

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Please properly format all proposed temporary adoptions, particularly those in Sections .1500, .1600, and .1700. Any rule proposed for adoption should be formatted with all text underlined. Once changes are made (i.e. as a result of responses to these requests), then only the added or deleted text is underlined or struck through. Please see our website for formatting instructions.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Private Protective Services Board	
2. Rule citation & name: Adoption: 14B NCAC 16 .0201 Application for License and Trainee Permits	
3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No	
5. Provide dates for the following actions as applicable:	
a. Proposed Temporary Rule submitted to OAH: December 19, 2022	
b. Proposed Temporary Rule published on the OAH website: December 29, 2022	
c. Public Hearing date: January 10, 2023	
d. Comment Period: January 9-31, 2023	
e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)	
f. Adoption by agency on: December 15, 2022	
g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:	
h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.	
<input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-66 Effective date: October 1, 2022 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:	
Explain:	
Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
(919) 828-0731
E-Mail:
jgray@bdlxon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
(919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
Vincent P. Cesena
Title:
Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0201

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(3), line 12, delete "upload online".

In (c), line 28, is there a difference between a "digital forensics examination trainee" and a DFE "associate" as referred to in Section .1700?

In (c), line 29, I think a cross reference to the applicable rules requiring the log should be included here.

Please include in your History Note the initial effective dates and all following amendments/readoptions, etc.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .0201 is amended under temporary procedures as follows:

2
3 **14B NCAC 16 .0201 APPLICATION FOR LICENSE AND TRAINEE PERMITS**

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

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online application and
11 submitted by uploading the photograph online with the application submission;
- 12 (3) upload online a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 60 months;
- 15 (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
16 credit card transaction fee;
- 17 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of
18 Investigation to cover the cost of criminal record checks performed by the State Bureau of
19 Investigation, collected online by the Private Protective Services Board;
- 20 (6) an Equifax credit check run within 30 days of the license application submission date, which will
21 be submitted to the Board's investigator during the application process; and
- 22 (7) five letters attesting to the good character and reputation of the applicant using the online character
23 letter submission process.

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

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

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

32 (e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the
33 Director, or another Board representative designated by the Director prior to being issued a license. The applicant
34 shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The
35 applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the
36 administrative rules in this Chapter with the Board's representative. During a national or State declared state of

1 emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the
2 applicant in favor of alternative means of communication.

3

4 *History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;*

5 *Temporary Amendment Eff. April 28, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .0403 Trainee Permits Requirements

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: December 19, 2022

b. Proposed Temporary Rule published on the OAH website: December 29, 2022

c. Public Hearing date: January 10, 2023

d. Comment Period: January 9-31, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAP)

f. Adoption by agency on: December 15, 2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

A serious and unforeseen threat to the public health, safety or welfare.

The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite: S.L. 2022-66

Effective date: October 1, 2022

A recent change in federal or state budgetary policy.

Effective date of change:

A recent federal regulation.

Cite:

Effective date:

A recent court order.

Cite order:

State Medical Facilities Plan.

Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
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(919) 828-0731
E-Mail:
jgray@bdlxon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
(919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
Vincent P. Cesena
Title:
Chair, PPSB
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RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0403

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 7, what are "other professional activities"? Can you define, or at least give some examples to shed some light on what you mean?

In (c), line 12, to whom must the log be available for inspection? I assume it's to the Board, but please say so.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .0403 is amended under temporary procedures as follows:

2

3 **14B NCAC 16 .0403 TRAINEE PERMIT REQUIREMENTS**

4 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a trainee permit in private
5 ~~investigation or countermeasures~~ investigation, electronic countermeasures, or digital forensics examination shall be
6 directly supervised by a licensee approved by the Board and that supervisor shall be responsible for the training and
7 ~~investigations~~ other professional activities of the trainee.

8 (b) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201
9 of this Chapter.

10 (c) Private ~~investigator~~ investigator, electronic countermeasures, or digital forensics examination trainees shall
11 maintain a log on a form provided by the Board on its website as evidence of experience. This log must be available
12 for inspection when applying for a license.

13 (d) Any request for renewal of a trainee permit or for issuance of a license shall be accompanied by an evaluation
14 report of the trainee's performance on a form provided by the Board on its website and submitted by the trainee's
15 supervisor.

