

Burgos, Alexander N

Subject: FW: [External] Re: Typographical errors

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Tuesday, December 17, 2024 4:03 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: Typographical errors

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, December 17, 2024 3:57:38 PM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Typographical errors

Michelle,

I have spoken with the Codifier and she will clear these up after the RRC meeting. You do not need to make any changes.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

Subject: FW: Typographical errors

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Tuesday, December 17, 2024 3:58 PM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: Typographical errors

Michelle,

I have spoken with the Codifier and she will clear these up after the RRC meeting. You do not need to make any changes.

William W. Peaslee
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From: Peaslee, William W
Sent: Tuesday, December 17, 2024 3:16 PM
To: Schilling, Michelle
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Typographical errors

Michelle:

There are a few typographical errors in the CJETS rules which will need to be corrected.

09B .0404, page 1, line 25: There is a period after “topic” which should be a comma.

09B .0405, page 1, line 30: “%” should be “percent”.

09B .0405, page 2, Line 18: “There” should be “the”.

09B .0405, page 2, Line 23: There is a letter “y” which was not stricken as part of a word which was stricken.

Please do not make any other changes.

Thank you.

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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09B .0405
Attachments: 12 NCAC 09B .0405 Completion of BLET - 121624.docx

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Monday, December 16, 2024 10:44 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Cardoza, Holly <hcardoza@ncdoj.gov>
Subject: [External] Re: 12 NCAC 09B .0405

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The attachment is for your use.

Michelle



MICHELLE SCHILLING

Deputy Director

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12 NCAC 09B .0405 is being amended, with changes, as published in 38:24 NCR 1638-1640, as follows:

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of ~~an accredited basic training course~~ a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all ~~units~~ modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraph (b) of this Rule during a scheduled delivery. The school director may develop supplemental rules requirements as set forth in Rule ~~.0202(a)(7)~~ .0202(a)(5) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division ~~may~~ shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of ~~Basic Law Enforcement Training Course BLET~~ but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in a BLET ~~an accredited~~ course but had an identified deficiency in essential knowledge topical area or skill areas in no more than two of the specific topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter;

For the purposes of this Rule, "limited enrollment" is defined as the requirement to complete the specific number of courses and course hours in which the trainee is deficient. The trainee who is deficient in more than two topical academic areas or motor skills shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.

(b) The trainee shall demonstrate proficiency in the ~~school's~~ cognitive topical area academic tests by achieving a minimum score of 70 percent on each topical academic area test and shall also demonstrate proficiency in the ~~motor skills and performance subjects~~ test. If a trainee scores below 70% on each academic test, remediation will focus on re-teaching the specific concepts and skills in the topical area(s) that a trainee fails to achieve a passing score, as follows:

- (1) a trainee who fails to achieve a passing score of 70 percent on the first attempt shall have one opportunity for reexamination following ~~remediation:~~ remediation
- (2) a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area tests;

- 1 (3) upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or
2 reexamination and shall be immediately dismissed from the course and shall be required to complete
3 a subsequent delivery of ~~the Basic Law Enforcement Training~~ BLET in its entirety.
- 4 (c) An authorization of limited enrollment in a subsequent delivery of the ~~Basic Law Enforcement Training Course~~
5 BLET ~~may~~ shall not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a)
6 of this Rule:
- 7 (1) The school director of the previous course offering submits to the Standards Division a certification
8 of the particular topics and class hours attended and satisfactorily completed by the trainee during
9 the original enrollment; and
- 10 (2) The school director makes written application to the Standards Division for authorization of the
11 trainee's limited enrollment.
- 12 (d) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of
13 ~~the Basic Law Enforcement Training Course~~ BLET commencing within 120 calendar days from the date of
14 administration of the state comprehensive examination in the trainee's prior course delivery.
- 15 (1) The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the
16 school director as an area of trainee deficiency in the prior course participation with the exception
17 of the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area.
- 18 (2) There ~~are~~ two options available for satisfying a deficiency in the ~~"Physical Fitness"~~ "Officer Health
19 and Wellness" topical area ~~with the school director's approval;~~ are:
- 20 (A) the student shall be allowed to make up the deficiency at the original training site without
21 enrolling in a subsequent delivery of BLET. Under this option, the student shall be given
22 120 calendar days from the date that the comprehensive state examination was
23 administered to the original BLET course in order to successfully satisfy this deficiency.
24 Students who select this option shall be allowed two attempts to complete the entire Police
25 Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest
26 between attempts during the 120-day period to satisfy the deficiency; or
- 27 (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited
28 enrollee." This delivery shall begin within 120 calendar days from the date that the
29 comprehensive state examination was administered to the original BLET course in order
30 to successfully satisfy this deficiency. Students who select this option shall be allowed two
31 attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between
32 attempts during the delivery period of the subsequent BLET course.
- 33 A certified ~~"Physical Fitness"~~ "Officer Health and Wellness" instructor is the only person qualified to
34 administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant
35 shall be present.
- 36 (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and
37 active participation with having received passing grades on all required topic and motor-skill tests,

1 and having no deficiencies, the trainee shall be eligible for administration of the State
2 comprehensive ~~written~~ examination by the Commission, as set forth in Rule .0406 of this Section.

