

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

**DATE:** December 07, 2017

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

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

**I. CALL TO ORDER**

**- Chairman Brad Riley**

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Chairman Brad Riley on Thursday, December 7th at 2:05 P.M. The Final Agency Decision meeting was held at the Wake Technical Community College Public Safety Education Center, Room 1425, 321 Chapanoke Rd., Raleigh, NC.

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

**MEMBERS PRESENT**

Sheriff Dwayne Goodwin  
Sheriff Steve Bizzell  
Sheriff Ricky Oliver  
Sheriff Brad Riley  
Sheriff Ed McMahan  
Sheriff Alan Cloninger  
Sheriff Jack Smith  
Mr. Zack Koonce  
Mr. Marc Nichols

**MEMBERS ABSENT**

Ms. Tracy McPherson  
Mr. Jamie Markham  
Sheriff Alan Norman

## **STAFF**

Lauren Earnhardt - Legal Counsel - NC Department of Justice  
Marie Evitt - Legal Counsel - NC Department of Justice  
Diane Konopka - Director - Sheriffs' Standards Division

Chairman Riley welcomed everyone to the meeting and thanked visitors for taking time from their schedule to attend. Chairman Riley also thanked Officer Ponte of the State Capital Police for his service to the Sheriffs' Commission.

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 from all Commission members.

Legal Counsel John Congleton informed the Commission Members that the matter of Robert Darrell Davis had a sub-issue case that was appealed to the Superior Court. That matter was handled by another attorney in the section of the Attorney General's Office. Mr. Congleton stated that he had no contact with the file and has no knowledge of any information contained in the file. Legal Counsel Congleton stated that he does not feel that he has any conflict in the Davis matter. Mr. Congleton asked Counsel for Mr. Robert Darrell Davis if he had any issue with his role as Legal Counsel. Mr. Davis's attorney Philip Collins responded that he has no objection.

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

## **VISITORS**

Shanon Gerger - NCDOJ  
Christon Martin – Northampton County Sheriff's Office  
Mary-Ann Leon – Attorney for David Curington

Gregory McCormick – Lee County Sheriff’s Office  
Brian Estes – Lee County Sheriff’s Office  
Bryan Allen – Lee County Sheriff’s Office  
Jack Smith – Northampton County Sheriff’s Office  
David Currington – Pitt County Sheriff’s Office  
Randy Gentry – Pitt County Sheriff’s Office  
Philip Collins - Attorney for Robert Davis  
Christopher Scott – Sheriffs’ Standards Division  
Evan Caudil – Randolph County Sheriff’s Office  
Victor Welch – Randolph County Sheriff’s Office  
Richard Clayton – Ashe County Sheriff’s Office  
Daniel Cox – Ashe County Sheriff’s Office  
Matthew Swan – Wake County Sheriff’s Office  
Steve Bunn – Bladen County Sheriff’s Office

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

## **II. FINAL AGENCY DECISION**

**\*David Myron Curington**

**Marie Evitt**

Mr. David Myron Curington is a Deputy Sheriff applicant from the Pitt County Sheriff’s Office. The issue before the Sheriffs’ Commission for this case is whether or not Petitioner committed the Class B misdemeanor offenses of Resist/Obstruct/Delay a Public Officer in violation of N.C. Gen. Stat 14-223 and Obstruction of Justice in violation of North Carolina common law supported by a preponderance of the evidence. Ms. Evitt summarized the Proposal for Decision for David Myron Curington 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 concluded that probable cause does not exist to believe that Petitioner’s certification as a justice officer be denied and recommends the Respondent take no action to deny Petitioner’s application for certification.

Attorney Mary-Ann Leon spoke on behalf of Mr. Curington and stated that she represented Mr. Curington at the Administrative Hearing. Ms. Leon stated that the Administrative Law Judge conducted a very fair hearing. Mr. Curington’s Supervisor, Lt. Ray Waters, provided testimony at the hearing.

