



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Erik Hooks, Secretary

Pamela Cashwell, Chief Deputy Secretary
Paul Sherwin, Director

**MINUTES OF THE
TELEPHONE CONFERENCE AND IN PERSON
PRIVATE PROTECTIVE SERVICES BOARD MEETING
AUGUST 20, 2020
3101 INDUSTRIAL DRIVE SUITE 104
RALEIGH, NC 27609**

BOARD MEMBERS PRESENT

Ron Burris
John Aldridge
Nada Lawrimore
David Stephens
Gerry Stickl
Samuel Russell
Debra Duncan
Steve Johnson
Tamara Rabenold
Stacy Buff
Kim Heffney
Bud Cesena
Jerry Pitman
Gregory Scott

BOARD MEMBERS ABSENT

STAFF PRESENT

Paul Sherwin – Director
Jeff Gray – Attorney
Kim Odom – Field Services Supervisor
Garcia Graham – PPS Board Secretary

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GUESTS PRESENT

Gregory Hatten – via telephone
Jessica Chambers- via telephone

CALL TO ORDER

Chairman Cesena called the August 20, 2020, Private Protective Services Board meeting to order at 12:48 p.m. Mr. Cesena led the group in the reciting of the Pledge of Allegiance followed by roll call.

STATE ETHICS LAW

Attorney Jeff Gray explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

ELECTION OF OFFICERS

Mr. Gray conducted the elections. He read the new Bylaws regarding the elections of officers.

MR. JOHNSON MADE A MOTION TO NOMINATE BUD CESENA AS CHAIR; SECONDED BY MR. RUSSELL. MS. LAWRIMORE MADE A MOTION TO NOMINATE JERRY PITMAN AS CHAIR; MOTION NOT SECONDED; MOTION FAILED. BY ROLL CALL WITH NO CHALLENGE, MR. CESENA WAS ELECTED TO THE POSITION OF CHAIR OF THE PRIVATE PROTECTIVE SERVICES BOARD.

MR. BURRIS MADE A MOTION TO NOMINATE STEVE JOHNSON AS VICE-CHAIR; SECONDED BY MR. CESENA; MOTION CARRIED ON ROLL CALL VOTE.

MS. LAWRIMORE MADE A MOTION TO NOMINATE MR. BUFF AS CHAIR OF THE SCREENING COMMITTEE; SECONDED BY MR. JOHNSON; MOTION CARRIED ON ROLL CALL VOTE.

MR. JOHNSON MADE A MOTION TO NOMINATE RON BURRIS AS CHAIR OF THE GRIEVANCE COMMITTEE; SECONDED BY MS. RABENOLD; MOTION CARRIED ON ROLL CALL VOTE.

MR. CESENA MADE A MOTION TO NOMINATE STEVE JOHNSON AS CHAIR OF LAW AND RULES COMMITTEE; SECONDED BY MR. RUSSELL; MOTION CARRIED ON ROLL CALL VOTE.

MR. CESENA MADE A MOTION TO NOMINATE GERRY STICKL AS CHAIR OF THE FINANCE COMMITTEE; SECONDED BY MR. ALDRIDGE; MOTION CARRIED ON ROLL CALL VOTE.

MS. RABENOLD MADE A MOTION TO NOMINATE MR. ALDRIDGE AS CHAIR OF THE TRAINING & EDUCATION COMMITTEE; SECONDED BY MR. JOHNSON; MOTION CARRIED ON ROLL CALL VOTE.

MR. ALDRIDGE MADE A MOTION TO NOMINATE TAMARA RABENOLD AS THE CHAIR OF THE EMERGING TECHNOLOGIES COMMITTEE; SECONDED BY MR. JOHNSON; MOTION CARRIED ON ROLL CALL VOTE.

MR. BUFF MADE A MOTION TO NOMINATE DEBRA DUNCAN AS THE BOARD'S ETHICS LIASION; SECONDED BY MR. ALDRIDGE; MOTION CARRIED ON ROLL CALL VOTE.

The following members were thereby elected as an officer of the Board:

Bud Cesena - Chair

Steve Johnson- Vice Chair

Stacy Buff - Screening Committee Chair

Ron Burris - Grievance Committee Chair

Steve Johnson – Law and Rules Committee Chair

Gerry Stickl - Finance Committee Chair

John Aldridge - Training & Education Committee Chair

Tamara Rabenold – Emerging Technologies Committee Chair

Debra Duncan - Ethics Liaison

MINUTES

APPROVAL OF THE JUNE BOARD MEETING MINUTES.

MOTION BY MR. BUFF TO ACCEPT THE JUNE 18, 2020 MINUTES; SECONDED BY MR. JOHNSON; MOTION CARRIED ON ROLL CALL VOTE.

SCREENING COMMITTEE REPORT

Mr. Buff stated that the Screening Committee met on Thursday, August 20, 2020 from 8:07 a.m. to 12:47 p.m. to review a total of 44 applications and two addendum items. This was a closed meeting. The Committee members included Mr. Buff, Ms. Lawrimore, Mr. Stephens, Mr. Russell, Mr. Heffney, and Ms. Duncan. Mr. Buff read the report for the record.

MOTION BY MS. DUNCAN TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.

Ms. Rabenold recused herself on #5 Brandon Blucher and #30 Ryan Scott Rabenold.

Mr. Stickl recused himself on #18 Christopher Ryan and 40 Robert Lennell Traynham.

GRIEVANCE COMMITTEE REPORT

Mr. Johnson reported that the Grievance Committee met on Wednesday, August 19, 2020 from 9:00 a.m. to 3:40 p.m. and heard a total of 15 cases. This was a closed meeting. The Committee members included Mr. Burris, Mr. Johnson, Ms. Rabenold, Mr. Pitman and Mr. Stickl. Mr. Johnson read the report for the record.

Mr. Johnson reported to the Board that Mr. Clifton Tinnen appeared before the Grievance Committee to discuss the revocation of his license and the consent agreement. His license was revoked by the Board for failure to pay the Consent Agreement in the amount of \$19,461.60. This was agreed upon at the February 21, 2019 Board meeting. Mr. Johnson stated that the Committee informed Mr. Tinnen that once full payment has been received, should he reapply for the license this matter will be considered by the Screening Committee.

Ms. Rabenold recused herself on case number 2020-PPS-116 Adam Warwick.

Mr. Scott recused himself on case number 2020-PPS-107 Anthony Troeger and 2020-PPS-116 Adam Warwick.

MOTION BY MR. RUSSELL TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.

OLD BUSINESS:

None

NEW BUSINESS:

Mr. Cesena stated that the Board would like to form two subcommittees. One subcommittee would develop a 12-hour continuing education course and coordinate with the local community colleges to offer the course to PPS industry members. The subcommittee members are Mr. Johnson, Mr. Buff and Mr. Stephen.

The second subcommittee would work with the NCAPI to review and discuss a new legislative bill. They will bring back to the Law and Rules Committee any changes that are agreed upon for further consideration. The subcommittee members are Ms. Rabenold, Mr. Russell, Mr. Pitman and NCAPI President Mr. Hatten.

Mr. Cesena recognized a new Board member Mr. Melvin Gregory Scott.

FINAL AGENCY DECISION

Nickolas Scott Chatham – 19 DOJ 00487 was deferred until the next live in person Board meeting.

Jessica Chambers - 20 DOJ 00887. Ms. Chambers was present via telephone. This case was heard by Administrative Law Judge Michael C. Byrne on June 23, 2020. This case involved the denial of the Petitioner's unarmed guard registration based on a lack of good moral character and temperate habits as evidenced by a conviction of one count of misdemeanor Assault with a Deadly Weapon in the State of North Carolina.

MOTION BY MR. BUFF TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND GRANT MS. CHAMBERS' UNARMED GUARD REGISTRATION APPLICATION; SECONDED BY MS. DUNCAN; MOTION CARRIED ON ROLL CALL VOTE.

Dionne Maurice Gretsinger – 19 DOJ 00890 was deferred until the next Board meeting.

MOTION BY MR. JOHNSON TO DEFER FINAL AGENCY DECISIONS FOR MS. GRETSINGER UNTIL THE OCTOBER BOARD MEETING; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.

DIRECTOR'S REPORT:

Director Sherwin read the report for the record. He reported the Board's revenue as of July 31, 2020 was \$1,494,989.56 with expenditures in the amount of \$1,361,259.39, reflecting an increase to the fund balance of \$133,730.17. The total fund balance was \$1,298,680.82. He reported the Education Fund balance was \$115,614.52. Director Sherwin reported that since the last Board meeting, the total active registrations for PPS is 21,369, license holders 2,585 and certification holders 512.

Director Sherwin stated that the Private Protective Services staff continues to work mostly from home due to COVID-19 social distancing restrictions. The office is staffed with two people and open to the public on Mondays, Wednesdays, and Fridays from approximately 8 a.m. to 4 p.m. A limited number of employees are also working in the office on Tuesdays and Thursdays, but the office is closed to the public.

Director Sherwin reported that the North Carolina Department of Employment Security (DES) recently put out a call for state employees to volunteer to work with DES to assist clearing a significant backlog of unemployment claims caused by COVID-19-related job losses. Four PPS employees volunteered for the assignment and two of them will be working part-time with DES through the end of September. The employees who volunteered, Syconda Marrow, Cynthia Anthony, Mary Presley and Malquis Oakley, should be commended for their commitment to serving the citizens of North Carolina during these challenging times.

Director Sherwin announced that the Private Protective Services would like to welcome its newest employee, Darla Cole. He stated that Darla will be working out of the Raleigh office as a field investigator. This position was relocated from Fayetteville earlier in 2020. Darla's first day with PPS was Monday, August 17, 2020. Darla has worked in law enforcement since 1995, having served as a patrol officer with the Garner Police Department, chief of the Lee County

Schools Special Police, and a detective with the Sanford Police Department, from which she retired earlier this year. Darla is also an adjunct instructor at Fayetteville State University where she teaches criminal justice courses. Darla holds a bachelor's degree in journalism and political science from the University of North Carolina – Chapel Hill, and a master's degree in justice administration from Methodist University.

Director Sherwin announced that Private Protective Services recently posted a recruitment for the position of a second PPSB secretary and the hiring process is underway. The person selected for this position will have the same duties and responsibilities as the existing PPSB secretary, Garcia Graham, and will help PPS better serve the Private Protective Services Board, the Board's 2,500 existing licensees, and future applicants.

Private Protective Services currently has four vacant positions:

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

Director Sherwin reported that the Registration Unit has seen an increase in the number of armed registration renewals that are being submitted late, due a misunderstanding of the Board's recent change to rule 14 NCAC 16 .0806(e), regarding armed registration renewals during a state of emergency. The Board's rules still require that an armed registration renewal be submitted prior to the expiration date. However, an armed registration renewal application may be submitted without a firearm qualification during a state of emergency, if a statement requesting the exception is submitted with the application. Proof of firearms qualification must be submitted within 60 days of the end of the state of emergency, or the conditional registration will expire. Registration staff is tracking applications that are approved and approved under this exception and will ensure evidence of firearms qualification is submitted later in accordance with the rules.

Registration applications submitted year-to-date: 13,617

Armed: 2,826

Delivered: 2,182

Average days from submittal to delivery, new: 62

Average days from submittal to delivery, renew: 37

Approved: 101

Denied: 13

Resubmitted by QA/Designee: 67

Review Requested: 217

Order Pending Documents: 38

Payment Received: 208

Unarmed: 10,791

Delivered: 9,372

Average days from submittal to delivery, new: 58

Average days from submittal to delivery, renew: 19

Approved: 366
Denied: 12
Resubmitted by QA/Designee: 159
Review Requested: 344
Order Pending Documents: 29
Payment Received: 509

Director Sherwin reported that the Private Protective Services Board licensing unit is currently operating at 50% strength, due to the resignation of the licensing assistant in June 2020. As discussed previously, PPS is in the process of hiring a second Board secretary. In the meantime, Garcia Graham, the Board's secretary, is working diligently to support licensing operations by herself. Many PPS staff members are volunteering to assist her when they are able.

License applications submitted year-to-date: 973
Delivered: 551
Average days from submittal to delivery, new: 111
Average days from submittal to delivery, renew: 25
Final Payment Needed: 17
Approved: 191
Pending Investigation: 60
Payment Received: 91

Director Sherwin Stated that Private Protective Services Training Officer and Investigator Ray Bullard reports that Wake Tech has reduced its fees for the Unarmed Guard Trainer Certification Course to \$125 from \$138, effective beginning with its September 2020 course. Anyone who has signed up for the September 2020 (or later) course and paid \$138 may contact Investigator Bullard to request a refund of \$13.

MOTION BY MR. BUFF TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. RUSSELL; MOTION CARRIED ON ROLL CALL VOTE.

ATTORNEY'S REPORT

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On June 20, 2019 Sione Atu Latu/Security On Call, LLC entered into a Consent Agreement with the Board in the amount of \$13,096.80 for registration violations. The temporary agreement was not signed. The signature on the return receipt for the Consent Agreement for signature is illegible and the signature date was omitted. It was not signed and returned and payment has not been received. On December 19, 2019 the full Board issued a cease and desist to Sione Latu and Security On Call, LLC for failure to pay the consent agreement in the amount \$13,096.80. At its February meeting the Board requested that Mr. Gray initiate civil action for failure to comply with the consent

agreement. On March 5, 2020 Mr. Gray filed a Complaint for Money Owed. At the time of the Board's June meeting Mr. Gray had been unsuccessful in obtaining service on either of the individual Defendants or the Defendant LLC.

Since the three Civil Summonses had come back from the Sheriff marked "unable to serve," the Grievance Committee recommended to the Board that a Board Investigator attempt to serve Mr. Latu and the other Defendants and the Board agreed. To date, the Investigator has had no success.

2. On December 19, 2019 Jeffrey LaRe/The Whitestone Group of Ohio, Inc., entered into a Consent Agreement with the Board in the amount of \$5,140.80 for registration violations. The temporary agreement was signed by QA Jeffrey LaRe on December 18, 2019. Paid in full.
3. On June 18, 2020 Dorian Dehnel/CriminalRecordCheck.com, Inc., (Screening) entered into a Consent Agreement with the Board in the amount of \$425.00 for unlicensed activity. Paid in full.

II. ADMINISTRATIVE RULES

a. At its meeting on February 22, 2018, the Board began the process for its Periodic Review of Rules to occur in August 2018. The report for the Board's rules was filed and the Public Comment Period ended May 8, 2018. No public comments were received. The Board voted at its June 21, 2018 meeting to approve all of its existing rules.

The Board's rule readoptions have been on the Rules Review Commission's August 16, 2018 agenda. The report containing the final classification of the entirety of the Board's rules as "Necessary with Substantive Public Interest" was approved. At its October 25, 2018 meeting, the Board voted to readopt these rules. On November 16th the Notice of Text was filed to commence what is essentially the rulemaking process (i.e. 60-day comment period, public hearing, technical change requests, etc.). A copy of the administrative rule readoptions, were attached to Mr. Gray's December 20, 2018 Attorney's Report.

The Notice of Text for the readoptions was filed, the rules were published on the Board's website and in the North Carolina Register (Vol. 33; Issue 5; Feb. 1, 2019), and a Public Hearing was conducted on February 20, 2019. No written or oral comments were received. The Public Comment Period ended on April 2, 2019. These administrative rule readoptions were an attachment to Mr. Gray's April 25, 2019 Attorney's Report and approved by the Board that day. These rules were approved by the Rules Review Commission at its July 18, 2019, readopted by the Board at its October 2019 meeting, and then had to be re-submitted to the Commission, this time for review and approval as permanent rules.

These readoptions have been re-filed for review by the Rules Review Commission in segments. The first set, consisting of 26 rules, were filed on November 20, 2019. Mr. McDarris and Mr. Gray received 30 pages of Requests for Technical Changes from the Staff Attorney for the Rules Review Commission. Due to the sheer volume of the Requests, and the need to meet with Board staff in order to respond to many of them, Mr. McDarris requested a 30 day extension of time to respond to the Requests which were otherwise due December 13, 2019.

Because of the importance of the on-line application rules (*see, b., below*), it was necessary to file them even though the statutorily mandated re-adoption process was underway. Since these rules were amended during the re-adoption process for all PPSB rules, the RRC allowed us to both amend and re-adopt the “Permitium rules” at the same time.

The first 26 rules passed the Commission on February 20, 2020. A second segment, consisting of 30 rules, was filed with the Commission on March 18th. Mr. McDarris and Mr. Gray received 29 pages of Request for Technical Changes from the Staff Attorney on April 1, 2020. With a concerted effort -- and due in part to the slow-down caused by the various COVID 19 containment measures -- we were able to respond to all Requests by the April 9th deadline without requesting an extension of time. These rules were approved by the Commission at its meeting on April 16th.

Two rules, 14B NCAC .0109 and .0704 received a Staff Objection. The objection to .0704 is identical to the objection to 14B NCAC .0804 in the first set of rules submitted and at its February Board meeting the Board voted to repeal .0804. Since .0704. was identical to .0804 the Board voted to repeal it at its April meeting, as well as .0109, which stated that the Board will follow the hearing and rulemaking procedures set forth in Chapter 150B of the General Statutes. (It’s already required by law, so was unnecessary.)

Mr. McDarris filed the third and final segment, consisting of 31 rules, on May 19th. He and Mr. Gray resolved Request for Technical Changes from the Staff Attorney. These rules were considered by the Rules Review Commission on June 18th and approved

Six rules in this final segment of 31 received a Staff Objection. Three of these six, 14B NCAC 16 .1001, .1002 and .1003, comprise the entirety of subsection .1000 entitled, “Recovery Fund.” The Board no longer has a recovery fund and N.C. Gen. Stat. § 74C-31, the sole authority for these rules, was repealed by the legislature in 2009.

One rule, 14B NCAC 16 .1207 repeated the requirements of 14B NCAC 16 .1205(b) and was therefore deemed unnecessary.

As to the final two rules, the Commission objected to 14B NCAC 16 .1304 and .1404 for lack of statutory authority. These rules give the Director the authority to deny an application which would be reviewable by the Board, however, N.C. Gen. Stat. § 74C-12 states that any denial of an application will be made by the Board.

It is necessary that the Board vote to repeal these six rules. A motion and vote to do so today is in order.

b. At the August 22, 2019 meeting, staff requested, and the Board approved allowing applicants for licensure and registration to submit fingerprints through approved systems -- known by the most common vendor name as “Live Scan” – in addition to a traditional fingerprint card. Mr. Gray was instructed to prepare amendments to the corresponding administrative rules for applications. Those rule amendments were adopted at the Board’s October 2019 meeting.

Mr. Gray will be preparing drafts of these rule amendments, along with a number of other amendments requested by the Board, as soon as a post-Periodic Review of Rules version of Chapter 14B, Section 16 is published.

c. Also at its August 22, 2019 meeting the Board discussed allowing firearms trainers to train independent of a licensed company. Concern was expressed that if allowed, these trainers would not be covered by the company’s insurance. Mr. Gray was instructed to prepare a rule amendment that would require an “independent” firearms trainer to have the

liability insurance required by N.C. Gen Stat. § 74C-10(e). That amendment was made a part of 14B NCAC 16 .0902 and approved along with the two rule amendments referenced in d., above, and the Notice of Text will be filed at the same time.

d. At its April meeting the Board adopted amendments to five existing administrative rules -- 14B NCAC 16 .0201, .0806, .0904, .1202 and .1203 -- by way of the Emergency rulemaking process to address issues brought about by the virus pandemic and the Governor's various Executive Orders. Those Emergency rule amendments were effective May 6, 2020, and a copy attached as Attachment 2 to Mr. Gray's June 18, 2020 Attorney's Report.

As Mr. Gray explained at that meeting, to adopt an Emergency rule, a State agency is required to simultaneously start the Temporary rulemaking process. (Note: After we started the process the legislature passed a law doing away with this requirement up through August 1, 2020.)

The proposed Temporary rulemaking amendments were submitted to the OAH and interested parties on April 29th and published on the OAH website on May 5th. The Public Hearing was held May 12th and the Public Comment Period ended May 29th. There were no comments written or oral.

The Board voted to adopt these Temporary rules at its June 18, 2020 meeting.

These Temporary rules have been published by the Office of Administrative Hearings. If the Board would like for these to become permanent rules it must commence the Permanent rulemaking process within 270 days of its adoption of the Temporary rules.

MOTION BY MR. BUFF TO REPEAL RULES 14B NCAC 16 .1001, .1002, .1003, .1207, .1304 AND 14B NCAC 16 .1404; SECONDED BY RUSSELL; MOTION CARRIED ON ROLL CALL VOTE.

III. LEGISLATION

a. At the request of the Law & Rules Committee, Mr. Gray prepared a new proposed bill for introduction in the current 2019-2020 Legislative Session. The bulk of this new bill is identical to House Bill 566/Senate Bill 634 from the 2017-2018 Session but with the addition of one new provision voted on by the Board after introduction of these bills, as well as various technical changes you approved.

The Law & Rules Committee considered this new bill at its meeting on December 20, 2018. A copy was attached to Mr. Gray's December 21, 2018 Attorney's Report, and the proposed bill was discussed at the full Board meeting on December 21st where it was deferred to a special Board meeting. Another copy was e-mailed to all Board members and it was again discussed at a special Board meeting via telephone conference call on January 25, 2019. It was tabled for discussion until the Board's February 21st meeting and was approved with some minor modifications. It was introduced in the House as House Bill 630, "Private Protective Services Changes." A copy of the original version of House Bill 630 was attached to Mr. Gray's April 25, 2019 Attorney's Report.

House Bill 630 was heard in the House State & Local Government Committee on April 29th and following a minor technical amendment it received a unanimous vote for a Favorable Report and was referred to the House Finance Committee. It was heard in that Committee on May 29th where it was amended to include a rewrite of the law governing the Alarm Systems

Licensing Board. With only two or three “nay” votes, it received a Favorable Report and was referred to the House Committee on Rules, Calendar, and Operations of the House on May 29, 2019, where it was amended to a Private Investigator to receive an endorsement on his or her existing license to perform Close Personal Protection (in lieu of a license) under certain circumstances. It received a Favorable Report. House Bill 630 passed the House on July 9th with minor floor amendment (“Chairman” to “Chair”) and has been referred to the Committee on Rules and operations of the Senate.

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

Senate Bill 202’s language was identical to the language in HB 630 with the exception of the removal of the Alarm Board portion. After having received requested changes, the NCAPI supported HB 630 in committee and for the vote on the House floor. The NCAPI launched an opposition campaign against SB 202 through telephone calls and e-mails the night before the House vote.

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

b. House Bill 484, “Verification of Immigration Status,” was introduced on March 28, 2019. It would require all State agencies and licensing boards to verify the immunization status of applicants using the federal Department of Homeland Security’s Systematic Alien Verification for Entitlements, or “SAVE” system. It would require that the Board enter an agreement with Homeland Security and it would require yet another report be submitted. This bill has seen no action. (Copy not attached.)

c. House Bill 902, “Military-Trained/Spouse Licensure Practices,” was introduced on April 16, 2019. This bill would have required the Program Evaluation Division of the General Assembly to study the extent to which the provisions of N.C. Gen. Stat. § 93B-15.1 have improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards. The PED’s study would have been due to the Joint Legislative Oversight Committee on General Government and to the Department of Military and Veterans Affairs by February 1, 2020.

This bill passed the House 114-0 on May 2, 2019 and was referred to the Senate Rules Committee. (No copy attached.) However, even though the bill had not passed the Senate, the PED proceeded with the study, and at its February 10, 2020 meeting the Program Evaluation Oversight Committee considered a bill to amend N.C. Gen. Stat. § 93B-15.1 yet again to strengthen its provisions and amend N.C. Gen. Stat. § 93B-2 to require reporting on the number of applications received, granted and denied. A copy of this bill draft was attached to Mr. Gray’s April 23, 2020 Attorney’s Report.

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

Mr. Gray will prepare a Memorandum for the use of staff.

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

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

e. Senate Bill 773, “Universal License Recognition,” was introduced on May 14, 2019. It amends Chapter 93B to add a new section (15.7) which would require any “occupational licensing board” as defined by N.C. Gen. Stat. § 93B-1 to issue a license, certification, or registration to any applicant who establishes residency in this State who has been licensed, certified or registered in another state under certain conditions. The Private Protective Services Board is defined as a “State agency licensing board” by N.C. Gen. Stat. § 93B-1(2), so this bill would not apply to the Board if passed (however, the Alarm Board is defined as an occupational licensing board by N.C. Gen. Stat. § 93B-1.)

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

Also, as part of this COVID-19 relief bill, one provision, requested by the Department of Public Safety, amended N.C. Gen. Stat. § 74C-3 by adding a new subsection, “(e)”, to provide that certain security services at a State prison facility may be performed by licensed Security Guard and Patrol companies.

The change also amended N.C. Gen. Stat. § 148-5.5 and provided that the guards employed by a licensed private company providing services at a State prison facility must be trained in State prison policies prior to providing any services, and if so trained, may detain and use necessary force pursuant to those policies to prevent contraband entry and inmate escape. Copy of relevant page was attached as Attachment 3.

