

## Burgos, Alexander N

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**Subject:** FW: [External] RE: Locksmith Licensing Board - Rules for RRC Review

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**From:** Catherine E. Lee <clee@hedrickgardner.com>

**Sent:** Monday, May 11, 2026 1:58 PM

**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>; director@nclocksmithboard.org

**Cc:** Ryan Mitiguy <rmitiguy@hedrickgardner.com>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

**Subject:** RE: [External] RE: Locksmith Licensing Board - Rules for RRC Review

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thanks again – as always – for your help!

Catherine

**Catherine E. Lee** | Partner

Hedrick Gardner Kincheloe & Garofalo LLP.

2710 Wycliff Road, Suite 220 | Raleigh, NC 27607

Phone: 919-341-2639 | Fax: 919-341-2639

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---

**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>

**Sent:** Monday, May 11, 2026 1:56 PM

**To:** Catherine E. Lee <[clee@hedrickgardner.com](mailto:clee@hedrickgardner.com)>; [director@nclocksmithboard.org](mailto:director@nclocksmithboard.org)

**Cc:** Ryan Mitiguy <[rmitiguy@hedrickgardner.com](mailto:rmitiguy@hedrickgardner.com)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>

**Subject:** RE: [External] RE: Locksmith Licensing Board - Rules for RRC Review

Caution! This message was sent from outside your organization.

Thank you, Catherine! These changes look good – I anticipate recommending approval for all five of these revised rules (final versions attached to email).

Let me know if you have any questions before the meeting on the 28<sup>th</sup>.

Best,  
Chris

**Chris Miller**

Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

**NOTICE:** E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

1 21 NCAC 29 .0201 is amended as published in 40:10 NCR 839 as follows:

2  
3 **SECTION 0200 - EXAMINATION**  
4

5 **21 NCAC 29 .0201 EXAMINATION FEE**

6 (a) ~~The Board shall charge the examination fee as follows: Applicants seeking to take the Locksmith licensing~~  
7 ~~examination shall remit to the Board, along with the application as set forth in Rule .0202 of this Section, a fee of two~~  
8 ~~hundred dollars (\$200.00).~~

9 (1) ~~Two hundred dollars (\$200.00) for first time test takers;~~

10 (2) ~~Fifty dollars (\$50.00) for second time applicants who fail to pass pursuant to 21 NCAC 29 .0203;~~  
11 ~~and~~

12 (3) ~~Two hundred dollars (\$200.00) for third and subsequent test takers.~~

13 (b) The applicant may take the examination at a commercial testing center that charges a fee. ~~However, the~~  
14 ~~examination fee required in this Rule shall not be affected and the Board shall not be responsible for any additional~~  
15 ~~fee assessed by the testing center. The applicant, and not the Board, shall bear the cost of any fees assessed by the~~  
16 ~~commercial testing center.~~

17  
18 *History Note: Authority G.S. 74F-6; 74F-9;*

19 *Temporary Adoption Eff. October 17, 2002;*

20 *Eff. August 1, 2004;*

21 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*  
22 *2016;*

23 *Amended Eff. June 1, 2026; June 1, 2017.*

1 21 NCAC 29 .0202 is amended **with changes** as published in 40:10 NCR 839-840 as follows:

2  
3 **21 NCAC 29 .0202 APPLICATION REQUIREMENTS**

4 (a) Applicants must register for an examination on the form prescribed by the Board. The application must be  
5 submitted to the Board's office at least 15 days before the requested examination date.

6 (b) To apply for a license, an individual must submit the following to the Board:

7 (1) all **applicable** fees as set forth in Rule .0201 of this Section; and

8 (2) a completed license application, as described in Paragraph (c) of this Rule.

