

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

MINUTES

DATE: May 28, 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 May 27, 2010 for their regular quarterly meetings. The Executive Committee also met on May 27, 2010.

MEMBERS PRESENT

Colonel Randy Glover
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. Vernon Bryant
Chief Scott Cunningham
Ms. Stephanie Freeman
Sergeant Lorrie Hersey
Mr. Kevin Wallace
Mr. Johnson Britt
Ms. Tracy McPherson
Chief Patricia Bazemore
Ms. Annie Harvey
Mr. Thomas Thornburg
Chief Tim Hayworth
Chief Tim Ledford
Chief John Manley
Mayor Bobby Kilgore

MEMBERS ABSENT

Mr. Steve Johnson
Mr. James Festerman
Ms. Linda Hayes
Mr. Ricky Anderson
Mr. Brent Herron

Mr. Richard Armstrong
Mr. Frank Rogers
Ms. Robin Pendergraft

VISITORS

| | |
|-----------------------|---|
| Maggie Peterson | Raleigh Durham Airport |
| Chet Jernigan | N. C. Justice Academy |
| Chief Robert Cook | Mocksville Police Department |
| William Rushing | N. C. Department of Correction |
| Stuart Shore | Mocksville Police Department |
| Daniel Matthew | Mocksville Police Department |
| Stephen Grady | N. C. Department of Correction |
| Rob Miller | |
| Chief Chris Riewe | High Point Parks & Recreation |
| Brad Gunner | Charlotte/Douglas International Airport Police Department |
| James Wilson | Charlotte/Douglas International Airport Police Department |
| David Strickland | Charlotte/Douglas International Airport Police Department |
| Gracelon Melvin | N. C. Department of Correction |
| Tresa Brown-Tomlinson | N. C. Department of Correction |
| Thomas R. Melvin | |
| Robert Brewton | N. C. Department of Correction |
| Daniel Martin | Pineville Police Department |
| Rufus Hayes | N. C. Department of Correction |
| Wanda Carlisle | N. C. Department of Correction |
| Stephen Eddings | N. C. Department of Correction |
| Paula Simons | N. C. Department of Correction |
| David Taylor | Garner Police Department |
| Kathy Taylor | |
| David Casteline | Garner Police Department |
| Teresa Connell | N. C. Department of Correction |
| Howard Clark | |
| Elizabeth Clodfelter | Guilford Tech Community College Campus Police |
| Mathew T. Boryla | Knightdale Public Safety |
| Chief Shawn Brown | Knightdale Public Safety |
| Pablo Arroyo | N. C. Department of Correction |
| George Solomon | N. C. Department of Correction |
| Robert VanGorder | N. C. Department of Correction |
| Tim Jones | N. C. Department of Correction |
| Joseph Hall | N. C. Department of Correction |
| Angelo Rinaldi | |
| Pamela Rinaldi | |
| Charles Holland | N. C. Department of Correction |
| Lafayette Hall | N. C. Department of Correction |

| | |
|---------------------------|---|
| Kenneth Jones, Jr. | |
| Joseph Hatley | Mint Hill Police Department |
| Anne Marie Garmon | Mint Hill Police Department |
| Jamie Garmon | Locust Police Department |
| Mayor Betty B. Willis | |
| Chief James Suggs | Littleton Police Department |
| Herbert Williams | |
| Jean Suggs | |
| Chief J. W. Clark | Guilford Tech Community College Campus Police |
| Eugene Chrisp | N. C. Department of Correction |
| Kimberly Henry | N. C. Department of Correction |
| William Stancil | Garner Police Department |
| Chief Brandon Zuidema | Garner Police Department |
| Kyndra Griffin | N. C. Department of Justice |
| Allen Denny | Tri-County Community College |
| Chief Robert Merchant | Pineville Police Department |
| Edith Clifton | |
| Richard Manning | Carolina Beach Police Department |
| Lt. Andrew Everhart | Carolina Beach Police Department |
| Anthony Marcucilli | Carolina Beach Police Department |
| Chief William Younginer | Carolina Beach Police Department |
| Mark Foster | Franklin Police Department |
| Tammy Foster | Franklin Police Department |
| Shemell James | N. C. Department of Correction |
| Vernice A. Whyms | N. C. Department of Correction |
| Robert Peterson | Raleigh/Durham Airport Police Department |
| Chief Donna Waters | Raleigh/Durham Airport Police Department |
| Chief David Anthony Jones | Taylorsville Police Department |
| Amelia Miller | Garner Police Department |
| Neil Weber | Attorney representing Richard Manning |
| Melissa Johnson | Taylorsville Police Department |
| Charles Walston | N. C. Department of Correction |
| Darryl Gerald | Marshville Police Department |
| Bill Wilder | Attorney representing Darryl Gerald |
| Chief Mike Gaddy | Marshville Police Department |
| Chief Randall Smith | Norwood Police Department |
| Cindy Thacker | N. C. Juvenile Justice Delinquency Prevention |

