

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 9:01 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Concealed Carry Objections  
**Attachments:** Dale Gapas.docx

**From:** Dale Gapas <kgapas9791@gmail.com>  
**Sent:** Friday, February 23, 2024 4:06 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Concealed Carry Objections

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached is my objection to some of the new rulings.

Dale Gapas

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Dale Gapas

205 Pinellas Lane  
Waynesville, NC 28785

2-23-2024

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105

Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Dale Gapas

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 9:00 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Legislative review request  
**Attachments:** RRC Request for Legislative Review .docx

**From:** katt mountainhomeoverlook.com <katt@mountainhomeoverlook.com>  
**Sent:** Friday, February 23, 2024 4:10 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Legislative review request

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Please advise via email of receipt of this attachment.

---

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Julie Katt  
28 Mountain Breeze Dr.  
Maggie Valley, NC 28751

2-23-2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105

Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Julie Katt

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 8:58 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Re: 12 NCAC 09F .0103, .0104 and .0105

**From:** DENNIS ORSAG <dennis2460@sbcglobal.net>  
**Sent:** Friday, February 23, 2024 5:03 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Re: 12 NCAC 09F .0103, .0104 and .0105

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Dennis C Orsag  
327 Bradenton Knoll, Fletcher NC. 20732

2-23-2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105  
Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Dennis C Orsag

Best regards  
**Dennis C Orsag**



**NORTH CAROLINA  
CONCEALED CARRY  
INSTRUCTORS' ASSOCIATION**

*N.C.D.O.J CCH Instructor  
FBI CAA SFO Division  
NRA Certified Firearms Instructor  
NRA Instructor # 9114099  
CERTIFIED PISTOL / RIFLE / SHOTGUN / RSO*

***President Rilandwell HOA***

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 8:57 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External]

**From:** SUSAN VERNILLE <svernille@hotmail.com>  
**Sent:** Friday, February 23, 2024 5:15 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External]

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Sent from my iPad Name  
Address

2-23-2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105  
Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Name

**Ben Vernille**

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 8:57 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] CCW rules change

**From:** Dwight M Creech <dmcreech@nc.rr.com>  
**Sent:** Friday, February 23, 2024 6:26 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] CCW rules change

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

This is Dwight M. Creech, Instructor

Please do not complicate the life of certified, well qualified instructors with politics. In a nation where government is of, by, and for the people, government representatives should demonstrate unusual respect for the viewpoint of those they represent. Our form of government is not "top-down", it is "bottom-up." NRA instructors are representative of our nation's finest citizens. Instructors need their input into what is good for the common good of gun owners respected. We are the one's dealing with the personalities, the capabilities, and needs of those that are receiving training.

We are not training ordinary citizens to become gun "tote'n" law enforcement officers, or soldiers for the battlefield. Many are simply innocent law abiding citizens who want to know how to protect themselves in communities inundated with violence. Every citizen already has a "natural right" to save themselves against imminent death, serious injury, and sexual assault. The Second Amendment gives them that right WITHOUT ANY TRAINING AT ALL BY GOVERNMENT. Teaching people who live in fear how to KNOW what they can legally do with a firearm is not rocket science. It is very basic. How to shoot a gun with predictable accuracy is not difficult either. Qualified instructors know how to do this.

Please consider keeping things as they have been. It has worked fine for the 29 years that I have been teaching. I have never experienced a single incident that endangered anyone in all these years. I have taught several thousand. I know the difference between a trained SF soldier and a novice within a matter of seconds. I care about my students. The best monitor of my performance is local law enforcement, my reputation in the community, and the students that go through my class. Government out of Raleigh will have a difficult time improving on what has worked for a long time. The technology to surveil every facet of our life is a drift toward more government and less and less freedom to enjoy a simple life. There is a simple saying, "Don't try and fix what ain't broke."

Dwight M. Creech, Instructor 0022-3784  
400 S. Bennett St.  
Southern Pines 28387  
910-690-6564

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 8:56 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] letter of objection and request for a legislative review

**From:** guns@bgreenberg.net <guns@bgreenberg.net>  
**Sent:** Friday, February 23, 2024 7:37 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] letter of objection and request for a legislative review

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N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105

Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

I completely object to any and all changes being considered that would impact CCH instructors. They are more than unnecessary they are burdensome. These changes are arbitrary and without merit. Nothing, I repeat NOTHING will be accomplished by the new proposed rules. The people making the rules are not even qualified to do some. Instructors not administrators and bureaucrats know more about teaching classes.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

**Bennett Greenberg**

Firearms Instructor  
NRA and State Certified  
Cell: 828.489.8980

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, February 26, 2024 8:55 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Rules review

**From:** Brian Sisson <bsisson@therangecompanies.com>  
**Sent:** Saturday, February 24, 2024 7:51 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Rules review

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2-24-2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105  
Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Name  
Brian Sisson  
The Range at Lake Norman  
The Range at Ballantyne  
Pineville Gun Shop  
10913 Bailey Rd  
Cornelius, NC 28031  
704-895-3250

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Friday, February 23, 2024 3:09 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] 12 NCAC 09F .0103, .0104 and .0105

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**From:** Rhonda Allen <armedangelstraining@gmail.com>  
**Sent:** Friday, February 23, 2024 3:08 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] 12 NCAC 09F .0103, .0104 and .0105

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Rhonda Allen  
5522 Hornes Church Road  
Wilson, NC 27896

2-23-2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re:  
Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Rhonda Allen  
NRA Training Counselor  
NRA Chief Range Safety Officer  
Armed Angels Training  
919-625-2988

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Friday, February 23, 2024 3:02 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Letter

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**From:** Jason Cheek <jason.g.cheek@gmail.com>  
**Sent:** Friday, February 23, 2024 3:00 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Letter

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Jason G. Cheek

487 Hunter Rd  
Lexington NC 27295

2-23-2024

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105

Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to

create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Jason G. Cheek, CCH Instructor

--

Jason Cheek, MS/CJA  
Purchasing Administrator  
Leoterra Development, Inc.

---

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 4:38 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission

**From:** Chris Cecil <chris@uniondefense.net>  
**Sent:** Wednesday, February 21, 2024 3:48 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission

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Chris Cecil  
PO Box 36332  
Greensboro, NC 27416

February 21st, 2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Dear Members of the Commission:

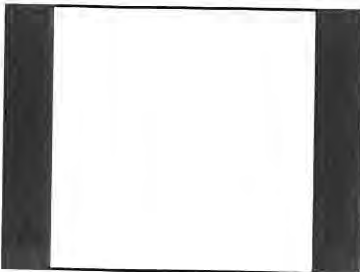
I am writing to you today in regards to rules changes regarding 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.

I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.

Regards,  
Chris Cecil

--



**Chris Cecil**  
Owner & Chief Instructor  
Union Defense LLC  
336.989.4156  
[chris@uniondefense.net](mailto:chris@uniondefense.net)

**Burgos, Alexander N**

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**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 4:44 PM  
**To:** Burgos, Alexander N  
**Subject:** FW: [External] Re: 12 NCAC 09F .0103, .0104 and .0105

**From:** Rhonda Allen <armedangelstraining@gmail.com>  
**Sent:** Wednesday, February 21, 2024 4:44 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Re: 12 NCAC 09F .0103, .0104 and .0105

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**Rhonda Allen**

**5522 Hornes Church Road**

**Wilson, NC 27896**

**02/21/2024**

**N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609**

**Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission**

**Members of the Commission:**

**I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.**

**I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.**

**Rhonda Allen**



**NORTH CAROLINA  
CONCEALED CARRY  
INSTRUCTORS' ASSOCIATION**

Rhonda Allen  
NRA Training Counselor  
NRA Chief Range Safety Officer  
[armedangelstraining@gmail.com](mailto:armedangelstraining@gmail.com)  
919-625-2988

---

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## **Burgos, Alexander N**

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**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:00 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Special meeting Febraury 22, 2024

**From:** Brian Sisson <bssisson@therangecompanies.com>  
**Sent:** Wednesday, February 21, 2024 7:50 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Special meeting Febraury 22, 2024

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**Rules Commission**  
**1711 New Hope Church Rd**  
**Raleigh, NC 27609**

**February 21, 2024**

**N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609**

**Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission**

**Members of the Commission:**

**I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.**

**I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.**

**Brian Sisson**  
**Chief Operating Officer/NC Concealed Carry Instructor**  
**The Range at Lake Norman**  
**The Range at Ballantyne**  
**Pineville Gun Shop**  
**704-895-3250**

**Burgos, Alexander N**

---

**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:00 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] NC Rules Review Commission  
**Attachments:** image001.png

**From:** Allen Whisnant <whisnantsdeer@gmail.com>  
**Sent:** Wednesday, February 21, 2024 6:57 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] NC Rules Review Commission

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**N.C. Rules Review Commission-1711 New Hope Church Rd. Raleigh, NC 27609**

**Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission**

**Members of the Commission:**

**I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.**

**I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.**

**Thank You for your time,**

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:42 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] 12 NCAC 09F.0103,.0104 and .0105 Criminal Justice Education and Training Standards Commission  
**Attachments:** image001.png

**From:** Neal Gay <nealgay@w0lfp4ckguns.com>  
**Sent:** Wednesday, February 21, 2024 10:39 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] 12 NCAC 09F.0103,.0104 and .0105 Criminal Justice Education and Training Standards Commission

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Members of the Commission:

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I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.

