



North Carolina Department of Public Safety

Private Protective Services Board

Pat McCrory, Governor
Frank L. Perry, Secretary

Gregory K. Baker, Commissioner

**MINUTES OF THE
TELEPHONE CONFERENCE FOR
PRIVATE PROTECTIVE SERVICES BOARD MEETING
MARCH 4, 2015
PRIVATE PROTECTIVE SERVICES OFFICE
4901 GLENWOOD AVENUE SUITE 200
RALEIGH, NC 27612**

BOARD MEMBER PRESENT

BOARD MEMBERS ABSENT

Eric Weaver Sr.
Bill Booth
Ed Cobbler
Clyde Cook
Marcus Benson
William MacRae
Richard Epley
Robert Clark
Bud Cesena
Donald Foster
Dustin T. Greene
Brian Lowman
Robert Steve Johnson

STAFF PRESENT

Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray– Attorney
Melvin Turner - Investigator
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Eric Audish
Chris Miller
Jeff Huggins
Timothy Stewart

David Arndt
Matthew Hewlett
Bob Dunn
Orlando Sanchez

Robert Cowart
Landon Darr
RJ Provost
David Roebuck

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Ed Musselwhite
Dorian Dehnel
Patrick Dorminey
Daniel Angelini

Larry Flannery
Jerry Pitman
Matthew Malinski

Gary Pastor
Greg Hatten
Hollie Trivette

CALL TO ORDER

Chairman Eric Weaver called the March 4, 2015 telephone conference meeting of the Private Protective Services Board to order at 2:00 p.m.

GOOD OF THE ORDER:

Deputy Director Anthony Bonapart 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.

Mr. Gary Pastor, president of the NCAPI expressed his thanks to the Board and introduced the new NCAPI Board members. Gary Pastor- President, Sandy Russell- Vice President of Training and Education, Jerry Pitman – Vice President Legal and Legislative, Chris Green – Vice President Admin VP, Ethic and Bylaws, Robert Dunn – Vice President Membership, Jeff Kiker – Treasury, Yvonne Cobourn – Secretary, Greg Hatten and past President. Mr. Pastor stated that the Association is currently working on several projects including the NCAPI Fall Conference to be held in Eastern part of North Carolina in November.

MINUTES:

APPROVAL OF THE DECEMBER 11, 2014 MEETING MINUTES AND THE DECEMBER 30, 2014 SPECIAL MEETING

MOTION BY MR. BENSON TO ACCEPT THE MINUTES; SECONDED BY MR. LOWMAN; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

The Private Protective Services Board Screening Committee convened via telephone conference on Wednesday, March 4, 2015 at 1:00 pm to review applications for various Private Protective Services Board licenses. This was a closed meeting. Mr. Clark reported that the Screening Committee met via telephone on Wednesday, March 4, 2015 from 1:00 p.m. to 1:44 p.m. to review a total of 37 applications. (See attached report). The committee members were Mr. Clark, Mr. Cobbler, Mr. MacRae, Mr. Foster, Mr. Cesena and Mr. Lowman. Mr. Clark read the report for the record.

Mr. MacRae recused himself from #12 of the screening report.

Mr. Clark presented the following registration report for the period of December 10, 2014 to February 10, 2015. Total registrations 2,512; armed totals were 546 of which 130 were new and 179 were renewals, 237 reissue/dual. There were a total of 81 Armed Armored Car, 56 of which were new, 22 were renewals, 3 reissue/dual. There were a total of 9 Armed Private Investigators, 4 of which were new, 4 renewals, 1 duplicate. There were a total of 5 Armed Private Investigator Associates, 4 of which was new, 1 renewal. Unarmed totals were 1,849 which included 740 new, 970 renewals, 135 transfers, and 4 duplicates. There were a total of 22 unarmed armored cars, 2 of which were new and 20 renewals. Total denials were 299 of which 75 were for cause and 224 for correctable reasons. There were 357 applications approved which were previously denied for a total of 656 denials reviewed.

MOTION BY MR. CESENA TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. COOK; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Defer until the April Board meeting

TRAINING & EDUCATION COMMITTEE:

Mr. Melvin Turner, presented the following report to the Board

The following PPS Trainer courses are scheduled:

March 16-20, 2015 (0800-1700) UAGT Course & Workshop at WTCC

May 4-8, 2015 (0800-1700) UAGT Course & Workshop at WTCC

June 1, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
July 13, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
August 3-7, 2015	(0800-1700) UAGT Course & Workshop at WTCC
September 2, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
September 28- October 2, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 2– 6, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 16, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA

Presently we have 358 certified PPS unarmed guard trainers and 95 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

January 26-30, 2015	(0800-1700) UAGT Course & Workshop at WTCC
March 2, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA

The following PPS Training Courses for CEU Credits have been scheduled:

April 23, 2015	1pm – 5pm	Raleigh, NC
August 27, 2015	1pm – 5pm	Raleigh, NC
December 17, 2015	1pm – 5pm	Raleigh, NC

The following PPS Training Courses for CEU credits have been completed:

December 11, 2014	1pm – 5pm	Raleigh, NC
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Investigator Turner reported one alleged weapons discharge since the last Board meeting. On January 31, 2015 on or about 10:00 p.m., an unarmed guard employed by Securitas was working at a UPS Distribution Site post in Greenville, NC; he claimed to have been be shot at while on duty by one of two men (1-WM & 1-BM) that evening during a scuffle while attempting to conduct his guard duties. However, upon further investigation by local law enforcement, no actual incident was ever discovered. The security guard had no apparent injuries, but appeared to have a hole in his shirt that allegedly occurred during the incident.

The Board members had concerns about the alleged incident and what transpired. The Board asked David Arndt with Securitas, Inc., to look into the matter and report back to the April Board meeting.

Mr. Cobbler deferred the continuing education courses for approval until the April Board meeting.

Mr. Bonapart announced the following PPSB education grant designated as PPSB-2015-1:

The Private Protective Services Board is pleased to announce that they are open to receiving grant applications from 8:00 a.m. on February 19, 2015 until 5:00 p.m. on May 29, 2015.

MOTION BY MR. MACRAE TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAWS AND RULES COMMITTEE

Mr. Cesena reported on polling that was done to determine if there was a need for armed guards in the public school systems. Mr. Cesena states that based on the polling there was not a great deal of interest in having armed guards on school property by the school administration or the industry members. The Board decided to table the discussion and revisit at a later date.

Mr. MacRae asked Mr. Bonapart if he can give them an update on the meeting with DPS. Mr. Bonapart reported that he and Attorney Gray met with the Department of Public Safety's Legislative Liaisons on January 7, 2015. The group discussed obtaining DPS assistance in advocating for a bill similar to House Bill 466 from last year's session. The group did reach an agreement and DPS will work with the Board to advocate for passage of a bill similar to House Bill 466.

Mr. MacRae asked Mr. Weaver what was DPS view on having armed security guards on school property and if training was an issue? Mr. Weaver stated that DPS is concerned with the training aspect. Mr. Weaver stated that further discussion on training was needed and that discussion could start in the Training and Education Committee.

Mr. Foster updated the Board in reference to a letter that was submitted by Mr. Leonard Wolfe regarding Guard Dog Profession License. He informed the Board that he reached out to Mr. Leonard Wolfe and the matter had been resolved. No further action is needed.

FINANCE REPORT:

Mr. Foster discussed a proposal to provide employment verification for applicants. He stated that this service would provide the tools PPS investigators need to verify employment history.

Clyde Cook suggested that it's a great idea but it could be very costly. Mr. Cook recommends Mr. Bonapart and Mr. Cesena meet with Department of Public Safety before the Board takes any action and report back at the next Board meeting.

Mr. Bonapart reminded the Board that if they decide to move forward with employment verification, the contract may be subject to the state's bid process.

**MOTION BY MR. BENSON TO ACCEPT THE FINANCE COMMITTEE'S REPORT;
SECONDED BY MR. MACRAE; MOTION CARRIED.**

ETHICS COMMITTEE:

Mr. Cook reported that Mr. Bonapart sent out an e-mail on his behalf regarding the deadline to file their SEI. Failure to file could result in a \$250.00 fine, suspension or removal from your position.

**MOTION BY MR. BENSON TO ACCEPT THE ETHICS COMMITTEE'S REPORT;
SECONDED BY MR. MACRAE; MOTION CARRIED.**

OLD BUSINESS:

NONE

NEW BUSINESS:

Mr. Benson discussed bail bondsman obtaining access to NC Administrative of the Courts (AOC) criminal data, court data, and civil data for official use.

Mr. Benson stated that access to AOC will benefit the Private Investigator industry and would like to see the Private Investigators obtain the same access and resources as Bail Bondsmen.

Jerry Pitman has been appointed by NCAPI Association to work with Representative Burr for the purpose of proposing a bill allowing Private Investigators the same access as Bail Bondsmen.

Mr. Pitman stated that they have amended the current bill to include Private Investigators in North Carolina. This will allow a one-time subscription. The Board suggested that Mr. Benson work with Mr. Pitman and report on their progress at the next Board meeting.

FINAL AGENCY DECISION

Defer until April Board meeting

DIRECTOR'S REPORT:

Deputy Director Bonapart read the report for the record. The current PPS budget as of January 31, 2015, has a balance of \$1,057,703.81; the Education Fund balance is \$72,471.14. As of February 15, 2015, the total registrations for PPS is 16,978, 1,758 licensees, and 588 certifications.

Mr. Bonapart reported that there have been a total of 1,455 various correspondences printed from the PPS database, 2,442 registration cards have been printed and a total of 3,325 applications received since the last Board meeting.

Mr. Weaver asked Mr. Bonapart about the new computer system and the status of the registration backlog. Mr. Bonapart reminded the Board that on January 26 the vendor attempted to convert data from the old system (PPS2000) to the new system (GL Suite). The conversion did not work as expected and resulted in a work slow-down and eventually a work stoppage. After a month the old system was reactivated. Mr. Bonapart stated that a brief overview of the situation was emailed to the chairman.

Mr. Bonapart further stated that there were a lot of issues with the conversion data and after meeting with DPS/IT, a decision was made to meet with the vendor with Commissioner Baker. Temporary employees have been hired to address the unarmed guard and armed backlog.

Mr. MacRae asked what type of penalty is being assessed against the vendor. Mr. Bonapart suggested that DPS may withhold payment until GLS comes into compliance.

MOTION BY MR. BENSON TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MACRAE; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Paul Manley Jr. /Show Pros Entertainment – Consent Agreement in the amount of \$15,586.40 has been paid in full.
2. Scott Smithers/Eye Spy Investigations – Civil penalty in the amount of \$1000.00 has not been received. Mr. Smither's license was suspended for 6 months.
3. Mr. Cleveland Lamar Bridges/American Citadel Guard – Consent Agreement in the amount of \$7,099.20 has been paid in full.
4. Mr. Owence Pascal Jean-Baptiste/Centinel Armed Service, LLC - Consent Agreement in the amount of \$1,101.60 has not been received.
5. Mr. Joseph Daniel Washington/A1 Tactical Protection Services, LLC - Consent Agreement in the amount of \$673.20 has not been received.
6. Mr. Maurice La-Von Hayes/Carolina Security Agency - Consent Agreement in the amount of \$6752.40 has not been received.
7. Ms. Patsy Phillips Fulcher – Civil Penalty in the amount of \$1000.00 has been paid in full.

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney's Report.

III. RULES

1. The Public Hearing for amendments to 12 NCAC 007D.0105, 0.116,.0809, .1408 and .1508 was held at the board's office 4901 Glenwood Avenue, Suite 200, Raleigh, North Carolina on August 27, 2014 at 2:00 p.m., and the Public Comment Period ended September 30, 2014. The Board adopted these administrative rule amendments at its October 23, 2014 meeting. These rule amendments are calendared for the Rules Review Commission's meeting on December 17, 2014.
2. As a part of the transfer to the Department of Public Safety the Board's administrative rules will also have to be amended to reflect this change and transferred to another Title within the North Carolina Administrative Code. There are five (5) references to "Attorney General" in the Board's rules and one (1) reference to "Department of Justice." The Budget Act made all the appropriate changes throughout the General Statutes, including Chapter 114 which governs the Attorney General and the Department of Justice, Chapter 74C which governs Private Protective Services and Chapter 74D which governs Alarm Systems Licensing Board, but the Board will have to go through an "abbreviated" rule amendment process to make the conforming changes to its administrative rules. Notice and a public hearing will not be required, but review by the Rules Review Commission will.

Numbers have now been assigned under Title 14B (DPS's section of the Code) and Mr. Gray have begun the process of reassigning numbers to the Board's rules and making conforming changes within certain rules (i.e. "cross-references.") Changing the references from "Attorney General/ Department of Justice" to "Secretary/ Department of Public Safety" is a separate process to be commenced after the renumbering occurs.

IV. LEGISLATION

1. The General Assembly adjourned for its 2013-2014 Biennial Session with no further action on House Bill 466, "Amend Private Protective Services Act/Fees." This issue was discussed during the Law and Rules Committee meeting on December 4, 2014. At its December, 2014 meeting, the Board voted to seek introduction of the same or a similar bill in the 2015-2016 Biennial Session. A copy of the proposed bill is attached to the attorney report.
2. There was also discussion at the December 4, 2014 Law and Rules Committee meeting, as well as at the Board's December, 2014 meeting, regarding amending state

law to allow registered armed security guards on educational property. As explained, this does not necessitate a change to the Board's law, but instead a change to the criminal laws prohibiting the possession of weapons on certain property or in certain areas. Also, since the two statutes are side-by-side in the General Statutes, this would be a good opportunity to clarify the law regarding armed security at assemblies that charge admission and in establishments where alcohol is sold and consumed (which was the basis of the misinterpretation of the law that gave rise to Kelly lawsuit, below). A copy of the proposed bill is attached to the attorney report.

The Board discussed the proposed bill in attachment 2 of the Attorney's Report.

MOTION BY MR. BENSON TO MOVE FORWARD WITH THE PROPOSED BILL; SECONDED BY COOK; MOTION CARRIED.

The Board discussed moving forward with attachment 3 of the attorneys report.

MOTION BY MR. COOK TO SEND THE PROPOSED BILL TO THE DEPARTMENT OF PUBLIC SAFETY LIASION BEFORE MOVING FORWARD; SECOND BY MR. BENSON; MOTION FAILED.

MOTION BY MR. MACRAE TO APPROVE THE BILL AS AMENDED WITHOUT SEEKING FURTHER DISCUSSION WITH THE DEPARTMENT OF PUBLIC SAFETY; SECONDED BY MR. EPLEY; MOTION FAILED.

MOTION BY MR. BENSON TO DEFER FURTHER DISCUSSION UNTIL THE APRIL BOARD MEETING; SECONDED BY COOK; MOTION CARRIED.

MOTION BY MR. CLARK TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

V. PENDING CASES

As previously reported, the Plaintiff has refiled the civil action against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-CV-636 – WDNC. Mr. Kelly was unlicensed as a security guard business and unregistered, but performing security guard and patrol services. He was arrested and charged with, among other violations, violating Chapter 74C.

The Attorney General's Office is again representing Ms. Conner.

The Board has responded to Plaintiff's First Set of Interrogatories and Request for Production of documents received on May 29, 2014. The Plaintiff was deposed by counsel for the Defendants on October 16th, but additional time was needed and his deposition was continued until November 5th. Director Wright was deposed on November 21st. Two (2) of the CMPD officers and Ms. Conner are to be deposed on December 17th. The deadline to complete discovery expires on December 20, 2014.

Mr. Gray, along with the attorneys representing the other Defendants, plan to file motions to dismiss on behalf of their respective clients in mid-December once discovery is completed. The Plaintiff also filed a Motion either exempt from the Private Protective Services Act or that it does not apply to his conduct. Attorney Gray filed a response to Plaintiff's Motion.

Mediation in this matter was scheduled for Tuesday, February 17, 2015 but was cancelled due to inclement weather.

MOTION BY MR. CLARK TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

PUBLIC COMMENT:

NONE

MOTION BY MR. BENSON TO ADJOURN; SECONDED BY MR. MACRAE; MOTION CARRIED.

4:18 P.M. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
1	Ronald Antonucci Cape Fear Investigative Services, Inc. P.O. Box 15636 Wilmington, NC 28408-0000	Private Investigator Sponsor: William Basil Ratcliff - 3225	Approval Private Investigator License.	Accepted
2	Peter Joseph Ausiello Blue Line Investigations 116 Cori Ln Matthews, NC 28104-0000	Private Investigator	Approval Private Investigator License.	Accepted
3	Gary Dalane Bean Unified Investigations & Sciences, Inc. 3300 International Airport Dr Ste 600 Charlotte, NC 28208-0000	Private Investigator	Approval Private Investigator License.	Accepted
4	Joan Marshall Brady Dee Brady 69 Pine Court Dr Siler City, NC 27344-0000	Private Investigator	Approval Private Investigator License.	Accepted
5	Jesse Andrew Brown Strategic Group, Inc. 109 W. Statesville Ave Mooresville, NC 28115-0000	Private Investigator Associate	Approval Private Investigator Associate License Level I with no hours.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
6	Christopher Lamont Butler Central Investigations, LLC 7513 Orchard Crest Ct Apex, NC 27539-0000	Private Investigator Associate Sponsor: Charles Joseph Rehkamp Jr. - 4687	Approval Private Investigator Associate License Level I with no hours.	Accepted
7	Scott Allen Cornelison GlobalOptions Services, Inc. 5955 T.G. Lee Blvd Ste 600 Orlando, FL 32822-0000	Private Investigator	Approval Private Investigator License.	Accepted
8	Randall Keith Ely SP Plus Security Services 3424 Wilshire Blvd Ste 110 Los Angeles, CA 90010-0000	Private Investigator	Approval Private Investigator License.	Accepted
9	Randall Keith Ely SP Plus Security Services 3424 Wilshire Blvd Ste 110 Los Angeles, CA 90010-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
10	Donelle Farrar Rogers World Wide Investigation P.O. Box 2247 Raleigh, NC 27602-0000	Private Investigator Associate Sponsor: Anthony Lavelle Rogers - 1798	Denied due to unfavorable employment history.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
11	Louis Henry Gahagan Patrick J. McGinley Associates, Inc. P.O. Box 358 Lafayette Hill, PA 19444-0000	Private Investigator	Approval Private Investigator License.	Accepted
12	Thomas Michael Geisler Geisler Consulting Group, Inc. d/b/a Blue Chameleon Investigations 6003 Oak Ridge Ct Matthews, NC 28104-0000	Private Investigator	Approval Private Investigator License.	Accepted
13	Richard Wade Grayson Lolair Private Investigations, Inc. 5448 Apex Peakway 120 Apex, NC 27502-0000	Private Investigator	Approval Qualifying Agent for two (2) companies.	Accepted
14	Jeffery Clayton Helms Investigate Carolinas, LLC P.O. Box 1496 Harrisburg, NC 28075-0000	Private Investigator Associate Sponsor: Joseph Everett Talbot Jr. - 2778	Approval Private Investigator Associate License Level I with no hours.	Accepted
15	Brett Vernon Hickman Rhino Sports & Entertainment Services 926 Brookstown Ave Winston Salem, NC 27101-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
16	Matthew Steven Keywell Prudential Security, Inc. 20600 Eureka Ste 900 Taylor, MI 48180-0000	Security Guard & Patrol	Approval Approval Security Guard & Patrol License.	Accepted
17	John Ferrin Kyle Recon Investigative Solutions P.O. Box 831 Mt. Pleasant, NC 28124-0000	Private Investigator	Approval Private Investigator License.	Accepted
18	Troy Allen Lumley New England Fire Cause & Origin, Inc. P.O. Box 7399 Rochester, NH 03839-0000	Private Investigator	Approval Private Investigator License.	Accepted
19	Antonio Javon Martin Graves Investigations, Inc. 4642 W Market St 111 Greensboro, NC 27407-0000	Private Investigator	Approval Private Investigator License.	Accepted
20	Brian Robert Messervy Advanced Intel & Security Group, LLC 106 Crystal Springs Dr Sanford, NC 27332-0000	Private Investigator	Approval Private Investigator License.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
21	Jamie Nicole Mitchell Blackman Detective Services 323 W Morgan St Ste 107 Raleigh, NC 27601-0000	Private Investigator Associate Sponsor: William Allison Blackman - 1494	Approval Private Investigator Associate License Level II with 1830 hours.	Accepted
22	Andy James Moody Andy Moody Investigations 385 Lake Pointe Dr Roanoke Rapids, NC 27870-0000	Private Investigator	Approval Private Investigator License.	Accepted
23	Benjamin Lane Page EFI Global, Inc. 9307 Monroe Rd Ste M Charlotte, NC 28270-0000	Private Investigator	Approval Private Investigator License.	Accepted
24	Haven Meade Perkins III Sangar Cargo Security of North Carolina, Inc. 237 S Westmonte Dr Ste 200 Altamonte Springs, FL 32714-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
25	Alex Quiles Lordsrecruiter Investigation 1005 Falling Leaf Ln Winston Salem, NC 27107-0000	Private Investigator	Approval Private Investigator License.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
26	Curtis James Richie Professional Security and Investigation, Inc. P. O. Box 1413 Carthage, NC 28327-0000	Private Investigator Associate Sponsor: Joseph Brant Phillips - 4219	Approval Private Investigator Associate License Level I with no hours.	Accepted
27	Scott Joseph Siano Universal Protection Service, LLC 3117 Poplarwood Ct Ste 303 Raleigh, NC 27604-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
28	William Herbert Stocks Professional Investigations and Paralegal Services PO Box 1632 Kinston, NC 28503-0000	Private Investigator	Approval Private Investigator License.	Accepted
29	Rollin Earll Stone Cape Fear Investigative Services, Inc. P.O. Box 15636 Wilmington, NC 28408-0000	Private Investigator Sponsor: William Basil Ratcliff - 3225	Approval Private Investigator License	Accepted
30	Robert Earl Talton Inquest Solutions, Inc. 5665 Highway 9 Ste 103-192 Alpharetta, GA 30004-0000	Private Investigator	Approval Approval Private Investigator License.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
31	Chadwick Dylan Taylor Lighthouse Investigative Services 212 Princess St Wilmington, NC 28401-0000	Private Investigator Sponsor: James Vernon Gilchrist - 4082	Approval Private Investigator License.	Accepted
32	Tracey Scott Trivette Cerno Veritas, Inc. d/b/a CVI, Inc. PMB 7286 1879 White Lake Dr White Lake, NC 28337-0000	Armored Car Profession	Approval Armored Car Profession License.	Accepted
33	Tracey Scott Trivette Cerno Veritas, Inc. d/b/a CVI, Inc. PMB 7286 1879 White Lake Dr White Lake, NC 28337-0000	Courier Service Profession	Approval Courier Service Profession License.	Accepted
34	Tracey Scott Trivette Cerno Veritas, Inc. d/b/a CVI, Inc. PMB 7286 1879 White Lake Dr White Lake, NC 28337-0000	Private Investigator	Approval Private Investigator License.	Accepted

