

RULES REVIEW COMMISSION MEETING
MINUTES
June 26, 2024

The Rules Review Commission met on Wednesday, June 26, 2024, 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, Barbara Jackson, Bill Nelson, Randy Overton, and Paul Powell were present in the Commission Room. Commissioners Jay Hemphill and Brandon Leebrick 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.

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 read into the record the Evaluation of Statement of Economic Interest for Jeanette Doran, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Barbara Jackson, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Bill Nelson, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for John (Jay) Hemphill, which states the NC Ethics Commission. We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Brandon Leebrick, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair read into the record the Evaluation of Statement of Economic Interest for Paul Powell, which states the NC Ethics Commission did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Chair notified the Commissioners that the following items would be taken up out of order at the end of the agenda: Follow-up matter for the Board of Examiners in Optometry and temporary rules from the Criminal Justice Education and Training Standards Commission.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the May 29, 2024 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

FOLLOW UP MATTERS

Board of Nursing

Upon the call of the Chair, 21 NCAC 36 .0807 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Board of Examiners in Optometry

Upon the call of the Chair, the Commission voted to refer 21 NCAC 42D .0102 to the Office of Budget and Management to determine whether a fiscal note is required by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

During the discussion and vote on the Rule from the Board of Examiners in Optometry, Commissioner Hemphill left the meeting via Webex and did not return.

Andy Ellen, the President and General Counsel for the North Carolina Retail Merchants Association, addressed the Commission.

Wally Lovejoy, the Chairman for the National Association of Retail Optical Companies, addressed the Commission.

Johnny M. Loper, the rulemaking coordinator for the agency, addressed the Commission.

Building Code Council

Upon the call of the Chair, the Commission voted to direct staff to return the 2024 North Carolina Energy Conservation Code - Section R402, Appendix R1.2.1 to the agency by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the 2024 NC Building Code, as well as individual amendments to Sections 101.2, 202, 307, 414, 1109.2, 1901, and Chapter 35 of the 2024 NC Building Code 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the 2024 NC Existing Building Code, as well as individually filed amendments to Sections 101.2 and 803.2.1.2 of the 2024 NC Existing Building Code 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Building Code Council

Upon the call of the Chair, the 2024 NC Fire Code as well as individually filed amendments to Sections 102.13, 105.5.32, 319.11.1, 319.11.13, 202, 203, 608, 911, 3307, 5003, 5706.5.4.5, Chapter 80, and NFPA 241 of the 2024 NC Fire Code 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (PERMANENT RULES)

Medical Care Commission

Prior to the review of the rules from the Medical Care Commission, Commissioner Leebrick recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

Upon the call of the Chair, 10A NCAC 13F .0102, .0402, .0404, .0408, .0601, .0602, .0603, .0604, .0605, .0606, .0607, .0608, .0609; 13G .0102, .0404 and .0601 were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Criminal Justice Education and Training Standards Commission

Upon the call of the Chair, 12 NCAC 09G .0202 and .0208 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

12 NCAC 09C .0104 was withdrawn at the request of the agency, no action was required by the Commission.

Environmental Management Commission

Upon the call of the Chair, 15A NCAC 02Q .0802 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Department of the Secretary of State

Upon the call of the Chair, 18 NCAC 07B .0404, .0405, .0406; 07F .0303, .0401, .0503, .0505, .0506, .0507, .0508, .0509, .0512, .0513, .0601, .0806, .0807, .0903, .0906, .1102, .1106, .1109, .1110, .1111; 07I .0303, .0305 and .0406 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

TSERS and LGERS Employee Retirement System Board of Trustees

Upon the call of the Chair, 20 NCAC 02B .0215; 02C .0212; 02O .0104, .0105 and .0106 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Medical Board

Upon the call of the Chair, 21 NCAC 32M .0107 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Medical Board

Upon the call of the Chair, 21 NCAC 32R .0101 and 32S .0216 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

LOG OF FILINGS (TEMPORARY RULES)

Criminal Justice Education and Training Standards Commission

12 NCAC 09C .0401 – Upon the call of the Chair, the Commission voted to adopt staff's recommendation to object to the rule for failure to comply with the APA by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 7. Voting in the negative: None.

Commissioner Hemphill did not vote.

Marine Fisheries Commission

Upon the call of the Chair, 15A NCAC 03I .0123 and .0124 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10C .0218 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10C .0422 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Wildlife Resources Commission

Upon the call of the Chair, 15A NCAC 10D .0209, .0243, and .0276 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

Interpreter and Transliterator Licensing Board

Upon the call of the Chair, 21 NCAC 25 .0202 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, Brandon Leebrick, Bill Nelson, Randy Overton, and Paul Powell – 8. Voting in the negative: None.

COMMISSION BUSINESS

The Chair announced there were no updates regarding the CRC v. RRC litigation; therefore, the Chair did not call the meeting into a closed session.

The meeting was adjourned at 10:49 a.m.

