

## Burgos, Alexander N

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**Subject:** FW: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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**From:** NCITLB <ncitlb@caphill.com>  
**Sent:** Thursday, June 20, 2024 4:03 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** 'fletcherwoodelncitlb@gmail.com' <fletcherwoodelncitlb@gmail.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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Seth,

Thank you for letting me know. It has been a pleasure working with you!

Caitlin  
Caitlin Schwab  
Board Administrator  
North Carolina Interpreters & Translators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
[NCITLB.org](http://NCITLB.org)

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Thursday, June 20, 2024 3:48 PM  
**To:** NCITLB <[ncitlb@caphill.com](mailto:ncitlb@caphill.com)>  
**Cc:** 'fletcherwoodelncitlb@gmail.com' <[fletcherwoodelncitlb@gmail.com](mailto:fletcherwoodelncitlb@gmail.com)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

Caitlin,

At this point, I anticipate recommending approval of the revised temporary rule at next Wednesday's meeting. I will let you know if something comes up between now and then.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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**From:** NCITLB <ncitlb@caphill.com>  
**Sent:** Thursday, June 20, 2024 3:12 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** 'fletcherwoodelncitlb@gmail.com' <fletcherwoodelncitlb@gmail.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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Hello Seth,

Yes, that is correct.

Caitlin  
Caitlin Schwab  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
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## **Burgos, Alexander N**

---

**Subject:** FW: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

---

**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Sent:** Thursday, June 20, 2024 3:07 PM

**To:** ncitlb@caphill.com

**Cc:** 'fletcherwoodelncitlb@gmail.com' <fletcherwoodelncitlb@gmail.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** RE: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

Caitlin,

Thank you for the update.

I had one question related to the “good moral character” update. Am I correct in reading the updated language (i.e. lines 38-43) to tie the meaning of good moral character to the substance of 21 NCAC 25 .0302? That is, that the Board would deny the licensing on a good moral character ground if it was shown (as described in the rule) that an applicant engaged in behaviors like those that could result in the convictions discussed in .0302?

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202  
**Attachments:** 21 NCAC 25 .0202.docx

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**From:** NCITLB <ncitlb@caphill.com>  
**Sent:** Thursday, June 20, 2024 1:26 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** 'fletcherwoodelncitlb@gmail.com' <fletcherwoodelncitlb@gmail.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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Hello Seth,

Attached is the most up to date version of the rules with all requested revisions applied. Please let me know if you have any questions or if any additional revisions are needed.

Thank you,  
Caitlin

Caitlin Schwab  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
[NCITLB.org](http://NCITLB.org)

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21 NCAC 25 .0202 IS AMENDED UNDER TEMPORARY PROCEDURES AS FOLLOWS:

**21 NCAC 25 .0202 THE APPLICATION PACKAGE AND REQUIREMENTS FOR LICENSURE**

(a) An applicant for licensure shall submit the following materials to the Board:

- (1) A completed, signed, and dated application in the format provided by the Board;
- (2) A clear, two-inch by two-inch, passport-style photograph of the head and shoulders of the applicant, made within two years of the date of application;
- (3) A legible, fully-completed finger print card obtained from a local law enforcement agency;
- (4) The applicant's signed, written consent to a criminal record check;
- (5) One or more cashier's checks, certified checks or money orders made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amounts ~~necessary to cover the cost of~~ charged by the Department of Public Safety for all necessary local, State and federal criminal record checks; and
- (6) A cashier's check, certified check or money order made payable to the North Carolina Interpreter and Transliterator Licensing Board in the amount specified by Rule .0203 of this Section.

~~(b) An applicant for an initial license under S.L. 2002-182, s. 7, as amended by S.L. 2003-56, shall submit the following materials to the Board:~~

- ~~(1) Written verification that the applicant was actively engaged as an interpreter or transliterator in this State for at least 200 hours for each of the two years immediately preceding 31 October 2002. The written verification must be signed by the individual who paid or approved payment for the services or the individual who supervised the applicant when the services were rendered;~~
- ~~(2) Letters of recommendation from any two individuals who are:~~
  - ~~(A) Interpreters who hold valid National Association of the Deaf level 4 or 5 certifications; or~~
  - ~~(B) Interpreters who are nationally certified by the Registry of Interpreters for the Deaf, Inc.; or~~
  - ~~(C) Transliterators who have national certifications recognized by the National Cued Speech Association ("NCSA"); or~~
  - ~~(D) Interpreters who hold quality assurance North Carolina Interpreter Classification System ("NCICS") level A or B classifications in effect on January 1, 2000; or~~
  - ~~(E) Consumers of interpreter or transliterator services who have observed the applicant's performance as an interpreter or transliterator; or~~
  - ~~(F) The parent or legal guardian of a deaf consumer of interpreter or transliterator services who has observed the applicant's performance as an interpreter or transliterator.~~

