

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA  
BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

IN THE MATTER OF: )  
 )  
KAMBI SWAN, LPCS )  
Respondent. )  
Case Number 1607

**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 December 16, 2016, pursuant to a charge letter issued by the Board on October 10, 2016, which is now pending; and

IT APPEARING to the Board that the Respondent has stipulated to the entry of a Consent Order in conformity therewith, as set forth below:

1. Respondent was at all times relevant to this cause a licensed professional counselor supervisor 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. Respondent provided counseling services to “client” in 2013 and 2014, during which Respondent worked with client on issues related to childhood trauma. On or about May 13, 2016, Respondent wrote a letter addressed “To Whom it May Concern,” in which Respondent divulged confidential information about her former client without her consent or other legal authority to do so. In the letter, Respondent made statements about her former client’s alleged conduct outside of counseling during the Fall of 2014, at which time Respondent stated that her former client was working on projects at Respondent’s counseling agency. This was during a time period that Respondent was providing the client with counseling services. As a result, Respondent entered into a nonprofessional relationship with the client during and after Respondent was her counselor.
3. Respondent’s statements in the letter about her former client are not respectful of her former client’s dignity, are exploitative of her, and are potentially harmful to her. Furthermore, Respondent made these statements with the intent of benefitting a third party rather than protecting Respondent’s former client’s welfare.
4. Respondent’s conduct as set forth in Paragraph 2 above violates N.C. Gen. Stat. §§ 90-340 (a)(9), (a)(10) & (a)(13) of the NC Licensed Professional Counselors Act and Sections A 1.a., A 4.a., A 6.b., A 6.e., B 1.c., and C 6.d. of the American Counseling Association Code of Ethics (2014).
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. While the Respondent does not stipulate to the findings above, and disputes and denies those facts and findings, 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 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.

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.

Based upon the record and the foregoing stipulations,

NOW, THEREFORE IT IS HEREBY ORDERED as follows:

I. Respondent's license as an LPCS is hereby REPRIMANDED.

II. Respondent shall complete twelve hours of continuing education coursework from a Board approved continuing education sponsor, as set forth in 21 NCAC 53.0603(c), four hours in each of the following areas: appropriate boundaries with clients and former clients; confidentiality; and client welfare. Upon successful completion of this continuing education coursework, Respondent shall submit certificates 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. Respondent shall complete this continuing education within six months of the signing of this Consent Order.

III. Respondent shall be supervised for a period of one year by a Board approved supervisor, who is an LPCS, for one hour of individual in person supervision per week during any week in which she practices counseling. 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. The supervision contract must be submitted within two weeks of the signing of this Consent Order. Respondent's supervisor shall submit quarterly

supervision reports with the Board at the end of each quarter of supervision. At the conclusion of the one year of supervision, Respondent's Board approved supervisor shall submit a Final Supervision Report to the Board. Respondent must receive at least average ratings from her 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.

IV. During the time period set forth in Paragraph III, Respondent shall not supervise any other mental health professionals, including LPCA or LPCs.

V. Upon successfully completion of the continuing education in Paragraph II and the supervision in Paragraph III, Respondent may make a written request that the Board release her from the conditions in the consent order, 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 16<sup>th</sup> day of December, 2016.

CONSENTED TO BY:

NORTH CAROLINA BOARD OF  
LICENSED PROFESSIONAL COUNSELORS

BY: Angela McDonald 12/16/16  
Angela McDonald, Ph.D., LPCS date  
Board Chairperson

Kambi R. Swan 12/14/16  
Kambi Swan, LPCS date  
Respondent

Roberta King Latham 12/14/16  
Roberta King Latham date  
Bennett & Guthrie, PLLC  
Attorney for Respondent