

**NORTH CAROLINA CRIMINAL JUSTICE
EDUCATION AND TRAINING STANDARDS COMMISSION**

MINUTES

DATE: August 27, 2010

TIME: 9:00 A. M.

LOCATION: N. C. Department of Correction
Apex, North Carolina

SUBMITTED BY: Wayne Woodard
Director

The Education and Training Committee, the Planning and Standards Committee, and the Probable Cause Committee met on February 18, 2010 for their regular quarterly meetings. The Executive Committee also met on February 18, 2010.

MEMBERS PRESENT

Mr. John Glenn
Chief Ira Jones
Dr. Robert Ruth
Mr. Eddie Caldwell
Captain Lee Farnsworth
Captain Terry Jones
Chief Wrenn Johnson
Mr. Terry Waterfield
Mr. Ray Davis
Mr. James Festerman
Colonel Randy Glover - Proxy Major Jennifer Harris
Ms. Linda Hayes
Chief Scott Cunningham
Ms. Stephanie Freeman
Sergeant Lorrie Hersey
Mr. Kevin Wallace
Ms. Robin Pendergraft
Ms. Tracy McPherson
Chief Patricia Bazemore
Mr. Steve Johnson
Chief Tim Hayworth
Ms. Annie Harvey
Mr. Ricky Anderson

MEMBERS ABSENT

Mr. Frank Rogers
Mr. Johnson Britt

Mr. Brent Herron
Mr. Thomas Thornburg
Chief Tim Ledford
Mayor Bobby Kilgore
Chief John Manley
Ms. Angela Williams
Mr. Richard Armstrong

VISITORS

Tresa Brown-Tomlinson	N. C. Department of Correction
Eric DeSimone	Raleigh Police Department
Wellington Scott	N. C. State Highway Patrol
John M. Hardin	
Jean Hardin	
Mark A. Taylor	Cary Police Department
Tandra Taylor	
William Parker	Hillsborough Police Department
Jeffery Myers	James Sprunt Community College
Brad Coats	James Sprunt Community College
Paula May	King Police Department
Greg Williams	
Myron Irving	Wilmington Police Department
Captain Danny Williams	Wilmington Police Department
Charles D. Walston	N. C. Department of Correction
Ronnie Herring	
Mark Strickland	N. C. Justice Academy
Chet Jernigan	N. C. Justice Academy
Joseph B. Hall	
Pam Blount	
Norman Young	N. C. Department of Justice
Bobby Marshall	N. C. Department of Correction
Demetria Bands	N. C. Department of Correction
Brenda Lucas	
Marvin W. Lucas	
Demetria Yvette Brooks	N. C. Department of Correction
Natalie Brooks	
Ann R. Brooks	
Sergeant Kevin Larry McFee	Dallas Police Department
Kim McFee	
Gary Buckner	Dallas Police Department
Brenda Brewington	

Vivian Brake
Alicia Davis
John Saldi N. C. Department of Correction
Grady Massey N. C. Department of Correction
Carl E. Lee, Jr. N. C. Department of Correction
Shirley Hall N. C. Department of Correction
Alicia Davis
Peggy Schaefer N. C. Justice Academy
D. M. Putney N. C. State Highway Patrol
Joyce Ruth
Brandon Stokes N. C. State Highway Patrol
Albert Eastwood N. C. State Highway Patrol
Vernon J. Bryant
Joseph T. DePrisco
Deborah Scott N. C. Department of Correction
Jerry Scott
Sheri Stein Forsyth County Sheriff's Office
Lieutenant Timothy Stewart King Police Department
Patricia Murray Winston-Salem Police Department
Tony Parker
Shirley Parker N. C. Department of Correction
Linda Briston N. C. Department of Correction
David McKenzie Attorney representing Joseph DePrisco

STAFF

Wayne Woodard	Richard Squires	Dawn Suffel	Jane Gilchrist
Pam Pope	Teresa Marrella	Mark Dearry	Ed Zapolsky
Mike Heavner	Tim Pressley	Brandi Miree	Donna Byrd