9 (c) A license application for an individual shall contain the following:

10 (1) the person's name;

11 (2) the person's place of birth, date of birth, social security number, and citizenship status;

12 (3) the person's current physical address, mailing address, telephone number, email address, and  
13 website;

14 (4) the person's out-of-state licenses or certifications held, if any;

15 (5) a list of all addresses at which the applicant has lived during the past five years;

16 (6) the name, [**email,**] **email address,** home address, and length of relationship of two [**disinterested**]  
17 character references;

18 (7) whether the applicant possesses a valid motor vehicle operator's permit and, if so, the license  
19 [**number,**] **number** and issuing state;

20 (8) whether the applicant:

21 (A) has ever been involuntarily dismissed, fired, or allowed to resign in lieu of firing as a result  
22 of theft, embezzlement, or any alleged act that, if true, could have resulted in criminal  
23 prosecution;

24 (B) has ever been charged, convicted, or pled guilty to a criminal offense other than a minor  
25 traffic violation in any state;

26 (C) has ever been convicted or pled guilty at a court-martial while a member of the Armed or  
27 Reserved Forces;

28 (D) has ever been denied any **professional** license or had any **professional** license revoked in  
29 any state, including North Carolina;

30 (E) has ever served in any branch of the US Military Services, and, if so, a copy of the  
31 applicant's Form DD-214 or equivalent;

32 (9) the applicant's affirmation that all answers and statements in the application and supporting  
33 documents provided are true and accurate to the best of the applicant's knowledge. That the applicant  
34 understands the Board may verify and investigate such information, and that any material omission,  
35 misrepresentation, or falsification is grounds for the Board's denial of the license application or  
36 revocation of a license;

- 1           (10)    the applicant's agreement that he or she has fully read the obligations of a licensee and will abide by
- 2                   the North Carolina Locksmith Licensing Act and the rules duly promulgated by the Board;
- 3           (11)    the applicant's signature and the date;
- 4           (12)    the applicant's signed and notarized authorization for release of records related to the applicant's
- 5                   military, education, and employment history;
- 6           (13)    the business name and trade name, address, website, and federal Employer Identification Number
- 7                   ("EIN") of the businesses under which the applicant is providing locksmith services; and
- 8           (14)    a signed electronic fingerprint submission to authorize the North Carolina State Bureau of
- 9                   Investigation to perform a national criminal history record check.

10

11    *History Note:*    *Authority G.S. 74F-6; 74F-7;*  
12                    *Temporary Adoption Eff. November 13, 2002;*  
13                    *Eff. August 1, 2004;*  
14                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*  
15                    ~~2016.~~ 2016;  
16                    Amended Eff. June 1, 2026.

1 21 NCAC 29 .0204 is amended **with changes** as published in 40:10 NCR 840 as follows:

2  
3 **21 NCAC 29 .0204 REQUIREMENTS OF EXAMINEES**

4 (a) Applicants at an examination session shall present a government-issued photo ID identification card to the  
5 examination proctor before the beginning of the examination session.

6 (b) The applicant shall not bring books, calculators, or other items that may compromise the security and validity of  
7 the exam, such as a study guide or objects that are **disruptive disruptive**, into the examination room.

8 (c) ~~Cellphones shall be turned off during the examination.~~ Electronic devices shall not be allowed in the examination  
9 room during the examination. Applicants shall not speak with ~~others~~ anyone except the proctor during the examination  
10 session.

11 (d) Applicants shall obey instructions from the proctor regarding when to begin and cease work on the examination.

12 (e) Applicants shall be excused from the room during the examination only with permission from the proctor.

13 (f) Failure to abide by any of the Paragraphs of this Rule shall result in invalidation of the applicant's examination  
14 results.

15 (g) Applicants shall not make any written markings on the examination book provided by the proctor.

16 (h) The applicant shall exit the examination room if the proctor determines that the applicant is disrupting the  
17 examination or failing to abide by any of the Paragraphs of this Rule. If an applicant is asked to exit the examination  
18 room, examination fees shall not be refunded.

19 (i) Applicants shall be informed of the results of the examination by email. Examination results shall not be provided  
20 by the [proctored] proctor at the testing site.

