RULES REVIEW COMMISSION MEETING
MINUTES
August 28, 2025

The Rules Review Commission met on Thursday, August 28, 2025, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and the meeting was streamed for the public via Webex.

Commissioners Wyatt Dixon, III, John S. Hahn, Jeff Hyde, Chris Loutit, Randy Overton, Bill Nelson, and Jake Parker were present in the Commission Room.

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

The meeting was called to order at 10:01 a.m. with 1st Vice Chair Parker presiding.

1st Vice Chair Parker introduced Administrative Law Judge Linda F. Nelson with the Office of Administrative Hearings to the Commission.

Judge Nelson administered the Oath of Office to Commissioner Bill Nelson.

The 1st Vice Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

The 1st Vice Chairman notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Permanent Rules from the State Board of Elections and Board of Dental Examiners.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the July 30, 2025 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW-UP MATTERS

Private Protective Services Board
14B NCAC 16 .0707, .1203, .1307, .1501, and .1502 were unanimously approved.

The Commission voted to object to 14B NCAC 16 .0701, .0801, .1301, and .1401 consistent with the staff opinion dated June 20, 2025 which states the agency failed to meet the standards in G.S. 150B-21.9(a)(2), and (4) because they required a form that did not have its complete contents or substantive requirements prescribed by rule or statute in the staff opinion dated June 20, 2025. See G.S. 150B-2(8a)d.

Jeff Gray, the rulemaking coordinator and general counsel for the agency, addressed the Commission.

Commission for Public Health
15A NCAC 18C .1540 was unanimously approved.

LOG OF FILINGS (PERMANENT RULES)

State Board of Elections
The Commission voted to waive 26 NCAC 05 .0103 to extend the deadline to accept public comments.

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08 NCAC 21 .0102, .0106, .0108, .0204; 22 .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0201, .0202, .0203, .0301, .0302, .0303, .0304, .0305, .0306, .0401, .0402, .0501, .0502, and .0601 were unanimously approved.

Kevin Hayes, the Vice Chairman of the Constitution Party of North Carolina, addressed the Commission.

Anna Lee Dillon Ordoubadi, Co–Chair of the North Carolina Green Party, addressed the Commission.

Adam Steele, Assistant General Counsel with the agency, addressed the Commission.

In accordance with G.S. 150B-21.3(b2), the Commission received over ten letters of objection requesting legislative review and a delayed effective date for 08 NCAC 22 .0104, .0105, and .0305.

Department of Insurance
11 NCAC 24 .0101, .0102, .0103, .0104, .0105, .0106, .0107, and .0108 were unanimously approved.

Department of Labor
13 NCAC 01D .0101 and .0102 were unanimously approved.

Private Protective Services Board
14B NCAC 16 .0103, .0105, .0116, .0117, .0501, .0502, and .0503 were unanimously approved.

Alarm Systems Licensing Board
14B NCAC 17 .0109 was unanimously approved.

State Board of Education
16 NCAC 06B .0103 and .0107 were unanimously approved.

Licensing Board for General Contractors
21 NCAC 12A .0202, .0303, .0308, .0701, and 12B .0402 were unanimously approved.

Board of Dental Examiners
The Commission voted to object to 21 NCAC 16A .0101; 16F .0111, and 16V .0103 finding that the rules did not satisfy G.S. 150B-21.9(a). Specifically, the Commission objected to the rules pursuant to G.S. 150B-21.9(a)(1), (2), and (3).

Marcus C. Hewitt of Fox Rothschild LLP addressed the Commission.

Tom Fetzer of Strategic Partners addressed the Commission.

Michael Riccobene of Riccobene Associates Family Dentistry addressed the Commission.

Doug Brocker, with the Brocker Law firm, and representing the agency, addressed the Commission.

Office of Administrative Hearings
26 NCAC 03 .0101 and .0102 were withdrawn at the request of the agency. No action was required by the Commission.

<u>Existing Rules Review</u>
Tobacco Trust Fund Commission
02 NCAC 57 - The Commission unanimously approved the report as submitted by the agency.

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Office of State Fire Marshal
11 NCAC 05A, 05D, 07 - The Commission unanimously approved the reports as submitted by the agency.

Fire and Rescue Commission
11 NCAC 05B, 05C - The Commission unanimously approved the reports as submitted by the agency.

Environmental Management Commission
15A NCAC 02G, 02I, 02L, 02N, 02O, 02P - The Commission unanimously approved the reports as submitted by the agency.

Department of Revenue
17 NCAC 04 - The Commission unanimously approved the report as submitted by the agency.

