

NORTH CAROLINA LOCKSMITH LICENSING BOARD

IN THE MATTER OF:

**Jack D. Dumont,
Respondent**

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RECOMMENDED ORDER

The Ethics Committee of the North Carolina Locksmith Licensing Board issues the following Recommended Order as relates to Respondent, Jack D. Dumont.

FINDINGS OF FACT

- 1) The North Carolina Locksmith Licensing Board (the "Board") is a body duly organized under the laws of North Carolina and has the authority to conduct this proceeding under Chapter 74F of the North Carolina General Statutes, including N.C.G.S. §74F-6.
- 2) Respondent Jack D. Dumont is licensed by the North Carolina Locksmith Licensing Board, holds license #0444, and does business as Affordable Locksmith in Pasquotank County.
- 3) A Complaint was filed in this matter by a licensed real estate broker complaining that Respondent, having been asked to provide a quote for re-key services, entered real property located at 169 Raymons Creek Road, Shiloh, NC prematurely and without authorization to do so. The Complainant claims the Respondent then charged \$258.94 (rather than the quoted amount of \$100.00). Complainant stopped payment on a check to Respondent the following day. Complainant alleges that Respondent thereafter removed the locks from the premises and left the property unsecured.
- 4) The above discussions and actions arose from an attempt to provide locksmith services as defined by N.C.G.S. § 74F-4.
- 5) The Complaint in this matter was forwarded to the Ethics Committee of the Board for consideration.
- 6) Respondent provided written documents to the Board's Executive Director in response to the allegations of the Complaint. Those documents denied any wrongdoing and disputed the allegations of the Complaint. Respondent contends he provided appropriate locksmith services and is entitled to be paid.
- 7) The matter was considered by the Ethics Committee at which time the Committee considered the complaint and the written statements and admissions of the Respondent.

- 8) The Committee was concerned about the Respondents failure to make reasonable efforts to document the right to enter a property prior to doing so. There was no verification of the identity of the caller and work began prior to any efforts to confirm a right to enter the property. There were two separate entries into the property, which appear to be without permission. The Committee is also concerned with the actions taken which appear to have left the property unsecured.
- 9) The Committee based upon the totality of the statements, admissions, and various communications in this matter, along with a consideration of its laws and Rules, most particularly N.C.G.S. § 74F-15, which sets forth the grounds for discipline has determined a corrective action plan from the Respondent is needed and probation is appropriate. The Ethics Committee therefore issues this Recommended Order, which either may be accepted by Respondent prior to its consideration by the full Board or rejected which will result in a hearing before the Board.

CONCLUSIONS OF LAW

1) The Board is a body duly organized under the laws of North Carolina and has the authority to conduct this proceeding under Chapter 74F of the North Carolina General Statutes, including N.C.G.S. §74F-6.

2) N.C.G.S. § 74F-4 defines Locksmith services as:

“Services that include repairing, rebuilding, rekeying, repinning, servicing, adjusting, or installing locks, mechanical or electronic locking devices, access control devices, egress control devices, safes, vaults, and safe-deposit boxes for compensation or other consideration, including services performed by safe technicians. The definition also includes any method of bypassing a locking mechanism of any kind, whether in a commercial, residential, or automotive setting, for compensation.”

3) N.C.G.S. §74F-6 gives the Board the Power and duty to, inter alia:

“

(4) Issue, renew, deny, suspend, or revoke licenses or apprenticeship designations and conduct any disciplinary actions authorized by this Chapter.

. . . .

(7) Receive and investigate complaints from members of the public.

(8) Conduct investigations for the purpose of determining whether violations of this Chapter or grounds for disciplining licensees exist.

. . . . “

4) N.C.G.S. §74F-15 states:

- “(a) The Board may deny or refuse to renew, suspend, or revoke a license or apprenticeship designation if the licensee, apprentice, or applicant:
- (1) Gives false information to or withholds information from the Board in procuring or attempting to procure a license.
 - (2) Has been convicted of or pled guilty or no contest to any of the crimes listed in G.S. 74F-18(a)(2).
 - (3) Has demonstrated gross negligence, incompetency, or misconduct in performing locksmith services.
 - (4) Has willfully violated any of the provisions of this Chapter.
- (b) The Board may assess the costs of disciplinary action, including attorneys' fees, against an applicant or licensee found to be in violation of this Chapter or rules adopted by the Board.”

5) 21 NCAC 29 .0502 FAIR BUSINESS PRACTICES states in relevant part:

“(a) Locksmiths shall conduct all business in compliance with all applicable local, State, and federal laws.”

6) 21 NCAC 29 .0503 PROTECTION OF THE PUBLIC INTEREST states in relevant part:

“(a) Locksmiths shall refrain from allowing their specialized skills, knowledge, or access to tools and information to be used in a manner that puts the safety and security of the public at risk.”

- 7) Respondent has demonstrated gross negligence, incompetency, or misconduct in performing locksmith services.
- 8) Respondent has acted in a manner that puts the safety and security of the public at risk while engaging in the business of providing locksmith services.

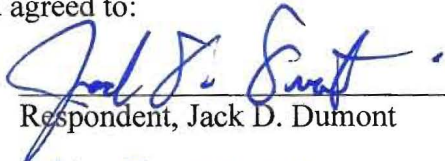
Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is the recommendation of the Ethics Committee that:

- 1) The license of Respondent, Jack D. Dumont, be placed on **PROBATION** for six (6) months.
- 2) During the period of PROBATION Respondent shall:
 - a. Commit no further violations of the Board's laws and rules.

- b. Create a written corrective action plan to be submitted to the Board's Executive Director by June 1, 2019 which plan shall demonstrate what changes Respondent has made to his business practices to document the right to enter private property before providing locksmith services and to confirm authority to begin engaging in locksmith services before doing so.
- c. Respondent shall provide a written update as to all final judgments for any criminal and civil legal actions that arose from the events that are the subject of the complaint in this matter.

You have 10 days from receipt of this decision to reject this proposed resolution and request a full hearing before the Board. You can make such a request by regular mail or email. In the event you do not request a hearing, this proposed decision will be tendered to the Board for approval and become a Final Decision at that point. To either accept or reject this proposed decision please sign below.

Accepted and agreed to:



Respondent, Jack D. Dumont
4-5-2019

Date

Rejected and hearing requested:

Respondent, Jack D. Dumont

Date