

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
17 BMS 02004

<p>North Carolina Board of Funeral Service Petitioner,</p> <p>v.</p> <p>Cody T McCain Henry Colvin Jr and Colvin Funeral Home & Crematory Respondent.</p>	<p>NOTICE OF CONTESTED CASE AND ASSIGNMENT G.S. 150B-23, 33(b)(4)</p>
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NOTICE IS HEREBY GIVEN that a petition for a contested case hearing pursuant to G.S. 150B-23(a) was filed in and accepted by the Office of Administrative Hearings on March 22, 2017. In accordance with G.S. 150B-23(a) and 26 NCAC 3 .0103, Donald W Overby, Administrative Law Judge, has been assigned to preside in this case. The administrative law judge may be contacted by mail at 6714 Mail Service Center, Raleigh, N.C. 27699-6700, or by telephone at 919-431-3000.

The Respondent shall submit, within 30 days, a copy of the document constituting agency action, which caused the filing of the Petition.

A copy of any document or other pleading filed with the Office of Administrative Hearings must also be sent to the other party at the time of filing. If a party changes his or her mailing address, or if the address is incorrect, the Office of Administrative Hearings must be notified of the new or corrected address.

NOTE: You may receive an Order for Prehearing Statements to which you must respond within 30 days.

This the 24th day of March, 2017.



Julian Mann, III
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

The undersigned certifies that, on the date shown below, the Office of Administrative Hearings sent the foregoing document to the persons named below at the addresses shown below, by electronic service as defined in 26 NCAC 03 .0501(4), or by placing a copy thereof, enclosed in a wrapper addressed to the person to be served, into the custody of the North Carolina Mail Service Center who subsequently will place the foregoing document into an official depository of the United States Postal Service:

Christina Diane Cress
NC Board of Funeral Service
ccress@ncbfs.org
Attorney For Respondent

Catherine E Lee
Nichols, Choi & Lee, PLLC
catherine@ncl-law.com
Attorney For Respondent

Jose A. Coker
The Charleston Group Lawyers
jcoker@charlestongroup.com
Attorney For Petitioner

This the 24th day of March, 2017.



Maria G Erwin
Chief Hearings Clerk
N. C. Office of Administrative Hearings
6714 Mail Service Center
Raleigh NC 27699-6700

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

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17 BMS 02004

<p>North Carolina Board of Funeral Service Petitioner,</p> <p>v.</p> <p>Cody T McCain Henry Colvin Jr and Colvin Funeral Home & Crematory Respondent.</p>	<p>ORDER FOR PREHEARING STATEMENTS</p>
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Please complete this form and mail the original and one copy to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700; mail a copy to the other party and keep a copy for your records.

This Prehearing Statement must be filed and served within 30 days of the date of this ORDER. Failure of a party to comply with this Order for Prehearing Statements may result in the imposition of one or more of the sanctions set forth in G.S. 150B-33(b)(10) and 26 NCAC 03.0114(a) against the non-complying party, which may include the dismissal of the Petition if Petitioner fails to comply, or other appropriate sanctions against the Respondent if Respondent fails to comply.

In order to permit the prompt preparation of this case for hearing,

IT IS HEREBY ORDERED, pursuant to 26 NCAC 3 .0104, that each party file with the Office of Administrative Hearings and serve upon the other parties a Prehearing Statement containing your present position with regard to the following:

1. **The issue(s) to be resolved** (additional pages may be attached if needed):

2. **A brief statement of the facts and reasons supporting the issue(s) in dispute** (additional pages may be attached if needed):

3. **The statutes, rules, and legal precedent, if known** (additional pages may be attached if needed):

4. **A list of proposed witnesses you may call at the hearing** (additional pages may be attached if needed):

5. **Whether you wish to pursue discovery. If so, the estimated length of time required.** (**Discovery** is a technical term used in the law that references acquiring of previously unknown facts and information about the case by one party from the other party through compliance with the specific rules governing pretrial procedures such as depositions, interrogatories and exchanging of exhibits, and the preparation time each party will need in order to be ready for hearing):

6. **If you received a Scheduling Order, is the date and location of the hearing acceptable? If not, you must file a separate motion requesting a change.**

7. **If you do not have an attorney representing you in this contested case, please provide the following information in order to receive communications from this Office. You are required to notify this office of any changes in this information:**

Home address: _____

Business address: _____

Telephone number: _____ Cell number: _____

Fax number: _____ Email address: _____

8. **Estimated length of hearing:**

9. **Other special considerations** (additional pages may be attached if needed):

YOUR SIGNATURE

PRINT YOUR NAME

This the 24th day of March, 2017.



Donald W Overby
Administrative Law Judge

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Attorney For Respondent

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Jose A. Coker
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This the 24th day of March, 2017.



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6714 Mail Service Center
Raleigh NC 27699-6700
Phone: 919-431-3000

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<p>North Carolina Board of Funeral Service Petitioner,</p> <p>v.</p> <p>Cody T McCain Henry Colvin Jr and Colvin Funeral Home & Crematory Respondent.</p>	<p style="text-align: center;">SCHEDULING ORDER</p>
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The undersigned has established the following Scheduling Order. This Scheduling Order may be later amended in the discretion of the Administrative Law Judge, based upon information provided in the parties' Prehearing Statements. The parties will be notified of any changes by way of an Amended Scheduling Order.

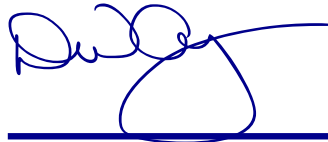
1. The hearing for this contested case will be in Fayetteville, North Carolina for the week beginning July 17, 2017.

At least 15 days prior to the hearing the Administrative Law Judge will mail to the parties either electronically or by U.S. Postal Service a more specific notice of the date, time and location of the hearing.

2. Discovery shall be completed on or before June 26, 2017.
3. Dispositive motions shall be filed on or before July 03, 2017.

IT IS SO ORDERED.

This the 24th day of March, 2017.



Donald W Overby
Administrative Law Judge

CERTIFICATE OF SERVICE

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Jose A. Coker
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Attorney For Petitioner

This the 24th day of March, 2017.



Maria G Erwin
Chief Hearings Clerk
N. C. Office of Administrative Hearings
6714 Mail Service Center
Raleigh NC 27699-6700
Phone: 919-431-3000

**HEARING ASSISTANT/COURT REPORTER
REQUEST FORM**

TO: Calendaring Clerk
Office of Administrative Hearings
6714 Mail Service Center
Raleigh NC 27699-6700
Phone: 919-431-3000

ADMINISTRATIVE LAW JUDGE	Donald W Overby
CASE NUMBER	17 BMS 02004
CASE NAME	North Carolina Board of Funeral Service Petitioner, v. Cody T McCain Henry Colvin Jr and Colvin Funeral Home & Crematory Respondent.

I request that the above-styled hearing be recorded using the following method (check one):

Hearing Assistant (Provided by the Office of Administrative Hearings)

Court Reporter (Party requesting the Court Reporter is responsible for the Court Reporter fees)

I am the: Petitioner or Respondent or
 Attorney for Petitioner Attorney for Respondent

This the _____ day of _____, 20__.

Your Signature

Please print or type your name

Street or Post Office Box

Area Code and Telephone Number

City, State and Zip Code