

IN THE MATTER OF:
CINDY SCOTT, LPC
No. 1466
Respondent.

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FINAL DECISION

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on May 29, 2014. A Notice of Hearing was served on Respondent on May 6, 2014, notifying her that the hearing would take place on May 29, 2014, at 9 a.m., or as soon thereafter as possible, at the Wingate Inn located at 1542 Mechanical Blvd, in Garner, North Carolina. Respondent appeared and was represented before the Board by Ms. Shannon Wilson, of Winston-Salem. Ms. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Respondent, from client L.C., from client J.C., and from three other witnesses, and accepted exhibits into evidence in a closed session. After hearing the closing arguments, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. At all relevant times the Respondent was a licensed professional counselor licensed by the Board. (T p 11). She has been so licensed since 2001.
2. On February 24, 2014, the Ethics Review Committee of the Board issued a charge letter against Respondent alleging that she engaged in an inappropriate sexually intimate relationship with a former client, J.C. (Board Exhibit Number 2).
3. Respondent was served with the Notice of Hearing in this matter, dated May 6, 2014. (Board Exhibit Number 1).
4. A complaint was filed with the Board against Respondent, which Respondent filed a written response to with the Board. (Board Exhibit Numbers 3 and 5).
5. Respondent saw Mr. J.C. for individual counseling during the period from September, 2011, through February, 2013. (T p 13).

6. The last counseling session that Respondent had with Mr. J.C. was in February, 2013. (T p 14).
7. In 2011, Respondent saw Mr. J.C. and Ms. L.C. for marital counseling and she also saw Ms. L.C. for individual counseling. (T pp 14, 23).
8. In February, 2013, Mr. J.C. and Ms. L.C. were divorced. (T p 57).
9. In March 2013, one month after individual counseling with Mr. J.C. ended, Respondent and Mr. J.C. went out together in public for dinner. (T pp 14, 33).
10. Respondent and Mr. J.C.'s relationship became more than a friendship during the summer of 2013. (T p 15).
11. Respondent and Mr. J.C. are currently living together and are in a sexual relationship and are engaged to be married. (T p 15).
12. Respondent agreed that she knew that going out for a drink and dinner with Mr. J.C. was violating the American Counseling Association Code of Ethics. (T p33).
13. Respondent stated that she did not think that going out for a drink and dinner could lead to something more than that. She agreed that she did not have clear boundaries with Mr. J.C. when she agreed to go out to dinner with him. (T p 34).
14. Ms. L.C. filed the complaint with the Board against Respondent. (Board Exhibit Number 5; T p 41).
15. Respondent saw Ms. L.C. for individual counseling at Respondent's previous place of employment approximately 10 years ago. Then Ms. L.C. saw Respondent for individual counseling at her current place of employment from some time before 2008 until 2011. (T p 42).
16. Ms. L.C. went to see Respondent for issues related to her marriage. She trusted Respondent. (T p 43). She and Mr. J.C. also went to marital counseling with Respondent until sometime around the end of 2012. (T p 44).
17. Ms. L.C. learned that her ex-husband and Respondent had entered a personal relationship roughly one month after Respondent and Mr. J.C. ended individual counseling, which was March, 2013. (T p 47).
18. In the summer of 2013, Mr. J.C. sent his and Ms. L.C.'s children a photo of him and Respondent on the beach together, which validated to Ms. L.C. that he and Respondent were in a relationship. (T p 49).

