# NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

## MINUTES

**DATE:** August 24, 2012

**TIME:** 9:00 A. M.

LOCATION: Wake Technical Community College - Public Safety Education Campus

Raleigh, North Carolina

SUBMITTED BY: Pam Pope

**Deputy Director** 

The Education and Training Committee, the Planning and Standards Committee, the Probable Cause Committee and the Executive Committee met on August 23, 2012 for their regular quarterly meetings. The Probable Cause Committee also met on August 22, 2012.

Chairman John Glenn called the meeting of the North Carolina Criminal Justice Education and Training Standards Commission to order at 9:00 a.m.

#### **MEMBERS PRESENT**

#### **MEMBERS ABSENT**

Mr. John Glenn Chief Scott Cunningham Mr. Eddie Caldwell

Chief Pat Bazemore

Chief Tim Hayworth

Chief Ira Jones

Mayor James Festerman

Ms. Stephanie Freeman

Chief Tim Ledford

Mayor Bobby Kilgore

Colonel Mike Gilchrist

Chief Bill Hollingsed

Sergeant Lorie Hersey

Mr. Robert Myrick

Mr. Charles Johnson

Dr. Bob Ruth

Mr. Ray Davis

Chief Wrenn Johnson

Ms. Robin Pendergraft

Mr. Brent Herron

Ms. Tracy McPherson

Ms. Angela Williams

Mr. Jeff Welty

Chief Scott Hunter

Mr. Lee Farnsworth

Mr. Steve Johnson

Ms. Gwen Norville

Ms. Diane Isaacs

Mr. Johnny Hawkins

#### **VISITORS**

Billy Boyd

N. C. Central Carolina University Police Department
Cheryl Geiger

N. C. Central Carolina University Police Department
Chief Timothy Bellamy

N. C. Central Carolina University Police Department

Mark Strickland N. C. Justice Academy Stacy Holloman N. C. Justice Academy

Chief Daniel House Wrightsville Beach Police Department
Christopher L. Kelly Wrightsville Beach Police Department

Wayne Ayers N. C. Justice Academy Norman Young N. C. Department of Justice Dr. Deborah Quick Johnson C. Smith University Dr. Nicola Davis Bivens Johnson C. Smith University Dr. Thomas Priest Johnson C. Smith University Brian R. Coleman Cary Police Department John T. Reeves, III Cary Police Department Cary Police Department Lt. Kenneth Quinlan

Brian Campbell N. C. Department of Public Safety/Division of Adult Correction

Christopher Gathman
Chief Larry Smith
Captain Robert Adams
Ronald Fullerton
Captain Lawrence Capps
Jennifer DeArmitt
Fuquay-Varina Police Department
Fuquay-Varina Police Department
Knightdale Police Department
Knightdale Police Department
N. C. Department of Public Safety

Dwight Green

Lt. J. C. Morton

Randall Lamm

Jeffery Finney

Chief Daniel Matthews

Stanley Allison

C. Department of Public Sat

N. C. State Highway Patrol

N. C. State Highway Patrol

N. C. State Highway Patrol

Mocksville Police Department

Mocksville Police Department

Reidsville Police Department

Reidsville Police Department

Reidsville Police Department

Robert Cornett Stanfield Police Department
Chief James Schneider Stanfield Police Department
Craig Richards Stanfield Police Department

Jacquelyn Chatman N. C. Department of Public Safety/Division of Adult Correction

Sorrell Saunders

Charles Hedgpeth N. C. Department of Public Safety/Division of Adult Correction

Glenda Thornton

Jason Hendley Sanford Police Department
Doug Womack Sanford Police Department

Terry Jones

## **STAFF**

Robert Yow Cathy Jordan Richard Squires Teresa Marrella Pam Pope Lauren Tally Sharon Witherspoon Ed Zapolsky

Donna Byrd

#### I. CALL TO ORDER

Commission Chairman John Glenn called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to the following reappointed members: Chief Wrenn Johnson of the Morehead City Police Department, who represents the North Carolina Police Executives Association; Chief Scott Cunningham of the Winston Salem Police Department, who represents the North Carolina Association of Chiefs of Police and Mayor Bobby Kilgore, who represents the North Carolina League of Municipalities.

Following the roll call, Chairman Glenn declared that a quorum was present and welcomed all visitors to the Commission meeting. Chairman Glenn read the Ethics Responsibility into the minutes.

