

NORTH CAROLINA REGISTER

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PUBLISHED BY

The Office of Administrative Hearings

Rules Division

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- (c) date the Division was notified of criminal history, if applicable; and
- (d) agency head or authorized representative name, title, agency, phone number, email address, signature, and date signed.

Authority G.S. 17C-6.

12 NCAC 09I .0117 IN-SERVICE TRAINING COORDINATOR FORMS

Form F-18, Agency Record of Person Designated as In-Service Training Coordinator, is a Commission-approved form to be used by criminal justice agencies and shall include the following:

- (1) agency name, phone number, and address;
- (2) applicant name, email address, Academy ID number, and date of birth;
- (3) date and location of In-Service Training Instructor Coordinator course completed; and
- (4) agency head name, email address, and signature.

Authority G.S. 17C-6.

12 NCAC 09I .0118 CERTIFICATION FORMS – LOCAL CONFINEMENT PERSONNEL

Form F-5A (LCP), Report of Appointment – Local Confinement Personnel, is a Commission-approved form to be used by individuals certified as, or applicants for certification as, local confinement personnel, pursuant to 12 NCAC 09B .0114. Form F-5A (LCP) shall include the following:

- (1) name, phone number, address, and ORI number of employing agency;
- (2) applicant's name, previous names used, social security number, home address, date of birth, driver's license number and issuing state, email address, and phone number;
- (3) position type and full-time or part-time status;
- (4) verification that the applicant has completed certification requirements as set out in 12 NCAC 09B .0114, including:
 - (a) education information;
 - (b) drug screening information;
 - (c) date submitted fingerprints to State Bureau of Investigation and results shall be attached;
 - (d) psychological screening information
 - (e) indication that medical forms, pursuant to Rule .0105 of this Subchapter, have been completed, date of medical examination, and name and license number of examining medical professional;
 - (f) indication that background investigation and associated forms, pursuant to 12 NCAC 09B .0102, have been completed;
 - (g) date of completion of AOC-CR-280;

- (h) attached a completed Form F-36, pursuant to 12 NCAC 09I .0116;
- (i) for applicants with prior experience, name of previous Local Confinement Facility and date of separation;
- (5) applicant's arrest, criminal, probation, and Domestic Violence Protective Order history, supported by Form F-3, pursuant to 12 NCAC 09I .0116, if applicable;
- (6) applicant's signature and date signed; and
- (7) executive officer or authorized representative's signature, title, and date signed.

Authority G.S. 17C-6.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g that the Alcoholic Beverage Control Commission intends to readopt with substantive changes the rules cited as 14B NCAC 15A .0101-.0104, .0201-.0204, .0301, .0302, and .0401-.0404.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://abc.nc.gov>

Proposed Effective Date: *February 1, 2027*

Public Hearing:

Date: *October 14, 2026*

Time: *10:00 a.m.*

Location: *Hearing Room, ABC Commission, 400 East Tryon Road, Raleigh, NC 27610*

Reason for Proposed Action: *Mandatory review pursuant to G.S. 150B-21.3A*

Comments may be submitted to: *Renee Metz, 400 East Tryon Road, Raleigh, NC 27610; phone (919) 948-7919; email rules@abc.nc.gov*

Comment period ends: *November 16, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission,

please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
☐ Local funds affected
☐ Substantial economic impact ($\geq$ \$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

CHAPTER 15 - ALCOHOLIC BEVERAGE CONTROL COMMISSION

SUBCHAPTER 15A - ORGANIZATIONAL RULES: POLICIES AND PROCEDURES

SECTION .0100 - GENERAL PROVISIONS

14B NCAC 15A .0101 PURPOSE

The ~~Alcoholic Beverage Control System~~ North Carolina Alcoholic Beverage Control Commission shall provide regulation and control of the manufacture, distribution, advertisement, sale, ~~possession~~ possession, and consumption of alcoholic beverages to serve the public health, ~~safety~~ safety, and welfare in accordance with this Chapter.

Authority G.S. 18B-100; ~~18B-105~~; 18B-207.

