

STATE OF NORTH CAROLINA

**BEFORE THE NORTH
CAROLINA
MARRIAGE AND FAMILY
THERAPY LICENSURE BOARD**

IN THE MATTER OF:

**Willie Alexander,
Respondent**

FINAL DECISION

THE ABOVE-ENTITLED MATTER was heard before the North Carolina Marriage and Family Therapy Licensing Board on September 26, 2013, at the Solution Center, 1101 Slater Road, Suite 200, Brighton Hall, Durham, North Carolina. All of the Board members were present except: Mr. Charles McGill.

This case was heard after the Board issued a summary suspension of the Respondent's license to practice marriage and family therapy pursuant to N.C. Gen. Stat. §§ 150B-3(c) and 150B-38 et seq. to determine whether the Board's Order of Summary Suspension should be lifted, whether Respondent's marriage and family therapist license should be sanctioned, and, if so, the nature of the discipline the Board should impose upon Respondent's license.

APPEARANCES

For the Complainant: Barry H. Bloch, Esq.
Assistant Attorney General
North Carolina Department of Justice
PO Box 629
Raleigh, North Carolina 27602-0629

For the Respondent: Joy Webb, Esq.
Merritt, Webb, Wilson & Caruso, PLLC
2525 Meridian Parkway, Ste. 300
Durham, NC 27702

EXHIBITS

Complainant's Exhibits:

1. Notice of Hearing
2. May 17, 2013 Order of Summary Suspension
3. April 24, 2013 Affidavit of Tahiyya Lee
4. July 14, 2008 Consent Order

Respondent's Exhibits:

1. Willie Alexander's Curriculum Vitae

2. North Carolina Marriage and Family Therapy Licensure Board Complaint Form, 2013-02
3. Willie Alexander's Response to the North Carolina Marriage and Family Therapy Licensure Board dated April 18, 2013
7. July 14, 2008 Consent Order
10. November 9, 2009 letter to Willie Alexander from Wanda Nicholson
13. April 27, 2011 letter to Willie Alexander from Lisa Granberry Corbett

BASED UPON careful consideration of the sworn testimony of the witnesses presented at the hearing, the documents and exhibits received and admitted into evidence, and the entire record in this proceeding, the North Carolina Marriage and Family Therapy Licensing Board (hereinafter, "the Board") makes the following findings of fact. In making the findings of fact, the Board has weighed all the evidence and has assessed the credibility of the witnesses by taking into account the appropriate factors for judging credibility, including but not limited to the demeanor of the witness, any interests, bias, or prejudice the witness may have, the opportunity of the witness to see, hear, know or remember the facts or occurrences about which the witness testified, whether the testimony of the witness is reasonable, and whether the testimony is consistent with all other believable evidence in the case. From official documents in the file, sworn testimony of the witnesses, and other competent and admissible evidence, the Board makes the following:

FINDINGS OF FACT

1. At all times relevant to the allegations set forth below, Willie J. Alexander (hereinafter, "Respondent") held Marriage and Family Therapy license no. 941
2. The parties stipulated to and the Board hereby adopts the following stipulated facts:
 - a. The Respondent's name is Willie J. Alexander
 - b. The Respondent was issued Marriage and Family Therapy license number 941 (hereinafter, "Respondent's license") on September 13, 2002.
 - c. The Respondent received an Order of Summary Suspension from the North Carolina Marriage & Family Therapy Licensure Board (hereinafter, the "Board") issued on May 17, 2013, and served on the Respondent by hand delivery on June 6, 2013.
 - d. That the Board issued a Notice of Hearing on June 10, 2013, by e-mail and US Postal Service Certified Mail, Return Receipt Requested, for hearing on the matter of said Summary Suspension of Respondent's license, to be held on June 27, 2013, in Durham, North Carolina.
 - e. The Respondent, on June 21, 2013, acting through his counsel of record, Ms. Joy Rhyne Webb, moved that the hearing be continued from June 27, 2013, to the date of the Board's next meeting, August 15, 2013.
 - f. The Board granted Respondent's Motion to Continue the hearing and subsequently

issued the Respondent a new Notice of Hearing, setting the hearing for September 26, 2013.

g. That on February 20, 2013, Drs. Kristi Cannon and Matt Buckley of Walden University School of Counseling submitted a written complaint (hereinafter the "Complaint") to the Board containing allegations that Respondent had attempted to kiss Ms. Tahiyya Lee, a practicum student assigned to Respondent by the School of Counseling at Walden University.

