

**NORTH CAROLINA CRIMINAL JUSTICE
EDUCATION AND TRAINING STANDARDS COMMISSION**

MINUTES

DATE: November 20, 2009

TIME: 9:00 A. M.

LOCATION: N. C. Department of Correction
Apex, North Carolina

SUBMITTED BY: Wayne Woodard
Director

The Education and Training Committee, the Planning and Standards Committee, and the Probable Cause Committee met on November 19, 2009 for their regular quarterly meetings. The Executive Committee also met on November 19, 2009.

MEMBERS PRESENT

Chief Greg Harrington
Mr. Eddie Caldwell
Mr. Thomas Thornburg
Chief Tom Moss
Mr. Ray Davis
Captain Lee Farnsworth
Mr. John Glenn
Captain Terry Jones
Chief Wrenn Johnson
Mr. Terry Waterfield
Mr. James Festerman
Mr. Vernon Bryant
Ms. Hilda Spivey
Ms. Robin Pendergraft
Sergeant Lorrie Hersey
Ms. Annie Harvey
Mr. Richard Armstrong
Mr. Frank Rogers
Mr. Ricky Anderson
Mr. Johnson Britt
Ms. Tracy McPherson
Ms. Linda Hayes

MEMBERS ABSENT

Chief Patricia Bazemore
Chief Scott Cunningham
Chief Ira Jones
Ms. Stephanie Freeman
Mayor Drewery Beale
Dr. Robert Ruth
Mr. Kevin Wallace

VISITORS

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| Chet Jernigan | N.C. Justice Academy |
| Tom Moss | Former Chief for Garner Police Department |
| Franklin Taylor | N. C. Department of Correction |
| Chief Mike Williams | Burlington Police Department |
| Wayne Cann | |
| Richard Cooper | Selma Police Department |
| Charles Bowen | Selma Police Department |
| Richard Douglas | |
| Ward Creech | Selma Police Department |
| James French | N. C. Department of Correction |
| Ronald Daniels | Selma Police Department |
| Sue Daniels | Selma Police Department |
| Teresa Daniels | Selma Police Department |
| Tammy Cooper | Selma Police Department |
| Richard Potts | N. C. State University Police Department |
| Lisa Guy | |
| Robert Guy | N. C. State University Police Department |
| Stephen Bark | N. C. State University Police Department |
| Mike Heavner | N. C. Department of Justice |
| Ricky Mason | N. C. Department of Correction |
| Thomas McCurdy | N. C. Department of Correction |
| Benjamin Deese | Garner Police Department |
| Michael Evers | |
| Mark Davidson | N. C. State Highway Patrol |
| Briana Harris | N. C. Department of Correction |
| Jennie Lancaster | N. C. Department of Correction |
| Katonya Harvey | N. C. Department of Correction |
| Ardeen Hunt | N. C. State Highway Patrol |
| Ricky Crayton | Oakboro Police Department |
| Jason Crayton | Oakboro Police Department |
| Alvin Keller | N. C. Department of Correction |
| Nighee Superville | |
| Teresa Bryant | Attorney representing Jackie Daniels |
| Jackie Daniels | |
| Jerod Massey | Burlington Police Department |
| Ronald Daniels | Selma Police Department |
| Steven Boraski | N. C. State Capitol Police Department |
| Lt. Reginald Newberne | N. C. State Capitol Police Department |
| James Savage | Raleigh/Durham Airport Authority |
| Ronald Wynn | |

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| Danny Keel | Town of Mount Olive Police Department |
| Charles Brown | Town of Mount Olive Police Department |
| Carroll Turner | Attorney representing Danny Keel |
| Ralph Schroeder | Town of Mount Olive Police Department |

STAFF

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|---------------|-----------------|------------------|----------------|
| Wayne Woodard | Richard Squires | Claudelle Julien | Jane Gilchrist |
| Pam Pope | Teresa Marrella | Mark Dearry | Ed Zapolsky |
| Mike Heavner | Marvin Clark | Joy Strickland | Donna Byrd |

