



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
FEBRUARY 23, 2017
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD
RALEIGH, NC 27604**

BOARD MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Marcus Benson

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

MAILING ADDRESS:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609



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OFFICE LOCATION:
3101 Industrial Drive, Suite 104
Raleigh, NC 27609
Telephone: (919) 788-5320
Fax: (919) 788-5365

GUESTS PRESENT

Shaun Marso
Harlan Calhoun
Chris Rodermond
David Wall
John Taylor
Deborah Worley
Adam Worwick
Sean Hatcher
James Oldenburg

David Pettingell
Wendy Ackermann
Michale Sanders
Gary Pastor
Gregory Hatten
Robert Dunn
Zack Conner
Ruth Reynolds

James Green
Bill Johnson
Tamara Rabenold
Kenneth Sheffield
Mark Wohnick
Suzanne Creech
Dorian Dehnel
Larry Flanner

CALL TO ORDER

Chairman Eric Weaver called the February 23, 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 2017 NCAPI Fall Conference that is scheduled for November 5-7 will be held at Cherokee Casino, Cherokee, NC. The rate is \$89.00 per night. Mr. Hatten also stated that the Association is running an "early bird special" of no cost for members who register before May 31st and \$225.00 after May 31st.

MINUTES:

APPROVAL OF THE DECEMBER 15, 2016 BOARD MEETING MINUTES

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

SCREENING COMMITTEE REPORT:

Mr. MacRae stated that the Screening Committee met on Wednesday, February 22, 2017, from 1:36 p.m. to 4:58 p.m. to review a total of 37 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. David Arndt recused himself from #36 of the Screening report.

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

REGISTRATION REPORT:

Mr. MacRae presented the following registration report for the period of December 14, 2016 to February 21, 2017. Total registrations 4433; armed totals were 623 of which 262 were new and 291 were renewals, 1 duplicate and 69 reissue/dual. There was a total of 95 Armed Armored Car, 55 of which were new, and 40 renewals. There was a total of 16 Armed Private Investigators, 9 of which were new and 7 renewals. There was a total of 3 Armed Private Investigator Associates, 1 of which was new, 1 renewal and 1 reissue/dual. Unarmed totals were 3678 which included 1137 new, 1530 renewals, 1006 transfers, 5 duplicates. There was a total of 18 unarmed armored cars, 2 of which were new, 15 renewals and 1 transfer. Total denials were 624 of which 178 were for cause and 446 for correctable reasons. There were 503 applications approved which were previously denied for a total of 1127 denials reviewed.

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

GRIEVANCE COMMITTEE REPORT:

Mr. Greene reported that the Grievance Committee met on Wednesday, February 22, 2017 from 9:00 a.m. to 11:00 a.m. and heard a total of six cases. The committee members were Mr. Greene, Mr. Cook, Mr. Fletcher, Mr. Johnson, Ms. Lawrimore and Mr. Epley. Mr. Greene read the report for the record. (See report attached)

Mr. Johnson recused himself from voting on 2016-PPS-033 of the Grievance report.

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

TRAINING & EDUCATION COMMITTEE:

Mr. MacRae reported that the Training & Education Committee met on Thursday, February 23, 2017 from 8:00 a.m. until 9:22 a.m. The committee members were Mr. MacRae, Mr. Johnson, Mr. Epley, Mr. Cook, Mr. Arndt, Mr. Cesena and Mr. Cobbler.

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

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
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 18-21, 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

The following PPS Training Courses for CEU Credits are scheduled:

February 23, 2017	1-5 pm	Raleigh, NC
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:

N/A

Weapon discharge:

Mr. Turner reported that there were three weapons discharges. The first incident was an accidental firearms discharge from Officer Brandon C Pearson with The Whitestone Group. There were no injuries from this discharge except minor damages and Officer Pearson was relieved of his duty in regards to this incident.

Mr. MacRae stated that the committee requested Director Echols to issue a summary suspension on Officer Pearson's armed registration.

The Second incident involve Officer Robert T. Kelly and Sgt. Juan C. Aponte who both works as an armed security guard with Action Professional Security, Inc. The weapon discharge occurred in the Cook Out parking lot in Charlotte, NC by Officer Aponte. He was later arrested for this incident and is still employed with Action Professional Security pending outcome of his charges.

