

MINUTES
OF
THE NORTH CAROLINA SHERIFFS'
EDUCATION AND TRAINING STANDARDS COMMISSION

DATE: June 18, 2020

TIME: 9:00 a.m.

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

Sheriff Alan Cloninger

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Alan Cloninger on Thursday, June 18th at 9:00 am. The Final Agency Decision meeting was held at the Wake Technical Community College Public Safety Education Center, 321 Chapanoke Rd., Raleigh, NC.

Chairman Cloninger requested a roll call of Commission members. Judy Marchetti recorded the following:

MEMBERS PRESENT

Sheriff Dwayne Goodwin
Sheriff Jack Smith
Sheriff Alan Cloninger
Sheriff Ed McMahon
Sheriff Alan Norman
Sheriff Terry Johnson
Sheriff Doug Doughtie
Retired Sheriff David Smith

MEMBERS ABSENT

Sheriff Landric Reid
Mr. Marc Nichols
Mr. Jamie Markham
Ms. Tracy McPherson

STAFF

Diane Konopka - Director - Sheriffs' Standards Division
Judy Marchetti - Admin. Assistant – Sheriffs' Standards Division
John Congleton - NC Dept. of Justice
Ameshia Cooper - NC Dept. of Justice
Adren Harris - NC Dept. of Justice
Brittany Edwards - NC Dept. of Justice

Chairman Cloninger welcomed everyone to the meeting and thanked visitors for taking time from their schedule to attend.

In the first order of business, Legal Counsel John Congleton read the Ethics Reminder which states:

All members have a duty to avoid conflicts of interest and appearances of conflict. Commission members have an affirmative duty to fully disclose any conflict of interest or potential conflict of interest between the member's service on the Commission and his or her private interests. One of the most basic rules is that members cannot knowingly use their position on the Commission in a manner that will result in a financial benefit to the person, a member of the person's family, or a business with which he or she is associated. [N.C.G.S. 138A-31]. Commission members are also prohibited from accepting gifts from persons doing or seeking to do business with the Commission, persons engaging in activities that are regulated or controlled by the Commission, or persons having a financial interest that may be substantially affected by the member's official duties.

Legal Counsel John Congleton then asked whether any member had a known conflict or appearance of conflict with respect to any matters coming before the Commission at this time. Negative response.

VISITORS

Lee Alford	Wake County Sheriff's Office
Mahmoud Zughbi	Halifax County Sheriff's Office
David Harris	Attorney for Mr. Zughbi
Wes Tripp	Halifax County Sheriff
Scott Hall	Halifax County Chief Deputy
Thomas Council	Mecklenburg County Sheriff's Office
Jeannette Council	Family member
Lee Turner	Attorney for Mr. Council
Lamar Krider	Granville County Sheriff's Office
Charles Noblin	Granville County Sheriff
Alonzo Jaynes	Granville County Sheriff's Office
Robert Crawford	Attorney for Mr. Krider

Joshua David
Barry Henline
Christopher Fleming
Benjamin Winikoff
Mark Ecker
Bill Beam
Lt. Reid
Gene Sain
Billy Burbin
Aaron Kennemore
Matt Farra
Jason White
Justin Combs
Greg Foster
Kimberly Polson
Leina Polson
Shane Welch
Brianna Clay
Milton Drew

Sampson County Sheriff's Office
Attorney for Mr. David
Rowan County Sheriff's Office
Attorney for Mr. Fleming
Lincoln County Sheriff's Office
Lincoln County Sheriff
Lincoln County Sheriff's Office
Lincoln County Sheriff's Office
Lincoln County Sheriff's Office
Lincoln County Sheriff's Office
Attorney for Mr. Kennemore
Alexander County Sheriff's Office
Alexander County 911 Director
Alexander County Sheriff's Office
Alexander County Sheriff's Office
Swain County Sheriff's Office
Northampton County Sheriff's Office
Northampton County Sheriff's Office

II. FINAL AGENCY DECISION

***Mahmoud Zughbi**

Adren Harris

Legal Counsel Adren Harris addressed the Sheriffs' Commission Members and stated that Mr. Mahmoud Zughbi is an applicant for justice officer certification with the Halifax County Sheriff's Office. The issue before the Sheriffs' Commission to consider for Mr. Zughbi is a rule violation based on the contention that Mr. Zughbi accessed computers in violation of N.C. Gen. Stat. 14-45(b), a misdemeanor, and had accessed government computers in violation of N.C. Gen. Stat. 14-454.1 (b), a felony.

Legal Counsel Adren Harris summarized the Proposal for Decision for Mr. Mahmoud Zughbi as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #2**].

