

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Alarm Systems Licensing Board

RULE CITATION: 12 NCAC 11 .0105

DEADLINE FOR RECEIPT: Friday, May 9, 2014

NOTE WELL: This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

The form filed for this rule is an old version. Please use the version updated August of 2013:

<http://www.ncoah.com/rules/Form0400forPermanentRuleAugust2013.pdf>

For the updated form, please make the following changes:

- (a) Include the certification date;*
- (b) The publication date in Box 5 is incorrect.*
- (c) Is the link to www.ncdoj.gov correct? Please provide a specific website and not a general page that does not contain the agency's notice.*

Line 3 references "may" be denied, revoked or suspended. Should it be "shall"? Are there factors that are considered by the Board and should be cross-referenced?

Lines 3, 4, 5, 9, and 10, replace "his" with "his or her"

Line 10, replace "him" with "him" or "her"

Line 17, change the verbs to active verbs, like the prior items: "Made" to "Makes" and "given any" to "gives"

Line 17, who is the "third party" referenced? Is the third party the one conducting the criminal history record check? Consider re-writing the clause as follows:

"information to the Administrative Offices of the Courts' approved firm conducting the criminal history record check in Rule .0201 of this Chapter."

Line 20, consider adding 74D-6 to the statutory authority

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, April 25, 2014

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

12 NCAC 11 .0105 has been adopted as published in 28:12 NCR 1289 as follows:

1 **12 NCAC 11 .0105 PROHIBITED ACTS**

2 In addition to the prohibited acts set forth elsewhere in ~~these Regulations~~ this Subchapter and in Chapter 74D of the
3 General Statutes, any applicant, licensee, or registrant who does any of the following may have his application denied, or
4 his license or registration revoked or suspended:

- 5 (1) Displays or causes or permits to be displayed, or has in his possession any cancelled, revoked,
6 suspended, fictitious, fraudulently altered license or registration identification card, or any document
7 simulating a license or registration identification card or purporting to be or to have been issued as a
8 license or registration identification card;
- 9 (2) Lends his license or registration identification card to any person or allows the use thereof by another;
- 10 (3) Displays or represents any license or registration identification card not issued to him as being his
11 license or registration identification card;
- 12 (4) Includes in any advertisement a statement which implies official state authorized certification or
13 approval other than this statement: "Licensed by the Alarm Systems Licensing Board of the State of
14 North Carolina." Licensees may include their license number.
- 15 (5) Includes in the company name the word "police" or other law enforcement designation that implies
16 that the alarm company is affiliated with a local, state, or federal law enforcement agency.
- 17 (6) Made any false statement or given any false information to a third party in connection with any
18 criminal history record check provided to the Board.

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20 *History Note: Authority G.S. 74D-5; 74D-10;*

21 *Temporary Rule Eff. January 9, 1984, for a Period of 120 Days to Expire on May 7, 1984;*

22 *Eff. May 1, 1984;*

23 *Amended Eff. June 1, 2014; August 1, 2007.*