

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Barber Examiners

RULE CITATION: 21 NCAC 06C .0913

DEADLINE FOR RECEIPT: Wednesday, June 10, 2020

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (a)(5), line 10, what is "complete and accurate" here?

In (a)(8)(D), line 18, what is the "appropriate" court here?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 27, 2020

21 NCAC 06C .0913 is adopted with changes as published in 34:16 NCAC 1628 as follows:

21 NCAC 06C .0913 PREDETERMINATIONS FOR INDIVIDUALS WITH CRIMINAL RECORDS

(a) An individual who wishes to request a predetermination under G.S. 93B-8.1(b6) shall submit a petition with the following:

- (1) The person's full name;
- (2) The person's social security number;
- (3) The person's date of birth;
- (4) The person's current address;
- (5) A complete and accurate criminal history record from the Federal Bureau of Investigation;
- (6) Three character references from individuals chosen by the petitioner;
- (7) A notarized affirmation under oath that the information in the petition is accurate and true to the best of the petitioner's knowledge; and
- (8) For each offense in the criminal history record, the following information:
 - (A) Whether the crime was a felony or misdemeanor;
 - (B) The date that the person was convicted of the offense;
 - (C) The sentence imposed for the crime;
 - (D) If the petitioner has completed the sentence, documentation from the appropriate court showing that the petitioner has met all court-imposed sentencing conditions or that records pertaining to the applicant either do not exist or have been purged;
 - (E) If the petitioner has not completed the sentence, either a statement written by the petitioner describing, or documentation from the sentencing ~~court, showing~~ **court showing**, the status of the petitioner's efforts toward meeting the sentencing requirements, including the expected date of completion;
 - (F) If applicable, evidence of a Certificate of Relief granted under G.S. 15A-173.2;
 - (G) If applicable, evidence of completion of or active participation in rehabilitative measures, such as drug or alcohol treatment, domestic-violence or anger-management counseling, or Drug Court programs; and
 - (H) A statement by petitioner that describes the circumstances surrounding the commission of the crime.

(b) The petition shall be accompanied by a non-refundable petition fee of forty-five dollars (\$45.00).

(c) The Board delegates authority to make predeterminations to the Executive Director, who shall issue a response as required by G.S. 93B-8.1(b6).

History: Authority G.S. 93B-8.1;

Eff. July 1, 2020.

1 21 NCAC 06O .0122 is amended as published in 34:11 NCR 962 as follows:

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3 **21 NCAC 06O .0122 FAILURE TO NOTIFY BOARD OF CHANGE OF BARBER SHOP OR SCHOOL**
4 **MANAGER**

5 (a) The presumptive civil penalty for the failure of a barber shop or barber school ~~to fail~~ to notify the Board ~~as to~~ of
6 a change of barber shop manager:

- 7 (1) 1st offense \$50.00
- 8 (2) 2nd offense \$100.00
- 9 (3) 3rd offense \$200.00

10 (b) The presumptive civil penalty for an individual manager for the failure to notify the Board of a change of manager
11 of a barber shop or barber school:

- 12 (1) 1st offense \$50.00
- 13 (2) 2nd offense \$100.00
- 14 (3) 3rd offense \$200.00

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16 *History Note: Authority G.S. 86A-1; 86A-5(a)(6); 86A-22; 86A-27;*
17 *Eff. July 1, ~~2016~~ 2016;*
18 *Amended Eff. July 1, 2020.*

1 21 NCAC 06S .0101 is amended as published in 34:11 NCR 962 as follows:

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3 **21 NCAC 06S .0101 GENERAL EXAMINATION INSTRUCTIONS**

4 (a) For the purposes of this Rule, "test center" means those rooms where the Board administers written and practical
5 examinations while the examinations are being conducted.

6 (b) All candidates scheduled for an examination conducted by the Board ~~shall bring~~ shall:

- 7 (1) provide two forms of identification, one of which shall have a photo of the candidate;
- 8 (2) submit a signed copy of the exam instructions that the Board sent to the candidate;
- 9 (3) wear closed-toed shoes and barber smocks or jackets, if they are taking a practical exam;
- 10 ~~(3)(4)~~ bring tools and supplies as required by the Board in its exam instructions; and
- 11 ~~(4)(5)~~ bring a hygienically clean model with natural hair and beard of sufficient length to demonstrate
12 practical barbering proficiency as determined by the Board in its qualifying model policy.

13 (c) The following shall be prohibited in the test center during examinations:

- 14 (1) briefcases, bags, books, papers, or study materials;
- 15 (2) cell phones, calculators, or other electronic devices;
- 16 (3) eating, drinking, smoking, or chewing gum;
- 17 (4) visitors, children, or pets;
- 18 (5) talking by candidates; or
- 19 (6) wearing or carrying any school identification on uniforms or equipment.

20 ~~(e)(d) No briefcases, bags, books, papers, or study materials shall be allowed in the test center.~~ The Board shall not
21 be responsible for lost or misplaced items.

22 ~~(d) No cell phones, calculators, or other electronic devices are permitted for use during the examination.~~

23 ~~(e) No eating, drinking, smoking, or chewing gum shall be permitted during the examination.~~

24 ~~(f) No visitors, children, pets or guests shall be allowed in the test center.~~

25 ~~(g)(e) No extra time for the examination shall be permitted unless mandated by State or federal law, such as the~~
26 Americans with Disabilities Act.

27 ~~(h)(f) No candidate may shall~~ leave the test center during the examination. Candidates may visit the restroom with
28 the Board staff's ~~permission~~, permission but ~~will~~ shall not receive any additional time for the examination.

29 ~~(i)(g) No candidate may give or receive assistance during the examination. If a candidate gives or receives assistance~~
30 during the examination, the Board staff shall stop the candidate's examination and the candidate ~~will~~ shall be dismissed
31 from the test center. The Board staff shall not score the examination and ~~will~~ shall report the candidate to the Board,
32 which shall make any decisions regarding discipline.

33 ~~(j) Candidates must be silent during the examination. Candidates shall not wear or carry any school identification on~~
34 ~~uniforms or equipment.~~

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36 *History Note: Authority G.S. 86A-5(a)(4); 86A-8; 86A-9; 86A-24;*

37 *Eff. September 1, 2009;*

- 1 *Amended Eff. September 1, 2013;*
- 2 *Readopted Eff. July 1, ~~2016~~ 2016;*
- 3 *Amended Eff. July 1, 2020.*