

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED PROFESSIONAL
COUNSELORS

IN THE MATTER OF:)
)
ORIAKU HAMPTON-SOWELL,)
)
Petitioner.)
)

FINAL DECISION

The North Carolina Board of Licensed Professional Counselors (the “Board”) heard this cause on 1 March 2019. A Notice of Hearing was served on Petitioner on 8 February 2019, notifying her that the hearing would take place on 1 March 2019, at 9:00 am, or as soon thereafter as possible, at the Office of the Board of Licensed Professional Counselors at 7D Terrace Way, Greensboro, North Carolina. Petitioner was present and was represented by Harold Cogdell, Esq. Alesia Balshakova, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Petitioner, and Petitioner’s witnesses, Monifa Dara Drayton, Major McGuire, III, and Maya Femster-Jones, and accepted exhibits into evidence in a public 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. On or about 3 December 2017, Petitioner applied for licensure as Licensed Professional Counselor Associate (“LPCA”). (Board Exhibit 5; T p 100).
2. In Petitioner’s application for licensure, Petitioner responded to the question about whether she ever had any disciplinary action taken against an occupational license or certificate to practice, in the affirmative. (Board Exhibit 5). Petitioner also responded in the affirmative to the question about whether she ever had been convicted of a violation of/or pled *nolo condendere* to any federal, state, or local statute, regulation or ordinance or entered into any plea bargain for violations, except for minor traffic violations. (Board Exhibit 5).
3. On 15 January 2015, the Board revoked Petitioner’s license as a licensed professional counselor in its Final Decision in the *Matter of Oriaku Hampton-Sowell, LPC*, case number 1421. (Board Exhibit 3; T p 107) The revocation resulted from a Guilty Plea Agreement which Petitioner entered in 2012 with the United States government in which she pled guilty to a felony; conspiracy to commit health care fraud involving defrauding the Medicaid program. (Board Exhibits 3 and 5; T pp 68, 86).

4. Petitioner admitted that the crime occurred between October 2010 and April 2011 at Chancellor's Place, which Petitioner founded to provide substance abuse and counseling services. (Board Exhibit 5; T pp 72, 74, 84)
5. As a result of her plea, Petitioner received a term of 12 months and one day imprisonment and two years under supervised release. (Board Exhibits 2 and 3; T p 87) She was also ordered to pay restitution in the amount of two hundred fifty thousand dollars, jointly and severally with two other individuals. (T pp 85, 103, 123, 124, 132)
6. Petitioner was released from prison on 3 July 2014. (Board Exhibit 3)
7. Due to Petitioner's criminal conviction, the Board proposed to deny Petitioner's application for licensure as an LPCA. (Board Exhibit 2)
8. Petitioner requested a hearing as a result of the proposed denial.
9. Petitioner was provided notice of hearing on 8 February 2019. (Board Exhibit 1)
10. At the hearing, Petitioner presented evidence that she successfully completed her term of post-release supervision on 7 July 2016. (Petitioner Exhibit 1; T p 87)
11. Petitioner also testified that she has been repaying her restitution to the best of her financial ability, both in prison and after she was released. (T pp 89, 103, 104) Petitioner makes monthly payments of about \$50.00. (T p 104)
12. In her application and at the hearing, Petitioner also disclosed that she surrendered her license to the North Carolina Substance Abuse Professional Practice Board ("Practice Board") as a result of her conviction. (Board Exhibit 5; T p 73-74). However, the Practice Board has reinstated her license and, at the time of the hearing, Petitioner was a CCS-I/CSI, Certified Clinical Supervisor Intern. (Board Exhibit 5l; T p 74)
13. Petitioner has not been charged with or convicted of any other criminal offense since her conviction in 2012. (T p 128)
14. Following her release, Petitioner has been employed at Goodwill Industries of the Southern Piedmont ("Goodwill"). (T pp 23-24, 52, 90) She began working as a volunteer, then became employed, and was promoted to a compliance specialist in April of 2018. (T p 90) In her job, Petitioner audits various departments internally to ensure that they are following proper protocols and standards. (T pp 91, 125)
15. Petitioner's witness, Monifa Dara Drayton, testified that she is Petitioner's friend and former colleague. (T pp 14, 29) Mr. Drayton started her career in mental health. (T p 30) She has worked in healthcare industry for eighteen years and is currently working in the area of credentialing, licensing for providers, and compliance. (T pp 15, 18) She explained that having

