



North Carolina Department of Public Safety

Private Protective Services Board

Roy Cooper, Governor
Erik Hooks, Secretary

Vincent "Bud" Cesena, Chair
Paul Sherwin, Director

**MINUTES OF THE
TELEPHONE CONFERENCE AND IN PERSON
PRIVATE PROTECTIVE SERVICES BOARD MEETING
APRIL 22, 2021
3101 INDUSTRIAL DRIVE SUITE 104
RALEIGH, NC 27609**

BOARD MEMBERS PRESENT

Ron Burris
Nada Lawrimore
David Stephens
Gerry Stickl
Samuel Russell
Debra Duncan
Steve Johnson
Tamara Rabenold
Kim Heffney
Bud Cesena
Jerry Pitman
Gregory Scott
Stacy Buff

BOARD MEMBERS ABSENT

STAFF PRESENT

Paul Sherwin – Director
Amanda Rolle- Deputy Director
Jeff Gray – Attorney
Kim Odom – Field Services Supervisor
Ray Bullard – Training Officer/Investigator
Garcia Graham – PPS Board Secretary
Syconda Marrow- PPS Board Secretary

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GUESTS PRESENT

Geneviene Penn- in person

Jeremy Henderson- via telephone

CALL TO ORDER

Chairman Cesena called the April 22, 2021, Private Protective Services Board meeting to order at 9:00 a.m. Mr. Johnson led the group in the reciting of the Pledge of Allegiance followed by roll call.

STATE ETHICS LAW

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. Cesena presented an award on behalf of the Private Protective Services Board to PPS employee Ray Bullard, PPS Board member Stacy Buff, and PPS Firearm Trainer, Jason Speller to recognize them for their life saving actions performed on PPS Board Secretary Garcia Graham after she suddenly went into cardiac arrest on February 13, 2020.

Ms. Graham also thanked Mr. Bullard, Mr. Buff and Mr. Speller for their fast action for saving her life and she expressed to them that the awards each were given was well deserved.

FINAL AGENCY DECISION

Geneviene Christine Penn – 20 DOJ 05404. Ms. Penn was present in person. This case was heard by Administrative Law Judge Michael C. Byrne on January 26, 2021. This case involved the summary suspension of Petitioner's armed and unarmed registration based on a lack of good moral character and temperate habits as evidenced by charges of misdemeanor Assault by Pointing a Gun, misdemeanor Communicating Threats, felony Second Degree Kidnapping, felony Assault by Strangulation and misdemeanor Sexual Battery.

MOTION BY MR. BUFF TO ACCEPT THE ADMINISTRATIVE LAW JUDGE DECISION AND CONTINUE WITH THE SUMMARY SUSPENSION OF MS. PENN'S UNARMED AND ARMED GUARD REGISTRATIONS UNTIL HER CASES ARE RESOLVED IN CRIMINAL COURT; IF SHE IS FOUND NOT GUILTY, OR HER CASES ARE DISMISSED, MS. PENN CAN RETURN TO WORK; SECONDED BY MS. DUNCAN; MOTION CARRIED ON ROLL CALL VOTE. (Six opposed: Mr. Burris, Mr. Cesena, Mr. Johnson, Mr. Stephens, Mr. Russell, Ms. Rabenold.)

Jeremy Henderson- 20 DOJ 03786. Mr. Henderson participated via telephone. This case was heard by Administrative Law Judge J. Randolph Ward on October 27, 2020. This case involved the summary suspension order of Petitioner's Security Guard and Patrol and proprietary security licenses based on a lack of good moral character and temperate habits as evidenced by charges of felony Obtaining Driver's License by Fraud, felony Making False Affidavit/Perjury, and misdemeanor Concealed Handgun Permit violation (to wit, use of fraud and/or intentional and material misrepresentation in obtaining a permit) in Mecklenburg County, North Carolina.

