REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: All Rules

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

***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:

*Please correct the date of publication on the Submission for Permanent Rule forms.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0104

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*Please insert page numbers, as this Rule spans more than one page. [See Rule 26 NCAC 02C .0108(1)(h)]*

*Please restart the line numbers at 1 for each page. [See Rule 26 NCAC 02C .0108(1)(f)]*

*I recommend changing the “under” on line 4 to “in” or “set forth in”*

*In Item (5), line 21, “out-of-state” should be hyphenated.*

*On line 26, replace “which” with “that”*

*In Item (8), line 28, please hyphenate “face-to-face”*

*In (9), the original language in the Rule, “courts” did not have a comma after it. Please simply remove the struck through comma on line 31.*

*Replace “which” for Items (12)(a) and (b) with “that”*

*Change the commas in (12)(a)(i) through (iv) to semicolons.*

*In Item (15), replace “one” with “an individual” Also, who will designate the individual as a temporary guard? The employing agency?*

*Please move “Agency Head” so that the terms within the rule are in alphabetical order.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0115

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*On the Form, please indicate this is an adoption.*

*Insert a comma on line 5 between “licensees” and “registrants.”*

*I think “proceedings” on line 5 should be singular, especially since it is singular in the next sentence.*

*Further on line 5, delete “which are.”*

*Change the “which” on line 6 to “that.”*

*I recommend replacing “them” with “him or her” on line 6. If you make this change, change “they hold” on line 7 to “he or she holds.”*

*Thus, the sentence would read (in part):*

*All licensees, registrants and trainers shall report to the Board any administrative proceeding commenced against him or her that involves any potential revocation or suspension of, or other disciplinary action against…”*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0203

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*In Paragraph (a), where would an applicant get the renewal form? Is it available online or sent to the applicant by the Board? Please note the same question for the “Application for Reinstatement of an Expired License” in Paragraph (b)(1).*

*On line 4, it seems that the sentence should read “… shall submit an original and one copy of the renewal form.”*

*On line 5, who is the “administrator”? Is this the Director, which is the individual that is required to be notified of the intent to renew per G.S. 74C-9(f)? If so, would your public know that is who it means, since I don’t see the term defined in the Rules or statute?*

*In (a)(2), if the criminal record check is from a third party provider, is there a timeframe for the length of the check? If it’s from the clerk of superior court, it must be for 24 months. What about private providers? Please note the same question for (b)(4).*

*My understanding of (b) is that if a licensee allows the license to expire for over three years, then the individual must go through the application process as a new applicant. Is that correct?*

*In (b)(7), how does the applicant know how much the criminal record check will cost? Is this set in Rule or statute elsewhere?*

*In (c), “members” is plural, but “license is in good standing and to whom” is singular. I’d rewrite the sentence to state,*

*A member of the armed services whose license is in good standing… to file a tax return is granted/ shall receive that same extension…*

*In either case, use either singular or plural tense exclusively within the sentence.*

*The last “to” on line 33 seems unnecessary to me.*

*I believe you should include 74C-8.1 in your History Note.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0301

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*The existing language in (a) and (b) regarding “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*To clarify, an applicant who meets the other requirements in statute and 12 NCAC 07D .0200 is no longer allowed to use three years’ experience in the military as experience? Is it possible an applicant would not have received the military occupational specialty and served three years as a manager, supervisor or administrator while in the military?*

*On line 12, please re-insert the missing period after “~~functions.~~”*

*The Rule states in (a) that the applicant is required to meet the requirements in 12 NCAC 07D .0200. That Section of Rules includes several requirements, such as a criminal background check and credit check [12 NCAC 07D .0201(a)(6)], be submitted with the application. If those will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, set forth in G.S. 93B-15.1, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*In (a), please confirm you mean to state that an applicant must meet (a)(1) OR (a)(2) OR (a)(3), which is how the Rule is currently written.*

*In (a)(3), remove the apostrophe in “year’s” on line 13.*

*Throughout the Rule, I would prefer you rewrite the language regarding years’ experience as “years of experience”.*

*The new language in (b) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for a security guard and patrol license that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*In (b), replace the comma at the end of line 18 with a semicolon.*

*At the beginning of (b)(2), include some introductory language, such as “the spouse has”*

*On line 21, please reinsert The at the beginning of the sentence, so it reads, “The Board…”*

