



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Eddie M. Buffaloe, Jr., Secretary

Vincent "Bud" Cesena, Chair
Paul Sherwin, Director

MEETING MINUTES OF THE NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

DATE: December 16, 2021
TIME: 9:00 A.M.
PLACE: 3101 Industrial Drive Suite 104
Raleigh, North Carolina 27609

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT

Chair-V. Bud Cesena (v)
Dave Stephens (v)
Ron Burris
Debra Duncan (v)
Tamara Rabenold (v)
Kim Heffney (v)
Vice-Chair Steve Johnson
Nada Lawrimore
Jerry Pitman
Andy Renfrow
Gerry Stickl (v)
Sam Russell (v)
Assata Buffaloe (v)

MEMBERS ABSENT

Stacy Buff

*v: virtual

STAFF PRESENT

Paul Sherwin Ray Bullard
Jeff Gray Nick Ezell
Amanda Rolle Daniel Cheathman
Kim Odom
Garcia Graham
Carolina Valand

VISITORS PRESENT (v)

Harry House Harry House
Donna Campbell Greg Hatten
Bill Wilke Paul Schroll
Brenda McMillon William MacRae
Lee Denney Patsy Fulcher

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Chairman V. "Bud" Cesena called the December 16, 2021 meeting of the North Carolina Private Protective Services Board to order at 9:00 A.M.

Attorney Jeff 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."

TAMARA RABENOLD MADE A MOTION TO ACCEPT THE OCTOBER 21, 2021 BOARD MEETING MINUTES. SECONDED BY ASSATA BUFFALOE. MOTION CARRIED. NONE OPPOSED.

FINAL AGENCY DECISIONS

David Logan Marsh - 20 DOJ 03786. Mr. Marsh was not present. This case was heard by Administrative Law Stacey Bice Bawtinhimer on October 15, 2021. This case involved the summary suspension order of Petitioner's unarmed guard registration based on a lack of good moral character and temperate habits as evidenced by charges of 1) statutory rape of a person who is 15 years of age or younger; 2) statutory sexual offense with a person who is 15 years or younger; 3) sexual activity by a substitute parent or custodian (2 counts); and 4) taking indecent liberties with children (2 counts) in Mecklenburg County, North Carolina.

VICE CHAIRMAN STEVE JOHNSON MADE A MOTION TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND CONTINUE WITH THE SUMMARY SUSPENSION OF MR. MARSH'S UNARMED GUARD REGISTRATION. SECONDED BY RON BURRIS. MOTION CARRIED. NONE OPPOSED.

Ron Burris presented the Grievance Committee report. Mr. Burris, Vice-Chair Steve Johnson, Jerry Pitman, Nada Lawrimore, Gerry Stickl, and Tamara Rabenold met in person and virtually on December 14, 2021, from 9:00 A.M. to 2:10 P.M. and heard a total of twenty-three (23) cases.

VICE CHAIRMAN STEVE JOHNSON MADE A MOTION TO APPROVE ALL CASES EXCEPT CASES #2 and #3- ANDY RENFROW. DAVID STEPHENS SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SAM RUSSELL MADE A MOTION TO APPROVE CASE #2 AND #3- ANDY

RENFROW. ANDY RENFROW RECUSED HIMSELF. NADA LAWRIMORE SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL GRIEVANCE REPORT

Debra Duncan presented the Screening Committee report. Stacy Buff, David Stephens, Debra Duncan, and Sam Russell met on December 15, 2021, from 9:00 A.M. to 11:45 A.M. and heard a total of forty-six (46) cases and five (5) addendums.

GERALD STICKL MADE A MOTION TO APPROVE ALL CASES PRESENTED TO THE SCREENING COMMITTEE WITH THE EXCEPTIONS OF #38 AND #3. KIM HEFFNEY SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

DAVID STEPHENS MADE A MOTION TO APPROVE CASE #38 -ROBERT STOUT. TAMARA RABENOLD RECUSED HERSELF. DAVID STEPHENS SECONDED THE MOTION. THE MOTION CARRIED. NONE OPPOSED.

TAMARA RABENOLD MADE A MOTION TO APPROVE CASE #3- GREGORY BEAN. SAM RUSSELL RECUSED HIMSELF. VICE-CHAIRMAN STEVE JOHNSON SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL SCREENING REPORT

Vice Chairman Steve Johnson presented the Laws and Rules Committee Report. Vice-Chairman Steve Johnson, Debra Duncan, Kim Heffney, Jerry Pitman and Tamara Rabenold met on December 15, 2021, from 2:00 P.M. to 2:53 P.M. The committee reviewed and discussed the following rules: 14B NCAC 16 .0404, .0201, .0904, .0911, .1306 and .1406. He also gave an update on the Board's pending bill SB 424.

VICE CHAIRMAN STEVE JOHNSON MADE A MOTION TO ACCEPT THE RULES AMENDMENTS. ASSATA BUFFALOE SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

DEBRA DUNCAN MADE A MOTIONED TO ACCEPT THE LAWS AND RULES REPORT. SAM RUSSELL SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

VICE CHAIRMAN STEVE JOHNSON PRESENTED THE TRAINING AND EDUCATION REPORT.

On December 15, 2021, the Training and Education Committee met from 1:00 P.M. to 1:45 P.M. Vice-Chairman Steve Johnson, Stacy Buff, Tamara Rabenold, and Sam Russell were present. Training Investigator Ray Bullard presented the Trainer courses delivered in 2021 and the course schedule for 2022. Investigator Bullard's report included information from two reported accidental weapon discharges. The Committee reviewed six (6) applications for continuing education credits, and they were not approved due to insufficient information. The committee

recommended that the Board extend the covid-19 emergency rules for certifications and licensees' holder due to lack of available trainers/instructors.

VICE-CHAIRMAN STEVE JOHNSON MADE A MOTION TO EXTEND THE COVID-19 EMERGENCY RULES FOR A PERIOD OF NINETY DAYS. NADA LAWRIK MORE SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

Training Investigator Ray Bullard reported that the committee recommended the Board to include terminology for Firearms Trainer failure on recertification in the Firearms Trainer Manual. The Firearms Trainer terminology failure on recertification is listed below:

Handgun- Must recertify every two (2) years twice in three attempts.

- If an individual fails to recertify with either a revolver or semiautomatic they may return at a later date to recertify with the weapon they failed with. They **must** qualify with one of the two weapons.
- If an individual holds only one handgun certification and fails to recertify they may return at a later date and attempt to recertify **if** their Firearms Trainer Certification has not expired. If the Firearms Trainer Certification expires, they must repeat the entire course.

Long Gun- Must recertify every two (2) years, once in two attempts.

- If an individual fails to recertify with either the rifle or shotgun they may return at a later date and have one attempt to recertify with the failed weapon. They must qualify with one of the two weapons.

Note: The instructor may not teach on any weapon system they fail to recertify on until such time they meet the recertification requirements.

VICE CHAIRMAN STEVE JOHNSON MADE A MOTION TO ACCEPT THE ABOVE TERMINOLOGY FOR FIREARMS TRAINER FAILURE ON RECERTIFICATION. DAVID STEPHENS SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

Mr. Johnson stated that the committee had a request for the unguard training manual to be available on the web in electronic format for both students and instructors to have access to download. A printed hard copy will still be made available at the Justice Academy upon request.

TAMARA RABENOLD MADE A MOTION TO ACCEPT THE TRAINING AND EDUCATION REPORT. DEBRA DUNCAN SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL TRAINING AND EDUCATION REPORT

NEW BUSINESS

Chairman Bud Cesena welcomed new Board member Andy Renfrow and congratulated the other Board members on their reappointments.

Chairman Bud Cesena stated that it was brought to his attention regarding a licensed Private Investigator who is under a Giglio Order and inquired whether that person should hold a license. After a brief discussion he suggested that Tamara Rabenold research this with IASIR and report back to the Board.

Jerry Pitman reported that he attended the Close Protection Conference that was hosted by the International Protective Security Board on December 8-10, 2021, in Las Vegas, Nevada. There were over 700 attendees. The conference was very informative, had great topics and networking experience. The IPSB would like to look at the different requirements for all 50 states regarding Executive Protection work.

Also, Chairman Cesena suggested Ms. Rabenold check with IASIR on EP.

DIRECTOR'S REPORT

Director Paul Sherwin presented the Director's Report.

KIM HEFFNEY MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY JERRY PITMAN. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL DIRECTOR'S REPORT

ATTORNEY'S REPORT

Attorney Jeff Gray presented the Attorney's Report.

Notice of Text for amendment to 14B NCAC 16 .0103 and the adoption of new 14B NCAC 16 .0115 were considered by the Board. (See attachment 2 of Attorney's Report).

STEVE JOHNSON MADE A MOTION TO ACCEPT THE ABOVE PROPOSED RULES. NADA LAWRIMORE SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

DAVID STEPHENS MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT. ASSATA BUFFALOE SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL ATTORNEY'S REPORT

GOOD OF THE ORDER.

Bill Wilke thanked the Board and Director Sherwin for helping the NCAP with the grant.

DAVID STEPHENS MADE A MOTION TO ADJOURN. SECONDED BY SAM RUSSELL. MOTION CARRIED ON A ROLL CALL VOTE.

Meeting Adjourned: 11:00 A.M.

