

***THE NORTH CAROLINA SHERIFFS'
EDUCATION AND TRAINING STANDARDS COMMISSION
FINAL AGENCY DECISION MINUTES***

DATE: September 11, 2025

TIME: 1:00 P.M.

LOCATION: Fairfield Inn & Suites Boone
2060 Blowing Rock Road, Boone, North Carolina, 28607

SUBMITTED BY: William Mitchell, Director

I. CALL TO ORDER

Sheriff Alan Norman

The North Carolina Sheriffs' Education and Training Standards Commission's Final Agency Decision meeting was called to order by Sheriff Alan Norman on Thursday, September 11, 2025. Chair Norman welcomed everyone to Watauga County. Chair Norman requested a roll call of Commission members. Robin Pendergraft recorded the following:

MEMBERS PRESENT

Sheriff Chip Hughes	Sheriff Ed McMahon (Probable Cause)
Sheriff Banks Hinceman	Sheriff Shelton White (Probable Cause)
Sheriff Van Shaw	Sheriff Mike Roberson (Probable Cause)
Sheriff Alan Norman	Sheriff Don Brown (Probable Cause)
Sheriff James McVicker	Sheriff Jeff Crisco (Probable Cause)
Sheriff Lowell Griffin	Retired Sheriff BJ Barnes Jr.
Mr. Jamie Markham	Ms. Jeniffer Fisher

MEMBERS ABSENT

Sheriff Jack Smith
Sheriff Terry Johnson
Mr. Wayne Branch

STAFF

Joy Strickland	North Carolina Department of Justice
Steven Wilson	North Carolina Department of Justice
Robin Pendergraft	North Carolina Sheriffs' Standards Division
William Mitchell	North Carolina Sheriffs' Standards Division

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Robin Pendergraft announced that a quorum was present.

Chair Norman noted that Mr. Steven Wilson, Assistant Attorney General, would serve as the Commission Legal Counsel. Mr. Wilson 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.

Chair Norman welcomed everyone to the North Carolina Sheriffs’ Training and Standards Commission meeting and asked the visitors to stand and introduce themselves.

VISITORS

Eddie Caldwell	North Carolina Sheriffs’ Association
Keisha Young	Watauga County Sheriff’s Office
Christian Ortega	Hoke County Sheriff’s Office
Chase Laffen	Catawba County Sheriff’s Office
Michael Harvan	Catawba County Sheriff’s Office
Michael McGuinness	Attorney
Kevin Kelly	Catawba County Sheriff’s Office

II. OATHS

Sheriff Alan Norman

Chair Norman asked Administrative Assistant Keisha Young with Watauga County to administer oaths for re-appointed members, Sheriff Chip Hughes, Sheriff Banks Hinceman, Sheriff Van Shaw, Sheriff Ed McMahon and new appointment Retired Sheriff BJ Barnes Jr.

III. ELECTION OF CHAIR

Sheriff Van Shaw

Vice Chair Van Shaw took over the nomination process for the election of Chair of the Sheriffs’ Commission. Robin Pendergraft called out the ballots for the new chair, and the nomination went to Sheriff Alan Norman.

IV. ELECTION OF VICE CHAIR

Sheriff Alan Norman

Chair Alan Norman took over the nomination process for the election of Vice Chair of the Sheriffs’ Commission. Robin Pendergraft called out the ballots for the new chair, and the nomination went to Sheriff Van Shaw.

V. APPROVAL OF JUNE FAD MINUTES

Chair Norman requested a motion to approve minutes for the June 12, 2025, Final Agency Decisions.

A **MOTION** was made by Sheriff Chip Hughes to approve the minutes from the June 12, 2025, Final Agency Decision meeting; seconded by Sheriff Banks Hinceman. **MOTION CARRIED**

VI. FINAL AGENCY DECISION

Joy Strickland

***Jonathan Davidson Gilyard**

Mr. Gilyard was present for the proceedings. Ms. Joy Strickland presented oral arguments regarding the case against Jonathan Gilyard.

The Petitioner, a Durham, North Carolina resident and security officer at Meredith College, applied in summer 2022 for a Correctional Officer II position with the North Carolina Department of Public Safety (DPS) at Sampson County Correctional.

After receiving a conditional offer from Catherine Wells on July 20, 2022, and being instructed to complete a drug test, Petitioner decided shortly afterward not to accept the position, believing that withdrawing from consideration meant he did not need to take the test.

Nevertheless, DPS issued a letter dated July 22, 2022, withdrawing the offer “based on the results of the drug screening” and imposing a three-year bar on reapplication, despite Petitioner’s prior withdrawal. A subsequent August 5, 2022, letter from the Criminal Justice Standards Division stated he could not be certified as a corrections officer until July 2025 due to a “refusal to submit” to a drug test.

In 2023, Petitioner applied to the Durham County Sheriff’s Office, marking “No” to a question about having been denied employment after a conditional offer, as he believed he had withdrawn first. After later clarification, he submitted a notarized statement explaining his reasoning and passed a drug test for that position. However, in October 2024, the Respondent issued a letter finding probable cause to deny his Justice Officer Certification, citing alleged refusal to take the 2022 drug test and a material misrepresentation on his application. The letter-imposed certification denials under 12 NCAC 10B .0204(c)(1) and (5), though it contained factual inaccuracies about the drug test. Petitioner timely appealed, leading to a March 2025 hearing where it was revealed that the Respondent had not verified Petitioner’s claim that he withdrew from the 2022 position before any refusal occurred.

