



# North Carolina Department of Public Safety

## Private Protective Services Board

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

Tamara Rabenold, Chair  
Paul Sherwin, Director

**Meeting Minutes**  
**December 14, 2023, 9 a.m.**  
**Hampton Inn and Suites – Raleigh/Crabtree Valley**

### **Board Members Present**

Debra Duncan  
Ron Burris  
Dave Stephens  
Tamara Rabenold  
Sam Russell  
Kim Heffney

Andy Renfrow  
Richard Epley  
Candace Ratliff  
Steve Johnson  
Jerry Pitman

### **Staff Present**

Paul Sherwin  
Ray Bullard  
Kim Odom  
Mercedes Sierra  
Jeff Gray  
David Batton

### **Board Members Absent**

Assata Buffaloe  
Stacy Buff  
Suzanne Creech

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### **Call to Order**

Chair Tamara Rabenold called the December 14, 2023, meeting of the North Carolina Private Protective Services Board to order at 9 a.m.

### **State Ethics Law**

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 of conflict and refrain from deliberation and voting in that matter."

### **Approval of the October 2023 Board Meeting Minutes**

**Motion:** Sam Russell motioned to accept the October 19, 2023, Board meeting minutes. Ron Burris seconded. The motion carried unanimously.

## **Committee Reports**

**Grievance Committee:** Grievance Committee members Ron Burris, Tamara Rabenold, Jerry Pitman, Steve Johnson, and Candace Ratliff met on December 12, 2023, from 9 a.m. to 4 p.m. They heard 28 cases. Committee Chair Ron Burris presented the Grievance Committee report.

Motion: Kim Heffney motioned to accept the Grievance Committee report. Sam Russell seconded. The motion carried unanimously.

*See the attachment for the full Grievance Committee report.*

Mr. Burris recommended the Board amend the policy it enacted in June 2023 related to the formula used to calculate consent agreements for registration violations. He reported the Grievance Committee suggested the policy include a more detailed explanation of when and how the policy will be utilized. He also explained the Grievance Committee recommended the Board adopt a policy that explains when and to whom complaint investigation reports should be released.

Motion: Debra Duncan motioned to accept the proposed amendments to the consent agreement policy and adopt the report disclosure policy. Andy Renfrow seconded. The motion carried unanimously.

*See the attachment for the full text of the policies.*

**Screening Committee:** Screening Committee members Sam Russell, Debra Duncan, Dave Stephens, Kim Heffney, and Richard Epley met on December 13, 2023, from 9 a.m. to 10:41 a.m. to review 69 new license applications, one QA for Two Companies application, and one registration denial appeal. Debra Duncan presented the Screening Committee report.

Motion: Dave Stephens motioned to accept all the Screening Committee report, except Hannah Carlson. Sam Russell seconded. The motion carried unanimously.

Motion: Sam Russell motioned to accept the Screening Committee's recommendation for Hannah Carlson. Ron Burris seconded. The motion carried unanimously. Tamara Rabenold recused from the vote.

*See the attachment for the full Screening Committee report.*

**Laws and Rules Committee:** Laws and Rules Committee members Kim Heffney, Debra Duncan, Steve Johnson, Jerry Pitman, Sam Russell, and Andy Renfrow met on December 13, 2023, from 1:30 p.m. to 2:33 p.m. Committee Chair Steve Johnson delivered the Laws and Rules Committee report.

Mr. Johnson explained the Board previously voted to amend administrative rule 14B NCAC 16 .0707, but due to an administrative oversight the amendment process was never finalized, so the Board would need to vote again to approve the amendment and resume the rule-change process.

Motion: Sam Russell motioned to approve the amendments to 14B NCAC 16 .0707 and proceed with the rule change process. Kim Heffney seconded. The motion carried unanimously.

Steve Johnson explained the Committee recommended the Board make minor amendments to rules 14B NCAC 16 .0301, .0302, .0401, .0402, and .1501 to make the language consistent and clearer throughout all the Board's "experience requirements" rules. He also proposed the Board amend rules 14B NCAC 16 .1101, .1102, .1103, .1104, to clarify some defined terms and simplify the language across the four rules. Further, Mr. Johnson explained the Laws and Rules Committee recommended the Board amend 14B NCAC 16 .1105 dealing with experience hours awarded for educational degrees; and adopt new rule 14B NCAC 16 .1709 which will allow for digital forensics examiner licensees to employ probationary employees, including interns.

Motion: Ron Burris motioned to approve the proposed changes and proceed with drafting the changes for later Board review. Dave Stephens seconded. The motion carried unanimously.

Motion: Ron Burris motioned to approve the Laws and Rules Committee Report. Sam Russell seconded. The motion carried unanimously.

**Training and Education Committee:** Training and Education Committee members Richard Epley, Steve Johnson, Dave Stephens, Sam Russell, and Candace Ratliff met on December 13, 2023, from 11:32 pm to 12:25 p.m. Committee Chair Dave Stephens presented the Training and Education Committee report, which included updates about completed and scheduled trainer certification courses, two weapon discharge reports, and the results of recent compliance audits of two certified trainers by Board staff.

Mr. Stephens said the Training and Education Committee reviewed one application for a new continuing education course and 21 applications for the renewal of existing continuing education courses. He stated the Committee recommended approving all the courses.

Mr. Stephens reported that the Committee had reviewed and discussed the Rowan Cabarrus Community College tuition reimbursement grant application, and recommended the Board approve it.

In addition, Mr. Stephens said the Committee discussed the need for a comprehensive review of the Board's continuing education program, to include the course review process, whether certain courses should be required of certain licensees, and more. He said the Committee recommended creating a special committee composed of Board members and licensees to study the matter and report its findings to the Training and Education Committee later.

Motion: Sam Russell motioned to approve the applications for the new and renewal continuing education courses. Andy Renfrow seconded. The motion carried unanimously.

Motion: Sam Russell motioned to approve the tuition reimbursement grant for Rowan Cabarrus Community College. Kim Heffney seconded. The motion carried unanimously.

Motion: Ron Burris motioned to approve the establishment of a special committee to study the Board’s continuing education program and appoint Sam Russell as chair of the special committee. Candace Ratliff seconded. The motion carried unanimously.

Motion: Ron Burris motioned to accept the Training and Education Committee report. Kim Heffney seconded. The motion carried unanimously.

*See the attachment for the full Training and Education Committee report.*

**Finance Committee:** Finance Committee members Sam Russell, Kim Heffney, Tamara Rabenold, and Debra Duncan met on December 13, 2023, from 3:30 p.m. to 4:11 p.m.

Committee Chair Sam Russell said the Committee met with Director Sherwin, who provided a comprehensive review of the Board’s finances and explanation of the “checks and balances” processes that are in place to ensure the Board’s funds are being appropriately managed. Mr. Russell said the Committee plans to meet twice a year, in June and October. Director Sherwin will also send the Committee members financial reports every other month—ahead of Board meetings—for review.

Motion: Steve Johnson motioned to accept the Finance Committee report. Rob Burris seconded. The motion carried unanimously.

**Emerging Technology Committee:** Emerging Technology Committee members Andy Renfrow, Candace Ratliff, and Tamara Rabenold met on December 13, 2023, from 2:39 p.m. to 3:16 p.m.

Tamara Rabenold explained that the Committee discussed its plan for monitoring new technology in the private security industry and how the Committee’s work can benefit the Board and licensees.

Motion: Steve Johnson motioned to accept the Emerging Technology Committee report. Jerry Pitman seconded. The motion carried unanimously.

### **Old Business**

Board Chair Tamara Rabenold reported that the Special Committee on Unlicensed Activity planned to meet soon, and more information would be available at the February 2024 Board meeting.

### **New Business**

Jerry Pitman reported that Andy Renfrow and he attended the International Protective Security Board (IPSB) Close Protection Conference December 6-8, 2023, in Dallas, Texas. He said approximately 400 protection professionals attended the conference. Notably, Mr. Pitman said the IPSB is focused on developing a national training standard for close personal protection professionals.

## **Director's Report**

Director Paul Sherwin presented his Director's Report. The report included information about Board staff changes, the status of the Board's active licensees and registrants, and an update on Board finances.

Director Sherwin said he spoke at the annual conference of the N.C. Association of Private Investigators (NCAPI) on November 14, 2023, in Cherokee, N.C. The focus of his talk was about the new close personal protection and digital forensics examiner licenses, and best practices for maintaining compliance with the Board's laws and rules.

Motion: Kim Heffney motioned to accept the Director's Report. Candace Ratliff seconded. The motion carried unanimously.

*See the attachment for the full Director's Report.*

## **Attorney's Report**

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

Board Chair Tamara Rabenold reminded those in attendance at the meeting that the Board's new administrative rule 14B NCAC 16 .1109 allows a private investigator licensee to employ a potential trainee as a probationary employee for 60 consecutive calendar days. In addition, a licensed private investigator may employ a probationary employee as an intern or apprentice.

Motion: Steve Johnson motioned to accept the Attorney's Report. Sam Russell seconded. The motion carried unanimously.

*See the attachment for the full Attorney's Report.*

## **Good of the Order**

Chair Tamara Rabenold requested that Board members and staff keep her informed, if they wish, of significant events in their lives so the Board can share well-wishes and provide support when appropriate.

## **Public Comment**

NCAPI President Don Miller said the organization currently has 292 members. He said the Association's annual conference in November had 135 attendees and 15 vendors. Mr. Miller also stated that the 2024 conference will be held in Carolina Beach, and they are holding the Association's annual meeting January 13, 2024, in Winston-Salem.

## **Final Agency Decision**

Attorney Jeff Gray recused himself as the Board's attorney to present Joseph Allen Gibson's Proposed Final Agency Decision from the N.C. Office of Administrative Hearings. Mr. Gibson was notified of the Final Agency Decision, but he was not in attendance.

Mr. Gray explained that Mr. Gibson's unarmed registration was previously denied based on a lack of good moral character or temperate habits, pursuant to N.C.G.S. 74C-8(d)(2), and that Mr. Gibson had appealed the denial to the N.C. Office of Administrative Hearings. Mr. Gray read the Administrative Law Judge's Proposed Final Agency Decision aloud to the Board.

Motion: Steve Johnson motioned accept the recommendation of the Administrative Law Judge to deny Mr. Gibson's application for an unarmed security guard registration. Ron Burris seconded. The motion carried unanimously.

Motion: Tamara Rabenold motioned to adjourn the meeting. Jerry Pitman seconded. The motion carried unanimously.

Meeting Adjourned: 11:05 a.m.

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Paul Sherwin, Director

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Mercedes Sierra, Board Secretary

## **Board Meeting Guests**

Bill Delaporte*	Caroline Valand*	Dorian Dehnel*	Elizabeth Leitzbach*
Ephraim Davis*	Gary Pastor*	Greg Pickrell*	Jennifer Turlington*
John Honeycutt*	John Lewis*	Joseph Lewis*	Julie Turner*
Michael Carroll*	Nathan Pynn*	Preston Winters*	Stephen Bill*
Charles Gayton*	Latiyf Scarborough*	Warren Hall	Don Miller
Peter Leyden Jr.	Paul Latorre	Ruth Cruz-Nichols	Bradley Dean
Patrick Mitchell	RoAnthony Pratt		

\*V: Virtual

## PPSB Grievance After Report for December 14, 2023 9:00 am

<b>Case Number</b>	<b>Complaint Against</b>	<b>Allegation(s)</b>	<b>Grievance Committee Recommendation</b>	<b>Board Action</b>
1. 2023-PPS-010	Shenita Danielle Moore Saker Aegis Systems, Inc. P.O. Box 41053 Raleigh, NC 27604	14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-13. Enter into a consent agreement with David Kriwox and Saker Aegis Systems, Inc. in the amount of \$4,590.00 for 25 armed security guard registration violations. Staff is to conduct a follow-up registration audit of Q1, Q2 and Q3 of 2023. Saker Aegis Systems, Inc. is to replace its qualifying agent no later than April 10, 2024.	Accepted
2. 2023-PPS-011	Ronald Howard Reich York Securities 557-B Pylon Drive Raleigh, NC 27606	14B NCAC 16 .0108(b)	No violation.	Accepted
3. 2023-PPS-023	Jeffrey Lynn Tanksley Carolina Protective Services, LLC 1101B North Berkeley Blvd STE 1001 Goldsboro, NC 27534	NCGS 74C-13 14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-13. Enter into a consent agreement with Jeffrey Tanksley and Carolina Protective Services, LLC, in the amount of \$183.60 for one armed security guard registration violation. Staff is to conduct a follow-up registration audit of Q2 and Q3 of 2023.	Accepted
4. 2023-PPS-027	David Thomas Grimes Sentry Security Services, Inc. PO Box 432 Goldsboro, NC 27530	14 B NCAC 16 .0108(b) NCGS 74C-11 14B NCAC 16 .0707	Find a violation of NCGS 74C-11 and NCGS 74C-13. Enter into a consent agreement with David Grimes and Sentry Security Services, Inc. in the amount of \$2,754.00 for five armed- and 15 unarmed security guard registration violations. Staff is to conduct a follow-up registration audit of Q2 and Q3 of 2023.	Accepted
5. 2023-PPS-033	Joseph Roy Securitas Security Services USA, Inc. 10200 Mallard Creek Rd. Ste 104 Charlotte, NC 28262	14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Joseph Roy and Securitas Security Services USA, Inc. enter into and pay a consent agreement of \$1,713.60 for 14 unarmed security guard registration violations. Staff is to conduct a follow-up registration audit of Q4 of 2023.	Accepted

	<b>Case Number</b>	<b>Complaint Against</b>	<b>Allegation(s)</b>	<b>Grievance Committee Recommendation</b>	<b>Board Action</b>
6.	2023-PPS-034	Daniel Joseph Brock Security Solutions of America/Guard-One Protective Services 7000 Harps Mill Road Raleigh, NC 27615	14B NCAC 16 .0108(b)	No violation.	Accepted
7.	2023-PPS-039	Jeffrey Lynn Tanksley CPS 1101B North Berkeley Blvd STE 1001 Goldsboro, NC 27534	NCGS 74C-2 14B NCAC 16 .0104(e)	Find a violation of NCGS 74C-2. Jeffrey Tanksley and Carolina Protective Services, LLC are to remove from the company's website all references to private investigation and close personal protection services no later than December 31, 2023. Consolidated with 2023-PPS-060 and 2023-PPS-047.	Accepted
8.	2023-PPS-040	Jeffrey Lynn Tanksley Carolina Protective Services, LLC 1101B North Berkeley Blvd STE 1001 Goldsboro, NC 27534	14B NCAC 16 .0104(e)	No violation.	Accepted
9.	2023-PPS-041	RoAnthony Terrace Pratt PRATT SECURITY SERVICES LLC 823 Elm St. Ste.211 FAYETTEVILLE, NC 28303	NCGS 74C-11 NCGS 74C-13 14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-13. Enter into a consent agreement with RoAnthony Pratt and Pratt Security Services, LLC in the amount of \$734.40 for four armed security guard registration violations. Staff is to conduct a follow-up registration audit of Q3 and Q4 of 2023. Mr. Pratt is to attend registration compliance training provided by Board staff no later than April 30, 2024.	Accepted
10.	2023-PPS-047	Jeffrey Lynn Tanksley Carolina Protective Services, LLC 1101B North Berkeley Blvd STE 1001 Goldsboro, NC 27534	NCGS 74C-2	Find a violation of NCGS 74C-2. Jeffrey Tanksley and Carolina Protective Services, LLC are to remove from the company's website all references to private investigation and close personal protection services no later than December 31, 2023. Consolidated with 2023-PPS-060 and 2023-PPS-039.	Accepted



	<b>Case Number</b>	<b>Complaint Against</b>	<b>Allegation(s)</b>	<b>Grievance Committee Recommendation</b>	<b>Board Action</b>
11.	2023-PPS-051	Jimmy Henley A Services Group, LLC 3037-C Boonetrail Ext Fayetteville, NC 28304	14B NCAC 16 .0110(a)	Find a violation of 14B NCAC 16 .0110(a). Issue a Letter of Reprimand to Jimmy Henley for failure to report to the Board an A Services Group, LLC security guard being charged with a criminal offense.	Accepted
12.	2023-PPS-052	Clarence Armbruster A Services Group, LLC 3037-C Boonetrail Ext Fayetteville, NC 28304	NCGS 74C-12(a)(31) 14B NCAC 16 .0110(b)	Find a violation of 14B NCAC 16 .0110(b). Issue a Letter of Reprimand to Clarence Armbruster for failure to report to the Board a criminal charge.	Accepted
13.	2023-PPS-058	Antwain Davis Touchdown Sports Bar 11701 Copper Gate Drive Apt. 100 Raleigh, NC 27614	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Antwain Davis until he is registered as a security guard.	Accepted
14.	2023-PPS-059	Shakenia Brenna Jones Touchdown Sports Bar 3601 New Bern Avenue Raleigh, NC 27610	NCGS 74C-13(b)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Shakenia Jones until she is registered as a security guard.	Accepted
15.	2023-PPS-060	Michael John Howard Ramirez One Security Solutions, LLC 7424 Chapel Hill Road Suite 300 Raleigh, NC 27607	NCGS 74C-2	Find a violation of NCGS 74C-2. Michael Ramirez and Carolina Protective Services, LLC are to remove from the company's website all references to private investigation and close personal protection services no later than December 31, 2023. Consolidated with 2023-PPS-047 and 2023-PPS-039.	Accepted
16.	2023-PPS-064	Brian Vaughn Weslyn Ross Club Insomnia 203 Brookside Drive Smithfield, NC 27577	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Brian Vaughn Weslyn Ross. Refer this matter to the Screening Committee should Mr. Ross apply for a license or registration.	Accepted

	<b>Case Number</b>	<b>Complaint Against</b>	<b>Allegation(s)</b>	<b>Grievance Committee Recommendation</b>	<b>Board Action</b>
17.	2023-PPS-065	George Tarel Montgomery Club Insomnia 5311 Evergreen Forest Way Raleigh, NC 27616	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to George Montgomery. Refer this matter to the Screening Committee should Mr. Montgomery apply for a license or registration.	Accepted
18.	2023-PPS-066	Terrence Lydell Davis Club Insomnia 6300 Chadford Dr Raleigh, NC 27612	NCGS 74C-13(a)	No Violation	Accepted
19.	2023-PPS-067	Christian Veloz Club Insomnia 829 E. Martin St Raleigh, NC 27601	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Christian Veloz. Refer this matter to the Screening Committee should Mr. Veloz apply for a license or registration.	Accepted
20.	2023-PPS-068	Muhammad Usman Choudry Club Insomnia 2308 Trailwood Hills Dr Raleigh, NC 27606	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Muhammad Choudry. Refer this matter to the Screening Committee should Mr. Choudry apply for a license or registration.	Accepted
21.	2023-PPS-069	David Odell Allen Club Insomnia 741 Southerland St Henderson, NC 27536	NCGS 74C-13(a) NCGS 74C-2	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to David Allen. Refer this matter to the Screening Committee should Mr. Allen apply for a license or registration.	Accepted
22.	2023-PPS-070	Rosemary Sanchez Club Insomnia 15 Fenton Street Raleigh, NC 27604	NCGS 74C-13(b) NCGS 74C-2	Find a violation of NCGS 74C-13(b) and NCGS 74C-2. Continue the previous cease and desist order previously issued to Rosemary Sanchez and Club Insomnia. Refer this matter to the Screening Committee should Ms. Sanchez or Club Insomnia apply for a license or registration. Consolidated with 2023-PPS-082.	Accepted
23.	2023-PPS-073	William Edward Bell, Jr. Mojito's Lounge 4700 Caldera Lane Apt 307 Raleigh, NC 27616	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to William Bell, Jr. Refer this matter to the Screening Committee should Mr. Bell apply for a license or registration.	Accepted

	<b>Case Number</b>	<b>Complaint Against</b>	<b>Allegation(s)</b>	<b>Grievance Committee Recommendation</b>	<b>Board Action</b>
24.	2023-PPS-074	Kevyn Nathaniel Thompson Social Club 2705 Adcock Place Raleigh, NC 27610	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Kevyn Thompson. Refer this matter to the Screening Committee should Mr. Thompson apply for a license or registration.	Accepted
25.	2023-PPS-075	Joshua Eugene Stewart Social Club 705 Centennial Parkway Apt 605 Raleigh, NC 27606	NCGS 74C-2 NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Joshua Stewart. Refer this matter to the Screening Committee should Mr. Stewart apply for a license or registration.	Accepted
26.	2023-PPS-081	David Allen Insomnia 741 Southernland St Henderson, NC 27536	NCGS 74C-13(a) NCGS 74C-2	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to David Allen. Refer this matter to the Screening Committee should Mr. Allen apply for a license or registration.	Accepted
27.	2023-PPS-082	Rosemary Sanchez Insomnia 15 Fenton St. Raleigh, NC 27604	NCGS 74C-13(b) NCGS 74C-2	Find a violation of NCGS 74C-13(b) and NCGS 74C-2. Continue the cease and desist order previously issued to Rosemary Sanchez and Club Insomnia. Refer this matter to the Screening Committee should Ms. Sanchez or Club Insomnia apply for a license. Consolidated with 2023-PPS-070.	Accepted



# North Carolina Department of Public Safety

## Private Protective Services Board

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

Tamara Rabenold, Chair  
Paul Sherwin, Director

June 22, 2023  
(Amended December 14, 2023)

### MEMORANDUM FOR RECORD

SUBJECT: Consent Agreement Policy

The Private Protective Services Board voted during its meeting on Thursday, June 22, 2023, to enact the following policy regarding how the Board calculates money owed when a consent agreement is used to settle allegations of registration violations:

The use of this policy is optional and subject to the discretion of the Board, and nothing herein shall prevent the Board from denying, suspending, or revoking a license for registration violations, in accordance with NCGS 74C-5(6).

This policy may be used to settle any registration violations discovered during an investigation that was initiated on or after January 1, 2024.

The registration compliance history of a company or licensee within the previous five years shall be considered when determining if the increased consent agreement formulas within this policy are applicable.

Increased consent agreement formulas shall not be used to settle violations discovered during a follow-up registration compliance audit. Only the standard consent agreement (no imposition of a per-violation civil penalty) shall be used.

Findings, such as the licensee's cooperation and responsiveness during the investigation; the company's overall registration compliance rate (the percentage of employees who were registered as required); whether the violations were self-reported; if there has been a recent change of the company's qualifying agent; or other aggravating or mitigating factors may be used to determine how the amount owed as part of the consent agreement is calculated.

The Board's following standard consent agreement formula may be used when a company's qualifying agent is settling registration violations for the first time within a 5-year period:

The total amount of past-due registration fees  
+8% interest on the total amount of the past-due fees (See N.C.G.S. 24-1)  
+Cost recovery fee of 3x the past-due fees  

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= Total consent agreement

Example: An investigation has found that Acme Security Company failed to register 10 unarmed security guards, and the Board has agreed to enter into a consent agreement with the company's qualifying agent to settle the violations. This is Acme Security Company's first time violating the Board's registration requirements. For the purposes of this example only, the fee to register an unarmed security guard is \$30—the actual fee may be different.

Past due fees: 10 violations x \$30 per violation = \$300

Interest: \$300 x 8% interest = \$24

Cost recovery: 3 x \$300 past-due fees = \$900

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Total consent amount: \$1,224

If a company is found to have committed registration violations for a second time within a 5-year period, or if other aggravating factors exist, the Board may utilize the following increased consent agreement formula when settling alleged registration violations:

The total amount of past-due registration fees

+8% interest on the total amount of the past-due fees (See N.C.G.S. 24-1)

+Cost recovery fee of 3x the past-due fees

+Up to \$500 civil penalty per violation

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= Total consent agreement

Example: An investigation has found that Acme Security Company failed to register 10 unarmed security guards, and the Board has agreed to enter into a consent agreement with the company's qualifying agent to settle the violations. This is Acme Security Company's second time violating the Board's registration requirements within the previous five years. For the purposes of this example only, the fee to register an unarmed security guard is \$30—the actual fee may be different.

