

MINUTES

NORTH CAROLINA LOCKSMITH LICENSING BOARD RALEIGH, NORTH CAROLINA MONDAY, JANUARY 13, 2003

Attendance: Laura Busse, chair, Chris Boykin, Tom Campion, Neal Ensley, Dennis Green, Robert Matthis, Joe McCann, Greg Wright, Anna Bridgers

Guests in Attendance: Steve Bright, Bly Hall, Billy Marshall, Eddie Smith

The meeting was called to order by Laura Busse, chair. Laura read the Ethics Awareness and Conflict of Interest Statement.

The first order of business was approval of the December 9 and December 27 meeting minutes. Neal made a motion to accept the December 9th meeting minutes with a minor change in the wording on page 1. Chris Boykin seconded the motion, and the motion passed unanimously. In regards to the December 27th teleconference calls, Greg stated that he was mistaken for Chris Boykin in the minutes. Chris made a motion to accept the December 27th minutes with this amendment. Joe seconded the motion. The motion passed unanimously.

Neal then had the Board review the November and December 2002 financial statements as provided by Jim Scarborough. Neal stated that the statements do not seem to reflect payment to Randolph Cloud and Associates through the end of 2002. Neal would check with Jim regarding this issue before requesting approval of the statements by the Board.

The final order of business before breaking for lunch was the election of officers. Laura stated that officers should be elected at the first meeting of each calendar year to serve one-year terms. The law specifies that a Chair and Vice Chair should be elected. Chris made a motion for Laura to retain her position as Chair, Joe to retain his position as Vice Chair, and that Neal continue to serve as Secretary/Treasurer. Greg seconded the motion. The motion passed by majority vote with Tom Campion abstaining from voting.

The Board then recessed for lunch, at which time Robert Matthis joined the meeting.

Bly Hall from the Attorney General's office addressed the Board upon returning to business. Bly said that it is her interpretation of the statute that one is prohibited from hiring someone to perform locksmith duties unless that person is under direct supervision by a licensed locksmith or unless that person is licensed as a locksmith themselves. Therefore, Bly agreed with the Board's interpretation of this statute. Bly and the Board then had a lengthy discussion regarding towing companies, car versus house lock-outs, and what functions are and are not defined as locksmith duties. Bly advised the Board that if it is going to attempt to restrict a duty to be defined as a locksmith duty, the Board would need to make sure there is a specific reason why this duty would be considered a locksmith duty while another similar duty is not.

Bly Hall then addressed the Board about license denials. She explained the importance of abiding by established standards of due process. The panel that hears the applicant's appeal must not be the same panel that already decided to deny the license. This means that the preliminary license denial must come from the Standards Committee. This leaves the remainder of the Board available for the hearing if the applicant asks for one.

Once a denied applicant requests a hearing before the Board, we have two options. One is to conduct the hearing ourselves. The Standards Committee, though on hand to explain their actions, does not participate otherwise and do not vote in the Board's decision.

The other option is to allow an Administrative Law Judge at the Office of Administrative Hearings conduct the hearing. The OAH provides the room, judge, bible and even a court reporter for free. The Board, including the Standards Committee, would still attend, but the Judge would conduct the entire hearing and then make a recommendation to the Board. Usually the Judge will give a verbal recommendation followed by an official written opinion. The Board then votes to either accept or reject the Judge's recommendation. Bly Hall warned that rejecting the Judge's recommendation puts the Board in a weak legal position, so it should not be done lightly. Bly pointed out that the decision of whether to have the Board conduct its own hearing or whether to have the OAH do it is not a policy decision; it can be made on a case-by-case basis.

Tom made a motion that the Standards Committee will preliminary act to deny licensure to an applicant and that an agent of the Attorney General's office will review the initial correspondence to the applicant relaying such a license denial. Dennis seconded the motion, and the motion passed unanimously.

The next order of business was review of the temporary rules. Laura called the Board's attention to a number of the rules. Laura told the Board that she will make the stated changes to the temporary rules and make the revised temporary rules available to everyone on Monday so that everyone can review them before the next Board meeting on January 24th.

Neal then revisited the issue of Directors' and Officers' Insurance. Neal asked Bly about the Board's protection under the law. Bly recommended that the Board try to find coverage for the first \$500,000. Neal stated that he will go back to Ashley Bell at the Governor's office to ask for her assistance in this matter.

The final order of business before the Board went into a private session meeting was approving locksmiths for licensure. Tom Campion spoke on behalf of the Standards Committee and added some individuals to the existing list of approved locksmiths. Neal made a motion to accept this amended list of locksmiths for licensure. Robert seconded the motion and the motion passed unanimously.

Neal then made a motion for the Board to go into private session to discuss the applicants' performance on the licensure examination. Greg seconded the motion, and the motion passed unanimously. The guests left the meeting.

After the Board reviewed the test results, Neal made a motion for the meeting to be adjourned. Dennis seconded the motion. With no opposition, the meeting was adjourned.

Respectfully Submitted,

Anna S. Bridgers