

**MINUTES OF THE IN-PERSON AND
VIRTUAL MEETING FOR THE
NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD**

DATE: January 21, 2021

TIME: 2:30 P.M.

PLACE: 3101 Industrial Drive Ste. 104
Raleigh, North Carolina 27609

SUBMITTED BY: Paul Sherwin, Director

MEMBERS PRESENT:

Wayne Woodard
Jim Crabtree
Mack Donaldson

MEMBERS PRESENT VIRTUALLY:

Caroline Brown
Stephen Wheeler

MEMBERS ABSENT:

Robert W. Graham
Larry Proctor

STAFF PRESENT:

Director Paul Sherwin
Attorney Jeff Gray

STAFF PRESENT VIRTUALLY:

Deputy Director Amanda Rolle
Board Secretary Cynthia Anthony
Field Services Supervisor Kim Odom
Investigator Nick Ezell

VISITORS PRESENT VIRTUALLY:

Kim Blatchford Dorian Dehnel
Thomas Myatt Jr. Ian Flowers
Steve Bahn Kyle Randleman

On January 21, 2021, at 2:30 P.M., Chairman Woodard called the telephone conference meeting of the North Carolina Alarm Systems Licensing Board to order.

Attorney 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."

Chairman Woodard introduced the Board members and staff and then welcomed all guests.

MACK DONALDSON MADE A MOTION TO APPROVE THE NOVEMBER 19, 2020 BOARD MEETING MINUTES. SECONDED BY JIM CRABTREE. MOTION CARRIED ON A ROLL CALL VOTE.

Mack Donaldson presented the Grievance Committee report. Mack Donaldson and Jim Crabtree met in person and virtually as the Grievance Committee on January 20, 2021, from 9:30 A.M. to 11:01 A.M. and heard a total of five cases.

JIM CRABTREE MADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY CAROLINE BROWN. MOTION CARRIED ON A ROLL CALL VOTE.

Stephen Wheeler presented the Screening Committee report. Mr. Wheeler served as chair of the Screening Committee, and they met in-person and virtually on January 21, 2021, from 1:00 P.M. to 1:37 P.M. to review a total of four applications.

JIM CRABTREE MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED ON A ROLL CALL VOTE.

FINAL AGENCY DECISIONS

None.

SPECIAL REPORTS AND PRESENTATIONS

Jim Crabtree presented the continuing education report.

1. 2020 NEC Changes - the committee recommends denial because it doesn't apply to electronic security or burglar alarms.
2. 2020 NEC Changes (Synchronous Virtual) - the committee recommends denial because it doesn't apply to electronic security or burglar alarms.
3. Power Quality (Synchronous Virtual) - the committee recommends denial because it doesn't apply to electronic security or burglar alarms.
4. Power Quality - the committee recommends denial because it doesn't apply to electronic security or burglar alarms.
5. Life Safe Code (online) - the committee recommends denial because it doesn't apply to electronic security or burglar alarms.
6. International Building Code (online) - the committee recommends denial because it doesn't apply to electronic security or burglar alarms.
7. Dahua: Leveraging your Surveillance Systems and Video Analytics- the Committee recommends approval for one CEU for this course.
8. Dahua: Low Light Video Solutions - the committee recommends approval for one CEU for this course.

MACK DONALDSON MADE A MOTION TO APPROVE THE CONTINUING EDUCATION REPORT AS PRESENTED. SECONDED BY CAROLINE BROWN. MOTION CARRIED ON A ROLL CALL VOTE.

OLD BUSINESS

Stephen Wheeler expressed to the Board that due to schedule conflicts, the Board may want to consider rescheduling the July 21-22, 2021 and the November 17-18, 2021 Board meetings. This discussion was deferred to the next Board meeting.

NEW BUSINESS

Attorney Gray addressed the Board concerning the draft of a new proposed bill to update Chapter 74D. After a lengthy discussion, the Board elected to accept these changes as stated below.

