

RULES REVIEW COMMISSION MEETING
MINUTES
June 17, 2021

The Rules Review Commission met on Thursday, June 17, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx. The Commissioners held a WebEx meeting in accordance with the provisions of G.S. 143-318.13.

Commissioners Barbara Jackson and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Jeff Hyde, and Randy Overton.

Staff members present were Julie Brincefield and Commission Counsel Amanda Reeder. Staff members Alex Burgos, and Commission Counsel Amber May and Ashley Snyder were present via WebEx.

The meeting was called to order at 9:01 a.m. with Chair Doran presiding.

The Chair read into the record the statement of economic interest for Barbara Jackson, which stated there was no actual conflict of interest, but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on the Commission.

Justice Jackson fills the role of a public member on the Commission. She is an attorney/mediator and serves as a board member of the Conservatives for Criminal Justice Reform (CCJR). In addition, her spouse is an Assistant Deputy Commissioner with the North Carolina Department of Labor. Therefore, Justice Jackson has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties, should issues involving her clients, CCJR or the North Carolina Department of Labor come before the Commission for official action.

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.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes of the May 20, 2021 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: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Department of Environmental Quality

01 NCAC 41D .0101 and .0302 – Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Coastal Resources Commission

15A NCAC 07J .0403, .0404, .0405, .0407, .0410; and 07K .0207 - The agency is addressing the objections from the May meeting. No action was required by the Commission.

Department of Transportation - Division of Motor Vehicles

Prior to the review of the rules from the Department of Transportation, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rules because his family is involved in litigation with the agency.

19A NCAC 03C .0232 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Department of Transportation - Division of Motor Vehicles

Prior to the review of the rules from the Department of Transportation, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rules because his family is involved in litigation with the agency.

19A NCAC 03F .0201, .0202, .0203; and 03I .0307 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Real Estate Commission

21 NCAC 58A .0104, .0105, .0110, .0114, .0120, .0503, .1601, .2202; 58H .0210, and .0303 – 21 NCAC 58A .0104, .1601, and .2202 were withdrawn at the request of the agency. No action was required by the Commission.

Upon the call of the Chair, the remaining rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Board of Environmental Health Specialist Examiners

21 NCAC 62 .0407 and .0411 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Building Code Council

Residential Code, N1101.13(R401.2) – Pursuant to G.S. 150B-21.12(d), the rule is being returned upon the written request of the agency. No further action will be taken by the Commission.

LOG OF FILINGS (PERMANENT RULES)**Child Care Commission**

Upon the call of the Chair, 10A NCAC 09 .2828 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Medical Care Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Private Protective Services Board

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara

Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None. 14B NCAC 16 .0807 was withdrawn at the request of the agency. No action was required by the Commission.

Environmental Management Commission

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Board of Chiropractic Examiners

Prior to the review of the rules from the Board of Chiropractic Examiners, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Licensing Board for General Contractors

Prior to the review of the rules from the Licensing Board for General Contractors, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

Landscape Contractors' Licensing Board

Prior to the review of the rules from the Landscape Contractors' Licensing Board, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides a varied scope of legal services to the Board, some of which includes advice on rulemaking.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 7. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10D .0103 was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Andrew Atkins, Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, and Bob Rucho – 8. Voting in the negative: None.

Travis Narron, a member of the regulated public, addressed the Commission.

Tamara Zmuda with the Department of Justice, and representing the agency, addressed the Commission.

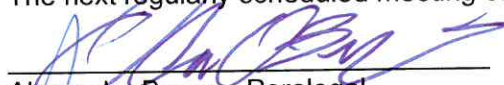
COMMISSION BUSINESS

Commissioners Bryan and Currin were appointed to review the OAH rules coming before the Commission at the July meeting.

The Chair thanked Commissioner Choi for her service on the Commission, as Commissioner Choi is not seeking reappointment to the Commission.

The meeting adjourned at 9:41 a.m.

The next regularly scheduled meeting of the Commission is Thursday, July 15, 2021, at 9:00 a.m.



Alexander Burgos, Paralegal

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

**Rules Review Commission Meeting June 17, 2021
Held Via WebEx**

Name	Agency
Dr. Joe Siragusa	Chiro Bd
Tichina Hamer	DHHS
Lorie Pugh	DHHS
Chuck Lewis	DHHS
Laura Rowe	Treasurer
Joelle Burleson	DENR
Tom Mitchell	DHHS
Makeda Harris	NCHA
Elizabeth Kountis	DENR
Patrick Knowlson	DENR
Dedra Alston	DHHS
Mark Lance	Congressional Sportsmen
Rahatul Ashique	DENR
Ashley Pekrul	WRC
Helen Landi	DOT
Jennifer Everett	DEQ
John Barkley	DOJ
Hannah Jernigan	DOT
Melissa Vuotto	REC
Rob Patchett	REC
Donna Coffey	DHHS
Nadine Pfeiffer	DSHR
Robert Glass	Good Manning
Travis Narron	
Carrie Ruhlman	WRC
Hannah Jernigan	DOT
Wally Ainsworth	DHHS
Joelle Burleson	Dental Bd
Dr. Joe Siragusa	Chiro Bd
Tichina Hamer	DHHS
Lorie Pugh	DHHS
Chuck Lewis	DHHS
Elizabeth Kountis	DENR