



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

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

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

November 20, 2012

Helen Landi
1501 Mail Service Center
Raleigh, NC 27699-2815

Re: 19A NCAC 01C .0201

Dear Ms. Landi:

At its November 15, 2012 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to Rule .0201 based on lack of statutory authority. There is no authority cited for the requirement that a contractor with a ["valid"] claim against the Department of Transportation (DOT) for any amount he claims is due to "exhaust whatever informal negotiation steps the Chief Engineer has established" before resorting to any other options allowed him by law.

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,

Joseph J. DeLuca, Jr.
Commission Counsel

JJD:jbe

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

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

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

An Equal Employment Opportunity Employer

1 19A NCAC 01C .0201 is amended without notice pursuant to G.S. 150B-21.5(a)(2) as follows:

2
3 **SECTION .0200 - INITIATING ADMINISTRATIVE HEARING**
4

5 **19A NCAC 01C .0201 INFORMAL NEGOTIATIONS**

6 Any contractor who feels he has a valid claim shall exhaust whatever informal negotiation steps the ~~State Highway~~
7 ~~Administrator~~ Chief Engineer has established for handling the subject matter of the claim.

8
9 *History Note: Authority G.S. 136-29; 143B-10(j); 143B-350; 150B-1(e)(8); 150B-22;*

10 *Eff. July 1, 1978;*

11 *Amended Eff. December 1, 2012; November 1, 1993.*
12