



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
FEBRUARY 18, 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

Dennis Gordon- via telephone

CALL TO ORDER

Chairman Cesena called the February 18, 2021, Private Protective Services Board meeting to order at 2:00 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

Dennis Gordon – 19 DOJ 03842. Mr. Gordon was present 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 armed and unarmed registration based on the lack of good moral character and temperate habits as evidenced with charges of three misdemeanors: Impersonation of a Law Enforcement Officer in violation of N.C. G.S. 14-277; unlawful possession a blue light installed on a vehicle not used by law enforcement officers in performance of their duties in violation of N.C. G.S. 20-130.1(c); and, carrying a concealed weapon in violation of N.C. G.S. 14-269(a)(1).

MOTION BY MR. JOHNSON TO CONTINUE WITH THE SUMMARY SUSPENSION OF MR. GORDON'S UNARMED AND ARMED GUARD REGISTRATIONS UNTIL THE CASES HAVE BEEN RESOLVED IN CRIMINAL COURT; SECONDED BY MS. DUNCAN; MOTION CARRIED ON ROLL CALL VOTE.

MINUTES

APPROVAL OF THE DECEMBER BOARD MEETING MINUTES.

MOTION BY MR. BUFF TO ACCEPT THE DECEMBER 17, 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, February 17, 2021 from 9:10 a.m. to 2:30 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, Mr. Pitman and Mr. Stickl. Mr. Johnson read the report for the record.

Mr. Burris stated there was an additional item that the committee discussed. He stated that it was brought to their attention that Mr. William Hagler is providing private investigator services in N.C. again without having a Private Investigator license. He is subject to a consent order signed in 2013. The committee recommended that Mr. Gray file a Motion for Order to Show Cause.

MOTION BY MR. JOHNSON TO MOVE FORWARD WITH THE INJUNCTION AGAINST MR. WILLIAM HAGLER; SECONDED BY MR. STICKL; MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY MS. DUNCAN 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 Thursday, February 18, 2021 from 1:00 p.m. to 2:00 p.m. and reviewed the following applications for continuing education credits:

- Private Investigator Associate Supplemental Education- 8.0 hours.
- Workers Compensation Premium Fraud- 1.0 hour.
- Transient Criminal Activity in Insurance- 2.0 hours
- Understanding Your Client's Objectives- 1.0 hour
- Staged Automobile Accidents- 2.0 hours
- Workers Compensation Fraud- 3.0 hours
- Subrogation and the Investigation- 2.0 hours
- The Use of Surveillance in an Insurance Investigation- 2.0 hours
- Advanced Theories and Use of Covert Video Surveillance Equipment- 8.0 hours
- Responding to Victims of Trauma- 4.0 hours
- Communication Strategies with The Deaf and Hard of Hearing- 2.0 hours
- Bloodborne Pathogens -2.0 hours
- Hazardous Materials-2.0 hours
- Integrating Communications, Assessment, and Tactics- 12.0 hours
- Criminal Defense Investigations-A Primer on Why and How to Conduct Criminal Defense-7 hours
- Basic Crime Scene Reconstruction- 4.0 hours
- Advanced Social Media Techniques- 4.0 hours
- Basic Handwriting Comparison- 4.0 hours
- Death Investigation Process- 4.0 hours
- Evidence to Review in a Case- 4.0 hours
- Photography and Investigations- 4.0 hours
- Suspicious Death Investigation- 4.0 hours
- Projecting A Positive Image- 6.0 hours
- Debriefing A Witness- 6.0 hours

Introduction to Surveillance- 6.0 hours
Elicitation of Information -6.0 hours
Interview Techniques- 6.0 hours
Critical Thinking- 6.0 hours

MOTION BY MR. STEPHENS TO ACCEPT ALL THE COURSES SUBMITTED FOR CONTINUING EDUCATION TRAINING APPROVAL AND ALSO TO INCLUDE THE DECEMBER COURSES; SECONDED BY MR. RUSSELL; MOTION CARRIED ON ROLL CALL VOTE.

Mr. Cesena stated that the NCAPI conference is coming up in November 2021, and the NCAPI is asking the Board that they be allowed a virtual conference with credit for all 12 continuing education credit hours. Mr. Cesena asked Mr. Johnson to open the discussion. Mr. Johnson stated that the rule, .1202(d), only allows 6 hours of online training, except during a state of emergency. Mr. Johnson said if the conference is approved now and we are no longer in the state of emergency by November of 2021, the Board does not have the authority to grant the approval. Mr. Stephens agreed.

