

**MINUTES OF THE
LIVE AND VIRTUAL MEETING FOR
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD**

DATE: July 16, 2020

TIME: 11:00 A.M.

PLACE: 3101 Industrial Drive Ste. 104
Raleigh, North Carolina

SUBMITTED BY: Paul Sherwin
Director

MEMBERS PRESENT:
Wayne Woodard
Jim Crabtree
Stephen Wheeler
Mack Donaldson

MEMBERS PRESENT VIRTUALLY
Caroline Brown
Robert Graham

MEMBERS ABSENT
Larry Proctor

STAFF PRESENT:
Director Paul Sherwin
Board Secretary Cynthia Anthony
Attorney Jeff Gray
Field Services Supervisor Kim Odom
Investigator Nick Ezell
Investigator Lee Kelly

VISITORS:
Sean Hatcher
Don Childers
Duncan Hubbard
Matthew Jankowski
Larry Blumenfeld
Jason Lindquist
David Sperber

The July 16, 2020 telephone conference meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Woodard at 11:00 a.m.

Attorney Gray informed the Board members of the new open meeting and public record law changes. He stated that there must be a roll call of members present to start the meeting and that Board members must first identify themselves before they speak. Secondly, all virtual meeting voting must be done by roll call votes and any electronic communications between Board members by text or email are considered public records. Lastly, a meeting quorum no longer remains throughout the meeting; if a member attending the meeting virtually leaves the meeting, the meeting must adjourn.

In accordance with the State Ethics Law, Attorney Gray read the following information: “It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matter coming before this Board today, please identify the conflict or appearance and refrain from the deliberation and vote in that matter.”

Chairman Woodard conducted a roll call of members and then welcomed all guests.

JIM CRABTREE MADE A MOTION TO APPROVE THE MAY 21, 2020 BOARD MEETING MINUTES. SECONDED BY STEPHEN WHEELER. MOTION CARRIED.

Attorney Jeff Gray opened the nominations to elect the new officers.

STEPHEN WHEELER MADE A MOTION TO RE-ELECT WAYNE WOODARD AS CHAIRMAN. SECONDED BY JIM CRABTREE. MOTION CARRIED. NONE OPPOSED.

MACK DONALDSON MADE A MOTION TO ELECT STEPHEN WHEELER AS VICE-CHAIRMAN. SECONDED BY JIM CRABTREE. MOTION CARRIED. NONE OPPOSED.

JIM CRABTREE MADE A MOTION TO ELECT MACK DONALDSON AS CHAIRMAN OF THE GRIEVANCE COMMITTEE. SECONDED BY STEPHEN WHEELER. MOTION CARRIED. NONE OPPOSED.

JIM CRABTREE MADE A MOTION TO ELECT LARRY PROCTOR AS CHAIRMAN OF THE LEGISLATIVE COMMITTEE. SECONDED BY MACK DONALDSON. MOTION CARRIED. NONE OPPOSED.

MACK DONALDSON MADE A MOTION TO ELECT JIM CRABTREE AS CHAIRMAN OF THE TRAINING/EDUCATION COMMITTEE. SECONDED BY STEPHEN WHEELER. MOTION CARRIED. NONE OPPOSED.

Chairman Woodard recognized new Board member Caroline Brown and the reappointment of existing Board member Larry Proctor.

Mack Donaldson presented the Grievance Committee report. Mack Donaldson and Wayne Woodard met via live and virtually as the Grievance Committee on July 15, 2020 from 1:00 p.m. to 5:04 pm. and heard a total of nine cases.

JIM CRABTREE MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY STEPHEN WHEELER. MOTION CARRIED.

Stephen Wheeler presented the Screening Committee report. Mr. Wheeler served as chair of the Screening Committee and they met via live and virtually on July 15, 2020 from 9:00 a.m. to 10:48 a.m. to review a total of fifteen applications.

JIM CRABTREE MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED.

FINAL AGENCY DECISIONS

19 DOJ 06722 – Matthew Joseph Jankowski - This contested case was heard before Administrative Law Judge Tenisha S. Jacobs on January 25, 2020 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny an alarm registration for Mr. Jankowski for lack of good moral character and temperate habits as evidenced by a conviction of Class 6 Felony Theft in Maricopa County, Arizona Mr. Jankowski was present virtually.

MACK DONALDSON MADE A MOTION TO GO INTO CLOSED SESSION TO DISCUSS MR. JANKOWSKI'S REGISTRATION APPLICATION. SECONDED BY JIM CRABTREE. MOTION CARRIED.

