

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

MINUTES

DATE: February 13, 2015

TIME: 9:00 A. M.

LOCATION: N.C. Department of Correction
Apex, North Carolina

SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Chief Bill Hollingsed
Chief Scott Cunningham
Mr. Eddie Caldwell
Ms. Robin Pendergraft
Mr. Johnny Hawkins
Mr. Ray Davis
Mr. Brent Herron
Mayor Bobby Kilgore
Mr. Charles Johnson
Mr. Steve Johnson
Mr. James Festerman
Captain Lee Farnsworth
Mr. Bob Myrick
Chief Patricia Bazemore
Chief Tim Ledford
Corporal Melissa Hinnant
Ms. Tracy McPherson
Chief Tim Hayworth
Mr. Trey Robison
Chief Allen Smith
Mr. Jeff Welty
Colonel Bill Grey
Ms. Angela Williams
Lieutenant Yolanda Sparrow
Mr. Nathan Mizell
Mr. James Fisher-Davis
Mr. Charles Walston

MEMBERS ABSENT

Dr. Robert Ruth
Chief Ira Jones

I. CALL TO ORDER

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

Chairman Hollingsed personally thanked Commissioner Charles Walston and Ms. Gwendolyn Messner for hosting the Commission at the North Carolina Department of Public Safety, Office of Staff Development & Training in Apex.

II. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 02-15]

Chairman Bill Hollingsed reported that staff had evaluated the applications of all one hundred and eight (108) candidates. There were ninety-eight (98) candidates for the Advanced Law Enforcement Certificate and ten (10) 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 Tim Ledford that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Ray Davis and carried unanimously.

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

Steven Wayne Martin	Carthage Police Department Presented by Chief Bart Davis
Scott Bilsky	Hillsborough Police Department Presented by Commissioner Hollingsed
Joshua Leonard Talley	N.C. State University Public Safety Police Department Presented by Commissioner Hollingsed
Joseph Larry Hussey	NCDPS/Division of Adult Correction Presented by Mr. Timothy Willis, Superintendent II

III. MINUTES OF NOVEMBER 14, 2014 MEETING

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

MOTION was made by Commissioner Ledford that the Commission approve the minutes of the November 14, 2014 meeting as mailed. The MOTION was seconded by Commissioner Lee Farnsworth and carried unanimously.

Chairman Hollingsed asked to take nominations for the office of Chairman of the Education and Training Committee. Commissioner Lee Farnsworth nominated Robin Pendergraft as Chairperson of the Education and Training Committee.

MOTION was made by Commissioner Farnsworth to nominate Robin Pendergraft as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Scott Cunningham and carried unanimously.

IV. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on Thursday, February 12, 2015, at the N.C. Department of Correction, Office of Staff Development & Training in Apex.

Chairman Caldwell reported that the Executive Committee had approved a Resolution of Appreciation for John Glenn, former Chairman of the Commission.

MOTION was made by Commissioner Eddie Caldwell on behalf of the Executive Committee that the Commission approve the Resolution of Appreciation for former Chairman John Glenn; seconded by Commissioner Davis. The MOTION carried unanimously.

Commission Chairman Hollingsed proceeded to read the Resolution of Appreciation into the minutes. Mr. Glenn stated he had enjoyed working with the Commission membership and that it had been an honor to serve on the Commission for 31 years. He stated that through the years he had seen a lot of changes that were good for the Commission and law enforcement. He stated that he hoped the Commission would continue on the same path.

Chairman Caldwell asked Director Steven Combs to give an update on the Criminal Justice Standards Division. A copy of his written report is attached.

Chairman Caldwell asked Director Mark Strickland to give an update on the Justice Academy. A copy of his written report is attached.

B. Education and Training Committee – Chairperson Robin Pendergraft

Chairperson Pendergraft reported that the Education and Training Committee met on Thursday, February 12, 2015 at the N.C. Department of Correction in Apex, North Carolina.

Chairperson Pendergraft reported that on behalf of the Criminal Justice Education and Training Standards Division staff, Deputy Director Trevor Allen presented the proposed rule changes to: 12 NCAC 09B .0303 – Terms/Conditions of General Instructor Certification; 09B .0305 – Terms/Conditions of Specialized Instructor Certification; 09B .0106 – Documentation Educational Requirements; 09B .0111 – Minimum Standards for Law Enforcement Officers; 09B .0114 – Minimum Standards for Local Confinement Personnel; 09B .0117 – Minimum Standards for Juvenile Justice Officers; 09B .0203 – Admission of Trainees; 09B .0302 – General Instructor Certification; 09B .0501 – Certification of School Directors; 09G .0204 – Education; 09G .0308 – General Instructor Certification and 09F .0104 – CCH Instructor Qualifications.

MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend Rule: 09B .0303 - Terms/Conditions of General Instructor Certification paragraph (b), subparagraph (1) and paragraph (c), subparagraph (1): add the language “general instructor” so that smaller agencies have additional opportunity to provide a favorable written recommendation for certification and renewal of general instructors and Rule 09B .0305 - Terms/Conditions of Specialized Instructor Certification paragraph (c), subparagraph (2), section (A): add the language “general instructor” so that smaller agencies have additional opportunity to provide a favorable written recommendation for certification and renewal of specialized instructors; seconded by Commissioner Lee Farnsworth. The MOTION carried.

MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend Rule 12 NCAC 09B .0106 – Documentation of Educational Requirements, paragraph (b) – add the language “Documentary evidence of college or university graduation, with an Associate’s Degree or higher, consisting of diplomas or transcripts from colleges or universities accredited as such by the Department of Education of the state in which the institution is located, or an accredited body recognized by either the U.S. Department of Education or the Council for Higher Education Accreditation or the State University of the state in which the institute is located”; seconded by Commissioner Farnsworth. The MOTION carried.

MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following rules in order to facilitate the Division's staff processing certification applicants and enrollments into Basic Law Enforcement Training (BLET): 09B .0111- Minimum Standards for Law Enforcement Officers, paragraph (2), add the language "college or university graduate"; 09B .0114 – Minimum Standards for Local Confinement Personnel, paragraph (2), add the language "college or university graduate"; 09B .0117 – Minimum Standards for Juvenile Justice Officers, paragraph (2), add the language "college or university graduate"; 09B .0203 –Admission of Trainees, paragraph (g), add the language "college or university graduate"; 09B .0302 –General Instructor Certification, paragraph (a), subparagraph (1), section (A), add the language "college or university graduate"; 09B .0501 – Certification of School Directors, paragraph (b), subparagraph (2), section (A), add the language "college or university graduate"; 09G .0204 – Education, paragraph (a), add the language "college or university graduate"; and 09G .0308 – General Instructor Certification, paragraph (a), subparagraph (1), section (A), add the language "college or university graduate"; seconded by Commissioner Melissa Hinnant. The MOTION carried.

MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend the following rule, 12 NCAC 09F .0104 – Instructor Qualification (Concealed Carry Handgun) as follows: paragraph (a), subparagraph (2), add the word "and" to the end of the subparagraph. Create a new paragraph (b) to read "If the instructor fails to file with the Commission a course outline and proof that the individual is an instructor pursuant to 09F .0104(a)(1) for two consecutive years, he or she must repeat the course on "Laws Governing Concealed Handgun and the Use of Deadly Force" conducted by the North Carolina Justice Academy in addition to the provisions of 09F .0104(a)(1) and (a)(3) prior to instructing a concealed carry handgun course". The language in former paragraph (b) now becomes paragraph (c); seconded by Commissioner Steve Johnson. The MOTION carried.

Chairperson Pendergraft stated that on behalf of the School Accreditation Subcommittee, Commissioner McPherson recommended reaccreditation of the following institutions: Blue Ridge Community College – BLET; Brunswick County Sheriff's Office – BLET; Forsyth Technical Community College – BLET, SMI; Richmond Community College – BLET, SMI and Rockingham Community College - BLET. In addition, the Subcommittee recommended accreditation to: Edgecombe Community College - BLET and Richmond Community College – General Instructor Training. The Committee approved this request.

Chairperson Pendergraft stated that on behalf of the Joint In-Service Training Committee, Mr. Bill DuBois, North Carolina Justice Academy presented recommended training objectives for the 2016 In-Service Training Topics. The Committee approved this request.

Deputy Director Allen asked the Education and Training Committee to clarify NCAC 09E .0105, the testing requirements of Mandatory In-Service Training. He advised that questions of concern were: testing may be given in a collaborative manner; allowing take home tests and allowing open-note testing. The Committee responded by stating that collaborative testing and take home tests are not allowed. Open-note and/or open book testing is allowed due to the possible complexities of the training materials. The tests are to demonstrate the understanding the students have of the materials. This guidance will be published in the Annual In-Service FAQs.

Deputy Director Allen reported that there was discussion of the SMI Calibration as it relates to instruments involved in training, testing and certification. The Committee reviewed and determined that no further action was needed.

Lastly, Chairperson Pendergraft completed her report by stating that Mr. Stacy Holloman, North Carolina Justice Academy provided the Committee with an update for the Specialized Physical Fitness Instructor Update courses. Mr. Holloman reported that twelve courses were scheduled with four remaining courses between now and May 2015.

C. Planning and Standards Committee – Chairman Scott Cunningham

Chairman Scott Cunningham reported that the Planning and Standards Committee met on Thursday, February 12, 2015 and approved the minutes of the November meeting.

Chairman Cunningham stated that there was discussion regarding the recruitment retention schedule that was executed in 2009. He stated that the Planning and Standards Committee had began working with finding professionals and retaining these individuals both in the law enforcement and the correctional field. Chairman Cunningham reported that both Appalachian State University and East Carolina University were working on a survey for recruitment and retention. He advised that once this survey was completed, it would be presented to the full Commission for feedback.

