



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

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January 16, 2014

Julia Lohman  
Sheriffs' Education and Training Standards Commission  
1700 Tryon Park Drive  
Raleigh NC 27602

Re: Rule 12 NCAC 10B .1901

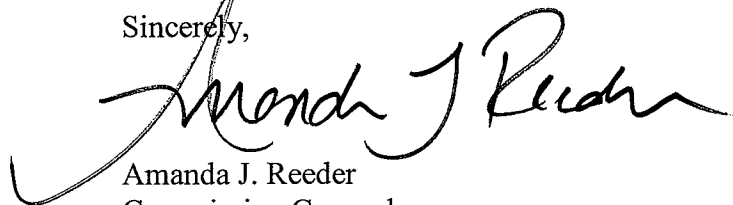
Dear Ms. Lohman:

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

The Commission objected to this Rule based on lack of statutory authority to abrogate the statute by requiring the military trained applicant to have a Military Occupational Specialty or equivalent training, testing or completed a military training of program, when both are required by the law. Further, the Rule is unclear what will constitute equivalent experience for this licensure.

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,



Amanda J. Reeder  
Commission Counsel

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

Rules Division  
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Civil Rights  
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1                    **SECTION .1900 – MILITARY TRAINED APPLICANT AND MILITARY SPOUSE**

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3    **12 NCAC 10B .1901 IS ADOPTED **WITH CHANGES** AS PUBLISHED IN THE NC REGISTER, VOLUME**  
4    **28, ISSUE 07, PAGES 617 – 618 AS FOLLOWS:**

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6    **12 NCAC 10B .1901      **MILITARY AND MILITARY SPOUSE TRANSFEREES****

7    (a) Any person who meets the definitions of Military Trained Applicant or Military Spouse as set out in N.C.G.S.  
8    93B-15.1 who apply to the Division for a determination as to whether any certification issued by the Commission  
9    will be evaluated to determine what, if any, additional training is required. Specifically, the applicant will be  
10 evaluated to determine if:

11        (1) the Military Trained Applicant:

12            (a) has been awarded military occupational specialty that is substantially equivalent to or  
13            exceeds the training requirements required for certification or completed a military  
14            program of training, completed testing or equivalent training;

15            (b) has engaged in the active practice of that occupational specialty for at least two of the  
16            five years predefining the date of appointment;

17            (c) has not committed any act in any jurisdiction that would have constituted grounds for  
18            refusal, suspension or revocation of a license to practice that occupation in this State at  
19            the time the act was committed; and;

20        The Military Trained Applicant shall submit documentation verifying his or her qualified status.

21        (2) the Military Spouse:

22            (a) holds a current license, certification, or registration from another jurisdiction which:

23            (i) is substantially equivalent **or** to exceeds the training requirements required for  
24            certification;

25            (ii) is in good standing;

26            (iii) has not been disciplined by the agency that has the jurisdiction to issue the license,  
27            certification, certification or permit;

28            (b) can demonstrate competency in the occupation by:

1 (i) having completed continuing education units;

2 (ii) or has engaged in the active practice of that occupational specialty for at least two of  
3 the five years predefining the date of appointment;

4 (c) has not committed any act in any jurisdiction that would have constituted grounds for  
5 refusal, suspension or revocation of a license to practice that occupation in this State at  
6 the time the act was committed;

7 The Military Spouse shall submit documentation verifying his or her qualified status.

8 (b) The Commission shall waive a military spouse or military trained applicant's completion of Commission-  
9 certified training course upon receiving documentary evidence from the employing agency that the individual has  
10 satisfactorily completed equivalent training.

11 (c) Training received in the military or in states with laws governing or regulating law enforcement training shall, if  
12 subject to such review, have been approved or certified by the appropriate agency of the state in which the training  
13 was received.

14 (d) The Commission shall prescribe as a condition of certification, supplementary or remedial training deemed  
15 necessary to equate previous training with current standards.

16 (e) Where certifications issued by the Commission normally require satisfactory performance on a written  
17 examination, the Commission shall require such examinations for the certification sought as proof of equivalent  
18 training; however, such examination is in addition to the required equivalent training and not in lieu of said training.

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20 History Note: Authority G.S. 17E-4; 17E-7;93B-15.1  
21 Eff. February 1, 2014.  
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