

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

IN THE MATTER OF:

DAVID PATE, LPC

Respondent.

No. 1534

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**CONSENT ORDER**

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Professional Counselors (“the Board”), at its meeting on October 26, 2015, pursuant to a charge letter issued by the Board on October 2, 2015, which is now pending; and

IT APPEARING to the Board that the 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 professional counselor and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Professional Counselors Act, Chapter 90, Article 24 of the North Carolina General Statutes.
2. From October through November, 2014, Respondent engaged in an inappropriate telephone relationship with a client, Client X, who Respondent provided counseling services to as part of a group. Respondent gave his cell phone number to one client who then gave it to Client X. Client X would contact Respondent with her concerns and Respondent responded in an increasingly non-professional manner. Respondent admits that boundaries were crossed as Client X became more flirtatious and suggestive with Respondent, which he did not discourage. Respondent admits this was a lapse in judgement and that he failed to set boundaries with Client X.
3. Respondent continued to allow Client X to share her personal feelings for him, without discouraging her or immediately ending the conversation. Respondent allowed this inappropriate relationship to continue, attempting to help Client X work through her infatuation with him, although increasingly engaging verbally in her fantasy scenarios in hopes of placating her. Following multiple attempts to end communication with Client X completely, Respondent reached an agreement with Client X that he would block her telephone number, which he did.
4. Respondent admits that his conduct as set forth above in paragraph numbers 2-3, violates American Counseling Association Code of Ethics (2014): Standards A.5.a., A. 5.e., A. 6. b, A. 6. c, A 11. c, and violates N.C. Gen. Stat. ' § 90-340(a)(9), (10) & (13) of the Licensed Professional Counselors Act.

5. The Board and Respondent wish to avoid the time and the costs associated with full litigation of this matter and, in lieu of any proceedings, enter into this Consent Order.

6. Respondent expressly waives notice of hearing, a hearing, the making of findings of fact and conclusions of law, and all further proceedings before the Board to which the Respondent may be entitled by law. Respondent further agrees that presentation of this 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, should a hearing be required in this case.

7. Respondent forever releases the State of North Carolina, the North Carolina Board of Licensed Professional Counselors, and all its members, officials, agents, 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.

8. Respondent waives the right to seek judicial review or to otherwise challenge the validity of this Consent Order in any court. Respondent understands and agrees that this Consent Order shall be effective only after approval by the full Board and signature of its Chairperson.

9. 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.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent's license as a Licensed Professional Counselor shall be placed on PROBATION for a period of two years during which:

A. Respondent shall complete six hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NACA 53.0603, in the area of appropriate boundaries with clients. Upon successful completion of this continuing education coursework, Respondent shall submit a certificate of completion provided by the continuing education sponsor to the Board. This requirement shall be in addition to the continuing education coursework required for all licensees under Board rule. All costs associated with this continuing education shall be borne by Respondent. Respondent shall complete this continuing education within six months of the execution of this Consent Order.

B. Respondent shall be supervised for a period of two years by a Board approved supervisor for one hour of individual face to face supervision for every 40 hours of counseling practice, with no less than two supervision sessions per month. Respondent must file a supervision contract and the supervisor must be approved by the Board prior to the

beginning of supervision. Respondent's supervisor shall submit quarterly supervision reports with the Board at the end of each quarter of supervision. At the conclusion of the two years of supervision, Respondent's Board approved supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from his supervisor on all reports in order to be released from the supervision. Any costs and associated expenses of this supervision shall be borne by the Respondent.

II. Upon successful completion of the conditions set forth in Roman Numeral I. A through B, Respondent may make a written request that the Board release him from probation, which the Board shall grant so long as all conditions have been successfully completed.

III. The failure of Respondent to abide by any provisions of this Consent Order, if proven true by a preponderance of the evidence following notice and an opportunity for hearing, shall result in the suspension, revocation, or other disciplinary action against Respondent's license, in the discretion of the Board.

IV. The Board shall maintain this Consent Order 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.

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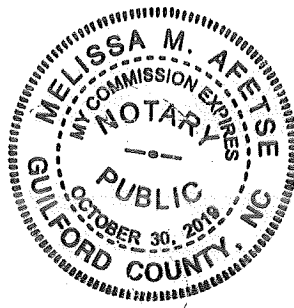
This the 26<sup>th</sup> day of October, 2015.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn, PhD, LPCS 10/26/15  
Katherine H. Glenn, Ph.D., LPCS date  
Board Chairperson

[Signature] 10/15/15  
David Pate, LPC date  
Respondent



Sworn to and subscribed before me  
this the 26<sup>th</sup> day of October,  
2015.

(NOTARY PUBLIC) Melissa M Afetso  
My Commission Expires:  
October 30, 2019