

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
OCTOBER 27, 2011
HOLIDAY INN NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
James Stevens
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Robert M. Clark
Steve Johnson
Ed Cobbler
Bob Graham
Sheriff Jenkins
Denise Martin

BOARD MEMBERS ABSENT

Sheriff Ashe
Judge Burris

STAFF PRESENT

Terry Wright - Director
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

Bronnie Quinn	Joel Van Norman	Richard Epley
Sandra Epley	Gary Pastor	David Arndt
Larry Flannery	Joseph Siske	Leo Trapanier
Bobby Phillips	Jeff Cathcart	John Atherton
Robert Carmany	Vernon Garrison	Charles Toliver
Troy Sanchez	Randy Rabenold	Wayne Baumgardner
Michael Foust	Neil Mayzik	Walter Pylypiw
James Luke Green	Anthony McCollum	Greg Galle

HA House III
Audra Coleman
Gregory Hatten

Ruth Reynolds
Donald Williams

Steve Crossey
Scott Siano

Chairman Richard Allen called the October 27, 2011 Private Protective Services Board meeting to order at 9:20 A.M. Mr. Allen welcomed all guests and introduced the newest Board member, Ms. Denise Martin. He stated that she was appointed by the Governor and is associated with a Security Company and an Alarm Company in the Raleigh area. Ms. Martin replaces Brenda Bishop. Chairman Allen announced the death of former Field Services Supervisor Larry Liggins who retired last year.

Chairman Allen also introduced the newest investigator, Mr. Melvin Turner.

Deputy Director Bonapart noted that the agency would be moving this weekend and the new address and phone number are listed on handouts on the sign-in table. He announced that the Registration Supervisor was out on maternity leave and that he would be handling all inquiries in her absence.

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 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. He said the Association held the NCAPI Fall Conference in Fayetteville, NC on October 21st and 22nd. He stated that the Conference was posted in multiple magazines and listed with multiple private investigator associations in other states such as Virginia, Georgia and many more. The conference had a turnout of 119 attendees. Forty-eight of the attendees were not members of NCAPI. The courses that were offered were pre-approved. The average cost for 12 Continuing Education Credits was \$52.38 per person compared to \$425 per person, which is the average cost of other approved courses. Mr. Pastor announced that the Conference was free.

Mr. Pastor announced that the Association is celebrating its 25th anniversary and will hold its annual meeting in January 2012, in Greensboro. The meeting 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 currently working on the Spring Conference which is to be held in March 2012 at Atlantic Beach. The Association has not determined if it will be a one day or two day conference with continuing education credits to be offered.

APPROVAL OF THE AUGUST 25, 2011 MEETING MINUTES

MOTION BY MR. BOOTH TO ACCEPT THE MINUTES AS PRESENTED;

SECONDED BY MR. STEVENS; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mrs. Pleasant reported that the Screening Committee met on Wednesday, October 26, 2011 from 2:00 PM until 5:10 PM to review a total of 67 applications. There were 7 Denials and 7 Deferrals. The remainder of the applications was approved (see report). Committee members included Chairman Allen, Mrs. Pleasant, Mr. Johnson and Mr. Clark. Mrs. Pleasant read the report for the record.

Mrs. Pleasant presented the following registration report for the period of August 23, 2011 through October 25, 2011. Total registrations 3985; armed totals were 588 of which 194 were new, 342 were renewals, 1 duplicate and 51 reissue/dual. There were 3 new Private Investigator and 2 new Private Investigator Associate armed permits. Unarmed totals were 3392 which included 1332 new, 1918 renewals, 110 transfers, 10 duplicates and 22 reissues/dual. Total denials were 1001 of which 263 were for cause and 738 for correctable. There were 467 applications approved which were previously denied for a total of 1468 denials reviewed.

It was noted that Chairman Allen recused himself on # 17 Mr. Robbie Lyn Eaton and # 29 Mr. Frederick Hubbard. Mr. Donaldson recused himself on #1 Russell Acors.

