# MINUTES OF THE PRIVATE PROTECTIVE SERVICES BOARD MEETING FEBRUARY 16, 2007

### HOLIDAY INN - BROWNSTONE 1707 HILLSBOROUGH STREET RALEIGH, NORTH CAROLINA 27605

#### **BOARD MEMBER PRESENT**

#### **BOARD MEMBER ABSENT**

James Stevens Grady Conner Carlton Miles

Richard Jenkins Richard Allen
Bill Booth Brenda Bishop
Berkley Blanks Ron Burris

David Grimes Sheriff Jimmy Ashe David Pendry Steve Johnson

#### **STAFF PRESENT**

Terry Wright - Director Charles McDarris - Attorney
Mark Poole - Deputy Director Susan Harrison - Board Secretary

Larry Liggins - Field Services Supervisor Jennifer Mooney -Reporter

Tim Pressley - Training Officer Phyllis White

#### **GUESTS PRESENT**

Ruth Reynolds Larry Alexander Monty Clark Mike Sansom Mack Donaldson Mark Ostranger Audra Coleman Larry Flannery **Russ Thomas** Leonard Wolf Angela Bowden Jack Fanning Bill Fletcher Christy Lang Jeff Kiker Thalia Ellis Nadia Boone Jim Davis Jim Wilson Chris Hilton Jim Hilton

Bill Dover

Mr. Blanks called the February 16, 2007 Private Protective Services Board Meeting to order at 9:05 a.m. Mr. Blanks asked Mr. McDarris to explain Governor's Executive Order Number One. Mr. McDarris advised that Executive Order Number One has been signed by Governor Easley and addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or appearance of a conflict, he or she should remove himself from deliberation and vote on that matter and so state on the record.

#### **GOOD OF THE ORDER**

Ms. Ruth Reynolds stated that the new NCAPI President has been elected. Monty Clark has been elected to serve as the President of the Association.

Mr. Monty Clark, President of the NCAPI introduced the new Board Members of the Association. He also stated that the Association is currently working on a new web site. Mr. Clark further stated that the Association will continue to bring concerns to the Board and is hopeful that they can be reviewed as they have been in the past.

Mr. Larry Alexander, President of the North Carolina Association of Security Professionals, updated the Board on the Public Private Partnership Town Hall Meeting held on the11<sup>th</sup>.He stated that the Chief of Police in both Raleigh and Durham have agreed to work closely with the security companies in establishing cooperative partnerships.

Mr. Larry Alexander would like to recognize the passing of a partner in the industry from Action Security, Mr. Tony Fernandez. Mr. Alexander asked Mr. Wright if he could help with the license holder issues with that company since the passing of Mr. Fernandez. Mr. Wright advised him that the company was currently operating under a 90 day extension and hopefully Devan Fernandez license would be issued prior to the expiration of the 90 day extension.

#### APPROVAL OF THE DECEMBER 15, 2006 MINUTES

MOTION BY MS. BISHOP TO APPROVE THE MINUTES OF THE DECEMBER 15, 2006 MEETING. SECONDED BY MR. BURRIS. MOTION CARRIED.

## LICENSING AND REGISTRATION ACTIONS SCREENING COMMITTEE REPORT:

Mr. Allen advised that the Screening Committee met on Thursday, February 15, 2007 from 9:00 am until 12:15 pm to consider a total of 62 applications. The committee members were Mrs. Brenda Bishop, Mr. Richard Allen, Mr. Jimmy Ashe, and Mr. David Pendry The attached report was read to the Board. (See attached report)

# 10 - Burcke - Mr. Allen recused himself.

#6 - Berry - Mr. Pendry recused himself.

#5 - Bates - Mr. Grimes recused himself.

Mr. Conner requested to know why Blackhawk was granted a license considering the Board had previously revoked the license. Mr. Allen advised the Board that Blackhawk had agreed to a number of conditions in order to receive the license and that any contracts that they sign, they will be required to forward the contracts to the Board so that the Board would know where they were working and could monitor their compliance with the statutes and rules.

MOTION BY MR. JOHNSON TO ACCEPT THE CASE AS INDICATED. SECONDED BY MR. BURRIS. MOTION CARRIED.

MOTION BY MR. GRIMES IF A LICENSE IS REVOKED BY THE BOARD THAT AN INDIVIDUAL COULD NOT REAPPLY FOR THE LICENSE UNTIL THREE YEARS HAVE PAST. SECONDED BY MR. JOHNSON. MOTION CARRIED.

MOTION BYMR. CONNOR TO ACCEPT THE SCREENING COMMITTEE REPORT ON APPLICANTS. SECONDED BY MR. BOOTH. MOTION CARRIED.