The amendment to Chapter 74C expired on August 1, 2020.

g. Also introduced was Senate Bill 712, “N.C. Freedom to Work Act,” which would prohibit prosecution for any violation of Executive Order No.s 118, 120, 121 and 135 issued by the Governor, or for any other Executive Order issued after April 23, 2020 during the COVID-19 pandemic. Although the bill title implies it only covers restrictions related to the right to work, as written the bill would prohibit criminal prosecution of any restriction contained in these executive orders, such as the prohibition of mass gatherings, social distancing, etc. The bill would also limit the penalty for violating an executive order to a civil penalty (currently, it is a Class 2 misdemeanor to violate an executive order) and would prohibit criminal enforcement of the violation of any local emergency order that mirrors or exceeds the limitations ordered by Governor Cooper in the above executive orders.

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

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

MOTION BY MR. PITMAN TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. RUSSELL; MOTION CARRIED ON ROLL CALL VOTE.

Mr. Cesena then reported there were thirty-seven courses submitted to the T&E Committee:

- Surveillance Techniques for Private Investigators & Private Security Personnel- 6.0 hrs.
- Observation & Descriptive Skills for Private Investigators and Private Security Personnel - 4.0 hrs.
- Student Cyberbullying Understanding State Federal Laws-1hr.
- Introduction to Surveillance-1hr.
- How to Write Investigative Reports for Court-1.0 hr.
- Investigative Nursing Home Abuse-1.0 hr.
- The Drone Revolution an Earthquake in the Insurance Industry-1.0 hr.
- HIPPA Privacy and Security Laws: State and Federal-1.0 hr.
- “Homeland Security: Enemies, Foreign” -2.0 hrs.
- “Homeland Security: Enemies, Domestic” -2.0 hrs.
- Ethics for Legal Professionals: Truth and Consequences-1.0 hr.
- Ethics for Legal Professionals: Theory and Practice-2.0 hrs.
- Rules of Service: Sabbath Laws-2.0 hrs.

Recording Laws: Audio and Visual-6.0 hrs.
The Amazing Power of Face Reading and Body Language-4.0 hrs.
Investigating Nursing Home Abuse-6.0 hrs.
Insurance Investigations from A-Z “The Investigator’s Guide to Uncovering Insurance Fraud” - 6.0 hrs.
Basic Theories & Use of Covert Video Surveillance Equipment-8.0 hrs.
Open Source Intelligence-4.0 hrs.
Reading Faces in Strange Places-4.0 hrs.
Resource Guide to Division of Motor Vehicles-6.0 hrs.
3-Day Investigative Interviewing and Positive Persuasion-12.0 hrs.
4-Day Course on the Reid Technique of Investigative Interviewing and Advanced Interrogation Techniques-12.0 hrs.
Anti-Fraud -6.0 hrs.
Human Trafficking-4.0 hrs.
The Dark Web and Investigations-4.0 hrs.
Introduction to Social Media Searches – 2.0 hrs.; approval adding new instructor(s)
What PI’s Need to Know About Computer Forensics – 2.0 hrs.; approval adding new instructor(s)
Fraud in the Workplace- 2.0 hrs.; approval adding new instructor(s)
Identity Theft- 2.0 hrs.; approval adding new instructor(s)
Workplace Violence Prevention and Managing Aggressive Behavior- 2.0 hrs.; approval adding new instructor(s)
Investigative Process-2.0 hrs.; approval adding new instructor(s)
Surveillance Basics 10-6.0 hrs.
Successful Investigator Traits-4.0 hrs.
Surveillance Ethics-2.0 hrs.
Surveillance and Fraud-6.0 hrs.
Report Writing for Investigators-4.0 hrs.
Social Media for Investigators-6.0 hrs.

MOTION BY MR. JOHNSON TO ACCEPT THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL; SECONDED BY MR. HEFFNEY; MOTION CARRIED ON ROLL CALL VOTE.

Mr. Cesena introduced NCAPI President, Gregory Hatten.

Mr. Hatten, stated that the 2020 NCAPI virtual Fall Conference will be held at Cherokee, NC and it’s free for all NCAPI members.

MOTION BY MR. BUFF TO ADJOURN; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.

2:44 P.M. Adjourned

Paul Sherwin, Director

Garcia Graham, Board Secretary