I. CALL TO ORDER

Commission Chairman John Glenn brought the meeting to order. He read the Ethics Statement into the minutes. Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors. Ms. Donna Byrd administered the Oath of Office to Chief Tim Hayworth of the Zebulon Police Department, representing the N. C. Association of Chiefs of Police; Chief Ira Jones of the Morrisville Police Department, representing the N. C. Police Executives Association; Dr. Bob Ruth of Davidson College, representing the N. C. Criminal Justice Association; Captain Terry Jones of the Winston-Salem Police Department, representing the North State Law Enforcement Officers' Association; Sergeant Lorie Hersey of the Gaston County Police Department, representing the N. C. Law Enforcement Women's Association; Chief John Manley of the Rocky Mount Police Department and Ms. Gwen Norville of the N. C. Department of Correction; representing Governor Bev Perdue; and, Ms. Angela Williams with the N. C. Department of Community Correction, who was nominated by the Honorable Joe Hackney, Speaker of the House of Representatives.

Chairman Glenn personally thanked Commissioner Gwen Norville for hosting the Commission at the North Carolina Department of Correction's training facility in Apex. He extended a warm thank you to the Department of Correction staff for assisting and coordinating the planning of the Commission meeting.

II. PRESENTATION OF RESOLUTIONS

Vice-Chairman Eddie Caldwell reported that the Executive Committee had approved a Resolution of Appreciation for Commissioners Vernon Bryant and Colonel Randy Glover.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the Resolutions of Appreciation for Colonel Randy Glover and former Commissioner Vernon Bryant; seconded by Commissioner Ray Davis. The MOTION carried unanimously.

Chairman Glenn presented the Resolution of Appreciation to former Commissioner Vernon Bryant. Chairman Glenn read aloud the Resolution of Appreciation. Commissioner Bryant accepted his Resolution of Appreciation from Chairman Glenn and expressed his gratitude to the Commission and his pleasure at having been able to serve on the Commission.

Chairman Glenn presented a plaque of appreciation to Kevin Wallace for his tenure as Chairman of the Planning and Standards Committee. Commissioner Wallace accepted the plaque and stated that because his job responsibilities have increased, he was no longer able to serve as Chairman, but was pleased to continue serving as a member of the Planning and Standards Committee.

Next, Vice-Chairman Caldwell related that the Executive Committee had approved Resolutions in Memoriam for Trooper Kyle Patrick Barber of the North Carolina State Highway Patrol, who died on May 19, 2009 and Sergeant Mickey Gray Hutchens of the Winston-Salem Police Department, who died on October 12, 2009.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to approve the Resolutions in Memoriam for Kyle Patrick Barber and Mickey Gray Hutchens. The MOTION was seconded by Commissioner Davis and carried unanimously.

Chairman Glenn next requested that Commission member and Winston-Salem Police Department Chief Scott Cunningham come forward and present the resolution on Sgt Hutchens. Chief Cunningham read the Resolution in Memoriam into the record and presented the Resolution to Ms. Sherri Stenberg, the sister of Sgt Hutchens. Ms. Stenberg was accompanied by Captain Patricia Murray of the Winston-Salem Police Department.

Chairman Glenn next read the Resolution in Memoriam for Trooper Barber into the record and presented the Resolution to Lt. Colonel Wellington Scott of the North Carolina State Highway Patrol. Lt. Albert Eastwood and Trooper Brandon Stokes also accompanied Lt. Colonel Scott.

Lastly, Chairman Glenn stated that each Commission member should have a Committee Preference Sheet in their packet. He asked that each member complete this form and return to Ms. Donna Byrd before the end of the meeting.

III. AWARDING OF ADVANCED CERTIFICATES

[Agenda Memorandum No. 03-10]

Chairman Glenn reported that staff had evaluated the applications of all one hundred and ten (110) candidates. There were eighty-six (86) candidates for the Advanced Law Enforcement Certificate and twenty-four (24) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Linda Hayes that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Steve Johnson and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement and Advanced Criminal Justice Certificates:

