

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED PROFESSIONAL  
COUNSELORS

IN THE MATTER OF: )

MARGARET ELLER, LPC, )  
Respondent. )

**FINAL DECISION**

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on March 1, 2012. A Notice of Hearing was served on Respondent on February 1, 2012, notifying her that the hearing would take place on March 1, 2012, at 2 pm. at the Wingate Inn located at 1542 Mechanical Blvd, in Garner, North Carolina. Respondent appeared on her own behalf at the hearing before the Board. Ms. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Margaret Eller, Respondent, and accepted exhibits into evidence in a public session. After hearing the closing argument of counsel for the Board and Respondent, 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 professional counselor licensed by the Board.
2. On May 11, 2011, the Board issued an Order of Summary Suspension, suspending Respondent's license to practice counseling. (Board Exhibit Number 4).
3. The Order of Summary Suspension was issued because the Board received a complaint that Respondent was engaged in smoking marijuana while employed at the McLeod Center. Respondent resigned from that position and informed the Board that she had agreed to enter into a consent order with the North Carolina Substance Abuse Professional Practice Board, under which she would not seek employment in the substance abuse field for two years. Upon request for that consent order, Respondent stated that she did not sign the order but surrendered her license
4. Respondent failed to respond to an inquiry from the Board concerning this complaint. Based upon the severity of the complaint and Respondent's refusal to cooperate, the Board summarily suspended her license. (Board Exhibit Number 3).

5. Respondent was sent the Notice of Hearing on January 24, 2012, which was received on February 1, 2012. (Board Exhibit Number 1). On February 13, 2012, Respondent sent a letter to the Board informing the Board that she would be in attendance at the hearing. (Board Exhibit Number 2).
6. At the hearing, Respondent admitted that she had been using marijuana while employed at the McLeod Center in January, 2009. She stated that she has not used drugs or alcohol since that time. (Board Exhibit Number 8).
7. On July 2, 2009, Respondent submitted a letter to the Board stating that she had agreed to the North Carolina Substance Abuse Professional Practice Board's requirement not to seek employment for two years in their field. (Board Exhibit Number 10).
8. Following receipt of that letter by the Board, on July 31, 2009, Lisa Corbett, Assistant Attorney General and Counsel for the Board, directed Respondent to provide the Board a copy of the consent order that she entered into with the North Carolina Substance Abuse Professional Practice Board. (Board Exhibit Number 11).
9. On December 13, 2010, Jennifer Robertson, Board Administrator, sent Respondent another letter directing her to respond and provide information regarding the complaint. (Board Exhibit Number 12).
10. Respondent admitted that she did not respond to the either of these requests.
11. Respondent admitted that rather than entering into a consent order with the North Carolina Substance Abuse Professional Practice Board, she surrendered her license.
12. On February 1, 2010, the North Carolina Substance Abuse Professional Practice Board (NCSAPPB) wrote Respondent a letter based upon her request to have her license reinstated. The NCSAPPB informed her that in order for her application to be reviewed she needed to complete the following:
  - a. Undergo an assessment by a substance abuse professional designated by the Board and follow the prescribed treatment;
  - b. Execute a release for the treating professional to provide reports to the Board summarizing the results of your assessment and the progress of any recommended treatment;
  - c. Execute a release for the doctor treating you April 29, 2009 and May 6, 2009 to provide a report of treatment to the Board; and
  - d. Make payment to the designated substance abuse professional for the assessment and any recommended treatment.
13. Respondent has not complied with any of the above requirements of the NCSAPPB.

## 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, which 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, Margaret Eller, is SUSPENDED until she has met the following conditions:

A. Respondent shall provide documentation to the Board from a Board approved treatment provider that she has maintained her sobriety for one year; and

B. Respondent shall provide documentation to the Board that she has complied with all of the following:

1. Undergone an assessment by a substance abuse professional approved by the Board and follow the prescribed treatment;
2. Executed a release for the treating professional to provide quarterly reports to the Board summarizing the results of Respondent's assessment and the progress of any recommended treatment; and
3. Made payment to the designated substance abuse professional for the assessment and any recommended treatment.

II. Once Respondent has complied with the above set forth conditions in Roman Number I A-B, and she has received written notification from the Board that she has complied with the above set forth conditions, then she may apply for a license as a Licensed Professional Counselor Associate (LPCA).

III. Once Respondent is licensed as an LPCA, she shall receive the supervision required of an LPCA as set forth in 21 N.C.A.C. 53 .0208, and she must remain drug and alcohol free for the two year period. She shall provide quarterly reports from her treatment provider to the Board establishing that she is maintaining her sobriety.

IV. Once Respondent has complied with the conditions set forth in Roman Numeral III and has received written notification from the Board that she has complied with the above set forth conditions then she may apply for a license as a Licensed Professional Counselor (LPC).

V. 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 27<sup>th</sup> day of March, 2012.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

A handwritten signature in cursive script, appearing to read "Loriann Stretch".

BY:

LORIANN STRETCH, 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.

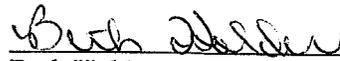
**CERTIFICATE OF SERVICE**

I, Beth Holder, Administrator of the North Carolina Board of Licensed Professional Counselors, 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:

Margaret Eller  
426 Old Hwy 60  
Millers Creek, NC 28651

Sondra C. Panico  
Assistant Attorney General  
Service to State Agencies  
Post Office Box 629  
Raleigh, North Carolina 27602

This the 26th day of March, 2012.

  
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Beth Holder  
Administrator  
North Carolina Board of Licensed  
Professional Counselors