Paul Sherwin
Director

Garcia Graham
Reporter

PPSB Grievance After Report for December 16, 2021 9:00 am

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
1.	2019-PPS-062	Ronnie Smith RDS Investigations, Inc 225 Green St Ste 201 Fayetteville, NC 283010000	NCGS 74C-12(a)(25) and (31) 14B NCAC 16 .0405	Find violation of NCGS 74C-12(a)(25) & (31): Suspend all PPSB licenses held by Mr. Smith until February 15, 2022; Find violation of 14 NCAC 16.0405: Issue a Letter of Warning, which will include rules and limitations for display of PI badge; Refer to the Screening Committee for consideration if Mr. Smith submits any license application.	Accepted
2.	2021-PPS-025	Andy Renfrow Renfrow & Associates 2474 Walnut St Unit 280 Cary, NC 27518	NCGS 74C-2 NCGS 74C-12(a)(6)	Defer until the February 15, 2022 Grievance Committee meeting, at the request of Mr. Renfrow.	Accepted
3.	2021-PPS-026	Andy Renfrow Renfrow & Associates 2474 Walnut St Unit 280 Cary, NC 27518	NCGS 74C-2 NCGS 74C-12(a)(6)	Defer until the February 15, 2022 Grievance Committee meeting, at the request of Mr. Renfrow.	Accepted
4.	2021-PPS-027	William Fair 157 Fawn Lane Mocksville, NC 27028	NCGS 74C-2 NCGS 74C-13(a)	Defer until the February 15, 2022 Grievance Committee meeting, at the request of Mr. Fair.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
5.	2021-PPS-031	Brian Scully Garda CL East, Inc. 4300-A North Lake Court #200 Charlotte, NC 28216	14B NCAC 16 .0108(b)	Board-ordered follow-up audit found no registration violations (14B NCAC 16 .0108(b)). No additional action is recommended.	Accepted
6.	2021-PPS-033	John Keith Brown Southern Protection Agency 912 W Hwy 78 Ste 200 Vila Rica, GA 301800000	14 B NCAC 16 .0108(b)	Mr. John Keith Brown and Southern Protection Agency enter into and pay a consent agreement in the amount of \$1,958.40 for 16 unarmed registration violations. The staff is to conduct a follow up audit for the 3rd and 4th quarters of 2021.	Accepted
7.	2021-PPS-040	Dennis Lamont Davis Jr. 145 Briarwood Lake Drive Salisbury, NC 28147	NCGS 74C-2 NCGS 74C- 12(a)	Find a violation of N.C.G.S. 74C-2 and NCGS 74C-13(a). Continue the cease and desist that was issued to Mr. Dennis Lamont Davis for engaging in the private protective services profession without being properly licensed or registered. Should Mr. Davis apply for a license or registration, this matter will be referred to the Screening Committee.	Accepted
8.	2021-PPS-041	Kenneth Leroy Jones, Sr. 1025 Celebration Drive Salisbury, NC 28144	NCGS 74C-2 NCGS 74C- 13(a)	Find a violation of N.C.G.S. 74C-2 and NCGS 74C-13(a). Continue the cease and desist that was issued to Mr. Kenneth Leroy Jones, Sr. for engaging in the private protective services profession without being properly licensed or registered. Should Mr. Jones apply for a license or registration, this matter will be referred to the Screening Committee.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
9.	2021-PPS-042	Leo Pruitt 3537 US Highway 601 South Mocksville, NC 27028	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of N.C.G.S. 74C-2 and NCGS 74C-13(a). Continue the cease and desist that was issued to Mr. Leo Pruitt for engaging in the private protective services profession without being properly licensed or registered. Should Mr. Pruitt apply for a license or registration, this matter will be referred to the Screening Committee.	Accepted
10.	2021-PPS-043	Dakota Hunter McKinnon 1135 Cedar Pond Lane Salisbury, NC 28146	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of N.C.G.S. 74C-2 and NCGS 74C-13(a). Continue the cease and desist that was issued to Mr. Dakota Hunter McKinnon for engaging in the private protective services profession without being properly licensed or registered. Should Mr. McKinnon apply for a license or registration, this matter will be referred to the Screening Committee.	Accepted
11.	2021-PPS-044	Dharshitkumar Patel Gold Fish 2143-C Statesville Blvd Salisbury, NC 28147	NCGS 74C-2 NCGS 74C-13(b)	Find a violation of N.C.G.S 74C-2: Continue the cease and desist that was issued to Mr. Dharshitkumar Patel and Gold Fish; Find a violation of N.C.G.S. 74C-13(a) & (b) & (d): Issue a civil penalty in the amount of \$550.80 for three armed registration violations to Mr. Patel and Gold Fish; Should Mr. Patel apply for a license, the application shall be referred to the Screening Committee. The Grievance Committee recommends that no license, registration or certification be issued to Mr. Patel until the civil penalty is paid in full.	Accepted
12.	2021-PPS-045	Dharminkumar Patel Gold Fish 2143-C Statesville Blvd Salisbury, NC 28147	NCGS 74C-2 NCGS 74C-13(b)	Find a violation of N.C.G.S 74C-2: Continue the cease and desist that was issued to Mr. Dharminkumar Patel and Gold Fish; Find a violation of N.C.G.S. 74C-13(a) & (b) & (d): Issue a civil penalty in the amount of \$550.80 for three armed registration violations to Mr. Patel and Gold Fish; Should Mr. Patel apply for a license, the application shall be referred to the Screening Committee. The Grievance Committee recommends that no license, registration or certification be issued to Mr. Patel until the civil penalty is paid in full.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
13.	2021-PPS-047	Verlean Robinson Imperial Guard and Detective Service, Inc. 301 McCullough Drive Suite 400 Charlotte, NC 28262	14B NCAC 16 .0707(a) 14B NCAC 16 .0108(a)	Ms. Verlean Robinson and Imperial Guard and Detective Service, Inc. enter into and pay a consent agreement in the amount of \$1,346.40 for 11 unarmed registration violations. The staff is to conduct a follow up audit for the 4th quarter of 2021.	Accepted
14.	2021-PPS-048	Michael Allan Matthews Capitol Special Patrol 9650 Strickland Rd Ste 103-176 Raleigh, NC 27615	14B NCAC 16 .0108(a)	Board-ordered follow-up audit found no registration violations (14B NCAC 16 .0108(a)). No additional action is recommended.	Accepted
15.	2021-PPS-049	Edward Paul Gibson Colorado Security Agency, Inc. 405 Mistletoe Way Lawrence, NY 11559	NCGS 74C-2 14B NCAC 16 .0104(c) (d)(e) 14B NCAC 16 .0108(a)	Find a violation of of N.C.G.S. 74C-2: Issue a letter of warning; Find no violation of administrative rule 14B NCAC 16 .0104(c) & (d) & (e); Find no violation of administrative rule 14B NCAC 16.0108(a)	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
16.	2021-PPS-050	Dominick Henry Locascio J.P. Investigative Group, Inc. 9716-B Rea Rd Ste 211 Charlotte, NC 282770000	NCGS 74C-12(d)(3) NCGS 74C-12(a)(25)	Find a violation of N.C.G.S. 74C-12(d)(3): Suspend Mr. Dominick Locascio's Armed Private Investigator endorsement until all pending criminal charges related to this violation are disposed. Should Mr. Locascio re-apply for an Armed PI endorsement, he must successfully complete the 4-hour Legal Block of the Armed Guard Training Course before issuance of the endorsement.	Accepted
17.	2021-PPS-052	Alice Lowe Kane Realty Corporation P.O. Box 19107 Raleigh, NC 276190000	14B NCAC 16 .0707(a)	No violation of 14B NCAC 16 .0707(a)	Accepted
18.	2021-PPS-054	Amanda Anne Kendall DSI Security Services 1809 Cross Beam Dr Ste H Charlotte, NC 282170000	14B NCAC 16 .0108(b)	Board-ordered follow-up audit found no registration violations (14B NCAC 16 .0108(b)). No additional action is recommended.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
19.	2021-PPS-055	De'mond Weathers GT Security 6107 Forest Pond Drive Charlotte, NC 28262	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue the cease and desist that was issued to Mr. De'mond Weathers and GT Security for engaging in private protective services without being properly licensed or registered. Should Mr. Weathers apply for a license or registration, this matter will be referred to the Screening Committee. The Grievance Committee notes that it found no evidence of Mr. Weathers having committed the assault that was alleged in the complaint.	Accepted
20.	2021-PPS-056	Matthew Tosi GT Security 5927 Grove Creek Lane Charlotte, NC 28273	NCGS 74C-2	Find the violation of NCGS 74C-2. Continue the cease and desist that was issued to Mr. Matthew Tosi and GT Security for engaging in private protective services without being properly licensed or registered. Should Mr. Tosi apply for a license or registration, this matter will be referred to the Screening Committee.	Accepted
21.	2021-PPS-065	Benjamin Eric Allen York Security, LLC 557-B Pylon Drive Raleigh, NC 27606	14B NCAC 16 .0108(a) 14B NCAC 16 .0707(a) NCGS 74C-12(a)(1) NCGS 74C-12(a)(31)	Find a violation of 14B NCAC 16 .0108(a): See below for disposition; Find a violation of NCGS 74C-12(a)(1): See below for disposition; Find a violation of NCGS 74C-12(a)(31): See below for disposition; Find a violation of 14B NCAC 16 .0707(a): See below for disposition; Suspend Mr. Benjamin Allen's Unarmed Guard Trainer Certification for 12 months. Should Mr. Allen apply for certification, he must successfully complete the Board's Unarmed Guard Trainer course.	Accepted
22.	2021-PPS-073	Homa Sanyasi Florida Mart 134 Skeet Club Road High Point, NC 27265	NCGS 74C-13b	Defer until the February 15, 2022 Grievance Committee meeting, per the Committee's request. This is a companion case to 2021-PPS-027, which was deferred at the request of Mr. Fair.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
23.	2021-PPS-083	Benjamin McKee Academi, LLC PO Box 1029 Moyock, NC 27958	14B NCAC 16 .0108(a)	Mr. Benjamin McKee and Academi, LLC, enter into and pay a consent agreement in the amount of \$918.00 for five armed registration violations.	Accepted

Board Meeting Report

Board Date 12/16/2021

	Name Company Address	License	Committee Recommendation	Board Action
1.	Fredrick Lynn Harris Inter-Con Security Systems, Inc. 1725 Duke St Alexandria, VA 22314	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
2.	Samuel Alicea Icon Global Inc 324 S. Wilmington St #341 Raleigh , NC 27601	Private Investigator	Deny Deny Private Investigator License for failure to complete application process.	Accepted
3.	Gregory Thomas Beam Russell Investigative Services, LLC 204 E Fisher St Salisbury, NC 28144	Private Investigator	Approve Private Investigator License.	Accepted
4.	Nancy Anne Bessler All Access Investigation and Protective Services 9820 Northcross Center Ct Huntersville, NC 28078	Private Investigator	Approve Private Investigator License with the condition that favorable fingerprint results are received.	Accepted
5.	Lori Bineham Bineham & Associates International, LLC 625 Levenhall Dr Fayetteville, NC 28314	Private Investigator Associate	Approve Private Investigator Associate License Level I with 400 hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
6.	william ray blair i global international security company LLC 121 main street , NC 27985	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
7.	Rebecca Smith City Michael Guadagno & Associates 717 Wimberly Rd Suite 2 Apex, NC 27523	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted
8.	William Damian Delaney Jr Ion Investigations PO Box 285 Faith, NC 28041	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted
9.	David Edward Dodge NC Protection Group 740 Greenville Blvd SE Suite 400-105 Greenville, NC 27858	Private Investigator	Approve Private Investigator License.	Accepted
10.	Paul Joseph Dowling PJ Investigations 836 Oak St. Winston-Salem, NC 27101	Private Investigator	Approve Private Investigator License.	Accepted
11.	John A English Higher Production, Inc. PO Box 11 Turkey, NC 28393	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
12.	Shelane Camille Etchison Sofina Network 15 Trowbridge St. #12A Cambridge, MA 02138	Private Investigator	Approve Private Investigator License.	Accepted
13.	Jennifer Ann Faight Blackman Detective Services 4208 Six Forks Road Raleigh, NC 27609	Private Investigator Associate	Approve Private Investigator Associate License Level I with 800 hours.	Accepted
14.	Tiffany Nicole Faris Lighthouse Investigative Services 106 N Water st. Wilmington, NC 28401	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted
15.	Theodore O'Connor Forbes Donan Engineering 12450 Lake Station PI Louisville , KY 40299	Private Investigator	Approve Private Investigator License.	Accepted
16.	Tomasz Janusz Glazowski Conflict Interational 301 North Elm Street Greensboro , NC 27401	Private Investigator	Approve Private Investigator License.	Accepted
17.	Tomasz Janusz Glazowski Conflict Interational 301 North Elm Street Greensboro , NC 27401	Electronic Countermeasures	Approve Electronic Countermeasures Profession License.	Accepted
18.	Donny Hansen CleverLeaf, LLC 6135 Park South Suite 510 Charlotte, NC 28210	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
19.	Zachari David Jacob Helon PhotoFax, Inc. 44W100 US Highway 20 Hampshire, IL 60140	Private Investigator Associate	Approve Private Investigator Associate License Level I with 800 hours.	Accepted
20.	Susan Oxley Holland Holland's Investigative Service, LLC 2421 Sarecta Road Pink Hill, NC 28572	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
21.	Camilla Anne Hovey Hovey Mitigation Services 3118 Wilderness Rd Durham, NC 27712	Private Investigator	Approve Private Investigator License.	Accepted
22.	Marc William Jackson Sodexo Operations, LLC Sodexo 9801 Washingtonian Blvd Gaithersburg, MD 20878	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
23.	William Irvin Kirkland III Academi Training Center LLC PO Box 1029 Moyock , NC 27958	Proprietary	Approve Proprietary application with the condition that the consent agreement in the amount of \$918.00 is paid.	Accepted
24.	Louis L Laurenti Louis Laurenti 3685 Fairfield Way Southport , NC 28461	Polygraph Examiner	Approve with Condition Polygraph Examiner License with the condition that applicant pass an examination in accordance with 14B NCAC 16 .0501.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
25.	Louis L Laurenti Louis Laurenti 3685 Fairfield Way Southport , NC 28461	Private Investigator	Approve Private Investigator License.	Accepted
26.	Jacob Daniel Litzenberg Maiolo Investigation 14460 Falls of Neuse Rd Raleigh, NC 27614	Private Investigator Associate	Approve Private Investigator Associate License Level I with 400 hours.	Accepted
27.	Adela Logan Barefoot Professional Investigations 1011 E. Morehead St. Charlotte, NC 28204	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted
28.	Daniel McCrae Keystone Agency Security Consulting P.O. Box 6 Matthews, NC 28106	Private Investigator	Approve Private Investigator License.	Accepted
29.	Jeffery Lane Norris The Task Group, LLC 1129 Township Pkwy Belmont, NC 28012	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
30.	Eric Paihr GardaWorld 2000 Corporate Blvd NW Boca Raton, FL 33431	Armored Car	Approve Armored Car Profession License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
31.	Jermarion Pegues Blindside Protection Agency 1004 Summer Mist Lane Durham , NC 27704	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
32.	Melissa Owens Peterson All Eyes Investigation Services 182 Reich Farm Court Lexington, NC 27295	Private Investigator	Approve Private Investigator License.	Accepted
33.	Oscar Thomas Quick III Diversified Investigations PO Box 696 New Bern, NC 28562	Private Investigator Associate	Approve Private Investigator Associate License Level I with 400 hours.	Accepted
34.	Nicole Joyce Sanderson Viking Private Investigations 209 Creekstone Drive Benson, NC 27504	Private Investigator Associate	Approve Private Investigator Associate License Level I with 800 hours.	Accepted
35.	David Thomas Shaver Sheepdog Security 2990 S NC 127 Hwy Hickory, NC 28602	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
36.	Brandon Matthew Shaw J.S. Held, LLC 2200 Executive Street Charlotte, NC 28208	Private Investigator	Approve with Condition Private Investigator License with the condition that favorable fingerprint results are received.	Accepted
37.	Patsy Simmons DOS 341 Trout Valley Rd Wake Forest , NC 27587	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
38.	Robert Francis Stout II Carolina Surveillance & Investigations 7900 D Stevens Mill Rd Matthews, NC 28104	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,000 hours.	Accepted
39.	Derrick Denote Swinton Piedmont Private Investigations 1973 J N Pease Pl Charlotte, NC 28262	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted
40.	Kenneth Paul Thomas Archangel Protective Services 444 Metroplex Drive Nashville, TN 37211	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
41.	Karen Devoe Thompson Female Agents Inc PO Box 791 Graham, NC 27253	Private Investigator Associate	Approve Private Investigator Associate License Level I with 500 hours.	Accepted
42.	Gregory Aaron Trosper Fire and Explosion Consultants, LLC PO Box 24409 Dayton, OH 45424	Private Investigator	Approve Private Investigator License.	Accepted
43.	Daniel Webb Digistream Carolinas 105 Kilmayne Dr. Cary, NC 27511	Private Investigator Associate	Approve Private Investigator Associate License Level I with no hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
44.	Vantrell Wilson Icon Global Inc 324 S. Wilmington St Raleigh , NC 27601	Private Investigator	Deny Private Investigator License for failure to complete application and background process.	Accepted
45.	Kevin Woomer Digistream Carolinas 417 Mace blvd j-129 davis , CA 95618	Private Investigator Associate	Approve Private Investigator Associate License Level II with 1,000 hours.	Accepted
46.	Gregory Allen Young Brinks 2410 Presidential Drive Suite116 Durham, NC 27703	Armored Car	Approve Armored Car Profession License.	Accepted