PPSB Screening After Report for March 4, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
35	David Lee Whiting City to City Couriers LLC 238 Dogwood Acres Rd Indian Land, SC 29707-0000	Courier Service Profession	Approval Courier Service Profession License.	Accepted
36	Wesley Frank Wilder Macks Pickett Investigative Services, Inc. P O Box 32006 Raleigh, NC 27622-0000	Private Investigator Associate Sponsor: Samuel Macks Pickett Jr. - 2104	Approval Private Investigator Associate License Level I with 800 hours.	Accepted
37	June Bell Wynne Cape Fear Investigative Services, Inc. P.O. Box 15636 Wilmington, NC 28408-0000	Private Investigator Associate Sponsor: William Basil Ratcliff - 3225	Approval Private Investigator Associate License Level II with 1200 hours.	Accepted



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**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
APRIL 23, 2015
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Eric Weaver Sr.
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Clyde Cook
Marcus Benson
Richard Epley
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Charles McDarris – Attorney
Melvin Turner - Investigator
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Chris Green
Christopher Purham
Lee Alexander
Muhammad Bilal
Gary Pastor
Dorian Dehnel

David Brewste
Walter Pylypiw
Randy Sturkey
Christopher Miller
William Joyce
Melissa Richardson

Jeff Cathcart
Larry Alexander
Donald Miller
Elwood Dale
Denise Martin
Tony Lashley

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Bobby Boudreau
David Arndt

Mack Donaldson
John Dwiggin
Robert Dunn
Glen Westbrook
Audra Coleman
Kia Graham
George Lisi
Sandra Epley
Carl Stell

Anthony McCollum
Derek Partee
David Roebuck
Kerry Graves
Jeffrey Jones
John Powell
Laura Lee
Kenneth Sheffield
Jeff Barley

CALL TO ORDER

Chairman Eric Weaver called the April 23, 2015 Private Protective Services Board meeting to order at 9:00 a.m. Chairman Weaver notified the members that board member Brian Lowman is undergoing medical treatment at this time. Chairman Weaver led the group in the reciting of the Pledge of Allegiance followed by the introduction of new Board member Steve Johnson and new Director Barry Echols.

GOOD OF THE ORDER:

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.

Mr. Gary Pastor, president of the NCAPI expressed his thanks to the Board and introduced the new NCAPI Board members. Mr. Pastor stated that the Association will be holding their conference in New Bern, NC from November 5 through November 6, 2015. The Association is planning on offering 12 continuing Education hours to attendees of the conference.

Mr. Jerry Pitman addressed the Board regarding several bills currently being introduced in the legislature that may affect the industry and stressed the need for everyone to contact their Senators and Representatives. He also stated that a representative from AOC and DMV will be attending the NCAPI conference.

MINUTES:

APPROVAL OF THE MARCH 4, 2015 TELEPHONE CONFERENCE BOARD MEETING MINUTES

MOTION BY MR. BOOTH TO ACCEPT THE MINUTES; SECONDED BY MR. CLARK; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, April 22, 2015 from 2:00 p.m. to 4:50 p.m. to review a total of 33 applications. (See report). The committee members were Mr. Clark, Mr. Cobbler, Mr. Foster, and Mr. Cesena. Mr. Clark read the report for the record. (see attachment)

It was noted Mr. Foster recused himself from #16 of the screening report.

Mr. Clark presented the following registration report for the period of February 11, 2015 to April 21, 2015. Total registrations 4,175; armed totals were 463 of which 155 were new and 265 were renewals, 43 reissue/dual. There were a total of 118 Armed Armored Car, 34 of which were new, 82 were renewals, 2 reissue/dual. There were a total of 16 Armed Private Investigators, 5 of which were new, 11 renewals. There were a total of 1 Armed Private Investigator Associates, 1 of which was new. Unarmed totals were 3,538 which included 1363 new, 1918 renewals, 248 transfers, and 9 duplicates. There were a total of 39 unarmed armored cars, 6 of which were new and 33 renewals. Total denials were 601 of which 128 were for cause and 473 for correctable reasons. There were 262 applications approved which were previously denied for a total of 863 denials reviewed.

MOTION BY MR. BENSON TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. CESENA; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Booth reported that the Grievance Committee met on Wednesday, April 23, 2015 from 8:00 am to 1:14 pm and heard a total of 6 cases. The committee members were Mr. Booth, Mr. Greene, Mr. Cook, Mr. Benson, Mr. Johnson and Mr. Epley. Mr. Booth Presented the attached report. (see attachment)

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

TRAINING & EDUCATION COMMITTEE:

Mr. Cobbler reported that the Training & Education Committee met on April 22, 2015 from 8:00 a.m. until 8:47 a.m. The committee members were Mr. Cobbler, Mr. Clark, Mr. Booth, Mr. Johnson, Mr. Epley, Mr. Cook and Mr. Cesena.

Mr. Melvin Turner presented the following report to the Board:

The following PPS Trainer courses are scheduled:

May 4-8, 2015	(0800-1700) UAGT Course & Workshop at WTCC
June 1, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
July 13, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
August 3-7, 2015	(0800-1700) UAGT Course & Workshop at WTCC
September 2, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
September 14-18, 2015	FT Course & Legal Class at Salemburg NCJA
September 28- October 2, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 2– 6, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 16, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA

Presently we have 344 certified PPS unarmed guard trainers and 97 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

January 26-30, 2015	(0800-1700) UAGT Course & Workshop at WTCC
March 2, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA

March 16-20, 2015 (0800-1700) UAGT Course & Workshop at WTCC

April 6-10, 2015 FT Course & Legal Class at Salemburg NCJA

The following PPS Training Courses for CEU Credits have been scheduled:

April 23, 2015 1pm – 5pm Raleigh, NC

August 27, 2015 1pm – 5pm Raleigh, NC

December 17, 2015 1pm – 5pm Raleigh, NC

The following PPS Training Courses for CEU credits have been completed:

December 11, 2014 1pm – 5pm Raleigh, NC

February 19, 2015 1pm - 5pm Concord, NC (Cancelled – Inclement Weather)

Mr. Cobbler stated that the following 12 continuing education training courses have been submitted for approval: Surveillance 4 Beginners-Old School 2 New School 1 (2 hours); Internet For Investigators (12) Advanced Theories and Use of Covert Video Surveillance Equipment (8); Introduction to Theories and Use of Covert Video Surveillance Equipment (2); The Reid Technique of Interviewing & Interrogation and Advanced Course (12); Benefits of Computer Forensics (2); Handling Conflict and Confrontation (2); Introduction to Explosives and IED Technology (2); Legal Issues for Private Investigators III (2); Use of Forensic DNA in Private Investigations II (2); Background Investigations and Social Media Searches (2) and Risk Assessment for Investigators (6).

Mr. Booth recused himself from voting on the following; Benefits of Computer Forensics, Handling Conflict and Confrontation, Introduction to Explosives and IED Technology, Legal Issues for Private Investigators III, Use of Forensic DNA in Private Investigations II and Background Investigations and Social Media Searches.

The courses will be listed on the web page.

MOTION BY MR. BENSON TO APPROVE THE 12 COURSES; SECONDED BY MR. COOK; MOTION CARRIED.

Mr. Walter Pylypiw, Federal Security, addressed the Board on the unarmed and armed apprenticeship program. He stated that the PPSB training is incorporated in the program and there is no cost to the student or company. Veterans can use the GI Bill and receive funds for

being in the program. The program improves the quality of the guard and overall training. He would like for the Board to review the content of the program and consider adopting the program. Chairman Weaver suggested that the program be referred to the Training and Education Committee for review and recommendation to the full Board.

MOTION BY MR. BOOTH TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

BREAK: 9:57 a.m.
RECONVENED: 10:20 a.m.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAWS AND RULES COMMITTEE

Mr. Foster related that he has been in contact with Mr. Leonard Wolf regarding his request to modify the requirements to obtain a guard dog license. Mr. Foster explained to Mr. Wolf that the changes he has outlined would require the Board to rewrite G.S. 74C. Mr. Wolf understood and the issue is now considered closed.

Mr. Cesena reported that nothing is moving through the legislature on armed guards in schools. He suggests the Board wait until something is initiated in the legislature then proceed with the Board's recommendation. Mr. Cesena suggests that when a bill is introduced the Board be prepared to recommended policies and procedures for armed guards on educational property.

Mr. Bonapart reported that he and attorney Jeff Gray met with the Department of Public Safety legislative liaisons to discuss pending the House bill. DPS currently has a list of bills the department is supporting. The Private Protective Services Board's bill is on that list (see Attorneys Report, re: HB 299).

MOTION BY MR. CLARK TO ACCEPT THE LAWS AND RULES COMMITTEE'S REPORT; SECONDED BY MR. CESENA; MOTION CARRIED.

FINANCE REPORT:

Chairman Weaver announced that Mr. MacRae resigned his position as Finance Chair and the new Chairman for Finance is Mr. Donald Foster.

Mr. Foster discussed his goal which is to focus on effectively using the Education Fund. He also stated that Mr. Cesena will be assisting him with assessing the Board's finances.

Mr. Foster addressed the ongoing employment verification issue. He stated that in order to proceed with obtaining a vendor to conduct employment verifications the Board must follow the State's bid procedures. This service would provide the tools an investigator needs to verify an applicant's employment history.

Mr. Foster raised the issue of providing PPS staff with a 10% raise. He stated that the Board appreciates what the staff does for the State, the Board and licenses. He related that he has examined the pay structure for State employee pay grades. PPS staff is making considerably less than other State employees in the same pay grade. PPS employees have not received a pay increase in a number of years.

MOTION BY MR. FOSTER TO APPROVE THE CREATION OF A REQUEST FOR PROPOSAL (RFP) FOR AN EMPLOYMENT VERIFICATION PROVIDER IN CONJUNCTION WITH THE ALARM BOARD AND DPS PURCHASING; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY MR. FOSTER TO ENDORSE DIRECTOR BARRY ECHOLS PROCEEDING WITH THE PROCESS OF OBTAINING A 10% PAY INCREASE FOR PRIVATE PROTECTIVE SERVICES EMPLOYEES; SECONDED BY MR. BOOTH; MOTION CARRIED.

MOTION BY MR. CESENA TO ACCEPT THE FINANCE COMMITTEE'S REPORT; SECONDED BY MR. COBBLER; MOTION CARRIED.

ETHICS COMMITTEE:

Mr. Cook stated that he is glad to report that everyone has filed their Statement of Economic Interest (SEI) annual reports. The committee briefly discussed issues involved in filing the report on time.

MOTION BY MR. BOOTH TO ACCEPT THE ETHICS COMMITTEE'S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

OLD BUSINESS:

NONE

NEW BUSINESS:

Larry Alexander, Chairman of the North Carolina Association of Security Professionals (NCASP) addressed the Board. Mr. Alexander is re-starting the NCASP in North Carolina and would like the Board to assist him in reviving the Association. With the expansion of growth in the PPS industry, the NCASP will help raise standards and competence in the profession. Mr. Alexander gave a brief overview of the Association and closed by thanking the Board for listening to his summary. He stated that he is looking forward to working with the Board, industry and staff.

FINAL AGENCY DECISION

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

The Board received the official record for the following cases:

John Lee Powell, 14-DOJ-08383. Mr. Powell was present. This case was heard by Administrative Law Judge Donald W. Overby on December 16, 2014. This case involved the denial of the Petitioner's renewal application for Security Guard & Patrol License based on the Petitioner's demonstration of intemperate habits and lack of good moral character.

MOTION BY MR. FOSTER TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY THE RENEWAL APPLICATION FOR JOHN LEE POWELL'S SECURITY GUARD AND PATROL LICENSE; SECONDED BY MR. BOOTH. MOTION CARRIED.

Kerry Graves - 14 DOJ 2248. Mr. Graves was present. This case was heard by Administrative Law Judge Donald W. Overby on June 24, 2014. This case involved the suspension of the Petitioner's Private Investigator License for a period of ninety (90) days.

MOTION BY MR. BOOTH TO REVERSE THE BOARD'S INITIAL DECISION AND SUSPEND KERRY GRAVES PRIVATE INVESTIGATOR LICENSE FOR THIRTY DAYS; SECONDED BY MR. BENSON; MOTION CARRIED.

Bobby Andrew Boudreau - 14 DOJ 08155. Mr. Boudreau was present. This case was heard by Administrative Law J. Randolph Ward on November 18, 2014. This case involved the denial of

the Petitioner's renewal application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

MOTION BY MR. BOOTH TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT BOBBY ANDREW BOUDREAU'S UNARMED REGISTRATION; SECONDED BY MR. BENSON; MOTION CARRIED. TWO OPPOSED.

Kia Rena Graham - 14 DOJ 08582. Ms. Graham was present. This case was heard by Administrative Law Judge Donald W. Overby on December 16, 2014. This case involved the denial of the Petitioner's application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character based on a conviction for Simple Assault.

MOTION BY MR. CLARK TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT KIA RENA GRAHAM'S UNARMED GUARD REGISTRATION AND AMEND THE RECORD IN PARAGRAPH SIX TO REFLECT THIS WAS A NEW APPLICATION INSTEAD OF RENEWAL; SECONDED BY MR. GREENE; MOTION CARRIED.

Jimmy Darrell Hollar - 14 DOJ 08744. Mr. Hollar was not present. This case was heard by Administrative Law Judge Donald W. Overby on December 16, 2014. This case involved the denial of the Petitioner's application for an armed armored car guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character

MOTION BY MR. CLARK TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT JIMMY DARRELL HOLLAR'S ARMED ARMORED CAR GUARD REGISTRATION; SECONDED BY MR. BENSON; MOTION CARRIED WITH ONE OPPOSED.

Allen Leslie Jackson - 14 DOJ 08154 Mr. Jackson was not present. This case was heard by Administrative Law Judge J. Randolph Ward on November 18, 2014. This case involved the denial of the Petitioner's application for unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

MOTION BY MR. CESENA TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY ALLEN LESLIE JACKSON'S UNARMED GUARD REGISTRATION; SECONDED BY MR. COBBLER; MOTION CARRIED.

Marcus Schopfer Von Stolz - 14 DOJ 08698. Mr. Von Stolz was not present. This case was heard on November 18, 2014. This case involved the summary suspension of the Petitioner's unarmed guard registration based on the Petitioner's arrest for a criminal charge which poses a serious threat to the public's health, safety, and welfare.

Administrative Law Judge J. Randolph Ward proposed that the Board continue the suspension of the Petitioner's application for unarmed security guard registration.

MOTION BY MR. CESENA TO FOLLOW THE DECISION OF THE ADMINISTRATIVE LAW JUDGE TO CONTINUE THE SUSPENSION ON MARCUS SCHOPFER VON STOLZ; SECONDED BY MR. COBLER; MOTION CARRIED.

Erick Maurice Wallace - 14 DOJ 08745. Mr. Wallace was present. This case was heard by Administrative Law Donald W. Overby on December 16, 2014. This case involved the denial of the Petitioner's application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Mr. Cesena recused himself from voting in this matter.

MOTION BY MR. FOSTER TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY ERICK MAURICE WALLACE'S UNARMED GUARD REGISTRATION BASED ON LACK OF GOOD MORAL CHARACTER; SECONDED BY MR. COOK; MOTION CARRIED.

DIRECTOR'S REPORT:

Barry Echols read the report for the record. The current PPS budget as of March 31, 2015, has a balance of \$1,032,478.75; the Education Fund balance is \$72,970.37. As of March 31, 2015, the total registrations for PPS is 17,185, 1,763 licensees, and 563 certifications.

Mr. Echols reported that there have been a total of 1,689 various correspondences printed from the PPS database, 1,810 registration cards have been printed and a total of 5,510 applications received since the last Board meeting.

Mr. Echols addressed the Board and thanked them for giving him the opportunity to meet with them individually. He expressed his goals and expectations for the staff. His focus is to build and improve the professionalism of the agency. Mr. Echols stated that he will be meeting with all Sheriffs of the 100 counties in the State of North Carolina within the next few months. He also advised the Board of the new credentials for the investigators and has plans to purchase bullet proof vests to be used by investigators during high-risk compliance checks. He advised the

Board and industry to contact him by phone. He will make himself available to discuss issues with Board and industry members.

MOTION BY MR. BENSON TO ACCEPT THE DIRECTOR’S REPORT; SECONDED BY COBBLER; MOTION CARRIED.

ATTORNEY’S REPORT:

Attorney McDarris discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Mr. Owence Pascal Jean-Baptiste/Centinel Armed Service, LLC - Consent Agreement in the amount of \$1,101.60 has not been received. Letter sent to appear at June Grievance Committee Meeting.
2. Mr. Joseph Daniel Washington/A1 Tactical Protection Services, LLC - Consent Agreement in the amount of \$673.20 paid in full.
3. Mr. Maurice La-Von Hayes/Carolina Security Agency - Consent Agreement in the amount of \$6752.40 has not been received. Letter sent to appear at June Screening Committee Meeting.

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney’s report.

III. RULES

1. As a part of the transfer to the Department of Public Safety the Board’s administrative rules will also have to be amended to reflect this change and transferred to another Title within the North Carolina Administrative Code. There are five (5) references to “Attorney General” in the Board’s rules and one (1) reference to “Department of Justice.” The Budget Act made all the appropriate changes throughout the General Statutes, including Chapter 114 which governs the Attorney General and the Department of Justice, Chapter 74C which governs Private Protective Services and Chapter 74D which governs Alarm Systems Licensing Board, but the Board will have to go through an “abbreviated” rule amendment process to make the conforming changes to its administrative rules.

Notice and a public hearing will not be required, but review by the Rules Review Commission will.

Notice and public hearing will not be required, but review by the Rules Review Commission will.

Numbers have now been assigned under Title 14B (DPS's section of the Code) and Mr. Gray have begun the process of reassigning numbers to the Board's rules and making conforming changes within certain rules (i.e. "cross-references.") Changing the references from "Attorney General/ Department of Justice" to "Secretary/ Department of Public Safety" is a separate process to be commenced after the renumbering occurs.

IV. LEGISLATION

1. Attorney Gray via e-mail the Board members on March 19th that House Bill 299, "Amend Private Protective Services Act/Changes" had been introduced. It is sponsored by Representative Justin Burr and Allen McNeil and assigned to the House Committee on Judiciary II. To date, there has been no action on this bill. The Board's thanks should go to Jason Coombs and Jarrett Burr, Legislative Liaisons for DPS, for their invaluable assistance. They will continue to monitor this bill, and Mr. Gray will report to the Board its progress.
2. A number of other bills of interest either directly or tangentially affecting the Board. (See below)
 - a. Senate Bill 408, "Firearms on School Grounds/Security Guards." This bill would provide that the prohibition on carrying a weapon on educational property would not apply to an armed security guard registered under Chapter 74C of the General Statutes when acting in the discharge of the guard's duties with the permission of the College, university, or superintendent of the local school administrative unit. This bill would also allow any local law enforcement agency to request a list of the armed security guards employed by the college, university, or local school administrative unit. It was referred to Senate Committee on Rules and Operation of the Senate and has seen no further action, to date. At the "February" meeting, held via telephone conference call on March 4th, the Board voted affirmatively not to pursue similar legislation at this time. This bill was apparently introduced independently by the Bill Sponsors.
 - b. Three bills, Senate Bill 469, "Occupational License Board Reporting Requirements," Senate Bill 361, "Occupational Licensing Reform Study", and House Bill 760, "Regulatory Reform Act of 2015," each address some aspect of

the Program Evaluation Division's Report on occupational licensing boards that was released in December.

- c. Another bill that may help the Board is House Bill 482, "Employee Fair Classification Act," has specific provision that would require all occupational licensing boards to include on every application for licensure, permit, or certification, or application for renewal, certification that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7).
- d. Senate Bill 502, "Prohibit Employment Discrimination/Poor Credit History," may or may not affect the Board. This bill will prohibit any person, firm, corporation, as well as any "State agency or unit of local government" from denying or refusing employment on the account of a person's credit history.
- e. Twice over the past three (3) years, the Board has had to amend its administrative rules to reflect first the passage of, then an amendment to, G.S. 93B-15.1, entitled, "Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license." Chapter 93B of the General Statutes governs all occupational licensing boards. House Bill 545, if enacted would require licensure based solely on proof of a military occupational specialty and passage of proficiency exam. A third round of rule amendments would be necessary. (See attachment 3 of the Attorney's Report)

V. PENDING CASES

As previously reported, the Plaintiff has refiled the civil action against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-CV-636 – WDNC. Mr. Kelly was unlicensed as a security guard business and unregistered, but performing security guard and patrol services. He is also a convicted felon. He was arrested and charged with, among other violations, violating Chapter 74C.

