

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

DATE: March 15, 2018

TIME: 2:05 P.M.

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

- Chairman Pro Tem

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Steve Bizzell on Thursday, March 15th 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.

Legal Counsel, Marie Evitt addressed the Sheriffs' Commission to inform them that a motion was needed for a Chairman Pro Tem in Sheriff Riley's absence. She also stated that this motion to vote in a Chairman Pro Tem was valid through the conclusion of today, March 15, 2018.

A **MOTION** was made by Sheriff Dwayne Goodwin to elect Sheriff Steve Bizzell as Chairman Pro Tem; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

MEMBERS PRESENT

Sheriff Dwayne Goodwin
Sheriff Steve Bizzell
Sheriff Ricky Oliver
Sheriff Brad Riley (late)
Sheriff Ed McMahan
Sheriff Alan Cloninger (late)

MEMBERS ABSENT

Ms. Tracy McPherson
Mr. Jamie Markham

Sheriff Jack Smith
Sheriff Jerry Monette
Sheriff B. J. Barnes
Sheriff John Ingram
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Alan Norman
Mr. Zack Koonce
Mr. Marc Nichols

STAFF

Marie Evitt - 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 Pro Tem Bizzell welcomed everyone to the meeting and thanked visitors for taking time from their schedule to attend. Chairman Pro Tem Bizzell also thanked Sheriff B. J. Barnes for hosting the Sheriffs’ March Commission Meeting.

Sheriff Barnes addressed the Commission Members and visitors with a welcome to Guilford County. Sheriff Barnes invited everyone for a tour of the Red Oak Brewery. Shuttle vans will pick up anyone interested at The Comfort Suites around 6:30 pm.

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.

Sheriff Alan Norman of Cleveland County recused himself from the David Howard Gibson case.

Pro Tem Chairman Sheriff Bizzel welcomed the visitors and asked that they stand up and introduce themselves.

VISITORS

Stephen Wilder	Franklin County Sheriff's Office
Juona Deleon	Franklin County Sheriff's Office
Terry Wright	Franklin County Sheriff's Office
Aubrey Tomlison	Attorney for Stephen P. Wilder
David M. Carpenter	Sheriff Lincoln County
David H. Gibson	Lincoln County Sheriff's Office
Alan H. Houser	Lincoln County Sheriff's Office
Randy McKee	Lincoln County Sheriff's Office
George V. Laughrun, II	Attorney for David H. Gibson
Jonathan Price	Wake County Sheriff's Office
Brian Chism	Brunswick County Sheriff's Office
Ashley Hempson	Brunswick County Sheriff's Office
Brian L. Sanders	Brunswick County Sheriff's Office
Felicia Woodard	Brunswick County Sheriff's Office
Patti Hewett	Brunswick County Sheriff's Office
Michelle Ingram	Sheriff Ingram's wife
Britt Spinger	Attorney for Carson Puckett
Carson Puckett	Avery County Sheriff's Office
Scott Zeman	Cabarrus County Sheriff's Office

II. CERTIFICATES/AWARDS

A **MOTION** was made by Sheriff Jerry Monette to approve the list of Professional Certificates and Service Awards; Seconded by Mr. Zack Koonce. **MOTION CARRIED.**

Sheriff Alan Jones of Caldwell County and Sheriff David Mahoney of Transylvania County, presented the Advanced Law Enforcement Professional Certificate and Advanced Service Award to:

Sheriff John William Ingram, V, Advanced Law Enforcement Professional Certificate, and Advanced Service Award, Brunswick County.

Sheriff Bizzell again welcomed the visitors and called on Marie Evitt for the Final Agency Decisions.

II. FINAL AGENCY DECISION

***David Howard Gibson**

Marie Evitt

Mr. David Howard Gibson is a Detention Officer applicant with the Lincoln County Sheriff's Office. The issues before the Sheriffs' Commission for this case is whether or not the Petitioner committed the Class B misdemeanor of Failing to Discharge Duties and whether Mr. David Howard Gibson lacks the Good Moral Character required of every justice officer employed or certified in North Carolina.

