

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

DATE: December 10, 2020

TIME: 10:00 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, December 10th at 10:00 A.M. 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 Shelton White
Sheriff Jack Smith
Sheriff Landric Reid
Sheriff Alan Cloninger
Sheriff Mike Roberson
Sheriff Alan Norman
Sheriff Terry Johnson
Retired Sheriff David Smith
Mr. Jamie Markham

MEMBERS ABSENT

Ms. Tracy McPherson
Sheriff Doug Doughtie
Mr. Marc Nichols

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
Jeff Welty - 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.

Chairman Cloninger welcomed the visitors and asked that they stand up and introduce themselves.

VISITORS

Donald Britt	Bladen County Sheriff’s Office
Jim McVicker	Bladen County Sheriff’s Office
Mike McGuinness	Attorney
Edward Mullens	Avery County Sheriff’s Office
D. L. Buchanan	Avery County Sheriff’s Office
Kevin Frye	Avery County Sheriff
David Wojanski	Clay County Sheriff’s Office
Bobby Deese	Clay County Sheriff
Scott McCoy	Clay County Sheriff’s Office
George Sturges	Madison County Sheriff’s Office
Paul Eagle	Davidson County Sheriff’s Office

II. FINAL AGENCY DECISION

***Paul J. Eagle**

Ameshia Cooper

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Paul Eagle and his attorney would not be attending the Final Agency Decision meeting due to the Covid-19 pandemic. Ms. Cooper read aloud the letter sent from Attorney William Hill.

Mr. Paul Eagle has been employed by the Davidson County Sheriff's Office as a certified Justice Officer. The issue before the Sheriffs' Commission to consider is a material misrepresentation rules violation.

Ms. Cooper summarized the Proposal for Decision for Mr. Paul Eagle as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #2**]. Ms. Cooper stated that Legal Counsel agrees with the Administrative Law Judge's recommendation to grant certification.

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

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

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

A **MOTION** was made by Sheriff Terry Johnson in the matter of Mr. Paul J. Eagle to adopt Legal Counsel's Proposed Final Agency Decision and grant Petitioner's justice officer certification; seconded by Sheriff Mike Roberson [**Attachment #3 for Roll Call Vote**] [**Attachment #4 for Final Agency Decision**] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***William Donald Britt**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. William Donald Britt is an applicant for deputy sheriff certification through the Bladen County Sheriff's Office. Mr. Britt is present and represented by his attorney Mr. McGuinness.

There are four (4) issues before the Sheriffs' Commission to consider: 12 NCAC 10B .0204(d)(1) commission of the Class B misdemeanor offense of "Assault by Pointing a Gun" in violation of N.C. General Statute 14-34; NCAC 10B .0204(d)(5) committing or being convicted of a combination of four or more Class A or Class B misdemeanors; NCAC 10B .0204(b)(2) and 12 NCAC 10B .0301(a)(8) for lack of good moral character required of a justice officer for being convicted of or committing criminal offenses and the totality of Petitioner's actions; and, 12 NCAC 10B .0204 (b)(2) and 12 NCAC 10B .0301(a)(7) for failing to notify the Sheriffs' Standards Division within five(5) business days that he had been charged with two (2) counts of "Assault by Pointing a Gun" and two (2) counts of "Simple Assault."

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. William Donald Britt as submitted by the Administrative Law Judge [**Attachment #5**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #6**].

The Administrative Law Judge found that there are rules violations; but also found extenuating circumstances and asked that the Sheriffs' Commission use their discretion to reduce the sanction. Legal Counsel does not support the Administrative Law Judge's recommended proposal. Legal Counsel recommends to deny justice officer certification indefinitely for Lack of Good Moral Character and to deny certification for a period of five years for the Class B misdemeanor offenses.

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

Attorney McGuinness addressed the Sheriffs' Commission Members and introduced Mr. William Donald Britt of the Bladen County Sheriff's Office. Attorney McGuinness also introduced Bladen County Sheriff Jim McVicker. Mr. McGuinness stated that Sheriff McVicker is aware of the incident and had his Chief Deputy investigate it. After the investigation, Sheriff McVicker made the decision to employ Mr. Britt who is now a training officer and carries the rank of corporal. Mr. Britt has 20 years of experience, has maintained good moral character, and has no disciplinary issues. Attorney McGuinness presented his case summary.

