

1 21 NCAC 12 .0103 is amended with changes as published in 32:10 NCR 968-981 as follows:

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3 **21 NCAC 12 .0103 STRUCTURE OF BOARD**

4 (a) Officers. Annually, during the April meeting, the Board shall elect from its members a Chairman and Vice-
5 Chairman. The Chairman shall preside over all meetings of the Board and perform ~~such~~ other duties as he or she may
6 be directed to do by the Board. The Vice-Chairman shall function as Chairman if the Chairman is unavailable.

7 (b) Secretary-Treasurer. In addition to those duties and responsibilities required of him or her by ~~the~~ G.S. 87-8, the
8 Secretary-Treasurer, referred to as "Secretary-Treasurer" or "Executive Director," as the Board's Chief Administrative
9 Officer, has the responsibility and power to:

- 10 (1) employ the clerical and legal services necessary to assist the Board in carrying out the requirements
11 of the North Carolina General Statutes;
- 12 (2) purchase or rent whatever office equipment, stationery, or other miscellaneous articles as are
13 necessary to keep the records of the Board;
- 14 (3) make expenditures from the funds of the Board by signing checks, or authorizing the designee of
15 the Secretary-Treasurer to sign checks, for expenditures after the checks are signed by the Chairman
16 or Vice-Chairman; and
- 17 (4) do such other acts as may be required of him or her by the Board.

18 (c) Official Meetings of the Board.

- 19 (1) Regular Meetings. Regular meetings shall be held during January, April, July and October of each
20 year at the Board's office or at any other place so designated by the Board.
- 21 (2) Special Meetings. Special meetings shall be ~~held as set out in the bylaws of the Board.~~ called and
22 conducted in accordance with Article 33C of Chapter 143 of the North Carolina General Statutes.
- 23 (3) Notice of Meetings. ~~Regular meetings of the Board shall be held after each Board member is duly~~
24 ~~notified by the Secretary Treasurer of the date of the meeting. However, any person or persons~~
25 ~~requesting a special meeting of the Board shall, at least two days before the meeting, give notice to~~
26 ~~the other members of the Board of that meeting by electronic mail or notification on the Board's~~
27 ~~website. Such notice must specify the purpose for which the meeting is called.~~ Notice of all official
28 meetings of the Board shall be given pursuant to Article 33C of Chapter 143 of the North Carolina
29 General Statutes.

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31 *History Note: Authority G.S. 87-2; 87-4; 87-6; 87-7;*
32 *Eff. February 1, 1976;*
33 *Readopted Eff. September 26, 1977;*
34 *Amended Eff. April 1, 2014; August 1, 2002; January 1, 1992; May 1, 1989; January 1, 1983;*
35 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
36 *2016- 2016;*
37 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0204 is amended with changes as published in 32:10 NCR 968-981 as follows:

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3 **21 NCAC 12 .0204** **LICENSE LIMITATIONS; ELIGIBILITY**

4 **(a)** All licenses shall have an appropriate limitation as set forth in this Rule.

5 ~~(a)~~ **(b)** Limited License. The applicant for a limited license ~~must:~~ shall:

- 6 (1) ~~Be [be]~~ entitled to be admitted to the examination given by the Board and must [shall] meet the
7 requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- 8 (2) ~~Be be~~ financially stable to the extent that the total current assets of the applicant or the firm or
9 corporation he or she represents exceed the total current liabilities by at least seventeen thousand
10 dollars (\$17,000) or the total net worth of the applicant or firm is at least eighty thousand dollars
11 (\$80,000);
- 12 (3) ~~Pass pass~~ the examination given by the Board for which shall contain subject matter related to the
13 specific contracting classification chosen by the applicant with a score of 70 percent or higher; as
14 set out in Rule .0404 of this Chapter; and
- 15 (4) ~~Provide~~ if the applicant or any owner, principal, or qualifier is in bankruptcy or has been in
16 bankruptcy within five years prior to the filing of the application, provide to the Board an audited
17 financial statement with a classified balance sheet as part of the application, application, if the
18 applicant or any owner, principal, or qualifier is in bankruptcy or has been in bankruptcy within
19 seven [five] years prior to the filing of the application. This requirement ~~does~~ shall not apply to
20 shareholders of an applicant that is a publicly traded corporation. The audited financial statement
21 shall be prepared by a certified public accountant.

22 ~~(b)~~ **(c)** Intermediate License. The applicant for an intermediate license ~~must:~~ shall:

- 23 (1) ~~Be [be]~~ entitled to be admitted to the examination given by the Board and must [shall] meet the
24 requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- 25 (2) ~~Be be~~ financially stable to the extent that the total current assets of the applicant or the firm or
26 corporation he or she represents exceed the total current liabilities by at least seventy-five thousand
27 dollars (\$75,000), as reflected in an audited financial statement prepared by a certified public
28 ~~accountant or an independent accountant who is engaged in the public practice of accountancy;~~
29 accountant; and
- 30 (3) ~~Pass pass~~ the examination given by the Board for which shall contain subject matter related to the
31 specific contracting classification chosen by the applicant with a score of 70 percent or higher. as
32 set out in Rule .0404 of this Chapter.

33 ~~(c)~~ **(d)** Unlimited License. The applicant for an unlimited license ~~must:~~ shall:

- 34 (1) ~~Be [be]~~ entitled to be admitted to the examination given by the Board and must [shall] meet the
35 requirements set out in G.S. 87-10 and Section .0400 of this Chapter;
- 36 (2) ~~Be be~~ financially stable to the extent that the total current assets of the applicant or the firm or
37 corporation he or she represents exceed the total current liabilities by at least one hundred fifty

1 thousand dollars (\$150,000), as reflected in an audited financial statement prepared by a certified
2 public accountant or an independent accountant who is engaged in the public practice of
3 accountancy; accountant;

- 4 (3) ~~Pass~~ pass the examination ~~given by the Board for~~ which shall contain subject matter related to the
5 specific contracting classification chosen by the applicant with a score of 70 percent or higher. as
6 set out in Rule .0404 of this Chapter.

