

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

MINUTES

DATE: August 28, 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 August 27, 2009 for their regular quarterly meetings. The Executive Committee also met on August 27, 2009.

MEMBERS PRESENT

Mayor Drewery Beale
Chief Scott Cunningham
Chief Ira Jones
Chief Patricia Bazemore
Mr. Thomas Thornburg
Chief Tom Moss
Dr. Robert Ruth
Mr. Eddie Caldwell
Captain Lee Farnsworth
Mr. John Glenn
Captain Terry Jones
Chief Wrenn Johnson
Mr. Terry Waterfield
Mr. Ray Davis
Mr. James Festerman
Dr. Mike Evers
Mr. Vernon Bryant
Ms. Hilda Spivey
Ms. Robin Pendergraft

MEMBERS ABSENT

Mr. Wade Anders

Ms. Elizabeth Bunting
Chief Greg Harrington
Ms. Stephanie Freeman
Sergeant Lorrie Hersey
Mr. Richard Armstrong
Mr. Kevin Wallace
Mr. Johnson Britt
Ms. Tracy McPherson
Ms. Linda Hayes

VISITORS

Peggy Schaefer	N.C. Justice Academy
Jenny Little	C.J. Standards Division
Julia Lohman	Sheriffs' Standards Division
Sheriff Steve Bunn	Bladen Sheriffs' Office
Florence Jones	N. C. Department of Correction
Alicia Davis	N. C. Department of Correction
Vivian Brake	N. C. Department of Correction
Brenda Brewington	N. C. Department of Correction
Anna Champion	N. C. Department of Correction
Tim Smith	Fuquay-Varina Police Department
Bob Adams	Fuquay-Varina Police Department
Marvin Clark	N.C. Department of Secretary of State
Jannon R. Murr	N.C. Department of Secretary of State
Steve Johnson	N.C. Sheriffs' Association
Brandon Wells	Kinston Department of Public Safety
Brian R. Hayes	Appalachian State University Police Department
Mike McLeod	N.C. State Highway Patrol
Michael Blanton	N.C. State Highway Patrol
Walter J. Wilson, Jr.	N.C. State Highway Patrol
Mose Highsmith	Attorney representing Donald Koons
Karl Smith	Leland Police Department
Donald Koons, Jr.	Leland Police Department
Juanita R. James	N.C. Department of Correction
Chief Tim Jayne	Leland Police Department
Cynthia Bostic	N.C. Department of Correction
Kevin Brinkley	Nags Head Police Department
Chris Brady	Nags Head Police Department

Norman Young	N.C. Department of Justice
Chet Jernigan	N.C. Justice Academy
Timothy Cooper	N.C. Department of Correction
Felisha Ravello	N.C. Department of Correction
Lyvonne M. Moore	N.C. Department of Correction
Sylvia R. Dunston	N.C. Department of Correction
Helen I. McNeill	N.C. Department of Correction
Bianca N. Harris	N.C. Department of Correction
Annie Harvey	N.C. Department of Correction
Vernice A. Whyms	N.C. Department of Correction
Fontella Humphrey	N.C. Department of Correction
Attiya Allen	N.C. Department of Correction
Ryan Thomas	N.C. Department of Correction
Dwayne Baker	N.C. Department of Correction
Randall J. Shuford	Burnsville Police Department
Chief Brian Buchanan	Burnsville Police Department
Irish Cooper	N.C. Department of Correction
Jeff Mints	N.C. Department of Correction
Mary C. Glenn	
J. D. Phillips	Knightdale Police Department
Melissa C. Phillips	Clayton Police Department
Sergeant Chris Darden	Knightdale Police Department
Erin Jones	N.C. Department of Correction
David Wright	N.C. Department of Correction
Carol Eakins	N.C. Department of Correction
Dwayne Mackey	N.C. Department of Correction
Jeffrey Newton	N.C. Department of Correction

