

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
August 22, 2013
RENAISSANCE ASHEVILLE
31 Woodfin Street
ASHEVILLE, NC 28801**

BOARD MEMBER PRESENT

Richard Allen
Bill Booth
Judge Burris
Denise Martin
Ed Cobbler
Bob Graham
Clyde Cook
William MacRae
Richard Epley
James Stevens
Eric Weaver Sr.

BOARD MEMBERS ABSENT

Robert Clark
Marcus Benson

STAFF PRESENT

Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Gary Pastor
Kerry Core
Jeff Kiker
Rex Lilly
Pamela Smith
Scott Pastor
Bill Johnson
Charles Gregory

David Arndt
Hollie Trivette
Neil Mayzik
Walter Pylypiw
Sandra Epley
Lormie Barefoot
Chris Green
Dorian Dehnel

Pam Mayfield
Jon Knowles
Chris Green
Michael Braggs

CALL TO ORDER

Chairman Richard Allen called the August 22, 2013 Private Protective Services Board meeting to order at 9:02 a.m. Chairman Allen welcomed all guests.

GOOD OF THE ORDER:

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

Mr. Gregory Hatten, president of the NCAPI greeted the Board and all of the guests. Mr. Hatten stated that NCAPI would be holding their next conference on November 13th, 14th and 15th at the Village Inn in Clemmons, NC. He also informed the Board that the PI Summit held last month was a huge success and thanked staff members for their presence. He also asked that staff members attend the NCAPI conference on November 14th and 15th.

Mr. Allen also attended the PI Summit and stated that it was a well-organized, professional and great networking experience. He also recognized investigators Sarah Conner and Cynthia Hepburn for their outstanding job representing PPS.

MINUTES:

APPROVAL OF THE JUNE 20, 2013 BOARD MEETING MINUTES AND JULY 25, 2013 SPECIAL COMMITTEE MEETING MINUTES.

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

SCREENING COMMITTEE REPORT:

Mrs. Martin reported that the Screening Committee met on Wednesday, August 21, 2013 from 2:00 p.m. until 5:10 p.m. to review a total of 46 applications. (See report). The committee members were Mr. MacRae, Mr. Weaver, Mrs. Martin and Mr. Cobbler. Mrs. Martin read the report for the record.

Mr. Bonapart presented the following registration report for the period of June 17, 2013 to August 19, 2013. Total registrations 4,268; armed totals were 690 of which 216 were new and 383 were renewals, 2 duplicates, and 89 reissue/dual. There were a total of 9 armed Private Investigators, 4 new Private Investigators and 5 renewals, 3 new armed Private Investigator Associates, and 4 Renewals. Unarmed totals were 3,562 which included 1,293 new, 2,036 renewals, 65 transfers, 15 duplicates and 153 reissue/dual. Total denials were 676 of which 189 were for cause and 487 for correctable reasons. There were 669 applications approved which were previously denied for a total of 1,345 denials reviewed.

Mrs. Martin recused herself from numbers 14 and 15. Mr. Weaver recused himself from number 30.

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

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Grievance Committee met on Wednesday, August 21, 2013 from 8:00 a.m. until 11:55 a.m. and heard a total of 7 cases. The committee members were Judge Burris, Mr. Booth, Mr. Cook, Mr. Epley, Mr. Graham and Mr. Stevens. Judge Burris presented the attached report. (See attachment).

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

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised that the Training & Education Committee met on Thursday, August 22, 2013 from 8:00 a.m. until 8:40 a.m. The committee members were Mr. Stevens, Mr. Allen, Mr. Booth, Mr. MacRae and Mr. Weaver.

Presently we have 366 certified PPS unarmed guard trainers and 92 PPS certified armed guard trainers.

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

August 22, 2013 1 pm – 5 pm Asheville
December 12, 2013 1 pm – 5 pm Raleigh

Mr. Stevens stated that the following continuing education training course has been submitted for approval: Internet For Investigators One-Day Workshop (7).

MOTION BY MR. WEAVER TO ACCEPT THE SUBMISSION FOR CONTINUING EDUCATION TRAINING; SECONDED BY MR. BOOTH; MOTION CARRIED.

The Board discussed whether potential law enforcement firearms trainers who attend the NCJA law enforcement firearms trainer pre-qualification course and shoot at least a 92 on the firearms trainer pre-qualification course will be allowed to use those scores for pre-qualification with PPS.

