

IN RE:

CASE NO. 06/07-9

LESLIE GORDON, LPC
(f/k/a Leslie Gordon Manning)

LOUISIANA LICENSED
PROFESSIONAL COUNSELLORS
BOARD OF EXAMINERS

STATE OF LOUISIANA

OPINION AND ORDER

This matter came before hearing on April 16, 2010, pursuant to written notice, at which time a quorum of the Board was present.

Appearances:

Leslie Gordon, Respondent

William Bologna, attorney for Leslie Gordon

Meredith Trahan, Assistant Attorney General and Disciplinary Counsel for the Board

Testimony was presented and documentary evidence was submitted by the parties.

A. JURISDICTION

Jurisdiction for this hearing is vested pursuant to Louisiana Revised Statutes 37:1105(E) and 37:1110.

B. STATUTES AND RULES INVOLVED

Respondent is charged with violation of the Louisiana Licensed Professional Counselors Board of Examiner's Statutes, Rules, and/or Code of Conduct with respect to the complainant described below as follows:

Allegation No. 1:

It is alleged by Mr. Gregory Klocek that Respondent did not maintain documentation of therapy records.

La. R.S. 37:1107(A)(5) provides in relevant part:

RS 37:1107. Requirements for licensed professional counselor; renewal of license

- A. The board shall issue a license to each applicant who files an application upon a form and in such manner as the board prescribes, accompanied by such fee as required by R.S. 37:1106, and who furnishes satisfactory evidence to the board that he:

- (5) Is not in violation of any of the provisions of this Chapter and the rules and regulations adopted hereunder.

Similarly, La. R.S. 37:1110(A)(9) provides:

R.S. 37:1110. Denial, revocation, or suspension of license

- A. The board shall withhold, deny, revoke, or suspend any license issued or applied for in accordance with the provisions of this Chapter or otherwise discipline a licensed professional counselor upon proof that the applicant or licensed professional counselor:

- (9) Has willfully or negligently violated any of the provisions of this Chapter.

Section 2105 of the Board Rules (Title 46, La. Administrative Code, Part LX Chapter 21) provides in relevant part:

§ 2105. Confidentiality.

- D. Records

1. Requirement of Records. Counselors shall maintain records necessary for rendering professional services to their clients and as required by laws, regulations, or agency or institution procedures.

II. MATTERS AT ISSUE

1. Whether or not Respondent presently meets the requirements and conditions for licensure set forth at LA R.S. 37:1107(A)(5); and

2. Whether or not Respondent has been or is presently in violation of any of the prohibitions set forth in LA R.S. 37:1110(A)(9);
3. Whether or not Respondent has been or is presently in violation of any of the prohibitions set forth in Title 46, La. Administrative Code, Chapter 21, Section 2105 (D)(1).

III. FINDINGS OF FACT

1. At all relevant times alleged in the complaint, Leslie Gordon ("Respondent") practiced as a Licensed Professional Counselor (LPC) in the State of Louisiana.
2. For a period of time beginning in 2003 and extending into 2004, Respondent provided professional services as an LPC to Gregory Klocek and Elizabeth Klocek.
3. The Kloceks subsequently were involved in a divorce proceeding, entitled "Elizabeth Sprehe Klocek versus Gregory Dean Klocek," Case No. 63,679, Division "D", 29th Judicial District Court, Parish of St. Charles, State of Louisiana (the "Court Proceeding").
4. Respondent was called as an expert witness in the Court Proceeding by Elizabeth Klocek, and she testified in such proceeding accordingly.
5. In the Court Proceeding, Respondent, on cross-examination, was specifically asked by opposing counsel whether she "[kept] records of her meetings with the Kloceks", or "any records of [her] meetings with Mrs. Klocek". In both instances she replied "I do not". [Court Proceeding Transcript p. 42, lines 16-21].
6. Respondent further stated in the Court Proceeding that she only kept a calendar with notations as to which clients were seen on a prior day, and the fee charges for same.
7. Respondent testified at the Board hearing that she now does in fact maintain client records, but generates them after each client session. On page 44 of her Court Proceeding testimony, Respondent was asked about when she started seeing the Kloceks. She stated that she checked "purely [her] financial records", and that as to individual therapy notes, she keeps them "only if there is a case where there is going to be a further evaluation. I usually just keep financial records". [Transcript p 44, lines 2-22, and p 45 line 1].
8. Respondent testified that she "thought" the questions posed at the Court Proceeding were seeking information on her maintenance of "contemporaneous handwritten" client records.
9. Elizabeth Klocek testified that Respondent provided services to her pursuant to Klocek's Employee Assistance Program (EAP), and that to her knowledge Respondent submitted whatever records her EAP required.

