

**RULES REVIEW COMMISSION MEETING
MINUTES
December 14, 2023**

The Rules Review Commission met on Thursday, December 14, 2023, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Wayne R. Boyles III, Jeanette Doran, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell were present in the Commission Room. Commissioners Jay Hemphill and Barbara Jackson were present via WebEx.

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

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The 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 Chair notified the Commissioners that the following items on the agenda would be taken up out of order at the end of the agenda: Follow-up matter Tab A for Child Care Commission, Follow-up matters Tab D and E for Department of Revenue, and Permanent Rules for the Department of Administration.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the November 16, 2023, 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, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Prior to the review of the rules from the Child Care Commission, the Chair called the meeting into a brief recess at 10:22 a.m. The meeting resumed at 10:30 a.m.

Child Care Commission

Upon the call of the Chair, 10A NCAC 09 .0102, .0601, .1707, .1725, .2204, .2206, .2209, .2611, .2612, .2613, .2614, .2615, and .2616 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

DHHS - Division of Health Service Regulation

Upon the call of the Chair, 10A NCAC 14E .0106, .0107, and .0109 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

Commissioner Hemphill did not vote.

10A NCAC 14E .0104, .0112, .0114, .0201, .0202, .0207, .0209, .0210, .0211, .0212, .0315, .0318, .0319, .0320, .0321, .0322, .0323, .0324, .0325, .0326, .0327, .0328, .0329, .0330, and .0331 were withdrawn at the request of the agency. No action was required by the Commission.

Coastal Resources Commission

Prior to the review of the rules from the Coastal Resources Commission, Commissioner Parker recused himself and did not participate in any discussion or vote concerning the rules because of a conflict of interest.

Upon the call of the Chair, 15A NCAC 07H .0208, .0308; and 07M .0603 were approved by roll-call vote, ayes 6, noes 1 as follows: Voting in the affirmative: Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Paul Powell – 6. Voting in the negative: Wayne R. Boyles III.

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 15A NCAC 07H .0208 and 07M .0603.

Department of Revenue

Upon the call of the Chair, 17 NCAC 07B .1202, .1303, .1404, .2001, .2002, and .4109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, 17 NCAC 07B .1705 was approved by roll-call vote, ayes 7, noes 1 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: Jeff Hyde.

Upon the call of the Chair, the Commission voted to adopt the staff's recommendation to continue its objection to 17 NCAC 07B .1601, .1605, and .2204 for lack of necessity by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

17 NCAC 07B .3101 - The Commission continued its objection to this Rule at the November meeting and the time for the agency to respond has not expired. No action was required by the Commission.

Laura Lansford, the rulemaking coordinator with the agency, addressed the Commission.

Department of Revenue

Upon the call of the Chair, 17 NCAC 07B .4201, .4202, .4206, .4510, .4708, .4801, .5001, and .5004 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to adopt the staff's recommendation to continue its objection from the November meeting to 17 NCAC 07B .4415, .4707, .4614, and .5002 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

17 NCAC 07B .4203, .4210, .4404, .4503, .4609, and .4710 - The Commission objected to these Rules at the November meeting and the time for the agency to respond has not expired. No action was required by the Commission.

Laura Lansford, the rulemaking coordinator with the agency, addressed the Commission.

Board of Cosmetic Art Examiners

Upon the call of the Chair, 21 NCAC 14T .0402 and .0404 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Examiners in Optometry

21 NCAC 42D .0102 - The Commission objected to this rule at the November meeting. No action was required by the Commission.

Building Code Council

2024 NC Administrative Code and Policies 221213 Item B-1, 2024 NC Administrative Code and Policies Appendix B, 230314 Item B-13, 2024 NC Plumbing Code, 230314 Item B-1, 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46, and Appendices - The Commission objected to these Rules at the November meeting. No action was required by the Commission.

LOG OF FILINGS (PERMANENT RULES)

Department of Administration

Upon the call of the Chair, the Commission voted to extend the period of review for 01 NCAC 06B .0307 to the January 2024 meeting to allow RRC staff and the agency time to review the rule which is subject to RRC's staff opinion recommending objection by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Donya Strong, the rulemaking coordinator with the agency, addressed the Commission.

Chris McLennan, representing the Department of Agriculture, addressed the Commission.

Medical Care Commission

Upon the call of the Chair, the Commission voted to extend the period of review for 10A NCAC 13F .0703, .0704, .1103, .1104, .1106; 13G .0702, .0703, .0704, .1102, .1103, and .1106 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

DHHS - Division of Health Service Regulation

Upon the call of the Chair, 10A NCAC 14C .1401, .1403, and .2703 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commission For Mental Health/DD/SAS

Upon the call of the Chair, 10A NCAC 27G .0104 and 28A .0102 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, the Commission voted to extend the period of review for 12 NCAC 09A .0205, .0206; 09B .0103, .0235, .0236, .0301; 09C .0306; 09E .0103; 09F .0103, .0104, .0105; and 09G .0307 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of Labor

Prior to the review of the rules from the Department of Labor, Commissioner Jackson recused herself and did not participate in any discussion or vote concerning the rules because of a conflict of interest.

