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FILED

NORTH CAROLINA

7/15/15 23

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

WAKE COUNTY

FILE NO. _____
S.C.

HALLIE TURNER, a minor, by and
through her Legal Guardian,
KELLY TURNER,

PETITIONER,

vs.

PETITION FOR JUDICIAL REVIEW

NORTH CAROLINA
ENVIRONMENTAL MANAGEMENT
COMMISSION

RESPONDENT.

NOW COME(S) Hallie Turner, a minor, by and through her Legal Guardian, Kelly Turner, ("Petitioner"), pursuant to 15A NCAC 02I.0504, N.C.G.S. § 150B-20(d), -43, -45, and -46, seeking judicial review of a denial of her Petition for Rulemaking for Promulgation of a Rule Based on the Best Available Climate Science to Limit North Carolina's Carbon Dioxide Emissions, attached as Exhibit 1 with Exhibits A – D and referred to herein as Petition for Rulemaking.

Hallie petitioned the Environmental Management Commission (hereinafter referred to as the EMC) to promulgate rules to limit carbon emissions in order to address climate change and fulfill their constitutional public trust obligations to Petitioner, her generation and to future generations of North Carolina citizens. The Petition was denied for lack of completeness, on January 15, 2015 by Benne C. Hutson ("Commissioner") as the then chairman for the Environmental Management Commission ("EMC" or "Commission"). The Decision was

received by the undersigned counsel for Petitioner on January 23, 2015.¹ A copy of the Decision on Completeness of Petition for Rulemaking (hereinafter referred to as The Decision) is attached hereto and incorporated herein as Petitioner's Exhibit 2.

Commissioner Hutson's expressed opinion was that the EMC does not have statutory authority to promulgate potential, future rules he believes might be necessary to fully implement Petitioner's proposed rule. It is the position of Petitioner that his determination is inconsistent with the requirements of the both the North Carolina Administrative Procedure Act ("APA") and basic principles of law. Petitioner seeks judicial review of the Commissioner's Decision on Completeness of Petition for Rulemaking ("The Decision") and asks that the Court to reverse the Decision and Order the Commission to initiate rulemaking proceedings on the Petition.

I. FACTUAL AND PROCEDURAL BACKGROUND

1. Hallie Turner, by and through her Legal Guardian, Kelly Turner (Hallie's mother), submitted a petition for rulemaking to the Environmental Management Commission (specifically to the Division of Air Quality) so that necessary rules can be drafted to reduce CO₂ emissions in North Carolina. Her petition requests formal adoption of rules that would require North Carolina to reduce CO₂ emission by at least four percent (4%) annually until 2050 to ensure that North Carolina adequately protects its natural resources for its citizens and future generations. (See Exhibit 1 - Petition for Rulemaking at pp. 2-3.)

¹ Gayle Goldsmith Tuch, lawyer for the Petitioner, received written notice of the denial on January 23, 2015. A printout with the date of receipt of The Decision from the United States Postal Service is attached to The Decision – Exhibit 1.

2. Petitioner's uncontroverted evidence showed that climate change is occurring and is adversely impacting the Earth's climate. Anthropogenic (human-induced) greenhouse gas ("GHG") emissions are intensifying the Earth's natural greenhouse effect thereby changing the Earth's climate. If unrestrained, these emissions will alter the planet's habitability, especially for Youth Petitioner and future generations of North Carolinians.

3. Petitioner's uncontroverted evidence showed that although carbon emissions can be absorbed into the environment, the amount of emissions has surpassed the tipping point and the chemical composition of the Earth's atmosphere and its climate system is being significantly altered. At this time, carbon dioxide (CO₂) is recognized as the most significant GHG, and therefore, CO₂ emissions are primarily responsible for the current warming trend.

