

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0101

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

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

I know this Rule was reviewed in 2015, and the issue was raised then, but why do you need this Rule? It mainly recites G.S. 74C-9(a). What does this Rule do that the law does not?

If you need to retain it, please insert a comma after "associations"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0101 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0101 PURPOSE**

4 The Private Protective Services Board is established within the North Carolina Department of Public Safety for the
5 purpose of administering the licensing of and setting the education and training requirements for persons, firms,
6 associations and corporations engaged in the private protective services businesses within this State.

7

8 *History Note: Authority G.S. 74C-4;*

9 *Eff. June 1, 1984;*

10 *Transferred and Recodified from 12 NCAC 07D .0101 Eff. July 1, 2015;*

11 *Amended Eff. October 1, ~~2015~~ 2015;*

12 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC .0102

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

On line 4, what are "administrative offices"? Why do you need this term? Wouldn't "The office of the ... Board is located"?

Do you want to insert the Board's website in this Rule?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0102 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0102 LOCATION**

4 The administrative offices of the Private Protective Services Board are located at 3101 Industrial Drive, Suite 104,
5 Raleigh, North Carolina 27609, telephone (919) 788-5320.

6

7 *History Note: Authority G.S. 74C-4; 74C-5;*

8 *Eff. June 1, 1984;*

9 *Amended Eff. July 1, 2012; March 1, 2001; December 1, 1993; December 1, 1987;*

10 *Transferred and Recodified from 12 NCAC 07D .0102 Eff. July 1, 2015;*

11 *Amended Eff. November 1, ~~2017~~. 2017;*

12 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0103

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

You do not use the term defined in (1) anywhere in your Chapter. Do you need to retain it?

In (2), line 6, please insert a comma after "firm"

On line 7, please insert a comma after "registration"

In (3)(a), line 10, please state "his or her duties"

In (3)(b), line 11, who determines the "principal" duty? The employer or the Board?

The terms defined in Item (5) are only used in this Rule. Do you need to retain this?

In (6), this is mostly a restatement of G.S. 74C-13(a)(2). Do you need to restate it here so that the definition is generally applicable to all of your licensees/registrants/trainers, rather than just those who are armed?

On line 24, deemed by whom? The Board?

In (7), the only place you use this term in the Chapter is in Item (1) of this Rule and Rule .1003. Do you need to retain it?

In (8), line 27, please replace "said" with "the"

In (9), line 31, what is a "frequent and reasonable basis"? Who determines this? Based upon what?

In (10), line 34, please insert a comma after "hearings"

In (13), Page 2, line 3, please insert a comma after "corporation"

In (13)(b), line 11, what is "regularly and exclusively"? Who determines this? Or is this to parrot the language in G.S. 74C-163(a)(3)? And if so, is this definition being restated here to have it generally applicable to all classes of licensees/registrants/trainers?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

In (16), the defined term is only used in this Rule. Do you need to retain it?

If you retain it, on line 18, designated by whom? The employer?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0103 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0103 DEFINITIONS**

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

- 5 (1) "Agency Head" means the Chairman of the Board.
- 6 (2) "Applicant" means any person, firm or corporation applying to the Board for a license, trainee
7 permit, registration or firearms trainer certificate.
- 8 (3) "Armed Private Security Officer" means an individual employed, full time or part time, by a contract
9 security company or a proprietary security organization:
- 10 (a) who at any time wears, carries, or possesses a firearm in the performance of his duties; and
11 (b) whose principal duty is that of:
- 12 (i) an armed security guard, officer, patrol, or watchman;
13 (ii) an armed armored car service guard;
14 (iii) a private detective; or
15 (iv) an armed courier service guard.
- 16 (4) "Board" means the Private Protective Services Board established by G.S. 74C.
- 17 (5) "Branch Manager or Operator" means the individual endowed with the responsibility and liability
18 for a branch office.
- 19 (6) "Branch Office" means a separate but dependent part of a central organization engaged in the
20 business of providing private protective services established for the purpose of extending the
21 activities of the central organization. The establishment of a telephone number or mailing address
22 in the company name constitutes prima facie evidence of a branch office. If an out-of-state person,
23 firm, association, or corporation opens an office in North Carolina, the North Carolina office shall
24 be deemed the principal place of business and shall have a resident licensed qualifying agent.
- 25 (7) "Chairman" means the Chairman of the Private Protective Services Board.
- 26 (8) "Contract Security Company" means any person, firm, association, or corporation engaging in a
27 private protective services business as defined in G.S. 74C-3 that provides said services on a
28 contractual basis for a fee or other valuable consideration to any other person, firm, association, or
29 corporation.
- 30 (9) "Direct Supervision" means personal, face-to-face contact and direction of the trainee's activities on
31 a frequent and reasonable basis.
- 32 (10) "Investigative Capacity" means any law enforcement agency position for which the duties include
33 conducting investigations and interviews, completing reports, and testifying in courts,
34 administrative hearings or military tribunals.
- 35 (11) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is
36 an employee of the United States, any state, or any political subdivision of a state.

1 (12) "Licensee" means any person licensed to perform private protective services in North Carolina in
2 accordance with G.S. 74C.

3 (13) "Proprietary Security Organization" means any person, firm, association, corporation or department
4 thereof:

5 (a) that employs any of the following:

6 (i) watchmen;

7 (ii) security guards or officers;

8 (iii) patrol personnel;

9 (iv) armored car personnel; or

10 (v) couriers; and

11 (b) that employs these persons regularly and exclusively as an employee in connection with
12 the business affairs of such employer.

13 (14) "Qualifying Agent" means the individual licensee who is responsible for the private protective
14 services business.

15 (15) "Restored" means that an individual is no longer in need of psychiatric care as determined by a
16 physician.

17 (16) "Temporary unarmed security guard" means an individual who is hired for a period of 30 days or
18 less within a calendar year and who is designated as a temporary security guard at the start of
19 employment.
20

21 *History Note: Authority G.S. 74C-3; 74C-5;*

22 *Eff. June 1, 1984;*

23 *Amended Eff. October 1, 2013; August 1, 1998; May 1, 1988; July 1, 1987;*

24 *Transferred and Recodified from 12 NCAC 07D .0104 Eff. July 1, ~~2015~~; 2015;*

25 *Readopted Eff. August 1, 2020.*
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0104

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

Paragraph (a) is one very long sentence. I suggest breaking it up into two sentences. You could state "This Rule applies to holders of a license, trainee permit, unarmed security guard registration, armed security guard registration, unarmed armored car service guard, armed armored care service guard, and firearms trainer certificates. No holder, while engaged in private protective services, shall wear or display..."

In this way, you mirror the language in (b), line 10.

In (a), line 7, what is "tends" to indicate? Who determines this?

Line 8, what is "similar"? What is "local" law enforcement?

In (c)(1), line 16, who determines what is "distinct"?

In (d), line 27, what is "foul weather clothing"? I am guessing from the language on line 30 that it includes rainwear but what else? Jackets, coats?

In the History Note, why are you citing to G.S. 74C-15?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0104 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0104 UNIFORMS AND EQUIPMENT**

4 (a) No holder of a license, trainee permit, unarmed security guard registration, armed security guard registration,
5 unarmed armored car service guard, armed armored car service guard, or firearms trainer certificate while engaged in
6 private protective services, shall wear or display any badge, insignia, device, shield, patch, or pattern that indicates or
7 tends to indicate that the individual is a sworn law enforcement officer or that contains or includes the word "police"
8 or the equivalent thereof, or is similar in wording to any law enforcement agency in the local area of the licensee's
9 operations.

10 (b) No holder, while performing any private security service, shall have or utilize any vehicle or equipment displaying
11 the words "law enforcement officer," "police," or the equivalent thereof, or have any sign, shield, marking, accessory,
12 or insignia that indicates that the vehicle is a vehicle of a law enforcement agency.

13 (c) A holder who is required to wear a military style uniform while in the performance of private security services
14 shall have:

15 (1) affixed over the left breast pocket of the uniform and on all caps or hats worn by the individual,
16 badges or patches, distinct in design from those used by law enforcement agencies within the local
17 area of the licensee's operations;

18 (2) affixed over the right breast pocket of the uniform a metal, plastic, or cloth tag not less than three
19 inches nor more than five inches in length and not less than three-fourths inch nor more than one
20 inch in height containing the words "Security Guard," "Security Officer," "Armored Car Guard," or
21 "Armored Car Officer" in capital letters approximately one-half inch in height; and

22 (3) affixed over the "Security Guard," "Security Officer," "Armored Car Guard," or "Armored Car
23 Officer" tag, a metal, plastic, or cloth tag bearing the name of the wearer. The name tag may be
24 smaller than "Security Guard," "Security Officer," "Armored Car Guard," or "Armored Car Officer"
25 tag if it is displayed in capital letters five-sixteenth inch to one-half inch in height.

26 (d) The wearing of the armed or unarmed private protective services card visible on the outermost garment (except
27 foul weather clothing) satisfies the requirements of Subparagraphs (c)(1), (2) and (3) of this Rule.

28 (e) All holders who perform the duties of a security guard or security officer and who are not required to wear a
29 military style uniform shall have affixed over the right or left breast pocket of the outermost garment (except for
30 rainwear or other foul weather clothing) a tag as described in (c)(2) of this Rule.

