

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
15 DHR 07698

<p>Memaw's Lovin Care, Linda W Riddick Petitioner,</p> <p>v.</p> <p>Division of Child Development and Early Education, Department Of Health and Human Services Respondent.</p>	<p style="text-align: center;">FINAL DECISION</p>
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A Petition for a Contested Case Hearing was filed in the North Carolina Office of Administrative Hearings on October 15, 2015, contesting suspension of Petitioner's family child care home license. Respondent filed a Motion for Summary Judgment on February 8, 2016. No response to the Motion for Summary Judgment was filed by the Petitioner, and both parties appeared for hearing on the motion on February 23, 2016.

Based upon the arguments of the parties, a review of the documents in the file, and consideration of the motion and the exhibits attached thereto, the undersigned has determined that Respondent's motion for summary judgment should be granted as there is no genuine issue as to any material fact and Respondent is entitled to judgment as a matter of law. Respondent's motion is granted.

NOTICE

This is a Final Decision issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' Rule 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of

receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 26th day of February, 2016.

Philip E Berger Jr.
Administrative Law Judge