

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: Friday, August 11, 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 these Rules, I have caught several instances – see below for specifics – of changes made post-publication without properly formatting them pursuant to 26 NCAC 02C .0405. Please review your Rules, inform me of any further post-publication changes that I have not been able to detect, and resubmit them with proper formatting.

In many of these Rules, the History Notes have been abridged. Again, see below for specifics. However, please review all rules and ensure that the full History Note for each rule is included in the event that I did not catch them all.

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

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0201

DEADLINE FOR RECEIPT: Friday, August 11, 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 (a), line 4, what are the contents or substantive requirements of the "application"? Are they set forth entirely in this Rule, or in another rule or statute?

In (a)(1), line 6, "approved" pursuant to what procedure? Cite the rule.

In (a)(4), lines 15-16, it is unclear if the "four dollar" fee is one convenience fee of \$4 or two fees of \$4 each. If it is one \$4 fee, strike the "fee" after convenience to read "a four dollar (\$4.00) convenience and credit card transaction fee."

In (a)(6), line 21, the time limit for submitting the credit check is unclear and ambiguous. When does the Board want the applicant to submit the credit check?

In (b), line 24, please identify the rule or statute which sets forth the contents or substantive requirements of the form. See G.S. 150B-2(8a)d.

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

In (c), line 29, I think a cross reference to Rule .0403, which requires the log should be included here.

In (c), line 29, identify the rule which sets forth the contents or substantive requirements of the form. See G.S. 150B-2(8a)d.

In (e), line 32, consider adding "either" after "with".

In (e), line 35, identify the rule which sets forth the contents or substantive requirements of the form. See G.S. 150B-2(8a)d.

Brian Liebman
Commission Counsel

Date submitted to agency: August 8, 2023

Please add the full History Note to the Rule.

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 .0201 is amended as published in 37:18 NCR 1883 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;*
6 *Amended Eff. August 1, 2023.*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0205

DEADLINE FOR RECEIPT: Friday, August 11, 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:

On line 1, strike “proposed for amendment” and add “amended”.

In (a), line 5, identify the rule which sets forth the contents or substantive requirements of the form. See G.S. 150B-2(8a)d.

In (a), line 7, “information such as” indicates that the form or application requires more than what is described here. If this rule contains all of the requirements of the form/application, then please strike “information such as”. If there are additional requirements, strike “information such as” and add the other information required.

In (c), line 19, define “management position”.

In (d), line 22, please consider revising in the active tense – who issues the license?

In (d), line 23, please correct “principle” to “principal”.

In (g), line 30, what criteria will the Board use in determining whether disciplinary action will occur? See G.S. 150B-19(6).

Please add the full History Note to the Rule.

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: August 8, 2023

1 14B NCAC 16 .0205 is proposed for amendment as published in 37:19 NCR 1940 as follows:

2
3 **14B NCAC 16 .0205 COMPANY BUSINESS LICENSE**

4 (a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall upload on the Board's
5 website an application for a company business license on a form provided by the Board. Only a sole proprietorship
6 that is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall
7 require such information as the firm, association, or corporation name; the address of its principal office within the
8 State; any past conviction for criminal offenses of any company director, or officer; information concerning the past
9 revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors
10 and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other
11 entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the
12 qualifying agent.

13 (b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall file with its
14 application for a license, a copy of its certificate of authority to transact business in this State issued by the North
15 Carolina Secretary of State in accordance with G.S. 55-15-01. The corporation shall also file a consent to service of
16 process and pleadings that shall be authenticated by its corporate seal and accompanied by a duly certified copy of the
17 resolution of the board of directors authorizing the proper officer or officers to execute the consent.

18 (c) After filing a completed application with the Board, the Board shall conduct a background investigation to
19 determine if the qualifying agent is in a management position. The Board shall also determine if the directors or
20 officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). For purposes of this Rule, "conviction"
21 means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.

22 (d) Upon satisfactory completion of the background investigation, a company business license shall be issued. This
23 license shall be conspicuously displayed at the principle place of business within North Carolina.

24 (e) The company business license shall be issued only to the business entity and shall not be construed to extend to
25 the licensing of its officers and employees.

26 (f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the
27 license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation which has been
28 issued the company business license shall be responsible for assuring compliance with G.S. 74C.

29 (g) Dissolution or administrative suspension of corporate status shall result in suspension of the company business
30 license by operation of law and may result in disciplinary action for unlicensed activity.

31
32 *History Note: Authority G.S. 74C-2(a); 74C-5;*

33 *Eff. April 1, 1993;*

34 *Amended Eff. February 1, 1995;*

35 *Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015;*

36 *Readopted Eff. March 1, 2020;*

37 *Eff. August 1, 2023.*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0403

DEADLINE FOR RECEIPT: Friday, August 11, 2023.

