

March 7, 2024

From:

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To:

The North Carolina Private Protective Services Board (NCPPSB)

c/o Director Paul Sherwin

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RE: Proposed Changes 14B NCAC 16 .0707 – Comment and Objection

### Comment

The proposed changes as written ( <https://www.ncdps.gov/documents/notice-text-and-public-hearing-14b-ncac-16-0707/open> ) at (8) require “The Director is notified five days prior to training of the location of each classroom,[]”.

- This ‘language’ is incorrect: without the rest of this comment and the objection this ‘rule’ would require exactly five days “notification”. It should read “...notified at least five days prior...”.
- The notification requirement is for “in person” as well as remote or virtual training. “In person” classes have never required “notification.” It is “unclear” after email exchanges with Director Sherwin if this “notification” requirement for “in person” classes was the “will of the Board” (see objection[s]) or a “mistake” in the drafting of the form.
- Two Un-Armed Guard Trainers that attended recent Trainer Certification have reported to me that Ray Bullard and Karen Battle “told me” that they must (now) submit notice before they could conduct “in person” training. When told by me to “forward me the written instruction from [PPSB] or just do your class,” they did their classes without “notification”.
- Notification (“pre-delivery”?) will require Private Businesses to spend money (paperwork and labor-dollars). The PPSB will have a “labor and ‘storage’” cost as well. The “No fiscal note required” box is incorrectly X-ed on the form.

§ 150B-19.1 at (e) allows for the PPSB to “revise” these proposed changes to “put back” the “notification requirement” for “other than ‘in person’” courses/classes **only**.

Since November of 2022 “we” have been fighting this exact same “proposed requirement” at CJETS/CJS-Division. CJS & PPSB “share” [board/committee] members. In February of 2024 the Rules Review Committee (OAC) “halted” efforts at “pre-notification” of Private Classes/Courses.

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## Objection(s)

[https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter\\_150b.html](https://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_150b.html)

§ 150B-19.1. Requirements for agencies in the rule-making process.

- (a)(2) An agency shall seek to reduce the burden upon those persons or entities who must comply with the rule.  
- “Notification” increases the burden.
- (a)(3) Rules shall be written in a clear and unambiguous manner and must be reasonably necessary to implement...  
- There is no “reason” given for the “notification” requirement after 50+ years without it.
- (c)(2) An explanation of the proposed rule and the reason for the proposed rule.  
- The “explanation” and “reason” given are false and misleading: the “true” reason being “notification/pre-delivery reporting”. See (a)(3) above: It appears to me that this “proposed change” is purposefully “ambiguous” (bloviated) to hide or mask the “notification” requirement.
- (c)(5) Any fiscal note that has been prepared for the proposed rule.  
( see (e) next )
- (e) Each agency **shall quantify the costs and benefits to all parties** of a proposed rule to the greatest extent possible. Prior to submission of a proposed rule for publication in accordance with G.S. 150B-21.2, the agency shall review the details of any fiscal note prepared in connection with the proposed rule and approve the fiscal note before submission. (bold added)

See “comment(s)” above. The PPSB has not “considered” the private persons or business costs – nor their own - and has not published a “fiscal note”.

/s/ Dean L. Wiley