

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 HEARING G.S. 150B-23(b)</p>
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NOTICE IS HEREBY GIVEN that the above-captioned case will be brought on for hearing before the undersigned administrative law judge as follows:

DATE: October 12, 2017

TIME: 10:00 (or as soon thereafter as may be heard)

PLACE: Old Cumberland County Courthouse
Courtroom 3
130 Gillespie St
Fayetteville, North Carolina 28301

1. This hearing will be conducted in accordance with G.S. Chapter 150B and the Rules of Contested Case Hearings in the Office of Administrative Hearings, copies of which may be obtained at cost from Molly Masich, Director of APA Services or by accessing the OAH Web page at <http://www.oah.state.nc.us/hearings/#Chapter3>.
2. Unless otherwise determined by the administrative law judge, the hearing will proceed in the following sequence:
 - a. Call of the case
 - b. Motions and other preliminary matters
 - c. Stipulations, agreements, or consent orders entered into the record
 - d. Opening statements
 - e. Presentation of evidence; cross-examination
 - f. Final arguments
3. All parties are hereby notified to bring to the hearing all documents, records, and witnesses needed to present the party's case.

NOTE: IF SPECIAL EQUIPMENT IS REQUIRED FOR THE PRESENTATION OF EVIDENCE, THE PARTIES ARE RESPONSIBLE FOR MAKING ARRANGEMENTS FOR THE EQUIPMENT.

4. Subpoenas may be available to the parties pursuant to 26 NCAC 3 .0114 to compel the attendance of witnesses or for the production of documents.
5. A party may represent himself or be represented by an attorney. A party who is represented by an attorney must file a Notice of Representation within 10 days of service of this Notice containing the name, address, and telephone number of the attorney, unless the attorney has already corresponded with this Office concerning this case.

TAKE NOTICE THAT A FAILURE TO APPEAR AT THE HEARING MAY RESULT IN:

1. A finding that the allegations of or the issues set out in this Notice may be taken as true or deemed proved without further evidence;
2. Dismissal of the case or allowance of the motion or petition;
3. Suppression of a claim or defense; or
4. Exclusion of evidence.

NOTICE OF CANCELLATION OF HEARING

THE PARTIES MUST NOTIFY THE OFFICE OF ADMINISTRATIVE HEARINGS AT LEAST 24 HOURS PRIOR TO THE CANCELLATION OF THE CONTESTED CASE HEARING. FAILURE TO GIVE TIMELY NOTICE OF CANCELLATION MAY RESULT IN A CHARGE TO THE PARTIES FOR THE COST OF THE COURT REPORTER OR HEARING ASSISTANT. SEE 26 NCAC 3 .0123(f).

This the 8th day of September, 2017.



J Randolph Ward
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:

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Attorney For Petitioner

This the 8th day of September, 2017.



Jerrod Godwin
Administrative Law Judge Assistant
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