16

17 *History Note: Authority G.S. 74C-2; 74C-5;*

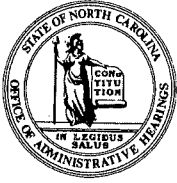
18 *Eff. June 1, 1984;*

19 *Amended Eff. December 1, 1985;*

20 *Transferred and Recodified from 12 NCAC 07D .0403 Eff. July 1, 2015;*

21 *Readopted Eff. August 1, 2020;*

22 *Temporary Amendment Eff. April 28, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

<p>1. Rule-Making Agency: Private Protective Services Board</p>
<p>2. Rule citation & name: Adoption: 14B NCAC 16 .0807 Training Requirement for Armed Licensees and Registrants</p>
<p>3. Action: <input type="checkbox"/> Adoption <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Repeal</p>
<p>4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No</p>
<p>5. Provide dates for the following actions as applicable:</p> <p>a. Proposed Temporary Rule submitted to OAH: December 19, 2022</p> <p>b. Proposed Temporary Rule published on the OAH website: December 29, 2022</p> <p>c. Public Hearing date: January 10, 2023</p> <p>d. Comment Period: January 9-31, 2023</p> <p>e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)</p> <p>f. Adoption by agency on: December 15, 2022</p> <p>g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:</p> <p>h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:</p>
<p>6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.</p> <p><input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare.</p> <p><input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-66 Effective date: October 1, 2022</p> <p><input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change:</p> <p><input type="checkbox"/> A recent federal regulation. Cite: Effective date:</p> <p><input type="checkbox"/> A recent court order. Cite order:</p> <p><input type="checkbox"/> State Medical Facilities Plan.</p> <p><input type="checkbox"/> Other:</p> <p>Explain: Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.</p>

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdixon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Casena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0807

DEADLINE FOR RECEIPT: Friday, April 14, 2023

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

I am not sure I understand the difference between (a) and (b) at this point. Paragraph (a) says that “armed security guard firearm registration permit” applicants have to complete the basic unarmed security guard training course set forth in Rule .0707. Paragraph (b) states that “any other licensee” applying for an “armed permit” has to take the courses specified in .0707(a)(1) and (2), “and all additional training requirements set forth in that Rule.” Unless I’m missing a distinction somewhere, it seems like anyone who is applying for a permit to be armed needs to undergo all of the training set forth in Rule .0707. Is that right?

In (b), line 6, I think “licensee” should be plural.

In (h), p.2, line 4, “Subparagraphs (c)(2)” should be singular.

In (h), p.2, line 5, add a comma between “firing” and “and”.

In (o), p. 3, line 17, to what does “a copy of which” refer? A copy of the score? Of the “course”?

In (r), line 26, move the addition of “licensee or” after the subsequent “the”. It should read “If the licensee or security guard fails to qualify on any course of fire, the licensee or security guard shall not...”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .0807 is amended under temporary procedures as follows:

2
3 **14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED LICENSEES AND REGISTRANTS**

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

6 (b) Private ~~investigator~~ investigator, close personal protection, or any other licensee applying for an armed security
7 ~~guard firearm registration~~ permit shall first complete a ~~five-hour~~ training course consisting of the courses set forth in
8 Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

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

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

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

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

28 (e) All ~~initial armed security guard~~ training required by this Chapter shall be administered by a certified trainer and
29 shall be completed no more than 90 days prior to the date of ~~issuance of~~ application for the licensee permit or armed
30 security guard firearm registration permit.

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

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

1 (h) Applicants for re-certification of a licensee permit or an armed security guard firearm registration permit shall
2 complete ~~a~~ the basic recertification training course for armed security guards that consists of at least four hours of
3 classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule.
4 Subparagraphs (c)(2), operation under subparagraph (c)(3), and subparagraphs (c)(4) and (5) of this Rule shall be
5 reviewed prior to range firing and maintenance under Subparagraph (c)(3) may be reviewed after range firing. The
6 recertification course is valid for 180 days after completion of the course. Applicants for recertification of a licensee
7 permit or an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d)
8 of this Rule.

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

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

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

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

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

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

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

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

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

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

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

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

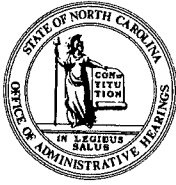
20 (q) Upon written request, an applicant for a licensee permit or an armed security guard firearm registration permit
21 who possesses a current firearms trainer certificate shall be given a ~~firearms~~ licensee permit or registration permit that
22 will run concurrent with the trainer certificate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

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

30 (s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment
31 of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying
32 a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall
33 submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a
34 firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and
35 caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both
36 the day and night qualification course. The qualification score is valid for 180 days after completion of the course.
37 However, nothing herein shall extend the period of time the qualification is valid.

