

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA
BOARD OF FUNERAL SERVICE
CASE NO. M18-0059

In the matter of:

Kenneth Scott Hopman,

Respondent.

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CONSENT ORDER

THIS CAUSE, coming before the North Carolina Board of Funeral Service ("Board") at its offices at 1033 Wade Avenue in Raleigh, North Carolina, with a quorum present. The Board and Respondent stipulate and agree to entry of the following Consent Order:

FINDINGS OF FACT

1. Kenneth Scott Hopman (hereinafter "Respondent") is an applicant for a Removal and Transportation Permit.
2. On September 19, 2018, Board staff received Respondent's application for a Removal and Transportation Permit (hereinafter the "Application").
3. Question # 10 on the Application reads as follows, "Have you ever been convicted of any felony or misdemeanor crime(s) (other than traffic infractions) Yes _____ No _____ If yes, attach a detailed statement providing the jurisdiction, charge, and disposition of each conviction."
4. In response to Question # 10 on the Application, Respondent marked "No."
5. Respondent's response to Question # 10 on the Application, was inconsistent with the results of Respondent's background check.
6. On or about May 9, 2002, Respondent was convicted of misdemeanor breaking or entering and, on or about January 15, 2003, Respondent was convicted of two counts of Access/After the Fact Larceny.
7. On October 15, 2018, Board staff mailed correspondence to Respondent informing him of the Board's denial of the Application.
8. On October 31, 2018, Respondent requested a hearing before the Board to appeal the denial of his Application.

9. Respondent failed to disclose the full extent of his criminal convictions on the Application, which is indicative of a lack of good moral character and constitutes fraud or misrepresentation in obtaining a license.

CONCLUSIONS OF LAW

1. Respondent is subject to jurisdiction before the Board.
2. Pursuant to North Carolina General Statutes Sections 90-210.25(e)(1)a., the Board has the authority to refuse to issue a Removal and Transportation Permit to Respondent upon a finding that Respondent lacks good moral character.
3. Pursuant to North Carolina General Statutes Section 90-210.25(e)(1)b., the Board has the authority to refuse or renew a registration as a resident trainee to Respondent upon a finding of fraud or misrepresentation in obtaining or renewing a license.

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 agree that the Board staff and counsel may discuss this Order with the Board *ex parte* whether or not the Board accepts this Order as written.

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

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

Whereas Respondent acknowledges that he has 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 that Respondent hereby waives any argument that any Board members considering this Consent Order is disqualified from participating in a hearing of this matter; 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's Application for a Removal and Transportation Permit is conditionally granted upon the following terms:
 - a. He commit no infractions of criminal laws over the twelve (12) month period immediately following the effective date of this Consent Order; and

- b. He commit no infractions of the statutes and rules of this Board during the twelve (12) month period immediately following the effective date of this Consent Order.
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 of the terms of this Consent Order, the Board shall schedule a show cause hearing for a determination of the violations and impose such discipline that it deems appropriate and is authorized by law.
 3. This Consent Order shall take effect immediately upon its execution by all parties and reflects the entire agreement between Respondent and the Board, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to 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. Respondent hereby waives any requirement under any law or rule that this Consent Order be served upon him.
 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:

KENNETH SCOTT HOPMAN
Kenneth Scott Hopman

Date: 11-8-18

By order of the North Carolina Board of Funeral Service, this, the 14 day of November, 2018. [This line for Board use only]

By: [Signature]
Matt Staton
President

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Consent Order was served upon the following by mailing a copy by email and by U.S. Mail, First Class, postage prepaid, and addressed to the individual below as follows:

Kenneth Hopman
2501 Lullington Drive
Winston-Salem, NC 27103
Email: powmia1984@gmail.com

This, the 20th day of December, 2018.



Catherine E. Lee
General Counsel