

IN THE MATTER OF: )  
ROLAND JIMMY PAULK, )  
CASE No. 1764 and 1770 )  
Respondent. )

**FINAL DECISION**

The North Carolina Board of Licensed Professional Counselors (the “Board”) heard these two matters on 11 April 2019. A Notice of Hearing was served on Respondent on 21 March 2019, notifying him that the hearing would take place on 11 April 2019 at 10:30 a.m., or as soon thereafter as possible, at the Office of the Board of Licensed Professional Counselors at 7D Terrace Way in Greensboro, North Carolina 27403. Respondent was present and represented himself. Alesia Balshakova, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, which was in closed session, the Board heard testimony from Roland Jimmy Paulk, April Michelle Varner Ivey, K. P., Patrick P.,<sup>1</sup> Nicholas Ramon DeJesus, Paula Faith Paulk, and Robert Allen Peterson, and accepted exhibits into evidence. After hearing 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 (“LPC”) licensed by the Board. (T p 15).
2. On 14 December 2018, a charge letter was issued against Respondent. (Board Exhibit Number 7).
3. Respondent was served with the Notice of Hearing in this matter, dated 21 March 2019. (Board Exhibit Number 1).
4. In the case number 1764, Ms. Ivey filed a complaint with the Board against Respondent, stating that Respondent kissed and hugged his patient, R.A.<sup>2</sup>, during a counseling session. (T pp 49-52; Board Exhibit Number 2).

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1 The names of K.P. and her father, Patrick P., are abbreviated to maintain confidentiality.

2 The name of the patient is abbreviated to maintain her confidentiality.

5. Ms. Ivey testified that she is a Licensed Clinical Social Worker and Certified Social Work Manager. (T p 45) At the time of the hearing, she had worked for Daymark Recovery Services (“Daymark”) for eight and a half years. (T pp 45-46)
6. At the time of the incident involving Respondent and his patient R.A., Ms. Ivey worked as a Clinical Operations Officer, and Respondent was employed as a therapist at the Moore Center Office of Daymark. (T p 46)
7. Ms. Ivey received notification from the regional director and director of human resources at Daymark, informing her of a report from Respondent’s patient of potential sexual misconduct. (T p 49) Mr. Ivey conducted an internal investigation and determined that the evidence supported the occurrence of the incident. (T pp 46, 49)
8. Before the incident, Respondent was R.A.’s group leader for almost three years and her individual therapist for a few months while her original therapist was on maternity leave. (T pp 23, 35, 38, 51; Board Exhibit Number 2)
9. During that time, R.A. was receiving counseling to address her bipolar issues and abuse by her husband. (T pp 36, 51; Board Exhibit Number 2) Respondent helped R.A. in her decision to leave her husband. (T p 51; Board Exhibit Number 2)
10. On 10 May 2018, which was about three weeks after R.A. had separated from her husband, Respondent asked R.A. into his office after a group session. (T pp 36, 50, 51, Board Exhibit Number 2) After discussing her abusive marital situation for about fifteen minutes, Respondent hugged and kissed R.A. (T pp 50, 51; Board Exhibit Number 2) At that time, Respondent knew that R.A. was in a vulnerable state. (T p 39)
11. Initially, the patient was confused by Respondent’s conduct. (T p 50; Board Exhibit Number 2) When she began to resist Respondent’s advance, he told her “Let’s just enjoy the moment”, and started kissing her again. (T p 50; Board Exhibit Number 2) Respondent also commented to R.A. that he liked her a lot, that he thought of her a lot at night, and asked her if she thought of him too. (T p 50-51; Board Exhibit Number 2) The patient did not respond and left the session in a “complete shock.” (T p 50, 51; Board Exhibit Number 2)
12. After the incident, Respondent called R.A. several times, and when she did not answer the phone, he called he from a number she could not recognize. (T pp 23, 38) He testified that he tried to apologize to her for his inappropriate behavior and to refer her to her original therapist. (T p 23)
13. R.A. reported that the incident “really messed with” her mind, increasing the symptoms of her bipolar disorder and “has been devastating” to her. (T p 52; Board Exhibit Number 2)
14. Respondent admitted that he passionately kissed R.A., and that his conduct was

