

**From:** [Polk, Will \(CCPS\)](#)  
**To:** [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Causey, Mike](#); [Troxler, Steve](#); [folwell, dale](#); [Dale Folwell](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Cooper, Roy A](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee.Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
**Cc:** [Hooks, Erik A. \(NCDPS\)](#); [Gilchrist, Jane \(CCPS\)](#); [Cashwell, Pamela \(CCPS\)](#)  
**Subject:** [External] NOTICE for concurrence vote on new Executive Order  
**Date:** Tuesday, March 17, 2020 11:26:48 AM  
**Importance:** High

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Dear Members of the Council of State,

Please stand by for a concurrence e-mail on a new Executive Order related to COVID-19. I will send an e-mail for your concurrence within the hour.

Best,  
Will

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center  
Raleigh, NC 27699-4201  
919-825-2706 (Office)  
919-219-4534 (mobile)  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

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[www.ncdps.gov](http://www.ncdps.gov)

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**From:** [folwell\\_dale](#)  
**To:** [Dan Forest](#); [Polk, Will \(CCPS\)](#)  
**Cc:** [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Cashwell, Pamela \(CCPS\)](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Causey, Mike](#); [Troxler, Steve](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Gilchrist, Jane \(CCPS\)](#); [Cooper, Roy A](#); [Hooks, Erik A. \(NCDPS\)](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
**Subject:** [External] Re: Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 2:08:41 PM

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Governor Cooper,  
These executive orders should be split. Especially since you've already publicized Item #2

Item #1 should be thought through to make sure that it is actually "operational" by your own Dept of Commerce which manages the Division of Employment Security AND that it is in compliance with Federal/State laws. The last point of Item #1 seems to encourage business to lay off individuals when WE should REWARD them for not laying them off. I could be wrong.

On item #2, it should highly encourage these limitations on operations, NOT mandate them. The eating establishments that I frequent are 2 steps ahead. We should honor their tough decisions and the common sense of North Carolinian's. (Not to mention the total disruption of the LARGEST component of NC's economy)

Lastly I would appreciate you or anyone connected with you NOT politicizing any heartfelt and genuine suggestions that any Council of State member offers.

Dale R Folwell, CPA  
NC State Treasurer

Dale R. Folwell, CPA  
NC State Treasurer  
Office of the State Treasurer  
Office: (919) 814-3807  
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On Tue, Mar 17, 2020 at 1:43 PM -0400, "Dan Forest" <[danforest@me.com](mailto:danforest@me.com)> wrote:

Will, Here are my thoughts on the concurrence:

As to number 1 (Unemployment Insurance) - Insofar as the statutory provisions the Governor is seeking to waive are indeed waivable by the Governor by executive order, I concur with request number one. I do note however that there must be some sort of restriction as to what statutes a governor would be able to suspend enforcement of under 166A-19.30(b)(5).

As to number 2 (Restaurants) - I believe there should be flexibility for restaurants & other establishments. I would strongly encourage them to move to take-out and delivery only. We are talking here about shutting down a large swath of business across this state by executive action. What restrictions exist on gubernatorial power under 166A-19.30(b)(5)? I do not concur in request number 2.

Thanks,  
Dan Forest

On Mar 17, 2020, at 12:41 PM, Polk, Will <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)> wrote:

Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, the Governor is seeking concurrence on the following:

1. The Governor will direct the Department of Commerce to interpret flexibly, and modify or eliminate the enforcement of certain requirements for unemployment benefits to the maximum extent permitted under federal law and until the State of Emergency Declaration regarding COVID-19, dated March 10, 2020, is rescinded. The following requirements will be waived or modified:
  - a. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
  - b. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
  - c. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
  - d. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
  - e. the "lack of work" requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01.
  - f. employers' accounts will not be allocated charges for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2).
  
2. The Governor will limit the sale of food, beverages, wine, beer, and liquor to take out, drive-through and delivery effective at 5 pm today.

The Governor respectfully requests your concurrence on these matters by 1:15 p.m. on March 17, 2020.

Best,  
Will Polk

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center  
Raleigh, NC 27699-4201  
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**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** [Josh Stein](#)  
**To:** [Polk, Will \(CCPS\)](#)  
**Cc:** [Worley, Martha S](#); [Finley, Candy](#); [Cashwell, Pamela \(CCPS\)](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparagoza](#); [Causey, Mike](#); [Troxler, Steve](#); [folwell, dale](#); [Dale Folwell](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Gilchrist, Jane \(CCPS\)](#); [Cooper, Roy A](#); [Hooks, Erik A. \(NCDPS\)](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
**Subject:** [External] Re: Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 1:01:54 PM

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I concur.

On Mar 17, 2020, at 12:42 PM, Polk, Will <Will.Polk@ncdps.gov> wrote:

Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, the Governor is seeking concurrence on the following:

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Will Polk

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**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** [dan forest](#)  
**To:** [Polk, Will \(CCPS\)](#)  
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In # 2 are you asking for concurrence in something the Governor has already announced?

Daniel J. Forest  
Lieutenant Governor  
State of North Carolina

Sent from my iPhone

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**Cc:** [Cohen, Mandy](#); [Hooks, Erik A. \(NCDPS\)](#); [Cashwell, Pamela \(CCPS\)](#); [Gilchrist, Jane \(CCPS\)](#); [Sprayberry, Mike \(NCEM\)](#); [Ray, Will \(NCEM\)](#); [Tilson, Betsey](#)  
**Subject:** [External] Re: Dear Members of the Council of State attached is EO 117  
**Date:** Tuesday, March 17, 2020 4:41:44 PM

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To confirm:

Item 1 needs to be discussed before I concur  
Item 2 needs to be discussed before I concur.

Dale R. Folwell, CPA  
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Office of the State Treasurer  
Office: (919) 814-3807  
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On Sat, Mar 14, 2020 at 6:08 PM -0400, "Polk, Will" <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)> wrote:

Dear Members of the Council of State,

Thank you for your concurrence today on these executive actions by the Governor. Attached is the Executive Order that was issued today.

