

**NORTH CAROLINA CRIMINAL JUSTICE  
EDUCATION AND TRAINING STANDARDS COMMISSION**

**MINUTES**

**DATE:** February 22, 2013

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

**LOCATION:** Wake Technical Community College - Public Safety Education Campus  
Raleigh, North Carolina

**SUBMITTED BY:** Winfield Hunter  
Interim Director

The Education and Training Committee, the Planning and Standards Committee, the Probable Cause Committee and the Executive Committee met on February 21, 2013 for their regular quarterly meetings. The Probable Cause Committee also met on February 20, 2013.

**MEMBERS PRESENT**

Mr. John Glenn  
Chief Ira Jones  
Dr. Robert Ruth  
Chief Scott Cunningham  
Captain Lee Farnsworth  
Chief Wrenn Johnson  
Mr. Ray Davis  
Chief Bill Hollingsed  
Chief Tim Ledford  
Chief Patricia Bazemore  
Ms. Stephanie Freeman  
Sergeant Lorie Hersey  
Ms. Tracy McPherson  
Mr. Steve Johnson  
Mr. Brent Herron  
Ms. Robin Pendergraft  
Chief Tim Hayworth  
Mr. Johnny Hawkins  
Mr. Bob Myrick  
Mr. Charles Johnson  
Mr. Trey Robison  
Chief Allen Smith

**MEMBERS ABSENT**

Mr. James Festerman  
Mr. Eddie Caldwell  
Mayor Bobby Kilgore

Mr. Jeff Welty  
Lieutenant Yolanda Sparrow  
Ms. Diane Isaacs  
Ms. Gwen Norville  
Ms. Angela Williams

**VISITORS**

Alonzo Johnson, Jr.	N. C. Department of Public Safety - Division of Adult Correction
Maggie Brewer	N. C. Department of Public Safety - Division of Adult Correction
Kenny Williams	Spencer Police Department
Brittany Williams	
Chief Michael T. James	Spencer Police Department
Chief Justin Hewett	Fair Bluff Police Department
Ronald Hewett	Retired Sheriff from Brunswick County
Brittany Hewett	
Steven Pittman	Richmond County Schools Police
Chief Marc A. Terry	Richmond County Schools Police
Spencer Noble	N. C. Department of Public Safety - Division of Adult Correction
Courtney Adams	
Montez Bishop	
Lakeisha Bishop	Vidant Medical Center Police Department
Brandon Atkins	Wake Forest Police Department
Matthew May	Wake Forest Police Department
Stacy Holloman	N. C. Justice Academy
Sheriff Chris Batten	Columbus County Sheriff's Office
Bryan Richardson	N. C. Department of Public Safety - Division of Adult Correction
Misty Richardson	N. C. Department of Public Safety - Division of Adult Correction
Pamela Smith	Mount Gilead Police Department
Chief Cleve Willoughby	Mount Gilead Police Department
Mark Strickland	N. C. Justice Academy
Wayne Ayers	N. C. Justice Academy
Macy Baltrus	Holly Springs Department of Public Safety
Chief John Herring	Holly Springs Department of Public Safety
Tom Brienzi	Holly Springs Department of Public Safety
Anne Precythe	N. C. Department of Public Safety
Norman Young	N. C. Department of Justice
Joyce Ruth	

Willie Morris  
Mike Henry

Wake Technical Community College Police  
Wake Technical Community College Police

**STAFF**

Winfield Hunter	Richard Squires	Lauren Earnhardt	Catherine Jordan
Pam Pope	Ed Zapolsky	Kevin Wallace	Sharon Witherspoon
Tim Pressley	Dawn Suffel	Donna Byrd	

**I. CALL TO ORDER**

Commission Chairman John Glenn brought the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to one new member, Chief Allen Smith with the Atlantic Beach Police Department, who represents former Governor Beverly Perdue. He read the Ethics Statement into the minutes. Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors.

Chairman Glenn personally thanked Ms. Betty Reynolds for hosting the Commission at the Wake Technical Community College Public Safety Education Campus.

