

# Public Official Immunity

Public Official v. Public Employee Distinction

Rebecca L. Fisher-Gabbard

Public official immunity protects a public *official* from personal liability for negligent acts, unless the official acted outside the scope of his or her official duties or with malice or corruption. The immunity does not extend to public *employees*, meaning that they may be held individually liable for injuries caused by their negligence while performing their duties. The significant difference in the exposure to liability of *public officials* and *public employees* means that the distinction between the two categories is a critical one.

This quick-reference guide highlights the lines North Carolina courts have drawn by position category in the *local government context* for purposes of public official immunity. Except where necessary, this resource includes only published, as opposed to unpublished, and state, not federal, caselaw. Selected cases are illustrative and not exhaustive.

## Positions Eligible for Public Official Immunity (Public Officials)

### Animal Control Officer

- *Kitchin ex rel. Kitchin v. Halifax Cnty.*, 192 N.C. App. 559 (2008)

### Assistant Jailer

- *Baker v. Smith*, 224 N.C. App. 423 (2012)

### Basic Law Enforcement Training Instructor

- *Chastain v. Arndt*, 253 N.C. App. 8 (2017)

### Building Inspector

- *McCoy v. Coker*, 174 N.C. App. 311 (2005)

### Certain Department of Human Services (DHS) and Department of Social Services (DSS) Social Workers

- *Doe v. Wake Cnty.*, 264 N.C. App. 692 (2019)
- *Hunter v. Transylvania Cnty. Dep't of Soc. Servs.*, 207 N.C. App. 735 (2010)
- *Dalenko v. Wake Cnty. Dep't of Hum. Servs.*, 157 N.C. App. 49 (2003)
- *Hobbs v. N.C. Dep't of Hum. Res.*, 135 N.C. App. 412 (1999)

### Chief Building Inspector

- *Wiggins v. City of Monroe*, 73 N.C. App. 44 (1985)
- *Pigott v. City of Wilmington*, 50 N.C. App. 401 (1981)

### Chief Jailer

- *Slade v. Vernon*, 110 N.C. App. 422 (1993)

### City and County Managers

- *Satorre v. New Hanover Cnty. Bd. of Comm'rs*, 165 N.C. App. 173 (2004)
- *Beck v. City of Durham*, 154 N.C. App. 221 (2002)
- *Morrison-Tiffin v. Hampton*, 117 N.C. App. 494 (1995)
- *Paschal v. Myers*, 129 N.C. App. 23 (1998)

### City Council Members

- *Town of Old Fort v. Harmon*, 219 N.C. 241 (1941)
- *Hope v. Hope*, 163 N.C. App. 783 (2004) (unpublished)

### City Park Commissioners

- *Smith v. Hefner*, 235 N.C. 1 (1952)

### Code Enforcement Officers

- *Al-Nasra v. Cleveland Cnty.*, 202 N.C. App. 584 (2010) (unpublished)

### Coroner

- *Gillikin v. U.S. Fid. & Guar. Co. of Balt.*, 254 N.C. 247 (1961)

### Correctional Officer

- *Price v. Davis*, 132 N.C. App. 556 (1999)

### County Alcoholic Beverage Control (ABC) Board Members

- *Langley v. Taylor*, 245 N.C. 59 (1956)

### County Animal Control Lead Officer

- *Kitchin ex rel. Kitchin v. Halifax Cnty.*, 192 N.C. App. 559 (2008)

### County Emergency Medical Services (EMS) Director and EMS Medical Director

- *Dempsey v. Halford*, 183 N.C. App. 637 (2007)

### County Medical Examiner

- *Green v. Kearney*, 203 N.C. App. 260 (2010)
- *Epps v. Duke Univ., Inc.*, 116 N.C. App. 305 (1994)
- *Cherry v. Harris*, 110 N.C. App. 478 (1993)
- *Grad v. Kaasa*, 68 N.C. App. 128, *rev'd on other grounds*, 312 N.C. 310 (1984).

**Director of County DSS**

- Hobbs v. N.C. Dep't of Hum. Res., 135 N.C. App. 412 (1999)
- Meyer v. Walls, 122 N.C. App. 507 (1996), *aff'd in part*, 347 N.C. 97 (1997)
- Hare v. Butler, 99 N.C. App. 693 (1990)

**Director of County Health Department**

- Kitchin *ex rel.* Kitchin v. Halifax Cnty., 192 N.C. App. 559 (2008)
- Satorre v. New Hanover Cnty. Bd. of Comm'rs, 165 N.C. App. 173 (2004)

**Director of Federal Programs for County School System**

- Farrell v. Transylvania Cnty. Bd. of Educ., 175 N.C. App. 689 (2006)

**Fire Chief**

- Willis v. Town of Beaufort, 143 N.C. App. 106 (2001)

**Forensic Pathologist**

- Cherry v. Harris, 110 N.C. App. 478 (1993)

**Historic Landmark Commissioner**

- Bates v. Charlotte-Mecklenburg Historic Landmarks Comm'n, 292 N.C. App. 1 (2024)

**Law Enforcement Officers**

- State *ex rel.* Jacobs v. Sherard, 36 N.C. App. 60 (1978)

