

**MEETING MINUTES
OF THE
NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD**

DATE: October 21, 2021

TIME: 10:00 A.M.

PLACE: 3101 Industrial Drive Ste. 104
Raleigh, North Carolina 27609

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT

Chair-V. Bud Cesena	Vice-Chair- Steve Johnson
Stacy Buff (v)	Nada Lawrimore
Ron Burris	Jerry Pitman
Debra Duncan (v)	Gerry Stickl (v)
Tamara Rabenold (v)	Sam Russell (v)
Kim Heffney (v)	Assata Buffaloe (v)
Greg Scott (v)	

*v: virtual

MEMBERS ABSENT

Dave Stephens

STAFF PRESENT

Paul Sherwin	Jeff Gray
Amanda Rolle	Ray Bullard
Kim Odom	Nick Ezell
Darla Cole	Carolina Valand

Donna Campbell
Mike Walker
A. Powell
Bill McRae
Dorian Dehnel

VISITORS PRESENT

Greg Hatten	Bill Wilke
P. Schroll	John Honeycutt
Vernon Jerry	Stephen Brown
Ashley Simmons	Kevin Pakulniewicz
Shaun Marso	

Chairman V. "Bud" Cesena called the October 21, 2021 meeting of the North Carolina Private Protective Services Licensing Board to order at 10:07 A.M.

Attorney Jeff Gray read the following statement:

"In accordance with the State Ethics Law, it is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matter coming before this Board today, please identify the conflict or appearance and refrain from the deliberation and vote in that matter."

Chairman Cesena introduced the Board members and staff and welcomed all guests.

FINAL AGENCY DECISIONS

None

STEVE JOHNSON MADE A MOTION TO ACCEPT THE AUGUST 19, 2021 BOARD MEETING MINUTES. SECONDED BY RON BURRIS. MOTION CARRIED. NONE OPPOSED.

Ron Burris presented the Grievance Committee report. Mr. Burris, Vice-Chair Steve Johnson, Jerry Pitman, Nada Lawrimore, Gerry Stickl, and Tamara Rabenold met in person and virtually on October 20, 2021, from 9:00 A.M. to 12:45 P.M. and heard a total of ten (10) cases.

VICE CHAIRMAN STEVE JOHNSON MADE A MOTION TO APPROVE ALL CASES EXCEPT CASES #3 and #5. GERRY STICKL AND GREG SCOTT RECUSED THEMSELVES. JERRY PITMAN SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

STACY BUFF MADE A MOTION TO APPROVE CASE #3- SAMUEL COGGINS WITTY. GERRY STICKL RECUSED HIMSELF. JERRY PITMAN SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

VICE-CHAIRMAN STEVE JOHNSON MADE A MOTION TO APPROVE CASE #5- RANDY THOMAS. GREG SCOTT RECUSED HIMSELF. NADA LAWRIEMORE SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

NOTE: CASES #6 AND #7 WERE REVIEWED AND DEFERRED TO THE DECEMBER MEETING. GREGG SCOTT RECUSED HIMSELF FROM #6 and #7- ANDY RENFROW.

SEE ATTACHMENT 1 FOR THE FULL GRIEVANCE REPORT

Debra Duncan presented the Screening Committee report. Mrs. Duncan, Assata Buffaloe, Kim Heffney, and Sam Russell met on October 20, 2021, from 1:00 P.M. to 4:30 P.M. and heard a total of forty-six (46) cases.

SAM RUSSELL MOTIONED TO APPROVE ALL CASES PRESENTED TO THE SCREENING COMMITTEE WITH THE EXCEPTIONS OF #5, 6, 7, AND 38.

RON BURRIS SECONDED THE MOTION TO APPROVE ALL REMAINING CASES PRESENTED TO THE SCREENING COMMITTEE, WITH THE EXCEPTION OF #5 AND #38. THE MOTION CARRIED. NONE OPPOSED.

- **SAM RUSSELL MOTIONED TO APPROVE CASE #5. TAMARA RABENOLD RECUSED HERSELF. RON BURRIS SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.**
- **SAM RUSSELL MOTIONED TO APPROVE CASE #38. GERRY STICKL RECUSED HIMSELF. RON BURRIS SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.**

SEE ATTACHMENT 2 FOR THE FULL SCREENING REPORT

Vice-Chairman Steve Johnson presented the Laws and Rules Committee Report. Vice-Chairman Steve Johnson, Debra Duncan, Kim Heffney, Jerry Pittman, Tamara Rabenold, and Greg Scott met on October 21, 2021, from 8:30 A.M. to 9:00 A.M. and discussed the North Carolina Private Protective Services Board current limited reciprocity agreements with seven (7) states: California, Florida, Georgia, Louisiana, South Carolina, Tennessee, and Virginia. The committee will also review 74C-18 and 74C-3(b)(1) and update if appropriate. UPDATES ARE INCLUDED IN THE ATTORNEY'S REPORT.

DEBRA DUNCAN MOTIONED TO APPROVE THE LAWS AND RULES REPORT. STEVE JOHNSON SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT 5 FOR THE LAWS AND RULES REPORT

SPECIAL REPORTS AND PRESENTATIONS

OLD BUSINESS

- Debra Duncan announced that all board members are current on their Ethics Education.
- Attorney Jeff Gray will conduct § 93B-5. Compensation, employment, and training of board members following the December Board Meeting.
- Director Paul Sherwin reported a reduction in the cost for staff and board to attend the International Association of Security and Investigative Regulators (IASIR) conference because the conference has been moved to all-virtual.
- Training Investigator Ray Bullard reported that all firearms trainer qualifications would be completed in November 2021. Those unable to complete the firearms qualification course would be denied.

CHAIRMAN "BUD" CESENA PRESENTED THE TRAINING AND EDUCATION REPORT. On October 21, 2021, the Training and Education Committee Met from 9:00 am to 9:30 am. Mr. Cesena, Mr. Johnson, Stacy Buff, Tamara Rabenold, and Sam Russell were present. Training Investigator Ray Bullard presented the Training Investigator report for courses delivered in 2021 and scheduled for 2022. Investigator Bullard's report included information

from four reported accidental weapon discharges. The Committee approved two (2) PPSB grant applications: one for Northern Regional Hospital to offset the cost of the purchase of a firearms training simulator; and one for the NC Association of Private Investigators (NCAPI) to offset the cost of holding its 2021 conference. Two (2) CEU courses were approved, and one (1) was denied for lack of relevance to PPSB.

SAM RUSSELL MOTIONED TO ACCEPT THE TRAINING AND EDUCATION REPORT. TAMARA RABENOLD SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT 4 FOR THE FULL TRAINING AND EDUCATION REPORT

NEW BUSINESS

Attorney Jeff Gray reported that:

- The Emergency Rules based on executive order ended in October 2021.
- A Public Notice meeting was held on August 17, 2021 with zero attendees.
- Five rules (see attachment 2 of Attorney's Report) needed formal approval for rule adoptions without attachments, they will become final rules.

RON BURRIS MADE A MOTION TO ACCEPT THE RULES AMENDMENTS. NADA LAWRIEMORE SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

- Jerry Pitman announced that the Close Protection Conference hosted by the International Protective Security Board will be held on December 8-10, 2021, in Las Vegas, Nevada. Chair Cesena recommended that Training Investigator Ray Bullard attend.

GERRY STICKLY MADE A MOTION TO APPROVE SENDING TWO (2) STAFF MEMBERS AND TWO (2) BOARD MEMBERS TO THE CLOSE PERSONAL PROTECTION CONFERENCE AND SAM RUSSELL SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED

DIRECTOR'S REPORT

Director Paul Sherwin presented the Director's Report.

TAMARA RABENOLD MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY RON BURRIS. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT 6 FOR THE FULL DIRECTOR'S REPORT

ATTORNEY'S REPORT

Attorney Jeff Gray presented the Attorney's Report.

DEBRA DUNCAN MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. ASSATA BUFFALOE SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT 7 FOR THE FULL ATTORNEY'S REPORT

CLOSED SESSION

CHAIRMAN "BUD" CESENA REQUESTED A CLOSED SESSION MEETING TO DISCUSS A PERSONNEL ISSUE. NO VOTE WAS TAKEN. RON BURRIS MADE THE MOTION TO END THE CLOSED SESSION. VICE-CHAIR STEVE JOHNSON SECONDED THE MOTION, AND THE MOTION CARRIED.

GOOD OF THE ORDER.

STACY BUFF MADE A MOTION TO ADJOURN. SECONDED BY RON BURRIS. MOTION CARRIED ON A ROLL CALL VOTE.

Meeting Adjourned: 11:44 A.M.

Paul Sherwin
Director

Amanda Rolle
Reporter
Deputy Director

PPSB Grievance After Report for October 21, 2021 9:00 am

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
1.	2020-PPS-152	Gregory Stephen Smith Deps Safety & Security Services, Inc. P.O. Box 1432 Kinston, NC 28503	NCGS 74C-11 14B NCAC 16 .0108(b)	Accepted the report. No violation of NCGS 74C-11 14B NCAC 16 .0108(b).	
2.	2020-PPS-153	Gregory Stephen Smith Deps Safety & Security Services, Inc. P.O. Box 1432 Kinston, NC 28503	NCGS 74C-11 14B NCAC 16 .0108(b)	Accepted the report. No violation of NCGS 74C-11 14B NCAC 16 .0108(b).	

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
3.	2021-PPS-013	Samuel Coggins Witty Admiral Security Services 3717 National Dr Ste 104 Raleigh, NC 27612	14 B NCAC 16 .0108(a)	Mr. Samuel Witty and Admiral Security Services enter into a consent agreement in the amount of \$7,711.20 for registration violations. The staff is to conduct a follow up audit for the second and third quarters of 2021.	
4.	2021-PPS-017	Christal Neptune Neptune Worldwide Protection, Inc. 3630 sterling magnolia ct Charlotte, NC 28211	NCGS 74C-11 NCGS 74C-13 14 B NCAC 16 .0108(a)	Ms. Christal Neptune and Neptune Worldwide Protection, Inc., enter into a consent agreement in the amount of \$612.00 for registration violations. The staff is to conduct a follow up audit for the third and fourth quarters of 2021.	
5.	2021-PPS-022	Randy Thomas Scott Investigative Group 2166-B Anchorage Lane Naples, FL 34104	NCGS 74C-12(a)(7)	No violation of NCGS 74C-12(a)(7).	

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
6.	2021-PPS-025	Andy Renfrow & Associates 2474 Walnut St Unit 280 Cary, NC 27518	NCGS 74C-2 NCGS 74C-12(a)(6)	Defer until the December 15, 2021 Grievance Committee meeting.	
7.	2021-PPS-026	Andy Renfrow & Associates 2474 Walnut St Unit 280 Cary, NC 27518	NCGS 74C-2 NCGS 74C-12(a)(6)	Defer until the December 15, 2021 Grievance Committee meeting.	
8.	2021-PPS-034	Gary Haun, Jr. Southern Fire Analysis LLC PO Box 2243 Chester, VA 23831	NCGS 74C-2	Find the violation of N.C.G.S 74C-2. Continue the cease and desist that was issued to Mr. Gary Haun Jr., and Southern Fire Analysis LLC until he is properly license.	
9.	2021-PPS-036	Damarius Crump Life Line Security 222-34C Lake Park Kernersville, NC 27105	NCGS 74C-2 NCGS 74C-13(a)	Find the violation of NCGS 74C-2, NCGS 74C-13(a). Continue the cease and desist that was issued to Mr. Damarius Crump and Life Line Security for engaging in private protective services profession without being properly licensed or registered. Should Mr. Crump apply for a license or registration, this matter will be referred to the Screening Committee.	

