

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

**DATE:** October 04, 2018

**TIME:** 2:05 P.M.

**SUBMITTED BY:** Diane Konopka, Director Sheriffs' Standards Division

**I. CALL TO ORDER**

**Sheriff Brad Riley**

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Brad Riley on Thursday, October 04th at 2:05 P.M. The Final Agency Decision meeting was held at the Guilford County Sheriff's District 2 Office, 5440 Millstream Road, McLeansville, NC.

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

**MEMBERS PRESENT**

Sheriff Dwayne Goodwin  
Sheriff Ricky Oliver  
Sheriff Jack Smith  
Sheriff Alan Cloninger  
Sheriff Ed McMahan  
Sheriff Brad Riley  
Sheriff Steve Bizzell

**MEMBERS ABSENT**

Mr. Zack Koonce  
Ms. Tracy McPherson  
Mr. Jamie Markham  
Mr. Marc Nichols  
Sheriff Alan Norman

## **STAFF**

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

Chairman Riley welcomed everyone to the meeting and thanked visitors for taking time from their schedule to attend. Chairman Riley also thanked Sheriff Barnes for offering to host the Sheriffs' Commission Meeting after the originally scheduled September Sheriffs' Commission Meeting to be held in New Bern was cancelled due to hurricane Florence.

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 from all Commission members.

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

## **VISITORS**

Jason Andrews	Bladen County Sheriff's Office
LaShonda Owens	Northampton County Sheriff's Office
Major Anna Gee	Northampton County Sheriff's Office
Cpt. Milton Drew	Northampton County Sheriff's Office
James Locklear	Robeson County Sheriff's Office
Jerry Blount	Robeson County Sheriff's Office
Lewis Woodard	Robeson County Sheriff's Office
Olavio Lopes	Martin County Sheriff's Office
Kelli Oakley	Charles Oakley wife

Charlie Oakley  
Sheriff Dewey Jones  
Lance White  
Mike McGuinness, Esquire  
Sheriff David Mahoney  
Sheriff Alan Jones  
Sheriff B. J. Barnes  
Sheriff John Ingram

Person County Sheriff's Office  
Person County Sheriff  
Wayne County Sheriff's Office  
Attorney for Charlie Oakley  
Transylvania County  
Caldwell County  
Guilford County  
Brunswick County

**\*Administration of Oath of Office**

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

Commission District #2  
Commission District #5  
Commission District #8  
Commission District #10  
Eastern At-Large  
Western At-Large

Sheriff Jack Smith  
Sheriff William Oliver  
Sheriff Brad Riley  
Sheriff David Mahoney  
Sheriff Edward McMahan  
Sheriff Alan Cloninger

**II. FINAL AGENCY DECISION**

**\*Charlie Morris Oakley, Jr.**

**Whitney Belich**

Mr. Charlie Oakley is a Justice Officer with the Person County Sheriff's Office. He is represented by Attorney Mike McGuinness. There are two (2) issues in this case. The first is whether Mr. Oakley made a Material Misrepresentation on his application. The second is the failure to notify the Sheriffs' Standards Division within the five (5) day rule of a criminal offense. The criminal offense was Criminal Contempt.

Ms. Belich summarized the Proposal for Decision for Mr. Charlie Oakley as submitted by the Administrative Law Judge [**Attachment #1**]. Ms. Belich recommended that the Sheriffs' Commission Members adopt the Administrative Law Judge's Proposal for Decision, except for the burden of proof language found in the Conclusions of Law #7 – 9.

The Administrative Law Judge concluded that based on the foregoing Findings of Fact and Conclusions of Law, Petitioner's certification as a justice officer be granted.

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

Attorney McGuinness spoke on the behalf of Mr. Charlie Oakley, Jr. Mr. McGuinness stated that he was proud to attend and speak on the behalf of Mr. Oakley. Mr. McGuinness stated that Mr. Oakley had been in law enforcement for approximately 20 years and that Sheriff Jones of Person County spoke very highly of him.

