

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
JUNE 23, 2011
CLARION INN AIRPORT
550 AIRPORT ROAD
FLETCHER, NC 28732**

BOARD MEMBER PRESENT

Richard Allen
Brenda Bishop
James Stevens
Judge Burris
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Sheriff Ashe
David Pendry
Steve Johnson

BOARD MEMBERS ABSENT

Sheriff Jenkins
Robert M. Clark

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

Bill Dover
Gregory Hatten
Jessica Wiegand
Leroy Everhart
Gary Pastor
James Zopp
Sam L. Massey
Hollie Trivette
Brian Cid
William Tabor

Donna Wilson Campbell
Greg Galle
Gregory Darnell Martin
Jeff Kiker
Larry Flannery
Wylie Cossar
Sid A. Hart
Joesph S. Siske
Dan R. Carlsen
Rex Lilly

Matthew Hewlett
John Koonce
Nick Nicholson
Terri Spy
Bill Fletcher
David Arndt
Britt Griffith
Robert Carmany
Caryl L. Cid
Randy Rabenold

Vicci Bane
Keith Haller
Anne Lane

Pam Mayfield
Katy Broon
Ralph Cummings

Michael Cheek
Darien Dehnel
Thomas J. Feeney

Chairman Richard Allen called the June 23, 2011, Private Protective Services Board meeting to order at 9:15 AM. 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 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, the President of the North Carolina Association of Private Investigators (NCAPI), greeted the Board and all of the guests. Mr. Pastor stated that the association is currently working on the NCAPI Fall Conference to be held in Fayetteville, NC. He also stated that the Association was making plans for the "Hit the Hill" event in Washington DC. Last year the Association had the most people attend from all of the states. The "Hit the Hill" event will be held September 11-13, 2011.

Mr. Pastor also stated that the NCAPI has added a link on their website to directly connect to the PPS website and the Continuing Education link.

Mr. Pastor reminded everyone that the Association would be holding their meeting today from 1:00 PM. to 3:00 PM.

APPROVAL OF THE APRIL 28, 2011 MEETING MINUTES:

**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, June 22, 2011 from 2:05 PM. until 4:00 PM. to review a total of 38 applications with 1 Denial and 3 Deferrals; the remainder of the applications were approved (see report). Committee members were: Mrs. Bishop, Mrs. Pleasant, Mr. Johnson, Sheriff Ashe, Mr. Pendry and Mr. Clark. Mrs. Bishop read the report for the record.

It was noted that Mr. Clark recused himself on # 21 James Perrone and #29 Hollie Trivette.

Mrs. Bishop presented the following registration report for the period of April 26, 2011, through June 17, 2011. Total registrations 3080; armed totals were 507 of which 148 were new, 341 were renewals, 1 duplicate and 17 reissue/dual. There was 1 renewal of a Private Investigators armed

permit, 3 new Private Investigator and 6 new Private Investigator Associates armed permits. Unarmed totals were 2563 which include 985 new, 1457 renewals, 101 transfers, 5 duplicates and 15 reissues/dual. Total denials 591 of which 182 were for cause and 409 for correctable. There were 344 applications approved which were previously denied for a total of 935 denials reviewed.

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

GRIEVANCE COMMITTEE REPORT:

Judge Burris reported the committee met on Wednesday, June 22, 2011, from 8:00 AM. until 9:30 AM. and heard a total of seven cases. The committee members were Judge Burris, James Stevens, Bill Booth and Eric Jones. Judge Burris presented the attached report. (See attachment)

MOTION BY SHERIFF ASHE 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, April 28, 2011 from 8:30AM. until 9:20 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:

July 25-29, 2011	UGT Course & Workshop	WTCC
September 12-16, 2011	FT Certification Course	NCJA
September 19, 2011	FT Re-certification Course	NCJA
November 21, 2011	FT Re-certification Course	NCJA

The above listed courses are posted on the website.

Presently we have 365 certified PPS unarmed guard trainers and 96 PPS certified armed guard trainers.

The following PPS trainer courses have been completed:

May 2- 6, 2011	UGT Course Workshop	WTCC
June 13, 2011	Firearms Trainer Re-Certification course	NCJA

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

June 23, 2011	Fletcher, NC
September 1, 2011	Greenville, NC
December 15, 2011	December 15, 2011

Mr. Stevens reported that the second PPSB sponsored training course for continuing education credits was given in Wilmington in May and there were 50 attendees. He stated that there are three more of the classes remaining for this year.

