

21 NCAC 06C .0912 is adopted with changes as published in 31:11 NCR 1108 as follows:

21 NCAC 06C .0912 COMPLAINTS

(a) An individual who wishes to make a complaint alleging a violation of G.S. 86A or the Board's rules shall submit the complaint in writing to the address or through the website set forth in 21 NCAC 06A .0102.

(b) Upon receipt of a complaint, the Board's Executive Director shall review the ~~complaint and~~ complaint. The Executive Director shall assign a staff member to investigate the complaint, except for complaints that are dismissed as set forth in ~~Paragraph (c)~~ Paragraph (c) of this Rule.

(c) The Executive Director shall dismiss the complaint and notify the complainant if the complaint:

~~(1) ——— alleges conduct that is not prohibited by G.S. 86A or the Board's rules;~~

~~(2)(1)~~ (1) lacks information, such as barbershop location or a description of the alleged conduct, necessary to investigate the ~~complaint, except that~~ complaint. Before dismissal, the Executive Director shall attempt to collect additional information from the complainant; or

~~(3)(2)~~ (2) alleges conduct that is not prohibited by G.S. 86A or the Board's rules or is not within the Board's jurisdiction, except that the jurisdiction. The Executive Director shall ~~direct refer the complainant~~ complaint to any other agency that may have jurisdiction.

(d) After conducting an investigation, the assigned staff member shall:

(1) recommend to the Executive Director that the ~~board~~ Board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or

(2) recommend that the Executive Director dismiss the complaint because there is insufficient evidence of a violation of G.S. 86A or the Board's ~~rules~~ rules or the alleged conduct is not within the Board's jurisdiction.

(e) After receiving a recommendation required by ~~Paragraph (d)~~ Paragraph (d) of this Rule, the Executive Director shall:

(1) request additional investigation by the assigned staff ~~member~~ member on a case-by-case basis when the recommendation does not contain facts to support the actions set forth in Subparagraphs (2) or (3) of this Paragraph;

(2) recommend that the ~~board~~ Board counsel issue a probable cause letter for violations of G.S. 86A or the Board's rules; or

(3) dismiss the complaint and notify the ~~complainant~~ complainant, except that the Executive Director shall refer the complaint to any other agency that may have jurisdiction.

(f) At each regularly scheduled Board meeting, the Executive Director shall submit to the Board a report of dismissed complaints that he or she has not previously reported, with a summary of the allegations and a justification for the dismissal. If the complaint was dismissed within 30 days of the Board meeting, the Executive Director may instead include the dismissal in the report for the Board meeting following the next regularly scheduled meeting.

(g) By a majority vote, the Board may reopen any complaint that the Executive Director has dismissed, in which case the complaint shall be handled as if the Executive Director had not dismissed the complaint.

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2 *History Note:* *Authority G.S. 86A-5;*

3 *Eff. April 1, 2017.*

21 NCAC 06K .0112 is adopted with changes as published in 31:11 NCR 1108-1109 as follows:

21 NCAC 06K .0112 APPLICANTS WITH MILITARY TRAINING AND EXPERTISE

(a) Except for individuals who want to apply under ~~another provision in G.S. 86A-12~~ G.S. 86A-12 for licensure as a registered barber, an individual who has military training and expertise and wants to apply to become a registered barber in this State shall:

- (1) meet the requirements of G.S. 93B-15.1(a) or (a2); and
- (2) submit the Form BAR-11 as set forth in ~~21 NCAC 06N .0112~~; and 21 NCAC 06N .0112.
- ~~(3) provide copies of the military service records that show the applicant's military specialty certification and experience in barbering.~~

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure in that state if the following apply:

- (1) the applicant has been licensed in another state;
- (2) the applicant wants to be licensed without examination;
- (3) the military service records do not show that the applicant received at least 1,500 hours of military training and that the applicant practiced at least two of the five years preceding the date of application; and
- (4) the combination of the certification letter and the military service records show that the applicant received at least 1,500 hours of training and practiced at least two of the five years preceding the date of application.

(c) If the applicant ~~does not meet~~ meets the requirements in Paragraph (a) ~~and, if applicable, Paragraph (b)~~ of this Rule, Rule, Rule and G.S. 93B-15.1(a2), the applicant shall:

- (1) submit the fee as set forth in 21 NCAC 06N .0101(a)(4); and
- (2) make a score of at least 70 percent on the ~~practical examination~~; clinical examination.

~~(d) The~~ After being approved under this Rule, the applicant shall submit the following fee:

- (1) if the applicant meets the requirements of this Rule for licensure without examination, the fee as set forth in 21 NCAC 06N .0101(a)(21); or
- (2) if the applicant meets the requirements of Paragraph (c) of this Rule, the fee as set forth in 21 NCAC 06N .0101(a)(1).

