MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
AUGUST 18, 2006
COMFORT SUITES
7735 UNIVERSITY CITY BLVD.
CHARLOTTE, NORTH CAROLINA 28213

BOARD MEMBERS PRESENT

James Stevens
Richard Allen
Brenda Bishop
Berkley Blanks
David Grimes
Grady Conner
David Pendry
Carlton Miles
Ron Burris
Sheriff Jimmy Ashe

STAFF PRESENT

Terry Wright - Director
Charles McDarris - Attorney
Larry Liggins - Field Services Supervisor
Tim Pressley - Training Officer
Susan Harrison - Board Secretary
Jennifer Mooney

GUESTS PRESENT

Ruth Reynolds
Gina Batchelor
Richard Miller
Jim Davis
Craig Gorham
Joseph Smiley
Ron Jordan
George Funderburk
Larry Alexander
Dan Caylor
Michael Cheek
Larry Flannery
Audra Coleman
Kristina W. Land
Bobby Hovis
C. Williams
W.C. Vanzant
Thomas Rose
Hayden Church
David Arndt
R.E. Wilson
Steven Malcom

Mr. Blanks called the August 18, 2006 Private Protective Services Board Meeting to order at 9:00 a.m. Mr. Blanks called for the election of officers for 2006-2007. Mr. McDarris reminded the Board members that at a previous Board meeting, the Board had voted to have an open vote process for these elections, by show of hands or voice vote. The floor was open for nominations for the Chairman of the Board.

Chairman:

Mr. Blanks was nominated by Mr. Allen. Mr. Conner was nominated by Mr. Pendry.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS. SECONDED BY MR.

STEVENS. MOTION CARRIED.

Mr. Carlton Miles requested that each nominee address the Board with how they plan to lead this Board. Mr. Conner addressed the Board advising that he had served on the Board for six years on a number of Committees as well as having served as the Vice Chairman of the Board. Mr. Berkley Blanks addressed the Board by speaking of the strengths of each Board member and how as the leader he will tap into those strengths.

The vote for Chairman was taken with the Board members voting as follows:

VOTE

Bishop- Blanks	Blanks- Blanks
Miles- Conner	Burris- Blanks
Allen- Blanks	Pendry- Conner
Ashe- Blanks	Conner- Conner
Grimes- Blanks	Stevens- Blanks

Mr. Blanks was elected Chairman of the Board.

Nominations were taken for Vice Chairman.
Mr. Blanks nominated Mr. Allen. Mr. Miles nominated Mr. Conner.

The vote for Vice Chairman was taken with the Board members voting as follows:

VOTE

Bishop- Conner	Blanks- Allen
Miles- Conner	Burris- Allen
Allen- Allen	Pendry- Conner
Ashe- Allen	Conner- Conner
Grimes- Allen	Stevens- Allen

Mr. Allen was elected as Vice Chairman of the Board.

Nominations were taken for Chairman of the Grievance Committee
Mr. Miles nominated Mr. Burris. Mr. Blanks nominated Mr. Grimes. Mr. Conner nominated Ms. Bishop.

The vote for Chairman of the Grievance Committee was taken with the Board members voting as follows:

VOTE

Bishop- Burris	Blanks- Grimes
Miles- Burris	Burris- abstain
Allen- Grimes	Pendry- Burris
Ashe- Burris	Conner- Bishop
Grimes- Grimes	Stevens- Burris

Mr. Burris was elected as the Chairman of the Grievance Committee.

Nominations were taken for Chairman of the Screening Committee.
Ms. Bishop nominated Mr. Allen.

MOTION BY MR. BLANKS TO CLOSE THE NOMINATIONS. SECONDED BY MR. BURRIS. MOTION CARRIED.

Mr. Allen was elected as the Chairman of the Screening Committee by acclimation.

Nominations were taken for Chairman of the Finance Committee. Mr. Miles nominated Ms. Bishop.

MOTION BY MR. ALLEN TO CLOSE THE NOMINATIONS. SECONDED BY MR. BLANKS. MOTION CARRIED.

Ms. Bishop was elected as the Chairman of the Finance Committee by acclimation.

Nominations were taken for Chairman of the 74C Rewrite Committee.
Mr. Blanks nominated Mr. Miles.

MOTION BY MR. PENDRY TO CLOSE THE NOMINATIONS. SECONDED BY MR. ALLEN. MOTION CARRIED.

Mr. Miles was elected as the Chairman of the 74C Rewrite Committee by acclimation.

Nominations were taken for the Chairman of the Training and Education Committee. Mr. Miles nominated Mr. Stevens.

MOTION BY MR. BLANKS TO CLOSE THE NOMINATIONS. SECONDED BY MR. ALLEN. MOTION CARRIED.

Mr. Stevens was elected as the Chairman of the Training and Education Committee by acclimation.

