



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Erik Hooks, Secretary

Pamela Cashwell, Chief Deputy Secretary
Barry S. Echols, Director

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
APRIL 20, 2017
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBERS PRESENT

Eric Weaver Sr.
Brian Lowman
Ed Cobbler
Clyde Cook
William Fletcher, Jr.
William MacRae
Steve Johnson
Nada Lawrimore
Bud Cesena
Dustin Greene
Larry Proctor
David Arndt

BOARD MEMBERS ABSENT

Marcus Benson
Richard Epley

STAFF PRESENT

Barry Echols – Director
Phillip Stephenson - Field Services Supervisor
Jeff Gray - Attorney
Melvin Turner – Training Officer/Investigator
George Daniels – Investigator
Ronald Broadwell - Investigator
Garcia Graham – PPS Board Secretary
Deborah Martin-Johnson – Licensing Assistant

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GUESTS PRESENT

Jeff Kilan
Samantha Barbee
Brett Hickman
Andy Renfro
Ron Kiser
Beatrice L. Powers
Adam Worwick
Randall Rabenold
Kenneth W. Sheffield

Michael Sanders
Gary Pastor
Forrest Galyean
Gregory Hatten
Dorian Dehnel
John Taylor
Zack Conner
Deborah Worley
Andy McCollum

David Kaiser
Donald S. Ricci II
Mack Donaldson
Mike Matthews
Leon Ives
Tamara Rabenold
Dorian Dehnel
Paul Latorre
Don Miller

CALL TO ORDER

Chairman Eric Weaver called the April 20, 2017 Private Protective Services Board meeting to order at 9:30 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. Gregory Hatten of the NCAPI, greeted the Board and all of the guests. He stated that the NCAPI is still working on the 2017 Fall Conference that is scheduled for November 5-7 to be held at Cherokee Casino, Cherokee, NC. Licensees can obtain 12 hours of continuing education credits for attending the Conference.

MINUTES:

APPROVAL OF THE FEBRUARY 23, 2017 BOARD MEETING MINUTES

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

SCREENING COMMITTEE REPORT:

Mr. MacRae stated that the Screening Committee met on Wednesday, April 19, 2017, from 1:35 p.m. to 6:00 p.m. to review a total of 54 applications. (See report attached). The committee members included Mr. MacRae, Mr. Cesena, Mr. Arndt, Mr. Lowman, Mr. Proctor and Mr. Cobbler. Mr. MacRae read the report for the record. (See attachment)

Mr. Cesena recused himself from #27, 28 and #50 of the Screening report.
Mr. Arndt recused himself from #39 and #50 of the Screening report.

MOTION BY MR. COBBLER TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. LOWMAN; MOTION CARRIED.

REGISTRATION REPORT:

Mr. MacRae presented the following registration report for the period of January 18, 2017 to April 18, 2017. Total registrations 6331; armed totals were 840 of which 380 were new and 394 were renewals, 1 duplicate and 65 reissue/dual. There was a total of 191 Armed Armored Car, 87 of which were new, 103 renewals and 1 reissue/dual. There was a total of 22 Armed Private Investigators, 6 of which were new and 16 renewals. There was a total of 3 Armed Private Investigator Associates, 2 renewals and 1 reissue/dual. Unarmed totals were 5238 which included 2133 new, 2696 renewals, 402 transfers, 7 duplicates. There were a total of 37 unarmed armored cars, 20 of which were new, 16 renewals and 1 transfer. Total denials were 401 of which 65 were for cause and 336 for correctable reasons. There were 331 applications approved which were previously denied for a total of 732 denials reviewed.

