REQUEST FOR TECHNICAL CHANGE

AGENCY: OFFICE OF THE COMMISSIONER OF BANKS

RULE CITATION: 04 NCAC 03B .0219

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

***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.

*In (1) line 5 “Panel” in “Appellate Panel” should be lowercase.*

*In the history note you cite G.S. 53C-2-1 and 53C-2-2 as authority for this rule. In my opinion neither of these, especially the first one, provides any rulemaking authority. I believe you should delete these – at least the first one – and add 53C-2-5 as your general rulemaking authority.*

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 03B .0301

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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.

*Since “appellate review panel” in G.S. 53C-2-6 is not capitalized, it seems to me that “appellate panel” in the rule, line 1, should not be capitalized either. Rule .0219 defines “appellate panel” to be the “appellate review panel” in the statute and also uses lowercase letters.*

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 03F .0201

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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 (3) please verify in line 15 that a controlling person is someone who controls the management “and” – and not “or” – policy of the applicant or licensee.*

*In the new (4) line 19 it would be nice if you could provide a hyperlink to the definition in the CFR. At any rate you should make it a little easier to track down the reference by adding “Subchapter A” after “Chapter II” and changing “Part 215” to “Part 215.2.”*

*In the new (4) by adding “including subsequent amendments” the change becomes a substantive change requiring notice. You have the following options: 1) delete the proposed language and proceed with the rulemaking; 2) withdraw the rule and publish all the changes with notice and an opportunity for a public hearing; 3) delete the proposed language, proceed with the remainder of the rulemaking and immediately notice the deleted change as a new proposed amendment and rulemaking; and 4) if you can think of some other alternative, ask me about it.*

*In (8) line 36 it might be helpful to add “in this Subchapter” after “meaning.”*

*In (b) if there is a deadline for delivery of any of the listed items – which I presume there is – then there should be a delivery address as well with the mailing and delivery addresses identified.*

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 03F .0508

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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 line 5 delete or define “detailed.”*

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 03F .0601

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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 the introductory note please add G.S. 150B-21.3(a)(2) to the authority for amending the rule without prior notice.*

*In (b) lines 12 and 13 please change “and/or” to “and” or “or.”*

*In (c) the same situation as found in rule 3F .0201(4) applies to this entire paragraph and you need to make one of those same choices.*

*Whatever you choose to do concerning (c) and whenever you go forward with that paragraph, you need to change “in a form prescribed” in line 16 to “on a form provided.”*

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 03L .0101

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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 (a)(1) delete or define “indirectly.” It seems to me that unless there is a third way – other than direct or indirect control – that one “controls, or is controlled by, or is in common control with another person,” that “indirectly” is unnecessary. (It seems to me that the meaning of “indirectly” is “through one or more intermediaries.” Thus it would read “directly or through one or more intermediaries, controls ...” or similar language.)*

*In (a)(4) I believe there is the possibility that this could be another substantive change requiring public notice. As in 03F .0201 and .0601, please make a choice about how you wish to proceed with this change.*

*In (a)(5) line 16 should “document” be “a document” or “documents?”*

*In (a)(12) there is almost the same situation as in (a)(1). I would change the punctuation slightly and rewrite as follows: “... any person who controls directly, or indirectly through one or more intermediaries, alone or in concert with others, ....”*

*What is the reason for deleting the definitions found in current (a)(13) and (17)? These may constitute substantive changes.*

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 03L .0501

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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.

*What is the reason for deleting the provisions found in current (a)(3) through (a)(6)(D) as well as current (d)? These may constitute substantive changes.*

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 03L .0604

**DEADLINE FOR RECEIPT: FRIDAY, OCTOBER 11, 2013**

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.

*What is the reason for repealing this rule without any prior notice? This may constitute a substantive change.*

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