

**MINUTES OF THE  
TELEPHONE CONFERENCE MEETING FOR  
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD**

DATE: May 21, 2020  
TIME: 10:00 A.M.  
PLACE: 3101 Industrial Drive Ste. 104  
Raleigh, North Carolina  
SUBMITTED BY: Brian Jones  
Director

MEMBERS PRESENT:  
Wayne Woodard  
Jim Crabtree  
Courtney Brown Jr.  
Robert Graham  
Stephen Wheeler  
Mack Donaldson

MEMBERS ABSENT:  
Larry Proctor

STAFF PRESENT:  
Director Brian Jones  
Deputy Director Paul Sherwin  
Board Secretary Cynthia Anthony  
Attorney Jeff Gray  
Field Services Supervisor Kim Odom  
Investigator Nick Ezell  
Investigator Lee Kelly

VISITORS:  
Anita Surratt  
Duncan Hubbard  
Darryl Bray  
Ray Dail

Dorian Dehnel  
Brandon Rowe  
Christopher Nobling

The May 21, 2020 telephone conference meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Woodard at 10:00 a.m.

In accordance with the State Ethics Law, Attorney Gray read the following information:  
“It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect

to any matter coming before this Board today, please identify the conflict or appearance and refrain from the deliberation and vote in that matter.”

Chairman Woodard welcomed all guests.

**MACK DONALDSON MADE A MOTION TO APPROVE THE MARCH 26, 2020 BOARD MEETING MINUTES. SECONDED BY JIM CRABTREE. MOTION CARRIED.**

The Grievance Committee Meeting was deferred until July 15, 2020 so there was no report.

Courtney Brown presented the Screening Committee report. Mr. Brown served as chair of the Screening Committee and they met via teleconference on May 21, 2020 from 8:00 a.m. to 10:00 a.m. to review a total of seventeen applications.

**JIM CRABTREE MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY ROBERT GRAHAM. MOTION CARRIED.**

**COURTNEY BROWN MADE A MOTION TO APPROVE MARY WOOD’S APPLICATION (Q/A) FOR 2 COMPANIES. SECONDED BY JIM CRABTREE. MOTION CARRIED.**

#### SPECIAL REPORTS AND PRESENTATIONS

1. Civility in the Workplace (online) - the Committee recommends approval for three CEU’s for this course.
2. Creative Problem Solving (online) - the Committee recommends approval for two CEU’s for this course.
3. Cyberthreat Preparedness (online) - the Committee recommends approval for two CEU’s for this course.
4. Diversity in the workplace (online) - the Committee recommends approval for two CEU’s for this course.
5. Goal Setting and Getting Things Done (online) - the Committee recommends approval for one CEU for this course.
6. Handling a difficult customer (online) - the Committee recommends approval for two CEU’s for this course.
7. Harassment in the Workplace (online) - the Committee recommends approval for two CEU’s for this course.
8. Time Management (online) - the Committee recommends approval for two CEU’s for this course.
9. Violence in the workplace (online) - the Committee recommends approval for one CEU for this course.

10. Troubleshooting Using Test Equipment (online) - the Committee recommends approval for two CEU's for this course.
11. Certified Alarm Technician Level 1 - the Committee recommends approval for six CEU's for this course.
12. Access Control Essentials - the Committee recommends approval for two CEU's for this course.
13. CCTV Essentials - the Committee recommends approval for two CEU's for this course.
14. Video Management Made Easy - the Committee recommends approval for one CEU for this course.
15. Elk M1 Essential - the Committee recommends approval for one CEU for this course.
16. Door Opening and Access Control Hardware - the Committee recommends approval for one CEU for this course.

**COURTNEY BROWN MADE A MOTION TO APPROVE THE CONTINUING EDUCATION REPORT AS PRESENTED. SECONDED BY ROBERT GRAHAM. MOTION CARRIED.**

#### FINAL AGENCY DECISIONS

None.

#### OLD BUSINESS

Director Jones recommended the Board adopt an emergency rule that waives the in-person meeting requirement for prospective licensees during a state or federally declared state of emergency. It would allow for the personal appearance requirement to be met through alternative electronic means.

Director Jones reiterated that new registration applicants are still able to submit their new applications without the submission of their fingerprint cards. The applications are denied; the applicants cannot work until their fingerprint results are received.

