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

MINUTES

DATE: August 23, 2012

TIME: 2:00 P. M.

LOCATION: Wake Technical Community College - Public Safety Education Campus

Raleigh, North Carolina

SUBMITTED BY: Pam Pope

Deputy Director

Chairman John Glenn called the meeting of the North Carolina Criminal Justice Education and Training Standards Commission to order at 2:00 p.m.

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

MEMBERS PRESENT

MEMBERS ABSENT

Mr. John Glenn Chief Scott Cunningham Mr. Eddie Caldwell Chief Pat Bazemore Chief Tim Hayworth Chief Ira Jones Mayor James Festerman Ms. Stephanie Freeman Chief Tim Ledford Mayor Bobby Kilgore

Chief Bill Hollingsed

Sergeant Lorie Hersey

Mr. Robert Myrick

Mr. Charles Johnson

Dr. Bob Ruth

Mr. Ray Davis

Chief Wrenn Johnson

Ms. Robin Pendergraft

Mr. Brent Herron

Ms. Tracy McPherson

Ms. Angela Williams

Mr. Johnny Hawkins Colonel Mike Gilchrist Mr. Jeff Welty Chief Scott Hunter Mr. Lee Farnsworth Mr. Steve Johnson Ms. Gwen Norville Ms. Diane Isaacs

VISITORS

Mark Strickland Wayne Ayers Michele Young Joyce Ruth

N. C. Justice Academy N. C. Justice Academy

STAFF

Robert Yow Cathy Jordan Lauren Tally Donna Byrd

I. Final Agency Decisions

Ms. Lauren Tally noted that Norman Young would serve as the Commission's Legal Counsel for the Final Agency Decisions.

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. Geary Michael Chlebus

Mr. Chlebus was not present to address the Commission.

Ms. Lauren Tally presented the case of Geary Michael Chlebus, who was a School Director at James Sprunt Community College. She stated that there were a lot of deficiencies in the BLET program at the college. She stated that Mr. Chlebus did not properly supervise the students as far as their attendance. Ms. Tally stated that the college reported that they did not have the proper equipment, video and paperwork for certain courses. Ms. Tally stated that Mr. Chlebus lacked good moral character in that evidence found in the hearing while Mr. Chlebus was instructing a course and administering an exam, he would help the students by giving them the right answers on the multiple choice questions by saying it is not A, B, and not D. She stated that he had various material misrepresentations on his paperwork for several law enforcement agencies. Ms. Tally stated that during the 3-day hearing, the Administrative Law Judge found the same findings as the

Probable Cause Committee. Ms. Tally asked the Commission to adopt the Proposed Final Agency Decision.

MOTION was made by Commissioner Robin Pendergraft that the Commission adopt the Proposed Final Agency Decision with the modification on page 55 under the ORDER, paragraph 1 to read: "Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the Respondent (Commission); Suspend Geary Michael Chlebus' school director certification for a period of not less than five years pursuant to 12 NCAC 09B .0503(a), which provides that Respondent may deny, suspend or revoke certification of a school director when Respondent finds that the person has failed to meet or continuously maintain any of the requirements for qualification or through performance fails to comply with program rules and procedures of Respondent or otherwise demonstrates incompetence. Suspend Mr. Chlebus' general and specialized instructor certifications for a period of not less than five years pursuant to 12 NCAC 09A .0203(5), which provides that respondent may revoke or deny an individual's certification when respondent finds that the person has knowingly and willfully violated any provision or requirements of the rules. Suspend Petitioner's general and specialized instructor certifications indefinitely based on a finding that Mr. Chlebus has failed to meet or maintain good moral character, as required to effectively discharge the duties of a criminal justice instructor, and pursuant to 12 NCAC 09G .0307(f)(4) based on respondent's finding that Mr. Chlebus had demonstrated unprofessional personal conduct in the delivery of Commission-mandated training. Suspend Petitioner's law enforcement officer certification for a period of not less than five years upon a finding that Petitioner knowingly made a material misrepresentation of any information required for certification or accreditation and upon a finding that Petitioner knowing and willfully, by any means of false pretense, deception, defraudation, misrepresentation or cheating, whatsoever, aided another person in obtaining or attempting to obtain credit, training or certification from the Commission. Suspend Mr. Chlebus' law enforcement officer certification indefinitely upon a finding that he lacks good moral character required pursuant to 12 NCAC 09B .0101(3) to hold certification as a law enforcement officer in North Carolina. The period of suspension begins on the date this ORDER is signed; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. James Sprunt Community College