The Attorney General's Office is again representing Ms. Conner.

The Board has responded to Plaintiff's First Set of Interrogatories and Request for Production of documents received on May 29, 2014. The Plaintiff was deposed by counsel for the Defendants on October 16th, but additional time was needed and his deposition was continued until November 5th. Director Wright was deposed on

November 21st. Two (2) of the CMPD officers and Ms. Conner are to be deposed on December 17th. The deadline to complete discovery expires on December 20, 2014.

Mr. Gray, along with the attorneys representing the other Defendants, plan to file motions to dismiss on behalf of their respective clients in mid-December once discovery is completed. The Plaintiff also filed a Motion either exempt from the Private Protective Services Act or that it does not apply to his conduct. Attorney Gray filed a response to Plaintiff's Motion.

Mediation in this matter was scheduled for Tuesday, February 17, 2015 but was cancelled due to inclement weather. It was rescheduled for Tuesday, March 17, 2015. Mr. Gray along with Mr. Bonapart attended on behalf of the Board and attorneys from the Attorney General's Office. None of the other three (3) parties countered the Plaintiff's monetary offer of settlement. On behalf of the Board, Attorney Gray and Mr. Bonapart offered not to seek Rule 11 Sanctions if the Plaintiff dismissed the Board from the lawsuit immediately; Plaintiff declined the offer.

A hearing date on the various pending motions has yet to be set.

Attorney McDarris asked the Board on behalf of Attorney Gray to make a motion to amend the previous Board's Minutes (see attachment 4 in the Attorney's Report)

MOTION BY MR. CESENA TO AMEND THE MINUTES OF THE BOARD'S APRIL 24, 2014, JUNE 26, 2014 AND AUGUST 21, 2014 MEETING MINUTES TO REMOVE FROM THOSE MINUTES THE STATEMENT IN THE ATTORNEY'S REPORT THAT JUSTIN SHERRILL KELLY IS A "CONVICTED FELON"; SECONDED BY MR. BENSON; MOTION CARRIED.

MOTION BY MR. CESENA TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

PUBLIC COMMENT:

Gary Pastor addressed the Board regarding the Educational Grant Process and how the NCAPI can become eligible to receive this grant. The Association would like know whether or not the Board can change the requirements for the grant program.

Mr. Booth replied stating that the grant program is set up based on State laws and only certain non-profit organizations such as community colleges can apply for the grant.

MOTION BY MR. BENSON TO ADJOURN; SECONDED BY MR. MACRAE; MOTION CARRIED.

12:47 P.M. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary

PPSB Grievance After Report for April 22, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2013-PPS-034	Lawrence Joseph O'Brien Jr. Universal Protection Service, LLC 10735 David Taylor Dr Ste 560 Charlotte, NC 28262-0000	Violation of G.S. 74C-11(a), 74C-13(a) - Failing to properly register unarmed guards. Allowing armed guards to carry a firearm during the course of performing private protective services duties without having first met the qualifications of the Board.	Mr. Gerald Stickl and Universal Protection Service, LLC, enter into and pay a consent agreement in the amount of \$92,230.00 for registration violations. Staff will conduct a follow up audit starting third quarter 2014 through fourth quarter 2015.	Accepted
2014-PPS-043	David Alan Tell David Tell 969 Panhandle Rd Marshall, NC 28753-0000	Violation of G.S. 74C-2(a) - Engaging in the Private Investigator profession without being properly licensed.	Uphold cease and desist issued against Mr. David Tell for unlicensed activity.	Accepted
2014-PPS-047	Nicole Shawyne Cassady On Guard Security 2211-E Executive St Charlotte, NC 28208-0000	Violation of 74C-12(a) (26) (31) - Advertised or solicited business using a name other than that in which the license was issued. Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.	Case be dismissed, no violation of G.S. 74C.	Accepted

PPSB Grievance After Report for April 22, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2014-PPS-048	Celia Irvine Celia Irvine 1829 E Franklin St Ste 100 H Chapel Hill, NC 27514-0000	Violation of G.S. 74C-2(a) - Engaging in the private investigator profession without being properly licensed.	Uphold the cease and desist issued against Dr. Celia Irvine for unlicensed activity. Staff is requested to contact Duke University regarding other possible issues of unlicensed activity.	Accepted
2014-PPS-049	Richard Glenn Eatmon Eatmon & Associates Investigative Group PO Box 3004 Wilson, NC 27896-0000	Violation of G.S. 74C-12(a) (7) - Willfully failed or refused to render to a client service as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.	Case be dismissed, no violation of G.S. 74C.	Accepted
2015-PPS-002	James Warren Carroll Champion National Security, Inc. 1616 Gateway Blvd Richardson, TX 75080-0000	Violation of G.S. 74C-8(c)(1), 9(a), 11(a), 12(a)(31),13(a) - Engaging in the security guard and patrol profession in North Carolina without a resident qualifying agent. Operating a branch office that was not properly licensed by the Board. Failing to properly register unarmed guards. Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services. Failing to properly register armed guards.	Mr. Kenneth Webb and Champion National Security, Inc. enter into and pay a consent agreement in the amount of \$2,590.80 for registration violations. Staff will conduct a follow up audit covering the period January 1, 2016 through December 31, 2016.	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
1	Gabriel Robert Abaloz Tandemloc, Inc. 824 Hwy. 101 Havelock, NC 28532-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted
2	Steven Harold Blinsink Edge Consulting Co., LLC 112A Argus Ln Ste 318 Mooresville, NC 28117-0000	Private Investigator	Approval Private Investigator License	Accepted
3	Ronald Alan Broadwell Broadwell Investigations 5113 Grasshopper Rd Raleigh, NC 27610-0000	Private Investigator	Approval Private Investigator License	Accepted
4	Hansel Deal Bumgarner II Kiker Investigations, LLC 133 E Council St Salisbury, NC 28144-0000	Private Investigator Associate Sponsor: Jeffrey Lee Kiker - 3222	Approval Private Investigator Associate License, Level I with 800 hours	Accepted
5	Timothy James Byrd Carolina Investigation Solutions P.O. Box 1584 Taylorsville, NC 28681-0000	Electronic Countermeasures Profession	Approval of Electronic Countermeasures Profession License with the condition that applicant surrender sworn status prior to the issuance of the license.	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
6	Timothy James Byrd Carolina Investigation Solutions P.O. Box 1584 Taylorsville, NC 28681-0000	Private Investigator	Approval of Private Investigator License with the condition that applicant surrender sworn status prior to the issuance of the license.	Accepted
7	Lisa Cerny Cox North Carolina Premier Investigations P.O. Box 6024 Greenville, NC 27835-0000	Private Investigator Associate Sponsor: Suzanne Cerny Creech - 3565	Approval Private Investigator Associate License, Level I with 0 hours	Accepted
8	Kenneth Ray Craft Creekside Investigations P.O. Box 882 Nashville, NC 27856-0000	Private Investigator	Approval Private Investigator License	Accepted
9	David Anthony Crawford Advantage Surveillance, Inc. P.O. Box 788 Thomasville, NC 27361-0000	Private Investigator	Approval Private Investigator License	Accepted
10	George Allen Dennard S & S Investigations LLC 6923-J Highway 70 Newport, NC 28570-0000	Private Investigator Associate Sponsor: James Corbin Stevens Sr. - 2723	Approval Private Investigator Associate License, Level I with 0 hours	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
11	John Scott Dwigins SightSpan Securty, Inc. P.O. Box 4023 Mooresville, NC 28117-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted
12	Donelle Farrar Rogers World Wide Investigation P.O. Box 2247 Raleigh, NC 27602-0000	Private Investigator Associate Sponsor: Anthony Lavelle Rogers - 1798	Denied due to unfavorable employment history.	Accepted
13	David Jeremy George Batten Investigations, Inc. P.O. Box 835 Pinehurst, NC 28370-0000	Private Investigator Associate Sponsor: Brian Cleetwood Casey - 2344	Denied due to unfavorable criminal history.	Accepted
14	Richard Curtis Gill Jr. Dunbar Armored, Inc. Lindbergh Business Park 1836 Lindbergh St Ste 100 Charlotte, NC 28208-0000	Armored Car Profession	Approval Armored Car Profession License	Accepted
15	Wesley Craig Humphrey S&S Management Group, LLC d/b/a Case-Closed Investigations Proposed Location: 110 E Arlington Blvd Greenville, NC 27858-0000	Branch Office	Approval Branch Office	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
16	Janna Elizabeth Jones Professional Investigations and Paralegal Services PO Box 1632 Kinston, NC 28503-0000	Private Investigator Associate Sponsor: Jerry Lee Waller - 1477	Approval Private Investigator Associate License, Level I with 0 hours.	Accepted
17	Randell Lee Kale Jr. Homeland Professional Security Services 904 Mt. Zion Church Rd Iron Station, NC 28080-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted
18	Bobbie Faye LeDuc B LeDuc Investigations 14061 Sycamore Rd Laurel, DE 19956-0000	Private Investigator	Approval Private Investigator License	Accepted
19	Randy Wade Moore QTI Consulting 106 South Ricket Blvd Louisburg, NC 27549-0000	Private Investigator	Denied due to lack of verifiable work experience.	Accepted
20	Nicolas James Perreault Unified Investigations & Sciences, Inc. 3300 International Airport Dr Ste 600 Charlotte, NC 28208-0000	Private Investigator Associate Sponsor: David Lee Rivers - 4546	Approval Private Investigator Associate License, Level II with 1000 hours	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
21	Brian Daniel Schnee Servatus, LLC 4819 Emperor Blvd Ste 400 Durham, NC 27703-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted
22	Casey Ray Silvers Unified Investigations & Sciences, Inc. 3300 International Airport Dr Ste 600 Charlotte, NC 28208-0000	Private Investigator	Approval Private Investigator License	Accepted
23	Teresa Michelle Simpson IC Maritime, LLC P.O. Box 633 Alpharetta, GA 00000-3009	Private Investigator	Approval Private Investigator License	Accepted
24	Christopher Clark Slemp Donan Engineering Company, Inc. 7450 Chapman Hwy Ste 315 Knoxville, TN 27920-0000	Private Investigator	Approval Private Investigator License	Accepted
25	Jocelyn Dyvonne Smallwood Kodiak International, Inc. d/b/a On Guard Security 2211-E Executive St Charlotte, NC 28208-0000	Security Guard & Patrol	Defer to June meeting. Recommend to the Board that a cease & desist be issued to Mr. Wilbert Reid Carter and Kodiak International, Inc. d/b/a On Guard Security for operating without a licensed Qualifying Agent.	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
26	Thomas Frederick Starke Advantage Surveillance, Inc. P.O. Box 788 Thomasville, NC 27361-0000	Private Investigator Sponsor: Scott Allen Workman - 2239	Approval Private Investigator License	Accepted
27	Rollin Earll Stone Cape Fear Investigative Services, Inc. P.O. Box 15636 Wilmington, NC 28408-0000	Private Investigator Sponsor: William Basil Ratcliff - 3225	Approval Private Investigator License	Accepted
28	Michael Lavergine Thompson Investigations of The Carolinas 8627 Sedgeburn Dr Charlotte, NC 28278-0000	Private Investigator	Denied due to unfavorable employment history.	Accepted
29	Jason Ross Trusso Advantage Surveillance, Inc. P.O. Box 788 Thomasville, NC 27361-0000	Private Investigator	Approval Private Investigator License	Accepted
30	Christopher William Wagner The Gumshoe Group P.O. Box 40112 Raleigh, NC 27629-0000	Private Investigator	Approval Private Investigator License with the condition that applicant surrender sworn status prior to the issuance of the license.	Accepted

PPSB Screening After Report for April 22, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
31	Peter Behzad Walter Magnum PI Investigation 3214 Oakdale Rd Charlotte, NC 28216-0000	Private Investigator	Approval Private Investigator License	Accepted
32	Sharronda Nyiesha Wheat Security Officers & Investigations, LLC 21-C Orinda Way Ste 145 Oninda, CA 94563-0000	Private Investigator	Approval Private Investigator License	Accepted
33	Sharronda Nyiesha Wheat Security Officers & Investigations, LLC 21-C Orinda Way Ste 145 Oninda, CA 94563-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted



North Carolina Department of Public Safety

Private Protective Services Board

Pat McCrory, Governor
Frank L. Perry, Secretary

Gregory K. Baker, Commissioner
Barry S. Echols, Director

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
JUNE 25, 2015
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Eric Weaver Sr.
Bill Booth
Ed Cobbler
Clyde Cook
Marcus Benson
Richard Epley
Robert Clark
William MacRae
Donald Foster
Dustin T. Greene
Steve Johnson
Brian Lowman
Nada Lawrimore

BOARD MEMBERS ABSENT

Bud Cesena

STAFF PRESENT

Barry Echols - Director
Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Melvin Turner - Investigator
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Jeff Cathcart
Glen Westbrook
David Arndt
Eugene Roberts Jr.

Michael Walker
Danny Barham
Gregory Hatten
Muhammad Bilal

Kevin Deery
Donald Miller
Jim Salmon
Beatrice Powers

MAILING ADDRESS:
4901 Glenwood Avenue, Suite 200
Raleigh, NC 27612

E-mail: PPSASL@ncdoj.gov



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An Equal Opportunity employer

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Raleigh, NC 27612
Telephone: (919) 788-5320
Fax: (919) 788-5365

Samuel Witty
Chris Green
Pam Mayfield
Dorian Dehnel
George Daniels
Mack Donaldson
Sandra Epley
John Dwiggins

Robert Dunn
Kenneth Sheffield
Keith Warren
Laura Closson
Suzanne Creech
Jerry Walser
Gary Pastor
Don Williams

Tony Lashley
Paul Scholl
Paul Latorre
Jerry Pittman
Daitwan Hardy
Yvonne Cobourn

CALL TO ORDER

Chairman Eric Weaver called the June 25, 2015 Private Protective Services Board meeting to order at 9:00 a.m. Marcus Benson led the group in the reciting of the Pledge of Allegiance followed by Chairman Weaver introduction of new Board member Nada Lawrimore.

GOOD OF THE ORDER:

Attorney Jeff Gray 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.

Mr. Christopher Green, addressed the Board on behalf of Gary Pastor and the NCAPI. Mr. Green stated that the Association will be holding their fall conference in New Bern, NC from November 5 through November 6, 2015. Mr. Green also stated that they will not be holding their regular meeting today following this Board meeting due to some members from the NCAPI will be heading to the Legislative Building to speak to their representative regarding the ability for Private Investigator to continue use of GPS tracking device. Mr. Green encouraged anyone in the audience that would like to join them in going to the Legislative Building are welcome.

MINUTES:

APPROVAL OF THE APRIL 23, 2015 BOARD MEETING MINUTES

MOTION BY MR. JOHNSON TO ACCEPT THE MINUTES; SECONDED BY MR. CLARK; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, June 24, 2015 from 2:00 p.m. to 4:45 p.m. to review a total of 57 applications. (See report). The committee members

were Mr. Clark, Mr. Cobbler, Mr. Foster, Mr. MacRae and Mr. Lowman. Mr. Clark read the report for the record. (See attachment)

It was noted Mr. MacRae recused himself from #50 of the screening report.

MOTION BY MR. BOOTH TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

Mr. Clark presented the following registration report for the period of March 25, 2015 to June 23, 2015. Total registrations 6,203; armed totals were 775 of which 258 were new and 448 were renewals, 7 duplicate and 62 reissue/dual. There were a total of 197 Armed Armored Car, 82 of which were new, 113 were renewals, 2 reissue/dual. There were a total of 17 Armed Private Investigators, 4 of which were new, 12 renewals and 1 duplicate. There were a total of 3 Armed Private Investigator Associates, 2 of which was new and 1 renewal. Unarmed totals were 5,185 which included 1958 new, 2885 renewals, 334 transfers, and 8 duplicates. There were a total of 26 unarmed armored cars, 11 of which were new and 15 renewals. Total denials were 990 of which 274 were for cause and 716 for correctable reasons. There were 751 applications approved which were previously denied for a total of 1741 denials reviewed.

MOTION BY MR. COBBLER TO ACCEPT THE REGISTRATION REPORT; SECONDED BY MR. COOK; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Booth reported that the Grievance Committee met on Wednesday, June 24, 2015 from 8:00 a.m. to 9:58 a.m. and heard a total of 4 cases. The committee members were Mr. Booth, Mr. Greene, Mr. Cook, Mr. Benson, Mr. Johnson and Mr. Epley. Mr. Booth presented the attached report. (See attachment)

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

TRAINING & EDUCATION COMMITTEE:

Mr. Cobbler reported that the Training & Education Committee met on June 24, 2015 from 8:00 a.m. until 8:44 a.m. The committee members were Mr. Cobbler, Mr. Clark, Mr. Booth, Mr. Johnson, Mr. Epley, and Mr. MacRae.

Mr. Cobbler stated that the grant review committee recommends the following organization be awarded a grant in the following amount for grant cycle PPSB2015-1 under the Private Protective Services grant program:

Central Piedmont Community College – recommendation is \$5,000.00

MOTION BY MR. BOOTH TO APPROVE THE GRANT AWARD TO CENTRAL PIEDMONT COMMUNITY COLLEGE; SECONDED BY MR. CLARK; MOTION CARRIED.

Mr. Timothy Gosh, Watch Commander Training Program, addressed the Board regarding additional training to be used with the PPSB required unarmed guard training program.

MOTION BY MR. FOSTER TO ACCEPT THE TRAINING VIDEO; SECONDED BY MR. CLARK; MOTION CARRIED.

Mr. Cobbler stated that the following 9 continuing education training courses have been submitted for approval: Arson Investigation (6 hours); Undercover Operation (6); Overview of Standards and Continuing Education Requirements (1); Legal Aspects of 74C (1); Medico Legal Death Investigations for the Private Investigator (6); Auto Theft, Arson and Rate Evasion (2); Annual Fraud Awareness Training (4); California Unfair Claims Practices (2); and Claims Investigation 100 (8).

The courses will be listed on the web page.

MOTION BY MR. BENSON TO ACCEPT THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL. DENY THE COURSE ENTITLED CALIFORNIA UNFAIR CLAIMS PRACTICES; SECONDED BY MR. MACRAE; MOTION CARRIED.

The following PPS Trainer courses are scheduled:

July 13, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
August 3-7, 2015	(0800-1700) UAGT Course & Workshop at WTCC
September 2, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
September 14-18, 2015	FT Course & Legal Class at Salemburg NCJA
September 28- October 2, 2015	(0800-1700) UAGT Course & Workshop at WTCC

November 2– 6, 2015 (0800-1700) UAGT Course & Workshop at WTCC

November 16, 2015 (1000-2300) FT Re-Certification & Pre-Qualification Course NCJA

Presently we have 347 certified PPS unarmed guard trainers and 103 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

January 26-30, 2015 (0800-1700) UAGT Course & Workshop at WTCC

March 2, 2015 (1000-2300) FT Re-certification & Pre-Qualification Course NCJA

March 16-20, 2015 (0800-1700) UAGT Course & Workshop at WTCC

April 6-10, 2015 FT Course & Legal Class at Salemburg NCJA

May 4-8, 2015 (0800-1700) UAGT Course & Workshop at WTCC

June 1, 2015 (1000-2300) FT Re-certification & Pre-Qualification Course NCJA

The following PPS Training Courses for CEU Credits have been scheduled:

August 27, 2015 1:00 p.m. – 5:00 p.m. Raleigh, NC

December 17, 2015 1:00 p.m. – 5:00 p.m. Raleigh, NC

The following PPS Training Courses for CEU credits have been completed:

December 11, 2014 1:00 p.m. – 5:00 p.m. Raleigh, NC

February 19, 2015 1:00 p.m. – 5:00 p.m. Concord, NC (Cancelled – Inclement Weather)

April 23, 2015 1:00 p.m. – 5:00 p.m. Raleigh, NC

MOTION BY MR. CLARK TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAWS AND RULES COMMITTEE

Mr. Epley asked Attorney Gray about the status of the House Bill 299. Attorney Gray reported that the bill was amended in committee to authorize the acquisition of real property. The State Budget is currently being debated in the legislature and hopefully, a decision on the bills will be made soon.

MOTION BY MR. MACRAE TO ACCEPT THE LAWS AND RULES COMMITTEE'S REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

FINANCE REPORT:

Mr. Foster stated that he has been working on several issues with Director Echols such as the pay increase for staff, computer system and scanning of all documents stored at the Board's office. Mr. Foster also stated that the lease on the office will expire in 2016. We are currently looking at options regarding leasing and the Board owning property.

MOTION BY MR. BOOTH TO ACCEPT THE FINANCE COMMITTEE'S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

ETHICS COMMITTEE:

Mr. Cook stated that he is pleased to report that he spoke with a representative at the Ethics Commission office and she informed him that the SEI annual reports shows everyone is in 100% compliance. Mr. Cook also stated that he checked on the bi-annual refresher course that is required for all members to complete. Three or four members still need to take that course. The Ethics Commission is really putting pressure on Ethics Liaisons to track required reports and required training of Board members.

