

## Burgos, Alexander N

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**Subject:** FW: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

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**From:** Gray, Jeffrey <JGray@bdixon.com>  
**Sent:** Friday, June 10, 2022 4:24 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

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Yes, please.

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Friday, June 10, 2022 4:23 PM  
**To:** Gray, Jeffrey <[JGray@bdixon.com](mailto:JGray@bdixon.com)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

Also, unless you have an objection, I'll send the revised versions on to Dana for filing.

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

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**From:** Gray, Jeffrey <[JGray@bdixon.com](mailto:JGray@bdixon.com)>  
**Sent:** Friday, June 10, 2022 4:20 PM  
**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** RE: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

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Correct. (If so, they'd have to repeal it!)

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Friday, June 10, 2022 4:09 PM  
**To:** Gray, Jeffrey <[JGray@bdixon.com](mailto:JGray@bdixon.com)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

Hi Jeff,

I'm sympathetic to that, and while it might be a good idea, I don't think the Board can stay deadlines imposed by statute, unless I missed something that gives the Board that authority. That being said, I think the Board can stay deadlines that are imposed by rule, as long as those deadlines aren't also explicitly mandated by the statute.

As to the first question in re processing renewals, I'm assuming the fact that you're not making any further comment or changes indicates that no, there are no provisions of Ch. 74C that require the Board to process applications in a prescribed period of time. Please confirm.

Thanks,  
Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

---

**From:** Gray, Jeffrey <[JGray@bdixon.com](mailto:JGray@bdixon.com)>

**Sent:** Friday, June 10, 2022 3:39 PM

**To:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>

**Subject:** RE: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Brian:

The second sentence of (b) was included to give the Board's licensees and registrants assurance that there would be no prejudice to them if the Board administratively held the renewal until the criminal charge is resolved. Since you have concerns about the Board's authority to do so I have deleted it. We can merely make them comply with any requirement while they await their renewal.

I have attached revised versions, in both Word format and a pdf., of the seven rules with the second sentence of (b) removed.

Jeff

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

1 14B NCAC 16 .0203 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS**

4 (a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website  
5 provided by the Board. This online application shall be submitted not less than 30 days prior to expiration of the  
6 applicant's current license or trainee permit and shall be accompanied by:

- 7 (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of  
8 sufficient quality for identification, taken within six months prior to online application and  
9 submitted by uploading the photograph online with the application submission;
- 10 (2) upload online a statement of the result of a statewide criminal history records search by the reporting  
11 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
12 resided within the preceding 24 months;
- 13 (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card  
14 transaction fee; and
- 15 (4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e).

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
18 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
19 firearms re-qualification, will be stayed during the period of deferral.]

20 ~~(b)~~ (c) If a licensee has maintained a license at least two years and then allows the license to expire, the license may  
21 be re-issued if application is made within three years of the expiration date and the following documentation is  
22 submitted to the Board:

- 23 (1) an online Application For Reinstatement of an Expired License;
- 24 (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to  
25 the Board's office;
- 26 (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of  
27 sufficient quality for identification, taken within six months prior to online application and  
28 submitted by uploading the photograph online with the application submission;
- 29 (4) upload online a statement of the result of a statewide criminal history records search by the reporting  
30 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
31 resided within the preceding 60 months;
- 32 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and  
33 credit card transaction fee;
- 34 (6) proof of liability insurance as set out in G.S. 74C-10(e); and
- 35 (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed  
36 by the State Bureau of Investigations, with payment to be paid online through the Board's online  
37 application process.

1 ~~(e)~~ (d) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an  
2 extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and  
3 complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension  
4 approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the  
5 Board.

