

**MINUTES FOR THE BOARDS OF EXAMINERS FOR ALCOHOL, DRUG AND  
GAMBLING COUNSELORS**

MEETING DATE: Friday, August 11, 2017- Via teleconference  
MEETING TIME: 9:30 a.m.  
MEETING LOCATION: **Nevada State College –Rogers Student Center  
Third Floor, Provost Conference Room 351  
1300 Nevada State Drive #300  
Henderson, Nevada 89002**

**Innovation Center  
Summit Conference Room  
450 Sinclair St.  
Reno, Nevada 89501**

**MEMBER PRESENT:** Darlene Dufault - President, Steve Burt –Vice president (via phone), Barbara Hunt- Secretary/Treasurer; Paula Chung-member, Merlyn Sexton-members, Dani Danley-member and Maryann Potter-member.

**STAFF PRESENT:** Agata Gawronski, Executive Director, Colleen Platt, Board’s Attorney, Sophia Long Deputy Attorney General.

**MEMBERS OF PUBLIC: Reno:** Hal Taylor, Kraig Palmer, Ambrielle Palmer, LeeAnn Malone, Debra Hall, Christina Torres, **Las Vegas:** Marivelle Nunez, Leo Magrdichian, Alese McKinney, Emily Hall.

**Item 1: Welcome, Call to Order.**

Darlene Dufault called the meeting to order at 9:30 a.m.

**Item 2: Public Comments.**

No public comments.

**Item 3: Approval of the Minutes for June 9, 2017 meeting. (For possible action)**

Barbara Hunt made motion to approve minutes for June 9, 2017 board meeting, Dani Danley second it.

Motion carried.

**Item 4: Tami Albitre- Holland, CADC –request to terminate probation (for possible action)**

Tami Albitre-Holland was present in Reno; she presented her case to the members; stating that she was fined and put on probation for having dual relationship with client; Ms. Holland stated that it has been

impossible to find job with restricted license; she had met all the requirements of the order and would like the probation to be lifted.

Agata Gawronski recommended to the Board to lift the probation. Dani Danley made motion to lift the probation effective immediately, Paula Chung second it.

Motion carried.

**Item 5: Emily Garnett-Hall, LADC- request for approval of Supervisor certificate (for possible action).**

Ms Gawronski presented the case to the Board, stating that she was not comfortable approving Supervision certificate application without Boards' input, due to Ms. Hall's recent history and being on probation for violating NRS 641C by entering dual relationship with client.

Ms. Hall was present in Las Vegas, she made statement admitting to violating " some boundaries" but denying sexual nature of her relationship with the client ;Ms. Hall stated that she " learned her lesson and that is was lapse in judgment" . Darlene Dufault asked Ms. Hall how long she has been practicing in the field for, Ms. Hall said she was counseling for over 20 years, Ms. Dufault than asked what caused the misjudgment after all the years of experience; Ms. Hall stated she was not this clients counselor and was only seeing him periodically and that she only did initial assessment on him.

Darlene Dufault stated that this initiated counselor-client relationship. Merlyn Sexton asked how long did relationship last and Ms. Hall responded, three months and added that she was renting him room during that time.

Steve Burt made motion to deny the request for approval of supervisor certificate at this time, Dani Danley second the motion. Motion carried. Barbara Hunt recommended for Ms. Hall to take additional ethics classes as well as Supervisor's training without receiving Boards' certificate to show motivation.

Emily Hall agreed to it.

**Item 6: Marivelle Nunez, CADC-I- request to retake oral boards after three failed attempts (for possible action)**

Ms. Nunez was present in Las Vegas; she reported to the Board that she currently is not practicing Alcohol and Drug Counseling and only working as an MFT.

Agata Gawronski informed the Board that she had provided Ms. Nunez with feedback and materials from all of her testing as well as feedback from the panel regarding her weaknesses and what she would need to work on to pass the test.

Merl Sexton provided Ms. Nunez with advice on presentation and preparation for the test.

Steve Burt made motion to allow Ms. Nunez to re take the oral boards, Barbara Hunt second it. Motion carried.