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
10.	2021-PPS-037	Chancellor Crawford Life Line Security 2408 Gardenia Road Winston-Salem, NC 27107	NCGS 74C-2 NCGS 74C-13(b)	Find the violation of NCGS 74C-2, NCGS 74C-13(b). Continue the cease and desist that was issued to Mr. Chancellor Crawford and Life Line Security for engaging in private protective services profession without being properly licensed or registered. Should Mr. Crawford apply for a license or registration, this matter will be referred to the Screening Committee.	
11.	2021-PPS-038	Donald Lavon Floyd, Jr. Life Line Security 3955-218 Sugarcreek Drive Winston-Salem, NC 27106	NCGS 74C-2 NCGS 74C-13(a) and (b)	Find the violation of NCGS 74C-2, NCGS 74C-13(a) (b). Continue the cease and desist that was issued to Mr. Donald Floyd and Life Line Security for engaging in private protective services profession without being properly licensed or registered. Should Mr. Floyd apply for a license or registration, this matter will be referred to the Screening Committee.	
12.	2021-PPS-057	Wayne Walker Life Line Security 7493 Princess Ann Court Rural Hall, NC 27045	NCGS 74C-2 NCGS 74C-13	Find the violation of NCGS 74C-2, NCGS 74C-13. Continue the cease and desist that was issued to Mr. Wayne Walker and Life Line Security for engaging in private protective services profession without being properly licensed or registered. Should Mr. Walker apply for a license or registration, this matter will be referred to the Screening Committee.	

Board Meeting Report

Board Date 10/21/2021

	Name Company Address	License	Committee Recommendation	Board Action
1.	Michael Wayne Anderson Rimkus Consulting Group, Inc. 4900 Harris Technology Blvd Charlotte, NC 28269	Private Investigator	Approve Private Investigator License.	Accepted
2.	Robert Ernest Bailess Bailess Group LLC 5687 SALEM FARM ROAD Oxford, NC 27565	Private Investigator	Approve Private Investigator License.	Accepted
3.	Donald T Baker Don Baker 420 Old Stage Rd Richlands, NC 28574	Private Investigator	Approve Private Investigator License with the condition that a favorable fingerprint results are received.	Accepted
4.	Shaun Michael Baras Carolina Investigative Group LLC 6332 Durango Way Denver, NC 28037	Private Investigator	Approve Private Investigator License.	Accepted
5.	MEGAN BARRY Vaudra LTD 13801 Reese Blvd Huntersville, NC 28037	Private Investigator	Approve Private Investigator License.	Accepted
6.	Brian Michael Bauk Raven Rock Investigations 909 S Main Street Salisbury, NC 28144	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,200 hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
7.	Joseph Eugene Boisseau Envista Forensics, LLC 2700 Gateway Centre Blvd Morrisville, NC 27560	Private Investigator	Approve Private Investigator License.	Accepted
8.	Ronald Torbin Caloun Central Church 5301 Sardis Road Charlotte, NC 28270	Proprietary	Approve Proprietary application.	Accepted
9.	Kristie Cooper Platinum Express Courier Service 5526 Stone Bluff Ct Charlotte, NC 28214	Courier Service	Approve Courier Service Profession License.	Accepted
10.	Renee Marie Criswell Rimkus Consulting Group, Inc. 4900 Harris Technology Blvd. Charlotte, NC 28269	Private Investigator	Approve Private Investigator License.	Accepted
11.	Lydia Davis LLC 360 Commercial Park Dr. Thomasville, NC 27360	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,000 hours.	Accepted
12.	Tristan Lou Evans NC Protective Solutions LLC 2530 Meridian Parkway Durham, NC 27713	Armored Car	Approve Armored Car Profession License.	Accepted
13.	Tristan Lou Evans NC Protective Solutions LLC 2530 Meridian Parkway Durham, NC 27713	Courier Service	Approve Courier Service Profession License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
14.	Tristan Lou Evans NC Protective Solutions LLC 2530 Meridian Parkway Durham, NC 27713	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
15.	Angelica Fernandez Gutierrez Weaver SS, Inc. 3519 Queen Ann Drive Clayton, NC 27527	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,200 hours.	Accepted
16.	Antonio Manuel Galindo Marksman Security Corporation PO Box 1309 High Point, NC 27260	Security Guard And Patrol	Approve Security Guard & Patrol License with the condition that the applicant provide proof of a credit payment plan and that a favorable fingerprint results are received.	Accepted
17.	Daniel Eli Garner Jr Crystal Coast Investigations Services 187 Danny Garner Rd Newport, NC 28570	Private Investigator	Approve Private Investigator License.	Accepted
18.	Roberto Gonzalez Jr Redbeard Investigations 1431 Bottle Brush Lane Harrisburg, NC 28075	Private Investigator Associate	Approve Private Investigator Associate License Level III with 2,600 hours.	Accepted
19.	Fabiola Beatriz Gonzalez-Rivera Marshall Investigative Group 4819 Emperor Blvd Durham, NC 27703	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted
20.	Gary L Haun Jr Fire Analysis Consulting Group, LLC PO Box 2243 Chester, VA 23831	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
21.	Thomas Hofferth Richardson & Davis Investigative Consulting Group LLC 9820 Northcross Center Court Suite 133 CHARLOTTE, NC 28078	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,800 hours.	Accepted
22.	Richard House Georgantas Claims Services, Inc 1770 S Randall Rd Geneva, IL 60134	Private Investigator	Approve Private Investigator License.	Accepted
23.	Marwan Khshemat Tactical Security Service LLC PO Box 1380 Hope Mills, NC 28348	Armored Car	Approve Armored Car Profession License.	Accepted
24.	Marwan Khshemat Tactical Security Service PO Box 1380 Hope Mills, NC 28348	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
25.	Eddie Monroe Kluttz Raven Rock Investigations 909 S Main Street Salisbury, NC 28144	Private Investigator	Approve with Condition Private Investigator License with the condition applicant surrender his sworn law enforcement status prior to the issuance of the license.	Accepted
26.	Nicholas Valentine Kowal AS Surveillance LLC PO Box 788 Thomasville, NC 27361	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
27.	Jeffrey H. Longstreet Surveillance, LLC Company 360 Commercial Park Drive Thomasville , NC 27360	Private Investigator Associate	Approve Private Investigator Associate License Level III with 2,800 hours.	Accepted
28.	Shaun Michael Marso Grimes Investigations, Inc. PO Box 432 Goldsboro, NC 275330432	Private Investigator	Approve Private Investigator License.	Accepted
29.	Noah Ashton McKee Reef Security Solutions LLC 11 N 2nd Street Wilmington, NC 28401	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
30.	Robbie Gail Phillips Robbie Phillips 5431 Morning Creek Way Raleigh, NC 27610	Security Guard And Patrol	Deny Security Guard & Patrol License for lack of verifiable experience.	Accepted
31.	Erving Poole Kinsey Christian Security, LLC 3443 Melwood Estates Dr Denver, NC 28037	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
32.	john puckett Blue Chameleon Investigations 6003 Oak Ridge Ct. Matthews, NC 28104	Courier Service	Approve Courier Service Profession License.	Accepted
33.	john puckett Blue Chameleon Investigations 6003 Oak Ridge Ct. Matthews, NC 28104	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,200 hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
34.	Ronald Howard Reich York Security 557-B Pylon Drive Raleigh, NC 27606	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
35.	Maximiliano Rios Kingship Services Corp 1228 Cameron Woods Apex, NC 27523	Private Investigator	Deny Private Investigator License for unfavorable criminal history and failure to disclose criminal history.	Accepted
36.	David Bradford Russell Bottom Time LLC 239 Rocky Ridge Road Leasburg, NC 27291	Proprietary	Deny Proprietary application.	Accepted
37.	Joseph Sargent Shaffer Blackwell's Private Investigative Service 933 Holly Meadow Drive Holly Springs, NC 27540	Private Investigator Associate	Approve Private Investigator Associate License Level I with 400 hours.	Accepted
38.	Felicia Smith Sheares Red Coats 3717 National Drive Suite 104 Raleigh, NC 27612	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
39.	Ashley Clark Simmons DOS 341 Trout Valley Road Wake Forest, NC 27587	Private Investigator	Approve Private Investigator License.	Accepted
40.	Steven Austin Spaeth PhotoFax, Inc. 44W100 US Highway 20 Hampshire, IL 60140	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,000 hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
41.	William C Stanford Professional Surveillance Group 5607 W Friendly Ave STE B Greensboro, NC 27410	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,200 hours.	Accepted
42.	John Louis Steffel G4S Compliance and Investigations 910 Paverstone Dr Raleigh, NC 27615	Private Investigator	Approve Private Investigator License.	Accepted
43.	Suzanne Michelle Tingen SMD Holdings, LLC 400 W. Morgan St. Raleigh, NC 27603	Proprietary	Approve Proprietary application	Accepted
44.	Steven Wayne Walton Rock Raven Group 909 South Main St Suite 107 Salisbury , NC 28144	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours with the condition that the applicant provide proof of a credit payment plan.	Accepted
45.	Patrick Welsh Conflict International 301 N Elm St Greensboro, NC 27401	Private Investigator	Approve Private Investigator License.	Accepted
46.	Sharon Shavonne Wiley Sole Proprietor 1711 Sumter ave. Charlotte, NC 28208	Security Guard And Patrol	Deny Deny Security Guard & Patrol License for failure to complete application process.	Accepted
47.	Shawn Lee Zimmerman 4 Seasons Agency Inc 4006 Barrett Drive Raleigh , NC 27609	Courier Service	Approve Courier Service License with the condition that the applicant provide proof of a credit payment plan and that a favorable fingerprint results are received.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
48.	Shawn Lee Zimmerman 4 Seasons Agency Inc 4006 Barrett Drive Raleigh , NC 27609	Security Guard And Patrol	Approve Security Guard & Patrol License with the condition that the applicant provide proof of a credit payment plan and that a favorable fingerprint results are received.	Accepted

STATES WITH LIMITED RECIPROCITY

The North Carolina Private Protective Services Board currently has limited reciprocal agreements with seven (7) states for Private Investigations. Those states are:

California
Florida
Georgia
Louisiana
South Carolina
Tennessee
Virginia

These reciprocal agreements allow for licensed private investigation agencies and private investigators from each of these specific states to enter North Carolina to conduct investigations of certain cases without having to be licensed by the North Carolina PPS Board. In addition, these agreements allow North Carolina licensed private investigators to enter each of these states to investigate certain cases without having to obtain a license in that state. There are specific conditions and limitations to these agreements as indicated below:

