

Devalle Decision: NC Supreme Court Reinforces Candor Requirements in Occupational License Applications

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Ryan Mitiguy

By Ryan Mitiguy on September 5, 2025

Administrative Law attorney, Ryan Mitiguy, wrote an article that was published by ncbarblog.com discussing the significant ruling issued by the NC Supreme Court in *Devalle v. N.C. Sheriffs' Education & Training Standards Commission*, which provides crucial guidance to regulatory agencies and occupational licensing boards on evaluating applicants' "good moral character" requirements.

Case Background

The case involved a former state trooper, Devalle, who was terminated in August 2017 for misconduct, specifically clocking in for work while staying home instead of patrolling. Two days after his termination, he accepted a position with a County Sheriff's Office and applied for new law enforcement certification through the North Carolina Sheriffs' Education and Training Standards Commission.

Despite positive testimony from his supervisor and school principal regarding his rehabilitation, the Commission denied Devalle's application, citing his lack of candor and evasive testimony during the contested case hearing. The Administrative Law Judge noted that Devalle "feigned a lack of memory," was "evasive and elusive," yet "readily recollected [the relevant] circumstances . . . when questioned by his own counsel."

Court's Decision

The Supreme Court reversed lower court decisions that had favored Devalle, emphasizing that "good moral character has many attributes... none are more important than honesty and candor." The Court determined that the Commission's decision was supported by substantial evidence and was not arbitrary or capricious.

Critically, the Court established that an applicant's evasive or untruthful testimony during proceedings can itself constitute substantial evidence of lacking good moral character, regardless of supporting character witnesses.

Key Legal Principles Established

The ruling clarifies several important standards:

- **Timing Matters:** Agencies must evaluate an applicant's character at the time of application, not based on subsequent rehabilitation efforts
- **Burden of Proof:** The applicant bears the burden of demonstrating good moral character
- **Credibility Assessment:** Agencies have discretion to determine witness credibility and may

rely on an applicant's own testimony and demeanor

- **Retroactive Certification:** If granted, certification may only be awarded retroactive to when the applicant actually met their evidentiary burden

Practical Implications

This decision reinforces agencies' authority to deny applications based on applicants' conduct during the review process itself. For practitioners, it emphasizes the importance of thorough preparation and honest testimony in administrative proceedings. The ruling also provides agencies with stronger footing to make character determinations while requiring detailed factual findings to support appellate review.

The decision serves as a reminder that occupational licensing standards exist to protect public safety, and applicants must meet character requirements through credible evidence and truthful testimony.

The full article is available at [this link](#).