7 ~~(d)~~ (e) Surety Bonds. In lieu of demonstrating the ~~required~~ level of working capital as required by in Subparagraphs
8 [(b)(2)] (c)(2) and [(e)(2)] (d)(2) of this Rule or net worth under Subparagraph (a)(2) (b)(2) of this Rule, an applicant
9 may obtain a surety bond from a surety authorized to transact surety business in North Carolina pursuant to G.S. 58
10 Articles 7, 16, 21, or 22. The surety shall maintain a rating from A.M. Best, or its successor rating organization, of
11 either Superior (A++ or A+) or Excellent (A or A-). The bond shall be continuous in form and shall be maintained in
12 effect for as long as the applicant maintains a license to practice general contracting in North Carolina or until the
13 applicant demonstrates the required level of working ~~capital.~~ capital as required by Subparagraphs [(b)(2)] (c)(2) and
14 [(e)(2)] (d)(2) of this Rule. The application form and subsequent annual license renewal forms shall require proof of
15 a surety bond meeting the requirements of this Rule. The applicant shall maintain the bond in the amount of three
16 hundred fifty thousand dollars (\$350,000) for a limited license, one million dollars (\$1,000,000) for an intermediate
17 license, and two million dollars (\$2,000,000) for an unlimited license. The bond shall list the State of North Carolina
18 as obligee and be for the benefit of any person who is damaged by an act or omission of the applicant constituting
19 breach of a construction ~~contract or contract,~~ breach of a contract for the furnishing of labor, materials, or professional
20 services to construction undertaken by the applicant, or by an unlawful act or omission of the applicant in the
21 performance of a construction contract. The bond required by this Rule shall be in addition to and not in lieu of any
22 other bond required of the applicant by law, regulation, or any party to a contract with the applicant. Should the surety
23 cancel the bond, the surety and the applicant both shall notify the Board within 30 days in writing. If the applicant
24 fails to provide written proof of financial responsibility in compliance with this Rule within 30 days of the bond's
25 cancellation, then the applicant's license ~~is~~ shall be suspended until written proof of compliance is provided.

26 ~~(e) Suspension. After a suspension of four years, the applicant shall fulfill all requirements of a new applicant for~~
27 ~~licensure. The practice of general contracting by an applicant whose license has been suspended pursuant to this Rule~~
28 ~~shall subject the applicant to additional disciplinary action by the Board.~~

29 ~~(f) Reciprocity. An applicant that requests reciprocity as set forth in G.S. 87 15.1 must comply with all other~~
30 ~~requirements of the rules in this Chapter to be eligible to be licensed in North Carolina as a general contractor.~~

31 ~~(g) [(e)] (f) Accounting~~ Financial statements, accounting, and reporting standards. Financial statements submitted by
32 applicants to the Board shall be no older than twelve months from the date of submission. [Financial statements shall]
33 conform to United States "generally accepted accounting principles" (GAAP). The Board may require non GAAP
34 financial statements from applicants wherein the only exception to GAAP is that such presentation is necessary to
35 ascertain the working capital or net worth of the particular applicant. Examples of such [the] circumstances when
36 non GAAP presentation is [may be] necessary to ascertain the working capital or net worth of the applicant are [shall
37 be] when the only exception to GAAP is that assets and liabilities are classified as "current" and "noncurrent" on

1 ~~personal financial statements and when the only exception to GAAP is that the particular applicant is not combined~~
2 ~~with a related entity into one financial statement pursuant to AICPA Financial Interpretation 46R (ASC 810). The~~
3 ~~terminologies, working capital, balance sheet with current and fixed assets, current and long term liabilities, and any~~
4 ~~other accounting terminologies, used herein shall be construed in accordance with GAAP Standards as promulgated~~
5 ~~by the Financial Accounting Standards Board (FASB). The terminologies, audited financial statement, unqualified~~
6 ~~opinion, and any other auditing terminologies used herein shall be construed in accordance with those standards~~
7 ~~referred to as "generally accepted auditing standards" (GAAS) as promulgated by the American Institute of Certified~~
8 ~~Public Accountants (AICPA). Audited financial statements submitted in accordance with this Rule and Rule .0503 of~~
9 ~~this Chapter shall be in accordance with generally accepted auditing standards. Unaudited financial statements~~
10 ~~prepared in accordance with Paragraph (b)(2) of this Rule and Rule .0503 of this Chapter shall be submitted on a form~~
11 ~~provided by the Board that allows the Board to ascertain either the working capital or the net worth of the particular~~
12 ~~applicant to verify financial stability.~~

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14 *History Note: Authority G.S. 87-1; 87-4; 87-10; 87-15.1;*
15 *Eff. February 1, 1976;*
16 *Readopted Eff. September 26, 1977;*
17 *Amended Eff. January 1, 1983;*
18 *ARRC Objection March 19, 1987;*
19 *Amended Eff. May 1, 1989; August 1, 1987;*
20 *Temporary Amendment Eff. June 28, 1989 for a Period of 155 Days to Expire on December 1, 1989;*
21 *Amended Eff. December 1, 1989;*
22 *Temporary Amendment Eff. May 31, 1996;*
23 *RRC Removed Objection Eff. October 17, 1996;*
24 *Amended Eff. August 1, 1998; April 1, 1997;*
25 *Temporary Amendment Eff. August 24, 1998;*
26 *Amended Eff. April 1, 2014; April 1, 2013; August 1, 2008; April 1, 2006; March 1, 2005; August*
27 *1, 2002; April 1, 2001; August 1, 2000;*
28 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
29 *~~2016.~~ 2016;*
30 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0205 is amended with changes as published in 32:10 NCR 968-981 as follows:

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3 **21 NCAC 12 .0205 FILING DEADLINE/APP SEEKING QUAL/EMP/ANOTHER QUALIFIER**

4 ~~(a) Any application made pursuant to G.S. 87-10 for a new applicant seeking qualification by employment of a person~~
5 ~~who has already passed an examination shall be completed and filed at least 30 days before any regular or special~~
6 ~~meeting of the Board. At such meeting, the Board shall consider the application.~~