**Item 7: Administrative hearing: Stuart Finfer, CADC, case number 2017-03-01 (for possible action).**

Colleen Platt informed the Board that Barbara Hunt and Paula Chung will be recusing them due to conflict of interest.

Colleen Platt is again acting as a prosecutor in this case with Sophia Long representing the Board.

Mr. Finfer was represented by his attorney Sherri Bowers, whom asked permission for opening remarks.

Ms. Bowers asked for motion to continue; she stated that she asked Ms. Gawronski early that week to continue and was directed to speak with Ms. Platt., the request was than rejected.

Ms. Bowers stated that she had multiple grounds to ask for continuance; she was recently diagnosed with terminal cancer and referred out most of her cases. Also her friend and law partner died of heart attack week prior to this hearing. Also her reason to postpone was Mr. Finfers debilitating condition and his terminally ill mother. Ms. Bowers stated that she was anticipating “over dozen” witnesses but they refused to testify. Ms Platt stated that Ms Bowers requested continuance not once but multiple times, and that It was discussed with Ms. Gawronski and determined that the hearing will take place out of concerns for public safety. Ms. Platt stated that the witnesses for both parties were present as well as defendant .Ms Platt also recognized the fact that Mr.l Finfer was disabled and offered any necessary accommodations.

Ms. Platt asked the Board to move on and start the hearing. Darlene Dufault suggested that if the members were to grant the continuance, Mr. Finfer would have to agree to cease and desist until the next hearing due to public safety concerns .Ms. Bowers stated that they were nine alleged facts in the complaint and she suggested that none of them were danger to the public.

Steve Burt stated that he agrees with Ms. Dufault and that Mr. Finfer was in fact posing danger to public with his mismanagement of care. Dani Danley also agreed.

The Board did not grant continuance and Mr.Finfer did not agree to cease his practice until the next meeting.

Ms Platt proceeded with the hearing; presenting to the members allegations, and stating that Mr.Finfer violated standards of practice set in NRS641C. Ms Platt stated that she will be calling her first witness, former employee of Mr. Finfer whom was threatened and intimidated by her employer.

Ms. Bowers made statement that Ms. Palmer’s intend and credibility are “ highly suspect “and that allegations against Mr. Finfer are” distorted or lies.”

Colleen Platt called her first witness, Ambrielle Palmer to the stand; she was present in Reno and sworn in by Sophia Long, Deputy Attorney General.

Ms. Palmer stated that she was currently unemployed and going to school at UNR. She testified that she knows Mr. Finfer because she was offered employment by him in December of 2016 as an office manager and DUI course instructor, and that her last day of employment was around 14 of March of 2017.

Ms. Palmer's duties included: training and paying the employees, paying bills and rent, auditing the office for the DMV regarding DUI program and sending reports to the Courts for the DUI clients and the department of alternative sentencing. Ms. Palmer testified that she was receiving paychecks on Saturdays every week. Ms. Platt asked if there was ever a time when Ms. Palmer felt uncomfortable in her position as an office manager. Ms. Palmer answered yes, multiple times.

She went on to say that first time she felt uncomfortable was within first few weeks of employment, because she encountered a man whom she went to school with and he was actively using methamphetamines, he was "brought home from the bar by Mr. Finfer and set up tent in the basement of the office at Ability Counseling; he was (according to Ambrielle Palmer) sleeping throughout the day; and she had found multiple drug baggies in the basement where he was staying. Ms. Palmer stated that she informed Mr. Finfer about it and asked him to have that man removed. Mr. Finfer said "I talked to him about it; he admitted to it, I will give him second chance". She said that she also approached the guy and he moved out the next day. Colleen Platt asked if the basement was furnished in anyway; Ms. Palmer stated that confidential client files were stored in that basement so that tenant had an easy access to them.

Ms. Platt asked for brief description of the office, and was informed by Ms. Palmer that Mr. Finfer's office was open and the screening/ assessment questions and answers were being heard by others in the hallway.

Ms. Palmer testified that she was told by that same "young man" that Mr. Finfer has made sexual advances towards him. "Part of the thing that got me fired, was one of the last things I sent to "Ron" (Mr. Finfer) a text message about the allegations this man made against Mr. Finfer. She stated that Ron (Stewart Finfer) was very open about his personal life and he has told Ms. Palmer that he had old friend of hers from the times she was using drugs, staying with him and stealing from him and selling cocaine out of his house. In his response that is still have in my Facebook, he said to me "Yeah, I made bad investment and that he thought Ron ( Finfer) took his drugs, they got in the fight over it and Finfer kicked him out".