3. The Board received a written response to the Complaint from the Respondent dated April 18, 2013.
4. On February 6, 2013, Ms. Tahiyya Lee (hereinafter, "Ms. Lee") was enrolled in Walden University's master's degree program in Counseling and was participating in a practicum of one hundred hours of client contact, administrative activity and instruction as part of that program under the Respondent's supervision at Respondent's practice, Professional Counseling and Consultation Services, Inc., in Wadesboro, North Carolina.
5. In 2009, prior to Ms. Lee beginning her practicum with Respondent, Respondent worked briefly with Ms. Lee at Esteem Family Life Center. During and after this time, Ms. Lee viewed Respondent as a mentor and Respondent provided informal counseling to Ms. Lee concerning the stresses in Ms. Lee's life.
6. Ms. Lee began her practicum with Respondent in December 2012. During Ms. Lee's practicum, Respondent administered the Minnesota Multiphasic Personality Inventory ("MMPI") to Ms. Lee and interpreted the results. The Respondent administered the MMPI to Ms. Lee in order to accurately assist her with her supervision, to know her strengths and weaknesses within her personality, and to provide a diagnosis.
7. As part of her practicum with the Respondent, Ms. Lee had one session each Saturday with him as part of the sixty hours of administrative and instructional activity. Respondent customarily gave Ms. Lee "good bye" hugs after their supervision sessions.
8. The Respondent asked Ms. Lee to meet with him around 5:30 or 6:00 p.m., on February 6, 2013, because she had missed the regularly-scheduled session held on the previous Saturday.
9. The Respondent and Ms. Lee were the only persons present in his office when she arrived for her meeting with him on February 6, 2013.
10. The Respondent showed Ms. Lee a video recording on Cognitive Behavior Therapy and they discussed it.
11. The Respondent then asked Ms. Lee whether she trusted him and she replied that she did.
12. The Respondent then told Ms. Lee that he knew it was difficult for her to trust because of personal matters that she had disclosed to him.
13. The Respondent asked Ms. Lee what she wanted to do once she was licensed and she replied that she wanted to practice therapy.
14. The Respondent then told Ms. Lee, "You smell so good."

15. After further conversation Respondent said, "Mmm, you smell good," turned his chair to face Ms. Lee, reached toward her and hugged her with their chests touching.
16. Ms. Lee patted Respondent to tell him she wanted him to release her.
17. As Respondent released Ms. Lee from the hug, he placed his hands on her face, closed his eyes, puckered his lips and tried to kiss her on the mouth.
18. Ms. Lee turned her head to the side so that Respondent's lips touched the corner of her lip.
19. Ms. Lee stiffened up and Respondent moved away, back in his chair.
20. The Respondent and Ms. Lee continued the conversation until Ms. Lee's telephone rang.
21. The Respondent then excused Ms. Lee from their meeting after telling her that the other practicum student would be present at the subsequent Saturday meeting.
22. The Respondent's actions during the meeting on February 6, 2013, made Ms. Lee feel like she had lost control, reminding her of past incidents of abuse.
23. Ms. Lee had entrusted the Respondent with information about those past incidents of abuse.
24. Since the incident of February 6, 2013 with the Respondent, Ms. Lee has had individual counseling provided by a licensed professional counselor specializing in relationships and sexual therapy.
25. The Respondent's conduct in his office on February 6, 2013, made Ms. Lee feel uncomfortable with their instructor-student relationship, and she sent an e-mail to Dr. Rebecca Roberts Martin, her faculty supervisor, informing her that Ms. Lee did not wish to return to Respondent's practice.
26. Dr. Roberts Martin called Ms. Lee on the telephone the following day to discuss Ms. Lee's request to not go back to Respondent's offices.
27. Ms. Lee reluctantly informed Dr. Roberts Martin what had happened at Respondent's office during the evening of February 6, 2013.
28. The following Saturday morning, February 9, 2013, Dr. Roberts Martin, Dr. Ford and Ms. Lee had a telephone conference with Respondent to inform him that Ms. Lee would not be returning to his offices, and that Ms. Lee was immediately ceasing participation in her practicum at his offices due to what happened in supervision.
29. The Respondent said that he was sorry but did not acknowledge what happened.
30. The following week Dr. Kristi Cannon, Field Experience Director at the School of Counseling, Walden University, called Ms. Lee to ask her how Ms. Lee felt about filing a complaint against the Respondent.
31. Ms. Lee replied that she did not want to be involved with filing a complaint against the

