

Docket No.: 2402718-OSAH-PLBD-PDSA-60-Barnes

BLACKWOLF EXECS INC.
1050 CROWNE POINTE PARKWAY,
SUITE 500
ATLANTA, GA 30338

9414 8118 9956 2039 5022 71

JENNY CHAPMAN
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BLACKWOLF EXECS INC.
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ATLANTA, GA 30334-1300

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

**GEORGIA BOARD OF PRIVATE
DETECTIVE AND SECURITY
AGENCIES,**

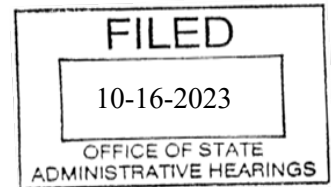
Petitioner,

v.

**BLACKWOLF EXECS INC.,
KERRY KINGBROWN, Owner and
Registered Agent,
Respondent.**

**Docket No.: 2402718
2402718-OSAH-PLBD-PDSA-60-Barnes**

Agency Reference No.: 2402718



INITIAL DECISION

I. Introduction

Petitioner, the Georgia Board of Private Detectives and Security Agencies (“Board”) brought this action seeking the issuance of a Cease-and-Desist order against Respondent Kerry KingBrown and Agency Respondent Black Wolf Execs Inc. (“Black Wolf”) to enjoin them from the unlicensed practice of private security. The evidentiary hearing took place on September 15, 2023 before the undersigned administrative law judge. The Board was represented by Griffin W. Ingraham, Esq., Assistant Attorney General. Mr. Bradley Coman, Executive Director of the Board, testified at the hearing. Respondent failed to appear at the hearing and is in default.¹ After careful consideration of the evidence and arguments presented, and for the reasons stated below, Respondent and Agency Respondent are hereby **ORDERED to CEASE AND DESIST** from engaging in the practice of private security in Georgia. Respondent is enjoined from holding himself out as a private security professional unless and until he obtains a license to do so. Agency

¹ The Court finds that the Board made sufficient efforts at process service, including sending notice via USPS certified mail to the mailing address Respondent has on file with the Secretary of State, as well as with Respondent’s applications for licensure. (Exs. P-1, P-2) The Court finds that notice was duly served.

Respondent is enjoined from holding itself out as a private security company unless and until it obtains a license to do so.

II. Findings of Fact

1. Respondent Kerry KingBrown is the Owner, Registered Agent, Chief Executive Officer, Chief Financial Officer, and Secretary of BlackWolf Execs Inc.², an active foreign profit corporation. Black Wolf was formed and registered with the Corporations Division of the Georgia Secretary of State's Office on April 13, 2021. (Coman Testimony; Ex. P-5)

2. Black Wolf's principal office address with the Georgia Secretary of State Corporations Division is listed as 1050 Crowne Pointe Parkway, Suite 500, Atlanta, Georgia 30338. Respondent's physical address as the registered agent of Black Wolf is the same address as the principal office. (Coman Testimony; Ex. P-5)

3. Respondent does not hold a license with the Board to operate a private security business in Georgia. (Coman Testimony; Ex. P-3)

4. Respondent previously held a dual Employee license under Loyd Investigations & Security Inc. A dual Employee license authorizes an Employee of a licensed private security or private detective company to engage in both private security business and private security business. (Coman Testimony; Ex. P-18)

5. Loyd Investigations & Security terminated Respondent's Employee Registration on or about June 16, 2023. (Coman Testimony; Exs. P-14, P-18)

6. Through Black Wolf, Respondent offers private security services to the public. Respondent developed Black Wolf App, a ride share service similar to Uber or Lyft. Customers

² Respondent refers to the company as "Black Wolf Execs" on Respondent's business website and social media pages. The Georgia Corporations Division of the Secretary of State's Office lists the business name as "BlackWolf Execs Inc." The undersigned will refer to it herein as "Black Wolf."

using Black Wolf App can order an armored vehicle for transportation from one location to another. Customers also have the option to be accompanied by armed or unarmed security guards employed by Black Wolf on trips booked through Black Wolf App. (Coman Testimony; Exs. P-6-11, P-13-17, P-16)

7. Respondent advertises these private security services extensively at blackwolfapp.com as well as Facebook, Instagram, and TikTok. (Coman Testimony; Exs. P-6 – 11)

8. Respondent has participated in multiple interviews with local and national news sources to promote Black Wolf App and the private security services offered by Black Wolf. In interviews, Respondent has represented Black Wolf as a private security company, despite neither Respondent nor the company being licensed for private security. (Coman Testimony; Exs. P-7, P-9, P-12)