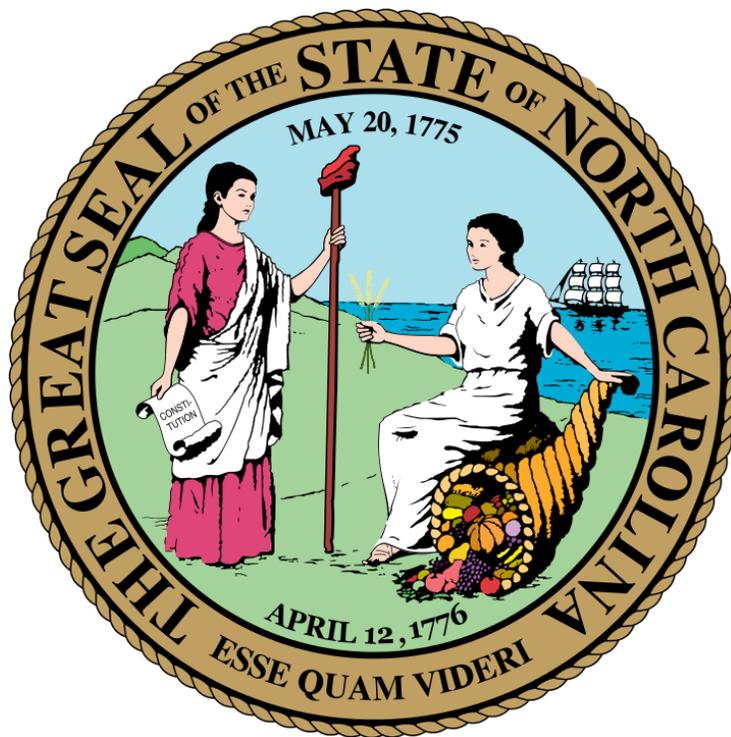
1. Agencies and Investigators must be licensed (or registered, if applicable) and in good standing in their home state.
2. The case being investigated must have originated in the home state.
3. Out-of-state investigators may not solicit private investigative business or open an office while in North Carolina.
4. North Carolina investigators may not solicit private investigative business or open an office while in one of these other states.
5. Investigations are limited to thirty (30) days per agency per case in all states, with the exception of Tennessee, which limits investigations to fifteen (15) days.
6. Investigations exceeding the above time limits must be handled by a private investigator licensed in the state where the investigation is being conducted.
7. Investigators conducting any investigations that do not fall into the above described category must obtain a license from the particular state prior to conducting such investigations.

<input checked="" type="checkbox"/>	REQUESTED BY	COURSE NAME	Course Number	INSTRUCTOR(S)	Classroom/ Online	Date Submitted	Hours
		New Application(s)					
1	Rick Mullinax	Executive Protection Body Guard Defensive Tactics Training APPROVED		Rick Mullinax	Classroom	6-29-2021	12
2	Michael Tucker	Law Enforcement Recruiting and Retention: The Benefits of a Diverse Workforce - DENIED		Michael Tucker	Classroom	8-19-2021	12
3							
4							
		Renewal Application(s):					
1	Frank Weicks	Basic Intelligence Analysis for Private Investigators- APPROVED		Frank Weicks	Classroom	9-29-2021	8

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

October 21, 2021 Meeting

DIRECTOR'S REPORT



Paul Sherwin, Director

DIRECTOR'S REPORT

- I. PPS information and updates, page 3**
- II. Licensing, registration and certification summary, page 4**
- III. Budget summary, page 5**
- IV. Budget graphics, page 6**

PPS INFORMATION AND UPDATES

PERSONNEL

Private Protective Services currently has five vacant positions:

- Hickory-based Investigator – Recruitment in progress
- Administrative Assistant – Recruitment in progress
- Registration Application Processor (two positions) – Recruitment in progress
- PPSB Secretary

Alarm Systems Licensing Board Secretary Cynthia Anthony resigned from her position with Private Protective Services on August 13, 2021. Subsequently, former PPSB secretary Syconda Marrow applied, and was hired for, the ASLB secretary position, effective Oct. 4, 2021. Syconda's position with the PPSB is currently vacant and recruitment for her replacement will begin soon. Syconda's former duties with the PPSB will be divided among PPS staff until the position is filled.

Private Protective Services investigator Darla Cole was recently recognized as a *Certified Investigator* by the Council on Licensure, Enforcement and Regulation (CLEAR), after completing CLEAR's 3-day certified regulatory investigator training program.

OPERATIONS

Registration Unit

- Registration applications received year-to-date: 18,152
(Same period in 2020: 17,928)

Licensing Unit

- License applications received year-to-date: 662
(Same period in 2020: 991)

Investigations Unit

- License applicant background investigations completed year-to-date: 230
(Same period in 2020: 241)
- Complaint investigations completed year-to-date: 50
(Same period in 2020: 36)

Training Unit

- Trainer applications received year-to-date: 371
(Same period in 2020: 247)

LICENSING, REGISTRATION, AND CERTIFICATION SUMMARY

Total active in Permittium: 22,895 (+1.9% from August 2021 meeting)

Registration		
	Armed	3398
	Armed Armored Car	448
	Armed Private Investigator	107
	Armed Private Investigator Associate	9
	Unarmed	15460
	Unarmed Armored Car	88
Registration Total		19510
License		
	Armored Car Profession	68
	Courier Service Profession	67
	Electronic Counter Measures Profession	50
	Electronic Counter Measures Trainee	9
	Guard Dog Service Profession	16
	Polygraph Examiner	26
	Polygraph Trainee Permit	3
	Private Investigator	1783
	Private Investigator Temp Permit	4
	Private Investigator Associate	269
	Private Investigator Associate Temp Permit	1
	Proprietary	78
	Psychological Stress Evaluator	12
	Security guard and Patrol	505
	Special Limited Guard and Patrol	7
License Total		2898
Certification		
	Firearms Trainer	168
	Unarmed Guard Trainer Certification Total	319
Certification Total		487

**Private Protective Services Board Financial Report
Fiscal Year 2021
(July 1, 2021 – September 30, 2021)**

PPSB Operating Fund Revenue and Expenditures

FY21 revenue	\$	320,395.39
FY21 expenditures	\$	(314,189.60)
FY21 FUND BALANCE INCREASE/(DECREASE)	\$	6,205.79

PPSB Operating Fund Cash Flow

Beginning Cash Balance (July 1, 2021)	\$	1,520,915.25
FY21 revenue	\$	320,395.39
FY21 expenditures	\$	(314,189.60)
CURRENT FUND BALANCE	\$	1,527,121.04

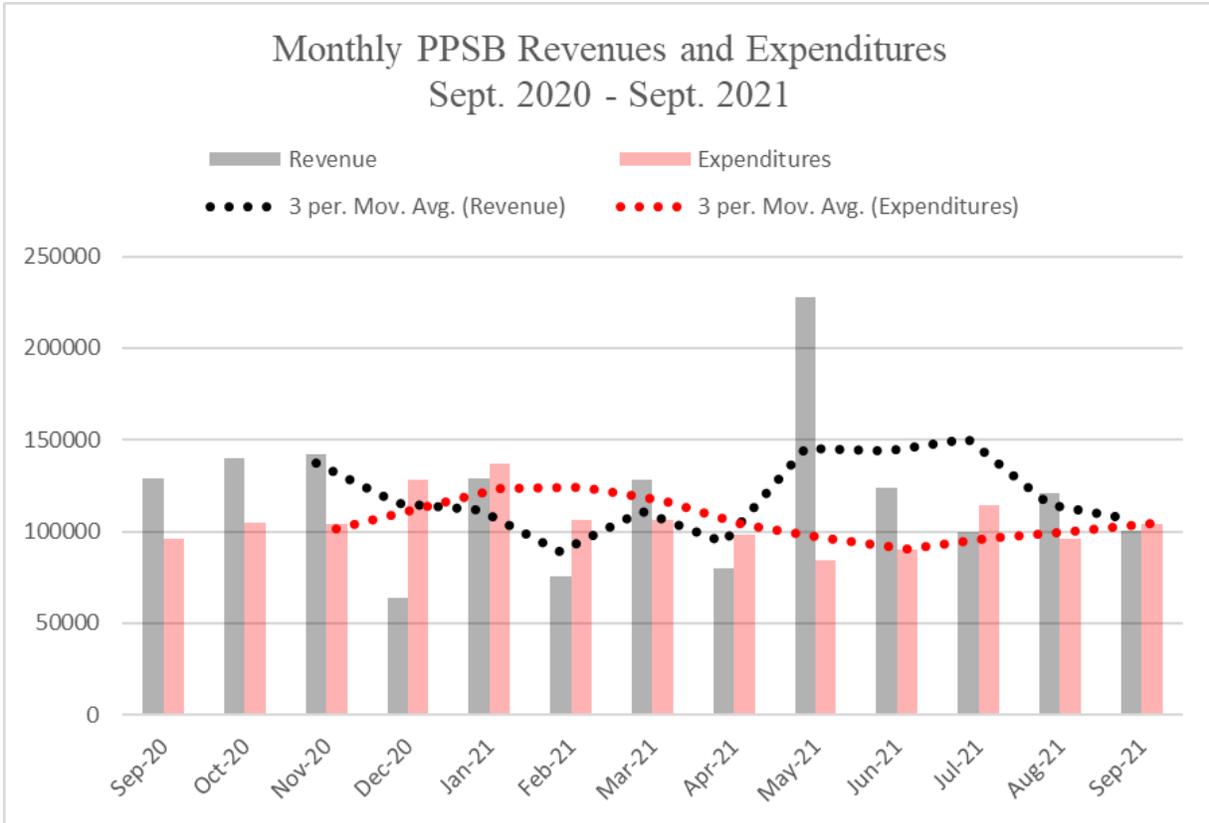
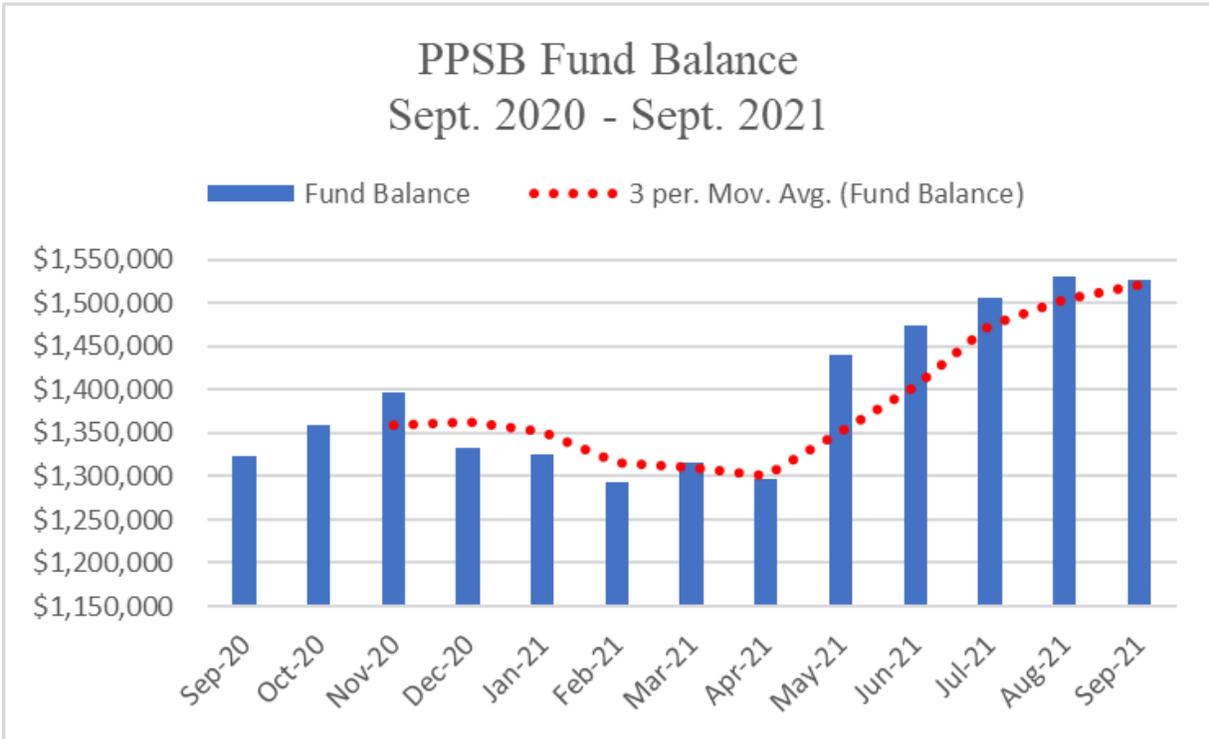
PPSB Education Fund Revenue and Expenditures

