

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
CLINICAL MENTAL HEALTH
COUNSELORS

IN THE MATTER OF:)
)
FREDRICK MAY, LCMHCS)
)
Respondent.)
)
Case No. 1927)

CONSENT ORDER

THIS CAUSE, coming on to be heard and being heard before the North Carolina Board of Licensed Clinical Mental Health Counselors (“the Board”), at its meeting on 7-8 April, 2022, pursuant to a charge letter issued by the Board on February 23, 2022 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 clinical mental health counselor¹ and is subject to the Board’s jurisdiction pursuant to the North Carolina Licensed Clinical Mental Health Counselors Act, Chapter 90, Article 24, of the North Carolina General Statutes.
2. From on or about summer 2009 through on or about summer 2011, Respondent provided outpatient counseling services as a licensed professional counselor to client X. While providing counseling services to client X, Respondent crossed professional boundaries by engaging in sexual activity with client X in his counseling office during a counseling session. Respondent’s conduct hurt and emotionally wounded client X.
3. In response to the complaint filed in this matter, Respondent admitted to having engaged in a sexual encounter with Client X in 2011. However, Respondent failed to disclose his misconduct to the Board when securing the renewal of his licensure since 2011.
4. Respondent admits that his conduct described in Paragraphs 2 and 3 above constitutes violations of Sections A.1.a., A.4.a., A.5.a., C.6.a., and C.6.d., of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(3), (7),

¹ On 1 January 2020, the name “licensed professional counselor was changed to “licensed clinical mental health counselor.” See Act of Nov. 6, 2019, Ch. 240, sec. 2(a), 2019 N.C. Sess. Laws 240.

(9), (10), (13), and (14) of the North Carolina Licensed Clinical Mental Health 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 Clinical Mental Health 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.
10. This Consent Order shall constitute disciplinary action against the license of Respondent, pursuant to N.C. Gen. Stat. §90-340(a).

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

- I. Respondent agrees to voluntarily RELINQUISH his license on or before May 1, 2022 and shall not seek to reinstate his license at any time in the future.
- II. Should Respondent apply for re-licensure in the future, the Board shall have access to its entire investigative file in this matter in review of his application.
- III. No later than May 1, 2022, Respondent shall cease to engage in any activities that meet the definition of the practice of counseling under N.C. Gen. Stat. § 90-330(a)(3), or that fall

under the prohibitions set forth in N.C. Gen. Stat. § 90-331.

- IV. No later than May 6, 2022, Respondent shall turn in his license to practice counseling in North Carolina to the Board. In the event Respondent is unable to find his license to practice counseling in North Carolina, he shall submit an Affidavit to the Board stating that despite his diligent search, he was unable to locate his original license and that in the event he finds it in the future, he will promptly turn it to the Board. Respondent shall mail his license or an Affidavit to: Melonie Davis, Board Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors, 2C Terrace Way, Greensboro, NC 27403.
- V. No later than May 6, 2022, Respondent shall provide a signed Affidavit (a written statement made under oath or affirmation taken before a person having authority to administer such oath or affirmation) to the Board, attesting that he has terminated and transferred all of his patients/clients by May 1, 2022. Respondent shall further attest that he is no longer engaged in the practice of counseling in any way. The Affidavit shall be mailed Affidavit to: Melonie Davis, Board Executive Director, North Carolina Board of Licensed Clinical Mental Health Counselors, 2C Terrace Way, Greensboro, NC 27403.
- VI. The failure of Respondent to abide by any provisions of this Consent Order shall result in further action by the Board, including seeking an injunction in Superior Court, 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.

[The rest of this page is intentionally left blank].

This the ¹¹~~XXXX~~ day of April, 2022.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF
LICENSED CLINICAL MENTAL HEALTH COUNSELORS

BY: Kylam Kurian 4/11/2022
Dr. Kyla M. Kurian, PHD, LCMHC date
Board Chairperson

Fredrick May 4/4/2022
Fredrick May, LCMHCS date
Respondent

James A. Wilson 4/5/2022
James A. Wilson date
Ward and Smith, P.A.
Attorney for Respondent

State of North Carolina

County of Guilford

Signed and Sworn before me this day by Fredrick May

Date: 4/4/22



Austin Nelms

Austin Nelms

My Commission Expires 08-19-26