Ms. Evitt summarized the Proposal for Decision for David Howard Gibson as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #2**]. Mr. David Howard Gibson was previously employed by Cleveland County Sheriff's Office from 1992 until his termination May 22, 2015.

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 revoked for a period of five (5) years for the Class B Misdemeanor and indefinitely revoked for the Lack of Good Moral Character. Ms. Evitt stated that Legal Counsel does recommend the Administrative Law Judge's decision with the few exceptions noted in Legal Counsel's Proposed Final Agency Decision [**Attachment #2**].

Attorney George Laughrun addressed the Sheriffs' Commission Members and stated that he would like to defer to Sheriff David Carpenter of Lincoln County so that he can provide his viewpoint of Mr. Gibson's character and his decision to hire him. Mr. Laughrun stated that Sheriff Carpenter did consult with Sheriff Norman of Cleveland County prior to making his decision to hire Mr. Gibson as a Detention Officer in his facility.

Sheriff David Carpenter of Lincoln County addressed the Sheriffs' Commission Members and stated that he was there to offer his support to Mr. Gibson. Mr. Gibson came to work for him as a Detention Officer right after the incident and termination from Cleveland County. Sheriff Carpenter stated that they have done their background work on Mr. Gibson and he believes him to be a great guy.

Sheriff Carpenter stated that he will be retiring before long and could have let Mr. Gibson be here today by himself and without someone in support of him. Sheriff Carpenter believes that Mr. Gibson is a great officer. He acknowledges that it was a bad incident that happened but believes that Mr. Gibson has learned from that incident.

Sheriff Carpenter stated that Mr. Gibson was cleared by the SBI and District Attorney's Office. Sheriff Carpenter asked the Sheriffs' Commission Members that if there is any way possible during the deliberations to consider a strong probation or something to keep his 25 year career intact. Sheriff Carpenter stated that he would not have given Mr. Gibson a job if he believed that there was some serious wrongdoing on his part. The investigation did point out that there were other folks more involved with what was going on with the inmate and were actually more responsible for what happened.

Sheriff Carpenter stated that he strongly supports Mr. Gibson and said that he has done a great job for him, his staff and the citizens of Lincoln County. Sheriff Carpenter again asked that if there is any way possible to allow Mr. Gibson to continue the great job that he has done for 25 years and finish his career.

Mr. Alan Houser, Lincoln County Jail Administrator addressed the Sheriffs' Commission Members and stated that Mr. Gibson has been a very dedicated intake officer. This is basically the same type position he held at Cleveland County. As far as his moral character, Mr. Gibson has shown himself to be very dependable and cares for the inmates that come through. Mr. Gibson is strict with them, but he does what he's supposed to do.

Mr. Houser stated that he has seen situations where inmates have been rowdy or sick and Mr. Gibson has performed the proper procedures put in place to handle the inmates. Mr. Houser stated that he hopes the Sheriffs' Commission will be able to allow Mr. Gibson to continue his career there. Mr. Gibson is very dependable and a big part of the team.

Mr. Randy McKee, Deputy Sheriff with Lincoln County addressed the Sheriffs' Commission Members and stated that he has worked with Mr. Gibson in several capacities over the last eight (8) years. Mr. Gibson trained Mr. McKee as a Detention Officer when they both worked for Cleveland County. Mr. Gibson gave him tools to survive in a profession that a lot of people don't last six (6) months. Mr. McKee stated that Mr. Gibson was the "go to" guy. Everyone wanted to be trained by David Gibson because he was the encyclopedia for jail operations.

Mr. McKee stated that Mr. Gibson taught him to talk to an inmate rather than looking for that fight. Mr. McKee believes that speaks a lot to Mr. Gibson's moral character. Mr. McKee stated that the big thing about David Gibson is that "no matter what capacity we worked with him in, if we needed his help he was there." Mr. McKee stated that Mr. Gibson is the kind of person he wants to work with.

