

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

**IN THE MATTER OF
SANDRA HARVEY**

**RESPONDENT
CAUSE NO. 2018-11**

FINAL ORDER

THIS MATTER came for hearing September 25, 2018, before the Mississippi State Board of Examiners for Licensed Professional Counselors, to determine whether or not Respondent's license should be renewed. A quorum of Board members were present throughout the hearing and deliberation in the matter

Special Assistant Attorney General Jeff Jernigan presented the charges against the Respondent. The Respondent, having been properly served and being fully informed of her rights to a hearing before the Board, did not appear at the hearing in person or through an attorney.

Leyser Q. Hayes served as Administrative Hearing Officer, presided at the hearing and was directed 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 the Mississippi State Board of Examiners for Licensed Professional Counselors Act ("Act") 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.
2. The Board received a complaint that was filed against Respondent. On or about June 4, 2018 Respondent sent a written response to the Board. Dr. Kimberly Sallis was the Board member assigned the matter for review and recommendation. Dr. Sallis recommended that the matter be set for hearing before the Board.
3. Respondent's license lapsed on or about June 30, 2017. She attempted to renew on line but was not successful in doing so. The Executive Director, Lee Ann Mordecai, testified that she notified Respondent that she did not have a current license and therefore could not practice as a Licensed Professional Counselor in Mississippi.

4. Ms. Mordecai also advised Respondent that she had been selected for audit relating to her continuing education hours and thus needed to upload her coursework information with her renewal and reapplication fees.
5. Once a person fails to renew their license is considered inactive and they must reapply and meet current licensure requirements.
6. A notice of hearing and complaint were prepared and forwarded to Respondent at her last known address of record with the Board. However, that Notice was returned. Respondent was contacted via email and telephone where she was provided with the Notice of Hearing and Complaint relating the time, place and nature of the hearing to be held before the Board. (See Exhibit 1)
7. Dr. Sallis testified that Ms. Harvey was advertising on Facebook as an LPC, through a Christian Counseling Center, without a current license. (See Exhibit 2)
8. Respondent sent a written document stating that she had taken the Facebook advertisement down. However, Dr. Sallis testified that the advertisement was available to the public during her investigation of this complaint. Dr. Sallis also recommended that Respondent's license not be renewed.

Based upon the foregoing Findings of Fact, the Board issues the following Conclusions of Law:

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Sections 73-30-7 and 73-30-11 of the Mississippi Code of 1972, as amended. Venue is likewise properly placed before the Board to hear this matter in Jackson, Mississippi.
2. Proper and timely notice of this proceeding was effected upon Respondent.
3. All substantive and procedural requirements under law have been met by the Board.
4. The ACA Code of Ethics has been adopted by the Board and it is a violation of C.4.a and C.4.b (which are incorporated herein by reference) of the ACA Code of Ethics for Respondent to identify herself as a LPC without having a current license.

ORDER

In light of the foregoing Findings of Fact and Conclusions of Law:

IT IS SO ORDERED that Respondent's renewal application for licensure be denied due to violations of the statute, rules and regulations. The costs and other communications mentioned or referenced in this Final Order shall be directed to: Lee Ann Mordecai, Executive Director, 239 North Lamar Street, Suite 402, Jackson, Mississippi 39201.


IT IS FURTHER ORDERED that Respondent pay the costs of the Board in investigating and prosecuting this case in the amount of \$281.50.

The costs must be paid by cashier's check or money order payable to the Board of Examiners for Licensed Professional Counselors. The costs shall not be deemed paid until received by the Board. Any money paid by Respondent shall be deemed received by the Board when noted in the Board's record by Board staff. Additionally, any correspondence from the Respondent shall be deemed received by the Board when the Board's date stamp is affixed to the correspondence.

IT IS FUTURE ORDERED that 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.

SO ORDERED this, the 16th day of November, 2018.

MISSISSIPPI STATE BOARD OF EXAMINERS FOR
LICENSED PROFESSIONAL COUNSELORS

BY: 
Richard Strebeck,
Chairman for and on behalf of the Board