



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Erik Hooks, Secretary

Pamela Cashwell, Chief Deputy Secretary
Brian Jones, Director

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
AUGUST 24, 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
Larry Proctor
David Arndt
Richard Epley

BOARD MEMBERS ABSENT

Marcus Benson

STAFF PRESENT

Brian Jones - Director
Wayne Woodard – Interim Deputy 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

Donna Campbell
Kevin Tibbits
Orrin Bynes
David Pettingell
Larry Flannery
Alex Spruell
Roy Shipman
Chris Rodermond
Ruth Cruz-Nichols
Paul Lattore

Sandra Epley
Michael Blackwood
Mark Greenfield
Taylor Whittington
Robert Dunn
Zack Conner
Matt Patin
Myron McClain
Charles Cobb Jr.
Debra Roth

Randy Starkey
Gary Pastor
Donald Defago
Bill Fletcher
Michelle Sullins
Michael Walker
Donald Grantham
Ruth Reynolds
Dorian Dehnel

CALL TO ORDER

Chairman Eric Weaver called the August 24, 2017 Private Protective Services Board meeting to order at 9:35 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.

Ms. Pamela Cashwell, Chief Deputy Secretary, welcomed and introduced Brian Jones to the Board members and audience as the new Director for the Private Protective Services Board.

Ms. Cashwell also thanked Mr. Woodard for staying on to help the new Director transition to his new position and stated that she is very grateful for his service.

Mr. Douglas Holbrook, Chief Financial Officer, Department Public Safety addressed the Board regarding their questions and concerns relating to the new requirement for Board members who receive per diem compensation for service on the Board. He stated that the Internal Revenue Service had classified public officials as “employees,” therefore, any payments to these individuals are subject to income tax withholding. This classification relates back to January 1, 2017.

After a lengthy discussion Mr. Arndt asked Mr. Holbrook to look into other ways that Board members can file for the first part of the year without being penalized. Mr. Holbrook stated that he will look into the matter with the State Controller's Office and report back to the Board.

Mr. Weaver also asked Mr. Holbrook about the mileage reimbursement and Mr. Holbrook stated that he will look into that as well.

Mr. Larry Flannery, past President of the NCAPI, greeted the Board and all guests. He stated that the NCAPI is very busy planning the 2017 Fall Conference which is scheduled for November 5-7 to be held at Cherokee Casino, Cherokee, NC, and invited all to attend. PPS will have a booth and be present to answer any questions the industry may have.

Mr. Cesena made a suggestion to Mr. Flannery if the NCAPI could look into the possibility of having their conference coincide with the Private Protective Services Board meeting in the future.

MINUTES:

APPROVAL OF THE JUNE 22, 2017 BOARD MEETING MINUTES

Mr. Cook stated that the motion he made was not correct in the minutes and his motion was to "empower Chairman Weaver to collaborate with Interim Director Wayne Woodard to implement a qualified full time individual that will oversee the computer project for a period of one year to be paid no more than \$50,000.00." Correction will be made prior to posting to the Website.

MOTION BY MR. COOK TO ACCEPT THE MINUTES WITH THE CORRECTION; SECONDED BY MR. CESENA; MOTION CARRIED.

APPROVAL OF THE JULY 27, 2017 TELEPHONE CONFERENCE MEETING MINUTES

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

APPROVAL OF THE MAY 23, 2017 TELEPHONE CONFERENCE MEETING MINUTES

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

SCREENING COMMITTEE REPORT:

Mr. MacRae stated that the Screening Committee met on Wednesday, August 23, 2017, from 1:30 p.m. to 5:38 p.m. to review a total of 58 applications. (See report attached). The Committee members included Mr. MacRae, Mr. Cesena, Mr. Arndt, Mr. Proctor and Mr. Cobbler. Mr. MacRae read the report for the record. (See attachment)

Mr. Cesena recused himself from #13 of the Screening report.
Mr. Fletcher recused himself from #40 of the Screening report.
Mr. Arndt recused himself from #43 and 48 of the Screening report.

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

REGISTRATION REPORT:

Mr. MacRae presented the following registration report for the period of June 13, 2017 to August 16, 2017. Total registrations 5023; armed totals were 648 of which 237 were new and 331 were renewals, and 80 reissue/dual. There was a total of 97 Armed Armored Car, 40 of which were new and 57 renewals. There was a total of 14 Armed Private Investigators, 2 of which were new and 12 renewals. There was a total of 5 Armed Private Investigator Associates, 3 of which were new, 1 renewal and 1 reissue/dual. Unarmed totals were 4249 which included 2249 new, 1757 renewals, 231 transfers and 12 duplicates. There were a total of 10 unarmed armored cars, 6 of which were new and 4 renewals. Total denials were 918 of which 181 were for cause and 737 for correctable reasons. There were 273 applications approved which were previously denied for a total of 1191 denials reviewed.

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

GRIEVANCE COMMITTEE REPORT:

Mr. Cesena reported that the Grievance Committee met on Wednesday, August 23, 2017 from 9:15 a.m. to 10:59 a.m., and heard a total of four cases. The Committee members included Mr. Cesena, Mr. Cook, Mr. Johnson, Mr. Fletcher, Ms. Lawrimore, and Mr. Epley. Mr. Cesena read the report for the record. (See report attached)

Mr. Cesena recused himself from voting on case #2017-PPS-002 of the Grievance report.

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

TRAINING & EDUCATION COMMITTEE:

Mr. MacRae reported that the Training & Education Committee met on Thursday, August 24, 2017 from 8:05 a.m. until 9:20 a.m. The Committee members included Mr. MacRae, Mr. Johnson, Mr. Cook, Mr. Arndt, Mr. Cesena, Mr. Epley and Mr. Cobbler.