Ms. Leon stated that the Administrative Law Judge’s Findings of Fact stated credible testimony from the Petitioner and no evidence that anyone, Petitioner in particular, intended to deceive Deputy Wise about what had happened with the dog.

Attorney Leon asked the Sheriffs' Commission to accept to Administrative Law Judge's decision just as it was written and take no action to deny Petitioner's application for certification based on the events of August 15, 2008, and instead issue Petitioner's law enforcement certification.

Pitt County Chief Deputy Randy Gentry spoke on behalf of Mr. Curington for Sheriff Elks. Mr. Gentry stated that they were aware of the incident when Mr. Curington applied with the Pitt County Sheriff's Office. They were aware of his good work with the Grifton Police Department and the good character that he possessed there. Chief Deputy Gentry and the Sheriff's Department recognize that it was an unfortunate incident that took place; but looking at his work during that period and the work he has done with the Pitt County Sheriff's Department, he is an outstanding Sheriff's Deputy and Chief Deputy Gentry believes anyone would be pleased to have him with their agency. Mr. Curington is someone an agency can be proud of in how he conducts himself with his investigations.

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

A **MOTION** was made by Sheriff Steve Bizzell to enter into a closed session; seconded by Mr. Zack Koonce. **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. David Myron Curington to accept Legal Counsel's recommendation to adopt the Administrative Law Judge's Proposal For Decision to issue Petitioner's law enforcement certification; seconded by Sheriff Steve Bizzell. **[Attachment #3 for Roll Call Vote] [Attachment #4 for Final Agency Decision] MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**\*Robert Darrell Davis, II**

**Lauren Earnhardt**

Mr. Robert Darrell Davis, II was a Deputy Sheriff and Detention Officer for Wake County Sheriff's Office. He was separated from both positions March 23, 2016. The consideration for the Sheriffs' Commission is whether or not to revoke Petitioner's law enforcement certification for Mr. Davis.

There are two (2) issues before the Sheriffs' Commission for this case. The first is whether or not Mr. Davis lacks the Good Moral character required of every justice officer. The second is whether his certification should be revoked for committing three (3) counts of the Class B misdemeanor offense of "Willful Failure to Discharge Duties". Ms. Earnhardt summarized the Proposal for Decision as submitted by the Administrative Law Judge [**Attachment #5**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #6**].

The Administrative Law Judge agreed with the Probable Cause Committee that Mr. Robert Darrell Davis does lack the Good Moral Character required of a justice officer and that Mr. Davis did commit the three (3) counts of "Willful Failure to Discharge Duties". The Administrative Law Judge recommended revocation of Mr. Robert Davis's law enforcement certification for an indefinite period for the Good Moral Character issue and a five (5) year revocation for the three (3) counts of "Willful Failure to Discharge Duties." Legal Counsel Earnhardt recommends that the Sheriffs' Commission agree with the Administrative Law Judge's proposal. Ms. Earnhardt stated that she does not have any exceptions to the Administrative Law Judge's proposal.

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

Attorney Phil Collins addressed the Sheriffs' Commission Members. Mr. Robert Darrell Davis, II was notified of the time and place for the Final Agency Decision but was not present. Attorney Collins briefed the Commission Members about each case. Beginning with the Katrina Weaver DWI case, Mr. Collins stated that the entire incident was recorded. Ms. Weaver did indicate that she wanted to make a phone call but her cell phone was dead. Ms. Weaver could not get a line out from the land line. Mr. Davis had checked off the "No" box on the 4081 Form where it asked if the defendant called anybody. The form does not ask if the defendant attempted to call anyone. The defendant then only received a 15 minute waiting period rather than 30 minutes. The Department of Motor Vehicles did accept the judgment call to only provide a 15 minute waiting period and revoked Ms. Weaver's license.