I. CALL TO ORDER

Commission Chairman John Glenn brought the meeting to order. Chairman Glenn read the Ethics Statement into the minutes. Donna Byrd, Clerk to the Commission, administered the Oath of Office to the following members: Colonel Randy Glover, North Carolina State Highway Patrol, who represents Secretary Reuben Young, Crime Control and Public Safety; Mr. Brent Herron, who represents Mr. Erskine Bowles, President of The University of North Carolina; Mr. Frank Rogers, who represents Mr. Alvin Killer, Secretary of the North Carolina Department of Correction; Mr. Ricky Anderson, Ms. Annie Harvey and Mr. Steve Johnson, who were appointed by the North Carolina General Assembly.

Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors.

Chairman Glenn personally thanked Commissioner Hilda Spivey for hosting the Commission at the North Carolina Department of Correction's training facility in Apex. He thanked the Department of Correction staff in assisting and coordinating the planning of the Commission meeting.

II. PRESENTATION OF RESOLUTIONS

Chairman Eddie Caldwell reported that the Executive Committee approved Resolutions of Appreciation for outgoing Commissioners Wade Anders, Mike Evers and Greg Harrington.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the Resolutions of Appreciation for Commissioners Wade Anders, Mike Evers and Greg Harrington; seconded by Commissioner Terry Jones. The MOTION carried unanimously.

Commission Chairman Glenn presented the Resolution of Appreciation to Chief Greg Harrington. Chairman Glenn read aloud the Resolution of Appreciation. Commissioner Harrington accepted his Resolution of Appreciation from Chairman Glenn and expressed his gratitude to the Commission and his pleasure at having been able to serve on the Commission.

Chairman Caldwell presented a Resolution of Appreciation for Commissioner Mike Evers. He asked Mr. Alvin Keller, Secretary of the North Carolina Department of Correction to assist in presenting the plaque to Commissioner Evers. Chairman Caldwell read the Resolution of Appreciation into the minutes. Commissioner Evers accepted the Resolution of Appreciation from Chairman Caldwell and expressed his gratitude to the Commission. He stated that it had been a pleasure serving on the Planning and Standards Committee.

Chairman Caldwell reported that the Executive Committee approved a Resolution of Appreciation for former Commissioner Wade Anders; however, Commissioner Anders was not in attendance.

Next, Chairman Caldwell related that the Executive Committee approved a Resolution in Memoriam for Officer Richard John Matthews of the Wilmington Police Department, who died on February 18, 2009.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the Resolution in Memoriam for Richard John Matthews. The MOTION was seconded by Commissioner Jones and carried unanimously.

III. AWARDING OF ADVANCED CERTIFICATES

[Agenda Memorandum No. 04-09]

Chairman Glenn reported that staff had evaluated the applications of all one hundred and one (101) candidates. There were eighty-five (85) candidates for the Advanced Law Enforcement Certificate and sixteen (16) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Linda Hayes that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Vernon Bryant and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement and Advanced Criminal Justice Certificates:

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| James B. French | N. C. Department of Correction Presented by Alvin Keller, Secretary |
| Annie Harvey | North Carolina Department of Correction Presented by Alvin Keller, Secretary |
| Ricky Mason | N. C. Department of Correction Presented by Commissioner Annie Harvey |
| Thomas W. McCurdy | N. C. Department of Correction Presented by Commissioner Annie Harvey |
| Franklin R. Taylor | N. C. Department of Correction Presented by Commissioner Annie Harvey |