**Local Housing Authority Employees**

- McCullers v. Lewis, 265 N.C. App. 216 (2019)

**Notary Public**

- NationsBank of N.C., N.A. v. Parker, 140 N.C. App. 106 (2000)
- McGee v. Eubanks, 77 N.C. App. 369 (1985)
- Nelson v. Comer, 21 N.C. App. 636 (1974)

**Police Chief**

- Wilcox v. City of Asheville, 222 N.C. App. 285 (2012)
- Morrison-Tiffin v. Hampton, 117 N.C. App. 494 (1995)

**Police Officer**

- Bartley v. City of High Point, 381 N.C. 287 (2022)
- Wilcox v. City of Asheville, 222 N.C. App. 285 (2012)
- Schlossberg v. Goins, 141 N.C. App. 436 (2000)
- Shuping v. Barber, 89 N.C. App. 242 (1988)

**Probation Officer**

- Lambert v. Cartwright, 160 N.C. App. 73 (2003)

**School Assistant Principal**

- Jetton v. Caldwell Cnty. Bd. of Educ., 185 N.C. App. 159 (2007) (unpublished)

**School Principal**

- Petrillo v. Barnes-Jones, 291 N.C. App. 62 (2023)
- Webb *ex rel.* Bumgarner v. Nicholson, 178 N.C. App. 362 (2006)
- Gunter v. Anders, 114 N.C. App. 61, *on reh'g*, 115 N.C. App. 331 (1994)

**School Trustees**

- Smith v. Hefner, 235 N.C. 1 (1952)

**Sheriff**

- Slade v. Vernon, 110 N.C. App. 422 (1993)
- Messick v. Catawba Cnty., 110 N.C. App. 707 (1993)

**Sheriff's Deputies**

- Marlowe v. Piner, 119 N.C. App. 125 (1995)
- Messick v. Catawba Cnty., 110 N.C. App. 707 (1993)

**Superintendent of County School System**

- Mitchell v. Pruden, 251 N.C. App. 554 (2017)
- Gunter v. Anders, 114 N.C. App. 61, *on reh'g*, 115 N.C. App. 331 (1994)

**Positions Ineligible for Public Official Immunity (Public Employees)****After-School Enrichment Program Staff Members**

- Schmidt v. Breeden, 134 N.C. App. 248 (1999)

**Assistant Director of County DSS**

- Hare v. Butler, 99 N.C. App. 693 (1990)

**Community Schools Coordinators**

- Brady v. Charlotte-Mecklenburg Bd. of Educ., 299 N.C. App. 560 (2025)

**County DSS Social Worker**

- Meyer v. Walls, 122 N.C. App. 507 (1996), *aff'd in part*, 347 N.C. 97 (1997)

**County Emergency Medical Technician (EMT)**

- Fraley v. Griffin, 217 N.C. App. 624 (2011)

**County Health Department Employees**

- Kitchin *ex rel.* Kitchin v. Halifax Cnty., 192 N.C. App. 559 (2008)
- Murray v. Cnty. of Person, 191 N.C. App. 575 (2008)

**County Health Department Environmental Health Specialist, Supervisor, and Administrator**

- Block v. Cnty. of Person, 141 N.C. App. 273 (2000)
- Cline v. James Bane Home Bldg., LLC, 278 N.C. App. 12 (2021)

**Director of County Animal Control Facility**

- Kitchin *ex rel.* Kitchin v. Halifax Cnty., 192 N.C. App. 559 (2008)

**Engineer Project Managers**

- Orsbon *ex rel.* Bosworth-Jones v. Milazzo, 297 N.C. App. 96 (2024), *review denied*, 923 S.E.2d 236 (2025) (mem.)

**Parks and Recreation Deputy Director**

- Sherrill v. Simpson, 298 N.C. App. 311 (2025) (unpublished)

**Program Administrator for Child and Family Services for County DSS**

- Hare v. Butler, 99 N.C. App. 693 (1990)

**Protective Services Investigation Supervisor for County DSS**

- Hare v. Butler, 99 N.C. App. 693 (1990)

**School Bus Driver**

- Hansley v. Tilton, 234 N.C. 3 (1951)

**School Crossing Guard**

- Isenhour v. Hutto, 350 N.C. 601 (1999)

**Supervisor of Adult Protective Services Unit of County DSS**

- Meyer v. Walls, 122 N.C. App. 507 (1996), *aff'd in part*, 347 N.C. 97 (1997)

**Teachers**

- Farrell *ex rel.* Farrell v. Transylvania Cnty. Bd. of Educ., 199 N.C. App. 173 (2009)
- Daniel v. City of Morganton, 125 N.C. App. 47 (1997)
- Mullis v. Sechrest, 126 N.C. App. 91 (1997) *rev'd on other grounds*, 347 N.C. 548 (1998)

**Volunteer Firefighter Instructor**

- Seymour v. Lenoir Cnty., 152 N.C. App. 464 (2002)

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This resource is updated and adapted from the appendixes in Trey Allen, [\*Do Intentional Tort Claims Always Defeat Public Official Immunity?\*](#), LOC. GOV'T L. BULL. No. 139, 22–24 (UNC Sch. of Gov't, Sept. 2016).