Attorney Collins addressed the Madison Garver DWI case and briefed the Sheriffs' Commission Members. Sgt. Locklear testified at the Administrative Hearing that Madison Garver did request to make a phone call and he felt that Mr. Davis should have heard her. Sgt. Locklear did remove Ms. Garver to another room due to belligerent behavior towards Mr. Davis. Because Mr. Davis did not see Ms. Garver make a phone call, he did not know that she did and checked the "No" box on the 4081 Form where it asked if the defendant called anybody.

Attorney Collins addressed the Diana Seward DWI case and briefed the Sheriffs' Commission Members. Initially Ms. Seward told Mr. Davis that she was not going to bother anyone with a phone call so late at night. Mr. Davis testified that he thought he heard Ms. Seward say "something about wanting to call somebody to let them know that she had been arrested for DWI." Mr. Davis stated that Ms. Seward did make a call but he didn't know to whom and didn't think it was to an attorney or for someone to come and witness the test so he checked the "No" box on the 4081 Form where it asked if the defendant called anybody.

Attorney Collins believes that each of the three (3) cases were problematic and had complications. Attorney Collins stated that he finds the cases to be frustrating and that he acknowledges that his client, Mr. Davis, has made some mistakes; but he does not believe that Mr. Davis intentionally lied or that he was fraudulent in any way.

Chairman Riley asked the Commission if there were any questions.

Mr. Nichols made a comment about the training that takes place for DWI processing and how well providing a phone for the defendant to make a call is covered. He also asked if Mr. Davis made any notations on the 4081 form for these cases to indicate the difficulties and/or confusion taking place. Attorney Collins responded that Mr. Davis did not make any notations.

Sheriff Jack Smith made a comment with regard to his own personal training for DWI processing and stated that they were taught to give the defendant the 30 minutes wait time if they even indicated that they wanted to make a phone call. Sheriff Smith believes that Mr. Davis was probably taught the same thing.

Sheriff Jack Smith asked Attorney Collins where Mr. Davis was and why he did not appear for his Final Agency Decision. Attorney Collins responded that Mr. Davis felt that he was beaten down during the Administrative Hearing. Attorney Collins also stated that he did not know Mr. Davis would be able to speak. Mr. John Congleton informed Mr. Collins that Mr. Davis could answer and address questions already contained in his testimony from the Administrative Hearing but could not present any new testimony.

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

Sheriff Riley asked Legal Counsel Lauren Earnhardt to provide more information with regard to the Katrina Weaver case and the DMV decision. Ms. Earnhardt informed the Sheriffs' Commission Members that the decision for the court case with DMV was appealed to Superior Court and they found that there was "no refusal" on the part of Ms. Weaver and reversed the lower court decision.

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

A **MOTION** was made by Mr. Zack Koonce to enter into a closed session; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

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

A **MOTION** as made by Sheriff Ricky Oliver in the matter of Mr. Robert Darrell Davis, II to adopt the Administrative Law Judge's Proposal For Decision to revoke Petitioner's justice officer certification; seconded by Mr. Zack Koonce. Sheriff Alan Cloninger recused himself from the vote due to arriving late for the case presentation [**Attachment #7 for Roll Call Vote**] [**Attachment #8 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**\*Christon Michael Martin**

**Marie Evitt**

Mr. Christon Michael Martin is a Detention Officer Applicant with the Northampton County Sheriff's Office. Mr. Martin is present for the Sheriffs' Commission Meeting. This case has four (4) separate issues. The first is the commission of a class B Misdemeanor "Assault with a Deadly Weapon." The 2<sup>nd</sup> is commission of a Class B Misdemeanor "Obstructing Justice." The 3<sup>rd</sup> is commission of a Class B Misdemeanor "Cyberstalking." The 4<sup>th</sup> is a combination of Four or More Class A and/or Class B Misdemeanor Offenses. Ms. Evitt 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**].

Mr. Martin did have three (3) Class A Misdemeanor convictions which fall under the Four or More Class A and/or Class B Misdemeanor Offenses. The three (3) Class A Misdemeanor convictions plus the commission of Assault with a Deadly Weapon and Obstructing Justice offenses are enough to justify a denial. Legal Counsel's recommendation is for an indefinite denial.

