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Reply to:
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October 29, 2024

Jeanette Doran, Chair
Rules Review Commission
Sent via email: oah.rules@oah.nc.gov

RE: Objection to 12 NCAC 10B .1302

Dear Chair Doran,

Please accept this correspondence as the North Carolina Sheriffs' Education and Training Standards Commission's (Sheriffs' Commission) supplemental response to the September 25, 2024 letter setting forth the Rules Review Commission's (RRC) objection to rule 12 NCAC 10B .1302.

The RRC rule objection was based on the Sheriffs' Commission's failure to timely submit rule 12 NCAC 10B.1302 to RRC within 30 days after adoption as required by G.S. 150B-21.2(g). RRC counsel did not offer an opinion as to whether readoption and submission by the Sheriffs' Commission would satisfy the objection.

Due to the importance of this rule to the Sheriffs' Commission and all telecommunications in the State who are required to attend this training to become certified telecommunications, the Sheriffs' Commission quickly took action to address the objection and concerns of RRC. Specifically, to satisfy the objection per G.S.150B-21.12(a)(1), the Sheriffs' Commission met on October 2, 2024, and adopted rule 12 NCAC 10B .1302 with a new effective date and the same change that was made to rule 12 NCAC 10B .0601(c) to satisfy a comment staff counsel made to that rule. The Commission's rulemaking coordinator, Melissa Bowman timely submitted this rule to RRC on October 10, 2024, well within the 30-day time requirement for submission.

Based on the Sheriffs' Commission action subsequent to the objection, I respectfully request that RRC hold that the Sheriffs' Commission action in adopting rule 12 NCAC 10B .1302 and timely submitting it to RCC satisfies the previous objection of RRC counsel. This action does not circumvent the importance of the Administrative Procedures Act.

The public has had ample opportunity to address this rule had they chosen to, both during the formal comment period and during the times in which the rule was on the agenda for the Sheriffs' Commission public meetings. Importantly, no substantive changes have been made to the rule after public comment, so the Sheriffs' Commission is not circumventing the public's ability to participate in the process.

Likewise, the Sheriffs' Commission is not circumventing any portion of the RRC review process. Had the Sheriffs' Commission submitted the rule within the thirty day adoption period originally as it now has, there would have been no objection on the cited statutory basis. Consequently, the Sheriffs' Commission is not seeking any kind of waiver of the review process, but merely is requesting that the RRC find it's previous objection is now moot.

We plan to be present at the Rules Review Commission meeting on October 30, 2024 to address any questions or concerns. If you have any questions concerning this matter, contact me at (919) 716-6401 or via email at jstrickland@ncdoj.gov.

Sincerely,



J. Joy Strickland
Assistant Attorney General

Enclosures

cc: Richard Squires, Director, NC Sheriffs' Standards Division
William W. Peaslee, Rules Review Commission Counsel
Alex Burgos, Rules Review Commission paralegal