

**MINUTES OF THE
LIVE AND VIRTUAL MEETING FOR
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD**

DATE: September 17, 2020

TIME: 10:30 A.M.

PLACE: 3101 Industrial Drive Ste. 104
Raleigh, North Carolina

SUBMITTED BY: Paul Sherwin
Director

MEMBERS PRESENT:	MEMBERS PRESENT VIRTUALLY	MEMBERS ABSENT
Wayne Woodard	Caroline Brown	Robert Graham
Jim Crabtree		
Stephen Wheeler		
Larry Proctor		
Mack Donaldson		

STAFF PRESENT:
Director Paul Sherwin
Deputy Director Amanda Rolle
Attorney Jeff Gray

STAFF PRESENT VIRTUALLY:
Board Secretary Cynthia Anthony
Field Services Supervisor Kim Odom
Investigator Nick Ezell
Investigator Darla Cole
Investigator Ray Bullard

VISITORS:
Sean Hatcher
Duncan Hubbard
Dorian Dehnel
Corky McClellan
Kevin Parrish

The September 17, 2020 telephone conference meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Woodard at 10:30 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 introduced the Board members and staff and then welcomed all guests.

JIM CRABTREE MADE A MOTION TO APPROVE THE JULY 16, 2020 BOARD MEETING MINUTES. SECONDED BY MACK DONALDSON. MOTION CARRIED.

Mack Donaldson presented the Grievance Committee report. Mack Donaldson and Larry Proctor met via live and virtually as the Grievance Committee on September 16, 2020 from 1:00 p.m. to 3:41 pm. and heard a total of six cases.

LARRY PROCTOR MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY JIM CRABTREE. MOTION CARRIED.

Stephen Wheeler presented the Screening Committee report. Mr. Wheeler served as chair of the Screening Committee and they met via live and virtually on July 15, 2020 from 9:00 a.m. to 9:40 a.m. to review a total of fourteen applications.

JIM CRABTREE MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY LARRY PROCTOR. MOTION CARRIED.

FINAL AGENCY DECISIONS

None.

SPECIAL REPORTS AND PRESENTATIONS

Jim Crabtree presented the continuing education report.

1. Electronic Security Networking Technician - the Committee recommends approval for six CEU's for this course.
2. 20P set up and programming- the Committee recommends approval for two's CEU for this course.
3. 21ip set up and programming- the Committee recommends approval for two's CEU for this course.
4. 5800 Wireless and 5800 C2W Webinar- the Committee recommends approval for two's CEU for this course.
5. Burg Alarm Basics Webinar- the Committee recommends approval for two's CEU for this course.
6. Lynx5210 Programming Webinar- the Committee recommends approval for two's CEU for this course.
7. Z-Wave Webinar- the Committee recommends approval for two's CEU for this course.

8. GE NX Series Control Panel- the Committee recommends approval for six CEU's for this course.
9. Add-On Safe Zone Gunfire Detection System to your existing Security, Video, Access Control Installation business- the Committee recommends approval for one CEU for this course.
10. Introduction to Access Control- the Committee recommends approval for two's CEU for this course.
11. Understanding Digital Video Recorders- the Committee recommends approval for two CEU's for this course.
12. CCTV Basic Design- the Committee recommends approval for two CEU's for this course.
13. Burglar Alarm Basics- the Committee recommends approval for two CEU's for this course.
14. Output Device Proficiency- the Committee recommends approval for one CEU for this course.
15. Selecting the Right Camera & Lens- the Committee recommends approval for two CEU's for this course.
16. False Alarm Prevention for the Alarm Technician- the Committee recommends approval for three CEU's for this course.
17. Remote-Control, Signaling, and Power Limited Conductors- the Committee recommends approval for three CEU's for this course.
18. Basic Math for Security Professionals- the Committee recommends approval for one CEU for this course.
19. Basics of Customer Service- the Committee recommends approval for three CEU's for this course.
20. Conflict Resolution- the Committee recommends approval for two CEU's for this course.
21. Customer Support- the Committee recommends approval for two CEU's for this course.
22. Incident Reports for Security Professionals- the Committee recommends approval for one CEU for this course.
23. Job Safety Reminders- the Committee recommends approval for one CEU for this course.
24. Maintenance and Inspection Processed to Avoid trouble- the Committee recommends approval for one CEU for this course.
25. Managing Projects Effectively- the Committee recommends approval for three CEU's for this course.
26. Networking 101 Basics CEU- the Committee recommends approval for one CEU for this course.
27. Networking 102 Protocols CEU- the Committee recommends approval for one CEU for this course.
28. Networking 103 -Data Transmission CEU- the Committee recommends approval for one CEU for this course.
29. Networking 104- Hardware CEU- the Committee recommends approval for one CEU for this course.
30. Networking 105-Administration of Networks CEU- the Committee recommends approval for one CEU for this course.