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| Jerod Lamar Massey | Burlington Police Department Presented by Chief Mike Williams |
| Benjamin Deese | Garner Police Department Presented by Chief Tom Moss, Retired |
| Robert Delon Guy | N. C. State University Police Department Presented by Lieutenant Richard Potts |
| James Savage | Raleigh Durham Airport Authority Presented by Chief Donna Waters |
| David Ward Creech | Selma Police Department Presented by Chief Charles Bowen |
| Ronald L. Daniels | Selma Police Department Presented by Chief Charles Bowen |
| Richard Allan Cooper | Selma Police Department Presented by Chief Charles Bowen |
| Steven Carl Boraski | N. C. State Capitol Police Department Presented by Lieutenant Reginald Newberne |
| Mark Alan Davidson | N. C. State Highway Patrol Presented by First Sergeant Ardeen Hunt, Jr. |

IV. MINUTES OF AUGUST 28, 2009 MEETING

Chairman Glenn entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Lee Farnsworth that the Commission approve the minutes of the August 28, 2009 meeting; seconded by Commissioner Lorie Hersey and carried unanimously.

V. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee had met on Thursday, November 19, 2009, and discussed a number of matters. He stated that the Probable Cause Committee presented a recommendation to the Executive Committee to present to the full Commission approval of the By-Laws revision. He stated that the revision is to change the wording from "Open Session" to "Closed Session" in regards to hearing probable

cause cases.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee that the Commission adopt the proposed By-Laws changes providing that all Commission and Subcommittee meetings be open to the public except those properly designated as Closed Sessions as authorized by G. S. §143-318.11 or G. S. §143.318.18. Also, the Commission adopt the proposed changes to the Commission's "Probable Cause Policy for Applicants and Certified Officers" providing that probable cause cases be heard in "Closed Session" as allowed by G. S. §143-318.11 or §143-318.18; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.

Next, Chairman Caldwell stated that the Executive Committee discussed and approved the meeting dates for 2010. Chairman Caldwell reported that all of next year's meetings will be held in Apex at the North Carolina Department of Correction's Office of Staff Development and Training facility on February 18-19, 2010, May 27-28, 2010, August 26-27, 2010 and November 9-10, 2010.

Mr. Caldwell next asked Director Wayne Woodard to give an update on the Criminal Justice Standards Division.

Mr. Woodard introduced Mr. Marvin Clark, a new staff member with the Criminal Justice Standards Division. He explained that Mr. Clark will be in charge of the Company and Campus Police Program. He reported that Mr. Clark came from the Secretary of State's office, where he spent the last five years as their lead law enforcement agent. Mr. Woodard stated that Mr. Clark is also a retired lieutenant from the Chapel Hill Police Department. Mr. Woodard stated that Mr. Clark had extensive experience and an ample amount of investigative experience. He stated that the division was very happy to have Mr. Clark. He also stated that the division had two vacancies that needed to be filled; the radar program administrator and the support position for that program.

Mr. Woodard reported that in previous Commission meetings, there had been discussion concerning court fees that would fund Sheriffs' Standards and the Criminal Justice Standards Division. He stated that in January, the Department of Justice Financial Office changed the Commission's general state funds to court fee revenues for both sections.

Next, Mr. Woodard reported that the Retired Law Enforcement Officers Firearms Qualification Program is in place. He explained that officers who have retired from law enforcement positions that meet certain conditions may carry a concealed weapon nationwide as per federal law. This program addresses those who are not able to qualify with the agency from which they retired, i.e., individuals living within this state, who retired from out of state agencies, federal officers, state officers. Mr. Woodard noted that staff was also compiling a list of instructors who will be teaching this program. He stated that a fee will be associated with the program. He related that Mr. Ed Zapolsky will be administering the program.

Mr. Woodard concluded his report by saying that he had received notification from the North Carolina Association of Chiefs of Police that two new appointees would be joining the Commission. Their names are: Chief Tim Ledford, with the Mint Hill Police Department, replacing Chief Greg Harrington and Chief Tim Hayworth with the Zebulon Police Department, replacing former Chief Tom Moss. He stated that the Commission has an additional vacancy which is a police chief position that is appointed by the governor.

Mr. Caldwell asked Deputy Director Chet Jernigan to give an update on the Justice Academy.

