

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

DATE: March 23, 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, March 23, 2017 at 2:10 P.M. The Final Agency Decision meeting was held at the Cleveland County Health Department, 200 S. Post Road, Shelby, NC 28150.

Chairman Riley introduced the March Commission Meeting host Sheriff Alan Norman. Sheriff Norman welcomed all in attendance to Cleveland County and invited guests to an Italian dinner at Toscanos Bistro located in Shelby. Sheriff Norman introduced his command staff and offered their services to the Commission Members and staff during their stay in Cleveland County.

Sheriff Norman introduced County Commission Chairman Mr. Eddie Holbrook. Mr. Holbrook addressed the Commission Members and stated that on behalf of Cleveland County, they are very happy and proud to host the Sheriffs' Commission Meeting. Chairman Holbrook stated that Cleveland County is very proud of their law enforcement community and they do their best to support them with their needs. Eight years ago Cleveland County was a rural Tier 1 County; it is now a Tier 2 County. The people of Cleveland County in leadership positions have done a great job with their agencies to continue improvements make Cleveland County better. Mr. Holbrook thanked the Sheriffs' Commission Members once again for meeting in Cleveland County.

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 Mahoney
Sheriff Brad Riley
Sheriff Alan Cloninger
Sheriff Alan Norman
Mr. Zack Koonce
Mr. Marc Nichols

MEMBERS ABSENT

Ms. Tracy McPherson
Mr. Jamie Markham
Sheriff John Ingram
Sheriff Alan Jones

STAFF

John Congleton	-	Legal Counsel - NC Department of Justice
Joy Strickland	-	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 welcomed the visitors and asked that the visitors stand up and introduce themselves.

VISITORS

William Hyleman – Mecklenburg County Sheriff’s Office
Sherman Pride – Mecklenburg County Sheriff’s Office
Danaya Wilson – Mecklenburg County Sheriff’s Office
Sgt Michael Griffin – Mecklenburg County Sheriff’s Office
William Jernigan – Wilson County Sheriff’s Office
Sgt. Scott Zeman – Cabarrus County Sheriff’s Office

Sheriff Riley again welcomed the visitors and called on Joy Strickland for Final Agency Decisions.

II. FINAL AGENCY DECISIONS

***William Micah Jernigan**

Joy Strickland

Mr. William Micah Jernigan is a Deputy Sheriff applicant for certification through the Wilson County Sheriff’s Office. The issue before the Sheriffs’ Commission is whether his certification should be denied for a combination of four (4) or more Class A or B misdemeanors.

Ms. Strickland summarized the Proposal for Decision for William Micah Jernigan as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #2**]. Both the Administrative Law Judge and Legal Counsel recommend to not deny Petitioner’s application for certification based on the former convictions which were subsequently set aside and dismissed after Petitioner submitted his application for certification.

Mr. Jernigan addressed the Sheriffs’ Commission Members and stated that this has been a very humbling experience and he is eager to put this behind him. Mr. Jernigan apologized for taking up the Commission Members time and hopes that he has done enough to correct the situation.

Sheriff Riley asked Mr. Jernigan if there was anyone present to speak on his behalf. Negative response.

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

A **MOTION** was made at 2:25 p.m. by Sheriff Steve Bizzell to enter into a closed session; seconded by Marc Nichols. **MOTION CARRIED.**

A **MOTION** was made at 2:42 p.m. by Sheriff Bizzell to enter into open session; seconded by Marc Nichols. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of William Micah Jernigan to adopt the Proposal for Decision as submitted by Legal Counsel to issue justice officer certification; seconded by Mr. Zack Koonce. [**Attachment #3 for Roll Call Vote**] [**Attachment #4 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISIONS

***Sherman Levon Pride**

Joy Strickland

Mr. Sherman Levon Pride is a Detention Officer applicant for certification with Mecklenburg County. The issue before the Commission is whether his certification should be denied due to a combination of four (4) or more Class A or B misdemeanors. Mr. Pride still has four (4) Class A misdemeanor convictions pursuant to the Commission's Rules.

Ms. Strickland summarized the Proposal for Decision for Sherman Levon Pride as submitted by the Administrative Law Judge [**Attachment #5**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #6**]. Initially the Administrative Law Judge recommended to deny the Petitioner his law enforcement certification; but then amended his Proposal for Decision to state that Petitioner's application for certification be granted based on the age of the violations and Petitioner's record since his conviction of these misdemeanor offenses. Legal Counsel did not file any exceptions to the Administrative Law Judge's proposal.