Mr. MacRae also stated that the committee requested Director Echols to issue a summary suspension on officer Aponte's armed registration only.

The third incident involve Officer Alphonso Boyce who works as an armed guard with North State Security. He was working on an armed post at the Park Terrace Apartments in High Point, NC. An individual fired at him and he returned two shots fearing his life was in jeopardy. Office Boyce was not charge with a crime from this incident and is still employed with North State Security.

Mr. Turner reported that the Unarmed Guard Training PowerPoint presentation and trainer manual updates and minor changes have been completed by him and Joyce Vaughan. He also stated that this will be submitted to the Board for further review.

Mr. Turner reported he conducted two training audits on Firearms Instructors with help from Investigator Scott Triplett and no violations were found. He advised the Board that the armed guard training dates are currently being e-mailed to the PPS Investigators and volunteer T&E Committee members.

Mr. Turner gave an update regarding the request to PPS staff to be able to print the actual firearm(s) that each trainer is certified to teach on their ID card. This request has been fulfilled, staff now has the capability to print the specific firearms information that each Firearms Instructor is certified to instruct on their ID card.

Mr. MacRae stated that Mr. Donald Krapohl, Director of the Education and Eye Detection Division of C3A Corporation, has submitted a request to the committee to be able to provide eye

deception detection services within our state for a sex offender treatment provider. After review of his request it was determined that a license was not needed to sell the instrument and train others regarding the use. However, a license would be required for the company to administer the test, review the results and provide conclusions in North Carolina. Mr. MacRae stated although since this technology is very new it will not take a statutory change. He also stated that Mr. Cook has volunteer to work with Mr. Krapohl and Attorney Gray on how to include this device in the Board's administrative rules.

Mr. MacRae stated there was a total of ten (10) continuing education training courses submitted for approval and the committee recommended four courses for approval: George Washington on Leadership (6 hours); NC Investigator Continuing Education (6 hours); Active Shooter Training and Survival (12 hours) Security Management (8 hours). He stated the other six courses submitted by Ms. Sabine Hilten, Stealth Mode: Surveillance (6 hours); Stealth Mode: Undercover Ops (6 hours); Treasure Hunt: Dumpster Dive (6 hours); Treasure Hunt: Asset Search (6 hours); Truth or Dare: Interviewing Strategies and Techniques (6 hours); and Truth or Dare: Testifying Strategies and Techniques (6 hours) has not been recommended for approval and asked staff to contact Ms. Hilten and invite her to appear before the next committee meeting to address their concerns about the requested hours.

MOTION BY MR. COOK TO ACCEPT FOUR OF THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL. DEFER THE COURSE(S) SUBMITTED BY SABINE HILTEN; SECONDED BY MR. ARNDT; MOTION CARRIED.

Mr. MacRae stated that he had been in contact with Tracy McPherson, Director, Public Safety Training Programs, North Carolina Community College System, in regards to providing training for the industry and she is here today to address the Board. Ms. McPherson stated that she is willing to partner with the Board to provide a more geographically thorough training for the PPS industry.

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

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

Mr. MacRae reported that the Screening Committee and Finance Committee had a request from the Director, Barry Echols, requesting to reinstate his Private Investigator License and waive all fees upon his departure from the PPS.

MOTION BY MR. MACRAE TO GRANT MR. ECHOLS' REQUEST TO ALLOW HIM TO REINSTATE HIS PRIVATE INVESTIGATOR LICENSE AND WAIVE ALL FEES SHOULD HE LEAVE THE PPS; SECONDED BY MR. FLETCHER; MOTION CARRIED.

LAW AND RULES COMMITTEE

Ms. Lawrimore reported that the Law and Rules Committee met on Wednesday, February 22, 2017 from 8:00 a.m. to 8:44 a.m. The committee members were Ms. Lawrimore, Mr. MacRae, Mr. Greene, Mr. Arndt, Mr. Fletcher, Mr. Cook, Mr. Cesena and Mr. Proctor.

