

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
AUGUST 30, 2012
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Denise Martin
Judge Burris
Bill Booth
Ed Cobbler
Bob Graham
Clyde Cook
Eric Weaver Sr.
William Macrae
Richard Epley
Marcus Benson
James Stevens
Robert Clark

BOARD MEMBERS ABSENT

Sheriff Ashe

STAFF PRESENT

Terry Wright – Director
Anthony Bonapart - Deputy Director
Jeff Gray – Attorney
Phillip Stephenson – Field Services Supervisor
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary
Dionne Truitt - Licensing Assistant

GUEST PRESENT

Bill Dover
Suzanne Creech
Andreas Nichol
Jeff Kiker
Gary Pastor
John Powell
Jason Vasilko
Patty Richardson
Cyan Brooks

Gary P. Silvestri
David Pettingell
Dustin Chavis
Don Bynum
Bill Johnson
Ruth Reynolds
Gregory Hatton
Joe Welch
Jennifer McCracken

Brandon Blucher
John Pettingell
Cory Barnette
Paul Scholl
Art Klose
Jeffrey Jovis
David Roebum
David Arndt
Audrea Coleman

William Huggins
June McBride
James Davis
Cleave Bethea

Christopher Nel
W.M. Pylypew
Randall Rabenold
Neil Mayzik

Pam Mayfield
Dorian Dehnel
Kevin Satterfield

Chairman Richard Allen called the August 30, 2012 Private Protective Services Board meeting to order at 9:00 a.m. Chairman Allen welcomed all guests. He also welcomed five new members to the Board: Mr. Richard Epley, Mr. William Macrae, Mr. Eric Weaver Sr., Mr. Clyde Cook and Mr. Marcus Benson were recognized as new members of the Board.

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.

GOOD OF THE ORDER:

Mr. Gary Pastor, President of NCAPI, greeted the Board and all of the guests. He gave a personal welcome to the new members of the Board and stated he looks forward to having a good working relationship with the new Board members. Mr. Pastor introduced the 2012-2013 Board of Directors for the NCAPI. He gave an overview as to what the NCAPI stands for as the representative body of PIs in North Carolina. He related that the NCAPI is working hard to provide licensees with the required Continuing Education credits. Mr. Pastor encouraged Private Investigators to join the NCAPI. He reminded everyone to go to NCAPI.com to register for upcoming courses and the latest information on NCAPI programs. He related that postcards will be mailed to members advising them of upcoming conferences and reminders to renew their membership.

APPROVAL OF THE JUNE 28, 2012 MEETING MINUTES

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

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, August 29, 2012 from 8:00 a.m. until 12:30 p.m. to review a total of 52 applications (See report). The committee members were, Mr. Clark, Mrs. Martin, Mr. Cobbler and Mr. Booth. Mr. Clark read the report for the record.

Mr. Clark presented the following registration report for the period of June 25, 2012 through August 27, 2012. Total registrations 4,047; armed totals were 648 of which 221 were new, 366 were renewals, 2 duplicate and 59 reissue/dual. There was a total of 10 armed Private Investigators, 6 new Private Investigators and 4 renewals, and a total of 6 armed Private Investigator Associates with 6 new Private Investigator Associates. Unarmed totals were 3,383

which included 1,391 new, 1,761 renewals, 197 transfers, 11 duplicates and 23 reissue/dual. Total denials were 723 of which 134 were for cause and 589 for correctable reasons. There were 757 applications approved which were previously denied for a total of 1,480 denials reviewed.

MOTION BY MR. BOOTH TO ACCEPT THE SCREENING COMMITTEE REPORT AND THE REGISTRATION REPORT; SECONDED BY MRS. MARTIN; IT WAS NOTED THAT MR. STEVENS RECUSED HIMSELF FROM DELIBERATION AND VOTE ON # 2 RUBEN ALEXANDER. MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Committee met on Tuesday, August 28, 2012 from 8:00 a.m. until 12:15 p.m. and 1:30 p.m. to 3:30 p.m. and heard a total of 12 cases. The committee members were Judge Burris, Mr. Donaldson, Mr. Graham, Mr. Booth and Mr. Stevens. Judge Burris presented the attached report. (See attachment)

MOTION BY MR. BOOTH TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. CLARK; IT WAS NOTED THAT MR. BENSON RECUSED HIMSELF FROM DELIBERATION AND VOTE ON CASE # 2012-PPS-009, WILLIAM BASIL RATCLIFF. MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on August 29, 2012 from 2:00 p.m. until 3:05 p.m. The committee members were Mr. Stevens, Mr. Booth, Mr. Allen and Mr. Clark.

