

**RULES REVIEW COMMISSION MEETING
MINUTES
November 18, 2021**

The Rules Review Commission met on Thursday, November 18, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Jeanette Doran, Margaret Currin, Randy Overton, and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Jeff Hyde, Barbara Jackson, and Paul Powell.

Staff members present were Alexander Burgos; Commission Counsel Brian Liebman, Amber May, and Amanda Reeder.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

Chair Doran introduced OAH incoming Commission Counsel Brian Liebman to the Commission.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The Chair notified the Commissioners that the following item on the agenda would be taken up out of order at the end of the agenda: Temporary rules for Criminal Justice Education and Training Standards Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the October 21, 2021 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

FOLLOW UP MATTERS

Department of Insurance

11 NCAC 04 .0115, .0120, .0314, .0315, .0316, .0317, .0318, .0319, .0415, .0427, .0429, .0432, .0433, .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, and .0509 – Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Department of Insurance

11 NCAC 05B .0301 was returned at the request of the agency. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Medical Care Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Commission for Mental Health/DD/SAS

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Code Officials Qualification Board

Upon the call of the Chair, 11 NCAC 08 .0734 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Department of Environmental Quality

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Department of State Treasurer

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

State Human Resources Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

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

Upon the call of the Chair, 15A NCAC 10C .0314 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the Commission objected to 12 NCAC 09B .0202, .0209, .0210, .0211, .0212, .0213, .0214, .0226, .0232, .0233, .0237, .0238, .0242, .0244, .0417; 09G .0414, .0415, and .0416 in accordance with G.S. 150B-21.1(b). Specifically, the Commission found the Criminal Justice Education and Training Standards Commission (CJETS) did not meet the requirements for temporary rules as set forth in G.S. 150B-21.1(a)(1). Specifically, the Commission found that CJETS had not shown that COVID was “unforeseen” at this time, which is required by that subsection to engage in temporary rulemaking. Voting in the affirmative: Wayne R. Boyles III, Margaret Currin, Jeanette Doran, Jeff Hyde, Randy Overton, and Bob Rucho – 6. Voting in the negative: Andrew Atkins, Bobby Bryan, Barbara Jackson, and Paul Powell - 4.

Leslie Cooley-Dismukes, with the Attorney General's Office and representing the agency, addressed the Commission.

Board of Architecture & Registered Interior Designers

Upon the call of the Chair, 21 NCAC 02. 0102, .0106, .0108, .0109, .0201, .0202, .0203, .0204, .0205, .0208, .0209, .0210, .0212, .0213, .0214, .0215, .0217, .0218, .0302, .0303, .0306, .0901, .0903, .0904, .0905, .0906, .0907, .0908, .0909, and .0910 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Wayne R. Boyles III, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

COMMISSION BUSINESS

Outgoing OAH Commission Counsel Amanda Reeder, addressed the Commission.

The meeting adjourned at 10:19 a.m.

The next regularly scheduled meeting of the Commission is Thursday, December 16, 2021, at 9:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

**Rules Review Commission Meeting November 18, 2021
Held Via WebEx**

Name	Agency
Laura Rowe	Treasurer
Jeff Horton	NC Senior Living
Dennis Seavers	Barbers Examiners
Denise Baker	DHHS
Carrie Hollis	OSBM
Stella Bailey	DHHS
Christine Goebel	DEQ
Catherine Rowe	
Jessica Macari	DOJ
Kerry Sutton	Concrete.org
Joseph Gilroy	
Ashley Pekrul	WRC
Jennifer Everett	DEQ
Shalisa Jones	DHHS
Megan Lamphere	DHHS
Loretta Peace-Bunch	DOI
Ben Garner	Treasurer
Rebecca Ellin	DEQ
Nadine Pfeiffer	DSHR

November 18, 2021

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Randy Overton	RRC
Leslie Dismukes	NCJETS
Erika Jones	NCJETS
Charmonique Williams	CJETS
Denise A. Mazze	SHRC