

## Burgos, Alexander N

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**Subject:** FW: [External] RE: August RRC Meeting  
**Attachments:** 14B NCAC 17 .0109 - proposed adoption - 080525.docx

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**From:** Gray, Jeffrey <JGray@bdixon.com>  
**Sent:** Tuesday, August 5, 2025 4:49 PM  
**To:** Wiggs, Travis C <travis.wiggs@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** [External] RE: August RRC Meeting

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Travis:

Attached is the single rule for the Alarm Systems Licensing Board with revisions in keeping with the Request for Changes. I am answering your questions in the order received:

**General question regarding incorporating G.S. 150B-4(a)(1) - (4):** Done. Changes were interspersed in (c) (p. 1, line 19), last sentence of (f) (p. 2), & last sentence of (g) (p.2.)

**(d)(5):** “other irregularities” would be the three additional items under G.S. 150B-21.9(a), a failure to submit to OSBM, or anything else a petitioner thinks up!

**(f)(7):** (f)(7) has been deleted and the language added to (d)(2) as suggested.

**Page 2, generally:** Done. And (13) has been deleted.

**(g):** Yes, “may” was intended.

Jeff

*Jeffrey P. Gray*  
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to third parties by an authorized state official.

1 14B NCAC 17 .0109 is proposed for adoption, with changes, as published in 39:21 NCR 1399-1320 as follows:

2  
3 **14B NCAC 17 .0109 DECLARATORY RULING PROCEDURES**

4 (a) All requests for declaratory rulings shall be in writing and mailed to the Board at the Board's address.

5 (b) Each request for a declaratory ruling shall include the following information:

6 (1) the name and address of person requesting the ruling;

7 (2) the statute or rule to which the request relates;

8 (3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute  
9 or its potential application to him or her;

10 (4) names and addresses of additional third persons known to the person aggrieved who may possibly  
11 be affected by the requested ruling;

12 (5) a statement of all material facts;

13 (6) a statement whether or not the person aggrieved is aware of any pending Board action or court action  
14 that may bear on the applicability of the statute or rule to the person's particular situation; and

15 (7) a statement of the arguments and legal authority supporting the person's position on the applicability  
16 of this statute or rule; and

17 The petitioner shall sign and verify the request before an officer qualified to administer oaths that the information  
18 supplied in the request is true and accurate.

19 (c) Upon Within 30 days of receipt of a request for a declaratory ruling, the Board shall determine whether a ruling  
20 is appropriate under the facts stated.

21 (d) The Board shall proceed to issue a declaratory ruling when the person requesting the rule shows that, with regard  
22 to the facts presented:

23 (1) the rule or statute in question is unclear on its face;

24 (2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;

25 (3) the factors specified in the request were not given appropriate consideration by the Board at the time  
26 the rule was adopted;

27 (4) the rule or statute is unclear in its application to the requesting person's facts; or

28 (5) a fair question exists regarding the validity of the rule because of an absence of authority for the  
29 Board's adoption of the rule or other irregularities in the Board's rule-making proceedings.

30 (e) The Board shall not issue a declaratory ruling when the petitioner or his or her request is the subject of, or  
31 materially related to, an investigation by the Board or contested case before the Board.

32 (f) When the Board determines for good cause that the issuance of a declaratory ruling is unnecessary, the Board shall  
33 notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will  
34 ordinarily decline to issue a declaratory ruling when:

35 (1) there has been a similar controlling factual determination made by the Board;

36 (2) the rule-making record shows that the factual issues raised by the request were specifically  
37 considered prior to to, or at the time of adoption of the rule;

(3) the subject matter of the request is involved in pending litigation in any state or federal court in North ~~Carolina;~~ Carolina, or pending legislation or rulemaking;

(4) the request does not comply with the procedural guidelines within Paragraphs (a) and (b) of this Rule;

(5) the Board has previously issued a declaratory ruling on substantially similar facts;

(6) the Board has previously issued a final agency decision in a contested case on substantially similar facts;

~~[(7) the facts underlying the request for a declaratory ruling were considered at the time of the adoption of the rule in question;]~~

~~[(8) (7)]~~ the subject matter is one concerning which the Board is without authority to make a decision binding the Board or the petitioner;

~~[(9) (8)]~~ the petitioner is not aggrieved by the rule or statute in question or otherwise has no interest in the subject matter of the request;

~~[(10) (9)]~~ there is reason to believe that the petitioner or some other person or entity materially connected to the subject matter of the request is acting in violation of the G.S. Chapter 74C or the rules adopted by the Board; or

~~[(13) the subject matter of the request is involved in pending litigation, legislation, or rulemaking.]~~

[Denial of a request immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.]

(g) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other appropriate procedures. [A written ruling on the merits shall be issued within 45 days of the decision to grant the request.]

(h) If the Board finds evidence that the factors listed in Subdivisions (d)(1), (2), or (3) of this Rule exist or potentially exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-making proceedings on the rule.

(i) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board. The record will contain:

(1) the request for a declaratory ruling;

(2) all written submissions filed in the request, whether filed by the person requesting the ruling or by any other person;

(3) a record or summary of oral presentations, if any; and

(4) a copy of the declaratory ruling.

*History Note: Authority G.S. 150B-4;*

*Eff. September 1, 2025;*

## Burgos, Alexander N

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**From:** Gray, Jeffrey <JGray@bdixon.com>  
**Sent:** Tuesday, July 22, 2025 5:59 PM  
**To:** Wiggs, Travis C  
**Cc:** Burgos, Alexander N  
**Subject:** [External] RE: August RRC Meeting

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Travis:

RECEIVED. And thank you.

I should have these back to you before the deadline on the 6<sup>th</sup>.

Jeff

*Jeffrey P. Gray*

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**From:** Wiggs, Travis C <[travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)>  
**Sent:** Tuesday, July 22, 2025 11:51 AM  
**To:** Gray, Jeffrey <JGray@bdixon.com>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** August RRC Meeting

Good morning,

I'm the attorney who reviewed the rule submitted by the Alarm Systems Licensing Board for the August 2025 RRC meeting. The RRC will formally review this rule at its meeting on Thursday, August 28, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on August 6, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs  
Rules Review Commission Counsel  
Office of Administrative Hearings  
Telephone: 984-236-1929  
Email: [travis.wiggs@oah.nc.gov](mailto:travis.wiggs@oah.nc.gov)

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