**II. PRESENTATION OF RESOLUTION**

Chairman Glenn reported that the Executive Committee had approved a Resolution of Appreciation for Johnson Britt of the North Carolina Conference of District Attorneys. Chairman Glenn stated that the Resolution had been approved by the Commission at the November meeting. He proceeded to read the Resolution of Appreciation into the minutes.

Commissioner Britt stated that he had enjoyed working with the Commission membership and that it had been an honor to serve on the Commission.

**III. AWARDING OF ADVANCED CERTIFICATES**

**[Agenda Memorandum No. 01-13]**

Chairman Glenn reported that staff had evaluated the applications of all one hundred and nineteen (119) candidates. There were one hundred and one (101) candidates for the Advanced Law Enforcement Certificate and eighteen (18) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

**MOTION was made by Commissioner Robin Pendergraft that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Tim Ledford and carried unanimously.**

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

Justin H. Hewett	Fair Bluff Police Department Presented by Sheriff Chris Batten, Retired Sheriff Ronald Hewett and Brittany Hewett, wife
Macy Baltrus	Holly Springs Police Department Presented by Sergeant Tom Brienzi
Pamela Smith	Mount Gilead Police Department Presented by Chief Alex Willoughby
Steven B. Pittman	Richmond County Schools Police Presented by Chief Marc Terry
Kenny L. Williams	Spencer Police Department Presented by Chief M. T. James
Montez Kenyon Bishop, Sr.	Vidant Medical Center Police Department Presented by LaKeisha Bishop
Brandon Atkins	Wake Forest Police Department Presented by Commissioner Glenn
Willie Louis Morris, III	Wake Technical Community College Police Presented by Mike Henry
Bryan K. Richardson	North Carolina Department of Public Safety - Division of Adult Correction Presented by Commissioner Glenn
Spencer L. Noble	North Carolina Department of Public Safety - Division of Adult Correction Presented by Commissioner Maggie Brewer, Judicial District Manager III and Courtney Adams, wife
Alonzo W. Johnson	North Carolina Department of Public Safety - Division of Adult Correction Presented by Maggie Brewer

**IV. MINUTES OF NOVEMBER 16, 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 November 18, 2012 meeting as mailed. The MOTION was seconded by Commissioner Pendergraft and carried unanimously.**

**V. STANDING COMMITTEE REPORTS**

**A. Executive Committee - Commission Chairman Glenn**

Chairman Glenn reported that the Executive Committee met on Thursday, February 21, 2013, at the Wake Technical Community College Public Safety Training Center in Raleigh.

Chairman Glenn explained that Senate Bill 33 as currently written would allow for individuals who are convicted felons to be considered for certification by this Commission. This bill would allow individuals who are felons and are prohibited by law from carrying a firearm to be considered for criminal justice employment. This inability to carry a weapon would prohibit them from fulfilling the duties of a law enforcement officer or criminal justice officer, but most importantly to protect the public.

**MOTION was made by Commissioner Glenn that the Commission is opposed to this bill; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.**

Chairman Glenn reported that Senate Bill 91 as currently written would allow for individuals who have been convicted of a felony that was subsequently expunged to be considered for certification by this Commission. N.C.G.S. § 17C and 17E currently provide an exception for the Criminal Justice Education and Training Standards Commission and the Sheriffs' Training and Standards Commission to obtain information on past expungement to verify the eligibility of applicants. The Criminal Justice Education and Training Standards Commission request that the exception to allow for obtaining information on expungement given under 17C and 17E be incorporated into Senate Bill 91.

**MOTION was made by Commissioner Glenn that the Commission is opposed to this bill; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.**

Chairman Glenn stated that the Committee discussed Training Waivers - North Carolina General Statute § 93B-15-1(b) that was passed last year. He explained that this statute gave the Commission at least one year to establish provisions for military personnel and spouses wishing to become law enforcement officers in North Carolina. There was much discussion regarding the requirements and the decision was made for a draft of the rule to be presented at the May meeting.

Chairman Glenn stated that the Committee also reviewed Senate Bill 59 for Armed Security Guards in schools. He stated that legal staff was reviewing this bill and the Commission would be reviewing this bill in the coming months.

