

NORTH CAROLINA LOCKSMITH LICENSING BOARD

IN THE MATTER OF:)
)
Charles M. Lancaster,) **CONSENT ORDER**
Respondent)

The North Carolina Locksmith Licensing Board issues the following Consent Order as relates to Respondent, Charles M. Lancaster.

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 Charles M. Lancaster is licensed by the North Carolina Locksmith Licensing Board, holds license #0771, and does business as Interstate Locksmith Service.
- 3) During 2018, Respondent had pending criminal charges in Johnston County arising from an incident in which he discharged a firearm during discussions with individuals he contends were engaged in an organized effort to waste his time and potentially engage in criminal activity. Those discussions and the discharge of the weapon occurred during an attempt to provide locksmith services as defined by N.C.G.S. § 74F-4. The Board was concerned those actions put the safety and security of the public at risk. Those charges have since been dismissed.
- 4) A Complaint in this matter was initiated by another licensed locksmith. That Complaint was forwarded to the Ethics Committee of the Board for consideration.
- 5) The matter was initially considered by the Ethics Committee on December 11, 2018 at which time the Committee considered the complaint, statements and admissions of the Respondent who appeared in person at that meeting. Following that meeting the Committee was concerned about the judgment and decision-making that led to the discharge of a weapon in a situation where there was a lack of an explicit threat, the amount of stress and anxiety Respondent appeared to be under and the possibility of a criminal conviction. The Committee desired that Respondent seek professional counseling to deal with the apparent stress and anxiety issues. The Respondent’s stated willingness to obtain that counseling was an important factor in the Committee’s assessment of the situation.

- 6) As a result of the December 11, 2018 meeting, the Committee issued a Recommended Order, attached as Exhibit A, which **SUSPENDED** the Respondent’s license but which further **STAYED** that suspension contingent upon the satisfactory completion of certain conditions. Respondent agreed to the terms of that Recommended Order.
- 7) After some delay, Charles Lancaster has now been able to satisfy the conditions of that Recommended Order.

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) N.C.G.S. §74F-18(a)(2) states:

(2) Criminal history. – A history of conviction of a state or federal crime, whether a misdemeanor or felony, that bears on an applicant's fitness for licensure to practice locksmithing. The crimes include the criminal offenses set forth in any of the following Articles of Chapter 14 of the General Statutes: Article 5, Counterfeiting and Issuing Monetary Substitutes; Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7B, Rape and Other Sex Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretenses and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 19B, Financial Transaction Card Crime Act; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots, Civil Disorders, and Emergencies; Article 39, Protection of Minors; Article 40, Protection of the Family; Article 59, Public Intoxication; and Article 60, Computer-Related Crime. The crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act in Article 5 of Chapter 90 of the General Statutes and alcohol-related offenses including sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

6) 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.”

7) 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.”

- 8) Respondent has demonstrated gross negligence, incompetency, or misconduct in performing locksmith services.
- 9) 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.
- 10) It is agreed that Respondent owes fee totaling \$200.00 for any late fees or reinstatement fees.

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is ordered that:

1. Respondent’s license be placed on unsupervised probation for a period of one year, from May 15, 2019 through May 15, 2020, during which time Respondent is to commit no violation of the Board’s laws (including N.C.G.S. 74F-15) and rules. Respondent as a condition of his probation is also to continue with all counseling recommended by his treatment providers to address any ongoing stress and anxiety issues.
2. In the event of the Respondent’s failure to comply with the terms of this probation, the Respondent agrees a one-year suspension of his license to engage in business as a locksmith will be activated.

Entered the ___ day of _____ 2019



Board Chair

Accepted and agreed to:



Respondent, Mike Lancaster

9-15-19

Date