4. Petitioner's uncontroverted evidence showed that the impacts of CO₂ emissions on the State of North Carolina are severe. See Exhibit 1 - Petition for Rulemaking at pp. 7-23. Changes in the natural timing of water availability, sea level rise and ocean acidity, and increased forest mortality, will bring significant consequences for the economy, infrastructure, natural systems, and human health of the region. If immediate action is not taken, the risks of climate change and ocean acidification and the associated economic impact to North Carolina could be billions of dollars from increased health costs, storm damage, coastal destruction, rising energy costs, and other impacts. (See Exhibit 1 - Petition for Rulemaking at pp. 25-40.)

5. Petitioner's uncontroverted evidence showed that to avoid catastrophic and permanent changes to our climate system, it is imperative that CO₂ emission reduction targets are established to restore global atmospheric CO₂ levels to 350 parts per million ("ppm") by the end of the century to limit the long-term global temperature increase to 1°C above pre-industrial temperatures.

6. Benne C. Hutson, the Chair of the EMC, denied Petitioner's Petition on the legal grounds that her Petition for Rulemaking was not complete. (See The Decision.) Petitioner's Petition met all requirements of the Rules of the North Carolina Environmental Management Commission and the APA, therefore The Decision was unlawful, erroneous, capricious, and arbitrary.

7. Benne C. Hutson, the Chair of the EMC, denied Petitioner's Petition on the legal grounds that the Commission does not have the statutory authority to adopt the proposed rule. (See The Decision.) The Rules of the North Carolina Environmental Management Commission do not give authority to any member the authority to interpret whether a proposed rule conflicts with other existing rules or laws. The interpretation of the laws is a judicial function, left to the Courts established under Article IV of the North Carolina Constitution and only to administrative agencies when delegated by the North Carolina General Statutes. The Chair of the EMC does not have such authority, therefore The Decision was unlawful, erroneous, capricious, and arbitrary.

II. PARTIES

8. Hallie Turner is a resident of the State of North Carolina. Hallie has personally seen the negative impacts of climate destabilization. The North Carolina beaches Hallie enjoys visiting for recreation are being impacted due to sea level rise and increased storm events.

9. Hallie filed this Petition for Rulemaking for herself, her generation, and future generations because GHGs, and in particular CO₂, are pollutants that accumulate in the atmosphere and the actions taken today will affect the climate now and in the future. The economic costs of the emitting source are not borne by them, thus leaving the cost on the society

at large. Today's policies and practices will impact the world in which Hallie and future generations will live.

10. The Environmental Management Commission is a multi-member panel appointed by the Governor to represent various interests. The Commission is responsible for adopting rules for the protection, preservation and development of the state's natural resources.

11. Mr. Benne C Hutson was the Commissioner of the EMC and signed The Decision which is the subject matter of this Petition for Judicial Review. Upon information and belief, Mr. Hutson resigned from the Commission in January 2015. (See WTBW News 13 article on his resignation attached hereto and incorporated herein as Petitioner's Exhibit 3.) He is and, at all relevant times herein, was a law partner with McGuireWoods who specializes in Environmental Law. His firm regularly represents clients in administrative proceedings regarding issuance of permits, civil penalties and other enforcement actions. Per McGuireWoods website, he "successfully prosecuted a rulemaking petition that for the first time established a groundwater quality standard *less stringent* than a federal maximum contaminant level." (Emphasis added. See McGuireWoods webpage attached hereto and incorporated herein as Petitioner's Exhibit 4.)

III. JURISDICTION AND VENUE

12. Venue is proper in Wake County. "A petition for review of any other final decision [than a contested tax case,] under this Article must be filed in the superior court of the county where the person aggrieved by the administrative decision resides." N.C.G.S. § 150B-45(a)(2). Hallie Turner, and her mother who is acting as her legal guardian herein, are citizens and residents of Raleigh, Wake County, North Carolina. Hallie has been aggrieved by the administrative decision, "The Environmental Management Commission is the State Agency

charged with the protection of North Carolina's natural resources. Thus, this Court is the proper venue to hear this appeal and has jurisdiction.

