

STATE OF NORTH CAROLINA  
COUNTY OF DURHAM

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
23 DOJ 05109

ALEX ABOUSSLEMAN,

Petitioner,

v.

PROPOSED FINAL AGENCY  
DECISION

NORTH CAROLINA SHERIFFS'  
EDUCATION AND TRAINING  
STANDARDS COMMISSION,

Respondent.

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THIS MATTER was commenced by a request filed on December 8, 2023, with the Director of the Office of Administrative Hearings for the assignment of an Administrative Law Judge. Notice of Contested Case Assignment and Order for Prehearing Statements (23 DOJ 05109) were filed on December 11, 2023. The parties received proper Notice of Hearing, and the Administrative Hearing was held in Raleigh, North Carolina on June 27, 2024, before the Honorable Michael C. Byrne Administrative Law Judge.

The Petitioner was represented by Daniel Meier. The North Carolina Sheriffs' Education and Training Standards Commission (hereinafter the Commission or Respondent) was represented by Assistant Attorney General J. Joy Strickland.

On August 27, 2024, Judge Byrne filed his Proposal for Decision. On August 28, 2024, counsel to the Commission sent by certified mail a copy of the Proposal for Decision to the Petitioner with a letter explaining Petitioner's rights: (1) to file exceptions or proposed findings of fact; (2) to file written argument; and (3) the right to present oral argument to the Commission.

This matter came before Commission for entry of its **Final Agency Decision** at its regularly scheduled meeting on November 21, 2024.

Having considered all competent evidence and argument and having reviewed the relevant provisions of Chapter 17E of the North Carolina General Statutes and Title 12, Chapter 10B of the North Carolina Administrative Code, the Commission, based upon clear, cogent and convincing evidence, does hereby make the following:

## FINDINGS OF FACT

### Parties and Witnesses

1. Petitioner Alex William Aboussleman holds a general certification as a deputy sheriff from Respondent. (Res. Ex. 1). Petitioner's testimony was partially credible and partially not credible.
2. Respondent North Carolina Sheriffs' Education and Training Standards Commission has authority under Chapter 17E of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 10B, to certify justice officers and to revoke, suspend, or deny such certification when legally appropriate.
3. Melissa Bowman is an investigator for Respondent. She has been employed for two years and has prior experience as an investigator for other State and local agencies. Bowman was a credible witness.
4. Officer Tyler Ray is an officer with the Durham, NC Police Department. Ray was a credible witness.
5. Officer Cassandra Ferraro is an officer with the Apex, NC Police Department. Ferraro has over ten years of law enforcement experience with the Apex Police Department and other agencies. Ferraro was a credible witness.
6. Autumn Elder was the alleged victim of an "Assault on a Female" charge against Petitioner.<sup>1</sup>The Administrative Law Judge found that Elder was not a credible witness.
7. Rick Sisson is the stepfather of Petitioner's former spouse, Alison Aboussleman. Sisson was the alleged victim of a "Cyberstalking" criminal offense by Petitioner. The Administrative Law Judge found that Sisson was not a credible witness.
8. Alison Aboussleman is the former spouse of Petitioner and was the alleged victim of a "Cyberstalking" and "Harassing Phone Call" criminal offense by Petitioner. Alison Aboussleman was generally a credible witness, though clearly adverse to Petitioner.

### Petitioner's Work and Pertinent Personal History

9. Petitioner began work for the Durham County Sheriff's Office as a detention officer and was certified as such by Respondent in 2013. (Res. Ex. 2). In the ensuing years Petitioner served in more advanced positions as a certified deputy sheriff with the same agency (Res. Ex. 1). There is no evidence that prior to the events here Petitioner had discipline or performance issues connected with his work.

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<sup>1</sup> Elder testified that her surname has changed since the events of this case. To avoid confusion, the Tribunal refers to the witness as "Elder."

