

## Burgos, Alexander N

---

**Subject:** FW: [External] One more question

---

**From:** Charla Burill <director@ncbdn.org>

**Sent:** Tuesday, October 4, 2022 1:51 PM

**To:** Duke, Lawrence <lawrence.duke@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Snyder, Ashley B <ashley.snyder@oah.nc.gov>

**Subject:** RE: [External] One more question

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

p  
Lawrence,

Of note, regarding my question below, I believe I found my answer in 26 NCAC 02C .0404 where it provides: “(d) When an agency repeals a rule that was noticed to be amended, the agency shall state that the rule was originally proposed to be amended but is repealed in the introductory statement.” Thus, no need to follow up.

Thank you,

Charla

## Burgos, Alexander N

---

**Subject:** FW: [External] One more question

---

**From:** Charla Burill <director@ncbdn.org>  
**Sent:** Thursday, September 29, 2022 9:57 AM  
**To:** Snyder, Ashley B <ashley.snyder@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Duke, Lawrence <lawrence.duke@oah.nc.gov>  
**Subject:** RE: [External] One more question

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ashley,

I understand. Thank you for your reply.

Sincerely,

Charla

---

**From:** Snyder, Ashley B <[ashley.snyder@oah.nc.gov](mailto:ashley.snyder@oah.nc.gov)>  
**Sent:** Thursday, September 29, 2022 8:58 AM  
**To:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>  
**Subject:** RE: [External] One more question

Hi Charla,

I am no longer a staff attorney representing RRC and do not think it is appropriate for me to indicate whether or not RRC may consider this a substantial change requiring republication. Lawrence will answer your question upon his return.

**Ashley Snyder**

Codifier of Rules  
Office of Administrative Hearings  
(984) 236-1941

---

**From:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Sent:** Thursday, September 29, 2022 8:35 AM  
**To:** Snyder, Ashley B <[ashley.snyder@oah.nc.gov](mailto:ashley.snyder@oah.nc.gov)>  
**Subject:** FW: [External] One more question

**Alexander Burgos**

Paralegal  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609

(984) 236-1940

[Alexander.burgos@oah.nc.gov](mailto:Alexander.burgos@oah.nc.gov)

---

**From:** Burgos, Alexander N  
**Sent:** Tuesday, September 27, 2022 7:44 AM  
**To:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Cc:** Snyder, Ashley B <[ashley.snyder@oah.nc.gov](mailto:ashley.snyder@oah.nc.gov)>  
**Subject:** FW: [External] One more question

Good morning, Charla, Ashley will get back to you on your questions. She was out of the office yesterday and today as well. We will get back to you when she returns. Thank you for your patience.

**Alexander Burgos**

Paralegal  
Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh NC, 27609  
(984) 236-1940  
[Alexander.burgos@oah.nc.gov](mailto:Alexander.burgos@oah.nc.gov)

---

**From:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Sent:** Monday, September 26, 2022 4:53 PM  
**To:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Cc:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>; Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>  
**Subject:** [External] One more question

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Alex,

Also, if the Board decided to repeal a rule instead of adopt the changes it proposed because upon review, the rule seems redundant, does this require republication?

Thanks,

Charla M. Burill  
Executive Director/Secretary  
North Carolina Board of Dietetics/Nutrition  
1135 Kildaire Farm Rd, Suite 200  
Cary, NC 27511  
919-678-7609 (office)  
919-882-1776 (fax)

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

---

**From:** Charla Burill <director@ncbdn.org>  
**Sent:** Wednesday, September 28, 2022 4:23 PM  
**To:** Snyder, Ashley B <ashley.snyder@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Duke, Lawrence <lawrence.duke@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Ashley,

Thank you for this information. I plan to apprise our Rules Committee of this change in our meeting on Friday, and have already apprised our Chair, but we have no internal policies requiring re-approval.