Mr. Jernigan stated that the Justice Academy's western firing range project was currently moving along as scheduled. He stated that if State Construction approves the final plans, they would break ground in March 2010 and be operational January 2011.

Mr. Jernigan explained that the Justice Academy had a newly renovated gym. He stated that they had a new weight room, cardio equipment, and a new CSI lab and crime scene department. He stated that the full gym had a skylight and a three lane running track around it. Mr. Jernigan stated that they would send out notices for an open house.

Mr. Jernigan reported that the academy was in the process of hiring a new librarian and a support services manager.

Next, Mr. Jernigan reported that the Management Development Program graduated 18 students. Officers from the following agencies completed MDP 09: Fuquay-Varina Police Department, Laurinburg Police Department, Jacksonville Police Department, Hickory Police Department, Oak Island Police Department; Union County Sheriffs' Office; Wilkes County Sheriffs' Office; Atlantic Beach Police Department; Person County Sheriffs' Office; Williamston Police Department; Garner Police Department; Kill Devil Hills Police Department; Rocky Mount Police Department; Shelby Police Department; Emerald Isle Police Department; and, Granite Quarry-Faith Joint Police Authority.

Mr. Jernigan related that the academy was partnering with FLETC to help deliver courses through the Rural Policing Center. He explained that these courses were designed especially for rural departments, but since the federal government had revised the definition of a rural police department that 90% of all agencies now meet the criteria. He asked Commission members to let him know if they wanted a specific course to be offered.

Mr. Jernigan explained the learning management online training portal that outlined the courses was available. He stated that he was grateful to the Governor's Crime Commission for assisting in the funding of several of these courses. He stated that the courses were: "Domestic Violence", "Investigating Crimes in Long Term Care Facilities" and "Human Trafficking."

Mr. Jernigan explained that the Criminal Investigation Certificate Program had been suspended for several months. Presently, the program was ready for enrollment and is accepting new students.

Next, Mr. Jernigan related that staff attorney, Mr. Dave Shick and Tim Fuss, Union County Deputy Sheriff, had developed a new "Background Investigation Course." The academy had completed a pilot delivery and the results were excellent. He stated that he wanted to thank Director Julia Lohman, Sheriffs' Standards and Investigator Richard Squires with Criminal Justice Standards Division for their help in teaching the segments concerning the Commission's rules for new applicants. He stated that the next courses offered would be at the East Campus March 8-12, 2010 and the West Campus September 20-24, 2010.

Mr. Jernigan stated that the in-service training packages for both Commissions were available on the web site and from the bookstore on October 15th. He stated that he highly encouraged instructors to attend the new in-service updates scheduled for November, December, January, February and March.

Mr. Jernigan concluded his report by stating that the academy was partnering again with the Police Chiefs' Association and the North Carolina Police Executives Association to sponsor in-service training for both organizations at their winter and spring conferences.

B. Education and Training Committee - Chairman Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met on November 19th and elected Commissioner Robin Pendergraft as vice-chairman of the committee.

Chairperson Johnson stated that Chris Anderson reported that the Joint In-Service Subcommittee met on October 8, 2009. The subcommittee approved topics and hours for 2011. The Education and Training Committee approved the subcommittee's proposal.

MOTION was made by Commissioner Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09E .0102 and all other related rules to reflect the following required in-service training topics and hours for 2011 mandated in-service training: Firearms Training and Qualification [4 hours (minimum)]; Juvenile Minority Sensitivity Training: Interactions, Communications and Understanding (2 hours); Legal Update (4 hours); Career Survival: Leadership and Mentoring (4 hours); Domestic Violence: Lesbian, Gay, Bisexual and Transgender (LGBT) Relationships (2 hours); and Department Topic of Choice (8 hours) with a total of 24 hours; seconded by Vernon Bryant. The MOTION carried unanimously.

Chairperson Johnson related that the Justice Academy would develop 16 hours of mandated training and 8 hours of departmental topic of choice for a total of 24 hours.