21  
22 *History Note: Authority G.S. 74F-6; 74F-7;*  
23 *Temporary Adoption Eff. November 13, 2002;*  
24 *Eff. August 1, 2004;*  
25 *Readopted Eff. June 1, 2017- 2017;*  
26 *Amended Eff. June 1, 2026.*

1 21 NCAC 29 .0206 is amended **with changes** as published in 40:10 NCR 840 as follows:

2

3 **21 NCAC 29 .0206 SPECIAL ADMINISTRATION**

4 (a) Applicants with disabilities as defined by the Americans with Disabilities Act of 1990 (ADA), which is hereby  
5 incorporated by reference, including subsequent amendments and editions, available at no cost at www.ada.gov, and  
6 documented by a licensed medical professional shall be administered the NC Locksmith Licensing Exam under  
7 conditions that shall minimize the effect of the disabilities on their **testing** performance. Special test administrations  
8 shall be as comparable as possible to a standard ~~administration and shall be granted upon request of the applicant and~~  
9 ~~Board approval.~~ **testing administration.**

10 (b) Applicants desiring to request testing accommodations under the ADA shall provide the following information to  
11 the Board at least 30 days prior to the desired testing date:

- 12 (1) the type of accommodation requested;
- 13 (2) a description of the limitations caused by the applicant's medical condition;
- 14 (3) the manner in which the applicant's limitations impact the applicant's ability to take the examination  
15 required for licensure by the Board;
- 16 (4) whether the applicant previously has been provided with a testing **accommodation;** ~~accommodation~~  
17 ~~in the past;~~ and
- 18 (5) medical certification from the applicant's treating healthcare provider attesting to the accuracy of  
19 the information provided by the applicant as set forth in Paragraph (b) of this Rule.

20 (c) The Board shall approve the requested testing accommodations if the Board determines that the requested testing  
21 accommodation constitutes a reasonable accommodation under **the** ADA.

22

23 *History Note: Authority G.S. 74F-6; 74F-7;*  
24 *Eff. November 1, 2007;*  
25 *Readopted Eff. June 1, ~~2017~~ 2017;*  
26 *Amended Eff. June 1, 2026.*

1 21 NCAC 29 .0501 is amended **with changes** as published in 40:10 NCR 840 as follows:

2  
3 **SECTION .0500 - CODE OF ETHICS**  
4

5 **21 NCAC 29 .0501 OBLIGATION OF LICENSED LOCKSMITHS**

6 (a) By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the  
7 provisions of this Section. Failure to comply ~~may result~~ shall be grounds for ~~in~~ disciplinary action by the Board.

8 (b) ~~The obligations of this Chapter extend to all employees of licensed individuals and licensed~~ **Licensed** individuals  
9 shall be responsible for the actions of their ~~employees,~~ **employees who are acting under their direct control and**  
10 **supervision, as defined by G.S. 74F-16(1).** The term "employee" shall mean every person engaged in ~~employment~~  
11 ~~under a contract of hire or apprenticeship,~~ employment, express or implied, oral or written, including non-citizens,  
12 and also minors, whether lawfully or unlawfully employed.

13 (c) A licensed locksmith shall employ all apprentices under their supervision. A licensed locksmith shall provide  
14 [direct control and] supervision for all apprentice locksmiths in their employ. A licensed locksmith is responsible for  
15 the instruction and training of their apprentice locksmiths in locksmith services and locksmith tools as defined in G.S.  
16 74F-4. A licensed locksmith is responsible for the quality of their apprentice locksmith's services.

17 (d) A licensed locksmith shall dispatch an apprentice locksmith to the location where locksmith services are to be  
18 performed. A licensed locksmith shall be aware of the name and location of the client, the locksmith services required  
19 to be performed, the apprentice locksmith's ability to perform the locksmith services required, and the fee charged by  
20 the apprentice locksmith for the locksmith services performed.

21 (e) Upon request, an apprentice locksmith shall provide to the Board the contact information for their supervising  
22 licensed locksmith.

23 (f) A licensed locksmith shall report to the Board **if, in the licensed locksmith's opinion, the apprentice locksmith has**  
24 **demonstrated any gross negligence, incompetency, or misconduct in the performance of locksmith services while**  
25 **under the licensed locksmith's supervision.** ~~of an apprentice locksmith.~~

26 (g) A licensed locksmith and apprentice locksmith shall identify themselves and their company or business name  
27 truthfully while providing locksmith services.

