

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 12 NCAC 10B .1302

---

**From:** Strickland, Joy <jstrickland@NCDOJ.GOV>  
**Sent:** Tuesday, October 29, 2024 3:20 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bowman, Melissa M <mbowman@ncdoj.gov>  
**Subject:** RE: [External] RE: 12 NCAC 10B .1302

You don't often get email from [jstrickland@ncdoj.gov](mailto:jstrickland@ncdoj.gov). [Learn why this is important](#)

**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.

Thank you



**J. Joy Strickland**

Assistant Attorney General  
Special Prosecutions and Law Enforcement  
North Carolina Department of Justice  
114 W. Edenton Street  
Raleigh, NC 27603  
919-716-6401 (office)  
[jstrickland@ncdoj.gov](mailto:jstrickland@ncdoj.gov)

Please note messages to or from this address may be public records.

## **Burgos, Alexander N**

---

**Subject:** FW: [External] RE: 12 NCAC 10B .1302

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Tuesday, October 29, 2024 3:17 PM  
**To:** STRICKLAND, JENNIFER J <jstrickland@ncdoj.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bowman, Melissa M <mbowman@ncdoj.gov>  
**Subject:** RE: [External] RE: 12 NCAC 10B .1302

Thank you.

I have forwarded the supplement to the Commissioners.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 12 NCAC 10B .1302  
**Attachments:** Sheriffs' Commission supplemental response .pdf

---

**From:** Strickland, Joy <jstrickland@NCDOJ.GOV>  
**Sent:** Tuesday, October 29, 2024 2:59 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bowman, Melissa M <mbowman@ncdoj.gov>  
**Subject:** [External] RE: 12 NCAC 10B .1302

You don't often get email from [jstrickland@ncdoj.gov](mailto:jstrickland@ncdoj.gov). [Learn why this is important](#)

**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 afternoon Mr. Peaslee,  
Attached is the Sheriffs' Commission supplemental response.  
I would appreciate it if you would share with Chair Doran and the other Commissioners.

Sincerely,



**J. Joy Strickland**

Assistant Attorney General  
Special Prosecutions and Law Enforcement  
North Carolina Department of Justice  
114 W. Edenton Street  
Raleigh, NC 27603  
919-716-6401 (office)  
[jstrickland@ncdoj.gov](mailto:jstrickland@ncdoj.gov)

Please note messages to or from this address may be public records.



**JOSH STEIN**  
**ATTORNEY GENERAL**

**STATE OF NORTH CAROLINA**  
DEPARTMENT OF JUSTICE  
PO Box 629  
RALEIGH, NORTH CAROLINA 27602

*Reply to:*  
*Special Prosecutions/Law*  
*Enforcement Section*  
*(919) 716-6725*

October 29, 2024

Jeanette Doran, Chair  
Rules Review Commission  
Sent via email: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

**RE: Objection to 12 NCAC 10B .1302**

Dear Chair Doran,

Please accept this correspondence as the North Carolina Sheriffs' Education and Training Standards Commission's (Sheriffs' Commission) supplemental response to the September 25, 2024 letter setting forth the Rules Review Commission's (RRC) objection to rule 12 NCAC 10B .1302.

The RRC rule objection was based on the Sheriffs' Commission's failure to timely submit rule 12 NCAC 10B.1302 to RRC within 30 days after adoption as required by G.S. 150B-21.2(g). RRC counsel did not offer an opinion as to whether readoption and submission by the Sheriffs' Commission would satisfy the objection.

Due to the importance of this rule to the Sheriffs' Commission and all telecommunications in the State who are required to attend this training to become certified telecommunications, the Sheriffs' Commission quickly took action to address the objection and concerns of RRC. Specifically, to satisfy the objection per G.S.150B-21.12(a)(1), the Sheriffs' Commission met on October 2, 2024, and adopted rule 12 NCAC 10B .1302 with a new effective date and the same change that was made to rule 12 NCAC 10B .0601(c) to satisfy a comment staff counsel made to that rule. The Commission's rulemaking coordinator, Melissa Bowman timely submitted this rule to RRC on October 10, 2024, well within the 30-day time requirement for submission.

Based on the Sheriffs' Commission action subsequent to the objection, I respectfully request that RRC hold that the Sheriffs' Commission action in adopting rule 12 NCAC 10B .1302 and timely submitting it to RCC satisfies the previous objection of RRC counsel. This action does not circumvent the importance of the Administrative Procedures Act.