MOTION BY MR. MACRAE TO ACCEPT THE SCORE FROM LAW ENFORCEMENT FIREARMS TRAINERS WHO SHOOT AT LEAST A 92 ON AN APPROVED LAW ENFORCEMENT FIREARMS TRAINER PRE-QUALIFICATION COURSE FROM THE JUSTICE ACADEMY FOR PRE-QUALIFICATION WITH PPS; SECONDED BY MR. WEAVER; MOTION CARRIED.

The Board also discussed whether or not unarmed armored car industry members who leave the profession for more than one (1) year have to repeat the sixteen (16) hour training course.

MOTION BY MR. BOOTH TO HAVE UNARMED ARMORED CAR INDUSTRY MEMBERS WHO LEAVE THE PROFESSION FOR MORE THAN ONE (1) YEAR REPEAT THE TRAINING COURSE; SECONDED BY MR MACRAE; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

74C REWRITE COMMITTEE REPORT:

Judge Burris reported that House Bill 466 passed the House without any opposing votes.

FINANCE REPORT:

At the last board meeting in June, Mr. MacRae asked staff for an update on the database. Mr. Bonapart read the report for the record. (see Memo) He also informed the board that there will be a kickoff meeting for the new database on August 27, 2013 where the timeframe will be discussed. The Chairman of the Finance Committee would also be present at this meeting via teleconference.

Ruth Reynolds asked that Mr. Bonapart to explain the new database system for those industry members who are unfamiliar with it. Mr. Bonapart explained that the system will allow the Qualifying Agent (QA) to submit applications electronically. The system's structure will guide the QA through the application process and calculate fees. The QA will be able to query his/her roster in real time. Once implemented the new system will dramatically reduce denials and allow PPS staff to spend more time approving applications than creating denial letters for missing information.

MOTION BY MR. WEAVER TO ACCEPT THE FINANCE REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

OLD BUSINESS:

NONE

NEW BUSINESS

Chairman Allen called for the election of officers. He turned over the nomination process to Attorney Gray. Attorney Gray stated that according to 74C-4(f), election of officers is to be held annually at the first meeting after July 1 of each year. Attorney Gray took the nominations.

MR. STEVENS MADE A MOTION TO NOMINATE MR. RICHARD ALLEN AS CHAIRMAN; SECONDED BY MR. MACRAE. MOTION CARRIED. NONE OPPOSED.

MR. MACRAE MADE A MOTION TO NOMINATE MR. ERIC WEAVER AS VICE CHAIRMAN; SECONDED BY MR. STEVENS. MOTION CARRIED. NONE OPPOSED.

MR. BOOTH MADE A MOTION TO NOMINATE JUDGE BURRIS AS CHAIRMAN OF THE GRIEVANCE COMMITTEE; SECONDED BY MR. EPLEY. MOTION CARRIED. NONE OPPOSED.

CHAIRMAN ALLEN MADE A MOTION TO NOMINATE MR. MONTY CLARK AS CHAIRMAN OF THE SCREENING COMMITTEE; SECONDED BY MR. COBBLER. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER MADE A MOTION TO NOMINATE MR. RICHARD EPLEY AS CHAIRMAN OF THE 74C REWRITE COMMITTEE; SECONDED BY MR. MACRAE. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER MADE A MOTION TO NOMINATE MR. WILLIAM MACRAE AS CHAIRMAN OF THE FINANCE COMMITTEE; SECONDED BY MR. BOOTH. MOTION CARRIED. NONE OPPOSED.

MR. WEAVER MADE A MOTION TO NOMINATE MR. JIM STEVENS TO CHAIRMAN OF THE TRAINING AND EDUCATION COMMITTEE; SECONDED BY MR. BOOTH. MOTION CARRIED. NONE OPPOSED.

MOTION BY MR. EPLEY TO NOMINATE MR. CLYDE COOK AS THE ETHICS LIAISON; SECONDED BY MR. MACRAE. MOTION CARRIED. NONE OPPOSED.

Chairman Allen recommended that all new chairpersons reach out to those members who have previously held the position for insight on their duties.

FINAL AGENCY DECISION

Attorney Jeff Gray removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following cases:

Cameron Imhotep Clinkscale 13-DOJ-05095 (attachment 6). Mr. Clinkscale was not present. This case was heard by Administrative Law Judge Gene Cella on February 26, 2013. This case involved the denial of the Petitioner's application for an unarmed guard registration under 74C-12(a)(25) on the grounds that applicant demonstrated intemperate habits or lack of good moral character as evidenced by two (2) convictions of misdemeanor Disorderly Conduct in the State of Ohio.