worked in a healthcare field, and especially with Medicaid and Medicare, and working fifty to sixty hours a week reviewing cases and providers, she understands the gravity of Petitioner's situation. (T pp 15, 26)

16. Mr. Drayton opined that Petitioner's conviction resulted from her lack of knowledge and experience in the area of business and management. (T pp 40-42)

17. At the hearing, Ms. Drayton advocated "one hundred percent" for Petitioner and believed that if Petitioner's license is not granted, it will hurt the community. (T p 26) She testified that upon her release, Petitioner "rebounded and immediately jumped back into helping those in the community." (T p 21) Mr. Draton also testified that she was "in awe" of Petitioner's emotional capacity to do that. (T p 21)

18. Another witness for Petitioner, Maya Femster-Jones, testified that she has known Petitioner for two and a half years working with her at Goodwill. (T p 55) She explained that over the years, Petitioner was promoted to work in the Auditing and Compliance Department. (T p 56)

19. Ms. Femster-Jones further explained that Petitioner's criminal prosecution has impacted "the way she functions today," and that "Petitioner has risen above and challenged herself to serve in a greater capacity and awareness that will not ever place her in these circumstances again." (T pp 59-60)

20. Petitioner also testified that the experience of being criminally prosecuted and losing her license taught her a lesson "physically, mentally, emotionally and spiritually," she came to the realization of the "humanistic part," and took full responsibility of everything that had occurred because she was a rendering clinician. (T pp 96-97) Incarceration and release also taught her to understand what people go through when they are incarcerated and released, to work through her embarrassment, and to seek therapy. (T pp 96-100)

21. Petitioner testified that as a result of coping with her embarrassment, she volunteered for the Center of Community Transitions, an organization which helps individuals that have been incarcerated short-term or long-term. (T p 98) She further testified that in the midst of volunteering, she learned of ways to handle anxiety, depression and disengagement with her family, without resorting to medication. (T p 99)

22. Petitioner testified that helping people is her "calling." (T p 99) Her ultimate goal is to become a mediator. (T p 100)

23. Petitioner is also seeking to reinstate her license so she can work with veterans in the capacity of a counselor. (T pp 102-03, 136) With her current license as a CCS-I/CSI, she is only allowed to assist them with substance abuse issues but cannot see them on the mental health part, if they have dual diagnosis. (T p 103)

24. Petitioner does not plan to be self-employed in the near future. (T pp 100-01)

25. Petitioner has been taking courses and seminars in the areas of leadership, management, and data analysis; she has also taken an ethics course every year, even when she did not have her professional license. (T pp 101, 120)

26. In addition, her work at Goodwill taught her about compliance and business. (T p 136)

27. Petitioner also testified that through this experience, she learned about the necessity to verify and “keep all the documents and get every single conversation in writing.” (T pp 97, 101)

CONCLUSIONS OF LAW

I. The Board has jurisdiction of the subject matter of this contested case and over the Petitioner.

II. Pursuant to N.C. Gen. Stat. § 90-340(a)(1), the Board may deny licensure or place on probation, limit practice, or require examination, remediation, or rehabilitation, to an applicant who has been convicted of a felony or entered a plea of guilty or *nolo contendere* to any felony charge under the laws of the United States or of any state of the United States.

III. Pursuant to N.C. Gen. Stat. § 90-340(a)(4), the Board may deny licensure, or place on probation, limit practice, or require examination, remediation, or rehabilitation, to an applicant who has practiced any fraud, deceit, or misrepresentation upon the public, the Board, or any individual in connection with the practice of professional counseling, the offer of professional counseling services, the filing of Medicare, Medicaid, or other claims to any third-party payor.

