



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

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

November 17, 2016

Via Email Only: christina.waggett@ncagr.gov

Christina L. Waggett, Rulemaking Coordinator
Structural Pest Control Committee
1001 Mail Service Center
Raleigh, NC 27699-1001

Re: 02 NCAC 34 .0328, .0502, .0503, .0505, and .0506

Dear Ms. Weggett:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the rulemaking coordinator to extend the period in order to allow the agency additional time to make technical changes.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

Sincerely,

Jason Thomas
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
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Rules Review
Commission
919/431-3000
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Civil Rights
Division
919/431-3036
fax: 919/431-3103



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November 17, 2016

Via Email Only: loretta.peace-bunch@ncdoi.gov
Loretta Peace-Bunch, Rulemaking Coordinator
Department of Insurance
1201 Mail Service Center
Raleigh, NC 27699-1201

Re: State Fire Marshal – 11 NCAC 0101, .0105, .0201, .0202, .0301, .0302, .0303, .0501, .0503, .0504, .0505, .0506, .0507, .0508, .0510, .0511, .0512, .0601, .0602, .0603, .0604, .0701, .0702, .0703, .0704, .0705.

Dear Ms. Peace-Bunch:

At its meeting this morning, the Rules Review Commission extended the period of review for the above-captioned rules in accordance with G.S. 150B-21.10. They did so in response to a request from the rulemaking coordinator to extend the period in order to allow the agency additional time to make technical changes, and to review and prepare responses to the staff opinions.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

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

Sincerely,

Abigail M. Hammond
Commission Counsel

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November 17, 2016

Sent via email: Commissioner@ncdoi.gov

The Honorable Wayne Goodwin, Commissioner
North Carolina Department of Insurance
1202 Mail Service Center
Raleigh, North Carolina 27699-1202

Re: Rule 11 NCAC 08 .0904

Dear Commissioner Goodwin:

At its November 17, 2016 meeting, the Rules Review Commission objected to the above-identified rule, in accordance with G.S. 150B-21.10.

The Commission objected to this rule due to lack of statutory authority and failure to comply with the North Carolina Administrative Procedures Act. Specifically, the Commission found that the amended rule was approved for publication and adopted by the Department rather than the proper authority: the Manufactured Housing Board. In addition, the Commission found that existing language of the rule exceeds the statutory language of G.S. 143-143.10, as modified in Session Law 2015-286, Section 2.2, because the rule purports to impose requirements on applicants for licensure as manufactured home manufacturers or dealers that were explicitly removed from the statute by the General Assembly.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Jason Thomas
Commission Counsel

Administration
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An Equal Employment Opportunity Employer

cc via email: Rick McIntyre (Rick.McIntyre@ncdoi.gov)
Loretta Peace-Bunch (loretta.peace-bunch@ncdoi.gov)
Joe Sadler (Joe.Sadler@ncdoi.gov)



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November 17, 2016

Micki Lilly
NCSWCLB
Sent via email to mswboard@asheboro.com

Re: 21 NCAC 63 .0505

Dear Ms. Lilly:

At its November 17, 2016 meeting, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10 (2).

The Commission objected to the following provisions in this Rule based on ambiguity:

- Line 5 – social workers shall “know the areas of competence of other professionals”
- Item (1) – social workers shall “treat with respect and represent accurately the views, qualifications and findings of colleagues, and when expressing judgment on these matters shall do so fairly and through appropriate channels.”
- Item (2) – “In referring clients, social workers shall refer to professionals who are recognized by their respective profession as competent to carry out the services required.”
- Item (3) – “If a social worker's services are sought by an individual who is already receiving similar services from another professional, consideration for the client's welfare shall be paramount. It requires the social worker to proceed with great caution, carefully considering both the existing professional relationship and the therapeutic issues involved.”
- Item (4) – Social workers “shall evaluate fairly the performance of those under their supervision,” shall not “harass,” and “shall not abuse the power inherent in their position.”
- Item (5) – “unethical or incompetent behavior” and “take equally appropriate steps to assist and defend colleagues unjustly charged with such conduct.”

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The Commission objected to the above language as it is unclear as to what is expected of the social worker in carrying out these provisions.

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Amber May". The signature is written in a cursive, flowing style.

Amber May
Commission Counsel

CC: Anna Choi, sent via email to anna@ncl-law.com