

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

**DATE:** June 09, 2016

**TIME:** 2:10 P.M.

**SUBMITTED BY:** Diane Konopka, Deputy 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 09, 2016 at 2:10 P.M. The Final Agency Decision meeting was held at the Yadkin County Agricultural Center, 2051 Agricultural Way, Yadkinville, NC 27055.

Chairman Riley introduced the June Commission Meeting host Sheriff Ricky Oliver. Sheriff Oliver welcomed all in attendance to Yadkin County. The Yadkin County Agricultural Center is a new building in Yadkinville and provided a great opportunity for Yadkin County to host the Sheriffs' Commission Meeting. Sheriff Oliver introduced some of his staff members that were present and offered their services. Sheriff Oliver also recognized Kim Harrell, Yadkin County Human Services Agency.

Sheriff Oliver introduced the Chairman of the Board of Commissioners, Kevin Austin and County Manager, Lisa Hughes. Mr. Austin welcomed the Commission Members and visitors to the new Yadkin County Agricultural Center. The Sheriffs' Commission meeting is the first event to be held in the new Center. Mr. Austin thanked Sheriff Oliver and his staff for all the work and support they provide Yadkin County. Ms. Hughes also thanked everyone for being there and welcomed all to Yadkin County.

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

**MEMBERS PRESENT**

Cpt. Jessie Fennell  
Sheriff Brad Riley  
Sheriff Steve Bizzell  
Sheriff Alan Norman  
Mr. Marc Nichols  
Sheriff Eric Tilley  
Sheriff Alan Cloninger  
Sheriff John Ingram  
Sheriff Ricky Oliver  
Mr. Jamie Markham

**MEMBERS ABSENT**

Ms. Tracy McPherson  
Mr. Marc Nichols  
Mr. Jamie Markham  
Sheriff Alan Jones

**STAFF**

John Congleton	-	Legal Counsel - NC Department of Justice
Matthew Boyatt	-	Legal Counsel - NC Department of Justice
Diane Konopka	-	Deputy 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.

Sheriff Steve Bizzell recused himself from James Phillip Davenport's Final Agency Decision.

Legal Counsel John Congleton asked again 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.

**\*Administration of Oath of Office**

Superior Court Judge Michael D. Duncan administered the oath of office to Sheriff Alan Norman, Cleveland County.

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

**VISITORS**

Michael D. Duncan – Superior Court Judge  
Matthew Boyatt – DOJ Legal Counsel  
Kevin Austin – Board of Commissioners  
Lisa Hughes – Yadkin County Manager  
Kim Harrell – Yadkin County Human Services Agency  
Ashley Helms – Lincoln County Sheriff’s Office  
David Carpenter – Lincoln County Sheriff’s Office  
Lee Caskey – Lincoln County Sheriff’s Office  
Monta Oliver – Sheriff Oliver’s wife  
David Sawyer – Attorney  
Bill Waldroup – Swain County Sheriff’s Office  
Curtis Cochran – Swain County Sheriff’s Office  
James Banks – Cabarrus County Sheriff’s Office  
Marvin Anderson – Cabarrus County Sheriff’s Office  
Sorrell Saunders – Lee County Sheriff’s Office  
Larry Thompson – Lee County Sheriff’s Office

Sheriff Riley again welcomed the visitors and called on Matthew Boyatt for Final Agency Decisions.

## II. FINAL AGENCY DECISIONS

**\*Billy Vance Waldroup**

**Matthew Boyatt**

Mr. Billy Vance Waldroup is a Deputy Sheriff applicant for certification with Swain County. Mr. Waldroup is present and represented by Legal Counsel David Sawyer. There are two issues with this case. The first issue is whether or not Mr. Waldroup committed the felony offense Obtaining Property by False Pretense and that is contained in rule .0204 (A)(1).

The second issue is whether or not Mr. Waldroup possesses the good moral character that is required as a sworn justice officer. The events that led up to Mr. Waldroup being here occurred while he was Assistant Chief of Police of the Cherokee Police Department. Mr. Waldroup is a seasoned law enforcement officer with 20 years of experience.

Mr. Boyatt summarized the Proposal for Decision for Billy Vance Waldroup as submitted by the Administrative Law Judge [**Attachment #1**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #2**]. Mr. Boyatt summarized the facts of this case of the event which took place on March 19, 2013.