MOTION BY MR. BUFF TO EXCEPT THE EXCEPTIONS AND CONTINUE WITH THE SUMMARY SUSPENSION OF MR. HENDERSON'S SECURITY GUARD AND PATROL AND PROPRIETARY LICENSES UNTIL HIS CASE(S) ARE RESOLVED IN CRIMINAL COURT; SECONDED BY MS. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.

MINUTES

APPROVAL OF THE FEBRUARY 2021 BOARD MEETING MINUTES AND JANUARY 2021 SPECIAL MEETING MINUTES.

MOTION BY MR. BUFF TO ACCEPT THE FEBRUARY 18, 2021 MINUTES AND THE JANUARY 14, 2021 SPECIAL MEETING MINUTES; SECONDED BY MR. STICKL; MOTION CARRIED ON ROLL CALL VOTE.

GRIEVANCE COMMITTEE REPORT

Mr. Burris reported that the Grievance Committee met on Wednesday, April 21, 2021 from 9:01 a.m. to 3:48 p.m. and heard a total of 11 cases. This was a closed meeting. The Committee members included Mr. Burris, Mr. Johnson, Ms. Rabenold, Ms. Lawrimore, Mr. Pitman and Mr. Stickl. Mr. Burris read the report for the record.

Mr. Burris stated there was an additional item that the committee discussed. He stated that the committee discussed changing the process for how summary suspensions are currently being handled for licensees and registrants.

MOTION BY MR. BUFF TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED ON ROLL CALL VOTE.

TRAINING & EDUCATION COMMITTEE

Mr. Cesena reported that the T & E Committee met on Tuesday, April 20, 2021 from 1:30 p.m. to 2:19 p.m.

Mr. Bullard reported on the following:

Unarmed Guard Trainer Course and Workshop at Wake Tech. Community College

July 12-16, 2021
September 20-24, 2021
November 15-19, 2021

Firearms Trainer Recertification/Prequalification

Camp Butner

April 19, 2021 (Handgun and Long Gun)
October 14, 2021 (Handgun and Long Gun)

Salemburg

May 12, 2021 (Handgun and Long Gun)
June 23, 2021
July 12, 2021
September 1, 2021
November (Date not determined)

Firearms Instructor Course at N.C. Justice Academy, Salemburg

September 14-17, 2021

Long Gun Instructor Course at Camp Butner

October 12-14, 2021

Completed Training

March 3, 2021 – Firearms Recertification/Pre-Qualification
April 5-9, 2021- Unarmed Guard Instructor Course
April 5-8, 2021

Weapon Discharges:

On Saturday, February 20, 2021 Scott Waddell left a voicemail message for Investigator Bullard advising that a security guard employed by Guard One Security had discharged his weapon. On Thursday, February 25, 2021 Waddell sent an email to Investigator Bullard. That email advised that security guard Charles Pollard was working an armed post at the Food Lion located on Raleigh Road, in Henderson, North Carolina. Pollard was notified by the manager that there was a disturbance in the parking lot in front of the store. Pollard exited the front of the business and observed two cars parked side by side. An unidentified female in the disturbance hit the other vehicle with her fist and returned to her vehicle. At least two males exited the other vehicle. One of the males brandished a firearm and began shooting at the female's car. Pollard drew his weapon and fired one shot at the male with the firearm. The male immediately ducked down

behind vehicles and began moving through the parking lot. The vehicle the male originally got out of circled the parking lot, picked up the male with the firearm and immediately left the area. The female also immediately left the area. The Henderson Police Department was contacted to investigate the incident. At the time of this report no injuries or arrests have been reported. A copy of the email is included in this file.

Investigator Bullard queried PPSM (Permitium) and discovered that Charles Jonathan Pollard, III is a properly registered armed guard. Pollard was qualified to carry a CZ model 75, 9mm handgun, serial number C339984. Investigator Bullard is unable to determine if that was the weapon that Pollard was carrying the date of the incident because it was not noted in the police report.

