

IN THE MATTER OF:)
TINA HART)
Case No. 1472)
Respondent.)

FINAL DECISION

The North Carolina Board of Licensed Professional Counselors ("Board") heard this cause on December 5, 2014. A Notice of Hearing was served on Respondent on October 31, 2014, notifying her that the hearing would take place on December 5, 2014, at 9 am or as soon thereafter as possible at 7 Terrace Way, Greensboro, North Carolina 27403. Respondent was not present at the hearing. Sondra C. Panico, Assistant Attorney General, appeared on behalf of the Board.

At the hearing of this matter, the Board heard testimony from Randy Yardley, Board investigator, and accepted exhibits into evidence in a public session. After hearing the evidence, the Board retired into an executive session to deliberate, during which deliberations it made the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Board finds, by a preponderance of the evidence, that the following facts are true and relevant:

1. At all relevant times the Respondent was a licensed professional counselor associate (LPCA) licensed by the Board.
2. On May 21, 2014, the Ethics Review Committee of the Board issued a charge letter against Respondent alleging that she engaged in erratic behavior and exhibited signs of distress, and that she appeared to have personal mental health issues that were impairing her ability to practice counseling (Board Exhibit Number 2).
3. Respondent was served with the Notice of Hearing in this matter, on October 31, 2014. (Board Exhibit Number 1).
4. A complaint was filed with the Board against Respondent, which Respondent filed a written response to with the Board. (Board Exhibit Numbers 3 and 4).
5. Randy Yardley, Board investigator, investigated this matter and interviewed Respondent.

6. Mr. Yardley also interviewed James Lewicki, who was Respondent's supervisor. Mr. Lewicki described that on October 26, 2013, a staff member expressed that medication has been taken from her purse in the staff office. The lock down procedure went into effect and staff, peers, and room searches were going to take place. Respondent was notified of this as well.

7. Respondent refused to comply with the search by opening her bags or emptying her pockets. She began to show signs of distress; shaking hands, pressured speech, hyperventilating, talking about blacking out if she were to be searched or touched when searched. She explained that her cover would be blown and that she's got to protect her kids and that she has items that may be considered weapons in her purse. She stated that she had an ankle monitor and that she is monitoring criminals. She also discussed that she needed to inform her bodyguards before they become concerned and asked if it was okay if her body guards follow her in as she is regularly followed in high end cars that are trying to kill her. Board Exhibit Number 5.

8. Mr Lewicki explained that Respondent appeared to be having a panic attack and on the verge of a psychotic break. Board Exhibit Number 5.

9. Respondent submitted a written statement about the incident on October 26, 2013. She explained that she has developed a passion for forensics and studying patterns in human behavior, specifically related to serial criminals. She further stated:

I have taken an oath to remain loyal to this cause, keeping data I have collected protected to the highest of standards. ... Unfortunately, this mission to which I am devoted, can be extremely dangerous. I listen and monitor the actions of others from around the globe – for security measures.... I have extremely sensitive data in my pockets . . . and a transmitter around my ankle in order to monitor the security of others that share the same passion I do.

Board Exhibit Number 6.

10. On October 30, 2013, Respondent was interviewed about the incident on October 26, 2013, and she maintained that she had an ankle monitor for others to monitor her safety and that allows her to monitor the safety of others. Her speech was rambling and tangential during the interview and she stated that she worked another job for the National Security Administration (NSA) and that it was highly secret and dangerous. She flew all over the world monitoring serial criminals and that her research has to do with PET scans of these persons' brains. When asked if she could show the ankle transmitter to them, it was an iPod, which Respondent stated was a transmitter. Respondent spoke of having to check in with others who were also monitoring these serial criminals at least twice a day or NSA agents would have to come check on her. Also, during the meeting when asked if she had any weapon, Respondent pulled out what appeared to be a hunting knife.

11. Respondent is impaired as a result of her mental or emotional problems., which is impacting her ability to practice as a professional counselor.

CONCLUSIONS OF LAW

I. The Board has jurisdiction of the subject matter of this contested case and over the Respondent.

II. 90-340(a)(9) states:
Has been guilty of immoral, dishonorable, unprofessional, or unethical conduct as defined in this subsection or in the current code of ethics of the American Counseling Association. However, if any provision of the code of ethics is inconsistent and in conflict with the provisions of this Article, the provisions of this Article shall control.

III. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(9), which alone warrants the disciplinary action taken by the Board.

IV. NC. Gen. Stat. 90-340(a)(11) states:
Has demonstrated an inability to practice professional counseling with reasonable skill and safety by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance affecting mental or physical functioning, or as a result of any mental or physical condition.

V. The Respondent's conduct violated N.C. Gen. Stat. § 90-340(a)(11), which alone warrants the disciplinary action taken by the Board.

VI. C2g Impairment states:
Counselors are alert to the signs of impairment from their own physical, mental, or emotional problems and refrain from offering or providing professional services when such impairment is likely to harm a client or others. They seek assistance for problems that reach the level of professional impairment, and, if necessary, they limit, suspend, or terminate their professional responsibilities until such time it is determined that they may safely resume their work. Counselors assist colleagues or supervisors in recognizing their own professional impairment and provide consultation and assistance when warranted with colleagues or supervisors showing signs of impairment and intervene as appropriate to prevent imminent harm to clients.

VII. The Respondent's conduct violated C 2g of the American Counseling Association Code of Ethics (2005), alone warrants the disciplinary action taken by the Board.

NOW, THEREFORE, the NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS ORDERS:

- I. The license of the Respondent, TINA HART, is hereby REVOKED.
- II. Respondent shall turn in her license to practice counseling in North Carolina to the Board no later than February 2, 2015. She shall mail her license to: North Carolina Board of Licensed Professional Counselors, Post Office Box 77819, Greensboro, North Carolina 27417.
- III. The Board shall maintain this Final Decision 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.

This the 15th day of January, 2015.

NORTH CAROLINA BOARD OF LICENSED PROFESSIONAL COUNSELORS

BY: Katherine H. Glenn, Ph.D., LPCS
KATHERINE H. GLENN, PH.D., LPCS
BOARD CHAIRPERSON

APPEAL

Pursuant to N.C. Gen. Stat. § 150B-45, any party wishing to appeal this Final Decision may commence their appeal by filing a Petition for Judicial Review in the Superior Court of Wake County or in the Superior Court of the county in which the party resides. The party seeking review must file the petition within 30 days after being served with a written copy of this Final Decision.

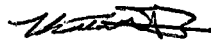
CERTIFICATE OF SERVICE

I, Katrina Brent, Administrator of the North Carolina Board of Licensed Professional Counselors, do hereby certify that I have this day served a copy of the foregoing **FINAL DECISION** upon the following by depositing a copy of same in the United States mail, postage prepaid addressed as follows:

Tina Hart
5229 Lacy Road
Granite Falls, North Carolina 28630

Sondra C. Panico
Assistant Attorney General
Service to State Agencies
Post Office Box 629
Raleigh, North Carolina 27602

This the 16 th day of January, 2015.



Katrina Brent, Administrator
North Carolina Board of Licensed
Professional Counselors