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

GRIEVANCE COMMITTEE REPORT:

Mr. Green reported that the Grievance Committee met on Wednesday, April 19, 2017 from 9:00 a.m. to 10:52 a.m., and heard a total of three cases. The committee members were Ms. Lawrimore, Mr. Cook, Mr. Cesena and Mr. Fletcher. Mr. Lawrimore read the report for the record. (See report attached)

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

TRAINING & EDUCATION COMMITTEE:

Mr. MacRae reported that the Training & Education Committee met on Thursday, April 20, 2017 from 8:00 a.m. until 9:09 a.m. The committee members were Mr. MacRae, Mr. Johnson, Mr. Cook, Mr. Arndt, Mr. Cesena and Mr. Cobbler.

Mr. Turner stated that the following PPS Trainer courses are scheduled:

- May 1-5, 2017 (0800-1700) UAGT Course & Workshop at WTCC
- May 22, 2017 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
- July 10, 2017 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
- July 31-August 4, 2017 (0800-1700) UGT Course & Workshop at WTCC
- September 6, 2017 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
- September 19-22, 2017 (0800-1700) FT Course & Legal Class at Salemburg NCJA
- September 25-29, 2017 (0800-1700) UGT Course & Workshop at WTCC
- November 13, 2017 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
- November 27-December 1, 2017 (0800-1700) UGT Course & Workshop at WTCC

Firearms Trainer Long-Gun Courses – TBD

Presently we have 400 PPS certified unarmed guard trainers. We have 130 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

- January 23-27, 2017 (0800-1700) UGT Course & Workshop at WTCC
- February 6-8, 2017 (0800-1200) FT Long-Gun Course at Camp Butner
- March 13-17, 2017 (0800-1700) UGT Course & Workshop at WTCC
- March 20, 2017 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
- April 3-6, 2017 (0800-1700) FT Course & Legal Class at Salemburg NCJA

The following PPS Training Courses for CEU Credits are scheduled:

- | | | |
|-------------------|--------|-------------|
| April 20, 2017 | 1-5 pm | Raleigh, NC |
| August 24, 2017 | 1-5 pm | Raleigh, NC |
| December 21, 2017 | 1-5 pm | Raleigh, NC |

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

- | | | |
|-------------------|--------|-------------|
| February 23, 2017 | 1-5 pm | Raleigh, NC |
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Weapon discharge:

Mr. Turner reported that there were two weapons discharges; both were actual shootings. The first incident was a firearms discharge from Cpt. Sherman Dunaway with Eagle Eye Security which appeared to be a self-defense incident. An individual fired shots at Cpt. Dunaway while driving by in his vehicle. Mr. Dunaway immediately returned several shots striking the individual's vehicle and then called 911. There were no charges filed against Cpt. Dunaway and he is still employed as an armed guard with his company.

The second incident involved Donald O Meador, Jr. with Securitas Security Services, USA, Inc., unarmed guard off-duty shooting incident. There was a domestic disturbance call at his residence. Mr. Meador shot his wife in the leg and a deputy in the shoulder. Criminal charges were filed against Mr. Meador and he is currently being held in the Guilford County Detention Center. Mr. Meador has been terminated from employment with Securitas.

Training Update:

Joyce Vaughn has recently conducted some additional minor changes to the Unarmed Guard Trainer PowerPoint presentation and trainer manual, excluding the updated Homeland Security and Controlled Substance material, which is still in process. A final review of the material will be conducted during the week of 04/24/17 to 04/28/17 and will be dispersed to all T&E Committee members for review.

No training audits have been conducted for the month of March.

Firearms Trainer Long-Gun Courses – A new Long-Gun Qualification Record form to be utilized for armed guard training has been placed on the NCDPS/PPS website for all active Firearms Trainers qualified to teach the PPS Long-Gun Course.

Mr. MacRae stated that a separate long-gun certificate form is being reviewed by Mr. Gray.

Mr. MacRae stated the following eight (8) continuing education training courses have been submitted for approval: The Criminal Intelligence Analysis Techniques (12 hours); Workplace Violence (2 hours); Basic Anti-Terrorism Awareness (4 hours); Basic Intelligence Analysis for Private Investigators (8 hours); Using Resources to Validate Your Hypothesis (2 hours); Fundamentals of Interviewing (4 hour); Evidence Examination: What Happens in the Lab (4 hours) and Process Elimination (3 hours).