7 ~~(b) (a) The qualifier for the applicant shall be a responsible managing employee, officer~~ officer, or member of the
8 ~~personnel of the applicant, as described in G.S. 87-10 and Rule .0408(a) of this Chapter. 87-10. A person may serve~~
9 ~~as a qualifier for no more than two licenses. A person may not serve as a qualifier under this Rule if such person has~~
10 ~~not served as a qualifier for a license of the appropriate classification for more than four years prior to the filing of the~~
11 ~~application currently under review. A qualifier's examination credentials shall archive if the qualifier does not serve~~
12 ~~as a qualifier for an active licensee for a period of four consecutive years. Any subsequent attempts to qualify for a~~
13 ~~license shall require the qualifier to earn a passing grade. Subject to the provisions of G.S. 150B and Section .0800~~
14 ~~of these Rules, the Board may reject the application of an applicant seeking qualification by employment of a person~~
15 ~~who has already passed an examination if such person has previously served as qualifier for a licensee that has been~~
16 ~~disciplined by the Board.~~

17 ~~(c) (b) The holder of a general contractors license~~ A licensee shall notify the Board ~~immediately~~ in writing ~~as to the~~
18 ~~termination date in the event the qualifying individual or individuals cease a qualifier ceases~~ to be connected with the
19 ~~licensee.~~ [licensee; the] The notice shall include the date on which the qualifier was last connected with the [licensee;]
20 licensee and shall be submitted no later than 10 days after the date of separation. A qualifier shall also be required to
21 ~~notify the Board in writing in such circumstances. After such notice is filed with the Board,~~ Board in writing, or the
22 Board determines that the ~~qualifying individual or individuals are~~ qualifier is no longer connected with the ~~licensee,~~
23 ~~licensee if there are no additional qualifiers for the licensee,~~ the license shall remain in full force and effect for a period
24 of 90 days from the termination date, and then ~~is cancelled,~~ becomes invalid unless a qualifier has transferred a valid
25 [qualifying credential,] examination credential to the licensee, as provided by G.S. 87-10(c). ~~87-10. Holders of a~~
26 ~~general contractors license are entitled to reexamination or replacement of the qualifying individual's credentials in~~
27 ~~accordance with G.S. 87-10, but may not engage in the practice of general contracting for any project whose cost~~
28 ~~exceeds the monetary threshold set forth in G.S. 87-1 after the license has been cancelled, until another qualifying~~
29 ~~individual has passed an examination.~~

30 ~~(c) Persons associated with a firm or corporation may take the required examination on behalf of the firm or~~
31 ~~corporation~~ [under certain conditions. The conditions are] as described in G.S. 87-10. ~~A partner may take an~~
32 ~~examination on behalf of a partnership.~~

33 ~~(d) "Responsible managing" as used in G.S. 87-10 shall describe a person who is engaged in the work of the applicant~~
34 ~~a minimum of 20 hours per week or a majority of the hours operated by the applicant, whichever is less.~~

35 ~~(e) "Members of the personnel" as used in G.S. 87-10 shall describe a person who is a responsible managing employee~~
36 ~~of the applicant. A member of the personnel shall not be an independent contractor.~~

1 (f) An applicant or licensee may have more than one qualifier. If one person associated with the applicant fails, and
2 another passes, the license will be granted to that applicant. A license will be issued only in the classification held by
3 a qualifier who has passed an examination in that classification.

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5 *History Note: Authority G.S. 87-1; 87-4; 87-10; 87-11(a);*
6 *Eff. February 1, 1976;*
7 *Readopted Eff. September 26, 1977;*
8 *Amended Eff. April 1, 2014; July 1, 2008; April 1, 2006; August 1, 2000; June 1, 1994; June 1,*
9 *1992; May 1, 1989; July 1, 1987;*
10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
11 *~~2016-2016;~~*
12 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0211 is amended with changes as published in 32:10 NCR 968-981 as follows:

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21 NCAC 12 .0211 MULTIUNIT BUILDINGS

For the purposes of determining whether or not the cost of the undertaking is thirty thousand dollars (\$30,000) or more under G.S. 87-1, and whether or not the value of any single project falls within the license limitations established by G.S. 87-10(a),

(a) ~~If~~ **If** a project consists of the construction or alteration of one or more buildings ~~comprised of three or more units within each building, including apartments, condominiums, and townhomes, then all such units in a building shall be considered in determining the cost of the undertaking under G.S. 87-1 and the value of the project under G.S. 87-10(a).~~ that fall under the requirements of the North Carolina Building Code, all structures and units on the same parcel of land shall be considered as a single project.

(b) ~~If~~ **If** a project consists of the construction or alteration of one or more buildings that fall under the requirements of the North Carolina Residential Code, only structures and units on the same parcel of land shall be considered as one project.

(c) The North Carolina State Building Code standards are hereby incorporated by reference, including subsequent amendments and editions. The current Code may be found online at [http://www.ncdoi.com/OSFM/Engineering and Codes/Default.aspx?field1=Codes - Current and Past&user=State Building Codes](http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes - Current and Past&user=State Building Codes).