14B NCAC 15A .0102 LOCATION, ADDRESSES AND BUSINESS HOURS

The principal office of the ~~North Carolina Alcoholic Beverage Control~~ Commission is located at 400 East Tryon Road, Raleigh, North Carolina 27610. The mailing address is 4307 Mail Service Center, Raleigh, North Carolina 27699-4307. The telephone number is (919) 779-0700. The Commission's email address is contact@abc.nc.gov. The Commission's website address is <https://abc.nc.gov>. The principal office is open to the public during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday. Permit applications received after 3:00 p.m. shall not be processed until the following business day.

Authority G.S. 18B-100; 18B-207.

14B NCAC 15A .0103 DEFINITIONS

(a) The following definitions apply in this Chapter:

- (1) "Administrator" means the principal administrative officer of the Commission.
- (2) "Alcohol law enforcement agent" or "ALE agent" means an enforcement agent of the Alcohol Law Enforcement ~~Branch~~, Division of the North Carolina Department of Public Safety.
- (3) "Applicant" means ~~any~~ a person who requests the issuance of a permit from the Commission, unless the context clearly means otherwise.
- (4) "Brand," in relation to ~~wines~~, alcoholic beverages, means the name under which ~~a wine~~ the alcoholic beverage is produced. A brand

shall not be construed to mean a class or ~~type of wine, type~~, but all classes and types of ~~wines~~ sold under the same brand label shall be considered a single brand. Differences in packaging such as a different style, type, or size of container shall not be considered different brands.

- (5) "Branded merchandise" means items, including glassware, cups, signs, t-shirts, hats, and other apparel, ~~which that~~ bear the brand of the alcoholic beverage being served, or the ~~brand name~~ name of the brewery, winery, or ~~distiller distillery~~ distillery whose alcoholic ~~beverages beverage~~ is being served, at a tasting conducted pursuant to G.S. 18B-1114.1, ~~18B-1114.5~~ 18B-1114.5, or 18B-1114.7.
- (6) "Brokerage" means a business that brokers in the State the sale of spirituous liquor on behalf of a spirituous liquor supplier.
- (7) "Brokerage representative" means an individual who promotes spirituous liquor on behalf of a brokerage.
- (8) "Chairman" means the chairman of the Commission.
- (9) "Contractor" means the person or persons responsible for carrying out the storage and distribution of spirituous ~~liquors~~ liquor at the State ABC warehouse.
- (10) "Distiller representative" means an individual who promotes spirituous liquor on behalf of a ~~distiller, distillery~~, distiller, distillery, or otherwise represents a ~~distiller, distillery~~.
- (11) "Distressed liquor" means spirituous liquor which is not saleable due to adulteration or damage to the bottle, label, or tax seal.
- (12) "Industry Member" means ~~any~~ a wholesaler, salesman, brewery, winery, bottler, importer, liquor importer/bottler, ~~distiller, distillery~~, distiller representative, brokerage, brokerage representative, supplier representative, rectifier, nonresident vendor, vendor representative, or ~~their affiliate thereof~~, affiliate, that sells or solicits orders for alcoholic beverages, whether or not licensed in this State.
- (13) "Permittee" means a person ~~to whom a permit has been~~ who has a permit issued by the Commission.
- (14) "Ready to pour cocktail" means a "premixed cocktail" as defined in G.S. 18B-101(12c) except with an alcohol by volume greater than thirteen percent.
- (14)(15) "Rectifier" means a permittee that processes spirituous liquor by cutting, blending, mixing, or infusing the spirituous liquor with ~~any an~~ an ingredient that reacts with the ~~constituents of the~~ constituents of the distilled spirits and changes the ~~character and nature, or standards of identity, character, nature, or standard of identity of the distilled~~ character and nature, or standards of identity, character, nature, or standard of identity of the distilled

spirits. "Rectifier" does not include a person who extracts spirituous liquor by original or continuous distillation, or who mixes spirituous liquor with other ingredients at the request of and for immediate consumption. ~~consumption by a consumer.~~

