

1 12 NCAC 10B .0105 is proposed for repeal as follows:

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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.~~

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.*