The public has had ample opportunity to address this rule had they chosen to, both during the formal comment period and during the times in which the rule was on the agenda for the Sheriffs' Commission public meetings. Importantly, no substantive changes have been made to the rule after public comment, so the Sheriffs' Commission is not circumventing the public's ability to participate in the process.

Likewise, the Sheriffs' Commission is not circumventing any portion of the RRC review process. Had the Sheriffs' Commission submitted the rule within the thirty day adoption period originally as it now has, there would have been no objection on the cited statutory basis. Consequently, the Sheriffs' Commission is not seeking any kind of waiver of the review process, but merely is requesting that the RRC find it's previous objection is now moot.

We plan to be present at the Rules Review Commission meeting on October 30, 2024 to address any questions or concerns. If you have any questions concerning this matter, contact me at (919) 716-6401 or via email at [jstrickland@ncdoj.gov](mailto:jstrickland@ncdoj.gov).

Sincerely,



J. Joy Strickland  
Assistant Attorney General

Enclosures

cc: Richard Squires, Director, NC Sheriffs' Standards Division  
William W. Peaslee, Rules Review Commission Counsel  
Alex Burgos, Rules Review Commission paralegal

## **Burgos, Alexander N**

---

**From:** Peaslee, William W  
**Sent:** Tuesday, October 29, 2024 12:17 PM  
**To:** STRICKLAND, JENNIFER J  
**Cc:** Burgos, Alexander N; Bowman, Melissa M  
**Subject:** 12 NCAC 10B .1302

Good afternoon.

I have had a Commissioner express concern that your letter of October 10, 2024 was not as robust as expected. It was suggested that I invite you to submit a written argument as to why the October 2 adoption of the above caption rule satisfies the RRC's September objection for the RRC's consideration.

I realize that this is short notice and I do not believe the Commissioner is looking for a lengthy argument.

As always if you have any questions please feel free to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## **Burgos, Alexander N**

---

**Subject:** FW: [External] 12 NCAC 10B .1302

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Thursday, October 10, 2024 9:33 AM  
**To:** Bowman, Melissa M <mbowman@ncdoj.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] 12 NCAC 10B .1302

Thank you for your email.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**From:** Bowman, Melissa <mbowman@NCDOJ.GOV>  
**Sent:** Thursday, October 10, 2024 8:07 AM  
**To:** Peaslee, William W; Rules, Oah  
**Cc:** Burgos, Alexander N  
**Subject:** [External] 12 NCAC 10B .1302  
**Attachments:** Response to Objection to 12 NCAC 10B .1302.pdf; 12 NCAC 10B .1302.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**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,

Please see the attached response to the Rules Review Commission's objection to rule 12 NCAC 10B .1302 at their September 25, 2024 meeting. The revised rule is also included for your review. Ms. Strickland and I will plan to attend the Rules Review Commission's meeting on October 30, 2024 and provide oral argument as necessary. If you have any questions or would like to discuss the matter, please feel free to contact me.

Thank you,  
Melissa Bowman



**Melissa Bowman**  
CJ Specialist/Investigator III  
Sheriffs' Standards Division  
Phone: 919-779-8213  
Fax: 919-662-4515  
[mbowman@ncdoj.gov](mailto:mbowman@ncdoj.gov)  
1700 Tryon Park Drive, Raleigh, NC 27610  
Post Office Box 629, Raleigh, NC 27602-0629  
[www.ncdoj.gov](http://www.ncdoj.gov)

Please note messages to or from this address may be public records.





**JOSH STEIN**  
**ATTORNEY GENERAL**

**STATE OF NORTH CAROLINA**  
DEPARTMENT OF JUSTICE  
PO Box 629  
RALEIGH, NORTH CAROLINA 27602

*Reply to:*  
*Special Prosecutions/Law*  
*Enforcement Section*  
*(919) 716-6725*

October 10, 2024

Jeanette Doran, Chair  
Rules Review Commission  
Sent via email: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

**RE: Objection to 12 NCAC 10B .1302**

Dear Chair Doran,

Please accept this correspondence as the North Carolina Sheriffs' Education and Training Standards Commission's response to the September 25, 2024 letter setting forth the Rules Review Commission's objection to rule 12 NCAC 10B .1302 finding that the rule did not satisfy G.S. 150B-21.9(a)(4). To satisfy the objection per G.S.150B-21.12(a)(1), the Commission met on October 2, 2024 and adopted rule 12 NCAC 10B .1302 with a new effective date and voted to accept the same technical change we made to rule 12 NCAC 10B .0601(c) to satisfy a comment staff counsel made to that rule. The Commission's rulemaking coordinator, Melissa Bowman submitted this rule to the Rules Review Commission today, within the 30 day time requirement for submission. See attached for a copy of the submitted revised rule.

