

THE NORTH CAROLINA SHERIFFS'

EDUCATION AND TRAINING STANDARDS COMMISSION

FINAL AGENCY DECISION MINUTES

DATE: September 14, 2023

TIME: 1:00 P.M.

LOCATION: The Lodge at Flat Rock
42 McMurray Road Flat Rock, North Carolina 28731

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, September 14, 2023.

Chairman Alan Jones welcomed everyone to Henderson County. Chairman Jones requested a roll call of Commission members. Alex Radford 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

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Mr. Marc Nichols
Mr. George Dunlap
Mr. Lorin Dinger

STAFF

Richard Squires	Sheriffs' Standards Division
Sirena Jones	Sheriffs’ Standards Division
Melissa Bowman	Sheriffs’ Standards Division
Alex Radford	Sheriffs’ Standards Division
Chris Brooks	Department of Justice
Benjamin Zellinger	Department of Justice

Alex Radford 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 Sheriffs’ Training and Standards Commission meeting and asked the visitors to stand and introduce themselves.

VISITORS

Chris Anderson	NC Justice Academy
Daniel McLeod	Wake County Sheriff’s Office
Fallon Coffey	Wake County Sheriff’s Office
Annet Roberson	Sheriff Roberson’s Wife

II. OATHS

Chairman Jones asked Alex Radford to administer oaths to Sheriffs Shelton White, Mike Roberson, James McVicker, and Mr. Marc Nichols who were reappointed 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 Vice Chair Jack Smith would preside over the following cases.

Vice Chair Jack Smith requested a motion to approve minutes for the June 2023 Final Agency Decisions.

A **MOTION** was made by Sheriff Terry Johnson to approve the minutes from the June 2023 Final Agency Decision meeting; seconded by Sheriff James McVicker. **MOTION CARRIED**

III. FINAL AGENCY DECISION

Benjamin Zellinger

***Fallon Coffe**

Fallon Coffe was present for the proceedings. Mr. Benjamin Zellinger presented oral arguments regarding the case against Ms. Coffe. He presented that the petitioner while certified with the Commission as a Detention Officer with the Wake County Sheriff’s Office plead to a misdemeanor larceny. Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that Petitioner’s justice officer certification is denied permanently for her committing the felony offense of “Larceny by Employee”.

Vice Chair Smith asked the Commission if there were any questions.

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

A **MOTION** was made by Commissioner George Dunlap to enter open session; seconded by Sheriff Alan Norman **MOTION CARRIED**

A **MOTION** was made by Sheriff Terry Johnson in the matter of Fallon Coffey; to adopt counsel’s proposed final agency decision that Ms. Coffey’s justice officer certification be **DENIED PERMANENTLY**; seconded by Sheriff James McVicker. **MOTION CARRIED.**

IV. FINAL AGENCY DECISION

Benjamin Zellinger

***Calvin Lamorse Drakeford**

Calvin Drakeford was not present for the proceedings. Mr. Benjamin Zellinger presented oral arguments regarding the case against Mr. Drakeford. He presented that the petitioner is an applicant for detention officer certification through the Guilford County Sheriff’s Office. Petitioner failed to disclose prior drug use, specifically marijuana and cocaine, on his application with DOC resulting in a material misrepresentation. Mr. Zellinger asked the Commission to adopt the findings in the proposed Final Agency Decisions, which has based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that Petitioner’s justice officer certification is Denied for Five years; however, the denial is Suspended for two years’ probation, on the condition that during that period or probation., Petitioner not violate any law (other than infractions) of this state or any other state, and federal laws, or any rules of this Commission or the North Carolina Criminal Justice Education and Training Standards Commission.

Vice Chair Smith 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 Alan Norman. **MOTION CARRIED**

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

A **MOTION** was made by Sheriff Alan Norman in the matter of Calvin Lamorse Drakeford; to adopt counsel’s proposed final agency decision that Mr. Drakeford’s justice officer certification be **DENIED FIVE YEARS**; however, the denial is

SUSPENDED for TWO YEARS PROBATION; seconded by Commissioner Marc Nichols. MOTION CARRIED.

V. FINAL AGENCY DECISION

Benjamin Zellinger

***Dylan Kimsey Taylor**

Dylan Kimsey Taylor was not present for the proceedings. Mr. Benjamin Zellinger presented oral arguments regarding the case against Mr. Taylor. He presented that the petitioner is an applicant for detention officer certification through the Graham County Sheriff’s Office. Petitioner was charged and served with warrants of theft by taking, hunting without permission and, two counts of criminal trespass, in Elbert County Georgia. Petitioner at the time did not know he was on someone’s property until the day after the incident and he did not intend to enter the property. Mr. Zellinger asked the Commission to adopt the findings in the proposed Final Agency Decision, which has based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that Petitioner’s justice officer certification is Granted.