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|------------------------|---|
| Eric DeSimone | Raleigh Police Department
Presented by Commissioner Rick Armstrong |
| John Michael Hardin | New Bern Police Department
Presented by Commissioner Glenn |
| Myron G. Irving | Wilmington Police Department
Presented by Captain Donny Williams |
| Kevin Larry McFee | Dallas Police Department
Presented by Chief Gary Buckner |
| Tim Stewart | King Police Department
Presented by Chief Paula May and Captain Greg Williams |
| Mark A. Taylor | Cary Police Department
Presented by Commissioner Pat Bazemore |
| William Lane Parker | Hillsborough Police Department
Presented by Commissioner Glenn |
| Demetria Yvette Brooks | N. C. Department of Correction
Presented by Commissioner Glenn |
| Shirley Hall | N. C. Department of Correction
Presented by Vivian Brake, Assistant Superintendent, Sergeant Alicia Davis and Commissioner Annie Harvey |
| Carl Earland Lee, Jr. | N. C. Department of Correction
Presented by Joseph Hall, Administrator, Bobby Marshall, Assistant Superintendent of Custody and Operations, Teresa Brown, Superintendent of Programs and Commissioner Harvey |
| Shirley Parker | N. C. Department of Correction
Presented by Grady Massey, Superintendent and Commissioner Harvey |

Deborah Scott

N. C. Department of Correction
Presented by Commissioner Glenn

Tresa Brown-Tomlinson

N. C. Department of Correction
Presented by Joseph Hall, Administrator and
Commissioner Harvey

IV. ELECTIONS

A. Chairman

Vice-Chairman Eddie Caldwell presided over the Commission to take nominations for the office of Chairman.

MOTION was made by Commissioner Davis to nominate John Glenn as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner James Festerman and carried unanimously.

B. Vice-Chairman

Chairman Glenn presided over the remainder of the nominations.

MOTION was made by Commissioner Bob Ruth to nominate Eddie Caldwell as Vice-Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Lee Farnsworth and carried unanimously.

C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Robin Pendergraft to nominate Wrenn Johnson as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Steve Johnson and carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner Rick Armstrong to nominate Stephanie Freeman as Chairperson of the Planning and Standards Committee. The MOTION was seconded by Commissioner Tom Thornburg and carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner Ira Jones to nominate Ray Davis as Chairperson of the Probable Cause Committee. The MOTION was seconded by Commissioner Pat Bazemore and carried unanimously.

V. MINUTES OF MAY 28, 2010 MEETING

Chairman Glenn entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Festerman that the Commission approve the minutes of the May 28, 2010 meeting; seconded by Commissioner Terry Jones and carried unanimously.

VI. STANDING COMMITTEE REPORTS**A. Executive Committee - Chairman Eddie Caldwell**

Chairman Caldwell stated that the Committee met and discussed several issues. He stated that one issue involves a situation where an officer transfers from one law enforcement agency to another. He explained that the officer's paperwork is received by staff and in reviewing this paperwork, the officer's record displays that he/she is currently under investigation by this Commission or is in administrative hearing case process. Chairman Caldwell stated that the Executive Committee has asked the Commission's legal counsel to research and provide their legal advice in a memo for our next meeting to identify how we can: (1) notify the head of the hiring agency that the officer is under investigation or involved in a pending administrative hearing, to the extent allowed by our current laws and rules; and (2) how our current rules and laws might be modified to expand our ability to notify the head of the hiring agency that the officer is under investigation or involved in a pending administrative hearing.

Chairman Caldwell explained that the Executive Committee unanimously agreed to recommend to the Commission to adopt a motion to ask the Planning and Standards Committee to conduct a rule-making hearing for adoption of rules that affirmatively state that the Commission is not required to issue Intermediate or Advanced Certificates to officers who are under investigation or involved in a pending administrative hearing.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee to ask the Planning and Standards Committee to conduct a rule-making hearing for adoption of rules that affirmatively states that the Commission is not required to issue Intermediate or Advanced Certificates to officers who are under investigation or involved in a pending administrative hearing; seconded by Commissioner Lorie Hersey. The MOTION carried unanimously.

Next, Chairman Caldwell stated that at times, Commission members have a need to receive the minutes prior to the next Commission meeting. He explained that several Commission members are involved in other associations and groups in which this information would be beneficial. He explained that the minutes are detailed and each member does not receive them until the next quarterly meeting. The Executive Committee has asked staff to prepare a brief committee report capturing the highlights of each meeting and distribute to each Commission member via email within fourteen (14) days after each Commission meeting.

