

**IN THE MATTER OF  
KARL HONKALA, LCADC**

**Respondent**

**License Number: LCA002**

**\* BEFORE THE  
\* STATE BOARD OF  
\* PROFESSIONAL COUNSELORS  
\* AND THERAPISTS  
\* Case Number: 2014-12**

**\* \* \* \* \***

**FINAL DECISION AND ORDER OF PERMANENT REVOCATION**

**I. PROCEDURAL BACKGROUND**

On or about February 24, 2014, the Board of Professional Counselors and Therapists (“the Board”) received a complaint alleging that the Respondent had engaged in sexual conduct with a client (“Client A”). The Board conducted an investigation into these issues, and, as a result of that investigation, on June 9, 2014, the Board summarily suspended the Respondent’s license to practice clinical alcohol and drug counseling pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2)(i) (2009 Repl. Vol. & 2013 Supp.), concluding that the public health, safety or welfare imperatively required emergency action. The Board provided the Respondent with an opportunity to request a post-deprivation hearing on the Order of Summary Suspension. Respondent failed to request a post-deprivation hearing on the Summary Suspension. On June 30, 2014, the Board notified the Respondent of its intent to revoke his Clinical Alcohol and Drug license through the filing of a Notice of Intent to Revoke based upon charges that he violated the Maryland Professional Counselors and Therapists Act, specifically Md. Code Ann., Health Occ. (H.O.) § 17-511:

- (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; and
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

The Board also charged the Respondent's license with violations of the Board's regulations, specifically Md. Code Regs. 10.58.03 Code of Ethics:

**.04A. A counselor shall:**

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

**(B) A counselor may not :**

- (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

**.05A. 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.

**B. Dual Relationships**

**(1) A counselor shall:**

- (a) Avoid dual relationships with clients;

**.09A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:**

- (2) Sexual exploitation;
- (3) Sexual harassment;
- (4) Sexual behavior[.]

**B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:**

- (1) A client;

The Respondent did not request an evidentiary hearing on the Summary Suspension, however, he did timely request an evidentiary hearing on the disciplinary charges under the Board's Practice Act. Subsequently, the Board notified the Respondent that it had scheduled an evidentiary hearing on the Board's Notice of Intent to Revoke for December 29, 2014. The Board sent its notice of hearing via regular and certified mail to the Respondent's last known address of record, pursuant to H.O. §17-511(b) and Md. Code Ann., State Gov't §10-207.

Pursuant to COMAR 10.58.04.04B and upon consent by both parties, the Board held an in-person pre-hearing conference (the "Conference") on February 12, 2015 at the Board's offices in Baltimore, Maryland. Assistant Attorney General Dawn Rubin, on behalf of the State of Maryland and James Farmer, Esquire, on behalf of the Respondent attended the Conference. The Conference was presided over by Carol Deel, PHD, LCPC, LCMFT, Chair of the Board. On February 18, 2015, a pre-hearing conference order was issued by the Board and sent to the parties via overnight postage on that same day. No objection to the pre-hearing conference order was filed by either party prior to the evidentiary hearing. The pre-hearing conference order is attached to this Order as Board's Exhibit 1.

On February 20, 2015 and March 20, 2015, a quorum of the Board was present and the evidentiary hearing was held. Dawn Rubin, Administrative Prosecutor, was present and presented the case on behalf of the State of Maryland. The Respondent was also present, represented by his counsel, James Farmer, Esq. Ms. Rubin presented the case on behalf of the State of Maryland, and Mr. Farmer presented the case on behalf of the Respondent.

**Evidentiary Exhibits and Witnesses**

**State's Exhibits:**

1. Order for Summary Suspension of License to Practice Clinical Alcohol and Drug Counseling, dated June 9, 2014
2. Notice of Intent to Revoke License to Practice Clinical Alcohol and Drug Counseling, dated June 30, 2014
3. Report of Investigation of Karl Honkala, LCADC with attached transcript of interview of Client A and addendum to report
4. License Verification Printout.
5. Complaint filed by DPP Agent, dated February 24, 2014
6. Complaint filed by Client A, dated February 24, 2014
7. Parole and Probation Records
8. Parole and Probation Drug Court treatment records.
9. Client A's billing and treatment records from Mr. Honkala.
10. Receipts received from Mr. Honkala for Client A's visits
11. Letter to Mr. Honkala from Tracey DeShields re: inquiry, dated January 30, 2014.
12. Letter to Mr. Honkala from Karen Wamsley re: subpoena request, dated April 16, 2014.
13. Letter to Mr. Slade re: subpoena request, dated May 8, 2014.
14. Photographs of gifts

