

RULES REVIEW COMMISSION MEETING
MINUTES
March 27, 2025

The Rules Review Commission met on Thursday, March 27, 2025, 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, Brandon Leebrick, Chris Loutit, Randy Overton, Bill Nelson, Jake Parker, and Paul Powell were present in the Commission Room.

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

The meeting was called to order at 10:01 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 announced that with all members present in the commission room, there will be no roll call votes taken at this meeting.

The Chair notified the Commission that due to technical difficulties with Staff Counsel Bill Peaslee's laptop, his rules would be taken out of order on the agenda.

APPROVAL OF MINUTES

The Chair asked for any discussion, comments, or corrections concerning the minutes from the February 27, 2025 meeting. There were none, and the minutes were unanimously approved as distributed.

FOLLOW UP MATTERS

Coastal Resources Commission

15A NCAC 07H .0508; 15A NCAC 07J .1401, .1402, .1403, .1404 .1405; .1501, .1502, and .1503 – The rules were returned to the agency on March 11, 2025, pursuant to staff authorization contained in the July 2024 Commission minutes.

Mary L. Lucasse, with the Department of Justice and representing the agency, addressed the Commission.

LOG OF FILINGS (PERMANENT RULES)

Board of Elections

08 NCAC 21 .0105 was unanimously approved.

Department of Environmental Quality

Prior to the review of the rules from the Department of Environmental Quality, Commissioner Parker recused himself and did not participate in any discussion or vote concerning the rules because of a potential conflict of interest.

15A NCAC 01V .0101, .0102, .0103, .0104, .0105, .0106, and .0107 were unanimously approved.

Wildlife Resources Commission

15A NCAC 10F .0304 was unanimously approved.

Board of Chiropractic Examiners

21 NCAC 10 .0302 was unanimously approved.

Board of Examiners for Engineers and Surveyors

21 NCAC 56 .0502, .0901, and .0902 were unanimously approved.

LOG OF FILINGS (TEMPORARY RULES)**Department of Insurance**

11 NCAC 18 .0102 was unanimously approved.

Existing Rules Review**Board of Agriculture**

02 NCAC 48C - The Commission unanimously approved the report as submitted by the agency.

02 NCAC 48D - The Commission unanimously approved the report as submitted by the agency.

Rural Electrification Authority

04 NCAC 08 - The Commission unanimously approved the report as submitted by the agency.

DHHS - Division of Aging

10A NCAC 05 - The Commission unanimously approved the report as submitted by the agency.

Child Care Commission

10A NCAC 09 – The Commission unanimously approved the report as submitted by the agency.

DHHS Commission for Mental Health/DD/SAS

10A NCAC 27E – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27F – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 27H – The Commission unanimously approved the report as submitted by the agency.

10A NCAC 28A – The Commission unanimously approved the report as submitted by the agency.

DHHS - Division of Mental Health/DD/SAS

10A NCAC 27I, Section -.0400 and .0500 – The Commission unanimously approved the report as submitted by the agency.

DHHS - Commission for Mental Health/DD/SAS

10A NCAC 27I .0600 – The Commission unanimously approved the report as submitted by the agency.

Board of Examiners in Optometry

21 NCAC 42 – The Commission unanimously approved the report as submitted by the agency.

Department of Public Safety

14B NCAC 18 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than December 1, 2026 pursuant to G.S. 150B-21.3A(d)(2).

Acupuncture Licensing Board

21 NCAC 01 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than October 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Landscape Contractor's Licensing Board

21 NCAC 28 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than August 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

Board of Podiatry Examiners

21 NCAC 52 - As reflected in the attached letter, the Commission voted to schedule the readoption of these Rules no later than May 1, 2027 pursuant to G.S. 150B-21.3A(d)(2).

COMMISSION BUSINESS

Pursuant to G.S. 150B-21.3A(d)(1), the Commission unanimously voted to grant the exemption of Subchapter 18 NCAC 07J from the decennial review that began in 2024.

Upon a motion by Commissioner Hyde and a second by Commissioner Powell, the Commission unanimously voted that mandatory in-person attendance is required by all members of the Commission except in cases where remote attendance is necessary to establish a quorum. Mandatory in-person attendance does not apply to agency representatives and members of the public.

The meeting adjourned at 10:23 a.m.

