

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

**MINUTES**

**DATE:** November 16, 2012

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

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

**SUBMITTED BY:** Windy Hunter  
Interim Director

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

Following the roll call, Chairman Glenn declared that a quorum was present and read the Ethics Responsibility into the minutes. He reported that the agenda has been changed due to the Executive Committee still in the process of reviewing applications for the Director's position. He advised that the Commission would be reviewing some of the Proposed Final Agency Decisions today.

**MEMBERS PRESENT**

Mr. John Glenn  
Ms. Robin Pendergraft  
Mr. Eddie Caldwell  
Chief Tim Hayworth  
Chief Ira Jones  
Mayor James Festerman  
Ms. Stephanie Freeman  
Chief Tim Ledford  
Chief Bill Hollingsed  
Mr. Johnny Hawkins  
Mr. Robert Myrick  
Mr. Charles Johnson  
Dr. Bob Ruth  
Mr. Ray Davis  
Mr. Brent Herron  
Ms. Tracy McPherson  
Ms. Angela Williams  
Mr. Jeff Welty  
Mr. Steve Johnson  
Ms. Gwen Norville  
Ms. Diane Isaacs  
Lt. Yolanda Sparrow  
Mr. Trey Robison

**MEMBERS ABSENT**

Chief Scott Cunningham  
Colonel Mike Gilchrist  
Chief Pat Bazemore  
Mayor Bobby Kilgore  
Sergeant Lorie Hersey  
Chief Wrenn Johnson  
Mr. Lee Farnsworth

**VISITORS**

|                        |  |
|------------------------|--|
| Donny Williams         | Wilmington Police Department                   |
| Mike K. Smith          |  |
| James Avens            | Weldon Police Department                       |
| Richard Holden         | Retired with the State Highway Patrol          |
| Tim Shaw               |  |
| Porsche Barnes         | N. C. Department of Motor Vehicles             |
| Terry Jones            | Former Commissioner/Winston-Salem Police Dept. |
| Talaya Vaughn          | Department of Motor Vehicles License & Theft   |
| Robert Price           | N.C. Department of Public Safety/DAC           |
| Robert Crosby          | Allied Barton Company Police                   |
| Thomas Crosby          | Gaston County Police Department                |
| Tom Thornburg          | School of Government - UNC Chapel Hill         |
| Stacy Holloman         | N. C. Justice Academy                          |
| Dillan Hymes           |  |
| June Solomon           | Hillsborough Police Department                 |
| Chief Duane Hampton    | Hillsborough Police Department                 |
| Scott Nicolaysen       | Hillsborough Police Department                 |
| Garry McCluskey        |  |
| Angela Fillgrove       | N.C. Department of Public Safety/DAC           |
| Kristie B. Stanback    | N.C. Department of Public Safety/DAC           |
| John J. O'Neal         |  |
| Mark Macon             |  |
| Joyce Ruth             |  |
| Marvin Lucas           |  |
| Brenda Lucas           |  |
| Paul Burdette          | Wrightsville Beach Police Department           |
| Steve Evanko           | Wrightsville Beach Police Department           |
| Norman Young           | N. C. Department of Justice                    |
| Allen Long             | Claremont Police Department                    |
| Gary Bost              | Claremont Police Department                    |
| Hannah Elliott         |  |
| Chief Gerald Tolbert   | Claremont Police Department                    |
| Larry James            | Elizabeth City Police Department               |
| Melanie Shelton        | N.C. Department of Public Safety/DAC           |
| Rob Shelton            | N.C. Department of Public Safety/DAC           |
| Troy Strickland        | Bethel Police Department                       |
| Todd Bullock           |  |
| Bob Yow                |  |
| Eric Wilson            | Smithfield Police Department                   |
| William J. Becker      | N.C. Department of Public Safety/DAC           |
| Tammy Becker           |  |
| Sarah M. Purcell       | Red Springs Police Department                  |
| Dennis Purcell         |  |
| Chief Ronnie Patterson | Red Springs Police Department                  |
| Clara Core             | Red Springs Police Department                  |
| Brad Cook              |  |
| Jeffery Myers          |  |

Paul Moats  
Angela Lucas-Williams

Fremont Police Department  
N. C. Department of Public Safety

**STAFF**

Windy Hunter  
Lauren Earnhardt

Pam Pope  
Richard Squires

Cathy Jordan  
Dawn Suffel

Sharon Witherspoon  
Donna Byrd

**I. CALL TO ORDER**

Commission Chairman John Glenn called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to two new members, Lieutenant Yolanda Sparrow with the Wilmington Police Department, who will be representing the North State Law Enforcement Officers' Association and Mr. Trey Robison, District Attorney's Office in Monroe, who will be representing the North Carolina Conference of District Attorneys.

