



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 17, 2014

Chrissy Waggett
Department of Agriculture
Sent via email to Christina.Waggett@ncagr.gov

Re: Extension of the Period of Review for Rules 02 NCAC 52K .0301, .0401 and .0501.

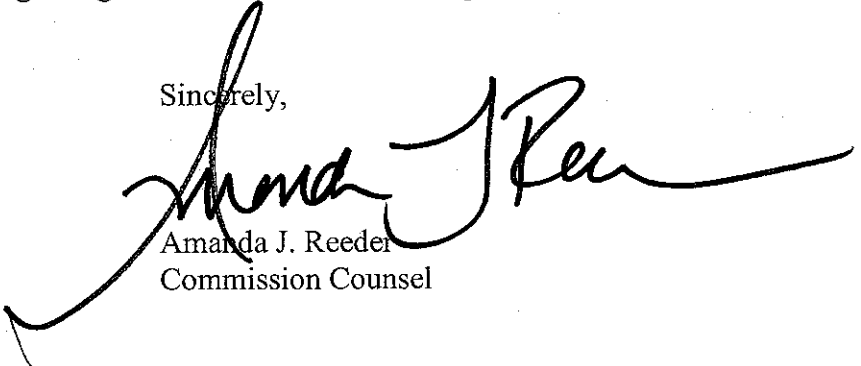
Dear Ms. Waggett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from your agency to extend the period in order to allow the agency to receive final approval from the Board of Agriculture and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days. The agency indicated it will submit the rewritten rules for Commission review at its August 2014 meeting.

Should you have any questions regarding the Commission's actions, please let me know.

Sincerely,



Amanda J. Reeder
Commission Counsel

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

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

Judges and
Assistants
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July 17, 2014

Carolyn Bakewell
Board of Dental Examiners
Sent via electronic mail to Carolyn.Bakewell@gmail.com

Re: Commission action on rules filed by the Board

Dear Ms. Bakewell:

At its meeting this morning, the Rules Review Commission objected to the following rules in accordance with G.S. 150B-21.10: 21 NCAC 16B .0101, .0201, .0202, .0301, .0303, .0401, .0402, .0403, .0404, .0405, .0406, .0501, .0601, .0701, .0801, .0901, .1002, and .1101.

The Commission objected to all of the Rules because the agency failed to comply with the Administrative Procedure Act, as it adopted the Rules before the close of the comment period.

The Commission also objected to Rule 21 NCAC 16B .1101, finding the Rule as written is ambiguous, as it states a that applicants may be required to take refresher courses at the discretion of the Board, but the Rule does not state when that may occur or what may be required.

The Commission objected to Rule 21 NCAC 16C .0601, finding it was ambiguous as written. The Rule states that applicants may be required to take refresher courses at the discretion of the Board, but the Rule does not state when that may occur or what may be required.

In addition to the objections, the Commission extended to period of review pursuant to G.S. 150B-21.10 for Rules 16C .0101, .0202, .0301, .0303, .0311, .0401, .0402, .0403, .0404, .0405, .0501 and 16Q .0303. The Commission did this in response to a request by the agency to extend the period of review.

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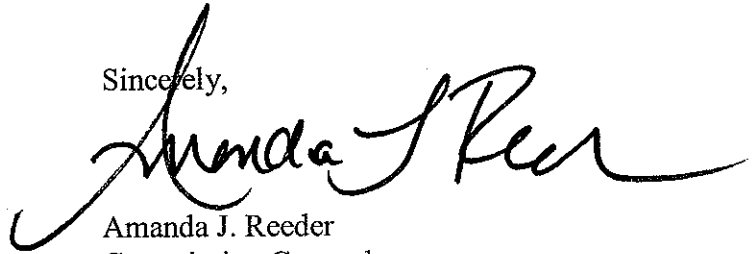
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Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days. The agency indicated it will submit the rewritten rules for Commission review at its August 2014 meeting.

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,

A handwritten signature in black ink, reading "Amanda J. Reeder". The signature is fluid and cursive, with a large initial "A" and "R".

Amanda J. Reeder
Commission Counsel