

Burgos, Alexander N

Subject: FW: RRC Request for Technical Changes

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, March 9, 2022 11:33 AM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: FW: RRC Request for Technical Changes

Hey, I think we forgot to copy you on this last round of emails, so here they are for posting. I think this should be it.

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: Seavers, Dennis <dennis.seavers@nc.gov>
Sent: Wednesday, March 9, 2022 11:20 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes

Thank you for your assistance and comments

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, March 9, 2022 11:19 AM
To: Seavers, Dennis <dennis.seavers@nc.gov>
Subject: RE: RRC Request for Technical Changes

Hi Dennis,

I reviewed the revised rules you sent over, and I think everything looks good, so I will be recommending approval of these rules to the Commission at the next meeting. I'll tell Dana to accept what you sent over for filing, unless you have anything else.

Thanks!
Brian

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: Seavers, Dennis <dennis.seavers@nc.gov>
Sent: Tuesday, March 8, 2022 6:16 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes

Brian,

Thanks – and no need to apologize. My question for Rule 06L .0118 read a bit like a statement, so I understand why you didn't respond. I appreciate your responses, and I'll have the revised rules to you tomorrow.

Dennis

Burgos, Alexander N

Subject: FW: RRC Request for Technical Changes

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, March 8, 2022 5:58 PM
To: Seavers, Dennis <dennis.seavers@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes

Dennis,

My apologies, I was planning to review all your responses together once I received them. Sorry to cause you any delay or consternation here. I've added some comments to your responses below, in blue.

Rule 06F .0101

You asked me what "student hours" refers to in Paragraph (b)(17). It has the same meaning as the hours referred to in G.S. 86A-22(1).

I figured as much, but was making sure I had not missed another requirement (i.e. a continuing education requirement) somewhere in Chapter 86A or elsewhere in your rules, that might be included as "student hours." No need to make any changes here.

Rule 06L .0103

You asked what the phrase "suitable for the safe cutting of hair" means. There are a variety of circumstances in which equipment and tools could cause injury or spread disease. Rather than develop a long a list of these possible circumstances, the rule attempts to describe them in a general way. This is a term that our regulated community would easily understand because of the training they receive; but if you have outstanding concerns, I could provide some examples in the rule to make the phrase clearer.

If the regulated community understands the term, I don't think it's necessary here to change the language.

Rule 06L .0118

You asked me to add G.S. 86A-16 to the history note. I'm happy to do that, but I'm not sure the purpose of that citation. That statute refers to various types of licenses (the statute uses some older terminology, such as "certificate of registration," but the terms refer to license types). In contrast, this rule deals with a sanitation rating, which isn't a license.

Upon further review, I would have to agree, that 86A-16 is not appropriate for 06L .0118. I think I conflated the "certificates of registration" in the statute, and the sanitation rating cards in the Rule. No change necessary.

Thanks,
Brian

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: Seavers, Dennis <dennis.seavers@nc.gov>

Sent: Tuesday, March 8, 2022 4:59 PM

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

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

Subject: RE: RRC Request for Technical Changes

Brian,

I'm following up on the request below. It may not have been clear from the email that I was looking for a response. Do you believe that G.S. 86A-16 would be appropriate for that rule, given that it refers to a sanitation rating rather than a license?

Thanks,
Dennis

From: Seavers, Dennis

Sent: Thursday, March 3, 2022 4:16 PM

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

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

Subject: RE: RRC Request for Technical Changes

Hi, Brian,

Thank you for your email and comments. Below are responses to questions you asked, and I had a question of my own for Rule 06L .0118. I'll address the remainder of your comments with technical changes.

Rule 06F .0101

You asked me what "student hours" refers to in Paragraph (b)(17). It has the same meaning as the hours referred to in G.S. 86A-22(1).

Rule 06L .0103

You asked what the phrase "suitable for the safe cutting of hair" means. There are a variety of circumstances in which equipment and tools could cause injury or spread disease. Rather than develop a long a list of these possible circumstances, the rule attempts to describe them in a general way. This is a term that our regulated community would easily understand because of the training they receive; but if you have outstanding concerns, I could provide some examples in the rule to make the phrase clearer.

Rule 06L .0118

You asked me to add G.S. 86A-16 to the history note. I'm happy to do that, but I'm not sure the purpose of that citation. That statute refers to various types of licenses (the statute uses some older terminology, such as "certificate of registration," but the terms refer to license types). In contrast, this rule deals with a sanitation rating, which isn't a license.

Thanks,
Dennis

Dennis Seavers
Executive Director
North Carolina Board of Barber Examiners

Burgos, Alexander N

Subject: FW: RRC Request for Technical Changes

From: Seavers, Dennis <dennis.seavers@nc.gov>
Sent: Thursday, March 3, 2022 4:16 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: RRC Request for Technical Changes

Hi, Brian,

Thank you for your email and comments. Below are responses to questions you asked, and I had a question of my own for Rule 06L .0118. I'll address the remainder of your comments with technical changes.

Rule 06F .0101

You asked me what "student hours" refers to in Paragraph (b)(17). It has the same meaning as the hours referred to in G.S. 86A-22(1).

Rule 06L .0103

You asked what the phrase "suitable for the safe cutting of hair" means. There are a variety of circumstances in which equipment and tools could cause injury or spread disease. Rather than develop a long a list of these possible circumstances, the rule attempts to describe them in a general way. This is a term that our regulated community would easily understand because of the training they receive; but if you have outstanding concerns, I could provide some examples in the rule to make the phrase clearer.

Rule 06L .0118

You asked me to add G.S. 86A-16 to the history note. I'm happy to do that, but I'm not sure the purpose of that citation. That statute refers to various types of licenses (the statute uses some older terminology, such as "certificate of registration," but the terms refer to license types). In contrast, this rule deals with a sanitation rating, which isn't a license.

Thanks,
Dennis

Dennis Seavers
Executive Director
North Carolina Board of Barber Examiners

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Thursday, March 3, 2022 3:20 PM
To: Seavers, Dennis <dennis.seavers@nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RRC Request for Technical Changes

Hi Mr. Seavers,

I'm the attorney who reviewed the Rules submitted by the NC State Board of Barber Examiners for the March 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 17, 2022, at 9:00 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 Friday, March 11, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

Thanks,

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.

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.