



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
October 19, 2023, 9 a.m.
Hampton Inn and Suites – Raleigh/Crabtree Valley

Board Members Present

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

Suzanne Creech
Richard Epley
Candace Ratliff
Steve Johnson
Jerry Pitman
Andy Renfrow

Staff Present

Paul Sherwin
Ray Bullard
Kim Odom
Garcia Graham
Karen Battle
Jeff Gray
Sarah Miller

Board Members Absent

Assata Buffaloe

Call to Order

Chair Tamara Rabenold called the October 19, 2023, meeting of the North Carolina Private Protective Services Board to order at 9 a.m.

The Board and guests observed a moment of silence to acknowledge those affected by the Israeli-Hamas conflict.

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 August 2023 Board Meeting Minutes

Motion: Kim Heffney made a motion to accept the August 17, 2023, Board meeting minutes. Jerry Pitman seconded. The motion carried unanimously.

Committee Reports

Grievance Committee: Grievance Committee members Ron Burris, Tamara Rabenold, Suzanne Creech, Jerry Pitman, Candace Ratliff, and Steve Johnson met on October 17, 2023, from 9 a.m. to 12 p.m. With permission of the Chair, Carlye Wittek from the DPS Legislative Affairs office observed the meeting. The Committee heard 12 cases. Committee Chair Ron Burris presented the Grievance Committee report.

Motion: Sam Russell made a motion to accept all cases except 2023-PPS-026 (Renfrow). Suzanne Creech seconded. The motion carried unanimously.

Motion: Sam Russell made a motion to accept 2023-PPS-026 (Renfrow). Suzanne Creech seconded. The motion carried unanimously. Andy Renfrow recused from the vote.

See the attachment for the full Grievance Committee report.

Screening Committee: Screening Committee members Sam Russell, Debra Duncan, Dave Stephens, Kim Heffney, Stacy Buff and Richard Epley met on October 18, 2023, from 9 a.m. to 11:13 a.m. to review 78 license applications, three QA for Two Companies applications, and one registration denial appeal. With permission of the Chair, new Board member Candace Ratliff observed the meeting. Committee Chair Debra Duncan presented the Screening Committee report.

Motion: Sam Russell made a motion to accept all the Committee's recommendations, except Joshua Freeman, Alison Blackmon, Michael Newbern and Billy Proffitt (registration denial appeal). Susan Creech seconded. The motion carried unanimously.

Motion: Stacy Buff made a motion to accept the Committee's recommendation for Joshua Freeman. Sam Russell seconded. The motion carried unanimously. Andy Renfrow recused from the vote.

Motion: Kim Heffney made to accept the Committee's recommendation for Alison Blackmon and Michael Newbern. Steve Johnson seconded. The motion carried unanimously. Suzanne Creech recused from the vote.

Motion: Stacy Buff made a motion to accept the Committee's recommendation for Billy Proffitt. Steve Johnson seconded. The motion carried unanimously. Richard Epley recused from the vote.

See the attachment for the full Screening Committee report.

Laws and Rules Committee: Laws and Rules committee members Steve Johnson, Jerry Pitman, Andy Renfrow, Sam Russell, Debra Duncan and Kim Heffney met on October 18, 2023, from 2 to 2:50 p.m. Committee Chair Steve Johnson delivered the Laws and Rules Committee report.

Steve Johnson explained the Committee heard a proposal from licensee Steven Corbin to change the Board's administrative rules related to liability insurance requirements. The Committee

wished to study the matter further and deferred additional consideration of the proposal to its December 2023 meeting.

Steve Johnson and Attorney Jeff Gray provided an update on the status of several of the Board's administrative rules that are pending changes and under review at the N.C. Office of Administrative Hearings. (See attached Attorney's Report for more information.)

Sam Russell informed the Board that he had recently learned of Session Law 2023-85, Senate Bill 246, *Property Owners Protection Act*, which is a new law that made it a Class 2 misdemeanor of 2nd-degree trespass if a person enters or remains, "on the curtilage of a dwelling of another between the hours of midnight and 6:00 A.M." Mr. Russell encouraged industry members to familiarize themselves with this new law and determine how it may impact their operations and voice any concerns to their local General Assembly representative.

Motion: Dave Stephens made a motion to accept the Laws and Rules Committee report. Stacy Buff seconded. The motion carried unanimously.

Training and Education Committee: Training and Education Committee members Richard Epley, Stacy Buff, Andy Renfrow, Candace Ratliff, Steve Johnson, Dave Stephens, and Sam Russell met on October 18, 2023, from 1 p.m. to 1:54 p.m. Committee Chair Dave Stephens presented the Training and Education Committee report, which included updates about completed and planned train-the-trainer courses, one weapon discharge report, and the results of recent compliance audits of two certified trainers by Board staff.

Dave Stephens explained the Committee and Board staff are researching possible locations for future firearms trainer courses, such as Johnston County Community College. He said Board staff will continue to search for other locations and provide an update at the February 2024 meeting.

The Committee reviewed two applications for new continuing education courses and three applications for the renewal of an existing continuing education course. He stated the Committee recommended approving all the courses.

Dave Stephens reported the Committee heard a proposal from licensee Steven Corbin to increase the minimum number of required training hours for unarmed guards to 40 from the current 16. He said the Committee does not support this proposal, as the current 16-hour requirement is generally supported by the industry and is at the median of training hours required in other states.

Finally, Mr. Stephens reported that the Committee had reviewed and discussed two grant applications: one from the North Carolina Association of Private Investigators (NCAPI) for its 2022 annual conference in Cherokee, N.C.; and another from the International Association of Security and Investigative Regulators (IASIR), which held its 2023 conference in Las Vegas.

Motion: Andy Renfrow made a motion to approve the NCAPI's grant application and award the requested \$5,000. Suzanne Creech seconded. The motion carried unanimously.

Motion: Steve Johnson made a motion to approve IASIR's grant application and award the requested \$5,000. Andy Renfrow seconded the motion. The Board discussed whether it should set a precedent of awarding grant money to organizations that host conferences out-of-state. Tamara Rabenold and Stacy Buff voiced support for IASIR, but said they had concerns about subsidizing IASIR's conference, or others, that are held in other states. Steve Johnson said if the Board is sending its members or Board staff to out-of-state conferences, the Board should also be willing to award grant money to such organizations. Following discussion, the motion failed with five votes in favor and eight against.

Motion: Dave Stephens made a motion to accept the Training and Education Committee report. Stacy Buff seconded. The motion carried unanimously.

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

Old Business

Director Sherwin reported that, following a request to do so by the Board at its August 2023 meeting, he inquired with NCSBI officials about the status of its plan to expand its electronic fingerprinting capabilities. He said NCSBI officials informed him the Bureau is continuing to research how it may expand electronic fingerprinting abilities to private entities in the future, but it had no update on a timeline for such changes.

Chair Tamara Rabenold mentioned that post-Board meeting summaries, known as a "Hot Sheet," are being emailed to industry members following each Board meeting. She also mentioned the Board has established a special committee, chaired by Suzanne Creech, to research unlicensed activity in N.C. and propose ideas about how to reduce it.

New Business

Jerry Pitman reported that he attended the annual conference of the International Association of Investigative Regulators (IASIR) October 11-13, 2023, in Las Vegas. He said conference themes included liability insurance requirements; the expanding role of security guards from an expectation of "observe and report" to "observe and respond;" and the need for security companies to provide training above and beyond the state's minimum requirements to prepare guards for today's challenges. He said Board member Andy Renfrow, Director Paul Sherwin, Attorney Jeff Gray, and PPS Investigator Bill Raften also attended the conference.

Director's Report

Director 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.

Motion: Stacy Buff made a motion to accept the Director's Report. Kim Heffney seconded. The motion carried unanimously.

See the attachment for the full Director's Report.

Attorney's Report

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

Motion: Stay Buff made a motion to accept the proposed rules changes. Steve Johnson seconded. The motion carried unanimously. (See attachment 2 of the Attorney's Report).

Motion: Steve Johnson made a motion to accept the Attorney's Report. Ron Burris seconded. The motion carried unanimously.

See the attachment for the full Attorney's Report.

Good of the Order

Chair Tamara Rabenold reported that each Board member's biography and photo will soon be available on the Board's website. She said the Board's by-laws will also be published on the website.

Chair Tamara Rabenold announced that Barry Echols, a former PPS Director, passed away on October 9, 2023.

Good of the Order

Don Miller with the NCAPI gave an update on the Association's annual conference scheduled for November 13-15, 2023, in Cherokee, N.C.

Break 10:49 a.m.
Reconvened 11:06 a.m.

Final Agency Decision(s)

Attorney Jeff Gray presented the Proposal for Decision in the case of 22 DOJ 01103 Andy Renfrow, The Renfrow Group (Petitioner) v. NC Private Protective Services Board (Respondent). Mr. Renfrow and his attorney Nick Dowgul were present.

The case was heard by Administrative Law Judge Melissa Owens Lassiter on January 18, 2023. This case involved Mr. Renfrow's appeal of the Board's decision to suspend his security guard and patrol and private investigator licenses for twelve (12) months, with the first six (6) months being an active suspension, and the second six (6) month being suspended on the condition that Petitioner comply with N.C.G.S. 74C and the Board's rules, for alleged violations of N.C.G.S. 74C-11(a), 74C-12(a)(6) and (25), and 74C-13(b) of the Private Protective Services Act.

Board members Richard Epley, Suzanne Creech, Kim Heffney, Stacy Buff, Candace Ratliff, Dave Stephens, Sam Russell and Debra Duncan heard the Proposal for Decision presented by Attorney Jeff Gray, who recused himself as legal counsel to the Board. Board members Ron Burris, Steve Johnson, Tamara Rabenold, and Jerry Pitman, who were on the Grievance Committee in this matter, recused from consideration of the Proposal for Decision and were not present as the case was heard.

Motion: Richard Epley made a motion to go into a closed session to deliberate the Proposal for Decision. Suzanne Creech seconded. The motion carried unanimously.

Closed session: 2:01 p.m.

Open session: 2:13 p.m.

Motion: Stacy Buff made a motion to settle the matter with a Consent Agreement, whereby Mr. Renfrow admits to failing to register 36 unarmed security guards and four armed security guards, and the Board agrees to dismiss the alleged violation of employing an unlicensed private investigator and the alleged violation of NCGS 74C-12(a)(25). Suzanne Creech seconded. The motion carried unanimously. After consultation with his attorney, Mr. Renfrow accepted the offer.

Motion: Kim Heffney made a motion to adjourn the meeting. Richard Epley seconded. The motion carried unanimously.

Meeting Adjourned: 2:18 p.m.

Paul Sherwin, Director

Garcia Graham, Board Secretary

Board Meeting Guests

Shaun Marso	Kim Haswell	Don Miller	Nazeeh Ewais
Zac Forsythe	Brian Barber	Michael Overton	Sandra Epley
Vernon Jerry	Thomas Younce	Keith Whitfield	Gregory Bentley
Tashe Dyson	Ronnie Farrar	Dorian Dehnel	Ruth Cruz-Nichols
Charles Cobb Jr	Johnny Mims	Theodore Kowaleski	Gary Pastor
Robert Dunn	Asha Powell*	Brian Cid*	Carlye Wittek*
Elvalorie Matthews*	Greg Pickrell*	John Honeycutt*	Julie Turner*
Kevin Tibbits*	Lori Bineham*	Mark Edmonds*	Michael Bineham
Oscar T Quick*	Robyn Nolette*	William MacRae*	Colin Soper
John Honeycutt *			

*V: Virtual

PPSB Grievance After Report for October 19, 2023 9:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
1. 2023-PPS-026	Andy Wade Renfrow Renfrow & Associates 8504 Sixforks Rd Ste 101 Raleigh, NC 27615	NCGS 74C-13(b) 14B NCAC 16.0801 14B NCAC 16.0807	Find no violation.	Accepted
2. 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	Defer to the December 2023 Grievance Committee meeting.	Accepted
3. 2023-PPS-029	Julien Cell Duncan Sterling Services Enterprise, Inc. 511 E Arcadia Rd Riegelwood, NC 28456	14 B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Julien Cell Duncan and Sterling Services Enterprise, Inc. in the amount of \$122.40 for one unarmed security guard registration violation.	Accepted
4. 2023-PPS-032	Errol Alexis Green Weiser Security Services, Inc. 7508 E. Independence Blvd. Ste 106 Charlotte, NC 28227	14B NCAC 16.0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Errol Green and Weiser Security Services, Inc., and in the amount of \$9,547.20 for 78 unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2 & Q3 2023.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
5.	2023-PPS-037	Tracy Lee Burke East Coast Protective Services, Inc. 315 Spring Garden Street 2D Greensboro, NC 27401	NCGS 74C-11	Find a violation of NCGS 74C-11 and NCGS 74C-13. Enter into a consent agreement with Tracy Burke and East Coast Protective Services, Inc., in the amount of \$6,976.80 for 42 unarmed security guard registration violations and 10 armed security guard registration violations. Staff is to conduct a follow-up registration audit of Q3 and Q4 of 2023; and company officials are to complete registration compliance training no later than Feb. 15, 2024.	Accepted
6.	2023-PPS-038	Terry Michael Walser Tri Metro Security Services, LLC 224 E Holding Ave Unit 935 Wake Forest, NC 27588	NCGS 74C-11 14B NCAC 16 .0108(b)	Find a violation of NCGS 74C-11. Enter into a consent agreement with Terry Walser and Tri Metro Security Services, LLC in the amount of \$489.60 for four unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2 & Q3 2023. Consolidated with 2023-PPS-050.	Accepted
7.	2023-PPS-050	Terry Michael Walser Tri Metro Security Services, LLC 224 E Holding Ave Unit 935 Wake Forest, NC 27588	NCGS 74C-11	Find a violation of NCGS 74C-11. Enter into a consent agreement with Terry Walser and Tri Metro Security Services, LLC in the amount of \$489.60 for four unarmed security guard registration violations. Staff is to conduct a follow up registration audit of Q2 & Q3 2023. Consolidated with 2023-PPS-038.	Accepted
8.	2023-PPS-057	Dustin Lane Tippet Touchdown Sports Bar 1013 Silas Moore Road Benson, NC 27504	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Dustin Tippet and Touchdown Sports Bar. Refer this matter to the Screening Committee should Mr. Tippet apply for a license or registration.	Accepted
9.	2023-PPS-058	Antwain Davis Touchdown Sports Bar 11701 Copper Gate Drive Apt. 100 Raleigh, NC 27614	NCGS 74C-13(a)	Defer disposition to the December 2023 Grievance Committee meeting. Antwain Davis is to submit an armed and unarmed security guard registration application no later than Dec. 14, 2023.	Accepted

	Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
10.	2023-PPS-059	Shakenia Brenna Jones Touchdown Sports Bar 3601 New Bern Avenue Raleigh, NC 27610	NCGS 74C-13(b)	Defer disposition to the December 2023 Grievance Committee meeting. Shakenia Jones is to submit an armed security guard registration application no later than Dec. 14, 2023.	Accepted
11.	2023-PPS-061	Elliott Jay Carpenter Bonus Spins 1457 Colony Lodge Lane Winston-Salem, NC 27100	NCGS 74C-13(a)	Find a violation of NCGS 74C-13(a). Continue the cease and desist order previously issued to Elliott Jay Carpenter and Bonus Spins. Refer this matter to the Screening Committee should Mr. Carpenter apply for a license or registration.	Accepted
12.	2023-PPS-072	William Sconiers The North Carolina Protection Group 740 SE Greenville Blvd Ste 400-105 Greenville, NC 27858	NCGS 74C-12(a)(9) NCGS 74C-12(d)(4)	Find a violation of NCGS 74C-12(d)(4). Issue a non-disciplinary letter of warning to William Sconiers for failure to report a criminal charge.	Accepted

