

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

IN THE MATTER OF:

**DAVID ALFRED CARPENTER, LPC
4028 SAINT ANDREWS CIRCLE
CORINTH, MISSISSIPPI 38834
CAUSE NO. 2024-38**

FINAL ORDER

THIS MATTER came before the Mississippi State Board of Examiners for Licensed Professional Counselors (“Board”) on January 8, 2025, for the purpose of presenting certain charges filed in Cause No. 2024-38, against David Alfred Carpenter, LPC, 4028 Saint Andrews Circle, Corinth, Mississippi 38834 (“Respondent”). A quorum of the Board members was present throughout the hearing and deliberations in this matter.

Respondent, having been properly served, called on the day of the hearing and being fully informed of Respondent’s rights to a hearing before the Board, did appear at the hearing and was represented by an attorney, David C. Pittman. Special Assistant Attorney General Alexis E. Morris served as legal counsel for the Board. Attorney Morris introduced into evidence, without objection, Composite Exhibits 1 and 2, and called the Board’s Executive Director, LeeAnn Mordecai, to testify as the Board’s only witness. The case was called for hearing without objection from any party. A court reporter made a record of the proceedings.

Special Assistant Attorney General Kristen N. Love, designated by the Board to serve as its Administrative Hearing Officer, presided over the proceeding and was directed by the Board to prepare its written decision in accordance with its deliberations. The hearing was held pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and pursuant to any and all other applicable Mississippi laws and regulations.

Based upon the clear and convincing evidence, the Board makes the following findings of fact, conclusions of law, and final order:

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 professional counseling in the State of Mississippi.

2. MISS. CODE ANN. § 73-30-7 authorizes the Board to adopt such rules and regulations it finds necessary to conduct the business of the Board and to carry out its licensure and regulatory functions.

3. Under MISS. CODE ANN. § 73-30-21, the Board may take disciplinary action against a licensee as appropriate, after notice and opportunity for a hearing, for a violation of the laws, rules, and regulations that govern licensees, namely the provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, or any Board rules or regulations.

4. Respondent was properly noticed of the date and time of the hearing in accordance with the provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and 30 Miss. Admin. Code Pt. 2201, R. 8.2.

5. Respondent appeared via Zoom at the hearing and was represented by an attorney, David Camp Pittman.

6. Respondent is a Mississippi Licensed Professional Counselor. He was first licensed by the Board in 2013 and is therefore subject to provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and Board rules and regulations.

7. The Board received Respondent's 2024 Licensed Professional Counselor Renewal Application on or about June 30, 2024. When Respondent replied to the question "[h]ave you EVER been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court, excluding minor traffic violations? Driving under the influence or driving while impaired is not a minor traffic offense for purposes of this question," he answered "no." Additionally, when he replied to the question "[h]ave you ever been convicted of any criminal offense," he answered "no." Respondent, upon submission of this application, affirmed under penalty of perjury that all statements made and information contained in his 2024 Renewal Application were true and correct to the best of his knowledge and belief. Respondent also agreed that providing any false information in this application would constitute cause for the suspension or revocation of his license to practice as an LPC in the State of Mississippi and forfeiture of the renewal fee(s).

8. Every LPC seeking renewal must undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database every six (6) years. On or about November 7, 2024, the Board was notified, via background check, of convictions that Respondent failed to disclose on his 2024 LPC Renewal Application. Respondent was convicted of shoplifting by the Milledgeville, GA Municipal Court on or about November 13, 1990. He was also convicted of driving while under the influence of alcohol by the Baldwin County, GA State Court on or about February 6, 2006. A copy of Respondent's rap sheet is included in the Board's Composite Exhibit 1. Despite having these criminal convictions, Respondent's application shows that he answered "no" when he replied to the question "[h]ave you ever been convicted of any criminal offense." A copy of Respondent's 2024 LPC Renewal Application is also included in the Board's Composite Exhibit 1. The Board issued a formal complaint against Respondent due to Respondent's failure to disclose his criminal convictions for shoplifting and driving while under the influence of alcohol on his 2024 LPC Renewal Application.

9. The Board mailed Respondent a copy of its Notice to Show Cause on December 5, 2024, by certified mail receipt, setting Respondent's hearing for January 8, 2025. The Notice was

delivered to Respondent on December 10, 2024. The receipt returned to the Board on December 16, 2024.

10. Respondent admitted he was convicted of shoplifting and driving while under the influence of alcohol. Respondent testified, his failure to disclose the convictions on his 2024 LPC Renewal Application, however, was inadvertent as he relied on statements made by prior attorneys that the matters were taken care of with nothing on his record. Respondent further testified, he understood failing to disclose these convictions would constitute a violation of the Board's rules, but he assumed he had no conviction after his attorneys informed him that the matter was taken care of with nothing on his record. Respondent testified he had been subjected to other background checks that resulted with no record of these convictions, so he assumed these criminal convictions were expunged. Respondent testified that he has no recollection of whether he paid any fines resulting from these convictions and he provided no evidence that his criminal convictions were expunged from his criminal record.