Attorney McGuinness stated that the Administrative Law Judge found that the Petitioner, Mr. Britt, acted in good faith. Mr. McGuinness stated that the dash cam only provides a limited view of what is actually happening. Mr. McGuinness stated that Mr. Britt did get "hot" and he overreacted, but that Mr. Britt has also acknowledged that fact. Mr. McGuinness stated that what makes Mr. Britt's overreaction different was his fear that something had happened to his wife.

Attorney McGuinness stated that he agrees with the Administrative Law Judge that a reprimand is sufficient in this case. Mr. McGuinness stated that Sheriff McVicker will speak to the fact that Mr. Britt has been a fine officer for a very long time.

Mr. Donald Britt addressed the Sheriffs' Commission Members and stated that he arrived home at about 8:25 for supper when he noticed a little white car parked beside his house and white male getting into it. Mr. Britt stated that he pulled right up to him and the driver sped away across his yard and the neighbor's yard to the highway. Mr. Britt stated that he then took off after him. Mr. Britt summarized the chase. Mr. Britt stated that he tried to call his wife during the chase and there was no answer. Mr. Britt stated that after the suspect stopped and he engaged the suspect he just kept asking him "what did you do to my family?" Mr. Britt acknowledged that he had a gun to the suspects head but denies that he threatened him.

Sheriff Reid asked Mr. Britt why didn't he immediately go and check on his family once law enforcement was at the scene with the suspect. Mr. Britt responded that a phone was handed to him with confirmation that his family was alright. Sheriff Reid asked if anyone called dispatch to check on his family. Mr. Britt stated no but that once the situation at the traffic stop finished he was handed the phone.

Sheriff Jim McVicker addressed the Sheriffs' Commission Members to speak on the behalf of Mr. Donald Britt. Sheriff McVicker stated that Mr. Britt is a certified training officer with the rank of corporal and has done every job asked of him. Sheriff McVicker stated that Mr. Britt has trained four (4) other new deputies. Sheriff McVicker stated that Mr. Britt has not had any disciplinary issues since joining his Sheriff's Office.

Attorney Mike McGuinness concluded his case presentation.

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

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

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

A **MOTION** was made by Sheriff Terry Johnson in the matter of William Donald Britt to deny justice officer certification for five (5) years for the commission of a Class B misdemeanor offense of Assault by Pointing a Gun; however, the denial is suspended for three (3) years probation on the condition that Petitioner complete a psychiatric evaluation within thirty (30) days and complete any and all recommended treatment. The results of the aforementioned evaluation as well as any treatment completed are to be submitted to Petitioner's employing Sheriff and to the Commission. Further, during the period of probation, Petitioner is not to violate any federal or state laws, or any rules of this Commission or the Criminal Justice Education and Training Standards Commission; seconded by Sheriff Landric Reid. [Attachment #7 for Roll Call Vote] [Attachment #8 for Final Agency Decision] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***Trent Lackey**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Trent Lackey is not present but was properly notified. Ms. Cooper stated that Mr. Lackey represented himself at the Administrative Hearing. The issue for the Sheriffs' Commission Members to consider is the commission of a Class B misdemeanor with five (5) years of certification.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Trent Lackey as submitted by the Administrative Law Judge [Attachment #9], and the Proposal for Decision as submitted by Legal Counsel. [Attachment #10]. Legal Counsel Ameshia Cooper stated that she agrees with the Administrative Law Judge's Proposal for Decision to grant Mr. Lackey's certification.

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

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

A **MOTION** was made by Sheriff Mike Roberson to enter into open session; seconded by Sheriff Landric Reid. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Norman in the matter of Trent Lackey to grant justice officer certification; seconded by Sheriff Mike Roberson. [**Attachment #11 for Roll Call Vote**] [**Attachment #12 for Final Agency Decision**] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***Donald Ray McGlamery**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Donald Ray McGlamery is not present but was properly notified. Ms. Cooper stated that Mr. McGlamery was represented by counsel, Bryant T. Aldridge, Jr. at the Administrative Hearing. The issue for the Sheriffs' Commission Members to consider is Material Misrepresentation.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Donald McGlamery as submitted by the Administrative Law Judge [**Attachment #9**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #10**]. Legal Counsel Ameshia Cooper stated that she agrees with the Administrative Law Judge's Proposal for Decision to grant Donald Ray McGlamery certification.

