



# North Carolina Department of Public Safety

## Private Protective Services Board

Roy Cooper, Governor  
Erik Hooks, Secretary

Pamela Cashwell, Chief Deputy Secretary  
Paul Sherwin, Director

**MINUTES OF THE  
TELEPHONE CONFERENCE AND IN PERSON  
PRIVATE PROTECTIVE SERVICES BOARD MEETING  
DECEMBER 17, 2020  
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**

William Thomas Whiting- via telephone

## **CALL TO ORDER**

Chairman Cesena called the December 17, 2020, Private Protective Services Board meeting to order at 1:10 p.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.

## **FINAL AGENCY DECISION**

William Thomas Whiting – 20 DOJ 02155. Mr. Whiting was present via telephone. This case was heard by Administrative Law Judge Stacey Bice Bawtinhimer on July 28, 2020. This case involved the denial of the Petitioner's application for Security Guard & Patrol license based on unfavorable employment history, lack of verifiable experience and falsifying his application.

**MOTION BY MR. PITMAN TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION AND DENY MR. WHITING'S SECURITY GUARD & PATROL LICENSE; SECONDED BY MR. SCOTT; MOTION CARRIED ON ROLL CALL VOTE.** (Recused: Mr. Stephens, Mr. Heffney, Mr. Russell, Ms. Duncan, and Mr. Buff)

Dionne Maurice Gretsinger – 19 DOJ 00890. Mr. Gretsinger was not present. This case was heard by Administrative Law Judge Michael C. Byrne on June 23, 2020. This case involved the denial of the Petitioner's unarmed guard registration based on a lack of good moral character and temperate habits as evidenced by a conviction of one count of misdemeanor Domestic Violence in the State of Michigan on October 21, 2010.

**MOTION BY MR. BUFF TO ACCEPT THE ADMINISTRATIVE LAW JUDGE'S DECISION, AND THAT THE CASE BE DISMISSED; SECONDED BY MS. DUNCAN; MOTION CARRIED.**

## **MINUTES**

**APPROVAL OF THE OCTOBER BOARD MEETING MINUTES.**

**MOTION BY MR. BUFF TO ACCEPT THE OCTOBER 15, 2020 MINUTES; SECONDED**

**BY MR. STICKL; MOTION CARRIED ON ROLL CALL VOTE.**

**GRIEVANCE COMMITTEE REPORT**

Mr. Johnson reported that the Grievance Committee met on Wednesday, December 16, 2020 from 8:21 a.m. to 2:48 p.m. and heard a total of 15 cases. This was a closed meeting. The Committee members included Mr. Burris, Mr. Johnson, Ms. Rabenold, Ms. Lawrimore and Mr. Stickl. Mr. Johnson read the report for the record.

**MOTION BY MR. PITMAN TO ACCEPT THE GRIEVANCE COMMITTEE REPORT WITH THE EXCEPTION OF CASE NUMBERS 2020-PPS-144 AND CASE NUMBER 2020-PPS-145; SECONDED BY MR. SCOTT; MOTION CARRIED ON ROLL CALL VOTE.**

**MOTION BY MR. BUFF TO ACCEPT THE GRIEVANCE COMMITTEE RECOMMENDATION REGARDING JULIUS MCKINNEY'S CASE # 2020-PPS-144 AND JEFFREY LYNCH'S CASE 2020-PPS-145; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.**

Mr. Johnson recused himself from voting on Julius McKinney's case #2020-PPS-144 and Jeffrey Lynch's case #2020-PPS-145.

**TRAINING & EDUCATION COMMITTEE**

Mr. Cesena reported that the T & E Committee met on Thursday, December 17, 2020 from 11:00 a.m. to 11:24 a.m.