Chairman Caldwell explained that the Executive Committee asked Director Wayne Woodard to contract with the State Capitol Police to provide a minimum of one uniformed armed officer to provide security during the Committee and Commission meetings and to explore the possibility of purchasing walk-thru and hand-held metal detectors for use at all Committee and Commission meetings and to pursue a Governor's Crime Commission grant (if needed) for purchasing the equipment. Chairman Caldwell explained that the Executive Committee asked legal counsel to research the law to determine under what circumstances Commission members can carry a firearm in the Commission meeting, for the Commission members who are sworn law enforcement officers, and for Commission members who are not, and to provide us with a brief memo on this topic at the November meeting.

Chairman Caldwell reported that the Executive Committee unanimously agreed to recommend to the full Commission adoption of the following dates for 2011. He advised that 2011 Commission meetings would be held in Apex at the N. C. Department of Correction's Office of Staff Development and Training facility on February 17-18, 2011, May 19-20, 2011, August 25-26, 2011 and November 17-18, 2011.

Motion was made by Commissioner Caldwell on behalf of the Executive Committee to approve the 2011 dates for the Commission meetings; seconded by Commissioner Scott Cunningham. The Motion was carried unanimously.

Chairman Caldwell next asked Director Woodard to give an update on the Criminal Justice Standards Division.

Mr. Woodard reported that plans for constructing the new office facility were in progress for the Criminal Justice Standards Division and the Sheriff's Standards Division.

Mr. Woodard next stated the Executive Committee had asked that he report on the issue of allowing persons under the age of 20 into BLET. This issue was a result of language in G.S. 93B that prohibits any licensing board or commission from restricting persons 18 years of age or older from being certified or receiving a license. He stated that the Attorney General's Office was successful in having new legislation passed which grants an exemption to this statute for the Commission.

Mr. Woodard reported that the staff had conducted two one-day conferences for School Directors earlier in August, one in the eastern and one in the western part of the state. This was a change from the single two-day conference format previously conducted.

Lastly, Mr. Woodard stated that due to the new certification and training computer database, staff has been unable to send notices to instructors this past year advising that their expiration date was approaching. He explained that the database problem has been corrected and currently the letters are able to be sent to each individual.

Mr. Caldwell asked Director Peggy Schaefer to give an update on the Justice Academy.

Ms. Schaefer reported that renovations were being completed at the western and eastern campuses. The Academy promoted Tami Warren and Bob Garbett. She stated that next year's budget cuts would be substantial.

B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met at 1:30 p.m. on Thursday, August 26, 2010, in Room 224 of the NC Department of Correction's Office of Staff Development and Training in Apex, NC.

Chairperson Johnson noted that Commissioner Terry Jones reported that the Accreditation Committee recommended that the Fayetteville Police Department be reaccredited for a period of five years for the delivery of Commission Accredited courses. The Committee approved this recommendation. Commissioner Jones further reported that Commission staff had reactivated Bladen Community College's continuing school accreditation and BLET course accreditation through November 22, 2011.

Chairperson Johnson stated that Mr. Charles Rambeau had completed preliminary research into a proposed writing standard for Basic Law Enforcement Training. Mr. Rambeau shared the results with the Education and Training Committee of a national survey of various POST writing standards. She explained that additional research and study would be conducted.

Chairperson Johnson next noted that Mr. Mark Strickland reported on the Basic Law Enforcement Training Subcommittee which reiterated that the rationale for eliminating shotgun training was to provide additional time for realistic firearms training. Also, the Subcommittee added additional language to the lesson plan on punching and requested that the Academy provide videotapes on subject matter areas when private vendors no longer produce needed videos.

Lastly, Chairperson Johnson stated that Mr. Dan Worley reported that the SMI Committee recommended that a new videotape be shown in all Radar courses offered statewide. The video is entitled "Basic Principles of RADAR."

C. Planning and Standards Committee - Chairperson Stephanie Freeman

Chairperson Freeman stated that the Planning and Standards Committee met on Thursday, August 26, 2010 at the North Carolina Department of Correction's Office of Staff Development and Training in Apex.

Chairperson Freeman stated that the Committee approved a proposed amendment to 12 NCAC 09B .0203 restricting entry to BLET to those persons 20 years of age or older.

