1	BEFORE THE BOARD OF LICENSED					
2	PROFESSIONAL COUNSELORS AND THERAPISTS					
3	STATE OF OREGON					
4	In the Matter of	)	Case No. 2023-060			
5	RYAN MELTON, LPC	)	NOTICE OF PROPOSED DISCIPLINARY ACTION			
6	License No.: C1714	)				
7		)				
8		1.				
9	The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the state					
0	agency responsible for licensing, regulating and disciplining licensed professional counselors (LPC)					
1	and licensed marriage and family therapists (LMFT) in the State of Oregon. Ryan Melton (Licensee)					
2	is an LPC in the State of Oregon.					
3		2.				
4	The Board proposes to impose the following terms of discipline and remedial action pursuant					
5	to ORS 675.745:					
6	2.1 To reprimand Licensee;		•			
7	2.2 To remove Licensee from the Supervisor Registry created by OAR 833-130-0010;					
8	2.3 To restrict Licensee's licen	se to practice	such that, for a period of two (2) years, he is			
9	prohibited from supervising registered associates as described in OAR Chapter 833, Division 50;					
0	2.4 To require Licensee to complete a minimum of eighteen (18) hours of continuing					
1	education (CE) that are pre-approved by the	he Board's Ex	xecutive Director, consisting of six (6) hours			
2	on ethics applicable to the counseling profession, six (6) hours on working as a counselor educator,					
3	and six (6) hours on the supervisor-superv	visee relations	hip in the counseling profession; 1 and			
4	2.5 To order Licensee to pay the	he costs of the	e disciplinary process up to \$50,000.			
5	///					
6						
7	<sup>1</sup> These hours may not be used to help complete Li	icensee's 40 hou	er continuing education requirement for any reporting			

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2 Licensee's acts and conduct alleged to violate the specified ethical rules are described below:

3.

- 3 3.1 In March 2022, Licensee, a registered supervisor, was the supervisor of Individual A,
- 4 an associate registered with the Board. Two years previously (ending in 2020), Licensee had been
- 5 the professor of Individual B, who had been enrolled at the graduate program where Licensee taught.
- 6 Licensee invited Individual B to dinner and they met up one evening in March 2022. Individual B
- 7 also invited Individual A, who was a personal friend, to attend the dinner because she was nervous
- 8 about meeting Licensee. Individual A invited other individuals as well.
- 9 3.2 During the course of the dinner. Licensee and Individual B began a romantic liaison
- which included public displays of affection and flirtation while they were seated with Individual A.
- On multiple occasions during the evening, Licensee and Individual B left the table together for what
- were clearly understood by everyone to be romantic encounters away from the table.
- 13 3.3 Individual A was uncertain about how to react to the romantic displays involving
- 14 Licensee and Individual B. Individual A was aware that Licensee was the supervisor over her
- 15 registered associateship and was constrained in her response by this knowledge and her desire to
- maintain a cordial relationship with Licensee.
- Because Individual B had graduated relatively recently, she still relied upon Licensee
- 18 for recommendations for employment. Licensee reported to the Board that during the romantic
- 19 exchanges conducted away from the table, that he and Individual B engaged in a conferral about the
- 20 propriety of a romantic liaison given that he was her recent former professor; however, Individual B
- 21 reported that such conferral did not take place.
- 22 3.5 The romantic relationship between Licensee and Individual B lasted approximately
- 23 three weeks and did not end amicably. Licensee provided a positive job reference on behalf of
- 24 Individual B at some point after the relationship ended. Licensee also subsequently accepted
- 25 employment in a managerial capacity at the practice that employed Individual B. Licensee and
- 26 Individual B agreed that it was not appropriate for him to supervise her.
- 27 ///

By engaging in the conduct set forth above, Licensee violated ORS 675.745(1)(f) in that
Licensee's conduct violated one or more rules of the Board, to include the ACA Code of Ethics,<sup>2</sup> as
follows:

