

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Friday, August 8, 2025 9:15 AM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

In .0109, pg. 2, line 18, add “is” before “immediately.”

[The denial of the request immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.]

Compare to .0117 below where you added “is”.

[The denial of the request is immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.]

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, August 7, 2025 3:52 PM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

Jeff,

Please email all the submitted rules to oah.rules@oah.nc.gov by August 15th for RRC review in August. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Thursday, August 7, 2025 4:06 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Not sure what ate the “is” but will fix it and file both Boards’ w/ a cc. to Alex.

Jeffrey P. Gray

Of Counsel
Bailey & Dixon, LLP
434 Fayetteville Street, Suite 2500
P.O. Box 1351
Raleigh, NC 27601 (27602)
Telephone: 919-828-0731
Facsimile: 919-828-6592
E-mail: jgray@bdixon.com

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Thursday, August 7, 2025 3:51 PM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

Jeff,

On pg. 2, line 18, add “is” before “immediately.”

After making the requested change above, please email the rule to oah.rules@oah.nc.gov by August 15th for RRC review in August. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting
Attachments: 14B NCAC 17 .0109 - proposed adoption - 080725.docx

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Thursday, August 7, 2025 3:30 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Travis:

My intention was to make that single sentence a part of paragraph (f) since that paragraph addresses grounds for denial. I wanted whoever is reading it to know it is appealable (without having to look elsewhere.) Numbering it as a sub (10) would be inconsistent with the other nine.

I re-worded it as per your suggestion.

Jeff

Jeffrey P. Gray

Of Counsel
Bailey & Dixon, LLP
434 Fayetteville Street, Suite 2500
P.O. Box 1351
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Telephone: 919-828-0731
Facsimile: 919-828-6592
E-mail: jgray@bdixon.com

14B NCAC 17 .0109 is proposed for adoption, with changes, as published in 39:21 NCR 1399-1320 as follows:

14B NCAC 17 .0109 DECLARATORY RULING PROCEDURES

(a) All requests for declaratory rulings shall be in writing and mailed to the Board at the Board's address.

(b) Each request for a declaratory ruling shall include the following information:

- (1) the name and address of person requesting the ruling;
- (2) the statute or rule to which the request relates;
- (3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute or its potential application to him or her;
- (4) names and addresses of additional third persons known to the person aggrieved who may possibly be affected by the requested ruling;
- (5) a statement of all material facts;
- (6) a statement whether or not the person aggrieved is aware of any pending Board action or court action that may bear on the applicability of the statute or rule to the person's particular situation; and
- (7) a statement of the arguments and legal authority supporting the person's position on the applicability of this statute or rule; and

The petitioner shall sign and verify the request before an officer qualified to administer oaths that the information supplied in the request is true and accurate.

(c) Upon Within 30 days of receipt of a request for a declaratory ruling, the Board shall determine whether a ruling is appropriate under the facts stated.

(d) The Board shall proceed to issue a declaratory ruling when the person requesting the rule shows that, with regard to the facts presented:

- (1) the rule or statute in question is unclear on its face;
- (2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;
- (3) the factors specified in the request were not given appropriate consideration by the Board at the time the rule was adopted;
- (4) the rule or statute is unclear in its application to the requesting person's facts; or
- (5) a fair question exists regarding the validity of the rule because of an absence of authority for the Board's adoption of the rule or other irregularities in the Board's rule-making proceedings.

(e) The Board shall not issue a declaratory ruling when the petitioner or his or her request is the subject of, or materially related to, an investigation by the Board or contested case before the Board.

(f) When the Board determines for good cause that the issuance of a declaratory ruling is unnecessary, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will ordinarily decline to issue a declaratory ruling when:

- (1) there has been a similar controlling factual determination made by the Board;
- (2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to to, or at the time of adoption of the rule;