Chairman Glenn asked Interim Director Windy Hunter to give an update on the Criminal Justice Standards Division. Interim Director Hunter reported that two positions had been filled. Mr. Trevor

Allen was hired as the new Research and Planning Associate, replacing Teresa Marrella. Mr. Allen is a former Lieutenant with the Salisbury Police Department. He reported that Sara Wiggins was hired as the Company/Campus Police Program Administrator. Ms. Wiggins is a former police chief from Sharpsburg Police Department and former command officer with the Nash County Sheriff's Office and currently certified as a criminal justice instructor. Mr. Hunter stated that Brandy Miree, Processing Assistant with the Company/Campus Police has recently left for a position at the Veterans Hospital. Mr. Hunter stated that he had recently hired Kevin Wallace, as a temporary to work with investigations for the N. C. Department of Correction (now known as the N. C. Department of Public Safety - Division of Adult Corrections).

Interim Director Hunter reported that staff has received 100% of the in-service training reports from the law enforcement agencies under the Commission's jurisdiction.

Chairman Glenn asked Director Mark Strickland to give an update on the Justice Academy.

Mr. Strickland stated that Candace Cannady was promoted to Stock Clerk at the Justice Academy Bookstore. Mr. Floyd Yoder has been hired as an Instructor/Coordinator for the Tactical and Traffic Center. He will primarily focus on Officer Safety and S. W. A. T. Programs. Mr. Thomas Tiller was hired as the Printing Equipment Operator.

Mr. Strickland reported that a total of 197 officers attended the six instructor 2013 in-service updates. An additional Coordinating in-service training course will be offered March 19, 2013.

Next, Mr. Strickland stated that the Academy would begin a Lead Removal Project on firing ranges at the Salemburg campus. This project will include the removal of lead from the berms, refurbish the berms, and upgrade some of the peripheral range devices such as lighting and mechanics.

Mr. Strickland reported that 20 individuals are participating in Class #25 of the Management Development Program.

Lastly, Mr. Strickland stated that the Justice Academy would be celebrating 40 years of existence this year.

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

Chairperson Johnson reported that the Education and Training Committee met on Thursday, February 21, 2013 at the Wake Technical Community College, Public Safety Education Campus, Raleigh, North Carolina.

Chairperson Johnson reported that Commissioner Steve Johnson appeared before the Committee to propose a rule revision to the language within subsection (1) of 12 NCAC 09E .0104. After considerable discussion, the Committee deferred the issue until the May meeting. The Committee requested that Criminal Justice Standards staff review the proposed rule revision and other associated rules.

Chairperson Johnson reported that Tim Pressley appeared before the Committee to request a revision to 12 NCAC 09B .0405 Completion of Basic Law Enforcement Training Course. Mr. Pressley reported that the Administrative Code rules were not consistent with the current BLET Physical Fitness lesson plan. He stated that this rule needs to be revised to allow a student “two (2) final attempts with 24 hours of rest between attempts.”

**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 rule: 12 NCAC 09B .0405 - Completion of Basic Law Enforcement Training Course, (d)(1)(A)(I) and (ii) to read, “the student shall be allowed to make up the deficiency at the original training site without enrolling in a subsequent delivery of BLET. Under this option, the student shall be given 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be allowed two (2) attempts to complete the entire POPAT Course with a minimum of 24 hours of rest between attempts during the 120-day period to satisfy the deficiency”; or “the student shall be allowed to enroll in a subsequent delivery of BLET as a limited enrollee.” This delivery shall begin within 120 calendar days from the date that the comprehensive state examination was administered to the original BLET course in order to successfully satisfy this deficiency. Students who select this option shall be given two attempts to complete the entire POPAT course with a minimum of 24 hours of rest during the delivery period of the subsequent BLET course; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.**

Chairperson Johnson reported that Mr. Pressley also requested that 12 NCAC 09F .0105(3) Instructor Responsibilities Subsection (3) be revised to remove the “raised seal” from the student’s concealed carry handgun certificate. The Committee members had concerns with the removal of the raised seal. The Committee asked staff to check into other sources of applying the seal to the certificate and report back at the May meeting.

