

JOSH STEIN
ATTORNEY GENERAL



REPLY TO:
ALESIA BALSHAKOVA
ASSISTANT ATTORNEY GENERAL
(919) 716-6801

May 7, 2019

VIA CERTIFIED MAIL

Donald Dwane Wynne, LPC
515 Keisler Drive, Suite 104
Cary, NC 27518

RE: *North Carolina Board of Licensed Professional Counselors, Case No. 1777*

Dear Mr. Wynne:

I am the Investigator for the North Carolina Board of Licensed Professional Counselors (the Board). On April 10, 2019, the Ethics Review Committee of the Board (the Committee) reviewed the information pertinent to the above referenced matter. The Committee has reached its conclusion and has instructed me to inform you of its findings.

The Committee found probable cause to believe that you had violated provisions of the North Carolina Licensed Professional Counselors Act and the American Counseling Association Code of Ethics (2014).

Specifically, the Committee alleges the following:

During the time period beginning on or about May 2018 through August, 2018, you provided counseling services as a Licensed Professional Counselor to Client EB. While providing counseling services to Client EB, you extended counseling boundaries when you: (a) touched the client's leg, knees, and placed your forehead against hers without her consent; (b) issued an "ultimatum" to her that she could either show her self-harm wounds to you or her husband after she disclosed to you her fear of showing the self-inflicted cuts to her spouse; and (c) examined her self-harm wounds on her hips during each counseling session, which required her to lower her pants and underwear. In addition, on or about September 25, 2018, you responded to an email from Client EB and included in your response a kiss face emoji. However, you denied sending the client a kiss face emoji and did not produce documentation of it in your clinical records.

As part of your treatment, you also requested Client EB to agree that she could inflict self-harm by cutting herself once each day. When Client EB was later transferred for in-patient treatment, she sent you a picture of self-harm wounds that exposed her inner thighs. Although you admitted to receiving the email, you did not document this correspondence and deleted that email document. You failed to document any of the above-referenced boundary extensions or agreements in your counseling notes.

During your counseling sessions with Client EB, she began to experience frequent episodes of dissociation and flashbacks related to unresolved sexual trauma early on in her treatment with you. You provided at least 28 counseling sessions to Client EB utilizing talk therapy techniques that were client-centered, and cognitive behavior therapy (CBT). Although the techniques you utilized in your treatment of Client EB failed to effectively treat her symptoms, you continued to treat her and failed to appropriately refer her to more intensive treatment earlier in her symptom progression.

The type of counseling you provided and the manner in which you engaged Client EB, as stated above, caused her severe emotional distress and harm.

If true, the above-referenced conduct constitutes violations of Sections A.1.a., A.1.b., A.4.a., A.6.b., A.6.c., C.2.a., and C.2.d. of the American Counseling Association Code of Ethics (2014) and violations of N.C. Gen. Stat. §§ 90-340 (a)(7), (a)(9), (a)(10), and (a)(12) of the North Carolina Licensed Professional Counselors Act.

The aforementioned allegations relate to your conduct as a Licensed Professional Counselor, and if proven, could provide cause for sanctions to be taken against your license. The information which the Board has received does not in itself provide sufficient evidence that these alleged acts have occurred. Consequently, the Board does not consider that any determination regarding possible sanctions against your license can be made without first providing you the opportunity to exercise your due process rights.

If you would prefer to resolve this matter through a consent order, please contact the Board's counsel, Alesia M. Balshakova, at (919) 716-6801. You may decline to do so and request a hearing before the Board regarding these allegations. You are entitled to request a hearing on these allegations by responding in writing within thirty (30) days of the receipt of this letter and requesting a formal hearing. If the Board does not receive a written response requesting a hearing within thirty (30) days of the receipt of this letter, the Board will hold a hearing, whether you are present or not. In either case, you will receive Notice of Hearing no later than fifteen (15) days prior to the date of the hearing notifying you of the specific time, date, and location of the hearing. You are entitled, with or without requesting a formal hearing, to present any additional statements or materials you may wish.

The above proceeding is a quasi-judicial evidentiary hearing conducted by the Board pursuant to Chapter 150B of the General Statutes of North Carolina as required by G.S. § 90-340(e). You are entitled to present witnesses and introduce evidence on your own behalf and to cross-examine witnesses and examine evidence introduced on behalf of the Board. At the hearing, the Board will hear evidence regarding the charges set forth in this letter and will determine what,

if any, disciplinary action should be taken against your license to practice counseling. You are entitled to be represented by an attorney of your choosing and at your expense, or you may represent yourself. The Board will be represented by counsel at such a hearing. Following the hearing, the Board will issue a final decision, pursuant to G.S. § 150B-42.

Should you have any questions about the procedure in such matters, or if you wish to discuss informal resolution of this matter, you may direct them to the Board's counsel, Alesia M. Balshakova at (919) 716-6801 or abalshakova@ncdoj.gov.

Sincerely,



A handwritten signature in black ink, appearing to read "Nick DeJesus", with a long horizontal line extending to the right.

Nick DeJesus, LPC, NCC
LPC Ethics Consultant/Investigator
Services to State Agencies Section

CC: Suzanne Walker, Attorney