

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE NORTH CAROLINA
ADDICTIONS SPECIALIST
PROFESSIONAL PRACTICE BOARD
EC CASE NO. 867-25

NORTH CAROLINA ADDICTIONS)
SPECIALIST PROFESSIONAL)
PRACTICE BOARD,)
Petitioner,)
)
v.)
)
TOMMEL DEVON HAYES)
(LCAS No. 1888),)
Respondent.)

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

In accordance with the Administrative Procedure Act, N.C. Gen. Stat. § 150B, 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 Administrative Code, 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 the above-captioned matter.

The record reflects that a quorum of the Board was present at the hearing held on July 25, 2025, when the Board made this decision. At the hearing, Attorney Carolyn E. Duhon appeared on behalf of Board Staff. Respondent was not present at the hearing.

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.

Kendra Davis heard the case as presiding Board Chair. Board Members Johnny Bass, Flo Stein, Anita Daniels, Lauren Quick, Stephanie Robinson, Virginia Johnson, and Katheryn Salmons heard the case.

PETITIONER’S LIST OF EXHIBITS

Bd. Ex. 1 - 04/10/2025 Order for Summary Suspension	1
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Bd. Ex. 7 - License Credential	32
Bd. Ex. 8 - 01/10/2025 Complaint with Supporting Documents	34
Bd. Ex. 9 - Certified Copies Richland County, SC, File # 22-GS-40-05133 (redacted)	41
Bd. Ex. 10 - Certified Copies of Johnston County, NC, File # 24CR486070-50 (redacted)	51

RESPONDENT’S LIST OF EXHIBITS

Respondent was not present and did not submit any exhibits during the course of the hearing.

JURISDICTION

The North Carolina Addictions Specialist Professional Practice Board is an occupational licensing board of the State of North Carolina, organized under the provisions of N.C. Gen. Stat. § 90, Article 5C, and has jurisdiction over this matter pursuant to the provisions of N.C. Gen. Stat. § 90-113.33, N.C. Gen. Stat. § 150B, and the Board’s duly enacted rules, as enumerated in 21 N.C. Administrative Code, Chapter 68.

FINDINGS OF FACT

1. On September 2, 2011, Respondent was credentialed by the Board as a Licensed Clinical Addictions Specialist (“LCAS”) (LCAS No. 1888), which would expire on April 20, 2026, if not renewed. *Board Exhibit 7.*
2. On July 27, 2020, Respondent’s LCAS credential (LCAS No. 1888) was suspended for a period of two (2) years in Board Ethics Complaint Case No. 618-20, for Respondent’s failure to cooperate with the Board and failure to respond in EC 618-20, relating to two (2) unreported Driving While Impaired charges and an unreported Driving While Impaired conviction. Respondent’s LCAS credential was reinstated on June 11, 2021.
3. On January 10, 2025, Jeremy Martin (“Martin”) filed a formal complaint before the Board alleging Respondent was criminally convicted of False Statement to Department of Health and Human Services. The complaint was designated by the Board as Ethics Complaint (“EC”) Case No. 867-25. *Board Exhibit 8.*

4. On April 10, 2025, the Board issued an Order for Summary Suspension scheduling a hearing for the above-referenced matter on April 25, 2025, at 12:00 PM or as soon thereafter as the Board may hear it. *Board Exhibit 1.*
5. On May 14, 2025, the Board issued a Notice of Hearing and an Amended Order for Summary Suspension scheduling a hearing for the above-referenced matter on July 25, 2025, at 12:00 PM or as soon thereafter as the Board may hear it. *Board Exhibits 2 & 3 .*
6. On May 21, 2025, the Board issued an Amended Notice of Hearing and a Second Amended Order for Summary Suspension detailing a new location for the hearing. *Board Exhibit 4 & 5.*
7. On May 23, 2025, the Amended Notice of Hearing and the Second Amended Order for Summary Suspension were served on Respondent by FedEx, Adult Signature Required, Return Receipt Requested, in accordance with N.C.G.S. § 150B-38(c). *Board Exhibit 6.*
8. The Presiding Officer convened the hearing on July 25, 2025, in person and administered before a Court Reporter. Board staff was represented by Attorney Carolyn E. Duhon, Hedrick Gardner Kincheloe and Garofalo, L.L.P. Respondent was not present and was not represented by counsel.
9. At hearing, the Board heard testimony and other evidence regarding the following statutes and administrative code provisions:
 - a. Pursuant to N.C.G.S. § 90-113.44(a)(2), grounds for disciplinary action include the use of drugs or alcoholic beverages to the extent that professional competency is affected.
 - b. Pursuant to N.C.G.S. § 90-113.44(a)(2a), grounds for disciplinary action include the use of drugs or alcoholic beverages to the extent that a substance use disorder professional suffers impairment.
 - c. Pursuant to N.C.G.S. § 90-113.44(a)(3), grounds for disciplinary action include conviction of an offense under any municipal, State, or federal law other than traffic laws as prescribed by Chapter 20 of the General Statutes.
 - d. Pursuant to N.C.G.S. § 90-113.44(a)(6), grounds for disciplinary action include engaging in any act or practice in violation of any of the provisions of N.C. Gen. Stat. § 90, Article 5C, or any of the rules adopted pursuant to it, or aiding, abetting, or assisting any other person in such a violation.
 - e. Pursuant to N.C.G.S. § 90-113.44(a)(7), grounds for disciplinary action include the commission of an act of malpractice, gross negligence, or incompetence while serving as a substance use disorder professional, intern, or registrant.

