

**BEFORE THE NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD
RALEIGH, NORTH CAROLINA**

**IN THE MATTER OF
THE LICENSURE OF
REGINALD A. DANIEL**

**NOTICE OF
ADMINISTRATIVE HEARING**

Docket Number: 2021-01

TO: Reginald A. Daniel
3005 Kaymoore Drive
Winston Salem, NC 27127

I. NOTICE

Pursuant to North Carolina General Statutes §§ 93B-8.1, 143-151.49, 143-151.56, 150B-38, 150B-39, 150B-40, 150B-41, 150B-42, and Title 11 NCAC Chapter 8, Sections .1000, .1100, and .1200 *et. seq.* and other applicable statutes and rules, notice is given that an administrative hearing will be convened before the North Carolina Home Inspector Licensure Board (hereinafter “Board”), on **April 9, 2021 at 9:00 a.m.**, or as soon thereafter as possible. Instead of holding the hearing in person at the North Carolina Department of Insurance, Albemarle Building, located at 325 North Salisbury Street, Raleigh, Wake County, North Carolina, this hearing will be held *via* video teleconference Citrix Webex®, accessible at the following link:

<https://ncgov.webex.com/ncgov/j.php?MTID=m0c53ac319d6f5387b4b8554703a8a16f>

All parties shall be available to present his or her case when the matter is called.

The purpose of this hearing is to determine whether grounds exist to deny the application for licensure of Reginald A. Daniel (hereinafter, “Petitioner”).

II. ALLEGATIONS AND CHARGES

At this hearing, the following allegations and charges shall be considered:

1. Petitioner submitted an application for a Home Inspector License (hereinafter “Petitioner’s application”) for approval on or about July 10, 2020.
2. On Petitioner’s application, Petitioner answered “yes” to the question, “Have you ever been convicted of or pled guilty or nolo contendere (no contest) to any misdemeanor involving moral turpitude or to any felony?”

3. On or about August 31, 2001, Petitioner was convicted in the Forsyth County Superior Court, North Carolina, in case 01 CR 054266, to felony conspiracy to commit robbery with a dangerous weapon.

4. On or about February 13, 2007, Petitioner pled guilty in Forsyth County District Court, North Carolina, in case 06 CR 063207, to misdemeanor carrying a concealed gun.

5. On or about March 27, 2007, Petitioner was convicted in Forsyth County District Court, North Carolina, in case 07 CR 050980, of misdemeanor Assault Inflicting Serious Injury with a Minor Present.

6. On or about April 24, 2013, Petitioner was convicted in Forsyth County District Court, North Carolina, in case 12 CR 05646, of misdemeanor Driving While Impaired.

7. Pursuant to N.C. Gen. Stat. § 143-151.56(a)(5), the Board may deny or refuse to issue a license if the applicant for licensure has engaged in any of the following conduct:

“(5) Been convicted of or pled guilty or nolo contendere to any misdemeanor involving moral turpitude or to any felony.”

8. Pursuant to N.C. Gen. Stat. § 93B-8.1(b), the Board “may deny an applicant on the basis of a conviction of a crime only if the board finds that the applicant’s criminal conviction history is directly related to his duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent or sexual in nature.”

9. On October 8, 2020, the Board’s Application Evaluation Committee met and reviewed Petitioner’s application for licensure pursuant to the requirements pursuant to N.C. Gen. Stat. § 93B-8.1.

10. On October 8, 2020, the Application Evaluation Committee voted to recommend to the Board to deny Petitioner’s application based on the information provided in Petitioner’s application, including Petitioner’s criminal convictions and the statutory requirements and factors for consideration in N.C. Gen. Stat. § 93B-8.1(b) and 93B-8.1(b1), which include:

- (1) the level of seriousness and circumstances surrounding the commission of the crime(s).
- (2) the date of the crime(s).
- (3) your age at the time of the crime(s).
- (4) the circumstances surrounding the commission of the crime(s), as known.
- (5) the nexus between the criminal conduct and your prospective duties as a licensed home inspector.
- (6) the information submitted regarding your jail and probation history and employment history following conviction.
- (6a) the completion of, or active participation in, rehabilitative drug or alcohol Treatment.
- (6b) a Certificate of Relief granted pursuant to G.S. 15A-173.2.

- (7) the subsequent commission of a crime by the applicant.
- (8) any affidavits or other written documents, including character references.

11. On or about October 9, 2020, the Board considered and voted to accept the recommendation of the Application Evaluation Committee, based on application of the factors in N.C. Gen. Stat. § 93B-8.1(b) and 93B-8.1(b1) and its findings of the following criminal convictions:

- (1) 2001 felony conviction of conspiracy to commit robbery with a dangerous weapon;
- (2) 2007 misdemeanor conviction of carrying concealed gun; and,
- (3) 2007 misdemeanor conviction of assault inflicting serious injury with minor present.

12. On or about November 23, 2020, the Board notified Petitioner of the October 9, 2020 decision to deny his application for licensure.

13. By letter dated December 21, 2020, Petitioner asked the Board to reconsider and submitted additional documentation of mitigation and rehabilitation for the Board's review.

14. On March 4, 2020, the Application Evaluation Committee met to reconsider the denial of Petitioner's application for licensure and reviewed the additional information submitted by Petitioner pursuant to N.C. Gen. Stat. § 93B-8.1. The Application Evaluation Committee voted to refer the matter to the Board.

III. POSSIBLE ADVERSE ADMINISTRATIVE ACTION

At the hearing, the Board will consider the allegations and will determine whether Petitioner's application for licensure should be denied pursuant to N.C. Gen. Stat. §§ 93B-8.1 and 143-151.56(a)(5), which provide that the Board may refuse to issue a license if the Board finds that the applicant's criminal conviction history is directly related to his duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent.

IV. HEARING PROCEDURES

A. At this formal administrative hearing, you will be given an opportunity to present evidence on issues of fact, examine and cross-examine witnesses, submit rebuttal evidence and present oral arguments. This hearing is your opportunity to put on evidence on your behalf. If you fail to do so, you will not have an opportunity to do so later.

B. You are hereby notified that you are entitled to be represented by counsel at the hearing, or that you may appear on your own behalf without counsel. An individual may either be represented by counsel at the hearing or appear on his own behalf.

C. You may request a continuance of this hearing by doing so in writing at least five

be represented by counsel at the hearing or appear on his own behalf.

C. You may request a continuance of this hearing by doing so in writing at least five (5) days prior to the hearing. Pursuant to 11 NCAC 1. 0426, a continuance will only be granted for good cause shown.

D. Your failure to appear at the hearing will not prevent the Board from proceeding with the hearing and entering any order authorized by law.

This 16 day of March, 2021.

A handwritten signature in cursive script that reads "D. Arthur Hall". The signature is written in dark ink and is positioned above a horizontal line.

D. Arthur Hall, Chairman
North Carolina Home Inspector Licensure Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the foregoing **NOTICE OF ADMINISTRATIVE HEARING** on Petitioner by electronic mail and mailing a copy of the same via certified U.S. Mail, return receipt requested, in a first class postage prepaid envelope and on Attorney for the N.C. Home Inspector Licensure Board via State Courier, addressed as follows:

Reginald A. Daniel
3005 Kaymoore Drive
Winston-Salem, NC 27127
danielecological@gmail.com
(Petitioner)

James R. Baker
Assistant Attorney General
N.C. Department of Justice
Insurance Section
9001 Mail Service Center
Raleigh, NC 27699-9001
(Attorney for N.C. Home Inspector Licensure Board)

This the 17th day of March, 2021.



Heather H. Freeman
Assistant Attorney General
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