Unarmed Guard Training Courses

January 8-12, 2018 (0800-1700) UGT Course & Workshop at WTCC
March 12-16, 2018 (0800-1700) UGT Course & Workshop at WTCC
May 14-18, 2018 (0800-1700) UGT Course & Workshop at WTCC
August 27-31, 2018 (0800-1700) UGT Course & Workshop at WTCC
September 24-28, 2018 (0800-1700) UGT Course & Workshop at WTCC
November 26-30, 2018 (0800-1700) UGT Course & Workshop at WTCC

Firearms Training Courses

March 19, 2018 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
April 2-5, 2018 (0800-1700) FT Course & Legal Class at Salemburg NCJA
May 21, 2018 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
July 9, 2018 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
September 5, 2018 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA
September 10-13, 2018 (0800-1700) FT Course & Legal Class at Salemburg NCJA
November 12, 2018 (1000-2300) FT Re-Certification & Pre-Qualification Course at NCJA

Mr. MacRae inquired as to the remaining 2017 trainer courses to which Mr. Turner reported the following courses remain for 2017:

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 – will be scheduled in November.

Mr. MacRae reiterated to the industry that only one course remains in 2017 for anyone interested in becoming a Trainer.

Mr. Turner reported the following PPS Training courses for CEU Credits remain for 2017; one following today's meeting, from 1:00 to 5:00 pm.

December 21, 2017 1:00-5:00 pm Raleigh, NC

Weapons discharge:

Mr. Turner reported that there were four separate incidences since the last Board meeting.

The first incident was an accidental discharge by Officer Emanuel T. Little with Independent LLC located in Charlotte. There were no injuries or damages from this discharge and the officer was subsequently charged with a misdemeanor Discharge Firearm in the City by CMPD. He has a pending court date of 10/10/17 in Mecklenburg County District Court. Officer Little is still employed with Independent LLC and is only authorized to work in an unarmed capacity until further notice by the PPS Board and/or pending the results of this criminal charge.

The second incident was a firearms discharge by Officer Dalton Ballentine with Guard One Protective Services located in Matthews. After his shift ended, Officer Ballentine had gone home where he was confronted by, and had an altercation with, two intoxicated men near his home in Winston-Salem. He was shot at twice with one bullet hitting him in the foot. Officer Ballentine was able to get to the trunk of his vehicle and retrieve his security duty firearm and fired several times hitting the assailant thereby stopping the attack after discharging his weapon of all ammunition. The Winston-Salem PD was dispatched to the scene and upon further police investigation Officer Ballentine was not placed under arrest due to the incident, it appearing that the shooting was self-defense based on the police incidence report of the WSPD. No disciplinary action was taken against Officer Ballentine and he is still actively employed as an armed guard with Guard One Security unless otherwise advised by the PPS Board.

The third incident was a negligent discharge by Officer Ralph Guliano at Landmark Security located in Charlotte, which damaged the guardhouse window. Officer Guliano stated he was practicing drawing his weapon in anticipation of his upcoming requalification when he caused it to discharge. There were no injuries. Mr. Cesena, QA of Landmark Security, was notified of the event and met with Officer Guliano. After discussion between Mr. Cesena and Officer Guliano of the incident, Officer Guliano resigned his Armed Guard status with Landmark, but remains employed as an unarmed security officer.

The fourth incident was Officer Roland D. White of Signal 88 Security of Raleigh who was working an armed post at a hotel who was summoned by an unknown female of an assault in progress. Officer White then observed the altercation in a breezeway and saw the assailant strike a female several times and immediately intervened whereby the assailant then struck Officer White several times about the face and chest and pushed Office White to the ground. The

assailant moved toward Officer White to assault him again and Officer White rose from the ground and drew his pistol ordering the assailant to stay away several times. The assailant continued to approach and rapidly moved his hand toward his waistband as if to draw a weapon and the Officer felt his life and the life of the female was in danger of death or serious bodily harm. He fired one round of ammunition at the assailant which struck him in the abdomen and he dropped to the breezeway floor. No further force was utilized and Officer White immediately called 911 and notified the police of the shooting and requested emergency medical treatment for the assailant. The CMPD report indicates this case is still pending and is in the hands of the DA for any possible charges against Officer White.

Training Update:

Mr. Turner reported no audits were conducted in the month of July 2017 due to schedule conflicts with dates of armed training. He also stated he sent out a list of upcoming firearms training on 08/02/17, via email to the Field Investigators and volunteer PPS Board Members for audit purposes; however, no audits were conducted from this list of firearms training and he is scheduled to attend an unannounced armed guard training on August 30 and/or August 31, 2017.

Mr. Turner gave an update on the Unarmed Guard Trainer Manual and PowerPoint presentation has been submitted to the T&E Committee; however, Joyce Vaughan, Lead PPS Instructor for the Unarmed Guard Trainer course at WakeTech, is currently in the process of revising one of two sections remaining, the Traffic Direction Section. The Controlled Substance section is in the process of being revised by Mr. Turner and is expected to be completed by the next PPS Board Meeting. A rough draft of these final two sections will be submitted to the T&E Committee for review upon completion.