MOTION BY MR. CESENA TO ACCEPT ALL THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL; SECONDED BY MR. FLETCHER; MOTION CARRIED.

Mr. MacRae informed the Board and the industry that it has come to the committee's attention that the manual provided by the Justice Academy is not the most up to date manual. The Training and Education committee has directed Mr. Echols and Mr. Turner to be responsible for maintaining the Trainer's manual. Should the instructor need another manual they should be able to obtain one from PPSB for a fee and Mr. Echols will be looking into the cost.

Mr. MacRae stated that the committee revisited the process of how grant funds are being disbursed. This program was geared toward "501(3) (c)" entities (non-profit organizations) and community colleges. It was requested by the T & E Committee for a motion from the Board to change our internal policy to allow the grant to be available to any entity, whether non-profit or for-profit, to provide continuing education training to the Private Protective Services licensees.

A lengthy discussion regarding the disbursement of grant funds ensued.

MOTION BY MR. JOHNSON THAT \$5000.00 GRANT BE AVAILABLE TO ANY ENTITY TO PROVIDE CONTINUING EDUCATION TRAINING FOR ALL PPS LICENSEES AND REGISTRANTS AND THE ENTITY RECEIVING THE GRANT FUNDS FOR REIMBURSEMENT CANNOT CHARGE THE LICENSEES OR REGISTRANTS ANY ADDITIONAL FEE FOR THE TRAINING; SECONDED BY MR. COBBLER; MOTION CARRIED.

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

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAW AND RULES COMMITTEE

Ms. Lawrimore reported that the Law and Rules Committee met on Wednesday, April 19, 2017 from 8:00 a.m. to 8:43 a.m. The committee members were Ms. Lawrimore, Mr. MacRae, Mr. Arndt, Mr. Fletcher, Mr. Cook, Mr. Cesena and Mr. Proctor.

Ms. Lawrimore stated that the bill has been introduced in the House and in the Senate. House Bill 566 and Senate Bill 634 have been sent to committee and are looking good for both to be in crossover by next week. In addition, the committee is trying to keep aware of what else is going on that may affect the industry and make sure that the Private Protective Services are exempt. Mr. Fletcher and Ms. Lawrimore spent time at the general assembly following two bills of interest that may affect the industry. House Bill 409 was of concern because it dealt with background checks. Upon further research it was determined this was only for law enforcement and PPS will not be affected. House Bill 558, use of devices while using a motor vehicle, was supposed to address mainly cell phones, however it goes into other devices; an exemption was obtained for PPS.

MOTION BY MR. COOK TO ACCEPT THE LAW AND RULES COMMITTEE'S REPORT; SECONDED BY MR. LOWMAN; MOTION CARRIED.

FINANCE REPORT:

Mr. Fletcher reported that the Finance committee met in the PPS conference room on Tuesday, April 18, 2017 from 4:00 p.m. to 5:35 p.m. The committee members were Mr. Fletcher, Mr. Arndt, Mr. MacRae and Mr. Lowman. Mr. Fletcher stated that the committee examined the budget report covering the last month and previous year; there were no major issues to report and he gave a recap of the budget.

MOTION BY MR. GREENE TO ACCEPT THE FINANCE COMMITTEE'S REPORT; SECONDED BY MR. LOWMAN; MOTION CARRIED.

ETHICS COMMITTEE

Mr. Lowman stated that he currently has an updated ethics report that is different from the one that was provided in their packet. There was one member whose SEI was past due (Mr. Benson) and two members (Mr. Benson and Mr. Cook) who have upcoming education courses due in June. He also reminded Chairman Weaver that at the end of June his term on the Board will be up and now is a good time to start looking for a replacement Chair for this committee.

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

BREAK: 10:23 a.m.
RECONVENED: 10:41 a.m.

