

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
25 DOJ 02146

WILLIE MURRAY IV,)
)
 Petitioner,)
)
 v.)
)
NORTH CAROLINA SHERIFFS')
EDUCATION AND TRAINING)
STANDARDS COMMISSION,)
)
 Respondent.)
_____)

EXCEPTIONS

The following **Exceptions** to the **Proposal for Decision** prepared by the Honorable Samuel K. Morris, Administrative Law Judge, and filed in the Office of Administrative Hearings on January 23, 2026, are hereby submitted to the North Carolina Sheriffs' Education and Training Standards Commission for consideration in its Final Agency Decision.

1. **Counsel has made minor typographical and grammatical changes as necessary to make the proposal appropriate for Final Agency Decision.**
2. **Counsel has removed language prior to the Findings of Fact and has replaced that with standard Final Agency Decision opening paragraphs.**
3. **Additionally, Counsel has corrected references to “the Tribunal” to “the Commission” to reflect the procedural posture of the Final Agency Decision throughout the document.**
4. **In Conclusion of Law No. 1, edited language to comport with the Commission’s procedural posture:**

1. The parties ~~are~~ were properly before ~~theis~~-Administrative Law Judge. Jurisdiction and venue ~~are~~ were proper and both parties received proper notice of the hearing. To the extent that ~~the Tribunal’s~~ ~~the~~ Findings of Facts contain Conclusions of Law, or that the Conclusions or Law are Findings of Fact, they Commission has should ~~be so~~ considered those supported by the evidence without regard to the given labels. Moreover, neither party has contested the final agency authority of the Commission in this action; thus, both parties are properly before the Commission.

5. **In Conclusion of Law No. 7, edited language to comport with the Commission’s position on the burden of proof:**

BURDEN OF PROOF

~~7. In *Peace v. Employment Sec. Comm'n of N. Carolina*, 349 N.C. 315, 328 (1998), the North Carolina State Supreme Court addressed the burden of proof. Although *Peace* is an Article 3 case, the discussion of burden of proof is instructive in this instant case. *Peace* states: In the absence of state constitutional or statutory direction, the appropriate burden of proof must be “judicially allocated on considerations of policy, fairness and common sense.” 1 Kenneth S. Broun, Brandis & Broun on North Carolina Evidence § 37 (4th ed.1993). Two general rules guide the allocation of the burden of proof outside the criminal context: (1) the burden rests on the party who asserts the affirmative, in substance rather than form; and (2) the burden rests on the party with peculiar knowledge of the facts and circumstances. *Id*~~

6. In Conclusion of Law No. 8, deleted language to comport with the Commission’s position on the burden of proof:

~~8. Neither the North Carolina Constitution nor the General Assembly has addressed the burden of proof in Article 3A cases. Applying the statutory law along with “considerations of policy, fairness and common sense,” the Undersigned determines that Respondent should bear the burden of proof in an action where Respondent proposes to take some action against an applicant based upon its investigation into that individual.~~

7. In Conclusion of Law No. 9, edited language to comport with the Commission’s position on the burden of proof:

9. The burden of proof is the preponderance of the evidence standard. See N.C. Gen. Stat. §§ 150B-23(a);-29(a); and -34(a). Accordingly, ~~Respondent~~ Petitioner must prove that it is more likely than not that he did not ~~Petitioner~~ committed a felony offense. ~~to lawfully deny Petitioner’s application for justice officer certification.~~

8. In Conclusion of Law No. 10, edited language to comport with the Commission’s position on the burden of proof:

10. ~~Nevertheless, as explained below, even if the burden were on the Petitioner, The undersigned Commission and the Tribunal finds~~ find ~~determines~~ that the Petitioner’s evidence proved ~~also proves~~ that he did not violate any Commission rule knowingly commit a felony.

9. In Conclusion of Law No. 16, edited language to comport with current procedural posture before the Commission:

16. Further, the ~~undersigned~~ Tribunal found that, upon weighing the evidence, because the Petitioner did not knowingly possess or carry a firearm onto the property of Pender High School on October 1, 2012, Petitioner’s evidence satisfied by the preponderance of the evidence standard that he did not commit a felony offense. Accordingly, The Commission agrees with that the Tribunal’s finding.

10. In Conclusion of Law No. 17, edited language to comport with current procedural posture before the Commission:

17. As, [t]he Tribunal noted in its recommendation that the underlying facts and legal analysis in this proposal for decision matter are remarkably similar to those set forth in prior proposed final decisions where the Respondent the Commission ultimately granted certification. See, e.g., Black v. NC Sheriffs' Education and Training Standards Commission, 20 DOJ 03453 (2021 N.C. OAH Lexis 65) (imposing the specific intent of knowingly in reviewing a violation of N.C. Gen. Stat. § 14-269.2(b) and proposing that certification be granted). The Commission agrees with that the Tribunal's conclusion.

11. The section entitled "Proposal for Decision" should be revised read as an "Order."

PROPOSAL FOR DECISION ORDER

THEREFORE, Based upon the foregoing Findings of Fact, Conclusions of Law, the undersigned proposes Commission orders that the North Carolina Sheriffs' Education, Training, and Standards Commission render a final agency decision finding that Petitioner is NOT in violation of Rule .0204(a)(1) of Chapter 10B of Title 12 of the North Carolina Administrative Code, and that Petitioner's application for certification be GRANTED.

This the ___th day of March, 2026.

JEFF JACKSON
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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the foregoing **EXCEPTIONS** have been duly served upon **Petitioner** by mailing a copy to the address below:

**Willie Murray
Pro se Petitioner
70 Willets Drive
Southport, NC 28461**

This the 6th day of February, 2026.

JEFF JACKSON
Attorney General

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