

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

DATE: June 10, 2021

TIME: 9:00 a.m.

SUBMITTED BY: Diane Konopka, Director Sheriffs' Standards Division

I. CALL TO ORDER

Sheriff Alan Cloninger

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Alan Cloninger on Thursday, June 10th at 9:00 am. The Final Agency Decision meeting was held at the Cape Fear Community College, Union Station, 502 North Front Street, Wilmington, NC 28401.

Chairman Cloninger requested a roll call of Commission members. Director Konopka recorded the following:

MEMBERS PRESENT

Sheriff Shelton White
Sheriff Landric Reid
Sheriff Alan Cloninger
Sheriff Mike Roberson
Sheriff Alan Norman
Sheriff Doug Doughtie
Retired Sheriff David Smith
Sheriff Ed McMahan
Sheriff John Ingram
Sheriff Jack Smith (arrived at 9:30 am)
Mr. Marc Nichols (arrived at 1:30 pm)

MEMBERS ABSENT

Sheriff Terry Johnson
Mr. Jamie Markham
Ms. Tracy McPherson

STAFF

Diane Konopka - Director - Sheriffs' Standards Division
John Congleton - NC Dept. of Justice
Ameshia Cooper - NC Dept. of Justice

Chairman Cloninger announced that a quorum was present.

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.

Chairman Cloninger welcomed the visitors to the meeting and to New Hanover County on behalf of Sheriff McMahan. He introduced Sgt. Vickers of the New Hanover County Sheriff's Office and thanked him for providing security for the meeting. He also introduced Ania Gatewood who is a third year law student and currently serving as a legal intern for the Department of Justice. Sheriff Cloninger then asked visitors to stand and introduce themselves.

VISITORS

Aaron Hubbard	Wake County Sheriff's Office
Barry Henline	Attorney for Jason Riley
Jason Riley	Clinton Police Department
Michael Murphy	Buncombe County Sheriff's Office
Mickey Biggs	NC Community College System
Rickie Lee Day	Craven County Sheriff's Office
Christopher Munz	Attorney for Rickie Day
Michael Wise	Lee County Sheriff's Office
Bob Crawford	Attorney for Michael Wise

Capt. Estes
Susan Stone
Andy Stone
Joshua Black
Brandon Christian
Ladonte Hines-Tobar
Robert Jordan
Leon Kent Brown
Joseph Pilgreen

Lee County Sheriff's Office
Lee County Sheriff's Office
Sheriffs' Standards' Division
Union County Sheriff's Office
Attorney for Joshua Black
Durham County Sheriff's Office
Gates County Sheriff's Office
Brookford Police Department
Sharpsburg Police Department

II. FINAL AGENCY DECISION

Ameshia Cooper

***Jason Riley**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Jason Riley is present and represented by his attorney Mr. Barry Henline. Ms. Cooper stated that Mr. Riley's hearing was held on January 13th via Microsoft TEAMS and was heard by Judge Ward. Mr. Riley is currently employed with the Clinton Police Department. Deputy Director Sirena Jones testified at the hearing on behalf of the Commission; and Mr. Riley testified on his own behalf, as well as Sgt. Ed Mann from the Sampson County Sheriff's Office. While serving with the Sampson County Sheriffs' Office, Mr. Riley was charged with, and ultimately convicted of a simple worthless check offense. He failed to notify the Division within five days of being charged.). The issue was discovered when he applied with the Clinton Police Department and listed the worthless check charge on his F-3. During the hearing Mr. Riley testified that his failure to report was not out of an attempt to deceive or conceal, but rather was due to his unfamiliarity of the Commission's reporting requirements. Ms. Cooper summarized the Proposal for Decision for Mr. Jason Riley as submitted by the Administrative Law Judge Ward [**Attachment #1**], who recommended probation for a period of six months in lieu of revocation. Ms. Cooper also submitted the Proposal for Decision as submitted by Legal Counsel [**Attachment #2**] and indicated that she would like to amend her proposal, stating that she initially proposed a different recommendation, but now agrees with Judge Ward's recommendation.

