

**BEFORE THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS**

In the Matter of:

**Jeffrey Bryan Hickman
Respondent**

Cause No. 2014-05

FINAL ORDER

This matter came on for hearing before the Mississippi State Board of Professional Counselors (the Board), as authorized by statute on May 21, 2015, against the Respondent, Jeffrey Bryan Hickman, in Conference Room C at the Robert E. Lee Building, 239 North Lamar Street, Jackson, MS 39201, to determine whether it should impose disciplinary action against the Respondent's license. Board Member, Walter Frazier, Ph. D., LPC-S, was present at the hearing but recused himself and did not participate in the consideration or deliberations in this matter. The Board Panel consisted of Susan Carmichael, PhD, LPC; Diane Williams, PhD, LPC, NCC, NCSC; and Glenn R. Waller, Ph. D., LPC-S, resulting in a quorum. Camala C. Wyatt served as Administrative Hearing Officer and presided at the Hearing. After considering the testimony and the documentary evidence presented at the hearing, and being otherwise fully advised in the premises, the Board finds, based on clear and convincing evidence, the following Finding of Fact:

FINDINGS OF FACT

1. The Board is the duly constituted authority established pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, for the licensure and regulation of the counseling profession in the State of Mississippi.
2. The Respondent is, and has been at all times relevant to the charges herein, the holder of License Number 1305, issued by the Board.
3. The Board initiated an investigation and assigned Juawice McCormick, PhD, LPC-S, NCC, NCSC, as the Investigating Board Member in this matter.
4. Juawice McCormick, PhD, LPC-S, NCC, NCSC, later recused herself and the Board assigned Walter Frazier, PhD., LPC-S, NCC as the Investigating Board Member to replace her.
5. Based on the investigation, the Board issued a Notice of Hearing and Complaint, dated March 13, 2015, to the Respondent charging him with violating Section 73-30-21(1)(f) and 73-30-23, Miss. Code Ann. (1972, as amended), along with American Counseling

Association's *Code of Ethics*, A.5.a. (Current Clients Sexual or romantic counselor) and A.5.b.(Former Clients Sexual or romantic counselor) and H.3. (Cooperation with Ethics Committees), adopted through Section 73-31-13, Miss. Code Ann. (1972, as amended).

6. The Notice of Hearing and Complaint was served on the Respondent by certified mail at his address of record with the Board, as evidenced by Certified Mail Receipt that was admitted into evidence in this matter. The hearing in this matter was initially set for April 16, 2015, at 9:30 a.m. in Room 138 North, Woolfolk Building, 501 North West Street, Jackson, MS 39201, but was continued to May 21, 2015, in Conference Room C, Robert E. Lee Building, 239 North Lamar Street, Jackson, MS 39201. The Order of Continuance was sent April 8, 2015, and received by the Respondent as evidenced by the Certified Mail Receipt that was admitted into the record. On April 21, 2015, a third Order of Continuance was mailed to the Respondent rescheduling the time of the hearing on May 21, 2015 from 9:30 a.m. to 1:00 p.m., again in Conference Room C, Robert E. Lee Building, 239 North Lamar Street, Jackson, MS 39201, which was received by Respondent as evidenced by the Certified Mail Receipt that was admitted into the record. Further, evidence was presented through testimony that a copy of each document mentioned above were also mailed through regular USPS to the Attorney for the Respondent, Chris Tabb.
7. The charges of the complaint were presented by Attorney Jeffrey Jernigan. The Respondent was not present at the call of the case. The Board elected to wait on the Respondent until 1:15, at which time the proceedings began without said Respondent.
8. As evidenced by the testimony of witness, K.M., the Board finds that the Respondent engaged in a sexual or romantic relationship with K.M. while she was a current client and former client within the period of five years following the last professional contact.
9. Approximately thirty minutes after the 1:00 hearing time and after K.M's testimony, Respondent appeared with his attorney, Chris Tabb.
10. K.M. remained on premises for a time after Respondent and his attorney arrived, and neither the Respondent nor his attorney requested that she be called for cross examination or otherwise call her as a witness. The Respondent and his attorney did, however, cross-examine other witnesses called by the Board Attorney, and had the opportunity to present witnesses on his own behalf.
11. The Board further finds that Respondent failed to cooperate with the investigation, proceedings and requirements of Board during this ethics investigation by refusing to answer questions regarding said sexual or romantic relationships during the investigation,

written or oral, and through failure to respond to questions asked during the hearing on this matter by counsel or the board.

12. CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Sections 3-30-7 and 73-30-21 of the Mississippi Code of 1972, as amended. Likewise, venue is properly placed before the Board to hear this matter in Jackson, Mississippi.
2. Pursuant to Sections 73-30-7 and 73-30-21 of the Mississippi Code of 1972, as amended, and Chapter 8 of the Board's *Rules and Regulations*, the Board may, among other things, suspend or revoke a license, refuse to renew a license, reprimand a licensee, and/or impose such other requirement or restrictions on the licensee as the Board finds proper in this matter.
3. The Respondent received due, proper and timely notice of the charges against him, and of the time and the place of the hearing. Therefore, this matter is properly before the Board.
4. The Board has complied with all relevant procedural legal requirements.
5. Pursuant to Section 73-30-13 of the Mississippi Code of 1972, as amended, and Chapter 7 of the Board's *Rules and Regulations*, individuals licensed by the Board adhere to the American Counseling Association's *Code of Ethics* 2005.
6. By engaging in a romantic relationship with K.M. during the counselor/client relationship and, within five (5) years following the last professional contact, the Respondent violated Sections 73-30-21(1)(f) and 73-30-23 of the Mississippi Code of 1972, as amended, in that:
 - a. He engaged in sexual or romantic counselor-client interactions with a current client in contravention of Section A.5.a. of the American Counseling Association's *Code of Ethics* 2005.
 - b. He engaged in sexual or romantic counselor-client interactions or relationships with a former client within a period of less than five (5) years following the last professional contact in contraventions of Section A.5.b. of the American Counseling Association's *Code of Ethics* 2005.
 - c. He refused to assist and failed to cooperate with investigations, proceedings and requirements of the . . . boards having jurisdiction over those charged with a violation. He failed to respond to questions regarding said romantic or sexual relationships during the investigation and during the disciplinary hearing, thus failing to cooperate with the MS LPC Board during an ethics investigation thereby violating Section H.3. of the American Counseling Association's *Code of Ethics* 2005.

ADJUDICATIONS

Based on clear and convincing evidence and the above Conclusions of Law; and for each of the violations, separately and/or jointly, the Board finds and orders that:

1. The license of Jeffrey Bryan Hickman, Licensed Professional Counselor, Number 1305, is hereby revoked.
2. The Respondent may not apply for license reinstatement prior to the expiration of one (1) year from the date of entry of this Final Order. All current requirements for licensure must be met.
3. This action and order of the Board shall be public record and shall be spread upon the Minutes of the Board as its official act and deed.

SO ORDERED, this the 21st day of July, 2015.

Board Members Susan Carmichael, Diane Williams, and Glenn R. Waller voted unanimously in revocation of Jeffrey Bryan Hickman's license.

Board Vice-Chair Juawice McCormick recused herself from these proceedings. Board Chair Walter Frazier recused himself and did not participate in the Board deliberations as he was the investigating Board Member.

By: Walter L. Frazier, PhD, LPC-S, NCC

Walter L. Frazier, Board Chair