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

Alexander Burgos, Paralegal

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

DRAFT

June 26, 2024

Rules Review Commission
Meeting
Please Print Legibly

Name	Agency
Carrie Ruhlman	NCWRC
Christine Ryan	NCDOT
Shawn Maier	NCDEQ
Nancy Carney	NCEC / NCCEC
Helen Landi	NCDOT / HHS
Catherine Blum	NC DMF
Christian Waters	NCWRC
Taylor Corpening	NC DMH
And. Elk	NCRM
Johnny Lopez	Optometry Board
Sharon Black	PHHS
ANN ELMORE	SOS
Patricia Kralaw	DST
Taylor Matyi	DST
Timothy Melton	DST
Cliff Isaac	NCHBA
Pa. Bural	NC DOJ / NCITLB

Rules Review Commission Meeting June 26, 2024

Via WebEx

Name	Agency
Tina Dupree	SOS
Ozie Stallworth	SOS
Katherine Quinlan	DEQ
Kathryn Whalen	DOI
Julie Ventaloro	OSBM
Jennifer Everett	DEQ
Karen Holder	DOI
Charlie Johnson	DOI
Keisha Hoggard	DOI
Dana McGhee	OAH
Ashley Snyder	OAH
Jason Rock	DEQ
Sharon Smith	DEQ
Joshua Beil	DEQ
Alan Bianchi	DEQ
Jesse Bisette	DEQ
Meredith Whitten	DEQ
Kyle Briggs	WRC
Patrick Phelan	nationalvision.com
Jeff Moore	DEQ
Meghan Cook	NCFB
Brad Johnson	DEQ
Jason Walsh	DEQ
Trey Velez	DEQ
Kevin	ngleg.gov
Michelle Schilling	DOJ
Jonathan Weaver	DEQ
David Clayton	Office of the Governor
Laura Lansford	DOR
Megan Lamphere	DHHS
Libby Kinsey	DHHS
T Fowler	essilorluxottica.com
Chearin Lewis	DEQ
Lily Zeller	DEQ
Stephanie Freeman	DPS
Anne Coan	NCFB

Wallace Lovejoy	
Genevieve Kaplan	stateside.com
Laura Rowe	Treasurer
Brandi Salmon	DEQ
Shalisa Jones	DHHS
Alexis Rakestraw	DEQ
Michelle Brodeur	DEQ
John Pignone-Reed	johnpignone.com
Janice Peterson	Optometry
Kimberly Luisana	Nursing
Nadine Pfeiffer	
Andrew Valmassoi	DEQ
Michelle Schilling	DOJ
Mike Morton	cityofwsfire.org
William Rafferty	Optometry

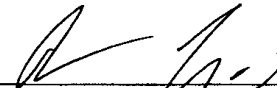
MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

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

IV-1 Medical Care Commission.

I have abstained because of potential conflict of interest

This the 26th day of June, 2022.



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.



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

Re: Biennial Evaluation of Statement of Economic Interest Filed by Ms. Jeanette K. Doran
Member of the Rules Review Commission

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Ms. Jeanette K. Doran** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Ms. Doran is the President and General Counsel for the North Carolina Institute for Constitutional Law (NCICL). In addition, Ms. Doran serves as a board member of the Conservatives for Criminal Justice Reform. Because the NCICL could represent clients who come before the Commission during the rulemaking process, she has the potential for a conflict of interest. Therefore, Ms. Doran should exercise appropriate caution in the performance of her public duties should issues involving the NCICL or any of its clients come before the Commission for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Jeanette K. Doran
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. John R. Hemphill
Member of the Rules Review Commission

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Mr. John R. Hemphill** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Hemphill is a partner with the law firm of Hemphill Gelder, P.C. and serves on the Carolina Partnership for Reform, Inc. Board of Directors. In addition, his spouse is an attorney with the law firm of Ortiz & Doyle, PLLC. Because the law firms could represent clients that come before the commission during the rulemaking process, he has the potential for a conflict of interest. Accordingly, Mr. Hemphill should exercise appropriate caution in the performance of his public duties should issues involving the law firms of Hemphill Gelder, P.C., or Ortiz & Doyle, PLLC or their clients come before the Commission for official action.

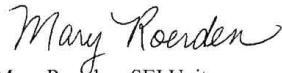
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: John R. Hemphill
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

Re: Biennial Evaluation of Statement of Economic Interest Filed by Ms. Barbara Jackson
Member of the Rules Review Commission

Dear Speaker Moore:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Ms. Barbara Jackson** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

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Ms. Jackson 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. As such, Ms. Jackson has the potential for a conflict of interest and should exercise appropriate caution in the performance of her public duties should issues involving these entities or her clients come before the Commission for official action.

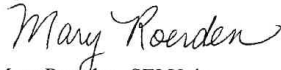
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Barbara Jackson
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. Brandon Leebrick
Member of the Rules Review Commission

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Mr. Brandon Leebrick** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

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The Honorable Phil Berger
June 21, 2024
Page 2 of 2

Mr. Leebrick is the principal attorney with the law firm of Ott Cone & Redpath, P.A. which could represent clients that come before the Commission during the rulemaking process. In addition, he is a board member of the North Carolina Society of Health Care Attorneys and the Citizens for Good Growth in Rockingham County, Inc. As such, he has the potential for a conflict of interest and should exercise appropriate caution in the performance of his public duties should issues involving these entities or their clients come before the Commission for official action.