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

A **MOTION** was made by Sheriff Landric Reid 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 Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Retired Sheriff David Smith in the matter of Donald Ray McGlamery to adopt Legal Counsel's recommendation and grant justice officer certification; seconded by Sheriff Terry Johnson. [**Attachment #15 for Roll Call Vote**] [**Attachment #16 for Final Agency Decision**] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***Jason Thomas Potter**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Jason Thomas Potter is not present but was properly notified. Mr. Potter is an applicant for certification as a deputy sheriff through the Tyrrell County Sheriff's Office. As part of the application process, Mr. Potter submitted to a drug test. Mr. Potter tested positive for amphetamines.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Jason Potter as submitted by the Administrative Law Judge [**Attachment #17**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #18**].

The Administrative Law Judge stated that Mr. Potter's justice officer certification should be granted. Legal Counsel Ameshia Cooper stated that Legal Counsel's recommendation is to deny certification, but to substitute that denial with a probation period of one (1) year due to the extenuating circumstances brought out at the administrative hearing.

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

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

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

A **MOTION** was made by Sheriff Terry Johnson in the matter of Jason Thomas Potter adopt to adopt Legal Counsel's recommendation and deny justice officer certification; however, that denial be substituted with a period of probation for one (1) year due to the extenuating circumstances brought out at the administrative hearing, on the condition that during that 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 NC Criminal Justice Education and Training Standards Commission; seconded by Sheriff Mike Roberson. **[Attachment #19 for Roll Call Vote] [Attachment #20 for Final Agency Decision] MOTION CARRIED.**

III. FINAL AGENCY DECISION

Jeff B. Welty

***Edward Lee Mullins**

Legal Counsel Jeff Welty addressed the Sheriffs' Commission Members and stated that Mr. Edward Lee Mullins is present. Mr. Welty stated that Mr. Mullins was represented by counsel, Britt Springer at the Administrative Hearing. Mr. Welty stated that Mr. Mullins is an applicant for justice officer certification through the Avery County Sheriff's Office. The issue for the Sheriffs' Commission Members to consider is a combination of four (4) or more Class A and/or Class B misdemeanors.

Legal Counsel Jeff Welty summarized the Proposal for Decision for Mr. Edward Mullins as submitted by the Administrative Law Judge **[Attachment #21]**, and the Proposal for Decision as submitted by Legal Counsel. **[Attachment #22]**. Legal Counsel Jeff Welty stated that the Administrative Law Judge's recommendation is to deny justice officer certification but suspend that denial due to the extenuating circumstances noted. Legal Counsel Jeff Welty stated that he agrees with the Administrative Law Judge's Proposal for Decision to deny certification but suspend that denial due to the extenuating circumstances noted.

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

Attorney Britt Springer addressed the Sheriffs' Commission Members and stated that Legal Counsel Jeff Welty summarized the case very well. Attorney Springer provided some more details with regard to the bad checks written during the 90's. Attorney Springer stated that Mr. Springer was not aware that by paying the checks it became a guilty plea and was on his record. Mr. Springer also was not aware that he could have those charges expunged. Attorney Springer summarized personal details of Mr. Mullins' lifestyle and his upstanding reputation in the community.

Mr. Mullins addressed the Sheriffs' Commission Members and stated that he would appreciate it if the Sheriffs' Commission granted him his justice officer certification so he can continue to serve.

Sheriff Kevin Frye addressed the Sheriffs' Commission Members and shared a story to provide insight of Mr. Mullins dedication and excellent character. Sheriff Frye stated that Mr. Mullins is a fine representative of law enforcement and that he is trustworthy. Mr. Mullins has a great reputation in the community.

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

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

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

A **MOTION** was made by Sheriff Alan Norman in the matter of Edward Lee Mullins to accept Legal Counsel's recommendation and deny justice officer certification, but that denial is suspended in light of the extenuating circumstances noted; seconded by Sheriff Jack Smith. [**Attachment #23 for Roll Call Vote**] [**Attachment #24 for Final Agency Decision**] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***George Sturges**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. George Sturges is not present but was properly notified. Ms. Cooper stated that Mr. Sturges was represented pro se at the Administrative Hearing. The issue for the Sheriffs' Commission Members to consider is commission of a Felony. Mr. Sturges is an applicant for Detention Officer certification through the Madison County Sheriffs' Office.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for George Sturges as submitted by the Administrative Law Judge [Attachment #25], and the Proposal for Decision as submitted by Legal Counsel. [Attachment #26]. Legal Counsel Ameshia Cooper stated that she agrees with the Administrative Law Judge's Proposal for Decision to deny George Sturges certification.