Mr. Stevens reviewed the report regarding a weapon discharge for Garda CL East, Inc.. There was a recommendation that the representative from Garda attend the next meeting as this was the third incident in a short period of time.

MOTION BY MR. BOOTH TO HAVE A REPRESENTATIVE FROM GARDA CL EAST APPEAR AT THE NEXT BOARD MEETING AND PRESENT A PLAN OF ACTION TO DEAL WITH THESE ACCIDENTAL DISCHARGES; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

The following training issues were discussed.

The Armored Car Industry has submitted a revised training manual to staff and staff will provide copies of that manual to the Training and Education Committee for review.

The committee met with a representative of Securitas, Nuclear Division to discuss their training issues and the training timetable. Securitas is requesting that during audits, the Board consider the federal mandated training that their employees must complete before assuming post. During an audit the federal mandated training and the required PPSB registration/training requirements conflict leading to Securitas being cited for PPSB violations. The Board asked staff to come back with recommendations to address the federal requirements when auditing Securitas.

Mr. Stevens commended the Continuing Education subcommittee for their efficiency in reviewing the large amount of courses that have been submitted recently. He noted that at the present time, there are about two hundred courses that have been approved.

Mrs. Pleasant stated that the following courses have been approved: Interacting with the Customer for Leaders; Leadership Ethics; Communication Essentials; Private Investigation and Security Consulting; Substance Abuse; Federal, State and Local Online Resources to Aid in Investigation; Advanced Internet Search; Cell Phone and Mobile Device Forensic Resources CD-ROM Overview; Cut Costs, Save Time, Know More and Do More with Internet; Free Public Records via Internet; Internet Information Management; International Information Gathering via Internet; Internet Privacy and Personal Data Removal; Link Analysis and Data Visualization; Open Office/Freeware Orientation; Social Networking for Professionals; Comprehensive Time Management Using Google; Computer Aided Fraud Detection; Defensive Tactics/Self Defense Security Persons; Ethics; Laws and Liabilities-Issues Affecting Private Investigators; Vetting Companies; Principles of Managerial Accounting; Internet Intelligence Gathering; 2011 Southeastern Training for Fire Investigators; Cellular Forensics 101 Logical Acquisitions; PSE and Voice Stress Analysis for Lie Detection for the Investigator; Investigative Discourse Analysis; NC Chapter Southern Police Institute Alumni Association-Annual Summer Training Conference.

The following Courses were denied: Relationship Management; Impacting the Bottom Line as an Employee; Respecting Differences in Others; Intro to Emotional Intelligence; Appreciative Inquiry;

Dress for Success; Missing Children and Adults: Awareness and Protection.

The request for Instructor preparation hours for Mr. Timothy Thompson for 6 hours of CE credit.

MOTION BY MR. BOOTH TO APPROVE THE RECOMMENDATIONS OF THE SUBCOMMITTEE; SECONDED BY MR. STEVENS;

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

GRIEVANCE COMMITTEE REPORT -

Judge Burris wanted to make everyone aware of the problem with the rewrite of 74C regarding mergers and acquisitions of companies. As it is written, the statute allows companies that are conducting unlicensed activity to sell off the contracts that they currently hold but allows the company to continue with the unlicensed activity.

Mr. Stevens related that particular venues are paying cash under the table for security guards that are not trained or properly registered. He feels that the situation needs to be addressed regarding the companies that are doing the hiring to make them responsible.

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

SCREENING COMMITTEE REPORT - NONE

74C REWRITE COMMITTEE - NONE

FINANCE COMMITTEE :

Mrs. Pleasant reported that the Finance Committee met on June 22, 2011 from 1:30 PM. to 2:00 PM. She stated that the committee heard a report read by Mr. Bonapart. He stated that the Staff received notification from the DOJ Chief Financial Officer in May 2011, that \$944.76 was taken from the Education Fund to provide the state match for the Medicaid fund. Mrs. Pleasant stated that in 2001 and 2002 the state took over \$800,000 from both Boards.