- (15)(16) "Retail permittee" or "retailer" means any a permittee holding a retail ~~alcoholic beverage~~ permit issued pursuant to the authority of G.S. 18B-1001 but does not include a ~~non-profit~~ nonprofit or political organization that has been issued a special one-time permit pursuant to the ~~provisions of~~ G.S. 18B-1002(a)(2) or (5).
- (16)(17) "State ABC warehouse" means the contractor-operated facility or facilities storing spirituous ~~liquors~~ liquor on behalf of the Commission pursuant to G.S. 18B-204, or, in cases of emergency, the facility or facilities operated by the State for ~~the purpose of~~ storing spirituous ~~liquors~~. liquor.
- (17)(18) "Spirituous liquor supplier" means a ~~distiller, distillery, liquor importer/bottler, or rectifier, nonresident spirituous liquor vendor, or rectifier, rectifier, or spirituous liquor wholesaler with a federal permit.~~
- (18)(19) "Supplier representative" ~~means, as the term is used in G.S. 18B-1114.7, means~~ an individual who ~~promotes markets~~ promotes on behalf of a spirituous liquor supplier, or otherwise represents a spirituous liquor supplier.
- (19)(20) "Vendor" means ~~any a~~ a brewery, winery, bottler, malt beverage or wine importer, or nonresident ~~malt beverage vendor or nonresident wine vendor~~ as those terms are used in G.S. 18B-1113 and 18B-1114.
- (20)(21) "Vendor representative" means ~~any a~~ a person who holds a permit issued pursuant to G.S. 18B-1112.
- (21)(22) "Wine" means both fortified wine and unfortified wine.

(b) The definitions in Chapter 18B apply to the rules in this Chapter.

Authority G.S. 18B-100; 18B-207.

14B NCAC 15A .0104 PAYMENT OF FEES AND FINES

- (a) Payment of fees and fines owed to the Commission ~~may~~ shall be paid by certified check, cashier's check, money order, electronic payment, ~~or Discover, Mastercard, or Visa credit cards.~~ Visa. However, payments for permit renewals for more than nine locations shall not be made by credit card.
- (b) Credit card and electronic payments may be made online through the Commission's website.
- (c) All payments shall be made payable to the North Carolina ABC Commission.
- (d) Payments shall only be accepted and processed between 8:00 am and 3:00 p.m..

Authority G.S. 18B-100; ~~18B-104; 18B-206; 18B-207; 18B-902; 18B-903.~~

SECTION .0200 - STRUCTURE

14B NCAC 15A .0201 COMMISSION

~~The North Carolina Alcoholic Beverage Control Commission shall be composed of a chairman and two associate members. The chairman shall have the powers and perform the duties prescribed by the Commission including the authority to appoint, promote, demote, and discharge all subordinate officers and employees of the Commission. The Commission shall have all the authority and duties given it by the provisions of the North Carolina General Statutes. The Chairman shall have the powers and perform the duties prescribed by the Commission including the authority to appoint, promote, demote, and discharge all subordinate officers and employees of the Commission.~~

Authority G.S. 18B-100; 18B-200; 18B-207.

14B NCAC 15A .0202 COMMISSION MEETINGS

The Commission shall meet ~~in~~ in monthly ~~in~~ in sessions open to the public ~~in order~~ to make final decisions on hearing cases, to adopt, ~~amend~~ amend, or repeal alcoholic beverage control rules, and to consider and act upon ~~any~~ other business pending before the Commission. The Commission may call special meetings in addition to the monthly meetings to consider and act upon ~~any~~ unfinished business pending before the Commission. The ~~Commission press shall be notified~~ notify the press of the time and place of both monthly and special meetings. The Commission may hold executive sessions with regard to personnel matters. These sessions are not open to the public nor is the press notified of these sessions. The Commission shall keep minutes of all meetings on file in the Legal Section. ~~Minutes of all Commission meetings shall be kept on file.~~

Authority G.S. 18B-100; 18B-200; 18B-207.

14B NCAC 15A .0203 ADMINISTRATIVE FUNCTIONS

~~The principal administrative officer~~ administrator shall be the ~~administrator~~ principal administrative officer who executes rules, ~~policies~~ policies, and procedures governing the sale of alcoholic beverages and coordinates the functions of the Commission with local boards and industry.

Authority G.S. 18B-100; ~~18B-200(d);~~ 18B-207.

14B NCAC 15A .0204 LEGAL FUNCTIONS

The ~~Legal Division~~ Section processes cases involving permittees charged with violations of the ABC ~~laws,~~ laws and rules, and represents the Commission in contested cases before the Office of Administrative Hearings. Legal Section attorneys staff ~~may~~ also serve as hearing officers in cases filed under Article 12 of Chapter 18B.

Authority G.S. 18B-100; ~~18B-200(d);~~ 18B-207.

