

OFFICE OF THE MISSISSIPPI SECRETARY OF STATE
REGULATION AND ENFORCEMENT DIVISION

IN THE MATTER OF:

PRINCESS NAKEIA GRAVES
A HUNNIT PERCENT ENTERTAINMENT COMPANY
(AKA AUTHENTIC 100% ENTERTAINMENT COMPANY)
2616 GEORGE STREET
GULFPORT, MS 39503

Administrative Proceeding
Number: LA-16-1827

Respondent

FINAL ORDER

This cause came before the hearing officer on June 7, 2016, after having been reset at the Respondents request from June 14, 2016. On June 13, 2016, the appointed hearing officer submitted his Recommendation of the Hearing Officer, attached as Exhibit A. The Respondent was sent the recommendation and given fourteen (14) days to respond. A response was received and considered by the Secretary of State's Office on June 28, 2016, attached as Exhibit B. The above styled cause stands ready for final adjudication via this Final Order.

Findings of Fact

1. The Secretary of State has the authority to administer and to provide for the enforcement of all provisions of the Uniform Athlete Agents Act ("Act"), Mississippi Code Annotated § 73-42-1 *et. seq.* ("Code") which governs persons operating as athlete agents in the State of Mississippi.
2. Princess Nakeia Graves ("Graves") submitted an application to be licensed as an athlete agent in the State of Mississippi on April 5, 2016. As an applicant for an athlete agent license, Graves is subject to the requirements of the Act.

3. The Secretary of State, Regulation and Enforcement Division has jurisdiction of the parties and subject matter herein.
4. Mississippi Code Annotated Section 73-42-11(3)(a) sets a felony grade conviction forth as a factor for the Secretary of State to consider when determining the fitness of an applicant to serve as an athlete agent. Graves has two felony grade convictions.
5. Mississippi Code Annotated Section 73-42-11(3)(b) provides that making a materially false, misleading, deceptive or fraudulent representation in the application is a factor for the Secretary of State to consider when determining the fitness of an applicant to serve as an athlete agent. Graves disclosed a 1998 felony conviction for aggravated assault but failed to disclose a 2008 felony conviction for possession of a controlled substance. Failure to disclose this later conviction is a materially false and misleading statement.
6. Mississippi Code Annotated Section 73-42-9(1)(e) requires that an applicant for an athlete agent license provide three (3) individuals not related to the applicant who are willing to serve as a reference. Graves, at the time of the denial, had only provided one (1) person to serve as a reference.
7. Graves' application was subsequently denied on these grounds via letter on April 26, 2016.
8. Graves requested a hearing via faxed letter on May 10, 2016.
9. A hearing was set for June 14, 2016; however, the date of the hearing was moved up a week at Graves' request.

10. A hearing was held on this matter on June 7, 2016, with Hon. Alben N. Hopkins serving as hearing officer.

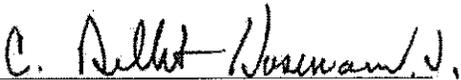
CONCLUSIONS OF LAW

11. Graves' second felony grade conviction coupled with her non-disclosure of the same, warrants denial of the application under Mississippi Code Annotated Section 73-42-11(3)(a) and (b).

12. Further, Graves' inability to provide three (3) individual references as required by Mississippi Code Annotated Section 73-42-9(1)(e), also warrants denial of the application.

Pursuant to the authority granted by Mississippi Code Annotated Section 73-42-11(3), it is hereby ORDERED that the denial of Graves' application be upheld.

SO ORDERED AND ADJUDGED.
This, the 15 day of July, 2016.



C. DELBERT HOSEMANN, JR.
Secretary of State
State of Mississippi
In his Official Capacity

MS. PRINCESS NAKBIA GRAVES,
A HUNNIT PERCENT ENTERTAINMENT COMPANY

VERSUS

SOS CAUSE NO. LA-16-1827

SECRETARY OF STATE, STATE OF MISSISSIPPI
DIVISION OF REGULATION AND ENFORCEMENT

RECOMMENDATION OF THE HEARING OFFICER

On June 7, 2016, the above matter came on for hearing in Gulfport, Mississippi, before the undersigned. This matter is a requested hearing as a result of a denial of the application of Princess Nakeia Graves for an Athlete Agent's Certification and Approval.

On April 5, 2016, Princess Nakeia Graves filed an Application for Registration of an Athlete Agent with the Office of the Secretary of State. In that application, there were various questions asked pursuant to Section 73-42-9 of the Miss. Code Ann. (1972) as amended. Two of the areas pertinent to the inquiry of this hearing concerned Section E. of the application which requested references with names and addresses of three (3) individuals not related to the applicant. The applicant listed no individuals in the initial application.