Chairperson Johnson noted that Commissioner Tracy McPherson appeared before the Committee to recommend reaccreditation of James Sprunt Community College for a period of five years. Ms. McPherson also recommended accreditation for Piedmont Community College (BLET); Henderson County Sheriff’s Office (Radar Operator Training, Radar Operator Recertification, Lidar Operator and Lidar Operator Recertification Training). The Committee approved these recommendations.

Chairperson Johnson reported that Gary Dudley with the Justice Academy presented the proposed 2014 in-service training objectives and the Committee approved.

Chairperson Johnson noted that on behalf of the North Carolina Police Executives Association, Chief Ira Jones requested authority for four (4) hours of in-service training credit for each training event scheduled to be conducted in March and July 2013. The Committee approved this request.

Chairperson Johnson noted that Mr. Mark Strickland reported that eighty-eight (88) attendees completed four (4) hours of pilot instruction on “Social Media for Police Management” and “Electronic Surveillance” at the North Carolina Association of Chiefs of Police Winter Conference. The Education and Training Committee approved the in-service topics for 2013 at the Association’s request in November 2012.

Chairperson Johnson stated that Wayne Ayers with the Justice Academy reported that he was continuing to gather data for Specialized Instructor Prequalification update. Commissioner Steve Johnson requested that pilot authority be extended until January 2014 to allow additional data to be collected. A report will be presented in the future.

Next, Chairperson Johnson noted that Commissioner Robin Pendergraft informed the Committee that she would present a report at the May meeting to discuss the recertification hours of specialized and general instructors.

Chairperson Johnson stated that Commissioner Tracy McPherson informed the Committee that a new GED test was being written based upon different standards and will be computer based.

Lastly, Chairperson Johnson stated that Chief Tim Hayworth expressed the concerns of agency heads and others in the criminal justice field regarding the in-service training and testing. He expressed concerns with the current in-service rules being unclear, cumbersome and problematic. After considerable discussion, the Education and Training Committee asked that the Executive Committee seek input from the Criminal Justice community regarding these issues and work with the Joint In-Service Training Committee for their input and concerns.

**C. Planning and Standards Committee - Chairperson Stephanie Freeman**

Chairperson Stephanie Freeman reported that the Planning and Standards Committee met on Thursday, February 21, 2013 and approved the minutes of the November meeting.

Chairperson Freeman made a motion to approve the proposed amendments to: 12 NCAC 09B .0202 Responsibilities of School Director - This amendment would change the BLET topic name of "Electrical and Hazardous Materials" to "Explosives and Hazardous Materials," which is an accurate description of the content in this block of instruction. This amendment also removes the requirement that during the delivery of the training course that two hours of class time be scheduled for the administration of a written examination for the trainee. She explained that a handout was passed out containing the corrected version of 12 NCAC 09B .0202(a)(10), which remains intact to read, "maintain direct supervision, direction, and control over the performance of all persons to whom any portion of the planning, development, presentation or administration of a course has been delegated. Comprehensive final examination shall be administered by the Criminal Justice Education and Training Standards Division." 12 NCAC 09B .0304 Specialized Instructor Certification - This amendment will amend the requirements to become certified as an Explosives & Hazardous Materials Instructor with the addition of a new Specialized Explosives & Hazardous Materials Instructor Training Course. The proposed amendment would also require that in order to qualify for a Specialized Instructor Certification that each student achieve a minimum score of 75% on the Commission's comprehensive written examination. This rule was amended to include the statement, "and achieve a minimum score of 75% on the Commission's comprehensive written examination in (h)(2) and (j)(1)(B) and (j)(2)(B)," to have all rules consistent. 12 NCAC 09B .0414 Comprehensive Written Exam/Specialized Instructor Training - This amendment will add the requirement at the end of the new Specialized Explosives and Hazardous Materials Instructor Training Course that a written exam must be administered and passed with a score of 75% or greater. This amendment will also take out the requirement that during the delivery of the training course two hours of class time be scheduled for the administration of a written examination to the trainee. 12 NCAC 09B .0415 Satisfaction of Minimum Training/Specialized Instructor - This amendment will add the requirement necessary to satisfy the minimum training standards for new Specialized Explosives and Hazardous Materials Instructor Training Course. The amendment will



also take out the requirement that during the delivery of the training course that two hours of class time be scheduled for the administration of a written examination to the trainee. 12 NCAC 09B .0417 Specialized Explosives and Hazardous Materials Instructor Training - This rule outlines the requirements of the Specialized Explosives and Hazardous Materials Instructor Training Course. It explains what this course certifies the instructor to teach, sets standards for admission to the course, lists topic titles and hours, states the approved curriculum and delivery site.