Administrative Law Judge J. Randolph Ward found that Mr. Waldroup did commit the offense of Obtaining Property by False Pretense based on testimony of three (3) witnesses. Judge Ward found the witnesses to be credible. Mr. Boyatt referenced the Administrative Law Judge's Proposal for Decision, Conclusions of Law item number 3 [**Attachment #1**].

Legal Counsel, Matthew Boyatt filed Exceptions to the Proposal for Decision [**Attachment #3**]. Mr. Boyatt referred the Commission members to Conclusions of Law #1 which addresses an error made in the Administrative Law Judge's Proposal for Decision Conclusions of Law #5 [**Attachment #1**]. Mr. Boyatt referred the Commission Members to his Exceptions to Proposal for Decision Findings of Fact item #1 [**Attachment #3**].

Based on the Administrative Law Judge's ruling, Mr. Waldroup is not qualified to be certified. Mr. Boyatt asked the Commission to not adopt the Exceptions to Proposal for Decision that the Petitioner has submitted [**Attachment #4**] because the Administrative Law Judge has already considered those.

Mr. Boyatt's recommendation is to adopt Legal Counsel's Proposed Final Agency Decision [**Attachment #2**] which bars certification for the felony but also indicates that Mr. Waldroup's conduct was severe enough to indicate the Petitioner does not possess the good moral character that is required of a sworn justice officer in this state.

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

Sheriff Cochran of Swain County addressed the Commission Members on the behalf of Mr. Billy Waldroup. Sheriff Cochran is a longtime family friend. He went to school with Billy Waldroup's father. Sheriff Cochran informed the Commission Members that Mr. Waldroup's father perished in a helicopter crash in Vietnam not long after Billy Waldroup was born. Sheriff Cochran has always found Billy Waldroup to be honest and trustworthy. Mr. Waldroup has had a variety of positions from Detention Officer, SRO Officer, Bailiff, and now Sgt. over Civil Process. Sheriff Cochran has found that everything Mr. Waldroup does is by the letter and Sheriff Cochran doesn't have to worry about going behind him and checking to make sure that what he's done is right.

When Mr. Waldroup applied for the position, he did disclose the event that we are here about today. Part of their application process is to do a criminal background check. Mr. Waldroup's NCIC has absolutely nothing on it. Sheriff Cochran believes that if someone commits a crime they should be charged for it and it should show up on NCIC. Sheriff Cochran stated again that Mr. Waldroup is a good officer and that he stands behind him. Sheriff Cochran believes Mr. Waldroup does the right thing and will always do the right thing. Sheriff Cochran asked the Commission Members to not deny a good officer his certification for this act.

Attorney David Sawyer addressed the Sheriffs' Commission members on behalf of his client Mr. Billy Vance Waldroup. Attorney Sawyer stated that he does agree with much of what Mr. Boyatt has said, but there are important factors that need to be addressed. The facts of the case were determined by the Administrative Law Judge. Attorney Sawyer referenced the Administrative Law Judge's Proposal for Decision [Attachment #1].

Attorney Sawyer stated that Mr. Boyatt indicated that Mr. Waldroup was terminated which is not correct since Mr. Waldroup resigned from the Cherokee County Police. Mr. Waldroup did not face prosecution because there was no criminal prosecution. Mr. Waldroup resigned because he didn't want the school system to go through the turmoil that a public incident would bring. After Mr. Waldroup's resignation, he was asked to re-apply.

Mr. Waldroup does admit that he messed up when he handed the slip of paper prepared by Lowes Home Improvement for the dryer cord to the front cashier, Ms. Evans and said "here's my 50% off coupon". Ms. Evans took the slip and proceeded to process the transaction. Ms. Evans testified at the hearing that Mr. Waldroup told her that he was "entitled to a discount". The Court found credibility with Ms. Evans over Mr. Waldroup. Attorney stated that this fact is important because of the factor relating to the concept of larceny by trick, and the concept of whether or not Mr. Waldroup has the good moral character that is required of a sworn justice officer in this state.

