



PAT McCRORY
Governor

JOHN E. SKVARLA, III
Secretary

January 15, 2016

E-Mail: garth.dunklin@bassdunklin.com

VIA E-MAIL ONLY

Garth K. Dunklin, Chair
N.C. Rules Review Commission
N.C. Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

Re: N.C. Department of Commerce
Periodic Review of Existing Rules
Request for Extension of Time
26 NCAC 05 .0204

Mr. Dunklin:

I am writing to you pursuant to 26 NCAC 05 .0204(a) to request an extension of time within which to file the Periodic Review and Expiration of Existing Rules Report for Submission to the Rules Review Commission form for the rules contained in Title 4, Chapter 1 of the N.C. Administrative Code, entitled Departmental Rules.

The N.C. Department of Commerce is a large agency divided into various divisions. Historically, the Department has been staffed with four (4) attorneys – two (2) in-house attorneys and two (2) attorneys from the N.C. Attorney General's Office on contract. Recently, the Department has undergone a reorganization that has resulted in the reduction of our attorney staff to two (2) attorneys – both in-house. As a result, our attorneys have been overwhelmed with work. As a result, their review of the administrative rules contained in 04 NCAC Chapter 01 has been delayed.

I know that the periodic review of existing rules is an important and necessary process, and I have asked my staff to make this a priority. At this time, we anticipate completing Step 1 of the review process outlined in N.C. Gen. Stat. § 150B-21.3A(c) by the end of next week, such that we can have it up on our website, and send it to the N.C. Office of Administrative Hearings – Rules Division for posting on its website, shortly. However, based upon this timeline, we will not be able to meet the deadline set forth in 26 NCAC 05 .0211 for submitting the report to the Rules Review Commission for consideration at the March 2016 meeting.



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For this reason, I am hereby requesting the Commission grant an extension of time such that the report for the rules contained in 04 NCAC Chapter 01 will be considered at the May 2016 meeting of the Rules Review Commission.

I appreciate your attention to this matter, and look forward to hearing from you.

Sincerely,



John E. Skvarla, III
Secretary of Commerce

cc: Jeffrey T. Hyde, 1st Vice Chair, N.C. Rules Review Commission
Stephanie Simpson, 2nd Vice Chair, N.C. Rules Review Commission
Danny Earl Britt, Jr., Member, N.C. Rules Review Commission
Robert A. Bryan, Jr., Member, N.C. Rules Review Commission
Anna Baird Choi, Member, N.C. Rules Review Commission
Margaret Currin, Member, N.C. Rules Review Commission
Jeanette Doran, Member, N.C. Rules Review Commission
Jay Hemphill, Member, N.C. Rules Review Commission
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Molly Masich, Codifier of Rules
Amanda J. Reeder, Counsel, N.C. Rules Review Commission