Best,  
Will Polk

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center

Raleigh, NC 27699-4201  
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**To:** [Polk, Will \(CCPS\)](#); [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Causey, Mike](#); [Troxler, Steve](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Cooper, Roy A](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
**Cc:** [Hooks, Erik A. \(NCDPS\)](#); [Gilchrist, Jane \(CCPS\)](#); [Cashwell, Pamela \(CCPS\)](#)  
**Subject:** [External] RE: NOTICE for concurrence vote on new Executive Order  
**Date:** Tuesday, March 17, 2020 3:19:58 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.jpg](#)  
[image005.png](#)  
[image006.png](#)

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Governor Cooper,  
I anticipate being asked about the vote count on your executive order. Please release the vote in the next 15 minutes.  
Thanks you,

**Dale R. Folwell, CPA**

*NC State Treasurer*  
Office of the State Treasurer  
Office: (919) 814-3807

3200 Atlantic Avenue, Raleigh, NC 27604

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**From:** Polk, Will <Will.Polk@ncdps.gov>  
**Sent:** Tuesday, March 17, 2020 11:26 AM  
**To:** Ag Assistant Martha Worley <martha.worley@ncagr.gov>; Attorney General Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfineley@ncdoj.gov>; Jones, Kristi <Kristi.jones@nc.gov>; Chief of Staff- Labor <art.britt@labor.nc.gov>; Chris Farr <Chris.Farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza

<cindy.esparragoza@nctreasurer.com>; Commissioner Mike Causey <mike.causey@ncdoi.gov>; Commissioner Steve Troxler <steve.troxler@ncagr.gov>; Dale Folwell <Dale@Nctreasurer.com>; Dale Folwell <Dale@Nctreasurer.com>; dan.forest@nc.gov; david.smith@ncagr.gov; White, Julia <Julia.white@nc.gov>; Sprayberry, Mike <Mike.Sprayberry@ncdps.gov>; DOI-Assistant <Teresa.browning@ncdoi.gov>; DOJ-Chief of Staff <SDearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gov. Roy Cooper <Roy.Cooper@nc.gov>; Jennifer Haigwood <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.whichard@nc.gov>; Labor Commissioner Cherie Berry <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Greg <greg.mcleod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee Gellerson <renee\_gellerson@ncauditor.net>; Hargis, Scarlett <scarlett.hargis@nc.gov>; Secretary of State Elaine Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; State Auditor Beth Wood <beth\_wood@ncauditor.net>; State Budget Director Charles Perusse <charles.perusse@osbm.nc.gov>; Superintendent Mark Johnson <mark.johnson@dpi.nc.gov>; Anna Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William <william.mckinney@nc.gov>; 'zane.hedgecock@ncagr.gov' <zane.hedgecock@ncagr.gov>  
**Cc:** Hooks, Erik A. <Erik.Hooks@ncdps.gov>; Gilchrist, Jane <Jane.Gilchrist@ncdps.gov>; Cashwell, Pam <Pam.Cashwell@ncdps.gov>

**Subject:** NOTICE for concurrence vote on new Executive Order

**Importance:** High

Dear Members of the Council of State,

Please stand by for a concurrence e-mail on a new Executive Order related to COVID-19. I will send an e-mail for your concurrence within the hour.

Best,

Will

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center  
Raleigh, NC 27699-4201  
919-825-2706 (Office)  
919-219-4534 (mobile)  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** [folwell\\_dale](#)  
**To:** [Polk, Will \(CCPS\)](#); [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Causey, Mike](#); [Troxler, Steve](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Cooper, Roy A](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
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**Sent:** Tuesday, March 17, 2020 11:26 AM  
**To:** Ag Assistant Martha Worley <martha.worley@ncagr.gov>; Attorney General Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfiney@ncdoj.gov>; Jones, Kristi <Kristi.jones@nc.gov>; Chief of Staff- Labor <art.britt@labor.nc.gov>; Chris Farr <Chris.Farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza

<cindy.esparragoza@nctreasurer.com>; Commissioner Mike Causey <mike.causey@ncdoi.gov>; Commissioner Steve Troxler <steve.troxler@ncagr.gov>; Dale Folwell <Dale@Nctreasurer.com>; Dale Folwell <Dale@Nctreasurer.com>; dan.forest@nc.gov; david.smith@ncagr.gov; White, Julia <Julia.white@nc.gov>; Sprayberry, Mike <Mike.Sprayberry@ncdps.gov>; DOI-Assistant <Teresa.browning@ncdoi.gov>; DOJ-Chief of Staff <SDearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gov. Roy Cooper <Roy.Cooper@nc.gov>; Jennifer Haigwood <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.whichard@nc.gov>; Labor Commissioner Cherie Berry <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Greg <greg.mcleod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee Gellerson <renee\_gellerson@ncauditor.net>; Hargis, Scarlett <scarlett.hargis@nc.gov>; Secretary of State Elaine Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; State Auditor Beth Wood <beth\_wood@ncauditor.net>; State Budget Director Charles Perusse <charles.perusse@osbm.nc.gov>; Superintendent Mark Johnson <mark.johnson@dpi.nc.gov>; Anna Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William <william.mckinney@nc.gov>; 'zane.hedgecock@ncagr.gov' <zane.hedgecock@ncagr.gov>  
**Cc:** Hooks, Erik A. <Erik.Hooks@ncdps.gov>; Gilchrist, Jane <Jane.Gilchrist@ncdps.gov>; Cashwell, Pam <Pam.Cashwell@ncdps.gov>

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**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** [Troxler, Steve](#)  
**To:** [Hedgecock, Zane](#)  
**Subject:** PLEASE SHOW CT THIS Fw: [External] Re: Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 2:17:59 PM

