

THE NORTH CAROLINA SHERIFFS'

EDUCATION AND TRAINING STANDARDS COMMISSION

FINAL AGENCY DECISION MINUTES

DATE: June 15, 2023

TIME: 1:05 P.M.

LOCATION: Green Park Inn Hotel – Garden Room
9239 Valley Blvd, Blowing Rock North Carolina 28605

SUBMITTED BY: Richard Squires, Director

1. CALL TO ORDER

Sheriff Alan Jones

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Alan Jones on Thursday, June 15, 2023.

Chairman Alan Jones welcomed everyone to Watauga County. Chairman Jones requested a roll call of Commission members. Shena Evans recorded the following:

MEMBERS PRESENT

Sheriff Jack Smith
Sheriff Alan Jones
Sheriff Lowell Griffin
Sheriff Van Shaw
Sheriff James McVicker
Sheriff Alan Norman
Sheriff Terry Johnson
Sheriff Jeff Crisco

MEMBERS ABSENT

Sheriff Shelton White (Probable Cause)
Sheriff Mike Roberson (Probable Cause)
Sheriff Donald Brown (Probable Cause)
Sheriff Ed McMahan (Probable Cause)
Sheriff Doug Doughtie (Probable Cause)
Mr. Jamie Markham

Mr. Marc Nichols
Mr. George Dunlap
Mr. Lorin Dingler

STAFF

Richard Squires	Sheriffs' Standards Division
Sirena Jones	Sheriffs' Standards Division
Melissa Bowman	Sheriffs' Standards Division
Shena Evans	Sheriff's Standards Division
Chris Brooks	Department of Justice
Benjamin Zellinger	NC Department of Justice
Kirstin Greene	NC Department of Justice
Mike McLaughlin	Sheriff's Standards Division
Clement A Stone	Sheriff's Standards Division

Shena Evans announced that a quorum was present.

Chairman Jones noted that Mr. Chris Brooks, Assistant Attorney General, would serve as the Commission Legal Counsel. Mr. Brooks read the ethics statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

Chairman Jones welcomed everyone to the North Carolina Sheriff's Training and Standards Commission meeting and asked the visitors to stand and introduce themselves.

VISITORS

Kristen Bierline	NC Department of Justice
Raymond Inman	Buncombe County Sheriff's Office
Emileigh Sands	Macon County Sheriff's Office
Levi Ledford	Macon County Sheriff's Office
Kevin Moore	Dunn Police Department
Leya Drumm	NC Department of Justice
Chris Anderson	NC Justice Academy

II. OATHS

Chairman Jones asked Mrs. Evans to administer oaths to Sheriff James A. McVicker and Mr. George R. Dunlap who was newly appointed to the Sheriffs' Commission.

It was discussed that since Chairman Alan Jones previously served on the Probable Cause Committee when the following cases were heard, he would need to recuse himself and typically Vice Chair Jack Smith would preside over the following cases. Since Vice Chair Smith was absent, the Commission would need to vote for a temporary Chair to preside over the cases.

A **MOTION** was made by Sheriff Terry Johnson that Sheriff Alan Norman would serve as temporary Chair and preside over the Final Agency Decisions; seconded by Commissioner Marc Nicholas. **MOTION CARRIED.**

III. FINAL AGENCY DECISION

Benjamin Zellinger

***Jacquelyn Covell**

Jacquelyn Covell was not present for the proceedings. Mr. Benjamin Zellinger presented oral arguments regarding the case against Ms. Covell. He presented that the petitioner while certified with the Commission as telecommunicator failed to timely notify the Commission she had been charged with two misdemeanor offenses.

Chair Norman asked the Commission if there were any questions.