Past due fees: 10 violations x \$30 per violation = \$300

Interest: \$300 x 8% interest = \$24

Cost recovery: 3 x \$300 past-due fees = \$900

Civil penalty: 10 violations x \$500 civil penalty = \$5,000

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Total consent amount: \$6,224

If a company is found to have committed registration violations for a third time within a 5-year period, or if other aggravating factors exist, the Board may utilize the following increased consent agreement formula when settling alleged registration violations:

The total amount of past-due registration fees

+8% interest on the total amount of the past-due fees (See N.C.G.S. 24-1)

+Cost recovery fee of 3x the past-due fees

+Up to \$1,000 civil penalty per violation

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= Total consent agreement

Example: An investigation has found that Acme Security Company failed to register 10 unarmed security guards, and the Board has agreed to enter into a consent agreement with the company's qualifying agent to settle the violations. This is Acme Security Company's third time violating the Board's registration requirements within the previous five years. For the purposes of this example only, the fee to register an unarmed security guard is \$30—the actual fee may be different.

Past due fees: 10 violations x \$30 per violation = \$300

Interest: \$300 x 8% interest = \$24

Cost recovery: 3 x \$300 past-due fees = \$900

Civil penalty: 10 violations x \$1,000 civil penalty = \$10,000

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Total consent amount: \$11,224

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# North Carolina Department of Public Safety

## Private Protective Services Board

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

Tamara Rabenold, Chair  
Paul Sherwin, Director

December 14, 2023

### MEMORANDUM FOR RECORD

SUBJECT: Report Disclosure Policy

The Private Protective Services Board voted during its meeting on Thursday, December 14, 2023, to enact the following policy regarding the disclosure of partial or entire investigative reports to complainants, respondents, witnesses, or other parties:

The respondent may be given the opportunity to review their written statement, as documented in the investigative report, *prior* to the report being finalized; and a copy of the entire final investigative report may be provided to the respondent *after* the report has been distributed to the Grievance Committee members. The investigator shall inform the respondent verbally or in writing that the investigative report is confidential and shall not be disclosed or shared with others.

The complainant may be given the opportunity to review their written statement, as documented in the investigative report, *prior* to the report being finalized. Complainants shall not be given a copy of the entire investigative report until *after* the complaint is heard by the Board. The investigator shall inform the complainant verbally or in writing that the complainant's statement is confidential and shall not be shared disclosed or with others.

Witnesses or other parties to the investigation may be given the opportunity to review their written statement, as documented in the investigative report, *prior* to the report being finalized. Witnesses or other parties shall not be given a copy of the entire investigative report until *after* the complaint is heard by the Board. The investigator shall inform all witnesses or other parties verbally or in writing that their statements are confidential and shall not be disclosed or shared with others.

Any investigation conducted pursuant to G.S. 74C is deemed confidential and is not subject to review under G.S. 132-1 (Public Records) until the investigation is complete and a report is presented to the Board. However, a report may be released to the licensee (or respondent) *after* the investigation is complete and *after* the report has been distributed to the Grievance Committee members. In addition, an investigative report may be released to any party, including complainants or witnesses, at any time for good cause, at the discretion of the Director or Grievance Committee chairperson.

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# Board Meeting Report

Board Date 12/14/2023

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
1.	Kaydee Adelle Adams Marshall Investigative Group 401 Devon Avenue Park Ridge, IL 60068	Private Investigator Associate	Approve Level 2 with 1,000 hours	Accepted
2.	Kara Jean Baldy The North Carolina Protection Group 740 SE Greenville Blvd Greenville, NC 27858	Private Investigator	Approve	Accepted
3.	Teresa Jane Biffle Noble Academy 3310 Horse Pen Creek Road Greensboro, NC 27410	Proprietary	Approve	Accepted
4.	Joseph Stanley Bivin The Refuge Church Inc. 230 Refuge Way Kannapolis, NC 28081	Proprietary	Approve	Accepted
5.	William Ray Blair Tatitlek Federal Services, Inc. 121 Main Street Winfall, NC 27985	Courier Service	Approve	Accepted
6.	Hannah Morgan Carlson Vaudra International PO Box 1846 Huntersville, NC 28078	Private Investigator Associate	Approve Level 2 with 1,000 hours	Accepted
7.	Michael Joseph Carroll Allied Universal Compliance and Investigations, Inc 910 Paverstone Dr Raleigh, NC 27615	Private Investigator	Approve	Accepted



	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
8.	Charles Cameron Carter Executive Resource Group 2278 Silverstone Road Zionville, NC 28698	Close Personal Protection	Approve	Accepted
9.	Michael Crennan JL Fraz Enterprise 9015-5 JW Clay Blvd Charlotte, NC 28262	Proprietary	Approve	Accepted
10.	Ephraim Purnell Davis III Rhino Sports & Entertainment Services 500 West 5th Street Winston-Salem, NC 27101	Security Guard And Patrol	Approve with Condition Ephraim Davis and Rhino Sports and Entertainment Services enter into and pay a consent agreement of \$170.00 for two months of unlicensed activity.	Accepted
11.	Bradley Alan Dean Blue Falcons Investigation LLC 3620 Legion Rd. Hope Mills, NC 28348	Private Investigator	Approve	Accepted
12.	Janet Eanes Ellington Greenway Protective Services Inc 4604 Jefferson Wood Ct Greensboro, NC 27410	Security Guard And Patrol	Deny Failure to complete application process and lack of verifiable experience	Accepted
13.	Matthew James Finn Micheladas Bar & Grill, LLC 2316 Randleman Rd Greensboro, NC 27406	Proprietary	Deny Criminal history and failure to complete the application process.	Accepted
14.	Gregory Allyn Forest Richardson and Davis Investigative Consulting Group, LLC PO Box 2072 Cornelius, NC 28031	Private Investigator	Approve with Condition Surrender sworn LEO status	Accepted
15.	John M Foster Trinity School of Durham and Chapel Hill 4011 Pickett Rd. Durham, NC 27705	Proprietary	Approve	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
16.	Shunnika Contreece Gamble MirShe 5 Kitt Drive Jacksonville, NC 28540	Private Investigator	Approve	Accepted
17.	Daniel Joshua Gledhill D&D investigations 1213 Gregory Circle Lillington, NC 27546	Private Investigator	Approve	Accepted
18.	Timothy John Gosch Watch-Commander Security Services 4000 Wake Forest Road Raleigh, NC 27609	New Branch Office	Approve	Accepted
19.	Noah Landon Greene Leupold Investigations po box 971 king, NC 27021	Private Investigator Associate	Approve Level 1 with zero hours	Accepted
20.	Timothy Ramon Hajj R. A. P. (Research Analysis and Planning) 2820 Selwyn Ave Charlotte, NC 28209	Private Investigator	Approve	Accepted
21.	Donald Jay Herscher Watch-Commander Security Services 2311-B3 Aberdeen Blvd. Gastonia, NC 28054	Security Guard And Patrol	Approve	Accepted
22.	Donald Jay Herscher Watch-Commander Security Services 2311-B3 Aberdeen Blvd. Gastonia, NC 28054	Courier Service	Approve	Accepted
23.	Jonathan Jacob Hill Blue Wire investigations 6255 Towncenter Drive #736 Clemmons, NC 27012	Private Investigator Associate	Approve Level 1 with zero hours	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
24.	Shontae Hogan North Carolina Bilingual Investigative Services Inc 225 Tryon Road Raleigh, NC 27603	Private Investigator Associate	Approve Level 2 with 1,200 hours	Accepted
25.	Tanya Hoke Belem Group, LLC 2840 Blake Street Denver, CO 80205	Private Investigator	Approve	Accepted
26.	Joanna Baldwin Humphrey Case-Closed Investigations 200 Charlois Blvd Winston-Salem, NC 27103	Private Investigator Associate	Approve Level 1 with 800 hours	Accepted
27.	John Anthony Hunt Affordable Security 365, LLC. 2914 N. Elm Street Lumberton, NC 28358	Security Guard And Patrol	Approve with Condition Receipt of favorable fingerprint-based criminal history record check	Accepted
28.	Anthony Johnson Unified Digital Services LLC 8 Hampton Ln Weaverville, NC 28787	Digital Forensics Examiner	Approve	Accepted
29.	Christopher Len Johnson New England Fire Cause & Origin, Inc. PO Box 7399 Rochester, NH 03839	Private Investigator	Approve	Accepted
30.	Kirk Edward Johnson Griz Global Solutions LLC 135 W Illinois AVE 37 Southern Pines, NC 28387	Close Personal Protection	Approve	Accepted
31.	Charles D Lewis Jr The Triangle Traveler 4713 Dresden Village Drive Raleigh, NC 27604	Courier Service	Approve	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
32.	John Kelly Lewis Inline Defense, LLC P.O. Box 98173 Raleigh, NC 27624	Security Guard And Patrol	Approve	Accepted
33.	Peter Anthony Leyden Jr. Raven Advisory LLC 4400 Bragg Blvd Fayetteville, NC 28303	Armored Car	Approve	Accepted
34.	Caroline Casey Eatman Lovas Public Safety Solutions Edmisten & Webb Law BLDG Raleigh, NC 27601	Private Investigator Associate	Approve Level 1 with zero hours	Accepted
35.	Scott Lowell AJ Squared Security Inc. PO Box 77 Pompano Beach, FL 33061	Security Guard And Patrol	Approve	Accepted
36.	Melvin Bernard Lowery Security Plus Protective Services, LLC 4730 Palustris Ct Charlotte, NC 282690000	Close Personal Protection	Approve	Accepted
37.	Jacob Bradley Mahan Executive Event Services, LLC. 22600 Savi Ranch Parkway Yorba Linda, CA 92887	Security Guard And Patrol	Approve	Accepted
38.	Jon Howard Marsh AAEDWOLF International LLC 1135 Kildaire Farm Rd, STE 200 Cary, NC 27511	Private Investigator	Approve	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
39.	Bryan McCullers Allpoints Investigations and Protection, LLC 5540 Centerview Drive Suite 204 Raleigh, NC 27606	Private Investigator	Approve	Accepted
40.	Anita Kaye McGowan Anita McGowan P.O. Box 7 Zionville, NC 28698	Private Investigator	Approve	Accepted
41.	Donald Louis Miller Miller Investigative Services P.O. Box 561 Morehead City, NC 28557	Security Guard And Patrol	Approve	Accepted
42.	Thomas Edward Miller Surveillance and Security Solutions, LLC 143 Running Deer Drive Louisburg, NC 27549	Private Investigator Associate	Approve Level 1 with 800 hours	Accepted
43.	Sean Christopher O'Sullivan Surefox North America Inc 655 3RD ST SAN FRANCISCO, CA 94107	Security Guard And Patrol	Approve	Accepted
44.	Jermaine Owens Organized Delivery Services, LLC 4111-E Rose Lake Dr. Charlotte, NC 28217	Courier Service	Approve	Accepted
45.	Christopher Oxendine Oxendine Solutions, Inc. 822 Hedgepath Terrace High Point, NC 27265	Security Guard And Patrol	Approve	Accepted
46.	Maria Jose Patino- Guardiola Flowers Investigations PO 5060 Kinston, NC 28503	Private Investigator Associate	Approve Level 2 with 1,000 hours	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
47.	John Thomas Pearce V LaSorsa & Associates 101 VFW Rd 2E Cedar Point, NC 28584	Close Personal Protection	Approve	Accepted
48.	Craig Petronella Petronella Cybersecurity and Digital Forensics 5540 Centerview Dr. Raleigh, NC 27606	Digital Forensics Examiner	Approve	Accepted
49.	Richard A Quichocho Griz Global Solutions LLC 135 W Illinois Ave 137 Southern Pines, NC 28387	Close Personal Protection	Approve	Accepted
50.	David Rudolph Richardson Jr Principal Investigative services LLC 1678 Yadkin Valley Rd Advance, NC 27006	Private Investigator	Approve	Accepted
51.	Derek Grey Richardson D&D Investigations 5309 Dutchman Dr Raleigh, NC 27606	Private Investigator	Approve	Accepted
52.	Brett Eslinger Roth Blue Falcons Investigation LLC 3620 Legion Rd Hope Mills, NC 28348	Digital Forensics Examiner	Deny Lack of verifiable experience; credit history; and failure to complete the application process.	Accepted
53.	John Gilmore Alojado Saraza Compass Protective Service 105 Dunster Dr Fuquay Varina , NC 27526	Courier Service	Approve	Accepted
54.	Latif Scarborough LS Security LLC 10841 Hickory Mill Xing Raleigh, NC 27617	Security Guard And Patrol	Approve	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
55.	David Schenkel Whelan Event Staffing Services 501 SE 2nd Street Fort Lauderdale, FL 33309	Security Guard And Patrol	Approve	Accepted
56.	Robert Schreck Allied Universal Compliance & Investigations, Inc 910 Paverstone Dr Raleigh, NC 27615	Private Investigator	Approve	Accepted
57.	Joseph Thomas Smith Jr. J.T. Smith Investigations 4366 Owendon Dr Shallotte, NC 28470	Private Investigator	Approve	Accepted
58.	Mark Anthony Stewart Covington Investigations 4312 Havens Crest Dr Morehead City, NC 28557	Private Investigator Associate	Approve Level 2 with 1,200 hours	Accepted
59.	Thomas Joseph Stewart Code 3 Security Solutions, LLC 267 Fontana Dr Clayton, NC 27527	Private Investigator	Approve with Condition Surrender sworn LEO status	Accepted
60.	Thomas Joseph Stewart Code 3 Security Solutions, LLC 267 Fontana Dr Clayton, NC 27527	Security Guard And Patrol	Approve with Condition Surrender sworn LEO status	Accepted
61.	Christopher Todd Tant AARDWOLF International, LLC 1135 Kildaire Farm Rd STE 200 Cary, NC 27511	Private Investigator	Approve	Accepted
62.	Hella Phoenix Trail Maiolo Investigations 14460 Falls of Neuse Rd Raleigh, NC 27614	Private Investigator Associate	Approve Level 1 with zero hours	Accepted

	<b>Name Company Address</b>	<b>License</b>	<b>Committee Recommendation</b>	<b>Board Action</b>
63.	Anthony John Troeger AARDWOLF International, LLC 1135 Kildaire Farm Rd Cary, NC 27511	New Branch Office	Approve	Accepted
64.	Anthony John Troeger AARDWOLF International, LLC 1135 Kildaire Farm Road Cary, NC 27511	New Branch Office	Approve	Accepted
65.	Jasmine Marie Warner Maiolo Investigations 14460 Falls of Neuse Road Raleigh, NC 27614	Private Investigator	Approve	Accepted
66.	Herbert Lee Williams Overwatch Protection Service 418 Tyler Ridge Murphy, NC 28906	Close Personal Protection	Approve	Accepted
67.	Timothy Wilson Donan Engineering, LLC 12450 Lake Station Place Louisville, KY 40299	Private Investigator	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

December 13, 2023

#### **The upcoming PPS Trainer courses are scheduled:**

**Course:** Unarmed Guard Trainer and Workshop

**Location:** Wake Tech Public Safety Education Campus, Raleigh

- February 5-9, 2024
- May 6-10, 2024
- July 15-19, 2024
- September 9-13, 2024
- December 9-13, 2024

**Course:** Firearms Trainer New/Recertification/Prequalification

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

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

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Paul Sherwin, Director

### **The following PPSB course is currently in progress.**

**Course:** New Firearms Trainer Course & Workshop

**Location:** North Carolina Justice Academy, Salemburg

- *December 12-15, 2023*

### **The following training has been completed.**

**Course:** Unarmed Guard Trainer and Workshop

**Location:** Wake Tech Public Safety Education Campus, Raleigh

- *December 4-8, 2023*

**Course:** Firearms Trainer New/Recertification/Prequalification

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

- *November 27, 2023 (Recert for both HG and LG)*

### **Trainer Evaluation (Firearms)**

- Jason Boatwright  
*Date: Wednesday, November 8, 2023*  
*Location: Wake County Firearms Education Training Center*  
*No concerns noted.*

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# North Carolina Department of Public Safety

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Paul Sherwin, Director

### Trainer Audit

- Nick Mermigas  
*Date: Tuesday, December 5, 2023*  
*Location: 10801 Johnston Road, Charlotte NC*  
*No concerns noted.*

### Topics for Discussion

- *Tuition grant for Unarmed and Armed Guard Training*  
*Submitted by Rowan Cabarrus Community College (attached)*
- *Any overall changes/additions to Training for the upcoming year.*

### Weapon Discharges

**Name:** *Phillip Shepard*

**Company:** *P&G Security*

**Date of Incident:** *November 4, 2023 @ 5:58am*

**Location of Incident:** *Anson Correctional Institution 552 Prison Camp Rd, Polkton NC*

**Weapon:** *9MM Smith & Wesson*

**PPSB Armed Guard Registration:** *Active (expires 7/31/2024)*

On November 4, 2023, at 5:58am, Officer Shepard arrived at work at the Anson Correctional Institution. He met with Officer Robert Mohn on post to relieve him at shift change and transfer possession of Officer Mohn's firearm. Officer Mohn transferred possession of his firearm (a 9mm Smith and Wesson) to Officer Shepard, informing him the weapon was unloaded. Upon taking possession of the weapon, Officer Shepard locked the slide to the rear, checked that the barrel was empty, closed the slide, and then squeezed the trigger to ensure that the weapon was empty. He neglected to verify if a round was still in the magazine before firing the weapon.

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# North Carolina Department of Public Safety

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According to Officer Shepard and Officer Mohn's supervisors, they violated company policy. First, Officers Shepard and Mohn did not transfer possession of the weapon at a designated clearing barrel. Second, Officer Shepard took Officer Mohn's word the firearm was unloaded instead of properly inspecting it.

Both Officer Shepard and Officer Mohn were issued a final written warning concerning their handling of firearms and will be taking a remedial firearms course. The weapon in question has been removed from inventory pending an inspection.

**Name:** *William Drewry*

**Company:** *P&G Security*

**Date of Incident:** *November 18, 2023@ 6:30pm*

**Location of Incident:** *Roanoke River Correctional Facility  
2787 Caledonia Drive, Tillery NC*

**Weapon:** *Smith & Wesson M and P*

**PPSB Armed Guard Registration:** *Active (expires 7/31/24)*

On November 18, 2023, at 6:30pm, William Drewry was serving as an acting supervisor for P&G Security. At shift change he responded to a designated area in the Roanoke River Correctional Facility where officers clear and store their weapons. This room is equipped with a gun safe and both the safe and door to the room are kept locked at all times. While all officers have a key to get into the room, only supervisors have keys to get into the gun safe. When Officer Drewry entered the weapon-clearing room, a firearm was stored in an open box that was left by an officer who had already left for work. It was not in the safe.

During the course of P&G's investigation, Officer Drewry stated that when he saw the firearm laying in an open box, he pulled the trigger to ensure it was unloaded. The weapon was loaded and discharged. He later stated during an interview he was unsure if it was that weapon or his own that discharged as he was checking to make sure they were both unloaded. Officer Drewry has been terminated as a result of this incident. There was minor damage to the storage box, but not injuries reported.

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# North Carolina Department of Public Safety

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End of Report

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PPSB CEU Course Approval New/Renewal 12.23

<input checked="" type="checkbox"/>	REQUESTED BY	COURSE NAME	Course Number	INSTRUCTOR(S)	Classroom/ Online	Date Submitted	Hours
		<b>New Application(s):</b>					
1.	Rick Mullinax	Report Writing - Trespassing-Video camera Surveillance		Rick Mullinax	Classroom	11/09/2023	12.0
		<b>(RENEWALS)</b>					
1.	Frank Bianco	Service of Process	PPSB-20-020	Frank Bianco	Classroom	11/07/2023	6.0
2.	Fred Wharton	Auto Body and Repair Shop Fraud	PPSB-10-525	Fred Wharton	On-Line	11/09/2023	2.0
3.	Fred Wharton	Auto Theft 101	PPSB-10-506	Fred Wharton	On-Line	11/09/2023	2.0
4.	Fred Wharton	Catastrophes and Fraud	PPSB-10-524	Fred Wharton	On-Line	11/09/2023	1.0
5.	Fred Wharton	Ethics for Private Investigators	PPSB-10-523	Fred Wharton	On-Line	11/09/2023	1.0
6.	Fred Wharton	Healthcare Fraud	PPSB-10-522	Fred Wharton	On-Line	11/09/2023	2.0
7.	Fred Wharton	Homeland Security and Terrorism	PPSB-10-520	Fred Wharton	On-Line	11/09/2023	2.0

PPSB CEU Course Approval New/Renewal 12.23

<input checked="" type="checkbox"/>	REQUESTED BY	COURSE NAME	Course Number	INSTRUCTOR(S)	Classroom/ Online	Date Submitted	Hours
8.	Fred Wharton	Insurance Overview	PPSB-10-519	Fred Wharton	On-Line	11/09/2023	1.0
9.	Fred Wharton	Introduction to Insurance Fraud	PPSB-10-521	Fred Wharton	On-Line	11/09/2023	3.0
10.	Fred Wharton	Life and Disability Insurance and Fraud	PPSB-10-518	Fred Wharton	On-Line	11/09/2023	2.0
11.	Fred Wharton	Mold: A Growing Concern	PPSB-10-517	Fred Wharton	On-Line	11/09/2023	2.0
12.	Fred Wharton	Premium Fraud for Work Comp and Auto	PPSB-16-159	Fred Wharton	On-Line	11/09/2023	2.0
13.	Fred Wharton	Pretext and Privacy	PPSB-10-515	Fred Wharton	On-Line	11/09/2023	1.0
14.	Fred Wharton	Recorded Statements	PPSB-10-514	Fred Wharton	On-Line	11/09/2023	2.0
15.	Fred Wharton	The Neighborhood Investigation	PPSB-10-516	Fred Wharton	On-Line	11/09/2023	1.0
16.	Rick Mullinax	How to Prepare, Outline and Write Investigation Reports for Insurance Companies, Attorneys, Civil Cases, Criminal Cases, Court Testimony and Investigator Ethics	PPSB-16-090	Rick Mullinax	Classroom	11/09/2023	<b>12.0</b>

PPSB CEU Course Approval New/Renewal 12.23

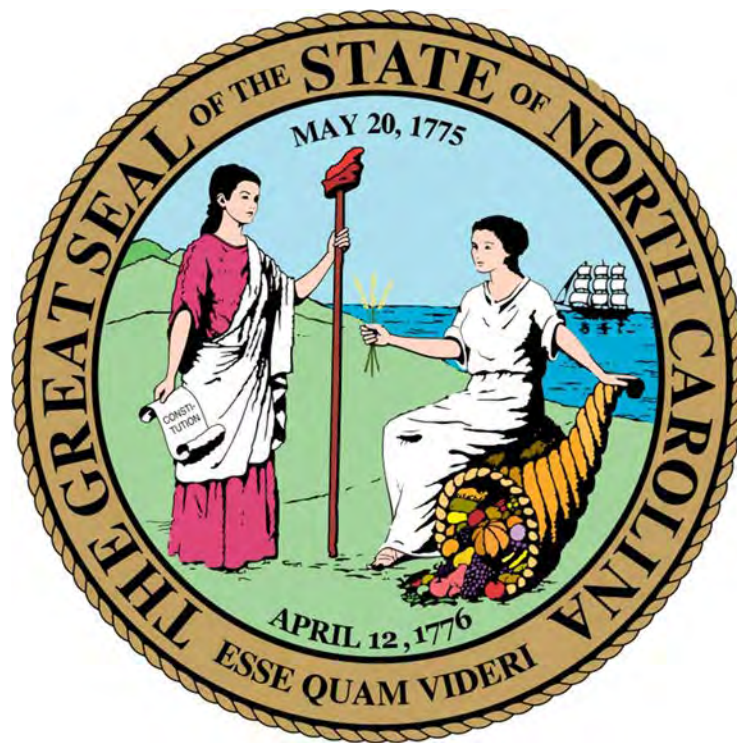
<input checked="" type="checkbox"/>	REQUESTED BY	COURSE NAME	Course Number	INSTRUCTOR(S)	Classroom/Online	Date Submitted	Hours
17	Garland Slate	Financial Crimes 101 : 10 Most Common Fraud Schemes for Employees	PPSB-19-027	Garland Slate	Classroom/Online	11/30/2023	6.0
18	Garland Slate	Financial Crimes 102: Introduction to White Collar Crime for the Investigator and Employer	PPSB-19-028	Garland Slate	Classroom/Online	11/30/2023	6.0
19	Garland Slate	How To Run a Private Investigator Business	PPSB-19-029	Garland Slate	Classroom/Online	11/30/2023	6.0
20	Garland Slate	Investigating Sexual Assault Allegations	PPSB-19-030	Garland Slate	Classroom/Online	11/30/2023	6.0
21.	Michelle Carpenter	Using Drones for Physical Security	PPSB-15-062	Michelle Carpenter	Online	10/10/2023	3.0



# NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

December 14, 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 7**

## **PPS INFORMATION AND UPDATES**

### **PERSONNEL**

Private Protective Services currently has one vacant position:

- Registration Processor

Registration Investigator David Batton started employment with Private Protective Services on Nov. 6, 2023. David is originally from Franklin County, N.C., and recently retired from the Raleigh Police Department, where he achieved the rank of lieutenant and most recently served as a supervisor over several narcotics squads, the Gang Suppression Unit, and two federal law enforcement task force units. Batton began his career with the Raleigh Police Department in 1998, after serving in the U.S. Army as an infantryman and as a corrections officer with the N.C. Department of Corrections. Batton holds an associate degree in criminal justice from Wake Tech Community College.