28  
29 *History Note: Authority G.S. 74F-3; 74F-6; 74F-7.1; 74F-16;*  
30 *Temporary Adoption Eff. August 13, 2002;*  
31 *Eff. August 1, 2004;*  
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*  
33 *2016;*  
34 *Amended Eff. June 1, 2026; April 1, 2023.*  
35

## Burgos, Alexander N

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**Subject:** FW: [External] RE: Locksmith Licensing Board - Rules for RRC Review  
**Attachments:** Response to Request for Changes - NCLLB - 05 2026.docx; 21 NCAC 29 .0202 (Revised).docx; 21 NCAC 29 .0204 (Revised).docx; 21 NCAC 29 .0206 (Revised).docx; 21 NCAC 29 .0501 (Revised).docx

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**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Sent:** Friday, May 8, 2026 9:21 AM  
**To:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** FW: [External] RE: Locksmith Licensing Board - Rules for RRC Review

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**From:** Catherine E. Lee <[clee@hedrickgardner.com](mailto:clee@hedrickgardner.com)>  
**Sent:** Friday, May 8, 2026 8:23 AM  
**To:** [director@nclocksmithboard.org](mailto:director@nclocksmithboard.org); Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Cc:** Ryan Mitiguy <[rmitiguy@hedrickgardner.com](mailto:rmitiguy@hedrickgardner.com)>  
**Subject:** [External] RE: Locksmith Licensing Board - Rules for RRC Review

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning, Mr. Miller. Please see the attached responses to the Request for Changes on behalf of the North Carolina Locksmith Licensing Board, along with the proposed changes to the rules as published.

Please let me know if you have any questions.

Thank you.

Catherine

**Catherine E. Lee** | Partner  
Hedrick Gardner Kincheloe & Garofalo LLP.  
2710 Wycliff Road, Suite 220 | Raleigh, NC 27607  
Phone: 919-341-2639 | Fax: 919-341-2639  
[clee@hedrickgardner.com](mailto:clee@hedrickgardner.com) | [www.hedrickgardner.com](http://www.hedrickgardner.com)



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1 21 NCAC 29 .0202 is amended with changes as published in 40:10 NCR 839-840 as follows:

2  
3 **21 NCAC 29 .0202 APPLICATION REQUIREMENTS**

4 (a) Applicants must register for an examination on the form prescribed by the Board. The application must be  
5 submitted to the Board's office at least 15 days before the requested examination date.

6 (b) To apply for a license, an individual must submit the following to the Board:

7 (1) all applicable fees as set forth in Rule .0201 of this Section; and

8 (2) a completed license application, as described in Paragraph (c) of this Rule.

9 (c) A license application for an individual shall contain the following:

10 (1) the person's name;

11 (2) the person's place of birth, date of birth, social security number, and citizenship status;

12 (3) the person's current physical address, mailing address, telephone number, email address, and  
13 website;

14 (4) the person's out-of-state licenses or certifications held, if any;

15 (5) a list of all addresses at which the applicant has lived during the past five years;

16 (6) the name, [email,] email address, home address, and length of relationship of two [disinterested]  
17 character references;

18 (7) whether the applicant possesses a valid motor vehicle operator's permit and, if so, the license  
19 [number,] number and issuing state;

20 (8) whether the applicant:

21 (A) has ever been involuntarily dismissed, fired, or allowed to resign in lieu of firing as a result  
22 of theft, embezzlement, or any alleged act that, if true, could have resulted in criminal  
23 prosecution;

24 (B) has ever been charged, convicted, or pled guilty to a criminal offense other than a minor  
25 traffic violation in any state;

26 (C) has ever been convicted or pled guilty at a court-martial while a member of the Armed or  
27 Reserved Forces;

28 (D) has ever been denied any professional license or had any professional license revoked in  
29 any state, including North Carolina;

30 (E) has ever served in any branch of the US Military Services, and, if so, a copy of the  
31 applicant's Form DD-214 or equivalent;