Ms. Lawrimore reported that the subcommittee met to discuss Executive Protection. The committee came up with a definition and made a recommendation to the Board to include the definition of "Executive Protection" in the definitional section of Chapter 74C. "Executive Protection" (also known as close personal protection) will be defined as someone who "provides security measures to ensure the safety of VIP's or other individuals who may be exposed to elevated personal risk because of their employment, celebrity status, wealth, associations, or geographical location." Ms. Lawrimore stated that the committee discussed the proposed revisions of the bill and is looking for the approval by the Board to move forward. After lengthy discussion regarding the bill, Mr. Cesena made a motion.

MOTION BY MR. CESENA TO MOVE FORWARD WITH THE ADDITION TO THE PROPOSED BILL AS PRESENTED ALONG WITH ANY ADDITIONAL CHANGES NEEDED; SECONDED BY MR. FLETCHER; MOTION CARRIED.

Ms. Lawrimore informed the Board about her concerns of addressing the issue of unlicensed individuals/company. She suggested that the Board look into Public Service Announcements and asked if anyone with knowledge would like to volunteer. Mr. MacRae and Mr. Cobbler stated that they would assist in this matter.

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

FINANCE REPORT:

Mr. Fletcher reported that the Finance committee met in the PPS conference room on Tuesday, February 22, 2017 from 5:47 p.m. to 6:21 p.m. The committee members were Mr. Fletcher, Mr. Arndt, Mr. MacRae and Mr. Lowman. Mr. Fletcher stated that the committee received the budget report prior to the meeting and was able to review and discuss the budget. He also stated they discussed establishing a memorial scholarship fund for the industry. After discussion by the Board it was decided to table this matter until the next legislative session.

Mr. Fletcher reported that he receive a request from members of the NCAPI requesting reimbursement of \$5,000.00 for convention expenses. He stated that after discussing with committee and attorney Gray the request was not considered. Mr. Fletcher states that if the NCAPI wishes to request reimbursement for CEU conference expenses they must go through the grant program. He stated that they must complete the Private Protective Services grant application and submit it along with all required documents for approval.

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

ETHICS COMMITTEE

Mr. Lowman stated that everyone is to review the ethics report that was provided in their packet. He reminded everyone that their SEI are due by April 15th and one Board member's education course is past due.

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

BREAK: 10:31 a.m.
RECONVENED: 10: 51 a.m.

OLD BUSINESS:

Dorian Dehnel showed the audience and Board a webinar for CRC that will help the industry and PPS to streamline their process. He stated that there are four scheduled webinars that will be starting in March and he encouraged everyone to participate.

NEW BUSINESS:

Mr. Weaver reminded everyone of the new address for Private Protective Services Board: **3101 Industrial Drive, Suite 104, Raleigh, NC 27609**

Staff submitted a request to the Board regarding the retention of audio recordings of the Board meetings and committee meetings of the Private Protective Services Board. After lengthy discussion Mr. Greene made a motion.

MOTION BY MR. GREENE TO ALLOW STAFF TO DESTROY ARCHIVED AUDIO RECORDINGS OF GRIEVANCE/SCREENING COMMITTEE AND BOARD MEETINGS THAT DATE BACK TO 1997 AS LONG AS PPS HAS KEPT RECORDS OF THOSE MEETING ON FILE IN WRITING. ALSO, IN THE FUTURE, AFTER APPROVAL OF THE OFFICIAL BOARD MEETING MINUTES STAFF ARE REQUESTED TO DESTROY ALL AUDIO RECORDING; SECONDED BY MR. MACRAE; MOTION CARRIED.

Mr. MacRae stated that he had a request by Mr. Cesena regarding the discussion by the Board recently that would allow the Director to keep his shield upon his departure. Mr. Macrae stated that he would like the Board to make it a policy upon their leaving the Board in good standing, that not only future Directors, but also Investigators, be allowed to keep their shield.

MOTION BY MR. MACRAE FOR THE BOARD TO ALLOW DIRECTOR ECHOLS AND ANY INVESTIGATOR WHO LEAVE IN GOOD STANDING BE ALLOWED TO KEEP THEIR SHEILD; SECONDED BY MS. LAWRIMORE; MOTION CARRIED.

Mr. MacRae informed the Board that he would like to make an announcement of the formation of a trade organization for the security industry. He stated that the Association of Professional Security of NC has been filed with NC Secretary of State's office. The Association is currently creating a Board of Directors and he encouraged anybody who is interested to contact him or Mr. Fletcher.

