

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

4 In the Matter of:

Agency Case No. 2011-063

5 **TRAVIS WAITS, LPC & LMFT,**

**NOTICE OF INTENT TO REVOKE LICENSE
AND RIGHT TO REQUEST HEARING**

6 Respondent.
7

8 1.

9 The Board of Licensed Professional Counselors and Therapists (Board) is the state
10 agency responsible for licensing, regulating and disciplining licensed professional counselors
11 and licensed marriage and family therapists. ORS 675.705 to 675.835; OAR 833-001-0000 to
12 833-130-060-0080.

13 2.

14 Travis Waits (Respondent) is licensed as both a Professional Counselor (LPC) and as a
15 Marriage and Family Therapist (LMFT). The Board has jurisdiction over Respondent under
16 ORS 675.705 to 675.835. The last address provided by Respondent to the Board is: 22689 SW
17 112th Avenue, Tualatin, Oregon 97062.

18 3.

19 The Board has adopted a Code of Ethics (Code) that applies to all licensees. *See* OAR
20 833, Division 100. The Code “constitutes the standards against which the required professional
21 conduct of licensed professional counselors and marriage and family therapists is measured.”
22 OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and
23 groups with whom counselors and therapist work.” *Id.* The Code makes clear that violations of

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 obligates
7 Respondent to “conform to higher standards of conduct in the capacity of a counseling
8 professional” (OAR 833-100-0061(1)) and prohibits licensees from “using the counseling
9 relationship” to further “**personal**, religious, political, **sexual**, or financial **interests**” (OAR 833-
10 100-0041(10)) (emphasis added).

11 5.

12 The Code also makes clear that given their influential position with clients and former
13 clients, licensees must “avoid exploiting the trust and dependency of such persons” OAR 833-
14 100-0041(2). Therefore, licensees must avoid multiple relationships with clients “that could
15 impair professional judgment or increase the risk of exploitation. Such relationships include, but
16 are not limited to, business or **personal relationships**, **sexual relationships**, relatives, students,
17 employees, or supervisees” *Id.* (emphasis added). Finally, OAR 833-100-0041(5) prohibits a
18 licensee from engaging in or soliciting sexual acts or a sexual relationship with a client, or
19 former client, OAR 833-100-0041(6), within three year since providing services to that former
20 client.

21 6.

22 Here, Respondent engaged in unprofessional and unethical conduct when he engaged in, and
23 solicited sexual acts with a former client within three years of providing counseling services.

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7.

Respondent was a pastor at Rolling Hills Community Church (RHCC) from March 2007 until he resigned in March 2011 after disclosing a sexual relationship with a congregant (Client A) and his use of pornography. Respondent maintained a private practice that was separate and unrelated to his position at RHCC. During 2009, Respondent provided marriage counseling to Client A. During the sessions, Client A confided to Respondent that she had been a victim of sexual abuse.

8.

Later, Respondent began working closely with Client A on a leadership role in RHCC. In August 2010, Respondent told Client A that he was in love with her and they began a sexual relationship, despite the fact both were married to other people. By Respondent’s own admission, the sexual relationship initially ended in October, but resumed again in July 2011 for at least another month. During this same time, Respondent was exchanging emails with Client A of a sexual nature – Respondent admits that the “content of these emails often was expressing emotional or sexual desire for her.”

9.

Respondent also engaged in unprofessional and unethical conduct, as well as an inappropriate dual relationship, when he discussed his sexual desires and his personal sex life with Client B within and outside the counseling relationship.

10.

Client B began receiving counseling services from Respondent in July 2010. Respondent admits that the counseling services provided to Client B were through his private practice and unrelated to his RHCC position. At their first counseling session, Client B disclosed that she had

1 been a victim of sexual abuse by a coach. At the beginning, Client B saw Respondent on a
2 weekly basis, and she and her husband participated in at least 20 joint counseling sessions.

3 11.