The cashier, Ms. Evans, was not able to complete the transaction and was in need of an override by management. The manager, Mr. Laszlo, testified that when he attempted to help Ms. Evans and looked at the slip of paper he stated that they have not done a discount like that before. Mr. Laszlo asked Mr. Waldroup if this was something for the school system. Mr. Waldroup admits that he made mistake number two in answering this question by shrugging his shoulders. Both employees assumed that to be "yes" and began to process the transaction.

At that point, Mr. Waldroup said they had to take care of this and then went to the Managers desk. Mr. Waldroup told Mr. Laszlo that it was just a joke that got out of hand and he shouldn't have done it. Mr. Waldroup paid full price for the item and then left the store. Mr. Waldroup contacted the Police while in the store parking lot and explained what happened to give them a "heads up" in case they received a call on the incident. Mr. Waldroup called his boss but he was not available.

Attorney Sawyer once again stated that Mr. Waldroup did not leave the store with a discount. The transaction was never completed. Attorney Sawyer stated if anything, this was an attempt and that he does not think that when Mr. Waldroup walked into the store that he intended to try and get away with not paying full price for the item. The Administrative Law Judge felt that Mr. Waldroup acted on a juvenile impulse rather than out of greed or a purpose to harm others. One of the things that must be found when a person commits the offense of Obtaining Property by False Pretense is intent. It must be knowingly and it must be designedly, not a juvenile impulse. Attorney Sawyer took exception to the Administrative Law Judge's finding that there was intent. Since the Administrative Law Judge found that it was a juvenile impulse, Attorney Sawyer does not believe that can be intent. If anything, this act would be an attempt of Larceny by Trick which is a misdemeanor. Attorney Sawyer believes that is why Judge Ward recommended substituting a period of probation in lieu of denial [Attachment #1].

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

Chairman Riley asked: Does Larceny by Trick have an element of intent. Attorney Sawyer responded that Larceny by Trick is a component of Common Law Larceny. It probably does have some element of intent.

How long after Mr. Waldroup's resignation did the school system ask him to re-apply? Attorney Sawyer and Mr. Waldroup responded that it was within a couple days.

Was there a discussion about the purchase being for the school system with the manager? Attorney Sawyer stated that there Mr. Waldroup was asked by the manager if it was for the school system and that is when Mr. Waldroup shrugged his shoulders in response to the question.

A **MOTION** was made at 3:11 p.m. by Sheriff Alan Cloninger to enter into a closed session; seconded by Eric Tilley. **MOTION CARRIED.**

A **MOTION** was made at 3:35 p.m. by Sheriff Alan Cloninger to enter into open session; seconded by Steve Bizzell. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Billy Vance Waldroup that the Petitioner did commit Larceny by Trick and that his certification be revoked for a period of five (5) years. This revocation is suspended and the Petitioner placed on probation for three (3) years. The lack of Good Moral Character is to be dismissed. [**Attachment #5 for Roll Call Vote**] [**Attachment 6 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISIONS**

### **\*Ashley Bryant Helms**

### **Matthew Boyatt**

Mr. Ashley Bryant Helms is a Deputy Sheriff applicant for certification with Lincoln County. Mr. Helms is present today with Lincoln County Sheriff David Carpenter and Chief Deputy Lee Caskey. Mr. Helms was previously employed by the Gastonia Police Department and was separated from them for untruthfulness.

This is a one (1) issue case based on untruthfulness and whether or not he possesses the good moral character that is required as a sworn justice officer. The events date back to May and June of 2013. Mr. Boyatt summarized the Proposal for Decision for Ashley Bryant Helms as submitted by the Administrative Law Judge [**Attachment #7**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #8**].

Mr. Helms self-disclosed his untruthfulness and since there was not a continued pattern of such behavior the Administrative Law Judge recommends to not deny Petitioner's certification because he does possess the good moral character that is required of sworn justice officers under 12 NCAC 10B .0300.

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

Sheriff David Carpenter of Lincoln County addressed the Sheriffs' Commission Members. Sheriff Carpenter stands beside Mr. Helms whom he hired in 2013 after 11 years with the Gastonia Police Department. Mr. Helms has been with the Lincoln County Sheriff's Office for about three (3) years. Sheriff Carpenter promoted Mr. Helms to a Shift Supervisor position in 2015 because of what he sees in him and he stands behind his officer. Sheriff Carpenter has not had any issues of Mr. Helms not being truthful and he is proud to have Mr. Helms working for him. Sheriff Carpenter asked the Commission to grant Mr. Helms' certification if possible.