In follow-up inquiry and investigation for a reference, the application supplied initially on April 8, 2016, three names, none of which gave the applicant a favorable reference or for that matter a reference at all. Additionally, on April 18, 2016, two additional names were supplied and one of those names stated that she knew the applicant as a result of volunteering for a summer feeding program but she had not had any contact with her in years until April 15, 2016.

On April 21, 2016, an additional name was supplied with an additional one on April 25, 2016. Neither of these names were successfully used for references. On the date of the hearing, the applicant supplied two additional names that had not previously been supplied to the Secretary of State's Office and were not on the initial application. One of the names made a



comment by email and the second stated that she had spoken to the Office of the Secretary of State. These last two references, since they were not considered by the Secretary of State and were not supplied to the Secretary of State prior to the hearing date, are irrelevant and immaterial to the issues presently before this Hearing Officer.

Of secondary concern was Section H. which asks the following question:

“Has the applicant or any other person named pursuant to paragraph G above ever been convicted of a crime that, if committed in this state, would be a felony or other crime involving moral turpitude? A crime (misdemeanor or felony) involving moral turpitude is one in which deceit is an element of the crime.”

To that question, the applicant checked “yes” and stated that the identity of the crime was Aggravated Assault in 1998. Upon investigation, the Secretary of State produced an Exhibit “6” to the record the documents that confirmed that the applicant was indeed convicted and in fact pled guilty to the charge of possession of controlled substances on July 21, 2008.

Based on those two findings of the failure to supply the required statutory references and failure to list the felony of July 21, 2008, the Athlete Agent application was denied by the Secretary of State. The decision was based on the fact that the applicant was convicted of a felony for possession of a controlled substance in 2008 which was a felony-grade conviction and was not reported under the appropriate section H. of the application. Under Miss. Code Ann. Section 73-42-11(3)(b), this amounted to making a materially false, misleading, deceptive and fraudulent represent in the application and, therefore, was a factor considered by the Secretary of State to consider in determining the fitness of the applicant to serve as an Athlete Agent. This being a felony-grade conviction, coupled with the non-disclosure, warranted the denial of the application under the appropriate statutes.

Additionally, under Section E. of the application, three individuals not related to the applicant who were willing to serve as references as required under Miss. Code Ann. Section 73-

42-9(1)(e) were not supplied. Initially, three businesses as references were given and subsequent requests by the Secretary of State's office resulted in an Endocrinologist who did not respond to the messages of the Secretary of State, a person that was deceased and a person who was not able to verify that she personally knew the applicant. The Secretary of State did agree in the records that one subsequently supplied reference was favorable to the applicant and it was considered but under the statute, the three that were required were not supplied and, therefore, the application was not sufficient under the statutorily required references.

The testimony of the Secretary of State through Mr. Dave Scott, an Assistant Secretary of State for regulation and enforcement, reflected that the 1998 conviction that was supplied in the application would not in and of itself result in the denial of the application because of the age of the conviction and the fact that it was fully disclosed. However, the 2008 felony conviction was not disclosed. Testimony from the Secretary of State, by Mr. Scott, reflected that their office has discussed all of these matters with the applicant even sought to give the applicant suggestions where to get people to give her references so that all necessary references under the statute could be supplied.

The applicant, Princess Nakeia Graves, was a very effective advocate and witness on her own behalf. She was very impressive in her presentation of her defense and of her work and of her successful struggle to overcome instances in her background and experience that have been hindering factors to her progress. By explanation with regard to the references, she indicated that she had overlooked the reference to individuals and attempted to correct that by giving the additional names. She explained that some of the people that were eventually given did not know her because she had moved out of the local area of Gulfport to Atlanta where she was pursuing other business opportunities. In the Hearing Officer's opinion, there was no

explanation as to why she could not produce two more individuals who would be qualified references for her in this application and, therefore, the inescapable and overwhelming evidence and proof on her behalf, with regard to the statutory requirement of three references unrelated to the applicant, failed.

The explanation of the applicant with regard to the 2008 felony-grade conviction was that it was her understanding that the guilty plea would be a non-adjudication and it would be expunged from her record and she believed that therefore there was no record of the felony-grade conviction so she did not list it as required by statute. Therefore, the record of a felony-grade conviction and its failure to be reported in the application is without question and confirmed by the record. Additionally, even if it had been expunged from the record under a non-adjudication program, the defendant's guilty plea still would establish that the defendant committed a crime for which she pleaded guilty. See *Board on Law Enforcement Officer Standards and Training v. Rushing*, 752 So.2d 1085, 1091 (Miss.Ct.App. 1999), cert. denied (2000); see also *Mississippi Bar v. Shelton*, 890 So.2d 827 (Miss. 2003); *Mississippi Bar v. Baldwin*, 752 So.2d 996 (Miss. 1999). Even an Order to Expunge only removes from the public domain the records of the arrest and conviction in a case. It does not erase the fact that the applicant pled guilty to a felony offense. An expunction does not exonerate a defendant of a crime to which they pled guilty. *Dickerson v. New Banner Institute, Inc.*, 460 U.S. 103, 115 (1983) (superseded in part by statute). Mississippi's non-adjudication statute, Miss. Code. Ann. §99-15-26, additionally establishes that the historical fact of a non-adjudicated offense is not erased by an expunction in that the statute allows a defendant to qualify for non-adjudication only one time. Even though the public records off a person's non-adjudicated offense have been expunged pursuant to Section 99-15-26, a non-public record showing that the person was non-adjudicated must be