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

GRIEVANCE COMMITTEE REPORT:

Mr. Stevens reported that the Committee met on Wednesday, October 26, 2011 from 8:00 AM until 11:50 AM and heard a total of six cases. The committee members were Judge Burris, James Stevens, Bill Booth and Eric Jones. Mr. Stevens presented the attached report. (See attachment)
Sheriff Jenkins recused himself on 2011-PPS-012 Mr. Ronnie Rising.

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, October 27, 2011 from 8:00 AM. until 9:10 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:

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:

September 12-16, 2011	FT Certification Course	NCJA
September 19, 2011	FT Re-certification Course	NCJA

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

December 15, 2011	Raleigh, NC
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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 stated that there is one more PPS CEU class to be presented for this year, it is in December. The attendance for the class that was held in Greenville was attended by 40 people.

Mr. Stevens reviewed the question that arose regarding dual licensing that does not expire in the same year. It was determined that if the two licenses did not coincide, the licensee will be required to obtain 12 CEUs for each license.

The issue that addresses whether or not an Associate is allowed to wear the Private Investigator badge was deferred from the Training and Education Committee to the full Board for discussion. Staff had reviewed the matter and wanted the Board to determine if this was acceptable. Attorney McDarris read rule 12 NCAC 07 D .0405 that states 'a private investigator shall be allowed to carry the badge' but does not state an associate.

MOTION BY MR. BOOTH TO ADOPT AS A MATTER OF GUIDANCE TO STAFF, THAT ONLY THE FULLY LICENSED PRIVATE INVESTIGATOR IS AUTHORIZED TO CARRY THE BADGE; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Mr. Stevens stated that the Armored Car manual was discussed at the earlier meeting and that the committee has requested a hard copy of the manual to review and will allow the registration to be a separate registration as an Armored Car person rather than a Security Guard. Mr. Johnson proposed that the rule changes be initiated now as this will facilitate the changes.

The new firearms training manual was addressed by Mr. Johnson, who stated that the instructors manual has been submitted to the Attorney General's Office for approval and the student's manual is being processed at

this time. The changes were mandatory due to the changes made by the General Assembly regarding firearms.

MOTION BY MR. BOOTH TO APPROVE THE CHANGES; SECONDED BY MR. JOHNSON; MOTION CARRIED.

The Training and Education Committee discussed the fact that there will be changes made to the website regarding the Approved Courses and the handling of approvals for the Conferences/Seminars.

The Committee approved the following 18 courses and brought them to the Board for approval. Ethics and Professionalism; Criminal Law & Procedure; Theories and Use of Covert Video Surveillance Equipment; Insurance Fraud-Online Course; Executive Protection Training; Mid-Year Conference, National Association of Professional Background Screeners; Basic Defense for Investigators and Process Servers; Testifying in Court; CIADA Dealer Education Course; Fire Investigative Approaches; Guilford Paralegal Association 5th Annual Seminar; Texas Association of Legal Investigators Convention 2011; Bank Security Risk Mitigation; NC Legal Updates 2011; Juvenile Minority Sensitivity Training-The System Options; Juvenile Minority Sensitivity Training-Interactions, Communications and Understanding; Assets Protection Course; Learning CFATS Requirements.

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

Mr. Booth reviewed the recommendation that was made by the Committee to give the authority to Staff to approve one time courses, seminars, conferences that are submitted by individuals for approval. These would be on a separate list that would not be posted to the website. The subcommittee has given Staff a check list as a guide line for the approval process.

MOTION MR. BOOTH TO GIVE STAFF THE AUTHORITY TO ACCEPT ONE TIME COURSE APPROVAL REQUESTS SUBMITTED BY INDIVIDUALS; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Mr. Johnson reviewed the request for course preparation that was submitted by Mr. Darrell Wilson. Mr. Wilson prepared three courses and the Committee stated that with a maximum of 8 hours per course, Mr. Wilson be granted 12 hours for Course preparation.

MOTION BY MR. JOHNSON TO GRANT MR. WILSON 12 HOURS FOR COURSE PREPARATION; SECONDED BY MR. STEVENS; MOTION CARRIED.

Chairman Allen stated that since the registration supervisor is on maternity leave, it may take a little longer to have the course approvals posted to the website.