FY21 revenue	\$	992.33
FY21 expenditures	\$	-
FY21 EDUCATION FUND BALANCE INCREASE/(DECREASE)	\$	992.33

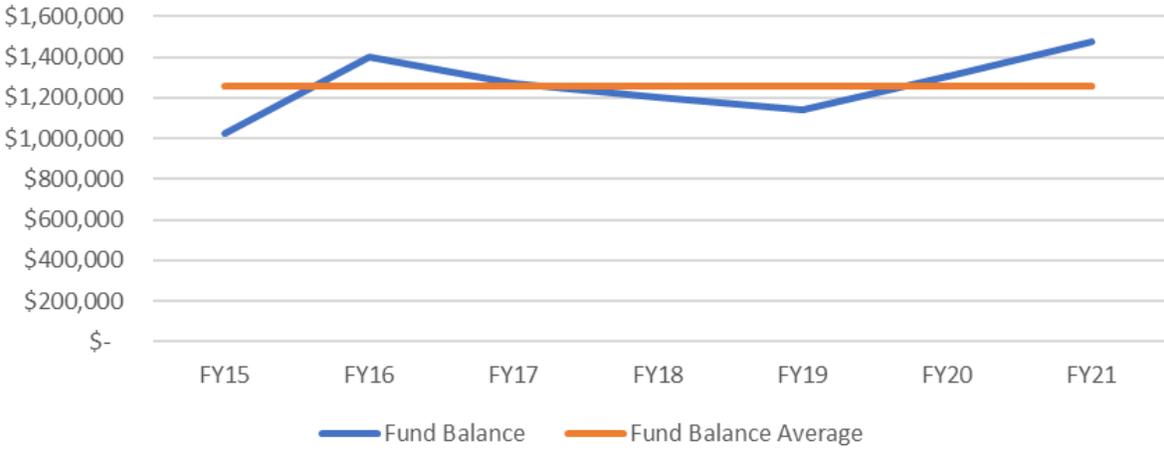
PPSB Education Fund Cash Flow

Beginning Cash Balance (July 1, 2021)	\$	125,994.35
FY21 revenue	\$	992.33
FY21 expenditures	\$	-
CURRENT FUND BALANCE	\$	126,986.68

BUDGET GRAPHICS



Historical PPSB Fund Balance Fiscal Years 2015-2021



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

October 21, 2021

ATTORNEY'S REPORT



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

October 21, 2021

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On February 18, 2021 Brian Dixon and Billy Hicks/ Security Innovations Protective Services LLC entered into a Consent Agreement with the Board in the amount of \$3,060.00 for registration violations. Staff is to conduct a follow-up audit for 2020. The signed Consent Agreement has not been returned. Also, the licenses are suspended until the consent amount is paid in full. Payment has not been received. On June 17, 2021 the full Board voted to revoke the Security Guard & Patrol license held by Billy Hicks and Brian Dixon.
2. On August 19, 2021 David Watson Leonard/Black Hawk International Security, LLC, entered into a Consent Agreement with the Board in the amount of \$1,958.40 for registration violations. The Consent Agreement was signed by David Leonard on September 30, 2021. Paid in full
3. On August 19, 2021 Michelle Diane Seiz /American Security Associates, Inc. entered into a Consent Agreement with the Board in the amount of \$2,203.20 for registration violations. The Consent Agreement was signed by Michelle Seiz on September 13, 2021. Paid in full
4. On August 19, 2021 Hector Falu / Falu Security, entered into a Consent Agreement with the Board in the amount of \$2,019.60 for registration violations. The Consent Agreement was signed by Hector Falu on August 18, 2021. Paid in full
5. On August 19, 2021 Ann Trinca /SecTek, Inc., entered into a Consent Agreement with the Board in the amount of \$489.60 for registration violations. The Consent Agreement was signed by Ann Trinca on September 30, 2021. Paid in full

II. OFFICE OF ADMINISTRATIVE HEARINGS

See, Hearings List (Attachment 1).

III. ADMINISTRATIVE RULES

- a. At its April 2020 meeting the Board adopted amendments to five administrative rules to help lessen the burden on applicants, licensees and trainer certification holders during the lock-downs and travel bans enacted due to the COVID-19 pandemic. The amendment to 14B NCAC 16 .0201(e), .0806 (e), .0904(e), .1202(d), and .1203 first became emergency rules, and are now temporary rules. (Note: In .1203 the Board did not add language but merely removed the last line of (g) which limited online courses to six hours and moved (h) to make it "(e)" in

.1202.) Unless the Board took action for each change to become a permanent rule to be in effect for any future declared national or state of emergency, these rule amendments expired on April 30, 2021. A copy of each rule, as amended, was attached to my April 22, 2021 Attorney's Report. The Board voted to make these rules permanent.

The Notice of Text was filed and a Public Hearing set for Tuesday, June 22, 2021 at 2:00 p.m. at the Board office. The Public Comment Period was to end August 2, 2021, however, it was discovered prior to the Public Hearing date that the notice of the Public Hearing had not been posted on the Board's website as required so a new Public Hearing date has been posted; it was Tuesday, August 17, 2021 at 2:00 p.m. at the Board's office. The new Public Comment Period ended October 1, 2021. There were no comments, oral or written.

A copy of these five rules, as amended, are attached as Attachment 2. A vote to approve these amendments is in order for today.

b. At its June 2021 meeting the Law & Rules Committee reviewed and discussed 11 proposed administrative rule amendments and adoptions and proposed to the full Board proceeding with amendments to five administrative rules (i.e. 14B NCAC 16 .0110, .0501, .0807, .0903 & .1203.) I was requested to make changes to one other rule and a proposed new rule and return these to the Law & Rules Committee for consideration at its August 2021 meeting. (Note: The status of the amendments to 14B NCAC 16 .0103 and new 14B NCAC 16 .0115 are addressed in c., below.)

The Notice of Text for the first five rules was filed on July 23, 2021. The Public Hearing was held August 31, 2021 at 2:00 p.m. at the Board's office and there were no attendees; the Public Comment Period ended yesterday, October 20, 2021.

A copy of these rule amendments is attached as Attachment 3. If no comments, oral or written, have been received a vote to approve these rule amendments is in order for today.

c. The above referenced administrative rule amendment and adoption were considered by the Law & Rules Committee at its August meeting and were recommended to the Board for approval. The Board adopted the Committee's recommendation.

The Notice of Text for the amendment to 14B NCAC 16 .0103 and the adoption of new 14B NCAC 16 .0115 was filed on August 24, 2021. The Public Hearing was held October 5, 2021. The Public Comment Period expires November 15, 2021.

A copy of these rules is attached as Attachment 4.

IV. LITIGATION

a. At its February 18, 2021 meeting the Board instructed me to file a Motion to Show Cause as to William John Haglar, an unlicensed private investigator who entered into a Consent Order in Wake County Superior Court in 2014 that he would not engage in any activity defined by Chapter 74C of the General Statutes as a "private protective service" in the State of North Carolina. Mr. Haglar has been caught performing private investigator services as recent as December 2020.

After confirming with the attorney who had filed an Affidavit of Service in a domestic case stating Mr. Haglar was a "private investigator," that Mr. Haglar was not the attorney's agent or employee, I filed the Motion on March 30, 2021. Mr. Haglar was served at an addresses in Florida and acknowledged receipt of the Motion by letter.

I noticed a hearing on the Motion for August 2, 2021. Mr. Haglar did not appear, however the presiding Judge granted the Motion and Mr. Haglar was ordered to appear and show cause as to why he should not be held in civil or criminal contempt on August 30, 2021. Having been unsuccessful in serving him by certified mail, I hired a private process server in the State of Florida who was unsuccessful in serving Mr. Haglar. I had to obtain a new court date, which was Monday, October 11, 2021. This time I successfully had him served by the Sheriff of Palm Beach County, Florida.

At his hearing on October 11th Mr. Haglar did not personally appear; he retained an attorney the previous Friday to appear on his behalf. I objected to a continuance, but since a person must be personally present for a judge to hold him or her in indirect contempt, the presiding Judge continued the hearing but entered an order that Mr. Haglar personally appear on November 15, 2021 or an order for arrest would be issued.

b. At its June 17, 2021 meeting the Board instructed me to file a Motion to Show Cause as to Trini Lydell Hollins, who had -- and continues to! -- operate an unlicensed Security Guard and Patrol business in the Piedmont and South-central part of the State. He and his business partner had entered into a Consent Order in Wake County Superior Court in 2020 that they each would cease operations and not further engage in a private protective service unless licensed by the Board. It was discovered earlier this year that Mr. Hollins has continued to operate an unlicensed business, following the same *modus operandi*, and employing both (untrained) armed and unarmed security guards.

I prepared and filed a Motion to Show Cause and noticed the hearing for August 2, 2021. I was unsuccessful at service on Mr. Hollins. A new hearing date was requested and Special Agents of the ALE were requested to assist with service but were unsuccessful.

I have obtained a new hearing date of November 1, 2021 and service by the Sheriff of Mecklenburg County has been requested.

V. LEGISLATION

a. House Bill 349, "Traffic-Control Training Program." With limited exceptions, such as firemen and rescue squad members, any private citizen who directs traffic on a public highway in North Carolina must be authorized by the sheriff or chief of police. Many registered security guards have and maintain this authority. The current minimum age is 18, the training course is three hours, and the authorization card expires after two years.

This bill makes several changes to the law governing traffic control officers. It raises the age to 21, increase the training course to eight hours (four classroom; four roadside) to be taught by the Community College System, and extends the expiration of the authorization card to three years. It will also require proof of liability insurance.

This bill passed the House on May 6, 2021, and has been referred to the Senate Committee on Rules. (No copy attached.)

b. Senate Bill 424, "Private Protective Services Licensing Modifications." This bill is the Board's bill. (Note: Although the Board voted to agree with the Legislative Liaison for DPS's suggestion that it be introduced as two bills, the bill sponsor combined the Close Personal Protection portions and the remaining substantive changes into one bill.)

This bill passed the Senate 49 to 0 (with 1 excused absence) on October 6, 2021. It was amended on the Senate floor with two minor technical changes requested by legislative staff.

It has been referred to the House Committee on Rules.

A copy, as amended on the Senate floor, is attached as Attachment 5.

VI. FINAL AGENCY DECISIONS

None.

**PPSB
MASTER HEARINGS LIST
as of August 10, 2021**

1.

