

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
OCTOBER 21, 2010
HOLIDAY INN RALEIGH NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Ron Burris
James Stevens
David Pendry
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Robert M. Clark
Sheriff Jenkins
Brenda Bishop
Steve Johnson

BOARD MEMBERS ABSENT

Sheriff Ashe

STAFF PRESENT

Terry Wright – Director
Anthony Bonapart - Deputy Director
Charles McDarris – Attorney
Phillip Stephenson – Investigator
Judy Pittman - Training Officer
Joyce McClure - Board Secretary
Garcia Graham - Licensing Assistant

GUEST PRESENT

John Williams	Heather Livingston	Jeff Kiker
Ruth Reynolds	Paul Schroll	Larry Flannery
David Ardnt	Jeff Cathcart	Gary Pastor
Audra Coleman	Sybil Richard	Bill Dover
Henry Zazzi	Neil Mayzik	Jim Davis
Thomas Clark	Mark Zudell	Frederick Newingham
Jeffrey Jones	Thomas Childrey	Michael Cole
George Saleeby	Scott Pastor	Dorian Dehnel

Chairman Richard Allen called the October 21, 2010 Private Protective Services Board meeting to order at 9:30 AM.. Mr. Allen welcomed all guests and requested they be sure to sign in on all three of the sign in sheets, turn off cell phones and introduce themselves.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI, updated the Board regarding the results of the “Hit the Hill Campaign” which took place on September 28, 29 and 30, 2010. NCAPI sent eight representatives to Washington DC to speak with the fourteen North Carolina Congressmen and the two Senators to discuss the issues with the bills that relate to the private investigator industry.

Representatives of the NCAPI met with the president of NCISS, which has been the voice of the industry in Washington for the last thirty five years, to discuss issues. It was noted that the website NCISS.org lists the bills and legislation that affect the industry. The president of NCISS will be in North Carolina in January and will speak at the NCAPI annual conference.

Mr. Flannery reminded everyone that the fall conference will be held November 4-6, 2010 in Wilmington and the classes that will be given are already approved for the Continuing Education credits.

APPROVAL OF THE AUGUST 19, 2010 MEETING MINUTES:

**MOTION BY MR. STEVENS TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MR. BOOTH; MOTION CARRIED.**

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday October 20, 2010 from 2:00 PM until 6:20 PM to review a total of 51 applications with 1 Withdrawal, 2 Denials and 2 Deferrals; the remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mrs. Pleasant, Steve Johnson, Robert Clark and Mr. Pendry. Mrs. Bishop read the report for the record.

It was noted that Mr. Pendry and Mr. Donaldson recused themselves on #16 & #17 Robert F. Graham III, Mr. Booth recused himself on #14 & #15 Michael Ray Epperly, and Mrs. Bishop recused herself on #5 Danny Breedlove and Mrs. Pleasant recused herself from #22 Benita Kee Jackson.

Mrs. Bishop presented the following registration report for the period of August 17, 2010 through October 18, 2010. Total registrations 3775; armed totals were 622 of which 268 were new, 332 were renewals, 1 duplicate and 21 reissue/dual. There were 1 private investigator armed renewal and 2 new armed Private Investigator Associates. Unarmed totals were 3150 which include 1266 new, 1738

renewals, 123 transfer, 10 duplicates and 13 reissues/dual. Total denials 686 of which 119 for cause and 236 for correctable. There were 331 applications approved which were previously denied for a total of 686 denials reviewed.

MOTION BY MR. BOOTH TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the committee met on Wednesday October 20, 2010 from 8:00 AM until 12:10 PM. and heard a total of eleven cases. The committee members were Judge Burris, Mr. Booth, Mr. Stevens, Sheriff Jenkins, Eric Jones and Mr. Donaldson. Judge Burris presented the attached report. (See attachment)

MOTION BY MR. JOHNSON TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. STEVENS; MOTION CARRIED.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris removed himself as counsel to the Board to present the following cases.

Thomas Neil Marshall 09 DOJ 3340 was heard at the August 2010 meeting but is being presented again due to new information that was not available when the case was originally presented. The Administrative Law Judge, Beecher R. Gray proposed that the Board uphold its initial decision to deny the application for armed security guard registration.

After hearing the new information the following motion was made,

MOTION BY JUDGE BURRIS TO UPHOLD THE ORIGINAL DECISION OF THE BOARD TO DENY THE APPLICATION AND HAVE THE APPLICANT REAPPLY. THE NEW APPLICATION IS TO BE BROUGHT TO THE SCREENING COMMITTEE; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Michael Luther Cole 10 DOJ 1102 was presented. This case was also deferred from the last Board meeting. Mr. McDarris gave a brief summary stating that the original decision was to deny the application for an armed guard registration.

