#### STATE OF NORTH CAROLINA

# BEFORE THE NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

IN THE MATTER OF:	)	
	)	CONSENT ORDER
GIRAUD HOPE, LPC	)	
Respondent.	• )	

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors ("the Board"), at its meeting on March 1, 2013, pursuant to an Order of Summary Suspension issued by the Board on September 19, 2012; and

IT APPEARING to the Board that the Respondent has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Respondent and the Board that:

- 1. Respondent was at all times relevant to this cause a licensed professional counselor and is subject to the Board's jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
- 2. Respondent was convicted of federal health care fraud conspiracy and was incarcerated on February 9, 2012, at FCI McDowell for up to 15 months. He was released from incarceration on November 6, 2012. Following his release from prison, he will be under supervised release for three years.
- 3. Respondent admits that his conduct violates N.C. Gen. Stat. §§ 90-340(a)(1), (a)(4) and (a)(9) of the Licensed Professional Counselors Act.
- 4. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter and, in lieu of any proceedings, enter into this Consent Order.
- 5. Respondent expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board to which the Respondent may be entitled by law. Respondent further agrees that presentation of this Consent Order to the Board for approval shall not constitute improper ex parte communication between the Board and its counsel, or the Board and its staff, nor require the recusal of the members of the Board from consideration of this matter before the full Board, should a hearing be required in this case.
- 6. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Professional Counselors, and all its members, officials, agents, representatives and employees, both past and present, in their individual or official capacities from any and all liability,

suits, claims, and causes of action, arising prior to or as a result of the execution of this Consent Order.

- 7. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.
- 8. This Consent Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Consent Order.

Based upon the record and the foregoing stipulations,

## NOW, THEREFORE IT IS HEREBY ORDERED as follows:

- I. The license of the Respondent, Giraud Hope, is hereby REVOKED. He may submit an application for licensure to the Board after the passage one year from the date of the summary suspension of his license, which was September 19, 2012.
- II. Respondent shall turn in his license to practice counseling in North Carolina to the Board no later than ten days after he receives a copy of this Order. He shall mail his license to: North Carolina Board of Licensed Professional Counselors, Post Office Box 1369, Garner, North Carolina 27529-1369.
- III. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.
- IV. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals, as required by law.

[The rest of this page is intentionally left blank.]

This the 1st day of March, 2013.	
CONSENTED TO BY:	
NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS  BY:     Denauvo M. Robinson, LPC   date   Chairperson	Giraud Hope date Respondent Sara Lincoln LincolnDerr, PLLC Attorney for Respondent

#### STATE OF NORTH CAROLINA



## COUNTY OF MECKLENBURG

Giraud Hope, being duly sworn, deposes and says as follows:

- 1. I am over the age of eighteen (18) and otherwise competent to testify in a court of law. I have personal knowledge regarding the facts set forth below.
- 2. I was a Licensed Professional Counselor in Charlotte, North Carolina, until my license was summarily suspended on or about September 19, 2012, pursuant to an Order of Summary Suspension from the North Carolina Board of Licensed Professionals.
- 3. On January 13, 2013, I signed a Consent Order with the North Carolina Board of Licensed Professional Counselors that revoked my license for one year from September 19, 2012 ("the Order").
- 4. The Order required me to mail my license to the North Carolina Board of Licensed Professional Counselors.
- 5. While I was incarcerated, my wife had to vacate our home and she boxed up and moved our belongings. I believe that in that process, my license was either lost or accidentally discarded.
- 6. I have searched for my license since signing the Order on January 13, 2013, and I have been unable to find the license.
- 7. I do not have the license to return to the North Carolina Board of Licensed Professional Counselors and am submitting this Affidavit in lieu of the license itself.

Further, the Affiant sayeth not.

This the <u>19</u> day of February, 2013.

Sworn to and subscribed before me this the /9 day of February, 2013.

Notary Publi¢

My Commission Expires:

6-15-2014