

STATUS REPORT

April 14, 2014

AGENCY: NC DEPARTMENT OF JUSTICE – DIVISION OF CRIMINAL INFORMATION

RULE CITATION: 12 NCAC 04H, 04I, and 04J – All Rules Filed For Review In April 2014

Commission Counsel has made numerous technical change requests concerning these rules. On Friday, April 11, 2014 the agency responded. However there were still numerous problems with those responses and counsel submitted additional requests concerning those responses. The agency has responded that they will not be able to complete revising its rules in adequate time for this month's meeting.

The attached email exchange indicates this and indicates that the agency intends to complete the process for these rules next month.

## Deluca, Joe

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**From:** Hickman, Joshua [JHICKMAN@ncdoj.gov]  
**Sent:** Monday, April 14, 2014 7:48 AM  
**To:** Deluca, Joe  
**Cc:** Brincefield, Julie; Chalmers, Tammara; Masich, Molly; Vojtko, Dana; Woy, Lindsay R  
**Subject:** Re: Revised tech change request

Joe,

I was on the road the latter half of Friday and was not able to respond to your email. I will have to change the adoption date since I was not able to get these changes to you.

Also, I may need to set up a call with you. The technical changes I originally received were slightly confusing, and I may not be reading these most recent change requests correctly, either (i.e. showing changes on rules that are up for adoption when the changes are requested by OAH). I am in Atlanta this week and won't be returning until the 21st. Do you have any free time that week?

Thanks,

Joshua Hickman  
Special Agent  
Computer Crimes Unit  
North Carolina State Bureau of Investigation  
Mobile: 919-538-1448  
[jhickman@ncdoj.gov](mailto:jhickman@ncdoj.gov)

On Apr 11, 2014, at 5:13 PM, "Deluca, Joe" <[joe.deluca@oah.nc.gov](mailto:joe.deluca@oah.nc.gov)> wrote:

Joshua,

I don't know if you can get these changes made in time for my commission to be able to consider them this month. Our deadline is 5:00 p.m. this afternoon. However, if you can get them all to me by noon Monday there may be a chance to get them heard.

My first technical change request was to make all the rules 1.5 line spacing. That was not done and I still need that. And while you are at it one copy needs to be marked "original" and dated. Finally you have not formatted any of the changes in any of the rules to show where the rule is changed. This applies to any rule that had any change; those are all the rules you sent over in the packet.

04H .0102(50)(a) – (j) all terms lowercase; you also left out the definition originally (58) for "SAFIS" and all the numbers have been changed from the new (58) through (65). If this was on purpose you need to show the formatting to show the change. In (65) of the submitted copy line 219 delete "the" in "for the identifying certified users."

04H .0302 – in (a)(4) is the reference supposed to be to "Rule 04I .0203 of this Chapter" (as it is in the earlier version of this rule) or to Rule 04H .0203 which is what "Rule .0403 of this Subchapter" is in actuality?

04H .0304 – the same issue applies to "Rule .0407" in (b) line 8.

04H .0402 – no changes received

04I Section .0200 – It seems to me the section title should be "Restricted and Unrestricted Files."

04I .0202 – the terms in (b)(1) – (3) should be lowercase for consistency with your other rules such as 04H .0102(2).

04I .0409 – the rule now states in (h) that this request "may be notarized." That would mean that notarization is not required but is allowed. If that is the case the rule has no requirement. This does not seem to be the intent of the original rule. Please verify the intent of the original rule and be sure this rule expresses that intent.

04J .0201 – the rule name on the form and on the rule do not match

**Joe DeLuca**  
**Commission Counsel**  
**N.C. OAH - Rules Review Commission**

919-431-3081 (Direct)  
919-971-7268 (C)  
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919-571-0500 (H)

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**From:** Hickman, Joshua [<mailto:JHICKMAN@ncdoj.gov>]  
**Sent:** Friday, April 11, 2014 1:15 PM  
**To:** Deluca, Joe  
**Cc:** Brincefield, Julie; Chalmers, Tammara; Masich, Molly; Vojtko, Dana; Woy, Lindsay R  
**Subject:** Re: Revised tech change request

Joe,  
I have dropped the hard copies of the changes at the front desk at OAH. Let me know if you need anything else.

Thanks,

Joshua Hickman  
Special Agent  
Computer Crimes Unit  
North Carolina State Bureau of Investigation  
Mobile: 919-538-1448  
[jhickman@ncdoj.gov](mailto:jhickman@ncdoj.gov)

On Apr 2, 2014, at 2:06 PM, "Deluca, Joe" <[joe.deluca@oah.nc.gov](mailto:joe.deluca@oah.nc.gov)> wrote:

Josh,

I have attached a revision to the technical change requests I previously sent you. This concerns submitting revised submission forms and we need these as soon as possible for submission to our commissioners.

Please acknowledge receipt of this email as well as yesterday's with the entire set of staff comments as soon as possible.

***Joe DeLuca***  
***Commission Counsel***  
***N.C. OAH - Rules Review Commission***

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