



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: February 16, 2023
TIME: 9:00 A.M.
PLACE: Hampton Inn & Suites, 3920 Arrow Drive
Raleigh, North Carolina 27612

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT

Debra Duncan
Dave Stephens
Kim Heffney
Suzanne Creech
Andy Renfrow
Assata Buffaloe

Ron Burris
Tamara Rabenold
Steven Johnson
Jerry Pitman
*Bud Cesena
Sam Russell

STAFF PRESENT

Paul Sherwin
G. Ray Bullard
Kim Odom
Jeff Gray
Garcia Graham

VISITORS PRESENT

Marcus Benson
Deborah Worley
Gregory Hatten
Shaun Marso
Robert Dunn
William MacRae
Nathaniel Urbina
Allan Campbell
Anthony Rivera
Ordie McFarland
Darrell Taylor
*David Dodge
*Timothy Reilly

*Donna Campbell
*Dorian Dehnel
*Erika Martin
*John Honeycutt
*John White
*Julie Turner
*Megan Turner
*Mitchell Simpson
*Randy Sturkey
*Ron Reich
*Sandra Epley
*Theidra Byrd
*Jerry Winstead

MEMBERS ABSENT

Stacy Buff

*v: virtual

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Chair Bud Cesena called the February 16, 2023, 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."

APPROVAL OF THE DECEMBER 15, 2022 BOARD MEETING MINUTES

TAMARA RABENOLD MADE A MOTION TO ACCEPT THE DECEMBER 15, 2022, BOARD MEETING MINUTES. SECONDED BY KIM HEFFNEY. MOTION CARRIED. NONE OPPOSED.

GRIEVANCE COMMITTEE REPORT

The Grievance Committee, consisting of Ron Burris, Jerry Pitman, Suzanne Creech, Steve Johnson, and Tamara Rabenold met on February 14, 2023, from 9:00 A.M. to 2:44 P.M. and heard a total of 14 cases. Committee Chair Ron Burris presented the Committee report.

TAMARA RABENOLD MADE A MOTION TO ACCEPT THE GRIEVANCE COMMITTEE'S RECOMMENDATIONS. STEVE JOHNSON SECONDED THE MOTION. MOTION CARRIED NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL GRIEVANCE REPORT

SCREENING COMMITTEE REPORT

The Screening Committee, consisting of Assata Buffaloe, Debra Duncan, Kim Heffney, and Sam Russell met on February 15, 2023, from 9:00 A.M. to 12:07 P.M. and reviewed a total of 53 license applications and six addendums. Debra Duncan presented the Committee report.

TAMARA RABENOLD MADE A MOTION TO ACCEPT THE COMMITTEE'S RECOMMENDATIONS FOR ALL APPLICATIONS. DAVE STEPHENS SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL SCREENING REPORT

NEW BUSINESS

Tamara Rabenold presented to the Board for approval two documents recommended by the Digital Forensics Examiner (DFE) subcommittee. The first document was a list of DFE training providers and their various certifications that can be used to qualify for a DFE license. The second document was the DFE Expert Witness Affidavit, which may be used by DFE license applicants to qualify for the license.

RON BURRIS MADE A MOTION TO ADOPT BOTH FORMS. SAM RUSSELL SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

Ms. Rabenold also reported that on February 2, 2023, the DFE subcommittee met with the Board's investigations staff to conduct training related to the DFE industry and help familiarize the investigators with common DFE terms, certifications, schools, and other matter that the investigators will need to know when conducting background investigations on DFE license applicants. In addition, Ms. Rabenold stated that the subcommittee is working to develop a training checklist for Digital Forensics Examiner Trainees and plans to have it ready for Board review in April 2023.

Mr. Johnson reported that in response to feedback received during the public comment period for the new Close Personal Protection (CPP) administrative rules, he was recommending the Board adopt language similar to that used by the N.C. Criminal Justice Education and Training Standards Commission, as it relates to CPP license holders being required to maintain a CPR/AED/First Aid certification. He stated that the new proposed language would be covered in detail by Attorney Jeff Gray during his attorney's report.

Ms. Debra Duncan reminded all Board members that the 2022 Statement of Economic Interest form submission deadline is in April. She stated that it can be completed online through the Ethics Commission's website.

DIRECTOR'S REPORT

Director Paul Sherwin presented the Director's Report, which included updates about Private Protective Services' personnel, agency operations, and Board finances.

Director Sherwin reported that the conference space and hotel rooms had been reserved for the April and October 2023 PPS Board meetings in Wilmington and Asheville. He asked that the Board give final approval to the meeting locations before paying for reservation deposits. A discussion among Board members about the benefits and disadvantages of holding Board meetings outside of the Raleigh area followed.

SUZANNE CREECH MADE A MOTION TO KEEP THE APRIL AND OCTOBER 2023 MEETINGS IN RALEIGH. TAMARA RABENOLD SECONDED THE MOTION. MOTION CARRIED. RON BURRIS OPPOSED, ALL OTHERS IN FAVOR.

DAVID STEPHENS MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT. STEVEN JOHNSON SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL DIRECTOR'S REPORT

ATTORNEY'S REPORT

Attorney Jeff Gray presented the Attorney's Report, which included updates about the status of consent agreements, pending administrative rule changes and legislative updates.

He also reviewed and discussed several new and amended administrative rules, including new rules 14B NCAC 16 .1500, .1600, & .1700, and amended rules .0201, .0403, & .0807. Mr. Gray recommended the Board approve the new rules and rule amendments.

TAMARA RABENOLD MADE A MOTION TO APPROVE THE PROPOSED DIGITAL FORENSICS EXAMINER (DFE) RULES AS WRITTEN. STEVE JOHNSON SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

STEVE JOHNSON MADE A MOTION TO APPROVE THE PROPOSED CLOSE PERSONAL PROTECTION (CPP) RULES AS WRITTEN, TO INCLUDE THE CHANGES MADE BASED ON PUBLIC COMMENT. ASSATA BUFFALOE SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

DAVE STEPHENS MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT. SAM RUSSELL SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL ATTORNEY'S REPORT

GOOD OF THE ORDER

Chairman Bud Cesena reported that Nada Lawrimore resigned from the Board after nine years of service and thanked her for serving on the Board.

Don Miller, President of N.C. Association of Private Investigators, introduced the new NCAPI officers and announced that the organization is currently planning its annual conference to be held in November 2023 in Cherokee, N.C.

ADJOURN

KIM HEFFNEY MADE A MOTION TO ADJOURN THE MEETING. DAVE STEPHENS SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

Meeting Adjourned: 9:56 P.M.

Paul Sherwin
Director

Garcia Graham
Reporter

PPSB Grievance After Report for February 16, 2023 9:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
1. 2020-PPS-138	Jeremy Lamond Henderson North Carolina Protective Service, Inc 1040 Dale Earnhardt Blvd, Suite#147 Kannapolis, NC 28083	NCGS 74C-12(a)(5) NCGS 74C-12(a)(24) NCGS 74C-12(a)(31) 14B NCAC 16 .0104(a) 14B NCAC 16 .0105(a)(1) 14B NCAC 16 .0105 (a)(4) 14B NCAC 16 .0111	Find a violation of NCGS 74C-12(a)(5), NCGS 74C-12(a)(24), NCGS 74C-12(a)(31), 14B NCAC 16 .0104(a), 14B NCAC 16 .0105(a)(1), 14B NCAC 16 .0105 (a)(4) and 14B NCAC 16 .0111. Issue a cease and desist order to Jeremy Henderson and North Carolina Protective Service, Inc. Attorney Gray is to file a Complaint for Injunctive Relief against Mr. Henderson. Refer this matter to the Screening Committee should Mr. Henderson apply for a registration or license.	Accepted
2. 2021-PPS-029	Joseph Roy Securitas Security Services USA, Inc. 7826 Thorndike Road Greensboro, NC 27409	14B NCAC 16 .0108(a)	Find a violation of 14B NCAC 16 .0108(a). Joseph Roy and Securitas Security Services USA, Inc., enter into and pay a consent in the amount of \$61,444.80 for 502 unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2, Q3 and Q4 of 2022.	Accepted