MOTION BY MR. BENSON TO ACCEPT THE ETHICS COMMITTEE'S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

OLD BUSINESS:

NONE

BREAK: 9:45 a.m.
RECONVENED: 10:02 a.m.

NEW BUSINESS:

Gary Pastor addressed the Board regarding his concerns for armed Private Investigator Associates having their own personal liability insurance. He requested that the Board review the requirement for PI Associates to acquire their own liability insurance. Mr. Pastor also addressed the Board about unethical behavior within the industry. He requested that the Board establish specific rules for professional conduct.

Attorney Gray stated that these issues will be addressed in his Attorney's Report.

Mr. Pastor also asked the Board if office personnel such as receptionist, etc., should be licensed because there is no clear definition of who needs to be licensed and who does not.

Mr. Booth stated that license requirements for the industry is defined in North Carolina General Statute Chapter 74C. The Grievance Committee has to routinely weigh possible unlicensed activity against the requirements outlined in Chapter 74C but the requirements are specified in the statute.

Mr. Weaver agreed and stated that if the individual is not engaging in investigative activity the Board does not have jurisdiction.

Mr. Weaver presented the following 2016 Board Meeting Dates:

February 17 & 18, 2016 - Raleigh
April 20 & 21, 2016 - Raleigh
June 22 & 23, 2016 - Raleigh
August 24 & 25, 2016 - Raleigh
October 18, 19 & 20, 2016 - Raleigh
December 14 & 15, 2016 - Raleigh

**MOTION BY MR. BENSON TO ACCEPT THE 2016 BOARD MEETING DATES;
SECONDED BY MR. MACRAE; MOTION CARRIED.**

Mr. Bonapart made the grant announcement for PPSB2015-2. The Private Protective Services Board is pleased to announce that they are open to receiving grant applications from 8:00 a.m. on June 25, 2015 until 5:00 p.m. on September 30, 2015.

FINAL AGENCY DECISION

NONE

DIRECTOR'S REPORT:

Director Barry Echols read the report for the record. The current PPS budget as of May 31, 2015, has a balance of \$1,050,596.44; the Education Fund balance is \$74,379.31. As of May 31, 2015, the total registrations for PPS is 17,315, 1,770 licensees, and 571 certifications.

Mr. Echols reported that there have been a total of 3,510 various correspondences printed from the PPS database, 5,843 registration cards have been printed and a total of 5,666 applications received since the last Board meeting. Mr. Echols thanked the staff for tremendously decreasing the backlog.

Director Echols stated that he is looking at a company named Omni Scan that is currently contracted with DPS who can scan the agency files and integrate with our current system. He stated that the estimated cost would fall between \$200,000 - \$250,000. This will help the process move smoother as we migrate to a new computer system.

MOTION BY MR. BOOTH FOR PPS TO PAY SEVENTY FIVE PERCENT (75%) OF THE COST FOR SCANNING AND STORAGE OF ALL FILES; SECONDED BY MR. MACRAE; MOTION CARRIED.

Mr. Echols updated the Board on the completion of the DPS internal audit. He reported that the auditors were amazed with what staff had accomplished based on the resources they had to work with. He also informed the Board that all other occupants have now moved out of our leased facility; the PPS/ASL is the only remaining tenant. He is in the process of looking at other properties that can accommodate staff and Board meetings. He reported that the pay increase for staff is currently at DPS human resources.

Mr. Weaver asked Director Echols to update the Board on the status of the previous vendor GLS. He advised that they are currently in litigation which has been turned over to DPS's attorneys. Mr. Echols also stated that the Board will not pay any more invoices for services that were never delivered by GLS. Mr. Echols also reported that he is currently looking at other companies that can handle our process. He reminded the attendees that a new computer system will increase the turnaround time and improve and modernize our processes.

MOTION BY MR. MACRAE TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. FOSTER; MOTION CARRIED.

MOTION BY MR. JOHNSON TO GO INTO CLOSED SESSION TO RECEIVE LEGAL ADVICE FROM THE BOARD'S ATTORNEY; SECONDED BY MR. BOOTH; MOTION CARRIED.

CLOSED SESSION: 10:52 a.m.
RECONVENED: 11:21 a.m.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Mr. Owence Pascal Jean-Baptiste/Centinel Armed Service, LLC - Consent Agreement in the amount of \$1,101.60 has not been received. Letter sent to appear at June Grievance Committee Meeting.
2. Mr. Maurice La-Von Hayes/Carolina Security Agency - Consent Agreement in the amount of \$6752.40 has not been received. Letter sent to appear at June Screening Committee Meeting.
3. Gerald Stickl/Universal Protection Service, LLC - Consent Agreement in the amount of \$92,230.00 has not been received.
4. Kenneth Webb/Champion National Security, Inc. - Consent Agreement in the amount of \$2,590.80 has not been received.

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney's Report.

III. RULES

1. As a part of the transfer to the Department of Public Safety, the Board's administrative rules will also have to be amended to reflect this change and transferred to another Title within the North Carolina Administrative Code. There are five (5) references to "Attorney General" in the Board's rules and one (1) reference to "Department of Justice." The Budget Act made all the appropriate

changes throughout the General Statutes, including Chapter 114 which governs the Attorney General and the Department of Justice, Chapter 74C which governs Private Protective Services and Chapter 74D which governs Alarm Systems Licensing Board, but the Board will have to go through an “abbreviated” rule amendment process to make the conforming changes to its administrative rules. Notice and a public hearing will not be required, but review by the Rules Review Commission will.

Numbers have been assigned under Title 14B (DPS’s section of the Code) and I have completed the process of reassigning numbers to the Board’s rules and making conforming changes within certain rules (i.e. “cross-references.”) Next, I will be changing the references from “Attorney General/Department of Justice” to “Secretary/Department of Public Safety,” then submit everything to the Rules Division of the Office of Administrative Hearings.

IV. LEGISLATION

1. House Bill 299, “Amend Private Protective Services Act/Changes,” was heard in the House Committee on Judiciary III on May 6, 2015. It was amended to add a provision allowing the Board to own real property (with a similar provision for the Alarm Systems Licensing Board), and received a favorable report. However, the serial referral to the House Finance Committee was stricken and it was referred to the House Committee on Rules, Calendar and Operations of the House. To date, there has been no further action on this bill. Jason Combs and Jarrett Burr, Legislative Liaisons for DPS will continue to monitor this bill, and I will report to you its progress. A copy of the Bill, as amended, attached to the Attorney’s Report.
2. A number of other bills of interest - - either directly effecting the Board, or tangentially effecting it - - have been introduced this Session. They are:
 - a. Senate Bill 408, “Firearms on School Grounds/Security Guards,” would provide that the prohibition on carrying a weapon on educational property would not apply to an armed security guard registered under Chapter 74C of the General Statutes when acting in the discharge of the guard’s duties with the permission of the college, university, or superintendent of the local school administrative unit. This bill would also allow any local law enforcement agency to request a list of the armed security guards employed by the college, university, or local school administrative unit. It was referred to Senate Committee on Rules and Operation of the Senate and has seen no further action, to date.

- b. Three bills, Senate Bill 469, “Occupational Licensing Board Reporting Requirements,” Senate Bill 361, “Occupational Licensing Reform Study,” and House Bill 760, “Regulatory Reform Act of 2015,” each address some aspect of the Program Evaluation Division’s Report on occupational licensing boards that was released last December. For the most part, the Board was not affected by this Report, however, its status as an “Article 3A agency” under Chapter 150B, the Administrative Procedures Act, could be challenged. (Note: Article 3A is the section that allows the Board to make the final decision following an administrative hearing before the Office of Administrative Hearings.)

I hope to use Senate Bill 469 as the vehicle for a Committee Substitute to ensure the Board remains an Article 3A agency. I have discussed this on numerous occasions with Jarrett Burr, Legislative Liaison for DPS.

House Bill 760 is the only one of these three bills that has seen any action; it was passed by the House on May 6th and was referred to the Senate Committee on Agriculture, Environment and Natural Resources.

- c. One bill is of particular interest to the Board in that it would help resolve when someone is an “employee” and when the person is an “independent contractor.” Aimed at reducing lost tax revenue due to intentional worker misclassification, House Bill 482, “Employee Fair Classification Act,” has a specific provision that would require all occupational licensing boards to: 1) include on every application for licensure, permit, or certification, or application for renewal, a certification that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 2) require all applicants to truthfully certify on the appropriate application that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 3) deny the license, permit or certification application of any applicant who fails to comply with the certification requirement; and 4) revoke such license, permit, or certificate and deny and refuse to grant any renewal or other application therefor until the licensee, permittee, certificate holder or applicant shall have furnished evidence sufficient to establish compliance with new G.S. 95-279(a). The bill also provides a succinct definition of “employee.”

House Bill 482 received a favorable report in the House Committee on Commerce and Job Development and re-referred to the House Judiciary II Committee on June 17th.

- d. An interesting bill that may or may not affect the Board and similar licensing boards is Senate Bill 502, “Prohibit Employment Discrimination/Poor Credit History,” which would prohibit any person, firm, corporation, as well as any “**State agency** or unit of local government” from denying or refusing employment on account of a person’s credit history. The bill does just say “employment” (and not license, permit, or certification), but could easily be cited in a challenge to the Board’s requirement that applicants for licensure have proven financial responsibility.
- e. Twice over the past three (3) years, the Board has had to amend its administrative rules to reflect first the passage of, then an amendment to, G.S. § 93B-15.1, entitled, “Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license.” Chapter 93B of the General Statutes governs all occupational licensing boards. House Bill 545, “Workforce Enhancement/Veterans,” would require licensure based solely on proof of a military occupational specialty and passage of a proficiency exam. If enacted, a third round of rule amendments would be necessary.

Senate Bill 545 passed the Senate on April 29th and was referred to the House Committee on Rules, Calendar and Operations of the House.

- 3. In meeting individually with Board members and others, Director Echols has received a number of suggested amendments to Chapter 74C, or ideas that would require a change to Chapter 74C in order to implement the idea. In the hope of having such amendments enacted this legislative session, I was asked to compile them into a “bill draft” (along with similar amendments to the Alarm Systems Licensing Board’s statute) for consideration. A copy was attached to the Attorney’s Report.

If the Board wishes to proceed, a motion would be in order.

MOTION BY MR. BENSON TO MOVE FORWARD WITH FURTHER ADMENDMENTS TO CHAPTER 74C; SECONDED BY MR. JOHNSON; MOTION CARRIED.

V. PENDING CASES

For the past two (2) years Attorney Gray has been reporting to the Board the status of a civil action filed against Board Investigator Sarah Conner, the Board, the City of

Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-cv-636 - - WDNC. (Mr. Kelly was unlicensed as a security guard business and unregistered as a security guard, but performing armed security guard and patrol services. He was arrested by the Charlotte-Mecklenburg Police Department and charged with violating Chapter 74C.) Attorney Gray informed that the Court granted the Board's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) and Motion for Summary Judgment, as well as similar motions filed by the other Defendants, on May 27, 2015. This action has been dismissed with prejudice.

The Plaintiff had until Monday, June 29th to give notice of appeal. The Plaintiff filed Notice of Appeal yesterday, June 24th.

A copy of the Court's Memorandum and Order was attached to the Attorney's Report.

VI. MISCELLANEOUS

At the Board's April meeting Attorney Gray was instructed to notify Duke University of the provisions of Chapter 74C and its implications arising out of the Celia Irvine matter heard by the Grievance Committee on April 22nd. A copy of Attorney Gray's letter to Duke's General Counsel, and Duke's acknowledgment of that letter, is attached. (See, attachment 5 of Attorney's Report.)

Attorney Gray informed the Board that his retainer agreement with the Board expires June 30th and asked if the Board wished to renew it.

MOTION BY MR. BENSON TO APPROVE THE CONTRACT FOR LEGAL SERVICES OF JEFFREY P. GRAY; SECONDED BY MR. BOOTH; MOTION CARRIED.

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

PUBLIC COMMENT:

NONE

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

11:51 P.M. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary

PPSB Grievance After Report for June 24, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2014-PPS-028	Jimmy Lamar Henley Sr. A Services Group, LLC 230 Donaldson St Ste 300A Fayetteville, NC 28301-0000	Violation of G.S. 74C-11(a), 74C-13(a), 12 NCAC 07D .0701, 12 NCAC 07D .0706(a) - Failing to properly register unarmed guards. Allowing armed guards to carry a firearm during the course of performing private protective services duties without having first met the qualifications of the Board. Failing to sign and submit an application for the registration and renewal of unarmed guards.	Mr. Jimmy Henley and A Services Group, LLC enter into and pay a consent agreement in the amount of \$1,652.40 for registration violations.	Accepted
2015-PPS-003	Danny Kaye Barham Barham Investigating Service, Inc. 813 South Main St Wake Forest, NC 27587-0000	Alleged Violation of 74C-12(a) (7) - Willfully failed or refused to render to a client service as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.	Case be dismissed. No violation of 74C.	Accepted
2015-PPS-005	Theresa Norman WillowHeart, LLC 103 E Sleepy Dr Spring Lake, NC 28390-0000	Violation of G.S. 74C-2(a) - Engaging in the security guard and patrol profession without being properly licensed.	Case be dismissed. No violation of 74C.	Accepted



North Carolina Department of Public Safety

Private Protective Services Board

Pat McCrory, Governor
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Barry S. Echols, Director

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
AUGUST 27, 2015
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Eric Weaver Sr.
Bill Booth
Ed Cobbler
Clyde Cook
Marcus Benson
Richard Epley
Robert Clark
William MacRae
Donald Foster
Dustin T. Greene
Steve Johnson
Brian Lowman
Nada Lawrimore
Bud Cesena

BOARD MEMBERS ABSENT

STAFF PRESENT

Barry Echols - Director
Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Melvin Turner - Investigator
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

David Pettingell
Jessica Wiegand
David Arndt
Donald Williams

Gregory Hatten
Allison Josey
Gabriel Abaloz
Michelle Sullins

Adolph Justice Jr.
Charles Cobb Jr.
Michael Bannon
Glenn Burrell

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Lisa Butler
Paul Scholl
Walter Pylypiw
Mark Greenfiled
Andre Pickens
Jerry D. Pitman
Jeff Cathcart
Frederick Stipe
Pam Mayfield
Everett Long
Bill Joyce

James Oldenburg
Brenda McMillon
Dorian Dehnel
Audra Coleman
Richard B. Allen
Mark Zudell
Bob Dunn
David Lenoard
Muhamad Bilal
Bill Johnson

Gregory Bentley
Jeff Kiker
Mack Donaldson
Ruth Reynolds
Harry A House III
Phil Hyde
Michael Walker
John Pittingell
Kendrix Mace
Gary Pastor

CALL TO ORDER

Chairman Eric Weaver called the August 27, 2015 Private Protective Services Board meeting to order at 9:00 a.m. Marcus Benson led the group in the reciting of the Pledge of Allegiance followed by Chairman Weaver who welcomed all guests.

GOOD OF THE ORDER:

Attorney Jeff Gray 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.

Mr. Gary Pastor and the NCAPI reminded everyone that the fall conference will be held November 5 - 6, 2015 in New Bern, NC. The conference already has been approved for 12 continuing education credit hours. Mr. Pastor stated that they will be holding their annual elections. He also reported that they are still fighting for Private Investigators to be exempted from Senate Bill 238 (GPS) and if not, this bill could negatively impact the private investigation profession here in North Carolina.

MINUTES:

APPROVAL OF THE JUNE 23, 2015 BOARD MEETING MINUTES

MOTION BY MR. BOOTH TO ACCEPT THE MINUTES; SECONDED BY MR. BENSON; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, August 26, 2015 from 2:00 p.m. to 3:17 p.m. to review a total of 32 applications. (See report). The committee members were Mr. Clark, Mr. Cobbler, Mr. Foster, Mr. MacRae and Mr. Lowman. Mr. Clark read the report for the record. (See attachment)

It was noted Mr. Bill Booth recused himself from #11 and #21 of the screening report.

It was noted that Mr. Foster recused himself from #17 of the screening report.

It was noted that Mr. Cesena recused himself from #22 of the screening report.

MOTION BY MR. CESENA TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

Mr. Clark presented the following registration report for the period of June 24, 2015 to August 24, 2015. Total registrations 4,288; armed totals were 518 of which 148 were new and 316 were renewals, and 54 reissue/dual. There were a total of 127 Armed Armored Car, 36 of which were new, 86 were renewals, 1 duplicate and 4 reissue/dual. There were a total of 12 Armed Private Investigators, 7 of which were new and 5 renewals. There were a total of 4 Armed Private Investigator Associates, 3 of which was new and 1 reissue/dual. Unarmed totals were 3,603 which included 1389 new, 1952 renewals, 250 transfers, and 11 duplicates. There were a total of 25 unarmed armored cars, 16 of which were new and 9 renewals. Total denials were 1144 of which 272 were for cause and 872 for correctable reasons. There were 765 applications approved which were previously denied for a total of 1909 denials reviewed.

MOTION BY MR. MACRAE TO ACCEPT THE REGISTRATION REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Booth reported that the Grievance Committee met on Wednesday, August 26, 2015 from 11:00 a.m. to 11:30 a.m. and heard one case. The committee members were Mr. Booth, Mr. Greene, Mr. Cook, Mr. Benson, Mr. Johnson and Mr. Epley. Mr. Booth presented the attached report. (See attachment)

MOTION BY MR. COBBLER TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. CESENA; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Cobbler reported that the Training & Education Committee met on August 26, 2015 from 8:00 a.m. until 8:45 a.m. The committee members were Mr. Cobbler, Mr. Clark, Mr. Booth, Mr. Johnson, Mr. Epley, Mr. Cesena and Mr. MacRae.

Mr. Bonapart covered the End of Year Report for the PPSB 2014 – 2015 Training Grant program. He stated that the Board made solid progress in its mission to advance training in the profession. He stated that on June 26, 2014 the Board awarded Central Piedmont Community College (CPCC) a one-year grant of \$5,000.00. Central Piedmont Community College's (CPCC) American Academy of Applied Forensics (AAAF) ran five different courses and trained 77 students. All students who attended a PPS-funded course completed the required documentation to earn CEUs. On average, students accumulated 12 CEUs while attending PPS courses at CPCC.

MOTION BY MR. MACRAE TO APPROVE THE TRAINING GRANT END OF YEAR REPORT FOR 2014-2015; SECONDED BY MR. FOSTER; MOTION CARRIED.

Mr. Cobbler stated that the following 6 continuing education training courses have been submitted for approval: Law of Self Defense Seminar (4 hours); Techniques to Detect Deceptive Behavior (6); Executive Protective Agent Training Course (12); Ethics and Professional Development (4); Security Consultant Training Course (12); Understanding Wireless Communication (6).

The courses will be listed on the web page.

MOTION BY MR. MACRAE TO ACCEPT THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL; SECONDED BY MR. BOOTH; MOTION CARRIED.

The following PPS Trainer courses are scheduled:

September 2, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
September 14-18, 2015	FT Course & Legal Class at Salemburg NCJA
September 28- October 2, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 2– 6, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 16, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA

Presently we have 358 certified PPS unarmed guard trainers and 104 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

January 26-30, 2015	(0800-1700) UAGT Course & Workshop at WTCC
March 2, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
March 16-20, 2015	(0800-1700) UAGT Course & Workshop at WTCC
April 6-10, 2015	FT Course & Legal Class at Salemburg NCJA
May 4-8, 2015	(0800-1700) UAGT Course & Workshop at WTCC
June 1, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
July 13, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
August 3-7, 2015	(0800-1700) UAGT Course & Workshop at WTCC

The following PPS Training Courses for CEU Credits have been scheduled:

December 17, 2015	1:00 p.m. – 5:00 p.m. Raleigh, NC
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The following PPS Training Courses for CEU credits have been completed:

December 11, 2014	1:00 p.m. – 5:00 p.m. Raleigh, NC
February 19, 2015	1:00 p.m. – 5:00 p.m. Concord, NC (Cancelled – Inclement Weather)
April 23, 2015	1:00 p.m. – 5:00 p.m. Raleigh, NC
August 27, 2015	1:00 p.m. – 5:00 p.m. Raleigh, NC

MOTION BY MR. BOOTH TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. CESENA; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAWS AND RULES COMMITTEE

NONE

FINANCE REPORT:

NONE

ETHICS COMMITTEE:

Mr. Cook stated that he is pleased to report that everyone is in compliance. Mr. Cook also stated that in everyone's packet there is a SEI Newsletter Summer 2015 edition with important information. Please take time to review it and feel free to contact him or Deputy Director Anthony Bonapart with any questions or concerns.

MOTION BY MR. BOOTH TO ACCEPT THE ETHICS COMMITTEE'S REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

OLD BUSINESS:

The Board discussed the proposed rules in attachment 2 of the Attorney's Report

MOTION BY MR. CESENA TO MOVE FORWARD WITH THE ADMENDMENTS TO THE BOARD'S ADMINISTRATIVE RULES TO APPROVE A RIFLE AS AN AUTHORIZED FIREARM TO BE CARRIED BY ARMED SECURITY GUARDS UPON TRAINING AND REGSITRATION; SECONDED BY MR. MACRAE; MOTION CARRIED.

BREAK: 9:42 a.m.
RECONVENED: 10:03 a.m.

NEW BUSINESS:

Attorney Jeff Gray conducted the election of the new Board officers.

MR. BENSON MADE A MOTION TO APPOINT MR. ERIC WEAVER AS CHAIRMAN; SECONDED BY MR. BOOTH. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER MADE A MOTION TO APPOINT MR. BUD CESENA AS VICE CHAIRMAN; SECONDED BY MR. CLARK. MOTION CARRIED. NONE OPPOSED.

