

3.

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

3.1 In March 2022, Licensee, a registered supervisor, was the supervisor of Individual A, an associate registered with the Board. Two years previously (ending in 2020), Licensee had been the professor of Individual B, who had been enrolled at the graduate program where Licensee taught. Licensee invited Individual B to dinner and they met up one evening in March 2022. Individual B also invited Individual A, who was a personal friend, to attend the dinner because she was nervous about meeting Licensee. Individual A invited other individuals as well.

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.

3.3 Individual A was uncertain about how to react to the romantic displays involving Licensee and Individual B. Individual A was aware that Licensee was the supervisor over her registered associateship and was constrained in her response by this knowledge and her desire to maintain a cordial relationship with Licensee.

3.4 Because Individual B had graduated relatively recently, she still relied upon Licensee for recommendations for employment. Licensee reported to the Board that during the romantic exchanges conducted away from the table, that he and Individual B engaged in a conferral about the propriety of a romantic liaison given that he was her recent former professor; however, Individual B reported that such conferral did not take place.

3.5 The romantic relationship between Licensee and Individual B lasted approximately three weeks and did not end amicably. Licensee provided a positive job reference on behalf of Individual B at some point after the relationship ended. Licensee also subsequently accepted employment in a managerial capacity at the practice that employed Individual B. Licensee and Individual B agreed that it was not appropriate for him to supervise her.

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1 4.

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

5 4.1 ACA F.3.a. *Extending Conventional Supervisor Relationships*, in that Licensee went
6 to dinner in March 2022 with Individual A, his current supervisee, and initiated a sexual relationship
7 with Individual B in the presence of Individual A, with intimate contact or verbal exchanges
8 happening at the dinner table at which Individual A was seated and also with repeated departures
9 from the table with Individual B during the course of the meal, which Individual A understood were
10 intimate or romantic in nature. Licensee did not take the appropriate professional precaution of
11 conducting his romantic engagements separate from Individual A, his supervisee, so that Individual A
12 would not be uncomfortable and uncertain about how to respond during the apparent romantic contact
13 between Licensee and Individual B.

14 4.2 ACA F.10.c. *Relationships with Former Students*, in that Licensee engaged in a sexual
15 relationship with Individual B which failed consider the power differential that existed between him
16 and Individual B in that Individual B had graduated so recently that she still relied on Licensee for a
17 reference about her clinical skills when she applied for jobs. Separately and independently, Licensee
18 violated this ethical standard when he either failed entirely to discuss with Individual B the potential
19 risks when they considered engaging in a sexual relationship, or, alternatively, when he conducted
20 that threshold discussion while in the course of actively initiating the sexual relationship with
21 Individual B during the course of the evening, rather than engaging in the consultation in an
22 appropriately objective and considered manner.

23 4.3 ACA C.2.e. *Consultation on Ethical Obligations*, in that Licensee did not take
24 reasonable steps to consult with appropriate peers or professionals regarding his ethical obligations
25 with respect to Individual A under ACA F.3.a, and, in fact, did not consult with any other party about

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27 ² 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
10 independently, Licensee violated the same ethical standard when he failed to use or document an
11 ethical decision making model when confronted with the ethical dilemma of engaging a romantic
12 relationship with Individual B (which implicated ACA F.10.c.).

13 4.5 ACA F.7.a. *Counselor Educators*, in that Licensee did not serve as a role model for
14 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.

18 5.1 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.

23 5.2 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
27 to this proceeding in an amount not to exceed \$50,000, pursuant to ORS 675.745(7).

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 Answer.

5 8.

6 If Licensee 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 information on the procedures, right of representation and other rights of respondents relating
11 to the conduct of the hearing as required under ORS 183.413- 415.

12 9.

13 **NOTICE TO ACTIVE DUTY SERVICEMEMBERS:** Active Duty Servicemembers have
14 a right to stay these proceedings under the federal Servicemembers Civil Relief Act. For more
15 information 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://legalassistance.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, notifies the Board or the Administrative Law Judge assigned to this matter that Licensee
23 does not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board
24 may issue a Final Order by Default and impose the proposed sanctions. Licensee's submissions to
25 the Board regarding the subject of this board action and all information in the Board's files relevant to

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1 the subject of this case automatically become part of the evidentiary record upon default for the
2 purpose of proving a *prima facie* case. ORS 183.417(4).

3 DATED on this 14th day of November 2023.

Oregon Board of Licensed Professional
Counselors and Therapists

By 

Charles Hill
Executive Director

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