IV. LEGAL ARGUMENT

13. This appeal is based on the denial of a petition for rulemaking filed December 5, 2014, which requested that the EMC promulgate a rule pertaining to a reduction of CO₂ emissions by four percent annually until 2050. (See the Petition for Rulemaking at pp. 2-3.) The Administrative Procedure Act ("APA"), codified in General Statutes Chapter 150B, and Environmental Management Commission rule 15A NCAC 02I .0501 set forth requirements that must be met to file a petition for rulemaking.

14. Petitioner is entitled to judicial review of the Commissioner's denial of her rulemaking petition. "If the Environmental Management Commission denies the Petition for Rulemaking, the petitioner(s) may seek judicial review of the denial under G.S. 150B, Article 4." 15A NCAC 02I .0504; *see also*, N.C.G.S. § 150B-20(d) ("Denial of a rule-making petition is a final agency decision and is subject to judicial review under Article 4 of this Chapter."). There are no alternative administrative remedies stemming from a denial of a rule-making petition.

15. These requirements were met, the Petitioner has a right to be heard before the EMC and/or the appropriate subcommittee (Division of Air Quality) and the EMC has the authority to promulgate the proposed rule. Once these requirements are met, the Commission has no discretion but to refer the petition to the appropriate (subject area) committee and the petitioner has a right to be heard before the subcommittee. 15A NCAC 02I .0502(d).

16. Petitioner submitted a complete Petition for Rulemaking to the EMC in full compliance with 15A NCAC 02I .0501(b). The Petition met all requirements under 15A NCAC 2I .0501(b) and therefore was "complete".

17. When the Petition is complete, the Chairman - the Commissioner of the EMC - *must* forward the petition to the appropriate subcommittee - the Division of Air Quality. "The Chairman *shall* refer complete petitions to the appropriate subject area committee of the Commission for review and recommended action." 15A NCAC 2I .0502(a) (Emphasis added). The Petitioner *shall* be afforded the opportunity to present the petition for rulemaking to the committee. 15A NCAC 2I .0502(c) (Emphasis added).

18. The petition met all the APA and NCAC requirements for completeness, including providing the statutory authority for the agency to promulgate the rule. Therefore, the Commissioner must refer the petition to the appropriate subcommittee (here the Division of Air Quality) and the Petitioner has a right to be heard. Thus, the Commissioner's refusal to forward the petition to the Division of Air Quality is an unlawful procedure, an abuse of discretion, and an arbitrary and capricious act.

18. The General Assembly vested the EMC with broad authority for the necessary flexibility needed to *protect* the environment "*now and in the future.*" See N.C.G.S. § 143-211(c). North Carolina has a *constitutional* obligation to limit air and water pollution. Article XIV, § 5 of North Carolina's Constitution states in part, "...it shall be a proper function of the State of North Carolina and its political subdivisions to control and limit pollution of our air and water".

19. The Commissioner's decision raises an ethical question. Chairman Hutson (as well as all the other members of the Commission) was selected by the Governor due to their various interests. Each Commission member brings valuable insight through their representation of various interests. However, when a Commission member (or someone the Commission

member has dealings with) stands to benefit from a decision of the Commission, that Commission member should recuse him or herself to avoid any shadow of impropriety.

20. Mr. Hutson, as Commissioner for the EMC, is subject to North Carolina's ethical rules and the duty of loyalty. He is a public servant under the Chapter and a trustee of public trust assets. N.C.G.S. § 138A-3.30(i) (defining "public servant") and N.C.G.S. § 138A-3(1c) (defining "board"). Mr. Hutson is a law partner with McGuireWoods in its environmental law section where he assists clients in administrative proceedings regarding issuance of permits, civil penalties, and other enforcement actions. See Exhibit 4 – McGuireWoods webpage, attached hereto and incorporated herein . It also can be found at <http://www.mcguirewoods.com/People/H/Benne-C-Hutson.aspx#experienceContent>.