STAFF

Wayne Woodard	Richard Squires	Claudelle Julien	Jane Gilchrist
Pam Pope	Teresa Marrella	Mark Dearry	Ed Zapolsky
Mike Heavner	Jim McDougale	Vickie Huskey	

I. CALL TO ORDER

Chairman John Glenn called the meeting of the North Carolina Criminal Justice Education and Training Standards Commission to order at 9:00 a.m. Chairman Glenn read the Ethics Statement into the minutes. Ms. Jane Gilchrist, Legal Council to the Commission, administered the Oath of Office to the following reappointed members: Mr. James Festerman, Mr. Rick Armstrong, Mr. Vernon Bryant and Mr. Kevin Wallace, who were nominated by the Honorable Joe Hackney, Speaker of the House of Representatives; Chief Wrenn Johnson of the Morehead City Police Department, who represents the North Carolina Police

Executives Association; Mr. Johnson Britt, District Attorney, who represents the N.C. Conference of District Attorneys; Drewery Beale, Mayor of the City of Roanoke Rapids, who represents the North Carolina League of Municipalities; and Mr. Terry Waterfield, who represents the North Carolina General Assembly. Also, Ms. Gilchrist administered the Oath of Office to a new member: Chief Scott Cunningham of the Winston Salem Police Department, who represents the North Carolina Association of Chiefs of Police.

Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors and to Julia Lohman, Director of the Sheriffs' Standards Division. He also introduced Sheriff Stephen Bunn, Bladen County Sheriff's Office.

Chairman Glenn stated that the Ethics Commission had reviewed the following members and found no conflict of interest for: Hilda Spivey, Patricia Bazemore, Drewery Beale, Johnson Britt, Lee Farnsworth, Eddie Caldwell, Ray Davis, Robin Pendergraft, Mike Evers, Linda Hayes, Randy Glover, Scott Cunningham, Tom Moss, Greg Harrington, Terry Waterfield, James Festerman, Vernon Bryant, Kevin Wallace, Richard Armstrong, Tracy McPherson, Tom Thornburg, Stephanie Freeman, Lorie Hersey, Terry Jones, Robert Ruth and himself.

Chairman Glenn personally thanked Commissioner Hilda Spivey for hosting the Commission at the North Carolina Department of Correction's training facility in Apex. He extended a warm thank you to 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 had approved a Resolution of Appreciation for Commissioners Walter Wilson, Tom Moss and Betsy Bunting.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the Resolutions of Appreciation for Commissioner Walter Wilson, Tom Moss and Betsy Bunting; seconded by Commissioner Kevin Wallace. The MOTION carried unanimously.

Commission Chairman Glenn presented the Resolution of Appreciation to former Colonel Walter Wilson. Chairman Glenn read aloud the Resolution of Appreciation. Commissioner Wilson accepted his Resolution of Appreciation from Chairman Glenn and expressed his gratitude to the Commission and expressed his pleasure at having been able to serve on the Commission.

Chairman Caldwell reported that the Executive Committee had approved a Resolution of Appreciation for Chairman Tom Moss of the Education and Training Committee and Chief of the Garner Police Department. Commissioner Moss stated that he had enjoyed working with the Commission membership and that it had been an honor to serve on the Commission.

Chairman Glenn presented a Resolution of Appreciation for Betsy Bunting. Chairman Glenn read the Resolution of Appreciation into the minutes. He stated that Betsy Bunting was a great asset to the Commission as well as the Probable Cause Committee and she would be greatly missed. Commissioner Bunting accepted the Resolution of Appreciation from Chairman Glenn and she expressed her gratitude to the Commission. She stated that it had been a pleasure working for the Probable Cause Committee.

