

**RULES REVIEW COMMISSION MEETING  
MINUTES  
July 19, 2018**

The Rules Review Commission met on Thursday, July 19, 2018, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Garth Dunklin, Jeff Hyde, Jeff Poley, and Paul Powell.

Staff members present were Commission Counsels Amber Cronk May, Amanda Reeder, and Jason Thomas; and Alex Burgos, Cathy Matthews-Thayer, and Dana McGhee.

The meeting was called to order at 10:03 a.m. with Chairman Dunklin presiding.

Chairman Dunklin read the notice required by G.S. 163A-159 and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts of interest.

**APPROVAL OF MINUTES**

Chairman Dunklin asked for any discussion, comments, or corrections concerning the minutes of the June 14, 2018 meeting. There were none and the minutes were approved as distributed.

**FOLLOW UP MATTERS**

**Commission of Navigation and Pilotage for the Cape Fear River and Bar**

The agency is addressing the objections for 04 NCAC 15 .0119, .0121, .0123, .0124, .0127, and .0128. No action was required by the Commission.

**Child Care Commission**

10A NCAC 09 .0401, .1904, and .2208 were withdrawn at the request of the agency.

The agency is addressing the objections for 10A NCAC 09 .2201, .2202, .2203, .2204, .2205, .2206, .2207, .2209, .2213, .2216, and .2217. No action was required by the Commission.

**DHHS/Division of Medical Assistance**

The agency is addressing the objections for 10A NCAC 22F .0104, .0301, .0302, .0602, .0603, .0604; 22J .0105, .and 0106. No action was required by the Commission.

**LOG OF FILINGS (PERMANENT RULES)**

*Pre-Reviewed Rules*

**Banking Commission**

All rules were unanimously approved with the following exception:

The Commission objected to 04 NCAC 03K .0404 based on lack of necessity. The Commission found that as proposed for amendment, the entire content of this Rule is already stated in Rule 04 NCAC 03K .0203(a). As the contents of this Rule are addressed elsewhere in this Subchapter of the NC Administrative Code, the Commission found the Rule was not necessary as amended.

**Board of Barber Examiners**

21 NCAC 06F .0101 was unanimously approved.

Prior to the review of the rule from the Board of Barber Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides legal services to the Board.

**Board of Dental Examiners**

All rules were unanimously approved.

*Non Pre-Reviewed Rules***Department of Insurance**

All rules were unanimously approved.

**Alcoholic Beverage Control Commission**

All rules were unanimously approved.

**Appraisal Board**

21 NCAC 57A .0501 was unanimously approved.

Prior to the review of the rule from the Appraisal Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rule because her law firm provides legal services to the Board.

**LOG OF FILINGS (TEMPORARY RULES)****Wildlife Resources Commission**

All rules were unanimously approved.

15A NCAC 10B .0124 was approved following an agency change to the Findings of Need form to reflect a serious and unforeseen threat to the welfare of the deer population of the state.

Tamara Zmuda, with the Attorney General's office and representing the agency, addressed the Commission.

Carrie Ruhlman, the rulemaking coordinator with the agency, addressed the Commission.

**EXISTING RULES REVIEW****Department of Transportation/Division of Motor Vehicles**

19A NCAC 03 – The Commission unanimously approved the report as submitted by the agency.

**Sheriff's Education & Training Standards Commission**

12 NCAC 10 - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than September 30, 2019 pursuant to G.S. 150B-21.3A(d)(2).

**Board of Electrolysis Examiners**

21 NCAC 19 - As reflected in the attached letter, the Commission voted to schedule readoption of the rules no later than August 31, 2019 pursuant to G.S. 150B-21.3A(d)(2).

**COMMISSION BUSINESS**

At 10:57 a.m., Chairman Dunklin ended the public meeting of the Rules Review Commission and called the meeting into closed session pursuant to G.S. 143-318.11(a)(3) to discuss the lawsuit filed by the State Board of Education against the Rules Review Commission.

The Commission came out of closed session and reconvened at 11:57 a.m.

The meeting adjourned at 11:58 a.m.

The next regularly scheduled meeting of the Commission is Thursday, August 16<sup>th</sup> at 10:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Garth Dunklin, Chair

DRAFT

July 19, 2018

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Mike Smallwood	WRC
Hannah Jennigan	NC DOT
Ernie Chitto	OCOR
Tamara Zimuda	NC DOI
Carrie Ruhlman	NCWRC
Loretta Bund	NC DOI
Jolil Smoke	NC DOT
CHUCK CHURCH	DMV
Whitney Waldenberg	Dental Board
McNeil Ostrum	Gen. Counsel PLN
Jenny Patterson	NC DEQ
Vincent Xia	NC DEQ
Jack Nichols	Nichols, Twitchee / Nichols
Kelly Tomow	Center for Responsible Lending
Robert Croom	NC DOI
WALKER REAGAN	NC ABC
Andrea Stogsdorn	NCLCCA
Roberta Ouellette	North Carolina Appraisal Board



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

July 19, 2018

Diane Konopka  
Justice – Sheriff's Education & Training Standards Commission  
1700 Tryon Park  
Raleigh, NC 27610

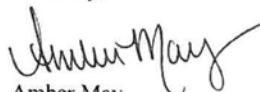
Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 12 NCAC 10

Dear Ms. Konopka:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the July 19, 2018 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than September 30, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

  
Amber May  
Commission Counsel

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

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

Judges and  
Assistants  
919/431-3000  
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Clerk's Office  
919/431-3000  
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Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

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

An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
February 15, 2018  
APO Review: March 06, 2018**

**Sheriffs Education and Training Standards Commission  
Total: 1**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
<u>12</u> <u>NCAC 10B .0302</u>	Necessary with substantive public interest



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

July 19, 2018

Susan Magas  
Board of Electrolysis Examiners  
Pinehurst Building  
Suite #60  
2 Centerview Drive  
Greensboro, NC 27407  
Sent via email to [ncbeexam@att.net](mailto:ncbeexam@att.net)

Re: Readoption pursuant to G.S. 150B-21.3A(c)(2)g of 21 NCAC 19

Dear Ms. Magas:

Attached to this letter are the rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A(c)(2)g. After consultation with your agency, this set of rules was discussed at the July 19, 2018 Rules Review Commission meeting regarding the scheduling of these rules for readoption. Pursuant to G.S. 150B-21.3A(d)(2), the rules identified on the attached printout shall be readopted by the agency no later than August 31, 2019.

If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in black ink, which appears to read "Amber May", is written over a horizontal line.

Amber May  
Commission Counsel

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919/431-3000  
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fax: 919/431-3103

An Equal Employment Opportunity Employer

**RRC DETERMINATION  
PERIODIC RULE REVIEW  
April 19, 2018  
APO Review: May 01, 2018  
Electrolysis Examiners, Board of  
Total: 18**

**RRC Determination: Necessary with substantive public interest**

<b>Rule</b>	<b>Determination</b>
21 <a href="#"><u>NCAC 19 .0201</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0202</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0203</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0204</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0403</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0408</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0409</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0410</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0412</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0501</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0601</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0602</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0608</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0613</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0619</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0701</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0702</u></a>	Necessary with substantive public interest
21 <a href="#"><u>NCAC 19 .0703</u></a>	Necessary with substantive public interest