Mr. Stevens read the course schedule. The following trainer courses are scheduled:

September 10-14, 2012 (0800-1700)	FT Certification Course	NCJA
September 17, 2012 (1000-2300)	FT Re-certification Course	NCJA
November 19, 2012 (1000-2300)	FT Re-certification Course	NCJA

The above listed courses are posted on the PPSB website.

Presently we have 373 certified PPS unarmed guard trainers and 102 PPS certified armed guard trainers.

The following PPS trainer courses have been completed:

August 6-10, 2012 (0800-1700)	UG Course & Workshop	WTCC
August 21, 2012 (1400-2300)	FT Pre-Qualification Course	NCJA

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

September 5, 2012 Greenville, 9:00 a.m. -1:00 p.m.

December 13, 2012 Raleigh, 1:00 p.m. – 5:00 p.m.

Investigator Pittman made a presentation to the committee regarding the pre-qualification firearms trainer course. There were only 8 individuals who passed the pre-qualification course leaving 4 slots that needed to be filled. Investigator Pittman stated that the most cost effective way to host the firearms training course is with 12 individuals in attendance but unfortunately only 8 passed the pre-qualification course. Therefore, Investigator Pittman asked the Board to make a one-time payment to cover the cost of the 4 vacant slots out of the education fund to allow the course to be held. Mrs. Pittman reported that we will have two pre-qualification courses prior to the firearms training course in April 2013. If we cannot find 12 people to attend we will cancel the class. Mrs. Pittman addressed the history of the program for the new members. She explained that everyone who wants to attend the full course must attend the pre-qualification course. Under the new criteria we have established a set amount that all attendees will pay instead of splitting an unknown amount at the end of the course under the previous criteria.

MOTION BY MR. BOOTH TO PAY FOR THE 4 SLOTS OUT OF THE EDUCATION AND TO ALLOW TWO PRE-QUALIFICATION COURSES PRIOR TO THE APRIL 2013 COURSE; SECONDED BY MR. EPPERLY; MOTION CARRIED.

Mr. Booth stated that the following 8 courses have been approved: Death Penalty and Polygraph Case Study (3 hours); Polygraph Countermeasures (6 hours); The Use of Polygraph in Internal Affairs Investigation (3 hours); Investigating Sex Abuse and Sexual Assault Cases for Criminal Defense (7 hours); Self Defense for the PI (6 hours); Surveillance Basics 101 (6 hours); Surveillance Ethics (2 hours) and Surveillance and Fraud (6 hours). The courses will be listed on the web page.

MOTION BY MR. BOOTH TO APPROVE THE 8 COURSES AS PRESENTED; SECONDED BY MR. GRAHAM; MOTION CARRIED.

Investigator Pittman reported that Securitas Security Services, USA Inc., Shearon Harris Nuclear Power Plant, Qualifying Agent Phillip Edward Hyde would like permission to renew all registrations yearly between January and April. This registration schedule will allow the company to better meet the training requirements of the federal government and the Private Protective Services Board. A representative from Securitas should be attending the October 25, 2012 Board meeting to provide the Board with the details of this request.

Investigator Pittman reported two weapons discharges since the last Board meeting. One discharge occurred in Fayetteville NC by R & R Protective Services. The security officer involved in the weapons discharge was not charged by the Fayetteville police department.

The second weapons discharge involved Eagle Eye Security. A security guard was working at a club in Raleigh when there was a confrontation. During the scuffle the security guards weapon was taken. The incident ended with the Eagle Eye Security Guard firing at the suspect with one of the bouncer's guns. The assailant was shot in the leg. The Eagle Eye Security Guard has not been charged by police.