Mr. MacRae reported that the Training & Education Committee reviewed several applications for continuing education credits:

- Introduction to Social Media Searches (2 hours);
- Proactive Patrol Procedures & Techniques for Security Officers (2 hours);
- Crime Prevention through Environmental Design (2 hours);
- Handling Emergencies and Unusual Incidents (2 hours);
- Fraud in the Workplace (2 hours);
- Surveillance 100 (8 hours)
- Identity Theft (2 hours);
- Investigative Process (2 hours);
- Workplace Violence Prevention and Managing Aggressive Behavior (2 hours);
- Bomb Threat Assessment and Management (2 hours);
- Workplace Violence Investigations for Private Investigators (6 hours);
- Terrorist Methods of Operation for Private Investigators (6 hours);

It's All Lies: Understanding Deception Detection (6 hours);
Fundamentals of Interviewing (4 hours);
Evidence Examination: What Happens at the Lab? (4 hours);
Process of Elimination (3 hours);
Using Resources to Validate your Hypothesis (2 hours);
Workplace Violence Preventions and Managing Aggressive Behavior (2 hours)
Introduction to Explosives and IED Technology (2 hours)
Handling Conflict and Confrontation (2 hours)
Benefits of Computer Forensics III (2 hours)
Use of Forensic CAN in Private Investigations III (2 hours)
Trends in Physical Security Technology (2 hours)
Security Concepts and Elements of Physical Security (2 hours)
Hostage Negotiations for PIs (6 hours)
Suicide Intervention for PIs (6 hours)
Death Investigations for PIs (6 hours)
Domestic Violence Investigations for PIs (6 hours)
Executive Protection I (12 hours)
Truth or Dare: Testifying Strategies and Techniques (6 hours)
Truth or Dare: Interviewing Strategies and Techniques (6 hours)
Stealth Mode: Surveillance (6 hours)
Stealth Mode: Uncover Ops (6 hours)
Treasure Hunt: Dumpster Dive (6 hours)
Treasure Hunt: Asset Search (6 hours)
CVSA Examiner Re-Certification Course (12 hours)
Analytical Interview System (AIS) (12 hours)

MOTION BY MR. COOK TO ACCEPT ALL COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL EXCEPT ONE, AND TO DENY THE COURSE ENTITLED EXECUTIVE PROTECTION I; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Mr. MacRae reported that Dr. Frank Scaletti with the NC Community College System advised that they are working within their public service administration tract to create a series of courses related specifically to private security. Mr. MacRae stated he met with Dr. Scaletti last week and they discussed some of the courses to be included. Those courses included an Introduction to Security Protection Services, Private Security Operations, Intro to Loss Prevention and the Private Security Businesses. Mr. MacRae introduced Dr. Scaletti who informed the Board that a community college will have to be willing to offer these courses and then a submission be made to the Education Commission for approval. At point these courses would be available to all of the community colleges. Mr. MacRae stated that for anyone who would be taking these courses for an AA degree, they are coming up with the criteria to allow credit for experience so an

officer who has been employed in the private security industry for a certain number of years. The Committee and Dr. Scaletti will be working on creating parameters for which that person could receive credit based upon those years of service. The goal is for this to become live Spring 2018.

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, August 23, 2017 from 8:15 a.m. to 9:07 a.m. The Committee members were Ms. Lawrimore, Mr. MacRae, Mr. Fletcher, Mr. Arndt, Mr. Cook, Mr. Greene, Mr. Cesena and Mr. Proctor.

Ms. Lawrimore gave an update on House Bill 566 stating they were hoping it was going to get passed but reported that it was in a stack somewhere but it has gone through all the hoops it needs to go through but it probably will not get passed until the end of January.

Ms. Lawrimore reported the Committee discussed fees, more specifically was if PPS had to go back before the General Assembly, should the fees be reduced. Attorney Gray advised the Committee that changes can be made up to a certain amount, or reduced, by administrative rule, without going before the General Assembly. Ms. Lawrimore noted the immediate concern which has been discussed in Laws and Rules was with regard to the IT program, Permitium. Ms. Lawrimore stated that one of the Committee members, David Arndt, along with member Bill MacRae, have both been extremely diligent in trying to work for the Board and the industry, in making certain that the Permitium system is exactly what is needed. Ms. Lawrimore stated Mr. Arndt does have some concerns and Ms. Lawrimore deferred to Mr. David Arndt to give an update on his concerns.

Mr. Weaver recognized Mr. Arndt to discuss the Permitium project.

Mr. Arndt addressed the Board and industry members noting that while some concerns about the Permitium system have been discussed in prior meetings, they are now at a crossroads and a

decision must be made to either move forward, or backward. Mr. Arndt updated the industry on the Permitium project reporting that a more positive feeling of the project was had after a meeting with Permitium, DPS IT and IT Procurement, on Tuesday, August 22, 2017. Mr. Arndt stated that both former Interim Director Woodard and new PPS Director Jones approached Permitium and that Permitium began making the corrections that same afternoon. Mr. Arndt reported that the current processing system, PPS2000 is slated to be shut down on September 11, 2017.

Director Jones interjected and asked who exactly this information came from and is this a “target date” from DOJ or whether that is a dead stop. Director Jones stated he is in the process of verifying that information and his plans were to reach out to DOJ and DPS IT to determine whether they are flipping the switch on PPS2000 or if that is the target. Obviously, that hope as obviously, that is a really short timeline and hoping that is flexible. Director Jones reiterated that one of the decisions needing to be made is transferring the data from PPS2000.

Mr. Arndt agreed saying the problem is that PPS2000 is on a 2003 Windows server and it has been sitting there since its creation and it is going to eventually die; this is inevitable. The other issue is that we cannot just copy and paste information. The data will not transfer; they have tried to rewrite it.

Mr. Arndt stated he would like to make several motions or suggestions to the Board to see how it should be handled. First, permission needs to be given to Permitium to have all PPS2000 information transferred over so they can start building their system.

MOTION BY MR. ARNDT TO APPROVE PPS DELIVERING DATA FROM PPS2000 TO PERMITIUM, ONCE THE CURRENT DENIAL ISSUE IS CORRECTED IN THE PERMITIUM SYSTEM. SECONDED BY MR. FLETCHER. MOTION CARRIED.