Attorney George V. Laughrun addressed the Sheriffs' Commission and stated that they strongly contend that Mr. Gibson did not commit the Class B Misdemeanor that the Administrative Law Judge found. Numerous witnesses were presented at the hearing which testified to that effect. The Judge overruled against us. That being said, many of us don't know what it is like to be inside a jail. You folks do know what goes on "behind the walls". Mr. Gibson chose the detention officer profession knowing the difficulties. Attorney Laughrun referenced a packet of 15 character witness statements on behalf of David Gibson [**Attachment #3**]. Ten of the statements are from co-workers and the others from neighbors and friends. These statements highlight the good moral character of Mr. Gibson.

Sheriff Carpenter knew that his hiring of Mr. Gibson was public record and he may receive negative publicity. Sheriff Carpenter didn't care about the political ramifications. Sheriff Carpenter hired Mr. Gibson because he was the best man for the job. Mr. Gibson knows the jail and how inmates act.

The death of Mr. McNeilly in Cleveland County was a tragedy but it was not David Gibson's fault. It was an event full of errors that happened beginning with the jail nurse not checking up on Mr. McNeilly. Mr. Gibson came on-duty at 7pm, the jail nurse examined Mr. McNeilly early that day and saw fit not to call an ambulance, send him to the hospital, or even go back and check on Mr. McNeilly for the next 6.5 hours.

Attorney Laughrun strongly urged Chairman Riley and the Commission Members to allow Mr. Gibson to stay in the job he has had with the Lincoln County Sheriff's Office for two (2) years. Mr. Gibson comes to work every day and has not had any infractions. Please let him continue the career he's chosen for 25 years. Mr. Gibson enjoys his work and likes to work with inmates at the jail.

Mr. Gibson addressed the Sheriffs' Commission Members and thanked them for the opportunity to speak with them today. Mr. Gibson thanked all the people that came to the Final Agency Decision meeting to speak on his behalf. Working in the jail is a hard and stressful job. What we do in twelve hours and the type of people that we deal with takes a special type of person to do that job. Mr. Gibson stated that over the years, he has learned how to handle situations and address what is being put in front of him. With his years of experience, Mr. Gibson was able to pass his knowledge along to other officers; which he believes made them better officers.

Mr. Gibson stated that he had a good working relationship with Sheriff Norman and they never had any issues. Mr. Gibson is very pleased that Sheriff Carpenter of Lincoln County has given him the opportunity to keep on with what he wants to do.

Mr. Gibson referenced the earlier case mentioned with regard to an injured inmate and stated that there was a shift change in the middle of that timeframe. Mr. Gibson stated that he did inform the on-coming day shift to seek medical attention from the nurse once she came on duty. It is Mr. Gibson's understanding that didn't happen until 10:00 – 11:00 am that day.

Mr. Gibson once again thanked the Sheriffs' Commission Members for the opportunity to speak.

Chairman Pro Tem Bizzell asked the Commission if there were any questions.

Legal Counsel Marie Evitt stated that fact finding #15 in the proposal is Major Briscoe's testimony. Major Briscoe conducted the internal affairs investigation. Ms. Evitt reminded the commission to only make note of what is in the record and that there were multiple terminations and one (1) suspension related to this incident.

Attorney Laughrun addressed the Sheriffs' Commission Members and noted that none of the people terminated or suspended appealed for an Administrative Law Hearing. Mr. Gibson wanted to keep his job and felt that he needed to justify his part in the incident.

Sheriff Cloninger asked if the jail was overcrowded the night of the incident and if there was a personnel shortage.

Mr. Gibson responded to Sheriff Cloninger and stated yes, the jail was overcrowded. With regard to a personnel shortage; there were six (6) officers on duty that night and they normally have nine (9).