*History Note: Authority G.S. 87-1; 87-4; 87-10;
Eff. August 11, 2009;
Amended Eff. April 1, 2010;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016. 2016;
Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0301 is repealed as published in 32:10 NCR 968-981 as follows:

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SECTION .0300 - APPLICATION PROCEDURE

4

21 NCAC 12 .0301 GENERAL

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7 *History Note: Authority G.S. 87-1; 87-10;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. September 26, 1977;*

10 *Amended Eff. May 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

12 *~~2016- 2016;~~*

13 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0302 is repealed as published in 32:10 NCR 968-981 as follows:

2

3 **21 NCAC 12 .0302 REQUEST**

4

5 *History Note: Authority G.S. 87-1; 87-10; 150B-19(5);*

6 *Eff. February 1, 1976;*

7 *Amended Eff. June 23, 1977;*

8 *Readopted Eff. September 26, 1977;*

9 *Amended Eff. May 1, 2006; December 1, 1995; June 1, 1992;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

11 *~~2016- 2016;~~*

12 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0305 is repealed as published in 32:10 NCR 968-981 as follows:

2

3 **21 NCAC 12 .0305 FILING ADDRESS**

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5 *History Note: Authority G.S. 87-1; 87-10;*

6 *Eff. February 1, 1976;*

7 *Amended Eff. June 23, 1977;*

8 *Readopted Eff. September 26, 1977;*

9 *Amended Eff. May 1, 1989;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

11 *~~2016-2016;~~*

12 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0402 is repealed as published in 32:10 NCR 968-981 as follows:

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3 **21 NCAC 12 .0402** **SUBJECT MATTER**

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5 *History Note:* *Authority G.S. 87-1; 87-10;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 26, 1977;*

8 *Amended Eff. August 1, 2000; June 1, 1994; May 1, 1989;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

10 *~~2016- 2016;~~*

11 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0408 is repealed as published in 32:10 NCR 968-981 as follows:

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3 **21 NCAC 12 .0408 PERSON TAKING EXAMINATION**

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5 *History Note: Authority G.S. 87-1; 87-10;*

6 *Eff. February 1, 1976;*

7 *Readopted Eff. September 26, 1977;*

8 *Amended Eff. April 1, 2006; September 1, 1992; May 1, 1989;*

9 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

10 *~~2016-2016;~~*

11 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0410 is repealed as published in 32:10 NCR 968-981 as follows:

2

3 **21 NCAC 12 .0410 FAILING EXAMINATION**

4

5 *History Note: Authority G.S. 87-10;*

6 *Eff. December 1, 1995;*

7 *Amended Eff. August 1, 2000;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

9 *~~2016.~~ 2016.*

10 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0503 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0503 RENEWAL OF LICENSE**

4 (a) ~~Form.~~ The Board's renewal form shall require the applicant to include the following information: [~~Applicants~~]
5 Applications for renewal of license shall containing the following:

- 6 (1) ~~whether there were any changes made in the status of the licensee's business during the preceding~~
7 ~~year; and the Social Security Number of the applicant and qualifier(s) and tax identification number~~
8 ~~for corporations, LLCs, or partnerships;~~
- 9 (2) ~~a financial statement for the licensee's business. The financial statement need not be prepared by a~~
10 ~~certified public accountant or by a qualified independent accountant, but may be completed by the~~
11 ~~licensee on the form itself. the applicant's contact information;~~
- 12 (3) ~~the name of business under which licensee will be operating, if any;~~
- 13 (4) ~~information regarding any changes made in the status of the licensee's business, since the initial~~
14 ~~application or last renewal was submitted to the Board, whichever is later;~~
- 15 (5) ~~confirmation of license limitation and classifications;~~
- 16 (6) ~~information about all crimes of which the applicant has been convicted since the initial application~~
17 ~~or last renewal was submitted to the Board, whichever is later;~~
- 18 (7) ~~documentation regarding all crimes referenced above;~~
- 19 (8) ~~information indicating whether the applicant has any disciplinary history with any other~~
20 ~~occupational licensing, [~~registration~~] registration, or certification agency since the initial application~~
21 ~~or last renewal was submitted to the Board, whichever is later;~~
- 22 (9) ~~a financial statement prepared by a representative of the licensee on a form provided by the [Board,~~
23 ~~an acceptable substitute] Board or by a certified public accountant to demonstrate continued~~
24 ~~financial responsibility pursuant to Rule .0204 of this Chapter; [~~and~~]~~
- 25 (10) ~~if applicable, proof that the surety bond is maintained in compliance with Rule .0204 of this Chapter;~~
26 ~~and~~
- 27 [(10)](11) ~~the application fee [as set forth in Rule .0304 of this Chapter] and any accrued late [fees,] fees~~
28 ~~as set forth in Rule .0304 of this Chapter.~~

29 (b) ~~The Board shall require a licensee to submit an audited financial statement if there is any evidence indicating that~~
30 ~~the licensee may be unable to meet its financial obligations. A licensee shall be required to provide evidence of~~
31 ~~continued financial responsibility satisfactory to the Board, pursuant to Rule .0204 of this Chapter, if there are~~
32 ~~indications submit an audited financial statement as evidence of continued financial responsibility in accordance with~~
33 ~~Rule .0204 of this Chapter if the Board finds that the licensee is insolvent, financially unstable, or unable to meet its~~
34 ~~financial responsibilities based upon the information provided in the renewal application. responsibilities. Except as~~
35 ~~provided herein, evidence [Evidence] of financial responsibility shall be subject to approval by the Board in~~
36 ~~accordance with the requirements of Rule .0204 of this Chapter.~~

1 (c) A licensee shall provide the Board with a copy of any bankruptcy petition filed by the licensee within 30 days of
2 its filing. A licensee in bankruptcy shall provide to the Board an audited financial statement prepared by a certified
3 public accountant with a classified balance sheet as part of any application for renewal. ~~A corporate licensee shall~~
4 ~~notify the Board of its dissolution, suspension of its corporate charter, or withdrawal of its Certificate of Authority~~
5 ~~within 30 days of such dissolution, suspension, or withdrawal.~~

6 (d) A corporate license shall not be renewed unless it is in good standing with the N.C. Department of the Secretary
7 of State.

8 ~~(e)~~ (e) Upon receipt of a written request by or on behalf of a licensee who is currently in good standing with the
9 Board, is serving in the armed forces of the United States, and to whom G.S. 105-249.2 grants an extension of time to
10 file a tax return, the Board shall grant that same extension of time for complying with renewal application deadlines,
11 for paying renewal fees, and for meeting any other requirement or conditions related to the maintenance or renewal of
12 the license issued by the Board. The applicant shall furnish to the Board a copy of the military orders or the extension
13 approval by the Internal Revenue Service or by the North Carolina Department of Revenue.

