

**STATE OF NORTH CAROLINA**  
**COUNTY OF WAKE**

**IN THE OFFICE OF**  
**ADMINISTRATIVE HEARINGS**  
**15 DOJ 00212**

**RODRIGO ESTANOL,** )  
 )  
 )  
**Petitioner,** )  
 )  
**v.** )  
 )  
**N.C. CRIMINAL JUSTICE** )  
**EDUCATION AND TRAINING** )  
**STANDARDS COMMISSION,** )  
 )  
**Respondent.** )

**PROPOSAL FOR DECISION**

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On October 16, 2014, Respondent’s Probable Cause Committee found probable cause to suspend Petitioner’s certification as a probation/parole officer as a result of the commission of the DAC misdemeanor “Assault on a Female” in violation of N.C. Gen. Stat. § 14-33. In accordance with North Carolina General Statute § 150B-40(e), Respondent requested the designation of an Administrative Law Judge to preside at an Article 3A, North Carolina General Statute § 150B, contested case hearing of this matter.

Based upon the Respondent’s request, Administrative Law Judge Melissa Owens Lassiter heard this contested case in Raleigh, North Carolina on June 4, 2015. On June 19, 2015, Petitioner filed his proposed Proposal for Decision. On June 19, 2015, Respondent filed its proposed Proposal for Decision.

**APPEARANCES**

Petitioner: Sean P. Vitrano  
Attorney for Rodrigo Estanol  
Vitrano Law Offices, PLLC  
Post Office Box 1498  
Wake Forest, North Carolina 27588

Respondent: J. Joy Strickland  
Attorney for Respondent  
Department of Justice  
Law Enforcement Liaison Section  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001

## **ISSUE**

Did Respondent properly propose to suspend Petitioner's probation/parole officer certification for the commission of the DAC misdemeanor offense of "Assault on a Female?"

### **STATUTES AND RULES AT ISSUE**

N.C. Gen. Stat. §§ 14-33, 17C-6, 17C-10

12 NCAC 09G .0102(9)(g)

12 NCAC 09G .0504(b)(3)

12 NCAC 09G 0505 (b)(1)

### **FINDINGS OF FACT**

BASED UPON careful consideration of the sworn testimony of the witnesses presented at the hearing, the documents and exhibits received and admitted into evidence, and the entire record in this proceeding, the undersigned Administrative Law Judge makes the following Findings of Facts:

In making the Findings of Facts, the undersigned has weighed all the evidence, and has assessed the credibility of the witnesses by taking into account the appropriate facts for judging credibility, including, but not limited to, the demeanor of the witness, any interests, bias, or prejudice the witness may have, the opportunity of the witness to see, hear, know or remember the facts or occurrences, about which the witness testified, whether the testimony of the witness is reasonable, and whether the testimony is consistent with all other believable evidence in the case.

#### **Background**

1. Both parties are properly before this Administrative Law Judge, in that jurisdiction and venue are proper, both parties received notice of hearing, and Petitioner received by certified mail, the notification of probable cause to suspend probation/parole officer certification letter mailed by Respondent on December 3, 2014. (Respondent's Exhibit 7)

2. Respondent, North Carolina Criminal Justice Education and Training Standards Commission (hereinafter "Commission"), has the authority granted under Chapter 17C of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 09G, to certify correctional officers and probation/parole officers and to revoke, suspend, or deny such certification.

3. On November 1, 2011, Respondent issued a probationary certification as a correctional officer, and thereafter, issued Petitioner a general certification as a correctional officer on September 26, 2012. (Respondent's Exhibit 1)

4. From September 2011 until May 2013, Petitioner was employed as a correctional officer with North Carolina Department of Public Safety, Division of Adult Corrections. (Formerly NC Department of Corrections)

#### Adjudicated Facts

5. On May 4, 2013, Petitioner left his employment as a correctional officer at the North Carolina Correctional Institution for Women, and began employment as a Probation/Parole Office within the North Carolina Department of Public Safety's Division of Adult Corrections. ("NC DPS")

6. On May 16, 2013, Petitioner signed a Notice of Transfer form, Respondent's Form F-5D, advising Respondent that Petitioner was transferring from his correctional officer position to a probation/parole officer position. On May 21, 2013, the Division of Adult Correction's authorized representative, Lisa M. Murray, signed the Notice of Transfer/Form F-5D.

