



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

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

September 15, 2016

Trevor Allen
Criminal Justice Education and Training Standards Commission
Sent via electronic mail to TJAllen@ncdoj.gov

Re: Objection to Rule 12 NCAC 09B .0203

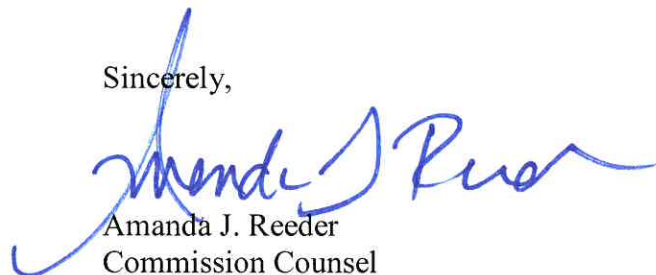
Dear Mr. Allen:

At its meeting this morning, the Rules Review Commission objected to the above-referenced rule in accordance with G.S. 150B-21.10.

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

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,



Amanda J. Reeder
Commission Counsel

cc: Charminique Branson, Rulemaking Coordinator

Administration
919/431-3000
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Rules Division
919/431-3000
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Judges and
Assistants
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September 16, 2016

Sent via email: jennifer.everett@ncdenr.gov
Jennifer Everett, Rulemaking Coordinator
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Re: Rules 15A NCAC 02H .1019, .1042, .1043, .1044, .1045, .1050, .1051,
.1052, .1053, .1054, .1055, .1056, .1059, .1060

Dear Ms. Everett:

At its September 15, 2016 meeting, the Rules Review Commission objected to the above-identified rules in accordance with G.S. 150B-21.9 and 150B-21.10.

The Commission objected to these rules for lack of statutory authority. Specifically, the Commission found that the term "licensed professional" as defined in 15A NCAC 02H .1050(14) is outside the authority of the agency. The Commission found that the agency lacks the statutory authority to set requirements of who can design stormwater systems, with the exception of fast-track permitting rules authorized under G.S. 143-215.7B. The term "licensed professional" is repeated in Rules 15A NCAC 02H .1019, .1043, .1044, .1045, .1050, .1051, .1052, .1053, .1054, .1055, .1056, .1059, .1060.

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 action, please let me know.

Sincerely,

Abigail M. Hammond
Commission Counsel

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