SECTION .0300 - PUBLICATIONS: RECORDS: COPIES

14B NCAC 15A .0301 DISTRIBUTION, INSPECTION AND COPIES OF ABC LAWS

(a) Distribution of Rules and Statutes. The Commission shall distribute at no charge one copy of ~~Chapter 18B of the General Statutes and the Commission's Rules "Alcoholic Beverage Control Laws and Rules of North Carolina"~~ to each local ABC board, boards, each ALE agent, agents, ABC officer officers, and local law enforcement officer officers employed by a contracting agency pursuant to G.S. 18B-501(f).

(b) Purchasing Copies of Documents. ~~Copies.~~ Copies of the following documents items are available from the Commission:

- (1) ~~Chapter 18B of the General Statutes and the Commission's Rules; "Alcoholic Beverage Control Laws and Rules of North Carolina";~~
- (2) ABC Retail Guide; and
- (3) Public records retained by the Commission.

Copies of the above documents are available at the "actual cost" as defined in G.S. 132-6.2(b) ~~for making the copies and the mailing cost, if applicable. 132-6.2(b).~~ The Commission shall provide its "actual cost" of documents items specified under Subparagraphs (b)(1) and (2) of this Rule on the Commission's website. Persons requesting copies of the above documents items shall make payment by certified check, cashier's check, money order, or credit card to the Commission prior to receiving any copies of the above documents. above.

(c) Online Documents. Copies of Chapter 18B of the General Statutes and Statutes, Commission rules, forms, ~~minutes~~ minutes, and reports shall be made accessible online on the Commission's website without charge at <https://abc.nc.gov/>.

Authority G.S. 12-3.1; 18B-100; 18B-207.

14B NCAC 15A .0302 FEE FOR COMPUTER SERVICES

The Commission shall determine fees. Fees for data processing services shall be determined by the Commission in accordance with G.S. 132-6.2(b) ~~132-6.2(b).~~ and shall be paid in advance by certified check, cashier's check, money order, or credit card. ~~The requester shall request and receive a quote from the Commission prior to payment of requested services. The Commission shall provide a quote to the person requesting data processing services. If the person requesting services elects to proceed with the request, the person shall pay by certified check, cashier's check, money order, or credit card prior to receiving the requested items.~~

Authority 18B-100; 18B-207; 132-6.2; 150B-19(5)(e); 132-6.2.

SECTION .0400 - RULE-MAKING RULEMAKING

14B NCAC 15A .0401 PETITION FOR ADOPTION OF RULES

(a) Any A person wishing to submit a petition requesting the adoption, amendment, or repeal of a rule by the Commission shall address the petition to the North Carolina Alcoholic Beverage Control Commission, Chief Counsel, Rulemaking Coordinator, 4307 Mail Service Center, Raleigh, North Carolina 27699-4307.

(b) Contents. In addition to the proposed text of the requested rule change, a statement of the effect of the change, and the name and

address of each petitioner, the petition may also contain the following information:

- (1) summary of the proposed rule's contents;
- (2) reasons for the adoption, ~~amendment~~ amendment, or repeal of the proposed rule;
- (3) citation of authorities showing the legality of the proposed adoption, ~~amendment~~ amendment, or repeal of the rule;
- (4) effect of existing rules or orders;
- (5) ~~any~~ data supporting the proposal; and
- (6) effect of existing rules on existing practices in the area involved.

Authority G.S. 18B-100; 18B-207; 150B-20(a).

14B NCAC 15A .0402 ADMINISTRATIVE ACTION

~~Based on a study of the petition and other supporting material submitted in accordance with Rule .0401(b) of this Section, the Commission shall deny the petition or initiate rule-making proceedings within a reasonable time following submission of the petition. The Commission shall place a petition received pursuant to 14B NCAC 15A .0401 on a monthly Commission agenda no later than 60 days from receipt of the petition. Upon review of the materials submitted, the Commission shall deny or accept the petition for rulemaking.~~

Authority G.S. 18B-100; 18B-207; 150B-20.

14B NCAC 15A .0403 NOTICE OF RULE-MAKING RULEMAKING HEARINGS; MAILING LIST

Mailing List. Any A person desiring to be placed on the mailing list in accordance with G.S. 150B-21.2(d) for the rule-making notices may file a request in writing, furnishing the person's name, email and mailing address to the Commission. ~~To be placed on the Commission's mailing list for notices of rulemaking as required by G.S. 150B-21.2(d), a person must submit a request in writing or via email including the person's name, email address, mailing address, and preferred method of notice to the Rulemaking Coordinator at the mailing address provided in 14B NCAC 15A .0102 or to the email address rules@abc.nc.gov.~~

Authority G.S. 18B-100; 18B-207; 150B-21.2.

