

**RULES REVIEW COMMISSION**  
**January 19, 2012**  
**MINUTES**

The Rules Review Commission met on Thursday, January 19, 2012, in the Commission Room at 1711 New Hope Church Road, Raleigh, North Carolina. Commissioners present were: Addison Bell, Margaret Currin, Garth Dunklin, George Lucier, Pete Osborne, Bob Rippy, Stephanie Simpson, Curtis Venable, Ralph Walker and Faylene Whitaker.

Staff members present were: Joe Deluca and Bobby Bryan, Commission Counsel; Dana Vojtko, Julie Edwards and Tammara Chalmers.

The meeting was called to order at 10:05 a.m. with Judge Walker presiding. He reminded the Commission members that they have a duty to avoid conflicts of interest and the appearances of conflicts as required by NCGS 138A-15(e).

**APPROVAL OF MINUTES**

Chairman Walker asked for any discussion, comments, or corrections concerning the minutes of the December 15, 2011 meeting. There were none and the minutes were approved as distributed.

**FOLLOW-UP MATTERS**

10A NCAC 09 .0102, .2819, .2820, .2822 – Child Care Commission. The Commission approved the rewritten rules submitted by the agency.

The Commission received more than 10 written letters of objection to 10A NCAC 09 .0102, .2819, .2820, .2822. These rules, along with the rules that were created from breaking these rules into multiple rules for clarity, are now subject to legislative review and a delayed effective date.

10A NCAC 10 .0203 – Social Services Commission. No action was taken.

15A NCAC 10B .0223 - Wildlife Resources Commission. The Commission approved the rule based on the repeal of 15A NCAC 10B .0204.

21 NCAC 14T .0614-.0701 - Board of Cosmetic Art Examiners. The Commission approved rewritten Rule .0614 submitted by the agency. 21 NCAC 14T .0614 was approved contingent on receiving a technical change. The technical change has been subsequently received.

Lynda Elliot from the board addressed the Commission.

21 NCAC 32C .0102, .0105, .0106, .0109 - Medical Board. No action was taken.

2012 Fuel Gas Code – Sections 311.1 and 311.2 – Building Code Council. The Commission approved the rewritten rule submitted by the agency.

2012 Mechanical Code – Sections 313.1 and 313.2 – Building Code Council. The Commission approved the rewritten rule submitted by the agency.

2012 Plumbing Code – Sections 315.1 and 315.2 – Building Code Council. The Commission approved the rewritten rule submitted by the agency.

2009 Residential Code – Sections 313.1.1 and 313.1.2 – Building Code Council. The Commission approved the rewritten rule submitted by the agency.

2012 Residential Code – Sections 311.1 and 311.2 – Building Code Council. The Commission approved the rewritten rule submitted by the agency.

Barry Gupton with the Building Code Council was present to address any questions from the Commission.

## **LOG OF FILINGS**

Chairman Walker presided over the review of the log of permanent rules.

### **Alcoholic Beverage Control Commission**

All rules were approved unanimously with the following exceptions:

04 NCAC 02S .1008 - The Commission objected to this rule based on ambiguity in accordance with G.S. 150B-21.10. In Part (b)(1)(D), it is not clear what additional exceptions will be granted in the case of corporate names or franchise trade names. If this simply means that the use of corporate names or franchise trade names is allowed on all outside signage, the rule should say that. If it means something else, that is not clear.

### **Child Care Commission**

10A NCAC 09 .0604 was approved unanimously.

10A NCAC 09 .1725 was withdrawn by the agency.

### **Sheriffs Education and Training Standards Commission**

All rules were approved unanimously.

### **Alarm Systems Licensing Board**

All rules were approved unanimously.

### **Marine Fisheries Commission**

All rules were approved unanimously.

### **Sedimentation Control Commission**

15A NCAC 04B .0132 was approved unanimously.

### **Wildlife Resources Commission**

15A NCAC 10B .0204 was approved unanimously.

### **Water Treatment Facility Operators Certification Board**

All rules were approved unanimously with the following exception:

15A NCAC 18D .0309 was withdrawn by the agency.  
Commissioner Osborne was not present during the vote.

### **Certified Public Accountant Examiners, Board of**

All rules were approved unanimously.

Commissioner Osborne was not present during the vote.

### **Medical Board**

Thom Mansfield from the Board addressed the Commission.

All rules were approved unanimously.

Commissioner Venable was not present during the vote.

### **Podiatry Examiners, Board of**

Penney DePas from the Board was present to address any questions from the Commission.

21 NCAC 52 .0208 was approved unanimously.

### **Real Estate Commission**

Prior to the review of the rules from the Real Estate Commission, Commissioner Dunklin recused himself and did not participate in any discussion or vote concerning these rules because he regularly practices before the Real Estate Commission.