**COURTNEY BROWN MADE A MOTION TO ADOPT THE PROPOSED EMERGENCY RULE TO WAIVE THE IN-PERSON MEETING REQUIREMENT FOR PROSPECTIVE LICENSEES DURING A STATE OR FEDERALLY DECLARED STATE OF EMERGENCY. IT WOULD ALLOW FOR THE PERSONAL APPEARANCE REQUIREMENT TO BE MET THROUGH ALTERNATIVE ELECTRONIC MEANS. SECONDED BY JIM CRABTREE. MOTION CARRIED.**

#### NEW BUSINESS

Attorney Jeff Gray presented the Board with his retainer agreement contract for his legal services.

**STEPHEN WHEELER MADE A MOTION TO APPROVE THE BOARD ATTORNEY'S TWO YEAR CONTRACT RENEWAL. SECONDED BY JIM CRABTREE. MOTION CARRIED.**

**DIRECTOR'S REPORT**

Director Jones advised that the Board's fund balance was \$592,625.31 as of April 30, 2020. The Education Fund balance was \$65,732.15. As of April 30, 2020, the Board had 1,022 licensees and 6,813 registrants.

Director Jones announced that due to COVID-19, Private Protective Services continues to utilize a staggered schedule for staff. The office is open on Mondays, Wednesdays, and Fridays.

Director Jones announced that the candidate selected for the investigator's position in Raleigh will begin work in June 2020.

Director Jones announced that Investigator Scott Triplett resigned effective May 12, 2020. They will advertise his position in the coming weeks.

Director Jones reported as of May 19, 2020, employees had processed alarm registration applications submitted through May 13, 2020.

Director Jones announced the Alarm Systems Licensing Board would accept grant applications from March 27, 2020 until 5:00 p.m. on May 29, 2020. The guidelines and application are located on the ASLB website.

Chairman Woodard announced Director Jones would be resigning as of May 31, 2020 and announced Deputy Director, Paul Sherwin as the new Director

**JIM CRABTREE MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY COURTNEY BROWN. MOTION CARRIED.**

**ATTORNEY'S REPORT**

**I. CONSENT AGREEMENTS & CIVIL PENALTIES**

On March 26, 2020 Jeremy David Downey/Wolf Security Solutions Inc. entered into a Consent Agreement in the amount of \$722.50 for unlicensed activity. The Agreement was signed by the Q/A on April 9, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 James Brian Griffith/Griffith's Inc. entered into a Consent Agreement in the amount of \$1,360.00 for unlicensed activity. The Agreement was signed by the Q/A on April 3, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 Gregory Lee Hawes/Carolina Alarm Services, Inc. entered into a Consent Agreement in the amount of \$786.25 for unlicensed activity. The Agreement was signed by the Q/A on April 2, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 David Olin Knowles/Knowles Security & Electric LLC entered into a Consent Agreement in the amount of \$1,168.75 for unlicensed activity. The Agreement was signed by the Q/A on April 8, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 James Cleveland Lee/Alarmguard Security, Inc. entered into a Consent Agreement in the amount of \$913.75 for unlicensed activity. The Agreement was signed by the Q/A on April 2, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 Randy Ladon Mullis/AMAROK, LLC entered into a Consent Agreement in the amount of \$722.50 for unlicensed activity. The temporary Agreement was signed by the Q/A on March 25, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 Donald Alan Rosa II/TRM Inc. entered into a Consent Agreement in the amount of \$595.00 for unlicensed activity. The Agreement was signed by the Q/A on April 2, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 Bennie Keith Sinclair/Quick & Sinclair Electric, Inc. entered into a Consent Agreement in the amount of \$913.75 for unlicensed activity. The Agreement was signed by the Q/A on April 7, 2020. Payment has been received (PAID IN FULL)

On March 26, 2020 Paul Curtis Spruiell/Navco Security Systems entered into a Consent Agreement in the amount of \$1168.75 for unlicensed activity. The temporary Agreement was signed by the Q/A on March 25, 2020. Payment has been received (PAID IN FULL)

## II. OFFICE OF ADMINISTRATIVE HEARINGS

The hearings list is attached to the Attorney's Report.

## III. RULES

- a. At its September 19, 2018 meeting the Board, following a request from staff, instructed Attorney Gray to prepare amendments to the Board's administrative rules to allow an applicant for a license or registration the option to submit fingerprints electronically. The request resulted in an amendment to 14B NCAC 17 .0201 and .0301. A copy of those amendments were attached to Attorney's Gray November 21, 2019 Attorney's Report and approved by the Board.

The Notice of Text for these two rules, along with the amendment to .0204, was filed on January 8, 2020 and the Public Hearing was Tuesday, March 31, 2020 at 2:00 p.m. at the Board's office and there were no comments, written or oral.