10. Petitioner, until the events here, had no criminal history other than minor traffic offenses. There was evidence at the hearing that Petitioner later received a traffic charge, subsequently dismissed. That charge was for hit and run at an ABC Store in Durham County. However, that charge occurred after the probable cause determination and there is no evidence it was considered by Respondent's Probable Cause Committee.
11. Petitioner was married to Alison Aboussleman on June 28, 2014, and they have one child from the marriage. (Res. Ex. 10). Identification of the minor child is not necessary to resolve this case. Petitioner and Alison Aboussleman were divorced on November 21, 2021.
12. Following his separation from Alison Aboussleman, Petitioner entered into an on-again/off again romantic relationship with Elder.

### **"Assault on a Female" Criminal Charge**

13. On April 26, 2022, the Apex, NC Police Department responded to a domestic incident at Elder's residence. Ferraro was the investigating officer. (Res. Ex. 3).
14. Ferraro and her assisting officers investigated the incident and interviewed all persons present. Of the persons interviewed, only Petitioner and Elder testified at the contested case hearing. The narrative in Ferraro's incident/investigation report (Res. Ex. 3) is a model of clarity, as was Ferraro's testimony at the contested case hearing corroborating her report.
15. Petitioner and Elder told Ferraro widely divergent stories about the origination of the incident. Petitioner said the altercation began when he and Elder were discussing a hypothetical "end of the world" scenario and Elder became upset and physically attacked him. Elder said she was in her bedroom saying a prayer and that Petitioner entered the room and physically attacked her when she was unable to give Petitioner the location of his keys. Petitioner testified that he recalled Elder being a position in the bedroom in which it appeared she was praying.
16. Petitioner's actions in the incident as noted in Ferraro's report and his testimony at trial were generally, if not completely, consistent. Elder, however, testified at trial that the incident began when Petitioner allegedly showed Elder a video of "how he was going to kill her." This allegation appears nowhere in Ferraro's report, which, as noted, gives a significantly different origin story for the incident on Elder's part.
17. In summary, Petitioner told Ferraro, and so testified at trial, that Elder attacked him. Petitioner also testified that he went to Elder's home that night, bringing along his minor child, to end the relationship. However, that Petitioner came to Elder's home equipped to spend the night there, as he also testified, does not square well with his claims that went there to "end the relationship," and is not credible.

18. Ferraro did not immediately notice any marks, cuts, or bruises on Elder (Res. Ex. 3 and Ferraro testimony). Ferraro “did not see any bruises or marks anywhere on her face. I did see what appeared to be scratch marks on the left side of her face/neck, which could have been from her own nails.” (Id.)
19. Per Ferraro’s report, both Elder and Petitioner appeared to be intoxicated when the investigating officers arrived at Elder’s residence.
20. Elder claimed (as stated in Ferraro’s report, and as Elder testified similarly at trial), that Petitioner subjected her to a prolonged and violent physical assault that included punching Elder repeatedly in her face with his fists and with a “Roomba” vacuum. Elder also told officers that Petitioner had attacked her by “putting her in a chokehold and dragging her downstairs,” and testified that Petitioner had choked or strangled her during the incident. (Res. Ex. 3).
21. However, when Ferraro interviewed Elder about the alleged choking or strangling in the course of doing a “Lethality Assessment,” she told Ferraro, as Ferraro confirmed in her testimony, “[Elder] stated, ‘no choking happened tonight.’ I asked her again and [Elder] again stated that there was no choking involved in today’s incident.” (Res. Ex. 3). When questioned about this inconsistency by the Tribunal, Elder claimed she “could not remember” making the statements. The ALJ found that this was not credible given the detailed descriptions Elder otherwise provided in her testimony.
22. Ultimately, neither Ferraro nor her fellow officers could determine the primary aggressor. (Res. Ex. 3). The officers decided not to arrest either party. Both Petitioner and Elder were charged with Simple Assault. Subsequently, a person or persons unknown, presumably the Wake District Attorney’s Office, “upgraded” Petitioner’s charge to Assault on a Female. All criminal charges related to the incident were ultimately dismissed.
23. Ferraro did not find the versions of events told by either Petitioner or Elder to be particularly credible.
24. Like the professionally trained police officers who investigated the incident, the Tribunal could not determine who was the aggressor in the incident involving Petitioner and Elder.
25. The account provided by Elder and Petitioner are diverse. Regardless, the evidence is that they were engaged in an altercation in which Petitioner held Elder down on the floor and she had photographs depicting her injuries.
26. Elder subsequently obtained a civil “Domestic Violence Protective Order” against Petitioner. (Res. Ex. 6). Petitioner in June 2022 entered into an agreement with Elder to pay certain medical bills claimed by Elder. This agreement stated (among other conditions) that “Neither the negotiation, undertaking, or execution of this Agreement

shall constitute an admission of guilt by either party.” Id.

