

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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EVERETT LEROY THOMAS,

Plaintiff-Appellee,

v

OAKLAND COUNTY CONCEALED WEAPONS  
LICENSING BOARD,

Defendant-Appellant.

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UNPUBLISHED

September 13, 1996

No. 170107

L.C.No. 93-455176-AA

Before: Gribbs, P.J., and Marilyn Kelly and White, JJ.

PER CURIAM.

Defendant appeals the circuit court judgment reversing defendant's decision denying plaintiff's request for renewal of a concealed weapon permit. We reverse.

Where, as here, no hearing is provided by statute, judicial review is limited to whether the agency decision was authorized by law. *Brandon School District v MESSA*, 191 Mich App 257, 263; 477 NW2d 138 (1991). The decision must be affirmed unless it violates a statute, exceeds the agency's authority or jurisdiction, was made upon unlawful procedures resulting in material prejudice, or was arbitrary and capricious. *Id.*

There is no claim in this case that defendant violated the statute, exceeded its authority or pursued unlawful procedures. The sole question concerns whether defendant's action was arbitrary and capricious. We conclude that it was not.

Defendant was authorized, in evaluating plaintiff's application for a renewal permit, to determine plaintiff's fitness to carry a concealed weapon "based upon consideration of local needs and an exercise of its discretion." *Hanselman v Wayne County Concealed Weapon Licensing Board*, 419 Mich 168, 189; 351 NW2d 544 (1984). We recognize that plaintiff had favorable recommendations from

citizens and community leaders. Nonetheless, in light of plaintiff's past history of assaultive behavior and his conviction for an assault during the term of the expiring license, defendant did not abuse its discretion or act arbitrarily and capriciously in denying plaintiff's renewal application. *Brandon, supra* at 265-266. The circuit court improperly substituted its judgment of the merits of plaintiff's renewal application for that of the designated licensing board.

Reversed.

/s/ Roman S. Gibbs

/s/ Marilyn Kelly

/s/ Helene N. White