

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

DATE: May 20, 2021

TIME: 2:17 P.M.

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

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT: MEMBERS PRESENT VIRTUALLY:

Wayne Woodard

Robert W. Graham

Jim Crabtree

Mack Donaldson

Caroline Brown

Larry Proctor

Stephen Wheeler

STAFF PRESENT:

Director Paul Sherwin

Attorney Jeff Gray

Deputy Secretary Caroline Valand

STAFF PRESENT VIRTUALLY:

Deputy Director Amanda Rolle

Board Secretary Cynthia Anthony

Field Services Supervisor Kim Odom

Investigator Nick Ezell

Investigator Lee Kelly

Investigator Ray Bullard

VISITORS PRESENT VIRTUALLY:

Denice Childress	Joseph Barber	Dalla Brown
Duncan Hubbard	Michael Peterson	Leonard Serrano
Faisal Ahmed	Raynor Smith	Josh Berube
Grover Edwards	Roger Lang	Rogelio Barroso
Jamie Thompson	Scott Stallcup	Dixie Culbreth
Joe Tranfaglia	Pamala McLean	Jacob Stevenson

On May 20, 2021, at 2:17 P.M., Chairman Woodard called the in person and virtual 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 including Caroline Valand, Deputy Secretary, Department of Public Safety and then welcomed all guests.

FINAL AGENCY DECISIONS

20 DOJ 03887 – Homer Owen Weaver - 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 reinstating the alarm license for Mr. Weaver for failure to correct business practices and dereliction of duties. Mr. Weaver **was not** present in person or virtually.

STEPHEN WHEELER MADE A MOTION TO ACCEPT THE ADMINISTRATIVE LAW JUDGES PROPOSED DECISION TO UPHOLD THE REVOCATION OF HOMER WEAVER’S ALARM LICENSE. SECONDED BY LARRY PROCTOR. MOTION CARRIED ON A ROLL CALL VOTE. IT WAS NOTED THAT WAYNE WOODARD AND MACK DONALDON RECUSED THEMSELVES FROM VOTING IN THIS MATTER DUE TO THEIR PARTICIPATION ON THE SCREENING COMMITTEE WHEN THIS MATTER WAS CONSIDERED.

JIM CRABTREE MADE A MOTION TO APPROVE THE MARCH 18, 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 Jim Crabtree met in person and virtually as the Grievance Committee on May 20, 2021 from 9:00 A.M. to 10:57 A.M. and heard a total of six cases.

LARRY PROCTOR MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY JIM CRABTREE. 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 May 20, 2021 from 11:30 A.M. to 1:07 P.M. to review a total of seven applications.

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

SPECIAL REPORTS AND PRESENTATIONS

Jim Crabtree presented the continuing education report.

1. Practical Sensor Applications (online) - the committee recommends approval for **two** CEU's for this course.
2. Power and Electricity (online) - the committee recommends approval for **six** CEU's for this course.
3. Access Control-Practical Application of Electronics and Controls (online) - the committee recommends approval for **two** CEU's for this course.
4. Introducing Pro Series, the Ultimate Smart Security Systems - the committee recommends approval for **one** CEU for this course.
5. Z-Wave Instructional Video (online) - the committee recommends approval for **zero point five** CEU's for this course.
6. Video Instructional Video (online) - the committee recommends approval for **zero point eight** CEU's for this course.
7. System Enhancement Module (Vista Dual Path) (online) - the committee recommends approval for **zero point four** CEU's for this course.
8. Remote Troubleshooting instructional Video (online) - the committee recommends approval for **zero point six** CEU's for this course.
9. Mobile Tech Instructional Video (online) - the committee recommends approval for **zero point eight** CEU's for this course.

