

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

MINUTES

DATE: November 22, 2013

TIME: 9:00 A. M.

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

SUBMITTED BY: Steven G. Combs
Director

MEMBERS PRESENT

Mr. John Glenn
Chief Ira Jones
Mr. Eddie Caldwell
Dr. Robert Ruth
Chief Scott Cunningham
Chief Wrenn Johnson
Mr. Ray Davis
Mr. Bob Myrick
Mr. Brent Herron
Captain Lee Farnsworth
Mr. James Festerman
Chief Bill Hollingsed
Ms. Robin Pendergraft
Chief Tim Ledford
Chief Patricia Bazemore
Corporal Melissa Hinnant
Ms. Gwen Norville
Ms. Stephanie Freeman
Ms. Tracy McPherson
Mayor Bobby Kilgore
Mr. Steve Johnson
Chief Tim Hayworth
Mr. Johnny Hawkins
Mr. Trey Robison
Chief Allen Smith
Mr. Jeff Welty
Ms. Diane Isaacs
Colonel Bill Grey
Ms. Angela Williams

MEMBERS ABSENT

Mr. Charles Johnson
Lieutenant Yolanda Sparrow

I. CALL TO ORDER

Commission Chairman John Glenn brought the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to the following reappointed members: Mr. James Festerman and Mr. Robert Myrick, who were nominated by the Honorable Phil Berger, President Pro Tempore of the Senate. He read the Ethics Statement into the minutes. Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors.

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

Chairman Glenn reported that Malia Hollingsworth with the N.C. Justice Academy will be retiring effective December 1st and Commissioner Diane Isaacs will be retiring and her last day will be December 31st.

II. PRESENTATION OF RESOLUTION

Chairman Glenn reported that the Executive Committee had approved a Resolution of Appreciation for Lorie Hersey, former Commissioner representing the North Carolina Law Enforcement Women's Association. He proceeded to read the Resolution of Appreciation into the minutes.

Ms. Hersey stated she had enjoyed working with the Commission membership and that it had been an honor to serve on the Commission.

III. AWARDING OF ADVANCED CERTIFICATES [Agenda Memorandum No. 04-13]

Chairman Glenn reported that staff had evaluated the applications of all one hundred and forty-nine (149) candidates. There were one hundred and twenty (120) candidates for the Advanced Law Enforcement Certificate and twenty-nine (29) 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 Ira Jones that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Bill Hollingsed and carried unanimously.

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

Jeremy Shawn Roberts

Ahoskie Police Department
Presented by Chief Troy Fitzhugh

Stephen Frank White

Ahoskie Police Department
Presented by Chief Fitzhugh

Raymond Joseph Rivera

Apex Police Department
Presented by Chief John Letteney

Joseph Jones Reynolds	Mocksville Police Department Presented by Commissioner Glenn and Robin Robbins
Robin Minton Robbins	Mocksville Police Department Presented by Commissioner Glenn and Joseph Reynolds
Tracy D. Skeeter	Morrisville Police Department Presented by Chief Ira Jones, Timothy Whitehurst, Captain Felecia Sykes and Sergeant Timothy Hendrickson
John O. LeGrand	N.C. A&T State University Police Department Presented by Deputy Chief Cindy Poole
Andrew J. Pinney-Tourtellotte	N. C. DMV License & Theft Bureau Presented by Commissioner Glenn
Vicente J. Espinoza	Raleigh Police Department Presented by Sergeant Robert Benjamin
Brian S. Rommel	Raleigh Police Department Presented by Sergeant Benjamin
Edwin Marti	Shalotte Police Department Presented by Chief Rodney D. Gause
Mary Beth Moore	Williamston Police Department Chief Travis Cowan
Mary Ann Allen	NC Department of Public Safety/Division of Adult Correction Presented Commissioner Gwen Norville
Cathy P. Binkley	NC Department of Public Safety/Division of Adult Correction Presented by Commissioner Norville
Phillip N. Burleson	NC Department of Public Safety/Division of Adult Correction Presented by Commissioner Norville
Janet Marie Dexter	NC Department of Public Safety/Division of Adult Correction Presented by Commissioner Norville
LaQuita Y. Harris	N.C. Department of Public Safety/Division of Adult Correction Presented by Commissioner Norville

Cory A. Hunt

N. C. Department of Public Safety/Division of Adult Correction
Presented by Commissioner Norville

LeVar Newsome

N. C. Department of Public Safety/Division of Adult Correction
Presented by Commissioner Diane Isaacs

Keith W. Stanley

N. C. Department of Public Safety/Division of Adult Correction
Presented by Commissioner Isaacs

IV. MINUTES OF AUGUST 22-23, 2013 MEETING

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

MOTION was made by Commissioner Jones that the Commission approve the minutes of the August 22-23, 2013 meeting as mailed. The MOTION was seconded by Commissioner Robin Pendergraft and carried unanimously.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

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

Chairman Caldwell stated that the Executive Committee discussed the Commission dates for next year. The new dates for 2014 are: February 20-21, 2014, May 21-22, 2014, August 21-22, 2014 and November 13-14, 2014 to be held at the Wake Technical Community College Public Safety Education Campus.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the dates for 2014 Commission meetings: February 20-21, 2014, May 21-22, 2014, August 21-22, 2014 and November 13-14, 2014 to be held at the Wake Technical Community College Public Safety Education Campus; seconded by Commissioner Ray Davis. The MOTION carried.

Chairman Glenn asked Interim Director Windy Hunter to give an update on the Criminal Justice Standards Division. Interim Director Hunter reported that a hiring recommendation had been submitted to Human Resources for the posting of the Processing Assistant IV position. He stated that three additional positions have been placed on hold status until the new Director is stationed. Mr. Hunter reported that three positions were: (1) Field Services Coordinator to primarily work on agency audits and would have assignments statewide as needed, (2) Correctional Investigator to be similar to investigator and (3) Processing Assistant V to assist the Training/Certification Unit or the Field Services/Investigations Unit as needed. Also, Mr. Hunter reported that three temporary employees would be hired to administer test/exams. This plan

would enhance time availability for the Field Reps to work on audits, school reaccreditations and investigations.

