

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
JUNE 17, 2010
HOLIDAY INN RALEIGH NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

James Stevens
Sheriff Ashe
Ron Burris
David Pendry
Bill Booth
Eric Jones
Brenda Bishop
Mack Donaldson
Steve Johnson
Robert M. Clark
Sheriff Jenkins

BOARD MEMBERS ABSENT

Richard Allen
Sally Pleasant

STAFF PRESENT

Terry Wright – Director
Charles McDarris – Attorney
Phillip Stephenson – Investigator
Joyce McClure - Board Secretary

GUEST PRESENT

David Arndt	Jeff Kiker	William Robinson
Nathanial Poole Jr.	David Shelton	Larry Flannery
Michael Cheek	Greg Mason	Anne Lee
Herman Weaver	Jim Peeden	Lorin Mueller
Orlando Sanchez	Vernon Garrison	Leon Ives
Dorian Dehnel	Frank Scofield	Giovanni Masucci

Jim Mabry
Gary Pastor
Robert Cowart

Andre Banks
Scott Pastor
Neil Mayzik

Michael Grissom
Rick Sanders
George Saleeby

Vice Chairman Stevens called the June 17, 2010 Private Protective Services Board meeting to order at 10:05 AM. Mr. Stevens explained that Chairman Allen had minor surgery and therefore he would be conducting the meeting. Mr. Stevens welcomed all guests and requested they introduce themselves.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI, addressed the Board regarding the Continuing Education requirement and its importance to the NCAPI and the rest of the industry. NCAPI has initiated one day classes to be held throughout the state. The class held on April 30, 2010 was very well attended with approximately half the class being first time attendees. There is a new one day class being scheduled for the first week in November in Wilmington.

Sheriff Ashe asked how many members NCAPI currently have and how many are from Asheville and the surrounding area. Mr. Flannery stated that there are currently 188 members and approximately 25-40 members in Asheville and the surrounding areas. He stated that NCAPI is trying to reach out to all sections of the state, and they have recently incorporated breakfast meetings in the various sections of the state.

APPROVAL OF THE APRIL 22, 2010 MEETING MINUTES:

Mr. McDarris noted a change on page 9 that the motion by Mr. Stevens to send Rule .0701 to the Office of Administrative Hearings and not to Rules Review as was stated.

**MOTION BY MRS. BISHOP TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MR. DONALDSON; MOTION CARRIED.**

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday June 16, 2010 from 2:00 PM until 5:10 PM to review a total of 61 applications with 4 Denials and 7 Deferrals; the remainder of the

applications were approved (see report). Committee members were, Mrs. Bishop, Mr. Pendry, Sheriff Ashe and Mr. Johnson. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of April 16, 2010 through June 14, 2010. Total registrations 3412; armed totals were 574 of which 184 were new, 371 were renewals, 1 duplicate and 18 reissue/dual. There were 3 new Private Investigators, 6 renewal Private Investigators and 2 new Private Investigator Associates. Unarmed totals were 2827 which include 1011 new, 1699 renewals, 107 transfer, 6 duplicates and 4 reissues/dual. Total denials 827 of which 268 for cause and 559 for correctable. There were 490 applications approved which were previously denied for a total of 1317 denials reviewed.

MOTION BY MR. BOOTH TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the committee met on Wednesday June 16 , 2010 from 8:00 AM until 12:50 PM. and heard a total of fourteen cases. The committee members were Judge Burris, Mr. Booth, James Stevens, Sheriff Jenkins and Mr. Donaldson. Judge Burris presented the attached report. (See attachment) Mr. Stevens commented on case 2010-PPS-019, which showed after a three year audit the company had only a 1% error rate.

Mr. Johnson recused himself on case 2009-PPS-054; Mr. Donaldson recused himself on case 2010-PPS-003.

MOTION BY SHERIFF ASHE TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY SHERIFF JENKINS; MOTION CARRIED.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris deferred until the Attorney's Report is presented.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday June 17, 2010 from 8:35 AM. until 9:45 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Sheriff Ashe and Mr. Johnson.

Mr. Stevens read the training report. The following trainer courses are scheduled:

July 23, 2010

UGT Course Workshop

WTCC

September 13-17, 2010	Firearms Trainer Certification course	NCJA
September 28, 2010	Firearms Trainer Re-Certification course	NCJA
November 12, 2010	UGT Course Workshop	WTCC
November 16, 2010	Firearms Trainer Re-Certification course	NCJA
UGT Course Cancellation Due to Construction		
August 20, 2010	UGT Course Workshop	WTCC
The following PPS trainer courses have been completed:		
May 10, 2010	UGT Course Workshop	WTCC
June 15, 2010	Firearms Trainer Re-Certification course	NCJA

Currently there are 353 certified PPS unarmed trainers and 108 PPS certified armed trainers.

