

STATE OF NORTH CAROLINA
COUNTY OF WAYNE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
21 DOJ 04958

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| <p>Cianci Glaspie Jr., Petitioner,</p> <p>v.</p> <p>North Carolina Criminal Justice Education and Training Standards Commission, Respondent.</p> | <p>PROPOSAL FOR FINAL DECISION</p> |
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This case came on for hearing on March 21, 2022, before Administrative Law Judge Stacey Bice Bawtinheimer, in Goldsboro, North Carolina. This case was heard after Respondent requested, pursuant to N.C.G.S. § 150B-40(e) designation of an Administrative Law Judge to preside at the hearing of a contested case under Article 3A, Chapter 150B and Chapter 17C of the North Carolina General Statutes.

APPEARANCES

For Petitioner: Cianci Glaspie, Jr., *pro se*
510 Church of God Road
Goldsboro, North Carolina 27534

For Respondent: Erika N. Jones
Attorney for Respondent
North Carolina Department of Justice
Law Enforcement Liaison Section
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

ISSUE

Whether Petitioner's Concealed Carry Handgun ("CCH") Instructor certification should be suspended due to Petitioner's failure to teach on March 27, 2021 the CCH course for the required minimum of eight (8) hours of instructional time?

STATUTES AND RULES

N.C. Gen. Stat. §§ 150B-38 *et seq.*; N.C. Gen. Stat. § 150B-2(7a) & (8a)
12 NCAC 09F .0101 through .0106; 12 NCAC 09A .0207

WITNESSES

For Petitioner: Cianci Glaspie, Jr., Petitioner & CCH Instructor
Sabrina Dayle Rule, CCH Course Assistant

For Respondent: Robert Michael Brim, Field Investigator/Investigator
Angelica Maviki, In-House Investigator

EXHIBITS

For Petitioner (“Pet’s Ex.”): 1-5

For Respondent (“Resp’s Ex.”): 1, 3, 4, 6, 9, & 10

TRANSCRIPT

A transcript of the proceeding (referenced as “T p”) was received and filed into the record on April 22, 2022.

PROPOSED 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 **PROPOSED FINDINGS OF FACT**.

In making the **PROPOSED FINDINGS OF FACT**, the undersigned Administrative Law Judge has weighed all the evidence and has assessed the credibility of each witness 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.

1. Both parties are properly before this Administrative Law Judge, in that jurisdiction and venue are proper, both parties received notice of hearing, and that the Petitioner received by certified mail, the proposed suspension letter, mailed by Respondent, the North Carolina Criminal Justice Education and Training Standards Commission (hereinafter the “Commission”), on August 30, 2021.

2. The Commission has the authority granted under Chapter 17C of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 09F, to certify Concealed Carry Handgun (“CCH”) instructors and to revoke, suspend, or deny such certification under appropriate circumstances with valid proof of a rule violation.

3. The Commission must review and ensure that all submitted CCH courses meet or exceed the general guidelines. 12 NCAC 09F .0103.

4. Petitioner was first certified as a CCH instructor by Respondent on October 25, 2016. (T p 29)

5. On August 30, 2021, the Commission's Probable Cause Committee found probable cause to suspend Petitioner's CCH Instructor certification for one (1) year because: "on March 27, 2021, when on at least one occasion, you failed to teach the CCH course for the required minimum of eight (8) hours of instruction." (Resp's Ex. 10, p 1)

6. Although the suspension was based on the March 27, 2021 8-hour rule violation, other extraneous matters were raised by Respondent and testified about in this case. Respondent's witnesses questioned and testified about the appropriateness of Petitioner's use of metal targets, his promotion of LegalShield Insurance ("LegalShield"), the appropriateness of his YouTube video marketing, his failures to give CCH Manuals to his students, and his record keeping practices (sign-up sheets, rosters). None of these matters were stated grounds for suspension of his instructor certification. Moreover, none of these items violated the CCH Manual or the administrative rules governing CCH instructor certification.

7. This Proposed Final Decision will focus exclusively on the issue before this Tribunal, which is - did Petitioner on March 27, 2021 teach the CCH course for a minimum of 8-hours?

