

Burgos, Alexander N

Subject: FW: [External] RE: SHETS RFC January

From: Bowman, Melissa <mbowman@NCDOJ.GOV>
Sent: Friday, December 27, 2024 3:30 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: SHETS RFC January

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Thank you!



Melissa Bowman
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From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, December 27, 2024 3:26 PM
To: Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Bowman, Melissa <mbowman@NCDOJ.GOV>
Subject: FW: [External] RE: SHETS RFC January

Good afternoon

It is my intention to recommend approval of the attached rule as revised.

As always if you have any questions please feel free to contact me.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

From: Bowman, Melissa <mbowman@NCDOJ.GOV>
Sent: Friday, December 27, 2024 1:10 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: SHETS RFC January

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.

Good afternoon,

I have attached the Division's response to the Request for Changes. I am hopeful that our response satisfies the issues that you raised. We did have one follow up question.

One of the issues highlighted was in reference to the Release Authorization form referenced in .0305. Although the Division does have a sample Release Authorization form on the website for agencies to use, the agency is not required to use the sample form. We updated the rule to show that as a part of the background investigation process, the agency is required to obtain "a form or letter" from the applicant that authorizes the release of information about the applicant and authorizes the entities maintaining records about the applicant to release the information. Should we or can we add that a sample form is available on the Division's website without causing further issue? I think we would include a statement like "a sample of a release authorization is available on the Division's website at no cost <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>."

Thank you for your consideration and let me know if we need to further clarify or make additional changes.

Melissa



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Please note messages to or from this address may be public records.

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Monday, December 23, 2024 11:27 AM
To: Bowman, Melissa <mbowman@NCDOJ.GOV>

1 12 NCAC 10B .0305 is amended as published in 39:08 NCR 484-486 as follows:

2
3 **12 NCAC 10B .0305 BACKGROUND INVESTIGATION**

4 (a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The
5 investigation ~~shall examine the applicant's character traits and habits relevant to performance as a justice officer and~~
6 shall determine whether the applicant is of good moral character pursuant to ~~12 NCAC 10B .0301(a)(12), Rule~~
7 .0301(12) of this Subchapter. This examination includes completion of the Commission's Personal History Statement
8 Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history
9 record check required by each.

10 (b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3)
11 to provide a basis for the investigation. The agency shall certify that the results of the background investigation are
12 consistent with the information provided by the applicant on the Personal History Statement ~~Form (F-3)~~ Form (F-3).
13 ~~and The agency shall then~~ give the applicant the opportunity to update the Personal History Statement Form (F-3)
14 prior to submission to the Division.

15 (c) The agency shall utilize an investigator with ~~prior~~ experience or training in conducting background investigations.
16 The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-
17 8) ~~and shall include in the report of investigation; which shall include information concerning the following:~~

18 (1) ~~biographical data;~~ information;

19 (2) ~~family data;~~ family;

20 (3) ~~scholastic data;~~ education;

21 (4) ~~employment data;~~ employment;

22 (5) ~~criminal history data;~~ including:

23 (A) ~~a [Statewide] statewide search of the Administrative Office of the Courts (AOC)~~
24 computerized system;

25 (B) ~~a search of the national criminal record database accessible through the Division of~~
26 Criminal Information (DCI) network;

27 (C) ~~where the applicant resided in a state other than North Carolina, a records check through~~
28 the Division of Criminal Information (DCI) using the Out-of-State Computer Name Query
29 (IQ) shall be [acceptable provided] accepted if the state will respond to an Out-of-State
30 Computer Name Query. If not, then either a records check response from both the
31 municipality, city, or town, where the applicant resided and the county-wide Sheriff's
32 Office or Police Department obtained by mail, facsimile, or electronic mail, or a records
33 check from the county-wide or state-wide record holding agency shall be acceptable.

34 ~~[(D) if a criminal record is found, criminal records shall be obtained from the Clerk of Court, a~~
35 ~~law enforcement agency within the jurisdiction, or other governmental entity that maintains~~
36 ~~or has access to criminal records for the jurisdiction;]~~

~~[(E)]~~ records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of majority. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency;

(6) military service history. If the applicant had prior military service, the background investigation shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check for any arrests or charges from the military shall also be required;

(7) credit history;

(8) ~~[fingerprints;]~~ fingerprint criminal history records check results pursuant to Rule .0303 of this Section;

(9) driving history including a search of:

(A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license in North Carolina; and

(B) an out-of-state- motor vehicles check obtained through the Division of Criminal Information (DCI) or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license;

(10) prior applications to law enforcement agencies;

(11) civil court history;

(12) applicant interview;

~~(6)(13)~~ interviews with the applicant's references; and

~~(7)(14)~~ a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3). ~~This documentation shall be included with all other documentation required in 12 NCAC 10B .0408.~~

(d) If a criminal record is found, criminal records shall be obtained from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction.

(e) records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of majority. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency.

~~[(d)](f)~~ The Mandated Background Investigation Form (F-8) shall be completed within 120 days of employment. If the investigator signs the form more than 120 days prior to the applicant's date of employment, then the investigator will certify with a notarized statement on their agency letterhead that all information on the form has been updated or a new F-8 shall be completed.