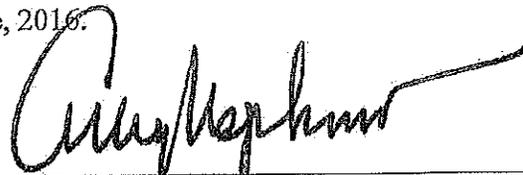
preserved in order to ensure that there cannot be a non-adjudication for a subsequent offense. In *Polk v. State*, 150 So3d 967 (Miss. 2014), the Court said even a full pardon removes all legal punishment for the offense but “does not edit history,” *Polk*, 150 So.3d at 970.

Additionally, *Mississippi Department of Public Safety v. Carver*, 809 So.2d 713 (Ms. Ct. Appl. 2001) (*cert. denied* 2002), indicates that under Mississippi law a state agency could consider criminal conduct rather than a conviction in their considerations of a person’s qualifications for a position or certification. Such consideration, of course, is not necessary in this matter. It is, therefore, the opinion of the Hearing Officer that even if the conviction of a felony had been expunged under Mississippi law it still should have been exposed under Section H. of the application. Of course, the foregoing point is superfluous because it was in fact of record and it was not in fact disclosed as required by the statute.

Looking at the evidence as a whole, it appears that the applicant has been given every opportunity to clarify her position in this matter and supply any assistance she can to reverse the denial. The Hearing Officer now having reviewed all of the evidence presented in this matter and viewing all of the evidence most favorable to the applicant, Princess Nakeia Graves, believes that there has been no evidence that supports a reversal of the denial of the application of Princess Nakeia Graves as she was unquestionably convicted of a felony for possession of a controlled substance in 2008 and failed to disclose the felony conviction for possession of a controlled substance and was therefore in violation of Section 73-42-11(3)(b) as she was making a false, misleading, deceptive or fraudulent representation in the application that was to be considered. Additionally, three unrelated individuals willing to serve as references as required by Miss. Code Ann. Section 73-42-9(1)(e) was not supplied as required and therefore considering all of the evidence most favorable to the applicant and giving the applicant every

benefit of the doubt, these two requirements have not been met and therefore, under the law, the recommendation is that the application of Princess Nakeia Graves should, and must be, by law, be denied.

SO ORDERED this the 13th day of June, 2016.



ALBEN N. HOPKINS
Hearing Officer for the Office of the
Mississippi Secretary of State

A100% Entertainment Company 6/22/2016

SOS Cause # LA-16-1827

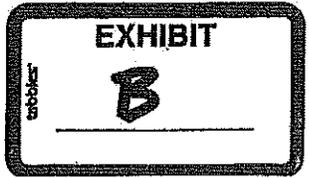
Recommendation of the hearing officer in the case of Princess Nakerg, Graves

vs.

SOS State of Mississippi

Division of Regulation & Enforcement

In fact in the Gulfport local office of The Secretary of State's department, I did request a hearing on my behalf with regards to being denied an Athlete agent certification here in the state of Mississippi after it went was filed in April 2016 of this year. I must state as I did at the time of the hearing that my reason for requesting the intral licence was and is the need for the employment opportunity. This is in fact clearly a potential job position that I have been denied because of past felony convictions. Contrary to the hearing officers denial recommendation I did try to give each individual who was present at that hearing the pizity of the point and case at hand.



In the 1st denial letter I was sent, your office stated that due to my not relating information that puts me in a category that ultimately led to my initial application denied.

Must I add that the hearing was in fact scheduled to take place 6/12/2016 and I was granted a closer date of 6/7/2016 after contacting the Senior Attorney Amy Foster whom gave me the hearing officer's email and direct line when I called he told me he wasn't going to re-schedule the hearing I mentioned that I was moving out of state to further my business education. Finally, after contacting Amy Foster again about the urgency of the re-scheduling of my initial hearing, she sent me an email, with a date and time of June 7th, I sent a reply of thanks. Now, on the hearing officer recommendation letter a felony grade conviction that wasn't disclosed on the initial application that was filed. But the point of the hearing.

