



## FINDINGS OF FACTS:

1. The parties were properly before theis Tribunal in that subject matter and personal jurisdiction and venue wereare proper and there was no objection to the Undersigned Tribunal being the judge in this matter. Both parties received proper notice of hearing and, Petitioner exhausted her administrative remedies following receipt of Respondent's Notification of Probable Cause to Deny Justice Officer Certification Letter mailed April 28, 2025, via certified mail. Resp. Prehearing Statement, Exh 1, filed June 16, 2025.

2. Pursuant to Chapter 17E of the North Carolina General Statutes and Title 12, Chapter 10B of the North Carolina Administrative Code, Respondent Sheriffs' Education and Training Standards Commission ("Respondent" or "the Commission") has the authority (and responsibility) to certify justice officers, including deputy sheriffs, and to revoke, suspend, or deny such certification under appropriate circumstances with valid proof of a rule violation. See N.C.G.S. § 17E-4 and 12 NCAC 10B .0204.

3. Petitioner is an applicant for justice officer certification with the Nash County Sheriff's Office ("NCSO"), where she has been working full time as a detention officer since December 2, 2024. Tp.7; Resp. Exh 2.

4. Prior to gaining employment with the NCSO, Petitioner had been a "security officer [and a] special police officer [in Maryland]...from the time [she] was 19...until...[she] had [her] daughter." Tpp.8-9.

5. Petitioner moved to North Carolina in July 2023, and, at some point, she began looking for employment in the area of law enforcement. Tpp.7-8. 6.

6. Sometime in September 2024, Petitioner applied for work as a corrections officer with the North Carolina Department of Adult Corrections ("DAC")—which requires certification through the NC Criminal Justice Education & Training Standards Commission ("CJ Standards").

7. About the same time, Petitioner also applied for work as a detention officer with the NCSO—which requires certification through Respondent. The hiring processes with the two (2) law enforcement agencies ran very close in time—within a couple of days of one another. Tp.9. In need of work, Petitioner decided she would take whichever job she could first obtain. Tp.9.

8. Petitioner was extended a "conditional offer" of employment by DAC on September 26, 2024, but, with all the interviews and paperwork she completed for the two (2) agencies, Petitioner was initially unaware DAC sent an application to CJ Standards for her corrections officer certification. Tp.9-10.

9. Between late September and mid-October 2024, Petitioner was required to take three (3) urine drug tests for the DAC job because the results of the first two (2) tests came back "inconclusive". Tp.13.

10. Petitioner was never given a copy of the inconclusive test results and, Respondent could not produce those inconclusive results for the Tribunal to review.

11. Following the 2 inconclusive tests, DAC's human resources person sent Petitioner to have yet another (the third) urine drug test by FastMed on October 10, 2024. Resp. Exh 3, p.1. Although her specimen collection was done in a FastMed location in Rocky Mount, North Carolina, Petitioner's specimen was sent to and tested by a laboratory in Louisiana. Tp.92; Resp. Exh 3, p.1.

12. On October 14, 2024, although not provided a copy thereof, Petitioner was advised of the results of the third drug test requested by DAC, which indicated Petitioner had traces of marijuana in her urine. Id.

13. Respondent was unable to produce a medical officer to authenticate or discuss the test results. Still Petitioner has always maintained that she has never smoked, eaten or used any illegal drug, including marijuana. Though Respondent did subpoena the medical review officer, the MRO did not comply with the subpoena. Resp. Exh 6.

14. On October 15, 2024, the NCSO sent Petitioner to the Nash County Department of Health to be drug tested for the NCSO detention position. The next day, the Health Department reported that the results of this last urine test were negative for any illegal substance. Pet. Exh 1, Tpp.21-22.

15. On or about October 24, 2024, Petitioner received a letter from DAC informing her “that the conditional offer of employment extended to [her] on 9/26/2024 for Correctional Officer...[wa]s being withdrawn...based on the results of the drug screening.” Resp. Exh 4.

16. In early November 2024, NCSO offered Petitioner a job with the Nash County Detention Center. Petitioner accepted the job and began work there on December 2, 2024.

17. Sometime in mid-November (after she accepted the NCSO) job, Petitioner received a letter from CJ Standards advising she was “ineligible to become certified as a corrections officer or as a criminal justice officer in the State of North Carolina for a period of at least three years due to a positive result on the drug screening test that [she] took on October 10, 2024.” Resp. Exh 5.

18. Importantly, CJ Standards did not give Petitioner any recourse nor advise her of her appeal rights with that letter of determination. Id.

19. On October 25, 2025, after learning of the three drug tests Petitioner had taken for DAC and the positive result of the third and, after Petitioner continued to assert her innocence regarding using any marijuana substance, the NCSO requested Petitioner submit to a lie detector test. Although technically inadmissible in court, Petitioner’s passage thereof corroborates her claim of innocence and, clearly, the NCSO agreed when it made a non-conditional offer of employment to Petitioner shortly thereafter.

