

Burgos, Alexander N

Subject: FW: [External] Thank you, Seth! Re: Formatted Revised G Rules Re: Response to RFC on 18 NCAC 07G

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Monday, May 19, 2025 10:58 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>
Subject: [External] Thank you, Seth! Re: Formatted Revised G Rules Re: Response to RFC on 18 NCAC 07G

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Good morning & thank you for starting the Monday with good news, Seth.

Just one more Subchapter to go by my reckoning: Subchapter 07F. *Is that your view also?*

Submitted on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/19/2025 10:33 AM >>>
Ann,

These updates correct any concerns I had, and I anticipate recommending approval of the final revised version of subchapter 7G.

Seth Ascher

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

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Burgos, Alexander N

Subject: FW: [External] Response to RFC on 18 NCAC 07G

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

Sent: Friday, May 16, 2025 1:53 PM

To: Elmore, Ann M <aelmore@sosnc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>

Subject: Re: [External] Response to RFC on 18 NCAC 07G

The proposed change will address the concern I had in this subchapter. Once you get the rule filed, I anticipate recommending approval.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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Burgos, Alexander N

Subject: FW: [External] Formatted Revised G Rules Re: Response to RFC on 18 NCAC 07G
Attachments: 18 NCAC 07G .0106.docx; 18 NCAC 07G .0107.docx

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Friday, May 16, 2025 3:23 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>
Subject: [External] Formatted Revised G Rules Re: Response to RFC on 18 NCAC 07G

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Hi, Seth.

Enclosed are the two formatted, revised G rules.

Note the yellow highlighted difference between the proposed change:

**18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION
CERTIFICATE**

A manufacturer or vendor shall retain in its records for 10 years a copy of the notary commission
certificate presented pursuant to Rule .0106 of this Section. ~~certificate in its records for 10 years.~~

and the formatted change shown below. The rule as published did not repeat the word, "certificate," so there was no need to delete it. (Thanks to our eagle-eyed formatter for flagging it!)

18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION CERTIFICATE

A manufacturer or vendor shall retain in its records for 10 years a copy of the notary commission certificate ~~in its
records for 10 years.~~ presented pursuant to Rule .0106 of this Section.

Please let us know if you have any further questions.

Thank you!

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/16/2025 1:52 PM >>>

The proposed change will address the concern I had in this subchapter. Once you get the rule filed, I anticipate recommending approval.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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1 18 NCAC 07G .0106 is adopted with changes as published in 39:13 NCR 823 as follows:

2
3 **18 NCAC 07G .0106 NOTARY COMMISSION CERTIFICATE RECEIPT BY MANUFACTURER OR**
4 **VENDOR**

5 A manufacturer or vendor shall require any individual claiming to be a North Carolina notary public purchasing or
6 ordering a physical notary public seal to present:

- 7 (1) for an in-person purchase, the original notary commission certificate defined at 18 NCAC 07K
8 .0101(5) from the Department; and
9 (2) for an order by mail or delivery service, an exact, legible copy of the original commission certificate
10 defined at 18 NCAC 07K .0101(5) from the Department.

11
12 *History Note: Authority G.S. 10B-4; 10B-36(e)(2);*
13 *Eff. July 1, 2025.*

1 18 NCAC 07G .0107 is adopted with changes as published in 39:13 NCR 823 as follows:

2
3 **18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION CERTIFICATE**

4 A manufacturer or vendor shall retain in its records for 10 years a copy of the notary commission certificate ~~in its~~
5 ~~records for 10 years.~~ presented pursuant to Rule .0106 of this Section.

6
7 *History Note: Authority G.S. 10B-4; 10B-36(e)(2);*

8 *Eff. July 1, 2025.*

Burgos, Alexander N

Subject: FW: [External] Response to RFC on 18 NCAC 07G
Attachments: 5.16.25 Response to 18 NCAC 07G RFC.docx

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Friday, May 16, 2025 9:00 AM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>
Subject: [External] Response to RFC on 18 NCAC 07G

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Good morning, Seth.

Enclosed for your consideration is our Response to the Request for Changes for 18 NCAC 07G.

Please let us know if you have any questions.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

Thanks!