Chairman Pro Tem Bizzell 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 Sheriff Dwayne Goodwin to enter into open session; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ricky Oliver in the matter of Mr. David Gibson that Petitioner's certification as a justice officer be revoked for a period of five (5) years, but that revocation should be suspended and Petitioner be placed on probation for a period of five (5) years; seconded by Sheriff Dwayne Goodwin. [**Attachment #4 for Roll Call Vote**] [**Attachment #5 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

Marie Evitt

***Carson Tate Puckett, Jr.**

Legal Counsel Marie Evitt addressed the Sheriffs' Commission Members and stated that Mr. Carson Puckett is a Deputy Sheriff with Avery County currently serving as a School Resource Officer. He is represented by Attorney Britt Springer and she is present.

Ms. Evitt stated that there are three (3) issues for the Commission Members to consider for this case. The first is Material Misrepresentation on the F-3 Personal History Statement. The second is Denial by Company Police. The third issue is lack of Good Moral Character required of every justice officer. Ms. Evitt summarized the Proposal for Decision as submitted by the Administrative Law Judge [**Attachment #6**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #7**].

The final order of the Administrative Law Judge and Legal Counsel's recommendation are different in this case. Legal Counsel does not recommend that the Sheriffs' Commission Members follow the Administrative Law Judge's recommendation in this case because Legal Counsel does not believe there is sufficient evidence to show that Mr. Puckett has regained his good moral character because of the type of behavior and the number of offenses. Legal Counsel recommends that the Sheriffs' Commission Members revoke certification indefinitely for the lack of Good Moral Character and revoke certification five (5) years for Material Misrepresentation.

Attorney Britt Springer addressed the Sheriffs' Commission Members and discussed the Administrative Hearing they went through. Ms. Springer addressed Mr. Puckett's steroid use and stated that he was very truthful at the hearing. Mr. Puckett had testified that when they were going to administer a lie detector test, he had the thought that he didn't know what the "blister" pack was so he admitted that because he didn't know if it was steroids or a supplement he should have also written that rather than answering no.

Attorney Springer stated that the denial by Company Police was due to the Lack of Good Moral Character issue due to his time with the Boone Police Department. The first 10 years Mr. Puckett served with the Boone Police Department were exemplary. Mr. Puckett had moved up through the ranks and was a very good officer for the Boone Police Department. When Mr. Puckett's marriage began to fall apart so did he.

It was sometimes painful during the hearing to hear this officer talk so candidly about what he did to his wife and daughter and his life in general. In the matter of approximately 2 ½ years, Mr. Puckett had torn his life apart. Listening to Mr. Puckett testify really hit it home that officers are still people. When an officer falls, they fall very publically.

Mr. Puckett has worked for Sheriff Frye for the past five (5) years. Sheriff Frye testified at the Administrative Hearing on Mr. Puckett's behalf and believes that he has redeemed himself. Sheriff Frye testified that Mr. Puckett is one of the best officers that he has. Mr. Puckett works every day trying to make up for what he did 10 years ago. Ms. Springer stated that it is not the character of the person if they stumble. Mr. Puckett has gotten up and proven to Sheriff Frye, the School Officials, and the people of Avery County that he is worth a second chance.

Legal Counsel stated that the Administrative Law Judge recommended a five (5) year probationary period. Ms. Springer asked the Sheriffs' Commission to consider a two (2) year probationary period since Mr. Puckett has been working under Sheriff Frye's watch for the past three (3) years.

Sheriff Alan Cloninger addressed Attorney Springer and made the statement that what concerns him with Mr. Puckett is that he encouraged a co-worker to lie at the Internal Affairs investigation, as well as, threatened a subordinate officer and encouraged them to lie at the Internal Affairs investigation.

Attorney Springer responded that both of those officers were having a personal relationship with a co-worker which was against policy. She stated that Mr. Puckett brought them together to inform them that if this issue went down with the Internal Affairs Investigation, everybody was going to lose their job.