When you have time, I also sent a second question to Alex yesterday regarding the repeal of a rule that was proposed to be edited. Please let me know if you would like me to resend it to you directly.

Thank you,

Charla

---

**From:** Snyder, Ashley B <[ashley.snyder@oah.nc.gov](mailto:ashley.snyder@oah.nc.gov)>  
**Sent:** Wednesday, September 28, 2022 9:43 AM  
**To:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

Hi Charla,

Your email was forwarded to me since Lawrence is currently out of the office. There is no requirement in the APA that the agency meet to officially readopt any changes made in response to RRC's change requests (unless those changes are substantial, but the staff attorney would have indicated that issue). It is between each agency and the agency's rulemaking coordinator to determine which changes the rulemaking coordinator can make on their own and which need to be run past certain individuals at the agency. We do not delve into that question for change requests. That is between you and the agency you represent.

Thanks,

**Ashley Snyder**  
Codifier of Rules  
Office of Administrative Hearings  
(984) 236-1941

---

**From:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Sent:** Monday, September 26, 2022 1:52 PM  
**To:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Alex,

I know Lawrence is out, but I have a quick question that I think you can answer. I submitted changes to Lawrence in response to a request for technical changes, and he indicated those changes were sufficient. Given those changes are in response to a request for technical changes and not substantive, is there any requirement that my Board must readopt this rule with the changes before it is considered by the RRC?

Thanks so much,

Charla M. Burill  
Executive Director/Secretary  
North Carolina Board of Dietetics/Nutrition  
1135 Kildaire Farm Rd, Suite 200  
Cary, NC 27511  
919-678-7609 (office)  
919-882-1776 (fax)

## Burgos, Alexander N

---

**From:** Snyder, Ashley B  
**Sent:** Wednesday, September 28, 2022 9:43 AM  
**To:** Charla Burill  
**Cc:** Burgos, Alexander N; Duke, Lawrence  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

Hi Charla,

Your email was forwarded to me since Lawrence is currently out of the office. There is no requirement in the APA that the agency meet to officially readopt any changes made in response to RRC's change requests (unless those changes are substantial, but the staff attorney would have indicated that issue). It is between each agency and the agency's rulemaking coordinator to determine which changes the rulemaking coordinator can make on their own and which need to be run past certain individuals at the agency. We do not delve into that question for change requests. That is between you and the agency you represent.

Thanks,

**Ashley Snyder**  
Codifier of Rules  
Office of Administrative Hearings  
(984) 236-1941

---

**From:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Sent:** Monday, September 26, 2022 1:52 PM  
**To:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Alex,

I know Lawrence is out, but I have a quick question that I think you can answer. I submitted changes to Lawrence in response to a request for technical changes, and he indicated those changes were sufficient. Given those changes are in response to a request for technical changes and not substantive, is there any requirement that my Board must readopt this rule with the changes before it is considered by the RRC?

Thanks so much,

Charla M. Burill  
Executive Director/Secretary  
North Carolina Board of Dietetics/Nutrition  
1135 Kildaire Farm Rd, Suite 200  
Cary, NC 27511  
919-678-7609 (office)  
919-882-1776 (fax)

---

**From:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>  
**Sent:** Friday, September 23, 2022 2:03 PM  
**To:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

Charla,

These changes look good. You don't need to do anything more to prepare for the upcoming meeting. I will be recommending approval.

**Lawrence Duke**

Counsel, NC Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1938

---

**From:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Sent:** Friday, September 23, 2022 12:44 PM  
**To:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>  
**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Lawrence,

I have reviewed your recommended changes and I think complied with your request with the exceptions/questions noted below:

- 1) There is no form that needs to be attached when a fee is submitted, thus I did not address this comment.
- 2) The statutory authority we look to for "Duplicate License Certificate Fee" is in § 90-356(9), which provides: "Establish reasonable fees for applications for examination; initial, provisional, and renewal licenses; **and other services provided by the Board.**" Do your concerns remain regarding this fee? I will note that this fee is referenced in other rules also.

