

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
FEBRUARY 23, 2012
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Judge Burris
James Stevens
Bill Booth
Eric Jones
Mack Donaldson
Robert M. Clark
Steve Johnson
Ed Cobbler
Bob Graham
Denise Martin
Sally Pleasant
Sheriff Jenkins

BOARD MEMBERS ABSENT

Sheriff Ashe

STAFF PRESENT

Anthony Bonapart - Deputy Director
Denise Stanford – Attorney
Phillip Stephenson – Field Services Supervisor
Judy Pittman - Training Officer
Joyce McClure - Board Secretary
Garcia Graham - Licensing Assistant

GUEST PRESENT

Matthew Hewlett	Gregory Hatten	Jeff Kiker
John Walters	Suzanne Creech	Leo G. Trepanier
Kathy Broom	Bill Fletcher	Daniel Martin
Jon Knowles	Walt Pylypiw	Bill Dover
Arthur Klose	Gary Pastor	Bill Johnson
Randy Sturkey	Jeff Cathcart	Robert Carmany
David Arndt	Phil Harris	Mark Wohlneck
Gregory D. Martin	Leon Ives	John Narl
Jack Kerner	Warren Hall	Nick Nicholson

Mark Zudell
Tamara Tarbutton
Lynn McBride

Fred Stipe
Dorien Dehnel

John F. Dupree
Donald Fauler

Chairman Richard Allen called the February 23, 2012 Private Protective Services Board meeting to order at 9:00 A.M. Mr. Allen welcomed all guests and requested they sign in on all three of the sign in sheets, turn off cell phones and introduce themselves.

Attorney Denise Stanford explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove himself or herself from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Gary Pastor, President of NCAPI, greeted the Board and all of the guests and introduced the new Board members that were elected at the Annual meeting which also celebrated the 25th anniversary of the NCAPI.

Mr. Pastor announced that the Association will hold its Spring Conference at the Clamdigger Inn, in Atlantic Beach on March 12th and 13th 2012. The Association is planning on 12 Continuing Education hours to be offered at no cost during the Conference. He also stated that there will be an Open Golf Tournament on March 11th.

Mr. Pastor announced that the fall conference is already in the planning stage to be held in the mountains and information may be obtained at NCAPI.com.

Chairman Allen presented plaques to Mrs. Bishop and Mr. Pendry for their years of service on the Board.

APPROVAL OF THE DECEMBER 15, 2011 MEETING MINUTES

**MOTION BY MR. BOOTH TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MRS. PLEASANT; MOTION CARRIED.**

SCREENING COMMITTEE REPORT

Mrs. Pleasant reported that the Screening Committee met on Wednesday, February 22, 2012 from 2:00 PM until 6:00 PM to review a total of 62 applications. There were 4 Denials and 1 Deferral. The remainder of the applications was approved (see report). Committee members included Mrs. Pleasant, Mr. Johnson, Ms. Martin, Mr. Cobbler and Mr. Clark. Mrs. Pleasant read the report for the record.

Mrs. Pleasant presented the following registration report for the period of December 12, 2011 through February 20, 2012. Total registrations 3832; armed totals were 522 of which 193 were new, 299 were renewals, 6 duplicates and 24 reissue/dual. There was 1 new Private Investigator, with 4 renewals and 1 renewal Private Investigator Associate armed permits. Unarmed totals were 3304 which included 1221 new, 1912 renewals, 144 transfers, 9 duplicates and 18 reissues/dual. Total denials were 878 of which 197

were for cause and 681 for correctable. There were 936 applications approved which were previously denied for a total of 1814 denials reviewed.

It was noted that Mr. Donaldson recused himself on #2 Mr. Joseph Balzano, Mr. Booth recused himself on # 36 Ms. Lynn McBride, Ms. Martin recused herself on #22 Mr. Kevin Hegel and Mr. Clark recused himself on Mr. Joshua Ruiz and Mr. Jason Speller.

Mrs. Pleasant stated that the new software should help to decrease the amount of denials and free up more time for staff to address the applications as they are received.

Mr. Stevens noted that the industry receives denial letters even after the employee has been terminated. Chairman Allen stated that the termination process requires that the process must be totally completed to clear the application out of the system. This allows the file to be purged from the system after 5 years. Deputy Director Anthony Bonapart stated that the letter that is sent states that you do not have to respond. PPS has an obligation to inform the industry of negative information that has been received on the applicant.

MOTION BY MRS. PLEASANT TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

Mr. Johnson discussed an issue that had come up during the Screening Committee meeting regarding the denial for lack of verifiable experience for private investigator applicants. Mr. Johnson proposed that the applicant that applies for a full PI license and is denied for the lack of experience be able to reapply for an PI Associates license without having to pay for the application fee.