Board Meeting Report

Board Date 10/19/2023

	Name Company Address	License	Committee Recommendation	Board Action
1.	Chloe Thaler PI Factfinder LLC 3613 Bentwinds Bluffs Lane Fuquay Varina, NC 27526	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with 800 hours.	Accepted
2.	Dustin Charles Anderson Epic Services & Consulting, LLC 212 W Sycamore St Lincolnton, NC 280920000	Close Personal Protection	Approve Close Personal Protection License	Accepted
3.	Scott Armstrong Advanced Recovery Consultants 4629 Cass Street San Diego, CA 92109	Private Investigator	Approve Private Investigator License	Accepted
4.	Kara Jean Baldy The North Carolina Protection Group 740 SE Greenville Blvd Greenville, NC 27858	Close Personal Protection	Approve Close Personal Protection	Accepted
5.	Sean Anderson Beech Barefoot Professional Investigations 1011 E Morehead St. Charlotte, NC 28204	Private Investigator	Deny Private Investigator License for making false statements on the application and an unfavorable work history.	Accepted
6.	Danette Skraastad Best Command Investigations, LLC 1540 International Parkway Lake Mary, FL 32746	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,800 hours.	Accepted
7.	Alison Evan Blackmon N.C. PREMIERE INVESTIGATIONS, INC 1801 S CHARLES BLVD GREENVILLE, NC 27858	Private Investigator Associate	Approve Private Investigator Associate License Level 3 with 2,000 hours.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
8.	Johnny VonShawn Boykins PalAmerican Security Inc 11300 4th St N Saint Petersburg, FL 33716	Security Guard And Patrol	Approve Security Guard & Patrol License	Accepted
9.	Sheba Rachel Brown NTA Investigations 64 Panoramic View Hayesville , NC 28904	Private Investigator	Approve Private Investigator License	Accepted
10.	Michael Joseph Cardwell Tried and True Investigative Services, INC 6910 Garrett Store Road Liberty, NC 27298	Private Investigator	Approve Private Investigator License	Accepted
11.	Charles Cameron Carter Executive Resource Group 2278 Silverstone Road Zionville, NC 28698	Private Investigator	Approve Private Investigator License	Accepted
12.	Jason Champion Epic Services & Consulting, LLC 212 W Sycamore St Lincolnton, NC 280920000	Close Personal Protection	Approve Close Personal Protection	Accepted
13.	Robert Garrett DeWitt TF Cocker Investigations PO Box 23 Mocksville, NC 27028	Private Investigator	Deny Private Investigator License for unfavorable credit history.	Accepted
14.	Thomas Joseph Duarte The Duarte Group 7217 Rex Rd Holly Springs, NC 27540	Close Personal Protection	Approve Close Personal Protection	Accepted
15.	Janet Eanes Ellington Greenway Protective Services Inc 4604 Jefferson Wood Ct Greensboro, NC 27410	Security Guard And Patrol	Defer Defer to the December 2023 Screening Committee meeting.	Accepted
16.	Kelly Lee Esker New England Fire Cause & Origin 89 Pickering Road Rochester , NH 03839	Private Investigator	Approve Private Investigator License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
17.	Robert Evans Redcon Solutions Group LLC 13 Marsh Tower Savannah GA Savannah, GA 31411	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
18.	Matthew James Finn Micheladas Bar & Grill, LLC 2316 Randleman Rd Greensboro, NC 27406	Proprietary	Defer Defer to the December 2023 Screening Committee meeting, on the condition the owner of Michelada's Bar & Grill accompanies Mr. Finn at the Screening Committee meeting.	Accepted
19.	Zachary Forsythe Allied Universal Compliance and Investigations, Inc. 910 Paverstone Dr Raleigh, NC 27615	Private Investigator	Approve Private Investigator License	Accepted
20.	James Christopher Frankild Security Industry Specialists, Inc. 6071 Bristol Pkwy Culver City, CA 90230	Close Personal Protection	Approve Close Personal Protection	Accepted
21.	James Frankild Security Industry Specialists, Inc. 6071 Bristol Pkwy Culver City, CA 90230	Private Investigator	Approve Private Investigator License	Accepted
22.	Joshua R Freeman Renfrow & Associates 8504 Sixforks Rd Ste 101 Raleigh, NC 27615	Private Investigator	Approve Private Investigator License	Accepted
23.	Corey Aaron Garmon Platinum Group Security PO Box 4017 Boca Raton, FL 33249	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
24.	Travis Dean Hamrick Brown and Root Industrial Services LLC 348 Holiday Inn Drive Kings Mountain, NC 28086	Security Guard And Patrol	Approve with Condition Security Guard & Patrol License with the condition that Mr. Hamrick enter into pay a consent agreement of \$172.00 for two months of unlicensed activity.	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
25.	Brooklyn McKenna Harris EPIC Services & Consulting, LLC 117 E Sycamore St. Lincolnton, NC 28092	Close Personal Protection	Approve Close Personal Protection	Accepted
26.	Brooklyn McKenna Harris EPIC Serives & Consulting, LLC 117 East Sycamore St. Lincolnton, NC 28092	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,000 hours.	Accepted
27.	Mikaela Marie Hatcher Epic Services & Consulting, LLC 212 W Sycamore St Lincolnton, NC 280920000	Close Personal Protection	Approve Close Personal Protection	Accepted
28.	Jaymes Allen Holden 360 Protection Group, Inc. 3712 Zebulon Williams Road Monroe, NC 28110	Private Investigator	Approve Private Investigator License	Accepted
29.	Adam Jastrzebski Frasco, Inc. 3523 Lakewood Place Wilmington, NC 28409	Private Investigator	Approve Private Investigator License	Accepted
30.	james travis keefer K Group Security Consulting Inc. PO BOX 1654 Robbinsville, NC 28771	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
31.	Earl Anthony King Phoenix SAS 2606 Phoenix Drive Greensboro, NC 27406	Armored Car	Approve Armored Car License	Accepted
32.	Earl Anthony King Phoenix SAS 2606 Phoenix Drive Greensboro, NC 27406	Private Investigator	Approve Private Investigator License	Accepted
33.	Earl Anthony King Phoenix SAS 2606 Phoenix Drive Greensboro, NC 27406	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
34.	Neil Owen Klinedinst North Carolina Protection Group 740 Greenville BLVD SE Greenville, NC 27858	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,200 hours.	Accepted
35.	Richard Murrill Lancaster II Patriot Investigations, LLC 1 Maltese Ln Weaverville, NC 28787	Private Investigator	Approve Private Investigator License	Accepted
36.	Carlos Roger Landers Jr Command Investigations LLC 1540 International Pkwy Suite 3070 Lake Mary, FL 32746	Private Investigator	Approve Private Investigator License	Accepted
37.	Seth Daniel Leto Inner Parish Security Corporation 43222 Pecan Ridge Dr Hammond, LA 70403	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
38.	William Camden Lingle Wildwood Farm Gunsmithing and Trades, LLC 3529 Hopkins Chapel Rd Zebulon, NC 27597	Private Investigator	Approve Private Investigator License	Accepted
39.	Dustin Paul McKey All American Security 8327 Camberly Rd Huntersville, NC 28078	Security Guard And Patrol	Deny Security Guard & Patrol license for failure to complete application process.	Accepted
40.	Allan Todd Meade Sons of Thunder Security 6134 Brightstar Valley Rd Mint Hill, NC 28227	Private Investigator	Approve Private Investigator License	Accepted
41.	Allan Todd Meade Sons of Thunder Security 6134 Brightstar Valley Rd Mint Hill, NC 28227	Close Personal Protection	Approve Close Personal Protection	Accepted
42.	JEFFREY METTS METTS INVESTIGATIONS 1507 BACONS BRIDGE ROAD Summerville, SC 29485	Private Investigator	Approve Private Investigator License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
43.	Joshua Aaron Miller Miller Investigative Services P.O. Box 561 Morehead City, NC 28557	Private Investigator Associate	Approve Private Investigator Associate License Level 3 with 2,000 hours.	Accepted
44.	Chester Arthur Moore III Moore Investigation 150 Waterlily Road Coinjock, NC 27923	Private Investigator	Approve Private Investigator License	Accepted
45.	Maria Lea Muralles Payne Richards & Associates 3801 Pegasus Dr Ste 101 Bakersfield, CA 93308	Private Investigator	Approve Private Investigator License	Accepted
46.	Allison Murrie CriminalRecordCheck.com, Inc. 15501 Western Pkwy Cary, NC 27513	Private Investigator Associate	Approve Private Investigator Associate License Level 2 with 1,200 hours.	Accepted
47.	Michael Warren Newbern N.C. Premier Investigations, Inc 9223 County Home Road Ayden, NC 28513	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with zero hours.	Accepted
48.	Timothy Lee Norman The North Carolina Protection Group 740 Greenville Boulevard. Greenville , NC 27858	Private Investigator Associate	Approve Private Investigator Associate License Level 1 with 800 hours.	Accepted
49.	DAVID SAMUEL PACK TITAN SECURITY SERVICES 616 W. MONROE STREET CHICAGO, IL 60661	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
50.	Joshua Padilla RSC Security 4741 Central Street Kansas City, MO 64112	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
51.	James John Page Jr GRIZ GLOBAL SOLUTIONS LLC 135 W. Illinois Avenue 37 Southern Pines , NC 28387	Close Personal Protection	Approve Close Personal Protection	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
52.	John Thomas Pearce V LaSorsa & Associates 101 VFW Rd 2E Cedar Point, NC 28584	Electronic Countermeasures	Approve Electronic Countermeasures License	Accepted
53.	John Thomas Pearce V LaSorsa & Associates 101 VFW Rd 2E Cedar Point, NC 28584	Private Investigator Associate	Approve Private Investigator Associate Level 1 with zero hours.	Accepted
54.	RAHEEM AHMAD PONTIFLET BANGOR SECURITY SERVICES, INC 5401 S. KIRKMAN RD SUITE 310 ORLANDO, FL 32819	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
55.	George Porter Ryan R. Robison & Company 3310 Big Beaver Rd Troy, MI 48084	Private Investigator	Approve Private Investigator License	Accepted
56.	Vincent Antonio Rodriguez Vincent Rodriguez Security 706 Stafford Lane JACKSONVILLE, NC 28546	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
57.	Andrew Frank Romagnuolo Biltmore Farms, LLC One Town Square Boulevard Asheville, NC 28813	Proprietary	Approve Proprietary application	Accepted
58.	Lindsey Romo Blue Chameleon Investigations 6003 Oak Ridge Ct Matthews, NC 28104	Private Investigator Associate	Approve Private Investigator Associate Level 1 with zero hours.	Accepted
59.	Charles Rosa Walden Security P.O. BOX 4374 CHATTANOOGA, TN 37405	Security Guard And Patrol	Approve with Condition Approve Security Guard & Patrol License with the condition that Mr. Rosa enter into pay a consent of \$510.00 for six months of unlicensed activity.	Accepted
60.	Wayne Edward Sankey III Zion Defense Group, LLC 4205 Stoney Brook Rd Clemmons, NC 27012	Close Personal Protection	Approve Close Personal Protection	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
61.	Wayne Edward Sankey III AARDWOLF International, LLC 1135 Kildaire Farm Rd Cary, NC 27511	Private Investigator Associate	Approve Private Investigator Associate Level 3 with 2,200 hours.	Accepted
62.	David Michael Schauble SAFE Laboratories and Engineering Corp. 5901 Elwin Buchanan Drive Sanford, NC 27330	Private Investigator	Approve Private Investigator License	Accepted
63.	Chaz O'neil Scott White Equal Security Consultants 3209 Scotch Pine Trail Wake Forest, NC 27587	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
64.	Elijah James Shaw Icon Global Inc. 6300 Creedmoor Rd. Raleigh, NC 27612	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
65.	Thomas Vincent Silluzio Forza Security Inc. 1501 Piazza Court Apex, NC 27502	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
66.	Jesse Alden Smith Apex Security Consulting 915 Toxaway Dr Hendersonville , NC 28791	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
67.	Stephen Mark Stasko Veri-Fi Investigative Services Inc. 5885 E. Circle Drive Cicero, NY 13039	Private Investigator	Approve Private Investigator License	Accepted
68.	Caylin Victoria Stinson CAYR LLC 104 Westwind Ct Jacksonville, NC 28546	Courier Service	Approve Courier Service License	Accepted
69.	Micah Fouche Sturgis Sturgis Forensics, LLC 2019 Serenity Pl. Matthews, NC 28104	Digital Forensics Examiner	Approve Digital Forensics Examiner License	Accepted

	Name Company Address	License	Committee Recommendation	Board Action
70.	Christopher Todd Tant AARDWOLF International, LLC 1135 Kildaire Farm Rd STE 200 Cary, NC 27511	Private Investigator	Defer Defer to the December 2023 Screening Committee meeting.	Accepted
71.	Anthony Fiore Varchetto Squad Security 50 Charles Lindbergh Blvd Uniondale, NY 11553	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
72.	Steven Webber Steven Webber 8974 Mango Bay Ct Leland, NC 28451	Private Investigator	Approve with Condition Receipt of favorable fingerprint-based criminal history record check	Accepted
73.	Michael Dean Weiss Integrity Polygraph LLC Post Office Box 343 Pembroke, VA 24136	Polygraph Examiner	Approve Polygraph Examiner License	Accepted
74.	Timothy James Whitfield Signal of Raleigh-Durham 202 E WASHINGTON ST Mebane, NC 27302	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
75.	Daniel Marion Wickersham Special Operations Group 1889 Pine Log Church Rd Brasstown, NC 28902	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
76.	Colin Williams Ascension Security P.O. Box 683 Lillington, NC 27546	Courier Service	Approve Courier Service License	Accepted
77.	Colin Williams Ascension Security P.O. Box 683 Lillington, NC 27546	Security Guard And Patrol	Approve Security Guard and Patrol License	Accepted
78.	Jerry Wayne Wright JR GardaWorld Security Services & Wess GardaWorld Security Services Greensboro, NC 27407	New Branch Office	Approve Branch Office License	Accepted

PPSB Screening After Report for October 19, 2023

Addendum

Name Company Name Address	Credential	Committee Recommendation	Action
Ronnie Totherow Rebellio Aestus, LLC, DBA Signal of Wilmington 202 E Washington Street Mebane, NC 27302	QA for Two Companies	Approve	Accepted
Edward McDonald Excalibur Associates, Inc., 941 Maddox Drive Suite 240 Ellijay, GA 30540	QA for Two Companies	Approve	Accepted
Herbert Williams Dominion XP, LLC 40 Crane Creek Industrial Park Rd Fletcher, NC 28732	QA for Two Companies	Approve	Accepted
Billy Proffitt Delta Protection Agency L.L.C. P.O. Box 368 Morganton, NC 28680	Unarmed Registration	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

October 18, 2023

The upcoming PPS Trainer courses are scheduled:

Course: Unarmed Guard Trainer and Workshop

Location: Wake Tech Public Safety Education Campus
321 Chapanoke Road, Raleigh

- December 4-8, 2023
- 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

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

MAILING ADDRESS:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609



www.ncdps.gov/pps
An Equal Opportunity employer

OFFICE LOCATION:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609
Telephone: (919) 788-5320
Fax: (919) 788-5365



North Carolina Department of Public Safety

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Paul Sherwin, Director

Completed Training

- June 23, 2023- ALE Course for ABC Officers (PPSB Presentation)
- June 28, 2023- Handgun Recertification and Prequalification
- July 10-14, 2023- Unarmed Guard Trainer Course
- September 18, 2023 – Handgun Recertification and Prequalification
- September 18-22, 2023 – Unarmed Guard Trainer Course

Trainer Evaluations (Firearms)

- Greg Young
Date: August 25, 2023 @ 8:15am
Location: Calibers Gun Range, Greensboro NC
No concerns noted.
- John Honeycutt & David Bailey
Date: August 28, 2023 @ 12:00pm
Location: Eagle Gun Range, Concord NC
No concerns noted.

Topics for Discussion

- Wake Tech CC and Johnston County CC hosting PPSB Firearms Trainers Course
- Johnston County CC available to host a FT course December 12-15, 2023 (\$350 per student)
- Proposal to increase training hours for new guards (submitted by Steve Corbin)

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PPSB Grant Applications (sent via email to the T&E Committee)

- International Association of Security and Investigative Regulators (IASIR) 2023 Conference. October 11-13, 2023, in Las Vegas, NV. Submitted by Laura Rudd
- North Carolina Association of Private Investigators (NCAPI) Annual Training Conference. November 15-16, 2022, in Cherokee, NC. Submitted by Don Miller.

Weapon Discharges

Name: Avery Coulbourne

Company: Allied Universal Security Services

Date of Incident: September 8, 2023

Location of Incident: 210 E. Trade St. Charlotte NC (Transit Center)

Weapon: Glock 22

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

On September 8, 2023, at 12:30am, Officer Avery Coulbourne and Officer Geddis Johnson were working security at the Transit Center located in Charlotte, NC. While patrolling the area, Officer Coulbourne and Officer Johnson were dispatched to a nearby loading dock in reference to a male causing a disturbance and urinating on a wall. As Officer Coulbourne and Officer Johnson approached the suspect, he started to walk away brandishing what appeared to be a firearm. Officer Coulbourne then tried to disarm the suspect but failed to do so before the firearm discharged. Officer Coulbourne then retreated a few steps back, retrieved his duty-issued firearm and shot the suspect 2-3 times. The suspect, (later identified as K.T.) was pronounced dead on scene. The Charlotte Mecklenburg Police Department investigated this incident. At the time of this Agenda being submitted, no charges have been filed by the Charlotte Mecklenburg District Attorney's Office and no disciplinary action has been imposed by Officer Coulbourne's supervisors.

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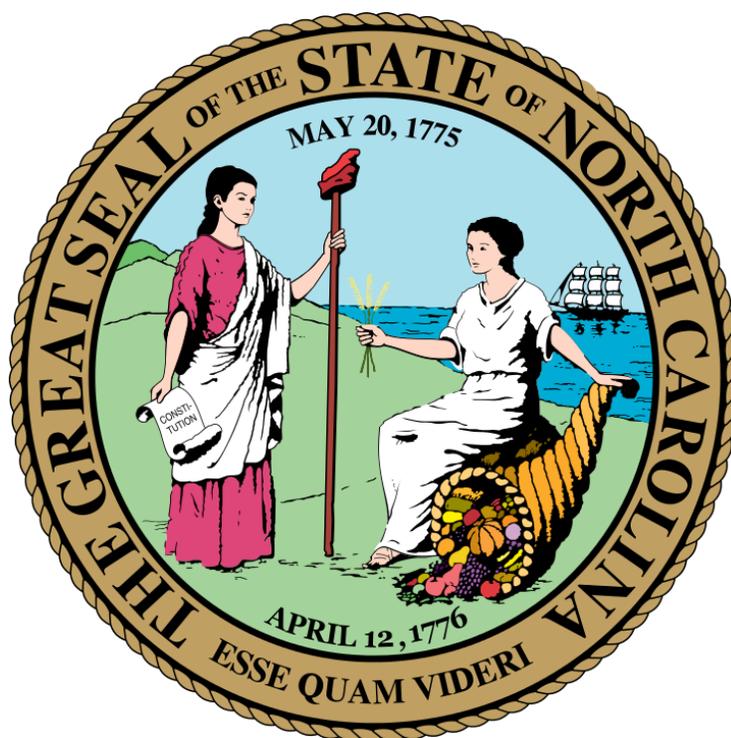
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<input checked="" type="checkbox"/>	REQUESTED BY	COURSE NAME	Course Number	INSTRUCTOR(S)	Classroom/ Online	Date Submitted	Hours
		New Application(s):					
	Ernie Torres	Skill Boost: Life-Threatening Bleeding and Tourniquet Application		Ernie Torres	Classroom	10/2/2023	1.25
	Robert Bailess	Human Trafficking in Narcotics Investigations		William "Bill" Loucks Jr.	Classroom	10/09/2023	8.0
		(RENEWALS)					
	Frank Bianco	Risk Assessment for Investigators	PPSB-15-011	Frank Bianco	Classroom	09/19/2023	6.0
	Steve Wilson	Introduction to Defense Investigation	PPSB-19-024	Steve Wilson	On-Line	08/17/2023	3
	Michelle Carpenter	Using Drones for Physical Security	PPSB-15-062	Jerry Durham/Ruth Smith	On-Line	10/10/2023	3

NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD

October 19, 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 two vacant positions:

- Registration Investigator – Recruitment in progress
- Registration Processor

Registration Processor Sarah Miller started employment with Private Protective Services on Sept. 25, 2023. Sarah has years of administrative and customer service experience, having worked most recently for the University of North Carolina's Lineberger Comprehensive Cancer Center and the Carolina Health Informatics Program, where she specialized in accounts processing and program coordination. She holds a bachelor's degree from UNC-Wilmington, where she double-majored in criminal justice and sociology.

OPERATIONS

Registration Unit

- Registration applications received year-to-date: 20,848
 - Same period 2022: 19,150
 - Same period 2021: 18,151
 - Same period 2020: 17,923
 - Same period 2019: 20,159

Licensing Unit

- Licensing applications received year-to-date: 818
 - Same period 2022: 1,007
 - Same period 2021: 672
 - Same period 2020: 990
 - Same period 2019: 684

Investigations Unit

- License applicant background investigations completed year-to-date: 335
 - Same period 2022: 233
 - Same period 2021: 229
 - Same period 2020: 241
 - Same period 2019: 261
- Complaint investigations completed year-to-date: 80
 - Same period 2022: 68
 - Same period 2021: 48
 - Same period 2020: 36
 - Same period 2019: 63

Training Unit

- Trainer applications received year-to-date: 319
 - Same period 2022: 211
 - Same period 2021: 311
 - Same period 2020: 193
 - Same period 2019: 198

OTHER

On Sept. 1, 2023, Investigators Darla Cole and Karen Battle accompanied officers from the Raleigh Police Department and agents from N.C. Alcohol Law Enforcement on an operation to inspect several bars and restaurants in Raleigh that may be using unlicensed or unregistered security personnel.

The group conducted inspections at Social Club, Alive, El Tucanazo Bar, Semaforo Lounge, Truth Lounge, La Brasa, Gold Lounge, Saona Sports Bar and Club Insomnia. Most of the establishments were using proprietary unarmed security, but one unregistered armed security guard was discovered and criminally charged with violating NCGS 74C-13(a). The guard's handgun and AR-15-style rifle were seized by law enforcement. This violation is being investigated by Board staff will be referred to the Grievance Committee, as appropriate.