Mr. Hunter reported that staff has been receiving complaints/investigations on the CCH Program. After review of the complaints, staff had found no violations were confirmed.

In closing his report, Mr. Hunter reported that staff had learned that several community colleges in the eastern part of the state may be in danger of losing access to the properties they have been using for the LE Driver portion of their BLET program. Staff is continuing to monitor this situation and coordinate with the colleges as to possible options.

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

Mr. Strickland stated that David Harrell was hired as the Maintenance Supervisor at the West Campus. He reported that two people would be retiring from the Academy, Ms. Linda Warren and Ms. Malia Hollingsworth.

Mr. Strickland reported that the Academy was working with Commissioner Steve Johnson and Retired Special Deputy Attorney General John Aldridge to provide updates to the CCH Instructors on the recent legislative changes that have affected the CCH Program and the use of deadly force.

Lastly, Mr. Strickland stated that the IALIFI Regional Training Conference was held in Salemburg. The events ranged from classroom instruction to live fire classes on modern firearms training and the latest firearms technology.

Chairman Glenn personally welcomed Attorney General Roy Cooper and Ms. Kristi Hyman, Chief of Staff to the Attorney General to the Commission meeting. He stated that he wanted to express his appreciation on behalf of the Commission for the selection of a new Director for the Criminal Justice Standards Division. Attorney General Roy Cooper introduced Mr. Steven Combs, the new Director of the Criminal Justice Standards Division. He wanted to thank Winfield Hunter for his contribution to the Commission, both as a former Commissioner and as Acting Interim Director for the Criminal Justice Standards Division. Mr. Combs thanked Mr. Hunter for his assistance during his transition as new director.

Chairman Glenn extended a warm welcome to Christy Agner, Legislative Liaison of the Department of Justice.

B. Education and Training Committee - Chairperson Wrenn Johnson

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

Chairperson Johnson reported that Commissioner Robin Pendergraft was reelected as the Vice-Chair of the Committee.

Chairperson Johnson stated that on behalf of the Criminal Justice Standards Division, Tim Pressley requested to either remove or amend Rule 12 NCAC 09C .308(d)

concerning the notification of Speed Measurement Operators. He explained that currently staff is required to notify operators of their expiration date not less than ninety (90) days prior to the expiration date. After considerable discussion this topic was tabled.

Commissioner Steve Johnson proposed a motion that staff research, print lists of certified SMI operators and provide those to each agency for the agency to compare this list with their operators to ensure the agency operators are indeed certified. He asked that staff also notify operators of their expirations as per 12 NCAC 09C .308(d).

Chairperson Johnson stated that on behalf of the North Carolina Justice Academy, Bill DuBois proposed the 2015 in-service law enforcement training topics based upon the recommendations of the joint in-service training committee and the juvenile minority sensitivity advisory committee. The Committee approved the recommendations.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09E .0105 and all other related rules to reflect the following required in-service training topics and credits for the 2015 mandated in-service training: Firearms Training and Qualification – 6 credits; Legal Update – 4 credits; JMST: A Juvenile – What Does It Have To Do With Me? – 2 credits; Domestic Violence: Teen Dating Violence – 2 credits; and Department Topics of Choice – 10 credits. A total of 24 credits; seconded by Commissioner Bobby Kilgore. The MOTION carried unanimously.

She advised that the North Carolina Justice Academy will develop 26 credits of training with 14 credits of mandated training and 12 credits of agency topic of choice.

Chairperson Johnson stated that on behalf of the North Carolina Chiefs of Police Association, Commissioner Tim Ledford requested in-service pilot authority for the 2014 Winter Conference in Cherokee, North Carolina. Two four-hour blocks of instruction will be presented. The Committee approved this request.

On behalf of the School Accreditation Subcommittee, Commissioner Tracy McPherson recommended the reaccreditation of the following institutions for a period of five years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .0401 for the delivery of the Commission regulated training: Catawba Valley Community College; Isothermal Community College; Mitchell Community College, Southeastern Community College, Greensboro Police Department and Kill Devil Hills Police Department. The Committee approved this request.

Chairperson Johnson reported that Tyrone Brown, North Carolina Department of Public Safety, Office of Staff Development and Training, requested the Committee's approval for the revisions of the 160 hours of basic correctional officer course beginning in 2014. The Committee approved this request.

On behalf of the BLET Revision Committee, Jennifer Fisher with the Justice Academy requested approval of the revisions to the BLET curriculum to be implemented in January 2014: Dealing with Victims and the Public (BLET 130) – minor revisions with two objectives changed and new videos added on Alzheimer's Disease and responding to Sexual Assault Victims; Interviews: Field and In-Custody (BLET 09D) –

minor revisions with one training objective changed; Motor Vehicle Law (BLET 17T) – minor revisions were made, one handout revised and six new videos were added; and, Techniques of Traffic Law Enforcement (BLET 230) – minor revisions, one training objective added and a new handout was added. The Committee approved each of these with one exception. They requested that the instructional stage relating to Horizontal Gaze Nystagmus (HGN) within the Techniques of Traffic Law Enforcement be removed. The technical definition to Horizontal Gaze Nystagmus will remain in the lesson plan.

Ms. Fisher briefed the Committee of the minor revisions approved by the BLET Revision Committee to the BLET curriculum to be implemented in January 2014: Anti-Terrorism; Civil Process; Communication Skills for Law Enforcement Officer; Controlled Substances; Criminal Investigations; Explosives and Hazardous Materials Emergencies; Fingerprinting and Photographing Arrestees; Human Trafficking; Sheriff's Responsibilities: Court Duties; and Subject Control/Arrest Techniques.

Chairperson Johnson reported that Deputy Director Wayne Ayers of the North Carolina Justice Academy briefed the committee of the status of the 2013 Concealed Carry Handgun Instructor Update training deliveries. He reported that four courses have been delivered to 509 instructors.

