



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

October 16, 2015

Jennifer Everett
Environmental Management Commission
Sent via email to Jennifer.everett@ncdenr.gov

Re: Extension of the Period of Review for Rules 15A NCAC 02B .0227 and .0311

Ms. Everett:

At its meeting yesterday, the Rules Review Commission (RRC) voted to extend the period of review for the above referenced rules in accordance with G.S. 150B-21.10. They did so in response to a request from the Environmental Management Commission to extend the period of review in order to allow for approval of technical change requests by the Environmental Management Commission.

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

Sincerely,

Amber Cronk May
Commission Counsel

Cc: Elizabeth Kountis

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
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Rules Review
Commission
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Civil Rights
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919/431-3036
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October 15, 2015

Janet Shires
Property Tax Commission
Sent via electronic mail to janet.shires@dorn.nc.gov

Re: 17 NCAC 11 .0216 and .0217

Dear Ms. Shires:

At its meeting today, the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to both rules for failure to comply with Part 2 of the Administrative Procedure Act, specifically as the Property Tax Commission asserted at the time of filing these rules that the Property Tax Commission was exempt from the notice and hearing requirements of Article 2A of G.S. 150B under G.S. 150B-1(d)(4). The Commission found that the cited exemption does not apply to the Property Tax Commission, which is an independent agency created by statute and separate from the Department of Revenue; therefore, the Property Tax Commission failed to comply with Part 2 of the Administrative Procedure Act.

Further, and in addition to the objection set forth in the prior paragraph, the Commission objected to the following language set forth in Rule 17 NCAC 11 .0216:

An appellant represented by an attorney who is a member of a law firm is urged to see that another member of the firm be prepared to present his case in the event that primary attorney is unable to attend the hearing.

The Commission found this language to be: outside the authority delegated to the agency by the General Assembly; unclear and ambiguous; and unnecessary.

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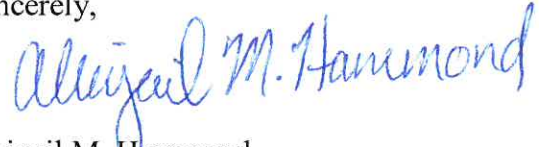
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Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Abigail M. Hammond". The signature is written in a cursive style with a large, stylized "A" and "H".

Abigail M. Hammond
Commission Counsel