

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

**DATE:** September 12, 2019

**TIME:** 12:00 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, September 12th at 12:00 P.M. The Final Agency Decision meeting was held at the Cleveland County Public Health Center, 200 S. Post Road, Shelby, NC 28152.

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

**MEMBERS PRESENT**

Sheriff Doug Doughtie  
Sheriff Ricky Oliver  
Sheriff Steve Bizzell  
Sheriff Jack Smith  
Sheriff Alan Cloninger  
Sheriff Dwayne Goodwin  
Sheriff Alan Jones  
Sheriff David Mahoney  
Sheriff Alan Norman  
Sheriff Terry Johnson  
Sheriff Landric Reid  
Sheriff John Ingram  
Retired Sheriff David Smith  
Mr. Marc Nichols

**MEMBERS ABSENT**

Ms. Tracy McPherson  
Sheriff Ed McMahan  
Mr. Jamie Markham

Chairman Cloninger stated that there is a quorum.

**STAFF**

Marie Evitt	-	Legal Counsel - NC Department of Justice
Ameshia Cooper	-	Legal Counsel – NC Department of Justice
Diane Konopka	-	Director - Sheriffs' Standards Division
Judy Marchetti	-	Admin. Assistant – Sheriffs’ Standards Division
Chris Brooks	-	NC Dept. of Justice

Chairman Cloninger welcomed everyone to the meeting and thanked the visitors for taking time from their schedule to attend. Sheriff Cloninger introduced Cleveland County Sheriff Alan Norman and thanked him for his hospitality and being so gracious to host the September Sheriffs’ Commission Meeting.

Sheriff Norman addressed the Sheriffs’ Commission Members and stated that he is very happy to host the meeting. Sheriff Norman offered the Sheriff’s Office services for anyone who needs anything during their stay. Sheriff Norman invited the Commission Members for dinner at Toscanos Bistro and will provide a van to pick everyone up at the hotel.

Sheriff Norman introduced the Cleveland County Manager, Brian Epley and County Commissioner Vice-Chair, Ronnie Whetstine. Mr. Whetstine address the Sheriffs’ Commission and stated that they appreciate the Sheriffs’ Commission holding their quarterly Commission Meeting in Shelby and are proud of the facilities they have to offer. Mr. Epley also stated that it is their pleasure to host the September Sheriffs Commission Meeting and that they are sure the Commission Members will find Cleveland County very hospitable. Mr. Epley stated that they are pro law enforcement and appreciate everything law enforcement does for their respective communities.

In the first order of business, Legal Counsel Chris Brooks 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 Chris Brooks 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.

## **II. ADMINISTRATION OF OATH OF OFFICE**

Notary, Judy Marchetti, administered the oath of office to:

Governor's Appointee  
Commission District #3  
Commission District #6  
Commission District #9

Retired Sheriff David Smith  
Sheriff Doug Doughtie  
Sheriff Terry Johnson  
Sheriff Alan Jones

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

## **VISITORS**

Leslie Cooley-Dismukes Assistant AG  
Matthew Jason Lee  
Kevin Klinglesmith  
James Bailey  
Denise Smith  
Brittany Edwards  
Franklin A. Hiller  
Tommie Thomas

Dept. of Justice, Assistant AG  
Duplin County Sheriff's Office  
Cabarrus County Sheriff's Office  
Cabarrus County Sheriff's Office  
Granville County Sheriff's Office  
DOJ – Special Prosecution AG's Office  
Onslow County Sheriff's Office  
Onslow County Sheriff's Office

Legal Counsel Marie Evitt introduced the newest member of the Legal Counsel team, Ms. Ameshia Cooper.

Chairman Cloninger thanked Ms. Evitt for her service as the Sheriffs' Standards Legal Counsel and wished her well in her new position with the Sheriffs' Association.

## **III. FINAL AGENCY DECISION**

**\*Franklin Andrew Hiller**

**Marie Evitt**

Legal Counsel Marie Evitt addressed the Sheriffs' Commission Members and stated that Mr. Franklin Andrew Hiller is an applicant for justice officer certification with the Onslow County Sheriffs' Office. The issue before you to consider is whether or not Mr. Hiller knowingly made a material misrepresentation of information (rule 12 NCAC 10B .0204 (c)(1) and/or (c)(2).) Ms. Evitt summarized the Proposal for Decision for Mr. Franklin Hiller as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #2**].

The Administrative Law Judge and Legal Counsel do believe that there was Material Misrepresentation but that there were extenuating circumstances involved. Both Legal Counsel and the Administrative Law Judge recommend that Petitioner's justice officer certification should be denied, but that denial should be stayed for a period of six (6) months during which time Petitioner shall not violate any laws 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; and to grant certification after that stay.

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

Mr. Hiller addressed the Sheriffs' Commission Members and stated that when he filled out the first F-3 with Corrections, he was young and in a panic. Mr. Hiller stated that he made a stupid mistake. Mr. Hiller stated that working in the Onslow County Detention Center is his passion. Working as a Detention Officer is what he is good at and that is what he wants to do. Mr. Hiller stated that he hopes the Sheriffs' Commission will allow him to continue to do what he loves.

Chairman Cloninger asked the Commission if there were any questions.