MACK DONALDSON MADE A MOTION TO MODIFY 74D-2(d)(4) BY REMOVING THE LANGUAGE "LEVEL 2" AND REPLACE IT WITH "COURSE APPROVED BY THE BOARD"; SECONDLY, TO ACCEPT THE PROPOSED LANGUAGE SUBMITTED BY ATTORNEY GRAY IN REFERENCE TO 74D-3(7); LASTLY, TO AMEND 74D-7(e) BY REMOVING THE FEE INCREASE AND SUBMIT IT AS A SEPARATE BILL TO THE LEGISLATURE. SECONDED BY MACK DONALDSON. MOTION CARRIED ON A ROLL CALL VOTE.

Stephen Wheeler expressed concerns to the Board about Executive Order No. 158 and the possible effects on the alarm industry. After a lengthy conversation, Chairman Woodard instructed Attorney Gray to draft a letter informing the NC Department of Administration of the Board's issues and concerns.

DIRECTOR'S REPORT

Director Sherwin advised that the Board's fund balance was \$627,613.30 as of December 31, 2020. The Education Fund balance was \$69,088.16. As of December 31, 2020, the Board had 1,016 licensees and 7,323 registrants.

Director Sherwin reported that Private Protective Services staff continues to work mostly from home, due to COVID-19 restrictions. However, the office is open to the public Monday through Friday from approximately 7:30 A.M. to 4:30 P.M. He added that the number of staff members present in the office each day, are kept to a minimum.

Director Sherwin announced the recent hiring of Yasmine Pinchback through the State's temporary staffing firm. Ms. Pinchback will manage the front-desk duties to include assisting walk-in customers, processing fingerprint results, and sorting mail, etc.

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

- Hickory-based Investigator (hiring in progress)
- Administrative Assistant
- Registration Processor (2) (hiring in progress)

Director Sherwin announced that Private Protective Services would be instituting a proactive external registration audit program beginning this month. The program, which is currently in a pilot stage, is structured to randomly select approximately 2.5% of ASLB licensees each year for a registration audit. Currently, registration audits are performed reactively, in response to a complaint or other matters brought to the Board's attention. This proactive audit program is designed to allow PPS and the Board to more closely monitor registration compliance among licensees. The audits are meant to be small in scope and would cover only one quarter from the previous calendar year. The results of these audits would be presented throughout the year to the Board upon completion and referred to Grievance Committee for resolution, as needed.

Director Sherwin stated in late 2020, Private Protective Services sought assistance from the NCDPS graphics design office for a logo redesign and help with the agency rebranding. Private Protective Services would transition to the new logo soon. The graphics design team also developed a new Alarm Systems Licensing Board logo. He stated that if the Board approves the new logo, Private Protective Services staff would work with NCDPS graphics design staff to integrate the proposed ASLB logo into Board-branded documents such as pocket ID cards, wall licenses, letter head, etc.

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

ATTORNEY'S REPORT

I. CONSENT AGREEMENTS & CIVIL PENALTIES

On November 19, 2020 Matthew Pitts and Safe Home Security, Inc. entered into a Consent Agreement in the amount of \$367.20 for two registration violations. The Agreement was signed by the Q/A on December 21, 2020. Payment has been received. **(PAID IN FULL)**

On November 19, 2020 Pamela Craig Miller and Spectrum Sales NC, Inc. entered into a Consent Agreement in the amount of \$1,876.80 for ten registration violations. The temporary Agreement was signed by the Q/A on November 4, 2020. Payment **has not** been received.

On November 19, 2020 Harrell Travis Fisher and AFA Southeast, Inc., Subsidiary of AFA Protective Systems, Inc. entered into a Consent Agreement in the amount of \$1,976.25 for unlicensed activity. The Agreement was signed by the Q/A on November 19, 2020. Payment has been received. **(PAID IN FULL)**

On November 19, 2020 Pamela Craig Miller and Spectrum Sales NC, Inc. entered into a Consent Agreement in the amount of \$1,105.00 for unlicensed activity. The Agreement was signed by the Q/A on November 10, 2020. Payment **has not** been received.

