

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

MEETING DATE: Friday, September 8, 2017- Via teleconference

MEETING TIME: 9:30 a.m.

MEETING LOCATION: **Legislative Counsel Bureau;
401 South Carson Street; Room #2135
Carson City, Nevada 89701
and
Grant Sawyer Building
555 E. Washington Street
Room 4401
Las Vegas, Nevada 89101**

MEMBER PRESENT: Darlene Dufault - President, Paula Chung-member, Merlyn Sexton-members, Dani Danley-member and Maryann Potter-member.

STAFF PRESENT: Colleen Platt, Board's Attorney, Sophia Long ,Deputy Attorney General.

MEMBERS OF PUBLIC: Reno: No public; **Las Vegas:** Leo Magrdichian.

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:Administrative Hearing: Stuart Finfer, CADC, Case Number 2017-03-01 (for possible action) (The Board may convene in closed session to consider the character, alleged misconduct, professional competence, or physical or mental health of a person)

Sherri Bowers and Mr. Finfer were both present before the Board in Carson City; Mr. Finfer was sworn in by Sophia Long, Deputy Attorney General.

Bowers asked Finfer how long he has been in alcohol and drug filed and he stated that he has been in the field since 2003 and that he has Bachelors' degree in Psychology. He state that he specializes in "Adlerian style" of counseling and gave brief overview of his training and experience in counseling field. Ms. Bower asked Finfer if he was ever in trouble with the Board, and he answered "no".

Finfer stated that AA "saved his life", when he got sober 2011 and was given second chance and that is why he chose this profession and that he is not motivated by money.

Bowers asked Finfer about his medical history. He stated he had 7 spinal surgeries and nerve damage.

Colleen Platt interrupted and asked Madame Chair if she thought that his medical history was relevant to alleged facts of violation of law in this case.

Darlene Dufault stated that this was irrelevant and for Ms. Bowers to move on with questioning.

Bowers stated that due to Mr. Finfer's conditions, he is protected by ADA and should have been properly notified and accommodated; and that in her opinion he did not receive any of such.

Colleen Platt objected, Ms. Dufault stated accommodations were provided and the hearing should continue.

Bowers asked Finfer if he agreed with alleged facts in the complaint, he said "absolutely not"; and that he was not an employee of Ability Counseling but sole proprietor.

Suart Finfer testified that he hired Ambrielle Palmer as contractor 20-30 hours per week and not as she testified full time; he also stated that she did not work there as she testified in office manager capacity. Finfer stated the Ambrielle Palmer wasn't showing up for work, she was using alcohol and drugs, and her drug of choice was methamphetamine, also Mr. Finfer testified that it was false allegation that he authorized Erika Huffard to facilitate counseling groups. He stated that only he and Dr. Purdioux were leading the groups and Erika was only observing or sharing her experiences with the participant and the reason for her termination was lack of supervisor and her lacking computer skills.

Finfer again denied accusation about employing Omzlo, and facilitating unlicensed activities. He stated that he was there volunteering for less than a month, he was considered as possible intern, claiming he was 22 years in sobriety and had masters degree. He stated that Omzlo was attending groups as a participant and did not facilitator.

Mr. Finfer also denied allegation about him charging a fee for correcting DUI evaluation; he denied anyone ever living in his basement and that he has never been in that basement. Finfer suggested that Ms. Palmer was going to the basement to possibly use drugs herself.

He denied ever having sexual relationship with anyone at the Ability Counseling. He stated that he is medically incapable.

Finfer denied the allegation about taking Xanax at the office and stated that Ambrielle Palmer was lying about it. Mr. Finfer denied the allegation of Cody Kotrc ever being a client of Ability Counseling. He also denied allegations that he was associating with gang members; stating that he was spending time with people in recovery, church goers and chest players.

Colleen Platt asked about Erika Huffard, and Finfer stated she was working as a potential intern, which meant she was giving feedbacks to the clients during groups. He has stated it was all AA related topics.

MaryAnn Potter asked if Ms. Huffard signed confidentiality agreement and he stated yes, all group participants signed confidentiality agreements.

Colleen Platt asked in what capacity was she working there. Finfer stated, "Intern has 30 days to get certificate from the Board", Ms. Platt disagreed and stated that this was not true.

Finfer testified that he was not aware the law changed and he later stated that both Huffard and Omzlo were speakers only and never introduced as neither counselors nor interns.

Colleen Platt also challenged mister Finfer's statement that Ms. Palmer was not an employee but independent contractor, by presenting the evidence that Ms. Palmer was receiving unemployment benefits which are only available to former employees not contractors.

Colleen Platt introduced next exhibit, which was printout of text messages between Ambrielle Palmer and Stuart Finfer.

Mr. Finfer again denied the content of text messages and stated it was misunderstanding between Ms. Palmer and him. Mr. Finfer called Ambrielle Plamer a "tweaker" multiple times.

President Dufault asked Mr. Finfer to stop the allegations.

Ms. Bowers asked if Agata Gawronski ever told Finfer that he was not allowed to have intern candidates attending group meetings. He said "no", he said he had received a lot of help and support from the Board for the last 14 years. Finfer further stated that with his disability" it is hard to stay on top of things" and nobody has given him chance to fix things.

Darlene Dufault asked if Ability Counseling was SAPTA certified. He said "no". Ms Dufault asked if he was conducting background checks, license verifications, and drug tastings on his potential employees. He said "no". Ms. Dufault proceeded with questions about what did Mr. Finfer do when impaired client showed up at his agency; he said he had to go back to his group.

Ms. Dufault then asked what did he do about Ms. Palmers alleged use, and since he was calling her a "tweaker" did he refer her to get help. He responded "she would not listen to me anyway". Darlene Dufault asked if he understood what his obligations were as a certified alcohol and drug counselor; Ms. Dufault asked "did you refer her for treatment". Finfer responded "no".

Dani Danley asked about the internships and who was going to supervise future interns, Ms. Finfer stated Lee Purdioux; but he then realized she was not certified as a Supervisor by the Board and let the intern candidates go. He stated that Ms. Purdioux was currently the only licensed employee of Ability Counseling.

MaryAnn Potter asked how come the issue of Ms. Palmer's alleged drug use was not addressed from the employer's state point. Ms. Potter asked about drug policy at his agency.

Mr. Finfer stated that, he did not suspect her use until the end of her employment; he said he would send her to take drug test but "she would not have done it anyway".

Finfer stated that he will not hire people in recovery anymore. Darlene Dufault stated that, preventing people in recovering from working was against everything this field was about.

Colleen Platt made closing arguments followed by Ms. Bower's arguments.

Ms. Bower's made an accusation that the Board, the executive director and the investigator did not communicate with Mr. Finfer after the complaint was filed, that he was not given an opportunity to correct his actions; President Dufault explained to Ms. Bower's that, the rules were followed with the complaint process and that it wasn't director's place to communicate the status of investigation with her or Mr. Finfer. Board moved on to questions and discussion regarding findings of facts. Dani Danley made motion to accept facts these facts:

1. On or about January 2017, Respondent was employed by or on staff at Ability Counseling.
2. On or about January 2017, Respondent Ambrielle Palmer to assist Respondent in carrying out his duties at Ability Counseling.
3. Respondent authorized Ericka Huffard to facilitate counseling groups
4. Ms. Huffard is not licensed or certified with the Board
5. Respondent authorized Omzlo to facilitate counseling groups.
6. Mr. Omzlo is not licensed or certified with the Board.
7. Respondent allowed individuals and /or employees and /or clients engage in the consumption of drugs at Ability Counseling.
8. Respondent authorized the completion of progress reports and /or completion of counseling reports when the client had not completed the counseling session and/or attended the counseling session.

Mary Ann Potter seconds that motion. Motion carried with one abstention from Merlyn Sexton.

Danie Danley made motion to find responded guilty of Count One:

By authorizing Ms. Huffard/Omzlo to facilitate group counseling sessions, Respondent has authorized and /or facilitated the unlicensed practice of alcohol and drug abuse counseling, and/or failed to report the unlicensed activity to the Board in violation of NAC 641C.405(8). Merlyn Sexton second it, motion carried unanimously.

Merlyn Sexton made motion of not guilty to count two, MaryAnn Potter second it, motion carried unanimously.

Merlyn Sexton made motion of not guilty to count three, MaryAnn Potter second it, motion carried unanimously.

Danie Danley made motion to find responded guilty of Count Four as follows: By authorizing the completion of progress reports and /or completion of counseling reports when the client had not completed the counseling session and/or attended the counseling sessions, Respondent has violated NAC 641C.405(3), and /or (5). Darlene Dufault second it, motion carried with one abstention from Merlyn Sexton.

Darlene Dufault made motion to suspend Stuart Finfer's certificate for one year; to recuperate all the costs and fees associated with investigation and proceedings within one year ; take educational classes on ethics and boundaries approved by Agata Gawronski; that would not count toward his 40 CEU's; to provide the Board with policies and procedures on drug use/ testing at the Ability Counseling; to return before the Board for reinstatements; Dani Danley second the motion; it carried unanimously .

Item 4: Public comments

No public comments.

Item 5: Adjournment

Darlene Dufault made motion to adjourn. Merlyn Sexton seconds it. Meeting adjourned at 2.30pm.