Investigator Danny Cheatham on Sept. 27, 2023, attended for two hours a Board-approved close personal protection course, during which he observed the content being taught. He also had the opportunity to speak with the 15 students in the class about the new close personal protection license and answer questions about licensing requirements and compliance.

LICENSING, REGISTRATION, AND CERTIFICATION SUMMARY

Total active in Permitium: 27,441 (+5.1% from August 2023 meeting)

Registration		
	Armed	3947
	Armed Armored Car	441
	Armed Licensee	125
	Armed Licensee Associate	18
	Unarmed	18949
	Unarmed Armored Car	22
Registration Total		23502
License		
	Armored Car Profession	83
	Close Personal Protection	148
	Courier Service Profession	90
	Digital Forensics Examiner	5
	Digital Forensics Examiner Trainee	0
	Electronic Counter Measures Profession	54
	Electronic Counter Measures Trainee	8
	Guard Dog Service Profession	15
	Polygraph Examiner	31
	Polygraph Trainee Permit	3
	Private Investigator	1943
	Private Investigator Temp Permit	6
	Private Investigator Associate	327
	Private Investigator Associate Temp Permit	3
	Proprietary	101
	Psychological Stress Evaluator	11
	Security guard and Patrol	552
	Special Limited Guard and Patrol	6
License Total		3386
Certification		
	Firearms Trainer	206
	Unarmed Guard Trainer	347
Certification Total		553

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

PPSB Operating Fund Revenue and Expenditures

FYTD24 revenue	\$	297,431.30
FYTD24 expenditures	\$	(248,117.25)
FYTD24 FUND BALANCE INCREASE/(DECREASE)		\$ 49,314.05

PPSB Operating Fund Cash Flow

Beginning Cash Balance (July 1, 2023)	\$	1,688,986.73
FYTD24 revenue	\$	297,431.30
FYTD24 expenditures	\$	(248,117.25)
FYTD24 ENDING FUND BALANCE		\$ 1,738,300.78

PPSB Education Fund Revenue and Expenditures

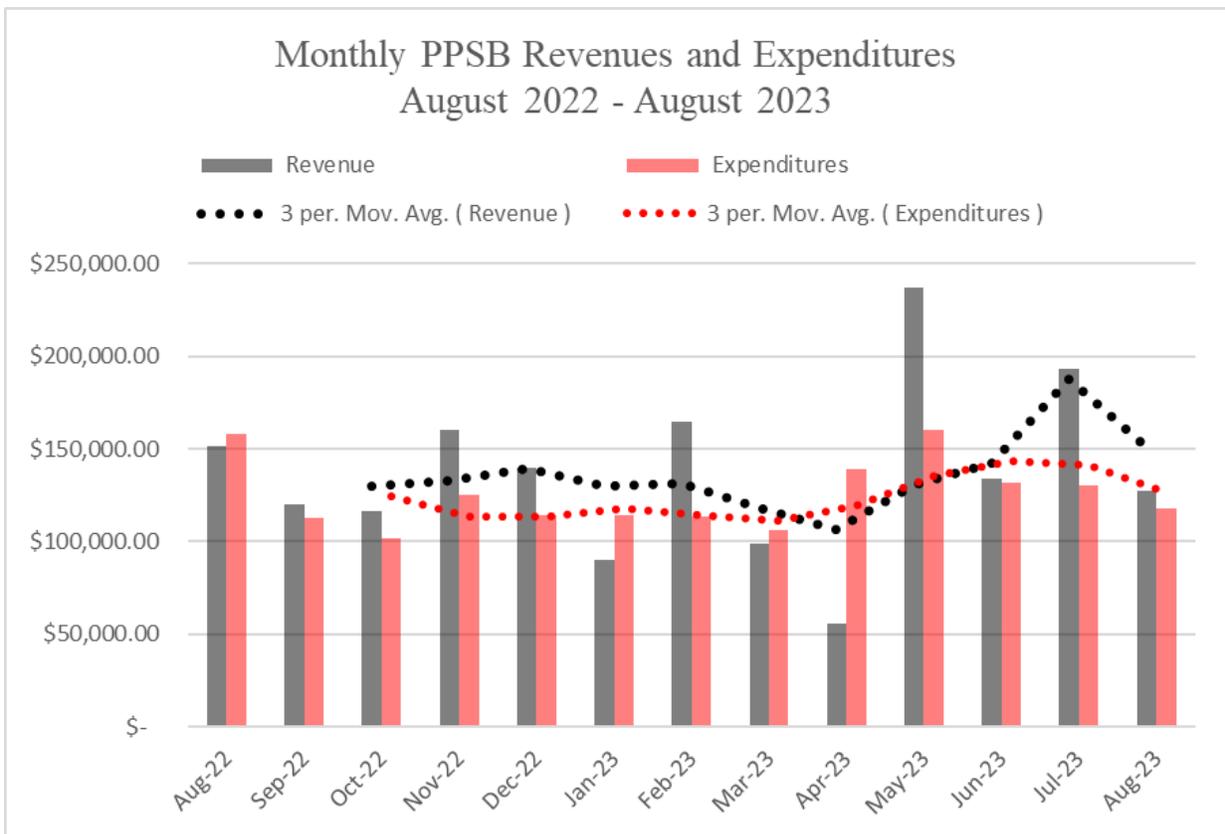
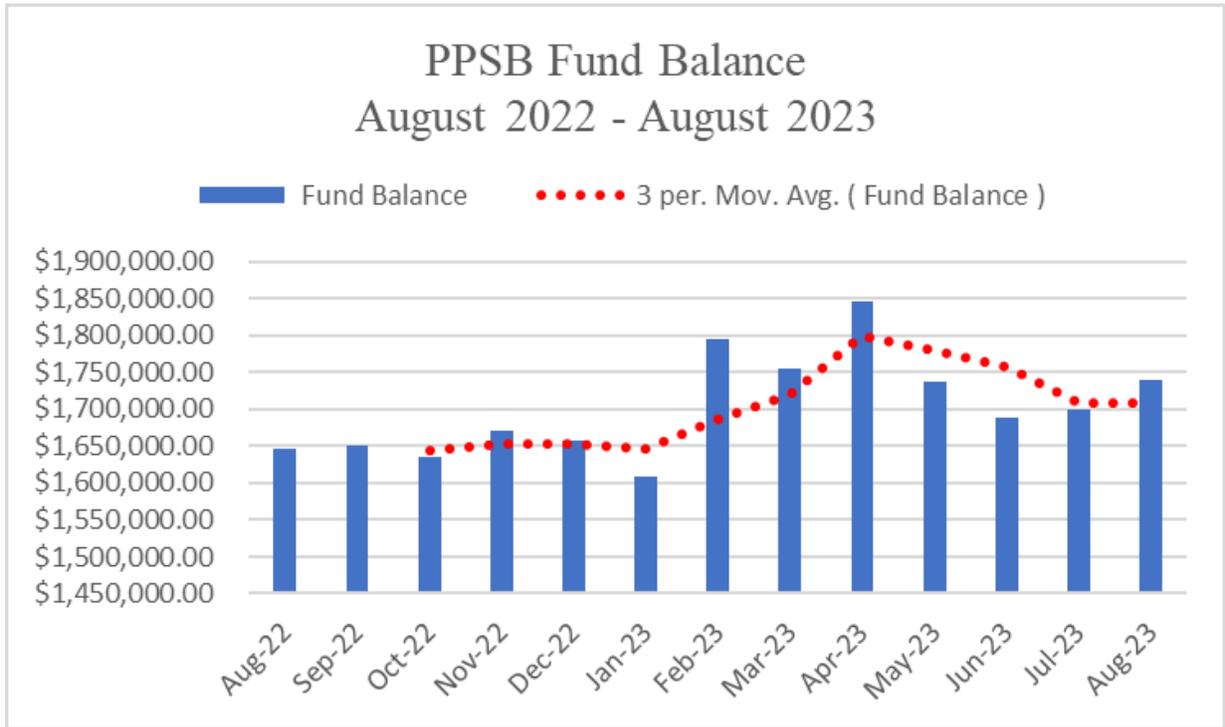
FYTD24 revenue	\$	2,200.00
FYTD24 expenditures	\$	-
FYTD24 EDUCATION FUND BALANCE INCREASE/(DECREASE)		\$ 2,200.00

PPSB Education Fund Cash Flow

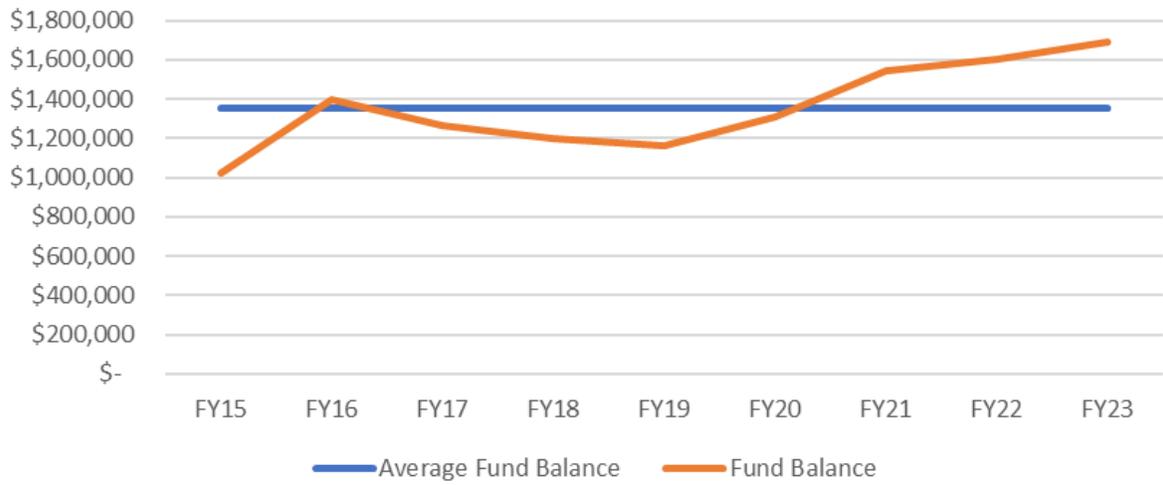
Beginning Cash Balance (July 1, 2023)	\$	133,093.38
FYTD24 revenue	\$	2,200.00
FYTD24 expenditures	\$	-
FY23 ENDING FUND BALANCE		\$ 135,293.38

Note: Due to the State transitioning to a new financial management system, the Board's September 2023 financial data was not available to include in this report.

BUDGET GRAPHICS



Historical PPSB Fund Balance Fiscal Years 2015-2023



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

October 19, 2023

ATTORNEY'S REPORT



PRIVATE PROTECTIVE SERVICES BOARD

Raleigh, North Carolina

October 19, 2023

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On June 22, 2023, Mark Angelo/ Fund Holder Report, LLC; a civil penalty in the amount of \$2,000.00 for violating N.C.G.S 74C-12 (a)(31). The Consent agreement was signed by QA (cannot read signature) on July 10, 2023. Paid in full.
2. On August 17, 2023, Michelle Seiz/ American Security Associates, Inc. entered into a Consent Agreement with the Board in the amount of \$1,224.00 for registration violations. The temporary agreement was signed by QA Michelle Seiz on July 14, 2023. Paid in full.
3. On August 17, 2023, Steven Corbin/ Task Force Protection entered into a Consent Agreement with the Board in the amount of \$97.92 for registration violations. The temporary agreement was signed by QA Steven Corbin on August 15, 2023. Paid in Full.
4. On August 17, 2023, Charles Wayne McCurry/ GRL Management Group, Inc. entered into a Consent Agreement with the Board in the amount of \$15,973.20 for registration violations. The temporary agreement was signed by QA Charles McCurry on July 26, 2023. Paid in Full.
5. On August 17, 2023, Charles Wayne McCurry/ GRL Management Group, Inc. entered into a Consent Agreement with the Board in the amount of \$183.60 for registration violations. The temporary agreement was signed by QA Charles McCurry on July 19, 2023. Paid in Full.
6. On August 17, 2023, Lawrence David Garcia / Ameriguard Security Services, Inc. entered into a Consent Agreement with the Board in the amount of \$6,058.80 for registration violations. The temporary agreement was signed by QA Lawrence Garcia on August 8, 2023. Paid in Full.
7. On August 17, 2023, Forrest Dane Dodd / Prosegur Services Group, Inc. entered into a Consent Agreement with the Board in the amount of \$4,406.40 for registration violations. The temporary agreement was signed by QA Daren Lopez on August 2, 2023. Paid in Full.
8. On August 17, 2023, Kirk Patrick Hylton / Maroon Security Group, LLC. entered into a Consent Agreement with the Board in the amount of \$489.60 for registration violations. The temporary agreement was signed by QA Kirk Hylton on March 27, 2023. Paid in Full.

9. On August 17, 2023, Robin George Leckey / W TSA Security, LLC entered into a Consent Agreement with the Board in the amount of \$244.80 for registration violations. The temporary agreement was signed by QA Robin Leckey on April 18, 2023. Paid in Full.
10. On August 17, 2023, Furman Michael Jones / American Security and Protection Service, LLC entered into a Consent Agreement with the Board in the amount of \$7,344.00 for registration violations. The temporary agreement was signed by QA Furman Jones on April 28, 2023. Paid in Full.
11. On August 17, 2023, Charles Reedy/ C&M Defense Group entered into a Consent Agreement with the Board in the amount of \$3,553.00 for registration violations. The temporary agreement was signed by QA Charles Reedy on October 9, 2023. Payment has not been received.

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 22nd 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 8th at noon with a due date of August 11th 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 should be approved by the Commission at its meeting today. The Temporary rules have remained in effect.

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. A copy of these rule amendments (but not repeals) is attached as Attachment 2.

A vote to approve these rule amendments is in order for today.

d. The Periodic Review of Rules is a statutorily mandated review of all State agencies’ rules so as to remove any “unnecessary” rules. The Board’s last review was effective March 1, 2020. The schedule for the next round of reviews was announced on July 1st. The Board’s review is scheduled for May 2027.

IV. LITIGATION

a. At its February 16, 2022 meeting the Board instructed me to file a Complaint for Injunctive Relief against Byron Kyle Phillips, individually and d/b/a Dem Boyz Security for operating an unlicensed Security Guard and Patrol business in the Pitt County area.

The Complaint was filed on March 3, 2023. Defendant failed to answer or otherwise plead. Entry of Default was entered on May 23, 2023 and I filed a Motion for Default Judgment on June 8, 2023. The Defendant failed to respond by July 8th and a Default Judgment Order was entered on July 17, 2023 and served on Defendant Phillips on July 21st.

b. Also at its February 16th meeting the Board instructed me to file a Complaint for Injunctive Relief against Jeremy Lamond Henderson, individually and d/b/a North Carolina Protective Services and Cannon Amusements for operating an unlicensed Security Guard and Patrol business in the Cabarrus County area. At one time North Carolina Protective Services had been a licensed Security Guard and Patrol business and Cannon Amusements had been a licensed proprietary organization with the Board. Defendant has had numerous criminal charges which tend to center around impersonation of a law enforcement officer.

The Complaint was filed on March 8, 2023, but the Sheriff was unsuccessful with service and it was returned. I obtained an Alias & Pluries Summons on May 5, 2023 and retained Private Investigator Kay Rivera, as a private process server, who -- after diligent attempts at service – was not successful either.

Investigator Lee Kelly was unsuccessful, as well, when Defendant failed to appear in criminal court for charges related to this action. I have continued to attempt service, however, with the Board’s approval a Dismissal Without Prejudice is likely in order.

c. 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.

d. 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 are due October 23, 2023, and Big Boot, LLC's is due October 28th.

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 is 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 16th 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.

g. 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. It was effective on September 22, 2023.

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

VI. FINAL AGENCY DECISIONS

Andy Renfrow; The Renfrow Group (*See*, Attachment 3.)

1.

**PPSB
MASTER HEARINGS LIST
as of August 8, 2023**

OAH HEARING DATE	PETITIONER	TYPE OF APPLICATION	FAD STATUS OR HEARING DATE
January 18, 2023	Andy Renfrow; The Renfrow Group	Suspension of SG & P Business License and PI License	October 19, 2023.
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	
September 26, 2023	Kenneth Keith Plummer 23 DOJ 03153	Denial of Security Guard & Patrol Business License	

PROPOSED RULES

disbursement of personal funds. If marked by the resident, there shall be one witness signature. For residents who have been adjudicated incompetent, the facility shall provide the resident's authorized representative with a copy of the monthly resident's funds statement and shall obtain verification of receipt. ~~The record records shall be maintained in the home facility.~~

(d) A resident's personal funds shall not be commingled with facility funds. The facility shall not commingle the personal funds of residents in an interest-bearing account.

(e) All or any portion of a resident's personal funds shall be available to the resident or ~~his legal~~ their authorized representative or payee upon request during ~~regular office hours,~~ the facility's established business days and hours except as provided in Rule .1105 of this Subchapter.

(f) The resident's personal needs allowance shall be credited to the resident's account within ~~24 hours of the check being deposited following endorsement.~~ one business day of the funds being available in the facility's resident personal funds account.

Authority G.S. 131D-2.16; 143B-165.

10A NCAC 13G .1106 SETTLEMENT OF COST OF CARE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

Authority G.S. 35A-1203; 108A-37; 131D-2.16; 143B-165.

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to adopt the rule cited as 14B NCAC 16 .1109, amend the rules cited as 14B NCAC 16 .0701, .0902, .0904, .0910, and repeal the rules cited as 14B NCAC 16 .0708 and .0912.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board>

Proposed Effective Date: October 1, 2023

Public Hearing:

Date: July 11, 2023

Time: 2:00 p.m.

Location: 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

Reason for Proposed Action: Existing .0701(a)(3) requires only 48 months which is inconsistent with all other new credentials such as new armed guard registration, new firearms trainer, new unarmed armored car registration, new armed armored car registration and new and renewal licenses, all of which require 60 days. The Justice Academy is no longer the sole source of firearms trainer training so .0902 is amended to reflect this.

Existing .0904(a)(2) requires a 48 month background check which is inconsistent with the rule for renewing an unarmed guard trainer certificate which require 24 months. Existing .0910 (application for unarmed guard trainer) is amended to match the requirements of .0902 (application for firearms trainer.)

.0708 is being repealed since this information is uploaded as part of .0907 and .0912 is being repealed because this information is now uploaded as part of the renewal process.

The private investigator industry expressed to the Board an interest in being able to employ interns and participate in apprenticeship programs. (Since apprenticeships had not previously existed the Board did not comply with G.S. 93B-8.6 when enacted.) New .1109 allows for probationary employees, interns and apprentices.

Comments may be submitted to: Paul Sherwin, 3101 Industrial Dr., Suite 104, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email paul.sherwin@ncdps.gov

Comment period ends: August 14, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review:

If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
 Local funds affected
 Substantial economic impact (>= \$1,000,000)
 Approved by OSBM
 No fiscal note required

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION

(a) Each employer or his or her designee shall submit an online application for the registration of each employee to the Board. This online submission shall be accompanied by:

PROPOSED RULES

- (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 color 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) upload online 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 48 ~~60~~ months;
- (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and 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) one original signed SBI release of information form that shall be uploaded online with the original mailed to the Board's administrative office;
- (7) a statement signed by a certified trainer that the applicant has completed the training requirements of Rule .0707 of this Section if applicable; and
- (8) a completed affidavit form and public notice statement form.