Atty. Henline addressed the Commission on behalf of Mr. Riley and indicated they are in agreement with that recommendation of a six months period of probation. He stated that the incident occurred when Mr. Riley closed one checking account and opened a second account. He inadvertently wrote a check on the wrong/closed account. The merchant informed him a warrant had been taken out on him, his Captain served the warrant and Mr. Riley immediately went and paid the check and took full responsibility. This occurred in 2010. Mr. Riley was not familiar with the reporting requirement and apparently his employing agency was also not aware. At the hearing, it was stipulated that Mr. Riley was convicted of this worthless check offense. Mr. Riley has been a justice officer for 12 years with no prior blemish on his record.

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

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Reid to enter into open session; seconded by Sheriff White. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Doug Doughtie in the matter of Mr. Jason Riley to adopt the ALJ's Proposal for Decision and Legal Counsel's amended recommended Proposed Final Agency Decision to place Mr. Riley on probation for a period of six (6) months; seconded by Sheriff Norman [**Attachment #3 for Roll Call Vote**] [**Attachment #4**] for Final Agency Decision] **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Ameshia Cooper

***Aaron Hubbard**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Aaron Daniel Hubbard is a detention officer certified through the Wake County Sheriff's Office. Mr. Hubbard is not represented by legal counsel.

The issue for the Sheriffs' Commission's consideration is whether or not Mr. Hubbard committed a Class B misdemeanor after the date of appointment. Mr Hubbard was charged with Assault on a Female on July 28, 2018. The victim was Julie Hubbard, the petitioner's wife. When the case went to court, Mr. Hubbard admitted guilt and entered into a domestic violence deferral agreement with the state, complied with the terms of the agreement and the charge was dismissed on September 4, 2019.

The administrative hearing was on January 27th at 9:00am in Raleigh and was heard by Judge Byrne. Deputy Director Sirena Jones and Field Representative Andy Stone testified on behalf of the Commission; and on behalf of the petitioner Lt. Jeanette Lamar and Julie Hubbard. The evidence indicated that Mr. Hubbard had experienced the death of two close friends not long before the altercation and on the date of the offense, Mr. Hubbard and his son had attended a party at a neighbor's home where Mr. Hubbard consumed alcohol. Another individual at the party made comments which Mr. Hubbard found to be demeaning to the armed services and upset him greatly. Mr. Hubbard's wife was not at the party, rather she was attending a concert.

Mr. Hubbard went home and his wife came home later. At that time he became belligerent towards her and tried to pull her off of their sunporch. Ms. Hubbard testified she had never seen him act that way before. When law enforcement (LE) arrived, Mr. Hubbard admitted to the assault and was very apologetic. LE noted that he was intoxicated. Officer Hubbard promptly notified the Division of this offense. At the hearing Lt. Lamar testified that Officer Hubbard was an asset to the Sheriff's Office and that the family relies on him. Officer Hubbard testified he was sincere, remorseful and embarrassed. He stated he got the therapy help he needed to be a better person and officer. He has abstained from alcohol since that date.

Ms. Cooper indicated the hearing was very emotional and both she and the judge found Mr. Hubbard to be very sincere. Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Aaron Hubbard as submitted by the Administrative Law Judge [**Attachment #5**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #6**]. Specifically, the ALJ recommended that Officer Hubbard's certification be revoked, but that revocation be suspended and officer Hubbard placed on probation for period of two (2) years on the condition that he not violate any criminal laws or rules of the Commission. Mr. Cooper agrees with the judge's recommendation.

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

Mr. Hubbard addressed the Commission stating he really wished this had not happened and he got the help that he needed because it really was needed. He no longer goes to therapy or counseling, but he and his wife worked through this and things that he has issues with. He is sorry for what happened and understands the seriousness of the matter. He has never been in trouble before during his seven (7) years with Wake County Sheriff's Office.

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

A **MOTION** was made by Sheriff Reid to enter into a closed session; seconded by Sheriff Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Doughtie in the matter of Aaron Hubbard to adopt Legal Counsel's Proposed Final Agency Decision to revoke Petitioner's justice officer certification, but that revocation is suspended and Mr. Hubbard is placed on probation for a period of two years; seconded by Sheriff Jack Smith [**Attachment #7 for Roll Call Vote**] [**Attachment #8 for Final Agency Decision**] **MOTION CARRIED.**

IV. FINAL AGENCY DECISION

Ameshia Cooper

***Rickie Lee Day**

Legal counsel John Congleton recused himself from serving as the Commission's legal counsel in this matter.