On Tuesday, April 13, 2021 Mack Donaldson notified Director Sherwin via email of a weapon discharge. Donaldson forwarded a copy of a G4S Incident Report. According to the report, on Tuesday, April 13, 2021 at approximately 12:13 p.m. security officer Nicholas Rice was loading his weapon while seated in his vehicle in the parking lot of the Bank of America located at 4401 Randolph Road, Charlotte, North Carolina. In the process of loading the weapon one round was discharged striking Rice in the left ankle. Captain Joy Gilliam, who was also on site, contacted emergency services. The Charlotte Mecklenburg Police Department was contacted to investigate. At the time of this report no charges have been filed in connection with this incident.

Investigator Bullard queried PPSM (Permitium) and discovered that a New Armed Registration Application was entered for Nicholas Rice on April 13, 2021 at 1:18 p.m. Investigator Bullard is not able to confirm that Rice was qualified on the weapon he was carrying because the make and model are not listed in the reports. Rice was qualified on a Glock, Model 22, .40 caliber handgun. A copy of the email and report are included in this case file.

Mr. Cesena reported that the T & E Committee reviewed the following applications for continuing education credits:

Ethics for Investigators, in Theory and Practice- 8.0 hours
Arson Investigation- 6 hours
Undercover Operations- 6 hours
IP Video Management Essentials- 1 hour
Networking Essentials- 1 hour
Megapixel Crash Course- 1 hour
Glock Armorer Course- 8 hours
Ethics & the Polygraph Examiner- 4 hours
Polygraph Quality Control and Quality Assurance- 4 hours
Interviews & Interrogations for Polygraph Examiners- 8 hours
Nailing the Pre-Test Interview: An Advanced Course in Conducting a Polygraph Pre-Test Interview- 8 hours
Conducting Polygraph Examinations Utilizing Interpreters- 4 hours
Truth or Dare: Testifying Strategies and Techniques- 6 hours
Truth or Dare: Interviewing Strategies and Techniques- 6 hours

Stealth Mode: Undercover OPS- 6 hours
Stealth Mode: Surveillance- 6 hours
Treasure Hunt: Dumpster Dive- 6 hours
Treasure Hunt: Asset Search- 6 hours
Professional Development: Promoting Your Business- 2 hours
Professional Development: Protecting Your Business- 2 hours
Professional Development: Understanding Privacy Laws- 2 hours
It's all Lies: Understanding Deception Detection- 6 hours
Open Source Intelligence 101: Sleuthing, Managing and Using Online Information- 6 hours
Active Shooter Preparedness- 12 hours
Anti-Fraud- 6 hours

MOTION BY MR. JOHNSON TO ACCEPT ALL THE COURSES SUBMITTED FOR APPROVAL, EXCEPT THE COURSES TITLED ARSON INVESTIGATIONS AND UNDER COVER OPERATIONS SUBMITTED BY JOHN FAY; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.

Mr. John Fay did not provide sufficient outline for courses.

MOTION BY MR. BURRIS TO ACCEPT THE REPORT BY THE TRAINING AND EDUCATION COMMITTEE; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.

LAW AND RULES COMMITTEE

Mr. Johnson reported that the Committee met on Wednesday, April 21, 2021 at 4:00 p.m. and gave an update on several House Bills. He also reported that Mr. Scott made a recommendation to the Board that Private Investigators must be registered as an Armed Private Investigator in order to carry a badge.

MOTION BY MR. BUFF TO ACCEPT THE LAW AND RULES COMMITTEE'S REPORT; SECONDED BY MR. BURRIS; MOTION CARRIED.

SCREENING COMMITTEE REPORT

Mr. Buff stated that the Screening Committee met on Tuesday, April 20, 2021 from 9:05 a.m. to 12:24 p.m. to review a total of 44 applications and two addendums. This was a closed meeting. The Committee members included Mr. Buff, Mr. Scott, Mr. Stephens, Mr. Russell, Mr. Heffney, and Ms. Duncan. Mr. Buff read the report for the record.

MOTION BY MR. JOHNSON TO ACCEPT THE SCREENING REPORT; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.

