

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
October 24, 2013
HOLIDAY INN CRABTREE VALECY
4100 Glenwood Avenue
RALEIGH, NC 27612**

BOARD MEMBER PRESENT

Richard Allen
Bill Booth
Judge Burris
Denise Martin
Ed Cobbler
Bob Graham
Clyde Cook
Marcus Benson
William MacRae
Richard Epley
James Stevens
Eric Weaver Sr.
Robert Clark

BOARD MEMBERS ABSENT

STAFF PRESENT

Terry Wright - Director
Anthony Bonapart - Deputy Director
Phillip Stephenson – Field Services Supervisor
Jeff Gray – Attorney
Judy Pittman - Training Officer
Garcia Graham – PPSB Board Secretary
Maia Washington-Powell – PPSB Licensing Assistant

GUEST PRESENT

Jeff Kiker	Jolette Morrison	Matt Smolecki
Anthony McCollum	Christopher Mayhue	Bill R. Dover
David Roebuck	Sandra Russell	Gary Pastor
Michael Walker	James Davis	Christine Spencer
Gregory Hatten	Bill Johnson	Larry Flannery
Marcus Fuller	Jason Carver	Chris Green
Randy Sturkey	Hollie Trivette	Pam Mayfield
Eddie Harant	Dorian Dehnel	Danny Love
Jamie Russell	Harry House	Robert McCrury
Stephanie Talbot	Joseph Talbot	Robert Hallisy

CALL TO ORDER

Chairman Richard Allen called the October 24, 2013 Private Protective Services Board meeting to order at 9:03 a.m. Chairman Allen welcomed all guests.

GOOD OF THE ORDER:

Attorney Jeff Gray 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. Gregory Hatten, president of the NCAPI greeted the Board and all of the guests. Mr. Hatten stated that the NCAPI Conference is scheduled for November 13th through the 15th in Clemmons, NC. A golf tournament will kick off the conference on the 13th; classes will begin on the 14th for twelve (12) credit hours.

MINUTES:

APPROVAL OF THE AUGUST 22, 2013 MEETING MINUTES.

MOTION BY MR. WEAVER TO ACCEPT THE MINUTES; SECONDED BY MR. GRAHAM; MOTION CARRIED.

SCREENING COMMITTEE REPORT:

Mr. Clark reported that the Screening Committee met on Wednesday, October 23, 2013 from 8:00 a.m. until 4:00 p.m. to review a total of 37 applications. (See report). The committee members were Mr. Clark, Mr. Benson, Mr. MacRae, Mr. Weaver, Mrs. Martin and Mr. Cobbler. Mrs. Clark read the report for the record. Mr. Stevens recused himself from #5 and #24. Mr. Allen recused himself from #27. Mr. Weaver recused himself from #19.

Mr. Clark presented the following registration report for the period of August 20, 2013 to October 18, 2013. Total registrations 4,210; armed totals were 659 of which 181 were new and 403 were renewals, 3 duplicate, and 72 reissue/dual. There were a total of 20 Armed Armored Car, 6 of which were new, 14 were renewals. There were a total of 12 armed Private Investigators, 5 new Private Investigator and 7 renewals, and 3 new armed Private Investigator Associate, 1 New, 1 Renewal, 1 Reissue/Dual. Unarmed totals were 3,515 which included 1,329 new, 1,854 renewals, 140 transfers, 24 duplicates and 168 reissue/dual. Total denials were 545 of which 144 were for cause and 401 for correctable reasons. There were 505 applications approved which were previously denied for a total of 1,050 denials reviewed.

Mr. Wright stated that the Screening Committee made a recommendation that the first step of the affidavit policy be removed and the Board needed to approve it.

MOTION BY MR. WEAVER TO AMEND PPSB AFFIDAVIT POLICY TO REMOVE STEP ONE AND MAINTAIN OTHER STEPS; SECONDED BY MR. CLARK; MOTION CARRIED.

Attorney Gray stated that the policy would need to be reworded and it will be brought back to the December board meeting.

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

GRIEVANCE COMMITTEE REPORT:

Chairman Allen reported the Grievance Committee met on Tuesday, October 22, 2013 from 8:06 a.m. until 12:06 p.m. and heard a total of 11 cases. The committee members were Judge Burris, Mr. Booth, Mr. Cook, Mr. Epley, Mr. Graham and Mr. Stevens. Judge Burris presented the attached report. (See attachment). Judge Burris recused himself from number 2012-PPS-024.

MOTION BY MR. GRAHAM TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. BENSON; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised that the Training & Education Committee met on Wednesday, October 23, 2013 from 8:06 a.m. until 9:00 a.m. The committee members were Mr. Stevens, Mr. Allen, Mr. Booth, Mr. Clark, Mr. Epley, Mr. MacRae and Mr. Weaver.