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

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

**II. Presentation of Resolutions**

**MOTION was made by Commissioner Eddie Caldwell on behalf of the Executive Committee that the Commission approve the Resolution of Appreciation for Commissioner Tom Thornburg; seconded by Commissioner Ira Jones. The MOTION carried unanimously.**

Vice-Chairman Caldwell presented the Resolution of Appreciation to former Commission member Tom Thornburg. Mr. Tom Thornburg accepted his plaque and told everyone that he had enjoyed working with the Commission as well as staff.

**MOTION was made by Commissioner Eddie Caldwell on behalf of the Executive Committee that the Commission approve the Resolutions in Memoriam for Scott Hunter and Ron Gillespie; seconded by Commissioner Ira Jones. The MOTION carried unanimously.**

Vice-Chairman Caldwell presented the Resolution in Memoriam to former Commissioner and Colonel Richard Holden with the North Carolina State Highway Patrol. Mr. Holden accepted the two plaques for Scott Hunter's family and his agency. Mr. Holden explained that Scott Hunter had worked with the Highway Patrol and later began work with the State Capitol Police Department as Chief of Police. Mr. Holden advised that Scott Hunter would be greatly missed.

Vice-Chairman Caldwell presented a plaque to Bob Yow on behalf of the Commission. Mr. Yow accepted the plaque and told everyone that he was honored to work with the fine people at the Criminal Justice Standards Division and the Commission. He thanked the Commission for its commitment to the criminal justice profession in North Carolina.

**III. AWARDING OF ADVANCED CERTIFICATES  
[Agenda Memorandum No. 04-12]**

Chairman Glenn reported that staff had evaluated the applications of one hundred and twenty-nine (129) candidates. There were one hundred and ten (110) candidates for the Advanced Law Enforcement Certificate and nineteen (19) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate pin.

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

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

|                      |  |
|----------------------|--|
| Robert H. Crosby     | Allied Barton Company Police<br>Presented by Thomas Crosby and<br>Commissioner John Glenn  |
| Thomas K. Crosby     | Gaston County Policy Department<br>Presented by Robert Crosby and Commissioner Glenn   |
| Troy Strickland      | Bethel Police Department<br>Presented by Todd Bullock, Town Manager  |
| Larry D. James       | Elizabeth City Police Department<br>Presented by Commissioner Glenn  |
| Allen David Long     | Claremont Police Department<br>Presented by Chief Tolbert and Captain Bost and<br>Hannah Elliott                                     |
| Paul E. Moats        | Fremont Police Department<br>Presented by Commissioner Glenn   |
| Scott A. Nicolaysen  | Hillsborough Police Department<br>Presented by Chief Duane Hampton   |
| June Lynette Solomon | Hillsborough Police Department<br>Presented by Chief Hampton   |
| Talaya D. Vaughn     | NC DMV License & Theft Bureau<br>Presented by Deputy Commissioner Ronald Kaylor,<br>Assistant Director Mike Smith and Porsche Barnes |

|                         |  |
|-------------------------|--|
| Sarah M. Purcell        | Red Springs Police Department<br>Presented by Chief Ronnie Patterson, Dennis Purcell and Clara Core                    |
| Eric L. Wilson          | Smithfield Police Department<br>Presented by Commissioner Glenn  |
| James Edward Avens, Jr. | Weldon Police Department<br>Presented by Chief Mark Macon  |
| Stephen M. Evanko       | Wrightsville Police Department<br>Presented by Captain Burdette  |
| Angela K. Fillgrove     | N. C. Department of Public Safety - Division of Adult Correction<br>Presented by Commissioner Gwen Norville            |
| Angela Lucas-Williams   | N. C. Department of Public Safety - Division of Adult Correction<br>Presented by Garry McCluskey                       |
| Robert D. Price         | N. C. Department of Public Safety - Division of Adult Correction<br>Presented by Commissioner Norville                 |
| Melanie B. Shelton      | N. C. Department of Public Safety - Division of Adult Correction<br>Presented by Commissioner Norville and Rob Shelton |
| Kristie B. Stanback     | N. C. Department of Public Safety - Division of Adult Correction<br>Presented by Commissioner Norville                 |

#### IV. MINUTES OF AUGUST 23-24, 2012 MEETING

Chairman Glenn entertained a motion to approve the minutes.

