

**RULES REVIEW COMMISSION MEETING  
MINUTES  
August 19, 2021**

The Rules Review Commission met on Thursday, August 19, 2021, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina, and via WebEx.

Commissioners Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, and Bob Rucho were present in the Commission Room. Commissioners present via WebEx were Jeff Hyde, Barbara Jackson, Randy Overton, and Paul Powell.

Staff members present were Alexander Burgos, Commission Counsel Amanda Reeder, and Codifier of Rules Ashley Snyder. Commission Counsel Amber May was present via WebEx.

The meeting was called to order at 9:00 a.m. with Chair Doran presiding.

The Chair read the notice required by G.S. 138A-15(e) and reminded the Commission members that they have a duty to avoid conflicts of interest and the appearance of conflicts of interest.

**APPROVAL OF MINUTES**

The Chair asked for any discussion, comments, or corrections concerning the minutes of the July 15, 2021 meeting. There were none and the minutes were approved as distributed.

Upon the call of the Chair, the minutes were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**FOLLOW UP MATTERS**

**Social Services Commission**

10A NCAC 71K .0101 and .0102; 71L .0101, .0102, .0103, .0104, .0105, .0106, and .0107; 71O .0101, .0102, .0103, .0104; and 72 .0102 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

10A NCAC 71U .0101, .0201, .0203, .0204, .0205, .0206, .0207, .0209, .0210, .0211, .0212, .0213, .0214, .0215, .0216, .0302, .0303, .0401, .0402; 71V .0102, .0103, .0104, .0105, .0106, .0107, .0108, .0201, .0202, .0203, .0204, .0205; 71W .0101, .0302, .0303, .0304, .0403, .0404, .0405, .0407, .0408, .0410, .0412, .0413, .0502, .0503, .0601, .0602, .0603, .0604, .0605, .0606, .0607, and .0704 - The agency is addressing the technical change requests from the July meeting. No action was required by the Commission.

**Coastal Resources Commission**

15A NCAC 07H .0304, .0312; 07J .1201, .1202, .1203, .1204, .1205, .1206, .1301, .1302, and .1303 - Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

**Veterinary Medical Board**

21 NCAC 66 .0211 - Upon the call of the Chair, the rule was approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

## **LOG OF FILINGS (PERMANENT RULES)**

### **Board of Agriculture**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Credit Union Division**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Department of Natural and Cultural Resources**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

07 NCAC 14B .0706 was withdrawn by the agency prior to the review by the Commission.

### **State Board of Elections**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Coastal Resources Commission**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Department of Transportation - Division of Motor Vehicles**

Prior to the review of the rules from the Department of Transportation - Division of Motor Vehicles, Commissioner Bryan recused himself and did not participate in any discussion or vote concerning the rules because his family is engaged in litigation with the agency.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

### **Board of Cosmetic Art Examiners**

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 8, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. Voting in the negative: None.

### **Board of Nursing**

Prior to the review of the rules from the Board of Nursing, Commissioner Choi recused herself and did not participate in any discussion or vote concerning the rules because her law firm provides limited legal representation to the Board.

Upon the call of the Chair, the rules were approved by roll-call vote, ayes 7, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Margaret Currin, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 7. Voting in the negative: None.

### **Building Code Council**

Upon the call of the Chair, the Commission voted to approve the 2020 Electrical Code, ayes 1, noes 8 as follows: Voting in the affirmative: Anna Baird Choi. Voting in the negative: Bobby Bryan, Margaret Currin, Jeanette Doran, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 8. The motion failed.

Upon the call of the Chair, the Commission objected to the 2020 Electrical Code for any provisions applied to the North Carolina State Building Code: Residential Code for One- and Two-Family Dwellings, by roll-call vote, ayes 9, noes 0 as follows: Voting in the affirmative: Bobby Bryan, Anna Baird Choi, Margaret Currin, Jeanette Doran, Jeff Hyde, Barbara Jackson, Randy Overton, Paul Powell, and Bob Rucho – 9. Voting in the negative: None.

The Commission objected to the Electrical Code for any provisions applied to the Residential Code for lack of statutory authority pursuant to G.S. 143-138(d).

Dan Tingen with Tingen Construction Company, Inc., addressed the Commission.

Nathan Childs with the Department of Justice, and representing the agency, addressed the Commission.

Joseph Starling with the Office of State Fire Marshal addressed the Commission.

### **COMMISSION BUSINESS**

The meeting adjourned at 9:51 a.m.

The next regularly scheduled meeting of the Commission is Thursday, September 16, 2021, at 9:00 a.m.

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Alexander Burgos, Paralegal

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Minutes approved by the Rules Review Commission:  
Jeanette Doran, Chair

**Rules Review Commission Meeting August 19, 2021  
Held Via WebEx**

<b>Name</b>	<b>Agency</b>
Eric Copeland	DOT
Jon Fowlkes	DHHS
Carl Martin	DOI
Helen Landi	DOT
Colleen Crowley	DOJ
Joelle Burleson	
Robert Glass	Goodman HVAC
Tony Knox	Credit Union
George Hearn	JHV Law
Robert Privott	NCHBA
Lynda Elliott	Cosmetic Arts
Dennis Seavers	Barbers
John Policastro	Automobile Dealers Association
Amy Fitzhugh	Nursing
Thomas Campbell	DOJ
Rana Badwan	DOJ
Jennifer Everett	DEQ
Angela Ellis	Nursing
Linda Waite	DHHS
Sara Griffith	
Tien Cheng	DOJ
Andrew Hayes	DOJ
Katelyn Love	Elections
Tina Bumgarner	DHHS
Scott Phillips	DHHS
Keith West	Veterinary Bd
Jennifer Lewis	Nursing
Anna Hayworth	Agriculture
Terry Ward	Nursing
Jeff Burns	Agriculture
Jonathan Avery	<u>DNCR</u>
Raj Premakumar	DOJ

August 19, 2021

Rules Review Commission  
Meeting  
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Name	Agency
Kelly Tarnow	NC State Bd of elections
DAN Tingon	Tingon Constr. Co.
Lindsey Wakeley	NC State Bd of elections
NATUAN CULLDS	NCDOJ / BCC
Joseph Starling	NLDOI / OSFM