

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED CLINICAL
MENTAL HEALTH COUNSELORS

IN THE MATTER OF:

Pius Ondachi, LCMHC
Respondent
No. 10209

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CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Clinical Mental Health Counselors [“the Board”], at its meeting on 2/10, 202²⁵, pursuant to Respondent entering a guilty plea to Title 18, United States Code, Section 1035(a)(2), which sentencing is pending; and

IT APPEARING to the Board that Respondent has stipulated to certain facts and to the entry of a Consent Order in conformity therewith;

IT IS HEREBY STIPULATED by the undersigned Respondent and the Board that:

1. Respondent was at all times relevant to this cause a licensed clinical mental health counselor [“LCMHC”] and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Clinical Mental Health Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.¹
2. The Board issued a counseling license to Respondent on July 30, 2018. Respondent renewed his license through June 30, 2026.
3. The Board’s Ethics Review Committee found probable cause that the following occurred:
 - a. On September 11, 2024, a Criminal Information was filed against Respondent in the United States District Court for the Eastern District of North Carolina (EDNC), case No. 5:24-CR-00265-BO.
 - b. The Criminal Information, which is incorporated herein by reference, generally asserted that Respondent participated in a scheme to defraud the North Carolina Medicaid program (“Medicaid”), in violation of Title 18, United States Code, Section 1035(a)(2) between at least January 2017 through June 2023.

¹ On 1 January 2020, the name “licensed professional counselor” was changed to “licensed clinical mental health counselor” and “North Carolina Licensed Professional Counselors Act” was changed to “North Carolina Licensed Clinical Mental Health Counselors Act.” See Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240.

- c. On October 15, 2024, Respondent pled guilty to the Sole Count in the Criminal Information for violating Title 18, United States Code, Section 1035(a)(2).
4. Respondent's conduct set forth above, including his guilty plea, violated N.C. Gen. Stat. §§ 90-340 (a)(1), (a)(4), (a)(7) and (a)(9) of the North Carolina Licensed Clinical Mental Health Counselors Act.
5. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter through a contested case hearing and potential judicial review pursuant to Articles 3A and 4 of the Administrative Procedure Act, N.C. Gen. Stat. §§ 150B-38 to 52 ["APA"]. The parties enter into this Consent Order *in lieu* of those potential proceedings.
6. Respondent understands and agrees that this Consent Order is subject to review and potential approval by the Board and shall be effective only upon approval by the full Board and signature of its Chairperson.
7. If the Board approves and enters the Consent Order, Respondent expressly waives the right: (i) to issuance of a notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board, (ii) to seek judicial review, and (iii) to otherwise challenge the validity of this Consent Order in any court or before the Board in the future, which Respondent may be entitled to under the APA or other laws.
8. Respondent acknowledges that he has read this entire Consent Order, assents to its terms and conditions, and, if accepted by the Board, agrees not to contest the stipulations or order in any future potential proceedings by, against, or involving the Board, including a potential future licensure application to the Board.
9. Respondent agrees to service of the fully executed Consent Order to the email or to the following last known address he provided to the Board and waives service by any other method pursuant to the APA or other laws: 7220 Lowell Ridge Road, Raleigh, NC 27616; pondachi@gmail.com.
10. Respondent further agrees that presentation of this proposed Consent Order to the Board for approval shall not constitute improper *ex parte* communication between the Board and its counsel, or the Board and its staff, nor require the recusal of the members of the Board from consideration of this matter before the full Board, including if the Board rejects the proposal or a hearing becomes necessary in this case.
11. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Clinical Mental Health Counselors, and all its members, officials, agents, counsel, representatives, and employees, both past and present, in their individual or official capacities, from any and all liability, suits, claims, and causes of action arising prior to or as a result of the execution of this Consent Order.

12. Respondent acknowledges that he was either represented by legal counsel in connection with his consideration and execution of this Consent Order or, alternatively, that he was free to engage such legal counsel to advise him concerning this Consent Order and its terms prior to the time that Respondent executed this Consent Order and that he alone decided not to engage such legal counsel. The Board was represented in this Consent Order by The Brocker Law Firm, P.A.

13. This Consent Order contains the entire agreement between the undersigned, there being no agreement of any kind, verbal or otherwise, which varies, alters, or adds to this Consent Order.

14. This Consent Order shall constitute disciplinary action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a) and (b). The Board shall report the Consent Order to the National Practitioner Databank ["NPDB"] as required by law. Respondent understands that this Consent Order, including the report to the NPDB, may have adverse consequences in other contexts, which shall not be the basis for reconsideration of its terms in the future.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent surrenders his license to practice clinical mental health counseling in the State of North Carolina, license number 10209, effective upon entry of Judgment in criminal case No. 5:24-CR-00265-BO or July 1, 2025, whichever occurs sooner. Respondent acknowledges and agrees that he cannot reapply for or regain a license to practice clinical mental health counseling in North Carolina until at least one year after the date in which he completes all the terms of his federal sentence, including completing any probation and paying any restitution amount he is ordered to pay. Respondent had not been sentenced on his guilty plea at the time he signed this Consent Order but the terms and conditions of his sentence and Judgment are incorporated herein by reference upon entry.

II. If Respondent applies for or otherwise seeks to regain a license to practice clinical mental health counseling in North Carolina at any time in the future, Respondent will have to meet all the requirements for licensure at that time. If Respondent satisfies all those requirements, the Board may impose conditions on Respondent's potential future licensure, including ones based on the stipulations contained herein.

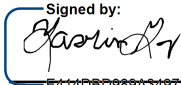
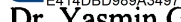
III. Respondent acknowledges and agrees that he is not authorized to engage in any acts constituting the practice of clinical mental health counseling under the North Carolina Licensed Clinical Mental Health Counselors Act in this State or concerning residents of this State, unless he obtains a license or privilege authorizing him to do so in the future.

IV. The Board shall maintain this Consent Order as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f), shall submit a report to the NPDB, and shall provide copies to the American Counseling Association and the National Board of Certified Counselors, and to other agencies or individuals as required by law.

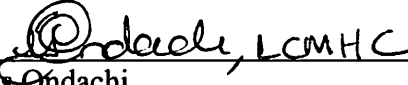
This the 30 day of JANUARY, 2025

CONSENTED TO BY:

NORTH CAROLINA BOARD OF LICENSED
CLINICAL MENTAL HEALTH COUNSELORS

BY:  Signed by: 2/13/2025
 Dr. Yasmin Gay, LCMHCS Date
Board Chairperson

RESPONDENT:

 Jan 30, 2025
Pius Ondachi Date