DEPARTMENT OF STATE
OFFICE OF THE SECRETARY OF STATE
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In the Matter of

Roger McCullough,

Appellant,

DECISION AND ORDER
13 DOS APP. 01

-against-

DEPARTMENT OF STATE
DIVISION OF LICENSING SERVICES,

Respondent
---------- X

Mr. Roger McCullough, [hereinafter "Appellant"] appeals from a judgement issued by the Office of Administrative Hearings [hereinafter "OAH"] revoking Appellant's registration as a security guard. Division of Licensing Services requests that the decision be affirmed. Appellant previously moved for a stay, which was denied in an opinion issued on August 8, 2001.

ISSUE

This appeal considers whether the OAH erred in determining that Appellant's registration as a security guard should be revoked in light of Appellant's felony conviction.

OPINION

Pursuant to General Business Law § 89-l (2)(a), it is within the discretion of the OAH to revoke a security guard registration upon a determination that the holder of such registration was "convicted of a serious offense, or of a misdemeanor in the state which, in the discretion of the secretary, bears a relationship to the performance of the duties of a security guard." A serious offense includes any felony

where the applicant has not yet received an Executive Pardon, a Certificate of Relief From Disabilities, nor a Certificate of Good Conduct. GBL § 89-f (13). Appellant was convicted of a felony and has not yet been granted a Certificate of Relief from this conviction. Therefore, I find that the Administrative Law Judge was acting within his discretion. If and when the Appellant receives a Certificate of Relief From Disabilities, then he may apply for a new security guard registration.

DETERMINATION

The determination of the Administrative Law Judge is affirmed.

So ordered on:

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Randy A. Daniels
Secretary of State