Chairperson Johnson stated that staff from Central Piedmont Community College and the National Guard presented a comparison of the BLET curriculum to the US Army Military Police School curriculum for the purpose of creating an accelerated BLET program to assist military police in becoming certified North Carolina Law Enforcement Officers. The Committee requested that this issue be reviewed and discussed further at the February meeting.

Lastly, Chairperson Johnson stated that Tim Pressley asked for clarification on allowing agencies to utilize excess required in-service credits toward department topics of choice. The Committee agreed that if an officer received training in excess of the required credits, then those credits would count towards the department topics of choice. A different lesson plan, test and roster would not be required.

Commissioner Trey Robison discussed how Giglio affects an officer's reputation for honesty and credibility and how it has a direct relation to that officer's ability to testify at trial. He explained that officers must therefore be especially careful not to engage in any conduct that could even slightly damage their credibility. If an officer's credibility is compromised, their ability to testify at trial is damaged. After much discussion, the Commission decided to schedule a special meeting to discuss this issue further.

C. Planning and Standards Committee - Chairperson Stephanie Freeman

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

Chairperson Freeman reported that Commissioner Scott Cunningham was reelected as the Vice-Chairman of the Committee.

Chairperson Freeman reported that a rule making hearing was opened for discussion and offered any changes to the proposed amendments. The Planning and Standards Committee voted to proceed with the filing of rules as requested or amended once the Commission reviewed and approved.

Chairperson Freeman reported that 12 NCAC 09B .0405 – Completion of Basic Law Enforcement Training Course outlines the requirements for successful completion of the Basic Law Enforcement Training Course.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0405 for successful completion of the Police Officer Physical Abilities Test (POPAT), from the allowance of two attempts to complete each individual obstacle contained within the test to two attempts to complete the entire test with a minimum of 24 hours of rest between the attempts; second by Commissioner Bill Hollingsed. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training lists the required topics for the annual in-service training program for law enforcement officers. She explained that these rules are updated annually, as the training topics are changed each year. The number of hours required for training each year remains at 24.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09E .0105 in that the rules are updated annually as the training topics are changed each year. The number of hours required for training each year remains at 24; seconded by Commissioner Lee Farnsworth. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09B .0305 – Terms and Conditions of Specialized Instructor Certification and 12 NCAC 09G .0311 – Terms and Conditions of Specialized Instructor Certification outlines the requirements for initial and renewal of certification as a specialized instructor for law enforcement officers (09B .0305) and correctional officers (09G .0311).

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0305 and 12 NCAC 09G .0311 the requirements for instructors to recertify by removing the requirement for instructors to teach in an area of specialized instruction when such area was added to an existing instructor certification with less than twelve (12) months remaining until the end of the instructor's certification period; seconded by Commissioner Farnsworth. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09B .0205 – Basic Law Enforcement Training, 12 NCAC 09B .0209 – Criminal Justice Instructor Training, 12 NCAC 09B .0226 –Specialized Firearms Instructor Training, 12 NCAC 09B .0227 – Specialized Driver Instructor Training, 12 NCAC 09B .0232 – Specialized Subject Control Arrest Techniques Instructor Training and 12 NCAC 09B .0233 – Specialized Physical Fitness Instructor Training outlines the required topics, along with training

specifications, for the annual North Carolina Criminal Justice Education and Training Standards Commission training programs for law enforcement officers and instructors.

She explained to become a certified law enforcement officer and/or instructor; a candidate must still satisfy the certification exam with a passing score. Yet, successful completion of the courses (training) is separate from successfully passing the state comprehensive exam (certification). This is similar to other job fields such as law or medicine in that one could successfully complete medical or law school, yet need to also pass a separate certifying/licensing exam, which is not part of the training curriculum. The proposed changes are made to better distinguish between course completion and certification, and to account for the fact that the certification exam no longer needs to be taken right after course completion. The Criminal Justice Standards Division has implemented a regional testing process for administering certification exams to reduce the locations to which each staff member has to travel in order to administer the exams. Each course may be completely independent of the state certification exam.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0205, 12 NCAC 09B .0209, 12 NCAC 09B .0226, 12 NCAC 09B .0227, 12 NCAC 09B .0232, and 12 NCAC 09B .0233 to remove the hours set aside for the state certification testing from the curricula contained in the rules proposed for amendment. Basic Law Enforcement Training – 620 to 616; General Instructor – 77 to 74; Firearms Instructor – 83 to 81; Driving Instructor – 35 to 33; SCAT Instructor – 80 to 78 and Physical Fitness Instructor – 60 to 58; seconded by Commissioner Melissa Hinnant. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09B .0502 – Terms and Conditions of School Director Certification outlines the requirements for continued certification as a Criminal Justice School Director.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0502 to extend the period of certification as a school director from 2 to 3 years to be consistent with other periods of instructor certification; the amendment also allows for the annual school director's conference to be delivered via alternative means, such as an online format; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09E .0105 – Minimum Training Specifications: Annual In-Service Training lists the required topics for the annual in-service training program for law enforcement officers. She advised that these rules are updated annually, as the training topics are changed each year. The amendment would replace "hours" with "credits" to account for training that is offered online. The number of credits required for training is 24 (formerly 24 hours).

Ms. Freeman explained that the following topics have been removed: Career Survival: Social Networking and Digital Communications (4 hours); Juvenile Minority Sensitivity Training: Interaction Skills in Building Rapport (2 hours); and Awareness of Issues Surrounding Returning Military Personnel (2 hours). The following topics have been added: 2014 JMST: A Juvenile – Now What? (2 credits); 2014 Officer Safety: The First Five Minutes (4 credits).