Investigator Pittman briefly discussed 12 NCAC 07D .1303 in regards to allowing licenses to obtain credit for taking the same course twice during their two year renewal period. The T & E committee discussed this issue and ruled that the same course could not be counted twice during a two year renewal period. After the licensee has taken the course, he can take the course again during his next two year licensing period.

Investigator Pittman reported that she received an email from Mr. Jason P. Speller requesting permission to make a presentation in front of the October 2012 Board on personal protection (executive protection). Mr. Speller and a group of individuals who are interested in the Board designating a separate license for this discipline have developed standards that they would like the Board to consider.

Mr. Clark read the email to the Board and expressed his concerns about Mr. Speller and his group's intentions. He stated that the Board had addressed this issue about two or three years ago. The Board discussed the merits of hearing the presentation and it was decided to invite Mr. Speller to make a presentation before the Training and Education (T&E) committee and allow him ten (10) minutes to make his presentation.

MOTION BY MR. BOOTH TO INVITE MR. SPELLER TO COME BEFORE THE OCTOBER 25, 2012 T & E COMMITTEE; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO LIMIT THE GROUP'S PRESENTATION TO 10 MINUTES; SECONDED BY MR. MACRAE; MOTION CARRIED.

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

GRIEVANCE COMMITTEE REPORT:

Judge Burris stated that having the three day meeting was very helpful in eliminating the backlog of Grievance cases. He recommended that the Board schedule a three day Board meeting in 2013 for the February and October meetings. He recommended that the three day schedule remain as follows:

Tuesday	Wednesday	Thursday
Grievance Committee 8:00 a.m. to 12:00 1:30 p.m. - until	Screening 8:00 a.m. Training and Education 2:00 p.m. 74C Legislative Committee 3:00 p.m. Finance Committee Meeting 4:00 p.m.	Full Board Meeting 9:00 a.m.

MOTION BY JUDGE BURRIS TO HAVE A THREE DAY BOARD MEETING IN FEBRUARY AND OCTOBER 2013; SECONDED BY MR. BOOTH; MOTION CARRIED.

Judge Burris discussed Private Investigators representing both sides in a case some of which may be volatile. This behavior is a clear conflict of interest. Judge Burris suggest that the Board further review ethical violations and consider establishing specific rules that clearly spell out what is an ethical violation. If someone in the industry has an opinion on this issue then those views should be considered as well. The Board does not need to act today but we need to discuss this issue further at the 74C rewrite committee meetings. From a legal stand point we have a problem disciplining licensees when ethical violations are not clearly explained in the rules and statute.

Judge Burris asked Deputy Director Bonapart to create a report on the Private Protective Services Board appeals process covering June 1, 2011 to June 30, 2012 (see attached report). Deputy Director Bonapart gave a 10 minute presentation to include a statistical report on the Board’s activities during the reporting period. He provided an overview of the appeals process starting with the Internal Review followed by the North Carolina Office of Administrative Hearings (OAH) and ending with the Board’s Final Agency Decision.

Deputy Director Bonapart reported that overall the appeals process gives applicants a genuine opportunity to tell their story to the Board. The statistics show that the process is fair and a petitioner’s chance of prevailing improves as he/she moves through the system. The appeals

process has made the Board's decision-making process accessible to the industry, giving registrants as well as licensees an opportunity to initially meet with the Deputy Director during the Internal Review as well as an opportunity to appear before the Board during the Final Agency Decision stage.

Judge Burris commented that the report by Deputy Director Bonapart reveals the appeals process is working well. Judge Burris asked that Deputy Director Bonapart give a yearly report to the Board on the appeals process.

MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

SCREENING COMMITTEE REPORT: NONE

74C REWRITE COMMITTEE:

Judge Burris advised the 74C Rewrite Committee met on August 29, 2012 from 3:00 p.m. until 4:00 p.m. The committee members were Richard Allen, Denise Martin, Bill Booth, Ed Cobbler, Bob Graham, Clyde Cook, Eric Weaver Sr., William Macrae, Richard Epley, Marcus Benson, James Stevens and Robert Clark.

Judge Burris reported the legislature will convene in January and we have time to put our agenda items together. The committee discussed providing more enforcement options, especially when dealing with unlicensed activity such as charging offenders with misdemeanors, reporting offenders to the NC Department of Revenue and the ability to access a civil penalty for unlicensed activity.