Mr. Ashley Helms addressed the Sheriffs' Commission Members. He stated that the events of not being truthful that occurred were bad judgment on his part. Mr. Helms stated that it is not a part of his character. The bad judgment used during those events has forever changed him and has made him the better person that he is today.

Chairman Riley asked the Commission if there were any questions.

Sheriff Cloninger asked if he should recuse himself since he was the Sheriff of Gaston County. Sheriff Cloninger stated that he does not feel there is a conflict. Attorney John Congleton stated that there could be an appearance of a conflict and to ask Mr. Helms if he would like Sheriff Cloninger to recuse himself. Mr. Ashley Helms addressed the Sheriffs' Commission Members and stated that Sheriff Cloninger does not have to recuse himself.

Chief Deputy Caskey of Lincoln County Sheriff's Office addressed the Sheriffs' Commission Members on the behalf of Mr. Helms. Chief Deputy Caskey stated that in the three (3) years that Mr. Helms has been with them he has excelled in his duties and was deserving of his promotion. They have not had any issues with Mr. Helms and he has a very good rapport with the men he supervises.

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

A **MOTION** was made at 3:48 P.M. by Sheriff Steve Bizzell to enter into a closed session; seconded by Sheriff Eric Tilley.  
**MOTION CARRIED.**

A **MOTION** was made at 3:50 P.M. by Sheriff Steve Bizzell to enter into open session; seconded by Sheriff Alan Cloninger.  
**MOTION CARRIED.**



A **MOTION** was made by Sheriff Steve Bizzell in the matter of Ashley Bryant Helms to adopt the Administrative Law Judge's Proposal for Decision to not deny certification; seconded by Sheriff Alan Cloninger. [**Attachment #9 for Roll Call Vote**] [**Attachment #10 for Final Agency Decision**]. **MOTION CARRIED.**

## **II. FINAL AGENCY DECISIONS**

### **\*Larry Thompson**

### **Matthew Boyatt**

Mr. Larry Thompson is a Detention Officer applicant for certification with Lee County. Mr. Thompson is present today with Lt. Sorrell Saunders. This is a one (1) issue case of whether or not he has been convicted of a combination of four (4) or more class A or B misdemeanors. This is not a mandatory denial of certification. The record is not in dispute. Mr. Thompson has four (4) Driving While Intoxicated convictions. Mr. Boyatt summarized the Proposal for Decision for Larry Thompson as submitted by the Administrative Law Judge [**Attachment #11**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #12**].

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

Lt. Saunders addressed the Sheriffs' Commission Members on behalf of Mr. Thompson. Lt. Saunders stated that Mr. Thompson is a veteran and a good citizen. Mr. Thompson also worked with the Department of Corrections for ten (10) years and was certified with the Criminal Justice Standards Division until he decided to join the Lee County Sheriff's Office. Mr. Thompson has also received a Bronze Star and has lost a daughter.

Mr. Larry Thompson addressed the Sheriffs' Commission Members. Mr. Thompson stated that he was an alcoholic, but he has been sober now for 25 years, one week and five days. Mr. Thompson is a Junior Pastor and works hard to show people that you can make a change. Mr. Thompson believes that he is worthy of his job because he loves and believes in what he does.

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

A **MOTION** was made at 4:12 P.M. by Sheriff Ricky Oliver to enter into a closed session; seconded by Sheriff Steve Bizzell. **MOTION CARRIED.**

A **MOTION** was made at 4:22 P.M. by Sheriff Steve Bizzell to enter into open session; seconded by Sheriff Eric Tilley.  
**MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Larry Thompson to deny certification for an indefinite period of time and that the denial is suspended and the Petitioner is issued certification with 30 days probation and to not violate any laws or rules of the Commission. The suspension is based upon extraordinary extenuating facts of good character revealed during the hearing; seconded by Sheriff Steve Bizzell. [**Attachment #13 for Roll Call Vote**] [**Attachment #14 for Final Agency Decision**]. **MOTION CARRIED.**

## **II. FINAL AGENCY DECISIONS**

**\*James William Banks**

**Matthew Boyatt**

Sheriff Brad Riley recused himself as Chairman of the Sheriffs' Commission for this case. Vice Chairman Sheriff Alan Cloninger took over.