MR. CESENA MADE A MOTION TO APPOINT MR. MARCUS BENSON AS CHAIRMAN OF THE SCREENING COMMITTEE; SECONDED BY MR. BOOTH. MOTION CARRIED. NONE OPPOSED.

MR. COOK MADE A MOTION TO APPOINT MR. DUSTIN GREENE AS CHAIRMAN OF THE GRIEVANCE COMMITTEE; SECONDED BY MR. WEAVER. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER MADE A MOTION TO APPOINT MS. NADA LAWRYMORE AS CHAIRMAN OF THE LAW AND RULES COMMITTEE; SECONDED BY MR. CESENA. MOTION CARRIED. NONE OPPOSED.

MR. EPLEY MADE A MOTION TO APPOINT MR. WILLIAM MACRAE AS CHAIRMAN OF THE TRAINING & EDUCATION COMMITTEE; SECONDED BY MR. CESENA.

MR. WEAVER MADE A MOTION TO APPOINT MR. ED COBBLER AS CHAIRMAN OF THE TRAINING & EDUCATION COMMITTEE; SECONDED BY MR. BOOTH

ATTORNEY GRAY ASKED FOR A SHOW OF HANDS FOR MR. MACRAE; SEVEN (7) VOTED IN FAVOR OF MR. MACRAE.

ATTORNEY GRAY ASKED FOR A SHOW OF HANDS FOR MR. COBBLER; FIVE (5) VOTED IN FAVOR OF MR. COBBLER.

MR. MACRAE WAS ELECTED CHAIR OF THE TRAINING AND EDUCATION COMMITTEE BY MAJOITY VOTE.

MR. WEAVER MADE A MOTION TO APPOINT MR. CLYDE COOK AS THE PPSB ETHICS LIASION MR. COOK DECLINED AND MADE A MOTION TO APPOINT MR. BRIAN LOWMAN; SECONDED BY MR. CESENA. MOTION CARRIED. NONE OPPOSED.

MR. CLARK MADE A MOTION TO APPOINT MR. DONALD FOSTER AS CHAIRMAN OF THE FINANCE COMMITTEE; SECONDED BY MR. WEAVER. MOTION CARRIED. NONE OPPOSED.

Mr. Weaver announced that Mr. Clark is now an ordained minister and will be leaving the Board to work fulltime in his ministry. All Board members congratulated Mr. Clark on his new career.

Mr. MacRae read a Proclamation from Governor Pat McCrory marking the third week of September 2015 as "Private Security Officer Memorial Week" in North Carolina. The proclamation recognizes the vital service to governmental, commercial and residential property owners that Private Security Officers provide.

FINAL AGENCY DECISION

Kendrix Lavel Mace - 15 DOJ 00708. Mr. Mace was present. This case was heard by Administrative Law Judge Donald W. Overby on March 26, 2015. This case involved the denial of the petitioner's application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

MOTION BY MR. CLARK TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT KENDRIX LAVEL MACE HIS UNARMED REGISTRATION; SECONDED BY MR. JOHNSON; MOTION CARRIED. SIX OPPOSED.

MOTION BY MR. FOSTER TO GO INTO CLOSED SESSION TO RECEIVE LEGAL ADVICE FROM THE BOARD'S ATTORNEY; SECONDED BY MR. BOOTH; MOTION CARRIED.

CLOSED SESSION: 10:57 a.m.
RECONVENED: 11:13 a.m.

Andre`Deshaud Pickens - 15 DOJ 02730. Mr. Pickens was present. This case was heard by Administrative Law Judge Melissa Lassiter on May 26, 2015. This case involved the denial of

the petitioner's application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

MOTION BY MR. CLARK TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT ANDRE' DESHAUD PICKENS HIS UNARMED REGISTRATION; SECONDED BY MR. COOK; MOTION CARRIED.

It was noted Mr. Cesena, Ms. Lawrimore, Mr. Benson, Mr. Eppley and Mr. Foster recused themselves from voting in this matter.

Billy-Dee Greenwood, 15-DOJ-00520. Mr. Greenwood was not present. This case was heard by Administrative Law Judge Donald W. Overby on March 26, 2015. This case involved the denial of the petitioner's application for Private Investigator License based on his unfavorable employment history.

MOTION BY MR. COBBLER TO UPHOLD THE BOARD'S INITIAL DECISION TO DENY APPLICATION FOR BILLY-DEE GREENWOOD'S PRIVATE INVESTIGATOR LICENSE; SECONDED BY MR. BENSON. MOTION CARRIED.

It was noted Mr. Cook recused himself from voting in this matter

DIRECTOR'S REPORT:

Director Barry Echols read the report for the record. The current PPS budget as of July 31, 2015, has a balance of \$1,051,937.88; the Education Fund balance is \$72,008.18. As of July 31, 2015, the total registrations for PPS is 17,915, 1,791 licensees, and 564 certifications.

Mr. Echols reported that there have been a total of 3,404 various correspondences printed from the PPS database, 5,886 registration cards have been printed and a total of 5,533 applications received since the last Board meeting.

Director Echols stated that Governor Pat McCrory issued a proclamation designating July 24, 2015 as Private Investigator's Day. Governor McCrory recognized the contributions of Private Investigators to the State of North Carolina and residents and the professional reputation they have throughout the State.

Mr. Echols recognized Mr. Bill Booth and Mr. Monty Clark for their services while serving as members of the Private Protective Services Board.

MOTION BY MR. JOHNSON TO ACCEPT THE DIRECTOR’S REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

ATTORNEY’S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Mr. Owence Pascal Jean-Baptiste/Centinel Armed Service, LLC - Consent Agreement in the amount of \$1,101.60 paid in full.
2. Mr. Maurice La-Von Hayes/Carolina Security Agency - Consent Agreement in the amount of \$6752.40 paid in full.
3. Gerald Stickl/Universal Protection Service, LLC - Consent Agreement in the amount of \$92,230.00 paid in full.
4. Kenneth Webb/Champion National Security, Inc. - Consent Agreement in the amount of \$2,590.80 has not been received.
5. Jimmy Henley/A Services Group, LLC – Consent Agreement in the amount of \$1,652.40 paid in full.
6. Deborah Young/National Alliance Security Agency - Consent Agreement in the amount of \$2,590.80 has not been received.

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney’s Report.

III. RULES

1. As a part of the transfer to the Department of Public Safety, the Board’s administrative rules will also have to be amended to reflect this change and transferred to another Title within the North Carolina Administrative Code. There are five (5) references to “Attorney General” in the Board’s rules and one (1) reference to “Department of Justice.” The Budget Act made all the appropriate changes throughout the General Statutes, including Chapter 114 which governs

the Attorney General and the Department of Justice, Chapter 74C which governs Private Protective Services and Chapter 74D which governs Alarm Systems Licensing Board, but the Board will have to go through an “abbreviated” rule amendment process to make the conforming changes to its administrative rules. Notice and a public hearing will not be required, but review by the Rules Review Commission will.

Numbers have been assigned under Title 14B (DPS’s section of the Code), Chapter 16, and these renumbered rules are now available on-line. Mr. Gray has completed the forms to make the changes from “Attorney General/Department of Justice” to “Secretary/Department of Public Safety,” and filed these changes with the Rules Division of the Office of Administrative Hearings. We are now awaiting the review process.

2. At the Board’s December 2014 meeting it voted to approve a rifle as an authorized firearm to be carried by armed security guards upon training and registration. Since that time, various Board and industry members have been consulted as to firearm specifications and training requirements and numerous meetings with Board staff have been held. At the most recent of these meetings Attorney Gray was asked to proceed with preparing amendments to the Board’s administrative rules to implement the above. A draft of amendments to 14B NCAC 16 .0807, .0809, .0901 and .0904 are attached. (See attachment 2)

IV. LEGISLATION

1. House Bill 299, “Amend Private Protective Services Act/Changes,” was heard in the House Committee on Judiciary III on May 6, 2015. It was amended to add a provision allowing the Board to own real property (with a similar provision for the Alarm Systems Licensing Board), and received a favorable report. However, the serial referral to the House Finance Committee was stricken and it was referred to the House Committee on Rules, Calendar and Operations of the House.

At the Board’s June meeting you voted to approve various additional provisions amending Chapter 74C. Mr. Gray worked with the Bill Sponsors and the staff of the Legislative Drafting Division to prepare a proposed Committee Substitute to be offered when HB 299 is heard in committee.

To date, there has been no further action on this bill. Jason Combs and Jarrett Burr, Legislative Liaisons for DPS will continue to monitor this bill, and Mr. Gray will report to you its progress.

2. A number of other bills of interest - - either directly effecting the Board, or tangentially effecting it - - have been introduced this Session. They are:
 - a. Senate Bill 408, “Firearms on School Grounds/Security Guards,” would provide that the prohibition on carrying a weapon on educational property would not apply to an armed security guard registered under Chapter 74C of the General Statutes when acting in the discharge of the guard’s duties with the permission of the college, university, or superintendent of the local school administrative unit. This bill would also allow any local law enforcement agency to request a list of the armed security guards employed by the college, university, or local school administrative unit. It was referred to Senate Committee on Rules and Operation of the Senate and has seen no further action, to date.
 - b. Three bills, Senate Bill 469, “Occupational Licensing Board Reporting Requirements,” Senate Bill 361, “Occupational Licensing Reform Study,” and House Bill 760, “Regulatory Reform Act of 2015,” each address some aspect of the Program Evaluation Division’s Report on occupational licensing boards that was released last December. For the most part, the Board was not affected by this Report; however, its status as an “Article 3A agency” under Chapter 150B, the Administrative Procedures Act, could be challenged. (Note: Article 3A is the section that allows the Board to make the final decision following an administrative hearing before the Office of Administrative Hearings.)

Attorney Gray hopes to use Senate Bill 469 as the vehicle for a Committee Substitute to ensure the Board remains an Article 3A agency. Mr. Gray has discussed this on numerous occasions with Jarrett Burr, Legislative Liaison for DPS.

House Bill 760 is the only one of these three bills that has seen any action; it was passed by the House on May 6th and was referred to the Senate Committee on Agriculture, Environment and Natural Resources. To date, there has been no further action on this bill.

- c. One bill is of particular interest to the Board in that it would help resolve when someone is an “employee” and when the person is an “independent contractor.” Aimed at reducing lost tax revenue due to intentional worker

misclassification, House Bill 482, “Employee Fair Classification Act,” has a specific provision that would require all occupational licensing boards to: 1) include on every application for licensure, permit, or certification, or application for renewal, a certification that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 2) require all applicants to truthfully certify on the appropriate application that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 3) deny the license, permit or certification application of any applicant who fails to comply with the certification requirement; and 4) revoke such license, permit, or certificate and deny and refuse to grant any renewal or other application therefor until the licensee, permittee, certificate holder or applicant shall have furnished evidence sufficient to establish compliance with new G.S. 95-279(a). The bill also provides a succinct definition of “employee.”

House Bill 482 passed the House on August 13th and is being held in the Senate Clerk’s Office (i.e. it has yet to be referred to a Senate committee).

- d. An interesting bill that may or may not affect the Board and similar licensing boards is Senate Bill 502, “Prohibit Employment Discrimination/Poor Credit History,” which would prohibit any person, firm, corporation, as well as any “**State agency** or unit of local government” from denying or refusing employment on account of a person’s credit history. The bill does just say “employment” (and not license, permit, or certification), but could easily be cited in a challenge to the Board’s requirement that applicants for licensure have proven financial responsibility.
- e. Twice over the past three (3) years, the Board has had to amend its administrative rules to reflect first the passage of, then an amendment to, G.S. § 93B-15.1, entitled, “Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license.” Chapter 93B of the General Statutes governs all occupational licensing boards. House Bill 545, “Workforce Enhancement/Veterans,” would require licensure based solely on proof of a military occupational specialty and passage of a proficiency exam.

Senate Bill 545 was signed by the Governor on July 8, 2015. A third round of rule amendments is now necessary.

V. PENDING CASES

For the past 28 months Attorney Gray has been reporting to the Board the status of a civil action filed against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-cv-636 - - WDNC. (Mr. Kelly was unlicensed as a security guard business and unregistered as a security guard, but performing armed security guard and patrol services. He was arrested by the Charlotte-Mecklenburg Police Department and charged with violating Chapter 74C.) Attorney Gray informed that the Court granted the Board's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) and Motion for Summary Judgment, as well as similar motions filed by the other Defendants, on May 27, 2015. This action has been dismissed with prejudice.

As reported orally at the June Board meeting, the Plaintiff gave notice of appeal on June 24th. Attorney Gray is currently working on the Brief for the Fourth Circuit Court of Appeals which is due August 31st.

MOTION BY MR. MACRAE TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. GREENE; MOTION CARRIED.

PUBLIC COMMENT:

Mr. James Green addressed the Board in regards to having a provision to extend the deadlines for security guards who are on maternity leave and wishes to be able to qualify when they return to work instead of completing the entire firearms course.

Mr. Gray reminded the Board that there are no provisions for extending these deadlines and this issue will be included in the rewrite to include severe medical conditions, maternity leave, and inclement weather.

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

11:51 P.M. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary

PPSB Grievance After Report for August 26, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-001	Collen Marie Rose Garda CL East, Inc. 4300-A N Lake Ct Charlotte, NC 28216-0000	Violation of G.S. 74C-8(c) (1) (3), 12 NCAC 07D .1501, 12 NCAC 07D .1506 - Failing to employ a resident qualifying agent who meets the requirements of the Board. Failing to properly register armed armored car service guards. Failing to sign and submit an application for the registration and renewal of armed armored car service guards.	Collen Rose and Garda CL East, Inc. enter into and pay a consent agreement in the amount of \$6,813.60 for unlicensed activity and registration violations.	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
1	Andrew Michael Arena Integrity Investigations, Inc. P.O. Box 87223 Fayetteville, NC 28304-0000	Private Investigator Associate Sponsor: Garland Everett Slate Jr. - 2106	Approval Private Investigator Associate License Level I with 800 hours.	Accepted
2	Thomas Lee Athey Integrity Investigative Services, LLC 1046 Shoreline Dr Stanley, NC 28164-0000	Private Investigator	Approval Private Investigator License	Accepted
3	William Thomas Ballentine Walton Investigations, Inc. P.O. Box 4033 Greensboro, NC 27404-4033	Private Investigator	Approval Private Investigator License	Accepted
4	Gregory Allan Bentley RMI International, Inc. 2989 Tucker St Burlington, NC 27215-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted
5	David John Best Rogers World Wide Investigation P.O. Box 2247 Raleigh, NC 27602-0000	Private Investigator Associate Sponsor: Anthony Lavelle Rogers - 1798	Approval Private Investigator Associate Level I with 800 hours	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
6	Thomas Kevin Clinton CSI Corporate Security and Investigations, Inc. 3645 Brodhead Rd Monaca, PA 15061-0000	Private Investigator	Approval Private Investigator License.	Accepted
7	Billy Bert Crawford Crimint Analysis P.O. Box 442 Red Springs, NC 28377-0000	Private Investigator	Approval Private Investigator License	Accepted
8	Santiago Cruz Mergers Marketing Inc. d/b/a Background Screeners of America 18344 Oxnard St Ste 101 Tarzana, CA 91356-0000	Private Investigator	Approval Private Investigator License	Accepted
9	Jesse Alan Cuneo D C Investigations P.O. Box 86 Enka, NC 28728-0000	Private Investigator Associate Sponsor: Daniel Scott Cheatham - 3407	Approval Private Investigator Associate License Level I with 0 hours	Accepted
10	James Robert Douthit A Division of Fletcher Management and Consultants, Inc. d/b/a Fletcher Investigations 824 New Hope Rd Purlear, NC 28665-0000	Private Investigator Associate Sponsor: William Jefferson Fletcher Jr. - 2078	Approval Private Investigator Associate Level II with 1000 hours	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
11	Tasha Dale Dyson Risk Management Associates d/b/a Protus3 4000 WestChase Blvd Ste 350 Raleigh, NC 27607-0000	Private Investigator	Approval Private Investigator License	Accepted
12	Erica Marie Eatmon Eatmon & Associates d/b/a Eatmon & Associates Investigative Group PO Box 3004 Wilson, NC 27896-0000	Private Investigator	Approval Private Investigator License	Accepted
13	Charles Eugene Hawkins Hawkins Investigations P.O. Box 922 Rocky Point, NC 28457-0000	Private Investigator	Approval Private Investigator License	Accepted
14	Thomas Wesley Higdon Rock Security Enforcement Task Force, Inc PO Box 18 900 S Wilmington St Ste 217 Raleigh, NC 27601-0000	Private Investigator	Approval Private Investigator License	Accepted
15	Janet Mary Holahan Janet M. Holahan P.O. Box 141 Clemmons, NC 27012-0000	Private Investigator	Approval Private Investigator License	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
16	Jonathan Glenn Jones HUB Enterprises Inc. P.O. Box 3162 Lafayette, LA 70502-0000	Private Investigator	Approval Private Investigator License	Accepted
17	John Michael Juehrs The Archer Investigative Group, Inc. 8410 Six Forks Rd Ste 104 Raleigh, NC 27615-0000	Private Investigator	Approval Private Investigator License	Accepted
18	Ronald Frederick Kiser Private Eyes, Inc. d/b/a The North Carolina Protection Group 740 SE Greenville Blvd Ste 400-105 Greenville, NC 27858-0000	Private Investigator	Approval Private Investigator License	Accepted
19	Michael Dean Kromenacker Forensic Fire Consultants, Inc. P.O. Box 90084 Raleigh, NC 27675-0084	Private Investigator Associate Sponsor: Bernard Thomas Kromenacker - 1558	Approval Private Investigator Associate License Level II with 1000 hours.	Accepted
20	Elizabeth Myers Lee Macks Pickett Investigative Services, Inc. P O Box 32006 Raleigh, NC 27622-0000	Private Investigator Associate Sponsor: Samuel Macks Pickett Jr. - 2104	Approval Private Investigator Associate License Level II with 1200 hours	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
21	Andrew Baker Lull Risk Management Associates d/b/a Protus3 4000 WestChase Blvd Ste 350 Raleigh, NC 27607-0000	Private Investigator Sponsor: Michael Ray Epperly - 4441	Approval Private Investigator License	Accepted
22	Eric Glenn McClary McClary Investigative Services, Inc. 7895 Foxcraft Ln Charlotte, NC 28213-0000	Private Investigator	Approval Private Investigator License with condition that applicant surrender sworn status prior to the issuance of the license.	Accepted
23	Lucien Guy Morin II S & S Management Group LLC d/b/a Guard-One Protective Services Proposed Location: 106-A Cinema Dr Wilmington, NC 28403-0000	Branch Office	Approval Branch Office License	Accepted
24	Gary Patrick Pastor Private Eyes, Inc. d/b/a The North Carolina Protection Group Proposed Location: 226 Quailwood Ct Cape Carteret, NC 28584-0000	Branch Office	Approval Branch Office License	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
25	Jerry Albert Price Cerno Veritas, Inc. d/b/a CVI, Inc. PMB 7286 1879 White Lake Dr White Lake, NC 28337-0000	Private Investigator	Approval Private Investigator License	Accepted
26	Ricky Lynn Price Cerno Veritas, Inc. d/b/a CVI, Inc. PMB 7286 1879 White Lake Dr White Lake, NC 28337-0000	Private Investigator Associate Sponsor: Tracey Scott Trivette - 3255	Approval Private Investigator Associate License Level I with 0 hours	Accepted
27	Debra Sellers Roth Barefoot Private Investigation 1011 E Morehead St Ste 110 Charlotte, NC 28204-2812	Private Investigator Associate Sponsor: Kelly Janelle Barefoot - 953	Approval Private Investigator Associate License Level I with 800 hours	Accepted
28	Jennifer Everett Shea Barefoot Private Investigation 1011 E Morehead St Ste 110 Charlotte, NC 28204-2812	Private Investigator	Approval Private Investigator License	Accepted

PPSB Screening After Report for August 26, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
29	Jeffrey Brett Stahl Geisler Consulting Group, Inc. d/b/a Blue Chameleon Investigations 6003 Oak Ridge Ct Matthews, NC 28104-0000	Private Investigator Associate Sponsor: Thomas Michael Geisler - 5022	Approval Private Investigator Associate Level I with 800 hours	Accepted
30	Coris David Throckmorton Jr. Unified Investigations & Sciences, Inc. 3300 International Airport Dr Ste 600 Charlotte, NC 28208-0000	Private Investigator	Approval Private Investigator License with condition that applicant surrender sworn status prior to the issuance of the license.	Accepted
31	Haneff Jamar Tull Claims Verification Inc 124 Willa Chase Ct Benson, NC 27504-0000	Private Investigator Associate Sponsor: Travis Neil Borden - 2840	Approval Private Investigator Associate License Level I with 500 hours	Accepted
32	William Joseph Wilsford Precision Operations Group SHS, LLC 2649 E Mulberry St Unit A-11 Fort Collins, CO 80524-0000	Security Guard & Patrol	Approval Security Guard & Patrol License	Accepted



North Carolina Department of Public Safety

Private Protective Services Board

Pat McCrory, Governor
Frank L. Perry, Secretary

Gregory K. Baker, Commissioner
Barry S. Echols, Director

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
OCTOBER 22, 2015
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Eric Weaver Sr.
David Arndt
Ed Cobbler
Clyde Cook
Marcus Benson
Richard Epley
William Fletcher
William MacRae
Donald Foster
Dustin T. Greene
Steve Johnson
Brian Lowman
Bud Cesena

BOARD MEMBERS ABSENT

Nada Lawrimore

STAFF PRESENT

Barry Echols - Director
Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Melvin Turner - Investigator
Garcia Graham – PPSB Board Secretary
CharmainPatel – Temporary Employee

GUEST PRESENT

Warren Hall
Cynthia George
James Salmon

Donelle Farrar
JD Pittman
Ruth Cruz

Chris Green
Gary Pastor
James Green

MAILING ADDRESS:
4901 Glenwood Avenue, Suite 200
Raleigh, NC 27612

E-mail: PPSASL@ncdoj.gov



www.ncdps.gov/pps
An Equal Opportunity employer

OFFICE LOCATION:
4901 Glenwood Avenue, Suite 200
Raleigh, NC 27612
Telephone: (919) 788-5320
Fax: (919) 788-5365

Stephen Bill
Robert Dunn
Mark Greenfield
Larry Flannery
Paul Schroll
Sandra Polin
Sandra Russell

Steve Mitchell
David Bewster
Jeff Kiker
Jeff Cathcart
Dorian Dehnel
Mack Donaldson

Hansel Bumgarner
Gregory Hatten
Denise Matin
Dawn Cheema
Eugene Canegata
Donald Williams

CALL TO ORDER

Chairman Eric Weaver called the October 22, 2015 Private Protective Services Board meeting to order at 9:00 a.m. Chairman Weaver led the group in the reciting of the Pledge of Allegiance followed by him welcoming all guests.