The Board should be aware that if the state's economic situation does not improve, the state may once again take funds from the PPS Education Fund since the Education Fund continues to take in revenue but there are very few expenditures. The Committee is entertaining recommendations from staff and members of the Committee to discuss spending options from the fund. Due to the short time allotted for the Finance Committee meeting, Mrs. Pleasant stated that there will be a public meeting held July 19, 2011, at 10:00 AM. at the offices of Bailey & Dixon in the conference room. The Committee will hear suggestions regarding the disbursement of the funds and ways to protect what has been collected previously and in the future.

Mr. Stevens urged all members of the industry to attend and make recommendations. Mrs. Pleasant stated that a recommendation had been made to reimburse the funds to the industry. She also stated that there was an immediate need to address the \$117,000 that is currently in the fund. There has been a recommendation that there be a revision to 74C that states currently the fees "shall" be

collected to read the fees “may” be collected. This will be a recommendation to the 74C rewrite committee but will not occur for a long time.

Mrs. Pleasant stated that to improve the submission of courses for the Training and Education Continuing Education subcommittee, there is a need for staff to purchase equipment which will allow the staff to present the training in a professional format. The recommendation is to allow staff to purchase three scanners, projector, and a laptop for the enhancement of the Continuing Education presentations. This is for the betterment of the industry.

MOTION BY MR. BOOTH TO AUTHORIZE THE EXPENDITURE OF UP TO \$6000 FOR THE PURCHASE OF TECHNOLOGICAL EQUIPMENT FOR ADMINISTERING THE CONTINUING EDUCATION PROGRAM; SECONDED BY MR. STEVENS; MOTION CARRIED.

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

OUT OF STATE CRIMINAL RECORD CHECKS : NONE

ELECTRONIC SUBCOMMITTEE - NONE

OLD BUSINESS - NONE

NEW BUSINESS:

Chairman Allen referred to the proposed meeting dates for 2012

February 22nd and 23rd

April 25th and 26th

June 27th and 28th

August 29th and 30th

October 24th and 25th

December 12th and 13th

Chairman Allen recommended that the June 2012 Board meeting be held in the western part of the state. Mr. Booth remarked on the excellent turn out for this meeting.

Mr. Bonapart reminded the Board that the Private Protective Service Board and the Alarm System’s Licensing Board’s budgets are currently combined, but the budgets would be separated at some point this fiscal year.

MOTION BY SHERIFF ASHE TO ACCEPT THE PROPOSED MEETING DATES FOR 2012 AND TO RETURN TO ASHEVILLE IN JUNE OF 2012; SECONDED BY MR. BOOTH; MOTION CARRIED.

Mrs. Pleasant had a request from a licensee, Mr. Carmany, regarding CEU credit. He audits courses that are given at the Greensboro Police Department. She suggested that he submit the course description and the biography of the instructor, however, the instructor does not give certificates at the end of the course. Mrs. Pleasant inquired as to whether or not it would be acceptable if a letter

that was written by the instructor for Mr. Carmany be submitted in lieu of a certificate. It was decided that it would be acceptable if the letter was on letterhead.

Sheriff Ashe was approached regarding the HR218 armed qualification for retired Law Enforcement Officers. The HR218 course of fire is identical except for some of the classroom material. Mr. Johnson stated that the PPS firearms instructor must be requalified whereas the HR218 instructors are different. If the HR218 instructor is also a PPS instructor, then there is no problem. He stated that the question of “who” the instructor is would create the problem. Sheriff Ashe stated that there is a question of duplication for the licensees that are eligible for the HR218, concealed weapons and the PPS armed private investigator.

Sheriff Ashe requested clarification on the certification from the Attorney General’s office and Mr. Johnson will look into it.

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 each of the following cases:

Thomas J. Feeney, 10-DOJ-5694. Mr Feeney was present. This case reviewed the denial of the petitioner’s application for a Private Investigator Associate license based on the Petitioner’s demonstration of intemperate habits, lack of good moral character and unfavorable credit history.

Administrative Law Judge Melissa Owens Lassiter proposed that the Board reverse its initial decision to deny the Petitioner’s application for a Private Investigator Associate license and issue the Petitioner the applied-for-license.

MOTION BY JUDGE BURRIS TO REVERSE THE ORIGINAL DECISION AND APPROVE THE PRIVATE INVESTIGATOR ASSOCIATE LICENSE ON THE CONDITION THAT HE OBTAIN A SPONSOR; SECONDED BY MR. BOOTH; MOTION CARRIED.