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

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

A **MOTION** was made by Commissioner George Dunlap to enter open session; seconded by Sheriff Alan Norman. **MOTION CARRIED**

A **MOTION** was made by Commissioner Marc Nichols in the matter of Dylan Kimsey Taylor; to adopt counsel’s proposed final agency decision that Mr. Taylors’s justice officer certification be **GRANTED**; seconded by Sheriff Terry Johnson. **MOTION CARRIED.**

VI. LEGAL COUNSEL’S REPORT

Benjamin Zellinger

Mr. Benjamin Zellinger summarized the Legal Counsel’s Report, and reviewed the various stages of litigation for the administrative cases as follows:

[See Attachment # 1]

- 17 active cases.
- 5 new cases since June 15, 2023, meeting.
- 6 cases closed since the June 15, 2023
- 4 cases pending judicial review

Chairman Jones resumed his position as Chair on the Commission.

VII. ADJOURNMENT

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

Attachment 1

**PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
<p>Taylor, Dylan Kimsey [Jocelyn Wright]</p> <p>Counsel: Zeyland G. McKinney, Jr. McKINNEY LAW FIRM, PA 135 Peachtree Street, Ste 2 Murphy, NC 28906 828-837-9973 zmckinney2@gmail.com</p>	<p>22 DOJ 03175 Wake Turrentine</p>	<p>12 NCAC 10B.0204(d)(3): Combination of Class B misd.</p>	<p>FAD SEPTEMBER 2023</p>	<p>1/24/2022 Raleigh</p>	<p>8/19/2022: Case opened 8/23/2022: Initial docs 9/19/2022: P-PHS 9/20/2022: R-PHS 9/21/2022: R-M Virt Test 9/22/2022: Order re P-response to motion 10/3/2022: P-Resp to motion 10/4/2022:: Order denying motion for virutal testimony 10/25/2022: NOH 11/18/2022: Order Reassignmt 11/21/2022: R-MTC 11/21/2022: Order deny MTC 12/2/2022: R-NOA 12/6/2022: R-MTC 12/9/2022: Order Continuance 1/5/2023: NOH/Pre-hearing Order 1/25/2023: Post-hearing scheduling order 1/30/2023: Admitted Exh filed 1/30/2023: OAH Transcript K filed 3/1/2023: Transcript Filed 3/15/2023: R-PFD filed 5/5/2023: ALJ PFD 5/10/2023: NOR Letter</p>

PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Drakeford, Calvin Lamorse (Meredith Britt)	22 DOJ 03475 Guilford Dills	12 NCAC 10B.0204(c)(1)(2): Mat. misrepresentation	FAD SEPTEMBER 2023	1/23/2022 High Point	9/12/2022: Case opened 9/13/2022: Initial docs 10/12/2022: R-PHS 10/19/2022: 2nd Order P-PHS 10/28/2022: P-PHS & Hearing Assistant Form 11/17/2022: NOH 11/22/2022: R-MTC 11/29/2022: Order allowing P- response to R-MTC 12/2/2022: R-NOA [MB] 12/7/2022: Order Continuance 12/22/2022: NOH 1/25/2023: Interim Order 1/30/2023: OAH Transcript K 3/2/2023: Transcript filed 4/3/2023: R-PFD 5/11/2023: ALJ PFD 5/31/2023: NOR Ltr

**PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION**

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
<p>Gilliam, Nathaniel</p> <p>Counsel: Jamal M. Summey Webb Webb & Summey PA Post Office Drawer 389 Scotland Neck, NC 27874</p>	<p>22 DOJ 04731 Martin Byrne</p>	<p>12 NCAC 10B.0204(d)(1): Class B misd. after appointment</p>		<p>7/18/2023 Ayden</p>	<p>12/12/2022: Case opened 12/13/2022: Initial docs 1/4/2023: P-PHS 1/12/2023: R-PHS 3/16/2023: NOH 5/1/2023: Order Continuance and NOH/Order Reassignment 7/7/2023: Consent Protective Order 7/24/2023: Order Proposed Decision 7/24/2023: OAH Transcript 8/7/2023: Transcript Rec'd 8/11/2023: R-Proposed Decision 8/17/2023: P-Proposed Decision 8/17/2023: R-Objection to P- Proposed Decision 8/30/2023: ALJ PFD</p>

