

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
AUGUST 25, 2011
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Brenda Bishop
James Stevens
Judge Burris
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Sheriff Ashe
Robert M. Clark
Steve Johnson
Ed Cobbler
Bob Graham

BOARD MEMBERS ABSENT

Sheriff Jenkins

STAFF PRESENT

Anthony Bonapart - Deputy Director
Charles McDarris – Attorney
Phillip Stephenson – Field Services Supervisor
Judy Pittman - Training Officer
Joyce McClure - Board Secretary
Garcia Graham - Licensing Assistant

GUEST PRESENT

Kenneth Berg
Audra Coleman
Larry Flannery
Alan W. Bumgarner
Gary Pastor
Bobby Phillips
Richard L. Lowery
Ashlie Pearson
Denise Martin
Bill Johnson
Russell W. Thomas

Alan Campbell
Ruth Reynolds
Abel Montes de Oca
Webster Lubemba
Greg Hatten
Jeff Cathcart
Anthony Rogers
Laduan Jacobs
Charles Toliver
Dorien Dehnel
Robert McCrury

Bronnie Quinn
Charlie Branch
Greg Casstevens
David Arndt
Jeff Kiker
Bill Dover
Lee Alexander
Kyle Sweeney
Karen Johnson
Alan R. Stevens
Joseph White

Chairman Richard Allen called the August 25, 2011 Private Protective Services Board meeting to order at 9:15 AM. Mr. Allen welcomed all guests and introduced the two new Board members, Mr. Ed Cobbler and Mr. Bob Graham. He stated that they are both industry members. Chairman Allen stated that both he and Judge Burris had been reappointed for an additional three years.

Attorney Charles McDarris 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 said the Association is currently working on many projects including NCAPI Fall Conference to be held in Fayetteville, NC on October 21st and 22nd. He stated that the Conference would offer 12 hours of Continuing Education Credits to the attendees. Mr. Pastor announced that the Association would be having their annual meeting in January 2012, in Greensboro, which will include the annual elections and an opportunity to obtain additional Continuing Education training. He anticipates giving a four hour course on self defense for investigators.

The Association is working on the annual Hit the Hill campaign to be held in Washington DC, on September 12th and 13th. The purpose of the meeting is to provide legislators with the industry's opinion on upcoming proposed regulations. The Association currently has seven members that plan to attend. In 2010, the Association had the largest representation from all of the states. Mr. Pastor stated that on August 24, 2011, Mr. Andrew Fisher from the law office of Smith Anderson, spoke to their board regarding fiduciary responsibilities toward education.

APPROVAL OF THE JUNE 23, 2011 MEETING MINUTES, THE SPECIAL FINANCE COMMITTEE MEETING AND THE SPECIAL TRAINING AND EDUCATION MEETING ON JULY 19, 2011:

**MOTION BY MR. STEVENS TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MR. BOOTH; MOTION CARRIED.**

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday, August 24, 2011 from 2:00 PM until 6:00PM to review a total of 47 applications with 2 Denials and 5 Deferrals; the remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mrs. Pleasant, Mr. Johnson, Sheriff Ashe and Mr. Clark. Mrs. Bishop read the report for the record.

Mrs. Bishop presented the following registration report for the period of June 17, 2011 through August 23, 2011. Total registrations 3860; armed totals were 603 of which 213 were new, 365 were renewals, 1 duplicate and 24 reissue/dual. There were 7 renewals of Private Investigators armed permit, 3 new Private Investigator and 1 new Private Investigator Associate armed permits. Unarmed

totals were 3246 which included 1204 new, 1934 renewals, 82 transfers, 12 duplicates and 14 reissues/dual. Total denials 800 of which 227 were for cause and 573 for correctable. There were 496 applications approved which were previously denied for a total of 1296 denials reviewed.

It was noted that Sheriff Ashe recused himself on # 37 & 38 Mr. William Roemer and Mr. Johnson on #44 Victoria Taylor. Mr. Booth recused himself on #42 Robert Stagg.

MOTION BY MR. CLARK TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the Committee met on Wednesday, August 24, 2011 from 8:00 AM until 11:00 AM and heard a total of four cases. The committee members were Judge Burris, James Stevens, Bill Booth and Eric Jones. Judge Burris presented the attached report. (See attachment)

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

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday, August 25, 2011 from 8:00AM. until 9:00 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mr. Johnson and Mrs. Pleasant.