Department of Transportation
19A NCAC 01, 04, 05, 06 - The Commission unanimously approved the reports as submitted by the agency.

Hearing Aid Dealers and Fitters Board
21 NCAC 22 - The Commission unanimously approved the report as submitted by the agency.

Board of Physical Therapy Examiners
21 NCAC 48 - The Commission unanimously approved the report as submitted by the agency.

Readoptions
Board of Agriculture
02 NCAC 31A, 31C, 39, 43, 53 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

Medical Care Commission
10A NCAC 13A, 13D – As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than September 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Agriculture Finance Authority
24 NCAC 02 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than November 1, 2027, pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS
The Commission unanimously voted to approve the 2026 RRC meeting schedule.

At 12:15 p.m., upon a motion by the 1st Vice Chair and a second by Commissioner Overton, the Commission voted to call the public meeting of the Rules Review Commission to enter into closed session pursuant to G.S. 143-318.11(a)(3) regarding RC v. RRC and CJETS v. RRC.

At 12:37 p.m., the Commission reconvened its public meeting of the Rules Review Commission after concluding the closed session. Commissioner Hyde did not return following the closed session.

The 1st Vice Chair announced that the Commission Election of Officers will be held at the next meeting.

The meeting adjourned at 12:36 p.m.

The next regularly scheduled meeting of the Commission is Thursday, September 25, 2025, at 10:00 a.m.

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Alexander Burgos, Paralegal

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

DRAFT

August 28, 2025

Rules Review Commission
Meeting
Please **Print** Legibly

Name	Agency
Emily Wiley	NCDOT
Jay Frick	NC DWR
Ellen Roeber	NC Board PT Examiners
DAVID GADD	NC BD PT Examiners
Ann Wall	SOS
Bobby White	NC Dental Board
Tom Fetzer	Heartland Dental
Jonah Pyser	NCDOR
Laura Lansford	NCDOR
Elly Young	NCDOJ
Susan Kim	Heartland
Marc Hewitt	Self
Alisha Benjamin	NC DOI
Paul Cox	NCSBE
Lindsay Wakeley	"
Adam Steele	"
Robert Croom	NCDOJ
Judy Hawley	PPSB/ASLVB
Kyle Heuser	OSFM

Rules Review Commission Meeting August 28, 2025

Via WebEx

Name	Agency
Tamika Jenkins	DHHS
Dana McGhee	ICNC
Devon Horine	DHHS
Ashley Snyder	Labor
Brian Liebman	OAH
Amy Funderburk	DOI
Ryan Collins	DPI
Laura Rowe	NC treasurer
Jessica Montie	DEQ
Karen Higgins	DEQ
Carla Rose	Labor
Julie Ventaloro	OSBM
Jennifer Everett	DEQ
William Peaslee	OAH
William Upchurch	NCAGR
Anna Hayworth	NCAGR
Julie Eddins	OAH
Catherine Blum	DEQ
Shanah Black	DHHS
Eric Anderson	
Catherine Lee	Hedrick Gardner
Anna Lee Dillon	
Dena J Brown	NCLBGC
Misty PM	DHHS
Larry Ascher	
Hope Ascher	
Chris Miller	
Ashley Ratliff	NCBAR
Gabby Decker	BCBSNC
Dilcy Burton	DOJ
Whitney Waldenberg	Brocker Law Firm
Sarah Sonnenberg	
Kevin Hayes	
Terra Gang	DOR
Elizabeth Pope	NCSWB
Alex Ward	DOJ

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John H Schaeffer	DOJ
Connor rose	
Anna Baird Choi	NCLBGC
Renee Metz	ABC
Ian LaBrie	
Sherri Roycroft	Brocker Law Firm
James Nguyen	

DRAFT

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

August 29, 2025

Anna Hayworth
Sent via email to: Anna.Hayworth@ncagr.gov
Re: Readoption deadline for 02 NCAC 31A, 31C, 39, 43, 53

Dear Ms. Hayworth:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 26, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
RRC Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

An Equal Employment Opportunity Employer

1711 New Hope Church Road, Raleigh, NC 27609
Telephone: (984) 236-1850 | Facsimile: (984) 236-1871
www.oah.nc.gov

RRC DETERMINATION
PERIODIC RULE REVIEW
February 27, 2025
APO Review: April 30, 2025
Agriculture, Board of
Total: 121