27. Petitioner made at least one payment under this agreement and testified that he made a second one. Elder testified that Petitioner refused to pay other bills she submitted.
28. The Durham County Sheriff’s Office terminated Petitioner’s employment on September 26, 2022. (Res. Ex. 1A).
29. In its Report of Separation submitted to Respondent (Res. Ex. 1A), the Durham County Sheriff’s Office checked “No” to the question, “Was this separation a result of a criminal investigation or violation of Commission rules?” The Durham County Sheriff’s Office checked “Yes” on the same form to the question, “Are you aware of any on-going or substantiated internal investigation regarding this officer in the past 18 months?”

**“Harassing Phone Call” and “Cyberstalking” Charges**

30. Petitioner, Sisson, his ex-mother-in-law (who did not testify) and Alison Aboussleman had a “group text” set up. The primary purpose of this group text was parenting-related communications for the child of Petitioner and Allison Aboussleman.
31. The relationship between Petitioner and Sisson was, per the testimony of both men, merely cordial at best.
32. Alison Aboussleman has known Petitioner since 2011. They were married from June 2014 until their divorce in November 2021. Per Alison Aboussleman, her post-divorce relationship with Petitioner was initially cooperative but deteriorated over time.
33. The Tribunal found as a fact that March 23, 2023, Petitioner sent multiple text messages to the group text (Res. Ex. 7) (the “March 23 messages”). The Tribunal also found as a fact that Petitioner sent 25-28 text messages to the group text on that date, including two images of Alison Aboussleman that he took a screen shot of from a video she had posted on social media.
34. Respondent’s Probable Cause Determination (Res. Ex. 11) states that “Specifically, on or about March 23, 2023, you unlawfully did repeatedly telephone Alison Aboussleman and sent over forty text messages after being told to stop.” Allison Aboussleman and Rick Sisson testified that they told Petitioner to stop and to only communicate with them about Allison and Alex’s son.
35. Many of the March 23 messages were, by the standards of any reasonable person, boorish and insulting. Petitioner admitted at trial that the language he used in the March 23 messages was inappropriate.
36. When Petitioner sent the March 23 messages, he was angry because he believed the

recipients were preventing him from seeing his son.

37. The majority of Petitioner's March 23 messages, by their wording, refer to or are directed to Sisson. For example:
  - a. 8:34 PM: *I think he will feel especially strong about what a bitch that Rick is.*
  - b. 8:45 PM: *Fuck you, Rick. Bitch ass wuss fucktard.*
  - c. 8:50 PM: *I'm going to call Dick one more time, right now.*
  - d. 8:54 PM: *He won't even answer his phone because he's being such a huge bitch.*
38. Of the 28 March 23 messages, only eight by their plain wording are addressed directly to Alison Aboussleman. The balance of messages appears to be directed at Sisson. Alison Aboussleman testified that on the same date, Petitioner called her approximately 25-30 times and texted her individually around 30 times, in addition to the texts he sent the group.
39. In response to inquiries from the Tribunal, Petitioner stated that he "could have" consumed alcohol at the time he sent the March 23 messages. This answer was evasive at best.
40. At no time in the March 23 messages did any recipient respond and ask Petitioner to stop texting, though Alison Aboussleman early in the March 23 messages replied that she had previously called the police on Petitioner "Because you are harassing me and my family and emotionally abusing our son." Alison and Rick Sisson testified they told Petitioner not to communicate with them unless it was about Alison and Alex's son. (Res. Ex. 7).
41. Alison Aboussleman subsequently made a criminal complaint against Petitioner in reference to the March 23 messages that resulted in Petitioner being charged on March 30, 2023, with the criminal offenses of "Harassing Phone Call" in violation of N.C.G.S. 14-196(a)(3) and "Cyberstalking" in violation of N.C.G.S. 14-196.3 (Res. Ex. 8).
42. The warrant for the Alison Aboussleman charges alleged that on or about March 23, 2023, Petitioner "unlawfully and willfully did telephone Alison Aboussleman repeatedly for the purposes of annoying, harassing [sic] Alison Aboussleman at the called number." In addition, the warrant alleges Petitioner "unlawfully and willfully did electronically communicate to Alison Aboussleman repeatedly for the purpose of annoying, terrifying, harassing Alison Aboussleman." (Res. Ex. 8)
43. Sisson, approximately seven weeks later, also made a criminal complaint against Petitioner in reference to the March 23 messages. This resulted in Petitioner being charged on May 15, 2023, with "Cyberstalking" in violation of N.C.G.S. 14-196.3 (Res. Ex. 8).

