

Burgos, Alexander N

Subject: FW: [External] RE: August 2024 RRC - Request for Changes - 14B NCAC 17

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, August 19, 2024 11:03 AM
To: Gray, Jeffrey <jgray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August 2024 RRC - Request for Changes - 14B NCAC 17

Jeff,

Sorry for the delay in getting back, I was in the hospital last week. Based on your submissions and responses, I believe I can recommend approval of .0203, .0301, .0302, and .0306.

Rule .0201

I spoke to my co-counsel working on the PPSB rule, and he made a good argument for why “good character and reputation” needs not be defined explicitly in your rule, so I will let that go. However, you do have a problem with (d), in that a form (i.e. an application form) must go through rulemaking unless the contents or substantive requirements of the form are described in a rule or statute. Please add the contents of the form here or in another rule.

Rule .0302

Thank you for letting me know about the fee. Perhaps staff keeps asking about it because it isn’t entirely clear from the text that’s what you’re doing. The way it reads, it appears you’re charging an extra fee for multiple registrations. It’s not something I am recommending objection over at this point, but you might consider revising so that it’s clear that the \$10 fee is in lieu of the \$50 fee the next time you go through rulemaking.

Brian

Brian Liebman
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From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Monday, August 12, 2024 3:36 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: August 2024 RRC - Request for Changes - 14B NCAC 17

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Brian:

Here are my responses to your questions and requests:

14B NCAC 17 .0201:

Line 14: I have word-searched the Administrative Code and cannot find where any other State agency – occupational licensing board or otherwise – has been required to define the phrase “good character and reputation,” or either word separately. My search also revealed that a number of boards have recently had rules with similar language reviewed and apparently no such request was made. (See, e.g. 21 NCAC 25 .0202, Eff. July 5, 2024; 18 NCAC 07B .0408, Eff. July 1, 2024; 21 NCAC 12A .0308, Eff. December 1, 2023; 21 NCAC 37D .0402, Eff. January 1, 2021.) Further, the Alarm Systems Licensing Board’s “sister board,” the Private Protective Services Board, currently has a rule under review with the identical language and no request for a technical change was received. I would like to keep the two Boards’ rules consistent.

Subsection (d): No, it is not.

14B NCAC 17 .0203:

Subsection (b): Revised rule attached.

14B NCAC 17 .0302:

Line 10: This is a reduction of the fee for each registration authorized by G.S. 74D-7(e)(4) (i.e. instead of \$50.00 + \$50.00 it is \$50.00 + \$10.00.) This question has been asked by staff each time this rule has been reviewed. Please see the Request for Technical Change form with my file notes for a 2018 amendment, attached.

Line 12: Revised rule attached.

Jeff

Jeffrey P. Gray

Of Counsel

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From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Tuesday, August 6, 2024 7:26 PM

To: Gray, Jeffrey <JGray@bdixon.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: August 2024 RRC - Request for Changes - 14B NCAC 17

Hi Jeff,

I'm the attorney who reviewed the Rules submitted by the Board for the August 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, August 28, 2024, 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 closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Wednesday August 21, 2024.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

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