

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

**IN THE MATTER OF:
VERNON DEWAYNE TODD**

CAUSE NO. 2018-41

FINAL ORDER

This matter came on for hearing on January 11, 2019, before the Mississippi State Board of Licensed Professional Counselors (Board), against the Respondent, Vernon Dewayne Todd, in Classroom C, Second Floor, Robert E. Lee Building, 239 North Lamar Street, Jackson, Mississippi, to determine whether the Board should impose disciplinary action against the Respondent's application for licensure. Richard Strebeck, PhD, LPC-S, NCC, CSAT served as the Investigating Board Member and recused himself from deliberations in this matter. The Board Panel consisted of Kimberly Elam Sallis, PhD, LPC-S; S. Lynn Ethridge, JD, PhD, LPC-S, RPT-S, NCC; and Victoria Shauwann Beck Williams, LPC-S, resulting in a quorum. William M. Rosamond served as the Administrative Hearing Officer and presided at the hearing. The Board's Executive Director, LeeAnn Mordecai, and Legal Counsel for the Board, Wm. Jeffrey Jernigan, were present 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, based on clear and convincing evidence, finds as follows:

FINDINGS OF FACT

1. The Board, established pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, is the duly constituted authority for the licensure and regulation of the counseling profession in the State of Mississippi.
2. The Respondent has applied and was approved as a candidate for licensure on October 27, 2017. Respondent has not presented passing scores to the Board and has not been issued a license. Respondent is subject to suspension and revocation by the Board pursuant to Section 73-30-21, Miss. Code of 1972, as amended.
3. The Board initiated an investigation and assigned Richard Strebeck, PhD, LPC-S, NCC, CSAT, as the Investigating Board Member in this matter.
4. Based on the investigation, the Board issued a Notice of Hearing and Complaint, dated December 10, 2018, to the Respondent charging him with violating Section 73-30-21(1)(f) and 73-30-23, Miss. Code of 1972, as amended, along with American Counseling Association *Code of Ethics* (2014), A.2.a. - Informed Consent, A.6.d. - Role Changes in the Professional Relationship, A.6.c. - Documenting Boundary Extensions,

I.1.b. - Ethical Decision Making, A.6.b. - Extending Counseling Boundaries, F.3. and A.5.a. - Sexual and/or Romantic Relationships Prohibited, and A.5.c. - Sexual and/or Romantic Relationships with Former Clients, adopted through Section 73-31-13, Miss. Code of 1972, as amended.

5. The Respondent was provided with notice and waived his right to appear in person, as well as his right to counsel. On December 10, 2018, service was attempted on the Respondent via Certified Mail at 4500 24th Street, Meridian, MS 39307, but was returned to the Board office as unclaimed and unable to forward. Subsequently, Investigating Board Member Richard Strebeck contacted the Respondent by phone and informed the Respondent of the Notice of Hearing and Complaint. On December 18, 2018, Board Executive Director Lee Ann Mordecai emailed the Respondent copies of the Notice of Hearing and Complaint and December 10, 2018 correspondence. Respondent replied to Ms. Mordecai's email confirming receipt on December 18, 2018, wherein he waived his right to appear in person and his right to counsel.
6. The charges of the complaint were presented by Attorney Wm. Jeffrey Jernigan. The Respondent was not present at the call of the case on January 11, 2019, at 2:00 p.m. The Board elected to hear the case second and wait on the Respondent until after 3:00 p.m., at which time the proceedings began without the Respondent.
7. As evidenced by the testimony of witnesses, Executive Director LeeAnn Mordecai, Investigating Board Member Richard Strebeck, and Office of the Attorney General Investigator Trey Rogers, the Board finds the following: 1) Respondent changed roles with consumers/clients, including but not limited to L.P. in 2018 and S.W. in 2016, from Partial Hospitalization Program therapist to AA sponsor; 2) Respondent did not keep proper boundaries or provide notes on boundaries, as evidenced by attending the same AA meetings as clients, allowing clients to use his vehicle, sharing meals with former clients, and inviting former clients to his house; and 3) Respondent engaged in sexual and/or romantic relationships with current and former clients, including but not limited to L.P. in 2018 and S.W. in 2016, within the period of five years following the last professional contact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Sections 73-30-7 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 *Rules and Regulations*, the Board may, among other things,

suspend, revoke, refuse to issue or renew a license, or may reprimand a license holder, and/or impose such other requirement or restrictions on the license holder as the Board finds proper in this matter.

3. The Respondent received notice of the charges against him, and of the time and the place of the hearing. Upon receiving such notice, Respondent waived his right to appear in person, as well as his right to counsel. 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 *Rules and Regulations*, individuals licensed by the Board and applicants for licensure are required to adhere to the American Counseling Association *Code of Ethics*.
6. By changing roles with consumers/clients, including but not limited to L.P. and S.W., from Partial Hospitalization Program Therapist to AA Sponsor, Respondent violated Sections 73-30-21(1)(f) and 73-30-23 of the Mississippi Code of 1972, as amended, and American Counseling Association *Code of Ethics* Sections A.2.a. – Informed Consent, A.6.d. – Role Changes in the Professional Relationship, A.6.c. – Documenting Boundary Extensions, I.1.b. – Ethical Decision Making.
7. By attending the same AA meetings as clients, allowing clients to use his vehicle, sharing meals with former clients, and inviting former clients to his house, Respondent violated Sections 73-30-21(1)(f) and 73-30-23 of the Mississippi Code of 1972, as amended, and American Counseling Association *Code of Ethics* Sections A.6.b. – Extending Counseling Boundaries, A.6.c. - Documenting Boundary Extensions, and I.1.b. – Ethical Decision Making.
8. By engaging in sexual and/or romantic relationships with current and former clients, including but not limited to L.P. in 2018 and S.W. in 2016, 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. Respondent engaged in sexual or romantic counselor-client interactions with a current client in violation of American Counseling Association *Code of Ethics* Sections F.3., A.5.a. – Sexual and/or Romantic Relationships Prohibited.
 - b. Respondent 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 violation of American Counseling Association *Code of Ethics* Section A.5.b.- Sexual and/or Romantic Relationships With Former Clients.

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 Board revokes the ability of Respondent Vernon Dewayne Todd to sit for examination and denies the Respondent's licensure application.
2. The Respondent may not resubmit a new, complete application packet for licensure prior to the expiration of one (1) year from the date of entry of this Final Order. At that time, all current requirements for licensure must be met. In addition, the Board shall consider the following factors upon reapplication: 1) fitness for practice as determined by an evaluation by a Board approved professional; 2) receipt of personal counseling; 3) receipt of supervision; and 4) successful completion of a face-to-face 3-hour master's level college course in ethics and boundaries related to the American Counseling Association *Code of Ethics*.
3. This action and Final Order of the Board shall be public record and shall be spread upon the Minutes of the Board as its official act and deed.

Board Members Kimberly Elam Sallis, S. Lynn Ethridge, and Victoria Shauwann Beck Williams voted unanimously to revoke the ability of Respondent Vernon Dewayne Todd to sit for examination and deny the Respondent's application.

Board Chair Richard Strebeck recused himself and did not participate in the Board deliberations, as he was the investigating Board Member.

SO ORDERED, this the 25th day of March 2019.

MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS

By: 