MOTION BY MR. JOHNSON TO ALLOW PRIVATE INVESTIGATOR APPLICANTS DENIED FOR LACK OF VERIFIABLE EXPERIENCE TO HAVE 60 DAYS TO OBTAIN A SPONSOR AND TO REAPPLY FOR AN PRIVATE INVESTIGATOR ASSOCIATES LICENSE. THE APPLICANT WOULD BE REQUIRED TO SUBMIT A FINGERPRINT CARD AND PAY THE FINGERPRINT CARD PROCESSING FEE. THIS PROCESS WOULD BE EFFECTIVE AS OF FEBRUARY 22, 2012; SECONDED BY MR. STEVENS; CARRIED.

Chairman Allen requested that Attorney Stanford put the policy in writing to become part of Private Protective Services policy and procedures.

Mrs. Pleasant proposed that the Screening Committee meetings start at 1:00 PM effective for the April meeting.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported that the Committee met on Wednesday, February 22, 2012 from 8:00 AM until 10:20 AM and heard a total of seven cases. The committee members were Judge Burris, James Stevens, Bill Booth, Mack Donaldson, Sheriff Jenkins, Bob Graham and Eric Jones. Judge Burris presented the attached

report. (See attachment)

Mr. Stevens recused himself on 2011-PPS-028 Mr. Lucien Guy Morin II; Mr. Booth recused himself on 2011-PPS-005 Thomas Kutch.

**MOTION BY MR. CLARK TO ACCEPT THE GRIEVANCE COMMITTEE REPORT;
SECONDED BY SHERIFF JENKINS; MOTION CARRIED.**

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday, February 23, 2012 from 8:00 AM. until 8:30 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mrs. Pleasant and Mr. Johnson.

Mr. Stevens read the course schedule. The following trainer courses are scheduled:

February 27, 2012	FT Re-certification Course	NCJA
March 5-9, 2012	UG Course & Workshop	WTCC
April 9-13, 2012	FT Certification Course	NCJA
May 7-11, 2012	UG Course & Workshop	WTCC
June 4, 2012	FT Re-certification Course	NCJA

The above listed courses are posted on the PPSB website.

Presently we have 362 certified PPS unarmed guard trainers and 97 PPS certified armed guard trainers.

The following PPS Training Courses for CEU Credits have been scheduled:

March 14, 2012	Greensboro	9:00 AM – 1:00 PM
June 28, 2012	Asheville	1:00 PM – 5:00 PM

Mr. Stevens reviewed the following topics that were discussed in the Training and Education meeting that was held just prior to the Board meeting.

Mr. Stevens reported on the training courses that were completed and the newly scheduled classes which are listed on the website.

Steve Johnson reviewed the process for pre-qualifying for the April 2012 Firearms Trainer course. On February 28, 2012, there will be a re-qualification course at the NCJA for current FT instructors to re-qualify. Additionally, some candidates for FT instructor will be there to pre-qualify. If they qualify on February 28, they will attend the FT course from April 9-13. If they do not qualify, they will have a second chance to qualify on April 9, the first day of the full course. Only for this course, April 2012, will they have a second chance to qualify on the first day of the course. All candidates for classes after April 2012 will need to come on a day prior to the beginning of the first day to qualify. If they do not qualify on that day, they are

not allowed to attend the full FT course, until they have pre-qualified

Mr. Johnson reviewed the discussion regarding the Retired Law Enforcement (HR 218) requirements. Training and Education determined that with the changes in federal law it would create too many issues to be addressed and too many changes to be made to meet the requirements as each state has different training standards. The committee determined that it would remain with the current qualifications that are required and not make any changes.

MOTION BY MR. JOHNSON TO RETAIN THE CURRENT REQUIREMENTS; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Mr. Stevens announced that it was time to rotate the committee for the Continuing Education Course Approval process. He appointed Mr. Booth as the chair with the committee members being Mrs. Pleasant and Mr. Stevens.

Mr. Johnson reviewed the Continuing Education courses that were approved by the Training and Education Committee.