The committee discussed the need to educate District Attorneys on the power of the Board. We need District Attorneys to get more involved in enforcement. The Private Protective Services Board as with most licensing boards has limited power. The Board can issue a C & D and have the attorney file a civil injunction, or it can select to have the person charged with a misdemeanor, but that is the limit of the Board's authority.

The committee also talked about the frustration many Board members feel when the Board sanctions an individual who then employs a straw man to set up the same company. We occasionally have someone who engaged in unlicensed activity then apply for a license. The Board needs to be more forceful with those offenders.

Judge Burris briefly discussed House Bill 799. Licensing Boards are required to give licenses to military personnel and their spouse if he/she meets the criteria of House Bill 799. The T & E committee will have to schedule additional work sessions to develop proposals to meet the requirement. In our work sessions we need to identify personnel who can help steer our recommended amendments to the statute through the legislature. Finding sponsors to get our amendments through the legislature is very important. We have to find a sponsor to open the door for us.

Mr. Clark discussed Private Investigators working for more than one attorney. Mr. Clark stated that in some cases these PIs are working for numerous attorneys and they should be licensed. Mr. Clark would like to see the statute changed to stipulate that if a PI works for more than one attorney then he/she will have to obtain a PI license. Attorney Gray was asked to review the attorney exemption (74C-3(b) (4)) and report back to the Board at the October meeting.

**MOTION BY MR. BOOTH TO ACCEPT THE 74C REWRITE COMMITTEE REPORT;
SECONDED BY MRS. MARTIN; MOTION CARRIED.**

FINANCE COMMITTEE

Mr. Clark advised the Finance Committee met on August 29, 2012 from 4:10 p.m. until 4:28 p.m. The committee members were Ed Cobbler, Bob Graham and James Stevens.

Mr. Clark reviewed the Boards operating budget for FY 2011/2012 as of June 29, 2012. He reported that the operating budget as of July 1, 2012 is \$725,283.56. The education fund balance is \$56,024.69.

Mr. Clark discussed transferring money from the education fund to finance the new computer system and money from the education fund being set aside for the PPSB Grant. Mr. Clark asked Director Wright to briefly discuss the computer upgrade.

Director Wright gave a recap of the proposed upgrade of the computer system. He reminded the members that the Board voted to convert \$66,270.86 from the education fund to the operations account in a line item designated for the new computer system. The RFP process should close the end of this month. Proposals will be brought before the Board toward the end of the year to consider. Mr. Wright further stated that no funds had been spent on the upgrade of the system. Once bids are received, the bids would be presented to the Board and the Board would determine whether to fund the upgrade of the system.

He also reminded the Board that one grant has been approved this year for less than \$5,000.

**MOTION BY MR. BOOTH TO ACCEPT THE FINANCE COMMITTEE REPORT;
SECONDED BY MR. STEVENS; MOTION CARRIED.**

BREAK: 10:30 a.m.
RECONVENED: 10:58 a.m.

OLD BUSINESS:

Chairman Allen nominated Mrs. Denise Martin and Mr. Eric Weaver Sr. to serve on the Third Party Criminal Records Check committee for PPSB.

MOTION BY MR. MACRAE TO ACCEPT THE CHAIRMAN'S RECOMMENDATION; SECONDED BY MR. BOOTH; MOTION CARRIED.

Mr. Booth discussed the recently published newsletter and all the information it provides to the industry. The newsletter shows the industry how the Board is working for them. He thanked the staff for developing the newsletter.

Gary Pastor addressed the Board and asked for clarification on whether a PIA could carry the PI Badge. Mr. Pastor stated that the last interpretation we received from Mr. McDarris was that a Private Investigator could carry the badge and a Private Investigator Associate could not. Mr. Pastor suggested a PIA should carry the same identification as the licensed PI. Mr. Clark reminded the Board that the Sheriff's Association and the Police Chief's Association approved the badge for licensed PIs only. The issue of PIAs did not come up during the discussions. However, he agreed that PIAs should be able to carry the badge.