Mr. Sherman Levon Pride addressed the Sheriffs' Commission Members. Mr. Pride stated that he does accept full responsibility for his actions at that time. He stated that he was young person pursuing basketball and made mistakes with checks. Once he found out about the problem with his checks, he took care of it.

Sgt. Michael Griffin of Mecklenburg County Sheriff's Office spoke on Mr. Pride's behalf. The command staff does support Mr. Pride. He has been with Mecklenburg County for three (3) years. Mr. Pride is an outstanding man, good person, has good attendance, and no issues. Danaya Wilson of Mecklenburg County Sheriff's Office was also present in support of Mr. Pride.

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

A **MOTION** was made at 2:52 p.m. by Sheriff Dwayne Goodwin to enter into a closed session; seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**

A **MOTION** was made at 2:54 p.m. by Sheriff Steve Bizzell to enter into open session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Sherman Levon Pride to adopt the Administrative Law Judge's Amended Proposal For Decision to issue justice officer certification; seconded by Sheriff Steve Bizzell. [**Attachment #7 for Roll Call Vote**] [**Attachment #8 for Final Agency Decision**] **MOTION CARRIED.**

II. FINAL AGENCY DECISIONS

***William Douglas Hyleman**

Joy Strickland

Mr. William Douglas Hyleman was a Detention Officer with Mecklenburg County. For the record, Ms. Strickland stated that Mr. Hyleman was represented by an attorney at the Administrative Hearing. Mr. Hyleman's attorney is not present today for the Final Agency Decision. Mr. Hyleman is aware of this and has stated that he is ready to move forward.

The issue before the Commission is whether to revoke Mr. Hyleman's justice officer certification for an indefinite period due to the lack of good moral character. The second issue is the commission of a Class B misdemeanor for Willful Failure to Discharge Duties which would carry a five (5) year sanction.

Ms. Strickland summarized the Proposal for Decision for William Douglas Hyleman as submitted by the Administrative Law Judge [**Attachment #9**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #10**]. The Administrative Law Judge found that Mr. Hyleman's law enforcement certification should be revoked indefinitely for the lack of good moral character and also subject to revocation for Willful Failure to Discharge Duties.

Mr. Hyleman addressed the Sheriffs' Commission Members and stated that he knows he did wrong and he apologizes for his mistake. He stated that he would like to continue working as a Detention Officer because he has done so for 15 years with Mecklenburg County and would like to continue as a detention officer. Mr. Hyleman stated that what happened in the past will stay in the past. Mr. Hyleman apologized again to the Commission Members.

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

Sheriff Oliver asked Mr. Hyleman if there was any particular reason why he failed to make his rounds. Mr. Hyleman responded that there was no reason; he just failed to do so.

Mr. Nichols asked Mr. Hyleman if the falsification of reports was just for a cover-up. Mr. Hyleman stated "yes".

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

A **MOTION** was made at 3:00 P.M. by Sheriff Steve Bizzell to enter into a closed session; seconded by Sheriff Alan Norman.
MOTION CARRIED.

A **MOTION** was made at 3:10 P.M. by Sheriff Steve Bizzell to enter into open session; seconded by Sheriff Ricky Oliver.
MOTION CARRIED.

A **MOTION** was made by Sheriff Steve Bizzell in the matter of William Douglas Hyleman to adopt the Proposal for Decision as submitted by Legal Counsel to revoke Petitioner's Justice Officer Certification indefinitely. Petitioner no longer possesses the good moral character required of a sworn justice officer in this State. Petitioner's certification is also revoked for the commission of the Class B misdemeanor Willful Failure to Discharge Duties; seconded by Sheriff Ricky Oliver. [**Attachment #11 for Roll Call Vote**] [**Attachment #12 for Final Agency Decision**].
MOTION CARRIED.

II. FINAL AGENCY DECISIONS

***Bobby Jerod Jones**

Joy Strickland

Mr. Bobby Jerod Jones was a Deputy Sheriff with Cleveland County Sheriff's Office. Mr. Jones is not present for his Final Agency Decision. Legal Counsel received a message from Mr. Jones earlier in the day that he would not attend. Both Mr. Jones and his attorney were properly served and did not request to reschedule.