OLD BUSINESS:

None

NEW BUSINESS:

None

DIRECTOR'S REPORT:

Director Sherwin read the report for the record. He reported the Board's revenue as of July 1, 2020 thru March 31, 2021 was \$1,015,650.38 with expenditures in the amount of \$1,007,556.70, reflecting an increase to the fund balance of \$8,093.68. The total fund balance was \$1,315,168.70. He reported the Education Fund balance was \$123,878.70. Director Sherwin reported that since the last Board meeting, the total active registrations for PPS is 18,042, license holders 2,798 and certification holders 436.

Director Sherwin introduced Caroline Valand the new Deputy Secretary for Partnership Engagement and welcomed her to the meeting.

Director Sherwin reported Private Protective Services staff continues to work mostly from home due to COVID-19 social distancing restrictions. However, the office is open to the public Monday through Friday from approximately 7:30 a.m. to 4:30 p.m.; though the number of staff members present in the office each day will be kept to a minimum.

Private Protective Services currently has three vacant positions:

Hickory-based Investigator – Recruitment in progress

Administrative Assistant – Recruitment in progress

Registration Application Processor

Director Sherwin announced that the Private Protective Services Board is currently accepting grant applications for funds to be used for training. The grant application period opened March 1, 2021 and closes June 30, 2021. More information about the grant process can be found on the Board's website.

Registration Unit

Registration applications received year-to-date: 6,104

(Same period in 2020: 6,131)

Licensing Unit

Licensing applications received year-to-date: 220

(Same period in 2020: 328)

Investigations Unit

License applicant background investigations completed year-to-date: 93

(Same period in 2020: 103)

Complaint investigations completed year-to-date: 20

(Same period in 2020: 9)

Training Unit

Trainer applications received year-to-date: 144

(Same period in 2020: 98)

MOTION BY MR. BURRIS TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.

ATTORNEY'S REPORT

Attorney Gray discussed the following:

I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES

1. On October 15, 2020 Brian Scully/Garda CL East, Inc., entered into a Consent Agreement with the Board in the amount of \$7,894.80 for registration violations. The temporary agreement was signed by QA Brian Scully on October 8, 2020. Payment has not been received.
2. On October 15, 2020 Steven Corbin/Task Force Protection Bureau, entered into a Consent Agreement with the Board in the amount of \$8,176.32 for registration violations. The temporary agreement was signed by QA Steven Corbin on October 1, 2020. To be paid in three monthly installments. Paid in full.
3. On October 15, 2020 Jeffrey LaRe/The Whitestone Group of Ohio, Inc., entered into a Consent Agreement with the Board in the amount of \$367.20 for registration violations. The temporary agreement was signed by QA LaRe on October 13, 2020. Paid in full.
4. On February 18, 2021 Dwayne Guerrero/ Black Box Security entered into and pay a consent in the amount of \$612.00 for registration violations. Staff is to conduct a follow-up audit for last two quarters of 2020. Paid in full.
5. On February 18, 2021 Brian Dixon and Billy Hicks/ Security Innovations Protective Services LLC, entered into and pay a consent in the amount of \$3060.00 for registration violations. Staff is to conduct a follow-up audit for 2020. Also, the licenses be suspended until consent is paid in full. Payment has not been received.
6. On February 18, 2021 Marie Renee Delia/ Big Dog Investigations (Screening) entered into a Consent Agreement with the Board in the amount of \$680.00 for unlicensed activity. The temporary agreement was signed by Ms. Delia on February 17, 2021. Paid in full.

7. On February 18, 2021 Michael Kenneth Mancha/ Marshall Investigative Group, Inc., (Screening) entered into a Consent Agreement with the Board in the amount of \$1,530.00 for unlicensed activity. The temporary agreement was signed by Mr. Mancha on February 18, 2021. Paid in full.

II. ADMINISTRATIVE RULES

a. Numerous amendments to the Board's administrative rules had been suggested and/or approved over the previous 12 months but an informal "moratorium" on further rules changes imposed by staff to the Rules Review Commission prevented noticing any of these amendments. However, with the finalization of the Periodic Review of Rules process in August 2020 we were ready to resume.