They were other times when Ms. Palmer stated she had witnessed violations of law, such as Mr. Finfer using Xanax that was not prescribed to him.

Ms. Platt asked if she had ever witnessed anyone unlicensed facilitating any groups.

Ms. Palmer said yes, Erica Hufford whom was hairdresser was paid as contractor by Mr. Finfer and ran groups at the Ability Counseling every Monday. Ms. Palmer stated that the groups were never documented (included) in reports. She stated that another unlicensed individual facilitating groups.

Ms Palmer stated that she brought it up with Mr. Finfer about the unlicensed activities and was told by him on multiple occasions to " go find another job "among other threats of getting fired, she than reported the violations to the Board. Ms. Palmer also stated that she had witness impaired client sent from DOS and Finfer stated that he will let her get away with it and granted her successful completion of the program. Mr.Finfer also demanded \$100 fee from client whom had incorrect evaluation rejected by the court.

Ms. Palmer reported her concerns to another counselor, Diana Sims and that Ms. Sims agreed and confronted Mr. Finfer about it.

Ms. Palmer stated that she is afraid of Mr. Finfer and people he associates with.

Colleen Platt rested and Ms. Bowers started cross-examination and asked Ms. Palmer if she was keeping notes on Mr. Finfer and everything that was going on at the Ability Counseling. Ms. Palmer stated that she was in fact thorough in everything she did; part of the record keeping was motivated by the fact that his previous office manager was accused of stealing, so she kept the records to protect herself.

Ms. Bower stated, "so IN January of 2017 you started collecting dirt on Mr. Finfer",

Ms. Palmer replied "I did not collect any dirt and I have everything saved in my text messages".

Bowers asked "When did you start working with the Board and delivering information about Mr. Finfer and were you acting as an agent for Agata by collecting information that could be used against Mr. Finfer?" "Did you report the man using meth in the basement to the Police?"; Mr. Palmer answered no, but I reported it Mr. Finfer because it was his property and responsibility. Ms Bowers asked the witness if she was using meth with this guy and if she was willing to be drug tested.

Colleen Platt objected, Madame Chair stated that this line of questioning was not allowed.

Next witness was called by Ms. Bowers, present in Reno, Mr. Helmick was sworn by attorney Long, he stated that he met Mr. Finfer at the coffee shop about 6 months ago and has been working at Ability Counseling as office manager for about 5.5 months, since mid March of 2017.

He was questioned by Ms. Bowers and denied everything that was said by Ms. Palmer about Stewart Finfer; stating among other things that he has never witnessed unlicensed activities at the Ability Counseling.

Colleen Platt asked Mr. Helmick if he was present /working for Ability Counseling when the unlicensed activities were taking place (January of 2017) he replied "no".

He was asked about his duties and stated that he was typing assessments for Stewart Finfer, due to Finfer's disability. He was then asked if he had release signed with the clients since he was transcribing their records. He said it was general release between Ability and clients not naming specific employees of the agency.

Ms. Bowers called her next witness Cody Kotrc, he was sworn by Sophia Long. He stated that he had known Mr. Finfer for about 7 years, and he has been "long standing good friend and caregiver" living with Stewart Finfer. He said that he was going to enter counseling at the Ability but didn't do it due to conflict of interest. Mr. Kotrc stated that there was a lot of exaggeration in Ms. Palmer's testimony.

Colleen Platt proceeded with the questioning, asking what his current position was and he responded "unlicensed care giver" and that he was being "compensated for it by not paying rent".

He had stated that he was on parole before and ordered to complete counseling, he had admitted to using methamphetamines in the past.

He had reported being in China Springs Youth correction facility. He said he met Mr. Finfer “on the street”. Mr. Kotrc further stated that he was Mr. Finfer’s “hands”, and doing anything that was asked of him to accommodate Mr. Finfer’s disability.