- b. Also, at its September 19<sup>th</sup> meeting the Board asked that Attorney Gray review the rules allowing an entity whose license has lapsed to have its license reinstated. The only practical and legal method would be to amend the Board's administrative rules. The Private Protective Services Board has such a rule. Attorney Gray made the requested amendment by adding a Section in 14B NCAC 17 .0204 which was attached to his November 21<sup>st</sup> Attorney's Report and was approved.

The Notice of Text was filed along with the above and the Public Hearing was the same day and at the same time.

The Public Comment Period for all three rule amendments ended Friday May 15<sup>th</sup>. These rule amendments, with no changes, need to be adopted at today's meeting and will then be filed to be considered by the Rules Review Commission at its June 18, 2020 meeting.

#### IV. LEGISLATION

- a. A new proposed bill rewriting Chapter 74D was approved at the Board's November 15, 2018 meeting. Due to circumstances unrelated to the Board, the 74D re-write bill did not meet the legislature's bill introduction deadline. However, on May 29, 2019, through a process called a "PCS," or "Proposed Committee Substitute," the re-write language was added to an existing bill, House Bill 630, which makes numerous changes and additions to the Private Protective Services Act, Chapter 74C. The new bill is now entitled, "Private Protective Services/Alarm Systems Law Changes."

Regretfully while being considered in the House Finance Committee the fee increase provisions were removed. No other changes or amendments have been made to the Board's portion of the bill.

House Bill 630 passed the House on July 8<sup>th</sup> and has been referred to the Senate Committee on Rules and Operations of the Senate for assignment to a committee (likely Judiciary.) A copy was attached to Attorney Gray's July 18, 2019 Attorney's Report. There has been no further action on this bill.

- b. Senate Bill 305, "OLB Reform," was introduced on March 19, 2019. It modifies and adds to the Chapter's definitions set out in N.C. Gen. Stat. § 93B-1 by modifying the definition of "occupational licensing board" to include any board, committee, commission, or other state agency which is established for the purpose

of regulating the entry of persons into, and the conduct within (was, “and/or the conduct within”), a particular profession or occupation, which is authorized to issue licenses.

It maintains the term “does not include State agencies, staffed by full-time State employees, which as a part of their regular functions can issue licenses”, but adds the term “State agency licensing board,” and defines the term to include any State agency, staffed by full-time State employees, which as part of their regular functions issue licenses. It then includes a nonexclusive list of ten State agency licensing boards and the profession or occupation for which the board, agency, or officer can issue license. Interestingly, **the Private Protective Services Board is included on this list of ten, but the Alarm Systems Licensing Board was not.** Therefore, the Private Protective Services Board would no longer be considered an “occupational licensing board,” but instead be designated a “State agency licensing board.” (and the Alarm Systems Licensing Board would remain an o.l.b.)

Additional reports would be required of o.l.b.s. Further, denial, suspension or revocation based upon “crimes involving moral turpitude” would be deleted from the enabling statute of 34 occupational licensing boards. (It also deletes the Dental Board’s “crime involving gross immorality” and the Optometry Board’s “immoral conduct.”) Chapter 74D does not make reference to crimes of moral turpitude. A copy was attached to Attorney Gray’s April 25<sup>th</sup> Attorney’s Report. An identical bill, House Bill 910, was filed in the House on April 16<sup>th</sup>. Neither bill has seen action, however, much of SB 305 and HB 910 were an amendment to House Bill 770, which passed the legislature and was signed by the Governor on July 8, 2019. The bill was effective October 1, 2019 and applies to certificates of relief granted or applications for licensure submitted on or after that date.

A copy of HB 770 was attached to Attorney Gray’s August 22, 2019 Attorney’s Report.

Chairman Woodard, Director Jones and Attorney Gray met with Private Protective Services Board members Steve Johnson and John Aldridge to address the requirements of that bill and suggested changes were the subject of a separate memorandum at the Board’s November 21, 2019 meeting. Those suggestions were incorporated into a motion and approved at that meeting.

- c. Senate Bill 473, “Various OLB and Administrative Law Changes,” was introduced on April 2, 2019. This bill directs the Joint Legislative Administrative Procedure Oversight Committee (APO) to study whether the definition of “occupational licensing board” under N.C. Gen. Stat. § 93B-1 and the definition of “occupational licensing agency” under N.C. Gen. Stat. § 150B-2 should be specific lists of occupational licensing boards in order to clarify which

state agencies should be considered occupational licensing boards for purposes of Chapters 93B and 150B, then directs the APO to recommend which state agencies should be included under each definition if that determination is made, and report the results of the study to the 2020 General Assembly.

