

Burgos, Alexander N

From: tbrendle@cape-fear.net
Sent: Friday, May 8, 2026 1:35 PM
To: Ascher, Seth M
Cc: Julie B. Eddins; Burgos, Alexander N
Subject: Re: [External] Re: Periodic Review 04 NCAC 15

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Seth,

Yes, our agency is good to go with your proposed readoption deadline of June 1, 2028.

I'll be standing by for readoption deadline approval following your May 28th meeting.

Looking forward to working with Julie.

Thanks to all for your help and guidance thus far.

Tommy

From: "Ascher, Seth M" <seth.ascher@oah.nc.gov>
Sent: 5/7/26 12:34 PM
To: "tbrendle@cape-fear.net" <tbrendle@cape-fear.net>
Cc: "Julie B. Eddins" <julie.eddins@oah.nc.gov>, "Burgos, Alexander N" <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Periodic Review 04 NCAC 15

Tommy,

Apologies for the delayed response. Here's where we stand.

It is my understanding that your agency would like to move forward as quickly as possible with readopting your ten rules without changes. Given the small size of your ruleset, I don't see a problem with this. Therefore, I propose to recommend a readoption deadline of June 1, 2028, at the upcoming May 28, 2026, RRC meeting.

Once the deadline is adopted, you can move forward with publication. Looking at the publication schedule (<https://www.oah.nc.gov/documents/rules/2026-publication-schedule/open>) it looks like the earliest you could publish would be the July 1 register, though you would have flexibility publish later. Julie Eddins (cc'ed here) can help with any questions about the publication process. The June 1, 2028, deadline will give you ample time to deal with any comments and for the agency to give final approval to the rules.

I will note that generally we discourage agencies from filing their rules more than a month in advance of their deadline. However, given the small size of your ruleset and the anticipation of no changes, it will be fine for you to submit them as soon as the relevant timelines have elapsed and the board has approved them. I still recommend

the two-year deadline to give you flexibility should anything unexpected come up, but anticipate that you will be filing final versions late this year or early next year.

Let me know if you have any questions or concerns with this. Otherwise, I will move forward recommending the June 1, 2028 readoption deadline.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: tbrendle@cape-fear.net <tbrendle@cape-fear.net>
Sent: Tuesday, April 28, 2026 7:32 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: [External] Re: Periodic Review 04 NCAC 15

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning Seth,

During last evening's public and regular scheduled meeting of the Cape Fear River and Pilotage Commission at 6PM, the commission unanimously voted to re-adopt all ten rules as they are with no changes.

We will be standing by for your advice on re-adoption date and steps forward.

Tommy

From: tbrendle@cape-fear.net
Sent: 3/18/26 9:43 AM
To: "Ascher, Seth M" <seth.ascher@oah.nc.gov>
Subject: Re: Periodic Review 04 NCAC 15

Seth,

I received the coordinator resources, thx.

1.) As we discussed on the phone, our agency would be setting a date for their annual pilot re-licensing meeting for late April. On Monday, it was set for April 27th. In the previous email it says April 6th is deadline for notifying RRC concerning readoption date. Do we have options for requesting a delayed deadline for notifying the RRC? Does the "**10 days after the board or commissions regularly scheduled meeting**" apply to us? I hope so, it may be difficult to get them together sooner.

2.) Although I've heard of no intentions for rule changes, I wouldn't begin to speculate that there will or will not be. And, especially with the fact that we have a newly appointed member where this will be their first meeting. However, what does the process look like if there are no agency requested changes?

Tommy

From: "Ascher, Seth M" <seth.ascher@oah.nc.gov>
Sent: 2/4/26 12:10 PM
To: "tbrendle@cape-fear.net" <tbrendle@cape-fear.net>
Subject: Re: Periodic Review 04 NCAC 15

Good afternoon,

The attached periodic review reports have been finalized. The next step is to set a deadline for the readoption of these rules. Pursuant to G.S. 150B-21.3A and 26 NCAC 05 .0212, the RRC sets this deadline after consultation with the agency, and this email serves as the RRC's request for that consultation. Please review 26 NCAC 05 .0212 for the information required to be submitted to the RRC, and the deadlines for doing so.

It appears that the deadline for your agency to provide this information is April 6, 2026. As a starting point, I would recommend a May 1, 2028 readoption deadline, but I am open to considering a different recommendation based on the needs of your agency.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Julie B. Eddins <julie.eddins@oah.nc.gov>
Sent: Monday, December 15, 2025 3:34 PM
To: tbrendle@cape-fear.net <tbrendle@cape-fear.net>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review 04 NCAC 15

Good afternoon,

The determinations in the attached periodic review report for 04 NCAC 15 were effective November 26, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Please Note: pursuant to 26 NCAC 05 .0212 your agency's 60-day timeline does not begin until you receive communication from a staff attorney.

Let me know if you have any questions.

Julie B. Eddins

Publications Coordinator

NC Office of Administrative Hearings

Phone 984-236-1937 (direct)

[*julie.eddins@oah.nc.gov*](mailto:julie.eddins@oah.nc.gov)



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