

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

MINUTES

DATE: May 23, 2013

TIME: 9:00 A. M.

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

SUBMITTED BY: Winfield Hunter
Interim Director

The Education and Training Committee, the Planning and Standards Committee, the Probable Cause Committee and the Executive Committee met on May 22, 2013 for their regular quarterly meetings. The Probable Cause Committee also met on May 21, 2013.

MEMBERS PRESENT

Mr. John Glenn
Chief Ira Jones
Mr. Eddie Caldwell
Dr. Robert Ruth
Chief Scott Cunningham
Chief Wrenn Johnson
Mr. Ray Davis
Chief Bill Hollingsed
Chief Tim Ledford
Chief Patricia Bazemore
Ms. Stephanie Freeman
Sergeant Lorie Hersey
Mayor Bobby Kilgore
Mr. Steve Johnson
Ms. Robin Pendergraft
Chief Tim Hayworth
Mr. Johnny Hawkins
Mr. Bob Myrick

MEMBERS ABSENT

Captain Lee Farnsworth
Mr. Brent Herron
Ms. Gwen Norville
Ms. Tracy McPherson
Mr. James Festerman

Mr. Charles Johnson
Mr. Trey Robison
Chief Allen Smith
Mr. Jeff Welty
Lieutenant Yolanda Sparrow
Ms. Diane Isaacs
Ms. Gwen Norville
Ms. Angela Williams

VISITORS

Kim Robinson	
Timothy McKay	
Terry Jones	
Teresa King	Hillsborough Police Department
Duane Hampton	Hillsborough Police Department
Eric Swan	N. C. Department of Public Safety - Division of Adult Correction
Gregory Baker	N. C. Alcohol Law Enforcement
Donald Slaughter	Butner Public Safety
Patty McQuillan	N. C. Alcohol Law Enforcement
Keith Stone	N. C. Alcohol Law Enforcement
Pat Forbis	N. C. Alcohol Law Enforcement
Lauren Burch	N. C. Alcohol Law Enforcement
David Sheet	Butner Public Safety
Danny Roberts	Butner Public Safety
Mike Gilchrist	N. C. State Highway Patrol (Retired Colonel)
Ron Moore	N. C. Department of Public Safety
Ellis Boyle	N. C. Department of Public Safety
Melissa Hinnant	Southport Police Department
Steve Wordsworth	N. C. Alcohol Law Enforcement
Kevin Brackett	N. C. State Bureau of Investigation - Medicaid
Charles Parker	N. C. Alcohol Law Enforcement
Anthony Hinson	Spencer Police Department
M. T. James	Spencer Police Department
Kim Sommerdorf	N. C. Department of Public Safety
Anne Brown	N. C. Department of Public Safety
Lisa Corbett	N. C. Department of Justice

Angel Gray	N. C. Department of Justice
Joyce Ruth	
Cabin Alveron	Wake Forrest Police Department
Michael Robinson	Wake Technical Community College
Wayne Ayers	N. C. Justice Academy
Mark Strickland	N. C. Justice Academy
Claire Isenberg	
Johnny Isenberg	Greenville Police Department
Chris Ivey	Greenville Police Department
Timothy Reynolds	N. C. Department of Public Safety - Division of Adult Correction
Lisa Carthen	N. C. Department of Public Safety - Division of Adult Correction
Denise Sherrod	N. C. Department of Public Safety - Division of Adult Correction
Sorrell Saunders	N. C. Department of Public Safety
Norman Young	N. C. Department of Justice
Joseph Hall	N. C. Department of Public Safety
Greta Barnes	N. C. Department of Public Safety
Sherman McQueen	Maxton Police Department

STAFF

Winfield Hunter	Richard Squires	Lauren Earnhardt	Catherine Jordan
Pam Pope	Ed Zapolsky	Kevin Wallace	Sharon Witherspoon
Tim Pressley	Dawn Suffel	Donna Byrd	

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 one new member, Colonel Bill Grey with the North Carolina State Highway Patrol - Department of Public Safety, who represents Mr. Kieran Shanahan, Secretary of the Department of Public Safety. 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.

II. PRESENTATION OF RESOLUTION

Vice-Chairman Caldwell reported that the Executive Committee had approved a Resolution of Appreciation for Mike Gilchrist of the North Carolina State Highway Patrol and Terry Jones of the Winston Salem Police Department, representing the North State Law Enforcement Officers' Association.