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Rickie Lee Day is present and represented by his attorney Mr. Christopher Munz. Ms. Cooper stated that Mr. Day is currently an applicant for certification through the Carteret County Sheriff's Office. He was previously certified through the Harnett County Sheriff's Office from 2002 – 2010. The issue before the Commission is a failure to notify within five days. The hearing was held on March 18th in Lillington, NC and was heard by Judge Beecher Gray.

While employed at the Harnett County Sheriff's Office, Mr. Day was charged with Cyberstalking. He notified the Sheriff and resigned. Six (6) months later he was served with additional charges arising out of that same incident. Those charges were dismissed and expunged, however the Commission was never notified. At the hearing, Mr. Day stated that he believed since he resigned from the Sheriff's Office he was not required to make notification. At the hearing, Mr. Day expressed regret and indicated he now understood the requirement to notify.

Evidence showed that Petitioner has worked law enforcement for almost 42 years and had no other violations. Judge Gray recommended that due to the totality of the circumstances, Mr. Day should be issued a written warning and Ms. Cooper agrees with that recommendation. The Proposal for Decision for Mr. Rickie Lee Day as submitted by the Administrative Law Judge Gray [**Attachment #9**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #10**] are attached.

Chairman Cloninger asked the Commission if there were any questions. Sheriff Roberson noted proposal indicated there were two (2) Class A and (1) Class B misdemeanors that were not specified. Attorney Cooper stated since these charges were expunged she believed the Commission was uncertain as to the actual charges.

Petitioner's Attorney Munz stated he believes the additional charges were Trespassing and Carrying a Concealed Weapon, but that these claims were fabricated, not substantiated, ultimately dismissed; and he did disclose these charges.

Mr. Day was asked if he had anything to add. He stated he was been in law enforcement for 42 years, served in the military and has never been written up for anything. He stated when he resigned he thought he was a civilian. Sheriff Cloninger asked the petitioner if he had known he was required to report his charges would you have done it. Mr. Day said he would and he did report it to (CJ) Training and Standards.

Chairman Cloninger acknowledged that Mr. Day appeared to feel that he had been put through this process unnecessarily, but that it is necessary. He stated that the Commission's job and function is to ensure law enforcement officers are credible and we do take this seriously. That is why there are three levels to this process: Probable Cause, Administrative Hearing and this (FAD) hearing. Sheriff Cloninger stated that we do the best we can to have the best out there and he hopes when Mr. Day leaves he will realize the Commission put him through this so that we can have the best law enforcement possible.

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED**

A **MOTION** was made by Sheriff Landric Reid in the matter of Mr. Rickie Day to adopt the ALJ's Proposal for Decision and Legal Counsel's amended recommended Proposed Final Agency Decision to issue a written warning and issue certification; seconded by Sheriff Jack Smith [**Attachment #11 for Roll Call Vote**] [**Attachment #12**] for Final Agency Decision] **MOTION CARRIED.**

V. FINAL AGENCY DECISION

Ameshia Cooper

***Tracy Nowak**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Ms. Tracy Marie Nowak is not present. She is an applicant for deputy sheriff certification through the Pender County Sheriff's Office after being sworn in April of 2019. The issue before

the Commission is the allegation of a Class B misdemeanor within five (5) years of date of employment. Ms. Nowak was represented by Atty. Jennifer Knox. There was no hearing as the case was resolved through stipulation. The Petitioner was charged on 2/2/2016, with Larceny/Theft in the 3rd degree in Michigan. The record shows this charged was reduced to “Larceny Generally” under a town ordinance and ultimately dismissed in June of 2017 after a period of probation. As of March 3, 2021, five years has passed since Petitioner was charged with this offense, so it is no longer a violation under Commission rules.

The Proposal for Decision for Ms. Tracy Nowak as submitted by Administrative Law Judge Michael Byrne [**Attachment #13**], and the Proposal for Decision as submitted by Legal Counsel [**Attachment #14**] are attached. The Administrative Law Judge recommended that the Commission grant certification and legal counsel Cooper agrees.