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09E .0105 to replace “hours” with “credits” to account for training that is offered online. Also, to amend the distinction between hours and credits, allowing for an officer to complete an online training course for the same credit as sitting in a traditional classroom. Additionally, a requirement for written testing is added to each in-service course, allowing for retesting procedures in the event a student does not achieve a score of 70 percent on the written test; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09B .0235 Basic Training – Juvenile Court Counselors and Chief Court Counselors outlines the required topics and hours for the basic training program for Juvenile Court Counselors and Chief Court Counselors.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0235 to increase 144 hours to 160 hours. The list of required topics have been revised as follows: new topics are divided into “Juvenile Justice Common Core” and “Juvenile Court Counselor Specific”. Juvenile Justice Common Core Courses are: Juvenile Justice Overview; Counseling and Communication Skills; Characteristics of Delinquents; Unlawful Workplace Harassment; Professional Ethics; Staff and Juvenile Relationships; Gang Awareness; Situational Awareness and Risk Assessment; Restraints, Controls, and Defensive Techniques; Secure Transportation; Mental Health; and Basic Life Support: CPR and First Aid. Juvenile Court Counselor Specific Courses are: Roles and Responsibilities; Juvenile Law; Intake; Risk and Needs Assessment; Report Writing and Documentation; Interviewing; and Driver Safety. The rule also allows Juvenile Justice Officers who complete their 160-hour program after January 1, 2013 and transfer to a Juvenile Court Counselor position to take only the Juvenile Court Counselor Specific courses; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09B .0236 Basic Training – Juvenile Justice Officers outlines the required topics and hours for the basic training program for Juvenile Justice Officers.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0236 revised as follows: new topics are divided into “Juvenile Justice Common Core” and “Juvenile Justice Officer Specific.” Juvenile Justice Common Core Courses are: Juvenile Justice Overview; Counseling and Communication Skills; Characteristics of Delinquents; Unlawful Workplace Harassment; Professional Ethics; Staff and Juvenile Relationships; Gang Awareness; Situational Awareness and Risk Assessment; Restraints, Controls, and Defensive Techniques; Secure Transportation; Mental Health; and Basic Life Support: CPR and First Aid, Juvenile Justice Officer Specific Courses are: Treatment Program Operation; Maintaining Documentation of Activities and Behaviors; Basic Group Leadership Skills; Crisis Intervention Techniques; Effective Behavior Management; Health Services Overview; and Trauma and Delinquents. This rule also allows Juvenile Court Counselors who complete their 160-hour program after January 1, 2013 and transfer to a Juvenile Justice Officer position to take only the Juvenile Justice Officer specific courses; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09E .0104 Instructors: Annual In-Service Training outlines the requirements and responsibilities of instructors who conduct the law enforcement officers' in-service training program.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09E .0104 to allow instructors holding certain specialty certifications, such as CPR instructor issued through AHA/Red Cross, specialty equipment (such as TASER, Monadnock) and Incident Command System Training through FEMA, but who are not certified as General Instructors, to teach in those specific areas of in-service training; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09F .0107 Filing and Fees outlines the requirements for documenting a Concealed Carry Handgun Course and fees for participate certificates.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09F .0107 to increase the fee for each certificate from \$1.00 to \$2.00; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09B .0241 DJJDP Specialized Instructor Training – Restraint, Control and Defense Techniques outlines the topic areas and requirements for the Juvenile Justice Specialized RCDT Instructor Course.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09B .0241 to include a title change (Juvenile Justice Specialized Instructor Training – Restraints, Controls and Defensive Techniques) as well as revision to the topical areas. The new topical areas are as follows: Orientation; Introduction to Restraints, Controls and Defensive Techniques: Physical Fitness/Warm-Up and Stretching Exercise; Response to Injury; Restraints, Controls, and Defensive Techniques Basic Techniques; Restraint Applications; and RCDT Program Student Evaluation and Testing. The amendment also clarifies that the Office of Staff Development and Training of the Department of Public Safety is the only Commission-certified school authorized to deliver this training program; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09G .0415 Corrections Specialized Instructor Training – Firearms outlines the topic areas and requirements for the Corrections Specialized Firearms Instructor course.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09G .0415 to revise the classes of employees this course authorizes an instructor to teach by removing Probation/Parole Officer – Intermediate and PERT teams. The amendment also revises the topical areas of the course, removing rifle training and qualification and chemical weapons, and clarifying remaining topical areas; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman reported that 12 NCAC 09G .0416 Corrections Specialized Instructor Training – Controls, Restraints, and Defensive Techniques outlines the topic areas and requirements for the Corrections Specialized CRDT Instructor Course.

MOTION was made by Commissioner Freeman on behalf of the Planning and Standards Committee that the Commission grant rule-making authority to amend 12 NCAC 09G .0416 to revise the classes of employees this course authorizes an instructor to teach by removing Juvenile Justice Officers, Probation/Parole Officer – Intermediate and PERT teams. This amendment also revised topical areas. The following topical areas were removed: Patterns of Movement and Advanced Instructional Techniques. The following topical area was revised: Program Evaluation was changed to CRDT Program Student Evaluation and Testing; seconded by Commissioner Myrick. The MOTION carried.

Chairperson Freeman wanted to thank the Commission for their comments on the Proposed Personal History Statement (Form F- 3). She reported that there were minor revisions.

Lastly, Chairperson Freeman reported that House Bill 74 of the Administrative Code requires that the Commission must readopt all 290 of the Commission rules within the next five years or they will expire.