7. On August 28, 2013, Petitioner was charged criminally with the offense of "Assault on a Female" of victim Heather Estanol on August 26, 2013, in violation of N.C.G.S. § 14-33. Petitioner was found not guilty at the criminal trial of such charge in Wake County, file number 13 CR 221400. (Resp Ex 3)

8. On January 14, 2014, Respondent's Criminal Justice Coordinator at NC DPS, Tracy Gill, reported to Respondent that (1) Petitioner was charged on August 28 [sic], 2013 with "Assault on a Female," and (2) on December 11, 2013, Petitioner was found not guilty in Wake County Court of that charged offense.

9. On February 4, 2014, Respondent received Petitioner's Form F-5D from May of 2013. The Form F-5D stops the correctional officer's certification before the effective date of the new certification, and appoints the employee to the second certification. When Pulley received Petitioner's first Form F-5D, Respondent had notice that Petitioner had been charged with an "Assault on a Female" charge in August of 2013.

10. While it was unusual to receive a Form F-5D nine months after the date such form was signed, that scenario has occurred before in other cases. When Respondent's Correctional Coordinator Kim Pulley received Petitioner's May 2013 Form F-5D, the Form F-5D was missing (1) the effective date of Petitioner's transfer to the probation/parole position, and (2) verification of Petitioner's college degree.

11. On February 18, 2014, Pulley received a Revised Form F-5D from NC DPS noting Petitioner's effective date of transfer was 6/10/13, and verifying Petitioner's college degree. On February 26, 2014, Pulley received approval from Respondent's Richard Squires to approve Petitioner's request for probationary certification. Pulley notified NC DPS Tracy Gill that Petitioner's probation/parole officer certification had been approved, and that Respondent would issue Petitioner's probationary certification. "However, he is still under investigation with Kevin Wallace at this time." (Pet Ex 8)

12. On February 28, 2014, Pulley processed Petitioner's certification, and issued Petitioner a probationary certification as a probation/parole officer. Petitioner's probationary certification listed the effective date of such certification as February 27, 2014. Respondent's database system enters the day Pulley processed the certification as the effective date of certification. Pulley knew that Petitioner had been charged, and found not guilty of an "Assault on a Female." (Resp Ex 1, p 3) Petitioner's probationary certification expires one year after issuance. Respondent considered 6/10/13 as the effective date of Petitioner's transfer based upon NC DPS' notation of such transfer as 6/10/13, on the Form F-5D.

13. Respondent issued Petitioner's general certification as a probation/parole officer on June 10, 2014, with an effective date of June 10, 2014. (Pet Ex 10)

14. Kevin Wallace, an investigator with the Criminal Justice Standards Division, investigated the allegation of Petitioner's commission of the offense of "Assault on a Female." As part of his investigation, Wallace obtained a certified copy of the arrest warrant in this case, a copy of the Fuquay-Varina Police Department report concerning the allegation of "Assault On A Female" by Petitioner, and photographs of Ms. Estanol's injuries as documented by Officer Mindy Williams of the Fuquay Varina Police Department. (Resp Exs 3, 5-6)

15. Heather Estanol is Petitioner's ex-wife. She and Petitioner were married for 13 years, and have three children. In August of 2013, she and Petitioner were going through a separation, but no papers had been filed. Petitioner had bought a new home, but still came to the marital house sporadically. Sometimes, he would spend the night, though not on any set schedule. When Petitioner spent the night, Petitioner slept in the marital bedroom, while Ms. Estanol slept either on the couch, or in one of the children's rooms.

16. On August 26, 2013, Petitioner, his brother and sister, and the Estanol children ate dinner at the Estanol's marital home. Petitioner and Ms. Estanol argued before and after Petitioner's brother and sister left the home. After Petitioner's brother and sister left, Ms. Estanol went to her oldest daughter's room to sleep in order to minimize the arguing between she and Petitioner. She plugged her cell phone into the wall so that it could charge, and hid her phone underneath the pillow.

