

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)
)
MARK WEAVER, LPC)
Respondent.)
Case Number 1580)

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 13-14, 2016, pursuant to a charge letter issued by the Board on June 30, 2016, 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. The Board’s evidence would show that: on or about October 22, 2015, while in a counseling session with client X, Respondent told client X that he had not eaten in quite a while and it was apparent to the client that Respondent was hungry. Respondent kept referring to the fact that he was hungry and Respondent also told the client that his roommate that died. It appeared to the client, based upon Respondent’s conduct, that Respondent’s life was not going in the right direction. At the end of the session the client gave Respondent \$100 because he seemed hungry. Respondent told the client that he would pay it back. Respondent would present evidence denying this.
3. Client X did not have any other sessions with Respondent.
4. By Respondent’s admission, Respondent agreed that client X gave him \$100 and that at the time of the incident Respondent had not eaten in two days and had no money. Respondent also explained that he suffered from difficulties in his personal life during this time period.
5. Respondent admits that his conduct as set forth in Paragraphs 2-4 violates N.C. Gen. Stat. §§ 90-340 (a)(9), (a)(13) & (a)(15) of the Licensed Professional Counselors Act and Sections A. 6.b., A. 6.e., A 10.f., C. 6.d., and C. 2.g of the American Counseling Association Code of Ethics (2014).
6. 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.
7. 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.

8. 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.

9. 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.

10. 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 shall submit to a fitness for practice evaluation by a Board designated evaluator within three months of signing the consent order. Any expenses associated with the fitness for practice evaluation shall be borne by the Respondent. The Board will provide Respondent with three names of mental health professionals to conduct the evaluation. If Respondent is determined to be fit to practice by the Board, then Respondent shall practice under the following conditions.

II. If the fitness for practice evaluation determines that Respondent is not fit to practice, then Respondent would have the option of incurring the cost of a second fitness for practice evaluation.

III. If Respondent is determined not to be fit to practice by the Board following both evaluations, then his license will be revoked.

IV. If Respondent is determined to be fit to practice by the Board, Respondent's license as an LPC shall be placed on PROBATION for a period of six months or until he completes the following:

A. Respondent shall complete six hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603(c), in the area of ethics with a focus on 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.

B. Respondent shall be supervised for a period of six months by a Board approved supervisor, who is an LPCS, for one hour of individual in person supervision for every 30 hours of counseling practice, with no less than two supervision sessions per month. The supervisor must be someone with whom Respondent has no prior personal relationship. 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 a supervision report every three months with the Board. At the conclusion of the six months 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.

C. The Board may place additional conditions on Respondent's license during the probationary period based upon the recommendations of the fitness for practice evaluation.

V. Upon successfully completion of the conditions set forth in Roman Numeral III. A through C, Respondent may make a written request that the Board release him from probation, which the Board, through its Ethics Review Chair, shall grant so long as all conditions have been successfully completed.

VI. 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.

VII. 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.

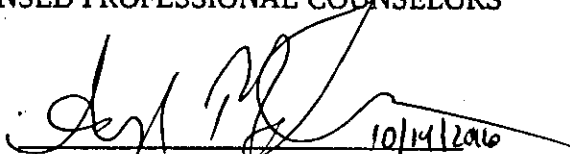
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This the 14^m day of October, 2016.


CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED PROFESSIONAL COUNSELORS

BY:


Angela McDonald, Ph.D., LPCS date 10/14/2016
Board Chairperson


Mark Weaver, LPC date 10/12/2016
Respondent


Suzanne R. Walker date 10/13/16
Yates, McLamb & Weyher, LLP
Attorneys at Law
Attorney for Respondent