MOTION was made by Commissioner Freeman that the Commission grant the Planning and Standards Committee rule-making authority for Rule 12 NCAC 9B .0203; seconded by Commissioner Kevin Wallace. The MOTION carried unanimously.

Chairperson Freeman stated that the Executive Committee had requested the Planning and Standards Committee to study the issue of 20 year olds being certified as law enforcement officers. Discussion was to survey law enforcement agencies to see if the age of certification should be changed from age 20 to 21.

Chairperson Freeman stated that the Executive Committee has requested additional time to review the draft of the Seventh Edition of the System Plan prior to presenting the draft to the full Commission. Once the Executive Committee has reviewed the System Plan, a revised copy will be mailed to each Commission member along with a ranking sheet. She explained that each Commission member will be asked to rank the goals in order of importance and return this form to Ms. Teresa Marrella.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on Wednesday, August 25, 2010 at 1:00 p.m. and again on Thursday, August 26, 2010 at 9:00 a.m. at the NC Department of Correction Office of Staff Development and Training in Apex. Eighteen (18) cases were reviewed by the Committee. Probable cause was found in ten cases. In five of the cases, the Committee found no probable cause. In three cases, the Committee recommended a Written Warning in lieu of action to deny or suspend the certification.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Ronald Lee Brigman, Jr.; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Steven Lee Rogers; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of a consent agreement for Anthony Wayne Talton; seconded by Commissioner Terry Waterfield. The MOTION carried unanimously.

VII. OTHER BUSINESS

None

VIII. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Gilchrist distributed a document entitled "Pending Administrative Cases" for the membership's review:

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| 1. Jay Eduard Krueger | To Be Heard at the November 2010 Commission Meeting. |
| 2. Roy Lee Burgess | Petition for Judicial Review filed July 14, 2009 (Wake County); Superior Court Order filed August 3; 33 days: September 6, 2010. |
| 3. Darryl Emanuel Gerald | Petition for Judicial Review filed July 28, 2010 (Stanly County); Response/Official Record Due August 27 th ; Response filed August 4, 2010. |
| 4. George Lee Shaver, III | To Be Heard at the August 2010 Commission Meeting. |
| 5. Scott Ray Berkley | To Be Heard at the November 2010 Commission Meeting. |
| 6. Tommy Keith Lymon | Petition for Judicial Review filed April 29, 2010 (Wake County); Response filed May 27, 2010. |
| 7. Tony Blaine Drake | To Be Heard at the August 2010 Commission Meeting. |
| 8. Joseph Thomas DePrisco | To Be Heard at the August 2010 Commission Meeting. |
| 9. Harold Kerwin Bryan | Hearing: August 2, 2010; 1:00 P.M.; Raleigh - Waiting for Judge to Order/Rule. |
| 10. Marcus Andrew Fleming | Hearing: Continued |

11. Mitchell Ray Satterthwaite To Be Heard at the November 2010 Commission Meeting.
12. John David Dykes Proposal for Decision Letter sent August 16, 2010; 30 days: September 20th. To Be Heard at the November 2010 Commission Meeting.
13. Christopher Ben Buff Proposal for Decision Letter sent August 24, 2010; 30 days. To Be Heard at the November 2010 Commission Meeting.
14. Shawn Carson Houston Hearing: July 16, 2010, 9:00 A.M.; Newton- Waiting for Judge to Order/Rule.
15. James William Carpenter, Jr. Hearing: July 27, 2010, 9:00 A.M.; High Point - Waiting for Judge to Order/Rule.
16. Chad Aaron Webster Draft Proposal for Decision sent to Judge August 10, 2010.
17. Emery Roland Anderson Motion to Dismiss/Motion to Compel filed August 4th; Response Due August 16th - Hearing: September 7, 2010, 9:00 A.M.; Charlotte.
18. Timothy Scott Phillips Hearing: September 7, 2010, 1:30PM; Charlotte.
19. Timothy Tracy Walker Second Order for Petitioner PHS (Due: September 6th)
Discovery Due: October 11 - Hearing Interrogatories - Litigation Package: Week of October 25, 2010; Raleigh.
20. Ahmed Joseph Blake Discovery Due: November 15, 2010 - Hearing: Week of November 29, 2010; Raleigh.
21. James Albert Bowditch Prehearing Statement Due September 13th Discovery Due: November 22, 2010; Hearing Week of December 6, 2010, Charlotte.