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

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

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

A **MOTION** was made by Retired Sheriff Mike Roberson in the matter of George Sturges to adopt Legal Counsel's recommendation and deny justice officer certification; seconded by Sheriff Terry Johnson. [Attachment #27 for Roll Call Vote] [Attachment #28 for Final Agency Decision] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***Scott McCoy**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Scott McCoy is present. Ms. Cooper stated that Mr. McCoy was represented by counsel, David Wijewickrama at the Administrative Hearing. Mr. McCoy is an applicant for deputy sheriff certification through the Clay County Sheriff's Office. The issue for the Sheriffs' Commission Members to consider is failure to maintain the minimum standards required for justice officer certification based upon his lack of good moral character.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Scott McCoy as submitted by the Administrative Law Judge [Attachment #29], and the Proposal for Decision as submitted by Legal Counsel. [Attachment #30]. Legal Counsel Ameshia Cooper stated that she does not agree with the Administrative Law Judge's Proposal for Decision to grant Scott

McCoy certification. Legal Counsel Ameshia Cooper's recommendation is to deny certification for Scott McCoy.

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

Attorney David Wijewickrama addressed the Sheriffs' Commission Members and summarized statements made by the Administrative Law Judge during the hearing. Attorney Wijewickrama referenced a variety of statements made under "Conclusions of Law". Attorney Wijewickrama stated that although Mr. McCoy did not provide character references to support his claim that he does maintain good moral character, Clay County Sheriff Deese testified to his good moral character at the administrative hearing. Sheriff Deese also testified that the local District Attorney supports his decision to employ Mr. McCoy. Attorney David Wijewickrama introduced Clay County Sheriff Deese.

Sheriff Deese addressed the Sheriffs Commission Members and stated that this is his first time attending a Sheriffs' Commission Meeting and that he is impressed. Sheriff Deese stated that the incident involving Mr. McCoy happened approximately 17 years ago. Sheriff Deese stated that for the last two (2) years Mr. McCoy has served as a deputy and has displayed nothing but professional conduct. Mr. McCoy is always the first one to work and the last person to leave. Mr. McCoy is always willing to help and ask if there is anything he can do. Sheriff Deese stated that he has zero hesitation or reservation with regard Mr. McCoy's ability to do his job with honesty and integrity.

Sheriff Deese stated that if he did not believe in Mr. McCoy and trust him, he would not have hired him. Sheriff Deese stated that Mr. McCoy is a stellar employee. Sheriff Deese stated that he spoke with the District Attorney and that she has no problem with prosecuting Mr. McCoy's cases. Sheriff Deese hopes that the Sheriffs' Commission Members will take that into consideration and not let something that happened approximately 17 years ago affect his career now. Sheriff Deese stated that Mr. McCoy is the best employee he has.

Attorney Wijewickrama addressed the Sheriffs' Commission Members and stated that it is his understanding that at this point the facts of the case are not being retried. Attorney Wijewickrama stated that he believes we are here today to review the proposal for decision based on the facts heard at the administrative hearing.

Mr. Scott McCoy addressed the Sheriffs' Commission Members and stated that he does believe he has good moral character. Mr. McCoy stated that he was young and stupid and would never do anything like that again.

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that when she stands before the Commission, she is there to give the Commission Members guidance and counsel based on the law. Ms. Cooper summarized facts of the case from the administrative hearing. Legal Counsel Ameshia Cooper stated that she recommends to deny justice officer certification based on the fact that Mr. Scott McCoy does not maintain the minimum standards required for justice officer certification based upon his lack of good moral character.

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

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

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

A **MOTION** was made by Retired Sheriff Terry Johnson in the matter of Scott McCoy to adopt Legal Counsel's recommendation and deny justice officer certification indefinitely for failure to maintain the minimum standards required for justice officer certification based upon his lack of good moral character; seconded by Sheriff Jack Smith. **[Attachment #31 for Roll Call Vote] [Attachment #32 for Final Agency Decision] MOTION CARRIED.**

A **MOTION** was made by Sheriff Jack Smith to vacate the previous motion action for George Sturges; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***George Sturges**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that it was brought to her attention that Mr. George Sturges is present and was waiting with the people for Probable Cause. Ms. Cooper again summarized the Proposal for Decision for George Sturges as submitted by the Administrative Law Judge **[Attachment #25]**, and the Proposal for Decision as submitted by Legal Counsel. **[Attachment #26]**. Legal Counsel Ameshia Cooper stated that she agrees with the Administrative Law Judge's Proposal for Decision to deny George Sturges certification.

