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of The
State of North Carolina

December 23, 2014

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North Carolina General Assembly Joint Legislative Administrative
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Representative Julia C. Howard, Co-Chair
North Carolina General Assembly Joint Legislative Program Evaluation
Oversight Committee
NC House of Representatives
300 N. Salisbury Street, Room 302
Raleigh, NC 27603-5925

Re: The North Carolina Board of Law Examiners' Response to
the Program Evaluation Division Report on Occupational
Licensing Agencies, Report Number 2014-15

Dear Senator Hartsell, Representative Moffitt and Representative
Howard:

On behalf of the Executive Committee of the North Carolina Board of
Law Examiners (Board), please consider the following as the Board's
response to the Program Evaluation Division (PED) Report on Occupational
Licensing Agencies, Report Number 2014-2015 (the Report), submitted to

the Joint Legislative Program Evaluation Oversight Committee on December 17, 2014.

The Board would like to thank the PED for recognizing that Occupational Licensing Agencies (OLAs) in North Carolina should not to be centralized and that while centralization of the OLAs may increase efficiency in some ways, it would not necessarily result in better performance.

The Board commends the PED for its diligent work; it respectfully disagrees, however, with the PED's findings that an Occupational Licensing Commission is needed to strengthen oversight and improve OLA performance.

The establishment of an Occupational Licensing Commission is an additional layer of bureaucracy that is unnecessary and will add cost to licensees.

The North Carolina Board of Law Examiners is currently subject to oversight by several entities. It is required to file annual reports and financial audits with the following: The North Carolina Department of the Secretary of State, the North Carolina Department of Justice and the North Carolina General Assembly's Joint Regulatory Reform Committee. In addition, the Board is subject to oversight by the North Carolina State Bar and the North Carolina Supreme Court, which must approve its Rules before enactment.

The Board has always complied and will continue to comply with all statutory reporting requirements. We recognize that the General Assembly may wish to expand the content of the information to be contained within the required reports and to require periodic performance audits. The Board believes an Occupational Licensing Commission is unnecessary to achieve these objectives, which can be accomplished by revising pertinent statutes.

The Board has been and continues to be willing to comply with any reporting and evaluation required. With its 11 Board members and 11 staff members, the Board has continuously excelled in performing its mandated duties and responsibilities and in protecting the citizens of North Carolina

from unfit and incompetent individuals seeking admission to the North Carolina State Bar. These duties and responsibilities include, but are not limited to the following:

1. Processing and investigating an average of 1890 applications per year for admission to the North Carolina State Bar by examination and by comity;
2. Conducting background investigations for all foreign legal consultant applicants in North Carolina and certifying said applicants' character and fitness;
3. Conducting character and fitness analysis and hearings;
4. Reviewing requests for special testing accommodations pursuant to the Americans with Disabilities Act;
5. Drafting and analyzing potential bar examination questions;
6. Administering the North Carolina bar examination twice a year to an average of 1621 applicants each year;
7. Grading the North Carolina bar examinations
8. Issuing licenses to practice law in North Carolina and certifying applicants to the North Carolina Supreme Court and to the North Carolina State Bar; and
9. Developing rules and regulations for admission to the North Carolina State Bar.

The paramount duty of the North Carolina Board of Law Examiners is to protect the citizens of North Carolina and the public at-large from unqualified and unfit individuals practicing law in our State. The Board has continued to carry out its duties effectively, while being mindful of the need to minimize the cost to applicants.

The Board has not been deficient in the performance of its mandated duties and responsibilities, nor in its reporting requirements.

Current oversight of the Board of Law Examiners provided by the North Carolina Department of the Secretary of State, the North Carolina Department of Justice, the General Assembly's Joint Regulatory Reform Committee, the North Carolina State Bar and the North Carolina Supreme Court is more than adequate for the protection of the public. Establishment of an Occupational Licensing Commission is an additional layer of bureaucracy which is unnecessary and would simply increase costs to licensees.

The Board would like to thank the PED staff for the courteous and professional manner in which the evaluation was performed. It was a pleasure working with their team.

Additionally, the Board thanks the PED for the opportunity to provide a response to the PED's Report on Occupational Licensing Agencies. We note, however, that our work was constrained by the short response period, which, with the intervening holidays, left a very limited window of time for response. The Board respectfully requests that it be allowed an opportunity to supplement its response to the PED Report at a later time in this process, if necessary.

Sincerely,



Randel E. Phillips, Chair

CC:

Representative Thom Tillis,
Speaker of the House
North Carolina House of Representatives

Senator Phil Berger,
President Pro Tempore
North Carolina Senate

Mr. Chuck Hefren,
Program Evaluation Division