Additionally, McGuireWoods owns a subsidiary, McGuireWoods Consulting, which is a registered lobbyist for the Koch brothers and others including Halliburton. (See attached "Lobbyist Registration Statement 2015" of D. Bowen Heath, "Principal Registration and Lobbyist Authorization Statement 2014" of Halliburton) The Koch brothers own multiple businesses, among them chemical manufacturers and fuel production and strongly benefit from the denial of this Petition. The State's ethics rules explicitly proscribe public servants from taking action that will result in financial benefit to the public servant and third-parties that public servants have business dealings with. N.C.G.S. § 138A-31(a); *see also*, N.C.G.S. § 138A-36(a).

21. The Commission has the *duty and power* to adopt the rule proposed in this Petition for Rulemaking. *See* N.C.G.S. § 143-215.107 and N.C.G.S. § 143B-282(a)(2)(a).

22. The EMC is responsible for adopting rules for the protection and preservation of North Carolina's air quality. Explicit statutory authority for the Environmental Management

Commission to promulgate the proposed rule is provided in N.C.G.S. § 143-215.107(a)(1) and (a)(5).

V. PETITIONER'S EXCEPTIONS TO FINAL AGENCY DECISION

Pursuant to N.C. Gen. Stat. 150B-4 and -46, Petitioner submits that The Decision violated the Petitioner's rights under the APA and specifically makes the following exceptions:

45. The Commissioner erred when he determined that the Petition was incomplete, thus The Decision was unsupported by substantial evidence;

45. The Commissioner erred by failing to recuse himself for potential ethical violations of GS 138A, thus The Decision was made upon unlawful procedure and was affected by an error of law;

46. The Commissioner erred by failing to uphold the duty of loyalty due to actual or potential personal and professional benefits through denial of the petition, thus The Decision was in excess of the statutory authority of or jurisdiction of the agency;

47. The Commissioner erred in his determination that the EMC did not have the authority to adopt the proposed rule or subsequent rules, thus The Decision was in excess of the statutory authority of or jurisdiction of the agency and was also therefore in violation of the Constitution;

48. The Commissioner erred when he decided that the Petition was incomplete due to possible future rules that may be established potentially counter to 150B-19.3, thus The Decision was in excess of the statutory authority of or jurisdiction of the agency;

49. The Commissioner erred by addressing his concerns with the merits of the petition in his denial letter , in lieu of hearing the matter before the Commission or the appropriate subcommittee where the merits are to be addressed, thus The Decision was in excess

of the statutory authority of or jurisdiction of the agency and was made upon unlawful procedure;

50. The Commissioner's interpretation of 150B-19.3, specifically what "pertain[s] to the same subject matter," is erroneous as a matter of law, thus The Decision was in excess of the statutory authority of or jurisdiction of the agency, was affected by an error of law and was in violation of constitutional provisions.

VI. PRAYER FOR RELIEF

Wherefore, the Petitioner respectfully requests the following relief:

- a. The Court determine the Petition is complete;
- b. The Court reverse the Commissioner's final agency decision;
- c. The Court remand the Petition to the Commission and Order the Commission to commence Rulemaking Proceedings as requested in the Petition;
- d. The Court permit the Petitioner to present new evidence tending to show the potential for conflict of interest alleged herein pursuant to N.C. Gen. Stat. § 150B-49;
- e. That the Petitioner receive her costs and attorney's fees; and
- f. Any such further relief as the Court deems proper.

This the 23rd day of February, 2015.



