

BEFORE THE BOARD OF LICENSED
PROFESSIONAL COUNSELORS AND THERAPISTS
STATE OF OREGON

In the Matter of:) Case No. 2014-024
CAROLYN GARRETT, LMFT,) NOTICE OF INTENT TO DISCIPLINE
Respondent.) LICENSEE

1.

The Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating, and disciplining licensed professional counselors, licensed marriage and family therapists, and registered interns. ORS 675.705 to 675.835; OAR 833-001-0000 to 833-130-0080. Carolyn Garrett, LMF T0814 , (Respondent) holds an active license to practice as a licensed marriage and family therapist in the State of Oregon.

2.

The Board proposes to take disciplinary action against Respondent by imposing up to the maximum range of sanctions identified in ORS 675.745(2). The Board has adopted a Code of Ethics (Code) that applies to all Respondents. See OAR 833, Division 100. The Code “constitutes the standards against which the required professional conduct of licensed professional counselors and marriage and family therapists is measured.” OAR 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and groups with whom counselors and therapists work.” *Id.*

3.

“A licensee’s primary professional responsibility is to the client. A licensee makes every reasonable effort to advance the welfare and best interests of all clients for whom the licensee provides professional services.” OAR 833-100-0021(1). A licensee must act in accordance “with the highest standards of professional integrity and competence.” OAR 833-100-0041(1).

Respondent engaged in conduct that violated the following ethical standards:

3.1 Licensees do not provide services to a client when their objectivity or effectiveness is impaired. OAR 833-100-0021(10).

3.2 Licensees strive to benefit those with whom they work and take care to do no harm in their professional actions. OAR 833-100-0031(1).

3.3 Licensees avoid actions or words that clients could reasonably interpret as demeaning or derogatory. OAR 833-100-0031(6).

4.

The Board proposes to require Respondent to practice under a board approved supervisor for a minimum of one year, and to assess the costs of the disciplinary process against the license of Respondent, based on the following alleged facts that constitute violations of ORS 675.745 and the specified code of ethics:

4.1 In the summer of 2012, Respondent was contacted by Client A, the custodial parent of two young children to provide counseling services to the two children, to address anger and behavior issues related to their parents' divorce, and alleged abuse of the children by the father. Respondent began to provide counseling for Clients C and D, ages 7 and 5, in July 2012. According to the divorce decree, Client A and Client B (the father /ex-husband) had joint decision-making authority regarding the children's residence, medical care and education.

4.2 During the initial appointment, Client A told Respondent that Client C had suffered physical abuse by his father by being struck on his back and buttocks. Client A presented photographs that displayed bruising and informed Respondent that the child abuse had been reported to DHS. (DHS conducted an investigation and concluded in November of 2012 that the allegation of abuse was founded.) Client B complied with DHS recommendations, and later gained joint custodial rights in regard to the children. Respondent continued to provide counseling to the children throughout the remainder of 2012 and 2013 without obtaining the informed consent of the father.

4.3 In 2013, Client B requested that Respondent provide a copy of the records pertaining to Clients C and D. Respondent refused on her own authority to provide those records, and counseled the children on how to interact with their father in negative terms. During the course of her professional relationship with this family, Respondent formed an alliance with Client A, to the detriment of Client B, thereby losing her objectivity. This conduct violated OAR 833-100-0021(10) and 833-100-0031(1) and (6).

4.4 Another licensed professional counselor (LPC) was appointed by the court to conduct a custody evaluation of the family. This LPC asked Respondent to provide records to assist him in preparing his report. Respondent also declined the request on her own authority. This conduct violated OAR 833-100-0021(10) and 833-100-0031(1) and (6).

NOTICE OF RIGHT TO REQUEST A HEARING

5.

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 of 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

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

6.

Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a hearing Respondent is further required to promptly 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 not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board
2 may issue a Final Order by Default and impose the proposed discipline. Respondent's
3 submissions to the Board regarding the subject of this board action and all information in the
4 Board's files relevant to the subject of this case automatically become part of the evidentiary
5 record upon default for the purpose of proving a *prima facie* case. ORS 183.417(4).

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7 DATED: July 16th, 2015.

8 Oregon Board of Licensed Professional
9 Counselors and Therapists

10 By Charles Hill
11 Charles Hill
12 Executive Director
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**CONFIDENTIAL CLIENT
IDENTIFICATION KEY**

Client Letter

Client Name

A

Jennifer Acevedo

B

Allen Acevedo

C

Lucas Acevedo

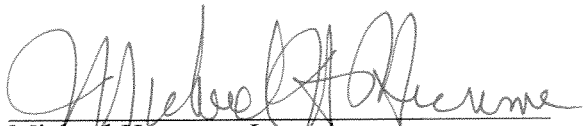
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McKenna Acevedo

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 16th day of July, 2015, I served the foregoing **Notice of**
3 **Intent to Impose Discipline and Notice of Contested Case Rights and Procedures** by
4 depositing a true copy of the same in a sealed envelope sent by regular and certified mail,
5 addressed as follows:
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7 Carolyn Garrett, LMFT
8 P.O. Box 782
9 Pendleton, OR 97801
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12 Michael Hummer, Investigator
13 Board of Licensed Professional Counselors
14 and Therapists
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16 cc: Rodney K. Norton
17 HART WAGNER, Trial Attorneys, LLP
18 1000 SW Broadway, 20th Floor
19 Portland, OR 97205

20 cc: Warren G. Foote, DOJ
21 Department of Justice
22 General Counsel/Business Activities Section
23 1162 Court Street NE
24 Salem, OR 97301
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