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32 *History Note: Authority G.S. 74C-5; 74C-12; 74C-15;*
33 *Eff. June 1, 1984;*
34 *Amended Eff. January 1, 2015; January 1, 2013; July 1, 1995; July 1, 1987;*
35 *Transferred and Recodified from 12 NCAC 07D .0105 Eff. July 1, ~~2015~~. 2015;*
36 *Readopted Eff. August 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0105

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a), line 5, you state this action "may" take place. I take it this would be after a hearing as set forth in G.S. 74C-12?

In (b)(1), line 8, I believe there should be an "or" between "fictitious" and "fraudulently"

In (a)(3), line 14, please state "him or her"

In (a)(4), line 16, please replace "which" with "that"

On line 16, what is "official" here? Do you mean issued pursuant to G.S. 74C?

Also on line 16, what do you mean by "state" here? If you mean "NC" then please be sure to capitalize the term.

In (b), line 21, insert a comma after "registrant"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0105 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0105 PROHIBITED ACTS**

4 (a) In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74C of the General Statutes,
5 any licensee, trainee, registrant, or firearms trainer who does any of the following may have his or her license, trainee
6 permit, registration, or firearms trainer certificate revoked or suspended:

- 7 (1) Displays or causes or allows to be displayed, or has in his or her possession any cancelled, revoked,
8 suspended, fictitious, fraudulently altered license, trainee permit, registration identification card, or
9 firearms trainer certificate, or any document simulating, purporting to be, or purporting to have been
10 issued as a license, trainee permit, registration identification card, or firearms trainer certificate;
- 11 (2) Lends his or her license, trainee permit, registration identification card, or firearms trainer certificate
12 to any person or allows the use thereof by another;
- 13 (3) Displays or represents any license, trainee permit, registration identification card, or firearms trainer
14 certificate not issued to him as being his or her license, trainee permit, registration identification
15 card, or firearms trainer certificate; or
- 16 (4) Includes in any advertisement a statement which implies official state authorized certification or
17 approval other than this statement: "Licensed by the Private Protective Services Board of the State
18 of North Carolina." Licensees must include their license number.

19 (b) In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74C of the General Statutes, it
20 shall be grounds for application denial or license registration suspension or revocation for an applicant, licensee,
21 trainee, registrant or trainer to make any false statement or give any false information to a third party in connection
22 with any criminal history record check provided to the Board.

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24 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-12; 74C-16;*
25 *Eff. June 1, 1984;*
26 *Amended Eff. May 1, 2014; July 1, 1987;*
27 *Transferred and Recodified from 12 NCAC 07D .0106 Eff. July 1, ~~2015~~. 2015;*
28 *Readopted Eff. August 1, 2020.*
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0106

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a) and (b), you say the Board "may" take this action. I take it this will be in a hearing as required by G.S. 74C-5(6)?

In (a), lines 4 and 5, please insert a comma after "registration"

On line 7, please consider replacing "such" with "the"

In (b), line 8, please insert a comma after "card"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0106 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0106 DISCIPLINARY ACTIONS**

4 (a) The Board may deny a license, trainee permit, registration or firearms trainer certificate for any violation of G.S.
5 Chapter 74C or this Chapter. The Board may suspend or revoke a license, trainee permit, registration or firearms
6 trainer certificate for any violation of G.S. Chapter 74C or this Chapter, provided that the violation occurred within
7 three years of the initiation of the Board investigation of such violation.

8 (b) The Board may issue a written reprimand to a holder of a license, trainee permit, registration identification card
9 or firearms trainee certificate when the Board determines:

10 (1) the holder has violated any of the provision of this Chapter or G.S. Chapter 74C that were applicable
11 to the holder;

12 (2) the violation did not result in the physical injury of or property loss to any person; and

13 (3) the holder expresses an intention to correct or already has corrected the improper activity.

14

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

16 *Eff. June 1, 1984;*

17 *Amended Eff. July 1, 2012;*

18 *Transferred and Recodified from 12 NCAC 07D .0107 Eff. July 1, ~~2015~~ 2015;*

19 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0107

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

Paragraph (a) mostly recites G.S. 74C-21(c). Do you need to retain this language here?

If you do need it, on line 5, please insert a comma after "association"

On line 5, replace "which" with "that"

In (b), line 8, how is this registration done?

Also on line 8, please replace "such" with "the"

In (c), lines 9-10, why do you have "not scheduled for work with the employing law enforcement agency"? Why not use "off-duty" like you did in (b)?

On line 10, not considered by whom?

On line 11, consider replacing "such" with "the"

In (d), line 12, G.S. 74C-16(d) was repealed in 1989. It does not appear that a similar provision was added to G.S. 74C, so you probably need to delete the entire paragraph.

In the History Note, line 14, why are you citing to G.S. 74C-3?

Also on line 14, delete the reference to G.S. 74C-16 and add G.S. 74C-21.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0107 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0107 LAW ENFORCEMENT OFFICERS SPECIAL PROVISIONS**

4 (a) Law enforcement officers may provide security guard and patrol services on an individual employer-employee
5 basis to any person, firm, association or corporation which is not engaged in a contract security guard and patrol
6 business.

7 (b) Law enforcement officers, while off-duty, may be employed by a licensed security guard and patrol business
8 provided such officer is registered with the Board.

9 (c) A law enforcement officer employed by a proprietary security organization at times when the officer is not
10 scheduled for work with the employing law enforcement agency shall not be considered as being employed regularly
11 and exclusively as an employee in connection with the business affairs of such employer.

12 (d) The provisions of this Rule are in addition to those requirements of G.S. Chapter 74C-16(d).

13

14 *History Note: Authority G.S. 74C-3; 74C-5; 74C-16;*

15 *Eff. June 1, 1984;*

16 *Amended Eff. December 1, 1985;*

17 *Transferred and Recodified from 12 NCAC 07D .0108 Eff. July 1, ~~2015~~ 2015;*

18 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0108

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a), line 4, what is "pertinent"? Why do you need that term at all here? Why not just say "All records for an audit or an investigation..."?

On line 5, who is the "administrator"? Should this read "inspection by Board staff"? Or do you mean the Director?

On line 5, why do you need "upon demand"?

In (b), the agency is now the Division of Employment Security and the form referenced on line 8 does not appear to exist. Please update with the information you are requiring.

On line 9, when is the Board requesting this? Under what circumstances?

On lines 10-11, please confirm this is still how the DES system operates.

In (c), line 12, generally "at least" is not favored in rules, as rules set minimum requirements. I take it that you need to retain the language here?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0108 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0108 RECORDS**

4 (a) All records pertinent to an audit or an investigation required to be maintained by G.S. 74C or this Chapter shall
5 be subject to inspection by the administrator or his staff upon demand between 8:00 a.m. - 5:00 p.m. Monday through
6 Friday.

7 (b) All licensees having registered employees shall submit a copy of their quarterly Employment Security
8 Commission form NCUI 101-625 to the administrator's office at the same time the form is submitted to the
9 Employment Security Commission. The Board may request, and the licensee shall provide within 10 days of the
10 request, the businesses' Employment Security Commission account number along with the personal identification
11 number (PIN) so that the Board may access the data electronically.

12 (c) All records required to be kept by this Chapter shall be retained for at least three years.

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

15 *Eff. June 1, 1984;*

16 *Amended Eff. February 1, 2010; July 1, 1987;*

17 *Transferred and Recodified from 12 NCAC 07D .0109 Eff. July 1, ~~2015~~. 2015;*

18 *Readopted Eff. August 1, 2020.*

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RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0109

RECOMMENDED ACTION:

- Approve, but note staff's comment
- Object, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff recommends objection to this Rule for ambiguity and lack of necessity. This Rule is being readopted pursuant to G.S. 150B-21.3A, and purports to govern rulemaking and administrative hearing procedures.

As written, it is unclear what this Rule is governing regarding administrative hearings, as it incorporates all of OAH's rules, many of which are specific to the work of Administrative Law Judges and OAH staff.

The agency also incorporates by reference OAH rules for publication of proposed rules. As those rules are binding upon all agencies seeking to publish rules, the incorporation by reference is unnecessary.

Therefore, staff recommends objection to this Rule for lack of clarity and necessity.

Amanda J. Reeder
Commission Counsel
Issued April 14, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0109

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

What is this Rule doing? If the agency contends that as a State agency licensing board, it is an Article 3 agency under G.S. 150B, then it does not need rules for how to conduct a hearing, as an ALJ will conduct the hearing under the OAH rules. So, if that is the case, then the agency does not need this Rule at all. If the agency contends that it is an Article 3A agency, and wants to adopt the OAH rules to conduct a hearing, then please show your authority to say that and then clarify this in the Rule.

On line 4, why is "Administrative Procedures" capitalized?

On line 4, 26 NCAC 02 does not address how an agency will engage in rulemaking. That sets forth OAH rules for filing rules for publication in the Register and the Code. This agency does not need to incorporate these rules, as it is required to follow them regardless. This must be deleted.

