

STATE OF NORTH CAROLINA  
COUNTY OF HARNETT

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
15SOS05173

<p>Chena Conroy Petitioner</p> <p>v.</p> <p>State of North Carolina Dept. of the Secretary of State Respondent</p>	<p><b>FINAL DECISION RESPONDENT'S MOTION FOR SUMMARY JUDGMENT</b></p>
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This matter is before the undersigned on the Motion of the Respondent for Summary Judgment / Final Decision, filed October 15, 2015.

Petitioner, an applicant for a Notary commission, filed a Petition challenging the Respondent's denial of her application on the grounds that she was "found guilty of (T) DWI – level 5, which is considered a crime of dishonesty or moral turpitude. ..."

N.C.Gen.Stat. § 10B-5(d)(2) provides that, "The Secretary may deny an application for commission ... if any of the following apply to an applicant: ... The applicant's conviction [of] any crime involving dishonesty or moral turpitude." By rule, driving under the influence is defined as a "crime of moral turpitude." 18 NCAC 07B .0201(10). Clearly, "driving under the influence" encompasses Driving While Impaired (DWI).

Consequently, it appearing that there is no issue of material fact, and that the Respondent is entitled to summary judgment as a matter of law, it is ORDERED, that the Petition must be, and hereby is DISMISSED.

**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.

This the 28<sup>th</sup> day of October, 2015.

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J. Randolph Ward  
Administrative Law Judge