Next, Chairman Caldwell related that the Executive Committee had approved Resolutions in Memoriam for Officer Dulan Earl Murray, Jr. of the Nags Head Police Department, who died on May 15, 2009; Trooper

David Shawn Blanton, Jr. of the North Carolina State Highway Patrol, who died on June 17, 2008; and Senior Trooper Andrew James Stocks of the North Carolina State Highway Patrol, who died on September 9, 2008.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the Resolutions in Memoriam for Dulan Earl Murray, Jr., David Shawn Blanton and Andrew James Stocks. The MOTION was seconded by Commissioner Wallace and carried unanimously.

Chairman Glenn presented a Resolution in Memoriam for Dulan Earl Murray, Jr. of the Nags Head Police Department. Chairman Glenn read the Resolution in Memoriam into the minutes. Ms. Murray accepted the Resolution in Memoriam.

Chairman Glenn presented a Resolution in Memoriam for Trooper David Shawn Blanton of the North Carolina State Highway Patrol. Chairman Glenn read this Resolution in Memoriam aloud. Ms. Blanton accepted the Resolution in Memoriam.

Next, Chairman Glenn related that the Executive Committee had approved a Resolution in Memoriam for Senior Trooper Andrew James Stocks of the North Carolina State Highway Patrol. Ms. Stocks accepted the Resolution in Memoriam.

Chairman Glenn presented a plaque to Vickie Huskey, Company Police Administrator of the Criminal Justice Standards Division. Director Wayne Woodard thanked Ms. Huskey for her professionalism with the Company and Campus Police Program. Ms. Huskey stated that it had been a pleasure working for Wayne Woodard and staff as well as the Commission.

Lastly, Chairman Glenn stated that each Commission member should have a Committee Preference Sheet in their packet. He asked that each member complete this form and return to Ms. Huskey before the end of the meeting.

III. AWARDING OF ADVANCED CERTIFICATES

[Agenda Memorandum No. 03-09]

Chairman Glenn reported that staff had evaluated the applications of all two hundred and thirty-one (231) candidates. There were one hundred and ninety-four (194) candidates for the Advanced Law Enforcement Certificate and thirty-seven (37) 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. Chairman Glenn thanked Peggy Schaefer for the Justice Academy printing the certificates for the Commission.

MOTION was made by Commissioner Tom Moss that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Tom Thornburg and carried unanimously.

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

Randall James Shuford	Burnsville Police Department Presented by Chief Brian Buchanan
Jannon Roy Murr	North Carolina Department of Secretary of State Presented by Marvin Clark, Special Agent in Charge
Timothy M. Smith	Fuquay-Varina Police Department Presented by Captain Bob Adams
Brian R. Hayes	Appalachian State University Police Department Presented by Commissioner Glenn
Ronald Keith Vaughn	Selma Police Department Presented by Captain R.A. Cooper
Juanita R. James	N. C. Department of Correction - Division of Prisons Presented by Cynthia Bostic, Operations Director
Brandon Karr Wells	Kinston Department of Public Safety Presented by Commissioner Glenn
Brenda Applewhite Brewington	N. C. Department of Correction - Division of Prisons Presented by Anna Champion, Assistant Superintendent Custody & Operation
Don Chavis	N. C. Department of Correction - Division of Community Corrections Presented by Commissioners Vernon Bryant and Kevin Wallace
Alicia B. Davis	N. C. Department of Correction - Division of Prisons Presented by Anna Champion, Assistant Superintendent Custody & Operation
Sylvia R. Dunston	N. C. Department of Correction - Division of Prisons Presented by Ms. Harvey and Ms. Whyms

Florence Jones

N. C. Department of Correction - Division of Prisons
Presented by Vivian Brake, Assistant Superintendent of Programs

Ronnie Avon McLaughlin

N. C. Department of Correction - Division of Prisons
Presented by Captain Donna Works

Helen L. McNeil

N. C. Department of Correction - Division of Prisons
Presented by Annie Harvey, Bianca Harris, Fontella Humphrey, Attiya Allen, Ryan Thomas and Dwayne Baker

Lyvonne M. Moore

N. C. Department of Correction - Division of Prisons
Presented by S. Grandy and F. Ravello

Timothy Cooper

North Carolina Department of Correction - Division of Prisons. Presented by Lieutenant Pollock, Lieutenant James, Ms. Harvey, Ms. Hans, Ms. Grandy, Ms. Sayles, P. Cooper (wife), L. Brown and Rodriquez

Christopher J. Weaver

Mount Olive Police Department
Presented by Commissioner Glenn

IV. ELECTIONS

A. Chairman

Vice-Chairman Eddie Caldwell presided over the Commission to take nominations for the office of Chairman.