Chairman Glenn personally thanked Mr. Jon Gregory for hosting the Commission at the Wake Technical Community College - Public Safety Education Campus in Raleigh.

#### II. PRESENTATION OF RESOLUTIONS

Chairman Glenn presented a Resolution in Memoriam for Officer Frederick Thornton of the Charlotte-Mecklenburg Police Department, who died on February 25, 2011. Ms. Glenda Thornton accepted the Resolution in Memoriam.

Vice-Chairman Eddie Caldwell presented a Resolution in Memoriam for Officer Elieser Colonroch of the Sanford Police Department, who died July 5, 2011. Vice-Chairman Caldwell read the Resolution in Memoriam into the minutes. Captain Jason Hendley and Officer Doug Womack accepted the Resolution in Memoriam.

Chairman Glenn presented a Resolution in Memoriam for Officer Russell Willingham of the Winston-Salem Police Department, who died on July 30, 2011. Chairman Glenn read this Resolution in Memoriam aloud. Chief Scott Cunningham and Captain Terry Jones accepted the Resolution in Memoriam.

Next, Chairman Glenn presented a plaque to former Commissioner Linda Hayes, chief deputy secretary over the Division of Juvenile Justice in the Department of Public Safety. She served as Secretary of the North Carolina Department of Juvenile Justice and Delinquency Prevention. Ms. Hayes stated that it had been a pleasure working with the Criminal Justice Training and Standards Commission.

Lastly, Chairman Glenn stated that each Commission member should have a Committee Preference Sheet in their packet. He asked that each member complete this form and return to Ms. Donna Byrd before the end of the meeting.

#### III. AWARDING OF PEC COMMITTEE - Johnson C. Smith University

Former Commissioner Terry Jones presented a plaque to Johnson C. Smith University for a ten year period as authorized by law to engage in the delivery of Post-Secondary Criminal Justice Education Programs. Dr. Deborah Quick accepted the plaque and thanked the Commission.

# IV. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 03-12]

Chairman Glenn reported that staff had evaluated the applications of one hundred and eighteen (118) candidates. There were one hundred and nine (109) candidates for the Advanced Law Enforcement Certificate and nine (9) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate pin.

MOTION was made by Commissioner Ray Davis that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Steve Johnson and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement and Advanced Criminal Justice Certificates:

Brian R. Coleman Cary Police Department

Presented by Chief Pat Bazemore and Lieutenant Kenneth Quinlan

John T. Reeves, III Cary Police Department

Presented by Chief Bazemore and Lieutenant Quinlan

Christopher Allen Gathman Fuquay-Varina Police Department

Presented by Chief Larry Smith and Captain Robert Adams

Ronald Fullerton Knightdale Police Department

Presented by Captain Lawrence Capps

Billy A. Boyd N. C. Central University Police Department

Presented by Commissioner Glenn

Jennifer Glover DeArmitt N. C. Department of Public Safety

Presented by Brian Campbell

Dwight Wesley Green N. C. State Highway Patrol

Presented by Lieutenant J. C. Morton

Randall Wynn Lamm N. C. State Highway Patrol

Presented by Commissioner Glenn

Jeffery Dean Finney Mocksville Police Department

Presented by Chief Daniel Matthews

Stanley C. Allison Reidsville Police Department

Presented by Commissioner James Festerman and Chief Ed Hunt

Robert B. Cornett Stanfield Police Department

Presented by Chief James Schneider

James J. Schneider Stanfield Police Department

Presented by Officer Craig Richards

Christopher L. Kelly Wrightsville Beach Police Department

Presented by Chief Daniel L. House, Jr.

Jacquelyn Chatman N. C. Department of Public Safety/Division of Adult Corrections

Presented by Mr. Sorrell Saunders, Administrator

and Commissioner Gwen Norville

Charles Hedgpeth N. C. Department of Public Safety/Division of Adult Corrections

Presented by Mr. Saunders, Administrator

and Commissioner Norville

# V. ELECTIONS

## A. Chairman

Vice-Chairman Eddie Caldwell presided over the Commission to take nominations for the office of Chairman.

MOTION was made by Commissioner James Festerman to nominate John Glenn as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Ray Davis and carried unanimously.

### B. Vice-Chairman

Chairman Glenn presided over the remainder of the nominations.

MOTION was made by Commissioner Bob Ruth to nominate Eddie Caldwell as Vice-Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Lee Farnsworth and carried unanimously.