Administrative Law Judge Melissa Owens Lassiter proposed that the Board reverse the initial decision to deny the armed guard application.

**MOTION BY MR. CLARK TO APPROVE THE APPLICATION FOR HIS ARMED GUARD REGISTRATION WITH THE STIPULATION THAT HE HAS NO FURTHER VIOLATIONS, OTHERWISE UPON RENEWAL, BRING HIS RENEWAL TO SCREENING; SECONDED BY SHERIFF JENKINS; MOTION CARRIED.
MRS. PLEASANT, JUDGE BURRIS, MR. STEVENS WERE “NO” VOTES**

Frederick Newingham 03 DOJ 1103 was presented. This case relates to a denial of a renewal application for an unarmed guard registration for lack of good moral character.

Administrative Law Judge Melissa Owens Lassiter recommended that the Board uphold the initial decision to deny the renewal of his unarmed guard registration.

After the presentation of new information by Mr. Newingham, the following was decided:

MOTION BY MR. CLARK TO ISSUE THE REGISTRATION AND RESCIND THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION; SECONDED BY MRS. BISHOP;

SHERIFF JENKINS, MR. JONES, JUDGE BURRIS, MR. BOOTH, MR. STEVENS, MRS. PLEASANT AND MR. PENDRY WERE OPPOSED

MOTION BY MR. STEVENS TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION; SECONDED BY MRS. PLEASANT; MOTION CARRIED

MR. CLARK, MR. JOHNSON, MR. DONALDSON AND MRS. BISHOP WERE OPPOSED;

Steven Daniel Blue 10 DOJ 1250 was noticed but was not present. The case was the denial of an armed registration application for lack of good moral character or temperate habits.

Administrative Law Judge Joe Webster recommended that the Board approve the application for the renewal of the armed registration permit.

MOTION BY JUDGE BURRIS TO UPHOLD THE INITIAL DECISION TO DENY; SECONDED BY MR. STEVENS; MOTION CARRIED.

Thomas Bernard Clark 09 DOJ 1009 was present and the case was regarding the denial of an unarmed guard registration permit for lack of good moral character.

Administrative Law Judge Melissa Owens Lassiter proposed that the Board uphold its initial decision to deny the application for an unarmed registration permit.

After a lengthy discussion, the following decision was proposed:

MOTION BY JUDGE BURRIS TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION TO DENY; SECONDED BY SHERIFF JENKINS; MOTION CARRIED.

MRS. BISHOP AND MR. CLARK WERE "NO" VOTES

John Williams 10 DOJ 1007 was present. This case was deferred from the August meeting in order to allow the applicant to obtain letters of recommendation. This case involves military records and required the Board to go into closed session to discuss the issues.

MOTION BY MR. STEVENS TO GO INTO CLOSED SESSION TO HEAR THE CASE OF JOHN WILLIAMS VS NORTH CAROLINA PRIVATE PROTECTIVE SERVICES BOARD DUE TO THE FACT THERE ARE CONFIDENTIAL MILITARY RECORDS INVOLVED; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO COME OUT OF CLOSED SESSION; SECONDED BY

MR. STEVENS; MOTION CARRIED.

Administrative Law Judge Fred G. Morrison proposed that the Board reverse its initial decision and renew his unarmed guard permit.

Mr. Williams provided the documentation that was requested by the Board and the following was decided

MOTION BY JUDGE BURRIS TO ACCEPT THE RECORDS PROVIDED BY MR. WILLIAMS; SECONDED BY MR. STEVENS; MOTION CARRIED.

**MOTION BY MR. CLARK TO UPHOLD THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL TO ISSUE THE UNARMED GUARD REGISTRATION; SECONDED MR. DONALDSON; MOTION FAILED
MR. DONALDSON, MR. JOHNSON AND MR. CLARK VOTED TO ACCEPT; MRS. BISHOP AND MR. BOOTH ABSTAINED**

**MOTION BY MR. STEVENS TO UPHOLD THE ORIGINAL DECISION TO DENY BASED ON HIS CRIMINAL RECORD; SECONDED BY JUDGE BURRIS; MOTION CARRIED.
MR. DONALDSON, MR. CLARK AND MR. JOHNSON WERE OPPOSED; MR. BOOTH AND MRS. BISHOP ABSTAINED**

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday October 21, 2010 from 8:30AM until 9:15 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mr. Johnson and Mrs. Pleasant.