Mr. McDarris turned the meeting over to the Chairman of the Board, Mr. Berkley Blanks. Mr. Blanks asked Mr. McDarris to explain Governor's Executive Order Number One. Mr. McDarris advised that Executive Order Number One has been signed by Governor Easley and addresses the ethics of public officials. This Order states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or appearance of a conflict, he or she should remove himself from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER

Ms. Ruth Reynolds, President of the NCAPI stated that the Association will hold their next conference on September 18th -19th in Charlotte at the Hilton Garden Suites on Second Street.

Mr. Larry Alexander, President of the North Carolina Association of Security Professionals thanked

the Board for it's support to the industry and stated that he is looking forward to working with the Board. He further stated that Mr. Davis will address the Board later today on behalf of NCASP.

APPROVAL OF THE JUNE 16, 2006 MINUTES

Mr. Allen had a question regarding changes the Board had discussed regarding the first four hours of the unarmed guard training. Mr. McDarris advised that the language for the requested changes have been drafted and he will report on the matter during his attorney's report. Mr. McDarris advised that the proposed rule change has been submitted to Rules Review. Mr. Burris had some grammatical corrections to the Minutes.

MOTION BY MR. MILES TO APPROVE THE MINUTES OF THE JUNE 16, 2006 MEETING WITH CORRECTIONS AS STATED BY MR. BURRIS. SECONDED BY MS. BISHOP. MOTION CARRIED.

LICENSING AND REGISTRATION ACTIONS

SCREENING COMMITTEE REPORT:

Mr. Blanks advised that the Screening Committee met on Thursday, August 17, 2006 from 8:10 am until 10:00 am to consider a total of 45 applications. The committee members were Mrs. Bishop, Mr. Pendry, Mr. Burris and Mr. Blanks. The attached report was read to the Board. (See attached report)

MOTION BY MR. MILES TO ACCEPT THE SCREENING COMMITTEE REPORT ON APPLICANTS. SECONDED BY MR. CONNER. MOTION CARRIED.

Mr. Blanks presented the following registration report for the period of June 14, 2006 - August 15, 2006. Total registrations 3,860; armed totals were 567 of which 299 were new, 250 renewals, 1 duplicate, 17 reissue/dual. Unarmed totals were 3,293 which includes 1,713 new, 1,451 renewals, 127 transfers and 2 duplicates. Total denials 496 of which 128 were denied for cause and 819 which were correctable denials. There were 646 applications approved which were previously denied for a total of 1,593 denials reviewed.

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

GRIEVANCE COMMITTEE REPORT:

Mr. Grimes reported the Grievance Committee met on Wednesday August 16, 2006 from 1:00 pm until 3:45 pm to consider a total of nine cases. The committee members were Mr. Grimes, Mr. Allen, Mr. Stevens and Mr. Conner. The attached report was read to the Board. (See attached report)

MOTION BY MR. ASHE TO ACCEPT THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. MILES. MOTION CARRIED.

Break 10:00-10:15

FINAL AGENCY DECISIONS

Mr. McDarris removed himself as attorney for the Board and presented the following Final Agency Decisions.

Case Number 06 DOJ 0226 - Tonya M. Harrison vs. PPS Board - Denied for unarmed guard registration permit application for lack of good moral character or temperate habits. Administrative Law Judge Augustus B. Elkins, II recommends that the unarmed guard registration be denied.

MOTION BY MR. BURRIS TO ACCEPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DECISION OF THE BOARD TO DENY. SECONDED BY MR. CONNER. MOTION CARRIED.

Case Number 06 DOJ 0223 - John C. Massey vs. PPS Board - Denied for unarmed guard registration permit application for lack of good moral character or temperate habits. Administrative Law Judge Augustus B. Elkins, II recommends that the unarmed guard registration be denied.

MOTION BY MR. PENDRY TO ACCEPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DECISION OF THE BOARD TO DENY. SECONDED BY MR. BURRIS. MOTION CARRIED.

Case Number 06 DOJ 0047 - David G. Graham vs. PPS Board -Denied unarmed guard registration permit application for lack of good moral character or temperate habits. Senior Administrative Law Judge Fred Morrison, Jr. recommends that the unarmed guard registration be denied

MOTION BY MR. ASHE TO ACCEPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO UPHOLD THE DECISION OF THE BOARD TO DENY. SECONDED BY MR. GRIMES. MOTION CARRIED.

Case Number 06 DOJ 0878- Joseph O. Smiley vs. PPS Board - Mr. Smiley addressed the Board on his behalf regarding his denial. Senior Administrative Law Judge Fred Morrison, Jr. recommends that the denial be reversed.

MOTION BY MR. GRIMES TO ACCEPT THE PROPOSAL OF THE ADMINISTRATIVE LAW JUDGE TO REVERSE THE DENIAL. SECONDED BY MR. CONNER. MOTION CARRIED.

