

Burgos, Alexander N

Subject: FW: [External] Re: Periodic Review 21 NCAC 03

From: Paola Learoyd Gibbs <executivedirector@ncbate.org>

Sent: Friday, September 5, 2025 9:32 AM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>

Subject: Re: [External] Re: Periodic Review 21 NCAC 03

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Seth,

That sounds like a plan. Please adjust our schedule accordingly for a June 2026 deadline.

Have a good weekend,

Paola Learoyd Gibbs

Executive Director

www.ncbate.org

919.821.4980

PO Box 10769

Raleigh, NC 27605



On Thu, Sep 4, 2025 at 2:23 PM Ascher, Seth M <seth.ascher@oah.nc.gov> wrote:

Paola,

Just to confirm, you are planning to have your board readopt (after the comment process, etc.) the rules by March 1st, 2026? If so, I will recommend a June 2026 deadline. The reason is that you are asking for less time than we

usually give, and I would prefer to give you a cushion in case something unexpected comes up. You would be free to adopt the rules and submit them to RRC earlier than the deadline still.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Paola Learoyd Gibbs <executivedirector@ncbate.org>

Sent: Wednesday, September 3, 2025 1:09 PM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>

Subject: Re: [External] Re: Periodic Review 21 NCAC 03

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Thank you for your email, Seth and for the reminder.

My outlined plan is as follows if this works for you:

October 20, 2025 Re-adoption of rules voted on by the NCBATE Board of Directors

October 24, 2025 Submit Notice of Text to OAH

Publication on NCBATE Website

Notice to interested parties

December 10, 2025 Public Hearing

January 20, 2026 Submit all comments to RRC

Ready for readoption, March 1, 2026 (earliest date).

Let me know if you have any questions or if I need to make any adjustments,

Paola Learoyd Gibbs
Executive Director

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Raleigh, NC 27605



On Tue, Sep 2, 2025 at 4:10 PM Ascher, Seth M <seth.ascher@oah.nc.gov> wrote:

Paola,

The readoption deadline for your rules has not yet been finalized, as I am waiting on the timeline discussed in my email below. Can you update me on this? I would like to get the readoption date finalized in time for approval this month, which will require a response by September 15.

Thank you,

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, May 2, 2025 12:49 PM
To: executivedirector@ncbate.org <executivedirector@ncbate.org>
Subject: Re: [External] Re: Periodic Review 21 NCAC 03

Paola,

That should be fine. However, pursuant to 26 NCAC 05 .0212 the Commission does want to see an estimated timeline of the rulemaking steps.

If you are not planning on making significant changes through readoption, the timeline can be pretty simple and just in an email noting when you anticipate publication and adoption. You can see a fairly simple example here: <https://www.oah.nc.gov/commissioner-banks-agency-communication/open>. Note that the only binding deadline is the readoption deadline adopted by the RRC and the timelines required by rulemaking.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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From: Paola Learoyd Gibbs <executivedirector@ncbate.org>

Sent: Wednesday, April 30, 2025 9:10 AM

To: Ascher, Seth M <seth.ascher@oah.nc.gov>

Subject: [External] Re: Periodic Review 21 NCAC 03

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Good Morning Seth,

Thank you for your consultation request; the NCBATE accepts the July 1, 2027 readoption deadline.

Thank you and please let me know if you need anything further from us at this time.

Paola Learoyd Gibbs
Executive Director
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PO Box 10769
Raleigh, NC 27605



On Fri, Apr 25, 2025 at 12:46 PM Ascher, Seth M <seth.ascher@oah.nc.gov> wrote:

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 June 24, 2025. As a starting point, I would recommend a July 1, 2027 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: Thursday, April 17, 2025 12:48 PM
To: executivedirector@ncbate.org <executivedirector@ncbate.org>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: Periodic Review 21 NCAC 03

Good afternoon,

The determinations in the attached periodic review report for 21 NCAC 3 were effective April 2, 2025. Commission Counsel Seth Ascher will reach out to you to discuss setting the readoption date.

Let me know if you have any questions.

Julie B. Eddins

Publications Coordinator

NC Office of Administrative Hearings

Phone 984-236-1937 (direct) – new number effective March 14, 2025

julie.eddins@oah.nc.gov



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