- 4.1 ACA F.3.a. Extending Conventional Supervisor Relationships, in that Licensee went to dinner in March 2022 with Individual A, his current supervisee, and initiated a sexual relationship with Individual B in the presence of Individual A, with intimate contact or verbal exchanges happening at the dinner table at which Individual A was seated and also with repeated departures from the table with Individual B during the course of the meal, which Individual A understood were intimate or romantic in nature. Licensee did not take the appropriate professional precaution of conducting his romantic engagements separate from Individual A, his supervisee, so that Individual A would not be uncomfortable and uncertain about how to respond during the apparent romantic contact between Licensee and Individual B.
- 4.2 ACA F.10.c. *Relationships with Former Students*, in that Licensee engaged in a sexual relationship with Individual B which failed consider the power differential that existed between him and Individual B in that Individual B had graduated so recently that she still relied on Licensee for a reference about her clinical skills when she applied for jobs. Separately and independently, Licensee violated this ethical standard when he either failed entirely to discuss with Individual B the potential risks when they considered engaging in a sexual relationship, or, alternatively, when he conducted that threshold discussion while in the course of actively initiating the sexual relationship with Individual B during the course of the evening, rather than engaging in the consultation in an appropriately objective and considered manner.
- 4.3 ACA C.2.e. *Consultation on Ethical Obligations*, in that Licensee did not take reasonable steps to consult with appropriate peers or professionals regarding his ethical obligations with respect to Individual A under ACA F.3.a, and, in fact, did not consult with any other party about

<sup>&</sup>lt;sup>2</sup> The Board adopted the American Counseling Association's (ACA) 2014 Code of Ethics, effective 1/1/2018. OAR 833-100-0011(1).

- 1 his ethical obligations to Individual A. Licensee separately and independently violated ACA C.2.e.
- 2 when he similarly failed to take reasonable steps to consult with appropriate peers or professionals
- 3 regarding his sexual relationship with a former student, Individual B, in that he did not consult with
- 4 any other party about his ethical obligations under those circumstances.
- 5 4.4 ACA I.1.b. Ethical Decision Making, in that Licensee, when faced with the ethical
- 6 dilemma about whether to initiate a romantic relationship in front of his supervisee Individual A
- 7 (which implicated ACA F.3.a) did not use or document an ethical decision making model to include
- 8 such things as consultation, deliberation of risks and benefits, or selection of a decision that would
- 9 objectively respect the welfare of Individual A, based on her circumstances. Separately and
- independently, Licensee violated the same ethical standard when he failed to use or document an
- ethical decision making model when confronted with the ethical dilemma of engaging a romantic
- relationship with Individual B (which implicated ACA F.10.c.).
- 4.5 ACA F.7.a. Counselor Educators, in that Licensee did not serve as a role model for
- professional behavior in the context of education when he initiated a romantic relationship with his
- 15 former student, Individual B, without adequate ethical consideration and in the presence of Individual
- 16 A, his supervisee.
- 17 5.
- The Board has authority to investigate alleged violations and complaints under ORS
- 19 675.785(5). The Board has authority to impose a reprimand or requirements for specific training and
- 20 other conditions and to assess the costs of the disciplinary process, including attorney fees, pursuant
- 21 to ORS 675.745(1), (2) and (7). The Board reserves the right to amend this Notice and impose
- 22 additional sanctions as allowed under the Board's authority.
- The Board proposes to assess against Licensee the Board's costs of this disciplinary
- 24 process, including but not limited to all legal costs from the Oregon Department of Justice, all hearing
- 25 costs from the Office of Administrative Hearings, all costs associated with any expert or witness, all
- 26 costs related to security and transcriptionist services for the hearing and administrative costs specific
- to this proceeding in an amount not to exceed \$50,000, pursuant to ORS 675.745(7).