HEARING DATE	PETITIONER	TYPE OF APPLICATION	FAD STATUS OR HEARING DATE
May 28, 2019 STAYED	Ronnie Dale Smith 19 DOJ 00912	Summary Suspension of Private Investigator License and Polygraph Trainee License	Most recent Status Report filed October 29, 2020.
January 26, 2021	Jennifer Marie Plymouth 20 DOJ 04335	Denial of Polygraph Examiners License	June 17, 2021.
February 23, 2021	Julius Jamaal McKinney 21 DOJ 00672	Summary Suspension of Unarmed and Armed Guard registrations, Trainer Certifications, Courier license and Qualifying Agent status.	June 17, 2021.
April 27, 2021 STAYED	Melanie Lynne Keene 21 DOJ 01372	Summary Suspension of Private Investigator license	

- (A) at least six months of conducting residential changeout inspections with a probationary residential changeout inspection certificate; and
- (B) completion and submission of an inspection performance log as administered by the North Carolina Department of Insurance, Office of State Fire Marshal.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

2.

Authority G.S. 143-151.12; 143-151.13.

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0201, .0806, .0904, .1202, and .1203.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board

Proposed Effective Date: October 1, 2021

Public Hearing:

Date: June 22, 2021

Time: 2:00 p.m.

Location: 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: These amendments are currently temporary rules to ease the burden on licensees during the current pandemic. They are being proposed as a permanent amendment to alleviate any similar burden for a future national or State declared emergency.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: August 2, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

- (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board; and
- (6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the Director, or another

Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in lieu of alternative means of communication.

Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit in the guard's personnel file in the employer's office.

(c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(d) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

(e) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board may extend the deadline for requalification up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 60th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-13.

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay

the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(c) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(d) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

(e) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board may extend the deadline for requalification up to 60 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 60th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-13.

SECTION .1200 – CONTINUING EDUCATION

14B NCAC 16 .1202 REQUIRED CONTINUING EDUCATION HOURS

(a) Each licensee shall complete 12 credit hours of continuing education training during each two year renewal period.

(b) Credit shall be given only for classes that have been approved by the Board as set forth in Rule .1203 of this Section.

(c) A licensee who attends a complete meeting of a regularly scheduled meeting of the Board shall receive two credit hours for each meeting that the licensee attends, with credit being given for a maximum of two meetings per year with no more than four credit hours per year and eight credit hours per renewal period.

(d) No more than six hours of CEU credit shall be given during a renewal period for online courses. However, during a national or State declared state of emergency that restricts or prohibits a licensee from attending live continuing education courses or a meeting of the Board, all required hours may be obtained online and credit shall be given upon written request to the Director.

(e) No course offering CEU credits may be taken for credit more than one time during a renewal period.

Authority G.S. 74C-2; 74C-5; 74C-22.

14B NCAC 16 .1203 ACCREDITATION STANDARDS

(a) CE courses may obtain the approval of the Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
- (2) the course objectives or goals;
- (3) the outline of the course, including the number of training hours for each segment; and
- (4) the name of the instructor.

(b) To determine if a course will receive approval from the Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Training and Education Committee for the appointment of a

sub-committee that shall review the course under consideration. The sub-committee shall consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman.

(2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(3) When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives and goals. The Training and Education Committee shall then report the findings with a recommendation of acceptance or denial to the Private Protective Services Board.

(c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(d) Each approved course shall remain an approved course for four years from the date of approval by the Board, unless the course instructor changes.

(e) Trainers and instructors shall receive continuing education credit of five hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

(f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour not to exceed eight credit hours.

(g) Online courses shall be approved by the Board based on compliance with the standards set forth in Paragraph (a) of this Rule. ~~No more than six hours of CEU credit shall be given during a renewal period for online courses.~~

~~(h) No course offering CEU credits may be taken for credit more than one time during a renewal period.~~

Authority G.S. 74C-5; 74C-22.

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to amend the rules cited as 15A NCAC 18A .2651-.2655, .2661 and readopt with substantive changes the rules cited as 15A NCAC 18A .2650, .2670, and .2674.

PROPOSED RULES

Note from the Codifier: The notices published in this Section of the NC Register include the text of proposed rules. The agency must accept comments on the proposed rule(s) for at least 60 days from the publication date, or until the public hearing, or a later date if specified in the notice by the agency. If the agency adopts a rule that differs substantially from a prior published notice, the agency must publish the text of the proposed different rule and accept comment on the proposed different rule for 60 days. Statutory reference: G.S. 150B-21.2.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

- Local funds affected
Substantial economic impact (>= \$1,000,000)
Approved by OSBM
No fiscal note required

3.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0110, .0501, .0807, .0903, and .1203.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board

Proposed Effective Date: December 1, 2021

Public Hearing: Date: August 31, 2021 Time: 2:00 p.m. Location: 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: The rule amendments add a requirement that the Qualifying Agent must be a resident of NC if the office is in NC, define "registered agent," add new categories for who must report criminal charges, clarify the examination process for polygraph operators, correct the number of hours required for a PI to obtain a firearms registration, clarify firearms qualification criteria, raise the fees for firearms instructor certification, and transfer two continuing education requirements to a more appropriate section.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: October 20, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply. State funds affected

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B.NCAC 16 .0110 REPORTING REQUIREMENTS

(a) If any registrant, trainee, certificate holder, employee, subcontractor, or any other person providing private protective services on behalf of a licensee is charged with any criminal offense that would constitute grounds to deny, suspend, or revoke a permit, registration or certificate under this Chapter, the licensee shall report the criminal charge to the Board either in person or by telephone no later than the first business day following knowledge of the charge. The licensee shall provide a copy of the charging document and a written explanation to the Board within five business days.

(b) If any licensee, trainee, registrant, or certificate holder holder, or any employee, subcontractor, or any other person providing services on behalf of a licensee, trainee, registrant, or certificate holder is charged with any criminal offense that would constitute grounds to deny, suspend, or revoke a license, registration, or certificate under this Chapter, the licensee, trainee, registrant, or certificate holder shall self-report the criminal charge to the Board either in person or by telephone no later than the first business day following the charge. The licensee, trainee, registrant, or certificate holder shall provide a copy of the charging document and a written explanation to the Board within five business days.

(c) If a licensee, trainee, registrant, or certificate holder holder, or any employee, subcontractor, or any other person providing services on behalf of a licensee, trainee, registrant, or certificate holder discharges a firearm while engaged in the private protective services business, the licensee shall notify the Board either in person or by telephone no later than the first business day following the incident. The licensee shall also file a written report to the Board within five business days of the incident. In the report, the licensee shall state the name of the individual who discharged the firearm, the type of weapon discharged, the location of the incident, the law enforcement agency investigating the incident, the events leading to the discharge of the firearm, and any bodily injuries occurring from the incident. This Rule shall not apply to a weapon that is discharged during a training course that has been approved by the Board.

Authority G.S. 74C-5.

SECTION .0500 - POLYGRAPH

14B NCAC 16 .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a polygraph license shall:

- (1) pass an examination and a performance test administered by a panel of polygraph examiners appointed by an entity designated by the Board;
- (2) successfully complete a course of instruction at any polygraph school approved by the American Polygraph Association, the American Association of Police Polygraphists, or the Board; and
- (3) have either:
 - (A) one year of verifiable polygraph experience; or
 - (B) complete at least six months of training as a holder of a polygraph trainee permit, and have administered no fewer than 50 polygraph examinations; or
- (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces performing polygraph examinations.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a polygraph license who is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years of verifiable experience within the past five years performing polygraph examinations.

(c) Applicants for a polygraph license may take the examination required in Subparagraph (a)(1) of this Rule no more than twice in any calendar year, within a 12 month period. All portions of the examination must be completed within that 12 month period. Any applicant who fails the polygraph examination four times shall retake the polygraph course of instruction required in Subparagraph (a)(2) of this Rule before taking the polygraph examination again.

(d) Polygraph operators who are duly licensed in another state may perform up to three examinations in this State without being licensed, provided that those examinations are for the purpose of an evaluation of that examiner and the Director has given authorization for this evaluation in advance.

Authority G.S. 74C-5; 93B-15.1.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a four-hour five-hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office. ~~For rifle qualification all shots shall be located on the target. Should a student fail to attain a score of 80 percent accuracy, the student may be given three additional attempts to qualify on the course of fire the student did not pass. Failure to meet the qualification after three attempts shall require the student to repeat the entire basic training course for armed security guards.~~ office, once in three consecutive attempts. Should a student fail to attain a score of 80 percent accuracy, the student may be given a second opportunity to qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student to repeat the entire basic training course for armed security guards. All additional attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.

(e) All armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training for armed security guards.

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a firearms registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) An armed security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the security guard fails to qualify on any course of fire, the security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the security guard that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

(s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification

score is valid for 180 days after completion of the course. However, nothing herein shall extend the period of time the qualification is valid.

Authority G.S. 74C-5; 74C-9; 74C-13.

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE

(a) Trainer certificate fees are as follows:

- (1) ~~forty dollar (\$40.00)~~ fifty dollar (\$50.00) non-refundable initial application fee for firearms trainer applicants;
(2) ~~twenty-five dollar (\$25.00)~~ fifty dollar (\$50.00) non-refundable initial application fee for an unarmed trainer applicant; and
(3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

(b) Fees shall be paid online by credit card or other form of electronic funds transfer.

Authority G.S. 74C-9.

SECTION .1200 – CONTINUING EDUCATION

14B NCAC 16 .1203 ACCREDITATION STANDARDS

(a) CE courses may obtain the approval of the Board by submitting the following information to the Board for consideration:

- (1) the nature and purpose of the course;
(2) the course objectives or goals;
(3) the outline of the course, including the number of training hours for each segment; and
(4) the name of the instructor.

(b) To determine if a course will receive approval from the Board, the Board shall complete the following review:

- (1) The matter shall be referred to the Training and Education Committee for the appointment of a sub-committee that shall review the course under consideration. The sub-committee shall consist of at least two industry members of the Training and Education Committee. Other members of the sub-committee may be appointed at the discretion of the Training and Education Committee Chairman.
(2) The sub-committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.
(3) When the sub-committee completes its review, it shall report to the Training and Education Committee. The Training and Education Committee shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives and goals. The Training and Education Committee shall then report the findings with a recommendation

of acceptance or denial to the Private Protective Services Board.

(c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall determine by majority vote if the course will be approved for continuing education credits. In making its determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course meets its stated objectives or goals.

(d) Each approved course shall remain an approved course for four years from the date of approval by the Board, unless the course content changes or the course instructor changes.

(e) Trainers and instructors shall receive continuing education credit of five hours for every actual teaching hour with an eight hour cap of continuing education credit every two years.

(f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval when the institutions are accredited, certified, or approved by the Department of Public Instruction or by a similar agency in another state and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention, and investigation. Approval is one credit hour per contact hour not to exceed eight credit hours.

~~(g) Online courses shall be approved by the Board based on compliance with the standards set forth in Paragraph (a) of this Rule. No more than six hours of CEU credit shall be given during a renewal period for online courses.~~

~~(h) No course offering CEU credits may be taken for credit more than one time during a renewal period.~~

Authority G.S. 74C-5; 74C-22.

TITLE 20 – OFFICE OF THE STATE TREASURER

Notice is hereby given in accordance with G.S. 150B-21.2 that the Department of State Treasurer intends to adopt the rules cited as 20 NCAC 01F .0111, .0208, and repeal the rules cited as 20 NCAC 01F .0102, .0203, .0204, and .0207.

