

I. Procedural History of the Case

1. This contested case was filed December 22, 2022, by Petitioner North Carolina Addictions Specialist Professional Practice Board (“Petitioner”) against Lynn Hopkins (“Respondent”).
2. On December 29, 2022, the Tribunal issued an order for the parties to file Prehearing Statements within thirty days of that date.
3. Petitioner filed a Prehearing Statement on January 30, 2023. Respondent did not file a Prehearing Statement.
4. On February 2, 2023, the Tribunal issued a Second Order for Prehearing Statements, directing Respondent to file a Prehearing Statement on or before February 13, 2023, or face sanctions up to and including dismissal.
5. As of February 21, 2023, Respondent has failed to file a Prehearing Statement as required by the Tribunal’s Order of February 2, 2023. Respondent has also failed to ask for additional time to make such filing.
6. As shown by receipt and of the Notice of Hearing in this action, Respondent is receiving mail from the Office of Administrative Hearings.

II. Findings of Fact

1. On April 26, 2022, Respondent registered for the Board’s Certified Alcohol and Drug Counselor (CADC) credential. If the credential is not awarded prior to April 25, 2027, the Respondent’s status as a CADC Registrant will expire.
2. On August 10, 2022, Wanda Edmonds (“Edmonds”), the Director of Human Resources at Catawba Valley Behavioral Healthcare (“CVBH”), filed a formal complaint with the Board, alleging Respondent engaged in a dual relationship with a CVBH client Respondent had provided services to while the client was incarcerated at the Catawba County Detention Facility. The allegations arose from the Catawba County Detention Facility notifying CVBH that the Respondent was not allowed to return to the detention center in the capacity as an employee of CVBH, due to alleged involvement with a former inmate. The complaint was designated by the Board as Ethics Complaint (“EC”) Case No. 735-22.
3. During all times relevant to this matter, Respondent was an employee of CVBH as a Pre-Trial Diversion Specialist and Peer Support Specialist, providing healthcare services to inmates detained at the Catawba County Detention Facility.
4. On or about July 28, 2022, the Catawba County Sheriff’s Office in Newton, North Carolina sent a letter to Tiffany Randazza (“Randazza”), the Chief Clinical Officer at CVBH, which provided: “This letter is formal notice that Peer Specialist Heather

Hopkins is no longer allowed to have contact with Catawba County inmates or be on the property of the Catawba County Detention Facility in her role as peer support specialist. This decision has been made in the interest of safety and security of the facility. This notice does not preclude Ms. Hopkins visiting the facility for personal reasons.” The letter was signed by Deputy Sheriff (Major) William T. Boston.

5. The letter was prompted by an inappropriate relationship between Respondent and Gregory Ray Cribb (“Cribb”), a former inmate at the Catawba County Detention Facility.
6. On or about April 7, 2022, while incarcerated at the Catawba County Detention Facility, Cribb went through intake with the Respondent for counseling services.
7. Shortly after intake, Respondent began engaging in an inappropriate relationship with Cribb. The relationship included text messaging and phone call communications, which became sexual in nature.
8. On or about June 2, 2022, Cribb was transferred from the Catawba County Detention Facility to the Foothills Correctional Institute. Upon transfer, Respondent ceased providing counseling services to Cribb.
9. On or about July 9, 2022, Cribb was released from custody at the Foothills Correctional Institute. Upon his release, Cribb began residing with Respondent.
10. Respondent was subsequently terminated from employment at CVBH.