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## Steven W. Troxler

Commissioner  
NC Department of Agriculture and Consumer Services

**Please note our new number is: 919-707-3000**

Fax 919-733-1141

---

**From:** Dale Folwell <Dale@Nctreasurer.com>

**Sent:** Tuesday, March 17, 2020 2:08 PM

**To:** Dan Forest <danforest@me.com>; Polk, Will (CCPS) <Will.Polk@ncdps.gov>

**Cc:** Worley, Martha S <martha.worley@ncagr.gov>; Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Britt, Art <art.britt@labor.nc.gov>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Causey, Mike <Mike.Causey@ncdoi.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; Forest, Dan J <Dan.Forest@nc.gov>; Smith, David <david.smith@ncagr.gov>; White, Julia W <Julia.white@nc.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; seth Dearmin <sdearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee\_Gellerson@ncauditor.net <Renee\_Gellerson@ncauditor.net>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; E. Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; Beth Wood <Beth\_Wood@ncauditor.net>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Mark Johnson <mark.johnson@dpi.nc.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>

**Subject:** [External] Re: Concurrence on Executive Order

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Governor Cooper,

These executive orders should be split. Especially since you've already publicized Item #2

Item #1 should be thought through to make sure that it is actually "operational" by your own

Dept of Commerce which manages the Division of Employment Security AND that it is in compliance with Federal/State laws. The last point of Item #1 seems to encourage business to lay off individuals when WE should REWARD them for not laying them off. I could be wrong.

On item #2, it should highly encourage these limitations on operations, NOT mandate them. The eating establishments that I frequent are 2 steps ahead. We should honor their tough decisions and the common sense of North Carolinian's. (Not to mention the total disruption of the LARGEST component of NC's economy)

Lastly I would appreciate you or anyone connected with you NOT politicizing any heartfelt and genuine suggestions that any Council of State member offers.

Dale R Folwell,CPA  
NC State Treasurer

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On Tue, Mar 17, 2020 at 1:43 PM -0400, "Dan Forest" <[danforest@me.com](mailto:danforest@me.com)> wrote:

Will, Here are my thoughts on the concurrence:

As to number 1 (Unemployment Insurance) - Insofar as the statutory provisions the Governor is seeking to waive are indeed waivable by the Governor by executive order, I concur with request number one. I do note however that there must be some sort of restriction as to what statutes a governor would be able to suspend enforcement of under 166A-19.30(b)(5).

As to number 2 (Restaurants) - I believe there should be flexibility for restaurants & other establishments. I would strongly encourage them to move to take-out and delivery only. We are talking here about shutting down a large swath of business across this state by executive action. What restrictions exist on gubernatorial power under 166A-19.30(b)(5)? I do not concur in request number 2.

Thanks,

Dan Forest

On Mar 17, 2020, at 12:41 PM, Polk, Will <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)> wrote:

Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all available State resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population, the Governor is seeking concurrence on the following:

1. The Governor will direct the Department of Commerce to interpret flexibly, and modify or eliminate the enforcement of certain requirements for unemployment benefits to the maximum extent permitted under federal law and until the State of Emergency Declaration regarding COVID-19, dated March 10, 2020, is rescinded. The following requirements will be waived or modified:
  - a. the one-week waiting period for benefits (N.C. Gen. Stat. § 96-14.1(b));
  - b. the able to work and available to work requirements (N.C. Gen. Stat. § 96-14.9(b));
  - c. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
  - d. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
  - e. the "lack of work" requirement of the unemployed provisions of N.C. Gen. Stat. § 96-15.01.
  - f. employers' accounts will not be allocated charges for individuals who are paid benefits for reasons related to COVID-19 (N.C. Gen. Stat. § 96-11.2).
  
2. The Governor will limit the sale of food, beverages, wine, beer, and liquor to take out, drive-through and delivery effective at 5 pm today.

The Governor respectfully requests your concurrence on these matters by 1:15 p.m. on March 17, 2020.

Best,  
Will Polk

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
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Raleigh, NC 27699-4201  
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EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
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**From:** [Causey, Mike](#)  
**To:** [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Cashwell, Pamela \(CCPS\)](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Troxler, Steve](#); [folwell, dale](#); [Dale Folwell](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Gilchrist, Jane \(CCPS\)](#); [Cooper, Roy A](#); [Hooks, Erik A. \(NCDPS\)](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
**Subject:** Re: [External] Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 2:35:47 PM  
**Attachments:** [Outlook-1509109750.png](#)

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I concur on #1

I do not concur on #2

Thank you,



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**From:** Polk, Will <Will.Polk@ncdps.gov>  
**Sent:** Tuesday, March 17, 2020 12:41 PM  
**To:** Worley, Martha S <martha.worley@ncagr.gov>; Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Britt, Art <art.britt@labor.nc.gov>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Causey, Mike <Mike.Causey@ncdoi.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; folwell, dale <dale@nctreasurer.com>; Dale Folwell <Dale.folwell@nctreasurer.com>; Forest, Dan J <Dan.Forest@nc.gov>; Smith, David <david.smith@ncagr.gov>; White, Julia W <Julia.white@nc.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; seth Dearmin <sdearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee\_Gellerson@ncauditor.net <Renee\_Gellerson@ncauditor.net>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; E. Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; Beth Wood <Beth\_Wood@ncauditor.net>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Mark Johnson <mark.johnson@dpi.nc.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>  
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**From:** [Causey, Mike](#)  
**To:** [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Cashwell, Pamela \(CCPS\)](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Troxler, Steve](#); [folwell, dale](#); [Dale Folwell](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Gilchrist, Jane \(CCPS\)](#); [Cooper, Roy A](#); [Hooks, Erik A. \(NCDPS\)](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
**Subject:** Re: [External] Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 2:35:46 PM  
**Attachments:** [Outlook-1509109750.png](#)

---

I concur on #1

I do not concur on #2

Thank you,



---

**From:** Polk, Will <Will.Polk@ncdps.gov>  
**Sent:** Tuesday, March 17, 2020 12:41 PM  
**To:** Worley, Martha S <martha.worley@ncagr.gov>; Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Britt, Art <art.britt@labor.nc.gov>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Causey, Mike <Mike.Causey@ncdoi.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; folwell, dale <dale@nctreasurer.com>; Dale Folwell <Dale.folwell@nctreasurer.com>; Forest, Dan J <Dan.Forest@nc.gov>; Smith, David <david.smith@ncagr.gov>; White, Julia W <Julia.white@nc.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; seth Dearmin <sdearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee\_Gellerson@ncauditor.net <Renee\_Gellerson@ncauditor.net>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; E. Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; Beth Wood <Beth\_Wood@ncauditor.net>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Mark Johnson <mark.johnson@dpi.nc.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>  
**Subject:** [External] Concurrence on Executive Order

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Dear Members of the Council of State,

Governor Cooper is requesting your concurrence on two items to limit human suffering and limit the spread of COVID-19 cases in North Carolina.

