

STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
12DOJ07549

<p>Porschea Renee Williams, Petitioner, v. North Carolina Private Protective Services Board, Respondent.</p>	<p><b>PROPOSAL FOR DECISION</b></p>
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On October 23, 2012, Administrative Law Judge Beecher R. Gray heard this case in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray, Bailey & Dixon, LLP, P.O. Box 1351, Raleigh, North Carolina 27602.

ISSUE

Whether Petitioner should be denied an unarmed guard registration based on Petitioner's lack of good moral character and temperate habits as evidenced by four (4) convictions of Driving While License Revoked (Cabarrus County, 08 CR 707987; Cabarrus County, 09 CR 704412; Rowan County, 09 CR 005494; and Rowan County, 09 CR 701583) and one (1) misdemeanor conviction of Contributing to the Delinquency of a Juvenile (Guilford County, 06 CR 096603).

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case: N.C.G.S. §§ 74C-3(a)(6); 74C-8; 74C-9; 74C-11; 74C-12; 12 NCAC 7D § .0700.

FINDINGS OF FACT

1. The parties received notice of hearing by certified mail more than 15 days prior to the hearing, and each stipulated on the record that notice was proper.

2. Respondent Board is established under N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.
3. Petitioner applied to Respondent Board for an unarmed guard registration.
4. Respondent denied the unarmed guard registration because of Petitioner's criminal record, which showed the following:

Four (4) convictions of Driving While License Revoked (Cabarrus County, 08CR 707987; Cabarrus County, 09 CR 704412; Rowan County, 09 CR 005494; and Rowan County, 09 CR 701583) and one (1) conviction of misdemeanor Contributing to the Delinquency of a Juvenile (Guilford County, 06 CR 096603)
5. Petitioner requested a hearing on Respondent's denial of the unarmed guard registration.
6. By Notice of Hearing dated August 21, 2012, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of her unarmed guard registration would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on October 23, 2012. Petitioner appeared at the hearing.
7. Petitioner testified that the four (4) DWLR convictions and the misdemeanor conviction for Contributing to the Delinquency of a Juvenile were correct. The Board's attorney clarified that the Contributing to the Delinquency charge was actually from Guilford County and not Rowan County as stated in Respondent's Exhibit 5, the letter notifying Petitioner's employer of the denial
8. In regards to the DWLR charges, Petitioner testified that she moved to Kannapolis, N.C. from Greensboro, N.C. in 2009. She stated that she was driving home and came upon a police check point. Her license was checked by the police. When the officer returned to her car, he told her that her license had been revoked, and the police confiscated her license at the scene. She said that she had gotten a ticket in Greensboro, N.C. that she forgot to pay. Her testimony was that when she moved to Kannapolis, she did not know that her license had been revoked. She testified that she was not able to pay the ticket. She said she needed to drive to get to work so she could pay her bills and pay off the ticket. She continued to drive. She was stopped three (3) or more times at police checkpoints and received more DWLR citations. She has not been able to make enough money to pay off the tickets which she believes total \$800.00.
9. Petitioner stated that she currently does not have a valid driver's license.
10. When asked, Petitioner denied that she had driven to the hearing and stated that her sister had driven her to this hearing and was waiting in the car in the parking lot. Petitioner admitted, however, that she had driven a car within the last 30 days.

11. Regarding the misdemeanor conviction for Contributing to the Delinquency of a Juvenile, Petitioner testified that she was working as a security guard for Meyers Security in 2007. She stated that her children were ages five (5) and three (3) at the time, and a friend was watching her children while she was at work. She worked the 3:00 p.m. to 11:00 p.m. shift. She stated that her friend had to go to work himself and left the children alone at the house. A neighbor called the police. She stated that when she got home at 11:00 p.m., her children were gone, and the police left a message notifying her that the children were in police care. She was charged criminally and went to court and was convicted of Contributing to the Delinquency of a Juvenile. Her grandparents were given custody of her children. She stated that it took her seven (7) months to regain custody.
12. Petitioner stated that she has worked for Allied Barton Security Services since March 2012. She was stationed at the employee entrance of a plant where she checked credentials to control personnel entry and exit at the facility.

#### CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.
2. Under G.S. §74C-12(a)(25), Respondent Board may refuse to grant a registration if it is determined that the applicant has demonstrated intemperate habits or lacks good moral character.
3. Respondent Board presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through conviction in the State of North Carolina of four (4) counts of Driving While License Revoked (Cabarrus County, 08CR 707987; Cabarrus County, 09 CR 704412; Rowan County 09 CR 005494; and Rowan County, 09 CR 701583) and one (1) count of misdemeanor Contributing to the Delinquency of a Juvenile (Guilford County, 06 CR 096603).
4. Petitioner presented evidence sufficient to explain the factual basis for the misdemeanor conviction for Contributing to the Delinquency of a Juvenile, but failed adequately to explain why she continued--and continues--to operate a motor vehicle after her driver's license was revoked more than three (3) years ago.

Based on the foregoing, the undersigned makes the following:

#### PROPOSED DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned finds that Respondent's action denying Petitioner's unarmed guard registration is supported by the evidence and is AFFIRMED.

NOTICE AND ORDER

The North Carolina Private Protective Services Board is the agency that will make the Final Decision in this contested case. As the final decision-maker, that agency is required to give each party an opportunity to file exceptions to this proposal for decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

It hereby is ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

This the 9th day of May, 2013.

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Beecher R. Gray  
Administrative Law Judge