

Burgos, Alexander N

Subject: FW: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes

From: Liebman, Brian R <brian.liebman@oah.nc.gov>

Sent: Thursday, July 7, 2022 1:55 PM

To: Gray, Jeffrey <jgray@bdixon.com>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes

Hey Jeff,

Thanks for these. Two small things. Can you correct the formatting on the history note? The most current amendment date (8/1/22) should go first on the last line of each History Note, if that makes sense. Also, and more importantly, we need these in a MS Word format.

Other than that, we're good to go. If you send me the final version in MS Word format, I will send them on to Dana, unless you have any objections.

Thanks!

Brian

Brian Liebman

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984)236-1948

brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes
Attachments: 14B NCAC 17 .0201.pdf; 20220707114203589.pdf

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Thursday, July 7, 2022 12:26 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes

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Brian:

Attached are corrected version of each revised rule with the Effective Date as per the below.

Jeff

1 **14B NCAC 17 .0201 APPLICATION FOR LICENSE**

2 (a) Each applicant for a license shall submit an online application on the website provided by the Board. When this
3 online application is submitted, it shall be accompanied by:

- 4 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
5 Bureau of Investigation or one set of classifiable fingerprints on an F.B.I. fingerprint card provided
6 by the Board and mailed separately to the Board's office;
- 7 (2) one head and shoulders digital photograph of the applicant in JPG format of sufficient quality for
8 identification, taken within six months prior to the online ~~submission, and uploaded with the~~
9 ~~application~~ submission;
- 10 (3) statements of the results of a statewide criminal history records search by the reporting service
11 designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided
12 within the preceding 60 ~~months; and~~ ~~months~~;
- 13 (4) a minimum of three letters attesting to the good character and reputation of the applicant using the
14 online character letter submission process; and
- 15 (4)(5) the applicant's application fee, along with a four dollar (\$4.00) convenience fee charged by the third-
16 party vendor and ~~the~~ credit card transaction fee charged by the applicant's credit card provider and
17 collected online.

18 (b) Each applicant shall upload evidence of high school graduation either by diploma, G.E.D. certificate, or other
19 equivalent documentation.

20 (c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the
21 Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall
22 discuss the provisions of G.S. 74D and the administrative rules in this Chapter during the personal meeting. The
23 applicant shall sign a form provided by the Board stating that the applicant has reviewed the information with the
24 Board's representative and that the applicant understands G.S. 74D and the administrative rules in this Chapter. During
25 a national or State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may
26 be waived if requested by the applicant in favor of alternative means of communication.

27 (d) Each applicant for a branch office license shall submit an online application on the website provided by the Board.
28 This online application shall be accompanied by the branch office application fee.

29 (e) All photographs, record checks, proof of insurance, explanations of criminal charges, explanations of credit
30 history, or requested documents shall be submitted online through the Board's website by any applicant for a permit,
31 license, registration, or certificate within 60 days of the Board's receipt of the application form or a request from Board
32 staff, whichever is later. Any failure to submit required or requested documents to complete the application process
33 within this 60-day period shall void the application and require re-application.

34
35 *History Note: Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8;*
36 *Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;*
37 *Eff. May 1, 1984;*

1 *Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March*
2 *1, 1993; July 1, 1987; January 1, 1986;*
3 *Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015;*
4 *Amended Eff. December 1, 2017;*
5 *Readopted Eff. June 1, 2018;*
6 *Amended Eff. September 1, 2019;*
7 *Emergency Amendment Eff. June 9, 2020;*
8 *Amended Eff. August 1, 2020;*
9 *Temporary Amendment Eff. August 28, 2020;*
10 *Temporary Amendment Expired Eff. June 12, 2021;*
11 *Amended Eff. November 1, 2021;*
12 *Amended Eff. August 1, 2022.*

1 **14B NCAC 17 .0301 APPLICATION FOR REGISTRATION**

2
3 (a) Each licensee or qualifying agent shall submit an online application for the registration of his or her employee on
4 the website provided by the Board. When this online application is submitted, it shall be accompanied by:

- 5 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
6 Bureau of Investigation or one set of classifiable fingerprints on a standard F.B.I. fingerprint card
7 mailed separately to the Board's office;
- 8 (2) one original signed S.B.I. release of information form uploaded online and the original mailed
9 separately to the Board's office;
- 10 (3) one head and shoulders digital photograph of the applicant of **acceptable [sufficient]** quality for
11 identification, taken within six months prior to online submission, and uploaded with the application
12 submission;
- 13 (4) statements of the results of a statewide criminal history records search by the reporting service
14 designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided
15 within the preceding 60 months;
- 16 (5) the registration fee required by Rule .0302 of this Section, along with a four dollar (\$4.00)
17 convenience fee charged by the third-party provider and **[the]** credit card transaction fee charged by
18 the applicant's credit card provider and collected online; and
- 19 (6) a completed affidavit form **[attesting to the truth of the information provided]** and public notice
20 statement form.

