

NORTH CAROLINA

OFFICE OF ADMINISTRATIVE HEARINGS

MECKLENBURG COUNTY

15 DOJ 4661

MICHAEL L. THOMPSON)
)
Petitioner)
)
v)
)
NC PRIVATE PROTECTIVE)
SERVICES BOARD)
)
Respondent)
 _____)

**PROPOSED FINAL
DECISION**

This matter coming on to be heard and being heard August 25, 2015, and the Petitioner appeared pro se, and the Respondent was represented by attorney Mr. Jeffrey P. Gray, and based upon the evidence presented and the arguments of the parties, the undersigned makes the following findings of fact:

1. Petitioner is a citizen and resident of Mecklenburg County, North Carolina, and applied to Respondent for a Private Investigator License.
2. Respondent Board is established pursuant to N.C. Gen. Stat. §74C-1, *et seq.*, and is charged with licensing and registering individuals engaged in the armed and unarmed security guard and patrol business.
3. Respondent denied the Private Investigator License due to lack of good moral character as evidenced by Petitioner’s unfavorable employment history.
4. Petitioner was notified by letter on April 29, 2015 that his application was denied.
5. Petitioner timely requested a hearing regarding the denial of the Private Investigator application.
6. Respondent’s background investigation revealed that Petitioner was employed by Charlotte-Mecklenburg Police Department from 2007 through 2014.
7. Petitioner advised Respondent-Investigator Sarah Conner that he left the employment of CMPD to spend time with his family.
8. Petitioner stated on question 25 in his application that he had never been “involuntarily dismissed, fired or allowed to resign in lieu of firing[.]” (Resp. Ex. 1).

9. Respondent's Investigator, Sarah Conner, inquired of Petitioner if he needed to alter or amend that answer. Petitioner responded that he did not need to change his answer to question 25 of his application.

10. Ms. Conner reviewed his employment file with CMPD on April 9, 2015.

11. Petitioner's employment file revealed that Petitioner had in fact resigned in lieu of termination.

12. A review of Petitioner's Internal Affairs file with CMPD revealed alleged policy violations, code of conduct violations, unauthorized use of department equipment, inaccurate reporting regarding work hours, and theft of money from a home owners' association.

13. Petitioner testified in this matter regarding his employment with CMPD and admitted to many of the violations uncovered in the background investigation, but offered insufficient evidence to demonstrate he has the good moral character necessary for issuance of the Private Investigator License.

Based upon the foregoing findings of fact, the undersigned concludes as a matter of law:

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter herein.

2. Under G.S. §74C-12(a)(25), Respondent may refuse to grant a registration if it determines that an applicant has demonstrated intemperate habits or lacks good moral character.

3. Good moral character has been defined as honesty, integrity, and respect for the rights of others and for the laws of the state and nation. *In Re Willis*, 288 N.C. 1, 10 (1975).

4. Respondent presented sufficient evidence that Petitioner's policy violations, code of conduct violations, unauthorized use of department equipment, inaccurate reporting regarding work hours, and theft of money from a home owners' association demonstrate that he has intemperate habits and lacks the good moral character necessary for issuance of a Private Investigator's license

5. Petitioner lacks the good moral character necessary for issuance of the license, and has failed to meet his burden.

Based upon the foregoing findings of fact and conclusions of law, the undersigned hereby recommends that Petitioner be denied issuance of the Private Investigator license.

NOTICE AND ORDER

The NC Private Protective Services Board 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).

The undersigned hereby orders that agency serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714.

This the 18th day of September, 2015.

Philip E. Berger, Jr.
Administrative Law Judge