- inappropriate and that he crossed professional boundaries with R.A. (T pp 23, 37, 41)
15. After the incident, Respondent started to receive professional counseling to address his issues of violating professional boundaries and to ensure that his inappropriate behavior does not occur again. (T p 40)
  16. In the case number 1770, Respondent's patient, K.P., and her father, Patrick P., filed two complaints against Respondent with the Board stating that during K.P.'s last session with Respondent, he kissed her on her lips. (Board Exhibit Number 4)
  17. K.P. and her family had been members of the same church as Respondent for at least eight years prior to the incident and heard about his counseling. (T pp 67, 77-78, 130, 132)
  18. Prior to the incident, K.P. trusted Respondent as a family friend, elder at her church and her counselor. (T pp 80, 114) Respondent also referred to K.P. and her family as his friends and church family members. (T pp 130, 132)
  19. K.P. sought counseling from Respondent because she was going through a rough part of her life and also wanted to learn long-term coping mechanisms. (T pp 80, 87)
  20. The treatment was taking place in Respondent's house. (T p 81) K.P. had about five or six sessions with Respondent prior to the incident. (T p 81)
  21. K. P. testified that during the session which took place before the session resulting in the incident, Respondent made a comment to K.P. that made her uncomfortable. (T pp 81-82) He specifically asked her how the world and the church would perceive "a younger woman and an older man" being together, referring to himself and K.P. (T pp 81-82) K.P. was twenty years old at that time, while respondent was much older. (T pp 82, 83)
  22. The incident happened on 3 August 2018 during the last session of K.P. with Respondent. (T p 68) According to K.P., Respondent informed her that there were no family members present in his house because they were out of town. (T pp 82, 112, 117)
  23. The session was very emotional for K.P., she cried and felt vulnerable. (T pp 82, 83, 112)
  24. At the end of the session, Respondent gave K.P. a hug, and when she pulled away, Respondent pulled her back in and kissed her on the lips. (T pp 83, 86, 173) K.P. testified that the kiss was not accidental, but intentional, especially considering the setting and the prior comment which Respondent made to K.P. (T pp 84, 114-15, 116) K.P. was in shock and did not know what to say. (T pp 83, 89, 114) Respondent walked K.P. to her car and she left. (T p 83)

25. K.P. testified that following the incident, she cried, felt very uncomfortable, and told her sister about the incident. (T p 83) The same night, K.P.'s mother learned about the incident and told K.P.'s father, Patrick P. (T p 97) Patrick P. found K.P. in bed, and observed her being distressed. (T p 97)
26. Patrick P. was very upset about Respondent's actions towards K.P. (T p 69) He met with Respondent the next day, and Respondent confessed about the incident. (T p 98) Respondent did not obtain K. P.'s consent to discuss the incident with Patrick P., although the incident occurred during a confidential counseling session. (T pp 133, 142, 143, 144)
27. Respondent sent a personal note of apology to K.P. and her parents, but did not put a copy of it in K.P.'s treatment records. (T pp 70, 75)
28. K. P. testified that for weeks after the incident, K.P. felt betrayed, vulnerable and that the incident "messed [her] up." (T pp 84, 114)
29. K.P. stopped going to church because she did not want to see Respondent. (T p 85) She reported that the church was the place where she felt "safe" before the incident. (T pp 70, 71)
30. K.P. testified that she was overwhelmed by how the incident coming into light could affect her church community. (T p 91)
31. K.P. testified that she has not received counseling since the incident because she lost trust. (T p 80)
32. Respondent admitted that during the counseling of K.P. he gave her a light and quick hug and kiss. (T pp 24, 66) Respondent testified that although the kiss was not passionate, it was still inappropriate. (T pp 66-67)
33. At the hearing, Respondent's session notes of K.P.'s counseling revealed that he counseled K. P. that homosexuality was a sin, and that "[t]he only way out of sin is to repent and have an intimate relationship with Jesus." (T pp 74-75)
34. Nicholas Ramon DeJesus testified at the hearing. (T p 120). Mr. DeJesus has been an LPC for approximately thirteen years. (T p 120) He has a master's degree in mental health counseling, and he is a Ph.D. candidate in counselor education and supervision. (T p 120) He is also certified by the Council for Licensure Enforcement and Regulation as a specialist investigator. (T pp 120-21) Mr. DeJesus is the LPC Ethics Consultant and Investigator for the Board. (T p 121) As part of his job, he investigates complaints filed with the Board. (T p 121)