- (3) the subject matter of the request is involved in pending litigation in any state or federal court in North ~~Carolina;~~ Carolina, or pending legislation or rulemaking;
- (4) the request does not comply with the procedural guidelines within Paragraphs (a) and (b) of this Rule;
- (5) the Board has previously issued a declaratory ruling on substantially similar facts;
- (6) the Board has previously issued a final agency decision in a contested case on substantially similar facts;
- ~~[(7) the facts underlying the request for a declaratory ruling were considered at the time of the adoption of the rule in question;]~~
- [(8) ~~(7)~~] the subject matter is one concerning which the Board is without authority to make a decision binding the Board or the petitioner;
- [(9) ~~(8)~~] the petitioner is not aggrieved by the rule or statute in question or otherwise has no interest in the subject matter of the request;
- [(10) ~~(9)~~] there is reason to believe that the petitioner or some other person or entity materially connected to the subject matter of the request is acting in violation of the G.S. Chapter 74C or the rules adopted by the Board; or
- ~~[(13) the subject matter of the request is involved in pending litigation, legislation, or rulemaking.]~~
- [The denial of the request immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.]
- (g) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other appropriate procedures. [A written ruling on the merits shall be issued within 45 days of the decision to grant the request.]
- (h) If the Board finds evidence that the factors listed in Subdivisions (d)(1), (2), or (3) of this Rule exist or potentially exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-making proceedings on the rule.
- (i) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board. The record will contain:
- (1) the request for a declaratory ruling;
 - (2) all written submissions filed in the request, whether filed by the person requesting the ruling or by any other person;
 - (3) a record or summary of oral presentations, if any; and
 - (4) a copy of the declaratory ruling.

History Note: Authority G.S. 150B-4;
Eff. September 1, 2025;

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, August 6, 2025 10:59 AM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

Good morning, Jeff,

On pg. 2, now line 18, did you intend to make this line “(10)” under “(f)”? If so, please make that change and consider beginning (10) with, “the denial of the request is immediately...”

I’m otherwise satisfied with the changes. After making the requested change above, please email the rule to oah.rules@oah.nc.gov for RRC review in August. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, August 6, 2025 11:09 AM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: August RRC Meeting

Good morning, Jeff,

.0117: On pg. 2, now line 18, did you intend to make this line “(10)” under “(f)”? If so, please make that change and consider beginning (10) with, “the denial of the request is immediately...”

I’m otherwise satisfied with the changes. After making the requested change above, please email all the submitted rules to oah.rules@oah.nc.gov for RRC review in August. Please copy me and alexander.burgos@oah.nc.gov to the email.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: [External] RE: August RRC Meeting
Attachments: 14B NCAC 16 .0103 - proposed for amendment - 080525.docx; 14B NCAC 16 .0105 - proposed for amendment - 080525.docx; 14B NCAC 16 .0116 - proposed for adoption - 080525.docx; 14B NCAC 16 .0117 - proposed for adoption - 08.05.25.docx; 14B NCAC 16 .0502 - proposed amendment - 080525.docx

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Tuesday, August 5, 2025 4:56 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: August RRC Meeting

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Travis:

Attached are the five rules for the Private Protective Services Board with revisions in keeping with the Request for Changes. I am answering your questions in the order received:

14B NCAC 16 .0103:

Line 8: I failed to remember that Julie made these changes after I submitted the Notice of Text, and I did not have her revised version. It has been corrected to reflect what was published in the Register.

(10), line 36: Done.

14B NCAC 16 .0105:

(a)(1), line 7: Done.

14B NCAC 16 .0116:

Line 4: Done.

Line 5: “trade name” is considered to be of common usage. It is defined by federal law in Sec. 45 of the Lanham Trademark Act (15 U.S.C. Sec. 1127) which is also incorporated by the NC Secretary of State’s Office for registration of a trademark or trade name. What is meant by “used” has been clarified.

14B NCAC 16 .0117:

General question regarding incorporating G.S. 150B-4(a)(1) - (4): Done. Changes were interspersed in (c) (p. 1, line 19), last sentence of (f) (p. 2), & last sentence of (g) (p.2.)

(d)(5): “other irregularities” would be the three additional items under G.S. 150B-21.9(a), a failure to submit to OSBM, or anything else a petitioner thinks up!

(f)(7): (f)(7) has been deleted and the language added to (d)(2) as suggested.

Page 2, generally: Done. And (13) has been deleted.

(g): Yes, “may” was intended.

14B NCAC 16 .0502:

(1), Line 10: Done.

Change made to “(3)” and “(4).”

Line 21: Done.

Jeff

Jeffrey P. Gray

Of Counsel

Bailey & Dixon, LLP

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Raleigh, NC 27601 (27602)

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E-mail: jgray@bdixon.com

an authorized state official.

