

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

IN THE MATTER OF:

CAUSE NO. 2020-23

DAVID CARPENTER

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”) on April 16, 2021, in the matter of the licensed professional counselor license of Mr. David Carpenter, License No. 1792. Board Member, Kimberly Elam Sallis, Ph.D., LPC-S recused herself and did not participate in the Board’s consideration and deliberation in this matter. A quorum of the remaining Board members was present throughout the hearing and deliberation in the matter.

Special Assistant Attorney General Alexis Morris presented the charges. The Respondent, David Carpenter (“Respondent”), appeared via video/teleconference. The Respondent, having been served with the Notice of Hearing and Complaint and being fully informed of his rights to a formal hearing before the Board, elected to proceed in the matter and was represented by counsel, Nicholas Bain. The Board called this case for hearing without objection from any party.

Erin Meyer served as Administrative Hearing Officer, presided at the hearing, and the Board directed her to prepare the Board’s written decision in accordance with its deliberations. The Board, having held the hearing and considering the evidence presented, makes the following findings, conclusions and order based on clear and convincing evidence:

FINDINGS OF FACT

1. The Board is established pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and is charged with the duty of licensing and regulating the practice of Licensed Professional Counselors in the State of Mississippi.
2. On March 1, 2021, the Board provided the Respondent a Notice of Hearing and Complaint, which advised the Respondent of the time, place, and nature of the hearing to be held before the Board.
3. In the Agreed Order for Cause No. 2018-48, signed by this Board in June 2019, Respondent agreed to complete nine (9) Continuing Education Hours (CEHs) in ethic of Extending Counseling Boundaries, three (3) CEHs in Documentation, three (3) CEHs in Confidentiality, three (3) CEHs in Distance Professional Counseling, and six (6) CEHs in Counseling Business Practices. Respondent further agreed that these hours shall be in addition to the hours required for licensure renewal, and half of the CEHs shall be

completed within six months of the signing of the Agreed Order. The Agreed Order also required a fitness for practice examination and mandated the suspension of Respondent's license for failure to complete the CEHs and examination with the prescribed timeframe. Following the entry of this Agreed Order, the Board permitted the deadline to be extended from June 30, 2020, until December 30, 2020, and permitted 11 CEHs to be completed online.

4. Pursuant to the Final Order in Cause No. 2019-18, from Hearing which took place on January 17, 2020, and the Board signed on May 15, 2020, the Board found the Respondent failed to use and document an ethical decision-making model when he hired a former client and used an unlicensed person to provide counseling services. The Board also found the Respondent violated Miss. Admin. Code 30-2201: 7.1 and 7.4 and Sections A.1. A.6.c., C.3.a., D.1.f., and I.1.b., of the ACA Code of Ethics. During the hearing, the Respondent admitted to not having completed CEHs to satisfy the 2018-2014 Agreed Order. The Board suspended the Respondent's license for a minimum of twelve months from and after signing of the Final Order and required the Respondent to remit within 60 days of the Final Order, \$575.00 for the costs of investigating and prosecuting the matter.
5. Respondent testified on his own behalf and stated he is currently running a restaurant. Respondent acknowledged that he has not remitted any payments to the Board or communicated with the Board about same, but could pay the \$575.00 owed, today.
6. Respondent testified that since June 2019, he completed some CEHs, but acknowledged he procrastinated in taking CEHs prior to the pandemic. Respondent could not confirm the number of approved and required CEHs he has completed to date, admitted he had not uploaded them to the Board's website portal, and failed to provide any documentation to show which CEHs he had completed.
7. Respondent admitted that he did not complete 12 of the 24 CEHs within six months, as required by Agreed Order 2018-48.
8. Kimberly Sallis testified as the investigating board member in this matter. Dr. Sallis explained that she did not know the Respondent until she was assigned the complaint and only communicated with the Respondent via phone and e-mail. Dr. Sallis confirmed that she approved some coursework for the Respondent and received a couple of certificates of completion, but it is the Respondent's responsibility to upload his certificates to the website portal to receive credit. Dr. Sallis confirmed that the Respondent has not completed all the CEHS as required by the Board's orders.
9. Dr. Sallis further explained that when considering virtual versus in person coursework, the Board supports in person coursework as in person ensures attendance and participation, whereas online people can turn on the course and walk away from their computer.