Gayle Goldsmith Tuch
N.C. State Bar No.: 26393
Attorney for Petitioner
P.O. Box 1006
Clemmons, NC 27012
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PETITION FOR JUDICIAL REVIEW

LIST OF EXHIBITS

Exhibit 1 – Petition for Rulemaking, on Behalf of Hallie Turner, for Promulgation of a Rule Based on the Best Available Climate Science to Limit North Carolina’s Carbon Dioxide Emissions (referred to as Petition for Rulemaking, with Exhibits A–D attached)

Exhibit 2 – Decision on Completeness of Petition of Rulemaking (referred to as the Decision)

Exhibit 3 – WTBW News 13 Article: Commissioner Critical of Coal Ash Lawsuits Announces Resignation

Exhibit 4 – McGuireWoods Profile Webpage for Benne C. Hutson

Exhibit 5 – Lobbyist Registration Forms for McGuireWoods Consulting and Halliburton

Commissioner critical of coal ash lawsuits announces resignation

Posted: Jan 14, 2015 3:54 PM EST
Updated: Jan 14, 2015 5:04 PM EST

by WNCN Staff

RALEIGH, N.C. - North Carolina's Environmental Management Commission chairman, who has been critical of coal ash lawsuits, tendered his resignation effective Thursday

Benne Hutson notified Gov. Pat McCrory last week of his intention to resign as chairman of the commission -- a position he has held since July 2013 -- effective Jan. 15. He said he logged more than 500 hours last year and is moving on to focus on his family and career.

"To serve the public in this role takes an incredible commitment of time and effort," Hutson said. "I cannot continue to make this commitment while still doing the things I need to do for my family, my law partners at McGuireWoods and myself."

Hutson was appointed McCrory as chairman of the 15-member commission after being appointed in 2012 as a member of the commission by then-House Speaker Thom Tillis.

House Speaker Tim Moore, R-Cleveland, will choose the next commissioner, and the chair position will be appointed by the governor. Hutson expects the appointment to be done at the end of the session.

According to the Department of Environment and Natural Resources, "the commission is responsible for adopting rules for the protection, preservation and enhancement of the state's air and water resources."

Hutson said he would not resign his position if he did not believe the commission is in a position that it can continue its work without him.

"As to that ability, I have no doubts. This is remarkable considering that the current commission was entirely reconstituted by the General Assembly in the summer of 2013," Hutson said in a statement. "At our first meeting in September of that year, a majority of the members were faced with figuring out what the commission did and how it did it. It is a testament to the hard work and dedication of the members that they have climbed such a steep learning curve so quickly and I will miss working with them."

Hutson is a Charlotte-based environmental lawyer who has written about coal ash, saying citizen lawsuits will be used as "weapons" to shut ponds down.

In February 2014, he co-authored a report on water issues expected to "have significant effects throughout the regulated community."

The report said, "Citizen suits will be a likely weapon with coal ash ponds as environmental groups seek to force closure of such units, with the debate centering on both how the ponds should be closed ... and inspection for ongoing leaks followed by assessments and clean-ups."

His law firm, McGuireWoods, has represented Duke Energy in court.

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Benne has developed an extensive national practice in virtually all areas of environmental law over the last 30 years.

A significant part of his practice has been devoted to helping companies, municipalities and individuals comply with the myriad of environmental regulations. This work has ranged from advising clients on complex regulatory issues relating to hazardous and solid waste, wastewater discharges and chemical manufacturing, to the development of comprehensive business-wide compliance management systems. Benne has also negotiated settlements of numerous enforcement actions, including the first-ever use of supplemental environmental projects in the settlement of violations of TSCA's inventory update rule.

In environmental litigation, Benne has successfully defended challenges to various environmental permits and approvals, including appeals to the North Carolina Supreme Court, and negotiated the first-ever agreement between a municipality and two state governments establishing limits for phosphorous discharges from North Carolina's largest sewer authority. Benne has also handled the environmental aspects of hundreds of business transactions, including sales of real property, mergers and acquisitions, and complex financings. He was a leader in the development of North Carolina's Brownfields program and negotiated the state's first Brownfields agreement.

Benne has been at the forefront of the development of environmental statutes and rules, and was one of the solid waste industry's lead negotiators in the last major revision to North Carolina's solid waste statute. He also successfully prosecuted a rulemaking petition that for the first time established a groundwater quality standard less stringent than a federal maximum contaminant level.