Mr. Gray had collected all of the requested changes in a file and prepared a draft set of proposed amendments. These amendments, and one adoption, were considered first by the Law & Rules Committee at its October 2020 meeting, then approved by the full Board.

The Notice of Text for 19 rule amendments and one adoption was filed on December 7, 2020. The Public Hearing was held Tuesday, January 9, 2021 via WebEx, with numerous participants providing comment, and the Public Comment Period ended March 5, 2021. The public comments received were considered by the Law and Rules Committee at its April 12, 2021 meeting and a recommendation has been made to the Board. A copy of the rules as proposed was attached to Mr. Gray's December 17, 2020 Attorney's Report and another copy was attached to the Attorney's Report as Attachment 2.

A vote to adopt these rule amendments is in order for today.

b. At its April 2020 meeting the Board adopted amendments to five administrative rules to help lessen the burden on applicants, licensees and trainer certification holders during the lock-downs and travel bans enacted due to the COVID-19 pandemic. The amendment to 14B NCAC 16 .0201(e), .0806 (e), .0904(e), .1202(d), and .1203 first became emergency rules, and are now temporary rules. (Note: In .1203 the Board did not add language but merely removed the last line of (g) which limited online courses to six hours and moved (h) to make it "(e)" in .1202.) Unless the Board takes action for each change to become a permanent rule to be in effect for any future declared national or state of emergency, these rule amendments will expire on April 30, 2021. A copy of the rule, as amended, was attached to the Attorney's Report as Attachment 3.

III. LITIGATION

At its February 18, 2021 meeting the Board instructed me to file a Motion to Show Cause as to William John Hagler, an unlicensed private investigator who entered into a Consent Order in Wake County Superior Court in 2014 that he would not engage in any activity defined by Chapter 74C of the General Statutes as a "private protective service" in the State of North Carolina. Mr. Hagler has been caught performing private investigator services in December 2020.

After confirming with the attorney who had filed an Affidavit of Service in a domestic case stating Mr. Hagler was a "private investigator" that Mr. Hagler was not the attorney's agent or

employee, I filed the Motion on March 30, 2021. Mr. Hagler has been served at addresses in North Carolina and Florida.

Mr. Gray will be noticing a hearing on the Motion within the next few weeks.

IV. LEGISLATION

a. House Bill 29, “Verification of Immigration Status – SAVE.” This bill would require that all State agencies, State agency licensing boards, and occupational licensing boards verify the immigration status of applicants for public benefits and use the federal Systemic Alien Verification for Entitlements (SAVE) system to obtain that verification.

The bill was referred to the House Judiciary 3 Committee on February 1, 2021 and has seen no action since. (No copy attached.)

b. House Bill 68, “GSC Licensing Boards and Commissions/Rule Crime.” Over the past 18 months Mr. Gray have been reporting to the Board a study by the General Statutes Commission (the “GSC” in the title) to eliminate criminal penalties from city and county ordinances and from administrative rules. This bill addresses occupational licensing boards and repeals the Board’s provision in N.C. Gen. Stat. § 74C-17 which makes it a Class 1 misdemeanor to violate an administrative rule. It would remain a misdemeanor to violate the Board’s statutes.

This bill passed the House on March 23, 2021 and has been referred to the Senate Committee on Rules. A copy was attached to the Attorney’s Report as Attachment 4.

c. House Bill 157, “Property Finder Definition and Governance.” A “property finder” is a person or business who, for a fee, seeks to locate, deliver, recover, or assist in the recovery of property that is distributable to the owner or presumed abandoned. Property finders in North Carolina must be licensed by the Office of State Treasurer. In most instances the actions of a property finder also meet the definition of “private investigator” in N.C. Gen. Stat. § 74C-3(a)(8).

This bill would require all property finders licensed by the State Treasurer to also be licensed as a private investigator, without exception.