RRC Determination: Necessary

02 NCAC 31A .0101
02 NCAC 31A .0102
02 NCAC 31C .0101
02 NCAC 31C .0102
02 NCAC 31C .0103
02 NCAC 31C .0104
02 NCAC 39 .0101
02 NCAC 43A .0102
02 NCAC 43B .0101
02 NCAC 43B .0102
02 NCAC 43C .0101
02 NCAC 43C .0102
02 NCAC 43C .0103
02 NCAC 43C .0104
02 NCAC 43C .0105
02 NCAC 43C .0106
02 NCAC 43C .0107
02 NCAC 43C .0108
02 NCAC 43D .0101
02 NCAC 43D .0102
02 NCAC 43D .0103
02 NCAC 43D .0104
02 NCAC 43D .0105
02 NCAC 43D .0106
02 NCAC 43E .0102
02 NCAC 43E .0103
02 NCAC 43E .0104
02 NCAC 43G .0101
02 NCAC 43G .0102
02 NCAC 43G .0103
02 NCAC 43G .0105
02 NCAC 43G .0106
02 NCAC 43L .0303
02 NCAC 43L .0306
02 NCAC 43L .0307
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02 NCAC 43L .0648
02 NCAC 43L .0649
02 NCAC 43L .0650
02 NCAC 53 .0101

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

August 28, 2025

Shanah Black, Medical Care Commission
Sent via email only to: shanah.black@dhhs.nc.gov

Re: Readoption deadline for 10A NCAC 13A, 13D

Dear Ms. Black,

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the August 28, 2025, Rules Review Commission meeting.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **September 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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RRC DETERMINATION
PERIODIC RULE REVIEW
January 30, 2025
APO Review: April 02, 2025
Medical Care Commission
Total: 64

RRC Determination: Necessary

10A NCAC 13A .0101
10A NCAC 13A .0201
10A NCAC 13A .0202
10A NCAC 13A .0203
10A NCAC 13D .2001
10A NCAC 13D .2101
10A NCAC 13D .2102
10A NCAC 13D .2103
10A NCAC 13D .2104
10A NCAC 13D .2105
10A NCAC 13D .2106
10A NCAC 13D .2107
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10A NCAC 13D .2201
10A NCAC 13D .2202
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10A NCAC 13D .2210
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10A NCAC 13D .2701
10A NCAC 13D .2801
10A NCAC 13D .2802
10A NCAC 13D .2901
10A NCAC 13D .2902
10A NCAC 13D .3003
10A NCAC 13D .3101
10A NCAC 13D .3102
10A NCAC 13D .3103
10A NCAC 13D .3104
10A NCAC 13D .3201
10A NCAC 13D .3202
10A NCAC 13D .3401
10A NCAC 13D .3402
10A NCAC 13D .3403
10A NCAC 13D .3404

STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

August 29, 2025

Anna Hayworth
Sent via email to: Anna.Hayworth@ncagr.gov
Re: Readoption deadline for 24 NCAC 02

Dear Ms. Hayworth:

Attached to this letter is a list of rules subject to readoption pursuant to the periodic review and expiration of existing rules as set forth in G.S. 150B-21.3A. After consultation with your agency, the Rules Review Commission established a readoption date for these rules at the Rules Review Commission meeting on June 26, 2025.

Pursuant to G.S. 150B-21.3A(d)(2), the rules listed in the attachment shall be readopted by the agency no later than **November 1, 2027**.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
RRC Counsel

Melissa Owens Lassiter, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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RRC DETERMINATION
PERIODIC RULE REVIEW
February 27, 2025
APO Review: April 30, 2025
Agricultural Finance Authority
Total: 6

RRC Determination: Necessary
24 NCAC 02A .0101
24 NCAC 02A .0102
24 NCAC 02A .0103
24 NCAC 02B .0101
24 NCAC 02B .0102
24 NCAC 02C .0101

OATH OF OFFICE

for the

Rules Review Commission

I, William W. "Bill" Nelson, do solemnly swear (affirm) that I will support the Constitution of the United States.

I, William W. "Bill" Nelson, do solemnly swear (affirm) that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said state, not inconsistent with the Constitution of the United States.

I, William W. "Bill" Nelson, do solemnly swear (affirm) that I will well and truly execute the duties of my office as a member of the Rules Review Commission according to the best of my skill and ability, according to law, so help me God.

This 28th day of August, 2025.

William W. Nelson

Linda F. Nelson
Administrative Law Judge

Sworn and subscribed before me this the
28th day of August, 2025.

Angie Sanders
Notary Public

My Commission Expires: February 17, 2026

ANGIE G SANDERS NOTARY My Commission Expires 2-17-2026 PUBLIC COUNTY, NC