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Eddie Buffaloe, Jr., Secretary

Caroline Valand, Deputy Secretary
Paul Sherwin, Director

North Carolina Private Protective Services Board Training and Education Committee Agenda December 15, 2021

The following PPS Trainer courses are scheduled:

Unarmed Guard Trainer Course and Workshop at Wake Tech. Community College

- February 7-11, 2022
- April 25-29, 2022
- September 26-30, 2022
- November 5-9, 2022

Firearms Trainer Recertification/Prequalification

Salemburg

- March 2, 2022
- May 11, 2022
- June 22, 2022

Firearms Instructor Course at N.C. Justice Academy, Salemburg

- April 4-7, 2022

Completed Training

- November 2-4, 2021-Long Gun Instructor Course
- November 4, 2021-Recertification Course at Camp Butner (Handgun and Long Gun)
- November 15-19, 2021-Unarmed Guard Instructor Course
- November 22, 2021 Recertification Course at Salemburg (Handgun and Long Gun)

MAILING ADDRESS:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609



www.ncdps.gov/pps
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OFFICE LOCATION:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609
Telephone: (919) 788-5320
Fax: (919) 788-5365



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Eddie Buffaloe, Jr., Secretary

Caroline Valand, Deputy Secretary
Paul Sherwin, Director

Topics for Discussion

- Providing the Unarmed Guard Trainer Manual in PDF
- Firearms Trainer failure on Recertification

Terminology for Firearms Trainer failure on Recertification

Handgun- Must recertify every two (2) years twice in three attempts.

- If an individual fails to recertify with either a revolver or semiautomatic they may return at a later date to recertify with the weapon they failed with. They **must** have at least qualified with one of the two weapons.
- If an individual holds only one handgun certification and fails to recertify they may return at a later date and attempt to recertify ***if*** their Firearms Trainer Certification has not expired. If the Firearms Trainer Certification expires, they must repeat the entire course.

Long Gun- Must recertify every two (2) years, once in two attempts.

- If an individual fails to recertify with either the rifle or shotgun they may return at a later date and have one attempt to recertify with the failed weapon. They must have at least qualified with one of the two weapons.

NOTE: The instructor may not teach on any weapon system they fail to recertify on until such time they meet the recertification requirements.

Weapon Discharges:

- On Monday, October 4, 2021, Robert Rhodes, trainer for Allied Universal, emailed Investigator Bullard and advised of a weapon discharge at the Bladen County Hospital and that the Elizabethtown Police Department had been called to investigate.

On Friday, October 8, 2021 Rhodes forwarded a copy of an Elizabethtown Police Department Incident Report to Investigator Bullard. The report indicates that Elizabethtown Police Department was called to report a weapon discharge at the Bladen County Hospital on October 5, 2021 by Bob Stacy the Head of Security. According to the report Nimi Delonte Peterson was working an armed post at the Bladen County

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North Carolina Department of Public Safety

Private Protective Services Board

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Paul Sherwin, Director

Hospital in Elizabethtown, North Carolina. On Monday, October 4, 2021 at approximately 4:00 pm, during shift change, Peterson was attempting to clear his weapon to be placed in the lock box of the Security Office. Peterson negligently pulled the trigger of his handgun. The weapon discharged one round striking a portable radio in a charging station. The projectile did not exit the radio.

According to Rhodes, Peterson was carrying a Glock, Model 22, .40 Caliber handgun. Investigator Bullard queried PPSM(Permitium) and discovered that Peterson was a properly registered Armed Guard for Allied Universal and was qualified to carry a Glock, Model 22, .40 caliber handgun. A copy of the email and police report are included in this case file.

- On November 22, 2021, Steven Thomas, Firearms Trainer for P&G Security, emailed Investigator Bullard and advised of a negligent weapon discharge. The email advised that on November 21, 2021 at approximately 12:45 p.m. security guard Corey Williams was returning to his post in Tower #1 at the Southern Correctional Institution located in Troy, North Carolina. Williams retrieved his issued Springfield, Model XD, 9mm handgun, placed a loaded magazine into the weapon and pressed the slide release with his finger on the trigger. The weapon fired one round into floor of the tower. Williams was immediately removed from post. Thomas advised that the Department of Corrections is investigating the incident.

Investigator Bullard queried PPSM(Permitium) and discovered that Williams is a properly registered armed guard for P&G Security. Williams was qualified to carry a Springfield, Model XD, 9mm handgun. According to Thomas, Williams has been terminated from P&G Security. At the time of this report Williams' Armed Registration is still valid. Investigator Bullard has attempted to contact the Department of Corrections and determine the outcome of their investigation without success. A copy of the email and a statement from Williams is included in this case file.

End of Report

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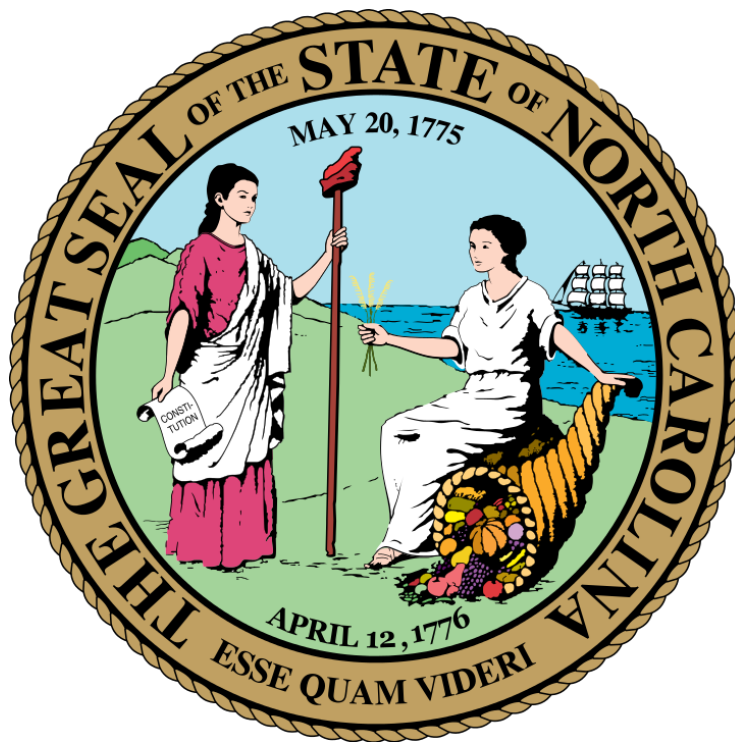
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<input checked="" type="checkbox"/>	REQUESTED BY	COURSE NAME	Course Number	INSTRUCTOR(S)	Classroom/Online	Date Submitted	Hours
		New Application(s):					
1	Milton O. Webb Jr.	“Scoring Vs. Ignoring”: The Use of Computer Aided Measurements Tools to Increase Polygraph Test Data Analysis Accuracy. Denied		Milton Webb Jr.	Classroom/Online	11-24-2021	4
2	Milton O. Webb Jr.	“A Forensic Use for Human Physiology”: Making Inferences of Truth or Deception Using Human Physiological Changes. Denied		Milton Webb Jr.	Classroom/Online	11-24-2021	4
3	Milton O. Webb Jr.	“Probable Lie Question Development” The most important phase of the probable lie comparison question technique. Denied		Milton Webb Jr.	Classroom/Online	11-24-2021	4
4	Milton O. Webb Jr.	“The Slippery slope from Deception to Interrogation”; Transitioning from Deceptive Results into the Interrogation. Denied		Milton Webb Jr.	Classroom/Online	11-24-2021	4
5	Milton O. Webb Jr.	“The Research, Use, Evaluation and Efficacy of the Photoelectric Plethysmograph (PLE) as a viable measurement component in Polygraph Testing. Denied		Milton Webb Jr.	Classroom/Online	11-24-2021	4
		Renewal Application(s):					
1	Cathy Champion	Insurance Investigations and the NC Private Investigator. Denied		Jim Ruark and William Gregory	Classroom/Virtual	12/10/2021	6

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

December 16, 2021 Meeting

DIRECTOR'S REPORT



Paul Sherwin, Director

DIRECTOR'S REPORT

- I. PPS information and updates, page 3**
- II. Licensing, registration and certification summary, page 5**
- III. Budget summary, page 6**
- IV. Budget graphics, page 7**

PPS INFORMATION AND UPDATES

PERSONNEL

Private Protective Services currently has four vacant positions:

- Registration Application Processor (two positions) – Recruitment in progress
- PPSB Secretary – Recruitment in progress
- Administrative Assistant – Staffed with a part-time, temporary employee

Private Protective Services on Nov. 8, 2021, hired Daniel “Danny” Cheatham for the investigator position based in Hickory, N.C. Danny is originally from Scranton, PA, and worked with the Clermont (Florida) Police Department from 1989 to 2001. He served in numerous roles within CPD, to include patrol officer, detective, detective sergeant, and lieutenant. Danny was recognized as CPD’s *Officer of the Year* in 1992 and 1993 and received an award for actions “Above and Beyond the Call of Duty” in 1996. Danny later moved to Hickory, N.C., obtained his private investigator license in 2003, and opened D.C. Investigations. As a private investigator, Danny has specialized in cases concerning the Eastern Band of Cherokee Indians, including assisting with internal affairs cases and homicide investigations. Additionally, he has been hired by citizens, businesses, and attorneys throughout his 18-year career as a private investigator to investigate fraud, theft, domestic issues, workers compensation cases, and more. Danny also served with the U.S. Marine Corps from 1979 to 1981.

Director Sherwin on Nov. 4 was appointed as a Director-at-Large to the Board of the Directors of the International Association of Security and Investigative Regulators (IASIR). The Association brings together government regulators and industry professionals from countries including the United States, Canada, France and more, to find best practices in security industry regulation and encourage collaboration between government and private industry. Additionally, the Board’s attorney, Jeff Gray, currently serves as legal counsel to the IASIR Board.