3 **(e) This rule does not apply to Basic Law Enforcement Training courses that were in progress as of January 1, 2025.**

4 *History Note: Authority G.S. 17C-6; 17C-10;*

5 *Eff. January 1, 1981;*

6 *Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January*
7 *1, 1983;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
9 *2019.*

10 *Amended Eff. January 1, 2025.*
11

Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09B .0405

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, December 16, 2024 10:39 AM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 12 NCAC 09B .0405

Thank you for your email.

If you would like to revise the rule, sending the revision would be the appropriate approach.

Thank you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Monday, December 16, 2024 10:37 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: 12 NCAC 09B .0405

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Yes sir. I agree. Did you need me to send a revised rule?



MICHELLE SCHILLING

Deputy Director

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, December 16, 2024 10:35 AM
To: Schilling, Michelle <mschilling@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 12 NCAC 09B .0405

Good morning Michelle,

I have had one commissioner make the following statement regarding 12 NCAC 09B .0405.

On page one section b (1) line 30 “ fails to achieve a passing score on the first attempt shall have one opportunity for reexamination following remediation.” I would like to insert in between the words “score” and “on” the following words “of 70 percent” because I think it strengthens the language of the rule.

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

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Burgos, Alexander N

Subject: FW: [External] 12 NCAC 09B .0405
Attachments: 12 NCAC 09B .0405 Completion of BLET - 120924.docx

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Saturday, December 14, 2024 11:45 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: FW: [External] 12 NCAC 09B .0405

Good morning,

It is my intention to recommend approval of the attached rule as revised at the December RRC meeting.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
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Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Friday, December 13, 2024 9:59 AM
To: Peaslee, William W
Cc: Burgos, Alexander N; Cardoza, Holly
Subject: [External] 12 NCAC 09B .0405
Attachments: Responses to Recommended Changes for 12 NCAC 09B .0405 120924.docx; 12 NCAC 09B .0405 Completion of BLET - 120924.docx

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Good morning,

Attached please find the updated draft rule and responses to recommended changes for 12 NCAC 09B .0405.

Please let me know if you have any questions.

Michelle



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Responses to Recommended Changes for 12 NCAC 09B .0405

In reviewing this Rule, the staff recommends the following changes be made:

Page 1, Line 7: *Explain the authority of the school director to adopt “rules.” And how would those be placed into the N.C. Code?*

Response: The School Director does not have the authority to adopt “rules”. Changed “rules” to “requirements” for clarity. This language was also changed the recently approved 12 NCAC 09B .0202, which goes into effect on January 1, 2025.

Page 1, Line 7: *Rule .0202(a)(7) was revised in November 2024 and the changes go into effect January 1, 2025. Are you sure (a)(7) is what the agency wants? Or is it now (a)(5)? Respectfully, the agency should be on top of this.*

Response:
The changes, as reflected in the recently approved 12 NCAC 09B .0202(a)(5) are what the Commission intended.

Page 1, Line 11, Page 2, Lines 1, 8, 9, 24, 33: *Where in the agency’s rules is the term “limited enrollment” defined or the concept explained?*

Response: “Limited Enrollment” defined.

Page 1, Line 24: *“And/or” does not comply with the [administrative rule style guide](#). See Chapter 2.5*

Response: Clarified

Page 1, Lines 26 -36: *These lines are poorly written. Consider re-writing them.*

Response: Language updated.

Page 1, Line 32 and 34: *Explain why the post-publication changes are not substantial changes pursuant to G.S. 150B-21.2(g).*

Response: Language returned to published version.