Link to agency website pursuant to G.S. 150B-19.1(c): https://www.nctreasurer.com/office-state-treasurer/nc-administrative-code-rules

Proposed Effective Date: December 1, 2021

Instructions on How to Demand a Public Hearing: (must be requested in writing within 15 days of notice): Any person may request a public hearing on the proposed rules by submitting a request in writing no later than August 31, 2021 to Laura Rowe, Rulemaking Coordinator, Department of State Treasurer, 3200 Atlantic Avenue, Raleigh, NC 27604.

Reason for Proposed Action: Section 150B-20(a) of the Administrative Procedure Act (APA) provides in part that "[e]ach agency must establish by rule the procedure for submitting a rulemaking petition to it and the procedure the agency follows in considering a rulemaking petition." The Department of State Treasurer (Department) is proposing to

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

4.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to adopt the rule cited as 14B NCAC 16 .0115 and amend the rule cited as 14B NCAC 16 .0103.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board>

Proposed Effective Date: February 1, 2022

Public Hearing:

Date: October 5, 2021

Time: 2:00 p.m.

Location: 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: The use of the term "registered agent" in Chapter 74C of the General Statutes is different than is used in the corporations law. The definition is intended to clarify this difference. Further, the Board has never set forth by administrative rule its complaint procedure. Recent proposed legislation has prompted it to do so.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: November 15, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 16 .0103 DEFINITIONS

In addition to the definitions set forth in G.S. 74C, the following definitions shall apply throughout this Subchapter:

- (1) "Agency Head" means the Chairman of the Board.
- (2) "Applicant" means any person, firm, or corporation applying to the Board for a license, trainee permit, registration, or firearms trainer certificate.
- (3) "Armed Private Security Officer" means an individual employed, full time or part time, by a contract security company or a proprietary security organization:
 - (a) who at any time wears, carries, or possesses a firearm in the performance of his or her duties; and
 - (b) whose principal duty is that of:
 - (i) an armed security guard, officer, patrol, or watchman;
 - (ii) an armed armored car service guard;
 - (iii) a private detective; or
 - (iv) an armed courier service guard.
- (4) "Board" means the Private Protective Services Board established by G.S. 74C.
- (5) "Branch Manager or Operator" means the individual endowed with the responsibility and liability for a branch office.
- (6) "Branch Office" means a separate but dependent part of a central organization engaged in the business of providing private protective services established for the purpose of extending the activities of the central organization. The establishment of a telephone number or mailing address in the company name constitutes prima facie evidence of a branch office. If an out-of-state person, firm, association, or corporation opens an office in North Carolina, the North Carolina office shall be deemed the principal place of business and shall have a resident licensed qualifying agent.

- (7) "Chairman" means the Chairman of the Private Protective Services Board.
- (8) "Contract Security Company" means any person, firm, association, or corporation engaging in a private protective services business as defined in G.S. 74C-3 that provides the services on a contractual basis for a fee or other valuable consideration to any other person, firm, association, or corporation.
- (9) "Direct Supervision" means personal, face-to-face contact and direction of the trainee's activities on a frequent and reasonable basis.
- (10) "Investigative Capacity" means any law enforcement agency position for which the duties include conducting investigations and interviews, completing reports, and testifying in courts, administrative hearings, or military tribunals.
- (11) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is an employee of the United States, any state, or any political subdivision of a state.
- (12) "Licensee" means any person licensed to perform private protective services in North Carolina in accordance with G.S. 74C.
- (13) "Proprietary Security Organization" means any person, firm, association, corporation, or department thereof:
 - (a) that employs any of the following:
 - (i) watchmen;
 - (ii) security guards or officers;
 - (iii) patrol personnel;
 - (iv) armored car personnel; or
 - (v) couriers; and
 - (b) that employs these persons regularly and exclusively as an employee in connection with the business affairs of such employer.
- (14) "Qualifying Agent" means the individual licensee who is responsible for the private protective services business. If the licensee maintains an office in North Carolina the Qualifying Agent must be a resident of North Carolina.
- (15) "Registered agent" means the individual resident of North Carolina designated by the business entity in lieu of the Qualifying Agent as allowed by G.S. 74C-8(c)(1) who may be, but is not required to be the registered agent required by G.S. 55D-30.
- ~~(15)~~(16) "Restored" means that an individual is no longer in need of psychiatric care as determined by a physician.
- ~~(16)~~(17) "Temporary unarmed security guard" means an individual who is hired for a period of 30 days or less within a calendar year and who is designated by his or her employer as a temporary security guard at the start of employment.

*History Note: Authority G.S. 74C-3; 74C-5;
 Eff. June 1, 1984;
 Amended Eff. October 1, 2013; August 1, 1998; May 1, 1988; July 1, 1987;
 Transferred and Recodified from 12 NCAC 07D .0104 Eff. July 1, 2015;
 Readopted Eff. August 1, 2020.*

14B NCAC 16.0115 COMPLAINTS

- (a) Any person may file a complaint against any licensee, trainee, registrant or certificate holder, or any unlicensed or unregistered person, for any violation of G.S. 74C or 14B NCAC 16, or any violation of State or federal criminal law. A complaint form is available on the Board's website at www.ncdps.gov/dps-services/complaint/private-protective-services-board or a copy may be requested from the Board's office.
- (b) The complaint must set forth all relevant facts and the basis for the complainant's belief that the licensee, trainee, registrant or certificate holder is in violation. The complainant must be willing to be interviewed by the Board's investigator, provide any information or documentation to support the allegation, and appear and testify if necessary, before the Screening Committee or at any hearing. Anonymous complaints may be accepted at the discretion of the Director.
- (c) The complaint must be filed with the Board on-line, via e-mail, by U.S. Mail or by hand-delivery to the Board's office.
- (d) The complaint shall be evaluated by the Director or the Director's designee and if valid will be assigned to an investigator for further substantiation. The results of the investigation shall be reported to the Board's Grievance Committee for review and action.
- (e) The Director retains the right to close a case if at any point in the process it is determined there is no actionable violation.
- (f) The Director shall notify the complainant and the licensee, trainee, registrant, or certificate holder of the initial complaint and its final disposition.

History Note: Authority G.S. 74C-5; 74C-12.

5.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

2

SENATE BILL 424
Second Edition Engrossed 10/6/21

Short Title: Private Protective Srvs. Licensing Mods. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES
3 BOARD AND THE PRIVATE PROTECTIVE SERVICES PROFESSION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 1 of Chapter 74C of the General Statutes reads as rewritten:

6 "Article 1.
7 "Private Protective Services Board.

8 ...
9 "§ 74C-3. Private protective services profession defined.

10 (a) As used in this Chapter, the term "private protective services profession" means and
11 includes the following:

12 ...
13 (3a) Close personal protection. – Any person, firm, association, or corporation
14 which, for a fee or other valuable consideration, provides or offers to provide
15 security measures to ensure the safety of a business executive, elected or
16 appointed public official, celebrity, or other individuals who may be exposed
17 to elevated personal risk because of the individual's employment, status,
18 wealth, associations, or geographical location.

19 ...
20 (5) Detection of deception examiner. – Any person, firm, association, or
21 corporation ~~which~~which, for a fee or other valuable consideration, uses any
22 device or instrument, regardless of its name or design, for the purpose of the
23 detection of deception or any person who reviews the work product of an
24 examiner including charts, tapes or other methods of record keeping for the
25 purpose of detecting deception or determining accuracy.

26 (5a) Digital forensics examination. – Any individual, firm, association, or
27 corporation which, for a fee or other valuable consideration, provides or offers
28 to provide examination of digitally stored data to recover, image, analyze, or
29 examine the data by using software to determine responsibility or reconstruct
30 usage of the data for use in any criminal, civil, or administrative court
31 proceeding.

32 (5a)(5b) Electronic countermeasures profession. – Any person, firm, association, or
33 corporation ~~which~~which, for a fee or other valuable ~~consideration~~
34 consideration, discovers, locates, or disengages by electronic, electrical, or
35 mechanical means any listening of the following:



- 1 a. ~~Listening or other monitoring equipment surreptitiously placed to~~
2 gather information concerning any individual, firm, association, or
3 corporation.
- 4 b. Any device intended to block the transmission of any electronic signal.
5 ...
- 6 (8) Private detective or private investigator. – Any person who engages in the
7 profession of or accepts employment to furnish, agrees to make, or makes
8 inquiries or investigations concerning any of the following on a contractual
9 basis:
10 ...
11 f. ~~Protection of individuals from serious bodily harm or death.~~
12 ...
- 13 (b) "Private protective services" shall not include any of the following:
14 ...
- 15 (4) An attorney at law licensed to practice in North Carolina while engaged in the
16 practice of law ~~and or the attorney's agent, employee,~~ provided the ~~agent~~
17 employee is performing duties only in connection with his or her principal's
18 employer's practice of law.
19 ...
- 20 (17) A person engaged in ~~(i) computer or digital forensic services or in the~~
21 ~~acquisition, review, or analysis of digital or computer-based information,~~
22 ~~whether for the purposes of obtaining or furnishing information for~~
23 ~~evidentiary or other purposes, or for providing expert testimony before a~~
24 ~~court; or (ii) network or system vulnerability testing, including network scans~~
25 and risk assessment and analysis of computers connected to a
26 network, network, and routine service or repair.
- 27 (18) A person under contract with an occupational licensing board, as defined by
28 G.S. 93B-1(2), or a State agency licensing board, as defined by G.S. 93B-1(3),
29 while performing an investigation solely for that board.
- 30 **"§ 74C-4. Private Protective Services Board established; members; terms; vacancies;**
31 **compensation; meetings.**
32 ...
- 33 (d) Each member of the Board, before assuming the duties of his or her office, shall take
34 an oath for the faithful performance of his or her duties. A Board member may be removed at the
35 pleasure of the authority making the original appointment or by the Board for misconduct,
36 incompetence, or neglect of duty.
37 ...
- 38 **"§ 74C-5. Powers of the Board.**
39 In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall
40 have the power to do all of the following:
41 ...
- 42 (13) Conduct investigations regarding unlicensed activity and issue cease and
43 desist letters with the concurrence of the Secretary of Public Safety.
- 44 (14) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property
45 in the same manner as a private person or corporation, subject only to approval
46 of the Governor and Council of State. Collateral pledged by the Board for an
47 encumbrance is limited to the assets, income, and revenues of the Board.
- 48 (15) Adopt rules establishing standards for the use of any firearm or other weapon
49 approved by the Board.
50 ...
- 51 **"§ 74C-7. Investigative powers of the Secretary of Public Safety.**

1 The Secretary of Public Safety for the State of North Carolina ~~shall have~~ has the power to
2 investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing
3 or violations of this Chapter involving ~~individuals licensed, unlicensed individuals, licensed~~
4 individuals, or individuals to be licensed, licensed under this Chapter. The Secretary shall retain
5 the authority to enforce the provisions of this Chapter and impose any penalty authorized by
6 G.S. 74C-12(a) and G.S. 74C-17 against any person or entity who is under investigation for or
7 charged with a violation of this Chapter even if the person or entity's license or registration has
8 been surrendered or has lapsed. Any investigation conducted pursuant to this section is
9 confidential and is not subject to review under G.S. 132-1 until the investigation is complete and
10 a report is presented to the Board. However, the report may be released to the licensee after the
11 investigation is complete but before the report is presented to the Board.

12 **"§ 74C-8. License requirements.**

13 ...

14 (b) Application. – To apply for a license, an applicant must submit a verified application
15 in writing to the Board that includes all of the following:

16 ...