Upon the call of the Chair, 13 NCAC 15 .0430, .0431, .0432, .0433, .0434, .0435, .0436, .0437, and .0438 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

Department of Public Safety

Upon the call of the Chair, the Commission voted to extend the period of review for 14B NCAC 03 .0501, .0502, .0503, .0504, .0505, .0506, .0507, .0508, and .0509 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Will Polk, the rulemaking coordinator with the agency, addressed the Commission.

Private Protective Services Board

Upon the call of the Chair, 14B NCAC 16 .0701, .0708, .0902, .0904, .0910, .0912, and .1109 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Coastal Resources Commission

Upon the call of the Chair, 15A NCAC 07H .1103, .1203, .1303, .1403, .1503, .1903, .2003, .2103, .2203, .2403, .2503, and .2703 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10B .0501, .0503, and 10F .0333 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State 18 NCAC 07B

Upon the call of the Chair, the Commission voted to extend the period of review for 18 NCAC 07B .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0309, .0310, .0311, .0312, .0401, .0402, .0403, .0404, .0405, and .0406 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State 18 NCAC 07F

Upon the call of the Chair, the Commission voted to extend the period of review for 18 NCAC 07F .0101, .0102, .0103, .0201, .0301, .0302, .0303, .0304, .0305, .0401, .0402, .0403, .0404, .0503, .0505, .0506, .0507, .0508, .0509, .0512, .0513, .0601, .0602, .0701, .0702, .0703, .0704, .0705, .0706, .0707, .0708, .0709, .0801, .0802, .0803, .0804, .0805, .0806, .0807, .0808, .0809, .0810, .0811, .0812, .0813, .0814, .0901, .0902, .0903, .0904, .0905, .0906, .1001, .1002, .1003, .1004, .1101, .1102, .1103, .1104, .1105, .1106, .1107, .1108, .1109, .1110, and .1111 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State 18 NCAC 07I, 07K

Upon the call of the Chair, 18 NCAC 07K .0101, .0201, .0202, .0203, .0204, .0205, and .0206 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to extend the period of review for 18 NCAC 07I .0101, .0102, .0103, .0104, .0105, .0106, .0107, .0201, .0202, .0203, .0204, .0205, .0206, .0207, .0208, .0209, .0210, .0211, .0212, .0301, .0302, .0303, .0304, .0305, .0306, .0307, .0308, .0401, .0402, .0403, .0404, .0405, .0406, and .0407 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Chiropractic Examiners

Upon the call of the Chair, 21 NCAC 10 .0204 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, 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 42B .0204 and 42M .0105 were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Board of Nursing

Upon the call of the Chair, the Commission voted to extend the period of review for 21 NCAC 36 .0120, .0220, .0233, .0302, .0303, .0309, .0317, .0318, .0320, .0321, .0322, and .0323 by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the Commission voted to extend the period of review for the 2024 NC Administrative Code and Policies 221213 Item B-1, 2024 NC Administrative Code and Policies Appendix B, 230314 Item B-13, 2024 NC Plumbing Code, 230314 Item B-1, 2024 NC Residential Code, Chapters 1-10, 25-33, 45, 46, and Appendices by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

State Human Resources Commission

Upon the call of the Chair, 25 NCAC 01E .1903 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Existing Rule Review

Mining Commission

Upon the call of the Chair, the reports for 15A NCAC 05A, 05B, 05F, and 05G were approved with the designation of some rules being changed from unnecessary to necessary by the RRC by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Request for change to 2024-2027 Existing Rules Review Schedule

Prior to the review of the change to the 2024-2027 Existing Rules Review Schedule, Commissioner Jackson recused herself and did not participate in any discussion or vote concerning the changes to the 2024-2027 Existing Rules Review Schedule for the removal of 13 NCAC 18 for the Department of Labor because of a conflict of interest.

Upon the call of the Chair, the Commission voted to remove 13 NCAC 18 for the Department of Labor and 18 NCAC 03 for the Department of the Secretary of State from the 2024-2027 Existing Rules Review Schedule as both subchapters were repealed by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

Upon the call of the Chair, the Commission voted to remove 15A NCAC 13B Sections .0700, .0900, .1000, and .1300 for the Department of Environmental Quality from the 2024-2027 Existing Rules Review Schedule as the sections were repealed by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Upon the call of the Chair, the Commission denied the joint request by DHHS - Commission for MH/DD/SAS and the Division of MH/DD to amend the 2024-2027 Existing Rules Review Schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Denise Baker, the rulemaking coordinator for DHHS - Commission for MH/DD/SAS and the Division of MH/DD/SUS, addressed the Commission.