10. System Enhancement Module (SEM) (online) - the committee recommends approval for **zero point five** CEU's for this course.
11. Interactive Services and Image Sensor (online) - the committee recommends approval for **one** CEU for this course.
12. Customer Website Instructional Video (online) - the committee recommends approval for **zero point three** CEU's for this course.
13. Video as a Service (online) - the committee recommends approval for **one point three** CEU's for this course.
14. Automation and Energy (online) - the committee recommends approval for **one** CEU for this course.
15. Alarm.com. Smart Thermostat Installation (online) - the committee recommends approval for **one** CEU for this course.
16. Installer Tools (online) - the committee recommends approval for **one** CEU for this course.
17. Alarm.com Doorbell Camera (online) - the committee recommends approval for **one** CEU for this course.
18. Access Control-Full Introduction - the committee recommends approval for **one point five** CEU's for this course.
19. Pro-Series Level 3 - the committee recommends approval for **one** CEU for this course.
20. Pro-Series Level 2 - the committee recommends approval for **one** CEU for this course.
21. Pro-Series Level 1 - the committee recommends approval for **one** CEU for this course.
22. 2GIG EDGE Certified Sales Rep (classroom) - the committee recommends approval for **one** CEU for this course.
23. 2GIG EDGE Certified Sales Rep (online) - the committee recommends approval for **one** CEU for this course.
24. 2GIG EDGE Certified Tech (classroom) - the committee recommends approval for **three** CEU's for this course.
25. 2GIG EDGE Certified Tech (online) - the committee recommends approval for **three** CEU's for this course.
26. 2GIG EDGE Certified Tech (full course) (classroom) - the committee recommends approval for **four** CEU's for this course.
27. 2GIG EDGE Certified Tech (full course) (online) - the committee recommends approval for **four** CEU's for this course.

LARRY PROCTOR MADE A MOTION TO APPROVE THE CONTINUING EDUCATION REPORT AS PRESENTED. SECONDED BY CAROLINE BROWN. MOTION CARRIED ON A ROLL CALL VOTE.

There was brief discussion concerning awarding registrants and licensees continuing education credit for their attendance at the virtual Board meetings. The Board elected to approve this request and it will be retroactive to include the March 18, 2021 Board meeting.

STEPHEN WHEELER MADE A MOTION TO AWARD REGISTRANTS AND LICENSEES CONTINUING EDUCATION CREDIT FOR THEIR ATTENDANCE AT THE VIRTUAL BOARD MEETINGS. SECONDED BY MACK DONALDSON. MOTION CARRIED ON A ROLL CALL VOTE.

OLD BUSINESS

The Board decided not to change the July 21-22, 2021 meeting dates and the discussion concerning the November 17-18, 2021 meeting dates was deferred to the next Board meeting.

NEW BUSINESS

None.

DIRECTOR'S REPORT

Director Sherwin advised that the Board's fund balance was \$631,397.74 as of April 2021. The Education Fund balance was \$69,984.41. As of April 2021, the Board had 1,016 licensees and 6,674 registrants.

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 Nick Ezell completed a proactive registration compliance audit of CenturyTel Security Systems, Inc., located in New Bern, N.C. in April 2021. The qualifying agent for CenturyTel Security Systems, Inc. is James Shatterly (license number 2321-CSA). He has been a licensee since 2012 and he also holds the company's electrical license. The audit, which covered the second quarter of 2020, found no violations. Mr. Shatterly is the only employee of the business.

Director Sherwin reported Private Protective Services Investigator Lee Kelly completed a proactive registration compliance audit of The Security Shop, located in Winston-Salem, N.C. in March 2021. The qualifying agent for The Security Shop is Charles Bellia (license number 2149-CSA). Mr. Bellia has been a licensee since 2010 and he also holds the company's electrical license. The audit, which covered the fourth quarter of 2020, found no violations. Mr. Bellia is the only employee of the business.

Director Sherwin added that Investigator Kelly also completed a proactive registration compliance audit of Sunbelt Security Systems, Inc, located in Raleigh, N.C. in March 2021. The qualifying agent for Sunbelt Security Systems, Inc. is Frederick Jones (648-CSA). Mr. Jones has been a licensee since 1998 and he also holds the company's electrical license. The audit, which covered the third quarter of 2020, found no violations. The audit examined the registration records of one employee.

Also, Director Sherwin stated that Investigator Kelly also completed a proactive registration compliance audit of Carolina Fire and Security, Inc. located in Cornelius, N.C. in March 2021. The qualifying agent for Carolina Fire and Security Inc., is Bobby Lefler (1461-CSA). Mr. Lefler has been a licensee since 2007 and he also holds the company's electrical license. The audit, which covered the fourth quarter of 2020, found no violations. Mr. Lefler is the only employee of the business.