12 NCAC 09B .0405 is being amended, with changes, as published in 38:24 NCR 1638-1640, as follows:

12 NCAC 09B .0405 COMPLETION OF BASIC LAW ENFORCEMENT TRAINING COURSE

(a) Each delivery of ~~an accredited basic training course~~ a Commission-accredited Basic Law Enforcement Training Course (BLET) includes all ~~units~~ modules as specified in Rule .0205 of this Subchapter. Each trainee shall attend and satisfactorily complete the full course as specified in Paragraph (b) of this Rule during a scheduled delivery. The school director may develop supplemental rules requirements as set forth in Rule ~~.0202(a)(7)~~ .0202(a)(5) of this Subchapter, but may not add substantive courses, or change or expand the substance of the courses as set forth in Rule .0205 of this Subchapter for purposes of Commission credit. This Rule does not prevent the instruction on local agency rules or standards; however, such instruction shall not be considered or endorsed by the Commission for purposes of certification. The Director of the Standards Division ~~may~~ shall issue prior written authorization for a specified trainee's limited enrollment in a subsequent delivery of the same course where the trainee provides evidence that:

- (1) the trainee attended and satisfactorily completed specified class hours and topics of ~~Basic Law Enforcement Training Course BLET~~ but through extended absence occasioned by illness, accident, emergency, or other good cause was absent for more than five percent of the total class hours of the course offering;
- (2) the trainee was granted excused absences by the school director that did not exceed five percent of the total class hours for the course offering and the school director has obtained approval from the Standards Division pursuant to Rule .0404 of this Section for make up work to be completed in a subsequent enrollment; or
- (3) the trainee participated in a BLET ~~an accredited~~ course but had an identified deficiency in essential knowledge topical area or skill areas in no more than two of the specific topic areas incorporated in course content as prescribed under Rule .0205 of this Subchapter;

For the purposes of this Rule, "limited enrollment" is defined as the requirement to complete the specific number of courses and course hours in which the trainee is deficient. The trainee who is deficient in more than two topical academic areas or motor skills shall be dismissed from the course delivery and shall be required to complete a subsequent training delivery in its entirety.

(b) The trainee shall demonstrate proficiency in the ~~school's~~ cognitive topical area academic tests by achieving a minimum score of 70 percent on each topical academic area test ~~and shall also demonstrate proficiency in the motor skills and performance subjects test.~~ If a trainee scores below 70% on each academic test, remediation will focus on re-teaching the specific concepts and skills in the topical area(s) that a trainee fails to achieve a passing score, as follows:

- (1) a trainee who fails to achieve a passing score on the first attempt shall have one opportunity for reexamination following ~~remediation;~~ remediation
- (2) a trainee shall be allowed failure, remediation, and reexamination in no more than four topical area tests;

- 1 (3) upon initial failure of a fifth topical area test, the trainee shall not be allowed remediation or
2 reexamination and shall be immediately dismissed from the course and shall be required to complete
3 a subsequent delivery of ~~the Basic Law Enforcement Training~~ BLET in its entirety.
- 4 (c) An authorization of limited enrollment in a subsequent delivery of the ~~Basic Law Enforcement Training Course~~
5 BLET ~~may~~ shall not be issued by the Standards Division unless in addition to the evidence required by Paragraph (a)
6 of this Rule:
- 7 (1) The school director of the previous course offering submits to the Standards Division a certification
8 of the particular topics and class hours attended and satisfactorily completed by the trainee during
9 the original enrollment; and
- 10 (2) The school director makes written application to the Standards Division for authorization of the
11 trainee's limited enrollment.
- 12 (d) An authorization of limited enrollment in a subsequent course delivery permits the trainee to attend an offering of
13 ~~the Basic Law Enforcement Training Course~~ BLET commencing within 120 calendar days from the date of
14 administration of the state comprehensive examination in the trainee's prior course delivery.
- 15 (1) The trainee shall attend and satisfactorily complete in its entirety each topical area identified by the
16 school director as an area of trainee deficiency in the prior course participation with the exception
17 of the ~~"Physical Fitness"~~ "Officer Health and Wellness" topical area.
- 18 (2) There ~~are~~ two options available for satisfying a deficiency in the ~~"Physical Fitness"~~ "Officer Health
19 and Wellness" topical area ~~with the school director's approval;~~ are:
- 20 (A) the student shall be allowed to make up the deficiency at the original training site without
21 enrolling in a subsequent delivery of BLET. Under this option, the student shall be given
22 120 calendar days from the date that the comprehensive state examination was
23 administered to the original BLET course in order to successfully satisfy this deficiency.
24 Students who select this option shall be allowed two attempts to complete the entire Police
25 Officer Physical Abilities Test (POPAT) Course with a minimum of 24 hours of rest
26 between attempts during the 120-day period to satisfy the deficiency; or
- 27 (B) the student shall be allowed to enroll in a subsequent delivery of BLET as a "limited
28 enrollee." This delivery shall begin within 120 calendar days from the date that the
29 comprehensive state examination was administered to the original BLET course in order
30 to successfully satisfy this deficiency. Students who select this option shall be allowed two
31 attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between
32 attempts during the delivery period of the subsequent BLET course.
- 33 A certified ~~"Physical Fitness"~~ "Officer Health and Wellness" instructor is the only person qualified to
34 administer and grade the fitness re-test. At the time of the re-test, the school director or the Qualified Assistant
35 shall be present.
- 36 (3) Following limited enrollment in the subsequent course offering, scheduled class attendance, and
37 ~~active participation with~~ having received passing grades on all required topic and motor-skill tests,

1 and having no deficiencies, the trainee shall be eligible for administration of the State
2 comprehensive ~~written~~ examination by the Commission, as set forth in Rule .0406 of this Section.

