

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

**DATE:** June 08, 2017

**TIME:** 2:00 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, June 08, 2017 at 2:00 P.M. The Final Agency Decision meeting was held at the Wake Technical Community College Public Safety Education Center, 321 Chapanoke Rd., Raleigh, NC.

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

**MEMBERS PRESENT**

Sheriff Dwayne Goodwin  
Sheriff Steve Bizzell  
Sheriff Ricky Oliver  
Sheriff John Ingram  
Sheriff Mahoney  
Sheriff Brad Riley  
Sheriff Ed McMahan  
Sheriff Alan Cloninger  
Maj Briscoe (Sheriff Norman proxy)  
Mr. Zack Koonce  
Mr. Marc Nichols  
Mr. Jamie Markham

**MEMBERS ABSENT**

Ms. Tracy McPherson

## **STAFF**

John Congleton - Legal Counsel - NC Department of Justice  
Lauren Earnhardt - Legal Counsel - NC Department of Justice  
Diane Konopka - Director - Sheriffs' Standards Division  
Judy Marchetti - Administrative Assistant - Sheriffs' Standards Division

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.

Chairman Riley recognized the newest member of the Sheriffs' Commission; Sheriff Ed McMahan of New Hanover County. Sheriff McMahan replaced Sheriff Eric Tilley as the Eastern At-Large Commission Member.

### **\*Administration of Oath of Office**

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

Sheriff Ed McMahan, New Hanover County – Eastern At-Large

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

## **VISITORS**

Demetrice Jordan – New Hanover County Sheriff’s Office  
Heavin Mason – New Hanover County Sheriff’s Office  
David Haste – New Hanover County Sheriff’s Office  
Jo Whitman – Sheriffs’ Standards Division  
Brie Harter – Sheriffs’ Standards Division  
Marie Evitt – DOJ Attorney  
Sara Carter – DOJ Legal Intern  
Warren Weatherspoon – DOJ Legal Intern

Sheriff Riley again welcomed the visitors and called on Lauren Earnhardt for the Final Agency Decision.

## **II. FINAL AGENCY DECISION**

**\*Daphne Rochelle Scott**

**Lauren Earnhardt**

Ms. Daphne Rochelle Scott is a Detention Officer applicant for certification through the Hertford County Sheriff’s Office. The issue before the Sheriffs’ Commission is that Ms. Scott did not list 10 prior charges for Worthless Checks on the Personal History Statement (F-3).

All the worthless checks occurred 10 – 23 years ago. Ms. Scott stated at the Administrative Hearing that the reason she did not list the worthless checks was because she received instructions from the Sheriff’s Office to only list offenses that were 10 years old or less.

Ms. Earnhardt summarized the Proposal for Decision for Daphne Rochelle Scott 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 recommends that Petitioner’s application for certification be approved and that the Sheriffs’ Commission exercise their authority to issue a lesser sanction.

Ms. Daphne Rochelle Scott was served notice of the Final Agency Decision but is not present.

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

A **MOTION** was made at 2:20 p.m. by Sheriff Alan Cloninger to enter into a closed session; seconded by Sheriff Steve Bizzell.  
**MOTION CARRIED.**

A **MOTION** was made at 2:25 p.m. by Mr. Marc Nichols to enter into open session; seconded by Sheriff Ricky Oliver.  
**MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Daphne Rochelle Scott to deny Petitioner's application for certification but to stay the denial and place Petitioner on six (6) months probation; seconded by Sheriff Oliver. [**Attachment #3 for Roll Call Vote**] [**Attachment #4 for Final Agency Decision**] **MOTION CARRIED.**

### **III. CONSENT AGREEMENTS**

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

Steven Brian Bowen – Deputy Sheriff – Pender County  
*(Failure to notify the Division of criminal charge)*

Brian Lee Gregory – Deputy Sheriff Applicant – Perquimans County  
*(Class B misdemeanor within five years)*

Travis Williams Toms – Deputy Sheriff/Telecommunicator – Buncombe County  
*(Failure to notify the Division of criminal charge)*

Parrish Ramel Weston – Deputy Sheriff Applicant – Bertie County  
*(Falsification regarding past illegal drug usage)*

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 Sheriff Steve Bizzell. **MOTION CARRIED.**

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

Ms. Lauren Earnhardt 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. Earnhardt went over the various stages of litigation for the administrative cases as follows: [See Attachment #21].

- Seven (7) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- Zero (0) cases involving felony commissions.
- Four (4) cases involving four (4) or more Class A and B misdemeanors.
- Five (5) cases involving material misrepresentations.
- Four (4) cases involving a lack of good moral character.
- Zero (0) cases involving a certified officer who has been charged and did not report that charge within the five day reporting period.
- One (1) Positive drug screen.

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

#### **V. ETHICS TRAINING**

**Lauren Earnhardt**

The Sheriffs' Commission Members were provided with an Ethics Training Reference Manual [Attachment #6]. Training is required under NCGS 93B-5 for all Occupational Licensing Boards and Commissions. This training is required within six (6) months of a new member's appointment and/or every two (2) years thereafter. Ms. Earnhardt reviewed with Commission members the Ethics Training, Commission By-laws, PC Policies and Administrative Code. Ms. Earnhardt also conducted this training with members of the Probable Cause Committee.

**VI. ADJOURNMENT**

A **MOTION** was made by Mr. Zack Koonce at 4:00 p.m. to adjourn the June 08, 2017, Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**