35. Mr. DeJesus investigated complaints filed with the Board against Respondent in both matters. (T p 122) He used his knowledge, experience and training in applying the LPC Practice Act and the American Counseling Association (“ACA”) Code of Ethics in his investigation. (T p 127)
36. Mr. DeJesus explained that during his interview, Respondent admitted to kissing both patients. (T pp 123-24) Respondent also informed Mr. DeJesus that after the first incident, he started working with a counselor on the boundaries and no-touching issues in the end of June of 2018, and yet while realizing that his conduct was wrong and unethical, he proceeded with kissing K.P. while counseling her on 3 August 2018. (T pp 124-25, 172, 173)
37. The investigation of Mr. DeJesus revealed that there were no specific counseling plans created by Respondent regarding K.P.’s problems, and therefore, Respondent’s records and documentation were incomplete. (T pp 126-27, 144)
38. Furthermore, Mr. DeJesus testified that rather than providing K.P. with a variety of beliefs and perspectives regarding homosexuality, Respondent specifically enforced and promoted beliefs that homosexuality is a sin, which was based on Respondent’s Biblical belief. (T pp 128, 136-37)
39. According to Mr. DeJesus, Respondent’s statement asking K.P. about them being together prior to kissing K.P., positioned them in a possibility of a romantic relationship, and K.P. perceived it as a sexual advance. (T pp 129-30)
40. Mr. DeJesus opined that Respondent’s conduct was a form of harassment because he engaged both of his clients in an unwanted sexual or romantic advances without their consent. (T pp 133-34, 135, 137, 144) Furthermore, Respondent’s conduct caused distress to his clients. (T p 128)
41. Mr. DeJesus further testified that Respondent also engaged in harassment by continuing to call R.A., and when she did not answer, by changing his phone number to get R.A. to answer his call. (T pp 134, 144-45) Mr. DeJesus opined that Respondent did not have a reason to call her, because Daymark was providing her a counselor after the incident. (T p 148)
42. Mr. DeJesus also opined that Respondent’s behavior resulted in his clients’ inability to continue their counseling relationship with Respondent which was a form of abandonment. (T p 139) Respondent’s conduct caused both clients to abruptly end their counseling relationship because they no longer felt comfortable receiving counseling from him. (T p 131)
43. After K.P. terminated her counseling with Respondent, he made no referral to K.P. for further treatment. (T pp 131-32)

44. Additionally, Mr. DeJesus testified that Respondent's membership and position in the church created a dual relationship with K.P. resulting in a continuing non-professional relationship, which caused harm to K.P. (T p 147)
45. Mr. DeJesus' investigation also revealed that Respondent had no documentation of the nature of his previous relationship with K.P. in his records, and there were no documents of any of the physical touch boundary extensions with either of his clients. (T pp 130-31)
46. At the hearing, Respondent admitted that he abused his profession by inappropriately hugging and kissing his clients. (T p 30) He also testified that he violated the trust of his two clients. (T p 23) Further, he admitted that he violated Article A.1.a of the American Counseling Association Code, and N. C. Gen. Stat. §90-340 (a)(9) and (10). (T pp 25, 28; Board Exhibit Number 8)

