

## Burgos, Alexander N

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**Subject:** FW: [External] State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors- Response to Request for Changes

**Attachments:** 21 NCAC 50 .0403 Use of License (004)- with changes.docx; 21 NCAC 50 .1101 Examination Fees - with changes.docx; 21 NCAC 50.0415 Proposal Bid Estimate Performance with changes.docx; 21 NCAC 50 .0519 Residential Fire Sprinkler Design Contractor License -with changes.docx

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**From:** Reed Fountain <[Reed.Fountain@youngmoorelaw.com](mailto:Reed.Fountain@youngmoorelaw.com)>  
**Sent:** Thursday, February 9, 2023 1:56 PM  
**To:** Rules, Oah <[oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)>  
**Cc:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Subject:** [External] State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors- Response to Request for Changes

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Thank you for the discussion and input.

I have incorporated what I believe we discussed as some of the requested changes were modified based on phone calls.

Please see attached for resubmission:

Please see attached for resubmission:

**21 NCAC 50.0403 Use of License (For amendment with changes)**  
**21 NCAC 50.0159 Residential Fire Sprinkler Design Contractor License (For amendment with changes)**  
**21 NCAC 50.1101 Examination Fees (For amendment with changes)**  
**21 NCAC 50.0415 Proposal, Bid, Estimate Performance under G.S. 87-1.1 (for adoption with changes)**

Please let me know if any further modifications or changes are needed.



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## Burgos, Alexander N

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**From:** Reed Fountain <Reed.Fountain@youngmoorelaw.com>  
**Sent:** Wednesday, February 8, 2023 8:30 PM  
**To:** Ascher, Seth M  
**Cc:** Burgos, Alexander N  
**Subject:** Re: [External] RE: State Board of Examiners of Electrical Contractors Request for Changes  
**Attachments:** image001.jpg

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Thank you

Reed Fountain

On Feb 8, 2023, at 8:27 PM, Ascher, Seth M <seth.ascher@oah.nc.gov> wrote:

Reed,

Regarding 21 NCAC 18B .0213, the rule number on line 4 also needs to be updated. That text does not need to be underlined or highlighted. Also, include an updated cover form with the correct rule number and reflecting adoption when you resubmit. On line 18 in the history note, it should also read "adopted" instead of "amended".

Regarding 21 NCAC 18B .0308, add "History Note:" on line 10 preceding "Authority" similar to your other rules. I missed that on my first review.

With those small changes, you should be good to resubmit. As we discussed, I anticipate recommending that the Commission approve all three of these rules and will let you know if something changes between now and the meeting.

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

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From: Reed Fountain <Reed.Fountain@youngmoorelaw.com>  
Sent: Wednesday, February 8, 2023 10:48 AM  
To: Ascher, Seth M <seth.ascher@oah.nc.gov>  
Subject: [External] RE: State Board of Examiners of Electrical Contractors Request for Changes

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Thank you for the discussion and input.

I have incorporated what I believe we discussed and will be filing these tomorrow.

If you see areas that need brackets or think these changes are in any way different than what was discussed, I welcome any additional input.

Please see attached:

21 NCAC 18B .0308 Bidding Projects pursuant to G.S. 87-1.1 (For adoption)  
21 NCAC 18B .0213 Alternative Examination (For adoption)

Not attached, because there are no changes:

21 NCAC 18B .0201 Requirements for All Examination Applicants (For amendment)

<image001.jpg>

Reed N. Fountain

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From: Ascher, Seth M <seth.ascher@oah.nc.gov<mailto:seth.ascher@oah.nc.gov>>

Sent: Thursday, February 2, 2023 12:13 PM

To: Reed Fountain <Reed.Fountain@youngmoorelaw.com<mailto:Reed.Fountain@youngmoorelaw.com>>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov<mailto:alexander.burgos@oah.nc.gov>>

Subject: RE: State Board of Examiners of Electrical Contractors Request for Changes

Reed,

Thank you for the productive call this morning. We discussed my feedback on this ruleset, most of which you will be addressing with edits and resubmitting.

Our discussion of 21 NCAC 18B .0308, given the Board's interpretation that the relevant statute directs it to regulate only its own licensees and the public feedback the Board received, has addressed my concern regarding the clarity of

this rule. As we discussed, that means you should disregard my suggestion regarding the introductory language on line 4 and my suggestion related to incorporating by reference in subparagraph (1),

Let me know if you have any further questions.

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

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From: Ascher, Seth M  
Sent: Monday, January 30, 2023 1:10 PM  
To: reed.fountain@youngmoorelaw.com<mailto:reed.fountain@youngmoorelaw.com>  
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov<mailto:alexander.burgos@oah.nc.gov>>  
Subject: RE: State Board of Examiners of Electrical Contractors Request for Changes

Note that the prior version had the wrong example link on the first page and left off the date in the footer. Attached is an RFC correcting those two issues.

Seth Ascher

From: Ascher, Seth M  
Sent: Monday, January 30, 2023 12:26 PM  
To: reed.fountain@youngmoorelaw.com<mailto:reed.fountain@youngmoorelaw.com>  
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov<mailto:alexander.burgos@oah.nc.gov>>  
Subject: State Board of Examiners of Electrical Contractors Request for Changes

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the State Board of Examiners of Electrical Contractors for the February 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, February 16, 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 close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached are Requests 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 February 10, 2023.

Also, I recognize that 21 NCAC 18B .0308 has been here before and is related to several interlocking statutes and rules. I am happy to discuss it (or any of the other rules) by phone prior to your responses if further clarification would be helpful.

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

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