- 13th; Order entered July 18th; Received by Petitioner November 24th and November 26; Notice of Appeal Filed December 19th; PROA served January 22nd; 30 days: February 21st. Krueger brief filed April 11th; Brief due June 12, 2013. State Brief filed June 12th; Petitioner Reply Brief filed July 26th; no oral argument; case heard August 29th; COA Opinion issued November 5th confirming Respondent Decision to suspend certification; Mandate issues November 25th.
2. Ahmed Joseph Blake
PJR filed August 17, 2012 (Guilford County); served on legal counsel August 20th; Response due September 19th; MTD filed September 17th, or Official Record filed September 14th; Amended PJR filed September 14th; MSJ Alt. Response filed October 15th; Scheduled for June 3, 2013, Courtroom 3G - 10:00 a.m.; MTD Dispense mailed February 19, 2013; Mediation dispensed; Order revd September 11th affirming respondent decision; Case Closed.
 3. Bryson Lawrence Cornett
PJR filed June 21, 2012 (Wake County); served on legal counsel June 25th; Response due July 25th; Response/Official Record filed July 19th; Memo filed January 31, 2013.
 4. Derrick Wayne Knox
Hearing Continued.
 5. William James Becker
FAD letter sent January 8th; 35 days: RTS; sent to Sheriff for service on February 1st; 35 days: March 11th; PJR filed February 11, 2013. (Edgecombe County); Response/OR filed April 5th; Heard October 28, 2013; Draft Order sent to Judge November 6th.
 6. Alvin Louis Daniels
PJR filed February 18, 2013 (Cumberland County) Response/OR filed. Admin. Appeal hearing September 30th; MOL filed September 23rd; Order in Favor of Respondent revd. October 4th.
 7. Rodney Lyndolph Bland
Final Agency Decision entered May 23rd; 35 days: FAD resent via certified mail July 17th; FAD sent to Sheriff on July 18th for service; Deny 3 years; served by Sheriff on July 22nd Case Closed.
 8. Ralph R. Hines
Petitioner filed PJR (Onslow County) on December 12, 2012; Respondent Due January 16th; MTD/Answer filed January 14: Petitioner filed response; Notice of Hearing for July 22nd filed June 24th; MTD allowed August 1, 2013.
 9. William Franklin Dietz, Jr.
To Be Heard at the August 2013 Commission Meeting. FAD letter returned unclaimed October 25th.
 10. Kevin Lee Hullet
Waiting on Judge to File Proposal for Decision. Petition stipulation revd September 11th; PFD revd on September 13th; PFD letter sent to attorney on September 18th; served September

- 27th; Revd. Petitioner exceptions, proposed findings and request for oral argument on October 17th; Commission meeting letter mailed November 7th, served November 13th.
11. Shannon Pendergrass Hearing: May 20, 2013, 10:30 a.m.; Jackson. Motion to strike filed July 9th; Order to produce PFD by September 27th.
12. Bilal Abdus-Salaam Draft Proposal for Decision sent to Judge July 1st; Motion to withdraw for attorney granted August 1st; PFD Revd August 20th; FAD letter mailed August 27th; to be heard at February 2014 Commission Meeting.
13. Forrest Travis Coston Hearing – Continued; Rescheduled for October 16-17th; MTC revd September 19th; hearing continued second time. Per Petitioner's request, rescheduled for week of December 2nd; October 17th revd; Order of Reassignment to ALJ Gray; October 7th Revd. Notice of Rescheduled Hearing, Hearing set for week of December 2nd.
14. Lee Daniel Wilkerson Draft Proposal for Decision sent to Judge July 2nd; PFD revd October 10th; To Be Heard at February 2014 Commission Meeting.
15. Timothy Allen Bruton To Be Heard at the August 2013 Commission Meeting; FAD letter sent September 25th; served September 27th, deadline to file PJR October 28th.
16. Ron Allen Hedrington Draft Proposal for Decision sent to Judge July 15th; PFD revd from Judge August 26th; PFD letter mailed August 28th to attorney; exceptions due September 30th; Petitioner's exceptions received; Notice of Meeting sent November 8th, served November 14th; meeting package (PFAD, Exceptions, PFD) sent to Petitioner's Attorney November 8th. To Be Heard at November 2013 Commission Meeting.
17. Scott Douglas Neudecker Draft Proposal for Decision sent to Judge July 17th; Order extending filing time by ALJ revd August 28th; September 9th PFD revd from Judge May; Petitioner FAD and Exceptions mailed to Respondent November 7th; To Be Heard at November 2013 Commission Meeting.
18. Donald Edward Kennedy Draft Proposal for Decision sent to Judge July 16th; PFD revd August 8th; Deny certification for not less than five years; sent to Petitioner; Notice of meeting sent November 8th; Meeting package (PFAD, Exceptions, PFD) sent to Petitioner November 8th. To Be Heard at November 2013 Commission Meeting.
19. Juan David Williams Hearing: Continued; hearing scheduled for October 14th at 9:30 a.m. in Statesville; Dismissal granted October 16th; deadline to Appeal November 20th.

20. Jonathan Christopher Campbell Motion to Continue Filed June 19th; Motion to Compel Filed July 8th; Interrogatories sent June 18th; 15 days; July 4th; Hearing July 23rd, 10:00 a.m.; Raleigh; Petitioner's attorney to submit PFD August 5th; PFD received October 11th; PFD mailed to Petitioner 16th; PFD served October 17th; Deadline to respond November 18th; Notice of Meeting sent November 8th Revd. November 12th; meeting package (PFAD, Exceptions, PFD) sent to Petitioner Attorney November 8th. To Be Heard at November 2013 Commission Meeting.
21. LaMarcus Jarrel Outing Respondent filed PHS May 23rd; Petitioner PHS due June 6th; Motion to Dismiss (no PHS) filed July 9th; Second Order for PHS filed; Petitioner to Respond July 25th; Interrogatories; Discovery Due; July 22nd; Hearing: Week of August 5th in Charlotte. Request for Response to MTD July 24th; MTD allowed; PFD letter returned unclaimed September 23rd; re-mailed regular mail September 23rd.
22. Patricia Mary Cotto Respondent filed PHS June 19th; Petitioner PHS due June 24th; Interrogatories Discovery due August 5th; Hearing: August 19th in Goldsboro; PFD sent November 4th; MTC filed November 4th.
23. Marshall Letitus Wiley File opened July 25th; PHS due September 5th; Discovery Due October 21st; hearing week of November 4th; Respondent PHS filed July 30th; Petitioner PHS received September 16th; disc sent September 18th; hearing scheduled November 7th at 10:00 a.m. in Alexander County Courthouse; Order of Reassignment (Croom) Revd. October 28th; Subpoenas (C. Wiley, Stafford, Ledford, Fraser) mailed October 30th; Motion to change Venue Field November 1st. C. Wiley subpoena served November 1st. Responder Order on Final PTC filed November 4th; revised subpoena (C. Wiley, Stafford, Ledford, Fraser) mailed November 5th, copy to Petitioner November 5th; subpoena served on November 6th; subpoena mailed November 6th, copy to Petitioner.
24. Dominic Orlando Chavis File opened July 30th; Petitioner PHS due September 6th; Discovery Due November 7th; hearing week of November 25th; Respondent PHS filed August 27th; sent September 18th; served October 2nd; responses Revd. October 16th Notice of Hearing Revd. hearing set for November 26th; Order of Reassignment assigning Judge Mann ALJ; Pre-trial conference orders due prior to November 26th.
25. Michael Keith Fox File opened July 30th; PHS due September 6th; Discovery due November 11th; hearing week of