Mr. Bullard reported on the following:

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

May 4-8, 2020-Cancelled  
September 14-18, 2020-Cancelled  
February 8-12, 2021  
April 5-9, 2021  
July 12-16, 2021  
September 20-24, 2021  
November 15-19, 2021

**Firearms Trainer Recertification/Prequalification at N.C. Justice Academy, Salemburg**

March 23, 2020-Cancelled  
May 18, 2020-Cancelled  
July 13, 2020-Cancelled  
September 2, 2020-Cancelled  
March 3, 2021

May 12, 2021  
June 23, 2021

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

March 30-April 2, 2020-Cancelled  
September 8-11, 2020 -Cancelled  
April 5-8, 2021

**Long Gun Instructor Recertification Course at Camp Butner**

April 7, 2020-Cancelled  
October 19, 2020

**The following PPSB Unarmed Instructor Courses were held:**

February 10-14, 2020  
July 13-17, 2020  
November 16-20, 2020

**The following PPSB Training Courses for CEU Credit are scheduled:**

February 13, 2020	1-5 p.m.	Raleigh, NC
April 23, 2020	1-5 p.m.	Raleigh, NC-Cancelled
June 18, 2020	1-5 p.m.	Raleigh, NC-Cancelled
August 20, 2020	1-5 p.m.	Raleigh, NC-Cancelled
October 15, 2020	1-5 p.m.	Raleigh, NC-Cancelled
December 15, 2020	12-4 p.m.	Raleigh, NC-Cancelled

Mr. Cesena announced that Mr. Aldridge has resigned as a PPSB member and Chairman of Training & Education Committee. He stated that Mr. Russell was acting as interim Chair and relinquished his position. Mr. Cesena would like the Board to elect a new Chair for T & E Committee.

**MR. JOHNSON MADE A MOTION TO NOMINATE MR. CESENA AS CHAIR OF THE TRAINING & EDUCATION COMMITTEE; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.**

**MOTION BY MR. JOHNSON TO ACCEPT THE REPORT BY THE TRAINING AND EDUCATION COMMITTEE; SECONDED BY MR. BUFF; MOTION CARRIED ON ROLL CALL VOTE.**

**LAW AND RULES COMMITTEE**

Mr. Johnson reported that the Committee met and discussed a couple of items. First, Mr. Johnson stated that the Committee received a complaint from an individual who was having

some issues with a private security guard & patrol company in Saint James Planation. The problem was that the private security company issued the individual a civil citation by using a radar. Mr. Johnson stated that the property owner and the homeowner association contract with the private security company provided that service. Mr. Johnson stated that the Board does not have the authority to pursue this matter.

Secondly, the Committee reviewed and discussed the new House Bill 630. No action was taken on the Bill. Mr. Johnson stated that the Bill is separated into two parts. The first part of the Bill deals with Close Personal Protection and Digital Forensics and the second part of the Bill deals with technical corrections to N.C.G.S. 74C. Mr. Johnson stated that Mr. Gray would provide an updated copy of both Bills to the Board members and the NCAPI to review. He also, stated that Mr. Cesena would be scheduling a virtual meeting in January 2021 to vote the Bills.

Mr. Hatten and Mr. Wilke stated that it was a pleasure working on the Bills with Mr. Russell and the subcommittee members.

Mr. Cesena stated that the staff recommended to the Board that law enforcement officers should get credit hours for their time on duty towards their PI license. Mr. Cesena suggested that the Board form a subcommittee to look into this matter and report back at the February 2021 Board meeting. The subcommittee members are Ms. Odom, Mr. Heffney, Mr. Scott, Mr. Russell and Mr. Johnson.

#### **SCREENING COMMITTEE REPORT**

Mr. Buff stated that the Screening Committee met on Thursday, December 17, 2020 from 8:07 a.m. to 10:27 a.m. to review a total of 44 applications. 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. RUSSELL TO ACCEPT THE SCREENING REPORT WITH THE EXCEPTION OF #42 MITCHELL SIMPSON; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.**

**MOTION BY MR. RUSSELL TO ACCEPT #42 MITCHELL SIMPSON OF THE SCREENING REPORT; SECONDED BY MR. HEFFNEY; MOTION CARRIED ON ROLL CALL VOTE.**

Ms. Duncan recused herself on #42 Mitchell Simpson.

#### **OLD BUSINESS:**

None

## **NEW BUSINESS:**

Mr. Cesena stated that Director Sherwin should begin printing new ID Cards with firearm endorsement for Private Investigator Licensees.

Mr. Sherwin stated that this will take some time based on the different expiration date for the armed Private Investigator registration and the actual Private Investigator license. He also stated that it might require a change in the rules.

## **DIRECTOR'S REPORT:**

Director Sherwin read the report for the record. He reported the Board's revenue as of July 1, 2020 thru November 30, 2020 was \$619,503.14 with expenditures in the amount of \$529,670.42, reflecting an increase to the fund balance of \$89,832.72. The total fund balance was \$1,396,907.74. He reported the Education Fund balance was \$119,986.40. Director Sherwin reported that since the last Board meeting, the total active registrations for PPS is 22,445, license holders 2,697 and certification holders 529.