**State's Witnesses:**

1. Investigator for the Board.
2. Respondent.

**Respondent's Exhibits:**

1. Insurance Notification.
2. Request for Ethical Opinion.

3. Client A's Counseling Evaluations.
4. Drug Test 10/14/13-Positive
5. Text Messages from Client A.
6. Report from Social Worker, dated August 19, 2014.
7. Letter of Recommendation, dated October 24, 2014.
8. Letter of Recommendation, dated October 27, 2014.
9. Letter from Karen McFann.
10. Letter of Recommendation, dated October 29, 2014.
11. Letter of Recommendation, dated November 3, 2014.
12. Report from Therapist, dated November 23, 2014.

**Respondent's Witnesses:**

1. Assistant State's Attorney for St. Mary's County
2. Character Witness.
3. Respondent.

**II. PRELIMINARY ISSUES**

Most of the facts of this case were not in controversy. Respondent filed a Motion to Suppress the investigative interview conducted on or about May 21, 2014. Prior to the hearing, the Board held a Pre-hearing conference with the parties on February 18, 2015. Subsequently, the Board issued a Pre-Hearing Conference order which *inter alia* the Board denied the Respondent's Motion to Suppress. Respondent also filed a Motion to Dismiss based on many of the same arguments laid out in Respondent's Motion to Suppress.

Respondent argued that the Board violated his Fifth Amendment right to due process by interviewing the Respondent during the investigatory phase of this case. However, a licensee has no constitutionally protected liberty interest at the investigative stage of board proceedings. Neither the due process clauses of the Fifth and Fourteenth Amendments nor the right to counsel in the Sixth Amendment afford any person the right to counsel in an administrative investigatory proceeding. See 73 C.J.S §81 Witnesses, *Humenansky v. Minnesota Bd. Of Medical Examiners*, 525 N.W.2d 559, 556 (Minn. 1994); *North Dakota Comm'n on Medical Competency v. Racek*, 527 N.W.2d 262, 266 (N.D. 1995); *Smith v. Board of Medical Quality Assurance*, 202 Cal.App.3d 316, 326, 248 Cal. Rptr. 704, 710 (1988); *Gilmore v. Composite State Bd. Of Medical Examiners*, 243 Ga. 415, 254 S.E.2d 365 (1979); *Setliff v. Memorial Hospital of Sheridan County*, 850 F.2d. 1384, 1395 (10<sup>th</sup> Cir. 1988). Due process considerations only arise when a board proceeding against a licensee moves from the investigatory state to the adjudicatory stage. *Hoover v. Smith*, 198 W.Va. 507, 482 S.W.2d 124 (1997). However, investigative activities do not implicate the due process clause, because an administrative investigation adjudicates no legal rights. *Id.*, 198 W.Wa. at 515, 482 Se.E. 2d at 132 (citing *Securities and Exchange Comm'n v. O'Brien*, 467 U.S. 735, 742, 104 S.Ct. 2720, 2725 (1984)). See generally, *Weller v. Department of Social Serv's*, 901 F.2d. 387, 392 (4<sup>th</sup> Cir. 1990) (a person being investigated has no property or liberty interest in the investigative procedure.) See also *Unnamed Physician v. Comm'n on Medical Discipline*, 285 Md. 1, 14, *cert denied*, 444 U.S. 868 (1979) (“In the instant case the Commission proceedings had not reached a hearing stage requiring notice under Article 41, §251 of the Administrative Procedure Act...Here the Commission was exercising a quasi-legislative investigatory function where due process does not mandate a hearing.”)

Furthermore, the Administrative Procedure Act (“APA”) does not provide for a right to counsel at the Investigative stage of the proceedings. Nor, does any statute or regulation governing the Board grant a right to counsel to individuals being interviewed during an investigation. A respondent, is, of course, entitled to appear with counsel in a contested case pursuant to the Maryland APA, Md. Code Ann., State Gov’t §10-201, *et seq.*

The Respondent also argues that he has an “absolute right against self-incrimination.” The Fifth Amendment exists, in part, to “assure that an individual is not compelled to produce evidence which later may be used against him as an accused in a criminal action.” *Maness v. Meyers*, 419 U.S. 449, 461 (1975). However, this privilege may not be invoked on no more than the mere assertion by one claiming the privilege that information sought by the government may be incriminating. *United States v. Sharp*, 920 F.2d (4<sup>th</sup> Circ. 1990). In fact, the Fifth Amendment does not forbid adverse inferences against parties to civil actions when they refuse to testify in response to probative evidence offered against them. *Baxter v. Palmigiano*, 425 U.S. 308 (1976). There is no evidence in the transcript that Respondent was coerced to answer any of the questions. Furthermore, there is no support for Respondent’s assertions in his Motion to Suppress and Motion to Dismiss that Respondent’s admissions made during the interview, regarding sexual contact with Client A, were incriminating in any sort of potential criminal investigation.

Respondent also states in his Motion to Suppress that the Board “recklessly” posted the statements made by Respondent during the interview on the Board’s public website. The Respondent is, most likely, referring to the Board’s Order for Summary Suspension. The Respondent was provided with an opportunity to show cause why the Board should not issue the Order for Summary Suspension, and failed to request a show cause hearing, or an evidentiary

hearing on the merits of the summary suspension, in order to dispute the findings by the Board. The Board has the authority to summarily suspend a therapist's license pursuant to Md. Code Ann., State Gov't § 10-2269(c)(2)(i) and is required to post the public Order pursuant to Md. Code Ann., Health Occ. § 1-607.

Respondent made several other arguments in his Motion to Dismiss, such as bias on the part of the Board, that have no basis in actual fact.

Consequently, the Board denied Respondent's Motion to Suppress, incorporates the Pre-Hearing Conference Order into this Final Order and denies Respondent's Motion to Dismiss.

### **III. FINDINGS OF FACT**

The Board makes the following findings of fact based upon the entirety of the record:

1. On or about December 14, 1999, the Respondent obtained a license to practice as a clinical alcohol and drug counselor ("LCADC") in the State of Maryland, license number LCA002. (State's Exhibit 4.)
2. At the time of the incidents described herein, the Respondent practiced clinical alcohol and drug counseling in Mechanicsville, Maryland. At all times relevant, the Respondent was the owner and executive director of a private counseling practice.
3. On or about February 24, 2014, the Board received a complaint from a Senior Agent (identified as "Agent T") with the Maryland Department of Public Safety and Corrections ("MDPSC") alleging that the Respondent had engaged in sexual impropriety with a client ("Client A") who was on criminal probation for a drug related conviction. (State's Exhibit 5.)
4. On the same date, February 24, 2014, Client A filed a complaint with the Board alleging



she and the Respondent had engaged in sexual contact after she was unable to pay for her counseling services. (State's Exhibit 6.) Shortly thereafter, the Board initiated an investigation of the Respondent. (State's Exhibit, 3.)

5. Client A is a female who was convicted in June 2013 of burglary and drug possession. She was on supervised probation for her criminal offenses and reported to the MDPSC Office of Community Supervision three times weekly during the time of Respondent's misconduct. (State's Exhibit, 7.)

6. The Court ordered Client A to undergo an evaluation and treatment for substance abuse, and assigned the Respondent as her clinical drug and alcohol treatment counselor. The Respondent initially evaluated Client A on August 29, 2013 and her records reflect the Respondent treated her through February 3, 2014. (State's Exhibit, 8, 9.)

7. Between November 2013 and February 2014, Client A performed oral sex on the Respondent, at least, five times during Client A's therapy sessions. (State's Exhibit 2 and Transcript, p. 17, 59, 61).

### **DISCUSSION**

Pursuant to section 17-509(16) of the Professional Counselors and Therapists' Practice Act ("the Practice Act"), the Board may reprimand any licensee, place any licensee on probation, or suspend or revoke the license of a licensee if the Board finds, by a preponderance of the evidence, that the licensee committed an act of immoral or unprofessional conduct in the practice of clinical or nonclinical therapy. *See* H.O. § 17-509(16).

By engaging in oral sex with a client, Client A, the Respondent committed an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or

therapy. In its discretion, the Board dismisses the charges that the client violated H.O. § 17-509(8), (9) and (13), as well as COMAR 10.58.03.04, .05 and .09.

The Board finds that the Respondent's violations of the Practice Act most appropriately fall within B(16) the Board's sanctioning guidelines. *See* COMAR 10.58.09.06B(16). The range of potential sanctions under COMAR 10.58.09.06B(16) includes reprimand to revocation and/or a minimum fine of \$100 to a maximum fine of \$5,000. Based upon the particular facts and circumstances of this case, the Board finds the Respondent's conduct by engaging in oral sex with his patient during therapy sessions to be plainly immoral and unprofessional conduct in the practice of clinical and nonclinical counseling or therapy. When a therapist engages in sexual conduct with a client, that therapist exploits the sacred trust the client places in the therapist. Furthermore, as noted by the Respondent's testimony, the Respondent repeated the same misconduct over and over again. (Transcript, p. 68).

Thus, in considering an appropriate sanction for the Respondent's license and certificate, the Board found his conduct to be so egregious as to warrant the revocation of his license to practice clinical alcohol and drug therapy in the State of Maryland. The Board finds that the Respondent's demonstrated disregard for professional conduct and patient safety, as well as Respondent's disregard for the statutes and regulations in place to ensure that safety, makes him unfit to practice as a licensed alcohol and drug therapist. Therefore, the Board finds that the Respondent has permanently lost the Board's and the public's confidence to maintain licensure as a licensed alcohol and drug therapist in the State of Maryland. No disciplinary sanction short of permanent revocation of the Respondent's license and certification can adequately protect the public.

IV. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes under Md. Code Ann., State Gov't § 10-226(c)(2) that the public health, safety, and welfare imperatively required emergency action in the form of the summary suspension of the Respondent's license to practice licensed alcohol and drug therapy as a licensed clinical alcohol and drug therapist on May 1, 2013.

In addition, based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 17-509(16):

- (16) commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical therapy.

V. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

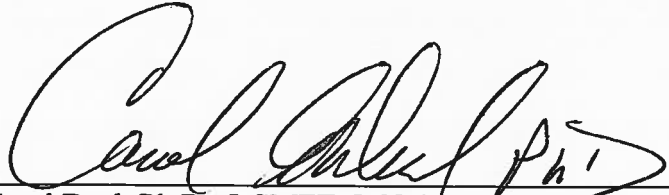
**ORDERED** that the Summary Suspension of the Respondent's license to practice as a licensed alcohol and drug therapist in the State of Maryland is hereby **AFFIRMED**; and it is further

**ORDERED** that the Respondent's license to practice as a licensed alcohol and drug therapist in the State of Maryland, license number LCA002, is hereby **PERMANENTLY REVOKED**; and it is further

**ORDERED** that the Maryland Board of Professional Counselors and Therapists will not accept or consider any applications for reinstatement of the Respondent's license to practice as a licensed alcohol and drug therapist in the State of Maryland at any time in the future; and it is further

**ORDERED** that this Order is a **PUBLIC DOCUMENT** under Md. Code Ann., State Gov't § 10-617(h) (2009 Repl. Vol.).

9/18/2015  
Date



Carol Deel, Ph.D., LCMFT, LCPC  
Board Chair, Maryland Board of Professional Counselors  
and Therapists

**NOTICE OF APPEAL RIGHTS**

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. §§ 17-509(16) may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 17-512, Md. Code Ann., State Gov't § 10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

**IN THE MATTER OF  
KARL HONKALA, LCADC  
Respondent**

**License Number: LCA002**

**\* BEFORE THE  
\* STATE BOARD OF  
\* PROFESSIONAL COUNSELORS  
\* AND THERAPISTS  
\* Case Number: 2014-12**

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION  
OF LICENSE TO PRACTICE CLINICAL ALCOHOL AND DRUG COUNSELING**

The Maryland State Board of Professional Counselors and Therapists (the "Board"), hereby **SUMMARILY SUSPENDS** the license of Karl Honkala, LCADC (the "Respondent") License Number LCA002, to practice clinical alcohol and drug counseling in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2)(i) (2009 Repl. Vol. & 2013 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

1. At all times relevant hereto, the Respondent was and is licensed to practice clinical alcohol and drug counseling in the State of Maryland. The Respondent

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

was originally licensed to practice clinical alcohol and drug counseling in Maryland on December 14, 1999. Presently, his license is scheduled to expire on January 31, 2016.

2. At the time of the incidents described herein, the Respondent practiced clinical alcohol and drug counseling in Mechanicsville, Maryland. At all times relevant, the Respondent was the owner and executive director of a private counseling practice.
3. On or about February 24, 2014, the Board received a complaint from a Senior Agent (identified as "Agent T")<sup>2</sup> with the Maryland Department of Public Safety and Corrections ("MDPSC") alleging that the Respondent had engaged in sexual impropriety with a client ("Client A") who was on criminal probation for a drug related conviction.
4. On the same date, February 24, 2014, Client A filed a complaint with the Board alleging she and the Respondent had engaged in sexual contact after she was unable to pay for her counseling services.
5. Shortly thereafter, the Board opened an investigation of the Respondent, the results of which are set forth in pertinent part below.
6. The Board's regulations, pursuant to Code Regs. Md. 10.58.03.09 *et seq.*, prohibit licensees from engaging in sexual misconduct with a client or a former client. Sexual misconduct pursuant to Code Regs. Md. 10.58.03.09A includes but is not limited to:

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<sup>2</sup> In order to maintain confidentiality, patient and employee names will not be used in this document, but will be provided to the Respondent on request.

(2) Sexual exploitation;

...

(4) Sexual behavior [.]

7. As a result of the Board's investigation relating to the Respondent's actions as set forth in pertinent part below, the Board voted to summarily suspend his license to practice clinical alcohol and drug counseling pursuant to Md. Code Ann., State Gov't § 10-226(c)(2)(i) (2009 Repl. Vol. & 2013 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

#### **INVESTIGATIVE FINDINGS RELATING TO CLIENT A**

8. Client A is a female in her 40's who was convicted in June 2013 of burglary and drug possession. She is presently on supervised probation for her criminal offenses and reports to the MDPSC Office of Community Supervision three times weekly.
9. The Court ordered Client A to undergo an evaluation and treatment for substance abuse, and assigned the Respondent as her clinical drug and alcohol treatment counselor. The Respondent evaluated Client A on August 29, 2013 and her records reflect the Respondent treated her through February 3, 2014.

#### **Complaint Filed by Agent T**

10. Agent T stated in her complaint filed with the Board that on February 14, 2014, Client A reported to her that she had been having an intimate relationship with the Respondent by performing oral sex on him. Client A stated that in December 2013, they attempted, but were unable to engage in sexual intercourse due to the Respondent's large size.

11. Client A reported to Agent T that she began performing oral sex on the Respondent around November 2013. The sexual contact took place approximately twice weekly through the middle of February. At the time, Client A was unable to afford payment for the Respondent's services, and the Respondent stated, "we will work something out" referring to the money Client A owed to him.
12. Client A reported to Agent T that the sexual contact took place in lieu of scheduled individual therapy sessions.

#### **Interview of Client A**

13. On April 28, 2014, the Board's staff interviewed Client A under oath.
14. Client A was court ordered to attend counseling sessions with the Respondent three times weekly: on Tuesday, Wednesday and Thursday. She was to attend individual and group therapy sessions with the Respondent.
15. The fee for the counseling sessions was \$50 weekly.
16. Around November 2013, Client A was unable to regularly pay her session fee. Client A owed the Respondent \$400.00, and he asked her for payment. Client A told the Respondent she did not have the money. The Respondent said, "Don't worry about it. We'll work something out."
17. Client A stated that the Respondent told her, "You do me a favor. I'll do you a favor." When Client A asked the Respondent what she would have to do, he said, "I think you know what I mean" and looked down at his pants.



