

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

DATE: September 09, 2021

TIME: 12:00 P.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, September 9, 2021, at 12:00 pm. The Final Agency Decision meeting was held at the Caldwell County Library, 120 Hospital Ave, Lenoir, NC 28645.

Chairman Cloninger requested a roll call of Commission members. Alex Radford recorded the following:

MEMBERS PRESENT

Sheriff Shelton White
Sheriff Landric Reid
Sheriff Alan Cloninger
Sheriff Mike Roberson
Sheriff Doug Doughtie
Sheriff Ed McMahan
Sheriff Jack Smith
Sheriff Ricky Oliver
Sheriff Alan Jones
Sheriff David Mahoney
Sheriff Terry Johnson
Lt. Israele West
Mr. Jamie Markham

MEMBERS ABSENT

Sheriff Alan Norman
Retired Sheriff David Smith
Ms. Tracy McPherson
Mr. Marc Nichols

STAFF

- Diane Konopka - Director - Sheriffs' Standards Division
- Alex Radford - 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 everyone to the meeting and thanked Sheriff Alan Jones for hosting the Commission meeting in Caldwell County. Sheriff Jones thanked everyone for being at the meeting and he introduced Chief Brent Phelps of Lenoir Police Department. Sheriff Cloninger then asked visitors to stand and introduce themselves.

VISITORS

- | | |
|----------------------|--|
| Capt. Jason Long | Gaston County Sheriff's Office |
| Bob Pickett | North Carolina Attorney General's Office |
| Director Jeff Smythe | Criminal Justice Standards Division |

OATHS

Chairman Cloninger asked Mrs. Heather L. Watson to administer the oaths to the Sheriffs who were re-elected to their seats on the Commission. Sheriffs David Mahoney, Ed McMahon, Ricky Oliver, Landric Reid, Jack Smith and Alan Cloninger were all sworn in.

II. FINAL AGENCY DECISION

Ameshia Cooper

***Heather Chatel Blair**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Ms. Heather Chatel Blair was not present. Ms. Cooper stated that Ms. Blair's hearing was held on May 5, 2021, via Microsoft TEAMS and Ms. Blair opted to represent herself. She is an applicant for Deputy Sheriff and Detention Officer Certification through the Buncombe County Sheriff's Office (BCSO). She was previously certified through the BCSO and is seeking re-employment with them. The alleged violations in her case involve the commission of a class B misdemeanor after the date of appointment (Accessing Computers) and the commission of a felony (Accessing Government Computers). These alleged violations occurred in September of 2015. Also for consideration is a possible lack of good moral character.

At the hearing, Deputy Director Jones testified on behalf of the Commission and Ms. Blair testified on her own behalf. The evidence indicated that Lieutenant Hilliard with the Buncombe County Sheriff's Office received a phone call from the Asheville ALE Division Special Agent in Charge (SAC) Cox. SAC Cox told Lieutenant Hilliard that she believed a deputy was giving confidential information to a known drug dealer. Ultimately it was determined that on September 24, 2015, Ms. Blair ran a license plate tag and provided the name of the registered owner to a Mr. Donel Gains who was known to be engaged in criminal activity. An investigation was conducted by the BCSO Professional Standards Division. During that investigation the petitioner was interviewed, and it was determined that Ms. Blair and Mr. Gains were friends. On the date in question, Mr. Gains was at the Charlotte Street Pub in Asheville, North Carolina. He called Ms. Blair while she was on duty, read to her a license plate and asked her for the name of the registered owner. Ms. Blair indicated she thought that Mr. Gains had witnessed an altercation where a party had left the area after causing some damage and Mr. Gains wanted to seek a warrant on the individual. Ms. Blair testified that she called in the tagged information to dispatch and that she was given the name of the owner. She then gave that individual's information to Mr. Gains. Subsequent to the investigation, Ms. Blair's employment was terminated in May of 2016.

Ms. Cooper stated during the hearing, they attempted to determine exactly how Ms. Blair obtained the name of the registered owner. It was clear that Ms. Blair had requested and disseminated the information, but that she herself did not type the information into a computer or any other type of system. As a result, we were unable to establish that she accessed a computer in violation of a criminal statute. Additionally, the petitioner submitted several character letters establishing that she has good character. The Administrative Law Judge (ALJ) Sutton recommended that she be granted certification. Legal Counsel Cooper agrees with that assessment.