(b) The employer of each applicant for registration shall give the applicant a copy of the application and the completed affidavit form and shall retain a copy of the application, including the affidavit, in the guard's personnel file in the employer's office.

(c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

(d) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the individual applicant's personnel file in the employer's office.

Authority G.S. 74C-5; 74C-8.1; 74C-11.

14B NCAC 16 .0708 TRAINER NAME TO BE SUBMITTED TO DIRECTOR

Authority G.S. 74C-5; 74C-13(m).

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE

Each applicant for a firearms trainer certificate shall submit an online application to the Board. The 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 color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) upload online 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 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;
- (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of a licensee;
- (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this Section, ~~stating the training was completed within 60 days of the submission of the application and uploaded online as part of the online application process; and Section or acceptable certificate of other current certification as set forth in Rule .0901(c) and (d) of this Section; and~~
- (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice Academy and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-5; 74C-8.1(a); 74C-13.

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30

PROPOSED RULES

days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) uploaded online a statement of the results of a 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 48 24 months; and
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

(c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.

(d) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.

(e) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.

(f) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification requirements have not been met.

Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13.

14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER

Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall be accompanied by:

- (1) ~~the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with~~

~~a four dollar (\$4.00) convenience fee and credit card transaction fee; and~~

- (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 color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online submission and submitted by uploading online with the application submission;
- (3) upload online 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 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;
- (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and credit card transaction fee;
- (2)(6) a certificate of successful completion of the required training. This training shall have been completed within 120 days of the submission of the application training required by Rule .0909(a)(3) of this Section or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.
- (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part of the online application process by the Private Protective Services Board.

Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13.

14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES

Authority G.S. 74C-5; 74C-13.

SECTION .1100 - TRAINING AND SUPERVISION FOR PRIVATE INVESTIGATOR ASSOCIATES

14B NCAC 16 .1109 PROBATIONARY EMPLOYEES

(a) A private investigator licensee may employ a potential trainee as a probationary employee for 60 consecutive calendar days. The Director, upon written request, may extend the probationary period by 30 additional days.

PROPOSED RULES

(b) A private investigator licensee may supervise an intern as a probationary employee concurrent with the educational institution's schedule.

(c) A private investigator licensee may employ an apprentice participating in a North Carolina Registered Apprenticeship Program as set forth in G.S. 93B-8.6 as a probationary employee for the period prescribed in the federal guidelines as set forth therein.

(d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school, community college, college or university, be in good standing with the educational institution, and the internship must be for credit towards a degree, diploma, or certificate issued by the educational institution.

(e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee as a private investigator trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

(f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure the probationary employee shall comply with Rule .1102 of this Section.

(g) Before a probationary employee engages in any activity defined as private investigation or has access to any confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising licensee, and the licensee shall conduct a criminal record check on the employee.

(h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in writing the name, address, last four digits of social security number, confirmation that the results of the criminal history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending date of employment of the probationary employee. The Director shall confirm receipt within three business days of receipt.

(i) Probationary employment which does not comply with this Rule is a violation of Rule .0204(c)(2) of this Chapter.

(j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

(k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for any probationary employment, internship, or apprenticeship.

Authority G.S. 74C-5(2); 93B-8.6.

TITLE 16 – DEPARTMENT OF PUBLIC INSTRUCTION

Notice is hereby given in accordance with G.S. 150B-21.2 that the State Board of Education intends to adopt the rule cited as 16 NCAC 06G .0601.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://www.dpi.nc.gov/about-dpi/state-board-education/rules-apa>

Proposed Effective Date: October 1, 2023

Public Hearing:
Date: June 30, 2023
Time: 9:00 a.m.

Location:

<https://ncgov.webex.com/ncgov/j.php?MTID=m9c65c3d81c80aff504a1eff74a28bd3c>

Reason for Proposed Action: *S.L. 2022-59 enacted Chapter 234 of the General Statutes which authorizes the State Board of Education to approve local school administrative units applications to operate remote academies beginning with the 2023-24 school year. Remote academies must meet the requirements outlined in Chapter 234. G.S. 115C-234.10(b)(1) requires remote academies to provide students with any hardware and software needed to participate in the remote academy. G.S. 115C-234.10(b)(1) specifically states: "Students may not be charged rental fees but may be charged damage fees for abuse or loss of hardware or software under rules adopted by the State Board of Education." The State Board of Education has adopted this rule to define damage fees and rental fees for hardware and software provided to students enrolled in remote academies. The effect of the rule will be to permit local school administrative units to charge students for damage to school issued hardware or software.*

Comments may be submitted to: Thomas Ziko, 6301 Mail Service Center, Raleigh, NC 27699-6301; email thomas.ziko@dpi.nc.gov

Comment period ends: August 14, 2023

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (>= \$1,000,000)
- Approved by OSBM
- No fiscal note required

CHAPTER 06 - ELEMENTARY AND SECONDARY EDUCATION

SUBCHAPTER 06G - EDUCATION AGENCY RELATIONS

3.

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
22 DOJ 01103

Andy Renfrow The Renfrow Group Petitioner, v. NC Private Protective Services Board Respondent.	PROPOSAL FOR DECISION
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THIS MATTER came on for hearing on January 18, 2023 before the Honorable Melissa Owens Lassiter, Administrative Law Judge, in Raleigh, North Carolina, on Respondent's request, pursuant to N. C. Gen. Stat. § 150B-40(e), for designation of an Administrative Law Judge to preside at a contested case hearing under Article 3A, Chapter 150B of the North Carolina General Statutes.

Petitioner appeals Respondent's February 21, 2022 Board's Findings to suspend the security guard and patrol and private investigator's licenses of Petitioner Andrew Renfrow ("Renfrow"), d/b/a The Renfrow Group ("The Renfrow Group"), for twelve (12) months for violating N.C.G.S. §§ 74C-11(a), N.C.G.S. 74C-12(a)(6), N.C.G.S. 74C-12(a)(25), and N.C.G.S. 74C-13(b) of the Private Protective Services Act ("Act"). In its Findings, the Respondent determined that Petitioner's license would be actively suspended during the first six (6) months of Petitioner's suspension, but the second six (6) months of the suspension would be suspended on the condition that Petitioner Renfrow remained in compliance with N.C.G.S. § 74-C and Respondent Board's Rules, 14B NCAC 16 .0101 *et seq.* and the results of follow-up registration audits were favorable. (February 21, 2022 Decision)

APPEARANCES

Petitioner: Nicholas J. Dowgul, North State Law, Raleigh, North Carolina

Respondent: Jeffrey P. Gray, Bailey & Dixon, LLP, Raleigh, North Carolina

APPLICABLE STATUTES

N. C. Gen. Stat. §§ 74C-11(a), 74C-12(a)(6), § 74C-12(a)(25), 74C-13(b)
14B NCAC 16 .0101 *et seq.*

ISSUE

Whether there is substantial evidence to support Respondent's Findings and decision to suspend the licenses of Petitioner Andrew Renfrow d/b/a/ The Renfrow Group for twelve (12) months, with the first six (6) months being an active suspension, and the second six (6) months being suspended on the condition that Petitioner comply with N.C.G.S. § 74C and the Board's rules for alleged violations of N.C.G.S. §§ 74C-11(a), 74C-12(a)(6) and (25), and 74C-13(b) of the Private Protective Services Act?

EXHIBITS ADMITTED INTO EVIDENCE

Petitioner's Exhibits 1-21 and Respondent's Exhibits 1-7 were admitted by stipulation of the parties. Respondent's Exhibit 8 was admitted after proper authentication by witnesses during the contested case hearing.

Petitioner

EXHIBIT 1 NC Private Protective Services Board - 2/21/2022 Board Findings.

EXHIBIT 2 E-mail, auto@permitium.com to Renfrow and PPSM@ncdps.gov, 3/22/2022, re: Your PPS License Has Been Suspended: E-mail, Dowgul to Amanda Rolle, 3/23/2022: E-mail, Sherwin to Dowgul and Gray re: Renfrow license 3/5/2022.

EXHIBIT 3 The Renfrow Group, Inc. Employee Handbook, 11/15/2021.

EXHIBIT 4 9/17/2021 and 9/22/2021 E-mails between Odom and Martino re: Renfrow Report, with attached Final Investigative Report, File Number 2021-PPS-025, 9/1/2021.

EXHIBIT 5 E-mail, Martino to Odom, 10/1/2021, re Renfrow Group, with attached Final Investigative Report, 9/1/2021.

EXHIBIT 6 E-mail, Martino to Weaver with copy to Irwin, 10/15/2021, re Final Report to Board with attached Final Investigative Report, 9/1/2021.

EXHIBIT 7 E-mail, Weaver to Martino, 10/15/2021 re: Final Report to Board; E-mail, Weaver to Martino, 10/15/2021 re: Final Report to Board; E-mail, Martino to Weave, 10/15/201.

EXHIBIT 8 E-mail, Snyder of Intelligence Directives to Irwin, Weaver, and Martino. 10/16/2021 re: Amendment to Statement.

EXHIBIT 9 E-mail, Martino to Irwin, 10/18/2021 re: amendments.

EXHIBIT 10 E-mails between Odom and Martino, 11/29/2021 re: Offer to Settle; E-mails between Dowgul and Martino, 11/23/2021 and 11/24/2021 re: Offer to Settle.

EXHIBIT 11 E-mail, Sherwin to Martino and Odom, 12/8/2021 re: Renfrow Supplemental Report Draft, and Renfrow Investigative Follow Up Case edit, and attached Supplemental Investigative Report Cases.

EXHIBIT 12 E-mail, Irwin to Martino, 12/9/2021 re: PPSB Renfrow Report; E-mail from Martino, 12/9/2021 and attached Final Investigative Report, File No. 2021-PPS-025 and Supplemental Investigative Report.

EXHIBIT 13 E-mail, Sherwin to Committee members and others, 12/13/2021 re: Grievance Committee Reports; E-mail, Garcia of NC Department of Public Safety, 12/8/2021 re: Grievance Committee Reports and link to cases scheduled for 12/14/2021.

EXHIBIT 14 E-mail, Andrew to Dowgul re: New Violation.

EXHIBIT 15 E-mails between Sherwin and Martino, 12/7/2021 and 12/8/2021, between Dowgul and Martino, 11/23/2021 and 11/24/2021 re: Offer to Settle.

EXHIBIT 16 Supplemental Investigative Report, Cases to Director Sherwin from Investigator Martino.

EXHIBIT 17 E-mails between Sherwin and Dowgul 2/9/2022 re: Renfrow Grievance Reports; e-mail from Sherwin, 2/9/2022

EXHIBIT 18 E-mail, Sherwin to Weaver, 8/17/2021, re Official Request for Complaint Records, Files, etc.; e-mail Weaver to Syconda Marrow of NC Department of Public Safety, 6/17/2021, re Official Request for Complaint Records, Files, etc.

EXHIBIT 19 Final Investigative Report, File Number 2021-PPS-025, 10/19/2021.

EXHIBIT 20 Supplemental Investigative Report, Cases 2021-PPS-025 and 2021-PPS-026, 12/13/2021.

EXHIBIT 21 Final Investigative Report, File Number 2021-PPS-025, 2/9/2022, 10:59 a.m.; Final Investigative Report, File Number 2021-PPS-026, 2/9/2022, 11:04 a.m.

Respondent

EXHIBIT 1 Complaint from Anonymous against Andy Renfrow, 2/21/2022; Board Findings re: Review of Complaint by Private Protective Services Board from Vincent P. Cesena, Chairperson and Board Director Paul Sherwin.

EXHIBIT 2 Supplemental Investigative Report to Director Sherwin from Investigator Martino.

EXHIBIT 3 Supplemental Investigative Report, 12/13/2021 to Director Sherwin from Investigator Martino.

EXHIBIT 4 Final Investigative Report 2/9/2022 to Private Protective Services Board from Martino.

EXHIBIT 5 Final Investigative Report 2/9/2022 to Private Protective Services Board from Martino.

EXHIBIT 6 E-mail, Lawrimore to Renfrow, 11/19/2021 re: December Grievance Committee; forwarding e-mail, Sherwin to Grievance Committee members, 11/19/2021 re: Dec. PPSB Grievance Committee; E-mail, Lawrimore to Renfrow, 2/9/2022 re: Grievance Committee Reports.

EXHIBIT 7 E-mail, Lawrimore to Renfrow, 2/15/2022 re: Update from Board meeting; forwarding e-mail Lawrimore to Sam, 2/15/2022 re: update from Board meeting.

EXHIBIT 8 Letter, Odom to Renfrow 6/28/2021.

WITNESSES

Petitioner: Jerry Pitman, Nada Cleary Lawrimore, Petitioner Andy Renfrow, Michael Tucker

Respondent: Director Paul Sherwin, Investigator Andrew Martino, Ronald M. "Ron" Burris (Grievance Committee Chair and Board member)

PRE-HEARING MOTIONS

Respondent Board filed a Motion for Partial Summary Judgment contending Petitioner had admitted three of the four Board Findings, regarding the alleged violations in this matter, in Petitioner's responses to Respondent's discovery requests. Following arguments by legal counsel for the parties at hearing, the Undersigned denied the Motion.

FINDINGS OF FACT

BASED UPON careful consideration of the sworn testimony of witnesses presented at hearing, stipulations by the parties, documents admitted into evidence, having weighed all the evidence and assessed the credibility of the witnesses by the

appropriate factors for judging credibility, including but not limited to the demeanor of each witness; any interest, bias or prejudice each witness may have; the opportunity for each witness to see, hear, know and remember the facts or occurrences about which the witness testified; whether the testimony of each witness is reasonable; whether such testimony is consistent with all other believable evidence in the case, and upon assessing the sufficiency of the evidence from the record as a whole in accordance with the applicable rules and laws, the Undersigned finds as follows:

Parties

1. The parties, Petitioner Andy Renfrow and The Renfrow Group ("Petitioner") and Respondent North Carolina Private Protective Services Board ("Board" or "Respondent Board") are properly before this Tribunal in that jurisdiction exists, venue is appropriate, and the parties received proper notice of hearing.

2. The Respondent is an agency of the State of North Carolina, established pursuant to the North Carolina Private Protective Services Act, N.C. Gen. Stat. § 74C-1, *et seq.*, and is charged with the responsibility and duty to regulate the private protective services industry, which includes, *inter alia*, individuals and businesses providing unarmed and armed security guard and patrol services and private investigator services.

3. Petitioner Renfrow has held a Security Guard and Patrol business license and a Private Investigator license issued by the Board since April of 2019. Mr. Renfrow is the owner and Qualifying Agent of the security guard and patrol company that does business as "The Renfrow Group."

4. Official Notice is taken that after October 20, 2021 but before December 14, 2021, Petitioner Renfrow was appointed to Respondent Board as an appointee of the N.C. Speaker of the House and has served on Respondent Board since that time.

Petitioner's Admissions

5. In its Responses to Respondent's First Set of Interrogatories, Request for Admissions, and Request for Production of Documents, Petitioner admitted that during the audit period of January 1, 2020 through June 30, 2021, Petitioner violated N.C. Gen. Stat. §§ 74C-11(a), 74C-12(a)(6), and 74C-13(b) by:

- a. Employing one or more unregistered unarmed guards,
- b. Employing one or more unregistered armed guards, and
- c. Employing one or more unlicensed private investigators.

6. Given Petitioner's admissions, the remaining question is whether Petitioner Renfrow violated N.C.G.S. § 74C-12(a)(25) and demonstrated intemperate habits or a lack of good moral character during the October 20, 2021 Grievance Committee meeting.

Board's Authority

7. N.C.G.S. § 74C-4(a) authorizes the Board as the responsible agency for administering the licensing of and setting the education and training requirements for persons, firms, associations, and corporations engaged in the private protective services businesses within this State. 14B NCAC 16 .0101.

8. N.C.G.S. § 74C-6 establishes the position of the Board's Director and states that the Director shall administer the directives contained in the Act and the rules promulgated by the Board to actively police the industry.

9. The Board may conduct investigations regarding alleged violations of Chapter 74C or the Board's rules by its licensees, registrants, and certificate holders and punish misconduct by suspending or revoking the violator's license. N.C.G.S. 74C-5(3) and (6).

10. N.C.G.S. 74C-12(a)(25) provides:

The 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 applicant, licensee, registrant, or permit holder has . . . [d]emonstrated intemperate habits or a lack of good moral character. The acts that are prima facie evidence of intemperate habits or lack of good moral character under N.C.G.S. § 74C-8(d)(2) are prima facie evidence of the same under this subdivision.

The Board's Investigative Practices and Policy

11. The Board's staff assigns an investigator to investigate a complaint filed against a license. The assigned staff member writes an investigative report and provides the report to the Grievance Committee ("the Committee") for consideration at its Committee meeting. The licensee, registrant, or unlicensed person, is invited to attend the meeting and allowed to participate in the Committee's consideration of the complaint by making statements, rebutting allegations, answering questions, and providing additional evidence. Statements made to the Committee are not made under oath or affirmation.

12. Close to half of the cases that come before the Committee involve allegations of unlicensed activity; the second most common are registration violations for guards. (T. 157, 256-57).

13. When there are allegations of unregistered guards, the investigation begins with a review of the company's Employment Security Commission ("ESC") reports. The ESC Reports are quarterly reports filed by all employers stating whom their current employees are for tax purposes. The investigator compares the ESC reports with a company employee roster, and the company is given the opportunity to explain if an employee is or is not a security guard, such as an office manager. (T. 163-164) The Board determines who must be registered as a security guard in this manner whether there is a

complaint investigation, or a random audit conducted by the Board's investigators.

14. The Board has a somewhat standardized procedure for handling violations related to unlicensed or unregistered security guards. Typically, the investigator and the licensee determine during the investigatory process how many unregistered guards were employed by the licensee. The Investigative Report given to the Committee members provides a synopsis of the investigation and identifies a specific number of unregistered guards employed by the licensee. (T. 166-167, 212-213, 258-259, 273, 289-297).

15. Generally, the Board's staff and the licensee charged with employing unlicensed or unregistered guards resolve such charges by a Consent Order and the licensee's payment of a specific monetary penalty to the Board based on the number of violations. (T. 291). By policy, the Committee does not resolve a case through a consent agreement without a known number of registration violations. (T. 167-168)

16. According to the Board's Director, Paul Sherwin, it is extremely rare that there is a disagreement over which employees must be registered as guards, and any questions or issues are usually resolved prior to the presentation to the Committee. (T. 167) In Investigator Andrew Martino's four- and one-half years with Respondent, he does not know of any cases where the Grievance Committee entered a consent agreement with a licensee without knowing the number of armed and unarmed registrations. (T. 223)

Respondent's Investigation

17. On or about April 30, 2021, the Board received two separate complaints, a couple of days apart, from Zachary Irwin and David Weaver regarding the Petitioner's business practices. Irwin and Weaver alleged that Petitioner (1) employed unlicensed and unregistered security guards, and an unlicensed private investigator, and (2) conducted illegal business practices which were outside the Board's jurisdiction. (T. 94, Pet. Ex. 4).

18. Irwin is a former full-time employee and private investigator trainee under Petitioner Renfrow. He resigned from The Renfrow Group after serving a two-week suspension imposed by Mr. Renfrow. (T. 84) Irwin filed an anonymous complaint with the Board.

