

## **Burgos, Alexander N**

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**Subject:** FW: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Thursday, June 16, 2022 11:17 AM  
**To:** Avery, Jonathan <jonathan.avery@ncdcr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

Good morning Jonathan.

Please be advised that the RRC approved the repeal of Rule 07 NCAC 02H.0306 this morning.

As always if you have any questions or concerns please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1939  
[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Monday, June 13, 2022 4:24 PM  
**To:** Avery, Jonathan  
**Cc:** Burgos, Alexander N  
**Subject:** Rule 07 NCAC 02H .0306  
**Attachments:** 2022.06 DNCR Rule 07 NCAC 02H .0306 Staff Opinion.doc

Good afternoon:

Attached please find the staff opinion I am issuing to the Rule Review Commission.

As always if you have any questions or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
1711 New Hope Church Road  
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## **Burgos, Alexander N**

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**Subject:** FW: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Wednesday, June 8, 2022 3:01 PM  
**To:** Avery, Jonathan <jonathan.avery@ncdcr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

Hi Jonathan,

Thank you for your email.

Based upon the agency's response, it appears that the agency has adopted a change to the Rule to satisfy the Commission's objection pursuant to G.S. 150B-21.12(a)(1). The Commission will consider the change at the next meeting on June 16, 2022.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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## **Burgos, Alexander N**

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**Subject:** FW: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

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**From:** Avery, Jonathan <jonathan.avery@ncdcr.gov>  
**Sent:** Wednesday, June 8, 2022 10:08 AM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

Hi Bill,

I haven't received a response back, so I wanted to email just to check that you received my email from 5/31 with DNCR's response to the Commission's objection. Did you receive it? If I need to submit it elsewhere, please let me know.

Also, will this rule be considered at the next Commission meeting on June 16<sup>th</sup>?

Thanks,  
Jonathan

**Jonathan Avery**  
**Assistant General Counsel**  
**N.C. Department of Natural and Cultural Resources**  
**Physical Address: 109 East Jones Street | Raleigh, North Carolina 27699**  
**Mailing Address: 4601 Mail Service Center | Raleigh, North Carolina 27699**  
**P: 919-814-6771 (Please note the new phone number) | [jonathan.avery@ncdcr.gov](mailto:jonathan.avery@ncdcr.gov)**

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## Burgos, Alexander N

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**Subject:** FW: DNCR Rule 07 NCAC 02H .0306 Staff Opinion  
**Attachments:** 07 NCAC 02H .0306 Reproduction Services (Objection Response Version 2022.05.23).doc

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**From:** Avery, Jonathan <jonathan.avery@ncdcr.gov>  
**Sent:** Tuesday, May 31, 2022 3:08 PM  
**To:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

Hi Bill,

In response to the Commission's objection, DNCR would like to submit the attached and request that 07 NCAC 02H .0306 be repealed. We hope this change satisfies the Commission's objection.

Will this rule be considered at the next Commission meeting on June 16<sup>th</sup>?

Thanks,  
Jonathan

**Jonathan Avery**  
**Assistant General Counsel**  
**N.C. Department of Natural and Cultural Resources**  
**Physical Address: 109 East Jones Street | Raleigh, North Carolina 27699**  
**Mailing Address: 4601 Mail Service Center | Raleigh, North Carolina 27699**  
**P: 919-814-6771 (Please note the new phone number) | [jonathan.avery@ncdcr.gov](mailto:jonathan.avery@ncdcr.gov)**

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07 NCAC 02H .0306 is **repealed with changes** as published in 36:14 NCR 1198 as follows:

**07 NCAC 02H .0306      REPRODUCTION SERVICE**

*History Note:      Authority G.S. 125-2; 143B-10;*

*Eff. April 1, 2011;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22,  
~~2017-2017:~~*

***Repealed*** *Eff. June 1, 2022.*

## **Burgos, Alexander N**

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**Subject:** FW: DNCR Rule 07 NCAC 02H .0306 Staff Opinion  
**Attachments:** 05.2022 DNCR Objections Letter.pdf

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**From:** Peaslee, William W <bill.peaslee@oah.nc.gov>  
**Sent:** Friday, May 20, 2022 11:21 AM  
**To:** Avery, Jonathan <jonathan.avery@ncdcr.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

Good morning Jonathan

Attached please find the RRC written statement of objection pursuant to G.S. 150B-21.12(a).