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History Note: Authority G.S. 74C-5; 74C-9; 74C-13;
Eff. June 1, 1984;
Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;
Temporary Amendment Eff. January 14, 2002;
Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;
Amended Eff. January 1, 2018; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. January 1, 2023; February 1, 2022;
Temporary Amendment Eff. April 28, 2023.



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1501 Experience Requirements for a Close Personal Protection License

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: December 19, 2022

b. Proposed Temporary Rule published on the OAH website: December 29, 2022

c. Public Hearing date: January 10, 2023

d. Comment Period: January 9-31, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)

f. Adoption by agency on: December 15, 2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-66
Effective date: October 1, 2022
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
(919) 828-0731
E-Mail:
jgray@bdfixon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
(919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
Vincent P. Cesena
Title:
Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1501

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(4), I think a cross-reference to Rule .1502 would be helpful.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1501 is adopted under temporary procedures as follows:
2

3 **SECTION .1500 - CLOSE PERSONAL PROTECTION**
4

5 **14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR A CLOSE PERSONAL PROTECTION**
6 **LICENSE**

7 (a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a close personal
8 protection license shall:

- 9 (1) establish to the Board's satisfaction three years of verifiable experience while conducting close
10 personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association,
11 or corporation within the last 10 years;
12 (2) establish to the Board's satisfaction three years of verifiable experience while conducting close
13 personal protection services as set forth in G.S. 74C-3(a)(3a) with any federal, state, county or
14 municipal law enforcement agency, or other governmental agency within the last 10 years;
15 (3) establish to the Board's satisfaction a military occupational specialty and two years of verifiable
16 experience within the past five years in the U.S. Armed Forces while conducting close personal
17 protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; or
18 (4) have completed a course in close personal protection approved by the Board given by a school
19 specializing in close personal protection (or "executive protection") that consists of a minimum of
20 40 hours of actual classroom and practical instruction within the last 2 years.

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

- 23 (1) the spouse holds a current license, certification, or registration from another jurisdiction and the
24 other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements;
25 and
26 (2) the spouse has two years verifiable experience within the past five years while conducting close
27 personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with
28 any entity described in Paragraph (a) of this rule.
29

30 *History Note: Authority G.S. 74C-5(2); 93B-15.1;*
31 *Temporary Adoption Eff. April 28, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1502 Training Requirements for a Close Personal Protection License

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: December 19, 2022

b. Proposed Temporary Rule published on the OAH website: December 29, 2022

c. Public Hearing date: January 10, 2023

d. Comment Period: January 9-31, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)

f. Adoption by agency on: December 15, 2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-66
Effective date: October 1, 2022
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
Agency submitted request for consultation on:
Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
(919) 828-0731
E-Mail:
jgray@bdlxon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
(919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
Vincent P. Cesena
Title:
Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1502

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Throughout the Rule, please omit any parentheses, and include the parenthetical material in the body of the Rule.

In (a), line 8, the word “including” has an open-ended connotation, indicating that the course should consist of instruction other than the 3 categories listed below. Are there any other topics of instruction that the Board wants taught?

Similar question about (a)(1), line 9, with respect to the term “including”.

In (a)(3), line 14, instead of “the Rules set forth in 14B NCAC 16 .1500” please consider “the Rules of this Section”.

Also in (a)(3), line 14, add a comma after “74C-13”.

Finally, in (a)(3), lines 15-16, which State use of force laws and which State and federal firearms laws specifically are you referring to? Please specify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1502 is adopted under temporary procedures as follows:
2

3 **14B NCAC 16 .1502 TRAINING REQUIREMENTS FOR CLOSE PERSONAL PROTECTION**
4 **LICENSE**

5 (a) Applicants for a close personal protection license who do not have the experience set forth in Rule .1501(a)(1)
6 through (3) or (b)(1) and (2) shall complete a basic close personal protection (or “executive protection”) training
7 course approved by the Board within the previous 24 months. The course shall consist of a minimum of 40 hours of
8 classroom and practical instruction including:

- 9 (1) Fundamentals of personal protection, including mission planning, performing site surveys, route
10 selection (primary, secondary, etc.), medical evacuation, walking formations (single, multiple, etc.),
11 communications with protectees, and transitional movements (arrivals, departures, plan changes,
12 hasty movements, etc.) – (minimum of 26 hours);
13 (2) Practical exercises – (minimum of 12 hours); and
14 (3) Legal Issues, including the Rules set forth in 14B NCAC 16 .1500, G. S. 74C-13 and 14B NCAC
15 16 .0807, North Carolina’s laws on use of force, and the federal and State firearms law– (minimum
16 of 2 hours).