17. Around 11:00 pm that night, Petitioner came into her daughter's bedroom room, bent over Ms. Estanol, and kissed their daughter good night. Petitioner left the room, but re-entered about fifteen minutes later. Petitioner reached under Ms. Estanol's pillow, and placed his hand on top of Ms. Estanol's hand as Ms. Estanol held her cell phone. Petitioner pulled on Ms. Estanol's hand as Ms. Estanol held onto her cell phone. Ms. Estanol told Petitioner, "No, you can't have my phone." Petitioner pulled Ms. Estanol out of the bed as they struggled for the phone. Their daughter awakened, sat up in bed, and looked around. Petitioner told her to "shhh" and to lie back down which she did. As they continued to struggle over the phone, Petitioner pulled Ms. Estanol through the doorway, and toward the hallway. Before pulling Ms. Estanol out of the bedroom, Ms. Estanol's knees hit the bedroom door, and Petitioner slammed the door on Ms. Estanol's right arm, between the door and the doorframe. Petitioner pulled Ms. Estanol down the hallway while still holding onto the phone. They continued to struggle for the phone until they reached the master bedroom. Petitioner tried to pry Ms. Estanol's fingers from the phone, and Ms.

Estanol tried to pull the phone back. Petitioner finally stopped, and let go of the phone. Ms. Estanol went back to her daughter's room, locked the door, and slept in front of the door for the rest of the evening. Ms. Estanol's knuckles on her hands were bleeding. She developed bruises on her knees, arms, and legs. She took photos of her injuries that night, and the next day.

18. That night, Ms. Estanol contacted her mother to tell her that she had been assaulted, but did not call the police because she did not want to wake the children and cause a scene. She had planned to report the assault the next day on her lunch break but got scared. Instead, she developed the photos of her injuries she had taken that day and the night before. (Resp Exs 9a-9b)

19. On the second day after the incident, Ms. Estanol asked her boss for advice. She agreed to meet with the police at her workplace, and provided a statement to the police. Ms. Estanol just wanted the Petitioner to leave her alone.

20. At the time of the assault, Ms. Estanol was taking antibiotics and prednisone, and using an inhaler for bronchitis. Ms. Estanol was in a traffic accident, or "fender bender" on August 22, 2013 while driving her Hyundai. She was sitting in the left turn lane at a red light. When the light turned green, the car in front of her started to move, so she started to accelerate. When the car in front of her came to a sudden stop, she bumped into the back of that car. She did not receive any injuries from the accident, and the air bags did not deploy.

21. After the traffic accident, Ms. Estanol asked a male friend to come over and look at the damage to the vehicle. Petitioner was very upset about this, and argued about it with her in texts, calling her "loose" and other things. Petitioner had threatened to take away her phone, and that is why she had it close by the night of the assault. Petitioner had taken away her laptop, and turned off the internet so her cell phone was the only communication device that she had.

22. The August 22, 2013 traffic accident report indicated that Ms. Estanol's vehicle was traveling at approximately 5 mph at the time of impact, and neither party reported any injuries. The responding officer indicated that approximately \$400 in damage was estimated to Ms. Estanol's vehicle, and approximately \$200 in damage to the other vehicle. (Petitioner's Exhibit 12)

23. Lieutenant Chris Gathman is an officer with the Fuquay Varina Police Department for seven years who has been a law enforcement officer for a total of 16 years. On August 28, 2013, Lt. Gathman was dispatched to Ms. Heather Estanol's place of work regarding a possible assault. Lt. Gathman, Lt. Hinton, and Officer Mindy Williams responded to Ms. Estanol's workplace. Lt. Gathman saw some of Ms. Estanol's injuries. Officer Mindy Williams photographed Ms. Estanol's injuries.

24. Based on his interview with Ms. Estanol concerning her account of the assault by Petitioner, and the documentation of her injuries, Lt. Gathman believed that he had probable cause for an arrest warrant for Petitioner for "Assault on a Female" of Ms. Estanol. After Lt. Gathman appeared before a magistrate, the magistrate issued a warrant for Petitioner for "Assault on a

Female” for the incident involving Heather Estanol. At hearing, Gathman indicated that the portion of his report indicating that the assault occurred on August 28, 2013 was a typo.

25. Lt. Gathman has responded to, and investigated hundreds of traffic accidents in his career. He opined that Ms. Estanol’s injuries were not consistent with her being in a “fender bender” type accident as alleged by Petitioner.