OLD BUSINESS:

Ms. Lawrimore gave an update on a Public Service announcement. Research is still underway and they will consult with Mr. Roper before moving further.

NEW BUSINESS:

Mr. Gray reported that the Crimes Manual currently used by the registration staff processors to determine deniable criminal offenses was outdated. His Associate, Maggie Craven, met with staff to review and revise the Manual. Ms. Craven will need to meet with staff again before presenting the Manual to the Screening Committee. Mr. Gray also stated that the Alarm System Licensing Board uses the same manual and will be sharing the cost of this revision. Once the manual is finalized, the Board will need to approve the Manual as policy of the Board for denial purposes.

Mr. Weaver suggested that Mr. Gray e-mail an electronic copy of the manual to all Board members for review.

FINAL AGENCY DECISION

Donald Stephen Ricci II, - 17 DOJ0047. Mr. Ricci was present. This case was heard by Administrative Law Judge J. Randolph Ward on January 31, 2017. This case involved the denial of the petitioner's unarmed guard registration based on a lack of good moral character and demonstration of intemperate habits as evidenced by a conviction of felony child abuse with serious injury.

MOTION BY MR. MACRAE TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND GRANT MR. RICCI'S UNARMED GUARD REGISTRATION APPLICATION; SECONDED BY MR. COBBLER; MOTION CARRIED. Mr. Cook opposed. Mr. Cesena, Mr. Arndt and Mr. Fletcher abstained from voting on this matter.

DIRECTOR'S REPORT:

Mr. Echols read the report for the record. The current PPS budget as of April 18, 2017, has a balance of \$1,303,179.02; the Education Fund balance is \$82,064.98. As of April 18, 2017, the total registrations for PPS are 21,148: 1,820 licensees and 604 certifications.

Mr. Echols reported that a total of 2,643 registration cards have been printed and a total of 4,542 applications received since the last Board meeting.

Mr. Echols gave an update on the Permitium/scanning project. He stated that Permitium will be showing a demo tomorrow, April 21, 2017 at 9:00 a.m. at the PPS office and invited the committee members to attend. After the demo he will send out a status update to all Board member.

Mr. Arndt had some concerns about the new system and felt we should not go live until all parties were in agreement so as to make it a smooth and friendly transition.

MOTION BY MR. ARNDT THAT WE DO NOT GO LIVE UNTIL THE DIRECTOR, PERMITIUM REPRESENTATIVES, STAFF AND THE COMMITTEE FEEL IT IS READY TO GO LIVE; SECONDED BY MR. CESENA; MOTION CARRIED.

Mr. Echols reported that we currently have four temporary and three permanent positions open. He stated that hopefully within the next two weeks he will be able to fill those positions. He also introduced Mrs. Pamela Cashwell, the new Chief Deputy Secretary for DPS.

Mr. Weaver asked Director Echols of the time line for processing an application for registration. Mr. Echols stated that he currently did not have that information but would look into the matter. He also asked Director Echols about updating the Board members information on the website and the status of card I.D. for Board members. Mr. Echols advised Chairman Weaver that he will be contacting Clyde Roper at DPS who handles the website for PPS to make sure all information is updated and hopes to have the I.D. card for Board members within the next two weeks.

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

PUBLIC COMMENT:

NONE

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Chad Allen Burke - - On June 23, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Burke in the amount of \$9,180.00 registration violations. Payment has not been received.

2. Brian Trent Woodell and Eagle Protective Services, Inc. - - On December 15, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Woodell in the amount of \$3,182.40 for registration violations. Payment has not been received.
3. Cason Demetrius Bolton and Empire Private Protective Services - - On December 15, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Bolton in the amount of \$5875.20 in three (3) monthly installments for registration violations. Second payment was received on January 16, 2017.
4. Dennis Pridgen and A-1 Services, LLC. - - On February 23, 2017 the Private Protective Services Board voted to enter into a consent agreement with Mr. Pridgen in the amount of \$9,486.00 in three monthly installments for registration violations. **Payment has not been received.**
5. Uri Gal and Professional Security Consultants - - On February 23, 2017 the Private Protective Services Board voted to enter into a consent agreement with Mr. Gal in the amount of \$2,448.00 for registration violations. Paid in full.