CLOSED SESSION: 12:59 p.m.
RECONVENE: 1:05 p. m

STEPHEN WHEELER MADE A MOTION TO RECONVENE. SECONDED BY MACK DONALDSON. MOTION CARRIED.

MACK DONALDSON MADE A MOTION TO APPROVE THE ALARM REGISTRATION. SECONDED BY JIM CRABTREE. MOTION CARRIED.

SPECIAL REPORTS AND PRESENTATIONS

1. Practical Networking for the Alarm Industry (online) - the Committee recommends approval for three CEU's for this course.
2. Business of the Alarm Business (online) - the Committee recommends approval for three CEU's for this course.

3. Project Management for the Security Industry (online) - the Committee recommends approval for three CEU's for this course.
4. Every Day Math for Alarm Technicians (online) - the Committee recommends approval for three CEU's for this course.
5. Cloud Based Architecture as it Relates to the Security Industry (online) - the Committee recommends approval for three CEU's for this course.
6. The Internet of Things and its Future in the Alarm Industry (online) - the Committee recommends approval for three CEU's for this course.
7. Defined Video Verification vs Video Surveillance (online) - the Committee recommends approval for three CEU's for this course.
8. The Future of Central Station Technology (online) - the Committee recommends approval for three CEU's for this course.
9. Central Station: Alarm Communications Signal Path & Processing- the Committee recommends approval for three CEU's for this course.
10. Central Station: Reports, Testing & Best Practices that Strengthen Monitoring Service- the Committee recommends approval for three CEU's for this course.
11. Vanco- Distributed Video and Audio for Commercial Applications- the Committee recommends **denial** because it is mostly audio and not covered under alarms.
12. G Series/B Series Professional Training (online) - the Committee recommends approval for one CEU for this course.
13. 01 BVMS Professional Level "Online" Training Plan: Technical Focus- the Committee recommends approval for three CEU's for this course.
14. G Series/B Series Expert Certification - the Committee recommends approval for six CEU's for this course.
15. BVMS Expert Appliance Storage (classroom) - the Committee recommends approval for six CEU's for this course.

JIM CRABTREE MADE A MOTION TO APPROVE THE CONTINUING EDUCATION REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED. IT WAS NOTED THAT CAROLINE BROWN RECUSED HERSELF FROM VOTING IN THIS MATTER.

MACK DONALDSON MADE A MOTION TO AMMEND 14B NCAC 17 .0202 (a)(3) TO ADD AN ADDITIONAL COURSE, COMPLETE ELECTRICAL ACADEMY ONLINE TRAINING COURSE, AND DELETE SUBSECTION (a)(2) FROM THE RULE. SECONDED BY JIM CRABTREE. MOTION CARRIED.

Stephen Wheeler expressed to the Board the need to develop a more streamlined process for the submission of the continuing education credit hours. This discussion was deferred to the next Board meeting.

OLD BUSINESS

None.

NEW BUSINESS

The following are the new meeting dates for 2021

January 20-21, 2021 - Raleigh, NC

March 17-18, 2021 - Raleigh, NC

May 19-20, 2021 - Raleigh, NC

July 21-22, 2021 - Raleigh, NC

September 15-16, 2021- Raleigh, NC

November 17-18, 2021- Raleigh, NC

JIM CRABTREE MADE A MOTION TO APPROVE THE PROPOSED MEETING DATES. SECONDED BY MACK DONALDSON. MOTION CARRIED.

The NC Electronic Security Association's grant application was discussed, then deferred. The application will need to be resubmitted without any food or drinks charges included.

DIRECTOR'S REPORT

Director Sherwin advised that the Board's fund balance was \$595,039.13 as of June 30, 2020. The Education Fund balance was \$66,562.16. As of June 30, 2020, the Board had 1,020 licensees and 6,825 registrants.

Director Sherwin announced that Private Protective Services Director Brian Jones resigned from his position May 31, 2020 and he was appointed to the position of Director on June 1, 2020.

Director Sherwin reminded the Board that due to COVID-19 concerns, Private Protective Services, transitioned to a staggered schedule for employees' effective March 16, 2020. The office is being staffed with two people and open to the public on Mondays, Wednesdays, and Fridays from approximately 8 a.m. to 4 p.m. He stated that employees go into the office on Tuesdays and Thursdays, but the office is closed to the public.