19. David Weaver is a former subcontractor with The Renfrow Group who was licensed by the Board as a Private Investigator. (T. 84) Weaver provided both private investigation and security work for Petitioner.

20. The Board's Field Services Supervisor, Kim Odom, reviewed the allegations and assigned Investigator Andrew Martino to the complaints. Investigator Martino has served as an investigator for the Board for almost five years. He worked previously as a New York City Police detective for over 20 years and a loss prevention manager for two major department stores, for a total of 38 years investigative experience.

21. From May 2021 through August 2021, Investigator Andrew Martino interviewed Petitioner and several former employees of Petitioner including Raymond Tahir, Zachary Irwin, David Weaver, and Matthew Synder. Synder was another former subcontractor for The Renfrow Group. (T. 85) Martino reviewed "Whats App" chat records, email reports, case audio and video reports, and copies of checks from Petitioner's employees for registration with the Board. (Pet. Ex. 19)

22. One allegation against Petitioner involved employing an unlicensed private investigator, Raymond Tahir. Investigator Martino knew immediately that allegation was true as Martino had conducted the investigation that resulted in the loss of Tahir's private investigator's license. (T. 226-227)

23. Before May 11, 2021, Petitioner Renfrow spoke with Investigator Martino about the complaints against him and about Petitioner's employment of Raymond Tahir, David Weaver, and Zachary Irwin. Petitioner Renfrow told Martino that he had employed Mr. Tahir but did not know when Tahir worked for him or that Tahir was unlicensed in the State of North Carolina. Renfrow acknowledged it was his fault that he did not do his due diligence in conducting a background check of Tahir before hiring him. Petitioner told Martino he was going to terminate Tahir's association with his company, and Petitioner fired Tahir shortly after talking with Investigator Martino. Petitioner also advised Martino that he had fired Zachary Irwin after learning of Irwin being disingenuous in his investigations with Petitioner's company. (Pet. Ex. 19, p. 3)

24. On June 17, 2021, Mr. Weaver requested the Board provide him "any and all records, files, PPSB Meeting Minutes, data regarding ALL Official PPSB Complaints against...Renfrow... and The Renfrow Group" and "any former licensees/registrants of The Renfrow Group, Inc that have complaints." (T. 202-203; Pet. Ex. 18). On August 17, 2021, the Board provided public records regarding Andy Renfrow to Weaver. The Board did not provide any complaint records to Weaver for any current or former licensees or registrants of Petitioner Renfrow as none of those licensees had been subject to a completed PPSB investigation. (T. 202-203, Pet. Ex. 18).

25. Zachary Irwin, Matthew Snyder, and David Weaver conducted their own separate investigations into Renfrow and his business practices. (T. 91). They also conducted business with each other after Mr. Irwin left Petitioner's employment. (T. 91)

26. By letter dated June 28, 2021, Supervisor Kim Odom advised Petitioner that Respondent was initiating an audit of Petitioner and requested Petitioner produce North Carolina Employment Security Commission Quarterly Wage Reports ("ESC"), and any other report, Form 1099s, etc. where Petitioner had paid compensation for the period January 1, 2020 through June 30, 2021. Odom directed Petitioner to deliver these reports, records, and documents to Investigator Martino within 10 working days of receipt of the letter. (Resp. Ex. 8.)

27. On July 2, 2021, Petitioner's attorney provided the ESC Reports for Petitioner to the Board pursuant to Investigator Martino's request. (Resp. Ex. 5) The records of the period in question showed that Petitioner had registered one security guard

with the Board. Investigator Martino knew the records were not complete because he had already interviewed people who had worked as guards for Petitioner but did not appear in the Petitioner's reports.

28. During the investigation, Petitioner Renfrow told Martino that the business documents, including confidential files and client contracts, which would show the number of unregistered security guards who were employed by The Renfrow Group during the period in question, were stolen by his former employee Zachary Irwin. (T. 63, 237, 267).

29. According to Investigator Martino, Zachary Irwin informed him that the business documents Petitioner claimed were stolen, were lost, not stolen. (T. 236-238). Yet, Investigator Martino did not include that statement by Mr. Irwin in his investigative reports. (T. 238) Regardless, Martino was aware that the documents showing the number of unregistered security guards employed by Petitioner were unavailable to Petitioner Renfrow as they had been either lost or stolen. (T. 63, 86-89, 103-115, 236-238).

30. On October 15, 2021, Martino sent his final investigative report to the Grievance Committee via e-mail. (T. 38, 49, 183-185, 229, Pet. Ex. 6)

a. In his investigative report, Martino summarized a registration compliance audit he conducted for the period January 1, 2020 through June 30, 2021. Martino suggested that the Board may wish to consider possible consent agreements with Petitioner based on the following information:

1. Based on ESC reports alone:

Committing 11 total violations by employing 2 unlicensed unarmed guards and employing 9 unlicensed armed guards.

2. Based on ESC/1099 Reports:

Committing 19 total violations by employing 2 unlicensed unarmed guards and employing 17 unlicensed armed guards.

3. Based on witness testimony [interviews] and "What's App" chats reviewed:

Committing 26 total violations by employing 4 unlicensed unarmed guards and employing 22 unlicensed armed guards.

(Pet. Ex. 6, PPSB000623-000624; Pet. Ex. 5, PPSB00370)

b. Martino also noted that "[t]here were no probationary rosters on file for Petitioner's company." (Pet. Ex. 6, PPSB00623-00624)

c. Martino cited N.C.G.S. §§ 74C-11(a), 74C-13, (a) and 74C-(6), (8), (25) and (31) as the statutes which Petitioner had allegedly violated. (Pet. Ex. 6, PPSB00624-00625)

31. As a result of his investigation, Investigator Martino also determined that numerous other allegations made by Weaver and Irwin were unfounded or were not a violation of the Board's law or administrative rules. (T. 161)

32. The Board's standard practice is for the investigator to send his/her entire investigative report to the complainants and the licensee against whom the complaints have been made after the Board's secretary e-mails the investigative report to the Committee members. The investigator does that so the complainants can review their individual statements for accuracy. (T. 183-184)

33. In this case, the Tribunal received differing testimony regarding whether it is standard procedure for the Board to send a copy of the Board's investigative report in a pending matter to the complainants and witnesses involved in the case before the Board issues a final disposition in the pending case. (T. 39, 69, 183-185, 229, 254). (Emphasis added).

34. On Friday, October 15, 2021, at 6:17 pm, Investigator Martino forwarded a copy of his entire investigative report to Zachary Irwin and David Weaver for their review. Martino asked Weaver and Irwin to send a copy of the report to Matthew Synder. (Pet. Ex. 6, PPSB00604)

35. 14 NCAC 16 .0115(e) provides that "[t]he Director shall notify the complainant and the licensee ... of the initial complaint and its final disposition." (Emphasis added). Investigator Martino violated 14 NCAC 16 .0155(e) when he sent copies of his entire investigative report to complainants Weaver, Irwin, and Synder while Petitioner's cases were pending before the Board and before the final disposition of the complaints.

36. Between October 15, 2021 and October 18, 2021, Zachary Irwin, Matthew Synder, and David Weaver individually emailed Investigator Martino with revisions or amendments to their statements as Martino had summarized in his investigative report.

a. Weaver stated that he had not alleged Petitioner was falsifying documents, as Martino had included as Weaver's statement. (Pet. Ex. 7, PPSB00627).

b. Synder listed nine (9) changes to his statement. Four times in Synder's statement, Martino incorrectly attributed statements that Petitioner Renfrow had allegedly made to Synder. In his email, Synder advised Martino that Petitioner Renfrow did not make such statements to Synder. (Pet. Ex. 8, PPSB00629)

c. Irwin identified four (4) "misquotes" and/or amendments to his statement listed in Martino's report. Irwin indicated he had only

changed time stamps on a photo due to a personal emergency, not to “fit a client’s need” as Martino had stated in the report. Irwin pointed out that he did not ask other investigators how to change time stamps, as Martino had claimed Irwin had said. Neither did Irwin confirm reports of guards working unregistered at multiple locations, as Martino had attributed to Irwin. Irwin also noted that he never told Martino that Petitioner Renfrow placed a poster at the National Guard to recruit people to staff the Black Friday event, as Martino had attributed as Irwin’s statement. (Pet. Ex. 9, PPSB00632-00633)

37. On October 20, 2021, Respondent’s Grievance Committee met and partially heard the complaints against Petitioner. (T. 41, 57, 260-263). Ronald “Ron” Burris, Nada Lawrimore and Jerry Pittman were three of the Committee/Board members who attended the meeting. At all relevant times:

a. Jerry Pitman was a licensed Private Investigator. Pittman has been a member of Respondent Board since 2018 and is a member of the Grievance Committee.

b. Nada Cleary Lawrimore was a public member of the Board, but not a Board licensee. Ms. Lawrimore served for eight and a half years on the Board and served on the Board’s Grievance Committee in 2021 and 2022. After Lawrimore received the initial Investigative Report from Investigator Martino, she had a lot of questions as the report was “vague in a lot of areas.” (T. 55)

c. Judge Ronald “Ron” Burris was a Board member and Chair of the Grievance Committee. Judge Burris has been on and off the Board over the past 15 or 16 years and was in his second two-year term with the Board. He is an attorney, former Chief District Court Judge, retired Superior Court Judge, and former General Counsel for the Stanley Regional Medical Center. He also served as Chair of the Committee during his previous service on the Board.

38. Although Respondent’s Grievance Committee meeting is not a due process hearing, as the Committee Chair, Judge Burris had a formalized process that allowed the licensee to speak, present additional facts and evidence, ask questions, and answer questions from Board members. He ensured that the licensee always had a copy of the Investigative Report and had a chance to review it. Judge Burris also allowed any complainant to speak at a Committee meeting.

39. The Committee uses specific protocols or processes in a grievance case in trying to resolve an allegation of failure to register guards. If the number of unregistered guards is known, and the licensee wished to settle the matter, one path was followed. If the number of unregistered guards was unknown or disputed, or the licensee does not wish to settle, another path was followed. (T. 258)

40. After Judge Burris received Martino's Investigative Report, he didn't think there was a clear issue of the types and number of violations. Judge Burris thought the Report included a lot of extraneous things that Burris didn't think were violations. (T. 259)

41. At the October 20, 2021 Committee meeting, Judge Burris had staff write the allegations against Petitioner on a whiteboard so the Committee could determine the specific number of unregistered or unlicensed armed and unarmed guards Petitioner had employed. These allegations were based on the reports, documents and other information received by Investigator Martino. The Committee also used a color-coded chart on the video screen to compare known employees of Petitioner to employees reported by Petitioner to the Employment Security Commission. (T. 57-58) The Committee did not examine any of the information in Martino's investigative report, but mostly reviewed the Petitioner's ESC Reports regarding the number of guards employed. (T. 57) The Committee "never heard the full case" against Petitioner that day. (T. 55)

42. Mr. Pittman thought the meeting was "out of the ordinary" since it was "drawn out" and took longer than usual. (T. 41) Judge Burris spent a lot of time trying to get details but "not gaining much leeway." (T. 41) Mr. Pittman thought the Committee's discussion of Petitioner's case was "... spinning our wheels. It wasn't going forward. . . . There was no final number [of employed unlicensed guards by Petitioner]. More information was forthcoming. So, it's [it was] kind of confusing to render an opinion as to the grievance itself." (T. 48-49)

43. In Ms. Lawrimore's eight years on the Committee, she has never seen a complaint investigated the way the complaints against Petitioner Renfrow were investigated. The Committee has never used a whiteboard to track the allegations against a licensee during the Committee meeting to figure out the number of unlicensed violations after hearing evidence from the licensee. (T. 58, 67). Usually, the investigator has determined and listed the number of unregistered guards in his report by the time a grievance is brought before the Committee. (T. 66)

44. Ms. Lawrimore described the Committee's process as "a little unusual" for two reasons. (T. 59) First, Lawrimore was surprised that the individuals who made the accusations against Petitioner had been sent the investigative report before the Committee hearing. "It was just not normal." (T. 59) Second, the night before the October 20, 2021 Committee meeting, the Committee received notice that three of the witnesses against Mr. Renfrow had changed their testimony, which also has never occurred before. (T. 59)

45. During the Committee's process of trying to figure out the number of unlicensed guards Petitioner had employed, Petitioner made several statements to the Committee which ended up being the basis of another allegation against Petitioner Renfrow, i.e., lack of good moral character.

46. During the meeting, Petitioner's counsel, Mr. Nick Dowgul, and Petitioner Renfrow met with the Committee Chair Ron Burris in closed session about a potential settlement offer. (T.102, 108-109). Petitioner Renfrow thought he had reached a consent

agreement with the Board, through their conversation with Judge Burris, to pay a lump sum payment and resolve all the violations for employing unlicensed guards. However, when the Committee returned to open session, Chair Burris rescinded the settlement offer. (T. 102, 108-109).

47. The Grievance Committee failed to resolve Petitioner's matter at the October 20, 2021 meeting and continued or deferred Petitioner's matter until the Committee's December 14, 2021 meeting. Chairman Burris instructed Investigator Martino to meet with Mr. Renfrow and see if they could work the matter out and determine "how many violations there were, if they were armed [or] unarmed." (T. 224)

48. After the meeting, Investigator Martino met with Mr. Renfrow and his attorney but was unable to make any further progress in settling the matter.

49. Around 1:11 pm on October 20, 2021, Investigator Martino received two additional emails from Zachary Irwin claiming he could provide proof that Petitioner had made untruthful statements during the October 20, 2021 Committee meeting. On October 21, 2021, Mr. Irwin sent Investigator Martino six more emails containing timesheets, photographs, text messages and dates and times of locations Mr. Irwin had worked security for Petitioner. Irwin also sent Martino a list of organizations with whom Petitioner had subcontracted to provide security guards. (T. 170, 193-194, 229, 232, Resp. Ex. 2).

50. Based on the additional information he received, Martino continued investigating the original complaints against Petitioner including a new complaint that Petitioner had lied to the Committee and was disingenuous during the October 20, 2021 meeting. (T. 228). As a result, it was not possible for Martino to create a precise Final Report.

51. Investigator Martino and Director Sherwin issued subpoenas to approximately 10 to 15 organizations Mr. Irwin had identified as having hired Petitioner for security and patrol services and asked those businesses to produce their contract-related documents with Renfrow. (T. 172, 193-194, 222). After subpoenas were issued, the information "trickled in" over time, and only five or six organizations responded. Some responded after Martino had prepared what he thought was his Final Report, thus necessitating Supplemental Reports be written. (T. 221-222)

52. In Pittman's four years as a Committee member, Petitioner's case was the first time an investigator issued a subpoena to third parties for information because the licensee "was not forthcoming with information." (T. 40)

53. Although Investigator Martino sent subpoenas to other organizations for documents relating to their contracts with Petitioner for security and patrol services, neither Martino nor any other staff of Respondent ever requested any documents, other than 1099s and ESC reports, from Petitioner Renfrow and/or his attorney. (T. 246; Answer to Request for Admissions Nos. 4 and 5, Exhibit A to Respondent's Motion for Partial Summary Judgment)

54. On November 23, 2021, Petitioner's attorney proposed a settlement offer, via email, to Investigator Martino that Petitioner Renfrow:

. . .will agree to admit that he did have 36 unarmed guards and 4 armed guards working for him that were unarmed. He was not being untruthful to the Board at the last scheduled informal hearing, He just did not know that subcontractors needed to be registered by his company. The statute does say 'employees' which is where I believe his confusion stemmed from. . . he'll pay the fine associated with those 40 total registration issues, which I believe will total \$5,140.80.

(Pet. Ex. 10, PPSB01061; Resp. Ex. 2, p. 5; T. 108). The Board rejected Petitioner's settlement offer. (T.108)

55. On December 8, 2021, Respondent's staff sent the case agenda to the Committee for its upcoming December 14, 2021 meeting. Petitioner's case was to be heard by the Committee. (Pet. Ex. 13, p. 1) Staff also sent Investigator Martino's December 8, 2021 Supplemental Investigative Report in Petitioner's case to the Committee.

a. The December 8, 2021 report summarized the October 2021 additional emails from Irwin and attached documentation showing that Petitioner provided unregistered unarmed and armed security guards to specified businesses in September, October, and November of 2020. (Pet. Ex. 11; Resp. Ex. 2)

b. Investigator Martino added a new alleged violation against Petitioner; to wit: Petitioner Renfrow demonstrated intemperate habits and showed a lack of good moral character, in violation of N.C.G.S. § 74C-12(a)(25), by making the following untrue statements during the October 20, 2021 Committee meeting:

At the Board's Grievance Committee hearing on October 20, 2021, while being questioned by Committee members about when in 2020, Mr. Renfrow worked security contracts, Mr. Renfrow said, 'I can make this easy for everybody. The very first security guard detail I ever did was in December 2020. Well, I take it back. November, late November 2020, first part of December 2020.'

. . . Mr. Renfrow stated, 'We do not do armed work. We only do unarmed work, as far as security goes.'

(T. 103; Pet. Ex. 11, PPSB01214)

c. Martino noted that the documentation attached to the Supplemental Investigative Report proved the above-cited statements

by Renfrow were untrue as it showed Petitioner worked security guard details in September, October and November 2020 and showed that Petitioner also worked armed security guard details. (Pet. Ex. 11, PPSB01214).

56. On Thursday, December 9, 2021, at 4:34 pm, Investigator Martino sent his December 8, 2021 Supplemental Investigative Report, via e-mail, to Mr. Weaver and Mr. Irwin. (Pet. Ex. 11) At 5:09 pm that same day, Zachary Irwin responded to Martino's email and indicated that he did not work the security at Honey Baked Ham as Martino had incorrectly stated that Irwin told him he and another person had worked that assignment. (Pet. Ex. 12, PPSB01329)

57. On or about Friday, December 10, 2021, three business days before the scheduled December 14, 2021 Committee meeting, the Board received responses to their subpoena requests from Protos Security Group, a nationwide security business with whom Petitioner had subcontracted to provide security guards between late November/early December 2021 and February 2021. Protos Security was not licensed to perform security guard and patrol work in North Carolina. (Pet. Ex. 20) Investigator Martino analyzed the newly-received information and compiled the new information into a supplemental report.

58. At 10:08 pm on Monday, December 13, 2021, Director Sherwin sent Martino's second Supplemental Investigative Report to the Committee members for the Committee's December 14, 2021 meeting. (T. 186-187; Pet. Ex. 13).