It amends N.C. Gen. Stat. § 143B-426.39, requiring the State Controller to develop and prescribe a uniform format for financial statements of the annual financial audits required by each licensing board pursuant to N.C. Gen. Stat. § 93B-2(b), and requires consultation with the State Auditor and occupational licensing boards in doing so. The financial statement audit reporting format is to be used for reports submitted on or after July 1, 2020. (Note: The PPSB's financial reporting is done through the Department of Public Safety.)

The bill also changes the title of N.C. Gen. Stat. § 150B-21.5 of the Administrative Procedure Act (APA) to "Circumstances when notice and rule-making hearing not required; circumstances when submission to the Rules Review Commission is not required." It amends subsection (a) to provide that an agency is not required to publish a notice of text in the North Carolina Register, hold a public hearing, or submit the amended rule to the Rules Review Commission for review (previously, did not except submission of the amended rule to the Commission for review) when the agency proposes to amend a rule to do one of the specified purposes in subsection (a). Provides changes to a few of the specified purposes for which notice, a public hearing, and submission to the Commission for review are not required, which include (1) when the rule is amended to change information readily available to the public, such as an address, telephone number, or a web site (previously, did not include a web site) and (2) when the rule is amended to correct a typographical error (previously, correct a typographical error in the North Carolina Administrative Code). It further moves the sixth purpose excepted in subsection (a) to new subsection (a1) to provide that an agency is not required to publish a notice of text in the Register or hold a public hearing when it proposes to change the rule in response to a request or an objection by the Commission, unless the Commission determines that the change is substantial (note, not excepted from rule submission to the Commission in this circumstance). Creates new subsection (e) to require any agency that adopts or amends a rule under subsection (a) or (c) of N.C. Gen. Stat. § 150B-21.5 to notify the Codifier of Rules of its actions and directs the Codifier of Rules to make the appropriate changes to the North Carolina Administrative Code when notified of such agency action.

It changes the title of N.C. Gen. Stat. § 150B-21.20 to "Codifier's authority to revise rules" and amends the Codifier of Rules authority to allow the Codifier, after consulting with the agency that adopted the rule, to revise a rule (previously, revise the form of a rule submitted for inclusion in the North Carolina Administrative Code) to do one or more of the specified objectives. It adds four



objectives for which the Codifier may revise a rule: (1) to substitute one name for another when an organization or position is renamed; (2) to correct a citation in the rule to another rule or law when the citation has become inaccurate because of the repeal or renumbering of the cited rule or law; (3) to change information that is readily available to the public, such as an address, a telephone number, or a web site; or (4) to correct a typographical error.

It divides existing N.C. Gen. Stat. § 150B-22, “Settlement; contested case,” into two subsections and additionally, clarifies that a party or person aggrieved cannot be required to petition an agency for rule making or to seek or obtain a declaratory ruling before commencing a contested case under N.C. Gen. Stat. § 150B-23 (provisions for commencement of a contested case), then makes conforming changes to N.C. Gen. Stat. § 150B-43, “Right to judicial review”.

It also makes changes to the APA concerning the periodic review and expiration of existing rules. (Since the Board has completed this process, and will not have to undergo it again for seven years, Attorney Gray will not elaborate on this section.)

The remaining portion of House Bill 473 merges the Barber Board and Cosmetology Board and adds appointees to the Massage and Body Work Therapy Board. (Since these provisions make this bill rather lengthy, a copy is not attached.) This bill has not seen action.

- d. House Bill 484, “Verification of Immigration Status,” was introduced on March 28, 2019. It would require all State agencies and licensing boards to verify the immunization status of applicants using the federal Department of Homeland Security’s Systematic Alien Verification for Entitlements, or “SAVE” system. It would require that the Board enter an agreement with Homeland Security and it would require yet another report be submitted. This bill has seen no action. (Copy not attached.)
- e. House Bill 902, “Military-Trained/Spouse Licensure Practices,” was introduced on April 16, 2019. This bill would require the Program Evaluation Division of the General Assembly to study the extent to which the provisions of N.C. Gen. Stat. § 93B-15.1 have improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards. The PED’s study would have been due to the Joint Legislative Oversight Committee on General Government and to the Department of Military and Veterans Affairs by February 1, 2020.

