

## Burgos, Alexander N

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**Subject:** FW: [External] Sheriffs' Commission Rules with Changes

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**From:** Pendergraft, Robin <[rpendergraft@NCDOJ.GOV](mailto:rpendergraft@NCDOJ.GOV)>  
**Sent:** Tuesday, April 14, 2026 11:25 AM  
**To:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Cc:** Courts, Ian <[lcourts@NCDOJ.GOV](mailto:lcourts@NCDOJ.GOV)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Subject:** RE: [External] Sheriffs' Commission Rules with Changes

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Thanks so much for letting us know. Have a great week.  
Robin

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**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Sent:** Tuesday, April 14, 2026 11:23 AM  
**To:** Pendergraft, Robin <[rpendergraft@NCDOJ.GOV](mailto:rpendergraft@NCDOJ.GOV)>  
**Cc:** Courts, Ian <[lcourts@NCDOJ.GOV](mailto:lcourts@NCDOJ.GOV)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>; Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Subject:** RE: [External] Sheriffs' Commission Rules with Changes

**EXTERNAL SENDER:** This email originated from outside the organization. Do not click on links or open attachments unless you can validate the sender and the contents are safe.

Thank you! These changes look good to me. The attached versions will be used for RRC review on the 28<sup>th</sup>. We will post them to the agenda shortly.

Let me know if you have any questions prior to the meeting.

Best,  
Chris

**Chris Miller**

Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

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1 12 NCAC 10B .0101 is amended **with changes** as published in 40:13 NCR 1068-1069 as follows:

2  
3 **SUBCHAPTER 10B - N.C. SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

4  
5 **SECTION .0100 - COMMISSION ORGANIZATION AND PROCEDURES**

6  
7 **12 NCAC 10B .0101 LOCATION**

8 The staff supporting the N.C. Sheriffs' Education and Training Standards Commission is established within the  
9 Department of Justice and is located at 1700 Tryon Park Drive in Raleigh, North Carolina. The mailing address is:

10  
11 North Carolina Sheriffs' Education and Training Standards Commission

12 ~~Post Office~~ P.O. Box 629

13 Raleigh, North Carolina 27602

14 Telephone (919) 779-8213

15  
16 *History Note: Authority G.S. **17E-5**; 17E-6;*

17 *Eff. January 1, 1989;*

18 *Amended Eff. January 1, 2013; August 1, 1998;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
20 *2018.*

21 *Amended Eff. ~~March~~ **May 1**, 2026.*

1 12 NCAC 10B .0104 is repealed **with changes** as published in 40:13 NCR 1068-1069 as follows:

2

3 12 NCAC 10B .0104 SHERIFFS' STANDARDS DIVISION

4

5 *History Note: Authority G.S. 17E-6;*

6 *Eff. January 1, 1989;*

7 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
8 *2018.*

9 ~~*[Repeal]*~~ **Repealed** *Eff. ~~[March]~~ May 1, 2026.*

10

1 12 NCAC 10B .0105 is repealed **with changes** as published in 40:13 NCR 1068-1069 as follows:

2

3 **12 NCAC 10B .0105 ADMINISTRATIVE HEARING PROCEDURES**

4

5 *History Note: Authority G.S. 17E-9(b); 150B-20; 150B-21.6; 150B-38(h); 150B-40;*

6 *Eff. January 1, 1989;*

7 *Amended Eff. January 1, 1996; January 1, 1994;*

8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
9 *2018.*

10 ~~*[Repeal]*~~ **Repealed** *Eff. ~~[March]~~ **May** 1, 2026.*

11

1 12 NCAC 10B .0106 is amended with changes as published in 40:13 NCR 1068-1069 as follows:

2

3 12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR ~~RULE-MAKING~~ RULEMAKING

4 In addition to the procedures set out in G.S. 150B-20, Petitions for ~~Rule-Making~~ Rulemaking shall be submitted to  
5 the Commission and shall contain:

- 6 (1) petitioner's name, ~~address~~ address, and telephone number;
- 7 (2) a draft of the proposed rule or rule change;
- 8 (3) the reason for its proposal;
- 9 (4) the effect of the proposal on existing rules or decisions;
- 10 (5) data supporting the proposal;
- 11 (6) practices likely to be affected by the proposal; and
- 12 (7) a list or description of persons likely to be affected by the proposed rule.