Chairman Cloninger asked the Commission if there were any questions. Sheriff Terry Johnson was concerned that Ms. Blair used it for personal gain by sharing that information. He stated that you are supposed to use those types of tools only for investigating. Sheriff Jack Smith questioned why she chose to give that information to a friend and not to the law enforcement officer running DCI.

Legal Counsel Ameshia Cooper believes with all the questions arising in this case, it would be better if Ms. Blair was present and suggested to table the case until the next Commission meeting.

A **MOTION** was made by Sheriff Terry Johnson in the matter of Ms. Heather Chatel Blair to table this case for the next commission meeting; seconded by Sheriff Jack Smith **MOTION CARRIED. [Attachment #1]**

III. FINAL AGENCY DECISION

Ameshia Cooper

***Trashunda Mo’Na Keyes**

Legal Counsel Ameshia Cooper addressed the Sheriffs’ Commission Members and stated that Ms. Trashunda Mo’Na Keyes was a telecommunicator officer certified through the Beaufort County Sheriff’s Office. Unfortunately, she could not make it to the Commission meeting due to the fact she has childcare issues, and it is four (4) hours away from her home. She wrote in her email to legal that she wanted to be there in person and that her certification is very important to her.

The matter originates out of Beaufort County. The hearing was held on April 21, 2021, via Microsoft TEAMS and Ms. Keyes opted to represent herself. The Administrative Law Judge (ALJ) assigned to the case was Judge Bawtinhimer.

Ms. Keyes was certified with the Beaufort County Sheriff’s Office from March 16, 2018, to January 26, 2020. She is currently certified with the Criminal Justice Commission through the Division of Adult Corrections (DAC) and has been since May 4, 2020.

The alleged rule violation is making a knowing material misrepresentation. Deputy Director Jones testified on behalf of the Commission and Ms. Keyes testified on her own behalf. In June of 2020, the Division was notified by the Criminal Justice Standards Division that Ms. Keyes had omitted drug usage on her 2018 sheriff’s Personal History Statement (F-3). In response to question 41 that reads “Have you ever used prescription drugs other than under the supervision of a physician or as prescribed to include one time use or experimentation”; she answered “NO”. That F-3 was signed on December 7, 2018, in furtherance of her Sheriffs’ Standards application. However, in response to question 3B on her 2020 application with DAC, she answered “YES” and indicated that she used Xanax in 2014 while in college during the week of finals. That CJ form was signed on April 3, 2020.

The Criminal Justice Commission requested a statement concerning the discrepancy and, in the statement, Ms. Keyes indicated that she did not initially disclose marijuana use on her 2018 Beaufort County application, but when the investigator explained the question to her, she changed her answer. With regards to the prescription drug use, and why she failed to include it

she indicated she could not remember why she did not also change her answer about prescription drug use, but stated that the investigator did not point out that question, only the one about past marijuana use.

Ms. Cooper indicated at the hearing Ms. Keyes testified that when she took the Xanax in 2014 it was her first college final season. She was in school at Campbell University and only took it to focus, so that she could take her finals back-to-back. She indicated in her testimony that she was seeing kids who were focusing on their studying. They would stay up all night and she asked them how everyone was doing that, and they gave her a pill. She later learned that it was Xanax. She testified that she did not do well at Campbell University, she got pregnant and went back home to live with her parents. Ms. Keyes is a single parent to a four (4) year old son. When she left the employment of the Beaufort County Sheriff's Office, she was in the middle of a custody battle. The office had been changing her shifts often which made it difficult for her to find childcare. She told staff that she really enjoyed being a telecommunicator officer and she really enjoyed working with the community. She also testified that she holds a bachelor's degree in forensic psychology and is currently working on her master's degree in psychology.

At the hearing, Ms. Keyes testified that she did not intend to deceive her employer or the Sheriffs' Commission when she failed to make the disclosure. She further indicated that she did not think disclosing the drug use would have prevented her certification. Based on the evidence presented at the hearing, the ALJ is recommending that no action be taken against Ms. Keyes' Certification because she did not intend to deceive the Commission. Legal Counsel agrees with the recommendation.

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

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

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

A **MOTION** was made by Sheriff Landric Reid in the matter of Trashunda Mo'Na Keyes to accept Legal Counsel's Decision to take no action against her certification; seconded by Sheriff Doug Doughtie **MOTION CARRIED. [Attachment #2]**

IV. FINAL AGENCY DECISION

Ameshia Cooper

***Christopher Lee Maness**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that there was no administrative hearing in this matter, rather it was resolved in stipulation.