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2. The Governor will limit the sale of food, beverages, wine, beer, and liquor to take out, drive-through and delivery effective at 5 pm today.

The Governor respectfully requests your concurrence on these matters by 1:15 p.m. on March 17, 2020.

Best,  
Will Polk

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center  
Raleigh, NC 27699-4201  
919-825-2706 (Office)  
919-219-4534 (mobile)  
EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** [Causey, Mike](#)  
**To:** [Worley, Martha S](#); [Stein, Josh](#); [Finley, Candy](#); [Cashwell, Pamela \(CCPS\)](#); [Jones, Kristi - Governor Office](#); [Britt, Art](#); [chris farr](#); [Christopher McCracken](#); [cindy.esparragoza](#); [Troxler, Steve](#); [folwell, dale](#); [Dale Folwell](#); [Forest, Dan J](#); [Smith, David](#); [White, Julia W](#); [Sprayberry, Mike \(NCEM\)](#); [Browning, Teresa](#); [Dearmin, Seth](#); [DPI-assitant meredith.steadman](#); [Gilchrist, Jane \(CCPS\)](#); [Cooper, Roy A](#); [Hooks, Erik A. \(NCDPS\)](#); [Haigwood, Jennifer](#); [Whichard, Jordan](#); [Berry, Cherie](#); [lisa.frazier](#); [Lockamy, Kela W](#); [Lt. Governor Dan Forest](#); [McLeod, Gregory S](#); [Moore, Susan M](#); [Renee\\_Gellerson@ncauditor.net](#); [Hargis, Scarlett W](#); [E. Marshall](#); [SOS- Assistant Jennell Baughman](#); [Beth Wood](#); [Perusse, Charlie](#); [Mark Johnson](#); [Anna.Yount](#); [Walker, Steven](#); [McKinney, William C](#); [Hedgecock, Zane](#)  
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**Date:** Tuesday, March 17, 2020 2:35:46 PM  
**Attachments:** [Outlook-1509109750.png](#)

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**Sent:** Tuesday, March 17, 2020 12:41 PM  
**To:** Worley, Martha S <martha.worley@ncagr.gov>; Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Britt, Art <art.britt@labor.nc.gov>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Causey, Mike <Mike.Causey@ncdoi.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; folwell, dale <dale@nctreasurer.com>; Dale Folwell <Dale.folwell@nctreasurer.com>; Forest, Dan J <Dan.Forest@nc.gov>; Smith, David <david.smith@ncagr.gov>; White, Julia W <Julia.white@nc.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; seth Dearmin <sdearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee\_Gellerson@ncauditor.net <Renee\_Gellerson@ncauditor.net>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; E. Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; Beth Wood <Beth\_Wood@ncauditor.net>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Mark Johnson <mark.johnson@dpi.nc.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>  
**Subject:** [External] Concurrence on Executive Order

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  - c. the work search requirements (N.C. Gen. Stat. § 96-14.9(b));
  - d. the actively seeking work requirements (N.C. Gen. Stat. § 96-14.9(e)); and
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Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center  
Raleigh, NC 27699-4201  
919-825-2706 (Office)  
919-219-4534 (mobile)  
EMAIL ADDRESS: [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** Mark Johnson  
**To:** Troxler, Steve  
**Cc:** Causey, Mike; Jennell Baughman; "DPI-assitant meredith.steadman; Britt, Art; Berry, Cherie; Haigwood, Jennifer; danforest@me.com; Forest, Dan J; McLeod, Gregory S; Whichard, Jordan; White, Julia W; Jones, Kristi - Governor Office; Cooper, Roy A; Hargis, Scarlett W; Walker, Steven; Moore, Susan M; McKinney, William C; Smith, David; Worley, Martha S; Hedgecock, Zane; Beth Wood; Renee\_Gellerson@ncauditor.net; Frazier Lisa; Browning, Teresa; Finley, Candy; Stein, Josh; Dearmin, Seth; Hooks, Erik A. (NCDPS); Gilchrist, Jane (CCPS); Sprayberry, Mike (NCEM); Cashwell, Pamela (CCPS); Polk, Will (CCPS); Anna.Yount; chris.farr; Christopher McCracken; Office Cindy Esparragoza - Treasurer; folwell.dale; Dale.Folwell; Perusse, Charlie; Lockamy, Kela W; E. Marshall  
**Subject:** Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 2:28:11 PM

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Concur with 1  
Do not concur with 2  
Mark  
NC Superintendent

Sent from a mobile device. Please excuse brevity.

PLEASE NOTE: e-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

On Mar 17, 2020, at 2:24 PM, Troxler, Steve <[steve.troxler@ncagr.gov](mailto:steve.troxler@ncagr.gov)> wrote:

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As to #1, I do concur.  
As to #2, I do not concur.

