

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
12DHR09692

<p>TYSHON &amp; SHANNETTA BARFIELD, Petitioners,</p> <p>v.</p> <p>NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, Respondent.</p>	<p><b>FINAL DECISION ALLOWING SUMMARY JUDGMENT FOR RESPONDENT</b></p>
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The petition commencing this contested case appeal was filed in the Office of Administrative Hearings on October 26, 2012. On January 22, 2013, Respondent filed a Motion for Summary Judgment under General Statute 1A-1, Rule 56. Respondent's Motion is supported by affidavits and documents of record. Both parties filed prehearing statements in November, 2012. Petitioner has not filed a response to Respondent's Motion for Summary Judgment.

Petitioners Tyshon and Shannetta Barfield operate a Family Foster Home under license issued by Respondent's Division of Social Services. Following an investigation of Petitioners' Foster Home, Petitioners were notified by certified mail on or about August 31, 2012, that their license to operate was being revoked for failure to comply with the applicable statutes and rules regulating foster family homes. Affidavits accompanying Respondent's Motion for Summary Judgment indicate that Petitioners admitted in a letter to Respondent's Agent supervising Petitioners that Petitioners had falsified documents regarding obtaining and administering medications to one or more children in their foster home.

Having regarded Respondent's Motion for Summary Judgment, together with its supporting documents, in the light most favorable to the nonmovant, I find that there is no genuine question of material fact remaining in this case and that, as a matter of law, this Motion for Summary Judgment against Petitioners should be, and the same hereby is, ALLOWED.

#### **NOTICE**

Under the provisions of North Carolina General Statute 150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of Wake County or in the Superior Court of the county in which the party resides. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.012, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the**

**parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. §150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. §150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 8th day of June, 2013.

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Beecher R. Gray  
Administrative Law Judge