Mr. Allen presented the following registration report for the period of December 13, 2006 - February 13, 2007. Total registrations 3,319; armed totals were 544 of which 266 were new, 238 renewals, 40 reissue/dual. Unarmed totals were 2,975 which includes 1,555 new, 1,298 renewals, 115 transfers and 7 duplicates. Total denials 437 of which 53 were denied for cause and 384 which were correctable denials. There were 292 applications approved which were previously denied for a total of 729 denials reviewed.

MOTION BY MR. GRIMES TO ACCEPT THE REGISTRATION REPORT. SECONDED BY MR. STEVENS. MOTION CARRIED.

#### **GRIEVANCE COMMITTEE REPORT:**

Mr. Burris reported the Grievance Committee met on Wednesday February 14, 2007 from 9:00 am until 4:50 pm to consider a total of 10 cases. The committee members were Mr. Ron Burris, Mr. Grady Conner, Mr. David Grimes and Mr. James Stevens. The attached report was read to the Board. (See attached report)

MOTION BY MR. ALLEN TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED.

#### **FINAL AGENCY DECISION:**

06DOJ0397 - Virble Leake, Jr. - Final agency decision was to uphold the Board's decision to deny Security Guard and Patrol license for lack of verifiable experience.

### MOTION BYMR. CONNER TO ACCEPT THE FINAL AGENCY DECISION. SECONDED BY MR. PENDRY. MOTION CARRIED.

#### TRAINING AND EDUCATION:

Mr. Stevens stated that the committee discussed a number of issues in yesterday's meeting and he asked that Mr. Pressley report on those issues.

Mr. Tim Pressley announced that there are two Unarmed Guard Trainer Courses scheduled for February 15,16 & 19, 2007 at Wake Tech Community College. A Firearms Training Course is scheduled for March 26 - 30, 2007 at the North Carolina Justice Academy (NCJA). A Firearms Trainer recertification course is scheduled for March 27, 2007 at the North Carolina Justice Academy (NCJA). An OC Spray Trainer Course is scheduled for March 30, 2007 at the NCJA. Presently we have 420 certified PPS unarmed trainers. We currently have 104 PPS certified armed trainers and 108 PPS certified OC spray trainers.

Mr. Pressely also updated the Board on a proposed rule change to Subparagraph (4) 12 NCAC 07D.0901. that allows people that have successfully completed CJ Standards Specialized Law Enforcement Firearms Instructors Certificate to not have to attend our week long course.

MOTION BY MR. JOHNSON RECOMMENDING THE PROPOSED RULE CHANGE REGARDING FIREARMS INSTRUCTORS READ AS FOLLOWS IN LIEU OF COMPLETING THE TRAINING COURSE SET FORTH IN SUBPARAGRAPH (4) 12 NCAC 07D.0901 AN APPLICANT MAY SUBMIT TO THE BOARD A CRIMINAL JUSTICE SPECIALIZED LAW ENFORCEMENT FIREARMS INSTRUCTOR CERTIFICATE FROM NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION. SECONDED BY MR. BOOTH. MOTION CARRIED

Mr. Pressely requested the Board amend12 NCAC 07D.0906 to require the Firearms Trainers to maintain their B-27 targets.

MOTION BY MR. GRIMES TO ACCEPT AS WRITTEN EXCEPT ANY RELATED PARTS THAT REFERENCE KEEPING THE B-27 PAPER TARGET. SECONDED BYMR. PENDRY.

MOTION FAILED 8 to 3.

MOTION BY MR. JOHNSON TO ACCEPT THE RULE CHANGES AS WRITTEN. SECONDED BY MR. BOOTH. MOTION CARRIED

MOTION BY MR. BOOTH REGARDING 12 NCAC 07D .0201 (d) TO REQUIRE UNARMED AND ARMED GUARDS TO HAVE A HIGH SCHOOL DIPLOMA OR GED. SECONDED BY MR. BURRIS. MOTION CARRIED

Rule change on 12 NCAC 07D .0808 Concealed Weapons.

MOTION BY MR. CONNER TO 12 NCAC 07D .0808 TO ALLOW MR. MCDARRIS TO RESEARCH THE CURRENT CCW LAW AND REPORT BACK TO THE BOARD ANY NECESSARY CHANGES.