Mr. McGuinness believes that the Administrative Law Judge's Proposed Final Agency Decision was well done, an accurate and fair summary of the facts. Mr. McGuinness applauds Legal Counsel for the recommendation to accept the Administrative Law Judge's Proposal. Attorney McGuinness also recommends that the Sheriffs' Commission adopt the the Administrative Law Judge's Proposal with the exception of the burden of proof language found in the Conclusions of Law #7 – 9.

Mr. Charlie Oakley addressed the Sheriffs' Commission Members and stated that when he received the "Show Cause" citation he did not realize it was a criminal offense and thought it was to appear on behalf of why he should be held in contempt. Mr. Oakley stated that his father had a stroke and he had taken his father in his wheelchair to a Blue Grass Festival and was in attendance when he received the call about not being at his court date. Mr. Oakley explained what was going on to the District Attorney but the "Show Cause" citation was issued. He thanked the Sheriffs' Commission Members for their time.

Sheriff Dewey Jones of Person County spoke on behalf of Mr. Oakley. Sheriff Jones stated that he doesn't go to bat for everybody but does feel Mr. Oakley is worth going to bat for. When Sheriff Jones spoke to the Judge about the issue, he stated that he did not intend for it to be criminal. Sheriff Jones stated that Mr. Oakley should not have been on the list to appear in court that day since he had the day scheduled off and that was a mix-up. The Sheriffs' Office tries to save on overtime by scheduling officers when they are on duty.

Sheriff Jones stated that Mr. Oakley is a family man and that he looks after his dad who retired with 30 years of law enforcement service. Sheriff Jones stated that Mr. Oakley is a great asset and always available when needed. Sheriff Jones thanked the Sheriffs' Commission Members for their consideration.

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

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

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Charlie Morris Oakley, Jr., that Petitioner's certification as a justice officer be granted; seconded by Sheriff Steve Bizzell. **[Attachment #2 for Roll Call Vote] [Attachment #3 for Final Agency Decision] MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*James Casey Locklear**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. James Locklear is an applicant for justice officer certification with Robeson County Sheriff's Office. There are two (2) issues in this case. The first is whether Mr. Locklear committed the Class B Misdemeanor of "Willfully Failing to Discharge Duties". The second is whether the Petitioner lacks the good moral character required of a justice officer.

Ms. Belich summarized the Proposal for Decision for Mr. James Locklear as submitted by the Administrative Law Judge [**Attachment #4**]. Mr. Locklear admitted at the Administrative Hearing that he did void the ticket after previously lying to his superiors and the Investigator.

The Administrative Law Judge recommends, and Legal Counsel agrees, that the Petitioner did commit the Class B Misdemeanor of "Willfully Failing to Discharge Duties" and defying a direct order from his commanding officer. The Administrative Law Judge and Legal Counsel also agree that Petitioner lacks the good moral character required of a justice officer.

Ms. Belich stated that the only change Legal Counsel has to the Administrative Law Judge's decision is that the ALJ recommended a limitation of the lack of good moral character. That limitation is inconsistent with the wording of the rules for the Commission. Lack of good moral character finding merits an indefinite suspension.

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

Mr. James Casey Locklear addressed the Sheriffs' Commission Members and stated that he has worked with the Sheriff's Office for one (1) year and 11 months. He loves his job and what he does. Mr. Locklear admits that what he did was wrong and a stupid decision. Mr. Locklear stated that he knows the ethics of a law enforcement officer is to be honest and he doesn't know what he was thinking that day.

Sgt. Lewis Woodard, Training Coordinator for the Robeson County Sheriff's Office spoke on behalf of Mr. Locklear. Sgt. Woodard has known Mr. Locklear since BLET. Sgt. Woodard stated that Mr. Locklear would call and ask for help if he needed it and knows that he was trying very hard to be a good officer. Sgt. Woodard considers Mr. Locklear a really good deputy and he has never had any issues with him. Sgt. Woodard stated that Mr. Locklear is a family man and he also knows his mother. Sgt. Woodard realizes that Mr. Locklear made a mistake but believes a lot of mistakes are made as a younger person that would not happen even a year later. Sgt. Woodard does not believe the Mr. Locklear would ever do something like that again.