Next, Chairperson Johnson reported that Commissioner Terry Jones recommended on behalf of the School Accreditation Committee that reaccreditation be approved for the High Point Police Department and the Sanford Police Department. The Committee approved this recommendation.

Chairperson Johnson stated that Bob Yow had reported that an additional objective has been added to the Subject Control and Arrest Techniques block of instruction in the BLET program. This addition is based upon the recently completed task analysis. The Committee approved this addition.

Chairperson Johnson stated that Hilda Spivey reported that a number of objectives had been modified in the Basic Correctional Officers Course. In addition, pilot authority was requested for the "Interpersonal Communication Skills - Staff and Inmate Relationships" block of instruction to be effective January 2010. Major revisions have been made in this block of instruction. The Committee approved these requests.

Chairperson Johnson noted that Chief Tim Ledford, representing the North Carolina Association of Chiefs of Police requested pilot authority for training conducted at the upcoming Winter Chiefs' Conference. The request is for four hours of training taught by Gregory Black entitled "Legacy Leadership for Turbulent Times" that can count as agency choice hours for the 2010 in-service training requirements. The authority will allow a non-certified instructor to offer the training. The Committee approved this request.

Chairperson Johnson stated that there was discussion pertaining to a possible rule change regarding North Carolina Instructor Certification for in-service training. The Committee chose to direct this discussion to the Joint In-Service Subcommittee for a recommendation.

Next, Chairperson Johnson stated that Commissioner Robin Pendergraft, representing the North Carolina Police Executives Association, requested pilot authority to allow four hours of in-service training credit for an upcoming training session hosted by the association. This instruction will be taught by Lieutenant Colonel Dave Grossman who is an expert in killology and the post traumatic shooting effects involving police officers. This authority will allow a non-certified instructor to offer the training. The Committee approved this request.

Chairperson Johnson related that Commissioner Spivey further reported that additional minor revisions would be made to the various outlines in the Basic Correctional Officers Training Course.

Chairperson Johnson related that Mr. Yow further informed the Committee that the 2010 version of BLET would be distributed for courses beginning in January 2010. Mr. Yow reported that a notation in the notebook had been modified regarding recent revisions in taser training.

Lastly, Chairperson Johnson concluded her report by saying that she had updated the Committee regarding work associated with the training issue subcommittee. The Committee considered various issues surrounding instructor recertification and on-line training. The Committee is scheduled to meet again in January to discuss

various issues related to out-of-state officer transfers.

C. Planning and Standards Committee - Vice-Chairman Tom Thornburg

Vice-Chairman Thornburg stated that the Planning and Standards Committee met on Thursday, November 19, 2009. He reported that Chairman Kevin Wallace was not present and Commission Chairman John Glenn presided over the Committee to take nominations for the office of Vice-Chairman and Tom Thornburg was elected.

Vice-Chairman Thornburg reported that the Planning and Standards Committee discussed development of the next System Plan. He stated that the Committee adopted a schedule for creating the new plan. He stated that in order to create a System Plan, they would solicit input from the Commission, staff, law enforcement agencies and law enforcement officers.

Vice-Chairman Thornburg stated that the Committee reviewed a law enforcement recruitment video produced by Bryan Miller with the Justice Academy that can be used by agencies for recruitment. Vice-Chairman Thornburg stated that Mr. Miller could share the video with the Commission as well as via the website.

Vice-Chairman Thornburg reported that the Committee reviewed the "white paper" which summarizes law enforcement recruiting and retention practices across the state of North Carolina. Committee members discussed ways to disseminate the white paper by posting it on the website and sending it to the chiefs and sharing with the Sheriffs' Commission.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on November 19. He reported that the Committee elected Commissioner Ira Jones as vice-chairman.

He reported that the Committee reviewed a total of sixteen cases. He stated that the Committee continued five cases and on five cases, the Committee found no probable cause. He explained that the Committee found probable cause on eleven cases; however, the Committee recommended a lesser sanction for one case which received an "Official Written Reprimand" and five cases were given "Official Written Warnings."