Vice-Chairman Caldwell stated that the Resolution had been approved by the Commission at the November meeting. He proceeded to read the Resolution of Appreciation into the minutes.

Colonel Gilchrist told everyone that he was honored to work with the fine people at the Criminal Justice Standards Office and the Commission. He thanked the Commission for its commitment to the Criminal Justice System.

Commissioner Jones stated that he 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. 01-13]

Chairman Glenn reported that staff had evaluated the applications of all one hundred and thirty-three (133) candidates. There were one hundred and eight (108) candidates for the Advanced Law Enforcement Certificate and twenty-five (25) 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 Bobby Kilgore and carried unanimously.

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

Donald Wayne Slaughter

Butner Public Safety

Presented by Director Danny R. Roberts

Johnny Eugene Isenberg, II

Greenville Police Department

Presented by Captain Chris Ivey

Teresa Faye King

Hillsborough Police Department

Presented by Chief Duane Hampton

Charles Timothy Parker, Jr.

N.C. Alcohol Law Enforcement

Presented by Director Gregory Baker and Pat Forbis

Lauren Wilson Burch

N.C. Alcohol Law Enforcement

Presented by Director Gregory Baker and Pat Forbis

Anthony Carroll Hinson

Spencer Police Department

Presented by Chief M. T. James

Michael Antonio Robinson

Wake Technical Community College Police

Presented by Commissioner Glenn

Greta Evans Barnes

North Carolina Department of Public Safety - Division of Adult Correction

Presented by Superintendent Joe Hall

Lisa A. Carthen

North Carolina Department of Public Safety - Division of Adult Correction

Presented by Commissioner Glenn

Timothy S. Reynolds

North Carolina Department of Public Safety - Division of Adult Correction

Presented by Commissioner Glenn

Denise Sherrod

North Carolina Department of Public Safety - Division of Adult Correction

Presented by Superintendent Timothy McCoy

IV. MINUTES OF FEBRUARY 22, 2013 MEETING

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

MOTION was made by Commissioner Ira Jones that the Commission approve the minutes of the February 22, 2013 meeting as mailed. The MOTION was seconded by Commissioner Angela Williams and carried unanimously.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on Wednesday, May 22, 2013, at the Wake Technical Community College Public Safety Training Center in Raleigh.

Chairman Caldwell stated that the Executive Committee discussed an issue concerning the North Carolina Department of Public Safety. He explained that this issue was presented at the last Commission meeting concerning 177 surveillance officers and the request by the Department that the Commission allow them to convert those positions into parole officers. Chairman Caldwell stated that a letter had been received from Mr. Ellis Boyle, General Counsel for the Department of Public Safety. Mr. Caldwell stated that Mr. Boyle was present and wanted to speak to the Commission concerning this issue.

Mr. Boyle requested that the Commission entertain a one-time exception to the mandate pursuant to 12 NCAC 9G .0204(b) which requires a four-year college degree for those individuals certified and probation/parole officers under this Commission. Specifically, as a result of personnel changes mandated by the Justice Reinvestment Act, 203 surveillance officer positions were eliminated as of December 2011. He explained that in order to accommodate the resulting case load, additional probation/parole officers are necessary to accomplish the mission.

MOTION was made by Commissioner Freeman on February 22, 2013 to the effect that the Commission proceed with a temporary rule change striking the 4-year degree requirement for Probation/Parole Officers as adopted by the Commission be rescinded; seconded by Commissioner Charles Johnson. The MOTION carried.

MOTION was made by Commissioner Freeman that pursuant to 17C-11(a) in an effort to accommodate modifications that resulted from the Justice Reinvestment Act and to accommodate a necessary one-time exception, I hereby move that 177 identified former surveillance officers who currently lack a four-year college degree be granted a one-time exception under 12 NCAC 9G .0204(b) and receive certification (if otherwise qualified) as probation/parole officers; seconded by Williams. 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 there were over 200 applications received for the Director's position. He stated that there will be six remaining applicants to be reviewed by the Executive Committee. Also, Mr. Hunter reported that there were three full time positions still open within the division.

Interim Director Hunter reported that Chief Tim Hayworth appeared before the Education and Training Committee. He stated that staff was asked to send a survey throughout the state concerning in-service training. He advised that staff received responses and has forward these responses to Commissioner Steve Johnson for review.