## C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Steve Johnson to nominate Wrenn Johnson as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Robin Pendergraft and carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner Scott Cunningham to nominate Stephanie Freeman as Chairperson of the Planning and Standards Committee. The MOTION was seconded by Commissioner Bob Myrick and carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner James Festerman to nominate Ray Davis as Chairman of the Probable Cause Committee. The MOTION was seconded by Commissioner Steve Johnson and carried unanimously.

# VI. MINUTES OF MAY 25, 2012 MEETING

Chairman Glenn entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Ira Jones that the Commission approve the minutes of the May 25, 2012 meeting as mailed. The MOTION was seconded by Commissioner Steve Johnson and carried unanimously.

#### VII. STANDING COMMITTEE REPORTS

# A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on August 23, 2012 at the Wake Technical Community College Public Safety Training Center in Raleigh. He stated that staff reported there were some audits in which a few officers did not take the mandatory in-service training several years ago. He explained that these officers have completed the training in the most recent year. According to the Administrative Code, the Commission has the authority to pursue sanctions against any officer who has not taken the mandatory in-service training. He explained that where the training deficiency results in submission of reports to the Commission containing material misrepresentation or fraudulent action, those cases would continue to be reviewed by the Probable Cause Committee. Chairman Caldwell stated those cases with training deficiencies that are prior to the preceding year; the Commission does not have any authority to pursue sanctions against the officer. He stated that the Executive Committee would be discussing the Administrative Code and how to address this issue. Also, to propose that the current procedure where the Final Audit Letter is sent to the law enforcement agency head, it should be amended so that the Final Audit Letter should also be sent

to the supervisor of the law enforcement agency.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee that the Commission adopt a policy that when a Final Audit Letter contains information about a mandatory in-service training deficiency that occurred in a year prior to the immediate preceding year, that in addition to the letter being sent to the law enforcement agency head, it should also be sent to the city or town manager, or mayor, if the audit is of a police department, to the county manager, if it is a county agency with the jurisdiction of this Commission, and for state law enforcement agencies, the copy be sent to the appropriate cabinet secretary or counsel of state member. The MOTION was seconded by Commissioner Robin Pendergraft. The MOTION carried unanimously.

Chairman Caldwell next asked Interim Director Yow to give an update on the Criminal Justice Standards Division.

Mr. Yow stated that Standards Division staff's budget has a surplus for the year. He explained that two permanent vacant positions would stay open for the first quarter of the fiscal year to reduce some of the deficit. Hopefully, after October 1<sup>st</sup>, the budget will be revisited to see if these positions can be filled. Mr. Yow stated that process was in the works to receive a part-time employee to assist in the western part of the state.

Mr. Yow stated that the Executive Committee will have three finalists for the Director's position for presentation to the full Commission on September 24, 2012 at 9:00 a.m. at Wake Technical Community College.

Mr. Caldwell asked Director Mark Strickland to give an update on the Justice Academy.

Mr. Strickland stated that Gary Dudley was promoted to Training Manager over the Commission Inservice center on May 29, 2012. He stated that Roger Miller was resigning effective August 24, 2012 and Julynn Washington was hired as program assistant in the Commission Inservice center on June 18, 2012. Also, Donna Scott was hired on June 18, 2012 as the newest member of the housekeeping staff.

Mr. Strickland reported that the Justice Academy will be delivering several new courses. These courses are: advanced sex crimes investigation, courtroom testimony for law enforcement officers, criminal intelligence and analysis; domestic violence from obsessive love to murder, drug facilitated sexual assault; essential skills for new supervisors; equipment diver specialty; finding forensic evidence with an alternate light source; inside the mind of the violent offender; interrogation rights; introduction to sex crimes investigations; investigative interviewing for sexual assaults; jail administration; recognizing insurance fraud; solo active shooter response conditioning for law enforcement officers/school resource officers; special topics in sexual assaults; and thinking errors of sexual offenders.

Mr. Strickland reported that the Justice Academy staff is continuing to review the in-service lesson plans and making any necessary changes. The target date for the completion of all in-service materials is October 15, 2012. Mr. Bill DuBois will be conducting three in-service instructor updates before January 1, 2013. The locations are: October 23-24, 2012 in Edneyville, December 4-5, 2012 and December 11-12, 2012 in Salemburg.

Mr. Strickland related that students will graduate from the Management Development Program in November. The Justice Academy is in the process of accepting applications for this program until September 30, 2012.

