



1 its standards are subject to the highest level of discipline – “Violation of the provisions of this  
2 code of ethics will be considered unprofessional or unethical conduct and is sufficient reason for  
3 disciplinary action, including, but not limited to, denial of license.” *Id.*

4 4.

5 The Code provides that a licensee must act “in accordance with the highest standards of  
6 professional integrity and competence.” OAR 833-100-0041(1). The Code also obligates  
7 Respondent to “conform to higher standards of conduct in the capacity of a counseling  
8 professional” (OAR 833-100-0061(1)).

9 5.

10 Licensees must also abide “by all applicable statutes and administrative rules regulating  
11 the practice of counseling or therapy or any other applicable laws, including, but not limited to,  
12 the reporting of abuse of children or vulnerable adults” (OAR 833-100-0021(8)). Therefore,  
13 according to ORS 419B.010(1), as mandatory reporters, all licensees must immediately report  
14 *suspected* abuse to the appropriate authorities. *See also* ORS 419B.005(4)(n) (establishing that  
15 licensed professional counselors are mandatory reporters).

16 6.

17 In addition, the Code provides that the licensee’s “primary professional responsibility is  
18 to the client” OAR 833-060-0021(1). Licensees must “strive to benefit those with whom they  
19 work and take care to do no harm” OAR 833-060-0031(1). Finally, a licensee is required to take  
20 “reasonable steps” to avoid harming their clients and to “minimize harm where it is foreseeable  
21 and unavoidable” OAR 833-060-0031(2).

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1 7.

2 Here, Respondent ignored his primary professional responsibility to protect his client, the  
3 Child, from possible additional abuse when he failed to immediately report suspected abuse to  
4 the appropriate authorities

5 8.

6 Respondent provided counseling services to Minor Child (Child) in 2011 and 2012 to  
7 address divorce-related issues. Child lived with Mother and Step Father. Many of the sessions  
8 were also attended by Mother or Step Father.

9 8.1 Both Child and Step Father attended a joint counseling session in May 2012.

10 Respondent admits that Step Father was “emotionally intense” so Respondent asked  
11 Child to leave the room so he could talk to Step Father alone. During this conversation,  
12 Step Father stated that Child was “defiant” with him, refused to do her chores and used  
13 defiant language and tone with him. Respondent admits that Step Father also disclosed  
14 that he had spanked Child on one occasion.

15 8.2 Respondent then met with Child alone, and Child confirmed that she had been  
16 spanked by Step Father and that it scared her.

17 8.3 Although Respondent noted the spanking in Child’s session notes, he failed to  
18 report this suspected abuse to the proper authorities despite the fact the spanking was so  
19 hard it bruised Child’s bottom.

20 9.

21 The Code states that a licensee must provide “clients with reasonable access to records  
22 concerning them” (OAR 833-060-0051(12)). In the case of a minor child, the Code provides that  
23

1 “unless otherwise ordered by the court, parents shall have access to client records of juveniles  
2 who are receiving professional services from licensee” *Id.*

3 10.

4 Licensee must also be honest about their ability to provide counseling if they are  
5 suffering from a condition that might impair their ability to provide professional services.

6 Therefore, the Code provides that “A licensee does not practice when adversely influenced by  
7 either physical or emotional impairment that would interfere with their ability to provide  
8 professional services.”

9 11.

10 Respondent admits that he continued to practice despite personal issues that interfered  
11 with his ability to provide services when he failed to provide another counseling professional  
12 with Child’s counseling records despite repeated requests by Father, Mother and the Child’s  
13 psychologist.

14 11.1 In spring 2012, Child began seeing a licensed psychologist (Psychologist) who  
15 specializes in child and family therapy. Beginning in June 2012, Father contacted  
16 Respondent by telephone on numerous occasions requesting that Respondent release  
17 Child’s counseling records to Child’s Psychologist. Father provided Respondent with a  
18 signed release, and had both the Psychologist and Child’s Mother contact Respondent  
19 and make the same request, but the documents were not provided.

20 11.2 When Father was finally able to talk to Respondent on the telephone on June 13,  
21 2012, Respondent promised that the documents would be placed in the mail to him  
22 shortly, but Respondent never sent the material.

23



1 D. Respondent continued to practice when he knew his personal situation was  
2 interfering with his ability to provide professional services in violation of ORS  
3 675.745(1)(d) and OAR 833-100-0021(7).

4 13.

