



HEDRICK GARDNER

HEDRICK GARDNER KINCHELOE & GAROFALO LLP

ATTORNEYS AT LAW

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October 10, 2023

Sent via US Mail and Electronic Mail

Kimberly Y. Robinson
2949 Mt. Misery Rd.
Leland, NC 28451

Email: kimberlytatecl@gmail.com

Reply To:

CAROLYN E. DUHON
Associate
4131 Parklake Ave., Suite 300
Raleigh, NC 27612
Telephone: 984-279-3480
Email: cduhon@hedrickgardner.com

RE: North Carolina Addictions Specialist Professional Practice Board
Board Ethics Case No. 778-23

Dear Ms. Robinson:

Our firm represents the North Carolina Addictions Specialist Professional Practice Board ("the Board"). As you are aware, the Board's Ethics Committee has been addressing a complaint against you in the above-referenced Ethics Complaint File. The Board's Ethics Committee met on September 12, 2023, and investigated all aspects of this matter.

The Board is willing to resolve this case with the enclosed Consent Order. Please sign and return the Consent Order to me on or before October 25, 2023, or we will proceed with a Petition for Contested Case Hearing before the North Carolina Office of Administrative Hearings. If you wish to discuss the matter, please contact me by email or telephone.

Thank you for your cooperation.

Sincerely,

Carolyn E. Duhon
Counsel for the Board

CC: Mr. Barden Culbreth, Executive Director, NCASPPB

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA
ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD
EC CASE NO. 778-23

NORTH CAROLINA ADDICTIONS
SPECIALIST PROFESSIONAL
PRACTICE BOARD,
Petitioner,

v.

KIMBERLY YOLANDA ROBINSON
(CADC-R Applicant),
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; and 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 professional 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 Leland, Brunswick County, North Carolina; and is neither a minor nor an incompetent person.
3. On April 2, 2018, Respondent was first registered before the Board as a Certified Alcohol and Drug Counselor Registrant ("CADC-R") (CADC-R No. 24528), which expired on April 1, 2023.

4. On April 1, 2023, Respondent initiated a second application before the Board for registration as a Certified Alcohol and Drug Counselor ("CADC-R").
5. The Board received criminal history record information from the North Carolina State Bureau of Investigation ("SBI") in relation to Respondent's application for registration, in the form of an SBI report, in accordance with 21 NCAC 68 .0202 and N.C. Gen. Stat. § 90-113.46A.
6. On June 19, 2023, Barden Culbreth ("Culbreth"), Senior Administrative Director for the Board, filed a formal complaint with the Board, alleging Respondent failed to report a criminal conviction of Assault with Serious Bodily Injury (felony) to the Board in relation to her CADC-R registration application. The complaint was designated by the Board as Ethics Complaint ("EC") Case No. 778-23.
7. Upon investigation into EC Case No. 778-23, the Board determined the following:
 - a. On or about March 19, 2019, Respondent was charged with the criminal offense of ASSAULT WITH DEADLY WEAPON INTENT TO KILL in New Hanover County, Wilmington Seat of Court, District Court Division, file no. 19 CR 52373.
 - b. On January 27, 2020, Respondent was convicted of the criminal offense of ASSAULT INFLICTING SERIOUS BODILY INJURY – FELONY in New Hanover County, Wilmington Seat of Court, Superior Court Division, file no. 19 CRS 52373.

CONCLUSIONS OF LAW

8. 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.
9. The acts and omissions of Respondent as described above constitute a violation of N.C. Gen. Stat. § 90-113.40A(c) and 21 NCAC 68 .0216(c).
10. 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 her/his license 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 she/he read this entire document and understands it;

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

Whereas Respondent acknowledges that she/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 will be granted re-registration as a Certified Alcohol and Drug Counselor Registrant before the North Carolina Addictions Specialist Professional Practice Board, contingent on the following:
 - a. Respondent's registration status shall be placed on probation immediately;
 - b. In the event Respondent is charged with a criminal offense, Respondent's registration before the Board shall be immediately suspended, until such time the corresponding criminal proceedings and Board Ethics matter(s) resulting from such charge(s) are adjudicated;
 - c. In the event the Board receives an Ethics Complaint against the Respondent in her capacity as a CADCR, Respondent's registration shall be immediately suspended, until such time the corresponding Board Ethics matter(s) are adjudicated.
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:

KIMBERLY YOLANDA ROBINSON

Kimberly Yolanda Robinson Date: 10/10/23

By Order of the North Carolina Addictions Specialist Professional Practice Board, this the
10th day of October, 2023.

By: Nyi Myint
Nyi Myint, Ethics Chair