The recommendation of the Administrative Law Judge is that the Sheriffs' Commission deny certification based on the rule violation but also find extenuating circumstances and stay the denial with probation for a period of two (2) years on the condition that during this period of probation, Petitioner not violate any law (other than infractions) of this state or any other state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission.

Legal Counsel's recommendation is to suspend certification for five (5) years.

Attorney David Harris, legal counsel for Mr. Zughbi presented his case summary. He stated that the Task Force information was volunteered by Mr. Zughbi. Attorney Harris stated that Mr. Zughbi did communicate with his peers regarding the Task Force. Two (2) FBI agents stated that Mr. Zughbi did help them.

Sheriff Wes Tripp and Chief Deputy Hall of Halifax County Sheriff's Office spoke on behalf of Mr. Mahmoud Zughbi

Chairman Cloninger asked the Commission if there were any questions. Negative response.

A **MOTION** was made by Sheriff Ed McMahan to enter into a closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahan to enter into open session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Dwayne Goodwin in the matter of Mr. Mahmoud Zughbi, to deny justice officer certification but to suspend that denial for a probationary period of five (5) years. Mr. Mahmoud Zughbi is to also be restricted to not access CJ Leads for a period of one (1) year; seconded by Sheriff Terry Johnson. [**Attachment #3 for Roll Call Vote**] [**Attachment #4 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Thomas Council**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Thomas Council is sworn as an active Cumberland County Deputy Sheriff. There are two (2) issues before the Sheriffs' Commission to consider for Mr. Council. The first is whether or not Mr. Council failed to notify the Division within five (5) business days as required by rule 12 NCAC 10B.0301(a)(7).

Ms. Cooper summarized the Proposal for Decision for Mr. Council as submitted by the Administrative Law Judge [**Attachment #5**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #6**]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge recommended to grant justice officer certification. Legal Counsel's recommendation is to deny/ revoke justice officer certification but suspend that denial/ revocation for a period of one (1) year. Attorney Lee Turner addressed the Sheriffs' Commission Members and summarized the case for Petitioner.

Chairman Cloninger asked the Commission if there were any more questions. Negative response.

A **MOTION** was made by Sheriff Ed McMahon to enter into a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jack Smith to enter into open session; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Dwayne Goodwin in the matter of Thomas Council to adopt the Legal Counsel's Proposed Final Agency Decision and deny certification; however, that denial is substituted for a period of probation for one (1) year on the condition that Petitioner not violate any law (other than infractions) of this state or any other state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission; seconded by Sheriff Ed McMahon. **[Attachment #7 for Roll Call Vote]** **[Attachment #8 for Final Agency Decision]** **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Lamar Krider**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Lamar Krider is an applicant for deputy sheriff certification through the Granville County Sheriff's Office.

There are two (2) issues for the Sheriffs' Commission Members to consider. The first is whether or not Mr. Krider violated rule 12 NCAC 10B .0204(a)(2) by committing the offense of Misuse of Telephone Facilities and Equipment in violation of Maryland Criminal Law 3-804 – a crime for which the authorized punishment could have been imprisonment for more than two years. The second is whether or not Mr. Krider violated rule 12 NCAC 10B .0301(a)(8). This rule requires justice officers to be of good moral character.

Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #9], and the Proposal for Decision as submitted by Legal Counsel [Attachment #10].

The Administrative Law Judge's recommendation is to permanently deny justice officer certification for the rules violation 12 NCAC 10B .0204(a)(2) by committing the offense of Misuse of Telephone Facilities and Equipment in violation of Maryland Code 3-804.

The Administrative Law Judge concluded that the continued withholding of Petitioner's certification on the basis that he lacks good moral character is not supported by the evidence.

Legal Counsel agrees with the Administrative Law Judge's Proposed Final Agency Decision. The only exceptions were typographical and grammatical changes as necessary to make the proposal appropriate for Final Agency Decision.

Attorney Robert Crawford addressed the Sheriffs' Commission Members and summarized the case for Petitioner. Attorney Crawford stated that Mr. Krider did not have intent to commit the offense of Misuse of Telephone Facilities and Equipment in violation of Maryland Criminal Code 3-804.

