

MINUTES OF THE  
PRIVATE PROTECTIVE SERVICES BOARD MEETING  
DECEMBER 10, 2009  
HOLIDAY INN RALEIGH NORTH  
2805 HIGHWOODS BLVD.  
RALEIGH, NC 27604

**BOARD MEMBER PRESENT**

Richard Allen  
Ron Burris  
David Pendry  
James Stevens  
Bill Booth  
Sally Pleasant  
Brenda Bishop  
Eric Jones  
Mack Donaldson  
Steve Johnson  
Sheriff Jenkins  
Sheriff Ashe

**BOARD MEMBERS ABSENT**

Robert M. Clark

**STAFF PRESENT**

Terry Wright – Director  
Anthony Bonapart – Deputy Director  
Charles McDarris – Attorney  
Larry Liggins – Field Services Supervisor  
Tim Pressley – Training Officer  
Joyce McClure - Board Secretary  
Garcia Graham – Licensing Assistant

**GUEST PRESENT**

David Arndt  
Jeff Cathcart  
Bill Dover  
Scott Siano  
Fred McKinney  
Dorian Dehnel

Jeff Kiker  
Sybil Richards  
Audra Coleman  
Jim Peeden  
Nick Nicholson  
Giovanni Masucci

J.S. Siske  
Larry Flannery  
Ruth Reynolds  
David Shelton  
Danny K. Barham  
Leroy Everhart

Craig Humphrey  
Chris Ruhlman

Ann Lane  
Terry Frawley

David Pettingel  
Mike Michniewicz

Chairman Allen called the December 10, 2009 Private Protective Services Board meeting to order at 9:25A.M. Mr. Allen welcomed all guests and requested they introduce themselves. Mr. Allen requested all phones and pagers be turned off during the meeting.

Attorney Charles McDarris 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.

**GOOD OF THE ORDER:**

Mr. Larry Flannery, President of NCAPI, stated that the NCAPI Board has been and is continuing to work diligently with the Legislature to have changes made in the industry. The association will be meeting January 15-16, 2010 in Winston-Salem, and will be holding their elections. Mr. Flannery invited everyone to attend the meetings and stated that the October Conference was an outstanding success with many notable speakers. Mr. Flannery wished everyone a happy holiday and reminded all to think of our troops and those less fortunate.

**APPROVAL OF THE OCTOBER 14, 2009 MEETING MINUTES:**

**MOTION BY JUDGE BURRIS TO ACCEPT THE MINUTES AS PRESENTED;  
SECONDED BY MRS. BISHOP; MOTION CARRIED.**

**SCREENING COMMITTEE REPORT:**

Mrs. Bishop reported that the Screening Committee met on Wednesday, December 9, 2009, from 2:00 p.m. until 5:20 p.m. to review a total of 60 applications with 10 Denials and 8 Deferrals; the remainder of the applications were approved (see report). Committee members were Mrs. Bishop, Mr. Pendry, Mrs. Pleasant, Sheriff Ashe and Mr. Johnson. Mrs. Bishop read the report for the record.

Mrs. Pleasant recused herself on Randall Ashley, Unarmed Guard Trainer Renewal.

Mrs. Bishop stated that the Screening Committee determined that a Security Guard and Patrol vehicle that follows a vehicle to the bank to make a deposit would need an Armored Car License. The Board discussed this issue in more detail and determined that it did not agree with the Screening Committee.

**MOTION BY MR. BOOTH TO INSTRUCT STAFF TO VIEW THIS POSITION AS A SECURITY GUARD & PATROL FUNCTION AS LONG AS MONEY IS NOT BEING TRANSPORTED IN A SECURITY GUARD & PATROL VEHICLE. SECONDED BY MR. STEVENS; MOTION CARRIED**

**MOTION BY MR. STEVENS TO ACCEPT THE SCREENING REPORT WITH THE ADDITIONS; SECONDED BY JUDGE BURRIS; MOTION CARRIED**

Mrs. Bishop presented the following registration report for the period of October 13, 2009 through December 07, 2009. Total registrations 3,442; armed totals were 524 of which 147 were new, 358 were renewals, 2 duplicates and 17 reissue/dual. There were 3 new armed Private Investigators, 3 renewal Private Investigators, 1 reissue/dual and 1 new Private Investigator Associate. Unarmed totals were 2,910, which include 1,196 new, 1,494 renewals, 210 transfer, 5 duplicates and 5 reissues/dual. Total denials 736 of which 286 for cause and 450 for correctable. There were 427 applications approved which were previously denied for a total of 1,163 denials reviewed.

**MOTION BY JUDGE BURRIS TO ACCEPT THE REGISTRATION REPORT; SECONDED BY SHERIFF ASHE; MOTION CARRIED.**

**GRIEVANCE COMMITTEE REPORT:**

Judge Burris reported the committee met on Wednesday, December 9, 2009 from 8:00 a.m. until 10:55 a.m. and heard a total of ten cases. The committee members were Judge Burris, Mr. Booth, Sheriff Jenkins and Mr. Donaldson. Judge Burris presented the attached report. (See attachment)

Mr. Donaldson recused himself on case number 2009-PPS-048 and Mr. Booth recused himself on case number 2009-PPS-050.