8. Petitioner credibly testified that, although he could not remember the exact start and end times, he taught the course for 8 hours. He stated that he has taught "this stuff a hundred, thousands of times." (T p 77). His assistant Sabrina Rule confirmed that the classroom instruction was 8 hours and stated, "he had the same speech every single time." (T p 61:14-17)

9. Because the course was held over a year ago, Assistant Sabrina Rule could not remember the exact times the March 27th course started and ended, but she credibly testified that Petitioner's CCH courses lasted 8 hours, but the handgun qualification portion varied based on the number of attendees. (T p 61:2-13) Respondent proffered no credible evidence that the March 27, 2021 course did not last 8 hours because neither the field investigator nor the in-house investigator had personal knowledge of when it actually ended.

10. With that framework in mind, a review of the general process for auditing the length of a CCH course is important because it was not followed in this case.

Investigator Brim's Normal Auditing Procedure for Allegations of Shortened Courses

11. Criminal Justice Standards Division Field Representative/Investigator, Robert Michael "Mike" Brim ("Investigator Brim"), conducts audits on behalf of the Standards Division on a weekly basis which includes auditing police departments, community colleges, and instructors. (T p 9)

12. According to Investigator Brim, these audits are always unannounced and, 90% of the time, the audits are prompted by complaints received by the Standards Division. Additionally, Investigator Brim testified that he is assigned at least one concealed carry handgun course audit per month. (T p 10)

13. Investigator Brim did not audit Petitioner's course consistent with his audit procedure for violations of the 8-hour instruction minimum.

14. In other cases when there were complaints about "a Joe fly-by-night instructor" "teaching short classes and then letting the students go," Investigator Brim would set up "surveillance" and "sit[s] in the woods and watches." (T pp 19:15-20:7)

15. Unlike other audits, Investigator Brim did not "set up surveillance"; he did not stay for the entire class; nor did he return at a later time to determine when the class actually ended.

The Normal Surveillance Procedure Was Not Used During Petitioner's Audit

16. Investigator Brim did not audit Petitioner's class because of complaints about the length of time the class was taught. He audited it because of complaints about Petitioner's use of metal targets, a practice not prohibited by the CCH Manual or administrative rules. Although not at issue, Petitioner explained that he only uses "angled steel" which is "safe because when the bullet hits it, it hits the ground." (T p 64:17-20) Petitioner uses metal target so the students could have a "reactive target [and] they can see their shots and hear them." (Resp't Ex. 4, p 1)

17. After receiving complaints regarding Petitioner's use of metal targets in his CCH course, Investigator Brim audited Petitioner's course on March 27, 2021 at the Sleep Inn in Mount Olive, North Carolina. (T pp 11-12) (Resp's Ex. 1)

18. Although Petitioner's course was scheduled to start at 10:00 a.m., Investigator Brim waited until 11:30 a.m. to enter the classroom because he wanted the instructor to get "into the meat of the class." (T p 15) Investigator Brim identified himself to Petitioner and told Petitioner he was there to observe on behalf of the Attorney General's Office.

19. Investigator Brim's version of the facts differed from Petitioner's with respect to what Brim said and how he conducted himself.

20. According to Investigator Brim, that morning, he sat in the back of the classroom and observed Petitioner talking about LegalShield materials for approximately 20 minutes before taking a break. Investigator Brim assumed that Petitioner was simply selling LegalShield Insurance for 2 hours and not teaching the CCH course. Petitioner credibly explained that he uses sections of the LegalShield handout to explain statutory law with respect to the use of deadly force and gun liability issues. (T pp 65:16-67:19) (Pet's Ex. 4) The purpose of this discussion was to instruct the students on the legal implications of gun use, home intrusion, and self-defense. (T p 67, 68) Petitioner also uses the handout to explain the differences between accidental and negligent discharge of a gun as well as to define what NFA means since it is referenced on a test question. (T pp 69-70)

21. Petitioner's use of the LegalShield handout is consistent with the topical areas required by 12 NCAC 09F .0102, which include 2 hours of legal issues. The legal issues must teach the student about the types of situations when the use of deadly physical force would be justified; the areas where the carrying of a concealed handgun is prohibited, the requirements for handgun storage, and law governing the carrying of a concealed handgun. 12 NCAC 09F .0102(1)(a-d).

22. During this break, Investigator Brim approached Petitioner and asked him when he would begin teaching the course material. (T p 15) (Resp's Ex. 1) Investigator Brim did not know that Petitioner incorporated the handout as part of his instruction of the course material. Investigator Brim assumed that Petitioner was simply trying to sell insurance.

