



North Carolina Department of Public Safety

Private Protective Services Board

Pat McCrory, Governor
Frank L. Perry, Secretary

Gregory K. Baker, Commissioner

**MINUTES OF THE
TELEPHONE CONFERENCE FOR
PRIVATE PROTECTIVE SERVICES BOARD MEETING
MARCH 4, 2015
PRIVATE PROTECTIVE SERVICES OFFICE
4901 GLENWOOD AVENUE SUITE 200
RALEIGH, NC 27612**

BOARD MEMBER PRESENT

Eric Weaver Sr.
Bill Booth
Ed Cobbler
Clyde Cook
Marcus Benson
William MacRae
Richard Epley
Robert Clark
Bud Cesena
Donald Foster
Dustin T. Greene
Brian Lowman
Robert Steve Johnson

BOARD MEMBERS ABSENT

STAFF PRESENT

Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray– Attorney
Melvin Turner - Investigator
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Eric Audish
Chris Miller
Jeff Huggins
Timothy Stewart

David Arndt
Matthew Hewlett
Bob Dunn
Orlando Sanchez

Robert Cowart
Landon Darr
RJ Provost
David Roebuck

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Ed Musselwhite
Dorian Dehnel
Patrick Dorminey
Daniel Angelini

Larry Flannery
Jerry Pitman
Matthew Malinski

Gary Pastor
Greg Hatten
Hollie Trivette

CALL TO ORDER

Chairman Eric Weaver called the March 4, 2015 telephone conference meeting of the Private Protective Services Board to order at 2:00 p.m.

GOOD OF THE ORDER:

Deputy Director Anthony Bonapart 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.

Mr. Gary Pastor, president of the NCAPI expressed his thanks to the Board and introduced the new NCAPI Board members. Gary Pastor- President, Sandy Russell- Vice President of Training and Education, Jerry Pitman – Vice President Legal and Legislative, Chris Green – Vice President Admin VP, Ethic and Bylaws, Robert Dunn – Vice President Membership, Jeff Kiker – Treasury, Yvonne Cobourn – Secretary, Greg Hatten and past President. Mr. Pastor stated that the Association is currently working on several projects including the NCAPI Fall Conference to be held in Eastern part of North Carolina in November.

MINUTES:

APPROVAL OF THE DECEMBER 11, 2014 MEETING MINUTES AND THE DECEMBER 30, 2014 SPECIAL MEETING

MOTION BY MR. BENSON TO ACCEPT THE MINUTES; SECONDED BY MR. LOWMAN; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

The Private Protective Services Board Screening Committee convened via telephone conference on Wednesday, March 4, 2015 at 1:00 pm to review applications for various Private Protective Services Board licenses. This was a closed meeting. Mr. Clark reported that the Screening Committee met via telephone on Wednesday, March 4, 2015 from 1:00 p.m. to 1:44 p.m. to review a total of 37 applications. (See attached report). The committee members were Mr. Clark, Mr. Cobbler, Mr. MacRae, Mr. Foster, Mr. Cesena and Mr. Lowman. Mr. Clark read the report for the record.

Mr. MacRae recused himself from #12 of the screening report.

Mr. Clark presented the following registration report for the period of December 10, 2014 to February 10, 2015. Total registrations 2,512; armed totals were 546 of which 130 were new and 179 were renewals, 237 reissue/dual. There were a total of 81 Armed Armored Car, 56 of which were new, 22 were renewals, 3 reissue/dual. There were a total of 9 Armed Private Investigators, 4 of which were new, 4 renewals, 1 duplicate. There were a total of 5 Armed Private Investigator Associates, 4 of which was new, 1 renewal. Unarmed totals were 1,849 which included 740 new, 970 renewals, 135 transfers, and 4 duplicates. There were a total of 22 unarmed armored cars, 2 of which were new and 20 renewals. Total denials were 299 of which 75 were for cause and 224 for correctable reasons. There were 357 applications approved which were previously denied for a total of 656 denials reviewed.

