

THE NORTH CAROLINA
SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION
MEETING AGENDA
THURSDAY, DECEMBER 4, 2025
1:00 P.M.

DoubleTree by Hilton Raleigh Crabtree Valley
4100 Glenwood Ave
Raleigh, NC 27612
Raleigh/Crabtree Room

I.	<u>CALL TO ORDER</u>		<i>Sheriff Norman</i>
	* Roll Call		<i>Alex Radford</i>
	* Declaration of a Quorum		<i>Sheriff Norman</i>
	* Welcome to the NCSETS Commission Meeting		<i>Sheriff Norman</i>
	* Ethics Reminder		<i>John Congleton/Steven Wilson</i>
	* Recognition of Visitors		<i>Sheriff Norman</i>
II.	<u>OATHS</u>		<i>Alex Radford</i>
	<ul style="list-style-type: none">• Sheriff Terry Johnson – Commission District 6• Commissioner Wayne Branch – Governor Appointment		
III.	<u>MINUTES OF THE SEPTEMBER 11, 2025, MEETING</u>	Page 2	<i>Sheriff Norman</i>
	* Motion to Approve		
VI.	<u>FINAL AGENCY DECISIONS</u>	Page 8	<i>Joy Strickland/Ian Courts</i>
	Proposal for Decision / Exceptions / Proposed Final Agency Decision		
	[*PC Members McMahon, Roberson, Brown and White are recused]		
	* Ernest Brown		
	* Michila Cupp		
	* David Pate		
	* Aaron Ravilius		
VII.	<u>LEGAL COUNSEL'S REPORT</u>	Page 10	<i>Ian Courts</i>
VIII.	<u>RECESS</u>		<i>Sheriff Norman</i>

**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

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 Banks Hinceman
Sheriff Van Shaw
Sheriff Alan Norman
Sheriff James McVicker
Sheriff Lowell Griffin
Mr. Jamie Markham

MEMBERS ABSENT

Sheriff Ed McMahon (Probable Cause)
Sheriff Shelton White (Probable Cause)
Sheriff Mike Roberson (Probable Cause)
Sheriff Don Brown (Probable Cause)
Sheriff Jeff Crisco (Probable Cause)
Retired Sheriff BJ Barnes Jr.
Ms. Jeniffer Fisher

STAFF

Joy Strickland
Steven Wilson
Robin Pendergraft
William Mitchell

North Carolina Department of Justice
North Carolina Department of Justice
North Carolina Sheriffs' Standards Division
North Carolina Sheriffs' Standards Division

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**

JEFF JACKSON
ATTORNEY GENERAL



J. JOY STRICKLAND
SENIOR DEPUTY ATTORNEY GENERAL

MEMORANDUM

TO: N.C. Sheriffs' Education and Training
Standards Commission Members and Staff

FROM: J. Joy Strickland
Senior Deputy Attorney General

(Handwritten signature of J. Joy Strickland)
Ian Courts
Assistant Attorney General
Counsel to the Commission

DATE: November 21, 2025

RE: FINAL AGENCY DECISIONS

David Pate
Aaron Ravillious
Ernest Brown
Michila Cupp

These matters are scheduled to be heard before the Commission at its December 5, 2025, meeting. At that time, you will be called upon to render your Final Agency Decision in these matters after reviewing all pertinent documents and hearing oral arguments. Please review the enclosed documents prior to the Commission meeting and bring them with you to the meeting.

The official records and transcripts from these hearings will be available at the meeting for your review. If additional submissions by the parties come to my attention before the Commission meeting, I will forward them to you immediately.

DAVID PATE

An administrative hearing was held on May 20, 2025, before Administrative Law Judge Samuel Morris regarding whether Petitioner's detention office certification should be denied

indefinitely for the commission or conviction of a combination of four or more Class A or B misdemeanors. On August 18, 2025, Judge Morris filed his Proposal for Decision and recommended that the Commission find that Petitioner's certification should be denied indefinitely. Counsel for the Commission has submitted **Exceptions to the Proposal for Decision** and a **Proposed Final Agency Decision** for your review.

AARON RAVILLIOUS

An administrative hearing was held on March 18, 2025 before Administrative Law Judge Jonathan Dills regarding whether Petitioner's justice officer certification should be revoked for the Commission of the offense of assault on a disable person and for lacking good moral character. On April 15, 2025, Judge Byrne issued his Proposal for Decision and recommended that no action be taken against Petitioner's certification. Counsel for the Commission has submitted **Exceptions to the Proposal for Decision** and a **Proposed Final Agency Decision** for your review.

ERNEST BROWN

An administrative hearing was held on May 19, 2025 before Administrative Law Judge William Peaslee regarding whether Petitioner's detention officer certification should be denied for the commission of two felony offenses. On October 7, 2025, Judge Peaslee filed his Proposal for Decision and recommended that Petitioner's certification be permanently denied for the commission of the felony offense of second degree sexual offense. Counsel for the Commission has submitted **Exceptions to the Proposal for Decision** and a **Proposed Final Agency Decision** for your review.

MICHILA S. CUPP

An administrative hearing was held on September 30, 2025, before Administrative Law Judge David Sutton regarding whether Petitioner's telecommunicator certification should be denied for felony commission. On November 10, 2025, Judge Sutton issued his Proposal for Decision and recommended that there was insufficient evidence to support the felony commission, and that no action be taken against Petitioner's certification. On November 12, 2025, Petitioner waived her rights and wished to proceed to December Commission. Counsel for the Commission has submitted **Exceptions to the Proposal for Decision** and a **Proposed Final Agency Decision** for your review.

cc: William Mitchell, Director, Sheriffs' Standards Division
Barry Henline, Attorney for David Pate
Hart Miles, Attorney for Aaron Ravillious
Ernest Brown
Michila Cupp

LEGAL REPORT

North Carolina Sheriffs' Education and Training Standards Commission
December Meeting 2025

Current Pending Caseload

<i>Administrative Hearing Pending</i>	14
<i>Tried & Awaiting Proposal for Decision</i>	8
<i>Final Agency Decision for December</i>	4
<i>Final Agency Decision for March</i>	Tentatively 1
<i>Petition for Judicial Review</i>	6
<i>At NC COA or Supreme Court</i>	0
<i>Closed since last Meeting</i>	6
<i>New cases opened since last Meeting</i>	16

Since our last meeting on September 10-12, 2025:

- Total Hearings Held: 8
- Co-presented at Certification Workshops: 10/7 Wake County
- Closed since last meeting:
 - (3) No PJR was filed (Gilyard, Ortega, and Harvan)
 - (2) PJR order issued (Aboussleman and Galloway)
 - (1) Dismissed by OAH.

Compiled jointly by: Ian L. Courts and Joy Strickland