Director Sherwin stated that Private Protective Services currently has five vacant positions:

- Deputy Director (hiring in progress)
- Raleigh-based Investigator (hiring in progress)
- Hickory-based Investigator
- PPSB Licensing Assistant
- Administrative Assistant

Director Sherwin reported that as of July 9, 2020, employees have processed new alarm registrant applications submitted through June 10, 2020, and renewal alarm registrant applications submitted through July 1, 2020. He stated that the processing of many new registration applications has been delayed due to PPS staff awaiting to receive fingerprint cards from applicants, and/or a complete online background check from CriminalRecordCheck.com. These delays should subside as the COVID 19 restrictions lift.

Director Sherwin announced the Alarm Systems Licensing Board accepted grant applications from March 27, 2020 until 5:00 p.m. on May 29, 2020 and one grant application was received and which was evaluated by the Board.

JIM CRABTREE MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED.

ATTORNEY'S REPORT

I. CONSENT AGREEMENTS & CIVIL PENALTIES

On May 21, 2020 Robert Felipe Chandler and Branch Serv Systems Integration, LLC entered into a Consent Agreement in the amount of \$1,211.25 for unlicensed activity. The temporary agreement was signed by the Q/A on May 6, 2020. Payment has been received. (PAID IN FULL)

On May 21, 2020 Mark Paul DiPietro and SoundVision, LLC entered into a Consent Agreement in the amount of \$765.00 for unlicensed activity. The temporary agreement was signed by the Q/A on May 4, 2020. Payment has been received. (PAID IN FULL)

On May 21, 2020 August Glenn Fowler and Access Innovations Systems, Inc. entered into a Consent Agreement in the amount of \$1,147.50 for unlicensed activity. The temporary agreement was signed by the Q/A on May 7, 2020. Payment has been received. (PAID IN FULL)

On May 21, 2020 Parks Hunter Howie, Jr. and ICR of Concord, Inc. entered into a Consent Agreement in the amount of \$1,083.75 for unlicensed activity. The temporary agreement was signed by the Q/A on May 4, 2020. Payment has been received. (PAID IN FULL)

On May 21, 2020 Larry Wesley Lambeth Jr. and Security and Sound Solutions, LLC entered into a Consent Agreement in the amount of \$595.00 for unlicensed activity. The Agreement was signed by the Q/A on June 1, 2020. Payment has been received (PAID IN FULL)

On May 21, 2020 Kenneth Wayne Smith and Ken Smith, Inc entered into a Consent Agreement in the amount of \$956.25 for unlicensed activity. The temporary agreement was signed by the Q/A on May 11, 2020. Payment has been received. (PAID IN FULL)

On May 21, 2020 Charles Christopher Williams and Sight and Sound Controls entered a Consent Agreement in the amount of \$892.50 for unlicensed activity. The

Agreement was signed by the Q/A on May 27, 2020. Payment has been received.
(PAID IN FULL)

II. OFFICE OF ADMINISTRATIVE HEARINGS

The hearing list was attached to the Attorney's Report

III. RULES

- a. At its September 19, 2018 meeting the Board, following a request from staff, instructed me to prepare amendments to the Board's administrative rules to allow an applicant for a license or registration the option to submit fingerprints electronically. The request resulted in an amendment to 14B NCAC 17 .0201 and .0301. A copy of those amendments was attached to Attorney's Gray November 21, 2019 Attorney's Report and approved by the Board.

The Notice of Text for these two rules, along with the amendment to .0204, was filed on January 8, 2020 and the Public Hearing was Tuesday, March 31, 2020 at 2:00 p.m. at the Board's office and there were no comments, written or oral.

- b. Also, at its September 19th meeting the Board asked that Attorney Gray review options to allow an entity whose license has lapsed to have its license reinstated. The only practical and legal method would be to amend the Board's administrative rules. The Private Protective Services Board has such a rule. Attorney Gray made the requested amendment by adding a sub-section in 14B NCAC 17 .0204 which was attached to his November 21st Attorney's Report and it was approved.

The Notice of Text was filed along with the two rules in a., above, and the Public Hearing was the same day and same time.

The Public Comment Period for all three rule amendments ended Friday, April 3rd. These rule amendments, with no changes, were adopted at the Board's May 24, 2020 meeting and were then filed to be considered by the Rules Review Commission. Some minor Requests for Technical Change and a Staff Objections were received. Former Board Legal Counsel, Charles McDarris, and Attorney Gray responded to these and the Commission are considering these three rule amendments at its meeting on July 16th.