Mr. Jerry Blount of the Robeson County Sheriff's Office spoke on behalf of Mr. Locklear. Mr. Blount stated that he knew Mr. Locklear while he worked at the Fairmont Police Department and the Sheriff's Office. Mr. Blount has spoken briefly with Mr. Locklear regarding the situation. Mr. Blount's personal opinion is that the Fairmont Police Department's training is not as robust as the Sheriff's Office. Mr. Blount agrees that it wasn't right for Mr. Locklear to lie. Mr. Blount has supervised Mr. Locklear while on over-lapping shifts and believes Mr. Locklear to be "stand-up." Mr. Blount believes Mr. Locklear to be a good deputy and would hate to see him lose his career over this. Mr. Blount also stated that he doesn't speak on the behalf of just anyone and the Sheriffs' Commission won't see him often. Mr. Blount thanked the Sheriffs' Commission Members for their time.

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

Sheriff Bizzell asked Mr. Locklear if on June 20, 2016, he saw the person driving. Mr. Locklear answered that he did not.

Sheriff Bizzell confirmed with Mr. Locklear that Detective Spivey told Mr. Locklear that the Chief wanted him to write the citation which he did later on even though he did not see the person driving. Mr. Locklear stated that is correct. Mr. Locklear also stated that he did not feel good about writing the citation when he didn't see the person driving and decided to void it.

Sheriff Bizzell asked if Mr. Locklear ever shared his feelings with the Chief about writing a citation when he didn't see the driver. Mr. Locklear stated that he did not share that with the Chief.

Sheriff Oliver asked Mr. Locklear who the people were that he lied three (3) times to. Mr. Locklear stated that he lied to the Chief three (3) times. The Chief had asked him three times during the interview.

Legal Counsel Whitney Belich made a clarification to a question from one Sheriff Oliver. The questions was what the three (3) times were that Mr. Locklear lied. Mr. Locklear lied three (3) times to the Chief but they were not all during the same interview.

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

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

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Locklear to adopt Legal Counsel's Proposed Final Agency Decision to deny Petitioner's Justice Officer Certification indefinitely; seconded by Sheriff Ricky Oliver. **[Attachment #5 for Roll Call Vote] [Attachment #6 for Final Agency Decision] MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*Olavio Diaz Lopes**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. Olavio was certified with the Martin County Sheriff's Office. The issue is whether the Petitioner committed the Class B Misdemeanor Child Abuse.

Ms. Belich summarized the Proposal for Decision for Mr. Olavio Lopes as submitted by the Administrative Law Judge **[Attachment #7]**. Legal Counsel Whitney Belich recommended that the Sheriffs' Commission Members accept the Administrative Law Judge's Proposed Final Agency Decision to revoke Petitioner's Justice Officer Certification for a period of five (5) years.

Mr. Olavio Lopes addressed the Sheriffs' Commission Members. Mr. Lopes stated that his daughter was born in May 30, 2013 and was hospitalized for a week after her birth due to complications which included turning purple, not feeding and being lethargic. A year prior they had lost a baby boy at birth and were very happy when they received news that they could bring their baby home. The baby was approx. 5.5lbs when they brought her home. The baby continued to have issues while at home and seemed to sleep all the time. They contacted the Pediatric Doctor and he told them the issues were normal.

Mr. Lopes stated that his wife had studied to be an EMT. His wife told him she thought the baby had a head injury because she was stuck during birth. His wife was not able to have a vaginal birth and the doctor ended up doing a C-section. Mr. Lopes stated that the baby's head was cone shaped from being stuck in the birth canal.