### **OPERATIONS**

#### **Registration Unit**

- Registration applications received year-to-date: 25,775
  - Same period 2022: 23,903
  - Same period 2021: 22,688
  - Same period 2020: 22,134
  - Same period 2019: 24,417

#### **Licensing Unit**

- Licensing applications received year-to-date: 1,043
  - Same period 2022: 1,198
  - Same period 2021: 853
  - Same period 2020: 1,141
  - Same period 2019: 866

#### **Investigations Unit**

- License applicant background investigations completed year-to-date: 397
  - Same period 2022: 278
  - Same period 2021: 275
  - Same period 2020: 283
  - Same period 2019: 305
- Complaint investigations completed year-to-date: 101
  - Same period 2022: 88
  - Same period 2021: 71
  - Same period 2020: 48

- Same period 2019: 69

### **Training Unit**

- Trainer applications received year-to-date: 387
  - Same period 2022: 269
  - Same period 2021: 373
  - Same period 2020: 252
  - Same period 2019: 245

### **OTHER**

Director Sherwin on Nov. 14, 2023, spoke at the annual conference of the N.C. Association of Private Investigators in Cherokee, N.C. The primary topic of discussion was the Board's new close personal protection and digital forensics examiner licenses. He also explained best practices for maintaining compliance with the Board's laws and rules and had the opportunity to meet with many licensees and answer questions.

## LICENSING, REGISTRATION, AND CERTIFICATION SUMMARY

**Total active in Permitium: 29,221 (+6.5% from October 2023 meeting)**

Registration		
	Armed	4232
	Armed Armored Car	435
	Armed Licensee	128
	Armed Licensee Associate	20
	Unarmed	20378
	Unarmed Armored Car	25
<b>Registration Total</b>		<b>25218</b>
License		
	Armored Car Profession	86
	Close Personal Protection	172
	Courier Service Profession	89
	Digital Forensics Examiner	6
	Digital Forensics Examiner Trainee	0
	Electronic Counter Measures Profession	57
	Electronic Counter Measures Trainee	8
	Guard Dog Service Profession	15
	Polygraph Examiner	28
	Polygraph Trainee Permit	3
	Private Investigator	1955
	Private Investigator Temp Permit	6
	Private Investigator Associate	332
	Private Investigator Associate Temp Permit	3
	Proprietary	101
	Psychological Stress Evaluator	11
	Security guard and Patrol	568
	Special Limited Guard and Patrol	6
<b>License Total</b>		<b>3446</b>
Certification		
	Firearms Trainer	205
	Unarmed Guard Trainer	352
<b>Certification Total</b>		<b>557</b>

**Private Protective Services Board Financial Report  
Fiscal Year 2024  
July 1, 2023 – October 31, 2023**

**PPSB Operating Fund Revenue and Expenditures**

FYTD24 revenue	\$	524,607.52
FYTD24 expenditures	\$	(514,117.02)
<b>FYTD24 FUND BALANCE INCREASE/(DECREASE)</b>		<b>\$ 10,490.50</b>

**PPSB Operating Fund Cash Flow**

Beginning Cash Balance (July 1, 2023)	\$	1,688,986.73
FYTD24 revenue	\$	524,607.52
FYTD24 expenditures	\$	(514,117.02)
<b>FYTD24 ENDING FUND BALANCE</b>		<b>\$ 1,699,477.23</b>

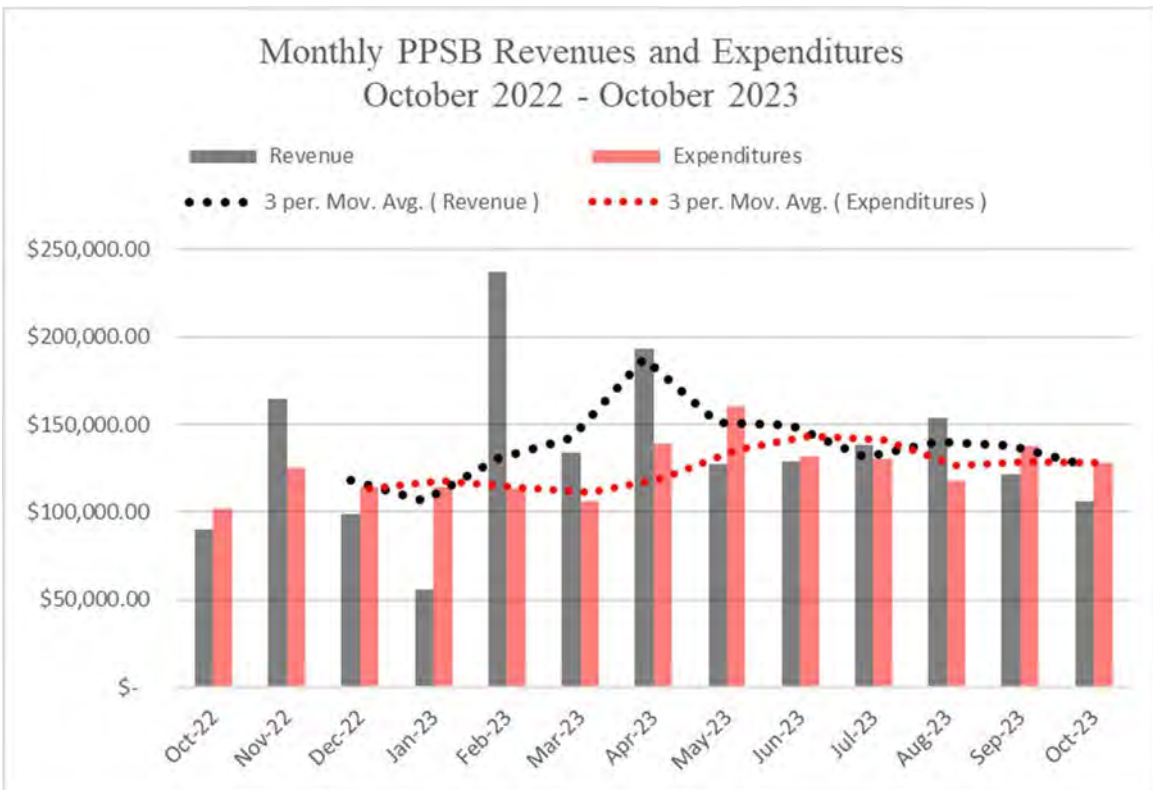
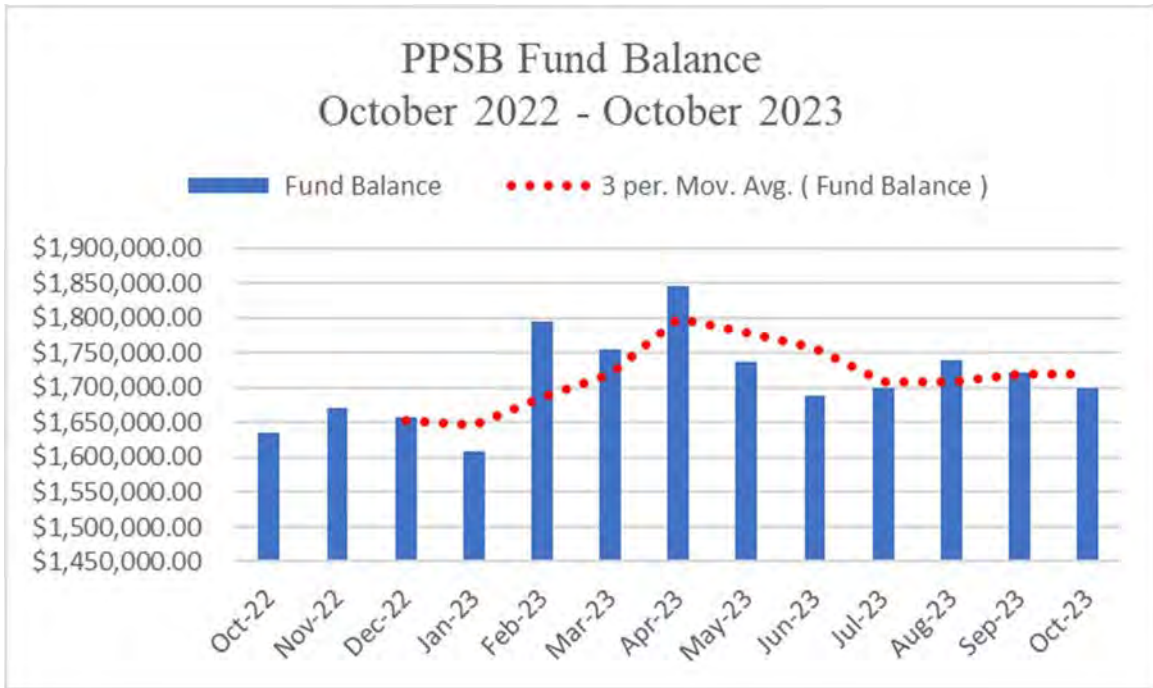
**PPSB Education Fund Revenue and Expenditures**

FYTD24 revenue	\$	4,550.00
FYTD24 expenditures	\$	-
<b>FYTD24 EDUCATION FUND BALANCE INCREASE/(DECREASE)</b>		<b>\$ 4,550.00</b>

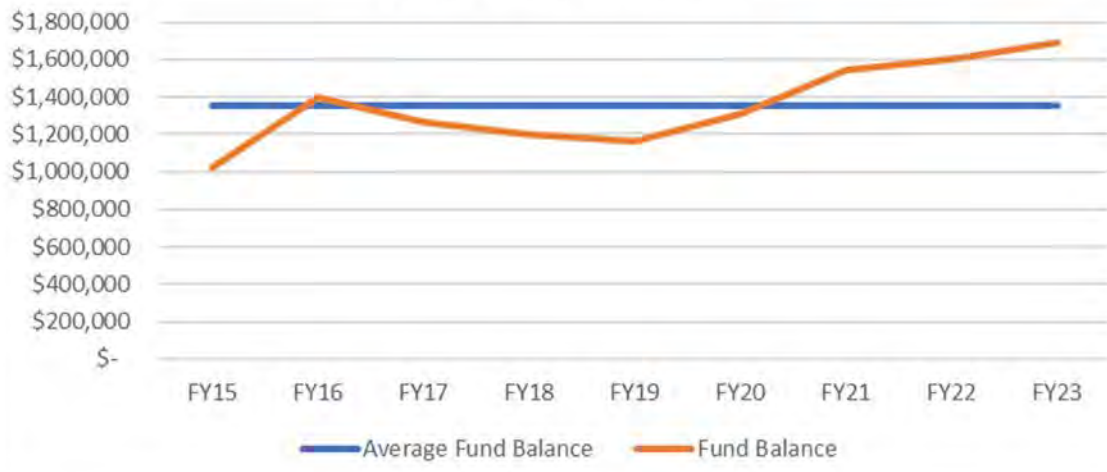
**PPSB Education Fund Cash Flow**

Beginning Cash Balance (July 1, 2023)	\$	133,093.38
FYTD24 revenue	\$	4,550.00
FYTD24 expenditures	\$	-
<b>FY23 ENDING FUND BALANCE</b>		<b>\$ 137,643.38</b>

## BUDGET GRAPHICS



### Historical PPSB Fund Balance Fiscal Years 2015-2023





**PRIVATE PROTECTIVE SERVICES BOARD**

Raleigh, North Carolina

December 14, 2023

**ATTORNEY'S REPORT**



## **PRIVATE PROTECTIVE SERVICES BOARD**

Raleigh, North Carolina

December 14, 2023

### **I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES**

1. On October 19, 2023, Julien Cell Duncan/Sterling Services Enterprise, Inc. entered into a Consent Agreement with the Board in the amount of \$122.40 for one unarmed security guard registration violation. The temporary agreement was signed by QA Julien Duncan on October 2, 2023. Paid in full.
2. On October 19, 2023, Errol Alexis Green/ Weiser Security Services, Inc. entered into a Consent Agreement with the Board in the amount of amount of \$9,547.20 for seventy-eight unarmed security guard registration violations. The Consent Agreement was signed by QA Errol Green on September 14, 2023. Paid in full.
3. On October 19, 2023, Tracy Lee Burke/ East Coast Protective Services entered into a Consent Agreement with the Board in the amount of \$6,976.80 for 42 unarmed security guard registration violations and 10 armed security guard registration violations. The temporary agreement was signed by Gerald Montgomery on July 18, 2023. Payment has not been received.
4. On October 19, 2023, Terry Michael Walser/Tri Metro Security Services, LLC entered into a Consent Agreement with the Board in the amount of \$489.60 for four unarmed security guard registration violations. The Consent Agreement was signed by QA Terry Walser on November 18, 2023. Paid in full.
5. On October 19, 2023, Travis Hamrick/ Task Force Protection entered into a Consent Agreement with the Board in the amount of \$172.00 for two months of unlicensed activity. The Consent Agreement was signed by QA Travis Hamrick on December 5, 2023. Paid in full.
6. On October 19, 2023, Charles Rosa/ Walden Security; entered into a Consent Agreement with the Board in the amount of \$510.00 for six months of unlicensed activity. The Consent Agreement was signed by QA Charles Rosa on December 4, 2023. Paid in full.
7. On October 19, 2023, Andy Renfrow/The Renfrow Group, Inc., entered into a Consent Agreement with the Board in the amount of \$5,140.80 for failing to register 36 unarmed security guards and four armed security guards. The Consent Agreement was signed by QA Andy Renfrow on November 27, 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.

The Board approved these rule amendments at its June 22, 2023 meeting.

The Submission for Permanent Rule forms were filed on July 3, 2023 and, for some inexplicable reason, combined for review with the rules in b., below.

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. A version of new .1502 with the addition of the language from the public comment was provided to the Board at its June 22<sup>nd</sup> meeting. All the rule adoptions and amendments, including the new .1502, were approved by the Board.

The Submission for Permanent Rule forms were submitted on July 5, 2023. These rules were combined with the two rule amendments in a., above, and numerous Request

for Technical Change were sent to me. Many of these requests mirrored similar requests made of the virtually identical Temporary rules, but in the majority of instances two and three times the changes were requested. These Request for Technical Change were e-mailed to me on August 8<sup>th</sup> at noon with a due date of August 11<sup>th</sup> at 5:00 p.m.

These rule amendments and adoptions were to be considered by the Rules Review Commission at its August 17, 2023 meeting, however between the sheer volume of requests and the short response time (i.e. three days!), I asked that the period of review be extended. The Temporary rules remained in effect during this time.

The Staff Attorney for the Commission objected to the amendment which was added in response to public comment (i.e. 14B NCAC 16 .1501(a)(5)) for failing to comply with the Administrative Procedures Act. Such an objection could not be rectified, and it was impractical to allow all but one rule to be approved irrespective of other objections. Further, I was unable to resolve other objections to approximately one-half the rules. Therefore, I requested a “delayed effective date” for any rules approved by the Commission.

The first one-half of the rules were approved by the Commission, including the amendments to .0205, but not .1101, on September 21, 2023 with an effective date of November 1, 2023. The remaining one-half, including .1101, were approved by the Commission at its meeting on October 19<sup>th</sup>, also with an effective date of November 1<sup>st</sup>.

A copy of these rules -- in full -- is attached as Attachment 2.

c. At its April 20, 2023, based upon staff recommendation, the Board voted to amend 14B NCAC 16 .0701(a)(3), which currently requires only 48 months, to make it consistent with all other new credentials such as a new armed guard registration, new firearm registration, new unarmed armored car registration, new armed armored car registration, and new and renewal licenses, all of which require 60 days.

Also based on staff recommendation .0902 was amended to reflect that the North Carolina Justice Academy is no longer the sole source of firearms trainer training, and .0904 (a)(2) was amended to make it consistent with the unarmed guard trainer certificate renewal so both require a 24 month background check. Further, .0708 was repealed since this information is uploaded as part of .0907 and .0912 was repealed since this information is now uploaded as part of the renewal process.

Finally the private investigator industry expressed to the Board an interest in being able to employ interns and participate in apprenticeship programs. New 14B NCAC 16 .1109 will now allow for “probationary employees.”

The Notice of Text was filed on May 19, 2023. The Public Hearing was held on Tuesday, July 11, 2023 at 2:00 p.m. at the Board’s office and the Public Comment Period expired on August 14, 2023. There were no comments, oral or written.

These rule amendments were approved at the Board’s October 19, 2023 meeting.

The submission for Permanent Rule forms were submitted on November 3, 2023. I received a few innocuous Request for Technical Changes which I responded to by last week’s deadline. These rule adoption amendments and repeals should be approved by the Rules Review Commission at its meeting today.

#### IV. LITIGATION

a. At its June 22, 2022 meeting the Board instructed me to file a Complaint for Injunctive Relief against Timothy McCardell, individually and d/b/a Life Communications, LLC, and Upper Class C.C., LLC for operating an unlicensed Security Guard and Patrol business in the Pitt County area.

The Complaint was filed on July 20, 2023. Defendants failed to Answer or otherwise plead. Entry of Default was entered on September 14, 2023 and I filed a Motion for Default Judgment on October 16th. I now must state whether the opposing party does or does not consent to entry of any order so wrote Mr. McCardell a letter. His wife (not he) responded by telephone stating that he had not received any of the various documents sent him, including the Complaint (which was served by the Sheriff!) I have re-sent him all motions and orders with a deadline to respond.

b. At its August 17, 2023 meeting the Board instructed me to file a Complaint for Injunctive Relief against Derek Lashawn Raynor, individually, Curtis Raynor, individually, and Big Boot, LLC, d/b/a Big Boot Security for operating an unlicensed Security Guard and Patrol Company in the Pitt County area.

The Complaint was filed on September 19, 2023. Both Derek Raynor and Curtis Raynor's Answers were due October 23, 2023, and Big Boot, LLC's was due October 28<sup>th</sup>.

The Defendants retained an attorney and he and I have agreed on a Consent Order with the Board's standard terms. I am awaiting return of the signed original.

The attorney and I have an "informal" agreement extending the time to answer.

## V. LEGISLATION

a. Part I of Senate 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. Part I was effective December 1, 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 16<sup>th</sup> 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 Finance 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. Section 9.(a) of the Senate Bill 492, "An Act to Modify Laws Concerning Adult Correction and Law Enforcement Agencies," amended successive Session Laws from 2020 through 2022 to extend the sunset date for use of private security guards at State prisons through June 1, 2025. It was effective on September 22, 2023.

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

## **VI. FINAL AGENCY DECISIONS**

Joseph Allen Gibson III (*See*, Attachment 3.)

1.

**PPSB  
MASTER HEARINGS LIST  
as of November 30, 2023**

<b>OAH HEARING DATE</b>	<b>PETITIONER</b>	<b>TYPE OF APPLICATION</b>	<b>FAD STATUS OR HEARING DATE</b>
January 18, 2023	Andy Renfrow; The Renfrow Group	Suspension of SG & P Business License and PI License	October 19, 2023. Settled w/Consent Agreement.
June 27, 2023	Daniel Scrimenti 23 DOJ 02494	Summary Suspension of Armed Guard Registration	Guard terminated; hearing withdrawn May 25, 2023.
August 22, 2023	Joseph A. Gibson 23 DOJ 03477	Denial of Unarmed Guard Registration	December 14, 2023.
September 26, 2023	Kenneth Keith Plummer 23 DOJ 03153	Denial of Security Guard & Patrol Business License	Awaiting Proposal for Decision.
November 14, 2023	Christopher Paul Plantier 23 DOJ 04665	Summary Suspension of Armed Guard Registration	Awaiting Official Record.
January 23, 2024	Marquise Quintel Battle 23 DOJ 04887	Summary Suspension of Armed and Unarmed Guard Registration	

2.

institution name, institution or agency head, school director, and facilities. Form F-7 is used when requesting certification to deliver Detention Officer courses and Form F-7T is used when requesting certification to deliver Telecommunicator courses.

- (8) Form F-7A and F-7A-T, Pre-Delivery Report of Training Course Presentation, is completed by the institution or agency delivering Detention Officer and Telecommunicator Training Courses and consists of information on the course delivery location, school director, class schedule, anticipated date of the State Comprehensive Exam, and any planned instructional hours exceeding the minimum requirements. Form F-7A is utilized for Detention Officer courses and Form F-7A-T is utilized for Telecommunicator courses.
- (9) Form F-7B and F-7B-T, Post-Delivery Report of Training Course Presentation, is completed by the institution or agency delivering Detention Officer and Telecommunicator Training Courses and consists of information on any substitutions of instructors as originally reported on the Pre-Delivery Report, any trainees who were not recommended for the state exam due to withdrawal or deficiencies, and the students who participated in and completed the course. Form F-7B is utilized for Detention Officer courses and Form F-7B-T is utilized for Telecommunicator courses.
- (10) Form F-9 and F-9T, Change in Status, is completed by the employing agency and consists of any change in status for justice officers including full-time or part-time status, active or inactive status, changes to identifying information, and changes to firearms status. Form F-9 is utilized for any change in status for justice officers appointed as a deputy sheriff or detention officer. Form F-9T is utilized for any change in status for a justice officer appointed as a telecommunicator.
- (11) Form F-9A, Firearms Qualification Record, is completed by the employing agency to record the annual In-Service Firearms Training and Qualifications for justice officers who are authorized by the Sheriff to carry a shotgun, rifle, automatic weapon, or handgun. The form consists of training and qualification scores completed by the officer.
- (12) Form F-16, Criminal Justice Instructor Evaluation, is completed by the Certified School Director and In-Service Coordinator of the school and consists of a rating of instructional ability, student participation, and presentation of the lesson plan by the Instructor.
- (13) Form F-20, School Resource Officer Certification, is completed by an employing agency requesting certification of a justice

officer as a School Resource Officer. The form consists of the officer's name, date of birth, name of agency and address, date awarded general certification, completion date of School Resource Officer training, and date assigned as a School Resource Officer.

- (14) Form I-2 and I-2-T, Request for Instructor Certification, is completed by an applicant for certification as an Instructor to deliver Detention Officer and Telecommunicator courses. The form consists of information about the applicant's experience and qualifications. Form I-2 is utilized by an applicant for certification as an Instructor to deliver Detention Officer courses and Form I-2-T is utilized by an applicant for certification as an Instructor to deliver Telecommunicator courses.

(b) All forms contained in this Rule may be accessed on the agency's website at <http://ncdoj.gov/law-enforcement-training/sheriffs/all-commission-forms-publications/>.

*History Note: Authority G.S. 17E-4; 17E-7; Eff. April 1, 2023; Amended Eff. November 1, 2023.*

**TITLE 14B - DEPARTMENT OF PUBLIC SAFETY**

**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) 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 a separate 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 as required by Rule .0403 of this Chapter.

(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 either 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 May 14, 2021;*

*Amended Eff. January 1, 2022; July 1, 2021;*

*Temporary Amendment Eff. April 28, 2023;*

*Amended Eff. November 1, 2023.*

**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 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. A management position means a position which manages established divisions or subdivisions of the firm, association or corporation and directs the work of one or more supervisors, has the authority to hire, reward, discipline or discharge employees, and may also provide suggestions for changes in policy to senior executives with policy-making authority. 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 principal 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 if it is determined that the suspension was due to intentional disregard of the law or inaction.