Neal Gay  
W0lfp4ck Guns and Ammo  
President  
Ph: (336) 253-0650  
email: [nealgay@w0lfp4ckguns.com](mailto:nealgay@w0lfp4ckguns.com)



**Burgos, Alexander N**

---

**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:46 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Pertaining to the upcoming Special Meeting on Feb. 22,2024 at 10:00 am.

**From:** Phil Digh <dallasfirearmstraining@gmail.com>  
**Sent:** Wednesday, February 21, 2024 10:44 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Pertaining to the upcoming Special Meeting on Feb. 22,2024 at 10:00 am.

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

John P. Digh  
215 Tennessee Trail  
LINCOLNTON N. C. , 28092

February 21, 2024

N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.

I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.

John P. Digh



**NORTH CAROLINA  
CONCEALED CARRY  
INSTRUCTORS' ASSOCIATION**

Sent from my iPhone

---

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**Allen M. Whisnant,  
2635 Moose Lodge St,  
Morganton, NC 28655**



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## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:03 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Objection

**From:** Harvey E. Morse <harvey@probate.com>  
**Sent:** Tuesday, February 20, 2024 7:15 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Objection

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Harvey Morse  
10 Camden Downs Rd  
Waynesville, NC 28785

February 20, 2024

N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh,  
NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice  
Education and Training Standards Commission

Members of the Commission:

I request that the above rule(s) be objected to, and reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.

I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.

*Harvey Morse*



NORTH CAROLINA  
CONCEALED CARRY  
INSTRUCTORS' ASSOCIATION

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:03 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Rules Review Commission

**From:** Bert Rosado <nccaduceus@gmail.com>  
**Sent:** Tuesday, February 20, 2024 7:17 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Rules Review Commission

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Norberto R Rosado

02/20/2024

N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.

I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.

Norberto R Rosado

E Signed

Bert Rosado  
919-888-1122

Harold Katt  
PO Box 1058  
Maggie Valley NC 28751

2-21-2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0103, .0104 and .0105

Criminal Justice Education and Training Standards Commission (CJETS)

Members of the Commission:

This is my second letter of objection and request for a legislative review. This is the result of new information brought to my attention since my previous submission.

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

CJETS was not granted the statutory authority to implement these rules. CJETS was directed by the General Assembly to create general guidelines, not rules, for the Concealed Carry Handgun (CCH) program as cited in the RRC Staff Attorney's objection to these proposed rules.

Thank you for your consideration.

Harold Katt

NC CCH Instructor  
NRA Pistol Instructor  
NRA Range Safety Officer  
First President, NCCCIA



**NORTH CAROLINA  
CONCEALED CARRY  
INSTRUCTORS' ASSOCIATION**

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:02 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Request for Legislative Review 12 NCAC 9F .0103, .0104 &.o105  
**Attachments:** RRC Request for Legislative Review (2).pdf

**From:** Harry Katt <4rceoptions@gmail.com>  
**Sent:** Tuesday, February 20, 2024 8:44 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Request for Legislative Review 12 NCAC 9F .0103, .0104 &.o105

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Please respond via email upon receipt of this email and attachment.

Thank You.

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**Burgos, Alexander N**

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**From:** Rules, Oah  
**Sent:** Wednesday, February 21, 2024 10:02 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Rules Review

**From:** william burwell <doublefirearms20@gmail.com>  
**Sent:** Tuesday, February 20, 2024 7:39 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Rules Review

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**William Burwell**  
**640 Broad Rd**  
**Roxboro N.C. 27573**

**2/20/2024**

**N.C. Rules Review Commission 1711 New Hope Church Rd. Raleigh, NC 27609**

**Re: 12 NCAC 09F .0103, .0104 and .0105 Criminal Justice Education and Training Standards Commission**

**Members of the Commission:**

**I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further ask that the rule(s) be subject to a delayed effective date as set out in that same provision.**

**I am a state-licensed concealed carry instructor who is very concerned with these proposed rules, and I appreciate your consideration.**

**William Burwell**

William Burwell



**NORTH CAROLINA  
CONCEALED CARRY  
INSTRUCTORS' ASSOCIATION**

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Ronald (Ron) Kauffman  
880 S. Park Place  
Hendersonville, NC 28791  
Office: 828-696-9799 – Mobile 561-818-0039  
Concealed Carry Instructor ID#: 0045-5023

January 31, 2024

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: NCAC12 9F .0105

Members of the Commission:

I request that the above rule(s) be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I further request that the rule(s) be subject to a delayed effective date as set out in that same provision.

Thank you for your consideration.

Ronald S. Kauffman  
Concealed Carry Instructor ID#: 0045-5023





## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Monday, January 8, 2024 12:27 PM  
**To:** Burgos, Alexander N  
**Cc:** Peaslee, William W  
**Subject:** FW: [External] OBJECTION TO PROPOSED CCH RULES  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

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**From:** Dannie Robinson <dhr.est1973@gmail.com>  
**Sent:** Monday, January 8, 2024 12:23 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

YOUR NAME  
YOUR ADDRESS  
YOUR CITY, STATE, ZIP

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

**12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

Harvey E. Morse  
10 Camden Downs Road  
Waynesville, NC 28785

President: North Carolina Concealed Carry Instructors Association, Inc.

December 12, 2023

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically, under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

**Discussion:**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's (agency) recent decision to impose these new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into



question the necessity and cumulative effect of the agency issued certificates noted above.

The certificates, as described, are serialized, and embossed by the agency. They are sold to the instructors for \$2.00 a piece with a minimum of 25 certificates per purchase. The certificates are completed by the Concealed Carry Handgun (CCH) instructor after a student satisfactorily passes the course. The completed certificate is to include the student's full name, the date the course was completed, the instructor's signature and the agency issued instructor identification number. If the student decides to apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office as proof that they did attend the prerequisite course. The Sheriff's Office completes the application process subsequently transferring the information off the certificates on to a digital format that is sent to NCSBI for the final steps of the approval process. For all practical purposes, the certificates are no longer involved in the process. It has been determined there is no specific direction as to how or what to do with these documents. They are stored in boxes, cabinets or wherever but serve no useful purpose from then on.

As noted above, the certificates are sold to the instructors for \$2.00 ea. The certificates are initially purchased by the agency from one of the state prison facilities at a cost of \$0.12 per copy. They are being sold for a profit of \$1.88. each. Last year, 81,511 new permits were processed. That created a revenue stream of approx. \$153,200.00 for the agency. By mandating their serialized and embossed certificates, the agency has made itself the sole provider, the sole beneficiary, for this instrument. This is nothing shy of a scam that has done nothing productive but to create a revenue stream for the agency on the back of CCH instructors and students.

The only credible reason for these agency certificates to be serialized may be for the agency's accounting purposes i.e.. How many certificates did we sell last year. As far as being able to "back track" a certificate in the event of an investigation, what is most important and revealing is the students name, the date of the course and the instructor's information which is not transmitted to NCSBI and they end up in a box in each of the 100 SDheriff's Offices across the state. That important information is initially trapped by the Sheriff's and transmitted to NCSBI. Instructors should be authorized to create and print their own certificates of compliance if they meet the prescribed requirements absent the serialized and embossed agency information as is the case in all other states.

The purpose of the rule is to ensure an applicant for a CCH permit has completed the prerequisite training by a certified instructor and the information being submitted for the CCH application is valid and if need be, trackable. Clearly, the agency issued certificate in and of itself does not do that. It is the information placed on those certificates by the instructors and then transferred to the NCSBI via the Sheriff's that does. This rule is not reasonably necessary to accomplish the agency's specific purpose while creating a negative cumulative effect and should be objected.

**12 NCAC 09F .0105 Item (10) of the new rule as posted to us reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the “Concealed Carry Handgun Training” manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy. The contents of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

**Discussion:**

This new rule mandates Concealed Carry Handgun (CCH) students be provided for their permanent personal use a current copy of the “Concealed Carry Handgun Training” manual more commonly referred to as the “Red Book” or an alternative training manual that includes all the content of the most current “Red Book”. Instructors across the state vary in their presentation styles but they are required to cover the material outlined in the Red Book at a minimum. Some provide the Red Book to their students, some may read from the book verbatim, others have created power point presentations etc. that guide their presentations through the required material. The Red Book is a very basic guide, touching on standard handgun information, safety rules and laws relevant to self-defense, use of force, and concealed carry etc. At best, it is a very basic instructor type outline for a class.