MOTION BY MR. CESENA TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. COOK; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Defer until the April Board meeting

TRAINING & EDUCATION COMMITTEE:

Mr. Melvin Turner, presented the following report to the Board

The following PPS Trainer courses are scheduled:

March 16-20, 2015	(0800-1700) UAGT Course & Workshop at WTCC
May 4-8, 2015	(0800-1700) UAGT Course & Workshop at WTCC

June 1, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA
July 13, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
August 3-7, 2015	(0800-1700) UAGT Course & Workshop at WTCC
September 2, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA
September 28- October 2, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 2– 6, 2015	(0800-1700) UAGT Course & Workshop at WTCC
November 16, 2015	(1000-2300) FT Re-Certification & Pre-Qualification Course NCJA

Presently we have 358 certified PPS unarmed guard trainers and 95 PPS certified armed guard trainers.

The following PPS Training Courses have been completed:

January 26-30, 2015	(0800-1700) UAGT Course & Workshop at WTCC
March 2, 2015	(1000-2300) FT Re-certification & Pre-Qualification Course NCJA

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

April 23, 2015	1pm – 5pm	Raleigh, NC
August 27, 2015	1pm – 5pm	Raleigh, NC
December 17, 2015	1pm – 5pm	Raleigh, NC

The following PPS Training Courses for CEU credits have been completed:

December 11, 2014	1pm – 5pm	Raleigh, NC
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Investigator Turner reported one alleged weapons discharge since the last Board meeting. On January 31, 2015 on or about 10:00 p.m., an unarmed guard employed by Securitas was working at a UPS Distribution Site post in Greenville, NC; he claimed to have been be shot at while on duty by one of two men (1-WM & 1-BM) that evening during a scuffle while attempting to conduct his guard duties. However, upon further investigation by local law enforcement, no actual incident was ever discovered. The security guard had no apparent injuries, but appeared to have a hole in his shirt that allegedly occurred during the incident.

The Board members had concerns about the alleged incident and what transpired. The Board asked David Arndt with Securitas, Inc., to look into the matter and report back to the April Board meeting.

Mr. Cobbler deferred the continuing education courses for approval until the April Board meeting.

Mr. Bonapart announced the following PPSB education grant designated as PPSB-2015-1:

The Private Protective Services Board is pleased to announce that they are open to receiving grant applications from 8:00 a.m. on February 19, 2015 until 5:00 p.m. on May 29, 2015.

MOTION BY MR. MACRAE TO ACCEPT THE TRAINING AND EDUCATION COMMITTEE REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

GRIEVANCE COMMITTEE:

NONE

SCREENING COMMITTEE:

NONE

LAWS AND RULES COMMITTEE

Mr. Cesena reported on polling that was done to determine if there was a need for armed guards in the public school systems. Mr. Cesena states that based on the polling there was not a great deal of interest in having armed guards on school property by the school administration or the industry members. The Board decided to table the discussion and revisit at a later date.

Mr. MacRae asked Mr. Bonapart if he can give them an update on the meeting with DPS. Mr. Bonapart reported that he and Attorney Gray met with the Department of Public Safety's Legislative Liaisons on January 7, 2015. The group discussed obtaining DPS assistance in advocating for a bill similar to House Bill 466 from last year's session. The group did reach an agreement and DPS will work with the Board to advocate for passage of a bill similar to House Bill 466.

Mr. MacRae asked Mr. Weaver what was DPS view on having armed security guards on school property and if training was an issue? Mr. Weaver stated that DPS is concerned with the training aspect. Mr. Weaver stated that further discussion on training was needed and that discussion could start in the Training and Education Committee.

Mr. Foster updated the Board in reference to a letter that was submitted by Mr. Leonard Wolfe regarding Guard Dog Profession License. He informed the Board that he reached out to Mr. Leonard Wolfe and the matter had been resolved. No further action is needed.

FINANCE REPORT:

Mr. Foster discussed a proposal to provide employment verification for applicants. He stated that this service would provide the tools PPS investigators need to verify employment history.

Clyde Cook suggested that it's a great idea but it could be very costly. Mr. Cook recommends Mr. Bonapart and Mr. Cesena meet with Department of Public Safety before the Board takes any action and report back at the next Board meeting.

Mr. Bonapart reminded the Board that if they decide to move forward with employment verification, the contract may be subject to the state's bid process.

**MOTION BY MR. BENSON TO ACCEPT THE FINANCE COMMITTEE'S REPORT;
SECONDED BY MR. MACRAE; MOTION CARRIED.**

ETHICS COMMITTEE:

Mr. Cook reported that Mr. Bonapart sent out an e-mail on his behalf regarding the deadline to file their SEI. Failure to file could result in a \$250.00 fine, suspension or removal from your position.

