

WAKE COUNTY

OFFICE OF ADMINISTRATIVE HEARINGS

15 DOJ 4663

SAMER MUNEEB AL-RUSSAN

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 Guilford County, North Carolina, and applied to Respondent for an unarmed guard permit.
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 unarmed guard registration due to lack of good moral character and temperate habits as demonstrated by Petitioner's criminal record.
4. Petitioner was convicted of two separate counts of Driving While Impaired in Guilford County, North Carolina on April 28, 2014 and December 3, 2014.
5. No other disqualifying evidence was presented.
6. Petitioner was notified by letter on May 22, 2015 that his application was denied due to these convictions.
7. Petitioner timely requested a hearing regarding the denial of this unarmed guard application.
8. Petitioner testified that he was going through a number of personal issues at this time, but had pulled his life together.

9. Petitioner was hired by Admiral Security Services in April, 2013.

10. Mr. Sam Witty, Director of Operations for the North Carolina Division of Admiral Security Services testified on behalf of the Petitioner.

11. By character-reference letter and through his testimony, Mr. Witty described Petitioner as a hard-working, trusted employee.

12. Mr. Witty also referred to the Petitioner as honest, and recommended that Petitioner be granted unarmed guard registration.

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. Under G.S. §74C-8(d)(2), conviction of any crime involving the illegal use of alcohol is prima facie evidence that the applicant does not have good moral character or temperate habits.

4. Driving while impaired is a crime involving the illegal use of alcohol.

5. Respondent presented evidence that Petitioner had demonstrated intemperate habits and lacked good moral character through two convictions for Driving While Impaired in Guilford County, North Carolina.

6. Petitioner, however, presented sufficient evidence that he is an honest, trustworthy, and hard-working individual, and possesses the good moral character and temperate habits sufficient for issuance of the license.

Based upon the foregoing findings of fact and conclusions of law, the undersigned hereby recommends that Petitioner be issued an unarmed guard registration.

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