**MOTION was made by Commissioner Freeman that the Commission adopt the aforementioned revisions to 12 NCAC 09B .0202, 09B .0304, 09B .0414, 09B .0415 and 09B .0417; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously.**

Chairperson Freeman reported that rule 12 NCAC 09H Qualified Retired Law Enforcement Officers will be presented at the May meeting.

Next, Chairperson Freeman reported that the Planning and Standards Committee had received a request from the North Carolina Department of Public Safety, Division of Adult Correction (DAC), Section of Community Corrections regarding a proposed revision to 12 NCAC 09G .0204(b). The revision stems from the Justice Reinvestment Act signed into law June 2011. As a result of this and other legislation, DAC management has requested the role of the Surveillance Officer be reclassified.

**MOTION was made by Commissioner Freeman that the Commission proceed with a temporary rule change striking the 4-year degree requirement for Probable/Parole Officers under 12 NCAC 09G .0204(b); seconded by Commissioner Angela Williams. The MOTION carried.**

Lastly, Chairperson Freeman reported that the Committee reviewed Form F-5A (DAC), the Sheriffs' Commission Form F-3 (Background Summary) and the Commission's Form F-3. After much discussion, the Committee asked legal counsel for clarification on appropriate language dealing with past drug use in light of ADA issues. This will be reviewed again and a report will be delivered to the full Commission in the future.

**D. Probable Cause Committee - Chairman Ray Davis**

Chairman Davis reported that the Probable Cause Committee met on Wednesday, February 20<sup>th</sup> and again on Thursday, February 21<sup>st</sup>.

He reported that the Committee reviewed a total of twenty-six (26) cases. Probable cause was found in four (4) cases and no probable cause in fifteen (15) cases. One case was continued for additional investigation. He related that the Committee found probable cause in six cases in which the Committee offered a lesser sanction of an "Official Written Reprimand."

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/019; seconded by Commissioner Ira Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/007; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/013; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/020; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/022; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/014; seconded by Commissioner Jones. The MOTION carried unanimously.**

Chairman Davis concluded his report by stating that there were no officers to report on the list of individuals certified having committed a criminal offense.

**V. OTHER BUSINESS**

None

**VII. 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. Tommy Keith Lymon FAD letter sent January 8<sup>th</sup>; 35 days; RTS: Resent 2/4; 35 days: March 14<sup>th</sup>.
- 2. Jay Eduard Krueger Petition for Judicial Review filed January 6, 2011 (Wake County); Official Record/Response filed February 7, 2011; Addition of Counsel JA/CJ March 25, 2011; To Be Heard Week of July 2; Draft Order sent to Superior Court Judge July 13<sup>th</sup>; Order entered July 18<sup>th</sup>; Received by Petitioner November 24<sup>th</sup> and November 26; Notice of Appeal Filed December 19<sup>th</sup>; PROA served January 22<sup>nd</sup>; 30 days: February 21<sup>st</sup>.

3. Ahmed Joseph Blake  
PJR filed August 17, 2012 (Guilford County); served on legal counsel August 20<sup>th</sup>; Response Due September 19<sup>th</sup>; MTD filed September 17<sup>th</sup>, or filed September 14<sup>th</sup>; Amended PJR filed September 14<sup>th</sup>; MSJ Alt. Response filed October 15<sup>th</sup>; Scheduled for June 3, 2013, Courtroom 3G - 10:00 a.m.; MTD Dispense mailed February 15, 2013.
4. Bryson Lawrence Cornett  
PJR filed June 21, 2012 (Wake County); served on legal counsel June 25<sup>th</sup>; Response due July 25<sup>th</sup>; Response/filed July 19<sup>th</sup>; Memo filed January 31, 2013.
5. Petre Earl Franks  
FAD sent December 12<sup>th</sup>; 35 days; January 23<sup>rd</sup>; 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.; Draft order sent to Judge October 2<sup>nd</sup>; Signed Order sent to Beaufort County for filing on January 4<sup>th</sup>.  
Hearing: Continued.
6. Derrick Wayne Knox  
7. Dillan Nathaniel Hymes  
8. Charlesene Yvette Cotton  
FAD letter January 8<sup>th</sup>; 35 days: February 26<sup>th</sup>.  
FAD letter sent October 10<sup>th</sup>; 35 days; resent via Sheriff.
9. William James Becker  
FAD letter sent January 8<sup>th</sup>; 35 days: RTS; sent to Sheriff for service on February 1<sup>st</sup>; 35 days: March 11<sup>th</sup>; PJR filed February 11, 2013. (Edgecombe County); Response/due March 18<sup>th</sup>.
10. James Philip Davenport  
To Be Heard at the February 2013 Commission meeting.
11. Alvin Louis Daniels  
FAD letter sent January 8<sup>th</sup>; 35 days: February 27<sup>th</sup>.
12. Danielle Marie Taylor  
PFD letter sent January 28<sup>th</sup>; 35 days: March 1<sup>st</sup>.  
To Be Heard at the May 2013 Commission meeting.
13. Rodney Lyndolph Bland  
PFD letter sent January 23<sup>rd</sup>; 35 days: February 25<sup>th</sup>. To Be Heard at the May 2013 Commission meeting.
14. Sherman Montrell McQueen  
Petitioner requested oral argument. To Be Heard at the May 2013 Commission meeting.
15. Matthew Brian Hayes  
To Be Heard at the February 2013 Commission meeting.
16. Antonio Cornelius Hardy  
To Be Heard at the February 2013 Commission Meeting.
17. Jonathan Dryden Dunn  
Respondent filed PHS June 20<sup>th</sup>; Petitioner PHS Due June 20<sup>th</sup>; MTDnoPHS filed July 17<sup>th</sup>; Respondent due August 9<sup>th</sup>; Interrogatories sent August 29<sup>th</sup>; 15 days: Returned to legal counsel; Resent October 17<sup>th</sup>; Discovery Due: August 20<sup>th</sup>; Hearing: Continued; Sent latest contact information to court on February 14<sup>th</sup>.

18. Ralph R. Hines  
FDOD entered November 7, 2012; Petitioner filed PJR (Onslow County) on December 12, 2012; Respondent Due January 16, 2013; MTD/A filed January 14<sup>th</sup>; Petitioner filed response.
19. William Franklin Dietz, Jr.  
Draft PFD sent to Judge on February 7<sup>th</sup>.
20. Kevin Lee Hullet  
Hearing: February 5, 2013; 10:00 a.m.; Charlotte.
21. Elizabeth Crooks Goode  
MSJ filed November 6<sup>th</sup>; Respondent Due December 11<sup>th</sup>; Interrogatories sent November 29<sup>th</sup>; 15 days: Hearing: Continued FDOD granting MSJ entered December 14<sup>th</sup>; waiting to receive amended FDOD from Judge.
22. Shannon Pendergrass  
Hearing: February 18, 2013, 11:00 a.m., Farmville.
23. Bilal Abdus-Salaam  
Interrogatories sent January 28<sup>th</sup>; 15 days: February 14<sup>th</sup>. Hearing - February 26, 2013, 1:30 p.m.; Raleigh.
24. Timothy Lee Griffin  
Interrogatories sent February 4<sup>th</sup>; 15 days: February 22<sup>nd</sup>; Hearing - February 26, 2013, 1:30 p.m.; Raleigh.
25. Forrest Travis Coston  
Interrogatories sent February 15<sup>th</sup>; 15 days: Hearing - March 5, 2013, 1:30 p.m.; Charlotte  
Discovery Due: February 13<sup>th</sup> - Hearing: April 20, 2012, 9:30 a.m.; Raleigh.
26. Brad Tisdale  
MSJ filed February 14<sup>th</sup>; Interrogatories Discovery Due February 18<sup>th</sup>; Hearing - continued to week of May 6, 2013.
27. Lee Daniel Wilkerson  
Interrogatories sent February 13<sup>th</sup>; 15 days: Discovery Due February 25<sup>th</sup>. Hearing - week of March 11, 2013 in Fayetteville.
28. Anthony Todd Johnston  
Interrogatories Discovery Due: March 18, 2013 in Halifax.
29. Clinton Weatherbee, Jr.  
Respondent filed PHS December 21<sup>st</sup>; Petitioner PHS Due December 26<sup>th</sup>; MTDnoPHS filed January 30, 2013; Interrogatories Discovery Due: March 4<sup>th</sup>; Hearing - week of March 18, 2013 in Halifax.
30. Timothy Allen Bruton  
MSJ filed February 14<sup>th</sup>; Interrogatories sent February 13<sup>th</sup>; 15 days: Discovery Due March 11<sup>th</sup>; Hearing - week of March 25, 2013 in High Point.
31. Ron Allen Hedrington  
Interrogatories Discovery Due: March 11<sup>th</sup>; Hearing - week of March 25, 2013 in High Point.

