

STATE OF NORTH CAROLINA

**NORTH CAROLINA
SUBSTANCE ABUSE PROFESSIONAL
PRACTICE BOARD**

In the Matter of:

**JAMES ALLEN LANE,
Respondent**

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FINAL DECISION

The North Carolina Substance Abuse Professional Practice Board (“Board”) heard this case on December 12, 2014. A Notice of Hearing was personally served on Mr. James Allen Lane, (hereinafter, “Respondent.”) Respondent did not appear. E. Ann Christian, Board Counsel, appeared on behalf of the Board.

THIS MATTER came on for hearing to determine whether or not Respondent, a Registrant as a Certified Substance Abuse Counselor Intern Number 14529, violated North Carolina General Statute §90-113.44 (a)(6), and Rule 21 NCAC .0510(c) and is subject to discipline by the Board pursuant to G.S. §90.113.33(2) authorizing the Board to suspend or revoke the credential or reprimand or otherwise discipline substance abuse professionals in this State.

ISSUE

Specifically the grounds for discipline as set forth in G.S. §90-113.44 are as follows:

“(a) (6) Engaging in any act or practice in violation of any of the provisions of this Article or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a violation.”

Rule 21 NCAC 68 .0510(c), appearing in the North Carolina Administrative Code that serves as a basis for discipline upon which the Respondent is charged, is as follows:

“The substance abuse professional shall cooperate with duly constituted professional ethics committees and promptly supply necessary information unless prohibited by law.”

The Notice provided specific factual allegations and announced a hearing set for December 12, 2014. The hearing was conducted on said date at the Crown Room of the Sheraton Imperial Hotel and Convention Center, 4700 Emperor Boulevard, Durham, North Carolina before a quorum of the Board. Based upon the record in this proceeding and the testimony, exhibits, and any stipulations presented at the hearing, the Board makes the following:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. Respondent is a Registrant with a credential as a Certified Substance Abuse Counselor Intern (Number 14529).
2. On or about September 15th of 2014, Respondent was personally served a Complaint requiring that he respond 15 days from the date of receipt of service.
3. No response to the Complaint was received by the Board from Respondent Lane by the fifteen (15) day deadline, nor has a response been received by the Board prior to the date of the Hearing to support a finding of cooperation by the Respondent in the investigation of the Complaint against Respondent.
4. Respondent was personally served with notice to appear at the Hearing set for the date of Hearing, December 12, 2014.
5. Respondent has not supplied necessary information for the Board's investigation, appeared for the Hearing, or otherwise responded to the Notice of Hearing for the matter set before the Board on this said date, December 12, 2014.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.
2. The preponderance of the evidence establishes that Respondent has failed to cooperate with the investigation of an ethics complaint against Respondent, is in violation of G.S. §90-113.44(a)(6) and Rule 21 NCAC .0510(c) of the North Carolina Administrative Code.

IT IS, THEREFORE, ORDERED by the Board that Respondent's Credential, as a Certified Substance Abuse Counselor Intern, be suspended immediately until all conditions set out below are met.

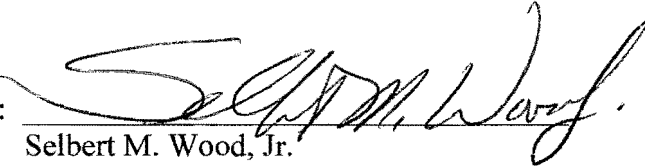
During the period of suspension, Respondent shall:

1. Contact the Board to set up a meeting with the Ethics Chairman at the Board Office at 1046 Washington Street, Raleigh, N.C.
2. Attend the aforementioned meeting with the Ethics Committee Chairperson during which time he shall renew and confirm his commitment to abide by the Substance Abuse Professional's Code of Ethics.
3. Provide a written Answer to the Complaint brought against him by Ms. Tina Harkey within fifteen (15) days from his meeting with the Ethics Chairperson.
4. Comply with the laws of North Carolina and the Rules of the North Carolina Substance Abuse Professional Practice Board.

THIS the 12 day of Jan, 2015.

NORTH CAROLINA SUBSTANCE ABUSE
PROFESSIONAL PRACTICE BOARD

By:


Selbert M. Wood, Jr.
President and Presiding Officer

APPEAL

Pursuant to N. C. General Stat. 150B-45, any party wishing to appeal this Final Decision may commence the appeal by filing a Petition for Judicial Review in the Superior Court of Wake County on in the Superior Court or the county in which the party resides. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

I, Barden Culbreth, Executive Director of the North Carolina Substance Abuse Professional Practice Board, do hereby certify that I have this day served a copy of the forgoing FINAL DECISION upon the following by depositing a copy of same in the United States mail, certified mail, return receipt requested, postage prepaid:

Mr. James Allen Lane
721 W. Union Street
Morganton, N.C. 28655

and upon the following by depositing a copy of same in the United States mail, first class,
postage prepaid:

E. Ann Christian
Counsel to the Board
P.O. Box 2455
Raleigh, N.C. 27602
North Carolina Bar License Number 8691

This the 12 day of January, 2015.



Barden L. Culbreth
Executive Director
North Carolina Substance Abuse Professional Practice Board
1046 Washington Street
Raleigh, N.C. 27605