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

In (a), line 6, does the Board mean that the licensee must seek approval of the Board to supervise the trainee? If so, what is the procedure for obtaining this approval? Or does the Board mean that the supervisor must merely be licensed?

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 11, identify the rule which sets forth the contents or substantive requirements of the form. See G.S. 150B-2(8a)d.

In (c), line 11, the Board uses the phrase "as evidence of experience". Pursuant to what procedure or under what circumstance would this become relevant?

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

In (d), line 14, identify the rule which sets forth the contents or substantive requirements of the form. See G.S. 150B-2(8a)d.

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: August 8, 2023

1 14B NCAC 16 .0403 is amended as published in 37:18 NCR 1883 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;*

23 *Amended Eff. August 1, 2023.*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0807

DEADLINE FOR RECEIPT: Friday, August 11, 2023.

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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 (d), line 21, does the applicant have to score an 80 percent on a "course" or a "test"?

In (d), line 22, and (o), p.3, line 17, it is unclear what is "on file". The course, or the score?

In (d), line 23, the use of the word "may" implies discretion on the part of the Board whether to allow the "second "opportunity". What criteria will be used by whom in making this decision? If the student "shall" be given an additional three consecutive attempts, why not just state that the student shall be given six attempts?

In (d), line 26-27, by "all shots shall be located on the target", does the Board mean a 100% accuracy score, on any one of the three (or six) attempts?

In (e), line 28, what is "initial training"?

In (e), lines 28-30, iff the Board intends this language to apply to all "training required by this Chapter," consider whether this is the best place for this requirement. Or does the Board mean "Section"?

Brian Liebman
Commission Counsel

Date submitted to agency: August 8, 2023

In (h), p.2, line 1, and (q), p.3, line 20, if this is what the Board intends, change “a licensee permit or an armed security guard firearm registration permit” to “either an armed licensee permit or an armed security guard firearm registration permit”. This is consistent with Paragraph (d).

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

In (h), line 5, consider changing “and” to “; however,” or making the language following “and” a separate sentence. It would read “...shall be reviewed prior to range firing; however, maintenance under Subparagraph (c)(3) may be reviewed after range firing.”

In (i), lines 12-13, I believe the Board’s intent is to say: “If the guard’s duty firearm for all companies is of the same make,”

In (j), line 19, is there a rule which limits the types of firearms which may be carried? (This is also relevant for (m) on p.3). Otherwise, why would the armed security guard need separate permission to carry a 12-gauge shotgun? Could the guard carry any other gauge shotgun without complying with this Rule?

In (n), p.3, line 11, is there any limitation who teaches this course? Is it established by a rule which can be cited?

In (r), line 24, I believe the Board intends “armed licensee or armed security guard”.

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...”

In (r), lines 27-28, how is the firearm instructor to “notify” the licensee, security guard, employer, and PPSB?

In (s), line 30, a firearm training “certificate” or “permit”?

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 .0807 is amended as published in 37:18 NCR 1883 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.

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

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

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

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

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

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

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

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

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

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

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1101

DEADLINE FOR RECEIPT: Friday, August 11, 2023.

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

Throughout the Rule, 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.

On line 1, please change “proposed for amendment” to “amended”.

In (1), line 6, does the Board mean that an associate may be referred to as simply a “trainee” or as a “Private Investigator trainee”? Please clarify.

In (2), lines 16-18, I am unclear on the meaning of this sentence. Does this mean the Board’s director can approve any “individual” to train the associate? As this functions as a waiver of the requirements elsewhere in (2) regarding the identity of the training investigator, what specific guidelines would the Board follow in approving someone who otherwise did not meet these requirements? Same question about “educational course”. What kind of course? Approved pursuant to what guidelines?

In (3), lines 23-24, what is a “reporting period”?

In (3), line 31, the Board shall have immediate access to the checklist when? Upon a request? Upon submission of the application?

In (3), line 34, what “details” are required?

In your History Note, please add “Amended” prior to “Eff.” on p.2, line 4.