Ms. Lawrimore clarified the issue of PPS2000 being shut down, noting the General Assembly has sent out a mandate that all entities of State Government are supposed to be brought up to date and currently the server does not have the security and that is why it is being shut down. It is not for anything else, just to be able to bring the program up to date.

Mr. Arndt continued that the Attorney’s Report contains reference to CRC.com. PPS set the new online system so that one online criminal record system would be uniform and the Board approved it. Mr. Arndt deferred to Attorney Gray to clarify.

Attorney Gray explained that it was done to change the administrative rule in time and that it may not be perfect but it looks like the rule change will be approved as it should be effective November 1, 2017. Attorney Gray noted that if there is lag of a month or two and someone

raises the issue, we will have to accommodate them and let them send in a criminal history check from wherever or from their local Clerk of Court.

Attorney Gray reminded the Board that there are also the electronic payment method (i.e., electronic check, credit card, etc.) rule changes which is something PPS has not had before. Attorney Gray noted that with Permitium, or even if PPS2000 still existed, there is no harm in having such a rule and having them all coincide. Attorney Gray advised he has already warned staff, the Board Members and new Director Jones, that possible rule changes may be required in the future to make further adaptations to the new Permitium program if implemented.

Mr. MacRae made note that CRC.com and the token it generates which will enable the industry to use the Permitium system is up and running due to diligent work by the CRC.com staff. Mr. MacRae encourages the industry to begin using it even though it is not required and even though they do not have access to the Permitium system yet, but to start using the new CRC.com program explaining there is a little more information required but he believes it will be helpful to start using it for both in-state and out-of-state so when Permitium is live, industry staff will be familiar with it and will be able to immediately access the Permitium system.

MOTION BY MR. ARNDT THAT AFTER SEPTEMBER 11, 2017 THE PROJECT TEAM MEET WITH PERMITIUM TO VERIFY CHANGE REQUESTS HAVE BEEN MET AND DO ONE MORE SESSION WITH TEN COMPANIES CHOSEN BY PPS STAFF (OR VOLUNTEER COMPANIES) WITH THE TRAINING SESSION BEING VIA WEBINAR WITH PERMITIUM PERSONNEL AVAILABLE; IF NO ISSUES POSSIBLE ROLL-OUT; SECONDED BY MR. MACRAE. MOTION CARRIED.

Mr. Arndt suggested a memo go out to the licensees advising them that they will now need a computer, a credit card, and training and noted that the nice thing about the Permitium system is there will be no more paper. Mr. Arndt explained companies will have to set up their own site, their own designees or licensees and will be held accountable a little bit more.

Mr. Arndt continued, reporting that back in November 2016, the Board voted that PPS would cover the fees for the application submission in Permitium for the first year. The Finance Committee met with then Interim Director Woodard, who ran the numbers, and Mr. Arndt deferred to Mr. Woodard for his report.

Mr. Woodard reported that a \$97,000.00 invoice for scanning for the Permitium project was just submitted. He noted there are approximately 6,000 paper applications that are currently in backlog, and these paper applications will need to be entered by staff into the Permitium system. Mr. Woodard stated that at \$4.00 each that is approximately \$24,000.00 and with that it is anticipated that four additional temporary staff will need to be hired in order to get these applications entered in a timely manner and that it will take approximately sixty (60) days to get

those applications entered at a cost of \$20,000.00 in temp fees. Mr. Woodard mentioned a couple of pending civil cases, and then the Board's desire to pay the transaction fee for a year for all applicants which includes licensing and registration. When estimating 35,000 applications for twelve (12) months, that \$4.00 fee amounts to approximately \$140,000.00. Mr. Woodard stated he wanted to make the Board aware of these large ticket items that would be coming out of the fund balance. As they consider how to go about making payments on these items, however, he reiterated that there will be no additional payments to Permittium as far as development as that is included in the transaction fee once it goes active. Mr. Woodard mentioned that going forward however, there will be additional documents that will need to be scanned so there will be some additional costs but certainly not of the prior volume or amount.

Mr. Cesena noted that previously the estimated cost was \$80,000.00; now, the estimated cost is about \$140,000.00 to \$145,000.00 on the fees at this point so he suggested the Board consider going from a year to 6 months if the PPS Board is going to do this.

Mr. MacRae asked for the floor, and being recognized by Chairman Weaver, noted that the Finance Committee has looked at the PPS activity year-to-year, and the Board's finances; having been on the Finance Committee for six years, Mr. MacRae stated that in that timeframe there has yet to be a fiscal year where the cash balance for the PPS Board has decreased and noted as a general rule, the industry is anticipated to expand by eight percent (8%) going forward. While on the one side what the Board needs to consider in this discussion is the fact that even though these are large expenditures, they are one time expenditures; however, on the other side, the Board has had a history of positive growth and there is also a continued growth in the industry so when we as a Board are looking at this, the general operating expenses which are relatively static, year-to-year there are no major increases in operating expenses, such as staff, rent, utilities, etc. Mr. MacRae stated that in actuality, the use of this computer system will probably provide some relief of the cost of temporary employees currently employed simply because there will be no need for them in order to process so much physical paper, so there is the revenue side to consider.

MR. JOHNSON MADE A MOTION TO REDUCE APPLICATION FEES BY \$4.00 FOR A PERIOD OF SIX (6) MONTHS INSTEAD OF TWELVE (12) AS PREVIOUSLY VOTED ON IN DECEMBER 2016, FOR EACH TYPE OF APPLICATION SUBMITTED, IN ORDER TO OFFSET THE \$4.00 TRANSACTION FEE IN PERMITIUM; SECONDED BY MR. EPLEY; MOTION CARRIED.