~~(e)-(b)~~ Upon application to the Board and payment of the required fees under 21 NCAC 25 .0203(a), the Board may grant an Applicant a full license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- ~~(1) Is 18 years of age or older.~~
- ~~(2) Is of good moral character as determined by the Board presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there exists clear and convincing evidence rebutting the presumption that the applicant is of good moral character.~~
- ~~(3) Meets one of the following criteria:~~
  - ~~(A) Is nationally certified by the Registry of Interpreters for the Deaf, Inc., (RID).~~
  - ~~(B) Holds a valid Testing, Evaluation and Certification Unit, Inc. (TECUnit) national certification in cued language transliteration.~~
  - ~~(C) Holds a current Cued Language Transliterator State Level Assessment (CLTSLA) level 3 or above classification.~~
  - ~~(D) Holds a Board of Evaluation of Interpreters (BEI) Board for Evaluation of Interpreters (BEI) assessment of Advanced or above.~~
  - ~~(E) A Deaf Interpreter who holds a Board of Evaluation of Interpreters (BEI) Board for Evaluation of Interpreters (BEI) intermediary certificate level IV or above.~~

~~(d)-(c)~~ Upon application to the Board and payment of the required fees under 21 NCAC 25 .0203(a), the Board may grant an Applicant a one-time provisional license as an interpreter or transliterator if the applicant meets all of the following qualifications:

- ~~(1) Is 18 years of age or older.~~

- (2) Is of good moral character as determined by the Board presumptively established by the applicant's eligibility under 21 NCAC 25 .0302. If the Board determines there is probable cause to question an applicant's moral character, and after notice to the applicant and a hearing, the Board shall deny a license if there exists clear and convincing evidence rebutting the presumption that the applicant is of good moral character.
- (3) Completes two continuing education units approved by the Board. These units units must be completed for each renewable year.
- (4) Holds at least a two-year associate degree in interpreting from an accredited institution and satisfies one the following:
- (A) Holds a quality assurance North Carolina Interpreter Classification System (NCICS) level C classification.
  - (B) Holds a valid National Association of the Deaf (NAD) level 2 or 3 certification.
  - (C) Holds a current Educational Interpreter Performance Assessment (EIPA) level 3.5 or above classification.
  - (D) Holds a Board of Evaluation of Interpreters (BEI) Board for Evaluation of Interpreters (BEI) assessment of Basic.
  - (E) A Deaf Interpreter who holds a Board of Evaluation of Interpreters (BEI) Board for Evaluation of Interpreters (BEI) intermediary certificate level III.
- ~~((e) (d))~~ Upon application to the Board, payment of the required fees under 21 NCAC 25 .0203(a), and meeting the requirements for a provisional license under subdivisions (1) and (2) of subsection (c) of this section, is 18 years of age or older, and is of good moral character as determined by the Board, the Board ~~may~~ shall also issue a provisional license to any of the following categories of persons seeking a one-time provisional license:
- (1) A deaf interpreter who completes 16 hours of training in interpreting coursework or workshops, including role and function or ethics, and 20 hours in the 12 months immediately preceding the date of application in the provision of interpreting services.
  - (2) An oral interpreter who completes a total of 40 hours of training in interpreting coursework or workshops related to oral interpreting.
  - (3) A cued language transliterator who holds a current TECUnit Cued language Transliterator State Level Assessment ( CLTSLA) level 2 or above classification.
  - (4) A person providing interpreting or transliterating services who has a recognized credential from another state in the field of interpreting or transliterating.
  - (5) An interpreter or transliterator who has accumulated at least 200 hours per year in the provision of interpreting or transliterating services, in this State or another state, totaling at least 400 hours for the two years immediately preceding the date of the application. An applicant must provide documentation of hours when applying for a provisional license under this category, subject to verification by the Board.
- ~~((e) (c))~~ Subsections ~~(e) (e) (b) (d))~~ applies to licenses and provisional licenses issued or renewed by the North Carolina Interpreter and Transliterator Licensing Board on or after October 1, 2023.

*History Note:* Authority G.S. 90D-6; 90D-7; 90D-10; S.L. 2002-182, s. 7, as amended by S.L. 2003-56; Eff. March 21, 2005;  
Authority G.S. 90D-7, 90D-8; S.L. 2002-182, s. 7, as amended by S.L. 2023-137; Eff. December 1, 2023; Amended Eff. December 1, 2023;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.  
Temporary Amendment Eff. June 1, 2024

## Burgos, Alexander N

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**Subject:** FW: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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**From:** NCITLB <ncitlb@caphill.com>  
**Sent:** Thursday, June 13, 2024 2:20 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** 'fletcherwoodelncitlb@gmail.com' <fletcherwoodelncitlb@gmail.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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Seth,

Thank you so much for this response and guidance. I will review and edit accordingly.