On lines 6-7, G.S. 150B-14 was repealed in 1991.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0109 is readopted as published in 33:15 NCR 1544 as follows:

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3 **14B NCAC 16 .0109 RULEMAKING AND ADMINISTRATIVE HEARING PROCEDURES**

4 The Administrative Procedures for rulemaking and hearings, codified as Title 26, Subchapters 2 and 3 of the North
5 Carolina Administrative Code, effective August 1, 1986, are hereby adopted by reference to apply to actions of the
6 Private Protective Services Board. Pursuant to G.S. 150B-14(c) this reference shall automatically include any later
7 amendments and editions to Title 26 Subchapters 2 and 3 of the North Carolina Administrative Code.

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9 *History Note: Authority G.S. 74C-5; 74C-12;*

10 *Eff. May 1, 1988;*

11 *Transferred and Recodified from 12 NCAC 07D .0111 Eff. July 1, ~~2015~~; 2015;*

12 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0111

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

So that I'm clear – this Rule will not apply to permittees?

On line 5, please insert a comma after "number" before "and business telephone"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0111 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0111 CHANGE OF ADDRESS OR TELEPHONE NUMBER**

4 All licensees and registrants must inform the Board of their home address, business street address, home telephone
5 number and business telephone number and must inform the Board within 15 days of any changes.

6

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

8

Eff. April 1, 1995;

9

Transferred and Recodified from 12 NCAC 07D .0113 Eff. July 1, ~~2015~~; 2015;

10

Readopted Eff. August 1, 2020.

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1 14B NCAC 16 .0112 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0112 SUSPENSION OF AUTHORITY TO EXPEND FUNDS**

4 In the event that the Board's authority to expend funds is suspended pursuant to G.S. 93B-2(d), the Board shall continue
5 to issue and renew licenses, registrations, and certifications and all fees tendered shall be placed in an escrow account
6 maintained by the Board for this purpose. Once the Board's authority is restored, the funds shall be moved from the
7 escrow account into the general operating account.

8

9 *History Note: Authority G.S. 93B-2(d);*

10 *Eff. January 1, 2013;*

11 *Transferred and Recodified from 12 NCAC 07D .0114 Eff. July 1, ~~2015~~. 2015;*

12 *Readopted Eff. August 1, 2020.*

13

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15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0113

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

On line 4, please insert a comma after "registrants"

On line 6, please insert a comma after "certification"

On line 7, please insert a comma after "registrant"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0113 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0113 INVOLVEMENT IN ADMINISTRATIVE HEARING**

4 All licensees, registrants and trainers shall report to the Board any administrative proceeding commenced against him
5 or her that involves any potential revocation or suspension of, or other disciplinary action against, any private
6 protective service license, permit, certification or registration that he or she holds in another state. The Board must
7 receive written notice of any such administrative proceeding within 30 days of the date the licensee, registrant or
8 trainer is notified of the administrative proceeding.

9

10 *History Note: Authority G.S. 74C-5; 74C-12;*

11 *Eff. October 1, 2013;*

12 *Transferred and Recodified from 12 NCAC 07D .0115 Eff. July 1, ~~2015~~; 2015;*

13 *Readopted Eff. August 1, 2020.*

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16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0204

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a), so that I'm clear – the Board will only consider up to three years of experience? And there is no hourly requirement for that year?

On line 4, consider replacing “in the following manner:” with “as follows:”

In (b), line 8, why not simplify and clarify who will ask for this to state: “Applicants shall make available upon Board request written documentation to verify experience”

And when is this request made? During the application process?

In (c), line 9, insert a comma after “registration”

In (c)(1), I don't understand this – how can the applicant have the valid license if he or she doesn't have the experience needed to get it? If you mean this to apply to the person, firm, association, or corporation that doesn't possess the needed license, then state that.

Please set the line spacing on lines 16-19 to 1.5.

Should the language on lines 16-19 be Paragraph (d)? If not, then on line 18, change “Paragraph (c) of this Rule” to “this Paragraph”

On line 16, you state the Board “may” consider this training. Under what circumstances will the Board not accept this? That needs to be in this Rule.

On line 16, replace “which” with “that”

On line 16, what is “directly related”?

On line 17, you say the Board “may” grant one half hour of credit. If the credit is granted, how will the Board decide whether to give one half hour or a different amount?

On line 17, please state “formal classroom training” to be consistent with line 16.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

What are you saying on lines 18-19? That continuing education credits shall not be accepted as formal classroom training for this Rule? If so, I believe the language can be simplified.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0204 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0204 DETERMINATION OF EXPERIENCE**

4 (a) Experience requirements shall be determined in the following manner:

5 (1) one year experience = 1,000 hours;

6 (2) two years experience = 2,000 hours;

7 (3) three years experience = 3,000 hours.

8 (b) Applicants must be prepared to make available upon request written documentation to verify experience.

9 (c) When applying for a license, registration or trainee permit, the Board shall not consider any experience claimed
10 by the applicant if:

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

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

16 The Board may consider formal classroom training which is directly related to the private protective services
17 industry. The Board may grant one half hour of credit for each hour of formal training, but shall grant no more than
18 200 hours. Paragraph (c) of this Rule is to be considered in addition to any other formal training credits. No credit
19 shall be given for formal training required pursuant to these Rules.

20

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

22 *Eff. June 1, 1984;*

23 *ARRC Objection October 19, 1988;*

24 *Amended Eff. April 1, 1999; February 1, 1996; March 1, 1989; December 1, 1985;*

25 *Transferred and Recodified from 12 NCAC 07D .0204 Eff. July 1, ~~2015~~, 2015;*

26 *Readopted Eff. August 1, 2020.*

27

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29

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0301

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a)(1) and (2), as well as (b), is “to the Board’s satisfaction” necessary here? Can’t “establish three years...” suffice?

In (a), do you need to address G.S. 93B-15.1(a2) for another route to be licensed?

In (b)(1), line 17, please insert a comma after “certification”

In (b)(2), line 19, you require “verifiable” experience, but you do not in Paragraph (a). Should this language be the same?

In (c), what authority are you relying upon for the Director to make this determination?

In the History Note, Page 2, line 1, why are you citing to G.S. 74C-13? Does this Rule only apply to armed licensees?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0301 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0301 EXPERIENCE REQUIREMENTS/SECURITY GUARD AND PATROL LICENSE**

4 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a security guard and patrol license
5 shall:

- 6 (1) establish to the Board's satisfaction three years of experience as a manager, supervisor, or
7 administrator with a contract security company or a proprietary security organization performing
8 guard and patrol functions;
- 9 (2) establish to the Board's satisfaction three years of experience as a manager, supervisor, or
10 administrator in security with any federal, state, county, or municipal law enforcement agency
11 performing guard and patrol functions; or
- 12 (3) establish to the Board's satisfaction a military occupational specialty and two years of experience
13 within the past five years in the U.S. Armed Forces as a manager, supervisor, or administrator
14 performing guard and patrol functions.

15 (b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a security guard and patrol license
16 that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- 17 (1) the spouse holds a current license, certification or registration from another jurisdiction and the other
18 jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- 19 (2) the spouse has two years verifiable experience within the past five years as a manager, supervisor,
20 or administrator performing guard and patrol functions.

21 (c) The Board shall give credit toward the experience requirements set forth in Subparagraphs (a)(1) and (2) and
22 Subparagraph (b)(2) of this Rule as follows:

- 23 (1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree.
24 The Director or the Board shall grant up to 100 additional hours if the applicant can demonstrate
25 that further training or course-work related to the private protective services industry was received
26 while obtaining the associate's degree.
- 27 (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Director or
28 the Board shall grant up to 200 additional hours if the applicant can demonstrate that further training
29 or course-work related to the private protective services industry was received while obtaining the
30 bachelor's degree.
- 31 (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Director or
32 the Board shall grant an additional 300 additional hours if the applicant can demonstrate that further
33 training or course-work related to the private protective services industry was received while
34 obtaining the graduate degree.

35 (d) Persons licensed under Chapter 74D of the General Statutes of North Carolina may be issued a limited guard and
36 patrol license exclusively for providing armed alarm responders.

37

1 *History Note: Authority G.S. 74C-5; 74C-8; 74C-13; 93B-15.1;*
2 *Eff. June 1, 1984;*
3 *Amended Eff. October 1, 2013; February 1, 2009; December 1, 1995; January 4, 1994; January 1,*
4 *1990; August 1, 1988;*
5 *Transferred and Recodified from 12 NCAC 07D .0301 Eff. July 1, ~~2015~~; 2015;*
6 *Readopted Eff. August 1, 2020.*
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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0302

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a)(1) ,(2), and (3), as well as (b), is “to the Board’s satisfaction” necessary here? Can’t “establish three years...” suffice?

In (a), do you need to address G.S. 93B-15.1(a2) for another route to be licensed?

In (b)(1), line 16, please insert a comma after “certification”

In (b)(2), line 18, you require “verifiable” experience, but you do not in Paragraph (a). Should this language be the same?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0302 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0302 EXPERIENCE REQUIREMENTS FOR GUARD DOG SERVICE LICENSE**

4 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a guard dog service license shall:

5 (1) establish to the Board's satisfaction two years of experience as a manager, supervisor, administrator,
6 or dog handler with a contract security company or proprietary security organization performing
7 guard dog functions;

8 (2) establish to the Board's satisfaction two years of experience as a manager, supervisor, administrator,
9 or dog handler with any federal, state, county, or municipal agency performing guard dog functions;
10 or

11 (3) establish to the Board's satisfaction a military occupational specialty and two years of experience
12 within the past five years in the U.S. Armed Forces as a manager, supervisor, or administrator or
13 dog handler performing guard dog functions.

