



**STATE OF NORTH CAROLINA  
OFFICE OF ADMINISTRATIVE HEARINGS**

May 20, 2022

Jennifer Everett  
Marine Fisheries Commission  
**Sent via email only to: Jennifer.Everett@ncdenr.gov**

Re: Objection to 15A NCAC 03O .0114 and 15 NCAC 03O .0209

Dear Ms. Everett:

At its meeting on May 19, 2022, the Rules Review Commission objected to Rules 15A NCAC 03O .0114 and 15A NCAC 03O .0209 in accordance with G.S. 150B-21.10.

With respect to Rule 15A NCAC 03O .0114, the Commission found that the agency lacked statutory authority to criminalize evasion of service of written notice of the suspension or revocation of licenses issued under Article 14A, Article 14B, and Article 25A of Chapter 113 of the North Carolina General Statutes.

With respect to Rule 15A NCAC 03O .0209, the Commission found that the agency lacked statutory authority to condition the transfer of a shellfish lease or franchise on approval by the Division of Marine Fisheries, to require the use of a form provided and approved by the Division, or to limit the size of a transfer.

Please respond to this objection 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, appearing to read "Brian Liebman".

Brian Liebman  
Commission Counsel

**Donald Robert van der Vaart**, Director  
Chief Administrative Law Judge

**Fred G. Morrison, Jr.**  
Senior Administrative Law Judge

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