26. Petitioner testified at the contested case hearing. He and Ms. Estanol separated in February of 2013. After that, he began moving some of his things out of the marital home, and into a new house he had purchased. During the summer of 2013, Petitioner went to the marital home 3 to 4 times a week, and slept alone in the master bedroom. For the past 6 years, Ms. Estanol had been sleeping on the living room couch.

27. On August 25, 2013, Petitioner went to the marital home around 12:00 p.m. to pick up his kids to see a movie. When Petitioner returned home at 4:00 p.m., Ms. Estanol began talking with Petitioner about fixing their relationship. Petitioner testified that Ms. Estanol began screaming at him as he went toward the garage. He left through the garage, and closed the door behind him. After leaving the house, Petitioner went to meet his brother and sister at a soccer game. Petitioner returned to the marital home after the game with his brother and sister who stayed for dinner. Ms. Estanol did not eat with them. After dinner, Petitioner began sorting his clothes in the garage. After his brother and sister left, he went into the home around 10:30 p.m. to pray with his kids. The two youngest children share a room, while the oldest daughter has her own room.

28. When Petitioner walked into his oldest daughter’s room, he saw his wife was sleeping on top of the covers next to their daughter. He bent over the bed, and put his hand on his daughter’s forehead to pray with her. His wife was between he and his daughter at the time. He stated that his wife became crazy saying that he never listened to her so he left the room. He contended he walked back to the master bedroom, and she followed him, but he shut the door behind him. Petitioner stated that he did not assault his wife, and there was no argument over Ms. Estanol’s cell phone.

29. Petitioner alleged that Ms. Estanol received her injuries from a car accident on August 22, 2013 while she was driving their Hyundai SUV. He also stated that Ms. Estanol often had bruises on her, because she was clumsy.

30. After this incident occurred, Ms. Estanol obtained an ex-parte domestic violence protective order. Subsequently, Petitioner and Ms. Estanol, by and through their attorneys, entered into a Consent Domestic Violence Order of Protection (hereinafter Consent DV Order). The Consent DV Order included, but is not limited to, the following Finding of Fact:

On 8/26/13, the defendant intentionally caused bodily injury to the plaintiff by attempting to grab her phone from under her pillow, pulling her by the arm. Plaintiff had multiple bruises following the altercation.

The Consent DV Order contained the following Conclusion of Law:

The defendant has committed acts of domestic violence against the plaintiff.

(Resp Ex 8)

31. The Consent DV Order included, but was not limited to, the following paragraph:

Defendant shall not turn off the electricity, water, gas, or cable, insurance or any other utilities to home until placed in Plaintiff's name and shall restore internet connection by 5:00 p.m. on today (9/5/13). . . Defendant shall return the laptop, modem, and all cords/accessories, etc. he removed from home on or about 8/25. All items shall be returned with SUV today. . .

(Resp Ex 8)

32. On or about September 3, 2013, Petitioner completed and signed an "Employee/Witness Statement Form" about the August 25 2013 incident, at his supervisor's request. This form contains the following language above the signature line:

I understand this statement will be considered part of the official investigation and that I may be called on to testify or provide written or verbal clarifying statements. The statement I have provided is an accurate account of the case to the best of my knowledge.

(Resp Ex 4) When Petitioner completed this form, he did not indicate that his wife had argued and screamed at him about getting back together, nor did he indicate that his wife's injuries were from a car accident that she had been involved in a few days before this incident, as Petitioner alleged at the contested case hearing. Instead, Petitioner indicated in his statement, that he believed "that the cause of the problem could be some medications that she [Ms. Estanol] was taking."  
(Resp Ex 4)

33. At the Respondent's probable cause hearing, Petitioner showed a picture of a wrecked pickup truck to the Probable Cause Committee. During his testimony at the subject hearing, Petitioner admitted that such photo was of a truck that Ms. Estanol wrecked after the alleged assault incident, not before. Respondent's counsel asked Petitioner why he showed that photo to the committee, when that was not the car involved in the accident that he said resulted in his wife's injuries. Petitioner said that he only showed the committee that photo, because the committee told him to give them all the documentation that he brought to the meeting. When asked why he thought the photo was significant to the committee's consideration, he again said that he only showed the committee, because the Committee said to give them all the documentation that he had brought to the meeting.

