



**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

June 20, 2013

Jeffrey P. Gray  
Bailey & Dixon, LLP  
PO Box 1351  
Raleigh, NC 27602

Re: 12 NCAC 07D .0501, .0502, .0503, .0504

Dear Jeff:

The Rules Review Commission at its June 19, 2013 meeting did not certify the above captioned rules for publication.

The Rules Review Commission did not certify 12 NCAC 07D .0501 for publication. There is no authority cited for the provision in (a)(4) lines 16 and 17 that the military trained applicant for a polygraph license under G.S. 93B-15.1 have served as a “manager, supervisor, or administrator” performing polygraph examinations. The only requirement in the statute is that the applicant be a “military-trained applicant” who meets the four listed requirements in (a)(1) – (4). Being a “manager, supervisor, or administrator” is not one of those requirements. For the same reason there is no authority to require that a military spouse applying for licensure under G.S. 93B-15.1 have served as a “manager, supervisor, or administrator” performing polygraph examinations. That person’s requirements are in (b)(1) – (5).

The Rules Review Commission did not certify 12 NCAC 07D .0502, .0503, .0504 for publication. The agency has not answered all the questions on the certification form and therefore the Commission is not able to certify that the agency has complied with G.S. 150B-19.1.

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