**Steven W. Troxler**  
Commissioner  
NC Department of Agriculture and Consumer Services

**Please note our new number is: 919-707-3000**  
Fax 919-733-1141

---

**From:** Causey, Mike <[Mike.Causey@ncdoi.gov](mailto:Mike.Causey@ncdoi.gov)>  
**Sent:** Tuesday, March 17, 2020 1:00 PM  
**To:** Jennell Baughman <[jbaughman@sosnc.gov](mailto:jbaughman@sosnc.gov)>  
**Cc:** Mark Johnson <[mark.johnson@dpi.nc.gov](mailto:mark.johnson@dpi.nc.gov)>; "DPI-assitant meredith.steadman <[meredith.steadman@dpi.nc.gov](mailto:meredith.steadman@dpi.nc.gov)>; Britt, Art <[art.britt@labor.nc.gov](mailto:art.britt@labor.nc.gov)>; Berry, Cherie <[cherie.berry@labor.nc.gov](mailto:cherie.berry@labor.nc.gov)>; Haigwood, Jennifer <[jennifer.haigwood@labor.nc.gov](mailto:jennifer.haigwood@labor.nc.gov)>; danforest@me.com <[danforest@me.com](mailto:danforest@me.com)>; Forest, Dan J <[Dan.Forest@nc.gov](mailto:Dan.Forest@nc.gov)>; McLeod, Gregory S <[Greg.McLeod@nc.gov](mailto:Greg.McLeod@nc.gov)>; Whichard, Jordan <[Jordan.Whichard@nc.gov](mailto:Jordan.Whichard@nc.gov)>; White, Julia W <[Julia.white@nc.gov](mailto:Julia.white@nc.gov)>; Jones, Kristi - Governor Office <[Kristi.Jones@nc.gov](mailto:Kristi.Jones@nc.gov)>; Cooper, Roy A <[Roy.Cooper@nc.gov](mailto:Roy.Cooper@nc.gov)>; Hargis, Scarlett W <[Scarlett.Hargis@nc.gov](mailto:Scarlett.Hargis@nc.gov)>; Walker, Steven <[steven.walker@nc.gov](mailto:steven.walker@nc.gov)>; Moore, Susan M <[Susan.Moore@nc.gov](mailto:Susan.Moore@nc.gov)>; McKinney, William C <[William.McKinney@nc.gov](mailto:William.McKinney@nc.gov)>; Smith, David <[david.smith@ncagr.gov](mailto:david.smith@ncagr.gov)>; Worley, Martha S <[martha.worley@ncagr.gov](mailto:martha.worley@ncagr.gov)>; Troxler, Steve <[steve.troxler@ncagr.gov](mailto:steve.troxler@ncagr.gov)>; Hedgecock, Zane <[zane.hedgecock@ncagr.gov](mailto:zane.hedgecock@ncagr.gov)>; Beth Wood <[Beth\\_Wood@ncauditor.net](mailto:Beth_Wood@ncauditor.net)>; Renee\_Gellerson@ncauditor.net <[Renee\\_Gellerson@ncauditor.net](mailto:Renee_Gellerson@ncauditor.net)>; Frazier Lisa <[Lisa.Frazier@ncdoi.gov](mailto:Lisa.Frazier@ncdoi.gov)>; Browning, Teresa <[Teresa.Browning@ncdoi.gov](mailto:Teresa.Browning@ncdoi.gov)>; AG Candy Finley <[cfinley@ncdoi.gov](mailto:cfinley@ncdoi.gov)>; Josh Stein <[jstein@ncdoj.gov](mailto:jstein@ncdoj.gov)>; seth Dearmin <[sdearmin@ncdoj.gov](mailto:sdearmin@ncdoj.gov)>; Hooks, Erik A. (NCDPS) <[erik.hooks@ncdps.gov](mailto:erik.hooks@ncdps.gov)>; Gilchrist, Jane (CCPS) <[Jane.Gilchrist@ncdps.gov](mailto:Jane.Gilchrist@ncdps.gov)>; Sprayberry, Mike (NCEM) <[Mike.Sprayberry@ncdps.gov](mailto:Mike.Sprayberry@ncdps.gov)>; Cashwell, Pamela (CCPS) <[pam.cashwell@ncdps.gov](mailto:pam.cashwell@ncdps.gov)>; Polk, Will (CCPS) <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>; Anna.Yount <[Anna.Yount@nctreasurer.com](mailto:Anna.Yount@nctreasurer.com)>; chris.farr <[chris.farr@nctreasurer.com](mailto:chris.farr@nctreasurer.com)>; Christopher McCracken <[Christopher.McCracken@nctreasurer.com](mailto:Christopher.McCracken@nctreasurer.com)>; Office Cindy Esparragoza - Treasurer <[Cindy.Esparragoza@nctreasurer.com](mailto:Cindy.Esparragoza@nctreasurer.com)>; folwell, dale <[dale@nctreasurer.com](mailto:dale@nctreasurer.com)>; Dale Folwell <[Dale.folwell@nctreasurer.com](mailto:Dale.folwell@nctreasurer.com)>; Perusse, Charlie <[charles.perusse@osbm.nc.gov](mailto:charles.perusse@osbm.nc.gov)>; Lockamy, Kela W <[kela.lockamy@osbm.nc.gov](mailto:kela.lockamy@osbm.nc.gov)>; E. Marshall <[emarshal@sosnc.gov](mailto:emarshal@sosnc.gov)>  
**Subject:** Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

I feel this needs further discussion.

Mike Causey  
Commissioner  
NC Department Insurance  
.....Sent from my iPhone

> On Mar 17, 2020, at 12:44 PM, Jennell Baughman <[jbaughman@sosnc.gov](mailto:jbaughman@sosnc.gov)> wrote:  
>  
> CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov) <[mailto:report.spam@nc.gov](mailto:mailto:report.spam@nc.gov)>  
>  
>  
> Secretary Marshall concurs.  
>  
> Jennell Baughman  
> Protocol Officer and  
> Executive Assistant to  
> Elaine F. Marshall, Secretary of State  
> P. O. Box 29622  
> Raleigh, NC 27626-0622  
> 919.814.5307  
> 919.807.2010 (fax)  
>  
> \* Please note: my telephone number has changed to 919.814.5307, and my  
> e-mail address has changed to [jbaughman@sosnc.gov](mailto:jbaughman@sosnc.gov).  
>  
>  
>  
> Connect with us!  
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>  
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> is for the sole use of the intended recipient (s) and may contain  
> confidential and privileged information. Any unauthorized use,  
> disclosure, or distribution is prohibited.  
>  
>>>> "Polk, Will" <Will.Polk@ncdps.gov> 3/17/2020 12:41 PM >>>  
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>  
> Will Polk  
> Assistant General Counsel  
> NC Department of Public Safety  
> 4201 Mail Service Center  
> Raleigh, NC 27699-4201  
> 919-825-2706 (Office)  
> 919-219-4534 (mobile)  
> EMAIL ADDRESS: Will.Polk@ncdps.gov<<mailto:Will.Polk@ncdps.gov>>  
> <http://www.ncdps.gov><<http://www.ncdps.gov/>[fncdps.gov%3chttp](http://www.ncdps.gov/fncdps.gov%3chttp)>  
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>