~~(d)~~~~(e)~~(g) The employing agency shall include a Release Authorization Form a form or letter signed and notarized by the applicant that authorizes the Division staff to obtain documents and records pertaining to the applicant for

1 certification that may be required in order to determine whether certification may be ~~granted~~. **granted and authorizes**
2 **entities maintaining such records to release them to the Division.**

3 ~~(e)~~**(f)(h)** The employing agency shall provide to the Division staff the results of a completed and processed form
4 AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-
5 145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on
6 the Commission's website at no cost [https://ncdoj.gov/law-enforcement-training/sheriffs/all-commision-forms-](https://ncdoj.gov/law-enforcement-training/sheriffs/all-commision-forms-publications/)
7 [publications/](https://ncdoj.gov/law-enforcement-training/sheriffs/all-commision-forms-publications/).

8 ~~(g)~~**(i)** The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of
9 employment. If the form is completed more than 120 days prior to the applicant's date of employment, the Personal
10 History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120
11 days prior to employment or a new Personal History Statement (F-3) shall be completed.

12
13 *History Note: Authority G.S. 17E-7;*

14 *Eff. January 1, 1989;*

15 *Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007; August 1, 2002; January 1, 1994;*
16 *January 1, 1993; January 1, 1992; January 1, 1990;*

17 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
18 *2018;*

19 *Amended Eff. February 1, 2025; April 1, 2023; January 1, 2023; June 1, 2021.*
20
21

12 NCAC 10B .0408 is amended as published in 39:08 NCR 486-488 as follows:

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

(a) ~~Prior to issuing certification of each justice officer, for the purpose of verifying compliance with these Rules, Before the Division will issue certification of a justice officer, the employing agency shall submit to the Division, along with the Report of Appointment (F-4), Division~~ the following documents:

- ~~(1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to Rule .0302(a) of this Subchapter; the Report of Appointment (F-4);~~
- ~~(2) certified a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;~~
- ~~(3) the applicant's Medical History Statement (F-1);~~
- ~~(4) the applicant's Medical Examination Report (F-2);~~
- ~~(5) the applicant's unredacted Psychological Screening Examination form (F-2C);~~
- ~~(6) the applicant's notarized Personal History Statement (F-3);~~
- ~~(7) the Commission mandated Background Investigation Form (F-8) with all accompanying documentation set out in Rule .0305 of this Subchapter;~~
- ~~(8) documentation of negative results on a drug screen pursuant to Rule .0301(6) of this Subchapter;~~
- ~~and~~
- ~~(9)(3)~~ documentation of the applicant's compliance with the probationary certification requirements pursuant to ~~Rule .0403(b)~~ Rule .0403(f) of this Section, **by submitting the applicant's Firearms Qualification Record, Form F-9A** if the applicant is a deputy sheriff or a detention officer and is authorized by the ~~agency~~ sheriff to carry a ~~firearm~~ firearm;
- ~~(4)~~ the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303 of this Subchapter;
- ~~(5)~~ the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter;
- ~~(6)~~ the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
- ~~(7)~~ copies of court documentation and final disposition from the Clerk of Court in the county of adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- ~~(8)~~ a notarized written statement from the applicant providing [details] a description of the circumstances surrounding [of] all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and

1 (9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced
2 in Subparagraph (a)(7) of this Rule or any expunged charges pursuant to Subparagraph (a)(5) of this
3 Rule.

4 (b) Compliance with this Rule is waived, with the exception of the requirements of ~~Subparagraph (a)(9)~~
5 ~~Subparagraphs (a)(1), (2), and (3)~~ of this Rule for officers applying for dual certification as defined in Rule .0103(9)
6 of this Subchapter provided that:

7 (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention
8 officer, or telecommunicator, with the employing agency requesting dual certification; and

9 (2) the officer has continuously been employed as a justice officer with the agency.

10 ~~(e) Where the Division has previously received a complete Background Investigation Form (F-8) with all~~
11 ~~accompanying documentation set out in Rule .0305 of this Subchapter in connection with another application for~~
12 ~~certification to this Commission, the Background Investigation need only be updated from the date of the last~~
13 ~~background investigation on file in the Division with documentation of compliance with Subparagraphs (f)(1), (2),~~
14 ~~and (3) of this Rule, and a certified criminal record check from each jurisdiction in which the person has resided in~~
15 ~~and for each name the applicant has used since the initial Background Investigation (Form F-8) was completed. The~~
16 ~~criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other~~
17 ~~governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check~~
18 ~~shall be certified by the entity providing the record with either a raised seal or other visible verification that the~~
19 ~~document is an authentic copy. In addition:~~

20 (1) if the applicant has been issued an out of state driver's license by a state other than North Carolina
21 since obtaining certification, then compliance with Subparagraph (f)(4) of this Rule, is required; and

22 (2) if the applicant has resided in a state other than North Carolina since obtaining certification, a
23 certified criminal record check from each jurisdiction shall be provided, if available. The criminal
24 record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or
25 other governmental entity that maintains or has access to criminal records for the jurisdiction. The
26 criminal record check shall be certified by the entity providing the record with either a raised seal
27 or other visible verification that the document is an authentic copy.