32 (9) the applicant's affirmation that all answers and statements in the application and supporting  
33 documents provided are true and accurate to the best of the applicant's knowledge. That the applicant  
34 understands the Board may verify and investigate such information, and that any material omission,  
35 misrepresentation, or falsification is grounds for the Board's denial of the license application or  
36 revocation of a license;

- 1           (10)   the applicant's agreement that he or she has fully read the obligations of a licensee and will abide by
- 2                   the North Carolina Locksmith Licensing Act and the rules duly promulgated by the Board;
- 3           (11)   the applicant's signature and the date;
- 4           (12)   the applicant's signed and notarized authorization for release of records related to the applicant's
- 5                   military, education, and employment history;
- 6           (13)   the business name and trade name, address, website, and federal Employer Identification Number
- 7                   ("EIN") of the businesses under which the applicant is providing locksmith services; and
- 8           (14)   a signed electronic fingerprint submission to authorize the North Carolina State Bureau of
- 9                   Investigation to perform a national criminal history record check.

10

11   *History Note:*    *Authority G.S. 74F-6; 74F-7;*  
12                    *Temporary Adoption Eff. November 13, 2002;*  
13                    *Eff. August 1, 2004;*  
14                    *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*  
15                    ~~2016.~~ 2016;  
16                    *Amended Eff. June 1, 2026.*

1 21 NCAC 29 .0204 is amended **with changes** as published in 40:10 NCR 840 as follows:

2  
3 **21 NCAC 29 .0204 REQUIREMENTS OF EXAMINEES**

4 (a) Applicants at an examination session shall present a government-issued photo ID identification card to the  
5 examination proctor before the beginning of the examination session.

6 (b) The applicant shall not bring books, calculators, or other items that may compromise the security and validity of  
7 the exam, such as a study guide or objects that are **disruptive disruptive**, into the examination room.

8 (c) ~~Cellphones shall be turned off during the examination.~~ Electronic devices shall not be allowed in the examination  
9 room during the examination. Applicants shall not speak with ~~others~~ anyone except the proctor during the examination  
10 session.

11 (d) Applicants shall obey instructions from the proctor regarding when to begin and cease work on the examination.

12 (e) Applicants shall be excused from the room during the examination only with permission from the proctor.

13 (f) Failure to abide by any of the Paragraphs of this Rule shall result in invalidation of the applicant's examination  
14 results.

15 (g) Applicants shall not make any written markings on the examination book provided by the proctor.

16 (h) The applicant shall exit the examination room if the proctor determines that the applicant is disrupting the  
17 examination or failing to abide by any of the Paragraphs of this Rule. If an applicant is asked to exit the examination  
18 room, examination fees shall not be refunded.

19 (i) Applicants shall be informed of the results of the examination by email. Examination results shall not be provided  
20 by the [proctored] proctor at the testing site.

21  
22 *History Note: Authority G.S. 74F-6; 74F-7;*  
23 *Temporary Adoption Eff. November 13, 2002;*  
24 *Eff. August 1, 2004;*  
25 *Readopted Eff. June 1, 2017- 2017;*  
26 *Amended Eff. June 1, 2026.*

1 21 NCAC 29 .0206 is amended **with changes** as published in 40:10 NCR 840 as follows:

2

3 **21 NCAC 29 .0206 SPECIAL ADMINISTRATION**

4 (a) Applicants with disabilities as defined by the Americans with Disabilities Act of 1990 (ADA), which is hereby  
5 incorporated by reference, including subsequent amendments and editions, available at no cost at www.ada.gov, and  
6 documented by a licensed medical professional shall be administered the NC Locksmith Licensing Exam under  
7 conditions that shall minimize the effect of the disabilities on their testing performance. Special test administrations  
8 shall be as comparable as possible to a standard ~~administration and shall be granted upon request of the applicant and~~  
9 ~~Board approval.~~ testing administration.