Mr. James William Banks is a Detention Officer Applicant with Cabarrus County Sheriff's Office. This is a one (1) issue case to determine whether or not there was a material misrepresentation on his Personal History Statement (F-3). Mr. Banks failed to list his Georgia driver's license and a Barbers hair cutting license. There was also a discrepancy with regard to drug use. Mr. Boyatt summarized the Proposal for Decision for James William Banks as submitted by the Administrative Law Judge [**Attachment #15**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #16**].

The Administrative Law Judge recommended denying Petitioner's application for certification for a period of five (5) years based on Petitioner's material misrepresentations on forms submitted to the Commission. Mr. Boyatt stated that this is not a mandatory denial of certification and that the Commission has the authority to issue a lessor sanction than denial.

Mr. Boyatt stated that Mr. Banks is highly education, has a Master's Degree, and does have the support of his Sheriff.

Sheriff Cloninger asked the Commission if there were any questions. Negative response.

Sheriff Brad Riley addressed the Commission Members and spoke on the behalf of Mr. Banks. Sheriff Riley has known Mr. Banks since he began working for Cabarrus County. Sheriff Riley stated that he takes his position on the Sheriffs' Commission very seriously and it is not very often that he stands before the Commission on the behalf of someone. Sheriff Riley had discussion with Mr. Banks about the reason for the two licenses and why they weren't listed. The licenses were needed to cash checks in Georgia from cutting hair. The licenses seemed to be insignificant and were not listed on the application. Sheriff Riley believes in Mr. Banks and his character. Sheriff Riley stated that Mr. Banks does a fantastic job. Sgt. Scott Zeman was willing to come and speak on the behalf of Mr. Banks even though he is currently on his vacation. Sheriff Riley asked the Commission to give Mr. Banks the opportunity to continue working for Cabarrus County Sheriff's Office.

Sgt. Marvin Anderson addressed the Sheriffs' Commission Members and stated that he has been the Supervisor over Mr. Banks for two (2) years. Officer Banks has been an upstanding man, always dependable, comes to work on time and does whatever is asked of him. Mr. Banks has never given Sgt. Anderson any type of trouble. Mr. Banks is one of the guys that he depends on to help keep people together because Mr. Banks always has positive words. Sgt. Anderson considers Mr. Banks a brother, friend, and a great officer of the Cabarrus County Sheriff's Office.

Mr. James Banks addressed the Sheriffs' Commission Members and stated that he dropped the ball and should have included that information on the application. Mr. Banks loves his job with Cabarrus County. Working as a Detention Officer is high stress but he never calls out of work because he loves his job and enjoys coming to work. The only time he called out of work was when he had to bury his daughter last year. Mr. Banks does know how important it is to be honest. Mr. Banks asked the Commission Members for their discretion when they review his case.

Sheriff Cloninger asked the Commission if there were any questions. Negative response.

A **MOTION** was made at 4:32 P.M. by Sheriff Steve Bizzell to enter into a closed session; seconded by Sheriff Ricky Oliver.  
**MOTION CARRIED.**

A **MOTION** was made at 4:37 P.M. by Sheriff Alan Norman to enter into open session; seconded by Cpt. Jessie Fennell.  
**MOTION CARRIED.**

A **MOTION** was made by Sheriff Eric Tilley in the matter of James William Banks to adopt the Administrative Law Judge's proposal for decision to deny Petitioner's application for certification for a period of five (5) years and that the denial is suspended and the Petitioner is issued certification with 12 months probation and to not violate any laws or rules of the Commission; seconded by Sheriff Ricky Oliver. [**Attachment #17 for Roll Call Vote**] [**Attachment #18 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISIONS**

**\*Lisa Mae Parsons**

**Matthew Boyatt**

Ms. Lisa Mae Parsons is a Detention Officer applicant for certification with Watauga County Sheriff's Office. Ms. Parsons is not present today. This is a one (1) issue case of Obtaining Property by False Pretense. Ms. Parsons was the Comptroller for Taylorsville Ford and had access to the checks.

Mr. Boyatt summarized the Proposal for Decision for Lisa Mae Parsons as submitted by the Administrative Law Judge [**Attachment #19**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #20**]. The Administrative Law Judge recommended permanent denial of certification.