28 ~~(d) If the Personal History Statement (F-3) required in Subparagraph (a)(6) of this Rule was completed more than 120~~
29 ~~days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the~~
30 ~~applicant, who shall initial and date all changes, or a new Personal History Statement (F-3) shall be completed.~~

31 ~~(e) If the Mandated Background Investigation Form (F-8) required in Subparagraph (a)(7) of this Rule was completed~~
32 ~~more than 120 days prior to the applicant's date of appointment, the Mandated Background Investigation Form (F-8)~~
33 ~~shall be updated by the background investigator who shall initial and date all changes or a new Mandated Background~~
34 ~~Investigation Form (F-8), must be completed.~~

35 (f) The Background Investigation Form (F-8) shall have the following records checks attached to it when submitted:

36 (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;

- (2) ~~the national criminal record database accessible through the Division of Criminal Information (DCI) network;~~
- (3) ~~the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina;~~
- (4) ~~an out of state motor vehicles check obtained through the Division of Criminal Information or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license within the 10 year period prior to the date of appointment; and~~
- (5) ~~the applicant's Administrative Office of the Courts' AOC CR 280 form as set forth in Rule .0305 of this Subchapter.~~

~~(g) The Background Investigation shall include records checks from jurisdictions where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:~~

- (1) ~~where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall be acceptable;~~
- (2) ~~where the applicant resided in another country:~~
 - (A) ~~an Interpol records check shall be acceptable provided the country is a member of Interpol;~~
 - (B) ~~if the applicant was in the United States military, a military records check shall be acceptable; or~~
 - (C) ~~if neither an Interpol or United States military record check are available, subject to the limits of United States and North Carolina law, the employing agency shall make a good faith effort to obtain a records check from the national law enforcement authority, judicial authority, or other governmental entity charged with maintaining criminal records for the country where the applicant resided and submit the record check if available. If the employing agency cannot obtain the records check it shall submit documentation consisting of the correspondence with the foreign governmental entity and a written report from the assigned background investigator explaining the employing agency's efforts to obtain the record and why the record could not be obtained. The following steps are required to show a good faith effort to obtain the record check:~~
 - (i) ~~contacting and requesting the record from the foreign governmental entity or entities the employing agency believes are likely to possess the records by mail, telegram, telephone, facsimile or electronic mail;~~
 - (ii) ~~if referred to another foreign governmental entity, contacting and requesting the record from that foreign governmental entity; and~~
 - (iii) ~~if requested, providing and submitting any formal requests, forms, or documentation required by the foreign governmental entity before it will provide the record check;~~
- (3) ~~where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information using the Out of State Computer Name Query (IQ) shall be acceptable~~

1 ~~provided the state will respond to an Out of State Computer Name Query. If not, then either a~~
2 ~~records check response from both the municipality, city, or town where the applicant resided and~~
3 ~~the county wide Sheriff's Office or Police Department obtained by mail, telegram, facsimile, or~~
4 ~~electronic mail, or a records check from the county wide or state wide record holding agency shall~~
5 ~~be acceptable.~~

6 (h) ~~If the applicant had prior military service, the Background Investigation shall also include a copy of the applicant's~~
7 ~~DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that~~
8 ~~occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other~~
9 ~~than Honorable, then a military records check shall also be required.~~

10 (i) ~~All records checks shall be performed on each name by which the applicant for certification has ever been known~~
11 ~~since the age of 12. If the applicant has had an official name change that occurred after the applicant had reached the~~
12 ~~age of 12 years of age, then a copy of the legal document effecting the name change with either a raised seal or other~~
13 ~~visible verification that the document is an authentic copy from the governmental entity that issued the document or~~
14 ~~is charged with maintaining the record of the document shall be submitted by the employing agency.~~

15 (j) ~~The employing agency shall forward to the Division certified copies of any criminal charges and dispositions~~
16 ~~known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall identify~~
17 ~~any charges or other violations on the records checks required in Paragraph (f) of this Rule that are for individuals~~
18 ~~other than the applicant for certification and explain why the employing agency believes another individual is~~
19 ~~responsible for the charge or violation.~~

20
21 *History Note: Authority G.S. 17E-4; 17E-7;*
22 *Eff. January 1, 1989;*
23 *Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;*
24 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;*
25 *Temporary Amendment Eff. March 1, 1998;*
26 *Amended Eff. August 1, 2002; August 1, 1998;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
28 *2018;*
29 *Amended Eff. February 1, 2025; September 1, 2024; February 1, 2024; December 1, 2023; April 1,*
30 *2023; February 1, 2023; January 1, 2023.*

12 NCAC 10B .0409 is amended as published in 39:08 NCR 488 as follows:

12 NCAC 10B .0409 EMPLOYING AGENCY RETENTION OF CERTIFICATION RECORDS

(a) ~~Each~~ In addition to the records required to be submitted to the Division pursuant to Rule .0408 of this Section, the employing agency shall maintain original documentation of the following [certification] records: place in the appropriate justice officer's personnel file the official notification of either probationary or general certification. Such files shall be available for examination at any reasonable time by representatives of the Commission for the purpose of verifying compliance with these Rules. Each personnel file shall also contain copies of the original documentation submitted to the Division in accordance with 12 NCAC 10B .0408.

- (1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to Rule .0302 of this Subchapter;
- (2) the applicant's Medical History Statement (F-1) pursuant to Rule .0304 of this Subchapter;
- (3) the applicant's Medical Examination Report (F-2) pursuant to Rule .0304 of this Subchapter;
- (4) the applicant's unredacted [Psychological Screening Examination] psychological screening examination as required by G.S. 17E-7;
- (5) the applicant's notarized Personal History Statement (F-3) pursuant to Rule .0305 of this Subchapter;
- (6) documentation of the applicant's negative results on a drug screen pursuant to [Rule .0301(6) of this Subchapter;] Rule .0410 of this Section; and
- (7) the Mandated Background Investigation Form (F-8) with all accompanying documentation as set out in Rule .0305 of this Subchapter.