Mr. Maness is an applicant for Deputy Sheriff Certification through the Scotland County Sheriff's Office. The alleged violation was the commission of a Class B misdemeanor (criminal contempt) within five (5) years from the date of appointment. Mr. Maness was convicted of a criminal contempt on April 26, 2016, for talking in court. As a result of that conviction, he was required to pay a \$25 fine plus court costs. On May 20, 2019, he was appointed as a Detention Officer with the Montgomery County Sheriff's Office. At the time of that application, he stood convicted of a Class B misdemeanor within five (5) years. However, as of April 26, 2021, five (5) years have passed and now the violation does not exist. The ALJ recommends that the Commission grants Mr. Maness' certification and Legal Counsel agrees with the recommendation.

Chairman Cloninger asked the Commission if there were any questions. Sheriff Terry Johnson asked if legal counsel knew anything about his past, Ms. Cooper replied that she did not.

A **MOTION** was made by Sheriff Landric Reid to enter a closed session; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Mike Roberson to enter open session; seconded by Sheriff Doug Doughtie. **MOTION CARRIED.**

A **MOTION** was made by Sheriff Terry Johnson in the matter of Mr. Christopher Lee Maness to grant certification; seconded by Sheriff Jack Smith. **MOTION CARRIED. [Attachment #3]**

V. FINAL AGENCY DECISION

Ameshia Cooper

***Jose Daniel Palma**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission members and stated that Mr. Jose Daniel Palma is not present, and they never received a response from him in regards to his case. He is an applicant for deputy sheriff certification through the Randolph County Sheriff's Office. The hearing was held on April 26, 2021, via Microsoft TEAMS and was heard by Administrative Law Judge (ALJ) May. The petitioner was certified as a deputy sheriff through the Randolph County Sheriff's Office from June 15, 2006, to April 6, 2020. He transferred to an inactive status in February 2017 and was separated in 2020. He is currently certified with the Criminal Justice Commission through the Division of Juvenile Justice and has been since January 2017.

The alleged rule violation in this case is the commission of two (2) class B misdemeanors after the date of the appointment, those being Assault on a Female & Interfering with Emergency communications, as well as Failure to Notify the Commission of the charges. At the hearing, Deputy Director Jones and Field Representative Andy Stone testified on behalf of the Commission, and the petitioner testified on his own behalf. The evidence indicated on April 4, 2020, the petitioner was charged in Randolph County with Assault on a Female against his wife, Elizabeth Palma and Interfering with Emergency Communications. The charges were ultimately dismissed by the state on April 8, 2020, per Ms. Palma's request. Field representative Stone interviewed a deputy who responded to the petitioner's home on the night in question. Sergeant Eric Wilson told Mr. Stone that when they arrived on the scene, they were familiar with Mr. Palma because he was a former deputy. Field Representative Stone testified that he made several attempts to contact Mr. and Mrs. Palma but they never returned his phone calls. The petitioner testified that he resigned from his position at the sheriff's office in 2017 and that he had no knowledge of the fact that his certification was being held in an inactive status. He testified that he is currently a Chief Juvenile Court Counselor.

During the hearing he refused to answer any questions about the events that occurred that night on April 4, 2020, but he indicated that he left the sheriff's office because he was treated poorly. He testified that he has no desire to maintain his certification with the Sheriffs' Commission. Ms. Cooper was able to admit the police report which established that Mr. Palma did in fact commit the class B misdemeanors with which he was charged. The Judge also found that he failed to notify the commission. Mr. Palma admitted into evidence the resignation letter that he submitted to Randolph County stating that he quit his job. The Judge believes he is credible Mr. Palma said

he did not know he was still certified through the sheriff's office. He indicated in his testimony that he was so disgusted by his treatment while employed with the sheriffs' office that he had no desire for any association with the Sheriffs' Commission. The administrative law Judge asks that the Commission take no action against his certification since he did not know he was still certified.

The Commission asked why the petitioner was not present and Ms. Cooper advised that she communicated with him, and he did not intend to maintain his certification.

A **MOTION** was made by Sheriff Terry Johnson to enter a closed session; seconded by Sheriff Mike Roberson. **MOTION CARRIED.**

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

A **MOTION** was made by Sheriff Terry Johnson in the matter of Mr. Jose Daniel Palma to revoke his certification; seconded by Sheriff Mike Roberson. **MOTION CARRIED. [Attachment #4]**

VI. FINAL AGENCY DECISION

Ameshia Cooper

***Darren Tyree Taylor**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission Members and stated that Mr. Darren Tyree Taylor was represented by Legal Counsel Daniel Myers. Contact was made with Mr. Myers in an effort to confirm attendance at the Commission meeting and learned that he could not be present due to a hearing in Wake County Court. Mr. Taylor was scheduled to work today and also could not be present due to a staffing shortage in the jail. He wanted to stress how important this decision was to him and hopes the Commission will adopt the recommendations to this case.

