

21 NCAC 50 .1014 ADMINISTRATIVE HEARING PROCEDURES

(a) The Rules establishing procedures for contested cases adopted by the Office of Administrative Hearings as contained in Title 26, Chapter 3 of the North Carolina Administrative Code are hereby incorporated by reference, including subsequent amendments and editions, for contested cases for which the Board has authority to adopt rules under G.S. 150B-38(h). Provided, however, that if the case is conducted under G.S. 150B-40(b), the presiding officer shall have the powers and duties given to the Chief Administrative Law Judge or the presiding administrative law judge in Title 26, Chapter 3 of the North Carolina Administrative Code and that 26 NCAC 03 .0101(2), .0102(a)(2), .0103, .0104, .0107, .0108(b) .0109, .0124, .0125, .0126, .0128 .0130, Section .0200 and Section .0300 shall not apply. The provisions of 26 NCAC 03.0108(a) prehearing conference are modified to require a prehearing conference directly between counsel or the parties without participation by the Board at least 15 days in advance of any hearing by the Board, and to exchange all documents and witness information at that time. The provisions of 26 NCAC 03 .0113(b) are modified to authorize service of subpoenas by mail, facsimile, or e-mail likely to result in delivery. Copies of Title 26, Chapter 3 of the North Carolina Administrative Code are on file in the Board's office and may be obtained at the cost of ten cents per page.

*History Note: Authority G.S. 87-18; 150B-38; 150B-40;
Eff. August 1, 2000;
Amended Eff December 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. August 22, 2015.*