### 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 he has been guilty of immoral, dishonorable, unprofessional or unethical conduct as defined in this subsection or in the current American Counseling Association Code of Ethics. At the hearing, Respondent admitted that his conducted violated this provision. This violation alone warrants the disciplinary action taken by the Board.
- III. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(10), insofar as he has practiced professional counseling in such a manner as to endanger the welfare of clients. Specifically, Respondent's conduct endangered the welfare of R.A. and K.P., which were his clients. At the hearing, Respondent admitted to violating this provision. This violation alone warrants the disciplinary action taken by the Board.
- IV. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(14), insofar as he has harassed or abused, sexually or otherwise, his client or patient. Respondent engaged both of his clients in an unwanted sexual or romantic advance which constitutes sexual harassment and then engaged in harassment by continuing to call R.A., and when she did not answer, by changing his phone number to get her to pick up her phone. This violation alone warrants the disciplinary action taken by the Board.
- V. The Respondent's conduct violated A.1.a. of the American Counseling Association Code of Ethics, which states that the primary responsibility of counselors is to respect the dignity and promote the welfare of clients. At the hearing, Respondent admitted to violating this provision. This violation alone warrants the disciplinary action taken by the Board.

VI. The Respondent's conduct violated A.1.b. of the American Counseling Association Code of Ethics, which states that counselors must create, safeguard, and maintain documentation necessary for rendering professional services. Regardless of the medium, counselors include sufficient and timely documentation to facilitate the delivery and continuity of services. Counselors take reasonable steps to ensure that documentation accurately reflects client progress and services provided. If amendments are made to records and documentation, counselors take steps to properly note the amendments according to agency or institutional policies. Respondent failed to create and maintain complete records of K.P.'s treatment. This violation warrants the disciplinary action taken by the Board.

VII. The Respondent's conduct violated A.1.c. of the American Counseling Association Code of Ethics, which states that counselors and their clients work jointly in devising counseling plans that offer reasonable promise of success and are consistent with the abilities, temperament, developmental level, and circumstances of clients. Counselors and clients regularly review and revise counseling plans to assess their continued viability and effectiveness, respecting clients' freedom of choice. Specifically, Respondent did not create counseling plans for K.P. This violation warrants the disciplinary action taken by the Board.

VIII. The Respondent's conduct violated A.4.a. of the American Counseling Association Code of Ethics, which states that counselors act to avoid harming their clients and to minimize or to remedy unavoidable or unanticipated harm. Both patients of Respondent reported that Respondent's actions caused them distress. This violation warrants the disciplinary action taken by the Board.

IX. The Respondent's conduct violated A.4.b. of the American Counseling Association Code of Ethics, which states that Counselors are aware of—and avoid imposing—their own values, attitudes, beliefs, and behaviors. Counselors respect the diversity of clients, trainees, and research participants and seek training in areas in which they are at risk of imposing their values onto clients, especially when the counselor's values are inconsistent with the client's goals or are discriminatory in nature. Respondent imposed his unsolicited and unwanted behavior and advances on his clients. Furthermore, rather than providing K.P. with a variety of beliefs and perspectives regarding homosexuality, Respondent specifically enforced and promoted beliefs that homosexuality is a sin. This violation warrants the disciplinary action taken by the Board.

X. The Respondent's conduct violated A.5.a. of the American Counseling Association Code of Ethics, which states that sexual and/or romantic counselor– client interactions or relationships with current clients, their romantic partners, or their family members are prohibited. This prohibition applies to both in person and electronic interactions or relationships. Respondent's conduct of kissing both patients on their lips violated this provision. This violation alone warrants the disciplinary action taken by the Board.

XI. The Respondent's conduct violated A.5.d. of the American Counseling Association Code of Ethics, which states that Counselors are prohibited from engaging in counseling relationships with friends or family members with whom they have an inability to remain objective.

Respondent admitted to the Board that prior to his counseling relationships with K.P., he referred to K.P. and her family as his friends and church family members. This violation warrants the disciplinary action taken by the Board.