Also, Mr. Gray reminded the Board that the rule allows Director Sherwin authority to grant training hours, but the licensee, not the NCAPI, must make the request.

Mr. Wilke, the NCAPI President, stated that they had begun planning the training conference and appreciate the Board's consideration on this matter. He stated that based on what he knows now they will be having 12 hours of training virtually. Mr. Wilke also stated that the NCAPI will issue a disclaimer that they cannot guarantee all 12 hours will be accepted by the Board.

After a lengthy discussion Mr. Buff made motion.

MOTION BY MR. BUFF TO LEAVE THE CURRENT PROCESS AS-IS; SECONDED BY MS. LAWRIK; MOTION CARRIED ON ROLL CALL VOTE.

Mr. Cesena mentioned that the firearms instructor training classes will be held again soon, and Mr. Bullard will get the information out to everyone in written form. The classes will be in April and October.

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

LAW AND RULES COMMITTEE

Mr. Johnson reported that the Committee met on Wednesday, February 17, 2021 at 3:30 p.m. and discussed three items. First, was a discussion of House Bill 68. He asked Mr. Gray to review any implications House Bill 68 would have on the Board and continue to monitor it.

Secondly, the Committee discussed a subcommittee's conclusion regarding law enforcement

officers who are not assigned to do investigative work or as a detective being allowed to receive experience hours toward a Private Investigator/Private Investigator Associate license. The subcommittee members included Ms. Odom, Mr. Heffney, Mr. Scott, Mr. Russell and Mr. Johnson. Mr. Johnson turned the floor over to Ms. Duncan.

Ms. Duncan explained how staff could determine hours for law enforcement officers that were sworn who are assigned to work as a patrol officers and should get a percentage of time per year that would go towards the 3000 hours.

She stated that the officers should receive 10% of their work time annually for a maximum of about 200 hours per year for investigative work if they are just assigned as a patrol function. This would also cover Campus Police and Highway Patrol. If the Highway Patrol officer has accident reconstruction experience, that would be looked at on a case by case basis. Using this percentage, 15 years patrol experience = 3,000 hours toward licensure.

Military - 400 hours along with extra credit for college degree
Reserve law enforcement officers/ Auxiliary officer -10% of the actual time work.
Reserve/National Guard -400 hours for 4 years/first tour of duty.

Corrections and parole and probation officers would not get any credit.
Determining

MOTION BY MS. DUNCAN TO APPROVE THE ABOVE GUIDELINES FOR STAFF TO UTILIZE WHEN DETERMINING THE EXPERIENCE FOR LAW ENFORCEMENT OFFICERS WHOSE POSITION ARE NOT ASSIGNED TO DO INVESTIGATIVE OR DETECTIVE WORK; SECONDED BY MR. SCOTT; MOTION CARRIED ON ROLL CALL VOTE.

SCREENING COMMITTEE REPORT

Mr. Buff stated that the Screening Committee met on Thursday, February 18, 2021 from 8:32 a.m. to 11:14 a.m. to review a total of 49 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 MS. DUNCAN TO ACCEPT THE SCREENING REPORT WITH THE EXCEPTION OF #44 STEVEN JOSEPH ST. GERMAIN; SECONDED BY MR. PITMAN; MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY MR. RUSSELL TO ACCEPT #44 STEVEN JOSEPH ST. GERMAIN OF THE SCREENING REPORT; SECONDED BY MR. HEFFNEY; MOTION CARRIED ON ROLL CALL VOTE.

Mr. Scott recused himself on #44 Steven Joseph St. Germain.

OLD BUSINESS:

None

NEW BUSINESS:

Ms. Duncan stated that there are only four Board members who have completed their Statement of Economic Interest. She also stated that there are three Board members who haven't completed the ethics education course from last year. Mr. Stevens and Mr. Buff stated that they were having issues with the online system when trying to access courses. Mr. Cesena suggested that Director Sherwin have someone look into why the system is not working properly to allow access to training.

DIRECTOR'S REPORT:

Director Sherwin read the report for the record. He reported the Board's revenue as of July 1, 2020 thru January 31, 2021 was \$811,948.02 with expenditures in the amount of \$795,065.95, reflecting an increase to the fund balance of \$16,882.07. The total fund balance was \$1,323,957.09. He reported the Education Fund balance was \$121,668.53. Director Sherwin reported that since the last Board meeting, the total active registrations for PPS is 21,986, license holders 2,753 and certification holders 526.