The agency (Criminal Justice Training and Education) is implementing this rule under the guise of ensuring the basic training requirements for CCH are met. During the two public meetings on these rules, numerous concerns and recommendations were brought to the agency’s attention on this topic alone. Many CCH instructors oppose the mandate citing in many cases the Red Book being unnecessary and a burden on both the instructor and the students. The agency was also asked if the manual could be placed on individual instructor websites for access or to have the manual posted on the Criminal Justice website with free access much like the DMV’s driver license manual, so that the general public, CCH students, CCH instructors, and those who are renewing their CCH permits (every five years) would have immediate, real time and accurate access to current and relevant information if needed. The agency’s response was that the Red Book was copyrighted by the state and the agency was not sure if they could post it online (we have yet to receive a response from the agency on that question but believe it can be done) and (2) that they will explore the internet concept in the future.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average every 3.5 years the manual is updated for a variety of reasons that include legal updates. As noted above and during those open discussions, not all instructors provide the Red Book. They

## **Conclusion:**

Both agency rules noted herein have common themes. They have been tailored by the agency to appear to focus on specific purposes, establishing the basic curriculum for CCH certification and the ability to validate that those applying for CCH have met the prerequisite training as established by the state. Both rules create a sole provider situation with the agency being its primary benefactor. Both have viable options available to the agency that would be more or just as effective while reducing the cost to the user. Both rules have deviated from their specific purpose related to the administration of the CCH program and are clearly designed to create additional funding for the agency.

According to NCSBI there are over 870,000 North Carolinians who are active CCH permit holders. Amongst them are an estimated 2600 -2700 current CCH instructors. This is not a small program by any means. There are some who would view this overreach as an infringement of a right. Public data indicates the majority are very supportive of the need for formalized firearm training as it relates to concealed carry. Not many support being taken advantage of and that certainly appears to be the issue at hand here.

Government can and should do better. During the last public session with the agency on November 15, 2023, the following questions were posed to the agency commission by an attendee. How many of you own firearms? And how many of you have read the Red Book? Affirmative responses were few. Not encouraging at all. Decisions are being made with limited input. There was no CCH Instructor on that board. The agency commission had no external advisory board to provide subject matter expertise for consideration. And that is in part why well over 300 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, the true intent of the agency, the viable options available to the agency and the cumulative effect these rules will have on all involved and in doing so, I trust you will come to the same conclusion, and object to these rules.

Thank you for your consideration.

Respectfully submitted,

Harvey E. Morse

Deputy Sheriff

President, North Carolina Concealed Carry Instructor's Association, Inc.

Harold Katt  
P.O. Box 1058  
Maggie Valley, NC 28751  
NC CCH Instructor  
Concealed Carry Academy, Waynesville, NC  
Member of North Carolina Concealed Carry Instructors Association

11/28/2023

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically, under item (3), established by the statute below:

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- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

**Discussion:**

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and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of the agency issued certificates noted above.

The certificates, as described, are serialized, and embossed by the agency. They are sold to the instructors for \$2.00 a piece with a minimum of 25 certificates per purchase. The certificates are completed by the Concealed Carry Handgun (CCH) instructor after a student satisfactorily passes the course. The completed certificate is to include the student's full name, the date the course was completed, the instructor's signature and the agency issued instructor identification number. If the student decides to apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office as proof that they did attend the prerequisite course. The Sheriff's Office completes the application process subsequently transferring the information off the certificates on to a digital format that is sent to NCSBI for the final steps of the approval process. For all practical purposes, the certificates are no longer involved in the process. It has been determined there is no specific direction as to how or what to do with these documents. They are stored in boxes, cabinets or wherever but serve no useful purpose from then on.

As noted above, the certificates are sold to the instructors for \$2.00 ea. The certificates are initially purchased by the agency from one of the state prison facilities at a cost of \$0.12 per copy. They are being sold for a profit of \$1.88. each. Last year, 81,511 new permits were processed. That created a revenue stream of approx. \$153,200.00 for the agency. By mandating their serialized and embossed certificates, the agency has made itself the sole provider, the sole beneficiary, for this instrument. This is nothing shy of a scam that has done nothing productive but to create a revenue stream for the agency on the back of CCH instructors and students.

The only credible reason for these agency certificates to be serialized may be for the agency's accounting purposes i.e.. How many certificates did we sell last year. As far as being able to "back track" a certificate in the event of an investigation, what is most important and revealing is the students name, the date of the course and the instructor's information. That important information is initially trapped by the Sheriff's and transmitted to NCSBI. Instructors should be authorized to create and print their own certificates of compliance if they meet the prescribed requirements absent the serialized and embossed agency information.

The purpose of the rule is to ensure an applicant for a CCH permit has completed the prerequisite training by a certified instructor and the information being submitted for the CCH application is valid and if need be, trackable. Clearly, the agency issued certificate in and of itself does not do that. It is the information placed on those certificates by the instructors and then transferred to the NCSBI via the Sheriff's that does. This rule is not reasonably necessary to accomplish the agency's specific purpose while creating a negative cumulative effect and should be objected.

**12 NCAC 09F .0105 Item (10) of the new rule as posted to us reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the “Concealed Carry Handgun Training” manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy. The contents of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

**Discussion:**

This new rule mandates Concealed Carry Handgun (CCH) students be provided for their permanent personal use a current copy of the “Concealed Carry Handgun Training” manual more commonly referred to as the “Red Book” or an alternative training manual that includes all the content of the most current “Red Book”. Instructors across the state vary in their presentation styles but they are required to cover the material outlined in the Red Book at a minimum. Some provide the Red Book to their students, some may read from the book verbatim, others have created power point presentations etc. that guide their presentations through the required material. The Red Book is a very basic guide, touching on standard handgun information, safety rules and laws relevant to self-defense, use of force, and concealed carry etc. At best, it is a very basic instructor type outline for a class.

The agency (Criminal Justice Training and Education) is implementing this rule under the guise of ensuring the basic training requirements for CCH are met. During the two public meetings on these rules, numerous concerns and recommendations were brought to the agency’s attention on this topic alone. Many CCH instructors oppose the mandate citing in many cases the Red Book being unnecessary and a burden on both the instructor and the students. The agency was also asked if the manual could be placed on individual instructor websites for access or to have the manual posted on the Criminal Justice website with free access much like the DMV’s driver license manual, so that the general public, CCH students, CCH instructors, and those who are renewing their CCH permits (every five years) would have immediate, real time and accurate access to current and relevant information if needed. The agency’s response was that the Red Book was copyrighted by the state and the agency was not sure if they could post it online (we have yet to receive a response from the agency on that question but believe it can be done) and (2) that they will explore the internet concept in the future.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average every 3.5 years the manual is updated for a variety of reasons that include legal updates. As noted above and during those open discussions, not all instructors provide the Red Book. They

have not been required to do so. Their outlines and the materials they provide have been accepted in the past without the need for a Red Book mandate. Now, the agency has decided to mandate the Red Book be provided to each CCH student as a training guide and future reference. There was no definitive reason for such a mandate other than the agency felt students should have something in hand to reference in the future. That seems quite archaic when access to real time information could be viewed online at any time with a cell phone. The agency offers an alternative option in the rule. That option is to present a privately created and printed manual that must include at least the same material as the Red Book and that the agency must approve for use. The reality of competing with the agency's product, the Red Book, is unrealistic due in large part because the agency's manual was initially written and is periodically updated by state employees, and it is produced in one of our prison facilities with prison labor etc. In a sense, the agency has created a protected market, where it is basically the sole provider for this manual. A sole provider mandating the purchase of its product for CCH students, NC taxpayers, who have already paid in part for the entire production of this manual at least once over.

For the Commission's reference, the agency had raised the price of the Red Book to \$8.50 in 2022. Between the two recent public meetings on this matter, meetings that brought the following to light, the Justice Academy lowered the price of their Red Book to \$6.99 plus shipping. The books cost the agency \$3.26 each. As noted above, they are produced in one of our state prison facilities and sold by the agency for a profit of \$3.73 ea. Last year over 81,511 new permits were processed. That alone could have created a \$304,036.00 profit for the agency had this rule been in place then. Similar revenue streams for the agency can be found in the agency's mandatory Certificate rule, CCH permit application fees, CCH renewal fees, and the annual instructor renewal fees. Some estimates bring all these revenue streams from the CCH program between \$10-14 million per year for the state.

Given the agency's reluctance to explore more efficient, cost effective and far-reaching means to accomplish their specific purpose which in this instant should be to provide CCH students, and the CCH community at large, with continued access to accurate and updated information, it has failed to meet the Commission's third criteria. As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change, this mandate, is not truly intended to accomplish that specific purpose at all, but more so to secure another consistent revenue stream for the agency. And that is unacceptable.