Ms. Bowers asked Mr. Kotrc if it was true that he was using /selling cocaine out of Finfer’s house, and he stated these were false accusations on Ms. Palmer’s part. He went on to saying that Ambrielle Palmer was the one selling drugs in the past.

Mr. Kotrc stated that Ms Palmer’s testimony was false, that he had never seen anyone living in the basement, never seen Mr. Finfer using illegal drugs.

Colleen Platt questioned Mr. Kotrc about other people working at Ability Counseling, after his testimony contradicting Ms. Palmer’s statements about unlicensed activities.

Mr. Kotrc testified that he knew “ for fact” that people working for Mr. Finfer are properly licensed, however he was unable to say how he knew that nor he had seen their licenses.

Prosecution rested.

After the break Ms. Bowers informed the Board that Mr. Finfer was unable to testify at the moment and that “he had no choice but to voluntarily cease his practice until the next meeting/hearing”.

Next hearing was scheduled for September 8<sup>th</sup>.

**Item 8: Administrative hearing: Felicia Bliatout , LADC , case number 2017-01-03 ( for possible action)**

Colleen Platt presented settlement agreement that was recently reached with Ms. Bliatout; as part of agreement her Supervisor license will be put on probation for 12 months; she will pay the cost of the investigation to the Board using payment plan and will complete Ethics course prescribed by the Board.

Darlene Dufault questioned why Ms. Bliatout’s supervisor certificate was not being suspended.

Ms. Gawronski explained that Felicia Bliatout was a brand new supervisor and only a co-supervisor to the complainant; she was only following directions of Ms. Letham- Vancil (primary supervisor in the case).

Dani Danley made motion to accept settlement agreement; Paula Chung seconds it. Motion carried, with one recusal from Barbara Hunt.

**Item 9: Administrative hearing: Lisa Leatham –Vancil , LCADC, case number 2017-01-02 ( for possible action)**

Barbara Hunt recused herself due to conflict of interest.

Colleen Platt was in the prosecutor’s role and Sophia Long from the office of Attorney General in Las Vegas was representing the Board.

Colleen Platt informed the Board that agreement has been reached with Ms. Leatham- Vancil trough her attorney Hal Taylor (present in Reno). Ms. Leatham-Vancil agreed to surrender her supervisor’s license, she admitted to failing to provide supervision to her intern Diana Wolf. Ms.Vancil also agreed to pay the cost associated with the investigation and prosecution of this case. It will be public information and it will be reported.

Ms. Gawronski was in favor of the language in the Voluntary surrender.

Hal Taylor spoke on behalf of his client and stated that Lisa Leatham- Vancil is not only LCADC but also LCSW and this disciplinary action may potentially affect her Social work license.

Darlene Dufault made motion to accept the settlement agreement, Dani Danley second it.

Motion carried with one nay from Steve Burt.

**Item 10: Contract review for Colleen Platt-Board's attorney. Request to extend contract (for possible action).**

Paula Chung made motion to extend contract for the next two years, Dani Danley second it. Motion carried.

**Item 11: Executive Director's Report:**

**a. Budget overview for fiscal year 2016/17 and proposal for the Fiscal Year 2017/18 (for possible action)**

Executive Director presented the budget and proposal for the current fiscal year.

Ms. Gawronski proposed to the Board to discontinue printing Board packets and move into electronic version of the packets due to high cost of printing/coping and postage in the previous years. Steve Burt asked if there was balance sheet in place to track the fees and fines received as a result of disciplinary actions. Ms. Gawronski stated that she was keeping track of those funds.

Steve Burt made motion to approve the budget for Fiscal Year 2017/18. Barbara Hunt seconds it. Motion carried.

**b. Office move proposal ( for possible action)**

Executive Director asked Board's permission to move the office from Carson City to Reno and use savings account to cover the cost of the move. Ms. Gawronski stated that it is easier to be in Reno where Colleen Platt's office is as well as proximity to other licensing boards in behavioral health field. The current lease expires at the end of January of 2018. Paula Chung made motion to allow Agata Gawronski to move the office to Reno after presenting to the Board total cost. Dani Danley seconds it. Motion carried.

**Item 12: Public Comments**

No public comments.

**Item 11: Adjournment**

The meeting adjourned at 2.30pm.