10 (b) Applicants desiring to request testing accommodations under the ADA shall provide the following information to  
11 the Board at least 30 days prior to the desired testing date:

- 12 (1) the type of accommodation requested;
- 13 (2) a description of the limitations caused by the applicant's medical condition;
- 14 (3) the manner in which the applicant's limitations impact the applicant's ability to take the examination  
15 required for licensure by the Board;
- 16 (4) whether the applicant previously has been provided with a testing **accommodation;** ~~accommodation~~  
17 ~~in the past;~~ and
- 18 (5) medical certification from the applicant's treating healthcare provider attesting to the accuracy of  
19 the information provided by the applicant as set forth in Paragraph (b) of this Rule.

20 (c) The Board shall approve the requested testing accommodations if the Board determines that the requested testing  
21 accommodation constitutes a reasonable accommodation under **the** ADA.

22

23 *History Note: Authority G.S. 74F-6; 74F-7;*  
24 *Eff. November 1, 2007;*  
25 *Readopted Eff. June 1, ~~2017~~ 2017;*  
26 *Amended Eff. June 1, 2026.*

1 21 NCAC 29 .0501 is amended **with changes** as published in 40:10 NCR 840 as follows:

2  
3 **SECTION .0500 - CODE OF ETHICS**  
4

5 **21 NCAC 29 .0501 OBLIGATION OF LICENSED LOCKSMITHS**

6 (a) By applying for and accepting a license issued by the Board, all licensees become obligated to comply with the  
7 provisions of this Section. Failure to comply ~~may result~~ shall be grounds for ~~in~~ disciplinary action by the Board.

8 (b) ~~The obligations of this Chapter extend to all employees of licensed individuals and licensed~~ **Licensed** individuals  
9 shall be responsible for the actions of their ~~employees,~~ **employees who are acting under their direct control and**  
10 **supervision, as defined by G.S. 74F-16(1).** The term "employee" shall mean every person engaged in ~~employment~~  
11 ~~under a contract of hire or apprenticeship,~~ employment, express or implied, oral or written, including non-citizens,  
12 and also minors, whether lawfully or unlawfully employed.

13 (c) A licensed locksmith shall employ all apprentices under their supervision. A licensed locksmith shall provide  
14 [direct control and] supervision for all apprentice locksmiths in their employ. A licensed locksmith is responsible for  
15 the instruction and training of their apprentice locksmiths in locksmith services and locksmith tools as defined in G.S.  
16 74F-4. A licensed locksmith is responsible for the quality of their apprentice locksmith's services.

17 (d) A licensed locksmith shall dispatch an apprentice locksmith to the location where locksmith services are to be  
18 performed. A licensed locksmith shall be aware of the name and location of the client, the locksmith services required  
19 to be performed, the apprentice locksmith's ability to perform the locksmith services required, and the fee charged by  
20 the apprentice locksmith for the locksmith services performed.

21 (e) Upon request, an apprentice locksmith shall provide to the Board the contact information for their supervising  
22 licensed locksmith.

23 (f) A licensed locksmith shall report to the Board **if, in the licensed locksmith's opinion, the apprentice locksmith has**  
24 **demonstrated any gross negligence, incompetency, or misconduct in the performance of locksmith services while**  
25 **under the licensed locksmith's supervision.** ~~of an apprentice locksmith.~~

26 (g) A licensed locksmith and apprentice locksmith shall identify themselves and their company or business name  
27 truthfully while providing locksmith services.

28  
29 *History Note: Authority G.S. 74F-3; 74F-6; 74F-7.1; 74F-16;*  
30 *Temporary Adoption Eff. August 13, 2002;*  
31 *Eff. August 1, 2004;*  
32 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2,*  
33 *2016;*  
34 *Amended Eff. June 1, 2026; April 1, 2023.*  
35

## Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### Note the following general instructions:

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov) and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: "~~a~~Association"
  - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
  - Wrong: "day, and"
  - Right: "~~day,~~ day, and"
7. Formatting instructions and examples may be found at:  
[www.ncoah.com/rules/examples.html](http://www.ncoah.com/rules/examples.html)

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller  
Commission Counsel

Date submitted to agency: May 6, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0201

**DEADLINE FOR RECEIPT: May 19, 2026**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Form 0400, Box 7: Please confirm if/when the fee consultation took place.*