The Commission asked why the petitioner was not present and Ms. Cooper advised that she communicated with Attorney Knox via email and Attorney Knox said she had looked at documentation and did not plan to attend.

A **MOTION** was made by Sheriff Mike Roberson to enter into a closed session; seconded by Sheriff Shelton White. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Jack Smith to enter into open session; seconded by Sheriff Reid. **MOTION CARRIED**

A **MOTION** was made by Sheriff Roberson in the matter of Ms. Tracy Nowak to grant certification as recommended by Legal Counsel; seconded by Sheriff Landric Reid [**Attachment #15 for Roll Call Vote**] [**Attachment #16 for Final Agency Decision**] **MOTION CARRIED.**

VI. FINAL AGENCY DECISION

Ameshia Cooper

***Lenisha Monique Ward**

Legal Counsel Ameshia Cooper addressed the Sheriffs’ Commission Members and stated that Ms. Lenisha Ward is not present. Ms. Ward was an applicant for detention officer certification through the Jones County Sheriff’s Office, but is no longer associated with a Sheriff’s Office. She was previously certified through the Pamlico County Sheriff’s Office.

The Division issued Ms. Ward a summary suspension after the Jones County Sheriff's Office reported that she tested positive for marijuana. At the Administrative Hearing, the Petitioner denied smoking marijuana and asserted that she consumed hemp seeds as a dietary supplement and that was the reason for the positive drug screen. The chief officer for drug testing collection site, Matthew Jennette testified that consumed hemp seeds would not show up on drug screen. It was noted that hemp seeds are legal. Administrative Law Judge Bawtinheimer recommended denial of certification for a period of five (5) years, but in lieu of active denial, that Ms. Ward be placed on probation for a period five (5) years. [Attachment #17] Legal Counsel Ameshia Cooper recommends that certification be denied for a period of five (5) years. [Attachment #18]. Ms. Ward was notified of today's hearing, but advised she could not make it.

A **MOTION** was made by Sheriff Shelton White to enter into a closed session; seconded by Sheriff Alan Norman. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED**

A **MOTION** was made by Sheriff Norman in the matter of Ms. Lenisha Ward to adopt legal counsel's recommendation and deny certification for a period of five years; seconded by Sheriff Landric Reid [Attachment #19 for Roll Call Vote] [Attachment #20] for Final Agency Decision] **MOTION CARRIED.**

VII. FINAL AGENCY DECISION

Ameshia Cooper

***Trey-Vaughn Lewis**

Sheriff White recused himself from this matter.

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Trey-Vaughn Lewis is an applicant for detention officer certification through the Albemarle District Jail. Mr. Lewis was not present and he is not is not represented by legal counsel.

The issue before the Sheriffs' Commission to consider is whether or not Mr. Lewis committed a Class B misdemeanor offense of Assault on a Female within the five (5) year period prior to appointment. The victim was Mr. Tiffany Lewis' sister. Ms. Cooper indicated that the alleged incident occurred on December 27, 2019. This matter was heard by Administrative Law Judge Bawtinheimer on January 19, 2021 via Microsoft TEAMS.

At the hearing, Mr. Lewis testified he was in a bad mood after learning that he failed the BLET exam for the second time, when his sister began to harass him for not taking out the garbage after being asked to by their mother; and she unplugged this desktop computer where he was playing video games. An altercation ensued where Tiffany cursed at the Petitioner and he punched her in the face. The punch was significant and Tiffany went to the hospital. Mr. Lewis was charged in this matter, though the charge was dismissed at his sister's request. Mr. Lewis was 18 and his sister was 23 at the time of this incident. Tiffany Lewis had returned to school in Alabama and was not present when the case went to court.

At the hearing, Mr. Lewis testified that pushing and shoving was a normal part of the relationship between him and his sister, though it had never before reached this level. He stated that as a Black man, he was either going to sell drugs and go to jail, or go into the military or law enforcement. Mr. Lewis said he was working maintenance at the jail at the time of the incident and indicated that he was passionate about working in law enforcement. He expressed remorse about punching his sister.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Trey-Vaughn Lewis as submitted by the Administrative Law Judge [**Attachment #21**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #22**]. Specifically, the ALJ recommended that Mr. Lewis be granted certification and placed on a one (1) year probationary period. Ms. Cooper agrees with the judge's recommendation. Ms. Cooper further stated that she did not personally speak with Mr. Lewis but understood he would not be present.

Chairman Cloninger asked if there was a statement or testimony from the victim. Ms. Cooper read a statement/information from the record from Tiffany Lewis and from the Petitioner's mother who was also present during this incident.

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

A **MOTION** was made by Sheriff Roberson to enter into a closed session; seconded by Sheriff Reid. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Norman to enter into open session; seconded by Sheriff Jack Smith. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson in the matter of Trey-Vaughn Lewis to adopt legal counsel's recommended proposal and grant certification, but to amend the period of probation from one year to five years; seconded by Sheriff Norman [**Attachment #23 for Roll Call Vote**] [**Attachment #24 for Final Agency Decision**] **MOTION CARRIED.**

VIII. FINAL AGENCY DECISION

Ameshia Cooper

***Michael Wise**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Michael Wise is an applicant for deputy sheriff certification through the Lee County Sheriff's Office. Mr. Wise was present and is represented by Attorney Bob Crawford.

The issue before the Sheriffs' Commission to consider is whether or not Mr. Wise committed four or more Class A and Class B misdemeanors. This hearing on this matter was heard on January 29th of this year by ALJ Byrne. The Petitioner's criminal history shows four (4) misdemeanor offenses: 2009 Possess Fortified Wine/MXBV under 21; 2011 Aid/Abet in Obtaining Alcohol and Obtain Alcohol with False ID; and 2012 Consume Alcohol Underage. All charges were dismissed, though Mr. Wise did admit responsibility for these offenses. Lee County Captain Estes testified on his behalf and several letters of recommendation attesting to his good character were presented as evidence at the hearing.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Michael Wise as submitted by the Administrative Law Judge [**Attachment #25**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #26**]. Specifically, the ALJ recommended that Officer Wise's certification be granted; but Ms. Cooper recommends that certification be denied but that petitioner be placed on probation for a period of two (2) years on the condition that he not violate any criminal laws or rules of the Commissions.

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

Attorney Crawford stated that the 2009 charge occurred when Petitioner was age 16, the 2011 charges occurred and age 18 and the 2012 charge occurred at age 19. He stated that these charges are 10+ years old and anybody who committed these acts today would not be charged. Mr. Crawford does not believe he should be placed on probation. Capt. Estes stated Mr. Wise was an outstanding student in his BLET class and the Lee County Sheriff's Office has never had any complaints against Mr. Wise, nor policy violations. Mr. Wise apologized for his charges and asked the Commission to grant his certification.

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

A **MOTION** was made by Sheriff Norman to enter into a closed session; seconded by Sheriff White. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Reid to enter into open session; seconded by Sheriff Smith. **MOTION CARRIED**

A **MOTION** was made by Sheriff Roberson in the matter of Michael Wise to adopt the Administrative Law Judge's recommendation and grant Petitioner's certification; seconded by Sheriff Jack Smith [**Attachment #27 for Roll Call Vote**] [**Attachment #28 for Final Agency Decision**] **MOTION CARRIED.**

IX. FINAL AGENCY DECISION

Ameshia Cooper

***Joshua Black**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Joshua Black is an applicant for detention officer certification through the Union County Sheriff's Office. Mr. Black was present he was represented by Attorney Brandon Christian.

The issue before the Sheriffs' Commission to consider is whether or not Mr. Black committed the felony offense of possessing a firearm (2 shot guns) on a school property. This matter was heard by Administrative Law Judge Malherbe on January 5, 2021 via Microsoft TEAMS.

At the hearing, Mr. Black testified his mother asked him to pick up his brother from school and he forgot guns were in his car. The guns were noticed because they were poking out of a window. There was no evidence to show Mr. Black intended to take the guns onto school grounds. He was offered a deferred prosecution agreement wherein the charge was dismissed in six (6) months after he complied with the terms of the agreement.

Legal Counsel Ameshia Cooper summarized the Proposal for Decision for Mr. Joshua Black as submitted by the Administrative Law Judge [**Attachment #29**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #30**]. Specifically, the ALJ recommended that Mr. Black be granted certification. Ms. Cooper agrees with the judge's recommendation.

