

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
14SOS06624

<p>JAMEL BYRD-EL PETITIONER,</p> <p>V.</p> <p>STATE OF NORTH CAROLINA DEPARTMENT OF THE SECRETARY OF STATE RESPONDENT.</p>	<p>FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT FOR RESPONDENT</p>
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THIS MATTER is before J. Randall May, the undersigned Administrative Law Judge on Respondent's Motion for Summary Judgment and the undersigned, having considered the motion, the statement of facts, the legal memorandum filed by both parties and the whole record, hereby finds that Respondent's Motion for Summary Judgment should be GRANTED.

UNDISPUTED FACTS OF RECORD

1. On July 8, 2014, Petitioner submitted documents to Respondent with a NC Authentication Office Cover Letter requesting authentication of a document entitled "Legal Notice! Name Declaration, Correction Proclamation and Publication." The document's heading stated "The Moorish Divine and National Movement of the World."
2. On July 8, 2014, Respondent sent Petitioner a letter denying the authentication of Petitioner's documents pursuant to N.C. Gen. Stat. § 66-274. Respondent stated that it "shall not issue a certificate of authentication for a document that the Department has cause to believe to be desired for an unlawful or improper purpose or is contrary to public policy."
3. Petitioner's documents were denied authentication because they were believed to be used for an unlawful or improper purpose in that the documents attempted to change Petitioner's name in an unlawful manner and also affect his citizenship.
4. N.C. Gen. Stat. §§ 101-1 through 101-8 provide the proper procedure for changing one's name and the proper paper work to be completed.
5. Pursuant to N.C. Gen. Stat. § 66-274, "[t]he Secretary shall not issue a certificate of authentication for a document if the Secretary has cause to believe that the certificate is desired for an unlawful or improper purpose or is contrary to public policy."
6. Respondent denied authentication of Petitioner's documents based on N.C. Gen. Stat. § 66-274.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction of the subject matter and the parties herein under the General Statutes of North Carolina, Chapters 150B and 10B.
2. Respondent properly denied authentication of Petitioner's documents based on N.C. Gen. Stat. § 66-274.
3. There are no genuine issues of material fact in dispute. As such, summary judgment is appropriate.

FINAL DECISION

BASED UPON the foregoing undisputed facts of record and conclusions of law, the undersigned hereby orders and decrees as follows:

1. Respondent's denial of authentication of Petitioner's documents entitled "Legal Notice! Name Declaration, Correction Proclamation and Publication" is **AFFIRMED**.
2. Respondent's Motion for Summary Judgment is **GRANTED**.

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.

IT IS SO ORDERED.

This the 26th day of January, 2015.

J. Randall May
Administrative Law Judge