20. On December 4, 2024, the NCSO sent its Report of Appointment (of Petitioner) to the Commission. Resp. Exh 2.

21. On December 10, 2024, in response to Respondent’s request for clarification<sup>2</sup>, the NCSO had Petitioner explain what occurred with the various drug tests taken for DAC and NCSO. Petitioner’s written statement (on NCSO letterhead) was signed, notarized and, thereafter, sent to Respondent. Resp. Exh 6.

22. Petitioner’s letter to Respondent, her testimony before Respondent’s Probable Cause Committee and her testimony at hearing were completely consistent. Tp.73.

23. On February 27, 2025, Respondent sent Petitioner, via certified mail, a Notice of Probable Cause to Summarily Deny Certification. Therein, Respondent advised that it was summarily denying her justice officer certification because CJ Standards had found her “ineligible to become certified...due to a positive drug screen...on or about October 10, 2024[.]” and, Respondent had the authority to summarily deny her certification pursuant to 12 NCAC 10B .0206(a)(5). Resp. Exh 7, p.1. Respondent further advised Petitioner that “[o]n March 20, 2025[, he]r eligibility for certification will be addressed by [Respondent’s] Probable Cause Committee..., as well as 12 NCAC 10B .0205(c)(5) Denial of certification

by...C[J Standards].” Id. at p.2 (emphasis omitted).

24. Although there was no corresponding language in the PCC letter informing Petitioner of her rights at the PCC Committee because Deputy Director Sirena Jones mistakenly omitted the letter she sent to Petitioner from the file, Sirena Jones testified that it is Respondent’s usual way of business to do so, the Tribunal accepted this as habit evidence, the Division’s submission of letter’s informing petitioners of their rights at the PCC meeting. See (Tp. 71-72), Resp. Exh 7. Additionally, Petitioner’s former captain did accompany her to the PCC meeting in Kitty Hawk, North Carolina to speak on her behalf as the Nash County Sheriff desires to retain Petitioner in his employ. Tp.73.

25. Nevertheless, the PCC determined there was probable cause to deny Petitioner’s justice officer certification on two (2) bases: a) that CJ Standards denied her correction officer’s certification, and; b) that she produced a positive drug test upon which CJ Standards based its denial of her correction officer’s certification. Id.; Resp. Exh 7.

26. Near the end of the hearing, and upon the realization that CJ Standards failed to give Petitioner appeal rights concerning its decision to deny her corrections officer certification, Respondent’s counsel determined and asserted that Respondent could not lawfully proceed forward in good faith with denying Petitioner’s detention certification on the basis of CJ Standards’ denial, pursuant to 12 NCAC 10B .0204(c)(5). Tpp. 30-31, 67-68, 80-88.

27. Thus, Respondent advised it was relinquishing its right to deny Petitioner’s justice officer certification on the basis that CJ Standards had denied her correction officer certification.

28. With that relinquishment, the only basis upon which Respondent’s denial may rest is the positive drug test obtained by DAC.

29. The Tribunal and the Commission found both witnesses: Ms. Sirena Jones and Petitioner to be very credible in their testimonies.

**BASED ON** the foregoing Findings of Fact, the Commission makes the following:

**CONCLUSIONS OF LAW:**

1. The Office of Administrative Hearings has personal and subject matter jurisdiction over this contested case, pursuant to the Administrative Procedure Act of North Carolina, Article 3A, N.C.G.S. § 150B-40(e), and the parties received proper notice of the hearing in this matter.

2. To the extent that the Findings of Fact 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. *Charlotte v. Heath*, 226 N.C. 750, 755, 40 S.E.2d 600, 604 (1946); *Peters v. Pennington*, 210 N.C. App. 1, 15, 707 S.E.2d 724, 735 (2011).

3. A judge is not required to find all the facts shown by the evidence, but only sufficient material facts to support the decision. *Green v. Green*, 54 N.C. App. 571, 575, 284 S.E.2d 171, 174 (1981); *In re Custody of Stancil*, 10 N.C. App. 545, 549, 179 S.E.2d 844, 847 (1971).

4. Pursuant to N.C.G.S § 17E-4 and Title 12, Chapter 10B of the North Carolina Administrative Code, the Commission has the authority to certify justice officers and to revoke, suspend, or deny such certification, and specifically as relates to the case at bar:

**SANCTIONS FOR VIOLATIONS BY INDIVIDUALS:**

When any person certified by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not re-occur, including:

(1) issuing an oral warning and request for compliance; (2) issuing a written warning and request for compliance; (3) issuing an official written reprimand; (4) summarily suspending the individual’s certification for a specified period of time or until acceptable corrective action is taken by the individual upon a specific finding that allowing the individual to work poses a danger to the public health, safety and welfare; or (5) revoking or denying the individual’s certification. ...Where action is being taken against an applicant for justice officer certification or a certified justice officer, the sanctions set out in 12 NCAC 10B .0205 apply. 12 NCAC 10B .0203 (emphasis in original).

5. 12 NCAC 10B .0204(b)(5) states that Respondent shall deny certification of a justice officer when the Commission finds the applicant for certification has produced a positive result on any drug screen “reported to any commission, agency, or board established to certify, pursuant to said commission, agency, or boards’ standards, a person as a justice officer, a corrections officer as defined in 12 NCAC 09G .0102...unless the positive result is due to a medically indicated cause.”

6. The length of denial is set by 12 NCAC 10B .0205 which reads, in pertinent part:

**PERIOD OF SUSPENSION, REVOCATION, OR DENIAL:**

When the Commission suspends, revokes, or denies the certification of a justice officer, the period of sanction shall be: ...not less than five years where the cause of sanction is...a positive result on a drug screen.... The Commission may either reduce or suspend the periods of sanction under this Item or substitute a period of probation in lieu of revocation, suspension, or denial following an administrative hearing. This authority to reduce or suspend the period of sanction may be utilized by the Commission when extenuating circumstances brought out at the administrative hearing warrant such a reduction or suspension.” 12 NCAC 10B .0205(2)(g).

7. During the administrative hearing, extenuating circumstances emerged. Petitioner presented the negative result from her October 15, 2024 drug test at the Nash County Health Department which was submitted as part of her application to the NCSO. She credibly testified that she had two (2) prior inconclusive drug tests within the week or two prior to the positive drug test. Pet. Exh 1; Tpp. 21-22. Moreover, Petitioner denied having used any supplements or marijuana substances during the time of her positive drug test—

at any time prior—and Respondent’s witness, Ms. Jones confirmed that Petitioner’s testimony at trial was consistent with all of Petitioner’s previous assertions to Respondent.

8. Additionally, and even more concerning (and extenuating), the trial revealed that the two (2) reasons upon which Respondent had based its denial arose from CJ Standards’ decisions—decisions from which Petitioner was never given any appeal rights.

9. Because CJ Standards failed to make the Commission aware of Petitioner’s two (2) inconclusive drug test results, Respondent did not have all of the necessary information to understand that the third positive drug test could well have been tainted, mishandled or simply conducted erroneously.

10. Although Petitioner did not definitively disprove that she tested positive on the one drug test during the DAC application process, it is more likely than not that, for Petitioner to have failed one drug test out of four drug tests taken in a three week period, with a negative test result only one day following the lone positive test result, raises questions as to the accuracy of the positive test as well as the correctness and fairness of CJ Standards’ decision to deny Petitioner’s certification based on that one test.

~~11. —Moreover, the fact that CJ Standards (and DAC) failed to give Petitioner appeal rights and, thereby, due process following its decision to deny her corrections officer certification makes the ground upon which Respondent stands to now deny her justice officer certification highly suspect.~~

~~12.11.~~ Because CJ Standards failed to provide Petitioner with sufficient appellate rights or due process, its denial of her corrections officer certification fails because of that lack of due process. Therefore, there is insufficient evidence that Petitioner violated 12 NCAC 10B .0205(2)(g).

~~13.12.~~ Since Respondent voluntarily relinquished its decision to deny Petitioner’s certification on the basis that she had been denied certification by CJ Standards, the Commission need not address Respondent’s earlier assertions that Petitioner violated 12 NCAC 10B .0204(c)(5).

### **ORDER**

THEREFORE, BASED ON the foregoing Findings of Fact and Conclusions of Law, by a preponderance of the evidence, the Commission hereby orders Petitioner’s certification be GRANTED and Petitioner be placed on PROBATION for a period of one (1) year due to the extenuating circumstances brought out at the administrative hearing. ~~THEREFORE, BASED ON the foregoing Findings of Fact and Conclusions of Law, by a preponderance of the evidence, the Tribunal hereby proposes that Respondent REVERSE its decision to deny Petitioner’s certification for five (5) years and, instead GRANT HER CERTIFICATION and place Petitioner on PROBATION for a period of one (1) year due to the extenuating circumstances brought out at the administrative hearing.~~

**SO ORDERED.**

This the 12<sup>th</sup> day of March, 2026.

---

**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** by mailing and emailing a copy to the address below:

**Jalynn Murphy, *Pro Se Petitioner***  
**8938 West Mount Drive**  
**Rocky Mount, NC 27803**

This the \_\_\_\_\_<sup>th</sup> day March, 2026.

JEFF JACKSON  
Attorney General

*/s/ Ian L. Courts*  
Ian L. Courts  
Assistant Attorney General  
ATTORNEY FOR THE COMMISSION