14 (b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a guard dog service license that
15 is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

16 (1) the spouse holds a current license, certification or registration from another jurisdiction and the other
17 jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and

18 (2) the spouse has two years of verifiable of experience within the past five years as a manager,
19 supervisor, or administrator or dog handler performing guard dog functions.

20

21 *History Note: Authority G.S. 74C-5; 74C-8; 93B-15.1;*

22 *Eff. June 1, 1984;*

23 *Amended Eff. October 1, 2013; February 1, 2009; January 4, 1994;*

24 *Transferred and Recodified from 12 NCAC 07D .0302 Eff. July 1, ~~2015~~; 2015;*

25 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0401

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a)(1), (2), and (3), as well as (b), is "to the Board's satisfaction" necessary here? Can't "establish three years..." suffice?

In (a), do you need to address G.S. 93B-15.1(a2) for another route to be licensed?

In (a)(1), line 6, should this state "verifiable experience" to be consistent with the rest of the Rule?

On line 7, G.S. 74C-3(a)(3) does not define the term. I suggest you replace "as defined in" with "as set forth in" in order to be consistent with the rest of the Rule. (See for example (a)(2), line 10).

On line 8, please insert a comma after "association"

In (a)(2), line 11, (a)(3), line 15, and (b)(2), line 23, please update the cross reference to Rule .0103(10) of this Chapter.

Also in (a)(2), line 11, please insert a comma after "enforcement agency"

In (b)(1), line 19, please insert a comma after "certification"

In (c), what authority are you relying upon for the Director to make this determination?

In (c), line 24, replace "Subparagraphs" with "Paragraphs"

In the History Note, Page 2, line 2, please correct the citation to G.S. 93B- 15.1

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0401 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0401 EXPERIENCE REQUIREMENTS FOR A PRIVATE INVESTIGATOR LICENSE**

4 (a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a private
5 investigator license shall:

- 6 (1) establish to the Board's satisfaction three years of experience while conducting investigations as
7 defined in G.S. 74C-3(a)(8) with a contract security company or with a private person, firm,
8 association or corporation;
- 9 (2) establish to the Board's satisfaction three years of verifiable experience while conducting
10 investigations as set forth in G.S. 74C-3(a)(8) while serving in an investigative capacity as defined
11 in Rule .0103(9) of this Chapter with any Federal, state, county, municipal law enforcement agency
12 or other governmental agency; or
- 13 (3) establish to the Board's satisfaction a military occupational specialty and two years of verifiable
14 experience within the past five years in the U.S. Armed Forces while conducting investigations as
15 set forth in G.S. 74C-3(a)(8) while serving in an investigative capacity as defined in Rule .0103(9)
16 of this Chapter.

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

- 19 (1) the spouse holds a current license, certification or registration from another jurisdiction and the other
20 jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- 21 (2) the spouse has two years verifiable experience within the past five years while conducting
22 investigations as set forth in in G.S. 74C-3(a)(8) while serving in an investigative capacity as defined
23 in Rule .0103(9) of this Chapter.

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

- 26 (1) An applicant shall receive of 400 hours of experience credit for an associate's degree. The Director
27 or the Board shall grant up to 100 additional hours if the applicant can demonstrate that further
28 training or course-work related to the private protective services industry was received while
29 obtaining the associate's degree.
- 30 (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Director or
31 the Board shall grant up to 200 additional hours if the applicant can demonstrate that further training
32 or course-work related to the private protective services industry was received while obtaining the
33 bachelor's degree.
- 34 (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Director or
35 the Board shall grant an additional 300 additional hours if the applicant can demonstrate that further
36 training or course-work related to the private protective services industry was received while
37 obtaining the graduate degree.

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History Note: Authority G.S. 74C-5(2); 93D-15.1;
Eff. June 1, 1984;
Amended Eff. December 1, 1987;
Temporary Amendment Eff. October 1, 1989 For a Period of 180 Days to Expire on March 31,
1990;
Amended Eff. October 1, 2013; February 1, 2009; December 1, 1995; January 4, 1994; February
1, 1990;
Transferred and Recodified from 12 NCAC 07D .0401 Eff. July 1, ~~2015.~~ 2015.
Readopted Eff. August 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0402

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

*What is a "counterintelligence license"? Is this issued pursuant to G.S. 74C-3(8)*a)?*

In (1), is "to the Board's satisfaction" necessary here? Can't you just state, "Establish three years..."?

On line 5, please insert an "of" before "experience"

In (2), line 6, define "successfully"

Also on line 6, what are these schools? Are they known?

On line 7, please replace "which" with "that"

And do you need "no less than" on line 7?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0402 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0402 EXPERIENCE REQUIREMENTS FOR A COUNTERINTELLIGENCE LICENSE**

4 In addition to the requirements of Section .0200 of this Chapter, applicants for a counterintelligence license shall:

- 5 (1) establish to the Board's satisfaction three years experience in counterintelligence; or
- 6 (2) have successfully completed a course in counterintelligence given by a school specializing in
- 7 counterintelligence which consists of not less than 40 hours of actual classroom instruction.

8

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

10 *Eff. June 1, 1984;*

11 *Amended Eff. July 1, 2009; January 4, 1994; July 1, 1987;*

12 *Transferred and Recodified from 12 NCAC 07D .0402 Eff. July 1, ~~2015~~; 2015;*

13 *Readopted Eff. August 1, 2020.*

14

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0403

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a), line 5, what is "directly supervised"? Is this the term "direct supervision" defined in Rule .0103?

On line 5, how is this supervisor approved? Is this process set forth in another Rule or law?

On line 6, what is "directly responsible"?

In (c), what are the contents of this form? How does the Board provide it? Is this addressed in another Rule?

On line 10, what do you mean by "must be available"? Does that mean if the Board requests it, the individual will send it in?

In (d), line 12, what are the contents of this form? Is this addressed by another Rule?

In the History Note, line 14, why are you citing to G.S. 74C-2?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0403 is readopted as published in 33:15 NCR 1544 as follows:

2

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

4 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a trainee permit in private
5 investigation or counterintelligence shall be directly supervised by a licensee approved by the Board and that
6 supervisor shall be directly responsible for the training and investigations of the trainee.

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

9 (c) Private investigator trainees shall maintain a log on a form provided by the Board as evidence of experience.
10 This log must be available for inspection when applying for a private investigator license.

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

13

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

15 *Eff. June 1, 1984;*

16 *Amended Eff. December 1, 1985;*

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

18 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0404

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a), line 4, I am only asking – the investigator will offer the report, but the client may not take it? So, you could not replace “make and offer to” with “prepare for”?

On line 5, so that I’m clear – the Rule only requires preparation of this report when the client has paid?

On line 6, consider rewriting this Rule in active voice, “The licensee shall retain a copy of the written report.”

And I take it this must be retained in accordance with Rule .0108?

In (b), line 7, what are “descriptive reports”? Does your regulated public know? What about “chronological reports”?

On line 7, what do you mean by “personally”? That there cannot be electronic signatures?

On line 8, are “participating employees” anticipating a firm?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0404 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0404 REPORTS**

4 (a) Private investigators shall make and offer to each client a written report containing the findings and details of the
5 investigation within 30 days after the completion of the investigation for which the client has paid the investigator for
6 the services. A copy of the written report shall be retained by the licensee.

7 (b) Descriptive reports, chronological reports, cover letters, and itemized invoices to the client shall be personally
8 signed by a licensee. The file copy shall reflect the names of all participating employees and a description of the work
9 performed by each one. These documents shall be retained by the licensee who signed the report.

10

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

12 *Eff. June 1, 1984;*

13 *Amended Eff. October 1, 2010; July 1, 1987;*

14 *Transferred and Recodified from 12 NCAC 07D .0404 Eff. July 1, ~~2015~~ 2015;*

15 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0405

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

On line 4, since you have "a private investigator" (singular), please change "their" to "his or her"

On lines 5-6, I don't think you need this language, given that G.S. 74C-5(12) requires this approval from the other entities. I suggest stating "While engaged in his or her official duties, a private investigator shall be allowed to carry, possess, and display the badge set forth in this Rule."

On line 6, do you need to retain "a duplicate"?" Wouldn't "The badge shall be as shown below"?" If you need to retain it, then you should add language like "shall be a duplicate of the badge shown below"

On line 7, please replace "the below" with "this"

And deemed by whom?

On line 8, what "statute" and "rules" are you referring to?

On line 9, why is "Private Investigator" capitalized? The term is not capitalized on line 4.

On line 9, I suggest deleting the comma after "credential" and on line 10, after "Board" and the words "that is" so the sentence reads, "The badge shall be displayed in a folding pocket case with the badge displayed on one side of the case and the private investigator's pocket credential issued by the Board displayed on the opposite side of the case."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0405 is readopted as published in 33:15 NCR 1544 as follows:

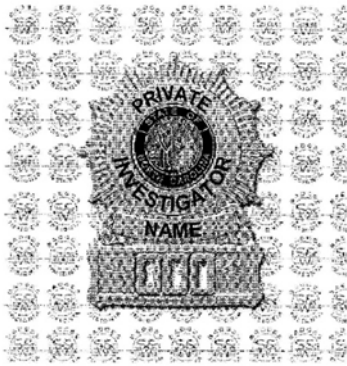
2

3 **14B NCAC 16 .0405 PRIVATE INVESTIGATOR'S USE OF A BADGE**

4 While engaged in their official duties, a private investigator shall be allowed to carry, possess, and display a badge
5 that has been approved by the Board, the North Carolina Sheriffs' Association, and the North Carolina Association of
6 Chiefs of Police. The badge shall be a duplicate as shown below except for the licensee's name and license number.