Director Sherwin reported that in August 2020, the North Carolina Office of the State Auditor initiated an investigation into the operations of the Private Protective Services Board and Private Protective Services, in response to a complaint the auditor's office received. On Nov. 9, 2020, the state auditor's office informed Director Sherwin that the investigation was complete, and no violations were found.

The allegations contained in the complaint were as follows:

Allegation #1: Former PPSB Chairman David Arndt's travel related to PPSB business and subsequent per diem payments were excessive and/or fraudulent.

Allegation #2: There was an unpaid \$91,000 consent agreement that David Arndt, while a PPSB licensee, never paid.

Allegation #3: Private Protective Services and the Private Protective Services Board are not subject to regular audits.

As to Allegation #1, Private Protective Services provided to the auditor all travel and reimbursement records belonging to David Arndt dating back to October 2015. The auditor's investigation found no evidence of excessive claims and/or fraud committed by David Arndt, the Private Protective Services Board, or Private Protective Services.

As to Allegation #2, Private Protective Services produced consent agreement records dating back to 2014, the period for which the auditor requested records, and only one consent agreement during that time totaled close to \$91,000: It involved Qualifying Agent Lawrence O'Brien and Universal Protection Service, LLC, a company with which David Arndt has never been associated, and the amount due was \$92,230. This consent agreement was paid in full in June 2015. David Arndt, during his tenure as a licensee, was responsible for only one consent agreement that was paid in full in April 2008. Historically, the Private Protective Services Board receives payment in 90% of the consent agreements it enters into.

As to Allegation #3, Private Protective Services, because it is an agency within the North Carolina Department of Public Safety, is audited every year by the Department of Public

Safety's internal audit office. These audits review records pertaining to the Private Protective Services Board, the Alarm Systems Licensing Board and Private Protective Services as an agency. Accordingly, these audits review a sampling—or all, depending on the audit type—records related to financial transactions, employee and Board member travel, use of state-owned vehicles, accountability of state-owned property such as laptops and cell phones, and more.

Director Sherwin stated that the Private Protective Services staff continues to work mostly from home due to COVID-19 social distancing restrictions. However, effective Monday, Sept. 28, 2020, 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.

Director Sherwin announced that former registration application processor Syconda Marrow was promoted to PPSB Licensing Secretary on Monday, Oct. 19, 2020. Syconda has worked for Private Protective Services since May 2018 and is an experienced administrative professional with extensive customer service experience. She and Garcia Graham will share licensing and Board secretary duties going forward. Notably, Garcia will be responsible for the management of all prospective, current and former PPSB licensees with last names that begin with A-K. Syconda will be responsible for those with last names L-Z.

Private Protective Services is currently hiring for the following positions:  
Hickory-based Investigator (application period closed Dec. 9, 2020)  
Administrative Assistant (application period closed Dec. 4, 2020)  
Registration processor (two positions; application period closed Dec. 4, 2020)

Registration applications submitted year-to-date: 22,140

Armed: 4,489 o Delivered: 3,503

Approved: 337

Denied: 59

Resubmitted by QA/Designee: 65

Review Requested: 124

Pending Other: 207

Payment Received: 194

Unarmed: 17,651 o Delivered: 15,206

Approved: 771

Denied: 112

Resubmitted by QA/Designee: 128

Review Requested: 278

Pending Other: 426

Payment Received: 730

License applications submitted year-to-date: 1,172

Delivered: 885 ▪ Average days from submittal to delivery, new: 139

Average days from submittal to delivery, renew: 34

Final Payment Needed: 14

Approved: 40  
Pending Investigation: 27  
Payment Received: 56  
Other (pending documents, withdrawn, canceled, etc.): 150

Training-related applications submitted year-to-date: 352  
Delivered: 208  
Payment Received: 74  
Approved: 30  
Final Payment Needed: 12  
Other (pending documents, withdrawn, canceled, etc.): 28

Complaints opened (including audits) year-to-date: 66  
Background investigations conducted year-to-date: 287

**MOTION BY MR. JOHNSON TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. STICKL; MOTION CARRIED ON ROLL CALL VOTE.**

