

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

NORTH CAROLINA ADDICTIONS)	
SPECIALIST PROFESSIONAL)	
PRACTICE BOARD,)	
Petitioner)	
)	
v.)	FINAL DECISION
)	
JOHN SHANNON SAPPINGTON,)	EC File No. 616-20
Respondent)	

THIS CAUSE came on before the North Carolina Addictions Specialist Professional Practice Board ("the Board") on October 22, 2021, on the Notice of hearing dated September 7, 2021, for consideration of the Proposal For Decision entered in *North Carolina Addictions Specialist Professional Practice Board v. John Shannon Sappington*, OAH File No. 20 SAP 02225 ("the OAH Contested Case").

The Board, having reviewed the record in the OAH Contested Case, the Proposal for Decision, and having heard the arguments of counsel, adopts and makes the following:

RECITATION OF UNDISPUTED FACTS

1. This contested case was initiated by the Petitioner North Carolina Addictions Specialist Professional Practice Board (hereinafter, the Board or Petitioner) with the issuance of a *Notice of Hearing* addressed to Respondent John Shannon Sappington (Mr. Sappington or Respondent) on May 29, 2020, pursuant to N.C. Gen. Stat. §§ 90-113.33(6) and 150B-38(b).
2. The *Notice of Hearing* gave the Respondent due notice that a hearing would be conducted by the Office of Administrative Hearings ("OAH") to consider the following "factual allegations on which Notice of Hearing is issued," set out verbatim below.

Factual Allegations

1. Respondent, John Shannon Sappington, has been licensed as a Licensed Clinical Addictions Specialist (LCAS No. 20795) since June 17, 2014, and his license will expire on June 16, 2020, if not renewed.
2. On May 4, 2020, Barden Culbreth, the Executive Director of the Board, received a self-report from Respondent in which he noted as follows:

Hello Garden [sic] hope you are well. I want to be honest and transparent. I have bwen [sic] sober since 2012 until August 2019. I was not working and living in WY I relapsed and rank mostly Aug up until 9/29/19. During

that period I pleaded guilty to misdemeanor DUI bal .1. About two weeks latter [sic] I pleaded guilty to simple assault. How do I proceeded? [sic] I will be sober 6 months soon and have a monotoring [sic] agreement with NCPHP..Have disclosed all this to Clark at PHP [sic].

3. As Respondent acknowledges, Respondent's self-report was prompted because the renewal date for his LCAS was coming up, and he noticed a questions about new legal issues since his last renewal.

4. As of May 4, 2020, the Board's address of record for Respondent, provided by Respondent, was John Shannon Sappington; 606 S. Main Street, Apt. 25; Rutherfordton, NC 28139; an address where Respondent had not lived for a number of years.

5. The Board requested additional information fro Respondent, concerning the referenced convictions; and concerning his addresses over since he last lived in Rutherfordton. Respondent did not directly address the prior address issue; and the information provided about the convictions is incomplete.

6. On July 22, 2019, Respondent was convicted, in the Circuit Court of the Seventh Judicial District, Natrona County, Wyoming, of DUI and having an open container of alcohol, and sentenced to one (1) year probation. Respondent's first disclosure of this conviction, to the Board, was on May 4, 2020.

7. On August 22, 2019 Respondent was convicted, in the Circuit Court of the Seventh District, Natrona County, Wyoming, of Batter, and was sentenced to seven (7) days in jail, with credit given for time served. Respondent's first disclosure of this conviction, to the Board, was on May 4, 2020.

8. The Batter took place on August 20, 2019, while Respondent was being involuntarily committed for expressing suicidal ideation. Nurse Koepp asked Respondent to change into blue hospital scrubs; he refused; he struck Nurse Koepp, and then tried to exit the hospital at speed when he was tackled by law enforcement.

9. The information provided to the Board, concerning the convictions is incomplete, sometimes wrong, and inadequate.

10. For instance, Respondent provided little specific information about the DUI charge, such as the date of the order for arrest, the charging documents; and since the conviction was on July 22, 2019, it was clearly before the August 2019 break in sobriety reported by Respondent (presumably the break in sobriety was much earlier given the DUI conviction date).

3. In addition, the Board's notice also informed Respondent of the statutory grounds and possible consequences of substantiation of these allegations, pursuant to the N.C. Gen. Stat. § 150B-38(b)(2).