1 **14B NCAC 16 .0103 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

2
3 **14B NCAC 16 .0103 DEFINITIONS**

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

5 (1) "Advertising medium" means any form of written, printed, broadcast or computer-based
6 advertising, or other promotional materials, except a telephone directory listing for which no
7 additional advertising charge is made.

8 ~~(1)~~ (2) "Agency Head" means the ~~Chairman~~ Chair of the Board.

9 ~~(2)~~ (3) "Applicant" means any person, firm, or corporation applying to the Board for a license, trainee
10 permit, registration, or firearms trainer certificate.

11 ~~(3)~~ (4) "Armed Security Guard" means an individual employed, full time or part time, by a contract security
12 company or a proprietary security organization:

13 (a) who at any time wears, carries, or possesses a firearm in the performance of his or her
14 duties; and

15 (b) whose principal duty is that of:

16 (i) an armed security guard, officer, patrol, or watchman;

17 (ii) an armed armored car service guard; or

18 (iii) an armed courier service guard.

19 ~~(4)~~ (5) "Board" means the Private Protective Services Board established by G.S. 74C.

20 ~~(5)~~ (6) "Branch Manager or Operator" means the individual endowed with the responsibility and liability
21 for a branch office.

22 ~~(6)~~ (7) "Branch Office" means a separate but dependent part of a central organization engaged in the
23 business of providing private protective services established for the purpose of extending the
24 activities of the central organization. The establishment of a telephone number or mailing address
25 in the company name constitutes prima facie evidence of a branch office. If an out-of-state person,
26 firm, association, or corporation opens an office in North Carolina, the North Carolina office shall
27 be deemed the principal place of business and shall have a resident licensed qualifying agent.

28 ~~(7)~~ (8) ~~"Chairman"~~ "Chair" means the ~~Chairman~~ Chair of the Private Protective Services Board.

29 ~~(8)~~ (9) "Contract Security Company" means any person, firm, association, or corporation engaging in a
30 private protective services business as defined in G.S. 74C-3 that provides the services on a
31 contractual basis for a fee or other valuable consideration to any other person, firm, association, or
32 corporation.

33 ~~(9)~~ (10) "Direct Supervision" means personal, face-to-face contact and direction of the trainee's activities on
34 a frequent and reasonable basis based upon the trainee's level of experience.

35 ~~(10)~~ (11) "Investigative Capacity" means any law enforcement agency position for which the majority of the
36 [duties] duties include conducting investigations and interviews, completing reports, and testifying
37 in courts, administrative hearings, or military tribunals.

(11) (12) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is an employee of the United States, any state, or any political subdivision of a state.

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

(13) (14) "Proprietary Security Organization" means any person, firm, association, corporation, or department that employs watchmen, security guards or "officers," patrol personnel, or couriers in connection with the business affairs of the employer.

(14) (15) "Qualifying Agent" means the individual licensee who is responsible for the private protective services business. If the licensee maintains an office in North Carolina, the Qualifying Agent must be a resident of North Carolina.

(15) (16) "Registered agent" means the individual resident of North Carolina designated by the business entity in lieu of the Qualifying Agent as allowed by G.S. 74C-8(c)(1) who may be, but is not required to be, the registered agent required by G.S. 55D-30.

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

~~(17) "Temporary unarmed security guard" means an individual who is hired for a period of 30 days or less within a calendar year and who is designated by his or her employer as a temporary security guard at the start of employment.~~

History Note: Authority G.S. 74C-3; 74C-5; 74C-8;

Eff. June 1, 1984;

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

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

Readopted Eff. August 1, 2020;

Amended Eff. September 1, 2025; January 1, 2023; March 1, 2022.

