

December 17, 2024

Via Certified Mail – Return Receipt Requested
USPS Tracking No.: 7014 1820 0002 3551 6302

Renee C. Metz
Assistant General Counsel
N.C. Alcoholic Beverage Control Commission
400 East Tryon Road
Raleigh, NC 27610

Re: Petition for Rulemaking; N.C. Private Protective Services Board
Our File: 3394.000001

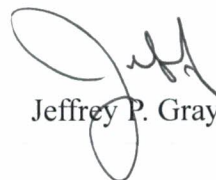
Dear Renee:

As discussed, enclosed is a Petition for Rulemaking from the North Carolina Private Protective Services Board.

I look forward to working with the Commission and you on this project.

Very truly yours,

BAILEY & DIXON, LLP



Jeffrey P. Gray

JPG/isc

Enclosure

cc: Tamara Rabenold
Paul Sherwin, Director
Private Protective Services Board

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA
ALCOHOLIC BEVERAGE
CONTROL COMMISSION

PETITION FOR RULEMAKING

TO: North Carolina Alcoholic Beverage Control Commission

NOW COMES the North Carolina Private Protective Services Board, an agency of the State of North Carolina, and hereby petitions the North Carolina Alcoholic Beverage Control Commission, pursuant to N.C. Gen. Stat. § 150B-20(a) and 14B NCAC 15A .0401, to amend two of its existing administrative rules. In support of this Petition, the Board shows the following:

1. The North Carolina Private Protective Services Board (hereinafter "Board") is an agency of the State of North Carolina and is established pursuant to the North Carolina Private Protective Services Act, N.C.G.S. § 74C-1, *et seq.* The Board is charged with the responsibility and duty to regulate the private protective services industry, which includes, *inter alia*, individuals and businesses providing unarmed and armed security guard and patrol services. "Security guard and patrol business" is defined by N.C.G.S. § 74C-3(a)(6).
2. The Board has a continuing problem with establishments that serve alcoholic beverages on premises -- typically "nightclubs" or similar establishments -- hiring or contracting with unlicensed, unregistered individuals or companies to provide armed or unarmed security guard services.
3. The agents of the North Carolina Alcohol Law Enforcement and a few municipal law enforcement agencies have been excellent partners in enforcing the Board's law and administrative rules (14B NCAC 16, *et seq.*) but they, and the Board, need additional requirements. Charging violators alone has not proven to be an effective method of encouraging compliance.
4. While the Commission does not have the authority to require establishments to hire security, it does have the authority to require establishments that hire or contract for security do so only with individuals or companies properly licensed pursuant to Chapter 74C of the North Carolina General Statutes. This is the legal equivalent of the Commission's authority to require an establishment meet local zoning requirements, State and local building code requirements, State and local historic preservation requirements, State and local fire codes, and recycle.
5. The Board proposes an amendment to 14B NCAC 15B .0103, Additional Permit Limitations and Requirements, to require any permittee who employs armed security or contracts with a company that provides unarmed or armed security certify to the Commission that the armed employee is properly registered or the contracted individual

or company is licensed and its guards registered. This amendment to .0103 would read as follows:

(h) No permittee shall employ a person as armed security unless that employee is a registered proprietary armed security guard pursuant to G.S. 74C-13 or contract with or hire an individual or a security guard and patrol company unless that individual or company is licensed pursuant to G.S. 74C-2.

6. Further, to facilitate the existing cooperative relationship the Board has fostered with ALE, local ABC officers, and other law enforcement, the Board proposes an amendment to 14B NCAC 15B .0210 to read as follows:

14B NCAC 15B .0210 COOPERATION WITH LAW ENFORCEMENT OFFICERS AND INVESTIGATORS

No permittee or his employee shall interfere with or fail to cooperate with an ALE agent, or any other law enforcement ~~officer~~ officer, or an investigator investigating a violation of Chapter 74C of the General Statutes, in the performance of his or her duties.

Respectfully submitted, this the 16th day of December, 2024.



Tamara Rabenold, Chair
North Carolina Private Protective Services Board

CERTIFICATE OF SERVICE

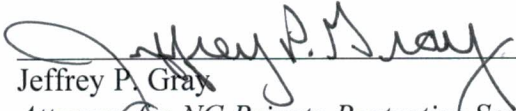
The undersigned hereby certifies that on this day the attached Petition for Rulemaking was served upon the North Carolina Alcoholic Beverage Control Commission by depositing a copy thereof in the United States mail, Certified, Return-Receipt Requested, postage prepaid and addressed as follows:

Renee C. Metz
Assistant General Counsel
N.C. Alcoholic Beverage Control Commission
400 East Tryon Road
Raleigh, NC 27610

This the 18th day of December, 2024.

BAILEY & DIXON, LLP

By:


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