9. Respondent previously applied twice for Board licensure for Black Wolf. In September 2021, Respondent applied for licensure for BlackWolf as a private detective and security company. The Board approved this application in October 2021, pending a passing score on the Private Detective exam, payment of license fee, and proof of current bond or insurance posted. Respondent failed the Private Detective examination three times: on December 8, 2021, May 31, 2022, and June 8, 2022. (Coman Testimony; Exs. P-4, P-25)

10. In June 2022, Respondent applied for licensure for Black Wolf as a private security company. The Board approved this application in July 2022, pending a passing score on the Private Detective exam, payment of license fee, and proof of current bond or insurance posted. Respondent failed the Private Security examination six times: on December 8, 2021, May 31, 2022, June 8, 2022, September 16, 2022, January 24, 2023, and March 2, 2023. (Coman

Testimony; Exs. P-4, P-26)

11. Because Respondent did not successfully meet the requirements for licensure, he never obtained a valid private security license for Black Wolf. Respondent currently has no licensure applications pending with the Board.

III. Conclusions of Law

1. The Board seeks a cease-and-desist order against Respondent and Agency Respondent pursuant to the Georgia Private Detective and Security Agencies Act, O.C.G.A. §§ 43-38-1, *et seq.*, the rules of the Georgia Board of Private Detectives and Security Agencies, found at Ga. Comp. R. & Regs., Title 509, as well as the general statutory provisions related to professional licensing boards, O.C.G.A. §§ 43-1-1, *et seq.* The Board's burden of proof in this matter is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.07 and 616-1-2-.21(4).

2. Ga. Comp. R. & Regs. r. 509-2-.03 provides, in part:

(1) Any applicant for licensure who is filing the application on behalf of a firm, association, company, partnership, or corporation shall be an appropriately qualified designee as defined in O.C.G.A § 43-38-6(a). Said officer or member shall be directly responsible for all operations and must be registered with the Board.

(5) If a licensed or registered employee leaves a licensed company to become employed with another licensed company, the new employer must submit a new application and appropriate fee to the Board on behalf of the employee. The Board may, at its discretion, issue to such applicant the new license or registration with a weapon permit prior to receiving the results of the background investigations, so long as the licensed company and the applicant's current licenses or registrations are in good standing.

(6) When any registrant or licensee is employed by more than one agency simultaneously, each employer must complete application for registration or licensure on behalf of the employee. Each application must be accompanied by the appropriate fee. Refer to the fee schedule for fee. The board may issue the registration or license with weapon permit to such registrant or licensee before receiving the results of the criminal background check, so long as the agency is licensed and the applicant's license or registration is current.

3. O.C.G.A. § 43-1-20.1(a) provides, “[A]fter notice and hearing, a professional licensing board may issue a cease-and-desist order prohibiting any person from violating the provisions of this title by engaging in the practice of a business or profession without a license.” Additionally, once a cease-and-desist order is issued against a person, the Board “shall be authorized to impose a fine not to exceed \$500.00 for each transaction constituting a violation thereof. Each day that a person practices in violation of this title shall constitute a separate violation.” O.C.G.A. § 43-1-20.1(b).

4. O.C.G.A. § 43-38-6(a) provides:

(a) Any individual, firm, association, company, partnership, limited liability company, or corporation desiring to engage in the private detective or private security business in this state shall make a verified application to the division director for a license therefor. If the applicant is a firm, association, company, partnership, limited liability company, or corporation, the person filing the application on behalf of such firm, association, company, partnership, limited liability company, or corporation shall be a corporate officer of such corporation or an officer of such firm, association, partnership, or limited liability company; and such individual shall meet the qualifications set out in this Code section.

Licensed employees of licensed private security companies are not permitted to own or operate a separate private security company under the Employee license. More stringent requirements apply to individuals seeking licensure to own and operate a private security company than for individuals seeking employment with a private security company. *See generally* O.C.G.A. § 43-38-6; O.C.G.A. § 43-38-7; O.C.G.A. § 43-38-7.1.

5. “Private security business” means engaging in the business of, or accepting employment to provide, any or all of the following: (A) Private patrol service; (B) Watchman service; (C) Guard service; (D) Armored car service; or (E) The protection of persons from death or serious bodily harm.” O.C.G.A. § 43-38-3(4).

6. Under O.C.G.A. § 43-38-16:

Any person who engages in the private detective business or private security business or offers, pretends, or holds himself out as eligible to engage in the private detective business or private security business and who is not legally licensed or registered under this chapter shall be guilty of a misdemeanor. Each day or fraction of a day that he practices in violation of this chapter shall constitute a separate offense.

The overwhelming evidence in this matter shows that Respondent engages in the private security business and holds his company out as a private security company, while being unlicensed to do so.