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
3.	2022-PPS-028 Brian Joseph White Eagle Eye Security 9308 Smart Drive Suite 5 Raleigh, NC 27603	NCGS 74C-11 NCGS 74C-13	Find a violation of NCGS 74C-11 and NCGS 74C-13. Enter into a consent agreement with Brian White and Eagle Eye Security in the amount of \$306.00 for one armed and one unarmed security guard registration violations.	Accepted
4.	2022-PPS-032 Donald Victor Lawrence United Security Forces LLC 15450 Marker Rd Poway, CA 92064	NCGS 74C-11	Find a violation of NCGS 74C-11. Staff is to continue to monitor security guard registration compliance.	Accepted
5.	2022-PPS-037 Jody Stacy Licenses Number 906236 1071 South Patrick Drive Unit 372204 Satellite Beach , FL 32937-7019	NCGS 74C-12(a)(1) NCGS 74C-8(c)(1) 14B NCAC 16.0111	Find a violation of 14B NCAC 16 .0110(b) and 14B NCAC 16 .0111. Issue a non-disciplinary Letter of Caution to Jody Stacy for failure to report a criminal charge and change of address.	Accepted
6.	2022-PPS-043 Donald Berkley Blackwell Blackwell's Private Investigative Service 933 Holly Meadow Dr Holly Springs, NC 275400000	NCGS 74C-12(a)(9) NCGS 74C-12(a)(25) NCGS 74C-12(d)(4)	Defer to the June 2023 Grievance Committee meeting.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
7.	2022-PPS-059	Megan Lee Snipes Martin Blackhawk Troops Security Company, Inc. 9700 Turning Wheel Drive Charlotte, NC 28214-0038	NCGS 74C-12(a)(31) 14B NCAC 16 .0110(b)	Find a violation of 14B NCAC 16 .0110(b). Issue a non-disciplinary Letter of Caution to Megan Martin for failure to report criminal charges.	Accepted
8.	2022-PPS-061	Timothy Finn Banknote Corporation of America Inc 6109 Corporate Park Dr Browns Summit, NC 272149700	NCGS 74C-13 14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-13 and 14B NCAC 16 .0108(b). Enter into a consent agreement with Timothy Finn and Banknote Corporation of America Inc., in the amount of \$360.00 for two armed security guard registration violations.	Accepted
9.	2022-PPS-062	Christopher Tyler Daye Battle Protection LLC 112 Walnut Forest Lane Morrisville, NC 27560	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue the cease and desist order previously issued to Christopher Daye and Battle Protection LLC. Refer this matter to the Screening Committee should Mr. Daye apply for a license or registration.	Accepted
10.	2022-PPS-063	James Davis Battle Protection LLC 203 N 13th Street Wilmington, NC 28401	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue the cease and desist order previously issued to James Davis and Battle Protection LLC. Refer this matter to the Screening Committee should Mr. Davis apply for a license or registration.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
11.	2022-PPS-064	Jeffrey Lane Norris The Task Group, LLC 1129 Township Pkwy Belmont, NC 28012	NCGS 74C-12(d)(2) NCGS 74C-(d)(3)	Defer to the June 2023 Grievance Committee meeting.	Accepted
12.	2022-PPS-066	Byron Kyle Phillips Dem Boyz Security 3001 Golden Road Apartment 59 Greenville, NC 27858	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue cease and desist order previously issued to Byron Phillips and Dem Boyz Security. Attorney Gray is to file a Complaint for Injunctive Relief against Mr. Phillips. Refer this matter to the Screening Committee should Mr. Phillips apply for a registration or license.	Accepted
13.	2022-PPS-067	William MacRae Lolair Protection Agency, Inc. 5448 Apex Peakway Suite 120 Apex, NC 27502	NCGS 74C-12(a)(1) 14B NCAC 16.0807(e)	Find a violation of 14B NCAC 16 .0807(e). Issue a Letter of Reprimand to William MacRae for failure to conduct required classroom training.	Accepted
14.	2022-PPS-068	Clarence Jones Frontline Security Management LLC 5470 US Highway 301 Halifax , NC 27839	NCGS 74C-2 NCGS 74C-13	Find a violation of NCGS 74C-2 and NCGS 74C-13. Enter into a consent agreement with Mr. Clarence Jones and Frontline Security Management LLC in the amount of \$1,360.00 for 16 months of unlicensed activity. Staff is not to approve Mr. Jones' reinstatement application until the consent payment has been received.	Accepted

Board Meeting Report

Board Date 02/16/2023

	Name Company Address	License	Committee Recommendation	Board Action
1.	Melanie Tatum Allmond Jan-Lee Detective Agency 153 N. Main St. Suite 201 Mooresville, NC 28115	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,400 hours.	Accepted
2.	Robert Lee Barringer Professional Security Consultants 246 N. New Hope Road Gastonia, NC 28054	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
3.	Marvin Blue TridentTrainingTeam 355 lockhaven place raeford, NC 28376	Security Guard And Patrol	Approve Security Guard & Patrol License	Accepted
4.	Virginia Smith Bradshaw Same 203 W Kerr Street SALISBURY, NC 28144	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with no hours.	Accepted
5.	William Buckley Best Crowd Management 800 S. Mint Street Charlotte, NC 28209	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
6.	David Calvin Carothers Stacked Arms Defense, LLC 4720 Bill Cheek Rd Auburn, GA 30011	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
7.	David Calvin Carothers Stacked Arms Defense, LLC 4720 Bill Cheek Rd Auburn, GA 30011	Courier Service	Approve Courier Service License.	Accepted
8.	Elizabeth Cassily Blue Chameleon Investigations 6003 Oak Ridge Ct Matthews, NC 281040000	Private Investigator	Approve Private Investigator License.	Accepted
9.	Craig Michael Conger Covert Investigators 19609 Bustle Road Cornelius, NC 28031	Private Investigator	Approve Private Investigator License.	Accepted
10.	Bridget Hampton Crump EFI global 3101 yorkmont Rd suite 1800 Charlotte, NC 28208	Private Investigator	Approve Private Investigator License.	Accepted
11.	Christopher Cruz Absolute Investigations, LLC 28 22 Harrington Place Waxhaw, NC 28173	Private Investigator	Approve Private Investigator License.	Accepted
12.	Travis Deitz Ethos Risk Services P.O. Box 55246 St Petersburg, FL 33732	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
13.	Tammy Lynnette Endicott-Powell Ms. NEFCO 89 Pickering Road Rochester, NH 03839	Private Investigator	Approve Private Investigator License.	Accepted
14.	REX Byron EURE Jr Private Eyes Inc 740 Greenville Blvd SE Greenville, NC 27858	Private Investigator Associate	Deny Private Investigator Associate License for unfavorable employment history.	Accepted
15.	JOHN JOSEPH FINNEGAN III INTER-CON SECURITY SYSTEMS INC. 1725 DUKE ST. ALEXANDRIA, VA 22314	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
16.	Christopher Matthew Harrell Blueline Investigative Services 829 Woodcott Drive Chesapeake, VA 23322	Private Investigator	Approve Private Investigator License.	Accepted
17.	Jason P Henson J&J Investigations 105 Doe Ridge Dr. Cleveland, NC 27013	Private Investigator	Approve Private Investigator License.	Accepted
18.	Andrew Leo Hiscox New England Fire Cause And Origin 89 pickering road Rochester, NH 03839	Private Investigator	Approve Private Investigator License.	Accepted
19.	Christopher John Holmes C Holmes Investigative Services 9643 Sunset Grove Drive Hunterville, NC 28078	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
20.	George D Hughes Jr EFI Global 3101 Yorkmont Road, Suite 1800 Charlotte, NC 28208	Private Investigator	Approve Private Investigator License.	Accepted
21.	Bryce Amiel Jacobs-Shannon MSA Security 9 Murray Street New York, NY 10007	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
22.	Jean Marc Joseph MARC SECURITY SERVICES LLC 5118 NORTH 56TH STREET TAMPA , FL 33610	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
23.	Kevin Kimbrough Kimbrough Consulting, LLC 4099 Heritage Dr. Granite Falls, NC 28630	Polygraph Examiner	Approve Polygraph Examiner License with the condition that applicant pass performance and written examination.	Accepted
24.	Christopher Todd Letterman The Tennant Group 106 Chestnut Hills Court Hendersonville, NC 28792	Private Investigator	Approve Private Investigator License.	Accepted
25.	Daren Lopez Prosegur Services Group, Inc. 512 Herndon Parkway, Suite A Herndon, VA 20170	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
26.	Ryan Vincent Marcotrigiano Digistream Carolinas Inc. P.O. Box 167, 300 Fayetteville Street Raleigh, NC 27602	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
27.	dana marino Maiolo Investigations 14460 Falls of Neuse Road Raleigh, NC 27614	Private Investigator	Approve Private Investigator License.	Accepted
28.	Holly Grooms McCachren Blazer Investigations, LLC P.O.Box 833 Richfield , NC 28137	Private Investigator	Deny Private Investigator License for lack of verifiable experience.	Accepted
29.	Wesley Lynn Mecimore Richardson & Davis Investigative Consulting Group, LLC P.O. Box 2072 Cornelius, NC 28031	Private Investigator	Approve Private Investigator License.	Accepted
30.	Daniel Grant Moore IGX Security Consultants 1121 Military Cutoff Rd Wilmington , NC 28405	Private Investigator	Approve Private Investigator License.	Accepted
31.	Floyd Danny Odom Jr Odom Investigations PO Box 275 Dana, NC 28724	Private Investigator	Approve Private Investigator License.	Accepted
32.	Garrett Clark Parthum Walton Investigations PO Box 8246 Greensboro, NC 27403	Private Investigator Associate	Approve Private Investigator Associate License Level 3 with 2,500 hours.	Accepted
33.	Colleen Pasley J.P. Investigative Group, Inc 9716-B Rea Road #211 Charlotte, NC 28277	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
34.	Gary Patrick Pastor The North Carolina Protection Group 740 SE Greenville Blvd Greenville, NC 27858	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
35.	Parminder Pawar DigiStream Carolinas, Inc. P.O. Box 167, 300 Fayetteville St Raleigh, NC 27602	Private Investigator	Approve Private Investigator License.	Accepted
36.	Patrione Perry AGB Investigative Services 7545 South Western Ave Chicago, IL 60620	Security Guard And Patrol	Deny Security Guard & Patrol Profession License for discrepancies in application, an unfavorable criminal and employment history.	Accepted
37.	Robert Kendall Peterson All Eyes Investigation Services 3069 Wallburg High Point Road High Point, NC 27265	Private Investigator	Approve Private Investigator License.	Accepted
38.	George Thomas Porter Jr Investigate NC 476 Shotwell Rd Clayton, NC 27520	Private Investigator Associate	Approve Private Investigator Associate License Level 3 with 2,800 hours.	Accepted
39.	Michael Dwayne Randall Safeguard Security Solutions LLC 115 Southgate Blvd McDonough, GA 30253	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
40.	Joseph Richard Blue Eagles of North Carolina 300 Fayetteville Street #965 Raleigh, NC 27602	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with no hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
41.	Derek Rix EPIC Protection Services & Consulting 1628 Union Church RD Lawndale, NC 28092	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with 400 hours.	Accepted
42.	Andrew Frank Romagnuolo Skyland Investigations 176 Oak Terrace Arden, NC 28704	Private Investigator	Approve Private Investigator License.	Accepted
43.	Mcjeffrey Sanders Mr. Coastal Carolina investigations LLC 26 Westminster Dr Jacksonville, NC 28540	Courier Service	Approve Courier Service License.	Accepted
44.	Mcjeffrey Sanders Coastal Carolina investigations LLC 26 Westminster Dr Jacksonville, NC 28540	Private Investigator	Approve Private Investigator License.	Accepted
45.	Daniel Scuderi Daniel Scuderi 1029 Harpers Ridge Ct Wake Forest, NC 27587	Private Investigator	Approve Private Investigator License.	Accepted
46.	Dalton Scott Sigafoose Photofax, Inc. P.O. Box 225 Gilberts, IL 60136	Private Investigator	Approve Private Investigator License.	Accepted
47.	Anthony Sodano Holy Knight LLC 2314 Nw 27th ave Cape Coral , FL 33993	Armored Car	Approve Armored Car Profession License with the condition that Mr. Sodano provides a copy of Certificate of Authority issued by the NC Secretary of State office.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
48.	Anthony Sodano Holy Knight LLC 2314 Nw 27th ave Cape Coral , FL 33993	Private Investigator	Approve Private Investigator License with the condition that Mr. Sodano provides a copy of Certificate of Authority issued by the NC Secretary of State office.	Accepted
49.	Anthony Sodano Holy Knight LLC 2314 Nw 27th ave Cape Coral , FL 33993	Courier Service	Courier Service License with the condition that Mr. Sodano provides a copy of Certificate of Authority issued by the NC Secretary of State office.	Accepted
50.	Anthony Sodano Holy Knight LLC 2314 Nw 27th ave Cape Coral , FL 33993	Security Guard And Patrol	Approve Security Guard & Patrol License with the condition that Mr. Sodano provides a copy of Certificate of Authority issued by the NC Secretary of State office.	Accepted
51.	Olivia Tidwell Barefoot Professional Investigations 1011 E Morehead St Charlotte , NC 28204	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with 800 hours.	Accepted
52.	Dean L Wiley Black Box Security 5397 Ramsey St Fayetteville, NC 28311	Private Investigator	Approve Private Investigator Associate License Level 1 with no hours.	Accepted
53.	Herbert Lee Williams Overwatch Protection Service 418 Tyler Ridge Murphy, NC 28906	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted

PPSB Screening After Report for February 15, 2023

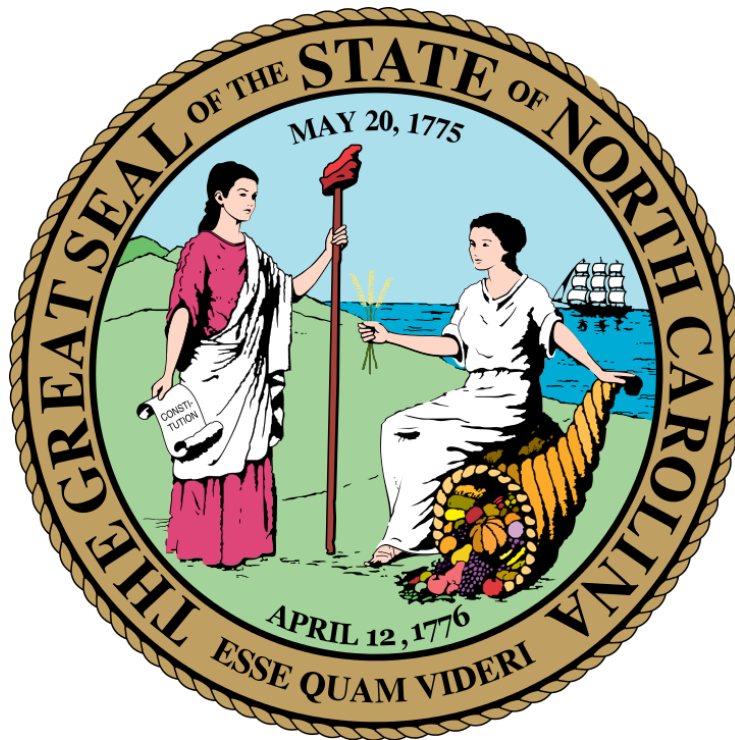
Addendum

Name Company Name Address	Credential	Committee Recommendation	Action
Ronnie Dale Smith RDS Investigations, Inc. Fayetteville, NC	PI License Reinstatement	Approve	Accepted
Paul Foltz Hana Technologies & System, Inc. Wayne, PA	QA for Two Companies	Approve	Accepted
Jeffrey Moore Infoquest Information Services, LLC Clayton, NC	QA for Two Companies	Defer	Accepted
Matthew Fairley GRL Management Group, Inc. Ocean Isle Beach, NC	Armed Registration	Approve	Accepted
Marie Moore Centurion Security Services Corolla, NC	Unarmed Registration	Withdrawn	Accepted
Benjamin Allen Allegiance Security, LLC Columbia, SC	Unarmed Guard Trainer Application	Approve with the condition Mr. Allen complete the Board's Unarmed Guard Trainer Course. Staff is to conduct an audit within one year.	Accepted

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

February 16, 2023

DIRECTOR'S REPORT



Paul Sherwin, Director

DIRECTOR'S REPORT

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- 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 three vacant positions:

- Training Officer/Investigator
- Registration Processor (2) – Recruitment in progress for one position

Shane Kimble started with Private Protective Services as a registration processor on Monday, January 23, 2023. Shane is originally from Fredericksburg, Va., and began his career as a parole officer for the State of Ohio. From 2009 to 2021, Shane worked as a security guard and, later, as a security chief, for the North Carolina Aquarium at Roanoke Island. He relocated to Raleigh in 2021 and most recently worked as a loan compliance technician for the North Carolina State Employees' Credit Union and as a security guard for North Carolina Museum of Art. Shane holds a bachelor's degree in criminal justice from West Liberty University.

OPERATIONS

Registration Unit

- Registration applications received in 2022: 25,857
 - 2021: 24,729
 - 2020: 24,017
 - 2019: 26,273

Licensing Unit

- Licensing applications received in 2022: 1,313
 - 2021: 981
 - 2020: 1,236
 - 2019: 990

Investigations Unit

- License applicant background investigations completed in 2022: 278
 - 2021: 275
 - 2020: 283
 - 2019: 305
- Complaint investigations completed in 2022: 88
 - 2021: 71
 - 2020: 48
 - 2019: 69
- Proactive audit: Investigator Danny Cheatham completed in November 2022 a proactive compliance audit of Sapphire Valley Public Safety, Inc., of Cashiers, NC, for the first

quarter of 2021. He found that the company, under the supervision of qualifying agent Angela Longgood (935705-GP), is in compliance with the Board's laws and rules regarding licensing and employee registration requirements. No violations were found.

Training Unit

- Trainer applications received in 2022: 442
 - 2021: 579
 - 2020: 389
 - 2019: 487

OTHER

Meeting space and hotel rooms have been reserved for the Board's meetings in Wilmington and Asheville in April and October 2023, respectively. The Wilmington meetings will be held at the Aloft Wilmington Coastline Center on April 19 and 20, with room reservations available for the nights of April 18 and 19. The Asheville meetings will be held at the Hilton Garden Inn Asheville Downtown on October 18 and 19, with room reservations available for the nights of October 17 and 18.

LICENSING, REGISTRATION, AND CERTIFICATION SUMMARY

Total active in Permitium: 29,129 (+3.3% from December 2022 meeting)

Registration		
	Armed	4016
	Armed Armored Car	498
	Armed Private Investigator	123
	Armed Private Investigator Associate	17
	Unarmed	20784
	Unarmed Armored Car	23
Registration Total		25461
License		
	Armored Car Profession	75
	Courier Service Profession	79
	Electronic Counter Measures Profession	49
	Electronic Counter Measures Trainee	8
	Guard Dog Service Profession	15
	Polygraph Examiner	29
	Polygraph Trainee Permit	2
	Private Investigator	1895
	Private Investigator Temp Permit	4
	Private Investigator Associate	319
	Private Investigator Associate Temp Permit	2
	Proprietary	91
	Psychological Stress Evaluator	11
	Security guard and Patrol	537
	Special Limited Guard and Patrol	6
License Total		3122
Certification		
	Firearms Trainer	191
	Unarmed Guard Trainer Certification	355
Certification Total		546

Private Protective Services Board Financial Report
Fiscal Year 2022-2023
(July 1, 2022 – January 31, 2023)

PPSB Operating Fund Revenue and Expenditures

FY23 revenue	\$	794,774.06
FY23 expenditures	\$	(851,843.48)
FYTD FUND BALANCE INCREASE/(DECREASE)	\$	(57,069.42)

PPSB Operating Fund Cash Flow

Beginning Cash Balance (July 1, 2022)	\$	1,600,025.98
FY23 revenue	\$	794,774.06
FY23 expenditures	\$	(851,843.48)
FYTD ENDING FUND BALANCE	\$	1,542,956.56

PPSB Education Fund Revenue and Expenditures

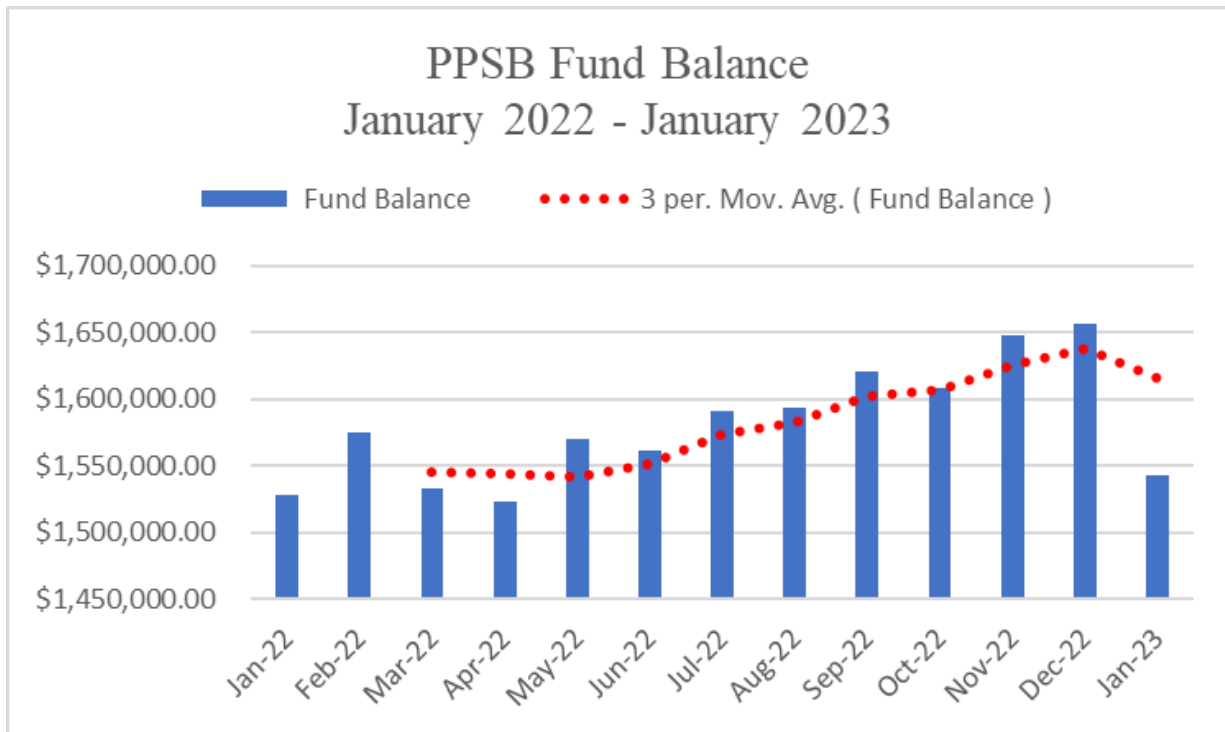
FY23 revenue	\$	7,027.86
FY23 expenditures	\$	(4,800.00)
FYTD EDUCATION FUND BALANCE INCREASE/(DECREASE)	\$	2,227.86

PPSB Education Fund Cash Flow

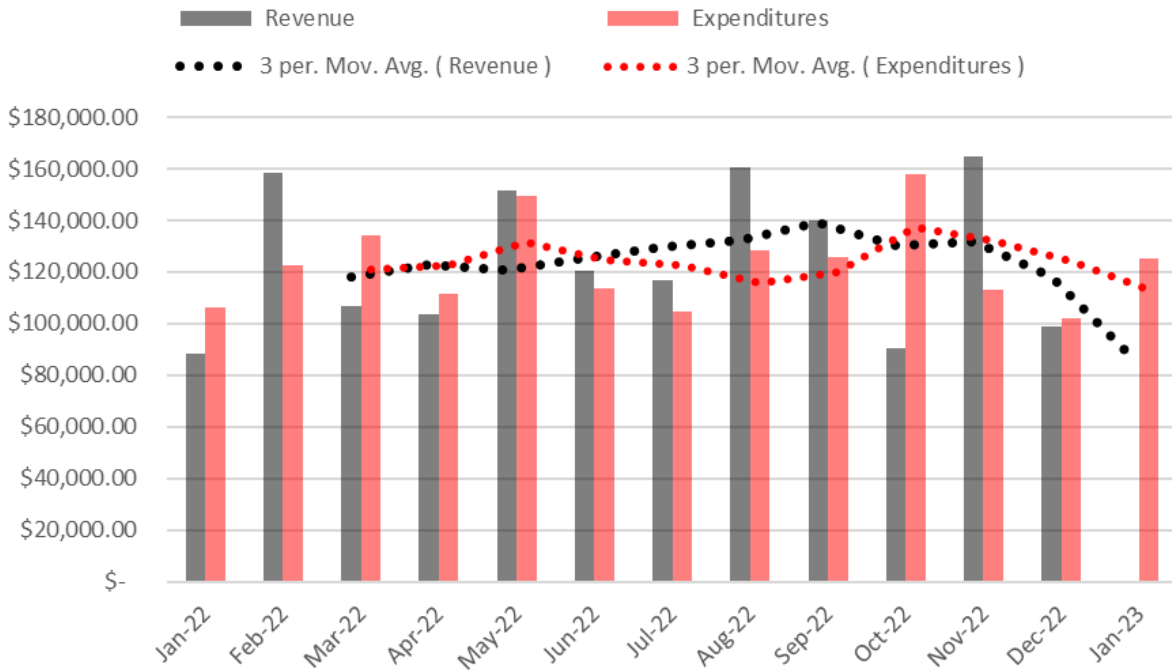
Beginning Cash Balance (July 1, 2022)	\$	129,663.17
FY23 revenue	\$	7,027.86
FY23 expenditures	\$	(4,800.00)
FYTD ENDING FUND BALANCE	\$	131,891.03

Note: Beginning January 1, 2023, Private Protective Services, after consulting with officials from Permitium and the DPS Controller’s Office, began a new Permitium revenue deposit procedure. Previously, revenue collected by Permitium was deposited into the Board’s account on a weekly basis. This meant staff from PPS, Permitium, the Controller’s Office, and the DPS Budget Office were executing and verifying more than 100 deposits (at least 52 for the PPSB and at least 52 for the ASLB) each year. The frequency of deposits, combined with the manual data entry it requires, was found to be error-prone. Therefore, to reduce liklihood of such errors, deposits will occur only once per month. This will cause the Board’s revenue and fund balance to experience greater fluctuations on a month-to-month basis, as depicted in the budget graphics below. Revenue deposits will occur the month following when the revenue is collected. For example, Permitium revenue collected in Januray 2023 will be deposited into the Board’s account no later than Februray 15, 2023.

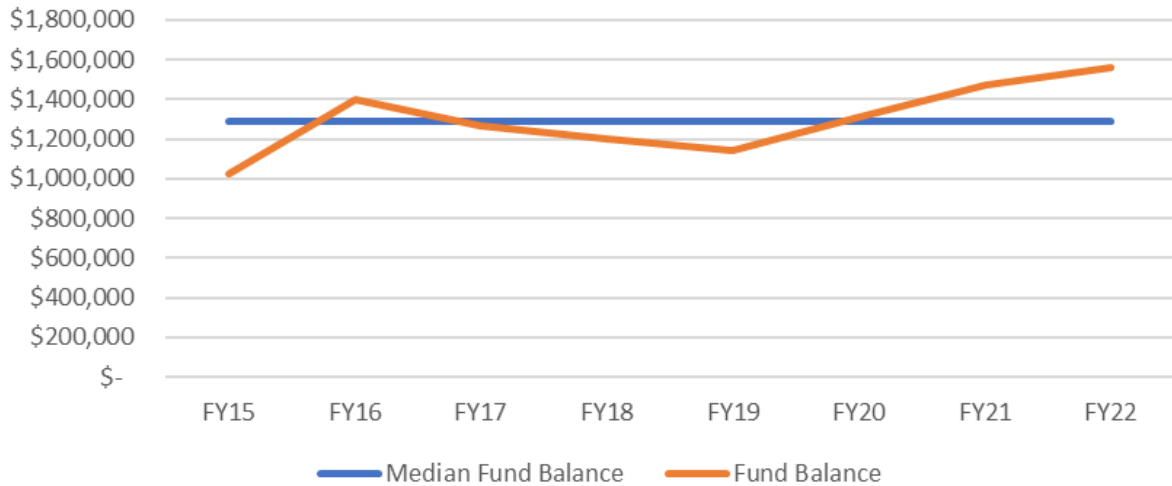
BUDGET GRAPHICS



Monthly PPSB Revenues and Expenditures January 2022 - January 2023



Historical PPSB Fund Balance Fiscal Years 2015-2022



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

February 16, 2023

ATTORNEY'S REPORT



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

February 16, 2023

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On October 20, 2022, Marco Norman/Triangle Protective Services, LLC (Screening) entered into a Consent Agreement with the Board in the amount of \$102.00 for unlicensed branch office. The temporary agreement was signed by QA Marco Norman on October 6, 2022. Payment has not been received.
2. On October 20, 2022, Kennedy Wilson/Maximum Level Security Services entered into a Consent Agreement with the Board in the amount of \$8,075.00 for 95 months of unlicensed activity to be paid in three payments of \$2691.66. The temporary agreement was signed by QA Kennedy Wilson on November 14, 2022. Paid in full.
3. On December 15, 2022, John Brown/Southern Protection Agency entered into a Consent Agreement with the Board in the amount of \$2,570.40 for registration violations. The temporary agreement was signed by QA John Brown on December 15, 2022. Paid in full.
4. On December 15, 2022, Steven Corbin/Task Force Protection entered into a Consent Agreement with the Board in the amount of \$367.20 for registration violations. The temporary agreement was signed by QA Steven Corbin on February 2, 2023. Paid in full.
5. On December 15, 2022, Errol Alexis Green/Weiser Security, Inc. entered into a Consent Agreement with the Board in the amount of \$4,896.00 for registration violations. The temporary agreement was signed by QA Errol Green on November 3, 2022. Paid in full.
6. On December 15, 2022, Julien Duncan/Sterling Services Enterprise, Inc. entered into a Consent Agreement with the Board in the amount of \$1,468.80 for registration violations. The temporary agreement was signed by QA Julien Duncan on December 13, 2022. Paid in full.
7. On December 15, 2022, Troy Trudeau/WTSA Security LLC entered into a Consent Agreement with the Board in the amount of \$6,296.80 for registration violations. The temporary agreement was signed by QA Robin Leckey, President/CEO Troy Trudeau, Julie Trudea and Chris Giles on November 2, 2022. Paid in full.
8. On December 15, 2022, John Callicutt/GRL Management Group, Inc. entered into a Consent Agreement with the Board in the amount of \$146.88 for one self-reported armed registration violation. The Consent Agreement was signed by QA John Callicutt on December 5, 2022. Paid in full.

II. OFFICE OF ADMINISTRATIVE HEARINGS

See, Hearings List (Attachment 1).

III. ADMINISTRATIVE RULES

a. At its February 2022 meeting, and based on a recommendation of the Training and Education Committee, the Board voted to amend 14B NCAC 16 .0806, .0904 and .0911 to extend by 30 days (i.e. from 60 to 90 days) the renewal deadlines for firearm registration permits and firearm trainer certificates during the time of a declared state of emergency. This extension (i.e. 60 days) was first adopted as emergency, then temporary and finally permanent rule amendments and were effective January 1, 2022. These rule amendments now afford the same extension (90 days) for an unarmed trainer certificate in new .0911(d).

The Notice of Text was filed February 25, 2022. The Public Hearing was Tuesday, April 26, 2022 at 2:00 p.m. at the Board's office and the Public Comment Period expired May 31, 2022. There were no comments oral or written.

The Board voted to approve the amendments to 14B NCAC 16 .0806, .0904 and .0911 at its June 16th meeting. The Submission for Permanent Rule forms were filed August 10, 2022. After responding to the Rules Review Commission's Staff Attorney's questions and Requests for Technical Changes, these rule amendments were considered by the Commission at its September 15th meeting and approved. A copy was attached to my December 15, 2022 Attorney's Report.

b. At its April 21, 2022 meeting the Board voted to clarify that the 90 day restriction in 14B NCAC 16 .0807(e) for training prior to registration only applies to the initial training. Also, the words "private detective" were removed from the definition of "Armed Security Guard" in 14B NCAC 16 .0103.

The Notice of Text was filed June 1, 2022. The Public Hearing was held Tuesday, July 19, 2022 at 2:00 p.m. at the Board's office. The Public Comment Period expired August 30, 2022. There were no comments, written or oral. A copy of these rule amendments was attached to my October 20th Attorney's Report and the Board voted to approve these rule amendments at that meeting.

The submission for Permanent Rule forms were filed October 28th and I responded to the Rules Review Commission's Staff Attorney's questions and Requests for Technical Changes on December 7th. These amendments were considered by the Commission on December 15, 2022 and approved. A copy is attached as Attachment 2.

c. Recently, Director Sherwin had an issue arise wherein a licensed Security Guard and Patrol business's corporate status had been dissolved. By operation of law this meant it no longer existed as a legal entity. After scouring the Board's law

and administrative rules he and I concluded the Board lacked the authority to take action.

Therefore, on behalf of staff, I proposed an amendment to 14B NCAC 16.0205, a new subsection, (g), to the Law & Rules Committee at its December 2022 meeting. The Committee's recommendation was reflected in its report and the Board voted to approve this amendment.

I also used this opportunity to make a conforming change to the definition of "Associate Log" in 14B NCAC 16.1101(4) to conform with the change adopted in the Digital Forensic Examiner trainee rule as to who is responsible for maintaining the trainee's log.

The Notice of Text was filed January 10, 2023. The Public Hearing is scheduled for Tuesday, February 21, 2023 at 2:00 p.m. at the Board's office. The Public Comment Period expires April 3, 2023.

d. Two subcommittees of the Law & Rules Committee worked diligently to craft new rules, and amend existing rules, to implement the new Close Personal Protection and Digital Forensic Examiner licenses. These administrative rules -- new Sections .1500, .1600 & .1700 -- and conforming amendments to .0201, .0403 & .0807 -- were considered at the December 2022 Law & Rules Committee meeting at its recommendation was reported to the full Board at its December 15, 2022 meeting and approved.

In order to implement the application process as soon as possible these new rules and rule amendments were filed as Temporary Rules, which hastened the usual rulemaking process. (The authority to do so is found in N.C. Gen. Stat. § 150B-21.1(a)(2), "[t]he effective date of a recent act of the General Assembly..." which was October 1, 2022 for the majority of SB 424's provisions, and January 1, 2023 for the PI/PIA "grandfathering" provision for the CPP license.) The temporary rulemaking process still required a Public Hearing and a Public Comment Period, which expired January 31, 2023. One comment was received and needs to be considered. Once done, a vote to approve these new rules and rule amendments is in order for today.

A copy of these new and amended rules is attached as Attachment 3. Once approved as Temporary Rules, the Board must immediately commence the permanent rulemaking process.

IV. LITIGATION

None pending.

V. LEGISLATION

House Bill 47, "School Protection Act," amends N. C. Gen. Stat. § 14-269.2(g), entitled "Weapons on campus or other educational property," to allow armed security guards registered under Chapter 74C to discharge the guard's

official duties on the grounds of private church schools and qualified nonpublic schools.

It also unnecessarily amends N. C. Gen. Stat. § 74C-3(a)(6) by creating a new "f." to define these guards.

It has been referred to the House Committee on Education K-12.

A copy is attached as Attachment 4.

VI. FINAL AGENCY DECISIONS

None.

1.

PPSB
MASTER HEARINGS LIST
as of January 6, 2023

OAH HEARING DATE	PETITIONER	TYPE OF APPLICATION	FAD STATUS OR HEARING DATE
January 27, 2022	David Bradford Russell 21 DOJ 04652	Denial of Proprietary Security Organization application	August 18, 2022.
January 27, 2022	Michael Abram Craddock 21 DOJ 05086	Summary Suspension of Armed Guard Registration.	FAD served May 2, 2022.
January 27, 2022	William Christopher Giles 21 DOJ 05206	Summary Suspension of Security Guard and Patrol license and Armed Guard Registration	FAD served May 2, 2022.
February 22, 2022	Jameere Dashun Samuel Ollison 21 DOJ 05506	Summary Suspension of Armed and Unarmed Guard Registration	Registrations expired December 31, 2021; no renewal; hearing withdrawn March 9, 2022.
February 22, 2022	Roderick Duane Daniels 21 DOJ 05507	Summary Suspension of Armed Guard Registration and Armed Armored Car Guard Registration	Heard at February 15, 2022 Grievance Committee meeting and February 17, 2022 Board meeting; summary suspension upheld; hearing withdrawn February 22, 2022.
March 29, 2022	Sharron Monique Patillo 22 DOJ 00417	Summary Suspension of Armed Guard Registration	Terminated by employer; hearing withdrawn April 8, 2022.
March 29, 2022	Terry Wayne Sutherland 22 DOJ 00070	Denial of Private Investigator License	August 18, 2022.
April 26, 2022	Donquavius Averon Boyd 21 DOJ 05505	Summary Suspension of Armed Armored Car Service Registration	Terminated by employer; hearing withdrawn April 8, 2022.
April 26, 2022	Adam Robert Trantum 22 DOJ 00805	12 month Revocation of (2 licenses, 3 certifications & 2 registrations.)	August 18, 2022.
May 24, 2022	Phillip David Holiday 22 DOJ 00908	Summary Suspension of Armed Proprietary Guard Registration	Charges dismissed; summary suspension rescinded June 14, 2022; hearing withdrawn June 16, 2022.
May 24, 2022	Franklin Jones, Jr. 22 DOJ 00909	Summary Suspension of Armed Proprietary Guard Registration	Charges dismissed; summary suspension rescinded June 14, 2022; hearing withdrawn June 16, 2022.

**PPSB
MASTER HEARINGS LIST
as of January 6, 2023**

June 28, 2022	Michael Andrew McCall 22 DOJ 01699	Summary Suspension of Unarmed Guard Registration	Charges dismissed; summary suspension rescinded June 2, 2022; hearing withdrawn June 2, 2022.
June 28, 2022	Micah Xavier Riley 22 DOJ 01700	Summary Suspension of Armed Guard Registration	Terminated by employer; hearing withdrawn June 7, 2022.
July 26, 2022	Kamaljeet Singh Johar 22 DOJ 02390	Summary Suspension of Armed Guard Registration	Charges dismissed; summary suspension rescinded July 13, 2022; hearing withdrawn July 14, 2022.
January 24, 2023	John Thomas Doss 22 DOJ 03644	Summary Suspension of Unarmed Guard Registration	Charges dismissed; summary suspension dismissed and case closed (by ALJ) February 2, 2023.
October 25, 2022	Rakeem Noel Michel 22 DOJ 03701	Denial of Unarmed Security Guard Registration	December 15, 2022.
January 24, 2023	Christopher Faulk, Jr. 22 DOJ 04316	Summary Suspension of Armed Guard Registration	Charges dismissed; summary suspension rescinded January 31, 2023; case closed by ALJ February 2, 2023.
January 24, 2023	Juston Montae Fulmore 22 DOJ 04317	Summary Suspension of Unarmed Guard Registration	Charges dismissed; summary suspension rescinded December 9, 2022; hearing withdrawn December 20, 2022.

2.

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 Security Guard" 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; or
 - (iii) 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 based upon the trainee's level of experience.
- (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 that employs watchmen, security guards or "officers," patrol personnel, or couriers in connection with the business affairs of the 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.
- (16) "Restored" means that an individual is no longer in need of psychiatric care as determined by a physician.
- (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.

*History Note: Authority G.S. 74C-3; 74C-5; 74C-8;
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;*

Amended Eff. January 1, 2023; March 1, 2022.

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a five-hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office, once in three consecutive attempts. Should a student fail to attain a score of 80 percent accuracy, the student may be given a second opportunity to qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student to repeat the entire basic training course for armed security guards. All attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.

(e) All initial armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training for armed security guards.

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in Paragraph (c) of this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a firearms registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) An armed security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the security guard fails to qualify on any course of fire, the security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the security guard that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

(s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course. However, nothing herein shall extend the period of time the qualification is valid.

*History Note: Authority G.S. 74C-5; 74C-9; 74C-13;
Eff. June 1, 1984;
Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;
Temporary Amendment Eff. January 14, 2002;
Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;
Amended Eff. January 1, 2018; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. January 1, 2023; February 1, 2022.*

3.

Note from the Codifier: The OAH website includes notices and the text of proposed temporary rules as required by G.S. 150B-21.1(a1). Prior to the agency adopting the temporary rule, the agency must hold a public hearing no less than five days after the rule and notice have been published and must accept comments for at least 15 business days.
For questions, you may contact the Office of Administrative Hearings at 984-236-1850 or email oah.postmaster@oah.nc.gov.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.1(a3) that the Private Protective Services Board intends to adopt the rules cited as 14B NCAC 16 .1501-.1504, .1601, .1701-.1709 and amend the rules cited as 14B NCAC 16 .0201, .0403, and .0807.

Codifier of Rules received for publication the following notice and proposed temporary rule(s) on: December 19, 2022.

Public Hearing:

Date: January 10, 2023

Time: 2:00 p.m.

Location: 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

Reason for Proposed Temporary Action:

Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitated the creation of three new Sections of Chapter 16 (Section .1500, Section .1600 and Section .1700) and conforming changes to three existing rules (.0201, .0403 and .0807.) These portions of S.L. 2022-66 were effective October 1, 2022.

(Note: The version of 14B NCAC 16 .0807 noticed was approved by RRC December 15, 2022 and effective January 1, 2023.)

Comment Procedures: *Comments from the public shall be directed to: Paul Sherwin, 3101 Industrial Dr., Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov. The comment period begins January 9, 2023 and ends January 31, 2023.*

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0201 APPLICATION FOR LICENSE AND TRAINEE PERMITS

(a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the Board. The online application shall be accompanied by:

- (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to the Board's office;
- (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (3) upload online a statement of the results of a statewide criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 60 months;
- (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (5) the actual cost charged to the Private Protective Services Board by the State Bureau of

Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;

- (6) an Equifax credit check run within 30 days of the license application submission date, which will be submitted to the Board's investigator during the application process; and
- (7) five letters attesting to the good character and reputation of the applicant using the online character letter submission process.

(b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online application process.

(c) Private investigator and digital forensics examination trainees applying for a license shall make available for inspection a log of experience on a form provided by the Board.

(d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other proof.

(e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee, the Director, or another Board representative designated by the Director prior to being issued a license. The applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a national or

State declared state of emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the applicant in favor of alternative means of communication.

Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12.

SECTION .0400 - PRIVATE INVESTIGATOR: ELECTRONIC COUNTERMEASURES

14B NCAC 16 .0403 TRAINEE PERMIT REQUIREMENTS

- (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a trainee permit in private ~~investigation or countermeasures~~ investigation, electronic countermeasures, or digital forensics examination shall be directly supervised by a licensee approved by the Board and that supervisor shall be responsible for the training and ~~investigations~~ other professional activities of the trainee.
- (b) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter.
- (c) Private ~~investigator~~ investigator, electronic countermeasures, or digital forensics examination trainees shall maintain a log on a form provided by the Board on its website as evidence of experience. This log must be available for inspection when applying for a license.
- (d) Any request for renewal of a trainee permit or for issuance of a license shall be accompanied by an evaluation report of the trainee's performance on a form provided by the Board on its website and submitted by the trainee's supervisor.

Authority G.S. 74C-2; 74C-5.

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED LICENSEES AND REGISTRANTS

- (a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.
- (b) Private ~~investigator~~ investigator, close personal protection, or any other licensee applying for an armed ~~security guard firearm registration~~ permit shall first complete a ~~five-hour~~ training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.
- (c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:
- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
 - (2) handgun safety, including range firing procedures (minimum of one hour);
 - (3) handgun operation and maintenance (minimum of three hours);
 - (4) handgun fundamentals (minimum of eight hours); and
 - (5) night firing (minimum of four hours).
- Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed prior to the applicant's participation in range firing.
- (d) Applicants for either an armed licensee permit or an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office, once in three consecutive attempts. Should a student fail to attain a score of 80 percent accuracy, the student may be given a second opportunity to qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student to repeat the entire basic training course for armed security guards. All attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.
- (e) All initial ~~armed security guard~~ training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of ~~issuance of~~ application for the licensee permit or armed security guard firearm registration permit.
- (f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all ~~weapons.~~ firearms.
- (g) No more than six new or renewal licensee permit or armed security guard applicants per one instructor shall be placed on the firing line at any one time during ~~firearms range training for armed security guards.~~ training.
- (h) Applicants for re-certification of a licensee permit or an armed security guard firearm registration permit shall complete a the basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. Subparagraphs (c)(2), operation under Subparagraph (c)(3), and Subparagraphs (c)(4) and (5) of this Rule shall be reviewed prior to range firing and maintenance under Subparagraph (c)(3) may be reviewed after range firing. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of a licensee permit or an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.
- (i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm.

If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

- (1) legal limitations on the use of shotgun (minimum of one hour);
- (2) shotgun safety, including range firing procedures (minimum of one hour);
- (3) shotgun operation and maintenance (minimum of one hour);
- (4) shotgun fundamentals (minimum of two hours); and
- (5) night firing (minimum of one hour).

Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(k) An armed security guard applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours);
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be completed prior to the applicant's participation in range firing.

(n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed within three attempts.

(o) An applicant may take the additional rifle training at a time after the initial training in Subsection (c) of this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a rifle range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

(q) Upon written request, an applicant for a licensee permit or an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a firearms licensee permit or registration permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d) of this Rule.

(r) An armed licensee or security guard is required to qualify annually both for day and night firing with his or her duty handgun, shotgun, and rifle, if applicable. If the licensee or security guard fails to qualify on any course of fire, licensee or the security guard shall not carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm instructor shall notify the licensee or security guard that he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

(s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course. However, nothing herein shall extend the period of time the qualification is valid.

Authority G.S. 74C-5; 74C-9; 74C-13.

SECTION .1500 – CLOSE PERSONAL PROTECTION

14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR A CLOSE PERSONAL PROTECTION LICENSE

(a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a close personal protection license shall:

- (1) establish to the Board's satisfaction three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association, or corporation within the last 10 years;
- (2) establish to the Board's satisfaction three years of verifiable experience while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) with any federal, state, county or municipal law enforcement agency, or other governmental agency within the last 10 years;

- (3) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces while conducting close personal protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; or
- (4) have completed a course in close personal protection approved by the Board given by a school specializing in close personal protection (or "executive protection") that consists of a minimum of 40 hours of actual classroom and practical instruction within the last 2 years.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a close personal protection license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- (2) the spouse has two years verifiable experience within the past five years while conducting close personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with any entity described in Paragraph (a) of this Rule.

Authority G.S. 74C-5(2); 93B-15.1.

14B NCAC 16 .1502 TRAINING REQUIREMENTS FOR CLOSE PERSONAL PROTECTION LICENSE

(a) Applicants for a close personal protection license who do not have the experience set forth in Rule .1501(a)(1) through (3) or (b)(1) and (2) shall complete a basic close personal protection (or "executive protection") training course approved by the Board within the previous 24 months. The course shall consist of a minimum of 40 hours of classroom and practical instruction including:

- (1) Fundamentals of personal protection, including mission planning, performing site surveys, route selection (primary, secondary, etc.), medical evacuation, walking formations (single, multiple, etc.), communications with protectees, and transitional movements (arrivals, departures, plan changes, hasty movements, etc.) – (minimum of 26 hours);
- (2) Practical exercises – (minimum of 12 hours); and
- (3) Legal Issues, including the Rules set forth in 14B NCAC 16 .1500, G.S. 74C-13 and 14B NCAC 16 .0807, North Carolina's laws on use of force, and the federal and State firearms law– (minimum of 2 hours).

(b) In addition to the minimum classroom and practical instruction required by subsection (a) of this Rule, the applicant must hold a basic first aid certificate from the American Red Cross and CPR and AED certification from the American Heart Association.

(c) Subparagraph (a)(3) of this Rule may be conducted remotely as provided for by 14B NCAC 16 .0707(c).

Authority G.S. 74C-5.

14B NCAC 16 .1503 INVESTIGATIONS DIRECTLY RELATED TO PROVISION OF SERVICES

A close personal protection licensee may engage in activities otherwise defined by G.S. 74C-3(a)(8) as an investigation which are directly related to the provision of services including but not limited to advance planning, intelligence, and risk assessment.

Authority G.S. 74C-5.

14B NCAC 16 .1504 DISTINGUISHING SECURITY SERVICES

(a) Prior to providing any service to a client, a close personal protection licensee shall enter into a written contract or agreement that lists by name the individual person or persons for whom service is to be provided, the specific function that constitutes the service, and the duration of the service.

(b) A close personal protection license does not entitle the licensee to provide services defined by G.S. 74C-3(a)(6) to any person or persons not listed in the contract or agreement.

Authority G.S. 74C-5.

SECTION .1600 – DIGITAL FORENSICS EXAMINER (D.F.E.)

14B NCAC 16 .1601 EXPERIENCE REQUIREMENTS FOR A DIGITAL FORENSICS EXAMINER LICENSE

(a) In addition to the requirements of Section .0200 of this Chapter, applicants for a Digital Forensic Examiner (D.F.E.) license shall:

- (1) establish to the Board's satisfaction three years of verifiable experience within the past five years conducting digital forensic examinations as defined by G.S. 74C-3(a)(5a) individually, or with any private company or federal, state, county or municipal agency;
- (2) hold a North Carolina private investigator license, or private investigator license from a state reciprocal with North Carolina, and have completed a course of instruction consisting of not less than 40 hours of live classroom and practical instruction in digital forensics and obtained certification from a certifying entity approved by the Board within the previous two years;
- (3) establish to the Board's satisfaction that the applicant has been qualified as an expert witness in an area of digital forensics in a court of law using the standard set forth by the United States Supreme Court in Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), and its progeny cases, within the previous three years; or
- (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience conducting digital forensics examinations within the past five years in the U.S. Armed Forces.

(b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a D.F.E. license that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
 - (2) the spouse has two years of verifiable experience conducting digital forensics examinations within the past five years.
- (c) The Board shall give credit toward the experience requirements set forth in Paragraphs (a) and (b) of this Rule as follows:
- (1) An applicant shall receive 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the associate's degree.
 - (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.
 - (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.

Authority G.S. 74C-5; 93B-15.1.

SECTION .1700 – TRAINING AND SUPERVISION FOR DIGITAL FORENSICS EXAMINER (D.F.E.)

14B NCAC 16 .1701 DEFINITIONS

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

- (1) "Digital Forensics Examiner Associate" refers to an individual training to become a digital forensics examiner licensee. A Digital Forensics Examiner Associate may also be referred to as a "trainee" in these Rules. A Digital Forensics Examiner Associate must complete three training levels as set out in this Section.
- (2) "One-on-one Supervision" means person-to-person contact whereby the licensee is personally and directly supervising or training the Associate. The training licensee must be the sponsoring digital forensics examiner licensee. The Digital Forensics Examiner Associate may not subcontract his or her employment to another licensee. However, the sponsoring digital forensics examiner licensee may subcontract the Digital Forensics Examiner Associate if the sponsor obtains prior written approval from the Board's Director by showing that the Digital Forensics Examiner Associate will receive an educational benefit from the subcontract employment and the Associate will receive one-on-one supervision from another licensee.
- (3) "Training Checklist" refers to the document(s) that shall state all areas of training and work that the Associate has performed. The supervising licensee is responsible for maintaining the training checklist and providing a copy of the checklist to the Associate. The Training Checklist must reflect the date the Associate advances from one level to another. The training checklist must be signed by the Associate and the sponsoring licensee at the end of each reporting period. In the event the Associate transfers employment to another licensee, the Associate must provide the new supervising licensee with the training checklist and the new sponsoring licensee will then be responsible for the maintenance of the checklist. The Training Checklist must be updated on a quarterly basis for Level One Associates and on a yearly basis for Level Two and Level Three Associates. The training checklist must be maintained pursuant to Rule .0108 of this Chapter. When an Associate completes Level Three, the Training Checklist must be made a part of the Associate's application for a digital forensics examiner license. The Board shall have immediate access to the training checklist.
- (4) "Associate Log" refers to the document(s) maintained by the Associate which shall list each case the Associate has worked, the number of hours spent on the case, and the type of work performed. Details of the one-on-one training must be documented within the Associate's log.

Authority G.S. 74C-2(c); 74C-5(2).

14B NCAC 16 .1702 TRAINING AND SUPERVISION REQUIRED IN LEVEL ONE

- (a) If upon sponsorship, the Associate has less than one year or 1,000 hours of verifiable training or experience, the Associate shall undergo 160 hours of one-on-one supervision training.
- (b) The first 40 hours of employment shall be one-on-one supervision. The remaining 120 hours of one-on-one supervision shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.
- (c) A Level One Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face, telephone or virtual contact with the sponsor before accepting employment or before accepting a new case.
- (d) The sponsor shall meet with the Level One Associate to review the Associate's activities. The sponsor licensee's review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The licensee shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

Authority G.S. 74C-5(2).

14B NCAC 16 .1703 TRAINING AND SUPERVISION REQUIRED IN LEVEL TWO

- (a) If upon initial application for an Associate permit, the applicant has at least one year or 1,000 hours of verifiable training or experience, the applicant will skip Level One and be classified as a Level Two Digital Forensics Examiner Associate. An applicant that skips Level One shall undergo 80 hours of one-on-one training. The first 40 hours of one-on-one supervision shall occur within the first

40 hours of employment. The remaining 40 hours shall be gathered over the first year of employment or the first 1,000 hours of work, whichever comes first.

(b) A Level Two Associate cannot, independently of the sponsor, accept or contract employment. The Associate shall have direct face-to-face, virtual, or telephone contact with the sponsor.

(c) The sponsor shall meet with the Level Two Associate to review the Associate's work product. The licensee's review may be by telephone, virtually, or face-to-face and shall occur at least four times per month. The licensee shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

Authority G.S. 74C-5(2).

14B NCAC 16 .1704 TRAINING AND SUPERVISION REQUIRED IN LEVEL THREE

(a) If upon sponsorship the Associate has at least two years or 2,000 hours of verifiable training or experience, the Associate will be classified as a Level Three Associate and shall undergo 40 hours of one-on-one training.

(b) The first 40 hours of employment for the Level Three Digital Forensics Examiner Associate shall be one-on-one supervision.

(c) When the Level Three Associate completes the requirements of Level Three by fulfilling the licensing requirements set forth in Rules .0204 and .0401 of this Chapter, the Associate may apply for digital forensics examiner license.

(d) The sponsor shall meet with the Level Three Associate to review the Associate's activities. The sponsor licensee shall review each assignment the Associate is working or has worked since the last review. Review sessions may encompass more than one assignment.

(e) The sponsoring licensee shall have contact with the Level Three Associate sufficient to ensure compliance with G.S. Chapter 74C.

Authority G.S. 74C-5(2).

14B NCAC 16 .1705 EDUCATIONAL DEGREES AND NON-DEGREED TRAINING

(a) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the associate's degree.

(b) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the bachelor's degree.

(c) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to digital forensics examination was received while obtaining the graduate degree.

Authority G.S. 74C-5(2).

14B NCAC 16 .1706 CONSIDERATION OF EXPERIENCE

(a) The Board shall consider any practical experience gained prior to the application date. The Board shall not consider experience claimed by the applicant if the experience was gained after December 1, 2022:

(1) by contracting private protective services to another person, firm, association, or corporation while not in possession of a valid private protective services license; or

(2) when employed by a company contracting private protective services to another person, firm, association, or corporation while the company is not in possession of a valid private protective services license.

(b) The Board shall consider any educational experience referred to in Rule .1705 of this Section.

Authority G.S. 74C-5(2).

14B NCAC 16 .1707 ENFORCEMENT

A violation by the Associate may be deemed by the Board to be a violation of the sponsor if the violation is found to be the result of insufficient supervision and may subject the sponsor to any enforcement actions pursuant to G.S. 74C-17.

Authority G.S. 74C-2(c); 74C-5(2); 74C-12.

14B NCAC 16 .1708 TRANSFERABILITY OF TRAINING HOURS

If a Level One Associate transfers employment to another digital forensics examiner licensee, the one-on-one training shall not transfer and the Associate shall undergo new one-on-one supervised training hours with the new sponsoring licensee. If a Level Two or Level Three Associate transfers employment to another licensee, all training hours shall be transferred.

Authority G.S. 74C-5(2).

14B NCAC 16 .1709 PROBATIONARY EMPLOYEES

(a) A digital forensics examiner licensee may employ a potential examiner as a probationary employee for 60 consecutive calendar days. The Director, upon written request, may extend the probationary period by 30 additional days. Upon completion of the probationary period and the desire of the licensee to hire the probationary employee the employee shall apply pursuant to this Section.

(b) Before a probationary employee engages in digital forensic examination, the employee shall complete any training requirements required by this Section, and the licensee shall conduct a criminal record check on the employee.

(c) Within five business days of hiring the licensee shall submit to the Director the name, address, social security number, and date of employment of the probationary employee.

Authority G.S. 74C-5(2).

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 47
Feb 2, 2023
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30026-NH-3

Short Title: School Protection Act. (Public)

Sponsors: Representative Johnson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW SECURITY GUARDS TO CARRY FIREARMS ON NONPUBLIC
EDUCATIONAL PROPERTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74C-3(a)(6) reads as rewritten:

"(6) Security guard and patrol profession. – Any person, firm, association, or corporation that provides a security guard on a contractual basis for another person, firm, association, or corporation to another for a fee or other valuable consideration and performs one or more of the following functions:

...

f. Prevention, observation, or detection of intrusion, entry, larceny, abuse, fire, trespass, or physical threat on educational property that is owned, used, or operated by a school that operates under Part I or II of Article 39 of Chapter 115C of the General Statutes."

SECTION 2. G.S. 14-269.2(g) is amended by adding a new subdivision to read:

"(8) A person registered under Chapter 74C of the General Statutes as an armed security guard for a nonpublic school that operates under Part I or II of Article 39 of Chapter 115C of the General Statutes, when acting in the discharge of the guard's official duties on the premises of that school."

SECTION 3. This act becomes effective December 1, 2023. Section 1 of this act applies to licenses granted or renewed on or after that date. Section 2 of this act applies to offenses committed on or after that date.