11. The evidence clearly and convincingly establishes Respondent failed to disclose criminal convictions for shoplifting and driving while under the influence of alcohol on his 2024 LPC Renewal Application. Respondent submitted his 2024 LPC Renewal Application under oath but when he replied to the question “[h]ave you ever been convicted of any criminal offense,” he answered “no” despite having criminal convictions. Moreover, when Respondent replied to the question “[h]ave you EVER been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court, excluding minor traffic violations? Driving under the influence or driving while impaired is not a minor traffic offense for purposes of this question,” he answered “no.” Notwithstanding Respondent's failure to disclose, his background check revealed that he was convicted of shoplifting by the Milledgeville, GA Municipal Court on or about November 13, 1990, and also convicted of driving while under the influence of alcohol by the Baldwin County, GA State Court on or about February 6, 2006.

12. The evidence clearly and convincingly establishes a basis for disciplinary action pursuant to the provisions of MISS. CODE ANN. § 73-30-21 in that Respondent failed to disclose criminal convictions for shoplifting and driving while under the influence of alcohol on his 2024 LPC Renewal Application.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter pursuant to Title 73, Chapter 30 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter at its regularly scheduled Board meeting.

2. The provisions of Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, and Board rules and regulations permit the Board to deny an application for licensure for an applicant's failure to meet all the requirements for licensure.

3. The provisions of MISS. CODE ANN. § 73-30-11 authorize the Board to conduct hearings upon the request of an applicant denied licensure by the Board under the provisions of

Title 73, Chapter 30 of the Mississippi Code of 1972, as amended, or any Board rules or regulations.

4. This matter was duly and properly convened with all substantive and procedural requirements satisfied.

5. The provisions of MISS. CODE ANN. § 73-30-7 authorize the Board to adopt such rules and regulations as it finds necessary to conduct the business of the Board and to carry out its licensure and regulatory functions.

6. Under MISS. CODE ANN. § 73-30-21, the Board may, after notice and opportunity for a hearing, suspend, revoke or refuse to issue or renew a license or the privilege to practice or may reprimand the license holder or holder of the privilege to practice, upon a determination by the board that such license holder or holder of the privilege to practice or applicant for licensure or the privilege to practice has: (c) sworn falsely under oath or affirmation or (g) violated any rules or regulations of the board.

7. The evidence clearly and convincingly establishes Respondent failed to disclose criminal convictions for shoplifting and driving while under the influence of alcohol on his 2024 LPC Renewal Application. Respondent submitted his 2024 LPC Renewal Application under oath but when he replied to the question “[h]ave you ever been convicted of any criminal offense,” he answered “no” despite having criminal convictions. Moreover, when Respondent replied to the question “[h]ave you EVER been found guilty after trial, or pleaded guilty, no contest, or nolo contendere to a crime (felony or misdemeanor) in any court, excluding minor traffic violations? Driving under the influence or driving while impaired is not a minor traffic offense for purposes of this question,” he answered “no.” Notwithstanding Respondent’s failure to disclose, his background check revealed that he was convicted of shoplifting by the Milledgeville, GA Municipal Court on or about November 13, 1990, and also convicted of driving while under the influence of alcohol by the Baldwin County, GA State Court on or about February 6, 2006.

Based upon its Findings of Fact and Conclusions of Law, the Board finds as follows:

FINAL ORDER

IT IS, THEREFORE, ORDERED that David Alfred Carpenter, LPC, 4028 Saint Andrews Circle, Corinth, Mississippi 38834, shall be and is hereby found guilty of acting in violation of MISS. CODE ANN. § 73-30-21(c) & (g).

FURTHER ORDERED that the license to practice professional counseling issued by the Board to David Alfred Carpenter, LPC, 4028 Saint Andrews Circle, Corinth, Mississippi 38834, is **SUSPENDED** for six (6) months.

FURTHER ORDERED that prior to seeking reinstatement, David Alfred Carpenter, LPC, shall have written verification received in the Board’s office that he has successfully completed a Board-approved three (3) semester hour graduate level course in Professional

Orientation to Counseling or Ethics. Said written verification of successful completion must be received at the Board's office on or before one (1) year from the date of execution of this Order.

FURTHER ORDERED that the 2024 LPC Renewal Application fee shall be and is hereby forfeited such that prior to reinstatement, David Alfred Carpenter, LPC, must pay the required licensing fee and satisfy all other requirements for licensure.

FURTHER ORDERED that David Alfred Carpenter, LPC, is assessed the costs incurred and expended by the Board in the investigation and prosecution of this action. The assessment is due at the Board's office on or before ninety (90) calendar days from the date of execution of this Order.

FURTHER ORDERED, that this decision and opinion shall be a final order of the Board and shall be conclusive evidence of the matters described herein.

FURTHER ORDERED, this action and order of the Board shall be public record. It may be shared with other licensing boards (in- and out-of-state) and the public and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

FURTHER ORDERED, upon execution of this Final Order by affixing the authorized signature below, the provisions of this Final Order shall become the Final Order of the Board.

SO ORDERED, this the 18th day of FEBRUARY, 2025.

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

[BOARD SEAL]

BY:



Melissa Windham, PhD, LPC-S
Board Chair

NOTICE OF APPEAL RIGHTS

David Alfred Carpenter, Respondent, may, within thirty (30) days after the decision of the Board appeal therefrom in accordance with MISS. CODE ANN. § 73-30-11.