23. Investigator Brim asked Petitioner how long he would teach after the break and Petitioner stated 2-3 hours and then the class would take a lunch break before meeting at the gun range. Investigator Brim then advised Petitioner that the concealed carry course must include a minimum of eight (8) hours of instruction time. (T p 16)

24. Based on his conversation with Petitioner, Investigator Brim concluded that Petitioner did not know that the CCH course required eight (8) hours of instruction time. (T pp 16-17) (Resp's Ex. 1, 3) However, in his YouTube video filmed, found during Investigator Maviki's investigation, Petitioner acknowledged that the CCH course length is 8 hours. Petitioner knew that the course length was 8 hours. Petitioner was challenging Investigator Brim's conclusion that the March 27, 2021 CCH course would not last 8 hours.

25. Investigator Brim next told Petitioner "I'm going to have to recommend that you be taken before the probable cause because you're not teaching this material properly." (T p 17:2-5) At that point, Investigator Brim had observed only 20 minutes of Petitioner's class. (T p 19:5-9)

26. After Investigator Brim told Petitioner his case would be sent to the Probable Cause Committee, Petitioner became upset and questioned what or who prompted this audit. Petitioner and Investigator Brim then had a "confrontation about who had called" and the reason for the investigation. (T p 21:11-13) Investigator Brim told Petitioner the Standards Division had received several complaints about his CCH course which further upset Petitioner. (T p 18) (Resp's Ex. 1) Petitioner asked Investigator Brim if the real reason for the audit was "because I [Petitioner] was successful and I'm black?" (T p 21:14-17) Investigator Brim admitted that he then "got upset" about Petitioner's accusations of racial discrimination and that he "cut the conversation off and left." (T p 21:18-19) Before he was cut off by Respondent's legal counsel, Investigator Brim also appeared upset during his testimony when he recounted the confrontation. (T 19:1-3)

27. In-House Investigator Angelica Maviki replaced Brim, took over the case investigation, and testified at the Probable Cause hearing. (T pp 21:20-22:4). Notably, Investigator Brim did not testify at the Probable Cause hearing.

28. Although Investigator Brim denied any discriminatory motive, his audit methodology and conclusions were questionable. Based on his 20-minute audit of Petitioner's class, Investigator Brim did not need more information to determine that the class was not 8 hours long. (T p 21:20-22) Investigator Brim's conclusion is based solely on his interpretation of Petitioner's remarks, not based on his personal knowledge. He simply did not believe Petitioner's assertion that the course was 8 hours long, but Investigator Brim did not "stake out surveillance" so he would have personal knowledge of the actual course length. Investigator Brim knew that Petitioner's class started at 10:00 a.m. that day. Instead of making assumptions, he could have simply returned 8 hours later to see if the class actually met the 8-hour instructional mandate.

29. Investigator Brim also focused on extraneous matters such as the use of metal targets and absence of the CCH Training Manual ("CCH Manual"). He thought it was odd that Petitioner did not have a copy of the CCH Manual with him in the classroom nor did any of the students have a copy of the manual. Investigator Brim testified that he had never been to another CCH course where every student did not have a red CCH Manual. (T pp 16, 23-24)

30. Investigator Maviki admitted that the instructors would have to purchase these Manuals for their students, and it was not a requirement for the course. According to the Concealed Carry Handgun Training General Outline in the CCH Manual, the only materials required to teach the course are a lesson plan, blackboard/easel, handgun/ammunition, and range equipment (eye and ear protection, targets). (Resp's Ex. 3, p 4)

31. Petitioner credibly explained his use of the LegalShield materials as a way of explaining the legal requirements for proper handgun use. Although Petitioner had a vested interest in selling the LegalShield Insurance, there was no evidence that class participation was affected by this practice; nor that it was prohibited by the administrative rules.

32. The quality of Petitioner's CCH course was not the reason for suspension, Petitioner submitted three positive Facebook reviews of his CCH course. (Pet's Ex. 1-3) However, none of these reviews provide any information relevant to the issue here – whether the course was taught at least 8 hours plus handgun qualification.

33. Based on Investigator Brim's investigation, the Probable Cause Committee did not have probable cause to suspend Petitioner's CCH instructor certification.