MOTION was made by Commissioner James Festerman to nominate John Glenn as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Ray Davis and carried unanimously.

B. Vice-Chairman

Chairman Glenn presided over the remainder of the nominations.

MOTION was made by Commissioner Tom Moss to nominate Eddie Caldwell as Vice-Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Davis and carried unanimously.

C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Eddie Caldwell to nominate Wrenn Johnson as Chairman of the Education and Training Committee. The MOTION was seconded by Commissioner Tracy McPherson and carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner Lee Farnsworth to nominate Kevin Wallace as Chairman of the Planning and Standards Committee. The MOTION was seconded by Commissioner Mike Evers and carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner Ira Jones to nominate Ray Davis as Chairperson of the Probable Cause Committee. The MOTION was seconded by Commissioner Drewery Beale and carried unanimously.

V. MINUTES OF MAY 29, 2009 MEETING

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

MOTION was made by Commissioner Vernon Bryant that the Commission approve the minutes of the May 29, 2009 meeting; seconded by Commissioner Linda Hayes and carried unanimously.

VI. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Mr. Caldwell asked Director Peggy Schaefer to give an update on the Justice Academy.

Peggy Schaefer stated that the Justice Academy has a new online Learning Management System. She stated that this has been launched to a small subset of officers across the state. Ms. Schaefer

stated that the officers have completed a block of instruction on domestic violence for in-service training. However, there are some issues which must be resolved before the system is expanded to include more officers.

Ms. Schaefer stated that House Bill 406 has passed to enable the Justice Academy to proceed with an indoor range. She reported that the residents of Edneyville were very pleased. Ms. Schaefer stated that the project had been delayed; however, it would be at least one and one half (1 ½) years before completion.

Ms. Schaefer stated that the academy was gathering data from the In-Service Topics survey to assist in the determination of the 2011 training needs. Mr. Charles Rambeau, staff member, has been working on this process. They are surveying the entire Raleigh Police Department, the Fayetteville Police Department, the Concord Police Department, Rutherford County Sheriff's Office and the Transylvania County Sheriff's Office. The academy is trying to determine what type of system will be used for in-service training.

Ms. Schaefer stated that the academy had forwarded a survey to all first responders throughout the state including paramedics, EMTs, fire and law enforcement officials to determine whether or not the system is working with joint operation training.

Next, Ms. Schaefer stated that the academy continues to expand course offerings in management training. She stated that a new chief's course, entitled Leadership has been developed. She reported that the academy had recently created a course for new sergeants.

Ms. Schaefer stated that the academy has scheduled an open house on November 8, 2009 for the new gym. She gave an open invitation to the full Commission.

Lastly, Ms. Schaefer expressed her appreciation to Commissioner Moss for his dedication as Chairman of the Education and Training Commission. She welcomed Commissioner Wrenn Johnson as the new chairperson of the Committee.

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

Mr. Woodard introduced Ms. Pamela Brooks, a new staff member with the Criminal Justice Standards Division. He explained that Ms. Brooks will be in charge of the Professional Certificates. He expressed a warm appreciation to Ms. Schaefer and her staff for the printing of the Advanced certificates. He explained that the Justice Academy was able to print the certificates at a significant decrease in cost.

Mr. Woodard stated that the Retired Law Enforcement Officers' Firearms Program has been reviewed by the Rules Review Committee and should be finalized in the near future. The program allows retired law enforcement officers to qualify and carry weapons concealed nationwide.