Mr. Stevens stated that all questions regarding training courses should be addressed to Staff.

Mr. Stevens advised that there were a number of issues discussed regarding the Continuing Education Courses and that there was a rotation of the Sub-Committee for CE approvals. The new Sub-Committee consists of Mr. Johnson, Mr. Allen and Mr. Clark. Mr. Johnson will be the Chair of the committee.

The Training and Education Committee addressed a request from a company regarding leniency for firearms training renewals in regards to being received late. After much discussion the Committee decided to stand by the original position of not accepting late renewals and agreed that the Board's previous position on this matter would stand.

Vice Chairman Stevens requested that Staff maintain a chart for the continuing education courses that are received for approval with the title of the course, who submitted said course, etc and that this report be given to all of the Board members.

The Training & Education Committee recommended the following courses for approval; courses submitted by Denise Goff, James Petrie, Bert Croom and an online group of courses submitted by PIeducation. Mr. Stevens related that the Committee developed an affidavit for online courses that will be signed by the person taking the course and if the affidavit is falsified, the licensee's license will be revoked.

Courses submitted by IPC International have been deferred until a later meeting.

The course time allowed for course preparation was discussed and it was recommended that the allotment time for preparation by the instructor be 5 hours per teaching hour with a cap of 8 hours allowable every two years.

The Private Protective Services Registration class was approved for CE credit.

The Committee had recommended standing approval for certain educational institutions such as colleges,

universities, trade schools and other degree granting institutions. They will be granted standing approval if they are licensed by DPI or other state approving agency and when the course is appropriate to the licensee and will apply to all courses related to law, criminal justice, security profession, finance, ethics, forensics, crime prevention or investigation. Other courses may be approved on a case by case basis. Approval is for one hour per contact hour not to exceed eight, in case someone takes a semester long course.

MOTION BY MR. BOOTH TO HAVE STAFF REVIEW PREVIOUS DISCUSSIONS REGARDING CONTINUING EDUCATION CREDITS FOR MANDATED TRAINING COURSES SUCHAS FIREARMS TRAINING; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Mr. Booth questioned whether or not the Continuing Education Credits were to be based on the license(s) or the licensee. The intent of the addition of CE credits was to be based on the licensee and not on each individual license held by any licensee.

MOTION BY MR. BOOTH TO APPROVE THE FINDINGS OF THE TRAINING & EDUCATION COMMITTEE; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT :

Judge Burris discussed the proposal from the Grievance Committee regarding patterns of non-cooperation when investigators request information and the lack of communication from the licensees when complaints have been filed. It has been recommended that there should be consequences imposed for the failure to respond. There was a request for Staff to work on the definitions and consequences and report back to the Board. The Board can then adopt a policy.

SCREENING COMMITTEE REPORT - NONE

OUT OF STATE CRIMINAL RECORD CHECKS :

Mr. Donaldson deferred this to Mr. McDarris who stated that the decision was submitted to State Purchasing and is in the final stages.

74C RE-WRITE COMMITTEE:

Judge Burris stated that the Digital Forensics report was submitted to the Legislature and they responded that the report would be reviewed after the Budget was finalized. The Legislature staff stated that once it was reviewed they would be ready to discuss the report.

FINAL AGENCY DECISION:

Mr. Thomas Marshall was not present for the presentation of case 09 DOJ 3340 denial of the Petitioner's request for an armed security guard registration for lack of good moral character. The recommendation was to send this file back to the Office of Administrative Hearings to have them amend the file regarding a technical matter.

MOTION BY JUDGE BURRIS TO SEND CASE 09 DOJ 3340 BACK TO THE OFFICE OF ADMINISTRATIVE HEARINGS; SECONDED BY MRS. BISHOP; MOTION CARRIED.

Frank Scofield was present for the presentation of case 09 DOJ 5064 the denial of his armed registration renewal for lack of good moral character. Administrative Law Judge Melissa Lassiter recommended that the Board reverse their original decision and issue the permit.

MOTION BY JUDGE BURRIS TO ADOPT THE FINDINGS OF THE ADMINISTRATIVE LAW JUDGE; SECONDED BY MR. BOOTH; MOTION CARRIED.