In closing his report, Mr. Hunter stated that legislative bills were being monitored concerning the school safety act.

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

Mr. Strickland stated that Russell Strickland was hired as an Instructor Coordinator. His primary job would be to focus on suicide investigations, robbery investigations and the fundamental investigation process.

Mr. Strickland stated that Charles Rambeau is delivering the Criminal Intelligence and Analysis class in Edneyville. This class is to develop use of criminal intelligence systems and analysis in local law enforcement agencies, to make local law enforcement agencies aware of latest sources of criminal intelligence data, and to provide local law enforcement with additional tools to solve crimes in their jurisdiction. Mr. Strickland reported that Mr. Doug Robinson is delivering a new class, Intellectual Property Theft Investigations. This class trains officers on how to properly investigate crimes of trademark, copyright and counterfeiting.

Mr. Strickland stated that the 2014 in-service topics are: Firearms, Legal Update, JMST: A Juvenile - Now What? Fundamentals of Evidence Collection, Law Enforcement Intelligence Update, Officer Safety - Responding to Crimes Off-Duty, Officer Safety - The First Five Minutes, Recognizing the Signs - Pre-Assaultive and Deceptive Behaviors.

Lastly, Mr. Strickland stated that the Justice Academy had been working with individuals from the North Carolina Department of Public Safety, North Carolina Department of Public Instruction, North Carolina Department of Health and Human Services and other folks within North Carolina Department of Justice to produce a comprehensive and inter-agency report on school safety.

B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met on Wednesday, May 22, 2013 at the Wake Technical Community College, Public Safety Education Campus, Raleigh, North Carolina.

Chairperson Johnson reported that Commissioner Steve Johnson appeared before the Committee to propose a rule revision to amend 12 NCAC 09E .0104(1). The premise for this change is to allow certain courses, such as CPR certifications, use of equipment training delivered by a manufacturer or manufacturer representative, that includes cognitive and skills testing, be allowed to count towards annual in-service training requirements.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09E .0104(1) - "Instructors: Annual In-Service Training;" revise the following language to read: "The instructor shall hold instructor certification issued by the Commission as outlined by 12 NCAC 09B .0302, 09B .0304 and 09B .0306, except for instructors delivering CPR certifications that includes cognitive and skills testing, use of equipment training conducted by a manufacturer, manufacturer's representative or a service provider and documented through a certificate of completion or include Incident Command System training for NIMS (National Incident Management System) compliance who are certified through FEMA (Federal Emergency Management Agency) as Incident Command Instructors"; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.

Chairperson Johnson reported that Deputy Director Pam Pope of the Criminal Justice Education and Training and Standards Division, appeared before the Committee to report on a proposed rule revision 12 NCAC 09F .0107(b). The premise for this change is to allow the Commission to increase the cost of a Concealed Carry Handgun Training Certificate from \$1.00 to \$2.00. There has not been an increase in this program since 1995.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09F .0107(b) - "Filing and Fees" that increase the cost of each certificate from \$1.00 to \$2.00; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.

Chairperson Johnson noted that Jesse Swartz, Office of Staff Development and Training (North Carolina Public Safety) appeared before the Committee to propose a rule revision to change the name of the course from the "Department of Juvenile Justice and Delinquency Prevention Specialized Instructor Training - Restraint, Control and Defensive Techniques Training" to "Juvenile Justice Specialized Instructor Training - Restraint, Control and Defensive Techniques Training." The premise for this name change is to reflect the current division's name change within the Department of Public Safety.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09B .0241 "Department of Juvenile Justice and Delinquency Prevention Specialized Instructor Training - Restraint, Control and Defensive Techniques Training - Restraint, Control and Defensive Techniques Training; seconded by Commissioner Bob Myrick. The MOTION carried unanimously.

