

**11 NCAC 01 .0430 OFFICIAL RECORD**

- (a) The official record of a contested case is available for public inspection upon reasonable request. The hearing officer may, upon good cause shown and 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-42.
- (c) Contested case hearings shall be recorded either by a recording system or a professional court reporter using stenomask or stenotype.
- (d) Transcript costs incurred by the Department shall be charged to or apportioned equally among the party or parties requesting a transcript.
- (e) Any other costs incurred by the Department when using a professional court reporter shall be charged to or apportioned equally among the requesting party or parties.
- (f) A 24-hour cancellation notice is required in all cases. The party or parties responsible for the cancellation shall be liable for any cancellation fees.
- (g) Transcripts of proceedings during which oral evidence is presented will be made only upon request of a party. Transcript costs shall include the cost of an original for the Department. An attorney requesting a transcript on behalf of a party is a guarantor of payment of the cost. Cost shall be determined under supervision of the hearing officer who, in cases deemed to be appropriate by him, may require an advance security deposit to cover the prospective cost. The security deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted it.
- (h) Copies of tapes are available upon written request at a cost of five dollars (\$5.00) per tape.
- (i) Copies of Department hearings tapes or Non-Department certified transcripts from those tapes are not part of the official record. Note: Rule 5.3(B) of the Rules of Professional Conduct permits an attorney to advance or guarantee expenses of litigation provided the client remains ultimately liable for such expenses.

*History Note:* Authority G.S. 58-2-40(1); 58-2-50; 58-2-55; 58-2-70; 150B-38(h);  
Eff. July 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27,  
2019.