- November 25th; Respondent PHS filed August 29th; Petitioner PHS filed August 30th Discovery mailed September 10th, served October 22nd; Petitioner responses to Discovery Due November 6th; Notice of hearing recd. Hearing set for November 26th; Order of Reassignment assigning Judge Mann ALJ; Pre-trial conference orders due prior to November 26th; Petitioner MTC and Motion for amended scheduling order revd November 13th.
26. Trina Liverman Basnight File opened July 30th; Petitioner PHS due September 6th; Discovery due November 4th; hearing week of November 18th; Respondent PHS filed August 27th; MTD filed September 10th; Petitioner given 10 days to respond to MTD; response to MTD due September 25th; Order denying motion to dismiss filed October 23rd; Motion to Continue filed November 1st, granted November 8th; Hearing scheduled week of December 16th; Order of Reassignment to ALJ Mann recd. November 13th.
27. Jason Thomas Hunt File opened August 16th; PHS due September 27th; Discovery due October 28th; hearing to be in Fayetteville week of November 11th; Respondent PHS filed August 29th; Petitioner PHS filed September 16th, revd September 17th; Discovery sent September 18th, mailed October 10th; served October 11th; Petitioner responses due October 28th; MTC filed October 22nd; MTC granted October 29th, parties to agree on date and submit to ALJ; Notice of Rescheduled hearing revd November 12th; hearing scheduled for January 6th.
28. Garrett Dwayne Gwin File opened September 13th; PHS due October 12th; Discovery due November 25th; hearing will be in Fayetteville the week of December 9th. Respondent PHS filed September 17th; MTD filed October 21st; second order for PHS filed October 21st, deadline for Petitioner to file PHS November 1st; Petitioner filed PHS November 1st; Respondent MTD denied November 5th; Notice of Hearing revd, hearing scheduled for December 11th.
29. Corey Jermaine Bullock File Opened September 13th; PHS due October 12th; Discovery Due December 2nd; hearing in New Bern during week of December 16th; Respondent PHS filed September 17th; Petitioner PHS filed October 16th; Discovery requests mailed October 21st, served October 23rd, discovery responses from Petitioner due November 7th; Petitioner filed anticipated

- schedule for responding to Discovery request November 1st.
30. Donald Shane Dublin File opened November 3rd; ALJ request letter to OAH November 4th; Notice of Contested Case and Assignment revd November 15th; PHS due December 16th; Discovery period ends March 10th; hearing in High Point week of March 24th.
31. James Brian Gilmore File opened November 6th; ALJ request letter to OAH November 6th; Notice of Contested Case and Assignment revd November 15th; PHS due December 16th; Discovery period ends February 24th; hearing in Bolivia week of March 10th.
32. Steven Allen Butler File opened November 6th; ALJ request letter to OAH November 6th; Notice of Contested Case and Assignment revd November 15th; PHS due December 16th; Discovery period ends February 17th; hearing in Morganton week of March 3rd.
33. Joseph Lee Pryor File opened November 6th; ALJ request letter OAH November 6th; Notice of Contested Case and Assignment revd November 15th; PHS due December 16th; Discovery period ends March 10th; hearing in Raleigh week of March 24th.

C. Final Agency Decisions

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

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

1. Scott Neudecker

Commissioner John Glenn recused himself from this case. Vice-Chairman Eddie Caldwell presided over the Commission on this case.

Ms. Lauren Earnhardt stated that Mr. Neudecker was appointed as a full-time deputy with the Guilford County Sheriff's Office. Ms. Earnhardt stated that Mr. Neudecker along with two other Guilford County Sheriff's Deputies, Daniel Hendrix and Stephen Walton attended an information session for new County employees. The three deputies were given a statement of Non-Tobacco Use form by Ms. Sonja Thomas, an employee with the Human Resources Department of Guilford Count. Ms. Earnhardt explained that The Non-Tobacco Use form states the following: (1) "to receive a ten dollar bi-weekly discount off of the employees' 2011 Guilford County health insurance plan premium if the employee was not currently using tobacco products of any form. By signing this form, you are acknowledging that you: are not currently using tobacco products in any form; have not used any tobacco products within 90 days of making this election; and will not use tobacco products during 2011". (2) "The statement of Non-Tobacco Use form is accepted at face value. We trust that you will answer

honestly, as you would on any other official document, misrepresenting your tobacco use status is considered a violation of Personnel Regulation 9 (Ethical Standards) and may be grounds for disciplinary action, up to and including termination of employment, in accordance with Personnel Regulation 28.” She stated that all three of the deputies signed this statement. Ms. Earnhardt stated that Mr. Neudecker lied by signing the form.

Mr. William Hill, attorney representing Mr. Neudecker asked the Commission to review page 5 #13 of the Proposed Final Agency Decision by stating that Deputy Hendricks, Mr. Neudecker and Ms. Thomas presented as credible witnesses. He stated that the Sheriffs’ Commission did not find probable cause in this case. He asked the Commission to accept the Judge’s decision and allow Mr. Neudecker to return to work.