In-House Investigator Angelica Maviki's Investigation

34. Criminal Justice Standards Division Investigator, Angelica Maviki, received Petitioner's certification file on April 7, 2021 and began her investigation shortly thereafter. Investigator Maviki contacted Petitioner on April 12, 2021 and requested that he provide a class roster, sign-up sheet, and/or copies of the written exam. Investigator Maviki requested these documents so she could personally interview the 16 students present on the day of the audit and determine how long Petitioner's course was in session. Petitioner never provided any of these documents to Investigator Maviki (T pp 30-31), nor are such records required by the administrative rules. *See* "Instructor Responsibilities" 12 NCAC 09F .0105.

35. While these items may be best practices for CCH course instruction, there was no evidence that the rules, or the CCH Manual, required instructors: to have a sign-up sheet, maintain a roster of students, keep copies of completed exams, or keep copies of the physical targets.

36. At the hearing, Petitioner credibly explained that his students sign up on the internet and he does not take a roster at the beginning of the class and does not maintain copies of the completed written exams. Petitioner conceded that in the future he will have a sign-up sheet and maintain a physical roster of his students.

37. Investigator Maviki also reviewed Petitioner's Facebook and YouTube accounts. During her review, Investigator Maviki discovered a YouTube video in which Petitioner is promoting his CCH course and states that while the CCH course is eight hours on paper, "I do try to shorten the course up quite a bit." As a result, Investigator Maviki believed Petitioner was in willful violation of 12 NCAC 09F .0102 and .0105. (T pp 39, 42-43)

38. Petitioner testified that he was using a marketing strategy called "sales puffery" when he made the YouTube video. Petitioner indicated that although he advertised his course as being less than eight hours, once students arrived, he told them the class would be eight hours. Petitioner testified that while this "may be a moral concern," his course was consistent with the rules. (T pp 74-75, 88) Since then, Petitioner voluntarily removed the YouTube video.

39. It is not clear if Investigator Maviki questioned Petitioner about what he meant by his statement on the YouTube video before the Probable Cause Committee hearing.

40. Petitioner's case was presented to Respondent's Probable Cause Committee on August 12, 2021. (T p 43) (Resp's Ex. 9)

41. Respondent's Probable Cause Committee found probable cause to suspend Petitioner's CCH Instructor certification for one (1) year for Petitioner's failure "on March 27, 2021, when on at least one occasion, you failed to teach the CCH course for the required minimum of eight (8) hours of instruction." (Resp's Ex. 10, p 1)

42. Petitioner's two, unsworn, written statements to Investigator Maviki were inconsistent about how long he uses the LegalShield handout and the length of the legal issues portion. According to Investigator Brim, during his audit on March 27, 2021, Petitioner was discussing LegalShield almost two hours after the course began. (T p 91). In comparison, Petitioner's second written statement to Investigator Maviki, he spends 3-4 hours on the laws governing deadly force and then gives his class the written exam. After the exam, Petitioner spends 3-4 hours reviewing "all things involving a handgun." Petitioner then gives his students a lunch break. After lunch, Petitioner meets his students at a 25-acre ranch for handgun qualification. Petitioner stated, "This is how I teach all of my classes." (Resp's Ex. 4) The shooting portion may last 2-3 hours. (Resp's Ex. 4, p 3)

43. Petitioner also submitted a notarized statement dated June 1, 2021 to CCH Program Administrator Bob Overton. In this statement, Petitioner stated his courses are conducted in a consistent manner and the course runs from 9:00 a.m.-5:00 p.m. plus handgun qualification. In his

sworn statement, Petitioner states he covers legal issues and the laws governing deadly force for 3 hours. During this portion, Petitioner offers his students the opportunity to purchase LegalShield Insurance “to further protect themselves.” Petitioner stated after this 3-hour block dedicated to legal issues, the students take a written exam and then take a 5-minute break. Petitioner stated that he then covers “handguns, handgun safety, handgun marksmanship, handgun storage, handgun fieldstripping/cleaning, and ammunition” which takes 5 hours. Petitioner stated, “Once the classroom portion of the class is complete students then prepare for the shooting qualification.” (Resp’s Ex. 6) The shooting portion may last 2-3 hours. (Resp’s Ex. 4, p 3)

44. Due to these inconsistencies with respect to Petitioner’s written and sworn statements, as well as the YouTube video found during Investigator Maviki’s investigation, the Probable Cause Committee did have probable cause to discipline Petitioner. However, Petitioner credibly testified about these inconsistencies during his contested case hearing and proved by a preponderance of the evidence that he regularly taught his CCH courses for 8 hours and the March 27, 2021 class was no exception.