#### 2 - 9 MOTION FAILED

MOTION BY MR. JOHNSON REGARDING THE CCW RULE, 12 NCAC 07D .0808 TO ACCEPT THE CHANGE REGARDING TO STRIKE THE "ISSUED BY A SHERIFF" OUT OF THE LANGUAGE. SECONDED BY MR. STEVENS. MOTION CARRIED

MOTION BY MR. JOHNSON TO ALLOWMR. MCDARRIS TO RESEARCH ISSUES OF CCW VERSUS THE REQUIRED ENDORSEMENTS IN NC AND THE ISSUES OF RULES AND REGULATION RELATED TO TRAINING TO INCLUDE HR 218. SECONDED BY MR. STEVENS. MOTION CARRIED

Mr. Stevens advised that Mr. Pressley will prepare statistics on all trainers for the next meeting.

MOTION BY MR. CONNER TO ACCEPT THE TRAINING AND EDUCATION REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED

#### **FINANCE COMMITTEE:**

Ms. Bishop reported there was no report for the Finance Committee:

MOTION BY MR. ALLEN TO ACCEPT THE FINANCE COMMITTEE REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED

#### **GRIEVANCE COMMITTEE:**

Mr. Burris stated in the form of a motion that the Chairman appoint a committee to research and make recommendations to clarify the duties of event planning versus security guard and patrol functions and to distinguish between covered and non covered personnel using existing practices.

MOTION BYMR. BURRIS THAT THE CHAIRMAN APPOINT A COMMITTEE TO WORK WITH THE DIRECTOR, BOARD, BOARD ATTORNEY TO RESEARCH AND MAKE RECOMMENDATIONS TO CLARIFY THE DUTIES OF EVENT PLANNING VERSUS SECURITY GUARD AND PATROL FUNCTIONS TO DISTINGUISH BETWEEN COVERED AND NON COVERED PERSONNEL USING EXISTING PRACTICES. SECONDED BYMR. STEVENS. MOTION CARRIED

Mr. Blanks would like anyone interested in being on this committee to email him and it will be announced in 10 days.

MOTION BY MR. ASHE TO ACCEPT THE GRIEVANCE COMMITTEE REPORT. SECONDED BY MR. ALLEN. MOTION CARRIED

#### **SCREENING COMMITTEE:**

Mr. Allen stated that the Screening Committee has no further information to report.

MOTION BY MR. JOHNSON TO ACCEPT THE SCREENING COMMITTEE REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED.

#### **74C RE-WRITE COMMITTEE:**

Mr. Conner stated that he would defer to Mr. McDarris. Mr. McDarris stated that the 74C re write has been sent to Legislature. It has not been introduced at this time. Mr. McDarris will follow up with progress.

### MOTION BY MR. BURRIS TO ACCEPT THE 74C RE WRITE COMMITTEE REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED

#### **OLD BUSINESS:**

Ms. Reynolds inquired as to where we are on the new ID process. Mr. Wright advises that it's going through the bid process and that it should close the 24<sup>th</sup> or 25<sup>th</sup> of February. At that time we will meet with the vendors to make a decision and they will have 30 days to deliver the product. We are looking around April or May to be up and running with the new system.

Mr. Clark addressed insurance matters for Private Investigators. Mr. Clark advised that there were no mandatory insurance requirement for any other Boards in the state of NC except PPSB.

Mr. Conner stated if the Board takes no stance on removing the insurance provision and the NCAPI were to lobby to have it removed from the law that might be the way to go. In North Carolina no insurance company will write PI's an insurance policy, everyone has to go out of state. The disclaimer on the front of the policy makes it so they do not have to pay anything. It's not protecting the citizen of North Carolina, it's not protecting anyone.

Mr. Stevens addresses the stamp on the policy, advising there is a solvency fund in the state of North Carolina which covers companies in the state of North Carolina, if that company goes bankrupt or becomes insolvent then the solvency fund kicks in. It does not cover out of state companies who are not licensed to do business in North Carolina because they do not contribute to the fund. It does not say a company does not have to pay off on claims unless they become insolvent.

Mr. Russ Thomas presented a report reference liability insurance as a requirement for Licensees.

Mr. Blanks requested that a Special Board Meeting be held in 2 weeks to address this issue.

12:00 - 12:10 Break

MOTION BY MR. BOOTH TO HOLD A SPECIAL BOARD MEETING ON FEBRUARY 22<sup>ND</sup>, 2007 AT 11:00 AM AT THE BOARD ATTORNEY'S OFFICE TO MODIFY THE REWRITE AS THE BOARD CHOOSE TO DO SO AT THAT TIME. SECONDED BY MR. JOHNSON. MOTION CARRIED

Opposed - Ashe and Burris

#### **NEW BUSINESS:**

Mr. Grady Conner advised that he had filed a formal complaint against Mr. Blanks for unprofessional behavior. Mr. Conner introduced packets to all Board Members and for the record of this incident which he had recorded. Each packet included a transcript and a CD copy of the conversation that took place during a conference call on January 28<sup>th</sup>, 2007. Mr. Conner expressed his concerns that his wish was to get the Board back to a professional level and to address things in the future in a professional manner.