3 **(e) This rule does not apply to Basic Law Enforcement Training courses that were in progress as of January 1, 2025.**

4 *History Note: Authority G.S. 17C-6; 17C-10;*

5 *Eff. January 1, 1981;*

6 *Amended Eff. February 1, 2014; August 1, 2000; July 1, 1989; July 1, 1985; April 1, 1984; January*
7 *1, 1983;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
9 *2019.*

10 *Amended Eff. January 1, 2025.*
11

Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09B .0404

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Thursday, December 5, 2024 11:12 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 12 NCAC 09B .0404

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Thank you.



MICHELLE SCHILLING

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Thursday, December 5, 2024 11:11 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: FW: [External] Re: 12 NCAC 09B .0404

Good morning,

It is my intention to recommend that the attached revision satisfies the RRC's November 2024 objection without substantial change.

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

William W. Peaslee
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Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09B .0404
Attachments: 12 NCAC 09B .0404 Trainee Attendance 120424.docx

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Thursday, December 5, 2024 10:48 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Draper, Steven <SDRAPER@NCDOJ.GOV>; Cardoza, Holly <hcardoza@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 12 NCAC 09B .0404

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Good morning,

Attached please find the update rule with clarification.

Michelle



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

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Raleigh, NC 27602-0149

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12 NCAC 09B .0404 is amended, with changes, as published in 38:24 NCR 1638-1639 as follows:

12 NCAC 09B .0404 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a ~~certified~~-Commission-accredited Basic Law Enforcement Training Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class ~~sessions~~, sessions for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances which precluded the trainee from attending a class session. However, in no case may excused or ~~unexcused~~ absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. ~~Absences that occur during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director shall notify the Standards Division prior to scheduling the make-up work. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction. Make-up work shall be documented on the F-26 BLET Student Absence/Make Up Training Report. The F-26 BLET Student Absence/Make Up Training Report shall contain the following:~~

- (1) School/Academy Name;
- (2) Class Name;
- (3) Student name and ACADIS ID number;
- (4) Course topic, date, and hours missed;
- (5) Reason for missed time;
- (6) Student and School Director signatures;
- (7) Course topic and hours made up; and
- (8) Instructor name and signature

(d) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

(4) The specific need for the waiver; and

(5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(e) the School Director shall provide the following information to the Director of the Criminal Justice Standards Division for consideration of a waiver under Paragraph (d) of this Rule:

(1) a memorandum justifying the absence waiver;

(2) specific documentation related to the trainee's request; and

(3) a training completion plan pursuant to Paragraph (c) of this Rule.

(f) A school director ~~may~~ shall terminate a trainee from course participation or ~~may~~ shall deny certification of successful course completion where the trainee is tardy to or departs early from four class meetings or field exercises.

(g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements of the Commission, the trainee, upon the authorization of the school director, ~~may~~ shall be deemed to have satisfactorily completed the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the instructional hours as required by the Commission.

(h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion.

(i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the "Specialized ~~Subject Control Arrest Techniques~~ Compliance and Control Tactics Instructor Training" course under Rule .0232 of this Subchapter, ~~or the~~ "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, the "Specialized Explosives and Hazardous Materials Emergencies Instructor Training" course under Rule .0417 of this Subchapter, or the "Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques" course under Rule .0241 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

(j) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0209, .0226, .0227, .0232, .0233, or .0417, the ~~The~~ Director of the Criminal Justice Standards Division ~~may~~ shall grant a waiver for completion of course requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness,

1 emergency, or course cancellation that precluded the student from completing the entire course in one continuous
2 course delivery.

3 (k) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this
4 Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR
5 Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for
6 more than 10 percent of the total scheduled delivery period in order to receive successful course completion.
7 Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall
8 consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the
9 missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

10
11 *History Note: Authority G.S. 17C-6; 17C-10;*

12 *Eff. January 1, 1981;*

13 *Amended Eff. November 1, 1981;*

14 *Readopted Eff. July 1, 1982;*

15 *Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1,*
16 *1993;*

17 *July 1, 1989; February 1, 1987; June 1, 1986;*

18 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
19 *2019;*

20 *Amended Eff. January 1, 2025; April 1, 2022; August 1, 2021.*

Burgos, Alexander N

Subject: FW: [External] Re: Perplexity AI's version of 12 NCAC 09B .0405 (f)

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Thursday, December 5, 2024 8:50 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: Perplexity AI's version of 12 NCAC 09B .0405 (f)

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,

Thank you for recommending the PerplexityAI website. I have already found it useful in another task.

