



**NORTH CAROLINA
PRIVATE PROTECTIVE SERVICES BOARD**

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MEMORANDUM – August 2009

TO: PPS Licensees & Branch Managers
Proprietary Security Companies
Firearms Trainers

FROM: Terry Wright, PPS Director

Terry Wright

The purpose of this informational mailing is to update licensees on amendments to G.S. 74C.

On July 24, 2009, Governor Perdue signed Senate Bill 584, which made amendments to the Private Protective Services Act. The changes in the law are effective October 1, 2009. Some of the changes to the law are listed below.

1. Any investigation conducted pursuant to this section is confidential and is not subject to review under G.S. 132-1 until the investigation is complete and a report is presented to the Board. However, the report may be released to the licensee after the investigation is complete but before the report is presented to the Board.
2. Effective October 1, 2009 there will no longer be a requirement to send a fingerprint card when renewing a license, registration or certification. The Board does have the authority to request the fingerprint card if there is a discrepancy in the criminal record.
3. The Board has the authority to charge a late fee for late renewal registration and certification applications. Prior to assessing a fee the Board would have to adopt rules establishing the late fee through the Rules Review Commission.
4. Effective October 1, 2009, it will be a violation of the statute to fail or refuse to cooperate with the Board or its agents during an investigation of any complaint, allegation, or suspicion of wrong doing. Failure to properly make any disclosure to the Board or provide documents or information required by this chapter or rules adopted by the Board, or engage in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.
5. The law was clarified to state that individuals carrying firearms must be registered within 30 days of employment and prior to engaging in any armed private protective services activity, the

individual shall receive any required training prescribed by the Board. There was some confusion as to whether armed personnel time frame to register was the same as unarmed personnel.

6. Acquisition or change of ownership or control of licensed firm, association, or corporation.

In the event a company, firm, or corporation, including a limited liability corporation, licensed under this Chapter transfers ownership, control, or a majority of assets to another person, firm, association, or corporation, the person, firm, association, or corporation acquiring control or ownership shall have the following responsibilities:

- (1) Notify the Director of the acquisition or change of ownership or control by registered mail within five business days from the date of the transaction.
- (2) Describe the transaction that has occurred by providing the following information:
 - a. The name and address of the registered agent of the party acquiring control or ownership or otherwise succeeding the licensee.
 - b. The name and address of the acquiring party, including each individual owner of any interest in the party or, if the party is a corporation, each officer of the corporation and member of the board of directors.
 - c. Any change in location of any branch office.
 - d. Any change in insurance or bonding limits.
- (3) Return to the Director all licenses held by the licensee within five business days from the date of the transaction if the acquiring party does not continue to operate the business under its previous name and license.
- (4) Provide to the Director within 60 calendar days from the date of the transaction the following:
 - a. A list of all registrants or licensees affected by the transaction.
 - b. Written confirmation of completion of any changes necessary for the acquiring party to comply with the requirements of this Chapter or any applicable rules adopted by the Board on a form approved by the Director."

7. In the past those holding a company police commission were prohibited from holding a registration or permit from the Board even though municipal police officers were allowed to hold a registration or permit. G.S. 74C-12(c) has now been amended to allow those holding a company police commission to be registered as an armed or unarmed security guard.

8. 74C-14 has been repealed. Therefore, we no longer regulate Mace or OC Spray. This means that each company will be responsible for properly training all guards that use Mace or OC Spray. From a regulatory standpoint OC Spray is treated as any other defensive tool such as tasers, batons, etc. Therefore, it will be the company's responsibility to ensure the individual is properly trained.

ADDITIONAL PPS INFORMATION

The Private Protective Services staff has developed a survey as a mechanism to collect valid information from which a determination can be made as to whether there is a valid need to pursue allowing PPS/ASL customers to pay for registration, licensing, certification and related fees online via credit/debit card. We are requesting that the licensee/qualifying agent of each company complete a survey. There should only be one survey completed per company. Please return the survey to the PPS Raleigh office by August 31, 2009.

The survey is found on the main webpage for PPS/ASL via The Department of Justice website. The DOJ website address is www.ncdoj.gov ; once the main site is up, in the navy blue box place your cursor on "About DOJ" and click on "Law Enforcement Training & Standards" once this page is up then scroll down to the very bottom of the page and choose the link for Private Protective Services Board/Alarm System Licensing Board on this page you will see a link at the bottom named "Survey Online Credit/Debit Card Payments" click this link; this will automatically pull up the survey. Click on your answer of choice for each of the five questions. You have two options of submitting the form. One, hit the "Submit by E-mail" button at the top of the survey when finished and it will automatically attach it to an e-mail and place the PPSASL e-mail address in the "To" box, then you will simply have to hit send. Or you can hit the "print form" button when you have finished and mail the survey into our Administrative office.

To also get to the survey you can type in the below address and it will take you directly to the page where the survey can be found.

<http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Private-Protective-Services.aspx>

<http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Alarm-System-Licensing.aspx>