Based on the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby proposes that the Commission find that Petitioner did not violate the Commission’s rules, grant the Petitioner’s certification, reflect in its records that Petitioner was not previously denied certification in 2022, and that Petitioner did not refuse to take a drug test in 2022.

Chair Norman asked the Commission if there were any questions.

A **MOTION** was made by Sheriff Chip Hughes to enter closed session; seconded by Sheriff Van Shaw. **MOTION CARRIED**

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

A **MOTION** was made by Sheriff Lowell Griffin in the matter of Johnathan Davidson Gilyard; Adopt the proposed final agency decision while correcting the standard of review to **GRANT** certification; seconded by Sheriff Terry Johnson. **MOTION CARRIED**

***Christian Alexander Ortega**

Mr. Ortega was present for the proceedings. Ms. Joy Strickland presented oral arguments regarding the case against Mr. Ortega.

Sirena Jones, the Deputy Director of Sheriffs’ Standards Division for the Respondent with about 20 years of service, was a credible witness instrumental in the probable cause hearing process.

Petitioner Christian Alexander Ortega, a certified justice officer and former U.S. Army service member, was also deemed credible. The alleged victim, Jessica Dykes, and any responding law enforcement officers did not testify, nor were police reports entered into evidence.

Ortega, formerly employed by the Hoke County Sheriff’s Office, was terminated in 2023 over the incidents in question but has since been rehired. Sheriff Roderick C. Virgil provided a strong letter supporting Ortega’s continued employment. The Tribunal found that the sheriff and his officers were best positioned to assess Ortega’s fitness to serve.

Regarding the April 14, 2023 “Assault on a Female” allegation, no arrest, charge, or conviction occurred, and no documentary evidence supported the claim. Similarly, in the “Common Law Forgery” allegation involving a storage unit rented for Dykes, evidence and credible testimony showed Ortega acted with her permission and without intent to defraud.

Respondent’s investigator did not testify, and although the Probable Cause Committee recommended revoking Ortega’s certification for five years, no allegation of lacking moral character was made. The Tribunal concluded the matter stemmed from a failed romantic relationship and found no evidence that Ortega acted criminally in either incident.

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that no action be taken against Petitioner’s Justice Officer Certification

Chair Norman asked the Commission if there were any questions.

A **MOTION** was made by Sheriff Chip Hughes to enter closed session; seconded by Sheriff Banks Hinceman. **MOTION CARRIED**

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

A **MOTION** was made by Sheriff Chip Hughes in the matter of Christian Ortega; to **ADOPT** the proposed final agency decision; seconded by Sheriff James McVicker. **MOTION CARRIED**

***Michael Joseph Harvan**

Mr. Harvan was present for the proceedings. Attorney Michael McGuinness was representing Mr. Harvan for the hearing. Ms. Joy Strickland presented oral arguments regarding the case against Mr. Harvan.

Deputy Michael Harvan, a 43-year-old Catawba County Deputy Sheriff with nineteen years of law enforcement service, has maintained an exemplary record and reputation throughout his career. Born and raised in Hickory, North Carolina, Harvan graduated from Caldwell Community College’s Basic Law Enforcement Training program in 2002 and has since served in various roles including detention, patrol, and transportation. Harvan, who has no criminal record aside from a speeding ticket, was disciplined with a written reprimand, a three-day suspension, and a transfer after it was discovered that he deviated from standard sex offender registry verification procedures for two local offenders he knew personally, opting to observe them from a distance rather than conducting in-person checks. Investigators confirmed that Harvan’s actions were not motivated by ill intent but rather by convenience, and that the Sheriff’s Office lacked written policies or formal training on the registry verification process. Sheriff Don Brown and multiple supervisors described Harvan as honest, cooperative, professional, and respected, noting his strong character and continued value to the department. While his actions were viewed as a lapse in diligence, all testimony affirmed that Deputy Harvan remains a trustworthy and capable officer who continues to serve effectively.

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that Petitioner’s justice officer certification is hereby suspended for a period of five years for the commission of the misdemeanor offense of common law obstruction of justice. The period of suspension is hereby suspended for a period of five years on the condition that the Petitioner

does not commit any violations of State, federal or local laws or the rules of this Commission or the Criminal Justice Education and Training Standards Commission.

Chair Norman asked the Commission if there were any questions.

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

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

A **MOTION** was made by Sheriff Lowell Griffin in the matter of Michael Lashley; **ADOPT** the proposed final agency decision; seconded by Sheriff James McVicker. **MOTION CARRIED**

VII. LEGAL COUNSEL’S REPORT

Joy Strickland

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

- 33 active cases.
- 4 cases closed since the June 12, 2025, meeting.
- 5 cases pending judicial review

VIII. RECESS

A **MOTION** by Sheriff James McVicker to recess the September 2025 Sheriff’s Final Agency Decision meeting: Seconded by Sheriff Lowell Griffin. **MOTION CARRIED**