1 **14B NCAC 16 .0105 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

2
3 **14B NCAC 16 .0105 PROHIBITED ACTS**

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

- 7 (1) ~~Displays or~~ **Displays.** causes or allows to be displayed, or has in his or her possession any
8 cancelled, revoked, suspended, fictitious, or fraudulently altered license, trainee permit, registration
9 identification card, or firearms trainer certificate, or any document simulating, purporting to be, or
10 purporting to have been issued as a license, trainee permit, registration identification card, or
11 firearms trainer certificate;
12 (2) Lends his or her license, trainee permit, registration identification card, or firearms trainer certificate
13 to any person or allows the use thereof by another;
14 (3) Displays or represents any license, trainee permit, registration identification card, or firearms trainer
15 certificate not issued to him or her as being his or her license, trainee permit, registration
16 identification card, or firearms trainer certificate; or
17 (4) Includes in any advertisement a statement that implies official state authorized certification or
18 approval other than this statement: "Licensed by the Private Protective Services Board of the State
19 of North ~~Carolina.~~ Licensees must include their license number. Carolina" and license number
20 required by 14B NCAC 16 .0116.

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

25
26 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-12; 74C-16;*
27 *Eff. June 1, 1984;*
28 *Amended Eff. May 1, 2014; July 1, 1987;*
29 *Transferred and Recodified from 12 NCAC 07D .0106 Eff. July 1, 2015;*
30 *Readopted Eff. August 1, 2020.*
31 *Amended Eff. September 1, 2025.*

1 14B NCAC 16 .0116 is proposed for adoption, with changes, as published in 39:21 NCR 1394-1398 as follows:

2
3 14B NCAC 16 .0116 ADVERTISING

4 Any advertisement of private protective services in any advertising ~~media~~ ~~media~~, as defined in these ~~Rules~~ ~~Rules~~,
5 shall include the licensee's name and license number, whether or not a trade name is ~~used~~ ~~used in advertising~~.

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

8 *Eff. September 1, 2025.*

1 14B NCAC 16 .0117 is proposed for adoption, with changes, as published in 39:21 NCR 1394-1398 as follows:

2
3 **14B NCAC 16 .0117 DECLARATORY RULING PROCEDURES**

4 (a) All requests for declaratory rulings shall be in writing and mailed to the Board at the Board's address.

5 (b) Each request for a declaratory ruling shall include the following information:

6 (1) the name and address of person requesting the ruling;

7 (2) the statute or rule to which the request relates;

8 (3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute
9 or its potential application to him or her;

10 (4) names and addresses of additional third persons known to the person aggrieved who may possibly
11 be affected by the requested ruling;

12 (5) a statement of all material facts;

13 (6) a statement whether or not the person aggrieved is aware of any pending Board action or court action
14 that may bear on the applicability of the statute or rule to the person's particular situation; and

15 (7) a statement of the arguments and legal authority supporting the person's position on the applicability
16 of this statute or rule; and

17 The petitioner shall sign and verify the request before an officer qualified to administer oaths that the information
18 supplied in the request is true and accurate.

19 (c) [Upon Within 30 days of] receipt of a request for a declaratory ruling, the Board shall determine whether a ruling
20 is appropriate under the facts stated.

21 (d) The Board shall proceed to issue a declaratory ruling when the person requesting the rule shows that, with regard
22 to the facts presented:

23 (1) the rule or statute in question is unclear on its face;

24 (2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;

25 (3) the factors specified in the request were not given appropriate consideration by the Board at the time
26 the rule was adopted;

27 (4) the rule or statute is unclear in its application to the requesting person's facts; or

28 (5) a fair question exists regarding the validity of the rule because of an absence of authority for the
29 Board's adoption of the rule or other irregularities in the Board's rule-making proceedings.

30 (e) The Board shall not issue a declaratory ruling when the petitioner's request is the subject of, or materially related
31 to, an investigation or audit by the Board or contested case before the Board.

32 (f) When the Board determines for good cause that the issuance of a declaratory ruling is unnecessary, the Board shall
33 notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will
34 ordinarily decline to issue a declaratory ruling when:

35 (1) there has been a similar controlling factual determination made by the Board;

36 (2) the rule-making record shows that the factual issues raised by the request were specifically c
37 onsidered prior [to to, or at times of.] adoption of the rule;

1 (3) the subject matter of the request is involved in pending litigation in any state or federal court in
2 North ~~[Carolina; Carolina, or pending legislation or rulemaking;]~~

3 (4) the request does not comply with the procedural guidelines within Paragraphs (a) and (b) of this
4 Rule;

5 (5) the Board has previously issued a declaratory ruling on substantially similar facts;

6 (6) the Board has previously issued a final agency decision in a contested case on substantially similar
7 facts;