*In the new Paragraph (c), do you not intend for the educational credit to apply to military spouses, as well?*

*Also in (c), please note my question from earlier rules regarding the identity of the Administrator.*

*Further, in (c), I take it that any major will suffice for the degrees?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0302

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*The existing language in (a) and new language in (b) regarding “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*On line 4, properly cite to the Subchapter as 07D .0200. Please recall that to replace this erroneous citation in the original language, the entire citation must be struck through and replaced.*

*Throughout the Rule, I would prefer you rewrite the language regarding years’ experience as “years of experience”.*

*To clarify, an applicant who meets the other requirements in statute and 12 NCAC 07D .0200 is no longer allowed to use three years of experience in the military as experience? Is it possible an applicant would not have received the military occupational specialty and served three years as a manager, supervisor or administrator while in the military?*

*The Rule states in (a) that the applicant is required to meet the requirements in 12 NCAC 07D .0200. That Section of Rules includes several requirements, such as a criminal background check and credit check [12 NCAC 07D .0201(a)(6)], be submitted with the application. If those will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*On line 11, please underline the entire word “establish”*

*In (a), please confirm you mean to state that an applicant must meet (a)(1) OR (a)(2) OR (a)(3), which is how the Rule is currently written.*

*The new language in (b) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for a guard dog service license that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*In (b), replace the comma at the end of line 16 with a semicolon.*

*At the beginning of (b)(2), include some introductory language, such as “the spouse has”*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0401

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*The existing language in (a) and proposed in language in (b) regarding “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*In (a)(2), line 13, I do not believe that G.S. 74C-3(a)(8) “defines” investigations. I’d replace that verb with “as set forth in”. Please note the same recommendation for (a)(3), line 18, and (b)(2), line 24.*

*On line 16, change “two years verifiable experience” to “two years of verifiable experience.” This maintains consistency with (a)(1) and (2).*

*To clarify, an applicant who meets the other requirements in statute and 12 NCAC 07D .0200 is no longer allowed to use three years of experience in the military as experience? Is it possible an applicant would not have received the military occupational specialty and served three years as a manager, supervisor or administrator while in the military?*

*The Rule states in (a) that the applicant is required to meet the requirements in 12 NCAC 07D .0200. That Section of Rules includes several requirements, such as a criminal background check and credit check [12 NCAC 07D .0201(a)(6)], be submitted with the application. If those will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*In (a), please confirm you mean to state that an applicant must meet (a)(1) OR (a)(2) OR (a)(3), which is how the Rule is currently written.*

*The new language in (b) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for a private investigator license that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*In (b), replace the comma at the end of line 22 with a semicolon.*

*Begin (b)(2) with introductory language, such as “the spouse has”*

*In the new Paragraph (c), do you not intend to award educational credits to military spouse applicants?*

*Also, I assume that the major does not matter, just the degree?*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0501

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*This office does not have the correct electronic version of this rule. Please submit it to* [*oah.rules@oah.nc.gov*](mailto:oah.rules@oah.nc.gov) *immediately.*

*Please confirm that this is the version of the Rule you wanted to submit for review by the RRC for inclusion in the Code. It appears that you inadvertently submitted the version submitted to the Commission last month for certification pursuant to G.S. 150B-19.1, as it has changes to Paragraph (c) that were not published and the proposed effective date is December 1, 2013. [Please note, any changes made to a Rule after publication must be highlighted per Rule 26 NCAC 02C .0405(b)(2).]*

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*In (a)(2), please correctly remove the “;and” on line 11 by striking through the word immediately preceding. Thus, ~~Association; and~~ Association*

*Also, please insert a comma after “Polygraph Association” on line 11.*

*Regarding the language in (a)(4) and (b)(2), “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*In (a)(3), please confirm that an applicant must:*

1. *Have one year of experience; or*
2. *Successfully complete a 6 month training as a trainee and administer 50 or more polygraph exams.*

*Or is the person with one year experience expected to have administered 50 or more exams as well?*

*On line 16, change “two years verifiable experience” to “two years of verifiable experience.” This maintains consistency with (a)(1) and (2).*