7 The badge shall be gold with dark blue lettering. Any deviation from the below design shall be deemed an
8 unauthorized badge and shall constitute a violation of the statute and rules. The badge shall be displayed in a folding
9 pocket case with the badge displayed on one side of the case and the Private Investigator's pocket credential, that is
10 issued by the Board, displayed on the opposite side of the case.

11



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

15 *Eff. May 1, 2010;*

16 *Transferred and Recodified from 12 NCAC 07D .0405 Eff. July 1, ~~2015~~; 2015;*

17 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0501

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a)1), line 6, what is the process for this designation by the Board? How does the individual know of this designation? I note that Rule .0502(1) includes the link to finding the approved schools. Should it be included here, as well?

In (a)(2), line 7, define "successfully" Why do you need it in addition to "complete"?

On line 8, shouldn't this be "Polygraphists" (plural)?

Please insert a comma after "Polygraphists"

In (a)(2)(B), line 11, I take it you need to retain "at least" here?

In (a)(4), as well as (b), is "to the Board's satisfaction" necessary here? Can't "establish" suffice?

In (a), do you need to address G.S. 93B-15.1(a2) for another route to be licensed?

In (b)(1), line 17, please insert a comma after "certification"

In (d), line 25, please capitalize "State" as you mean NC.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0501 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE**

4 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a polygraph license shall:

- 5 (1) pass an examination and a performance test administered by a panel of polygraph examiners
6 designated by the Board;
- 7 (2) successfully complete a course of instruction at any polygraph school approved by the American
8 Polygraph Association, the American Association of Police Polygraphist or the Board; and
- 9 (3) have either:
- 10 (A) one year of polygraph experience; or
- 11 (B) complete at least six months of training as a holder of a polygraph trainee permit, and have
12 administered no fewer than 50 polygraph examinations; or
- 13 (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable
14 experience within the past five years in the U.S. Armed Forces performing polygraph examinations.

15 (b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a polygraph license who is the
16 spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- 17 (1) the spouse holds a current license, certification or registration from another jurisdiction and the other
18 jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- 19 (2) the spouse has two years of verifiable experience within the past five years performing polygraph
20 examinations.

21 (c) Applicants for a polygraph license may take the examination required in Subparagraph (a)(1) of this Rule no more
22 than twice in any calendar year. Any applicant who fails the polygraph examination four times shall retake the
23 polygraph course of instruction required in Subparagraph (a)(2) of this Rule before taking the polygraph examination
24 again.

25 (d) Polygraph operators who are duly licensed in another state may perform up to three examinations in this state
26 without being licensed, provided that those examinations are for the purpose of an evaluation of that examiner and the
27 Director has given authorization for this evaluation in advance.

28
29 *History Note: Authority G.S. 74C-5; 93B-15.1;*
30 *Eff. June 1, 1984;*
31 *Amended Eff. May 1, 2014; October 1, 2013; July 1, 2009; December 1, 1985;*
32 *Transferred and Recodified from 12 NCAC 07D .0501 Eff. July 1, ~~2015~~; 2015;*
33 *Readopted Eff. August 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0503

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

On line 4, I suggest you add language like "Polygraph licensees and trainees shall adhere to the following:" or something of the sort. If you don't do that, you need to change Items (2) through (11) to begin with a verb, such as "retain" in (2).

In (2), line 10, I take it you need to retain "at a minimum" here?

Consider beginning (2)(a) through (f) with articles, such as "the"

In (3), line 19, please insert "an" before "opportunity"

In (4), line 21, replace "which" with "that"

In (5), line 23, what is "pertinent" here? Is this determined by the licensee?

In (8), lines 31 and 33, will what do the terms "specific" and "pertinent" mean? Will this be determined by the licensee?

On line 32, please insert a comma after "affiliations"

You must clarify the language in Item (9). Since you are requiring that the records be kept for each chart in either printed or reproducible electronic format in Item (2), are you saying in (9) that if it's not kept electronically, then Item (9) applies? What is the purpose of Item (9), exactly?

In (11), Page 2, line 4, why do you need the language "For adequate auditing of polygraph examiners"? Why not just state "Each examiner shall keep a daily log of examinations."? If you need to retain it, what is "adequate" here?

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

Amanda J. Reeder
Commission Counsel

Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0503 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0503 POLYGRAPH EXAMINATION REQUIREMENTS**

4 Polygraph licensees and trainees shall:

- 5 (1) Obtain written consent from the individual to be examined. The consent form shall be signed in the
6 presence of the examiner and shall include a statement advising the examinee that he or she may
7 terminate the examination at any time.
- 8 (2) A printed or reproducible electronic copy of each chart collected, as well as documents associated
9 with the examination such as reports, question sets, and signed consent forms, shall be retained by
10 the examiner for a minimum of three years. The examiner shall record the following information:
11 (a) name of the examinee;
12 (b) date of the examination;
13 (c) type of examination;
14 (d) time the examination started;
15 (e) location of the examination; and
16 (f) name and license number of the examiner.
- 17 This requirement may be completed by labeling the beginning of the first printed chart by hand, or
18 by entering the information into the electronic polygraph file.
- 19 (3) The examiner shall give the examinee opportunity prior to concluding the examination to explain
20 reactions on the charts.
- 21 (4) The examiner shall not issue or permit an employee to issue an examination report which is
22 misleading, biased, or falsified.
- 23 (5) Each examination report shall be a factual, impartial, and objective account of the pertinent
24 information developed during the examination and the examiner's professional conclusion, based
25 upon the analysis of the charts.
- 26 (6) All questions considered for chart analysis shall be documented in writing or an electronic question
27 set and shall be reviewed with the examinee prior to any testing.
- 28 (7) An examiner shall not make a conclusive verbal or written examination report without having
29 administered two or more charts consisting of the same questions.
- 30 (8) An examiner shall not inquire into the sexual conduct or preferences of a person to whom a
31 polygraph examination is being given unless pertinent to an alleged sex-related crime, nor shall an
32 examiner inquire into the activities, affiliations or beliefs on religion, politics or race, except where
33 there is specific relevancy to an investigation.
- 34 (9) Each chart shall be signed at the end of the chart by the examinee and the examiner before the end
35 of the recording if using an analog instrument or retaining printed and not electronic copies of the
36 charts for the period required by Item (2) of this Rule. Retaining reproducible electronic copies of

1 all charts noting the names of the examiner and examinee as well as the date and time of testing will
2 also meet the requirements of this Item.

3 (10) An examiner shall conduct no more than five examinations in a 24 hour period.

4 (11) For adequate auditing of polygraph examiners, each examiner shall keep a daily log of examinations.

5

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

7 *Eff. June 1, 1984;*

8 *Amended Eff. May 1, 2014; December 1, 1987; July 1, 1987; December 1, 1985;*

9 *Transferred and Recodified from 12 NCAC 07D .0503 Eff. July 1, ~~2015~~. 2015;*

10 *Readopted Eff. August 1, 2020.*

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1 14B NCAC 16 .0504 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0504 POLYGRAPH INSTRUMENTS**

4 (a) A polygraph examiner shall not conduct an examination unless the instrument used makes a simultaneous
5 recording of at least three physiological tracings including the pneumo cardio and electrodermal changes. This
6 recording must be in a form capable of review by another polygraph examiner and shall be available to the Board or
7 its designated representative. This requirement shall not prohibit recording additional physiological phenomena on
8 the same charts.

9 (b) A polygraph examiner shall not conduct an examination on an instrument unless the examiner has ensured the
10 instrument is functioning as designed.

11 (c) A polygraph examiner shall:

12 (1) complete a functionality check or calibration of the instrument at time intervals that comply with
13 the manufacturer's recommendations; and

14 (2) maintain a signed and dated record of the charts collected during the functionality check or
15 calibration for a period of three years.

16

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

18 *Eff. June 1, 1984;*

19 *Amended Eff. May 1, 2014; August 1, 1998; December 1, 1985;*

20 *Transferred and Recodified from 12 NCAC 07D .0504 Eff. July 1, ~~2015~~; 2015;*

21 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0601

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

So that I'm clear – is the PSE license based upon the definition of “detection of deception examiner” in G.S. 74C-3(5)?

In (a)(1), line 7, what is “successfully” here? Do you need it with the language “complete a course.”?

And what is the process the Board uses to approve these schools? How are the approved schools communicated to your regulated public?

In (a)(2) and (b), is “to the Board’s satisfaction” necessary here? Can’t “establish” suffice?

In (a), do you need to address G.S. 93B-15.1(a2) for another route to be licensed?