In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: Brandon Leebrick
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. William W. Nelson
Member of the Rules Review Commission

Dear Senator Berger:

Our office has received a 2024 Statement of Economic Interest ("SEI") from **Mr. William W. Nelson** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed it for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Nelson is a partner with the law firm of Smith Anderson and his spouse is an Administrative Law Judge at the N.C. Office of Administrative Hearings. Because the law firm of Smith Anderson could represent clients that come before the commission during the rulemaking process, he has the potential for a conflict of interest. As such, Mr. Nelson should exercise appropriate caution in the performance of his public duties should the business of the law firm of Smith Anderson or their clients come before the Commission for official action.

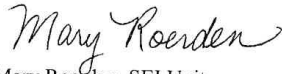
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: William W. Nelson
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide



STATE ETHICS COMMISSION

POST OFFICE BOX 27685
RALEIGH, NC 27611
PHONE: 919-814-3600

Via Email

June 21, 2024

The Honorable Tim Moore
Speaker of the House of Representatives
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601-1096

Re: Biennial Evaluation of Statement of Economic Interest Filed by Mr. William Paul Powell
Member of the Rules Review Commission

Dear Speaker Moore:

Our office has received a 2023 Statement of Economic Interest ("SEI") and 2024 No-Change form from **Mr. William Paul Powell** as a member of the **Rules Review Commission (the "Commission")**. We have reviewed the 2023 Statement of Economic Interest for actual and potential conflicts of interest under the State Government Ethics Act (the "Act"), which requires that SEIs be evaluated every two years after initial evaluation.

Compliance with the Act and avoidance of conflicts of interest in the performance of public duties are the responsibilities of every covered person, regardless of this letter's contents. This letter, meanwhile, is not meant to impugn the integrity of the covered person in any way. This letter is required by N.C.G.S. § 138A-28(a) and is designed to educate the covered person as to potential issues that could merit particular attention. Advice on compliance with the Act is available to certain public servants and legislative employees under N.C.G.S. § 138A-13.

We did not find an actual conflict of interest but found the potential for a conflict of interest. The potential conflict identified does not prohibit service on this entity.

The Rules Review Commission has authority to review all temporary and permanent rules proposed by North Carolina government agencies, including the authority to veto rules that fail to satisfy specific statutory criteria. Generally speaking, those rules are intended to implement or interpret laws adopted by the General Assembly or Congress or certain federal regulations. Temporary or permanent rules approved by the Commission are filed with the Office of Administrative Hearings to be included in the North Carolina Administrative Code.

The Act establishes ethical standards for certain public servants and prohibits public servants from: (1) using their positions for their financial benefit or for the benefit of their extended family or business, N.C.G.S. § 138A-31; and (2) participating in official actions from which they or certain associated persons might receive a reasonably foreseeable financial benefit, N.C.G.S. § 138A-36(a). The Act also requires public servants to take appropriate steps to remove themselves from proceedings in which their impartiality might reasonably be questioned due to a familial, personal, or financial relationship with a participant in those proceedings. N.C.G.S. § 138A-36(c).

Mr. Powell is the Vice President and General Manager for R.H. Barringer Distributing Company, a beer and wine wholesaler. Because the Alcohol Beverage Control Commission could present rules for approval by the Commission Mr. Powell has the potential for a conflict of interest. Accordingly, Mr. Powell should exercise appropriate caution in the performance of his public duties should the ABC Commission or issues relevant to his industry come before the Commission for official action.

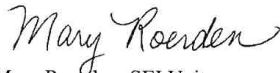
In addition to the conflicts standards noted above, the Act prohibits public servants from accepting gifts from (1) a lobbyist or lobbyist principal, (2) a person or entity that is seeking to do business with the public servant's agency, is regulated or controlled by that agency, or has financial interests that might be affected by their official actions, or (3) anyone in return for being influenced in the discharge of their official responsibilities. N.C.G.S. § 138A-32. Exceptions to the gifts restrictions are set out in N.C.G.S. § 138A-32(e).

When this letter cites an actual or potential conflict of interest under N.C.G.S. § 138A-24(e), the conflict must be recorded in the minutes of the applicable board and brought to the membership's attention by the board's chair as often as necessary to remind all members of the conflict and to help ensure compliance with the Act. N.C.G.S. § 138A-15(c).

Finally, the Act mandates that all public servants attend an ethics and lobbying education presentation. N.C.G.S. § 138A-14. Please review the attached document for additional information concerning this requirement.

Please contact our office if you have any questions concerning our evaluation or the ethical standards governing public servants under the Act.

Sincerely,



Mary Roerden, SEI Unit
State Ethics Commission

cc: William Paul Powell
Alexander Burgos, Ethics Liaison

Attachment: Ethics Education Guide
