

BEFORE THE MISSISSIPPI BOARD OF EXAMINERS
FOR LICENSED PROFESSIONAL COUNSELORS

IN THE MATTER OF MICHAEL MAXEY

COMPLAINT NO. 2014-12

AGREED ORDER

This matter having come before the Mississippi State Board of Examiners for Professional Counselors (“Board”), concerning the entry of an Agreed Order for the purpose of settling a disciplinary proceeding pending before the Board.

Having considered the matter, the parties by consent, enter this Agreed Order and make the following Findings of Fact and Conclusions of Law, to-wit:

1.

[PARTIES]

The parties to this action are:

- a) The Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”), which is a duly constituted Board existing within the executive branch of the government of the State of Mississippi. Its main executive offices are located at 239 North Lamar Street, Suite 402, Robert E. Lee Building, Jackson, MS 39201.
- b) Michael Maxey, Licensee Number 0774 and the Respondent to this action, whose mailing address is 430 Pine Crest Long Beach, MS 39560.

2.

[AUTHORITY]

That Board is charged by law with the responsibility of licensing and regulating the practice of counseling in the State of Mississippi and with the protection of the public pursuant to Section 73-30-1, *et seq.*, Miss. Code Ann. (19720, as amended.

3.

[ALLEGATIONS]

Dr. Julie Dawn Teater, PSY. D., filed a complaint against Michael Maxey, the Respondent, alleging the following:

Respondent was practicing counseling while potentially impaired by the use/abuse of alcohol, which violates the American Counseling Association (“ACA”) Code of Ethics Sections C.2.g.¹

4.

[STIPULATED DISPOSITION]

There is now pending before the Board certain allegations of unethical conduct that if established before the Board in a due process hearing pursuant to Section 73-30-21 of the Miss. Code of 1972 as amended, would constitute violation of the Board’s Rules, Regulations and Rules of Ethics, specifically the ACA Code of Ethics Sections C.2.g., for which the Board may suspend or revoke the license of the Respondent, issue a reprimand, or take any other action as the Board deems necessary.

Respondent agrees and consents that the following disposition is just and appropriate under the circumstances.

¹ The LPC Board did not allege, nor did it find any evidence that Mr. Maxey was actively practicing counseling under the influence of alcohol or other substances.

- a. The Respondent agrees to provide evidence of successful completion of the non-adjudicated program and evidence of completion of all requirements of the program, including but not limited to evidence submitted for the final judgment of non-adjudication and the court's final order. The evidence is to be submitted to the Board's attorney no later than November 31, 2015.
- b. This agreed order is to be shared with any current employer(s) from the date of entry of this Agreed Order and completion of subsection (c). The Respondent shall submit employer(s)'s signature that indicates that they reviewed the Agreed Order to the Board.
- c. The Respondent agrees to participate in twelve (12) contact hours of continuing education that specifically focuses upon either or both the subject of impaired professionals (counselors) and professional self-care. The said continuing education shall be provided by the National Board of Certified Counselors approved provider of continuing education. No more than six (6) hours of the continuing education may be obtained online. Completion of continuing education requirements must be completed by Apr. 30, 2016. In the event that Respondent does not complete the continuing education, his license, including Respondent's LPC-S credential, will be suspended until the completion of the continuing education hours.

5.

[RIGHTS]

Respondent has had the opportunity at all times to seek advice of competent counsel of choice. No coercion has been exerted upon the Respondent, nor have any promises been made other than those referenced in the Agreement.

The Respondent has freely and voluntarily entered into this Agreement motivated only by a desire to resolve the issues addressed in Paragraph Three (3) [Allegations] herein.

Respondent is fully aware of his right to contest the charges in a formal hearing. These rights include: representation by an attorney at the Respondent's expense, the right to a public hearing on the charges filed, the right to confront and cross examine witnesses called to testify against him, right to present evidence in Respondent's own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the charges, and the right to obtain judicial review of the Board's decision.

The Board has given the Respondent due, proper and timely notice of the charges against him.

All of said rights being voluntarily waived by Respondent in exchange for the Board's acceptance of this Agreed Order.

6.

[JURISDICTION]

The Respondent acknowledges that the Board has jurisdiction over the subject matter and her and authority to enter into this Agreed Order pursuant to Miss. Code Ann. (1972) Section 73-30-7, as amended, and Rule 8.2(E)(3)(c) of the Board Rules and Regulations. Venue is likewise properly before the Board to consider this matter in Jackson, Hinds County, Mississippi. All substantive and procedural requirements under the law have been met by the Board. This matter is, therefore, properly before the Board.