C. Final Agency Decisions

Ms. Gilchrist noted that Mr. Norman Young, an Assistant Attorney General , would serve as the Commission's Legal Counsel for the Final Agency Decisions.

Chairman Glenn read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

3. Joseph Thomas DePrisco

Mr. Mike Heavner presented the case of Joseph Thomas DePrisco. He reported that this case involved eleven material misrepresentations. Mr. DePrisco applied for certification with Butner Public Safety. Mr. Heavner stated that Butner Public Safety submitted Mr. DePrisco's Report of Appointment/Application for Certification [(Form F-5A (LE))] to the Criminal Justice Standards Division. In comparing Mr. DePrisco's criminal history record to the offenses that Mr. DePrisco had disclosed on his application, it was determined that there were discrepancies. Prior to submitting the application with Butner Public Safety, Mr. DePrisco had applied with three other agencies (Cary Police Department, Fuquay-Varina Police Department and Rolesville Police Department). Mr. Heavner stated that on April 3, 2000, Mr. DePrisco was found guilty of the criminal offense "Underage Alcohol Offense." At the administrative hearing, Mr. DePrisco stated that this offense happened in high school and he could not remember any of the details. On February 18, 2001, Mr. DePrisco was charged with "Simple Assault," "Disorderly Conduct Engage in Fighting," "Harassment/Strike, Shove, Kick" charges. Mr. Heavner stated that at the administrative hearing Mr. DePrisco explained that the February 2001 assault and related offenses involved a one-on-one physical altercation with an individual. Mr. DePrisco stated that the charges were dismissed as part of a settlement in which he paid \$10,000 to

the victim. Mr. DePrisco's mother paid the money and he sold his car to repay his mother. On June 23, 2001, Mr. DePrisco was charged with the criminal offense "Harassment/Repeatedly Alarm, Annoy." He pled guilty to this offense. At the administrative hearing, Mr. DePrisco did not remember this charge. On July 26, 2001, Mr. DePrisco was charged with "Driving under the Influence of Alcohol," "Minor Driving w/Blood Alcohol Level," "Purchase etc. Alcohol Beverage by a Minor" and "Minor Prohibited/Operating w/Alcohol." Mr. Heavner stated that at the administrative hearing, Mr. DePrisco explained that he was placed on probation for the charges that he was convicted of. Mr. DePrisco stated at the hearing that while he was completing the probation period, his charges were ultimately expunged. However, the charges that he was convicted of were never expunged. Mr. Heavner asked the Commission to adopt the Proposed Final Agency Decision.

Mr. David McKenzie, attorney representing Mr. DePrisco said that what Mr. Heavner had stated was correct. He stated that Mr. DePrisco is a war veteran and he sustained brain injuries due to fifty (50) roadside bomb incidents. Mr. McKenzie stated that Mr. DePrisco is not looking for an excuse. He explained that Mr. DePrisco is partially disabled as evidenced by his 50% disability rating. He stated that Mr. DePrisco corrected his record. Mr. McKenzie asked that the Commission reduce the sanction.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Farnsworth. The MOTION carried unanimously.

MOTION was made by Commissioner Wrenn Johnson that the Commission return to Open Session; seconded by Commissioner Robin Pendergraft. The MOTION carried unanimously.

MOTION was made by Commissioner Farnsworth that the Commission accept the Proposed Final Agency Decision by legal counsel to suspend Joseph Thomas DePrisco's certification for not less than five years based upon the Petitioner's material misrepresentation of information required for certification; seconded by Commissioner Tim Ledford. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. Tony Blaine Drake

