

IN RE:

SEAN FRANKLIN

NO: 04/05 – 2

LOUISIANA LICENSED PROFESSIONAL  
COUNSELORS BOARD OF EXAMINERS

DEPARTMENT OF HEALTH AND  
HOSPITALS

STATE OF LOUISIANA

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**OPINION AND ORDER**

The matter came before hearing on November 16, 2006, pursuant to written notice, at which time a quorum of the Board was present:

**APPEARANCES:**

SEAN FRANKLIN, in Proper Person;

CHARLES BRAUD, Assistant Attorney General and Disciplinary Counsel  
for the Board.

**I. JURISDICTION**

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

**II. FACTUAL BACKGROUND**

The Board had reviewed Mr. Franklin's application for LPC licensure and made the following initial findings concerning his application:

1. There was a pending disciplinary complaint against him before the Board, consisting of the following:

It was alleged by employees of River Oaks Hospital that Mr. Franklin:

- a. Attempted to solicit business for his private practice from inpatient and day treatment patients at River Oaks Hospital where he was employed;
- b. Contacted patients outside of the hospital;
- c. Used unprofessional and sexual language when referring to patients;
- d. Displayed a lack of respect for females in general and for female patients in particular;
- e. Implied or offered a sexual relationship to female patients;
- f. Went out to eat with a patient and repeatedly asked to have sex with her;

- g. Displayed a lack of respect for confidential patient information and shared patient information without patient's consent; and
  - h. Misrepresented his credentials to both staff and patients ("LPC" and "LPC Intern").
2. According to information received from the Orleans Parish District Attorney's office, he had been charged with a felony involving alleged theft of automobiles (s) in the aftermath of Hurricane Katrina.

Because of these two pending matters, the Board did not act favorably on his application.

### **III. STATUTES AND RULES INVOLVED**

LRS 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:

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- (2) Is of good moral character

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

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Similarly, LRS 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.

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

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

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Because of the pending ethics proceedings, and the pending felony charges, the Board found that he had not provided satisfactory evidence that he was in compliance with the referenced statutes.

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#### **IV. MATTERS AT ISSUE**

1. Whether or not Sean Franklin meets the requirements and conditions for licensure set forth at LA R.S. 37:1107(A), and (D); and
2. Whether or not Sean Franklin has been, or is presently, in violation of any of the prohibitions set forth in LA R.S. 37:1110(A).

#### **V. FINDINGS OF FACT**

1. At all relevant times herein, Sean Franklin was employed by River Oaks Hospital and was a Counselor Intern.
2. Mr. Franklin admitted that he signed an employment form listing his credentials as "LPC" when he was not in fact a Licensed Professional Counselor.
3. Mr. Franklin admitted that he had just pled guilty to misdemeanor auto theft over \$500.00, relative to the looting charges filed against him in Orleans Parish.
4. Martha Bujanda, Director of Admissions at River Oaks Hospital, testified that she hired Sean Franklin in March, 2004 based upon his statement that he was in fact a Licensed Professional Counselor. She discussed with Sean Franklin several times him being a Licensed Professional Counselor and he never corrected her. She later logged on the LPC Board website and learned that he was not a licensed professional counselor. She confronted Sean Franklin and he then began using the designation "LPCI" after his name.
5. Ms. Bujanda testified that Sean Franklin had also listed the "LPC" designation on his resume, although she could not find a copy of it.
6. Carroll Davis, investigator for the Board, testified that she interviewed eight witnesses concerning the eight allegations of misconduct set forth in Section II (A) above. During such investigation, she learned that Sean Franklin had been charged with looting involving an automobile after Hurricane Katrina. She later found that he had pled guilty to a lesser misdemeanor count relative to such charge.
7. Jennifer Meacham testified that she worked with Sean Franklin in the Social Services Department at River Oaks Hospital. She asked Sean Franklin about his LPC status because he told patients he was "Dr. Franklin." It was generally believed among the staff that he was a Licensed Professional Counselor.

8. Jennifer Meacham overheard Sean Franklin referring patients to the "Franklin Institute", which was supposedly his private practice. He told patients that they could come see him after their discharge from River Oaks Hospital.
9. Jennifer Meacham received a complaint from a female patient that Sean Franklin had called and invited her to dinner and took her to his apartment. Sean Franklin's daughter stated that she would cook breakfast for Sean Franklin and the patient in the morning. The patient felt "sexually pressured", particularly after seeing a gun on his dresser. She felt "relieved" that she was able to get out of his vehicle at 2:00 or 3:00 a.m. to go home.
10. Jennifer Meacham listened to a voice mail message from Sean Franklin on the subject patient's phone, asking her to call him. The patient also had several "caller ID" listings on her phone involving calls from Sean Franklin.
11. The subject patient met with Dr. James Lowe at the hospital, and they escorted her off the property and made sure she had family to stay with that night. Sean Franklin was terminated that day, according to Jennifer Meacham's recollection.
12. Sean Franklin used unprofessional language and sexual terms relative to female patients, and referred to one as an "Ethiopian prostitute".
13. Sean Franklin never specifically told Jennifer Meacham verbally that he was a Licensed Professional Counselor, but signed documents as such and never corrected Jennifer Meacham when she referred to his LPC status.
14. Dr. James Lowe was a psychiatrist at River Oaks Hospital at the time Sean Franklin was there and was also Director of the Employee Assistance Program. He first met Sean Franklin in a September, 2004 staffing, and noted Sean Franklin's "in your face" style and use of excessive sexual jargon when dealing with patients. He confirmed Jennifer Meacham's testimony concerning the incident with the patient, referred to in Paragraphs 9-11 above.
15. Despite the subject female patients' mental condition, Dr. Lowe believed the patient to be "very credible".
16. Sean Franklin testified that he never allowed the subject patient into his condo, but "ran into her jogging by his house." He said she later came up to him in Houston's restaurant and asked about seeing him." Sean Franklin said he told her that it would be inappropriate. This testimony is considered not credible, when viewed with the conflicting testimony of others.
17. Sean Franklin further testified that he and the patient had a "serious confrontation" in group regarding her relationship with an African-American. This testimony is considered not credible, when viewed with the conflicting testimony of others.