Presently we have 351 certified PPS unarmed guard trainers and 88 PPS certified armed guard trainers.

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

December 12, 2013 1 pm – 5 pm Raleigh

The following PPS Training Courses have been completed:

August 22, 2013 1 pm – 5 pm Asheville

MOTION BY MR. BENSON TO ACCEPT THE RULE CHANGE; SECONDED BY MR. BOOTH; MOTION CARRIED.

Mr. Stevens stated that the following seven (7) continuing education training courses have been submitted for approval: Safe Termination Models Workshop (6 classroom) (4 online), Advanced Internet Search (1 DVD Course), Free Public Records Via Internet (1 DVD Course), Internet Information Management (1 DVD Course), Internet Privacy and Personal Data Removal (1 DVD Course), Link Analysis and Data Visualization (1 DVD Course), Social Networking for Professionals (1 DVD Course).

MOTION BY MR. BOOTH TO ACCEPT THE SUBMISSIONS FOR CONTINUING EDUCATION TRAINING AND DENY DVD COURSES; SECONDED BY MR. WEAVER; MOTION CARRIED.

Mr. Booth stated that there have been several issues regarding the use of training funds and courses not being offered when trainers needed to take them. A subcommittee has been formed with Mr. Booth, Mr. Epley, and Mr. MacRae to resolve these issues and all industry members are invited. The date and location will be made available on the PPS website.

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

GRIEVANCE COMMITTEE:

Judge Burris discussed a recent issue that was brought before the Grievance Committee. The simple act of forming a corporation and filing it with the Secretary of State's office is not a violation of 74C. There has to be some additional findings beyond the filing to be a violation.

MOTION BY MR. BOOTH TO ACCEPT THE COMMITTEE'S REPORT; SECONDED BY MR. WEAVER; MOTION CARRIED.

Judge Burris also stated that another issue brought before the committee was violations from Event Planning companies such as "Show Pros", the issue being is how does the statute apply to them? A lot of out state companies who are brought before the Grievance Committee claim not to know the statute or what rules apply to their company and how.

MOTION BY JUDGE BURRIS FOR 74C REWRITE COMMITTEE TO EXAMINE "EVENT STAFFING" COMPANIES AND HOW STATUTE APPLIES; SECONDED BY MR. STEVENS; MOTION CARRIED.

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

SCREENING COMMITTEE:

Mr. Clark discussed the six DVD courses that were submitted by David Vine as Continuing Education Courses that the Board denied.

MOTION BY MR. COBBLER TO ACCEPT THE SCREENING COMMITTEE'S REPORT; SECONDED BY MR. COOK; MOTION CARRIED.

74C REWRITE COMMITTEE

Mr. Epley reported that the 74C Rewrite Committee did not meet and the Board attended a 74C training session.

FINANCE REPORT:

Mr. MacRae reported that he and Mr. Wright met and discussed the types of reports that can be reviewed. They created several new reports and once it has been verified that the columns add up they will present to the Board.

MOTION BY MR. BENSON TO ACCEPT THE FINANCE REPORT; SECONDED BY MR. WEAVER; MOTION CARRIED.

OLD BUSINESS:

NONE

NEW BUSINESS:

The Board discussed rescheduling the 74C training session to the Wednesday of the three day Board meeting in February. The Board also decided to begin the Board meeting at 8:30 a.m. instead of 9:00 a.m. There was also discussion of possibly moving the Raleigh Board meetings to another location as there are numerous problems with the service and acoustics in the Holiday Inn location.

BREAK: 10:10 A.M.
BACK IN SESSION: 10:30 A.M.

FINAL AGENCY DECISION

Attorney Jeff Gray removed himself as counsel to the Board to present the following cases.

The Board received the official record for the following cases:

Marcus L. Fuller 13-DOJ-13653 (attachment 7). Mr. Fuller was present. This case was heard by Administrative Law Judge Fred G. Morrison on July 23, 2013. This case involved the issue of whether the Petitioner's firearms trainer certification should be revoked for making a false statement or giving false information in connection with any application for license registration or permit or for renewal or reinstatement of a license, registration or permit, and for submitting inaccurate scores in violation of the Board's armed training requirements.

Administrative Law Judge Fred G. Morrison finds that the revocation of Petitioner's firearms instructor certificate be upheld.

MOTION BY MR. WEAVER TO ACCEPT UPHOLDING SUSPENSION; SECONDED BY MR. BOOTH; MOTION CARRIED.

Danielle J. Rankin 13-DOJ-9038 (attachment 10). Ms. Rankin was present. This case was heard by Senior Administrative Law Judge Augustus B. Elkins II on April 23, 2012. This case involved the denial of Petitioner's application for a new unarmed guard registration permit pursuant to N.C.G.S. 74C-1 et seq. based on Petitioner's lack of good moral character and temperate habits as evidenced by Petitioners criminal record.