Director Sherwin stated that 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.

Director Sherwin reported that Private Protective Services would like to welcome its two newest employees who will be working in the Registration Unit: Brianna Ferrara and Carmela Hargrove. Brianna recently relocated to North Carolina from New York. She previously worked in the Pistol Permit Bureau at the New York State Police, where she gained experience reviewing applications and criminal history information for pistol permit applicants. Brianna holds an associate degree in accounting from Hudson Valley Community College.

Carmela is originally from Hendersonville, N.C., and recently moved to Raleigh from Charlotte. She previously worked as an inspector for the North Carolina Board of Cosmetic Art Examiners, where she gained experience in regulatory compliance and building positive relationships with licensed industry members. Carmela holds a bachelor's degree in business administration from Columbia Southern University.

Private Protective Services currently has two vacant positions:

Hickory-based Investigator – Recruitment in progress

Administrative Assistant – Recruitment in progress

Private Protective Services is instituting a proactive external registration audit program beginning this year. The program, which is currently in a pilot stage, is structured to randomly select approximately 2.5% of PPSB security guard and patrol and armored car licensees each year for a

registration audit. Currently, registration audits are performed reactively, in response to a complaint or other matter brought to the Board's attention. This proactive audit program is designed to allow PPS and the Board to more closely monitor registration compliance among licensees. The audits are meant to be small in scope and will cover only one quarter from the previous calendar year. The results of these audits will be presented throughout the year to the Board upon completion and referred to Grievance Committee for resolution, as needed.

In late 2020, Private Protective Services sought assistance from the NCDPS graphics design office for a logo redesign and help with agency rebranding. Private Protective Services will transition to the new logo soon. The graphics design team also developed a new Private Protective Services Board logo. With Board approval, Private Protective Services staff will work with NCDPS graphics design staff to integrate the proposed PPSB logo into Board-branded documents such as pocket ID cards, wall licenses, and letter head, and more.

Mr. Johnson commented on the logo stating there are nine different licenses that need to be considered and the one presented does not represent or include all the other license types the board regulates.

After a short discussion, Mr. Cesena suggested that if anyone has an idea regarding a new logo, please send it to him, or to Director Sherwin, before the April Board meeting.

MOTION BY MS. DUNCAN 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 was able to serve the LLC through the Secretary of State's Office but was unsuccessful in obtaining service on either of the individual Defendants by Certified Mail, the Sheriff, or Board Investigators. Following the Board's instructions at its December 2020 meeting I filed a Voluntary Dismissal with Prejudice of the remaining Defendants.
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 Dwayne Guerrero/ Black Box Security entered 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. Paid in full.
4. 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.
5. 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. Received first payment on January 14, 2021.
6. 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 Jeffrey LaRe on October 13, 2020. Payment has not been received.
7. On October 15, 2020 Michael Eldridge Wynn Sr./House of Raeford, (Screening) entered into a Consent Agreement with the Board in the amount of \$367.20 for unlicensed activity. The temporary agreement was signed by Mr. Wynn Sr. on October 15, 2020. Paid in full.
8. On December 17, 2020 William MacRae/Lolair Protection Agency, Inc., entered into a Consent Agreement with the Board in the amount of \$2,142.00 for registration violations. The temporary agreement was signed by QA William MacRae on December 2, 2020. Paid in full.
9. On December 17, 2020 Solomon Lazar/ Colorado Security Agency, Inc., (Screening) entered into a Consent Agreement with the Board in the amount of \$207.40 for unlicensed activity. The Consent Agreement was signed by Solomon Lazar on December 17, 2020. 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 WedEx with numerous participants providing comment. The Public Comment Period ends March 5, 2021. A copy of the rules as proposed was attached to Mr. Gray’s December 17, 2020 Attorney’s Report.

MOTION BY MR. BUFF TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MS. DUNCAN; MOTION CARRIED ON ROLL CALL VOTE.

MOTION BY MR. HEFFNEY TO ADJOURN; SECONDED BY MS. RABENOLD; MOTION CARRIED ON ROLL CALL VOTE.

4:12 P.M. Adjourned

Paul Sherwin, Director

Garcia Graham, Board Secretary