Sheriff Cloninger asked if Mr. Puckett lied during the Internal Affairs investigation. Mr. Puckett responded to the question and answered "yes sir".

Mr. Carson Puckett addressed the Sheriffs' Commission Members and thanked them for the opportunity to speak today. Mr. Carson stated that he has no excuses for his behavior during that time. It was a very dark time in his life and was a train wreck. He has owned up to it and is trying to get that behind him. Mr. Carson acknowledged that he completely devastated his family and lost everything he had. He has spent every day since 2012 to try to rebuild his life. Mr. Carson stated that he lives with his mistakes daily and has tried to mentor others to not make the same mistakes.

Mr. Puckett stated that he would like to continue working as a School Resource Officer and believes that he does make a difference. Mr. Puckett again thanked the Sheriffs' Commission Members for their time.

Mr. Nichols asked Mr. Puckett if he was a Supervisor while on-duty with the Boone Police Department. Mr. Puckett answered yes.

Mr. Nichols asked if he left his patrol area while on duty when he was with a co-workers wife. Mr. Puckett answered yes.

Sheriff Cloninger asked Mr. Puckett how they can believe that he wouldn't fall into that pattern of behavior again. Mr. Puckett answered that he would never put his family through that again. Mr. Puckett stated that he had devastated his relationship with his daughter who is now 24 and a police officer. He stated that he will never devastate and disappoint his family again. Sheriff Cloninger asked if he would lie again to save his backside. Mr. Puckett answered absolutely not.

Mr. Nichols asked if one of the people he was seeing was an informant. Mr. Puckett said yes but that she was not his informant.

Sheriff Jack Smith asked Mr. Puckett to explain how he threatened the others. Mr. Puckett stated that the three of them got together and agreed on a story. Sheriff Smith stated that was a conspiracy. Mr. Puckett agreed. Sheriff Smith asked Mr. Puckett what he said to make the investigators and the agency use the term threaten. Mr. Puckett responded that his statement to the Captain was that they got together and generated a story to cover themselves.

Sheriff Cloninger asked Mr. Puckett if anything was said that he would harm anybody. Mr. Puckett responded no.

Sheriff Frye spoke on Mr. Puckett's behalf and stated that he was nervous about the proceedings. Sheriff Frye believes the reason he is so nervous is because he sees a young man that has his whole life in front of him. For about 1.5 to 2 years Mr. Puckett was going through a really bad marriage and it wasn't all his fault that it was a bad marriage. Mr. Puckett made some terrible mistakes. The Captain that let Mr. Puckett go from the Boone Police Department wrote a letter of recommendation for him. When Mr. Puckett left the Boone Police Department for Afghanistan and then returned, Sheriff Frye stated that he wanted to know for sure that Mr. Puckett had changed. He was aware of all that had happened and did not have blinders on when offering Mr. Puckett an opportunity. Sheriff Frye stated that there was no threat of bodily injury. The threat was that they were going to get fired if the story came out so they needed to come up with something.

Sheriff Frye stated that the certification process was going smooth until he suggested Mr. Puckett apply with Company Police for a position with Linville Land Harbor Security Force, Inc. Everything was going great until Mr. Puckett was denied. Mr. Puckett worked more than a year as a reserve officer for Avery County before he applied with Company Police. As soon as Sheriff Frye had an opening he hired Mr. Puckett and he is currently working as a School Resource Officer. Grandfather Home for Children is a level 4 home for children with problems. Mr. Puckett is an SRO with their charter school. Ms. Stephanie Knowles communicated that Mr. Puckett has made quite a positive impact on these young people's lives that have no other chance in the world.

Sheriff Frye feels like he is the one that put Mr. Puckett in this bad situation because he was the one to suggest Mr. Puckett apply with Company Police in the first place. Sheriff Frye asked the Sheriffs' Commission Members to give Mr. Puckett a chance. Sheriff Frye stated that he will take responsibility for him and believes that Mr. Puckett deserves the opportunity to save his career.