6  
7 *History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;*  
8 *Eff. June 1, 1984;*  
9 *Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994;*  
10 *July 1, 1987; December 1, 1985;*  
11 *Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015;*  
12 *Amended Eff. November 1, 2017;*  
13 *Readopted Eff. March 1, 2020;*  
14 *Amended Eff. July 1, 2021;*  
15 *Permanent Amendment Eff. September 1, 2021;*  
16 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .0706 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD REGISTRATION**

4 (a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online  
5 form on the website provided by the Board. This online form shall be submitted not fewer than 90 days prior to the  
6 expiration of the applicant's current registration and shall be accompanied by:

- 7 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
8 sufficient quality for identification, taken within six months prior to online application and  
9 submitted by uploading the photograph online with the application submission;  
10 (2) upload online a statement of the results of a statewide criminal history records search by the  
11 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
12 applicant has resided within the preceding 12 months;  
13 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
14 transaction fee; and  
15 (4) upload a completed affidavit form and public notice statement form.

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
18 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
19 firearms re-qualification, will be stayed during the period of deferral.]

20 ~~(b)~~ (c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online  
21 application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain  
22 a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

23 ~~(c)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
24 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
25 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
26 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
27 furnished to the Board.

28  
29 *History Note: Authority G.S. 74C-5; 74C-11;*

30 *Eff. June 1, 1984;*

31 *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987;*

32 *December 1, 1985;*

33 *Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015;*

34 *Amended Eff. November 1, 2017;*

35 *Readopted Eff. March 1, 2020;*

36 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .0806 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION**  
4 **PERMIT**

5 (a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her  
6 employer shall complete an online form on the website provided by the Board. This online form shall be submitted  
7 not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- 8 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
9 sufficient quality for identification, taken within six months prior to online application and  
10 submitted by uploading the photograph online with the application submission;
- 11 (2) upload online a statement of the results of a statewide criminal history search obtained by the  
12 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
13 applicant has resided within the preceding 12 months;
- 14 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
15 transaction fee;
- 16 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
17 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
18 online by the Private Protective Services Board;
- 19 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
20 requirements of Rule .0807 of this Section; and
- 21 (6) a completed affidavit form and public notice statement form.

22 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
23 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
24 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
25 firearms re-qualification, will be stayed during the period of deferral.]

26 ~~(b)~~ (c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online  
27 application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain  
28 a copy of the application, including affidavit in the guard's personnel file in the employer's office.

29 ~~(c)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
30 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
31 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
32 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
33 furnished to the Board.

34 ~~(d)~~ (e) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

35 ~~(e)~~ (f) During a national or State declared state of emergency that restricts or prohibits a registered armed security  
36 guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification  
37 up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this

Paragraph shall be issued conditionally and shall automatically expire on the 60<sup>th</sup> day if requalification requirements have not been met.

*History Note: Authority G.S. 74C-5; 74C-13;*  
*Eff. June 1, 1984;*  
*Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985;*  
*Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;*  
*Amended Eff. January 1, 2018; November 1, 2017;*  
*Readopted Eff. November 1, 2019;*  
*Amended Eff. March 1, 2020;*  
*Emergency Amendment Eff. May 6, 2020;*  
*Temporary Amendment Eff. July 24, 2020;*  
*Temporary Amendment Expired Eff. May 14, 2021;*  
*Amended Eff. January 1, 2022;*  
*Amended Eff. July 1, 2022.*

1 14B NCAC 16 .0904 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

4 (a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website  
5 provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the  
6 applicant's current certificate and shall be accompanied by:

- 7 (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved  
8 by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom  
9 and practical range training in safety and maintenance of the applicable firearm (i.e. handgun,  
10 shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This  
11 training shall be completed within 180 days of the submission of the renewal application;
- 12 (2) uploaded online a statement of the results of a criminal history records search by the reporting  
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
14 resided within the preceding 48 24 months;
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
16 transaction fee; and
- 17 (4) ~~the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation~~  
18 ~~to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected~~  
19 ~~online by the Private Protective Services Board.~~

20 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
21 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
22 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
23 firearms re-qualification, will be stayed during the period of deferral.]

24 ~~(b)~~ (c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an  
25 extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and  
26 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
27 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
28 furnished to the Board.