45. In fact, Petitioner may have exceeded the 8-hour time requirement because there are discrepancies between the CCH Manual and the administrative rules about what should be included during the 8-hour instruction period.

46. The CCH Manual reads that the hourly requirement of the CCH course is a “[m]inimum of Eight (8) plus Handgun Qualification.” (Resp’s Ex. 3 p 2) The Commission has interpreted the CCH Manual to mean that the CCH course must be taught for 8 hours, and that the Handgun Qualification portion is not included within the 8-hour instructional period. The CCH Manual is inconsistent with the administrative rule.

47. According to the administrative rule, the “Topical Areas” of mandatory instruction during the 8-hour CCH course are: legal issues (2 hours), handgun nomenclature, handgun safety, handgun fundamentals, marksmanship fundamentals, presentation techniques, cleaning and maintenance, and ammunition. 12 NCAC 09F .0102(1)-(8). The rule incorporates the “handgun qualification” section within the 8-hour course instructional period.

48. Regardless though on March 27, 2021, Petitioner conducted the CCH course for a minimum of 8 hours. Even if Petitioner did not instruct for exactly 8 hours on that one occasion, March 27, 2021, Petitioner credibly testified that he properly covered all the mandatory course material. Respondent does not assert otherwise.

49. Even if Petitioner did not comply with the 8-hour mandate on March 27, 2021, Respondent proffered no evidence of any date, other than March 27, 2021, that Petitioner violated the 8-hour instructional mandate. Suspending Petitioner’s instructor certification for, at best, a one-time violation is excessive and suggestive of ulterior motives.

50. In sum, Petitioner conducted the CCH course consistent with the guidelines of the administrative rules for CCH instruction.

PROPOSED CONCLUSIONS OF LAW

1. The parties are properly before the undersigned Administrative Law Judge and jurisdiction and venue are proper.

2. 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 of Law are Findings of Fact, they should be so considered without regard to the given labels.

3. In delivering the CCH training course, the CCH instructor shall “conduct the training consistent with the guidelines established in Rule .0102 of this Section,” which Petitioner did so in this case. 12 NCAC 09F .0105(7).

4. The administrative rule governing the guidelines and “Topical Areas” of the CCH course states:

TOPICAL AREAS

The course entitled “Concealed Carry Handgun Training” shall consist of eight hours of instruction and shall include the following identified topical areas:

(1) Legal Issues (two hours): The student shall be able to explain the following:

- (a) the types of situations when the use of deadly physical force would be justified;
- (b) list the areas where the carrying of a concealed handgun is prohibited;
- (c) the requirements for handgun storage under G.S. 14-315.1; and
- (d) the laws governing the carrying of a concealed handgun.

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(2) Handgun Nomenclature: The instructor shall identify to the students the primary parts of the revolver and semiautomatic handgun.

(3) Handgun Safety: The students shall be able to:

- (a) list at least four rules of safe gun handling and demonstrate all of these procedures during range exercises;
- (b) list four methods of safely storing a handgun and choose the method most appropriate for their personal use;
- (c) describe safety issues relating to the safe carry of a handgun; and
- (d) determine the proper storage of their handguns when there are minors in the home.

(4) Handgun Fundamentals: The instructor shall demonstrate to the students:

- (a) how to load both a revolver and a semiautomatic handgun;
- (b) how to unload both a revolver and a semiautomatic handgun; and
- (c) the operational characteristics of the revolver and the semiautomatic handgun.

(5) Marksmanship Fundamentals: The student shall be able to:

- (a) demonstrate a proper handgun grip;

- (b) demonstrate either the Weaver or Isosceles Stance;
 - (c) describe the elements of sight alignment and sight picture; and
 - (d) demonstrate trigger control in a dry fire exercise.
- (6) Presentation Techniques: The instructor shall demonstrate to the students the draw or presentation of the revolver and semiautomatic handgun with a variety of holster types.
- (7) Cleaning and Maintenance: The instructor shall demonstrate to the student:
- (a) how to "field strip" the handguns if the handgun can be field stripped;
 - (b) how to perform a "Function Check"; and
 - (c) based on the manufacturer's recommendations, list the lubrication points of the specific handguns being demonstrated.
- (8) Ammunition: The instructor shall list and explain the four components of ammunition.