**MOTION was made by Commissioner Davis that the Commission approve the minutes of the August 23-24, 2012 meeting as mailed. The MOTION was seconded by Commissioner Ira Jones and carried unanimously.**

#### V. STANDING COMMITTEE REPORTS

##### A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on November 15, 2012 at the Wake Technical Community College Public Safety Training Center in Raleigh. He related that the Commission has concerns about the status of the Commission funding.

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He explained that staff was funded through the Department of Justice until court fees were increased and the division was placed under these fees. He explained that there has been a dramatic decline in court costs in the past year and a half which has caused the revenue to the two divisions to go down. The Executive Committee, legal counsel and the Attorney General's staff have been working on revenues. He advised that the Executive Committee was planning to have a meeting January 15<sup>th</sup> to discuss what sources of revenue can be used and what programs may have to be put on hold. The Executive Committee will bring recommendations to the next Commission meeting in February.

Chairman Caldwell stated that the Executive Committee was reviewing an agency in the state to determine if law enforcement officers have completed their training. The Executive Committee directed staff to send a certified letter to the chief of the agency and the city manager to address these issues.

Chairman Caldwell reported that a settlement agreement involving a Community College had deficiencies with corrected action. The College has hopefully insured that this would not happen again. The Executive Committee has asked the Education and Training Committee to review a checklist which the college used to see if applicable to other community colleges for Commission certified courses throughout the state.

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

Mr. Hunter stated that the Director selection process is still continuing. The three names from the Commission were submitted to the Attorney General. He stated that CJ Standards has received some temporary funding to hire a temporary employee for the western part of the state. Mr. Mike Register, former chief from Trent Woods Police Department was hired to assist with testing in the western part of the state. Ms. Teresa Marrella has recently left the division to work with the North Carolina IT Department and Mr. Marvin Clark left the department to work with the North Carolina Museum of Art in Raleigh. Both positions have been posted and interviews will be forthcoming.

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

Mr. Strickland stated that the Justice Academy hired Tony Losada as an Instructor/Coordinator. He stated that John Wiggins and Gail Collier both retired from the Academy on September 30, 2012.

Mr. Strickland stated that the 2013 In-service project has been completed. He stated that Bill DuBois will be conducting five additional in-service instructor updates. The dates and locations are: December 4-5, 2012, December 11-12, 2012, January 8-9, 2013 in Salemburg, February 6-7, 2013 in Edneyville and February 20-21, 2013 in Salemburg, North Carolina.

Mr. Strickland stated that the Management Development Program Graduation was held on Friday, November 9, 2012. He stated that in January, class #25 will begin their new journey.

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Mr. Strickland concluded his report by stating that the IAEFI Regional Training Conference was held by Commissioner Steve Johnson on the Salemburg campus. Approximately 123 firearms instructors attended this conference.

## **B. Education and Training Committee - Vice-Chairperson Robin Pendergraft**

Vice-Chairperson Pendergraft stated that the Education and Training Committee met at 1:30 p.m. on Thursday, November 15, 2012 at the Public Safety Training Center, Wake Technical Community College.

Vice-Chairperson Pendergraft stated that Tim Pressley with CJ Standards Division appeared before the Committee to propose a rule revision to the School Directors certification period. It was noted that this change was to be consistent with other instructor certification rules. It was also noted that a change was needed to correct the language regarding the annual school directors conference. The language should read "annual training" instead of an annual conference.

**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 09B .0502(a) - Terms and Conditions of School Director Certification - Change the length of a School Director's certification period from two years to three years and 12 NCAC 09B .0502(b)(1) to read: "Participate in annual training conducted by Commission staff"; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.**

Vice-Chairperson Pendergraft stated that Bill DuBois appeared before the Committee to propose the 2014 In-Service Law Enforcement Training Topics based upon recommendations of the Joint In-Service Training Committee and the Juvenile Minority Sensitivity Advisory Committee. The Committee's recommendation for the topical areas is to include the year in which it is approved.

**MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09E .0102 and all other related rules to reflect the following required in-service training topics and hours to 2014 mandated in-service training: 2014 Firearms Training and Qualification - 6 hours, 2014 Legal Update - 4 hours; 2014 JMST: A Juvenile - Now What? - 2 hours; 2014 Officer Safety: The First Five Minutes - 4 hours, and 2014 Department Topics of Choice - 12 hours for a total of 28 hours. The Justice Academy will develop 28 hours of training with 16 hours of mandated training and 12 hours of agency topic of choice; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.**

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Vice-Chairperson Pendergraft reported that Charles Walston with the North Carolina Department of Public Safety appeared before the Committee to present the revised curricula for the juvenile justice officer and the juvenile court counselor basic training programs. These programs have been updated. He also presented the updates for the basic correctional officer curriculum. This program was restructured and streamlined. Also, new teaching techniques were designed to stimulate student participation and discussion. The Committee approved these requests.

Vice-Chairperson Pendergraft stated that Charles Walston proposed a rule revision to 12 NCAC 09B .0235 for the purpose of updating the basic training curricula for juvenile justice officers and juvenile court counselors. The revisions presented were to increase the minimum hours from 144 to 160 and revise the topical areas currently listed in subsection (b) to reflect the current topics and remove the hours. The Committee approved these revisions.

**MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0235 Basic Training - Juvenile Court Counselors and Chief Court Counselors as presented; seconded by Commissioner Norville. The MOTION carried unanimously.**

Mr. Walston also proposed a rule revision to 12 NCAC 09B .0236 for the purpose of updating the basic training curricula for juvenile justice officers. The revision presented was to revise the topical areas currently listed in subsection (b) to reflect the current topics and remove the hours.

**MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0236 Basic Training - Juvenile Court Officers as presented; seconded by Commissioner Norville. The MOTION carried unanimously.**

Lastly, Mr. Walston also proposed a rule revision to 12 NCAC 09B .0304(i)(1) - Specialized Instructor Certification for the purpose of removing the time limit in which an instructor must apply for their Specialized Instructor Certification in the Medical Emergencies topical area after completing a Commission-Certified Basic Instructor Training Course. Also, revising 12 NCAC 09B .0304(i)(2) to read "Hold Instructor Certification in CPR and First Aid" by fulfillment of an organization whose curriculum meets the national standard instructor requirements.

**MOTION was made by Commissioner Pendergraft that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend 12 NCAC 09B .0304 Specialized Instructor Certification (i)(1) and (2) as presented; seconded by Commissioner Bob Ruth. The MOTION carried unanimously.**

On behalf of the North Carolina Association of Chiefs of Police, Commissioner Tim

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Ledford requested in-service pilot authority for the 2013 blocks of instruction: Social Media for Police Management and Electronic Surveillance to be delivered by James A. Deater, Jr. and Leischen A. Stelter at the 2013 Winter Conference on January 20, 2013. Each block of instruction will be two hours in length and test questions will be provided by the instructors. The Committee approved this request.

On behalf of the School Accreditation Subcommittee, Commissioner Tracy McPherson, recommended the reaccreditation of Brunswick Community College, Supply, NC for a period of five years. The Committee approved this request.

On behalf of the General Instructor Training Revision Committee, Leila Humphries, North Carolina Justice Academy, requested that the "Evaluation Process" lesson plan in the General Instructor Training Course be removed from pilot status and returned to the original block of instruction dated August 2009. She explained that the Instructor Training curriculum taught by the Justice Academy would be consistent with instruction being offered out in the field. She stated that revisions within the curriculum and pilot status will be requested in the near future for these blocks. The Committee approved the request.

Ms. Jennifer Fisher with the Justice Academy reported on the revisions which had been made within the training objectives of the Arrest, Search, Seizure/Constitutional Law Block. The Committee approved the request.

Ms. Fisher reported on the minor revisions and additions to the following BLET topics: Anti-Terrorism; Civil Process; Controlled Substances; Criminal Investigations; Domestic Violence Response; Law Enforcement Driving; Elements of Criminal Law; Ethics for Professional Law Enforcement; Explosives and Hazardous Materials Emergencies; Firearms; Human Trafficking; In-Custody Transportation; Individuals with Mental Illness and Mental Retardation; Law Enforcement Radio Procedures and Information Systems; Motor Vehicle Law; Patrol Techniques; Physical Fitness; Rapid Deployment; Subject Control/Arrest Techniques; Techniques of Traffic Law Enforcement; Traffic Crash Investigation and Dealing with Victims and the Public. These blocks of instruction will be included in the January 2013 revisions.