10. Klocek further testified that she tried to get copies of the completed therapy documents from her EAP, but was advised that such records were only kept for 2 years.
11. Respondent testified at the Board Hearing that all her client and business records and computers were destroyed in Hurricane Katrina. However, she also testified that she kept records on her laptop computer.
12. Respondent stated at the Board Hearing that she didn't provide the unexecuted Klocek EAP documents to the Board earlier since she only recently ran across them. Prior to that, she believed "everything had been lost," relative to the Klocek client records.
13. Respondent testified at the Board Hearing that she does in fact make detailed client notes after each couple therapy session, and did so in 2004.
14. Respondent's submission to Board dated August 25, 2008, contradicts Item # 13 by stating "it is clearly not necessary for Ms. Gordon to maintain detailed notes of information gathered in the [couples] sessions in order to render marriage counseling services. [she] does maintain written notes in individual counseling sessions. [Board Exhibit H].
15. Further, Respondent's submission to the Board dated March 31, 2009, states that Respondent "maintained process [sic] notes for each and every joint and separate session she conducted while performing marriage counseling services". [Board Exhibit J]. This directly conflicts with Respondent's Court Proceeding testimony cited in Nos. 5, 6, and 7 above.
16. Respondent has certain legal experience, including 1 year of law school and a year as a law clerk at a law firm.
17. Respondent stated at the Board Hearing that she "edits" her notes to avoid adverse impact on her clients. She would, however, document certain disclosures, such as a disclosure that a party had "kicked the dog bloody".

IV. CONCLUSIONS OF LAW

1. The Board finds that Respondent's actions and/or inactions cited above contravene La. R.S. 37:1110(A)(9) and 37:1107(A) and (5), as well as Title 46, La. Administrative Code, Part LX, Chapter 21, Section 2105(D)(1).

V. DISCUSSION

After consideration of the testimony and documentary evidence as a whole, the Board finds that Respondent's present testimony about her record – keeping practices during the period in question is not credible. In her Court testimony, she was asked unequivocally and more than once, if she kept any client records, to which she replied “no”. Respondent is no stranger to the legal system, having been both a law student and law clerk in the past. Therefore, she was certainly cognizant of the importance of her oath as a witness and the need for full and complete disclosure.

Respondent was in Court as an expert witness, rendering a professional service, and should have conducted herself accordingly.

Her attempts to “qualify” or differentiate her Court testimony is therefore not convincing. Further, she admitted “editing” the notes she now keeps to minimize any adverse impact on her clients.

VI DECISION

For the reasons set forth above, the Board unanimously finds by clear and convincing evidence that Respondent's actions and inactions cited above in the case at bar, contravene the La. Revised Statutes and Board rules cited hereinabove.

VII. SANCTIONS

Based on the violation set forth above, the Board unanimously assesses the following sanctions:

- A. Leslie Gordon's LPC license is hereby suspended for a period of six (6) months.
- B. Such suspension is fully deferred, however, provided that Leslie Gordon performs the following:
 - (1) Successfully complete supervision by a Board - approved LPC Supervisor for a period of 12 months, such supervision period to commence once the Board has approved Respondent's requested Supervisor. The Supervisor shall be provided with a copy of this Order and shall meet with Respondent for at least one hour each month and shall review Respondent's documentation practices, including progress notes, treatment plans, and prognosis, and shall submit a report to the Board at the end of the supervision period documenting the Respondent's compliance with accepted record – keeping practices.
 - (2) Respondent shall submit to the Board a new “Statement of Practice”, specifically addressing her record – keeping policies.

- (3) Respondent shall complete 3 hours of continuing education units (CEU's) pre-approved by the Board dealing with proper documentation and maintenance of client records, or an approved graduate level academic course covering this subject matter.
- (4) Respondent shall successfully complete 3 hours of CEU's in ethics pre-approved by the Board.
- (5) Respondent shall bear all such direct costs incurred by the Board in the investigation and hearing of this matter, as well as any costs entailed in her required supervision or continuing education.
- (6) Respondent shall complete Items 1-5 above no later than 15 months from the date of this Order. Should she fail to timely do so, the Board may in its discretion suspend Respondent's license or impose other sanctions.

VIII. APPEAL RIGHTS

The Board's decision shall become final unless the Respondent files a petition for judicial review within thirty days of the issuance of this order, in conformity with La. R.S. 49:964, *et seq.*

Dated: May 21, 2010



Gloria Bockrath
Board Chair