

BEFORE THE
NORTH CAROLINA SUBSTANCE ABUSE
PROFESSIONAL PRACTICE BOARD

NORTH CAROLINA SUBSTANCE ABUSE)	
PROFESSIONAL PRACTICE BOARD,)	
Petitioner)	
)	
v.)	FINAL DECISION
)	
WILLIAM FAULKNER,)	EC No. 532-19
Respondent)	

THIS CAUSE came on before the North Carolina Substance Abuse Professional Practice Board (“the Board”) on the Notice of Hearing served on Respondent William Faulkner on August 16, 2019, for consideration of the Proposal For Decision entered, on August 1, 2019, in *North Carolina Substance Abuse Professional Practice Board v. William Faulkner*, OAH File No. 19 SAP 01731 (“the Contested Case”).

The Board, having reviewed the Proposal For Decision, and the record in this case, makes the following FINDINGS OF FACT:

1. On March 27, 2019, the Board filed a Notice of Hearing, EC No. 532-19, seeking a determination by an Administrative Law Judge to be appointed by the Office Of Administrative Hearings, that Respondent’s certification as a Certified Substance Abuse Counselor (CSAC No. 2418) should be revoked, or that other discipline should be imposed. Upon receipt of the Notice of Hearing, the Office Of Administrative Hearings opened the Contested Case.
2. The Board filed the Notice Of Hearing based upon a Complaint alleging, among other things, that Respondent had (a) assaulted a female; (b) been convicted of violating a Domestic Violence Protective Order; (c) convicted of Unsafe Movement; (d) convicted of Second Degree Trespass; (e) used alcohol or other drugs to the extent that professional competency has been affected; and (f) relapsed to the extent that he has suffered impairment.
3. Respondent has remained licensed during the pendency of this action; and if the allegations contained in the Complaint are true, delay in revocation causes obvious harm and injury to the public.
4. On April 1, 2019, the Administrative Law Judge appointed by the Office of Administrative Hearings (“the Court”) entered an Order For Prehearing Statements, which was filed and serviced on Respondent. The Order For Prehearing statements required Respondent to file a Prehearing Statement within thirty (30) days.
5. On May 13, 2019, the Notice of Hearing commencing the Contested Case was served

on Respondent by the McDowell County Sheriff.

6. On June 14, 2019, the Court issued and served a Second Order For Respondent's Prehearing Statement, requiring Respondent to file and serve a Prehearing Statement by June 27, 2019; and giving notice to Respondent that, if his Prehearing Statement was not filed by June 27, 2019, Respondent would be subject to sanctions.

7. On July 3, 2019, the Board filed a Motion For Imposition Of Sanctions, seeking to have the Court sanction Respondent for his failure to file a Prehearing Statement or take other action in connection with the Contested Case, by revoking his certification as a Certified Substance Abuse Counselor (CSAC No. 2418).

8. Respondent did not file a Prehearing Statement, or taken any other action in connection with this case, and failed to comply with applicable procedural orders, most notably the Second Order For Respondent's Prehearing Statement.

9. The Court determined in the Proposal For Decision that the appropriate sanction to impose on Respondent was permanent revocation of his certification as a Certified Substance Abuse Counselor (CSAC No. 2418).

10. The Board should substantively adopt the findings of fact, conclusions of law, and discipline contained in the Proposal For Decision.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE BOARD MAKES THE CONCLUSIONS OF LAW:

1. North Carolina General Statutes 150B-33(10) provides that the Court may propose the imposition of impose sanctions provided for in G.S. 1A-1, or Chapter 3 of Title 26 of the North Carolina Administrative Code, for noncompliance with applicable procedural orders.

2. Respondent's failure to comply with applicable procedural orders, most notably the Second Order For Respondent's Prehearing Statements, justified the imposition of sanctions by the Court.

3. Given the nature of the allegations made in this case, considering the circumstances as a whole, and having considered all possible sanctions, the Court properly concluded that the appropriate sanction to impose on Respondent, for his failure to comply with applicable procedural orders in the Contested Case, was entry of a recommended decision of permanent revocation of Respondent's certification as a Certified Substance Abuse Counselor (CSAC No. 2418).

4. The Board should adopt the Court's proposed discipline, and permanently revoke Respondent's certification as a Certified Substance Abuse Counselor (CSAC No. 2418).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Respondent's certification as a Certified Substance Abuse Counselor (CSAC No. 2418) is permanently revoked.
2. This Order is effective upon the date executed by the Board.

NOTICE

To obtain judicial review of this Final Decisions, the entity or individual seeking review must file a petition within thirty (30) days after service of a written copy thereof, with the Clerk of Superior Court of the County where the entity is headquartered or the individual resides.

This the 13th day of September, 2019.



Laura Veach, Board President