Mr. Walston reported on the minor revisions in the Basic Correctional Officer training curriculum. Revisions were made to the following topics: Hostage, Basic Expandable Baton, Shotgun Familiarization/Proficiency, Introduction to Low/Limited Light (Handgun), Low/Limited Light Familiarization for the Shotgun, You and the Law, Staff and Inmate Relationships, Cultural Awareness, Unlawful Workplace Harassment, Security Threat Groups and Controls, Restraints and Defensive Tactics.

Also, Mr. Walston provided an update on the Basic Training for Probation/Parole Officers course. The program remains in pilot status. The rule is expected to be heard at the February 2013 meeting.

Vice-Chairperson Pendergraft stated that the Committee members were looking at various specialized certifications and seeking input from experts out in the field. Hopefully, the Committee can report a proposal at the February meeting.

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Vice-Chairperson Pendergraft noted that Mark Strickland provided the Committee members with a copy of the Possible Topics for In-service Training in 2014 survey and results.

Vice-Chairperson Pendergraft concluded her report by stating that Commissioner Steve Johnson reported that at the September 2012 Joint In-Service Training meeting, the Committee members voted to move forward with producing a list of nationally accredited programs that would be included in the Administrative Code. These programs would qualify as Chiefs Topic of Choice for in-service training. This would be discussed with both CJ Commission and Sheriffs' Commission.

**Final Agency Decisions**

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

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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. James Sprunt Community College Settlement Agreement**

Commissioner Tracy McPherson recused herself from this action.

Ms. Lauren Earnhardt presented the Settlement Agreement by stating that on Page 12, Section #2, the probationary period will be a five year term and allow the college to start the BLET program at their choice. She stated that the college has corrected their deficiencies and stated that it would not happen again.

Brad Coats stated that he was hired as the School Director at James Sprunt Community College. He stated that since 2010, proper equipment has been purchased. He stated that the college feels that they can offer the program. Mr. Coats stated that the college has rebuilt the whole BLET program. He assured that this would not happen again.

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

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

**MOTION was made by Commissioner Pendergraft that the Commission approve the Settlement Agreement as presented; seconded by Commissioner Tim Hayworth. The MOTION carried unanimously.**

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

Chairperson Freeman reported that the Planning and Standards Committee met on November 15<sup>th</sup> at Wake Technical Community College.

Chairperson Freeman stated that a rule making hearing was held. She noted that Commissioner Scott Cunningham was re-elected as Vice-Chairman of the Committee.

Chairperson Freeman stated that the Committee heard a presentation from Ms. Kim Sommerdorf and Mr. Tim Moose with the North Carolina Department of Public Safety, regarding proposed personnel actions affecting PPO-surveillance officers. After discussion, the Committee requested additional information.

The forms subcommittee met on October 31<sup>st</sup> to address the Form F3 Personal History Statement and the Form F-5A (DAC). Three representatives from Department of

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Public Safety Human Resources Division attended the last meeting to discuss proposed revisions to the F-5A (DAC). They plan to present options to their management, including the suggestion that utilize a Form F-3 (Personal History Statement) rather than the existing F-5A (DAC), which would simplify and streamline the later form. The Committee is working on final revisions to Form F-3 (Personal History Statement), and hopefully a final version will be presented in the near future.

The Commission had much discussion ensued over the issue of hours vs. credits in the in-service training rules. Based on this discussion, the added sentence, "For the purposes of this Subchapter, a credit shall be equal to one hour of traditional classroom instruction" was stricken from the proposed revision.

**MOTION was made by Commissioner Freeman that the Commission adopt the proposed rule revisions as written with this revision; seconded by Commissioner Robert Myrick.**

Following the conclusion of the Planning and Standards report, Vice-Chairman Caldwell made a motion.

**MOTION was made by Commissioner Caldwell that interpreting the meaning of credits pending the formal rules change, which states that if course materials as authorized by the Commission are taught in their entirety to the students in the class, and if the course materials are taught as designed, then even if the instruction is completed in fewer than the specified hours, the officer will receive full credit as authorized for that specific class; seconded by Commissioner Tim Hayworth. The MOTION carried unanimously.**

Chairperson Freeman reported that Kathy O'Neill from the Division of Juvenile Justice presented a proposed revision to the interpretive rule. Staff has requested that they verify that all position titles included in the interpretive rule be correct. The interpretive rule covers state juvenile justice officers and juvenile court counselors. Ms. O'Neill presented amendments to include the removal of obsolete position titles and the addition of new job titles.

