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 part or all 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 four-track recording system or a court reporter using stenomask or stenotype.

(d) Transcript costs incurred shall be divided equally among the party(ies) requesting a transcript.

(e) Any other costs incurred when using a court reporter shall be divided equally among the requesting party(ies).

(f) A 24 hour cancellation notice is required in all cases. The party(ies) responsible for the cancellation are liable for any cancellation fees.

(g) Transcripts of proceedings during which oral evidence is presented shall be made only upon request of a party. OAH shall contract with an independent contractor to provide transcript services. Transcript requests must be made to the independent contractor. The name and phone number of the independent contractor may be obtained by calling the Office of Administrative Hearings. Transcript costs shall be provided to the requesting party by the independent contractor. An attorney requesting a transcript on behalf of a party shall be a guarantor of payment of the cost. The independent contractor may require an advance security deposit to cover the prospective cost.

(h) Copies of recordings are available upon written request at a cost set out in 26 NCAC 01 .0103.

(i) Copies of OAH Hearings recordings or non-OAH certified transcripts therefrom are not part of the official record.

History Note: Authority G.S. 150B-37;
Eff. August 1, 1986;
Amended Eff. August 1, 1998; April 1, 1990; February 1, 1989; November 1, 1987;
September 1, 1986;
Revised from Rule .0122 Eff. August 1, 2000;
Amended Eff. April 1, 2009;