- f. Pursuant to N.C.G.S. § 90-113.44(a)(9), grounds for disciplinary action include engaging in conduct that could result in harm or injury to the public.
- g. Pursuant to 21 NCAC 68 .0503(a), substance use disorder professionals shall employ their knowledge, skill and proficiencies within their scope of practice.
- h. Pursuant to 21 NCAC 68 .0503(e), substance use disorder professionals who know of unethical conduct by a substance use disorder professional shall report such violations to the Board.
- i. Pursuant to 21 NCAC 68 .0503(i), substance use disorder professionals shall recognize the negative impact impairment has on his or her functioning in public and professional performance and shall report the impairment to the Board for investigation and review, which may result in disciplinary or non-disciplinary action.
- j. Pursuant to 21 NCAC 68 .0507(a), the substance use disorder professional shall protect the safety and welfare of the client.
- k. Pursuant to 21 NCAC 68 .0601(2)(a), grounds for disciplinary action include knowingly making misleading, deceptive, false, or fraudulent misrepresentations in the practice of the profession.
- l. Pursuant to 21 NCAC 68 .0601(5)(c), grounds for disciplinary action include being an accessory to or participating in dishonesty, fraud, misrepresentation, or any other illegal act involving a client or person served.
- m. Pursuant to 21 NCAC 68 .0601(6)(a), grounds for disciplinary action include failure to follow the standards of skill and competence possessed and applied by professional peers credentialed in this State acting in the same or similar circumstances.
- n. Pursuant to 21 NCAC 68 .0601(6)(c), grounds for disciplinary action include the use of drugs including alcohol to the extent that professional competency is affected or that the professional suffers impairment
- o. Pursuant to 21 NCAC 68 .0601(7)(d), grounds for disciplinary action include accepting or charging a fee when no substance use disorder professional services are actually provided.
- p. Pursuant to 21 NCAC 68 .0606(c)-(d), a substance use disorder professional shall notify the Board within thirty (30) days from the date of any charges, conviction or finding of guilt, or pleading of nolo contendere for all criminal convictions,

including DWI charges, arrests, and convictions, and failure to report these criminal convictions shall be considered a violation of the ethical principles of the Board.