~~(b) Compliance with this Rule is waived, with the exception of the requirements of 12 NCAC 10B .0408(a)(8), for officers applying for dual certification as defined in 12 NCAC 10B .0103(9) provided that:~~

- ~~(1) the officer holds a valid certification as a deputy sheriff, detention officer, or telecommunicator with the employing agency requesting dual certification; and~~
- ~~(2) the officer has not had a break in service since initial certification with the employing agency requesting dual certification.~~

~~(c) Where the Division has previously received a complete Background Investigation Form (F-8) with all accompanying documentation set out in 12 NCAC 10B .0305 in connection with another application for certification to this Commission, and a subsequent hiring agency requests a copy of such documentation, the Division shall comply with that request upon submission of a commission approved Release Authorization Form for Law Enforcement Agencies.~~

~~(b)~~ The [certification] records required by Paragraph (a) of this Rule shall be available for examination at any time by representatives of the Division for the purpose of verifying compliance with the rules of this Subchapter.

~~(d)(e)~~ All information [certification records] maintained pursuant to the requirements of this Rule shall be subject to all state and federal laws governing confidentiality.

1
2 *History Note: Authority G.S. 17E-4;*
3 *Eff. January 1, 1989;*
4 *Recodified from 12 NCAC 10B .0408 Eff. January 1, 1991;*
5 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1991;*
6 *Temporary Amendment Eff. March 1, 1998;*
7 *Amended Eff. August 1, 2002; August 1, 1998;*
8 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
9 *2018;*
10 *Amended Eff. February 1, 2025; December 1, 2023.*
11
12

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "~~a~~Association"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day~~;~~and"
 - Right: "~~day~~, day; and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

William W. Peaslee
Commission Counsel

Date submitted to agency: December 23, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0305

DEADLINE FOR RECEIPT: January 10, 2025

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

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

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

Page 1, Lines 4-9: There are two standards present; good moral character and "Character traits and habits relevant to performance." Only good moral character is defined. What are "character traits and habits relevant to performance?" What standard will be used in determining whether an applicant has these?

Removed the part of the sentence discussing character traits and habits.

Page 1, Line 13: "Prior to submission to the Division" is unclear. Has the applicant not already submitted the F-3? If not, how did the agency determine the F-3 and the background investigation were inconsistent?

The applicant completes the F-3 for the agency. During the agency's collection of information (criminal record checks, employment inquiries, reference checks) about the applicant as required by the F-8, the agency sometimes discovers a discrepancy between the F-3 and other data collected during the background investigation. The applicant is allowed to update the F-3 before it is submitted to the Division. Hopefully the paragraph more clearly reflects this process with some minor changes.

Page 1, Line 22: "Statewide" should not be capitalized.

Fixed.

Page 1, Lines 25-30: What does the Commission mean by "acceptable?" Is it required or not? Is it an alternative to (c)(5)(B)? If so,

It is not an alternative as both searches [(c)(5)(B) and (c)(5)(C)] are required. Clarifying language added to show the two options to satisfy (c)(5)(C).

William W. Peaslee
Commission Counsel

Date submitted to agency: December 23, 2024

Page 1, Lines 32-34 Paragraph (D): Shouldn't this be its own paragraph?

Made this paragraph a separate paragraph.

Page 1, Lines 35-36 and Page 2, Lines 1-2, Paragraph (E): Shouldn't this be its own paragraph?

Made this paragraph a separate paragraph.

Page 2, Line 7: What is a "military records check"?

Added clarifying language.

Page 2, Line 9: How does the investigator "document the results" (Page 1, Line 15) of "finger prints?"

A citation to Rule .0303 was added which explains the fingerprint criminal history records checks required of all justice officers.

Page 2, Line 27: In which rule is the substantive requirements of the "Release Authorization Form" set forth? Rule .0409 states its is a "commission-approved" form. Using what criteria?

The Division has a release form available for agencies to use, but they are not required to use that form. Agencies can submit another form or letter that allows for the release of information about the applicant and authorizes the entities maintaining the records to release the information.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: December 23, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0408

DEADLINE FOR RECEIPT: January 10, 2025

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

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

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

Page 1, Line 19: What sort of "documentation" is being required?

The Firearms Qualification Record, Form F-9A is required and a notation is added. The contents of this form are included in Rule .2201.

Page 1, Line 32: It is unclear what "details" the Commission seeks.

Updated language to clarify.

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

William W. Peaslee
Commission Counsel

Date submitted to agency: December 23, 2024

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Sheriffs' Education and Training Standards Commission

RULE CITATION: 12 NCAC 10B .0409

DEADLINE FOR RECEIPT: January 10, 2025

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

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

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

Page 1, Line 15: "Psychological Screening Examination" should not be capitalized.

Fixed

Page 1, Line 18: Consider: Would "Rule .0410 of this Subchapter" not be more direct?

Changed citation to .0410.

Page 1, Lines 33 and 35: "Certification records" is not a defined term. Either reference the term in (a) or reference (a) in (b) and (c).

The work "certification" was removed. The "records" are explained in each Subparagraph.

Page 1, Lines 35-36: Explain why this paragraph is necessary.