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

Chairman Cloninger asked Mr. Sturges if he had any questions with regard to Legal Counsel's case presentation. Mr. Sturges answered that he did not have any questions.

Mr. Sturges addressed the Sheriffs' Commission Members and stated that he was employed as a mechanic by Kelley Amerit Fleet Services in Asheville. Mr. Sturges stated that he also did after hour work for them. Mr. Sturges stated that he had a conversation with his supervisor, Mr. Petersen to let him know that he was going to quit because of the travel expense he incurred traveling back and forth. Mr. Sturges stated that his supervisor, Mr. Petersen told him that he could use the company van to travel back and forth from home and use the company card for gas. Mr. Sturges stated that when he found out that he was being charged for unauthorized charges on the credit card, he did pay restitution. Mr. Sturges stated that he thought paying restitution was doing the right thing even though he was given permission to use the card.

Sheriff Cloninger asked Mr. Sturges what he told Detective Taylor. Mr. Sturges stated that he does not remember speaking with Detective Taylor.

Sheriff Cloninger asked Legal Counsel Ameshia Cooper what the charges were on the credit card. Ms. Cooper answered that they did not receive that information from Detective Taylor.

Sheriff Cloninger asked Mr. Sturges if he ever used the company credit card for anything other than gas. Mr. Sturges answered no. Mr. Sturges stated that the card was a "gas card" and connected to a specific vehicle.

Sheriff Cloninger asked Mr. Sturges why his supervisor would first give him permission to use the company van and credit card and then say he didn't. Mr. Sturges stated that he believes his supervisor, Mr. Petersen didn't talk to his chain of command for permission to make that offer.

Mr. Sturges thanked the Sheriffs' Commission Members for the opportunity to speak with them. Mr. Sturges stated that he has had the pleasure of working for Madison County Sheriff's Office for more than two (2) years and the time there has been good to him. Mr. Sturges stated that the Commission Members don't know him personally and only know him from what they've read from the case. Mr. Sturges stated that he is a very hard worker, shows up on time, and volunteers to stay late if they ever need it. Mr. Sturges was working full time on a farm and with the Sheriffs' Office. Mr. Sturges stated that he quit the farm job so he could spend more time with his family and focus on his career. Mr. Sturges stated the he is married, has seven (7) children and is the sole provider.

Mr. Sturges stated that this has been a lengthy process and he has spent many days and nights worrying about the outcome. The Administrative Judge told him that the Sheriffs Commission would make the final decision with regard to his justice officer certification.

Mr. Sturges again stated that he was working long hours and was on call for Kelley Amerit Fleet Services. Mr. Sturges stated that if he thought that he was doing anything wrong, he would have contacted the owner. Mr. Sturges stated that he never used the vehicle or gas card for anything other than going to and from work.

Mr. Sturges asked the Sheriffs' Commission Members to please allow him to be certified with the Sheriff's Office. The Chief Administrator of the Sheriff's Office has gone to different hearings with him to show their support. The Chief Deputy had planned to come today, but with the shortage of law enforcement in the office, he was unable to attend. Mr. Sturges stated that he appreciates the Commission Members' time.

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

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

A **MOTION** was made by Sheriff Mike Roberson in the matter of George Sturges to grant justice officer certification since there is insufficient evidence to support the conclusion that Petitioner committed the felony offense of Obtaining Property by False Pretenses; seconded by Sheriff Jack Smith. [**Attachment #33 for Roll Call Vote**] [**Attachment #28 for Final Agency Decision**] **MOTION CARRIED.**

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

IV. 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 #9**].

- Three (3) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Three (3) cases involving felony commissions.
- One (1) case involving four (4) or more Class A and B misdemeanors.
- Two (2) cases involving material misrepresentations.
- Three (3) cases involving a lack of good moral character.

- Two (2) 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.

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

VI. ADJOURNMENT

A **MOTION** was made by Sheriff Mike Roberson to adjourn the December 2020 Sheriffs' Final Agency Decision meeting at 4:00 pm; Seconded by Sheriff Terry Johnson. **MOTION CARRIED.**