Please see G.S. 150B-21.12 which will answer your question. If it doesn't, let me know.

Thank you.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
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Raleigh NC, 27609  
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[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## Burgos, Alexander N

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**From:** Avery, Jonathan  
**Sent:** Thursday, May 19, 2022 9:17 AM  
**To:** Peaslee, William W; Burgos, Alexander N  
**Subject:** RE: DNCR Rule 07 NCAC 02H .0306 Staff Opinion

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi William,

I attended the RRC meeting virtually today but wasn't able to figure out how to indicate I wanted to speak in time before the vote was called. I intended only to say that DNCR was fine to repeal or amend Rule .0306.

Now that the objection has been approved by the RRC, what's next for the rule? I assume that the rule will be repealed. Or do you need anything additional from me?

Thank you,  
Jonathan

**Jonathan Avery**  
**Assistant General Counsel**  
**N.C. Department of Natural and Cultural Resources**  
**Physical Address: 109 East Jones Street | Raleigh, North Carolina 27699**  
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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Friday, May 13, 2022 9:44 AM  
**To:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Cc:** Avery, Jonathan <[jonathan.avery@ncdcr.gov](mailto:jonathan.avery@ncdcr.gov)>  
**Subject:** DNCR Rule 07 NCAC 02H .0306 Staff Opinion

Good morning

Attached please find the undersigned's recommendation to the Rules Review Commission regarding the above captioned for the May 2022 meeting.

As always, if you have any questions or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
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[Bill.Peaslee@oah.nc.gov](mailto:Bill.Peaslee@oah.nc.gov)

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## **Burgos, Alexander N**

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**From:** Peaslee, William W  
**Sent:** Friday, May 13, 2022 9:44 AM  
**To:** Burgos, Alexander N  
**Cc:** Avery, Jonathan  
**Subject:** DNCR Rule 07 NCAC 02H .0306 Staff Opinion  
**Attachments:** 2022.05 DNCR Rule 07 NCAC 02H .0306 Staff Opinion.doc

Good morning

Attached please find the undersigned's recommendation to the Rules Review Commission regarding the above captioned for the May 2022 meeting.

As always, if you have any questions or concerns, please do not hesitate to contact me.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
Office of Administrative Hearings  
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## Burgos, Alexander N

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**From:** Avery, Jonathan  
**Sent:** Monday, May 9, 2022 3:16 PM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N  
**Subject:** RE: May 2022 Request for Changes  
**Attachments:** 2022.05 - DNCR - Request for Changes 07 NCAC 02H .0303 - .0307 (DNCR Response 2022.05.09).docx; 07 NCAC 02H .0303 Application (Tech Change Version 2022.05.09).doc; 07 NCAC 02H .0305 Circulation (Tech Change Version 2022.05.09).doc; 07 NCAC 02H .0306 Reproduction Services (Tech Change Version 2022.05.09).doc

Hi William,

Attached are DNCR's responses to the tech changes (in blue), as well as rules 07 NCAC 02H .0303, .0305, and 0306 with corresponding tech changes included. If you need anything further, please let me know.

Carl Keehn from the State Library will also be virtually attending the RRC meeting with me, so please include him in the meeting invitation. His email is [carl.keehn@ncdcr.gov](mailto:carl.keehn@ncdcr.gov).

Thank you,  
Jonathan

**Jonathan Avery**  
**Assistant General Counsel**  
**N.C. Department of Natural and Cultural Resources**  
**Physical Address: 109 East Jones Street | Raleigh, North Carolina 27699**  
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**From:** Peaslee, William W <[bill.peaslee@oah.nc.gov](mailto:bill.peaslee@oah.nc.gov)>  
**Sent:** Wednesday, April 27, 2022 10:50 AM  
**To:** Avery, Jonathan <[jonathan.avery@ncdcr.gov](mailto:jonathan.avery@ncdcr.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** May 2022 Request for Changes

Good morning, Jonathan,

I'm the attorney who reviewed the Rules submitted by the North Carolina Department of Natural and Cultural Resources for the May 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, May 19, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Monday, May 9, 2022.

In the meantime, please let me know if you have any questions or concerns about these changes.

**William W. Peaslee**  
**Rules Review Commission Counsel / Legislative Liaison**  
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