18. According to Client A, she performed oral sex on the Respondent from approximately November through mid-February, during approximately ten to twelve scheduled therapy sessions.
19. On an occasion prior to sexual contact, in September 2013, when Client A missed a session for back treatment, the Respondent wrote a letter to the court reporting that Client A had been non-compliant.<sup>3</sup>
20. After that, however, even though Client A was unable to pay the fee, and did not attend the group therapy sessions as ordered by the court, the Respondent did not report Client A to the Court as “non-compliant.”
21. According to Client A, the Respondent discussed personal issues with Client A instead of discussing her recovery. The Respondent shared with Client A that he liked boats. Sometime around November 2013, the Respondent purchased a boat (a Boston Whaler) from Client A’s father for \$1,800.00.<sup>4</sup>
22. The Respondent told Client A that he wanted her to move in with him after her probation had been terminated.
23. On or about February 11, 2014, Client A reported the Respondent’s conduct to personnel in the probation office including the Case Manager with Adult Recovery Court (“EL”) and Agent T.

#### **Interview of K.A.**

24. On April 28, 2014, the Board’s staff interviewed K.A. under oath.

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<sup>3</sup> Client A stated that a sign in the Respondent’s office notified clients that the counselor was required to report non-compliance to the court if a client owed \$100.00 in fees.

<sup>4</sup> On November 13, 2013, the Respondent had written a letter to the Board requesting an ethical opinion on his purchase of the boat.

25. At all times relevant to this Order, K.A. was Client A's housemate. K.A. stated that he had known Client A for over 20 years.
26. K.A. had often driven Client A to her appointments with the Respondent.
27. K.A. stated that Client A acted nervous when she had an appointment with the Respondent, and frequently made excuses as to why she did not want to attend the appointments.
28. K.A. noticed that after Client A's appointments with the Respondent, Client A was emotional and often cried.
29. K.A. stated that the Respondent would call Client A before her sessions to ensure she was coming, and that he often called her at 9:00 or 10:00 p.m. during the evening.

#### **Interview of Respondent**

30. On May 21, 2014, the Board's staff interviewed the Respondent under oath. He was represented by counsel.
31. The Respondent stated that he provided counseling to Client A from August 2013 through February 2014. Client A had been referred to him by the "drug court."
32. The Respondent stated he only billed Client A for services from August 2013 through November 7, 2013. He stopped billing Client A because she could not afford his services.<sup>5</sup>
33. The Respondent stated that Client A was under a lot of pressure from the drug court, and that if she received a "non-compliance" she would have to serve four years in prison.

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<sup>5</sup> Receipts for payments reflect that Client A made a total of seven payments to the Respondent for services rendered from August 29, 2013 through November 7, 2013.

34. The Respondent stated that he had engaged in sexual intercourse with Client A on his desk in his office. Additionally, he admitted to having had "sexual acts" with Client A five or six times in his office or his waiting area.
35. The Respondent stated that Client A had initiated the sexual acts by exposing her bra and breasts to show him a tattoo on her left breast. According to the Respondent, Client A performed oral sex on him during her next appointment.
36. The Respondent described Client A as sexually aggressive, and that he was "weak."
37. The Respondent acknowledged that he had purchased a boat from Client A's father.
38. The Respondent acknowledged that he had telephoned Client A at various hours.

#### **CONCLUSION OF LAW**

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226 (c)(2)(i) (2009 Repl. vol. & 2013 Supp.).

#### **ORDER**

Based on the foregoing, it is by a majority of the Board considering this case:

**ORDERED** that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice clinical drug and alcohol counseling in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show

cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of service of this Order. The written request should be made to:

Tracey DeShields, Executive Director  
Maryland State Board of Professional Counselors & Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215

Please copy:

Dawn L. Rubin, Assistant Attorney General  
Maryland Office of the Attorney General  
Health Occupations Prosecution & Litigation Division  
300 West Preston Street, Suite 201  
Baltimore, Maryland 21201

and

Ari Elbaum, Assistant Attorney General  
Maryland Office of the Attorney General  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201; and it is further

**ORDERED** that if the Respondent fails to request a post-deprivation show cause hearing in writing, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the Respondent's license will remain **SUSPENDED**; and it is further

**ORDERED** that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board, the following items:

- (1) the Respondent's original Maryland License LCA002;
- (2) the Respondent's wallet card and wall certificate; and it is further

**ORDERED** that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.*

6/9/14  
Date

Carol A. Deel LCPC, LCMFT

Carol A. Deel, LCPC, LCMFT, Chair  
Maryland State Board of Professional  
Counselors and Therapists