We plan to be present at the Rules Review Commission meeting on October 30, 2024 and request to be placed on the agenda to speak. If you have any questions concerning this matter, contact me at (919) 716-6401 or via email at [jstrickland@ncdoj.gov](mailto:jstrickland@ncdoj.gov).

Sincerely,

J. Joy Strickland  
Assistant Attorney General

Enclosures

cc: Richard Squires, Director, NC Sheriffs' Standards Division  
William W. Peaslee, Rules Review Commission Counsel  
Alex Burgos, Rules Review Commission paralegal

12 NCAC 10B .1302 is amended with changes as published in 38:10 NCR 620-621 as follows:

**12 NCAC 10B .1302 TELECOMMUNICATOR CERTIFICATION COURSE**

(a) The ~~Commission hereby accredits~~ [approves] ~~as its~~ telecommunicator certification training ~~program, program~~ shall consist of the 47-hour Telecommunicator Certification Course developed by the North Carolina Justice Academy. ~~Academy and approved by the Commission to ensure compliance with Paragraph (b) of this Rule.~~

(b) Each Telecommunicator Certification Course shall include the following identified topic areas and ~~approximate~~ minimum instructional hours for each area:

(1)	Orientation	2 hours
(2)	Introductory Topics for the Telecommunicator	<del>2</del> 3 hours
(3)	Interpersonal Communication	4 <del>2</del> hours
(4)	Civil Liability for the Telecommunicator	4 <del>5</del> hours
(5)	Telecommunications Systems and Equipment	<del>2</del> 3 hours
(6)	Overview of Emergency Services	<del>9</del> 7 hours
<del>(7)</del>	<del>Communications Resources</del>	<del>2</del> hours
<del>(8)</del> (7)	<del>Call Reception, Prioritization, and Resource Allocation</del> <u>Reception and Prioritization</u>	<del>6</del> 8 hours
<del>(9)</del> (8)	<del>Broadcasting Techniques, Rules, and Procedures</del> <u>Techniques and Resource Allocation</u>	<del>6</del> 7 hours
<del>(10)</del> (9)	Telecommunicator Training Practicum	8 hours
<del>(11)</del> (10)	State Comprehensive Examination	2 hours
	TOTAL HOURS	47 hours

~~(c) Consistent with the curriculum development policy of the Commission as published in the "Telecommunicator Certification Course Management Guide", the Commission shall designate the developer of the Telecommunicator Certification Course curricula and such designation shall be deemed by the Commission as approval for the developer to conduct pilot Telecommunicator Certification Courses. Individuals who complete such a pilot Telecommunicator Certification Course offering shall be deemed to have complied with and satisfied the minimum training requirement.~~

~~(d) The "Telecommunicator Certification Training Manual" as published by the North Carolina Justice Academy shall be used and shall automatically include any later amendments and editions of the incorporated matter to apply as the basic curriculum for the Telecommunicator Certification Course. Copies of this manual may be obtained by contacting the North Carolina Justice Academy, Post Office Box 99, Salemburg, North Carolina 28385 0099.~~

~~(e) The "Telecommunicator Certification Course Management Guide" as published by the North Carolina Justice Academy shall be used and shall automatically include any later amendments, editions of the incorporated matter to be used by certified school directors in planning, implementing and delivering basic telecommunicator training. The standards and requirements established by the "Telecommunicator Certification Course Management Guide" must be adhered to by the certified school director. Each certified school director shall be issued a copy of the guide at the time of certification at no cost to the accredited school.~~

~~(f)(c) Institutions may offer to deliver the Telecommunicator Certification Course after the Commission has approved the institution's pre-delivery report documenting who will be teaching the blocks of instruction for each course~~

1 offering. No Telecommunicator Certification Course shall be offered by any ~~[persons, agencies,]~~ agency or  
2 ~~[institutions]~~ institution without ~~[the approval of the Commission]~~ first complying with the requirements set forth in  
3 ~~pursuant to~~ Rules .0709 and .0804 of this Subchapter. Any ~~[persons, agencies,]~~ agency or ~~[institutions]~~ institution  
4 desiring to offer the Telecommunicator Certification Course shall file a Pre-Delivery Report, ~~[Form F-7A-T,]~~ Form  
5 F-7A-T, with the Division.

