

**MINUTES OF THE  
PRIVATE PROTECTIVE SERVICES BOARD MEETING  
DECEMBER 15, 2011  
HOLIDAY INN NORTH  
2805 HIGHWOODS BLVD.  
RALEIGH, NC 27604**

**BOARD MEMBER PRESENT**

Richard Allen  
Judge Burris  
James Stevens  
Bill Booth  
Eric Jones  
Mack Donaldson  
Robert M. Clark  
Steve Johnson  
Ed Cobbler  
Bob Graham  
Denise Martin

**BOARD MEMBERS ABSENT**

Sheriff Ashe  
Sally Pleasant  
Sheriff Jenkins

**STAFF PRESENT**

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

**GUEST PRESENT**

Kenneth Sheffield  
James McDougal  
Larry Flannery  
Teri Spy  
Nick Nicholson  
Lynn Hoosier  
Gary Silvestri  
James Luke Green  
HA House III  
Grover Singleton  
Michael Walker

Donna Campbell  
Gary Pastor  
Becky Howard  
Jeff Cathcart  
Richard Bowman  
Bill Fletcher  
Neil Mayzik  
Renee Green  
Kevin Hession  
Mickey Cook  
Christopher Mayhue

Jeff Kiker  
David Arndt  
Leo Trapanier  
Audra Coleman  
Gregory Hatten  
Hollie Trivette  
Ann Lane  
Mark Zudell  
Corey Barnette  
Robert Talton  
Rory Eddings

Frank Mento  
Dorien Dehnel  
Karen Johnson  
Douglas Kearns  
Ulises Villanueva  
Donald Jemison

Kathy Bloom  
Chuck Stubbs  
Bill Johnson  
Chris Sloan  
John Powell

Keith Hollen  
Jennifer McCracken  
Chris Hammeye  
Michael C. Norwood  
Cheryl Thomas

Chairman Richard Allen called the December 15, 2011 Private Protective Services Board meeting to order at 9:30 A.M. Mr. Allen welcomed all guests and requested they sign in on all three of the sign in sheets, turn off cell phones and introduce themselves.

Attorney Denise Stanford 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 himself or herself 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 and wished everyone a Merry Christmas. He said the Association is celebrating its 25<sup>th</sup> Anniversary and will be holding their annual meeting on January 13<sup>th</sup> and 14<sup>th</sup> 2012 at the Holiday Inn North, Highwoods Blvd., Raleigh. He stated that the Association will be offering a free 4 hour course in Self Defense for Continuing Education Credits. Mr. Pastor stated that there will be guest speakers and that the Association will be holding their annual election of Officers for the upcoming year.

Mr. Pastor announced that the Association will hold its Spring Conference at the Clamdigger Inn, in Atlantic Beach on March 12<sup>th</sup> and 13<sup>th</sup> 2012. The Association is planning on 12 Continuing Education hours to be offered at the Conference.

In fall of 2011, the Association held its Fall Conference in Fayetteville and had 126 attendees.

**APPROVAL OF THE OCTOBER 27, 2011 MEETING MINUTES**

**MOTION BY MR. JONES TO ACCEPT THE MINUTES AS PRESENTED;  
SECONDED BY MR. JOHNSON; MOTION CARRIED.**

**SCREENING COMMITTEE REPORT:**

Mr. Johnson reported that the Screening Committee met on Wednesday, December 14, 2011 from 2:00 PM until 5:10 PM to review a total of 63 applications. There were 2 Denials and 4 Deferrals. The remainder of the applications were approved (see report). Committee members included Chairman Allen, Mr. Johnson, Mr. Donaldson and Mr. Clark. Mr. Johnson read the report for the record.

Mr. Johnson presented the following registration report for the period of October 25, 2011 through December 12, 2011. Total registrations 2615; armed totals were 520 of which 193 were new, 307

were renewals, 2 duplicates and 18 reissue/dual. There were 2 new Private Investigator, with 5 renewals and 4 new Private Investigator Associate armed permits, with 1 renewal. Unarmed totals were 2084 which included 957 new, 1055 renewals, 53 transfers, 6 duplicates and 13 reissues/dual. Total denials were 854 of which 192 were for cause and 662 for correctable. There were 491 applications approved which were previously denied for a total of 1345 denials reviewed.

It was noted that Mr. Donaldson recused himself on # 2 Mr. Daniel Barb, #9 Mr. Malcolm Burchett Jr. and # 59 Mr. Leroy Wilson Jr.

**MOTION BY MR. BOOTH TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.**

**GRIEVANCE COMMITTEE REPORT:**

Judge Burris reported that the Committee met on Wednesday, December 14, 2011 from 8:00 AM until 12:25 PM and heard a total of ten cases. The committee members were Judge Burris, James Stevens, Bill Booth, Mack Donaldson and Eric Jones. Mr. Stevens presented the attached report. (See attachment)

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

**TRAINING & EDUCATION COMMITTEE:**

Mr. Stevens advised the Training & Education Committee met on Thursday, December 15, 2011 from 8:00 AM. until 9:15 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, and Mr. Johnson.