I appreciate your assistance.

Michelle



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

Office: (919) 779-8205

MSchilling@ncdoj.gov

1700 Tryon Park Drive

Raleigh, NC 27602-0149

ncdoj.gov

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

Burgos, Alexander N

From: Peaslee, William W
Sent: Wednesday, December 4, 2024 2:33 PM
To: Schilling, Michelle
Cc: Burgos, Alexander N
Subject: Telephone call

Good afternoon,

Thank you for speaking with me on the telephone today. In addition to speaking about the benefits of using AI in rule drafting generally, we discussed the forthcoming request for changes specifically the post-publication changes to Paragraph (b) and the concept of substantial change.

If I am missing anything, please let me know by reply email.

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

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 09B .0232 and .0404

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Wednesday, December 4, 2024 11:05 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: 12 NCAC 09B .0232 and .0404

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Thank you.



MICHELLE SCHILLING

Deputy Director

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MSchilling@ncdoj.gov

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Raleigh, NC 27602-0149

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

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Wednesday, December 4, 2024 11:04 AM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Schilling, Michelle <mschilling@ncdoj.gov>
Subject: FW: [External] Re: 12 NCAC 09B .0232 and .0404

Good morning,

It is my present intention to recommend that the RRC find that the attached rule has satisfied its objections of November 2024 without substantial change.

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

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
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 09B .0232 and .0404
Attachments: 12 NCAC 09B .0232 Specialized Compliance and Control Tactics Instructor Training.docx; Response to the Rules Review Commission for 12 NCAC 09B .0404.docx; Response to the Rules Review Commission for 12 NCAC 09B .0232.docx; 12 NCAC 09B .0404 Trainee Attendance.docx

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Wednesday, December 4, 2024 10:38 AM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Draper, Steven <SDRAPER@NCDOJ.GOV>; Cardoza, Holly <hcardoza@ncdoj.gov>
Subject: [External] Re: 12 NCAC 09B .0232 and .0404

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,

Attached please find the responses to the rule objections and updated draft rules for 12 NCAC 09B .0232 and 12 NCAC 09B .0404.

Please let me know if you have any questions.

Michelle



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

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

1 12 NCAC 09B .0232 is being amended, with changes, as published in 38:24 NCR 1636-1637 as follows:

3 12 NCAC 09B .0232 SPECIALIZED COMPLIANCE AND CONTROL TACTICS

4 ~~SUBJECT CONTROL ARREST TECHNIQUES~~ INSTRUCTOR TRAINING

5 (a) The instructor training course required for Specialized Compliance and Control Tactics ~~Subject Control~~
6 ~~Arrest Techniques~~ Instructor Certification shall consist of a minimum of 29 hours of classroom instruction plus
7 time required to complete the tasks associated with Compliance and Control Tactics ~~Subject Control Arrest~~
8 ~~Techniques~~ Instructional Methods and ~~Demonstration~~ Demonstration, presented during a continuous period of not
9 more than two weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the
10 Director of the Criminal Justice Standards Division shall allow ~~additional~~ breaks in a specific course delivery
11 when the Director determines that doing so is necessary based on consideration of the following factors:

- 12 (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- 13 (2) The risk of harm to students that may be caused by continuation of the course;
- 14 (3) Whether those enrolled in the course have been or will likely be called to action to help address
15 the State of Emergency;
- 16 (4) The specific need for the waiver; and
- 17 (5) The degree of benefit to the public in allowing a break in instruction.

18 Notice of waivers granted pursuant to the Section shall be posted on the CJETS website [https://ncdoj.gov/law-](https://ncdoj.gov/law-enforcement-training/criminal-justice/)
19 [enforcement-training/criminal-justice/](https://ncdoj.gov/law-enforcement-training/criminal-justice/). The waivers granted pursuant to this Section shall only apply to courses
20 that began during the effective period of the State of Emergency.

21 (b) Each Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Training
22 course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal
23 justice Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor in a the
24 Commission-accredited Basic Law Enforcement Training Course or a Law Enforcement Officers' Annual In-
25 Service Training Program.