The issue before the Sheriffs' Commission is whether Mr. Jones's law enforcement certification should be revoked indefinitely. Ms. Strickland summarized the Proposal for Decision for Bobby Jerod Jones as submitted by the Administrative Law Judge [**Attachment #13**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #14**]. The Administrative Law Judge recommended an indefinite revocation of Petitioner's justice officer certification due to lack of good moral character. Legal Counsel did not file any exceptions to the Administrative Law Judge's proposal.

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

For the record, Chairman Riley asked if there was anyone present on the behalf of Bobby Jerod Jones. Negative response.

For the record, Chairman Riley stated that Cleveland County Sheriff Alan Norman asked to be recused from this case due to his involvement.

A **MOTION** was made at 3:15 P.M. by Sheriff Ricky Oliver to enter into a closed session; seconded by Mr. Zack Koonce.
MOTION CARRIED.

A **MOTION** was made at 3:28 P.M. by Sheriff Alan Cloninger to enter into open session; seconded by Mr. Zack Koonce.
MOTION CARRIED.

A **MOTION** was made by Mr. Marc Nichols in the matter of Bobby Jerod Jones to adopt the Proposed Final Agency Decision as submitted by Legal Counsel to revoke Petitioner's justice officer certification indefinitely; seconded by Mr. Zack Koonce. **[Attachment #15 for Roll Call Vote] [Attachment #16 for Final Agency Decision] MOTION CARRIED.**

II. FINAL AGENCY DECISIONS

***Adam C. Verdeck**

Joy Strickland

Mr. Adam C. Verdeck was a Deputy Sheriff/Detention Officer with the Alamance County Sheriff's Office. Mr. Verdeck was served with notice for the Final Agency Decision. Mr. Verdeck indicated that he would not be present but did submit a letter to be provided to the Sheriffs' Commission. That letter was included with Mr. Verdeck's case packet provided to Commission Members.

The issue is whether to revoke Mr. Verdeck's justice officer certification for a variety of different Commission Rule violations. Legal Counsel Joy Strickland went over each rule violation and summarized the Proposal for Decision for Adam C. Verdeck as submitted by the Administrative Law Judge **[Attachment #17]**, and the Proposal for Decision submitted by Legal Counsel **[Attachment #18]**. The Administrative Law Judge recommended an indefinite revocation of Petitioner's justice officer certification.

Chairman Riley asked the Commission if there were any questions.

For the record, Chairman Riley asked if there was anyone present on the behalf of Adam C. Verdeck. Negative response.

A **MOTION** was made at 3:35 P.M. by Mr. Marc Nichols to enter into a closed session; seconded by Sheriff Dwayne Goodwin. **MOTION CARRIED.**

A **MOTION** was made at 3:40 P.M. by Mr. Marc Nichols to enter into open session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Adam C. Verdeck to adopt the Proposal for Decision as submitted by Legal Counsel to revoke Petitioner's justice officer certification indefinitely; seconded by Mr. Marc Nichols. **[Attachment #19 for Roll Call Vote] [Attachment #20 for Final Agency Decision] MOTION CARRIED.**

III. CONSENT AGREEMENTS

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

Cody Nathaniel Burroughs – Deputy Sheriff/Detention Officer – Beaufort County
(Falsification regarding past illegal drug usage)

Nicholas Ryan Pope – Deputy Sheriff Applicant – Richmond County
(Falsification regarding past illegal drug usage)

Benjamin Robert Correa – Detention Officer Applicant – Beaufort 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 Mr. Marc Nichols. **MOTION CARRIED.**

IV. LEGAL COUNSEL'S REPORT

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

- Six (6) cases involving Class B misdemeanors after the deputy/detention officer has been certified.
- One (1) case involving felony commissions.
- Six (6) cases involving four (4) or more Class A and B misdemeanors.
- Five (5) cases involving material misrepresentations.
- Seven (7) 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.

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

V. ADJOURNMENT

A **MOTION** was made by Sheriff Alan Cloninger at 3:45 p.m. to adjourn the March 23, 2017, Sheriffs' Final Agency Decision meeting; Seconded by Mr. Marc Nichols. **MOTION CARRIED.**