

**RULES REVIEW COMMISSION MEETING  
MINUTES  
May 29, 2024**

The Rules Review Commission met on Wednesday, May 29, 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, Bill Nelson, Randy Overton, Brandon Leebrick, Jake Parker, and Paul Powell were present in the Commission Room. Commissioners Barbara Jackson and Jay Hemphill 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 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 matters for the Criminal Justice Education and Training Standards Commission and permanent rules from the Wildlife Resources Commission.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the April 30, 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 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

The Chair asked for any discussion, comments, or corrections concerning the minutes of the May 13, 2024 special 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 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

**FOLLOW UP MATTERS**

**Home Inspector Licensure Board**

Upon the call of the Chair, 11 NCAC 08 .1101, .1103, .1105, .1107, .1109, .1110, and .1116 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

**Criminal Justice Education and Training Standards Commission**

Upon the call of the Chair, 12 NCAC 09F .0103, .0104, and .0105 were returned to the agency in accordance with the requirements of G.S. 150B-21.12(d) by roll-call vote, ayes 10, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeanette Doran, Jay Hemphill, Jeff Hyde, Barbara

Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 10. Voting in the negative: None.

Kristin Mallett with the Department of Justice and representing the agency addressed the Commission.

#### **State Board of Education**

Upon the call of the Chair, 16 NCAC 06C .0602 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

#### **Board of Examiners in Optometry**

21 NCAC 42D .0102 - At the January 2024 meeting, the Commission found that the revised rule satisfied the RRC's objection at the November 2023 meeting; however, it also determined that the revised rule was a substantial change and will need to be published and reviewed pursuant to G.S. 150B-21.2(g). This Rule will remain on the agenda until it is published. No action was required by the Commission.

#### **Building Code Council**

North Carolina Energy Conservation Code, Section R402, Appendix R1.2.1 - The Commission objected to these Rules at the April meeting. No action was required by the Commission.

#### **Building Code Council**

2024 NC Building Code and separately filed amendments to Sections 101.2, 202, 307, 414, 1109.2, 1901, and Chapter 35 of the 2024 NC Building Code - The Commission extended the period of review for these Rules at the April meeting. No action was required by the Commission.

#### **Building Code Council**

2024 NC Existing Building Code and separately filed amendments to Sections 101.2 and 803.2.1.2 of the 2024 NC Existing Building Code - The Commission extended the period of review for these Rules at the April meeting. No action was required by the Commission.

#### **Building Code Council**

2024 NC Fire Code and separately filed amendments to Sections 102.13, 105.5.32, 202, 203, 319.11.1, 319.11.13, 608, 911, 907.2.3.1, 1010.2.14, 1010.2.14.4, 1010.2.1, 3307, 5003, 5706.5.4.5, Chapter 80, and NFPA 241 of the 2024 NC Fire Code - The Commission extended the period of review for these Rules at the April meeting. No action was required by the Commission.

### **LOG OF FILINGS (PERMANENT RULES)**

#### **Private Protective Services Board**

Upon the call of the Chair, 14B NCAC 16 .0707 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

#### **Wildlife Resources Commission**

Upon the call of the Chair, 15A NCAC 10A .1601; 10F .0304, .0310, and .0314 were approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

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 10F .0314.

Jonathan Crews, General Manager of the Bradley Creek Yacht Club, addressed the Commission. Matt Groff, the treasurer for the Creekside Yacht Club, addressed the Commission.

Howard Stanley, the General Manager for the Creekside Yacht Club, addressed the Commission.

#### **Board of Registration for Foresters**

Upon the call of the Chair, 21 NCAC 20 .0106 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

#### **Medical Board**

21 NCAC 32S .0216; 32M .0107; and 32R .0101 were withdrawn at the request of the agency. No action was required by the Commission.

#### **Board of Nursing**

Upon the call of the Chair, the Commission voted to extend the period of review for 21 NCAC 36 .0807 by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

#### **Board of Examiners in Optometry**

Upon the call of the Chair, 21 NCAC 42E .0103 was approved by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 9. Voting in the negative: None.