26 (c) Each applicant for Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor
27 Training shall:

- 28 (1) have completed the Criminal Justice Instructor Training ~~course;~~ course, pursuant to 12 NCAC 09B
29 .0209;
- 30 (2) present a letter from a ~~licensed physician~~ physician, physician assistant, or nurse practitioner,
31 who holds a current license in the United States to practice medicine, as issued by a state
32 medical board, stating the applicant's physical fitness to participate in the course;
- 33 (3) present a written endorsement by either
34 (A) a certified School Director indicating the student is qualified to instruct Compliance
35 and Control Tactics ~~subject control arrest techniques~~ in the Commission-accredited
36 Basic Law Enforcement Training Courses; Course; or
37 (B) a Department Head, certified School Director, or In-Service Training Coordinator

- indicating the student may be utilized to instruct Compliance and Control Tactics
~~subject control arrest techniques~~ for the Law Enforcement Officers' Annual In-Service
Training program; and
- (4) Within 365 days prior to enrollment in the Compliance and Control Tactics ~~Subject Control~~
~~Arrest Techniques~~ Instructor Training course the prospective student shall complete the
following assessments administered by the North Carolina Justice Academy:
- (A) a qualification requiring the individual to demonstrate 100 percent proficiency on the
Basic Law Enforcement Training Compliance and Control Tactics; Subject Control
~~Arrest Techniques~~; and
- (B) achieve at least the 60th percentile on a physical fitness assessment.
- (d) Each Specialized Compliance and Control Tactics ~~Subject Control Arrest Techniques~~ Instructor Training
course shall include the following identified topic areas and minimum instructional hours for each area:
- | | | |
|-----|---|---------|
| (1) | Orientation | 1 Hour |
| (2) | Response to Injury | 4 Hours |
| (3) | Combat Conditioning | 4 Hours |
| (4) | Safety Guidelines/Rules | 2 Hours |
| (5) | Fundamentals of Professional Liability | 4 Hours |
| (6) | Practical Skills Enhancement | 4 Hours |
| (7) | Student Instructional Practicum | 6 Hours |
| (8) | BLET Lesson Plan Review | 4 Hours |
| (9) | <u>Completion of tasks associated with [Compliance and Control Tactics] Subject Control Arrest</u>
<u>Techniques Instructional Methods and Demonstrations. The number of hours required to</u>
<u>complete this portion of the curriculum shall be based on the number of enrolled students,</u>
<u>available facilities, and number of instructors.</u> | |
- (e) ~~The "Specialized Subject Control Arrest Techniques Instructor Training Manual" as published by the North~~
~~Carolina Justice Academy shall be the curriculum for the Specialized Subject Control Arrest Techniques~~
~~Instructor Training course. Copies of this publication may be inspected at the:~~
- ~~Criminal Justice Standards Division~~
~~North Carolina Department of Justice~~
~~1700 Tryon Park Drive~~
~~Post Office Drawer 149~~
~~Raleigh, North Carolina 27610~~
- ~~and may be obtained at the cost of printing and postage from the Academy at the following address:~~
- ~~North Carolina Justice Academy~~
~~Post Office Box 99~~
~~Salemburg, North Carolina 28385~~
- (b) ~~The Commission certified school that is certified to offer the "Specialized Subject Control Arrest Techniques~~

1 ~~Instructor Training" course is the North Carolina Justice Academy.~~

2
3 *History Note: Authority G.S. 17C-6;*
4 *Eff. February 1, 1987;*
5 *Amended Eff. February 1, 2016; January 1, 2015; February 1, 2013; December 1, 2009; August*
6 *1, 2006; August 1, 2000; November 1, 1998; August 1, 1995; March 1, 1990; July 1, 1989;*
7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
8 *2019;*
9 *Amended Eff. January 1, 2025; April 1, 2022; January 1, 2021.*

12 NCAC 09B .0404 is amended, with changes, as published in 38:24 NCR 1638-1639 as follows:

12 NCAC 09B .0404 TRAINEE ATTENDANCE

(a) Each trainee enrolled in a ~~certified~~-Commission-accredited Basic Law Enforcement Training Course shall attend all class sessions. The school director shall monitor the trainee's attendance at criminal justice training courses in which the trainee is enrolled.

(b) The school director may excuse a trainee from attendance at specific class ~~sessions~~, sessions for just cause. For purposes of this Rule, just cause means accident, illness, emergency, or other circumstances which precluded the trainee from attending a class session. However, in no case may excused or unexcused absences exceed five percent of the total class hours for the course offering. A trainee shall not be eligible for administration of the State comprehensive examination and shall be dismissed from the course if the cumulative total of class absences exceeds five percent regardless of the prior completion of make-up work.