11. The foregoing described conduct, and other conduct to be proven at hearing, may constitute one or more of the following:

- a. Engaging in conduct that could result in harm or injury to the public, in violation of N.C.G.S. Section 90-113.44(a)(9), and 21 NCAC 68.0601(c)(e).
- b. Failing to cooperate with the investigations and proceedings of any professional ethics committee, in violation of 21 NCAC 68.0601(7)(e).
- c. Convictions for violating any controlled substances law or any driving while impair law, in violation of 21 NCAC 68.0601(5)(b).
- d. Use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment, in violation of 21 NCAC 68.0601(6)(c).
- e. Refusal to seek treatment for mental health problems which impairs professional performance, in violation of 21 NCAC 68.0601(6)(d).
- f. failure to report unethical conduct or unprofessional practice by a substance abuse professional, as required by 21 NCAS 68.0503(e).
- g. Failure to provided proof of rehabilitation as required by 21 NCAC 68.0611.
- h. Failure to give written notice to the Board of any change of address within 60 business days after the change takes place, in violation of N.C.G.S. Section 90-113.41B...

12. Pursuant to the provisions of the 21 NCAC 68.0101 *et seq.*, and the provisions of the General Statues cited above, grounds exist to discipline Respondent relating to the facts and circumstances set forth above, up to and including permanent revocation of Respondent's license as a Licensed Clinical Addictions Specialist.

13. The appropriate discipline to impose, with respect to the actions alleged above, if proven in whole or in part, is permanent revocation of all of Respondent's licenses and certifications. Respondent may be subject to discipline up to and including permanent revocation of all of his licenses and certifications; and to an order taxing Respondent with the costs of the Board's investigation and action through hearing.

4. Petitioner also offered to "attempt to resolve this matter formally" by Respondent contacting its counsel, but it appears Respondent was not responsive.

MOTION FOR SANCTIONS

5. Subsequently, Petitioner filed a *Motion for Sanctions*, citing the Respondent's failure to file a Prehearing Statement, and specifically recommended "permanent revocation of all licenses and certifications issued by the Board."

6. On June 2, 2020, following the filing of the *Notice of Hearing*, OAH issued its routing initial Orders, including an Order that the parties file a Prehearing Statement within 30 days. Petitioner filed a Prehearing Statement on June 8, 2020. Respondent did not timely file a Prehearing Statement.

7. On August 19, 2020, OAH issued a Respondent a *Second Order for Pre-Hearing Statement*, requiring that the Prehearing Statement be filed by September 2, 2020, explaining that the “purpose of the Prehearing Statement is to explain the nature of the case, the specific contentions of the parties, and the specific issues to be resolved,” thus enabling “the other party and the Administrative Law Judge to prepare for the hearing;” and, warned that sanctions might be imposed for his failure to comply. Respondent has not filed a Prehearing Statement or otherwise replied to this Order.

8. Respondent has failed and refused to file a Prehearing Statement, denying Petitioner a fair opportunity to prepare for a hearing. N.C. Gen. State. § 150B-23(a2).

9. The undersigned finds that the allegations set out in the Petitioner’s *Notice of Hearing* should be taken as true, and they are deemed proved without further evidence.

10. Lesser sanctions have been considered and deemed inadequate under all of the foregoing circumstances.

The Board, having reviewed the record in the OAH Contested Case, the Proposal for Decision, and having heard the arguments of counsel, adopts and makes the following:

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has jurisdiction of the parties and the cause. N.C. Gen. Stat. § 150B-40(e).

2. Respondent North Carolina Addictions Specialist Professional Practice Board has the authority and duty granted under Chapter 90, Article 5C of the North Carolina General Statutes, to issue, renew, deny, suspend, or revoke licensure, certifications, or registration to practice of a substance abuse professional in this State or reprimand or otherwise discipline a license, certificate, or registration holder in this State, unless otherwise credentialed by the State or Federal government. N.C. Gen. Stat. §§ 90-113.33(s); 90-113.42.

3. If a party fails to comply with an interlocutory order of an Administrative Law Judge, (s)he may find that the allegations set out in the notice of hearing or other pleadings may be taken as true or deemed proved without further evidence. 26 NCAC 03.0114(a)(1).

Based on the foregoing Findings of Fact and Conclusions of Law, the Board hereby adopts the recommended discipline proposed by the Judge presiding in the OAH Contested Case, and hereby ORDERS, ADJUDGES AND DECREES:

1. The Board **PERMANENTLY REVOKES** all licenses and certifications it has issued to Respondent.

2. Each party should bear its own costs incurred in connection with the Board’s investigation and the Contested Case.

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 the Superior Court of the County where the entity is headquartered, or the individual resides.

This the 33 day of October, 2021.

**NORTH CAROLINA ADDICTIONS
SPECIALIST PROFESSIONAL PRACTICE
BOARD**

By:


Flo Stein, Board Chair