

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

DATE: March 18, 2021

TIME: 2:30 P.M.

PLACE: 3101 Industrial Drive Ste. 104
Raleigh, North Carolina 27609

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT:	MEMBERS PRESENT VIRTUALLY:	MEMBERS ABSENT:
Wayne Woodard	Caroline Brown	Robert W. Graham
Jim Crabtree	Larry Proctor	
Mack Donaldson		
Stephen Wheeler		

STAFF PRESENT:
Director Paul Sherwin
Attorney Jeff Gray

STAFF PRESENT VIRTUALLY:
Deputy Director Amanda Rolle
Board Secretary Cynthia Anthony
Field Services Supervisor Kim Odom
Investigator Nick Ezell
Investigator Lee Kelly

VISITORS PRESENT VIRTUALLY:

Chuck Olson	James Smith	Amanda Moody
Linda Lindberg	William Strickland	Jacob Lincon

Kyle Randleman

James Hale

Anita Surratt

Dauna Bartley

Denise Childress

Brian Creede

Tim Mangum

Dylan Singleton

On March 18, 2021, at 2:30 P.M., Chairman Woodard called the telephone conference meeting of the North Carolina Alarm Systems Licensing Board to order.

Attorney Gray read the following statement:

"In accordance with the State Ethics Law, 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 introduced the Board members and staff and then welcomed all guests.

FINAL AGENCY DECISIONS

20 DOJ 03866 – Dylan Lee Singleton - This contested case was heard before Administrative Law Judge Tenisha S. Jacobs on November 17, 2020 in Raleigh, North Carolina. The issue was whether or not grounds exist to deny the alarm registration renewal for Mr. Singleton for lack of good moral character and temperate habits as evidenced by a conviction of one (1) count of a Class A1 misdemeanor Assault on a Female in Montgomery County, North Carolina. Mr. Singleton was present virtually.

Chairman Woodard announced that the Board was going into closed session to discuss Mr. Singleton's registration renewal application.

CLOSED SESSION: 2:27 p.m.

RECONVENE: 2:45 p.m.

Chairman Woodard announced that the meeting has reconvened.

MACK DONALDSON MADE A MOTION TO APPROVE THE ALARM REGISTRATION RENEWAL FOR DYLAN SINGLETON. SECONDED BY JIM CRABTREE. MOTION CARRIED ON A ROLL CALL VOTE.

20 DOJ 03899 – James Maxwell Smith - 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 the alarm registration renewal for Mr. Smith for lack of good moral character and temperate habits as evidenced by a conviction of one (1) count of a

Class H felony Assault with Serious Bodily Injury in Cabarrus County, North Carolina. Mr. Smith was present virtually.

Chairman Woodard announced that the Board was going into closed session to discuss Mr. Smith's registration renewal application.

CLOSED SESSION: 3:13 p.m.
RECONVENE: 3:45 p.m.

Chairman Woodard announced that the meeting has reconvened.

MACK DONALDSON MADE A MOTION TO APPROVE THE ALARM REGISTRATION RENEWAL FOR JAMES SMITH. SECONDED BY JIM CRABTREE. MOTION CARRIED BY ROLL CALL VOTE. IT WAS NOTED THAT LARRY PROCTOR OPPOSED THE APPROVAL.

JIM CRABTREE MADE A MOTION TO APPROVE THE JANUARY 21, 2021 BOARD MEETING MINUTES. SECONDED BY CAROLINE BROWN. MOTION CARRIED ON A ROLL CALL VOTE.

Mack Donaldson presented the Grievance Committee report. Mack Donaldson and Caroline Brown met in person and virtually as the Grievance Committee on March 18, 2021 from 9:00 A.M. to 10:23 A.M. and heard a total of two cases.

STEPHEN WHEELER MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY CAROLINE BROWN. MOTION CARRIED ON A ROLL CALL VOTE.

Stephen Wheeler presented the Screening Committee report. Mr. Wheeler served as chair of the Screening Committee, and they met in person and virtually on March 18, 2021 from 10:30 A.M. to 12:26 P.M. to review a total of thirteen applications.

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

SPECIAL REPORTS AND PRESENTATIONS

Jim Crabtree presented the continuing education report.

1. System Upgrade & Panel Swap - the committee recommends **denial** because it is only open to Comcast employees only.

2. Greenfield - the committee recommends **denial** because it is only open to Comcast employees only.
3. Bonding and Grounding methods - the committee recommends **denial** because it is only open to Comcast employees only.
4. Monitoring Center Operator Training Level 2 - the committee recommends approval for six CEU's for this course.

MACK DONALDSON MADE A MOTION TO APPROVE THE CONTINUING EDUCATION REPORT AS PRESENTED. SECONDED BY STEPHEN WHEELER. MOTION CARRIED ON A ROLL CALL VOTE.