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

February 27, 2012	FT Re-certification Course	NCJA
March 5-9, 2012	UG Course & Workshop	WTCC
April 9-13, 2012	FT Certification Course	NCJA
May 7-11, 2012	UG Course & Workshop	WTCC
June 4, 2012	FT Re-certification Course	NCJA

The following PPS Trainer courses have been completed:

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 Training Courses for CEU Credits have been scheduled:  
December 15, 2011            Raleigh, NC

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. Mr. Stevens commented that the two classes that were completed had completion rate of 100 per cent passing.

Mr. Stevens stated that there is one more PPS CEU class to be presented for this year, it will be held this afternoon.

Mr. Johnson stated that the committee had accepted the revisions to the Armored Car Training Manual and wants to implement the rule change for a new category for the industry. The change would require anyone leaving the Armored Car Industry to accept a position in the Security Guard and Patrol industry to complete the unarmed guard training for Security Guard and Patrol.

**MOTION BY MR. JOHNSON TO ACCEPT THE ARMORED CAR TRAINING MANUAL AND MOVE FORWARD WITH THE NEW RULE IMPLEMENTATION FOR A NEW CATEGORY OF REGISTRANT; SECONDED BY MR. BOOTH; MOTION CARRIED.**

Mr. Stevens stated that T. Scott Stanley requested that the Psychological Stress Examiners License for Layered Voice Analysis be approved. The Training and Education committee recommended the Board approve the program.

**MOTION BY MR. STEVENS TO APPROVE THE TWO LEVEL LAYERED VOICE ANALYSIS 6.50 PROGRAM; SECONDED BY MR. CLARK; MOTION CARRIED.**

Mr. Stevens stated that the committee had a request from Staff to make a rule change for Unarmed Guard Trainers that would require them to submit their rosters on a monthly basis. It was recommended that Staff bring the proposed rule back to the Board.

Mr. Booth reviewed the proposed Grant Program for Continuing Education. The guidelines are as follows:

The grant money would be available to any licensees within the confines and constraints of the physical facility where the training is offered and the training capabilities of the grant recipient.

- a) A non- profit entity recognized as tax exempt by the US Internal Revenue Service.
- b) A local NC Community College operating in cooperation with and industry group or member.

Grants shall be awarded through the application process which is initiated by the submission of the PPS Education Grant Application. The application will contain information on the proposed training to include topics and goals, duration, number of licensees expected to be trained, location and date,

and expected expenses. Grants will only be awarded for actual costs of training such as speaker's fees, speaker's travel costs, training aids, training room rental, and material distributed to the attendees.

Successful grant recipients will be required to sign the Non Profit Grantee Contract provided by PPSB. The contract may be viewed in advance on the PPS website. Grants shall be awarded in a maximum amount of \$5000.00 per application. Multiple grants may be awarded to multiple recipients or to a single recipient each calendar year within the fiscal constraints of the Education Fund. All awards are decided upon by the PPS Board. The grant time frame duration shall be one year. All funds must be expended and accounted for within one year of the grant award.

There will be two grant application periods each calendar year. Each application period will be 60 days in duration. The PPS Board will announce the beginning of the period at a regularly scheduled Board meeting and the conclusion of that period at the next Board meeting. Grant applications are encouraged to submit applications early to ensure thorough consideration. Grant funding will be reimbursement for funds expended only. Requests for reimbursement shall be supported by appropriate documentation.

Grant recipients will be required to complete the reporting forms as required by NC Statutes and Rules. The forms will be made available to recipients upon award of the grant.

A Conflict of Interest Policy shall be submitted by the grantee as set forth in GS 143-6-23(b) at the time the initial grant application is submitted to the Training and Education Committee.

The initial announcement will be made at the February 2012 meeting and the grant will be awarded at the April 2012 meeting.

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

Mr. Stevens reported that there were two weapons discharges, one was an actual shooting and the other was an accidental discharge.

**MOTION BY MR. JOHNSON THAT EFFECTIVE JANUARY 1, 2012, IT IS REQUIRED THAT THERE IS A PRE-QUALIFICATION FOR THE RE-CERTIFICATION FIREARMS CLASSES; SECONDED BY MR. STEVENS; MOTION CARRIED.**

Mr. Johnson reviewed the Continuing Education courses that were approved by the Training and Education Committee.

The Committee approved the following 18 courses and brought them to the Board for approval. How to Make Practice More Profitable Using DNA Technology; Street Gangs – A Historical Perspective; Notary Public Licensing Course; Techniques to Detect Deceptive Behavior; Executive Protection; Prevention of Violence in the Workplace; Discerning Deception; Aspects of Insurance

Fraud “First Line Defense”; Organized Fraud Rings & Transient Groups; Insurance Fraud ”Methodology, Defense & Approach; Vehicular Theft & Fraud; Catastrophe Fraud & Investigations; Surveillance “The Good, The Bad and The Ugly”; Premium Fraud & Rate Evasion; Mortgage Fraud; Aspects of Insurance Fraud, Investigative Strategies & Concerns; Pinnacle Studios for the Private Investigator

**MOTION BY MR. STEVENS TO APPROVE; SECONDED BY MR. BOOTH; MOTION CARRIED.**

Mr. Johnson stated that there were changes made in the Federal Law Enforcement Safety Act. The committee recommended that the Staff look into making changes to the rule that would exempt the Private Investigator that has had 10 consecutive years of law enforcement from taking the mandated 20 hour class but would still have to qualify annually and meet the State standards. Staff should conduct a review of the Act and bring back recommendations highlighting the Federal Law requirements vs the State requirements.