### C. Final Agency Decisions

Ms. Jordan noted that Mr. Norman Young, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decision.

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. Matthew Brian Hayes

Ms. Jordan presented the case of Matthew Brian Hayes. Ms. Jordan stated that Mr. Hayes is employed with the North Carolina Department of Correction (now known as the North

Carolina Department of Public Safety - Division of Adult Correction), and his date of appointment was May 17, 2004. She stated that on September 19, 2008, a breaking and entering occurred at the residence of Miles Dewey Little. Eight firearms were stolen from this residence along with three scopes. One of the scopes that was attached to the firearm had a value of \$300.00 and another scope was valued at \$200.00. The Browning with scope was valued at \$1500.00 and another Browning gun was valued at \$500.00. Ms. Jordan stated that Mr. Hayes had approached Mr. Andy Edwards at Tractor Supply in Whiteville and asked if he hunted and Mr. Hayes replied "yes." Mr. Hayes stated that he had two rifle scopes that he wanted to sell. Mr. Edwards told Mr. Hayes that he (Edwards) would give him a call. Mr. Edwards returned home and went next door to his neighbor's house, Mr. Little and told him about the incident that occurred at Tractor Supply. Mr. Edwards described the scopes to Mr. Little and mentioned that he thought the rifle also belonged to him (Little). Ms. Jordan stated that Mr. Hayes was asked if he had a rifle in his possession and he replied "yes." She stated that Mr. Hayes was arrested and charged. Ms. Jordan stated that on February 21, 2011, Mr. Hayes' criminal charge of felony possession of a stolen firearm was dismissed by the prosecutor. Ms. Jordan asked the Commission to adopt the Proposed Final Agency Decision based on the Findings of Fact and Conclusions of Law.

Mr. Hayes was present and stated that he did not break into the residence. He admitted that he was charged with one gun and one scope. He admitted that he sold the one scope, however, he did not know that the gun was stolen. He stated that he was not guilty of possession of a stolen firearm, although he admittedly was charged with possession of a firearm. He asked the Commission to let him keep his certification.

**MOTION was made by Commissioner Pendergraft that the Commission go into Closed Session; seconded by Commissioner Charles Johnson. The MOTION carried unanimously.**

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

**MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision based upon the foregoing Findings of Fact and Conclusions of Law that Matthew Brian Hayes' correctional officer certification be revoked for a period of ten years. This period begins on the date this ORDER is signed; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.**

#### 4. James Philip Davenport

Ms. Lauren Earnhardt stated that Mr. Davenport was originally sworn with the General Assembly Police Department. She stated that Mr. Davenport had submitted his application to the Raleigh Police Department. The Raleigh Police Department interviewed Mr. Davenport in which he stated that he was a Chief of mall security in Pennsylvania in 2002. He was terminated due to a conflict with management. Ms. Earnhardt stated that at the interview, Mr. Davenport said that the agency would have not known about the security job had he not said anything about it. Ms. Earnhardt stated that Mr. Davenport withdrew his application from the Raleigh Police Department. Following the interview with Raleigh Police Department, Mr. Davenport was informed by the General Assembly Police Department that he was the subject of an internal affairs investigation. He resigned from the General Assembly Police Department and joined the Rocky Mount Police Department

on September 2009. Ms. Earnhardt stated that the investigation subsequently linked Mr. Davenport to nine (9) material misrepresentations. She stated that the Petitioner said he did not remember the mall security job until a friend had mentioned it to him. Ms. Earnhardt stated that the Probable Cause Committee found probable cause when Mr. Davenport did not answer Question #26 on his Form F-3 correctly. Ms. Earnhardt asked the Commission to suspend his certification for not less than five years.