STAFF

| | | | |
|----------------|-----------------|--------------|----------------|
| Wayne Woodard | Richard Squires | Dawn Suffel | Jane Gilchrist |
| Pam Pope | Teresa Marrella | Mark Dearry | Ed Zapolsky |
| Joy Strickland | Norman Young | Tim Pressley | Donna Byrd |

I. CALL TO ORDER

Commission Chairman John Glenn called the meeting to order. He read the Ethics Statement into the minutes. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to four new members, Chief Tim Ledford of the Mint Hill Police Department and Chief Tim Hayworth of the Zebulon Police Department, who represent the N. C. Association of Chiefs of Police, Chief John Manley of the Rocky Mount Police Department, who was appointed by Governor Beverly Perdue and Mayor Bobby Kilgore, who represents the N. C. League of Municipalities. Following the roll call, Chairman Glenn declared that a quorum was present. He extended a warm welcome to the visitors.

Chairman Glenn personally thanked Ms. Gwen Norville and Commissioner Stephanie Freeman for hosting the Commission at the North Carolina Department of Correction's training facility in Apex. He thanked the Department of Correction staff in assisting and coordinating the planning of the Commission meeting.

II. PRESENTATION OF RESOLUTIONS

Chairman Glenn stated that the Executive Committee approved Resolutions of Appreciation for former Commissioners Drewery Beale and Hilda Spivey. He stated that both of them were unable to attend the meeting due to prior engagements. Chairman Glenn stated that the Resolutions would be presented at the next scheduled meeting.

III. AWARDING OF ADVANCED CERTIFICATES

[Agenda Memorandum No. 02-10]

Chairman Glenn reported that staff had evaluated the applications of all one hundred and seventy-nine (179) candidates. There were one hundred and thirty-six (136) candidates for the Advanced Law Enforcement Certificate and forty-three (43) 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 Terry Jones that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Terry Waterfield and carried unanimously.

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

Brad Gunner Charlotte/Douglas International Airport Police Department
Presented by Lieutenant James Wilson and Sergeant David Sloan

Mark Jack Foster Franklin Police Department
Presented by Commissioner Glenn

David Jason Casteline Garner Police Department
Presented by Chief Brandon Zuidema

William Callie Stancil Garner Police Department
Presented by Chief Zuidema

David Alan Taylor Garner Police Department

Presented by Chief Zuidema

Amelia Boyd Miller

Garner Police Department
Presented by Chief Zuidema

Elizabeth A. Clodfelter

N. C. Department of Correction
Presented by Supervisor William Rushing and
Commissioner Kevin Wallace

Mathew T. Boryla

Knightdale Public Safety Department
Presented by Chief Shawn Brown

Chief Christopher A. Riewe

High Point Parks and Recreation Department
Presented by Commissioner Glenn

Chief James M. Suggs

Littleton Police Department
Presented by Mayor Betty Willis

Herbert Lee Williams

Littleton Police Department
Presented by Chief James Suggs

Anne Marie Garmon

Mint Hill Police Department
Presented by Chief Tim Ledford

Joseph A. Hatley

Mint Hill Police Department
Presented by Chief Ledford

Daniel Howard Martin

Pineville Police Department
Presented by Chief Robert Merchant

Robert Edward Peterson, III

Raleigh/Durham Airport Police Department
Presented by Chief Donna Waters

Melissa Duckworth Johnson

Taylorsville Police Department
Presented by Chief Tony Jones

Pablo Arroyo

N. C. Department of Correction
Presented by Commissioner Glenn

Robert L. Brewton

N. C. Department of Correction
Presented by Commissioner Glenn

Wanda Carlisle

N. C. Department of Correction

Presented by Administrator Joseph B. Hall

Eugene Henry Chrisp

N. C. Department of Correction
Presented by Commissioner Glenn

Stephen C. Eddings

N. C. Department of Correction
Presented by Mr. Hall

Howard Harvey Clark

N. C. Department of Correction
Presented by Commissioner Glenn

Rufus J. Hayes, Jr.

