

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14DOJ08698

Markus Schopfer Von Stolz Petitioner v. N C Private Protective Services Board Respondent	PROPOSAL FOR DECISION
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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 unarmed guard registration permit issued to Markus Schopfer Von Stolz, 600 Martin Luther King, Jr. Blvd., Chapel Hill, NC 27514, 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. Petitioner Markus Schopfer Von Stolz is currently registered as an unarmed security guard with Universal Protection Service, LLC. Petitioner's registration has an expiration date of October 31, 2015.

5. Investigation has revealed that on October 18, 2014, Petitioner was arrested in Orange County, North Carolina for Battery, Second-Degree Sex Offense, Indecent Liberties with a Minor, and Kidnapping.
6. These offenses pose a serious threat to the public's health, safety, and welfare.
7. By Order dated November 3, 2014, and signed by the Board's Director, Terry Wright, Petitioner's unarmed guard registration permit was summarily suspended. The Order gave notice of this hearing, setting it for Tuesday, November 18, 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 Petitioner. Further, Petitioner's employer was notified.
8. An administrative hearing was held Tuesday, November 18, at 2:00 p.m. before the undersigned and conducted in accordance with the Administrative Procedures Act, North Carolina General Statute § 150B, *et seq.* Petitioner failed to appear.

PROPOSAL FOR DECISION

The undersigned hereby recommends that Petitioner Markus Schopfer Von Stolz's unarmed guard registration permit be summarily suspended pursuant to N.C.G.S. § 150B-3(c) upon the Findings of Fact showing that the public's health, safety, and welfare will be jeopardized if Petitioner Von Stolz is allowed to continue as an unarmed security guard for Universal Protection, LLC.

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 17th day of December, 2014.

J. Randolph Ward
Administrative Law Judge