REQUEST FOR TECHNICAL CHANGE

AGENCY: OFFICE OF THE COMMISSIONER OF BANKS

RULE CITATION: 04 NCAC 03C – ALL AMENDMENTS FILED

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 14, 2012**

***NOTE WELL: This request when viewed on computer may extend several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*Please add the COB’s general rulemaking authority for these rules. If there is any specific rulemaking authority to cite for any specific rule, please cite that as well. The authority cited in the history note is generally the substantive basis, subject matter, or authority for the rule, but is not any sort of grant of rulemaking authority. If the only rulemaking authority is G.S. 53C-2-5, please indicate that the Banking Commission has given its approval to this rulemaking.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: OFFICE OF THE COMMISSIONER OF BANKS

RULE CITATION: 04 NCAC 03C .0104

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 14, 2012**

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In line 4 please change “will” to “shall.” It does not need to be changed in the next line (sentence) since the Commissioner has no authority to order the Banking Commission to take or refrain from taking action. In addition the general statutes prescribe the procedures the Banking Commission must or may take in response to the COB’s order.*

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If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: OFFICE OF THE COMMISSIONER OF BANKS

RULE CITATION: 04 NCAC 03C .0201

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 14, 2012**

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (2) lines 16 and 17 add “as set out in this rule” or similar language after “must be approved” or wherever else in the sentence you deem it most appropriate.*

*In (10) the authority cited for the COB to set requirements “pertaining to notice and publication ... pursuant to G.S. 53C-8-1” does not seem sufficient. Please cite additional authority or delete the provision.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: OFFICE OF THE COMMISSIONER OF BANKS

RULE CITATION: 04 NCAC 03C .0407

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 14, 2012**

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*There is no question in my mind that the COB has the authority to waive compliance with his own rules. And in this particular case I am equally convinced he or she has broad and sweeping authority to take whatever actions may be necessary to protect the public interest. However there still needs to be a statement indicating the standards the COB will use in deciding whether to waive his rules and what will guide him in his decision making.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: OFFICE OF THE COMMISSIONER OF BANKS

RULE CITATION: 04 NCAC 03C .0903

**DEADLINE FOR RECEIPT: FRIDAY, DECEMBER 14, 2012**

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (c), page 8 line 15, please change “will” to “shall.”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel