



North Carolina Department of Public Safety

Private Protective Services Board

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

R. Steven Johnson, Vice-chair
Paul Sherwin, Director

MEETING MINUTES OF THE NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

DATE: June 22, 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	Ron Burris
Assata Buffalo*	Tamara Rabenold
Kim Heffney	Steven Johnson
Suzanne Creech	Jerry Pitman
Andy Renfrow	Richard Epley
Sam Russell	Stacy Buff

STAFF PRESENT

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

MEMBERS ABSENT

David Stephens

VISITORS PRESENT

Charles Cobb, Jr.	*Gary Pastor
Peter Leyden	*Greg Pickrell
Leroy Everhart	*Jaymes Holden
Matthew Tallarino	*Jennifer Turlington
Gregory Bentley	*Julie Turner
William MacRae	*Mark Edmonds
Dorian Dehnel	*Michael Bineham
*Angela Poole	*Shaun Marso
*David Pennell	*William Sconiers
*Elizabeth Leitzbach	*Winstead, Jerry S.
*Greg Hatten	*Chuck Lynch
*Gabriel Stevens	*Stephen Brown

*v: virtual

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Vice-chair Steve Johnson called the June 22, 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 APRIL 20, 2023 BOARD MEETING MINUTES

STACY BUFF MADE A MOTION TO ACCEPT THE APRIL 20, 2023, BOARD MEETING MINUTES WITH THE CORRECTION TO ADD RICHARD EPLEY AS HAVING ATTENDED THE MEETING. ANDY RENFROW SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

GRIEVANCE COMMITTEE REPORT

The Grievance Committee, consisting of Ron Burris, Jerry Pitman, Suzanne Creech, Steve Johnson, Assata Buffaloe and Tamara Rabenold met on June 20, 2023, from 9:00 A.M. to 2:05 P.M. and heard a total of 22 cases. Committee Chair Ron Burris presented the Committee report.

STACY BUFF MADE A MOTION TO ACCEPT THE GRIEVANCE COMMITTEE'S RECOMMENDATIONS. KIM HEFFNEY SECONDED THE MOTION. MOTION CARRIED NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL GRIEVANCE COMMITTEE REPORT

SCREENING COMMITTEE REPORT

The Screening Committee, consisting of Stacy Buff, Debra Duncan, Richard Epley, Kim Heffney, and Sam Russell met on June 21, 2023, from 9:00 A.M. to 11:53 A.M. and reviewed a total of 61 license applications and two addendums. Stacy Buff presented the Committee report.

RICHARD EPLEY MADE A MOTION TO ACCEPT THE COMMITTEE'S RECOMMENDATIONS FOR ALL APPLICATIONS WITH THE EXCEPTION OF MARK EDMONDS AND SALLY PLEASANT. SUZANNE CREECH SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

KIM HEFFNEY MADE A MOTION TO APPROVE MARK EDMONDS. TAMARA RABENOLD RECUSED HERSELF. SUZANNE CREECH SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

KIM HEFFNEY MADE A MOTION TO APPROVE SALLY PLEASANT. RON BURRIS RECUSED HIMSELF. SUZANNE CREECH SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL SCREENING COMMITTEE REPORT

LAWS AND RULES COMMITTEE REPORT

Steve Johnson presented the Law and Rules Committee report. Steve Johnson, Debra Duncan, Kim Heffney, Jerry Pitman and Tamara Rabenold met on June 21, 2023, from 2:00 P.M. to 3:35 P.M

Steve Johnson reported that the Laws and Rules Committee discussed several topics.

The first topic of discussion was the denial process based on the criminal history as it relates to new registration application. Director Sherwin stated that he conducted research on new PPS and ASL registration applications and his conclusion is that 88% of all applications are approved, 6% are denied for correctable reasons, and 3% are denied for criminal history. He recommended no change to the Board's current procedure for evaluating applicants' criminal history.

RICHARD EPLEY MADE A MOTION NOT TO CHANGE THE CURRENT DENIAL REGISTRATION PROCESS BASED ON CRIMINAL HISTORY. ANDY RENFROW SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

The second topic of discussion was Close Person Protection (CPP) rules. One of the requirements in the rules is that an individual who wishes to obtain a CPP license must complete a 2-hour legal issues course, specific to North Carolina. However, it does not address how individuals who have received CPP training outside the state of North Carolina can fulfill this requirement. The committee recommended that if a person has completed the 2-hour unarmed security guard course legal block or the 4-hour armed security guard course legal block, it will meet the requirements for the CPP license. Additionally, the Board will create a CPP-specific 2-hour legal block course which will be accessible online once it is developed. The Committee asked Attorney Gray to draft a rule change 14B NCAC 16 .1502.

STACY BUFF MADE A MOTION TO ACCEPT THE PROPOSED CHANGES TO 14B NCAC 16 .1502. KIM HEFFNEY SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

The third topic of discussion was the Board's use of consent agreements and civil penalties, specifically in cases involving repeated violations by the same individual or company. The Committee recommended enacting a policy where the Board may enter into a standard consent agreement and impose a civil penalty of up to \$500 per violation for second-time violations of

the same law or rule; and enter into a standard consent agreement and impose a civil penalty of up to \$1,000 per violation for third-time and subsequent violations of the same law or rule.

DEBRA DUNCAN MADE A MOTION TO ENACT THE CONSENT AGREEMENT AND CIVIL PENALTY POLICY AS PROPOSED. SAM RUSSELL SECONDED THE MOTION. MOTION CARRIED. RICHARD EPLEY OPPOSED.

The fourth topic of discussion was interpretation of the first aid, CPR and AED certification requirement for those with a Close Personal Protection endorsement. The Committee recommended that an individual who already has a CPP endorsement does not need to complete or maintain a first aid, CPR and AED certification to maintain their endorsement.

SAM RUSSELL MADE A MOTION TO ACCEPT THE COMMITTEE'S RECOMMENDATION TO CLARIFY RULE THAT INDIVIDUALS WHO ALREADY HAVE A CLOSE PERSONAL PROTECTION(CPP) ENDORSEMENT ARE EXEMPT FROM THE FIRST AID, CPR, AND AED REQUIREMENT. KIM HEFFNEY SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

The final discussion topic was a request from an industry member asking the committee to change the rifle qualification requirements to allow individuals to qualify on one AR-15-style rifle and then be allowed to carry any make or model of an AR-15-style. The Committee recommended not making this change, as there can be too many subtle differences in how a rifle operates to allow for a person to carry any make and model without having qualified with it.

KIM HEFFNEY MADE A MOTION TO ACCEPT THE COMMITTEE'S RECOMMENDATION TO NOT CHANGE THE CURRENT RIFLE QUALIFICATION STANDARDS. SAM RUSSELL SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

DEBRA DUNCAN MADE A MOTIONED TO ACCEPT THE LAWS AND RULES COMMITTEE REPORT. RON BURRIS SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

TRAINING AND EDUCATION COMMITTEE REPORT

Deputy Director Ray Bullard presented the Training and Education report. The Training and Education Committee, consisting of Steve Johnson, Richard Epley, Assata Buffaloe and Sam Russell, met on June 21, 2023, from 1:00 P.M. to 1:30 P.M.

Steve Johnson reported the Committee reviewed six applications for new continuing education courses, and eight applications for the renewal of existing continuing education courses. He stated the Committee recommended approving all the courses.

KIM HEFFNEY MADE A MOTION TO ACCEPT ALL THE NEW AND RENEWAL CONTINUING EDUCATION NEW COURSES, WITH THE EXCEPTION OF THE GPS

& DRONE OPERATIONS COURSE. TAMARA RABENOLD SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

KIM HEFFNEY MADE A MOTION TO APPROVE THE GPS & DRONE OPERATIONS COURSE. SAM RUSSELL RECUSED HIMSELF. TAMARA RABENOLD SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

DEBRA DUNCAN MADE A MOTION TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT. KIM HEFFNEY SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL TRAINING AND EDUCATION COMMITTEE REPORT

OLD BUSINESS

Steve Johnson stated that Suzanne Creech looked into the issue of unlicensed activity and asked Ms. Creech to share her findings with the Board.

Ms. Creech reported that she visited the state legislature and spoke to a Representative about unlicensed activity. Ms. Creech stated that the Representative informed her that a law already existed to address the issue, which is “obtaining property under false pretenses.” They also recommended contacting each county’s District Attorney or the State Attorney General to see what can be done.

After much discussion, Steve Johnson suggested that Ms. Creech, Mr. Burris and attorney Jeff Gray research the matter further and bring their findings back before the August 2023 Board meeting.

Mr. Pitman stated that he attended the South Carolina Association of Legal Investigators (SCALI) annual Conference in May 2023. He found it to be very informative and said he was granted a one-hour slot to talk about N.C.’s Close Personal Protection license, and the feedback he received was positive.

Break: 10:41 A.M., Reconvened: 10:52 A.M.

NEW BUSINESS

Director Sherwin mentioned the Board’s upcoming 50th anniversary and would like to host a reception after the August 2023 Board meeting. The Board agreed this is a good suggestion and supported the idea.

Suzanne Creech expressed her concern about the decline in in-person attendance at Board meetings since the COVID-19 pandemic. She suggested the Board offer incentives, such as three hours of continuing education credits for in-person attendance and one hour for virtual attendance. It was also proposed to reintroduce a four-hour training session immediately following the board meeting.

After some discussion, Steve Johnson recommended that they send their ideas and suggestions to Director Paul Sherwin so that he could report back to the next board.

Sam Russell announced that the North Carolina Association of Private Investigators (NCAPI) wanted the Board to know that they will be holding a CPR and-first aid training class at its November 2023 Conference, so that anyone attending the Conference would have the opportunity to attend CPR training.

DIRECTOR'S REPORT

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

SUZANNE MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT. STEVE 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.

RON BURRIS MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AND TO INCLUDE THE ADOPTION OF RULES CHANGES. KIM HEFFNEY SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

SEE ATTACHMENT FOR THE FULL ATTORNEY'S REPORT

GOOD OF THE ORDER

Tamara Rabenold mentioned the recent death of former Board member and longtime industry member Ed Cobbler, and offered her condolences to his friends and family.

ADJOURN

KIM HEFFNEY MADE A MOTION TO ADJOURN THE MEETING. SAM RUSSELL SECONDED THE MOTION. MOTION CARRIED. NONE OPPOSED.

Meeting Adjourned: 11:20 A.M.

Paul Sherwin, Director

Garcia Graham, Reporter

PPSB Grievance After Report for June 22, 2023 9:00 am

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
1.	2022-PPS-023	Vance Keith Warren Safety & Security Solutions, LLC P.O. Box 751116 Dayton, OH 45429	NCGS 74C-13 14 B NCAC 16 .0108(b)	Find a violation of NCGS 74C-13. Enter into a consent agreement with Vance Keith Warren and Safety & Security Solutions, LLC in the amount of \$9,914.40 for 54 armed security guard registration violations. Staff is to conduct a follow up registration audit of Q1 & Q2 2023.	Accepted
2.	2022-PPS-038	Timothy McCardell Life Communications 900 Eleventh St Goldsboro, NC 27530	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue the cease and desist that was previously issued to Timothy McCardell and Life Communications. Attorney Gray is to file a Complaint for Injunctive Relief against Mr. McCardell. Consolidated with 2023-PPS-001.	Accepted
3.	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)	Find a violation of NCGS 74C-12(d)(4). Issue a letter of warning to Mr. Donald Blackwell for failure to report within 30 days his having been charged with assault. Find no violation of NCGS 74C-12(a)(9) and NCGS 74C-12(a)(25).	Accepted
4.	2022-PPS-072	Noah David Graeme APOD Group, LLC 1910 Pacific ave Ste., 12000 Dallas, TX 75201	NCGS 74C-13	Find a violation of NCGS 74C-13 . Enter into a consent agreement with Noah Graeme and APOD Group, LLC in the amount of \$2,937.60 for 16 armed security guard registration violations. Staff is to conduct a follow up registration audit of Q3 & Q4 2022 and Q1 & Q2 2023.	Accepted

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action	
5.	2022-PPS-073	Robert Edward Caruso Metro One Loss Prevention Services Group (Guard Division) Inc. 900 South Ave #200 Staten Island, NY 10314	NCGS 74C-11 14B NCAC 16 .0707 14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Robert Edward Caruso and Metro One Loss Prevention Services Group (Guard Division) Inc., in the amount of \$25,214.40 for 206 unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2 & Q3 of 2023.	Accepted
6.	2022-PPS-075	Ann Trinca SecTek, Inc. 1650 Tysons Boulevard Suite 925 Tysons, VA 22102	14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Wilfred Blood and SecTek, Inc., in the amount of \$1,101.60 for nine unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q4 2022 and Q1 & Q2 2023. Any violations from Q1 or Q2 of 2023 are eligible for a 20% self-report discount on the consent agreement amount.	Accepted
7.	2022-PPS-076	Bruce Vernon Seibert Defender Services, Inc. PO Box 1775 Columbia, SC 292021775	14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Bruce Vernon Seibert and Defender Services, Inc., in the amount of \$1,836.00 for 15 unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q4 2022 and Q1 2023.	Accepted
8.	2022-PPS-077	Jeffrey Thomas Bradshaw Bradshaw Security, LLC 105 Tributary Circle Unit 108 Wilmington, NC 28401	14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Jeffrey Thomas Bradshaw and Bradshaw Security, LLC in the amount of \$1,101.60 for nine unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q3 & Q4 2022 and Q1 2023.	Accepted
9.	2022-PPS-079	Marco Norman Occam Security 8130 Baymeadows Way West Suite 302 Jacksonville, FL 32256	14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Marco Norman and Occam Security in the amount of \$3,549.60 for 29 unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2 and Q3 of 2023	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
10.	2022-PPS-081	Felicia Sheares Admiral Security Services 3717 National Dr Ste 104 Raleigh, NC 27612	14B NCAC 16.0108(a)	No violation.	Accepted
11.	2023-PPS-001	Timothy McCardell Life Communications 900 Eleventh St Goldsboro, NC 27530	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue the cease and desist that was previously issued to Timothy McCardell and Life Communications. Attorney Gray is to file a Complaint for Injunctive Relief against Mr. McCardell. Consolidated with 2022-PPS-038.	Accepted
12.	2023-PPS-002	Franklin Ray Cummings La Patrona Mexican American Cuisine 960 Demery Road Pembroke, NC 28372	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of NCGS 74C-2 and NCGS 74C-13(a). Continue the cease and desist order previously issued to Franklin Cummings and La Patrona Mexican American Cuisine. Refer this matter to the Screening Committee should Mr. Cummings apply for license or registration.	Accepted
13.	2023-PPS-003	Jimmy Junior Freeman La Patrona Mexican American Cuisine 103 Orange St. Lumberton, NC 28358	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of NCGS 74C-2 and NCGS 74C-13(a). Continue the cease and desist order previously issued to Jimmy Freeman and La Patrona Mexican American Cuisine. Refer this matter to the Screening Committee should Mr. Freeman apply for license or registration.	Accepted
14.	2023-PPS-004	Marion Hunt La Patrona Mexican American Cuisine 2950 W. 5th Street Lumberton, NC 28358	NCGS 74C-2 NCGS-13(b)	Find a violation of NCGS 74C-2 and NCGS 74C-13(b). Continue the cease and desist order previously issued to Marion Hunt and La Patrona Mexican American Cuisine. Refer this matter to the Screening Committee should Ms. Hunt apply for license or registration.	Accepted
15.	2023-PPS-005	Krystal Hernandez La Patrona Mexican American Cuisine 2950 W. 5th St. Lumberton, NC 28358	NCGS 74C-2 NCGS 74C-13(b)	Find a violation of NCGS 74C-2 and NCGS 74C-13(b). Continue the cease and desist order previously issued to Krystal Hernandez and La Patrona Mexican American Cuisine. Refer this matter to the Screening Committee should Ms. Hernandez apply for license or registration.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
16.	2023-PPS-006	Jose Hernandez La Patrona Mexican American Cuisine 2950 W. 5th St. Lumberton, NC 28358	NCGS 74C-2 NCGS 74C-13(b)	Find a violation of NCGS 74C-2 and NCGS 74C-13(b). Continue the cease and desist order previously issued to Jose Hernandez and La Patrona Mexican American Cuisine. Refer this matter to the Screening Committee should Mr. Hernandez apply for license or registration.	Accepted
17.	2023-PPS-007	TK James DMG Security & Company 2870 Peachtree Road Suite 407 Atlanta, GA 30305	NCGS 74C-2	Find a violation of NCGS 74C-2. Continue the cease and desist order previously issued to TK James and DMG Security & Company. Refer this case to the Screening Committee should he apply for a registration or license.	Accepted
18.	2023-PPS-013	Roger Lee Ladd N.C. Detective Agency, Inc 2102 Fay St Durham, NC 277040000	NCGS 74C-11 14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Roger Lee Ladd and N.C. Detective Agency, Inc in the amount of \$244.80 for two unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2 2023.	Accepted
19.	2023-PPS-014	Aces Arcade Aces Arcade 7631 Sharon Lakes Road Suite F Charlotte, NC 28210	NCGS 74C-2 NCGS 74C013(b)	Find a violation of NCGS 74C-2 and NCGS 74C-13(b). Continue the cease and desist order previously issued to Aces Arcade and Michael Campbell. Refer this matter to the Screening Committee should Mr. Campbell apply for license or registration.	Accepted
20.	2023-PPS-015	Julio Hernandez Las Unica Bar and Grill 900 NC Music Factory Blvd Charlotte, NC 28206	NCGS 74C-2 NCGS 74C-13(b)	Find a violation of NCGS 74C-2 and NCGS 74C-13(b). Continue the cease and desist order previously issued to Julio Hernandez and Las Unica Bar and Grill. Refer this matter to the Screening Committee should Mr. Hernandez apply for a license or registration.	Accepted

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action	
21.	2023-PPS-019	Joel Andrew Van Norman Lolair Protection Agency, Inc. 5448 Apex Peakway Suite 120 Apex, NC 27502	74C-12 (a)(1) 74C-12 (a)(25) 14B NCAC 16.0108 (a) 14B NCAC .0807 (h) 14B NCAC .0907 14B NCAC .0908	Defer to the August 2023 Grievance Committee meeting.	Accepted
22.	2023-PPS-020	Mark Emil Angelo Fund Holder Reports, LLC 2201 N Lakewood Blvd Ste D175 Long Beach, CA 90815	NCGS 74C-12(a)(25)	Find a violation of NCGS 74C-12(a)(31). Enter into a consent agreement with Mark Angelo with the following conditions: Issue a Letter of Warning to Mark Angelo and Fund Holder Reports, LLC; Suspend Mr. Angelo's private investigator license for 90 days, beginning June 22, 2023; Mr. Angelo will provide a written statement confirming that the former Fund Holder Reports, LLC employee who committed the fraud is no longer an employee of the firm; and Mr. Angelo pays a \$2,000 civil penalty.	Accepted

Board Meeting Report

Board Date 06/22/2023

	Name Company Address	License	Committee Recommendation	Board Action
1.	Jaunayd M Abdul-Kareem AW Security Services 2700 Wild Poplar Way Greensboro, NC 27405	Security Guard And Patrol	Approve Security Guard & Patrol License	Accepted
2.	Cedric Durrell Banks Reformation and restoration Christian ministries 112 east jone st Fuquay varina, NC 27526	Proprietary	Approve Proprietary application	Accepted
3.	Jon Pierre Beauchamp AS Surveillance, LLC 360 Commercial Park Drive Thomasville, NC 27360	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with zero hours	Accepted
4.	Christopher T Belden SecurePath Solutions LLC 350 Riverwalk Drive Salisbury, NC 28146	Security Guard And Patrol	Approve with Condition Security Guard and Patrol License with the condition; Receipt of a favorable fingerprint-based criminal history check.	Accepted
5.	Charles Edward Berger Charles Berger P.I. 322 S Front Street Wilmington , NC 27540	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
6.	Devon Bray AARDWOLF International, LLC 1135 Kildaire Farm Rd Cary, NC 275110000	Close Personal Protection	Approve Close Personal Protection License	Accepted
7.	Daniel Joseph Brock Security Solutions of America/Guard- One Protective Services 7000 Harps Mill Road Raleigh, NC 27615	New Branch Office	Approve Branch Office License	Accepted
8.	George Bryant Big Blue Logistics 104 Mesquite Drive Durham, NC 27703	Private Investigator	Approve Private Investigator License.	Accepted
9.	David Calvin Carothers Stacked Arms Defense, LLC 4720 Bill Cheek Rd Auburn, GA 30011	Private Investigator	Approve Private Investigator License.	Accepted
10.	Eric Chavis Affordable Security 365,LLC 2914 N Elm St #127 Lumberton, NC 28358	Security Guard And Patrol	Deny Denied Security Guard and Patrol License for lack of verifiable experience.	Accepted
11.	Michael Cincotta Ryan, LLC 4884 Chestnut Drive Woodbury, MN 55129	Private Investigator	Deny Private Investigator License for lack of verifiable experience.	Accepted
12.	Ruth Eunice Cruz-Nichols NCBISI 225 Tryon Road Raleigh, NC 27603	Courier Service	Approve Courier Service License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
13.	Michael Paul Czarnecki Kellington Protection Service LLC 4955 Steubenville Pike Pittsburgh, PA 15205	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
14.	Kenneth Aubrey Dale Jr. Chipen Investigations, LLC 168 Boiling Springs Circle Southern Pines, NC 28387	Private Investigator	Approve Private Investigator License.	Accepted
15.	Billy Delaporte Griz Global Solutions, LLC 135 W Illinois Ave 37 Southern Pines, NC 28387	Close Personal Protection	Approve Close Personal Protection License	Accepted
16.	Robert Jackson Dunn Dunn Investigations, LLC Post Office Box 61 Halifax, NC 27839	New Branch Office	Approve Branch Office License	Accepted
17.	Robert Jackson Dunn Dunn Investigations, LLC Post Office Box 61 Halifax, NC 27839	New Branch Office	Approve Branch Office License	Accepted
18.	Mark Anthony Edmonds Mr The North Carolina Protection Group 740 SE Greenville Blvd Greenville, NC 27858	Private Investigator	Approve Private Investigator License.	Accepted
19.	Derek Ellington Ellington Digital Forensics, LLC 7516 Welcome Drive Wake Forest, NC 27587	Digital Forensics Examiner	Approve Digital Forensics Examiner License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
20.	Donelle Farrar Third Eye Secure Solutions 592 Hart Rd. Franklinton, NC 27525	Security Guard And Patrol	Approve with Condition Security Guard & Patrol License with the condition that the applicant provide proof of a credit payment plan.	Accepted
21.	Morgan Marie Galvin Investigative Solutions LLC 455 Ramsey Street Fayetteville, NC 28301	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,000 hours.	Accepted
22.	Jon Gates Advantage Surveillance llc 360 Commercial Park Dr Thomasville, NC 27360	Private Investigator Associate	Defer Defer to the August 2023 Screening Committee meeting.	Accepted
23.	Jatayah S Givens Strategic Security Corp 176 Asbury Rd Egg Harbor Township, NJ 08234	Security Guard And Patrol	Approve Security Guard & Patrol License.	Accepted
24.	Jayne Elena Grandes Jayne M Grandes 606 Lee Fox Lane Hillsborough, NC 27278	Private Investigator	Approve Private Investigator License.	Accepted
25.	Darryl Griffin AGB Investigative Services, Inc. 7545 S. Western Avenue Chicago, IL 60620	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
26.	Joshua Michael Hayes PhotoFax 44W100 US Highway 20 Hampshire, IL 60140	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
27.	Tony Hinton Cary Academy 1500 N. HARRISON AVE. CARY, NC 27513	Proprietary	Approve Proprietary application	Accepted
28.	Jaymes Allen Holden 360 Protection Group, Inc. 3712 Zebulon Williams Road Monroe, NC 28110	Courier Service	Approve Courier Service License.	Accepted
29.	Jaymes Allen Holden 360 Protection Group, Inc. 3712 Zebulon Williams Road Monroe, NC 28110	Close Personal Protection	Approve Close Personal Protection License	Accepted
30.	JUDSON NATHANIEL HOLLIFIELD Dominion XP, LLC 40 Cane Creek Industrial Park Rd Fletcher, NC 28732	Close Personal Protection	Approve Close Personal Protection License	Accepted
31.	JUDSON NATHANIEL HOLLIFIELD BILTMORE CHURCH 35 Clayton Road Arden, NC 28704	Proprietary	Approve Proprietary application	Accepted
32.	Patrick John Huwiler Technical Exploitation, LLC 497 Pinnacle Parkway Hampstead, NC 28443	Private Investigator	Approve Private Investigator License.	Accepted
33.	Christopher Michael Jacalone 5th Column Solutions LLC 6305 Nakoma Way Fayetteville , NC 28306	Electronic Countermeasures	Approve Electronic Countermeasures License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
34.	Christopher Michael Jacalone 5th Column Solutions LLC 6305 Nakoma Way Fayetteville , NC 28306	Private Investigator	Approve Private Investigator License.	Accepted
35.	Deon Craig Lee Bert Croom Private Investigations 2702 Wrightsville Avenue Wilmington, NC 28403	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with zero hours.	Accepted
36.	Patrick Michael Lewis 07601P0M 2809 Love Joy Road Troy, NC 27371	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 2,200 hours.	Accepted
37.	Lionel S. Lofton Jr Lofton Investigatiions 225 Seven Farms Dr Daniel Island, SC 29492	Electronic Countermeasures	Approve Electronic Countermeasures License	Accepted
38.	David Long Praelio, LLC 301 Gimlet Ridge Road Bentonville, VA 22610	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
39.	Isaac Peter Lopez Veracity Research Co., L.L.C. 1104 Dallas Drive Denton, TX 76205	Private Investigator	Approve Private Investigator License.	Accepted
40.	Jeremy Nold Photofax 44W100 US Highway 20 Hampshire , IL 60140	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,932 hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
41.	Robyn Nolette Bineham & Associates International, LLC 625 Levenhall Drive Fayetteville, NC 28314	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with 400 hours.	Accepted
42.	Jermaine Chareem Norfleet Alpha and Omega Investigations 205 W. Russell St Fayetteville, NC 28301	Private Investigator	Approve Private Investigator License.	Accepted
43.	Nathan Lee Osburn Pro Investigative Solutions LLC PO Box 1222 Salem, VA 24153	Private Investigator	Approve Private Investigator License.	Accepted
44.	David Alan Pennell Scotland Yard Investigations, LLC PO Box 8011 Ocean Isle Beach, NC 28469	Private Investigator	Approve Private Investigator License.	Accepted
45.	Sally Kathleen Pleasant Select Investigations P.O. Box 256 Albemarle, NC 280010000	Digital Forensics Examiner	Approve Digital Forensics Examiner License	Accepted
46.	Michael Pollard The "Firm" Protection & Security Agency, LLC 4528 Fox Road Raleigh, NC 27616	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
47.	Angela Lynn Poole Sly Fox Investigations 340 Skyland Trail Murphy, NC 28906	Private Investigator	Approve Private Investigator License.	Accepted
48.	Crystal Reese AS Surveillance 360 Commercial Park Dr Thomasville, NC 27360	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,600 hours.	Accepted
49.	Scott Michael Rodriguez Self 1013 Cheryl Lane Wilmington, NC 28405	Private Investigator	Approve Private Investigator License.	Accepted
50.	David Keith Shelton Advanced Technology Investigations, LLC P.O. Box 4876 Greensboro, NC 274040000	Digital Forensics Examiner	Approve Digital Forensics Examiner License	Accepted
51.	Michael Verlin Shuler Lake Junaluska Assembly, Inc. PO Box 339 Lake Junaluska , NC 28745	Security Guard And Patrol	Approve with Condition Security Guard & Patrol License with the condition applicant surrender his sworn law enforcement status prior to the issuance of the license.	Accepted
52.	Jennifer Lynn Smith Investigative Solutions ISNC, LLC 455 Ramsey Street Fayetteville, NC 28301	Private Investigator	Approve Private Investigator License.	Accepted
53.	THOMAS PETER SOBOLEWSKI TOM SOBOLEWSKI 227 Edwards Church St State Road, NC 28676	Private Investigator	Approve Private Investigator License.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
54.	Lesley Sarah Steiner Spartan Secure Solutions 216 E Main St Lincolnton, NC 28092	Private Investigator Associate	Approve with Condition Private Investigator Associate Level 1 with zero hours with condition; Receipt of a favorable fingerprint-based criminal record check.	Accepted
55.	Ronald John Swislosky Mountain to Sea Investigation Services 108 Northview Court Jacksonville, NC 28546	Private Investigator	Approve Private Investigator License.	Accepted
56.	Kennith Earl Warfield Jr Warfield Investigative Services,LLC 4021 Halifax Road, Ste D South Boston , VA 24592	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
57.	Steven White Photofax, INC. 44W100 US Highway 20 Hampshire, IL 60140	Private Investigator Associate	Approve with Condition Private Investigator Associate License Level 1 with 800 hours with condition; Receipt of a favorable fingerprint-based criminal record check.	Accepted
58.	Tina Y Wilson T47 International, Inc. 8235 Penn Randall Place Upper Marlboro, MD 20772	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
59.	Steven Tracy Windham II Fidelis Research Group LLC 4311 School House Commons Harrisburg, NC 28075	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with 500 hours.	Accepted
60.	Harry James Wright Junior ATM Solutions of Charlotte, Inc 5301 Alpha Rd Dallas, TX 75240	Armored Car	Approve Armored Car License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
61.	Jerry Wayne Wright JR GardaWorld Security Services & WESS 2216 W. Meadowview Road Greensboro, NC 27407	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted

PPSB Screening After Report for June 22, 2023

Addendum

Name	Company Name	Address	Credential	Committee Recommendation	Action
Andrew Teuton Day	Superior Tasking Advantage Contracting, Inc.	Gadsden, AL	SG&P License Reinstatement	Approve	Accepted
Gregory Allan Bentley	Security Engineers, Inc.	Haw River, NC	QA for Two Companies	Approve	Accepted



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Eddie Buffaloe, Jr., Secretary

Caroline Valand, Deputy Secretary
Paul Sherwin, Director

North Carolina Private Protective Services Board Training and Education Committee Agenda

June 22, 2023

The upcoming PPS Trainer courses are scheduled:

Course: **Unarmed Guard Trainer and Workshop**

Location: **Wake Tech Public Safety Education Campus
321 Chapanoke Road, Raleigh**

- July 10-14, 2023
- September 18-22, 2023
- December 4-8, 2023
- February 5-9, 2024
- May 6-10, 2024
- July 15-19, 2024
- September 9-13, 2024
- December 9-13, 2024

Course: **Firearms Trainer Recertification/Prequalification**

Location: **Samarcand Training Academy, Jackson Springs**

- June 28, 2023
- September 18, 2023
- November 27, 2023 (Recert for both HG and LG)
- March 26, 2024
- May 8, 2024
- June 26, 2024
- September 16, 2024
- November 25, 2024

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Completed Training

- May 3, 2023- Handgun Prequalification and Recertification
- May 8-12, 2023- Unarmed Guard Training
- May 15-18, 2023- Firearms Instructor Course

Topics for Discussion

- The new Firearms Trainer course was held at the Johnston County Community College Firing Range.

Weapon Discharges

- On Saturday, April 8, 2023, at 7:40am Semaj Durham, an armed security guard employed with P&G Security, was involved in a negligent discharge while working at Central Prison in Raleigh. Durham was being relieved from his duty station at shift change and was in the process of transferring the custody of the weapon to the oncoming officer when the incident occurred. Durham stated he neglected to release the magazine upon rendering the weapon safe and fired a round. Durham indicated in his statement that he thought he had released the magazine prior to clearing the chamber. As a result, a live round was still in the chamber. No property damage or injuries were reported. I reviewed Durham's PPSB file in Permittium:



Although Durham qualified on the handgun above, it can not be determined if it is the actual weapon involved in his negligent discharge. On June 6, 2023, I spoke with John White, with P&G Security. He stated they have an inventory of S&Ws on premises that

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are temporarily issued to the guards when they are working. The guards do qualify on a firearm that is the exact same make and model as the one they carry on duty. However, the handguns may have different serial numbers.

When armed guards are relieved at shift change, a supervisor is required to be present while the handguns are being transferred. A supervisor was not present when Durham transferred his handgun to the oncoming officer on April 8th. As a result, he has received a warning notice, as well as his supervisor.

- On April 18, 2023, Richard Parker, a supervisor with Allied Universal Security Services, submitted a negligent discharge report to PPS involving Officer Fredrick Frieslander. Frieslander was working for client General Electric Hitachi Nuclear Energy when the incident occurred. Parker advised Frieslander's handgun had a trigger defect that was reported earlier that same day and he was in the process of turning in the handgun when the discharge occurred. No injuries or property damage were reported.



- On May 18, 2023, Mr. Todd Totherow, Qualifying Agent for Signal of Raleigh-Durham, emailed Private Protective Services to notify us of a negligent discharge by one of his employees, Damian Dashawn Mourning. This incident occurred on May 17, 2023, at approximately 7:10pm.

Upon receiving the report, I contacted Mr. Totherow on May 25, 2023, at 9:50am to obtain additional information. Mr. Totherow discussed the incident with me along with Firearms Instructor and Signal employee T.J. Whitfield on speaker phone.

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Mr. Totherow and Mr. Whitfield each stated they had concerns over Officer Mourning's negligent discharge. He was in his company assigned car with approximately 30 minutes left on his shift when this incident occurred. Officer Mourning was manipulating his duty Glock 9mm while seated in his vehicle and a round discharged, causing damage to the passenger air bag area. I asked Mr. Totherow what reason Officer Mourning would have to manipulate his weapon during his shift, and he questioned it as well. Mr. Totherow and Mr. Whitfield both stated Officer Mourning is issued a body worn camera that activates anytime it senses an employee's weapon being fired. Officer Mourning's body worn camera never activated, so they are concerned Officer Mourning may have deactivated his body worn camera prior to his weapon discharging.

Due to this incident, Officer Mourning has been placed in a "non-gun carrying" status. Mr. Totherow and Mr. Whitfield are still reviewing the incident to determine if Officer Mourning will be terminated or retained in an unarmed status.

After speaking with Mr. Totherow and Mr. Whitfield, I reviewed Officer Mourning's PPSB file in Permitium:



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Reported Weapon Discharges by Corrections

2009—4

1-shotgun unknown
3-handgun 3-loading/unloading

2010—8

3-shotgun 1-clearing 2-mishandling
5-handgun 3-clearing 2-holstering/unholstering

2011—7

1-shotgun Live ammo instead of dummy rounds during training
6-handgun 3-holstering/unholstering 3-mishandling

2012—12

12-handgun 4-clearing 4-holstering/unholstering 2-mishandling 1-training

2013—3

3-handgun 1-clearing 1-holstering/unholstering 1-training

2014—1

1-handgun 1-mishandling

2015—4

4-handgun 3-clearing 3-holstering/unholstering

2016—1

1-handgun 1-mishandling

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2017—6

6-handgun 3-clearing 3-holstering/unholstering

2018—3

1-shotgun 1-clearing

2-handgun 1-clearing 1-mishandling

Reported Weapon Discharges by Armed Security in Correctional Facilities

2019—0

2020—2

2-handgun 2-clearing

2021—3

3-handgun 1-clearing 2-holstering/unholstering

2022—4

4-handgun 3-clearing 1-trip/fall

Through May 2023—2

2-handgun 2-holstering/unholstering

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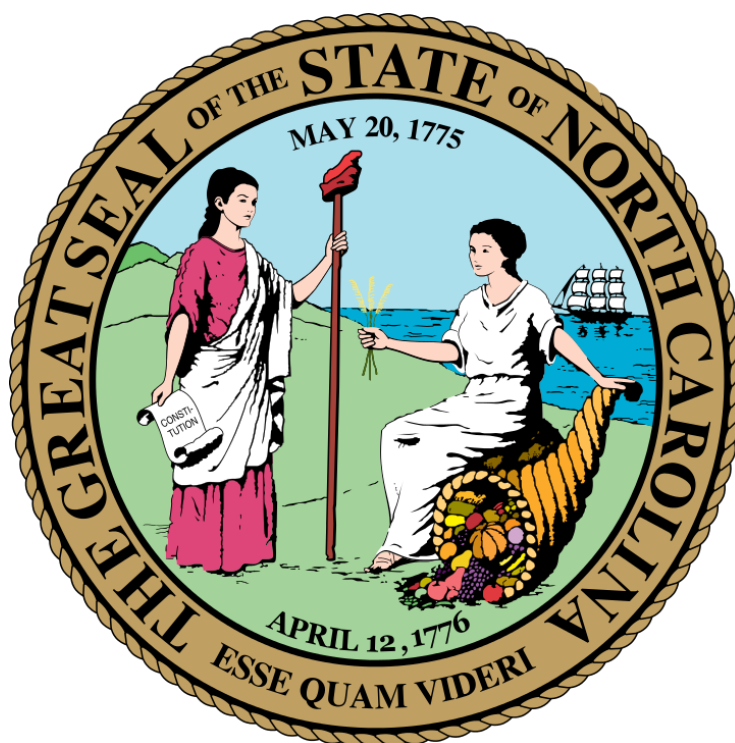
<input checked="" type="checkbox"/>	REQUEST ED BY	COURSE NAME / COURSE TYPE TO OBTAIN A LICENSE	Course Number	INSTRUCTOR(S)	Classroom/ Online	Date Submitted	Hours
		New Application(s):					
1.	Darrell R. Wilson	GPS & Drone Operations		Darrell R. Wilson	Classroom	05/16/2023	12.0
2.	Catherine Flowers	GPS Technology and North Carolina Law Chapter 74C for Private Investigators		Catherine Flowers	Virtual/Online	4/26/2023	2.0
3.	Thomas H. Humphreys	Basics of Skip Tracing, Individual Locates, Background Investigations, and Asset & Liabilities Investigations		Thomas H. Humphreys, Dean Beers & Karen Beers	Virtual	6/6/2023	3.0
4.	Thomas H. Humphreys	Legal Investigation Concepts in Litigation Support		Thomas H. Humphreys, Dean Beers & Karen Beers	Virtual	6/6/2023	3.0
5.	Thomas H. Humphreys	The Business-Savvy Investigator: Managing Clients, Cases, and Cashflow		Thomas H. Humphreys, Mark & Wendy Murnan	Online	6/8/2023	3.0
6.	Thomas H. Humphreys	Due Diligence & Background Investigations: Intel into Action		Thomas H. Humphreys & Marcy Phelps	Online	6/8/2023	2.5
		Renewal Application(s):					
1.	Matthew Parker	Private Security EP Operations	PPSB-19-003	Matthew Parker	Classroom	1/8/2023	12.0
2.	Thomas H. Humphreys	Elements of Effective Communication	PPSB-19-016	Thomas Humphrey & Kim Green	Online	4/20/2023	4.0
3.	James Dobrinski	Private Investigation Training Course	PPSB-19-005	Joseph M. LaSorsa	Classroom	03/30/2023	12.0

<input checked="" type="checkbox"/>	REQUEST ED BY	COURSE NAME / COURSE TYPE TO OBTAIN A LICENSE	Course Number	INSTRUCTOR(S)	Classroom/ Online	Date Submitted	Hours
4.	James Dobrinski	Technical Surveillance Counter-Measures	PPSB-19-004	Joseph M. LaSorsa	Classroom	03/30/2023	12.0
5.	James Dobrinski	Executive Protection Agent Training Course	PPSB-11-634	Joseph M. LaSorsa & Joseph A. LaSorsa	Classroom	03/30/2023	12.00
6.	James Dobrinski	Security Consulting Training Course	PPSB-15-045	Joseph M. LaSorsa & Joseph A. LaSorsa	Classroom	03/30/2023	12.0

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

June 22, 2023

DIRECTOR'S REPORT



Paul Sherwin, Director

DIRECTOR'S REPORT

- I. PPS information and updates, page 3**
- II. Licensing, registration and certification summary, page 5**
- III. Budget summary, page 6**
- IV. Budget graphics, page 8**

PPS INFORMATION AND UPDATES

PERSONNEL

Private Protective Services currently has two vacant positions:

- Investigator I
- Registration Processor

Karen Battle started with Private Protective Services as an investigator and PPSB training officer on May 1, 2023. She retired in 2022 after 26 years of service with the Wake County Sheriff's Office, where she achieved the rank of major. Karen worked in several positions within the sheriff's office, including patrol, criminal investigations, and training. She holds a bachelor's degree in sociology and criminal justice from N.C. State University and a master's degree in criminal justice education from East Carolina University. She is also certified as a general instructor by the N.C. Criminal Justice Education and Training Standards Commission.

Former registration processor Shane Kimble resigned in May 2023 to accept a position with the Department of Adult Corrections.

OPERATIONS

Registration Unit

- Registration applications received year-to-date: 8,875
 - Same period 2022: 7,952
 - Same period 2021: 8,128
 - Same period 2020: 8,202
 - Same period 2019: 8,924

Licensing Unit

- Licensing applications received year-to-date: 511
 - Same period 2022: 585
 - Same period 2021: 375
 - Same period 2020: 545
 - Same period 2019: 379

Investigations Unit

- License applicant background investigations completed year-to-date: 177
 - Same period 2022: 111
 - Same period 2021: 140
 - Same period 2020: 152
 - Same period 2019: 158

- Complaint investigations completed year-to-date: 42
 - Same period 2022: 47
 - Same period 2021: 29
 - Same period 2020: 13
 - Same period 2019: 46

Training Unit

- Trainer applications received year-to-date: 175
 - Same period 2022: 120
 - Same period 2021: 153
 - Same period 2020: 96
 - Same period 2019: 90

OTHER

Board Secretary Mercedes Sierra and Investigator Lee Kelly attended the 2023 Techno Security and Digital Forensics Conference June 5-8 in Wilmington. The 3 ½-day conference provided more than 100 sessions focused on digital forensics, and is designed to share insight, experience and knowledge from the industry's leading subject matter experts and advisors. Sierra and Kelly occupied an informational table for the duration of the conference and had the opportunity to speak with dozens of digital forensics professionals about the Board's new license requirements. In addition, conference organizers announced via the conference's phone app that digital forensics licensing is now required in N.C., and this helped drive more attendees to visit the Board's information table.

Officials with the DPS Internal Audit office conducted an annual audit of Private Protective Services January 23, 2023, through February 15, 2023. The objective of the audit was to determine Private Protective Services' compliance and adherence to established policies, plans, procedures, laws, regulations, and other requirements. The audit examined money deposit records, licensing and registration files, complaint investigation reports, and PPSB Education Fund grant documents. The auditor found all sections of Private Protective Services to be in compliance with established policies, procedures, laws, etc., and found no violations.

LICENSING, REGISTRATION, AND CERTIFICATION SUMMARY

Total active in Permitium: 25,139 (+5.5% from April 2023 meeting)

Registration		
	Armed Security Guard	3637
	Armed Armored Car Guard	448
	Armed Private Investigator	111
	Armed Private Investigator Associate	18
	Unarmed Security Guard	17129
	Unarmed Armored Car Guard	17
Registration Total		21360
License		
	Armored Car Profession	80
	Courier Service Profession	85
	Electronic Counter Measures Profession	48
	Electronic Counter Measures Trainee	8
	Guard Dog Service Profession	15
	Polygraph Examiner	31
	Polygraph Trainee Permit	3
	Private Investigator	1908
	Private Investigator Temp Permit	4
	Private Investigator Associate	314
	Private Investigator Associate Temp Permit	2
	Proprietary	95
	Psychological Stress Evaluator	11
	Security Guard and Patrol	541
	Special Limited Guard and Patrol	6
License Total		3262
Certification		
	Firearms Trainer	197
	Unarmed Guard Trainer	320
Certification Total		517

Close Personal Protection Endorsements: 99

Close Personal Protection License Applications Received: 9

To date: 0 issued, 4 evaluated by June Screening Committee, others pending)

Digital Forensics Examiner License Applications Received: 5

To date: 1 issued, 3 evaluated by June Screening Committee, others pending)

Digital Forensics Examiner Trainee License Applications Received: 1

To date: 1 pending

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

PPSB Operating Fund Revenue and Expenditures

FY23 revenue	\$	1,528,199.35
FY23 expenditures	\$	(1,390,708.53)
FYTD FUND BALANCE INCREASE/(DECREASE)		\$ 137,490.82

PPSB Operating Fund Cash Flow

Beginning Cash Balance (July 1, 2022)	\$	1,600,025.98
FY23 revenue	\$	1,528,199.35
FY23 expenditures	\$	(1,390,708.53)
FYTD ENDING FUND BALANCE		\$ 1,737,516.80

Note: In accordance with the Memorandum of Understanding between the Board and the Department of Public Safety, the Board in May 2023 paid DPS the annual fee of \$37,500 for the HR, IT, and other administrative support the Board receives from DPS.

PPSB Education Fund Revenue and Expenditures

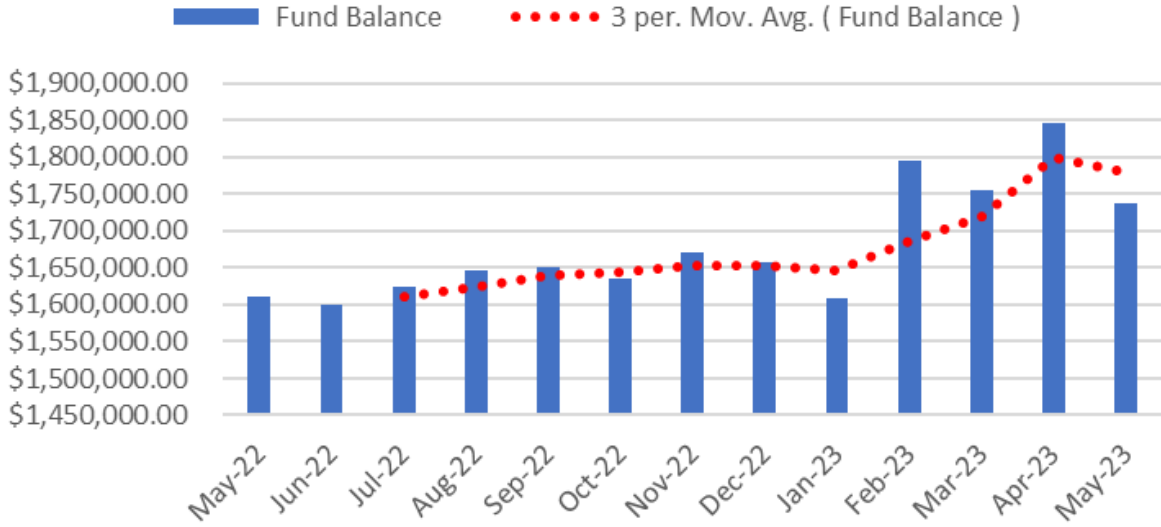
FY23 revenue	\$	12,931.21
FY23 expenditures	\$	(11,001.00)
FYTD EDUCATION FUND BALANCE INCREASE/(DECREASE)		\$ 1,930.21

PPSB Education Fund Cash Flow

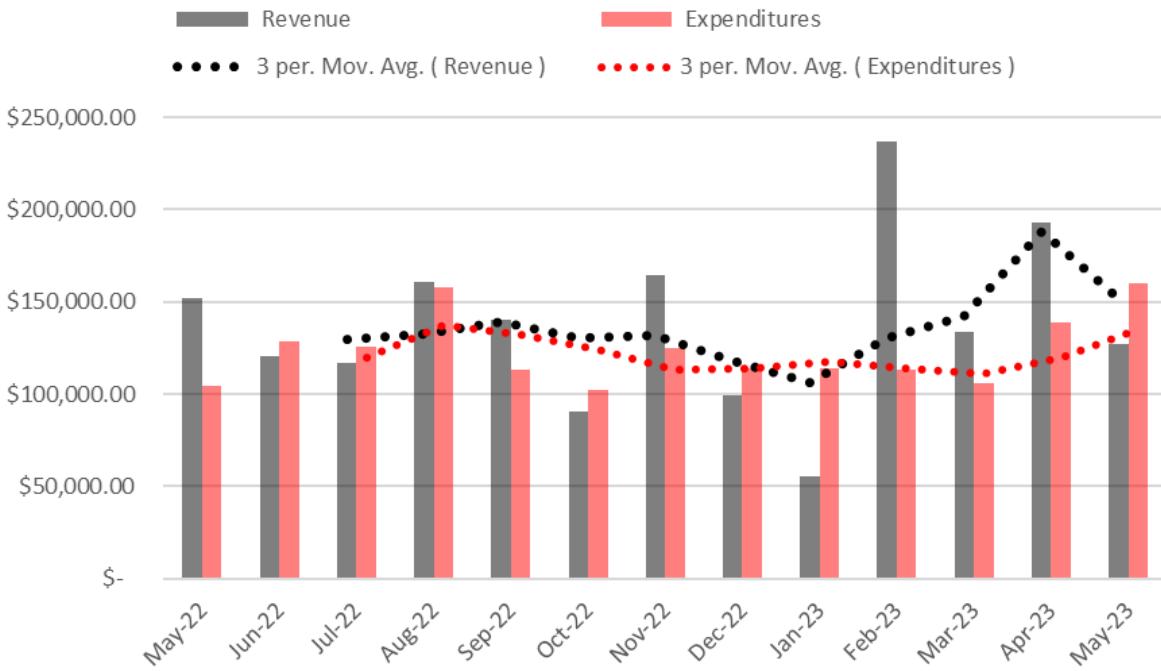
Beginning Cash Balance (July 1, 2022)	\$	129,663.17
FY23 revenue	\$	12,931.21
FY23 expenditures	\$	(11,001.00)
FYTD ENDING FUND BALANCE		\$ 131,593.38

BUDGET GRAPHICS

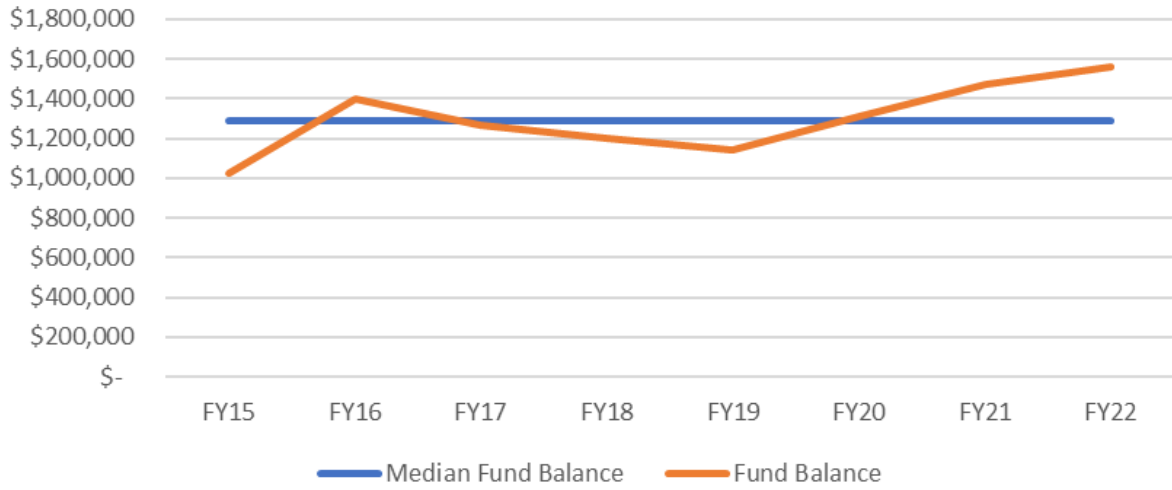
PPSB Fund Balance May 2022 - May 2023



Monthly PPSB Revenues and Expenditures May 2022 - May 2023



Historical PPSB Fund Balance Fiscal Years 2015-2022



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

June 22, 2023

ATTORNEY'S REPORT



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

June 22, 2023

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On February 16, 2023, Brian White/Eagle Eye entered into a Consent Agreement with the Board in the amount of \$306.00 for one armed and one unarmed Security Guard registration violation. The temporary agreement was signed by Armed Guard Robert McCrury on February 1, 2023. Payment has not been received.
2. On April 20, 2023, Andrew Luchey/A & Associates, Inc. entered into a Consent Agreement with the Board in the amount of \$1,224.00 for registration violations. The temporary agreement was signed by QA Andrew Luchey on April 3, 2023. Payment has not been received.
3. On April 20, 2023, James Randolph Walker/Sherlock & Walker LLC agreed to a civil penalty in the amount of \$2000.00. The signed Civil Penalty form has not been returned and payment has not been received.
4. On April 20, 2023, Charles Reedy/ C&M Defense Group entered into a Consent Agreement with the Board in the amount of \$4,651.20 for registration violations. The temporary agreement was signed by QA Charles Reedy on March 29, 2023. Paid in full.
5. On April 20, 2023, Uri Gal/Professional Security Consultants entered into a Consent Agreement with the Board in the amount of \$2,325.60 for registration violations. The temporary agreement was signed by QA Uri Gal on April 5, 2023. Paid in Full.
6. On April 20, 2023, Sean Lewis/ Armed Enforcement LLC entered into a Consent Agreement with the Board in the amount of \$4,100.40 for registration violations. The temporary agreement was signed by QA Sean Lewis on March 20, 2023. Paid in full.
7. On April 20, 2023, Donelle Farrar/Farrar Security Group, LLC entered into a Consent Agreement with the Board in the amount of \$3,916.80 for registration violations. The Consent Agreement was signed by QA Donelle Farrar on May 5, 2023. Paid in full.

II. OFFICE OF ADMINISTRATIVE HEARINGS

See, Hearings List (Attachment 1).

III. ADMINISTRATIVE RULES

- a. As previously reported, 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 was scheduled for Tuesday, February 21, 2023 at 2:00 p.m. at the Board's office and the Public Comment Period would have expired April 3, 2023. However, right before the Public Hearing Director Sherwin discovered that I had failed to send him the notice and rules for posting on the Board's website as required. I had to re-notice these rule amendments.