### **Conclusion:**

Both agency rules noted herein have common themes. They have been tailored by the agency to appear to focus on specific purposes, establishing the basic curriculum for CCH certification and the ability to validate that those applying for CCH have met the prerequisite training as established by the state. Both rules create a sole provider situation

with the agency being its primary benefactor. Both have viable options available to the agency that would be more or just as effective while reducing the cost to the user. Both rules have deviated from their specific purpose related to the administration of the CCH program and are clearly designed to create additional funding for the agency.

According to NCSBI there are over 870,000 North Carolinians who are active CCH permit holders. Amongst them are an estimated 2600 -2700 current CCH instructors. This is not a small program by any means. There are some who would view this overreach as an infringement of a right. Public data indicates the majority are very supportive of the need for formalized firearm training as it relates to concealed carry. Not many support being taken advantage of and that certainly appears to be the issue at hand here.

Government can and should do better. During the last public session with the agency on November 15, 2023, the following questions were posed to the agency commission by an attendee. How many of you own firearms? And how many of you have read the Red Book? Affirmative responses were few. Not encouraging at all. Decisions are being made with limited input. There was no CCH Instructor on that board. The agency commission had no external advisory board to provide subject matter expertise for consideration. And that is in part why well over 300 CCH instructors from across the state appeared in person at the first public meeting in Raliegh in August to voice their opposition to these rules. Government can and should do better.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, the true intent of the agency, the viable options available to the agency and the cumulative effect these rules will have on all involved and in doing so, I trust you will come to the same conclusion, and object to these rules.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harold Katt", written in a cursive style.

Harold Katt



Patrick M Flaharty  
705 Kathryn Ave.  
Jacksonville, NC 28540

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

**12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Thursday, December 28, 2023 11:35 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Fwd: I am sharing 'Requesting-Legislative-Review\_12\_NCAC\_09F (1)' with you  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F (1).pdf

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**From:** Crystal Coast Ordinance <ccordinance@gmail.com>  
**Sent:** Wednesday, December 27, 2023 8:14 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Fwd: I am sharing 'Requesting-Legislative-Review\_12\_NCAC\_09F (1)' with you

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----- Forwarded message -----

**From:** Sue Flaharty <sflaharty1@gmail.com>  
**Date:** Wed, Dec 27, 2023, 8:12 PM  
**Subject:** I am sharing 'Requesting-Legislative-Review\_12\_NCAC\_09F (1)' with you  
**To:** <Cordinance@gmail.com>

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<https://aka.ms/GetM365>

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Thursday, December 28, 2023 11:36 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] OBJECTION TO PROPOSED CCH RULES

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**From:** Cameron Harwell <charwell4341@live.com>  
**Sent:** Friday, December 22, 2023 11:01 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Cameron Harwell  
150 Silver Oak Cir  
Rockwell, NC 28138

December 20, 2023

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:



§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

(1) It is within the authority delegated to the agency by the General Assembly.

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(3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

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(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

Discussion and objections:

1. CERTIFICATES

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought

about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

## 1. CERTIFICATE FINANCES

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

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Discussion and objections:

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very

basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8th edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the

sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

## 1. "RED BOOK" FINANCES

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable.

When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## 1. WHO ARE MAKING THESE DECISIONS?

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

1. How many of you own firearms? No more than six hands were raised.
2. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
3. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
4. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## CONCLUSION

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by

increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Thursday, December 28, 2023 11:37 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] OBJECTION TO PROPOSED NC CCH RULES  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

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**From:** Austin Conrad <rapiddefensesolutions@gmail.com>  
**Sent:** Friday, December 22, 2023 1:46 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] OBJECTION TO PROPOSED NC CCH RULES

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached. Thank you

--

Austin Conrad  
Rapid Defense Solutions LLC

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



Austin Conrad  
1409 Ashley Rd  
Yadkinville, NC 27055

## **OBJECTION TO PROPOSED CCH RULES**

**December 22, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

**12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

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infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Thursday, December 28, 2023 11:37 AM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Letter  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

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**From:** Suzanne Hall <ramcatarms@gmail.com>  
**Sent:** Friday, December 22, 2023 9:54 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Letter

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Attached is my letter

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Lisa Suzanne Hall  
5508 Rena Rd  
Hamptonville NC 27020  
Owner of Ramcat Arms llc

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;



## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

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**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Friday, December 22, 2023 10:20 AM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N  
**Subject:** FW: [External] Letter  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**Ashley Snyder**  
Codifier of Rules  
Office of Administrative Hearings  
(984) 236-1941

---

**From:** Suzanne Hall <ramcatarms@gmail.com>  
**Sent:** Friday, December 22, 2023 9:54 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Letter

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached is my letter

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Lisa Suzanne Hall  
5508 Rena Rd  
Hamptonville NC 27020  
Owner of Ramcat Arms llc

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

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**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.



The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

**12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

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This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

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The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

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**From:** Ralph Harper <RAHarper2022@outlook.com>  
**Sent:** Thursday, December 21, 2023 5:27 AM  
**To:** Rules, Oah  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES  
**Attachments:** CCH Letter.docx

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Attached is a letter in reference to proposed rule changes for NC CCH instructors.

Ralph A Harper  
(828) 303-0568

Ralph A Harper  
718 Hunters Ridge Rd  
Taylorsville, NC, 28681

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

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**Burgos, Alexander N**

---

**From:** CHARLES KRESZOCK <cmkreszock@bellsouth.net>  
**Sent:** Wednesday, December 20, 2023 10:02 PM  
**To:** Rules, Oah  
**Subject:** [External] Proposed CCH Rules

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EMAIL TO:

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The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

## **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

## **3. RED BOOK (STATE HANDBOOK)**

**12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite

archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### 4. "RED BOOK" FINANCES

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable.

When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

#### 5. WHO ARE MAKING THESE DECISIONS?



Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

### CONCLUSION

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

Charles M. Kreszock, Ed.D.

PO ox 2191

Boone, NC. 28607

## Burgos, Alexander N

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**From:** James Carr <coastalfirearmstraining@gmail.com>  
**Sent:** Wednesday, December 20, 2023 5:54 PM  
**To:** Rules, Oah  
**Subject:** [External] Letter of Objection to proposed CCH Rules  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Greetings NC CCH Rules Committee,  
Attached is my letter of objection to the proposed CCH rules. Please consider my views as with others that have expressed their dis-satisfaction to the new rules.

Respectfully,

James E. Carr  
Coastal Firearms Training  
Owner / Instructor

James E. Carr (Coastal Firearms Training)  
182 Pender Rd  
Spring Lake, NC, 28390

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

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## **5. WHO ARE MAKING THESE DECISIONS?**

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## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

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In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## **Burgos, Alexander N**

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**From:** Phil Digh <nra.instructorphil@yahoo.com>  
**Sent:** Wednesday, December 20, 2023 5:12 PM  
**To:** Rules, Oah  
**Subject:** [External] Objection to proposed CCH rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

John P. Digh  
215 Tennessee Trail  
LINCOLNTON , N. C. 28092

## **OBJECTION TO PROPOSED CCH RULES**

December 20, 2023

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

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others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

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It should be noted that the Red Book is in its 8th edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### 1. "RED BOOK" FINANCES

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable.

When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

#### 1. WHO ARE MAKING THESE DECISIONS?

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

1. How many of you own firearms? No more than six hands were raised.
2. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
3. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
4. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

#### CONCLUSION

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

Phil Digh

Sent from my iPhone

**Burgos, Alexander N**

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**From:** Gordon Sutton <trainingsheepdogs@outlook.com>  
**Sent:** Wednesday, December 20, 2023 3:42 PM  
**To:** Rules, Oah  
**Cc:** Gordon Sutton  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see attached,

Thank you,

Gordon Sutton  
919-931-1472

Gordon Sutton  
2361 L T Hardee Rd  
Greenville, NC 27858

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

(1) It is within the authority delegated to the agency by the General Assembly.

(2) It is clear and unambiguous.

(3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.



The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

**12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

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## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
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## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 3:28 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Objection to proposed rules changes

**From:** Carlo DeBlasio <ckdeblasio@gmail.com>  
**Sent:** Wednesday, December 20, 2023 3:07 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Objection to proposed rules changes

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Carlo DeBlasio

8409 Lillys Ct.

Greensboro, NC 27455

EMAIL TO: oah.rules@oah.nc.gov

OBJECTION TO PROPOSED CCH RULES

December 20, 2023

N.C. Rules Review Commission

1711 New Hope Church Rd.

Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

12 NCAC 09F .0105 Item (4) of the rule reads:

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

Discussion and objections:

#### 1. CERTIFICATES

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

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eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

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4. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## CONCLUSION

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.

Carlo DeBlasio  
Mobile: 914-388-3191

8409 Lillys Court  
Greensboro, NC 27455

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 2:47 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Objection to Proposed CCH Rules  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**From:** blackbeartacdef <blackbeartacdef@protonmail.com>  
**Sent:** Wednesday, December 20, 2023 2:42 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Objection to Proposed CCH Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please find my letter attached objecting to the rules change for CCH Instructors.

