

THE NORTH CAROLINA SHERIFFS'

EDUCATION AND TRAINING STANDARDS COMMISSION

FINAL AGENCY DECISION MINUTES

DATE: December 7, 2023

TIME: 1:00 P.M.

LOCATION: Best Western Plus
770 Huffman Mill Road Burlington, North Carolina 27215

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, December 7, 2023.

Chairman Alan Jones welcomed everyone to Alamance County. Chairman Jones requested a roll call of Commission members. Alex Radford recorded the following:

MEMBERS PRESENT

Sheriff Jeff Crisco
Sheriff Alan Jones
Sheriff Van Shaw
Sheriff Alan Norman
Sheriff Terry Johnson
Sheriff James McVicker
Mr. Marc Nichols
Mr. George Dunlap

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)
Sheriff Jack Smith
Sheriff Lowell Griffin
Mr. Jamie Markham

STAFF

Richard Squires	Sheriffs' Standards Division
Alex Radford	Sheriffs’ Standards Division
Chris Brooks	Department of Justice
Benjamin Zellinger	Department of Justice
Joy Strickland	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
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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 the Commission would need to elect a member to chair the committee.

A **MOTION** was made by Sheriff Van Shaw to elect Sheriff Alan Norman to Chair the December 2023 Final Agency Decision meeting; seconded by Sheriff James McVicker.
MOTION CARRIED

Sheriff Alan Norman requested a motion to approve minutes for the September 2023 Final Agency Decisions.

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

II. FINAL AGENCY DECISION

Joy Strickland

***Joseph Greco**

Joseph Greco was not present for the proceedings. Mrs. Joy Strickland presented oral arguments regarding the case against Mr. Greco. She presented that the petitioner has served as a Guilford County Deputy Sheriff since June 7, 2021, and is an applicant for pending certification. In his application, petitioner revealed that he was charged with a Class B Misdemeanor for aiding the underage purchase of alcohol. Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered that Petitioner’s application for justice officer certification is granted.

Sheriff Norman asked the Commission if there were any questions.

A **MOTION** was made by Sheriff Terry Johnson to enter closed session; seconded by Sheriff James McVicker. **MOTION CARRIED**

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

A **MOTION** was made by Sheriff Terry Johnson in the matter of Joseph Greco; to adopt counsel’s proposed final agency decision that Mr. Greco’s justice officer certification be **GRANTED**; seconded by Sheriff Van Shaw. **MOTION CARRIED.**

*Nathaniel Corthia Gilliam

It was announced that this case was continued until the March 2024 Commission meeting.

III. LEGAL COUNSEL’S REPORT

Joy Strickland

Mrs. Joy Strickland summarized the Legal Counsel’s Report, and reviewed the various stages of litigation for the administrative cases as follows:

[See Attachment # 1]

- 18 active cases.
- 4 new cases since September 14, 2023, meeting.
- 3 cases closed since the September 14, 2023, meeting.
- 4 cases pending judicial review

Chairman Jones resumed his position as Chair on the Commission.

VII. RECESS

A **MOTION** by Sheriff Terry Johnson to recess the December 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>Gilliam, Nathaniel</p> <p>Counsel: Sonny S. Haynes Womble Bond Dickinson One West Fourth Street Winston-Salem, NC 27101 (336) 721-3600 sonny.haynes@wbd-us.com</p>	<p>22 DOJ 04731 Martin Byrne</p>	<p>12 NCAC 10B.0204(d)(1): Class B misd. after appointment</p>	<p>FAD MARCH 2024</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 9/6/2023: NOR Ltr</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
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 Scheduling Order 9/14/2023: OAH Transcript K 10/16/2023: Transcript filed 10/26/2023: R-PFD
Greco, Joseph Counsel: Daniel A. Harris Clifford & Harris, PLLC 415 W. Friendly Avenue Greensboro, NC 27401 336-574-2788 daniel@cliffordharrislaw.com	23 DOJ 01830 Guilford Dills	12 NCAC 10B.0204(d)(2): Class B Misd. within 5 years	FAD DECEMBER 2023	8/22/2023 High Point	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 9/13/2023: NOR Ltr

**PENDING ADMINISTRATIVE CASES
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Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
<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>2/28/2024: Discovery period ends 3/10/2024: Dispositive motions period ends</p>	<p>Week of 4/29/2024 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 11/27/2023: P-Motion to Modify Scheduling Order 11/27/2023: 2nd Amended Scheduling Order</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	FAD MARCH 2024	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 10/2/2023: P-Amended PHS 10/5/2023: P-2nd Amended PHS 10/10/2023: Post-hearing Order 10/10/2023: OAH Transcript K 10/30/2023: P-PFD 11/9/2023: Transcript filed 11/14/2023: R-PFD 11/15/2023: ALJ PFD 11/29/2023: NOR Ltr
Thompson, Junior	23 DOJ 02641 Columbus Morris	12 NCAC 10B.0204(a)(1): COMM of felony		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 10/23/2023: Order Post-Hearing Filings 10/23/2023: OAH Transcript K 11/27/2023: Transcript filed 11/29/2023: R-PFD