N. C. Department of Correction
Presented by Mr. Hall

Kimberly Carter Henry

N. C. Department of Correction
Presented by Superintendent George Solomon

Charles D. Holland, Sr.

N. C. Department of Correction
Presented by Superintendent Lafayette Hall and
Captain Robert Van Gardner and Captain Tim Jones

Shemell L. James

N. C. Department of Correction
Presented by Commissioner Glenn

Gracelon S. Melvin

N. C. Department of Correction
Presented by Mr. Hall

Vernice A. Holt Whyms

N. C. Department of Correction
Presented by Assistant Superintendent Helen McNeill

Stuart Worth Shore

Mocksville Police Department
Presented by Chief Robert Cook

IV. MINUTES OF FEBRUARY 19, 2010 MEETING

Chairman Glenn entertained a motion to approve the minutes of the previous Commission meeting. Vice-Chairman Eddie Caldwell stated that the motion contained in the Executive Committee Report on page 4 of the Commission minutes should be amended to substitute the wording with the handout. Also, Commissioner Scott Cunningham stated that roll call vote should be changed from abstain to negate for him.

MOTION was made by Commissioner Scott Cunningham that the Commission approve the minutes as amended; seconded by Commissioner Ira Jones and carried unanimously.

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

Chairman Caldwell reported that the Executive Committee met on Thursday, May 27, 2010, to discuss a number of issues. He stated that a bill has been introduced to the State Legislature which would exempt the Commission from the provision under G. S. 93B which requires 18 year olds to be allowed entry into Basic Law Enforcement Training. He noted that if this legislation is approved, staff will need to revise 9B .0203 to its original wording for BLET.

Chairman Caldwell stated that a question was presented to the Executive Committee as to why our Commission rule has a minimum certification age of 20 instead of 21. Many of the Chiefs throughout the State have the impression that the actual minimum age is 21 instead of 20. Director Wayne Woodard advised that the Sheriffs' Commission has a minimum age of 21. Chairman Caldwell reported that the Executive Committee referred this issue to the Commission's Planning and Standards Committee for their evaluation, and a recommendation concerning whether the CJ Commission should maintain a minimum age of 20 or consider changing our rule by raising the minimum age to 21.

Chairman Caldwell stated that there were concerns as to whether or not applicants for BLET should be required to apply to the Commission for certification prior to admittance into BLET. He explained that some students who attended BLET were ineligible to be certified. He reported that the Executive Committee has asked the Planning and Standards Committee to review the Community College System Policy. Chairman Caldwell stated that these individuals who are enrolled in BLET need to be aware that they must meet the minimum requirements for certification.

Chairman Caldwell stated that the Executive Committee asked Director Woodard to contact the various law enforcement and criminal justice associations, and all law enforcement agency heads, to request that each association and agency add the Commission's Recruitment Video to their respective websites.

In closing, Chairman Caldwell stated that the Executive Committee discussed the level of security at the full Commission meetings and subcommittee meetings. He explained that there were concerns regarding security. He explained that there had been one case that necessitated enhanced security, and a question had been raised about whether or not enhanced security would be appropriate at all Commission meetings. He stated that this issue would be further reviewed and discussed at the August meeting.

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

Mr. Woodard welcomed the new Commission members to the Education and Training Standards Commission. He noted that one staff member, Claudelle Julien, was no longer with the Criminal Justice Standards Division. He stated that her position was being reviewed and would be filled very soon. He noted that the new funding from the court fees would hopefully allow for additional staff in the future.

Next, Mr. Woodard explained that both Criminal Justice Standards and the Sheriffs' Standards Division would be moving to a new facility in Garner. He stated that this location is across from the SBI and Highway Patrol Training Center. He noted that the new facility would be next to the SBI Capital District Office. He stated that plans are to move to this facility by the end of the year.

Mr. Woodard concluded his report by saying that a subcommittee would be meeting to deal with the basic law enforcement training certification exam. He explained that the consultant had suggested creation of a scenario-based exam. He stated that this exam had been pilot tested in the field and a decision on the final exam format would be made in the future. The Education and Training Committee appointed Commissioners Lee

Farnsworth and Steve Johnson to work with members from the Sheriffs' Commission on the subcommittee.

Mr. Woodard stated that Chairman Glenn had appointed Commissioners Ray Davis, Scott Cunningham and Terry Waterfield to review and update the Class B Misdemeanor manual.