5 Given these alleged violations, the Board proposes that the following discipline be  
6 imposed:

- 7 A. Respondent's work must be supervised for six (6) months consisting of one  
8 session a month for at least six (6) total sessions by a Board-approved supervisor;
- 9 B. At the end of the six months, the supervisor must prepare a report for the Board  
10 assessing Respondent's progress in addressing the Board's concerns. At that  
11 time, the Board will determine whether additional supervision is necessary;
- 12 C. Respondent must take a course on Ethics, no hours of which may be used to  
13 satisfy any continuing education requirements;
- 14 D. Respondent must also take a course on child abuse reporting, no hours of which  
15 may be used to satisfy any continuing education requirements; and
- 16 E. Respondent shall pay all costs associated with this disciplinary process, including  
17 attorney fees pursuant to ORS 675.745(7).

18

19 **NOTICE OF RIGHT TO REQUEST A HEARING**

20 14.

21 Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Respondent  
22 has the right to request a hearing in this matter. A request for hearing must be submitted in  
23

1 writing and must be received by the Board, at the following address, during regular business  
2 hours, within twenty-one (21) calendar days of the date on which this Notice is mailed:

3

4 Oregon Board of Licensed Professional Counselors and Therapists  
3218 Pringle Road SE, Suite 250  
5 Salem, OR 97302-6312

6

7 If Respondent fails to request a hearing, Respondent's right to a hearing shall be  
8 considered waived.

9

15.

10 Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a  
11 hearing, Respondent is further required to file with the Board, at the same time, a written Answer  
12 with his request for a hearing that includes a short plain statement of each relevant affirmative  
13 defense you assert.

14

15 **NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER**

16

16.

17 Pursuant to OAR 833-001-0015(3), if Respondent fails to file an Answer, the following  
18 consequences will occur:

19 (a) Respondent's failure to raise a particular defense in Respondent's Answer shall be  
20 considered a waiver of such defense;

21 (b) New matters alleged in Respondent's Answer (affirmative defenses) are presumed  
22 to be denied by the Board; and

23

1 (c) Evidence shall not be taken on any issue not raised in the Notice or Respondent's  
2 Answer.

3 17.

4 If Respondent requests a hearing, Respondent will be notified of the time and date of the  
5 hearing. The hearing will be conducted according to the contested case procedures described in  
6 ORS 183.411 to 183.470 and OAR 137-003-0501 to 0700. Respondent has the right to represent  
7 himself at such hearing or to be represented by legal counsel. Attached is information on  
8 procedures, right of representation and other rights of Respondents relating to the conduct of the  
9 hearing as required by ORS 183.413(2) (Notice of Contested Case Rights and Procedures).

10  
11 **NOTICE TO ACTIVE DUTY SERVICE MEMBERS**

12 18.

13 Active duty service members have a right to stay these proceedings under the federal  
14 Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-  
15 452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed  
16 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

17 19.

18 In the event Respondent fails to request a hearing, withdraws his request for a hearing,  
19 notifies the Board or the Administrative Law Judge assigned to this matter that Respondent does  
20 not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board  
21 may issue a Final Order by Default and impose the proposed discipline. Respondent's

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1 submissions to the Board regarding the subject of this proposed action and all information in the  
2 Board's files relevant to the subject of this case automatically become part of the evidentiary  
3 record upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

4

5 DATED: September 27, 2013

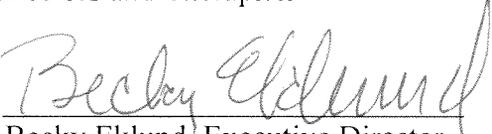
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Oregon Board of Licensed Professional  
Counselors and Therapists

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By   
Becky Eklund, Executive Director

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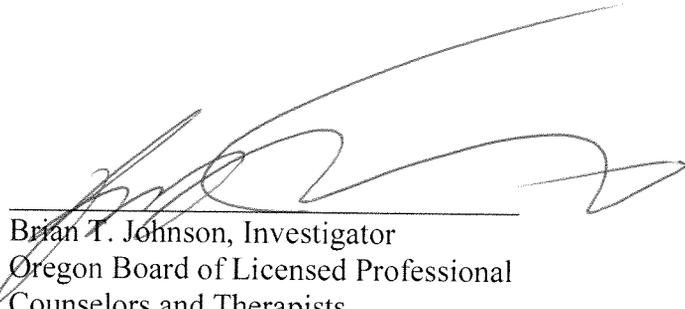
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of September, 2013, I served the foregoing **Notice of Intent to Impose Discipline and Right to Request Hearing** with the **Notice of Contested Case Rights and Procedures** by depositing a true copy of the same in a sealed envelope sent by regular and certified mail, addressed as follows:

Todd Armstrong  
Lighthouse Counseling Center, PC  
94176 10<sup>th</sup> Street  
Gold Beach OR 97444

  
\_\_\_\_\_  
Brian T. Johnson, Investigator  
Oregon Board of Licensed Professional  
Counselors and Therapists

cc: Kelly M. Gabliks, Sr. AAG  
Department of Justice  
General Counsel/Business Activities Section  
1162 Court Street NE  
Salem OR 97310