A **MOTION** was made by Sheriff Jeff Crisco to enter closed session; seconded by Sheriff Lowell Griffin. **MOTION CARRIED**

A **MOTION** was made by Sheriff Lowell Griffin to enter open session; seconded by Sheriff Van Shaw **MOTION CARRIED**

A **MOTION** was made by Sheriff Lowell Griffin in the matter of Jacquelyn Covell; to adopt counsel’s proposed final agency decision that Ms. Covell’s justice officer certification be **REVOKED FOR ONE (1) Year**; however, that revocation is **SUSPENDED** and Petitioner is placed on **PROBATION** for a period of **ONE (1) YEAR**, on the condition that during that period of probation, Petitioner not violate any law (other than minor traffic infractions) of this state or any other state, any federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission; seconded by Commissioner Marc Nichols. **MOTION CARRIED. [Attachment #1]**

IV. FINAL AGENCY DECISION

Kirsten Greene

***Robert Shawn Gaddis**

Robert Shawn Gaddis was not present for the proceedings. Ms. Kirstin Greene presented oral arguments regarding the case against Mr. Gaddis. She presented that the petitioner holds certification as a criminal justice officer with the Haywood County Sheriff’s Office. She related that an administrative hearing was held on December 8, 2022, before Administrative Law Judge David F. Sutton regarding whether Petitioner’s justice officer certification should be denied based on the grounds that Petitioner knowingly made a material misrepresentation in violation of the rules when he failed to disclosed a 1989 “Rioting-Inciting” charge on his 1993 “Personal History Statement.”

Ms. Greene related on January 23, 2023, Judge Sutton filed his Proposal for Decision, and recommended that Petitioner’s justice officer certification NOT be suspended or revoked.

Chair Norman asked the Commission if there were any questions. Negative Response.

A **MOTION** was made by Sheriff Jeff Crisco to enter closed session; seconded by Sheriff Lowell Griffin. **MOTION CARRIED**

A **MOTION** was made by Sheriff Lowell Griffin to enter open session; seconded by Sheriff Van Shaw. **MOTION CARRIED**

A **MOTION** was made by Commissioner Marc Nichols in the matter of Robert Shawn Gaddis; to adopt counsel’s proposed final agency decision that Petitioner’s justice officer certification **NOT BE SUSPENDED OR REVOKED**; seconded by Sheriff Terry Johnson. **MOTION CARRIED. [Attachment #2]**

V. FINAL AGENCY DECISION

Benjamin Zellinger

***Raymond Daryl Inman**

Mr. Benjamin Zellinger addressed the Sheriffs’ Commission members and stated that Mr. Robert Daryl Inman was an applicant with the Buncombe County Sheriff’s Office. He presented that while the Petitioner allegedly was involved in a “Hit and Run” while working with the UNC – Asheville Police Department. Mr. Zellinger recommended adopting the “Proposed Final Agency Decision,” whereas, the Petitioner’s application for a justice officer is Granted.

Mr. Inman was present and addressed the Commission. He advised that he was driving a small Ford Taurus because both Ford Explorers were in the shop for service. He reported that he did walk around the car when he turned it in and reported there were some scratch marks on the vehicle. He related that he did not realize he had hit another vehicle. He related that he is six (6) feet, eight (8) inches tall and was driving a Ford Taurus. He stated he had to fold himself in order to fit into the vehicle. While getting situated, without knowledge, he must had hit the other vehicle.

Chair Norman asked the Commission if there were any questions. Negative Response.

A **MOTION** was made by Sheriff James McVicker to enter closed session; seconded by Commission Marc Nichols. **MOTION CARRIED**

A **MOTION** was made by Sheriff James McVickers to enter open session; seconded by Sheriff Lowell Griffin. **MOTION CARRIED**

A **MOTION** was made by Commissioner Marc Nichols in the matter of Robert Shawn Gaddis; to adopt counsel’s proposed final agency decision that Petitioner’s justice officer certification **is Granted**; seconded by Sheriff James McVickers. **MOTION CARRIED. [Attachment #3]**

VI. FINAL AGENCY DECISION

Kirstin Greene

***Kevin Scott Moore**

Ms. Kirstin Greene presented oral arguments regarding the case against Mr. Moore. She related that an administrative hearing was held on January 10, 2023, before Administrative Law Judge Melissa Owens regarding whether Petitioner’s justice officer certification should be revoked based on the grounds that Petitioner failed to notify the Commission in a timely manner of an arrest for “DWI” on November 1, 2014. Ms. Greene related on January 24, 2023, Judge Lassiter filed her Proposal for Decision, and recommended that Petitioner’s justice officer certification be **REVOKED** for a period of six months, but **SUSPEND** that revocation for a **PROBATIONARY PERIOD** of **SIX (6) MONTHS**, on the condition that Petitioner shall not violate any federal law, any law of the State of North Carolina, any rules of the Criminal Justice Education and Training Standards Commission.