Respondent, that she was uncomfortable and that she did not want to go back.

32. Ms. Lee subsequently agreed that Dr. Cannon should file a complaint.
33. Dr. Cannon and Dr. Matt Buckley, Program Director for the School of Counseling at Walden University filed a complaint with the Board against the Respondent.
34. Drs. Cannon and Buckley's complaint alleged that Respondent had violated three sections of the Ethical Code of the American Association of Marriage and Family Therapists:
 - a. **3.8 Harassment.** Marriage and family therapists do not engage in sexual or other forms of harassment of clients, students, trainees, supervisees, employees, colleagues, or research subjects.
 - b. **4.1 Exploitation.** Marriage and family therapists who are in a supervisory role are aware of their influential positions with respect to students and supervisees, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid conditions and multiple relationships that could impair professional objectivity or increase the risk of exploitation. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists take appropriate precautions.
 - c. **4.3 Sexual Intimacy with Students or Supervisees.** Marriage and family therapists do not engage in sexual intimacy with students or supervisees during the evaluative or training relationship between the therapist and student or supervisee. If a supervisor engages in sexual activity with a former supervisee, the burden of proof shifts to the supervisor to demonstrate that there has been no exploitation or injury to the supervisee.
35. The Board subsequently received an Ex Parte Motion for an Order of Summary Suspension in this matter, supported by affidavits submitted by Ms. Lee and Ms. Wanda Nicholson, the Board's Executive Director.
36. The Board ruled upon said Ex Parte Motion and issued an Order summarily suspending Respondent's license to practice marriage and family therapy on May 17, 2013.
37. A prior complaint had been filed against the Respondent with the North Carolina Marriage and Family Therapy Licensure Board in 2008. The prior complaint alleged that Respondent made inappropriate personal comments to two minor clients in the course of therapy sessions. Respondent denied all allegations and entered into a Consent Order with the Board ordering the Respondent work under the supervision of an approved supervisor for a period of one year to work on ethics issues and professional boundaries.
38. Respondent completed all the requirements of the 2008 Consent Order and his status returned to licensed in good standing as of November 9, 2009.

BASED UPON the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter of this contested case and over the Respondent.