21 (b) The employer of an applicant who is currently registered with another alarm business shall complete an online
22 application form provided by the Board. This form shall be accompanied by the applicant's multiple registration fee
23 along with a four dollar (\$4.00) convenience fee charged by the third-party provider and **[the]** credit card transaction
24 fee charged by the applicant's credit card provider and collected online. This online application shall be accompanied
25 by a completed affidavit form and public notice statement form.

26 (c) The employer of each applicant for registration shall print and retain a copy of the applicant's online application
27 in the individual applicant's personnel file in the employer's office.

28
29 *History Note: Authority G.S. 74D-2.1; 74D-5; 74D-8;*
30 *Temporary Rule Eff. January 9, 1984 for a Period of 120 Days to Expire on May 7, 1984;*
31 *Eff. May 1, 1984;*
32 *Amended Eff. December 1, 2012; January 1, 2007; July 1, 1993; March 1, 1993; September 1, 1990;*
33 *November 1, 1988;*
34 *Transferred and Recodified from 12 NCAC 11 .0301 Eff. July 1, 2015;*
35 *Amended Eff. December 1, 2017;*
36 *Readopted Eff. June 1, 2018;*
37 *Amended Eff. August 1, 2020; September 1, 2019; **August 1, 2022.***

Burgos, Alexander N

From: Liebman, Brian R
Sent: Thursday, July 7, 2022 9:55 AM
To: Gray, Jeffrey
Cc: Burgos, Alexander N
Subject: RE: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes

Hi Jeff,

Thanks for getting these back to me. I did notice in both revised rules, you don't have an effective date specified, which you'll need to do before submitting the final version of each rule. Otherwise, I am satisfied with the changes and will recommend approval to RRC at this month's meeting.

Thanks,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Wednesday, July 6, 2022 4:53 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes

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Brian:

Please see attached.

Jeff

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Tuesday, June 21, 2022 11:45 AM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Alarm Systems Licensing Board - July 2022 RRC Request for Changes

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Alarm Systems Licensing Board for the July 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, July 21, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules to me via email, no later than 5 p.m. on Wednesday July 6, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
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Burgos, Alexander N

Subject: FW: [External] RE: Alarm Systems Licensing Board - July 2022 RRC Request for Changes
Attachments: Request for Changes (00557360xBFA5E).docx; 20220705163550929.pdf; 20220705163543707.pdf

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To: Liebman, Brian R <brian.liebman@oah.nc.gov>
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Brian:

Please see attached.

Jeff

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

AGENCY: Alarm Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0201

DEADLINE FOR RECEIPT: Wednesday, July 6, 2022.

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, and in (d), line 29, when the Rule states "...submit an online application on the website provided by the Board" would it be more accurate to say "...submit an online application provided by the Board on its website"? [The application is on the website of a fee-for-service application processor. This rule was intentionally worded this way to distinguish the processor's website from the Board's website.](#)

In (a)(2), lines 10-11, is "and uploaded with the application submission" necessary, given the language in (a), lines 4-5? [Deleted.](#)

In (a)(3), line 14, please delete the "and" at the end of the line. [Deleted.](#)

In (a)(5), lines 17-18, I'm assuming the convenience fee and the credit card transaction fee are different fees. If so, I think the sentence should be revised to add a "the" before "credit card transaction fee".
Change made.

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: Alarm Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0301

DEADLINE FOR RECEIPT: **Wednesday, July 6, 2022.**

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 4-5, when the Rule states "...submit an online application . . . on the website provided by the Board" would it be more accurate to say "...submit an online application provided by the Board on its website"? The application is on the website of a fee-for service-application processor. This rule was intentionally worded this way to distinguish the processor's website from the Board's website.

In (a)(3), should the language here mirror the equivalent in R. 0201(a)(2)? Rule .0201 specifies the format of the digital photograph and states that the photograph shall be of "sufficient quality for identification" rather than "acceptable quality for identification". Change made.

In (a)(5), line 17, I'm assuming the convenience fee and the credit card transaction fee are different fees. If so, I think the sentence should be revised to add a "the" before "credit card transaction fee". Change made. (Note: Same change made in (b), line 22.)

In (a)(6), are the contents of the affidavit form and public notice statement form specified in another Rule or in a statute? If not, please state the contents of each form here. Change made re: affidavit. The public notice statement is required by N.C. Gen. Stat. § 143-789(a) and so states on the form.

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

1 **14B NCAC 17 .0201 APPLICATION FOR LICENSE**

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8 identification, taken within six months prior to the online ~~submission, and uploaded with the~~
9 ~~application~~ submission;
- 10 (3) statements of the results of a statewide criminal history records search by the reporting service
11 designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided
12 within the preceding 60 months; and ~~months:~~
- 13 (4) a minimum of three letters attesting to the good character and reputation of the applicant using the
14 online character letter submission process; and
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16 party vendor and ~~the~~ credit card transaction fee charged by the applicant's credit card provider and
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32 staff, whichever is later. Any failure to submit required or requested documents to complete the application process
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Please submit the revised Rules to me via email, no later than 5 p.m. on Wednesday July 6, 2022.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

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