17 (b) In addition to the minimum classroom and practical instruction required by subsection (a) of this Rule, the
18 applicant must possess a basic first aid certificate from the American Red Cross and a valid CPR and AED certification
19 from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety
20 Council.

21 (c) Subsection (a)(3) of this Rule may be conducted remotely as provided for by 14B NCAC 16 .0707(c).
22

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

24 *Temporary Adoption Eff. April 28, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

<u>OAH USE ONLY</u>
VOLUME:
ISSUE:

1. Rule-Making Agency: Private Protective Services Board
2. Rule citation & name: Adoption: 14B NCAC 16 .1601 Experience Requirements for a Digital Forensics Examiner License
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No
5. Provide dates for the following actions as applicable: a. Proposed Temporary Rule submitted to OAH: December 19, 2022 b. Proposed Temporary Rule published on the OAH website: December 29, 2022 c. Public Hearing date: January 10, 2023 d. Comment Period: January 9-31, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI) f. Adoption by agency on: December 15, 2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-66 Effective date: October 1, 2022 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other:
Explain: Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdixon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1601

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(2), line 13, delete the "and" following "North Carolina" and add a comma on line 14 after "forensics."

In (c)(1) and (2), lines 33 and 36, how does the Board determine how many additional hours to grant?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1601 is adopted under temporary procedures as follows:
2

3 **SECTION .1600 – DIGITAL FORENSICS EXAMINER**
4

5 **14B NCAC 16 .1601 EXPERIENCE REQUIREMENTS FOR A DIGITAL FORENSICS EXAMINER**
6 **LICENSE**

7 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a Digital Forensic Examiner
8 (D.F.E.) license shall:

- 9 (1) establish to the Board’s satisfaction three years of verifiable experience within the past five years
10 conducting digital forensic examinations as defined by G.S. 74C-3(a)(5a) individually, or with any
11 private company or federal, state, county or municipal agency;
- 12 (2) hold a North Carolina private investigator license, or private investigator license from a state
13 reciprocal with North Carolina, and have completed a course of instruction consisting of not less
14 than 40 hours of live classroom and practical instruction in digital forensics and obtained
15 certification from a certifying entity approved by the Board within the previous two years;
- 16 (3) establish to the Board’s satisfaction that the applicant has been qualified as an expert witness in an
17 area of digital forensics in a court of law using the standard set forth by the United States Supreme
18 Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny cases,
19 within the previous three years; or
- 20 (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable
21 experience conducting digital forensics examinations within the past five years in the U.S. Armed
22 Forces.

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

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

30 (c) The Board shall give credit toward the experience requirements set forth in Paragraphs (a) and (b) of this Rule as
31 follows:

- 32 (1) An applicant shall receive 400 hours of experience credit for an associate's degree. The Board shall
33 grant up to 100 additional hours if the applicant can demonstrate that further training or course-work
34 related to digital forensics examination was received while obtaining the associate's degree.
- 35 (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall
36 grant up to 200 additional hours if the applicant can demonstrate that further training or course-work
37 related to digital forensics examination was received while obtaining the bachelor's degree.

1 (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall
2 grant an additional 300 additional hours if the applicant can demonstrate that further training or
3 course-work related to digital forensics examination was received while obtaining the graduate
4 degree.

5

6 *History Note:* *Authority G.S. 74C-5; 93B-15.1;*
7 *Temporary Adoption Eff. April 28, 2023.*



TEMPORARY RULE-MAKING
FINDINGS OF NEED
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1701 Definitions

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule:

Yes

Effective date:

No

5. Provide dates for the following actions as applicable:

a. **Proposed Temporary Rule submitted to OAH:** December 19, 2022

b. **Proposed Temporary Rule published on the OAH website:** December 29, 2022

c. **Public Hearing date:** January 10, 2023

d. **Comment Period:** January 9-31, 2023

e. **Notice pursuant to G.S. 150B-21.1(a3)(2):** Yes (NCAPI)

f. **Adoption by agency on:** December 15, 2022

g. **Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:**

h. **Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:**

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

A serious and unforeseen threat to the public health, safety or welfare.

