

1 clear that violations of its standards are subject to the highest level of discipline – “Violation of
2 the provisions of this code of ethics will be considered unprofessional or unethical conduct and is
3 sufficient reason for 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 The Code makes clear that given their influential position with clients, licensees must
11 “avoid exploiting the trust and dependency of such persons” OAR 833-100-0041(2). Therefore,
12 licensees must avoid multiple relationships with clients “that could impair professional judgment
13 or increase the risk of exploitation. Such relationships include, but are not limited to, business or
14 **personal relationships, sexual relationship**, relatives, students, employees, or supervisees” *Id.*
15 (emphasis added). Finally, OAR 833-100-0041(5) prohibits a licensee from engaging in or
16 soliciting sexual acts or a sexual relationship with a former client within three years since the
17 rendering of professional services, OAR 833-100-0041(6).

18 6.

19 Here, Respondent engaged in unprofessional and unethical conduct when she engaged in
20 a sexual relationship with a former client.

21 7.

22 Respondent was an intern at Cascadia Behavioral Health when she began providing
23 counseling services to a male client (Client) for substance abuse issues. Respondent continued to

1 provide counseling services to Client until June 2008, when she left Cascadia for other
2 employment. Respondent's professional relationship with Client ended at that time.

3 8.

4 Shortly after she left Cascadia, Client learned where Respondent lived and began
5 showing up uninvited to her home. Respondent failed to report this to her supervisor at the time
6 or take any other action to stop Client's conduct. Instead, by September 2008, Respondent began
7 a romantic relationship with Client, culminating in Client moving in with Respondent by late fall
8 2008.

9 9.

10 The relationship and cohabitation between Respondent and Client lasted until June 2011.
11 At no time during this relationship did Respondent ever disclose the nature of this relationship to
12 her supervisor. In fact, by Respondent's own admission, she did not disclose the relationship to
13 any supervisor until Spring 2012, out of fear of losing her career.

14 10.

15 Based on the above, the Board proposes to revoke Respondent's Intern Registration and
16 deny licensure as a Professional Counselor for the following reasons, either one of which is
17 sufficient to support revocation:

18 A. Respondent failed to act in accordance with the highest standards of professional
19 integrity, competence and conduct when she engaged in the behavior described
20 above in violation of ORS 675.745(1)(e), ORS 675.720(5), OAR 833-100-
21 0041(1), OAR 833-100-0061(1), and OAR 833-100-00071(1); and

22

23

1 B. Respondent engaged in a personal, sexual relationship with a former client within
2 three year of providing counseling services to that client in violation of ORS
3 675.745(1)(e) and OAR 833-100-0041(5), (7) & (10).

4 11.

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

6 A. Respondent's registration as an Intern shall be revoked;

7 B. Respondent's application for licensure as a Professional Counselor shall be denied;

8 and

9 C. Respondent shall pay all costs associated with this disciplinary process, including
10 attorney fees pursuant to ORS 675.745(7).

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

12 12.

13 Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Respondent
14 has the right to request a hearing in this matter. A request for hearing must be submitted in
15 writing and must be received by the Board, at the following address, during regular business
16 hours, within twenty-one (21) calendar days from the date on which this Notice is mailed:

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

19 13.

20 Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a
21 hearing, Respondent is further required to file with the Board, at the same time, a written Answer
22 that includes a short, plain statement of each relevant affirmative defense Respondent asserts.
23

1 Board's files relevant to the subject of this case automatically become part of the evidentiary
2 record upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

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DATED: September 13, 2012

Oregon Board of Licensed Professional
Counselors and Therapists

By Becky Eklund
Becky Eklund, Executive Director

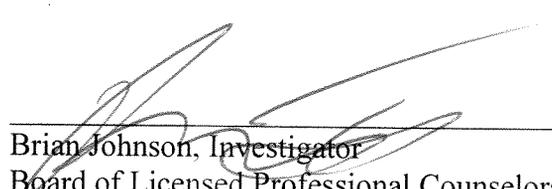
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2 **CERTIFICATE OF SERVICE**

3 I hereby certify that on the 14th day of September, 2012, I served the foregoing **Notice**
4 **of Intent to Revoke Intern Registration, Deny Licensure as a Professional Counselor and**
5 **Right to Request Hearing** with the **Notice of Contested Case Rights and Procedures** by
6 depositing a true copy of the same in a sealed envelope sent by regular and certified mail,
7 addressed as follows:

8 Tiffany Spahn
9 1235 SE Division, Suite 103
10 Portland, OR 97202

11 I also certify that I provided a copy of the foregoing **Notice of Intent to Revoke Intern**
12 **Registration, Deny Licensure as a Professional Counselor and Right to Request a Hearing**
13 and **Notice of Contested Case Rights and Procedures** via regular mail on this same day to Ms.
14 Spahn's counsel as follows:

15 Benjamin Souede
16 Angeli Law Group LLC
17 121 SW Morrison Street, Suite 400
18 Portland, OR 97204

19 
20 Brian Johnson, Investigator
21 Board of Licensed Professional Counselors
22 and Therapists

23 cc: Kelly M. Gabliks, DOJ