Mr. Strickland reported that the annual SWAT competition will be held in Salemburg November 6-8, 2012. The Justice Academy Firearms conference is scheduled for November 13-15, 2012.

Mr. Strickland concluded his report by stating that the Academy is receiving funding through a grant from the Governor 's Crime Commission to deliver training for dating violence; enhanced investigation training of domestic violence; sexual assault; and stalking. This grant was made possible by the Violence Against Women Act.

#### B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson stated that the Education and Training Committee met at 10:00 a.m. on Thursday, August 23, 2012 at the Public Safety Training Center, Wake Technical Community College.

Chairperson Johnson stated that Interim Director Bob Yow appeared before the Committee to propose certain rule revisions to support the Commission's combined testing initiative and revisions in testing procedures. These changes are to: (1) remove the administration and review of Commission testing from certain Commission courses and (2) require that certain Commission courses be completed in its entirety before graduates can be administered the Commission examination. The Education and Training Committee approved the request that staff draft a rule to state that testing must be completed within 60 days of course completion. The following rules to be amended are: 12 NCAC 09B .0202 - Responsibilities of the School Director - remove the responsibility of the School Director to provide facilities and time for the Commission Examination; 09B .0205 - Basic Law Enforcement Training - remove the four (4) hours of the Commission examination and reduce the BLET hours from 620 to 616 hours; 09B .0226 - Specialized Firearms Instructor Training - remove the two (2) hours of the Commission examination and reduce the hours from 83 to 81 hours; 09B .0227 - Specialized Driver Instructor Training - remove the three (3) hours of the course review and Commission examination and reduce the hours from 35 to 32 hours; 09B .0232 -Specialized Subject Control Arrest Techniques Instructor Training - remove the two (2) hours of the Commission examination and reduce the hours from 80 to 78 hours; 09B .0233 - Specialized Physical Fitness Instructor Training - remove the two (2) hours of the Commission examination and reduce the hours from 60 to 58 hours; 09B .0302 - General Instructor Certification - allow for the application of instructor certification after the applicant has completed the general instructor course; 09B .0304 - Specialized Instructor Certification - include language that an applicant for specialized instructor certification shall achieve a minimum score of 75% on the Commission's written examination; 09B .0405 - Completion of Basic Law Enforcement Training Course - allow trainees to attend a subsequent course delivery within 120 calendar days of the trainee's prior course completion; 09B .0406 - Comprehensive Written Examination - basic law enforcement training allow for the administration of the Commission written examination after the completion of the course offering; 09B .0408 -Comprehensive Written Examination - basic SMI certification - allow for the administration of the Commission written examination after the completion of the course offering; 09B .0413 - Comprehensive Written Exam - Instructor Training - allow a trainee who fails to score at least 65% on the Commission examination to enroll and complete a subsequent offering of the course in its entirety; 09B .0414 - Comprehensive Written Exam: Specialized Instructor Training allow a trainee who fails to score at least 75% on the Commission examination to enroll and complete a subsequent offering of the course in its entirety before further examination is permitted; 09B .0415 - Satisfaction of Minimum Training - Specialized Instructor - remove successfully passing of the Commission's examination as criteria for course completion; 09B .0416 - Satisfaction of Minimum Training - SMI Instructor - remove successfully passing the Commission's examination as criteria for course completion and allow the School Director the authority to require additional motorskills testing; 09C .403 - Reports of Training Course Presentation and Completion - require School Directors to submit the Post-Delivery Report of Training not more than ten (10) days after completion of a course.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following rules: Title 12 of the North Carolina Administrative Code 09B .0202, 12 NCAC 09B .0205, 09B .0226, 09B .0227, 09B .0232, 09B .0233, 09B .0302, 09B .0304, 09B .0405, 09B .0406, 09B .0408, 09B .0413, 09B .0414, 09B .0415, 09B .0416, and 09C .0403; seconded by Commissioner Pendergraft. The MOTION carried unanimously.

Chairperson Johnson reported that on behalf of the School Accreditation Subcommittee, Commissioner Terry Jones, recommended the reaccreditation of the following institutions for a period of five years in accordance with 12 NCAC 09B .0200 and 09C .401. They are: Cape Fear Community College, Pitt Community College, Martin Community College, Gaston College and Southwestern Community College. The School Accreditation Subcommittee has also found that the following institutions are in accordance with 12 NCAC 09C .0401; 09C .0402, 09B .0200 and recommended accreditation for the delivery of the following Commission's courses: Accreditation for delivery of General Instructor Training - McDowell Technical Community College, Accreditation for delivery of Radar Operators Course - Iredell County Sheriff's Office. The Committee approved this request.