COMMITTEE AND SPECIAL REPORTS

SCREENING COMMITTEE:
Nothing further

GREIVANCE COMMITTEE:
Nothing further

74C RE-WRITE COMMITTEE:

Mr. Miles would like for Mr. McDarris to explain to the public members the letter received in reference to the company police recommendations. Mr. Miles also stated that the committee voted yesterday to bring this matter to the full Board for consideration. Mr. McDarris stated that the Company Police Association is considering requesting a change in the law to allow an individual to hold a company police license as well as a security guard and patrol license. It was suggested that the matter be considered further at the October Board meeting.

OLD BUSINESS:

Mr. Davis, Vice President of NCASP would like for the Board to consider changing the title of "security guard" to "security officer" as part of the 74C revision. It was suggested that the matter be considered further at the October Board meeting and that Mr. Wright submit a cost analysis to the Board at the next Board meeting.

NEW BUSINESS:

Mr. Davis also advised that NCASP hosted an executive workshop with private security agencies and with law enforcement officer executives. Also in attendance were Mr. Wright, Mr. Donaldson, Mr. Miles and Mr. Greco. This was a four hour work session discussing how law enforcement and private security can work together. An executive summary was shared with the Police Chiefs Association in Atlantic Beach in July at their annual conference. The Police Chiefs were interested and the idea was well received.

MEETING SCHEDULE:

September 13th, 2006 - Workshop - Greensboro Police Club
October 18-20 , 2006 - Raleigh
December 13-15, 2006 - Raleigh
February 14-16, 2007 - Raleigh
April 18–20, 2007 - Wilmington
June 20-22, 2007 - Raleigh
August 15-17 , 2007 - Asheville
October 17-19,2007 - Raleigh
December 12-14, 2007 - Raleigh

MOTION BY MR. ALLEN TO ACCEPT THE SCHEDULED MEETINGS. SECONDED BY MR. CONNER. MOTION CARRIED.

11.:15 - 11:30 Break

Mr. Allen expressed concern that requiring the first four hours of the unarmed guard training to be completed prior to placing a guard on post was a burden to a lot of the companies. He would like the rule changed to not require the first four hours prior to placing a guard on post.

Mr. McDarris advised what the current rule required and advised the Board would need to vote on any changes to the current rule. An amendment to the current rule is currently pending before the Rules Review Commission.

The Board discussed the proposed rule at length. Based upon the fact that a probationary employee may be hired pursuant to GS 74C-11, it is proposed that the guard will be required to complete the first four hours of the unarmed guard training during their first 20 days of probationary employment on the topics currently outlined in the rules. At the end of the 20 day probationary period when the employee is designated as a permanent employee, the employee will complete the remaining 12 hours of training within 30 days of permanent employment on the topics set forth in the rule.

PPS will notify the industry when the rule has taken effect.

MOTION BY MR. CONNER TO SEND THE FOLLOWING CHANGES TO THE RULES REVIEW COMMISSION. THE PROBATIONARY EMPLOYEE WILL BE GIVEN A MINIMUM OF 4 HOURS CLASSROOM INSTRUCTION WITHIN 20 DAYS AFTER BEING PLACED ON A DUTY STATION. THE REMAINING 12 HOURS MUST BE COMPLETED WITHIN 30 DAYS OF PERMANENT EMPLOYMENT STATUS. SECONDED BY MR. GRIMES. MOTION CARRIED.

Mr. McDarris asked the Board for an alternative in case this rule is not accepted. He would like to look into a temporary rule until the permanent rule has been accepted.

MOTION BY MR. PENDRY TO GIVE MR. MCDARRIS THE AUTHORITY TO EXPLORE A TEMPORARY RULE SHOULD RULES REVIEW COMMISSION OBJECT TO THE PROPOSED CHANGE. SECONDED BY MR. MILES. MOTION CARRIED.

DIRECTOR'S REPORT

Mr. Wright reported that the operating budget as of 7/01/06 was $349,454.72 and the PPS Recovery Fund balance as of 7/01/06 is $60,481.83. He next summarized the administrative actions taken by staff since the last meeting, as appearing in his written report. Total Active Registrants 13,023; 904 Private Investigators; 228 Private Investigator Associates; 233 Security Guard and Patrol Licensees. Total combined registration and licensees for both Boards 20,136. Correspondences printed since last Board Meeting 7,721, which also includes 4,333 registration cards. Applications received since last Board meeting including both registration and licensing 4,803.

Mr. Wright presented the contract for Mr. Jeff Gray an attorney who teaches the legal block in the Firearms Instructors Program and also on rare occasions fills in for Mr. McDarris at the PPS meetings when Mr. McDarris is unable to attend.