Are any other concerns evident?

Thank you,

Charla

Charla M. Burill  
Executive Director/Secretary  
North Carolina Board of Dietetics/Nutrition  
1135 Kildaire Farm Rd, Suite 200  
Cary, NC 27511  
919-678-7609 (office)  
919-882-1776 (fax)

---

**From:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>  
**Sent:** Thursday, September 22, 2022 1:43 PM  
**To:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

Ms. Burill,

I have reviewed the Fees Rule submitted to the Rules Review Commission for review at the October 2022 meeting. Please see the attached change requests for this Rule.

I will be out of the office next week, and so the deadline for the Board's response to this request will be Wednesday, October 5, 2022.

Also, I am reviewing the information you sent yesterday and will be in touch soon.

Thanks,  
**Lawrence Duke**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1938  
[Lawrence.Duke@oah.nc.gov](mailto:Lawrence.Duke@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



## Burgos, Alexander N

---

**From:** Charla Burill <director@ncbdn.org>  
**Sent:** Friday, September 23, 2022 2:42 PM  
**To:** Duke, Lawrence; Rules, Oah  
**Cc:** Marnie Jones; Burgos, Alexander N  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

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

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Lawrence,

Great; thank you for the notification.

Sincerely,

Charla

Charla M. Burill  
Executive Director/Secretary  
North Carolina Board of Dietetics/Nutrition  
1135 Kildaire Farm Rd, Suite 200  
Cary, NC 27511  
919-678-7609 (office)  
919-882-1776 (fax)

---

**From:** Duke, Lawrence <lawrence.duke@oah.nc.gov>  
**Sent:** Friday, September 23, 2022 2:03 PM  
**To:** Charla Burill <director@ncbdn.org>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Marnie Jones <info@ncbdn.org>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

Charla,

These changes look good. You don't need to do anything more to prepare for the upcoming meeting. I will be recommending approval.

**Lawrence Duke**  
Counsel, NC Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1938

---

**From:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>  
**Sent:** Friday, September 23, 2022 12:44 PM  
**To:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>

**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** [External] RE: 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Lawrence,

I have reviewed your recommended changes and I think complied with your request with the exceptions/questions noted below:

- 1) There is no form that needs to be attached when a fee is submitted, thus I did not address this comment.
- 2) The statutory authority we look to for "Duplicate License Certificate Fee" is in § 90-356(9), which provides: "Establish reasonable fees for applications for examination; initial, provisional, and renewal licenses; **and other services provided by the Board.**" Do your concerns remain regarding this fee? I will note that this fee is referenced in other rules also.

Are any other concerns evident?

Thank you,

Charla

Charla M. Burill  
Executive Director/Secretary  
North Carolina Board of Dietetics/Nutrition  
1135 Kildaire Farm Rd, Suite 200  
Cary, NC 27511  
919-678-7609 (office)  
919-882-1776 (fax)

---

**From:** Duke, Lawrence <[lawrence.duke@oah.nc.gov](mailto:lawrence.duke@oah.nc.gov)>

**Sent:** Thursday, September 22, 2022 1:43 PM

**To:** Charla Burill <[director@ncbdn.org](mailto:director@ncbdn.org)>

**Cc:** Marnie Jones <[info@ncbdn.org](mailto:info@ncbdn.org)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** 21 NCAC 17 .0113 - Brd. of Dietetics/Nutrition - Change Request

Ms. Burill,

I have reviewed the Fees Rule submitted to the Rules Review Commission for review at the October 2022 meeting. Please see the attached change requests for this Rule.

I will be out of the office next week, and so the deadline for the Board's response to this request will be Wednesday, October 5, 2022.

Also, I am reviewing the information you sent yesterday and will be in touch soon.

Thanks,

**Lawrence Duke**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings

(984) 236-1938

[Lawrence.Duke@oah.nc.gov](mailto:Lawrence.Duke@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.