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

September 12-16, 2011	FT Certification Course	NCJA
September 19, 2011	FT Re-certification Course	NCJA
November 21, 2011	FT Re-certification Course	NCJA
December 5-9, 2011	UG Course & Workshop	WTCC

The above listed courses are posted on the PPSB website.

Presently we have 365 certified PPS unarmed guard trainers and 98 PPS certified armed guard trainers.

The following PPS trainer courses have been completed:

July 25-29, 2011	UGT Course & Workshop	WTCC
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The following PPS Training Courses for CEU Credits have been scheduled:

September 1, 2011	Greenville, NC
December 15, 2011	December 15, 2011

Mr. Stevens reviewed the following topics that were discussed in the Training and Education meeting that was held just prior to the Board meeting.

Mr. Stevens reported on the training courses that were completed and the newly scheduled classes which are listed on the website. He noted that the revised format for the classes held at Wake Tech Community College have improved the passing rate for the participants.

Mr. Stevens stated that there are two more PPS CEU classes to be presented, one in September and one in December. The attendance for the class that was held in Fletcher was a good turnout with 65 attendees.

Mr. Stevens reviewed the report regarding two accidental weapon discharges that had been discussed at the Training and Education meeting.

The medical waiver for requalification was discussed at the Training and Education meeting and it was decided that a committee would review it, revise the wording and then bring it back at the next meeting.

Mr. Stevens stated Garda had been required to present their company plan for training due to three previous accidental discharges of weapons. The committee reviewed the plan and stated that the company must revise the plan, they are to confer with Mr. Johnson and present the revised plan at the next meeting. The Armored Car Manual was presented to the committee for review and will be addressed at the next meeting.

The proposed rule changes to 12 NCAC 07D .0901 and 12 NCAC 07D .0904 regarding the requirements for a Firearms Trainer Certificate and the renewal of a Firearms Trainer Certificate was discussed. Because of the diverse issues associated with this rule change, it was decided that a subcommittee be established to address the issues and present the results to the committee.

Mr. Stevens commended the Continuing Education subcommittee for their efforts, and announced that there will be a rotation on the committee. The new committee will be Mr. Johnson, chairperson, Mr. Clark and Mr. Allen.

Mrs. Pleasant stated that the following courses have been approved: Tracking the Fugitive Through the Electronic Age; Forensic Science for Daily Practice; Richmond VA Arson School, July 2010; American Polygraph Association Continuing Education Seminar; 2011 Annual Investigator Conference, Email Tracing and Internet Profiling Part 1 and Part 2, Generating Income From Identity Theft Services, How to Retain More Business from Your Current Clients & Gain New Clients, An Introduction & Overview to Interviews or Interrogations Using Applications of Kinesics & NLP, Forensic Photography & Evidence Documentation, The Ten Biggest Myths of Computer Use, Methodology in the Special Handling of Complex Family Law Matters, How to Testify in a Jury Trial; The National Association of Professional Process Servers; Street Gang Recognition and Understanding; 2011 SCALI Annual Spring Conference; Pleducation Sleuthing Social Sites; Investigations into the Land of the Lost; Surveillance: Obtaining Evidence that Stands up in Court; Certificate in Terrorism Studies; Agency Survival/Submitted for 6 CEU's for Instructor Development of Course; Criminal Defense Investigations Part III.

The following Courses were denied: American Heart Association: Basic Life Support for Health Care Providers; Executive Protection; Defense Technology Aerosol Projectors: Instructions for Online Notary Public.

MOTION BY MR. BOOTH TO APPROVE THE RECOMMENDATIONS OF THE SUBCOMMITTEE; SECONDED BY MRS. BISHOP; MOTION CARRIED.

MOTION BY JUDGE BURRIS TO ACCEPT THE TRAINING AND EDUCATION REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT -

Judge Burris commented that the new process of receiving the case reports before the meeting allows the committee to thoroughly review each case and the process has become more efficient for every one. He also, complimented the investigators on the quality of the reports.

MOTION BY SHERIFF ASHE TO ACCEPT THE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

SCREENING COMMITTEE REPORT - NONE.

74C REWRITE COMMITTEE:

Judge Burris stated that there is a list that is being compiled that will bring items to the Committee for discussion. He noted that there has been an occurrence of complaints that are being filed that happened as much as ten years ago and the committee may want to discuss implementing a Statute of Limitations on complaints

FINANCE COMMITTEE :

Mrs. Pleasant reported that the Finance Committee met on July 19, 2011 and had good representation from the industry at the meeting. She stated that the committee had made a recommendation to move funds in excess of \$50,000 from the Education Fund to the Operating Account to implement the new software system. Mrs. Pleasant is working on the details with Mr. Nels Roseland from DOJ and will present her report to the Board at the next meeting.

