

STATE OF NORTH CAROLINA  
COUNTY OF DAVIDSON

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
14OSP03402

<p>FREDDIE WAYNE HUFF II PETITIONER,</p> <p>V.</p> <p>NC DEPARTMENT OF PUBLIC SAFETY RESPONDENT.</p>	<p><b>FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT FOR RESPONDENT</b></p>
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THIS CAUSE came on to be heard before the undersigned on February 10, 2015 on Respondent's Motion for Summary Judgment and Petitioner's cross Motion for Summary Judgment. After reviewing the pleadings and hearing the arguments of counsel, the undersigned finds there are no genuine issues of material fact and the Respondent is entitled to judgment as a matter of law.

Now therefore, it is hereby ordered as follows:

1. Respondent's Motion for Summary Judgment is GRANTED.
2. Petitioner's Motion for Summary Judgment is DENIED.

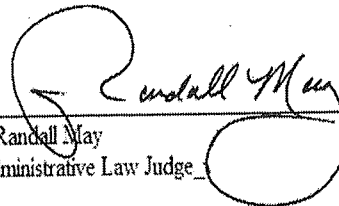
**NOTICE**

**This is a Final Decision** issued under the authority of N.C. Gen. Stat. § 150B-34.

Under the provisions of North Carolina General Statute § 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. § 150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of

receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 16th day of February, 2015.

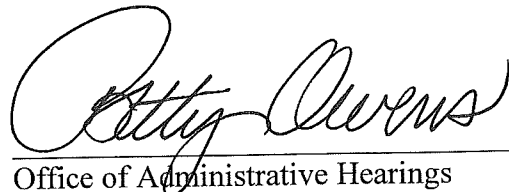
  
J. Randall May  
Administrative Law Judge

On this date mailed to:

BARRY K HENLINE  
ATTORNEY AT LAW  
1140 N LAKE PARK BLVD SUITE H  
CAROLINA BEACH NC 28428  
ATTORNEY FOR PETITIONER

TAMMERA S HILL  
ASSISTANT ATTORNEY GENERAL  
N.C. DEPARTMENT OF JUSTICE  
9001 MAIL SERVICE CENTER  
RALEIGH NC 27699-9001  
ATTORNEY FOR RESPONDENT

This the 16th day of February, 2015.

  
Office of Administrative Hearings  
6714 Mail Service Center  
Raleigh NC 27699-6714  
Telephone: 919/431-3000  
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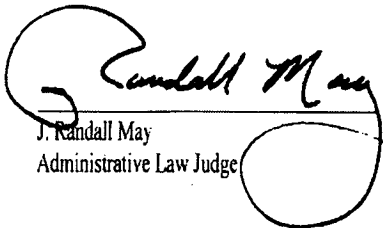
FREDDIE WAYNE HUFF II PETITIONER,  V.  NC DEPARTMENT OF PUBLIC SAFETY RESPONDENT.	<b>ORDER AMENDING FINAL DECISION</b>
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Pursuant to 26 NCAC 3.0129, for the purpose of correcting a clerical error, IT IS HEREBY ORDERED that the FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT FOR RESPONDENT, issued from this office on February 16, 2015, is amended to reflect the correct Notice:

**NOTICE**

This **Final Decision** is issued under the authority of N.C.G.S. § 150B-34. Pursuant to N.C.G.S. § 126-34.02, any party wishing to appeal the Final Decision of the Administrative Law Judge may commence such appeal by filing a Notice of Appeal with the North Carolina Court of Appeals as provided in N.C.G.S. § 7A-29 (a). The appeal shall be taken within 30 days of receipt of the written notice of final decision. A notice of appeal shall be filed with the Office of Administrative Hearings and served on all parties to the contested case hearing.

This the 13th day of March, 2015.

  
J. Randall May  
Administrative Law Judge

On this date mailed to:

BARRY K HENLINE  
ATTORNEY AT LAW  
1140 N LAKE PARK BLVD SUITE H  
CAROLINA BEACH NC 28428  
ATTORNEY FOR PETITIONER

TAMMERA S HILL  
ASSISTANT ATTORNEY GENERAL  
N.C. DEPARTMENT OF JUSTICE  
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This the 13th day of March, 2015.



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