13

14 *History Note: Authority G.S. 150B-20; 17E-4;*

15 *Eff. January 1, 1990;*

16 *Amended Eff. January 1, 1993;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*

19 *Amended Eff. ~~March~~ May 1, 2026.*

20

1 12 NCAC 10B .0106 is amended **with changes** as published in 40:13 NCR 1068-1069 as follows:

2

3 **12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR ~~RULE-MAKING~~ RULEMAKING**

4 In addition to the procedures set out in G.S. 150B-20, Petitions for ~~Rule-Making~~ Rulemaking shall be submitted to  
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- 8 (3) the reason for its proposal;
- 9 (4) the effect of the proposal on existing rules or decisions;
- 10 (5) data supporting the proposal;
- 11 (6) practices likely to be affected by the proposal; and
- 12 (7) a list or description of persons likely to be affected by the proposed rule.

13

14 *History Note: Authority G.S. 150B-20; 17E-4;*

15 *Eff. January 1, 1990;*

16 *Amended Eff. January 1, 1993;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*

19 *Amended Eff. [March] May 1, 2026.*

20

1 12 NCAC 10B .0107 is amended **with changes** published in 40:13 NCR 1068-1069 as follows:

2  
3 **12 NCAC 10B .0107 PROCEDURES FOR PETITIONS FOR DECLARATORY RULINGS**

4 (a) In addition to the procedures set out in G.S. 150B-4, ~~Petitions for Declaratory Rulings~~ petitions for declaratory  
5 rulings shall be submitted to the Commission and shall contain:

- 6 (1) petitioner's name, ~~address~~ address, and telephone number;
- 7 (2) the ~~statute(s), rule(s)~~ statutes, rules, or both to which the request relates;
- 8 (3) ~~all~~ facts and information which are relevant to the request;
- 9 (4) a concise statement of the manner in which petitioner has been aggrieved;
- 10 (5) a draft of the ~~Declaratory Ruling~~ declaratory ruling sought by ~~petitioner~~ petitioner, ~~(if if a specified~~  
11 ~~outcome is sought by petitioner);~~ petitioner;
- 12 (6) practices likely to be affected by the ~~Declaratory Ruling~~; declaratory ruling;
- 13 (7) a list or description of persons likely to be affected by the ~~Declaratory Ruling~~; declaratory ruling;
- 14 and
- 15 (8) a statement as to whether the petitioner desires to present oral argument (~~not to exceed 30 minutes~~),  
16 to the Commission prior to its decision.

17 (b) The Commission ~~may shall~~ refuse to issue a ~~Declaratory Ruling~~ declaratory ruling when:

- 18 (1) the petition does not comply with Paragraph (a) of this Rule;
- 19 (2) the Commission has previously issued a ~~Declaratory Ruling~~ declaratory ruling on substantially  
20 similar facts;
- 21 (3) the Commission has previously issued a ~~Final Agency Decision~~ final agency decision in a contested  
22 case on substantially similar facts;
- 23 (4) the facts underlying the request for a ~~Declaratory Ruling~~ declaratory ruling were specifically  
24 considered at the time of the adoption of the rule in question; or
- 25 (5) the subject matter of the request is involved in pending litigation.