Senior Administrative Law Judge Fred G. Morrison, Jr. proposed that the Board reverse its initial decision to deny Petitioner's unarmed guard registration.

MOTION BY MR. CLARK TO ACCEPT OFFICE OF ADMINISTRATIVE HEARINGS DECISION AND GRANT MS. RANKIN A REGISTRATION; SECONDED BY MRS. MARTIN; MOTION CARRIED.

Cameron Clinkscale 13-DOJ05095 (attachment 8).Mr. Clinkscale was not present. This case was heard by Administrative Law Judge Gene Cella on February 26, 2013. This case involved the denial of Petitioner's unarmed guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by two (2) convictions of misdemeanor Disorderly Conduct in the State of Ohio.

Administrative Law Judge Gene Cella proposed that the Board reverse its denial of Petitioner's application for an unarmed guard registration.

MOTION BY MR. MACRACE TO CONTINUE THE MATTER TO THE NEXT BOARD MEETING; SECONDED BY MR. BENSON; MOTION CARRIED.

JonPaul D Wallace 13-DOJ-02422 (attachment 9). Mr. Wallace was not present. The Petitioner's appeal is dismissed without prejudice for failure to prosecute.

MOTION BY JUDGE BURRIS TO UPHOLD DECISION TO DISMISS; SECONDED BY MR. BOOTH; MOTION CARRIED.

Antonio R. Dickens 13-DOJ-08953 (attachment 11). Mr. Dickens was not present. This case was heard by Administrative Law Judge Augustus B. Elkins II on April 23, 2013. This case involved the denial of Petitioner's application for a new unarmed guard registration permit pursuant to N.C.G.S. 74C-1 as evidenced by Petitioner's criminal record.

Administrative Law Judge Augustus B. Elkins II finds sufficient evidence to uphold the denial of Respondent's unarmed guard registration permit.

MOTION BY MR. BENSON TO ACCEPT THE ORIGINAL DECISION; SECONDED BY MR. BENSON; MOTION CARRIED.

DIRECTOR'S REPORT:

Director Terry Wright read the report for the record. The current PPS budget as of September 30, 2013, has a balance of \$400,116.23; the Education Fund balance is \$64,929.58. As of October 21, 2013, the total registrations for PPS is 18,548, 1,823 licensees, and 591 certifications.

Mr. Wright noted that there have been a total of 2,465 various correspondences printed from the PPS database, 4,950 registration cards have been printed and a total of 5,771 applications received since the last Board meeting.

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

Mr. Wright updated the Board on the status of the new computer system upgrade. Mr. Wright stated that GL Solutions is not abiding by the RFP and that the DOJ IT has sent a formal letter of dispute. GL Solutions has ten (10) days to respond and thirty (30) days to make corrections and as of right now the project is on hold. To date no payments have been made. Mr. Wright advised if anything comes up before the next Board meeting and a teleconference needs to be scheduled he will advise the Chairman of such.

ATTORNEY'S REPORT:

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. Lewis Glover, Jr./Knight Protective Services, Inc. On October 25, 2012, the Private Protective Services Board voted to enter into a consent agreement in the amount of \$1,288.20 for 8 unarmed and 2 armed registration violations. The payment has not been received.
2. Mr. Kenneth Wayne Berg/Garda CL, Inc. On June 20, 2013, the Private Protective Services Board voted to enter into a consent agreement with Mr. Berg in the amount of \$6,793.20 for 37 armed registration violations.
3. JayJay Miller/Landmark Security, Inc. On June 20, 2013 the Private Protective Services board voted to enter into a consent agreement with Mr. Miller in the amount of \$4096.32

in three monthly installments for 42 unarmed registration violations. Second payment received on 9/24/2013(\$1,365.44)

4. Brian Joseph White/Eagle Eye Security. On August 22, 2013, the Private Protective Services Board voted to enter into a consent agreement with Mr. Woodell in the amount of \$6,487.20 for 50 unarmed and 2 armed registrations violations. Paid in full.
5. Dwight Odell ChapmanII/Brinks, Inc. On August 22, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Chapman in the amount of \$2,040.00 for the company operating without Qualifying Agent. Paid in full.
6. Joseph Daniel Washington/A1Tactical Protection Services, LLC. ON August 22, 2013 Protective Services Board voted to enter into a consent agreement with Washington in the amount of \$2,040.00 for unlicensed activity. Paid in full.
7. David Zachary Hubbard/Phoenix PSI. On August 22, 2013 the Private Protective Services Board voted to enter into a consent agreement with Mr. Hubbard in the amount of \$2,040.00 for unlicensed activity. The consent is to be paid within ninety (90) days. The payment has not been received.