MR. ARNDT MADE A MOTION TO MODIFY THE DECEMBER 2016 MOTION TO PAY THE \$4.00 TRANSACTION FEE FOR THE FIRST YEAR DUE TO LANGUAGE OF THAT MOTION MODIFYING SAID MOTION BY REDUCING APPLICATION FEES BY \$4.00 FOR THE PURPOSE OF HELPING THE INDUSTRY DURING THE PERMITIUM TRANSITION; THIS REDUCTION IN FEES WILL BE IN EFFECT FOR

A PERIOD OF SIX (6) MONTHS BEGINNING AT GO LIVE OF THE SYSTEM AND AT WHICH TIME THIS REDUCTION IN FEES WILL BE REVIEWED BY THE BOARD AFTER THE SIX (6) MONTH PERIOD TO DETERMINE THE FINANCIAL ENCUMBRANCE ON THE BOARD AND WHETHER TO CONTINUE ANOTHER SIX MONTH PERIOD OR TO STOP. SECONDED BY MR. EPLEY. MOTION CARRIED.

FINANCE REPORT:

Mr. Fletcher reported that the Finance Committee met in the PPS conference room on Tuesday, August 22, 2017 from 1:20 p.m. to 2:16 p.m. The Committee members were Mr. Fletcher, Mr. Arndt and Mr. MacRae. Mr. Fletcher stated that the Committee discussed the Permitium invoice of \$97,000.00; PPSB has already paid \$40,000.00 for a total of \$137,000.00 for the scan project to date. Mr. Fletcher reported there were no major issues to report, with the Education Fund balance being \$85,659.48. Mr. Fletcher noted it is encouraging that there is an expected eight percent (8%) increase over last year which should help to offset some of the large expenditures.

MOTION BY MR. JOHNSON TO ACCEPT THE FINANCE COMMITTEE'S REPORT; SECONDED BY MR. COOK; MOTION CARRIED.

ETHICS COMMITTEE

Mr. Weaver reported that everyone is in 100% compliance. He noted that a statutory change moved Board of Elections and the State Ethics Commission into one new state Board doesn't change, as far as he is aware, any of the PPS Board's obligations to report; however it does change whose name is on the forms. He does not know if there is a new online alternative but is hoping it is currently being worked on.

OLD BUSINESS:

None.

NEW BUSINESS:

Chairman Weaver called for the election of officers and turned over the nomination process to Attorney Jeff Gray. Attorney Gray conducted the election of the new Board officers.

MR. CESENA MADE A MOTION TO NOMINATE MR. ERIC WEAVER AS CHAIRMAN; SECONDED BY MR. COOK. MOTION CARRIED. NONE OPPOSED.

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

MR. CESENA MADE A MOTION TO NOMINATE MR. MACRAE AS CHAIRMAN OF THE TRAINING & EDUCATION COMMITTEE; SECONDED BY MR. WEAVER; MOTION CARRIED. NONE OPPOSED.

MR. MACRAE MADE A MOTION TO NOMINATE MR. CESENA AS CHAIRMAN OF THE GRIEVANCE COMMITTEE; SECONDED BY MR. COOK. MOTION CARRIED. NONE OPPOSED.

MS. LAWRIMORE MADE A MOTION TO NOMINATE MR. ARNDT AS CHAIRMAN OF THE SCREENING COMMITTEE; SECONDED BY MR. WEAVER. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER A MADE A MOTION TO NOMINATE MS. LAWRIMORE AS CHAIRMAN OF THE LAW AND RULES COMMITTEE; SECONDED BY MR. COOK. MOTION CARRIED. NONE OPPOSED.

MS. LAWRIMORE MADE A MOTION TO NOMINATE MR. FLETCHER AS CHAIRMAN OF THE FINANCE COMMITTEE; SECONDED BY MR. WEAVER. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER MADE A MOTION TO NOMINATE MR. BENSON AS THE PPSB ETHICS LIASION; SECONDED BY MR. COBBLER. MOTION CARRIED. NONE OPPOSED.

Chairman – Eric Weaver
Vice-Chair – Vincent “Bud” Cesena

The following members were selected to chair the specified committees:

Training & Education Committee– William “Bill” MacRae
Grievance Committee – Vincent “Bud” Cesena
Screening Committee – David Arndt
Laws and Rules Committee – Nada Lawrimore
Finance Committee – William Fletcher
Ethics – Marcus Benson

Mr. Weaver presented the following 2018 PPS Board Meeting dates:

February 21-22, 2018 – Raleigh, NC
April 25-26, 2018 – Raleigh, NC
June 20-21, 2018 – Raleigh, NC
August 22-23, 2018 – Raleigh, NC
October 24-25, 2018 – TBA
December 19-20, 2018 – Raleigh, NC

Mr. Cesena suggested moving the October 24-25, 2018 meeting to November to coincide with the NCAPI annual conference. NCAPI has not determined their exact dates or location at the present time. Mr. Woodard reminded the Board that the Alarm Board meets in November and to consider staff when deciding this move. There was further discussion of locations and dates, Mr. Weaver asked first for a motion of meeting dates:

MR. CESENA MADE A MOTION TO ACCEPT ALL DATES AS CURRENTLY SET FORTH WITH THE POSSIBILITY OF MOVING OCTOBER 24-25, 2018 TO COINCIDE WITH NCAPI'S ANNUAL CONFERENCE; SECONDED BY MR. FLETCHER. TWO OPPOSED; MOTION CARRIED

Mr. Weaver asked for a motion as to meeting locations:

MR. CESENA MADE A MOTION THAT ALL MEETINGS WOULD BE HELD IN RALEIGH, NC WITH THE EXCEPTION OF THE OCTOBER 24-25, 2018 WHICH IF MOVED TO COINCIDE WITH NCAPI'S ANNUAL CONFERENCE LOCATION; SECONDED BY MR. COOK; THREE OPPOSED; MOTION CARRIED.