**MOTION was made by Commissioner Freeman that the Commission adopt the proposed revision to the Interpretive Rules for state juvenile justice officers and juvenile court counselors; seconded by Commissioner Norville. The MOTION carried unanimously.**

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

Chairman Davis reported that the Probable Cause Committee met on November 14<sup>th</sup> and November 15<sup>th</sup>. He stated that Commissioner Ira Jones was re-elected as the Vice-Chairman of the Committee.

He reported that the Committee reviewed a total of twenty-nine cases. He stated that

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the Committee recommended a lesser sanction of an "Official Written Reprimand" for six cases. He related that the Committee found probable cause in ten cases and no probable cause in fourteen cases. One case was pulled because it fell under the new policy and was handled by staff. One case was continued pending further investigation by staff.

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/068 ; seconded by Commissioner Ira Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/100 ; seconded by Commissioner Ira Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/105; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/106 ; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/107 ; seconded by Commissioner Jones. The MOTION carried unanimously.**

**MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Memorandum No. 12/108 ; seconded by Commissioner Jones. The MOTION carried unanimously.**

Chairman Davis asked the Commission members to review the list of individuals that staff had certified after reviewing their criminal records. He advised that the Probable Cause Committee members reviewed and subsequently approved the issuance of certification to Derek Lafone Cooper.

**VI. OTHER BUSINESS**

None

**VI. OLD BUSINESS**

**A. Old Business**

None



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8. James Sprunt Community College  
November 20<sup>th</sup>.  
Hearing: November 20, 2012, 9:00 a.m.  
Kenansville.
9. Dillan Nathaniel Hymes  
(aka Daniel Wayne Burton)  
To Be Heard at the November 2012  
Commission meeting.
10. Barbara Renay Whaley  
FAD ltr. Sent October 10<sup>th</sup>; 35 days:  
November 20<sup>th</sup>.
11. Robert Kendrick Mewborn  
FAD ltr sent October 10<sup>th</sup>: 35 days:  
November 21st..
12. Julian Maurice Sidberry  
FAD letter sent October 10<sup>th</sup>; 35 days:  
November 26th.
13. Darryl Howard  
FAD ltr sent October 10<sup>th</sup>; 35 days:  
November 24th.
14. John Jay O'Neal  
To Be Heard at the November 2012  
Commission meeting.
15. Charlesene Yvette Cotton  
FAD ltr sent October 10<sup>th</sup>: 35 days.
17. William James Becker .  
To Be Heard at the November 2012  
Commission meeting. Petition filed  
Exceptions.
18. James Philip Davenport  
Draft PFD sent to Judge October 15th.
19. Alvin Louis Daniels  
To Be Heard at the November 2012  
Commission meeting. Petition submitted  
Exceptions.
20. Danielle Marie Taylor  
Hearing: October 9, 2012, 1:30PM;  
Fayetteville.
21. Rodney Lyndolph Bland  
Hearing: October 17<sup>th</sup>, 11:00 AM.  
Greenville.
22. Sherman Montrell McQueen  
PFD ltr sent to Judge October 15th.
23. Matthew Brian Hayes  
PFD ltr sent to Judge October 15th.
24. Antonio Cornelius Hardy  
Draft PFD sent to Judge November  
8th.
25. Jonathan Dryden Dunn  
Respondent filed PHS 6/20; Petitioner PHS  
Due 6/20 MTDNOPHS filed 7/17;  
Respondent Due 8/9; Interrogatories sent  
8/29; 15 days: Returned to staff and resent  
10/17. Discovery Due 8/20 Hearing  
Continued.
26. David Robert Murrell  
Renewed MTD filed 11/7; Respondent due  
11/19 Interrogatories ; Interrogatories sent  
10/19; 15 days: 11/5; Discovery Due:  
10/29; Hearing: continued Pending MTD.
27. Ralph R. Hines  
FDOD Entered 11/7/12; 35 days.
28. William Franklin Dietz, Jr.  
Interrogatories Discovery Due: 11/26;  
Hearing: Week of December 10, 2012 in  
Bolivia.
29. Kevin Lee Hullet  
Interrogatories Discovery Due: 11/19;  
Hearing: Week of December 3, 2012 in  
Charlotte.
30. Jeremy Samuel Jordan  
Respondent filed PHS 10/11; PHS Due

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- 10/17; 2<sup>nd</sup> Oder for PHS Due 11/16  
Interrogatories Discovery Due: 11/19;  
Hearing: Week of December 3, 2012 in  
Morganton.
31. Elizabeth Crooks Goode Respondent filed PHS 10/11; PHS Due  
10/17; 2<sup>nd</sup> Oder for PHS Due 11/16  
Interrogatories Discovery Due: 11/19;  
Hearing: Week of December 3, 2012 in  
Waynesville.
32. Shannon Pendergrass Respondent filed PHS 10/11; PHS Due  
10/17; Interrogatories Discovery Due: 12/3;  
Hearing: Week of December 17, 2012 in  
Halifax.
33. Calvin Mosely Interrogatories Discovery Due: 12/3;  
Hearing: Week of December 17, 2012 in  
Elizabeth City.