II. OFFICE OF ADMINISTRATIVE HEARINGS

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

III. RULES

The Board currently has no pending rule adoptions or amendments; however it is necessary that the Board begin the process for some minor changes.

Mr. Arndt stated that at previous Board meeting the Board only voted to use CRC.com for background checks in order to be more uniform and not go back to age of 18. He stated that there have being some complaints and concerns regarding applicants going back to age of 18 to provide criminal record checks.

After discussion by the Board Mr. MacRae made a motion.

MOTION BY MR. MACRAE TO DIRECT MR. GRAY TO AMEND THE APPROPRIATE AREAS OF 14B NCAC SUBCHAPTER 16, THAT MOVING FORWARD ALL BACKGROUND CHECKS MUST BE OBTAINED FROM THE VENDOR DESIGNATED BY THE BOARD PURSUANT TO G.S.74C-8(1), THAT ALL NEW APPLICATIONS FOR LICENSING, CERTIFICATION AND REGISTRATION

EACH APPLICANT BE REQUIRED TO SUBMIT A BACKGROUND CHECK FOR THE RESIDENCE IN WHICH THEY HAVE LIVED FOR THE PAST SIXTY (60) MONTHS; SECONDED BY MR. LOWMAN; MOTION CARRIED.

IV. LEGISLATION

Identical House and Senate bills making various changes to Chapter 74C have been introduced in the General Assembly. They are House Bill 566 and Senate Bill 634, both entitled, "Private Protective Services Changes." The House version was referred to the House Committee on Judiciary I with a serial referral to Finance and the Senate Bill was referred to the Senate Committee on Rules and Operations of the Senate. Neither bill has been heard in committee. A copy of HB 566 was attached to the Attorney's report.

MOTION BY MS. LAWRIMORE TO INSTRUCT MR. GRAY TO MAKE ANY CHANGES AS NEEDED; SECONDED BY MR. MACRAE; MOTION CARRIED.

V. PENDING CASES

For the past 40 months Mr. 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.) 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 and this action was dismissed with prejudice. The Plaintiff gave notice of appeal on June 24, 2015, and the parties filed their respective Brief with the Fourth Circuit of Appeals on November 13, 2015.

Oral arguments in this matter would be held on Tuesday, October 25, 2016 in Richmond, Virginia and Robert M. McDonnell, the attorney for the Charlotte-Mecklenburg Police Department and Mr. Gray will share the Appellees allotted time. Member Justin Greene attended the arguments as the Board's representative.

Mr. Gray received the opinion of the Court on November 11, 2016. In a very strange and sudden turn of events, the appeal was dismissed and the case remanded to the federal Magistrate Judge who heard the parties' motions for summary judgment.

In its simplest terms, the Court found that the Judge had failed to rule on two counts in the Plaintiff's Complaint and therefore only granted partial summary judgment; the granting of only partial summary judgment is "interlocutory in nature," which means it cannot be appealed until the entire case is concluded.

The attorneys for all parties filed a motion for Status Conference on December 8, 2016. On April 4, 2017 the Judge ruled on this Motion by way of an Order requiring the parties to confer and file a status report.

MOTION BY MR. MACRAE TO GO INTO CLOSED SESSION TO DISCUSS PERSONNEL ISSUES; SECONDED BY MS. LAWRIMORE; MOTION CARRIED.

CLOSED SESSION: 12:00 p.m.
RECONVENED: 1:07 p.m.

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

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

1:08 P.M. Adjourned

Phillip Stephenson, Field Services Supervisor

Garcia Graham, Board Secretary