Mr. Lopes stated that his parents came down from New York to stay with them for three (3) months. One day they noticed the baby's eyes were wide open but it seemed like her head was swelling. They took her to Greenville and she was hospitalized for a month. Hospital personnel interviewed all four (4) adults that were living in the house. Hospital personnel told them that the baby looked like she had been thrown off a two story building.

Mr. Lopes stated that he spoke to his Sheriff about the situation after the hospital interview and continued to keep him updated. Mr. Lopes had his Sheriff's support and concern. He continued to work on the road as a deputy.

When the baby was released from the hospital, she was placed in the custody of his aunt until the child turned four (4). The baby did have a fall while his parents were there but she looked ok and they did not bring her to a doctor. Mr. Lopes stated that he recently received custody of his child this past July. Mr. Lopes was shocked when he received an indictment three (3) years after the incident. He had been working as a deputy and as a School Resource Officer. Mr. Lopes stated that he asked the investigator with the Washington Police Department what happened. The investigator told him that they did not have any evidence of him abusing his child. During the entire time of the investigation, he was never interviewed.

Mr. Lopes believes that his child was a victim of malpractice that was being covered up. Mr. Lopes stated that he is a good person and has never had violence in his life. Mr. Lopes grew up in a military family with respect. He loved his law enforcement career of almost ten years and would like to continue that career. Mr. Lopes stated that he does have another job but it does not have the same pay and his wife is currently pregnant.

Chairman Riley asked the Commission if there were any questions.

Sheriff McMahan asked when your baby was born. Mr. Lopes answered, May 30, 2013

Sheriff McMahan asked when he was charged. Mr. Lopes answered, March 07, 2017

Sheriff Cloninger asked how old the baby was when the injuries occurred. Mr. Lopes answered, seven (7) weeks.

Sheriff Riley asked what Mr. Lopes believed the injuries resulted from. Mr. Lopes responded that he believes they happened during birth when she was stuck in the birth canal.



Sheriff Riley asked Mr. Lopes about his plea of guilty in open court. Mr. Lopes responded that he was offered a deal and pled guilty.

Sheriff Cloninger asked when he lost custody of his child. Mr. Lopes responded August, 2017. Sheriff Cloninger asked Mr. Lopes if he ever struck his child and if he caused the injuries. Mr. Lopes responded no, he did not.

Sheriff Cloninger asked Mr. Lopes if he was ever accused of excessive force. Mr. Lopes responded never.

Sheriff Cloninger asked how many times he was disciplined as a law enforcement officer. Mr. Lopes responded never.

Sheriff Smith asked if his wife was ever charged. Mr. Lopes stated yes, as a Class II Felony which was pled down to an E Felony.

Sheriff Cloninger asked if Mr. Lopes and his wife were still married. Mr. Lopes answered yes.

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

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

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

A **MOTION** was made by Sheriff Ed McMahon in the matter of Mr. Olavio Lopes to adopt Legal Counsel's Proposed Final Agency Decision to Revoke Petitioner's Justice Officer Certification for five (5) years based on Petitioner's conviction of the Class B misdemeanor of "Misdemeanor Child Abuse"; seconded by Sheriff Ricky Oliver. [**Attachment #8 for Roll Call Vote**] [**Attachment #9 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*Jason George Andrews**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. Andrews is an applicant for justice officer certification with Bladen County Sheriffs' Office. The issue is whether the Petitioner committed four (4) or more Class A or B Misdemeanors.

Ms. Belich summarized the Proposal for Decision for Mr. Jason George Andrews as submitted by the Administrative Law Judge [**Attachment #10**]. Legal Counsel Whitney Belich recommended that the Sheriffs' Commission Members accept the Administrative Law Judge's Proposed Final Agency Decision to grant Petitioner's Justice Officer Certification.