Mr. Weaver turned to Attorney Jeff Gray, to address the Memorandum of Understanding with DPS.

Attorney Gray referred back to the Wilmington meeting, reminding the Board of the proposed Memorandum of Understanding between the Department of Public Safety and the PPS Board. Attorney Gray recalled Deputy Secretary Cashwell's hand delivery of the final version of that Memorandum that same morning; and noted that it was basically identical to that which was presented to the Alarm Systems Licensing Board and which was approved and signed by that Board. While he himself did not anticipate any issues with it, it appears to have caught some Board members by surprise when Ms. Cashwell presented it at the Wilmington meeting.

Mr. Gray stated that upon further discussion with Mr. Woodard and Director Jones, it appears the main issues in the Memorandum seem to be the role that DPS plays in the everyday affairs of the PPS Board, and therefore Attorney Gray explained this was his reason for sending the statute out to everyone. Attorney Gray noted that as the Board's attorney, he does not have an issue with the MOU because it protects the Board more than it does DPS and explained that under the duties and powers of the Board in the statute, and its obligations, it says "this Board" shall pay any state agency the use of its facilities and the services provided to it...". It also makes clear that all of the employees of the Board are State employees. No employee of this Board is hired by the Board; that is specifically by statute. Hiring is the sole prerogative of the DPS Secretary and the sole prerogative of the Director.

Mr. Weaver stated he has not signed the Memorandum of Understanding and asked for the Board's input, noting there is one edit that needs to be done with reference to the PIO and legislative Liaison services.

MOTION BY MR. MACRAE TO GO INTO CLOSED SESSION TO DISCUSS THE CONTRACT TERMS FOR SERVICE; SECONDED BY MR. FLETCHER; MOTION CARRIED.

CLOSED SESSION: 12:57 p.m.

MOTION BY MR. CESENA TO GO INTO OPEN SESSION; SECONDED BY MR. JOHNSON; MOTION CARRIED.

RECONVENED: 1:25 p.m.

Mr. Weaver asked if there were any comments or other discussion motions.

MR. COOK MADE A MOTION TO EMPOWER THE CHAIR TO SEEK A SECOND OPINION, TO RETAIN AN ATTORNEY TO REVIEW THE MOU AND WHETHER IT SHOULD BE SIGNED. SECONDED BY MR. MACRAE. TWO OPPOSED; MOTION CARRIED.

Mr. Weaver asked for discussion and Mr. Cesena stated that Board member Dustin Greene, who is also an attorney, reviewed the MOU and agreed that it should be signed, so to him that was the second opinion.

FINAL AGENCY DECISION

Donald Keith Grantham - 17 DOJ 03356. Mr. Grantham was present. This case was heard by Administrative Law Judge Donald W. Overby on June 27, 2017. This case involved whether

Petitioner should be denied a security guard and patrol license based on Petitioner's unfavorable credit history.

MOTION BY MR. JOHNSON TO UPHOLD THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDATION AND GRANT MR. GRANTHAM'S SECURITY GUARD AND PATROL LICENSE. SECONDED BY MR. FLETCHER. MOTION CARRIED. (*Recusal: Mr. Cesena, Mr. MacRae, Mr. Cobbler, Mr. Arndt, Mr. Proctor*)

Jeremy Kendall Muldrow - 17 DOJ 01213. Mr. Muldrow was present. This case was heard before the Administrative Law Judge J. Randolph Ward on April 25, 2017. This case involved whether Petitioner should be denied a security guard and patrol license based on lack of verifiable experience.

MOTION BY MR. JOHNSON TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND DENY MR. MULDROW'S SECURITY GUARD AND PATROL LICENSE, CORRECTING TYPOGRAPHICAL ERRORS IN ¶12 OF PROPOSAL FOR DECISION; SECONDED BY MR. FLETCHER; MOTION CARRIED. (*Recusal: Mr. Cesena, Mr. MacRae, Mr. Cobbler, Mr. Arndt, Mr. Proctor*)

Myron Earl McClain - 17 DOJ 03814. Mr. McClain was present. This case was heard before Administrative Law Judge Donald W. Overby on June 27, 2017. This case involved whether Petitioner should be denied a security guard and patrol license based on Petitioner's unfavorable credit history.

MOTION BY MR. JOHNSON TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND GRANT MR. GRANTHAM'S SECURITY GUARD AND PATROL LICENSE; SECONDED BY MR. EPPLEY; MOTION CARRIED. (*Recusal: Mr. Cesena, Mr. MacRae, Mr. Cobbler, Mr. Arndt, Mr. Proctor*)

Orrin Anthony Bynes - 17 DOJ 00913. Mr. Bynes was present. This case was heard by the Hon. J. Randolph Ward on April 25, 2017. This case involved whether Petitioner should be denied a security guard and patrol license based on Petitioner's lack of verifiable experience.

MOTION BY MR. JOHNSON TO DEFER THIS MATTER TO THE OCTOBER SCREENING COMMITTEE MEETING TO ALLOW STAFF TIME TO CALCULATE ADDITIONAL HOURS BASED ON PETITIONER'S SUBMISSION OF AN ADDITIONAL LETTER VERIFYING EXPERIENCE. SECONDED BY MR. COOK. MOTION CARRIED. (*Recusal: Mr. Cesena, Mr. MacRae, Mr. Cobbler, Mr. Arndt, Mr. Proctor*)

Leroy Kenneth Williams -16 DOJ 06128. Mr. Williams was not present. This case was heard

before Administrative Law Judge Augustus B. Elkins II on September 27, 2016. This case involved whether Petitioner should be denied registration for an Unarmed Permit.