(c) If the school director grants an excused absence from a class session, he or she shall schedule make-up work and ensure the completion of such work during the current course presentation. The school director shall schedule instructors and reimburse those instructors for the purpose of completion of the make-up work. ~~Absences that occur during the last 40 hours of the training course may be made up in a subsequent delivery; however, the school director shall notify the Standards Division prior to scheduling the make-up work. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction. Make-up work shall be documented on the F-26 BLET Student Absence/Make Up Training Report. The F-26 BLET Student Absence/Make Up Training Report shall contain the following:~~

- (1) School/Academy Name;
- (2) Class Name;
- (3) Student name and ACADIS ID number;
- (4) Course topic, date, and hours missed;
- (5) Reason for missed time;
- (6) Student and School Director signatures;
- (7) Course topic and hours made up; and
- (8) Instructor name and signature

(d) If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in instruction for an individual trainee in a specific course delivery, not to exceed 90 hours, when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;

- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to this Section shall be posted on the CJETS website at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began during the effective period of the State of Emergency.

(e) the School Director shall provide the following information to the Director of the Criminal Justice Standards Division for consideration of a waiver under Paragraph (d) of this Rule:

- (1) a memorandum justifying the absence waiver;
- (2) specific documentation related to the trainee's request; and
- (3) a training completion plan pursuant to Paragraph (c) of this Rule.

(f) A school director **may shall** terminate a trainee from course participation or **may shall** deny certification of successful course completion where the trainee is tardy to or departs early from class meetings or field exercises.

(g) Where a trainee is enrolled in a program as required in 12 NCAC 09B .0212, .0213, .0214, .0215, .0218, .0219, .0220, .0221, .0222, .0237, .0238, .0239, or .0240, and the scheduled course hours exceed the requirements of the Commission, the trainee, upon the authorization of the school director, **may shall** be deemed to have satisfactorily completed the required number of hours for attendance provided the trainee's attendance is not less than 100 percent of the instructional hours as required by the Commission.

(h) A trainee enrolled in a presentation of the "Criminal Justice Instructor Training Course" under Rule .0209 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion.

(i) A trainee, enrolled in a presentation of the "Specialized Firearms Instructor Training" course under Rule .0226 of this Subchapter, the "Specialized Driver Instructor Training" course under Rule .0227 of this Subchapter, the "Specialized ~~Subject Control Arrest Techniques~~ Compliance and Control Tactics Instructor Training" course under Rule .0232 of this Subchapter, ~~or the "Specialized Physical Fitness Instructor Training" course under Rule .0233 of this Subchapter, the~~ "Specialized Explosives and Hazardous Materials Emergencies Instructor Training" course under Rule .0417 of this Subchapter, ~~or the "Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques"~~ course under Rule .0241 of this Subchapter shall not be absent from class attendance for more than 10 percent of the total scheduled delivery period in order to receive successful course completion. Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

(j) **Where a trainee is enrolled in a program as required in 12 NCAC 09B .0209, .0226, .0227, .0232, .0233, or .0417, the** ~~The~~ Director of the Criminal Justice Standards Division **may shall** grant a waiver for completion of course requirements in a course delivery scheduled within 12 months, for just cause based upon the circumstances that created the need for the absence. For the purposes of this Rule, "just cause" includes an accident, illness, emergency, or course cancellation that precluded the student from completing the entire course in one continuous

1 course delivery.

2 (k) A trainee, enrolled in a presentation of the "RADAR Instructor Training Course" under Rule .0210 of this
3 Subchapter, the "Time-Distance Instructor Training Course" under Rule .0211 of this Subchapter, or the "LIDAR
4 Instructor Training Course" under Rule .0237 of this Subchapter shall not be absent from class attendance for
5 more than 10 percent of the total scheduled delivery period in order to receive successful course completion.
6 Make-up work must be completed during the current course presentation for all absenteeism. Make-up work shall
7 consist of an in-person, one-hour instruction period for each hour of missed training, in the lesson plan where the
8 missing training occurred, and shall be taught by an instructor certified to teach that block of instruction.

9
10 *History Note: Authority G.S. 17C-6; 17C-10;*

11 *Eff. January 1, 1981;*

12 *Amended Eff. November 1, 1981;*

13 *Readopted Eff. July 1, 1982;*

14 *Amended Eff. February 1, 2006; May 1, 2004; August 1, 2000; April 1, 1999; November 1,*
15 *1993;*

16 *July 1, 1989; February 1, 1987; June 1, 1986;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25,*
18 *2019;*

19 *Amended Eff. January 1, 2025; April 1, 2022; August 1, 2021.*

Response to the Rules Review Commission November 26, 2024 objection to Rule 12 NCAC 09B .0232

Objections:

I. In Paragraph (d), Subparagraphs (3), (5), and (8), the Criminal Justice Educations and Training Standards Commission (the “Agency”) has not followed 26 NCAC 02C .0405 which sets forth how rules are to be formatted for publication in the North Carolina Code (the “Code”).¹ Rule .0405 specifies how changes are to be displayed from the version published in the North Carolina Register (the “Register”). If the adopted rule is not formatted pursuant to Rule .0405, the adopted language cannot be determined without assumption.² For instance, on page 2, line 15, the Agency has highlighted both “4” and “8” but only “8” is underlined. It is unclear whether the Agency intends the number to be “8” or “48.” Accordingly, staff recommends objection pursuant to G.S. 150B-21.9(a)(2) for lack of clarity and ambiguity.