#### **Existing Rule Review**

15A NCAC 05C - Upon the call of the Chair, the Commission voted to schedule readoption of the rules no later than September 1, 2025 pursuant to G.S. 150B-21.3A(d)(2) by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jay Hemphill, Jeff Hyde, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioner Jackson did not vote.

#### **COMMISSION BUSINESS**

Upon the call of the Chair, the Commission voted to adopt changes to 26 NCAC 05 .0116 and submit the rule for publication in the NC Register approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Wayne R. Boyles III, Jeff Hyde, Barbara Jackson, Brandon Leebrick, Bill Nelson, Randy Overton, Jake Parker, and Paul Powell – 8. Voting in the negative: None.

Commissioner Hemphill left the meeting.

The Chair announced that there are 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 11:18 a.m.

The next regularly scheduled meeting of the Commission is Wednesday, June 26, 2024, at 10:00 a.m.



---

Alexander Burgos, Paralegal



---

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

May 29, 2024

Rules Review Commission  
Meeting  
Please Print Legibly

| Name                   | Agency                                         |
|------------------------|------------------------------------------------|
| U Schilling            | NCDOJ                                          |
| Matt Graft             | CYC Wilmington                                 |
| Howard Stanley         | CYC Wilmington                                 |
| Jonathan Crow          | BCYC - Wilmington                              |
| Gina M. Van Osben Clay | NCDOJ                                          |
| Leedell Fennell        |                                                |
| Ted B. Williams        | Nash Community College <sup>Wash Co</sup> S.O. |
| BRAD Smith             | None                                           |
| Paul Barth             | Grass Roots NC                                 |
| Helen Landi            | NCOT/AMTB                                      |
| Emily Willey           | NCDOJ                                          |
| Bob Overton            | NCDOJ                                          |
| Gina White             | SOS                                            |
| Bill Dix               | GRNC                                           |
| Josh Hagwood           | USLS                                           |
| Nathan Carlos          | NCDOJ / SO                                     |
| Tamara Zmuda           | NCWRC                                          |
| Betsy Hagwood?         | NCWRC                                          |
| Mack Duffin            | NCWRC                                          |
| Carrie Ruhlman         | NCWRC                                          |
| Melba Bonner           | NCWRC                                          |

May 29, 2024

Rules Review Commission  
Meeting  
Please Print Legibly

[illegible]

**Rules Review Commission Meeting May 29, 2024**  
**Via WebEx**

| <b>Name</b>         | <b>Agency</b>           |
|---------------------|-------------------------|
| Sophie Plott        | Labor                   |
| Jessica Winebrenner | nc.gov                  |
| Ryan Collins        | DPI                     |
| James Chapman       | DEQ                     |
| Dwain Veach         | DEQ                     |
| Tonia Brown         | OAH                     |
| Pamela Schooler     | DOI                     |
| Dennis Seavers      | Barbers                 |
| Ingrid Davis        | nc.gov                  |
| Karen Holder        | DOI                     |
| Dana McGhee         | OAH                     |
| Arthur Harrell      | OAH                     |
| Ashley Snyder       | OAH                     |
| Denise Mazza        | SHRC                    |
| David Dye           | fcinsp.com              |
| Tamara Zmuda        | WRC                     |
| Hejduk, Mike        | DOI                     |
| Amber Thiel         | COMMERCE                |
| Anne Coan           | NCFB                    |
| Andy Ellen          | NCRMA                   |
| Sarah Zambon        | szambon@ncdoj.gov       |
| Connie              | connie@greenvillenc.com |
| Gabby Decker        | bcbsnc.com              |
| Casey Harris-Pratt  | OSBM                    |
| Kenneth Belk Taylor | DEQ                     |
| Taylor Corpening    | DHHS                    |
| Jeffrey Smythe      | DOJ                     |
| Catherine Blum      | DEQ                     |
| Connie M. Corey     | greenvillenc.com        |
| Chad Thompson       |                         |
| W Shenton           | poynerspruill.com       |
| James Pearce        | nc.gov                  |
| Mike Morton         | cityofwsfire.org        |
| Johnny Loper        | Optometry               |
| Thien Dao           | nc.gov                  |
| William Rafferty    | Optometry               |
| Janice Peterson     | Optometry               |