26 NCAC 03 .0123 OFFICIAL RECORD

(a) The official record of a contested case shall be available for public inspection upon request. An administrative law judge may, consistent with law, order all or part of an official record sealed.

(b) The official record shall be prepared in accordance with G.S. 150B-37(a).

(c) Contested case hearings shall be recorded either by a hearing assistant provided by the Office of Administrative Hearings or a court reporter listed by the North Carolina Administrative Office of the Courts as authorized and approved to prepare transcripts of proceedings held in the courts of all counties procured directly by one or more parties to the contested case.

(d) If a contested case hearing is cancelled, the party responsible for the cancellation shall provide a 24-hour cancellation notice to the other parties in all cases in which a hearing assistant is provided by the Office of Administrative Hearings.

(e) Transcripts of proceedings held in the Office of Administrative Hearings shall be made only upon request of a party. When proceedings are recorded by a court reporter, transcript requests shall be made directly to the court reporter. When proceedings are recorded by a hearing assistant, transcript requests shall be made directly to a transcriptionist listed by the North Carolina Administrative Office of the Courts as authorized and approved to prepare transcripts of proceedings held in the courts of all counties.

(f) A party who orders a transcript shall use an Office of Administrative Hearings transcript form to order the transcript, which shall include the following information:

(1) case name and number;
(2) requestor information; and
(3) transcriptionist information.

That form is available on the Office of Administrative Hearings website at https://www.oah.nc.gov and may be obtained from the Chief Hearings Clerk upon request. The party ordering the transcript shall file the transcript form with the Office of Administrative Hearings and shall serve the transcript form on all other parties and the transcriptionist.

(g) The transcriptionist shall deliver the transcript to the party or parties that requested the transcript and file the transcript with the Office of Administrative Hearings by email to oah.clerks@oah.nc.gov in PDF format no later than 30 days after having been served with the transcript contract.

(g) Copies of recordings made by a hearing assistant are available upon written request at a cost set out in 26 NCAC 01 .0103.

History Note: *Authority G.S. 7A-751; 150B-37;*
Eff. August 1, 1986;
Amended Eff. August 1, 1998; April 1, 1990; February 1, 1989; November 1, 1987;
September 1, 1986;
Recodified from Rule .0122 Eff. August 1, 2000;
Amended Eff. April 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016;
Amended Eff. April 1, 2023; August 1, 2021.