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---

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**From:** Troxler, Steve  
**To:** Causey, Mike; Jennell Baughman  
**Cc:** Mark Johnson; "DPI-assitant meredith.steadman"; Britt, Art; Berry, Cherie; Haigwood, Jennifer; danforest@me.com; Forest, Dan J; McLeod, Gregory S; Whichard, Jordan; White, Julia W; Jones, Kristi - Governor Office; Cooper, Roy A; Hargis, Scarlett W; Walker, Steven; Moore, Susan M; McKinney, William C; Smith, David; Worley, Martha S; Hedgecock, Zane; Beth Wood; Renee\_Gellerson@ncauditor.net; Frazier, Lisa; Browning, Teresa; Finley, Candy; Stein, Josh; Dearnin, Seth; Hooks, Erik A. (NCDPS); Gilchrist, Jane (CCPS); Sprayberry, Mike (NCEM); Cashwell, Pamela (CCPS); Polk, Will (CCPS); Anna.Yount; chris.farr; Christopher.McCracken; Office.Cindy.Esparragoza - Treasurer; folwell, dale; Dale.Folwell; Perusse, Charlie; Lockamy, Kela W; E. Marshall  
**Subject:** Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order  
**Date:** Tuesday, March 17, 2020 2:22:36 PM

As to #1, I do concur.

As to #2, I do not concur.

**Steven W. Troxler**

Commissioner  
NC Department of Agriculture and Consumer Services

**Please note our new number is: 919-707-3000**  
Fax 919-733-1141

**From:** Causey, Mike <Mike.Causey@ncdoi.gov>  
**Sent:** Tuesday, March 17, 2020 1:00 PM  
**To:** Jennell Baughman <jbaughman@sosnc.gov>  
**Cc:** Mark Johnson <mark.johnson@dpi.nc.gov>; "DPI-assitant meredith.steadman" <meredith.steadman@dpi.nc.gov>; Britt, Art <art.britt@labor.nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; danforest@me.com <danforest@me.com>; Forest, Dan J <Dan.Forest@nc.gov>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; White, Julia W <Julia.white@nc.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; Walker, Steven <steven.walker@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Smith, David <david.smith@ncagr.gov>; Worley, Martha S <martha.worley@ncagr.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>; Beth Wood <Beth\_Wood@ncauditor.net>; Renee\_Gellerson@ncauditor.net <Renee\_Gellerson@ncauditor.net>; Frazier, Lisa <Lisa.Frazier@ncdoi.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; AG Candy Finley <cfinley@ncdoj.gov>; Josh Stein <jstein@ncdoj.gov>; sETH Dearnin <sdearmin@ncdoj.gov>; Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>; Polk, Will (CCPS) <Will.Polk@ncdps.gov>; Anna.Yount <Anna.Yount@ncntreasurer.com>; chris.farr <chris.farr@ncntreasurer.com>; Christopher.McCracken <Christopher.McCracken@ncntreasurer.com>; Office.Cindy.Esparragoza - Treasurer <Cindy.Esparragoza@ncntreasurer.com>; folwell, dale <dale@ncntreasurer.com>; Dale.Folwell <Dale.folwell@ncntreasurer.com>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; E. Marshall <emarshall@sosnc.gov>  
**Subject:** Re: [External] Re: [Caution: External Mail] Concurrence on Executive Order

I feel this needs further discussion.

Mike Causey  
Commissioner  
NC Department Insurance  
.....Sent from my iPhone

> On Mar 17, 2020, at 12:44 PM, Jennell Baughman <jbaughman@sosnc.gov> wrote:  
>  
> CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov <<mailto:report.spam@nc.gov>>  
>  
> Secretary Marshall concurs.  
>  
> Jennell Baughman  
> Protocol Officer and  
> Executive Assistant to  
> Elaine F. Marshall, Secretary of State  
> P.O. Box 29622  
> Raleigh, NC 27626-0622  
> 919.814.5307  
> 919.807.2010 (fax)  
>  
> \* Please note: my telephone number has changed to 919.814.5307, and my  
> e-mail address has changed to jbaughman@sosnc.gov.  
>  
>  
>  
> Connect with us!  
>  
> On the Web: [https://urldefense.com/v3/\\_http://www.sosnc.gov/\\_!::HYmSToo!IHbDirEQBMX\\_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONJee3nSR\\$](https://urldefense.com/v3/_http://www.sosnc.gov/_!::HYmSToo!IHbDirEQBMX_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONJee3nSR$)  
>  
> Facebook:  
> [https://urldefense.com/v3/\\_https://www.facebook.com/NCSecState\\_!::HYmSToo!IHbDirEQBMX\\_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONBEu3IGES](https://urldefense.com/v3/_https://www.facebook.com/NCSecState_!::HYmSToo!IHbDirEQBMX_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONBEu3IGES)  
>  
> Twitter:  
> [https://urldefense.com/v3/\\_https://twitter.com/NCSecState\\_!::HYmSToo!IHbDirEQBMX\\_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONBdBYgU-S](https://urldefense.com/v3/_https://twitter.com/NCSecState_!::HYmSToo!IHbDirEQBMX_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONBdBYgU-S)  
>  
> YouTube:  
> [https://urldefense.com/v3/\\_https://www.youtube.com/c/NCSecState\\_!::HYmSToo!IHbDirEQBMX\\_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONETosorK\\$](https://urldefense.com/v3/_https://www.youtube.com/c/NCSecState_!::HYmSToo!IHbDirEQBMX_OFNOGhQUdoPlz8xGrw7HQjXQx3vkeQJWykF5igDj98ApNtAONETosorK$)  
>  
>  
> Confidentiality Notice: This e-mail message, including any attachments,  
> is for the sole use of the intended recipient (s) and may contain  
> confidential and privileged information. Any unauthorized use,  
> disclosure, or distribution is prohibited.  
>  
>  
>>> "Polk, Will" <Will.Polk@ncdps.gov> 3/17/2020 12:41 PM >>>  
> Dear Members of the Council of State,  
> Governor Cooper is requesting your concurrence on two items to limit