Based upon the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Miss. Code Ann. §§ 73-30-7, and 73-30-21, as amended. Venue is likewise properly placed before the Board to hear this matter in Jackson, Hinds County, Mississippi
2. The Applicant received due, proper, and timely notice of the charges against him and of the time and place of the hearing.
3. These proceedings were duly and properly convened and all substantive and procedural requirements under law have been satisfied. This matter is, therefore, properly before the Board.
4. By clear and convincing evidence, the Board finds that the Respondent has failed to comply with the terms and conditions in the Agreed Order in Cause No. 2018-48, and the Final Order in 2019-18 as of the date of the hearing, as it relates to payments remitted to the Board and completion of the required CEHs.

Accordingly, the Board issues the following:

FINAL DECISION

Based upon the above Findings of Fact and Conclusions of Law, the Board unanimously finds that the following is appropriate under the circumstances:

1. By clear and convincing evidence, the Board finds that the Respondent has failed to comply with the terms and conditions in the Agreed Order in Cause No. 2018-48, and the Final Order in 2019-18 as of the date of the hearing.
2. For the violations of the Orders cited above, License Number 1792, issued to Respondent David Carpenter shall remain suspended.
3. The terms of the suspension require the following:
 - a. Respondent shall immediately remit to the Board the \$575.00 previously ordered in Cause No. 2019-18, today.
 - b. Respondent is hereby assessed the Board's costs of investigation and prosecuting this current cause no. 2021-03 in the amount of \$363.00. Within ninety (90) calendar days after the entry of this Final Order by the Board (or receipt of the invoice, whichever occurs first), the Respondent shall submit full payment to the Board or arrange for installment payments with the Board's Executive Director, of the monetary penalty,

- costs and fees imposed by the Order. If the Respondent fails to make a monthly installment payment as arranged with the Executive Director, the remaining balance will be due immediately and the failure to pay shall be deemed a violation of this Order and may result in immediate disciplinary action following the expiration of the ninety (90) days.
- c. From and after the date of this hearing, Respondent shall complete 12 hours CEH in person or NBCC approved synchronous which shall be approved by the investigating board member. These CEHs shall include the following: six (6) CEHs in boundaries, three (3) CEHs in confidentiality, and three (3) CEHs in distance professional counseling.
 - d. From and after the date of this hearing, Respondent shall participate in 12 hours of peer supervision by a MS LPC-S, as approved by the investigating board member which shall include covering the subjects of business practices and documentation. These hours shall occur once per month for one hour at a time and be logged through the online web portal. This arrangement shall include a peer supervision contract and shall permit the LPC-S to consult with the investigating board member.
 - e. The LPC-S shall submit a final report documenting the dates of service and verifying subject matter.
 - f. The Respondent's suspension shall continue from the date of this Hearing and shall be suspended for a minimum of 12 months from and after the initial peer supervision appointment.
 - g. Respondent shall be required to complete all terms required for renewals in addition to those requirements of this Order.
 - h. Respondent's failure to comply with the terms of this order by April 16, 2023, may result in further disciplinary action.
 - i. Respondent is ineligible for automatic termination of suspension after the end of the suspension period and must petition the Board in writing for termination of suspension and full reinstatement of his license. Upon request for reinstatement, Respondent shall bear the burden of proof to demonstrate to the Board that he has satisfactorily complied with all conditions of the Final Order and is fit to perform the duties authorized as a Licensed Professional Counselor.
4. 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 action shall be spread upon the Minutes of the Board as its official act and deed.
 5. Upon execution of this Final Order by affixing the Board authorized signature below, the provisions of this Final Order shall become the final order of the Board.

SO ORDERED AND ADJUDGED, this the 16th day of April 2021

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

BY: 
Dr. Richard Strebeck, Chair
For and on behalf of the Board

Prepared by:

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