- c. At its May2020 meeting the Board voted to amend its administrative rules to accommodate applicants for licensure during a declared state of emergency. In order to address the current COVID-19 pandemic the Board chose to do so using the Emergency rulemaking process. Prior to passage of Senate Bill 704 (*see*, subsection g. under LEGISLATION, below), a State agency was required to

simultaneously begin the Temporary rulemaking process upon adopting Emergency rules. Although this requirement was temporarily suspended by SB 704, the Board chose to make this rule amendment permanent.

A copy of the Board's Emergency rule amendment -- which is soon to be a Temporary rule -- was attached as Attachment 2 of the Attorney's Report.

The Emergency rule was effective June 9, 2020 and was published in the North Carolina Register on July 1, 2020.

The Board needed to vote today to adopt this Emergency rule amendment as a Temporary rule. (See attachment 2 of the Attorney's Report.)

IV. LEGISLATION

- a. A new proposed bill rewriting Chapter 74D was approved at the Board's November 15, 2018 meeting. Due to circumstances unrelated to the Board, the 74D re-write bill did not meet the legislature's bill introduction deadline. However, on May 29, 2019, through a process called a "PCS," or "Proposed Committee Substitute," the re-write language was added to an existing bill, House Bill 630, which makes numerous changes and additions to the Private Protective Services Act, Chapter 74C. The new bill is now entitled, "Private Protective Services/Alarm Systems Law Changes."

Regretfully while being considered in the House Finance Committee the fee increase provisions were removed. No other changes or amendments had been made to the Board's portion of the bill.

House Bill 630 passed the House on July 8, 2019 and was referred to the Senate Committee on Rules and Operations of the Senate for assignment to a committee (likely Judiciary.) A copy was attached to Attorney's Gray July 18, 2019 Attorney's Report.

In an attempt to obtain passage of this bill one of the Sponsors, Rep. Allen McNeil, attempted the same legislative procedure, a "PCS", or Proposed Committee Substitute, as above, but here he intended to utilize a procedure where a bill that has passed one chamber is used as a vehicle to get another bill passed. When done effectively, it only requires concurrence by the originating chamber. The intended vehicle was to be Senate Bill 202, an unnecessary bill regarding the DMV. However, when the PCS was released, Google through its lobbyist, expressed a vague, unspecified "concern" with the Alarm Board portion of the bill to another Sponsor who in turn asked Rep. McNeil to remove the Alarm Board's portion. Only the Private Protective Services Board's portion was included in the PCS for SB 202.

Albeit, SB 202 failed a House floor vote on June 24th.

- b. House Bill 484, “Verification of Immigration Status,” was introduced on March 28, 2019. It would require all State agencies and licensing boards to verify the immunization status of applicants using the federal Department of Homeland Security’s Systematic Alien Verification for Entitlements, or “SAVE” system. It would require that the Board enter into an agreement with Homeland Security and it would require yet another report be submitted. This bill has seen no action. (A copy was not attached to the Attorney’s Report.)
- c. House Bill 902, “Military-Trained/Spouse Licensure Practices,” was introduced on April 16, 2019. This bill would have required the Program Evaluation Division of the General Assembly to study the extent to which the provisions of N.C. Gen. Stat. § 93B-15.1 have improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards. The PED’s study would have been due to the Joint Legislative Oversight Committee on General Government and to the Department of Military and Veterans Affairs by February 1, 2020.

This bill passed the House 114-0 on May 2, 2019 and was referred to the Senate Rules Committee. (A copy was not attached to the Attorney’s Report) However, even though the bill had not passed the Senate, the PED proceeded with the study, and at its February 10, 2020 meeting the Program Evaluation Oversight Committee considered a bill to amend N.C. Gen. Stat. § 93B-15.1 yet again to strengthen its provisions and amend N.C. Gen. Stat. § 93B-2 to require reporting on the number of applications received, granted and denied. A copy of this bill draft was attached to Attorney Gray’s March 26th Attorney’s Report.

The actual bill was introduced, with identical versions in both the House and Senate, as HB 1053 and SB 717. House Bill 1053 was ratified, with an unrelated provision regarding an interstate compact for the practice of audiology, and signed by the Governor July 2, 2020. A copy of the relevant portion was attached as Attachment 3 of the Attorney’s Report.

Attorney Gray will prepare a Memorandum for the staff to use.

- d. Senate Bill 553, “Regulatory Reform Act of 2019,” is a broad-ranging bill addressing a myriad of laws from the limits on public employees benefitting from government contracts (raising the cap!), to amending the plumbing code, to amending the real estate licensing law, to repealing the ban on computer monitors and TVs being dumped in landfills. One provision, however, would have effected the Board.