Next, Chairperson Johnson reported that the Education and Training Committee reviewed each goal and presented suggestions on how to achieve the 7<sup>th</sup> Edition System Plan.

Chairperson Johnson related that Gary Dudley reported that the corrected power point presentation for Anti-Terrorism block of instruction was distributed to all BLET School Directors on June 27, 2012. No other instructional materials were affected. The corrected instructor lesson plan was distributed on June 20, 2012. This correction was that the Specialized Hazardous Materials Instructor is required to teach this block. Each of these blocks of instruction was included in the July 1, 2012, revisions.

Chairperson Johnson reported that Interim Director Robert Yow, Criminal Justice Education Training and Standards Division requested clarification for the 2013 In-Service Frequently Asked Questions. The question was: "If a lesson plan is developed for a specific number of hours, what happens if a person completes the training in less than or more than the hourly increment?" The answer is: "Traditional classroom lesson plans are designed to be delivered in the full hourly increments. Therefore, a credit is only given when the course is completed in the appropriate time frame as designed in the lesson plan. If on-line training is utilized, the time required to complete the lesson plan may vary based on the student's reading and comprehensive level."

Chairperson Johnson concluded her report by stating the Commissioner Steve Johnson requested that consideration be given to increasing the number of recertification hours for General Instructor Certification and Specialized Instructor Certification from 12 hours every 3 years to 24 hours every 3 years. The Committee asked that the Standards staff research the historical background of how instructor certification hours were initially determined and report this at the November meeting.

# C. Planning and Standards Committee - Chairperson Stephanie Freeman

Chairperson Freeman reported that one of the new regulations concerning rules in G.S.§ 150B-19.1(b) requires the rule-making coordinator to conduct an annual review of all Commission rules to determine if any rules have become obsolete and should be repealed. As a result, the following five rules were determined to be obsolete: Applicability of Radar/Time Distance Standards Pre 7/1/82 and Certified SMI Instructors Pre 7/1/82 - these two rules were intended to grandfather officers who had received training prior to 1982 but are no longer needed because officers are required to recertify every three years. Application for Law Enforcement employment is a rule that references an employment card which was used at one time by agencies for preliminary screening of new applicants, but has not been in use for many years. The final two rules deal with the procedures for ordering blank forms from the Standards Division. All Commission forms are located on the website.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to seek the repeal of these rules: 12 NCAC 09A .0108, 09B .0311, 09C .0217, 09C .0218 and 09C.0220; seconded by Commissioner Scott Cunningham. The MOTION carried unanimously.

Chairperson Freeman reported that when the Rules Review Commission considered the rule governing Required Annual In-Service Training Topics (09E .0102), the Rules Review Commission believed that this rule was redundant with rule 09E .0105. The Rules Review Commission asked that the Commission repeal Rule 09E .0102.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to repeal Rule 09E .0102 Required Annual In-Service Training Requirements, effective January 1, 2013 and approve the amendment adding "Training & Qualification" to the minimum training specifications; seconded by Commissioner Robin Pendergraft. The MOTION carried unanimously.

Chairperson Freeman reported that Mr. Tim Moose, Deputy Director of Community Corrections and Ms. Kim Summerdorf from the Department of Public Safety Personnel, appeared before the Committee to request the addition of a new job classification, Probation/Parole Officer Associate, to the list of State Probation/Parole Officer Positions under the Interpretive rule. This position is intended to allow the Department of Public Safety to hire recent college graduates without job experience as Probation/Parole Officer Associates.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission revises the Interpretive Rule to include the position of Probation/Parole Officer - Associate; seconded by Commissioner Gwen Norville. The MOTION carried unanimously.

Next, Chairperson Freeman related that the Forms Subcommittee met and discussed Form F-5A (DOC), Report of Appointment. The Department of Public Safety personnel section has questions regarding this form. The Standards Division staff has invited Department of Public Safety Personnel to a meeting where their questions can be answered and gain a better understanding of procedures used by the Division of Adult Correction at their Regional Employment Offices. The Subcommittee also made several suggestions to improve the questions asked on Form F-3, Personal History Statement. A draft of Form F-3 will be presented at the next Forms Subcommittee and hopefully a final version to be presented to the Planning and Standards Committee in November.