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

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

MOTION was made by Commissioner Bill Grey that the Commission adopt the Proposed Final Agency Decision by legal counsel with the following changes: Page 8, paragraph #9 be deleted, Paragraph #13 be amended to say “proposed suspension of petitioner’s correctional officer certification” to “proposed denial of petitioner’s law enforcement officer certification” and at the bottom of page 8, “ORDER”, the wording “obtaining property by false pretenses” be stricken; seconded by Commissioner Allen Smith. The MOTION carried. See Attachment I for the Commission’s Final Agency Decision and Attachment II for the roll call vote.

2. Jonathan Christopher Campbell

Chairman Glenn presided over the remainder of the cases.

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

Ms. Cathy Jordan stated that the Probable Cause Committee found probable cause in that Jonathan Campbell committed a Class B misdemeanor of “Resisting Officers”. She stated at the time of the incident on January 21-22, 2011, Petitioner was employed with the Charlotte-Mecklenburg Police Department. On January 22, 2011, he obtained a room at Homewood Suites in Asheville. On the evening in question, the off-duty security officer was a detective with the Buncombe County Sheriff’s Office, Deputy Jeffrey Eller. Detective Eller was dressed in a polo-styled shirt with a badge embroidered on it and khaki pants. Also, on his belt was a hard badge, a radio and a service weapon. Ms. Jordan stated that Detective Eller was in the hotel lobby when Mr. Campbell and others were talking loud. Later that evening, Detective Eller received a noise complaint from Mr. Campbell’s room. He knocked on Mr.

Campbell's door in which a female answered and Detective Eller told the female that they needed to keep the noise down. He asked them to be quiet. Shortly after, Mr. Campbell and Mr. Kevin Hullett appeared behind the female. The Petitioner stated that he would stay at the hotel all night and he would be quiet when he wanted to. Detective Eller stated that he worked for the hotel. Detective Eller entered the room and directed Campbell and his party to leave the hotel. Mr. Campbell asked Detective Eller about getting a refund on the cost of the room. Ms. Jordan stated that Detective Eller called for backup due to the party being loud and several uniformed officers responded to the hotel room. Also, the officers gave commands for them to come out of the hotel room. The officers entered and found Campbell sitting with his back to them on the telephone. Ms. Jordan asked the Commission to adopt the Proposed Final Agency Decision.

Mr. Mitchell Yelverton, attorney representing Mr. Campbell stated that Mr. Campbell was not arrested or charged. He stated that Mr. Campbell did not receive a citation. Mr. Campbell did not know that Detective Eller was a law enforcement officer. Mr. Yelverton stated that Detective Eller was not wearing a standard uniform but a shirt with a badge on it with a fleece jacket on top. He stated that Mr. Campbell's testimony had been consistent. Mr. Yelverton stated that Mr. Campbell continued to ask for an ID even when Detective Eller entered into the room. Mr. Yelverton asked the Commission to adopt the Judge's Final Agency Decision.

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

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

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

3. Kevin Lee Hullett

Commissioners Farnsworth and Ruth recused themselves from this case.

Ms. Earnhardt stated that Mr. Hullett was previously employed with Charlotte-Mecklenburg Police Department and he is presently seeking employment with Davidson Police Department. She stated that the Petitioner was accompanied by three others at the Homestead Suites in Asheville. She stated that Detective Eller had observed the guests and was aware that they had consumed too much alcohol. Detective Eller could hear loud talking in the lobby. Detective Eller could hear loud talking outside of the hotel room. Ms. Earnhardt explained that different evidence came out in the hearing. She stated that the Petitioner pleaded with Detective Eller to allow the guests to stay the night. Ms. Earnhardt stated that officers with the Asheville Police Department

responded for back-up. Detective Eller explained to the Petitioner that they were placed in handcuffs because they refused to leave, refused to cooperate and were argumentative. The Petitioner "turned completely" and became "cooperative" "apologetic" and "agreed he would leave." Ms. Earnhardt stated that the Petitioner was in the bedroom packing his belongings. She asked the Commission to suspend his certification for not less than five years for commission of a class B misdemeanor.

Mr. Shawn Copeland, attorney representing Mr. Hullett. He stated that this case is separate from the other case. He stated that Mr. Hullett has been honest and remorseful during all of this. He explained that Mr. Hullett had apologized for his action. Mr. Copeland stated that Mr. Hullett was 23 years old and a rookie with Charlotte-Mecklenburg Police Department. He stated that Mr. Hullett tried to convince Detective Eller to let them sleep it off and they were told that they had to pack their belongings. He asked the Commission to look at this case separately and give Mr. Hullett a chance.

Mr. Hullett wanted to apologize to the Commission for his actions.

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 Welty that the Commission return to Open Session; seconded by Commissioner Bill Hollingsed. The MOTION carried unanimously.

MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision with the following modifications that in Conclusions of Law, Paragraph #7 that we remove the first word "not" and Paragraph #9 the first word "not". Also, ORDER is to read "Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Petitioner's application for certification as a law enforcement officer not be denied for a period of five years based upon Petitioner's commission of a class B misdemeanor as detailed in this Order; seconded by Commissioner Steve Johnson. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.