31. Networking 106 -Basic Network Troubleshooting CEU- the Committee recommends approval for one CEU for this course.
32. OSHA 10 hour Construction - the committee recommends **denial** because it is not covered by 74D.
33. OSHA 30 hour Construction - the committee recommends **denial** because it is not covered by 74D.
34. Physical Science and Security Professionals the committee recommends **denial** because it is not covered by 74D.
35. Structured Wiring and the Security Industry- the Committee recommends approval for six CEU's for this course.
36. Troubleshooting Closed Circuit Video Systems- the Committee recommends approval for one CEU for this course.
37. Troubleshooting Fire Alarm Devices - the committee recommends **denial** because it is not covered by 74D.
38. Wireless Systems 101 Standards- the Committee recommends approval for one CEU for this course.
39. Wireless Systems 102 Components- the Committee recommends approval for one CEU for this course.
40. Wireless Systems 103 Troubleshooting- the Committee recommends approval for one CEU for this course.
41. BVMS Expert Appliance Storage (classroom) - the committee recommends **denial** because it is not covered by 74D.

LARRY PROCTOR MADE A MOTION TO APPROVE THE CONTINUING EDUCATION REPORT AS PRESENTED. SECONDED BY CAROLINE BROWN. MOTION CARRIED.

OLD BUSINESS

None.

NEW BUSINESS

None.

DIRECTOR'S REPORT

Director Sherwin advised that the Board's fund balance was \$615,883.20 as of August 31, 2020. The Education Fund balance was \$67,337.51. As of August 31, 2020, the Board had 1,011 licensees and 7,044 registrants.

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

Director Sherwin introduced two new hired employees: Investigator Darla Cole and Deputy Director Amanda Rolle.

Director Sherwin announced that Investigator Cole will be working out of the Raleigh office as a field investigator. This position was relocated from Fayetteville earlier in 2020 and her first day with PPS was on Monday, August 17, 2020. She has worked in law enforcement since 1995, having served as a patrol officer with the Garner Police Department, chief of the Lee County Schools Special Police, and a detective with the Sanford Police Department, from which she retired earlier this year. She is an adjunct instructor at Fayetteville State University where she teaches criminal justice courses. She holds a bachelor's degree in journalism and political science from the University of North Carolina – Chapel Hill, and a master's degree in justice administration from Methodist University.

Deputy Director Rolle's first day with PPS was on Monday, August 31, 2020. She has experience in law enforcement and public safety, and an extensive educational background. She worked for the Raleigh Police Department for 15 years where she achieved the rank of sergeant and worked in various assignments to include patrol, crime prevention, drugs and vice, and internal affairs. From there, she worked as the director of security and safety for the Metro Nashville Davidson County Juvenile Court, where for three years she supervised several armed and unarmed security guards and provided oversight for the court's internal affairs investigations. She also worked briefly as a supervisor in the San Bernardino County (California) Public Defender's Office. Most recently, she worked as an undergraduate professor at the University of Rhode Island, where she continues to teach online criminal justice courses. She has earned a bachelor's degree in criminal justice from N.C. State University, a master's degree and doctorate in educational human resource development from Texas A&M University. She is currently working on a second master's degree in criminal justice from the University of Houston-Downtown. She received her N.C. private investigator license in April 2020.

Director Sherwin announced that Mary Presley, who worked for PPS for three years and focused primarily on ASLB registration applications, resigned from her position on Friday, Sept. 11, 2020. She accepted a job with another company.

Director Sherwin stated that Private Protective Services currently has four vacant positions:

- Hickory-based Investigator
- PPSB Secretary (hiring in progress)
- Administrative Assistant
- Registration Processor

JIM CRABTREE MADE A MOTION TO ACCEPT THE DIRECTOR'S REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED.

ATTORNEY'S REPORT

I. CONSENT AGREEMENTS & CIVIL PENALTIES

On July 16, 2020 William Michael Hubbard and Siemens Industry, Inc., Security Division entered into a Consent Agreement in the amount of \$367.20 for two registration violations. The Agreement was signed by the Q/A on August 5, 2020. Payment has not been received.

