

Burgos, Alexander N

Subject: FW: [External] Re: PPSB Temp Rule Requests for Changes - March 2023

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, March 8, 2023 3:06 PM
To: Gray, Jeffrey <jgray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: PPSB Temp Rule Requests for Changes - March 2023

Jeff,

I'll reissue the requests with a new deadline after you've re-filed. Due dates on responses are the earlier of 10 business days or the Friday before the meeting, so if I was to send my requests out the day after you submit, your due date would probably be a bit earlier than the Friday before the meeting.

Also, with respect to refiling, 15 business days prior to the 4/20/23 meeting would be 3/29/23, so if you're trying to avoid a special meeting for these rules, you should file after 3/29.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: PPSB Temp Rule Requests for Changes - March 2023

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Wednesday, March 8, 2023 11:57 AM
To: Gray, Jeffrey <jgray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: PPSB Temp Rule Requests for Changes - March 2023

Hi Jeff,

Thanks for letting me know. Since your temp rules are in response to a session law made effective on 10/1/22, you will still be able to submit them next month, as you're within the 210-day "recent legislation" period.

Although you've already seen my requests for changes, please bear in mind that now that you've withdrawn the rules, you can't make changes based on those requests, and then resubmit the changed rules next month. In the past, RRC has found that such actions violate the APA, as you would be submitting different rules than the ones formally adopted by the agency. Thus, when you resubmit next month (and please bear in mind the 15 business day requirement in doing so), make sure to submit the current version of these rules. I will send out my requests for changes again, and then you'll be able to make changes.

Best,
Brian

Brian Liebman
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From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Wednesday, March 8, 2023 11:41 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] Re: PPSB Temp Rule Requests for Changes - March 2023

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Mr. Liebman:

Unfortunately I am unable to respond to the Request for Changes within the allotted time. By and through this e-mail I hereby withdraw these rules amendments and adoptions for consideration as temporary rules. I will resubmit them for consideration at the April Rules Review Commission meeting.

Jeff Gray
Rule Making Coordinator
Private Protective Services Board

On Mar 8, 2023, at 1:33 AM, Liebman, Brian R <brian.liebman@oah.nc.gov> wrote:

Good afternoon,

I'm the attorney who reviewed the temporary Rules submitted by the Board for the March 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, March 16, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite 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 evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, March 10, 2023.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman
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