Mr. Andrews addressed the Sheriffs' Commission Members and thanked them for their time to hear his case. Mr. Andrews stated that law enforcement is his second career. His first career was a towing automotive business in Robeson County. The two charges that he pled guilty to involve a tow truck and a cable that was stretched across the road while he was in the middle of a recovery. A car hit the cable and he was charged two (2) days after the incident. Mr. Andrews went to court without a lawyer thinking that the charge would be thrown out. Instead he received one (1) year unsupervised probation. This incident happened approximately ten years ago.

The second offense that he pled guilty to was use of red or blue light. The light he activated in his vehicle was a red light but it was his map light. Mr. Andrews stated that he only activated the light once he was pulled over. Mr. Andrews stated that back then he did receive a lot of speeding tickets.

Mr. Andrews stated that the charge of Injury to Personal Property was taken out by an ex-girlfriend that claimed he kicked her car. Mr. Andrews stated that he does not recall doing that. At the time the ex-girlfriend was using a vehicle that belonged to him. He did remove a fuse so the vehicle would not operate. When he went to court he showed the District Attorney that he owned the vehicle and his ex-girlfriend, Heather Williams, did not show up for court. The charge was dismissed.

Mr. Andrews stated that the charge of Assault to Inflict Serious Injury was in 2011. At the time he was the Operational Manager of Rise & Shine Towing and Auto Service. Mr. Andrews stated that he had approximately 12 employees reporting to him. Mr. Phillip Jacobs was one of his tow truck drivers. Mr. Andrews stated that he called on Mr. Jacobs to do a tow job and Mr. Jacobs refused. Mr. Andrews stated that he then fired him and asked Mr. Jacobs to leave the premises. As Mr. Jacobs was leaving the building he put his hand in his pocket where he keeps a knife and came at him. Mr. Andrews stated that he shoved Mr. Jacobs away. At the time, Mr. Andrews stated that he had witnesses and video surveillance.

When they went to court, Mr. Jacobs said that the only reason he dropped the charges was because of the cost of a lawyer. Mr. Andrews stated that Mr. Jacobs had a public defender. Mr. Andrews stated that he did not have an attorney but did bring a witness and the surveillance tape. Mr. Jacobs Public Defender spoke with Mr. Andrews about the case and once he saw the surveillance tape the charges were dropped. Mr. Andrews thought that was the end of it until he was called on for Probable Cause.

Mr. Andrews stated that he really enjoys his job and helping people. Mr. Andrews stated that his previous career was a substantial one but he wanted less stress and to be in law enforcement. Mr. Andrews stated that he has custody of his two (2) children and this job allows him to spend more time with them. Mr. Andrews stated that he hopes the Sheriffs' Commission Members will grant his certification so he can continue his career.

Chairman Riley 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 Ricky Oliver. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Ed McMahon in the matter of Mr. Jason George Andrews to adopt Legal Counsel's Proposed Final Agency Decision to grant Petitioner's Justice Officer Certification; seconded by Sheriff Jack Smith. [**Attachment #11 for Roll Call Vote**] [**Attachment #12 for Final Agency Decision**] **MOTION CARRIED.**

## II. FINAL AGENCY DECISION

Whitney Belich

### **\*LaShonda Owens**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Ms. Owens is a Detention Officer applicant with Northampton County Sheriffs' Office. The issue is whether the Petitioner committed four (4) or more Class A or B Misdemeanors. At the time the Probable Cause Committee convened Ms. Owens had been convicted of five (5) misdemeanors. By the time of the Administrative Hearing, Ms. Owens had two convictions expunged.

Ms. Belich summarized the Proposal for Decision for Ms. Owens as submitted by the Administrative Law Judge [**Attachment #13**]. Legal Counsel Whitney Belich recommended that the Sheriffs' Commission Members accept the Administrative Law Judge's Proposed Final Agency Decision to grant Petitioner's Justice Officer Certification since there is no longer a rule violation.

Ms. LaShonda Owens addressed the Sheriffs' Commission and stated that she has been at the Detention Center since 2016 and enjoys her job. Ms. Owens stated that she was young and made some bad decisions. Ms. Owens wants to move forward with her career and has two children. One child is currently in college.