*The Rule states in (a) that the applicant is required to meet the requirements in 12 NCAC 07D .0200. That Section of Rules includes several requirements, such as a criminal background check and credit check [12 NCAC 07D .0201(a)(6)], be submitted with the application. If those will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*In (a), please confirm you mean to state that an applicant must meet (a)(1) AND (a)(2) AND (a)(3) OR only b(a)(4), which is how the Rule is currently written.*

*The new language in (b) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for a polygraph license that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*In (b), replace the comma at the end of line 20 with a semicolon.*

*Begin (b)(2) with language such as, “the applicant has”*

*In (c), eliminate the space between (a) and (1) or (2) on lines 23 and 25. Further, you need to properly add the designation by striking the original (a) and inserting the new citation. Thus, ~~(a)~~(a)(1)*

*The language in (d) is unclear. Are you saying that operators who are licensed in another state may conduct three examinations in NC if they are to evaluate that examiner in the performance test required by (a)(1)? This sentence should be rewritten to clarify the intent of the Paragraph. Also, please note my earlier questions regarding the administrator. In addition, I believe this could be broken up into at least two sentences.*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0601

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*I realize that the meaning of P.S.E. is in the name of the Section, but I would like for you to insert something after the full name on line 8 to indicate this is the acronym. You could insert something akin to “applicants for a Psychological Stress Evaluator (P.S.E.) license shall…”*

*On lines 10 and 16, insert “of” so the language reads, “two years of verifiable experience”*

*Regarding the language in (a)(2) and (b) “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*The Rule states in (a) that the applicant is required to meet the requirements in 12 NCAC 07D .0200. That Section of Rules includes several requirements, such as a criminal background check and credit check [12 NCAC 07D .0201(a)(6)], be submitted with the application. If those will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*The new language in (b) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for a P.S.E. license that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*In (b), replace the comma at the end of line 15 with a semicolon.*

*Begin (b)(2) with language such as, “the applicant shall show the Board”*

*In Paragraph (c), line 18, I recommend replacing “must” with “shall”.*

*On line 18, what do you mean by “actual”? (In person, with a curriculum?)*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0807

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*Please insert page numbers, as this Rule spans more than one page. [See Rule 26 NCAC 02C .0108(1)(h)]*

*Please restart the line numbers at 1 for each page. [See Rule 26 NCAC 02C .0108(1)(f)]*

*This is a very cluttered rule. I would split up Paragraph (a) into two Paragraphs, or at least into a Subparagraph. The first sentence states that all applicants will complete the training in Rule .0707. However, the rest of the paragraph focuses exclusively on what Private Investigator licensees do or do not have to do to get the permit. The rule would be much easier to read if it had Paragraphs governing application, renewal and shotgun training.*

*Please simplify the language that applies to Private Investigators in Paragraph (a). I do not see that you need to state in one sentence that 2 classes apply to this group, and then have a second sentence to state that the rest do not. You could simply state, “Private Investigator Licensees applying for an armed security guard firearm registration permit (or just “this permit”) shall first complete a four hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Subchapter, and all additional training requirements set forth in that Rule.”*

*Who conducts the basic training course in (b)? Is this what is contemplated in Paragraph (d)?*

*Delete “as referenced above” online 24.*

*I recommend rearranging the words on line 25 to state, “given three additional attempts”*

*On line 26, what is the “Basic Training Course for Armed Security Guards”? Is this what is in (b), line 13? If so, why is it capitalized in one place but not the other?*

*In (d), line 28, please correct the citation to 12 NCAC Subchapter 07D*

*Also in (d), line 29, what you do mean by “successfully complete” the training? Is the training in (b) successfully completed after the 20 hours of classroom instruction, or does it require also passing the firearms qualification in Paragraph (c)?*

*On line 32, should the sentence read, “their duty ammunition or the ballistic equivalent ammunition, including lead-free ammunition…”?*

*On line 34, is the “instructor” the trainer in (d)? If not, who is it? Does your regulated public know who this is?*

*On line 41, please underline “(h)”, as that is new language.*

*On lines 45 and 47, who is the licensee in this instance? The employing agency as contemplated by G.S. 74C-13? I am confused that it’s not the guard who has a duty to report this to the Board. Is the guard not governed by the Board?*

*At the beginning of line 46, I believe you meant to state “carrying the same make and model weapon.”*

*I believe on lines 59 and 63, you mean to replace references to Paragraph (h) to Paragraph (i).*

