

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

DATE: December 12, 2019

TIME: 2:00 P.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 12th at 2:00 P.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 Doug Doughtie
Sheriff Landric Reid
Sheriff Jack Smith
Sheriff Alan Cloninger
Sheriff Dwayne Goodwin
Sheriff Alan Norman
Sheriff Terry Johnson
Sheriff Ed McMahan
Retired Sheriff David Smith
Mr. Marc Nichols

MEMBERS ABSENT

Mr. Jamie Markham
Ms. Tracy McPherson

STAFF

- Jason Caccamo - Legal Counsel - NC Department of Justice
- 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
- Brenda Rivera - 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

- | | |
|--------------------|---------------------------------|
| Jonathan Price | Wake County Sheriff’s Office |
| Derrick Lee | Bertie Martin Regional Jail |
| Angela J. Towns | NC Dept. of Justice |
| Wilton Ellis | Robeson County Detention Center |
| Randy Camacho | Haywood County Sheriff’s Office |
| David Wijewickrama | Attorney for Randy Camacho |
| Jeff Haynes | Haywood County Sheriff’s Office |

III. FINAL AGENCY DECISION

***Randy Santos Camacho**

Jason Caccamo

Legal Counsel Jason Caccamo addressed the Sheriffs' Commission Members and stated that Mr. Randy Santos Camacho is an applicant for justice officer certification with the Haywood County Sheriff's Office. The issue before you to consider for Mr. Camacho is a rule violation based on the contention that Mr. Camacho committed or has been convicted of four or more Class A or B misdemeanors in violation of 12 NCAC 10B.0204(d)(5).

After the issuance of the Probable Cause memorandum, but before the contested case hearing, Mr. Camacho had the cases found under docket numbers 2007CR10790 and 2007CR58947 expunged from his record. Mr. Caccamo summarized the Proposal for Decision for Mr. Randy Santos Camacho as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #2**].

Mr. Caccamo stated that both the Administrative Law Judge and DOJ Legal Counsel agree that since Mr. Camacho obtained the expungements, there is no longer a rule violation and recommend granting certification.

Attorney David Wijewickram addressed the Sheriffs' Commission Members and stated that he did have one clarification to make with regard to Legal Counsel's case summary. Mr. Wijewickram stated that when Mr. Camacho initially went to Buncombe County to have the expungement granted, he spoke to an attorney who submitted the expungement paperwork and did so in error. The only charges titled were the preliminary charges. Therefore, when Mr. Camacho made the initial application he was under the impression that the charges had been expunged when in fact they were not, due to an error in paperwork.

Attorney Wijewickram asked to present a sealed letter from Sheriff Gregory Christopher on behalf of Mr. Camacho. Mr. Wijewickram presented the letter to Legal Counsel for review. Mr. Wijewickram stated the he spoke with Sheriff Christopher the previous night and Sheriff Christopher stated that he has absolute faith and confidence in Mr. Camacho and his abilities. Sheriff Christopher has no concerns with regard to Mr. Camacho's honesty or integrity and he is very pleased with his work performance.

Chief Deputy Jeff Haynes addressed the Sheriffs' Commission Members and stated that Deputy Randy Camacho exemplifies what a Deputy Sheriff should be in the state of North Carolina. Chief Deputy Haynes stated that Mr. Camacho is the example they want deputies to follow. Chief Deputy Haynes asked the Sheriffs' Commission Members to recommend granting Mr. Camacho his certification.

Sheriff Cloninger asked Mr. Randy Camacho if he would like to address the Sheriffs' Commission Members or if he was happy with where things were at. Mr. Camacho stated that he was happy with where things were.

Legal Counsel John Congleton addressed the Sheriffs' Commission Members and stated that after review of Sheriff Gregory Christopher's letter, he has determined that there is no new evidence being introduced. Legal Counsel John Congleton read the letter aloud to the Sheriffs' Commission Members. Sheriff Christopher's letter will be placed in Mr. Camacho's file.

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 Mr. Marc Nichols. **MOTION CARRIED.**

A **MOTION** was made by Mr. Marc Nichols 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. Randy Santos Camacho, to adopt Legal Counsel's Proposed Final Agency Decision and Grant Petitioner's justice officer certification; seconded by Mr. Marc Nichols. **[Attachment #3 for Roll Call Vote] [Attachment #4 for Final Agency Decision] MOTION CARRIED.**

III. FINAL AGENCY DECISION

Brenda Rivera

***Wilton Jeffrey Ellis**

Legal Counsel Brenda Rivera addressed the Sheriffs' Commission Members and stated that Mr. Wilton Jeffrey Ellis is an applicant for justice officer certification with the Robeson County Sheriff's Office. The issue before the Sheriffs' Commission is whether Mr. Ellis committed or has been convicted of four or more Class A or B misdemeanors in violation of 12 NCAC 10B.0204(d)(5). Ms. Rivera summarized the Proposal for Decision for Mr. Wilton Jeffrey Ellis as submitted by the Administrative Law Judge **[Attachment #5]**, and the Proposal for Decision as submitted by Legal Counsel **[Attachment #6]**.

The recommendation of the Administrative Law Judge is that the Sheriffs' Commission find that there was a rule violation but also find extenuating circumstances and stay the denial with probation for a period of two (2) years with 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 agrees with the Administrative Law Judge's recommendation.