14B NCAC 15A .0404 RULE-MAKING RULEMAKING HEARING

(a) Location. Unless otherwise stated in a particular rule-making rulemaking notice, rule-making rulemaking hearings shall be held in the administrative hearing room of the Commission's principal office.

(b) Oral Presentations. ~~Any person desiring to present oral data, views or arguments on the proposed rule shall file a written notice of that desire with the Legal Division of the Commission. The notice of the oral presentation may contain a brief summary of the individual's or organization's views with respect to the proposed adoption, amendment or repeal of a rule, and a statement of the length of time the speaker would like to speak.~~

(c)(b) The Chairman shall preside at the rule-making rulemaking hearing and shall ensure that each person participating is given an opportunity to present oral arguments, ~~comments~~ comments, and

data supporting the person's position. The Chairman in open session may set the time limits on oral presentations during the hearing based on the number of people wishing to speak and the amount of time allocated to the public hearing.

Authority G.S. 18B-100; 18B-207; 150B-21.2(e).

TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 12 - GENERAL CONTRACTORS

Notice is hereby given in accordance with G.S. 150B-21.2 that the Licensing Board for General Contractors intends to amend the rule cited as 21 NCAC 12A .0701.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://nclbgc.org/>

Proposed Effective Date: *January 1, 2027*

Public Hearing:

Date: *October 1, 2026*

Time: *11:00 a.m.*

Location: *5400 Creedmoor Road, Raleigh, NC 27612*

Reason for Proposed Action: *21 NCAC 12A .0701 - to clarify the impact of a licensee or qualifier's failure to respond to the notice of charge(s) when a complaint has been filed.*

Comments may be submitted to: *Anna Baird Choi, 5400 Creedmoor Road, Raleigh, NC 27604; email anna.choi@nclbgc.org*

Comment period ends: *November 16, 2026*

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to oah.rules@oah.nc.gov. If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- ☐ State funds affected
☐ Local funds affected

- ☐ Substantial economic impact ($\geq$ \$1,000,000)
☐ Approved by OSBM
☒ No fiscal note required

SUBCHAPTER 12A – GENERAL PROVISIONS

SECTION .0700 – BOARD DISCIPLINARY PROCEDURES

21 NCAC 12A .0701 IMPROPER PRACTICE

(a) Complaint. Any person who believes that a licensed general contractor is in violation of the provisions of G.S. 87-11 may file a complaint with the Board against a licensee, qualifier, or both by setting forth in writing those charges and swearing to their authenticity. The complaint shall be submitted to the Board and include the complainant's contact information, project location, and name of the licensee, qualifier, or both.

(b) Preliminary or Threshold Determination:

- (1) A complaint filed in accordance with G.S. 87-11(a1) shall be forwarded to a staff investigator for investigation. Within 30 days, the Board shall forward a written notice of the complaint to the licensee and qualifier(s) against whom the charge is made. The notice shall request a response from the licensee and qualifier(s). The Board shall send notice of the charge and of the alleged facts or alleged conduct through the Board's licensure portal and by email to the address of the licensee and qualifier(s).

(2) Failure of a licensee with a valid license or failure of a qualifier of a licensee with a valid license to respond to the charges shall constitute a willful violation of the Board's rules.

(3)(2) After the investigation is complete, the charge shall be referred to the review committee. The review committee shall consist of the following individuals:

- (A) one member of the Board;
(B) the Secretary-Treasurer or his designee; and
(C) a staff person agreed upon by the individuals listed above.

(4)(3) Based upon the complaint and investigation, the review committee shall recommend to the Board that:

- (A) The charge be dismissed;
(B) When the charge is admitted as true by the licensee and qualifier(s), the Board accept the licensee's and qualifier(s)' admission of guilt and order the licensee and qualifier(s) not to commit in the future the act or acts admitted by him to have been violated and not to violate any of the acts of misconduct specified in G.S. 87-11 at any time in the future; or
(C) The charge, whether admitted or denied, be presented to the full Board for a hearing and determination by the