The next regularly scheduled meeting of the Commission is Thursday, April 24, 2025, at 10:00 a.m.

Alexander Burgos, Paralegal

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

March 27, 2025

Rules Review Commission
Meeting
Please **Print** Legibly

[illegible]

Rules Review Commission Meeting March 27, 2025

Via WebEx

Name	Agency
Dana McGhee	IC
Devon Horine	DHHS
Jessica Montie	DEQ
Julie Ventaloro	OSBM
Jennifer Patterson	DEQ
Virginia Niehaus	DHHS
Robert Croom	DOI
Catherine Blum	DEQ
Catherine Lee	Hedrick Gardner
Julie Youngman	SELCNC
Elizabeth Pope	NCSW
Eric Anderson	toyota.com
Misty Piekaar	DHHS
Liebman, Brian R	OAH
Baker, Denise	DHHS
Wakely, Lindsey	NCSBE
Elly Young	DOJ
Dilcy Burton	DOJ
Michael Rhodes	pima.org
Janice Peterson	Optometry
Betsy Haywood	WRC
Wakely, Lindsey	NCSBE
Tamika Jenkins	DHHS
Jordan Hennessy	
Johnny Loper	Optometry

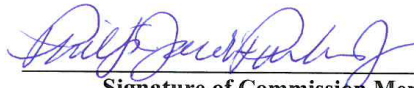
MEMORANDUM OF ABSTENTION FROM
PARTICIPATION IN OFFICIAL ACTION
RULES REVIEW COMMISSION

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. 2. Department of Environmental Quality

I have abstained because of a potential conflict of
interest.

This the 27th day of March, 2025



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 OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

March 27, 2025

Margaret McDonald, NC Department of Public Safety
Sent via email to: margaret.mcdonald@ncdps.gov
Re: Readoption deadline for 14B NCAC 18

Dear Ms. McDonald:

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 March 27, 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 **December 1, 2026**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Cc: Joseph Newsome (JNewsome@ncsbi.gov)

Donald Robert van der Vaart, 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: Necessary
PERIODIC RULE REVIEW

October 30, 2024

APO Review: December 31, 2024

Public Safety – Division of Criminal Information

Total: 45

14B NCAC 18A .0101	14B NCAC 18B .0302
14B NCAC 18A .0102	14B NCAC 18B .0303
14B NCAC 18A .0103	14B NCAC 18B .0401
14B NCAC 18A .0201	14B NCAC 18B .0402
14B NCAC 18A .0202	14B NCAC 18B .0403
14B NCAC 18A .0203	14B NCAC 18B .0404
14B NCAC 18A .0301	14B NCAC 18B .0405
14B NCAC 18A .0302	14B NCAC 18B .0406
14B NCAC 18A .0303	14B NCAC 18B .0407
14B NCAC 18A .0304	14B NCAC 18B .0408
14B NCAC 18A .0401	14B NCAC 18B .0409
14B NCAC 18A .0402	14B NCAC 18B .0410
14B NCAC 18A .0403	14B NCAC 18B .0501
14B NCAC 18B .0101	14B NCAC 18B .0601
14B NCAC 18B .0102	14B NCAC 18B .0602
14B NCAC 18B .0103	14B NCAC 18B .0603
14B NCAC 18B .0104	14B NCAC 18B .0701
14B NCAC 18B .0201	14B NCAC 18B .0801
14B NCAC 18B .0202	14B NCAC 18C .0101
14B NCAC 18B .0203	14B NCAC 18C .0102
14B NCAC 18B .0204	14B NCAC 18C .0103
14B NCAC 18B .0301	14B NCAC 18C .0201
	14B NCAC 18C .0301



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

March 27, 2025

Michael Tadych, NC Acupuncture Licensing Board

Sent via email to: mike@smvt.com

Re: Readoption deadline for 21 NCAC 01

Dear Mr. Tadych:

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 March 27, 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 **October 1, 2027**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Cc: pat@smvt.com

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
September 25, 2024
APO Review: November 26, 2024
Acupuncture Licensing Board
Total: 23