(3)

it was there that I Princess
Nakia Graves acknowledged the
clear reason why it was because
at the time being a convicted
felon I was lead to believe
after completing probation the
charge would be expunged in
the initial letter I sent you guys
there that Amy Foster received
from me was in fact clearing
up and giving the manner in
fact how I became aware of
the conviction being public record.
I went on & explained that I
did not intentionally withhold the
charge being misleading I have
no problem owning responsibility
for my ~~now~~ past decisions and
those very unfortunate consequences
of those circumstances. At the hearing
I provided two strong character
references in addition to my church
pastor. I want that information
to be accounted for. In fact,
I'm asking that my application
be approved with regards towards
I need this job in addition
with my self employment as
a business consultant with 100%
Entertainment Company. I have

no excuses for the past record of those choices, I just want you guys to consider what the oversight was & why this was indeed not my intentional withholding that information. Again I writing this letter to make it clear. This time spent going through this hearing and filing the \$200 application is for my needing an opportunity at having the job and feel as though this denial is preventing the purpose of that in this way of it. At the hearing I did provide in letter two unrelated references: 2. a longtime family friend of my relatives
3. The nurse (Lindsay) from the endocrinologist's office, that is on behalf of the entire office as well as the doctor herself. Now I'm just clearing up all of the points you guys have both letters as documents in this dispute and it is the point where I'm questioning why would the hearing officer's recommendation letter claim that was not handed to them nor has it been credited towards me in the hearing. Under Section E along with this letter

Miss Code Ann. Section 73

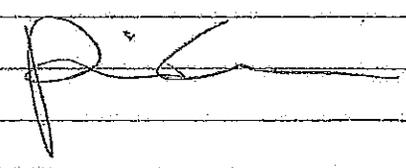
I shouldn't have failed that for any reason. I don't need unfairness to be come an issue in my pursuing this certificate from the State of Mississippi Secretary of State's office concerning my job needs to match my having self-employment but needing every opportunity to have an additional income. I'm doing the extra mile along with the Entertainment Company to have started to have employment giving myself a position as a consultant in Entertainment. I need additional clients. Denying further my athlete agent application after I have provided what I to my knowledge was made aware of what was the problems. I have put forth these efforts as well. I just don't understand why would the hearing officer recommend that I be denied this opportunity and go as far in this letter to release the statement that I didn't hand them in writing typed text the letters from two references.

Considering the conviction that was in fact 2006 not 2008 of the possession of a controlled substance charge that I did in fact take a plea bargain deal on and there fore pled guilty. I'm very well aware of the word expungement only removes the conviction from public records. I didn't state nor ~~have I in any~~ way insisted or insinuated that an expungement would then erase anything from the actual court records. This is an additional effort to have all of the provided information on behalf of myself be recognized not denied because I have nothing that I was trying to hide in my initial application. I have given the true reason behind why the second felony not being disclosed, and the reason is because I wasn't aware of it being in the public records, because I ~~was~~ told by the attorney that it was based on me taking the plea bargain. I was then pleading guilty in exchange for probation and he mentioned the word (expunged) that the charges would be expunged from public records. Therefore, until now since I have ~~complete~~ the

probation. It was left thinking the charge & conviction was expunged. I'm asking that my reason for withholding the second conviction be considered rather than that reason be constantly overlooked. In closing, I submitted two valid unrelated character references to back me up on the point being my life is on the right track now and this is in fact the purpose of me asking for a hearing after being denied because of a misunderstanding. Must I add I have had a tough time proving my current situation when the past is an excuse that including some Atlanta Georgia local rappers got fame and money off of trying to keep causing people to misjudge what it is a professional represent from my "past" mistakes that I now put in the examples of how much I have worked to restore my family's hard work reputation as well as do my job with entertainment. I began a business to legally have a job title & position that I'm constantly defending along with my clients these days. The city local rappers outside this state, think less of this state, but really want my Hip Hop culture ~~seeing~~ like original activity.

within the presentation of my clients talents it's clear by the name of this business that's it's all legitimate. 100% Entertainment, and because as you can very well recognize I'm independently working with my clients with goals of continuing growing their audience, this is my now job and reputation. In fact upon my request to be an ~~Athlete~~ agent I changed the name of the Company from ebonics towards properly pronunciation of the entire name of the Company. Regardless I'm proving how qualified I am to be an Athlete agent and the point is clearly being overlooked to ~~highlight~~ ~~shortcomings~~ ~~the~~ ~~mistakes~~ has as well shaped my current situation and is apart of the tools that I have in moving ahead.

-Respectfully-



Business Name:
 100% Entertainment Company
 Business Id #: 978437
 Tracking #: 2016184828