

# StephensonLaw<sup>LLP</sup>

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August 21, 2017

## **HAND DELIVERY**

Special Deputy Attorney General  
Attn: Ms. Anne J. Brown  
Services to State Agencies section  
114 W. Edenton Street  
Raleigh, NC 27603

Re: Elite Care, Inc. v. Danielle Beres  
Our File No.: G-16-1067

To Anne J. Brown:

Enclosed, please find an original Affidavit of Danielle Beres in addition to the Consent Order.

With best regards, I remain

Sincerely,

STEPHENSONLAW, LLP



Kristi Lage,  
Legal Assistant

Enclosures (3)

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE NORTH CAROLINA MARRIAGE AND FAMILY  
THERAPY LICENSURE BOARD

IN RE: )  
 )  
DANIELLE BERES ) CONSENT ORDER

THIS CAUSE COMING ON TO BE HEARD, and being heard by the North Carolina Marriage and Family Therapy Licensure Board (the "Board"), acting pursuant to N.C. Gen. Stat. §§90-270.45, *et seq.* (2017), the rules and regulations duly promulgated by the Board and N.C. Gen. Stat. §§150B-1, *et seq.* (2017), as well as the consent of the Respondent, Danielle Beres; and

IT APPEARING TO THE BOARD that Anne J. Brown, Special Deputy Attorney General, North Carolina Department of Justice, acted as legal counsel to the Board in this matter and that Philip Gray acted as legal counsel to the Respondent in this matter; and

IT FURTHER APPEARING TO THE BOARD that the parties have reached a settlement of their disputes and now desire to resolve this matter by the entry of this Consent Order.

NOW, THEREFORE, by the consent of the Board, as signified by the signature of its Chairperson at the end of this Consent Order, and the consent of the Respondent, as signified by her signature at the end of this Consent Order, IT IS ORDERED, ADJUDGED and DECREED as follows:

1. The Board has complied with all notice, procedural and other requirements relating to the Respondent and this matter imposed by all applicable law.

2. The Board has jurisdiction over the person of the Respondent in this matter and over the subject matter of this proceeding.

3. Pursuant to, *inter alia*, N.C. Gen. Stat. §90-270.60 (2017), the Board is empowered, under certain circumstances, to take disciplinary action against licensees.

4. The parties have agreed to the resolution of this matter by the entry of this Consent Order in the interests of avoiding costly litigation and delay and the Board and the Respondent consent and agree to be bound by the terms of this Consent Order.

5. The Respondent expressly waives any right she may have to a hearing in this matter and to any judicial review of this matter.

6. The Respondent voluntarily surrenders her license to practice marriage and family therapy in this State for a period of five (5) years from and after the date this Consent Order has been signed by both the Respondent and the Board's Chairperson and, immediately upon the Respondent's and the Board Chairperson's act of signing this Consent Order, the Respondent's license to practice marriage and family therapy in this State shall be deemed as a matter of fact and law to have been surrendered, without further action by the Respondent.

7. During this voluntary surrender period, the Respondent shall not engage, either directly or indirectly or in her own name or in another person's or entity's name, in the practice of marriage and family therapy anywhere in this State.

8. Attached hereto as Exhibit 1 is an Affidavit for signature by the Respondent. The parties recognize and agree that it is a condition precedent to the Board Chairperson's agreement and obligation to sign this Consent Order that the Respondent sign said Affidavit before a notary public immediately prior to signing this Consent Order and that the Respondent then cause said signed Affidavit to be duly notarized by said notary public. The parties further recognize and agree that it is likewise a condition precedent to the Board Chairperson's agreement and obligation to sign this Consent Order that the Respondent then sign this Consent Order and deliver it to legal counsel for the Board, along with the fully signed and duly notarized Affidavit.

9. The parties agree that, once signed and notarized, the Affidavit referred to in the preceding paragraph of this Consent Order shall become a part of this Consent Order for all purposes.