Ms. Joy Strickland presented the case of Tony Blaine Drake. She reported that the Probable Cause Committee had found probable cause to suspend Mr. Drake's law enforcement officer certification for "knowingly making material misrepresentations of any information required for certification" based on three material misrepresentations by omitting or failing to disclose details. She noted that the first alleged omission was Question #26 of Mr. Drake's Personal History Statement (Form F-3). Question #26 reads: "If you have ever been discharged or requested to resign from any position because of criminal or personal misconduct or rules violations, give details. Mr. Drake answered by writing "n/a." Mr. Drake failed to disclose the details of his resignation from the Littleton Police Department, or his dismissal from the Warren County Sheriff's Office. The second omission was to Question #31 which reads: "List all of the jobs you have held in the last ten years. For each job that the applicant has held, the question asks for the applicant's "Reason for leaving" that particular job. Ms. Strickland stated that Mr. Drake had listed the reason for leaving the Littleton Police Department as "Resigned," and listed the reason for leaving the Warren County Sheriff's Office as "Advancement." Ms. Strickland stated that the Probable Cause Committee had found that Mr. Drake was not fully accurate as Mr. Drake did not include the details of his resignation from the Littleton Police Department, or the details surrounding his dismissal from the Warren County Sheriff's Office. The third omission was to Question Nos. #30 and #31 in the May 27, 2008, Mandated Background Investigation part of Mr. Drake's application for employment with the Louisburg College Campus Police. Mr. Drake answered "no" to these two questions. Mr. Drake failed to include the details of his resignation from the Littleton Police

Department, his dismissal from the Warren County Sheriff's Office or the disciplinary action that Mr. Drake was subject to while at the Warren County Sheriff's Office. Ms. Strickland asked the Commission to adopt the Proposed Final Agency Decision.

Mr. Drake was present and stated that he had prepared a statement. He stated that the reason for leaving Littleton Police Department, he wrote that he resigned. As far as the Warren County Sheriff's Office, he stated that he answered "advancement." He stated that the most important thing that an officer should have is integrity and honesty. Mr. Drake stated that he was moving from the state of Maine to North Carolina during the time that he filled out his Form F-3. He stated that he had rushed through the paperwork. Mr. Drake stated that even though the Sheriff of Warren County claimed that he had fired him, he stated that he had quit of his own free will. Mr. Drake stated that he had purchased strobe lights that he left in the sheriff's car. He stated that he was young and headstrong when the incident occurred. He stated that he had apologized for his actions.

MOTION was made by Commissioner Caldwell that the Commission go into Closed Session; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously.

MOTION was made by Commissioner Kevin Wallace that the Commission return to Open Session; seconded by Commissioner Bob Ruth. The MOTION carried unanimously.

MOTION was made by Commissioner Steve Johnson that the Commission adopt the Proposed Final Agency Decision to suspend Tony Blaine Drake's law enforcement officer certification for a period of five years for knowingly making a material misrepresentation and suspend the suspension for five years on condition that Mr. Drake not violate any law (other than infractions and minor traffic offenses) of this state or any other state, any federal laws, any ordinances, any rules of this Commission, the Company and Campus Police Program or the North Carolina Sheriffs' Education and Training Standards Commission. This period of suspension is to run from the date this Order becomes final; seconded by Commissioner Lorie Hersey. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

1. **George Lee Shaver, III**

Mr. Heavner presented the case of George Lee Shaver. He reported that probable cause was found in 2009 for a Class B misdemeanor "Resisting an Arrest" which was committed in 2005. He stated that a five-year eligibility would expire on October 8, 2010. Mr. Heavner reported that Mr. Shaver requested a hearing in this matter; however, on September 10, 2009, Mr. Shaver was charged with a Class B misdemeanor "Assault Inflicting Serious Injury." The Probable Cause Committee found probable cause to deny his law enforcement officer certification. On November 19, 2009, Mr. Shaver did not request a hearing. Thus, he is ineligible to be certified for five years from the date of commission of the "Assault Inflicting Serious Injury" until September 10, 2014. He stated that Mr. Shaver cannot be certified until September 10, 2014. Mr. Heavner stated that a Motion for Summary Judgment was filed and it was granted. Mr. Heavner asked the Commission to adopt the Proposed Final Agency Decision.

Mr. Shaver was not present to address the Commission.

MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Ruth. The MOTION carried unanimously. See Attachment V for the Commission's Final Agency Decision and Attachment VI for the roll call vote.

IX. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for November 9-10, 2010 in Apex.

X. MOTION TO ADJOURN

MOTION was made by Commissioner Moss that the Commission adjourn; seconded by Commissioner Wallace. The MOTION carried unanimously.