Jesse Swartz proposed a rule revision to accept the revisions of the topical area materials for the Corrections Specialized Instructor Training - Firearms. The premise of the change is to accurately list the division's name change and to revise the topical areas.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09G .0415 “DJJDP Specialized Instructor Training Firearms for the changes in the Division name and the revised topical areas” remove “Standard Handgun Courses of Fire”; change “Introduction to Low/Limited Light Fire” to “Introduction to Handgun Low/Limited Fire”; change “Handgun Training - Classroom” to “Handgun Training - Classroom and Range”; change “Advanced Handgun Training - Classroom” to “Advanced Handgun Training - Classroom and Range”; remove “Advanced Handgun Courses of Fire - Range”; remove “Handgun Night Firing: Handgun Low/Limited Light Fire Familiarization Course -Range”; remove “Rifle Training and Qualification” and subheadings; change “Shotgun Training and Qualification” to “Shotgun - Operation use, and Maintenance”; change “Shotgun Training - Classroom” to “Shotgun Training - Classroom and Range”; remove “Maintenance and Repair of Rifles and Shotguns” and add “Shotgun Care and Maintenance”; remove “Special Techniques for the Reluctant/Frightened Shooter”; remove “Chemical Weapons: Chemical Agents, Equipment, Tactics, and Storage”; seconded by Commissioner Bill Hollingsed. The MOTION carried unanimously.

Mr. Swartz proposed a rule revision to accept the revisions of the topical area materials for the Corrections Specialized Instructor Training - Controls, Restraints, and Defensive Techniques. The premise of the change is to accurately list the division’s name and to revise the following topical areas: add “Physical Fitness/Warm-up and Stretching Exercises”; remove “Patterns of Movement”; change “Program Evaluation” to “Advanced Instructional Techniques”; change “Advanced Instructional Techniques” to “CRDT Program Student Evaluations and Testing”.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09G .0416 “Corrections Specialized Instructor Training - Controls, Restraints, and Defensive Techniques for the changes in the Division name and the revision of topical areas as presented; seconded by Commissioner Williams. The MOTION carried unanimously.

Jennifer Fisher, Chairperson of the BLET Revision Committee (North Carolina Justice Academy) appeared before the Committee to propose a rule revision for the name change of the BLET lesson plan “Dealing with Victims and the Public” to “Responding to Victims and the Public” in order to accurately reflect the dynamics between the responding officer and victims/public.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09B .0205 (b)(3)(a) “Basic Law Enforcement Training” to change the topic name “Dealing with Victims and the Public” to “Responding to Victims and the Public”; seconded by Commissioner Hollingsed. The MOTION carried unanimously.

Jennifer Fisher proposed a rule revision for the BLET lesson plan “Juvenile Law and Procedures”.

The Revision Committee is requesting the hours change from 10 hours to 8 hours based upon a revision of the lesson materials.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09B .0205 (b)(1)(d) "Basic Law Enforcement Training" to change the topic hours of BLET 130 "Juvenile Law and Procedures" from 10 hours to 8 hours; seconded by Commissioner Hollingsed. The MOTION carried unanimously.

Jennifer Fisher proposed a rule revision for the BLET lesson plan "Patrol Techniques." The Revision Committee is requesting the hours change from 26 hours to 28 hours to ensure that there is adequate time to cover the content and conduct the practical exercises.

MOTION was made by Commissioner Wrenn Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule making hearing to amend the following rule: 12 NCAC 09B .0205(b)(2)(f) "Basic Law Enforcement Training" to change the topic hours of BLET 30L: "Patrol Techniques" from 26 hours to 28 hours; seconded by Commissioner Hollingsed. The MOTION carried unanimously.

Commissioner Tracy McPherson of the School Accreditation Subcommittee, recommended the reaccreditation and accreditation of the following institutions for a period of five years: North Carolina Wildlife Resources Commission - BLET and Randolph Community College - General Instructor Training. The Committee approved this request.

Chairperson Johnson stated that Jesse Swartz appeared before the Committee to discuss the revisions to the "Juvenile Justice Specialized Instructor Training - Restraint, Control and Defensive Techniques". He advised that there was no change in the minimum hours. In addition, he asked for pilot authority for a period of one year for testing of the program. The Committee approved this request.

Mr. Swartz requested the Committee accept the revisions to the "Corrections Specialized Instructor Training - Firearms." He asked the Committee to accept the revised revisions and grant pilot authority for one year. The Committee approved this request.

Mr. Swartz also briefed the Committee on the new revisions of the "Corrections Specialized Instructor Training - Controls, Restraints and Defensive Techniques" course. Extensive Revisions were made throughout the curriculum which would require NCAC rule amendment. Mr. Swartz requested the Committee to approve the revisions and grant pilot authority until the changes become finalized to 12 NCAC 09G .0416. The Committee approved the request.