IV. Pursuant to N.C. Gen. Stat. § 90-340(a)(9), the Board may deny licensure, or place on probation, limit practice, or require examination, remediation, or rehabilitation, to an applicant who has been guilty of immoral, dishonorable, unprofessional, or unethical conduct as defined in the statute or in the current code of ethics of the American Counseling Association.

V. The Board has taken into consideration the eight factors under N.C. Gen. Stat § 93B-8.1 (b) in reaching its decision in this case.

VI. Section C.6 b. of the American Counseling Association (“ACA”) Code of Ethics (2005) requires counselors to be “accurate, honest and objective in reporting their professional activities and judgments to appropriate third parties, including courts, health insurance companies, those who are the recipients of evaluation reports, and others.”

VII. Petitioner’s conduct violated N.C. Gen. Stat. § 90-340(a)(1), which alone warrants the conditions placed on her licensure by the Board.

VIII. Petitioner’s conduct violated N.C. Gen. Stat. § 90-340(a)(4), which alone warrants the conditions placed on her licensure by the Board.

IX. Petitioner's conduct violated N.C. Gen. Stat. § 90-340(a)(9), which alone warrants the conditions placed on her licensure by the Board.

X. Petitioner's conduct violated Section C.6 b. of the ACA Code of Ethics (2005), which alone warrants the conditions placed on her licensure by the Board.

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

I. The application for licensure as Licensed Professional Counselor Associate of Petitioner, **ORIAKU HAMPTON-SOWELL**, is approved if she successfully completes the following:

- A. Petitioner shall undergo and successfully pass a fitness for practice evaluation with a mental health professional designated by the Board.
- B. Petitioner shall take three hours of a master's-level Ethics Course from a graduate counseling program accredited by the Council for Accreditation of Counseling & Related Educational Programs ("CACREP").
- C. After Petitioner has completed the fitness for practice evaluation and taken three hours of Ethics Course, the fitness for practice evaluation report and documents confirming completion of the Ethics Course shall be submitted to the Board.
- D. If the fitness for practice evaluator does not determine that Petitioner is fit to practice as an LPCA or makes other recommendations, the Board may deny her licensure or impose additional conditions on her licensure as an LPCA.
- E. If the fitness for practice evaluator determines that Petitioner is fit to practice counseling, Petitioner shall undergo six months of professional counseling by a mental health professional. The frequency of professional counseling shall be determined by Petitioner's counselor.
- F. Petitioner shall notify the Board about her selection of a counselor in writing. Upon the notification, the Board will approve Petitioner for licensure as an LPCA. The Board will designate Petitioner's supervisor.
- G. A monthly report of the professional counseling provided to Petitioner shall be sent to Nick DeJesus, LPC Ethics Consultant/Investigator, North Carolina Department of Justice, Services to State Agencies Section, P.O. Box 629, Raleigh, NC 27602-0629.
- H. If Petitioner does not successfully complete the conditions set forth in Paragraphs A through G of this Section, she will be denied licensure and may reapply to the Board

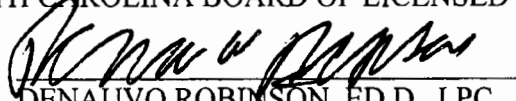
for licensure after one calendar year from the date of the denial, as set forth in N.C. Gen. Stat. § 90-340 (g).

II. The Board shall maintain this Final Decision as a public record pursuant to N.C. Gen. Stat. §§ 132-1 and 90-340 (f).

This the 7 day of June, 2019.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY:


DENAUVO ROBINSON, ED.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 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:

Oriaku Sowell
9814 Holly Park Drive
Charlotte, North Carolina 28214

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:

Harold Cogdell, Jr.
525 North Tryon Street, Suite 1600
Charlotte, North Carolina 28202

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

This the 13 day of June, 2019.



Stefon Plummer
Board Administrator