

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS
14 DOJ 1061

IN RE:)	
)	
FIREARMS REGISTRATION)	PROPOSAL FOR DECISION
CERTIFICATIONS FOR)	ORDER OF
ALVIN THOMAS BENNETT)	SUMMARY SUSPENSION OF
)	FIREARMS REGISTRATION PERMITS
)	
)	

THIS MATTER coming on to be heard and being heard by the undersigned Administrative Law Judge at the hearing pursuant to North Carolina General Statute § 150B-3(c) and North Carolina General Statute § 74C-6, on the summary suspension of the firearms registration permits issued to Alvin Thomas Bennett, 5757 Bent Creek Circle, Charlotte, North Carolina 28227, and hereby finds the following:

FINDINGS OF FACT

1. The North Carolina Private Protective Services Act, N.C.G.S. §§ 74C-1, *et seq.*, creates the Private Protective Services Board and sets forth the licensing and permit registration of companies and individuals engaged in the armed and unarmed security guard and patrol business.

2. Pursuant to N.C.G.S. § 74C-12, the Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a registration or permit issued under this Chapter if it is determined that the registrant committed an unlawful breaking or entering, assault, battery, or kidnapping.

3. Pursuant to N.C.G.S. § 74C-6, the Director shall administer the directives contained in the Private Protective Services Act and the rules promulgated by the Board in order

to actively police the industry, and the Director is authorized by the Board to summarily suspend any license or registration permit pursuant to N.C.G.S. § 150B-3(c).

4. Respondent Alvin Thomas Bennett is currently registered as an armed security guard with Majestic Security Services, Inc., issued by the Private Protective Services Board on June 6, 2013, with an expiration date of March 31, 2014. Respondent is also currently registered as an armed security guard with P&G Security Guard Inc., issued by the Private Protective Services Board on August 13, 2013, with an expiration date of March 31, 2014.

5. Respondent's employer, Majestic Security Services, Inc., reported to the Board's staff that on January 14, 2014, Respondent was arrested and charged with Larceny after Breaking and Entering, Felony Breaking and Entering and Felony Possession of Stolen Property in Mecklenburg County, North Carolina for offenses that occurred on December 30, 2013.

6. As part of the Board's investigation, Respondent provided a copy of his Criminal History Record Check reflecting the charges and a handwritten explanation (Board's Exhibit 1.) Respondent did not deny the charges and merely tried to explain how they arose.

7. These offenses pose a serious threat to the public health, safety and welfare.

8. By Order dated January 24, 2014, and signed by the Board's Director, Terry Wright, Respondent's armed registration permits were summarily suspended. The Order gave notice of this hearing, setting it for Tuesday, February 25, 2014, at 2:00 p.m. before the Office of Administrative Hearings. The Order was served by Certified Mail, Return Receipt Requested and was receipted for by a Melissa Louspell. Further, both employers of Respondent were notified.

9. An administrative hearing was held Tuesday, February 25th, at 2:00 p.m. before the undersigned and conducted in accordance with the Administrative Procedures Act, North Carolina General Statute § 150B, *et seq.* The Respondent failed to appear.

IT IS HEREBY ORDERED that Alvin Thomas Bennett's armed registration permits, issued on June 6, 2013, and August 13, 2013, be summarily suspended pursuant to N.C.G.S. § 150B-3(c) upon the Findings of Fact showing that the public health, safety, and welfare will be jeopardized if Alvin Thomas Bennett is allowed to continue as an armed security guard for Majestic Security Services, Inc. and P&G Security Guard, Inc.

NOTICE

The Agency making the Final Decision in this contested case is required to give each party an opportunity to file Exceptions to the Proposal for Decision, to submit proposed Findings of Fact and to present oral and written arguments to the Agency. N.C. Gen. Stat. §150B-40. The Agency that will make the Final Decision in this contested case is the North Carolina Private Protective Services Board.

A copy of the final agency decision or order shall be served upon each party personally or by certified mail addressed to the party at the latest address given by the party to the agency and a copy shall be furnished to any attorney of record. N.C.G.S. § 150B-42. It is requested that the agency furnish a copy to the Office of Administrative Hearings.

IT IS SO ORDERED.

This the 14th day of April, 2014.

Craig Croom
Administrative Law Judge