In (b)(1), line 13, please insert a comma after “certification”

On line 14, please insert an apostrophe in “jurisdictions” to read “jurisdiction’s”

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0601 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0601 EXPERIENCE REQUIREMENTS FOR A PSYCHOLOGICAL STRESS**
4 **EVALUATOR LICENSE**

5 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a Psychological Stress Evaluator
6 (P.S.E.) license shall:

- 7 (1) successfully complete a course of instruction at any P.S.E. school approved by the Board; or
8 (2) establish to the Board's satisfaction a military occupational specialty and two years of verifiable
9 experience within the past five years in the U.S. Armed Forces conducting psychological stress
10 evaluations.

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

- 13 (1) the spouse holds a current license, certification or registration from another jurisdiction and the other
14 jurisdictions requirements are substantially equivalent to or exceed the Board's requirements; and
15 (2) the spouse has two years of verifiable experience within the past five years conducting psychological
16 stress evaluations.

17 (c) A P.S.E. school shall consist of not less than 40 hours of live classroom instruction in psychological stress
18 evaluation.

19

20 *History Note: Authority G.S. 74C-5; 93B-15.1;*
21 *Eff. June 1, 1984;*
22 *Amended Eff. October 1, 2013; March 1, 2008;*
23 *Transferred and Recodified from 12 NCAC 07D .0601 Eff. July 1, ~~2015~~; 2015;*
24 *Readopted Eff. August 1, 2020.*

25

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0602

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

Based upon the language on lines 4-6, are individuals getting polygraphs exams not required to be conducted in the presence of the examiner and with knowledge of the exam? I ask because you start the sentence, "In addition,"

On line 5, if you are keeping this sentence, please state "he or she"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0602 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0602 P.S.E. EXAMINATION REQUIREMENTS**

4 P.S.E. licensees shall comply with the requirements of Rule .0503 of this Chapter. In addition, P.S.E. examinations
5 shall be conducted by the examiner in the presence of the examinee and with the examinee's knowledge that he is
6 being examined. Examination by telephone is prohibited.

7

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

9

Eff. June 1, 1984;

10

Transferred and Recodified from 12 NCAC 07D .0602 Eff. July 1, ~~2015~~ 2015;

11

Readopted Eff. August 1, 2020.

12

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1 **14B NCAC 16 .0603 is readopted as published in 33:15 NCR 1544 as follows:**

2

3 **14B NCAC 16 .0603 P.S.E. INSTRUMENTS**

4 An instrument used for P.S.E. examinations shall be capable of measuring and recording voice reactions on a graph.
5 This recording must be in a form suitable for examination by another P.S.E. examiner. Such recordings shall be
6 available to the Board or its designated representative. The instrument must be given maintenance, cleaning,
7 adjustment, and demagnetizing periodically as recommended by the manufacturer and not less than once after each
8 eight hours of continuous mechanical operation. The examiner shall conduct a test pattern of the instrument prior to
9 each examination.

10

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

12 *Eff. June 1, 1984;*

13 *Transferred and Recodified from 12 NCAC 07D .0603 Eff. July 1, ~~2015~~ 2015;*

14 *Readopted Eff. August 1, 2020.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0703

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (3), you are mostly reciting G.S. 74C-8(d) but the wording differs slightly. Why not rewrite this Item to mirror the language in Rule .0205(c), which was readopted effective March 1, 2020. That Paragraph states:

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

Here, you could state "be of good moral character as defined in G.S.74C-8(d)(2) and not have committed any of the offenses listed in that statute in the last five years. For the purposes of this Rule, "conviction" means..."

On Page 16, please be sure to make "plea" before "of guilty" singular.

What authority are you relying upon for Paragraph (4)? Is it G.S. 74C-12(19), which states:

§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a license, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, registrant, or permit holder has done any of the following acts:

(19) Been judged incompetent by a court having jurisdiction under Chapter 35A or former Chapter 35 of the General Statutes or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122C-3, by a court under G.S. 122C-271.

If so, then I think your language is more expansive than that in statute.

And what is a "mental defect" on lines 19 and 20?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: April 1, 2020

And how will the Board “consider” this evidence to determine whether the application meets the requirements of the Paragraph? In a hearing?

I note that you only have this requirement in this Rule and Rule .1303. No other class of licensure or registration requires this, including anyone who is armed. Is this still necessary here? If you do not retain this language, please note you will want to remove the definition of the term “restored” in Rule .0103(15).

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0703 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0703 MINIMUM STANDARDS FOR UNARMED SECURITY GUARD**
4 **REGISTRATION**

5 An applicant for registration shall:

- 6 (1) be at least 18 years of age;
- 7 (2) be a citizen of the United States or a resident alien;
- 8 (3) be of good moral character and temperate habits. Any of the following within the last five years
9 shall be prima facie evidence that the applicant does not have good moral character or temperate
10 habits: conviction by any local, state, federal, or military court of any crime involving the illegal
11 use, carrying, or possession of a firearm; conviction of any crime involving the illegal use,
12 possession, sale, manufacture, distribution, or transportation of a controlled substance, drug,
13 narcotic, or alcoholic beverage, conviction of a crime involving felonious assault or an act of
14 violence; conviction of a crime involving unlawful breaking and/or entering, burglary, larceny, any
15 offense involving moral turpitude; or a history of addiction to alcohol or a narcotic drug; provided
16 that, for purposes of (3) of this Rule, "conviction" means and includes the entry of a pleas of guilty,
17 plea of no contest, or a verdict of guilty;
- 18 (4) not have been declared by any court of competent jurisdiction incompetent by reason of mental
19 disease or defect; or not have been involuntarily committed to an institution for treatment of mental
20 disease or defect by a district court judge. When an individual has been treated and found to have
21 been restored by a psychiatrist, the Board will consider this evidence and determine whether the
22 applicant meets the requirements of this Paragraph; and
- 23 (5) not have had a revocation of a registration.

24
25 *History Note: Authority G.S. 74C-5;*
26 *Eff. June 1, 1984;*
27 *Amended Eff. August 1, 1988; December 1, 1985;*
28 *Transferred and Recodified from 12 NCAC 07D .0703 Eff. July 1, ~~2015~~; 2015;*
29 *Readopted Eff. August 1, 2020.*

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0704

RECOMMENDED ACTION:

- Approve, but note staff's comment
- Object, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

Staff recommends objection to this Rule for ambiguity and lack of statutory authority. This Rule is being readopted pursuant to G.S. 150B-21.3A, and appears to be governing applications to register as an unarmed security guard.

In the History Note, the Board cites only to G.S. 74C-5, which is the general rulemaking authority of the Board.

The language throughout the Rule states that the "administrator" will make a determination. However, there is no longer an "administrator" following changes to G.S. 74C by SL 2001-487, which established the position of Director. Therefore, staff believes the Rule is ambiguous when it uses the term "administrator," as the position does not appear to exist.

In Paragraph (a), the Rule states that there shall be "such further investigation of the applicant as deemed necessary." The Rule does not say who will deem the investigation necessary, nor how the necessity will be determined. Staff believes that the agency is relying upon G.S. 74C-5(5) to approve the individual applicants, so staff is not recommending objection to this Paragraph based upon lack of statutory authority at this time. However, there is no guidance in this Rule as to how or when this investigation will occur. Therefore, staff believes this Paragraph is ambiguous as written.

In Paragraph (b), the Rule states that any denial of the registration by the administrator will be subject to review of the Board. However, G.S. 74C-12 states that any denial of an application will

Amanda J. Reeder
Commission Counsel

be made by the Board. The agency does not cite to any authority for the administrator to issue a denial such that it is reviewable by the Board, nor any authority of the Board to delegate this decision. Further, staff believes the law is clear that the Board must make the decision. Therefore, staff believes the agency lacks statutory authority for this Paragraph.

Staff notes that as part of this readoption process, the agency also readopted and then submitted Rule 14B NCAC 16 .0804 to the RRC last fall. That Rule was almost a verbatim recitation of the language in this Rule. The RRC objected to that Rule at its September 2019 meeting. In response, the agency repealed Rule 14B NCAC 16 .0804 and it was removed from the Code. The history of that Rule is attached beginning on Page 7 of this packet.

§ 74C-5. Powers of the Board.

In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall have the power to do all of the following:

- (1) Adopt rules necessary to carry out and administer the provisions of this Chapter including the authority to require the submission of reports and information by licensees under this Chapter.
- (2) Determine minimum qualifications, establish and require written or oral examinations, and establish minimum education, experience, and training standards for applicants and licensees under this Chapter.
- (3) Conduct investigations regarding alleged violations and to make evaluations as may be necessary to determine if licensees and trainees under this Chapter are complying with the provisions of this Chapter.
- (4) Adopt and amend bylaws, consistent with law, for its internal management and control.
- (5) Approve individual applicants to be licensed or registered according to this Chapter.
- (6) Deny, suspend, or revoke any license or trainee permit issued or to be issued under this Chapter to any applicant, licensee, or permit holder who fails to satisfy the requirements of this Chapter or the rules established by the Board. The denial, suspension, or revocation shall be in accordance with Chapter 150B of the General Statutes of North Carolina.
- (7) Issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The district court shall have the power to impose punishment pursuant to G.S. Chapter 5A, Article 2, for acts occurring in matters pending before the Private Protective Services Board which would constitute civil contempt if the acts occurred in an action pending in court.
- (8) Repealed by Session Laws 1989, c. 759, s. 5.
- (9) Adopt rules governing detection of deception schools, and charge fees for reimbursement of costs incurred pursuant to approval of the schools.
- (10) Contract for services as necessary to carry out the functions of the Board.
- (11) Approve training schools, instructors, and course materials for any person, firm, association, or corporation wishing to provide training described in this Chapter.
- (12) Approve a design for a badge or shield that indicates a person is licensed or registered to engage in private protective services. The badge or shield shall be approved by the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police. (1973, c. 528, s. 1; c. 1331, s. 3; 1979, c. 818, s. 2; 1981 (Reg. Sess., 1982), c. 1359, s. 3; 1983, c. 794, s. 2; c. 810; 1989, c. 759, s. 5; 1999-456, s. 19; 2007-511, s. 2.)