Mr. Dan Worley, Chairperson of the Speed Measurement Advisory Committee requested approval for revisions to the SMI Operator and Instructor manuals for an effective date of August 1, 2013. These revisions will update the technical information contained in the Time/Distance manuals, add

court rulings and legal opinions to operator/instructor directions and include a handout of the RADAR Reliability Act in N.C.G.S. §8-50-2. The Committee approved this request.

Chairperson Johnson stated that on behalf of the SMI Advisory Committee, Tim Pressley reported that the Committee completed five months of field and bench testing of new instruments seeking approval in North Carolina. The SMI Committee determined that four of the new instruments met all of the performance and safety regulations. The Committee asked that these instruments approved to be added to the use list in Appendix A and Appendix C of the supplement for SMI training. The Committee requested the removal of Appendix D from the supplement for SMI training. The Education and Training Committee approved the request.

Jennifer Fisher reported that there are major revisions and additions to the following BLET topics: ABC Law and Procedures - various revisions and content added on lottery laws; Anti-Terrorism - content and video on sovereign citizens; Civil Process - various revisions and content, updated handout; Controlled Substances - various content revisions; Dealing with Victims and the Public - training objective change, autism video updated; Juvenile Law and Procedures - training objectives changes and content updates; Motor Vehicle Law - training objectives changes and content updates.

The BLET Revision Committee requested that the current videos in the “Motor Vehicle Law” be removed until such time they can be reproduced with the current lesson materials. They also requested that one of the videos in the “Interviews - Field and In-Custody” be removed until such time it can be reproduced. The current video is old and inaudible in many sections. Each of these blocks of instruction will be included in the July 2013 revisions. The Committee approved the request.

Jennifer Fisher reported that there are minor revisions and additions to the following BLET topics: Arrest, Search and Seizure/Constitutional Law; Communication Skills for Law Enforcement Officers; Course Orientation; Crime Prevention; Domestic Violence; Elements of Criminal Law; Explosives and Hazardous Materials Emergencies; Firearms; First Responder; In-Custody Transportation; Interviews - Field and In-Custody; Patrol Techniques; Physical Fitness Training; Preparing for Court and Testifying in Court; Rapid Deployment; Sheriff’s Responsibilities - Court Duties; Subject Control/Arrest Techniques; Techniques of Traffic Law Enforcement; and Traffic Crash Investigation.

Lastly, Chairperson Johnson stated that Pam Pope briefed the Committee on the new procedures of notifying students of test scores for State Examination testing. A method has been designed and implemented so the students can get their test scores by visiting the website.

C. Planning and Standards Committee - Chairperson Stephanie Freeman

Chairperson Stephanie Freeman reported that the Planning and Standards Committee met on Wednesday, May 22, 2013 and approved the minutes of the February meeting.

Chairperson Freeman stated that the Committee voted to approve the new Department of Public

Safety Personnel Action Request form (which is used for separations of Cos/PPOs) on the condition that if the Beacon ID field in the Criminal Justice Standards certification database was not searchable, that Department of Public Safety add a field to the form for date of birth, as this is an identifier that can be used by Criminal Justice Standards staff and eliminates the need of having to rely on information being handwritten on the form by the Department of Public Safety.

Chairperson Freeman stated that the Committee discussed Form F-3 concerning the ADA and past drug use. She explained that the Committee wants to standardize the language for Form F-3 as well as the F-3 for the Sheriffs' Commission. Hopefully a final version will be submitted to the full Commission at the next meeting.

Next, Chairperson Freeman reported that the Planning and Standards Committee had reviewed sample background investigation questions relating to Form F-8. She stated that they would be presented to the Forms Subcommittee.

Lastly, Chairperson Freeman reported that Criminal Justice staff presented an update on the status of rules proceeding through the administrative process. She reported that a rule making hearing was postponed on 9H, Qualified Retired Law Enforcement Program, due to a conflict with the General Statute and the Federal Legislation concerning the definition of retired or separated law enforcement officers.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on Tuesday, May 21st and again on Wednesday, May 22nd.

He reported that the Committee reviewed a total of forty (40) cases. Probable cause was found in eleven (11) cases and no probable cause in twenty (20) cases. Two cases were continued for additional investigation. He related that the Committee found probable cause in three cases in which the Committee offered a lesser sanction of an "Official Written Reprimand."