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

A **MOTION** was made by Sheriff Roberson to enter into a closed session; seconded by Sheriff Reid. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Reid. **MOTION CARRIED**

A **MOTION** was made by Sheriff Norman in the matter of Joshua Hugh Black to adopt legal counsel's recommended proposal and grant certification; seconded by Sheriff Jack Smith. **[Attachment #31 for Roll Call Vote] [Attachment #32 for Final Agency Decision] MOTION CARRIED.**

X. FINAL AGENCY DECISION

Ameshia Cooper

*Ladonte Lashawn Hines-Tobar

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Ms. Ladonte Hines-Tobar is present. She is certified as both a deputy and detention officer through the Durham County Sheriff's Office. Ms. Cooper stated that Ms. Hines-Tobar's hearing was held on February 22, 2021 via Microsoft TEAMS and was heard by Judge Jacobs. The issue before the Commission is whether or not Ms. Hines-Tobar committed the felony offenses of financial card theft, identify theft, obtaining property through false pretenses; and whether or not she maintains good moral character. She was criminally charged with these offenses, though all were dismissed on November 6, 2019.

The complainant in this matter was the petitioner's estranged husband. Ms. Hines-Tobar testified at the hearing that during the marriage they shared credit cards. During their period of separation they discussed getting back together. When Ms. Hines-Tobar told her husband she no longer wished to reconcile he took these charges out against her. After she was charged she was suspended by her agency as a deputy sheriff but still remained as a jail officer and was promoted to sergeant.

Ms. Cooper summarized the Proposal for Decision for Ms. Hines-Tobar as submitted by the Administrative Law Judge Jacobs **[Attachment #33]**, and the Proposal for Decision as submitted by Legal Counsel. **[Attachment #34]**. Judge Jacobs recommended that no action be taken against petitioner's certification and Ms. Cooper agrees.

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

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Smith. **MOTION CARRIED**

A **MOTION** was made by Sheriff Reid in the matter of Ms. Hines-Tobar to adopt Legal Counsel’s Proposed Final Agency Decision and take no action against Ms. Hines-Tobar’s certification; seconded by Sheriff Roberson [**Attachment #35 for Roll Call Vote**] [**Attachment #36**] for Final Agency Decision] **MOTION CARRIED.**

XI. FINAL AGENCY DECISION

Ameshia Cooper

*Robert Erick Jordan

Sheriffs White, Reid and Doughtie recused themselves.

Legal Counsel Ameshia Cooper addressed the Sheriffs’ Commission Members and stated that Mr. Robert Jordan is present. Mr Jordan is certified as a deputy sheriff through the Gates County Sheriff’s Office. The issue before the Commission is whether or not Mr. Jordan committed a felony offense and whether or not he possesses good moral character.

In July of 2017, the gates County Sheriff’s Office was investigated for several allegations of wrong-doing – including “double-dipping.” The sheriff was removed from office and Mr. Jordan was appointed as interim sheriff. Mr. Jordan was indicted for receiving \$80.00 from the school board that he did not work for. He stated he had no intent to deceive the school board and felt he was retaliated against when he refused to vacate the office of sheriff. He currently holds the position of sergeant at the Gates County Sheriff’s Office.

Ms. Cooper summarized the Proposal for Decision for Mr Jordan as submitted by the Administrative Law Judge Melissa Owens Lassiter [**Attachment #37**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #38**]. Judge Lassiter recommended that no action be taken against petitioner’s certification and Ms. Cooper agrees.

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

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Norman. **MOTION CARRIED**

A **MOTION** was made by Sheriff Norman in the matter of Mr. Robert Jordan to adopt Legal Counsel's Proposed Final Agency Decision and take no action against Mr. Jordan's certification; seconded by Sheriff Roberson [**Attachment #39 for Roll Call Vote**] [**Attachment #40 for Final Agency Decision**] **MOTION CARRIED.**

XII. FINAL AGENCY DECISION

Ameshia Cooper

*Leon Kent Brown

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Leon Brown is present. Mr. Brown was most recently certified as a deputy sheriff through the Catawba County Sheriff's Office; and he was previously certified with the Criminal Justice Commission through the Long view Police Department between 1993 and 2000. The issue before the Commission is whether or not Mr. Brown committed material misrepresentation in regards to completion of mandated in-service training.

