

Burgos, Alexander N

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Wednesday, October 28, 2026 3:04 PM
To: Ascher, Seth M
Cc: Burgos, Alexander N
Subject: RE: [External] RE: Filing of 12 NCAC 10B .0305

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Seth

Rule .0301 was submitted with changes to OAH last week as part of the first group of rules in the periodic review process. It includes the modified language for good moral character and has a proposed effective date of March 1, 2027.

Trying to coordinate effective dates of matters currently in process with the periodic review process is challenging. If you have any suggestions, I certainly will listen!

Robin

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, October 27, 2026 4:15 PM
To: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Filing of 12 NCAC 10B .0305

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Robin,

Regarding this rule for the November RRC meeting, I have reviewed the updated rule changing the effective date, and I do not have in requests for changes.

I do want to flag that you cross reference the agency definition of good moral character in rule .0301, a rule not currently before the Commission. In light of the SCNC decision in *Devalle v. Sheriff's Education* from last year (<https://www.nccourts.gov/documents/appellate-court-opinions/devalle-v-nc-sheriffs-educ-training-standards-commn-0>), the RRC is likely to have clarity concerns about that definition. Something to keep in mind as you prepare for readoption or if you are working on .0301 in the near future.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

From: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>
Sent: Wednesday, October 7, 2026 3:37 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Filing of 12 NCAC 10B .0305

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Seth

Since the new effective date for 10B .0305 will now be December 1 instead of November, I made that change for your review.

Robin

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, October 1, 2026 2:40 PM
To: Pendergraft, Robin <rpendergraft@NCDOJ.GOV>; Jones, Sirena <Scjones@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Filing of 12 NCAC 10B .0305

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Robin,

The text of rule 12 NCAC 10B .0305 was filed on September 23, after the statutory deadline (G.S. 150B-21.9(b)) to be on the agenda for the October meeting. As a result, it will need to go on RRC's November meeting agenda, which will also impact its effective date.

I plan to go ahead and review .0305 with the rest of your submission, even though it will be voted on at the November meeting.

It's up to you if you want to extend the review of all of your rules to November (with at least a December 1 effective date), let them have different effective dates, or push out the effective date of the rules on the agenda for October.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
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