



State of North Carolina

Department of Justice

P.O. Box 629

RALEIGH

27602-0629

September 19, 2012

ROY COOPER
Attorney General

REPLY TO:
Sondra C. Panico
(919) 716-6792
FAX: 716-6755

Ms. Amy Gardner
118 Coldstream Drive
Spartanburg, South Carolina 29316

RE: North Carolina Board of Licensed Professional Counselors Case number 1286

Dear Ms. Gardner,

Enclosed please find the Consent Order that you entered into with the North Carolina Board of Licensed Professional Counselors, which was signed by the Board Chair at its meeting on September 14, 2012. You are reminded that should you wish to renew your license to practice counseling in North Carolina you will need to comply with the conditions set forth in the Consent Order.

If you have any questions, please contact me at (919) 716-6792.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sondra C. Panico".

Sondra C. Panico
Assistant Attorney General
NC Department of Justice
Post Office Box 629
Raleigh, NC 27602
(919) 716-6792 (phone)
(919) 716-6755 (facsimile)
spanico@ncdoj.gov

STATE OF NORTH CAROLINA

BEFORE THE NORTH CAROLINA
BOARD OF LICENSED
PROFESSIONAL COUNSELORS

IN THE MATTER OF:)

AMY GARDNER,)
Respondent.)

(Case Numbers 1286 & 1296)

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 September 14, 2012, pursuant to a charge letter issued by the Board on March 12, 2012, 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. Respondent admits the following:

a. Respondent engaged in inappropriate conduct in her relationship with patient X, between the dates of on or about March 23, 2010 through on or about May 19, 2010, while serving as patient X’s counselor at “Y facility.” On or about May 7, 2010, Respondent conducted a lengthy therapy session with patient X and during the session Respondent telephoned patient X’s husband and spoke to him on speaker phone while patient X listened to the conversation. Respondent then discussed the marital relationship with patient X’s husband, without disclosing to him that patient X was listening to the entire conversation. At some point during the conversation with patient X’s husband Respondent pretended that patient X had just walked in the room for a joint session. Respondent also told patient X that she loved patient X and sat very close to patient X during sessions and held her hand. In addition, Respondent did not properly maintained patient X’s treatment records.

b. Respondent admits that the conduct described in Paragraph 2a above violates the following sections of the American Counseling Association Code of Ethics: A 1b, A 4a, B 1c, and C 6d, and the conduct violates N.C. Gen. Stat. § 90-340 (a)(9) of the Licensed Professional Counselors Act.

3. 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.

4. 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.

5. 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.

6. 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.

7. Respondent agrees that her license may be suspended or revoked, in the Board's discretion, if the Board determines by the preponderance of the evidence, after an opportunity for a hearing, that Respondent has violated any of the terms of this Consent Order.

8. 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 to practice counseling in North Carolina has not been renewed and has LAPSED. Should Respondent wish to renew her license she shall comply with all statutory requirements or requirements in Board rule to renew her license. Once she has renewed her license it will be placed under the following conditions:

A. Respondent shall complete 8-10 hours of continuing education in the area of appropriate boundaries with patients/clients. Respondent shall not begin this coursework until it is approved by the Board. Upon successful completion of this continuing education coursework, Respondent shall submit a certification 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 her license being renewed by the Board.

B. Once Respondent has renewed her license, for a period of one year, Respondent shall

