

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.)
_____)

**PROPOSED FINAL AGENCY
DECISION**

THIS MATTER was commenced by a request filed July 31, 2025, with the Chief Administrative Law Judge, Melissa Owens Lassiter, Esq., of the Office of Administrative Hearings for the assignment of an Administrative Law Judge. Notice of Contested Case Assignment and Order for Prehearing Statements (25 DOJ 02787) were filed August 1, 2025. The parties received proper Notice of Hearing, and the Administrative Hearing was held in High Point, North Carolina on November 19, 2025, before the Honorable Jonathan S. Dills, Administrative Law Judge.

The Petitioner was *pro se*. The North Carolina Sheriffs' Education and Training Standards Commission (hereinafter the Commission or Respondent) was represented by Assistant Attorney General, Ian L. Courts.

On February 6, 2026, Judge Jonathan S. Dills filed his Proposal for Decision. On February 6, 2026, counsel for the Commission sent by certified mail a copy of the ALJ's 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 March 12, 2026.

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 FACTS:

BASED UPON careful consideration and deliberation of the entire record; having

weighed all evidence, and having assessed the credibility of each witness; the ~~undersigned~~ Tribunal and the Commission finds:

1. Respondent (“Commission”) appears in its delegated role of oversight and maintenance of minimum standards for justice officer certification. G.S. 17E-4(a)(6) & 7(c).
2. Petitioner received a probationary appointment (F4 form) to the position of a telecommunicator on 21 April 2023. (R Ex 2) (T pp 15-16).
3. In his application (F3 form) in December of 2022, Petitioner disclosed felony and misdemeanor charges in New York dating back to 2003. (R Ex 1) (T pp 16-17, 19-20).
4. In May of 2025, Petitioner was properly provided notice and opportunity to appear before the probable cause proceeding of 12 June 2025. (T pp 39-43) (R Ex 9).
5. There, the ~~Respondent~~ Probable Cause Committee determined that probable cause existed to deny Petitioner’s certification for felony commission. (R’s Prehearing Statement, Atch 1) (R Ex 10) (T pp 43-48).
6. On 15 May 2025, Petitioner appealed to the Tribunal. A hearing on the merits was held on 19 November 2025.
7. At the hearing, Respondent’s investigator testified that Petitioner’s charges were related to alleged abuse of a former girlfriend. (R Exs 3,4 and 8) (T pp 27-34). She did not appear. (T p 79).
8. Petitioner credibly testified concerning his prior charges to include that a judge reduced the alleged felony to a misdemeanor charge for which there were two unsuccessful prosecutions. (T pp 60-64, 80-91) (P Ex 6). Petitioner was never again retried. (T p 85). Petitioner received a “certificate of relief from disabilities” of his PL 215.50 contempt conviction in 2015, removing any encumbrances to finding employment in the State of New York. (Trans. pgs. 37-39) (Resp. Ex. 6).
9. Respondent conceded that there was insufficient evidence available to reasonably conclude that Petitioner committed the subject felony. (T pp 94-96, 99-100).

CONCLUSIONS OF LAW:

1. Respondent is authorized to certify law enforcement officers and to revoke, suspend, or deny such in appropriate circumstances. G.S. 17E-4 & 4.1; 12 NCAC 10B .0301.
2. First comes a probable cause determination and then if opposed, a hearing on the merits. 12 NCAC 10B .0201. The Commission (like here) may defer to the OAH for hearing that then sits in place of the Commission, which retains final decision-making authority. GS 150B40(e), Cf. Petition.
3. Though Article 3A of the APA is silent regarding the applicable standard of evidence, it is by preponderance. *In re Rogers*, 297 N.C. 48, 59, 253 S.E.2d 912, 919 (1979).
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.~~
5. ~~However, to any extent it was Petitioner’s 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).

6.4. At the hearing, Petitioner had to prove that it is more likely than not that he did not commit a felony offense. Petitioner met his burden.

7.5. An applicant or probationary holder that has committed a felony must be permanently denied certification. 12 NCAC 10B .0204(a)(1); 12 NCAC 10B .0205(1)(a).

8.6. However, here, a preponderance of the credible evidence presented demonstrates that Petitioner did not commit the felony accused. There was evidence in the record that Petitioner was charged with NY Code PL 130.65 Felony Sexual Abuse, however this charge was reduced to misdemeanor PL 130.55 sexual abuse in the third degree, which was also dismissed after two trials, where one resulted in a mistrial due to the State of New York eliciting improper and unsubstantiated instances of previous domestic disagreements between the alleged victim and Petitioner. (Resp. Exs. 1, 6, 7) (Pet. Ex. 6) (Trans pgs. 86-91).

9.7. Notwithstanding, Respondent's actions in this case were not arbitrary or capricious. Probable cause and preponderance are axiomatically different standards.

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.~~

SO ORDERED.

This the 12th 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:

**MICHAEL HOFFMAN
128 Levo Drive
Troutman, NC 28166**

This the _____th day March, 2026.

JEFF JACKSON
Attorney General

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