

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
MARRIAGE AND FAMILY THERAPY
BOARD

IN THE MATTER OF:

JONATHAN BARKER, D. Min.

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FINAL DECISION

The North Carolina Marriage and Family Therapy Board (hereinafter "the Board") heard this cause on August 20, 2004. A Notice of Hearing was served upon Jonathan Barker, D. Min. (hereinafter, "Respondent"), dated July 14, 2004, and received on July 29, 2004. Respondent was not represented by counsel, nor did he appear before the Board. Richard E. Slipsky, Special Deputy Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board accepted exhibits into evidence in a public session. At the close of the hearing, the 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

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

1. At all relevant times the Respondent was a marriage and family therapist licensed by the Board.
2. Respondent was providing therapy to Charles M. Sune over a nine month period beginning in the early summer of 2003, while Respondent was employed at Carolina Partners in Durham, NC. Mr. Sune reports that he sought treatment from Respondent due to feeling overwhelmed with personal issues in his life. (Exhibit 1).
3. During Respondent's last therapy session with Mr. Sune, on March 12, 2004, Respondent requested that Mr. Sune send his resume for possible employment with Respondent's outside business interest. This request was followed by meetings between Mr. Sune and Respondent on March 15, 18, 23, 2004, at Respondent's office in Mebane, NC, and one meeting at Respondent's attorney's office in Durham, NC. (Exhibit 1).
4. Subsequently, on March 29, 2004, Respondent and Mr. Sune entered into an employment agreement in which Mr. Sune would provide consulting services to Respondent's company, Global Internet 1. (Exhibit 1). Following that, Respondent and Mr. Sune had additional business meetings on April 7, 13, 14 and 22, 2004, at Respondent's office in Mebane, NC, and they had one meeting at Borders Books.
5. In Respondent's response to Mr. Sune's complaint he stated, "Yes, I bonded with Mr. Sune as a Father do [sic] a son, because I saw him as an earlier, younger replica of myself who thought I could own the world and ended [sic] as Job did in a heap of ashes, as Jonah did in the body of the whale wondering what he would do now as yet another wonderful creature of God and a woman I have come to love without measure wants no part of me as a lover and friend. I saw in him and in other patients, who are brothers and sisters in Christ an opportunity to live again and to thrive again. Without a family

of sorts, I am a lonely old fool who only sees injustice and pain around every corner and deceit in the eyes of those I fear." Further, Respondent states, "I love and forgive Mr. Sune and I know God forgives me even though I have tarnished in some way my reputation as a person of God and done the very thing I have been accused of doing .. trying too hard to be loved, when love has been around me forever at every recent offer to employ me in wonderful position in beautiful places." (Exhibit 1).

6. Respondent further states in his response to the complaint, "Please be aware I did what I did with no malicious intent, but instead to hold up to him [Mr. Sune] my affection and love for him as a person and as a human being." (Exhibit 1).
7. In an email message sent by Respondent to Wanda Nicholson, Executive Director of the Board, dated June 15, 2004, Respondent states, "After monthes [sic] of endlessly going over the same story that Charles Sune told at the beginning of treatment, I told him he was a hopeless case and terminated him as he refused to follow through on repeated requests to stop preying on wealthy professional working woman [sic] who soon dumped him for his sleazy behavior's [sic] with them, all in the name of 'being too depressed about his father's depression and his having to bail out his brother from jail after jail - if he even has an older brother.' " (Exhibit 4).
8. Respondent further states that he has written a book based upon his own experience, "Acceptance: An Insider's View of Bipolar Disorder." Respondent also states in his June 15, 2004 e-mail message, "When I let him [Mr. Sune] go finally as a client, he informed me that he had indeed found a position with a multi-million dollar company selling stock in an entertainment company and he was 'happy with me' as his therapist and friend for so many, long monthes[sic]. (At least to me.) God bless Mr. Sune and those who can't find true happiness in their lives." (Exhibit 4).
9. In an e-mail message sent by Respondent to Lisa Corbett, Assistant Attorney General and Counsel to the Board, dated August 18, 2004, Respondent stated, "My family members became worried about my well-being, came to visit and my 'well-meaning' sister, Kathy Barker, Ph.D., CPA, signed a commitment paper because she came for a brief visit to help me with all the paperwork I was having to deal with and left after a few hours in confusion and fear for herself. I was handcuffed by a vice/narcotics officer from the Mebane Police Dept. under the direction of Chief Bumgardner. Six Mebane officers took me from my office by force, just after I had visited Judge Everett and Lindsey at your [Ms. Corbett's] office. I had stopped at my office to pick up a check from my Mother, Marie Barker who lives in Rochester, NY." (Exhibit 5).
10. Respondent further writes, "I was taken by Alamance Sherriff's dept. [sic] to Butner hospital at the recommendation of the Mebane Police Dept. following a 6 hour ordeal at the emergency room of the Alamance Regional Hospital, where I had worked with the head of the Behavioral Heath Unit, Kenneth Headen, MD. . . ." "Due to approx. a month long detainment in the Butner Hospital against my will and with no benefit to me or any of my family, I was released to resume my life again." (Exhibit 5).
11. In addition, Respondent writes, " I haven't been able to work in marriage and family therapy for the past couple of months due to the previous situation, as I've tried to re-establish my credit rating from the 1st of Jan. 2004 when I had approx. \$14,000 of assets in Wachovia Bank. My credit rating went from close to 800 down to mid-500 on the beacon score."