Sheriff Goodwin asked how old Mr. Hiller was when he experimented with marijuana. Mr. Hiller answered that he was in High School. Mr. Hiller joined the military when he was 17-18 years old for two (2) years. After the military he experimented with steroids in his early 20's.

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

Major Tommy Thomas of Onslow County addressed the Sheriffs' Commission Members on Mr. Hiller's behalf. Major Thomas stated that Mr. Hiller is an excellent employee. Mr. Hiller is not one of those employees that is just waiting to get out of the Detention Center to become a deputy. Major Thomas stated that Mr. Hiller is definitely an asset to them.

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

A **MOTION** was made by Sheriff Goodwin to enter into a closed session; seconded by Mr. Marc Nichols. **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 Dwayne Goodwin in the matter of Mr. Franklin Andrew Hiller, to adopt Legal Counsel's Proposed Final Agency Decision and Deny Petitioner's justice officer certification, however that denial should be stayed for a period of six (6) months during which time Petitioner shall not violate any laws (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 Alan Norman. **[Attachment #3 for Roll Call Vote] [Attachment #4 for Final Agency Decision] MOTION CARRIED.**

### **III. FINAL AGENCY DECISION**

**Ameshia Cooper**

#### **\*Matthew Jason Lee**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Matthew Jason Lee is an applicant for justice officer certification with Duplin County Sheriffs' Office. The issues before the Sheriffs' Commission is whether Mr. Lee committed four (4) or more Class A or Class B Misdemeanors, and whether Mr. Lee made a Material Misrepresentation on his Personal History Statement (F-3)

Ms. Cooper summarized the Proposal for Decision for Mr. Matthew Jason Lee 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 findings of the Probable Cause Committee are supported by substantial evidence and to Suspend Petitioner's justice officer certification. The recommendation of Legal Counsel is to deny Petitioner's justice officer certification, but that denial be suspended for a period of eighteen months on condition that Petitioner not violate any law of this state or of any other state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission.

Mr. Lee addressed the Sheriffs Commission Members and stated that he was under the assumption that the charges were infractions so he didn't list them on anything from BLET through the Duplin County Sheriffs' Office application. Mr. Lee stated that there was nothing that he was trying to hide, he just didn't know that he needed to list them. Mr. Lee stated that he is an auxiliary officer and does not want to lose his BLET.

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

A **MOTION** was made by Sheriff Dwayne Goodwin 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 Landric Reid. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson in the matter of Mr. Matthew Jason Lee to adopt Legal Counsel's Proposed Final Agency Decision to deny Petitioner's justice officer certification, but that denial is suspended for a period of eighteen months on condition that Petitioner not violate any law (other than infractions) of this state or of 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 Marc Nichols. [**Attachment #7 for Roll Call Vote**] [**Attachment #8 for Final Agency Decision**] **MOTION CARRIED.**

### **III. FINAL AGENCY DECISION**

**\*David Stewart Price**

**Ameshia Cooper**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. David Stewart Price did receive proper notification for today's hearing. Mr. Price is not present. Mr. David Stewart Price is certified justice officer with the Cumberland County Sheriff's Office.

The issue before the Sheriffs' Commission is whether or not to revoke/deny Mr. Price's justice officer certification for failure to meet the minimum standards of any of the employment or certification standards required by 12 NCAC 10B.0300. Specifically, violation of not notifying the Standards Division of his criminal charges within five (5) business days.

Legal Counsel Ameshia 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 found extenuating circumstances with regard to the violation and cited that the Petitioner's did not intentionally withhold knowledge of the charges. The Administrative Law Judge's recommendation was to place Petitioner on probation for a period of three (3) years from the date of the unreported arrest which was April 03, 2017.

Legal Counsel's recommendation is to deny Petitioner's justice officer certification for a period of not less than five (5) years; however, based on the extenuating circumstances, the denial should be Suspended and Petitioner placed on probation for a period of three (3) years on the conditions that Petitioner shall not violate any federal law, any law of the State of North Carolina (other than minor traffic offenses), any rules of Respondent Commission or the North Carolina Criminal Justice Education and Training Standards Commission.

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 Alan Norman. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Dwayne Goodwin to adopt Legal Counsel's Proposed Final Agency Decision in the matter of Mr. David Price and deny Petitioner's justice officer certification; however, based on the extenuating circumstances, the denial should be suspended and Petitioner placed on Probation for a period of three (3) years on the conditions that Petitioner shall not violate any federal law, any law of the State of North Carolina (other than minor traffic offenses), any rules of Respondent Commission or the North Carolina Criminal Justice Education and Training Standards Commission; seconded by Sheriff Landric Reid. [**Attachment #11 for Roll Call Vote**] [**Attachment #12 for Final Agency Decision**] **MOTION CARRIED.**

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

#### **IV. LEGAL COUNSEL'S REPORT**

Ms. Marie Evitt summarized the 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. Evitt reviewed the various stages of litigation for the administrative cases as follows:

**[See Attachment #13].**

- Six (6) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Five (5) cases involving felony commissions.
- Four (4) cases involving four (4) or more Class A and B misdemeanors.
- Two (2) cases involving material misrepresentations.
- Six (6) cases involving a lack of good moral character.
- Three (3) 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 Mr. Marc Nichols to adjourn the September 12, 2019, Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Terry Johnson. **MOTION CARRIED.**