The petitioner represented himself at the hearing. He testified that he mistakenly believed that he had to do in-service training while on duty. He submitted letters of recommendation from six (6) high ranking officials. Ms. Cooper stated he was very sincere during his testimony at the hearing and he was very forthcoming about incident. His wife 23 years also testified as character witness at the hearing. Testimony indicated Ms. Hannah Hamlin, the Catawba County officer who asked Mr. Brown for his log-in credentials resigned because she was being investigated for another matter.

Ms. Cooper summarized the Proposal for Decision for Mr Brown as submitted by the Administrative Law Judge David Sutton [**Attachment #41**], and the Proposal for Decision as

submitted by Legal Counsel. [**Attachment #42**]. Judge Sutton recommended that petitioner's certification be denied or revoked, but in lieu of such action, petitioner be placed on probation for a period of five (5) years so long as he does not violate any state or federal laws or rules of the Commission(s). Attorney Cooper agrees.

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

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Reid to enter into open session; seconded by Sheriff Roberson. **MOTION CARRIED**

A **MOTION** was made by Sheriff Norman in the matter of Mr. Leon Kent Brown to adopt Legal Counsel's recommended Proposed Final Agency Decision to suspend his certification for a period of five years, but in lieu of active suspension, place Mr. Brown on probation for a period of five (5) years; seconded by Sheriff Roberson [**Attachment #43 for Roll Call Vote**] [**Attachment #44**] for Final Agency Decision]. **MOTION CARRIED.**

XIII. FINAL AGENCY DECISION

Ameshia Cooper

*Joseph Pilgreen

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Joseph Pilgreen is present. Mr. Pilgreen was certified from March of 2017 to January of 2020 with the Edgecombe County Sheriff's Office. The issue before the Commission is whether or not Mr. Pilgreen lacks good moral character. An administrative hearing was held in January of this year.

The matter considered by the Probable Cause Committee was in regards to a DWI training course the petitioner was scheduled to attend on December 11 and 12, 2019. Mr. Pilgreen stated he drove out to location and was informed that training had been cancelled. He said he did not have access to computer because it was left behind in his patrol vehicle which was in the shop. He testified he completed his work schedule(s) months in advance, so the timesheet that he

submitted reflected that he was working on the day he was supposed to be at the DUI course. Mr. Pilgreen said he did not feel supported by the higher-ups at the Sheriff's Office and he expressed his discontent.

The petitioner testified that he had "comp" time available and was going to use it for the DUI course. When he was informed about problem with timesheet, he tried to resubmit it to his supervisor, but it was rejected.

Ms. Cooper summarized the Proposal for Decision for Mr. Pilgreen as submitted by the Administrative Law Judge Bawtinheimer [**Attachment #45**], and the Proposal for Decision as submitted by Legal Counsel. [**Attachment #46**]. Judge Bawtinheimer recommended that no action be taken against petitioner's certification. Attorney Cooper agrees.

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

A **MOTION** was made by Sheriff Alan Norman to enter into a closed session; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Roberson to enter into open session; seconded by Sheriff Norman. **MOTION CARRIED**

A **MOTION** was made by Sheriff Doug Doughtie in the matter of Mr. Joseph Pilgreen to adopt Legal Counsel's Proposed Final Agency Decision to take no action against Mr. Pilgreen's certification; seconded by Sheriff White [**Attachment #47 for Roll Call Vote**] [**Attachment #48**] for **Final Agency Decision**] **MOTION CARRIED.**

IV. LEGAL COUNSEL'S REPORT

Ms. Ameshia Cooper summarized Legal Counsel's Report. This report is available for review and includes administrative case files that are currently in the Office of Administrative Hearings. Ms. Cooper reviewed the various stages of litigation for the administrative cases as follows: [**See Attachment #49**].

- 36 cases including 12 FADs heard today

- Five (5) hearings since last meeting in March
- 14 new cases since March
- Jesse Brown failed to file a prehearing statement so Attorney Cooper filed for dismissal. Mr. Brown hired an attorney and asked for a retrial.

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

VI. ADJOURNMENT

A **MOTION** was made to adjourn the June 2021 Sheriffs' Final Agency Decision meeting; Seconded. **MOTION CARRIED.**