Sheriff Cloninger asked Sheriff Frye if Mr. Puckett will lie again. Sheriff Frye responded no. Sheriff Frye stated that he has watched and tested Mr. Puckett. Mr. Puckett has had the opportunity to cover for another officer and did not but told the truth. Sheriff Frye stated that Mr. Puckett is no longer that man he was. Mr. Puckett goes to church regular and has a wonderful family. Sheriff Frye agrees that Mr. Puckett was lacking good moral character during that time but after going to Afghanistan, he got his head straight; and Sheriff Frye can't think of a finer example of a good Christian officer. Mr. Puckett has mentored some of the younger officers. Ms. Springer was an ADA and she has come to bat for Mr. Puckett.

Sheriff Cloninger asked Sheriff Frye if he believed Mr. Puckett to be of good moral character. Sheriff Frye responded yes.

Mr. Nichols stated that Mr. Puckett left his post while on duty and was MIA in his book. Mr. Nichols asked Sheriff Frye to tell him that Mr. Puckett will not do that again. Sheriff Frye stated that yes he can tell him that.

Sheriff Frye stated that Mr. Puckett was a narcotics officer and really didn't have a post that he was patrolling or had to watch during that time. Mr. Puckett was a narcotics supervisor at that time and was all over the county.

Mr. Nichols asked Sheriff Frye if Mr. Puckett is working at high schools. Sheriff Frye responded that they only have two (2) School Resource Officers so they have to rotate around. Mr. Puckett's principal duty is Cranberry Middle School, the elementary schools and Grandfather Home. Mr. Nichols asked if Sheriff Frye has 100% confidence that Mr. Puckett will not cross the line again like he did with an informant. Sheriff Frye responded that he gives his word 100% that he has trust in Mr. Puckett.

Chairman Pro tem Bizzell asked the Commission if there were any other questions. Negative response.

A **MOTION** was made by Mr. Marc Nichols to enter into a closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Mr. Zack Koonce to enter into open session; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Ed McMahon in the matter of Mr. Carson Tate Puckett to adopt Legal Counsel's Proposal For Decision to revoke Petitioner's justice officer certification indefinitely because he still lacks the good moral character required of every justice officer and for five (5) years for knowingly making material misrepresentations; seconded by Sheriff Jack Smith. [**Attachment #8 for Roll Call Vote**] [**Attachment #9 for Final Agency Decision**] **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger to reinstate Sheriff Brad Riley as Sheriffs' Commission Chairman and remove Chairman Pro tem Sheriff Steve Bizzell; seconded by Sheriff Ed McMahon. **MOTION CARRIED.**

II. FINAL AGENCY DECISION

***Stephen Paul Wilder**

Marie Evitt

Mr. Stephen Wilder is a Deputy Sheriff Applicant with the Franklin County Sheriff's Office. Mr. Wilder is present with his attorney Aubrey Tomlinson, Jr. The issue is whether Mr. Wilder knowingly made a Material Misrepresentation on his 2016 application. Mr. Wilder was previously certified with the Criminal Justice Commission in 2012 as a Corrections Officer. Ms. Evitt summarized the Proposal for Decision as submitted by the Administrative Law Judge [**Attachment #10**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #11**].

Legal Counsel recommends that the Commission Members accept the Administrative Law Judge's Proposal for Decision [**Attachment #10**]. The Administrative Law Judge recommended Respondent issue justice officer certification to Petitioner for the probationary period of one (1) year on the condition that Petitioner not violate any law (other than infractions) of this state or any other state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission.

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

Attorney Aubrey Tomlinson addressed the Sheriffs' Commission Members and stated that Mr. Wilder wanted to tell the truth when he applied for the Deputy Sheriff position with Franklin County Sheriff's Office. Mr. Wilder did tell the truth on that application but did not tell the truth on his first application with the Criminal Justice Commission. Mr. Wilder knew he could have lied again and that nobody would have known, but he wanted to tell the truth. Attorney Tomlinson agrees that the facts of the case are the facts, the record is correct.