The effective date of a recent act of the General Assembly or of the U.S. Congress.

Cite: S.L. 2022-66

Effective date: October 1, 2022

A recent change in federal or state budgetary policy.

Effective date of change:

A recent federal regulation.

Cite:

Effective date:

A recent court order.

Cite order:

State Medical Facilities Plan.

Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdlxon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1701

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Throughout the Rule (and also the Section), please be aware of the use of terms like “supervising” and “sponsoring.” It seems like you’re using “supervising licensee” and “sponsoring licensee” interchangeably. Please pick one term and be consistent, unless they have different meanings. In that case, please make it clear what the difference is.

In (1), line 8, and (4), line 32, instead of “refers” please say “means” to comply with our style guide.

In (3) and (4), lines 20 and 32, respectively, please omit the “(s)”, and just say “documents”.

In (3), line 31, what does “immediate access” mean?

Moreover, when must the Board have “immediate access” to the checklist? After completion?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1701 is adopted under temporary procedures as follows:
2

3 **SECTION .1700 – TRAINING AND SUPERVISION FOR DIGITAL FORENSICS**
4 **EXAMINER (D.F.E.) ASSOCIATES**
5

6 **14B NCAC 16 .1701 DEFINITIONS**

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

- 8 (1) "Digital Forensics Examiner Associate" refers to an individual training to become a digital forensics
9 examiner licensee. A Digital Forensics Examiner Associate may also be referred to as a "trainee" in
10 these Rules. A Digital Forensics Examiner Associate must complete three training levels as set out
11 in this Section.
- 12 (2) "One-on-one Supervision" means person-to-person contact whereby the licensee is personally and
13 directly supervising or training the Associate. The training licensee must be the sponsoring digital
14 forensics examiner licensee. The Digital Forensics Examiner Associate may not subcontract his or
15 her employment to another licensee. However, the sponsoring digital forensics examiner licensee
16 may subcontract the Digital Forensics Examiner Associate if the sponsor obtains prior written
17 approval from the Board's Director by showing that the Digital Forensics Examiner Associate will
18 receive an educational benefit from the subcontract employment and the Associate will receive one-
19 on-one supervision from another licensee.
- 20 (3) "Training Checklist" refers to the document(s) that shall state all areas of training and work that the
21 Associate has performed. The supervising licensee is responsible for maintaining the training
22 checklist and providing a copy of the checklist to the Associate. The Training Checklist must reflect
23 the date the Associate advances from one level to another. The training checklist must be signed by
24 the Associate and the sponsoring licensee at the end of each reporting period. In the event the
25 Associate transfers employment to another licensee, the Associate must provide the new supervising
26 licensee with the training checklist and the new sponsoring licensee will then be responsible for the
27 maintenance of the checklist. The Training Checklist must be updated on a quarterly basis for Level
28 One Associates and on a yearly basis for Level Two and Level Three Associates. The training
29 checklist must be maintained pursuant to Rule .0108 of this Chapter. When an Associate completes
30 Level Three, the Training Checklist must be made a part of the Associate's application for a digital
31 forensics examiner license. The Board shall have immediate access to the training checklist.
- 32 (4) "Associate Log" refers to the document(s) maintained by the Associate which shall list each case
33 the Associate has worked, the number of hours spent on the case, and the type of work performed.
34 Details of the one-on-one training must be documented within the Associate's log.
35

36 *History Note: Authority G.S. 74C-2(c); 74C-5(2);*
37 *Temporary Adoption Eff. April 28, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
(919) 828-0731
E-Mail:
jgray@bdixon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
(919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
Vincent P. Cesena
Title:
Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1702

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, what do you mean by “verifiable”?

In (a), line 5, to make this more similar to what you have in .1703 and .1704, consider adding “be classified as a Level One Associate and shall...” between “shall and “undergo”.

In (c), line 10, add a comma after “telephone”.

In (d), lines 12-13, you use “sponsor”, “sponsor licensee”, and “licensee,” which I believe all refers to the same person. Unless I’m mistaken, please choose one term and use it consistently.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1702 is adopted under temporary procedures as follows:
2

3 **14B NCAC 16 .1702 TRAINING AND SUPERVISION REQUIRED IN LEVEL ONE**

4 (a) If upon sponsorship, the Associate has less than one year or 1,000 hours of verifiable training or experience, the
5 Associate shall undergo 160 hours of one-on-one supervision training.