The (re-)Notice of Text was filed March 2, 2023. The Public Hearing was April 18, 2023 at 2:00 p.m. at the Board's office. The Public Comment Period expired June 2, 2023. There were no comments, oral or written.

A motion to approve these rule amendments is in order for today. A copy is attached as Attachment 2.

b. As you know 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 was considered and adopted at the Board's February 16, 2023 meeting.

The Notice of Text for the Permanent rules was filed March 2023. The Public Hearing was held April 4, 2023 at 2:00 p.m. at the Board's office. The Public Comment Period expired May 15, 2023. No oral comments were received, however one written comment was received. See, Director Sherwin's Memorandum attached as Attachment 3.

A version of new .1502 with the addition of the language from the public comment is attached as Attachment 4.

A copy of these new and amended rules is attached as Attachment 5.

IV. LITIGATION

a. At its February 16, 2022 meeting the Board instructed me to file a Complaint for Injunctive Relief against Byron Kyle Phillips, individually and d/b/a Dem Boyz Security for operating an unlicensed Security Guard and Patrol business in the Pitt County area.

The Complaint was filed on March 3, 2023. Defendant failed to answer or otherwise plead. Entry of Default was entered on May 23, 2023 and I filed a Motion for Default Judgment on June 8, 2023. If Defendant fails to respond by July 8th a Default Judgment Order can be entered.

b. Also at its February 16th meeting the Board instructed me to file a Complaint for Injunctive Relief against Jeremy Lamond Henderson, individually and d/b/a North Carolina Protective Services and Cannon Amusements for operating an unlicensed Security Guard and Patrol business in the Cabarrus County area. At one time North Carolina Protective Services had been a licensed Security Guard and Patrol business and Cannon Amusements had been a licensed proprietary organization with the Board. Defendant has had numerous criminal charges which tend to center around impersonation of a law enforcement officer.

The Complaint was filed on March 8, 2023, but the Sheriff was unsuccessful with service and it was returned. I obtained an Alias & Pluries Summons on May 5, 2023 and retained Private Investigator Kay Rivera, as a private process server, who -- after diligent attempts at service -- was not successful either. I am continuing to attempt service.

V. LEGISLATION

a. Part I of House Bill 41, S.L. 2023-8, "Protect Religious Meeting Places," amends N. C. Gen. Stat. § 14-269.2(2) to define "school operating hours," then amends N. C. Gen. Stat. § 14-269.2 by adding a new subsection, "(k1)," that first excludes property owned by a local board of education or county commission, educational property that is an institution of higher education or a nonpublic post secondary education institution, and property that is posted against carrying a concealed handgun, then allows persons with a concealed handgun permit to carry a handgun on property that is both a school and a building that is a place of religious worship outside of school operating hours.

This bill was vetoed by the Governor but the veto was overridden on March 29, 2023.

b. 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 subsection, "f.", to define these guards.

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

A copy was attached to my February 16, 2023 Attorney's Report.

c. House Bill 49, "Protect Religious Meeting Places," amends N. C. Gen. Stat. § 14-269.2 by adding two new subsections, (a) (1c) and (k1), and amending N. C. Gen. Stat. § 14-415.27 (i.e. the Concealed Handgun Permit statute) to allow persons with a concealed handgun permit to carry on religious property that is also defined as educational property under certain conditions.

It passed the House on February 16th and has been referred to the Senate Rules Committee.

d. House Bill 101, "The Firearms Liberty Act," makes numerous changes to our State's firearms laws (one of which has already been enacted in a separate bill: repeal of the handgun purchase permit requirement) had a provision similar to HB 49, however it was stricken by Committee Substitute in the House Judiciary Committee. It was re-referred to the House Rules Committee.

e. Senate Bill 343, "Protect Children in Private Schools," amends N. C. Gen. Stat. § 14-269.2(a) to define "administrative director" and "board of trustees" to then allow the administrative director to authorize persons with a concealed handgun permit to carry a "firearm" or a stun gun on educational that is a private school under certain circumstances.

It has been referred to the Senate Committee on Rules.

f. I have also been monitoring numerous bills that effect boards and commissions, generally, as well as rulemaking.

VI. FINAL AGENCY DECISIONS

None.

1.

**PPSB
MASTER HEARINGS LIST
as of June 19, 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 June 19, 2023**

January 18, 2023	Andy Renfrow; The Renfrow Group	Suspension of SG & P License and PI License	Proposed Proposal for Decision filed April 13, 2023; awaiting Proposal for Decision from ALJ.
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.
June 27, 2023	Daniel Scrimenti 23 DOJ 02494	Summary Suspension of Armed Guard Registration	Guard terminated; Hearing withdrawn May 25, 2023.

2.

~~the issuing state a regionally accredited institution of higher learning;~~

- (3) attend or have attended the most current offering of the School Director's orientation as developed and presented by the Commission staff, otherwise an individual orientation with a staff member shall be required; and
- (4) submit a completed Form F-10(SD), Request for School Director Certification to the Commission for the issuance of such certification. This request shall be executed by the executive officer of the Office of Staff Development and Training of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice. The Form F-10(SD) is located on the agency's website: [http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10\(SD\)-6-11.aspx](http://ncdoj.gov/getdoc/f23e5e4d-d56d-4aba-af1e-44712690d5d5/F-10(SD)-6-11.aspx).

(c) To qualify for certification as a School Director in the presentation of the "Criminal Justice Instructor Training Course" an applicant shall:

- (1) document that he or she has been awarded a baccalaureate degree from colleges or universities accredited by the Department of Education of the state in which the institution is located, from an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation, or from the state university of the state in which the institution is located; ~~a regionally accredited institution of higher learning;~~
- (2) ~~present evidence showing successful completion of a Commission-certified instructor training course or an equivalent instructor training program as determined by the Commission; Hold current General Instructor certification; and~~
- (3) ~~be currently certified as a criminal justice instructor by the Commission; and~~
- (4)(3) document successful participation in a special program successful completion of Instructor Training Orientation presented by the North Carolina Justice Academy for purposes of familiarization and supplementation relevant to delivery of the instructor training course and trainee evaluation.

Authority G.S. 17C-6.

12 NCAC 09G .0406 TERMS AND CONDITIONS OF SCHOOL DIRECTOR CERTIFICATION

(a) The term of certification as a School Director is two years from the date the Commission issues the certification, unless earlier terminated by action of the Commission. Upon application the certification may subsequently be renewed by the Commission for two-year periods. The application for renewal

shall contain documentation meeting the requirements of NCAC 09G .0405(b)(2) and (b)(3).

(b) To retain certification as a School Director, the School Director shall perform the duties and responsibilities of a School Director as specifically required in 12 NCAC 09G .0408.

(c) To retain certification, School Directors must participate in annual training conducted by commission staff. The Director may grant a waiver of attendance at the annual training for just cause. For purposes of this Rule, just cause means accidents, illness, emergency, or other exceptional circumstances which precluded the School Director from attending the scheduled annual training. School Directors who receive a waiver of attendance shall be required to complete a make up training session prior to the end of the calendar year in which the training requirement applies.

Authority G.S. 17C-6.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0205 and .1101.

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

Proposed Effective Date: August 1, 2023

Public Hearing:

Date: April 18, 2023

Time: 2:00 p.m.

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

Reason for Proposed Action: *A corporation ceases to exist (except for "winding up") immediately upon dissolution or suspension of its corporate status. During a recent complaint investigation the Board discovered it had no rule governing a corporate licensee in such instances therefore the "company business license" rule is being amended. During the discussions regarding the new Digital Forensics Examiner license the Board made the decision that the Associate should maintain the trainee log and not the Associate's supervisor. A corresponding change is being made for the Private Investigator Associates.*

(Note: A Notice of Text for these rule amendments was published in 37:15 NCR 1034, however the agency failed to post them on its website. They are being re-noticed.)

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

Comment period ends: June 2, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules

Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

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

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

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0205 COMPANY BUSINESS LICENSE

(a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall upload on the Board's website an application for a company business license on a form provided by the Board. Only a sole proprietorship that is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall require such information as the firm, association, or corporation name; the address of its principal office within the State; any past conviction for criminal offenses of any company director, or officer; information concerning the past revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the qualifying agent.

(b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall file with its application for a license, a copy of its certificate of authority to transact business in this State issued by the North Carolina Secretary of State in accordance with G.S. 55-15-01. The corporation shall also file a consent to service of process and pleadings that shall be authenticated by its corporate seal and accompanied by a duly certified copy of the resolution of the board of directors authorizing the proper officer or officers to execute the consent.

(c) After filing a completed application with the Board, the Board shall conduct a background investigation to determine if the qualifying agent is in a management position. The Board shall also determine if the directors or officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). For purposes of this Rule, "conviction" means and includes the entry of a plea of

guilty or no contest or a verdict rendered in open court by a judge or jury.

(d) Upon satisfactory completion of the background investigation, a company business license shall be issued. This license shall be conspicuously displayed at the principle place of business within North Carolina.