21 NCAC 01 .0101
21 NCAC 01 .0102
21 NCAC 01 .0103
21 NCAC 01 .0104
21 NCAC 01 .0105
21 NCAC 01 .0106
21 NCAC 01 .0107
21 NCAC 01 .0201
21 NCAC 01 .0202
21 NCAC 01 .0301
21 NCAC 01 .0401
21 NCAC 01 .0402
21 NCAC 01 .0501
21 NCAC 01 .0701
21 NCAC 01 .0702
21 NCAC 01 .0703
21 NCAC 01 .0704
21 NCAC 01 .0705
21 NCAC 01 .0706
21 NCAC 01 .0707
21 NCAC 01 .0709
21 NCAC 01 .0710
21 NCAC 01 .0711



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

March 27, 2025

Calvin Kirven, Landscape Contractor's Licensing Board

Sent via email to: ckirven@nclclb.com

Re: Readoption deadline for 21 NCAC 28

Dear Mr. Kirven:

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 March 27, 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 **August 1, 2027**.

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

Sincerely,

/s/ Travis Wiggs
Travis Wiggs
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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RRC DETERMINATION: Necessary
PERIODIC RULE REVIEW
November 26, 2024
APO Review: January 26, 2025
Landscape Contractors Licensing Board
Total: 35

21 NCAC 28B .0101
21 NCAC 28B .0102
21 NCAC 28B .0103
21 NCAC 28B .0104
21 NCAC 28B .0201
21 NCAC 28B .0202
21 NCAC 28B .0203
21 NCAC 28B .0204
21 NCAC 28B .0301
21 NCAC 28B .0302
21 NCAC 28B .0303
21 NCAC 28B .0401
21 NCAC 28B .0402
21 NCAC 28B .0403
21 NCAC 28B .0404
21 NCAC 28B .0405
21 NCAC 28B .0406
21 NCAC 28B .0501
21 NCAC 28B .0502
21 NCAC 28B .0503
21 NCAC 28B .0504
21 NCAC 28B .0505
21 NCAC 28B .0506
21 NCAC 28B .0507
21 NCAC 28B .0508
21 NCAC 28B .0509
21 NCAC 28B .0510
21 NCAC 28B .0511
21 NCAC 28B .0601
21 NCAC 28B .0701
21 NCAC 28B .0801
21 NCAC 28B .0802
21 NCAC 28B .0803
21 NCAC 28B .0804
21 NCAC 28B .0901



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

March 27, 2025

Tracy Steadman, Board of Podiatry Examiners
Sent via email only to: tsteadman@firstpointresources.com

Re: Readoption deadline for 21 NCAC 52: Board of Podiatry Examiners

Dear Ms. Steadman

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 March 27, 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 **May 1, 2027**.

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

Sincerely,

/s/ Seth Ascher
Seth Ascher
Commission Counsel

Donald Robert van der Vaart, Director
Chief Administrative Law Judge

John C. Evans
Senior Administrative Law Judge

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**RRC DETERMINATION: NECESSARY
PERIODIC RULE REVIEW**

August 28, 2024

APO Review: October 29, 2024

Podiatry Examiners, Board of

Total: 42

21 NCAC 52 .0101	21 NCAC 52 .0409
21 NCAC 52 .0201	21 NCAC 52 .0601
21 NCAC 52 .0202	21 NCAC 52 .0610
21 NCAC 52 .0204	21 NCAC 52 .0611
21 NCAC 52 .0205	21 NCAC 52 .0612
21 NCAC 52 .0207	21 NCAC 52 .0613
21 NCAC 52 .0208	21 NCAC 52 .0701
21 NCAC 52 .0209	21 NCAC 52 .0702
21 NCAC 52 .0210	21 NCAC 52 .0703
21 NCAC 52 .0211	21 NCAC 52 .0804
21 NCAC 52 .0212	21 NCAC 52 .1001
21 NCAC 52 .0213	21 NCAC 52 .1002
21 NCAC 52 .0214	21 NCAC 52 .1003
21 NCAC 52 .0215	21 NCAC 52 .1004
21 NCAC 52 .0301	21 NCAC 52 .1005
21 NCAC 52 .0302	21 NCAC 52 .1202
21 NCAC 52 .0303	21 NCAC 52 .1203
21 NCAC 52 .0402	21 NCAC 52 .1204
21 NCAC 52 .0403	21 NCAC 52 .1301
21 NCAC 52 .0404	21 NCAC 52 .1302
21 NCAC 52 .0408	21 NCAC 52 .1401