**On October 24, 2025, the Board requested a consultation on the establishment of a fee, pursuant to from the Joint Legislative Commission on Governmental Operations. The Board did not receive a response.**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel  
Date submitted to agency: May 6, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0202

**DEADLINE FOR RECEIPT: May 19, 2026**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(b)(1): Consider adding “applicable” in between “all” and “fees”.*

**Done**

*(c)(6): For consistency, add “address” after “email”.*

**Done**

*(c)(6): What does “disinterested” mean in this context?*

**The word “disinterested” has been removed**

*(c)(7), line 18: Remove the comma after “license number”.*

**Done**

*(c)(8)(D): Do you mean “any professional license” here?*

**Yes; changed accordingly.**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel  
Date submitted to agency: May 6, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0204

**DEADLINE FOR RECEIPT: May 19, 2026**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(b), line 7: Add a comma either after "study guide" or "disruptive", depending on your intent.*

**Done**

*(i), line 20: Change "proctored" to "proctor".*

**Done**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel  
Date submitted to agency: May 6, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0206

**DEADLINE FOR RECEIPT: May 19, 2026**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(b)(4): Is "in the past" necessary? It seems redundant given that you already state "previously".*

**"In the past" has been removed**

*(c)(4): Add "the" before "ADA".*

**Done**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel  
Date submitted to agency: May 6, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Locksmith Licensing Board

RULE CITATION: 21 NCAC 29 .0501

**DEADLINE FOR RECEIPT: May 19, 2026**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a), line 7: Delete "in" after the added text.*

**Done**

*(b): How does this requirement comply with § 74F-16? That statute exempts a number of different employees from the provisions of Chapter 74F, which would include rules adopted by the Board that carry out Chapter 74F.*

**Clarified to apply to employees acting under the direct control and supervision of a licensed locksmith, as defined in GS 74F-16(1).**

*(d): How does this provision interplay with (c), where you require: "[a] licensed locksmith shall provide direct control and supervision for all apprentice locksmiths in their employ"? Wouldn't (d) contradict this requirement?*

**Clarified to provide that a licensed locksmith shall provide supervision, but such supervision is not required to be "direct control and supervision" – meaning that an apprentice locksmith (which is different than an unlicensed employee) may perform work outside the physical presence of a licensed locksmith, so long as the licensed locksmith is dispatching the apprentice, knows the name and location of the client, the type of services to be performed, the apprentice's ability to perform the work, and the fee to be charged by the apprentice for the work.**

*(f): Are these three terms defined anywhere in your rules or statutes? What qualifies as "misconduct" or "incompetency"?*

**These are terms set forth in the Board's practice act; GS 74F-15(a)(3) provides that the Board may sanction a credential if the credential holder has demonstrated gross negligence, incompetency, or misconduct in**

Christopher S. Miller  
Commission Counsel

Date submitted to agency: May 6, 2026

**performing locksmith services. Clarified to provide that the licensed locksmith must report to the Board if, in the licensed locksmith's opinion, the apprentice locksmith has demonstrated any gross negligence, incompetency, or misconduct in the performance of locksmith services while under the licensed locksmith's supervision.**

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller  
Commission Counsel  
Date submitted to agency: May 6, 2026

## **Burgos, Alexander N**

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**From:** Miller, Christopher S  
**Sent:** Wednesday, May 6, 2026 1:38 PM  
**To:** director@nclocksmithboard.org  
**Cc:** Burgos, Alexander N; Miller, Christopher S  
**Subject:** Locksmith Licensing Board - Rules for RRC Review  
**Attachments:** Request for Changes - Locksmiths - 05 2026.docx

Good afternoon,

I'm the staff attorney who reviewed the rules submitted by the North Carolina Locksmith Licensing Board for the May 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, May 28, 2026, 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, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is my Request for Changes pursuant to G.S. 150B-21.10. Please submit the responses and revised rules to me via email, no later than **5 p.m. on May 19, 2026.**

Let me know if you have any questions.

Best,  
Chris

### **Chris Miller**

Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

**NOTICE:** E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

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