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

A **MOTION** was made at 4:42 P.M. by Sheriff Eric Tilley to enter into a closed session; seconded by Sheriff Alan Cloninger. **MOTION CARRIED.**

A **MOTION** was made at 4:44 P.M. by Sheriff Alan Cloninger to enter into open session; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Alan Cloninger in the matter of Lisa Mae Parsons to adopt the Administrative Law Judge's Proposal for Decision to deny certification permanently; seconded by Sheriff Eric Tilley. [**Attachment #22 for Roll Call Vote**] [**Attachment #23 for Final Agency Decision**] **MOTION CARRIED.**

## **II. FINAL AGENCY DECISIONS**

**\*Kelvin Terrell Holley**

**Matthew Boyatt**

Mr. Kelvin Terrell Holley is a Detention Officer with Bertie-Martin Regional Jail. This is a one (1) issue case as to whether or not his certification should be revoked for cheating in the Detention Officer Certification Course (DOCC). Mr. Boyatt summarized the Proposal for Decision for Kelvin Terrell Holley as submitted by the Administrative Law Judge [**Attachment #24**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #25**].

Mr. Holley failed to respond to several orders of the court, therefore his case was dismissed. This Administrative Law Judge requires that the case go to the Full Commission. Mr. Boyatt recommends that the Sheriffs' Commission Members adopt the Administrative Law Judge's decision which means that his case is dismissed for failure to prosecute. This means that it is as if Mr. Holley never requested an Administrative Hearing and his certification is revoked for cheating on a DOCC certification course.

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter Kelvin Terrell Holley to adopt the Administrative Law Judge's Proposal for Decision to revoke the Petitioner's certification; seconded by Sheriff Ricky Oliver. [**Attachment #26 for Final Agency Decision**] **MOTION CARRIED BY A UNANIMOUS VOTE.**

## II. FINAL AGENCY DECISIONS

**\*Steven Voyed Warr**

**Matthew Boyatt**

Mr. Steven Voyed Warr is a Detention Officer Applicant for certification with Hoke County Sheriff's Office. The issue is whether or not he committed Material Misrepresentation. Mr. Boyatt summarized the Proposal for Decision for Steven Warr as submitted by the Administrative Law Judge [**Attachment #27**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #28**]. The Administrative Law Judge found that Mr. Warr did not knowingly commit a Material Misrepresentation on his Personal History Statement (F-3). Mr. Boyatt recommended to the Sheriffs' Commission Members that they follow the Administrative Law Judge's recommended decision in this case.

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

A **MOTION** was made by Sheriff Ricky Oliver in the matter of Steven Voyed Warr to adopt the Administrative Law Judge's Proposal for Decision to issue the Petitioner's certification as a justice officer; seconded by Sheriff Ricky Oliver. [**Attachment #29 for Final Agency Decision**] **MOTION CARRIED BY A UNANIMOUS VOTE.**

## II. FINAL AGENCY DECISIONS

**\*James Phillip Davenport**

**Matthew Boyatt**

Mr. James Phillip Davenport is a Deputy Sheriff Applicant for certification with Wayne County Sheriff's Office. Rule 12 NCAC 10B .0204 ( c ) (5) states that if an applicant or officer has been denied, revoked, or any action taken by the Criminal Justice Commission, then the Sheriffs' Standards Commission may do the same. A Final Agency Decision was entered by the Criminal Justice Commission in 2013 for Material Misrepresentation committed during Mr. Davenport's application process by failing to disclose employment and adverse employment action taken against him.

Mr. Boyatt summarized the Proposal for Decision for Mr. Davenport as submitted by the Administrative Law Judge [**Attachment #30**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #31**]. Mr. Boyatt's recommendation is to adopt the Administrative Law Judge's Proposal for Decision and not deny the Petitioner's certification.

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

A **MOTION** was made by Sheriff Alan Cloninger in the matter of James Phillip Davenport to adopt the Administrative Law Judge's Proposal For Decision to issue a justice officer certification to Petitioner and place Petitioner on a two (2) year probationary period, during which time Petitioner shall not violate any federal or state law and shall remain in compliance with the rules established by the Sheriffs' Commission and the CJ Commission; seconded by Sheriff Ricky Oliver. **[Attachment #32 for Final Agency Decision]. MOTION CARRIED BY A UNANIMOUS VOTE.** Sheriff Bizzell recused himself from the vote.