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: August 8, 2023

1 14B NCAC 16 .1101 is proposed for amendment as published in 37:19 NCR 1940 as follows:

2
3 **14B NCAC 16 .1101 DEFINITIONS**

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

- 5 (1) "Private Investigator Associate" refers to an individual training to become a Private Investigator. A
6 Private Investigator Associate may also be referred to as a "trainee" in these Rules. A Private
7 Investigator Associate must complete three training levels as set out in this Section.
- 8 (2) "One-on-one Supervision" means person-to-person contact whereby the licensed investigator is
9 personally and directly supervising or training the Associate. The training investigator must be the
10 sponsoring licensed Private Investigator or any licensed Private Investigator who is a member of the
11 sponsoring Private Investigator's firm, association, or corporation. The Private Investigator
12 Associate may not subcontract his or her employment to another Private Investigator. However, the
13 sponsoring Private Investigator may subcontract the Private Investigator Associate if the sponsor
14 obtains prior written approval from the Board's Director by showing that the Private Investigator
15 Associate will receive an educational benefit from the subcontract employment and the Associate
16 will receive one-on-one supervision from another licensed Private Investigator. One-on-one
17 supervision may also be satisfied if the Associate undergoes training from an individual or
18 educational course approved by the Board's Director prior to the Associate receiving the training.
- 19 (3) "Training Checklist" refers to the document(s) that shall state all areas of training and work that the
20 Associate has performed. The supervising Private Investigator is responsible for maintaining the
21 training checklist and providing a copy of the checklist to the Associate. The Training Checklist
22 must reflect the date the Associate advances from one level to another. The training checklist must
23 be signed by the Associate and the sponsoring Private Investigator at the end of each reporting
24 period. In the event the Associate transfers employment to another Private Investigator, the
25 Associate must provide the new supervising Private Investigator with the training checklist and the
26 new sponsoring Private Investigator will then be responsible for the maintenance of the checklist.
27 The Training Checklist must be updated on a quarterly basis for Level One Associates and on a
28 yearly basis for Level Two and Level Three Associates. The training checklist must be maintained
29 pursuant to Rule .0108 of this Chapter. When an Associate completes Level Three, the Training
30 Checklist must be made a part of the Associate's application for a Private Investigator's license. The
31 Board shall have immediate access to the training checklist.
- 32 (4) "Associate Log" refers to the document(s) maintained by the ~~sponsoring Private Investigator~~
33 Associate which shall list each case the Associate has worked, the number of hours spent on the
34 case, and the type of work performed. Details of the one-on-one training must be documented within
35 the Associate's log.
- 36

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

1 *Eff. July 1, 1994;*
2 *Transferred and Recodified from 12 NCAC 07D .1101 Eff. July 1, 2015;*
3 *Readopted Eff. July 1, 2020;*
4 *Eff. August 1, 2023.*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1501

DEADLINE FOR RECEIPT: Friday, August 11, 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:

Comparing the submitted rule to the published rule, it appears you have added subparagraph (a)(5) post publication without properly formatting the changes pursuant to 26 NCAC 02C .0405. Beyond the formatting issue, the addition of this language subjects this Rule to objection on two grounds. First, the added subparagraph echoes Rule .1502(b) word for word and as such is unnecessary. Second, to the extent that inclusion of this language in .1501 represents a new requirement that was not published, it is—in my view—a substantial change under either or both G.S. 150B-21.2(g)(2) and (3) and is a violation of the APA.

In (a)(1)-(3) and in (b), what do you mean by “establish to the Board’s satisfaction”? What specifically is the Board requiring in order to be satisfied of each requirement?

In (a)(4), line 20, add a cross-reference to Rule .1502.

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 .1501 is adopted as published in 37:18 NCR 1883 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; and
21 (5) possess a basic first aid certificate from the American Red Cross and a valid CPR and AED
22 certification from the American Red Cross, American Heart Association, American Safety and
23 Health Institute, or National Safety Council.

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

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

32
33 *History Note: Authority G.S. 74C-5(2); 93B-15.1;*
34 *Temporary Adoption Eff. April 28, 2023;*
35 *Eff. August 1, 2023.*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1502

DEADLINE FOR RECEIPT: Friday, August 11, 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:

Comparing the submitted rule to the published rule, it again appears that post-publication additions and deletions have been made to this Rule, specifically to subparagraph (a)(3), without properly formatting them pursuant to 26 NCAC 02C .0405. Beyond the formatting issues, these changes subject your rule to objection on two grounds. First, this language is ambiguous. It is not clear to what you are referring to with respect to the “3 hour unarmed guard block of instruction”, or the “4 hour armed guard block of instruction” or “an equivalent block of instruction”. While the ambiguity of the first two instances may be cured with a cross reference to trainings required by other rules, the Rule provides no hint of what would be considered an “equivalent” to the 3 or 4 hour blocks. Moreover, it isn’t clear if the equivalency is between the 2 hour Legal Issues course required here or between the 3 or 4 hour blocks of instruction. Second, to the extent that this language creates an effect that could not have reasonably been expected based upon the proposed text, it is—in my view—a substantial change under G.S. 150B-21.2(g)(3).

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”.

