

STATE OF NORTH CAROLINA
COUNTY OF IREDELL

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
25 DOJ 02787

MICHAEL HOFFMAN,)
)
 Petitioner,)
)
 v.)
)
 NORTH CAROLINA SHERIFFS')
 EDUCATION AND TRAINING)
 STANDARDS COMMISSION,)
)
 Respondent.)
)

EXCEPTIONS

The following **Exceptions** to the **Proposal for Decision** prepared by the Honorable Jonathan S. Dills, Administrative Law Judge, and filed in the Office of Administrative Hearings on February 6, 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. 3, edited language to comport with the Commission’s position on the burden of proof:**
 3. The burden of proof in Article 3A of the APA is ~~silent regarding the applicable standard of evidence, it is by a~~ preponderance of the evidence. *In re Rogers*, 297 N.C. 48, 59, 253 S.E.2d 912, 919 (1979).
5. **In Conclusion of Law No. 4, deleted language to comport with the Commission’s position on the burden of proof:**
 4. ~~As the Tribunal has repeatedly concluded, the State generally bears the burden of proof when it proposes to restrict certification. See, Russell v. Commission, 2022 NC OAH LEXIS 55; cf., Graves v. Commission, 2022 NC OAH LEXIS 374 (new applicant); see also, Canty v. Commission, 2014 NC OAH LEXIS 127. These analyses are incorporated by reference~~

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

~~Petitioner must prove that it is more likely than not that he did not committ a felony offense. However, to any extent it was Petitioner’s met his burden, he carried it; the state did not. Cf. 150B-23(a) & Harris v. Mangum, 183 N.C. 235, 239-40, 11 S.E. 177, 179 (1922) (summarizing burden, roles, and decision by preponderance regardless of who introduced what or when).~~

7. **The section entitled “Proposal for Decision” should be revised read as an “Order.”**

PROPOSAL FOR DECISION ORDER

~~THEREFORE, Based on the foregoing, Petitioner’s certification should be GRANTED. Based on the foregoing, Petitioner’s certification should continue unimpeded; the decision of the Commission by and through its probable cause committee should be REVERSED.~~

This the ___th day of February, 2026.

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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:

**Michael Hoffman
Pro se Petitioner
128 Levo Drive
Troutman, NC 28166**

This the 9th day of February, 2026.

JEFF JACKSON
Attorney General

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