12. Further, Respondent's response to the complaint, e-mails messages to Ms. Nicholson and Ms. Corbett, are in other ways unresponsive to the issues in the complaint, and, in the Board's expertise demonstrates that Respondent is mentally impaired and not able to competently engage in the practice of marriage and family therapy.

CONCLUSIONS OF LAW

13. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.
14. The Board concludes based upon the above findings and in reliance on its own expertise that Respondent is mentally impaired and not competent to practice marriage and family therapy.
15. The Board also concludes based upon the above findings that Respondent engaged in an unethical dual relationship with Mr. Sune.
16. The Respondent's conduct violated Standard 1.3 of the *American Association for Marriage and Family Therapy (AAMFT) Code of Ethical Principles For Marriage and Family Therapists (2001)*, which alone warrants the disciplinary action taken by the Board.
17. The Respondent's conduct violated Standard 1.7 of the *AAMFT Code of Ethical Principles For Marriage and Family Therapists (2001)*, which alone warrants the disciplinary action taken by the Board.
18. The Respondent's conduct violated Standard 3.3 of the *AAMFT Code of Ethical Principles For Marriage and Family Therapists (2001)*, which alone warrants the disciplinary action taken by the Board.
19. The Respondent's conduct violated Standard 3.4 of the *AAMFT Code of Ethical Principles For Marriage and Family Therapists (2001)*, which alone warrants the disciplinary action taken by the Board.
20. The Respondent's conduct violated Standard 3.9 of the *AAMFT Code of Ethical Principles For Marriage and Family Therapists (2001)*, which alone warrants the disciplinary action taken by the Board.
21. The Respondent's conduct violated Standard 3.15 of the *AAMFT Code of Ethical Principles For Marriage and Family Therapists (2001)*, which alone warrants the disciplinary action taken by the Board.
22. A violation of any provision of the *AAMFT Code of Ethical Principles For Marriage and Family Therapists (2001)*, which are adopted by the Board in 21 NCAC 31. 0609, would constitute grounds for the Board to revoke or suspend Respondent's license, pursuant to N.C. Gen. Stat. §90-270.60(5).

NOW, THEREFORE, the NORTH CAROLINA MARRIAGE AND FAMILY THERAPY BOARD ORDERS:

- I. The license of the Respondent, Jonathan Barker, D.Min., is hereby REVOKED.
- II. Respondent shall immediately cease to engage in the practice of marriage and family therapy.
- III. Respondent has stated that he has terminated therapy with all of his clients, however, in the event that he has not terminated with any of his clients, he shall immediately do so upon receipt of this Order.
- IV. 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.
- V. Respondent shall turn in his license to practice marriage and family therapy in North Carolina to the Board no later than two weeks after he receives a copy of this Order. He shall mail his license: North Carolina Marriage and Family Therapy Board, PO Box 37669, Raleigh, NC 27669. 27627
- VI. The Board shall maintain this Final Decision as a public record pursuant to N.C. Gen. Stat. § 132-1.

This the 25th day of August, 2004.

NORTH CAROLINA MARRIAGE AND FAMILY THERAPY BOARD

BY: Susan Brooks
SUSAN BROOKS, LMFT
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 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 R. 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 FINAL DECISION upon the following by depositing a copy of the same in the United States mail, certified mail, return receipt requested, postage prepaid:

Dr. Jonathan Barker
3234 NC Highway 119 N
Mebane, NC 27302

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 paid:

Richard Slipsky
Assistant Attorney General
NC Department of Justice
PO Box 629
Raleigh, NC 27602-0629

This the 25th day of August 2004.

Wanda R. Nicholson
Executive Director
North Carolina Marriage and Family Therapy Licensure Board
PO Box 37669
Raleigh, NC 27627
(919) 851-7880