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: August 8, 2023

1 14B NCAC 16 .1502 is adopted as published in 37:18 NCR 1883 with changes 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 and North Carolina’s laws on use
15 of force. The 3 hour unarmed guard block of instruction, if performing services unarmed, or the 4
16 hour armed guard block of instruction taught by a certified instructor, or an equivalent block of
17 instruction, shall fulfill this requirement – (minimum of 2 hours).

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

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

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

25 Temporary Adoption Eff. April 28, 2023;

26 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1503

DEADLINE FOR RECEIPT: Friday, August 11, 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 6, I assume the “provision of services” means services as a close personal protection licensee?

On line 6, what does it mean to be “directly related” to the provision of services?

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 .1503 is adopted as published in 37:18 NCR 1883 as follows:

2
3 **14B NCAC 16 .1503 INVESTIGATIONS DIRECTLY RELATED TO PROVISION OF SERVICES**

4
5 A close personal protection licensee may engage in activities otherwise defined by G.S. 74C-3(a)(8) as an investigation
6 which are directly related to the provision of services including but not limited to advance planning, intelligence, and
7 risk assessment.

8
9 History Note: Authority G.S. 74C-5;

10 Temporary Adoption Eff. April 28, 2023;

11 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1504

DEADLINE FOR RECEIPT: Friday, August 11, 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 5, is the endorsement governed by another Rule or statute? Please add a cross-reference.

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 .1504 is adopted as published in 37:18 NCR 1883 with changes as follows:

2
3 **14B NCAC 16 .1504 DISTINGUISHING SECURITY SERVICES**

4 (a) Prior to providing any service to a client, a close personal protection licensee or licensed private investigator with
5 a close personal protection endorsement shall enter into a written contract or agreement that lists by name the
6 individual person or persons for whom service is to be provided, the specific function that constitutes the service, and
7 the duration of the service.

8 (b) A close personal protection license or close personal protection endorsement does not entitle the licensee to
9 provide services defined by G.S. 74C-3(a)(6) to any person or persons not listed in the contract or agreement.

10
11 History Note: Authority G.S. 74C-5;

12 Temporary Adoption Eff. April 28, 2023;

13 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1601

DEADLINE FOR RECEIPT: Friday, August 11, 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)(1),(3) and (4), and in (b), what do you mean by “establish to the Board’s satisfaction”? What specifically is the Board requiring in order to be satisfied of each requirement?

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), how does the Board determine how many additional hours to grant? If you’re using the formula in .0204(d) to calculate how many hours to grant credit for, I think you need a cross reference here. Particularly because you reference “Section .0200” in (a) and (b) and not in (c).

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 .1601 is adopted as published in 37:18 NCR 1883 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;
8 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1701

DEADLINE FOR RECEIPT: Friday, August 11, 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 9, does the Board mean that an associate may be referred to as simply a “trainee” or as a “Digital Forensics Examiner trainee”? Please clarify.

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 24, what is a “reporting period”?

In (3), line 31, the Board shall have immediate access to the checklist when? Upon a request? Upon submission of the application?

In (3), line 34, what “details” are required?

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: August 8, 2023

1 14B NCAC 16 .1701 is adopted as published in 37:18 NCR 1883 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;*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1702

DEADLINE FOR RECEIPT: Friday, August 11, 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 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.

1 14B NCAC 16 .1702 is adopted as published in 37:18 NCR 1883 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;

19 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1703

DEADLINE FOR RECEIPT: Friday, August 11, 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.

1 14B NCAC 16 .1703 is adopted as published in 37:18 NCR 1883 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;

18 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1704

DEADLINE FOR RECEIPT: Friday, August 11, 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.

1 14B NCAC 16 .1704 is adopted as published in 37:18 NCR 1883 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;

19 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1705

DEADLINE FOR RECEIPT: Friday, August 11, 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?

If you're using the formula in .0204(d) to calculate how many hours to grant credit for, I think you need a cross reference here.

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 .1705 is adopted as published in 37:18 NCR 1883 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;

16 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1706

DEADLINE FOR RECEIPT: Friday, August 11, 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”.

Also, please define “practical experience” or add a cross reference to where a definition can be found.

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 as published in 37:18 NCR 1883 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;

15 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1707

DEADLINE FOR RECEIPT: Friday, August 11, 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”.

On line 5, “insufficient supervision” as defined where? A cross-reference would be helpful here.

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 .1707 is adopted as published in 37:18 NCR 1883 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;

10 Eff. August 1, 2023.

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1708

DEADLINE FOR RECEIPT: Friday, August 11, 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.

1 14B NCAC 16 .1708 is adopted as published in 37:18 NCR 1883 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;*

11 *Eff. August 1, 2023.*

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1709

DEADLINE FOR RECEIPT: Friday, August 11, 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.

1 14B NCAC 16 .1709 is adopted as published in 37:18 NCR 1883 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;

15 Eff. August 1, 2023.