Chairman Glenn asked Deputy Director Chet Jernigan to give an update on the N. C. Justice Academy.

Mr. Jernigan stated that Open House was held on April 11th at the east campus and it was a huge success. He noted that the Justice Academy had new construction going on at the west campus.

Next, Mr. Jernigan noted that the Justice Academy had hired Ms. Susan Gillis to manage the telecommunicator program. He noted that Dan Hines and Gloria Slade had recently retired from the Academy and their positions would be advertised soon.

He stated that the Justice Academy would be hosting the Sheriffs' Commission meeting at the Salemburg campus in June. He noted that this would be a four-day meeting.

In closing, Mr. Jernigan distributed copies of the Justice Academy's annual report.

B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met on Thursday, May 27, 2010 at the Department of Correction Office of Staff Development and Training, Apex, North Carolina.

Chairperson Johnson reported that Director Wayne Woodard appeared before the Committee to explain the work associated with the Training Issues Subcommittee. This Subcommittee proposed revision to the "Evaluation for Training Waiver" rules in a number of areas. Mr. Woodard explained that the Education and Training Committee approved the package of proposals as submitted.

MOTION was made by Commissioner Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B .0403, "Evaluation for Training Waiver," as detailed in the April 14, 2010 memorandum from Director Woodard concerning the same; seconded by Commissioner Ray Davis. The MOTION carried unanimously.

Mr. Mark Dearry appeared before the Committee to explain issues associated with the implementation of the new BLET Reading Comprehension Standard. He explained that the new rule becomes part of the Administrative Code on June 1, 2010; however, additional time would be needed for school directors to implement the rule. Mr. Dearry requested the Education and Training Committee to approve an implementation date of September 1, 2010.

MOTION was made by Commissioner Johnson that the Commission authorize a September 1, 2010 implementation date for the new Reading Comprehension Standard; seconded by Commissioner Robin Pendergraft. The MOTION carried unanimously.

Chairperson Johnson noted that Cindy Thacker, on behalf of the Department of Juvenile Justice and Delinquency Prevention requested that the Committee approve a request to allow a broader competency standard for those teaching the "Medical Emergencies DJJDP" block of instruction. The current rule requires certification by the American Red Cross.

MOTION was made by Commissioner Johnson that the Commission authorize the Planning and Standards Committee to conduct a rule-making hearing to amend 12 NCAC 09B .0304(I)(2) to allow instructor certification in CPR and First Aid through an organization whose curriculum meets the national standards set forth by the International Guidelines Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care; seconded by Commissioner Vernon Bryant. The MOTION carried unanimously.

Next, Chairperson Johnson stated that Commissioner Terry Jones reported that Tri-County Community College in Murphy, North Carolina had been found to be in compliance with all relevant standards associated with institutions to offer BLET. Based upon this finding, the Committee approved Tri-County Community College as a delivery site for BLET.

Chairperson Johnson noted that Commissioner Stephanie Freeman requested revisions to the curriculum for Basic Training for Correctional Officers. The proposal included changes in hours, new objectives and related revisions, to be effective July 1, 2010. The Education and Training Committee approved the requested changes.

Chairperson Johnson stated that Ms. Cindy Thacker described several proposed changes to the Gang Awareness block of instruction included in the Juvenile Justice Officers and Juvenile Court Counselors Basic Training course. The Committee approved the proposed changes.

Next, Chairperson Johnson noted that Mr. Tim Pressley with the Criminal Justice Standards Division appeared before the Committee to report that the SMI Committee requests that the MPH Industries, Inc. Python III model instrument be added to the North Carolina Approved Radar Speed Measuring Instruments. The Committee approved this request.

Chairperson Johnson stated that Mr. Bob Yow, on behalf of the BLET Revision Committee, reported that the Committee met on April 16, 2010. The Revision Committee recommended that the minimum height of traffic cones used in BLET driving courses be 18 inches. The Revision Committee also recommended that fuel sources other than diesel fuel be allowed for use in creating a fire source for the fire extinguisher exercises in the Explosives and Hazardous Materials Emergencies lesson plan. The Committee approved both of these measures.

Chairperson Johnson noted that Commissioner Robin Pendergraft, on behalf of the North Carolina Police Executives Association, requested the Committee to grant pilot authority for four hours of agency choice in-service training to be delivered at the summer conference on July 21, 2010. The topic areas covered will include "NCAWARE" and "Virtual Reality and Crime." The presenters will not be Commission certified instructors, nor will an ISD format lesson plan be used.