8 ~~[(7) the facts underlying the request for a declaratory ruling were considered at the time of the adoption~~
9 ~~of the rule in question;]~~

10 ~~[(8) (7)]~~ the subject matter is one concerning which the Board is without authority to make a decision binding
11 the Board or the petitioner;

12 ~~[(9) (8)]~~ the petitioner is not aggrieved by the rule or statute in question or otherwise has no interest in the
13 subject matter of the request;

14 ~~[(10) (9)]~~ there is reason to believe that the petitioner or some other person or entity materially connected to
15 the subject matter of the request is acting in violation of the G.S. Chapter 74C or the rules adopted
16 by the Board; or

17 ~~[(13) the subject matter of the request is involved in pending litigation, legislation, or rulemaking;]~~

18 ~~[Denial of a request is immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.]~~

19 (g) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it
20 deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular
21 request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other
22 appropriate procedures. ~~[A written ruling on the merits shall be issued within 45 days of the decision to grant the~~
23 ~~request.]~~

24 (h) If the Board finds evidence that the factors listed in Subdivisions (d)(1), (2), or (3) of this Rule exist or potentially
25 exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-
26 making proceedings on the rule.

27 (i) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board. The
28 record will contain:

29 _____ (1) the request for a declaratory ruling;

30 _____ (2) all written submissions filed in the request, whether filed by the person requesting the ruling or by
31 any other person;

32 _____ (3) a record or summary of oral presentations, if any; and

33 _____ (4) a copy of the declaratory ruling.

35 History Note: Authority G.S. 150B-4;

36 Eff. September 1, 2025.

14B NCAC 16 .0502 is proposed for amendment, with changes, as published in 39:21 NCR 1394-1398 as follows:

14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS

In addition to the requirements of Section .0200 of this Chapter, the following requirements shall apply to polygraph trainees:

- (1) ~~The applicant shall successfully~~ Successfully complete a formal course of instruction at any polygraph school approved by the American Polygraph Association, ~~the American Association of Police Polygraphists, or the Board.~~ Association or approved by the Board using standards established by the American Polygraph Association. A list of approved schools can be found at: <https://www.ncdps.gov/list-polygraph-schools>; and
- (2) ~~The applicant shall be~~ Be directly supervised by a North Carolina licensed polygraph examiner approved by the Board and that examiner shall supervise no more than three trainees at any given time; examiner;
- (3) ~~An individual currently enrolled in a polygraph school may conduct examinations as a part of the course curriculum provided the examinations are on school premises, under the direct one on one supervision of a polygraph licensee, and the school provides written notice to the client that such examinations are being conducted by students and not by licensed polygraph examiners. The school shall maintain a copy of the written notification;~~
- (4) (3) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter. Applicants meeting license qualifications within one year of the issuance of a trainee permit shall not be required to pay an additional application fee; and
- (5) (4) Any request for renewal of a trainee permit or for issuance of a polygraph license shall be accompanied by an evaluation report of the trainee's performance submitted by the trainee's supervisor; and supervisor.
- (6) ~~In addition to the final evaluation report, supervisors shall submit five monthly evaluation reports over the duration of the traineeship on a checklist provided by the Board.~~

History Note: Authority G.S. 74C-5;
Eff. June 1, 1984;
Amended Eff. May 1, 2014; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0502 Eff. July 1, 2015;
Readopted Eff. March 1, 2020.
Amended Eff. September 1, 2025.

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Monday, August 4, 2025 10:00 AM
To: Gray, Jeffrey
Cc: Burgos, Alexander N
Subject: RE: [External] RE: August RRC Meeting

Sounds good.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Sunday, August 3, 2025 12:09 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: August RRC Meeting

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Travis:

I just sat down at my desk to work on these and realized I did not acknowledge receipt. I left for the FARB Conference the day they came in and then vacation. My apologies.

My plan is to have them to you by Tuesday.

Jeff

Jeffrey P. Gray

Of Counsel
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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Wednesday, July 23, 2025 12:18 PM

To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: August RRC Meeting

Good afternoon,

I'm the attorney who reviewed the rule submitted by the Private Protective Services Board for the August 2025 RRC meeting. The RRC will formally review this rule at its meeting on Thursday, August 28, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on August 7, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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