34. At the contested case hearing, Petitioner admitted that he signed the Consent DV Order, but noted that he did so at his attorney's advice, and he did not read it. When asked why the Judge would have ordered him to return the modem, computer, etc. and to restore the internet service, he claimed he did not understand why, because he had not done those things.

35. Respondent's counsel asked Petitioner why he did not include, in his statement to his supervisor, the information regarding the argument and the accident. Petitioner explained that he was frustrated, under a lot of stress, and he had a panic attack so he just wrote what was in his head. Furthermore, Petitioner indicated that no one assisted him in completing the witness statement for his supervisor. He walked into a room by himself and completed the statement.

36. Petitioner's testimony that he did not commit an assault on Heather Estanol, that Ms. Estanol's injuries were caused by a traffic accident she was involved in, and that her medication caused this problem was not credible in light of all of the evidence presented at the contested case hearing. First, Petitioner failed to present sufficient evidence to show that Ms. Estanol's August 22, 2013 traffic accident would have caused the type of injuries that she exhibited on August 28, 2013. Second, Petitioner failed to present sufficient evidence to establish that the medication Ms. Estanol was taking would have impaired her to any degree that would cause her to make a false allegation of assault. Third, Petitioner's statements were inconsistent, and refuted by Ms. Estanol's testimony. Ms. Estanol's statements were consistent with Lt. Gathman's statements. Finally, the documentation of Ms. Estanol's injuries taken the night the incident occurred, the next day, and again by the police two days after the incident, reflect injuries consistent with Ms. Estanol's account of an assault.

37. At hearing, Petitioner argued that the alleged commission of the "Assault on a Female" on or about August 26, 2103 did not occur after his certification as a probation/parole officer, because his probationary certification form for probation/parole indicated an effective date of February 24, 2014.

38. Ms. Kim Pulley explained that while Petitioner's probationary certificate listed November 1, 2011 as the effective date of such certification, the November 1, 2011 date is actually the date that she entered Petitioner's information into the Division's computer system. She is unable to override the entry date. Ms. Pulley explained that the Division considers the "date of appointment," listed on the revised Notice of Transfer/Form F-5D with the Division of Adult Correction (Resp Ex 2b), as the effective date of probationary certification. The Division's records show Petitioner achieved certification as follows:

Probationary certification as a correctional officer- September 26, 2011  
General certification as a correctional officer- September 26, 2012  
Probationary certification as a probation/parole officer - June 10, 2013  
General certification as a probation/parole officer -June 10, 2014

(Resp Exs 1 & 2c)

39. At hearing, Correctional Coordinator Kim Pulley explained that Petitioner has maintained certification by and through the Respondent since September 2011, but transferred

from a correctional officer to a probation/parole officer in 2013. As noted above, on February 4, 2014, Respondent received the original Notice of Transfer/Form F-5D transferring Petitioner from a correctional officer to a probation/parole officer. Petitioner signed the original Notice of Transfer/Form F-5D on or about May 16, 2013. On February 18, 2014, Respondent received the revised Notice of Transfer/Form F-5D for Petitioner. On the revised Form F-5D, the effective date of June 10, 2013 had been added, as well as information verifying Petitioner's education. (Resp Ex 2b)

40. The preponderance of evidence supports the conclusion that Petitioner committed the DAC misdemeanor offense of "Assault on a Female" in violation of N.C.G.S. § 14-33, by assaulting Heather Estanol, Petitioner's estranged wife, on August 26, 2013, by grabbing Ms. Estanol's cell, slamming Ms. Estanol's arm in a door, pulling and wrestling with Ms. Estanol over a phone, leaving cuts and bruises on Ms. Estanol's knees, legs and arms.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact and upon the preponderance or greater weight of the evidence in the whole record, the Undersigned makes the following:

1. The Office of Administrative Hearings has personal and subject matter jurisdiction over this contested case. The parties received proper notice of the hearing in this matter. To the extent that the Findings of Facts contain Conclusions of Law, or that the Conclusions or Law are Findings of Fact, they should be so considered without regard to the given labels.

2. The North Carolina Criminal Justice Education and Training Standards Commission has authority granted under Chapter 17C of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 9G, to certify correctional officers and probation/parole officers and to revoke, suspend, or deny such certification.

3. Pursuant to 12 NCAC 09G .0504(b)(3), the Commission "may suspend, revoke, or deny certification of a probation/parole officer when the Commission finds the applicant for certification or the certified officer ... has committed or been convicted of a misdemeanor as defined in 12 NCAC 09G .0102 after certification."