II. Paragraph (d) of the Rule sets forth requirements for “Specialized Compliance and Control Tactics Instructor Training” courses. While Subparagraphs (1)-(8) establish the specific hours of instruction required for each topic, Subparagraph (9) bases the number of hours required for “Compliance and Control Tactics Instructional Methods and Demonstrations” upon an undefined formula considering the number of students and instructors. It appears that the requirement is based upon instructor availability considering 12 NCAC 09B .0202 and/or some arbitrary instructor/student ratio. In addition to the ambiguity surrounding the establishment of the number of hours required, it is unclear who makes the determination. Accordingly, staff recommends objection pursuant to G.S. 150B-21.9(a)(2) for lack of clarity and ambiguity.

III. Subparagraphs (1)-(8) of Paragraph (d) in the proposed Rule published in the Register do not offer any changes from the Rule currently in the Code. After publication the Agency not only changed the hour requirement for each subparagraph but also changed the courses required, specifically Subparagraphs (d)(5) and (7). Pursuant to G.S. 150B-21.2(g) an agency cannot adopt a rule which differs substantially from the text of the proposed rule. Here, the Agency made substantial changes post-publication which address a subject matter that was not addressed in the proposed text of the rule; to wit, the new courses in Subparagraphs (d)(5) and

(7), and produced an effect that could not reasonably have been expected; to wit, the changes in hours and the aforesaid new courses. Accordingly, staff recommends objection pursuant to G.S. 150B-21.9(a)(4) for adoption contrary to Part 2, Article 2 of the Administrative Procedures Act.

Response:

Per NCGS 150B-21.12, the Criminal Justice Education and Training Standards Commission has changed the rule to satisfy the Rules Review Commission's objections and submitted the revised rule to the Commission.

**Response to the Rules Review Commission November 26, 2024 objection to Rule 12 NCAC 09B
.0404**

Objections:

I.

In Paragraph (f), the Criminal Justice Education and Training Standards Commission (the “Agency”) requires a school director to terminate or deny a trainee who is “habitually” tardy to or departs early from, class meetings or field exercises. 1

“Habitually” is an unclear and ambiguous standard which would presumably be left to each school director’s arbitrary interpretation.

Accordingly, staff recommends objection pursuant to G.S. 150B-21.9(a)(2) for lack of clarity and ambiguity.

II.

Paragraph (g) is facially unclear as revised.

Accordingly, staff recommends objection pursuant to G.S. 150B-21.9(a)(2) for lack of clarity and ambiguity.

Response:

Per NCGS 150B-21.12, the Criminal Justice Education and Training Standards Commission has changed the rule to satisfy the Rules Review Commission’s objections and submitted the revised rule to the Commission.

Burgos, Alexander N

Subject: FW: [External] Re: 12 NCAC 09B .0232 Staff opinion

From: Schilling, Michelle <mschilling@ncdoj.gov>
Sent: Monday, December 2, 2024 1:41 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 09B .0232 Staff opinion

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I understand. Thank you.



MICHELLE SCHILLING

Deputy Director

Criminal Justice Standards Division

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Raleigh, NC 27602-0149

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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, December 2, 2024 1:31 PM
To: Schilling, Michelle <mschilling@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: 12 NCAC 09B .0232 Staff opinion

Good afternoon,

While you submitted a revised rule prior to objection by the RRC, a revision needs to be submitted post-objection. I did not want you to think that the revision sent November 21, 2024 was currently under review.

Also, please remember that your agency should not make additional changes to the rule other than those to satisfy the objections.

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
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, November 22, 2024 2:54 PM
To: Schilling, Michelle
Cc: Burgos, Alexander N
Subject: 12 NCAC 09C .0104
Attachments: 2024.12 CJETS Request for Changes 12 NCAC 09C .0104.docx

Good afternoon,

Attached please find the request for changes for the above captioned rule set to be reviewed by the Rules Review Commission at its December meeting.

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

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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(984) 236-1939
Bill.Peaslee@oah.nc.gov

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