4 Client B developed a deep trust in Respondent and viewed Respondent as a “life-line,”
5 sharing everything with him. Gradually, Respondent began sharing inappropriate, personal
6 information about himself, including the fact that he had had an affair, that he looked at
7 pornography, and that he was taking medication, Klonopin, for anxiety.

8 12.

9 Respondent also discussed having Client B lead a book study, which made Client B feel
10 important and special. Respondent referred to Client B as a “cougar” and encouraged her to
11 recruit her “cougar friends” to be in the group.

12 13.

13 In October 2011, Respondent saw Client B at a football game and asked her to sit next to
14 him. During their conversation, Respondent and Client were very close, with their legs touching.
15 Client B believed Respondent was flirting with her, as he shared personal information regarding
16 his recent trip to Las Vegas and all the drinking he did while there.

17 14.

18 Around the same time, Respondent began exchanging chat messages with Client B
19 outside the counseling sessions. The topics discussed were crude and sexual in nature. At one
20 point, Respondent told Client B – “I’m not a great therapist. You come back because you think I
21 know how to properly fuck a cougar.” Respondent also provided Client B with links to websites
22 that sold sex toys. Respondent complained to Client B about his sex life with his wife and that
23 she didn’t want to play with his sex toys.

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Client B regretted these email interactions with Respondent and confronted him about the propriety of such actions. After cancelling an appointment, Client B emailed Respondent and told him she was going to take a break from counseling with him. Instead of accepting Client B's decision, Respondent argued that it would cause her more harm if she left him for another therapist.

16.

Respondent disclosed confidential client information when he encouraged Client B to talk to a mutual friend (Client A), who had been faced with similar issues. Client B talked to Client A and learned that Client A had had an affair with Respondent. Client B then ceased all counseling with Respondent.

17.

Maintaining the confidentiality of the information shared as part of the counseling relationship is critical and required by law. *See, e.g.,* ORS 675.765. A licensee, therefore, must limit access to client records. OAR 833-100-0051(7). Here, Respondent violated this requirement when he allowed Client B to have access to his client emails.

18.

During one of their sessions, Client B discussed her use of a software package that would allow her to blog anonymously. Respondent indicated he was interested in installing such software on his computer. During their next session, Respondent sat next to Client B with his computer and asked her to install the software. Respondent's email program was open to the inbox screen so that Client B would see client names and emails. Respondent could not install it

1 successfully during that session, so tried again during the next session, when she again had
2 access to confidential client information.

3 19.

4 All licensees must ensure that their own personal problems are not allowed to impair their
5 counseling abilities. Therefore, the Code makes clear that a licensee must seek “appropriate
6 professional assistance for the licensee’s own personal problems or conflicts that are likely to
7 impair the licensee’s work performance or clinical judgment. In addition, a licensee “does not
8 practice when adversely influenced by either physical or emotional impairment that would
9 interfere with their ability to provide professional services” (OAR 833-100-0021(7)) and is
10 prohibited from providing services when their objectivity or effectiveness is impaired (OAR 833-
11 100-0021(10).

12 20.

13 Respondent engaged in unethical and unprofessional conduct when he provided services
14 to his clients when he was impaired. By Respondent’s own admissions, many of the sexual
15 emails exchanged with Clients B occurred when he had been abusing alcohol and taking his
16 prescription medication. Respondent also admitted that he was seeing too many clients per week
17 (32-34 per week), writing his session notes late at night, was still “extremely bitter and hurt”
18 from what happened at RHCC and was under pressure from financial problems.

19 21.

20 Finally, it is important for a licensee to honestly evaluate the licensee’s competence and
21 knowledge when providing professional services to clients. Thus, a licensee “does not perform,
22 nor pretend to perform, professional services beyond the licensee’s field or fields of competence”
23 (OAR 833-100-0061(11)) nor does the licensee provide “what is, or may be reasonably

1 considered, inappropriate, unnecessary, or inadequate treatment or counseling/therapeutic
2 services” (OAR 833-100-0061(13)). Respondent violated these provisions when he provided
3 counseling to clients to address issues (sexual abuse) well beyond his field of expertise while at
4 the same time himself receiving treatment for sexual addiction.