OLD BUSINESS

The Board discussed tentatively moving the July 21-22, 2021 meeting to July 28-29, 2021. This discussion was deferred to the next Board meeting.

NEW BUSINESS

The Board received a formal request from an alarm licensee concerning the reduction of licensing fees and financial hardship due to COVID-19. The Board declined the request, noting that this was the first and only such request, and chose not to reduce the fees.

DIRECTOR'S REPORT

Director Sherwin advised that the Board's fund balance was \$629,875.32 as of February 28, 2021. The Education Fund balance was \$69,467.17. As of February 28, 2021, the Board had 1,017 licensees and 7,409 registrants.

Director Sherwin reported that Private Protective Services staff continues to work mostly from home, due to COVID-19 restrictions. However, the office is open to the public Monday through Friday from approximately 7:30 A.M. to 4:30 P.M. He stated that the number of staff members present in the office each day, are kept to a minimum.

Director Sherwin announced the recent hiring of Brianna Ferrara, who will be working in the Registration Unit. Brianna recently relocated to North Carolina from New York. She previously worked in the Pistol Permit Bureau at the New York State Police, where she gained experience reviewing applications and criminal history information for pistol permit applicants. Brianna holds an associate degree in accounting from Hudson Valley Community College.

Director Sherwin announced that Private Protective Services currently has three vacant positions:

- Hickory-based Investigator (recruitment in process)
- Administrative Assistant (recruitment in process)
- Registration Processor

Director Sherwin reported Private Protective Services Investigator Darla Cole completed a proactive registration compliance audit of Lockdown Security Systems, LLC, located in Winston-Salem, N.C. in February 2021. The qualifying agent for Lockdown Security Systems, LLC, is Damian Belk (license number 2108-CSA). Mr. Belk has been a licensee since 2009 and he also holds the company's electrical license. The audit, which covered the first quarter of 2020, found no violations. Mr. Belk is the only employee of the part-time business which focuses primarily on security camera installations.

Director Sherwin stated that Private Protective Services Investigator Nick Ezell completed a proactive registration compliance audit of Monitronics Security LP, located in Indian Trail, N.C. in March 2021. The qualifying agent for Monitronics Security LP is Jeffery Rogers (license number 893-CSA). Mr. Rogers has been a licensee since 2014 and he also holds the company's electrical license. The audit, which covered the second quarter of 2020, found no violations. Monitronics Security LP is a subsidiary of Monitronics International LP d/b/a Brinks Home Security, and therefore has no employees or registrants.

Director Sherwin added that Investigator Ezell also completed a proactive registration compliance audit of Mastec North America, Inc., located in Charlotte, N.C. in March 2021. The qualifying agent for Mastec North America, Inc., is transitioning from Steven Radmann (license number 2458-CSA) to Pamela Bullock (license number 233527-CSA). Robert Hernandez holds the company's electrical license. The audit, which covered the fourth quarter of 2020, found no violations. The audit examined the registration records of thirteen employees.

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

ATTORNEY'S REPORT

On January 21, 2021 Charlie Marvin Anderson/Access Control Technologies, LLC entered into a Consent Agreement in the amount of \$2,720.00 for unlicensed activity. The Agreement was signed by the Q/A on January 26, 2021. Payment has been received. **(PAID IN FULL)**

On January 21, 2021 Richard William Oates Jr./Optimum Fire & Security entered into a Consent Agreement in the amount of \$1,891.25 for unlicensed activity. The Agreement was signed by the Q/A on January 26, 2021. Payment has been received. **(PAID IN FULL)**

On January 21, 2021 David Edward Pasternak/LAN-Line Systems, Inc. entered into a Consent Agreement in the amount of \$795.60 for four registration violations. The Agreement was signed by the Q/A on February 12, 2021. Payment has been received. **(PAID IN FULL)**

On January 21, 2021 Mark Anthony Lewis/Southern Sound, Inc. entered into a Consent Agreement in the amount of \$408.00 for two registration violations. The Agreement was signed by the Q/A on February 24, 2021. Payment has been received. **(PAID IN FULL)**

I. OFFICE OF ADMINISTRATIVE HEARINGS

The hearing list was attached to the Attorney's Report.

II. RULES

- a. At its May 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 in Attorney Gray's September Attorney's Report), 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 to 14B NCAC 17 .0201 was attached to Attorney Gray's July 16, 2020 Attorney's Report. This Emergency rule was effective June 9, 2020, and was published in the North Carolina Register on July 1, 2020.

At its July 16th meeting the Board voted to adopt this Emergency rule amendment as a Temporary rule. This Temporary rule amendment was approved by the Rules Review Commission at its August meeting and was included as an attachment to Attorney Gray's September Attorney's Report. The effective date for this Temporary rule amendment was August 28, 2020.