COMMISSION BUSINESS

The Commission voted to approve the 2024 RRC meeting dates which change the monthly RRC meeting from the third Thursday of each month at 9:00 am to the last Wednesday of each month at 10:00 am unless otherwise indicated on the Rules Review Commission Meetings schedule by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Ann Wall, the rulemaking coordinator with the Department of the Secretary of State, addressed the Commission.

At 11:27 a.m., upon a motion by Chair Doran and a second by Commissioner Jackson, the Commission voted to call the public meeting of the Rules Review Commission into recess and enter into a closed session pursuant to G.S. 143-318.11(a)(1) to review and approve the general account of the November 16, 2023 closed session which may be withheld from public inspection pursuant to G.S. 143-318.10(e) and to consult with counsel regarding CRC v. RRC and EMC v. RRC pursuant to G.S. 143.11(a)(3), by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioner Hemphill did not return to the public meeting following the closed session.

At 11:56 a.m., upon a motion by the Chair and a second by Commissioner Jackson, the Commission voted to come out of closed session and reconvene the public meeting of the Rules Review Commission by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III,

Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 7. Voting in the negative: None.

The meeting was adjourned at 11:56 a.m.

The next regularly scheduled meeting of the Commission is Wednesday, January 31, 2024, at 10:00 a.m.

Alexander Burgos, Paralegal

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

DRAFT

December 14, 2023

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
ANN ELMORE	NC SOS
Chris McLennan	NC DOJ
Ann Wall	NC SOS
Christine Goebel	NC DEQ
Julie Peck	NC DCDEE
RAT PREMAKUMAR	NC DHHS
Mary Lucassy	NC DOJ
Anna Hayworth	NC DACS
Laura Hansford	NC BOR
Elly Young	NC DOJ
Danya Strong	NC DOA
Mark Teague	NC DOJ
Will Pulin	NC DPS
Nathan Cephus	BCC/NC DOJ
Michael Mitchell	NC DHHS
Denise Mazze	OSHR
Amber Davis	DCDFE
Taylor Corpening	NC DHHS
Denise Baker	NC OHA/DOFS

Rules Review Commission Meeting December 14, 2023
Via WebEx

Name	Agency
Sophie Plott	LABOR
Tina Dupree	SOS
Ozie Stallworth	SOS
Seth Ascher	OAH
Julie Ventaloro	OSBM
Angela Willis	DEQ
Christy Simmons	DEQ
Daniel Govoni	DEQ
Jessica Gibson	DEQ
Rachel Love-Adrick	DEQ
Mackenzie Todd	DEQ
Tancred Miller	DEQ
Jonathan Howell	DEQ
Virginia Niehaus	DHHS
David Rittlinger	DOI
Ashley Snyder	OAH
Stephanie McFadden	OSHR
Ann Elmore	SOS
Cameron Ervin	CSHLAW.COM
E Hodson	PITT.K12.NC.US
Christopher Campbell	SEDLAW.COM
Will Polk	DPS
McKeithen, Gabrielle	DOA
Loretta Peace Bunch	DOI
Gibson, Jessica M	DEQ
Eric Hunt	DOJ
Marielena Salazar	SHELLTAPUP.COM
Liz Rasheed	SELNC
Chris Millis	NCHBA
Theresa Roedersheimer	
Ellen Roeber	PT BOARD
Canaan Huie	MVALAW.COM
Julie Youngman	SELCNC.ORG
Anne Coan	NCFB
H Katt	4RCEOPTIONS
Bethany Burgon	DOJ
Julie Peck	DHHS
Emily Wiley	DOT

Laura Rowe	TREASURER
Dana Lee	AUDITOR
Andrew Furuseh	DOR
Michelle Schilling	DOJ
Everett, Jennifer	DEQ
Carla Rose	LABOR
Lindsay Gomes	UNC.EDU
C Isaac	NCHBA
Sharon Martin	COMMERCE
Janice Peterson	OPTOMETRY
Robert El-Jaouhari	CSHLAW.COM
Dauna Bartley	DAUNA@BROCKERLAWFIRM.COM
Nadine Pfeiffer	
Ruhlman, Carrie A	WRC
Ian Clark	DHHS
David Gadd	SATISKYSILVERSTEIN.COM
Dana McGhee	OAH

DRAFT

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 Item III C.

I have abstained because of a potential conflict of interest.

This the 14th day of December, 2023.



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.