Petitioner took BLET in 2008 but did not secure employment. Petitioner took BLET again in 2017 but as of this date has never been a sworn officer. Legal Counsel disagrees with the Administrative Law Judge's Proposal for Decision [**Attachment #9**] and recommends that the Sheriffs' Commission Members sign the Legal Counsel version of the Proposed Final Agency Decision [**Attachment #10**].

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

Mr. Christon Michael Martin addressed the Sheriffs' Commission members and thanked them for their time. Mr. Martin stated that the issues referred to by Legal Counsel are true and that he was convicted of three (3) Misdemeanor offenses. Although he was convicted, he has always claimed his innocence in those crimes.

Mr. Martin stated that the cyberstalking issue occurred while he was working at a group home and he noticed a resident with bruises. Mr. Martin stated that the older gentleman was beaten by the person he was coming on duty to relieve. Mr. Martin stated that he did his own investigation of the situation to determine if his assumption was accurate. Mr. Martin contacted the Sheriff's Office and the Department of Social Services. When the group home owner, Ms. Vinson, found out that he had reported the suspected abuse to the authorities, she fired Mr. Martin without notice.

Mr. Martin stated that when he tried to pick up his paycheck he was told that he was not allowed on the property. Mr. Martin did bring an officer with him when he went to pick up his paycheck. Ms. Vinson told Mr. Martin that she would contact him at a later date. Mr. Martin stated that he did not hear from her. Mr. Martin stated that he tried making contact with Ms. Vinson in a professional manner to find out when he could receive his paycheck. Mr. Martin stated that he never did receive his last paycheck which was for 40 hours. Mr. Martin believes that Ms. Vinson took out the Cyberstalking charge on him to retaliate.

Mr. Martin addressed the Sheriffs' Commission with regard to the Assault with a Deadly Weapon and Obstructing Justice charges. It was late at night when he witnessed a person fire a gun into a crowd of people from a red car. Mr. Martin called 911 and began to follow the vehicle. Mr. Martin maintains that he was worried for Officer James' safety and didn't think Officer James had any back-up. Mr. Martin stated that the Administrative Law Judge asked Officer James if he would have charged Mr. Martin if his captain had not told him to do so. Mr. Martin stated that Officer James said no, he would not have charged him because he helped with catching the suspect.

Mr. Martin stated that he is not a saint and that he has made bad choices in his life. Currently, Mr. Martin is a teacher in Warren County and the CEO of a non-profit organization called Project Lift Community. Mr. Martin wants to make sure that other people don't make the mistakes he has made. He stated that he took a 10 year detour to get to where he is now. He does everything by the book now and has done a lot for his community. He has worked with over 1,000 young people in his community as well as the surrounding communities. Mr. Martin



stated that he brought letters of recommendation from local leaders to the Administrative Hearing.

Mr. Martin once again referred to the Assault with a Deadly Weapon and Obstructing Justice charges and stated that he did not try to force the suspect's vehicle off the road and he did not willfully try to obstruct justice.

Mr. Martin addressed the Sheriffs' Commission Members to provide insight as to who he is now. Mr. Martin stated that for the last three (3) years he has run a summer camp for young people. This summer camp has been on both ABC and NBC news. The purpose of the summer camp is to keep children off the street during their summer break. The children are able to attend this camp for free and receive their breakfast and lunch. The children also go on field trips once a week. On the final day of camp, community leaders and local law enforcement are invited for a cook-out. Mr. Martin believes himself to be a natural born leader. Mr. Martin asked the Sheriffs' Commission Members for the opportunity to be a certified law enforcement officer.

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

Sheriff Smith did speak on Mr. Martin's behalf and stated that the things Mr. Martin has spoken of doing in the community are true. Sheriff Smith acknowledged that Mr. Martin has made some mistakes but that he has not had any problems with him during the past year that Mr. Martin has worked as a detention officer. Sheriff Smith does hope the Commission will provide Mr. Martin with the opportunity to continue his career. Sheriff Smith believes he will do a good job.