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/033; seconded by Commissioner Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/035; seconded by Commissioner Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/042; seconded by Commissioner Jones. The MOTION carried unanimously.

Chairman Davis concluded his report by stating that there were no officers to report on the list of individuals certified having committed a criminal offense.

V. OTHER BUSINESS

None

VII. OLD BUSINESS**A. Old Business**

None

B. Legal Counsel Report

Ms. Cathy Jordan distributed a document entitled "Pending Administrative Cases" for the membership's review:

1. Jay Eduard Krueger Petition for Judicial Review filed January 6, 2011 (Wake County); Official Record/Response filed February 7, 2011; Addition of Counsel JA/CJ March 25, 2011; To Be Heard Week of July 2; Draft Order sent to Superior Court Judge July 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.
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 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.
3. Bryson Lawrence Cornett PJR filed June 21, 2012 (Wake County); served on legal counsel June 25th; Response due July 25th; Response/filed July 19th; Memo filed January 31, 2013. Hearing Continued.
4. Derrick Wayne Knox
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; Set for hearing the week of October 28, 2013.
6. James Philip Davenport FAD ENTERED February 22, 2013, 35 days May 20, 2013. Deny 5 years, Suspend 5 years, Probation.
7. Alvin Louis Daniels PJR filed February 18, 2013 (Cumberland County) Response/OR filed.
8. Danielle Marie Taylor To Be Heard at the May 2013 Commission Meeting.
9. Rodney Lyndolph Bland To Be Heard at the May 2013 Commission Meeting.
10. Sherman Montrell McQueen To Be Heard at the May 2013 Commission Meeting.
11. Matthew Brian Hayes FAD Entered February 22, 2013, 35 days: May 16th;

12. Antonio Cornelius Hardy Revoke 10 years.
FAD Entered February 22, 2013, 35 days: May 15th;
Suspend 3 years.
13. Ralph R. Hines Petitioner filed PJR (Onslow County) on December 12,
2012; Respondent Due January 15-6, 2103;
MTD/Answer filed January 14: Petitioner Response.
To Be Heard at the May 2013 Commission Meeting.
14. William Franklin Dietz, Jr. Waiting on Judge to File Proposal for Decision.
15. Kevin Lee Hullet FDOD Granting MSJ entered December 14th; waiting to
receive amended FDOD from Judge.
16. Elizabeth Crooks Goode Hearing: May 20, 2013, 10:30 a.m.; Jackson.
17. Shannon Pendergrass Hearing - April 26, 2013, 9:30 a.m.; Raleigh.
18. Bilal Abdus-Salaam Hearing - August 26, 2013.
19. Timothy Lee Griffin Hearing - Continued.
20. Forrest Travis Coston FDOD filed May 6th; 35 days: June 10, 2013.
21. Brad Tisdale Hearing - May 17, 2013, 9:00 a.m.; Fayetteville.
22. Lee Daniel Wilkerson Hearing - Week of June 17, 2013.
23. Anthony Todd Johnston Draft PFD sent to Judge April 29th.
24. Timothy Allen Bruton Hearing - May 31, 2013, 9:00 a.m.; High Point PTCO
Due May 24th.
25. Ron Allen Hedrington Hearing: May 30, 2013, 9:00 a.m.; High Point PTCO
Due May 23rd.
26. Scott Douglas Neudecker Hearing: May 20, 2013, 1 p.m.; New Bern
27. Donald Edward Kennedy Hearing: Week of June 3, 2013 in Morganton.
28. Juan David Williams Interrogatories - Discovery Due June 10th; Hearing:
Continued to July 23, 2013 (requesting July 24-26).
29. Jonathan Christopher Campbell PHS Due June 6th; Interrogatories Discovery Due July
22nd; Hearing: Week of August 5, 2013 in Charlotte.
30. LaMarcus Jarrel Outing

C. Final Agency Decisions

Ms. Jordan noted that Mr. Norman Young, 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. Sherman McQueen