Vance County Sheriff Curtis Brame addressed the Sheriffs' Commission and spoke on behalf of Mr. Krider. Granville County Sheriff Charles Noblin, Jr. addressed the Sheriffs' Commission Members and spoke on behalf of Mr. Krider. Granville County Trainer Alonzo Jaynes addressed the Sheriffs' Commission Members and spoke highly of Mr. Krider.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Ed McMahon to enter into a closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jack Smith to enter into open session; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Doug Doughtie to grant justice officer certification due to Petitioner not having the intent to commit the offense of Misuse of Telephone Facilities and Equipment in violation of Maryland Criminal Code 3-804; seconded by Sheriff Terry Johnson. [**Attachment #11 for Roll Call Vote**] [**Attachment #12 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

***Joshua David**

Brittany Edwards

Legal Counsel Brittany Edwards addressed the Sheriffs' Commission Members and stated that Mr. Joshua David is a deputy sheriff with the Sampson County Sheriff's Office. The issue before the Sheriffs' Commission is to consider whether or not Mr. David violated rule 12 NCAC 10B .0301 (a)(8); which states every Justice Officer employed or certified in North Carolina shall be of good moral character.

Legal Counsel Brittany Edwards summarized the Proposal for Decision for Mr. Joshua David as submitted by the Administrative Law Judge [**Attachment #13**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #13a**].

The recommendation of the Administrative Law Judge is that Petitioner's law enforcement certification should not be revoked because it was found that the evidence was insufficient to find that Petitioner lacked good moral character; but should the Sheriffs' Commission conclude that Petitioner did not maintain good moral character, then in light of mitigating circumstances, it is recommended that the Commission substitute a period of probation in lieu of revocation or suspension. Legal Counsel Brittany Edwards recommended that Mr. David's justice officer certification be revoked indefinitely. Attorney Barry Henline, legal counsel for Mr. David presented and summarized his case.

Chairman Cloninger asked the Commission if there were any questions. Negative response.

A **MOTION** was made by Sheriff Ed McMahon to enter into a closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to enter into open session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Dwayne Goodwin in the matter of Mr. Joshua David to accept the evidence presented during the North Carolina Criminal Justice Education and Training Standards Commission hearing and suspend justice officer certification indefinitely; seconded by Sheriff Terry Johnson. **[Attachment #14 for Roll Call Vote] [Attachment #15 for Final Agency Decision] MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Christopher Fleming**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Christopher Fleming is a deputy sheriff with the Rowan County Sheriff's Office.

The issue before the Sheriffs' Commission is whether or not Mr. Fleming committed a felony offense, Obtaining Property by False Pretense, in violation of rule 12 NCAC 10B .0204(a)(1). Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #16], and the Proposal for Decision as submitted by Legal Counsel [Attachment #17]. Attorney Benjamin Winikoff, legal counsel for Mr. Fleming presented and summarized his case.

The Administrative Law Judge's recommendation is to indefinitely revoke Petitioner's justice officer certification because he committed a felony. Rule violation 12 NCAC 10B .0204(a)(2). Legal Counsel agrees with the Administrative Law Judge's Proposed Final Agency Decision.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Terry Johnson to enter into a closed session; seconded by Sheriff Ed McMahan. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Doug Doughtie to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to grant justice officer certification because there is insufficient evidence to show that Petitioner acted with the intent to deceive, but rather had poor time keeping and flawed time recording practices; seconded by Sheriff Terry Johnson. [**Attachment #18 for Roll Call Vote**] [**Attachment #19 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Aaron Kennemore**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Aaron Kennemore is a deputy sheriff with the Lincoln County Sheriff's Office.

The issue before the Sheriffs' Commission to consider is whether or not Mr. Kennemore failed to maintain the minimum standard required of all justice officers in North Carolina in that he lacks good moral character in violation of 12 NCAC 10B.0301(a)(8). Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #20], and the Proposal for Decision as submitted by Legal Counsel [Attachment #21].

The Administrative Law Judge's recommendation is to find Petitioner is presently of good moral character to continue to serve as a justice officer and proposes the Petitioner's justice officer certification should not be revoked. Legal Counsel's recommendation is that Petitioner lacks the requisite moral character to continue to serve as a justice officer, and that Petitioner's justice officer certification be revoked indefinitely. Attorney Jason White, legal counsel for Mr. Kennemore presented and summarized his case.

Lincoln County Sheriff Bill Beam addressed the Sheriffs' Commission Members and spoke on behalf of Mr. Kennemore. Lt. Gene Sain, Sgt Billy Burgin, Lt. Reid, and Deputy Matt Fara each addressed the Sheriffs Commission Members on Mr. Kennemore's behalf.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Terry Johnson to enter into a closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Doug Doughtie to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Norman to accept the Administrative Law Judge's Proposed Final Agency Decision that Mr. Kennemore is presently of good moral character to continue to serve as a justice officer, and that Petitioner's justice officer certification is granted; seconded by Sheriff Terry Johnson. [**Attachment #22 for Roll Call Vote**] [**Attachment #23 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Justin Timothy Combs**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Justin Combs is a telecommunication applicant with Alexander County Sheriff's Office.