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

OLD BUSINESS:

Mr. Dorian Dehnel of Criminal Records Check.com gave an annual report on the third party out of state criminal record check process. He stated that the company has processed 4462 requests in the past 51 weeks with only two disputes, one of which was withdrawn and one that was upheld. Mr. Dehnel stated that there were two price increases in the past year due to the increases that were imposed in the CRC industry. The company is always looking to improve their process and asked for input from the industry.

Sheriff Ashe inquired about their procedures. Mr. Dehnel stated that it is illegal to resell that information. He also stated that they will do a check of the sex offender registry but it will be an additional charge. Per Federal Law, they must do extensive research if a name comes up on the Terrorist Alert.

Mr. Stevens commented that the process has resulted in nothing but positive feedback from the industry.

NEW BUSINESS:

Chairman Allen stated that according to 74C (4)(f), there is to be an election of officers. Attorney Charles McDarris took the nominations. Mr. Johnson inquired whether or not there could be a single nomination for the positions. There were no objections to having a single slate election.

- Richard Allen - Chairman
- James Stevens - Vice Chairman
- Judge Burris - Grievance Committee Chair
- Mrs. Bishop - Screening Committee Chair
- James Stevens - Training & Education Committee Chair
- Judge Burris - 74C Rewrite Committee Chair
- Mrs. Pleasant - Finance Committee Chair

MOTION BY MRS. BISHOP TO LEAVE THE SLATE AS IS; SECONDED BY MR. DONALDSON; MOTION CARRIED BY UNANIMOUS VOTE.

Chairman Allen appointed Judge Burris as the Ethics Liaison. Chairman Allen requested that the Board members advise him as to which committees they wished to serve on before the October Board Meeting.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following case:

Laduan Vinyah Jacobs, 11-DOJ-7650. Mr Jacobs was present. 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 for two misdemeanor convictions of Public Official, Misconduct in Office.

Administrative Law Judge Donald W. Overby proposed that the Board reverse its initial decision to deny the Petitioner's application for unarmed security guard registration and grant the unarmed security guard registration after a six month denial period. The six month denial period shall be stayed for one year and the license shall be issued on a one year probationary status on the condition that any violation of the law by Petitioner will suspend the registration.

MOTION BY MR. JOHNSON TO GRANT HIS UNARMED REGISTRATION WITH NO CONDITIONS ; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

ATTORNEY'S REPORT:

Consents and Settlement Agreements are all current, executed and paid.

Mr. McDarris stated that all of the current appeals have been filed with the Office of Administrative Hearings and are listed in the Attorney's report.

12 NCAC 7D .1303 Amendments to the Continuing Education rule have been filed with the Rules Review Commission. Rules Review has objected to some of the language; Mr. McDarris has recommended striking the language and will review the rule at the next meeting.

MOTION BY MR. JOHNSON TO ACCEPT THE CHANGES; SECOND BY JUDGE BURRIS; MOTION CARRIED.

12 NCAC 7D .0201, .0203, .0701, .0706, .0801, .0806, and .0902 Amending the rules to include, where necessary, an Equifax Credit Check and digital photo requirements are in the public comment period. The above rules will be presented for possible adoption at the next meeting.

Under the **Miscellaneous** section the following issues are being addressed:
Medical Exemption

Whether an applicant must renew an unarmed trainer certification when applying to renew their armed trainer certification. (Compare 12 NCAC 7D .0901(a)(6) to 12 NCAC 7D .0904)

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

DIRECTOR'S REPORT:

Deputy Director Bonapart presented the report. The combined PPS/ASL budget as of July 31, 2011 has a balance of \$627,780.44; the Education Fund balance is \$117,499.29. As of August 21, 2011 we have a total of 17,569 PPS registrations, 1825 licenses, 560 certifications, one endorsement for a total of 17,569 active personnel for PPS. Active licenses and registrations for both Boards are 24,156.

Deputy Director Bonapart noted that there has been a total of 2589 various correspondence printed from the PPS database, and 4998 applications received since the last Board meeting.

Deputy Director Bonapart stated that the Private Protective Services Office will be moving from 1631 Midtown Place to the Capital Bank Building, 4901 Glenwood Avenue, 2nd floor suite 200 at the end of October 2011.

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

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

10:25 A.M. Adjourned

Anthony Bonapart, Deputy Director

Joyce McClure, Board Secretary