The Committee approved the following 47 courses and brought them to the Board for approval. Private Investigative Practices Part 1; Private Investigative Practices Part 2; Legal Aspects of Private Investigations; Protecting Critical Infrastructure; Dignitary Protection & Op Procedures; Airport & Aviation Safety; Protecting America's Ports; Risk Management for Government & Industry; Securing Educational Facilities; Securing Mass Transit; Computer Forensic Analysis; Understanding Security Technologies; Emergency Threats & Geopolitical Impacts; Insurance Fraud & Abuse; Violence in the Workplace; Incident Response for Business & Industry; Security Countermeasures for Government & Industry; Technical Surveillance Countermeasures; Bomb Threat Planning & Management; Protection of Computers & Proprietary Information; Covert Investigation & Surveillance Techniques; Telco Technology Investigations; Counterterrorism & Asset Threat Spectrum; Competitive Intelligence; Case Management & Report Writing; Interviews & Interrogations; Investigative Techniques & Procedures; Fire & Arson Investigation; Design & Application of Industrial Fire Systems; Design & Application of Industrial Security Systems; Executive Protection Tactical Medic; Executive/VIP Protection & Planning; Statement Analysis; Compliance & Ethics; Recognizing Child Abuse & Neglect; Severe Skip Trace Investigation; Awareness of Returning Military Personnel; Dealing with Epilepsy, Autism, Diabetes; Career Survival Social Networking; JMST Building Rapport; Introduction to Search & Rescue; Public Image and Expectations; The Problems & Dynamics of Domestic Violence; Investigating Strangulation Cases; Forensic Testimonial Evidence Recovery; From the Shadows to the Spotlight; Field Note taking & Report Writing.

MOTION BY MR. JOHNSON TO APPROVE; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY MR. CLARK TO ACCEPT THE TRAINING AND EDUCATION REPORT;

SECONDED BY MR. JONES; MOTION CARRIED.

GRIEVANCE COMMITTEE -

Judge Burris remarked that the presentation of the grievance investigation reports prior to the actual hearing of the cases has allowed the committee to become more efficient and he commended both the committee and staff.

SCREENING COMMITTEE REPORT: NONE

74C REWRITE COMMITTEE :

Judge Burris stated that the first meeting will be held on June 28, 2012 at 7:00 AM in Asheville and again on October 25, 2012 at 7:00AM in Raleigh before the Board meetings.

FINANCE COMMITTEE: NONE

OLD BUSINESS:

Dorian Dehnel gave the Annual Review on the Out of State Criminal Record Check for CRC.com.

Mr. Dehnel reviewed the feedback that was solicited from the industry. The overall feedback was very positive.

MOTION BY MR. DONALDSON TO CONTINUE THE APPOINTMENT OF CRC.COM FOR ANOTHER YEAR; SECONDED BY MR. BOOTH; MOTION CARRIED.

Mr. Dehnel stated that they have added some features such as a save list and increased the time out period to 30 minutes. Mr. Dehnel thanked the industry and the Board for their confidence and positive feedback.

Mr. Bonapart asked Chairman Allen to form a Committee to review the RFP bid that will go out next year. Chairman Allen appointed Mr. Donaldson and Mrs. Martin to the committee.

Deputy Director Bonapart stated that he had reviewed the newsletter and there is a legal issue regarding the revocation of licenses since the licensee has the right to appeal. Attorney Stanford had stated that there would be no issue if the revocation is not appealed within the 60 day time period. Mr. Bonapart stated that the newsletter should be sent every 6 months to allow for this issue. He said he would draft a new newsletter and the initial issue should be sent out in July 2012.

Mr. Booth reviewed the Grant Process (see December 15, 2011 Minutes for the entire process) and reiterated that it is a re-imbusement grant that pays for receipted items. He emphasized that the applications were available today and should be completed and submitted as soon as possible as the first grant will be given in April. This process does not allow for training that was previously given per state law. If the grant is given in April 2012, then it expires in April 2013. The allowable time is up to one year for reimbursement.

Mr. Booth stated that the Board will issue the grants up to \$5000 per grant and intends to issue two grants per year.

Mr. Booth and Mrs. Pleasant recommended that the Deputy Director contact the Community Colleges to advise them that there is grant money available.

The Board has addressed the fact that the grant money is not to be used for basic training but is to be used for Continuing Education only.

MOTION BY MRS. PLEASANT TO HAVE THE BOARD ACCEPT THE GRANT PROCESS AND THE FORMS APPLICABLE TO THE GRANT; SECONDED BY MR. STEVENS; MOTION CARRIED.

Mrs. Pleasant anticipates a Wednesday night meeting to allow the Board to grant the money to the applicant at the Thursday Board meeting.

NEW BUSINESS:

Mr. Pastor brought up the issue of having a Private Investigator Associate licensee with no experience and an out of state sponsor.

Mrs. Pleasant stated that this was an issue that was brought up last year and screening is to look at it and will address the situation.

Chairman Allen appointed a Committee of Mrs. Pleasant and Mr. Clark to bring back a report to the June Board meeting.

FINAL AGENCY DECISIONS –

Attorney Denise Stanford removed herself as counsel to the Board to present the following cases:

The Board received the official record for the following cases:

John Forest Dupree, 11 DOJ 09436 – Mr. Dupree was present. This case reviewed the denial of the Petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or a lack of good moral character for multiple misdemeanor simple worthless check convictions.

Administrative Law Judge Augustus B. Elkins II proposed that the Board uphold its initial decision to deny the Petitioner's application for unarmed guard registration.