Mr. Milton Drew spoke on behalf of LaShonda Owens and stated that he has never had such a dedicated employee. She is always at work on time and does a good job. Major Anderson has no problems with Ms. Owens and hopes she can keep her job.

Major Anderson spoke on behalf of LaShonda Owens and stated that LaShonda Owens is a very good employee and is always at work on time. Major Anderson has not had any problems with Ms. Owens since her employment. Major Anderson was Ms. Owens supervisor initially but has now become the Jail Administrator. Major Anderson hopes to keep Ms. Owens in her job and does not want to lose her.

Chairman Riley 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 Ricky Oliver. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Steve Bizzell in the matter of Ms. LaShonda Owens to adopt Legal Counsel's Proposed Final Agency Decision to grant Petitioner's Detention Officer Certification; seconded by Sheriff Ricky Oliver. Sheriff Jack Smith recused himself from the vote [**Attachment #14 for Roll Call Vote**] [**Attachment #15 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*Lance White**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. Lance White is a Detention Officer applicant with Wayne County Sheriffs' Office. The issue with Mr. White's case is that Probable Cause was found and Mr. White requested an Administrative Hearing. The Office of Administrative Hearings issued an order that Mr. White complete pre-hearing statements. That was not done and a second order to complete pre-hearing statements was issued. The second order also was not done. Because of this his case was dismissed from the Office of Administrative Hearings. After this happened, Mr. White contacted Legal Counsel's office. Mr. White stated that he was having his mail sent to his father's house and he had a mail issue and did not receive the request to complete pre-hearing statements.

Legal Counsel stated that the Sheriffs' Commission can accept the dismissal from the Office of Administrative Hearings or request that his case be sent back to the Office of Administrative Hearings.

Mr. White addressed the Sheriffs' Commission Members and stated that he apologizes for the mix-up that happened with his mail. Mr. White also apologized for his appearance of dress. Mr. White stated that he has his mail sent to his dad's house because he doesn't trust receiving mail where he lives. His father was uncomfortable signing for his certified mail. When he received the phone call from Legal Counsel about the situation, he went to the post office and retrieved his certified mail.

Mr. White stated that he received a ticket for drag racing but that he didn't take off fast to race. The other car next to him at the light did but Mr. White's truck was loud and law enforcement pulled him over. When he went to court he pled not guilty and had a lawyer. The charge was reduced.

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

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

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Lance White to Remand his case back to the Office of Administrative Hearings; seconded by Sheriff Steve Bizzell. **[Attachment #16 for Roll Call Vote] MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*Bernard Walker**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. Bernard Walker was a certified justice officer with the Mecklenburg County Sheriff's Office. Mr. Walker is in the same situation as Mr. Lance White except that Mr. Walker told Legal Counsel that he was not going to appear at his scheduled Administrative Hearing.

Sheriff Riley asked if Mr. Walker was present or if anyone was present to speak on the behalf of Mr. Bernard Walker. Negative response.

A **MOTION** was made by Sheriff Ricky Oliver to enter into a closed session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Bernard Walker to accept the recommendation of the Administrative Law Judge's decision to dismiss Mr. Bernard Walker's case; seconded by Sheriff Ed McMahon. [**Attachment #17 for Roll Call Vote**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*Richard Neal Shipper**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. Richard Shipper was an applicant for justice officer certification with Carteret County Sheriffs' Office. The issue is whether Petitioner committed a combination of 4 or more Class A or B Misdemeanors. All of his Class A or B Misdemeanors were in Tennessee.

Ms. Belich summarized the Proposal for Decision for Mr. Richard Shipper as submitted by the Administrative Law Judge [**Attachment #18**]. Legal Counsel recommended the Sheriffs' Commission Members adopt the Administrative Law Judge's Proposal for Decision.