Chairman Allen discussed the two methods that the Chief Financial Officer from the Department of Justice submitted for requesting reimbursement of training funds. He stated that the Board must establish a process for the money to be disbursed; it must be put in place before any requests can be considered. The Board does not have the statutory authority to issue the monies, therefore, it is necessary to establish a grant program or hire an in house coordinator.

MOTION BY MR. BOOTH TO ADOPT OPTION A, NON PROFIT GRANTEE CONTRACT; SECONDED BY MR. STEVENS; MOTION CARRIED.

Chairman Allen recommended that Mrs. Pleasant and Mr. Booth work with Staff and DOJ to develop the grant process and keep Mr. Pastor apprised of the progress of the process.

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

GRIEVANCE COMMITTEE -

Mr. Stevens brought two issues to the full Board for discussion that were addressed at the Grievance Committee meeting. The first issue concerned complaints that are received due to advertising on the internet. These advertisements are often placed on the internet by individuals and then subsequently forgotten or are inadvertently displayed on other advertising websites. The subject of the investigation may not have engaged in the private protective services profession or may not have earned any income from any unlicensed activity. These complaints tie up the Grievance Committee and could be addressed by Staff. A cease and desist could be issued by staff and if the individual complies and has not engaged in any unlicensed activity, the investigation could be closed at that time. Therefore, the Committee would recommend delegating these complaints to Staff and have Staff report back to the Committee. Mr. Booth explained that many times people put things on the web and are unaware that they need to be licensed.

MOTION BY MR. BOOTH TO ALLOW STAFF TO HANDLE COMPLAINTS REGARDING ONLINE ADVERTISING OR HOLDING ONESELF OUT AS AVAILABLE TO ENGAGE IN UNLICENSED ACTIVITY AND HAVE STAFF REPORT BACK TO THE GRIEVANCE COMMITTEE; SECONDED BY MR. STEVENS; MOTION CARRIED.

Mr. Stevens stated that there was concern over complaints that are filed that should be filed in a civil matter not in Grievance. Lack of payment by a contractor should be filed in civil court and lack of wages being paid should be filed with the Employment Commission.

There was concern by the Committee regarding a case that was heard, where an investigator installed GPS on a vehicle for a client and then set the client up to be able to do their own tracking of the GPS.

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

SCREENING COMMITTEE REPORT:

The Screening Committee addressed the Child Support letter issue with the full Board. Mr. McDarris stated that GS 110-142.1 was passed and allows the Board to suspend or revoke a license for lack of child support payments. The Department of Health and Human Services has started to inquire and notify the occupational boards regarding child support payment being in arrears. The Board has to vote to establish a process regarding the issue.

MOTION BY MR. JOHNSON TO COMPLY WITH DHHS TO SUSPEND THE LICENSE IF THE LICENSEE IS NOT IN COMPLIANCE; SECONDED BY MR. CLARK; MOTION CARRIED.

MOTION BY SHERIFF JENKINS TO ACCEPT THE SCREENING COMMITTEE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

74C REWRITE COMMITTEE - NONE

FINANCE COMMITTEE:

Mrs. Pleasant reported that the Finance Committee met on July 19, 2011 to review the distribution of the Education Fund money due to the fact that this money has been taken by the State in previous years. At this time, the State is taking the interest from the fund. The Committee has considered moving a part of the fund, \$66,270.86, to the operating budget to fund the cost of a new database/administrative operating system for the Agency, as this will benefit the industry.

MOTION BY MR. STEVENS TO ADOPT THE RECOMMENDATION OF THE FINANCE COMMITTEE TO MOVE THE \$66,270.86 FOR THE DATABASE SYSTEM; SECONDED BY MR. CLARK; THE MOTION PASSED UNANIMOUSLY.

By law, the transfer of the money must be done by an order or resolution. Mrs. Pleasant read the resolution for the transfer. (See attached)

MOTION BY MRS. PLEASANT TO ACCEPT THE RESOLUTION WITH THE ADDITION OF “ANY PORTION OF THOSE FUNDS NOT SPECIFICALLY APPLIED FOR THE PROPOSED UPGRADE AND PURCHASE OF A COMPUTER DATABASE FOR THE BOARD WOULD BE RETURNED TO THE PPS EDUCATION FUND”; SECONDED BY MR. STEVENS; MOTION CARRIED.