Amanda J. Reeder
Commission Counsel

§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a license, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, registrant, or permit holder has done any of the following acts:

- (1) Made any false statement or given any false information in connection with any application for a license, registration, or permit or for the renewal or reinstatement of a license, registration, or permit.
- (2) Violated any provision of this Chapter.
- (3) Violated any rule adopted by the Board pursuant to the authority contained in this Chapter.
- (4) Repealed by Session Laws 1989, c. 759, s. 10.
- (5) Impersonated or permitted or aided and abetted any other person to impersonate a law enforcement officer of the United States, this State, any other state, or any political subdivision of a state.
- (6) Engaged in or permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license issued under the provisions of this Chapter.
- (7) Willfully failed or refused to render to a client service as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.
- (8) Knowingly made any false report to the employer or client for whom information is being obtained.
- (9) Committed an unlawful breaking or entering, assault, battery, or kidnapping.
- (10) Knowingly violated or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.
- (11) Repealed by Session Laws 1989, c. 759, s. 10.
- (12) Undertaken to give legal advice or counsel or to in any way falsely represent that he or she is representing any attorney or he or she is appearing or will appear as an attorney in any legal proceeding.
- (13) Issued, delivered, or uttered any simulation of process of any nature which might lead a person to believe that such simulation - written, printed, or typed - may be a summons, warrant, writ or court process, or any pleading in any court proceeding.
- (14) Failed to make the required contribution to the Private Protective Services Education Fund or failed to maintain the certificate of liability insurance required by this Chapter.

- (15) Violated the firearm provisions set forth in this Chapter.
- (16) Repealed by Session Laws 1989, c. 759, s. 10.
- (17) Failed to notify the Director by a business entity other than a sole proprietorship licensed pursuant to this Chapter of the cessation of employment of the business entity's qualifying agent within the time set forth in this Chapter.
- (18) Failed to obtain a substitute qualifying agent by a business entity within 30 days after its qualifying agent has ceased to serve as the business entity's qualifying agent.
- (19) Been judged incompetent by a court having jurisdiction under Chapter 35A or former Chapter 35 of the General Statutes or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122C-3, by a court under G.S. 122C-271.
- (20) Failed or refused to offer a report to a client within 30 days of the client's written request after the client has paid for services rendered.
- (21) Been previously denied a license, registration, or permit under this Chapter or previously had a license, registration, or permit revoked for cause. The denial or revocation shall include a principal in the applicant's business.
- (22) Engaged in a private protective services profession under a name other than the name under which the license was obtained under the provisions of this Chapter.
- (23) Divulged to any person, except as required by law, any information acquired by the license holder except at the direction of the employer or client for whom the information was obtained. A licensee may divulge to any law enforcement officer or district attorney or district attorney's representative any information the law enforcement officer may require to investigate a criminal offense with the prior approval and consent of the client.
- (24) Fraudulently held himself or herself out as employed by or licensed by the State Bureau of Investigation or any other governmental authority.
- (25) Demonstrated intemperate habits or a lack of good moral character. The acts that are prima facie evidence of intemperate habits or lack of good moral character under G.S. 74C-8(d)(2) are prima facie evidence of the same under this subdivision.
- (26) Advertised or solicited business using a name other than that in which the license was issued.
- (27) Worn, carried, or accepted any badge or shield purporting to indicate that the person is a law enforcement officer while licensed under the provisions of this Chapter as a private investigator.
- (28) Possessed or displayed a badge or shield while providing private protective services that was not designed and approved by the Board pursuant to G.S. 74C-5(12).
- (29) Failed or refused to reasonably cooperate with the Board or its agents during an investigation of any complaint, allegation, suspicion of wrongdoing, or violation of this Chapter.

Amanda J. Reeder
Commission Counsel

(30) Failed to properly make any disclosure to the Board or provide documents or information required by this Chapter or rules adopted by the Board.

(31) Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.

(32) Demonstrated a lack of financial responsibility.

(b) The denial, revocation, or suspension of a license, registration, or permit by the Board shall be in writing, be signed by the Director of the Board, and state the grounds upon which the Board decision is based. The aggrieved person shall have the right to appeal from this decision as provided in Chapter 150B of the General Statutes. The aggrieved person shall file the appeal within 60 days of receipt of the Board's decision.

(c) The following persons may not be issued a license under this Chapter:

(1) A sworn court official.

(2) A holder of a company police commission under Chapter 74E of the General Statutes.

(d) A licensee shall report to the Board in writing within 30 days any charge, arrest for, or conviction of a misdemeanor or felony for any of the following:

(1) Crimes that have as an essential element dishonesty, deceit, fraud, or misrepresentation.

(2) Illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage.

(3) Illegal use, carrying, or possession of a firearm.

(4) Acts involving assault.

(5) Acts involving unlawful breaking or entering, burglary, or larceny.

(6) Any offense involving moral turpitude.

For purposes of this section, the term "conviction" includes the entry of a plea of guilty, a plea of nolo contendere, prayer for judgment continued, or a finding of guilt by a court of competent jurisdiction. The licensee's failure to report a charge, arrest for, or conviction of a misdemeanor or felony is grounds for revocation of the license. (1979, c. 818, s. 2; 1981, c. 807, s. 6; 1987, c. 550, s. 20; c. 657, s. 6; 1989, c. 759, s. 10; 1991 (Reg. Sess., 1992), c. 1043, s. 5; 2001-487, s. 64(g); 2007-511, s. 7; 2009-328, ss. 8, 9.)

1 14B NCAC 16 .0804 was proposed for readoption in 33:15 NCR 1544 but is now repealed as follows:

2

3 **14B NCAC 16 .0804 INVESTIGATION/ARMED SECURITY GUARD FIREARM REGISTRATION**

4 **PERMIT**

5 ~~(a) After the administrator receives a complete application for registration, the administrator may cause to be made~~
6 ~~such further investigation of the applicant as deemed necessary.~~

7 ~~(b) Any denial of an applicant for registration by the administrator shall be subject to review by the Board.~~

8

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

10 *Eff. June 1, 1984;*

11 *Transferred and Recodified from 12 NCAC 07D .0804 Eff. July 1, 2015;*

12 *Repealed Eff. December 1, 2019.*



STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6700

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

September 19, 2019

Jeff Gray, Rulemaking Coordinator
Private Protective Services Board
Sent via email only: jgray@bdixon.com

Re: Objection to Rules 14B NCAC 16 .0804, .0901, and .0909
Extension of the Period of Review of 14B NCAC 16 .0110, .0805, .0806, .0807,
.0808, .0809, .0904, and .0906.

Dear Mr. Gray:

At its meeting today, the Rules Review Commission objected to Rules 14B NCAC 16 .0804, .0901, and .0909 in accordance with G.S. 150B-21.10.

The Commission objected to Rule 14B NCAC 16 .0804 for lack of statutory authority and ambiguity. Specifically, the Commission found that Paragraph (a) of the Rule states that there shall be "such further investigation of the applicant as deemed necessary." The Rule does not say who will deem the investigation necessary, nor how the necessity will be determined. The Commission found that this language was ambiguous.

In Paragraph (b), the Rule states that any denial of the registration by the Director will be subject to review of the Board. However, G.S. 74C-13(f) requires the Board to determine whether to issue or deny an applicant for a firearm registration permit. The agency did not cite to any authority for the Director to issue a denial such that it is reviewable by the Board, nor any authority of the Board to delegate this decision. Therefore, the Commission found that the agency lacks statutory authority for this Paragraph.

The Commission objected to Rules 14B NCAC 16 .0901 and .0909 for lack of statutory authority. Specifically, both rules require applicants seeking licensure pursuant to G.S. 93B-15.1 (military trained applicants and spouses of those individuals) to submit application fees. The assessment of an application fee against those individuals is forbidden by G.S. 93B-15.1(k). The Commission found that the agency does not have authority to charge these fees in either rule.

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
919/431-3000
fax: 919/431-3100

Clerk's Office
919/431-3000
fax: 919/431-3100

Rules Review
Commission
919/431-3000
fax: 919/431-3104

Civil Rights
Division
919/431-3036
fax: 919/431-3103

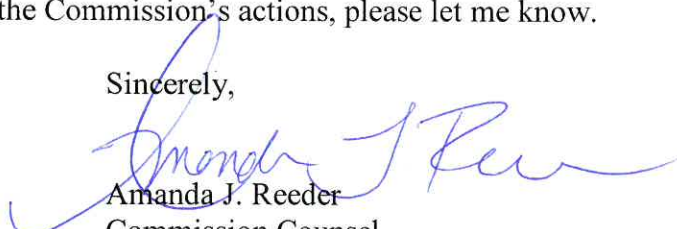
Please respond to the objections in accordance with the provisions of G.S. 150B-21.12.