44. The warrant for the Sisson charges, again issued May 15, 2023, alleged that on or about March 30, 2023 Petitioner “unlawfully and willfully did electronically communicate to Rick Charles Sisson repeatedly for the purposes of abusing Rick Charles Sisson.” Id.
45. Following his dismissal from Durham County Sheriff’s Office, Petitioner obtained employment with the Person County Sheriff’s Office as a bailiff. On May 30, 2023, while working in Person County, Petitioner was called to his captain’s office.
46. When Petitioner reported as directed, he was arrested on the “Harassing Phone Call” and “Cyberstalking” charges. Person County deputies took Petitioner to the Durham County line, where Durham County deputies transported Petitioner to the county detention facility (Res. Ex. 8), “Arrest Report.”
47. The Person County Sheriff’s Office terminated Petitioner’s employment after his arrest.
48. Petitioner entered into a consent order (Res. Ex. 10) where he agreed to avoid contact with Sisson and Alison Aboussleman and stay at least 1,000 feet away from them.
49. All criminal charges against Petitioner stemming from the March 23 messages and repeated phone calls to Alison Aboussleman were ultimately dismissed (Res. Ex. 8). The documents note as the reason for dismissal, “Protective Order in place. Victim does not wish to proceed.” Id.
50. Sisson could not point to any insulting or harassing texts made to him by Petitioner between the March 23 messages and his May criminal complaint against Petitioner. Sisson did not personally feel threatened or harassed by the March 23 messages. Sisson initiated the May criminal charge against Petitioner because he “Wanted to add a little fuel to the fire for the custody thing” between Petitioner and Alison Aboussleman.
51. The Administrative Law Judge found that Sisson’s criminal complaint against Petitioner made with the intent of initiating a criminal charge to influence the apparent custody disputes between Petitioner and Alison Aboussleman and not out Sisson’s legitimate belief that he was the victim of a crime.

**Petitioner’s Relevant Actions After the Criminal Charges**

52. Petitioner is in counseling and attended the “Strong Fathers” programs, “working on myself trying to take care of myself mentally and physically.”
53. Petitioner also voluntarily underwent a mental health and alcohol assessment after the charges, but said that he did so because “I knew they were going to ask me to do

it.” T 121. Petitioner testified that he doesn’t think he is “irresponsible” when he drinks and said “I think it’s very controllable. I’m responsible when I drink alcohol.” T 215-216. Contrary to that assertion, all of the incidents here appear to have occurred when Petitioner was consuming alcohol.

