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RE:

CASE NO. 08/09-4

DONALD BRITTON

LOUISIANA LICENSED
PROFESSIONAL COUNSELLORS
BOARD OF EXAMINERS

STATE OF LOUISIANA

OPINION AND ORDER

This matter came before hearing on May 21, 2010, pursuant to written notice, at which time a quorum of the Board was present.

Appearances:

Donald Britton, Respondent

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

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

I. JURISDICTION

Jurisdiction for this hearing is vested pursuant to Louisiana Revised Statutes 37:1105 and 37:1110, as well as La. R.S. 37:1116 and 37:1120.

II. 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:

1. Respondent did not disclose to the Board on his application for licensure on May 10, 2005 his felony conviction in the 19th Judicial District Court of East Baton Rouge Parish.
2. On May 1, 2007, the Louisiana Department of Social Services was granted an injunction in the 19th Judicial District Court forcing Respondent to close an unlicensed 12-person mental health facility he was operating.

Because of these two matters, the Board proposed to suspend or revoke Respondent's LPC license, or otherwise impose disciplinary sanctions, and to terminate his status as a Marriage and Family Therapist intern.

La. R.S. 37:1107(A) provides that:

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:

(2) Is of good moral character.

(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) provides in relevant part:

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:

(1) Has been convicted in a Court of competent jurisdiction of a felony, the conviction being final, or upon a plea of guilty or nolo contendere of a felony, the record of conviction or plea being conclusive evidence thereof

(3) Has violated the code of ethics adopted by the Board.

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

As to Respondent's status as a Marriage and Family Therapist intern, the following statutes apply:

La. R.S. 37:1116. Licensure Application for Marriage and Family Therapists

- (A) Each person desiring to obtain a license as a practicing Marriage and Family Therapist shall make application to the Board upon such forms and in such manner as the Board prescribes and shall furnish evidence satisfactory to the Board and the advisory committee that such person:

- (1) Is of good moral character.

- (5) Is not engaged or has not engaged in any practice or conduct which would be grounds for refusing to issue a license.

- (3) Is qualified for licensure pursuant to the requirements provided for in this Chapter.

La. R.S. 37-1120. Denial, revocation, or suspension of a marriage and family therapist license; notice and hearing; complaints; intervention; reinstatement

- (1) Conviction by a Court of competent jurisdiction of a crime which the advisory board determines to be of such a nature as to render the person convicted unfit to practice marriage and family therapy.

- (2) Violation of ethical standards of such a nature as to render the person found by the advisory to have engaged in such violation unfit to practice marriage and family therapy;

- (3) Fraud or misrepresentation on obtaining a license;

- (4) Other just and sufficient cause which renders a person unfit to practice marriage and family therapy.

III. 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);
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);
3. Whether or not Respondent meets the requirements and conditions for LMFT licensure set forth in La. R.S. 37:1116; and
4. Whether or not Respondent has been, or is presently, in violation of the prohibitions set forth in La. R.S. 37:1120.

IV. FINDINGS OF FACT

1. By application received on or about July 20, 2007, Donald Britton (Respondent) applied for licensure as a Licensed Professional Counselor with the Board.
2. By application received on or about December 2, 2004, Respondent applied for internship as a Licensed Marriage and Family Therapist with the Board.
3. On both such applications, Respondent was asked whether he had ever been convicted of a felony.
4. On both such applications, Respondent replied "No", indicating that he had not been convicted of any felony.
5. On or about May 10, 2005, Respondent was convicted by a jury of felony theft in the 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, in Case No. 07-04-0401, Section VII.
6. Respondent did not disclose such conviction on either his application for LPC licensure or his application for MFT intern status.
7. On May 1, 2007, Respondent and others were enjoined from continued operation of an unlicensed 12-person mental health facility in Docket No. 554,833, Division 27, 19th Judicial District Court in that matter entitled "La. Department of Social Services vs. Donald Britton, et al".

V. DISCUSSION

The Board Disciplinary Counsel placed into evidence complete certified copies of the felony conviction and injunctive proceedings described above.

Respondent testified in his own behalf, but introduced no written evidence in support of his defense.

Respondent admitted that he had been convicted of a felony before his LPC and MFT intern application, but basically maintained that he was a victim of a political scheme to keep him from being elected Police Chief of Baker, Louisiana. This alleged plot also included an article in 225 Magazine Respondent's business practices and theft conviction.

Respondent stated that the felony theft had to do with corporate money that he had in his possession at the time of his termination by the corporation and that he kept the money to compensate himself for what he was owed.

As to the injunctive proceedings, her states that he was not listed with the state as an operator of the subject facility. Nevertheless, he did admit that he agreed to the injunction in Court.

After hearing the Respondent's presentation, the Board believes the Respondent's conspiracy claim is completely meritless and unproven. Rather than admit that he made a mistake in not disclosing his felony conviction, Respondent continues to blame others for his misfortune.

Based on the felony conviction alone, the Board believes that Respondent's LPC license should be revoked, and his LMFT internship revoked. His involvement in operation of an unlicensed mental health facility, his lack of candor, and his failure to accept personal responsibility for his actions, are considered aggravating factors which further justify the Board's actions set forth below.

VI. DECISION

For the reasons set forth above, the Board unanimously finds by clear and convincing evidence that Respondent's actions and inactions listed above in the case at bar, contravene the Louisiana Revised Statutes cited above, as well as the LPC and LMFT Codes of Ethics adopted by the Board.

VII. SANCTIONS

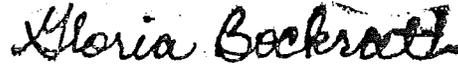
Based on the violation set forth above, the Board unanimously assesses the following sanctions:

- A. Donald Britton's LPC license # 3112, be and it is hereby immediately revoked;
and
- B. Donald Britton's LMFT internship status be and it is hereby immediately revoked.

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: June 11, 2010



Gloria Bockrath
Board Chair