

STATE OF NORTH CAROLINA
COUNTY OF PASQUOTANK

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
25 DOJ 03484

<p>Leonard Alexander Petitioner,</p> <p>v.</p> <p>North Carolina Sheriffs Education and Training Standards Commission Respondent.</p>	<p>PROPOSAL FOR DECISION</p>
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This matter is before the Tribunal due to Petitioner's failure to comply with two interlocutory orders.

APPEARANCES

Leonard Alexander
1604 Lexington Drive
Elizabeth City, NC 27909
Pro Se

Ian Lamar Courts
North Carolina Department of Justice
Post Office Box 629
Raleigh, NC 27602
Counsel for Respondent

ISSUE

Whether this contested case is subject to dismissal for failure to comply with interlocutory orders of the Administrative Law Judge.

FINDINGS OF FACT

1. On or about September 29, 2025, Respondent requested the designation of an Administrative Law Judge pursuant to N.C. Gen. Stat. § 150B-40(e) for an Article 3A contested case regarding Respondent's decision to summarily deny Petitioner's certification.

2. Petitioner received by certified mail, the Denial of Certification letter, mailed by Respondent on August 27, 2025.

3. On October 1, 2025, the Tribunal served both parties with a Notice of Contested Case and Assignment and an Order for Prehearing Statements. The Order required each party to file a Prehearing Statement within 30 days.

4. Respondent timely filed a Prehearing Statement on October 7, 2025.

5. Petitioner did not file a Prehearing Statement by the deadline.

6. On November 5, 2025, the Tribunal issued a Second Order for Petitioner's Prehearing Statement to be filed and served by November 18, 2025. The Second Order expressly warned, in plain language, that failure to comply "may include dismissal of the contested case."

7. As of the date of this Proposal for Decision, Petitioner has failed to comply with either Order and has not requested additional time. Petitioner has filed no document whatsoever with the Tribunal since Respondent's request for an Administrative Law Judge to preside over the matter.

8. This case is scheduled to be heard the week of January 19, 2026, in Ayden, North Carolina. Petitioner's failures impede orderly preparation and case management.

CONCLUSIONS OF LAW

1. 12 NCAC 09A .0207 governs contested case procedures for hearings conducted by an Administrative Law Judge pursuant to N.C. Gen. Stat. § 150B-40(e).

2. The procedures in Article 3A of N.C. Gen. Stat. § 150B and the Rules of Civil Procedure as contained in N.C. Gen. Stat. § 1A-1 apply to matters under 12 NCAC 09A .0207. The rules contained in 26 NCAC 03 are incorporated by reference. See 12 NCAC 09A .0207(b).

3. Under N.C. Gen. Stat. § 1A-1, Rule 41(b) of the North Carolina Rules of Civil Procedure, this contested case is subject to dismissal because Petitioner fails to comply with two Orders for Prehearing Statements.

4. A petitioner's failure to comply with an Order for Prehearing Statement issued by an Administrative Law Judge pursuant to 26 NCAC 03 .0104 is a proper basis for dismissing a contested case. See, e.g., *Lisa Lincoln & Honeybees Creative Center v. North Carolina Dept. of Health and Human Services, Nutrition Branch*, 172 N.C. App. 567, 572, 616 S.E.2d 622, 626 (2005) (holding, inter alia, that "[d]ismissal of a contested case is admittedly a drastic sanction, but one within the plain language of the ALJ's statutory and regulatory power to sanction a party for failure to comply with an order").

5. Petitioner's failure to file a Prehearing Statement, and thus Petitioner's failure to comply with the Tribunal's orders, justifies dismissal of this case by Respondent pursuant to N.C. Gen. Stat. § 1A-1, Rule 41(b) of the North Carolina Rules of Civil Procedure.

PROPOSAL FOR DECISION

Based on the foregoing Findings of Fact and Conclusions of Law, the Tribunal proposes that Respondent **DISMISS** this case **WITHOUT PREJUDICE**.

NOTICE

The North Carolina Sheriffs' Education and Training Standards Commission will make the Final Decision in this contested case. In that capacity, the agency is required to give each party an opportunity to file exceptions to this Proposal for Decision, to submit proposed findings of fact, and to present oral and written arguments to the agency pursuant to N.C. Gen. Stat. § 150B-40(e).

The Administrative Law Judge hereby orders the North Carolina Sheriffs' Education and Training Standards Commission to serve a copy of its Final Decision in this case on the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700.

SO ORDERED.

This the 25th day of November, 2025.



McKensie G. Skeens
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center which will subsequently place the foregoing document into an official depository of the United States Postal Service.

Leonard Alexander
1604 Lexington Drive
Elizabeth City NC 27909
Petitioner

Ian Lamar Courts Esq.
North Carolina Department of Justice
icourts@ncdoj.gov
Attorney For Respondent

This the 25th day of November, 2025.


Laura Allison Smith

Laura A Smith
Law Clerk
N. C. Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285
Phone: 984-236-1850