Attorney Gray read 74C-5(12) to the Board covering the power of the Board to design and approve a badge or shield. He reminded the Board that the Board cannot deviate from the design of the badge as illustrated in 12 NCAC 07D .0405. The Board discussed the issue and Chairman Allen asked attorney Gray to prepare a motion for a policy interpretation of 12 NCAC 07D .0405 to include Private Investigator Associates, but limit the interpretation to just that rule. Action on this issue is deferred until the interpretation is received and reviewed by the Board.

Gary Pastor also questioned renewal paperwork received by the Board. He asked that the Board use the post mark stamp instead of the date received stamp currently used by the Board when considering whether the renewal is late. He asked if the post mark is acceptable to the Board. Director Wright explained the rule requirements and that staff is processing mail in accordance with the rule. After a brief discussion - staff will continue to use the date received stamp.

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 APPOINT MR. RICHARD ALLEN AS CHAIRMAN. SECONDED BY MR. CLARK. MOTION CARRIED. NONE OPPOSED.

MR. CLARK MADE A MOTION TO APPOINT MR. JAMES STEVENS AS VICE CHAIRMAN; SECONDED BY MR. BURRIS. MOTION CARRIED. NONE OPPOSED.

MR. ALLEN MADE A MOTION TO APPOINT MR. JAMES STEVENS AS CHAIR OF THE TRAINING AND EDUCATION COMMITTEE; SECONDED BY MR. BURRIS.

MR. COOK MADE A MOTION TO APPOINT MR. ERIC WEAVER AS CHAIR OF THE TRAINING AND EDUCATION COMMITTEE; SECONDED BY MR. EPLEY.

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

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

MR. JAMES STEVENS WAS ELECTED CHAIR OF THE TRAINING AND EDUCATION COMMITTEE BY MAJORITY VOTE.

MRS. MARTIN MADE A MOTION TO APPOINT MR. CLARK AS CHAIR OF THE SCREENING COMMITTEE; SECONDED BY MR. EPLEY; MOTION CARRIED. NONE OPPOSED.

MR. STEVENS MADE A MOTION TO APPOINT JUDGE BURRIS AS CHAIR OF THE 74C REWRITE COMMITTEE; SECONDED BY MR. BOOTH; MOTION CARRIED. NONE OPPOSED.

MR. STEVENS MADE A MOTION TO APPOINT MR. MONTY CLARK AS CHAIR OF THE FINANCE COMMITTEE; SECONDED BY MR. BOOTH; MOTION CARRIED. NONE OPPOSED.

MR. CLARK MADE A MOTION TO APPOINT MR. CLYDE COOK AS ETHICS LIAISON; SECONDED BY MR. BOOTH; MOTION CARRIED. NONE OPPOSED.

The following members were selected to chair the specified committee:

Richard Allen - Chairman
James Stevens - Vice Chairman
Judge Burris - Grievance Committee Chair
Mr. Clark - Screening Committee Chair
James Stevens - Training & Education Committee Chair
Judge Burris - 74C Rewrite Committee Chair
Mr. Clark - Finance Committee Chair
Mr. Cook - Ethics Liaison

FINAL AGENCY DECISIONS

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

The Board received the official record for the following case:

Akbar Muhammad Hasan, 12-DOJ-01212. Mr. Hasan was not present. This case was heard by Administrative Law Judge Beecher R. Gray on March 27, 2012. This case involved the denial of the petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Beecher R. Gray proposed that the case be dismissed without prejudice for Petitioner failing to prosecute this contested case. Mr. Hasan was not present at the Board meeting.

MOTION BY JUDGE BURRIS TO ACCEPT DISMISSAL; SECONDED BY MR. BOOTH. MOTION CARRIED.

The Board received the official record for the following case:

Ryan Patrick Brooks, 12-DOJ-01696. Mr. Brooks was present. This case was heard by Administrative Law Judge Melissa Owens Lassiter on May 29, 2012. This case involved the denial of the petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Melissa Owens Lassiter proposed that the Board reverse its initial decision to deny the Petitioner's application for armed security guard registration and grant the unarmed security guard registration. Mr. Brooks was present at the Board meeting.

MOTION BY JUDGE BURRIS TO REVERSE THE BOARD'S INITIAL DECISION WITH AN ADMENDMENT TO GRANT THE APPLICANT'S ARMED REGISTRATION; SECONDED BY MRS. MARTIN; MOTION CARRIED.

