



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
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Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

February 18, 2016

Via Email Only: frankgorhamCRC@gmail.com

Frank Gorham, Chairman
142 Beach Road South
Wilmington, NC 28411

Re: 15A NCAC 07H .0308, .1704, .1705

Dear Chairman Gorham:

At the February 18, 2016, meeting of the Rules Review Commission, the Commission reviewed amendments to the rules referenced above filed by the Coastal Resources Commission (CRC) on February 11, 2016. The Findings of Need forms filed with these rules indicate that the rules were adopted by the Board on February 10, 2016, after completing the process for adopting a temporary rule. The Commission declined to approve these amendments to the rules because the CRC failed to comply with G.S. 150B-21.9(a)(1) and with Session Law 2015-241, Section 14.6.(q).

The findings of need forms for the rules state that the temporary rules were mandated by Session Law 2015-241, Section 14.6.(q), which states the following:

SECTION 14.6.(q) The Coastal Resources Commission shall adopt temporary rules to implement subsection (p) of this section no later than December 31, 2015. The Commission shall also adopt permanent rules to implement this section.

The Commission disapproved the above-captioned rule amendments because the adoption date of each rule was after December 31, 2015, and, therefore, the CRC lacked the statutory authority for this temporary rule making. *See* G.S. 150B-21.9(a)(1).

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Civil Rights
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Please respond to this letter in accordance with the provisions of G.S. 150B-21.1(b1) or (b2). If you have any questions regarding the Commission's action, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Thomas', with a long horizontal flourish extending to the right.

Jason Thomas
Commission Counsel

cc: Renee Cahoon, Vice Chair – cahoonrc@gmail.com
Jennifer Everett, Rule-making Coordinator – jennifer.everett@ncdenr.gov
Mike Lopazanski, Agency Contact – mike.lopezanski@ncdenr.gov
Mary L. Lucasse, Esq. – MLucasse@ncdoj.gov



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Sent via email to carolin.bakewell@gmail.com:

Carolin Bakewell
North Carolina State Board of Dental Examiners
2000 Perimeter Parkway, Suite 106
Morrisville, North Carolina 27560

Re: 21 NCAC 16O .0301, .0302, .0401, .0402
21 NCAC 16Q .0101, .0202, .0203, .0204, .0205, .0206, .0207, .0301, .0302,
.0303, .0304, .0305, .0306, .0401, .0402, .0403, .0404, .0405, .0406, .0407, .0408,
.0501, .0502, .0503, .0601, .0602, .0703

Dear Ms. Bakewell:

At its February 18, 2016 meeting, the Rules Review Commission extended the period of review on the above-identified rules in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the North Carolina Board of Dental Examiners additional time to revise the rules in response to the technical change requests.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3076.

Sincerely,

Abigail M. Hammond
Commission Counsel

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