**MOTION BY MR. BENSON TO ACCEPT THE ETHICS COMMITTEE'S REPORT;
SECONDED BY MR. MACRAE; MOTION CARRIED.**

OLD BUSINESS:

NONE

NEW BUSINESS:

Mr. Benson discussed bail bondsman obtaining access to NC Administrative of the Courts (AOC) criminal data, court data, and civil data for official use.

Mr. Benson stated that access to AOC will benefit the Private Investigator industry and would like to see the Private Investigators obtain the same access and resources as Bail Bondsmen.

Jerry Pitman has been appointed by NCAPI Association to work with Representative Burr for the purpose of proposing a bill allowing Private Investigators the same access as Bail Bondsmen.

Mr. Pitman stated that they have amended the current bill to include Private Investigators in North Carolina. This will allow a one-time subscription. The Board suggested that Mr. Benson work with Mr. Pitman and report on their progress at the next Board meeting.

FINAL AGENCY DECISION

Defer until April Board meeting

DIRECTOR'S REPORT:

Deputy Director Bonapart read the report for the record. The current PPS budget as of January 31, 2015, has a balance of \$1,057,703.81; the Education Fund balance is \$72,471.14. As of February 15, 2015, the total registrations for PPS is 16,978, 1,758 licensees, and 588 certifications.

Mr. Bonapart reported that there have been a total of 1,455 various correspondences printed from the PPS database, 2,442 registration cards have been printed and a total of 3,325 applications received since the last Board meeting.

Mr. Weaver asked Mr. Bonapart about the new computer system and the status of the registration backlog. Mr. Bonapart reminded the Board that on January 26 the vendor attempted to convert data from the old system (PPS2000) to the new system (GL Suite). The conversion did not work as expected and resulted in a work slow-down and eventually a work stoppage. After a month the old system was reactivated. Mr. Bonapart stated that a brief overview of the situation was emailed to the chairman.

Mr. Bonapart further stated that there were a lot of issues with the conversion data and after meeting with DPS/IT, a decision was made to meet with the vendor with Commissioner Baker. Temporary employees have been hired to address the unarmed guard and armed backlog.

Mr. MacRae asked what type of penalty is being assessed against the vendor. Mr. Bonapart suggested that DPS may withhold payment until GLS comes into compliance.

MOTION BY MR. BENSON TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MACRAE; MOTION CARRIED.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Paul Manley Jr. /Show Pros Entertainment – Consent Agreement in the amount of \$15,586.40 has been paid in full.
2. Scott Smithers/Eye Spy Investigations – Civil penalty in the amount of \$1000.00 has not been received. Mr. Smither's license was suspended for 6 months.
3. Mr. Cleveland Lamar Bridges/American Citadel Guard – Consent Agreement in the amount of \$7,099.20 has been paid in full.
4. Mr. Owence Pascal Jean-Baptiste/Centinel Armed Service, LLC - Consent Agreement in the amount of \$1,101.60 has not been received.
5. Mr. Joseph Daniel Washington/A1 Tactical Protection Services, LLC - Consent Agreement in the amount of \$673.20 has not been received.
6. Mr. Maurice La-Von Hayes/Carolina Security Agency - Consent Agreement in the amount of \$6752.40 has not been received.
7. Ms. Patsy Phillips Fulcher – Civil Penalty in the amount of \$1000.00 has been paid in full.

The schedule of hearings in the Office Administrative Hearings is attached to the Attorney's Report.

III. RULES

1. The Public Hearing for amendments to 12 NCAC 007D.0105, 0.116,.0809, .1408 and .1508 was held at the board's office 4901 Glenwood Avenue, Suite 200, Raleigh, North Carolina on August 27, 2014 at 2:00 p.m., and the Public Comment Period ended September 30, 2014. The Board adopted these administrative rule amendments at its October 23, 2014 meeting. These rule amendments are calendared for the Rules Review Commission's meeting on December 17, 2014.
2. As a part of the transfer to the Department of Public Safety the Board's administrative rules will also have to be amended to reflect this change and transferred to another Title within the North Carolina Administrative Code. There are five (5) references to "Attorney General" in the Board's rules and one (1) reference to "Department of Justice." The Budget Act made all the appropriate changes throughout the General Statutes, including Chapter 114 which governs the Attorney General and the Department of Justice, Chapter 74C which governs Private Protective Services and Chapter 74D which governs Alarm Systems Licensing Board, but the Board will have to go through an "abbreviated" rule amendment process to make the conforming changes to its administrative rules. Notice and a public hearing will not be required, but review by the Rules Review Commission will.