Chairman Davis related that the Committee proposed a consent agreement to: Eddie Dean Littlejohn, an "Official Written Reprimand." The Committee proposed consent agreements to: (1) Darren Christopher Hignite; (2) Kenneth Mark Holloman; (3) Ricky Nelson Crayton; (4) Mark Raphael Ratliff; and, (5) James Marisa Daniels "Official Written Warning."

Chairman Davis stated that Commissioner Linda Hayes recused herself from the case of Eddie Dean Littlejohn, she was allowed to vote on the others. Commissioner Steve Johnson recused himself from the case of Darren Christopher Hignite, he was allowed to vote on the others.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Eddie Dean Littlejohn; Darren Christopher Hignite; Kenneth Mark Holloman; Ricky Nelson Crayton; Mark Raphael Ratliff and James Marisa Daniels; seconded by Commissioner James Festerman. The MOTION carried unanimously.

Chairman Davis asked the Commission members to review the list of individuals that staff had certified after reviewing their criminal records. He advised that the Probable Cause Committee members reviewed and subsequently approved the issuance of certification to these individuals.

19. Richard Cale Manning
Discovery Due: November 23, 2009. Hearing - Week of December 7, 2009, Wilmington.
20. William Eugene Summey
Interrogatories sent November 9, 2009; 15 days; Discovery Due: November 30, 2009. Hearing - Week of December 14, 2009, Raleigh.
21. Angelo Anthony Rinaldi
Interrogatories sent November 9, 2009; 15 days; Discovery Due: January 4, 2010. Hearing - Week of January 18, 2010, Halifax.
22. Joseph Thomas DePrisco
Interrogatories - Discovery Due: January 11, 2010. Hearing - week of January 25, 2010, Raleigh.

C. Final Agency Decisions

Ms. Gilchrist noted that Mr. Norman Young, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decisions.

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

1. Jackie Marie Daniels

Ms. Gilchrist reported that probable cause was found by Director Woodard in that Jackie Marie Daniels was convicted of a "Class B misdemeanor" offense. Initially, Ms. Daniels did not file for a Prehearing Statement. Ms. Gilchrist stated that Ms. Daniels filed for a Motion for Dismissal for failure to file a Prehearing Statement. The Administrative Law Judge ordered that Ms. Daniels respond to the Motion for Dismissal. Ms. Gilchrist stated that she did not respond to the Motion to Dismiss. The Administrative Law Judge entered an order granting Motion to Dismiss.

Ms. Teresa DeLoatch Bryant, attorney representing Ms. Daniels stated that her firm had some transition in staff and she was not able to locate the Motion to Dismiss. Ms. Bryant stated that many efforts were made to locate the same on their system and in their files but they were unable to locate the Motion to Dismiss. She stated that there had been no intention or willful attempt to impede or delay the process. Ms. Bryant apologized to the Commission and asked the Commission to consider not imposing the recommended sanction.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Thornburg. The MOTION carried unanimously.

MOTION was made by Commissioner Caldwell that the Commission return to Open Session; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.

MOTION was made by Commissioner Waterfield that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Pendergraft. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. Peggy Sue Shipp

Ms. Gilchrist presented the case of Peggy Sue Shipp. She stated that the Scotland Neck Police Department submitted to the Criminal Justice Standards Division an In-Service Compliance Report, Form F-9, which indicated that the Petitioner failed to successfully complete the required in-service training, including firearms training and qualification. Ms. Gilchrist stated that Ms. Shipp was involved in two shooting incidents in 2007. As a result, Ms. Shipp went out on disability. At the end of 2008, her agency reported that she had not completed in-service training. Presently, Ms. Shipp is not working.

