

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Thursday, July 25, 2024 11:34 AM
To: Reed Fountain
Cc: Burgos, Alexander N; Kelly Edwards
Subject: RE: [External] RE: 21 NCAC 50 .0301, .0306, and .0318

Good morning,

Thank you for the revisions. In 21 NCAC 50 .0318, please make sure the font is 10 when submitting the final revised rule.

I intend to recommend to the RRC that the final revised rules be approved at the August 28th meeting. Please submit all revised rules via email to oah.rules@oah.nc.gov no later than 5pm on August 16, 2024. The electronic copy must be saved as the official rule name (XX NCAC XXXX). Please include me on the email.

Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Sent: Tuesday, July 23, 2024 2:07 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Kelly Edwards <kelly.edwards@youngmoorelaw.com>
Subject: [External] RE: 21 NCAC 50 .0301, .0306, and .0318

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Thank you for your suggestions. I am attaching revised versions of each rule in advance of the deadline for discussion purposes and to ensure any of my formatting issues are addressed early. I will file the final versions by separate email. In response to your requests, I offer the following responses to your italicized requests:

Rule 21 NCAC 50. 0301

On line 1, delete the space after the colon in “38: 18.” Also, change “196” to “1196.”
Response: We have done this on the attached.

On line 4, change “provide” to “administer.”
Response: We have done this on the attached.

On line 5, consider changing “in” to “covering” or “including.”
Response: We have done this on the attached.

In (b), lines 33-34, consider putting a comma after “license” on line 33 and after “license” on line 34.
Response: We have done this on the attached.

On pg. 2, line 1, is the requirement in (c) the only “perquisite for licensure”? If not, please change “the” in line 1 to “a”.
Response: We have done this on the attached.

On pg. 2, line 2, change “exam” to “examination” for consistency.
Response: We have done this on the attached.

In (d), line 5, add an “s” to the end of “examination”.
Response: There is only one exam, so we did not make this plural.

In (d), line 6, add an “a” before “license” or begin the sentence with “Persons licensed as a ...”
Response: We have done this on the attached.

In line 12, consider deleting “who obtain” and begin the sentence with “Contractors licensed...”
Response: We changed to “Contractors who obtain **a** license...”

In the beginning of (f), (g), (h), and (j), consider replacing “for a license” with “licensure” for consistency.
Response: We have done this on the attached.

In (f), line 15, add a comma after “classification”, add “as” before “set”, and add “of this Section,” after “.306”.
Response: We have done this on the attached.

In (g), line 18, add a comma after “experience”, add “as” before “set”, and add “of this Section,” after “.306”.
Response: We have done this on the attached.

In (h), line 21, add a comma after “experience”, add “as” before “set”, and add a comma after “Section”.
Response: We have done this on the attached.

In (i), line 24, consider adding a comma after “examination”. On line 26, add “by” before “passage” and consider replacing “passage” with “passing”.
Response: We have done this on the attached.

In (j), lines 27-28, add a comma after “experience”, add “as” before “set”, and add a comma after “Section”. On line 29, delete the “s” at the end of “parts” if there is only one technical part.
Response: We have done this on the attached.

In (l), lines 36-37, add a comma after “Contractor”, consider changing “through” to “by”, capitalize “board”, and add a comma after “board”.

Response: We have done this on the attached.

On pg. 3, line 2, replace “ours” with “hours”.

Response: We have done this on the attached.

In the History Note, how is G.S. 87-18 Authority for this Rule?

Response: GS 87-18 is cited as general rulemaking authority. We also cited GS87-21 as authority since it directs the Board to establish both classes of licenses and also restricted license classifications.

Rule 21 NCAC 50.0306

On line 1, delete the space after the colon in “38: 18.”

Response: We have done this on the attached.

In (a), line 4, how do applicants “file an application”? Is the filing process described on the Board website? Consider adding a comma after “application” on line 4 and after “Chapter” on line 5.

Response: There is a link to the application on the website. We added the requested commas.

On line 5, please add the Board website url to the Rule.

Response: We have done this on the attached.

In (b), line 6, consider replacing “at the time of” with “when submitting an”.

Response: We have done this on the attached.

On line 7, consider adding “completion of” before “two-years”. Please consider making the same changes on line 9.

Response: We have done this on the attached.

In (d), line 15, please spell out the acronym “NICET” the first time it’s used in a rule.

Response: We have done this on the attached.

In (e)(1), line 19, and (e)(3), line 32, consider deleting “involved”.

Response: We have done this on the attached.

In (e)(1), line 20, change the semicolon to a colon.

Response: We don’t see the referenced semicolon but did change the comma to a colon on line 22.

In line 22, add a comma after “reference” and after “amendments” on line 33.

Response: We have done this on the attached on starting on line 23 not 33.

In line 23, what “document” is being referred to?

Response: To clarify the sentence, we changed eliminate “~~to the document~~” on line 25

In (e)(1), is the “NFPA-25: Standard” the same as incorporated by reference in (e)(2)? If so, please use the exact same language and format in both subsections for consistency. Also, please add the last sentence in (e)(2) to (e)(1).

Response: Yes as to NFPA-25 being the same standard in both sections. We have made the requested changes.

In line 29, add a comma after “reference”.

Response: We have done this on the attached.

In (f), line 36, add “the” before “NICET”.

Response: We have done this on the attached.

On pg. 2, line 3, what is meant by “exposure”? Rule .0515 doesn’t appear to define “exposure.” Also, please add a comma after “systems” in line 3.

Response: We have changed exposure to experience as follows “maintenance with ~~exposure~~ to experience in ...”. We have also added the requested comma on the attached.

In line 4, add “a” before “Limited”.

Response: We have done this on the attached.

In line 8, consider replacing “this” with “the”.

Response: We have done this on the attached.

In line 9, add a hyphen between “16 hour”.

Response: We have done this on the attached.

In line 11, add a comma after “reference”.

Response: We have done this on the attached.

In line 13, capitalize “sprinkler”.

Response: We have done this on the attached.

In (i), consider replacing “a license” with “licensure”.

Response: We have done this on the attached.

Rule 21 NCAC 50.0318

On line 1, delete the space after the colon in “38: 18.”

Response: We have done this on the attached.

Please ensure that the formatting and font used in this Rule follows the Administrative Rule Style Guide. To be more specific, please include “History Note:” before “Authority:” and add a semicolon after listing the Authority for the Rule.

Response: We have done this on the attached.

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, July 22, 2024 2:41 PM
To: Reed Fountain <Reed.Fountain@youngmoorelaw.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: 21 NCAC 50 .0301, .0306, and .0318

Mr. Fountain,

In 21 NCAC 50. 0318, one of my requests was, “*Please ensure that the formatting and font used in this Rule follows the Administrative Rule Style Guide.*” To be more specific, please include “*History Note:*” before “*Authority:*” and add a semicolon after listing the Authority for the Rule. The content of the Rule should be in 10 font.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
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From: Wiggs, Travis C
Sent: Friday, July 19, 2024 12:20 PM
To: reed.fountain@youngmoorelaw.com
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 21 NCAC 50 .0301, .0306, and .0318

Mr. Fountain,

I’m the attorney who reviewed the Rules submitted by the State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors for the August 2024 RRC meeting. The RRC will formally review these Rules at its meeting on Wednesday, August 28, 2024, at 10:00 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 close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised Rules and forms to me via email, no later than 5 p.m. on August 2, 2024.

Thank you.

Travis C. Wiggs
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