On July 16, 2020 Eric Randall Bouvet and Affinity Integrated Solutions, Inc. entered into a Consent Agreement in the amount of \$5,691.60 for 31 registration violations. The temporary Agreement was signed by the Q/A on May 14, 2020. Payment has been received. (PAID IN FULL)

On July 16, 2020 John William Morrow and Telecommunications, Inc. entered into a Consent Agreement in the amount of \$2,182.80 for 11 registration violations. It was agreed the Consent Agreement may be paid in three equal installments beginning in July 2020. The Agreement was signed by the Q/A on August 5, 2020. The first payment has not been received.

On July 16, 2020 Harrison Diehl and Safe Haven entered into a Consent Agreement in the amount of \$918.00 for five registration violations. The temporary Agreement was signed by the Q/A on May 4, 2020. Payment has been received. (PAID IN FULL)

On July 16, 2020 Safe Home Security Inc. must pay a civil penalty in the amount of \$2,000.00 for violation of G.S. 74D-10(a)(5) and registration violations. Payment has been received. (PAID IN FULL)

On July 16, 2020 Alfred Abbot and Stanley Security Solutions, Inc. entered into a Consent Agreement in the amount of \$170.00 for unlicensed activity. The temporary Agreement was signed by the Q/A on July 8, 2020. Payment has been received. (PAID IN FULL)

On July 16, 2020 William Craig Beard and Sunland Fire Protection, Inc. entered into a Consent Agreement in the amount of \$595.00 for unlicensed activity. The Agreement was signed by the Q/A on July 27, 2020. Payment has been received. (PAID IN FULL)

On July 16, 2020 Daniel O'Connor and Secured Lock, Inc. entered into a Consent Agreement in the amount of \$1,062.50 for unlicensed activity. The Agreement was signed by the Q/A on July 27, 2020. Payment has been received. (PAID IN FULL)

On July 16, 2020 Scott William Wesner and RTS Technology entered into a Consent Agreement in the amount of \$680.00 for unlicensed activity. The Agreement was signed by the Q/A on July 29, 2020. Payment has been received. (PAID IN FULL)

On July 16, 2020 Roger Wilkins and Action Alarms, Inc. entered into a Consent Agreement in the amount of \$595.00 for unlicensed activity. The Agreement was signed by the Q/A on August 5, 2020. Payment has been received. (PAID IN FULL)

II. OFFICE OF ADMINISTRATIVE HEARINGS

The hearing list was 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 Gray's 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, 2019 meeting the Board asked that Attorney Gray to review the options to allow 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 sub-section in 14B NCAC 17 .0204 which was attached to his November 21, 2019 Attorney's Report and approved.

The Notice of Text was filed along with the two rules in a., above, and the Public Hearing was the same day and same time.

The Public Comment Period for all three rule amendments ended Friday, April 3, 2020. These rule amendments, with no changes, were adopted at the Board's May 24, 2020 meeting and were then filed to be considered by the Rules Review Commission. Some minor requests for technical change and a staff objection were received. Former Board Legal Counsel, Charles McDarris, and Attorney Gray responded to those and the Commission approved the three rule amendments at its meeting on July 16, 2020. A copy was attached as Attachment 2 of the Attorney's Report.

- c. At its May 21, 2020 meeting the Board voted to amend its administrative rules to accommodate applicants for licensure during a declared state of emergency. In order to address the current COVID-19 pandemic, the Board chose to do so using the Emergency rulemaking process. Prior to passage of Senate Bill 704 (*see*, subsection

g. under LEGISLATION, below), a State agency was required to simultaneously begin the Temporary rulemaking process upon adopting Emergency rules. Although this requirement was temporarily suspended by SB 704, the Board chose to make this rule amendment permanent.

A copy of the Board's Emergency rule amendment to 14B NCAC 17 .0202 was attached to Attorney Gray's July 16, 2020 Attorney's Report. This Emergency rule was effective June 9, 2020 and was published in the North Carolina Register on July 1, 2020.

At its July 16, 2020 meeting the Board voted to adopt the Emergency rule amendment as a Temporary rule. The Notice of Text was filed on August 17, 2020. The Public Hearing for this rule amendment is Tuesday, October 6, 2020 at 2:00 p.m. at the Board's office, and virtually if necessary. The Public Comment Period ends November 2, 2020.