In 2012, the North Carolina Speaker of the House appointed Benne to the state's environmental management commission, which is responsible for all air, water and waste regulations in the state. In 2013, Governor Pat McCrory appointed Benne chairman of the commission. Benne served on the Commission until January 2015.

EXPERIENCE

Solid & Hazardous Waste

- Compliance with requirements of Resource Conservation and Recovery Act and comparable state statutes, including waste characterizations, permits (solid waste landfills, post-closure and land application of septage), and financial assurance.
- Representation of clients at hundreds of sites with regard to the investigation and cleanup of contamination, including remediations done under state voluntary cleanup and underground storage tank programs.
- One of the solid waste industry's lead negotiators in major amendments to North Carolina's solid waste laws in 2007.

Water Quality & Quantity

- Representation of numerous companies and municipalities regarding waste water

Date Filed: 1/8/2015
Elaine F. Marshall
NC Secretary of State
Y201500800168



Elaine F. Marshall, Secretary of State
Lobbyist Registration Statement 2015

Lobbyist Information

Complete Name of Lobbyist: (Mr./Ms./Dr.) D. Bowen Heath

Firm Name of Lobbyist (If Applicable): McGuireWoods Consulting

¹Check all applicable boxes Lobbyist is not a member of a Firm Lobbyist is an employee of the Principal

Physical Business Address of Lobbyist (NOT a P.O. Box)

434 Fayetteville St., Suite 2600 Raleigh NC 27601

Mailing Address of Lobbyist: 434 Fayetteville Street, Suite 2600 Raleigh NC 27601

Telephone No. of Lobbyist: (919) 836-4009 Fax No.: _____

E-Mail Address of Lobbyist: dbheath@mwcllc.com

Optional secondary e-mail address (Example: Administrative Assistant):

msoutter@mwcllc.com

Principal Information

Complete Name of Principal: Koch Companies Public Sector, LLC and its Affiliates

Physical Business Address of Principal (NOT a P.O. Box):

600 14th Street NW, Suite 800 Washington DC 20005

Name of Principal's Authorized Officer (Must be same name as listed on Principal Registration):

James N. Groninger

Title of Principal's Authorized Officer: Regional Manager, State Government Affairs

Mailing Address of Principal's Authorized Officer: 600 14th Street NW, Suite 800 Washington DC 20005

Telephone No. of Principal's Authorized Officer: (202) 879-8503 Fax No.: _____

E-Mail Address of Principal's Authorized Officer: jim.groninger@kochps.com

Optional secondary e-mail address (Example: Administrative Assistant):

The question below MUST be answered "yes" or "no". If yes, include the name of the State Agency.

* G.S. § 120C-200(f).

No _____ I am a former employee of the state agency _____

(MUST enter state agency name) and I left that employment within the last six months.

*State agency. - An agency in the executive branch of the government of this State, including the Governor's Office, a board, a department, a division, and any other unit of government in the executive branch. N.C. Gen. Stat. § 138A-(3)(30k).

¹ You must check a box or complete the Firm Name Section above, otherwise this registration will be rejected.

GENERAL SUBJECTS ON WHICH THE LOBBYIST INTENDS TO LOBBY

Enter codes from the subject identification table below. List all applicable categories.

8,12,13,15,16,21,23,25,26,29,30,

CODE	SUBJECT	CODE	SUBJECT
1	Agriculture, horticulture, farming, and livestock	17	Health service, medicine, drugs and controlled substances, health insurance, hospitals
2	Amusements, games, athletics and sports	18	Higher education
3	Banking, finance, credit and investments	19	Housing, construction, building codes
4	Children, minors, youth, seniors	20	Insurance (excluding health insurance)
5	Church and religion	21	Labor, salaries and wages, collective bargaining
6	Communications, newspaper, television, radio, computers and information technology	22	Law enforcement, courts, judges, crimes, prisons
7	Consumer affairs	23	Licenses, permits
8	Ecology, environment, pollution, conservation, zoning, land and water use	24	Liquor, alcoholic beverages
9	Education	25	Manufacturing, distribution, services
10	Elections, campaigns, voting, political parties	26	Natural resources, forest and forest products, fisheries, mining and mining products
11	Equal rights, civil rights, minority affairs	27	Public lands, parks, recreation
12	Government, taxation, financing, revenue, budget, appropriations, bids, fees, funds	28	Social insurance, unemployment insurance, public assistance, workers compensation
13	Government, county	29	Transportation, highways, streets and roads
14	Government, federal	30	Utilities, power, cable television, gas
15	Government, municipal	31	Other (must specify): _____
16	Government, state		