26  
27 *History Note: Authority G.S. 150B-4;*  
28 *Eff. January 1, 1990;*  
29 *Amended Eff. August 1, 1998;*  
30 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
31 *2018.*  
32 *Amended Eff. ~~March 7~~ May 1, 2026.*  
33

## Burgos, Alexander N

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**Subject:** FW: [External] Sheriffs' Commission Rules with Changes  
**Attachments:** 12 NCAC 10B .0106 Procedures for Petitions for Rulemaking.docx

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**From:** Pendergraft, Robin <rpendergraft@NCDOJ.GOV>  
**Sent:** Monday, April 13, 2026 4:23 PM  
**To:** Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>  
**Cc:** Courts, Ian <lcourts@NCDOJ.GOV>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] Sheriffs' Commission Rules with Changes

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Thanks Chris. Here is that rule attached.  
Robin

1 12 NCAC 10B .0106 is amended with changes as published in 40:13 NCR 1068-1069 as follows:

2

3 12 NCAC 10B .0106 PROCEDURES FOR PETITIONS FOR ~~RULE-MAKING~~ RULEMAKING

4 In addition to the procedures set out in G.S. 150B-20, Petitions for ~~Rule-Making~~ Rulemaking shall be submitted to  
5 the Commission and shall contain:

- 6 (1) petitioner's name, ~~address~~ address, and telephone number;
- 7 (2) a draft of the proposed rule or rule change;
- 8 (3) the reason for its proposal;
- 9 (4) the effect of the proposal on existing rules or decisions;
- 10 (5) data supporting the proposal;
- 11 (6) practices likely to be affected by the proposal; and
- 12 (7) a list or description of persons likely to be affected by the proposed rule.

13

14 *History Note: Authority G.S. 150B-20; 17E-4;*

15 *Eff. January 1, 1990;*

16 *Amended Eff. January 1, 1993;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*  
18 *2018.*

19 *Amended Eff. ~~March~~ May 1, 2026.*

20

---

**From:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>  
**Sent:** Monday, April 13, 2026 4:09 PM  
**To:** Pendergraft, Robin <[rpendergraft@NCDOJ.GOV](mailto:rpendergraft@NCDOJ.GOV)>; Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Courts, Ian <[lcourts@NCDOJ.GOV](mailto:lcourts@NCDOJ.GOV)>; Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] Sheriffs' Commission Rules with Changes

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Thanks, Robin. Can you please also send along the revised 12 NCAC 10B .0106? I think it was omitted from your email.  
Best,  
Chris

**Chris Miller**  
Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

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**From:** Pendergraft, Robin <[rpendergraft@NCDOJ.GOV](mailto:rpendergraft@NCDOJ.GOV)>  
**Sent:** Friday, April 10, 2026 11:58 AM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Miller, Christopher S <[christopher.miller@oah.nc.gov](mailto:christopher.miller@oah.nc.gov)>; Courts, Ian <[lcourts@NCDOJ.GOV](mailto:lcourts@NCDOJ.GOV)>  
**Subject:** [External] Sheriffs' Commission Rules with Changes

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Revised documents attached as requested.

Robin



ROBIN P PENDERGRAFT  
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Criminal Justice Standards Division  
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Fax: (919) 779-8210  
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Raleigh, North Carolina 27602-0149  
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## **Burgos, Alexander N**

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**From:** Miller, Christopher S  
**Sent:** Tuesday, April 7, 2026 4:11 PM  
**To:** Pendergraft, Robin; Jones, Sirena C  
**Cc:** Burgos, Alexander N; Miller, Christopher S  
**Subject:** Sheriffs' Rules for April 2026 RRC Meeting  
**Attachments:** Request for Changes - SHETS - 04 2026.docx

Hello,

I'm the staff attorney who reviewed the rules submitted by the NC Sheriffs' Education and Training Standards Commission for the April 2026 RRC meeting. The RRC will formally review these rules at its meeting on Tuesday, April 28, 2026, at 10:00 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 close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is my Request for Changes Pursuant to G.S. 150B-21.10. Please submit the responses and revised rules to me via email, no later than **5 p.m. on April 15, 2026**.

Let me know if you have any questions.

Best,  
Chris

### **Chris Miller**

Rules Review Commission Counsel  
North Carolina Office of Administrative Hearings | Rules Division  
1711 New Hope Church Road  
Raleigh, NC 27609  
(984) 236-1935

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