Caitlin

Caitlin Schwab  
Board Administrator  
North Carolina Interpreters & Translators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
[NCITLB.org](http://NCITLB.org)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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**From:** NCITLB <ncitlb@caphill.com>

**Sent:** Wednesday, June 12, 2024 11:59 AM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** 'fletcherwoodelncitlb@gmail.com' <fletcherwoodelncitlb@gmail.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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Hello Seth,

I do have several questions:

*On line 5, are the contents or substantive requirements of the form prescribed by rule or statute? Where? See 150B-2(8a)d.*

**Detailed here: 21 NCAC 25 .0201 THE APPLICATION**

**Do we need to make a reference to this rule in our temporary rule?**

*Regarding lines 10-12, it appears that G.S. 90D-7(c) [second paragraph] permits DPS, not your agency for charging a fee for the background check. Where does your agency get the authority to collect these checks?*

**The fees are submitted to the Board, then we are invoiced for the background checks when completed and the fees are then paid to the SBI. The Board receives the fee of \$38 and that entire fee of \$38 is then submitted to the SBI.**

*Why is item (b), lines 15-32, still a possible path to licensure? It appears that the session laws established this as an alternate path to licensure for practicing interpreters prior to 2005. This path appears to no longer be available under the law.*

**This is no longer an option, should we have this struck through?**

*Is “good moral character as determined by the board”, on lines 36, 50, and 64, further defined somewhere? Note that the RRC has previously objected to similar language as being impermissibly vague under the APA, see State Board of Education temporary rule under V.2. here: <https://www.oah.nc.gov/news/events/rrc-meeting-agenda-march-2024>. The RRC has approved this phrase when CJETS added some additional clarification/examples, see 12 NCAC 09G .0208. To be clear, I am not recommending that you have to use the same rule as CJETS, but to give you some context for the kind of definitions you could consider.*

**This is also listed in the statute as “good moral character as determined by the board”, will this affect the rule of the statute reads that way?**

*Regarding line 51, are there rules or statutes about how the Board approves “continuing education units”?*

**The Board doesn’t approve courses, but the courses do need to fall under specific types of CEUs, IE Professional or General as defined in the rule definitions.**

*On line 64, you have “the board may also issue a provisional license”. “May” is generally not appropriate language in this context, since it does not specify what is necessary to obtain a license? Do you mean “shall”? If not, how will the Board determine whether or not to issue a license to a person who meets the criteria in the remainder of these rules?*

**This is the language that is in the statute as it appears in the statute.**

*On lines 80 and 81, what is paragraph (f) for? This rule would only apply after the effective date anyway.*

**The Board’s statute was changed in 2023 via HB600, on page 39 it has the below language:**

SECTION 45.(d) Subsection (a) of this section becomes effective December 1, 2023, and applies to licenses and provisional licenses issued or renewed by the North Carolina Interpreter and Transliterator Licensing Board after that date. The remainder of this section is effective when it becomes law.

**We wanted to make sure we addressed when this change in in effect and the licensees it effects for this licensure year.**

*On lines 83 and 85, why are the Session Laws still necessary authority? It appears to me that the still applicable material has been put into code.*

**Do I simply remove this language, or is there a rule I can look to for guidance?**

Thank you,  
Caitlin

Caitlin Schwab  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
[NCITLB.org](http://NCITLB.org)

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## Burgos, Alexander N

---

**From:** NCITLB <ncitlb@caphill.com>  
**Sent:** Tuesday, June 11, 2024 8:19 AM  
**To:** Ascher, Seth M  
**Cc:** 'fletcherwoodelncitlb@gmail.com'; Burgos, Alexander N  
**Subject:** [External] RE: Request for Changes Temporary Rule 21 NCAC 25 .0202

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Hello Seth,

This revisions request has been received and will be addressed and the rule will be sent back to further review.

Thank you,  
Caitlin

Caitlin Schwab  
Board Administrator  
North Carolina Interpreters & Transliterators Licensing Board  
PO Box 98328  
Raleigh, NC 27624  
Phone: 919-779-5709  
fax: 919-779-5642  
[NCITLB@caphill.com](mailto:NCITLB@caphill.com)  
[NCITLB.org](http://NCITLB.org)

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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Sent:** Monday, June 10, 2024 3:14 PM  
**To:** NCITLB <ncitlb@caphill.com>  
**Cc:** fletcherwoodelncitlb@gmail.com; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** Request for Changes Temporary Rule 21 NCAC 25 .0202

Good afternoon,

I'm the attorney who reviewed the temporary rules submitted by the North Carolina Interpreter and Transliterators Licensing Board for the June 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, June 26, 2024, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant for the Temporary Rule. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on June 21, 2024.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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