Mr. Yow further reported that the BLET Revision Committee chose to include a handout on "Drill and Ceremony" in the orientation block; approved a video on off-road recovery in the Driver Training Block; and considered suspending POPAT until a validated course is documented based on the latest BLET task analysis. The Education and Training Committee took no action on the POPAT issue.

Next, Chairperson Johnson noted that Mr. Dearry briefed the Committee regarding the Rules Review Commission's assertion that individuals 18 and older may be admitted to BLET, even though the Criminal Justice Commission will grant certification to only those persons 20 or older. Effective July 1, 2010, the minimum entry age for BLET is 18.

There is a possibility that a student could complete BLET and not be certified in the one year post graduation

period, as the minimum age for certification continues to be 20. Mr. Dearry said the Commission staff continues to study this issue to determine the proper course of action.

Chairperson Johnson concluded her report by referring the Committee members' attention to the current five-year system plan, indicating that the plan was being updated and the Committee would further discuss revisions for the coming five year period at the next meeting.

C. Planning and Standards Committee - Chairman Kevin Wallace

Chairman Wallace stated that the Planning and Standards Committee met on Thursday, May 27, 2010. He reported that the Planning and Standards Committee approved the minutes of the February 18, 2010 meeting.

Chairman Wallace reported that the Planning and Standards Committee began discussion for a proposed amendment to 12 NCAC 09G .0206 Moral Character referring to the Department of Correction certified staff. He stated that this rule was amended in 2009, to be in compliance with the North Carolina Federal Firearms Law. He noted that an error was made during the rule-making process resulting in the omission of the provision which prohibited a convicted felon from being certified. The proposed change should read: "Everyone hired by Department of Correction shall demonstrate good moral character and not having been convicted of a felon." He stated that the Commission's legal staff requested that the subparagraph notation in reference to 18 USC 922 be removed as it incorrectly restricts portions of the code that applies to the domestic violence conviction.

Chairman Wallace noted that Director Woodard met with Commissioner Frank Rogers, who represented the Department of Correction on this proposed amendment change. The Department of Correction requested that the rule be amended to clearly prohibit convicted felons from being certified. Chairman Wallace stated that he would review this rule with the Department of Correction and report his findings to the full Commission.

Next, Chairman Wallace reported that there was discussion of the Seventh Edition System Plan. He wanted to express his appreciation to the Commission members as well as staff for their hard work. Five regional meetings were held throughout the state to solicit input for the new System Plan. Approximately 80 people attended the meetings and an additional 20 people completed an online survey. He stated that a draft of the Seventh Edition of the System Plan would be presented to the full Commission at the August meeting.

Chairman Wallace concluded his report by saying that he would no longer be able to serve as Chairman of the Planning and Standards Committee due to his increased job responsibilities. He expressed his appreciation to Teresa Marrella as well as the Committee for their hard work and dedication. Chairman Glenn stated that election for next year's Commission Chairman and Committee Chairman would be in August 2010.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis asked the Commission members to review the list of individuals that staff had certified after reviewing their criminal records. He advised that the Probable Cause Committee members reviewed and subsequently approved the issuance of certification to these individuals.

Chairman Davis reported that the Probable Cause Committee met on Wednesday, May 26th and Thursday, May 27th and reviewed a total of twenty-five cases for consideration. He stated that the Committee found probable cause in seven cases and no probable cause in fifteen cases. He explained that the Committee had tabled one of the cases due to a split vote. He advised that this case would be reviewed in August. He reported that one case was pulled by the request of the agency and one case was continued. Chairman Davis reported that there were two cases of "Assault on a Female," two cases were "Failure to Notify," twelve cases were "Class B Misdemeanor" charges and eight cases were material misrepresentation. He noted that one case was lack of good moral character.

