

NICHOLS, CHOI & LEE, PLLC

ATTORNEYS AT LAW

Anna Baird Choi
Christine E. Lee
M. Jackson Nichols

Administrative
Occupational Licensing
Nonprofit - Employment

April 5, 2016

N.C. Rules Review Commission
1711 New Hope Church Road
Raleigh, North Carolina 27609

OFFICE OF ADMIN HEARINGS

2016 APR -8 PM 12: 56

FILED

Re: N.C. Licensing Board for General Contractors; Periodic Review of Rules
RRC Review of Report and Comments per G.S. 150B-21.3A(c)(2)
Request for Waiver pursuant to 26 NCAC 05 .0112

Dear Commissioners,

I am the rulemaking coordinator and legal counsel for the N.C. Licensing Board for General Contractors ("Board"). The Board is requesting a waiver of the Board's periodic review of rules schedule date set out in 26 NCAC 05 .0211 in order to allow the Commission to review the Board's report before its September 2016 meeting.

Please note that this is not a waiver request under rule 26 NCAC 05 .0209. The Board is not seeking to waive any part of the periodic rule review process as set out in G.S. 150B-21.3A, as the Board has fully complied with this statute. Instead, this waiver request is being made pursuant to 26 NCAC 05 .0112 as the Board is seeking a waiver of the September 2016 review date. The Board would like the Commission to review the Board's rules prior to September 2016 and the only way it can do so is if it waives the September 2016 date set out in rule .0211.

In support of this waiver request, the Board shows as follows:

1. The Board completed its review and classification of its rules and submitted its report to the Commission on January 28, 2016. If a waiver is not granted, the Board's rules will simply await review by the Commission which will not occur for five more months. As such, the Board is seeking this waiver in order to achieve the efficient and timely processing of the Board's report.
2. The Board requests that if the waiver is granted, the review of its rules be scheduled on the earliest practicable date. The Board recognizes that the Commission has many other matters with firm deadlines. However, in light of the fact that the Board received no public comments to any of its rules and the Board did not change the classification of any of its rules after the public comment period, the Board believes that review of the Board's report will take a minimal amount of the Commission's time.

3. Finally, the Board asserts that there will be no harm to the Board or any member of the public if this waiver is granted. As stated above, the Board followed all statutory requirements of G.S. 150B-21.3A and received no public comment on any of its rules.

The Board appreciates your willingness to consider its request in order to achieve a timely and efficient review of its rules.

With kind regards,

NICHOLS, CHOI & LEE, PLLC



Anna Baird Choi

Cc: C. Frank Wiesner, Secretary-Treasurer
NC Licensing Board for General Contractors