**MOTION BY MR. STEVENS TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY SHERIFF JENKINS; MOTION CARRIED.**

Judge Burris read the results of the Special Grievance Committee meeting held on December 8, 2009 which met from 1:00 p.m. until 6:30 p.m. There were three cases reviewed at this meeting, 2009-PPS-031, 2009-PPS-031A and 2009-PPS-042. (See attached report)

**MOTION BY MR. BOOTH TO ACCEPT AS PRESENTED; SECONDED BY MR. JOHNSON; MOTION CARRIED**

**FINAL AGENCY DECISIONS - NONE**

**TRAINING & EDUCATION COMMITTEE:**

Mr. Stevens advised the Training & Education Committee met on Thursday, December 10, 2009 from 8:00 a.m. until 9:15 a.m. The committee members were Mr. Stevens, Mr. Allen, Sheriff Ashe, Mr. Booth, Mrs. Pleasant and Mr. Johnson.

Mr. Pressley gave his report. The following trainer courses are scheduled:  
February 22-26, 2010 - General Trainer Course. WTCC

The following PPS trainer courses have been completed:  
November 12, 2009 - Firearms Trainer certification course, NCJA  
November 16-20, 2009 - General Trainer Course, WTCC

Mr. Stevens stated that the Proprietary training issue is to be reconsidered when Staff has been contacted by Mr. Potter, Chief of Security, Forsyth Medical Center, regarding the approximate number of people who want to enroll in the training classes.

The committee also discussed an Unarmed Trainer that had allowed his certification to expire and then applied as an unarmed guard. There was a question as to whether he will be required to take the unarmed guard training course. The Committee consensus was that the sixteen-hour course would be required.

Mr. Stevens addressed the issue of the validity of previous firearms training manuals from previous years dating back to 1993. There has never been a motion to state that these manuals/courses are no longer valid.

**MOTION BY MR. BOOTH TO NOTIFY ALL TRAINERS THAT AS OF DECEMBER 10, 2009 THERE ARE NO OTHER COURSES/MANUALS OTHER THAN THE CURRENT COURSES/MANUALS THAT ARE APPROVED. STAFF IS TO REFER THIS TO THE ATTORNEY GENERAL'S OFFICE. SECONDED BY SHERIFF ASHE; MOTION CARRIED**

Mr. Johnson recused himself from the vote.

Mr. Stevens recommended that as a policy, the delivery of the Pre and Post Delivery reports will be strictly enforced and have Staff send a memo to all Firearms Trainers and licensees advising them of this.

Continuing Education Courses were discussed by the Committee and as of December 10, 2009, no courses have been approved. The following is an overview of what has been submitted and the reason they were not approved.

Mr. Joseph Howard submitted a course "Investigative Reports"; it was not approved as a result of the application and the syllabus not being complete.

Mr. Scott Harrell, Compass Point Investigations, submitted online courses that were not approved because there is no established process for monitoring or auditing online courses. Until there is a process in place to monitor or audit, no online courses will be approved.

Mr. John Fay, The Learning Shop Online, submitted online courses. These courses cannot be approved at this time, as there is no established process for monitoring or auditing the courses.

Mr. Johnson requested that staff send a memo to advise the instructors of the requirements that the Pre and Post Delivery reports be submitted in a timely manner and if violations are discovered the Board could take action. He also stated that the shotgun qualifying initial course should remain as stated in the mandatory 20 hour program. However, the recertification course should be adjusted to have qualification on their duty ammunition.

**MOTION BY JUDGE BURRIS TO ACCEPT THE RECOMMENDATION OF DENIAL FOR THE THREE CONTINUING EDUCATION APPLICATIONS; SECONDED BY MR. DONALDSON; MOTION CARRIED**

**MOTION BY MR. BOOTH THAT MR. JOHNSON DEVELOP THE NEW QUALIFICATIONS FOR THE SHOTGUN COURSE OF FIRE FOR RECERTIFICATION; SECONDED BY MR. STEVENS; MOTION CARRIED**

**MOTION BY MR. BOOTH TO ACCEPT THE REPORT AS PRESENTED; SECONDED BY JUDGE BURRIS; MOTION CARRIED**

**GRIEVANCE COMMITTEE REPORT - NONE**

**SCREENING COMMITTEE REPORT - NONE**

**OUT OF STATE CRIMINAL RECORD CHECKS -**

Mr. Donaldson stated that the Committee had received eleven proposals. Mr. Wright noted that Mr. Donaldson, Mrs. Bishop, Mr. McDarris, and Mr. Brad Smith of the Alarm Board and himself were to meet later in December to review the proposals and would report back at the February 2010 meeting.