FINAL AGENCY DECISION

Frank McKindley Daniel Jr. - 16 DOJ03788. Mr. Daniel was not present. This case was heard by Administrative Law Donald W. Overby on May 24, 2016. 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 misdemeanor Assault on a Female.

MOTION BY MR. MACRAE TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION AND GRANT MR. DANIEL'S UNARMED GUARD REGISTRATION APPLICATION; SECONDED BY MR. COBBLER; MOTION CARRIED.

DIRECTOR'S REPORT:

Mr. Echols read the report for the record. The current PPS budget as of February 21, 2017, has a balance of \$1,431,170.00; the Education Fund balance is \$80,502.20. As of February 21, 2017, the total registrations for PPS is 20,990: 1,819 licensees and 609 certifications.

Mr. Echols reported that a total of 4,484 registration cards have been printed and a total of 4,685 applications received since the last Board meeting.

Mr. Echols reported that Commissioner Gregory Baker's last day of work with the Department of Public Safety was February 28, 2017 and Mr. Echols stated that he now reports to Secretary Erik Hooks. He also stated that Deputy Director Donald Foster's last day at PPS was January 31, 2017.

Mr. Echols gave an update on the Permitium/scanning project and PPS Board members ID cards. He stated that Permitium will be showing a demo on Friday, February 24, 2017 and he anticipates the scanning to be completed by the end of the year. Mr. Echols informed the Board members that their ID cards has been approved by Secretary Erik Hooks and a copy will be emailed to each member for review.

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. Brian Thomas Lassiter and Strategic Protective Services, Inc.- - On June 23, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Lassiter in the amount of \$4,842.60 in three (3) monthly installments, for registration violations and 15 NSF checks(\$25.00 each). Paid in full

2. 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.

3. Lance Adrian Jones Sr. and Safe & Secure Worldwide Protection Group, LLP - - On October 20, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Jones in the amount of \$2,154.24 for registration violations and a civil penalty in the amount of \$2,000.00 for application alterations and weapon leasing violations. Payment has not been received.

4. David Lee Pettingell and Carolina Security Patrol - - On October 20, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Pettingell in the amount of \$489.60 for registration violations. Payment has not been received.

5. Daitwan Lamont Hardy and Security Contracting, Inc. - - On December 15, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Hardy in the amount of \$5446.80 for registration violations. Paid in full.

6. 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.

7. Anthony Dexter Ravenell and Around Clock Security, Inc. - - On December 15, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Ravenell in the amount of \$2509.20 for registration violations. Paid in full

8. 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.

9. Barry Perrine Appelget and G7 Secure Solutions. - - On December 15, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Appelget in the amount of \$1224.20 for registration violations. Paid in full

10. Gerald Vincent Montgomery and East Coast Protective Services, Inc. - - On December 15, 2016 the Private Protective Services Board voted to enter into a consent agreement with Mr. Montgomery in the amount of \$612.00 for Branch office 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.

IV. LEGISLATION

The Board currently has no pending legislation of interest.

V. PENDING CASES

For the past 38 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.

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 be sharing the Appellees allotted time. Member Justin Greene attended the arguments as the Board's representative.

In a very strange and sudden turn of events attorney Gray received the opinion of the court on November 11, 2016. 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 if

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. To date, the Judge has not ruled on this Motion by way of granting the request to appear before him to determine how he intends to address the remand.

MOTION BY MR. WEAVER TO GO INTO CLOSED SESSION TO RECEIVE LEGAL ADVICE FROM THE BOARD’S ATTORNEY REGARDING GL SOLUTIONS, REQUEST FOR PAYMENT; SECONDED BY MR. COBBLER; MOTION CARRIED.

CLOSED SESSION: 12:15 a.m.
RECONVENED: 12:44 a.m.

MOTION BY MR. GREENE TO GIVE ATTORNEY GRAY THE AUTHORITY TO MOVE FORWARD WITH THE AGREED UPON NEGOTIATIONS WITH GL SOLUTIONS; SECONDED BY MR. MACRAE; MOTION CARRIED.

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

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

12:44 P.M. Adjourned


Barry Echols, Director


Garcia Graham, Board Secretary