Next, Mr. Woodard reported that the legislature approved the \$2.00 court fee to be used as funding for the Sheriffs' Standards and the Criminal Justice Standards Division. He explained that Nels Roseland, Chief Financial Officer, was working out the details and the new court fees will go into effect on October 1st.

Mr. Woodard announced the appointment of two new Commission members: Mr. Steve Johnson and Ms. Annie Harvey with the Department of Correction, Division of Prisons. Mr. Woodard recognized Mr. Johnson who was present.

Lastly, Mr. Woodard thanked Chief Tom Moss for his hard work and professionalism on the Commission. Also, he thanked Ms. Betsy Bunting for her nineteen (19) years of service on the Commission and stated he enjoyed working with both of them.

B. Education and Training Committee - Chairman Tom Moss

Chairman Moss reported that Chris Anderson with the North Carolina Justice Academy appeared before the Education and Training Committee to request that Specialized Explosives and Hazardous Materials Emergencies Instructors be required to attend the Instructor updates. Mr. Anderson informed the Committee that instructors are not attending the Instructor Updates because they have not received notification that the course is required. The Instructor Update is 24 hours in length. Seven instructors have taken the "Train-the Trainer" course, there are approximately 319 Specialized Explosives and Hazardous Materials Instructors but only 50 have been trained through the updates. There are four instructor updates scheduled with 68 individuals registered.

MOTION was made by Commissioner Tom Moss that the Commission direct all current Specialized Explosive and Hazardous Materials Emergencies Instructors to attend a three-day instructor update developed by the North Carolina Justice Academy to be completed on or before December 31, 2010; seconded by Commissioner James Festerman. The MOTION carried unanimously.

Chairman Moss related that on behalf of the SMI Advisory Committee, Dan Worley with the North Carolina Justice Academy, appeared before the Education and Training Committee to propose the removal of three instruments from Appendix A, Approved List of Speed Measuring Instruments. Those instruments include: Stalker ATR, Applied Concepts, Inc.; Genesis II, Decatur Electronics, Inc.; and Speed Trak Elite, McCoy's Law Line. The Education and Training Committee reviewed and approved these instruments to be removed. The Motion carried unanimously.

Chairman Moss stated that Chad Thompson with the North Carolina Justice Academy reported that based on the data for officer involved shootings in North Carolina, the Specialized Firearms Instructor Training Committee had met to discuss and consider the use of reduced size targets and distances for in-service qualification. The Specialized Firearms Instructor Training Revision Committee agreed that a reduced size target at the 15-yard line would accurately simulate firing at a full-size target from the 25 yard line. The target guidelines will be published in the In-Service Firearms Training Manual by the North Carolina Justice Academy. The Education and Training Committee approved.

Next, Chairman Moss stated that Commissioner Stephanie Freeman with the Department of Correction reported the Interpersonal Communications block of instruction in the Probation/Parole Officer Intermediate course had been revised. The Education and Training Committee approved.

Chairman Moss related that the Training Issues Subcommittee, chaired by Commissioner Wrenn Johnson, brought before the Education and Training Committee two proposals. The first proposal made to the F-16 (instructor renewal form) to clarify that instructors conducting "final testing," i.e. grading targets, final POPAT/final fitness assessments, final testing for driver training, final testing for SMI training; final testing for firearms qualification and requalification and final SCAT testing will

no longer be able to count those hours toward instructor renewal. The Standards Division staff will notify instructors and school directors of the change. The second proposal involved the acceptance of a set of guidelines to be used by instructors in developing and delivering online training. Dissemination of the guidelines will be handled by the Criminal Justice Standards Division with an implementation date of March 1, 2010.

Chairman Moss related that Commissioner Robin Pendergraft reported on the Summer Police Executives Conference in which the Education and Training Committee allowed four (4) hours of training to be applied toward agency topic of choice for in-service training. She reported seventy-seven (77) people completed the training and received in-service training credit.

