

Burgos, Alexander N

Subject: FW: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

-----Original Message-----

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, March 31, 2023 3:11 PM
To: Reed Fountain <Reed.Fountain@youngmoorelaw.com>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

This is the final version, to which I've recommended approval.

Brian Liebman
Counsel to the North Carolina Rules Review Commission Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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-----Original Message-----

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Friday, March 31, 2023 3:10 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

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Please see attached our response to the requested changes. Thanks to everyone involved.

Reed N. Fountain
Young Moore and Henderson, P.A.
3101 Glenwood Avenue, Suite 200
Raleigh, NC 27612
(919)782-6860
(919) 782-6753 (fax)
rnf@ymh.com

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-----Original Message-----

From: Reed Fountain
Sent: Friday, March 31, 2023 3:02 PM
To: 'Liebman, Brian R' <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

Will do. Have a nice weekend.

Reed N. Fountain
Young Moore and Henderson, P.A.
3101 Glenwood Avenue, Suite 200 Raleigh, NC 27612
(919)782-6860
(919) 782-6753 (fax)
rnf@ymh.com

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-----Original Message-----

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, March 31, 2023 2:06 PM
To: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

Reed,

Thanks for sending this over. I'll recommend approval at the meeting on the 20th. If you would, send the updated rule to oah.rules@oah.nc.gov and copy me so I will know it's been filed.

Best,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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Burgos, Alexander N

Subject: FW: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC
Attachments: 21 NCAC 50 .0520 Onsite Supervision (003)- with changes.docx

-----Original Message-----

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Tuesday, March 28, 2023 10:33 AM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

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Brian:

Please see attached our efforts to incorporate your requested changes with one exception. Please advise whether you believe this version sufficiently addresses your concerns and whether you will be recommending approval.

Your requests were as follows:

- 1 "I'm assuming this Rule is defining "general supervision" in addition to what is in R. .0505, correct? If so, you may want to cross reference R. 0505 or use the same formulation used in R. 0505 ("The general supervision required by G.S. 87-26 is....")"
Response: We changed the introduction to reference GS 87-26 as suggested.
- 2 "On line 4, what is "the proper licensing qualification"? Does this refer to the different classes of licenses referenced in G.S. 87-21(b)? Please revise and clarify."
Response: We added the reference to GS 87-21(b) as suggested.
- 3 "On line 4, you have "shall personally perform" when in the version published in the NC Register, it says "shall thoroughly perform". I don't think that's a substantial change, but it does need to be shown in the rule as a strike through and underlined addition."
Response: We corrected this formatting issue.
- 4 "On line 5, I think you need an "and" between "on-site" and "in-person"."
Response- We inserted the word "and" as suggested.
- 5 "On line 5, you're using the word "supervision" to define "general supervision". Is there a synonym or another phrase you can use here?"
Response- We did not make this requested change. The regulated professionals are familiar and comfortable using the word "supervision." We are concerned that using a synonym would cause confusion and would likely be viewed by some in the profession as a substantial change from what was published. It is our hope that given the other changes, you will feel comfortable recommending approval.
- 6 "In your History Note, please put your statutes in numerical order."

Response- We corrected this formatting issue.

Reed N. Fountain
Young Moore and Henderson, P.A.
3101 Glenwood Avenue, Suite 200
Raleigh, NC 27612
(919)782-6860
(919) 782-6753 (fax)
rnf@ymh.com

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1 21 NCAC 50 .0520 is adopted as published in 37:05 NCR 372 with changes as follows:

2

3 **21 NCAC 50 .0520 ONSITE SUPERVISION AND STANDARD OF COMPETENCE**

4 ~~General. The general~~ supervision required by G.S. 87-26 requires that a licensee of the firm who holds the proper
5 licensing qualification issued by the Board pursuant to GS 87-21(b) shall thoroughly personally perform on-site and
6 in-person supervision and review on all work, prior to work being covered or placed into service, to assure that all
7 installations meet or exceed the minimum standard of the North Carolina State Building Code. ~~Code prior to all~~
8 ~~inspection requests.~~

9 *History Note:* *Authority* ~~G.S. 87-21; 87-18; 87-26~~ G.S. 87-18; 87-21; 87-26.

10 *Eff. June 1, 2023*

11

Burgos, Alexander N

From: Liebman, Brian R
Sent: Tuesday, March 21, 2023 3:26 PM
To: Reed Fountain
Cc: Burgos, Alexander N
Subject: RE: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

Gotcha. Sorry to be stick in the mud about this. Email it is then.

Brian Liebman
Counsel to the North Carolina Rules Review Commission Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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-----Original Message-----

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Tuesday, March 21, 2023 3:19 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Re: Plumbing Heating and Fire Sprinkler Contractors Request for Changes - April 2023 RRC

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I just figured a conversation might make the edits go faster and am happy to memorialize the same via email. If you prefer, we can just do email. Thanks.

Reed Fountain

> On Mar 21, 2023, at 3:11 PM, Liebman, Brian R <brian.liebman@oah.nc.gov> wrote:
>
> Hi Reed,
>
> Generally, unless there's something really complicated that would be easier to hammer out over the phone, it's our policy to communicate about rules on the agenda via email. That said, if you need to talk, I'm agreeable, but anything substantive I'll have to memorialize in an email that will be included in the online agenda. Just FYI.
>
> I didn't think there was anything really complicated going on in your rule, so was there something specific you wanted to discuss? I'm free pretty much at your convenience Thursday or Friday.
>
> Brian
>
> Brian Liebman
> Counsel to the North Carolina Rules Review Commission Office of

> Administrative Hearings
> (984)236-1948
> brian.liebman@oah.nc.gov
>
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>
> -----Original Message-----
> From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
> Sent: Tuesday, March 21, 2023 2:41 PM
> To: Liebman, Brian R <brian.liebman@oah.nc.gov>
> Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
> Subject: [External] Re: Plumbing Heating and Fire Sprinkler
> Contractors Request for Changes - April 2023 RRC
>
> CAUTION: External email. Do not click links or open attachments unless
> you verify. Send all suspicious email as an attachment to Report
> Spam.<mailto:report.spam@nc.gov>
>
>
> Thanks for the comments.
>
> Do you have time to discuss later this week by phone?
>
> Reed Fountain
>
> On Mar 21, 2023, at 2:35 PM, Liebman, Brian R <brian.liebman@oah.nc.gov> wrote:
>
>
> Good afternoon,
> I'm the attorney who reviewed the Rule submitted by the Board for the April 2023 RRC meeting. The RRC will formally review this Rule at its meeting on Thursday, April 20, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.
> Please submit the revised Rule to me via email, no later than 5 p.m. on Tuesday, April 4, 2023.
> In the meantime, please do not hesitate to reach out via email with any questions or concerns.
> Thanks,
> Brian
> Brian Liebman
> Counsel to the North Carolina Rules Review Commission Office of
> Administrative Hearings
> (984)236-1948
> brian.liebman@oah.nc.gov
>
> E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.
>
>
> _____
>

> Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

> <04.2023 - 21 NCAC 50 .0520 Plumbing Heating and Fire Sprinkler

> Contractors Request for Changes.docx>