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>Galloway, John</p> <p>Counsel: Mikael R. Gross 11510 Auldbury Way Raleigh, NC 27617 919-791-5887 grosslawoffices@gmail.com</p>	<p>23 DOJ 02642 Brunswick Morris</p>	<p>12 NCAC 10B.0204(d)(5): Combination of Class A & B misd.</p> <p>12 NCAC 10B.0204(a)(1): COMM of felony</p> <p>12 NCAC 10B.0204(c)(1)(2): Mat. misrepresentation</p>		<p>01/22/2024 Bolivia</p>	<p>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 9/12/2023: P-MIL & Brief 9/12/2023: Request for Response to Motion 9/14/2023: R-Response to P- MIL 9/15/2023: P-Reply to R- Responses to P-Brief & MIL 10/18/2023: Motion grant MIL 10/18/2023: R-MTC 10/18/2023: Order Continuance and NORH</p>

**PENDING ADMINISTRATIVE CASES
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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 Edgecombe Duke	12 NCAC 10B.0204(d)(5): Combination of Class A & B misd. 12 NCAC 10B.0204(c)(1)(2): Mat. misrepresentation	12/28/2023: Deadline to file PFD	10/16/2023 Raleigh	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 9/12/2023: NOH 9/12/2023: Motion for Change of Venue 10/17/2023: Order to file admitted exhibits and PFD 10/17/2023: Prehearing Order and Stipulations 10/23/2023: OAH Transcript K 11/28/2023: Transcript filed
Singletary, Moses Clauda III	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.	02/05/2023: ALJ to file PFD	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 10/25/2023: OAH Transcript K 10/30/2023: Post-hearing Scheduling Order 11/27/2023: Transcript filed 11/29/2023: R-PFD

PENDING ADMINISTRATIVE CASES
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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		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 10/9/2023: Post Hearing Order 10/10/2023: OAH Transcript K 11/13/2023: Transcript filed 11/28/2023: R-PFD & Notice of filed transcript
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.		Week of 01/01/2023 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 10/4/2023: NOH 10/27/2023: R-MTC 10/30/2023: Order Continuance

PENDING ADMINISTRATIVE CASES
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Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Webster, Nicholas Ryan Counsel: Gregory A. Newman King Law Offices, PLLC 1012 Old Spartanburg Rd Hendersonville, NC 28792 gnewman@kinglawoffices.com	23 DOJ 03935 Cleveland Sutton	12 NCAC 0301(a)(12): LGMC	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 10/2/2023: R-PHS 10/3/2023: P-PHS 10/3/2023: P-NOA & PHS
Thomas, Todd Counsel: Danny Earl Britt Jr. The Britt Law Firm danny@thebrittlawfirm.net	23 DOJ 04213 Robeson Evans	12 NCAC 10B.0204(d)(5): Class A & B comb.	12/18/2023: Discovery period ends 12/25/2023: Dispositive motions period ends	Week of 01/08/2024 Fayetteville	9/28/2023: Case opened 10/2/2023: Initial docs 10/17/2023: Amended Initial docs 10/17/2023: R-PHS 11/29/2023: P-PHS
Nichols, Cherie	23 DOJ 04215 Guilford Dills	12 NCAC 10B.0301(a)(12): LGMC	11/30/2023: PHS period ends 1/1/2024: Discovery period ends 1/8/2024: Dispositive motions period ends	Week of 1/22/2024 High Point	9/28/2023: Case opened 10/2/2023: Initial docs 10/17/2023: Amended Initial docs 10/17/2023: R-PHS 11/20/2023: 2nd Order P-PHS
Smith, Linnie Ray	23 DOJ 04212 Wayne Morris	12 NCAC 10B.0204(c)(2): Cheating/obtaining credit	12/4/2023: P-PHS period ends 12/25/2024: Discovery period ends 01/01/2024: Dispositive motions period ends	01/22/2024 Bolivia	9/28/2023: Case opened 10/2/2023: Initial docs 10/17/2023: Amended Initial docs 10/17/2023: R-PHS 11/22/2023: 2nd Order P-PHS 11/28/2023: NOH

PENDING ADMINISTRATIVE CASES
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Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
Herbin, Darien K.	Guilford 23 DOJ 04885 Dills	12 NCAC 10B.0204(d)(1): Class B misc. after appt.	12/22/2023: PHS period ends 3/4/2024: Discovery period ends 3/11/2024: Dispositive motions period ends	Week of 3/25/2024 High Point	11/17/2023: Case opened 11/22/2023: Initial docs
<p>NEW CASES: 4 (Cases opened from 9/11/2023 to 11/30/2023:</p> <p>CLOSED CASES: 3 (Cases closed from 9/11/2023 to 11/30/2023:</p> <p>TOTAL ACTIVE CASES: 18</p>					
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	Petitioner's attorney said he filed a Voluntary Dismissal but we have not received a copy to date.		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

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Petitioner	County OAH Case No. ALJ	Violation(s)	Scheduling Order	Hearing Date	Status
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	11/14/2023: Counsel for Commission emailed opposing counsel re case status		8/20/2019: PJR filed 9/10/2019: Response to PJR 07/04/2022: Trial Calendar 07/21/2022: NOA Mailed (RJP)
Craft, Matthew Scott <u>Counsel:</u> Brian Aus PO Box 1345 Durham, NC 27702 919-666-7690 brianauslaw@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 10-23-2023: D-NOA [JS] 10/23/2023: Jt Motion to Dispense w/MS
Deese, Scottie <u>Counsel:</u> 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