

APPENDIX C: NOTICE OF PROBABLE CAUSE FOR HEARING TO REVOKE

[Space Reserved for Sheriff's Office Letterhead]

**NOTICE OF PROBABLE CAUSE FOR HEARING TO REVOKE A
CONCEALED HANDGUN PERMIT**

TO: [Name and address of Permittee]

RE: Notice of Probable Cause for Hearing to Revoke a Concealed Handgun Permit

Dear _____:

Probable cause exists to believe you are ineligible to retain your Concealed Handgun Permit. Specifically, facts and circumstances exist to show:

[Describe disqualifying conditions]

, which constitutes a violation of N.C. Gen. Stat. § 14-415.18(a).

This allegation, if substantiated, could result in your Concealed Handgun Permit being revoked.

You have the following rights:

1. You may elect to respond to this notice in writing by submitting a statement to _____ of the _____ County Sheriff's Office.
 - a. Your written response will become a part of the record of this incident.
2. In the alternative, you may elect to have a hearing on this matter before _____ of the _____ County Sheriff's Office.
 - a. If requested by you in writing within 48 hours of receipt of this notice, this hearing will be held on the _____ day of _____, 20____, at the _____ County Sheriff's Office.
 - b. You may appear at the hearing.
 - c. You may make a statement on your own behalf.
 - d. The decision of the sheriff will be based solely on the evidence presented in the report of violation and at your hearing. The final decision will be made in writing and a copy will be provided to you.
 - e. All reports and related documents connected with this matter will be included in your file.
 - f. You may appeal the findings to a district court judge of the district where you reside.

This the _____ day of _____, 20_____.

Sheriff

County

§ 14-415.18. Revocation or suspension of permit.

- (a) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides may revoke a permit subsequent to a hearing for any of the following reasons:
- (1) Fraud or intentional and material misrepresentation in the obtaining of a permit.
 - (2) Misuse of a permit, including lending or giving a permit or a duplicate permit to another person, materially altering a permit, or using a permit with the intent to unlawfully cause harm to a person or property. It shall not be considered misuse of a permit to provide a duplicate of the permit to a vender for record-keeping purposes.
 - (3) The doing of an act or existence of a condition which would have been grounds for the denial of the permit by the sheriff.
 - (4) The violation of any of the terms of this Article.
 - (5) Repealed by Session Laws 2013-369, s. 20, effective October 1, 2013.

A permittee may appeal the revocation, or nonrenewal of a permit by petitioning a district court judge of the district in which the applicant resides. The determination by the court, on appeal, shall be upon the facts, the law, and the reasonableness of the sheriff's refusal.

(a1) The sheriff of the county where the permit was issued or the sheriff of the county where the person resides shall revoke a permit of any permittee who is adjudicated guilty of or receives a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Upon determining that a permit should be revoked pursuant to this subsection, the sheriff shall provide written notice to the permittee, pursuant to the provisions of G.S. 1A-1, Rule 4(j), that the permit is revoked upon the service of the notice. The notice shall provide the permittee with information on the process to appeal the revocation.

Upon receipt of the written notice of revocation, the permittee shall surrender the permit to the sheriff. Any law enforcement officer serving the notice is authorized to take immediate possession of the permit from the permittee. If the notice is served by means other than by a law enforcement officer, the permittee shall surrender the permit to the sheriff no later than 48 hours after service of the notice.

A permittee may appeal the revocation of a permit pursuant to this subsection by petitioning a district court judge of the district in which the permittee resides. The determination by the court, on appeal, shall be limited to whether the permittee was adjudicated guilty of or received a prayer for judgment continued for a crime which would have disqualified the permittee from initially receiving a permit. Revocation of the permit is not stayed pending appeal.

(b) The court may suspend a permit as part of and for the duration of any orders permitted under Chapter 50B of the General Statutes. (1995, c. 398, s. 1; 2011-268, s. 20; 2013-369, s. 20.)