### **Black Bear Tactical Defense, LLC Affiliate Links:**

#### **U.S. Law Shield Membership Link**

[https://www.texaslawshield.com/member\\_signup.php?promo=Bbtd](https://www.texaslawshield.com/member_signup.php?promo=Bbtd)

#### **NRA Membership (Discount for New & Renewal Memberships)**

<https://membership.nrahq.org/forms/signup.asp?campaignid=XI031522>

#### **Vedder Holsters Brand Ambassador Link**

[http://www.vedderholsters.com?afmc=25c&utm\\_campaign=25c&utm\\_source=leaddyno&utm\\_medium=affiliate](http://www.vedderholsters.com?afmc=25c&utm_campaign=25c&utm_source=leaddyno&utm_medium=affiliate)

#### ***Wes Underwood***

***CRSO/NRA Certified Instructor/NC Conceal Carry Instructor***

***U.S. Law Shield Partner Affiliate***

***NRA Recruiter***

***Vedder Holsters Brand Ambassador***

***Black Bear Tactical Defense, LLC***

***Ph # - 919-356-6674***

***[blackbeartacdef@protonmail.com](mailto:blackbeartacdef@protonmail.com)***

***Proverbs 3:5,6 Trust in the Lord with all thine heart, and lean not unto thine understanding. In all thy ways acknowledge him and he shall direct thy paths***

Sent with [Proton Mail](#) secure email.

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Jonathan Wesley Underwood  
112 Tower Ridge Ln  
Sanford, NC, 27330

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each, with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

#### **12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.



It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 2:41 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] CCH North Carolina Rules /Red Book  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**From:** On Post Protection Conceal Carry Handgun On Post <onpostpublicsafety@gmail.com>  
**Sent:** Wednesday, December 20, 2023 2:39 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] CCH North Carolina Rules /Red Book

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YOUR NAME On Post Public Safety Protection LLC  
YOUR ADDRESS 1040 Dale Earnhardt Blvd #1046  
YOUR CITY, Kannapolis STATE NorthCarolina, ZIP 28083

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## OBJECTION TO PROPOSED CCH RULES

December 20, 2023

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

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(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

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- a. How many of you own firearms? No more than six hands were raised.
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Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 2:33 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Objection to rules change  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**From:** Eric Treat <erictreat67@gmail.com>  
**Sent:** Wednesday, December 20, 2023 2:30 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Objection to rules change

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Thanks

Eric Treat  
erictreat67@gmail.com  
Cell (704)280-0859

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Eric Treat  
118 Water Oak Ln.  
Stanfield NC 28163

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

#### **12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

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This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's

driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

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The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**



## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 1:28 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] OBJECTION TO PROPOSED CCH RULES

**From:** Stephen Reeves <stephen.reeves@gmail.com>  
**Sent:** Wednesday, December 20, 2023 1:27 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES

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Thank you.

Stephen Reeves  
Clayton, NC

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 12:26 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Letter attached  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**From:** George Gaines <wgeorgegaines@gmail.com>  
**Sent:** Wednesday, December 20, 2023 12:23 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Letter attached

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please read my letter in opposition to proposed CCH Rules.

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W. George Gaines  
346 Slave Drive  
Hayesville, NC 28904

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

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This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

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driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication, and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

A handwritten signature in cursive script that reads "W. George Gaines". The signature is written in dark ink and is positioned above the printed name.

W. George Gaines

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 12:47 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] Proposed CCH Rules  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**From:** William Setliff <bosetliff@gmail.com>  
**Sent:** Wednesday, December 20, 2023 12:41 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Proposed CCH Rules

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Please see the enclosed letter regarding Proposed CCH Rule.

Frankly, the BEST thing you all should do is propose legislation that would make us a Constitutional Carry state, as have so many other states. By way of reminder, possessing firearms is a RIGHT and as you know, the Supreme Court just recently upheld “our” right to defend ourselves; specifically with handguns. Hard to do that if you have to spent the \$200.00 required by the NC Dept of Justice in order to be ABLE to carry a handgun concealed. On average it costs an individual \$100.00 to attend a concealed carry class. Then \$75.00 to the Sheriff’s department to perform a background check – which was done when the person purchased their firearm and costs ZERO dollars to perform. And the Sheriff’s department charges for the fingerprinting and certification of the application. It costs less to get a driver’s license, which is a privilege than to receive a concealed handgun permit.

I know many persons who simply cannot afford these costs, forcing them to break your law by carrying concealed without a permit or not being able to protect themselves by carrying. Many of these people live in the very areas where they need to provide for their own protection the most! You all have removed these person’s right to protect themselves!

The alternative is for people to open carry. Imagine if those who carry concealed handgun permits all chose to open carry – which we CAN legally do. Would that not incite violence?

Last, the reason the NC Justice Department gives for all this is to ensure concealed carry permittees are “trained.” Again, this is completely ridiculous. We teach driver’s education in high school – with driving being a privilege. Owning and using firearms is a RIGHT. Firearm safety and the things taught in the concealed carry course SHOULD BE TAUGHT IN SCHOOL as a mandatory classes, starting in grade school with firearm safety, progressing to legalities in high school! I hear SO much about gun violence being such a concern by legislators, and frequently the statistics regarding children shooting someone are trounced about. Want to actually do something to minimize the number of children shooting themselves or others? TEACH FIREARM SAFETY in school!

Stop talking about firearm safety and actually do something productive. Making us a constitutional carry state and mandating firearm safety training in schools would go a LONG way towards this end. Check out the statistics of the change in firearm violence in states with constitutional carry.....

William T (Bo) Setliff Jr, MMC(SS), USN, Retired

[BoSetliff@Gmail.com](mailto:BoSetliff@Gmail.com)

Cell:434-770-6624

2305 Main St Ext

Elizabeth City NC 27909

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

William T Setliff Jr, MMC(SS) USN Retired  
2305 Main St Ext  
Elizabeth City, NC 27909

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;



## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

#### **12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

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In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

**Burgos, Alexander N**

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**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 12:56 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] OBJECTION TO PROPOSED CCH RULES

**From:** Adam Sexton <adam.d.sexton64@gmail.com>  
**Sent:** Wednesday, December 20, 2023 12:54 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Sexton, Adam D.  
295 Chestnut Dr.  
Raeford, NC 28376

**OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

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**Discussion and objections:**



This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. Every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has

decided to mandate the “Red Book” be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the “Red Book,” which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency’s product without approval criteria is largely unrealistic because the agency’s manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### 4. **“RED BOOK” FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable.

When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency’s reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission’s own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency’s decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commissionmembers:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

v/r  
Adam D. Sexton

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Wednesday, December 20, 2023 1:06 PM  
**To:** Burgos, Alexander N; Peaslee, William W  
**Subject:** FW: [External] OBJECTION TO PROPOSED CCH RULES  
**Attachments:** Requesting-Legislative-Review\_12\_NCAC\_09F.docx

**From:** fmattship@aol.com <fmattship@aol.com>  
**Sent:** Wednesday, December 20, 2023 1:01 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] OBJECTION TO PROPOSED CCH RULES

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Sincerely,  
Frederick M. Shipley

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Frederick M. Shipley  
1015 Stone Cross Drive  
Spring Lake, NC, 28390

EMAIL TO: [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov)

## **OBJECTION TO PROPOSED CCH RULES**

**December 20, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor's name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

## **Discussion and objections:**

### **1. CERTIFICATES**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's recent decision to impose new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of requiring instructors to purchase state issued certificates .

The certificates, as described, are serialized and embossed. They are sold to the instructors for \$2.00 each. with a minimum purchase of 25 certificates. The Concealed Carry Handgun (CCH) instructor completes the certificates after a student satisfactorily passes the course. The completed certificate includes the student's full name, the course completion date, the instructor's signature, and identification number. Should students apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office to prove they attended and passed the requisite course. After fee payment, the Sheriff's Office completes the application process, eventually using an online form sent to NCSBI devoid of the instructor's name or ID number, requesting permit issuance. The certificates are then no longer involved in the process. There is no specific direction for how these certificates are handled afterward, noting that the state has no authority to make demands on any of the 100 sheriffs. The certificates may be disposed of, imaged, stored in boxes or file cabinets, and in no required chronological order, i.e., name of the instructor, name of the student, date of the course, and serve no purpose from then on.

### **2. CERTIFICATE FINANCES**

As noted above, the state sells the certificates to the instructors for \$2.00 each. The state prints these certificates from one of the state prison facilities for \$0.12 per copy. Instructors must purchase them in minimum quantities of 25, making a profit of \$1.88 each. Last year, 81,511 new permits were processed, and the mandate created a minimum revenue stream of \$153,200.00 for the agency. By mandating the time-consuming process of embossing and serializing certificates, the agency has made itself the sole provider and sole beneficiary of these certificates. This is nothing shy of a scam that has done nothing productive and is useless, yet it creates a revenue stream for the agency on the back of CCH instructors, students, and citizens.