Ms. Jordan presented the case of Sherman McQueen. Ms. Jordan stated that on March 13, 2012, the Probable Cause Committee found probable cause to deny Mr. McQueen's application for certification for law enforcement officer certification for 14 material misrepresentations. On January 22, 2010, Mr. McQueen completed a Form F-3 Personal History Statement to be submitted to the Commission for certification as a law enforcement officer. The Petitioner signed, dated, and notarized his Personal History Statement Form F-3. Ms. Jordan stated that Mr. McQueen did not answer Question #26 truthfully because he did not disclose that he was fired from Food Folks in 1992 or 1993 because he did not show up for work. Ms. Jordan stated that he did not answer Question #31 truthfully because he did not list that he had worked at Family Dollar and employed as a disc jockey between 1999 and 2003. Question # 52 was not answered truthfully because he did not list that he had been placed on probation in October 1998 for his

conviction of carrying a concealed weapon. Question #57, he did not answer this question truthfully because his license had been revoked in 1998 and 2001 for failure to appear in court.

Mr. McQueen stated that he has turned his life around. He has been married for seven years. He asked the Commission to review his references and seriously consider his certification. He asked the Commission to let him keep his certification and place him on probation.

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

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

MOTION was made by Commissioner Jeff Welty that the Commission adopt the Proposed Final Agency Decision that Sherman McQueen's law enforcement officer certification be denied for a period of not less than five years based upon Mr. McQueen's material misrepresentations of information required for certification. This period of denial is suspended for five 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, Company and Campus Police Program or the North Carolina Sheriffs' Education and Training Standards Commission. This period begins on the date this ORDER is signed; 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. Danielle Marie Taylor

Ms. Lauren Earnhardt stated that Danielle Taylor has held her correctional officer certification since 2004. She stated that the Petitioner was charged with a misdemeanor offense of false report to law enforcement in violation of North Carolina General State §14-225. This incident involved Petitioner allegedly making or causing to be made a false report to law enforcement when Petitioner knew that the crime had not been committed. Ms. Earnhardt stated that the mother told that her two daughters came up with the plan.

MOTION was made by Commissioner Caldwell that the Proposed Final Agency Decision submitted by Legal Counsel be adopted with the following changes on Page 9, paragraph 13 be rewritten as the following: “A preponderance of the evidence does not show that Petitioner committed the misdemeanor criminal offense of false report to law enforcement” and the ORDER to read: “Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the Respondent take no action on Petitioner’s law enforcement officer certification; seconded by Commissioner Robin Pendergraft. The MOTION carried unanimously. See Attachment III for the Commission’s Final Agency Decision and Attachment IV for the roll call vote.

3. Rodney Lyndolph Bland

Ms. Earnhardt stated that Mr. Bland held certification as a correctional officer from December 29, 2003 until August 18, 2004. The Probable Cause Committee found probable cause to suspend the Petitioner’s certification for the offense of Aid and Abet Prostitution. In 2011, the Petitioner applied for certification as a full-time correctional officer with the North Carolina Department of Corrections. Ms. Earnhardt stated that the Petitioner had completed Form F-5A (DOC) on two different occasions. In reviewing these two forms, there were discrepancies. The Petitioner failed to list that he had been convicted of Defacing Public Buildings on his 2003 Form F-5A and also, that he had previously used marijuana on his 2003 Form F-5A. Ms. Earnhardt stated at the hearing, she had an officer with the Durham Police Department testify that she was working as an undercover prostitute. The officer encountered the Petitioner who requested oral sex from her for ten dollars. The Petitioner was immediately arrested and charged with one count of “aid and abet prostitution” a DOC Class B misdemeanor. Ms. Earnhardt asked the Commission to suspend his certification for not less than three years for material misrepresentations and an indefinite period for lack of good moral character.

MOTION was made by Commissioner Robin Pendergraft that the Commission adopt the Proposed Final Agency Decision in that based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Rodney Lyndolph Bland’s correctional officer certification be suspended for not less than three years based upon Petitioner’s material misrepresentations of information required for certification and for an indefinite period based on Petitioner’s lack of good moral character; seconded by Commissioner Bob Ruth. The MOTION carried unanimously. See Attachment V for the Commission’s Final Agency Decision and Attachment VI for the roll call vote.

IX. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for August 22-23, 2013 at the Wake Technical Community College, Public Safety Education Campus.

X. MOTION TO ADJOURN

MOTION was made by Commissioner Pendergraft that the Commission adjourn; seconded by Commissioner Freeman. The MOTION carried unanimously.