

NORTH CAROLINA  
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA  
ADDICTIONS SPECIALIST  
PROFESSIONAL PRACTICE BOARD  
BOARD CASE NO. 685-21

NORTH CAROLINA ADDICTIONS )  
SPECIALIST PROFESSIONAL )  
PRACTICE BOARD, )  
Petitioner, )  
v. )  
ANTHONY PASQUALE PORRETT, )  
(LCAS No. 827) )  
(CCS No. 239) )  
Respondent. )

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY DECISION**

In accordance with N.C. Gen. Stat. § 150B-40(d), the North Carolina Addictions Specialist Professional Practice Board (hereinafter the “Board”) issues the following Findings of Fact, Conclusions of Law, and Final Agency Decision in this matter.

The record reflects that a quorum of the Board was present at the hearing held on October 28, 2022, and at the time the Board made this decision on October 28, 2022. At the hearing, Catherine E. Lee, General Counsel, appeared for Board staff. Respondent appeared *pro se*.

Before the hearing, the following inquiry was read aloud in accordance with state ethics laws: “[d]oes any board member have any known conflict of interest with respect to this matter coming before the Board today? If so, please identify the conflict or appearance of conflict and refrain from any undue or inappropriate participation in the particular matter involved.”

PETITIONER’S LIST OF EXHIBITS

1. Fully-executed Consent Order
2. Wake County Criminal Superior and District Court Records File #21 CRS 214522
3. Certified Copy of Harnett County Criminal Superior Court File #22 CRS 00447
4. Notice of Hearing
5. Affidavit of Service

RESPONDENT’S LIST OF EXHIBITS

6. Respondent’s Email to Counsel and Attached Letter

7. Respondent's Activity List
8. Respondent's 12-step Meetings Attendance Verification
9. Report from Dept. Veteran's Affairs on Treatment and Testing of Respondent
10. Character Reference Letter from J. Braswell
11. Character Reference Letter from J. Dorin
12. Character Reference Letter from G. Ortenzio
13. Character Reference Letter from Z. Campbell
14. Respondent's Letter to NCASPPB
15. CEU Certificates of Completion
  - a. Jurisprudence Exam Results
  - b. Ethics and Boundary Issues
  - c. Anger Management
  - d. Cognitive Behavioral Therapy
  - e. Supervision
  - f. HIV/AIDS An Overview
  - g. Clinical Supervision
  - h. Alcoholism and Addiction In the Elderly
  - i. Medications for Opioid Use Disorder
  - j. Veterans Trauma-Focused Cognitive Behavior

#### FINDINGS OF FACT

1. On April 3, 2001, Respondent was certified by the Board as a Certified Clinical Supervisor (CCS No. 239). This certification expired on July 1, 2022, for failure to timely renew but is subject to reinstatement pursuant to N.C. Gen. Stat. § 90-113.37A.
2. On July 14, 2002, Respondent was certified by the Board as a Licensed Clinical Addiction Specialist (LCAS No. 827). The certification expired on July 1, 2022. This certification expired on July 1, 2022, for failure to timely renew but is subject to reinstatement pursuant to N.C. Gen. Stat. § 90-113.37A.
3. On or about September 14, 2021, Respondent was arrested and charged with felonious possession of an excess of 28 grams of opioid or heroin, as well as trafficking, in violation of N.C.G.S. 90-95(H)(4) in Wake County Superior Court, 21 CRS 214522.
4. On or about November 5, 2021, Respondent entered into a no-findings consent order ("Consent Order") with the Board to temporary suspend his LCAS license No. 827, pending the outcome of the above-referenced criminal matter.
5. In the Consent Order, Respondent was ordered to inform the Board within five (5) days of any dismissal, diversion or similar agreement, conviction or plea of the charges set forth in Paragraph 6(c) above.