6 (b) The first 40 hours of employment shall be one-on-one supervision. The remaining 120 hours of one-on-one
7 supervision shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes
8 first.

9 (c) A Level One Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall
10 have direct face-to-face, telephone or virtual contact with the sponsor before accepting employment or before
11 accepting a new case.

12 (d) The sponsor shall meet with the Level One Associate to review the Associate's activities. The sponsor licensee's
13 review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The licensee shall
14 review each assignment the Associate is working or has worked since the last review. Review sessions may encompass
15 more than one assignment.
16

17 *History Note: Authority G.S. 74C-5(2);*

18 *Temporary Adoption Eff. April 28, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1703 Training and Supervision Required in Level Two

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

Effective date:

No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: December 19, 2022

b. Proposed Temporary Rule published on the OAH website: December 29, 2022

c. Public Hearing date: January 10, 2023

d. Comment Period: January 9-31, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)

f. Adoption by agency on: December 15, 2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-66
Effective date: October 1, 2022
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Jeffrey P. Gray

Phone:
(919) 828-0731

E-Mail:
jgray@bdtixon.com

Agency contact, if any:

Paul Sherwin, Director

Phone:
(919) 788-5320

E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
Vincent P. Cesena

Title:
Chair, PPSB

E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1703

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), lines 6-7, consider using the phrasing from Rule .1702: "The first 40 hours of employment shall be one-on-one supervision."

In (c), you appear to use "sponsor" and "licensee" interchangeably. Unless I'm mistaken, please choose one term and use it consistently.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1703 is adopted under temporary procedures as follows:
2

3 **14B NCAC 16 .1703 TRAINING AND SUPERVISION REQUIRED IN LEVEL TWO**

4 (a) If upon initial application for an Associate permit, the applicant has at least one year or 1,000 hours of verifiable
5 training or experience, the applicant will skip Level One and be classified as a Level Two Digital Forensics Examiner
6 Associate. An applicant that skips Level One shall undergo 80 hours of one-on-one training. The first 40 hours of one-
7 on-one supervision shall occur within the first 40 hours of employment. The remaining 40 hours shall be gathered
8 over the first year of employment or the first 1,000 hours of work, whichever comes first.

9 (b) A Level Two Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall
10 have direct face-to-face, virtual, or telephone contact with the sponsor.

11 (c) The sponsor shall meet with the Level Two Associate to review the Associate's work product. The licensee's
12 review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The licensee shall
13 review each assignment the Associate is working or has worked since the last review. Review sessions may encompass
14 more than one assignment.

15

16 *History Note: Authority G.S. 74C-5(2);*

17 *Temporary Adoption Eff. April 28, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1704 Training and Supervision Required in Level Three

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: December 19, 2022
- b. Proposed Temporary Rule published on the OAH website: December 29, 2022
- c. Public Hearing date: January 10, 2023
- d. Comment Period: January 9-31, 2023
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)
- f. Adoption by agency on: December 15, 2022
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-66
Effective date: October 1, 2022
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
 Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdixon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1704

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c), line 9, add "a" before "digital".

In (d), line 11, how often must the sponsor meet with the Associate? In .1702 and .1703 the Board specified four times per month. Is the omission here intentional?

In (d), you appear to use "sponsor" and "sponsor licensee" interchangeably. Unless I'm mistaken, please choose one term and use it consistently.

In (e), what level of contact is "sufficient" to ensure compliance with Ch. 74C? This is impermissibly vague.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1704 is adopted under temporary procedures as follows:
2

3 **14B NCAC 16 .1704 TRAINING AND SUPERVISION REQUIRED IN LEVEL THREE**

4 (a) If upon sponsorship the Associate has at least two years or 2,000 hours of verifiable training or experience, the
5 Associate will be classified as a Level Three Associate and shall undergo 40 hours of one-on-one training.

6 (b) The first 40 hours of employment for the Level Three Digital Forensics Examiner Associate shall be one-on-one
7 supervision.

8 (c) When the Level Three Associate completes the requirements of Level Three by fulfilling the licensing
9 requirements set forth in Rules .0204 and .0401 of this Chapter, the Associate may apply for digital forensics examiner
10 license.

11 (d) The sponsor shall meet with the Level Three Associate to review the Associate's activities. The sponsor licensee
12 shall review each assignment the Associate is working or has worked since the last review. Review sessions may
13 encompass more than one assignment.

