

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL
COUNSELORS

IN THE MATTER OF:)
JASON VICTORY,)
CASE No. 1730)
Respondent.)

FINAL DECISION

The North Carolina Board of Licensed Professional Counselors (“NC Board”) heard this matter on 7 June 2019. A Notice of Hearing was served on Respondent on 9 May 2019, notifying him that the hearing would take place on 7 June 2019 at 9:00 a.m., or as soon thereafter as possible, at the Hampton Inn & Suites Conference Room, 3033 West Gate City Boulevard, Greensboro, North Carolina 27403. Respondent was present and represented himself. Alesia Balshakova, Assistant Attorney General, appeared on behalf of NC Board.

At the hearing of this matter, NC Board heard testimony from Respondent, and accepted exhibits into evidence. After hearing closing arguments, NC Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

NC Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. Respondent was a licensed professional counselor (“LPC”), licensed by NC Board from 22 April 2017 until 9 September 2017. (Board Exhibit Number 3). On 9 September 2017, Respondent relinquished his license to practice professional counseling in North Carolina. (Board Exhibit Number 2; T p 69)
2. Respondent was licensed to practice as an LPC in the Commonwealth of Pennsylvania since 21 June 2005. (Board Exhibit Number 4; T p 13)
3. Respondent was investigated by the Pennsylvania State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors (“PA Board”). (Board Exhibit Number 4; T p 13) Following the investigation, on 26 February 2018, Respondent entered into the Consent Agreement and Order with the PA Board (“Consent Order”). (Board Exhibit Number 4)
4. According to the Consent Order, PA Board charged Respondent with 12 violations which included the following: engaging in a sexual intimacies and romantic relationship with a client; displaying unprofessional conduct; entering into inappropriate dual/multiple

relationships with a client; extending boundaries beyond conventional parameters with a client without considering risks, harm, and impact on client; failure to maintain appropriate standard of care; failure to maintain adequate documentation; and failure to respect the dignity and promote the welfare of clients. (Board Exhibit Number 4; T pp 29-30)

5. Specifically, the Consent Order stated that in August and September 2016, while Respondent was employed as a counselor with White Deer Run, Lehigh County Center for Recovery, in Bethlehem, Pennsylvania (“LCCR”), he engaged in sexual and inappropriate relationships with his client B.C. (Board Exhibit Number 4; T pp 17, 37) B.C. was an inpatient client/patient at LCCR and had a history of sexual trauma, diagnosis of substance abuse, major depressive disorder, abandonment issues and other disorders. (Board Exhibit Number 4)
6. Respondent’s actions towards B.C. played a role in extending her rehabilitation time at LCCR by about 38 days than normal stay in rehabilitation. (Board Exhibit Number 4; T p 27)
7. In addition, Respondent failed to make progress notes and other records regarding B.C.’s treatment, and he also failed to make documentation justifying his numerous daily individual sessions with B.C. (Board Exhibit Number 4; T p 30)
8. Additionally, other patients made written complaints about Respondent’s inappropriate and disrespectful comments and jokes towards them, including sexual comments, and his improper touching and hugging of patients. (Board Exhibit Number 4)
9. On 27 September 2016, Respondent was terminated from LCCR. (Board Exhibit Number 4; T p 26)
10. In the Consent Order, PA Board accepted the permanent voluntary surrender of Respondent’s license to practice as an LPC in the Commonwealth of Pennsylvania. (Board Exhibit Number 4; T p 31)
11. PA Board notified NC Board of its disciplinary action by a letter dated 29 March 2018. (Board Exhibit Number 4)
12. On 17 September 2018, a charge letter was issued against Respondent. (Board Exhibit Number 8).
13. Respondent was served with the Notice of Hearing in this matter on 9 May 2019. (Board Exhibit Number 1).
14. At the hearing, Respondent denied the violations stated in the Consent Order, and testified that patients and employees of LCCR lied regarding his actions. (T pp 22, 23,

77-79)

15. Respondent further claimed that he was retaliated by LCCR for whistleblowing. (T p 33) He testified that he had been “scapegoated and terminated a number of times for very similar reasons.” (T pp 61-62)
16. Respondent also admitted that during his practice as an I.P.C, he had been terminated nine times by his former employers as part of their disciplinary actions against him. (T pp 74, 76)
17. NC Board finds Respondent’s denials of factual allegations and alleged violations of the Consent Order and his explanations in his testimony not to be credible.