(e) The company business license shall be issued only to the business entity and shall not be construed to extend to the licensing of its officers and employees.

(f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation which has been issued the company business license shall be responsible for assuring compliance with G.S. 74C.

(g) Dissolution or administrative suspension of corporate status shall result in suspension of the company business license by operation of law and may result in disciplinary action for unlicensed activity.

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

SECTION .1100 - TRAINING AND SUPERVISION FOR PRIVATE INVESTIGATOR ASSOCIATES

14B NCAC 16 .1101 DEFINITIONS

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

- (1) "Private Investigator Associate" refers to an individual training to become a Private Investigator. A Private Investigator Associate may also be referred to as a "trainee" in these Rules. A Private Investigator Associate must complete three training levels as set out in this Section.
- (2) "One-on-one Supervision" means person-to-person contact whereby the licensed investigator is personally and directly supervising or training the Associate. The training investigator must be the sponsoring licensed Private Investigator or any licensed Private Investigator who is a member of the sponsoring Private Investigator's firm, association, or corporation. The Private Investigator Associate may not subcontract his or her employment to another Private Investigator. However, the sponsoring Private Investigator may subcontract the Private Investigator Associate if the sponsor obtains prior written approval from the Board's Director by showing that the Private Investigator Associate will receive an educational benefit from the subcontract employment and the Associate will receive one-on-one supervision from another licensed Private Investigator. One-on-one supervision may also be satisfied if the Associate undergoes training from an individual or educational

- course approved by the Board's Director prior to the Associate receiving the training.
- (3) "Training Checklist" refers to the document(s) that shall state all areas of training and work that the Associate has performed. The supervising Private Investigator 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 Private Investigator at the end of each reporting period. In the event the Associate transfers employment to another Private Investigator, the Associate must provide the new supervising Private Investigator with the training checklist and the new sponsoring Private Investigator 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 Private Investigator's license. The Board shall have immediate access to the training checklist.
- (4) "Associate Log" refers to the document(s) maintained by the ~~sponsoring Private Investigator~~ 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.

Zoom meeting. Registration required at: https://ncwildlife.org.zoomgov.com/webinar/register/WN_C0oqNGdXSvivid5xGjpiJg

Reason for Proposed Action: *The proposed amendments to 15A NCAC 10B .0113 expand the recording and reporting options to include new technology the WRC is implementing as part of its transition to a third-party license vendor, that will allow hunters to validate and register their big game harvests through the WRC's mobile app.*
Amendments to 15A NCAC 10F .0100 Rules are needed to update vessel data collection points and certificate of number terminology to match United States Coast Guard regulations.

Comments may be submitted to: *Rulemaking Coordinator, 1701 Mail Service Center, Raleigh, NC 27699; email regulations@ncwildlife.org*

Comment period ends: *June 2, 2023*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

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

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10B .0113; 10F .0102, .0104 and .0109.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncwildlife.org/Proposed-Regulations>

Proposed Effective Date: August 1, 2023

Public Hearing:
Date: May 16, 2023
Time: 2:30 p.m.
Location:

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

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

CHAPTER 10 - WILDLIFE RESOURCES AND WATER SAFETY

SUBCHAPTER 10B - HUNTING AND TRAPPING

SECTION .0100 - GENERAL REGULATIONS

15A NCAC 10B .0113 BIG GAME HARVEST REPORTS REPORTING

- (a) Definitions. The following definitions shall apply in this Rule:
- (1) "Authorization number" means the number or code issued by the ~~Electronic Big Game Reporting System~~ Commission upon completion of big game harvest registration,



North Carolina Department of Public Safety
Private Protective Services Board

3.

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

R. Steven Johnson, Vice-chair
Paul Sherwin, Director

May 23, 2023

MEMORANDUM FOR RECORD

To: Jeff Gray, PPSB attorney

From: Paul Sherwin, Director

Re: Public comment for proposed adoption of rules 14B NCAC 16 .1501-.1504, 14B NCAC 16 .1601, and 14B NCAC 16 .1701-.1709; and amendment of rules 14B NCAC 16 .0201, 14B NCAC 16 .0403, and 14B NCAC 16 .0807

On February 27, 2023, the Notice of Text and Public Hearing for the proposed adoption of rules 14B NCAC 16 .1501-.1504, 14B NCAC 16 .1601, and 14B NCAC 16 .1701-.1709; and amendment of rules 14B NCAC 16 .0201, 14B NCAC 16 .0403, and 14B NCAC 16 .0807 was posted to the Private Protective Services Board’s webpage.

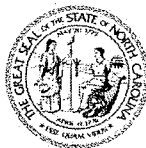
A public comment hearing was held at the Board’s office on Tuesday, April 4, 2023, from 2-2:30 p.m. No one provided comment.

Written comments were accepted February 27, 2023, through May 15, 2023. The following written comment was submitted:

“Rule .1502 seems to imply that only those who are qualifying for the license by taking a course—and not using experience—are required to have first aid/CPR/AED certifications. I believe the Board’s intent is for *all* close personal protection license holders to maintain first aid/CPR/AED certifications. Therefore, the rule should be written more clearly.”

Paul Sherwin
Director

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



www.ncdps.gov/pps
An Equal Opportunity employer

OFFICE LOCATION:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609
Telephone: (919) 788-5320
Email: ppsasl@ncdps.gov

4.

1 14B NCAC 16 .1501 is adopted under temporary procedures with changes as follows:

2

3

SECTION .1500 - CLOSE PERSONAL PROTECTION

4

5 **14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR A CLOSE PERSONAL PROTECTION**
6 **LICENSE**

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

9 (1) establish to the Board's satisfaction three years of verifiable experience while conducting close
10 personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association,
11 or corporation within the last 10 years;

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

15 (3) establish to the Board's satisfaction a military occupational specialty and two years of verifiable
16 experience within the past five years in the U.S. Armed Forces while conducting close personal
17 protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; ~~or~~

18 (4) have completed a course in close personal protection approved by the Board given by a school
19 specializing in close personal protection (or "executive protection") that consists of a minimum of
20 40 hours of actual classroom and practical instruction within the last 2 ~~years.~~ years; or

21 (5) possess a basic first aid certificate from the American Red Cross and a valid CPR and AED
22 certification from the American Red Cross, American Heart Association, American Safety and
23 Health Institute, or National Safety Council.

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

26 (1) the spouse holds a current license, certification, or registration from another jurisdiction and the
27 other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements;
28 and

29 (2) the spouse has two years verifiable experience within the past five years while conducting close
30 personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with
31 any entity described in Paragraph (a) of this rule.

32

33 *History Note: Authority G.S. 74C-5(2); 93B-15.1;*

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

5.

Notice is hereby given in accordance with G.S. 150B-21.2 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.

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

Proposed Effective Date: July 1, 2023

Public Hearing:

Date: April 4, 2023

Time: 2:00 p.m.

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

Reason for Proposed Action: Senate Bill 424 (S.L. 2022-66) created two new license categories for the Board: Close Personal Protection and Digital Forensics Examination. This necessitates the creation of three new Sections of Subchapter 16 (Section 15, Section 16 & Section 17) and conforming changes to three existing rules (.0201, .0403 & .0807). These portions of S.L. 2022-66 were effective October 1, 2022.

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

(Note 2: The version of 14B NCAC 16 .0502(b) noticed as a temporary rule was amended based on public comment to include additional course providers.)

(Note 3: The title of Section .1700 as noticed as a temporary rule was amended based on public comment to add the word "Associates".)

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

Comment period ends: May 15, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

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

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

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.

*History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022; July 1, 2021.*

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.

*History Note: Authority G.S. 74C-2; 74C-5;
Eff. June 1, 1984;
Amended Eff. December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0403 Eff. July 1, 2015;
Readopted Eff. August 1, 2020;
Amended Eff.*

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) of this Rule 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 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 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.

*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.*

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.

*History Note: Authority G.S. 74C-5(2); 93B-15.1;
Eff.*

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)-(3) or (b)(1) and (2) of this Section 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 this Section, 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 two hours).

(b) In addition to the minimum classroom and practical instruction required by Paragraph (a) of this Rule, the applicant must possess a basic first aid certificate from the American Red Cross and a valid CPR and AED certification from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety Council.

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

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

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.

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

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.

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

SECTION .1600 – DIGITAL FORENSICS EXAMINER

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.

*History Note: Authority G.S. 74C-5; 93B-15.1;
Eff.*

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

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.

History Note: Authority G.S. 74C-2(c); 74C-5(2);
Eff.

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.

History Note: Authority G.S. 74C-5(2);
Eff.

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.

History Note: Authority G.S. 74C-5(2);
Eff.

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.

History Note: Authority G.S. 74C-5(2);
Eff.

14B NCAC 16 .1705 EDUCATIONAL DEGREES AND NON-DEGREEED 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.

History Note: Authority G.S. 74C-5(2);
Eff.

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.

History Note: Authority G.S. 74C-5(2);
Eff.

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.

History Note: Authority G.S. 74C-2(c); 74C-5(2); 74C-12;
Eff.

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.

History Note: Authority G.S. 74C-5(2);
Eff.

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.

History Note: Authority G.S. 74C-5(2);
Eff.