GOOD OF THE ORDER:

Attorney Jeff Gray 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.

Mr. Gary Pastor, President of the NCAPI, congratulated the re-appointees and new Board members. He reminded everyone that the fall conference will be held November 5 - 6, 2015 in New Bern, NC. The annual training conference is free for NCAPI members and \$150.00 for non-members. Mr. Pastor stated that they will be holding their annual elections for 2016. He also thanked everyone who helped fight for Private Investigator Licensees to be exempt from Senate Bill 238 (GPS) and special thanks to Jerry Pitman.

Chairman Weaver introduced two new Board members, William J. Fletcher Jr. and David C. Arndt.

MINUTES:

APPROVAL OF THE AUGUST 27, 2015 BOARD MEETING MINUTES

Mr. Foster informed Chairman Weaver that the Finance Chair was not listed in the minutes. Correction will be made to reflect Donald Foster as Chairman for the Finance Committee prior to posting to the Website.

MOTION BY MR. MACRAE TO ACCEPT THE MINUTES; SECONDED BY MR. CESENA; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, October 21, 2015 from 8:00 a.m. to 11:52 a.m. to review a total of 39 applications. (See report). The committee members were Mr. Benson, Mr. Cobbler, Mr. Foster, Mr. MacRae, Mr. Cesena, Mr. Ardnt and Mr. Lowman. Mr. Benson read the report for the record. (See attachment)

It was noted Mr. Ardnt recused himself from #15 of the screening report.
It was noted that Mr. Cobbler recused himself from #8 of the screening report.

MOTION BY MR. MACRAE TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. FLETCHER; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Greene reported that the Grievance Committee met on Tuesday, October 20, 2015 from 8:00 a.m. to 10:50 a.m. and heard a total of nine cases. The committee members were Mr. Greene, Mr. Cook, Ms. Lawrimore, Mr. Johnson and Mr. Epley. Mr. Greene read the report for the record. (See attachment)

MOTION BY MR. BENSON TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. CESENA; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. MacRae reported that the Training & Education Committee met on October 21, 2015 from 2:00 p.m. until 3:15 a.m. The committee members were Mr. MacRae, Mr. Clark, Mr. Lowman, Mr. Ardnt, Mr. Johnson, Mr. Epley, Mr. Cesena and Mr. Cobbler.

Mr. Turner read the course schedule. The following PPS Trainer courses are scheduled:

November 2– 6, 2015 (0800-1700) UAGT Course & Workshop at WTCC

November 16, 2015 (1000-2300) FT Re-Certification & Pre-Qualification Course NCJA

Presently we have 358 certified PPS unarmed guard trainers and 104 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

January 26-30, 2015	(0800-1700) UAGT Course & Workshop at WTCC
March 2, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
March 16-20, 2015	(0800-1700) UAGT Course & Workshop at WTCC
April 6-10, 2015	FT Course & Legal Class at Salemburg NCJA
May 4-8, 2015	(0800-1700) UAGT Course & Workshop at WTCC
June 1, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
July 13, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
August 3-7, 2015	(0800-1700) UAGT Course & Workshop at WTCC
September 2, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
September 14-18, 2015	FT Course & Legal Class at Salemburg NCJA
September 28- October 2, 2015	(0800-1700) UAGT Course & Workshop at WTCC

The following PPS Training Courses for CEU Credits have been scheduled:

December 17, 2015 1:00 p.m. – 5:00 p.m. Raleigh, NC

The following PPS Training Courses for CEU credits have been completed:

December 11, 2014 1:00 p.m. – 5:00 p.m. Raleigh, NC

February 19, 2015 1:00 p.m. – 5:00 p.m. Concord, NC (Cancelled – Inclement Weather)

April 23, 2015 1:00 p.m. – 5:00 p.m. Raleigh, NC

August 27, 2015

1:00 p.m. – 5:00 p.m. Raleigh, NC

On Friday, 10/09/15 at 6:02 p.m. Officer Person accidentally discharged his firearm after getting off duty at the Wilson Public Library. When he got to his vehicle he dropped the magazine from his firearms, but did not clear the chamber, which caused a single shot to go up in the sky. He advised no one was injured because of this accident. He stated one of the staff members heard the shot and stopped to ask if everything was okay. He told the lady, “Yes, everything was alright,” and he was about to call his supervisor and report what happened. No further information to report as of this date.

Mr. MacRae stated that the committee discussed the issue of whether or not an agency should notify local police department of weapon discharge. The committee recommended that Director Echols use his discretion in notifying the police department.

Mr. MacRae reported that the committee also discussed a Firearm Trainer who had allowed his certification to expire and then trained eighteen security officers. The Committee recommended the staff contact all the individuals to cease and desist until they are re-trained by a properly certified trainer. After lengthy discussion by the full Board, Mr. Cesena recommended that Stephen Bill and he volunteer to retrain all 18 security officers without charging them a fee.

Mr. MacRae stated that the subcommittee met on October 15, 2015 at Private Protective Services conference room to discuss the lesson plan and rewrite of the Unarmed Guard Training Manual.

Mr. MacRae stated that the following eight (8) continuing education training courses have been submitted for approval: Fraudulent Document Recognition for Private Investigators (8 hours); Covert Surveillance for Private Investigators (6 hours); Ethics and Private Investigations (2 hours); Interviewing Techniques and Truth Verification (5 hours); Sources of Information for Private Investigators (6 hours); Legal Aspects of Private Investigations (2 hours); Principles of Private Investigations (6 hours); Using Drones for Physical Security (3 hours).

The courses will be listed on the web page.

MOTION BY MR. BENSON TO ACCEPT THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL; SECONDED BY MR. FOSTER; MOTION CARRIED.

MOTION BY MR. CESENA TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

Mr. Benson presented the following registration report for the period of August 25, 2015 to October 19, 2015. Total registrations 4,137; armed totals were 435 of which 160 were new and 221 were renewals, 3 duplicate and 51 reissue/dual. There were a total of 111 Armed Armored Car, 48 of which were new and 63 renewals. There were a total of 10 Armed Private Investigators, 4 of which were new and 6 renewals. There were a total of 1 Armed Private Investigator Associates, 1 of which was new. Unarmed totals were 3,546 which included 1436 new, 1811 renewals, 291 transfers, and 8 duplicates. There were a total of 34 unarmed armored cars, 16 of which were new and 18 renewals. Total denials were 657 of which 178 were for cause and 479 for correctable reasons. There were 585 applications approved which were previously denied for a total of 1242 denials reviewed.

**MOTION BY MR. MACRAE TO ACCEPT THE REGISTRATION REPORT;
SECONDED BY MR. CESENA; MOTION CARRIED.**

LAWS AND RULES COMMITTEE

Mr. MacRae reported that the Committee met on Wednesday, October 21, 2015 from 3:20 p.m. until 4:24 p.m. The Committee members were Ms. Lawrimore, Mr. MacRae, Mr. Fletcher, Mr. Ardnt, Mr. Foster, Mr. Epley and Mr. Cesena.

Mr. MacRae stated that they discussed the following topics. Updates on changing the Board's administrative rules to reflect the transfer to the Department of Public Safety, several pending bills in the legislature, an update on rifles as an authorized firearm, and amendments to 14B NCAC 16 . 0807, .0809, .0901, .0904. He stated that the first possible effective date for the rule amendments is February 2016. He also stated that David Burt gave a presentation on drones.

Mr. Bonapart requested the Board to consider a policy to accept electronic interview versus face to face interviews for applicants who live in another state. The Board requested that Attorney Gray draft a policy to be presented to the full Board.

**MOTION BY MR. FLETCHER TO ACCEPT THE COMMITTEE'S REPORT;
SECONDED BY MR. CESENA; MOTION CARRIED.**

BREAK: 10:00 a.m.
RECONVENED: 10:19 a.m.

FINANCE REPORT:

Mr. Foster congratulated staff on their 10% pay increase and recognized Mr. Echols for obtaining this pay increase for staff.

Mr. Foster stated that he had several items to discuss. After much discussion, the Board decided to terminate its contract with GLS. Attorney Gray has been in discussions with GLS's attorney and there is consideration being given to attempting to recoup all costs paid to GLS. We are currently looking at another vendor, Peridum, who is already a state qualified vendor that can automate our process and scan all the documents.

**MOTION BY MR. FOSTER THAT THE BOARD APPROVE \$120,000.00 TO BE ALLOCATED FOR THE SCANNING PROJECT TO BE PERFORMED BY PERIDUM;
SECONDED BY MR. FLETCHER; MOTION CARRIED.**

Mr. Foster stated that he does not believe that there is any abuse or neglect in spending, but would like to establish a certain amount that is authorized or approved for the Director to spend. He also stated that hopefully before the next Board meeting he would meet with Director Echols and both chairmen (Alarm System Licensing Board and Private Protective Services Board) to discuss these issues.

**MOTION BY MR. FLETCHER TO ACCEPT THE COMMITTEE'S REPORT;
SECONDED BY MR. CESENA; MOTION CARRIED.**

ETHICS COMMITTEE:

Mr. Lowman stated that he has been in contact with State Ethics Commission and introduced himself as the Board's new liaison. He also will be looking at how to track all the Board members to make sure they have maintained the required training and submitted their annual reports on time.

**MOTION BY MR. BENSON TO ACCEPT THE ETHICS COMMITTEE'S REPORT;
SECONDED BY MR. GREENE; MOTION CARRIED.**

OLD BUSINESS:

Mr. Benson asked about the status of the DPS e-mail address. Once everyone has been assigned their DPS e-mail address, Mr. Echols will inform the Board members.

BREAK: 9:42 a.m.
RECONVENED: 10:03 a.m.

NEW BUSINESS:

A plaque was given to Mr. Fletcher in recognition of Monty Clark's service on the Board. Mr. Clark could not attend the meeting. Director Echols will hand deliver two other plaques, one for Bill Booth and the other for Judge Burriss in the next few weeks.

FINAL AGENCY DECISION

Donelle Farrar - 15 DOJ03448. Mr. Farrar was present, as well as his attorney Sandra Polin. This case was heard by Administrative Law Hon. J. Randolph Ward on June 23, 2015. This case involved the denial of the petitioner's application for a Private Investigator Associate License based on his unfavorable employment history.

MOTION BY MR. EPPLEY TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT DONELLE FARRAR A PRIVATE INVESTIGATOR ASSOCIATE LICENSE; SECONDED BY MR. BENSON; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Barry Echols read the report for the record. The current PPS budget as of September 30, 2015, has a balance of \$1,196,909.27; the Education Fund balance is \$73,332.72. As of September 30, 2015, the total registrations for PPS is 18,728, 1,820 licensees, and 577 certifications.

Mr. Echols reported that there have been a total of 2,449 various correspondences printed from the PPS database, 5,538 registration cards have been printed and a total of 5,704 applications received since the last Board meeting.

Mr. Echols updated the Board regarding the 10% pay increase for all eligible staff. He stated that he is still looking at other properties that can accommodate staff and Board meetings. He also stated that he is currently working on a brochure and has purchased an ASLB/PPSB display

that will help promote the Private Protective Services Board. He welcomed any feedback from anyone regarding the brochure and display.

MOTION BY MR. JOHNSON TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Kenneth Webb/Champion National Security, Inc. - Consent Agreement in the amount of \$2,590.80 paid in full.
2. Deborah Young/National Alliance Security Agency - Consent Agreement in the amount of \$2,590.80 has not been received.
3. Collen Rose/Garda CL East, Inc. - Consent Agreement in the amount of \$6,813.60 paid in full.

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney's Report.

III. RULES

1. As previously reported, the Board's administrative rules had to be transferred to another Title within the North Carolina Administrative Code as a part of transfer to the Department of Public Safety. The Boards are now found at 14B NCAC Subchapter 16. A copy of these renumbered rules were provided in the notebook for Tuesday afternoon's Board member training. He has also provided a copy to the Board's staff for their use, and for posting on the Board's website. Also, the change from "Attorney General/Department of Justice" to "Secretary/Department of Public Safety," have finished the review process and have been approved. These changes, along with others made by the Rules Review Commissions staff, are reflected in this latest version.

2. At the Board's December 2014 meeting it voted to approve a rifle as an authorized firearm to be carried by armed security guards upon training and registration. Amendments to 14B NCAC 16 .0807, .0809, .0901 and .0904 were approved at the Board August 27, 2015 meeting and the required Notice of Text published in the North Carolina Register and on the Board's website. A public hearing was held on these rules last Friday, October 16th. One citizen was in attendance. The public comment period expires November 30, 2015. Once any additional public comment is received and action taken by the Board, if necessary, the amended rules can be filed for review by staff with the Rules Review Commission. The deadline is December 21st (four days after the Board's next meeting.)

The minutes of the public hearing, with a synopsis of the comments, is attached. Mr. Gray recommend that the Board wait until its December Board meeting and review all comments.

A copy of these rule amendments, as published in the North Carolina Register, are attached.

IV. LEGISLATION

1. House Bill 299, "Amend Private Protective Services Act/Changes," was heard in the House Committee on Judiciary III on May 6, 2015. It was amended to add a provision allowing the Board to own real property (with a similar provision for the Alarm Systems Licensing Board), and received a favorable report. However, the serial referral to the House Finance Committee was stricken and it was referred to the House Committee on Rules, Calendar and Operations of the House. There was no further action on this bill thereafter.

Since it has a fee in it, this bill is still eligible for consideration and Mr. Gray will continue to work with Ryan Combs and Jarrett Burr, Legislative Liaisons for DPS, in the "short session" when the legislature re-convenes on April 2016.

2. A number of other bills of interest - - either directly effecting the Board, or tangentially effecting it - - have been introduced this Session. They are:
 - a. Senate Bill 408, "Firearms on School Grounds/Security Guards," would provide that the prohibition on carrying a weapon on educational property

would not apply to an armed security guard registered under Chapter 74C of the General Statutes when acting in the discharge of the guard's duties with the permission of the college, university, or superintendent of the local school administrative unit. This bill would also allow any local law enforcement agency to request a list of the armed security guards employed by the college, university, or local school administrative unit. It was referred to Senate Committee on Rules and Operation of the Senate and saw no further action.

- b. Four bills, Senate Bill 469, "Occupational Licensing Board Reporting Requirements," Senate Bill 361, "Occupational Licensing Reform Study," and House Bill 760, "Regulatory Reform Act of 2015," and House Bill 765, (also named) Regulatory Reform Act of 2015, each address some aspect of the Program Evaluation Division's Report on occupational licensing boards that was released December 2014. For the most part, the Board was not affected by this Report, however, its status as an "Article 3A agency" under Chapter 150B, the Administrative Procedures Act, could be challenged. (Note: Article 3A is the section that allows the Board to make the final decision following an administrative hearing before the Office of Administrative Hearings.)

House Bill 765 is the only one of these four bills that saw final action, and it passed and was presented to the Governor for signature on October 1st. Most provision in this bill were directed towards environmental issues, but house Bull 765 did contain two interesting provisions. A licensee of an occupational licensing board can no longer be contracted with or employed by the Board to serve as an investigator or inspector if the person is still actively practicing in the profession or occupation, Second, was a provision directing the Joint Legislative Administrative Procedure Oversight Committee to review the recommendations in the Program Evaluation Divisions report on occupational licensing boards, consult with interested parties, and make recommendations for proposed legislation in the "short session."

- c. One bill is of particular interest to the Board in that it would help resolve when someone is an "employee" and when the person is an "independent contractor." Aimed at reducing lost tax revenue due to intentional worker misclassification, House Bill 482, "Employee Fair Classification Act," has a specific provision that would require all occupational licensing boards to: 1) include on every application for licensure, permit, or certification, or application for renewal, a certification that the applicant has read and understands the employee misclassification notice set forth in new G.S.

95-278(a)(7); 2) require all applicants to truthfully certify on the appropriate application that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 3) deny the license, permit or certification application of any applicant who fails to comply with the certification requirement; and 4) revoke such license, permit, or certificate and deny and refuse to grant any renewal or other application therefor until the licensee, permittee, certificate holder or applicant shall have furnished evidence sufficient to establish compliance with new G.S. 95-279(a). The bill also provides a succinct definition of “employee.”

House Bill 482 passed the House, passed the Senate with amendments, and on return to the House for concurrence was assigned to the Committee on Rules, Calendar and Operations of the House and no further action. It is eligible for consideration in the “short session.”

- d. Twice over the past three (3) years, the Board has had to amend its administrative rules to reflect first the passage of, then an amendment to, G.S. § 93B-15.1, entitled, “Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license.” (Chapter 93B of the General Statutes governs all occupational licensing boards.) Senate Bill 545, “Workforce Enhancement/Veterans,” requires licensure based solely on proof of a military occupational specialty and passage of a proficiency exam.

Senate Bill 545 was signed by the Governor on July 8, 2015. A third round of rule amendments is now necessary, as well as creation of a “proficiency examination” for each of the licensees, registrations and certifications issued by the Board.

V. PENDING CASES

For the past 30 months Attorney Gray has been reporting to the Board the status of a civil action filed against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-cv-636 - - WDNC. (Mr. Kelly was unlicensed as a security guard business and unregistered as a security guard, but performing armed security guard and patrol services. He was arrested by the Charlotte-Mecklenburg Police Department and charged with violating Chapter 74C.)

Attorney Gray informed that the Court granted the Board's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b)(6) and Motion for Summary Judgment, as well as similar motions filed by the other Defendants, on May 27, 2015. This action was dismissed with prejudice. The Plaintiff gave notice of appeal on June 24th.

The Plaintiff-Appellant has filed his Brief and Mr. Gray is currently working on the Board's Brief for the Fourth Circuit Court of Appeals, which is not due until November 13th.

MOTION BY MR. MACRAE TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. GREEN; MOTION CARRIED.

PUBLIC COMMENT:

Ms. Gail Wiesner addressed the Board regarding Security Guards carrying a rifle. She feels that there is no reason why a guard should be allowed to carry a rifle which is a long range hunting weapon and that the weapon is offensive. Her last concern is the need to have individuals serve on the Board who are not in the industry.

Chairman Weaver responded that the Board is made up of industry members and non-industry members and they will take her concerns into consideration.