The hearing in this matter was held on June 22nd 2021 via Microsoft TEAMS before Administrative Law Judge (ALJ) Michael C. Byrne. The petitioner is an applicant for Detention Officer Certification through the Vance County Sheriff's Office. He was certified as a justice and detention officer with the Sheriffs' Commission through the Franklin County Sheriff's Office in

July 2019, Vance County Sheriff's Office in March 2019 and Wake County Sheriff's Office in March 2016. The alleged rule violation is a material misrepresentation. At the hearing Deputy Director Jones testified on behalf of the Commission. Major Shelton, Sergeant Alston and Sheriff Brame all testified on behalf of Mr. Taylor. Mr. Taylor also testified on his own behalf. The ALJ noted that Mr. Taylor did not come to Probable Cause Hearing because of all the issues with COVID-19 and they did not receive notice of that meeting.

Of concern was the fact that the petitioner failed to disclose several civil judgments that were filed by an apartment complex where he was the lease holder. Mr. Taylor testified that he wasn't aware of these judgements. He often paid any late notices and remained in the residence with his family. He testified that he did not believe by disclosing the judgements that he would have been excluded from certification or employment with the Vance County Sheriff's Office. He testified that he had not been subject to any disciplinary action. All of the "higher ups" in the Sheriff's Office testified about Mr. Taylor's value to the office and that they really wanted him to keep his certification.

The recommendation from the ALJ is that Mr. Taylor's certification be granted; and Ms. Cooper agrees with the recommendation.

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

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

A **MOTION** was made by Sheriff Reid in the matter of Mr. Darren Tyree Taylor to adopt legal counsel's recommendation and take no action against the petitioner's detention officer certification; seconded by Sheriff Terry. **MOTION CARRIED.**
[Attachment #5]

VII. FINAL AGENCY DECISION

Ameshia Cooper

***Dustin Matthew Williams**

Legal Counsel Ameshia Cooper addressed the Sheriffs' Commission members and stated that Mr. Dustin Matthew Williams was not present for this meeting but had asked about the possibility of a virtual meeting. He wanted to be present.

The hearing in this matter was held on April the 12th 2021 via Microsoft TEAMS and Mr. Williams represented himself. He is a Deputy Sheriff applicant with the Scotland County Sheriff's Office. The violation before you is the alleged Class B misdemeanor offense of Interfering with Emergency Communications. At the hearing Deputy Director Jones and Field Representative Andy Stone testified on behalf of the Commission. The petitioner represented himself and Natalie Brown also testified at the hearing. The evidence indicated that on April 16th 2019, an argument ensued between the petitioner and Ms. Brown. Their stories contradicted one another, but they both agreed that they were both in a negative space and co-parenting was a difficult thing for them at that time. As a result of the incident, law enforcement was called and both parties were criminally charged, despite the fact that neither of them wished to take out charges on the other. Ms. Brown was charged with Simple Assault and Injury to Personal Property. The charges against both of them were dismissed. At the hearing Ms. Brown testified that she in fact assaulted Mr. Williams when she slapped him. She said they are both in a better space and can co-parent in a healthy relationship. She stated no incident that like this has occurred since that day. Ms. Brown testified that the petitioner was of good character, was an excellent business man, a role model to the community and a great father to their children. The petitioner felt strongly neither he nor Ms. Brown would have been charged if a different officer had arrived to the scene. He testified that he and the charging officer knew one another and they did not have a positive view for one another.

The Administrative Law Judge found that the evidence presented at trial wasn't sufficient to prove that he had committed the offense of Interfering with Emergency Communications and therefore recommended the Commission grant his certification. Legal Counsel also agrees with the 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 Johnson. **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 Doughtie in the matter of Dustin Matthew Williams to adopt legal counsel's recommended proposal and grant certification; seconded by Sheriff Smith. **MOTION CARRIED. [Attachment #6]**

VIII. 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 #]**.

- 24 cases including 6 FADs heard today
- Two (2) hearings since last meeting in June
- 14 new cases since June

IX. ADJOURNMENT

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