12 NCAC 09F .0102 (emphasis in original)

5. Based on this rule, the 8 hours of CCH instruction includes the following identified topical areas: legal issues (2 hours), handgun nomenclature, handgun safety, handgun fundamentals, marksmanship fundamentals, presentation techniques, cleaning and maintenance, and ammunition. *See* 12 NCAC 09F .0102. The rule is silent about the number and duration of any breaks during the instruction period. But the rule does include, during the 8-hour period, range exercises and marksmanship fundamentals. *See* 12 NCAC 09F .0102 (3)(a) & (5).

6. The CCH Manual excludes the handgun qualification portion from the 8-hour instructional time. This exclusion is inconsistent with 12 NCAC 09F .0102. Procedural manuals are not rules and are not binding legal authority. N.C. Gen. Stat. § 150B-2(8a)(a). The administrative rule, not the CCH manual, is the legal mandate. *See Okale ex rel. Okale v. N. Carolina Dep't of Health & Human Servs.*, 153 N.C. App. 475, 478, 570 S.E.2d 741, 743 (2002) (holding that a manual is a nonbinding statement from the agency which defines, interprets, and explains the statutes and rules); *Joyner v. N. Carolina Dep't of Health & Human Servs.*, 214 N.C. App. 278, 291, 715 S.E.2d 498, 507 (2011) (holding, *inter alia*, that a manual does not have a binding effect).

7. The Commission is responsible for ensuring that approved CCH courses meet the guideline in 12 NCAC 09F .0102. 12 NCAC 09F .0103. In addition, modifications of any course must be submitted by the instructor for review by the Commission by mailing the course description to the Commission. 12 NCAC 09F .0103(c). The Commission had to have approved Petitioner's course description before he could have taught the CCH course.

8. Instructors are required to file a copy of the proposed firearm course description, outline, and proof of instructor certification and any modifications. 12 NCAC 09F .0105(2) & (3). Questions have arisen about Petitioner's LegalShield handout. As a result of the investigation, Petitioner emailed a course description to the Commission's Program Administrator Bob Overton on June 1, 2021. Resp. Ex. 6 (receipt stamped June 2, 2021).

9. "The Commission shall deny, suspend, or revoke the certification of instructor status if the Commission finds that the instructor failed to meet or maintain the required course

and instruction standards approved by the Commission as set forth in 12 NCAC 09F .0102 or 12 NCAC 09F .0105.” 12 NCAC 09F .0106(c)(1). Petitioner’s instruction properly met the administrative rule standards.

10. Because of Petitioner’s YouTube video, which has since been discontinued, the innuendo in part, suggested that one of the underlying grounds for suspension was that Petitioner lacked “good moral character.” The lack of “good moral character” can be grounds for disciplinary action for justice officers. *See* 12 NCAC 09G .0206. It is, however, not a basis for denying, suspending, or revoking a CCH instructor’s certification. *Compare* 12 NCAC 09F .0106(c)(1).

11. A preponderance of the evidence presented at the administrative hearing establishes that Petitioner did not violate 12 NCAC 09F .0102 or 12 NCAC 09F .0105(7) on March 27, 2021; that he conducted the Concealed Carry Handgun course for the minimum eight (8) hours of instruction; and that he otherwise maintained the required course and instructional standards.

12. The Probable Cause Committee’s decision to suspend Petitioner’s CCH instructor certification should be reversed.

PROPOSAL FOR DECISION

Based on the foregoing Proposed Findings of Fact and Conclusions of Law, it is hereby proposed that the Probable Cause Committee’s decision to suspend Petitioner’s Concealed Carry Handgun instructor certification should be **REVERSED** and his CCH instruction certification should not be suspended.

NOTICE

The **North Carolina Criminal Justice Education and Training Standards Commission** 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 to serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6700.

IT IS SO PROPOSED.

This the 31st day of May, 2022.



Stacey Bice Bawtinheimer
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center which subsequently will place the foregoing document into an official depository of the United States Postal Service:

Cianci Glaspie Jr.
510 Church of God Road
Goldsboro, NC 27534
Petitioner

Erika N. Jones
NC Department of Justice
enjones@ncdoj.gov (served electronically on May 27, 2022)
Attorney For Respondent

This the 31st day of May, 2022.



Christine E. Cline
Law Clerk
N.C. Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285
Phone: 919-431-3000