4. Pursuant to 12 NCAC 09G .0102(9), a "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Commission as the following as set forth in G.S. Or other state or federal law . . . (g) 14-33(c) Assault, battery with circumstances.

5. 12 NCAC 09G .0102 "DEFINITIONS" states:

The following definitions apply throughout this Subchapter only:

(1) "Commission of an offense" means a finding by the North Carolina Criminal Justice Education and Training Standards Commission or an administrative body

that a person performed the acts necessary to satisfy the elements of a specified offense.

6. Pursuant to 12 NCAC 09G .0505(b)(1), when the Commission suspends or denies the certification of a corrections officer (including probation/parole officers), the period of sanction shall be not less than three years; however, the Commission may substitute a period of probation in lieu of suspension of certification following an administrative hearing where the cause of sanction is ... commission or conviction of a misdemeanor as defined in 12 NCAC 09G .0102.

7. North Carolina General Statute § 14-33(c)(2) “Assault On A Female” states:

Unless the conduct is covered under some other provision of law providing greater punishment, any person who commits any assault, assault and battery, or affray is guilty of a Class A1 misdemeanor if, in the course of the assault, assault and battery, or affray, he or she:

Assaults a female, he being a male person at least 18 years of age.

N.C.G.S. §14-33(c) 2013.

8. In this case, the preponderance of evidence supports the conclusion that Petitioner committed the DAC misdemeanor offense of “Assault on a Female” in violation of N.C.G.S. § 14-33, by assaulting Heather Estanol, Petitioner’s estranged wife, on August 26, 2013, by grabbing Ms. Estanol’s cell, slamming Ms. Estanol’s arm in a door, pulling and wrestling with Ms. Estanol over a cell phone, leaving cuts and bruises on Ms. Estanol’s knees, legs and arms.

9. Based on the foregoing, findings of Respondent’s Probable Cause Committee are supported by substantial evidence, and are not arbitrary and capricious.

10. 12 NCAC 09G .0303 “PROBATIONARY CERTIFICATION” provides:

(e) The officer's Probationary Certification shall remain **valid for one year from the date the certification is issued** by the Standards Division unless sooner suspended or revoked pursuant to Rule .0503 of this Subchapter or the officer has attained General Certification.

(Emphasis added)

11. Pursuant to 12 NCAC 09G .0303(e), the effective date of Petitioner’s probationary certification to serve as a probation/parole officer was the actual date Respondent issued Petitioner’s probationary certification, i.e. February 27, 2014, not the date NC DPS indicated Petitioner’s employment began as a probation/parole officer. Therefore, Petitioner was not certified as a probation/parole officer on August 26, 2013 when he committed the “Assault on a Female” on his estranged wife, but continued to hold a general certification by Respondent as a correctional officer.

12. The preponderance of the evidence sufficiently supported a decision by Respondent to deny Petitioner's probation/parole officer certification under 12 NCAC 12 NCAC 09G .0504(b)(3), and 12 NCAC 09G .0505(b)(1) for committing the DAC misdemeanor offense of "Assault on a Female" in violation of N.C.G.S. § 14-33.

13. Assuming arguendo, that Respondent determines Petitioner's probationary probation/parole officer certification was effective 6/10/13, instead of February 27, 2014, the preponderance of the evidence sufficiently supported a decision by Respondent, under 12 NCAC 12 NCAC 09G .0504(b)(3), and 12 NCAC 09G .0505(b)(1), to suspend Petitioner's probation/parole officer certification for committing the DAC misdemeanor offense of "Assault on a Female" in violation of N.C.G.S. § 14-33.

### **PROPOSAL FOR DECISION**

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the Undersigned recommends Respondent deny Petitioner's probation/parole officer certification, or alternatively, suspend Petitioner's probation/parole officer certification for a period of not less than three (3) years based upon Petitioner's commission of the DAC misdemeanor of "Assault on a Female."

### **NOTICE**

The North Carolina Criminal Justice Education and Training Standards Commission will make the Final Decision in this case. 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. N.C.G.S. § 150B-40(e).

This 3<sup>rd</sup> day of August, 2015.

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Melissa Owens Lassiter  
Administrative Law Judge