5 22.

6 Based on the above, the Board proposes to revoke Respondent’s license for the following
7 reasons, any one of which is sufficient to support revocation:

8 A. Respondent failed to act in accordance with the highest standards of professional
9 integrity, competence and conduct when he engaged in the behavior described
10 above in violation of ORS 675.745(1)(e), OAR 833-100-0041(1), OAR 833-100-
11 0061(1), and OAR 833-100-00071(1);

12 B. Respondent failed to recognize that his primary professional responsibility is to
13 his clients and caused harm to Clients A and B when he engaged in a sexual
14 relationship with Client A and engaged in sexual banter with Client B in violation
15 of ORS 675.745(1)(e), OAR 833-100-0021(1), and OAR 833-100-0031(1), (2) &
16 (3);

17 C. Respondent continued to provide counseling services to Client B when his
18 objectivity and effectiveness was impaired in violation of ORS 675.745(1)(e) and
19 OAR 833-100-0021(10);

20 D. Respondent engaged in an inappropriate dual relationship when he continued to
21 provide counseling services to Client B while at the same time flirting with and
22 exchanging sexual emails with her in violation of ORS 675.745(1)(e) and OAR
23 833-100-0041(2);

- 1 E. Respondent engaged in or solicited sexual acts or a sexual relationship with a
2 former client in violation of ORS 675.745(1)(e) and OAR 833-100-0041(5);
- 3 F. Respondent engaged in communication with Client B was sexually suggestive,
4 seductive or demeaning in violation of ORS 675.745(1)(e) and OAR 833-100-
5 0041(9) & (10);
- 6 G. Respondent continued to practice counseling when his professional judgment was
7 adversely affected by personal and professional problems, and failed to seek
8 appropriate professional assistance for those problems in violation of ORS
9 675.745(1)(e), OAR 833-100-0021(4) & (7);
- 10 H. Respondent continued to practice when he was impaired in violation of ORS
11 675.745(1)(e), OAR 833-100-0021(7) & (10);
- 12 I. Respondent disclosed confidential client records without written consent when he
13 allowed Client B to have access to his computer in violation of ORS 675.765,
14 ORS 675.745(1)(e) and OAR 833-100-0051(1) & (3);
- 15 J. Respondent disclosed confidential client information without written consent
16 when he disclosed to Client B that Client A had similar personal issues in
17 violation of ORS 675.765, ORS 675.745(1)(e) and OAR 833-100-0051(1), (2) &
18 (3);
- 19 K. Respondent provided services beyond his field of competence to Clients A and B
20 with specialized problems (sexual abuse) in violation of ORS 675.745(1)(e) and
21 OAR 833-100-0061(11) & (13); and
- 22 L. Respondent engaged in gross negligence when he committed the conduct set out
23 above in violation of ORS 675.745(1)(d) and OAR 833, Chapter 100.

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23.

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

- A. Respondent's licenses shall be revoked; and
- B. Respondent shall pay all costs associated with this disciplinary process, including attorney fees pursuant to ORS 675.745(7).

NOTICE OF RIGHT TO REQUEST A HEARING

24.

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

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

25.

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

1 submissions to the Board regarding the subject of this Application 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 DATED: September 13, 2012

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6 Oregon Board of Licensed Professional
Counselors and Therapists

7 By Becky Eklund
8 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 License and Right to Request Hearing** with the **Notice of Contested**
5 **Case Rights and Procedures** by depositing a true copy of the same in a sealed envelope sent by
6 regular and certified mail, addressed as follows:

7 Travis Waits
8 22689 SW 112th Avenue
9 Tualatin OR 97062

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11 
12 _____
13 Brian Johnson, Investigator
14 Board of Licensed Professional Counselors
15 and Therapists

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cc: Kelly M. Gabliks, DOJ