

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA
ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD
EC CASE NO. 777-23

NORTH CAROLINA ADDICTIONS
SPECIALIST PROFESSIONAL
PRACTICE BOARD,
Petitioner,

v.

JONATHAN THAD LACKEY
(CADC-I No. 27766)
Respondent.

CONSENT ORDER

THIS MATTER is before a Panel of the Ethics Committee (the "Panel") of the North Carolina Addictions Specialist Professional Practice Board (the "Board"), pursuant to Chapter 150B, Article 3A of the North Carolina General Statutes; the North Carolina Substance Use Disorder Professional Practice Act, North Carolina General Statute § 90, Article 5C; and Title 21, Chapter 68 of the North Carolina Administrative Code. The Board, with a quorum present, and Respondent stipulate and agree to the entry of the following Consent Order:

FINDINGS OF FACT

1. Petitioner Board was established by the North Carolina General Assembly to credential and regulate substance use disorder professionals in North Carolina, in accordance with Chapter 90, Article 5C of the North Carolina General Statutes.
2. Respondent currently is a citizen and resident of Graham County, North Carolina; and is neither a minor nor an incompetent person.
3. On July 15, 2021, Respondent was registered by the Board as a Certified Alcohol and Drug Counselor Registrant ("CADC-R"). On January 3, 2023, Respondent was credentialed by

the Board as a Certified Alcohol and Drug Counselor Intern ("CADC-I") (CADC-I No. 27766), which will expire on July 14, 2026, if not renewed.

4. In processing Respondent's application for registration, the Board reviewed the criminal history corresponding to Respondent's background check with the North Carolina Bureau of Investigation, received in accordance with 21 NCAC 68 .0202, 21 NCAC 68 .0216 and N.C. Gen. Stat. § 90-113.46A. Specifically, the Board considered information tending to show that Respondent received the following criminal convictions:

- a. *Felony Possession Schedule II Controlled Substance* in Haywood County Superior Court, file no. 2017 CRS 053749;
- b. *Misdemeanor Larceny* in Jackson County District Court, file no. 2014 CR 000268;
- c. *Misdemeanor Breaking or Entering* in Swain County District Court, file no. 2006 CR 050878;
- d. *Misdemeanor Larceny* in Swain County District Court, file no. 2006 050879;
- e. *Misdemeanor Larceny* in Swain County District Court, file no. 2007 CR 001188;
- f. *Driving While Impaired – Level 5 (Blood Alcohol = 0.10)* in Swain County District Court, file no. 2011 CR 000597;
- g. *Driving While Impaired – Level 2 (Blood Alcohol = 0.18)* in Swain County District Court, file no. 2011 CR 051044;
- h. *Misdemeanor Assault Government Official/Employee* in Swain County District Court, file no. 2012 CR 050073;
- i. *Misdemeanor Possession Stolen Goods/Property* in Swain County District Court, file no. 2013 CR 050907;

- j. *Misdemeanor Resisting Public Officer* in Swain County District Court, file no. 2013 CR 050931;
 - k. *Misdemeanor Breaking or Entering* in Swain County District Court, file no. 2013 CR 050932;
 - l. *Misdemeanor Resisting Public Officer (two counts)* in Swain County District Court, file no. 2013 CR 050966;
 - m. *Misdemeanor Possession Drug Paraphernalia* in Swain County District Court, file no. 2015 CR 050082;
 - n. *Misdemeanor Criminal Contempt* in Swain County District Court, file no. 2016 CR 700432;
 - o. *Misdemeanor Possession Drug Paraphernalia* in Swain County District Court, file no. 2017 CR 700672; and
 - p. *Felony Possess Methamphetamine* in Swain County Superior Court, file no. 2017 CRS 050505.
5. During all times relevant to this matter, Respondent was employed by the Cherokee Indian Hospital Authority in his capacity as a CADAC-I.
6. On June 6, 2023, Respondent submitted a self-report to the Board disclosing a criminal charge of *Driving While Impaired*, offense date of May 25, 2023, issued on the Eastern Band of Cherokee Indians Reservation after Respondent left a casino. The Complaint was designated by the Board as Ethics Complaint ("EC") Case No. 777-23.
7. Upon investigation into EC Case No. 777-23, the Board determined the following:

- a. Respondent was charged with *Driving While Impaired* on May 25, 2023. Respondent's bond was set at \$1,500.00, unsecured.
 - b. The corresponding Laboratory Report Summary from the North Carolina State Crime Laboratory, dated August 9, 2023, noted Respondent's blood ethanol concentration was 0.17 grams of alcohol per 100 milliliters.
 - c. The *Driving While Impaired* charge was ultimately reduced to *Reckless Driving*, pursuant to a plea deal Respondent entered into on November 2, 2023. Respondent was sentenced to thirty (30) days imprisonment, with a suspended sentence of six (6) months of court-mandated supervised probation.
8. Respondent resigned from employment at the Cherokee Indian Hospital Authority, with his last day of employment being August 30, 2023.

CONCLUSIONS OF LAW

9. Respondent is subject to the North Carolina Addictions Specialist Professional Practice Act and the rules promulgated pursuant to that Act. The Board has jurisdiction over Respondent and the subject matter of this proceeding.
10. The acts and omissions of Respondent as described above constitute violations of the following statutes/rules:
 - a. N.C. Gen. Stat. §§ 90-113.44(a)(2a), (a)(3), (a)(6), and (a)(9);
 - b. 21 NCAC 68 .0503(i); and
 - c. 21 NCAC 68 .0601(5)(b) and (6)(c).
11. Respondent committed one or more of the violations described above. Pursuant to N.C. Gen. Stat. § 90-113.33(2), the Board has the authority to deny, suspend, or revoke

Respondent's licensure, certification, or registration to practice in this State or reprimand or otherwise discipline Respondent's license, certificate, or registration in North Carolina.

Respondent wishes to resolve this matter by voluntarily surrendering his certificate and the Board agrees to accept this resignation in lieu of further proceedings related to this matter.

BASED upon the foregoing Findings of Fact and Conclusions of Law, and in lieu of further proceedings, Respondent wishes to resolve this matter by consent and agrees that Board staff and counsel may discuss this Consent Order with the Board *ex parte* whether or not the Board accepts this Consent Order as written.

Whereas Respondent acknowledges that he read this entire document and understands it;

Whereas Respondent acknowledges that he enters into this Consent Order freely and voluntarily;

Whereas Respondent acknowledges that he had full and adequate opportunity to confer with legal counsel in connection with this matter;

Whereas Respondent understands that this Consent Order must be presented to the Board for approval; and

Whereas the Board has determined that the public interest is served by resolving this matter as set forth below.

THEREFORE, with the consent of Respondent, it is ORDERED that:

1. Respondent hereby agrees to the voluntary active suspension of his registration as a Certified Alcohol and Drug Counselor Intern (CADC-I No. 29259) credential from the North Carolina Addictions Specialist Professional Practice Board.
 - a. The active suspension shall be in effect until the final adjudication of any pending

criminal matters Respondent may be subject to, including completion of any court-mandated supervision/probation and payment of restitution and/or fees ordered by the courts;

b. Following the final adjudication of any pending criminal matters, the active suspension shall transition to stayed suspension for a period of two (2) years;

i. Throughout the two (2) year period of stayed suspension, Respondent shall maintain a therapeutic relationship with a licensed clinician;

ii. Throughout the two (2) year period of stayed suspension, Respondent shall meet with a licensed clinician at least twice (2x) per month on the topic of substance use/abuse.

iii. Respondent shall provide documentation to the Board to confirm the attendance of the above-referenced meetings with a licensed clinician and the dates upon which the sessions occurred. The documentation must be provided on the clinician's professional letterhead, drafted and issued by the clinician, and submitted to the Board on a quarterly basis;

iv. In the event Respondent ceases therapeutic treatment during the time he is subject to stayed suspension, without advanced written approval from the Board, or fails to provide documentation to the Board on a quarterly basis demonstrating such, his registration shall be automatically terminated by the Board;

c. In the event Respondent is charged or convicted of any new criminal offense(s), his registration shall be automatically terminated by the Board; and

- d. In the event Respondent elects to apply for a credential before the Board in the future, he shall appear before the Board's Quality Assurance Committee for consideration at that time.
2. The Board shall retain jurisdiction under Article 3A, Chapter 150B for all administrative hearings held in connection with or pursuant to this Consent Order. If the Board receives evidence that Respondent has violated any term of this Consent Order or any other law or rule enforced by the Board, the Board shall schedule a show cause hearing for a determination of the violations. If the Board determines that a violation has occurred, the Board may impose such disciplinary action as it determines is appropriate and is authorized by law.
3. This Consent Order shall take effect immediately upon its execution by the Board and Respondent and reflect the entire agreement between Respondent and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or modifies this Consent Order.
4. No modification or waiver of any provision of this Consent Order shall be effective unless it is in writing, adopted and approved by the Board, and signed by the parties affected.
5. Both the Board and Respondent participated in the drafting of this Consent Order. Any ambiguities herein shall not be construed against either party in any future civil or administrative proceeding.
6. Each party to this proceeding shall bear their own costs, and the Board shall bear its own costs of investigation.
7. Upon its execution by the Board and Respondent, this Consent Order shall become a public

record within the meaning of Chapter 132 of the North Carolina General Statutes and shall
be subject to public inspection and dissemination pursuant to the provisions thereof.

CONSENTED TO:

JONATHAN THAD LACKEY

Jonathan Thad Lackey Date: 3/2/24

By Order of the North Carolina Addictions Specialist Professional Practice Board, this the
4th day of March, 2024.

By: Nyi Myint
Nyi Myint, Ethics Chair