Section 4.(a) of this bill, would have required all Gen. Stat. § 93B-1 boards to study and report to the Legislative Administrative Procedures Oversight Committee by December 31, 2019 any available options for on-line continuing education. This bill was ratified but vetoed by the Governor. A veto override vote on January 14, 2020 failed.

- e. Senate Bill 773, “Universal License Recognition,” was introduced on May 14, 2019 It amends Chapter 93B to add a new section (15.7) which would require any “occupational licensing board” as defined by N.C. Gen Stat. § 93B-1 to issue a license, certification, or registration to any applicant who establishes residency in this State who has been licensed, certified or registered in another state under certain conditions. The Board is defined as an occupational licensing board by N.C. Gen. State. § 93B-1(1) (however, the Private Protective Services Board is defined as a “State agency licensing” Board by N.C. Gen. Stat. § 93B-1(2)).

This bill also would require that Board to list the specific requirements, and all necessary documentation needed to satisfy the requirements, on its website. This bill was referred to the Senate Rules Committee and has seen no further action.

A copy was attached to Attorney Gray’s May 24, 2020 Attorney’s Report.

- f. A number of bills were introduced the last week of April when the legislature returned for the start of its “short session.” One was a comprehensive spending bill to address a myriad of issues created by the COVID-19 pandemic and a second, Senate Bill 704, addressed non-budgetary COVID-19 issues. One provision in SB 704 is designed to give “state agencies,” to include occupational licensing boards, regulatory flexibility during the “coronavirus emergency” which is defined as the period of the Governor’s executive orders until rescinded. Essentially, the provision allows state agencies to adopt Emergency rules -- something the Board could have done anyhow -- including delaying the collection of fees, fines or payments, delaying renewal dates for permits, licenses, certificates and registrations, and delaying or modifying educational or exam requirements.

It passed the legislature, was signed by the Governor, and was effective May 4, 2020. (No copy attached.)

- g. Also introduced was Senate Bill 712, “N.C. Freedom to Work Act,” which would prohibit prosecution for any violation of Executive Order No.s 118, 120, 121 and 135 issued by the Governor, or for any other Executive Order issued after April 23, 2020 during the COVID-19 pandemic. Although the bill title implies it only covers restrictions related to the right to work, as written the bill would prohibit criminal prosecution of any restriction contained in these executive orders, such as the prohibition of mass gatherings, social distancing, etc. The bill would also

limit the penalty for violating an executive order to a civil penalty (currently, it is a Class 2 misdemeanor to violate an executive order) and would prohibit criminal enforcement of the violation of any local emergency order that mirrors or exceeds the limitations ordered by Governor Cooper in the above executive orders.

A specific provision of SB 712 states no occupational licensing board may revoke a license, issue a fine, or take any adverse action against a licensee on the basis that a licensee has violated any executive order listed above.

Senate Bill 712 was referred to the Senate Rules Committee on May 7, 2020 and has seen no further action. (No copy attached.)

- h. Senate Bill 773, “Universal License Recognition,” was introduced on May 14th. It amends Chapter 93B to add a new section (15.7) which would require any “occupational licensing board” as defined by N.C. Gen Stat. § 93B-1 to issue a license, certification, or registration to any applicant who establishes residency in this State who has been licensed, certified or registered in another state under certain conditions. The Board is defined as an occupational licensing board by N.C. Gen. State. § 93B-1(1) (however, the Private Protective Services Board is defined as a “State agency licensing” Board by N.C. Gen. Stat. § 93B-1(2)).

This bill also would require that Board to list the specific requirements, and all necessary documentation needed to satisfy the requirements, on its website.

This bill was referred to the Senate Rules Committee on May 18, 2020 and has seen no further action.

A copy was attached to Attorney Gray’s May 21, 2020 Attorney’s Report.

MACK DONALDSON MADE A MOTION TO ADOPT THE TEMPORARY RULE CHANGE TO 14B NCAC 17 .0201 (c). SECONDED BY JIM CRABTREE. MOTION CARRIED.

JIM CRABTREE MADE A MOTION TO ACCEPT THE ATTORNEY’S REPORT AS PRESENTED. SECONDED BY STEPHEN WHEELER. MOTION CARRIED.

GOOD OF THE ORDER.

The NC Electronic Security Association meeting that was moved to October 13, 2020 has been cancelled.

STEPHEN WHEELER MADE A MOTION TO ADJOURN. SECONDED BY JIM CRABTREE. MOTION CARRIED.

Meeting Adjourned: 2:36 p.m.

Paul Sherwin
Director

Cynthia Anthony
Reporter