17 (7) Accompanying trainee permit applications only, a notarized statement signed
18 by the applicant and his or her employer stating that the trainee applicant will
19 at all times work with ~~and or~~ under the direct supervision of a licensed private
20 detective.

21 (c) Qualifying Agent. – A business entity, other than a sole proprietorship, that engages
22 in private protective services is subject to all of the requirements listed in this subsection with
23 respect to a qualifying agent. For purposes of this Chapter, a "qualifying agent" is an individual
24 in a management position who is licensed under this Chapter and whose name and address have
25 been registered with the Director. The requirements are:

26 ...

27 (3) In the event that the qualifying agent upon whom the business entity relies in
28 order to do business ceases to perform his or her duties as qualifying agent,
29 the business entity shall notify the Director within 10 working days. The
30 business entity must obtain a substitute qualifying agent within ~~30~~ 90 days
31 after the original qualifying agent ceases to serve as qualifying agent unless
32 the Board, in its discretion, extends ~~this the 90-day~~ period, for good cause, for
33 a period of time not to exceed three months an additional 30 days upon the
34 filing of a petition by the business entity and upon a hearing by the Board. The
35 Board may require the payment of a late fee for a business entity failing to
36 obtain a substitute qualifying agent pursuant to the requirements of this
37 subdivision.

38 ...

39 (d) Criminal Record Check. – An applicant must meet all of the following requirements
40 and qualifications determined by a background investigation conducted by the Board in
41 accordance with G.S. 74C-8.1 and upon receipt of an application:

42 ...

43 (2) That the applicant is of good moral character and temperate habits. The
44 following shall be prima facie evidence that the applicant does not have good
45 moral character or temperate habits: conviction by any local, State, federal, or
46 military court of any crime involving the illegal use, carrying, or possession
47 of a ~~firearm; firearm~~ or other deadly weapon; conviction of any crime
48 involving the illegal use, possession, sale, manufacture, distribution, or
49 transportation of a controlled substance, drug, narcotic, or alcoholic beverage;
50 conviction of a crime involving ~~felonious~~ assault or an act of violence;
51 conviction of a crime involving unlawful breaking or entering, burglary,

1 ~~larceny, or any offense involving moral turpitude; or larceny; or a history of~~
 2 ~~addiction to alcohol or a narcotic drug; provided that, for purposes of this~~
 3 ~~subsection, "conviction" means and includes the entry of a plea of guilty or no~~
 4 ~~contest or a verdict rendered in open court by a judge or jury.~~

5 ...

6 (f) Issuance. – Upon a finding that the application is in proper form, the completion of
 7 the background investigation, and the completion of an examination required by the Board, the
 8 Director shall submit to the Board the application and the Director's recommendations. Upon
 9 completion of the background investigation, the Director may issue a temporary license pending
 10 approval of the application by the Board at the next regularly scheduled meeting. The Board shall
 11 determine whether to approve or deny the application for a license. Upon approval by the Board,
 12 a license will be issued to the applicant upon payment by the applicant of the initial license fee
 13 and the required contribution to the Private Protective Services Education Fund, and filing of a
 14 certificate of liability insurance with the Board. The applicant must pay the initial
 15 license fee and make the required contribution to the Fund within 90 days from the date the
 16 applicant receives notice of pending licensure approval, unless the Board, in its discretion,
 17 extends the 90-day period for good cause, for an additional 30 days upon the filing of a petition
 18 by the applicant and upon a hearing by the Board. The Board may require the payment of a late
 19 fee for an applicant failing to pay the initial license fee or failing to make the contribution to the
 20 Fund pursuant to the requirements of this subsection.

21 ...

22 **"§ 74C-9. Form of license; term; renewal; posting; branch offices; not assignable; late**
 23 **renewal fee.**

24 ...

25 (e) The Board is authorized to charge reasonable application and license fees as follows:

26 ...

27 (7) An application fee for a firearm registration permit for all applicants and
 28 licensees subject to G.S. 74C-13 not to exceed fifty dollars (\$50.00).

29 (8) A new, renewal, replacement, or reissuance fee for a firearm registration
 30 permit for all applicants and licensees subject to G.S. 74C-13 not to exceed
 31 thirty dollars (\$30.00).

32 ...

33 (16) A late fee for a business entity subject to G.S. 74C-8(c)(3) or an applicant for
 34 licensure under G.S. 74C-8(f) not to exceed one hundred dollars (\$100.00).

35 Except as provided in G.S. 74C-13(k), all fees collected pursuant to this section shall be
 36 expended, under the direction of the Board, for the purpose of defraying the expenses of
 37 administering this Chapter.

38 (f) A license or trainee permit granted under the provisions of this Chapter may be
 39 renewed by the Private Protective Services Board upon notification by the licensee or permit
 40 holder to the Director of intended renewal, the payment of the proper fee, and evidence of a
 41 ~~policy of liability insurance~~ policy as prescribed in G.S. 74C-10(e).

42 The renewal shall be finalized before the expiration date of the license. In no event will
 43 renewal be granted more than three months after the date of expiration of a license or trainee
 44 permit.

45 ...

46 **"§ 74C-10. Certificate of liability insurance required; form and approval; suspension for**
 47 **noncompliance.**

48 (a) through (d) Repealed by Session Laws 1983, c. 673, s. 4.

49 (e) No security guard and patrol, armored car, or special limited guard and patrol license
 50 shall be issued under this Chapter unless the applicant files with the Board evidence of a ~~policy~~
 51 ~~of liability insurance.~~ insurance policy. The policy must provide for the following minimum

1 coverage: fifty thousand dollars (\$50,000) because of bodily injury or death of one person as a
2 result of the negligent act or acts of the principal insured or his or her agents operating in the
3 course and scope of his or her employment; subject to said limit for one person, one hundred
4 thousand dollars (\$100,000) because of bodily injury or death of two or more persons as the result
5 of the negligent act or acts of the principal insured or his or her agents operating in the course
6 and scope of his or her agency; twenty thousand dollars (\$20,000) because of injury to or
7 destruction of property of others as the result of the negligent act or acts of the principal insured
8 or his agents operating in the course and scope of his or her agency. ~~If the licensee, a licensee or~~
9 ~~a trainee supervised by a licensee,~~ other than a security guard and patrol, armored car, or special
10 limited guard and patrol licensee, carries a firearm while engaged in private protective services
11 activities, the licensee shall obtain a policy of liability insurance with a minimum coverage as
12 specified above. A licensee or trainee is deemed to be "carrying a firearm" for purposes of this
13 section while engaged in private protective services if the licensee or trainee has a firearm on the
14 licensee's or trainee's person or in the automobile the licensee or trainee is using to perform
15 private protective services. A licensee may provide coverage for a trainee under the licensee's
16 supervision; however, failure of the licensee to provide coverage does not exempt the trainee
17 from the requirements of this section.

18 (e1) The Board shall approve the form, execution, and terms of the liability insurance
19 policy.

20 (f) An insurance carrier ~~shall have~~ has the right to cancel ~~such policy of a liability~~
21 insurance policy upon giving a 30-day notice to the Board. Provided, however, that ~~such the~~
22 cancellation shall not affect any liability on the policy ~~which that~~ accrued prior thereto. ~~The~~
23 ~~policy of liability shall be approved by the Board as to form, execution, and terms thereon.~~

24 (g) ~~The holder of any trainee permit and persons~~ Persons registered pursuant to
25 G.S. 74C-11 ~~shall are~~ not be required to obtain a certificate of liability insurance.

26 ...
27 **"§ 74C-11. Probationary employees and registration of regular employees; unarmed**
28 **security guard required to have registration card.**

29 ...
30 (g) Notwithstanding the provisions of this section, during a disaster declaration or state
31 of emergency declared by the Governor pursuant to Article 1A of Chapter 166A of the General
32 Statutes, a licensee may employ a person properly registered or licensed as an armed security
33 guard in another state, provided that the licensee, prior to deploying the armed security guard in
34 this State, submit to the Director all of the following:

- 35 (1) The name, address, and social security number of the armed security guard.
- 36 (2) The name of the state of current registration or licensing of the armed security
37 guard.
- 38 (3) Proof of completion of the 4-hour training course mandated by
39 G.S. 74C-13(h)(1)a. and 14B NCAC 116 .0807(c)(1), administered by a North
40 Carolina certified trainer.
- 41 (4) Qualification by a firearms instructor certified by the North Carolina Private
42 Protective Services Board, based on the firearm the armed security guard
43 intends to carry, meeting the qualification requirements approved by the
44 Board and the Secretary of Public Safety for each firearm.

45 (h) The Director may approve the employment of the armed security guard in this State,
46 if the person meets all of the requirements of subsection (g) of this section. Qualification under
47 subsection (g) of this section shall be valid for a 12-month period. The duration of the deployment
48 of an armed security guard from another state by a licensee shall not exceed the length of the
49 disaster declaration or state of emergency.

50 **"§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to**
51 **report criminal arrests.**

1 (a) The Board may, after compliance with Chapter 150B of the General Statutes, deny,
2 suspend or revoke a license, certification, registration, or permit issued under this Chapter if it is
3 determined that the applicant, licensee, trainee, registrant, or permit holder has done any of the
4 following acts:

5 (1) Made any false statement or given any false information in connection with
6 any application for a license, registration, certification, or permit or for the
7 renewal or reinstatement of a license, certification, registration, or permit.

8 ...

9 (6) Engaged in or knowingly permitted any employee to engage in a private
10 protective services profession when not lawfully in possession of a valid
11 license or registration issued under the provisions of this Chapter.

12 ...

13 (9) Committed an unlawful breaking or entering, assault, battery, ~~or~~
14 ~~kidnapping~~-kidnapping, or violated any State or federal firearms law.

15 ...

16 (24) Fraudulently held himself or herself out as employed by or licensed by the
17 ~~State Bureau of Investigation~~ Department of Public Safety or any other
18 governmental authority.

19 ...

20 (d) A licensee shall report to the Board in writing within 30 days any charge, arrest for,
21 or conviction of a misdemeanor or felony for any of the following:

22 ...

23 ~~(6) Any offense involving moral turpitude.~~

24 For purposes of this section, the term "conviction" includes the entry of a plea of guilty, a plea
25 of nolo contendere, prayer for judgment continued, adjudication withheld, or a finding of guilty
26 by a court of competent jurisdiction. The licensee's failure to report a charge, arrest for, or
27 conviction of a misdemeanor or felony is grounds for revocation of the license.

28 **"§ 74C-13. Armed licensee or registered employee required to have firearm registration
29 permit; firearms training.**

30 (a) It shall be unlawful for any person performing private protective services duties to
31 carry a firearm in the performance of those duties without first having met the qualifications of
32 this section and having been issued a firearm registration permit by the Board. A licensee or
33 proprietary security organization shall register any individual carrying a firearm within 30 days
34 of employment. Before engaging in any private protective services activity, the individual shall
35 receive any required training prescribed by the ~~Board~~-Board, unless exempted from training
36 under G.S. 74C-13.1.

37 (a1) The following definitions apply in this section:

38 ...

39 (4) Armed armored car guard. – An individual employed by a contract armored
40 car company, who has a principal duty of an armored car service guard, and
41 who, at any time, wears, carries, or possesses a firearm in the performance of
42 duty.