Lastly, Chairman Moss stated that Pam Pope, Deputy Director of Criminal Justice Standards Division, reported that additional pilot testing of the new BLET certification exam had been implemented. The latest pilot exam showed positive results but an additional pilot exam is planned for further refinement of the new exam.

C. Planning and Standards Committee - Chairman Kevin Wallace

Chairman Wallace reported that the Planning and Standards Committee held a rule-making hearing to consider the following rule amendments: 12 NCAC 9B .0203(e) Admission of Trainees - this rule outlines requirements for admission of trainees to the Basic Law Enforcement Training Program. Amendment: All applicants for BLET are currently required to take a reading comprehension test, with no specific score required. The amendment will require an applicant to score at or above the tenth grade reading level or its equivalent, prior to admittance into BLET; 12 NCAC 9A .0209(c)(3) Criminal Justice Instructor Training - this rule addresses the criminal justice instructor training curriculum. Amendment: The Civil Liabilities for Law Enforcement Trainers two (2) hour block of instruction has been renamed as Instructor Liabilities and Responsibilities; 12 NCAC 9B .0232(d)(6) Specialized Subject Control Arrest Techniques Instructor Training - This rule addresses the curriculum for the subject control arrest techniques instructor course. Amendment: The Importance of Being Physically Fit and Conducting Safe Warm-Up Exercises twelve (12) hour block of instruction has been renamed as Combat Conditioning.; 12 NCAC 9B .0233(d)(8) Specialized Physical Fitness Instructor Training - this rule addresses the curriculum for physical fitness instructor training. Amendment: Two changes to lesson plan as follows: Lesson Plan Review block of instruction changed from eight (8) hours to four (4) hours. New four (4) hour block of instruction titled Developing In-Service Wellness Programs and Validating Fitness Standards has been added; and, 12 NCAC 9E .0102 and 9E .0105 - these two rules address the topics to be incorporated into the annual in-service training program. Amendment: The Commission has changed the required topics for annual In-Service training for law enforcement officers. The following topics have been removed: Career Survival: Training and Standards Issues; Juvenile Minority Sensitivity Training: Juvenile Law in the Real World; Domestic Violence; and Drug Diversion for Patrol Officers. The following topics have been added: Career Survival: Positive Ways to be Successful; and Juvenile Minority Sensitivity Training: Race Matters.

MOTION was made by Commissioner Wallace that the Commission adopt the proposed rule amendments and direct staff to seek permanent rule amendments; seconded by Commissioner Johnson Britt. The MOTION carried unanimously.

Commissioner Wallace reported that the Committee reviewed a recruitment video presented by Bryan Miller with the Justice Academy. Several suggestions were given for additions and revisions of the two minute video. The final product of the video will be available on the website.

Commissioner Wallace noted that each Commission member should have received an email entitled "Hiring and Retention Practices in North Carolina Criminal Justice Agencies". Chairman Wallace explained that this document was comprised of three sections: Best Practices in Recruitment and Retention, Emotional Intelligence as a Component of Hiring and Survey Information about Recruitment and Retention from North Carolina Criminal Justice Agencies. He read the document into the minutes.

D. Probable Cause Committee - Chairperson Betsy Bunting

Chairperson Bunting reported that the Probable Cause Committee met on August 27th. She explained that the Committee reviewed fifteen (15) cases in which two cases were continued. In six of the cases, the Committee found probable cause and in seven cases, no probable cause. Chairperson Bunting advised that the Committee recommended a lesser sanction in one case.

MOTION was made by Commissioner Bunting that the Commission adopt an "Official Written Warning" in the case of Kenneth Douglas Faulkner; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.

Commissioner Bunting asked the Commission members to review the list of individuals that staff had certified after investigating their criminal records. She advised that the Probable Cause Committee had reviewed and subsequently approved the issuance of certification to each of these individuals.