Chairman Riley 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 Mr. Marc Nichols. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Christon Martin to adopt the Administrative Law Judge's Proposal For Decision that Petitioner's certification not be denied; seconded by Sheriff Ed McMahon [**Attachment #11 for Roll Call Vote**] [**Attachment #12 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**\*Gregory Jonathan McCormick**

**Lauren Earnhardt**

Mr. Gregory Jonathan McCormick is a Detention Officer applicant from the Lee County Sheriff's Office. Mr. McCormick is present and is accompanied with people from the Lee County Sheriff's Office. The issue before the Sheriffs' Commission is whether Mr. McCormick committed the offense of material misrepresentation of information required for justice officer certification.

Ms. Earnhardt summarized the Proposal for Decision as submitted by the Administrative Law Judge [**Attachment #13**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #14**].

The Administrative Law Judge found that Mr. McCormick did not make a material misrepresentation because he did not knowingly falsify the documents. The Administrative Law Judge's recommendation is to issue Mr. McCormick's justice officer certification. Legal Counsel agrees with the Administrative Law Judge's recommendation.

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

Mr. McCormick addressed the Sheriffs' Commission Members and thanked them for their time. Mr. McCormick stated that he has spent 24 years in the military and had only applied for that one job in his lifetime. The second job he applied for was to be a detention officer with Lee County Sheriff's Office. Mr. McCormick stated that if he had been helped and/or coached a little bit while going through the application process he probably wouldn't have made the error. Mr. McCormick again thanked the Commission Members for their time.

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

Captain Brian Estes of Lee County Sheriff's Office addressed the Sheriffs' Commission Members. Captain Estes oversees Professional Standards and the hiring process. Captain Estes also works with the jail a lot. The Lee County Detention Center had a Detention Officer that was arrested a couple years ago. The story was published in the local newspaper. Mr. McCormick saw the article and contacted the Sheriff to inform the Sheriff of his military skills and to find out about employment. Captain Estes met with Mr. McCormick and stated that he is the best person they have ever hired. Cpt. Estes stated that if something happened to their Captain today, Mr. McCormick is the person that he would recommend for the position. Mr. McCormick is very well respected by both the workers and the inmates.

After the error that was made during Mr. McCormick's application process, more help is provided to avoid any confusion with the military specific questions. Captain Estes has worked for approximately two (2) years with Mr. McCormick and he knows that he would not make an intentional material misrepresentation. Captain Estes stated Mr. McCormick has not had any disciplinary actions and he hopes the Sheriffs' Commission Members will agree with the Administrative Law Judge's recommendation to issue his law enforcement certification.

Captain Brian Allen of Lee County Sheriff's Office addressed the Sheriffs' Commission Members and stated that he has known Mr. McCormick prior to his time as a Detention Officer with the Sheriff's Office. Cpt. Allen stated that he is a fine, hardworking, upstanding guy and an asset to the Lee County Sheriff's Office. Cpt. Allen thanked the Commission for their time.

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

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

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

A **MOTION** was made by Sheriff Steve Bizzell in the matter of Mr. Gregory McCormick to adopt the Administrative Law Judge's Proposal For Decision to issue Petitioner's justice officer certification; seconded by Sheriff Ed McMahan. **[Attachment #15 for Roll Call Vote] [Attachment #16 for Final Agency Decision] MOTION CARRIED.**

## **II. FINAL AGENCY DECISION**

**\*Donovan Ridil Jacobs**

**Marie Evitt**

Mr. Donovan Ridil Jacobs is a Telecommunicator applicant with Columbus County Emergency Services. He has been with them since 2012. Mr. Jacobs is not present but was notified of the meeting by service.