10. At her own expense, the Respondent shall complete six (6) hours of Marriage and Family Therapy ethics education within one (1) year from the effective date of this Consent Order. Said ethics education shall focus on the topics of ensuring informed consent, records management and records maintenance. Prior to taking said ethics education course work, the Respondent shall submit to the

Board for its approval course outlines for all such course work. No such course work shall satisfy this requirement unless the courses are pre-approved in writing by the Board.

11. After taking said ethics education course work, the Respondent shall promptly submit to the Board a certificate(s) of course completion.

12. Should the Respondent be disciplined or sanctioned in any way by reason of any professional or personal conduct on her part by any state or federal agency or other entity within five (5) years from the effective date of this Consent Order, or should the Respondent be found by any court or other tribunal of competent jurisdiction to have committed any violation of law, governmental regulation or governmental rule within five (5) years from the effective date of this Consent Order, the Respondent acknowledges and agrees that the Board may take disciplinary action against her pursuant to N.C. Gen. Stat. §90-270.60 (2017).

13. Should the Respondent apply to the Board for licensure or re-licensure following the period of five (5) years or more from the effective date of this Consent Order, the Respondent acknowledges and agrees that the Board may consider its entire investigative file(s) on the Respondent and may take such contents into account in passing upon the Respondent's application for licensure or re-licensure.

14. The Respondent acknowledges that, prior to signing this Consent Order she has been provided with legal advice concerning every aspect of this Consent Order from an attorney of her own choosing, or, in the alternative, that she

had every opportunity to obtain such legal advice and that she knowingly and voluntarily elected not to seek legal advice.

15. The Respondent acknowledges and agrees that she has entered into and signed this Consent Order voluntarily and without coercion or duress of any type.

16. The Respondent acknowledges and agrees that this Consent Order shall become legally effective on the date it is signed and dated by the Board's Chairperson.

*See Exhibit 1 to this Consent Order, attached hereto.*

THE NORTH CAROLINA MARRIAGE AND  
FAMILY THERAPY LICENSURE BOARD:

By: \_\_\_\_\_  
Christopher Rodriguez  
Its Chairperson

THE RESPONDENT:

  
\_\_\_\_\_  
Danielle Beres

  
\_\_\_\_\_  
Philip Gray  
*Attorney for the Respondent*

*Continued on the following page*

Exhibit 1 to Consent Order

STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE NORTH CAROLINA MARRIAGE AND FAMILY  
THERAPY LICENSURE BOARD

IN RE: )  
 )  
DANIELLE BERES )

AFFIDAVIT OF DANIELLE BERES

STATE OF SOUTH CAROLINA)

COUNTY OF Charleston ) SS.:

DANIELLE BERES, being first duly sworn, deposes and says under oath and penalty of perjury as follows:

1. I am over eighteen years of age and am competent to make this Affidavit.
2. I make this Affidavit on personal knowledge.
3. I make and give this Affidavit freely and voluntarily and swear that its contents are true to the best of my knowledge.
4. I am not currently engaged or engaging in the practice of marriage and/or family therapy in the State of North Carolina – either directly or indirectly or in my own name or in any other person’s or entity’s name.
5. I will not engage in the future in the practice of marriage and/or family therapy in the State of North Carolina – either directly or indirectly or in my own

name or in any other person's or entity's name – unless I am authorized to do so by the North Carolina Marriage and Family Therapy Licensure Board.

Danielle Beres  
Danielle Beres

Subscribed to and sworn before me  
this 18<sup>th</sup> day of August 2017.

[Signature]  
Notary Public



My commission expires: 11-30-2026



STATE OF NORTH CAROLINA

COUNTY OF WAKE

BEFORE THE NORTH CAROLINA MARRIAGE AND FAMILY  
THERAPY LICENSURE BOARD

IN RE: )  
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Danielle Beres  
Danielle Beres

Subscribed to and sworn before me  
this 18<sup>th</sup> day of August 2017



[Signature]  
Notary Public  
My commission expires: 11.30.2026