OPERATIONS

Registration Unit

- Registration applications received year-to-date: 22,689
(Same period in 2020: 22,140)

Licensing Unit

- License applications received year-to-date: 835
(Same period in 2020: 1,142)

Investigations Unit

- License applicant background investigations completed year-to-date: 275
(Same period in 2020: 283)

- Complaint investigations completed year-to-date: 71
(Same period in 2020: 48)

Training Unit

- Trainer applications received year-to-date: 448
(Same period in 2020: 308)

LICENSING, REGISTRATION, AND CERTIFICATION SUMMARY

Total active in Permittum: 24,467 (+6.8% from October 2021 meeting)

Registration		
	Armed	3641
	Armed Armored Car	449
	Armed Private Investigator	110
	Armed Private Investigator Associate	9
	Unarmed	16721
	Unarmed Armored Car	81
Registration Total		21011
License		
	Armored Car Profession	73
	Courier Service Profession	70
	Electronic Counter Measures Profession	50
	Electronic Counter Measures Trainee	9
	Guard Dog Service Profession	16
	Polygraph Examiner	26
	Polygraph Trainee Permit	3
	Private Investigator	1802
	Private Investigator Temp Permit	4
	Private Investigator Associate	282
	Private Investigator Associate Temp Permit	1
	Proprietary	80
	Psychological Stress Evaluator	11
	Security guard and Patrol	512
	Special Limited Guard and Patrol	6
License Total		2945
Certification		
	Firearms Trainer	184
	Unarmed Guard Trainer Certification Total	327

Private Protective Services Board Financial Report
Fiscal Year 2021
(July 1, 2021 – November 30, 2021)

PPSB Operating Fund Revenue and Expenditures

FY21 revenue	\$	579,264.37
FY21 expenditures	\$	(516,266.31)
FY21 FUND BALANCE INCREASE/(DECREASE)		\$ 62,998.06

PPSB Operating Fund Cash Flow

Beginning Cash Balance (July 1, 2021)	\$	1,520,915.25
FY21 revenue	\$	579,264.37
FY21 expenditures	\$	(516,266.31)
CURRENT FUND BALANCE		\$ 1,583,913.31

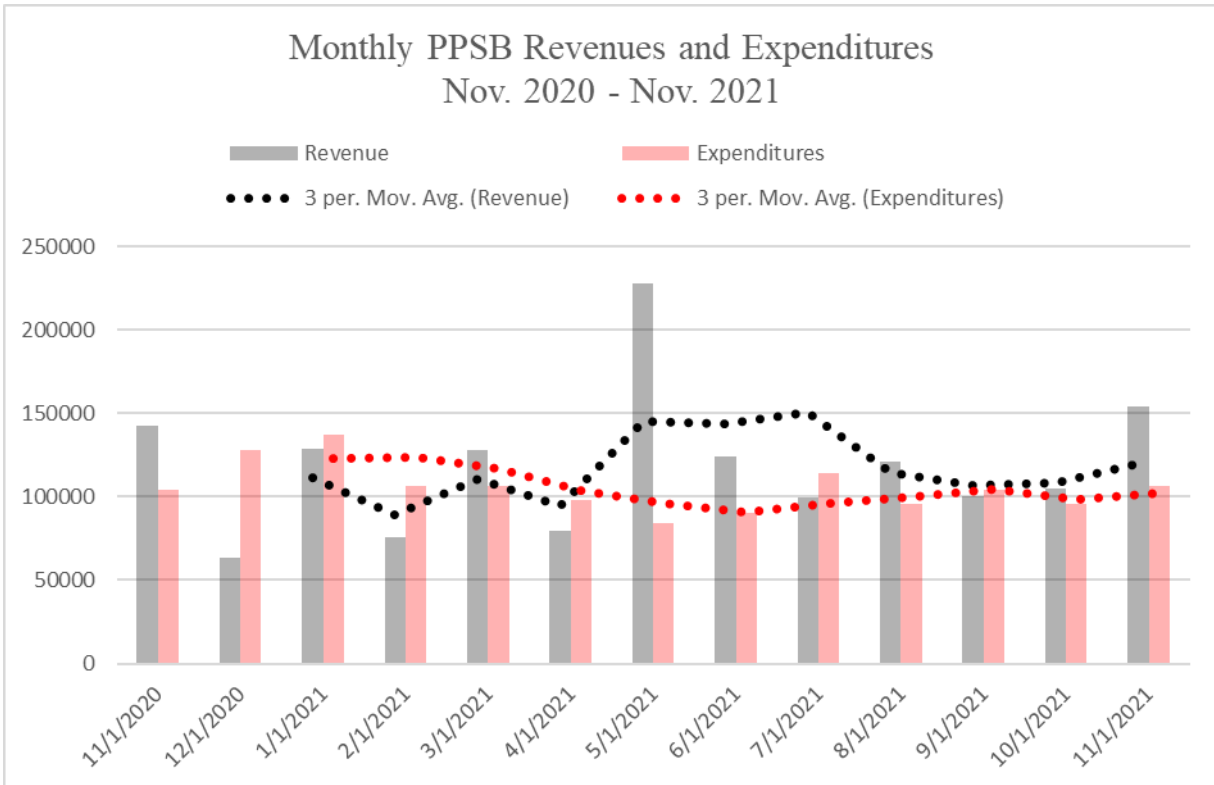
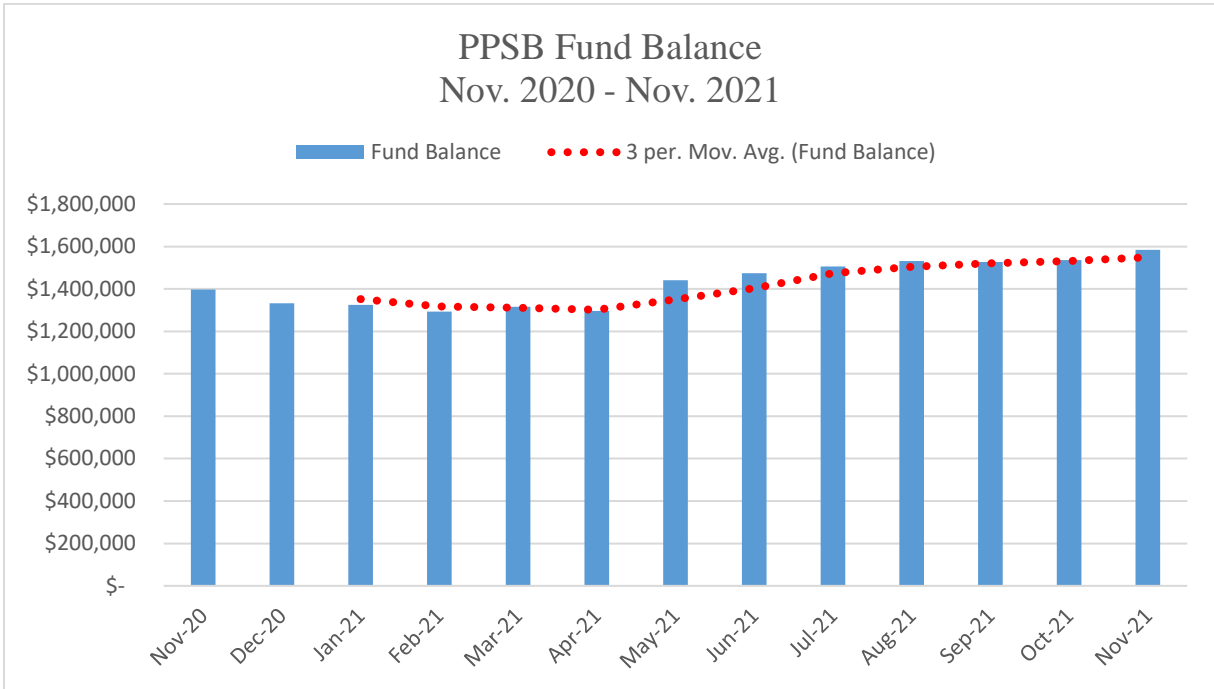
PPSB Education Fund Revenue and Expenditures

FY21 revenue	\$	1,008.16
FY21 expenditures	\$	-
FY21 EDUCATION FUND BALANCE INCREASE/(DECREASE)		\$ 1,008.16

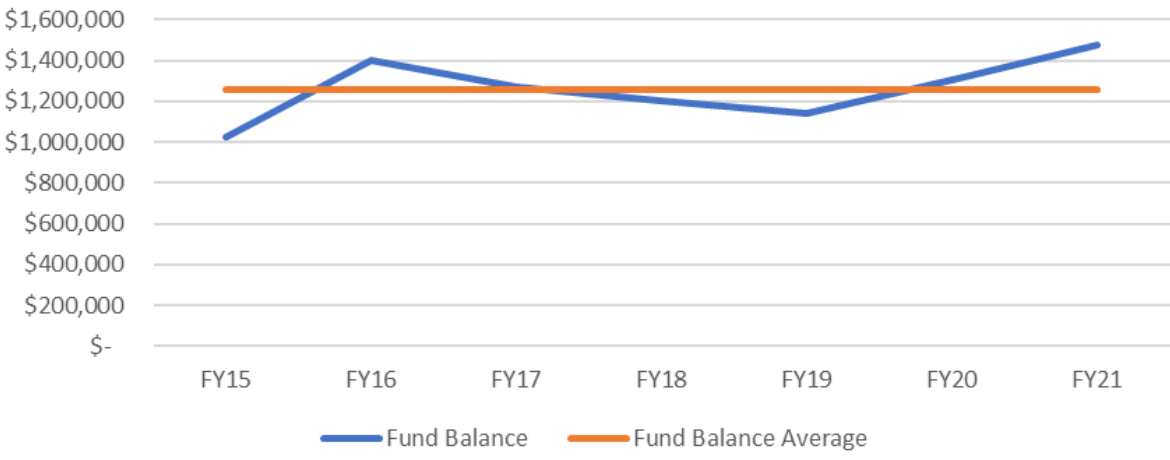
PPSB Education Fund Cash Flow

Beginning Cash Balance (July 1, 2021)	\$	125,994.35
FY21 revenue	\$	1,008.16
FY21 expenditures	\$	-
CURRENT FUND BALANCE		\$ 127,002.51

BUDGET GRAPHICS



Historical PPSB Fund Balance Fiscal Years 2015-2021



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

December 16, 2021

ATTORNEY'S REPORT



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina
December 16, 2021

ATTORNEY'S REPORT



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

December 16, 2021

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On October 21, 2021 Felicia Sheares/Admiral Security Services, entered into a Consent Agreement with the Board in the amount of \$7,711.20 for registration violations. The Consent Agreement was signed by QA Felicia Sheares on November 15, 2021. Paid in full.
2. On October 21, 2021 Christal Neptune /Neptune Worldwide Protection, Inc., entered into a Consent Agreement with the Board in the amount of \$612.00 for registration violations. The temporary agreement was signed by QA Christal Neptune on October 5, 2021. Payment has not been received. (Note: The Consent Agreement was mailed on November 5, 2021 and returned to PPS on November 23, 2021 marked "Not Deliverable as Addressed-Unable to Forward". Ms. Graham spoke with Ms. Neptune on December 6, 2021 and e-mailed her the letter and Consent Agreement.)

II. OFFICE OF ADMINISTRATIVE HEARINGS

See, Hearings List (Attachment 1).

III. ADMINISTRATIVE RULES

a. At its April 2020 meeting the Board adopted amendments to five administrative rules to help lessen the burden on applicants, licensees and trainer certification holders during the lock-downs and travel bans enacted due to the COVID-19 pandemic. The amendment to 14B NCAC 16 .0201(e), .0806 (e), .0904(e), .1202(d), and .1203 first became emergency rules, and are now temporary rules. (Note: In .1203 the Board did not add language but merely removed the last line of (g) which limited online courses to six hours and moved (h) to make it "(e)" in .1202.) Unless the Board took action for each change to become a permanent rule to be in effect for any future declared national or state of emergency, these rule amendments expired on April 30, 2021. A copy of each rule, as amended, was attached to my April 22, 2021 Attorney's Report. The Board voted to make these rules permanent.

