

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
John Woodruff Kessel, M.D., ) NOTICE OF REVOCATION  
 )  
Respondent. )

You are hereby given notice pursuant to N.C. Gen. Stat. §§ 90-14(a)(7) and 90-14(c) that your conviction in *State of North Carolina v. John Woodruff Kessel*, 14 CRS 56164, for Diversion of a Controlled Substance by a Registrant, is a felony conviction within the meaning of the above-mentioned statutes and shall result in the automatic revocation of your license issued by the North Carolina Medical Board ("Board"), unless the Board receives a request for a hearing from you within sixty (60) days of your receipt of this notice. If the Board receives a timely request for a hearing in such case, the provisions of N.C. Gen. Stat. § 90-14.2 shall be followed. A copy of the sections of the General Statute is enclosed to notify you further of their provisions.

This the 28th day of June, 2018.

NORTH CAROLINA MEDICAL BOARD

By:



\_\_\_\_\_  
Timothy E. Lietz, M.D.  
President

CERTIFICATE OF SERVICE

I, the undersigned attorney for the North Carolina Medical Board, hereby certify that I have served a copy of the foregoing NOTICE OF REVOCATION on Respondent and Respondent's Counsel by depositing a copy with the United States Postal Service, postage paid, and by electronic mail to the following:

John Woodruff Kessel, M.D.  
Fairbrook Medical Clinic PA  
1985 Startown Rd.  
Hickory, NC 28602-8305  
Email: dockessel@aol.com

Jean Winborne Boyles  
Johnson, Hearn, Vinegar & Gee, PLLC  
Post Office Box 1776  
Raleigh, NC 27602  
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This the 20<sup>th</sup> day of June, 2018.



D. Todd Brosius  
Senior Board Attorney  
North Carolina Medical Board  
1203 Front Street  
Raleigh, NC 27609  
(919) 326-1109, ext. 217

§ 90-14. Revocation, suspension, annulment or denial of license

(a) The Board shall have the power to deny, annul, suspend, or revoke a license, or other authority to practice medicine in this State, issued by the Board to any person who has been found by the Board to have committed any of the following acts or conduct, or for any of the following reasons:

(7) Conviction in any court of a crime involving moral turpitude, or the violation of a law involving the practice of medicine, or a conviction of a felony; provided that a felony conviction shall be treated as provided in subsection (c) of this section.

(c) A felony conviction shall result in the automatic revocation of a license issued by the Board, unless the Board orders otherwise or receives a request for a hearing from the person within 60 days of receiving notice from the Board, after the conviction, of the provisions of this subsection. If the Board receives a timely request for a hearing in such a case, the provisions of § G.S. 90-14.2 shall be followed.

§ 90-14.2. Hearing before revocation or suspension of a license

Before the Board shall revoke, restrict or suspend any license granted by it, the licensee shall be given a written notice indicating the general nature of the charges, accusation, or complaint made against him, which notice may be prepared by a committee or one or more members of the Board designated by the Board, and stating that such licensee will be given an opportunity to be heard concerning such charges or complaint at a time and place stated in such notice, or at a time and place to be thereafter designated by the Board, and the Board shall hold a public hearing not less than 30 days from the date of the service of such notice upon such licensee, at which such licensee may appear personally and through counsel, may cross examine witnesses and present evidence in his own behalf. A physician who is mentally incompetent shall be represented at such hearing and shall be served with notice as herein provided by and through a guardian ad litem appointed by the clerk of the court of the county in which the physician has his residence. Such licensee or physician may, if he desires, file written answers to the charges or complaints preferred against him within 30 days after the service of such notice, which answer shall become a part of the record but shall not constitute evidence in the case.