Mr. Moore was present and reported during that time he worked with the Wake County Sheriff’s Office. He advised that retired Sheriff Donnie Harrison sat with him during his Administrative Office of the Court hearing. Mr. Moore apologized to the Commission and reported that he did not realize he had to notify Standards. He reported that he had telephoned retired Sheriff Harrison before he telephoned his family and thought he was following the proper chain of command.

Chair Norman asked the Commission if there were any questions. Negative Response.

A **MOTION** was made by Commission George Dunlap to enter closed session; seconded by Commissioner Marc Nichols.
MOTION CARRIED

A **MOTION** was made by Commissioner Sheriff Jeff Crisco to enter open session; seconded by Sheriff James McVicker.
MOTION CARRIED

A **MOTION** was made by Commissioner Mark Nichols in the matter of Kevin Scott Moore; to adopt counsel’s proposed final agency decision that Petitioner’s law enforcement certification is **REVOKED** for a period of **SIX** (6) months, but that such revocation is **SUSPENDED** for a **PROBATIONARY** period of **SIX** (6) months, on the conditions that Petitioner not violate any federal law, any laws of the State of North Carolina, or any rules of the Criminal Justice Education and Training Standards Commission; seconded by Sheriff Terry Johnson. **MOTION CARRIED. [Attachment #4]**

VII. FINAL AGENCY DECISION

Kirstin Greene

***Emileigh Sands**

Ms. Kirstin Greene presented oral arguments regarding the case against Ms. Sands. She related that an administrative hearing was held on December 8, 2022, before Administrative Law Judge David F. Sutton regarding whether Petitioner’s justice officer certification should be denied based on the grounds that Petitioner knowingly made a material misrepresentation in violation of the rules when he failed to disclosed prior marijuana use on her 2015 “Personal History Statement.” Ms. Greene related on January 23, 2023, Judge Sutton filed his Proposal for Decision, and recommended that Petitioner’s justice officer certification be Denied, but due to extenuating circumstances brought out at the administrative hearing, the denial be STAYED indefinitely.

Ms. Sands was present and advised that she never meant to intentionally be untruthful to the Commission.

Chair Norman asked the Commission if there were any questions. Negative Response.

A **MOTION** was made by Sheriff Lowell Griffin to enter closed session; seconded by Commissioner Marc Nichols. **MOTION CARRIED**

A **MOTION** was made by Commissioner Marc Nichols to enter open session; seconded by Sheriff Lowell Griffin. **MOTION CARRIED**

A **MOTION** was made by Sheriff Jeff Crisco in the matter of Emileigh Sands; to adopt counsel’s proposed final agency decision that Petitioner’s justice officer certification is **DENIED**, this denial is **STAYED** and no sanction be imposed, but amend the order to include, on the conditions for a period of one year that the Petitioner not violate any federal law, any laws of the State of North Carolina, or rule of the Criminal Justice Education and Training Standards Commission; seconded by Sheriff James McVicker. **MOTION CARRIED. [Attachment #5]**

VIII. LEGAL COUNSEL’S REPORT

Kirstin Greene

Ms. Kirstin Greene summarized the Legal Counsel’s Report, and reviewed the various stages of litigation for the administrative cases as follows:

[See Attachment # 6]

- 99 active cases.
- 6 new cases since March 18, 2023 meeting.
- 6 cases closed since the March 18, 2023
- 3 cases pending judicial review

Chairman Jones resumed his position as Chairman on the Commission.

IX. ADJOURNMENT

A **MOTION** by Sheriff Terry Johnson to adjourn the June 2023 Sheriff's Final Agency Decision meeting: Seconded by Commissioner George Dunlap. **MOTION CARRIED**