Prior to the review of the rules from the Real Estate Commission, Commissioner Currin recused herself and did not participate in any discussion or vote concerning these rules because she possesses an inactive real estate broker's license.

All rules were approved unanimously.

The meeting recessed at 11:00 a.m. and reconvened at 11:10 a.m.

### **TEMPORARY RULES**

Chairman Walker presided over the review of the log of temporary rules.

### **Department of Transportation**

Ryke Longest from the Duke Environmental Law & Policy Clinic, Harry Phillips, private citizen, and Ken Moore, private citizen, addressed the Commission in opposition to these rules.

Craig Justus from the Van Winkle Law Firm addressed the Commission in favor of these rules.

Betsy Strickland representing the Department addressed the Commission.

Commissioner Venable moved to accept the staff recommendation to approve the rules from the Department of Transportation. The motion was approved with Commissioners Venable, Simpson, Osborne, Rippy, and Currin voting for the motion and Commissioners Dunklin, Lucier and Bell voting against the motion.

Prior to the review of the rules from the Department of Transportation, Commissioner Walker recused himself and did not participate in any discussion or vote concerning these rules because his family owns property in Burke County which have billboards. Commissioner Whitaker recused herself and did not participate in any discussion or vote concerning these rules because she has billboards rented.

### **2012 State Medical Facilities Plan**

The Commission found that the Department of Health and Human Services and the State Health Coordinating Council had complied with G.S. 131E-176(25) in the adoption of the 2012 Plan.

### **COMMISSION PROCEDURES AND OTHER BUSINESS**

The Commission adopted amended rule 26 NCAC 05 .0108 and rule 26 NCAC 05 .0114 with an effective date of February 1, 2012.

Staff discussed the new OSBM guidelines.

The Commission elected officers. The Commission's Bylaws require that elections be held at the January meeting.

Judge Walker was re-elected Chairman.

Margaret Currin was re-elected 1<sup>st</sup> Vice-Chairman.

George Lucier was re-elected 2nd Vice-Chairman.

The meeting adjourned at 1:12 p.m.

The next scheduled meeting of the Commission is Thursday, February 16 at 10:00 a.m.  
Respectfully Submitted,

---

Julie Edwards  
Editorial Assistant

Minutes approved by the Rules Review Commission.

---

Judge Ralph A. Walker/Chair

---

Date

Rules Review Commission  
Meeting

Please Print Legibly

JANUARY 19, 2012

Name	Agency
Norma You	NCWRC / NCDOS
BARRY GUPTON	NCDOE / NCBC
Helen Landi	NC DOT
Alexandra Grobar	DOJ
Frank Fulger	Nationwide (non-agency)
Winston Morris	Nationwide (non-agency)
Jani Kozlowski	DCDEE
Dede Alston	DCDEE
Madine Pfeiffer	DHSR
ROBERT PRWITT	NCHBA
Betsy Shreckland	NCDCJ
Lynda Elliott	Bd of Cosmetic Arts.
Tony Adams	NC Outdoor Advertising Assoc.
Michael Reese	CBS outdoor
JON CAMPBELL	CBS OUTDOOR
Brian Field	Duke Environmental Law Clinic
Heide Chene	Duke Environmental Law Clinic
Curtis Aldendifer	NC Real Estate Comm.
Robert Simpson	NC DOT
DON Smith	NC DOT
Bob Hamilton	NC ABC Commission

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Ryhe Longest	Duke
Harry Phillip	Citizen
Ken Moore	Citizen
WANDA LONG	NC MED BOARD
Thom Mansfield	NCMB
Anna Choi	Allen, Paiv
Penney DePas	Bd of Podiatry Examiners
Craig Justus	Van Will
Paul Hickman	Fairway Outdoor Adv.
Anca GROZAV	OSBM
David McGowan	NCAR
Rick Frady	Catawba County Building Services
Jon Nance	NC DOT
DON US	NC DOT
Lancie Bailey	NCWTFD CB
Amy Whited	NC Medical Society
Daniel O'Shea	Fairway Outdoor Adv.
MARC ISAACKSON	FAIRWAY OUTDOOR
Rob Broom	NC STATE Bd of CPA Pd
FRANK WAINO	NC STATE Bd of CPA Pd
Robert Szym	Capita / OUTDOOR
RENEE HUTCHESON	NC ENERGY OFFICE

Rules Review Commission  
Meeting  
Please Print Legibly

Name	Agency
Lisa Martin	NC Home Builders Assoc
Jillion Jones	CompuLaw
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly
Please Print Legibly	Please Print Legibly