The issue before the Sheriffs' Commission is whether or not Mr. Combs committed a felony in violation of rule 12 NCAC 10B .0204(a)(1). Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #24], and the Proposal for Decision as submitted by Legal Counsel [Attachment #25]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge's recommendation is to permanently deny Petitioner's justice officer certification. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Mr. Greg Foster, Director of Alexander County 911 addressed the Sheriffs' Commission Members and spoke on Mr. Combs' behalf.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Terry Johnson to enter into a closed session; seconded by Sheriff Ed McMahan. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to enter into open session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to accept Legal Counsel's Proposed Final Agency Decision to permanently deny Petitioner's justice officer certification; seconded by Sheriff Ed McMahon. [**Attachment #26 for Roll Call Vote**] [**Attachment #27 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Shane Welch**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Shane Welch is an applicant for justice officer certification with the Swain County Sheriff's Office.

The issue before the Sheriffs' Commission to consider is whether or not Mr. Welch committed a combination of four or more Class A and Class B misdemeanors in violation of 12 NCAC 10B .0204(d)(5). Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #28], and the Proposal for Decision as submitted by Legal Counsel [Attachment #29]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge's recommendation is to grant Mr. Welch his justice officer certification. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Dwayne Goodwin to accept Legal Counsel's Proposed Final Agency Decision to grant Petitioner's justice officer certification; seconded by Sheriff Terry Johnson. [**Attachment #30 for Roll Call Vote**] [**Attachment #311 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Brianna Clay**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Ms. Brianna Clay is an applicant for detention officer certification through the Northampton County Sheriff's Office.

The issue before the Sheriffs' Commission to consider is whether or not Ms. Clay committed a Class B Misdemeanor within five (5) years prior to her date of appointment in violation of 12 NCAC .0204(d)(2). Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #32], and the Proposal for Decision as submitted by Legal Counsel [Attachment #33]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge's recommendation is to deny Ms. Clay's justice officer certification but suspend that denial for a period of one (1) year and place her on probation due to extenuating circumstances. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Captain Milton Drew of Northampton County addressed the Sheriffs' Commission Members and spoke on the behalf of Ms. Brianna Clay.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Dwayne Goodwin to enter into a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Norman to enter into open session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to accept Legal Counsel's Proposed Final Agency Decision that Petitioner's justice officer certification be denied for a period of five (5) years; however, based upon the extenuating circumstances presented at hearing, the denial be suspended for twelve (12) months and Petitioner is placed on probation for one (1) year with the conditions that Petitioner not violate any law (other than infractions) of this state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission; seconded by Sheriff Jack Smith. [**Attachment #34 for Roll Call Vote**] [**Attachment #35 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Stephanie McGhee**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Ms. Stephanie McGhee is an applicant for detention officer certification through the Madison County Sheriff's Office.

The issue before the Sheriffs' Commission to consider is whether or not Ms. McGhee committed a combination of four (4) or more Class A or Class B misdemeanors in violation of 12 NCAC 10B .0204(d)(5). Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #36], and the Proposal for Decision as submitted by Legal Counsel [Attachment #37]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge's recommendation is to deny Petitioner's justice officer certification; however, that denial be substituted with a one (1) year probation. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Dwayne Goodwin to enter into a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Norman to accept Legal Counsel's Proposed Final Agency Decision that Petitioner's justice officer certification be denied; however, that denial be substituted with a one (1) year probation on the condition that during probation, Petitioner does not violate any law (other than infractions) of this state or any other state, any federal laws, or any rules of this Commission or the NC Criminal Justice Commission; seconded by Sheriff Jack Smith. [**Attachment #38 for Roll Call Vote**] [**Attachment #39 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Shawn Morris**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Shawn Morris is an applicant for detention officer certification through the Cherokee County Sheriff's Office.

The issue before the Sheriffs' Commission to consider for Mr. Morris is whether or not he committed a combination of four (4) or more Class A or Class B misdemeanors. Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #36], and the Proposal for Decision as submitted by Legal Counsel [Attachment #37]. Only three (3) commissions or convictions of Class A or Class B misdemeanors stand for consideration in this case. The Petitioner has three (3) convictions, that would possibly disqualify him for certification and therefore, no deficiency exists preventing Petitioner's certification as required by 12 NCAC 10B .0205(3)(d).