Numbers have now been assigned under Title 14B (DPS's section of the Code) and Mr. Gray have begun the process of reassigning numbers to the Board's rules and making conforming changes within certain rules (i.e. "cross-references.") Changing the references from "Attorney General/ Department of Justice" to "Secretary/ Department of Public Safety" is a separate process to be commenced after the renumbering occurs.

IV. LEGISLATION

1. The General Assembly adjourned for its 2013-2014 Biennial Session with no further action on House Bill 466, "Amend Private Protective Services Act/Fees." This issue was discussed during the Law and Rules Committee meeting on December 4, 2014. At its December, 2014 meeting, the Board voted to seek introduction of the same or a similar bill in the 2015-2016 Biennial Session. A copy of the proposed bill is attached to the attorney report.
2. There was also discussion at the December 4, 2014 Law and Rules Committee meeting, as well as at the Board's December, 2014 meeting, regarding amending state

law to allow registered armed security guards on educational property. As explained, this does not necessitate a change to the Board's law, but instead a change to the criminal laws prohibiting the possession of weapons on certain property or in certain areas. Also, since the two statutes are side-by-side in the General Statutes, this would be a good opportunity to clarify the law regarding armed security at assemblies that charge admission and in establishments where alcohol is sold and consumed (which was the basis of the misinterpretation of the law that gave rise to Kelly lawsuit, below). A copy of the proposed bill is attached to the attorney report.

The Board discussed the proposed bill in attachment 2 of the Attorney's Report.

MOTION BY MR. BENSON TO MOVE FORWARD WITH THE PROPOSED BILL; SECONDED BY COOK; MOTION CARRIED.

The Board discussed moving forward with attachment 3 of the attorneys report.

MOTION BY MR. COOK TO SEND THE PROPOSED BILL TO THE DEPARTMENT OF PUBLIC SAFETY LIASION BEFORE MOVING FORWARD; SECOND BY MR. BENSON; MOTION FAILED.

MOTION BY MR. MACRAE TO APPROVE THE BILL AS AMENDED WITHOUT SEEKING FURTHER DISCUSSION WITH THE DEPARTMENT OF PUBLIC SAFETY; SECONDED BY MR. EPLEY; MOTION FAILED.

MOTION BY MR. BENSON TO DEFER FURTHER DISCUSSION UNTIL THE APRIL BOARD MEETING; SECONDED BY COOK; MOTION CARRIED.

MOTION BY MR. CLARK TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

V. PENDING CASES

As previously reported, the Plaintiff has refiled the civil action against Board Investigator Sarah Conner, the Board, the City of Charlotte, the Charlotte-Mecklenburg Police Department and various officers of the Charlotte-Mecklenburg PD in *Kelly v. Conner, et al.*, No. 3:13-CV-636 – WDNC. Mr. Kelly was unlicensed as a security guard business and unregistered, but performing security guard and patrol services. He was arrested and charged with, among other violations, violating Chapter 74C.

The Attorney General's Office is again representing Ms. Conner.

The Board has responded to Plaintiff's First Set of Interrogatories and Request for Production of documents received on May 29, 2014. The Plaintiff was deposed by counsel for the Defendants on October 16th, but additional time was needed and his deposition was continued until November 5th. Director Wright was deposed on November 21st. Two (2) of the CMPD officers and Ms. Conner are to be deposed on December 17th. The deadline to complete discovery expires on December 20, 2014.

Mr. Gray, along with the attorneys representing the other Defendants, plan to file motions to dismiss on behalf of their respective clients in mid-December once discovery is completed. The Plaintiff also filed a Motion either exempt from the Private Protective Services Act or that it does not apply to his conduct. Attorney Gray filed a response to Plaintiff's Motion.

Mediation in this matter was scheduled for Tuesday, February 17, 2015 but was cancelled due to inclement weather.

MOTION BY MR. CLARK TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. MACRAE; MOTION CARRIED.

PUBLIC COMMENT:

NONE

MOTION BY MR. BENSON TO ADJOURN; SECONDED BY MR. MACRAE; MOTION CARRIED.

4:18 P.M. Adjourned

Anthony B. Bonapart, Deputy Director

Garcia Graham, Board Secretary