MOTION BY MR. COBBLER TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND DENY MR. WILLIAMS' UNARMED PERMIT; SECONDED BY MR. CESENA; MOTION CARRIED.

(Recusal: Mr. Arndt)

Tarek Maurice Ollison - 17 DOJ 00883. Mr. Ollison was not present. This case was heard before the Hon. J. Randolph Ward on April 25, 2017. This case involved whether Petitioner should be denied an unarmed guard registration renewal based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction of misdemeanor Assault on a Female in Wake County, North Carolina.

MOTION BY MR. CESENA TO ACCEPT THE JUDGE'S DECISION AND APPROVE MR. OLLISON'S UNARMED GUARD REGISTRATION RENEWAL; SECONDED BY MR. MACRAE; MOTION CARRIED. *(Recusal: Mr. Arndt)*

Darrel Lynn Stevenson - 17 DOJ 01658. Mr. Stevenson was not present. This case was heard before Administrative Law Judge J. Randolph Ward on April 25, 2017. This case involved whether Petitioner should be denied and unarmed guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by a conviction of misdemeanor Impersonate a Law Enforcement Officer in Caldwell County, North Carolina.

MOTION BY MR. FLETCHER TO ACCEPT THE JUDGE'S DECISION AND DENY MR. STEVENSON'S UNARMED GUARD REGISTRATION; SECONDED BY MR. PROCTOR. MOTION CARRIED.

Sylvester Demetrius Thomas - 17 DOJ 03190. Mr. Thomas was not present. This case was heard before Administrative Law Judge Melissa Owens Lassiter on March 23, 2017. This case involved whether Petitioner should be denied a permit application for an unarmed guard registration based on Petitioner's conviction of misdemeanor Assault on a Female in Mecklenburg County, North Carolina.

MOTION BY MR. COBBLER TO ACCEPT THE JUDGE'S DECISION AND APPROVE MR. THOMAS' UNARMED GUARD REGISTRATION; SECONDED BY MR. CESENA; TWO OPPOSED; MOTION CARRIED.

DIRECTOR'S REPORT:

Mr. Woodard read the report for the record. The current PPS budget as of August 10, 2017, has a balance of \$1,268,260.83; the Education Fund balance is \$83,992.18. As of August 10, 2017, the total registrations for PPS are 18,005; 1,783 licensees and 603 certifications.

Mr. Woodard reported that a total of 2,859 registration cards have been printed and a total of 4,844 applications received since the last Board meeting.

Mr. Woodard discussed the new travel rates, which were set out in the Memorandum of July 18, 2017, classification of compensation and forms I-9, W-4, etc. He pointed out the address to mail the forms is the Department of Public Safety, and not the Board.

Mr. Woodard again mentioned the additional temporary employees that will be needed to enter the 6,000 plus paper applications that are currently in backlog.

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

PUBLIC COMMENT:

NONE

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On December 15, 2016 Brian Trent Woodell and Eagle Protective Services, Inc. entered into a consent agreement with the Board in the amount of \$3,182.40 for registration violations. The agreement was signed by the QA (cannot read signature) on December 24, 2016. Payment has not been received.
2. On February 23, 2017 Dennis Pridgen and A-1 Services, LLC entered into a consent agreement with the Board in the amount of \$9,486.00 to be paid in three monthly installments for registration violations. The receipt card was signed by Joseph Pylypiw on (no date give). Payment has not be received, but the return receipt card was received on March 16, 2017. Rescheduled for Grievance August 23, 2017.

Attorney Gray reported that the above matter was heard by the Grievance Committee and the full Board voted this morning to suspend the license until payment of the \$9,486.00 consent is received.

3. On April 20, 2017 Wilbert Carter and On Guard Security entered into a consent agreement with the Board in the amount of \$5,936.40 to be paid in three monthly installments for registration violations. Received second payment on August 11, 2017.
4. On April 20, 2017 Thomas Michael Caune and Piedmont Protective Services entered into a consent agreement with the Board in the amount of \$6,854.40 to be paid in three monthly installs for registration violations. The agreement was signed by the QA on May 8, 2017. Paid in full.
5. On June 22, 2017, Felicia Myers and Absolute Contracting Services, Inc., entered into a consent agreement with the Board in the amount of \$3,182.40 to be paid in three monthly installments for registration violations. Board findings letter and Consent was mailed on June 30, 2017 and returned on August 8, 2017 as “Unclaimed”. Emailed the letter and consent agreement to Ms. Myers on August 15, 2017. Payment has not been received.

II. OFFICE OF ADMINISTRATIVE HEARINGS

See, Hearings List (attachment 1).

III. RULES

- a. The proposed rule changes to effectuate the use of the Board’s approved provider (CRC.com) for in-state criminal records checks were adopted by the Board at its April 19th meeting. The Notice of Text was filed May 9, 2017 for publication in the June 1st version of the North Carolina Register. The rule amendments were also posted on the Board’s website. The Public Hearing was held on Friday, June 16th at 2:00 p.m. at the Board’s office. No one from the public attended and no oral or written comments were received. The public comment period closed July 31, 2017. The Board needs to vote today to approve these rules. (Copies were attached as Attachment 2.) If approved they will be filed with the Rules Review Commission to be heard at its October meeting. If approved by the Commission at that meeting, these rule amendments will be effective November 1, 2017.
- b. At its meeting on June 22, 2017 the Board adopted proposed rule changes to allow the payment of application and renewal fees by electronic check or similar methods. The Notice of Text was filed July 11, 2017 for publication in the August 1st version of the North Carolina Register. The rule amendments were

also posted on the Board's website. The Public Hearing has been noticed for September 7, 2017 at 2:00 p.m. at the Board's office in Raleigh.