4. Ron Allen Hedrington

Ms. Jordan stated that the Probable Cause Committee found probable cause in that Mr. Hedrington had knowingly made material misrepresentation. Mr. Hedrington had completed Form F-3 Personal History Statement on June 9, 2005 with the North Carolina State Highway Patrol. She stated that Question #48 asks, "Have you ever had a Domestic Violence Protective Order issued against you? The Petitioner answered "no." He failed to answer this question truthfully because he failed to disclose that on December 31, 2002, an ex parte domestic violence protective order was issued against him and that on March 28, 2002, a temporary restraining order was entered against him. On December 15, 2006, the Petitioner completed Form F-3 for Central Carolina Community College Police Department. Ms. Jordan stated that he answered

“no” on this form. On February 5, 2008, he completed Form F-3 Personal History Statement. Petitioner was asked, “Have you ever had any type of Domestic Violence Restraining Order issued against you? The Petitioner answered “no”. Ms. Jordan stated that on March 25, 2011, Petitioner completed a Personal History Statement for Saint Augustine College Police Department Application. Question #47 asked: “Have you ever been arrested by a law enforcement officer or otherwise charged with a criminal offense?” Petitioner answered “no”. Petitioner failed to answer this question truthfully because he failed to list that on July 4, 2010, while deployed with the U.S. military to Afghanistan, he was detained and advised of his legal rights by the military police regarding an allegation that he had assaulted an individual. Question #39 asked: “Were you ever court-martialed, tried on charges, or were you the subject of a summary court, deck court, or non-judicial punishment (Captain’s mast, company punishment, Article 15, etc.) or any other disciplinary action while a member [of the] armed forces?” Petitioner checked the box “no”. Petitioner failed to answer this question truthfully because he failed to indicate that while a member of the United States Armed Forces, North Carolina National Guard, he had received a Field Grade Article 15, non-judicial punishment, on November 1, 2010 in which he received the punishment of “Reduction to the Grade of Specialist, E-4.” On May 10, 2011, Petitioner completed Form F-5A Report of Appointment Form for Taylortown Police Department. The Petitioner checked the box indicating “no criminal charges.” Petitioner was untruthful when he provided this answer. Ms. Jordan stated that Mr. Hedrington failed to provide information that on June 16, 2006, he was charged with aggravated assault. On July 16, 2006, the Petitioner was charged with Aggravated Assault by the Fayetteville Police Department. On August 7, 2011, he completed a Mandated Background Investigation and submitted a Form F-8 for employment with St. Augustine’s College University Police Department. Question #32, asked: “Describe any criminal involvement that you may have had in the past.” Petitioner answered “charged with assault by pointing a gun. Petitioner was untruthful because he failed to disclose that on July 4, 2010, while deployed with the U.S. military to Afghanistan, he was detained and advised of his legal rights by the military police regarding an allegation that he had assaulted an individual. Ms. Jordan stated that the Administrative Law Judge found that he had been untruthful and he had been untruthful on 19 material misrepresentations. She asked that the Commission adopt the Proposed Final Agency Decision.

Ms. Evelyn Savage, attorney representing Mr. Hedrington stated that she had filed some exceptions to the Proposed Decision and Findings of Fact. Mr. Hedrington admitted that he had made the errors and there were 19 material misrepresentations. She stated that the assault charge was dismissed. She stated that Mr. Hedrington had been told by two different people that he would not need to list the restraining order. Ms. Savage asked that the Commission consider the circumstances. Ms. Savage stated that Mr. Hedrington had just returned from Afghanistan and he was in a hurry when he filled these forms out. He had no intentions to deceive anyone.

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

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

MOTION was made by Commissioner Cunningham that the Commission accept the Proposed Final Agency Decision with modifications. MOTION to deny Petitioner's law enforcement officer certification for a period of five years. This period begins on the date this ORDER is signed. Commissioner Jeff Welty motion to strike 9 (A)(1) on Page 7, Strike 11B and 12A on Page 10, Strike Paragraph 12E on Page 11, On Page 12 Strike Paragraph 13(A), Paragraph 17 on page 13 change the wording "19 material misrepresentations to "numerous"; seconded by Commissioner Myrick. The MOTION carried unanimously. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.

4. Donald Edward Kennedy

Ms. Jordan presented the case of Donald Edward Kennedy. On March 20, 2012, Mr. Kennedy completed a Form F-5A Report of Appointment Form to be submitted to Pink Hill Police Department. She stated that the Petitioner listed two criminal charges: (1) a December 1991 charge for DWI that was dismissed on May 20, 1992, and (2) a March 1992 charge for simple possession of a schedule VI controlled substance. Petitioner was untruthful when he provided this answer. He failed to list his sixteen charges; Simple Worthless Check in 1994. He failed to list 5 worthless checks in 1997. He failed to list 3 Assault on Female charges for 1997, they were voluntarily dismissed. He failed to list 4 Injury to Personal Property charges in which they were voluntarily dismissed. He failed to list two charges of Communicating Threats there were voluntarily dismissed. Ms. Jordan stated that the Petitioner was untruthful when he submitted his Form F-5A because he failed to disclose sixteen of his criminal charges. She stated that at the hearing, the Petitioner admitted that not all of them were listed on his applications. He testified that all charges were listed under the name Donnie Kennedy, and that was the reason that they were not found on his criminal records check and were not listed. The Petitioner testified that even though individuals call him Donnie, he did not conduct a criminal records check under the name Donnie. Ms. Jordan stated that the Petitioner remembered that he was arrested, placed in custody, and was held in the magistrate's office because of the charges. He testified that he remembered the incident but made the assumption that since it was not on his criminal history, then it may have been taken care of. Ms. Jordan asked that the Commission adopt the Proposed Final Agency Decision.

Mr. Kennedy was present and stated that he never intentionally tried to hide anything from the Commission. He admitted that there was material misrepresentation. This is the same copy that he used at the Sheriff's Office. He asked for consideration of his certification.

Chief Joey Thigpen with Pink Hill Police Department stated that all of these charges stemmed from Donald Kennedy's divorce. Chief Thigpen stated that he was there on Kennedy's behalf and he (Kennedy) was a good officer. He asked the Commission to give Kennedy a second chance.

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 Norville. The MOTION carried unanimously.

MOTION was made by Commissioner Cunningham that the Commission adopt the Proposed Final Agency Decision as written by legal counsel to deny the Petitioner's law enforcement officer certification for a period of five years; seconded by Commissioner Welty. The MOTION carried unanimously. See Attachment IX for the Commission's Final Agency Decision and Attachment X for the roll call vote.

VIII. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for February 20-21, 2014 at the Wake Technical Community College, Public Safety Education Campus.

IX. MOTION TO ADJOURN

MOTION was made by Commissioner Welty that the Commission adjourn; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.