VI. OTHER BUSINESS

None

VII. OLD BUSINESS**A. Old Business**

None

B. Legal Counsel Report

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

1. Jay Eduard Krueger Sent draft Proposal for Decision to Judge on May 3, 2010.
2. Roy Lee Burgess Petitioner filed Petition for Judicial Review July 14, 2009 (Wake County); Response filed August 4, 2009; Response to Amended Petitioner for Judicial Review filed August 18, 2009; Hearing June 10, 2010.
3. Darryl Emanuel Gerald To Be Heard at the May 2010 Commission Meeting.
4. Paul Brian Evington Final Agency Decision Letter sent April 22, 2010; 30 days: June 14, 2010.
5. George Lee Shaver, III Proposal for Decision Letter served May 7, 2010; 20 days: June 7, 2010. To Be Heard at the August 2010 Commission Meeting.
6. Scott Ray Berkley Sent draft Proposal for Decision on May 12, 2010.
7. Tommy Keith Lymon Petition for Judicial Review filed April 29th (Wake County); Response Due May 31, 2010.
8. Tony Blaine Drake To Be Heard at the August 2010 Commission Meeting.
9. Charles Eugene Parker, Jr. To Be Heard at the May 2010 Commission Meeting.
10. Richard Cale Manning To Be Heard at the May 2010 Commission Meeting.
11. Angelo Anthony Rinaldi To Be Heard at the May 2010 Commission Meeting.
12. Joseph Thomas DePrisco Sent Draft Proposal for Decision to Judge on April 16th.
13. Harold Kerwin Bryan Hearing: August 2, 2010; 9:00 A.M.; Raleigh
14. Marcus Andrew Fleming Hearing: Continued
15. Mitchell Ray Satterwaite Hearing: April 20, 2010; 9:30 A.M.; Greenville - Waiting for Decision from Administrative Law Judge.
16. John David Dykes Interrogatories sent May 10th; 15 days: May 26th
Hearing: June 9, 2010; Charlotte.
17. Christopher Ben Buff Responses to Petitioner Interrogatories Due June 7th

18. Shawn Carson Houston
Hearing: June 10, 2010, 9:30 A.M.; Statesville.
Interrogatories - Discovery Due: June 21, 2010.
Hearing: Week of July 5, 2010; Newton.
19. James William Carpenter, Jr.
Interrogatories - Discovery Due June 14, 2010.
Hearing - Week of June 28, 2010; High Point.
20. Chad Aaron Webster
Interrogatories - Discovery Due: July 19, 2010.
Hearing: Week of August 2, 2010; Charlotte.
21. Emery Roland Anderson
Prehearing Statement Due June 9th - Interrogatories
Discovery Due: July 19th - Hearing: Week of August 2, 2010; Charlotte.
22. Timothy Scott Phillips
Prehearing Statement Due June 14th. Interrogatories
Discovery Due: July 19th - Hearing: Week of August 2, 2010; Charlotte.

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.

C. Final Agency Decisions

2. Richard Cale Manning

Ms. Joy Strickland stated that the issue before the Commission is whether or not to suspend Mr. Manning's law enforcement officer certification for a period of five years for two different reasons. The first is alleged that Mr. Manning knowingly made a material misrepresentation of information required for certification and second, a commission of a Class B misdemeanor of filing a false police report of theft of a motor vehicle in violation of NCGS §20-102.1. The evidence showed that Mr. Manning was convicted of possession of a malt beverage under age of 21 in 1991 in Pamlico County. Mr. Manning filled out the Personal History Statement for Kure Beach Police Department in 2000. In regards to question #47, Mr. Manning failed to include the conviction for possession under age malt beverage. In 1997, Mr. Manning was certified with the New Hanover Regional Medical Center company police. He failed to include the charge on his Form F-5A Report of Appointment /Application for Certification. Ms. Strickland stated that Criminal Justice staff had sent a letter to Mr. Manning asking him for a statement as to why he did not list the charge on the form. Mr. Manning stated that it was an oversight on his part. She explained in Mr. Manning's interrogatories, Mr. Manning stated that he stated that they were similar to a minor traffic offense and he felt that he did not have to list them. Ms. Strickland stated that Mr. Manning was charged with the criminal offense of "Driving While Impaired" and "Careless and Reckless Driving" on February 16, 2008. The offense stemmed from Mr. Manning's involvement in a one car accident approximately one mile from his home involving his vehicle registered to him. Witnesses had called in and identified him as running from the vehicle after the accident. Ms. Strickland stated that Mr. Manning was arrested and after returning home upon his release by the magistrate, he filed a report stating that his vehicle had been stolen the previous night. She stated that Detective Cina of the New Hanover County Sheriff's Office charged Mr. Manning with filing a false report of "Theft of a Motor Vehicle." She stated that at the hearing, Mr. Manning testified that he did not remember driving his vehicle when it was involved in an accident. Ms. Strickland asked the Commission to adopt the Proposed Final Agency Decision.