### **ATTORNEY'S REPORT**

Attorney Gray discussed the following:

#### **I. CONSENT AGREEMENT, SETTLEMENT AGREEMENTS & CIVIL PENALTIES**

1. On June 20, 2019 Sione Atu Latu/Security On Call, LLC entered into a Consent Agreement with the Board in the amount of \$13,096.80 for registration violations. The temporary agreement was not signed. The signature on the return receipt for the Consent Agreement for signature is illegible and the signature date was omitted. It was not signed and returned and payment has not been received. On December 19, 2019 the full Board issued a cease and desist to Sione Latu and Security On Call, LLC for failure to pay the consent agreement in the amount \$13,096.80. At its February meeting the Board requested that I initiate civil action for failure to comply with the consent agreement. On March 5, 2020 I filed a Complaint for Money Owed. I have been able to serve the LLC through the Secretary of State's Office but have been unsuccessful in obtaining service on either of the individual Defendants by Certified Mail, the Sheriff, or Board Investigators.

**MOTION BY MR. BUFF TO SEEK A VOLUNTARY DISMISSAL; SECONDED BY MR. BURRIS; MOTION CARRIED ON ROLL CALL VOTE**

2. On February 21, 2019 Clifton Lamont Tinnen/Integrity Protection Services entered into a Consent Agreement with the Board in the amount of \$19,461.60 for registration violations. The temporary agreement was signed by QA Clifton L. Tinnen on February 19, 2019. To be paid in three monthly installments. Payment has not been received. On June 20, 2019 the full Board voted to revoke Mr. Tinnen's license. On August 19, 2020 the Grievance Committee received the signed final Consent Agreement from Mr. Clifton Tinnen. The first payment was due October 16, 2020, but payment was not received. Mr. Sherwin was



advised that Mr. Tinnen has had some medical issues and is unable to make payment at this time.

3. On August 20, 2020 Todd Floyd Stewart/ Show Pros Entertainment Services of Charlotte, Inc., entered into a Consent Agreement with the Board in the amount of \$40,881.60 for registration violations. The temporary agreement was signed by QA Todd Stewart on July 23, 2020. Paid in full.
4. On August 20, 2020 Dwayne Guerrero/Black Box Security enter into a Consent Agreement with the Board in the amount of \$7,588.00 for registration violations. The temporary agreement was signed by QA Dwayne Guerrero on August 17, 2020. Payment has not been received.
5. On August 20, 2020 Hector Falu/ Falu Security entered into a Consent Agreement with the Board in the amount of \$918.00 for registration violations. The temporary agreement was signed by QA Hector Falu on August 10, 2020. Paid in full.
6. 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.
7. 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. Payment has not been received.
8. 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. Payment has not been received.
9. On October 15, 2020 Steven Carter/Professional Security Services entered into a Consent Agreement with the Board in the amount of \$183.60 for registration violations. The temporary agreement was signed by QA Steven Carter on October 7, 2020. Paid in full
10. On October 15, 2020 Joseph Roy/Securitas Security Services USA, Inc., entered into a Consent Agreement with the Board in the amount of \$183.60 for registration violations; civil penalty in the amount of \$2,000.00. The temporary agreement was signed by QA Joseph Roy on October 14, 2020. Paid in full
11. On October 15, 2020 Jeffrey Bradshaw/Bradshaw Security LLC, (Screening) entered into a Consent Agreement with the Board in the amount of \$1,955.00 for unlicensed activity. The temporary agreement was signed by QA Jeffrey Bradshaw on September 21, 2020. Paid in full.

12. On October 15, 2020 Gandhi Hernandez Lappot/Sky Blue Business Center, (Screening) entered into a Consent Agreement with the Board in the amount of \$183.60 for unlicensed activity. Paid in full
13. On October 15, 2020 Michael Eldridge Wynn Sr./House of Raeford, (Screening) enter into a Consent Agreement with the Board in the amount of \$367.20 for unlicensed activity. The temporary agreement was signed by QA Michael Eldridge Wynn Sr. on October 15, 2020. Payment has not been received.

## 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 we are 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 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 is to be held Tuesday, January 9, 2021 via WebEx and the Public Comment Period ends March 5, 2021. A copy of the rules as proposed was attached as Attachment 2.

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

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

2:53 P.M. Adjourned

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Paul Sherwin, Director

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Garcia Graham, Board Secretary