MOTION was made by the Commissioner Vernon Bryant that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Waterfield. The MOTION was carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

4. Danny Earl Keel

Ms. Joy Strickland presented the case of Danny Earl Keel. She stated that Mr. Keel had completed an F-5A for employment with the Mount Olive Police Department. When completing the Form F-5A, Mr. Keel failed to list the "assault and battery" charge that he had received in 1985. Ms. Strickland stated that Mr. Keel was served with a criminal summons for the offense of "Failing to Discharge Duties" on February 16, 2007. She stated that at the hearing, Mr. Keel testified that he was currently employed as the Building Inspector/Zoning Officer for the Town of Mount Olive. She explained that Mr. Keel testified that the charge of assault and battery stemmed from an incident in which he tried to break up a fight between his father and his brother-in-law. She stated that the case was tried in Mount Olive and the verdict was not guilty.

Carroll Turner, attorney representing Mr. Keel stated that Ralph Schroeder, Chief of Mount Olive Police Department and Charles Brown, Town Manager for Mount Olive were present on behalf of Mr. Keel. He stated that Mr. Keel had made a mistake by failing to list two charges. He stated that Judge Cella heard something unusual about this case because he suspended Mr. Keel's certification for one year instead of his own order of suspension for three years. Mr. Turner stated that the first incident occurred so long ago that Mr. Keel did not recall the charge. He stated that Chief Schroeder testified that he could not remember the charge in 1985. Mr. Turner stated that the Sheriffs' Standards Commission did not find probable cause.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Bryant. The MOTION carried unanimously.

MOTION was made by Commissioner Bryant that the Commission return to Open Session; seconded by Commissioner Thornburg. The MOTION carried unanimously.

MOTION was made by Commissioner Farnsworth that the Commission adopt the Proposed Final Agency Decision as proposed by legal counsel that the Commission suspend Danny Keel's law enforcement officer certification for a period of five years. This period of suspension is suspended for five years on the condition that Mr. Keel not violate any law (other than infractions and minor traffic offenses) of this state or any other state, any federal laws, any ordinances, any rules of this Commission; seconded by Commissioner Spivey. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.

3. Ronald Wynn

Commissioner Annie Harvey recused herself from this case.

Ms. Strickland presented the case of Ronald Wynn. Ms. Strickland stated that in 2008, Mr. Wynn had been charged with the criminal offenses of defrauding an innkeeper and obtaining property by false pretense. She stated that Mr. Wynn and his fiancée Charlene Barnes had been living at the Homewood Suites for an extended period of time. She stated that Mr. Wynn and Ms. Barnes first began paying in cash for the hotel room each week but later started paying with checks. Ms. Strickland stated that management allowed Mr. Wynn and Ms. Barnes to write checks for the cost of their stay. The manager was notified that a check from Wachovia Bank written on a joint account of Mr. Wynn and Ms. Barnes by Ms. Barnes had been returned for insufficient funds and the account had been closed. The same day that the manager received the check, Mr. Wynn wrote a check on this same account for additional cost at the hotel. The manager called the room and notified Mr. Wynn and Ms. Barnes that the checks had been returned and demanded cash immediately. Ms. Strickland explained that later that same day, another employee notified the manager that Mr. Wynn and Ms. Barnes were moving their things out of the hotel. At that point, the manager called the police. She stated that both Mr. Wynn and Ms. Barnes had contacted family members to borrow money to pay the bill but were unable to obtain the money. They were both written citations for defrauding innkeeper. Ms. Strickland stated that Mr. Wynn wrote a check to Meineke Car Care on the same closed account for auto repairs. She stated that Pramod Patel, owner of the Meineke Car Care Center contacted the bank to confirm the reason that the check was refused and was told that the account was closed. Mr. Patel attempted to contact Mr. Wynn for the expenses. Mr. Wynn was charged with obtaining property by false pretenses. She asked that the Commission adopt the Proposed Final Agency Decision to revoke his certification for not less than ten years for these charges.

Mr. Wynn was present and stated that he had made a mistake and he enjoys his job. He stated that the charges were dismissed but he completed community service and paid a fine.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Bryant. The MOTION carried unanimously.

