



**NORTH CAROLINA BOARD OF FEE-BASED  
PRACTICING PASTORAL COUNSELORS**

P.O. BOX 2227

WELCOME, NC 27274

ADMINISTRATIVE SECRETARY: Ms. Shelia Beck

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August 25, 2014

**VIA ELECTRONIC MAIL**

Margaret Currin, Chair  
North Carolina Rules Review Commission  
N.C. Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh, North Carolina 27699-6714

Re: *North Carolina Board of Fee-Based Practicing Pastoral Counselors'  
Periodic Review of Existing Rules Pursuant to N.C. Gen. Stat. §  
150B-21.3A and 26 NCAC 05 .0211*

Dear Professor Currin:

I write pursuant to 26 NCAC 05 .0204 and on behalf of the North Carolina Board of Fee-Based Practicing Pastoral Counselors (the "Board") to request a waiver of the deadline pursuant to Rule 26 NCAC 05 .0204. Additionally, I am requesting an extension of time for the Board to file the Report required by the Periodic Review of Existing Rules Review Report pursuant to N.C. Gen. Stat. § 150B-21.3A and 26 NCAC 05 .0211 (the "Report"). The deadline for filing the Report was August 15, 2014.

As Chair of the Board, I was unaware that the Board had received the Report along with instructions to complete it from the Office of Administrative Hearings ("OAH"). Had I been informed of this requirement, I along with the rest of the board would have attempted to comply with the request. I am requesting both a waiver of the deadline as well as an extension of time to take the necessary steps to file the report for the following reasons:

- We are a very small board comprised currently of six members who volunteer their time; no one on this board receives any compensation for their work on the board but instead donate their time
- We only meet twice a year; in June and again in November

- We have one paid staff member who is very part time working on an average five (5) or less hours per week
- Our staff member, Ms. Sheila Beck, has a family member (her husband) who suffers from non-alcoholic liver disease (non-alcoholic steatohepatitis) that has progressed to the point that he has been approved and is currently awaiting a liver transplant.
- Ms. Beck's husband's health is extremely unstable such that he is constantly in and out of the hospital and thus has had a diminished capacity to oversee the functions of the board as she normally has in the past.
- The care of her husband requires weekly trips to the hospital for paracentesis to remove approximately six liters of fluid that build up between visits.
- We do not have a web site (although that is an agenda item we hope to complete by December 31, 2014)
- We have revenues of less than \$6000.00

The Board's office and one very part time staff member are located in Welcome, North Carolina. The combination of the above illness, which can flare at any time requiring hospitalization for extended periods of time, the extremely part time nature of Ms. Beck's administrative position, her other work responsibilities which she has, and the ongoing stress of caring for a spouse who is chronically and at times critically ill, may have interfered with her noting the email that came to her indicating that a report needed to be filed prior to an August 15, 2014 deadline. In conversation with Ms. Beck she shared "I don't know how this slipped by me, but it did." As a direct consequence of this, the remainder of our Board, which met in July, 2014, were completely unaware that any such report was due.

The key members of our Board have now been notified and are aware of our failure to file the Report and will follow any and all requirements going forward that the Commission may direct or suggest. The Board therefore respectfully requests a waiver for the deadline of August 15, 2014, and we additionally request an extension of time to complete the rules review process and submit the report. Given the reality that we do not yet have a web site but are in the process of seeking to secure a person who can construct one for us, we would not be able to immediately come into compliance with the request of the RRC. It is not our intention to try and hold a special meeting, but rather the Board would plan, at our November, 2014 meeting, to vote on designations for each rule for posting the report; once that vote was taken, the report would then be approved. Then, following the establishment of a web site, we would then post the report on the web site for the public comment period. Because we must as a board meet twice in order to approve the report, we would then review all comments following the public comment period and then vote on the final determination of the report at our June, 2015 meeting. This should allow us to then file the report by August

15, 205 for review in September, 2015. This would be our plan of action to come into compliance with this requirement.

The Board sincerely regrets any and all inconvenience that it may have caused the Commission. We greatly appreciate your time and consideration in this important matter.

Sincerely,

*JOHN V. AREY, JR., D.MIN.*

Dr. John V. Arey, Jr., D.Min.  
Chair, North Carolina Board of Fee-Based Practicing Counselors  
P.O. Box 2227  
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Correspondence from RRC  
staff to the Fee-Based  
Practicing Pastoral Counselors

STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6714

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1711 New Hope Church Rd  
Raleigh, NC 27609-6285

August 22, 2014

Dr. John V. Aery, Chairman  
NC Examiners of Fee-Based Practicing Pastoral Counselors  
PO Box 2227  
Welcome, NC 27374  
Tarheels719899@aol.com

Re: Periodic Review and Expiration of Existing Rules  
Title 21, Chapter 45

Dear Chairman Aery,

At the Rules Review Commission's August meeting, it was noted that the Examiners of Fee-Based Practicing Pastoral Counselors did not file the existing rules report as required by G.S. 150B-21.3A and Rule 26 NCAC 05 .0203(c) for review by the Rules Review Commission (RRC) at its September 18, 2014 meeting.

Pursuant to G.S. 150B-21.3A, all agencies subject to rulemaking under Article 2A of the North Carolina Administrative Procedure Act are required to review all existing rules in the North Carolina Administrative Code. This agency is subject to rulemaking under Article 2A. The RRC was given authority by the General Assembly to set the schedule for each agency to conduct the review. That schedule was adopted by the RRC effective April 1, 2014, and is contained in Rule 26 NCAC 05 .0211.

The rules of the Examiners of Fee-Based Practicing Pastoral Counselors are scheduled for review by the RRC at the September 2014 meeting. The deadline for filing the report was August 15, 2014. The agency did not file the report by the deadline. Unless the agency seeks a waiver of the filing deadline pursuant to Rule 26 NCAC 05 .0204, and that request is granted by the Commission, the above-referenced rules will expire on September 18, 2014 pursuant to G.S. 150B-21.3A(b), and they will be deemed repealed as of that date. The Codifier of Rules will remove the rules from the North Carolina Administrative Code.

Administration  
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fax: 919/431-3100

Rules Division  
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fax: 919/431-3104

Judges and  
Assistants  
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Clerk's Office  
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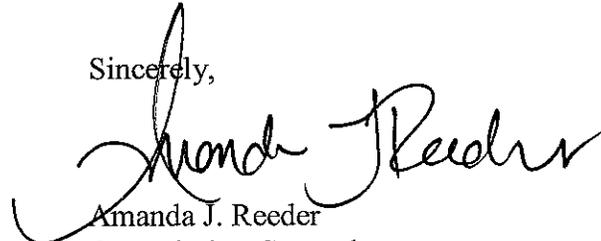
Rules Review  
Commission  
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Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

Should your agency wish to seek an extension for filing the report, please refer to Rule 26 NCAC 05 .0204. I encourage you to file the request as soon as possible.

If you have any questions regarding the Rules Review Commission's actions, please contact staff.

Sincerely,



Amanda J. Reeder  
Commission Counsel

cc: Sen. Fletcher Hartsell, Co-Chair, Joint Legislative Administrative Procedure Oversight Committee  
Rep. Tim Moffitt, Co-Chair, Joint Legislative Administrative Procedure Oversight Committee  
Karen Cochrane- Brown, Staff, Joint Legislative Administrative Procedure Oversight Committee  
Sheila Beck, Rulemaking Coordinator