### **Respondent’s Investigation of the Criminal Charges**

54. Following its receipt of the Durham County Sheriff’s Report of Separation, Respondent assigned Bowman to investigate Petitioner’s matters. She spoke with the Durham County Sheriff’s Office, interviewed Petitioner and the investigating officers on the assault charge, and reviewed the police report for the criminal charge of Assault on a Female.
55. Petitioner timely informed Respondent of the later charges stemming from the March 23 messages. Bowman interviewed Petitioner and the alleged victims about these charges and obtained documentation held by all parties involved.
56. Bowman prepared a report of her investigation and presented it to Respondent’s Probable Cause Committee.
57. Bowman performed her investigative duties in this case in a professional and ethical fashion.
58. Respondent’s Probable Cause Committee found that Petitioner “committed” the Class B misdemeanor of “Assault on a Female” and two counts of “Cyberstalking” and one count of “Harassing Phone Calls.” Respondent’s Probable Cause Commission also found that Petitioner lacked good moral character as a result of these incidents (Res. Ex. 11).
59. Respondent’s Exhibit 11 also alleges that Petitioner’s conduct with Elder and the March 23 messages “results in a combination of misdemeanors” permitting revocation of Petitioner’s certification under 12 NCAC 10B .0204 (d)(3). “The Commission may revoke, suspend or deny the certification of a justice officer when the Commission finds that the applicant for certification or the certified officer has committed or been convicted of: ... (3) four or more crimes or unlawful acts defined in 12 NCAC 10B .0103(17)(b) as Class B misdemeanors regardless of the date of commission or conviction... .”

Based on these Findings of Fact, the Commission makes the following:

### **CONCLUSIONS OF LAW**

1. The Office of Administrative Hearings had jurisdiction over this contested case pursuant to N.C.G.S. 150B, Article 3A, following a request from Respondent under



N.C.G.S. 150B-40(e) for an Administrative Law Judge to hear this contested case. In such cases the Tribunal sits in place of the agency and has the authority of the presiding officer in a contested case under Article 3A. The Tribunal makes a proposal for decision, which contains findings of fact and conclusions of law. Respondent makes the final agency decision. N.C.G.S. 150B-42.

2. The parties were properly before the Tribunal, in that jurisdiction and venue was proper, and both parties received Notice of Hearing.
3. It is not necessary for the ALJ or Commission to make findings on every fact presented at the hearing, but rather those which are material for resolution of the present dispute. Flanders v. Gabriel, 110 N.C. App. 438, 440, 429 S.E.2d 611, 612, (1993), affirmed, 335 N.C. 234, 436 S.E.2d 588 (1993).
4. To the extent the Findings of Fact contain Conclusions of Law, or vice versa, they should be so considered without regard to the given labels. Matter of V.M., 273 N.C. App. 294, 848 S.E.2d 530 (2020).
5. The question presented by this case is whether Petitioner "committed" certain criminal offenses and whether he presently possesses the good moral character required of law enforcement officers in North Carolina.
6. This case involves a proposal to revoke an occupational license or certification. It thus affects the substantive rights of the Petitioner, and he is entitled to both notice and an opportunity to be heard. Scroggs v. N. Carolina Criminal Justice Educ. & Training Standards Comm'n, 101 N.C. App. 699, 701, 400 S.E.2d 742, 744 (1991).

#### **"Commission" of a Criminal Offense**

7. Petitioner was not convicted of any criminal offense at issue in a court of law. Thus, it is necessary to show that Petitioner "committed" the criminal offenses.
8. "Commission" as it pertains to criminal offenses means a finding by the North Carolina Sheriffs' Education and Training Standards Commission or an administrative body, pursuant to the provisions of N.C.G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense. 12 N.C. Admin. Code 10B.0103(16); see also 12 NCAC 10B .0307
9. In determining whether a person "committed" a crime, Respondent does not "attempt to interpret North Carolina's criminal code," but instead must "**use pre-established elements of behavior** which together constitute [a criminal] act. **The Commission relies on the elements of each offense, as specified by the Legislature and the courts.**" Mullins at 347, 302 (emphasis supplied).