Administrative Law Judge Gene Cella found that Petitioner presented evidence sufficient to explain the factual basis for the charge, had rebutted the presumption, and recommended that Petitioner be issued an unarmed guard registration.

MOTION BY JUDGE BURRIS TO ACCEPT THE PROPOSED DECISION TO GRANT PETITIONER AN UNARMED GUARD REGISTRATION; SECONDED BY MR. COBBLER; MOTION CARRIED.

Jerome Douglas Mayfield 13-DOJ-04393 (attachment 6). Mr. Mayfield was not present. This case was heard by Administrative Law Judge Gene Cella on February 26, 2012. This case involved the summary suspension of Petitioner's armed guard registration and the denial of Petitioner's application for an unarmed guard registration under 74C-12(a)(25) on the grounds that applicant demonstrated intemperate habits or lack of good moral character as evidenced by a conviction of misdemeanor Assault Inflicting Serious Injury and misdemeanor Assault with a Deadly Weapon.

Administrative Law Judge Gene Cella recommended that the summary suspension of Petitioner's armed guard registration be lifted and Petitioner's application for unarmed guard registration be approved.

MOTION BY MR. WEAVER TO CONTINUE TO DENY REGISTRATION; SECONDED BY MR. COOK; SIX (6) OPPOSE; MOTION FAILS. MOTION BY MRS. MARTIN TO ACCEPT DECISION AND GRANT PETITIONER REGISTRATION; SECONDED BY MR. BOOTH; TWO (2) OPPOSE; MOTION CARRIED.

On the issue of the consent agreement regarding Robert McCrory for not properly registering guards, it was proposed that Mr. McCrory enter into a consent agreement totaling \$10,098.00 to be paid in six (6) installments.

**MOTION BY MR. BOOTH TO ACCEPT THE PROPOSED CONSENT AGREEMENT;
SECONDED BY MR. WEAVER; MOTION CARRIED.**

BREAK: 10:19 a.m.
BACK IN SESSION: 10:34 a.m.

DIRECTOR'S REPORT:

Deputy Director Anthony Bonapart read the report for the record. The current PPS budget as of May 31, 2013, has a balance of \$837,416.79; the Education Fund balance is \$63,047.43. As of August 16, 2013, the total registrations for PPS is 18,303, 1,809 licensees, and 596 certifications.

Deputy Director Bonapart noted that there have been a total of 2,416 various correspondences printed from the PPS database, 4,361 registration cards have been printed and a total of 4,523 applications received since the last Board meeting.

Mr. Booth inquired about the current backlog for registration. Mr. Bonapart reported that staff has processed unarmed guard registrations up to July 1, 2013. Armed registrations have been processed up to August 12, 2013.

Mr. Bonapart reported on the upcoming IASIR Conference scheduled for November 13-15, 2013 in Quebec Canada. He asked if the Board intended to send representatives to the conference. The Board discussed the conference and funding. After much discussion the Board decided not to attend the 2013 conference.

**MOTION BY MR. BOOTH TO NOT ATTEND THE 2013 IASIR CONFERENCE BUT
TO SUPPORT THE CONFERENCE WHEN IT IS HELD CLOSER TO NORTH
CAROLINA WHERE PRICES MAY BE CHEAPER; SECONDED BY MR. COOK;
MOTION CARRIED.**

Mr. Bonapart also reported that IT was offering a Business Analysis Boot Camp regarding the new database system. He would like to send the registration supervisor, Mrs. Shannon Thongkheuang to the course. Mr. MacRae expressed concerns about PPS paying extra money for training. Judge Burris stated that he feared that if PPS did not take the class it may delay the project as a whole.

**MOTION BY JUDGE BURRIS TO APPROVE SENDING STAFF TO THE TRAINING
CLASS; SECONDED BY MR. BOOTH; MOTION CARRIED.**

Mr. Bonapart asked the Board to consider whether or not it should be mandatory for applicants to apply online when the new database is fully functional. The Board decided that it would be best to place that question on hold until closer to bringing the new database on-line. The Board members would need time to assess how everything will work.

Mr. Bonapart asked the Board whether forms that require notarization would be accepted online with an electronic signature. After a brief discussion the Board decided that an electronic signature is acceptable.

Mr. Bonapart presented the registration and licensing appeals report covering the period July 1, 2012 through June 30, 2013. This is the second year the Board has received the report. The statistics show that the process is fair and a petitioner's chance of prevailing improves as he/she moves through the appeals system.