It is not necessary. Removed.

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

12 NCAC 10B .0408 is amended as published in 39:08 NCR 486-488 as follows:

12 NCAC 10B .0408 VERIFICATION OF RECORDS TO DIVISION

(a) ~~Prior to issuing certification of each justice officer, for the purpose of verifying compliance with these Rules, Before the Division will issue certification of a justice officer, the employing agency shall submit to the Division, along with the Report of Appointment (F-4), Division~~ the following documents:

- ~~(1) documentation consisting of diplomas, school transcripts, or certificates from the educational institution attended by the applicant confirming the applicant's compliance with the educational requirement pursuant to Rule .0302(a) of this Subchapter; the Report of Appointment (F-4);~~
- ~~(2) certified a copy of the applicant's Oath of Office, if applying for certification as a deputy sheriff;~~
- ~~(3) the applicant's Medical History Statement (F-1);~~
- ~~(4) the applicant's Medical Examination Report (F-2);~~
- ~~(5) the applicant's unredacted Psychological Screening Examination form (F-2C);~~
- ~~(6) the applicant's notarized Personal History Statement (F-3);~~
- ~~(7) the Commission mandated Background Investigation Form (F-8) with all accompanying documentation set out in Rule .0305 of this Subchapter;~~
- ~~(8) documentation of negative results on a drug screen pursuant to Rule .0301(6) of this Subchapter;~~
- ~~and~~
- ~~(9)(3)~~ documentation of the applicant's compliance with the probationary certification requirements pursuant to ~~Rule .0403(b)~~ Rule .0403(f) of this ~~Section, Section~~ by submitting the applicant's Firearms Qualification Record, Form F-9A, if the applicant is a deputy sheriff or a detention officer and is authorized by the ~~agency~~ sheriff to carry a ~~firearm~~ firearm;
- ~~(4)~~ the results of the fingerprint criminal history records check of the applicant pursuant to Rule .0303 of this Subchapter;
- ~~(5)~~ the applicant's processed Administrative Office of the Courts' AOC-CR-280 form as set forth in Rule .0305 of this Subchapter;
- ~~(6)~~ the applicant's Release Authorization as set forth in Rule .0305 of this Subchapter;
- ~~(7)~~ copies of court documentation and final disposition from the Clerk of Court in the county of adjudication of all criminal offenses for which the applicant was charged, arrested, pleads no contest, pleads guilty, or of which the applicant was found guilty. This shall include traffic offenses identified as a class B misdemeanor as defined in Rule .0103(17)(b) of this Subchapter and offenses of driving under the influence (DUI) or driving while impaired (DWI);
- ~~(8)~~ a notarized written statement from the applicant providing [details] a description of the circumstances surrounding [of] all criminal offenses identified pursuant to Subparagraph (7) of this Paragraph; and

1 (9) the applicant's Personal History Statement (F-3) if the applicant reports any charges as referenced
2 in Subparagraph (a)(7) of this Rule or any expunged charges pursuant to Subparagraph (a)(5) of this
3 Rule.

4 (b) Compliance with this Rule is waived, with the exception of the requirements of ~~Subparagraph (a)(9)~~
5 ~~Subparagraphs (a)(1), (2), and (3)~~ of this Rule for officers applying for dual certification as defined in Rule .0103(9)
6 of this Subchapter provided that:

7 (1) the officer holds a valid certification issued by this Commission as either a deputy sheriff, detention
8 officer, or telecommunicator, with the employing agency requesting dual certification; and

9 (2) the officer has continuously been employed as a justice officer with the agency.

10 ~~(e) Where the Division has previously received a complete Background Investigation Form (F-8) with all~~
11 ~~accompanying documentation set out in Rule .0305 of this Subchapter in connection with another application for~~
12 ~~certification to this Commission, the Background Investigation need only be updated from the date of the last~~
13 ~~background investigation on file in the Division with documentation of compliance with Subparagraphs (f)(1), (2),~~
14 ~~and (3) of this Rule, and a certified criminal record check from each jurisdiction in which the person has resided in~~
15 ~~and for each name the applicant has used since the initial Background Investigation (Form F-8) was completed. The~~
16 ~~criminal record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or other~~
17 ~~governmental entity that maintains or has access to criminal records for the jurisdiction. The criminal record check~~
18 ~~shall be certified by the entity providing the record with either a raised seal or other visible verification that the~~
19 ~~document is an authentic copy. In addition:~~

20 (1) if the applicant has been issued an out of state driver's license by a state other than North Carolina
21 since obtaining certification, then compliance with Subparagraph (f)(4) of this Rule, is required; and

22 (2) if the applicant has resided in a state other than North Carolina since obtaining certification, a
23 certified criminal record check from each jurisdiction shall be provided, if available. The criminal
24 record check shall be from the Clerk of Court, a law enforcement agency within the jurisdiction, or
25 other governmental entity that maintains or has access to criminal records for the jurisdiction. The
26 criminal record check shall be certified by the entity providing the record with either a raised seal
27 or other visible verification that the document is an authentic copy.