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

Mr. Wilton Jeffrey Ellis addressed the Sheriffs' Commission Members and stated that it is a privilege to work with the Robeson County Detention Center. Mr. Ellis stated that he did not ask his attorney to appear with him today because he did not feel that he would need him. Mr. Ellis stated that the offenses occurred a long time ago.

The Class A Misdemeanor conviction of Take/Possess Undersize Spot Trout was due to keeping the fish in a cooler and it shrunk by one-half (1/2) of an inch.

The Class A Misdemeanor conviction of Carrying a Concealed Weapon Offense was due to forgetting that he put the weapon under the seat so no one would steal it and he forgot to remove it.

The Hit and Run/Property Damage offense occurred because he made the mistake of letting his friend drive his vehicle home because he was too tired to drive.

The Assault on a Female offense occurred because his ex-wife hit him so he hit her back. His ex-wife hit him again and he did hit her back.

Mr. Ellis stated that he enjoys his job at the Robeson County Detention Center and that is all he has to say.

Chairman Cloninger asked the Commission if there were any questions.

Mr. Nichols asked Mr. Ellis if he had been drinking when he asked his friend to drive. Mr. Ellis answered that he had one beer. The reason he stopped was to rest because he was too tired to drive.

Mr. Nichols asked if there were marijuana roaches in the ashtray and if they belonged to him. Mr. Ellis answered "yes," but that was a long time ago.

Mr. Nichols asked if he was impaired at the time of the Hit and Run charge. Mr. Ellis answered "no," he had not been drinking.

Mr. Nichols asked Mr. Ellis if drinks or does drugs now. Mr. Ellis stated that he does not drink or do drugs and that he tries to live a healthy lifestyle and sings in the church choir.

Sheriff Johnson asked if Mr. Ellis had a permit to purchase the handgun from his friend. Mr. Ellis answered “no.” Sheriff Johnson asked who the gun was registered to. Mr. Ellis answered that it may have been registered to his friend.

Mr. Nichols asked Mr. Ellis if he ever attended any type of rehab. Mr. Ellis answered “no.”

Legal Counsel Brenda Rivera addressed the Sheriffs’ Commission Members and stated that the Administrative Law Judge did find extenuating circumstances for the recommendation of a probation period.

Chairman Cloninger asked the Commission if there were any more questions. 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 Landric Reid to enter into open session; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon in the matter of Wilton Jeffrey Ellis to adopt the Legal Counsel’s Proposed Final Agency Decision and deny certification; however, that period of denial is substituted with a two (2) year period of probation 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 Dwayne Goodwin. [**Attachment #7 for Roll Call Vote**] [**Attachment #8 for Final Agency Decision**] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Jason Caccamo

***Derrick Demond Lee**

Legal Counsel Jason Caccamo addressed the Sheriffs' Commission Members and stated that Mr. Derrick Demond Lee is a detention officer applicant with Bertie Martin Regional Jail. The issue for the Sheriffs' Commission Members to consider is material misrepresentation, a violation rules 12 NCAC 10B .0204(c) (1) and (2). Mr. Caccamo 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 deny certification; however, to stay the denial with a probationary period. Legal Counsel's recommendation is to deny certification and to stay the denial with a six (6) month probationary period. Legal Counsel Jason Caccamo stated that the Sheriffs' Commission Members could determine the length of the probationary period if they believe that Mr. Lee did make the material misrepresentation.

Mr. Derrick Demond Lee addressed the Sheriffs' Commission Members and asked for their mercy. Mr. Lee apologized to the Commission Members and stated that during the time of being dismissed from the Department of Corrections and seeking work and he felt that the Bertie Martin Regional Jail position was giving him another shot at his career. Mr. Lee stated that he explained everything that happened at the Department of Corrections to his Captain. Mr. Lee stated that he realizes how important honesty is. Mr. Lee informed the Sheriffs' Commission Members that he is a single parent and was bouncing from job to job after his dismissal. Mr. Lee stated that he has three (3) children now but had custody of two (2) children during that time. Mr. Lee stated that he was afraid he would not be hired if he put the dismissal information on the F-3 form while applying at Bertie Martin Regional Jail.

Sheriff Cloninger asked Mr. Lee if he lied on his F-3. Mr. Lee responded that he did lie and that he has learned a lesson as to how important it is to be truthful.

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 Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon to enter into open session; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson to adopt Legal Counsel's Proposed Final Agency Decision in the matter of Mr. Derrick Demond Lee and deny Petitioner's justice officer certification for a period of five (5) years; however, based upon extenuating circumstances, Petitioner shall be placed on probation for five (5) years in lieu of denial, on the condition that Petitioner shall not violate any federal law, any law of the State of North Carolina, any rules of Respondent Commission or the North Carolina Criminal Justice Education and Training Standards Commission; seconded by Mr. Marc Nichols. **[Attachment #11 for Roll Call Vote] [Attachment #12 for Final Agency Decision] MOTION CARRIED.**

IV. CONSENT AGREEMENT

Levi Johnson Simmons – Lenoir County Deputy – Commission of 4 or more Class A or B Misdemeanors

A **MOTION** was made by Mr. Marc Nichols to approve the Consent Agreement for Mr. Levi Johnson Simmons; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

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 #13].

- Five (5) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Five (5) cases involving felony commissions.
- Six (6) cases involving four (4) or more Class A and B misdemeanors.
- Four (4) cases involving material misrepresentations.
- Eight (8) cases involving a lack of good moral character.
- Five (5) 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 Terry Johnson to adjourn the December 2019, Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Landrick Reid. **MOTION CARRIED.**