14 (e) The sponsoring licensee shall have contact with the Level Three Associate sufficient to ensure compliance with
15 G.S. Chapter 74C.

16

17 *History Note: Authority G.S. 74C-5(2);*

18 *Temporary Adoption Eff. April 28, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdixon.com

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

Typed Name:

Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1705

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a) and (b), lines 5 and 7, how does the Board determine how many additional hours to grant?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1705 is adopted under temporary procedures as follows:
2

3 **14B NCAC 16 .1705 EDUCATIONAL DEGREES AND NON-DEGREED TRAINING**

4 (a) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall
5 grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital
6 forensics examination was received while obtaining the associate's degree.

7 (b) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200
8 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics
9 examination was received while obtaining the bachelor's degree.

10 (c) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an
11 additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital
12 forensics examination was received while obtaining the graduate degree.

13

14 *History Note: Authority G.S. 74C-5(2);*

15 *Temporary Adoption Eff. April 28, 2023.*

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

No

9. Rule-making Coordinator:

Jeffrey P. Gray

Phone:

(919) 828-0731

E-Mail:

jgray@bdixon.com

Agency contact, if any:

Paul Sherwin, Director

Phone:

(919) 788-5320

E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Vincent P. Cesena

Title:

Chair, PPSB

E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1706

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, practical experience gained by whom? Consider “practical experience gained by the applicant”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 14B NCAC 16 .1706 is adopted under temporary procedures as follows:

2

3 **14B NCAC 16 .1706 CONSIDERATION OF EXPERIENCE**

4 (a) The Board shall consider any practical experience gained prior to the application date. The Board shall not consider
5 experience claimed by the applicant if the experience was gained after December 1, 2022:

6 (1) by contracting private protective services to another person, firm, association, or corporation while
7 not in possession of a valid private protective services license; or

8 (2) when employed by a company contracting private protective services to another person, firm,
9 association, or corporation while the company is not in possession of a valid private protective
10 services license.

11 (b) The Board shall consider any educational experience referred to in Rule .1705 of this Section.

12

13 *History Note:* *Authority G.S. 74C-5(2);*

14 *Temporary Adoption Eff. April 28, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1707 Enforcement

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: December 19, 2022

b. Proposed Temporary Rule published on the OAH website: December 29, 2022

c. Public Hearing date: January 10, 2023

d. Comment Period: January 9-31, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)

f. Adoption by agency on: December 15, 2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-66
Effective date: October 1, 2022
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdlxon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1707

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, change “violation of the sponsor” to “violation by the sponsor”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1707 is adopted under temporary procedures as follows:

2

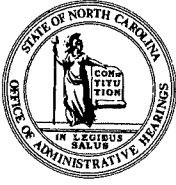
3 **14B NCAC 16 .1707 ENFORCEMENT**

4 A violation by the Associate may be deemed by the Board to be a violation of the sponsor if the violation is found to
5 be the result of insufficient supervision and may subject the sponsor to any enforcement actions pursuant to G.S. 74C-
6 17.

7

8 *History Note: Authority G.S. 74C-2(c); 74C-5(2); 74C-12;*

9 *Temporary Adoption Eff. April 28, 2023.*



**TEMPORARY RULE-MAKING
FINDINGS OF NEED**
[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

Adoption: 14B NCAC 16 .1708 Transferability of Training Hours

3. Action:

Adoption

Amendment

Repeal

4. Was this an Emergency Rule: Yes

No

Effective date:

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: December 19, 2022

b. Proposed Temporary Rule published on the OAH website: December 29, 2022

c. Public Hearing date: January 10, 2023

d. Comment Period: January 9-31, 2023

e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAPI)

f. Adoption by agency on: December 15, 2022

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]:

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- A serious and unforeseen threat to the public health, safety or welfare.
- The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite: S.L. 2022-66
Effective date: October 1, 2022
- A recent change in federal or state budgetary policy.
Effective date of change:
- A recent federal regulation.
Cite:
Effective date:
- A recent court order.
Cite order:
- State Medical Facilities Plan.
- Other:

Explain:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdixon.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1708

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

The terms "licensee" and "sponsoring licensee" appear to be used interchangeably. Unless I'm mistaken, please choose one term and use it consistently.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1708 is adopted under temporary procedures as follows:

2

3 **14B NCAC 16 .1708 TRANSFERABILITY OF TRAINING HOURS**

4 If a Level One Associate transfers employment to another digital forensics examiner licensee, the one-on-one training
5 shall not transfer and the Associate shall undergo new one-on-one supervised training hours with the new sponsoring
6 licensee. If a Level Two or Level Three Associate transfers employment to another licensee, all training hours shall
7 be transferred.

