

JEFF JACKSON
ATTORNEY GENERAL



REPLY TO:
SARAH G. ZAMBON
(919) 716-6955
SZAMBON@NCDOJ.GOV

Memorandum

To: North Carolina Coastal Resource Commission
Fr: Sarah Zambon
Re: Legal Update for August 2025 Meeting
Date: August 26, 2025

I. NORTH CAROLINA COURT OF APPEALS

CRC v. RRC, File No. 23CV031533. The record has been filed, the appeal will be briefed to the Court of Appeals.

II. PETITIONS FOR JUDICIAL REVIEW (PJR)

Petitioner Lincoln Griswold (25 CVS 002176-240) On June 2, 2025, Petitioner filed a Petition for Judicial Review in Craven County Superior Court appealing the Chair's denial of a third party hearing request to challenge the issuance of CAMA Minor permit 25-0219-DL to construct a retaining wall. I have filed a response and the certified record.

Petitioner Jud Ready (24 CVS 1000) Carteret County Superior Court. The hearing on the PJR was set for July 28, 2025 and a decision was filed in the case. Motions are pending. Phillip Reynolds is the attorney of record on the matter.

Petitioners Sherri and Kenneth Elliott (24 CVS 1915) Brunswick County Superior Court. There is nothing currently pending in court while Petitioner attempts to resolve issues with the Permittee.

III. OFFICE OF ADMINISTRATIVE HEARINGS (OAH):

1. **Pirates Cove LLC v. DCM (25 EHR 01051):** Attorneys Reynolds and Young reached a settlement with the Petitioner and the litigation is currently stayed.

IV. VARIANCES: The Commission heard two variance requests at its April/May meeting. The final agency decisions are attached. There is one variance scheduled for hearing at your August meeting.

V. REQUESTS BY THIRD PARTIES TO FILE CONTESTED CASES IN OAH:
Following is a review of the outstanding requests:

Roger and Rebecca Russell (CMT-2025-04) requested a hearing to challenge the issuance of CAMA Minor Permit No. 17-25-OI authorizing construction of a single family home with detached deck at 5515 East Beach Drive in Oak Island, Brunswick County, North Carolina. The Chair granted the request in the Final Agency Decision issued July 16, 2025. A petition was filed in the Office of Administrative Hearings on August 5, 2025 (25EHR02847).

Gay T. Michel (CMT-2025-05) requested a hearing to challenge the issuance of CAMA Minor Permit No. 17-25-OI authorizing construction of a single family home with detached deck at 5515 East Beach Drive in Oak Island, Brunswick County, North Carolina. The Chair granted the request in the Final Agency Decision issued July 16, 2025. No petition was filed in this matter.

Mark and Gigi Donovan (CMT-2025-06) requested a hearing to challenge the issuance of CAMA Minor Permit No. 17-25-OI authorizing construction of a single family home with detached deck at 5515 East Beach Drive in Oak Island, Brunswick County, North Carolina. The Chair denied the request in the Final Agency Decision issued July 16, 2025. No appeal was filed within the statutorily determined time.

VI. PETITION FOR DECLARATORY RULING

None.

Attachments:

1. CRC-VR-25-01 Final Agency Decision granting Earnest variance request
2. CRC-VR-25-03 Final Agency Decision granting Town of Ocean Isle Beach variance request with condition
3. CMT-2025-04 Final Agency Decision granting Petitioner's request for a contested case hearing
4. CMT-2025-05 Final Agency Decision granting Petitioner's request for a contested case hearing
5. CMT-2025-06 Final Agency Decision denying Petitioner's request for a contested case hearing