CONCLUSIONS OF LAW

- I. NC Board has jurisdiction of the subject matter of this contested case and over Respondent.
- II. N.C. Gen. Stat. § 90-340 (h) provides that “[a] licensee may voluntarily relinquish his or her license at any time. Notwithstanding any provision to the contrary, the Board retains full jurisdiction to investigate alleged violations of this Article by any person whose license is relinquished under this subsection and, upon proof of any violation of this Article by the person, the Board may take disciplinary action as authorized by this section.”
- III. N.C. Gen. Stat. § 90-340(a)(6) states that NC Board may take action if a licensee has “had a license or certification for the practice of professional counseling in any other jurisdiction suspended or revoked, or has been disciplined by the licensing or certification board in any other jurisdiction for conduct which would subject him or her to discipline under this Article.” Pursuant to N.C. Gen. Stat. § 90-340 (a)(6), NC Board may take action against Respondent’s North Carolina license based upon the permanent voluntary surrender of his license in Pennsylvania.
- IV. Respondent’s conduct violated N.C. Gen. Stat. § 90-340(a)(9), insofar as he has been guilty of immoral, dishonorable, unprofessional or unethical conduct as defined in this subsection or in the current American Counseling Association Code of Ethics. This violation alone warrants the disciplinary action taken by NC Board.
- V. Respondent’s conduct violated N.C. Gen. Stat. § 90-340(a)(10), insofar as he has practiced professional counseling in such a manner as to endanger the welfare of clients. Specifically, Respondent’s conduct endangered the welfare of his client B.C. This violation alone warrants the disciplinary action taken by NC Board.
- VI. Respondent’s conduct violated N.C. Gen. Stat. § 90-340(a)(13), insofar as he has “exercised undue influence in such a manner as to exploit the client, patient, student, supervisee, or trainee for the financial or other personal advantage or gratification of the

licensed professional counselor associate, licensed professional counselor, or a third party.” This violation alone warrants the disciplinary action taken by NC Board.

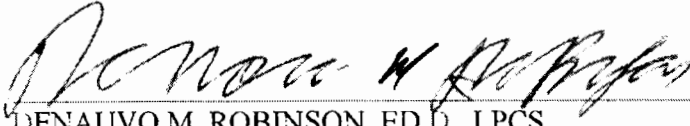
- VII. Respondent’s conduct violated N.C. Gen. Stat. § 90-340(a)(14), insofar as he has harassed or abused, sexually or otherwise, his client or patient. Respondent has abused or harassed, sexually and otherwise, his patients at LCCR. This violation alone warrants the disciplinary action taken by NC Board.
- VIII. Respondent’s conduct violated A.1.a. of the American Counseling Association Code of Ethics, which states that the primary responsibility of counselors is to respect the dignity and promote the welfare of clients. Respondent’s conduct towards his patients at LCCR violated this provision. This violation alone warrants the disciplinary action taken by NC Board.
- IX. Respondent’s conduct violated A.1.b. of the American Counseling Association Code of Ethics, which states that counselors must create, safeguard, and maintain documentation necessary for rendering professional services. Regardless of the medium, counselors include sufficient and timely documentation to facilitate the delivery and continuity of services. Counselors take reasonable steps to ensure that documentation accurately reflects client progress and services provided. If amendments are made to records and documentation, counselors take steps to properly note the amendments according to agency or institutional policies. Respondent failed to create and maintain complete records of B.C.’s treatment. This violation warrants the disciplinary action taken by NC Board.
- X. Respondent’s conduct violated A.4.a. of the American Counseling Association Code of Ethics, which states that counselors act to avoid harming their clients and to minimize or to remedy unavoidable or unanticipated harm. Respondent’s actions caused harm to B.C. This violation warrants the disciplinary action taken by NC Board.
- XI. Respondent’s conduct violated A.5.a. of the American Counseling Association Code of Ethics, which states that sexual and/or romantic counselor–client interactions or relationships with current clients, their romantic partners, or their family members are prohibited. This prohibition applies to both in person and electronic interactions or relationships. Respondent’s conduct towards B.C. and other patients at LCCR violated this provision. This violation alone warrants the disciplinary action taken by NC Board.
- XII. The Respondent’s conduct violated B.6.a. of the American Counseling Association Code of Ethics, which states that counselors create and maintain records and documentation necessary for rendering professional services. Respondent failed to create and maintain complete records of B.C.’s treatment. This violation alone warrants the disciplinary action taken by NC Board.

NOW, THEREFORE, the NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS ORDERS:

- I. The license of Respondent, JASON VICTORY, is hereby REVOKED.
- II. Respondent shall turn in his license to practice counseling in North Carolina to NC Board no later than 1 October 2019. He shall mail his original license to: Stefon Plummer, North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.
- III. If NC Board finds that Respondent is continuing to practice counseling, NC Board will seek an injunction in Superior Court against Respondent.
- IV. NC Board shall maintain this Final Decision as a public record pursuant to N.C. Gen. Stat. §§132-1 and 90-340(f) 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 13th day of September, 2019.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY: 
DENAUVO M. ROBINSON, ED.D., LPCS
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the superior court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

CERTIFICATE OF SERVICE

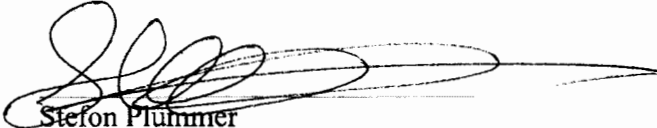
I, Stefon Plummer, do hereby certify that I have this day served a copy of the foregoing **FINAL DECISION** upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Jason Victory
2025 Copper Leaf Parkway, Apt. 104
Durham, North Carolina 27703

I do further certify that I have this day served a copy of the foregoing upon the following by depositing a copy of same in the United States mail, first class, postage prepaid:

Alesia Balshakova
Assistant Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602-0629

This the 19th day of September, 2019.


Stefon Plummer
Board Administrator