(e) The Board shall issue a temporary permit for the applicant to work as a registered barber while he or she complies with the requirements of this Rule under the following circumstances:

- (1) if the applicant has submitted the Form BAR-11 and ~~at least part of the documentation required by Subparagraph (a)(3),~~ 21 NCAC 06N .0112(a)(2), and this partial documentation establishes that he or she served in the military and has certification or experience in barbering, the Board shall issue a temporary permit that lasts 90 days or until the Board denies the application, whichever is earlier; or

1 (2) if the applicant is required to take the practical examination and has met the requirements in
2 Paragraph (a) and Subparagraph (c)(1) of this Rule, the Board shall issue a temporary permit that
3 last 90 days or until the Board denies the application, whichever is earlier. Upon written request by
4 the applicant, this temporary permit shall be extended for 90 days no more than twice, unless the
5 Board denies the application.

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7 *History Note:* *Authority G.S. 86A-1; 86A-11; 86A-12; 86A-25; ~~93B-14; 93B-15.1;~~*
8 *Eff. April 1, 2017.*

21 NCAC 06K .0113 is adopted with changes as published in 31:11 NCR 1109 as follows:

21 NCAC 06K .0113 MILITARY SPOUSES

(a) An individual who is currently licensed as a barber in another state, is the spouse of a person serving in the military, and wants to apply to become a registered barber in this State shall provide the following, unless he or she wants to apply under another provision in G.S. 86A for licensure as a registered barber:

(1) the Form BAR-12 as set forth in 21 NCAC 06N .0113; and

~~(2) the fee set forth in 21 NCAC 06N .0101(a)(21); and~~

~~(3)(2)~~ a certification letter from the applicant's out-of-state agency of the applicant's licensure in that state.

(b) The applicant shall instead apply for out-of-state licensure under G.S. 86A-12 and Rule .0104 of this Section if the certification letter required by ~~Subparagraph (a)(3)~~ Subparagraph (a)(2) of this Rule does not show that the applicant:

(1) completed at least 1,500 hours of barber school training; and

(2) has been licensed as a barber for at least one of the five years preceding the date of application.

(c) After being approved under this Rule, the applicant shall submit the fee set forth in 21 NCAC 06N .0101(a)(21).

~~(d)~~ Upon request by the applicant, the Board shall issue ~~a one~~ temporary permit for the applicant to work as a registered barber for 90 days while the applicant gathers the documents required by this Rule.

*History Note: Authority G.S. 86A-1; 86A-3; 86A-11; 86A-12; 86A-25; ~~93B-14; 93B-15.1~~;
Eff. April 1, 2017.*

21 NCAC 06N .0101 is amended as published in 31:11 NCR 1109-1110 as follows:

21 NCAC 06N .0101 FEES AND ACCESS TO FORMS

(a) The Board charges the following amounts for the fees authorized by G.S. 86A-25:

(1)	Certificate of registration or renewal as a barber	\$50.00
(2)	Certificate of registration or renewal as an apprentice barber	\$50.00
(3)	Barbershop permit or renewal	\$50.00
(4)	Examination to become a registered barber	\$85.00
(5)	Examination to become a registered apprentice barber	\$85.00
(6)	Late fee for restoration of an expired barber certificate within first year after expiration	\$35.00
(7)	Late fee for restoration of an expired barber certificate after first year after expiration but within five years after expiration	\$70.00
(8)	Late fee for restoration of an expired apprentice certificate within the first year after expiration	\$35.00
(9)	Late fee for restoration of an expired apprentice certificate after first year after expiration but within three years of first issuance of the certificate	\$45.00
(10)	Late fee for restoration of an expired barber shop certificate	\$45.00
(11)	Examination to become a barber school instructor	\$165.00
(12)	Student permit	\$25.00
(13)	Issuance of any duplicate copy of a license, certificate, or permit	\$10.00
(14)	Barber school permit or renewal	\$130.00
(15)	Late fee for restoration of an expired barber school certificate	\$85.00
(16)	Barber school instructor certificate or renewal	\$85.00
(17)	Late fee for restoration of an expired barber school instructor certificate within first year after expiration	\$45.00
(18)	Late fee for restoration of an expired barber school instructor certificate after first year after expiration but within three years after expiration	\$85.00
(19)	Inspection of newly established barbershop	\$120.00
(20)	Inspection of newly established barber school	\$220.00
(21)	Issuance of a registered barber or apprentice certificate by certification	\$120.00
(22)	Charge for certified copies of public documents \$10.00 for first page, \$0.25 per page thereafter	
(23)	Charge for duplication services and material shall be as set forth in 26 NCAC 01 .0103(a), including any subsequent amendments and editions of the Rule	
(24)	Certificate of registration or renewal as a barber for barbers over 70 years of age	\$0.00
(25)	Administrative fee under G.S. 86A-27(d) for paying any required fee for renewal or restoration, or a civil penalty and attorney fee, where the apprentice barber or registered barber is subject to a pick-up order issued to an inspector.	\$70.00

(b) In the event the Board's authority to expend funds is suspended pursuant to G.S. 93B-2, the Board shall continue to issue and renew licenses and all fees tendered shall be placed in the escrow account maintained by the Board for this purpose.