Ms. Tally stated that James Sprunt Community College failed to comply with the requirements set out in Title 12 Chapter 9 of the North Carolina Administrative Code. She stated that the Probable Cause Committee found probable cause to

believe that the Commission accredited Basic Law Enforcement Training program was not being operated in compliance with the minimum standards for criminal justice schools and criminal justice training programs or courses of instruction as set out in Chapter 9 of Title 12 of the North Carolina Administrative Code. She stated that James Sprunt Community College has asked for a settlement offer. In lieu of the hearing, James Sprunt Community College has agreed to voluntarily suspend their program for two and a half (2 ½) years. Ms. Tally stated that they had already suspended the program for this amount of time. She reported that James Sprunt Community College stated that they have corrected all of the deficiencies. She stated that they have been forthcoming and very quick to say that the BLET was not up to standards and they would do anything to fix the problem.

MOTION was made by Commissioner Caldwell that the Commission: (1) defer this settlement offer until the November meeting; (2) notify the school that the Commission would be willing to consider a settlement offer at the November meeting, but it must be written and prepared by James Sprunt Community College counsel and the Commission's counsel; (3) request at the November meeting a presentation in person from the proposed school director, vice-president that supervises the school director, the president of the college and the chair of the Board of Trustees to address why they believe the deficiencies have been addressed; (4) the Criminal Justice Standards staff to conduct a full reaccreditation; (5) Criminal Justice Standards staff to provide a written report stating whether or not deficiencies have or have not been completed to their satisfaction; (6) the settlement offer is to include appropriate reaccreditation and full audit that would occur after the program begins; and, (7) On behalf of the Commission that legal counsel ask the Administrative Law Judge to issue a continuance in this case until after the November meeting; seconded by Commissioner Lee Farnsworth. The MOTION carried unanimously.

3. Julian Maurice Sidberry

Ms. Cathy Jordan presented the case of Julian Maurice Sidberry, who received his certification with the North Carolina Sheriffs' Education and Training Standards Commission in 2003 as a detention officer. In 2008, Mr. Sidberry was sent a letter from the Sheriffs' Education and Training Standards Commission revoking his detention officer certification based on the commission of the Class B misdemeanor offenses of Breaking or Entering and injury to real property and lack of good moral character. The Petitioner had 30 days to request a hearing in which he did not request a hearing. Ms. Jordan stated that Mr. Sidberry submitted a Report of Appointment/Application for Certification as a correctional officer through the North Carolina Criminal Justice Education and Training Standards Commission on September 9, 2010. On June 2, 2011, Mr. Sidberry received a proposed denial of Correction Officer Certification letter from the Criminal Justice Education and

Training Standards Commission based on Mr. Sidberry's justice officer certification previously being revoked by the North Carolina Sheriffs' Education and Training Standards Commission. Ms. Jordan asked the Commission to adopt the Proposed Final Agency Decision to deny Mr. Sidberry's certification for not less than three years.

MOTION was made by Commissioner Scott Cunningham that the Commission adopt the Proposed Final Agency Decision as written to deny Julian Maurice Sidberry's correctional officer certification for not less than three years when the Commission finds that the applicant for certification or the certified officer has been denied certification or had such certification suspended or revoked by a previous action of the North Carolina Sheriffs' Education and Training Standards Commission; seconded by Commissioner Ira Jones. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

III. MOTION TO RECESS

MOTION was made by Commissioner Bob Ruth to recess until Friday, August 24, 2012 meeting. The MOTION was seconded by Commissioner Steve Johnson and it carried unanimously.