MOTION was made by Commissioner Bryant that the Commission return to Open Session; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously.

MOTION was made by Commissioner Johnson that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Bryant. The MOTION carried unanimously. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.

6. Nighee Von Superville

Commissioner Linda Hayes recused herself from this case.

Mr. Mike Heavner presented the case of Nighee Von Superville. He stated that Mr. Superville had ten (10) worthless check convictions. He stated that 5 convictions were in 1997, two convictions were in 1998, two convictions were in 2001 and one conviction was in 2006. He reported that this was a summary judgment. Mr. Superville had been certified since November 1, 1995. He reported that the Commission has the authority to reduce or suspend the period of sanction. Mr. Heavner stated that the charges were found when Mr. Superville was applying for another position.

Mr. Superville stated that he has worked with the department for fourteen and half (14 ½) years. He stated that he had notified his superiors. He stated that all of his checks were stolen. He stated that his brother was on drugs and had stolen his checkbook and had written checks on his account. Mr. Superville stated that he paid each of the checks off. He stated that he has six children and needs

his job. He asked the Commission to let him keep his certification.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Terry Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Armstrong that the Commission return to Open Session; seconded by Commissioner Thornburg. The MOTION carried unanimously.

MOTION was made by Commissioner Caldwell that the Commission adopt the Proposed Final Agency Decision presented to the Commission by legal counsel to suspend Mr. Superville's certification for a period of five years and amend that to suspend the period of suspension on the conditions that he not violate any law (other than infractions and minor traffic offenses) of this state or any other state, any federal laws, any ordinances, any rules of this Commission; seconded by Commissioner Lorie Hersey. The MOTION carried unanimously. See Attachment IX for the Commission's Final Agency Decision and Attachment X for the roll call vote.

5. Stanton Renard Brandon

Ms. Strickland stated that the issue was whether or not Mr. Brandon's law enforcement officer certification should be permanently revoked due to Mr. Brandon's attempt to obtain property by false pretenses. She stated that Mr. Brandon was first certified with the Charlotte-Mecklenburg Police Department in 1996. Ms. Strickland stated that it was alleged that Mr. Brandon submitted an invoice for payment for his secondary employment when he had not worked that particular assignment. She explained that the Charlotte-Mecklenburg Police Department has a computerized system for its officers to use to sign up for secondary employment assignments. After working assignments, the officers "close out" those assignments on the website by checking the assignments that were worked. Also, the officer would complete a handwritten invoice for the times that they have worked. Ms. Strickland stated that Mr. Brandon indicated that he worked at Cordelia Park on September 6, 2007 from 4:00 p.m. to 8:00 p.m. Mr. Brandon had indicated that he had initially signed up for that assignment. Mr. Brandon stated that he did not report to the duty assignment because his wife came home from work late. Ms. Strickland stated that Mr. Brandon was interviewed when the sergeant asked Mr. Brandon, "Do you remember working at Cordelia Park on September 6, 2007?", he indicated yes. She stated that the sergeant told Mr. Brandon that the records showed that he only worked two times. Mr. Brandon responded by saying that he only worked that particular assignment twice and he responded by saying that he had only worked there and he thought that he left on one of those occasions. She stated that Mr. Brandon was worried about telling the sergeant the truth because he knew someone who had gotten fired for saying he had worked when he had not actually worked.

MOTION was made by Commissioner Robin Pendergraft that the Commission adopt the Proposed Final Agency Decision to permanently revoke Stanton Renard Brandon's law enforcement officer certification; seconded by Commissioner Jones. The MOTION carried unanimously. See Attachment XI for the Commission's Final Agency Decision and Attachment XII for the roll call vote.

VIII. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for February 18-19, 2010 in Apex.

IX. MOTION TO ADJOURN

MOTION was made by Commissioner Farnsworth that the Commission adjourn; seconded by Commissioner Bryant. The MOTION was unanimously.