Thomas Williams, 10-DOJ-8216. Mr. Williams was noticed but was not present. This case reviewed the denial of the Petitioner’s application for renewal of an unarmed guard registration permit for demonstration of intemperate habits or lack of good moral character.

Administrative Law Judge Beecher Gray proposed that the Board reverse the initial decision to deny the Petitioner’s application for an unarmed security guard registration permit and grant the permit.

MOTION BY JUDGE BURRIS TO ACCEPT THE ADMINISTRATIVE LAW JUDGE’S RULING; SECONDED BY MR. STEVENS; MOTION CARRIED.

Christopher A. Patterson, 10-DOJ-6007. Mr. Patterson was noticed but was not present. This case reviewed the denial of the Petitioner’s application for an unarmed registration permit based on Petitioner’s demonstrating intemperate habits or of lack of good moral character

Administrative Law Judge Beecher Gray proposed that the Board uphold its initial decision to deny Petitioner's application for an unarmed security guard registration permit.

MOTION BY MR. STEVENS TO UPHOLD THE INITIAL DECISION AS RECOMMENDED BY THE ADMINISTRATIVE LAW JUDGE ; SECONDED BY JUDGE BURRIS; MOTION CARRIED.

Scott Antonio Hart, 10-DOJ-8359. Mr. Hart was noticed but was not present. This case reviewed 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 by a conviction for Violation of Article 107 of the Uniform Code of Military Justice.

Administrative Law Judge Augustus B. Elkins proposed that the Board uphold its initial decision to deny the Petitioner's application for an unarmed security guard registration permit.

MOTION BY MR. BOOTH TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION ; SECONDED BY JUDGE BURRIS; 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 .0701 – The rule was approved by the Rules Review Commission and will become effective July1, 2011.

12 NCAC 7D .1201 – The rule was approved by the Rules Review Commission and will become effective July 1, 2011.

12 NCAC .0201 – The rule was approved by the Rules Review Commission and will become effective July 1, 2011.

12 NCAC 7D .1303 Amendments to the Continuing Education rule have been filed with the Rules Review Commission. Mr. McDarris will report back at the next meeting.

Equifax Credit Check – This could not be included as a requirement in the pending rules because the change would have been considered substantive and would require re-filing. The amendment is being filed separately.

Photo requirements – This could not be included as a requirement in the pending rules because the change would have been considered substantive and would require re-filing. The amendment is being filed separately.

Under the Miscellaneous the following issues are being addressed Legislative Amendments dealing with Administrative Procedures. SB 781 was passed. Electronic Files Issue as an update, information has been given to Judge Burris for his review.

Attorney's Contract – Mr. McDarris presented his and Jeff Gray's contract for this fiscal year for renewal.

MOTION BY MR. BOOTH TO ACCEPT BOTH CONTRACTS WITH THE PROVISION TO HAVE THE CONTRACT FOR MR. GRAY TO STATE HIS CONTRACT IS FOR TRAINING ONLY; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Bonapart presented the report. The combined PPS/ASL budget as of May 31, 2011 has a balance of \$644,141.77; the Education Fund balance is \$116,985.15. As of June 17, 2011 we have a total of 15,233 PPS registrations, 1803 licenses, 535 certifications, one endorsement for a total of 17,572 active personnel for PPS. Active licenses and registrations for both Boards are 24,143.

Deputy Director Bonapart noted that since the last Board meeting there has been a total of 2,054 various correspondence printed from the PPS database, 3,622 registration cards printed from the identification card system and 4,159 applications received since the last Board meeting.

Deputy Director Bonapart stated that at the Board's request, he and Mr. McDarris reviewed the grading chart for additional changes and they are requesting that the following be changed: The charge of Communicating a Threat be changed to deny if 3 or more convictions within 5 years. Cruelty to Animals be changed to deny if 2 or more convictions within 5 years.

MOTION BY MR. BOOTH TO CONCUR WITH STAFF'S RECOMMENDATIONS; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Chairman Allen thanked NCAPI for their support and attendance at the Board meetings. He stated that he will be rotating off of the Board as he has been on the Board since 2003.

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

11:25 AM Adjourned

Anthony B. Bonapart, Deputy Director

Joyce McClure, Board Secretary