28 ~~(d) If the Personal History Statement (F-3) required in Subparagraph (a)(6) of this Rule was completed more than 120~~
29 ~~days prior to the applicant's date of appointment, the Personal History Statement (F-3) shall be updated by the~~
30 ~~applicant, who shall initial and date all changes, or a new Personal History Statement (F-3) shall be completed.~~

31 ~~(e) If the Mandated Background Investigation Form (F-8) required in Subparagraph (a)(7) of this Rule was completed~~
32 ~~more than 120 days prior to the applicant's date of appointment, the Mandated Background Investigation Form (F-8)~~
33 ~~shall be updated by the background investigator who shall initial and date all changes or a new Mandated Background~~
34 ~~Investigation Form (F-8), must be completed.~~

35 (f) The Background Investigation Form (F-8) shall have the following records checks attached to it when submitted:

36 (1) a Statewide search of the Administrative Office of the Courts (AOC) computerized system;

- (2) ~~the national criminal record database accessible through the Division of Criminal Information (DCI) network;~~
- (3) ~~the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license issued in North Carolina;~~
- (4) ~~an out of state motor vehicles check obtained through the Division of Criminal Information or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license within the 10 year period prior to the date of appointment; and~~
- (5) ~~the applicant's Administrative Office of the Courts' AOC CR 280 form as set forth in Rule .0305 of this Subchapter.~~

~~(g) The Background Investigation shall include records checks from jurisdictions where the applicant resided within the 10 year period prior to the date of appointment and where the applicant attended high school, as follows:~~

- (1) ~~where the applicant resided in jurisdictions in North Carolina, Clerk of Court records checks shall be acceptable;~~
- (2) ~~where the applicant resided in another country:~~
 - (A) ~~an Interpol records check shall be acceptable provided the country is a member of Interpol;~~
 - (B) ~~if the applicant was in the United States military, a military records check shall be acceptable; or~~
 - (C) ~~if neither an Interpol or United States military record check are available, subject to the limits of United States and North Carolina law, the employing agency shall make a good faith effort to obtain a records check from the national law enforcement authority, judicial authority, or other governmental entity charged with maintaining criminal records for the country where the applicant resided and submit the record check if available. If the employing agency cannot obtain the records check it shall submit documentation consisting of the correspondence with the foreign governmental entity and a written report from the assigned background investigator explaining the employing agency's efforts to obtain the record and why the record could not be obtained. The following steps are required to show a good faith effort to obtain the record check:~~
 - (i) ~~contacting and requesting the record from the foreign governmental entity or entities the employing agency believes are likely to possess the records by mail, telegram, telephone, facsimile or electronic mail;~~
 - (ii) ~~if referred to another foreign governmental entity, contacting and requesting the record from that foreign governmental entity; and~~
 - (iii) ~~if requested, providing and submitting any formal requests, forms, or documentation required by the foreign governmental entity before it will provide the record check;~~
- (3) ~~where the applicant resided in a state other than North Carolina, a records check through the Division of Criminal Information using the Out of State Computer Name Query (IQ) shall be acceptable~~

1 ~~provided the state will respond to an Out of State Computer Name Query. If not, then either a~~
2 ~~records check response from both the municipality, city, or town where the applicant resided and~~
3 ~~the county wide Sheriff's Office or Police Department obtained by mail, telegram, facsimile, or~~
4 ~~electronic mail, or a records check from the county wide or state wide record holding agency shall~~
5 ~~be acceptable.~~

6 (h) If the applicant had prior military service, the Background Investigation shall also include a copy of the applicant's
7 DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that
8 occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other
9 than Honorable, then a military records check shall also be required.

10 (i) All records checks shall be performed on each name by which the applicant for certification has ever been known
11 since the age of 12. If the applicant has had an official name change that occurred after the applicant had reached the
12 age of 12 years of age, then a copy of the legal document effecting the name change with either a raised seal or other
13 visible verification that the document is an authentic copy from the governmental entity that issued the document or
14 is charged with maintaining the record of the document shall be submitted by the employing agency.

15 (j) ~~The employing agency shall forward to the Division certified copies of any criminal charges and dispositions~~
16 ~~known to the agency or listed on the applicant's Personal History Statement (F-3). The employing agency shall identify~~
17 ~~any charges or other violations on the records checks required in Paragraph (f) of this Rule that are for individuals~~
18 ~~other than the applicant for certification and explain why the employing agency believes another individual is~~
19 ~~responsible for the charge or violation.~~

20
21 *History Note: Authority G.S. 17E-4; 17E-7;*
22 *Eff. January 1, 1989;*
23 *Recodified from 12 NCAC 10B .0407 Eff. January 1, 1991;*
24 *Amended Eff. January 1, 1996; January 1, 1994; January 1, 1993; January 1, 1992;*
25 *Temporary Amendment Eff. March 1, 1998;*
26 *Amended Eff. August 1, 2002; August 1, 1998;*
27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
28 *2018;*
29 *Amended Eff. February 1, 2025; September 1, 2024; February 1, 2024; December 1, 2023; April 1,*
30 *2023; February 1, 2023; January 1, 2023.*
31
32

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

Subject: SHETS RFC January

Good morning,

Attached please find the Request for Changes for the SHETS rules which will be considered at the January 2025 RRC meeting.

As always if you have any questions please feel free to contact me.

Merry Christmas and a Happy New Year.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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.

Burgos, Alexander N

From: Peaslee, William W
Sent: Friday, December 27, 2024 4:10 PM
To: Rules, Oah
Cc: Burgos, Alexander N; Bowman, Melissa M
Subject: FW: [External] RE: 12 NCAC 10B .0305
Attachments: 12 NCAC 10B .0305.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Please be advised that the attached is a superseding version of the above captioned rule of which I intend to recommend approval to the RRC.

I apologize for any inconvenience this may have caused you.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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.

From: Bowman, Melissa <mbowman@NCDOJ.GOV>
Sent: Friday, December 27, 2024 4:03 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 12 NCAC 10B .0305

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Thank you. As you would not recommend objection, we would like to include it. I have attached a revised copy that includes the language I previously proposed.



Melissa Bowman
CJ Specialist/Investigator III
Sheriffs' Standards Division
Phone: 919-779-8213
Fax: 919-662-4515
mbowman@ncdoj.gov
1700 Tryon Park Drive, Raleigh, NC 27610

1 12 NCAC 10B .0305 is amended as published in 39:08 NCR 484-486 as follows:

2
3 **12 NCAC 10B .0305 BACKGROUND INVESTIGATION**

4 (a) Prior to employment, an agency shall complete a background investigation on all applicants for certification. The
5 investigation ~~shall examine the applicant's character traits and habits relevant to performance as a justice officer and~~
6 shall determine whether the applicant is of good moral character pursuant to ~~12 NCAC 10B .0301(a)(12), Rule~~
7 .0301(12) of this Subchapter. This examination includes completion of the Commission's Personal History Statement
8 Form (F-3) and Mandated Background Investigation Form (F-8), ensuring the proper certification and criminal history
9 record check required by each.

10 (b) Prior to the investigation, the applicant shall complete the Commission's Personal History Statement Form (F-3)
11 to provide a basis for the investigation. The agency shall certify that the results of the background investigation are
12 consistent with the information provided by the applicant on the Personal History Statement ~~Form (F-3)~~ Form (F-3).
13 ~~and The agency shall then~~ give the applicant the opportunity to update the Personal History Statement Form (F-3)
14 prior to submission to the Division.

15 (c) The agency shall utilize an investigator with ~~prior~~ experience or training in conducting background investigations.
16 The investigator shall document the results of the investigation on the Mandated Background Investigation Form (F-
17 8) ~~and shall include in the report of investigation; which shall include information concerning the following:~~

18 (1) biographical ~~data;~~ information;

19 (2) ~~family data;~~ family;

20 (3) ~~scholastic data;~~ education;

21 (4) ~~employment data;~~ employment;

22 (5) criminal history ~~data;~~ including:

23 (A) a ~~[Statewide]~~ statewide search of the Administrative Office of the Courts (AOC)
24 computerized system;

25 (B) a search of the national criminal record database accessible through the Division of
26 Criminal Information (DCI) network;

27 (C) where the applicant resided in a state other than North Carolina, a records check through
28 the Division of Criminal Information (DCI) using the Out-of-State Computer Name Query
29 (IQ) shall be [acceptable provided] accepted if the state will respond to an Out-of-State
30 Computer Name Query. If not, then either a records check response from both the
31 municipality, city, or town, where the applicant resided and the county-wide Sheriff's
32 Office or Police Department obtained by mail, facsimile, or electronic mail, or a records
33 check from the county-wide or state-wide record holding agency shall be acceptable.

34 ~~[(D) if a criminal record is found, criminal records shall be obtained from the Clerk of Court, a~~
35 ~~law enforcement agency within the jurisdiction, or other governmental entity that maintains~~
36 ~~or has access to criminal records for the jurisdiction;]~~

~~[(E)]~~ records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of majority. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency;

(6) military service history. If the applicant had prior military service, the background investigation shall include a copy of the applicant's DD214, Certificate of Release from Active Duty, that shows the characterization of discharge for each discharge that occurred and military discipline received, if any. If the DD214 indicates a discharge characterization of any type other than Honorable, then a military records check for any arrests or charges from the military shall also be required;

(7) credit history;

(8) ~~[fingerprints;]~~ fingerprint criminal history records check results pursuant to Rule .0303 of this Section;

(9) driving history including a search of:

(A) the North Carolina Division of Motor Vehicles, if the applicant has ever possessed a driver's license in North Carolina; and

(B) an out-of-state- motor vehicles check obtained through the Division of Criminal Information (DCI) or obtained through another state's division of motor vehicles agency for any state in which the applicant held a license;

(10) prior applications to law enforcement agencies;

(11) civil court history;

(12) applicant interview;

~~(6)(13)~~ interviews with the applicant's references; and

~~(7)(14)~~ a summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency or listed on the applicant's Personal History Statement (F-3). ~~This documentation shall be included with all other documentation required in 12 NCAC 10B .0408.~~

(d) If a criminal record is found, criminal records shall be obtained from the Clerk of Court, a law enforcement agency within the jurisdiction, or other governmental entity that maintains or has access to criminal records for the jurisdiction.

(e) records checks shall be performed on each name by which the applicant for certification has been known since obtaining the age of majority. If the applicant has had an official name change that occurred after the applicant reached the age of majority, then a copy of the legal document effecting the name change shall be obtained by the employing agency.

~~[(d)](f)~~ The Mandated Background Investigation Form (F-8) shall be completed within 120 days of employment. If the investigator signs the form more than 120 days prior to the applicant's date of employment, then the investigator will certify with a notarized statement on their agency letterhead that all information on the form has been updated or a new F-8 shall be completed.