### C. Final Agency Decisions

#### 1. John Jay O'Neal

Ms. Jordan presented the case of John Jay O'Neal, who received certification with the Department of Correction. On January 6, 2009 Mr. O'Neal was cited with Armed Forces Traffic Tickets for failure to reduce speed causing a traffic accident, DWI, eluding military police and careless and reckless driving. On August 20, 2009, Mr. O'Neal was offered a plea agreement. On September 2, 2009, Mr. O'Neal accepted and signed the plea agreement. The Petitioner agreed to accept the plea offer in exchange for his plea of guilty as to impaired driving and failure to stop at the scene of an accident. The Government agreed to dismiss speeding to elude arrest and reckless driving. The Government further agreed to recommend the sentence of \$350.00 fine, 1 year probation, 24 hours of community service, completion of a substance abuse assessment and completion of all recommended education or treatment, and a special assessment fee of \$10.00. Mr. O'Neil had taken a prescription called Ambien and had gone to sleep. He was aroused from sleep and needed to take something to his wife who worked on the post. Ms. Jordan stated that his certification was suspended because of Mr. O'Neil's criminal conviction of the DOC misdemeanor of failure to stop at the scene of an accident.

Mr. O'Neil stated that he never denied what had happened. He said that he had just been issued this medication Ambien to sleep. He admitted that he hit the car at the stop sign. He said that he did not see a police car or siren. He stated that he complied with instructions. He was not charged for leaving the scene. He received a 18 month written warning from his supervisor. Mr. O'Neil stated that he has served in public safety for twelve years.

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

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

**MOTION was made by Commissioner Ruth that the Commission accept the Proposed Final Agency Decision to suspend John Jay O'Neil's correctional officer certification of a period of three years based upon Petitioner's criminal conviction of the DOC misdemeanor Failure to Stop at the Scene of an Accident. This period of suspension shall be suspended for a period of two years on condition that Petitioner not violate any 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; seconded by Commissioner Steve Johnson. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.**

## **2. Tommy Keith Lymon**

Ms. Jordan presented the case of Tommy Keith Lymon, who was certified in 1997 with the Winterville Police Department and in 2002, he was certified with Pinetops Police Department. Mr. Lymon was separated from his wife Ms. Lymon. The warrant for arrest alleged that on March 17, 2009 that Mr. Lymon unlawfully and willfully did wantonly damage, injure and destroy real property, rear door, the property of Tommy and Jacqueline Lymon.

Mr. Jeff Gray, attorney representing Mr. Lymon stated that Mr. Lymon is a dedicated law enforcement officer. He stated that Ms. Lymon was present and had been during these hearings. Mr. Lymon went to the back door and pushed the door when Ms. Lymon called the Sheriff's Office. Mr. Lymon called his agency to tell them what had happened. Mr. Gray stated that all three of Mr. Lymon's superior officers were present during these hearings. He stated that the Judge found him guilty and agreed to give him a prayer for judgment (PJC). Mr. Gray stated that Mr. Lymon was repairing the back door of his house when law enforcement came. Mr. Lymon wants to continue his law enforcement officer career.

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

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

**MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision to suspend Tommy Keith Lymon's law enforcement officers certification for a period of not less than five years based upon Petitioner's criminal convictions of the Class B misdemeanor offense of injury to personal property and domestic criminal trespass. This period of suspension shall be suspended for a period of two years on condition that Petitioner not violate any 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; seconded by Commissioner Steve Johnson. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.**

### **3. William James Becker**

Commissioner Robin Pendergraft recused herself from this case.