43 (b) It shall be unlawful for any person, firm, association, or corporation and its agents
44 and employees to employ an armed security guard or an armed private investigator and
45 knowingly authorize or permit the armed security guard or armed private investigator to carry a
46 firearm during the course of performing his or her duties as an armed security guard or an armed
47 private investigator if the Board has not issued him or her a firearm registration permit under this
48 section or if the person, firm, association, or corporation permits an armed security guard or an
49 armed private investigator to carry a firearm during the course of performing his or her duties
50 whose firearm registration permit has been suspended, revoked, or has otherwise expired:

51 ...

1 (2) All firearms carried by authorized armed security guards or armed licensees
2 in the performance of their duties shall be owned or leased by the employer.
3 Personally owned firearms not leased to the employer shall not be carried by
4 an armed security guard or armed licensee in the performance of his or her
5 duties.

6 (c) The applicant for a firearm registration permit shall submit an application to the Board
7 on a form provided by the Board.

8 (d) Each firearm registration permit issued under this section to an armed security guard
9 shall be in the form of a pocket card designed by the Board and shall identify the contract security
10 company or proprietary security organization by whom the holder of the firearm registration
11 permit is employed. A firearm registration permit issued to an armed security guard expires one
12 year after the date of its issuance and must be renewed annually unless the permit holder's
13 employment terminates before the expiration of the permit. The Board may require all permit
14 holders to complete continuing education courses approved by the Board before renewal of their
15 permits.

16 (d1) Each firearm registration permit issued under this section to an armed private
17 investigator shall be in the form of a pocket card designed by the Board and shall identify the
18 name of the armed private investigator. While carrying a firearm and engaged in private
19 protective services, the armed private investigator shall carry the firearms registration permit
20 issued by the Board, together with valid identification, and shall disclose to any law enforcement
21 officer that the person holds a valid permit and is carrying a firearm, whether concealed or in
22 plain view, when approached or addressed by the law enforcement officer, and shall display both
23 the permit and the proper identification upon the request of a law enforcement officer. A private
24 investigator firearm registration permit expires one year from the date of issuance and shall be
25 renewed annually. The Board may require all permit holders to complete continuing education
26 courses approved by the Board before renewal of their permits.

27 (d2) A proprietary security organization that employs an armed security guard shall submit
28 an application to the Board for a license on a form, provided by the Board. A proprietary security
29 organization shall renew its license every two years.

30 ...
31 (g) The Board may suspend, revoke, or deny a firearm registration permit if the holder or
32 applicant has been convicted of any crime ~~involving moral turpitude or any crime involving the~~
33 ~~illegal use, carrying, or possession of a deadly weapon set forth in G.S. 74C-8(d)~~ or for violation
34 of this section or rules promulgated by the Board to implement this section. The Director may
35 summarily suspend a firearm registration permit pending resolution of charges ~~involving the~~
36 ~~illegal use, carrying, or possession of a firearm lodged against the holder of the permit for any of~~
37 the offenses set forth in G.S. 74C-12 or any crime set forth in G.S. 74C-8(d).

38 (h) The Board and the Secretary of Public Safety shall establish a firearms training
39 program for licensees and registered employees to be conducted by agencies and institutions
40 approved by the Board and the Secretary of Public Safety. The Board and the Secretary of Public
41 Safety may approve training programs conducted by a contract security company and the security
42 department of a proprietary security organization, if the contract security company or security
43 department of a proprietary security organization offers the courses listed in subdivision (1) of
44 this subsection and if the instructors of the training program are certified trainers approved by
45 the Board and the Secretary of Public Safety:

46 (1) The basic training course approved by the Board and the Secretary of Public
47 Safety shall consist of a minimum of four hours of classroom training which
48 shall include all of the following:

- 49 a. Legal limitations on the use of ~~hand guns~~ firearms and on the powers
50 and authority of an armed security guard.
- 51 b. Familiarity with this section.

1 c. Range firing and procedure and ~~hand-gun-firearm~~ safety and
2 maintenance.
3

4 ...

4 (o) The Board shall not knowingly issue a firearm registration permit to an individual
5 who is prohibited by federal or State law from possessing a firearm.

6 **"§ 74C-13.1. Exemption from firearms training requirements.**

7 (a) The following persons shall be exempt from the firearms training requirements of
8 G.S. 74C-13:

9 (1) Any person who has successfully completed the North Carolina Basic Law
10 Enforcement Training (BLET) and the first year of probationary employment.

11 (2) Persons who have retired or separated in good standing within three years
12 preceding the date of application, including by years of service or medical
13 disability, as a sworn law enforcement officer from a federal, state, county, or
14 municipal law enforcement agency that included in their duty the use and
15 qualification of a firearm.

16 (3) Military personnel who have been honorably discharged within three years
17 preceding the date of application, and whose military occupational specialty
18 included Military Police or Criminal Investigative Division (CID) within three
19 years preceding the date of application.

20 (4) Employees of a nuclear power plant that are required to comply with 10 C.F.R.
21 § 73.55 Appendix B, "Training and Qualification of Security Personnel," as
22 supplemented by the United States Nuclear Regulatory Commission
23 Regulatory Guide 5.75.

24 (b) An applicant claiming an exemption contained in subsection (a) of this section must
25 provide the Board the following documentation, as appropriate:

26 (1) A copy of a North Carolina BLET training certificate and a letter from the
27 applicant's department that verifies the probationary employment period of the
28 applicant has been completed.

29 (2) Retirement documentation from within the preceding three years that verifies
30 the applicant's previous sworn status, or the card issued by the North Carolina
31 Criminal Justice Training & Standards Division that authorizes concealed
32 carry under the United States Law Enforcement Officers' Safety Act of 2004.

33 (3) Documentation from a United States Department of Defense Form DD-214,
34 Form DD-215, or Form NGB-22 noting a Military Police or CID military
35 occupational specialty.

36 (4) Retirement or separation from employment documentation from a federal law
37 enforcement agency with a United States Office of Personnel Management
38 job series of 1811.

39 (5) Documentation of current and direct employment with a nuclear power plant
40 located in this State.

41 (c) The Board shall deny the exemption claimed by the applicant if the applicant fails to
42 provide the documentation, as appropriate, as described in subsection (b) of this section.

43 (d) The applicant must qualify within the first three attempts on the required firearm
44 qualification course when applying for an exemption under this section. If the applicant fails to
45 qualify on the firearm training course, the applicant shall be required to undergo the entire
46 20-hour course of instruction.

47 (e) When utilizing this exemption, the applicant must complete the legal block of
48 instruction required by G.S. 74C-13(h)(1) and the Board's administrative rules.

49 ...

50 **"§ 74C-15. Pocket identification cards issued to licensees and trainees.**

(a) Upon the issuance of a license or trainee permit, a pocket identification card of design, size, and content approved by the Board shall be issued by the Board without charge to each licensee or trainee. The holder must have this card in his or her possession at all times when he or she is on duty and working within the scope of his or her employment. When a licensee or trainee to whom a card has been issued terminates his or her position as a licensee or trainee, the card must be surrendered to the Director of the Board within 10 working days thereafter.

...
"§ 74C-17. Enforcement.

(b) Any person, firm, association, or corporation or their agents and employees violating any of the provisions of this Chapter or knowingly violating any rule promulgated to implement this Chapter shall be guilty of a Class 1 misdemeanor. The Attorney General, or his or her representative, shall have concurrent jurisdiction with the district attorneys of this State to prosecute violations of this Chapter.

(c) In lieu of revocation or suspension of a license or permit under G.S. 74C-12, a civil penalty of not more than two thousand dollars (\$2,000) per violation may be assessed by the Board against any person or business who violates any provision of this Chapter or any rule of the Board adopted pursuant to this Chapter. In determining the amount of any penalty, the Board shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties provided for in this subsection shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(d) Proceedings for the assessment of civil penalties under this section shall be governed by Chapter 150B of the General Statutes. If the person assessed a civil penalty fails to pay the penalty to the Board, the Board may institute an action in the superior court of the county in which the person resides or has his or her principal place of business to recover the unpaid amount of the penalty. An action to recover a civil penalty under this section shall not relieve any party from any other penalty prescribed by law.

"§ 74C-18. Reciprocity; temporary permit.

(b) The Director, in his or her discretion and subject to the approval of the Board, may issue a temporary permit to a nonresident who has complied with the provisions of G.S. 74C-10 and who is validly licensed in another state to engage in a private protective service activity incidental to a specific case originating in another state. A temporary permit may be issued for a period of no more than 30 days and may be renewed. A temporary permit may contain ~~such~~ restrictions which the Board, in its discretion, deems appropriate.

...
"§ 74C-21. Law enforcement officer provisions.

(b) An off-duty law enforcement officer may be employed during his or her off-duty hours by a licensed security guard and patrol company on an employer-employee basis. An off-duty law enforcement officer shall not wear his police officer's uniform or use the police equipment while working for a security guard and patrol company.

...
"§ 74C-23. Acquisition or change of ownership or control of licensed firm, association, or corporation.

In the event a company, firm, or corporation licensed under this Chapter transfers ownership, control, or a majority of assets to another person, firm, association, or corporation, the person, firm, association, or corporation acquiring control or ownership shall have the following responsibilities:

...

1 (4) Provide to the Director ~~within 60 no later than 10~~ calendar days ~~from prior to~~
2 the effective date of the transaction the following:

- 3 a. ~~A~~ a list of all registrants or licensees affected by the transaction.
4 b. ~~Written confirmation of completion of any changes necessary for the~~
5 ~~acquiring party to comply with the requirements of this Chapter or any~~
6 ~~applicable rules adopted by the Board on a form approved by the~~
7 ~~Director.~~

8 (5) Provide to the Director within 60 calendar days from the effective date of the
9 transaction written confirmation of completion of any changes necessary for
10 the acquiring party to comply with the requirements of this Chapter or any
11 applicable rules adopted by the Board on a form approved by the Director."

12 **SECTION 1.(b)** This section becomes effective October 1, 2021.

13 **SECTION 2.(a)** G.S. 74C-3, as amended by Section 1 of this act, is amended by
14 adding a new subsection to read:

15 "(c) A private investigator licensed under this Chapter licensed on or before December 31,
16 2021, or a private investigator trainee permitted under this Chapter on or before December 31,
17 2021, may continue to provide services pursuant to sub-subdivision f. of subdivision (8) of
18 subsection (a) of this section and shall not be subject to the provisions of the close personal
19 protection provision in subdivision (3a) of subsection (a) of this section. This exception shall be
20 indicated by an endorsement on the existing private investigator license or trainee permit."

21 **SECTION 2.(b)** This section becomes effective January 1, 2022, and applies to
22 licenses and permits granted on or after that date.

23 **SECTION 3.(a)** G.S. 14-269.3 reads as rewritten:

24 "§ 14-269.3. **Carrying weapons into assemblies and establishments where alcoholic**
25 **beverages are sold and consumed.**

26 ...

27 (b) This section shall not apply to any of the following:

28 ...

29 (4) A person registered ~~or hired~~ as a security guard as defined in
30 G.S. 74C-3(b)(13), who is hired by the owner, lessee, or person or
31 organization sponsoring the ~~event~~ event or a person employed by a business
32 licensed pursuant to G.S. 74C-2, who is hired by the owner, lessee, or person
33 or organization sponsoring the event.

34"

35 **SECTION 3.(b)** This section becomes effective December 1, 2021, and applies to
36 offenses committed on or after that date.

37 **SECTION 4.** Except where otherwise provided, this act is effective when it becomes
38 law.