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January 18, 2022

Sender's Email: acornelius@hwpalaw.com

VIA FEDEX: 7757 8355 5665

Julie Coco, PE
State Sediment Engineer
DEMLR
512 N. Salisbury Street
Raleigh, NC 27604

Re: Request for Remission – Request for Oral Presentation
Civil Penalty Assessment for Violations of the Sedimentation Pollution Control Act
Cabarrus County
LQS-21-006

Dear Ms. Coco:

I represent Cabarrus County and Cabarrus County Schools (technically, the Cabarrus County Board of Education) regarding the civil penalty that has been assessed against them by the North Carolina Department of Environmental Quality ("NCDEQ") as detailed in that letter of September 22, 2021 from William E. Vinson, Jr. with the Civil Penalty Assessment, bearing file number LQS-21-006, dated September 22, 2021 ("Civil Penalty"). The Civil Penalty was earliest received by my clients on September 29, 2021.

By letter dated November 24, 2021, we timely submitted a Request for Remission of Civil Penalty. On December 21, 2021, my office received from you correspondence dated December 17, 2021 in which the Division of Energy, Mineral and Land Resources ("DEMLR") denied our request for remission.

In accordance with your letter of December 17, 2021, enclosed please find a completed Request for Oral Presentation for our request for remission of the civil penalty to be heard by the Sedimentation Control Commission before a final agency decision is made on our remission request.

If you have any questions about this matter or wish to discuss further, please feel free to contact me.

Thanking you for your attention, we are

Sincerely yours,

HARTSELL & WILLIAMS, P. A.



Andrew T. Cornelius

ATC:lce
Enclosure

cc: Carolyn McLain, Assistant AG (via e-mail)
Richard Koch, County Attorney (via e-mail)
H. Jay White, Sr., Schools Attorney (via e-mail)
Mike Downs, County Manager (via e-mail)
Jonathan Marshall, Deputy County Manager (via e-mail)
G. Tim Lowder, Schools Executive Director of Operations (via e-mail)
Brian Cone, Schools Director of Construction (via e-mail)
Don Terry, Leitner Attorney (via e-mail)

STATE OF NORTH CAROLINA

SEDIMENTATION CONTROL COMMISSION

COUNTY OF CABARRUS

Case Number LQS-21-006

IN THE MATTER OF ASSESSMENT)
OF CIVIL PENALTIES AGAINST:)

CABARRUS COUNTY)

CABARRUS COUNTY SCHOOLS)

REQUEST FOR ORAL PRESENTATION

I hereby request to make an oral presentation before the Sedimentation Control Commission's Civil Penalty Remissions Committee in the matter of the case noted above. In making this request, I assert that I understand all of the following statements:

- This request will be reviewed by the Chairman of the Sedimentation Control Commission and may be either granted or denied.
- Making a presentation will require the presence of myself and/or my representative during a Committee meeting held in Raleigh, North Carolina.
- My presentation will be limited to discussion of issues and information submitted in my original remission request, and because no factual issues are in dispute, my presentation will be limited by the Chairman of the Civil Penalty Remissions Committee to five (5) minutes in length.

The North Carolina State Bar's Authorized Practice of Law Commission has ruled that the appearance in a representative capacity at quasi-judicial hearings or proceedings is limited to lawyers who are active members of the bar. Proceedings before the Committee on Remissions are quasi-judicial. You should consider how you intend to present your case to the Committee in light of the State Bar's opinion and whether anyone will be speaking in a representative capacity for you or a business or governmental entity. If you or your representative would like to speak before the Committee, you must complete and return this form within thirty (30) days of receipt of this letter.

Depending on your status as an individual, corporation, partnership or municipality, the State Bar's Opinion affects how you may proceed with your oral presentation. See www.ncbar.com/ethics, Authorized Practice Advisory Opinion 2006-1 and 2007 Formal Ethics Opinion 3.

- If you are an individual or business owner and request an opportunity to make an oral presentation before the Committee, then legal representation before the Committee is not required; however, if you intend on having another individual speak on your behalf regarding the factual situations, such as an expert, engineer or consultant, then you must also be present at the meeting in order to avoid violating the State Bar's Opinion on the unauthorized practice of law.
- If the assessed party is a corporation, partnership or municipality and has requested an opportunity to make an oral presentation before the Committee, then your representative must consider the recent State Bar's Opinion and could be considered practicing law without a license if he or she is not a licensed attorney. Presentation of facts by non-lawyers is permissible.

If you choose to request an oral presentation, please make sure that signatures on the previously submitted Remission Request forms and this Oral Presentation Request form are: 1) for individuals and business owners, your own signature and 2) for corporations, partnerships and municipalities, signed by individuals who would not violate the State Bar's Opinion on the unauthorized practice of law.

Also, be advised that the Committee may choose not to proceed with hearing your case if the Committee is informed that a violation of the State Bar occurs.

This the 18 day of January, 20 22

SIGNATURE Adh J. CL Andrew T. Cornelius

TITLE (President, Owner, etc.) Attorney for Respondents

ADDRESS PO Box 368
Concord, NC 28026
704-786-5161