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

ATTORNEY'S REPORT

I. CONSENT AGREEMENTS & CIVIL PENALTIES

On March 18, 2021 Seth Brewer Beddes and Alder Holdings, LLC entered into a Consent Agreement agreeing to pay \$2,188.76 for unlicensed activity. The agreement was signed by the Q/A on March 30, 2021. Payment has been received. **(PAID IN FULL)**

On March 18, 2021 Richard Dell Boone and Power Tec Corporation entered into a Consent Agreement agreeing to pay \$1,806.25 for unlicensed activity. The agreement was signed by the Q/A on March 25, 2021. Payment has been received. **(PAID IN FULL)**

On March 18, 2021 Jimmy Lee Hill Jr. and Integrated Security Services, Inc. entered into a Consent Agreement agreeing to pay \$4,406.40 for twenty-seven registration violations. The agreement was signed by the Q/A on March 25, 2021. Payment has been received. **(PAID IN FULL)**

On March 18, 2021 Charles Jeffre Hunt and South Mountain Electric Service entered into a Consent Agreement agreeing to pay \$1,997.50 for unlicensed activity. The agreement was signed by the Q/A on March 26, 2021. Payment has been received. **(PAID IN FULL)**

On March 18, 2021 Brad Walden Michelsen and APS Security of Greensboro, Inc. entered into a Consent Agreement agreeing to pay \$1,593.75 for unlicensed activity. The agreement was signed by the Q/A on March 28, 2021. 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 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.

The Board voted at its March 18, 2021 meeting to make this amendment permanent. On April 8, 2021, Attorney Gray filed a Notice of Text which commences the Permanent rulemaking process. The Public Hearing for this Permanent rule amendment is June 8, 2021 at 2:00 p.m. at the Board's office. The Public Comment Period ends August 10, 2021.

Since the Notice of Text was filed within 270 days of the publication of the Temporary rule, the rule amendment will remain in effect until the effective date of the Permanent rule (which should be October 1, 2021.)

- 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. They were approved by the Rules Review Commission meeting on March 18, 2021 and was effective April 1st. A copy was attached as Attachment 2 of the Attorney's Report.

IV. 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. The bill was introduced on May 11, 2021 and is House Bill 933. A copy was attached as Attachment 3 of the Attorney's Report.

It has been referred to the House Finance Committee.

- 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. (A copy was attached to Attorney Gray's March 18, 2021 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 3 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. (A copy was attached to Attorney Gray's March 18, 2021 Attorney's Report.)

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

This bill passed the House on March 30, 2021 and was referred to the Senate Committee on Rules.

- d. Senate Bill 545, "Universal Licensure Recognition Act." This bill would enact new N.C. Gen. Stat. § 93B-15.2 to require an occupational licensing board or a State agency to issue a license, certification, or registration to any applicant who establishes residence in the State, and satisfies all nine conditions, including: 1) the applicant is currently licensed, certified, or registered in at least one other jurisdiction in the discipline applied for in the state at the same or substantially equivalent practice level; 2) the application has been licensed, certified, or registered by another jurisdiction for at least one year; 3) the applicant is in good standing in all jurisdictions in which the applicant holds a license, certification, or registration; and 4) the applicant does not have any active or pending disciplinary actions from an occupational licensing board or agency in another jurisdiction, and if applicable, the occupational licensing board or State agency has completed verification. The bill sets out actions the occupational licensing boards must take when an applicant has any prior disciplinary actions from an occupational licensing board or State agency licensing board at the time of application. Requires online publication of criteria or requirements for licensing, certification, or registration of the required documentation. It further specifies that the statute does not prevent any occupational licensing board or State agency licensing board in the State from entering into a reciprocity agreement with another jurisdiction or invalidate any existing reciprocity agreement. It provides that a license, certification, or registration granted by an occupational licensing board or State agency licensing board under this statute is

valid only in this State and does not extend validity to other jurisdictions. It also provides that any individual licensed, certified, or registered under this statute is entitled to the same rights and subject to the same obligations as individuals licensed, certified, or registered by an occupational licensing board or State agency licensing board in this State under any other provision of law. Further, it makes clear that nothing in the statute prohibits an individual from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board or State agency licensing board in this state.

This bill requires occupational licensing board and State agency licensing boards to reports annually to the certain entities, beginning October 31, 2022, on the number of individuals who: applied for licensure, certification, or registration and received licensure, certification, or registration in accordance with this act or were denied licensure, certification, or registration in accordance with this act. It would apply to applications for licensure, certification, or registration received after October 1, 2021.

This bill was referred to Senate Committee on Rules. (A copy **was not** attached to the Attorney's Report.)

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

GOOD OF THE ORDER.

Chairman Woodard announced that he is resigning from the Board and this would be his last Board meeting.

The Board and Attorney Gray thanked Chairman Woodard for his service and commitment. Also, Director Sherwin presented Mr. Woodard with his service plaque.

JIM CRABTREE MADE A MOTION TO ADJOURN. SECONDED BY LARRY PROCTOR. MOTION CARRIED ON A ROLL CALL VOTE.

Meeting Adjourned: 3:40 P.M.

Paul Sherwin
Director

Cynthia Anthony
Reporter