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

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Stephen Anthony Tarsitano/Crime Prevention Security Patrol. On October 25, 2012, the Private Protective Services Board voted to enter into a consent agreement with Mr. Tarsitano in the amount of \$489.00 for 4 unarmed registration violations. Paid in full.
2. Lewis Glover, Jr./Knight Protective Services, Inc. On October 25, 2012, the Private Protective Services Board voted to enter into a consent agreement in the amount of \$1,288.20 for 8 unarmed and 2 armed registration violations. The payment has not been received.
3. Mr. Kenneth Wayne Berg/Garda CL, Inc. On June 20, 2013, the Private Protective Services Board voted to enter into a consent agreement with Mr. Berg in the amount of \$6,793.20 for 37 armed registration violations. The payment has not been received.
4. Jay Jay Miller/Landmark Security, Inc. Board voted to enter into a consent agreement in the amount of \$4,096.32 in three monthly installments for 42 unarmed registration violations. First payment received on 8/12/2013 (\$1,365.44).
5. Pamela Webb Mayfield/United Security. On June 20, 2013, the Private Protective Services Board voted to enter into a consent agreement in the amount of \$3,855.60 for 32 unarmed registration violations. Paid in full.

II. OFFICE OF ADMINISTRATIVE HEARINGS

May 28, 2013	PPSB	Randy Sawyer	Denial of Unarmed Permit
June 25, 2013	PPSB	None	
July 23, 2013	PPSB	Myron T. Davidson	Denial of Private Investigator License
		Marcus Fuller	Revoke the Firearm Trainer Certification
August 27, 2013	PPSB	Cathy Brown	Denial of Unarmed Permit
		Torrain Benjamin	Denial of Armed Permit

III. RULES

1. The below rules changes were “re-adopted” at the special Board meeting via telephone conference call on May 29, 2013.

- Amendment to 12 NCAC 07D .0104, .0203, .0301, .0302, .0401, .0402, .0501, .0601, .0901, .0807 and .0908.

At its July 18, 2013, the Rules Review Commission objected to the Board’s proposed amendments to 12 NCAC 07D .0301, .0302, .0401, .0501, .0601, .0807, .0901 and .0909 which were amended to comply with the new law regarding acceptance of military occupational specialty for purposes of licensure for former members of the armed forces and easing the licensure requirements for spouses of active duty military on the grounds of a lack of statutory authority as to requiring military spouses to have a license or experience.

2. The G.S. 150B-19.1 Certification forms for the following rules changes were submitted to the Rules Review Commission on May 16, 2013.

- Amendment to 12 NCAC 07D.0501, .0502, .0503 and .0504.

3. At the Board’s June 20, 2013 meeting, a motion was made to change the number of credit hours for attending Board meetings from one (1) to two (2) hours for a maximum of four (4) hours per year. This will necessitate a rule amendment and Attorney Gray was requested to prepare it. Also, at the same meeting the Board agreed to the staff’s

suggestion that in light of the recent practice of relying on third-party criminal history records checks there should be a penalty for providing false information equal to that of providing it to the Board directly. This, too, necessitates a rule amendment.

IV. PENDING BILLS EFFECTING PPS

1. House Bill 466, the bill to amend Chapter 74C, passed the House on April 25, 2013. It was referred to the Senate Committee on Judiciary I on April 29, 2013, with a serial referral to the Finance Committee upon a Favorable Report. Sponsored by Representatives Allen McNeill (R.; Randolph Co.) Justin Burr (R.; Stanley Co.), Josh Dobson (R.; McDowell Co.) and Edward Hanes (R.; Forsyth Co.), the bill appeared to have no opposition, was not amended, but failed to pass the Senate. Having passed the House in the “long” Session it is eligible for consideration in the “short” session which convenes May 2014.

Judge Burris and the Board staff were very actively involved with communicating with the bill sponsors, as well as supporters in the Senate.

2. At the Board’s meeting on April 18th Attorney Gray reported on four bills filed in the General Assembly giving persons other than armed security guards registered pursuant to Chapter 74C the authority to be armed and provide security and protective services on educational property:

- S.B. 59, Armed Security Guards in K-12
- S.B. 27, Public School Protection/Firearms Amendments
- S.B. 146, Private Schools/Firearms Amendments
- H.B. 595, Goldstar Officer Program/School Volunteer

None of these bills passed either chamber of the Legislature.

Chairman Allen had written the sponsors of each of these bills to make them aware of the Board and the basic provisions of Chapter 74C.