# D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on August 22<sup>nd</sup> and August 23<sup>rd</sup>. He reported that the Committee reviewed a total of twenty-two cases. He stated that the Committee recommended a lesser sanction of an "Official Written Reprimand" for two cases. He related that the Committee found probable cause in eight cases and no probable cause in fourteen cases. Three cases were continued until the November meeting.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/072; seconded by Commissioner Ira Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/074; seconded by Commissioner Jones. The MOTION carried unanimously.

#### VIII. OTHER BUSINESS

None

# IX. OLD BUSINESS

#### A. Old Business

None

## B. Legal Counsel Report

Ms. Cathy Jordan distributed a document entitled "Pending Administrative Cases" for the membership's review:

1. Jay Eduard Krueger

2. Tommy Keith Lymon

3. Ahmed Joseph Blake

4. Bryson Lawrence Cornett

5. Petre Earl Franks

6. Derrick Wayne Knox

7. Geary Michael Chlebus

8. James Sprunt Community College

9. Dillan Nathanuel Hymes

10. Barbara Renay Whaley

11. Horatio Vernon Cameron, Jr.

12. Robert Kendrick Mewborn

Petition for Judicial Review filed January 6, 2011 (Wake County); Official Record/Response filed 2/7/11; Addition of Counsel JA/CJ 3/25/11; To Be Heard Week of July 2, 2012; Draft Order sent to Superior Court Judge July 13th. Petition for Judicial Review filed 4/29/10 (Wake County); Response filed 5/27/10; Sent Calendar Request for Week of 12/13/10 on 9/28/10; Hearing: December 15, 2010, 10:15 a.m.; Remanded to OAH: Notice of Appeal/Motion to Stay filed 2/9/11; Proposed ROA sent to Gray 3/16/11; 30 days for Petitioner to submit obj/amendments: 4/15/11; Respondent filed Notice of Withdrawal w/Court of Appeals on 5/2/11; Letter to OAH requesting remand sent 5/6/11; Hearing: Continued; Interrogatories sent 11/30; 15 days: 12/17; Resent 3/1; 15 days: 3/20; Hearing set for 3/26 & 3/28, 9:30 a.m.; Raleigh; submit Proposed Decision by 6/18; Draft Proposed Final Agency Decision sent to Judge 6/18; Proposed Final Decision letter sent 8/6; 30 days. To Be Heard at the November 2012 Commission Meeting. PJR filed August 17, 2012 (Guilford County); served on August 20th; Response Due September 19th.

PJR filed June 21, 2012 (Wake County); served on June 25<sup>th</sup>; Response Due July 25<sup>th</sup>; Response/or filed July 19<sup>th</sup>. Final Agency Decision sent December 12<sup>th</sup>; 35 days: 1/23; Petition for Judicial Review filed January 17<sup>th</sup> (Beaufort County); R/or due February 20<sup>th</sup>; PJR Response/Official Record Filed; Scheduled for September 4<sup>th</sup> at 10:00 a.m. Hearing Continued.

To Be Heard at the August 2012 Commission Meeting. Hearing Continued to September 24<sup>th</sup> (pending settlement at August 2012 Commission meeting).

Proposed Final Decision letter sent August 6<sup>th</sup>; 30 days: September 6<sup>th</sup>. To Be Heard at the November 2012 Commission meeting.

To Be Heard at the August 2012 Commission meeting. FAD letter sent July 2<sup>nd</sup>; 35 days, September 7<sup>th</sup>.

To Be Heard at the August 2012 Commission meeting.