Mr. Blanks recused himself from Chair on this issue and allowed Mr. Allen to take over since the allegations were against Mr. Blanks.

Mr. Allen asked Mr. Conner if he had any further business on this issue at this time. Mr. Conner responded that he did not.

Mr. Allen turned the meeting back over to Mr. Blanks.

#### **DIRECTOR'S REPORT**

Mr. Wright reported that the operating budget as of 01/01/07 was \$299,415.05 and the PPS Recovery Fund balance as of 01/01/07 is \$66,270.64. Total active registrants and licensees are 20,010. Mr. Wright advised that correspondences printed since last Board meeting is 5,498, which also includes 2,668 registration cards,396 licenses. Mr. Wright also reported that the total number of applications received since last Board meeting including both registration and licensing were 4,606.

Mr. Wright reported that Shannon Hunt who has been with the Department for 8 years and has been promoted as the new Registration Supervisor.

Mr. Blanks inquired how many positions PPS still has open. Mr. Wright advised that Shannon Hunt being promoted does open up one other slot. With Shannon's promotion there are actually two openings at this time.

### MOTION BY MR. STEVENS TO ACCEPT THE DIRECTORS REPORT. SECONDED BY MR. ASHE. MOTION CARRIED.

Mr. Johnson asked the Board to go back to Old Business for an issue that was tabled last Board meeting to this meeting. That was to give the Board time to review the By-Laws that were passed out in December.

### MOTION BY MR. JOHNSON TO NOT ADOPT THE BY-LAWS. SECONDED BY MR. STEVENS. MOTION CARRIED.

#### **ATTORNEY'S REPORT**

Mr. McDarris presented the following report:

#### **CONSENT AGREEMENTS & CIVIL PENALTIES:**

James Wheeler of Bantek West- Consent Agreement for branch office and registration violations in the amount of \$612.00 has been paid..

Linda Williams of Security Ventures- Consent Agreement for branch office violation in the amount of \$204.00 has been paid.

Cory Hoilman and Charles Blair, Beech Mountain Resort, Inc. - Consent Agreement for registration violations in the amount of \$612.00 has been paid.

Paul Carter of Securitas Security Services - Consent Agreement for registration violations in the amount of \$265.20 has been paid.

William McDonald, Regent Security Services - Consent Agreement for registration violations in the amount of \$13,527.20 has been paid.

William A. Blackman of CRB Associates - Consent Agreement for registration violation in the amount of \$1,632.00 has been paid.

Craig Colegrove of Brinks, Inc. - Consent Agreement of \$12,076.40 has been issued. I will report back at the next meeting.

#### OFFICE OF ADMINISTRATIVE HEARINGS & SUPERIOR COURT:

Mr. McDarris reported we have a number of cases scheduled as indicated on attachment number one.

#### **RULES**

Mr. McDarris stated that 12 NCAC 7D .0909 - Rule places a two year expiration on an unarmed trainer certification and on a firearms trainer certification. (see attachment #2)

12 NCAC 7D .0911 - Acknowledges two year certification and requires certification of sixteen hours of instruction during the past two years (prior rule required eight hours per year). (see attachment #3)

12 NCAC 7D .0601 an amendment to the PSE licensing requirements was filed with the Rules Review Commission. Mr. McDarris will report back at the next meeting.

12 NCAC 7D .0203(b) an amendment regarding the re-issuance of an expired license was filed with the Rules Review Commission. Mr. McDarris will report back at the next meeting.

Recommend repeal of 12 NCAC 7D .1109, Training Video. (see attachment #4)

MOTION BY MR. ASHE TO ACCEPT 12 NCAC 7D .909, 12 NCAC 7D .0901, 12 NCAC 7D .0911, AS PRESENTED IN THE ATTORNEY'S REPORT . SECONDED BY MR. BURRIS. MOTION CARRIED.

MOTION BYMR. BURRIS THAT 12 NCAC 7D . 1109 BE REPEALED. SECONDED BYMR. ALLEN. MOTION CARRIED.

Mr. McDarris advises that all Board Members must complete ethics training before 2008.

MOTION BY MR. ALLEN TO APPROVE ATTORNEY'S REPORT. SECONDED BY MR. BOOTH. MOTION CARRIED.

MOTION BY MR. CONNER MEETING ADJOURNED. SECONDED BY MR. BOOTH. MOTION CARRIED.

12:35 Adjourned.

Terry Wright
Director
Jennifer P. Mooney
Reporter