Ms. Earnhardt presented the case of William James Becker, who was certified as a correctional officer in 1993. In 2009, staff received documentation that Mr. Becker had been charged with "Assault on a Female". In 2001, a domestic dispute was called into law enforcement. Ms. Becker stated that she and her husband had gotten into an argument and she tried to leave with their children. As she tried to leave, Mr. Becker grabbed her arm and pushed her against the back door of their home. Mr. Becker grabbed her arm for a second time and she stuck him in the forehead with the keys in her hand, cutting Mr. Becker above his left eye. Ms. Earnhardt stated that the Petitioner gave a statement to the officer admitting to touching Ms. Becker on the arm twice to prevent her from leaving during their argument. Ms. Earnhardt noted that Mr. Becker stated that he was acting in self defense. She stated that the Petitioner committed the two misdemeanor criminal offenses of assault on a female when he assaulted his wife, Tammy Becker, on two occasions. She asked that the Commission adopt the Proposed Final Agency Decision.

Dave Sutton, attorney representing Mr. Becker stated that Mr. Becker has 19 years of service in law enforcement. He stated that Ms. Becker did not testify at the Probable Cause hearing. Mr. Sutton noted that Mr. Becker stated that he and his wife were both charged and he should have told this at the Probable Cause hearing. He asked that the Commission adopt the Proposal for Decision to suspend the suspension.

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

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

**MOTION was made by Commissioner Trey Robison that the Commission adopt the Proposed Final Agency Decision set forth by counsel; to suspend William James Becker's correctional officer certification for a period of not less three years based upon Petitioner's commission of two Class B misdemeanors; seconded by Commissioner Norville. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.**

**4. Dillan Nathaniel Hymes (a.k.a. Daniel Wayne Burton)**

Mr. Hymes/Burton was not present to address the Commission.

Ms. Earnhardt stated that Mr. Hymes has been a correctional officer since 2007. She explained that the Petitioner purchased a car by placing \$1,000.00 down as payment. North State Acceptance was owed a balance of \$10,000 for the vehicle. North State Acceptance retained a lien on the vehicle. Ms. Earnhardt stated that the North Carolina Department of Motor Vehicles (NCDMV) had erroneously issued the title to the Petitioner. The Petitioner had place an ad on Craigslist in December 2009. The Petitioner sold the vehicle to Jose Morataya who then assumed the title. Ms. Earnhardt stated that the Petitioner took advantage of erroneously receiving a clean titled to the vehicle from NCDMV, knowing there was a lien on the vehicle, by quickly selling it to Morataya under the false pretense that he owned it outright.

**MOTION was Commissioner Bob Myrick that the Commission adopt the Final Agency Decision to suspend Dillan Nathaniel Hymes (aka Daniel Wayne Burton) correctional officer certification for a period of not less than ten years based upon Petitioner's commission of a felony offense; seconded by Commissioner Steve Johnson. The MOTION carried unanimously. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.**

**5. Alvin Louis Daniels**

Ms. Earnhardt stated that Mr. Daniels has been a correctional officer since January 2000. In 2007, staff received notification that Mr. Daniels had been charged with the misdemeanor offense of "Contributing to the Delinquency of a Juvenile". Mr. Daniels had given the keys to his Trailblazer to the

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fourteen-year-old daughter of his ex-girlfriend. The daughter was going to the store and return to his residence; however, she did not. On September 3, 2006, Mr. Daniels contacted the Sheriff's Office and informed authorities that his vehicle had not been returned to him. Mr. Daniels was served with the arrest warrant for the misdemeanor charge of "Contributing to the Delinquency of Juvenile." At the hearing, Mr. Daniels stated that he had given the keys to the boyfriend of the fourteen-year-old daughter. Ms. Earnhardt stated that when Mr. Daniels was asked at the hearing about the boyfriend, he could not say how old the guy was or if he had driver's license.

**MOTION was Commissioner Charles Johnson that the Commission adopt the Final Agency Decision to suspend Alvin Louis Daniels correctional officer certification for not less than three years based upon Petitioner's commission of a misdemeanor offense, after certification to wit; "Contributing to the Delinquency of a Juvenile" in violation of N.C.G.S. § 14-316.1; seconded by Commissioner Norville. The MOTION carried unanimously. See Attachment IX for the Commission's Final Agency Decision and Attachment X for the roll call vote.**

**IX. DATE OF NEXT MEETING**

Chairman Glenn advised that the next Commission meeting is scheduled for February 21-22, 2013 in Raleigh.

**X. MOTION TO ADJOURN**

**MOTION was made by Commissioner Tim Ledford to adjourn the meeting. The MOTION was seconded by Commissioner Norville and it carried unanimously.**