

Reeder, Amanda J

From: Barbara Geiger <administrator@ncicl.org>
Sent: Tuesday, March 31, 2015 2:02 PM
To: Reeder, Amanda J
Cc: Simpson, Christina (CSimpson@ncdoj.gov); Lisa Deubler
Subject: Re: Irrigation Contractors Follow Up

Amanda

That is correct and the topic is on the agenda for the May 23 meeting. Thank you.

Barbara

NCICLB Admin
administrator@ncicl.org
919/872-2229

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.

On Mar 31, 2015, at 1:05 PM, Reeder, Amanda J <amanda.reeder@oah.nc.gov> wrote:

Barbara and Tina,

Good afternoon! I just wanted to check in about the Board's response to the RRC objection to 21 NCAC 23 .0105. Pursuant to G.S. 150B-21.12(b), a Board or Commission is not required to respond to the objection for 30 days or 10 days after the next regularly scheduled meeting.

It appears from the [Board's website](#) that the Board will not meet again until May 13, 2015. I take it that is when they will address the objection? If so, then the response is not due until May 23, which is a Saturday, so the due date for a response would be Monday, May 25, 2015.

I just want to confirm when the Commission should expect to receive the response. If you could let me know, I would greatly appreciate it.

Thank you!

Amanda

*Amanda J. Reeder
Counsel to the Rules Review Commission
NC Office of Administrative Hearings
919/431-3079*

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.



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

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

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

March 20, 2015

Barbara Geiger
Irrigation Contractor's Licensing Board
Sent via email to administrator@nciclb.org

Re: Objection to Rule 21 NCAC 23 .0105

Dear Ms. Geiger:

At its meeting yesterday, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to the rule, finding the agency does not have statutory authority to promulgate the rule and that the text within the rule was ambiguous. Specifically, the Board fails to cite to any authority to for the agency to create a code of ethics. In addition, the rule text fails to fully or properly define terms used within the rule, such as "defamation" and "harassment." In addition, the Board does not say when the discipline will occur. Therefore, the rule is unclear and ambiguous.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

Amanda J. Reeder
Commission Counsel

cc: Tina Simpson, NC DOJ, Attorney for the Board

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

Proposed Adoption

1 21 NCAC 23 .0105 is proposed for adoption as follows

2

3 **21 NCAC 23 .0105 ETHICS**

4 It shall be unethical to defame competitors by falsely imputing to them dishonorable conduct or
5 competency. A licensee may be disciplined by the Board upon a showing of such defamation or
6 harassment.

7

8 *Authority G.S. 89G-5*