> human suffering and limit the spread of COVID-19 cases in North  
> Carolina.  
> Pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), in order to utilize all  
> available State resources as reasonably necessary to cope with an  
> emergency, including the transfer and direction of personnel or  
> functions of State agencies or units thereof for the purpose of  
> performing or facilitating emergency services; and, pursuant to N.C.  
> Gen. Stat. § 166A-19.30(b)(5) which allows the Governor to perform and  
> exercise such other functions, powers and duties as are necessary to  
> promote and secure the safety and protection of the civilian population,  
> the Governor is seeking concurrence on the following:  
>  
> 1. The Governor will direct the Department of Commerce to interpret  
> flexibly, and modify or eliminate the enforcement of certain  
> requirements for unemployment benefits to the maximum extent permitted  
> under federal law and until the State of Emergency Declaration regarding  
> COVID-19, dated March 10, 2020, is rescinded. The following requirements  
> will be waived or modified:  
> \* the one-week waiting period for benefits (N.C. Gen. Stat. §  
> 96-14.1(b));  
> \* the able to work and available to work requirements (N.C. Gen.  
> Stat. § 96-14.9(b));  
> \* the work search requirements (N.C. Gen. Stat. § 96-14.9(b));  
> \* the actively seeking work requirements (N.C. Gen. Stat. §  
> 96-14.9(e)); and  
> \* the "lack of work" requirement of the unemployed provisions  
> of N.C. Gen. Stat. § 96-15.01.  
> \* employers' accounts will not be allocated charges for  
> individuals who are paid benefits for reasons related to COVID-19 (N.C.  
> Gen. Stat. § 96-11.2).  
>  
>  
>  
> 1. The Governor will limit the sale of food, beverages, wine, beer,  
> and liquor to take out, drive-through and delivery effective at 5 pm  
> today.  
>  
> The Governor respectfully requests your concurrence on these matters by  
> 1:15 p.m. on March 17, 2020.  
> Best,  
> Will Polk  
>  
> Will Polk  
> Assistant General Counsel  
> NC Department of Public Safety  
> 4201 Mail Service Center  
> Raleigh, NC 27699-4201  
> 919-825-2706 (Office)  
> 919-219-4534 (mobile)  
> EMAIL ADDRESS: Will.Polk@ncdps.gov<<mailto:Will.Polk@ncdps.gov>>  
> <http://www.ncdps.gov><<http://www.ncdps.gov>>  
>  
>

**From:** [Troxler, Steve](#)  
**To:** [Hedgecock, Zane](#)  
**Subject:** SHOW CT Fw: [External] RE: NOTICE for concurrence vote on new Executive Order  
**Date:** Tuesday, March 17, 2020 3:20:47 PM  
**Attachments:** [Outlook-m3qyoioib.gif](#)  
[Outlook-Twitter lo.gif](#)  
[Outlook-Facebook l.gif](#)  
[Outlook-3w1joav4.gif](#)  
[Outlook-Sign up fo.gif](#)  
[Outlook-yrgt4ziw.gif](#)

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## Steven W. Troxler

Commissioner  
NC Department of Agriculture and Consumer Services

**Please note our new number is: 919-707-3000**

Fax 919-733-1141

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**From:** Dale Folwell <Dale@Nctreasurer.com>

**Sent:** Tuesday, March 17, 2020 3:20 PM

**To:** Polk, Will (CCPS) <Will.Polk@ncdps.gov>; Worley, Martha S <martha.worley@ncagr.gov>; Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Jones, Kristi - Governor Office <Kristi.Jones@nc.gov>; Britt, Art <art.britt@labor.nc.gov>; chris farr <chris.farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Causey, Mike <Mike.Causey@ncdoi.gov>; Troxler, Steve <steve.troxler@ncagr.gov>; Forest, Dan J <Dan.Forest@nc.gov>; Smith, David <david.smith@ncagr.gov>; White, Julia W <Julia.white@nc.gov>; Sprayberry, Mike (NCEM) <Mike.Sprayberry@ncdps.gov>; Browning, Teresa <Teresa.Browning@ncdoi.gov>; seth Dearmin <sdearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Cooper, Roy A <Roy.Cooper@nc.gov>; Haigwood, Jennifer <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.Whichard@nc.gov>; Berry, Cherie <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Gregory S <Greg.McLeod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee\_Gellerson@ncauditor.net <Renee\_Gellerson@ncauditor.net>; Hargis, Scarlett W <Scarlett.Hargis@nc.gov>; E. Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; Beth Wood <Beth\_Wood@ncauditor.net>; Perusse, Charlie <charles.perusse@osbm.nc.gov>; Mark Johnson <mark.johnson@dpi.nc.gov>; Anna.Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney, William C <William.McKinney@nc.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>

**Cc:** Hooks, Erik A. (NCDPS) <erik.hooks@ncdps.gov>; Gilchrist, Jane (CCPS) <Jane.Gilchrist@ncdps.gov>; Cashwell, Pamela (CCPS) <pam.cashwell@ncdps.gov>

**Subject:** [External] RE: NOTICE for concurrence vote on new Executive Order

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)

Governor Cooper,

I anticipate being asked about the vote count on your executive order. Please release the vote in the next 15 minutes.