**FINANCE COMMITTEE: NONE**

**74C RE-WRITE COMMITTEE:**

Judge Burris stated that the 74C Legislature Committee met December 10, 2009 from 7:30 AM to 7:45 AM. This meeting was not recorded but handwritten minutes were taken. The Committee discussed the report that is due to be presented to the Legislature

and established a sub Committee consisting of Mrs. Pleasant, Mr. McDarris, Mr. Booth and Mr. Johnson to prepare this report.

Judge Burris reported that a Master List should be put together to present to the Legislature when they meet this spring for the short session.

Chairman Allen proposed that the times be changed for future meetings to allow for 74C Legislative Committee meetings. The 74C Legislative meetings will meet at 7:30 a.m. for approximately one hour, Training and Education will start at 8:30 a.m. and the full Board meeting will convene at 9:30 a.m.

**MOTION BY MRS. BISHOP TO ACCEPT THE CHANGE IN TIMES;  
SECONDED BY MR. JOHNSON; MOTION CARRIED**

**MOTION BY MR. JOHNSON TO ACCEPT THE 74C LEGISLATIVE  
COMMITTEE REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED**

OLD BUSINESS – NONE

Mr. Stevens thanked everyone for their condolences.

NEW BUSINESS: - NONE

**DIRECTOR'S REPORT:**

Mr. Wright presented his written report. The budget as of December 1, 2009 is \$209,671.08; the Education Fund is \$104,347.64. Effective October 1, 2009 the Recovery Fund became the Education Fund. As of December 7, 2009 we have a total of 12,580 PPS registrations, 1,812 licenses, 481 certifications, one endorsement for a total of 14,874 for PPS. Active licenses and registrations for both Boards are 20,510. Mr. Wright noted that there has been a total of 2,829 various correspondences printed from the PPS database, 3,399 registration cards printed from the new identification card system, and 4,363 applications received since the last Board meeting.

**MOTION BY MR. BOOTH TO ACCEPT THE DIRECTOR'S REPORT;  
SECONDED BY JUDGE BURRIS; MOTION CARRIED.**

**ATTORNEY'S REPORT:**

Consents have been executed and paid.

Mr. McDarris stated that the Hearing List is attached and there are several appeals that have not yet been filed. Mr. McDarris attended the Public Hearing on the filing fees and stated that the industry cannot afford to pay the filing fee to appeal and the fee will create a financial hardship. The Office of Administrative Hearings lowered the filing fee from \$125 to \$20. He also argued that they did not have the statutory authority to impose any filing fees on an Occupational Licensing Board. The temporary rule goes before the

Rules Review Commission in January 2010. Mr. McDarris reported that he is holding the appeals until there is a ruling by the Rules Review Commission.

Mr. McDarris reported that the following rules require a motion to proceed with.

12NCAC 07D. 0405 Private Investigator's Use of a Badge

**MOTION BY SHERIFF ASHE TO SEND 12 NCAC 07D .0405 TO RULES REVIEW; SECONDED BY MR. PENDRY; MOTION CARRIED**

12NCAC 07D .1300 Continuing Education Rules

**MOTION BY JUDGE BURRIS TO SEND 12 NCAC 07D .1300 TO RULES REVIEW; SECONDED BY MR. BOOTH; MOTION CARRIED**

Mr. Booth noted that the committee that approves the courses must have two industry members on the committee.

12NCAC 07D .0109 Computer Access to Employment Security Commission Reports

**MOTION BY MR. BOOTH TO RE-ADOPT THE RULE; SECONDED BY MR. JOHNSON; MOTION CARRIED**

The rest of the rules are still under consideration.

12NCAC 07D rules .0203, .0706, .0806, .0904 and .0911 The Extension of Time for Military Personnel

**MOTION BY JUDGE BURRIS TO SEND EACH OF THE PROPOSED RULES EXTENDING THE TIME TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR PUBLICATION; SECONDED BY MR. STEVENS; MOTION CARRIED**

At the previous meeting there were some discussions on extending time for certifications/licenses for medical related reasons. Mr. McDarris doesn't feel that the Board has the statutory authority to give extensions of time to renew due to medical reasons but suggested adding this to the list for 74C Legislative Committee.

**MOTION BY MR. DONALDSON TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MRS. BISHOP; MOTION CARRIED**

The Training Fund Application was presented to the Board with the revisions that had been requested at the October 14, 2009 meeting.

**MOTION BY MR. BOOTH TO ACCEPT THE FORM WITH THE CHANGES AND TO PUT THE FORM ONLINE; SECONDED BY JUDGE BURRIS; MOTION CARRIED**

Chairman Allen requested the Board to assist in locating additional courses for the Continuing Education requirements as the courses are now very limited. Mr. Stevens will look into programs that are offered in other states and furnish the information to Mr. Wright for review. Mr. Booth suggested that if we do not have sufficient applications by the February Meeting, then the Training and Education Committee should investigate new course options.

**MOTION BY MR. STEVENS TO ADJOURN; SECONDED BY MR. BOOTH;  
MOTION CARRIED.**

11:10 AM Adjourned

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Terry M. Wright, Director

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Joyce McClure, Board Secretary