59. The morning of December 14, 2021, Petitioner's attorney requested the Committee defer consideration of Petitioner's case at its December 14, 2021 meeting because Petitioner wished to review the latest information the Board had received. It is routine for the Committee to defer hearing a matter if the licensee requests. (T. 187)

60. During the investigation, Investigator Martino wrote and submitted approximately six (6) separate Final and/or Supplemental Investigative Reports to the Grievance Committee about the complaints filed against Petitioner. (T. 206, 208, 246).

a. The Final Investigative Report, dated September 1, 2021, was sent to the Committee on or before October 15, 2021. (Pet. Ex. 5)

b. On October 19, 2021, Martino sent the Committee his first Supplemental Report for the October 20, 2021 Committee meeting to clarify or correct statements by Weaver, Irwin, and Synder. (T. 206; Pet Ex. 19)

c. On December 8, 2021, Martino sent a second Supplemental Report, undated, to Director Paul Sherwin and Martino's supervisor, Kim Odom. That report summarized the October 2021 additional emails from Irwin and attached documentation showing that Petitioner provided unregistered unarmed and armed security guards to specified businesses in September, October, and November of 2020. (Pet. Ex. 11)

d. On Monday, December 13, 2021, at 10:08 pm, Director Sherwin sent another Supplemental Report to the Grievance Committee, the night before the December 14, 2021 Committee meeting, addressing the subpoena responses from Protos Security Group about security guard contracts with Petitioner. (T. 206; Pet. Exs. 13, 20)

e. On January 7, 2022, Investigator Martino sent Director Sherwin a Supplemental Investigative Report about a new complaint against Petitioner. (Pet. Ex. 16) On February 9, 2022, Director Sherwin advised Petitioner's attorney that the new potential violation was unfounded, and the Board was not pursuing that claim. (Pet. Ex. 17)

f. On February 9, 2022, Investigator Martino issued and sent another Final Investigative Report to the Committee about the complaints against Petitioner. (Pet. Ex. 21)

61. On Tuesday, February 15, 2022, the Grievance Committee resumed its consideration of the alleged violations against Petitioner. Petitioner Renfrow brought additional documents to that Committee meeting about Petitioner's subcontracts for many of the security guards at issue. Petitioner did not produce any contracts or canceled checks to verify what he told the Committee.

62. The Committee considered the Final Investigative Reports, and the supplemental Investigative Reports. Ms. Lawrimore, Mr. Pittman, and Judge Burris attended the meeting. At that meeting, Ms. Lawrimore observed:

. . . There seemed to be . . . a lot of confusion about what Mr. Renfrow was being charged with. We didn't seem to know how many unarmed and armed guards that we were dealing with. We were trying to come to a conclusion about what to charge him with. . .

(T. 62-63) Mr. Pittman thought that it was very unusual for a case to take six months from beginning to end. (T. 42).

63. At that Committee meeting, Board member Steve Johnson made a motion to find Petitioner committed the violations of failure to register armed and unarmed guards, employing an unlicensed private investigator, and Petitioner Renfrow demonstrated a lack of good moral character. Johnson also moved that the Committee suspend Petitioner's licenses for 12 months with the first 6 months being an active suspension, and the second 6 months being suspended provided Petitioner comply with the Board's statutes and rules and received favorable results from compliance audits. (T. 288)

64. There was no discussion amongst the Grievance Committee members before they voted on the motion about the substantive merit of the violations or the proposed disciplinary action to be imposed. (T. 300) Instead, the Committee unanimously voted to approve the motion and impose the proposed suspension against Petitioner's licenses. (T. 51, 300)

65. Judge Burris did not know where or how member Steve Johnson came up with a 12-month suspension with six months active and six months suspended. According to Judge Burris, "Mr. Johnson came up with that when he made the motion." (T. 288)

66. Mr. Pitman voted in favor of Mr. Johnson's motion even though he wanted to receive a completed report about the violations against Petitioner but "we never received what was a final report. It kept being an amendment to an amendment to amendment." (T. 50) Even as of the date of contested case hearing, Mr. Pittman could not tell how many violations were before the Grievance Committee. (T. 50)

67. The Committee found that Petitioner violated N.C.G.S. §§ 74C-13(b), 74C-11(a), 74C-12(a)(6) and 74C-12(a)(25) and recommended the full Board suspend Petitioner's security guard, patrol, and private investigator's licenses for 12 months: the first 6 months would be an active suspension, but the second 6 months of the suspension would be suspended on the condition Petitioner Renfrow comply with N.C.G.S. § 74C and the Board's rules and receive a favorable result from a registration audit for Quarters 3 and 4 of 2021, and Quarters 1 and 2 of 2022. (Pet. Ex. 1)

68. On February 17, 2022 meeting, the full PPSB Board met and approved the Committee's recommended findings of the violations and suspension of Petitioner's licenses. (Pet. Ex. 1) Judge Burris noted "there was no discussion at the Board meeting" about the Grievance Committee's decision about Petitioner's case. (T. 271)

69. The Board's February 21, 2022 Findings document does not provide any specific information explaining the basis of the findings or of the Board's imposition of the 12-month suspension of Petitioner's license. The Findings merely list the statutes Petitioner had allegedly violated. (Resp. Ex. 1)

70. Near the end of March of 2022, Petitioner Renfrow received two separate letters from the Board that Petitioner's licenses had been suspended based upon the Board's February 21, 2022 decision. (Pet. Ex. 2) Respondent erroneously suspended Petitioner's licenses before the 60 days, to request a contested case hearing, had expired. This error was not intentional but was caused by Director Sherwin's misunderstanding and failure to direct staff when the Board's decision was final and should be implemented. Director Sherwin corrected this error after Petitioner's counsel notified Sherwin of the error. (T. 190-191) The suspension was active for 2 or 3 days. (T. 81, 191)

Contested Case Hearing

(1) Employing Unregistered Security Guard Violation

71. Investigator Martino opined the investigation into Petitioner's case was "as difficult as they come, but it should not have been. It should have been just a run-of-the-mill audit, complaint that we do all the time." (T. 212) He admitted that he has never had to investigate a case where a licensee's records and documents were stolen. (T. 231)

72. Neither Zachary Irwin nor David Weaver, nor Matthew Synder testified at the contested case hearing.

73. Mr. Renfrow admitted he had employed Ray Tahir as a private investigator but was unaware the Board had revoked Mr. Tahir's license. Renfrow had worked with Tahir before when Mr. Tahir's license was valid.

74. Mr. Renfrow admitted he employed armed and unarmed guards without registering them with the Board. (Emphasis added)

75. Mr. Renfrow claimed he started looking for the records the Board requested from day one, when he received the Board's request in June 2021, and never stopped.

a. Petitioner produced documents to Investigator Martino in July of 2021.

b. On November 24, 2021, Petitioner's attorney provided email documents to the Board regarding Petitioner's contract with Best Buy to provide security guard services. (Pet. Ex. 11, PPSB01213-01214)

c. On February 14, 2022, Mr. Renfrow's staff located documents in a file cabinet containing older files and recovered e-mails that Mr. Irwin had deleted from Petitioner's Gmail account by going through a "back door" into Google Suites into Petitioner's email account. (T. 90) Mr. Renfrow located a spreadsheet showing the 70 shift assignments for guards he employed to service Best Buy stores across North Carolina for Black Friday in 2020. (T. 88-89; Pet. Ex. 11, PPSB01220-01222; Pet. Ex. 12, PPSB01338-01339) Renfrow provided these documents to the Committee as its February 15, 2022 meeting. (T. 89)

d. While Investigator Martino and Director Sherwin sent subpoenas to other organizations for documents relating to their contracts with Petitioner for security and patrol services, neither Martino nor any other staff of Respondent ever requested any documents, other than 1099s and ESC reports, from Petitioner Renfrow and/or his attorney. (T. 246; Answer to Request for Admissions Nos. 4 and 5, Exhibit A to Respondent's Motion for Partial Summary Judgment)

76. The evidence in the record showed that Respondent's staff did not believe Petitioner's claim that his business documents had been stolen. When Petitioner provided additional files, he had located to Martino in November 2021, Martino told his supervisor, Kim Odom: "This is just convenient that he managed to find these contracts when all along he has been saying [t]he paperwork was stolen. Some of this stuff is from 2021 that I didn't even ask about." (Pet. Ex. 10, PPSB01058)

77. At hearing, even Petitioner Renfrow acknowledged that if he were sitting as a member of the Grievance Committee, he would not consider his explanation for not

finding documentation until two days before the last grievance hearing in February 2022, to be plausible. (T. 114)

78. The evidence at hearing proved that Investigator Martino's audit of the ESC/1099 reports, and witness testimony and texts he reviewed, showed that Petitioner committed 26 violations by employing 22 unregistered armed and 4 unregistered unarmed security guards. (Pet. Ex. 21, p. 15 of 153)

79. The evidence also established that Petitioner Renfrow proposed a consent agreement to settle the unarmed and armed security guard registration violations by agreeing to admit he employed 36 unarmed guards and 4 armed guards, totaling 40 total registration issues, and pay a fine of \$5,140.80 for those registration violations. (Pet. Ex. 10, PPSB1061)

80. Martino's audit results and the Petitioner's proposed consent agreement to settle and admit a specific number of violations were in the investigative reports before Respondent Board when the Committee and when the Board decided to impose a suspension against Petitioner's license.

81. Yet, at the contested case hearing, Investigator Martino and Director Sherwin conceded they never determined a definitive number of unregistered armed and unarmed guards Petitioner employed, and thus, failed to determine the total number of guards Petitioner failed to register. Investigator Martino "just had no clue at the time" how many violations there were by Petitioner. (T. 224) Director Sherwin was not even willing to take a "wild guess." (T. 177) Even Petitioner Renfrow acknowledged that he still did not know how many guards he had failed to register. (T. 110)

(2) Lack of Good Moral Character Alleged Violation

82. The Respondent Board approved the Grievance Committee's recommendation to find Petitioner Renfrow lacked good moral character and temperate habits.

83. In Judge Burris' opinion, the Board's suspension of Petitioner's licenses was based on the lack of good moral character violation, and not based on the unlicensed activity violation. (T. 296) Judge Burris felt the suspension was based on what the Board felt about Mr. Renfrow's "behavior and his actions, his misstatements, which we considered to be misleading, if not just outright false, and the fact that he had not been forthright during the investigation and during the [October 20, 2021] hearing." (T. 296)

84. Judge Burris thought Petitioner Renfrow demonstrated a lack of good moral character by not cooperating with the Board and producing the required documents. Renfrow's behavior contrasted with what Judge Burris generally sees and expects from a licensee. Judge Burris thought Mr. Renfrow made untruthful statements that were not inadvertent, or misstatements given the documentation in evidence. (T. 271-272)

85. Judge Burris also thought Mr. Renfrow was not being responsible in his relationship with the Committee and was not honest with the Committee about the situation. (T. 272) He explained:

[A] couple of times he made statements that I thought that the evidence clearly showed were not truthful and that they weren't inadvertent or just misstatements, but that I think he made those statements in an attempt to convince us at the time he made them to believe what he said because it was in his best interest that we believe that.

(T. 271-273).

86. Burris judged Mr. Renfrow's credibility, and what else he heard, the other witnesses, and all the documents. (T. 271-273) He opined that if the Committee had reached a consent agreement with Petitioner Renfrow, the Committee never would have reached the second hearing where "there was this cascade of misstatements and untruths." (T. 296)

87. There was no audio or video recording, or transcript of the October 20, 2021 Committee meeting produced at the contested case hearing. This lack of evidence makes it difficult for the Undersigned to determine what Petitioner Renfrow actually said at the October 20, 2021 meeting, if he made "untrue" statements, under what context he made the "untrue" statements, and if such statements demonstrated lack of good moral character sufficient to justify a suspension.

88. The only evidence presented at the contested case hearing about the substance of Petitioner's statements at the October 20, 2021 Committee meeting was (1) Investigator Martino's Supplemental Investigative Report summarizing Renfrow's alleged statements, (2) witness testimony recalling what they heard Renfrow say, and (3) Petitioner Renfrow's admission that he made untrue statements during the October 20, 2021 meeting. (T. 103)

89. Sometime after October 20, 2021, Mr. Renfrow realized these statements to the Committee were not true.

90. At the contested case hearing, Petitioner Renfrow acknowledged he made untrue statements at the October 20, 2021 Committee meeting. He admitted that he employed unlicensed armed, as well as unarmed, security guards, and did so before November 2020. He acknowledged that he was 100% responsible for having the information secured to know the number of guards he had employed. (T. 110-111) "Every day I take responsibility of not, you know, having the information secured that should have been secured . . ." (T. 110)

91. Based on Petitioner's admissions, the evidence presented at hearing sufficiently established that Petitioner Renfrow made untrue statements to the Committee on October 20, 2021. (T. 103)

92. The evidence at hearing also established that when Petitioner Renfrow made these "untrue" statements to the Grievance Committee, he believed them to be true, and he did not intend to mislead or otherwise be dishonest or lie to the Committee. (T. 103-104) Mr. Renfrow's beliefs were based on the following:

a. Petitioner Renfrow frequently used subcontractors to do armed and unarmed guard work and many of the guards in question in this case were subcontracted. Mr. Renfrow did not know that subcontractors needed to be registered by his company because he believed and "was confident that" he was not using any of his "employees," as that term is required by Chapter 74C, to do that kind of work. (T. 104, 106)

b. Mr. Renfrow explained his misstatements were based on his misunderstanding of the registration requirement; that is, he misunderstood the period an unarmed guard could serve as a "probationary" employee and that he was required to submit a list of all probationary unarmed guards to the Board's Director.

c. When Renfrow made those misstatements, he did not have any documentation with him that he needed to confirm his statements because Zach Irwin had stolen his client confidential lists and contracts including his subcontractor documents. (T. 104). Irwin's theft prevented Renfrow from providing information regarding employees and other documents to Investigator Martino. (T. 86, 106) Those stolen documents would have been helpful in speaking with the Committee. (T. 104)

d. Furthermore, Petitioner Renfrow was not under oath when he spoke to the Committee during the October 20, 2021 meeting but was informally trying to assist the Committee in identifying a specific number of unarmed and armed guard registration violations so he could settle the alleged violations against him through a consent agreement. (Pet. Ex. 11, PPSB01214)

93. The substantial evidence at hearing proved that Petitioner Renfrow's untrue statements to the Grievance Committee on October 20, 2021 was a single isolated incident. There was no evidence Petitioner Renfrow made any untrue statements during his interview with Investigator Martino or at any other time during Respondent's investigation into the alleged violations against Petitioner. Neither was there any evidence proving Petitioner made such statements intentionally, with malice or bad faith, or made to mislead or deceive the Grievance Committee. In addition, Petitioner Renfrow has not been previously disciplined by the Board.

94. Dr. Michael Tucker has been a North Carolina licensed private investigator since 2013. Dr. Tucker served in various law enforcement positions working in the areas of narcotics, gang related crimes, and an Anti-Crime Unit. (T. 129-131) Dr. Tucker has known Mr. Renfrow for approximately four years. He "has not known Mr. Renfrow to be a liar" or teller of "tall tales." (T. 151)

95. Dr. Tucker attended the Committee's October 20, 2021 meeting. He described the meeting as an informal hearing where Judge Burriss spoke to Mr. Renfrow,

Renfrow's attorney and Investigator Martino about whether the allegations against Petitioner were true or not true. He opined that the purpose of that meeting was to discuss a consent agreement about the allegations against Petitioner. Dr. Tucker heard Mr. Renfrow speak and believes Mr. Renfrow believed he was being truthful when he spoke to the Committee during the October 20, 2021 meeting. (T. 149-151)

(3) Disciplinary Action Imposed

96. The evidence at hearing showed that when the Board identifies the number of violations a licensee has committed, either through a consent agreement or after hearing evidence on the violations, the Board uses a formula to determine the amount of monetary fine or penalty that it will impose on the licensee for those violations. (T. 291-296)

97. Substantial evidence at hearing established that neither the Grievance Committee nor the full Board engaged in any discussion, during their respective meetings, to determine the number of registration violations or the basis for finding Petitioner violated N.C.G.S. §§ 74C-11(a), 74C-12(a)(6), 74C-13(b) or 74C-12(a)(25). There was no audio or video recording or transcript of the full Board's February 2022 meeting detailing the Board's findings that Petitioner violated the subject provisions of Chapter 74C, presented as evidence at the contested case hearing.

98. At the contested case hearing, Judge Burris opined that the Board "thought there were a lot of violations," (T. 286) and "in the ultimate finding, we did not make a specific finding that there was [sic] 72 violations or 36 or 136 violations." (T. 286) We found there was "a significant number of serious violations and that we did not have to find a determinate number because one violation is a violation." (T. 286)

99. The undisputed evidence established that neither the Committee nor the Board, during their respective meetings, discussed the reason(s) for deciding to impose a 12-month suspension of Petitioner's licenses, if the Committee or the Board considered imposing a lesser suspension period, or if they considered a lesser sanction than a 12-month suspension, or a written reprimand in accordance with 14B NCAC 16 .0106.

100. There was no evidence the Board used any criteria or formula in deciding to impose a suspension against Petitioner's licenses. There was no evidence that the Board engaged in a fair course of reasoning or exercise of judgment in deciding to impose a suspension of Petitioner's licenses. The Board merely voted on the motion to approve the Committee's recommendation of a suspension.

101. The Board's February 21, 2022 Findings document did not reflect Judge Burris' opinion that the Board found that a "significant number of serious violations" were committed by Petitioner. Neither did the Board's February 21, 2022 Findings document indicate the Board's basis or reasoning for finding the violations of the statutes listed or for imposing a suspension of Petitioner's licenses.

102. While a unanimous vote by the Committee or Board may imply Respondent's other board members agreed with the proposed findings and proposed penalty against Petitioner's licenses, such implication does not relieve the Board of its duty to issue an agency action in accordance N.C.G.S. § 74C-5(6) which requires a suspension "shall be in accordance with Chapter 150B of the North Carolina General Statutes."

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has personal and subject matter jurisdiction over this contested case, and the parties received proper notice of the hearing in this matter. To the extent that the Findings of Fact contain Conclusions of Law, or that the Conclusions of Law are Findings of Fact, they should be so considered without regard to the given labels. *Charlotte v. Heath*, 226 N.C. 750, 755, 40 S.E.2d 600, 604 (1946); *Peters v. Pennington*, 210 N.C. App. 1, 15, 707 S.E.2d 724, 735 (2011).

2. An administrative tribunal need not make findings as to every fact which arises from the evidence and need only find those facts which are material to the settlement of a dispute. *Flanders v. Gabriel*, 110 N.C. App. 438, 440, 429 S.E. 2d 611, 612 (1993).

3. Respondent Board is established pursuant to N.C.G.S. § 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. Respondent is also authorized by law to make rules setting minimum standards for certification in the fields it oversees.

Burden of Proof

4. When an agency requests designation of an Administrative Law Judge to hear a case pursuant to N.C.G.S. § 150B-40(e), the Administrative Law Judge sits and presides over the Article 3A hearing in the place of the agency and makes a "proposal for decision" back to the agency. N. C. Gen. Stat. § 150B-40. In such a case, "[t]he provisions of [Article 3A], rather than the provisions of Article 3, shall govern a contested case ..." N. C. Gen. Stat. § 150B-40(e).

5. Since this Tribunal is hearing this contested case on Respondent's request, pursuant to N. C. Gen. Stat. § 150B-40(e), for designation of an Administrative Law Judge to preside at a contested case hearing under Article 3A, Chapter 150B of the North Carolina General Statutes, this Tribunal presides over this case in place of the Respondent and then makes a written Proposal for Decision to the Respondent Board.