14
15 *History Note: Authority G.S. 87-1; 87-4;87-10; 87-12; 87-13; 93B-15;*
16 *Eff. February 1, 1976;*
17 *Readopted Eff. September 26, 1977;*
18 *ARRC Objection March 19, 1987;*
19 *Amended Eff. May 1, 1989; August 1, 1987;*
20 *Temporary Amendment Eff. June 28, 1989 for a period of 155 Days to Expire on December 1, 1989;*
21 *Amended Eff. December 1, 1989;*
22 *RRC Removed Objection of March 19, 1987 Eff. August 20, 1992 based on subsequent amendment;*
23 *Amended Eff. September 1, 1992;*
24 *Temporary Amendment Eff. May 31, 1996;*
25 *Amended Eff. April 1, 2014; June 1, 2011; June 1, 2003; April 1, 2003; August 1, 2002; April 1,*
26 *1997;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
28 *~~2016.~~ 2016;*
29 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0504 is amended with changes as published in 32:10 NCR 968-981 as follows:

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3 **21 NCAC 12 .0504 INCREASE IN LIMITATION**

4 (a) General. A person, ~~firm~~ firm, or corporation holding a valid license to engage in the practice of general contracting
5 in North Carolina may apply for a different limitation by making application for such different limitation with the
6 Board on a form prescribed and furnished by the Board. The application shall contain the following:

7 (1) the Social Security Number of individual applicant, [qualifier(s)] ~~qualifier(s)~~, and tax identification
8 number for [corporation,] ~~corporations~~, LLCs, or partnerships;

9 (2) the applicant's contact information;

10 (3) the exact name of the business as reflected on the previously issued license that is subject to the
11 limitation increase application;

12 (4) information regarding any changes made in the status of the licensee's [business,] ~~business~~ since
13 the initial application or last renewal was submitted to the Board, whichever is later;

14 (5) confirmation of license limitation and classifications;

15 (6) requested limitation;

16 (7) an audited financial statement to be prepared by a certified public accountant to demonstrate
17 financial responsibility pursuant to Rule .0204; [and]

18 (8) if applicable, proof that the surety bond is maintained in compliance with Rule .0204 of this Chapter;
19 and

20 (9) the application fee as set forth in Rule .0304 of this Chapter.

21 (b) ~~Request.~~ A request for the required application form may be made at the address shown in Rule .0101 of this
22 Chapter.

23 (c) ~~Form.~~ The application form for a change in limitation requires the applicant to set forth his professional
24 qualifications and his present and past experience in general contracting. An audited financial statement prepared by
25 a certified public accountant or by an independent accountant who is engaged in the public practice of accountancy is
26 required with the application for change in limitation.

27 (d) (b) Eligibility. An applicant ~~for a new limitation is~~ shall be eligible for ~~the requested change~~ a new limitation if
28 he or she possesses the qualifications ~~for the limitations as set forth in~~ necessary in accordance with Rule .0204 of this
29 Chapter ~~with the exception that such applicant~~ Chapter, except that he or she shall not be required to take a written
30 examination. exam.

31 (e) ~~Filing Deadline.~~ An applicant who wishes to have his application considered for a change in limitation must file
32 his application no later than the first day of the month preceding any regularly scheduled meeting of the Board. At
33 such meeting the Board will consider the application. Regular meetings of the Board are in January, April, July and
34 October of each year.

35 (f) ~~Fees.~~ The fees for issuance of limited, intermediate, and unlimited licenses are as provided by G.S. 87-10.

36 (g) ~~Notice of Approval.~~ Within two weeks after the regular meeting of the Board in which a timely filed application
37 is considered, the Board will notify the applicant of its decision. If the application is approved, a certification of

1 ~~license in the new limitation will be issued by the Board and the applicant, as of the time of notice of the approval,~~
2 ~~may conduct himself or itself in accordance with the rights available under the limitation granted.~~

3
4 *History Note: Authority G.S. 87-1; ~~87-4~~; 87-10;*
5 *Eff. February 1, 1976;*
6 *Amended Eff. June 23, 1977;*
7 *Readopted Eff. September 26, 1977;*
8 *Amended Eff. May 1, 1989; January 1, 1983;*
9 *Temporary Amendment Eff. June 28, 1989, for a period of 155 days to expire on December 1, 1989;*
10 *Amended Eff. August 1, 2000; December 1, 1989;*
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
12 *~~2016~~ 2016;*
13 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0701 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **SECTION .0700 – BOARD DISCIPLINARY PROCEDURES**
4

5 **21 NCAC 12 .0701 IMPROPER PRACTICE**

6 (a) Complaint. Any person who believes that ~~any~~ a licensed general contractor is in violation of the provisions of
7 G.S. 87-11 may ~~prefer charges~~ file a complaint with the Board against ~~that person or corporation~~ a licensee, qualifier,
8 or both by setting forth in writing those charges and swearing to their authenticity. The ~~charges shall be filed with the~~
9 ~~Secretary-Treasurer of the Board at the Board's address in Rule .0101 of this Chapter.~~ complaint shall be submitted to
10 the [Board.] Board and include the complainant's contact information, project location, and name of the licensee,
11 qualifier, or both.

12 (b) Preliminary or Threshold Determination:

13 (1) A complaint filed in accordance with G.S. 87-11(a1) shall be forwarded to a staff investigator for
14 investigation. ~~Simultaneously, Within 30 days,~~ the Board shall forward a written notice of ~~and~~
15 ~~explanation of the charge to the person or corporation~~ the complaint to the licensee and qualifier(s)
16 against whom the charge is made. The notice shall request a response from the ~~person or corporation~~
17 ~~so charged to show compliance with all lawful requirements for retention of the license.~~ licensee
18 and qualifier(s). The Board shall send notice of the charge and of the alleged facts or alleged conduct
19 by first class mail to the last known address of ~~the person or corporation.~~ and by email to the address
20 of the licensee and qualifier(s).

21 (2) After the investigation is complete, the charge shall be referred to the review committee. The review
22 committee shall consist of the following individuals:

- 23 (A) one member of the Board;
24 (B) the Secretary-Treasurer or his designee; and
25 (C) ~~either a staff person or Board member~~ agreed upon by the individuals listed above.

