

1 **12 NCAC 10B .0101 is amended as published in 40:13 NCR 1068-1069 as follows:**

2  
3 **SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

4  
5 **SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES**

6  
7 **12 NCAC 10B .0101 LOCATION**

8 The staff supporting the N.C. Sheriffs' Education and Training Standards Commission is established within the  
9 Department of Justice and is located at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

10  
11 North Carolina Sheriffs' Education and Training Standards Commission

12 ~~Post Office~~ P.O. Box 629

13 Raleigh, North Carolina 27602

14 Telephone (919) 779-8213

15  
16 *History Note: Authority G.S. 17E-6;*

17 *Eff. January 1, 1989;*

18 *Amended Eff. January 1, 2013; August 1, 1998;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
20 *2018.*

21 *Amended Eff. March 1, 2026.*

1 **12 NCAC 10B .0104 is repealed as published in 40:13 NCR 1068-1069 as follows:**

2

3 **12 NCAC 10B .0104 SHERIFFS' STANDARDS DIVISION**

4 ~~The Sheriffs' Standards Division of the North Carolina Department of Justice shall administer such programs as are~~  
5 ~~assigned to it by the Commission, including the standards set forth in these Rules. The Division shall present to the~~  
6 ~~Commission for its adoption administrative procedures for those programs of certification and accreditation and may~~  
7 ~~create appropriate forms for application for and administration of those programs.~~

8

9 *History Note: Authority G.S. 17E-6;*

10 *Eff. January 1, 1989;*

11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
12 *2018.*

13 *Repeal Eff. March 1, 2026.*

14

1 **12 NCAC 10B .0105 is repealed as published in 40:13 NCR 1068-1069 as follows:**

2  
3 **12 NCAC 10B .0105 ADMINISTRATIVE HEARING PROCEDURES**

4 ~~(a) Administrative hearings in contested cases conducted by the Commission or an administrative law judge, (as~~  
5 ~~authorized in G.S. 150B-40) shall be governed by:~~

6 (1) ~~procedures set out in Article 3A of G.S. 150B;~~

7 (2) ~~insofar as relevant, the Rules of Civil Procedure as contained in G.S. 1A-1;~~

8 (3) ~~insofar as relevant, the General Rules of Practice for the Superior and District Courts as authorized~~  
9 ~~by G.S. 7A-34 and found in the Rules Volume of the North Carolina General Statutes.~~

10 ~~(b) The rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as~~  
11 ~~contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference and~~  
12 ~~shall automatically include any later amendments and editions of the referenced materials as provided by G.S.~~  
13 ~~150B-21.6. Copies of these Rules may be obtained from the Office of Administrative Hearings, Post Office Drawer~~  
14 ~~27447, Raleigh, North Carolina 27611-7447 at a cost of three dollars and forty cents (\$3.40) per copy at the time of~~  
15 ~~amendment of this Rule.~~

16 ~~(c) If the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the~~  
17 ~~Chief Administrative Law Judge or the presiding Administrative Law Judge in Title 26, Chapter 3 of the North~~  
18 ~~Carolina Administrative Code.~~

19 ~~(d) An applicant for certification or a certified officer shall have 30 days from the date of receipt of a notice of~~  
20 ~~proposed action by the Commission to request a contested case hearing.~~

21  
22 *History Note: Authority G.S. 17E-9(b); 150B-20; 150B-21.6; 150B-38(h); 150B-40;*

23 *Eff. January 1, 1989;*

24 *Amended Eff. January 1, 1996; January 1, 1994;*

25 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
26 *2018.*

27 *Repeal Eff. March 1, 2026.*

1 **12 NCAC 10B .0106 is amended as published in 40:13 NCR 1068-1069 as follows:**

2

3 **12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR ~~RULE-MAKING~~ RULEMAKING**

4 In addition to the procedures set out in G.S. 150B-20, Petitions for ~~Rule-Making~~ Rulemaking shall be submitted to  
5 the Commission and shall contain:

- 6 (1) petitioner's name, address and telephone number;
- 7 (2) a draft of the proposed rule or rule change;
- 8 (3) the reason for its proposal;
- 9 (4) the effect of the proposal on existing rules or decisions;
- 10 (5) data supporting the proposal;
- 11 (6) practices likely to be affected by the proposal; and
- 12 (7) a list or description of persons likely to be affected by the proposed rule.

13

14 *History Note: Authority G.S. 150B-20;*  
15 *Eff. January 1, 1990;*  
16 *Amended Eff. January 1, 1993;*  
17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*  
19 *Amended Eff. March 1, 2026.*

20

1 **12 NCAC 10B .0107 is amended as published in 40:13 NCR 1068-1069 as follows:**

2  
3 **12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS**

4 (a) In addition to the procedures set out in G.S. 150B-4, ~~Petitions for Declaratory Rulings~~ petitions for declaratory  
5 rulings shall be submitted to the Commission and shall contain:

- 6 (1) petitioner's name, address and telephone number;
- 7 (2) the ~~statute(s), rule(s)~~ statutes, rules, or both to which the request relates;
- 8 (3) ~~all~~ facts and information which are relevant to the request;
- 9 (4) a concise statement of the manner in which petitioner has been aggrieved;
- 10 (5) a draft of the ~~Declaratory Ruling~~ declaratory ruling sought by ~~petitioner~~ petitioner, ~~(if if a specified~~  
11 ~~outcome is sought by petitioner);~~ petitioner;
- 12 (6) practices likely to be affected by the ~~Declaratory Ruling;~~ declaratory ruling;
- 13 (7) a list or description of persons likely to be affected by the ~~Declaratory Ruling;~~ declaratory ruling;  
14 and
- 15 (8) a statement as to whether the petitioner desires to present oral argument (~~not to exceed 30 minutes~~),  
16 to the Commission prior to its decision.

17 (b) The Commission ~~may shall~~ refuse to issue a ~~Declaratory Ruling~~ declaratory ruling when:

- 18 (1) the petition does not comply with Paragraph (a) of this Rule;
- 19 (2) the Commission has previously issued a ~~Declaratory Ruling~~ declaratory ruling on substantially  
20 similar facts;
- 21 (3) the Commission has previously issued a ~~Final Agency Decision~~ final agency decision in a contested  
22 case on substantially similar facts;
- 23 (4) the facts underlying the request for a ~~Declaratory Ruling~~ declaratory ruling were specifically  
24 considered at the time of the adoption of the rule in question; or
- 25 (5) the subject matter of the request is involved in pending litigation.

26  
27 *History Note: Authority G.S. 150B-4;*

28 *Eff. January 1, 1990;*

29 *Amended Eff. August 1, 1998;*

30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
31 *2018.*

32 *Amended Eff. March 1, 2026.*