The alleged purpose of these certificates was to presumably provide a method of backtracking and associating the student to the instructor in the event of an investigation, however, without the relevant information being transmitted to NCSBIU, that mission is a failure. Instructors should be able to create and print their own certificates of student compliance that contain the information required for transmission to NCSBI and tracking purposes, as is the case in all other states, absent any impractical serialized, expensive, and time-consuming embossing, placed upon employees of the state.

The current agency-issued certificates in and of themselves do not do that. This rule is unnecessary to accomplish the agency's specific purposes, creates a negative and expensive cumulative effect, and should be revoked.

### **3. RED BOOK (STATE HANDBOOK)**

#### **12 NCAC 09F .0105 Item (10) of the new rule, as posted to us, reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the "Concealed Carry Handgun Training" manual (Red [book) Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy. The contents of the "Concealed Carry Handgun Training" manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

#### **Discussion and objections:**

This new proposal dictates that Concealed Carry Handgun (CCH) instructors provide students with a current copy of the "Concealed Carry Handgun Training" manual, more commonly referred to as the "Red Book." New language has been added to include an alternative training manual that includes the content of the most current "Red Book." Instructors across the state vary in teaching styles but must cover the material outlined in the Red Book at a minimum which instructors agree. Teaching methods vary by instructors as to what they deem is most efficient and comprehensive. Some provide the Red Books to their students, some read from the Red Book verbatim, while others have created comprehensive and detailed PowerPoint presentations that guide their students through the required material much more efficiently and effectively, and the curriculum has been state-approved. The "Red Book" is an elementary guide that sets the baseline for required content. It does not include many important considerations and at best, it is a very basic instructor outline for a class. The primary point is that all courses of instruction must be approved by the state, regardless of presentation format.

The agency (Criminal Justice Training and Education Standards) is implementing this rule, which has been non-existent for 20 years, in appearance, to ensure the basic training requirements for CCH are met when its actual purpose appears to be financial. During the two public meetings on these rules, numerous concerns and recommendations were brought to the committee's attention on this topic alone. Many CCH instructors oppose mandating the use of the Red Books, citing that since all courses must be approved, the Red Book is costly and an optional teaching methodology. It places a financial burden on the instructor, students, and citizens. The commission was also asked if the manual could be placed on individual instructor websites or the internet for free access with a negative response due to alleged copyright, yet to be substantiated as existent, much like the DMV's



driver's license manual, which would then be accessible to all permit holders since the beginning of time, who have never been required to have a "Red Book", including to those who must renew their permits every five (5) years. every five years would have immediate, real-time, and accurate access to current and relevant information. The relevant agency responded (1) that the state copyrighted the "Red Book", and was unsure if they could post it online. For over seven months, despite multiple requests, we have not received a response confirming a copyright's existence. We believe it can be and should be posted as other state manuals, including the NC Sheriff's Association's own CCH rule publication. and (2) we are hindered by the constant never-ending position that this will be explored "sometime in the future". It needs to be now! Our research of copyrights via the Library of Congress website has yet to reveal the existence of any copyright for the "Red Book", and the state has not produced a copyright number.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average, every 3.5 years, the manual is updated for various reasons. As noted and during official meetings, not all instructors provide the Red Book, nor have they been required to do so. Their outlines and the materials they provide have been accepted in the past without requiring a Red Book mandate. Now, after all the years past, the state has decided to mandate the "Red Book" be provided to each CCH student at a cost. There is no definitive or statutory reason for such a mandate other than financial gain. That seems quite archaic when access to real time information, if it were on the internet, could be viewed online at any time by computer or cell phone. The agency now offers an option to present a privately created and printed manual that must include at least the same material as the "Red Book," which the agency must approve for use; however, the rule contains no provisions, procedures, or methods of how that will be accomplished. The reality of competing with the agency's product without approval criteria is largely unrealistic because the agency's manual is periodically updated by the state and is printed in a correctional facility by inmate labor. In essence, the agency has created a protected market where it has become the sole and exclusive provider of the handbook it requires. The state has become the sole provider, mandating the purchase, printing it at taxpayer expense, at a non-competitive rate, and creating another financial windfall. Since it is on paper, it cannot be updated as if it were online, forcing instructors to purchase new editions when changes are made.

#### **4. "RED BOOK" FINANCES**

The state raised the price of the Red Book to \$8.50 for each copy in 2022. The following was brought to light between the two recent public meetings: The books cost the agency \$3.26 each. Printed in a correctional facility. They were sold for a profit of \$3.73 each. Last year, over 81,511 new permits were processed. Had the new rule been in place, a profit of \$304,036.00 would have occurred. Perhaps out of public embarrassment, the price was lowered to \$6.99 a copy, which would still result in a substantial profit at the expense of those instructing or obtaining their permit and does not include shipping or tax. It was also discovered that the only approved shipping was UPS, and as an example, purchasing two books totaling \$14.00 carried an additional \$21.00 for shipping, which is unconscionable. When these new and continued revenue streams are totaled, including instructor permits, some estimates indicate \$10-14 million annually.

It appears that the new proposed rules are designed for one purpose: not to benefit those wishing to obtain their permit but to provide funding to the state.

Given the agency's reluctance to explore more efficient, cost-effective, and far-reaching means to accomplish its specific purposes, which in this instant should be to provide instructors, CCH students, and the CCH community at large with continued access to accurate and updated information, it has failed to meet the Commission's own criteria.

As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed, which it has never done since carry permits came into existence, when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change and this mandate is to secure a consistent revenue stream for the agency from instructors and permittees. We find that to be completely unacceptable.

## **5. WHO ARE MAKING THESE DECISIONS?**

Government can and should do better. During the last public session with the agency on November 15, 2023, an attendee posed the following questions to the commission members:

- a. How many of you own firearms? No more than six hands were raised.
- b. How many of you have read the Red Book upon which you base your decisions? One or two hands were raised.
- c. There are no CCH Instructors on the commission, nor does it have an advisory committee from which it could seek subject matter expertise for consideration.
- d. That is partly why well over 350 CCH instructors from across the state appeared in person at the first public meeting in Raleigh in August to voice their opposition to these rules. Government can and should do better. It is unreasonable that rules for the carrying of a concealed firearm should be made by people who have zero experience in teaching the course.

## **CONCLUSION**

The proposed rules have a common thread: They create a sole provider situation with the specific state agency being its primary benefactor. Both rules have alternative and viable options available that would be more or equally effective while reducing the costs to instructors and citizens. Both rules have deviated from their specific purpose and intent related to the administration of the CCH program and are solely designed to create additional funding for the state agencies involved in the process.

According to NCSBI, over 870,000 North Carolinians are active CCH permit holders. Amongst them are an estimated 2700 current CCH-certified instructors. This is not a small program by any means. Some would view these new mandates as an overreach and

infringement of a lawful right. Public data indicates that most citizens support the need for formalized firearm training related to concealed carry; however, most do not support being taken advantage of by the government by increasing the costs to obtain a permit and increasing the coffers of the state agencies involved, with no reasonable alternatives or explanation other than financial benefit.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, their true intent of the state agency, the viable and better options available to that agency, and the cumulative effect these rules will have on instructors and citizens and in doing so, I trust you will reach the same conclusion as us instructors and vocal citizens have, and object to these rules.

Thank you.

**On behalf of instructors, students, and citizens, I appreciate your consideration in objecting to the imposition of these rules.**

## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Thursday, December 14, 2023 7:55 AM  
**To:** Burgos, Alexander N  
**Subject:** FW: [External] Objection to proposed Rules  
**Attachments:** Requesting-Legislative-Review 12 NCAC 09F .0105 .0105[1].docx

***Dana McGhee***

*Publications Coordinator*

*Office of Administrative Hearings*

*984-236-1937*

[dana.mcgee@oah.nc.gov](mailto:dana.mcgee@oah.nc.gov)

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**From:** Harvey E. Morse <harvey@probate.com>  
**Sent:** Wednesday, December 13, 2023 7:41 PM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] Objection to proposed Rules

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Dear Committee,

Please find attached a copy of a letter sent by USPS objecting to the Rules Proposals regarding Concealed Carry Instructors. Please acknowledge receipt of this email for my records.

Thank you.



President, NCCCIA  
Harvey E. Morse  
[harvey@probate.com](mailto:harvey@probate.com)  
Cell: (828) 631-0000

Harvey E. Morse  
10 Camden Downs Road  
Waynesville, NC 28785

President: North Carolina Concealed Carry Instructors Association, Inc.

**December 13, 2023**

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically, under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

**Discussion:**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's (agency) recent decision to impose these new rules, there have been subsequent inquiries, and discussions brought about during the two public meetings, that have brought into

question the necessity and cumulative effect of the agency issued certificates noted above.