The Board received the official record for the following case:

Elijah K. Vogel, 12-DOJ-02619. Mr. Vogel was not present. This case was heard by Administrative Law Judge Melissa Owens Lassiter on May 29, 2012. This case involved the denial of the petitioner's application for an unarmed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Melissa Owens Lassiter proposed that the case be dismissed without prejudice for Petitioner failing to prosecute this contested case. Mr. Vogel was not present at the Board meeting.

MOTION BY JUDGE BURRIS TO ACCEPT DISMISSAL; SECONDED BY MR. BOOTH. MOTION CARRIED.

The Board received the official record for the following case:

Jerome Douglas Mayfield, 12-DOJ-02381. Mr. Mayfield was not present. This case was heard by Administrative Law Judge Beecher R. Gray on May 1, 2012. This case involved the denial of the petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Beecher R. Gray proposed that the case be dismissed without prejudice for Petitioner failing to prosecute this contested case. Mr. Mayfield was present at the Board meeting.

MOTION BY MR. WEAVER TO ACCEPT THE DISMISSAL; SECONDED BY MR. CLARK; MOTION FAILED.

FURTHER DISCUSSION BY THE BOARD LED TO AN ADDITIONAL MOTION:

MOTION BY MRS. MARTIN TO ALLOW MR. MAYFIELD'S MATTER TO BE RENOTICED FOR A HEARING AT OAH; SECONDED BY MR. COBBLER; MOTION CARRIED.

The Board received the official record for the following case:

Dustin Lee Chavis, 12-DOJ-01697. Mr. Chavis was present. This case was heard by Administrative Law Judge Beecher R. Gray on May 1, 2012. This case involved the denial of the petitioner's application for an armed guard registration based on the Petitioner's demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Beecher R. Gray proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the armed security guard registration. Mr. Chavis was present at the Board meeting.

MOTION BY JUDGE BURRIS TO REVERSE THE BOARD'S INITIAL DECISION AND GRANT THE APPLICANT'S ARMED REGISTRATION; SECONDED BY MR. BOOTH; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Terry Wright presented the report. The current PPS budget as of June 29, 2012 has a balance of \$725,283.56; the Education Fund balance is \$56,024.69. As of August 27, 2012, the total registrations for PPS is 20,464, 1,897 licensees, 609 certifications.

Director Wright noted that there has been a total of 2,890 various correspondence printed from the PPS database and 4,243 applications received since the last Board meeting.

MOTION BY MR. BOOTH TO ACCEPT THE REPORT; SECONDED BY MRS. MARTIN; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray reported on the following consent agreements:

Daniel A. Bellino consent agreement in the amount of \$1,122.00 has been executed and paid in full.

David Ray Bailey, Premier Protective Services, Inc. On April 26, 2012, the Private Protective Services Board voted to enter into a consent agreement with Mr. Bailey in the amount of \$14,688.00 for 144 registration violations. The consent agreement was mailed to Mr. Bailey on May 3, 2012. The consent agreement required him to pay the \$14,688.00 in six installment payments of \$2,448.00 with each payment due the first of each month, with the first payment being due on June 1, 2012 and the final payment due on November 1, 2012. The first payment should have been paid on or about June 1, 2012. To date a payment has not been received. A follow up letter was mailed on June 25, 2012.

John D. Nail, Vice President, Allegiance Security Group, LLC – On June 28, 2012, The Private Protective Services Board voted to enter into a consent agreement with Mr. Nail in the amount of \$6,103.60 for 67 registration violations. The payment has not been received.

The following rule changes were noticed in the April 2, 2012 NC Register and are before you for your adoption.

Adoption to: 12NCAC 7D .1401 through .1407, .1501 through .1507 and .0912;
Amendment to 12NCAC 7D .0105, .0902, .0904, .0909, .0910, .0911 and .1106;
Repeal: 12NCAC 7D .1108.

MOTION BY JUDGE BURRIS TO ADOPT THE RULES; SECONDED BY MR. WEAVER; MOTION CARRIED

MOTION BY JUDGE BURRIS TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

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

1:45 P.M. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary