

IN THE MATTER OF

EVANS S. MASYONGO, LCPC,

License No.: LC5007

Respondent

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BEFORE THE BOARD OF

PROFESSIONAL

COUNSELORS AND

THERAPISTS

CASE NO. 2016-37

\* \* \* \* \*

**CONSENT ORDER**

The Maryland Board of Professional Counselors and Therapists (the "Board") alleged that **Evans S. Masyongo**, ("**Respondent**"), **Licensed Certified Professional Counselor ("LCPC")**, committed violations of the Maryland Professional Counselors and Therapists Act (the "Act"), codified at Md. Code Ann., Health Occ. II ("H.O. II") § 17-101 *et seq.* (2014 Repl. Vol. & 2016 Supp.), and sought to take action against his license.

A Case Resolution Conference ("CRC") was held in this matter before a Board committee on October 31, 2017. The Respondent represented by counsel, and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of negotiations at the CRC the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

The pertinent provisions of the Act are as follows:

**H.O. II § 17-205. Powers and duties.**

(b) Additional duties. ---- In addition to the duties set forth elsewhere in this title, the Board shall:

(3) Adopt a code of ethics that the Board considers to be appropriate and applicable to the counselors or therapists currently licensed or

certified by the Board and all individuals currently working as trainees in accordance with § 17-406(b) of this title.

**H.O. II § 17-509. Denial, probation, suspension or revocation of certificate applicant or holder.**

Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:

- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (13) Violates any rule or regulation adopted by the Board;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

Further, the Respondent was charged by the Board with violating the Board's corresponding regulations under Md. Code Regs. ("COMAR") 58.03.

**.04 Ethical Responsibility.**

A. A counselor shall:

- (11) Be familiar with and adhere to this chapter;
- (14) Take reasonable precautions to protect clients from physical or psychological trauma.

**.05 The Counseling Relationship.**

A. Client Welfare and Rights.

- (2) A counselor may not:
  - (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public.

## **I. FINDINGS OF FACT**

The Board makes the following Findings of Fact:

### **BACKGROUND**

1. At all times relevant to the charges, Evans S. Maysongo, LCPC, the Respondent was a practicing LCPC employed with a private counseling agency.

2. The Board initiated an investigation after receiving a Complaint on or about May 31, 2016, from a client identified hereinafter, as "Client A."<sup>1</sup>

### **Client A**

3. Client A alleged that the Respondent repeatedly hugged her during counseling sessions and attempted to kiss her during two separate counseling sessions.

4. Board staff conducted an in-person, tape recorded interview with Client A on or about September 12, 2016.

5. Client A stated that she was seeing the Respondent for individual therapy. She stated that the counseling sessions took place in the Respondent's Office at Facility A, except for one session, which was held at her home

6. Client A stated that the Respondent would usually give her a hug at the end of therapy sessions. Initially, she did not object to the hugs and did not think that the Respondent was inappropriate.

7. She stated, however, that she became uncomfortable at the end of a session on or about February 23, 2016, when the Respondent gave her a hug and

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<sup>1</sup>To ensure confidentiality, the names of individuals, hospitals and health care facilities are not disclosed in these charges. The Respondent may obtain the identity of the referenced individuals and entities by contacting the assigned administrative prosecutor.

brushed his lips against her cheeks. She acknowledged that at the time she wasn't sure if the Respondent intentionally brushed his lips against her cheek, but she was uncomfortable with his behavior.

8. Client A stated that when this incident happened she pulled away, grabbed her belongings from a table and left the Respondent's office. She then reports that she was so upset about what happened she went to her car and called a close relative, and informed her relative about the incident and described how the Respondent made her feel.

9. Client A stated that on or about May 11, 2016, at the end of a counseling session the Respondent again reached out to hug her. She stated that she was alarmed when he leaned in and attempted to kiss her.

10. Client A stated she pulled away, picked up her belongings and left the Respondent's office and returned to the lobby for a scheduled appointment with her psychiatrist.

11. Client A reported she was upset about this incident and stated that she informed her psychiatrist that she was uncomfortable with the Respondent hugging her. According to Client A, her psychiatrist advised her to discuss the incident with the Respondent. Client A, however, informed Board staff that she was uncomfortable talking to the Respondent about the incident.

12. Board staff contacted Client A's psychiatrist, hereinafter Witness A, who confirmed Client A reported that the Respondent made her feel uncomfortable during therapy sessions.

13. After the May 11, 2016, incident Client A terminated her therapy with the Respondent and started therapy with another counseling agency.

14. Client A states that she contacted a case management agency regarding her concerns about the Respondent's behavior and states that is how she received information about filing a Complaint with the Board. Client A states that she then initiated a Complaint with the Board.

15. Client A also stated that she disclosed the incident with the Respondent to her current therapist.

16. On or about September 12, 2016, the Respondent's employer placed him on administrative leave pending the Board's investigation of Client A's allegations.

17. Board staff conducted an in-person, recorded interview with the Respondent on or about October 19, 2016, to discuss Client A's allegations.

18. At the interview, and in response to the allegations, the Respondent denied hugging Client A, and denied any attempts to kiss her. He also stated that he did not know why Client A terminated her therapy with him.

19. The Respondent's employer issued a verbal warning in August of 2014 and ordered him to take an ethics class after a co-worker alleged that the Respondent kissed her.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact the Board concludes as a matter of law that the Respondent's actions violated the following:

H.O. II § 17-509:

- (1) (8) [v]iolates the code of ethics adopted by the Board;

- (2) (9) [k]nowingly violates any provision of this title;
- (3) (13) [v]iolates any rule or regulation adopted by the Board;
- (4) (16) [c]ommits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy;
- (5) COMAR 58.03.04. A (11), (14); and
- (6) COMAR 58.03.05 A (2), (a).

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11th day of June 2018, by a majority of the quorum of the Board considering this case hereby:

**ORDERED** that effective the date of this Consent Order, the Respondent shall be **REPRIMANDED, and it is further;**

**ORDERED** that the Respondent shall be **SUSPENDED** for 12 months, with **ALL STAYED except for thirty (30) days**, and the thirty (30) day suspension shall begin on the date the Board signs the Order; and it is further;

**ORDERED** that the Respondent shall be placed on probation for two (2) years subject to the following terms and conditions:

1. The Respondent shall complete a Board-approved continuing-education class in ethics within twelve (12) months of the date of this Order;

(a) The course required under this Consent Order shall not count towards the courses required to maintain the Respondent's license in Maryland;

(b) The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in a course required under this Order. The Board

reserves the right to require the Respondent to provide further information regarding the course he proposes, and further reserves the right to reject the proposed course and require submission of an alternative proposal.

(c) The Board will approve a course only if it deems the curriculum and the duration of the course to be adequate to fulfill the Respondent's requirements under this Order. The Respondent shall be responsible for all costs incurred in fulfilling the course requirements and for submitting to the Board written documentary proof of his successful completion of the course;

(d) The course completed under this Order cannot be used to satisfy the continuing education requirements for the applicable licensure renewal period; and The Respondent is responsible for ensuring that he completes the required course in a timely manner.

2. The Respondent shall obtain a Board-approved supervisor;

(a) the Respondent shall meet with the supervisor on a bi-weekly basis to discuss his client case load, including boundary issues; and

(b) the Board-approved supervisor shall submit quarterly reports to the Board.

**BE IT FURTHER ORDERED** that the Respondent's failure to comply with any of the conditions of this Consent Order in a timely manner as set out above, shall be considered a violation of this Consent Order; and it is further;

**ORDERED** that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose

any other disciplinary sanctions that the Board may have imposed in this case, including probationary terms and conditions, reprimand, suspension, revocation and monetary penalty; and it is further

**ORDERED** that the Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

June 14, 2018  
Date

Risa Ganel / MEd  
Risa Ganel, LCMFT, Chair  
Maryland Board of Professional Counselors  
and Therapists



## CONSENT

I, **EVANS S. MASYONGO, LCPC**, License No: LC-5007, by affixing my signature hereto, acknowledge that

1. I am represented by counsel, Brian Bregman, Esquire, and I have consulted with counsel in this matter. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Health Occ. I, Code Ann. § 4-315 (2014 Repl. Vol.) and Md. State Gov't II, Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my license to practice as dentist
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

5/25/18  
Date

  
Evans S. Masyongo  
Respondent

**NOTARY**

STATE OF MD  
COUNTY OF Montgomery

I HEREBY CERTIFY that on this 25 day of May, 2018, before me, a Notary Public of the State and County aforesaid, personally appeared **Evans S. Masyongo, LCPC**, License No: LC-5007, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

**AS WITNESS, my hand and Notary Seal:**

Notary Public



My Commission expires: 08/02/2018