Attorney Tomlinson stated that Mr. Wilder's performance as a provisional officer has been extremely good. Chief Deputy Terry Wright has communicated with Attorney Tomlinson that Mr. Wilder's performance is very good and they would like to keep him on as an officer.

Attorney Tomlinson agrees with the Administrative Law Judge's proposal to issue justice officer certification for the probationary period of one (1) year and leaves the decision in the hands of the Sheriffs' Commission Members.

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

Mr. Wilder addressed the Sheriffs' Commission Members and stated that he does understand that he put the incorrect answer on his first application with Corrections. When Mr. Wilder applied with Franklin County, he wanted to tell the truth.

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

Sheriff Cloninger asked Mr. Wilder if he understood the importance of telling the truth. Mr. Wilder answered "yes sir."

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

Franklin County Chief Deputy Terry Wright spoke on the behalf of Mr. Wilder. Chief Deputy Wright has known Mr. Wilder since his middle school years. Mr. Wilder played sports, and came from a great family. Mr. Wilder has been with the Franklin County Sheriff's Office since August of 2016 and has done a great job. His first six to nine month evaluation was that he met expectations and he has exceeded expectations ever since. Chief Deputy Wright stated that Mr. Wilder made a bad decision when he applied with DOCC, but he made the right decision when he applied with the Franklin County Sheriff's Office. Chief Deputy Wright stated that Mr. Wilder did not receive any pressure from anyone and that he answered the question honestly himself. Mr. Wilder is a great deputy and does a great job. Chief Deputy Wright asked the Sheriffs' Commission Members to allow Mr. Wilder to continue serving as a deputy with the Franklin County Sheriff's Office.

A **MOTION** was made by Sheriff Alan Cloninger to enter into a closed session; seconded by Mr. Marc Nichols. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Alan Norman in the matter of Mr. Stephen Paul Wilder to adopt the Administrative Law Judge's Proposal For Decision that Respondent issue justice officer certification to Petitioner for the probationary period of (1) one year on the condition that Petitioner not violate any law (other than infractions) of this state or any other state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission; seconded by Sheriff Ed McMahon [**Attachment #12 for Roll Call Vote**] [**Attachment #13 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISION

***Edward W. Hurley, Jr.**

Marie Evitt

Mr. Edward W. Hurley, Jr. is a Deputy Sheriff applicant from the Guilford County Sheriff's Office. Mr. Hurley was separated from the Davidson County Sheriff's Office 06/07/2016. Mr. Hurley was served but is not present. Ms. Evitt stated that Mr. Hurley did send an email explaining that a family member was in the hospital and that he would not be able to attend the meeting.

The issue before the Sheriffs' Commission is whether Mr. Hurley's certification should be denied because of violating a Class B misdemeanor in violation of NCGS 74C-2. Petitioner readily admitted to performing investigative work for Ms. Brooks Montgomery without being properly licensed.

Ms. Evitt summarized the Proposal for Decision as submitted by the Administrative Law Judge [**Attachment #14**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #15**].

Legal Counsel recommends that the Sheriffs' Commission Members adopt the Administrative Law Judge's Proposed Final Agency Decision which is to deny Petitioner justice officer certification but that this denial be stayed for a period of six (6) months and certification be granted on a probationary basis that Petitioner not violate any law (other than infractions) of this state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission.