If the Board wants to make this amendment permanent it will need to commence the Permanent rulemaking process before the expiration of 270 days from August 28th, or May 25, 2021. Attorney Gray recommended that a decision be made, and a vote taken at today's Board meeting.

- b. Also, at its July 2020 meeting the Board voted to add an additional course, Complete Electrical Academy's Level I course, to the minimum training requirement for licensure in 14B NCAC 17 .0202(a)(3). It also voted to repeal the Board oral or written examination requirement in .0202(a)(2) since the Board has not administered such an exam in many years. (Note: This repeal created a renumbering of subsection (a) so the course requirement subsection is now "(a)(2).") The Notice of Text was filed on August 7, 2020. The Public Hearing for this rule amendment was Tuesday, October 6, 2020 at 2:00 p.m. at the Board's

office, virtually. The Public Comment Period ended November 2, 2020. No public comment, written or oral, was received.

The Board voted to approve this rule amendment at its November 19, 2020 meeting. The submission for Permanent Rule form was filed December 1, 2020. Attorney Gray received a Request for Technical Change for two minor issues. This rule is on the Agenda for the Rules Review Commission meeting for today (March 18, 2021.)

III. LEGISLATION

- a. At the request of the Board Attorney Gray prepared a new bill, virtually identical to the proposed bill that was introduced in the last two sessions of the General Assembly, for introduction in the current (i.e. 2021-2022) Session. Attorney Gray circulated a copy to the Board on December 31st. After circulating this draft Mr. Wheeler suggested a modification to the language in new N.C. Gen. Stat. § 74D-2(d)(4) so that it will read merely "...course approved by the Board" without saying "Level I." The Board has an administrative rule, 14B NCAC 17 .0202(a)(2), which is pending amendment (*see*, subsection a. under RULES, above) that states which courses are approved.

Additionally, the Legislative Liaison for the Department of Public Safety (DPS) has asked that the Board split this bill into two separate bills; one with the fee increase (i.e. Sec. 9 amending N.C. Gen. Stat. § 74D-7(e)) and then one with all the other provisions. This was suggested since the House Finance Committee summarily struck the fee increase provision from the bill introduced last Session.

At its January 21, 2021 meeting the Board discussed these suggested changes and voted to approve them. Attorney Gray made the requisite changes to the draft bill and forwarded it to DPS's Legislative Liaison. To date, the bill has not been introduced, but Attorney Gray was advised on March 11th that a House version has been sent to Legislative Bill Drafting.

- b. House Bill 29, "Verification of Immigration Status – SAVE," would require all State agencies, State agency licensing boards and occupational licensing boards to verify the immigration status of applicants for public benefits and use the federal Systematic Alien Verification for Entitlements (SAVE) system to obtain that verification. The definition of "benefit" includes a commercial license.

If ratified, this bill will require the Board to enter into a memorandum of agreement with the Department of Homeland Security to access the SAVE Program. (*See*, Attachment 2 of the Attorney's Report.)

This bill is identical to a bill from last Session (which Attorney Gray tracked and reported to the Board) which did not pass.

This bill was referred to the House Committee on Judiciary I on February 1, 2021.

- c. House Bill 68, “GSC Licensing Boards and Commission/Rule Crimes,” is the end result of a study conducted by the General Statutes Commission, as ordered by the legislature, to determine city ordinances and state agencies’ administrative rules that can be charged as a criminal offense. Over the past year Attorney Gray has reported to the Board his various responses to the Commission requesting information. As Attorney Gray has explained before, since the Board has almost never charged anyone criminally for violation of Chapter 74D, it would doubtfully ever charge a violation of one of its administrative rules. (*See*, Attachment 3 of the Attorney’s Report.)

Nothing about his bill, if ratified, would alter the Board’s ability to charge someone for violating its statute.

This bill was referred to the House Rules Committee on February 11, 2021.

MACK DONALDSON MADE A MOTION TO APPROVE THE EMERGENCY RULE AMENDMENT TO 14B NCAC 17 .0201 AND ADOPT IT AS A PERMANENT RULE. SECONDED BY JIM CRABTREE. MOTION CARRIED ON A ROLL CALL VOTE.

Chairman Woodard announced that the formal letter informing the NC Department of Administration of the Board’s issues and concerns about Executive Order No. 158 has been sent.

JIM CRABTREE MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY STEPHEN WHEELER. MOTION CARRIED ON A ROLL CALL VOTE.

GOOD OF THE ORDER.

MACK DONALDSON MADE A MOTION TO ADJOURN. SECONDED BY JIM CRABTREE. MOTION CARRIED ON A ROLL CALL VOTE.

Meeting Adjourned: 4:38 P.M.

Paul Sherwin
Director

Cynthia Anthony
Reporter