*Similarly, I believe you intended to replace the reference to Paragraph (i) on line 63 to Paragraph (j).*

*In Paragraph (m), is “qualify annually both day and night” mean in both day and night shooting? I take it your regulated public knows what this means?*

*In Paragraph (m), line 69, I’d remove “Upon failure to qualify” altogether. If you are uncomfortable doing so, at least insert a comma after “qualify”. Further, replace “they” throughout the Paragraph with “he or she”. Remove “on” on line 71. Do you mean to say the instructor may wait until the next day, or must do so by the next business day? If so, I’d replace “on” with “by.”*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0901

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*Throughout the Rule, please change citations to “Rule 07D XXXX of this Subchapter”*

*Insert “of” after “year” on lines 8,9, 26 and 33*

*The Rule states in (a)(1) that the applicant is required to meet the requirements in 12 NCAC 07D .0703. If those requirements will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*In (a)(2), did you intend to keep the reference to U.S. military experience?*

*In (a)(6), replace “a” with “the” on line 18. In addition, delete “established by” and replace it with “set forth in”. Thus, the sentence will read*

*Successfully complete the requirements of ~~a~~ the Unarmed Trainer Certificate ~~established by 12 NCAC 07D .0909~~ set forth in Rule .0909 of this Subchapter.*

*In (b)(2) insert “of this Rule” after the citation to be consistent with (c).*

*On line 23, the “(1)” is new language and should be underlined.*

*Regarding the language in (c)(2) “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*Replace the comma on line 25 after “Commission” with a semicolon.*

*On line 28, what do you mean by “subsection”? Do you mean Subparagraph?*

*The language on line 30 in Paragraph (d) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for a firearms trainer certificate that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*In (d)(1), replace the comma at the end of line 32 with a semicolon.*

*In (d)(2), begin with language, “the applicant has”*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0909

DEADLINE FOR RECEIPT: **Friday, July 12, 2013**

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:

*Please change the introductory sentence to show this is an amendment, not an adoption.*

*Throughout the Rule, please change citations to “Rule 07D XXXX of this Subchapter”*

*Insert “of” after “year” on lines 6,7, 25 and 32*

*The Rule states in (a)(1) that the applicant is required to meet the requirements in 12 NCAC 07D .0703. If those requirements will be used to determine if an applicant has “committed any act in any jurisdiction that would have constituted grounds for refusal, suspension or revocation of a license to practice the occupation in the State at the time the act was committed”, then I believe this fits within the confines of the statute. If not, then I don’t see that the Board has the authority to request this.*

*In (a)(2), did you intend to keep the reference to U.S. military experience?*

*Replace the period at the end of (a)(3)(G) with a semicolon. On that same line (17), replace the semicolon between “performance” and “45” with a hyphen to be consistent with the rest of the Subparagraph.*

*Please insert a verb at the beginning of (a)(4). (i.e., “Receive a favorable recommendation”)*

*I’d recommend simplifying the language in (a)(5). Why not just state, “submit the application required by Rule .0910 of this Section.”*

*Paragraph (b) has been reformatted from the original version of this Rule, and you must show those changes. The “Board:” on line 22 is new, for instance. Show all changes being made to the original language and punctuation (or the insertion of new language or punctuation).*

*Insert a semicolon after Commission in (b)(1), line 24.*

*(b)(2) as written is not grammatically correct. Combined with (b), it reads:*

*An applicant may submit to the Board:*

*establish to the Board’s satisfaction….*

*I believe you need to insert language, such as “documentation to”*

*Replace the comma with a semicolon at the end of lines 26 and 31.*

*Regarding the language in (b)(2) and (c) “establishing to the Board’s satisfaction” – I assume your regulated public knows the standard used by the Board in determining how the individuals meet this burden?*

*The language on line 29 in Paragraph (c) is an incomplete sentence. I think you mean to say,*

*In addition to the requirements of 12 NCAC 7D .0200, an applicant for an unarmed guard trainer certificate that is the spouse of an active duty member of the US Armed Forces shall establish to the Board’s satisfaction:*

*Properly indent the text in (c)(1) on line 31 and (c)(2), line 33.*

*(c)(2) should begin “the applicant has…”*

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

Of course, this will also require conforming changes to the attached copies of the rule. Please check to see that this paperwork is in order and is returned along with the revised rule.