II. OFFICE OF ADMINISTRATIVE HEARINGS

July 23, 2013	PPSB	Myron T. Davidson Marcus Fuller	Denial of PI License Revoke the Firearm Trainer Certification
August 27, 2013	PPSB	Cathy Brown Torrain Benjamin	Denial of Unarmed Permit Denial of Armed Permit
September 24, 2013	PPSB	NONE	
October 29, 2013	PPSB	Jesse J. Williams Alejandro Maurent Cathy Brown	Denial of Unarmed Permit Denial of Armed Permit Denial of Unarmed Permit

III. RULES

1. The below rules changes were approved by the Rules Review Commission on September 19, 2013, with an effective date of October 1, 2013.
 - Adoption 12 NCAC 07D.0115.
 - Amendment to 12 NCAC 07D .0104, .0203, 0301, 0302, .0401, .0402, .0501, .0601, .0901, .0807 and .0909.
2. The G.S. 150B-19.1 Certification forms for the following rules changes were submitted to the Rules Review Commission on October 4, 2013 and certified on October 17, 2013:
 - Amendment to 12 NCAC 07D .0106, .0501, .0502, .0503, .0504 and .1302.

IV. PENDING BILLS EFFECTING PPS

At the April, June and August meetings, Attorney Gray reported on five (5) bills filed in the General Assembly affecting all occupational and professional licensing boards, including the PPSB. Two of these bills passed:

- SB 33, Use of Criminal History Records by Licensing Boards- Signed by Governor 4/9/13 (see attachment to June 20, 2013 Attorney's Report).
- HB 74, Improve and Streamline the Regulatory Process, (see attachment 3; only pp. 1-3).

As previously reported, the Board has complied with the requirements of SB33 for many years. House Bill 74, however, is a different story. It adds numerous additional steps to the rulemaking process in an effort to "improve" it. A chart showing the new permanent rule making process is attached (see attachment 4). Further, and as part of the "streamlining" intended by the legislature, HB74 mandates an extensive under-taking for all of State government and will require the Board to review all of its existing administrative rules. Attorney Gray has already attended a training session where the proposed procedure was explained. At this point Attorney Gray does not know when the process for occupational licensing boards will begin but the proposed procedure anticipates it will be towards the end of an estimated five (5) year process.

V. PENDING CASES

At the March 2013 Board meeting, the Board was informed by deputies with the Brunswick County Sheriff's Office that Bill Haglar of Oak Island, NC was under criminal investigation for performing private investigation services and holding himself out as a private investigator without a license. Mr. Haglar has received five (5) C&D letters from the Board, on

March 25, 2013 Attorney Gray filed a Complaint for Injunctive Relief on behalf of the Board in NC PPSB v. *William John Haglar*, 13 CVS 004090 – Wake Co. Mr. Haglar filed an Answer, *pro se*, to the Complainant.

In early June Attorney Gray learned from the Sheriff's Office that Mr. Haglar had posted LinkedIn and other social network postings online holding him out as a PI after the lawsuit was filed. Attorney Gray filed a motion on June 13th and obtained an Order Granting Preliminary Injunction on June 24, 2013 in Wake County Superior Court to enjoin Haglar's activities.

The Brunswick County Sheriff's Office arrested and criminally charged Mr. Haglar for violation of the board's law and rules as well as felony obtaining property by false pretenses. He is free on \$10,000 secured bond awaiting trial.

On August 20, 2013, Mr. Haglar represented himself to Heather Howle, Assistant Director of the Brunswick County Senior Center, as a private investigator. He also gave Ms. Howle a business card with his name and "Investigative Services" under it and the logo of "Haglar Investigative Services." He admitted to the investigating officer he had done so and that he is unlicensed. I obtained an affidavit from Ms. Howle and Sgt. M.L. Williams of the Southport Police Department, then filed a Motion for Order to Show Cause and a hearing was set for Monday, October 14, 2013. Mr. Haglar appeared, represented by counsel, and the Court allowed the matter to be continued since his attorney had not been retained except for that appearance. The matter has not been re-calendared for hearing.

Also, at the request of the Board, Detective Ed Carter, who appeared at the Board's April meeting, was commended in a letter to his Sheriff from Anthony Bonapart for his hard work and diligence in pursuing Mr. Haglar and his assistance to Attorney Gray.

MOTION BY MR. STEVENS TO ACCEPT ATTORNEY'S REPORT; SECONDED BY MR. WEAVER; MOTION CARRIED.

PUBLIC COMMENT:

NONE

Chairman Allen stated that Mr. Weaver's place of employment, SAS Institute, was recently named the second best company to work for in the world. He also "re-introduced" Mr. Benson who recently cut off his signature ponytail and donated it to a children's cancer charity.

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

11:36 a.m. Adjourned

Anthony B. Bonapart, Deputy Director

Maia Washington-Powell, Licensing Assistant