<ul><li>13. Julian Maurice Sidberry</li><li>14. Darryl Howard</li><li>15. John Jay O'Neal</li><li>17. Charlesene Yvette Cotton</li><li>18. William James Becker</li></ul>	To Be Heard at the August 2012 Commission meeting. To Be Heard at the August 2012 Commission meeting. To Be Heard at the November 2012 Commission meeting. To Be Heard at the August 2012 Commission meeting. Proposed Final Decision letter sent August 22 <sup>nd</sup> ; 30 days: To Be Heard at the November 2012 Commission meeting.
<ol><li>James Philip Davenport</li></ol>	Hearing August 10, 2012, 9:30 a.m.; Raleigh.
20. Alvin Louis Daniels	Draft Proposed Final Decision sent to Judge July 30 <sup>th</sup> .
21. Danielle Marie Taylor	Hearing: September 13, 2012, 9:30 a.m.; Fayetteville
22. Rodney Lyndolph Bland	Interrogatories sent August 15 <sup>th</sup> ; 15 days: Discovery Due: September 3 <sup>rd</sup> ; Hearing: September 21, 2012, 9:30 a.m.; Williamston.
23. Sherman Montrell McQueen	Interrogatories sent August 10 <sup>th</sup> : 15 days: August 28 <sup>th</sup> ; Discovery Due August 27 <sup>th</sup> ; Hearing: September 13, 2012, 9:30 a.m.; Fayetteville.
24. Matthew Brian Hayes	Hearing: September 6, 2012, 9:00 a.m.; Raleigh.
25. Antonio Cornelius Hardy	Interrogatories sent August 2 <sup>nd</sup> ; 15 days: August 19 <sup>th</sup> ; Discovery Due: September 3 <sup>rd</sup> ; Hearing: September 21, 2012, 2:00 p.m.; Williamston.
26. Jonathan Dryden Dunn	Respondent filed PHS June 20 <sup>th</sup> ; PHS Due June 20 <sup>th</sup> ; PHS filed July 17 <sup>th</sup> ; Respondent Due August 9 <sup>th</sup> ; Interrogatories; Discovery Due: August 20 <sup>th</sup> ; Hearing: September 11,2012, 9:00 a.m.; Charlotte.
27. Preston Morgan Howell, Jr.	Interrogatories: Discovery Due: October 29 <sup>th</sup> ; Hearing: Week of November 12, 2012 in Fayetteville.
28. David Robert Murrell	Respondent filed PHS August 15 <sup>th</sup> ; PHS Due August 16 <sup>th</sup> ; Interrogatories; Discovery Due: October 29 <sup>th</sup> ; Hearing: Week of November 12, 2012, in Bolivia.

# C. Final Agency Decisions

Commissioner Glenn noted that Norman Young would serve as the Commission's Legal Counsel for the Final Agency Decisions.

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

## 1. Darryl Howard

Ms. Jordan presented the case of Darryl Howard, who was charged with the criminal offense of felony bigamy because he "unlawfully, willfully and feloniously did marry Francina Howard while still being married to Annie Howard, who was living at the time". The Petitioner pled guilty to misdemeanor fornication and adultery, and the trail court found him to be guilty. On September 7, 2010, the Petitioner submitted a Report of Appointment Form F-5A for certification as a DOC Correctional Officer. The Probable Cause Committee found probable cause existed to deny Mr. Howard's application for correctional officer certification and suspend his law enforcement officer certification. Ms. Jordan stated that Mr. Howard testified that he did not obtain a divorce from Annie. She asked the Commission adopt the Final Agency Decision.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Lee Farnsworth. The MOTION carried unanimously.

MOTION was made by Commissioner Caldwell that the Commission return to Open Session; seconded by Commissioner Farnsworth. The MOTION carried unanimously.

MOTION was made by Commissioner Farnsworth that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Bob Myrick. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote

#### 2. Charlesene Yvette Cotton

Ms. Cotton was not present to address the Commission; however, her attorney Jonathan Trapp was present.

Ms. Jordan presented the case of Charlesene Yvette Cotton, who was certified on January 8, 2008, as juvenile justice officer and June, 2009, she received her general certification as a juvenile justice officer. On March 7, 2009, an incident occurred at a basketball game where her 12 year old son was participating. Approximately, 50 people were in attendance at the basketball game. Ms. Jordan stated that during the game, one player pushed another player. Ms. Jordan stated that Ms. Cotton walked over to her son's team's bench to talk to the coach about the tone of the game. Officer Shanda Williams with the Durham Police Department was working off-duty at the Lyons Park in Durham in the gymnasium. Officer Williams heard a commotion in the gymnasium. Officer Williams entered the gym and walked over to Ms. Cotton at the coaches' bench. Officer Williams told Ms. Cotton that she needed to leave the gym. Officer Williams took control of Cotton by taking her by the hand and leading Ms. Cotton out of the gym. Ms. Cotton told Officer Williams that she was not going anywhere. Ms. Cotton was irate and argued that Officer Williams had placed her hands on her. Ms. Jordan stated that Ms. Cotton had pushed Officer Williams with both of her hands on her chest. Ms. Jordan stated that Ms. Cotton's twelve year old son stop playing ball and ran up behind Officer Williams and punched her in the mouth and yelled "Get off of my mother". Ms. Cotton was charged with "Assault on a Government Official" and "Resist Delayed or Obstruct" and "Disorderly Conduct." Ms. Jordan asked that the Commission adopt the Proposed Final Agency Decision.

