

1 BEFORE THE
2 BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS
3 OF THE STATE OF OREGON

4 In the Matter of the License as)
5 a Professional Counselor of)
6 Gordon N. McMinn, LPC,)
7 Licensee.)

NOTICE OF PROPOSED
LICENSE REVOCATION

*Licensee appeared
before revocation*

8 Pursuant to ORS 675.745(1)(a), ORS 675.745(1)(c) and
9 ORS 675.745(1)(d), the Board of Licensed Professional Counselors
10 and Therapists (Board) proposes to revoke the license of Gordon N.
11 McMinn, LPC, (Licensee) to practice counseling for the incidents
12 of inappropriate touchings and sexual misconduct with clients
13 described as follows:

14 1.

15 Licensee (#C0564) has been licensed as a professional counselor
16 in the State of Oregon since April 2, 1991. ORS 675.725.

17 2.

18 On October 11, 1989, Licensee entered into a client-provider
19 relationship with S.L. for the treatment of her minor children,
20 D.L. and R.L. S.L.'s husband had died suddenly on August 31, 1989
21 and her children were having difficulties dealing with his death.
22 Licensee provided regular individual counseling S.L.'s children
23 from August 17, 1989 to June 11, 1992.

24 3.

25 In the course of the counseling of the children at Beaverton
26 Family Counseling Center, Licensee touched both D.L. and R.L. as a

1 part of their therapy. The touching occurred during counseling
2 and was part of a relaxation technique. In individual session,
3 Licensee facilitated therapy of D.L. and R.L. through hypnosis and
4 a relaxation technique that included encouraging D.L. and R.L. to
5 touch various parts of their bodies, including their respective
6 genitalia and at times involved Licensee touching their genitalia.
7 The touching included Licensee massaging D.L.'s buttocks and
8 R.L.'s breasts. At least once in the course of the counseling
9 relationship, Licensee massaged R.L.'s breasts under her shirt.
10 At various times throughout the counseling, Licensee placed D.L.'s
11 hand on Licensee's penis.

12 4.

13 Additionally, on July 7, 1992, Licensee entered into a
14 client-provider relationship with W.M. and S.M. for the
15 counselling of their son, J.P.D. Licensee counseled J.P.D in
16 individual sessions. During a session on August 10, 1992 Licensee
17 administered relaxation therapy. Part of the therapy included a
18 technique Licensee called "the elevator". Licensee had J.P.D.
19 raise his right hand above his head while in a supine position on
20 a sofa. Licensee held onto his hand. While instructing J.P.D. in
21 breathing exercises, Licensee guided J.P.D.'s hand incrementally
22 lower until it rested on J.P.D.'s genitals. Licensee did this at
23 least four times during this session.

24 5.

25 Additionally, Licensee was convicted of a crime in the state
26 of California in 1968. Licensee was convicted of lewd and

1 dissolute conduct under the California Penal Code, Title 15,
2 Section 647(a). As a teacher in the Job Corp training program,
3 Licensee unlawfully engaged in a sexual act with a minor male
4 participant in the program.

5
6 6.

6 On July 1991, R.G. began counseling with Licensee. R.G.
7 attended counseling on a weekly basis. During the first session,
8 Licensee engaged with R.G. in verbal discourse. The following
9 session and at each subsequent session, Licensee used the
10 relaxation technique described above. R.G. was uncomfortable
11 with the technique, but continued counseling. On or about
12 September 21, 1992, R.G. went to Licensee's home in Forest Grove,
13 Oregon, for counseling. Licensee conducted the "relaxation"
14 technique, but then switched places with R.G. Licensee assumed a
15 supine position on the couch and had R.G. place his hand on the
16 Licensee's chest. While in this position, Licensee had R.G.
17 describe a particular place in R.G.'s homeland (Italy) that R.G.
18 remembered from childhood. Licensee then slipped his hand under
19 his trousers and began masturbating under his clothes. Licensee
20 then gripped R.G.'s hand and moved it from Licensee's chest to
21 Licensee's groin, outside of Licensee's clothes. R.G. noticed
22 that Licensee had an erection and was masturbating. R.G. then
23 quit talking and concluded the session.

24
25 7.

25 The above described incidents constitute gross negligence in
26 the practice of counseling in contravention of ORS 675.745(1)(c).

1 8.

2 The above described incidents constitute sexual acts with
3 clients in contravention of OAR 833-60-001(2)(a) and ORS
4 675.745(1)(d).

5 9.

6 The above described incident constitutes use of the
7 counseling relationship to further personal or sexual interests in
8 contravention of OAR 833-60-001(2)(e).

9 10.

10 The above described incidents constitute verbal and physical
11 behavior that is seductive or sexually demeaning to clients in
12 contravention of OAR 833-60-001(2)(d) and ORS 675.745(1)(d).

13 11.

14 The incidents described in paragraph 5 constitutes a
15 conviction of a crime in a state that brings into question the
16 competence of the Licensee in the role of a counselor.
17 ORS 675.745(1)(a).

18 12.

19 The Board proposes to revoke Licensee's license to practice
20 as a licensed professional counselor in the state of Oregon under
21 ORS 675.745(1) for the above alleged incidents.

22 13.

23 Licensee has the right, if Licensee requests, to have a
24 formal contested case hearing before the Board or its hearings
25 officer to contest the matter set out above. At the hearing,
26 Licensee may be represented by an attorney and subpoena and cross-

1 examine witnesses. That request for hearing must be made in
2 writing to the Board, must be received by the Board within 21 days
3 from the mailing of this notice (or if not mailed, the date of
4 personal service), and must be accompanied by a written answer to
5 the charges contained in this notice.

6 14.

7 The answer shall be made in writing to the Board and shall
8 include an admission or denial of each factual matter alleged in
9 this notice, and a short plain statement of each relevant
10 affirmative defense Licensee may have. Except for good cause,
11 factual matters alleged in this notice and not denied in the
12 answer shall be presumed admitted; failure to raise a particular
13 defense in the answer will be considered a waiver of such defense;
14 new matters alleged in the answer (affirmative defenses) shall be
15 presumed to be denied by the agency and evidence shall not be
16 taken on any issue not raised in the notice and answer.

17 15.

18 If Licensee requests a hearing, before commencement of that
19 hearing, Licensee will be given information on the procedures,
20 rights of representation, and other rights of the parties relating
21 to the conduct of the hearing as required under ORS 183.413 and
22 ORS 183.415.

23 16.

24 If Licensee fails to request a hearing within 21 days, or
25 fails to appear as scheduled at the hearing, the Board may issue a
26 final order by default and impose the above sanctions against

1 Licensee. Licensee's submissions to the Board to-date regarding
2 the subject of this disciplinary case and all information in the
3 Board's files relevant to the subject of this case automatically
4 become part of the evidentiary record of this disciplinary action
5 upon default for the purpose of proving a prima facie case.

6 DATED this 2nd day of December 1993.

7 BOARD OF COUNSELORS AND THERAPISTS
8 STATE OF OREGON

9 By: 
10 Carol Fleming, Board Administrator

11 Sent by certified mail: P 909 902 530 12-2-93

12 Copy to Lisa Maxfield, Attorney at Law by certified mail: P 909 902 531 12-2-93
13
14
15
16
17
18
19
20
21
22
23
24
25

26 JKS:ros/tjh/JGG08038