MOTION BY MR. CONNER TO ACCEPT THE RETAINER AGREEMENT FOR MR. GRAY AS STATED IN THE CONTRACT. SECONDED BY MR. ASHE. MOTION CARRIED.

The annual IASIR Conference will be held November 7 - 9, 2006 in Halifax, Nova Scotia. The Board voted last year to send the Director, the Chairman of the Board, committee members from T&E and 74C Rewrite. The Alarm Board usually sends Mr. McDarris and one other member. Mr. Wright requested approval from the Board to send representatives of the Board to this year's conference. Mr. Wright announced he will have a conflict with his schedule and will not be able to attend. The registration fee is $195.00 and the hotel cost is $125.00 per night. Mr. Blanks announced that his schedule also is in conflict with these dates. Mr. Miles announced that he will be there on other business. Mr. Grimes will be going on other business as well. Mr. Conner volunteered to go to

represent the Board.

MOTION BY MR. ASHE TO APPOINT MR. CONNER AS DESIGNEE TO REPRESENT THIS BOARD AT THE IASIR CONFERENCE. SECONDED BY MR. MILES. MOTION CARRIED.

MOTION BY MR. MILES TO ACCEPT THE DIRECTOR'S REPORT. SECONDED BY MR. ALLEN. MOTION CARRIED.

ATTORNEY'S REPORT

Mr. McDarris presented the following report:

CONSENT AGREEMENTS & CIVIL PENALTIES:

Gerald T. Flannelly- Consent Agreement has been executed and paid.
Odessa Kimber - Consent Agreement has been executed and paid.

OFFICE OF ADMINISTRATIVE HEARINGS & SUPERIOR COURT:

Mr. McDarris reported we have a number of cases scheduled as indicated on attachment number 1.

RULES

Mr. McDarris stated that no action would be taken outside of what has already been decided on .0707. Report on .0601 and .0203(b) - the two amendments have been filed with the Office of Administrative Hearings. Mr. McDarris will report back at the next meeting. It will probably be the meeting in December before the Board will be able to vote to actually adopt those, due to the timing of the Board meetings and the public comment period.

Amendment to the Ethics Law attachment number 2 - Gov. Easley has signed the new Ethics Law. Each Board member has filed in the past a Statement of Economic Interest. Board members will now have to file another one by January 1, 2007. The Board of Ethics now has the authority to penalize Board members for not submitting this on a timely basis. They will be putting out a full publication at which time Mr. McDarris will advise on the changes. Mr. McDarris states that he will work with the representatives from the Ethic Board to get the schedule and see if they will send a representative to an actual Board Meeting.

The Board also discussed the acceptance of Affidavits as another means to verify experience (see attachment) . This is to address the recurring problem of verifying experience for persons in military or other occupations where the applicants may be having a difficult time gathering documents because of the confidential nature of their assignment or cases where records were destroyed by fire, flood, etc.

MOTION BY MR. BURRIS TO DEFER FOR FURTHER REVIEW OF THE AFFIDAVITS UNTIL OCTOBER BOARD MEETING. SECONDED BY MR. PENDRY. MOTION CARRIED.

MOTION BY MR. BURRIS TO APPROVE ATTORNEY'S REPORT. SECONDED BY MR. PENDRY. MOTION CARRIED.

TRAINING AND EDUCATION COMMITTEE:

Mr. Tim Pressley advised the Board that we have received an application from a Private Investigator (who holds no other PPS license) to become an unarmed guard trainer and then an armed trainer. Mr. Pressley asked the Board for guidance as to whether staff should prioritize applicant's from the Security Guard and Patrol Companies over applicants who do not provide security guard and patrol services.

MOTION BY MR. PENDRY TO GIVE THE DIRECTOR THE DISCRETION TO PRIORITIZE THESE TYPE SITUATIONS. SECONDED BY MR. STEVENS. MOTION CARRIED.

Mr. Tim Pressley reported the Training and Education Committee met on Thursday, August 17, 2006, from 1:30 p.m. until 2:15 p.m. with committee members Mr. Conner, Mr. Allen, Mr. Miles, Mr. Pendry and Mr. Stevens.

The Following PPS trainer courses have been scheduled: August 24, 25 & 28 for Unarmed Guard Trainers, GTCC; October 2-6 Firearms Trainer Course at the Justice Academy; October 25th Firearms Trainer Re-certification Course at the Justice Academy; and November 2, 3 & 6 for Unarmed Guard Trainer at Wake Tech Community College. Presently 467 persons have attended the unarmed guard trainer workshops.

Mr. Pressley reported the Armored Car Association is still working on the armored car version of the 16 hour unarmed guard training manual.

The NCJA course on writing test questions was cancelled due to lack of interest.

We have received numerous requests for unarmed guard trainers courses. We are attempting to schedule courses at various community colleges that are accredited.

12:25 Adjourned.

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Terry Wright
Director

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Jennifer P. Mooney
Reporter