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

Chairman Riley asked if there was anyone present to speak on the behalf of Mr. Edward Hurley. 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 Mr. Zack Koonce to enter into open session; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Edward W. Hurley to adopt the Administrative Law Judge's Proposal For Decision to deny Petitioner's justice officer certification, however, that this denial be stayed for a period of six (6) months. During this six (6) month period Petitioner will be granted certification on a probationary basis 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. If Petitioner fulfills the probationary requirements, then the Commission will grant his justice officer certification; seconded by Mr. Marc Nichols. **[Attachment #16 for Roll Call Vote] [Attachment #17 for Final Agency Decision] MOTION CARRIED.**

II. FINAL AGENCY DECISION

***Terry Lee Vaughan**

Marie Evitt

Mr. Terry Lee Vaughan is a separated Detention Officer for the Carteret County Sheriff's Office. Mr. Vaughan was served but is not present. Ms. Evitt did not receive any notification that he would not be here. The issue before the Sheriffs' Commission is one of material misrepresentation.

Ms. Evitt summarized the Proposal for Decision as submitted by the Administrative Law Judge **[Attachment #18]**, and the Proposal for Decision as submitted by Legal Counsel **[Attachment #19]**.

Legal Counsel recommends that the Sheriffs' Commission Members adopt the Administrative Law Judge's Proposal for Decision that Petitioner's certification is revoked for a period not less than five (5) years during which time Petitioner will be on 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, the North Carolina Criminal Justice Education and Trainings Standards Commission.

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

Chairman Riley asked if there was anyone present to speak on the behalf of Mr. Terry Lee Vaughan. Negative response.

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

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Terry Lee Vaughan to adopt the Administrative Law Judge's Proposal For Decision that Petitioner's certification is revoked for a period not less than five (5) years and that revocation is suspended for a period of five (5) years during which time Petitioner will be on 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, the North Carolina Criminal Justice Education and Trainings Standards Commission; seconded by Sheriff Jack Smith. **[Attachment #20 for Roll Call Vote] [Attachment #21 for Final Agency Decision] MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger to enter into an Executive closed session; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger to enter into open session; seconded by Mr. Zack Koonce. **MOTION CARRIED.**

III. CONSENT AGREEMENTS

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

Brandon Tyler D'Autrechy – Detention Officer – Pitt County
Johnny Martin Blaylock – Sheriff's Deputy – Washington County
Paul Franklin Bradstock – Detention Officer – Yadkin County
Kathleen Victoria Calais – Detention Officer – Rowan County
Evan Benjamin Caudill – Deputy/Detention Officer – Randolph County
Carl Steven Cohen – Detention Officer – Albemarle District Jail
Brad David Gillis – Telecommunicator – Wake County
Cody Aaron Grimes – Detention Officer – Duplin County
Craig Vance Guinn, Jr. – Detention Officer – Richmond County
Eddie Miguel Gutierrez – Sheriff's Deputy – Alamance County
Christopher Brooks Heath – Sheriff's Deputy – Nash County
Thomas Lloyd Pittman, Jr. – Sheriff's Deputy – Edgecombe County
Matthew Marcus Swan – Sheriff's Deputy – Wake County
Todd Cameron Thomas – Sheriff's Deputy – Robeson County

A Consent Agreement was offered to Mecklenburg County Detention Officer Jason Jamal Kersey; however, the signed agreement was not returned.

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 Ed McMahon to accept all the Consent Agreements reviewed by Director Diane Konopka; seconded by Sheriff Dwayne Goodwin. Sheriff Ricky Oliver of Yadkin County recused himself from the vote for Paul Franklin Bradstock. **MOTION CARRIED.**

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 were in the Office of Administrative Hearings. Ms. Evitt went over the various stages of litigation for the administrative cases as follows: [**See Attachment #22**].

- Eight (8) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Two (2) case involving felony commissions.
- Six (6) cases involving four (4) or more Class A and B misdemeanors.
- Seven (7) cases involving material misrepresentations.
- Six (6) cases involving a lack of good moral character.
- One (1) case 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.

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

VI. ADJOURNMENT

A **MOTION** was made by Sheriff Alan Cloninger to adjourn the March 15, 2018 Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Ed McMahon. **MOTION CARRIED.**