

STATE OF NORTH CAROLINA

COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13 DOJ 08765

EDDIE HUGH HARDISON,)
)
 Petitioner,)
 v.)
)
 N.C. PRIVATE PROTECTIVE)
 SERVICES BOARD,)
)
 Respondent.)
 _____)

PROPOSAL FOR DECISION

This contested case was heard before Senior Administrative Law Judge Fred G Morrison Jr. on March 26, 2013, in Raleigh, North Carolina.

APPEARANCES

Petitioner appeared *pro se*.

Respondent was represented by attorney Jeffrey P. Gray.

WITNESSES

Respondent – Private Protective Services Board Deputy Director Anthony Bonapart testified for Respondent Board.

Petitioner testified on his own behalf. Chrystal Hardison testified for her grandfather.

ISSUE

Whether grounds exist for Respondent to deny Petitioner’s renewal application for unarmed registration for committing an unlawful assault or demonstrating intemperate habits or a lack of good moral character.

BURDEN OF PROOF

Respondent has the burden of proving that Petitioner lacks good moral character. Petitioner may rebut Respondent’s showing.

STATUTES AND RULES APPLICABLE TO THE CONTESTED CASE

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. Respondent Board is established pursuant to N.C.G.S. 74C-1 *et seq.*, and is charged with the duty of licensing and registering individuals engaged in the private protective services profession, including armed and unarmed security guards.
2. Petitioner applied for and subsequently received an unarmed registration.
3. On October 23, 2012, Petitioner applied to Respondent for renewal of his registration. A copy of Petitioner's renewal application was introduced as Exhibit 1.
4. On September 27, 2012, Petitioner entered a Not Guilty plea and received a PJC upon payment of costs in a Misdemeanor Assault on Female case. Respondent denied Petitioner's renewal application because of this assault on female offense. Respondent's denial letter dated October 31, 2012, was introduced as Exhibit 2.
5. A certified copy of Petitioner's criminal record in Wake County was introduced as a part of Exhibit 1.
6. Petitioner testified that the incident leading to the PJC occurred during an argument with his lady friend. He pushed her and she fell to the ground. A neighbor saw the spat and called the police. Petitioner was arrested, charged, and received the PJC.
7. Petitioner is 67 years of age. He was born and reared in Anson County, North Carolina, where he graduated from high school. He worked at Burlington Industries for 35 years. He is a loyal church member, having served as a trustee for five years. He does not have a reputation for using violence to settle disputes with others.
8. Petitioner submitted Exhibits 1A through 1D, which are good character reference letters and recommendations from his associate minister; his lady friend with whom he reconciled not long after the spat; another longtime female friend; and a fellow church officer who has known him for more than 50 years.

CONCLUSIONS OF LAW

1. Under G.S. §74C-12(a)(9), Respondent Board may refuse to grant a registration if it is determined that the applicant has committed an unlawful assault.
2. Under G.S. §74C-12(a)(25), Respondent Board may refuse to grant a registration if it is determined that the applicant lacks good moral character.

3. Respondent Board presented evidence that Petitioner has committed an unlawful assault and lacked good moral character.
4. Petitioner has rebutted the presumption that he lacks good moral character

Based on the foregoing, the undersigned makes the following:

PROPOSAL FOR DECISION

The North Carolina Private Protective Services Board will make the final decision in this contested case. It is proposed that the Board **REVERSE** its initial decision to deny Petitioner's renewal application for unarmed security guard registration.

ORDER

It is hereby ordered that the agency serve a copy of the final decision on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, in accordance with G.S. §150B-36(b).

NOTICE

The agency making the final decision in this contested case 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 G.S. §150B-40(e).

The agency that will make the final decision in this contested case is the North Carolina Private Protective Services Board.

This the ____ day of April, 2013.

Fred G Morrison Jr.
Senior Administrative Law Judge

A copy of the foregoing was mailed to:

Eddie Hugh Hardison
81 Union Street
Wadesboro, NC 28170
PETITIONER

Jeffrey P. Gray
Bailey & Dixon, LLP
PO Box 1351
Raleigh, NC 27602
ATTORNEY FOR RESPONDENT

This the _____ day of April, 2013.

Office of Administrative Hearings
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