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Abigail M. Hammond
Commission Counsel
NC Administrative Rules Review Commission

Re: Board of Examiners Plumbing, Heating and Fire Sprinklers Contractors
Rule 21 NCAC 50.1104 amendments

Dear Abby:

This letter is written to provide explanation and background in response to staff concerns as to compliance of this Rule. You expressed concern about the fee for copies of license and abstract of license record, items one and two of the Rule. Let me explain.

Current license status is provided free by the Board online and is used every day by local inspection departments, the general public and persons in the contractor community. The fees referenced are for something else. In a case where a licensee has misplaced the license certificate (suitable for framing) provided to the person upon passage of the exam, many years may have passed since the award of that license certificate. If the licensee wants a replacement, it is necessary for the Board to go through the records, find the necessary information and physically produce a new license certificate for the individual. This takes time and costs money. With respect to the abstract of license record, the Board receives periodic requests from citizens, lawyers and others to produce the entire history of issuance, the addition of further qualifications, late renewal, gaps due to expiration, and cycles of probation, suspension, or revocation. Again, extensive work is required to reproduce 10-20 years of history.

Please refer to GS 132-6.2 (b), a section of the public records statute. This section provides that: "... if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved...then the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and based on the actual cost incurred...for the labor cost of the personnel providing services...". Here the fee charged is in the same dollar range as the extra processing cost associated with the late renewal fee and the cost of returned checks, both of which are in the same rule.

In our view, the rule should be approved with the addition of the above statutory reference in the footnote.

Thank you for your consideration and cooperation.

Sincerely yours,

YOUNG MOORE AND HENDERSON, P.A.

By:


John N. Fountain

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Enclosures
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