



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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November 15, 2012

Joshua Davis
Department of Cultural Resources
4605 Mail Service Center
Raleigh, NC 27699-4605

Re: 07 NCAC 04N .0202

Dear Mr. Davis:

At its November 15, 2012 meeting the Rules Review Commission declined to approve the above-captioned temporary rule based on failure to comply with the Administrative Procedure Act (APA) in accordance with G.S. 150B-21.1(b1).

The findings of need for this rule state that this temporary rule was required by the effective date of a recent act of the General Assembly. There is nothing in the cited Session Law, S.L. 2012-142, that requires an increase in fees. If anything, the inclusion of an additional appropriation would have been justification for reduced fees rather than increased fees.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Robert A. Bryan, Jr.
Commission Counsel

RAB:tdc

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