18. Sean Franklin testified that Martha Bujanda was on a “witch hunt” after she found out about his lack of LPC credentials, and that she was disappointed he was leaving Admissions. This testimony is considered not credible, when viewed with the conflicting testimony of others.
19. Sean Franklin testified that he was “never disciplined” about his “confrontational” style. This is refuted by the testimony of Dr. Lowe.
20. Sean Franklin testified as to the theft charges that a security guard at a hotel “signed out” a vehicle to evacuate people during the Katrina aftermath, and used Sean Franklin’s drivers’ license since the guard had none. This statement is viewed as not credible.
21. Sean Franklin has applied with this Board for licensure as a Licensed Professional Counselor.

## VI. CONCLUSIONS OF LAW

The Board finds that Sean Franklin’s conduct, as set forth above, contravenes:

- A.
  1. R.S. 37:1107(A)(2) – Moral character;
  2. R.S. 37:1107(A)(5) – Violation of any provisions [of the LPC licensure laws] and the rules and regulations adopted thereunder;
  3. R.S. 37:1110(A)(3) – Violation of the Code of Ethics; and
  4. R.S. 37:1110(A)(9) – Willful or negligent violation of any of the provisions [of the LPC licensure laws].

B. Sean Franklin’s conduct also violates § 2107(c)(1) of the Board Rules, which state as follows:

### C. Advertising and Soliciting Clients

1. Accurate Advertising.  
There are no restrictions on advertising by counselors except those that can be specifically justified to protect the public from deceptive practices. Counselors shall advertise or represent their services to the public by identifying their credentials in an accurate way that is not false, misleading, deceptive or fraudulent.  
Counselors shall only advertise the highest degree earned which is

in counseling or a closely related field from a college or university that was accredited by one of the regional accrediting bodies recognized by the Council on Postsecondary Accreditations at the time the degree was awarded. [Emphasis Supplied]

- C. Sean Franklin's conduct also violates § 2107 (D)(1) and (4) of the Boards Rules, which read as follows:

D. Credentials

1. Credentials Claimed

Counselors shall claim or imply only professional credentials possessed and are responsible for correcting any known misrepresentations of their credentials by others. Professional credentials shall include graduate degrees in counseling or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, ACA professional membership, or any other credential that might indicate to the public specialized knowledge or expertise in counseling.

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4. Misrepresentation of Credentials

Counselors shall not attribute more to their credentials than the credentials represent and shall not imply that other counselors are not qualified because they do not possess certain credentials.

[Emphasis Supplied]

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- D. Sean Franklin's conduct also violates § 2101(F)(1) and (G)(1) and (2) of the Board's Rules which read as follows:

F. Dual Relationships

1. Avoid when possible. Counselors shall be aware of their influential positions with respect to clients, and they shall avoid exploiting the trust and dependency of clients. Counselors shall make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. (Examples of such relationships include, but are not limited to, familial, social, financial, business or close personal relationships with clients.) When a dual relationship cannot be avoided, counselors shall take appropriate professional precautions such as informed consent, consultation, supervision and documentation to ensure that judgment is not impaired and no exploitation occurs. [Emphasis Supplied]

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G. Sexual Intimacies with Clients

1. Current Clients. Counselors shall not have any type of sexual intimacies with clients and shall not counsel persons with whom they have had a sexual relationship.
2. Former Clients. Counselors shall not engage in sexual intimacies with former clients within a minimum of two years after terminating the counseling relationship. Counselors who engage in such relationship after two years following termination shall have the responsibility to thoroughly examine and document that such relations did not have an exploitative nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, client's personal history and mental status, adverse impact on the client, and actions by the counselor suggesting a plan to initiate a sexual relationship with the client after termination. [Emphasis Supplied]

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**VII. DISCUSSION**

Sean Franklin's testimony, in general, is inconsistent and not credible when weighed against that of the other witnesses. Sean Franklin did not bring any witnesses or subpoena any documents in support of his position, even though he had full and complete written notice of the specifics of the charges. He continued to use the "LPC" or "LPCI" descriptions even after several warnings. He responded inappropriately to the subject female patient's history of promiscuous behavior. Additionally, he represented himself to patients as a "Doctor", which (even though he claims to be a Doctor of Divinity) is clearly misleading to clients. His overall behavior and lack of understanding an/or disregard of the moral and ethical considerations of counseling, lead the Board to conclude that Sean Franklin's behavior represents a clear danger to the public who might utilize his services.

**VIII. DECISION**

For the reasons set forth above, the Board unanimously affirms its previous denial of Sean Franklin's licensure as a Professional Counselor and hereby revokes his intern status, effective immediately.

**IX. APPEAL RIGHTS**

The Board's decision shall become final unless the aggrieved party 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: 12/15/2006

Gloria Bockrath, Ph. D.  
Gloria Bockrath  
Board Chair