This bill passed the House 114-0 on May 2<sup>nd</sup> and was referred to the Senate Rules Committee. (No copy attached.) However, even though bill has not passed, it appears as if the PED proceeded with the study. At its February 10, 2020 meeting the Program Evaluation Oversight Committee considered a bill to amend N.C.

Gen. Stat. § 93B-15.1 yet again to strengthen its provisions and amend N.C. Gen. Stat. § 93B-2 to require reporting on the number of applications received, granted and denied. A copy of this bill draft was attached to Attorney Gray's March 26<sup>th</sup> Attorney's Report.

The actual bill has now been introduced, with identical versions in both the House and Senate as HB 1053 and SB 717. Copy attached as Attachment 2 of the Attorney's Report.

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

Section 4.(a) of this bill, if passed, would require all Gen. Stat. § 93B-1 boards to study and report to the Legislative Administrative Procedures Oversight Committee by December 31, 2019 any available options for on-line continuing education. This bill passed the Senate on June 11<sup>th</sup> after a single amendment ("Committee Substitute"), but was amended numerous times in House committees and on the floor before passing the House on July 8<sup>th</sup>. Since that time it has been tied up in a joint Conference Committee. (No copy attached.)

- g. A number of bills were introduced the last week of April when the legislature returned for the start of its "short session." One was a comprehensive spending bill to address a myriad of issues created by the COVID-19 pandemic and a second, Senate Bill 704, addressed non-budgetary issues. One provision in SB 704 is designed to give "state agencies," to include occupational licensing boards, regulatory flexibility during the "coronavirus emergency" which is defined as the period of the Governor's executive orders until rescinded. Essentially, the provision allows state agencies to adopt Emergency rules -- something the Board could have done anyhow but did not see the necessity to do so -- including delaying the collection of fees, fines or payments, delaying renewal dates for permits, licenses, certificates and registrations, and delaying or modifying educational or exam requirements.

It passed the legislature, was signed by the Governor, and was effective May 4, 2020. (No copy attached.)

- h. Also introduced was Senate Bill 712, "N.C. Freedom to Work Act," which would prohibit prosecution for any violation of Executive Order No.s 118, 120, 121 and 135 issued by the Governor, or for any other Executive Order issued after April 23, 2020 during the COVID-19 pandemic. Although the bill title implies it only

covers restrictions related to the right to work, as written the bill would prohibit criminal prosecution of any restriction contained in these executive orders, such as the prohibition of mass gatherings, social distancing, etc. The bill would also limit the penalty for violating an executive order to a civil penalty (currently, it is a Class 2 misdemeanor to violate an executive order) and would prohibit criminal enforcement of the violation of any local emergency order that mirrors or exceeds the limitations ordered by Governor Cooper in the above executive orders.

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

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

- i. Senate Bill 773, “Universal License Recognition,” was introduced on May 14<sup>th</sup>. It amends Chapter 93B to add a new section (15.7) which would require any “occupational licensing board” as defined by N.C. Gen Stat. § 93B-1 to issue a license, certification, or registration to any applicant who establishes residency in this State who has been licensed, certified or registered in another state under certain conditions. The Board is defined as an occupational licensing board by N.C. Gen. State. § 93B-1(1) (however, the Private Protective Services Board is defined as a “State agency licensing” Board by N.C. Gen. Stat. § 93B-1(2)).

This bill also would require that Board to list the specific requirements, and all necessary documentation needed to satisfy the requirements, on its website.

A copy is attached as Attachment 3 of the Attorney’s Report.

**STEPHEN WHEELER MADE A MOTION TO ADOPT THE THREE RULE ADMENDMENTS (14B NCAC 17 .0201, 14B NCAC 17 .0204 AND 14B NCAC 17.0301). SECONDED BY JIM CRABTREE. MOTION CARRIED.**

**JIM CRABTREE MADE A MOTION TO ACCEPT THE ATTORNEY’S REPORT AS PRESENTED. SECONDED BY COURTNEY BROWN. MOTION CARRIED.**

Chairman Woodard announced that Courtney Brown’s service appointment term has ended, and this would be his last Board meeting. Also, he thanked Courtney Brown for his dedication and service.

GOOD OF THE ORDER.

The NC Electronic Security Association meeting has been moved to October 13, 2020.

**COURTNEY BROWN MADE A MOTION TO ADJOURN. SECONDED BY JIM CRABTREE. MOTION CARRIED.**

Meeting Adjourned: 11:37 a.m.

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Brian Jones  
Director

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Cynthia Anthony  
Reporter