1	5.3 Any of the violations listed in paragraphs $4.1 - 4.5$ , above, is an adequate independent				
2	basis for the Board to impose a reprimand and require CEs on ethics applicable to the counseling				
3	profession. Any of the violations listed in paragraphs 4.1, 4.3 or 4.4 is an adequate independent basis				
4	for the Board to remove Licensee from the supervisor registry, restrict his supervision of registered				
5	associates and require CEs on the supervisor-supervisee relationship in the counseling profession.				
6	Any of the violated listed in paragraphs $4.2 - 4.5$ is an adequate independent basis for the Board to				
7	require CEs on working as a counselor educator.				
8	6.				
9	NOTICE OF RIGHT TO REQUEST A HEARING				
10	Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Licensee has the				
11	right to request a hearing in this matter. A request for hearing must be submitted in writing and must				
12	be received by the Board, at the following address, during regular business hours, within twenty-one				
13	(21) calendar days of the date on which this Notice is mailed:				
14	Oregon Board of Licensed Professional Counselors and Therapists				
15	3218 Pringle Road SE, Suite 120				
16	Salem, OR 97302-6312				
17	If Licensee fails to request a hearing, Licensee's right to a hearing shall be considered waived.				
18	Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Licensee requests a hearing, Licensee is				
19	further required to promptly file with the Board, at the same time, a written Answer that includes a				
20	short, plain statement of each relevant affirmative defense Licensee asserts.				
21	7.				
22	NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER				
23	Pursuant to OAR 833-001-0015(3), if Licensee fails to file an Answer, the following				
24	consequences will occur:				
25	(a) Licensee's failure to raise a particular defense in Licensee's Answer shall be				
26	considered a waiver of such defense;				
27					

1	(b)	New matters alleged in Licensee's Answer (affirmative defenses) are presumed to be			
2	denied by the Board; and				
3	(c)	Evidence shall not be taken on any issue not raised in the Notice or Licensee's			
4	Answ	ver.			
5		8.			
6	If Lic	ensee requests a hearing, Licensee will be notified of the time and date of the hearing.			
7	The hearing will be conducted according to the contested case procedures described in ORS 183.411				
8	to 183.470 and OAR 137-003-0501 to 0700. Licensee has the right to self-representation at such a				
9	hearing or to	be represented by legal counsel. Before commencement of the hearing, Licensee will be			
10	given inform	ation on the procedures, right of representation and other rights of respondents relating			
11	to the conduc	et of the hearing as required under ORS 183.413-415.			
12		9.			
13	NOT	ICE TO ACTIVE DUTY SERVICEMEMBERS: Active Duty Servicemembers have			
14	a right to stay	y these proceedings under the federal Servicemembers Civil Relief Act. For more			
15	information of	contact the Oregon State Bar at 800-452-8260, the Oregon Military Department at 503-			
16	584-3571 or	the nearest United States Armed Forces Legal Assistance Office through			
17	http://legalas	sistance.law.af.mil. The Oregon Military Department does not have a toll-free telephone			
18	number.				
19		10.			
20		NOTICE OF CONSEQUENCES OF FAILURE TO REQUEST HEARING			
21	In the	event Licensee fails to request a hearing within 21 days, withdraws a timely request for			
22	a hearing, no	tifies the Board or the Administrative Law Judge assigned to this matter that Licensee			
23	does not inte	nd to appear for the hearing, or fails to appear for the hearing on this matter, the Board			
24	may issue a l	Final Order by Default and impose the proposed sanctions. Licensee's submissions to			
25	the Board reg	garding the subject of this board action and all information in the Board's files relevant to			
26	///				
27	///				

1	the subject of this case automatically become part of the evidentiary record upon default for the	e
2	purpose of proving a prima facie case. ORS 183.417(4).	
3	DATED on this	
4	Oregon Board of Licensed Professional Counselors and Therapists	
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6	Charles Hill	
7	Charles Hill Executive Director	
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