Judge Burris stated that the Petitioner used the checks to maintain his daily life.

MOTION BY JUDGE BURRIS TO REVERSE THE BOARD'S ORIGINAL DECISION AND GRANTS THE UNARMED REGISTRATION; SECONDED BY MR. BOOTH; MOTION CARRIED.

Jerome Douglas Mayfield, 11 DOJ 10538 – Mr. Mayfield was not present. This case reviewed the denial of the Petitioner's application for unarmed registration for committing an unlawful assault or demonstrating

intemperate habits or a lack of good moral character.

Administrative Law Judge Fred Morrison Jr. proposed that the Board uphold its initial decision to deny Petitioner's application for unarmed security guard registration.

MOTION BY JUDGE BURRIS TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY; SECONDED BY MR. BOOTH; MOTION CARRIED.

Rynell Shawnta Rustin, 11 DOJ 08676 – Mr. Rustin was present. This case reviewed the denial of the Petitioner's application for unarmed registration for demonstrating intemperate habits or a lack of good moral character.

Administrative Law Judge Fred Morrison proposed that the Board uphold its initial decision to deny Petitioner's application for renewal of unarmed security guard registration.

MOTION BY MR. JOHNSON TO REVERSE THE ORIGINAL DECISION AND GRANT RENEWAL OF UNARMED GUARD REGISTRATION; SECONDED BY MR. BOOTH; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Bonapart presented the report. The PPS budget as of January 31, 2012 has a balance of \$620,072.56; the Education Fund balance is \$53,309.22. As of February 20, 2012 we have a total of 16,398 PPS registrations, 1883 licenses, 542 certifications, one endorsement for a total of 18,824 active personnel for PPS. Active licenses and registrations for both Boards are 26,305.

Deputy Director Bonapart noted that there has been a total of 3306 various correspondence printed from the PPS database, and 4086 applications received since the last Board meeting. There have been 4315 identification cards printed.

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

ATTORNEY'S REPORT:

Consents and Settlement Agreements are all current, executed and paid.

Ms. Stanford stated that all of the current appeals have been filed with the Office of Administrative Hearings and are current.

12 NCAC 7D .0201, .0203, .0701, .0706, .0801, .0806, and .0902 – amending the rules to include, where necessary, an Equifax Credit Check and digital photo requirements. The Board adopted the rules at its last meeting. Due to changes in the Administrative Procedure Act (“APA”) by SB 781, the Rules Review

Commission staff advised that the rules would need to be re-noticed to comply with the new APA notice requirements. The rules had been re-noticed for publication in the December 15, 2011 NC Register. A hearing was held on December 30, 2011. The comment period ended on February 13, 2012. The rules were before the Board again for adoption.

MOTION BY MR. BOOTH TO APPROVE THE CHANGES AS RECOMMENDED; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

12 NCAC 7D .1401, .1402, .1403, .1404, .1405, .1406, .1407, .1501, .1502, .1503, .1504, .1505, .1506, and .1507 – armored car registrants unarmed and armed are before you for your consideration. If the Board approved these draft rules, they will be noticed.

MOTION BY MR. STEVENS TO MOVE FORWARD AS PRESENTED; SECOND BY MR. JOHNSON; MOTION CARRIED.

12 NCAC 7D .0902, .0904,.0909, .0910, .0911, and .0912 – revision of the firearms trainer certification rules to reflect current requirements and to incorporate the armored car service guard training. A new rule, .0912 requiring trainers to submit rosters of unarmed guard trainer classes. These rules were before the Board for consideration.

MOTION BY MR. BOOTH TO BE NOTICED AND MOVE FORWARD; SECONDED BY MR. JOHNSON; MOTION CARRIED.

12 NCAC 7D .0107 - amending the rule to set a statute of limitations for Board complaints as licensees need only maintain records for three years. This rule was noticed in the January 17, 2012 NC Register. A hearing was held on the rule on February 2, 2012. The comment period ends on March 19, 2012. This rule will be before the Board at its next Board meeting for adoption.

12 NCAC 7D .0105(e) – still contains language regulating the use of OC spray even though the Board voted not to regulate OC spray. Staff is recommending that this rule be amended to delete paragraph (e). A copy of the rule was attached for Board review.

MOTION BY JUDGE BURRIS TO DELETE THE PARAGRAPH; SECOND BY MR. BOOTH; MOTION CARRIED.

MOTION BY MR. JOHNSON TO ACCEPT THE ATTORNEY’S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

MOTION BY MR. JONES TO ADJOURN; SECONDED BY MR. CLARK; MOTION CARRIED.

12:10 PM Adjourned

Anthony Bonapart, Deputy Director

Joyce McClure, Board Secretary