

NORTH CAROLINA

OFFICE OF ADMINISTRATIVE HEARINGS

WAKE COUNTY

15 DOJ 4662

ALICIA CATHERINE NOLAN)
)
 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 Onslow County, North Carolina, and applied to Respondent for a Security Guard and Patrol 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 security guard and patrol business.
3. Respondent denied the Petitioner’s application due to lack of good moral character and temperate habits as demonstrated by Petitioner’s negative employment history.
4. Petitioner was notified by letter on October 27, 2014 that her application was denied.
5. Petitioner timely requested a hearing regarding the denial of her application.
6. Respondent’s evidence showed that Petitioner was employed by the North Carolina Department of Corrections as a correctional officer from 2005 until 2012.
7. Respondent reviewed Petitioner’s personnel file with DOC, which revealed that she was dismissed from her employment. The dismissal appears to have resulted from an internal investigation regarding video games in the control room and a written warning for dozing off in a patrol vehicle, along with declining performance reviews.

8. Respondent's Exhibit 2 provided Petitioner's response to these allegations, and Petitioner testified that there were personality conflicts with supervisors while she was at DOC.

9. Petitioner has worked with Federal Security Services in Swansboro, North Carolina for more than 4 years, where she has supervisory responsibility for more than 70 employees.

10. Mr. Walter Pylypiw, owner of Federal Security Services, testified that he has known the Petitioner for approximately 20 years. According to Mr. Pylypiw, she is a person of good character whom he trusts with running his business. Petitioner is left in charge of Federal Security when he is unavailable. In fact, Mr. Pylypiw intends for Petitioner to take over his business when he retires.

11. Mr. Pylypiw stated that Petitioner handled scheduling, site inspections, human resources, billing, and other essential business functions for the company.

12. Mr. Pylypiw recommended that Petitioner be granted the Security Guard and Patrol 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. Respondent presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through incidents that occurred while she was an employee with the Department of Corrections.

4. 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).

5. Petitioner presented sufficient evidence that she is in a position of trust and responsibility in the security industry, and that she is an honest, hard-working individual.

6. Petitioner has proven by a preponderance of the evidence that she is of good moral character and temperate habits.

Based upon the foregoing findings of fact and conclusions of law, the undersigned hereby recommends that Petitioner be issued a Security Guard and Patrol 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