10. Barden Culbreth ("Culbreth"), Executive Director for the Board, testified credibly and presented evidence as to investigating the Ethics Complaint Case, EC Case No. 867-24, alongside Ethics Committee Chair Kathy Allen ("Allen") and Board counsel and in accordance with 21 NCAC 68 .0603.
11. At the hearing, Culbreth presented credible evidence to establish Respondent was convicted of the criminal offense identified in Findings of Fact Paragraph 3 of this Final Agency Decision. Culbreth testified credibly as to Board Exhibit 9, which reflects the following:
 - a. On November 14, 2024, Respondent pled guilty to False Statement to Department of Health and Human Services in Richland County Court, South Carolina, court case no. 2022-GS-40-05133. *Board Exhibit 9.*
 - b. Respondent's false and fraudulent claims and service notes caused South Carolina Medicaid to be billed for, and to render payment for, services which were never rendered to South Carolina Medicaid beneficiaries. *Board Exhibit 9.*
 - c. The offense date for the above-referenced criminal conduct was from on or about October 1, 2015, and continued until on or about January 31, 2018. *Board Exhibit 9.*
 - d. Respondent was sentenced to one (1) year of confinement with the State Department of Correction pursuant to a suspended sentence of thirteen (13) months of probation. The sentencing included special conditions, specifically, substance use counseling and random drug/alcohol testing. *Board Exhibit 9.*
 - e. On November 14, 2024, A Civil Judgment in Criminal Case was issued in relation to the above-referenced criminal proceedings whereby Respondent was ordered to remit payment in the sum of \$105,597.00 to the South Carolina Department of Health and Human Services. *Board Exhibit 9.*
12. Respondent failed to report the issuance of the above-referenced criminal charge to the Board.
13. Respondent failed to report the above-referenced criminal conviction to the Board.
14. Culbreth testified credibly as to Board Exhibit 10, which demonstrates that on December 23, 2024, Respondent was arrested and charged with Driving While Impaired in Johnston County District Court, court case no. 2024 CR 486070-500. *Board Exhibit 10.*

- a. Respondent blew a 0.19 in the associated breath test administered by Law Enforcement. *Board Exhibit 10.*
 - b. Per the Conditions of Release and Release Order in 2024 CR 486070-500, dated December 23, 2024, Respondent had two (2) prior DWI charges. *Board Exhibit 10.*
15. Respondent failed to report the issuance of the above-referenced DWI criminal charge to the Board.

CONCLUSIONS OF LAW

1. Respondent is subject to the Administrative Procedure Act, N.C. Gen. Stat. § 150B, 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 21 N.C. Administrative Code, Chapter 68.
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. To the extent that the Findings of Fact contain conclusions of law, or that the Conclusions of Law are findings of fact, they should be so considered without regard to their given labels. Charlotte v. Heath, 226 N.C. 750, 755, 40 S.E.2d 600, 604 (1946); Peters v. Pennington, 210 N.C. App. 1, 15, 707 S.E.2d 724, 735 (2011).
5. The Board concludes that the acts and omissions of Respondent described in Findings of Fact No. 11-15 violate the following statutes and rules governed by the Board:
 - 1) N.C.G.S. § 90-113.44(a)(2);
 - 2) N.C.G.S. § 90-113.44(a)(2a);
 - 3) N.C.G.S. § 90-113.44(a)(3);
 - 4) N.C.G.S. § 90-113.44(a)(6);
 - 5) N.C.G.S. § 90-113.44(a)(7);
 - 6) N.C.G.S. § 90-113.44(a)(9);
 - 7) 21 NCAC 68 .0503(a);
 - 8) 21 NCAC 68 .0503(e);

- 9) 21 NCAC 68 .0503(i);
 - 10) 21 NCAC 68 .0507(a);
 - 11) 21 NCAC 68 .0601(2)(a);
 - 12) 21 NCAC 68 .0601(5)(c);
 - 13) 21 NCAC 68 .0601(6)(a);
 - 14) 21 NCAC 68 .0601(6)(c);
 - 15) 21 NCAC 68 .0601(7)(d); and
 - 16) 21 NCAC 68 .0606(c)-(d).
6. Pursuant to N.C. Gen. Stat. §§ 90-113.33(2) and 90-113.44(a), the Board has the authority to issue, renew, deny, suspend, or revoke licensure, certification, or registration to practice in this State or reprimand or otherwise discipline a license, certificate, or registration holder in this State.

FINAL AGENCY DECISION

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

- I. Respondent's credential before the Board as a Licensed Clinical Addictions Specialist (LCAS No. 1888) is hereby **PERMANENTLY REVOKED**.
- II. This Final Agency Decision shall take effect upon service of Respondent in a manner consistent with N.C. Gen. Stat. § 150B-42(a).
- III. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondent has thirty (30) days from the date that she 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.

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 4th day of September 2025.

By: Dr. Kendra T. Davis
Kendra Davis, Presiding 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 USPS, postage prepaid, addressed as follows:

Tommel D. Hayes
532 W. New Hope Road, Apt. B3
Goldsboro, NC 27534

Respondent

COURTESY COPY:

tommelh@gmail.com

This, the 5 day of September 2025.

**HEDRICK, GARDNER, KINCHELOE &
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