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

11:51 P.M. Adjourned

Barry Echols, Director

Garcia Graham, Board Secretary

PPSB Grievance After Report for October 20, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-004	Richard Waverly Merritt Richard Merritt P.O. Box 1613 Goldsboro, NC 27533-0000	Violation of G.S. 74C 12 (a) (1) (31), 14B NCAC 16 .0707 - Made any false statement or given any false information in connection with any application for a license, registration, or permit or for the renewal or reinstatement for a license, registration, or permit. Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services. Applicants for an unarmed security guard registration shall complete a basic training course for unarmed security guards within 30 days from the date of permanent hire. The course shall consist of a minimum of 16 hours of classroom instruction.	The committee upheld the following violations against Mr. Richard Waverly Merritt. Making a false statement and given false information in connection with any application for a license, registration, or permit or for the renewal or reinstatement for a license, registration, or permit. Engaging in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services. Applicants for an unarmed security guard registration shall complete a basic training course for unarmed security guards within 30 days from the date of permanent hire. The course shall consist of a minimum of 16 hours of classroom instruction. Board attorney is requested to seek civil injunction against Mr. Merritt for continuing to work after a cease and desist was issued. Should Mr. Merritt apply for a license, certification, registration or permit this matter be presented to the Screening Committee.	Accepted

PPSB Grievance After Report for October 20, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-006	David Thomas Grimes Grimes Investigations, Inc. PO Box 432 Goldsboro, NC 27533-0432	Violation of G.S. 74C-2(a), 74C-12(a)(6), 74C-13(i)(1), 14B NCAC 16 .0201(b), .0403(a), .0707(a), .0807(a), - Engaging in the private protective services profession without a license. Engaged in or permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license issued by the Board. Failing to supervise trainee. Failing to supervise training and investigations conducted by trainee. Failing to ensure that applicants for unarmed security guard registration complete a basic training course for unarmed security guards within 30 days from the date of permanent hire. Failing to ensure that armed security guards complete the basic unarmed security guard training course.	David Grimes and Sentry Security Services, Inc., enter into and pay a consent in the amount of \$1762.56 for registration violations.	Accepted
2015-PPS-007	Mark Eric Zudell ABM Security Services, Inc. 3600 Woodpark Blvd Ste G Charlotte, NC 28206-0000	Violation of G.S. 74C-11(a), 74C-13(a) - Failing to properly register unarmed guards. Allowing armed guards to carry a firearm during the course of their duties without having first met the qualifications of the Board.	Mark Eric Zudell and ABM Security Services, Inc., enter into and pay a consent in the amount of \$12,974.40 for 88 unarmed guard registration violations and 12 armed guard registration violations.	Accepted

PPSB Grievance After Report for October 20, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-010	Joseph Henry Boston Boston Investigations 120 N Market St Washington, NC 27889-0000	Violation of G.S. 74C-2(a) - Holding oneself out as providing private investigator services without being properly licensed by the Board.	Uphold the cease and desist that was issued to Mr. Joseph Henry Boston and Boston Investigations for holding himself out as engaging in the private protective services profession without being properly licensed.	Accepted
2015-PPS-011	Anthony Garson Greenville Security Team 326 Haven Dr Apt 01 Greenville, NC 27834-0000	Violation of 74C-2(a) - Providing Security Guard and Patrol services without being properly licensed.	Uphold the cease and desist issued to Mr. Anthony Garson and Greenville Security Team for providing security guard and patrol services without being properly licensed.	Accepted
2015-PPS-012	Bernard Thomas Kromenacker Forensic Fire Consultants, Inc. P.O. Box 90084 Raleigh, NC 27675-0084	Violation of G.S. 74C-12(a) (6) (23) - Engaged in or permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license issued by the Board. Divulged to any person, except as required by law, any information acquired by the license holder except at the direction of the employer or client for whom the information was obtained.	Issue a letter of warning to Mr. Bernard Thomas Kromenacker for permitting an employee to engage in the private protective services profession when not lawfully in possession of a valid license issued by the Board.	Accepted

PPSB Grievance After Report for October 20, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-013	Timothy Barnes The Observers 322 Paul St Rocky Mount, NC 27803-0000	Violation of G.S. 74C-2 (a) - Providing private investigative services without being properly licensed.	Uphold the cease and desist issued to Mr. Timothy Barnes and The Observers for providing private investigative services without being properly licensed.	Accepted

PPSB Grievance After Report for October 20, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-014	Jeffrey Ronald Baker Ranger Protective Services 6428 Wilkinson Blvd Ste 103 Belmont, NC 28012-0000	Violation of G.S. 74C-12(a) (7) (20) (23) (31), 14B NCAC 16 .0404 - Willfully failed or refused to render to a client service as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties. Failed or refused to offer a report to a client within 30 days of the client's written request after the client has paid for services rendered. Divulged to any person, except as required by law, any information acquired by the license holder except at the direction of the employer or client for whom the information was obtained. A licensee may divulge to any law enforcement officer or district attorney or district attorney's representative any information the law enforcement officer may require to investigate a criminal offense with prior approval and consent of the client. Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.	Case be dismissed - no violation of 74C.	Accepted

PPSB Grievance After Report for October 20, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-015	Jerrold Allen Ross Jerrold Ross 5314-3 Claremont Ave Charlotte, NC 28212-0000	Violation of G.S. 74C-2(a), 74C-13(a) - Providing Security Guard and Patrol services without being properly licensed. Carrying a firearm during the course of performing Security Guard and Patrol duties without having first met the qualifications of the Board.	Uphold the cease and desist that was issued to Mr. Jerrod Allen Ross for holding himself out as engaging in the private protective services profession without being properly licensed. Should Mr. Ross apply for a license, registration or permit this matter will be forwarded to the Screening committee.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
1	Donna Lynne Bierly Coastal Investigative Service P.O. Box 633 Swansboro, NC 28584-0633	Private Investigator	Approval Private Investigator License pending clearance of fingerprint results.	Accepted
2	Brent Benjamin Blevins Geisler Consulting Group, Inc. d/b/a Blue Chameleon Investigations 6003 Oak Ridge Ct Matthews, NC 28104-0000	Private Investigator Associate Sponsor: Dwayne Joseph Green - 2332	Approval Private Investigator Associate License Level I with 200 hours.	Accepted
3	Michael Brennan Baier Investigations and Surveillance Services, LLC P. O. Box 1268 Fuquay-Varina, NC 27526-0000	Private Investigator Associate	Approval Private Investigator Associate License Level I with no hours.	Accepted
4	William Steele Brown WSB Environmental Service LLC 199 Richard Rd Lexington, NC 27292-0000	Security Guard & Patrol	Denied Security Guard & Patrol License for lack of verifiable experience, an unfavorable employment and criminal history.	Accepted
5	Bernard James Clarke Capital Investigations, Inc. 2944 Imperial Oaks Dr Raleigh, NC 27614-0000	Private Investigator	Approval Private Investigator License.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
6	Thomas Kevin Clinton CSI Corporate Security and Investigations, Inc. 3645 Brodhead Rd Monaca, PA 15061-0000	Private Investigator	Approval Private Investigator License.	Accepted
7	Koyan Efram Dolopei Limitless Express, LLC 408 Calibre Lake Pkwy SE Smyrna, GA 30082-0000	Courier Service Profession	Approval Courier Services Profession License.	Accepted
8	LaVonda Marie Earley-Stacey Carolina Surveillance Pro 9716-B Rea Rd Ste 144 Charlotte, NC 28277-0000	Private Investigator Associate Sponsor: Edward Leroy Cobbler - 813	Approval Private Investigator Associate License Level I with no hours.	Accepted
9	Mark Anthony Edmonds D C Investigations P.O. Box 86 Enka, NC 28728-0000	Private Investigator Associate Sponsor: Tamara Diane Rabenold - 3633	Approval Private Investigator Associate License Level I with no hours.	Accepted
10	Duane Allen Edwards Executive Protection and Security Services Inc. P.O. Box 815 Harrisburg, NC 28075-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
11	Jennifer Leeann Fanning Graves Investigations, Inc. 4642 W Market St 111 Greensboro, NC 27407-0000	Private Investigator Associate	Approval Private Investigator Associate License Level II with 1000 hours.	Accepted
12	Stacy Elmer Guthrie Inquest Solutions, Inc. 18 Cumming St Alpharetta, GA 30009-0000	Private Investigator Associate	Denied Private Investigator Associate License for unfavorable employment history.	Accepted
13	Jeremy Edward Guzman Guzman Investigative Services 3771 Caitlin Dr Battleboro, NC 27809-0000	Private Investigator	Denied Private Investigator License for an unfavorable employment history and lack of verifiable experience.	Accepted
14	Kimberly Michelle Hackett Private Eyes, Inc. d/b/a The North Carolina Protection Group 740 SE Greenville Blvd Ste 400-105 Greenville, NC 27858-0000	Private Investigator Sponsor: Gary Patrick Pastor - 2664	Approval Private Investigator License.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
15	Christopher Rozell Hailey Sr. Securitas Security Services USA, Inc. d/b/a Mobile Division 8604 Cliff Cameron Dr Ste 180 Charlotte, NC 28269-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
16	Scott Hurlbut Hanberry Smith & Carson, Inc. 7002 Fordland Dr Raleigh, NC 27606-0000	Private Investigator	Approval Private Investigator License.	Accepted
17	Christopher Allen Haynes C.A. Haynes Investigations 4398 Bridal Creek West Winston-Salem, NC 27106-0000	Private Investigator	Approval Private Investigator License.	Accepted
18	Linden Earl Hazelton II Carteret County Speedway 501 Whitehouse Fork Rd Cape Carteret, NC 28584-0000	Proprietary	Denied the Proprietary application for failure to contact investigator to complete the background process.	Accepted
19	Syed Tariq Jackson Kiker Investigations, LLC 133 E Council St Salisbury, NC 28144-0000	Private Investigator Associate Sponsor: Jeffrey Lee Kiker - 3222	Approval Private Investigator Associate License Level I with no hours.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
20	Michael Dean Kromenacker Forensic Fire Consultants, Inc. P.O. Box 90084 Raleigh, NC 27675-0084	Private Investigator Associate Sponsor: Bernard Thomas Kromenacker - 1558	Approval Private Investigator Associate License Level II with 1000 hours.	Accepted
21	Cathy McRae LaBuz Cathy Labuz Investigations P.O. Box 42602 Fayetteville, NC 28309-0000	Private Investigator	Approval Private Investigator License.	Accepted
22	James Ernest Lewis Coventbridge (USA) Inc. 9485 Regency Square Blvd Ste 400 Jacksonville, FL 32225-0000	Private Investigator	Approval Private Investigator License.	Accepted
23	Lori Ellen Nash Diamond Eye Legal, LLC P.O. Box 121 Clayton, NC 27528-0000	Private Investigator Associate Sponsor: Jennifer McKenzie McCracken - 2043	Approval Private Investigator Associate License Level I with no hours.	Accepted
24	Karen Elizabeth Nelson Cape Fear Investigative Services, Inc. P.O. Box 15636 Wilmington, NC 28408-0000	Private Investigator Associate Sponsor: William Basil Ratcliff - 3225	Approval Private Investigator Associate License Level I with no hours.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
25	Jonathan Theatrice Nesbit TNT Surveillance, LLC 10908 Courthouse Rd Ste 102-242 Fredericksburg, VA 22408-0000	Private Investigator	Approval Private Investigator License.	Accepted
26	Mark Elliott Oliphant Amaker & Associates Investigations, LLC P.O. Box 104 Hertford, NC 27944-0000	Private Investigator	Approval Private Investigator License.	Accepted
27	John Michael Palcher Donan Engineering Company, Inc. 12450 Lake Station Pl Louisville, KY 40299-0000	Private Investigator	Approval Private Investigator License.	Accepted
28	Cheryl Smithson Parker Cheryl S. Parker, Investigations 2211 Laws Store Rd Hurdle Mills, NC 27541-0000	Private Investigator	Approval Private Investigator License.	Accepted
29	Phillip Julian Parker III Crenepo Owned Training Services (C.O.T.S.) Inc. d/b/a C.O.T.S. Private Investigative Services 2516 Fayetteville St Sanford, NC 27332-0000	Private Investigator Associate Sponsor: Phillip Julian Parker Jr. - 3604	Approval Private Investigator Associate License Level I with no hours.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
30	Lukas James Holder Pearman Camel City Security, LLC 250 Executive Park Blvd Ste 106 Winston-Salem, NC 27103-0000	Private Investigator	Approval Private Investigator License.	Accepted
31	Lukas James Holder Pearman Camel City Security, LLC 250 Executive Park Blvd Ste 106 Winston-Salem, NC 27103-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
32	Ridgell Lee Pou All Access Investigation & Protective Services, LLC P.O. Box 1851 Sparta, NC 28675-0000	Private Investigator	Approval Private Investigator License.	Accepted
33	Robert Burton Reynolds Summit Investigations, Inc. d/b/a Summit PI Company 210 Winter St Ste 203 Weymouth, MA 02188-0000	Private Investigator	Approval Private Investigator License.	Accepted
34	Ashley Nicole Maiolo Maiolo Investigations 14460 New Falls of the Neuse Rd Ste 149-122 Raleigh, NC 27614-0000	Private Investigator	Approval Private Investigator License.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
35	Brandon Frazier Shepherd Metropolitan Security Services, Inc. d/b/a Walden Security 5550 Seventy-Seven Center Dr Ste 165 Charlotte, NC 28217-0000	Security Guard & Patrol	Approval Security Guard & Patrol Licene.	Accepted
36	Logan Nelson Small Photofax, Inc. P.O. Box 225 Gilberts, IL 60136-0000	Private Investigator Associate Sponsor: Christopher James Henkle - 3143	Approval Private Investigator Associate License Level II with 1003 hours.	Accepted
37	William Thomas Smith Research Consultants Group, Inc. 9911 Rose Commons Dr Ste E-174 Huntersville, NC 28078-0000	Private Investigator	Approval Private Investigator License.	Accepted
38	Christopher Charles Waight Baier Investigations and Surveillance Services, LLC P. O. Box 1268 Fuquay-Varina, NC 27526-0000	Private Investigator Associate Sponsor: Martin Leo Baier - 3057	Approval Private Investigator Associate License Level II with 1000 hours.	Accepted

PPSB Screening After Report for October 21, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
39	Jimmy Carroll Wooten Bert Croom Private Investigator 244 Princess St Ste 21 Wilmington, NC 28401-0000	Private Investigator	Approval Private Investigator License.	Accepted



North Carolina Department of Public Safety

Private Protective Services Board

Pat McCrory, Governor
Frank L. Perry, Secretary

Gregory K. Baker, Commissioner
Barry S. Echols, Director

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
DECEMBER 17, 2015
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Eric Weaver Sr.
David Arndt
Ed Cobbler
Clyde Cook
Marcus Benson
Richard Epley
William Fletcher, Jr.
William MacRae
Donald Foster
Steve Johnson
Brian Lowman
Nada Lawrimore

BOARD MEMBERS ABSENT

Bud Cesena
Dustin Greene

STAFF PRESENT

Barry Echols - Director
Phillip Stephenson - Field Services Supervisor
Jeff Gray - Attorney
Melvin Turner - Investigator
Garcia Graham - PPSB Board Secretary

GUEST PRESENT

Rory Eddings
Paul Schroll
James Salmon
Jeff Cathcarth
Donald Miller
Edward Brigham

Larry Flannery
Thomas Lewin
Ruth Cruz
Randy Rabenold
Melissa Washington
Bill Johnson

Bob Dunn
Keith Hollen
James Green
Donna Caldwell
Stuart Harris
T. Hunter Glass

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An Equal Opportunity employer

OFFICE LOCATION:
4901 Glenwood Avenue, Suite 200
Raleigh, NC 27612
Telephone: (919) 788-5320
Fax: (919) 788-5365

Guest Present Continued.

Lucius McMillon
Mark Dalton
Jeff Kiker
Harry House
Anthony Petty
David Roebuck
Warren Hall
Todd Carroll
John Shoenfelt
Hollie Trivette
Paul Lattore
Erik Leupold

Derek Partee
Audra Coleman
Donna Campbell
Sandra Russell
Kathy Broom
Laura Kosturi
Dorian Dehnel
Gary Pastor
Walter Pylypiw
James L. Zopp
David Martinez

Durward Conner
Mark Greenfield
Ruth Reynolds
Stephen Bill
David Leonard
Robert McCrury
Michael Easterday
Samer-Russam
Chris Green
Ron Mann
James Rorie

CALL TO ORDER

Chairman Eric Weaver called the December 17, 2015 Private Protective Services Board meeting to order at 9:00 a.m. Chairman Weaver requested that Mr. Benson lead the group in the reciting of the Pledge of Allegiance followed by him welcoming all guests.

GOOD OF THE ORDER:

Attorney Jeff Gray 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.

Mr. Gary Pastor, President of the NCAPI, greeted the Board and all of the guests. He said the Association held the NCAPI fall conference in New Bern, NC on November 5 - 6, 2015. He stated that the conference had great turnout of 142 attendees, 11 vendors and they held election of new officers. He also stated that he started a non- profit organization that will allow him to apply for the Board's grant. He noted that this organization is not directly associated with the NCAPI but it will benefit the Private Investigator profession across the state.

Mr. Pastor announced that the Association will hold its annual meeting in Greensboro, NC and the guest speaker will be Director Barry Echols.

MINUTES:

APPROVAL OF THE OCTOBER 22, 2015 BOARD MEETING MINUTES

MOTION BY MR. MACRAE TO ACCEPT THE MINUTES; SECONDED BY MR. FLETCHER; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Benson reported that the Screening Committee met on Wednesday, December 16, 2015, from 2:00 p.m. to 5:00 p.m. to review a total of 33 applications. (See report). The committee members were Mr. Benson, Mr. Cobbler, Mr. Foster, Mr. MacRae, Mr. Arndt and Mr. Lowman. Mr. Benson read the report for the record. (See attachment)

It was noted Mr. Arndt recused himself from #11 & 15 of the screening report.

It was noted that Mr. Foster recused himself from #3 of the screening report.

It was noted that Mr. Epley recused himself from #20 of the screening report.

It was noted that Mr. Fletcher recused himself from voting on the screening report.

MOTION BY MR. COOK TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

Mr. Benson presented the following registration report for the period of September 16, 2015 to December 15, 2015. Total registrations 6409; armed totals were 790 of which 294 were new and 428 were renewals, and 62 reissue/dual. There were a total of 158 Armed Armored Car, 70 of which were new and 73 renewals. There were a total of 21 Armed Private Investigators, 10 of which were new and 11 renewals. There were a total of 7 Armed Private Investigator Associates, 1 of which was new. Unarmed totals were 5,397 which included 2247 new, 2247 renewals, 501 transfers, and 20 duplicates. There were a total of 36 unarmed armored cars, 16 of which were new and 18 renewals. Total denials were 776 of which 154 were for cause and 622 for correctable reasons. There were 457 applications approved which were previously denied for a total of 1233 denials reviewed.

MOTION BY MR. COOK TO ACCEPT THE REGISTRATION REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Cook reported that the Grievance Committee met on Wednesday, December 16, 2015 from 8:00 a.m. to 10:00 a.m. and heard a total of three cases. The committee members were Mr. Cook, Mr. Johnson and Mr. Epley. Mr. Cook read the report for the record. (See attachment)

Mr. Weaver appointed Mr. Fletcher to the Grievance Committee. He also recommended that the training and education committee needs to allow more time prior to the full Board meeting.

MOTION BY MR. MACRAE TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. MacRae reported that the Training & Education Committee met on December 17, 2015 from 8:00 a.m. until 9:04 a.m. The committee members were Mr. Johnson, Mr. Epley, Mr. Cook, Mr. Arndt and Mr. Cobbler.

Mr. Turner reported that there are no further trainer courses scheduled for the remainder of year 2015.

Presently we have 359 certified PPS unarmed guard trainers and 114 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

- | | |
|--------------------|---|
| November 2-6, 2015 | (0800-1700) UAGT Course & Workshop at WTCC |
| November 16, 2015 | (1000-2300) FT Re-certification & Pre-Qualification Course NCJA |
| September 2, 2015 | (1000-2300) FT Re-Certification & Pre-Qualification Course NCJA |

The following PPS Training Courses for CEU Credits were scheduled to take place before the end of 2015.

- | | |
|-------------------|-----------------------------------|
| December 17, 2015 | 1:00 p.m. - 5:00 p.m. Raleigh, NC |
|-------------------|-----------------------------------|

The following PPS Training Courses for CEU credits have been completed:

- | | |
|-------------------|-----------------------------------|
| December 17, 2015 | 1:00 p.m. - 5:00 p.m. Raleigh, NC |
|-------------------|-----------------------------------|

Mr. Turner stated that the committee discussed several issues regarding weapon discharge by employees since the last Board meeting; which involved the following companies Dunbar Armored, Inc., Securitas Security Services, Inc., Loomis Armored US, LLC and Guard One.

Mr. MacRae reported that Mr. Johnson received an e-mail from Mr. Newton with Duke Energy nuclear plant regarding training issues. He stated that they are having a difficult time allowing the recertification of their armed officers to qualify based on the PPSB schedule. Mr. MacRae stated that the committee had formed a subcommittee to work with Mr. Newton regarding his issues.

Mr. MacRae stated that there was some concerns regarding the number of students attending the PPS Armed Trainer/Pre-Qualification course. The committee requested that Mr. Turner research this and his finding was that these classes are not full.

The new 2016 PPSB Unarmed Guard Trainer and Firearms Trainer courses dates are as follows:

Unarmed Guard Trainer course dates:

March 14-18, 2016

May 2-6, 2016

August 1-5, 2016

September 26-30, 2016

November 28-December 2, 2016

2016 Firearms Trainer Prequal/Re-qual course dates:

February 29, 2016

June 6, 2016

July 11, 2016

September 7, 2016

November 14, 2016

Firearms Trainer course dates:

April 4-8, 2016

September 12-16, 2016

Mr. MacRae stated the following seven (7) continuing education training courses have been submitted for approval: Help Investigators to Prepare Reports for Insurance Companies, Attorneys, Court Cases and Court Testimony, PI ethics (12); Report writing for Security and Private Investigations (8 hours); Basic Theories and Use of Convert Video Surveillance Equipment (8 hours); Glock Armorer Course (8 hours); Business Essentials and Best Practices (4 hours); Recording Laws: Audio and Visual (6 hours); The Care Interviewing System (?).

MOTION BY MR. EPLEY TO ACCEPT THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL. DENY COURSES ENTITLED HELP INVESTIGATORS TO PREPARE REPORTS FOR INSURANCE COMPANY'S ATTORNEYS, COURT CASES AND COURT TESTIMONY, PI ETHICS; BUSINESS

**ESSENTIALS AND BEST PRACTICES AND THE CARE INTERVIEWING SYSTEM;
SECONDED BY MR. BENSON ; MOTION CARRIED.**

**MOTION BY MR. COBBLER TO ACCEPT THE TRAINING AND EDUCATION
COMMITTEE REPORT; SECONDED BY MR. LOWMAN; MOTION CARRIED.**

It was noted that Mr. Arndt recused himself from voting on the training and education committee report.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAWS AND RULES COMMITTEE

NONE

FINANCE REPORT:

NONE

ETHICS COMMITTEE:

Mr. Lowman stated that he has been in contact with State Ethics Commission and there is only one member whose training is due this month.

**MOTION BY MR. BENSON TO ACCEPT THE ETHICS COMMITTEE'S REPORT;
SECONDED BY MR. COOK; MOTION CARRIED.**

OLD BUSINESS:

A plaque was presented to Mr. William Booth for his service to the PPSB Board from February 2006 thru June 2015.