III. Conclusions of Law

1. The Office of Administrative Hearings has subject matter jurisdiction over this matter pursuant to N.C.G.S. 150B-40(e), and all parties are properly before the Tribunal.
2. By authority of 26 N.C.A.C. 3.105, the Tribunal has authority to “(5) Make preliminary, interlocutory, or other orders as deemed appropriate, and (6) Grant dismissal when the case or any part thereof has become moot,” and “(8) Apply sanctions in accordance with Rule .0114 of this Section.”
3. If a party fails to comply with an interlocutory order, the Tribunal may find the allegations in the pleadings as true or deemed proved without further evidence. 26 N.C.A.C. 03 .114(a)(1). The Tribunal may also, “Dismiss **or grant** the motion or **petition.**” *Id.* at (2) (emphasis supplied). This is in addition to the authority of the Tribunal under N.C.G.S. 1A-1, Rule 41(b).
4. Respondent has failed to comply, after notice, with two interlocutory orders of the Tribunal. The Tribunal has considered other, less severe methods of addressing

Respondent's failure to comply with interlocutory orders and finds that such methods do not appropriately address the conduct at issue.

5. The Tribunal is not required to list and specifically reject each possible lesser sanction prior to determining that dismissal is appropriate. Ray v. Greer, 212 N.C. App. 358, 363, 713 S.E.2d 93, 97 (2011) (internal citations and quotations omitted).
6. Respondent is pro se. However, our courts have emphasized that the Rules of Civil Procedure "must be applied equally to all parties to a lawsuit, without regard to whether they are represented by counsel." Goins v. Puleo, 350 N.C. 277, 281, 512 S.E.2d 748, 751 (1999). Further when a litigant "makes a voluntary and knowledgeable decision to represent himself he must be deemed to know the law which will govern the trial of his case and he must be expected to conduct himself in accordance with the rules established by the courts and legislature of this state." Cohen v. McLawhorn, 208 N.C. App. 492, 500, 704 S.E.2d 519, 525 (2010).
7. Respondent has failed to take any action to progress this case. Respondent has failed to respond to multiple orders of the Tribunal and has failed to request additional time to take any required action. Petitioner has been prejudiced by these actions, as this matter has been previously noticed for hearing.
8. Pursuant to the above-cited rules and statutes, and as a sanction for repeated noncompliance with interlocutory orders, the allegations set out in the Petitioner's petition filed December 22, 2022, are therefore taken as true, and deemed proven without further evidence. NC Alcoholic Beverage Control Commission v. Stop N Go Food Mart LLC T/A Stop N Go Food Mart, 2018 WL 1897642 (N.C.O.A.H. Feb. 7, 2018).
9. The Tribunal thus proposes that the Petition is **GRANTED**, with the exception of its prayer for costs, including reasonable attorney's fees. The Office of Administrative Hearings does not have authority to award costs, or attorney's fees, to a State agency. 26 N.C.A.C. 3 .0105(7). The Tribunal is likewise unaware of authority permitting Petitioner to award costs and attorney's fees to itself.

IV. Final Agency Decision

The Board hereby accepts, adopts, and affirms the Proposal for Decision recommended by the assigned Administrative Law Judge. The Board hereby revokes Respondent's CADC Registrant Status and holds that Respondent shall be ineligible to re-apply for CADC Registrant Status for five (5) years following the effective date of this Final Agency Decision.

NOTICE

This Final Agency Decision is issued under the authority of N.C. Gen. Stat. §150B-42. Pursuant to N.C. Gen. Stat. §150B-45, any party wishing to appeal this Final Agency Decision may commence such appeal by filing a Petition for Judicial Review in the superior court of 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 Agency Decision.

N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. N.C. Gen. Stat. §150B-47 requires the Board to file the official record in the contested case with the reviewing court within 30 days of receipt of the Petition.

This the ____ day of May, 2023.

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

CERTIFICATE OF SERVICE

This is to certify that the undersigned has, this date, served the foregoing **Findings of Fact, Conclusions of Law, and Final Agency Decision** upon the following named persons by depositing a copy of the foregoing document in the United States Mail, First Class, Postage Prepaid, and addressed as follow:

Heather Lynn Hopkins
178 Bell Farm Rd.
Statesville, NC 28625

This the ___ day of May, 2023.

Catherine E. Lee