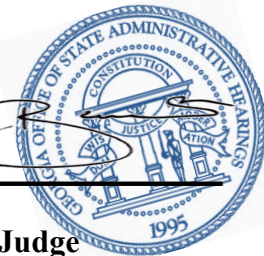
7. The Board has proven by a preponderance of the evidence that Respondent has engaged in the practice of private security without a license through Agency Respondent Black Wolf.

IV. Decision

In accordance with the foregoing Findings of Fact and Conclusions of Law, this Court hereby **ORDERS** Respondent and Agency Respondent to **CEASE AND DESIST** from engaging in the practice of private security unless and until they obtain a valid license from the Georgia Board of Private Detectives and Security Agencies. This Cease-and-Desist Order may be enforced by Petitioner through any and all means provided by law. Respondent will be issued a fine of \$500.00 per violation of the Cease-and-Desist Order, with each day of unlicensed practice in violation of the Act constituting a separate violation.

SO ORDERED, this 16th day of October, 2023.


Shakara M. Barnes
Administrative Law Judge





NOTICE OF INITIAL DECISION

Attached is the Initial Decision of the administrative law judge. A party who disagrees with the Initial Decision may file a motion with the administrative law judge and/or an application for agency review.

Filing a Motion with the Administrative Law Judge

A party who wishes to file a motion to vacate a default, a motion for reconsideration, or a motion for rehearing must do so within 10 days of the entry of the Initial Decision. Ga. Comp. R. & Regs. 616-1-2-.28, -.30(4). All motions must be made in writing and filed with the judge's assistant, with copies served simultaneously upon all parties of record. Ga. Comp. R. & Regs. 616-1-2-.04, -.11, -.16. The judge's assistant is Devin Hamilton - 404-657-3337; Email: devinh@osah.ga.gov; Fax: 404-657-3337; 225 Peachtree Street NE, Suite 400, South Tower, Atlanta, Georgia 30303.

Filing an Application for Agency Review

A party who seeks review by the referring agency must file an application for agency review within 30 days after service of the Initial Decision. O.C.G.A. §§ 50-13-17(a), -41. **In nearly all cases, agency review is a prerequisite for judicial review.** O.C.G.A. § 50-13-19(a).

The application for agency review must be filed with: . Copies of the application for agency review must be served upon all parties of record and filed simultaneously with the OSAH Chief Clerk at 225 Peachtree Street NE, Suite 400, South Tower, Atlanta, Georgia 30303. If a timely application for agency review is not filed and the referring agency does not review the Initial Decision on its own motion, the Initial Decision will become the Final Decision of the referring agency by operation of law. O.C.G.A. §§ 50-13-17(a), -41.

From: [Devin Hamilton](#)
To: "kb@blackwolfexecs.com"; "Gingraham@law.ga.gov"; [Thomas McNulty](#)
Cc: "jchapman@sos.ga.gov"
Subject: RE: Blackwolf Execs Inc. v. Georgia Board of Private Detectives and Security Agencies 2402718
Date: Monday, October 16, 2023 3:25:00 PM
Attachments: [2402718.pdf](#)

Good afternoon,

Please find the attached Decision. Thank you.

Best,

Devin Hamilton

Legal Assistant

Office of State Administrative Hearings

Phone: 404-657-3337

Fax: 404-657-3337

Email: devinh@osah.ga.gov

225 Peachtree Street NE

Suite 400

Atlanta, GA 30303

Go to www.osah.ga.gov for hearing dates, procedures, and other helpful information.

The Staff at the Office of State Administrative Hearings is not authorized to provide legal advice.

OSAH does not accept motions, requests for continuances, or conflict letters embedded in an email. You may prepare and file a motion and proof of service electronically, pursuant to OSAH Rules 4 and 16, by attaching the documents to an e-mail in either Microsoft Word or PDF format. You are required to serve the motion in accordance with OSAH Rule 11. Your motion and the response, if any, will be presented to the Judge for his/her consideration. Once an Order is issued by the Judge, a copy of that Order will be sent to all parties or their counsel of record. For your convenience, below is the link to our procedural rules: https://osah.ga.gov/wp-content/uploads/2022/06/Admin.-Rules-of-Procedure_Eff.-June-7-2022.pdf

From: Devin Hamilton

Sent: Friday, August 11, 2023 12:38 PM

To: kb@blackwolfexecs.com; Gingraham@law.ga.gov

Cc: jchapman@sos.ga.gov

Subject: Blackwolf Execs Inc. v. Georgia Board of Private Detectives and Security Agencies 2402718

Good afternoon,

Please find the attached Notice of hearing. Thank you.

Best,

Devin Hamilton

Legal Assistant

Office of State Administrative Hearings

Phone: 404-657-3337

Fax: 404-657-3337

Email: devinh@osah.ga.gov

225 Peachtree Street NE

Suite 400

Atlanta, GA 30303

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