

RULES REVIEW COMMISSION MEETING
MINUTES
August 28, 2024

The Rules Review Commission met on Wednesday, August 28, 2024, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via Webex.

Commissioners Wayne R. Boyles III, Jeanette Doran, John S. Hahn, Jeff Hyde, Barbara Jackson, Randy Overton, and Jake Parker were present in the Commission Room. Commissioners Brandon Leebrick and Paul Powell were present via Webex.

Staff member Alexander Burgos, Commission Counsel Seth Ascher, Brian Liebman, Bill Peaslee, and Travis Wiggs were present in the room.

The meeting was called to order at 10:00 a.m. with Chair Doran presiding.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the July meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Department of Health and Human Services

Upon the call of the Chair, 10A NCAC 14E .0101, .0106, .0107, .0109, and .0111 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Sheriffs' Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 10B .0408 and .2201 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Department of Public Safety

Upon the call of the Chair, 14BNCAC 05B .0201 and .0501 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Private Protective Services Board

Upon the call of the Chair, 14B NCAC 16 .0115, .0201, .0203, .0301, .0302, .0401, .0402, .0501, .0701, .0702, .0706, .0801, .0802, .0806, .0902, .0904, .0910, .1101, .1102, .1103, .1104, .1105, .1301, .1302, .1306, .1401, .1402, .1406, .1501 and .1709 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Alarm Systems Licensing Board

Upon the call of the Chair, 14B NCAC 17 .0201, .0203, .0301, .0302, and .0306 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Environmental Management Commission

Prior to the review of the rule from the Environmental Management Commission, Commissioner Hahn recused himself and did not participate in the discussion or vote concerning the rule because of the potential for a conflict of interest.

Upon the call of the Chair, 15ANCAC 02H .0804 was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None

Board of Examiners of Electrical Contractors

Upon the call of the Chair, 21 NCAC 18B .1101 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Examiners in Optometry

Upon the call of the Chair, 21 NCAC 42J .0101 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Pharmacy

Upon the call of the Chair, 21 NCAC 46 .2504 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Examiners of Plumbing, Heating and Fire Sprinkler Contractors

Upon the call of the Chair, 21 NCAC 50 .0301, .0306, and .0318 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Veterinary Medical Board

Upon the call of the Chair, 21NCAC 66 .1001, .1002, .1003, .1004, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

LOG OF FILINGS (TEMPORARY RULES)

North Carolina Agricultural Finance Authority

Prior to the review of the rules from the North Carolina Agricultural Finance Authority, Commissioner Parker recused himself and did not participate in the discussion or vote concerning the rules because of the potential for a conflict of interest.

Upon the call of the Chair, the Commission voted to object to 02 NCAC 63 .0101, .0102, .0103, .0104, .0105, and .0106 finding that the rules did not satisfy G.S. 150B-21.9(a)(4). Specifically, the Commission adopted the written opinion of staff dated August 16, 2024 by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, and Paul Powell – 7. Voting in the negative: None

Existing Rules Review

Department of Commerce

Upon the call of the Chair, the report for 04 NCAC 20 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Commerce - Division of Employment Security

Upon the call of the Chair, the report for 04 NCAC 24 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Manufactured Housing Board

Upon the call of the Chair, the report for 11 NCAC 08 .0900 and .1400 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Alcoholic Beverage Control Commission

Upon the call of the Chair, the report for 14B NCAC 15C was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Department of Health and Human Services

Upon the call of the Chair, the report for 15A NCAC 01O was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Certified Public Accountant Examiners

Upon the call of the Chair, the report for 21 NCAC 08 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Board of Podiatry Examiners

Upon the call of the Chair, the report for 21 NCAC 52 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

State Human Resources Commission

Upon the call of the Chair, the reports for 25 NCAC 01A, 01B, and 01C were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Office of Americans with Disabilities Act

The rules for report 25 NCAC 02 automatically expired on July 21, 2024. No action was required by the Commission.

COMMISSION BUSINESS

Upon the call of the Chair, the Commission voted to adopt 26 NCAC 05 .0304 and submit the rule for publication in the NC Register by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, John S. Hahn, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None

Staff presented an overview of proposed dates to the 2025 RRC meeting schedule. The proposed dates will be added to the September agenda for vote.

The Chair reminded the Commission that the annual election of officers will be held at the September meeting.

The meeting was adjourned at 10:57 a.m.

The next regularly scheduled meeting of the Commission is Wednesday, September 25, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

Minutes approved by the Rules Review Commission:
Jeanette Doran, Chair

August 28, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Elly Young	NC DOJ
Reed Fountain	YMH
Margaret McDonald	DPS
Nad Adur Antoh	NC DPS
Sharon J. Martin	NCDOC - DES
Sara Fathi-Negad	NCDOC - DES
Caroline Farmer	NC DPS
Eric R. Hart	NC DOT
Amber Thiel	NC Dept of Commerce
Christopher McLennan	NC DOT
Jeff M. Saxe	PPSB/ASLB
Anna Hayworth	NC PACS
Ann White	SOS
RAT PREMAKUMAR	NC DHIT
Bethanny Burgen	NC DOJ
Danise Mazza	OSHR
Kristin Mullins	DOJ / MHB
Shanah Blau	DHSR
Melissa Bowman	DOJ

Rules Review Commission Meeting August 28, 2024

Via WebEx

Name	Agency
Todd Crawford	DEQ
Sophie Plott	Labor
Jessica Montie	DEQ
Julie Ventaloro	OSBM
Alisha Benjamin	DOI
Neal McHenry	Auditor
Emily Jones	DOT
Ashley Snyder	OAH
William Rafferty	Optometry
Laura Kilian	NCFB
Clint Pinyan	Pharmacy
Regina Kissinger	DHHS
Joan Sutton	NCBRTL
Laura Rowe	Treasurer
Jennifer Grady	BCBSNC
Laura Lansford	DOR
Nadine Pfeiffer	
Matt Skidmore	Veterinary
Tracy Steadman	NCBPE
Anne Coan	NCFB.
Keith West	NCVMB
David Nance	NCCPA
Lynne Sanders	NCCPA
Renee Metz	ABC
Mcghee, Dana	OAH
Johnny Loper	Optometry
Bob Nauseef	ABC

MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding V. I..

I have abstained because of the potential for a conflict
of interest.

This the 28th day of August, 2024.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.

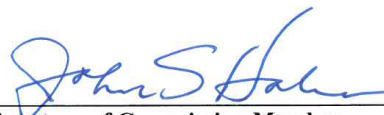
MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

In accordance with N.C. General Statute G.S. 138A-15(e), I have abstained from taking any verbal or written action, including voting, on the agenda item regarding

EMC Rule 15A NCAC 02H.0804

I have abstained because a potential conflict.

This the 28th day of August, 2024.



Signature of Commission Member

No public servant authorized to perform an official action requiring the exercise of discretion shall knowingly participate in an official action by the board if the public servant, a member of the public servant's extended family, or a business with which the public servant is associated has an economic interest in, or a reasonably foreseeable benefit from, the matter under consideration, which would impair the public servant's independence of judgment or from which it could be reasonably inferred that the interest or benefit would influence the public servant's participation. A potential benefit includes a detriment to a business competitor or (1) the public servant; (2) a member or the public servant's extended family, or (3) a business with which the public servant is associated. The public servant shall abstain from taking any verbal or written action and shall submit in writing to the board the reasons for the abstention.
