

This is the Law



BY FERD L. DAVIS
(For the N. C. Bar Association)
Administrative Law

Last week an attempt was made in this column to impress upon the reader the enormous influence exerted upon his everyday life by administrative agencies and their decisions which have the force and effect of law.

It was stated that one of the greatest services an attorney can render his client is in the field of administrative law. This week specific instances of such legal assistance are presented.

Occupants of a residential section were plagued by malaria-carrying mosquitoes. Investigation showed the mosquitoes were breeding in a nearby bottom area owned by a non-resident, whose address was unknown. The sufferers consulted an attorney, who brought the situation to the attention of the health officer and the municipal authorities, and pointed out the applicable statutes. The bottom was drained, and no further cases of malaria have been reported in that area.

A young business man ordered to report for induction into the army desired a few days extension in order to clear up his business affairs. The draft board, while sympathetic, held that it could do nothing since its ruling had already been made. The young man consulted his attorney, who, although barred by selective service regulations from appearing for his client before the draft board, was able to point out to his client that the board had given him only an 8-day notice to report instead of the 10-day notice required. When the matter was brought to the attention of the draft board, it held a re-hearing, and granted additional time to the selectee. Now in service, he estimates he saved several hundred dollars by having his plea reconsidered.

Case of the Miller
A miller wished to move his opera-

tions from a water-driven mill to a location in town. The town property was not zoned for industry, but the miller's attorney was able to present evidence which convinced the zoning board that the property should be rezoned. In addition, the attorney brought to the miller's attention the regulations of the Department of Agriculture applicable to power-driven mills (but not to water-driven mills) in advance of his operations change, istrative agencies. These appeals saving him money and red tape troubles.

A small town wished to hold an agricultural fair. Its backers thought all that was necessary would be to set up prizes and engage a carnival, but this was not the case. It was necessary to prepare proper reports to the Commissioner of Agriculture and other similar papers, to comply with the law. After this was done, the fair operated successfully from the first year, without any of the red-tape troubles and anxieties usually attendant upon such projects.

But not all problems are so happily resolved. Statutory law provides, in many cases, for appeals to courts of law from decisions made by administrative agencies, and all too often the individual consults his lawyer too late.

For example, if a taxpayer wishes to take exception to a franchise tax assessed against him, he must file a written application for a hearing before the Commissioner of Revenue within 30 days after date of notice of such assessment.

In one such case, a taxpayer wished to appeal from the assessment figure shown on his notice. He consulted an attorney—five days too late for the lawyer to request the hearing.

About Driver's Licenses
The time for appeal may vary. In the case of a "discretionary" revocation of a driver's license, the hearing before authorized representatives of the Department of Motor Vehicles is supposed to be within 20 days after the suspension of a license is appealed.

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ed. The decision of the Department may be appealed to the Superior Court within 30 days of the final decision of the Department.

In many cases, probably a favorable decision could be obtained without the necessity of appeal. The attorney is familiar with procedures of the various administrative groups—these procedures vary widely.

The Utilities Commission, for instance, holds its hearings along very much the same lines as the Superior Court, while the Board of Conservation and Development is informal in

its hearings, seldom swearing witnesses and giving consideration to written documents not made in affidavit form.

The private citizen, then, is wise to consult with one schooled in administrative law in the same manner he would take his lawsuit problems to an expert.

Favorable Cotton Year Is Predicted

"This year looks like a favorable one for cotton farmers, insofar as the

boll weevil is concerned, but don't assume that the winter's low temperatures killed all the weevils," says George Jones, in charge of Extension entomology at State College.

Jones says "growers who have a weevil problem each year should not be caught without some materials on hand and their equipment ready in June. The important thing is to check your fields carefully beginning in early June when squaring begins. If

you find 10 adult weevils for each 100 plants, begin treatments."

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