VII. OTHER BUSINESS

None

VIII. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Gilchrist distributed a document entitled "Pending Administrative Cases" for the membership's review:

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| 1. Jay Eduard Krueger | Opinion filed August 4, 2009; Reversed and Remanded. |
| 2. Gregory Brian Perry | Hearing: October 12-13, 2009; Vance County. |
| 3. Danny Earl Keel | To Be Heard by the Commission in November 2009. Proposed Final Decision Letter sent August 4, 2009; thirty days; September 7 th . |
| 4. Roy Lee Burgess | Petitioner filed Petition for Judiciary Review July 14, 2009; response filed August 4 th ; Response to amend Petition for Judiciary Review filed August 18 th . |
| 5. Darryl Emanuel Gerald | Hearing: Week of November 2, 2009; Charlotte. |
| 6. James E. Norris, Sr. | To Be Heard at the August 2009 Commission Meeting. |
| 7. Jackie Marie Daniels | To Be Heard at the November 2009 Commission Meeting. |
| 8. Ronald Wynn | To Be Heard at the November 2009 Commission Meeting. |
| 9. Donald Koons | To Be Heard at the August 2009 Commission Meeting. |

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| 10. Stanton Renard Brandon | Sent Draft for Proposed Final Agency Decision to Judge by September 4 th . |
| 11. Peggy Sue Shipp | Sent Proposed Final Agency Decision to Judge on July 8 th . |
| 12. Jimmie Ray Edmondson, Jr. | Final Decision Order of Dismissal entered August 4, 2009. |
| 13. Paul Brian Evington | Hearing - Continued to Week of September 28 th . |
| 14. George Lee Shaver, III | Interrogatories sent August 21 st ; 15 days: Discovery Due: September 7, 2009. Hearing Continued to Week of October 19 th . |
| 16. Nighee Von Superville | To Be Heard at the November 2009 Commission Meeting. Proposed Final Agency letter sent August 18 th ; 30 days: September 21 st . |
| 16. Scott Ray Berkley | Interrogatories - Discovery Due: September 1, 2009; Hearing - September 28 th in Raleigh. |
| 17. Tommy Keith Lymon | Motion for Summary Judgment filed August 21 st - Interrogatories Discovery Due September 7, 2009; Hearing: Continued to Week of October 19 th . |
| 18. Luther Daniel Stidham | Motion for Summary Judgment Interrogatories Discovery Due: October 19, 2009. Hearing: Week of November 2, 2009, Charlotte. |
| 19. Sherry Anne Oxendine | Interrogatories - Litigation Package Discover Due October 26, 2009; Hearing - Week of November 9, 2009, Fayetteville. |
| 20. Tony Blaine Drake | Motion to Change Caption/Motion to Amend, filed July 23 rd Interrogatories Discovery due: November 2, 2009; Hearing - Week of November 16, 2009, Raleigh. |
| 21. Charles Eugene Parker, Jr. | Prehearing Statement due September 14 th Interrogatories Discovery Due: November 16, 2009; Hearing Week of November 30, 2009, Asheville. |
| 22. Richard Cale Manning | Prehearing Statement Due September 14 th Interrogatories Discovery Due: November 23, 2009; Hearing Week of December 7, 2009, Wilmington. |
| 23. William Eugene Summey | Prehearing Statement Due September 14 th Interrogatories Discovery Due: November 30, 2009; Hearing Week of December 14, 2009, 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. James Edward Norris, Sr.

Mr. Mike Heavner reported that James Edward Norris, Sr. was certified as a Concealed Carry Handgun Training Course Instructor in 1996. In 2008, Mr. Ed Zapolsky received surveys from students which indicated that they had taken courses from Mr. Norris in which they received less than eight hours of instruction. Mr. Heavner reported that Mr. Norris

stated that he would give videos and manuals to the students to take home and watch. He reported that Mr. Norris attended the Probable Cause Hearing on August 28, 2009, where he was present and spoke for himself. Probable Cause was found to suspend his Concealed Carry Handgun Instructor Certification. Mr. Norris admitted that he would count home study time as part of the eight hours of instruction. He admitted that he was not present when the students reviewed the video. Mr. Heavner stated that four students had been subpoenaed and testified at the hearing that they had been issued certificates of completion. He asked the Commission to adopt the Proposed Final Agency Decision.