IV. LEGISLATION

a. 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. House Bill 566 was heard in committee on Wednesday, June 14th and received a favorable report following an amendment to replace a reference to "C.F.R." with "federal regulation." Chair Eric Weaver, Interim Director Wayne Woodard, and members Bud Cesena and Bill MacRae were in attendance. It has been sent to the House Finance Committee.

b. At its reconvened session on August 4, the General Assembly enacted Senate Bill 407, the "Employee Fair Classification Act." Intended to discourage and prevent employers from misclassifying employees as independent contractors to avoid tax liabilities and other obligations, the Act is codified as Article 82 of Chapter 143. New G.S. 143-765 requires every occupational licensing board and commission (which includes this Board) to include on every application for licensure, permit, or certification an acknowledgement that the applicant has read and understands the public notice statement to be created by new G.S. 173-764(a)(5) and to also disclose any investigations for employee misclassification and the result of the investigations for a time period determined by the occupational licensing board or commission. The board or commission is required to deny the license, permit, or certification application of any applicant who fails to comply with the certification and disclosure requirements of this new law.

The law is effective July 1, 2018 (11 months from now) and will necessitate the Board making the above addition to its applications.

Attorney Gray prepared a separate Memorandum to staff regarding this and other legislatively mandated requirements.

c. The legislature has once again amended G.S. 93B-15.1 regarding licensure for individuals with military training and experience. The first version approximately five years ago, and portions of the amendments thereafter, necessitated changes in the Board's administrative rules. Although the most recent amendments to the statute are

significant, rule changes are likely not necessary. However, one aspect of the amendments is problematic.

The upside is that a military-trained applicant, or the spouse of active military personnel, can be denied a license, certification, or registration if they have a pending complaint in another jurisdiction. Also, one positive for making us a more military-friendly State--and with a negligible fiscal impact on the Board—is that the Board can no longer charge for an initial license. (Renewals thereafter are subject to the normal fee.) To date, the Board has had very few applicants who have taken advantage of G.S. 93B-15.1, so this fee waiver will not occur very often.

On the downside is a new provision that requires the Board to issue a temporary “practice permit” to a military-trained applicant, or the spouse of active military personnel, who is licensed in another jurisdiction. The Board has only a few “permits” that are currently of a temporary nature, such as unarmed guards working with just a copy of their application and out-of-state Private Investigators working in-State for a limited period, so a discussion needs to be had about the need for one or more rule changes to comply with this statutory change.

Since these changes are set forth by statute, and only one (denial for a pending complaint) cannot directly be reconciled in our rules, Attorney Gray stated he does not see the need for an immediate change in the Board’s administrative rules.

This, too, will be set out in a Memorandum to staff once the Board decides how to handle temporary practice permits.

d. Attorney Gray stated that changes were also made to the Public Records Act (i.e. Chapter 132 of the General Statutes) and since the Public Information Officer within DPS, the staff and he usually respond to these matters, it is not essential that the Board be conversant in the changes, but did want the Board to be aware.

First, State agencies are prohibited from purchasing, leasing, creating or otherwise acquiring any system to store and maintain public records that would impede the public’s ability to inspect or copy them. The second major change is that a State agency now satisfies the access to public records requirement of G.S. 132-6 by providing the public with access to a computer database in an on-line format that allows a person to view and print.

e. Senate Bill 445 made several changes to North Carolina’s expunction laws. Most importantly, the act expands the availability of relief in two ways: 1) it reduces the waiting period to expunge older nonviolent felony and misdemeanor convictions, and 2) it allows a person to obtain an expunction of a dismissal regardless of whether the person received any prior expunctions. Because the bill stated that it applies

to petitions filed on or after December 1, 2017, the revised statutes apply to offenses, charges, and convictions that occur before, on, or after December 1, 2017.

The tradeoff for this expansion is that information about expunctions, maintained by the Administrative Office of the Courts and otherwise confidential, is available for review by the prosecutor and useable to calculate prior record level at sentencing if the person is convicted of a subsequent offense. This part of the bill applies to expunctions granted on or after July 1, 2018. The bill made other changes to create more consistency and uniformity in the expunction process.

As a side note, our State's expunction laws allow both commissions that certify law enforcement officers to have access to the record(s) of expunged offenses for purposes of certification. No such exemption exists for this Board.

f. Finally, and of interest to the industry, numerous provisions were inserted in the State Budget Act making changes to the substantive criminal law. One of these (Sec. 16B.3) amends G.S. 14-34.6 to add "hospital security personnel" to the category of firefighters and medical personnel where an assault or affray is a Class F felony. (Use of a deadly weapon on any of the persons in these categories is a Class H felony.) The change is effective for offenses committed on or after December 1, 2017.

V. PENDING CASES

For the past 42 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.) 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.

Attorney Gray reported 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 he would share the Appellees' allotted time. Member Justin Greene attended the arguments as the Board's representative.

Mr. Gray stated he 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. As a result of the status report file by the attorneys the Judge ordered that the matter be re-mediated and that two issues -- the two of most importance to the Board -- be re-briefed. The second attempt at mediation in this matter has been scheduled for August 16, 2017 in Charlotte and the Response Brief on Behalf of Defendant North Carolina Private Protective Services Board is due September 1, 2017.

Interestingly, the Plaintiff moved to dismiss the four Charlotte-Mecklenburg police offices as individual Defendants and the Judge granted the request on June 9, 2017. All that remain now are the City of Charlotte, the Board and (retired) Investigator Sarah Conner as Defendants.

MOTION BY MR. ARNDT TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. LOWMAN; MOTION CARRIED.

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

2:45 P.M. Adjourned

Brian R. Jones, Director

Garcia Graham, Board Secretary