6. The burden of proof is not defined or allocated to a specific party in either Article 3A, Chapter 150B of the N. C. General Statute, in the Respondent Board's governing statute, Chapter 74C, or its administrative rules in 14B NCAC 16. 0101 *et seq.*

7. In *Peace v. Employment Sec. Comm'n of N. Carolina*, the North Carolina State Supreme Court recognized that neither the North Carolina Constitution nor the

North Carolina General Assembly had specifically addressed the proper allocation of the burden of proof in “just cause” termination cases. The Court in *Peace* stated:

In the absence of state constitutional or statutory direction, the appropriate burden of proof must be “judicially allocated on considerations of policy, fairness and common sense.” 1 Kenneth S. Broun, *Brandis & Broun on North Carolina Evidence* § 37 (4TH ED. 1993). Two general rules guide the allocation of the burden of proof outside the criminal context: (1) burden rests on the party who asserts the affirmative, in substance rather than form; and (2) the burden rests on the party with peculiar knowledge of the facts and circumstances. *Id.*

Peace, 349 N.C. 315, 328, 507 S.E.2d 272, 281 (1998). (Since *Peace*, the legislature has allocated the burden of proof in just cause termination, demotion, or suspension cases to the employer State agency. N. C. Gen. Stat. § 126-34.02(d).)

8. N. C. Gen. Stat. § 150B-40 provides that the “hearings shall be conducted in a fair and impartial manner” and that the presiding officer, including the ALJ, may “regulate the course of the hearings.” It is reasonable and sound that the presiding officer may dictate who has the burden of proof in the course of regulating a contested case hearing.

9. Applying the general principles of policy considerations, fairness, and common sense, the Tribunal determines that Respondent Board should bear the burden of proof where Respondent has investigated a license/certificate holder and takes disciplinary action against that license/certification based upon Respondent’s investigation. Therefore, in this case, Respondent has the burden of proof to prove that its proposed suspension of Petitioner’s licenses was proper and should be upheld.

Applicable Statutory Authority

10. N.C.G.S. § 74C-11 provides:

(a) All licensees may employ unarmed security guards as probationary employees for 20 consecutive calendar days. Upon completion of the probationary period and the desire of the licensee to hire an unarmed security guard as a regular employee, the licensee shall register the employee who will be engaged in providing private protective services covered by this Chapter with the Board within 30 days after the probationary employment period ends, unless the Director, in the Director’s discretion, extends the time period, for good cause. Before a probationary employee engages in private protective services, the employee shall complete any training requirements, and the licensee shall conduct a criminal record check on the employee, as the Board deems appropriate. The licensee shall submit a list of the probationary employees to the Director on a monthly basis. The

list shall include the name, address, social security number, and dates of employment of the employees.

11. N. C. Gen. Stat. § 74C-13(b) states:

It shall be unlawful for any person, firm, association, or corporation and its agents and employees to employ an armed security guard or an armed private investigator and knowingly authorize or permit the armed security guard or armed private investigator to carry a firearm during the course of performing his or her duties as an armed security guard or an armed private investigator if the Board has not issued him or her a firearm registration permit under this section or if the person, firm, association, or corporation permits an armed security guard or an armed private investigator to carry a firearm during the course of performing his or her duties whose firearm registration permit has been suspended, revoked, or has otherwise expired.

12. Under N.C.G.S. § 74C-5, the Board shall have the power to:

(3) Conduct investigations regarding alleged violations and to make evaluations as may be necessary to determine if licensees and trainees under this Chapter are complying with the provisions of this Chapter. . .

(6) Deny, suspend, or revoke any license or trainee permit issued or to be issued under this Chapter to any applicant, licensee, or permit holder who fails to satisfy the requirements of this Chapter, or the rules established by the Board. The denial, suspension, or revocation shall be in accordance with Chapter 150B of the General Statutes of North Carolina. . .

(13) Conduct investigations regarding unlicensed activity and issue cease and desist letters with the concurrence of the Secretary of Public Safety.

13. N.C.G.S. § 74C-12(a) provides that Respondent may suspend a license, certification, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, trainee, registrant, or permit holder has done any of the listed acts including:

(6) Engaged in or knowingly permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license or registration issued under the provisions of this Chapter. . .

(25) Demonstrated intemperate habits or a lack of good moral character. The acts that are prima facie evidence of intemperate

habits or lack of good moral character under G.S. 74C-8(d)(2) are prima facie evidence of the same under this subdivision.

14. N.C.G.S. § 74C-8(d)(2) provides:

The following shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, State, federal, or military court of any crime involving the illegal use, carrying, or possession of a firearm or other deadly weapon; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving unlawful breaking or entering, burglary, or larceny; or a history of addiction to alcohol or a narcotic drug; provided that, for purposes of this subsection, "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.

15. As a State agency and occupational licensing agency, the Board must follow the rules it has established, as "[a]n agency of the government must scrupulously observe rules, regulations, or procedures which it has established. When it fails to do so, its action cannot stand, and courts will strike it down." *Tully v. City of Wilmington*, 370 N.C. 527, 536, 810 S.E.2d 208, 215 (2018).

Respondent Board violated N.C.G.S. § 74C-7 and 14B NCAC 16 .0115(e)

16. The Tribunal concludes as a matter of law that the Board failed to conduct its investigation of the complaints against Petitioner in accordance with N.C.G.S. § 74C-7 and 14B NCAC 16 .0115(e).

17. Any investigation conducted pursuant to N.C.G.S. § 74C-7 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." N.C.G.S. § 74C-7.

18. 14B NCAC 16 .0115(e) provides that the Director of the Board shall notify the complainant and the licensee, trainee, registrant, or certificate holder of the initial complaint and its final disposition. (Emphasis added).

19. Based on Rule 14B NCAC 16 .0115(e) and N.C.G.S. 74C-7, the Petitioner as the licensee, was entitled to the report, while the complainants, Irwin and Weaver, were entitled to only the initial complaint and its final disposition.

20. There is nothing in Chapter 74C or the Board's rules that authorize the Board to voluntarily provide complainants with the Board's entire investigation report

without the complainant submitting a Public Records Request pursuant to N.C.G.S. § 132-1. ("Public Records") The complainants are only entitled to receive notification of the initial complaint and its final disposition, not the entire investigation report. 14B NCAC 16 .0115(e); N.C.G.S. § 74C-7.

21. In this case, Investigator Martino provided the entire investigation report to the complainants and witnesses, Irwin, Snyder, and Weaver before the Board had rendered its final disposition of the case. (T. 229-230). This resulted in Irwin, Snyder, and Weaver not only changing their statements (T. 40, 48, 229-230, Pet. Ex. 7, 8, and 9), but making the additional allegation that Petitioner Renfrow had lied to the Grievance Committee on October 20, 2021. Based on the additional allegation, Investigator Martino expanded the original scope of his investigation and charged Petitioner Renfrow with demonstrating intemperate habits or lacking good moral character in violation of N.C.G.S. § 74C-12(a)(25). (T. 41, Resp. Ex. 1).

22. By providing his investigative reports to Irwin, Synder, and Weaver before the Board's "final disposition" of the complaints against Petitioner, Investigator Martino and the Board violated 14 NCAC 16 .0115(e) and N.C.G.S. § 74C-7. If Martino wanted to ensure the accuracy of a witness's statement, as he stated (T. 229), then he could have provided the complainants with the opportunity to review their own individual statements without the remainder of the Martino's investigative report. (T. 49).

N.C.G.S. §§ 74C-11(a), 74C-12(a), 74C-13(b) Violations

23. Petitioner Renfrow admitted he directly employed unarmed and armed security guards of an unknown number without having registered them with the Board. A licensee's misunderstanding of a requirement so essential to the conduct of a security guard and patrol business as knowing when guards must be registered, and the process for doing so, is unacceptable. Based on Petitioner Renfrow's admission, the evidence proved that Petitioner violated N.C.G.S. §§ 74C-11(a), 74C-12(a), 74C-13(b).

24. Petitioner Renfrow also admitted he employed an unlicensed private investigator, Raymond Tahir. As an employer in a regulated business, who must hire other regulated persons to conduct business, it was incumbent on Petitioner to verify that any employee, whether a direct employee or a subcontractor, is licensed. Petitioner's failure to do constituted a violation of N.C.G.S. §§ 74C-12(a)(6) and 74C-13(b).

25. Therefore, the substantial evidence in the record proved Petitioner employed armed and unarmed security guards without registering the Board and employed an unlicensed private investigator in violation of N.C.G.S. §§ 74C-11(a), 74C-12(a)(6) and 74C-13(b).

26. Nevertheless, the undisputed evidence in the record showed that as of the date of the contested case hearing, neither Investigator Martino nor Director Sherwin had determined a definitive number of unregistered armed and unarmed guards Petitioner employed during the audit period.

27. There was no evidence the Board, during its February 17, 2022 meeting, engaged in any fair and careful consideration, course of reasoning, or exercise of judgment to determine the number of security guard violations Petitioner committed.

28. There was also no evidence proving what disciplinary action the Board chose to impose against Petitioner for the unregistered security guard violations and the unlicensed private investigator violation. While Judge Burris testified that the proposed suspension was being imposed for the lack of good moral character violations and not the unlicensed activity, there was no audio or video evidence or a transcript of the Board's February 17, 2022 meeting to support that opinion. Neither did the Board's February 21, 2022 Findings document state the Board's imposition of a suspension of Petitioner's licenses was for a certain violation.

29. Therefore, there was insufficient evidence that the Board determined Petitioner committed a definite number of unregistered guard violations, and insufficient evidence that the Board engaged in a fair course of reasoning and consideration in deciding what disciplinary action to impose against Petitioner for the unregistered guard and unlicensed private investigator violations.

N.C.G.S. §§ 74C-12(a)(25) Alleged Violation

30. Many of the Article 3A independent occupational and professional licensing boards in North Carolina, and the Article 3 "State agency licensing boards" set forth in N.C.G.S. § 93B-1(3), including Respondent, have good moral character as a standard for initial or continued licensure. Few, including Respondent Board, define such term in their enabling statutes or administrative rules.

31. In determining whether a licensee or applicant has demonstrated a lack of good moral character, this Tribunal instead must rely on the pronouncements of our appellate courts in cases such as *In re Willis*, 288 N.C. 1, 215 S.E.2d 771 appeal dismissed 423 U.S. 976 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E.2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 605 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); and *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983).

32. The United States Supreme Court has described the term "good moral character" as being "unusually ambiguous." *In Konigsberg v. State*, 353 U.S. 252, 262-63 (1957), the Court explained:

The term good moral character ... is by itself ... unusually ambiguous. It can be defined in an almost unlimited number of ways for any definition will necessarily reflect the attitudes, experiences, and prejudices of the definer. Such a vague qualification, which is easily adapted to fit personal views and predilections, can be a dangerous instrument for arbitrary and discriminatory denial ...

33. The North Carolina Supreme Court has defined “good moral character” as “honesty, fairness, and respect for the rights of others and for the laws of the state and nation.” *In re Willis*, 288 N.C. 1, 10 S.E.2d 771, 770 (1975), *appeal dismissed*, 423 U.S. 976, 96 S.Ct. 389, 46 L. Ed. 2d 300 (1975).

34. Generally, isolated instances of conduct are insufficient to properly conclude that someone lacks good moral character. *In re Rogers*, 297 N.C. 48, 59, 253 S.E.2d 912, 919 (1979).

35. The substantial evidence showed that Petitioner Renfrow made two untrue statements during the Committee’s October 20, 2021 meeting that he did not employ unregistered armed security guards and that he did not employ unregistered security guards before late November or early December 2020. However, documents presented to Investigator Martino proved Petitioner Renfrow’s statements were not truthful.

36. Substantial evidence established that when Petitioner Renfrow made these “untrue” statements to the Grievance Committee, he believed them to be true, and he did not intend to mislead or otherwise be dishonest or lie to the Committee. (T. 103-104)

a. Mr. Renfrow frequently used subcontractors to do armed and unarmed guard work and many of the guards in question in this case were subcontracted. Mr. Renfrow did not know that subcontractors needed to be registered by his company because he believed and “was confident that” he was not using any of his “employees,” as that term is required by Chapter 74C, to do that kind of work. (T. 104, 106) Mr. Renfrow also misunderstood the registration requirements and period an unarmed guard could serve as a “probationary” employee.

b. Petitioner’s attorney’s November 23, 2021 email to Investigator Martino during the investigation corroborated Mr. Renfrow’s misunderstanding that Petitioner didn’t know subcontractors he employed needed to be registered with the Board. “He was not being untruthful to the Board at the last scheduled informal hearing, he just did not know that subcontractors needed to be registered for by his company. The statute does say ‘employees’ which is where I believe his confusion stemmed from.” (Pet. Ex. 10, PPSB01061; Resp. Ex. 2, p. 5; T. 108; Pet. Ex. 15, PPSB02369)

37. When Renfrow made those misstatements, he did not have any documentation with him that he needed to confirm his statements because Zach Irwin had stolen his client confidential lists and contracts including his subcontractor documents. (T. 104). Irwin’s theft prevented Renfrow from providing information regarding employees and other documents to Investigator Martino. (T. 86, 106) Those stolen documents would have been helpful in speaking with the Committee. (T. 104)

38. Furthermore, Petitioner Renfrow was not under oath when he spoke to the Committee during the October 20, 2021 meeting but was informally trying to assist the

Committee in identifying a specific number of unarmed and armed guard registration violations so he could settle the alleged violations against him through a consent agreement. (Pet. Ex. 11, PPSB01214)

39. Dr. Tucker's testimony corroborated the context under which Petitioner Renfrow made the untrue statements to the Committee on October 20, 2021. Dr. Tucker attended the Committee's October 20, 2021 meeting and described the meeting as an informal hearing where Judge Burris spoke to Mr. Renfrow, Renfrow's attorney and Investigator Martino about whether the allegations against Petitioner were true or not true. He opined that the purpose of that meeting was to discuss a consent agreement about the allegations against Petitioner. Dr. Tucker heard Mr. Renfrow speak and believed Mr. Renfrow believed he was being truthful when he spoke to the Committee during the October 20, 2021 meeting. (T. 149-151)

40. Further, Mr. Renfrow admitted he made the untrue statements and offered credible explanations as to why he made those statements. At hearing, he also acknowledged he was 100% responsible for not securing the documents he needed to identify the number of unregistered guards he employed.

41. The substantial evidence at hearing proved that Petitioner Renfrow's untrue statements to the Grievance Committee on October 20, 2021 was a single isolated incident. There was no evidence Petitioner Renfrow made any untrue statements during his interview with Investigator Martino or at any other time during Respondent's investigation into the alleged violations against Petitioner. Neither was there any evidence proving Petitioner made such statements intentionally, with malice or bad faith, or made to mislead or deceive the Grievance Committee. There was no evidence the Board had previously disciplined the Petitioner for any reason.

42. There also was a lack of substantial evidence to prove that Petitioner Renfrow failed to cooperate with the Board's investigation by failing to provide critical information. As seen in Investigator Martino's November 29, 2021 email to Kimberly Odom, Martino believed Mr. Renfrow was not cooperating with him. (Pet. Ex. 10, PPSB01058) However, Martino acknowledged that he never requested any documents, other than 1099s and ESC Reports, from either Petitioner or Petitioner's attorney. Martino only sent subpoenas to other organizations for documents relating to their contracts with Petitioner for security and patrol services. (T. 246; Answer to Request for Admissions Nos. 4 and 5; Exhibit A to Respondent's Motion for Partial Summary Judgment) The evidence at hearing proved that Petitioner produced documentation to Martino on three separate occasions, and Petitioner Renfrow advised Martino early in the investigation that Renfrow had suspended his former employee, Zachary Irwin, for two weeks and Irwin had stolen proprietary documents from Petitioner's company. Neither Irwin nor Weaver nor Snyder testified at the contested case to rebut Mr. Renfrow's statements.

43. Based on the foregoing Findings of Fact and Conclusions of Law, the Undersigned determines there is lack of substantial evidence to prove Petitioner Renfrow demonstrated lack of good moral character by failing to cooperate with the Board's investigation, failing to provide requested records, documents, and contracts, and by

intentionally lying and misleading the Grievance Committee. As such, the Tribunal proposes the Board take no formal disciplinary action against the Petitioner's licenses.

44. Assuming *arguendo* there was substantial evidence to prove Mr. Renfrow lacked good moral character, the undisputed evidence established that neither the Committee nor the full Board, during their respective meetings, discussed the reason(s) for deciding to impose a 12-month suspension of Petitioner's licenses, if the Committee or the Board considered imposing a lesser suspension period, or if they considered a lesser sanction than a 12-month suspension, or a written reprimand in accordance with 14B NCAC 16 .0106.

45. There was no evidence the Board used any criteria or formula in deciding to impose a suspension against Petitioner's licenses. There was no evidence that the Board engaged in a fair course of reasoning or exercise of judgment in deciding to impose a suspension of Petitioner's licenses. The Board merely voted on the motion to approve the Committee's recommendation of a suspension.

46. As a State agency and occupational licensing agency, the Board must follow the rules it has established, "[a]n agency of the government must scrupulously observe rules, regulations, or procedures which it has established. When it fails to do so, its action cannot stand, and courts will strike it down." *Tully v. City of Wilmington*, 370 N.C. 527, 536, 810 S.E.2d 208, 215 (2018).

47. The substantial evidence in the record proved that the Board's staff, Investigator Martino, violated 14 NCAC 16 .0115 when he provided a copy of his entire investigative report to the complainants before the Board's final disposition of the complaints. The substantial evidence in the record also proved that both the Grievance Committee and the full Board voted on the proposed motion regarding the proposed violations and proposed disciplinary action against Petitioner without engaging in a fair course of reasoning or exercise of judgment in deciding what, if any, was the proper disciplinary action to impose against Petitioner's licenses. By doing so, the Board failed to follow N.C.G.S. § 74C-5(6), which requires the Board's suspension "shall be in accordance with Chapter 150B of the North Carolina General Statutes." Applying *Tully v. City of Wilmington*, 370 N.C. 527, 536, 810 S.E.2d 208, 215 (2018) to this case, the Tribunal proposes the Board take no formal disciplinary action against Petitioner's licenses.

PROPOSAL FOR DECISION

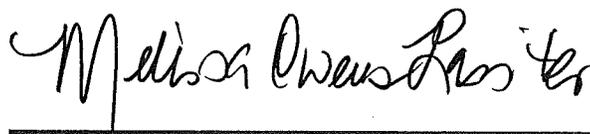
Based on the Findings of Fact and Conclusions of Law, the Undersigned proposes the Board take no formal disciplinary action against Petitioner's licenses.

NOTICE

The North Carolina Private Protective Services Board will make making the Final Decision in this contested case. The Board 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. N.C.G.S. § 150B-40(e).

As the final decisionmaker, the Board shall serve a copy of the Final Agency Decision or Order on each party personally, or by certified mail addressed to the party at the latest address the party has provided the Board. The Board shall also provide a copy of its Final Agency Decision to any attorney of record. N.C.G.S. § 150B-42(a).

SO ORDERED, this the 30th day of June, 2023.

A handwritten signature in cursive script that reads "Melissa Owens Lassiter". The signature is written in black ink and is positioned above a solid horizontal line.

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:

Andy Renfrow
The Renfrow Group
5840 Faringdon Place Suite B
Raleigh NC 27609
Petitioner

Nicholas J Dowgul
North State Law
nick@northstatelawfirm.com
Attorney For Petitioner

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

This the 30th day of June, 2023.