26 (3) The Based upon the complaint and investigation, the review committee shall recommend to the
27 Board that:

- 28 (A) The charge be ~~dismissed as unfounded or trivial;~~ dismissed;
29 (B) When the charge is admitted as true by the ~~respondent,~~ licensee and qualifier(s), the Board
30 accept the ~~respondent's~~ licensee's and qualifier(s)' admission of guilt and order the
31 ~~respondent~~ licensee and qualifier(s) not to commit in the future the act or acts admitted by
32 him to have been violated and not to violate any of the acts of misconduct specified in G.S.
33 87-11 at any time in the future; or
34 (C) The charge, whether admitted or denied, be presented to the full Board for a hearing and
35 determination by the Board on the merits of the charge in accordance with the substantive
36 and procedural requirements of the provisions of Section .0800 of this Chapter and the

1 provisions of G.S. 87-11. Prior to the charge's being heard and determined by the Board,
2 it may be resolved by consent order.

3 ~~(4) The review committee shall not be required to notify the parties of the reasons for its~~
4 ~~recommendation.~~

5 ~~(e) Board Determination. After a hearing, in accordance with the hearing requirements of Section .0800 of this~~
6 ~~Chapter, the Board shall make a determination of the charge based upon the requirements of G.S. 87-11.~~

7
8 *History Note: Authority G.S. 87-4; 87-11; 150B-3; 150B-38;*
9 *Eff. February 1, 1976;*
10 *Readopted Eff. September 26, 1977;*
11 *Amended Eff. April 1, 2014; June 1, 2011; April 1, 2006; April 1, 2003; May 1, 1989;*
12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
13 *~~2016.~~ 2016;*
14 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0702 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0702 UNLAWFUL UNLICENSED PRACTICE**

4 (a) Complaint. Any person who believes that ~~any~~ a person, ~~firm~~ firm, or corporation is in violation of the acts specified
5 in G.S. 87-13 may ~~bring charges~~ file a complaint against that person, firm, or corporation. The ~~charges~~ complaint
6 shall be filed with the ~~Secretary-Treasurer of the Board at the Board's mailing address in Rule .0101 of this Chapter.~~

7 [Board.] Board and include the complainant's contact information, project location, and name of alleged violator.

8 (b) Preliminary or Threshold Determination:

9 (1) A complaint filed in accordance with G.S. 87-13 shall be forwarded to a staff investigator for
10 investigation. Board staff shall investigate the charge to determine whether there is probable cause
11 to believe that a party against whom a charge has been brought violated the provisions of G.S. 87-
12 13.

13 (2) After the investigation is complete, the charge shall be referred to the review committee. The review
14 committee shall consist of the following individuals:

15 (A) one member of the Board;

16 (B) the Secretary-Treasurer or his designee; and

17 (C) ~~either a staff person or Board member~~ agreed upon by the individuals listed above.

18 (3) If Based upon the complaint and investigation, if the review committee ~~finds probable cause,~~
19 [believes] determines that probable cause exists that a person, firm, or corporation is practicing
20 general contracting without a license, it shall ~~forward the decision along with the reasons for the~~
21 ~~decision and any evidence accumulated by it to Board counsel for appropriate action.~~ recommend
22 to the Board that injunctive relief be sought. If the Board concurs with the review committee's
23 recommendation, the investigation shall be forwarded to Board counsel to seek injunctive relief. If
24 the review committee does not ~~find probable cause, it shall notify the complainant.~~ believe that the
25 person, firm, or corporation is practicing general contracting without a license, it shall recommend
26 to the Board dismissal of the complaint. Once dismissed, the Board shall notify the complainant.

27
28 *History Note: Authority G.S. 87-1; 87-4; 87-13; 87-13.1;*

29 *Eff. February 1, 1976;*

30 *Readopted Eff. September 26, 1977;*

31 *Amended Eff. April 1, 2014; June 1, 2011; May 1, 1989;*

32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
33 *~~2016.~~ 2016;*

34 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0703 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0703 FEE FOR SUBMITTAL OF BAD CHECK**

4 (a) The Board shall charge ~~any the maximum processing~~ fee allowed by ~~law~~ G.S. 25-3-506 if a check submitted to
5 the Board is ~~subsequently~~ returned ~~due to insufficient funds at or no account in~~ [for any reason] by a financial
6 ~~institution.~~ institution because of insufficient funds or because the drawer did not have an account at that bank.

7 (b) Until such time as the drawer of the bad check has paid the prescribed fee, the drawer ~~will~~ shall not be eligible to
8 take an examination, review an examination, obtain a license, or have the license renewed. For the purpose of this
9 Rule, "prescribed fee" shall mean the sum of:

- 10 (1) the maximum processing fee ~~described in Paragraph (a) of this Rule;~~ allowed by G.S. 25-3-506;
11 (2) the renewal or application fee, whichever is applicable; and
12 (3) the late payment fee described in G.S. 87-10(e).

13 (c) Any license ~~which that~~ has been issued or renewed based on a check which is ~~subsequently~~ returned to the Board
14 ~~for reasons stated in Paragraph (a) of this Rule is~~ shall be invalid until such time as the drawer has paid the prescribed
15 fee. The invalidity of the license or renewal shall ~~be deemed to have commenced~~ commence on the date of the issuance
16 of the license or renewal.

17 (d) Payment of the prescribed fee to the Board shall be made in the form of a cashier's ~~check or money order.~~ check,
18 money order, credit card, or debit card.

19 (e) In the event the drawer of the bad check fails to pay the prescribed fee, during which time the license or renewal
20 lapses for four years, ~~no renewal shall be effected~~ the license shall not be renewed and the ~~drawer~~ licensee for whom
21 the check was to benefit shall fulfill all requirements of a new applicant set forth in G.S. ~~87-10.~~ 87-10 and Rules .0303
22 and .0503 of this Chapter.