Legal Counsel Ameshia Cooper stated that the Administrative Law Judge's recommendation is to grant Petitioner's justice officer certification. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Dwayne Goodwin to enter into a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to accept Legal Counsel's Proposed Final Agency Decision to grant Petitioner's justice officer certification; seconded by Sheriff Dwayne Goodwin. [**Attachment #38 for Roll Call Vote**] [**Attachment #391 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Donavan Barnes**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Donovan Barnes is an applicant for deputy sheriff and detention officer certification through the Robeson County Sheriff's Office.

Legal Counsel Ameshia Cooper informed the Sheriffs' Commission Members that Mr. Barnes' case has been closed due to his justice officer certification summarily revoked.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

II. FINAL AGENCY DECISION

Ameshia Cooper

***Andre Green**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Andre Green is an applicant for detention officer certification through the Wake County Sheriff's Office.

The issue before the Sheriffs' Commission to consider for Mr. Green is whether or not Mr. Green knowingly made a material misrepresentation of any information required for certification a violation of 12 NCAC 10B .2000 and .2100.

Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #44], and the Proposal for Decision as submitted by Legal Counsel [Attachment #45]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge's recommendation is to deny Petitioner's justice officer certification for a period not less than five (5) years. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Dwayne Goodwin to enter into a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to accept Legal Counsel's Proposed Final Agency Decision to deny Petitioner's justice officer certification for a period not less than five (5) years because he knowingly and designedly made a material misrepresentation on documents required for certification in violation of 12 NCAC 10B .0204(c)(1) and (2); seconded by Sheriff Doug Doughtie. [**Attachment #45 for Roll Call Vote**] [**Attachment #461 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Ameshia Cooper

***Matthew Bounds**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Matthew Bounds is currently certified as a deputy sheriff through the Wilkes County Sheriff's Office.

The issues before the Sheriffs' Commission to consider for Mr. Matthew Bounds is that Petitioner was convicted of a Class B Misdemeanor after the date of appointment, in violation of 12 NCAC 10B .0204(d)(1), and that Petitioner lacks the good moral character required of a justice officer, thereby failing to meet or maintain employment standards required of a justice officer, in violation of 12 NCAC 10B .0204(b)(2) and 12 NCAC 10B .0301(a)(8).

Ms. Cooper summarized the Proposal for Decision as submitted by the Administrative Law Judge [Attachment #47], and the Proposal for Decision as submitted by Legal Counsel [Attachment #48]. Legal Counsel Ameshia Cooper stated that the Administrative Law Judge found that Petitioner is presently of good moral character to continue to serve as a justice officer. Additionally, the Administrative Law Judge proposed that Petitioner's justice officer certification be revoked for the conviction of a Class B Misdemeanor offense of Assault on a Female, however, that the period of revocation be substituted with a period of probation for two (2) years. Legal Counsel agrees with the Administrative Law Judge's recommendation.

Chairman Cloninger asked the Commission if there were any questions or comments. Negative response.

A **MOTION** was made by Sheriff Dwayne Goodwin to enter into a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Dwayne Goodwin to accept Legal Counsel's Proposed Final Agency Decision to revoke Petitioner's justice officer certification, however, the period of revocation be substituted with a two (2) year probation; seconded by Sheriff Jack Smith. [**Attachment #49 for Roll Call Vote**] **MOTION FAILED.**

A **MOTION** was made by Sheriff Doug Doughtie to Revoke Petitioner's justice officer certification for a period not less than five (5) years for the conviction of a Class B Misdemeanor offense of Assault on a Female; seconded by Sheriff Terry Johnson. [**Attachment #50 for Roll Call Vote**] [**Attachment #51**] for **Final Agency Decision**] **MOTION CARRIED.**

III. LEGAL COUNSEL'S REPORT

Ms. Ameshia Cooper summarized Legal Counsel's Report. This report is available for review and includes administrative case files that are currently in the Office of Administrative Hearings. Ms. Cooper reviewed the various stages of litigation for the administrative cases as follows: [**See Attachment #52**].

- Eight (8) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Eight (8) cases involving felony commissions.
- Seven (7) cases involving four (4) or more Class A and B misdemeanors.
- Three (3) cases involving material misrepresentations.
- Thirteen (13) cases involving a lack of good moral character.
- Six (6) cases involving a certified officer who has been charged and did not report that charge within the five day reporting period.
- Zero (0) denial or suspensions by CJ Commission.
- One (1) Positive Drug Test
- One (1) Refusal to submit to a Drug Test

* Note: Some of the case files involve more than one issue.

VI. ADJOURNMENT

A **MOTION** was made by Sheriff Ed McMahon to adjourn the June 2020, Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Jack Smith. **MOTION CARRIED.**