Registration will be rejected if Category 31 "Other" is selected and no subject is specified.

Report Preparer's Identity/Signature (Rule 18 NCAC 12 .0209)

Print name of Preparer (if other than lobbyist): Marie Soutter

Signature of Preparer: Marie Soutter Date 1/8/2015

CERTIFICATION

I hereby certify that all information disclosed in this "Lobbyist Registration Statement 2015" is true, complete and correct in accordance with G.S. §120C-200. By signing this certification, I understand I have an affirmative duty to comply with the Lobbying Law and the rules, including filing reports, as the law requires.

Signature of Lobbyist D. Bowen Heath Date 1/8/2015



Elaine F. Marshall, Secretary of State

Principal Registration and Lobbyist Authorization Statement 2014

Principal Information

Complete Name of Principal: Halliburton
 Physical Business Address of Principal (NOT a P.O. Box): 2107 City West Blvd. Houston TX 77042
 Name of Principal's Authorized Officer (Mr./Ms./Dr.): Stephen Flaherty
 Title of Principal's Authorized Officer: Director State and Local Government Affairs
 Mailing Address of Principal's Authorized Officer: 1125 17th Street, Suite 1900 Denver CO 80202
 Telephone No. of Principal's Authorized Officer: (303) 899-4768 Fax: _____
 E-Mail Address of Principal's Authorized Officer: stephen.flaherty@halliburton.com
 Optional secondary e-mail address (Example: Administrative Assistant): _____

Principal Legal Structure: (Check One) NC Corporation Limited Liability Company Unincorporated Association Foreign Corporation TX _____ (Foreign State of Incorporation) Non-Profit Professional Limited Liability Company.

If the entity is an unincorporated association, the authorized officer must provide a list of all officers. Please attach the list to this registration.

I wish to add additional authorized officers and have attached Form AAOS-11.

Lobbyist Information

Complete Name of Lobbyist (Mr./Ms./Dr.): D. Bowen Heath
 Firm Name of Lobbyist (If Applicable): McGuire Woods Consulting
 Physical Business Address of Lobbyist (NOT a P.O. Box): 434 Fayetteville St., Suite 2600 Raleigh NC 27601
 Mailing Address of Lobbyist: 434 Fayetteville Street, Suite 2600 Raleigh NC 27601
 Telephone No. of Lobbyist: (919) 836-4009 Fax No. _____
 E-Mail Address of Lobbyist: dbheath@mwcllc.com
 Optional secondary e-mail address (Example: Administrative Assistant): msoutter@mwcllc.com

Report Preparer's Identity/Signature (Rule 18 NCAC 12.0209)

Print name of Preparer (if other than lobbyist) Marie Soutter
 Signature of Preparer Marie Soutter Date 1/13/2014

CERTIFICATION

I certify that I have the authority to sign this form on behalf of the principal. I certify that I have the authority to make the following additional certifications on behalf of the principal: I hereby certify that all information disclosed in this "Principal Registration and Lobbyist Authorization Statement 2014" is true, complete and correct in accordance with G.S. §120C-206, and authorize the above named lobbyist to lobby on behalf of the Principal for the calendar year 2014. I certify that the principal understands its affirmative duty to comply with the Lobbying Law and rules, including filing reports required by law under Chapter 120C.

Stephen Flaherty 1/13/2014
 Signature of Principal's Authorized Officer Date