

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
26 OSP 02507

Johnny E Miller Petitioner, v. North Carolina State Board of Education Respondent.	NOTICE OF HEARING G.S. 150B-23(b) RECEIVED Jul 24 2026 SC Court of Appeals
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PLEASE TAKE NOTICE that this contested case will be heard by the undersigned Administrative Law Judge as follows:

DATE: September 29, 2026

TIME: 9:00 AM (or as soon thereafter as may be heard)

PLACE: Mecklenburg County Courthouse
Courtroom 8130
832 East Fourth St
Charlotte, North Carolina 28202

I. GENERAL

1. This hearing will be conducted in accordance with Chapter 150B of the North Carolina General Statutes and Title 26, Chapter 03 of the North Carolina Administrative Code (NCAC), which may be obtained by accessing the OAH Web page at www.oah.nc.gov.

2. Unless otherwise determined by the Administrative Law Judge, the hearing will proceed in the following sequence:

- a. Call of the case
- b. Motions and other preliminary matters
- c. Stipulations, agreements, or consent orders entered into the record
- d. Opening statements
- e. Presentation of evidence; cross-examination
- f. Closing arguments

3. All parties shall bring to the hearing all documents, records, and witnesses needed to present their cases.

4. If special equipment or technology (including WebEx connections for remote witnesses or observers) is required for any party's case, that party is responsible to arrange for that equipment or technology in advance of the hearing. **Parties at all times remain responsible for presentation of their own evidence and should not presume availability of OAH staff to assist them with this process.**

5. Subpoenas may be available to the parties pursuant to 26 NCAC 03.0114 to compel the attendance of witnesses or for the production of documents.
6. A party may represent himself or herself or may be represented by an attorney licensed by and in good standing with the North Carolina State Bar. An attorney who is representing a party must file a Notice of Appearance within 10 days of service of this Notice containing the name, address, and telephone number of the attorney.

II. FAILURE TO APPEAR

Please take notice that failure to appear at the hearing may result in any of the following consequences pursuant to 26 NCAC 03 .0114(a):

1. A finding that the allegations of or the issues set out in this Notice may be taken as true or deemed proved without further evidence;
2. Dismissal of the case or allowance of the motion or petition;
3. Suppression of a claim or defense; or
4. Exclusion of evidence.

III. CONTINUANCES (26 NCAC 03 .0118)

1. Any request for a continuance must be made by written motion and served on all parties.
2. Continuances shall be granted only on a showing of “good cause” or “extraordinary cause” as defined in 26 NCAC 03 .0118.
3. A motion to continue filed less than five days prior to a hearing will presumptively be denied unless the reason for the motion could not have been reasonably ascertained earlier.

Note: Due to the Final Decision deadlines of N.C. Gen. Stat. § 126-34.02, no continuances are contemplated.

IV. CANCELLATION OF HEARING

Pursuant to 26 NCAC 03 .0123(d), the parties should notify the Office of Administrative Hearings of the cancellation of any contested case hearing at least 24 hours prior to the date of the hearing.

SO ORDERED.

This the 24th day of July, 2026.



Christopher C. Loutit
Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 N.C. Admin. Code 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center which will subsequently place the foregoing document into an official depository of the United States Postal Service.

Johnny Earl Miller
Charlotte Mecklenburg Schools (CMS)_Piedmont Middle School
johnnymillerjohn@aol.com
Petitioner

Fenita T Morris-Shepard
DOJ
fmorrisshpard@ncdoj.gov
Attorney For Respondent

This the 24th day of July, 2026.



Lisa J Garner
North Carolina Certified Paralegal
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