6  
7 *History Note: Authority G.S. 17E-4(a);*  
8 *Temporary Adoption Eff. March 1, 1998;*  
9 *Eff. August 1, 1998;*  
10 *Amended Eff. April 1, 2001;*  
11 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
12 *2018.*  
13 *Amended Eff. ~~[October 1, 2024,]~~ November 1, 2024.*  
14

## Burgos, Alexander N

---

**From:** Bowman, Melissa <mbowman@NCDOJ.GOV>  
**Sent:** Wednesday, October 9, 2024 12:10 PM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N  
**Subject:** [External] RE: 12 NCAC 10B .01302

**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.

Thank you.



**Melissa Bowman**

CJ Specialist/Investigator III  
Sheriffs' Standards Division  
Phone: 919-779-8213  
Fax: 919-662-4515  
[mbowman@ncdoj.gov](mailto:mbowman@ncdoj.gov)  
1700 Tryon Park Drive, Raleigh, NC 27610  
Post Office Box 629, Raleigh, NC 27602-0629  
[www.ncdoj.gov](http://www.ncdoj.gov)

Please note messages to or from this address may be public records.

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Wednesday, October 9, 2024 12:02 PM  
**To:** Bowman, Melissa <mbowman@NCDOJ.GOV>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** 12 NCAC 10B .01302

Good morning,

This email is to memorialize our conversation regarding the above captioned rule.

As I understand, SETS has again adopted the rule in an attempt to cure the September 2024 objection raised by the RRC. You inquired whether changes to paragraph (c) to mirror 12 NCAC 10B .0601(c) would be frowned upon in the absence of a Request for Changes. In my opinion such changes would not constitute a substantial change and you can make that change as though an RFQ on that point had been made.

I do not believe the RRC has received notice of SETS adoption post-objection. I will keep an eye out for it.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings

1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 12 NCAC 10B .1302 Staff opinion  
**Attachments:** RE: [External] Rules Question

---

**From:** Bowman, Melissa <mbowman@NCDOJ.GOV>  
**Sent:** Tuesday, September 10, 2024 4:05 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 12 NCAC 10B .1302 Staff opinion

**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 afternoon,

This rule was originally adopted by the Commission in March 2024. Based on guidance received from Mr. Liebman (email attached), we believed that we did not have to submit to RRC within 30 days after that adoption. After you clarified that the rule must be submitted within the 30 day timeframe after adoption, we met with the Commission to readopt the rule. That vote was held on September 5, 2024, the rule was readopted by the Commission, and it was submitted to RRC for review on that same date which is within the 30 days as required by G.S. 150B-21.2(g). This is the same filing, not a new one.

I hope this explains our position and will satisfy your objection. We would not have previously failed to submit the rule within the required timeframe had we not received the guidance from Mr. Liebman. We have taken note of the standard required and will ensure all further submissions are in compliance prior to their submission.

Thank you,  
Melissa Bowman



**Melissa Bowman**  
CJ Specialist/Investigator III  
Sheriffs' Standards Division  
Phone: 919-779-8213  
Fax: 919-662-4515  
[mbowman@ncdoj.gov](mailto:mbowman@ncdoj.gov)  
1700 Tryon Park Drive, Raleigh, NC 27610  
Post Office Box 629, Raleigh, NC 27602-0629  
[www.ncdoj.gov](http://www.ncdoj.gov)

Please note messages to or from this address may be public records.

## Burgos, Alexander N

---

**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, August 20, 2024 3:38 PM  
**To:** Peaslee, William W; Bowman, Melissa M  
**Cc:** Burgos, Alexander N  
**Subject:** RE: [External] Rules Question

Dear Ms. Bowman,

I wanted to chime in here, given your reference to my 2022 email.

When I said that you had to file with RRC within 12 months of adoption, I was, as Mr. Peaslee diplomatically put it, speaking unartfully regarding the requirement in G.S. 150B-21.2(g) that “an agency... shall not adopt a rule if more than 12 months have elapsed since the end of the time for commenting on the proposed rule.” I was thinking along the lines that you had 12 months from the end of the publication period to adopt the rule and unfortunately chose my words poorly.

