



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

May 23, 2018

Jeffrey P. Gray, Rulemaking Coordinator
Alarm Systems Licensing Board
Sent via email only: jgray@bdixon.com

Re: 14B NCAC 17 .0402 and .0403

Dear Mr. Gray:

On May 17, 2018, the Rules Review Commission objected to the above-identified rules in accordance with G.S. 150B-21.9.

Today, the Alarm Systems Licensing Board responded in accordance with G.S. 150B-21.12 and requested that the rules be returned to the agency.

This letter is to confirm that, pursuant to G.S. 150B-21.12(d), the rules are being returned upon the written request of the agency. No further action will be taken by the Rules Review Commission on these rules.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Jason Thomas
Commission Counsel

cc: Cynthia Anthony (cynthia.anthony@ncdps.gov)
Maggie Craven (mcraven@bdixon.com)

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
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Clerk's Office
919/431-3000
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Rules Review
Commission
919/431-3000
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Civil Rights
Division
919/431-3036
fax: 919/431-3103

Burgos, Alexander N

From: Craven, Maggie <mcraven@bdixon.com>
Sent: Wednesday, May 23, 2018 3:48 PM
To: Masich, Molly
Cc: Gray, Jeffrey; Thomas, Jason S
Subject: [External] Lack of Authority/Repeal of 14B NCAC 17 .0402 & .0403

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Molly –

Pursuant to 150B-21.7(a), I am writing to notify you that the Alarm Systems Licensing Board no longer has authority for rules 14B NCAC 17 .0402 and .0403.

The authorizing statute, G.S. 74D-31 was repealed in 2009. As a result, these rules need to be repealed as well.

Let me know if you need any additional information from us.

Maggie A. Craven
Bailey & Dixon, LLP
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May 17, 2018

Jeffrey P. Gray, Rulemaking Coordinator
Alarm Systems Licensing Board
Sent via email only: jgray@bdixon.com

Re: 14B NCAC 17 .0402 and .0403

Dear Mr. Gray:

At its meeting this morning, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to the rules based upon lack of statutory authority because G.S. 74D-31, the statute authorizing these rules, was repealed.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Jason Thomas
Commission Counsel

Cc: Cynthia Anthony (cynthia.anthony@ncdps.gov)

Administration	Rules Division	Judges and	Clerk's Office	Rules Review	Civil Rights
919/431-3000	919/431-3000	Assistants	919/431-3000	Commission	Division
fax: 919/431-3100	fax: 919/431-3104	919/431-3000	fax: 919/431-3100	919/431-3000	919/431-3036
		fax: 919/431-3100		fax: 919/431-3104	fax: 919/431-3103

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alarm Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0402

DEADLINE FOR RECEIPT: Friday, May 11, 2018

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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 that the following technical changes be made:

Line 5 – delete “minimum”

Lines 6-15 – do not capitalize the first word on each of these lines

Line 10 – do you mean “relative” or “relevant”?

Line 13 – delete “etc.” or replace it with a phrase like “and other similar documents”

Line 15 – replace “any” with “all”

Line 18 – you cite as authority a statute that has been repealed. Do you need this rule? What statute authorizes it?

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

Jason Thomas
Commission Counsel
Date submitted to agency: Friday, April 27, 2018

1 14B NCAC 17 .0402 is readopted as published in 32:12 NCR 1202 as follows:

2
3 **14B NCAC 17 .0402 PETITION FOR HEARING/APPLICATION FOR RELIEF**

4 The Board shall prepare a Form of Petition for Hearing and Application for Relief which shall require the following
5 minimum information:

- 6 (1) The name and address of the aggrieved party;
- 7 (2) The name and address of the licensee who defaulted on an obligation;
- 8 (3) The amount of the alleged loss for which application is made;
- 9 (4) The date or period of time during which the alleged loss was incurred;
- 10 (5) A general statement of facts relative to the application;
- 11 (6) Verification by the aggrieved party;
- 12 (7) All supporting documents, including, but not limited to:
 - 13 (a) Copies of all contracts, invoices, returned checks, etc.;
 - 14 (b) Copies of all court proceedings against the licensee; and
 - 15 (c) Copies of all documents showing any reimbursement or receipt of funds in payment of any
16 portion of the loss.

17
18 *History Note: Authority G.S. 74D-31;*
19 *Eff. June 1, 1990;*
20 *Transferred and Recodified from 12 NCAC 11 .0402 Eff. July 1, 2015;*
21 *Readopted Eff. June 1, 2018.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alarm Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0403

DEADLINE FOR RECEIPT: Friday, May 11, 2018

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

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 that the following technical changes be made:

Line 4 – who is the “administrator”? Capitalize consistently (see line 7).

Line 7 – replace “such” with “an”

Line 7 – delete “in such a manner as he deems necessary and desirable”

Line 9 – replace “extent” with “amount”

Line 9 – replace “for which the application should be” with “of reimbursement”

Line 10 – define “reasonable time”

Line 14 – you cite as authority a statute that has been repealed. Do you need this rule? What statute authorizes it?

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

Jason Thomas
Commission Counsel
Date submitted to agency: Friday, April 27, 2018

1 14B NCAC 17 .0403 is readopted as published in 32:12 NCR 1202 as follows:

2
3 **14B NCAC 17 .0403 PROCESSING APPLICATIONS**

4 (a) The Board shall cause each application to be sent to the administrator for investigation and report. A copy of the
5 application shall be served upon or sent by registered mail to the last known address of the licensee who it is claimed
6 defaulted on an obligation.

7 (b) The Administrator shall conduct such investigation in such manner as he deems necessary and desirable in order
8 to determine whether the application is for a reimbursable loss and in order to guide and advise the Board in
9 determining the extent, if any, for which the application should be paid from the fund.

10 (c) A report from the Administrator shall be submitted to the Chairman of the Board within a reasonable time.

11 (d) The Board shall hold a hearing on every application filed by an aggrieved party. The hearing shall be held before
12 the Board and shall follow the guidelines set out in Chapter 150B of the General Statutes of North Carolina.

13
14 *History Note: Authority G.S. 74D-31;*

15 *Eff. June 1, 1990;*

16 *Transferred and Recodified from 12 NCAC 11 .0403 Eff. July 1, 2015;*

17 *Readopted Eff. June 1, 2018.*