

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

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

) Case No. 2014-024

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) NOTICE O

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1.

The Board of Licensed Professional Counselors and Therapists (Board) is the state

10 agency responsible for licensing, regulating, and disciplining licensed professional counselors,
11 licensed marriage and family therapists, and registered interns. ORS 675.705 to 675.835; OAR
12 833-001-0000 to 833-130-0080. Carolyn Garrett, LMF T0814 , (Respondent) holds an active
13 license to practice as a licensed marriage and family therapist in the State of Oregon.

2.

15 The Board proposes to take disciplinary action against Respondent by imposing up to the
16 maximum range of sanctions identified in ORS 675.745(2). The Board has adopted a Code of
17 Ethics (Code) that applies to all Respondents. See OAR 833, Division 100. The Code
18 “constitutes the standards against which the required professional conduct of licensed
19 professional counselors and marriage and family therapists is measured.” OAR 833-100-
20 0011(1). The Code’s goal is “the welfare and protection of the individuals and groups with
21 whom counselors and therapists work.” *Id.*

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

1 Respondent engaged in conduct that violated the following ethical standards:

2 3.1 Licensees do not provide services to a client when their objectivity or
3 effectiveness is impaired. OAR 833-100-0021(10).

4 3.2 Licensees strive to benefit those with whom they work and take care to do no
5 harm in their professional actions. OAR 833-100-0031(1).

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

8 4.

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

13 4.1 In the summer of 2012, Respondent was contacted by Client A, the custodial
14 parent of two young children to provide counseling services to the two children, to address anger
15 and behavior issues related to their parents' divorce, and alleged abuse of the children by the
16 father. Respondent began to provide counseling for Clients C and D, ages 7 and 5, in July 2012.
17 According to the divorce decree, Client A and Client B (the father /ex-husband) had joint
18 decision-making authority regarding the children's residence, medical care and education.

19 4.2 During the initial appointment, Client A told Respondent that Client C had
20 suffered physical abuse by his father by being struck on his back and buttocks. Client A
21 presented photographs that displayed bruising and informed Respondent that the child abuse had
22 been reported to DHS. (DHS conducted an investigation and concluded in November of 2012
23 that the allegation of abuse was founded.) Client B complied with DHS recommendations, and
24 later gained joint custodial rights in regard to the children. Respondent continued to provide
25 counseling to the children throughout the remainder of 2012 and 2013 without obtaining the
26 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 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.

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 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

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

6.

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

NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER

7.

Pursuant to OAR 833-001-0015(3), if Respondent fails to file an Answer, the following

4 consequences will occur:

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

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

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

8.

If Respondent requests a hearing, Respondent will be notified of the time and date of the

13 hearing. The hearing will be conducted according to the contested case procedures described in
14 ORS 183.411 to 183.470 and OAR 137-003-0501 to 0700. Respondent has the right to represent
15 herself at such hearing or to be represented by legal counsel. Attached is information on
16 procedures, right of representation and other rights of Respondents relating to the conduct of the
17 hearing as required by ORS 183.413(2) (Notice of Contested Case Rights and Procedures).

NOTICE TO ACTIVE DUTY SERVICE MEMBERS

9.

Active duty service members have a right to stay these proceedings under the federal

21 Service Members Civil Relief Act. For more information contact the Oregon State Bar at 800-
22 452-8260, the Oregon Military Department at 800-452-7500 or the nearest United States Armed
23 Forces Legal Assistance Office through <http://legalassistance.law.af.mil>.

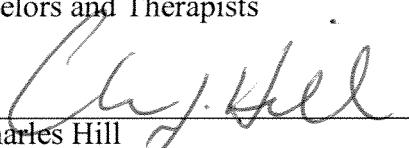
10.

25 In the event Respondent fails to request a hearing, withdraws her request for a hearing,
26 notifies the Board or the Administrative Law Judge assigned to this matter that Respondent does

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 
11 Charles Hill
Executive Director

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**CONFIDENTIAL CLIENT
IDENTIFICATION KEY**

<u>Client Letter</u>	<u>Client Name</u>
A	Jennifer Acevedo
B	Allen Acevedo
C	Lucas Acevedo
D	McKenna Acevedo

CERTIFICATE OF SERVICE

I hereby certify that on the 16 day of July, 2015, I served the foregoing **Notice of Intent to Impose Discipline and 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:

Carolyn Garrett, LMFT
P.O. Box 782
Pendleton, OR 97801

Michael Hummer, Investigator
Board of Licensed Professional Counselors
and Therapists

cc: Rodney K. Norton
HART WAGNER, Trial Attorneys, LLP
1000 SW Broadway, 20th Floor
Portland, OR 97205

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