

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

IN THE MATTER OF:

LEIGH ANN FERNANDEZ, LPC  
Respondent.  
No. 1671

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**CONSENT ORDER**

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors (“the Board”), at its meeting on October 19, 2018, pursuant to a charge letter issued by the Board on July 9, 2018, which is now pending; and

IT APPEARING to the Board that the Respondent has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Respondent and the Board that:

1. Respondent was at all times relevant to this cause a licensed professional counselor and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. On or about May 26, 2017, the Board received a complaint against Respondent. Respondent was sent certified letters dated June 8, 2017, and September 8, 2017, requesting a response to the complaint filed against her with the Board in this matter. In each letter, Respondent was directed to respond within 15 days. Respondent did not respond to either of these requests for a response. In December 2017, James McDougle, Board investigator, left Respondent numerous telephone messages but she did not respond to his messages.
3. Respondent did not respond to the complaint until February 12, 2018, well after the 15 day deadline set forth in the letters of September 8, 2017 and June 8, 2017. James McDougle left Respondent an additional telephone message on February 28, 2018, to which Respondent did not respond until March 6, 2018.
4. Respondent’s conduct in failing to respond to this complaint and respond to the investigator in a timely manner is a failure to cooperate with the Ethics Review Committee of the Board in this matter.
5. Respondent admits that her conduct as set forth above in paragraph number 2-4 violates N.C. Gen. Stat. §§ 90-340 (a)(9) & (a)(15) of the NC Licensed Professional Counselors Act, and Standard I.3. of the American Counseling Association Code of Ethics (2014).
6. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter and, in lieu of any proceedings, enter into this Consent Order.

7. Respondent expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board to which the Respondent may be entitled by law. Respondent further agrees that presentation of this Consent Order to the Board for approval shall not constitute improper ex parte communication between the Board and its counsel, or the Board and its staff, nor require the recusal of the members of the Board from consideration of this matter before the full Board, should a hearing be required in this case.

8. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Professional Counselors, and all its members, officials, agents, representatives and employees, both past and present, in their individual or official capacities from any and all liability, suits, claims, and causes of action, arising prior to or as a result of the execution of this Consent Order.

9. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.

10. This Consent Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Consent Order.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

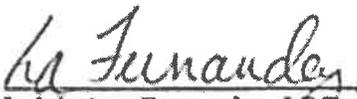
- I. Respondent's license as a Licensed Professional Counselor is hereby REPRIMANDED.
- II. Respondent shall respond in a timely manner to all future communications from the Board.
- III. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.
- IV. The Board shall maintain this Consent Order 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 18<sup>th</sup> day of October, 2018.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED PROFESSIONAL COUNSELORS

BY:   
Densuwo Robinson, Ph.D., LPCS      date  
Board Chairperson

 LPCS 9/18/18  
Leigh Ann Fernandez, LPC      date  
Respondent

Addendum written by Leigh Ann Fernandez:

To Whom It May Concern:

Several times last year during the timeframe listed above while I was receiving correspondence from the client who wrote a complaint and from the board, I became displaced from my home and existing business communications system. I was and am still currently navigating an

emotionally, mentally, and financially abusive situation within my home. Since then, I have changed my communications to be completely mobile, not site dependent to remedy the hurdles my personal situation causes me.

During that time I was displaced, I needed to stay in a variety of other places and take various family members with me in order to remain safe. I began family counseling to address my concerns about emotional and financial abuse and also continued individual counseling for myself.

In order to remain fit for practice during this extenuating and very complex family situation, I have drastically reduced my caseload, have remained in peer consultation with several licensed and seasoned colleagues, and have been involved in therapy.

Colleagues who know my situation and could attest to my efforts to remain fit and well within ethical practice are Joy Tanner, LPC and Elizabeth Grady, LPCS. I can provide contact information if necessary for you to confirm I have consulted with them. I can also provide my family and individual therapists' contact information if necessary.

At the time the Mr. McDougle called me to investigate the complaint, I did not want to reveal the personal nature of complex dynamics within my home and being displaced. In hindsight, I should have discussed the situation in more detail with him.

In summary, I would like to accept the reprimand with a consent order but also let the board be aware of personal hardships that have presented hurdles and that I am diligently addressing those hurdles within my family, with peer consultation, and personal therapy. Ethical practice is of utmost importance to me, and I have struggled greatly financially and personally to make sure that I remain within the NBCC guidelines to make sure I am fit for practice. I will remain committed to making sure I am prompt with my communications to the board.

Thank you,

*La Fernandez, MA, LPCS*  
Leigh Ann Fernandez, MA, LPCS