23
24 *History Note: Authority G.S. 25-3-506; 87-4; 87-10;*

25 *Eff. January 1, 1983;*

26 *Amended Eff. April 1, 2014; April 1, 2003; May 1, 1989;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
28 *2016. 2016;*

29 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0817 is repealed as published in 32:10 NCR 968-981 as follows:

2

3 **21 NCAC 12 .0817 RIGHT TO HEARING**

4

5 *History Note: Authority G.S. 87-11(b); 150B-11; 150B-38;*

6 *Eff. September 1, 1988;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

8 *~~2016.~~ 2016;*

9 *Repealed Eff. April 1, 2018.*

1 21 NCAC 12 .0818 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0818 REQUEST FOR HEARING**

4 ~~(a) Any time an aggrieved person believes his rights, duties, or privileges have been affected by the Board's~~
5 ~~administrative action, but has not received notice of a right to an administrative hearing pursuant to Rule .0817 of this~~
6 ~~Section, the aggrieved person may file a request for an administrative hearing.~~

7 ~~(b) Before an aggrieved person may file a request he must first exhaust all reasonable efforts to resolve the issue~~
8 ~~informally with the Board.~~

9 ~~(c) (a) Subsequent to such informal action, if still dissatisfied, the [Am] A person aggrieved as defined by~~
10 ~~G.S. 150B-2 person shall may submit a request for a hearing pursuant to 150B-38 before the Board in writing to the~~
11 ~~Board's office, with the request bearing the notation: REQUEST FOR ADMINISTRATIVE HEARING. The request~~
12 ~~shall contain the following information:~~

- 13 (1) ~~Name~~ name and address of the aggrieved ~~person, person;~~
14 (2) ~~A a~~ statement of the action taken by the Board ~~which that is challenged, challenged; and~~
15 (3) ~~A a~~ statement of the way in which the aggrieved person has been ~~aggrieved, and aggrieved.~~
16 (4) ~~A request for a hearing.~~

17 ~~(d) (b) An aggrieved person shall submit a request for an administrative hearing to the Board's office within 60 days~~
18 ~~of receipt of notice of the action taken by the Board which is challenged. The Upon receipt of a request for a hearing,~~
19 ~~the Board shall acknowledge the request and schedule a hearing.~~

20
21 *History Note: Authority G.S. 87-4; ~~87-11(b); 87-11; 150B-11; 150B-38;~~*
22 *Eff. September 1, 1988;*
23 *Amended Eff. June 1, 2011; August 1, 2002;*
24 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
25 *~~2016. 2016;~~*
26 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0820 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0820 NOTICE OF HEARING**

4 (a) The Board shall give the party or parties in a contested case a notice of hearing not less than 15 days before the
5 hearing. Said notice shall ~~contain the following information, in addition to the items specified in comply with G.S.~~
6 ~~150B-38(b);~~ 150B-38(b).

7 (1) ~~the name, position, address and telephone number of a person at the offices of the Board to contact~~
8 ~~for further information or discussion;~~

9 (2) ~~the date, time, and place for a pre hearing conference, if any; and~~

10 (3) ~~any other information deemed relevant to informing the parties as to the procedure of the hearing.~~

11 (b) If Based upon information received, if the Board determines that the public health, ~~safety~~ safety, or welfare
12 requires such emergency action, it may issue an order summarily suspending a license or ~~permit.~~ exam credentials.
13 Upon service of the order, the licensee or permit holder qualifier to whom the order is directed shall ~~immediately~~
14 the practice of general contracting in North Carolina. The Board shall ~~promptly~~ give notice of hearing pursuant to
15 G.S. 150B-38 following service of the order. The suspension shall remain in effect pending issuance by the Board of
16 a final agency decision pursuant to G.S. 150B-42.

17
18 *History Note: Authority G.S. 87-4; 87-11(b); 150B-3(c); ~~150B-11~~; 150B-38;*

19 *Eff. October 1, 1988;*

20 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
21 *~~2016.~~ 2016;*

22 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0826 is amended with changes as published in 32:10 NCR 968-981 as follows:

2

3 **21 NCAC 12 .0826 FAILURE TO APPEAR**

4 Should a party fail to appear at a scheduled hearing, the ~~Board, or the designated administrative law judge,~~
5 **Board** may proceed with the hearing and make its decision in the absence of the party, provided that the party has
6 been given ~~proper notice.~~ notice in accordance with G.S. 150B-38 and unless otherwise directed by law. The Board
7 ~~or the administrative law judge~~ may order a continuance in order to give the party another opportunity to ~~appear.~~
8 appear as determined on a case by case basis and upon good cause shown.

9

10 *History Note: Authority G.S. 87-4; 87-11(b); ~~150B-11~~; 150B-38; 150B-40;*

11 *Eff. October 1, 1988;*

12 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

13 *~~2016.~~ 2016;*

14 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0827 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0827 SUBPOENAS**

4 (a) Requests for subpoenas for the attendance and testimony of witnesses or for the production of documents, either
5 at a hearing or for the purposes of discovery, shall shall:

6 (1) be made in writing to the Board and shall Board:

7 (2) identify any document sought with specificity, and shall sought:

8 (3) include the full name and home or business address of all persons to be subpoenaed and,
9 subpoenaed; and

10 (4) if known, the date, time, and place for responding to the subpoena.

11 The Board shall issue the requested subpoenas within three days of receipt of the request.

12 (b) Subpoenas shall contain; contain the following:

13 (1) the caption of the case;

14 (2) the name and address of the person subpoenaed;

15 (3) the date, hour hour, and location of the hearing in which the witness is commanded to appear;

16 (4) a particularized description of the books, papers, records records, or objects the witness is directed
17 to bring with him to the hearing, if any;

18 (5) the identity of the party on whose application the subpoena was issued;

19 (6) the date of issue;

20 (7) the signature of the presiding officer or his designee; and

21 (8) a "return of service." The "return of service" form as filled out, shows shall show:

22 (i) the name and capacity of the person serving the subpoena, subpoena:

23 (ii) the date on which the subpoena was delivered to the person directed to make service,
24 service;

25 (iii) the date on which service was made, made:

26 (iv) the person on whom service was made, made:

27 (v) the manner in which service was made, made: and

28 (vi) the signature of the person making service.