2. The Board concludes as a matter of law, based upon the above findings and in reliance on its own expertise, that Respondent has used his position of influence as a clinician and supervisor to take advantage of and enter into an unethical personal relationship with a supervisee.
3. The Board hereby concludes that pursuant to 21 NCAC 31 .0609 ETHICAL PRINCIPLES, it adopted the *American Association of Marriage and Family Therapy ("AAMFT") Code of Ethical Principles for Marriage and Family Therapists (2012)* by reference effective on March 1, 1996, and requires that each applicant or licensee shall follow this code of ethics.
4. The Board hereby concludes that the Respondent committed a violation of Principle 3.8 "Harassment" of the *AAMFT Code of Ethical Principles for Marriage and Family Therapists (2012)* on February 6, 2013, by harassing Ms. Lee by hugging her, making inappropriate remarks to her and kissing her; this violation alone warrants the disciplinary action taken by the Board.
5. The Board hereby concludes that the Respondent committed a violation of Principle 4.1 "Exploitation" of the *AAMFT Code of Ethical Principles for Marriage and Family Therapists (2012)* on February 6, 2013, by exploiting Ms. Lee by hugging her, making inappropriate remarks to her and kissing her; this violation alone warrants the disciplinary action taken by the Board.
6. A violation of any provision of the *AAMFT Code of Ethical Principles for Marriage and Family Therapists (2012)* which was adopted by the Board in 21 N.C.A.C. 31. 0609, constitutes grounds for the Board to revoke or suspend Respondent's license, pursuant to N.C. Gen. Stat. § 90-270.60(7).
7. The Board hereby concludes that grounds exist for it to revoke Respondent's license based upon Respondent's violations of 21 NCAC 31. 0609, specifically *AAMFT Code of Ethical Principles for Marriage and Family Therapists (2012)* Principles 3.8 "Harassment" and 4.1 "Exploitation," in that Respondent's conduct described above constitutes a violation of a rule adopted by the Board, pursuant to N.C. Gen. Stat. § 90-270.60(a)(7).
8. The Board hereby concludes that grounds exist for it to revoke Respondent's license based upon Respondent's violations of N.C. Gen. Stat. § 90-270.60(a)(7), (9), and (10) in that Respondent's conduct described above proves that Respondent has violated rules adopted by the Board, has been guilty of unprofessional or unethical conduct as defined in the current *AAMFT Code of Ethical Principles for Marriage and Family Therapists (2012)* Principles 3.8 "Harassment" and 4.1 "Exploitation," and has been guilty of having harassed a student, supervisee, or trainee.

DECISION AND ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED:

1. That the Respondent's marriage and family therapy license is hereby REVOKED.
2. Respondent shall immediately cease to engage in the practice of marriage and family therapy.

3. In the event that Respondent has not terminated treatment with all of his clients, he shall do so no later than ten days after receipt of this Order.
4. Should any of Respondent's former clients contact Respondent at any point in time, Respondent shall refer such a client to another therapist and shall not engage in any other conversation with the former client.
5. Respondent shall turn in his license to practice marriage and family therapy in North Carolina to the Board no later than fourteen days after he receives a copy of this Order. He shall mail his license to: North Carolina Marriage and Family Therapy Licensure Board, P.O. Box 5549, Cary, N.C. 27512-5549.
6. The Board shall maintain this Final Decision as a public record pursuant to N.C. Gen. Stat. § 132-1.

IT IS SO ORDERED.

This the 14th day of December, 2013

THE NORTH CAROLINA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

By: Jennifer Hodgson
Jennifer Hodgson, Ph.D.
Board Chair

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 Wake County or in the Superior Court of the county in which the party resides. 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, Wanda Nicholson, Executive Director of the North Carolina Marriage and Family Therapy Licensure Board, do hereby certify that I have this day served a copy of the foregoing ORDER upon the following by submitting a copy of the same via certified mail to:

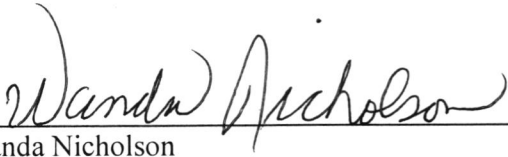
Willie Alexander
208 B South Rutherford Street
Wadesboro, North Carolina 28170

Joy Webb, Esq.
Merritt, Webb, Wilson & Caruso, PLLC
2525 Meridian Parkway, Ste. 300
Durham, NC 27702

I do further certify that I have this day served a copy of the foregoing notice upon the following by depositing a copy of the same via mail to:

Barry H. Bloch
Assistant Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629

This, the 20 th day of December, 2013.



Wanda Nicholson
Executive Director
North Carolina Marriage and Family Therapy Licensure Board
P.O. Box 5549
Cary, NC 27512