6. On or about June 30, 2022, Respondent pled guilty to the above-referenced criminal charge, trafficking opioid by possession in violation of N.C. Gen. Stat. § 90-95(H)(4), in Wake County Superior Court. As such, Respondent was convicted of a Class C Felony.
7. Respondent did not inform the Board of his conviction within five (5) days, as required by the Consent Order.
8. Respondent did not inform the Board of his conviction within thirty (30) days, as required by 21 NCAC 68 .0606(c).
9. At hearing, Respondent admitted to his conviction of the crime set forth in Paragraph 3. However, at hearing, Respondent testified credibly that the opioids were intended for his own personal use.
10. The crime for which Respondent was convicted, as set forth in Paragraph 3 above, was serious in nature, a Class C Felony, and had the potential for causing harm to Respondent and others.
11. No evidence was presented at hearing to show the subsequent commission of a crime since September 14, 2021.
12. At hearing, the Board specifically considered the favorable character references provided on Respondent's behalf by J. Braswell, J. Dorin, G. Ortensio, Z. Campbell, and J. Arnold.
13. At hearing, Respondent testified credibly regarding his contribution to the professional practice of clinical alcohol and drug counseling over the past twenty (20) years
14. At hearing, Respondent testified credibly as to his ongoing participation in the Veterans Treatment Court in Harnett County. Porrett presented documented evidence of his active participation in recovery treatment, including 12-Steps meeting attendance verification, multiple CEU certificates of completion, and a positive report from the Department of Veteran's affairs on treatment and recovery.

#### CONCLUSIONS OF LAW

1. Respondent is subject to the Administrative Procedure Act, N.C. Gen. Stat. § 150B, with the North Carolina Substance Use Disorder Professional Practice Act, N.C. Gen. Stat. § 90, Article 5C, and the rules and regulations adopted by the Board and codified in Title 21, Chapter 68 of the North Carolina Admin Code.
2. Respondent is subject to jurisdiction before the Board.

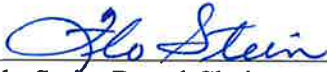
3. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.
4. The Board may deny the application for reinstatement of an applicant with past criminal convictions upon proper consideration of the factors set forth in N.C. Gen. Stat. §§ 90-113.46A and 93B-8.1(b1).
5. The Board finds that the crime of trafficking opioid by possession is directly related to the duties and responsibilities of a clinical addictions specialist, in that a practitioner will be in regular contact with individuals who are experiencing substance abuse disorders.
6. N.C. Gen. Stat. § 90-113.44(a)(4) provides that “[c]onviction of a Class A-E felony shall result in an immediate suspension of licensure, certification, or registration for a minimum of one year.”
7. Based upon the foregoing Findings of Fact, the Board concludes that Respondent currently is not eligible to reinstate his Certified Clinical Supervisor or Licensed Clinical Addiction Specialist credentials

#### FINAL AGENCY DECISION

The North Carolina Addictions Specialist Professional Practice Board hereby issues the following decision:

1. Respondent shall be ineligible to apply for reinstatement of credentials issued by the Board for a period of sixteen (16) months, beginning Friday, October 28, 2022.
2. This Final Agency Decision shall take effect upon service of Respondent in a manner consistent with N.C. Gen. Stat. § 150B-42(a).
3. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondent has thirty (30) days from the date that he receives this Final Agency Decision to file a Petition for Judicial Review. The Petition for Judicial Review must be filed in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. Since this is an administrative appeal, no additional evidence will be taken. If a Petition is filed, a Superior Court Judge will review the Final Agency Decision to determine whether there were any legal errors in the Final Agency Decision.

By order of the North Carolina Addictions Specialist Professional Practice Board, this, the  
15<sup>th</sup> day of November, 2022.

By:   
Flo Stein, Board Chair  
North Carolina Addictions Specialist Professional  
Practice Board

**CERTIFICATE OF SERVICE**

The undersigned does hereby certify that on this day the foregoing **Findings of Fact, Conclusions of Law, and Final Agency Decision** was served upon the Respondent in this action by US Mail, First Class, Postage Prepaid, and addressed as follows:

Mr. Anthony P. Porrett  
202 Bracken Court  
Raleigh, NC 27615

This the 15 day of November, 2022



Catherine E. Lee