On November 19, 2020 Andrew Phillip Vanderburg and Global Guardian LLC entered into a Consent Agreement in the amount of \$3,315.00 for unlicensed activity. The Agreement was signed by the Q/A on November 30, 2020. Payment has been received. **(PAID IN FULL)**

On November 19, 2020 Larry Dwayne Woodall and Trident Technology Solutions, Inc. entered into a Consent Agreement in the amount of \$510.00 for unlicensed activity. The Agreement was signed by the Q/A on November 30, 2020. Payment has been received. **(PAID IN FULL)**

II. OFFICE OF ADMINISTRATIVE HEARINGS

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

III. RULES

- a. At its May 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 in Attorney Gray's September Attorney's Report), 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 .0201 was attached to Attorney Gray's July 16, 2020 Attorney's Report. This Emergency rule was effective on 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 this Emergency rule amendment as a Temporary rule. This Temporary rule amendment was approved by the Rules Review Commission at its August meeting and was included as an attachment to Attorney Gray's September Attorney's Report. The effective date for this Temporary rule amendment was August 28, 2020.

If the Board wants to make this amendment permanent it will need to commence the Permanent rulemaking process before the expiration of 270 days from August 28th, or May 25, 2021. Attorney Gray recommend a decision be made and a vote taken at the Board's March meeting.

- b. Also, at its July 2020 meeting the Board voted to add an additional course, Complete Electrical Academy's Level I course, to the minimum training requirement for licensure in 14B NCAC 17 .0202(a)(3). It also voted to repeal the Board oral or written examination requirement in .0202(a)(2) since the Board has not administered such an exam in many years. (Note: This repeal created a renumbering of subsection (a) so the course requirement subsection is now "(a)(2).") The Notice of Text was filed on August 7, 2020. The Public Hearing for this rule amendment was Tuesday, October 6, 2020 at 2:00 p.m. at the Board's office, virtually. The Public Comment Period ended November 2, 2020. No public comment, written or oral, was received.

The Board voted to approve this rule amendment at its November 19, 2020 meeting. The submission for Permanent Rule form was filed December 1, 2020.

IV. LEGISLATION

At the request of the Board, Attorney Gray prepared a new bill, virtually identical to the proposed bill that was introduced in the last two sessions of the General Assembly, for introduction in the current (i.e. 2021-2022) Session. Attorney Gray

circulated a copy to the Board on December 31st. Another copy was attached as Attachment 2 of the Attorney's Report.

After circulating this draft Mr. Wheeler suggested a modification to the language in new N.C. Gen. Stat. § 74D-2(d)(4) so that it would merely read "...course approved by the Board" without saying "Level I." The Board has the administrative rule, 14B NCAC 17 .0202(a)(2), which is pending amendment (*see*, subsection a. under RULES, above) that states which courses are approved.

Additionally, the Legislative Liaison for the Department of Public Safety has asked that the Board split this bill into two separate bills; one with the fee increase (i.e. Sec. 9 amending N.C. Gen. Stat. § 74D-7(e)) and then one with all of the other provisions. This is being done since the House Finance Committee summarily struck the fee increase provision from the bill introduced last Session.

JIM CRABTREE MADE A MOTION TO APPROVE THE RULE AMENDMENT CHANGE TO 14B NCAC 17 .0202(A)(3) AND ADD THE COURSE, COMPLETE ELECTRICAL ACADEMY'S TRAINING COURSE. SECONDED BY MACK DONALDSON. MOTION CARRIED ON A ROLL CALL VOTE.

JIM CRABTREE MADE A MOTION TO ACCEPT THE ATTORNEY'S REPORT AS PRESENTED. SECONDED BY MACK DONALDSON. MOTION CARRIED ON A ROLL CALL VOTE.

GOOD OF THE ORDER.

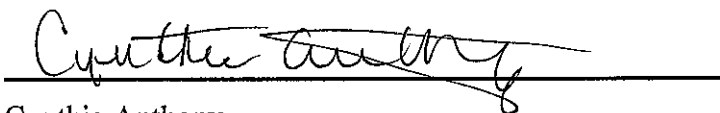
JIM CRABTREE MADE A MOTION TO ADJOURN. SECONDED MACK DONALDSON. MOTION CARRIED ON A ROLL CALL VOTE.

Meeting Adjourned: 4:11 P.M.



Paul Sherwin

Director



Cynthia Anthony

Reporter