The Notice of Text was filed and a Public Hearing set for Tuesday, June 22, 2021 at 2:00 p.m. at the Board office. The Public Comment Period was to end August 2, 2021, however, it was discovered prior to the Public Hearing date that the notice of the Public Hearing had not been posted on the Board's website as required so a new Public Hearing date has been posted; it was Tuesday, August 17, 2021 at 2:00

p.m. at the Board's office. The new Public Comment Period ended October 1, 2021. There were no comments, oral or written.

The Board voted to approve these amendments at its October 21, 2016 meeting. The Submission for Permanent Rule form for these rules was filed on October 27, 2021, responses to Request for Technical Changes were filed November 22, 2021, and they will be considered by the Rules Review Commission at its December 16, 2021 meeting.

b. At its June 2021 meeting the Law & Rules Committee reviewed and discussed 11 proposed administrative rule amendments and adoptions and proposed to the full Board proceeding with amendments to five administrative rules (i.e. 14B NCAC 16 .0110, .0501, .0807, .0903 & .1203.) I was requested to make changes to one other rule and a proposed new rule and return these to the Law & Rules Committee for consideration at its August 2021 meeting. (Note: The status of the amendments to 14B NCAC 16 .0103 and new 14B NCAC 16 .0115 are addressed in c., below.)

The Notice of Text for the first five rules was filed on July 23, 2021. The Public Hearing was held August 31, 2021 at 2:00 p.m. at the Board's office and there were no attendees; the Public Comment Period ended October 20, 2021. There were no comments, oral or written.

The Board voted to approve these rule amendments at its October 21, 2021 meeting. The Submission for Permanent Rule form for these rules was filed on December 9, 2021.

c. The above referenced administrative rule amendment and adoption were considered by the Law & Rules Committee at its August meeting and were recommended to the Board for approval. The Board adopted the Committee's recommendation.

The Notice of Text for the amendment to 14B NCAC 16 .0103 and the adoption of new 14B NCAC 16 .0115 was filed on August 24, 2021. The Public Hearing was held October 5, 2021. The Public Comment Period expired November 15, 2021. There were no comments, oral or written. A copy of these rules is attached as Attachment 2.

A vote to approve these rule amendments is in order for today.

**PPSB
MASTER HEARINGS LIST
as of December 8, 2021**

1.

OAH HEARING DATE	PETITIONER	TYPE OF APPLICATION	FAD STATUS OR HEARING DATE
May 28, 2019 STAYED	Ronnie Dale Smith 19 DOJ 00912	Summary Suspension of Private Investigator License and Polygraph Trainee License	Most recent Status Report filed October 29, 2020.
January 26, 2021	Jennifer Marie Plymouth 20 DOJ 04335	Denial of Polygraph Examiners License	June 17, 2021.
February 23, 2021	Julius Jamaal McKinney 21 DOJ 00672	Summary Suspension of Unarmed and Armed Guard registrations, Trainer Certifications, Courier license and Qualifying Agent status	June 17, 2021.
April 27, 2021 STAYED	Melanie Lynne Keene 21 DOJ 01372	Summary Suspension of Private Investigator license	Found not guilty in criminal court; Summary Suspension rescinded December 3, 2021.
October 25, 2021 STAYED	Benjamin Eric Allen 21 DOJ 04039	Summary Suspension of Security Guard & Patrol license and Unarmed Guard Trainer Certification	
October 25, 2021	David Logan Marsh 21 DOJ 04003	Summary Suspension of Unarmed Guard Registration	December 14, 2021.
January 27, 2022	David Bradford Russell 21 DOJ 04652	Denial of Proprietary Security Organization application	
January 27, 2022	Michael Abram Craddock 21 DOJ 05086	Summary Suspension of Armed Guard Registration.	
January 27, 2022	William Christopher Giles 21 DOJ 05086	Summary Suspension of Security Guard and Patrol license and Armed Guard Registration	

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

2.

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to adopt the rule cited as 14B NCAC 16 .0115 and amend the rule cited as 14B NCAC 16 .0103.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board>

Proposed Effective Date: February 1, 2022

Public Hearing:

Date: October 5, 2021

Time: 2:00 p.m.

Location: 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: The use of the term "registered agent" in Chapter 74C of the General Statutes is different than is used in the corporations law. The definition is intended to clarify this difference. Further, the Board has never set forth by administrative rule its complaint procedure. Recent proposed legislation has prompted it to do so.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: November 15, 2021

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or e-mail transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 16 .0103 DEFINITIONS

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

- (1) "Agency Head" means the Chairman of the Board.
- (2) "Applicant" means any person, firm, or corporation applying to the Board for a license, trainee permit, registration, or firearms trainer certificate.
- (3) "Armed Private Security Officer" means an individual employed, full time or part time, by a contract security company or a proprietary security organization:
 - (a) who at any time wears, carries, or possesses a firearm in the performance of his or her duties; and
 - (b) whose principal duty is that of:
 - (i) an armed security guard, officer, patrol, or watchman;
 - (ii) an armed armored car service guard;
 - (iii) a private detective; or
 - (iv) an armed courier service guard.
- (4) "Board" means the Private Protective Services Board established by G.S. 74C.
- (5) "Branch Manager or Operator" means the individual endowed with the responsibility and liability for a branch office.
- (6) "Branch Office" means a separate but dependent part of a central organization engaged in the business of providing private protective services established for the purpose of extending the activities of the central organization. The establishment of a telephone number or mailing address in the company name constitutes prima facie evidence of a branch office. If an out-of-state person, firm, association, or corporation opens an office in North Carolina, the North Carolina office shall be deemed the principal place of business and shall have a resident licensed qualifying agent.

- (7) "Chairman" means the Chairman of the Private Protective Services Board.
- (8) "Contract Security Company" means any person, firm, association, or corporation engaging in a private protective services business as defined in G.S. 74C-3 that provides the services on a contractual basis for a fee or other valuable consideration to any other person, firm, association, or corporation.
- (9) "Direct Supervision" means personal, face-to-face contact and direction of the trainee's activities on a frequent and reasonable basis.
- (10) "Investigative Capacity" means any law enforcement agency position for which the duties include conducting investigations and interviews, completing reports, and testifying in courts, administrative hearings, or military tribunals.
- (11) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is an employee of the United States, any state, or any political subdivision of a state.
- (12) "Licensee" means any person licensed to perform private protective services in North Carolina in accordance with G.S. 74C.
- (13) "Proprietary Security Organization" means any person, firm, association, corporation, or department thereof:
- (a) that employs any of the following:
 - (i) watchmen;
 - (ii) security guards or officers;
 - (iii) patrol personnel;
 - (iv) armored car personnel; or
 - (v) couriers; and
 - (b) that employs these persons regularly and exclusively as an employee in connection with the business affairs of such employer.
- (14) "Qualifying Agent" means the individual licensee who is responsible for the private protective services business. If the licensee maintains an office in North Carolina the Qualifying Agent must be a resident of North Carolina.
- (15) "Registered agent" means the individual resident of North Carolina designated by the business entity in lieu of the Qualifying Agent as allowed by G.S. 74C-8(c)(1) who may be, but is not required to be the registered agent required by G.S. 55D-30.
- ~~(15)~~(16) "Restored" means that an individual is no longer in need of psychiatric care as determined by a physician.
- ~~(16)~~(17) "Temporary unarmed security guard" means an individual who is hired for a period of 30 days or less within a calendar year and who is designated by his or her employer as a temporary security guard at the start of employment.

Authority Note: Authority G.S. 74C-3; 74C-5;
 Eff. June 1, 1984;
 Amended Eff. October 1, 2013; August 1, 1998; May 1, 1988; July 1, 1987;
 Transferred and Recodified from 12 NCAC 07D .0104 Eff. July 1, 2015;
 Readopted Eff. August 1, 2020.

14B NCAC 16.0115 COMPLAINTS

- (a) Any person may file a complaint against any licensee, trainee, registrant or certificate holder, or any unlicensed or unregistered person, for any violation of G.S. 74C or 14B NCAC 16, or any violation of State or federal criminal law. A complaint form is available on the Board's website at www.ncdps.gov/dps-services/complaint/private-protective-services-board or a copy may be requested from the Board's office.
- (b) The complaint must set forth all relevant facts and the basis for the complainant's belief that the licensee, trainee, registrant or certificate holder is in violation. The complainant must be willing to be interviewed by the Board's investigator, provide any information or documentation to support the allegation, and appear and testify if necessary, before the Screening Committee or at any hearing. Anonymous complaints may be accepted at the discretion of the Director.
- (c) The complaint must be filed with the Board on-line, via e-mail, by U.S. Mail or by hand-delivery to the Board's office.
- (d) The complaint shall be evaluated by the Director or the Director's designee and if valid will be assigned to an investigator for further substantiation. The results of the investigation shall be reported to the Board's Grievance Committee for review and action.
- (e) The Director retains the right to close a case if at any point in the process it is determined there is no actionable violation.
- (f) The Director shall notify the complainant and the licensee, trainee, registrant, or certificate holder of the initial complaint and its final disposition.

History Note: Authority G.S. 74C-5; 74C-12.

3.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04003

DAVID LOGAN MARSH,)
)
Petitioner,)
v.)
)
N.C. PRIVATE PROTECTIVE)
SERVICES BOARD,)
)
Respondent.)
_____)

**PROPOSED
PROPOSAL FOR DECISION**

On October 25, 2021, Administrative Law Judge Stacey Bice Bawtinheimer called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner did not appear.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether the summary suspension of Petitioner's unarmed guard registration should be upheld.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case: N.C.G.S. § 74C-12(a)(25); 14B NCAC 16 .0106(a).

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.
2. Petitioner holds an unarmed guard registration.
3. Petitioner was charged in Mecklenburg County, State of North Carolina, on September 8, 2021 with: 1) statutory rape of a person who is 15 years of age or

younger in violation of N.C.G.S. § 14-27.25; 2) statutory sexual offense with a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.30; 3) sexual activity by a substitute parent or custodian (2 counts) in violation of N.C.G.S. § 14-27.31; and 4) taking indecent liberties with children (2 counts) in violation of N.C.G.S. § 14-202.1.

4. Paul Sherwin, Director of Respondent Board, learned of Petitioner's criminal charges from media reports, and following further investigation Mr. Sherwin determined that the charges, if supported by the evidence, constitute a threat to the public health, safety and welfare and summarily suspended Petitioner's registration by Order dated September 16, 2021.
5. Neither Petitioner, nor Petitioner's employer, G4S, reported the above-referenced criminal charges to Respondent Board.
6. Petitioner is entitled to a hearing on Respondent's suspension of his registration.
7. By Notice of Hearing dated September 20, 2021, and mailed via certified mail, Respondent advised Petitioner that a hearing on the summary suspension of his unamed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on October 25, 2021. Petitioner receipted for the certified mail on September 23, 2021 but did not appear at the hearing.
8. Mr. Sherwin testified that he determined Petitioner is currently being held in the Mecklenburg County Detention Center.
9. Petitioner's Order of Summary Suspension and Notice of Hearing were admitted into evidence as Respondent's Exhibit 2 and Exhibit 3.
10. The Warrants for Arrest for Petitioner's six criminal charges above were admitted into evidence as Respondent's Exhibit 1. The charges were sought and obtained by a Charlotte-Mecklenburg Police Officer.
11. As of the date of the hearing of this contested case, Petitioner's criminal charges have not been adjudicated and remain pending.

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings. All parties received notice of this hearing in conformance with G.S. § 150B-38.
2. Under G.S. §74C-12(a)(25), Respondent Board may deny or suspend a registration if it determined that the applicant has demonstrated intemperate habits or lacks good moral character.

3. Respondent Board presented evidence that Petitioner had been charged with criminal violations in Mecklenburg County, North Carolina that, by their very nature, constitute a threat to the public health, safety and welfare.
4. Petitioner's charges have yet to be adjudicated and Petitioner failed to appear and present evidence to explain why these charges are not considered a threat to the public health, safety and welfare.
5. It is not the function of the Tribunal to determine Petitioner's guilt or innocence of the criminal charges at issue. Rather, the Tribunal simply determines whether Respondent Board acted in conformance with its own administrative rules and otherwise in compliance with the Administrative Procedure Act and other applicable law or rule.
6. The Tribunal has no difficulty determining, given the nature of the charges and the evidence presented at the hearing, that Respondent Board acted lawfully and properly in its action of summary suspension.

Based on the foregoing, the undersigned makes the following:

PROPOSED FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that the summary suspension of unarmed guard registration be UPHELD.

NOTICE AND ORDER

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

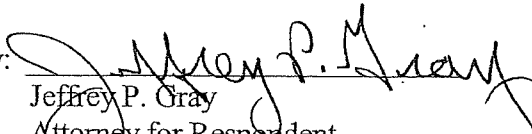
The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

This the _____ day of November, 2021.

Honorable Stacey Bice Bawtinheimer
Administrative Law Judge

Submitted this the 1st day of November, 2021.

BAILEY & DIXON, LLP

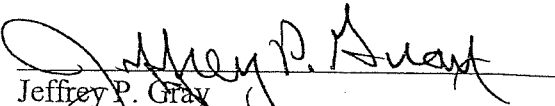
By: 
Jeffrey P. Gray
Attorney for Respondent
P.O. Box 1351
Raleigh, NC 27602-1351
Telephone: (919) 828-0731
Fax: (919) 828-6592

CERTIFICATE OF SERVICE

The undersigned attorney for Respondent certifies that on this day the foregoing Proposed Proposal For Decision was served upon the Petitioner in this action by depositing a copy of same in the United States mail, postage prepaid, and addressed as follows:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

This the 1st day of November, 2021.


Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

State of North Carolina
Office of Administrative Hearings
Certification

I hereby certify the attached (electronic file) to be a true copy of the Official Record as required by G.S. 150B-42 of the proceedings in the Office of Administrative Hearings, in case (s):

“21 DOJ 04003”, “David Logan Marsh, Petitioner, v. NC Private Protective Services Board, Respondent.”

the original of which is filed in this office in conformance with Chapter 150B of the General Statutes of the State of North Carolina.

In witness whereof, I authorize this certification and affix the official seal of the North Carolina Office of Administrative Hearings at Raleigh this the 22nd day of November, 2021.

Donald Robert van der Vaart
Chief Administrative Law Judge, Director

By:

Courtney West

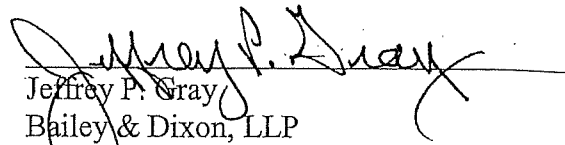


This proceeding is a contested case hearing and will give you the opportunity to present evidence and cross-examine witnesses. The Board will be represented by Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602, (919) 828-0731.

Please direct all correspondence to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.

This the 20th day of September, 2021.

Private Protective Services Board
Paul Sherwin, Director



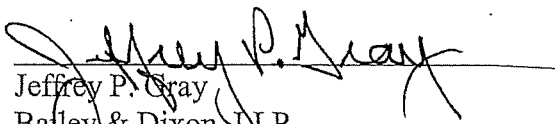
Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

CERTIFICATE OF SERVICE

I, Jeffrey P. Gray, hereby certify that I have served a copy of the foregoing NOTICE OF HEARING by depositing a copy with the United States Postal Service, CERTIFIED MAIL/RETURN RECEIPT REQUESTED and addressed to the following:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

This the 20th day of September, 2021.


Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

cc: Mack Donaldson
G4S

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04003

<p>David Logan Marsh Petitioner,</p> <p>v.</p> <p>NC Private Protective Services Board Respondent.</p>	<p>ORDER OF REASSIGNMENT</p>
--	-------------------------------------

For good cause shown, it is hereby ordered that Melissa Owens Lassiter, Administrative Law Judge, is assigned to preside in any further proceedings herein.

This the 25th day of October, 2021.



Chief Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

David Logan Marsh
6608 McNeely Road
Waxhaw NC 28173
Petitioner

Jeffrey P Gray
Bailey & Dixon, LLP
jgray@bdixon.com
Attorney For Respondent

This the 25th day of October, 2021.



Jerrod Godwin
Administrative Law Judge Assistant
N.C. Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285
Phone: 919-431-3000

STATE OF NORTH CAROLINA

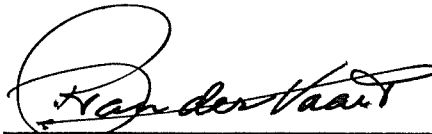
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04003

<p>David Logan Marsh Petitioner,</p> <p>v.</p> <p>NC Private Protective Services Board Respondent.</p>	<p>ORDER OF REASSIGNMENT</p>
--	-------------------------------------

For good cause shown, it is hereby ordered that Stacey Bice Bawtinheimer, Administrative Law Judge, is assigned to preside in any further proceedings herein.

This the 25th day of October, 2021.



Chief Administrative Law Judge

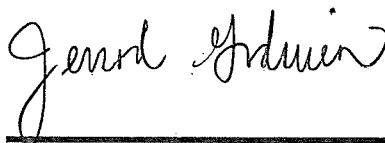
CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

David Logan Marsh
6608 McNeely Road
Waxhaw NC 28173
Petitioner

Jeffrey P Gray
Bailey & Dixon, LLP
jgray@bdixon.com
Attorney For Respondent

This the 25th day of October, 2021.



Jerrod Godwin
Administrative Law Judge Assistant
N.C. Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285
Phone: 919-431-3000

5. David Logan Marsh is registered as an unarmed guard with G4S, a licensed Security Guard and Patrol business located at 1 Centerview Drive, Suite 105, Greensboro, NC. Mr. Marsh's registration has an expiration date of May 31, 2022.

6. Investigation has revealed that Mr. Marsh was charged in Mecklenburg County, North Carolina with:

a. Statutory rape of a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.25;

b. Statutory sexual offense with a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.30;

c. Sexual activity by a substitute parent or custodian (2 counts) in violation of N.C.G.S. § 14-27.31; and

d. Taking indecent liberties with children (2 counts) in violation of N.C.G.S. § 14-202.1.

7. These charges arise out conduct by Mr. Marsh with a 14 year old minor where he was in a position as a custodian. These acts occurred while he was performing official duties as a security guard.

8. The facts underlying the charges indicate a lack of good moral character.

9. Mr. Marsh's charges have not been adjudicated in the criminal courts of Mecklenburg County.

IT IS HEREBY ORDERED that David Logan Marsh's Unarmed Guard Registration be summarily suspended pursuant to N.C.G.S. § 150B-3(c) upon the Findings of Fact showing that the public health, safety, and welfare will be jeopardized if Mr. Marsh is allowed to continue in his role as an Unarmed Guard for G4S.

An administrative hearing has been scheduled by N.C. Private Protective Services Board to formally examine the allegations specified above. This hearing will be held **Monday, October 25, 2021 at 2:00 P.M.** before the Office of Administration Hearings for the Private Protective Services Board and will be conducted in accordance with Administrative Procedures Act, North Carolina General Statute 150B, Article 3A.

This proceeding is a contested case hearing and will give you the opportunity to present evidence and cross-examine witnesses. The Board will be represented by Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602, (919) 828-0731.

Please direct all correspondence to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.

Issued this the 16th day of September, 2021.

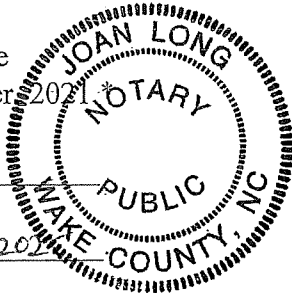


Paul Sherwin, Director
N.C. Private Protective Services Board

Sworn to and subscribed before me
This the 16th day of September 2021

Joan Long
Notary Public

My commission expires: 03/15/2022



*I signed this notarial certificate on the 16th day of September, 2021 according to the emergency video notarization requirements set forth in G.S. § 10B-25

CERTIFICATE OF SERVICE

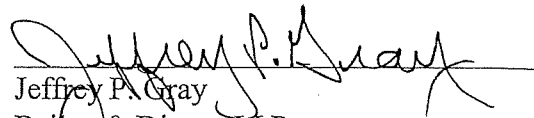
The undersigned hereby certifies that a copy of the foregoing ORDER OF SUMMARY SUSPENSION OF UNARMED GUARD REGISTRATION has been served upon the following by the method indicated:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

_____ Hand Delivery.

X Certified Mail to the address stated above.

This the 20th day of September, 2021.



Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

cc: Mack Donaldson
G4S

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04003

David Logan Marsh Petitioner, v. NC Private Protective Services Board Respondent.	PROPOSAL FOR DECISION
---	------------------------------

This case came on for a hearing on October 25, 2021, before Administrative Law Judge Stacey Bice Bawtinhimer. This case was heard after Respondent requested, pursuant to N.C.G.S. § 150B-40(e) and N.C.G.S. § 74C-12(b), designation of an Administrative Law Judge to preside at the hearing of a contested case for the North Carolina Private Protective Services Board.

APPEARANCES

For Petitioner: David Logan Marsh, *pro se* (did not appear)

For Respondent: Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602

ISSUE

Whether the summary suspension of Petitioner's unarmed guard registration should be upheld?

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C.G.S. § 74C-12(a)(25); 14B NCAC 16 .0106(a).

WITNESSES AND EXHIBITS

For Petitioner: None

For Respondent: Paul Sherwin
Exhibits 1-4 were admitted into evidence.

PROPOSED FINDINGS OF FACT

1. The North Carolina Private Protective Services Board (“Respondent Board”) is established pursuant to N.C. Gen. Stat. § 74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

2. David Logan Marsh (“Petitioner”) holds an unarmed guard registration.

3. Petitioner was charged in Mecklenburg County, State of North Carolina, on September 8, 2021 with:

a. Statutory rape of a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.25;

b. Statutory sexual offense with a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.30;

c. Sexual activity by a substitute parent or custodian (2 counts) in violation of N.C.G.S. § 14-27.31; and,

d. Taking indecent liberties with children (2 counts) in violation of N.C.G.S. § 14-202.1.

4. Paul Sherwin, Director of Respondent Board, learned of Petitioner’s criminal charges from media reports. Neither Petitioner, nor Petitioner’s employer, G4S, reported the above-referenced criminal charges to Respondent Board.

5. Following further investigation, Mr. Sherwin determined that the charges, if supported by the evidence, constitute a threat to the public health, safety, and welfare. As a result, Petitioner’s unarmed guard registration was summarily suspended by Order dated September 16, 2021.

6. Petitioner is entitled to a hearing on Respondent’s suspension of his registration.

7. By Notice of Hearing dated September 20, 2021, and mailed via certified mail, Respondent advised Petitioner that a hearing on the summary suspension of his unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on October 25, 2021. Petitioner’s signature is on the return receipt for the certified mailing dated September 23, 2021. *See* Respondent’s Exhibit 4. Petitioner did not appear at the hearing.

8. Mr. Sherwin testified that he determined Petitioner is currently being held in the Mecklenburg County Detention Center.

9. Petitioner’s Order of Summary Suspension and Notice of Hearing were admitted into evidence as Respondent’s Exhibit 2 and Exhibit 3.

10. The Warrants for Arrest for Petitioner's six criminal charges above were admitted into evidence as Respondent's Exhibit 1. The charges were sought and obtained by a Charlotte-Mecklenburg Police Officer.

11. As of the date of the hearing of this contested case, Petitioner's criminal charges have not been adjudicated and remain pending.

12. Petitioner failed to appear and present evidence to explain why these charges are not considered a threat to the public health, safety, and welfare.

13. By their very nature, these criminal charges constitute a threat to the public health, safety, and welfare.

14. Respondent Board's summary suspension of Petitioner's unarmed guard registration was justified.

PROPOSED CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings. All parties received notice of this hearing in conformance with N.C.G.S. § 150B-38.

2. Respondent Board may deny or suspend a registration if it determined that the applicant has demonstrated intemperate habits or lacks good moral character. N.C.G.S. § 74C-12(a)(25).

3. It is not the function of the Tribunal to determine Petitioner's guilt or innocence of the criminal charges at issue. Rather, the Tribunal simply determines whether Respondent Board acted in conformance with its own administrative rules and otherwise in compliance with the Administrative Procedure Act and other applicable law or rule.

4. The Tribunal has no difficulty determining, given the nature of the charges and the evidence presented at the hearing, that Respondent Board acted lawfully and properly in its action of summary suspension.

PROPOSED FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Undersigned hereby recommends that the summary suspension of unarmed guard registration be **UPHELD**.

In addition to service to Petitioner's primary residence, since Petitioner is incarcerated, this Proposed Final Decision and further notifications from the Respondent Board shall be served on him in Mecklenburg County Detention Center.

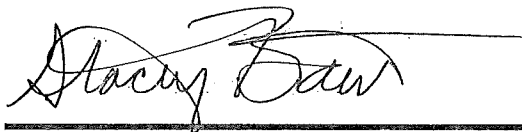
NOTICE AND ORDER

The **North Carolina Private Protective Services Board** will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The Undersigned hereby orders that the Agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

IT IS SO PROPOSED.

This the 9th day of November, 2021.

A handwritten signature in cursive script, reading "Stacey Bice Bawtinhimer", written over a solid horizontal line.

Stacey Bice Bawtinhimer
Administrative Law Judge

CERTIFICATE OF SERVICE

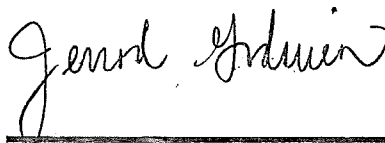
The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

David Logan Marsh
6608 McNeely Road
Waxhaw NC 28173
Petitioner

David Logan Marsh (PID: 0000494768)
Mecklenburg County Detention Center
P.O. Box 34429
Charlotte NC 28234-4429
Petitioner

Jeffrey P Gray
Bailey & Dixon, LLP
jgray@bdixon.com
Attorney For Respondent

This the 9th day of November, 2021.



Jerrod Godwin
Administrative Law Judge Assistant
N.C. Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285
Phone: 919-431-3000

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04003

DAVID LOGAN MARSH,)
)
) Petitioner,)
)
 v.)
)
) N.C. PRIVATE PROTECTIVE)
) SERVICES BOARD,)
)
) Respondent.)
)
 _____)

**PROPOSED
PROPOSAL FOR DECISION**

On October 25, 2021, Administrative Law Judge Stacey Bice Bawtinhimer called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner did not appear.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether the summary suspension of Petitioner's unarmed guard registration should be upheld.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C.G.S. § 74C-12(a)(25); 14B NCAC 16 .0106(a).

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.
2. Petitioner holds an unarmed guard registration.
3. Petitioner was charged in Mecklenburg County, State of North Carolina, on September 8, 2021 with: 1) statutory rape of a person who is 15 years of age or

younger in violation of N.C.G.S. § 14-27.25; 2) statutory sexual offense with a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.30; 3) sexual activity by a substitute parent or custodian (2 counts) in violation of N.C.G.S. § 14-27.31; and 4) taking indecent liberties with children (2 counts) in violation of N.C.G.S. § 14-202.1.

4. Paul Sherwin, Director of Respondent Board, learned of Petitioner's criminal charges from media reports, and following further investigation Mr. Sherwin determined that the charges, if supported by the evidence, constitute a threat to the public health, safety and welfare and summarily suspended Petitioner's registration by Order dated September 16, 2021.
5. Neither Petitioner, nor Petitioner's employer, G4S, reported the above-referenced criminal charges to Respondent Board.
6. Petitioner is entitled to a hearing on Respondent's suspension of his registration.
7. By Notice of Hearing dated September 20, 2021, and mailed via certified mail, Respondent advised Petitioner that a hearing on the summary suspension of his unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on October 25, 2021. Petitioner receipted for the certified mail on September 23, 2021 but did not appear at the hearing.
8. Mr. Sherwin testified that he determined Petitioner is currently being held in the Mecklenburg County Detention Center.
9. Petitioner's Order of Summary Suspension and Notice of Hearing were admitted into evidence as Respondent's Exhibit 2 and Exhibit 3.
10. The Warrants for Arrest for Petitioner's six criminal charges above were admitted into evidence as Respondent's Exhibit 1. The charges were sought and obtained by a Charlotte-Mecklenburg Police Officer.
11. As of the date of the hearing of this contested case, Petitioner's criminal charges have not been adjudicated and remain pending.

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings. All parties received notice of this hearing in conformance with G.S. § 150B-38.
2. Under G.S. §74C-12(a)(25), Respondent Board may deny or suspend a registration if it determined that the applicant has demonstrated intemperate habits or lacks good moral character.

3. Respondent Board presented evidence that Petitioner had been charged with criminal violations in Mecklenburg County, North Carolina that, by their very nature, constitute a threat to the public health, safety and welfare.
4. Petitioner's charges have yet to be adjudicated and Petitioner failed to appear and present evidence to explain why these charges are not considered a threat to the public health, safety and welfare.
5. It is not the function of the Tribunal to determine Petitioner's guilt or innocence of the criminal charges at issue. Rather, the Tribunal simply determines whether Respondent Board acted in conformance with its own administrative rules and otherwise in compliance with the Administrative Procedure Act and other applicable law or rule.
6. The Tribunal has no difficulty determining, given the nature of the charges and the evidence presented at the hearing, that Respondent Board acted lawfully and properly in its action of summary suspension.

Based on the foregoing, the undersigned makes the following:

PROPOSED FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that the summary suspension of unarmed guard registration be UPHELD.

NOTICE AND ORDER

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

This the _____ day of November, 2021.

Honorable Stacey Bice Bawtinheimer
Administrative Law Judge

Submitted this the _____ day of November, 2021.

BAILEY & DIXON, LLP

By: _____

Jeffrey P. Gray

Attorney for Respondent

P.O. Box 1351

Raleigh, NC 27602-1351

Telephone: (919) 828-0731

Fax: (919) 828-6592

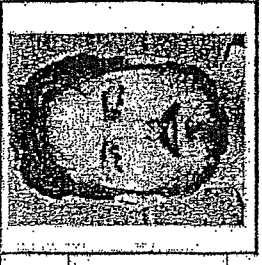
CERTIFICATE OF SERVICE

The undersigned attorney for Respondent certifies that on this day the foregoing Proposed Proposal For Decision was served upon the Petitioner in this action by depositing a copy of same in the United States mail, postage prepaid, and addressed as follows:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

This the ____ day of November, 2021.

Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile



Law Enforcement Case No. 210907215001 SID No. 494768 FBI No. []

CHARLOTTE MECKLENBURG POLICE DEPARTMENT

STATE OF NORTH CAROLINA
In The General Court Of Justice
District Court Division:

MECKLENBURG County

File No. 21CR 228468

MAGISTRATE'S ORDER

Offense
I.F.-ST.A. TUTORARY RAPE OF CHILD <=15

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant
DAVID LOGAN MARSH
[REDACTED]

WAXHAW NC 28173
UNION COUNTY

Race W Sex M Age [REDACTED]

Social Security No. [REDACTED] Drivers License No. & State [REDACTED]

Name Of Defendant's Employer [REDACTED]

Offense Code(s)
I 1107

Date Of Offense
09/06/2021 through 09/06/2021

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)
09/08/2021 4657VTG

Arresting Officer (Name, Address Or Department)
BOWERS, MP5124
CHARLOTTE MECKLENBURG POLICE DEPARTMENT
601 EAST TRADE ST
CHARLOTTE NC 28202
MECKLENBURG (704) 336-7600

Name & Addresses Of Witnesses (Including Counties & Telephone Nos.)

Signature
T.M. JENKINS

Magistrate Deputy CSC
Assistant CSC Clerk Of Superior Court

Location Of Court
Mecklenburg County Courthouse; WEBA
832 EAST FOURTH ST
CHARLOTTE, NC 28202

Court Date
09/09/2021

Court Time
09:00 AM PM

Requires Plan Date Issued 09/08/2021

Misdemeanor Fingerprint

AOC-CR-1
© 2014 Adm

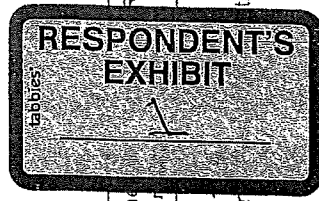
the Courts

ORIGINAL COPY

(over)

VRA Case

This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.





Law Enforcement Case No. 210907215001 SID No. 494768 FBI No.

CHARLOTTE MECKLENBURG POLICE DEPARTMENT

STATE OF NORTH CAROLINA
MECKLENBURG County

In The General Court Of Justice
District Court Division

File No. 21CR 228469

MAGISTRATE'S ORDER

Offense
I F-STAT SEX OFF WITH CHILD <= 15

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant
DAVID LOGAN MARSH

WAXHAW NC 28173
UNION COUNTY

Race W Sex M Age [redacted] (Age)

Social Security No. [redacted] Drivers License No. & State

Name Of Defendant's Employer

Offense Code(s)
I 1112 Offense In Violation Of G.S.
I 14-27.30(A)

Date Of Offense
09/06/2021 through 09/06/2021

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)
09/08/2021 4657VTG

Arresting Officer (Name, Address Or Department)
BOWERS, M P 5124
CHARLOTTE MECKLENBURG POLICE DEPARTMENT
601 EAST TRADE ST
CHARLOTTE NC 28202
MECKLENBURG (704) 336-7600

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

Signature
T.M. JENKINS

Magistrate Deputy CSC
Assistant CSC Clerk Of Superior Court

Location Of Court
Mecklenburg County Courthouse; WEBB
832 EAST FOURTH ST
CHARLOTTE, NC 28202

Court Date
09/09/2021

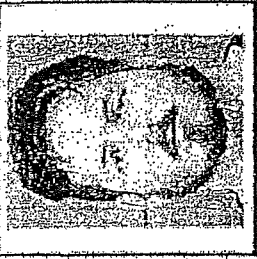
Court Time
09:00 AM PM

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan Date Issued 09/08/2021

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did engage in a sexual act with L.P. (A 14 YEAR OLD MINOR), a person who at the time of the offense was 15 years of age or younger. At the time of the offense, the defendant was at least 12 years old and six years older than the victim and was not lawfully married to the victim.

This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

(over)



File No. **21CR 228470**

MAGISTRATE'S ORDER

Offense
I F-SEX' ACT: SUB PARENT/CUSTODIAN

Law Enforcement Case No. **210907215001** LID No. **494768** SID No. **494768** FBI No.

STATE OF NORTH CAROLINA
In The General Court Of Justice
District Court Division

MECKLENBURG County

THE STATE OF NORTH CAROLINA VS.

Name And Address Of Defendant
DAVID LOGAN MARSH
[REDACTED]

WAXHAW NC 28173
UNION COUNTY

Face W Sex M Age [REDACTED]

Social Security No. [REDACTED] Drivers License No. & State [REDACTED]

Name Of Defendant's Employer

Offense Code(s)
I 1133

Offense In Violation Of G.S.
I 14-27.31(A)

Date Of Offense
09/06/2021 through 09/06/2021

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)
09/08/2021 4657VTG

Arresting Officer (Name, Address Or Department)
BOWERS, M P5124
CHARLOTTE MECKLENBURG POLICE DEPARTMENT
601 EAST TRADE ST
CHARLOTTE NC 28202
MECKLENBURG (704) 336-7600

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did having assumed the position of a parent in the home in which L.P. (A 14 YEAR OLD MINOR), a minor child under 18 years of age, was residing, engage in vaginal intercourse with that child.

This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

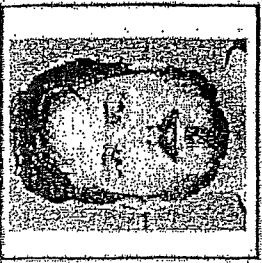
Signature
T M. JENKINS

Magistrate Deputy CSC
 Assistant CSC Clerk Of Superior Court

Location Of Court
Mecklenburg County Courthouse; WEBB,
832 EAST FOURTH ST
CHARLOTTE, NC 28202

Court Date
09/09/2021

Court Time
09:00 AM PM



File No. 21CR 228471

MAGISTRATE'S ORDER

I F-SEX ACT: SUB PARENT/CUSTODIAN

THE STATE OF NORTH CAROLINA VS.
DAVID LOGAN MARSH

WAXHA W NC 28173
UNION COUNTY

Race W Sex M Age [REDACTED]

Social Security No. [REDACTED] Drivers License No. & State [REDACTED]

Name Of Defendant's Employer [REDACTED]

Offense Code(s) I 1133

Date Of Offense 09/06/2021 through 09/06/2021

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 09/08/2021 4657VTG

Arresting Officer (Name, Address Or Department) BOWERS, M P5124
CHARLOTTE MECKLENBURG POLICE DEPARTMENT
601 EAST TRADE ST
CHARLOTTE NC 28202
MECKLENBURG (704) 336-7600

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

Law Enforcement Case No. 210907215001 LID No. 494768 FBI No.

CHARLOTTE MECKLENBURG POLICE DEPARTMENT

STATE OF NORTH CAROLINA
MECKLENBURG County

In The General Court Of Justice
District Court Division

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did having assumed the position of a parent in the home in which L.P. (A 14 YEAR OLD MINOR), a minor child under 18 years of age, was residing, engage in a sexual act with that child.

This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

Signature T M. JENKINS

Magistrate Deputy CSC

Assistant CSC Clerk Of Superior Court

Location Of Court Mecklenburg County Courthouse; WEBA
832 EAST FOURTH ST
CHARLOTTE, NC 28202

Court Date 09/09/2021

Court Time 09:00 AM PM

Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan

Date Issued 09/08/2021

(over)



Law Enforcement Case No. 210907215001 LID No. 494768 SID No. [] FBI No. []
 CHARLOTTE MECKLENBURG POLICE DEPARTMENT
STATE OF NORTH CAROLINA
 In The General Court Of Justice
 District Court Division:
 MECKLENBURG County

File No. 21CR 228472
MAGISTRATE'S ORDER
 Offense
 I F-INDECENT LIBERTIES WITH CHILD

THE STATE OF NORTH CAROLINA VS.
 Name And Address Of Defendant
 DAVID LOGAN MARSH
 [REDACTED]
 WAXHAW NC 28173
 UNION COUNTY

Face W Sex M Age [REDACTED]
 Date Of Birth [REDACTED]
 Social Security No. [REDACTED]
 Drivers License No. & State [REDACTED]
 Name Of Defendant's Employer [REDACTED]

Offense Code(s) I 11118
 Offense In Violation Of G.S. I 14-202.1
 Date Of Offense 09/06/2021 through 09/06/2021
 Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 09/08/2021 4657VTG
 Arresting Officer (Name, Address Or Department) BOWERS, M P5124
 CHARLOTTE MECKLENBURG POLICE DEPARTMENT
 601 EAST TRADE ST NC 28202
 CHARLOTTE (704) 336-7600
 MECKLENBURG

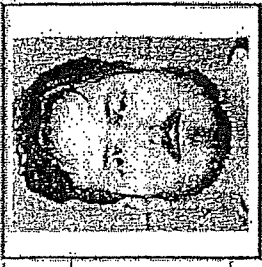
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)
 This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

Signature T. M. JENKINS
 Magistrate Deputy CSC
 Assistant CSC Clerk Of Superior Court
 Location Of Court Mecklenburg County Courthouse; WEBA
 832 EAST FOURTH ST
 CHARLOTTE, NC 28202
 Court Date 09/09/2021
 Court Time 09:00 AM PM

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did commit and attempt to commit a lewd and lascivious act upon the body of L.P. (A 14 YEAR OLD MINOR), who was under the age of 16 years at the time. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(2).

VRA Case

ORIGINAL COPY
 (over)



File No. 21CR 228473
 LID No. 210907215001
 SID No. 494768
 FBI No. []
 CHARLOTTE MECKLENBURG POLICE DEPARTMENT
STATE OF NORTH CAROLINA
 In The General Court Of Justice
 District Court Division
 MECKLENBURG County

Offense
 I F-INDECENT LIBERTIES WITH CHILD

THE STATE OF NORTH CAROLINA VS.
 Name And Address Of Defendant
 DAVID LOGAN MARSH
 [REDACTED]
 WAXHAW NC 28173
 UNION COUNTY

Race W Sex M Age [REDACTED]
 Social Security No. [REDACTED]
 Drivers License No. & State [REDACTED]

Name Of Defendant's Employer
 Offense Code(s) I 1118
 Offense In Violation Of G.S. I 14-202.1

Date Of Offense 09/06/2021 through 09/06/2021
 Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 09/08/2021 4657VTG

Arresting Officer (Name, Address Or Department)
 BOWERS, M P5124
 CHARLOTTE MECKLENBURG POLICE DEPARTMENT
 601 EAST TRADE ST
 CHARLOTTE NC 28202
 MECKLENBURG (704) 336-7600

Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)

I, the undersigned, find that the defendant named above has been arrested without a warrant and the defendant's detention is justified because there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did take and attempt to take immoral, improper, and indecent liberties with L.P. (A 14 YEAR OLD MINOR), who was under the age of 16 years at the time, for the purpose of arousing and gratifying sexual desire. At the time, the defendant was over 16 years of age and at least five years older than that child. In violation of G.S. 14-202.1(a)(1).

This act was in violation of the law referred to in this Magistrate's Order. This Magistrate's Order is issued upon information furnished under oath by the arresting officer(s) shown. A copy of this Order has been delivered to the defendant.

Signature T M. JENKINS
 Magistrate
 Assistant CSC
 Deputy CSC
 Clerk Of Superior Court
 Date Issued 09/08/2021

Location Of Court Mecklenburg County Courthouse; WEBA
 832 EAST FOURTH ST
 CHARLOTTE, NC 28202
 Court Date 09/09/2021
 Court Time 09:00
 AM
 PM

September 20, 2021

jgray@bdixon.com

Certified Mail – Return Receipt Requested

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

RE: *Administrative Hearing for David Logan Marsh*

Dear Mr. Marsh:

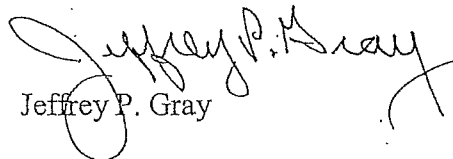
Enclosed is a copy of an Order of Summary Suspension of Unarmed Guard Registration dated February 22, 2021. You are entitled to an administrative hearing on the N.C. Private Protective Service Board's decision to suspend your Unarmed Guard Registration without undue delay.

Enclosed is a copy of the Notice of Hearing which I have filed with the Office of Administrative Hearings in this matter. As indicated on said Notice, the Board is requesting that your hearing be conducted by the Office of Administrative Hearings, located at 1711 New Hope Church Road, Raleigh, NC 27609, on **Monday, October 25, 2021, at 2:00 p.m.** Your failure to attend this court proceeding may result in dismissal of your case and a continuation of the suspension.

If you have any questions, you may call me at (919) 828-0731.

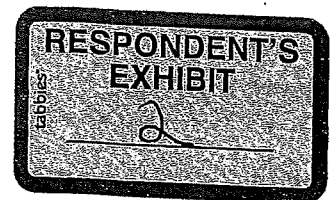
Sincerely,

BAILEY & DIXON, LLP


Jeffrey P. Gray

Enclosures

cc: Mack Donaldson
G4S



STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04003

DAVID LOGAN MARSH,)
)
Petitioner,)
v.)
)
N.C. PRIVATE PROTECTIVE)
SERVICES BOARD,)
)
Respondent.)

NOTICE OF HEARING

FOR: David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

DATE: Monday, October 25, 2021

TIME: 2:00 p.m.

PLACE: Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609

RE: Summary Suspension of Unarmed Guard Registration. The suspension was for the following reason:

Petitioner has been charged with multiple criminal counts in Mecklenburg County, North Carolina.

STATUTES: N.C.G.S. § 74C-12(a)(25); 14B NCAC 16 .0106(a)

ADMINISTRATIVE
LAW JUDGE: Honorable Stacey Bawtinheimer


An administrative hearing has been scheduled by the N.C. Private Protective Services Board to examine formally the allegations specified above. This hearing will be held before the Office of Administrative Hearings for the Private Protective Services Board and will be conducted in accordance with the Administrative Procedures Act, North Carolina General Statute 150B.

This proceeding is a contested case hearing and will give you the opportunity to present evidence and cross-examine witnesses. The Board will be represented by Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602, (919) 828-0731.

Please direct all correspondence to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.

This the 20th day of September, 2021.

Private Protective Services Board
Paul Sherwin, Director

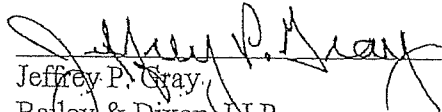

Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

CERTIFICATE OF SERVICE

I, Jeffrey P. Gray, hereby certify that I have served a copy of the foregoing NOTICE OF HEARING by depositing a copy with the United States Postal Service, CERTIFIED MAIL/RETURN RECEIPT REQUESTED and addressed to the following:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

This the 24th day of September, 2021.



Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

cc: Mack Donaldson
G4S

5. David Logan Marsh is registered as an unarmed guard with G4S, a licensed Security Guard and Patrol business located at 1 Centerview Drive, Suite 105, Greensboro, NC. Mr. Marsh's registration has an expiration date of May 31, 2022.

6. Investigation has revealed that Mr. Marsh was charged in Mecklenburg County, North Carolina with:

a. Statutory rape of a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.25;

b. Statutory sexual offense with a person who is 15 years of age or younger in violation of N.C.G.S. § 14-27.30;

c. Sexual activity by a substitute parent or custodian (2 counts) in violation of N.C.G.S. § 14-27.31; and

d. Taking indecent liberties with children (2 counts) in violation of N.C.G.S. § 14-202.1.

7. These charges arise out conduct by Mr. Marsh with a 14 year old minor where he was in a position as a custodian. These acts occurred while he was performing official duties as a security guard.

8. The facts underlying the charges indicate a lack of good moral character.

9. Mr. Marsh's charges have not been adjudicated in the criminal courts of Mecklenburg County.

IT IS HEREBY ORDERED that David Logan Marsh's Unarmed Guard Registration be summarily suspended pursuant to N.C.G.S. § 150B-3(c) upon the Findings of Fact showing that the public health, safety, and welfare will be jeopardized if Mr. Marsh is allowed to continue in his role as an Unarmed Guard for G4S.

An administrative hearing has been scheduled by N.C. Private Protective Services Board to formally examine the allegations specified above. This hearing will be held **Monday, October 25, 2021 at 2:00 P.M.** before the Office of Administration Hearings for the Private Protective Services Board and will be conducted in accordance with Administrative Procedures Act, North Carolina General Statute 150B, Article 3A.

This proceeding is a contested case hearing and will give you the opportunity to present evidence and cross-examine witnesses. The Board will be represented by Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602, (919) 828-0731.

Please direct all correspondence to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.

Issued this the 16th day of September, 2021.

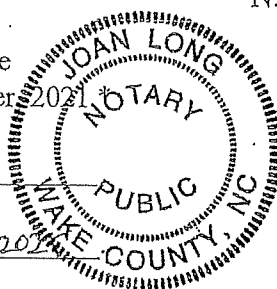


Paul Sherwin, Director
N.C. Private Protective Services Board

Sworn to and subscribed before me
This the 16th day of September, 2021

Joan Long
Notary Public

My commission expires: 03/15/2022



*I signed this notarial certificate on the 16th day of September, 2021 according to the emergency video notarization requirements set forth in G.S. § 10B-25

CERTIFICATE OF SERVICE

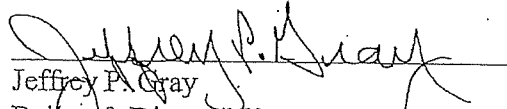
The undersigned hereby certifies that a copy of the foregoing ORDER OF SUMMARY SUSPENSION OF UNARMED GUARD REGISTRATION has been served upon the following by the method indicated:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173

 Hand Delivery.

 X Certified Mail to the address stated above.

This the 20th day of September, 2021.



Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, North Carolina 27602
(919) 828-0731 – telephone
(919) 828-6592 – facsimile

cc: Mack Donaldson
G4S

7017 2620 0000 0207 7209

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at: www.usps.com®

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 7.53
Total	\$

9-20-21

Postmark
Here

Sent to
Street
City, State

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173
3394.000001 NOH & SS dbc

Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Logan Marsh
6608 McNeely Road
Waxhaw, NC 28173
3394.000001 NOH & SS dbc

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X IM CIA Agent Addressee

B. Received by (Printed Name) David Logan Marsh C. Date of Delivery 9/23/21

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type

Certified Mail® Priority Mail Express™

Registered Return Receipt for Merchandise

Insured Mail Collect on Delivery

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7017 2620 0000 0207 7209