The issue before the Sheriffs' Commission is whether or not to deny certification for Mr. Jacobs due to the conviction of four (4) or more Class A or B misdemeanors. This issue involves a series of checks that were written between 2006 and 2007. All the worthless checks were paid within 30 days of the judgment of the court. Mr. Jacobs also committed additional offenses that are classified as A misdemeanors with two (2) counts of Failure to Return Rental Property and a City/Town Violation of a local ordinance.

Ms. Evitt summarized the Proposal for Decision as submitted by the Administrative Law Judge [**Attachment #17**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #18**].

The Administrative Law Judge recommended that certification be issued with a six (6) month probationary period to the Petitioner. Legal Counsel agrees with the Administrative Law Judge's proposal.

Chairman Riley asked if there was anyone present to speak on the behalf of Mr. Donovan Jacobs. Negative response.

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 Ricky Oliver. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger 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. Donovan Ridil Jacobs to adopt Legal Counsel's Proposal to issue Petitioner's justice officer certification with a probationary status for a period of six (6) months. During this six (6) month period Petitioner will be granted certification on the condition that he 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 Mr. Marc Nichols. [**Attachment #19 for Roll Call Vote**] [**Attachment #20 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.**

A **MOTION** was made by Sheriff Alan Cloninger to reopen the Christon Michael Martin case; seconded by Sheriff Ricky Oliver **MOTION CARRIED.**

Legal Counsel Lauren Earnhardt addressed the Sheriffs' Commission Members and apologized for her request to reopen the Christon Michael Martin case. Ms. Earnhardt stated that she does not have any concerns with regard to the decision made to issue Mr. Martin his law enforcement certification. Ms. Earnhardt expressed concern with the Administrative Law Judge's conclusions of law and how that language may affect the Sheriffs' Commission for future cases. Legal Counsel Lauren Earnhardt summarized each conclusion with her concerns for the Commission Members and allowed Mr. Martin to respond if he felt the need to.

Mr. Martin stated that he didn't really understand the statute with regard to Expungement and explained what his interpretation of the statute was. Chairman Riley and Legal Counsel John Congleton provided Mr. Martin with an explanation. Mr. Martin was satisfied with the discussion and did not have any further questions.

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Mr. Christon Michael Martin to adopt the Administrative Law Judge's Proposal For Decision to issue Petitioner's justice officer certification but to modify the Final Agency Decision to reflect that Assault with a Deadly Weapon, Obstruction of Justice and Cyberstalking are Class B misdemeanors, and that the commission can take action on cases containing expunged convictions; seconded by Mr. Marc Nichols. [**Attachment #11 for Roll Call Vote**] [**Attachment #12**] for Final Agency Decision] **MOTION CARRIED.**

### **III. CONSENT AGREEMENTS**

The Probable Cause Committee recommended Consent Agreements for the cases listed below:

Velvet Levone Smith. – Detention Officer Applicant – Wayne County  
(*Class B within Five (5) Years*)

Brittney LeNese Henry – Detention Officer Applicant – New Hanover County  
(*Material Misrepresentation*)

Alex Jordan Davis – Deputy Sheriff & Telecommunicator Applicant – Wake County  
(*Class B after Certification*)

Vincent Charles Bonilla – Deputy Sheriff Applicant – Cumberland County  
(*Class B within Five (5) Years*)

Devin McKinley Viar – Deputy Sheriff/Detention Officer Applicant – Graham County  
(*Class B within Five (5) Years*)

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. Legal Counsel recommended the Sheriffs' Commission accept the Consent Agreements offered.

A **MOTION** was made by Sheriff Alan Cloninger to accept all the Consent Agreements reviewed by Director Diane Konopka; seconded by Mr. Marc Nichols. Sheriff Ed McMahon of New Hanover County recused himself from the vote for Brittney LeNese Henry. **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 #21**].

- Eleven (11) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Two (2) case involving felony commissions.
- Five (5) cases involving four (4) or more Class A and B misdemeanors.
- Six (6) cases involving material misrepresentations.
- Six (6) cases involving a lack of good moral character.
- Two (2) 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 Mr. Zack Koonce to adjourn the December 07, 2017 Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**