## **II. FINAL AGENCY DECISIONS**

**\*Kevin Michael Weber**

**Matthew Boyatt**

Mr. Kevin Michael Weber is a Deputy Sheriff Applicant for certification with Pitt County. This is a one (1) issue case of whether or not he was convicted of four (4) or more class A or B misdemeanors which is a violation of rule NCAC 10B .0204 (d)(5).

Mr. Boyatt summarized the Proposal for Decision for Mr. Weber as submitted by the Administrative Law Judge [**Attachment #33**], and the Proposal for Decision submitted by Legal Counsel [**Attachment #34**]. Mr. Boyatt's recommendation is to adopt the Administrative Law Judge's Proposal for Decision and not deny the Petitioner's certification.

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

A **MOTION** was made by Sheriff Eric Tilley in the matter of Kevin Michael Weber to adopt the Administrative Law Judge's Proposal For Decision and issue Petitioner's justice officer certification; seconded by Cpt. Jessie Fennell. **[Attachment #35 for Final Agency Decision]. MOTION CARRIED BY A UNANIMOUS VOTE.**

### **III. CONSENT AGREEMENTS**

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

Zachary T. Mooneyhan-Deputy Sheriff Applicant-Alleghany County  
*(Failure to Make Timely Notification of Aid and Abet DWI charge)*

Selene B. Mayer-Detention Officer Applicant-Nash County  
*(Falsification regarding Illegal Drug Usage)*

Jeffrey R. Medlin-Deputy-Iredell County  
*(Falsification regarding Misdemeanor Charges)*

Christopher Scott Perry-Detention Officer Applicant-Wake County  
*(Falsification regarding Illegal Drug Usage)*

Amalia M. Romero-Detention Officer Applicant-Richmond County  
*(Falsification regarding Misdemeanor Charges)*

Tempestt Gabrielle Rudd-Telecommunicator-Warren County  
*(Falsification regarding Illegal Drug Usage)*

Kevin Lamons Taylor-Detention Officer Applicant-Wake County  
*(Falsification regarding Illegal Drug Usage)*

Patrick Anthony Vinzanni-Detention Officer Applicant-Wake County  
*(Falsification regarding Misdemeanor Charges)*

Mr. Boyatt 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. Mr. Boyatt recommended the Sheriffs' Commission accept the Consent Agreements offered.

A **MOTION** was made by Sheriff Alan Cloninger to accept all the Consent Agreements provided by Legal Counsel Matthew Boyatt; seconded by Sheriff Ricky Oliver. **MOTION CARRIED.**



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

Mr. Matthew Boyatt summarized the Legal Counsel's Report. This report is available for review and includes 45 administrative case files that were in the Office of Administrative Hearings. He reported that the majority of cases have been litigated. Mr. Boyatt went over the various stages of litigation for the 45 administrative cases as follows: **[See Attachment #36]**.

- Nine (9) cases involve Class B misdemeanors after the deputy/detention officer has been certified.
- Seven (7) cases felony commissions.
- Ten (10) cases involving four (4) or more Class A or B misdemeanors.
- Seven (7) cases material misrepresentations.
- Eight (8) cases involve a lack of good moral character.
- Three (3) cases involve a certified officer who has been charged and did not report that charge within the five day reporting period.
- One (1) case denial by CJ Commission.

Sheriffs' Commission Chairman Sheriff Brad Riley asked the Commission for a closed Executive Session.

A **MOTION** was made at 5:00 P.M. by Sheriff Steve Bizzell to enter into a closed session; seconded by Sheriff Eric Tilley. **MOTION CARRIED.**

A **MOTION** was made at 5:15 P.M. by Sheriff Steve Bizzell to enter into open session; seconded Sheriff Eric Tilley. **MOTION CARRIED.**

#### **V. ADJOURNMENT**

A **MOTION** was made by Sheriff Steve Bizzell at 5:16 p.m. to adjourn the June 09, 2016 Sheriffs' Final Agency Decision meeting; Seconded by Sheriff Eric Tilley. **MOTION CARRIED.**