Michael K Grant Sr. v. Alcoholic Beverage Control Commission	14 ABC 08696	02/16/15	
Alcoholic Beverage Control Commission v. Bhavesh Corp T/A K and B Foodmart	14 ABC 09023	02/04/15	
Alcoholic Beverage Control Commission v. Greenleaf Food and Beverage Inc T/A Bunker Jacks	14 ABC 09037	03/07/15	
Alcoholic Beverage Control Commission v. S.D.C. Group Inc T/A Perkeo Wine Bistro	14 ABC 09039	02/09/15	
Alcoholic Beverage Control Commission v. Alquasem Mustafa Salameh T/A KP Mini Mart	14 ABC 09231	02/04/15	
Alcoholic Beverage Control Commission v. Ash and Z Inc T/A 5 th Ave Speedmart	15 ABC 00355	04/22/15	
Alcoholic Beverage Control Commission v. Monterrey Mexican Restaurant Inc T/A Monterrey Mexican Restaurant	15 ABC00393	04/07/15	
NC Alcoholic Beverage Control Commission v. Greenbox, LLC, T/A Big Shots Sports Bar and Grill	15 ABC 04354	10/29/15	
Alcoholic Beverage Control Commission v. Woodlawn Restaurant and Lounge, LLC T/A O'Hara's Restaurant and Lounge	15 ABC 04355	09/03/15	
Alcoholic Beverage Control Commission v. Ortez Corp. Inc, T/A Pollo Royal Restaurant	15 ABC 04362	09/03/15	
NC Alcoholic Beverage Control Commission v. Rodeo Restaurant Group Corp, T/A Brasilla Churrasco Steakhouse	15 ABC 05010	10/06/15	
NC Alcoholic Beverage Control Commission v. Double K Sports Bar Inc, T/A Double K Sports Bar	15 ABC 05753	12/07/15	
NC Alcoholic Beverage Control Commission v. Jeannine W. Santiago T/A Baileys Tavern	15 ABC 08595	02/10/16	
NC Alcoholic Beverage Control Commission v. S and J Tobacco and Food Mart T/A S and J Tobacco and Food Mart	15 ABC 06629	12/14/15	
NC Alcoholic Beverage Control Commission v. 2Ak Enterprises LLC, T/A Tilt on Trade	15 ABC 06634	12/02/15	
NC Alcoholic Beverage Control Commission v. CCS Charlotte Enterprise LLC, T/A Caldwell Corner Store	15 ABC 06636	12/02/15	
NC Alcoholic Beverage Control Commission v. Fast Track Inc T/A Country Market And Deli	15 ABC 06643	02/22/16	
NC Alcoholic Beverage Control Commission v. Pablo Juarez Aguilar T/A La Cueva	15 ABC 07135	02/22/16	

CONTESTED CASE DECISIONS

NC Alcoholic Beverage Control Commission v. Santiago Torres Fuentes TA Sabor Latino Restaurante	15 ABC 07251	02/17/16	
NC Alcoholic Beverage Control Commission v. Jeannine W. Santiago T/A Baileys Tavern	15 ABC 08595	02/10/16	
NC Alcoholic Beverage Control Commission v. Mazatlan of Williamston Inc. T/A Mazatlan Mexican Restaurant	16 ABC 00008	03/09/16	
NC Alcoholic Beverage Control Commission v. AJA Mart Inc. T/A AJA Mart	16 ABC 00010	03/21/16	
<u>BOARD OF ARCHITECTURE</u>			
Board of Architecture v. Anthony Hunt	14 BOA 04954	03/03/15	30:01 NCR 77
<u>BOARD OF BARBER EXAMINERS</u>			
Arthur Donald Darby Jr v. Board of Barber Examiners - Staff	14 BBE 04565	12/05/14	
<u>BOARD OF FUNERAL SERVICES</u>			
Board of Funeral Services v. Mitchell's Funeral Home, Vivian Cummings, Corrine Culbreth	14 BMS 05389	02/23/15	
Board of Funeral Services v. Mitchell's Funeral Home, Vivian Cummings, Corrine Culbreth	14 BMS 07597	02/23/15	
Board of Funeral Services v. Mitchell's Funeral Home, Vivian Cummings, Corrine Culbreth	14 BMS 08028	02/23/15	
<u>BOARD OF SOCIAL WORK</u>			
NC Social Work Certification and Licensure Board v. Stephanie Helbeck Cornfield	15 BSW 04491	10/09/15	30:14 NCR 1573
<u>BOARD FOR THE LICENSING OF GEOLOGISTS</u>			
Robert Payne, P.G. v. NC Board for the Licensing of Geologists	14 BOG 03255	06/11/15	30:07 NCR 780
<u>DEPARTMENT OF COMMERCE</u>			
Hog Slat, Inc v. Department of Commerce	13 COM 20122	12/05/14	
<u>BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS</u>			
Belinda Johnson v. Board of Certified Public Accountant Examiners	15 CPA 00798	03/09/15	
NC State Board of Certified Public Accountant Examiners v. Linda R. Sharp	15 CPA 04488	01/29/16	30:19 NCR 2112
<u>DEPARTMENT OF PUBLIC SAFETY</u>			
Kimberly H. Oliver v. Victims Compensation Commission	13 CPS 14371	04/17/15	30:03 NCR 354
Jose Guadalupe Munoz Nunez v. Victims Compensation Commission	14 CPS 02633	02/16/15	
Anne Marie Brandt v. NC Department of Public Safety	14 CPS 05077	08/18/15	30:08 NCR 924
Jack Norris v. Victims Compensation Commission	14 CPS 06019	03/30/15	30:01 NCR 89
Yessika Murga Martinez v. Crime Victims Compensation Commission	14 CPS 07544	05/29/15	
Joanne Sanon v. Department of Public Safety	14 CPS 07995	01/16/15	
Edward Andrew Carder v. NC Division of Victim Compensation Services	14 CPS 08579	08/25/15	30:14 NCR 1561
Bonnie Hall v. Crime Victims Compensation Commission	14 CPS 08618	01/23/15	
Antwon B. Logan v. Victims Compensation Commission	15 CPS 00093	03/11/15	
Dalton James v. Victims Compensation Commission	15 CPS 00463	04/24/15	
Dwight Earl Evans Jr. v. Victims Compensation Commission	15 CPS 03563	08/20/15	
Shawn J. McKay v. NC Department of Public Safety	15 CPS 04164	10/28/15	
Timothy Ryan Revels v. Department of Public Safety, Office of Victim Services	15 CPS 05756	09/22/15	
Sallie Ruth Newton v. NC Crime Victims Rights Act, NC Dept of Public Safety-Office of Admin Hearings	15 CPS 06419	02/11/16	
Kish D. Anderson v. NC Victims Compensation Commission	15 CPS 06451	12/16/15	
Latasha Watkins v. Victim Compensation	15 CPS 06893	11/30/15	
<u>DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES</u>			
Michelle Starnes v. Patricia Norris, DVM, Director of Animal Welfare Division, North Carolina Department of Agriculture and Consumer Services	15 DAG 03112	06/25/15	
<u>DEPARTMENT OF HEALTH AND HUMAN SERVICES</u>			
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