XII. The Respondent's conduct violated A.6.a. of the American Counseling Association Code of Ethics, which states that Counselors consider the risks and benefits of accepting as clients those with whom they have had a previous relationship. These potential clients may include individuals with whom the counselor has had a casual, distant, or past relationship. Examples include mutual or past membership in a professional association, organization, or community. When counselors accept these clients, they take appropriate professional precautions such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs. Respondent admitted to the Board that prior to the incident, K.P. and her family were his friends and church family members, and that he continues to go to the same church as K. P.'s family. This violation warrants the disciplinary action taken by the Board.

XIII. The Respondent's conduct violated A.6.c. of the American Counseling Association Code of Ethics, which states that if counselors extend boundaries as described in A.6.a. and A.6.b. of the Code, they must officially document, prior to the interaction (when feasible), the rationale for such an interaction, the potential benefit, and anticipated consequences for the client or former client and other individuals significantly involved with the client or former client. When unintentional harm occurs to the client or former client, or to an individual significantly involved with the client or former client, the counselor must show evidence of an attempt to remedy such harm. Respondent had no documentation of the nature of his previous relationship with K.P. in his records, and there were no documents of any of the physical touch boundary extensions with either of his clients. This violation warrants the disciplinary action taken by the Board.

XIV. The Respondent's conduct violated A.6.e. of the American Counseling Association Code of Ethics, which states that Counselors avoid entering into nonprofessional relationships with former clients, their romantic partners, or their family members when the interaction is potentially harmful to the client. This applies to both in-person and electronic interactions or relationships. Respondent engaged in conduct prohibited by this section and this violation warrants the disciplinary action taken by the Board.

XV. The Respondent's conduct violated A.12. of the American Counseling Association Code of Ethics, which states that Counselors do not abandon or neglect clients in counseling. Counselors assist in making appropriate arrangements for the continuation of treatment, when necessary, during interruptions such as vacations, illness, and following termination. Respondent's conduct caused both clients to abruptly end their counseling relationship because they no longer felt comfortable receiving counseling from him. Respondent also made no referral to K.P. for further treatment after discontinuation of his services. This violation warrants the disciplinary action taken by the Board.

XVI. The Respondent's conduct violated B.1.c. of the American Counseling Association Code of Ethics, which states that Counselors protect the confidential information of prospective and

current clients. Counselors disclose information only with appropriate consent or with sound legal or ethical justification. Respondent did not obtain K. P.'s consent to discuss the incident with Patrick P., although the incident occurred during a confidential counseling session. This violation warrants the disciplinary action taken by the Board.

XVII. The Respondent's conduct violated B.6.a. of the American Counseling Association Code of Ethics, which states that Counselors create and maintain records and documentation necessary for rendering professional services. Respondent failed to create and maintain complete records of K.P.'s treatment. This violation 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, ROLAND JIMMY PAULK, is hereby REVOKED.
- II. Respondent shall turn in his license to practice counseling in North Carolina to the Board no later than 12 August 2019. He shall mail his original license to: Stefon Plummer, North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.
- III. No later than 12 August 2019, Respondent shall terminate services to all his patients/clients and make provisions for the appropriate transition of his 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 12 August 2019, attesting that he has terminated and transferred all of his patients/clients by 12 August 2019. He shall further attest that he is no longer engaged in the practice of counseling in any way.
- IV. If the Board finds that Respondent is continuing to practice counseling, the Board will seek an injunction in Superior Court against Respondent.
- 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 26<sup>th</sup> day of July, 2019.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY:

  
DENAUVO M. ROBINSON, ED.D., LPCS  
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 the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. 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, Stefon Plummer, do hereby certify that I have this day served a copy of the foregoing **FINAL DECISION** upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Jimmy Paulk  
3 Kahkwa Trail  
Pinehurst, North Carolina 28374

I do further certify that I have this day served a copy of the foregoing upon the following by depositing a copy of same in the United States mail, first class, postage prepaid:

Alesia Balshakova  
Assistant Attorney General  
NC Department of Justice  
PO Box 629  
Raleigh, NC 27602-0629

This the \_\_\_\_ day of July, 2019.

\_\_\_\_\_  
Stefon Plummer  
Board Administrator