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BEFORE THE MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS

MISSISSIPPI STATE BOARD OF EXAMINERS FOR LICENSED PROFESSIONAL COUNSELORS

COMPLAINANT

V.
PAUL DAVEY
1991 LAKE LAND DRIVE SUITE G
JACKSON, MISSISSIPPI 39216

CASE NO.: 032003

RESPONDENT

ORDER

This matter came before the Mississippi State Board of Examiners for Licensed Professional Counselors as authorized by statute on Thursday, February 26, 2004 with Dr. Debbie K. Wells as Chairperson presiding. Having received evidence and heard testimony the Board finds the facts and law as follows, to wit:

FINDING OF FACTS

1.
[PARTIES]

The Parties to this action are the Mississippi State Board of Examiners for Licensed Professional Counselors [herein after referred to as "the Board"], as Complainant, with Paul Davey, LPC, as the Respondent.

2.
[CAPACITY]

The Board proceeded in its official capacity as the licensing authority for the state of Mississippi, against the Respondent in his respective capacity as a licensee of the Board as contemplated by Section 73-30-21 of the Mississippi Code of 1972, as amended.

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3.

[JURISDICTION]

The Board has proper jurisdiction over the person and subject matter of this proceeding. The Respondent was properly noticed as to the day, date, time, place and purpose of the hearing and did not properly respond to said notice or participate in the hearing. On the day of the hearing, when the Board entered the hearing room, it found a parcel in the hearing room which contained the Respondent's wall certificate of MS License #177 along with a letter in which the Respondent attempted to voluntarily surrender his license. Pursuant to its authority under the Law, Rules and Regulations, including, but not limited to Chapter 5, Section 4.D. of the Rules and Regulations of the Board, the Board unanimously voted to deny the Respondent's attempted surrender of his license, and the Board proceeded with the hearing.

4.

[LICENSES]

The Respondent holds the following license with the Board that was the subject of the hearing: Licensed Professional Counselor #0177.

5.

[VIOLATIONS]

The Board pursuant to the attached sworn complaint, had reason to believe the Respondent violated provisions of the Board's rules, regulations and statutes governing Licensed Professional Counselors, in violation of Section 73-30-21 (l) (f) and (g) of the Mississippi Code of 1972, as amended, and the American Counseling Association (ACA) Code of Ethics. In particular it was alleged that the following violations occurred, which could result in disciplinary actions against the Respondent and his license:

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(1) A letter dated October 31, 2003 setting forth the Complaint raised by Mr. Howard H. Turner III was mailed by certified mail on November 12, 2003 to the Respondent. Said letter was received by the Respondent November 13, 2003. The Respondent failed to respond to the said letter in accordance with Board Rules [Chapter 8 Section 2.D and Section 73-30-21 (1) (g), Mississippi Code Ann. (1972) as amended].

(2) The complainant, Howard H. Turner III alleged the lack of concern for client's welfare according to American Counseling Association (ACA) Code of Ethics, Section A.1.(a) Client Welfare (page 1 Lines 6-10, 24 Page 2 Lines 6-8).

(3) The complainant alleged the falsification of the report with regard to Tests Administered according to ACA Code of Ethics, Section E.1.(b) Client Welfare, Section A.1.(a) Client Welfare (page 1 Lines 3-4).

(4) The complainant alleged the falsification of the report with regard to the home visitation: "no fire extinguisher", according to ACA Code of Ethics, Section A.1.(a) Client Welfare page 1 Lines 23 – 25).

(5) The complainant alleged the performance of conflicting roles according to ACA Code of Ethics, Section A.8. Multiple clients.

LAWS, REGULATIONS, ETC.

It was charged that the Respondent, by the actions alleged and set forth in these charges violated the state statutes, Board Rules and Regulations, and the Code of Ethics of the American Counseling Association, as adopted by the Board, as specifically described above.

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After hearing all of the testimony presented and receiving all the evidence, the Board determined that there was clear and convincing evidence to make a finding that there were violations of state statutes, Board Rules and Regulations, and the Code of Ethics of the American Counseling Association, as adopted by the Board. The Board determined the following:

The Respondent did not follow proper procedure in responding to the complaint as set out by Board Rules [Chapter 8 Section 2.D and Section 73-30-21- (1) (g), Mississippi Code Ann. (1972) as amended]. Respondent did not initially reply within 10 (ten) days. Respondent's request for time extension was not received within the prescribed 10 (ten) day period.

The Respondent violated American Counseling Association (ACA) Code of Ethics, Section A.1.(a) Client Welfare by falsifying and misrepresenting test administration and results and home study findings.

The Respondent did make false statements in his evaluation report to the court and violated the ACA Code of Ethics, Section E. 1 (b) Evaluation, Assessment, and Interpretation, Appraisal Techniques and Client Welfare and Section A.1.(a) Client Welfare. The Respondent never administered the tests he purportedly used to evaluate the Complainant and his former wife. The Respondent further falsified his evaluation by manufacturing test results and drawing conclusions based on non-existent testing.

The Respondent made a false statement in regard to the home study in his report to the court in violation of the ACA Code of Ethics, Section A. 1. (a) Client Welfare. Respondent reported there was no fire extinguisher in the home of the Complainant. Witnesses established the presence of a fire extinguisher in the Complainant's kitchen at the time of the said home study.

The Respondent was in violation of ACA Code of Ethics, Section A.8. Multiple Clients. Respondent provided counseling services to the Complainant and the Complainant's Ex Wife during the same time period failing to establish from the outset which persons were the clients and the nature of relationships. Respondent failed to clarify, adjust or withdraw from these roles as would have been appropriate under these circumstances.

7.

[PENALTIES AVAILABLE]

If merited by clear and convincing evidence, Section 73-30-21 of the Mississippi Code of 1972, as amended and Board Rules [Chapter 8 Section 4 (D)] provides that the Board may impose the following penalties:

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- (1) Issuance of a letter of reprimand;
- (2) Refusal to renew Respondent's license;
- (3) Suspension of Respondent's license for any period of time; and,
- (4) Revocation of Respondent's license.

By clear and convincing evidence the Board determined that the Respondent violated the Board's statutes, Rules and Regulations, and the ACA Code of Ethics, and the Board revoked Respondent's license #177.

WHEREFORE, the Board enters this Order as the final ruling and adjudication on this matter as follows:

- a) The Board hereby revokes the Respondent's License #177.
- b) The Board orders the Respondent cease and desist any practice as a Licensed Professional Counselor.
- c) The Board orders the Respondent to immediately inform current clients of his license revocation.
- d) The Board orders the Respondent to inform attorneys, judges, and court personnel in his current and pending cases of the Board's decision of revocation of his license.
- e) The Board orders the Respondent to provide to the Board a copy of any and all communications and announcements sent to clients, attorneys, judges and other court personnel.
- f) The Board orders the Respondent to immediately change stationary and other practice documentation to reflect that he is no longer a Licensed Professional Counselor.
- g) The Board orders the Respondent to refrain from use of the LPC title in all future involvement with clients and court proceedings.
- h) That this Order appear in the Minutes of the Board, as its official act and deed, and be published in the time and manner as the Board may direct pursuant to law.
- i) That a copy of this Order be mailed to the Respondent by Certified U.S. Mail.

SO ORDERED, this the 3rd day of March, 2004.

STATE BOARD OF EXAMINERS FOR LICENSED
PROFESSIONAL COUNSELORS

By: Debbie K. Wells Ph.D., LPC, NCC
DEBBIE K. WELLS, PH.D. CHAIRMAN