AnnE

Ann McNellis Elmore, Agency Legal Consultant

NC Department of the Secretary of State

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Raleigh, NC 27626-0622

Telephone: [\(919\) 814-5521](tel:9198145521)

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https://www.sosnc.gov/divisions/securities/for_investors.)

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*State of North Carolina
Department of the Secretary of State*

ELAINE F. MARSHALL
SECRETARY OF STATE

ANN B. WALL
General Counsel

May 16, 2025

By email

Seth M. Ascher
OAH Counsel to RRC
seth.ascher@oah.nc.gov

Re: Response to Request for Technical Changes to
18 NCAC 07G

Enclosed please find our response to your request for change to 18 NCAC 07G. The language of the adopted rule and your technical correction request are provided in black font, with your requests italicized. Our responses and change made are provided in blue font.

Please feel free to call me if you have any questions.

RESPONSE TO
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10
FOR 18 NCAC SUBCHAPTER 07G

18 NCAC 07G .0107: *As written, this rule is unclear in two ways.*

- 1) *Is a vendor required to make and keep a copy of a certificate from an in-person certificate pursuant to 7G .0106? Reading .0106 and .0107 together I do not know the answer.*

The Department has consolidated its reply to your two questions below.

- 2) *As a separate rule, I don't think the phrase "the commission certificate" is sufficiently clear as to what certificate this is referring to. I can imagine two ways to solve this: either merging this requirement into rule .0106 so that it is clear within the rule what certificate is being kept. Alternatively, you could reference rule .0106 in this rule (i.e. "the commission certificate received pursuant to 18 NCAC 07G .0106(2)", assuming that is what you meant.*

I believe solving one of these problems will solve both, so I provided examples just to make sure my concern is clear.

18 NCAC 07G .0106 NOTARY COMMISSION CERTIFICATE RECEIPT BY MANUFACTURER OR VENDOR

A manufacturer or vendor shall require any individual claiming to be a North Carolina notary public purchasing or ordering a physical notary public seal to present:

- (1) for an in-person purchase, the original notary commission certificate from the Department; and
- (2) for an order by mail or delivery service, an exact, legible copy of the original commission certificate from the Department.

18 NCAC 07G .0107 MAKING AND RETAINING COPY OF NOTARY COMMISSION CERTIFICATE

A manufacturer or vendor shall retain a copy of the commission certificate in its records for 10 years.

The commission certificates referenced in Subchapter 07G are the same commission certificates as defined at 18 NCAC 07K .0101(5).

The Department proposes to implement the changes highlighted in green as shown below:

18 NCAC 07G .0106 NOTARY COMMISSION CERTIFICATE RECEIPT BY MANUFACTURER OR VENDOR

A manufacturer or vendor shall require any individual claiming to be a North Carolina notary public purchasing or ordering a physical notary public seal to present:

- (1) for an in-person purchase, the original notary commission certificate defined at 18 NCAC 07K .0101(5) from the Department; and
- (2) for an order by mail or delivery service, an exact, legible copy of the original commission certificate defined at 18 NCAC 07K .0101(5) from the Department.

18 NCAC 07G .0107 ~~MAKING AND~~ RETAINING COPY OF NOTARY COMMISSION CERTIFICATE

A manufacturer or vendor shall retain in its records for 10 years a copy of the notary commission certificate presented pursuant to Rule .0106 of this Section. ~~certificate in its records for 10 years.~~

Regards,



Ann B. Wall
General Counsel and Rulemaking Coordinator

Enclosure

cc: Alex Burgos
Ann Elmore

Burgos, Alexander N

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Tuesday, May 13, 2025 5:53 PM
To: Ascher, Seth M
Cc: Burgos, Alexander N; Wall, Ann B
Subject: [External] Acknowledged Re: 18 NCAC 07G RFC

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Hi, Seth.

Thank you for this! Just in time for tomorrow's meeting!

We will reply to the 18 NCAC 07G RFC asap by May 21st.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

Ann McNellis Elmore, Agency Legal Consultant

NC Department of the Secretary of State

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/13/2025 5:47 PM >>>

Anns,

I have finished reviewing 18 NCAC 07I and have attached the RFC. Note there is only one rule impacted. I suspect you may have a better way to solve the issue that I point out than either of my suggestions, so please feel free (as always) to propose a different solution. Please respond by Wednesday, May 21.

Seth Ascher

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

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