**MOTION BY MR. JONES TO ACCEPT THE TRAINING AND EDUCATION REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.**

**GRIEVANCE COMMITTEE -**

Judge Burris revisited the recommendation of the Grievance Committee to impose a Statute of Limitations on filing complaints for disciplinary action. This was addressed at the October Board Meeting and it was referred to Counsel to draft a rule. The proposed rule is in the Attorney’s Report 12 NCAC 07D.0107. The Grievance Committee recommends to the full Board that the proposed rule be reviewed, accepted and forwarded to rules review.

**MOTION BY MR. BOOTH TO ACCEPT THE PROPOSAL OF THE GRIEVANCE COMMITTEE; SECONDED BY MR. STEVENS; MOTION CARRIED.**

Judge Burris stated that the Grievance Committee recommended revisiting the idea of sending a newsletter with the purpose of keeping the industry informed. He stated that this was a benefit to all of the licensees. Chairman Allen proposed that Staff bring recommendations to the February Board Meeting.

**MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE’S REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.**

**SCREENING COMMITTEE REPORT:**

Mr. Johnson stated that there was an addendum to the earlier report, Mr. Reinaldo Wilson addressed the committee and he was deferred to the February meeting.

**MOTION BY MR. JONES TO ACCEPT THE REPORT; SECONDED BY MR. STEVENS; MOTION CARRIED.**

**74C REWRITE COMMITTEE :**

Judge Burris recommended the re-start of the Committee meetings, with the commencement in either April or June of this year.

**FINANCE COMMITTEE: NONE**

**OLD BUSINESS:**

Chairman Allen appointed Mr. Cobbler and Mrs. Martin to the Screening Committee and Mr. Graham to the Grievance Committee effective in February.

**NEW BUSINESS:**

There was an issue about the change in requiring a criminal background for all in-state licensees. The issue was deferred to another time.

**FINAL AGENCY DECISIONS –**

Attorney Denise Stanford removed herself as counsel to the Board to present the following cases:

The Board received the official record for the following case:

Grover W. Singleton, 11 DOJ 10366 – Mr. Singleton was present. This case reviewed the denial of the Petitioner’s application for an armed guard registration for committing an unlawful assault or demonstrating intemperate habits or a lack of good moral character.

Administrative Law Judge Donald W. Overby proposed that the Board reverse its initial decision to deny the Petitioner’s application for armed guard registration.

Judge Burris stated that he wanted modifications of the Findings of Fact and Conclusion of Law for the reason that the Board does not question the validity of the criminal conviction, but does agree that Petitioner presented sufficient evidence to rebut the Board’s evidence as to Petitioner’s lack of moral character.

**MOTION BY JUDGE BURRIS WITH THE DELETIONS, TO REVERSE THE BOARD’S ORIGINAL DECISION AND GRANT THE ARMED REGISTRATION; SECONDED BY MR. BOOTH; MOTION CARRIED.**

**DIRECTOR’S REPORT:**

Deputy Director Bonapart presented the report. The PPS budget as of November 30, 2011 has a balance of \$636,252.38; the Education Fund balance is \$51,131.65. As of December 12, 2011 we have a total of 15,477 PPS registrations, 1868 licenses, 547 certifications, one endorsement for a total of 17,893 active personnel for PPS. Active licenses and registrations for both Boards are 25,086.

Deputy Director Bonapart noted that there has been a total of 2998 various correspondence printed from the PPS database, and 2899 applications received since the last Board meeting. There have been 4278 identification cards printed.

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

**ATTORNEY’S REPORT:**

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

Ms. Stanford stated that all of the current appeals have been filed with the Office of Administrative Hearings and are current.

12 NCAC 7D .0201, .0203, .0701, .0801, .0806, and .0902 – amending the rules to include, where necessary, an Equifax Credit Check and digital photo requirements. The Board adopted the rules at its last meeting. Due to changes in the Administrative Procedure Act (“APA”) by SB 781, the Rules Review Commission staff advised that the rules would need to be re-noticed to comply with the new APA notice requirements. The rules have been re-noticed for publication in the December 15, 2011 NC Register. A hearing has been scheduled for December 30, 2011. The comment period ends on February 13, 2012. After the comment period ends, the rules will be before you again for adoption.

Under the **Miscellaneous** section the following issues are being addressed:  
12 NCAC 07D.0107 is before you for your consideration.

**MOTION BY MR. STEVENS TO APPROVE; SECONDED BY MR. CLARK; MOTION CARRIED.**

**MOTION BY MR. BOOTH TO ADJOURN; SECONDED BY SHERIFF JENKINS; MOTION CARRIED.**

**11:30 AM Adjourned**

---

Anthony Bonapart, Deputy Director

---

Joyce McClure, Board Secretary