NORTH CAROLINA WAKE COUNTY	BEFORE THE NORTH CAROLINA LOCKSMITH LICENSING BOARD CASE NO. EC-24-229
In the matter of: OR SOLOMON, (L. 2358) Respondent.	)))))))

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY DECISION

In accordance with N.C. Gen. Stat. § 150B-40(d), the North Carolina Locksmith Licensing Board (the "Board") issues the following Findings of Fact, Conclusions of Law, and Final Agency Decision in this matter.

The record reflects that a quorum of the Board was present at the hearing held on February 5, 2025, and at the time the Board made this decision on February 5, 2025. At the hearing, Ryan C. Mitiguy and Catherine E. Lee, General Counsel, appeared for Board staff. Respondent did not appear.

Before the hearing, the following inquiry was read aloud in accordance with state ethics laws: "[d]oes any board member have any known conflict of interest with respect to this matter coming before the Board today? If so, please identify the conflict or appearance of conflict and refrain from any undue or inappropriate participation in the particular matter involved." No Board members stated that they had a conflict of interest or the appearance of a conflict of interest.

PETITIONER'S LIST OF EXHIBITS

1. Notice of Hearing
2. Affidavit of Service
3. License Details
4. Final Investigation Report #NCLLB 24-08-04906LS-01

FINDINGS OF FACT

1. On May 11, 2020, Or Solomon ("Respondent Licensee") was issued a locksmith license, license no. 2358, and is currently valid.

2. On or about September 6, 2024, Travis Everhart of Case-Closed Investigations ("Everhart") called Top Charlotte Locksmith and requested that a locksmith be dispatched to bypass the locking mechanism of a locked vehicle located at Harris Teeter on University City Boulevard in Charlotte, North Carolina. An unidentified female answered the call and stated that a technician would call in five minutes.

3. A short time after placing the call, Everhart received a call from an unidentified male ("John Doe"), who stated that he would arrive in 20 minutes to provide locksmith services.

4. Thereafter, John Doe arrived at Everhart's location and identified himself as David, without providing a last name. The Board finds credible the testimony of Everhart that the first name provided by John Doe was an alias and not John Doe's true identity.

5. Everhart inquired if John Doe had a North Carolina Locksmith License, and John Doe stated that his license was at his office.

6. John Doe stated he would call his manager and began to place a call on his cellphone. Everhart observed John Doe's phone displaying the name of Respondent Licensee as to the person with whom John Doe was speaking.

7. After briefly speaking on the phone, John Doe entered his vehicle without speaking further to Everhart and left the parking lot.

8. At hearing, Barden Culbreth ("Culbreth"), Executive Director of the Board, testified credibly in reference to Board records, locksmith regulations, and the responsibilities of licensees.

9. Culbreth testified credibly that he conducted a diligent search of the Board's records for businesses registered as Top Charlotte Locksmith LLC but found no record of the business in the Board's records.

10. Culbreth testified credibly to the identity of the business and employee Respondent Licensee registered with the Board. Specifically, that Respondent Licensee registered Magic Lock LLC as a locksmith business with the Board and Mr. Or Mashkovith ("Mashkovith") as the only employee of Magic Lock LLC.

11. Culbreth testified credibly that he reviewed the image of Mashkovith registered with the Board and compared that image with the images of John Doe collected from Everhart's investigation and found that the images do not match.

12. Culbreth testified credibly that the Board issued a letter to Respondent Licensee inviting Respondent Licensee to attend a prior Board meeting to discuss the events that occurred on September 6, 2024, as set forth herein.

13. Culbreth testified credibly that Respondent Licensee emailed the Board to acknowledge receipt of the Board's request to discuss the events that occurred on September 6, 2024.

14. Culbreth testified credibly that the Board issued a Notice of Hearing on December 2, 2024, and that Respondent Licensee was in fact served with the Notice of Hearing on December 3, 2024.

CONCLUSIONS OF LAW

1. Respondent Licensee is subject to Chapter 74F of the North Carolina General Statutes and Title 21, Chapter 29 of the North Carolina Administrative Code.

2. Respondent Licensee is subject to jurisdiction before the Board.

3. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.

4. N.C. Gen. Stat. § 74F-3 provides that a licensee shall not perform or offer to perform locksmith services without a license.

5. N.C. Gen. Stat. § 74F-13 provides that a licensee shall provide the Board with the names of each person employed by licensee who either performs locksmith services or has access to locksmith tools.

6. N.C. Gen. Stat. § 74F-15(1) provides that a licensee shall not withhold information from the Board in procuring or attempting to procure a license.

7. N.C. Gen. Stat. § 74F-15(4) provides that a licensee shall not willfully violate the Locksmith Licensing Act, Chapter 74F of the North Carolina General Statutes.

8. Based upon the foregoing Findings of Fact, Respondent Licensee committed one or more of the violations described above.

FINAL AGENCY DECISION

The North Carolina Locksmith Licensing Board hereby issues the following decision:

1. Respondent Licensee's locksmith license, license no. 2358, is suspended upon the following terms and conditions.

    a. Respondent Licensee's locksmith license shall remain suspended until such time that Respondent Licensee appears before the Board's Ethics Committee and provides, to the satisfaction and sole discretion of the Board's Ethics Committee, sufficient information to address the findings of fact and conclusions of law set forth herein, including but not limited to, a complete and accurate account of all

employees currently performing services under Respondent Licensee's supervision or direction and an explanation of Respondent Licensee's professional association with Top Charlotte Locksmith. The Board's Ethics Committee has the authority to stay the suspension of Respondent Licensee's locksmith license in its sole discretion; provided that Respondent Licensee has remitted to the Board the costs of this disciplinary action, including attorney's fees, as ordered by the Board contemporaneously with this Final Agency Decision.

b. Respondent Licensee shall not be eligible to renew his locksmith license or apply for a new locksmith license until such time that he complies with the provisions set forth in Paragraph 1(a) above. If Respondent License fails to appear before the Board's Ethics Committee prior to expiration of Respondent Licensee's locksmith license, his existing locksmith license will expire.

c. Upon the Board staff's receipt of any evidence in the future of Respondent Licensee's violation of the North Carolina Locksmith Licensing Act, Board staff are directed to notice a show cause hearing and pursue revocation of Respondent Licensee's locksmith license.

2. This Final Agency Decision shall take effect upon service of Respondent Licensee in a manner consistent with N.C. Gen. Stat. § 150B-42(a).

3. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondent has thirty (30) days from the date that he receives this Final Agency Decision to file a Petition for Judicial Review. The Petition for Judicial Review must be filed in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. Since this is an administrative appeal, no additional evidence will be taken. If a Petition is filed, a Superior Court Judge will review the Final Agency Decision to determine whether there were any legal errors in the Final Agency Decision.

By order of the North Carolina Locksmith Licensing Board, this, the 3 day of March, 2025.

By: _____
Larry Mares, Chair
N.C. Locksmith Licensing Board