STATE OF NORTH CAROLINA WAKE COUNTY

BEFORE THE NORTH CAROLINA ADDICTIONS SPECIALIST PROFESSIONAL PRACTICE BOARD OAH CASE NO. 22 SAP 03281 NCASPPB CASE NO. EC-680-21, EC-700-22, EC-715-22

NORTH CAROLINA ADDICTIONS SPECIALIST PROFESSIONAL PRACTICE BOARD)
Petitioner,)
V.)
JAMES C. MCGOOGAN (LCAS-A No. 21819) Respondent,)

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

This matter is before the North Carolina Addictions Specialist Professional Practice Board (the "Board"), pursuant to N.C. Gen. Stat. § 150B-42, for review of the official record and issuance of a Final Agency Decision, following the conclusion of proceedings in the Office of Administrative Hearings (OAH Case No. 22 SAP 03281) and the issuance of a Proposal for Decision by the assigned Administrative Law Judge. Pursuant to N.C. Gen. Stat. § 150B-40(e), the parties were provided with the opportunity to file exceptions and proposed findings of fact and to present oral arguments with the Board.

The record reflects that a quorum of the Board was present at the time the Board made this decision on August 25, 2023. A. Grant Simpkins, General Counsel, appeared for Board staff. Nicholas Dowgul appeared for James C. McGoogan ("Respondent").

Before the Board issued this Final Agency Decision, 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." No Board members stated that they had a conflict of interest or the appearance of a conflict of interest.

FINAL AGENCY DECISION

Having considered the assigned Administrative Law Judge's Proposal for Decision and the official record, the Board issues this Final Agency Decision, pursuant to N.C. Gen. Stat. § 150B-42.

North Carolina Addictions Specialist Professional Practice Board v. McGoogan OAH Case No. 22 SAP 03281 NCASPPB Case Nos. 680-21, 700-22, 715-22 Findings of Fact, Conclusions of Law, and Final Agency Decision Page 2 of 3

I. Findings of Fact

With regard to the proposed Findings of Fact, the Board hereby adopts the Findings of Facts proposed by the assigned Administrative Law Judge, as set forth in the Proposal for Decision, without amendment or modifications, which is incorporated by reference herein.

II. Conclusions of Law

With regard to the proposed Conclusions of Law, the Board hereby adopts the Conclusions of Law proposed by the assigned Administrative Law Judge, as set forth in the Proposal for Decision, without amendment or modifications, which is incorporated by reference herein.

III. Final Agency Decision

The Board hereby accepts, adopts, and affirms the Proposal for Decision recommended by the assigned Administrative Law Judge, without amendment or modifications, which is incorporated by reference herein.

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 31st day of August, 2023.

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North Carolina Addictions Specialist Professional

Practice Board

North Carolina Addictions Specialist Professional Practice Board v. McGoogan OAH Case No. 22 SAP 03281 NCASPPB Case Nos. 680-21, 700-22, 715-22 Findings of Fact, Conclusions of Law, and Final Agency Decision Page 3 of 3

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:

Nicholas Dowgul North State Law 5840B Faringdon Place Raleigh, NC 27609

Attorney for Respondent

This the J day of August, 2023.

A. Grant Simpkins

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