The certificates, as described, are serialized, and embossed by the agency. They are sold to the instructors for \$2.00 a piece with a minimum of 25 certificates per purchase. The certificates are completed by the Concealed Carry Handgun (CCH) instructor after a student satisfactorily passes the course. The completed certificate is to include the student's full name, the date the course was completed, the instructor's signature and the agency issued instructor identification number. If the student decides to apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office as proof that they did attend the prerequisite course. The Sheriff's Office completes the application process subsequently transferring the information off the certificates on to a digital format that is sent to NCSBI for the final steps of the approval process. For all practical purposes, the certificates are no longer involved in the process. It has been determined there is no specific direction as to how or what to do with these documents. They are stored in boxes, cabinets or wherever but serve no useful purpose from then on.

As noted above, the certificates are sold to the instructors for \$2.00 ea. The certificates are initially purchased by the agency from one of the state prison facilities at a cost of \$0.12 per copy. They are being sold for a profit of \$1.88. each. Last year, 81,511 new permits were processed. That created a revenue stream of approx. \$153,200.00 for the agency. By mandating their serialized and embossed certificates, the agency has made itself the sole provider, the sole beneficiary, for this instrument. This is nothing shy of a scam that has done nothing productive but to create a revenue stream for the agency on the back of CCH instructors and students.

The only credible reason for these agency certificates to be serialized may be for the agency's accounting purposes i.e.. How many certificates did we sell last year. As far as being able to "back track" a certificate in the event of an investigation, what is most important and revealing is the students name, the date of the course and the instructor's information which is not transmitted to NCSBI and they end up in a box in each of the 100 SDheriff's Offices across the state. That important information is initially trapped by the Sheriff's and transmitted to NCSBI. Instructors should be authorized to create and print their own certificates of compliance if they meet the prescribed requirements absent the serialized and embossed agency information as is the case in all other states.

The purpose of the rule is to ensure an applicant for a CCH permit has completed the prerequisite training by a certified instructor and the information being submitted for the CCH application is valid and if need be, trackable. Clearly, the agency issued certificate in and of itself does not do that. It is the information placed on those certificates by the instructors and then transferred to the NCSBI via the Sheriff's that does. This rule is not reasonably necessary to accomplish the agency's specific purpose while creating a negative cumulative effect and should be objected.

## **12 NCAC 09F .0105 Item (10) of the new rule as posted to us reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the “Concealed Carry Handgun Training” manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy. The contents of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

### **Discussion:**

This new rule mandates Concealed Carry Handgun (CCH) students be provided for their permanent personal use a current copy of the “Concealed Carry Handgun Training” manual more commonly referred to as the “Red Book” or an alternative training manual that includes all the content of the most current “Red Book”. Instructors across the state vary in their presentation styles but they are required to cover the material outlined in the Red Book at a minimum. Some provide the Red Book to their students, some may read from the book verbatim, others have created power point presentations etc. that guide their presentations through the required material. The Red Book is a very basic guide, touching on standard handgun information, safety rules and laws relevant to self-defense, use of force, and concealed carry etc. At best, it is a very basic instructor type outline for a class.

The agency (Criminal Justice Training and Education) is implementing this rule under the guise of ensuring the basic training requirements for CCH are met. During the two public meetings on these rules, numerous concerns and recommendations were brought to the agency’s attention on this topic alone. Many CCH instructors oppose the mandate citing in many cases the Red Book being unnecessary and a burden on both the instructor and the students. The agency was also asked if the manual could be placed on individual instructor websites for access or to have the manual posted on the Criminal Justice website with free access much like the DMV’s driver license manual, so that the general public, CCH students, CCH instructors, and those who are renewing their CCH permits (every five years) would have immediate, real time and accurate access to current and relevant information if needed. The agency’s response was that the Red Book was copyrighted by the state and the agency was not sure if they could post it online (we have yet to receive a response from the agency on that question but believe it can be done) and (2) that they will explore the internet concept in the future.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average every 3.5 years the manual is updated for a variety of reasons that include legal updates. As noted above and during those open discussions, not all instructors provide the Red Book. They

have not been required to do so. Their outlines and the materials they provide have been accepted in the past without the need for a Red Book mandate. Now, the agency has decided to mandate the Red Book be provided to each CCH student as a training guide and future reference. There was no definitive reason for such a mandate other than the agency felt students should have something in hand to reference in the future. That seems quite archaic when access to real time information could be viewed online at any time with a cell phone. The agency offers an alternative option in the rule. That option is to present a privately created and printed manual that must include at least the same material as the Red Book and that the agency must approve for use. The reality of competing with the agency's product, the Red Book, is unrealistic due in large part because the agency's manual was initially written and is periodically updated by state employees, and it is produced in one of our prison facilities with prison labor etc. In a sense, the agency has created a protected market, where it is basically the sole provider for this manual. A sole provider mandating the purchase of its product for CCH students, NC taxpayers, who have already paid in part for the entire production of this manual at least once over.

For the Commission's reference, the agency had raised the price of the Red Book to \$8.50 in 2022. Between the two recent public meetings on this matter, meetings that brought the following to light, the Justice Academy lowered the price of their Red Book to \$6.99 plus shipping. The books cost the agency \$3.26 each. As noted above, they are produced in one of our state prison facilities and sold by the agency for a profit of \$3.73 ea. Last year over 81,511 new permits were processed. That alone could have created a \$304,036.00 profit for the agency had this rule been in place then. Similar revenue streams for the agency can be found in the agency's mandatory Certificate rule, CCH permit application fees, CCH renewal fees, and the annual instructor renewal fees. Some estimates bring all these revenue streams from the CCH program between \$10-14 million per year for the state.

The agency has been asked to place this handbook on the Internet so it would be available to all carry permit holders and all citizens who would like to avail themselves of the information. The agency refuses to do so, as it would lose its revenue stream.

Given the agency's reluctance to explore more efficient, cost effective and far-reaching means to accomplish their specific purpose which in this instant should be to provide CCH students, and the CCH community at large, with continued access to accurate and updated information, it has failed to meet the Commission's third criteria. As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change, this mandate, is not truly intended to accomplish that specific purpose at all, but more so to secure another consistent revenue stream for the agency. And that is unacceptable.



## **Conclusion:**

Both agency rules noted herein have common themes. They have been tailored by the agency to appear to focus on specific purposes, establishing the basic curriculum for CCH certification and the ability to validate that those applying for CCH have met the prerequisite training as established by the state. Both rules create a sole provider situation with the agency being its primary benefactor. Both have viable options available to the agency that would be more or just as effective while reducing the cost to the user. Both rules have deviated from their specific purpose related to the administration of the CCH program and are clearly designed to create additional funding for the agency.

According to NCSBI there are over 870,000 North Carolinians who are active CCH permit holders. Amongst them are an estimated 2600 -2700 current CCH instructors. This is not a small program by any means. There are some who would view this overreach as an infringement of a right. Public data indicates the majority are very supportive of the need for formalized firearm training as it relates to concealed carry. Not many support being taken advantage of and that certainly appears to be the issue at hand here.

Government can and should do better. During the last public session with the agency on November 15, 2023, the following questions were posed to the agency commission by an attendee. How many of you own firearms? And how many of you have read the Red Book? Affirmative responses were few. Not encouraging at all. Decisions are being made with limited input. There was no CCH Instructor on that board. The agency commission had no external advisory board to provide subject matter expertise for consideration. And that is in part why well over 300 CCH instructors from across the state appeared in person at the first public meeting in Raliegh in August to voice their opposition to these rules. Government can and should do better.

In closing, I ask the Commission to consider the specific purpose of the agency's rules discussed here, the true intent of the agency, the viable options available to the agency and the cumulative effect these rules will have on all involved and in doing so, I trust you will come to the same conclusion, and object to these rules.

Thank you for your consideration.

Respectfully submitted,

Harvey E. Morse  
Deputy Sheriff  
President, North Carolina Concealed Carry Instructor's Association, Inc.

Harold Katt  
PO Box 1058  
Maggie Valley, NC 28751  
NC CCH Instructor  
Concealed Carry Academy, Waynesville, NC  
Member, North Carolina Concealed Carry Instructors Association

11/28/2023

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

Members of the Commission:

I request that the above rule be reviewed in the upcoming legislative session as set out in N.C.G.S. 150B-21.3. I specifically object to items listed (4) and (10) of the rule as they fail to meet the Rules Review Commission criteria, specifically, under item (3), established by the statute below:

§ 150B-21.9. Standards and timetable for review by Commission.

(a) Standards. - The Commission must determine whether a rule meets all the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.

**12 NCAC 09F .0105 Item (4) of the rule reads:**

(4) be issued by Commission staff a quantity of certificates as requested by the instructor for course participants that shall bear the instructor name, the instructor assigned number, be sequentially numbered, and bear the raised seal of the Commission;

**Discussion:**

As a result of the N.C. Criminal Justice Education and Training Standards Commission's (agency) recent decision to impose these new rules, there have been subsequent inquiries,

and discussions brought about during the two public meetings, that have brought into question the necessity and cumulative effect of the agency issued certificates noted above.