3. One of a number of bills amending the firearms laws in North Carolina could potentially impact the Board. Senate Bill 342, Amend Gun Laws, amends that portion of the concealed handgun permit law which allows a State agency or unit of local government to adopt ordinances to prohibit the carrying of a concealed handgun, even with a permit, in specified areas by expanding and further defining “recreational facilities.” Without an exception for registered armed security guards – such as is found in N.C.G.S. 14-269.3(4) – armed security guards could not carry concealed (and possibly even openly) on these premises. The bill did not pass either chamber of the Legislature, however, this same provision was included in House Bill 937, below.

4. House Bill 937, “Amend Various Firearms Laws,” was ratified by the Legislature on July 24, 2013, and signed by the Governor on July 29th. It contains the following pertinent provisions.

- The bill expands the list of individuals in N.C.G.S. 14-269(b) who are exempt from the general prohibition on carrying a concealed weapon. The list now includes qualified retired law enforcement officers under H.R. 218 (the Law Enforcement Officers Safety Act of 2004), North Carolina judges and magistrates with concealed handgun permits, and North Carolina elected clerks of court and register of deeds with concealed handgun permits.
- N.C.G.S. 14-415.21 is modified to increase the penalty for a concealed handgun permittee who is carrying a concealed handgun in a posted area or after consuming alcohol from a Class 2 to a Class 1 misdemeanor.
- The bill clarifies what areas may be posted by units of local government. Units of local government may post recreational facilities as off limits to carrying a concealed handgun. The term “recreational facility” is defined as an athletic field and its appurtenant facilities, such as restrooms during an organized athletic event; a swimming pool, including any appurtenant facilities used for dressing or storage of personal items; and any facilities used for athletic events such as a gymnasium. The term “recreational facility” specifically does not include a greenway, designated biking or walking path, or an area customarily used as such although not specifically designated as one. No exemption was made for armed security guards.
- Lists of individuals issued concealed handgun permits will no longer be a public record, although the information would be available upon request to State and local law enforcement agencies.
- The bill modifies N.C.G.S. 14-269.2 and expands the list of individuals who may possess a handgun on institutions of higher education, non-public post-secondary educational institutions, or public or non-public schools. Employees of any of these institutions who live on the campus will be allowed to possess the handgun at the employee’s residence or in the employee’s vehicle being driven to or from campus, except non-public schools may still prohibit the possession of a handgun by these employees. Any individual with a valid concealed handgun permit, or who is exempt from obtaining a permit, may leave the handgun in a closed (locked or unlocked) compartment in the person’s locked vehicle or leave the handgun in a locked container securely affixed to the vehicle while on campus.
- N.C.G.S. 12-269.3 is modified to allow persons with a concealed handgun permit, or who are exempt from obtaining a permit, to carry a concealed handgun into any assembly where a fee is charged for admission or an establishment where alcoholic beverages are sold and consumed so long as the premises has not been posted prohibiting the carrying of concealed handguns.

- N.C.G.S. 14-277.2 is modified to allow persons with concealed handgun permits to participate in or be present at parades or funeral processions with a concealed handgun unless the premises have been posted prohibiting the carrying of concealed handguns.
- N.C.G.S. 15A-1340.16A is modified to provide for enhanced sentences if a defendant is convicted of a class A, B1, B2, C, D or E felony and the defendant used, displayed, or threatened to use or display a firearm or deadly weapon during the commission of the felony.

The bill also makes numerous modifications to the pistol purchase permit laws. Among these changes, if a sheriff denies a purchase permit, he must provide a statement to the applicant citing the specific facts and law on which he based his denial.

Additionally, the bill also creates a new status of being an armed habitual felon. Anyone who has been convicted of one firearm related felony and commits a second will be sentenced as a Class C felony. (The term “firearm related felony” includes any felony committed by a person where that person used or displayed a firearm while committing the felony.)

The pertinent provisions of this bill above are effective October 1, 2013. (Other provisions may have a different effective date.)

Police chiefs from UNC system campuses and others expressed opposition. The N.C. Sheriffs Association backed the portions of the bill that strengthened background checks for those with mental health problems and that increased penalties for gun crimes. The Senate sponsor of the measure, Sen. Buck Newton, (R., Wilson Co.), received support from Grass Roots North Carolina and the N.C. Pistol and Rifle Association.

Passage of this bill has necessitated revisions to the Legal block of instruction for the Firearms Instructor Training course and the instructor and student manual for the armed guard course.