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

*Eff. April 1, 1993;*

*Amended Eff. February 1, 1995;*

*Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015;*

*Readopted Eff. March 1, 2020;*

*Amended Eff. November 1, 2023.*

**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, electronic countermeasures, or digital forensics examination shall be directly supervised by a licensee and that supervisor shall be responsible for the training and 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, electronic countermeasures, or digital forensics examination trainees shall maintain a log on a form provided by the Board on its website as evidence of which sets forth the case number, date, work or training activity and the number of hours. The log shall be signed and dated by both the trainee and the sponsor. This log must be available for inspection by Board staff 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; Temporary Amendment Eff. April 28, 2023; Amended Eff. November 1, 2023.*

**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, close personal protection, or any other licensees applying for an armed permit shall first complete a training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter.
- (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 shall 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 training required by this Rule shall be administered by a certified trainer and the training required by Paragraph (c) of this Rule and the initial training for authorization for a rifle or shotgun shall be completed no more than 90 days prior to the date 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 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.

(h) Applicants for re-certification of an armed licensee permit or an armed security guard firearm registration permit shall complete 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. Subparagraph (c)(2), operation under Subparagraph (c)(3), and Subparagraphs (c)(4) and (5) of this Rule shall be reviewed prior to range firing; and however maintenance under Subparagraph (c)(3) may be reviewed after range firing. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of a licensee permit or an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard registered with one company may be registered with a second company. The registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required to be submitted by the applicant, along with the digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard's duty firearm for all companies is 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

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**APPROVED RULES**

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

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

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

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

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

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

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

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

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

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

(o) An applicant may take the additional rifle training at a time after the initial training in Subsection (c) of this Rule. If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a

rifle range qualification course established by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

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

(q) Upon written request, an applicant for an armed licensee permit or an armed security guard firearm registration permit who possesses a current firearms trainer certificate shall be given a 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, the licensee or 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 verbally 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 in writing 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; Temporary Amendment Eff. April 28, 2023; Amended Eff. November 1, 2023.*

**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.
- (3) "Training Checklist" means the documents that shall state all areas of training and work that the Associate has performed. The sponsoring 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 sponsoring 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 upon request.
- (4) "Associate Log" means the documents 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.

*History Note: Authority G.S. 74C-2(c); 74C-5(2); Eff. July 1, 1994; Transferred and Recodified from 12 NCAC 07D .1101 Eff. July 1, 2015; Readopted Eff. July 1, 2020; Amended Eff. November 1, 2023.*

**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 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 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 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 two years as required by Rule .1502 of this Chapter.

(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; Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

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

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

- (1) Fundamentals of personal protection, including as a minimum 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 applicable to each of the below blocks of instruction and this Section and North Carolina's laws on use of force, and the federal and State firearms law. The three hour unarmed guard block of instruction, set forth in 14B NCAC 16 .0707 if performing services unarmed, or the four hour armed guard block of instruction set forth in 14B NCAC 16 .0807(c)(1) if performing services armed taught by a certified instructor shall fulfill this requirement – (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; Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**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 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 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 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) Using the formula in Rule .0204(d) of this Chapter, 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; Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

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**APPROVED RULES**

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**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" means 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" means the documents that shall state all areas of training and work that the Associate has performed. The sponsor 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 sponsor at the end of each reporting period. In the event the Associate transfers employment to another licensee, the Associate must provide the new sponsor with the training checklist and the new sponsor 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 upon request.
- (4) "Associate Log" means the documents 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.

*History Note: Authority G.S. 74C-2(c); 74C-5(2); Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**14B NCAC 16 .1706 CONSIDERATION OF PRACTICAL EXPERIENCE**

(a) The Board shall consider any practical experience in computer science or digital forensics examination gained by the applicant 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); Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

**14B NCAC 16 .1707 ENFORCEMENT**

A violation of this Chapter or G.S. Chapter 74C by the Associate may be deemed by the Board to be a violation by the sponsor if the violation is found to be the result of a failure to supervise which resulted in the violation and may subject the sponsor to an enforcement action pursuant to G.S. 74C-12(a) or G.S. 74C-17(c).

*History Note: Authority G.S. 74C-2(c); 74C-5(2); 74C-12; Temporary Adoption Eff. April 28, 2023; Eff. November 1, 2023.*

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**TITLE 15A - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**15A NCAC 02D .0503 PARTICULATES FROM FUEL BURNING INDIRECT HEAT EXCHANGERS**

(a) For the purpose of this Rule, the following definitions shall apply:

- (1) "Functionally dependent" means that structures, buildings, or equipment are interconnected through common process streams, supply lines, flues, or stacks.
- (2) "Indirect heat exchanger" means any equipment used for the alteration of the temperature of one fluid by the use of another fluid in which the two fluids are separated by an impervious surface such that there is no mixing of the two fluids.
- (3) "Plant site" means any single or collection of structures, buildings, facilities, equipment, installations, or operations that:

3.

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OFFICE OF ADMINISTRATIVE HEARINGS  
10/13/2023 12:38 PM

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

<p>Joseph Allen Gibson, III Petitioner,</p> <p>v.</p> <p>NC Private Protective Services Board Respondent.</p>	<p><b>PROPOSAL FOR DECISION</b></p>
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On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter conducted a hearing in Raleigh, North Carolina, pursuant to N.C. Gen. Stat. § 150B-40(e) and Respondent's request for designation of an Administrative Law Judge, on Petitioner's appeal of Respondent's denial of Petitioner's application for an unarmed guard registration. Based on the evidence presented at hearing, the Undersigned finds and concludes as follows:

**APPEARANCES**

Petitioner: Joseph Allen Gibson, III, *Pro Se*

Respondent: Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP

**ISSUE**

Whether there was sufficient evidence for Respondent to deny Petitioner's unarmed guard registration for lack of good moral character and temperate habits based upon a conviction of three (3) separate counts of misdemeanor Violation of Domestic Violence Protective Order within the previous twenty-four (24) months?

**OFFICIAL NOTICE OF APPLICABLE STATUTES AND RULES**

N.C.G.S. §§ 74C-2; 74C-8(d)(2); 74C-12(a)(25); 14B NCAC 16 .0703.

**EXHIBITS ADMITTED INTO EVIDENCE**

Petitioner: 1 - 2

Respondent: 2 - 3

## WITNESSES

Petitioner - Joseph Allen Gibson, III

Respondent - Investigator Ron Harrison

## FINDINGS OF FACT

### Procedural Background

1. The North Carolina Private Protective Services Act, N.C. Gen. Stat. §§ 74C-1, *et seq.*, created the Respondent Private Protective Services Board (“the Board”), and sets forth the licensing and permit registration of companies and individuals engaged in the armed and unarmed security guard and patrol business.

2. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

3. Pursuant to N.C. Gen. Stat. § 74C-12, “[t]he Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a registration or permit issued under this Chapter if it is determined that” the registrant committed an unlawful act constituting a lack of good moral character.

4. In August of 2022, Petitioner applied to the Board for an unarmed guard registration. (Resp Exh 1)

5. On April 27, 2023, Respondent denied Petitioner’s application for an unarmed guard registration for cause for lack of good moral character or temperate habits pursuant to N.C.G.S. § 74C-8(d)(2) based on Petitioner’s criminal record:

- a. A conviction in Rockingham County, State of North Carolina, on August 31, 2021, for two (2) counts of violating a Domestic Violence Protective Order, a Class A1 misdemeanor, and
- b. A conviction in Rockingham County, State of North Carolina, on November 7, 2021, for one count of violating a Domestic Violence Protective Order, a Class A1 misdemeanor.

(Resp Exh 2, Respondent’s April 27, 2023 Denial Letter)

6. Petitioner requested a hearing on Respondent’s denial of the unarmed guard registration.

7. By letter and Notice of Hearing dated July 28, 2023, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope



Church Road, Raleigh, North Carolina 27609 on August 22, 2023. Petitioner appeared at the hearing.

Evidence Established at Contested Case Hearing

8. On October 14, 2022, Julia Felske, a designee of Weiser Security Services, Inc., submitted a new unarmed security guard registration to Respondent on Petitioner's behalf.

9. On December 19, 2022, Respondent's staff denied Petitioner's application due to Petitioner's apparent "lack of good moral character" based on Petitioner's criminal history as follows:

a. Conviction of two (2) counts of violating a Domestic Violence Protection Order (DVPO) in violation of N.G. Gen. Stat §50B-4.1(a), a Class A1 misdemeanor, on August 31, 2021. Court records show Petitioner was sentenced to 75 days of community punishment, 12 months of supervised probation, was ordered to pay a total of \$1,300.50 in court costs and fines and was directed to "attend and complete AMENDS program." The "AMENDS" program is a batterers' intervention program comprised of 26 group sessions and 2 individual sessions. Court records indicate that Petitioner complied with all court-ordered conditions and successfully completed probation.

b. Conviction of one (1) count of violating a Domestic Violence Protection Order (DVPO) in violation of N.C. Gen. Stat. §50B-4.1(a), a Class A1 misdemeanor, on November 2, 2021. Court records show Petitioner was sentenced to 150 days of community punishment, 24 months of supervised probation, and was ordered to pay a total of \$520.50 in court costs and fines. Court records indicate Petitioner remains on probation until November 2023.

(Resp Exh 1, Petitioner's Criminal History Record Check)

10. A conviction of one or more Class A1 misdemeanors is grounds for denial for 10 years from the date of disposition, according to Board policy. Therefore, convictions would no longer be grounds for denial after November 2, 2031.

11. Petitioner requested an internal appeal of the denial. Respondent's Director Paul Sherwin interviewed Petitioner about his criminal history via telephone. Petitioner explained that the DVPO violations were the result of him texting his ex-wife after she separated from him in May 2020. Petitioner said he texted her only to find out where she was keeping their two children - who were five and 10 years old at the time - as the two were living apart and involved in a custody dispute. He claimed he did not make in-person contact with his ex-wife, nor did he assault her then or ever. Petitioner said he and his ex-wife have since resumed their relationship and are living together. Director Sherwin upheld the staff denial of Petitioner's application.

12. On April 19, 2023, pursuant to Petitioner's request, Petitioner appeared before the Board's Screening Committee. The Qualifying Agent for Weiser Security Services, Erroll Green, appeared with him. After listening to Petitioner's explanation, and after considering the factors set forth in N.C. Gen. Stat. § 93B-8.1, the Committee recommended the Board deny Petitioner's application.

13. On April 19, 2023, the full Board voted to deny Petitioner's application, in keeping with the Board's Crimes Manual, a policy adopted by the Board as guidance for the staff that equates each crime, felonies and misdemeanors to a specified period of denial.

14. Petitioner initially declined to testify at this contested case hearing. However, after being reminded of the shifting burden of proof in N.C. Gen. Stat. §74C-8(d)(2) by the Undersigned, Petitioner chose to testify.

15. Petitioner first testified that he does not believe that he has been convicted of three counts of violating a Domestic Violence Protection Order because he appealed one of his convictions to Superior Court and such conviction was remanded to District Court. On cross-examination, Petitioner insisted that his appeal caused a "stay" of his conviction, and therefore, such conviction no longer exists. Petitioner offered into evidence a printout from a March 18, 2014 article or opinion from the UNC School of Government on a stay of judgments under N.C. Gen. Stat. § 15A-1431(f). The article or opinion was an argument on issues of law pursuant to N.C. Gen. Stat. §150B-40(a) and was admitted into evidence as Petitioner's Exhibit 2.

16. Petitioner also alleged he was currently enrolled in the Greensboro Police Department's rookie officer academy and was soon to graduate and begin his field training in September 2023. He contended that if he were good enough to be a police officer, then why couldn't he be an unarmed security guard. Based on his answers during a thorough cross-examination of these statements, the Tribunal finds that Petitioner's allegations were not credible.

17. Petitioner further stated, consistent with his explanation to Director Sherwin, that the first charge (or charges) was for texting his wife. He testified that the second (actually third) charge that resulted in the November 2021 conviction was for speaking to his son in the hallway of the courthouse following his court appearance in the initial charge(s).

18. On cross-examination, Petitioner could not explain why he received such harsh sentences for merely texting his ex-wife and saying "hello" to his son.

19. Petitioner's Exhibit 1 is a copy of a Memorandum of Law in Support of Petition for Judicial Review which Petitioner filed in Rockingham County Superior Court on May 8, 2023, and was admitted into evidence. In that Memorandum, Petitioner contends the Board abused its discretion in denying his unarmed guard application, the application at issue in this case, for three (3) Class A1 misdemeanor convictions within the last 24 months and that the Board failed to follow N.C. Gen. Stat. § 93B-8.1 in its

decision. All of Petitioner's arguments were on matters of law.

20. Petitioner failed to present any testimony or other evidence corroborating his testimony that he and his wife were living together again. Petitioner offered no evidence proving he possesses the good moral character, a good reputation in the community, or good morals required to hold an unarmed guard registration.

### CONCLUSIONS OF LAW

1. The parties are properly before the Office of Administrative Hearings.
2. Under N.C.G.S. §74C-12(a)(25), the Respondent Board may refuse to grant a registration if it determined that the applicant has demonstrated or lacks good moral character or temperate habits.
3. Under N.C.G.S. § 74C-8(d)(2), conviction of any crime involving an act of assault or violence is *prima facie* evidence that the applicant does not have good moral character or temperate habits. This is a "shifting burden" and once Respondent Board establishes an applicant has a deniable criminal offense, the burden shifts to the applicant to rebut the presumption.
4. Respondent Board presented sufficient evidence to prove that Petitioner lacks good moral character through convictions in Rockingham County, North Carolina for three counts of violating a Domestic Violence Protective Order. Further, Director Sherwin credibly testified that Respondent's Screening Committee followed N.C. Gen. Stat. § 93B-8.1 in denying Petitioner's application.
5. Petitioner failed to present sufficient evidence to explain the factual basis for the criminal charges, failed to present sufficient evidence to prove he possessed the requisite good character to hold an unarmed guard registration, and therefore, failed to rebut the presumption of lack of good moral character and temperate habits.

### PROPOSAL FOR DECISION


Based upon the foregoing Findings of Fact and Conclusions of Law, the Undersigned hereby recommends the Respondent Board **DENY** Petitioner's unarmed guard registration application.

### NOTICE

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The Undersigned Orders the agency to serve a copy of its Final Agency Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

**SO ORDERED**, the 13th day of October, 2023.



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Melissa Owens Lassiter  
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Joseph Allen Gibson III  
264 Red Oak Dr  
Stokesdale NC 27357  
Petitioner

Jeffrey P Gray  
Bailey & Dixon, LLP  
jgray@bdixon.com  
Attorney For Respondent

This the 13th day of October, 2023.



Daniel Chunko  
Law Clerk  
N. C. Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285  
Phone: 919-431-3000

***State of North Carolina***  
***Office of Administrative Hearings***  
***Certification***

*I hereby certify the attached (1 Flash Drive) to be a true copy of the Official Record as required by G.S. 150B-42 of the proceedings in the Office of Administrative Hearings, in case (s):*

***“23 DOJ 03477”, “Joseph Allen Gibson, III, Petitioner, v. NC Private Protective Services Board, Respondent.”***

*the original of which is filed in this office in conformance with Chapter 150B of the General Statutes of the State of North Carolina.*

*In witness whereof, I authorize this certification and affix the official seal of the North Carolina Office of Administrative Hearings at Raleigh this the 7th day of November, 2023.*

*Donald Robert van der Vaart*  
*Chief Administrative Law Judge, Director*

By: *Maia C. ai*



STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

IN THE OFFICE OF  
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23 DOJ 03477

Joseph Allen Gibson, III Petitioner,  v.  NC Private Protective Services Board Respondent.	<b>OFFICIAL RECORD INDEX SHEET</b>
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RECOMMENDED DECISION

DOCUMENTS

**SECTION I**

- Petition (Article 3 Agencies **only**)
- Request for Designation of ALJ (Article 3A Boards & Commissions **only**)
- Notice of Contested Case & Order of Assignment
- Order(s) of Reassignment
- Order for Prehearing Statements
- Scheduling Orders
- Notice(s) of Representation
- Document Constituting Agency Action
- Hearing Assistant/Court Reporter Request Form
- Motion & Order of Consolidation

**SECTION II**

- Prehearing Statements
- Notice of Prehearing Conference
- Motions/Responses/Briefs/Rulings
- Report of Mediator
- Report of Settlement Conference

**SECTION III**

- Notices of Hearings
- Return of Service on Subpoenas and Notices
- Motions and Orders of Continuance
- Prehearing Order

**SECTION IV**

- Parties' Proposed Decisions
- Other Post Hearing Submissions

**SECTION V**

- Exhibits
- Offers of Proof

**SECTION VI**

- Miscellaneous documents
- Request for transcript
- Transcript
- Hearing Recording

STATE OF NORTH CAROLINA  
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**Sherwin, Paul**

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**From:** auto@permitium.com  
**Sent:** Thursday, April 27, 2023 2:57 PM  
**To:** alexisg@weisersecurity.com; JFELSKE@WEISERSECURITY.COM; SVC\_DPS.PPSM  
**Cc:** auto@permitium.com  
**Subject:** [External] PPS - Registrant application has Cause items.

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Apr 27, 2023

**ORDER NUMBER:** DASNYGECG

**REGISTRANT NAME:** Joseph Allen Gibson III  
**COMPANY:** Weiser Security Services, Inc.  
**QA:** Errol Alexis Green

The applicant Joseph Allen Gibson III, has been denied registration for an PPS Registrant Permit. This applicant has been denied registration for the following reasons:

This order's original denial stands, following an unsuccessful appeal to the Private Protective Services Board on April 20, 2023. This denial may be appealed to the Office of Administrative Hearings, if the applicant and the company wish to do so. A request to appeal to OAH must be submitted in writing to Board staff no later than June 26, 2023.

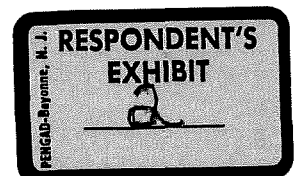
You, the Licensee, are expected to take immediate and appropriate action to comply with this administrative action. If this applicant was denied FOR CAUSE (as indicated above) this denial may be appealed by the applicant pursuant to the Administrative Procedures Act, North Carolina General Statute 150B. By filing an appeal, the applicant is afforded the opportunity to have a hearing before the NC Office of Administrative Hearings. This appeal must be in writing and must be received by this office no later than sixty (60) days from the receipt of this notice. However, if the applicant fails to request a hearing within sixty (60) days of the receipt of this email this administrative action will become final. Pursuant to N.C.G.S. 74-C 11, if this is a new applicant, the applicant is not allowed to engage in the Private Protective Services Business until all appeals are complete and a final agency decision is issued.

Due to recent guideline changes, we will no longer provide the licensee/applicant with the criminal charge and/or conviction obtained via the fingerprint record checks or via NCDOJ search methods.

Should you have questions about the Administrative action, contact the Registration Section of the Private Protection Services Board at 3101 Industrial Drive, Suite 104, Raleigh, NC 27609, phone: (919) 788-5320. Collect calls will not be accepted.

Sincerely,

Paul Sherwin, Director



**Sherwin, Paul**

---

**From:** auto@permitium.com  
**Sent:** Monday, December 19, 2022 1:48 PM  
**To:** alexisg@weisersecurity.com; JFELSKE@WEISERSECURITY.COM; SVC\_DPS.PPSM  
**Cc:** auto@permitium.com  
**Subject:** [External] PPS - Registrant application has Cause items.

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

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Dec 19, 2022

**ORDER NUMBER:** DASNYGECG

**REGISTRANT NAME:** Joseph Allen Gibson III

**COMPANY:** Weiser Security Services, Inc.

**QA:** Errol Alexis Green

The applicant Joseph Allen Gibson III, has been denied registration for an PPS Registrant Permit. This applicant has been denied registration for the following reasons:

Cause Reason:Due to the background investigation conducted on the applicant, we are unable to administratively approve his\her application at this time.

Cause Reason:The applicant has been denied registration for a PPS registrant permit for a lack of good moral character or temperate habits pursuant to N.C.G.S. 74C-8(d)(2). The underlying evidence for the denial of this application for registration is the following:

Cause Reason:Rockingham,NC 11/2/2021(M) DV Protective Order Viol, case21cr052278; Guilty

Cause Reason:Rockingham,NC 8/31/2021(M) DV Protective Order Viol, case20cr053139; Guilty

Cause Reason:Rockingham,NC 8/31/2021(M) DV Protective Order Viol, case20cr051453; Guilty

In order to appeal this denial the company must upload an appeal request from the applicant and a letter of support for the appeal from the QA/Designee on behalf of the applicant. These two items must be uploaded to this order and the order must be resubmitted in order to proceed. If the applicant is NEW they are not allowed to perform duties as outlined in 74C/74D, whichever is applicable. The company is stating that the applicant will remain an employee while NOT performing duties for which we regulate. Once the PPS processor has all items to move the appeal forward; the appeal file has to be provided to the PPS or ASL Board for a recommendation. Each Board only meets six times a year. The dates for these meetings can be found on our DPS websites. The full appeals process takes time, so please relay this to the applicant. If the Board upholds the denial the appeal has to be presented to the NC Office of Administrative Hearings.

Contact Registration Processor Mary Shephard should you have any questions regarding this letter. Her contact information is mary.shephard@ncdps.gov; (984)-220-8632.

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

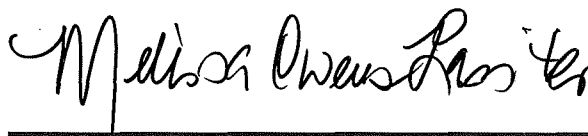
IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

<p>Joseph Allen Gibson, III, Petitioner,</p> <p>v.</p> <p>NC Private Protective Services Board, Respondent.</p>	<p><b>POST-HEARING ORDER</b></p>
---	----------------------------------

On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter conducted a hearing in this matter. The Undersigned hereby establishes the following Post-Hearing Order:

1. Respondent shall file its Proposed Final Decision affirming the Board's decision to deny Petitioner's unarmed guard registration within fifteen (15) days of this Order or on or before September 15, 2023.
2. Petitioner shall file any exceptions and/or proposed changes to Respondent's Proposed Order within fifteen (15) days following Petitioner's receipt of Respondent's Proposed Order or no later than September 29, 2023.

SO ORDERED, the 31st day of August, 2023.



---

Melissa Owens Lassiter  
Administrative Law Judge

FILED

STATE OF NORTH CAROLINA )  
COUNTY OF WAKE )

IN THE OFFICE OF )  
ADMINISTRATIVE HEARINGS PM 11:45

JOSEPH A GIBSON )

23 DOJ 03477 )  
OFFICE OF ADMINISTRATIVE HEARINGS

Petitioner, )

**PETITIONERS,**

v. )

**RESPONSE PROPOSED,**

) **FINAL DECISION**

N.C PRIVATE PROTECTIVE )

SERVICES BOARD )

\_\_\_\_\_ )

**Date 10-2-2023**

On August 22, Petitioner appeared *pro se*, before Adminstrative Law Judge Melissa Owen

In response to Respondents proposed final decision filed September 14, 2023

**PETITIONERS RESPONSE TO RESPONDENTS PROPOSED ORDER,**

1. Petitioners response to Respondents Finding of Facts are law, G.S. 93B-8.1 continues to require licensing boards to consider various factors when deciding whether to deny a license based on a criminal conviction. The amended statute revises and strengthens these provisions. A board now may deny a license only if it finds that the applicant’s criminal conviction history is “directly related” to the licensed occupation. The only exceptions are when federal law makes denial mandatory or the conviction is for a crime that is violent or sexual in nature. A board may not automatically deny licensure based on an applicant’s criminal history and, further, may not deny an applicant a license based on a determination that a conviction is for a crime of “moral turpitude,” a vague term that appears in various occupational license statutes but is ill-defined. In addition, the amended statute contains an expanded list of factors licensing boards must consider in making licensing decisions, including the completion

of or active participation in rehabilitative drug or alcohol treatment and a certificate of relief granted under G.S. 15A-173.2.

1, **1(a)** See attached Response Petitioners restoration of rights

2, **1(b)** See attached Response House bill 770 attached incorporated herein

3, The 2019 reforms go much further in new and amended provisions of Chapter 93B. First, the legislation both expands the licensing boards covered by the law and limits their authority to deny licensure based on a criminal justice history.

4, Respondents never offered any testimony or facts that say Petitioners criminal charges in fact had any direct relation to Petitioners duties as a Security Officer while employed for Weiser Security.

5. Respondents very own rules according to chapter 74 C only list a few criminal charges that disqualify a individual from obtaining a unarmed guard registration card and Petitioners violation of a protective order is not one of those listed criminal convictions in respondents directives

6. Petitioners response to respondents proposed order paragraph 3 says "shifting burden" Respondents board and director stated clearly on the record giving testimony that if a individual were in a hiring process with a police academy in North Carolina Director Paul Sherwin during questioning under oath before the court stated that individual most in fact be someone of good moral character, petitioner then informed the Respondent while still on the witness stand put forward in a question what if Petitioner was in fact at this time currently in the hiring process with the 115th Greensboro police department academy quickly respondent stated congratulations respondents attorney and respondent Paul Sherwin had No further comments or questions pertaining to the subject of Petitioners application process with the Greensboro police department.

FILED

2023 OCT - 11 PM 4: 45

OFFICE OF ADMINISTRATIVE

prejudiced the petitioner's rights and has acted arbitrarily or and  
capriciously and abused its descretion.

---

Honorable Melissa Owens Lassiter Administrative Law Judge

I Petitioner Joseph Gibson Certify a Copy of Petitioners Response,  
was deposited into the U S mail on 10-03 2023 via first class and  
mailed to Jeffrey P Gray Attorney for Respondent P. o Box 1351  
Ralieigh , Nc 27602-1351

# House Bill 770

Page 2

**Section 3** requires no later than October 31st of each year, that each occupational licensing board and state agency licensing board file with the Secretary of State, Attorney General, and the Joint Legislative Oversight Committee, an annual report with the number of applicants; and of that number, licenses granted; and, the number of applicants with a conviction record, and of that number, licenses granted, licenses denied for any reason, and licenses denied because of a conviction.

**Section 4** provides the following:

- Prevents an occupational licensing board from automatically denying licensure because of an applicant's criminal history unless a federal law governing a particular occupation requires the denial.
- A board may deny an applicant a license on the basis of a conviction of a crime, only if the applicant's criminal history is directly-related to the duties and responsibilities for the licensed occupation, or is for a crime that is violent or sexual in nature.
- Requires an occupational licensing board to consider the following additional factors favorably:
  - Completion or participation in rehabilitative drug or alcohol treatment.
  - A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- Requires a board to make written findings specifying the factors deemed relevant to deny an applicant a license.
- Requires a board to disclose in an application whether the board requires applicants to consent to a criminal history record check, factors considered when making a determination of licensure, and any appeals process if the board denies an applicant licensure.
- Requires access to criminal history records be provided, or a copy delivered to an applicant by a provider, if the board requires an applicant to submit a criminal history record.
- Requires a board to notify the applicant in writing of any specific issues related to criminal history, and afford the applicant an opportunity to provide additional documentation. If there is an issue related to a criminal conviction, an applicant would have 30 days to respond.
- Requires a board following a hearing denying an applicant licensure, to issue a written order referencing the criminal conviction(s) considered as part or all of any basis for the denial, and an explanation of the board's rationale for the denial. The board must also provide reference for an appeal process and cannot prevent an applicant from reapplying for a period exceeding two years.
- Allows individuals with a criminal history to petition a board for a predetermination as to whether or not the individual's criminal history will likely disqualify the person from obtaining a license. This petition may be filed at any time including before an individual starts or completes any mandatory education or training requirements. The board must notify the individual of their determination within 45 days and the board may charge a fee of not more than \$25.00 for each petition. If the board determines that the applicant would likely be denied licensure based on their criminal history, the board must notify the person in writing of the predetermination and certain other rights and information related to the predetermination.

**Section 5** requires occupational licensing boards to recognize certain apprenticeships and training, and to grant a license to applicants who complete a recognized apprenticeship, pass an examination if one is deemed to be necessary, and complete any other requirements established by law or administrative rule of the licensing agency, except prelicensing education requirements. This section does not apply to

10/2/23, 5:50 PM

Police Officer (115th Police Academy) - Yahoo Mail

If you do not want to receive emails please click on the following : [Unsubscribe from Emails](#)



10/2/23, 5:42 PM

Police Officer (115th Police Academy) - Yahoo Mail

(2A)

joegibsonishome.../Inbox

21 Jun at 12:34

**Police Officer (115th Police Academy)**



Amanda Smith <info@governmentjobs.com>  
To: joegibsonishome@yahoo.com



June 21, 2023

joseph gibson  
264 red oak drive  
stokesdale, NC 27357

Dear joseph gibson,

This is to acknowledge receipt of your completed application packet for the position of Police Trainee with the Greensboro Police Department. The next phase of the application process is a pre-employment testing event which includes three parts:

- a State mandated Reading Comprehension Test, followed by:
- a modified version of the State mandated "Police Officer Physical Abilities Test," more commonly known as the POPAT. Please click [here](#) for a demonstrated video the modified POPAT or visit our website at: [www.gpdcareers.com](http://www.gpdcareers.com)
- GPD Questionnaire and Scenario-Based Written Exercise

These parts are completed in consecutive order and each one must be successfully completed to proceed to the next part.

You will also need to bring a picture ID to verify your identity. Testing will begin promptly at 08:00 AM. Late arrivals will not be allowed to participate.

The POPAT is conducted indoors and you should dress appropriately for the athletic activity required by the test. Dress to your comfort level but generally shorts and a t-shirt as well as socks and shoes appropriate for running are worn by applicants for this event. Additionally, you may wish to bring bottled water, a snack and a change of clothes. Each applicant's level of fitness varies. Therefore, it is your responsibility as an applicant to prepare for the test. It is recommended that you tailor your preparation to your individual fitness needs and ability. You may use the attached guidelines prepared by the City of Greensboro's Medical Services as a reference for your preparation.

Successful participants in the above testing will then complete the GPD Questionnaire and Scenario-Based Written Exercise and also be provided additional information about completing the online, FMRT "BRAINS" Assessment, California Psychological Inventory.


Our staff will complete the testing as expeditiously as possible.

Applications received before May 31, 2023, are currently being prioritized for the Police Academy beginning September 2023. To be eligible for this academy you must complete this phase of the application process. Your assigned pre-employment testing date is **07/22/2023**. **The test will be given at Greensboro Police Department's District 3 Substation located at 300 South Swing Road, Greensboro, NC.** Applicants should be aware if you do not attend your assigned pre-employment testing date, you may reschedule only one time before your application may be withdrawn from the process.

Please Note: Unsuccessful applicants may reapply for future consideration.

Thank you for your interest in the Greensboro Police Department.

Captain Justin Flynt  
Resource Management Division  
Greensboro Police Department  
336-373-2460

BAILEY  DIXON

Jeffrey P. Gray

jgray@bdixon.com

September 25, 2023

Joseph A. Gibson, III  
264 Red Oak Drive  
Stokesdale, NC 27357

RE: *Joseph Allen Gibson, III v. N. C. Private Protective Services Board, 23 DOJ-03477*  
Our File: 3394.000001

Dear Mr. Gibson:

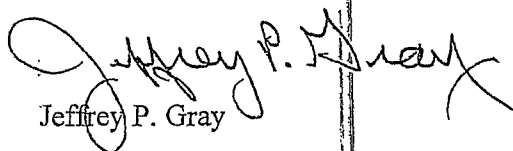
I received your voicemail message claiming you have not received a copy of the Proposed Proposed Final Decision I filed on September 14, 2023. You are correct; there was a typographical error in your address in that the town is spelled "Statesdale." However, since the zip code is correct -- and the U. S. Postal Service only goes by the zip code -- you should have still received it.

Enclosed is another copy. I have also enclosed a copy of the signed Certificate of Service page from the first copy I sent you. (The electronic filing system at the Office of Administrative Hearings does not reflect signatures or handwritten dates.)

You also mention in your voice mail message that you intend to file exceptions. You do not file exceptions to the "proposed" Proposal for Decision the Judge asked me to prepare and file. It is the Judge's Proposed Final Decision that you will be excepting to.

Sincerely,

BAILEY & DIXON, LLP

  
Jeffrey P. Gray

Enclosures

JOSEPH GIBSON  
264 Red Oak Drive  
Stokesdale, Nc  
27357

NIC OFFICE OF  
~~AN~~ ADMINISTRATIVE  
HEARINGS

1711 New Hope Church  
Road

Raleigh Nc

7X 79



PRESS 1



27609

SUMMER  
OCT 03, 2023

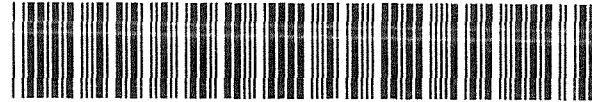
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RDC 07



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PHONE (336) 708-8644

Joseph Gibson  
264 Red Oak Drive  
Stokesdale Nc 27357

**DELIVERY OPTIONS (Customer Use Only)**

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PHONE ( )

N.C. Office of Administrative  
Hearings 1211 New hope  
Church Road  
Raleigh Nc  
27609

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PO ZIP Code 27358	Scheduled Delivery Date (MM/DD/YY) 10.4.23	Postage \$ 28.75	
Date Accepted (MM/DD/YY) 10-3-23	Scheduled Delivery Time 6:00 PM	Insurance Fee \$	COD Fee \$
Time Accepted 2:19 PM	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 28.75	
Weight Rate	Acceptance Employee Initials [Signature]		

**DELIVERY (POSTAL SERVICE USE ONLY)**

Delivery Attempt (MM/DD/YY) Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt (MM/DD/YY) Time	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature

LABEL 11-B, MAY 2021

PSN 7680-02-000-9996

PEEL FROM THIS CORNER

EP13F May 2020



**UNITED STATES  
POSTAL SERVICE**

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

JOSEPH ALLEN GIBSON, III, )  
)  
Petitioner, )  
v. )  
)  
N.C. PRIVATE PROTECTIVE )  
SERVICES BOARD, )  
)  
Respondent. )

**PROPOSED  
PROPOSED  
FINAL DECISION**

On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an unarmed guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction of three (3) separate counts of misdemeanor Violation of Domestic Violence Protective Order within the previous twenty-four (24) months.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case: N.C.G.S. § 74C-2; 74C-8(d)(2); 74C-12(2)(25); 14B NCAC 16 .1703.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

8. Petitioner requested an internal appeal of the denial and Director Sherwin interviewed Petitioner about his criminal history via telephone. Petitioner explained that the DVPO violations were the result of him texting his ex-wife after she separated from him in May 2020. Petitioner said he texted her only to find out where she was keeping their two children – who were five and 10 years old at the time – as the two were living apart and involved in a custody dispute. He claimed he did not make in-person contact with his ex-wife, nor did he assault her then or ever. Petitioner said he and his ex-wife have since resumed their relationship and are living together. Director Sherwin upheld the staff denial.
9. Petitioner requested to appear before the Board’s Screening Committee, which he did on April 19, 2023. The Qualifying Agent for Weiser Security Services, Erroll Green, appeared with him. After listening to Petitioner’s explanation, and after considering the factors set forth in N.C. Gen. Stat. §93B-8.1, the Committee recommended to the Board that the application be denied. The full Board voted to deny the application at its meeting on April 19, 2023, in keeping with the Board’s Crimes Manual, a policy adopted by the Board as guidance for the staff that equates each crime, felonies and misdemeanors, to a specified period of denial.
10. Petitioner’s Criminal History Record Check which showed the above was admitted into evidence as part of Respondent’s Exhibit 1, Petitioner’s application.
11. Petitioner initially declined to testify but after being reminded of the shifting burden of proof in N.C. Gen. Stat. §74C-8(d)(2) by the undersigned he chose to do so.
12. Petitioner first testified that he does not believe that he has been convicted of three counts because he appealed one of his convictions to Superior Court and it was remanded to District Court. On cross-examination, Petitioner was insistent that his appeal caused a “stay” of his conviction and therefore no longer exists. Petitioner offered into evidence a printout from a March 18, 2014 article or opinion from the UNC School of Government on a stay of judgments or under N.C. Gen. Stat. §15A-1431(f). The article or opinion was admitted into evidence as an argument on issues of law pursuant to N.C. Gen. Stat. §150B-40(a) as Petitioner’s Exhibit 2.
13. Petitioner also stated he was currently enrolled in the Greensboro Police Department’s rookie officer academy and was soon to graduate and begin his field training in September 2023. He contended that if he was good enough to be a police officer why could he not be an unarmed security guard. Petitioner was thoroughly cross-examined as to these statements. The Tribunal finds that these statements were not credible.
14. Petitioner further stated, consistent with his explanation to Director Sherwin, that the first charge (or charges) was for texting his wife. He testified that the second (actually third) charge that resulted in the November 2021 conviction was for speaking to his son in the hallway of the courthouse following his court appearance in the initial charge(s).

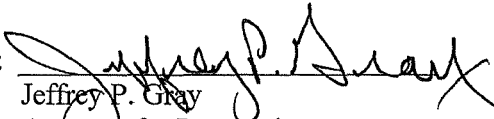
NOTICE AND ORDER

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

Submitted this the 14th day of September, 2023.

BAILEY & DIXON, LLP

By:   
Jeffrey P. Gray  
Attorney for Respondent  
P.O. Box 1351  
Raleigh, NC 27602-1351  
Telephone: (919) 828-0731  
Fax: (919) 828-6592

This the \_\_\_\_\_ day of September, 2023.

\_\_\_\_\_  
Honorable Melissa Owens Lassiter  
Administrative Law Judge

Put Exh 1

STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF ROCKINGHAM 2023 MAY -8 P 11:46

ROCKINGHAM CO. CASE NO. 23-005 947

IN RE:

08  
MAY 20, 2023

PETITIONER'S MEMORANDUM  
OF LAW IN SUPPORT OF PETITION  
FOR JUDICIAL REVIEW OF FINAL  
AGENCY DECISION OF THE NCPSA

Jurisdiction is conferred unto this Honorable Court pursuant to N.C. G.S. Sec. 150B-43.

Petitioner avers the final decision of the North Carolina Protective Services Agency (hereinafter NCPSA), in this matter is an abuse of discretion, which violates the petitioner's right to due process and equal protection of the law as defined in the U.S. Const. amend. 5, 8, 9, through the 14<sup>th</sup>., and the N.C. Const. article 1, sec. 19.

Moreover, the NCPSA abused its discretion in basing their entire decision upon N.C.G.S. 74C-8(d)(2). The NCPSA could not make a fully informed decision, because the NCPSA's own investigator openly admitted during the hearing that, he (the investigator) did not bring to the hearing his file, because he did not go by his office that morning. Contained in that file is exculpatory evidence the investigator obtained from the petition prior to the hearing!

The only portion of N.C.G.S. 74C-8(d)(2) the NCPSA could attempt to apply is found in the wording, "That the applicant is of good moral and temperate habits." However, in legislation that may have escaped the notice of the NCPSA, the NC General Assembly enacted significant reforms this year to the state's occupational licensing laws. The reforms, which apply to applicants for licensure on or after October 1, 2019, significantly lessen legal barriers to obtaining an occupational license for people with a criminal conviction. The legislation, S.L. 2019-91 (H 770) received bipartisan support, passing both chambers unanimously.

It is well worthy to note, before passage of these reforms, many occupational licensing statutes in NC allowed or required licensing board to disqualify a person from obtaining a license if he or she had a conviction for a crime of one kind or another. This authority usually appeared in the chapter of the General Statutes governing the occupation. In addition to the barriers created by these provisions,



when the NPCSA relied upon N.C.G.S. 74C-8(d)(2) wording, and abused it's discretion in applying the statutory provision. In addition, the amended statute contains an expanded list of factors licensing boards must consider in making licensing decisions, including the completion of or active participation in rehabilitative treatment programs wherein a certificate of relief has been granted under G.S. 15A-173.2.

This Honorable Court must note as any reasonable and prudent Court would, the petitioner presented to the NPCSA's investigator, weeks prior to the hearing, (who happened not to have his files with him at the hearing, because he didn't go by his office that morning), evidence of the exculpatory nature, i.e., Certificate of Relief, Character Letters, etc. Petitioner was able to present some exculpatory evidence, but not all, because the NPCSA investigator had other exculpatory evidence in those files the investigator did not bring to the hearing. When petitioner objected, petitioner was told to "be quiet!" In light of the facts presented herein and the attached complaint, the NPCSA abused its discretion in denying the petitioner licensure based sole on a past criminal history.

Dated this 5<sup>th</sup> day of May, 2023.

~~PETITIONER~~

---

Joseph A. Gibson, III  
264 Red Oak Dr.  
Stokesdale, NC 27357  
In Propria Persona

BAILEY & DIXON

COPY

Jeffrey P. Gray

jgray@bdixon.com

July 28, 2023

Certified Mail – Return Receipt Requested

Joseph A. Gibson, III  
264 Red Oak Drive  
Stokesdale, NC 27357

RE: *Administrative Hearing for Joseph A. Gibson, III*

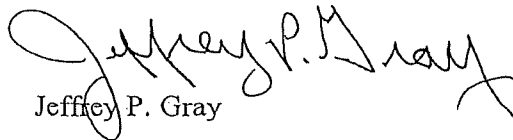
Dear Mr. Gibson:

Enclosed is a copy of the Notice of Hearing which I have filed with the Office of Administrative Hearings in this matter. As indicated on said Notice, the Board is requesting that your hearing be conducted by the Office of Administrative Hearings, located at 1711 New Hope Church Road, Raleigh, NC 27609, on **Tuesday, August 22, 2023, at 2:00 p.m.** Your failure to attend this court proceeding may result in dismissal of your case.

If you have any questions, you may call me at (919) 828-0731.

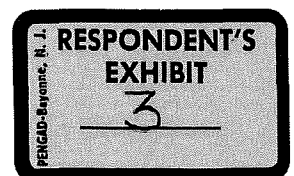
Sincerely,

BAILEY & DIXON, LLP

  
Jeffrey P. Gray

Enclosure

cc: Paul Sherwin, Director  
NC Private Protective Services Board



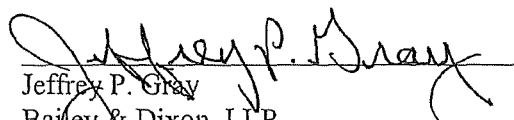


This proceeding is a contested case hearing and will give you the opportunity to present evidence and cross-examine witnesses. The Board will be represented by Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602, (919) 828-0731.

Please direct all correspondence to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.

This the 20th day of July, 2023.

Private Protective Services Board  
Paul Sherwin, Director

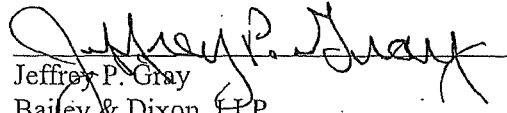
  
Jeffrey P. Gray  
Bailey & Dixon, LLP  
P.O. Box 1351  
Raleigh, North Carolina 27602  
(919) 828-0731 – telephone  
(919) 828-6592 – facsimile

CERTIFICATE OF SERVICE

I, Jeffrey P. Gray, hereby certify that I have served a copy of the foregoing NOTICE OF HEARING by depositing a copy with the United States Postal Service, CERTIFIED MAIL/RETURN RECEIPT REQUESTED and addressed to the following:

Joseph Allen Gibson, III  
264 Red Oak Drive  
Stokesdale, NC 27357

This the ~~28th~~ day of July, 2023.

  
Jeffrey P. Gray  
Bailey & Dixon, LLP  
P.O. Box 1351  
Raleigh, North Carolina 27602  
(919) 828-0731 – telephone  
(919) 828-6592 – facsimile

cc: Paul Sherwin, Director  
NC Private Protective Services Board



I Joseph Gibson desire a  
hearing ~~in~~

Joseph Gibson

7-24-23

FILED

STATE OF NORTH CAROLINA ) IN THE OFFICE OF  
COUNTY OF WAKE ) ADMINISTRATIVE HEARINGS PM 11:45  
JOSEPH A GIBSON ) 23 DOJ 03477 OFFICE OF ADMINISTRATIVE HEARINGS  
Petitioner, ) **PETITIONERS,**  
v. ) **RESPONSE PROPOSED,**  
) **FINAL DECISION**  
N.C PRIVATE PROTECTIVE )  
SERVICES BOARD )  
\_\_\_\_\_ ) **Date 10-2-2023**

On August 22, Petitioner appeared *pro se*, before Administrative Law Judge Melissa Owen  
In response to Respondents proposed final decision filed September 14, 2023

**PETITIONERS RESPONSE TO RESPONDENTS PROPOSED ORDER,**

1. Petitioners response to Respondents Finding of Facts are law, G.S. 93B-8.1 continues to require licensing boards to consider various factors when deciding whether to deny a license based on a criminal conviction. The amended statute revises and strengthens these provisions. A board now may deny a license only if it finds that the applicant’s criminal conviction history is “directly related” to the licensed occupation. The only exceptions are when federal law makes denial mandatory or the conviction is for a crime that is violent or sexual in nature. A board may not automatically deny licensure based on an applicant’s criminal history and, further, may not deny an applicant a license based on a determination that a conviction is for a crime of “moral turpitude,” a vague term that appears in various occupational license statutes but is ill-defined. In addition, the amended statute contains an expanded list of factors licensing boards must consider in making licensing decisions, including the completion



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of or active participation in rehabilitative drug or alcohol treatment and a certificate of relief granted under G.S. 15A-173.2.

1, **1(a)** See attached Response Petitioners restoration of rights

2, **1(b)** See attached Response House bill 770 attached incorporated herein

3, The 2019 reforms go much further in new and amended provisions of Chapter 93B. First, the legislation both expands the licensing boards covered by the law and limits their authority to deny licensure based on a criminal justice history.

4, Respondents never offered any testimony or facts that say Petitioners criminal charges in fact had any direct relation to Petitioners duties as a Security Officer while employed for Weiser Security.

5. Respondents very own rules according to chapter 74 C only list a few criminal charges that disqualify a individual from obtaining a unarmed guard registration card and Petitioners violation of a protective order is not one of those listed criminal convictions in respondents directives

6. Petitioners response to respondents proposed order paragraph 3 says "shifting burden" Respondents board and director stated clearly on the record giving testimony that if a individual were in a hiring process with a police academy in North Carolina Director Paul Sherwin during questioning under oath before the court stated that individual most in fact be someone of good moral character, petitioner then informed the Respondent while still on the witness stand put forward in a question what if Petitioner was in fact at this time currently in the hiring process with the 115th Greensboro police department academy quickly respondent stated congratulations respondents attorney and respondent Paul Sherwin had No further comments or questions pertaining to the subject of Petitioners application process with the Greensboro police department.

7, Petitioners response to respondents claims Petitioner offered No evidence of Petitioners moral character and respondents claims petitioner was lying to the court that petitioner never in fact applied to the Greensboro police academy and demonstrated to the court petitioner clearly lacks good moral character and based on this should not be allowed to be a security officer in North Carolina.

8, Response to Respondent s boards decision to deny Petitioner for unarmed gaurd registration and Petitioners lack of evidence presented to the board When Petitioner appeared before the board, director Paul Sherwin testified he had left Petitioners file at his office the day of the hearing, Petitioner testified that Petitioner had in fact ran for North Carolina house of representatives in district 65 coming in 2nd place and many emails were sent to the director and his investigators that addressed petitioners moral character in a very postitive manners and in fact Petitioner was nominated in 2020 by the secretary of the state to be a elector for the office of the President Of the United States, Petitioner on the allegation of lying to the court (please see attached emails) from the Greensboro police department, shall impeach the testimony of the respondent Paul Sherwin , Petitioner lacks good moral character by telling a lie to the court on August 22 2023 During his testimony **(attached response 2a,2b.)**

**PETITIONERS RESPONSE AND PROPOSED CHANGES TO FINAL PROPOSED ORDER BY RESPONDENTS**

Based on the testimony and facts The North Carolina Private Protective service board Order in contested cases under this Article where the administrative law judge finds that the state agency named as respondent N.C Private Protective Services Board has substantially

FILED

prejudiced the petitioner's rights and has acted arbitrarily or and  
capriciously and abused its descretion.

2023 OCT -03 PM 4:45

OFFICE OF LEGAL TRAINING

---

Honorable Melissa Owens Lassiter Administrative Law Judge

I Petitioner Joseph Gibson Certify a Copy of Petitioners Response,  
was deposited into the U S mail on 10-03 2023 via first class and  
mailed to Jeffrey P Gray Attorney for Respondent P. o Box 1351  
Ralieigh , Nc 27602-1351

(1B)



# HOUSE BILL 770: Freedom to Work/Occupational Licensing Board Reform.

2019-2020 General Assembly

<b>Committee:</b>	<b>Date:</b> January 2, 2020
<b>Introduced by:</b>	<b>Prepared by:</b> Jeremy Ray
<b>Analysis of:</b> S.L. 2019-91	Staff Attorney

**S.L. 2019-91 does the following:**

- Requires administrative agencies, governmental officials, and courts in civil proceedings to consider Certificates of Relief favorably.
- Defines a "State agency licensing board."
- Clarifies standards for a licensing board's use of an applicant's criminal history in making determinations.
- Requires recognition by licensing boards of certain apprenticeship and training experiences.

*This act became effective October 1, 2019, and applies to Certificates of Relief granted or applications for licensure submitted on or after that date.*

**CURRENT LAW:**

Article 6 of Chapter 15A of the General Statutes governs Certificates of Relief. An individual may petition a court for a Certificate of Relief to relieve some of the collateral consequences associated with criminal convictions that could impede their reintegration into society. A petitioner may obtain a certificate of relief if he or she has three or fewer prior Class H or I felony convictions, as well as any prior misdemeanor convictions. If the felony convictions occurred during the same session of court, the convictions count as a single conviction. Unlike an expunction order, which is confidential, the issuance, modification, and revocation of a certificate of relief is a public record.

Chapter 93B governs occupational licensing boards. G.S. 93B-1 defines occupational licensing boards as "any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses." State agencies, staffed by full-time State employees, which as a part of their regular functions may issue licenses are not occupational licensing boards.

**BILL ANALYSIS:**

**Section 1** requires an administrative agency, governmental official, or civil court to consider a Certificate of Relief favorably in determining whether a conviction should result in a disqualification.

**Section 2** defines a "State agency licensing board" as any State agency, staffed by full time State employees, which as part of their regular functions issue licenses, and provides a nonexclusive list of State agency licensing boards which qualify under the definition. The North Carolina Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission are not included in this definition.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# House Bill 770

Page 2

**Section 3** requires no later than October 31st of each year, that each occupational licensing board and state agency licensing board file with the Secretary of State, Attorney General, and the Joint Legislative Oversight Committee, an annual report with the number of applicants; and of that number, licenses granted; and, the number of applicants with a conviction record, and of that number, licenses granted, licenses denied for any reason, and licenses denied because of a conviction.

**Section 4** provides the following:

- Prevents an occupational licensing board from automatically denying licensure because of an applicant's criminal history unless a federal law governing a particular occupation requires the denial.
- A board may deny an applicant a license on the basis of a conviction of a crime, only if the applicant's criminal history is directly-related to the duties and responsibilities for the licensed occupation, or is for a crime that is violent or sexual in nature.
- Requires an occupational licensing board to consider the following additional factors favorably:
  - Completion or participation in rehabilitative drug or alcohol treatment.
  - A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- Requires a board to make written findings specifying the factors deemed relevant to deny an applicant a license.
- Requires a board to disclose in an application whether the board requires applicants to consent to a criminal history record check, factors considered when making a determination of licensure, and any appeals process if the board denies an applicant licensure.
- Requires access to criminal history records be provided, or a copy delivered to an applicant by a provider, if the board requires an applicant to submit a criminal history record.
- Requires a board to notify the applicant in writing of any specific issues related to criminal history, and afford the applicant an opportunity to provide additional documentation. If there is an issue related to a criminal conviction, an applicant would have 30 days to respond.
- Requires a board following a hearing denying an applicant licensure, to issue a written order referencing the criminal conviction(s) considered as part or all of any basis for the denial, and an explanation of the board's rationale for the denial. The board must also provide reference for an appeal process and cannot prevent an applicant from reapplying for a period exceeding two years.
- Allows individuals with a criminal history to petition a board for a predetermination as to whether or not the individual's criminal history will likely disqualify the person from obtaining a license. This petition may be filed at any time including before an individual starts or completes any mandatory education or training requirements. The board must notify the individual of their determination within 45 days and the board may charge a fee of not more than \$25.00 for each petition. If the board determines that the applicant would likely be denied licensure based on their criminal history, the board must notify the person in writing of the predetermination and certain other rights and information related to the predetermination.

**Section 5** requires occupational licensing boards to recognize certain apprenticeships and training, and to grant a license to applicants who complete a recognized apprenticeship, pass an examination if one is deemed to be necessary, and complete any other requirements established by law or administrative rule of the licensing agency, except precensuring education requirements. This section does not apply to

10/2/23, 5:50 PM

Police Officer (115th Police Academy) - Yahoo Mail

(2B)

joegibsonishome.../Inbox

2 Jun at 09:01

**Police Officer (115th Police Academy)**



Amanda Smith <info@governmentjobs.com>  
To: joegibsonishome@yahoo.com

FILED

2023 OCT -4 PM 4: 45

OFFICE OF MUNICIPAL AFFAIRS



GREENSBORO POLICE DEPARTMENT  
"Partnering to fight crime for a safer Greensboro"

June 2, 2023

Joseph Gibson  
264 Red Oak Drive  
Stokesdale NC 27357

Dear Joseph Gibson,

We were very glad to receive your City of Greensboro application for the 115th Police Academy. Thank you for applying with us!

We've noticed that we have not yet received your completed Greensboro Police Department packet, or completed on-line NC-F3(LE). If there were any issues with taking the next steps in our hiring process, if you have any questions about our hiring process, or if you'd just like us to reach out to us with questions or concerns, we'd love to hear from you! Please feel free to contact our lead Recruiter, Sergeant Anderson or Executive Officer, Lieutenant Flowers.

Sergeant Anderson's Desk Phone: 336-373-4361  
Email: [angela.anderson@greensboro-nc.gov](mailto:angela.anderson@greensboro-nc.gov)

Lieutenant Farrish's Desk Phone: 336-373-2637  
E-mail: [danny.farrish@greensboro-nc.gov](mailto:danny.farrish@greensboro-nc.gov)

Also, take a moment to check out our recruiting spots about the stories of three different officers, and why they've chosen to serve with us!

[Officer Cline's Story](#)

[Officer Brown's Story](#)

[Officer Graham's Story](#)

We look forward to meeting you soon, and please don't hesitate to contact us!

Sincerely,

Greensboro Police Department

10/2/23, 5:50 PM

Police Officer (115th Police Academy) - Yahoo Mail

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10/10/10

10/2/23, 5:42 PM

Police Officer (115th Police Academy) - Yahoo Mail

(2A)

joegibsonishome.../Inbox

21 Jun at 12:34

**Police Officer (115th Police Academy)**



Amanda Smith <info@governmentjobs.com>  
To: joegibsonishome@yahoo.com



June 21, 2023

joseph gibson  
264 red oak drive  
stokesdale, NC 27357

Dear joseph gibson,

This is to acknowledge receipt of your completed application packet for the position of Police Trainee with the Greensboro Police Department. The next phase of the application process is a pre-employment testing event which includes three parts:

- a State mandated Reading Comprehension Test, followed by:
- a modified version of the State mandated "Police Officer Physical Abilities Test," more commonly known as the POPAT. Please click [here](#) for a demonstrated video the modified POPAT or visit our website at: [www.gpdcareers.com](http://www.gpdcareers.com)
- GPD Questionnaire and Scenario-Based Written Exercise

These parts are completed in consecutive order and each one must be successfully completed to proceed to the next part.

You will also need to bring a picture ID to verify your identity. Testing will begin promptly at 08:00 AM. Late arrivals will not be allowed to participate.

The POPAT is conducted indoors and you should dress appropriately for the athletic activity required by the test. Dress to your comfort level but generally shorts and a t-shirt as well as socks and shoes appropriate for running are worn by applicants for this event. Additionally, you may wish to bring bottled water, a snack and a change of clothes. Each applicant's level of fitness varies. Therefore, it is your responsibility as an applicant to prepare for the test. It is recommended that you tailor your preparation to your individual fitness needs and ability. You may use the attached guidelines prepared by the City of Greensboro's Medical Services as a reference for your preparation.

Successful participants in the above testing will then complete the GPD Questionnaire and Scenario-Based Written Exercise and also be provided additional information about completing the online, FMRT "BRAINS" Assessment, California Psychological Inventory.

Our staff will complete the testing as expeditiously as possible.

Applications received before May 31, 2023, are currently being prioritized for the Police Academy beginning September 2023. To be eligible for this academy you must complete this phase of the application process. Your assigned pre-employment testing date is **07/22/2023**. **The test will be given at Greensboro Police Department's District 3 Substation located at 300 South Swing Road, Greensboro, NC.** Applicants should be aware if you do not attend your assigned pre-employment testing date, you may reschedule only one time before your application may be withdrawn from the process.

Please Note: Unsuccessful applicants may reapply for future consideration.


Thank you for your interest in the Greensboro Police Department.

Captain Justin Flynt  
Resource Management Division  
Greensboro Police Department  
336-373-2460

10/2/23, 5:42 PM

Police Officer (115th Police Academy) - Yahoo Mail

If you do not want to receive emails please click on the following : [Unsubscribe from Emails](#)

BAILEY  DIXON

Jeffrey P. Gray

jgray@bdixon.com

September 25, 2023

Joseph A. Gibson, III  
264 Red Oak Drive  
Stokesdale, NC 27357

**RE: *Joseph Allen Gibson, III v. N. C. Private Protective Services Board, 23 DOJ-03477***  
**Our File: 3394.000001**

Dear Mr. Gibson:

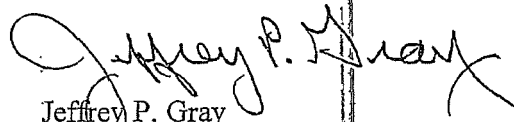
I received your voicemail message claiming you have not received a copy of the Proposed Proposed Final Decision I filed on September 14, 2023. You are correct; there was a typographical error in your address in that the town is spelled "Statesdale." However, since the zip code is correct -- and the U. S. Postal Service only goes by the zip code -- you should have still received it.

Enclosed is another copy. I have also enclosed a copy of the signed Certificate of Service page from the first copy I sent you. (The electronic filing system at the Office of Administrative Hearings does not reflect signatures or handwritten dates.)

You also mention in your voice mail message that you intend to file exceptions. You do not file exceptions to the "proposed" Proposal for Decision the Judge asked me to prepare and file. It is the Judge's Proposed Final Decision that you will be excepting to.

Sincerely,

**BAILEY & DIXON, LLP**

  
Jeffrey P. Gray

Enclosures

Tel 919 828 0731  
Fax 919 828 5592  
00592785

Post Office Box 1351  
Raleigh, NC 27602

434 Fayetteville Street, Suite 2500  
Raleigh, NC 27601

www.bdixon.com

BAILEY & DIXON, LLP  
Attorneys at Law

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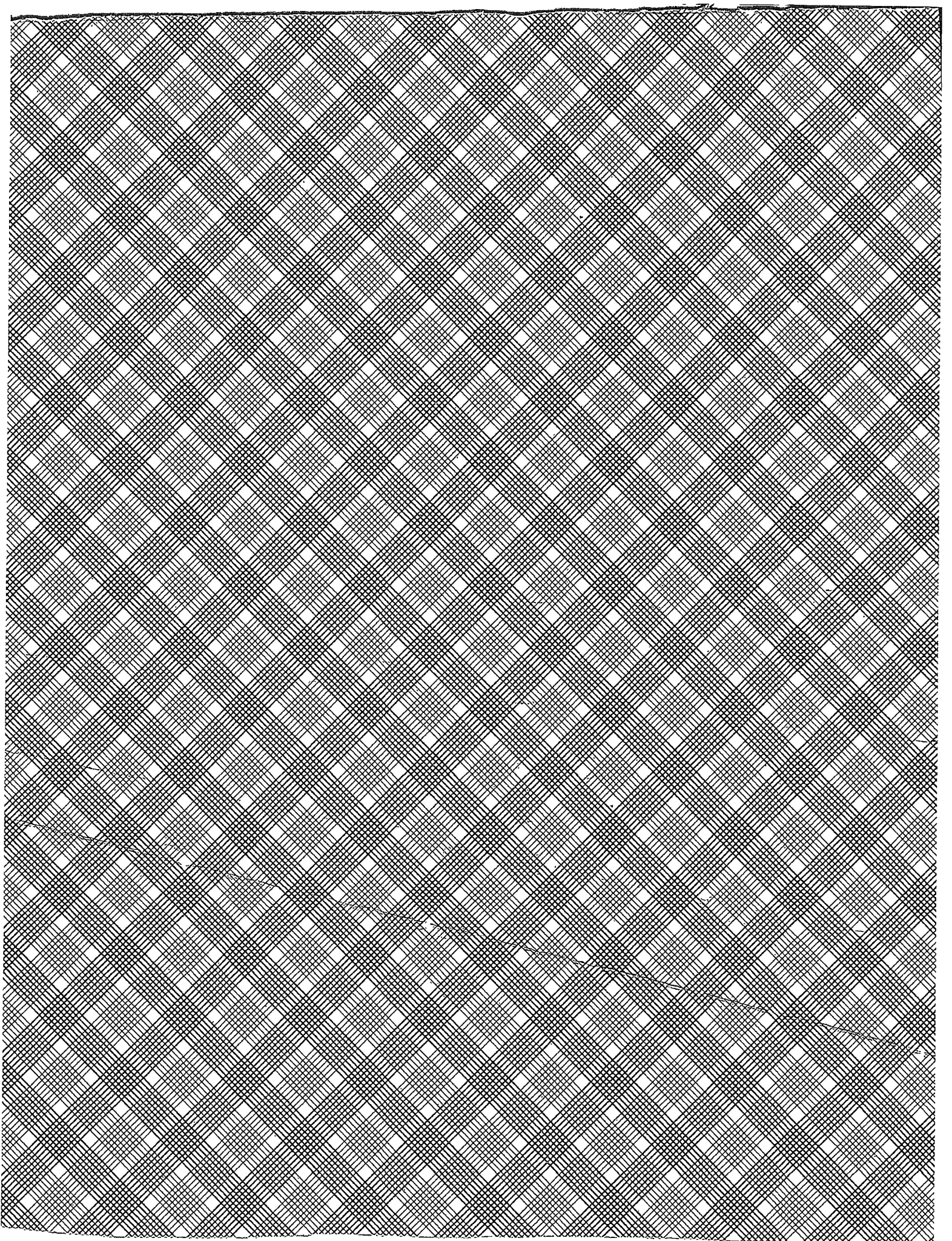
Joseph Gibson  
264 Red Oak Drive  
Stokesdale, Nc  
27357

NIC Office of  
~~Administrative~~  
Hearings

1711 New Hope Church  
Road

Raleigh Nc

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Joseph Gibson  
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Date Accepted (MM/DD/YYYY) 10-3-23	Scheduled Delivery Time 10:00 PM	Insurance Fee \$	COD Fee \$
Time Accepted 2:19 PM	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 28.75	
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LABEL 11-B, MAY 2021

PSN 7690-02-000-9996

PEEL FROM THIS CORNER



UNITED STATES  
POSTAL SERVICE



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STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF ROCKINGHAM

ROCKINGHAM CO. CASE NO. 23-005-047  
MAY 8 2023

IN RE:

MAY 8, 2023

PETITIONER'S MEMORANDUM  
OF LAW IN SUPPORT OF PETITION  
FOR JUDICIAL REVIEW OF FINAL  
AGENCY DECISION OF THE NCPSA

Jurisdiction is conferred unto this Honorable Court pursuant to N.C. G.S. Sec. 150B-43.

Petitioner avers the final decision of the North Carolina Protective Services Agency (hereinafter NCPSA), in this matter is an abuse of discretion, which violates the petitioner's right to due process and equal protection of the law as defined in the U.S. Const. amend. 5, 8, 9, through the 14<sup>th</sup>, and the N.C. Const. article 1, sec. 19.

Moreover, the NCPSA abused its discretion in basing their entire decision upon N.C.G.S. 74C-8(d)(2). The NCPSA could not make a fully informed decision, because the NCPSA's own investigator openly admitted during the hearing that, he (the investigator) did not bring to the hearing his file, because he did not go by his office that morning. Contained in that file is exculpatory evidence the investigator obtained from the petition prior to the hearing!

The only portion of N.C.G.S. 74C-8(d)(2) the NCPSA could attempt to apply is found in the wording, "That the applicant is of good moral and temperate habits." However, in legislation that may have escaped the notice of the NCPSA, the NC General Assembly enacted significant reforms this year to the state's occupational licensing laws. The reforms, which apply to applicants for licensure on or after October 1, 2019, significantly lessen legal barriers to obtaining an occupational license for people with a criminal conviction. The legislation, S.L. 2019-91 (H 770) received bipartisan support, passing both chambers unanimously.

It is well worthy to note, before passage of these reforms, many occupational licensing statutes in NC allowed or required licensing board to disqualify a person from obtaining a license if he or she had a conviction for a crime of one kind or another. This authority usually appeared in the chapter of the General Statutes governing the occupation. In addition to the barriers created by these provisions,

they could be inconsistent and difficult to tract down. As early as 2013, the General Assembly took a step to address these barriers by revising Chapter 93B of the G.S. which govern licensing boards generally. That 2013 legislation revised G.S. 93B-8.1 to prohibit the automatic denial of an occupational license based on an applicants criminal record and to direct licensing boards to consider various factors in deciding whether to deny licensure. The revised statute, however, still required denial of a license if the law otherwise required denial, as provided in many occupational licensing statutes, and allowed licensing boards discretion in weighing the statutory factors.

Petitioner respectfully reminds this Honorable Court that the main issue at hand is the NPCSA's abuse of discretion in denying petitioner licensure. Notwithstanding the afore-mention NC legislative posture with respect to occupational licensure, the Honorable Court is implored to also note, the 2019 reforms which go much further in new and amended provisions of Chapter 93B. First, and far most, the 2019 legislation expands the licensing boards covered by law and limits their authority to deny licensure based on a criminal justice history.

Petitioner avers, the previously enacted limitations on consideration of a criminal conviction applied only to independent occupational licensing boards. Amended G.S. 93B-1, in contrast, makes Chapter 93B applicable to state agency licensing boards as well as occupational licensing boards.

The intent and seriousness with which the NC General Assembly legislation was enacted is seen in the requirement that all licensing boards account the General Assembly about their licensing decisions involving people with a criminal justice history. Amended G.S. 93B-2 requires annual reporting of the number of applicants with a criminal record, and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction.

As in this case sub judice, wherein petitioner avers abuse of discretion on the NPCSA's part, it must be noted, as under previous law G.S. 93B-8.1 continues to require licensing boards to consider various factors when deciding whether to deny a license based on a criminal conviction. The amended statute revises and strengthens these provisions.

Nevertheless, the NPCA abused its discretion by not directly adhering to the provisions and intent of the NC General Assembly. This legislation set forth that a board now may only deny a license if it finds the applicants criminal conviction history is **directly related** to the licensed occupation. However, there are exceptions. A board may not automatically deny licensure based on an applicant's criminal history, and, further may not deny an applicant a license based on a determination that a conviction is a crime of **moral turpitude**, a vague term that appears in various occupational license statutes, but ill defined, as in the instant case

when the NPCSA relied upon N.C.G.S. 74C-8(d)(2) wording, and abused it's discretion in applying the statutory provision. In addition, the amended statute contains an expanded list of factors licensing boards must consider in making licensing decisions, including the completion of or active participation in rehabilitative treatment programs wherein a certificate of relief has been granted under G.S. 15A-173.2.

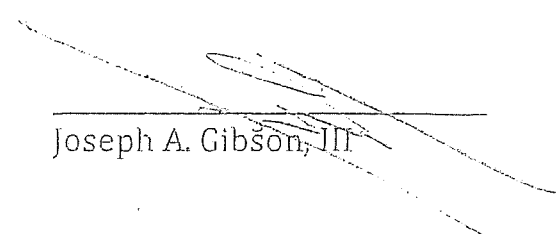
This Honorable Court must note as any reasonable and prudent Court would, the petitioner presented to the NPCSA's investigator, weeks prior to the hearing, (who happened not to have his files with him at the hearing, because he didn't go by his office that morning), evidence of the exculpatory nature, i.e., Certificate of Relief, Character Letters, etc. Petitioner was able to present some exculpatory evidence, but not all, because the NPCSA investigator had other exculpatory evidence in those files the investigator did not bring to the hearing. When petitioner objected, petitioner was told to "be quiet!" In light of the facts presented herein and the attached complaint, the NPCSA abused its discretion in denying the petitioner licensure based sole on a past criminal history.

Dated this 5<sup>th</sup> day of May, 2023.


~~PETITIONER~~

\_\_\_\_\_  
Joseph A. Gibson, III  
264 Red Oak Dr.  
Stokesdale, NC 27357  
In Propria Persona

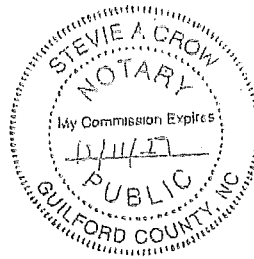
Personally Appeared before me, Joseph A. Gibson, II, who being duly sworn, deposes and says: That he has read the foregoing Petition For Review and that all matters and things contained therein are true and correct to best of his knowledge, except those (if any) matters which are based upon information and belief, and as to those matters, he believes them to be true.

  
\_\_\_\_\_  
Joseph A. Gibson, III

SWORN TO AND SUBSCRIBED before me  
this the 2nd day of May 2023.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 12/11/27

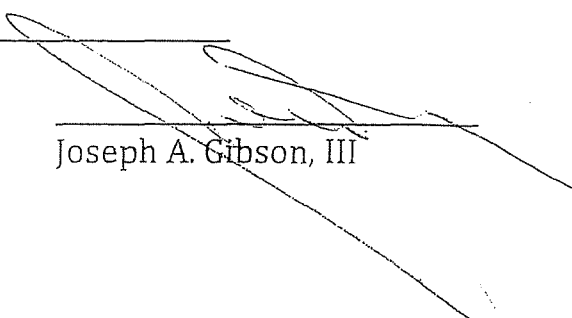


### CERTIFICATE OF SERVICE

This is to certify that the above Petition For Review was sent to the person identified below by Depositing in an Official same in an official US MAIL Depository, First Class, Postage Prepaid this date of May \_\_\_\_\_, 2023.

SERVED TO:

NCPSA  
Paul Sherwin  
3101 Industrial Drive Suite 104  
Raleigh NC 27609

  
\_\_\_\_\_  
Joseph A. Gibson, III

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

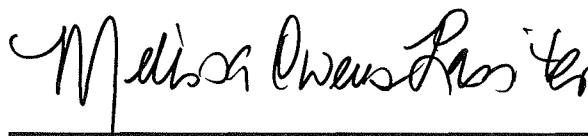
IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

<p>Joseph Allen Gibson, III, Petitioner,</p> <p>v.</p> <p>NC Private Protective Services Board, Respondent.</p>	<p><b>POST-HEARING ORDER</b></p>
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On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter conducted a hearing in this matter. The Undersigned hereby establishes the following Post-Hearing Order:

1. Respondent shall file its Proposed Final Decision affirming the Board's decision to deny Petitioner's unarmed guard registration within fifteen (15) days of this Order or on or before September 15, 2023.
2. Petitioner shall file any exceptions and/or proposed changes to Respondent's Proposed Order within fifteen (15) days following Petitioner's receipt of Respondent's Proposed Order or no later than September 29, 2023.

SO ORDERED, the 31st day of August, 2023.



---

Melissa Owens Lassiter  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Joseph Allen Gibson III  
264 Red Oak Dr  
Stokesdale NC 27357  
Petitioner

Jeffrey P Gray  
Bailey & Dixon, LLP  
jgray@bdixon.com  
Attorney For Respondent

This the 31st day of August, 2023.



Daniel Chunko  
Law Clerk  
N. C. Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285  
Phone: 984-236-1850

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

JOSEPH ALLEN GIBSON, III, )  
 )  
 Petitioner, )  
 v. )  
 )  
 N.C. PRIVATE PROTECTIVE )  
 SERVICES BOARD, )  
 )  
 Respondent. )

---

**PROPOSED  
PROPOSED  
FINAL DECISION**

On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an unarmed guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction of three (3) separate counts of misdemeanor Violation of Domestic Violence Protective Order within the previous twenty-four (24) months.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case: N.C.G.S. § 74C-2; 74C-8(d)(2); 74C-12(2)(25); 14B NCAC 16 .1703.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

2. Petitioner applied to Respondent Board for an unarmed guard registration.
3. Respondent denied the unarmed guard registration due to Petitioner's criminal record which showed the following:
  - (a) A conviction in Rockingham County, State of North Carolina, on August 31, 2021 for two (2) counts of violating a Domestic Violence Protective Order, a Class A1 misdemeanor; and
  - (b) A conviction in Rockingham County, State of North Carolina, on November 7, 2021 for two (2) counts of violating a Domestic Violence Protective Order, a Class A1 misdemeanor.
4. Petitioner requested a hearing on Respondent's denial of the unarmed guard registration.
5. By Notice of Hearing dated July 28, 2023, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on August 22, 2023. Petitioner appeared at the hearing.
6. Paul Sherwin, Director of Respondent Board, testified that Julia Felske, a designee of Weiser Security Services, Inc., submitted a new unarmed security guard registration for Petitioner on October 14, 2022. The application was subsequently denied by staff on December 19, 2022 due to Petitioner's apparent lack of good moral character. The evidence to support this denial was his criminal history, specifically, two (2) counts of violating a Domestic Violence Protection Order (DVPO), in violation of N.G. Gen. Stat §50B-4.1(a), a Class A1 misdemeanor, on August 31, 2026. Court records show Petitioner was sentenced to 75 days of community punishment, 12 months of supervised probation, was ordered to pay a total of \$1,300.50 in court costs and fines, and was directed to "attend and complete AMEND program". (Note: AMEND is a batterers' intervention program comprised of 26 group sessions and 2 individual sessions). Court records indicate that Petitioner complied with all court-ordered conditions and successfully completed probation. Petitioner was also convicted of violating a Domestic Violence Protection Order (DVPO), in violation of N.C. Gen. Stat. §50B-4.1(a), a Class A1 misdemeanor on November 2, 2021. Court records show Petitioner was sentenced to 150 days of community punishment, 24 months of supervised probation, and was ordered to pay a total of \$520.50 in court costs and fines. Court records indicate Petitioner remains on probation until November 2023.
7. A conviction of one or more Class A1 misdemeanors is grounds for denial for 10 years from the date of disposition, according to Board policy. Therefore, convictions would no longer be grounds for denial after November 2, 2031.



8. Petitioner requested an internal appeal of the denial and Director Sherwin interviewed Petitioner about his criminal history via telephone. Petitioner explained that the DVPO violations were the result of him texting his ex-wife after she separated from him in May 2020. Petitioner said he texted her only to find out where she was keeping their two children – who were five and 10 years old at the time – as the two were living apart and involved in a custody dispute. He claimed he did not make in-person contact with his ex-wife, nor did he assault her then or ever. Petitioner said he and his ex-wife have since resumed their relationship and are living together. Director Sherwin upheld the staff denial.
9. Petitioner requested to appear before the Board’s Screening Committee, which he did on April 19, 2023. The Qualifying Agent for Weiser Security Services, Erroll Green, appeared with him. After listening to Petitioner’s explanation, and after considering the factors set forth in N.C. Gen. Stat. §93B-8.1, the Committee recommended to the Board that the application be denied. The full Board voted to deny the application at its meeting on April 19, 2023, in keeping with the Board’s Crimes Manual, a policy adopted by the Board as guidance for the staff that equates each crime, felonies and misdemeanors, to a specified period of denial.
10. Petitioner’s Criminal History Record Check which showed the above was admitted into evidence as part of Respondent’s Exhibit 1, Petitioner’s application.
11. Petitioner initially declined to testify but after being reminded of the shifting burden of proof in N.C. Gen. Stat. §74C-8(d)(2) by the undersigned he chose to do so.
12. Petitioner first testified that he does not believe that he has been convicted of three counts because he appealed one of his convictions to Superior Court and it was remanded to District Court. On cross-examination, Petitioner was insistent that his appeal caused a “stay” of his conviction and therefore no longer exists. Petitioner offered into evidence a printout from a March 18, 2014 article or opinion from the UNC School of Government on a stay of judgments or under N.C. Gen. Stat. §15A-1431(f). The article or opinion was admitted into evidence as an argument on issues of law pursuant to N.C. Gen. Stat. §150B-40(a) as Petitioner’s Exhibit 2.
13. Petitioner also stated he was currently enrolled in the Greensboro Police Department’s rookie officer academy and was soon to graduate and begin his field training in September 2023. He contended that if he was good enough to be a police officer why could he not be an unarmed security guard. Petitioner was thoroughly cross-examined as to these statements. The Tribunal finds that these statements were not credible.
14. Petitioner further stated, consistent with his explanation to Director Sherwin, that the first charge (or charges) was for texting his wife. He testified that the second (actually third) charge that resulted in the November 2021 conviction was for speaking to his son in the hallway of the courthouse following his court appearance in the initial charge(s).

15. On cross-examination, Petitioner could not explain why he received such harsh sentences for merely texting his ex-wife and saying "hello" to his son.
16. A Memorandum of Law which Petitioner had prepared for a hearing on a new premature Petition for Judicial Review he had filed in Rockingham County Superior Court in this application denial was admitted into evidence as Petitioner's Exhibit 1 as an argument on issues of law pursuant to N.C. Gen. Stat. §150B-40(a). In that Memorandum Petitioner contends it was an abuse of discretion for the Board to deny him for three (3) Class A1 misdemeanor convictions within the last 24 months and that the Board failed to follow N.C. Gen. Stat. §93B-8.1 in its decision.
17. All of Petitioner's arguments were on matters of law. Other than uncorroborated testimony that his wife and he were again living together, Petitioner offered no evidence of his character, his reputation in the community, or his good morals.

#### CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.
2. Under G.S. §74C-12(a)(25), Respondent Board may refuse to grant a registration if it determined that the applicant has demonstrated or lacks good moral character or intemperate habits.
3. Under G.S. § 74C-8(d)(2), conviction of any crime involving an act of assault or violence is *prima facie* evidence that the applicant does not have good moral character or temperate habits. This is a "shifting burden" and once Respondent Board establishes an applicant has a deniable criminal offense, the burden shifts to the applicant to rebut the presumption.
4. Respondent Board presented evidence that Petitioner lacks good moral character through convictions in Rockingham County, North Carolina for three counts of violating a Domestic Violence Protective Order. Further, Director Sherwin testified that the Screening Committee followed N.C. Gen. Stat. §93B-8.1 in denying the application.
5. Petitioner presented insufficient evidence to explain the factual basis for the charges and presented insufficient evidence of good character, and has therefore failed to rebut the presumption.

Based on the foregoing, the undersigned makes the following:

#### PROPOSED FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that Petitioner be denied unarmed guard registration.

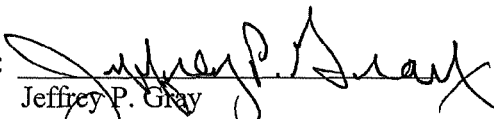
NOTICE AND ORDER

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

Submitted this the 14th day of September, 2023.

BAILEY & DIXON, LLP

By:   
Jeffrey P. Gray  
Attorney for Respondent  
P.O. Box 1351  
Raleigh, NC 27602-1351  
Telephone: (919) 828-0731  
Fax: (919) 828-6592

This the \_\_\_\_\_ day of September, 2023.

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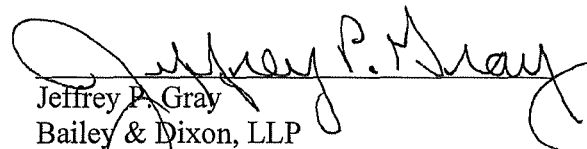
Honorable Melissa Owens Lassiter  
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned attorney for Respondent certifies that on this day the foregoing Proposed Final Decision was served upon the Petitioner in this action by depositing a copy of same in the United States mail, postage prepaid, and addressed as follows:

Joseph Allen Gibson, III  
264 Red Oak Dr.  
Statesdale, NC 27357

This the 14<sup>th</sup> day of September, 2023.



Jeffrey P. Gray  
Bailey & Dixon, LLP  
P.O. Box 1351  
Raleigh, North Carolina 27602  
(919) 828-0731 – telephone  
(919) 828-6592 – facsimile

Pet's Ex.  
2

3 Aug at 09:55

PrintRaw message

Joseph Gibson III <joegibsonishome@yahoo.com>

To: Jr. Peter Ventura <ventura.peter77@gmail.com>

Stay of Probation upon Appeal

March 18, 2014 by Jamie Markham

When a person is convicted and sentenced, the sentence generally starts right away. G.S. 15A-1353(a). The judge can delay the start of the sentence, as discussed in this prior post, but that is the exception to the rule. About the only other thing that can put the brakes on the start of a sentence is an appeal. Today's post discusses the rules for staying probation (including special probation) upon appeal.

When a defendant appeals a misdemeanor conviction in district court, all portions of the district court judgment are stayed under G.S. 15A-1431(f1). The stay includes any active punishment imposed and any probation or special probation. That is in line with the general principle that an appeal from district court wipes the slate clean pending trial de novo in superior court. Julie Ramseur Lewis & John Rubin, North Carolina Defender Manual (Vol. 2, Trial), at 341.

For defendants sentenced to probation, a probation officer will track the progress of the appeal during the stay, but the officer should not be supervising the defendant. (Probation policy, §D.0409, notes that distinction.) The defendant is not on probation at that time, and thus not subject to supervision fees or any other condition of supervision. The defendant may, however, be subject to conditions of pretrial release during the pendency of the appeal. G.S. 7A-290; 15A-1431(e). If the appeal is withdrawn and the case is remanded, probation will begin when the case arrives back in district court for execution of the original judgment (or, in the case of an implied consent offense, upon resentencing as required by G.S. 20-38.7). State v. Smith, 359

N.C. 618 (2005).

Occasionally a defendant will manage to violate probation during the first few days of his or her district court probation, before the time for appealing the case to superior court (ten days) has expired. If the defendant appeals, the probation will at that point be stayed. If the defendant proceeds with the trial de novo and receives a sentence in superior court, I think those quickly-obtained district court violations disappear under the clean slate theory noted above.

Appeals of superior court convictions (and Class H and I felonies pled in district court) are governed by a different statute, but the general rule for stays is similar—at least as far as probation is concerned. Notice of appeal of a superior court conviction stays probation, including special probation. G.S. 15A-1451(a)(4). Based on questions I have received, the automatic stay of superior court split sentences sometimes catches people off guard. That's probably because other confinement ordered in superior court is stayed only when the judge imposes release conditions under G.S. 15A-536. G.S. 15A-1451(a)(3). It does not follow, however, that the court may impose conditions of release only upon appeal of an active sentence. To the contrary, G.S. 15A-536 empowers the trial judge to impose release conditions during the appeal of a stayed probationary sentence—including conditions that may be very similar to the stayed probation itself. See *State v. Howell*, 166 N.C. App. 751 (2004) (affirming the trial judge's imposition of a release condition barring computer use while a similar probation condition was stayed on appeal). As with appeals from district court, a probation officer should not supervise the defendant during the pendency of an appeal to the appellate division.

**Sherwin, Paul**

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**From:** auto@permitium.com  
**Sent:** Thursday, April 27, 2023 2:57 PM  
**To:** alexisg@weisersecurity.com; JFELSKE@WEISERSECURITY.COM; SVC\_DPS.PPSM  
**Cc:** auto@permitium.com  
**Subject:** [External] PPS - Registrant application has Cause items.

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

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Apr 27, 2023

**ORDER NUMBER:** DASNYGECG

**REGISTRANT NAME:** Joseph Allen Gibson III  
**COMPANY:** Weiser Security Services, Inc.  
**QA:** Errol Alexis Green

The applicant Joseph Allen Gibson III, has been denied registration for an PPS Registrant Permit. This applicant has been denied registration for the following reasons:

This order's original denial stands, following an unsuccessful appeal to the Private Protective Services Board on April 20, 2023. This denial may be appealed to the Office of Administrative Hearings, if the applicant and the company wish to do so. A request to appeal to OAH must be submitted in writing to Board staff no later than June 26, 2023.

You, the Licensee, are expected to take immediate and appropriate action to comply with this administrative action. If this applicant was denied FOR CAUSE (as indicated above) this denial may be appealed by the applicant pursuant to the Administrative Procedures Act, North Carolina General Statute 150B. By filing an appeal, the applicant is afforded the opportunity to have a hearing before the NC Office of Administrative Hearings. This appeal must be in writing and must be received by this office no later than sixty (60) days from the receipt of this notice. However, if the applicant fails to request a hearing within sixty (60) days of the receipt of this email this administrative action will become final. Pursuant to N.C.G.S. 74-C 11, if this is a new applicant, the applicant is not allowed to engage in the Private Protective Services Business until all appeals are complete and a final agency decision is issued.

Due to recent guideline changes, we will no longer provide the licensee/applicant with the criminal charge and/or conviction obtained via the fingerprint record checks or via NCDOJ search methods.

Should you have questions about the Administrative action, contact the Registration Section of the Private Protection Services Board at 3101 Industrial Drive, Suite 104, Raleigh, NC 27609, phone: (919) 788-5320. Collect calls will not be accepted.

Sincerely,

Paul Sherwin, Director



Shannon Hunt Thongkheuang  
Registration Supervisor

Private Protective Services  
North Carolina Department of Public Safety

3101 Industrial Drive, Suite 104  
Raleigh, NC 27609

Phone: 919-788-5320  
Website: [www.ncdps.gov/pps](http://www.ncdps.gov/pps)

---

This 'PPSB Registration' request transaction service provided by Permitium, LLC.





**Sherwin, Paul**

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**From:** auto@permitium.com  
**Sent:** Monday, December 19, 2022 1:48 PM  
**To:** alexisg@weisersecurity.com; JFELSKE@WEISERSECURITY.COM; SVC\_DPS.PPSM  
**Cc:** auto@permitium.com  
**Subject:** [External] PPS - Registrant application has Cause items.

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

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Dec 19, 2022

**ORDER NUMBER:** DASNYGECG

**REGISTRANT NAME:** Joseph Allen Gibson III

**COMPANY:** Weiser Security Services, Inc.

**QA:** Errol Alexis Green

The applicant Joseph Allen Gibson III, has been denied registration for an PPS Registrant Permit. This applicant has been denied registration for the following reasons:

Cause Reason: Due to the background investigation conducted on the applicant, we are unable to administratively approve his\her application at this time.

Cause Reason: The applicant has been denied registration for a PPS registrant permit for a lack of good moral character or temperate habits pursuant to N.C.G.S. 74C-8(d)(2). The underlying evidence for the denial of this application for registration is the following:

Cause Reason: Rockingham, NC 11/2/2021(M) DV Protective Order Viol, case21cr052278; Guilty

Cause Reason: Rockingham, NC 8/31/2021(M) DV Protective Order Viol, case20cr053139; Guilty

Cause Reason: Rockingham, NC 8/31/2021(M) DV Protective Order Viol, case20cr051453; Guilty

In order to appeal this denial the company must upload an appeal request from the applicant and a letter of support for the appeal from the QA/Designee on behalf of the applicant. These two items must be uploaded to this order and the order must be resubmitted in order to proceed. If the applicant is NEW they are not allowed to perform duties as outlined in 74C/74D, whichever is applicable. The company is stating that the applicant will remain an employee while NOT performing duties for which we regulate. Once the PPS processor has all items to move the appeal forward; the appeal file has to be provided to the PPS or ASL Board for a recommendation. Each Board only meets six times a year. The dates for these meetings can be found on our DPS websites. The full appeals process takes time, so please relay this to the applicant. If the Board upholds the denial the appeal has to be presented to the NC Office of Administrative Hearings.

Contact Registration Processor Mary Shephard should you have any questions regarding this letter. Her contact information is [mary.shephard@ncdps.gov](mailto:mary.shephard@ncdps.gov); (984)-220-8632.

You, the Licensee, are expected to take immediate and appropriate action to comply with this administrative action. If this applicant was denied FOR CAUSE (as indicated above) this denial may be appealed by the applicant pursuant to the Administrative Procedures Act, North Carolina General Statute 150B. By filing an appeal, the applicant is afforded the opportunity to have a hearing before the NC Office of Administrative Hearings. This appeal must be in writing and must be received by this office no later than sixty (60) days from the receipt of this notice. However, if the applicant fails to request a hearing within sixty (60) days of the receipt of this email this administrative action will become final. Pursuant to N.C.G.S. 74-C 11, if this is a new applicant, the applicant is not allowed to engage in the Private Protective Services Business until all appeals are complete and a final agency decision is issued.

Due to recent guideline changes, we will no longer provide the licensee/applicant with the criminal charge and/or conviction obtained via the fingerprint record checks or via NCDOJ search methods.

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Sincerely,

Paul Sherwin, Director

Shannon Hunt Thongkheuang  
Registration Supervisor

Private Protective Services  
North Carolina Department of Public Safety

3101 Industrial Drive, Suite 104  
Raleigh, NC 27609

Phone: 919-788-5320  
Website: <http://www.ncdps.gov/pps>

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This 'PPSB Registration' request transaction service provided by Permitium, LLC.



Date Received: 08/03/2022	Date Completed: 08/26/2022
Payment Received: 08/03/2022	Research Completed By: ID# 148576

Order Confirmation# C298271

Personal Information:

Name: Joseph Allen Gibson III  
Date of Birth: [REDACTED]  
SSN: [REDACTED]  
Driver's Licenses: [REDACTED]

Addresses for Places of Residence

1. [REDACTED] (8/2013 - 8/2022)

Addresses for Places of Employment

- 240 Cherokee Camp Rd, Reidsville, NC, 27320 (12/2020 - 8/2022)
- 240 Cherokee Camp Rd, Reidsville, NC, 27320 (12/2020 - 5/2022)
- 264 Red Oak Dr, Stokesdale, NC, 27357 (1/2005 - 8/2022)

Addresses for Schools Attended

Social Security Number Verifier Results:

State Issued: [REDACTED]  
Year Issued: [REDACTED]  
Death Index: NO ENTRY FOUND

Names on File: JOE A GIBSON  
JOSEPH ALLEN GIBSON SR  
JOSEPH GIBSONIII

Address Section:

JOSEPH GIBSON  
[REDACTED]  
04/09/2018 - 06/05/2022

JOSEPH GIBSON  
[REDACTED]  
10/31/2008 - 03/25/2022

Jurisdiction(s) Searched:

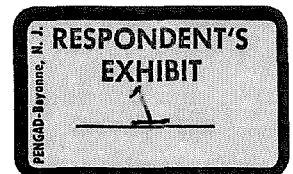
North Carolina Statewide Search

Criminal Background Check:

North Carolina Statewide Search 11 record(s)

Record 1

Court: ROCKINGHAM DISTRICT  
Case Number: 22CR 050880  
File Severity: CRIMINAL TRAFFIC  
Offense Dates: 04/08/2022  
Charges: DRIVING WHILE IMPAIRED (CRIMINAL TRAFFIC)  
Disposition Dates: N/A  
Dispositions: PENDING



Sentence: N/A  
Special Conditions: \* PENDING - TRIAL DATE 09/13/2022

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 2

Court: ROCKINGHAM DISTRICT  
Case Number: 22CR 703183  
File Severity: CRIMINAL TRAFFIC  
Offense Dates: 04/08/2022  
Charges: RECKLESS DRVG - WANTON DISREGARD (CRIMINAL TRAFFIC)  
Disposition Dates: N/A  
Dispositions: PENDING  
Sentence: N/A  
Special Conditions: \* PENDING - TRIAL DATE 09/13/2022

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 3

Court: ROCKINGHAM DISTRICT  
Case Number: 21CR 052278  
File Severity: MISDEMEANOR  
Offense Dates: 09/15/2021  
Charges: DV PROTECTIVE ORDER VIOL (MISDEMEANOR)  
Disposition Dates: 11/02/2021  
Dispositions: GUILTY  
Sentence: SENTENCE TYPE: COMMUNITY  
SENTENCE LENGTH: 150 D -  
PROBATION: 24 MONTHS SUPERVISED  
COSTS: \$520.50  
PAID: NO  
TO BE PAID DATE: 11/02/2023  
Special Conditions: \* 11/02/2021 - JS - ENROLL AND COMPLETE ANGER MANAGEMENT.  
\* DEF GIVES NOTICE OF APPEAL THRU ATTY. SAME CONDITIONS.  
\* 01/13/2022 EGW - REMAND  
\* TIME SRVD CREDIT 10 DAYS, PRETRIAL DAYS SRVD 10 DAYS  
\* OBTN ASSMT & TRTMNT ANGER MANAGEMENT  
\* 03/09/2022 - IN LIEU OF ANGER MANAGEMENT CLASSES,  
\* THE PROBATIONER IS TO COMPLETE THE AMENDS DOMESTIC VIOLENCE PROGRAM..

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III (ALIASES: GIBSON,JOSEPH,ALAN,III; GIBSON,JOSEPH,ALLEN;  
GIBSON,JOSEPH,)  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 4

Court: ROCKINGHAM DISTRICT  
Case Number: 21CR 052279  
File Severity: MISDEMEANOR



Offense Dates: 09/15/2021  
Charges: CYBERSTALKING (MISDEMEANOR)  
Disposition Dates: 11/02/2021  
Dispositions: DISMISSED BY THE COURT  
Sentence: N/A  
Special Conditions: \* 11/02/2021 - JS - MOTION TO DISMISS AT THE CLOSE OF STATE'S EVIDENCE, ALLOWED.

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III (ALIASES: GIBSON,JOSEPH,ALAN,III; GIBSON,JOSEPH,ALLEN; GIBSON,JOSEPH,)  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 5

Court: ROCKINGHAM DISTRICT  
Case Number: 21CR 051271  
File Severity: MISDEMEANOR  
Offense Dates: 05/26/2021  
Charges: DV PROTECTIVE ORDER VIOL (MISDEMEANOR)  
Disposition Dates: 08/31/2021  
Dispositions: DISMISSED  
Sentence: N/A  
Special Conditions: \* PLED TO OTHER CHARGES.

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 6

Court: ROCKINGHAM DISTRICT  
Case Number: 21CR 051173  
File Severity: MISDEMEANOR  
Offense Dates: 05/14/2021  
Charges: DV PROTECTIVE ORDER VIOL (MISDEMEANOR)  
Disposition Dates: 08/31/2021  
Dispositions: DISMISSED  
Sentence: N/A  
Special Conditions: \* PLED TO OTHER CHARGES.

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III (ALIASES: GIBSON,JOSEPH,ALAN,III; GIBSON,JOSEPH,ALLEN)  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 7

Court: ROCKINGHAM DISTRICT  
Case Number: 20CR 053139  
File Severity: MISDEMEANOR  
Offense Dates: 12/01/2020  
Charges: DV PROTECTIVE ORDER VIOL (MISDEMEANOR)  
Disposition Dates: 08/31/2021  
Dispositions: GUILTY



Sentence: SENTENCE TYPE: COMMUNITY  
SENTENCE LENGTH: 075 D -  
PROBATION: 12 MONTHS SUPERVISED  
Special Conditions: \* 08/31/2021 - JAG - SAME CONDITIONS AS IN 20CR51453.  
\* NO ADDITIONAL COST, NO PRETRIAL CREDIT Y.  
\* 01/13/2022: PROBATION VIOL - EGW - CONT ON PROB, APPEAL RO MODF SAME CONDITIONS.

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III (ALIASES: GIBSON,JOSEPH,ALLEN)  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 8

Court: ROCKINGHAM DISTRICT  
Case Number: 20CR 051453  
File Severity: MISDEMEANOR  
Offense Dates: 06/10/2020  
Charges: DV PROTECTIVE ORDER VIOL (MISDEMEANOR)  
Disposition Dates: 08/31/2021  
Dispositions: GUILTY  
Sentence: SENTENCE TYPE: COMMUNITY  
SENTENCE LENGTH: 075 D -  
PROBATION: 12 MONTHS SUPERVISED  
FINE/COSTS: \$1,300.50  
PAID: YES  
Special Conditions: \* 08/31/2021 - ESB - DEF IS ALLOWED TO BE REMOVED FROM GPS MONITORING  
\* ATTEND & COMPLETE AMENDS PROGRAM.  
\* ATTEND/COMPLETE/COMPLY WITH ALL EDU TREATMENT DEEMED APPROPRIATE BY PO.  
\* ABIDE BY PROTECTIVE ORDER IN PLACE.  
\* NO CONTACT W. VICTIM UNLESS STATED IN PROTECTIVE ORDER.  
\* THE COURT LEAVES IT IN PO DISCRETION WHEN TO TRANSFER TO UNSUP PROBATION.  
\* NO PRETRIAL CREDIT Y  
\* 05/23/2022 PD IN FULL PER BK.  
\* 01/13/2022: PROBATION VIOL - EGW - 15 DAYS SPL AT DIR PO,  
\* APPEAL RO MODF SAME CONDITIONS

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III (ALIASES: GIBSON,JOSEPH,ALAN,III)  
DOB on File: DOB MATCH  
Address on File: 264 RED OAK DR ,STOKESDALE,NC,27357  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 9

Court: GUILFORD DISTRICT  
Case Number: 18CR 088321  
File Severity: MISDEMEANOR  
Offense Dates: 11/14/2018  
Charges: COMMUNICATING THREATS (MISDEMEANOR)  
Disposition Dates: 04/16/2021  
Dispositions: DISMISSED  
Sentence: N/A  
Special Conditions: \* STATE'S MOTION TO CONTINUE DENIED.