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

Chairman Riley asked if Mr. Shipper was present or if anyone was present to speak on the behalf of Mr. Shipper. Negative response.

For the record, Legal Counsel Whitney Belich stated that Mr. Shipper was notified of the new date and location for Final Agency Decision.

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

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Richard Neal Shipper to adopt Legal Counsel's Proposed Final Agency Decision to deny Petitioner's Justice Officer Certification; however, that period of denial is suspended for a period of two years 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 Sheriffs' Education and Training Standards Commission; seconded by Sheriff Jack Smith. [**Attachment #19 for Roll Call Vote**] [**Attachment #20 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**Whitney Belich**

### **\*Nicholas Chase Worsley**

Legal Counsel Whitney Belich addressed the Sheriffs' Commission Members and stated that Mr. Nicholas Worsley is an applicant for justice officer certification with Edgecombe County Sheriff's Office. The issue is whether Petitioner committed a Class B Misdemeanor within five (5) years prior to appointment.

Ms. Belich summarized the Proposal for Decision for Mr. Nicholas Worsley as submitted by the Administrative Law Judge [**Attachment #21**]. Legal Counsel recommended the Sheriffs' Commission Members to adopt Legal Counsel's Proposal for Decision due to the burden of proof and conclusions of law language.

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

Chairman Riley asked if Mr. Worsley was present or if anyone was present to speak on the behalf of Mr. Worsley. Negative response.

For the record, Legal Counsel Whitney Belich stated that Mr. Worsley was notified of the new date and location for Final Agency Decision.

A **MOTION** was made by Sheriff Jack Smith to enter into a closed session; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**



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

A **MOTION** was made by Sheriff Steve Bizzell in the matter of Mr. Nicholas Chase Worsley to adopt Legal Counsel's Proposed Final Agency Decision to grant Petitioner's request for Justice Officer Certification; seconded by Sheriff Jack Smith. [Attachment #22 for Roll Call Vote] [Attachment #23 for Final Agency Decision] **MOTION CARRIED.**

### **III. CONSENT AGREEMENTS**

Director Konopka summarized the Consent Agreements offered by the Probable Cause Committee at their June meeting. Division staff has received agreements signed by the following officers:

William Gregory Doggett – Detention Officer – Rutherford County  
Christopher Lee Highfill – Detention Officer Applicant – Forsyth County  
John Allen Jamerson – Detention Officer – Guilford County  
Kevin Joseph Letarte – Deputy Applicant – Harnett County  
Sandy Renee McCoy – Detention Officer Applicant – Rowan County  
Samantha Haney Porter – Detention Officer Applicant – Jackson County  
Antyawn Clayton Smith – Detention Officer Applicant – Bladen County  
Dabael Ramirez Tinoco – Detention Officer Applicant – Cleveland County  
Baron Jamell Williamson – Deputy/Detention Officer Applicant – Pender County  
Ernest Bradley Wilson – Deputy (separated) – Rockingham County  
Timothy Edward Wilson – Deputy Applicant – Caldwell County

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

Legal Counsel informed the Commission Members that they do not have to accept the Consent Agreements, but if they do accept them, the Consent Agreements become a permanent part of their file.

A **MOTION** was made by Sheriff Alan Cloninger to accept all the Consent Agreements reviewed by Director Diane Konopka; seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**

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

Ms. Whitney Belich 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 #24].**

Five (5) cases involving Class B misdemeanors after the deputy/detention officer has been certified.

Two (2) cases involving felony commissions.

- Ten (10) cases involving four (4) or more Class A and B misdemeanors.
- Seven (7) cases involving material misrepresentations.
- Four (4) 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.
- One (1) denial by CJ Commission.
- One (1) cases drug screen positive results

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

#### **VI. ADJOURNMENT**

A **MOTION** was made by Sheriff Steve Bizzell to adjourn the October 04, 2018, Sheriffs' Final Agency Decision meeting;  
Seconded by Sheriff Jack Smith. **MOTION CARRIED.**