(c) The forms set forth in this Subchapter may be obtained on the website or at the address listed in 21 NCAC 06A .0102.

*History Note: Authority G.S. 86A-5; 86A-25; 86A-27(d); 93B-2;
Eff. February 1, 1976;
Readopted Eff. February 8, 1978;
Amended Eff. April 1, 2010; September 1, 2009; June 1, 2008; April 1, 2005; May 1, 1989; March 1, 1983;
Readopted Eff. July 1, ~~2016~~-2016;
Amended Eff. April 1, 2017.*

21 NCAC 06N .0112 is amended with changes as published in 31:11 NCR 1110 as follows:

21 NCAC 06N .0112 ~~ACCESS TO FORMS~~ FORM BAR-11

(a) ~~The forms set forth in this Subchapter may be accessed on the Board's website, www.ncbarbers.com, or may be obtained at the Board's address listed in 21 NCAC 06A .0102. The Form BAR-11 shall be filed by an individual who has military training and expertise and who wants to apply to become a registered barber pursuant to 21 NCAC 06K .0112. [in this State, unless he or she wants to apply under another provision in G.S. 86A for licensure as a registered barber.]~~ It requires the following:

(1) the name, address, social security number, and birthdate of the applicant; and

(2) ~~copies of~~ the military service records showing the applicant's military certification and experience in barbering.

(b) The applicant shall submit with the Form BAR-11 a certification letter from the applicant's out-of-state agency of the applicant's licensure if the conditions set forth in 21 NCAC 06K .0112(b) apply.

(c) The Form BAR-11 shall be notarized.

History Note: Authority G.S. 86A-1; 86A-12; ~~86A-5; 93B-14; 93B-15.1; 150B-19.1;~~

Eff. May 1, 1989;

Amended Eff. September 1, 2013;

Readopted Eff. July 1, ~~2016~~ 2016;

Amended Eff. April 1, 2017.

21 NCAC 06N .0113 is adopted with changes as published in 31:11 NCR 1110 as follows:

21 NCAC 06N .0113 FORM BAR-12

(a) The Form BAR-12 shall be filed by ~~one~~ an individual who has practiced as a barber ~~in a state other than North Carolina and is the spouse of an individual serving in the military.~~ pursuant to Rule 21 NCAC 06K .0113. It requires the following:

(1) the name, address, social security number, and birthdate of the applicant; and

(2) copies of the military service records showing that the applicant's spouse is serving in the military, along with evidence of the marriage, such as a copy of the marriage license.

(b) The applicant shall submit with the Form BAR-12 a certification letter from the applicant's out-of-state agency of the applicant's licensure.

~~(e) The fee required by Rule .0101(a)(21) of this Section shall accompany the Form BAR-12.~~

~~(d)(c)~~ The Form BAR-12 shall be notarized.

*History Note: Authority G.S. 86A-1; 86A-25; 93B-14; 93B-15.1;
Eff. April 1, 2017.*

21 NCAC 06N .0114 is adopted as published in 31:11 NCR 1110-1111 as follows:

21 NCAC 06N .0114 EXTENSIONS FOR MEMBERS OF THE ARMED FORCES

(a) If an individual is licensed or owns a business licensed under G.S. 86A, is serving in the Armed Forces of the United States, and has received an extension of time to file a tax return under G.S. 105-249.2, the ~~board~~ Board shall waive the following fees for the same period that would apply if the license fee were a tax:

- (1) the late fee for restoration of an expired barber certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(6);
- (2) the late fee for restoration of an expired barber certificate after the first year after expiration but within five years after expiration as set forth in 21 NCAC 06N .0101(a)(7);
- (3) the late fee for restoration of an expired apprentice certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(8);
- (4) the late fee for restoration of an expired apprentice certificate after the first year after expiration but within three years of first issuance of the certificate as set forth in 21 NCAC 06N .0101(a)(9);
- (5) if the individual serving in the Armed Forces is the barbershop manager or owner, the late fee for restoration of an expired barber shop certificate as set forth in 21 NCAC 06N .0101(a)(10);
- (6) if the individual serving in the Armed Forces is the barber school manager or owner, the late fee for restoration of an expired barber school certificate as set forth in 21 NCAC 06N .0101(a)(15);
- (7) the late fee for restoration of an expired barber school instructor certificate within the first year after expiration as set forth in 21 NCAC 06N .0101(a)(17); and
- (8) the late fee for restoration of an expired barber school instructor certificate after the first year after expiration but within three years after expiration as set forth in 21 NCAC 06N .0101(a)(18).

(b) To receive any extension as set forth in Paragraph (a) of this Rule, the individual ~~must~~ shall submit the following to the Board at the address in 21 NCAC 06A .0102:

- (1) a written request that ~~indicates~~ states what extension he or she is seeking; and
- (2) a copy of the documentation from the North Carolina Department of Revenue granting the extension under G.S. 105-249.2.

*History Note: Authority G.S. ~~93B-15~~; 93B-15(a);
Eff. April 1, 2017.*