A plaque was presented to Judge Ron Burriss for his service to the PPSB Board from November 2005 thru June 2015.

Mr. Benson asked about the status of the DPS e-mail address. Once everyone has been assigned their DPS e-mail address, Mr. Echols reiterated he will inform the Board members.

BREAK: 9:54 a.m.
RECONVENED: 10:11 a.m.

NEW BUSINESS:

NONE

FINAL AGENCY DECISION

Attorney Gray reminded the Board that at the last meeting they decided to go back to a procedure that had not been used for a long time; to ensure recusals of members who sat in on either screening or grievance which is appealed. He noted that there are not very many of these cases. Mr. Johnson and some others that have sat on the Criminal Justice Standards Commission, strongly recommended the board do so, and he asked the board to start with that today. Board Members will not have to recuse when it is a "for cause" denial, which is the vast majority of denials, generally for criminal history issues an applicants may have.

David Wayne Holland - 15 DOJ5712. Mr. Holland was present. This case was heard by Administrative Law Phillip E. Berger Jr. on August 25, 2015. This case involved the denial of the petitioner's unarmed guard registration based on lack of good moral character and demonstration of intemperate habits as evidenced by a conviction of misdemeanor Larceny.

MOTION BY MR. MACRAE TO UPHOLD THE BOARD'S INITIAL DECISION AND DENY MR. HOLLAND'S UNARMED GUARD REGISTRATION APPLICATION; SECONDED BY MR. COOK; FOUR OPPOSED; MOTION CARRIED.

Samer Muneer Al-Russan - 15 DOJ4663. Mr. Al-Russan was present. This case was heard by Administrative Law Phillip E. Berger Jr. on August 25, 2015. This case involved the denial of the petitioner's unarmed guard registration based on lack of good moral character and demonstration of intemperate habits as evidence by a conviction of two separate counts of Driving While Impaired.

MOTION BY MR. BENSON TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT MR. AL-RUSSAN HIS UNARMED GUARD REGISTRATION APPLICATION; SECONDED BY MR. COOK; TWO OPPOSED; MOTION CARRIED

Alicia Catherine Nolan- 15 DOJ4442. Ms. Nolan was not present. This case was heard by Administrative Law Philip E. Berger Jr. on August 25, 2015. This case involved the denial of

the petitioner's application for a Security Guard & Patrol License based on lack of good moral character and demonstration of intemperate habits as evidenced by her negative employment history.

MOTION BY MR. BENSON TO UPHOLD THE BOARD'S INITIAL DECISION AND DENY ALICIA CATHERINE NOLAN A SECURITY GUARD & PATROL LICENSE; SECONDED BY MS. NADA; FOUR OPPOSED; MOTION CARRIED.

MOTION BY MR. JOHNSON TO GO INTO CLOSED SESSION TO RECEIVE LEGAL ADVICE FROM THE BOARD'S ATTORNEY AS TO THE NEXT CASE; SECONDED BY MR. BENSON; MOTION CARRIED.

CLOSED SESSION: 11:04 a.m.
RECONVENED: 11:26 a.m.

Michael L. Thompson - 15 DOJ4461. Mr. Thompson was not present. This case was heard by Administrative Law Philip E. Berger Jr. on August 25, 2015. This case involved the denial of the petitioner's application for a Private Investigator License based on lack of good moral character and demonstration of intemperate habits as evidenced by his negative employment history.

MOTION BY MR. COOK TO UPHOLD THE BOARD'S INITIAL DECISION AND DENY MICHAEL THOMPSON A PRIVATE INVESTIGATOR LICENSE; SECONDED BY MR. COBBLER; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Barry Echols read the report for the record. The current PPS budget as of November 30, 2015, has a balance of \$1,219,226.69; the Education Fund balance is \$74,338.68. As of November 30, 2015, the total registrations for PPS is 18,301: 1,823 licensees and 579 certifications.

Mr. Echols reported that there have been a total of 2,497 various correspondences printed from the PPS database, 4,138 registration cards have been printed and a total of 4,956 applications received since the last Board meeting.

The resignation of Deputy Director Anthony Bonapart, effective December 11, 2015, was reported; Mr. Echols stated he had no further information at the time other than apparently, Mr. Bonapart had found a better job.

Mr. Echols reported that he and Phil Stephenson traveled to New Bern to attend the meeting of the NC Association of Private Investigators back November. He stated there was great interaction and they gave out approximately 50 PI or PIA applications, and they talked to approximately 200 people. He noted he is to attend and speak at the NCAPI annual meeting dinner on January 8, 2016, in Greensboro.

Reporting on the status of the computer system. Mr. Echols read an e-mail received before this morning's meeting from Bob Hinson, CIO of DPS, which stated in part... "all steps were complete as of 12/14/15..." and that usually a 10 day time period to complete the projects but deadlines are seldom met, but he told them to meet this one. The proposal should go to the vendor in mid-January.

The search for the PPS office space continues. Mr. Echols reported that he is staying in close contact with Chairman's Weaver and Gregory and the State Property Office in order to evaluate options. The lease on the current space expires September 2016, however, per the contract the lease can be extended if necessary. The gathering of information is ongoing and he is passing it along.

Mr. Echols reported on the registration backlog as being three weeks for armed and eight weeks for unarmed and alarm.

Finally, he reported that the hiring of two new investigators will take place next week, stating that both people being looked at are seasoned investigators. He noted that Cynthia Hepburn will be reassigned as lead auditor for PPS.

MOTION BY MR. JOHNSON TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Deborah Young/National Alliance Security Agency (Screening) - Consent Agreement in the amount of \$2,040.00 has not been received.

2. David Grimes and Sentry Security Services, Inc. - Consent Agreement in the amount of \$1,762.56 was never mailed to licensee, per Director Echol's instructions to hold all consents until further notice.
3. Mark Eric Zudell and ABM Security, Inc. - Consent Agreement in the amount of \$12,974.40 was never mailed to licensee per Director Echol's instructions to hold all consents until further notice.

II. OFFICE OF ADMINISTRATIVE HEARINGS

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney's Report.

III. RULES

1. At the Board's December 2014 meeting it voted to approve a rifle as an authorized firearm to be carried by armed security guards upon training and registration. Amendments to 14B NCAC 16 .0807, .0809, .0901 and .0904 were approved at the Board August 27, 2015 meeting and the required Notice of Text published in the North Carolina Register and on the Board's website. A public hearing was held on these rules last Friday, October 16th and one citizen was in attendance. One person later submitted written comment. The public comment period expires November 30, 2015. Once any action is taken by the board on the public comment and the amendments approved, the amended rules can be filed for review by staff with the Rules Review commission. The deadline is December 21st (four days after today's meeting.)

The minutes of the public hearing, with a synopsis of the comments, and the written comment is attached. (*See*, attachment 2.) Mr. Gray recommend that the Board wait until its December Board meeting and review all comments.

A copy of these rule amendments, as published in the North Carolina Register were attached to the Attorney's Report. A vote to approve them is necessary.

MOTION BY MR. JOHNSON TO MOVE FORWARD WITH THE RULES TO INCLUDE THE ITEMS IDENTITY IN HIS ATTACHED LETTER OF THE ATTORNEY'S REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

2. At the last Board meeting Mr. Gray was instructed to proceed with some miscellaneous rule adoptions and amendments. The adoption of a new rule, 14 B

NCAC 16 .0115, would allow for extensions of time in limited instances, and amendments to 14B NCAC .0201 and .0402. (Two other rules, .0302 and .0401, have very minor corrections being made.) These rules adoption and amendments were attached to the Attorney's Report. A vote to approve and proceed with filing the Notice of Text is necessary.

MOTION BY MR. BENSON TO HOLD OFF FROM APPROVING THESE MISCELLANEOUS RULES UNTIL MORE ITEMS ARE READY TO PROCEED TO RULEMAKING; SECONDED BY MR. FLETCHER; MOTION CARRIED.

IV. LEGISLATION

- I. House Bill 299, "Amend Private Protective Services Act/Changes," was heard in the House Committee on Judiciary III on May 6, 2015. It was amended to add a provision allowing the Board to own real property (with a similar provision for the Alarm Systems Licensing Board) and received a favorable report. However, the serial referral to the House Finance Committee was stricken and it was referred to the House Committee on Rules, Calendar and Operations of the House. There was no further action on this bill thereafter.

Since it has a fee in it, this bill is still eligible for consideration and Mr. Gray will continue to work with Ryan Combs and Jarrett Burr, Legislative Liaisons for DPS, in the "short session" when the legislature re-convenes on April 25, 2016.

- II. A number of other bills of interest - - either directly effecting the Board, or Tangentially effecting it - - have been introduced this Session. They are:
 - a. Senate Bill 408, "Firearms on School Grounds/Security Guards," would provide that the prohibition on carrying a weapon on educational property would not apply to an armed security guard registered under Chapter 74C of the General Statutes when acting in the discharge of the guard's duties with the permission of the college, university, or superintendent of the local school administrative unit. This bill would also allow any local law enforcement agency to request a list of the armed security guards employed by the college, university, or local school administrative unit. It was referred to Senate Committee on Rules and Operation of the Senate and saw no further action.
 - b. Four bills, Senate Bill 469, "Occupational Licensing Board Reporting Requirements," Senate Bill 361, "Occupational Licensing Reform Study," and House Bill 760, "Regulatory Reform Act of 2015," and House Bill

765, (also named) Regulatory Reform Act of 2015, each address some aspect of the Program Evaluation Division's Report on occupational licensing boards that was released December 2014. For the most part, the Board was not affected by this Report, however, its status as an "Article 3A agency" under Chapter 150B, the Administrative Procedures Act, could be challenged. (Note: Article 3A is the section that allows the Board to make the final decision following an administrative hearing before the Office of Administrative Hearings.)

House Bill 765 is the only one of these four bills that saw final action, and it passed and was presented to the Governor for signature on October 1st. Most provision in this bill were directed towards environmental issues, but house Bull 765 did contain two interesting provisions. A licensee of an occupational licensing board can no longer be contracted with or employed by the Board to serve as an investigator or inspector if the person is still actively practicing in the profession or occupation, Second, was a provision directing the Joint Legislative Administrative Procedure Oversight Committee to review the recommendations in the Program Evaluation Divisions report on occupational licensing boards, consult with interested parties, and make recommendations for proposed legislation in the "short session."

- c. One bill is of particular interest to the Board in that it would help resolve when someone is an "employee" and when the person is an "independent contractor." Aimed at reducing lost tax revenue due to intentional worker misclassification, House Bill 482, "Employee Fair Classification Act," has a specific provision that would require all occupational licensing boards to: 1) include on every application for licensure, permit, or certification, or application for renewal, a certification that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 2) require all applicants to truthfully certify on the appropriate application that the applicant has read and understands the employee misclassification notice set forth in new G.S. 95-278(a)(7); 3) deny the license, permit or certification application of any applicant who fails to comply with the certification requirement; and 4) revoke such license, permit, or certificate and deny and refuse to grant any renewal or other application therefor until the licensee, permittee, certificate holder or applicant shall have furnished evidence sufficient to establish compliance with new G.S. 95-279(a). The bill also provides a succinct definition of "employee."

House Bill 482 passed the House, passed the Senate with amendments, and on return to the House for concurrence was assigned to the Committee on Rules, Calendar and Operations of the House and no further action. It is eligible for consideration in the "short session."

- d. Twice over the past three (3) years, the Board has had to amend its administrative rules to reflect first the passage of, then an amendment to, G.S. § 93B-15.1, entitled, "Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license." (Chapter 93B of the General Statutes governs all occupational licensing boards.) Senate Bill 545, "Workforce Enhancement/Veterans," requires licensure based solely on proof of a military occupational specialty and passage of a proficiency exam. Senate Bill 545 was signed by the Governor on July 8, 2015.

After this issue was discussed at the Board's October meeting, it was determined that a third round of rule amendments is not necessary. Creation of a "proficiency examination" for each of the licensees, registrations and certifications issued by the Board will be done on an as-needed basis.

V. PENDING CASES

For the past 30 months Attorney Gray has been reporting to the Board the status of a civil action filed against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-cv-636 - - WDNC. (Mr. Kelly was unlicensed as a security guard business and unregistered as a security guard, but performing armed security guard and patrol services. He was arrested by the Charlotte-Mecklenburg Police Department and charged with violating Chapter 74C.) Attorney Gray informed that the Court granted the Board's Motion to Dismiss Pursuant to Fed.R.Civ.P. 12(b) (6) and Motion for Summary Judgment, as well as similar motions filed by the other Defendants, on May 27, 2015. This action was dismissed with prejudice. The Plaintiff gave notice of appeal on June 24th.

The Plaintiff-Appellant has filed his Brief and Mr. Gray filed the Board's Brief with the Fourth Circuit Court of Appeals on November 13, 2015.

Mr. Weaver asked the status of the consents agreements. Mr. Echols reported that they are currently discussing the issue with the Department of Public Safety and once these issues has been resolve he will update the Board.

MOTION BY MR. MACRAE TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

PUBLIC COMMENT:

NONE

MOTION BY MR. COBBLER TO ADJOURN; SECONDED BY MR. MACRAE; MOTION CARRIED.

12:15 P.M. Adjourned

Barry Echols, Director

Garcia Graham, Board Secretary

PPSB Grievance After Report for December 16, 2015 8:00 am

Case Number	Complaint Against	Allegation(s)	Grievance Committee Recommendation	Board Action
2015-PPS-009	Sylvia Hudson Kent Confidential Eyes 1161 Folly Rd Plymouth, NC 28395-0000	Violation of G.S. 74C-2(a) - Engaging in the private investigator profession without being properly licensed.	Uphold the cease and desist to Ms. Sylvia Hudson Kent and Confidential Eyes for providing private investigative services without being properly licensed.	Accepted
2015-PPS-016	Donald Frank Talley North State Security 450 W HANES MILL Rd Winston-Salem, NC 27105-0000	Violation of G.S. 74C-13(b)(2) - All firearms carried by authorized armed security guards in the performance of their duties shall be owned or leased by the employer.	Donald Talley and North State Security enter into and pay a consent in the amount of \$1836.00 for registration violations. Issue a letter of reprimand to Mr. Michael Bell for carrying a weapon in the performance of his duties that was not owned or leased by the company.	Accepted
2015-PPS-019	Steven Andiloro Professional Security Solutions, LLC 276 Blume Rd Mooresville, NC 28117-0000	Violation of G.S. 74C-2(a), 74C-13(a) - Engaging in the security guard and patrol profession without being properly licensed. Allowing armed guards to carry a firearm during the course of their duties without having first met the qualifications of the Board.	Attorney Gray is authorized to file a Temporary Restraining Order and seek a civil injunction against Mr. Steven Andiloro for violating the cease and desist order. Staff is to notify Jeff Baker with the UNC Police Department for possible criminal activity.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
1	Jamie Katherine Alexander Marshall Investigative Group, Inc. 4819 Emperor Blvd Ste 400 Durham, NC 27703-0000	Private Investigator	Approval Private Investigator License.	Accepted
2	Chastity Renay Boone Blue Line Investigations 116 Cari Ln Matthews, NC 28104-0000	Private Investigator Associate Sponsor: Bruce Scott Goldstein - 4816	Approval Private Investigator Associate License Level I with no hours.	Accepted
3	Kyle Reese Breischafft Stealth Vigilance, LLC 4801 Glenwood Ave Ste 200 Raleigh, NC 27612-0000	Private Investigator	Approval Private Investigator License.	Accepted
4	Christopher Wilson Bristow Southern Transfer, INC 504 Apache Dr Winston Salem, NC 27107-0000	Courier Service Profession	Approval Courier Service Profession License.	Accepted
5	John Walton Callicutt Commercial Index Bureau, Inc 5307 Broadmoor Pl Greensboro, NC 27410-0000	Private Investigator	Approval Qualifying Agent for two companies.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
6	Samuel Ransom Crain IV Collins & Tabor Investigators, LLC Building 1200 3380 Trickum Rd Ste 100 Woodstock, GA 30188-0000	Private Investigator	Approval Private Investigator License.	Accepted
7	Koyan Efram Dolopei Limitless Express, LLC 408 Calibre Lake Pkwy SE Smyrna, GA 30082-0000	Courier Service Profession	Approval Courier Services Profession License.	Accepted
8	Jeffrey Mark Drane Southeast Investigative Group 353 Jonestown Rd Ste 217 Winston-Salem, NC 27104-0000	Private Investigator Associate Sponsor: Jeffrey Bryan Deberry - 4036	Approval Private Investigator Associate License Level I with no hours.	Accepted
9	Michael Charles Easterday SOS Security LLC d/b/a SOS Security of North Carolina LLC 13534 Plaza Road Extension Ste 112 Charlotte, NC 28215-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
10	Brian Daniel Freelan A & O Security 292 Upper Herron Cove Rd Weaverville, NC 28787-0000	Security Guard & Patrol	Denied a Security Guard & Patrol License for unfavorable employment history and prior Board actions.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
11	Christopher Rozell Hailey Sr. Securitas Security Services USA, Inc. d/b/a Mobile Division 8604 Cliff Cameron Dr Ste 180 Charlotte, NC 28269-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
12	Paula McCoy Hayes Bert Croom Private Investigator 244 Princess St Ste 21 Wilmington, NC 28401-0000	Private Investigator	Approval Private Investigator License.	Accepted
13	Keith Michael Hinchcliffe Iron Gate Security, LLC 76 Whetstone Angier, NC 27501-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
14	Stephen Patrick Hopkins Fivehops Investigations 255 Meadow Glen Dr Wake Forest, NC 27587-0000	Private Investigator	Approval Private Investigator License.	Accepted
15	Amanda Anne Kendall Dothan Security, Inc. d/b/a DSI Security Services 8720 Red Oak Blvd Ste 115 Charlotte, NC 28217-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
16	Gregory Ray Lineberger Barefoot Private Investigation 1011 E Morehead St Ste 110 Charlotte, NC 28204-2812	Private Investigator	Approval Private Investigator License.	Accepted
17	Micah Tehillah Mahallawi The Blain Law Firm, P.C. 416 McCullough Dr Ste 230 Charlotte, NC 28262-0000	Private Investigator	Approval Private Investigator License.	Accepted
18	Gerald McMillan McMillan Security Service 9305 Spring House Ln Ste K Laurel, MD 20708-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
19	Robbie Cameron Pittman Pittman Private Investigations 2003 Jake Ln Greenville, NC 27858-0000	Private Investigator	Approval Private Investigator License.	Accepted
20	Davara Cornando Ponds DC Protective Service 122 S Morrow Ave Albemarle, NC 28001-0000	Private Investigator	Approval Private Investigator License.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
21	Jessica Jacobs Potter Trusted Agents Surveillance & Knowledge Private Investigations 2828 Mosquera Dr Fayetteville, NC 28306-0000	Private Investigator Associate Sponsor: David Scott Potter - 5047	Approval Private Investigator Associate License Level I with no hours.	Accepted
22	Cameron Payne Pressley Novant Health 200 Hawthorne Ln Charlotte, NC 28204-0000	Private Investigator Associate Sponsor: Kip Allen Clark - 3931	Approval Private Investigator Associate License Level I with 800 hours.	Accepted
23	Ricardo Esteban Reyes R&R Investigative Services 4227 Cherry Hill Ln Fayetteville, NC 28312-0000	Private Investigator	Approval Private Investigator License.	Accepted
24	Kenneth William Richardson All Access Investigation & Protective Services, LLC P.O. Box 1851 Sparta, NC 28675-0000	Private Investigator	Approval Private Investigator License.	Accepted
25	Melissa Yvonne Richardson North State Security Group, LLC d/b/a North State Security 450 W HANES MILL Rd Winston-Salem, NC 27105-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
26	Emma Ryan Ritchie Coventbridge (USA) Inc. 9485 Regency Square Blvd Ste 400 Jacksonville, FL 32225-0000	Private Investigator	Approval Private Investigator License.	Accepted
27	Briana Lee Schuck Crump Investigations P.O. Box 2187 Indian Trail, NC 28079-2187	Private Investigator	Approval Private Investigator License.	Accepted
28	Nia Imani Singletary Risk Management Associates d/b/a Protus3 4000 WestChase Blvd Ste 350 Raleigh, NC 27607-0000	Private Investigator Associate Sponsor: Russell William Gilmore - 3480	Approval Private Investigator Associate License Level I with 800 hours.	Accepted
29	Gregory Stephen Smith Deps Safety & Security Services, Inc. Proposed Location: 8201 Emerald Dr Emerald Isle, NC 28594-0000	Branch Office	Approval Branch Office License.	Accepted

PPSB Screening After Report for December 16, 2015

Number	Name Company Name Address	License	Recommendation	Board Action
30	Elizabeth Ann Southerland CriminalRecordCheck.com, Inc. d/b/a CRC Investigative Services P.O. Box 90998 Raleigh, NC 27675-0000	Private Investigator Associate Sponsor: Dorian Dirk Dehnel - 3188	Approval Private Investigator Associate License Level I with no hours.	Accepted
31	Dennis R. Stancoven Jade Security, Inc. 10838 Kings Rd Myrtle Beach, SC 29572-0000	Security Guard & Patrol	Approval Security Guard & Patrol License.	Accepted
32	William Tyler Swain Delta Group Investigations and Security P.O. Box 31 Manteo, NC 27954-0000	Private Investigator Associate Sponsor: John Benjamin Whitehurst - 4538	Approval Private Investigator Associate License Level I with 500 hours.	Accepted
33	Alex Hampton Thompson Southeastern Consulting and Investigations,LLC 19 Bridgewater Ct Chapel Hill, NC 27517-0000	Private Investigator	Approval Private Investigator License.	Accepted