5. At the April and June meetings Attorney Gray reported that five bills have been filed in the General Assembly affecting all occupational and professional licensing boards, including the PPSB. The status of the bills is as follows:

- SB 32, periodic Review and Expiration of Rules – Re-referred to Committee on Program Evaluation 5/14/13.
- SB 33, Use of Criminal History Records by Licensing Boards – Signed by Governor 4/9/13.
- SB 36, APA Technical/Clarifying Changes (This bill is identical to HB 165) – SB 36 passed Senate, then House with amendments; failed to pass Senate; Conference Committee appointed 4/24/13; eligible for consideration in “short” session. (No action on HB 165.)

- SB 37, PED Study Occupational Licensing Board Agency (This bill is identical to HB 166.) – No action on either bill, however, this study appeared in HB 79, below.
- HB 74, Periodic Review and Expiration of Rules (This bill is identical to SB 34, except the word “substantive” modifies the word “changes” in the amendment to G.S. 150B-21.2(c)(1).) – HB 74 passed House; referred to Senate Rules Committee.; eligible for consideration in “short” session. (No action on SB 34.)
- HB 79, Improve and Streamline the Regulatory Process, passed the General Assembly and is awaiting signature or veto by the Governor.

V. PENDING CASES

At the March 2013 Board meeting, the Board was informed by deputies with the Brunswick Co. Sheriff’s Office that William Haglar of Oak Island, NC was under criminal investigation for performing private investigation services and holding himself out as private investigator without a license. Mr. Haglar has received five (5) C&D letters from the Board over a six (6) year period for the same activities. On March 25, 2013 Attorney Gray filed a Complaint for Injunctive Relief on behalf of the Board in *NC PPSB v. William John Hagler*, 13 CVS 004090 – Wake Co. Mr. Haglar filed an Answer, pro se, to the Complaint. In early June Attorney Gray learned from the Sheriff’s Office that Mr. Haglar had posted LinkedIn and other social network postings on-line holding himself out as a PI after the lawsuit was filed. Attorney Gray filed a motion on June 13th and obtained an Order Granting Preliminary Injunction on June 24, 2013 in Wake County Superior Court to enjoin Mr. Haglar’s activities.

The Brunswick County Sheriff’s Office arrested and criminally charged Mr. Haglar for violation of the Board’s law and rules as well as felony obtaining property by false pretenses. He is free on \$10,000 secured bond awaiting trial.

Detective Ed Carter, who appeared at the Board’s April meeting, should be commended for his hard work and diligence in pursuing Mr. Haglar.

The Board discussed the draft amendment to 12 NCAC 07D .0301(b), .0401(b), .0501(b), .0601(b) and .0901(f) requiring military spouses to hold a current license, certification or registration from another jurisdiction in order to be licensed by the Private Protective Services Board. The Rules Review Commission objected to the requirement. After considering the provision, the recommendation was to drop the requirement for a military spouse to hold a current license, certification or registration from another jurisdiction.

MOTION BY MR. BOOTH TO DROP THE REQUIREMENT FOR A MILITARY SPOUSE TO HOLD A CURRENT LICENSE, CERTIFICATION OR REGISTRATION FROM ANOTHER JURISDICTION; SECONDED BY MR. WEAVER; MOTION CARRIED.

The Board also discussed the other two (2) proposed rules changes. The first being that industry members will receive two (2) credit hours instead of one (1) for attending Board meetings and the other being the penalty shall be the same for providing false information to a third party criminal record check vendor as providing false information to the Board. Attorney Gray discussed the wording of the rule change regarding credit hours. It was decided that an industry member will receive no more than four (4) credit hours a year or eight (8) per renewal period for attending Board meetings.

MOTION BY JUDGE BURRIS TO ACCEPT THE RULE CHANGES; SECONDED BY MR. WEAVER; MOTION CARRIED.

Chairman Allen recommended that the Board send a letter of appreciation to the Brunswick County Sheriff's Department regarding their assistance with the case against Mr. William Hagler.

Judge Burris asked for clarification on the status of the consent agreement with Mr. Lewis Glover. Mr. Bonapart advised that to date Mr. Glover has not made a payment and he was sent a letter asking him to appear before the Grievance Committee on October 22, 2013.

MOTION BY MR. STEVENSON TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. WEAVER; MOTION CARRIED.

PUBLIC COMMENT:

NONE

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

11:40 a.m. Adjourned

Anthony B. Bonapart, Deputy Director

Maia Washington-Powell, Licensing Assistant