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 10



Court: ROCKINGHAM DISTRICT  
Case Number: 14CR 708558  
File Severity: CRIMINAL TRAFFIC  
Offense Dates: 12/23/2014  
Charges: EXPIRED REGISTRATION CARD/TAG (CRIMINAL TRAFFIC)  
Disposition Dates: 02/11/2015  
Dispositions: GUILTY  
Sentence: FINE/COSTS: \$215.00  
PAID: YES

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED

Record 11

Court: GUILFORD DISTRICT  
Case Number: 89CR 054682  
File Severity: CRIMINAL TRAFFIC  
Offense Dates: 08/14/1989  
Charges: NO OPERATORS LICENSE (CRIMINAL TRAFFIC)  
Disposition Dates: 10/06/1989  
Dispositions: GUILTY  
Sentence: COSTS: \$40.00  
PAID: YES  
Special Conditions: \* PJC.

*Identifiers on Record:*

Name on File: GIBSON,JOSEPH,ALLEN,III  
DOB on File: DOB MATCH  
Address on File: [REDACTED]  
DL# on File: NOT LISTED  
SSN on File: NOT LISTED



Please contact our offices directly if you wish to dispute any information returned within this Criminal Record Check.

**By Mail**  
PO Box 90998  
Raleigh, NC 27675-0998

**By Phone**  
Local - 919-459-1029  
Toll Free - (877) 272-0266

**By Fax**  
Toll Free - (800) 650-5992

**By Email**  
licensing@mycrc.com

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STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

Joseph Allen Gibson, III Petitioner,  v.  NC Private Protective Services Board Respondent.	<b>PROPOSAL FOR DECISION</b>
--	------------------------------

On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter conducted a hearing in Raleigh, North Carolina, pursuant to N.C. Gen. Stat. § 150B-40(e) and Respondent's request for designation of an Administrative Law Judge, on Petitioner's appeal of Respondent's denial of Petitioner's application for an unarmed guard registration. Based on the evidence presented at hearing, the Undersigned finds and concludes as follows:

**APPEARANCES**

Petitioner: Joseph Allen Gibson, III, *Pro Se*

Respondent: Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP

**ISSUE**

Whether there was sufficient evidence for Respondent to deny Petitioner's unarmed guard registration for lack of good moral character and temperate habits based upon a conviction of three (3) separate counts of misdemeanor Violation of Domestic Violence Protective Order within the previous twenty-four (24) months?

**OFFICIAL NOTICE OF APPLICABLE STATUTES AND RULES**

N.C.G.S. §§ 74C-2; 74C-8(d)(2); 74C-12(a)(25); 14B NCAC 16 .0703.

**EXHIBITS ADMITTED INTO EVIDENCE**

Petitioner: 1 - 2

Respondent: 2 - 3

## WITNESSES

Petitioner - Joseph Allen Gibson, III

Respondent - Investigator Ron Harrison

## FINDINGS OF FACT

### Procedural Background

1. The North Carolina Private Protective Services Act, N.C. Gen. Stat. §§ 74C-1, *et seq.*, created the Respondent Private Protective Services Board (“the Board”), and sets forth the licensing and permit registration of companies and individuals engaged in the armed and unarmed security guard and patrol business.

2. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

3. Pursuant to N.C. Gen. Stat. § 74C-12, “[t]he Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a registration or permit issued under this Chapter if it is determined that” the registrant committed an unlawful act constituting a lack of good moral character.

4. In August of 2022, Petitioner applied to the Board for an unarmed guard registration. (Resp Exh 1)

5. On April 27, 2023, Respondent denied Petitioner’s application for an unarmed guard registration for cause for lack of good moral character or temperate habits pursuant to N.C.G.S. § 74C-8(d)(2) based on Petitioner’s criminal record:

- a. A conviction in Rockingham County, State of North Carolina, on August 31, 2021, for two (2) counts of violating a Domestic Violence Protective Order, a Class A1 misdemeanor, and
- b. A conviction in Rockingham County, State of North Carolina, on November 7, 2021, for one count of violating a Domestic Violence Protective Order, a Class A1 misdemeanor.

(Resp Exh 2, Respondent’s April 27, 2023 Denial Letter)

6. Petitioner requested a hearing on Respondent’s denial of the unarmed guard registration.

7. By letter and Notice of Hearing dated July 28, 2023, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope

Church Road, Raleigh, North Carolina 27609 on August 22, 2023. Petitioner appeared at the hearing.

Evidence Established at Contested Case Hearing

8. On October 14, 2022, Julia Felske, a designee of Weiser Security Services, Inc., submitted a new unarmed security guard registration to Respondent on Petitioner's behalf.

9. On December 19, 2022, Respondent's staff denied Petitioner's application due to Petitioner's apparent "lack of good moral character" based on Petitioner's criminal history as follows:

a. Conviction of two (2) counts of violating a Domestic Violence Protection Order (DVPO) in violation of N.G. Gen. Stat §50B-4.1(a), a Class A1 misdemeanor, on August 31, 2021. Court records show Petitioner was sentenced to 75 days of community punishment, 12 months of supervised probation, was ordered to pay a total of \$1,300.50 in court costs and fines and was directed to "attend and complete AMENDS program." The "AMENDS" program is a batterers' intervention program comprised of 26 group sessions and 2 individual sessions. Court records indicate that Petitioner complied with all court-ordered conditions and successfully completed probation.

b. Conviction of one (1) count of violating a Domestic Violence Protection Order (DVPO) in violation of N.C. Gen. Stat. §50B-4.1(a), a Class A1 misdemeanor, on November 2, 2021. Court records show Petitioner was sentenced to 150 days of community punishment, 24 months of supervised probation, and was ordered to pay a total of \$520.50 in court costs and fines. Court records indicate Petitioner remains on probation until November 2023.

(Resp Exh 1, Petitioner's Criminal History Record Check)

10. A conviction of one or more Class A1 misdemeanors is grounds for denial for 10 years from the date of disposition, according to Board policy. Therefore, convictions would no longer be grounds for denial after November 2, 2031.

11. Petitioner requested an internal appeal of the denial. Respondent's Director Paul Sherwin interviewed Petitioner about his criminal history via telephone. Petitioner explained that the DVPO violations were the result of him texting his ex-wife after she separated from him in May 2020. Petitioner said he texted her only to find out where she was keeping their two children - who were five and 10 years old at the time - as the two were living apart and involved in a custody dispute. He claimed he did not make in-person contact with his ex-wife, nor did he assault her then or ever. Petitioner said he and his ex-wife have since resumed their relationship and are living together. Director Sherwin upheld the staff denial of Petitioner's application.

12. On April 19, 2023, pursuant to Petitioner's request, Petitioner appeared before the Board's Screening Committee. The Qualifying Agent for Weiser Security Services, Erroll Green, appeared with him. After listening to Petitioner's explanation, and after considering the factors set forth in N.C. Gen. Stat. § 93B-8.1, the Committee recommended the Board deny Petitioner's application.

13. On April 19, 2023, the full Board voted to deny Petitioner's application, in keeping with the Board's Crimes Manual, a policy adopted by the Board as guidance for the staff that equates each crime, felonies and misdemeanors to a specified period of denial.

14. Petitioner initially declined to testify at this contested case hearing. However, after being reminded of the shifting burden of proof in N.C. Gen. Stat. §74C-8(d)(2) by the Undersigned, Petitioner chose to testify.

15. Petitioner first testified that he does not believe that he has been convicted of three counts of violating a Domestic Violence Protection Order because he appealed one of his convictions to Superior Court and such conviction was remanded to District Court. On cross-examination, Petitioner insisted that his appeal caused a "stay" of his conviction, and therefore, such conviction no longer exists. Petitioner offered into evidence a printout from a March 18, 2014 article or opinion from the UNC School of Government on a stay of judgments under N.C. Gen. Stat. § 15A-1431(f). The article or opinion was an argument on issues of law pursuant to N.C. Gen. Stat. §150B-40(a) and was admitted into evidence as Petitioner's Exhibit 2.

16. Petitioner also alleged he was currently enrolled in the Greensboro Police Department's rookie officer academy and was soon to graduate and begin his field training in September 2023. He contended that if he were good enough to be a police officer, then why couldn't he be an unarmed security guard. Based on his answers during a thorough cross-examination of these statements, the Tribunal finds that Petitioner's allegations were not credible.

17. Petitioner further stated, consistent with his explanation to Director Sherwin, that the first charge (or charges) was for texting his wife. He testified that the second (actually third) charge that resulted in the November 2021 conviction was for speaking to his son in the hallway of the courthouse following his court appearance in the initial charge(s).

18. On cross-examination, Petitioner could not explain why he received such harsh sentences for merely texting his ex-wife and saying "hello" to his son.

19. Petitioner's Exhibit 1 is a copy of a Memorandum of Law in Support of Petition for Judicial Review which Petitioner filed in Rockingham County Superior Court on May 8, 2023, and was admitted into evidence. In that Memorandum, Petitioner contends the Board abused its discretion in denying his unarmed guard application, the application at issue in this case, for three (3) Class A1 misdemeanor convictions within the last 24 months and that the Board failed to follow N.C. Gen. Stat. § 93B-8.1 in its

decision. All of Petitioner's arguments were on matters of law.

20. Petitioner failed to present any testimony or other evidence corroborating his testimony that he and his wife were living together again. Petitioner offered no evidence proving he possesses the good moral character, a good reputation in the community, or good morals required to hold an unarmed guard registration.

### CONCLUSIONS OF LAW

1. The parties are properly before the Office of Administrative Hearings.
2. Under N.C.G.S. §74C-12(a)(25), the Respondent Board may refuse to grant a registration if it determined that the applicant has demonstrated or lacks good moral character or temperate habits.
3. Under N.C.G.S. § 74C-8(d)(2), conviction of any crime involving an act of assault or violence is *prima facie* evidence that the applicant does not have good moral character or temperate habits. This is a "shifting burden" and once Respondent Board establishes an applicant has a deniable criminal offense, the burden shifts to the applicant to rebut the presumption.
4. Respondent Board presented sufficient evidence to prove that Petitioner lacks good moral character through convictions in Rockingham County, North Carolina for three counts of violating a Domestic Violence Protective Order. Further, Director Sherwin credibly testified that Respondent's Screening Committee followed N.C. Gen. Stat. § 93B-8.1 in denying Petitioner's application.
5. Petitioner failed to present sufficient evidence to explain the factual basis for the criminal charges, failed to present sufficient evidence to prove he possessed the requisite good character to hold an unarmed guard registration, and therefore, failed to rebut the presumption of lack of good moral character and temperate habits.

### PROPOSAL FOR DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the Undersigned hereby recommends the Respondent Board **DENY** Petitioner's unarmed guard registration application.

### NOTICE

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The Undersigned Orders the agency to serve a copy of its Final Agency Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

**SO ORDERED**, the 13th day of October, 2023.

A handwritten signature in black ink that reads "Melissa Owens Lassiter". The signature is written in a cursive style with a horizontal line underneath it.

Melissa Owens Lassiter  
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Joseph Allen Gibson III  
264 Red Oak Dr  
Stokesdale NC 27357  
Petitioner

Jeffrey P Gray  
Bailey & Dixon, LLP  
jgray@bdixon.com  
Attorney For Respondent

This the 13th day of October, 2023.



---

Daniel Chunko  
Law Clerk  
N. C. Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609-6285  
Phone: 919-431-3000

*State of North Carolina*  
*Office of Administrative Hearings*  
*Certification*

*I hereby certify the attached (1 Flash Drive) to be a true copy of the Official Record as required by G.S. 150B-42 of the proceedings in the Office of Administrative Hearings, in case (s):*

***“23 DOJ 03477”, “Joseph Allen Gibson, III, Petitioner, v. NC Private Protective Services Board, Respondent.”***

*the original of which is filed in this office in conformance with Chapter 150B of the General Statutes of the State of North Carolina.*

*In witness whereof, I authorize this certification and affix the official seal of the North Carolina Office of Administrative Hearings at Raleigh this the 7th day of November, 2023.*

*Donald Robert van der Vaart*  
*Chief Administrative Law Judge, Director*

By: *Maria C. ai*





STATE OF NORTH CAROLINA

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 03477

COUNTY OF WAKE

JOSEPH ALLEN GIBSON, III, )  
 )  
 Petitioner, )  
 v. )  
 )  
 N.C. PRIVATE PROTECTIVE )  
 SERVICES BOARD, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

**PROPOSED  
PROPOSED  
FINAL DECISION**

On August 22, 2023, Administrative Law Judge Melissa Owens Lassiter called this case for hearing in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an unarmed guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction of three (3) separate counts of misdemeanor Violation of Domestic Violence Protective Order within the previous twenty-four (24) months.

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case: N.C.G.S. § 74C-2; 74C-8(d)(2); 74C-12(2)(25); 14B NCAC 16 .1703.

FINDINGS OF FACT

1. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.

2. Petitioner applied to Respondent Board for an unarmed guard registration.
3. Respondent denied the unarmed guard registration due to Petitioner's criminal record which showed the following:
  - (a) A conviction in Rockingham County, State of North Carolina, on August 31, 2021 for two (2) counts of violating a Domestic Violence Protective Order, a Class A1 misdemeanor; and
  - (b) A conviction in Rockingham County, State of North Carolina, on November 7, 2021 for two (2) counts of violating a Domestic Violence Protective Order, a Class A1 misdemeanor.
4. Petitioner requested a hearing on Respondent's denial of the unarmed guard registration.
5. By Notice of Hearing dated July 28, 2023, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on August 22, 2023. Petitioner appeared at the hearing.
6. Paul Sherwin, Director of Respondent Board, testified that Julia Felske, a designee of Weiser Security Services, Inc., submitted a new unarmed security guard registration for Petitioner on October 14, 2022. The application was subsequently denied by staff on December 19, 2022 due to Petitioner's apparent lack of good moral character. The evidence to support this denial was his criminal history, specifically, two (2) counts of violating a Domestic Violence Protection Order (DVPO), in violation of N.G. Gen. Stat §50B-4.1(a), a Class A1 misdemeanor, on August 31, 2026. Court records show Petitioner was sentenced to 75 days of community punishment, 12 months of supervised probation, was ordered to pay a total of \$1,300.50 in court costs and fines, and was directed to "attend and complete AMEND program". (Note: AMEND is a batterers' intervention program comprised of 26 group sessions and 2 individual sessions). Court records indicate that Petitioner complied with all court-ordered conditions and successfully completed probation. Petitioner was also convicted of violating a Domestic Violence Protection Order (DVPO), in violation of N.C. Gen. Stat. §50B-4.1(a), a Class A1 misdemeanor on November 2, 2021. Court records show Petitioner was sentenced to 150 days of community punishment, 24 months of supervised probation, and was ordered to pay a total of \$520.50 in court costs and fines. Court records indicate Petitioner remains on probation until November 2023.
7. A conviction of one or more Class A1 misdemeanors is grounds for denial for 10 years from the date of disposition, according to Board policy. Therefore, convictions would no longer be grounds for denial after November 2, 2031.

8. Petitioner requested an internal appeal of the denial and Director Sherwin interviewed Petitioner about his criminal history via telephone. Petitioner explained that the DVPO violations were the result of him texting his ex-wife after she separated from him in May 2020. Petitioner said he texted her only to find out where she was keeping their two children – who were five and 10 years old at the time – as the two were living apart and involved in a custody dispute. He claimed he did not make in-person contact with his ex-wife, nor did he assault her then or ever. Petitioner said he and his ex-wife have since resumed their relationship and are living together. Director Sherwin upheld the staff denial.
9. Petitioner requested to appear before the Board’s Screening Committee, which he did on April 19, 2023. The Qualifying Agent for Weiser Security Services, Erroll Green, appeared with him. After listening to Petitioner’s explanation, and after considering the factors set forth in N.C. Gen. Stat. §93B-8.1, the Committee recommended to the Board that the application be denied. The full Board voted to deny the application at its meeting on April 19, 2023, in keeping with the Board’s Crimes Manual, a policy adopted by the Board as guidance for the staff that equates each crime, felonies and misdemeanors, to a specified period of denial.
10. Petitioner’s Criminal History Record Check which showed the above was admitted into evidence as part of Respondent’s Exhibit 1, Petitioner’s application.
11. Petitioner initially declined to testify but after being reminded of the shifting burden of proof in N.C. Gen. Stat. §74C-8(d)(2) by the undersigned he chose to do so.
12. Petitioner first testified that he does not believe that he has been convicted of three counts because he appealed one of his convictions to Superior Court and it was remanded to District Court. On cross-examination, Petitioner was insistent that his appeal caused a “stay” of his conviction and therefore no longer exists. Petitioner offered into evidence a printout from a March 18, 2014 article or opinion from the UNC School of Government on a stay of judgments or under N.C. Gen. Stat. §15A-1431(f). The article or opinion was admitted into evidence as an argument on issues of law pursuant to N.C. Gen. Stat. §150B-40(a) as Petitioner’s Exhibit 2.
13. Petitioner also stated he was currently enrolled in the Greensboro Police Department’s rookie officer academy and was soon to graduate and begin his field training in September 2023. He contended that if he was good enough to be a police officer why could he not be an unarmed security guard. Petitioner was thoroughly cross-examined as to these statements. The Tribunal finds that these statements were not credible.
14. Petitioner further stated, consistent with his explanation to Director Sherwin, that the first charge (or charges) was for texting his wife. He testified that the second (actually third) charge that resulted in the November 2021 conviction was for speaking to his son in the hallway of the courthouse following his court appearance in the initial charge(s).

15. On cross-examination, Petitioner could not explain why he received such harsh sentences for merely texting his ex-wife and saying “hello” to his son.
16. A Memorandum of Law which Petitioner had prepared for a hearing on a new premature Petition for Judicial Review he had filed in Rockingham County Superior Court in this application denial was admitted into evidence as Petitioner’s Exhibit 1 as an argument on issues of law pursuant to N.C. Gen. Stat. §150B- 40(a). In that Memorandum Petitioner contends it was an abuse of discretion for the Board to deny him for three (3) Class A1 misdemeanor convictions within the last 24 months and that the Board failed to follow N.C. Gen. Stat. §93B-8.1 in its decision.
17. All of Petitioner’s arguments were on matters of law. Other than uncorroborated testimony that his wife and he were again living together, Petitioner offered no evidence of his character, his reputation in the community, or his good morals.

#### CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.
2. Under G.S. §74C-12(a)(25), Respondent Board may refuse to grant a registration if it determined that the applicant has demonstrated or lacks good moral character or intemperate habits.
3. Under G.S. § 74C-8(d)(2), conviction of any crime involving an act of assault or violence is *prima facie* evidence that the applicant does not have good moral character or temperate habits. This is a “shifting burden” and once Respondent Board establishes an applicant has a deniable criminal offense, the burden shifts to the applicant to rebut the presumption.
4. Respondent Board presented evidence that Petitioner lacks good moral character through convictions in Rockingham County, North Carolina for three counts of violating a Domestic Violence Protective Order. Further, Director Sherwin testified that the Screening Committee followed N.C. Gen. Stat. §93B-8.1 in denying the application.
5. Petitioner presented insufficient evidence to explain the factual basis for the charges and presented insufficient evidence of good character, and has therefore failed to rebut the presumption.

Based on the foregoing, the undersigned makes the following:

#### PROPOSED FINAL DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that Petitioner be denied unarmed guard registration.

NOTICE AND ORDER

The North Carolina Private Protective Services Board will make the Final Agency Decision in this contested case. As the Final Decision maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

Submitted this the \_\_\_\_\_ day of September, 2023.

BAILEY & DIXON, LLP

By: \_\_\_\_\_  
Jeffrey P. Gray  
Attorney for Respondent  
P.O. Box 1351  
Raleigh, NC 27602-1351  
Telephone: (919) 828-0731  
Fax: (919) 828-6592

This the \_\_\_\_\_ day of September, 2023.

\_\_\_\_\_  
Honorable Melissa Owens Lassiter  
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned attorney for Respondent certifies that on this day the foregoing Proposed Final Decision was served upon the Petitioner in this action by depositing a copy of same in the United States mail, postage prepaid, and addressed as follows:

Joseph Allen Gibson, III  
264 Red Oak Dr.  
Statesdale, NC 27357

This the \_\_\_\_ day of September, 2023.

---

Jeffrey P. Gray  
Bailey & Dixon, LLP  
P.O. Box 1351  
Raleigh, North Carolina 27602  
(919) 828-0731 – telephone  
(919) 828-6592 – facsimile

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ \_\_\_\_\_

JOSEPH ALLEN GIBSON, III, )  
 )  
 ) Petitioner, )  
 )  
 ) v. )  
 )  
 ) N.C. PRIVATE PROTECTIVE )  
 ) SERVICES BOARD, )  
 )  
 ) Respondent. )  
 )  
 \_\_\_\_\_ )

**NOTICE OF HEARING**

FOR: Joseph Allen Gibson, III  
264 Red Oak Drive  
Stokesdale, NC 27357

DATE: Tuesday, August 22, 2023

TIME: 2:00 p.m.

PLACE: Office of Administrative Hearings  
1711 New Hope Church Road  
Raleigh, NC 27609

RE: Denial of Unarmed Guard Registration application. The denial was for the following reasons:

Lack of good moral character or temperate habits based on three (3) separate convictions of misdemeanor violation of Domestic Violence Protective Order within the previous 24 months.

STATUTES: N.C.G.S. § 74C-2; N.C.G.S. § 74C-8(d)(2); N.C.G.S. § 74C-12(a)(25); 14B NCAC 16 .0703.

ADMINISTRATIVE  
LAW JUDGE: Honorable Melissa Owens Lassiter

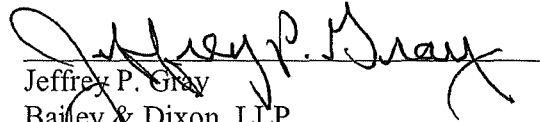
An administrative hearing has been scheduled by the N.C. Private Protective Services Board to examine formally the allegations specified above. This hearing will be held before the Office of Administrative Hearings for the Private Protective Services Board and will be conducted in accordance with the Administrative Procedures Act, North Carolina General Statute 150B.

This proceeding is a contested case hearing and will give you the opportunity to present evidence and cross-examine witnesses. The Board will be represented by Jeffrey P. Gray, Attorney at Law, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602, (919) 828-0731.

**Please direct all correspondence to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.**

This the 28<sup>th</sup> day of July, 2023.

Private Protective Services Board  
Paul Sherwin, Director



Jeffrey P. Gray  
Bailey & Dixon, LLP  
P.O. Box 1351  
Raleigh, North Carolina 27602  
(919) 828-0731 – telephone  
(919) 828-6592 – facsimile

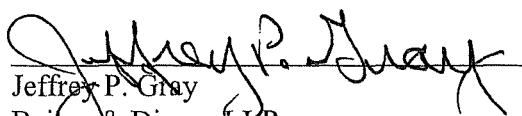


CERTIFICATE OF SERVICE

I, Jeffrey P. Gray, hereby certify that I have served a copy of the foregoing NOTICE OF HEARING by depositing a copy with the United States Postal Service, CERTIFIED MAIL/RETURN RECEIPT REQUESTED and addressed to the following:

Joseph Allen Gibson, III  
264 Red Oak Drive  
Stokesdale, NC 27357

This the 28~~th~~ day of July, 2023.

  
Jeffrey P. Gray  
Bailey & Dixon, LLP  
P.O. Box 1351  
Raleigh, North Carolina 27602  
(919) 828-0731 – telephone  
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cc: Paul Sherwin, Director  
NC Private Protective Services Board