Mr. Stevens read the training report. The following trainer courses are scheduled:

November 12, 2010	UGT Course Workshop	WTCC
November 16, 2010	Firearms Trainer Re-Certification course	NCJA
February 11, 2011	UGT Course Workshop	WTCC
February 28, 2011	Firearms Trainer Re-Certification course	NCJA
April 4-8, 2011	Firearms Trainer Certification Course	NCJA
May 6, 2011	UGT Course Workshop	WTCC
June 13, 2011	Firearms Trainer Re-Certification course	NCJA

The following PPS trainer courses have been completed :

September 13-17, 2010	Firearms Trainer Certification Course	NCJA
September 28, 2010	Firearms Trainer Re-Certification course	NCJA

Presently we have 351 unarmed guard trainers and 106 armed guard trainers.

Mr. Stevens advised that there were two recommendations regarding the policy for Continuing Education Courses

MOTION BY MR. BOOTH TO ADOPT THE FOLLOWING “THE COURSE TIME ALLOWED FOR COURSE PREPARATION WAS DISCUSSED AND IT WAS RECOMMENDED THAT THE ALLOTMENT TIME FOR PREPARATION BY THE INSTRUCTOR BE 5 HOURS PER TEACHING HOUR WITH A CAP OF 8 HOURS ALLOWABLE EVERY TWO YEARS.” AND “THE PRIVATE PROTECTIVE SERVICES BOARD HAS GRANTED STANDING APPROVAL FOR EDUCATIONAL INSTITUTIONS SUCH AS COLLEGES, UNIVERSITIES, AND TRADE SCHOOLS. OTHER DEGREE GRANTING INSTITUTIONS WILL BE GRANTED STANDING APPROVAL WHEN INSTITUTIONS ARE LICENSED BY THE DEPARTMENT OF PUBLIC INSTRUCTION OR THE STATE APPROVING AGENCY WHEN THE COURSE IS APPROPRIATE TO THE LICENSEE AND WILL APPLY TO COURSES RELATED TO LAW, CRIMINAL JUSTICE, SECURITY PROFESSION, FINANCE, ETHICS, FORENSICS, CRIME PREVENTION, AND INVESTIGATION. APPROVAL IS ONE HOUR PER CONTACT HOUR NOT TO EXCEED EIGHT HOURS.” TO BE ENDORSED AS FORMAL POLICY UNTIL THE RULE COMES INTO EFFECT. FURTHER IT IS MOVED THAT A RULE BE DRAFTED IN ORDER TO INITIATE THE RULE PROCESS; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

The Training and Education Committee approved a total of 39 Continuing Education Courses. The following courses were submitted by the Committee: ‘Beginning Spanish’- Shirley Smith; Internet for Investigators-David Vine and Associates; DNA & Toxicology Testing- Terri McCulloch; Service of Process- Ruth Reynolds; Introduction to Theories & Use of Court Video Surveillance Equipment - Donald Kneece; Testifying in a Criminal Case - Bernard Kromenacker; and a total of 33 online courses submitted by John Fay of Learning Shop USA.

MOTION BY MR. BOOTH TO APPROVE THE COURSES; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

The Training and Education Committee addressed an inquiry from Mr. Dickson Skipper regarding the language in the Firearms Re-Certification Course. Mr. Skipper had the following questions:

- I. Can I cover safety and marksmanship 0800-1000; go to the range to qualify the two students 1000-1200; and then return to the classroom for the additional 2 hours of the remaining armed topics?
- II. In the future on a re-cert class, can I start out at the range qualifying, and cover the 4 hours of classroom after shooting (not the best practice normally but all of my students are veteran shooters)?

The committee appointed Mr. Johnson, Mrs. Pleasant and Mr. Bonapart to draft language to address this issue.

MOTION BY MR. JOHNSON TO ADD THE FOLLOWING LANGUAGE TO THE

FIREARMS TRAINING MANUAL ‘ WHILE THE PRIVATE PROTECTIVE SERVICES BOARD WOULD PREFER THAT ALL CLASSROOM TOPICS BE TAUGHT PRIOR TO ANY LIVE FIRE EXERCISES OR QUALIFICATIONS, THE PPSB REQUIRES THAT THE CERTIFIED FIREARMS INSTRUCTOR REVIEW SAFETY AND BASIC MARKSMANSHIP FUNDAMENTALS PRIOR TO ANY LIVE FIRE EXERCISES OR QUALIFICATION’ SECONDED MR. BOOTH; MOTION CARRIED.

The Training and Education Committee was advised of the upcoming Conference that the NCAPI will be holding on November 5, 6, 7, 2010 at the Coastline Convention Center in Wilmington, NC.

Mrs. Reynolds wanted to know if there is reciprocity with courses being held in South Carolina. She was advised to submit courses for approval if she is requested CE credit. NCAPI will be sending all the courses that PPS has approved to South Carolina.