In addition, the Rules Review Commission extended the period of review for 14B NCAC 16 .0110, .0805, .0806, .0807, .0808, .0809, .0904, and .0906 in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address the Requests for Technical Changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,



Amanda J. Reeder
Commission Counsel

cc: Phillip Stephenson
Charles McDarris

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0804

DEADLINE FOR RECEIPT: Friday, September 13, 2019

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

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

In the Submission for Permanent Rule form, Box 3, remove the check from "Amendment" This is a Readoption only.

In the Introductory Statement of the Rule, line 1, this is a readoption, not an amendment. Please change the language to reflect that.

In (a), line 5, who is the "administrator"? Should this be changed to "Director" to address the change to G.S. 74C-6 made by SL 2001-487(64.) (b)?

On line 5, what is "complete" here? Are the requirements of the application in another rule or law?

In the History Note, line 12, state "Readopted Eff."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: August 30, 2019

1 14B NCAC 16 .0804 is amended as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0804 INVESTIGATION/ARMED SECURITY GUARD FIREARM REGISTRATION**
4 **PERMIT**

5 (a) After the administrator receives a complete application for registration, the ~~administrator~~ Director may cause to be
6 made such further investigation of the applicant as deemed necessary.

7 (b) Any denial of an applicant for registration by the ~~administrator~~ Director shall be subject to review by the Board.

8

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

10 *Eff. June 1, 1984;*

11 *Transferred and Recodified from 12 NCAC 07D .0804 Eff. July 1, ~~2015~~-2015;*

12 *Amended Eff. October 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0704

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

Throughout this Rule, who is the "administrator"? Should this be changed to "Director" to address the change to G.S. 74C-6 made by SL 2001-487(64)(b)?

On line 5, what is "complete" here? Are the requirements of the application in another rule or law?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0704 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0704 INVESTIGATION FOR UNARMED SECURITY GUARD REGISTRATION**

4 (a) After the administrator receives a complete application for registration, the administrator may cause to be made
5 such further investigation of the applicant as deemed necessary.

6 (b) Any denial of an applicant for registration by the administrator shall be subject to review by the Board.

7

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

9

Eff. June 1, 1984;

10

Transferred and Recodified from 12 NCAC 07D .0704 Eff. July 1, ~~2015~~ 2015;

11

Readopted Eff. August 1, 2020.

12

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14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0707

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

In (a), lines 4-5, you refer to the “basic training course for unarmed security guards.” However, in Rule .0807, the course is called the “basic unarmed security guard training course set forth in Rule .0707 of this Chapter.” Should the order be the same in this Rule as it is in Rule .0807 (which was readopted effective November 1, 2019)?

I take it throughout this Rule, you need to retain the term “minimum”?

At the end of (a)(6), line 12, please insert an “and”

On line 15, what is a “regular” security guard?

On line 15, consider stating “These four hours shall include the instruction on The Security...”

In (b), what is happening here? Why is the licensee submitting this?

On line 18, how is the Board approving this? Based upon what? If the intent is for the Board to approve the trainer, then why does Paragraph (c) refer to a “Board certified” trainer? Are approval and certification different?

Also on line 18, why is “Approval” capitalized?

In (c), line 19, how is this certification granted? Is it covered by another Rule?

On line 19, how is this lesson plan approved by the Board? Who is making it available to the trainer?

What does the sentence on lines 20-21 mean? If there is other media that isn't the lesson plan, it can also be approved for use?

In (d), line 22, what do you mean by “interactively”? Isn't a classroom setting interactive? Do you mean “remotely” or “electronically”? Or do you mean the dictionary meaning of the term to include two-way communication?

In (d)(1), line 23, I suggest just stating “Board”

Amanda J. Reeder
Commission Counsel

Date submitted to agency: April 1, 2020

In (d)(2), line 25, what is the “PPS unarmed security officer training manual”? Why is “PPS” in the name, and is there a rule setting forth the contents?

In (d)(4), line 30, define or delete “clearly” Is that term intended to modify “hear” or “understand” or both?

In (d)(5), line 32, what is “sufficient” and “smoothly”?

In (d)(6), line 34, you have “student” (singular), followed by “their” (plural). Please change “their” to “his or her”

In (d)(8), Page 2, line 1, why do you have “NC Private Protective Services”? Is this manual different from the one in in (d)(2)? If not, why is the name different?

And what training is this? Where are the requirements for this set forth?

In (d)(9), why are you spelling out “Private Protective Services”? Why not state “The Director” or “The Director of the Board”

On line 4, insert a comma after “name”

In (d)(10), line 6, who will be this designee? Board staff? Does your regulated public know?

In the History Note, consider citing specifically to G.S. 74C-13(m) since the confers the authority of the Board and the DPS to establish the training program for unarmed security guards.

And please confirm that DPS was involved in this readoption.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0707 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0707 TRAINING REQUIREMENTS FOR UNARMED SECURITY GUARDS**

4 (a) Applicants for an unarmed security guard registration shall complete a basic training course for unarmed security
5 guards within 30 days from the date of permanent hire. The course shall consist of a minimum of 16 hours of
6 classroom instruction including:

- 7 (1) The Security Officer in North Carolina -- (minimum of one hour);
- 8 (2) Legal Issues for Security Officers -- (minimum of three hours);
- 9 (3) Emergency Response -- (minimum of three hours);
- 10 (4) Communications -- (minimum of two hours);
- 11 (5) Patrol Procedures -- (minimum of three hours);
- 12 (6) Note Taking and Report Writing -- (minimum of three hours);
- 13 (7) Deportment -- (minimum of one hour).

14 A minimum of four hours of classroom instruction shall be completed within 20 calendar days of a probationary or
15 regular security guard being placed on a duty station. These four hours shall include The Security Officer in North
16 Carolina and Legal Issues for Security Officers.

17 (b) Licensees shall submit the name and resume for a proposed certified unarmed security guard trainer to the Director
18 for Board Approval.

19 (c) Training shall be conducted by a Board certified unarmed security guard trainer. A Board approved lesson plan
20 covering the training requirements in Paragraph (a) of this Rule shall be made available to each trainer. The Board
21 shall approve other media training materials that deliver the training requirements of Paragraph (a) of this Rule.

22 (d) The 16 hours of training may be delivered interactively under the following conditions:

- 23 (1) The training is presented by a Private Protective Services Board certified unarmed security officer
24 trainer.
- 25 (2) Each student is given a copy of the PPS unarmed security officer training manual to use for the
26 duration of the 16 hour training course.
- 27 (3) The technology used allows the trainer to see the students and the students to see the trainer in real
28 time during the training.
- 29 (4) All students in each classroom are able to see and read the screen or monitor, and they must be able
30 to clearly hear and understand the audio presentation. All monitors used in each classroom must be
31 at least 32 inches wide.
- 32 (5) The technology used is of sufficient quality so that the training audio and video is done smoothly
33 and without interruption.
- 34 (6) Each student is taught to use the audio and video equipment in their classroom prior to the start of
35 the 16 hour unarmed security officer training course.
- 36 (7) The total number of students receiving the interactive training at one time does not exceed 35
37 students.

- 1 (8) All training not included in the NC Private Protective Services unarmed security officer training
2 manual is done either before or after the 16 hour unarmed security officer training.
3 (9) The Director of Private Protective Services is notified five days prior to training of the location of
4 each classroom, name and location of the certified trainer, and the number of students who will be
5 present.
6 (10) The sponsoring agency allows the Director or designee access via computer of the training during
7 the time that it is taking place.

8

9 *History Note: Authority G.S. 74C-5; 74C-11; 74C-13;*
10 *Eff. January 1, 1990;*
11 *Amended Eff. June 1, 2009; November 1, 2006; June 1, 2004;*
12 *Transferred and Recodified from 12 NCAC 07D .0707 Eff. July 1, ~~2015~~; 2015;*
13 *Readopted Eff. August 1, 2020.*

14

15

16

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0803

DEADLINE FOR RECEIPT: Thursday, April 9, 2020

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

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

Please note, the name of rules is not within the RRC's purview, so this is only a suggestion; however, I suggest you rename this Rule to spell out "Standards" as it is spelled out in Rule .0703. If you do so, please submit a new Submission for Permanent Rule form with the new name in Box 2.

In the Rule, line 5, please either delete "all" or insert an "of" before "the requirements..."

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: April 1, 2020

1 14B NCAC 16 .0803 is readopted as published in 33:15 NCR 1544 as follows:

2

3 **14B NCAC 16 .0803 MINIMUM STDS/ARMED SECURITY GUARD FIREARM REGISTRATION**
4 **PERMIT**

5 Applicants for an armed security guard registration shall meet all the requirements of Rule .0703 of this Chapter.

6

7 *History Note: Authority G.S. 74C-5; 74C-13;*

8 *Eff. June 1, 1984;*

9 *Amended Eff. February 1, 1990; July 1, 1987;*

10 *Transferred and Recodified from 12 NCAC 07D .0803 Eff. July 1, ~~2015~~ 2015;*

11 *Readopted Eff. August 1, 2020.*

12