#### **Burden of Proof**

10. The burden of proof for cases under Article 3 of the Administrative Procedure Act, N.C.G.S. 150B, is allocated by statute. See N.C.G.S. 150B-25.1. There is no statutory allocation of the burden of proof in administrative actions arising out of Article 3A of the APA. While N.C. Gen. Stat. § 150B-40 enumerates the powers of the presiding officer, including an Administrative Law Judge in Article 3A cases, such statute does not address which party has the burden of proof in an Article 3A contested case hearing. Neither has the North Carolina Constitution nor the General Assembly addressed the burden of proof in Article 3A cases. However, the Commission has consistently held that Petitioner has the burden of proof in the case at bar as does a petitioner in an Article 3 case. Overcash v. N.C. Dep't. of Env't & Natural Resources, 179 N.C. App 697, 635 S.E.2d 442 (2006) (stating that “the burden of proof rests on the petitioner challenging an agency decision”). If a reviewing court places the burden on the Respondent, it has met its burden.

#### **“Assault on a Female” Charge**

11. The elements of the crime of assault on a female are: assault upon a female person by a male person who is at least eighteen years old at the time of the charged offense. State v. Wortham, 318 N.C. 669, 669, 351 S.E.2d 294, 295, 1987 N.C. LEXIS 1741.
12. There is substantial evidence in the record that Petitioner committed an assault on a female on Autumn Elder. It is undisputed that the two engaged in a verbal and physical assault during which Petitioner held Elder down on the floor and assaulted her during which pictures were knocked off the wall. While the charges were dismissed by the District Attorney, originally the charges against Elder were dismissed, then the charges against Petitioner were raised from simple assault to assault on a female.

#### **14-196 “Harassing Phone Calls” Charge**

13. In this case, there is no dispute that Petitioner sent the March 23 messages and phoned Alison Aboussleman during the same time frame 25 to 30 times. T p 192.
14. “The essential elements of a G.S. 14-196(a)(3) violation is (1) repeatedly telephoning another person, (2) with the intent or purpose of abusing, annoying, threatening, terrifying, harassing or embarrassing any person at the called number.” State v. Camp, 59 N.C. App. 38, 42, 295 S.E.2d 766, 768, 1982 N.C. App. LEXIS 2859, \*8; review denied, and appeal dismissed, 307 N.C. 271, 299 S.E.2d 216 (1982).
15. The actual contents of the statements attributed to the defendant are relevant to show whether the intent of the telephone calls was to abuse, annoy, threaten, terrify, harass or embarrass the victims of the calls. State v. Boone, 79 N.C. App. 746, 747, 340 S.E.2d 527, 528, 1986 N.C. App. LEXIS 2115, \*4
16. Boone also construed the statute’s use of “repeatedly” in terms of making the

telephone calls concerned:

The statute prescribes making such calls “repeatedly.” Unless the contrary appears, it is presumed that the Legislature intended the words of the statute to be given the meaning which they had in ordinary speech at the time the statute was enacted. Transportation Service v. County of Robeson, 283 N.C. 494, 196 S.E. 2d 770 (1973). Repeatedly is the adverbial form of the term repeated meaning “renewed or recurring again and again.” Webster’s Seventh New Collegiate Dictionary. **The term repeatedly does not ordinarily connote a recurrence within a twenty-four-hour period.** Boone at 749, 340 529, 1986 (1986) (emphasis supplied).

17. In this case, all the text messages introduced into evidence occurred within the same 24-hour period or March 23, 2023, barring one text on March 24th and two on March 29th. (Res. Ex. 7).
18. However, after considerable prompting from the Tribunal, T 121, Petitioner also admitted that his purpose in texting somewhat salacious photos that Alison Aboussleman had posted on social media was to embarrass Alison Aboussleman by sending those photos to her parents. Id.
19. The Administrative Law Judge found that Petitioner used boorish and offensive (to a reasonable person) methods to express his anger over the custody/visitation issue.

### **Cyberstalking**

20. N.C.G.S. 14-196.3 makes it unlawful to “Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person.” Id. at (2).
21. Subsection (e) of the statute contains an important carveout, however: “ This section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views **or to provide lawful information to others**. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly” (emphasis supplied).
22. There is no doubt that text messages are included in communications subject to N.C.G.S. 14-196.3. The latter defines “electronic communication” as “any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.”