29 ~~(c)~~ (d) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue  
30 to instruct during the period between the failure to qualify and the expiration of his or her permit.

31 ~~(d)~~ (e) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal  
32 requalification.

33 ~~(e)~~ (f) During a national or State declared state of emergency that restricts or prohibits a registered armed security  
34 guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification  
35 up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this  
36 Paragraph shall be issued conditionally and shall automatically expire on the 60<sup>th</sup> day if requalification requirements  
37 have not been met.



1  
2 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*  
3 *Eff. June 1, 1984;*  
4 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*  
5 *1985;*  
6 *Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*  
7 *Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;*  
8 *Readopted Eff. November 1, 2019;*  
9 *Amended Eff. March 1, 2020;*  
10 *Emergency Amendment Eff. May 6, 2020;*  
11 *Temporary Amendment Eff. July 24, 2020;*  
12 *Temporary Amendment Expired Eff. May 14, 2021;*  
13 *Amended Eff. January 1, 2022;*  
14 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .0911 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE**

4 (a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website  
5 provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the  
6 applicant's current certificate. In addition, the applicant shall include the following:

- 7 (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the  
8 application process;
- 9 (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed  
10 instruction performed during the current unarmed trainer certification period; ~~and~~
- 11 (3) a statement verifying the classes taught during the current unarmed trainer certification period on a  
12 form provided by the Board as part of the online application ~~process.~~ process; and
- 13 (4) uploaded online a statement of the results of a criminal history records search by the reporting  
14 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
15 resided within the preceding 24 months.

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
18 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
19 firearms re-qualification, will be stayed during the period of deferral.]

20 ~~(b)~~ (c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an  
21 extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and  
22 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
23 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be  
24 furnished to the Board.

25  
26 *History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;*  
27 *Eff. August 1, 2004;*  
28 *Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008;*  
29 *Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;*  
30 *Readopted Eff. March 1, 2020;*  
31 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .1306 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD**  
4 **REGISTRATION**

5 (a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her  
6 employer shall complete an online form provided by the Board. This online form shall be submitted not fewer than 90  
7 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- 8 (1) upload online a statement of the results of a statewide criminal history records search obtained from  
9 the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
10 applicant has resided within the preceding 12 months;  
11 (2) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card  
12 transaction fee.  
13 (3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
14 sufficient quality for identification, taken within six months prior to online application and  
15 submitted by uploading the photograph online with application submission; and  
16 (4) a completed affidavit form and public notice statement form.

17 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
18 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
19 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
20 firearms re-qualification, will be stayed during the period of deferral.]

21 ~~(b)~~ (c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online  
22 application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue  
23 and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

24 ~~(c)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
25 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
26 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
27 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
28 furnished to the Board.

29  
30 *History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a);*  
31 *Eff. January 1, 2013;*  
32 *Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;*  
33 *Amended Eff. November 1, 2017;*  
34 *Readopted Eff. March 1, 2020;*  
35 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .1406 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM**  
4 **REGISTRATION PERMIT**

5 (a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card  
6 his or her employer or designee shall complete an online form provided by the Board. This online form shall be  
7 submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration  
8 and shall be accompanied by:

- 9 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
10 sufficient quality for identification, taken within six months prior to online application and  
11 submitted by uploading the photograph online with the application submission;  
12 (2) upload online a statement of the result of a statewide criminal history records search by the reporting  
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
14 resided within the preceding 12 months;  
15 (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card  
16 transaction fee;  
17 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
18 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
19 online by the Private Protective Services Board;  
20 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
21 requirements of Rule .0807 of the Section; and  
22 (6) a completed affidavit form and public notice statement form.

23 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
24 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
25 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
26 firearms re-qualification, will be stayed during the period of deferral.]

27 ~~(b)~~ (c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online  
28 application and completed application, including the completed affidavit form, to serve as a record of application for  
29 renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's  
30 office.

31 ~~(c)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
32 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
33 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
34 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
35 furnished to the Board.