Annette Leigh Rhem was notified but was not present for the presentation of case 10 DOJ 0388 the denial of her application for an unarmed security guard registration for lack of good moral character. Administrative Law Judge Joe Webster recommended the reversal of the initial decision of the Board to deny the request and to grant the registration.

MOTION BY JUDGE BURRIS NOT TO ADOPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND TO SUSTAIN THE ORIGINAL DECISION OF THE BOARD; SECONDED BY MR. DONALDSON; MOTION CARRIED.

OLD BUSINESS – NONE

NEW BUSINESS:

Attorney contracts for Mr. Gray for the upcoming fiscal year to teach the legal block for the Firearms Trainers were presented. The second contract for Mr. Gray results from a change in the company name and will reflect the last fiscal year.

MOTION BY MR. BOOTH TO ACCEPT THE CONTRACTS FOR THE FISCAL YEAR 2009 AND FOR THE FISCAL YEAR 2010; SECONDED BY MR. CLARK; MOTION CARRIED.

Sheriff Ashe, Eric Jones and Mr. Johnson recused themselves

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of May 31, 2010 has a balance of \$425,672.00; the Education Fund balance is \$109,183.35. As of June 14, 2010 we have a total of 13,776 PPS

registrations, 1,773 licenses, 463 certifications, one endorsement for a total of 16,013 active personnel for PPS. Active licenses and registrations for both Boards are 21,708.

Mr. Wright noted that there has been a total of 2,597 various correspondence printed from the PPS database, 2,600 registration cards printed from the new identification card system, and 4,395 applications received since the last Board meeting.

Director Wright stated that staff is currently conducting interviews for the Training Officer position. The Investigator position for the Hickory area has also been posted.

MOTION BY SHERIFF ASHE TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

ATTORNEY'S REPORT:

Consents and Settlement Agreements are all current, executed and paid .

Mr. McDarris stated that all of the current appeals have been filed with the Office of Administrative Hearings and are listed in the Attorney's report.

12 NCAC 7D .0201, (.0203, .0701, .0801, .0902) are all technical amendments regarding the criminal record check and are being held pending the decision of the Third Party Criminal Record Check Committee.

12 NCAC 7D .0807 is the proposed amendment to change the "duty ammo" to "ballistic equivalent " and additional attempts to pass the firearms course after initial failure is now ready for adoption. There was no public comment on this rule.

MOTION BY MR. JOHNSON TO AMEND THE LANGUAGE ON THIS RULE; SECONDED BY MR. BOOTH; MOTION CARRIED.

12 NCAC 7D .0404 amends the maintenance requirements for reports to be readopted and sent to Rules Review. There was no public comment on this rule.

MOTION BY MR. BOOTH TO READOPT; SECONDED BY MR. JOHNSON; MOTION CARRIED

12 NCAC 7D .0203, .0706, .0806, .0904, .0911 address the extension of time to renew for military personnel. This was published and staff has not received any public comment, therefore a motion is needed to adopt.

MOTION BY SHERIFF ASHE TO ADOPT; SECONDED BY MR. BOOTH; MOTION CARRIED.

12 NCAC 7D .0202, .0702, .0802 address the increase in fees, they were filed with Rules Review and are before the Committee today.

12 NCAC .0701 a technical amendment to the rule is going through the process and Mr. McDarris will report back at the next meeting.

12 NCAC 7D .1200 addresses the repeal of the courier experience requirements and is going through the rules process. Mr. McDarris will report back at the next meeting.

12 NCAC .0201 this is the amendment to require applicants to meet with staff and is currently going through the rules process. Mr. McDarris will report back at the next meeting.

Miscellaneous items include the following:

An injunction was filed in Superior Court against Mr. Thomas Frey, Mr. Frey has hired an attorney and the matter is proceeding.

PPSB v. Richard Johnson - Motion to Show Cause has been filed in Robeson County Superior Court, Mr. Johnson has hired an attorney and the court date has been rescheduled.

The final item was the renewal of Mr. McDarris's Contract.

MOTION BY SHERIFF ASHE TO APPROVE THE CONTRACT; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

That concluded the Attorney's report.

MOTION BY MR. JOHNSON TO ADJOURN; SECONDED BY MR. BOOTH; MOTION CARRIED.

11:50 AM Adjourned

Terry M. Wright, Director

Joyce McClure, Board Secretary