23. This “broad definition,” see State v. Bernard, 236 N.C. App. 134, 148, 762 S.E.2d 514, 523 (2014) clearly encompasses text messages sent by phone. State v. Milton, 2021 N.C. App. LEXIS 249, \*2, 2021-NCCOA-258, 858 S.E.2d 149 (over the course of three days defendant sent 120 text messages to victim despite her requests to stop contacting her).
24. Sisson’s initiation of Cyberstalking charges against Petitioner occurred weeks after the fact (with no evidence of intervening conduct) and was clearly not motivated by Sissons’ feelings of victimization. Again, in his own words, Sisson sought criminal charges against Petitioner because:
- Quite honestly, **to add a little fuel to the fire for the custody thing because I didn't think Alex would ever sign anything without more pressure on him to do something**, quote [sic] honestly. T 188-189 (emphasis supplied).
25. The Administrative Law Judge concluded as a matter of law that Sisson’s initiation of criminal charges against Petitioner was not made out of Sisson’s good faith belief that he was the victim of a crime, but rather to influence the parties’ custody dispute by “pressuring” Petitioner. See generally, Martin v. Parker, 150 N.C. App. 179, 180, 563 S.E.2d 216, 217, 2002 N.C. App. LEXIS 366. In short, Sisson employed the criminal justice system to gain an advantage in a civil case, as a result of which Petitioner was publicly arrested, transported in custody, jailed, and lost his job. However, the message were sent by Petitioner and his conduct was done for the purpose of annoying and harassing both Alison Aboussleman and Rick Sisson.
26. There is sufficient evidence to conclude that the March 23 messages constituted the commission of the criminal offense of “Cyberstalking.”

### **Lack of Good Moral Character**

27. A core requirement for certification as a justice officer is that the applicant “be of good moral character as defined in” several appellate cases. See 12 NCAC 10B .0301(12). The first of those, In re Willis, 288 N.C. 1, 215 S.E. 2d 771 appeals dismissed, 423 U.S. 976 (1975), describes “good moral character” as “honesty, fairness, and respect for the rights of others and for the laws of the state and nation.” Id. at 10, 776-7.
28. Good moral character is considered a minimum employment standard and, as such, the lack of it authorizes revocation or suspension of an officer’s certification. William Robert Casey v. North Carolina Sheriffs’ Education and Training Standards Commission, 2012 NC OAH LEXIS 5011, 11 DOJ 11632.
29. The United States Supreme Court has described the term “good moral character” as being “unusually ambiguous.” In Konigsberg v. State, 353 U.S. 252, 262-63 (1957),

the Court explained:

The term good moral character . . . is by itself . . . unusually ambiguous. It can be defined in an almost unlimited number of ways for any definition will necessarily reflect the attitudes, experiences, and prejudices of the definer. Such a vague qualification, which is easily adapted to fit personal views and predilections, can be a dangerous instrument for arbitrary and discriminatory denial . . . (emphasis supplied).

30. Sending the March 23 text messages, repeatedly calling Alison Aboussleman, engaging in a physical argument with Elder, and Petitioner's non candid testimony at hearing constitute lack of good moral character.

### **ORDER**

It is hereby ordered that Petitioner's justice officer certification is **REVOKED** for a period of five years for the commission of the offenses of assault on a female, harassing phone calls and cyberstalking; and indefinitely for lacking the good moral character required of a justice officer and for the commission of four or more Class B misdemeanors.

**IT IS SO ORDERED.**

This the 22<sup>nd</sup> day of November, 2024.

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**Alan Norman, Chair**  
North Carolina Sheriffs' Education  
and Training Standards  
Commission

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that a copy of the foregoing **PROPOSED FINAL AGENCY DECISION** has been duly served upon the **Petitioner's attorney** by mailing a copy to the address below:

Daniel Allen Meier  
Meier Law Group PLLC  
100 E. Parrish Street, Suite 300  
Durham, North Carolina 27701

This the 21<sup>st</sup> of October 2024.

JOSHUA H. STEIN  
Attorney General

*/s/ J. Joy Strickland*  
J. Joy Strickland  
Assistant Attorney General  
ATTORNEY FOR THE COMMISSION