Thanks you,

**Dale R. Folwell, CPA**

*NC State Treasurer*

Office of the State Treasurer

Office: (919) 814-3807

3200 Atlantic Avenue, Raleigh, NC 27604

[www.NCTreasurer.com](http://www.NCTreasurer.com)



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**From:** Polk, Will <Will.Polk@ncdps.gov>

**Sent:** Tuesday, March 17, 2020 11:26 AM

**To:** Ag Assistant Martha Worley <martha.worley@ncagr.gov>; Attorney General Josh Stein <jstein@ncdoj.gov>; Candy Finley <cfinley@ncdoj.gov>; Jones, Kristi <Kristi.jones@nc.gov>; Chief of Staff- Labor <art.britt@labor.nc.gov>; Chris Farr <Chris.Farr@nctreasurer.com>; Christopher McCracken <Christopher.McCracken@nctreasurer.com>; cindy.esparragoza <cindy.esparragoza@nctreasurer.com>; Commissioner Mike Causey <mike.causey@ncdoi.gov>; Commissioner Steve Troxler <steve.troxler@ncagr.gov>; Dale Folwell <Dale@Nctreasurer.com>; Dale Folwell <Dale@Nctreasurer.com>; dan.forest@nc.gov; david.smith@ncagr.gov; White, Julia <Julia.white@nc.gov>; Sprayberry, Mike <Mike.Sprayberry@ncdps.gov>; DOI-Assistant <Teresa.browning@ncdoi.gov>; DOJ-Chief of Staff <SDearmin@ncdoj.gov>; DPI-assitant meredith.steadman <meredith.steadman@dpi.nc.gov>; Gov. Roy Cooper <Roy.Cooper@nc.gov>; Jennifer Haigwood <jennifer.haigwood@labor.nc.gov>; Whichard, Jordan <Jordan.whichard@nc.gov>; Labor Commissioner Cherie Berry <cherie.berry@labor.nc.gov>; lisa.frazier <lisa.frazier@ncdoi.gov>; Lockamy, Kela W <kela.lockamy@osbm.nc.gov>; Lt. Governor Dan Forest <danforest@me.com>; McLeod, Greg <greg.mcleod@nc.gov>; Moore, Susan M <Susan.Moore@nc.gov>; Renee Gellerson <renee\_gellerson@ncauditor.net>; Hargis, Scarlett <scarlett.hargis@nc.gov>; Secretary of State Elaine Marshall <emarshal@sosnc.gov>; SOS- Assistant Jennell Baughman <jbaughman@sosnc.gov>; State Auditor Beth Wood <beth\_wood@ncauditor.net>; State Budget Director Charles Perusse <charles.perusse@osbm.nc.gov>; Superintendent Mark Johnson <mark.johnson@dpi.nc.gov>; Anna Yount <Anna.Yount@nctreasurer.com>; Walker, Steven <steven.walker@nc.gov>; McKinney,

William <william.mckinney@nc.gov>; 'zane.hedgecock@ncagr.gov' <zane.hedgecock@ncagr.gov>

**Cc:** Hooks, Erik A. <Erik.Hooks@ncdps.gov>; Gilchrist, Jane <Jane.Gilchrist@ncdps.gov>; Cashwell, Pam <Pam.Cashwell@ncdps.gov>

**Subject:** NOTICE for concurrence vote on new Executive Order

**Importance:** High

Dear Members of the Council of State,

Please stand by for a concurrence e-mail on a new Executive Order related to COVID-19. I will send an e-mail for your concurrence within the hour.

Best,

Will

Will Polk  
Assistant General Counsel  
NC Department of Public Safety  
4201 Mail Service Center  
Raleigh, NC 27699-4201  
919-825-2706 (Office)  
919-219-4534 (mobile)  
**EMAIL ADDRESS:** [Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)  
[www.ncdps.gov](http://www.ncdps.gov)

**From:** [Hlabse, Tina](#)  
**To:** [Cheng, Tien](#)  
**Subject:** FW: [External] Executive Order Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID-19  
**Date:** Thursday, March 19, 2020 8:43:01 AM  
**Attachments:** [CooperEO118.pdf](#)  
**Importance:** High

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**TINA L. HLABSE** | GENERAL COUNSEL | NC Dep't of Agriculture & Consumer Services |  
919-707-3013 (office)  
919-733-1141 (fax)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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**From:** Hlabse, Tina  
**Sent:** Tuesday, March 17, 2020 6:11 PM  
**To:** Smith, David <david.smith@ncagr.gov>; Hedgecock, Zane <zane.hedgecock@ncagr.gov>; Stewart, Alexander <Sandy.Stewart@ncagr.gov>; Reardon, Joe W <joe.reardon@ncagr.gov>; Bissette, Scott <scott.bissette@ncagr.gov>; Waggett, Christina <Christina.Waggett@ncagr.gov>; Kilian, Laura E <laura.kilian@ncagr.gov>; Lanier, Jonathan <jonathan.lanier@ncagr.gov>; Farrell, Elizabeth P <beth.farrell@ncagr.gov>; Yarborough, Bill <bill.yarborough@ncagr.gov>; Crumpler, Sylvia <sylvia.crumpler@ncagr.gov>  
**Cc:** Beck, Karen <karen.beck@ncagr.gov>  
**Subject:** FW: [External] Executive Order Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID-19  
**Importance:** High

FYI – Executive Order 118 was just released.

Tina

**TINA L. HLABSE** | GENERAL COUNSEL | NC Dep't of Agriculture & Consumer Services |  
919-707-3013 (office)  
919-733-1141 (fax)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

---

**From:** Polk, Will <[Will.Polk@ncdps.gov](mailto:Will.Polk@ncdps.gov)>  
**Sent:** Tuesday, March 17, 2020 6:04 PM  
**To:** andye <[andye@ncrma.org](mailto:andye@ncrma.org)>; Anja USke <[anja.uske@bcbsnc.com](mailto:anja.uske@bcbsnc.com)>; darryl.aspey <[darryl.aspey@hq.dhs.gov](mailto:darryl.aspey@hq.dhs.gov)>; Blauvelt, David P <[David.P.Blauvelt@ehi.com](mailto:David.P.Blauvelt@ehi.com)>; Bob Mielish - U.S. Department of Homeland Security (<[robert.mielish@hq.dhs.gov](mailto:robert.mielish@hq.dhs.gov)> <[robert.mielish@hq.dhs.gov](mailto:robert.mielish@hq.dhs.gov)>);

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**Subject:** [External] Executive Order Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID-19

**Importance:** High

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Attached is EO 118 which is an Executive Order Limiting Operations of Restaurants and Bars and Broadening Unemployment Insurance Benefits in Response to COVID-19.

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