

STATE OF NORTH CAROLINA  
COUNTY OF SCOTLAND

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
25 DOJ 02408

SCOTTIE C. DIAL, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 NORTH CAROLINA SHERIFFS' )  
 EDUCATION AND TRAINING )  
 STANDARDS COMMISSION, )  
 )  
 Respondent. )  
 )

**EXCEPTIONS**

The following **Exceptions** to the **Proposal for Decision** prepared by the Honorable Karlene S. Turrentine, Administrative Law Judge, and filed in the Office of Administrative Hearings on January 16, 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. **In Finding of Fact No. 1, edited the language to comport with current procedural posture before the Commission:**

1. The parties ~~are~~ were properly before the Tribunal in that subject matter and personal jurisdiction and venue ~~are~~ were proper and there was no objection to the ~~Undersigned~~ Tribunal hearing the contested matter. ~~being the judge in this matter.~~ Both parties received proper notice of hearing and, Petitioner exhausted his administrative remedies following receipt of Respondent's Notification of Probable Cause to Deny Justice Officer Certification Letter mailed April 30, 2025, via certified mail. Resp. Exh 7. Moreover, neither party has contested the final agency authority of the Commission in this action; thus, both parties are properly before the Commission.

4. **In Finding of Fact No. 5, footnote 1 deleted the language as the ALJ incorrectly stated facts:**

~~There is a discrepancy which Respondent did not fully clear up at trial — the Report of Appointment reflects that Petitioner's date of appointment was 1/18/2024 but the Report was executed on August 20, 2024 and received by Respondent on August 23, 2024. Resp. Exh 2. However, Respondent's witness, Ms. Serena Jones testified that Petitioner's appointment was effective August 20, 2024.~~

5. **In Finding of Fact No. 7, footnote 2, deleted the language as it is merely procedural dicta:**

~~2 No reason was given at trial for why Petitioner submitted this statement. However, the Undersigned takes official notice that these explanation statements are regularly requested by the Commission's investigators to add to the file for the PCC's review.~~

6. **In Finding of Fact No. 10, corrected the ALJ's mischaracterization of facts:**

In February of 2025, Petitioner was informed via certified mail that he would have the opportunity to present his case before the Probable Cause Committee of the Commission in Kitty Hawk, North Carolina on March 20, 2025. Petitioner did not attend that PC Committee hearing. Petitioner when asked why he did not attend he responded: "One, we just -- I think it was like --well, it was past November. My wife had another breakdown. . .And we had to have her hospitalized eight times that time before we got --but I was still dealing with that, and she was just starting to get better." (Trans. pgs. 35-38)(Resp. Ex. 6).~~12. Moreover, Petitioner was not advised that he was entitled to be accompanied by counsel to the PCC meeting or have counsel there in his place only that "[i]f [the Sheriff, or the Sheriff's] representative, or [Petitioner] wish[ed] to appear before the Committee to make any presentations," they were to contact Alex Radford to schedule a specific time for the case to be heard."~~ Resp. Exh 6, p.1 (emphasis added).

7. **In Finding of Fact No. 13, corrected the ALJ's mischaracterization of facts:**

Petitioner did not submit a statement in lieu of his attendance at the meeting, despite the PCC Notification Letter informing him that he had the right to do so. (Resp. Ex. 6). 13. Petitioner was not given the opportunity to submit a statement to the PCC in lieu of his attendance at the PCC meeting. (The Probable Cause letter addressed to Sheriff Kersey advises the Sheriff: "In the event you [Sheriff Kersey], or anyone who wishes to be heard on behalf of Mr. Dial are unable to attend, [Serina Jones] will be happy to present the Committee with any written statements you may provide." Id. Thus, by the plain reading of the PCC letter, Mr. Dial had to attend personally if he personally wanted to submit evidence on his own behalf.)

8. **In Finding of Fact No. 16, corrected the ALJ's language concerning the PC Committee vs. the Commission:**

16. The misdemeanors upon which the ~~Commission~~ Probable Cause Committee has determined it should supported a denial of Petitioner's certification were committed over twenty (20) years in the past. Moreover, they were committed while Petitioner was under extreme stress and grief as his wife's mental health deteriorated, his family's income was cut by half and, he was trying to raise his son without the benefit of his wife's assistance.

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

PROPOSAL FOR DECISION ORDER

THEREFORE, BASED ON the foregoing Findings of Fact and Conclusions of Law, by a preponderance of the evidence, the ~~Tribunal~~ the Commission hereby ~~proposes orders~~ that ~~Respondent REVERSE its decision to deny Petitioner's certification for five (5) years and, instead~~ Petitioner's Certification be GRANTED HIS CERTIFICATION and ~~place~~ Petitioner be placed on PROBATION for a period of two (2) years due to the extenuating circumstances brought out at the administrative hearing.

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

JEFF JACKSON  
Attorney General  
/s/ Ian L. Courts  
Ian L. Courts  
Assistant Attorney General  
N.C. Department of Justice  
9001 Mail Service Center  
Raleigh, North Carolina 27699-9001  
Telephone: (919) 716-6492  
State Bar No.: 63258  
COUNSEL TO THE COMMISSION

**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:

**Scottie Clifton Dial  
Pro se Petitioner  
14141 Kiser Road  
Laurinburg, NC 28352**

This the 6<sup>th</sup> day of February, 2026.

JEFF JACKSON  
Attorney General

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