Mr. Davenport was present and stated he apologized to the Commission for making an inadvertent mistake on his F-3 applications. He stated that he was never terminated for any misconduct. He stated that he never filled out a Form F-3 with Raleigh Police Department. Mr. Davenport stated that he never talked with a recruiter or took a polygraph test with the Raleigh Police Department.

**MOTION was made by Commissioner Wrenn Johnson that the Commission go into Closed Session; seconded by Commissioner Bob Ruth. The MOTION carried unanimously.**

**MOTION was made by Commissioner Wrenn Johnson to return to Open Session; seconded by Commissioner Lee Farnsworth. The MOTION carried unanimously.**

**MOTION was made by Commissioner Steve Johnson that the Commission adopt the Proposed Final Agency Decision with the following amendment under the Conclusions of Law, #8 that the language "and his termination from that position" be stricken, and suspend James Philip Davenport's law enforcement officer certification for a period of not less than five years and suspend the suspension for a period of five years on condition that Mr. Davenport does not violate a law (other than infractions and minor traffic offenses) of this state or any other state, any federal laws, any ordinances, any rules of this Commission, the Company and Campus Police Program or the North Carolina Sheriffs' Education and Training Standards Commission. This period of suspension begins on the date this ORDER is signed; seconded by Commissioner Ruth. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.**

**8. Antonio Cornelius Hardy**

Ms. Catherine Jordan stated that on December 30, 2008, staff received an incident/offense report from Craven County Sheriff's Office. The report stated that on November 30, 2008, law enforcement officers responded to the Hardy residence. The report listed that Ms. Hardy had indicated that Mr. Hardy was intoxicated and he was next door at their residence. Ms. Jordan stated that Mr. Hardy started yelling profanities across the front yard at the officers. Deputy Jason Buck of the Craven County Sheriff's Office told Mr. Hardy that he was under arrest. Deputy Buck repeated the command that Mr. Hardy was under arrest and for him to put his hands behind his back. Both Deputy Buck and Deputy Bradley Tabor continued to yell out verbal commands. Deputy Scott Gaskins walked behind Mr. Hardy and attempted to handcuff him. Mr. Hardy was startled and he turned abruptly and in doing so bumped Deputy Gaskins, pushing him away. Deputy Buck deployed his Taser which struck Mr. Hardy on his shirt in the center of his chest. Deputy Buck continued to give commands to Mr. Hardy to stop resisting arrest and to put his hands behind his back. Ms. Jordan stated that Deputy Buck placed handcuffs on Mr. Hardy and transported him to the Craven County jail. On the way to jail, Mr. Hardy stated that he was not worried, he worked for the Department of Correction. The Probable Cause Committee found probable cause to revoke his certification for the commission of a Class B misdemeanor offense for "Resist, Delay and Obstruct." Ms. Jordan asked the

Commission to adopt the Proposed Final Agency Decision to revoke his certification for not less than three years.

**MOTION was made by Commissioner Steve Johnson that the Commission adopt the Proposed Final Agency Decision in that based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Antonio Cornelius Hardy's correctional officer certification be suspended for not less than three years; seconded by Commissioner Charles Johnson. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.**

**IX. DATE OF NEXT MEETING**

Chairman Glenn advised that the next Commission meeting is scheduled for May 22-23, 2013 at the Wake Technical Community College, Public Safety Education Campus.

**X. MOTION TO ADJOURN**

**MOTION was made by Commissioner Pendergraft that the Commission adjourn; seconded by Commissioner Freeman. The MOTION carried unanimously.**