19. Ms. L.C. discussed the harm Respondent and Mr. J.C.'s relationship has caused her. (T p 50). She discussed that as a result of Respondent and Mr. J.C.'s relationship, communication has suffered between her and Mr. J.C. regarding child custody issues. Her and J.C.'s relationship was healthy before J.C. became intimately involved with Respondent. (T p 50). Also, Ms. L.C. feels that her confidentiality has been violated by Respondent because Respondent and Mr. J.C. have discussed the issues she discussed with Respondent. (T p 52).
20. Mr. J.C. began counseling with Respondent around 2004, mostly for marital counseling. It was an on and off counseling relationship throughout the years when a marital issue would arise. (T p 83).
21. Mr. J.C. trusted Respondent as a counselor. When he saw her for the period from 2011 through February 2013, for individual counseling he was going through a difficult time, because he was going through a divorce. (T p 85).
22. Mr. J.C. explained that after the counseling ended in February 2013, he noticed he was attracted to Respondent and went out to dinner with her in March 2013. (T p 85).
23. Victor Packard, who is a certified psychiatric nurse practitioner, stated that he was concerned that if Respondent's license was suspended it would be difficult to manage patients without her. (T p 91). He stated that he could not answer the question as to whether it was ethical or not to have a sexual relationship with a former patient. (T p 95).
24. Mark Stebnicki, who is a Licensed Professional Counselor, testified that he is a friend of Respondent and that she has excellent clinical skills. He stated that he considers it an ethical violation to have a sexual relationship with a former client. (T p 102).
25. Lloyd Goodwin, who is a Licensed Professional Counselor Supervisor, testified that in his opinion Respondent is an excellent counselor. (T p 107). He agreed that it is an ethical violation to have a sexual relationship with a former client. (Tp 109).
26. Walter Houston, who is a Licensed Professional Counselor Supervisor, testified that he and Respondent are friends and that in his opinion she is an excellent counselor. (T p 112). He agreed that it is unethical to have a sexual relationship with a former client. (T p 115).

CONCLUSIONS OF LAW

- I. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.
- II. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(9), insofar as she has been guilty of immoral, dishonorable, unprofessional or unethical conduct as defined in this

subsection or in the current code of ethics of the American Counseling Association, which alone warrants the disciplinary action taken by the Board.

III. The Respondent's conduct violated A.5b of the American Counseling Association Code of Ethics, which states that sexual or romantic counselor-client interactions or relationships with former clients, their romantic partners, or their family members are prohibited for a period of 5 years following the last professional contact. Respondent's violation of A.5b, of the American Counseling Association Code of Ethics, alone warrants the disciplinary action taken by the Board.

NOW, THEREFORE, the NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS ORDERS:

I. The license of the Respondent, Cindy Scott, is hereby REVOKED.

II. Respondent shall turn in her license to practice counseling in North Carolina to the Board no later than August 29, 2014. She shall mail her license to: North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.

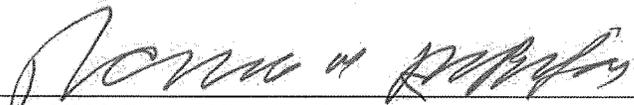
III. No later than August 29, 2014, Respondent shall terminate services to all of her patients/clients and make provisions for the appropriate transition of her patients/clients to another therapist, as appropriate. Respondent shall also cease to engage in any other activities that meet the definition of the practice of counseling in N.C. Gen. Stat. § 90-330(a)(3). Respondent shall provide a signed affidavit (a written statement made under oath or affirmation taken before a person having authority to administer such oath or affirmation) to the Board no later than September 5, 2014, attesting that she has terminated and transferred all of her patients/clients by August 29, 2014. She shall further attest that she is no longer engaged in the practice of counseling in any way.

IV. The Board shall maintain this Final Decision 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.

This the 10 day of July, 2014.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY:



DENAUVO ROBINSON, PH.D., LPC
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing 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 party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

I, Sondra C. Panico, Assistant Attorney General, do hereby certify that I have this day served a copy of the foregoing **ORDER** upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Cindy Scott
1805 Crooked Creek Road
Greenville, North Carolina 27858

Shannon Wilson
Davis and Hamrick, LLP
Post Office Drawer 20039
Winston-Salem, North Carolina 27120-0039

This the 24 th day of July, 2014.



Sondra C. Panico
Assistant Attorney General