J

Julie B. Eddins
Paralegal
N. C. Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285
Phone: 984-236-1850

BEFORE THE NORTH CAROLINA
PRIVATE PROTECTIVE SERVICES BOARD
22 DOJ 01103

ANDY RENFROW; and THE)
RENFROW GROUP,)
)
Petitioner,)
)
v.)
)
NORTH CAROLINA PRIVATE)
PROTECTIVE SERVICES BOARD,)
)
Respondent.)

RESPONDENT’S EXCEPTIONS TO
ALJ’s PROPOSAL FOR DECISION

Pursuant to N.C. Gen. Stat. 150B-1, *et seq.*, Respondent North Carolina Private Protective Services Board, by and through its attorney, hereby respectfully submits exceptions to the Proposal for Decision issued by the Administrative Law Judge in this matter.

EXCEPTIONS TO PROPOSAL FOR DECISION:

Respondent asserts the following exceptions to the Proposal for Decision:

EXCEPTIONS TO FINDINGS OF FACT LABELED “PARTIES,” “PETITIONER’S
ADMISSIONS,” “BOARD’S AUTHORITY” AND “THE BOARD’S INVESTIGATIVE
PRACTICES AND POLICIES”:

1. In paragraphs 1. through 16., Respondent asserts no exception.

EXCEPTIONS TO FINDINGS OF FACT LABELED “RESPONDENT’S INVESTIGATION”:

2. In paragraph 17., Respondent asserts no exception.
3. In paragraph 18., Respondent asserts no exception.
4. In paragraph 19., Respondent asserts no exception.
5. In paragraph 20., Respondent asserts no exception.

6. In paragraph 21., Respondent asserts no exception.
7. In paragraph 22., Respondent asserts no exception.
8. In paragraph 23., Respondent asserts no exception.
9. In paragraph 24., Respondent asserts no exception.
10. In paragraph 25., Respondent asserts no exception.
11. In paragraph 26., Respondent asserts no exception.
12. In paragraph 27., Respondent asserts no exception.
13. In paragraph 28., Respondent asserts no exception.
14. In paragraph 29., Respondent asserts no exception.
15. In paragraph 30., Respondent asserts no exception.
16. In paragraph 31., Respondent asserts no exception.
17. In paragraph 32., Respondent asserts no exception.
18. In paragraph 33., Respondent excepts to this Finding in that it is misleading. The most accurate testimony of what staff does procedurally is the testimony of staff.
19. In paragraph 34., Respondent asserts no exception.
20. In paragraph 35., Respondent excepts to this Finding in that it is legally and factually wrong. This administrative rule, 14 NCAC 16 .0115 (e), was not in effect at the time Investigator Martino provided a copy of his initial report to the complainants to verify their statements, or even at the time of the Board's vote on February 17, 2022. 14 NCAC 16 .0115 was not effective until March 1, 2022. Even if it were in effect, subsection (e) is not a prohibition against sending an investigative report to anyone. It merely requires the Director to notify the licensee and any complainant of the results upon final disposition. No mention is made of the Investigative Report. Pursuant to

the North Carolina Public Records Act, i.e. N. C. Gen. Stat. Chap. 132, the Director, in his or her discretion, can send the report to anybody at any point.

21. In paragraph 36., Respondent excepts to this Finding in that no violations arose out of the statements made by the complainants Snyder and Weaver and any finding regarding the statements -- subparagraphs a., b., and c. -- should be stricken.
22. In paragraph 37., Respondent asserts no exception.
23. In paragraph 38., Respondent asserts no exception.
24. In paragraph 39., Respondent asserts no exception.
25. In paragraph 40., Respondent asserts no exception.
26. In paragraph 41., Respondent asserts no exception.
27. In paragraph 42., Respondent asserts no exception.
28. In paragraph 43., Respondent asserts no exception.
29. In paragraph 44., Respondent asserts no exception.
30. In paragraph 45., Respondent asserts no exception.
31. In paragraph 46., Respondent asserts no exception.
32. In paragraph 47., Respondent asserts no exception.
33. In paragraph 48., Respondent asserts no exception.
34. In paragraph 49., Respondent asserts no exception.
35. In paragraph 50., Respondent asserts no exception.
36. In paragraph 51., Respondent asserts no exception.
37. In paragraph 52., Respondent asserts no exception other than the Administrative Law Judge's reliance solely on member Pitman's testimony for this Finding and should have qualified this Finding with "to his knowledge" or "in his experience."

38. In paragraph 53., Respondent excepts to this Finding in that Petitioner Renfrow told Investigator Martino that all of his records had been stolen. The Administrative Law Judge has previously made a Finding in this regard. (*See*, Finding No. 28, page 9.) Why would the Investigator subpoena records that 1) the licensee is required to maintain and provide upon request, and 2) the licensee claimed were stolen. This Finding should be stricken.
39. In paragraph 54., Respondent asserts no exception except that “the Board” did not reject the Petitioners’ settlement offer. The Grievance Committee could not reconcile the number of violations so could not agree to it.
40. In paragraph 55., Respondent asserts no exception.
41. In paragraph 56., Respondent asserts no exception.
42. In paragraph 57., Respondent asserts no exception.
43. In paragraph 58., Respondent asserts no exception.
44. In paragraph 59., Respondent asserts no exception.
45. In paragraph 60., Respondent asserts no exception.
46. In paragraph 61., Respondent asserts no exception.
47. In paragraph 62., Respondent asserts no exception.
48. In paragraph 63., Respondent asserts no exception.
49. In paragraph 64., Respondent asserts no exception.
50. In paragraph 65., Respondent asserts no exception.
51. In paragraph 66., Respondent asserts no exception.
52. In paragraph 67., Respondent asserts no exception.

53. In paragraph 68., Respondent asserts no exception other than noting that there is never any discussion of the Grievance Committee's recommendation to the Board so as not to "taint" the remaining Board members (i.e. non-Grievance Committee members) who will hear and decide on any Final Agency Decision.

54. In paragraph 69., Respondent asserts no exception.

55. In paragraph 70., Respondent asserts no exception.

FINDINGS OF FACT LABELED "CONTESTED CASE HEARING (1) EMPLOYING
UNREGISTERED SECURITY GUARD VIOLATIONS"

56. In paragraph 71., Respondent asserts no exception.

57. In paragraph 72., Respondent excepts to this Finding in that it is irrelevant. No violations arose out of the complainants Irwin, Weaver and Snyder's allegations (except employing an unlicensed Private Investigator). The question of failing to register unarmed and armed guards is strictly a question of documentary evidence; a comparison of ESC quarterly reports and Petitioners' internal records. None of these three complainants could contribute any factual evidence to this issue by testifying. The issue of a lack of good moral character was based on falsehoods told to the Grievance Committee during its first meeting. None of these three complainants could contribute any factual evidence to this issue by testifying. This Finding should be stricken.

58. In paragraph 73., Respondent asserts no exception.

59. In paragraph 74., Respondent asserts no exception.

60. In paragraph 75., Respondent asserts no exception.

61. In paragraph 76., Respondent asserts no exception.

62. In paragraph 77., Respondent asserts no exception.

63. In paragraph 78., Respondent asserts no exception.

64. In paragraph 79., Respondent asserts no exception.

65. In paragraph 80., Respondent asserts no exception.

66. In paragraph 81., Respondent asserts no exception.

FINDINGS OF FACT LABELED “CONTESTED CASE HEARING (2) LACK OF GOOD
MORAL CHARACTER ALLEGED VIOLATION”

67. In paragraph 82, Respondent asserts no exception.

68. In paragraph 83., Respondent asserts no exception.

69. In paragraph 84., Respondent asserts no exception.

70. In paragraph 85., Respondent asserts no exception.

71. In paragraph 86., Respondent asserts no exception.

72. In paragraph 87., Respondent excepts to this Finding in that the question was whether the Grievance Committee knew Petitioner made false or untrue statements, not what the statements were. The Committee is the judge of the truthfulness not the Administrative Law Judge. Further, Finding 88. directly contradicts Finding 87. that the Administrative Law Judge had a “lack of evidence ... to determine what Petitioner Renfrow actually said ...” Additionally, the Administrative Law Judge finds Petitioner Renfrow admitted the statements he made were untrue. (*See*, Findings 89. through 91., page 20.) Finding 87. should be stricken.

73. In paragraph 88., Respondent asserts no exception.

74. In paragraph 89., Respondent asserts no exception.

75. In paragraph 90., Respondent asserts no exception.

76. In paragraph 91., Respondent asserts no exception.

77. In paragraph 92., Respondent asserts no exception.

78. In paragraph 93., Respondent excepts to this Finding in that Grievance Committee Chair Ron Burris testified to his opinion of the credibility of Petitioner and his impression as to why he attempted to mislead the Committee. The Administrative Law Judge has previously found this as a fact in Findings 83. through 86. This Finding should be stricken.

79. In paragraph 94., Respondent asserts no exception.

80. In paragraph 95., Respondent asserts no exception.

FINDINGS OF FACT LABELED "CONTESTED CASE HEARING (3) DISCIPLINARY
ACTION IMPOSED"

81. In paragraph 96., Respondent asserts no exception.

82. In paragraph 97., Respondent excepts to this Finding in that there is no requirement by statute, administrative rule or by-law that a motion must be discussed. That lack of discussion indicates assent by all voting members. All three Board member-witnesses testified he or she voted for the motion. This Finding should be stricken.

83. In paragraph 98., Respondent asserts no exception.

84. In paragraph 99., Respondent excepts to this Finding for the reasons stated in 82., above. There is no requirement that a motion be discussed, or that the reason for the motion be given. This Finding should be stricken.

85. In paragraph 100., Respondent excepts to this Finding in that there is no requirement that there be a criteria or formula. Here, it is evident each Grievance Committee member had independently made up his or her mind that discipline was necessitated

and agreed that a 12 month suspension with six months of that suspension suspended was an appropriate sanction.

86. In paragraph 101., Respondent excepts to this Finding based on its lack of understanding of the Board's statutory duties. Failing to register numerous armed and unarmed guards, hiring an unlicensed Private Investigator, and lying to the Grievance Committee are serious violations! This Finding should be stricken.

87. In paragraph 102., Respondent excepts to paragraph 102. in that the matter as heard by the Grievance Committee is not the hearing "in accordance with Chapter 150B of the North Carolina General Statues" as required by N. C. Gen. Stat. § 74C-5(6). This hearing was that hearing. This Finding should be stricken.

EXCEPTIONS TO CONCLUSIONS OF LAW:

1. In paragraph 1, Respondent asserts no exception.
2. In paragraph 2, Respondent asserts no exception.
3. In paragraph 3, Respondent asserts no exception.

CONCLUSIONS OF LAW LABELED "BURDEN OF PROOF"

4. In paragraph 4, Respondent asserts no exception.
5. In paragraph 5, Respondent asserts no exception.
6. In paragraph 6, Respondent asserts no exception.
7. In paragraph 7, Respondent asserts no exception.
8. In paragraph 8, Respondent asserts no exception.
9. In paragraph 9, Respondent asserts no exception.
10. In paragraph 10, Respondent asserts no exception.
11. In paragraph 11, Respondent asserts no exception.

12. In paragraph 12, Respondent asserts no exception.

13. In paragraph 13, Respondent asserts no exception.

14. In paragraph 14, Respondent asserts no exception.

15. In paragraph 15, Respondent asserts no exception.

CONCLUSIONS OF LAW LABELED "APPLICABLE STATUTORY AUTHORITY"

Respondent Board violated *N.C.G.S. § 74C-7 and 14B NCAC 16 .0115(e).

16. In paragraph 16., Respondent excepts to this Conclusion of Law in that neither the statute or the administrative rule have anything to do with the efficacy of this investigation. Respondent has excepted to the Finding as to 14B NCAC 16 .0115(e) and the fact it was not in effect at the time of this investigation (*see*, paragraph 35, herein) and there is no evidence to support this Conclusion, it is legally flawed and it should be stricken.

17. In paragraph 17., Respondent excepts to this Conclusion of Law for the reasons stated in 16., above. It should be stricken.

18. In paragraph 18., Respondent excepts to this Conclusion of Law for the reasons stated in 16., above. It should be stricken.

19. In paragraph 19., Respondent excepts to this Conclusion of Law for the reasons stated in 16., above. It should be stricken.

20. In paragraph 20., Respondent excepts to this Conclusion of Law. The Conclusion is plainly and simply wrong. Respondent has excepted to the Finding (*see*, paragraph 35, herein). Further, with or without 14B NCAC 16 .0115(e) the Public Records Act allows, with limited exceptions, any State agency to release any document in its

*Respondent excepts to the claim it violated its own statute and administrative rule.

discretion.

21. In paragraph 21., Respondent excepts to this Conclusion in that although a correct statement of fact, it is not a Conclusion of Law and is irrelevant. Further -- and to correct the Administrative Law Judge's mis-statement: At the time the Report was provided, Investigator Martino considered it a "final" report; the correction made by the witnesses necessitated a revision of the Report. It should be stricken.
22. In paragraph 22., Respondent excepts to this Conclusion for the reasons set forth in the exception to Finding 35., and Conclusion of Law 16., above. A state agency may voluntarily release any document not protected, and how much of the Investigative report is released is a matter of internal policy and outside the purview of an Administrative Law Judge. Further, the Investigative Report is not an issue before this Tribunal. *See*, "Issue," page 2, Proposal for Decision. As with similar Findings and Conclusions above, this Conclusion is legally flawed, it is irrelevant, and should be stricken.

N.C.G.S. §§ 74C-11(a), 74C-12(a), 74C-13(b) Violations

23. In paragraph 23., Respondent excepts to this Conclusion.
24. In paragraph 24., Respondent excepts to this Conclusion.
25. In paragraph 25., Respondent excepts to this Conclusion.
26. In paragraph 26., Respondent excepts to this Conclusion.
27. In paragraph 27., Respondent excepts to this Conclusion in that it is not correct or accurate. The Administrative Law Judge has made numerous Findings of Fact where

the Grievance Committee devoted two meetings trying to figure out how many registration violations had been committed. This Conclusion should be stricken.

28. In paragraph 28., Respondent excepts to this Conclusion in that it is not correct or accurate. Further, no Grievance Committee meeting has ever been recorded or videotaped and there is no requirement that it must be.
29. In paragraph 29., Respondent excepts to this Conclusion in that it is neither correct nor accurate. The whole problem was that neither Petitioners nor the Grievance Committee could determine an exact number. That is the issue. The Administrative Law Judge has already found that the Board staff was unable to make such a determination (*see*, Finding 47., page 13, Finding 74., page 18, Finding 78. v. Finding 79., and Finding 81., page 19, and Conclusion 26., p 27 and Conclusion 40., page 30) and Petitioner Renfrow admitted he had no clue how many guards he had failed to register (*see*, Findings 89. through 91., p. 20). There was sufficient evidence Petitioners failed to register armed and unarmed guards and that this failure was what partially resulted in Petitioners' discipline.

N.C.G.S. §§ 74C-12(a)(25) Alleged Violation

30. In paragraph 30., Respondent asserts no exception to this Conclusion.
31. In paragraph 31., Respondent asserts no exception to this Conclusion.
32. In paragraph 32., Respondent asserts no exception to this Conclusion.
33. In paragraph 33., Respondent asserts no exception to this Conclusion.
34. In paragraph 34., Respondent asserts no exception to this Conclusion.
35. In paragraph 35., Respondent asserts no exception to this Conclusion, but the word "However" at the start of the second sentence should be stricken.

36. In paragraph 36., Respondent excepts to this Conclusion in that it is inconsistent with another Conclusion, Conclusion 23., that holds that “[a] licensee’s misunderstanding of a requirement so essential to the conduct of a security guard and patrol business as knowing when guards must be registered, and the process for doing so is unacceptable.” Conclusion 36. should be stricken.
37. In paragraph 37., Respondent excepts to this Conclusion in that it is pure conjecture by the Administrative Law Judge. It should be stricken.
38. In paragraph 38., Respondent excepts to this Conclusion in that it implies it is okay to lie so long as you are not under oath. It should be stricken.
39. In paragraph 39., Respondent asserts no exception to this Conclusion.
40. In paragraph 40., Respondent excepts to this Conclusion, and other than Petitioner Renfrow’s acknowledgement he is 100% responsible for his actions, it should be stricken.
41. In paragraph 41., Respondent excepts to this Conclusion. There is no legal requirement that false statements must be made with “malice, bad faith, [] or to mislead or deceive.” It should be stricken.
42. In paragraph 42., Respondent excepts to this Conclusion. Petitioners were not disciplined for failing to cooperate and that is not an issue before this Tribunal. It is irrelevant and should be stricken.
43. In paragraph 43., Respondent excepts to this Conclusion. Intentionally lying and misleading the Grievance Committee is a lack of good moral character.
44. In paragraph 44., Respondent excepts to this Conclusion in that although a correct statement of fact, it is not a Conclusion of Law.

45. In paragraph 45., Respondent excepts to this Conclusion for the same reason it excepts to Finding 100. (paragraph 87., page 7). No criteria or formula is required. Further, and as to the Board “merely voting on ...,” *see*, exception to Finding 67. (paragraph 52., page 4.)
46. In paragraph 43., Respondent excepts to this Conclusion. While a correct statement of the law, it is irrelevant.
47. In paragraph 47., Respondent excepts to this Conclusion for the same reason it excepts to Findings 35. and Conclusion 16. Throughout this Proposal the Administrative Law Judge has relied on a rule that was not in effect, invented a violation, sought to sanction the Board for doing so, and this Conclusion makes that fact clear. That is not within her authority. This Conclusion should be stricken.

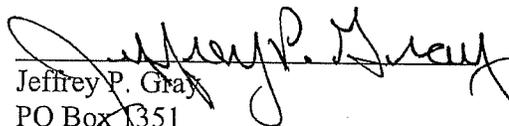
EXCEPTIONS TO PROPOSAL FOR DECISION AND PROPOSED DECISION:

Respondent excepts to the Proposal for Decision and Proposed Decision to the extent it is not supported by the Findings of Fact and Conclusions of Law as excepted to above.

This the 13th day of September, 2023.

BAILEY & DIXON, LLP

By:



Jeffrey P. Gray

PO Box 1351

Raleigh, North Carolina 27602

Telephone (919) 828-0731

Legal Counsel

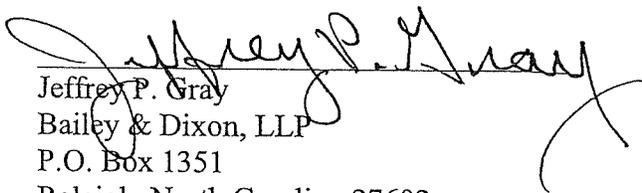
North Carolina Private Protective Services Board

CERTIFICATE OF SERVICE

I, Jeffrey P. Gray, hereby certify that I have served a copy of the foregoing RESPONDENT'S EXCEPTIONS TO ALJ'S PROPOSAL FOR DECISION by depositing a copy with the United States Postal Service, and addressed to the following:

Nicholas J. Dowgul
North State Law Firm
5840 Faringdon Place, Suite B
Raleigh, NC 27609

This the 13th day of September, 2023.


Jeffrey P. Gray
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