The certificates, as described, are serialized, and embossed by the agency. They are sold to the instructors for \$2.00 a piece with a minimum of 25 certificates per purchase. The certificates are completed by the Concealed Carry Handgun (CCH) instructor after a student satisfactorily passes the course. The completed certificate is to include the student's full name, the date the course was completed, the instructor's signature and the agency issued instructor identification number. If the student decides to apply for a CCH permit, they must submit this certificate to their respective Sheriff's Office as proof that they did attend the prerequisite course. The Sheriff's Office completes the application process subsequently transferring the information off the certificates on to a digital format that is sent to NCSBI for the final steps of the approval process. For all practical purposes, the certificates are no longer involved in the process. It has been determined there is no specific direction as to how or what to do with these documents. They are stored in boxes, cabinets or wherever but serve no useful purpose from then on.

As noted above, the certificates are sold to the instructors for \$2.00 ea. The certificates are initially purchased by the agency from one of the state prison facilities at a cost of \$0.12 per copy. They are being sold for a profit of \$1.88. each. Last year, 81,511 new permits were processed. That created a revenue stream of approx. \$153,200.00 for the agency. By mandating their serialized and embossed certificates, the agency has made itself the sole provider, the sole beneficiary, for this instrument. This is nothing shy of a scam that has done nothing productive but to create a revenue stream for the agency on the back of CCH instructors and students.

The only credible reason for these agency certificates to be serialized may be for the agency's accounting purposes i.e.. How many certificates did we sell last year. As far as being able to "back track" a certificate in the event of an investigation, what is most important and revealing is the students name, the date of the course and the instructor's information. That important information is initially trapped by the Sheriff's and transmitted to NCSBI. Instructors should be authorized to create and print their own certificates of compliance if they meet the prescribed requirements absent the serialized and embossed agency information.

The purpose of the rule is to ensure an applicant for a CCH permit has completed the prerequisite training by a certified instructor and the information being submitted for the CCH application is valid and if need be, trackable. Clearly, the agency issued certificate in and of itself does not do that. It is the information placed on those certificates by the instructors and then transferred to the NCSBI via the Sheriff's that does. This rule is not reasonably necessary to accomplish the agency's specific purpose while creating a negative cumulative effect and should be objected.

## **12 NCAC 09F .0105 Item (10) of the new rule as posted to us reads:**

(10) Provide each student for their permanent personal use [with] a current copy of the “Concealed Carry Handgun Training” manual (Red [book] Book) manual as] published by the North Carolina Justice [Academy.] Academy, or an alternative training manual that includes all the content of the most current copy of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy. The contents of the “Concealed Carry Handgun Training” manual (Red Book) published by the North Carolina Justice Academy must be included in the curriculum for the CCH course. [The contents of this manual must be included in the curriculum for the CCH course.] Copies of this publication may be inspected at the agency:

### **Discussion:**

This new rule mandates Concealed Carry Handgun (CCH) students be provided for their permanent personal use a current copy of the “Concealed Carry Handgun Training” manual more commonly referred to as the “Red Book” or an alternative training manual that includes all the content of the most current “Red Book”. Instructors across the state vary in their presentation styles but they are required to cover the material outlined in the Red Book at a minimum. Some provide the Red Book to their students, some may read from the book verbatim, others have created power point presentations etc. that guide their presentations through the required material. The Red Book is a very basic guide, touching on standard handgun information, safety rules and laws relevant to self-defense, use of force, and concealed carry etc. At best, it is a very basic instructor type outline for a class.

The agency (Criminal Justice Training and Education) is implementing this rule under the guise of ensuring the basic training requirements for CCH are met. During the two public meetings on these rules, numerous concerns and recommendations were brought to the agency’s attention on this topic alone. Many CCH instructors oppose the mandate citing in many cases the Red Book being unnecessary and a burden on both the instructor and the students. The agency was also asked if the manual could be placed on individual instructor websites for access or to have the manual posted on the Criminal Justice website with free access much like the DMV’s driver license manual, so that the general public, CCH students, CCH instructors, and those who are renewing their CCH permits (every five years) would have immediate, real time and accurate access to current and relevant information if needed. The agency’s response was that the Red Book was copyrighted by the state and the agency was not sure if they could post it online (we have yet to receive a response from the agency on that question but believe it can be done) and (2) that they will explore the internet concept in the future.

It should be noted that the Red Book is in its 8<sup>th</sup> edition since 1995. On average every 3.5 years the manual is updated for a variety of reasons that include legal updates. As noted above and during those open discussions, not all instructors provide the Red Book. They

have not been required to do so. Their outlines and the materials they provide have been accepted in the past without the need for a Red Book mandate. Now, the agency has decided to mandate the Red Book be provided to each CCH student as a training guide and future reference. There was no definitive reason for such a mandate other than the agency felt students should have something in hand to reference in the future. That seems quite archaic when access to real time information could be viewed online at any time with a cell phone. The agency offers an alternative option in the rule. That option is to present a privately created and printed manual that must include at least the same material as the Red Book and that the agency must approve for use. The reality of competing with the agency's product, the Red Book, is unrealistic due in large part because the agency's manual was initially written and is periodically updated by state employees, and it is produced in one of our prison facilities with prison labor etc. In a sense, the agency has created a protected market, where it is basically the sole provider for this manual. A sole provider mandating the purchase of its product for CCH students, NC taxpayers, who have already paid in part for the entire production of this manual at least once over.

For the Commission's reference, the agency had raised the price of the Red Book to \$8.50 in 2022. Between the two recent public meetings on this matter, meetings that brought the following to light, the Justice Academy lowered the price of their Red Book to \$6.99 plus shipping. The books cost the agency \$3.26 each. As noted above, they are produced in one of our state prison facilities and sold by the agency for a profit of \$3.73 ea. Last year over 81,511 new permits were processed. That alone could have created a \$304,036.00 profit for the agency had this rule been in place then. Similar revenue streams for the agency can be found in the agency's mandatory Certificate rule, CCH permit application fees, CCH renewal fees, and the annual instructor renewal fees. Some estimates bring all these revenue streams from the CCH program between \$10-14 million per year for the state.

Given the agency's reluctance to explore more efficient, cost effective and far-reaching means to accomplish their specific purpose which in this instant should be to provide CCH students, and the CCH community at large, with continued access to accurate and updated information, it has failed to meet the Commission's third criteria. As noted above, it is not reasonably necessary to mandate the distribution of the Red Book now, or even a year from now as proposed when other more viable options can and should be made available in that time frame. What is evident is that the agency's decision to submit this rule change, this mandate, is not truly intended to accomplish that specific purpose at all, but more so to secure another consistent revenue stream for the agency. And that is unacceptable.

### **Conclusion:**

Both agency rules noted herein have common themes. They have been tailored by the agency to appear to focus on specific purposes, establishing the basic curriculum for CCH certification and the ability to validate that those applying for CCH have met the prerequisite training as established by the state. Both rules create a sole provider situation

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Thank you for your consideration.

Respectfully submitted,

Harold Katt

## Burgos, Alexander N

---

**From:** Rules, Oah  
**Sent:** Thursday, December 14, 2023 7:53 AM  
**To:** Burgos, Alexander N  
**Subject:** FW: [External] 12 NCAC 09F .0105 Objection  
**Attachments:** Requesting-Legislative-Review Nov 28^J 2023 .0105 (4)^LJ (10).pdf

***Dana McGhee***

*Publications Coordinator*

*Office of Administrative Hearings*

*984-236-1937*

[dana.mcgee@oah.nc.gov](mailto:dana.mcgee@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.

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**From:** Harry Katt <4rceoptions@gmail.com>  
**Sent:** Friday, December 1, 2023 11:43 AM  
**To:** Rules, Oah <oah.rules@oah.nc.gov>  
**Subject:** [External] 12 NCAC 09F .0105 Objection

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Thank you.

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## Burgos, Alexander N

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**From:** Rules, Oah  
**Sent:** Friday, December 1, 2023 1:23 PM  
**To:** Peaslee, William W  
**Cc:** Burgos, Alexander N  
**Subject:** FW: [External] 12 NCAC 09F .0105 Objection  
**Attachments:** Requesting-Legislative-Review Nov 28^J 2023 .0105 (4)^LJ (10).pdf

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PO Box 1058  
Maggie Valley, NC 28751  
NC CCH Instructor  
Concealed Carry Academy, Waynesville, NC  
Member, North Carolina Concealed Carry Instructors Association

11/28/2023

N.C. Rules Review Commission  
1711 New Hope Church Rd.  
Raleigh, NC 27609

Re: 12 NCAC 09F .0105 Items (4) and (10).

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### **Conclusion:**

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