This bill passed the House on March 30, 2021 and has been referred to the Senate Committee on Rules. A copy was attached to the Attorney’s Report as Attachment 5.

d. House Bill 349, “Traffic-Control Training Program.” With limited exceptions, such as firemen and rescue squad members, any private citizen who directs traffic on a public highway in North Carolina must be authorized by the sheriff or chief of police. Many registered security guards have and maintain this authority. The current minimum age is 18, the training course is three hours, and the authorization card expires after two years.

This bill makes several changes to the law governing traffic control officers. It raises the age to 21, increase the training course to eight hours (four classroom; four roadside) to be taught by the Community College System, and extends the expiration of the authorization card to three years. It will also require proof of liability insurance.

This bill was referred to the House Transportation Committee where it received a favorable report. It was then referred to the House Judiciary 3 Committee. (No copy attached.)

e. Senate Bill 424, “Private Protective Services Licensing Modifications.” This bill is the Board’s bill. (Note: Although the Board voted to agree with the Legislative Liaison for DPS’s suggestion that it be introduced as two bills, the bill sponsor combined the Close Personal Protection portions and the remaining substantive changes into one bill.

This bill was referred to the Senate Committee on Rules on April 1, 2021 and has seen no action since. A copy was attached to the Attorney’s Report as Attachment 6.

f. Senate Bill 545, “Universal Licensure Recognition Act.” This bill would enact new N.C. Gen. Stat. § 93B-15.2 to require an occupational licensing board or a State agency to issue a license, certification, or registration to any applicant who establishes residence in the State, and satisfies all nine conditions, including: 1) the applicant is currently licensed, certified, or registered in at least one other jurisdiction in the discipline applied for in the state at the same or substantially equivalent practice level; 2) the application has been licensed, certified, or registered by another jurisdiction for at least one year; 3) the applicant is in good standing in all jurisdictions in which the applicant holds a license, certification, or registration; and 4) the applicant does not have any active or pending disciplinary actions from an occupational licensing board or agency in another jurisdiction, and if applicable, the occupational licensing board or State agency has completed verification. The bill sets out actions the occupational licensing boards must take when an applicant has any prior disciplinary actions from an occupational licensing board or State agency licensing board at the time of application. Requires online publication of criteria or requirements for licensing, certification, or registration of the required documentation. It further specifies that the statute does not prevent any occupational licensing board or State agency licensing board in the State from entering into a reciprocity agreement with another jurisdiction, or invalidate any existing reciprocity agreement. It provides that a license, certification, or registration granted by an occupational licensing board or State agency licensing board under this statute is valid only in this State and does not extend validity to other jurisdictions. It also provides that any individual licensed, certified, or registered under this statute is entitled to the same rights and subject to the same obligations as individuals licensed, certified, or registered by an occupational licensing board or State agency licensing board in this State under any other provision of law. Further, it makes clear that nothing in the statute prohibits an individual from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board or State agency licensing board in this state.

This bill requires occupational licensing board and State agency licensing boards to reports annually to the certain entities, beginning October 31, 2022, on the number of individuals who: applied for licensure, certification, or registration and received licensure, certification, or registration in accordance with this act or were denied licensure, certification, or registration in accordance with this act. It would apply to applications for licensure, certification, or registration received after October 1, 2021.

This bill was referred to Senate Committee on Rules. (No copy attached.)

MOTION BY MR. JOHNSON TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. SCOTT; MOTION CARRIED ON ROLL CALL VOTE.

Mr. Pitman informed the Board that South Carolina Association of Legal Investigators (SCALI) is having its annual conference and asked if they will be sending a Board member to represent the Board. Mr. Cesena suggested that Mr. Pitman attend as a Board representative.

MOTION BY MR. SCOTT TO ALLOW MR. PITMAN TO ATTEND THE SCALI CONFERENCE AS A BOARD REPRESENTATIVE WITH ALL EXPENSES PAID TRIP BY THE BOARD; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY MR. BUFF TO ADJOURN; SECONDED BY MR. SCOTT; MOTION CARRIED ON ROLL CALL VOTE.

11:10 A.M. Adjourned

Paul Sherwin, Director

Garcia Graham, Board Secretary