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, 2019 and was 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.

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

who in turn asked Rep. McNeil to remove the Alarm Board's portion. Only the Private Protective Services Board's portion was included in the PCS for SB 202.

Albeit, SB 202 failed a House floor vote on June 24, 2020.

House Bill 630 is now officially "dead" with the adjournment *sine die* of the legislature two weeks ago.

In anticipation of the introduction of a new bill when the legislature returns for its 2021-2022 Session Attorney Gray has requested and received proposed language from the lobbyist for Google to address its concerns. This language has been provided to the Board in a separate document.

- b. House Bill 484, "Verification of Immigration Status," was introduced on March 28, 2019. It would require all State agencies and licensing boards to verify the immunization status of applicants using the federal Department of Homeland Security's Systematic Alien Verification for Entitlements, or "SAVE" system. It would require that the Board enter an agreement with Homeland Security and it would require yet another report be submitted. This bill has seen no action. (Copy was not attached.)
- c. House Bill 902, "Military-Trained/Spouse Licensure Practices," was introduced on April 16, 2019. This bill would have required the Program Evaluation Division of the General Assembly to study the extent to which the provisions of N.C. Gen. Stat. § 93B-15. Attorney Gray has improved the ability of military-trained applicants and military spouses to become licensed by occupational licensing boards. The PED's study would have been due to the Joint Legislative Oversight Committee on General Government and to the Department of Military and Veterans Affairs by February 1, 2020.

This bill passed the House 114-0 on May 2, 2019 and was referred to the Senate Rules Committee. (No copy was attached.) However, even though the bill had not passed the Senate, the PED proceeded with the study, and at its February 10, 2020 meeting the Program Evaluation Oversight Committee considered a bill to amend N.C. Gen. Stat. § 93B-15.1 yet again to strengthen its provisions and amend N.C. Gen. Stat. § 93B-2 to require reporting on the number of applications received, granted and denied. A copy of this bill draft was attached to Attorney Gray's March 26, 2020 Attorney's Report.

The actual bill was introduced, with identical versions in both the House and Senate, as HB 1053 and SB 717. House Bill 1053 was ratified, with an unrelated provision regarding an interstate compact for the practice of audiology, and signed by the Governor on July 2, 2020. A copy of the relevant portion was attached to Attorney Gray's July 16, 2020 Attorney's Report.

Attorney will prepare a Memorandum for the staff to use.

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

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

- e. Senate Bill 773, “Universal License Recognition,” was introduced on May 14, 2019. It amends Chapter 93B to add a new section (15.7) which would require any “occupational licensing board” as defined by N.C. Gen. Stat. § 93B-1 to issue a license, certification, or registration to any applicant who establishes residency in this State who has been licensed, certified or registered in another state under certain conditions. The Board is defined as an occupational licensing board by N.C. Gen. Stat. § 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. This bill was referred to the Senate Rules Committee and has seen no further action.

A copy was attached to Attorney Gray’s May 24, 2020 Attorney’s Report.

- f. A number of bills were introduced the last week of April when the legislature returned for the start of its “short session.” One was a comprehensive spending bill to address a myriad of issues created by the COVID-19 pandemic and a second, Senate Bill 704, addressed non-budgetary COVID-19 issues. One provision in SB 704 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 - - 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 was attached.)

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

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

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

After a lengthy conversation concerning House Bill 630, Chairman Woodard requested Attorney Gray email the Board the original version of HB 630 so that the members can prepare for an in-depth discussion at the next Board meeting. Also, he requested that the Board’s legislative committee review HB 630 and come up with acceptable language since Google’s lobbyist had provided language addressing its concerns regarding the Alarm Board portion of HB 630.

JIM CRABTREE MADE A MOTION TO ACCEPT THE ATTORNEY’S REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED.

GOOD OF THE ORDER.

Corky McClellan addressed the Board with regard to consideration of revision of the NC electrical license requirement. Chairman Woodard requested Mr. McClellan submit his proposal in writing so that it can be reviewed at the next Board meeting.

Chairman Woodard reminded the Board and the industry of the next board meeting and stated that hopefully it will be an in-person meeting. He reiterated to the Board and the industry to continually monitor the website for any updates.

LARRY PROCTOR MADE A MOTION TO ADJOURN. SECONDED BY JIM CRABTREE. MOTION CARRIED.

Meeting Adjourned: 12:06 p.m.

Paul Sherwin
Director

Cynthia Anthony
Reporter