~~(d)~~~~(e)~~(g) The employing agency shall include a Release Authorization Form a form or letter signed and notarized by the applicant that authorizes the Division staff to obtain documents and records pertaining to the applicant for

1 certification that may be required in order to determine whether certification may be ~~granted~~ **granted and authorizes**
2 **entities maintaining such records to release them to the Division. A sample release authorization form is available on**
3 **the Division's website at no cost [publications/](https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-
4 <a href=).**

5 ~~(e)~~**(f)(h)** The employing agency shall provide to the Division staff the results of a completed and processed form
6 AOC-CR-280, Law Enforcement Application for Verification of Expunction under G.S. 15A-145.4, 15A-145.5, 15A-
7 145.6, 15A-145.8A or 15A-146, for each applicant presented for certification. The AOC-CR-280 form is available on
8 the Commission's website at no cost [https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-](https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/)
9 [publications/](https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/).

10 ~~(g)~~**(i)** The applicant's notarized Personal History Statement (F-3) shall be completed within 120 days of
11 employment. If the form is completed more than 120 days prior to the applicant's date of employment, the Personal
12 History Statement (F-3) shall be updated by the applicant, who shall initial and date all changes no more than 120
13 days prior to employment or a new Personal History Statement (F-3) shall be completed.

14
15 *History Note: Authority G.S. 17E-7;*

16 *Eff. January 1, 1989;*

17 *Amended Eff. January 1, 2010; January 1, 2009; January 1, 2007; August 1, 2002; January 1, 1994;*

18 *January 1, 1993; January 1, 1992; January 1, 1990;*

19 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6,*
20 *2018;*

21 *Amended Eff. February 1, 2025; April 1, 2023; January 1, 2023; June 1, 2021.*
22
23

Post Office Box 629, Raleigh, NC 27602-0629
www.ncdoj.gov

Please note messages to or from this address may be public records.

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, December 27, 2024 3:48 PM
To: Bowman, Melissa <mbowman@NCDOJ.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: 12 NCAC 10B .0305

That having been said, I would not recommend objection if you were to include it.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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From: Bowman, Melissa <mbowman@NCDOJ.GOV>
Sent: Friday, December 27, 2024 3:47 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: 12 NCAC 10B .0305

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Ok, thank you.



Melissa Bowman
CJ Specialist/Investigator III
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Phone: 919-779-8213
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1700 Tryon Park Drive, Raleigh, NC 27610
Post Office Box 629, Raleigh, NC 27602-0629
www.ncdoj.gov

Please note messages to or from this address may be public records.

From: Peaslee, William W <bill.peaslee@oah.nc.gov>
Sent: Friday, December 27, 2024 3:45 PM
To: Bowman, Melissa <mbowman@NCDOJ.GOV>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: 12 NCAC 10B .0305

Hi Melissa,

I'm sorry. I didn't answer your question concerning the sample form.

I do not think that belongs in a rule as you are not requiring anyone to use it.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
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1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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.

From: Bowman, Melissa <mbowman@NCDOJ.GOV>
Sent: Friday, December 27, 2024 1:10 PM
To: Peaslee, William W <bill.peaslee@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: SHETS RFC January

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Good afternoon,

I have attached the Division's response to the Request for Changes. I am hopeful that our response satisfies the issues that you raised. We did have one follow up question.

One of the issues highlighted was in reference to the Release Authorization form referenced in .0305. Although the Division does have a sample Release Authorization form on the website for agencies to use, the agency is not required to use the sample form. We updated the rule to show that as a part of the background investigation process, the agency is required to obtain "a form or letter" from the applicant that authorizes the release of information about the applicant and authorizes the entities maintaining records about the applicant to release the information. Should we or can we add that a sample form is available on the Division's website without causing further issue? I think we would include a statement like "a sample of a release authorization is available on the Division's website at no cost <https://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>."

Thank you for your consideration and let me know if we need to further clarify or make additional changes.

Melissa



Melissa Bowman

CJ Specialist/Investigator III

Sheriffs' Standards Division

Phone: 919-779-8213

Fax: 919-662-4515

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1700 Tryon Park Drive, Raleigh, NC 27610

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Please note messages to or from this address may be public records.

From: Peaslee, William W <bill.peaslee@oah.nc.gov>

Sent: Monday, December 23, 2024 11:27 AM

To: Bowman, Melissa <mbowman@NCDOJ.GOV>

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

Subject: SHETS RFC January

Good morning,

Attached please find the Request for Changes for the SHETS rules which will be considered at the January 2025 RRC meeting.

As always if you have any questions please feel free to contact me.

Merry Christmas and a Happy New Year.

William W. Peaslee

Rules Review Commission Counsel / Legislative Liaison

Office of Administrative Hearings

1711 New Hope Church Road

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(984) 236-1939

Bill.Peaslee@oah.nc.gov

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.

Burgos, Alexander N

From: Peaslee, William W
Sent: Monday, December 23, 2024 11:27 AM
To: Bowman, Melissa M
Cc: Burgos, Alexander N
Subject: SHETS RFC January
Attachments: 01.2025 - SHETS Request for Technical Changes.docx

Good morning,

Attached please find the Request for Changes for the SHETS rules which will be considered at the January 2025 RRC meeting.

As always if you have any questions please feel free to contact me.

Merry Christmas and a Happy New Year.

William W. Peaslee
Rules Review Commission Counsel / Legislative Liaison
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1939
Bill.Peaslee@oah.nc.gov

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