8

9 *History Note: Authority G.S. 74C-5(2);*

10 *Temporary Adoption Eff. April 28, 2023.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency: Private Protective Services Board	
2. Rule citation & name: Adoption: 14B NCAC 16 .1709 Probationary Employees	
3. Action: <input checked="" type="checkbox"/> Adoption <input type="checkbox"/> Amendment <input type="checkbox"/> Repeal	
4. Was this an Emergency Rule: <input type="checkbox"/> Yes Effective date: <input checked="" type="checkbox"/> No	
5. Provide dates for the following actions as applicable: <ul style="list-style-type: none"> a. Proposed Temporary Rule submitted to OAH: December 19, 2022 b. Proposed Temporary Rule published on the OAH website: December 29, 2022 c. Public Hearing date: January 10, 2023 d. Comment Period: January 9-31, 2023 e. Notice pursuant to G.S. 150B-21.1(a3)(2): Yes (NCAP) f. Adoption by agency on: December 15, 2022 g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]: 	
6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review. <ul style="list-style-type: none"> <input type="checkbox"/> A serious and unforeseen threat to the public health, safety or welfare. <input checked="" type="checkbox"/> The effective date of a recent act of the General Assembly or of the U.S. Congress. Cite: S.L. 2022-66 Effective date: October 1, 2022 <input type="checkbox"/> A recent change in federal or state budgetary policy. Effective date of change: <input type="checkbox"/> A recent federal regulation. Cite: Effective date: <input type="checkbox"/> A recent court order. Cite order: <input type="checkbox"/> State Medical Facilities Plan. <input type="checkbox"/> Other: <p>Explain: Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 14B Subchapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.</p>	

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

S.L. 2022-66 (Senate Bill 424) was ratified July 8, 2022 with an effective date (for the relevant portions) of October 1, 2022. Adequate time did not exist between ratification and the effective date to promulgate the necessary administrative rules as permanent rules and implement an application process by the effective date, or within a reasonable time thereafter. Temporary rules were required to expedite the application process.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

- Yes
 Agency submitted request for consultation on:
 Consultation not required. Cite authority:
- No

9. Rule-making Coordinator:

Jeffrey P. Gray
Phone:
 (919) 828-0731
E-Mail:
 jgray@bdlx.com

Agency contact, if any:

Paul Sherwin, Director
Phone:
 (919) 788-5320
E-Mail: paul.sherwin@ncdps.gov

10. Signature of Agency Head*:



* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:
 Vincent P. Cesena
Title:
 Chair, PPSB
E-Mail: budcesena@gmail.com

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

Date returned to agency:

TEMPORARY RULE
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1709

DEADLINE FOR RECEIPT: Friday, April 14, 2023

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a), line 4, what is a “potential examiner”?

In (a), line 5, upon whose written request can the Director extend the probationary period? The licensee? Or the employee?

In (a), line 6, add a comma following “employee.”

In (a), line 7, what does it mean to “apply” pursuant to Section .1700? Apply to be an Associate? I don’t see any application procedures specified in Section .1700. Please clarify.

In (b), line 9, I’m not sure what you’re requiring with the “training requirements required by this Section”. Are you saying that a potential examiner has to go through the Associate process?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: March 31, 2023

1 14B NCAC 16 .1709 is adopted under temporary procedures as follows:

2

3 **14B NCAC 16 .1709 PROBATIONARY EMPLOYEES**

4 (a) A digital forensics examiner licensee may employ a potential examiner as a probationary employee for 60
5 consecutive calendar days. The Director, upon written request, may extend the probationary period by 30 additional
6 days. Upon completion of the probationary period and the desire of the licensee to hire the probationary employee
7 the employee shall apply pursuant to Section .1700 of this Chapter.

8 (b) Before a probationary employee engages in digital forensic examination, the employee shall complete any training
9 requirements required by this Section, and the licensee shall conduct a criminal record check on the employee.

10 (c) Within five business days of hiring the licensee shall submit to the Director the name, address, social security
11 number, and date of employment of the probationary employee.

12

13 *History Note: Authority G.S. 74C-5(2);*

14 *Temporary Adoption Eff. April 28, 2023.*