Chairman Cunningham stated that the Planning and Standards Committee were reviewing ideas for the Eighth Edition System Plan. Once they have derived goals, they would be presented to the full Commission for input in the near future.

Chairman Cunningham concluded his report by stating that there was not a rule-making hearing scheduled.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on Wednesday November 12th and again on Thursday, November 13th.

Chairman Davis reported that the Probable Cause Committee voted Ira Jones as the Vice-Chairman of the Committee.

He reported that the Committee reviewed a total of twenty-nine (29) cases. Probable cause was found in fifteen (15) cases and no probable cause in twelve (12) cases. Two cases were continued for additional investigation. He related that the Committee found probable cause in three 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 15/002; seconded by Commissioner Angela Williams. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 15/004; seconded by Commissioner Bobby Kilgore. The MOTION carried.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 15/021; seconded by Commissioner Williams. The MOTION carried.

V. OTHER BUSINESS

None

VI. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Lauren Earnhardt distributed a document entitled "Pending Administrative Cases" for the membership's review.

C. Final Agency Decisions

Chairman Hollingsed noted that Mr. John Congleton, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decision.

Chairman Hollingsed 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. David Noelle Eure

Mr. William Hart, Jr. presented oral argument regarding the case against Mr. Eure.

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

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

MOTION was made by Commissioner Trey Robison that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Pendergraft. The MOTION carried. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. Joseph O'Donnell

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. O'Donnell.

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

MOTION was made by Commissioner Cunningham that the Commission return to Open Session; seconded by Commissioner Charles Johnson. The MOTION carried.

MOTION was made by Commissioner Cunningham that the Commission adopt the Proposed Final Agency Decision as written by legal counsel to suspend Joseph O'Donnell's law enforcement officer certification for a period of not less than five years for the commission of a "Class B misdemeanor" offense, to wit: "Assault by Pointing a Gun"; seconded by Commissioner Pat Bazemore. The MOTION carried. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

3. Curtis Canty

Commissioner Bob Myrick and Lee Farnsworth recused themselves from this case.

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Canty.

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

MOTION was made by Commissioner Cunningham that the Commission return to Open Session; seconded by Commissioner Steve Johnson. The MOTION carried.

MOTION was made by Commissioner James Fisher-Davis that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Johnny Hawkins. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.

4. **Jonathan Campbell**

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Campbell.

MOTION was made by Commissioner Pendergraft that the Commission go into Closed Session; seconded by Commissioner Cunningham. The MOTION carried.

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

MOTION was made by Commissioner Smith that the Commission adopt the Proposed Final Agency Decision as written by legal counsel to suspend Johnathan Campbell's law enforcement officer certification for five years. The Commission offered a consent agreement whereas Mr. Campbell would be suspended for five years and suspend the suspension for five years. He would be on probation for not less than three years to not violate any Commission rules and he would agree to drop his appeal; seconded by Commissioner Caldwell. The MOTION carried. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.

Mr. Campbell accepted the consent agreement.

5. **Kenneth Lee Bryant, Jr.**

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Bryant.

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

MOTION was made by Commissioner Cunningham that the Commission return to Open Session; seconded by Commissioner Hinnant. The MOTION carried.

MOTION was made by Commissioner Charles Johnson that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Steve Johnson. The MOTION carried unanimously. See Attachment IX for the Commission's Final Agency Decision and Attachment X for the roll call vote.

6. **James Brian Gilmore**

Commissioner Bill Hollingsed and Yolanda Sparrow recused themselves from this case.

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Gilmore.

MOTION was made by Commissioner Smith that the Commission go into Closed Session; seconded by Commissioner Bob Myrick. The MOTION carried.

MOTION was made by Commissioner Cunningham that the Commission return to Open Session; seconded by Commissioner Smith. The MOTION carried.

MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Lee Farnsworth. The MOTION carried. See Attachment XI for the Commission's Final Agency Decision and Attachment XII for the roll call vote.

7. Antwain Renae Smith

Ms. Lauren Earnhardt presented oral argument regarding the case against Mr. Smith.

MOTION was made by Commissioner Farnsworth that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Smith. The MOTION carried. See Attachment XIII for the Commission's Final Agency Decision and Attachment XIV for the roll call vote.

8. Areleous Carlos Tilghman

Ms. Earnhardt presented oral argument regarding the case of Mr. Tilghman.

MOTION was made by Commissioner Smith that the Commission adopt the Proposed Final Agency Decision as written by legal counsel; seconded by Commissioner Cunningham. The MOTION carried. See Attachment XV for the Commission's Final Agency Decision and Attachment XVI for the roll call vote.

VII. DATE OF NEXT MEETING

Chairman Hollingsed advised that the next Commission meeting is scheduled for May 20-21, 2015 at the Wake Technical Community College, Public Safety Education Campus in Raleigh, NC.

VIII. MOTION TO ADJOURN

MOTION was made by Commissioner Cunningham that the Commission adjourn; seconded by Commissioner Sparrow. The MOTION carried unanimously.