However, if you continue to read 150B-21.2(g), the last sentence states that “[a]n agency must submit an adopted rule to the Rules Review Commission within 30 days of the agency’s adoption of the rule.” Thus, once your agency takes the final agency action to “adopt” the rule, you have 30 days to file it with RRC for review.

My deepest apologies for the confusion.

Sincerely,

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

---

**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Tuesday, August 20, 2024 3:08 PM  
**To:** Bowman, Melissa M <mbowman@ncdoj.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Subject:** RE: [External] Rules Question

Good afternoon,

Thank you for your email.

Notwithstanding the emails from 2022, my opinion stands.

It should also be noted that the email you have referenced does not appear to concern the rule under consideration. Assuming that counsel’s words were unartfully chosen, they do not change the law.

As always if you have any questions please don't hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

---

**From:** Bowman, Melissa <[mbowman@NCDOJ.GOV](mailto:mbowman@NCDOJ.GOV)>  
**Sent:** Tuesday, August 20, 2024 2:34 PM  
**To:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Subject:** FW: [External] Rules Question

**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 afternoon,

I received your email letting the Division know you intended to recommend objecting to 12 NCAC 10B .1302. Please see the email below from Brian Liebman confirming that the rules we were interested in submitting needed to be filed for review with RRC within 12 months of adoption. Was 150B-21.2(g) amended since December 2022? Please advise.

Thank you,  
Melissa Bowman



**Melissa Bowman**  
CJ Specialist/Investigator III  
Sheriffs' Standards Division  
Phone: 919-779-8213  
Fax: 919-662-4515  
[mbowman@ncdoj.gov](mailto:mbowman@ncdoj.gov)  
1700 Tryon Park Drive, Raleigh, NC 27610  
Post Office Box 629, Raleigh, NC 27602-0629  
[www.ncdoj.gov](http://www.ncdoj.gov)

Please note messages to or from this address may be public records.

---

**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Wednesday, December 21, 2022 1:20 PM  
**To:** Bowman, Melissa <[mbowman@NCDOJ.GOV](mailto:mbowman@NCDOJ.GOV)>  
**Subject:** Re: [External] Rules Question



Hi Melissa,

Congratulations on being the new rulemaking coordinator!

As far as I am aware, there should be no problem submitting a rule to RRC with a delayed effective date, even one in 2024. I would not consider that a substantial change that would require republication. As you noted, the only constraint here is that you need to file with RRC within 12 months of adoption by the agency. So, you've got until next September to file them for RRC review.

Hope that answers your question. Let me know if there's anything else I can help with.

Merry Christmas,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

---

**From:** Bowman, Melissa <[mbowman@NCDOJ.GOV](mailto:mbowman@NCDOJ.GOV)>  
**Sent:** Wednesday, December 21, 2022 7:49:30 AM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Subject:** [External] Rules Question

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good morning,

As a new appointee as Rulemaking Coordinator, I am still trying to familiarize myself with this process. Prior to my work with Sheriffs' Standards, there were proposed rules (12 NCAC 10B .0402, .0403, .0404, .0503, .0602, and .1303) that were published in the North Carolina Register (37:02) in July 2022. The public hearing was held on August 2, 2022, the comment period ended September 13, 2022, and the Sheriffs' Commission adopted the rules on September 16, 2022. However, when the Commission adopted the rules, they delayed the effective date to July 1, 2024 (original effective date was July 1, 2023). Our agency is trying to determine if there would be any issues with this delay in the effective date. Since the rule was adopted within 12 months of the comment period, is it sufficient for us to proceed with submitting the rule in 2023 with a July 1, 2024 effective date?

Any guidance you can provide would be helpful. Please let me know if you need additional information.

Thank you,  
Melissa Bowman



**Melissa Bowman**

CJ Specialist/Investigator III

Sheriffs' Standards Division

Phone: 919-779-8213

Fax: 919-662-4515

[mbowman@ncdoj.gov](mailto:mbowman@ncdoj.gov)

1700 Tryon Park Drive, Raleigh, NC 27610

Post Office Box 629, Raleigh, NC 27602-0629

[www.ncdoj.gov](http://www.ncdoj.gov)

Please note messages to or from this address may be public records.

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.