GRIEVANCE COMMITTEE REPORT - NONE

SCREENING COMMITTEE REPORT - NONE

74C RE-WRITE COMMITTEE - NONE

FINANCE COMMITTEE: NONE

OUT OF STATE CRIMINAL RECORD CHECKS : NONE

FINAL AGENCY DECISION:

MOTION BY MR. BOOTH TO HAVE STAFF INCLUDE LANGUAGE ON THE APPLICATION THAT WILL INCLUDE TRAFFIC VIOLATIONS IN THE STATE OF NORTH CAROLINA; SECONDED BY SHERIFF JENKINS; MOTION CARRIED

OLD BUSINESS

Mr. Dorian Dehnel of CriminalRecordChecks.com gave an overview of the out - of - state criminal record checks that spanned the period of September 1, 2010 to the present. They are receiving approximately 100 applications per week. As per the conference call, the only issue that has been encountered was the additional cost for undisclosed information which has been about 14.5% to date. At the present time, Criminal Records Check is strictly following the RFP. Mr. Dehnel feels that they stay within the original RFP as they have safeguards in place at present. The Board and the RFP are requiring the full background check.

Chairman Allen recommended that all of the fees charged by Criminal Record Checks be listed on the site so that it will not appear to be any hidden fees. Mr. Dehnel will list all of the fees at the top of their pricing page.

Criminal Record Checks will be implementing a Corporate Solution site for companies to access submission for their applicants which can eliminate the one -on- one application. This will take effect on November 23, 2010. On line, mail and fax is available for submission.

MOTION BY MR. BOOTH TO STAY WITH THE RFP REQUIREMENTS WITH NO CHANGES TO THE APPLICATION PROCESS; SECONDED BY MR. STEVENS; MOTION CARRIED.

Mr. Dehnel stated that they can provide international searches. However, the request for international searches must be via mail or fax. Mr. Dehnel also stated that the feedback has been mostly positive.

They have implemented an opt-out function for North Carolina. They cannot manipulate any submitted data, this is a safeguard.

Mr. Dehnel will be present at the next Board meeting.

NEW BUSINESS: NONE

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of September 30, 2010 has a balance of \$520,148.05; the Education Fund balance is \$112,747.67. As of October 18, 2010 we have a total of 14,158 PPS registrations, 1,705 licenses, 456 certifications, one endorsement for a total of 16,320 active personnel for PPS. Active licenses and registrations for both Boards are 22,292.

Mr. Wright noted that there has been a total of 2,272 various correspondence printed from the PPS database, 2,693 registration cards printed from the new identification card system, and 4,808 applications received since the last Board meeting.

MOTION BY MR. STEVENS TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

ATTORNEY'S REPORT:

Consents and Settlement Agreements are all current, executed and paid .

Mr. McDarris stated that all of the current appeals have been filed with the Office of Administrative Hearings and are listed in the Attorney's report.

12 NCAC 7D .0201, (.0203, .0701, .0801, .0902) are all technical amendments regarding the criminal record check and are being held pending the decision of the Third Party Criminal Record Check Committee.

12 NCAC 7D .0807 is the proposed amendment to change the "duty ammo" to "ballistic equivalent " and additional attempts to pass the firearms course after initial failure was approved by the Rules Review Commission with an effective date of October 1, 2010.

12NCAC 7D .0404 amends the maintenance requirements for reports and was approved by the Rules Review Commission with an effective date of October 1, 2010.

12 NCAC 7D .0203, .0706, .0806, .0904, .0911 address the extension of time to renew for military personnel and was approved by the Rules Review Commission with an effective date of October 1, 2010.

12 NCAC .0701 is a technical amendment to the rule and is in the public comment period with the public hearing scheduled for November 1, 2010.

12 NCAC 7D .1200 addresses the repeal of the courier experience requirements and is in the public comment period with the public hearing scheduled for November 1, 2010.

12 NCAC .0201 is the amendment to require applicants to meet with staff is in the public comment period with the public hearing scheduled for November 1, 2010.

Miscellaneous items include the following:

Thomas Frey – Injunction filed in Superior Court was filed. Mr. Frey did not file an Answer so we obtained an Entry of Default. The hearing on the Default Judgment is scheduled for October 28, 2010.

PPSB v. Richard Johnson – Motion to Show Cause was filed in Robeson County Superior Court. The matter was heard and the Court issued an Order for 30 days suspended sentence upon his payment of \$5,000 to the Board to cover all costs associated with the case.

That concluded the Attorney's report.

MOTION BY MR. STEVENS TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY MR. CLARK; MOTION CARRIED.

12:50 PM Adjourned

Terry M. Wright, Director

Joyce McClure, Board Secretary