Attorney Jonathan Trapp, representing Ms. Cotton stated that there were no facts that his client hit the officer. Ms. Cotton's son was not present at the hearing. He stated that at the hearing, the administrative law judge did not find any probable cause. Mr. Trapp stated that his client was told by his boss to take the deferred prosecution.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Farnsworth. The MOTION carried unanimously.

MOTION was made by Commissioner Caldwell that the Commission return to Open Session; seconded by Commissioner Farnsworth. The MOTION carried unanimously.

MOTION was made by Commissioner Scott Cunningham that the Commission adopt the Proposed Final Agency Decision as submitted by Legal Counsel with modification on page #4 to delete the word "of" to read "this period begins on" seconded by Commissioner Pendergraft. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

#### 3. Robert Kendrick Mewborn

Mr. Mewborn was not present to address the Commission.

Ms. Jordan presented the case of Robert Kendrick Mewborn, who completed a Personal History Statement Form F-3 for the purpose of obtaining his law enforcement officer certification. Question #47 asks: "Have you ever been arrested by a law enforcement officer or otherwise charged with a criminal offense?". The Petitioner answered that he was charged with "Failure to Stop at an Accident" in August 1997 and "Assault on a Female" in July 1996. However, Mr. Mewborn failed to list that he was charged with "communicating threats" on March 23, 2007 and "assault on a female" in 2007. Ms. Jordan stated that he failed to list that he was charged with "second degree trespass" and "simple assault" in 1995. Question #52 asks "Have you ever been placed on probation?" Mr. Mewborn answered "yes" and in 1997 for "failure to stop at an accident". He failed to disclose that in 1995, he was placed on probation for eighteen months after he pled guilty of "simple assault" charge. On December 23, 2010, a background investigation was conducted. Question #32 asks: "Describe any criminal involvement that you may have had in the past." Mr. Mewborn answered, "Hit & Run and leaving the scene of an accident." Ms. Jordan stated that he failed to disclose the criminal charge of "communicating threats" and "assault on a female" in 1997, "second degree trespass" in 1997, "second degree trespass" and "simple assault" in 1995. She stated that Question #40 asks: "Have you ever been convicted of a crime?" The Petitioner answered, "hit and run". He failed to list the "simple assault" charge in 1995. Ms. Jordan stated that on his Form F-5A, again, he failed to disclose several charges. Mr. Mewborn stated that he forgot the charges. Ms. Jordan asked that the Commission adopt the Proposed Final Agency Decision.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Bobby Kilgore. The MOTION carried unanimously.

MOTION was made by Commissioner Kilgore that the Commission return to Open Session; seconded by Commissioner Pendergraft. The MOTION carried unanimously.

MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Farnsworth. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.

#### 4. Barbara Renay Whaley

Ms. Lauren Tally presented the case of Barbara Renay Whaley, who is a correctional officer and employed part time with Jackson's IGA. Ms. Whaley was charged with the felony offense of "Larceny by Employee." Ms. Tally stated that Mr. Thomas O'Neal, Manager of the IGA, testified that he observed the Petitioner leave the store with a cooked ham. He

later found out that she did not pay for it at the deli register. Mr. O'Neil pulled receipt tapes to see if the item had been rung up and the video recordings showed that Ms. Whaley did not pay for the ham. Ms. Tally stated that Mr. O'Neal testified that he had spoken with every register clerk and no one could verify that Ms. Whaley had paid for the ham. Also, the Petitioner could not provide a receipt for the ham purchase. After questioning by Mr. O'Neal, the Petitioner confessed to taking the ham without paying for it. Ms. Tally asked that the Commission adopt the Proposed Final Agency Decision.

MOTION was made by Commissioner Cunningham that the Commission adopt the Proposed Final Agency Decision as written; seconded by Commissioner Bill Hollingsed. The MOTION carried unanimously. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.

## X. DATE OF NEXT MEETING

Chairman Glenn advised that the Commission's special meeting is scheduled for September 24<sup>th</sup> and the next regular Commission meeting is scheduled for November 15-16, 2012 in Raleigh.

#### XI. MOTION TO ADJOURN

MOTION was made by Commissioner Ruth to adjourn the meeting. The MOTION was seconded by Commissioner Pendergraft and it carried unanimously.