

24 NCAC 03 .0506 TRANSCRIPT OF TESTIMONY

(a) Hearings, including testimony and argument (on request) shall be transcribed verbatim. If review is directed by the Board, the Board will order the transcript and notify the parties when it is filed with the Board. If a petition for review is filed, the petitioner shall, at the time of filing, order the transcript and ensure that one copy is filed with the Board. The Board will notify parties when the transcript is filed with the Board.

(b) The public proceedings conducted by the Review Board and by its hearing examiners may be recorded by an audio-tape recorder by any person in attendance. The Chairman of the Review Board, or the hearing examiner shall control the manner of any tape recording process to ensure that it is not disruptive to the proceeding.

(c) Should it become impossible or extremely impractical for the court reporter to prepare a transcript of the evidence because of mechanical failure, loss or destruction of tapes or notes, or for any other reason, it shall become the duty of the parties to prepare a summary of evidence from their trial notes and best recollection. The prevailing party, or the party designated by the hearing examiner, shall have 30 days from the date notice is sent to him by the hearing examiner or the Review Board in which to prepare and serve upon opposing party his proposed summary of evidence. The opposing party shall review it and if he disagrees with any portion thereof, or believes that the summary is not complete, he shall have 20 days in which to serve upon the prevailing party any proposed revisions, including any deletions and additions. If the prevailing party agrees to such revisions, the two parties shall sign a certification that the summary of evidence is agreed by them to accurately reflect the substance of the testimony and other evidence presented at the hearing. If the parties cannot agree, their respective versions of the summary shall be submitted to the hearing examiner and he or she shall review the proposals, together with the hearing examiner's trial notes, and thereafter enter a ruling as to what constitutes the summary of evidence, which shall thereafter be treated for all purposes as the transcript of the proceedings.

(d) Errors in the transcript of the hearing may be corrected by the hearing examiner on his own motion, or on the motion of a party. Each correction will be made by hand with pen and ink and initialed by the hearing examiner, or the hearing examiner may sign and attach an errata sheet.

*History Note: Authority G.S. 95-135;
Temporary Rule Eff. October 2, 1991 For a Period of 180 Days to Expire on March 30, 1992;
Eff. February 3, 1992;
Amended Eff. April 1, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 16, 2014.*