Mr. Neil D. Weber, attorney representing Mr. Manning stated that Mr. Manning had misrepresented this matter on his application. He stated that Mr. Manning had disclosed two other serious charges on his application. He stated that he did not feel it was reasonable to take Mr. Manning's certification. He stated that Judge Gray found that Mr. Manning had committed a "Class B Misdemeanor" by filing

a false report. Mr. Weber stated that it was no excuse, Mr. Manning should have not filed the police report. He explained that Mr. Manning did not remember that he had called in a false report on his vehicle. Mr. Weber stated that Mr. Manning had made a mistake. He stated that Chief William Younginer of Carolina Beach Police Department, Lieutenant Anthony Marcucilli of Carolina Beach Police Department and Lieutenant Andrew Everhart with Kure Beach Police Department were present at the meeting as character witnesses on behalf of Mr. Manning. He stated that Mr. Manning has not been in any trouble in the past two years since this incident happened. He reiterated that Mr. Manning did not remember this event. Mr. Weber stated that Mr. Manning believed that his car had been stolen from his home.

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

MOTION was made by Commissioner Vernon Bryant to return to Open Session; seconded by Commissioner Bob Ruth. The MOTION carried unanimously.

MOTION was made by Commissioner Lee Farnsworth that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner John Manley. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

3. Angelo Anthony Rinaldi

Commissioner Ray Davis recused himself from this case.

Ms. Strickland stated that the issue today is whether or not to deny Mr. Rinaldi's application for certification for an indefinite period of time for failure to meet the minimum standards for a law enforcement officer and lacks the good moral character required of a certified law enforcement officer. She stated that probable cause was found by the Probable Cause Committee and notification was sent to Mr. Rinaldi based on numerous factors. Many of those were allegations regarding behavior of Mr. Rinaldi while he was licensed as an attorney in the State of New York. In addition, Mr. Rinaldi failed to pay child support and failed to pay close to \$10,000 dollars worth of parking tickets. Ms. Strickland stated in 2003, Mr. Rinaldi was charged with professional misconduct for failing to pay his biennial registration fee for five different periods of time. The fees owed were \$1500.00 dollars. Mr. Rinaldi was also charged with professional misconduct for "Non-Cooperation" in that he had received several letters of caution and a letter of Admonition regarding his failure to properly file and pay his dues and go through the re-registration process as an attorney in that state. She explained that the check he had written was subsequently dishonored but a replacement check was honored. Ms. Strickland stated that the Supreme Court of the State of New York entered an order that Mr. Rinaldi be suspended for a period of one year and pay restitution to four individuals. These individuals had contacted Mr. Rinaldi to ask him to repay their restitution. She stated that Mr. Rinaldi had said at the hearing that the parking tickets were incurred by his ex-wife. Ms. Strickland stated that court had set up a payment plan for Mr. Rinaldi to pay his child support. At the hearing, Mr. Rinaldi stated that he had never paid those full amounts according to the last order in 2005. Ms. Strickland stated that Mr. Rinaldi listed his reason for leaving the practice of law in New York as "wanted change, relocation." He did not admit that he had been under investigation in the State of New York. She stated that Mr. Rinaldi had stated in his request for an administrative hearing, that the Probable Cause Committee sought to deny his certification based upon "simple neglect" that took place prior to 2004. Ms. Strickland stated that she argued that this was not a simple act. Not only did Mr. Rinaldi take a retainer from these individuals, he went back to each individual and told them that he needed additional money to pay filing fees at the court. She stated what Mr. Rinaldi had told Chief Clingenpeel of the Belhaven Police Department was inconsistent with what he had said in New York and was untruthful. She asked the Commission to adopt the Proposed Final Agency Decision.

Mr. Rinaldi stated that this sounds terrible and is terrible. He stated that he admitted to these charges in New York. He stated that he was forthright in front of Judge Gray. He stated that he had answered the questions truthfully. Mr. Rinaldi stated that he was not a very good lawyer and he had made a lot of mistakes. He asked the Commission to take a look at his BLET record and note that he was a model student. He stated that several people had testified on behalf of his character at the hearing. Mr. Rinaldi stated that it was impossible to pay the restitution, however, later he had paid back half of it. He stated that he wanted to pay all of the restitution but he had been out of a job. He stated that his father had completed some of his work in New York. Mr. Rinaldi stated that he would make a good officer if given the opportunity.