MOTION BY MR. DONALDSON TO ACCEPT THE FINANCE COMMITTEE REPORT; SECONDED BY MR. CLARK; MOTION CARRIED.

OLD BUSINESS:

Mr. Dorian Dehnel of Criminal Records Check.com gave an overview as to the third party criminal record check to date.

Mr. Johnson stated that the Firearms Training Manual is in the process of being updated.

NEW BUSINESS:

Chairman Allen stated that according to G.S. 74C-4(f), there is to be an election of a new chairperson for the Screening Committee due to Mrs. Bishop's term ending.

MOTION BY MR. CLARK TO NOMINATE MRS. PLEASANT AS SCREENING COMMITTEE CHAIRPERSON; SECONDED BY MR. STEVENS; MOTION CARRIED.

Mr. Allen stated that there will be new appointments made in the near future.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris stated that there were no Final Agency Decisions received from the Office of Administrative Hearings due to a backlog, they will be presented at the next meeting.

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 current; however, the attached list has not been updated for this meeting.

12 NCAC 7D .1303 Amendments to the Continuing Education rule have been filed with the Rules Review Commission. The rule has been approved by the Rules Review Commission and is in effect.

12 NCAC 7D .0201, .0203, .0701, .0801, .0806, and .0902 - Are ready for the Board's consideration and adoption. If they are adopted, they will be filed with the Rules Review Commission.

MOTION BY MR. DONALDSON TO GO FORWARD WITH THE RULES; SECOND BY SHERIFF JENKINS; MOTION CARRIED.

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

Whether an applicant must renew an unarmed trainer certification when applying to renew their armed trainer certification. Will be discussed at the next Training and Education meeting.

The Statute of limitations for the filing of a grievance complaint - A rule should be drafted limiting the filing of grievance complaints to three years.

MOTION BY MR. DONALDSON TO BEGIN THE PROCESS OF DRAFTING A RULE WITH

THE THREE YEAR LIMITATION FOR FILING A COMPLAINT; SECONDED BY MR. BOOTH; MOTION CARRIED.

The third item was the Attorney's contract; the Board had previously approved two contracts for the retention of the Attorneys. The Governor has enacted an Executive Order with the provision that all contracts must acknowledge that there were no gifts given with the signing of the contract and that the State Auditor can come in at any time to do an audit.

Attorney Charles McDarris announced that he is giving up the practice of law and this would be his last meeting. He recommended Ms. Denise Stanford as the Attorney for the Board.

MOTION BY MR. STEVENS TO ACCEPT THE AMENDED RETAINER AGREEMENT FOR JEFF GRAY; SECONDED BY MR. JONES; MOTION CARRIED.

MOTION BY MR. BOOTH TO ACCEPT THE CONTRACT WITH BAILEY & DIXON WITH DENISE STANFORD AS ATTORNEY FOR THE BOARD; SECONDED BY MR. CLARK; MOTION CARRIED.

DIRECTOR'S REPORT:

Deputy Director Bonapart presented the report. The PPS budget as of September 30, 2011 has a balance of \$593,002.48; the Education Fund balance is \$116,270.86. As of October 24, 2011 we have a total of 16,152 PPS registrations, 1840 licenses, 534 certifications, one endorsement for a total of 18,527 active personnel for PPS. Active licenses and registrations for both Boards are 25,843.

Deputy Director Bonapart noted that there has been a total of 3347 various correspondence printed from the PPS database, and 5183 applications received since the last Board meeting. There have been over 5000 identification cards printed.

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

Mr. McDarris mentioned the memo that was distributed by Mr. Wright regarding the use of the DCI system. This system does not allow any dissemination of information obtained from the inquiries. A letter was sent to the Department of Justice stating that the Agency will no longer use this system and a vote is needed from the Board to discontinue using the DCI checks.

MOTION BY MR. BOOTH TO ELIMINATE ACCESSING THE DCI SYSTEM; SECONDED BY MR. JONES; MOTION CARRIED.

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

12:05 PM Adjourned

Anthony Bonapart, Deputy Director

Joyce McClure, Board Secretary