36  
37 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*

1                   *Eff. January 1, 2013;*  
2                   *Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015;*  
3                   *Amended Eff. November 1, 2017;*  
4                   *Readopted Eff. March 1, 2020;*  
5                   *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .0203 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS**

4 (a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website  
5 provided by the Board. This online application shall be submitted not less than 30 days prior to expiration of the  
6 applicant's current license or trainee permit and shall be accompanied by:

- 7 (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of  
8 sufficient quality for identification, taken within six months prior to online application and  
9 submitted by uploading the photograph online with the application submission;
- 10 (2) upload online a statement of the result of a statewide criminal history records search by the reporting  
11 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
12 resided within the preceding 24 months;
- 13 (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card  
14 transaction fee; and
- 15 (4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e).

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
18 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
19 firearms re-qualification, will be stayed during the period of deferral.]

20 ~~(b)~~ (c) If a licensee has maintained a license at least two years and then allows the license to expire, the license may  
21 be re-issued if application is made within three years of the expiration date and the following documentation is  
22 submitted to the Board:

- 23 (1) an online Application For Reinstatement of an Expired License;
- 24 (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to  
25 the Board's office;
- 26 (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of  
27 sufficient quality for identification, taken within six months prior to online application and  
28 submitted by uploading the photograph online with the application submission;
- 29 (4) upload online a statement of the result of a statewide criminal history records search by the reporting  
30 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
31 resided within the preceding 60 months;
- 32 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and  
33 credit card transaction fee;
- 34 (6) proof of liability insurance as set out in G.S. 74C-10(e); and
- 35 (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed  
36 by the State Bureau of Investigations, with payment to be paid online through the Board's online  
37 application process.

1 (e) (d) A member of the armed forces whose license is in good standing and to whom G.S. 105-249.2 grants an  
2 extension of time to file a tax return shall receive that same extension of time to pay the license renewal fee and  
3 complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension  
4 approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the  
5 Board.

6  
7 *History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;*  
8 *Eff. June 1, 1984;*  
9 *Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994;*  
10 *July 1, 1987; December 1, 1985;*  
11 *Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015;*  
12 *Amended Eff. November 1, 2017;*  
13 *Readopted Eff. March 1, 2020;*  
14 *Amended Eff. July 1, 2021;*  
15 *Permanent Amendment Eff. September 1, 2021;*  
16 *Amended Eff. July 1, 2022.*



1 14B NCAC 16 .0706 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0706 RENEWAL OF UNARMED SECURITY GUARD REGISTRATION**

4 (a) Each applicant for renewal of a registration identification card or his or her employer shall complete an online  
5 form on the website provided by the Board. This online form shall be submitted not fewer than 90 days prior to the  
6 expiration of the applicant's current registration and shall be accompanied by:

- 7 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
8 sufficient quality for identification, taken within six months prior to online application and  
9 submitted by uploading the photograph online with the application submission;  
10 (2) upload online a statement of the results of a statewide criminal history records search by the  
11 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
12 applicant has resided within the preceding 12 months;  
13 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
14 transaction fee; and  
15 (4) upload a completed affidavit form and public notice statement form.

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
18 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
19 firearms re-qualification, will be stayed during the period of deferral.]

20 (b) (c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online  
21 application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain  
22 a copy of the application, including affidavit, in the guard's personnel file in the employer's office.

23 (e) (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
24 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
25 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
26 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
27 furnished to the Board.

28  
29 *History Note: Authority G.S. 74C-5; 74C-11;*

30 *Eff. June 1, 1984;*

31 *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987;*

32 *December 1, 1985;*

33 *Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015;*

34 *Amended Eff. November 1, 2017;*

35 *Readopted Eff. March 1, 2020;*

36 *Amended Eff. July 1, 2022.*



1 14B NCAC 16 .0806 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION**  
4 **PERMIT**

5 (a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her  
6 employer shall complete an online form on the website provided by the Board. This online form shall be submitted  
7 not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- 8 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
9 sufficient quality for identification, taken within six months prior to online application and  
10 submitted by uploading the photograph online with the application submission;
- 11 (2) upload online a statement of the results of a statewide criminal history search obtained by the  
12 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
13 applicant has resided within the preceding 12 months;
- 14 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
15 transaction fee;
- 16 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
17 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
18 online by the Private Protective Services Board;
- 19 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
20 requirements of Rule .0807 of this Section; and
- 21 (6) a completed affidavit form and public notice statement form.

22 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
23 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
24 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
25 firearms re-qualification, will be stayed during the period of deferral.]

26 ~~(b)~~ (c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online  
27 application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain  
28 a copy of the application, including affidavit in the guard's personnel file in the employer's office.

29 ~~(e)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
30 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
31 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
32 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
33 furnished to the Board.

34 ~~(d)~~ (e) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

35 ~~(e)~~ (f) During a national or State declared state of emergency that restricts or prohibits a registered armed security  
36 guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification  
37 up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this

1 Paragraph shall be issued conditionally and shall automatically expire on the 60<sup>th</sup> day if requalification requirements  
2 have not been met.

3  
4 *History Note: Authority G.S. 74C-5; 74C-13;*  
5 *Eff. June 1, 1984;*  
6 *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1,*  
7 *1985;*  
8 *Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;*  
9 *Amended Eff. January 1, 2018; November 1, 2017;*  
10 *Readopted Eff. November 1, 2019;*  
11 *Amended Eff. March 1, 2020;*  
12 *Emergency Amendment Eff. May 6, 2020;*  
13 *Temporary Amendment Eff. July 24, 2020;*  
14 *Temporary Amendment Expired Eff. May 14, 2021;*  
15 *Amended Eff. January 1, 2022;*  
16 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .0904 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

4 (a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website  
5 provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the  
6 applicant's current certificate and shall be accompanied by:

- 7 (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved  
8 by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom  
9 and practical range training in safety and maintenance of the applicable firearm (i.e. handgun,  
10 shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This  
11 training shall be completed within 180 days of the submission of the renewal application;
- 12 (2) uploaded online a statement of the results of a criminal history records search by the reporting  
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
14 resided within the preceding 48 24 months;
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
16 transaction fee; and
- 17 (4) ~~the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation~~  
18 ~~to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected~~  
19 ~~online by the Private Protective Services Board.~~

20 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
21 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
22 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
23 firearms re-qualification, will be stayed during the period of deferral.]

24 ~~(b)~~ (c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an  
25 extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and  
26 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
27 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
28 furnished to the Board.

29 ~~(e)~~ (d) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue  
30 to instruct during the period between the failure to qualify and the expiration of his or her permit.

31 ~~(d)~~ (e) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal  
32 requalification.

33 ~~(e)~~ (f) During a national or State declared state of emergency that restricts or prohibits a registered armed security  
34 guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification  
35 up to 60 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this  
36 Paragraph shall be issued conditionally and shall automatically expire on the 60<sup>th</sup> day if requalification requirements  
37 have not been met.

1  
2 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*  
3 *Eff. June 1, 1984;*  
4 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*  
5 *1985;*  
6 *Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*  
7 *Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;*  
8 *Readopted Eff. November 1, 2019;*  
9 *Amended Eff. March 1, 2020;*  
10 *Emergency Amendment Eff. May 6, 2020;*  
11 *Temporary Amendment Eff. July 24, 2020;*  
12 *Temporary Amendment Expired Eff. May 14, 2021;*  
13 *Amended Eff. January 1, 2022;*  
14 *Amended Eff. July 1, 2022.*



1 14B NCAC 16 .0911 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE**

4 (a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website  
5 provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the  
6 applicant's current certificate. In addition, the applicant shall include the following:

- 7 (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the  
8 application process;
- 9 (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed  
10 instruction performed during the current unarmed trainer certification period; and
- 11 (3) a statement verifying the classes taught during the current unarmed trainer certification period on a  
12 form provided by the Board as part of the online application process; ~~process; and~~
- 13 (4) uploaded online a statement of the results of a criminal history records search by the reporting  
14 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
15 resided within the preceding 24 months.

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
18 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
19 firearms re-qualification, will be stayed during the period of deferral.]

20 ~~(b)~~ (c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an  
21 extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and  
22 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
23 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be  
24 furnished to the Board.

25  
26 *History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;*

27 *Eff. August 1, 2004;*

28 *Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008;*

29 *Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;*

30 *Readopted Eff. March 1, 2020;*

31 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .1306 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD**  
4 **REGISTRATION**

5 (a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her  
6 employer shall complete an online form provided by the Board. This online form shall be submitted not fewer than 90  
7 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- 8 (1) upload online a statement of the results of a statewide criminal history records search obtained from  
9 the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
10 applicant has resided within the preceding 12 months;  
11 (2) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card  
12 transaction fee.  
13 (3) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
14 sufficient quality for identification, taken within six months prior to online application and  
15 submitted by uploading the photograph online with application submission; and  
16 (4) a completed affidavit form and public notice statement form.

17 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
18 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
19 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
20 firearms re-qualification, will be stayed during the period of deferral.]

21 ~~(b)~~ (c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the online  
22 application, including the completed affidavit form, that shall serve as a record of application for renewal or reissue  
23 and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's office.

24 ~~(e)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
25 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
26 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
27 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
28 furnished to the Board.

29  
30 *History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a);*

31 *Eff. January 1, 2013;*

32 *Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;*

33 *Amended Eff. November 1, 2017;*

34 *Readopted Eff. March 1, 2020;*

35 *Amended Eff. July 1, 2022.*

1 14B NCAC 16 .1406 is adopted as published in 36:15 NCR 1296 as follows:

2  
3 **14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM**  
4 **REGISTRATION PERMIT**

5 (a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card  
6 his or her employer or designee shall complete an online form provided by the Board. This online form shall be  
7 submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration  
8 and shall be accompanied by:

- 9 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
10 sufficient quality for identification, taken within six months prior to online application and  
11 submitted by uploading the photograph online with the application submission;  
12 (2) upload online a statement of the result of a statewide criminal history records search by the reporting  
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
14 resided within the preceding 12 months;  
15 (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card  
16 transaction fee;  
17 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
18 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
19 online by the Private Protective Services Board;  
20 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
21 requirements of Rule .0807 of the Section; and  
22 (6) a completed affidavit form and public notice statement form.

23 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
24 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. [The  
25 deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or  
26 firearms re-qualification, will be stayed during the period of deferral.]

27 ~~(b)~~ (c) The employer of each applicant for a registration renewal shall give the applicant a copy of the online  
28 application and completed application, including the completed affidavit form, to serve as a record of application for  
29 renewal and shall retain a copy of the online application and affidavit in the guard's personnel file in the employer's  
30 office.

31 ~~(e)~~ (d) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
32 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
33 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
34 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
35 furnished to the Board.

36  
37 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*

1                   *Eff. January 1, 2013;*  
2                   *Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015;*  
3                   *Amended Eff. November 1, 2017;*  
4                   *Readopted Eff. March 1, 2020;*  
5                   *Amended Eff. July 1, 2022.*



## Burgos, Alexander N

---

**Subject:** FW: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Friday, June 10, 2022 11:54 AM  
**To:** Gray, Jeffrey <jgray@bdixon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

Hi Jeff,

Thanks for your responses. I'm copying in my requests, so when the Commission sees this, it's a little easier to follow. My replies will be in red.

*With respect to paragraph (b) generally, which is worded the same in each of the above captioned rules, is this provision in conflict with provisions of G.S. 74C which prescribe the timing of renewals for various licenses, registrations, and certificates? For instance, G.S. 74C-9(b), states that all licenses must be renewed prior to the expiration of the license, and 74C-9(f), which states that "[t]he renewal shall be finalized before the expiration date of the license. In no event will renewal be granted more than three months after the date of expiration of a license or trainee permit."*

N.C. Gen. Stat. 74C-9 speaks in terms of a "notification to the Director." This is original language in the statute and is merely a renewal application. The deadline for renewal is tolled once the renewal application and the renewal fee is received by the Board's office. The deadline is not the granting of the license or permit; the deadline is met by submitting what's required in (a) of each rule on time. (Were that not the case the Board would violate that dozens of times a year since there is a frequently a renewal back-log and the actual renewed license or registration may not be sent out for two to three weeks.)

So, to be clear, the Board is under no obligation, anywhere in Ch. 74C, to process a renewal application within a prescribed period of time? If that's true, I'm OK, but otherwise, I would have concerns that deferring an application would conflict with statutory directives.

*Also with respect to (b) generally, what is your statutory authority to stay a deadline mandated by a law, rather than another Rule?*

I have reviewed your question regarding the new "(b)" in each of seven rules. The Board is not staying a deadline. The Board is merely not granting the renewal if the licensee or permit holder (e.g. a "registrant") has a pending criminal charge.

The language of the rule explicitly states that "[t]he deadline for completion of any requirement mandated by [Chapter 74C]...will be stayed during the period of deferral."

*Finally, in (b), does "the Board's law" refer to Chapter 74C or to the Board's bylaws?*

As to your question regarding the “the Board’s law,” that means Chapter 74C. A board’s by-laws are only “internal” operational guidelines. A board cannot enforce its by-laws against the public. (That would be violative of the definition of a “rule” in N.C. Gen. Stat. 150B-2(8a).)

Thanks for clarifying. Please change the text to reflect that you’re referring to Chapter 74C. Perhaps: “...any requirement mandated by Chapter 74C of the General Statutes and Chapter 16 of these Rules...”

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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## Burgos, Alexander N

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**Subject:** FW: [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

---

**From:** Gray, Jeffrey <JGray@bdixon.com>

**Sent:** Thursday, June 9, 2022 6:06 PM

**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>

**Subject:** [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

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Brian:

I have reviewed your question regarding the new “(b)” in each of seven rules. The Board is not staying a deadline. The Board is merely not granting the renewal if the licensee or permit holder (e.g. a “registrant”) has a pending criminal charge.

N.C. Gen. Stat. 74C-9 speaks in terms of a “notification to the Director.” This is original language in the statute and is merely a renewal application. The deadline for renewal is tolled once the renewal application and the renewal fee is received by the Board’s office. The deadline is not the granting of the license or permit; the deadline is met by submitting what’s required in (a) of each rule on time. (Were that not the case the Board would violate that dozens of times a year since there is a frequently a renewal back-log and the actual renewed license or registration may not be sent out for two to three weeks.)

As to your question regarding the “the Board’s law,” that means Chapter 74C. A board’s by-laws are only “internal” operational guidelines. A board cannot enforce its by-laws against the public. (That would be violative of the definition of a “rule” in N.C. Gen. Stat. 150B-2(8a).)

Jeff

## Burgos, Alexander N

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**From:** Gray, Jeffrey <JGray@bdixon.com>  
**Sent:** Friday, June 3, 2022 9:42 AM  
**To:** Liebman, Brian R  
**Cc:** Burgos, Alexander N  
**Subject:** [External] RE: PPSB Request for Changes - June 2022 RRC Meeting

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Brian:

RECEIVED.

And I will have a response to you by mid-week next week.

Jeff

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**From:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Sent:** Tuesday, May 31, 2022 6:45 PM  
**To:** Gray, Jeffrey <JGray@bdixon.com>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** PPSB Request for Changes - June 2022 RRC Meeting

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the June 2022 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, June 10, 2022.

Note that since my questions only revolve around the identical language added to the majority of the Rules related to staying a pending license or registration application, I've just grouped them all into one request, rather than repeat the same questions a million times.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings

(984)236-1948

[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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