Mr. Norris was present and stated that he agreed with Mr. Heavner that he had violated the rules. He stated he was unaware it was a rules violation to count the time students used in reviewing the videos at home as instruction time. Mr. Norris stated that he did not remember the total number of students that he had taught since 1996. Mr. Norris stated that he made a mistake.

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

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

MOTION was made by Commissioner Beale that the Commission adopt the Proposed Final Agency Decision to suspend James E. Norris, Sr.'s. Concealed Carry Handgun Training Course instructor certification for a period of one year based upon Mr. Norris' failure to comply with the standards for continued certification as a Concealed Carry Handgun Training Course instructor. The Petitioner may reapply for certification after one year from the date of suspension of certification by the Commission effective August 28, 2009; seconded by Commissioner Vernon Bryant. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. Donald Francis Koons, Jr.

Mr. Heavner presented the case of Donald Francis Koons, Jr. He stated that on August 18, 2008, the Leland Police Department submitted a Report of Appointment/Application for Certification, Form F-5A, on which the Petitioner had indicated that he had been charged for leaving the scene of an accident and property damage. Court documents indicated that the Petitioner either pled guilty to or admitted to sufficient facts that he violated the Massachusetts Laws. Mr. Heavner stated that on the morning of April 10, 2005, the Petitioner was driving a pickup truck. He was at a rest area at a McDonald's restaurant. Shortly after leaving the rest area, the Petitioner noticed a car flashing its lights and he pulled over. He stated that a female and her boyfriend got out of her car and told the Petitioner that he had hit her vehicle. Prior to the hearing, the two passengers riding in the truck with the Petitioner testified that Mr. Koons did not strike any vehicle.

Mr. Mose Highsmith, attorney representing Mr. Koons, stated that Mr. Heavner had summed up the facts concerning this case. He reported that Mr. Koons pulled over within seconds after this incident happened. Based on the incident report from the Trooper, the damage to the car was on the driver's door. Mr. Highsmith stated that the evidence was overwhelming and there was more than reasonable doubt that Mr. Koons had not committed this offense. He asked the Commission to adopt the recommended Administrative Law Judge's Decision to grant Mr. Koons' certification.

Chief Timothy Jayne with the Leland Police Department stated that he wanted to examine

what Mr. Koons had written on his application for employment. He stated that the facts did not match to a Class B misdemeanor charge.

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

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

MOTION was made by Commissioner Wallace that the Commission adopt the Proposed Final Agency Decision and issue Mr. Koons' certification; seconded by Commissioner Mike Evers. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

Commissioner Jones asked if any students who had taken a concealed carry handgun course from Mr. Norris, had been required to take a new course. Mr. Zapolsky stated that the Sheriff's Office will review the certifications and ask those individuals to retake the Concealed Carry Handgun Course.

Commissioner Caldwell asked Commission Chairman Glenn to appoint the appropriate committee to review the issue of the training that the Commission requires, for example, BLET, In-Service training or other training that specifies a certain number of hours in the rules. He explained that often times the classroom size may dictate how long it takes to complete a task. Commissioner Caldwell noted that in certain instances, the instructor may finish the class early and everything has been thoroughly discussed. He stated that this tends to place the students in a precarious position as to whether or not to contact the Commission. Chairman Glenn asked the Education and Training Committee to review the rules.

IX. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for November 19-20, 2009 in Apex.

X. MOTION TO ADJOURN

MOTION was made by Commissioner Moss that the Commission adjourn; seconded by Commissioner Wallace. The MOTION was unanimously.