

**BEFORE THE
NORTH CAROLINA ADDICTIONS SPECIALIST PROFESSIONAL
PRACTICE BOARD**

NORTH CAROLINA ADDICTIONS SPECIALIST)	
PROFESSIONAL PRACTICE BOARD,)	
Petitioner)	
)	FINAL DECISION
v.)	EC No. 585-19
)	
RAFEAL BERRY,)	
CADC No. 20471)	
Respondent)	

THIS CAUSE came on to be heard before the North Carolina Addictions Specialist Professional Practice Board (“the Board”) on July 17, 2020, on the Notice of Hearing dated June 11, 2020, and the letter giving notice that the location for public participation had been changed dated July 6, 2020.

The Board, having heard the evidence and arguments of counsel, and having reviewed the record in *North Carolina Substance Abuse Professional Practice Board v. Rafeal Berry*, OAH File No. 19 SAP 06718 (“the Contested Case”), including the Proposal For Decision entered therein, makes the following **FINDINGS OF FACT**:

1. Petitioner North Carolina Addictions Specialist Professional Practice Board, formerly known as North Carolina Substance Abuse Professional Practice Board (“the Board”), was established by G.S. 90-113.32, and is recognized as the registering, certifying, and licensing authority for substance abuse professionals described in the Practice Act. The Board was established to safeguard the public health, safety, and welfare, to protect the public from being harmed by unqualified persons, to assure the highest degree of professional care and conduct on the part of credentialed substance abuse professionals, to provide for the establishment of standards for the education of credentialed substance abuse professionals, and to ensure the availability of credentialed substance abuse professionals of high quality to persons in need of these services. The Board, under authority granted by the Practice Act regulates Board-credentialed persons offering substance abuse counseling services, substance abuse prevention services, or any other substance abuse services for which the Board may grant registration, certification or licensure.

2. Respondent Rafeal Berry is a citizen and resident of Rutherford County, North Carolina; and is neither a minor nor an incompetent person.

3. On August 29, 2016, Respondent was certified by the Board as a Certified Substance Abuse Counselor (CSAC No. 20471). Certified Substance Abuse Counselors are now known as Certified Alcohol And Drug Counselors.

4. On October 14, 2019, the Board received an Ethics Complaint against

Respondent.

5. On December 10, 2019, the Board filed a Notice of Hearing, commencing the Contested Case, and seeking findings of fact, conclusions of law, and a proposed decision with respect to the matters raised in the Ethics Complaint.

7. On June 11, 2020, the Honorable David F. Sutton, Administrative Law Judge, entered a Proposal For Decision, proposing that the Board, as a sanction for Respondent's failure to participate in the Contested Case, and comply with the Orders of the Court, permanently revoke all licenses and certifications issued by the Board to Respondent.

BASED UPON THE FOREGOING FINDINGS OF FACT, THE BOARD CONCLUDES AS A MATTER OF LAW:

1. Respondent is subject to the provisions of Chapter 90, Article 5C of the North Carolina General Statutes and the rules promulgated thereunder, including the corresponding Rules at 21 North Carolina Administrative Code Chapter 68. The Board has jurisdiction over the person of the Respondent and the subject matter of this proceeding.

2. The Board should adopt the Findings of Fact and Conclusions of Law contained in Proposal For Decision; accept the Court's proposed resolution of the Contested Case, and permanently revoke Respondent's certification as a Certified Alcohol And Drug Counselor (CADC No. 20471).

NOW, THEREFORE, IT IS THE JUDGMENT OF THE BOARD as follows:

1. The Board adopts the Findings Of Fact and Conclusions Of Law contained in the Proposal For Decision.

2. Respondent's certification as a Certified Alcohol And Drug Counselor (CADC No. 20471) is permanently revoked.

3. This Final Decision is effective upon the date executed by the President of the Board.

NOTICE

To obtain judicial review of this Final Decision, 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 21 day of July, 2020.

SPECIALIST

NORTH CAROLINA ADDICTIONS

PROFESSIONAL PRACTICE BOARD

By: Flo Stein
Flo Stein, Chair