29 (c) Subpoenas shall be served by the sheriff of the county in which the person subpoenaed resides, when the party
30 requesting such subpoena prepays the sheriff's service fee. in a manner set forth in Rule 45 of the N.C. Rules of Civil
31 Procedure. The subpoena shall be issued in duplicate, with a "return of service" form attached to each copy. A person
32 serving the subpoena shall fill out the "return of service" form for each copy and properly return one copy of the
33 subpoena, with the attached "return of service" form completed, to the Board.

34 (d) Any person receiving a subpoena from the Board may object thereto by filing a written objection to the subpoena
35 with the Board's office. Written objections shall comply with Rule 45 of the N.C. Rules of Civil Procedure.

36 (e) Such objection shall include a concise, but complete, statement of reasons why the subpoena should be revoked
37 or modified. These reasons may include lack of relevancy of the evidence sought, or any other reason sufficient in

1 law for holding the subpoena invalid, such as that the evidence is privileged, that appearance or production would be
2 so disruptive as to be unreasonable in light of the significance of the evidence sought, or other undue hardship.

3 (f) Any such objection to a subpoena must be served on the party who requested the subpoena simultaneously with
4 the filing of the objection with the Board.

5 (g) (c) The party who requested the subpoena, in such time as may be granted by the Board, subpoena may file a
6 written response to the objection. The written response shall be served by the requesting party on the objecting witness
7 simultaneously with filing the response with the Board.

8 (h) (f) After receipt of the objection and response thereto, if any, the Board shall issue a notice to the party who
9 requested the subpoena and the party challenging the subpoena, and may notify any other party or parties of an open
10 hearing, subpoena to be scheduled as soon as practicable, at which time evidence and testimony may be presented,
11 limited to the narrow questions raised by the objection and response.

12 (i) (g) Promptly after the close of such hearing, a majority of the Board members with voting authority, or an
13 administrative law judge assigned to the case pursuant to G.S. 150B-40(e), authority will rule on the challenge and
14 issue a written decision. A copy of the decision will be issued to all parties and made a part of the record.

15
16 *History Note:* Authority G.S. 87-11(b); ~~150B-11~~; 150B-38; 150B-39; 150B-40;

17 *Eff. October 1, 1988;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
19 *2016-2016;*

20 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0829 is amended with changes as published in 32:10 NCR 968-981 as follows:

2

3 **21 NCAC 12 .0829 FINAL DECISION**

4 In all cases heard by the Board, the Board ~~will~~ shall issue ~~its~~ a final written decision within 60 days ~~after its next~~
5 ~~regularly scheduled meeting~~ following the close of the hearing. This decision will be the prerequisite "final agency
6 decision" for the right to judicial review.

7

8 *History Note:* Authority G.S. 87-4; 87-11(b); ~~150B-11~~; 150B-38; 150B-42;

9 *Eff. September 1, 1988;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*

11 *~~2016-2016~~;*

12 *Amended Eff. April 1, 2018.*

1 21 NCAC 12 .0830 is amended with changes as published in 32:10 NCR 968-981 as follows:

2
3 **21 NCAC 12 .0830 PROPOSALS FOR DECISIONS**

4 (a) ~~When an administrative law judge conducts a hearing pursuant to G.S. 150B-40(e), a "proposal for decision" shall~~
5 ~~be rendered within 45 days of the hearing pursuant to the Rules of the Office of Administrative Hearings, 26 NCAC~~
6 ~~03 .0127. Any party may file written exceptions to this "proposal for decision" and submit their own proposed findings~~
7 ~~of fact and conclusions of law. The exceptions and alternative proposals must be received within ten~~ If an
8 administrative law judge hears a contested case pursuant to G.S. 150B-40(e), a party may file written exception and
9 alternative finding of facts and conclusions of law to the "proposal for decision" issued by the administrative law
10 judge. The written exceptions and alternative findings of facts and conclusions of law shall be received by the Board
11 within 10 days after the party has received the "proposal for decision" as drafted by the administrative law judge.

12 (b) Any exceptions ~~to the procedure during the hearing, the handling of the hearing by the administrative law judge,~~
13 ~~rulings on evidence, or any other matter, must~~ shall be written and refer specifically to pages of the record or otherwise
14 precisely identify the occurrence to which exception is taken. The exceptions must be filed with the Board within ten
15 days of the receipt of the proposal for decision. The written exceptions shall bear the notation: EXCEPTIONS TO
16 THE PROCEEDINGS IN THE CASE OF (Name of case).

17 (c) ~~Any~~ Pursuant to G.S. 150B-40(e), any party may present oral argument to the Board upon request. The request
18 must be included with the written exceptions.

19 (d) Upon receipt of request for further oral argument, Board staff shall issue notice to all parties designating time and
20 place for such oral argument.

21 (e) ~~Giving due consideration to the proposal for decision and the exceptions and arguments of the parties, the Board~~
22 ~~may adopt the proposal for decision or may modify it as the Board deems necessary.~~ The Board's final decision
23 rendered shall be a part of the record and record, a copy thereof shall be given to all parties. ~~The decision as adopted~~
24 ~~or modified becomes~~ parties, and shall be the "final agency decision" for the right to judicial review. ~~Said~~ The final
25 written decision shall be rendered issued by the Board within 60 days ~~of the next regularly scheduled meeting~~
26 ~~following the oral arguments, if any.~~ from the date oral arguments were presented to the Board. If there are no oral
27 arguments presented, the final written decision shall be rendered issued within 60 days of the ~~next regularly scheduled~~
28 ~~board meeting following receipt of the written exceptions.~~ date on which the Board rendered its decision.

29
30 *History Note: Authority G.S. 87-4; 87-11(b); 150B-38; 150B-40;*
31 *Eff. September 1, 1988;*
32 *Amended Eff. July 1, 2008;*
33 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23,*
34 *2016- 2016;*
35 *Amended Eff. April 1, 2018.*