PENDING ADMINISTRATIVE CASES
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Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Coffer, Fallon	22 DOJ 04730 Wake Byrne	12 NCAC 10B.0204(a)(1): COMM of felony	FAD SEPTEMBER 2023	5/12/2023 Raleigh	12/12/2022: Case opened 12/13/2022: Initial docs 1/11/2023: P-PHS 1/12/2023: R-PHS 2/2/2023: Order Reassignment 2/2/2023: NOH 3/3/2023: NOA [KG] 5/24/2023: OAH Transcript K 5/26/2023: ALJ PFD 5/31/2023: NOR Ltr
Portalatin, Jessica (a/k/a Burns) [JW]	23 DOJ 01833 Cumberland Turrentine	12 NCAC 10B.0301(8)(a): Failure to notify		9/11/2023 Fayetteville	4/17/2023: Case opened 4/19/2023: Initial docs 5/10/2023: R-PHS 5/10/2023: NOH 5/19/2023: P-PHS 7/13/2023: R-MTC 7/13/2023: Order Continuance 7/24/2023: Order Reassignment 8/11/2023: NOH/Pre-trial Order 9/5/2023: Joint Stipulations 9/13/2023: Post-hearing Order

PENDING ADMINISTRATIVE CASES
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Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
<p>Greco, Joseph</p> <p>Counsel: Daniel A. Harris Clifford & Harris, PLLC 415 W. Friendly Avenue Greensboro, NC 27401 336-574-2788 daniel@cliffordharrislaw.com</p>	<p>23 DOJ 01830 Guilford Dills</p>	<p>12 NCAC 10B.0204(d)(2): Class B Misd. within 5 years</p>		<p>8/22/2023 High Point</p>	<p>4/17/2023: Case opened 4/19/2023: Initial docs 5/10/2023: R-PHS 5/18/2023: P-PHS 6/22/2023: P-NOA 8/16/2023: Joint Stipulations 8/18/2023: Order to proceed 8/22/2023: Post-hearing Order 9/7/2023: ALJ PFD</p>
<p>Quintana, Archie</p> <p>Counsel: J. Michael McGuinness PO Box 952 Elizabethtown, NC 28337 910-862-7087 jmichael@mcguinnesslaw.com</p>	<p>23 DOJ 02639 Raleigh Nelson</p>	<p>12 NCAC 10B.0301(a)(9): LGMC</p>	<p>12/15/2023: Discovery completion date</p>	<p>Week of 1/15/2024 Raleigh</p>	<p>6/2/2023: Case opened 6/5/2023: Interim docs 7/3/2023: P-PHS 7/5/2023: R-PHS 7/10/2023: Order granting motion and Notice of change of venue 7/12/2023: P-Motion to modify scheduling order 7/12/2023: Request for R to respond to P motion 7/24/2024: R-response to P motion to modify sched order 7/24/2023: Amended Scheduling Order 8/15/2023: Amended Scheduling Order 8/31/2023: Resp to P-Interrog</p>

PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Benitez, Israel [ACC] Counsel: Barry K. Henline PO Box 15862 Wilmington, NC 28408 910-523-6831 barrykhenline@outlook.com	23 DOJ 02640 Sampson Bawtinheimer	12 NCAC 10B.0204(a)(1): COMM of felony	9/18/2023: Discovery period ends 9/25/2023: Dispositive motions period ends	10/9/2023 Fayetteville	6/2/2023: Case opened 6/5/2023: Initial docs 7/5/2023: R-PHS 7/5/2023: P-PHS 7/10/2023: NOH
Thompson, Junior [AJ]	23 DOJ 02641 Columbus Morris	12 NCAC 10B.0204(a)(1): COMM of felony	9/25/2023: Discovery period ends 10/2/2023: Dispositive motions period ends	10/19/2023 Jacksonville	6/2/2023: Case opened 6/5/2023: Initial docs 7/5/2023: R-PHS 7/11/2023: 2nd Order P-PHS 7/14/2023: P-PHS 8/30/2023: NOH
Galloway, John [AJ] Counsel: Mikael R. Gross 11510 Auldbury Way Raleigh, NC 27617 919-791-5887 grosslawoffices@gmail.com	23 DOJ 02642 Brunswick Morris	12 NCAC 10B.0204(d)(5): Combination of Class A & B misd. 12 NCAC 10B.0204(a)(1): COMM of felony 12 NCAC 10B.0204(c)(1)(2): Mat. misrepresentation	9/25/2023: Discovery period ends 10/2/2023: Dispositive motions period ends	10/19/2023 Jacksonville	6/2/2023: Case opened 6/5/2023: Initial docs 7/5/2023: R-PHS 7/5/2023: P-PHS 8/4/2023: R-Discovery to P 8/30/2023: Joint Stipulations 8/30/2023: NOH 8/30/2023: Motion for Protective Order 8/30/2023: Proposed Consent Order 8/31/2023: Protective Order

PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Cannon, Michael Thomas [HC] Counsel: Robert O. Crawford III 4242 Six Forks Road Suite 1550 Raleigh, NC 27609 984-220-8280 bob@crawfordlaw.biz	23 DOJ 02859 Halifax Nelson	12 NCAC 10B.0204(d)(5): Combination of Class A & B misd. 12 NCAC 10B.0204(c)(1)(2): Mat. misrepresentation	9/25/2023: Discovery period ends 10/2/2023: Dispositive motions period ends	Week of 10/16/2023 Halifax	6/16/2023: Case opened 6/19/2023: Initial docs 7/5/2023: P-NOA 7/19/2023: R-PHS 7/28/2023: P-PHS
Singletary, Moses Clauda III [BZ]	23 DOJ 02860 Wake Turrentine	12 NCAC 10B.0301(a)(13): Failure to notify 12 NCAC 10B.0204(d)(1): Class B misc. after appt.	10/2/2023: Discovery period ends 10/16/2023: Dispositive motions period ends 10/17/2023: Deadline to exchange exhibits, witness list, stipulations 10/18/2023: Telephonic prehearing conference; 10/18/2023: Deliver exhibits notebook to ALJ	10/24/2023 Raleigh	6/16/2023: Case opened 6/19/2023: Initial docs 7/19/2023: R-PHS 8/8/2023: P-PHS 8/25/2023: NOH and Pretrial Order

PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Dobbins, Andy Dean [MB] Counsel: George V. Laughrun II 301 S. McDowell Street Suite 602 Charlotte, NC 28204 704-372-2770	23 DOJ 02861 Morgan Sutton	12 NCAC 10B.0204(a)(1): COMM of felony	9/11/2023: Discovery period ends 9/18/2023: Dispositive motions period ends	10/4/2023 Morganton	6/16/2023: Case opened 6/19/2023: Initial docs 7/19/2023: R-PHS 7/19/2023: P-PHS 8/8/2023: R-MTD 8/9/2023: Order denying MTD 8/17/2023: P-NOA 9/8/2023: NOH
Rein, Margaret [JPC]	23 DOJ 03114 Henderson Sutton	12 NCAC 10B.0204(a)(1): COMM of felony 12 NCAC 10B.0204(d)(5): Class A & B comb.	10/9/2023: Discovery period ends 10/16/2023: Dispositive motions period ends	Week of 10/30/2023 Waynesville	7/3/2023: Case opened 7/6/2023: Initial docs 7/10/2023: Initial docs 8/8/2023: R-PHS 8/14/2023: Request for Response to MTD 8/16/2023: P-PHS 9/6/2023: Order deny MTD
Webster, Nicholas Ryan	23 DOJ 03935 Cleveland Sutton	12 NCAC 0301(a)(12): LGMC	10/5/2023: PHS period ends 12/11/2023: Discovery period ends 12/18/2023: Dispositive motions period ends	Week of 01/01/2024 Morganton	9/1/2023: Case opened 9/5/2023: Initial docs

PENDING ADMINISTRATIVE CASES
NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
NEW CASES: (Cases opened from 6/10/2023 to 9/11/2023: 5 CLOSED CASES: (Cases closed from 6/10/2023 to 9/11/2023: 6 TOTAL ACTIVE CASES: 17					
PJR FILED CASES					
David, Joshua Orion <u>Counsel:</u> Barry K. Henline 115 N. 6th Street Wilmington, NC 28401 barryhenline@outlook.com	Sampson 19 DOJ 01622 Ward PJR 20 CVS 695 Duplin County Andrew Heath	<u>0301(a)(8):</u> LGMC			08/05/2020: Civil Summons, PJR and Stay of FAD 8/6/2020: Calendar request and proposed NOH 8/10/2020: Motion for Stay granted 8/28/2020: R-Response to PJR (filed 9/2020) 7/25/2022: NOA Filed [RJP] PETITIONER HAS NOT YET SCHEDULED HEARING
Brian Kenneth Wayne <u>Counsel:</u> E. Lee Turner, Jr. PO Box 990 Raleigh, NC 27602	Vance 18 DOJ 05183 Overby (reassign. 11/21) Wake 19 CV 011339	<u>0301(a)(8):</u> LGMC <u>0204(b)(2):</u> Failure to notify <u>0204(a)(1):</u> COMM felony			8/20/2019: PJR filed 9/10/2019: Response to PJR 07/04/2022: Trial Calendar 07/21/2022: NOA Mailed (RJP)

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NORTH CAROLINA SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION

Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Craft, Matthew Scott Counsel: Brian Aus PO Box 1345 Durham, NC 27702 919-666-7690 brianlauslaw@gmail.com	23 CVS 259 Person Judge Dunlow			Trial Date 11/27/2023	4/24/2023: Complaint/PJR 5/25/2023: D-Response to PJR filed 5/26/2023: Order for Mediated Settlement Conference
Deese, Scottie Counsel: Barry K. Henline PO Box 15862 Wilmington, NC 28408 910-523-6831 barrykhenline@outlook.com	23 CVS 1387 Robeson				5/15/2023: Complaint/PJR 7/6/2023: R-MXT to Respond or Otherwise Plead 7/6/2023: Order granting MXT 8/3/2023: Response to P-PJR