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

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

MOTION was made by Commissioner Ruth that the Commission adopt the FAD with the wording be changed to read "Based upon the Findings of Fact and Conclusions of Law, it hereby ORDERED that the Commission deny Angelo Anthony Rinaldi's law enforcement officer certification indefinitely, or until the stated deficiency of lack of good moral character no longer exists"; seconded by Commissioner Caldwell. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

4. Darryl Emanuel Gerald

Ms. Gilchrist stated that this issue is whether or not Mr. Gerald's law enforcement officer certification be suspended for a period of not less than five years for material misrepresentation of information required for certification. She stated that there are six individual material misrepresentations. The first material misrepresentation was filed with the Marshville Police Department's Report of Appointment/Application for Certification, Form F-5A. She stated that Mr. Gerald failed to list a criminal contempt conviction. The issue was brought to Mr. Gerald's attention and he was allowed to amend this Form F-5A and was told that he needed to include this charge on any F-5A that he filled out in the future. The second material misrepresentation occurred on his Form F-3 that was completed with the Marshville Police Department. He failed to list that he was asked to resign from the Biscoe Police Department, and he failed to list that he was dismissed from the Badin Police Department and he was asked to resign from the Norwood Police Department. A material misrepresentation occurred on the F-3 with the Badin Police Department on December 8, 1995. He failed to list that during his employment with Quik Chek, he was asked to resign due to an allegation of stealing. Another material misrepresentation occurred with the completion of his Form F-3 with Lilly Protection Company Police. He failed to list his employment with Quik Chek and that he had left that employment due to an allegation of stealing. Ms. Gilchrist stated that Mr. Gerald was employed with Norwood Police Department on more than one occasion and that was why he did not disclose that he had worked there before. She asked the Commission to adopt the Proposed Final Agency Decision.

Bill Wilder, attorney representing Mr. Gerald, stated that there was no criminal attempt. He stated that at the first hearing of the allegation of the issue of show cause order, they argued that there was no criminal attempt. Mr. Wilder stated that this shows it was not criminal but civil; however, he might need to disclose this type of incident at an earlier time. Mr. Wilder explained that Mr. Gerald had a conversation with Chief Mike Gaddy of Marshville Police Department, who testified that they had talked about the charge and Chief Gaddy told him that he did not need to disclose it and gave him permission not to disclose it. He stated that at the trial, evidence showed that Mr. Gerald had resigned. He stated that presently, he was working with Norwood Police Department and Marshville

Police Department. In 2007, Mr. Gerald admitted that he should have listed that he had worked with Norwood Police Department. Mr. Wilder stated that Mr. Gerald was accused of stealing hot dogs and drinks. Mr. Wilder explained that Mr. Gerald had this charge expunged. He admitted that the Administrative Law Judge stated that he had made a few material misrepresentations. He stated that Chief Gaddy of Marshville Police Department and Chief Randy Smith of Norwood Police Department were present to speak on Mr. Gerald's behalf. Mr. Wilder asked the Commission to let Mr. Gerald keep his certification.

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

MOTION was made by Commissioner Farnsworth that the Commission return to Open Session; seconded by Commissioner Bryant. The MOTION carried unanimously.

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

1. Charles Eugene Parker, Jr.

Commissioner Lee Farnsworth recused himself from this case.

Ms. Gilchrist stated that the issue before the Commission is whether or not to deny Charles Parker, Jr.'s law enforcement officer certification based upon Mr. Parker's commission of the felony offense of "Grand Larceny" in the Fourth Degree in violation of New York Penal Law. She stated that Mr. Parker had applied for certification with the Asheville Police Department. She explained that Mr. Parker was house sitting for a friend and the couple had gone out of town. There was quite a bit of money in the house and Mr. Parker felt that he could use the money for some gambling debt and for his grandmother. She stated that he had admitted that he had he had taken \$2,500.00 dollars in cash from a friend's house that did not belong to him. Ms. Gilchrist stated that he was not given permission to take this money. She stated that he initially denied taking the money when he was questioned by the owner. She stated Mr. Parker returned only half of the money. At that time, he was arrested for "Grand Larceny" in the Fourth Degree.

Mr. Charles Parker was not present to address the Commission.

MOTION was made by Commissioner Johnson Britt that the Commission adopt the Proposed Final Agency Decision; seconded by Commissioner Bryant. The MOTION carried unanimously. See Attachment VII for the Commission's Final Agency Decision and Attachment VIII for the roll call vote.

VIII. DATE OF NEXT MEETING

Chairman Glenn advised that the next Commission meeting is scheduled for August 26-27, 2010 in Apex.

IX. MOTION TO ADJOURN

MOTION was made by Commissioner Terry Jones that the Commission adjourn; seconded by Commissioner Wallace. The MOTION was unanimous.