7.

[AUTHORITY OF THE BOARD]

The Board is created pursuant to Miss. Code Ann. (1972) Section 73-30-5 as amended. The Board, in accordance with Section 73-30-21 of the Miss. Code Ann. (1972) and Rule 8.2(E)(3)(c) of the Board Rules and Regulations, has authority to resolve a complaint between the Board and a licensee.

WHEREFORE PREMISES CONSIDERED, this Agreed Order is submitted with the following conditions:

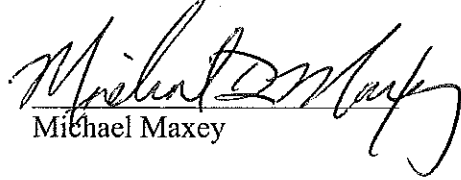
1. This Agreed Order resolves all disputes and controversies between the Board and the Respondent known as of the date of its adoption by the Board. This Order is not intended to prevent the Board from receiving and investigating complaints following the effective date of the Agreed Order for conduct not previously known to the Board but occurring prior to the effective date of the Order.
2. By entering into this Agreed Order, the Respondent waives any defect in the proceedings before the Board and any further right to notice and hearing under Title 73, Chapter 30 of the Miss. Code of 1972, as amended, or any other governing laws, rules and regulations.
3. This Agreed Order contains the entire agreement between the Respondent and the Board, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreed Order.
4. If Respondent violates the terms of this Agreed Order or further violates the laws, rules, regulations and code of ethics governing practice as a licensed professional counselor, the Board may take further disciplinary action against the Respondent, up to and including suspension and revocation of his license.
5. This action and order of the Board shall be public record and may be shared with other licensing Boards (in and out of state) and the public. This disciplinary action shall be

spread upon the Minutes of the Board as its official act and deed and as the need may arise shall be reported to and posted with the appropriate authorities and published.

6. This Agreed Order is conclusive evidence of the matters described herein and may be considered by the Board in determining appropriate sanctions in the event of subsequent violation by the Respondent.
7. It is expressly understood by the Respondent that this Agreed Order is subject to the approval of the Board and shall have no force and effect unless and until signed by the Board. Respondent agrees and authorizes the Board staff and/or legal counsel to present this Agreed Order to the Board for consideration of the terms provided herein. Respondent further understands and agrees that, in order to make a decision regarding approval of this Agreed Order, discussions must take place between Board members, staff and legal counsel. Should this Agreed Order not be accepted by the Board, Respondent agrees that the presentation to and consideration of the Agreed Order shall not unfairly or illegally prejudice the Board or any of its members from further participation in or resolution of these proceedings, including serving as arbiter in any hearing regarding the Respondent by having considered this matter. Similarly, if this Agreed Order is not accepted Respondent will be free to defend herself in a formal hearing before the Board and no admissions or inferences will be made from Respondent's willingness to have entered into this Agreed Order.
8. Upon execution of this Agreed Order by affixing the Board authorized signature below, the provisions of this Agreed Order shall become Final Order of the Board and no hearing before the Board will be granted or held in this matter.
9. There is no right of appeal.

Approved for Entry:

The undersigned party hereby agrees and consents to the form, content and entry of the above and foregoing Agreed Order.


Michael Maxey

10-22-2015
Date

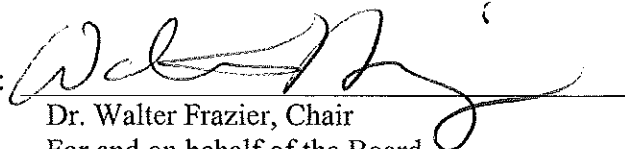
APPROVED AND ACCEPTED BY THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS on this the 22nd day of October, 2015.

Board Member Dr. Glenn R. Waller voted Aye; Board Vice Chair Dr. Juawice McCormick voted Aye; Board Member Diane Williams voted Aye; Board Member Dr. Susan Carmichael voted _____.

Board Chair Dr. Walter Frazier did not participate in the Board deliberations as he was the investigating Board Member.

SO ORDERED, this the 22nd day of October, 2015.

MISSISSIPPI STATE BOARD OF EXAMINERS
FOR LICENSED PROFESSIONAL COUNSELORS

BY: 
Dr. Walter Frazier, Chair
For and on behalf of the Board

Drafted by Wm. Jeffrey Jernigan,
Special Assistant Attorney General
Counsel for the Board