

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14 DOJ 05702

JERMAINE CHAREEM NORFLEET,)
)
Petitioner,)
v.)
)
N.C. PRIVATE PROTECTIVE)
SERVICES BOARD,)
)
Respondent.)
_____)

PROPOSAL FOR DECISION

On August 26, 2014, Administrative Law Judge Craig Croom called this case for hearing in Raleigh, North Carolina.

APPEARANCES

For Petitioner: Jermaine Chareem Norfleet, appearing *pro se*
6544 Green Meadow Road
Fayetteville, NC 28304

For Respondent: Jeffrey P. Gray
Bailey & Dixon, LLP
P.O. Box 1351
Raleigh, NC 27602

ISSUE

Whether Petitioner should be denied a security guard and patrol license based on Petitioner having violated a written cease and desist letter issued by the Board?

APPLICABLE STATUTES AND RULES

Official notice is taken of the following statutes and rules applicable to this case:
N.C. Gen. Stat. §§ 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. 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.

2. Petitioner applied to Respondent Board for a security guard and patrol profession license by application received by the Board on March 11, 2014.
3. An investigation by Respondent Board revealed that Petitioner and a business partner engaged in the security guard and patrol profession in Fayetteville, North Carolina without a license.
4. Petitioner was sent a letter dated March 12, 2014 explaining the requirements of N.C. Gen. Stat. § 74C-2(a) and directing him to cease and desist all conduct constituting unlicensed activity. Petitioner received the Certified Mail letter on March 21, 2014.
5. It was determined at the Screening Committee meeting where Petitioner's application was considered, that Petitioner had continued to engage in the security guard and patrol business following receipt of the cease and desist letter.
6. Respondent denied Petitioner's application for a security guard and patrol business license.
7. Petitioner requested a hearing on Respondent's denial of the application for licensure.
8. By Notice of Hearing dated July 28, 2014, and mailed via certified mail, Respondent advised Petitioner that a hearing on the denial of his application for a security guard and patrol business license would be held at the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, North Carolina 27609 on August 26, 2014. Petitioner appeared at the hearing.
9. Deputy Director Anthony Bonapart testified to issuance of the cease and desist letter, receipt of Petitioner's application (Respondent's Exhibit 2) and assignment of the investigation into the application to Investigator Melvin Turner.
10. Investigator Turner testified that the Board staff received information that Petitioner was providing armed and unarmed security guards by contract to various businesses in the Fayetteville area. He visited one site, Big Shots, a bar/nightclub, and interviewed a former employee of Petitioner's company, Extreme Security. He also attempted to interview the nightclub's owner, who was unable or unwilling to provide details of the employment relationship with Petitioner.
11. Investigator Turner located an advertisement on Craigslist, posted by Extreme Security, soliciting security guards for hire.
12. The former employee informed Investigator Turner that he was working for Petitioner in both an armed and unarmed capacity. Investigator Turner obtained a list of employees of Extreme Security indicating at least ten (10) guards.
13. Petitioner had a business checking account in the name, "Extreme Security."

14. Petitioner arranged for a Private Protective Services Board (PPSB) certified trainer, Robert Gutherie, to train his employees as unarmed and armed guards, but applications were never sent in for registration.

15. Petitioner testified that he began engaging in the security guard and patrol business when he met Gary Jordan, who was the actual owner of Extreme Security but was unlicensed. Petitioner personally served as a guard and hired other guards to service his contracts. He admitted that he had engaged in the business, and was told by Mr. Jordan that their employees must go to the training.

16. Mr. Jordan and Petitioner had a “falling out” over the licensing issue.

17. Petitioner admitted to continuing to work after receiving the cease and desist letter and continued to employ two (2) to four (4) employees as guards during a two (2) week to a month period afterward.

18. Petitioner admitted he knew he was in violation of the law but explained that he “needed the money.”

19. Demetrius Jenkins, a former employee of Petitioner, testified on his behalf. He saw the Craig’s List ad, applied, and interviewed with Mr. Jordan in downtown Fayetteville. He worked for approximately one (1) month until the licensing issue arose. He did not work for either Mr. Jordan or Petitioner thereafter.

20. Petitioner submitted two (2) letters of reference or character. (Petitioner’s Exhibit 2 and Petitioner’s Exhibit 3.)

CONCLUSIONS OF LAW

1. The parties properly are before the Office of Administrative Hearings.

2. Pursuant to N.C. Gen. Stat. §74C-2, no private person, firm, association or corporation shall engage in, perform any services, or in any way represent or hold itself out as engaging in a private protective services profession or activity in this State without having first complied with the provisions of Chapter 74C.

3. Pursuant to N.C. Gen. Stat. §74C-3(a)(6), the security guard and patrol profession is defined to include protection of patrons and persons on specified premises on a contractual basis.

4. Respondent Board presented evidence that Petitioner had not only engaged in the private protective services business without a license, but continued to engage in such unlicensed activity after having received a letter from the Respondent Board notifying him of the law and directing him to immediately cease and desist.

5. Petitioner admitted the violation, and that he knowingly continued to violate the law as recently as May, 2014, two (2) months after receipt of the cease and desist letter and only four

(4) months prior to this hearing.

6. Petitioner presented insufficient evidence to explain the reasons for his conduct, although he may have had the best of intentions in trying to reduce the unemployment rate in Cumberland County, particularly for former members of the military.

Based on the foregoing, the undersigned makes the following:

PROPOSAL FOR DECISION

Based upon the foregoing Findings of Fact and Conclusions of Law, the undersigned hereby recommends that the denial of Petitioner's application for an armed and unarmed security guard and patrol business license be upheld.

NOTICE AND ORDER

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. N.C. Gen. Stat. § 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 24th day of October, 2014.

Honorable Craig Croom
Administrative Law Judge