

**BEFORE THE MINNESOTA  
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of  
Carolyn Thomas, LMFT  
License No. 946

**STIPULATION AND CONSENT ORDER**

Carolyn Thomas, LMFT ("Licensee") and the Minnesota Board of Marriage and Family Therapy Complaint Panel ("Complaint Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

**I.**

**JURISDICTION**

1. The Minnesota Board of Marriage and Family Therapy ("Board") is authorized pursuant to Minnesota Statutes sections 148B.01 to 148B.39 to license and regulate the practice of marriage and family therapy in the State of Minnesota and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice Marriage and Family Therapy in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

**II.**

**CONFERENCE**

3. On May 14, 2015, Licensee and her attorney, Meaghan C. Bryan of Cousineau McGuire, appeared before the Complaint Panel, composed of Board Members Herbert Grant, LMFT, and Dennis Morrow, Ed.D.

4. Jennifer Coates and Caitlin Grom, Assistants Attorney General, represented the Complaint Panel in this matter.

### III.

#### FACTS

The parties agree this Stipulation and Consent Order is based upon the following facts:

5. The Board issued Licensee a license to practice marriage and family therapy on January 19, 2001.

6. In or about February 2013, Licensee began treating Patient #1. During therapy sessions, Patient #1 spoke about a variety of issues, including but not limited to her difficulties finding housing and other financial issues and pressures she faced. Licensee terminated the therapeutic relationship in February 2014 and retired from her practice in approximately March 2014.

7. Shortly thereafter, Licensee and Patient #1 entered into a landlord-tenant relationship and executed the *Basic Rental Agreement or Residential Lease* ("Rental Agreement") for a single family home owned by Licensee.

8. In or about June 2014, a dispute between Patient #1 and Licensee commenced regarding the Rental Agreement, which resulted in Licensee evicting Patient #1 from the rental property.

9. Licensee denies that Licensee made any unauthorized disclosures of Patient #1's private information in violation of any provision of Minn. R. 5300.0350, Subp. 6.

**IV.**

**LAWS**

10. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minn. R. 5300.0350, subp. 5(B); (G); and (H) (2013) and justifies the disciplinary action described in section V. below.

**V.**

**DISCIPLINARY ACTION**

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

11. The Board accepts Licensee's **VOLUNTARY SURRENDER** of her license to practice marriage and family therapy. Licensee shall not practice, attempt to practice, offer to practice, or advertise or hold herself out as authorized to practice marriage and family therapy in Minnesota or engage in any act which constitutes the practice of marriage and family therapy as defined in Minnesota Statutes section 148B.32 and shall not imply by words or conduct that Licensee is authorized to practice marriage and family therapy.

12. Licensee may not apply for licensure to practice marriage and family therapy for at least 12 months from the date of this order and until such time as Licensee is able to demonstrate by a preponderance of the evidence that she is capable of practicing marriage and family therapy in a fit and competent manner. In applying for licensure, Respondent shall comply with and/or provide the Board with, at a minimum, the following:

a. Successful Completion of Boundaries Course. No more than 90 days prior to applying for licensure, Licensee shall arrange to enroll in and successfully complete a professional boundaries training course and comply with the following:

i) the course must be approved in advance by the Complaint Panel.

Licensee shall submit for approval to the Complaint Panel a course syllabus that includes instructor, goals, objectives, assignments, projects, methods, and frequency of evaluation.

ii) All fees for the course shall be paid by the Licensee and successful completion of the boundaries course shall be determined by the Complaint Panel.

b. Successful Completion of Ethics Course. No more than 90 days prior to applying for licensure, Licensee shall enroll in and successfully complete a professional ethics training course, which complies with the following:

i) The course must be approved in advance by the Complaint Panel. Licensee shall submit for approval to the Complaint Panel a course syllabus that includes instructor, goals, objectives, assignments, projects, methods, and frequency of evaluation.

ii) All fees for the course shall be paid by the Licensee and successful completion of the boundaries course shall be determined by the Complaint Panel.

c. Report on Courses from Licensee. Within 30 days of completing the Boundaries and Ethics courses, Licensee shall submit a written report to the Complaint Panel which provides and/or addresses the following:

i) The dates Licensee began and completed the course;

ii) A brief statement of the topics covered in the course;

iii) A detailed discussion of what Licensee learned from the course, including Licensee's comprehension and knowledge of boundary and ethics issues, as well as various boundaries and ethics issues encountered in practice and how this course will affect her practice in the future

iv) A detailed discussion of the violations that occurred, including:  
1) how Licensee came to violate professional boundaries and ethics; 2) the manner in which Licensee violated professional boundaries and ethics; 3) the specific harm to each individual that resulted and/or the potential harm to other individuals that could have resulted from Licensee's

conduct; 4) how Licensee now believes the violation could have been averted; 5) a detailed discussion of the specific ways this course may affect Licensee's practice if she is granted an unconditional license; 6) Licensee's reasons for believing she is capable of conducting herself in a fit, competent, and ethical manner in the practice of marriage and family therapy and 7) any other information Licensee believes would assist the Board in its ultimate review of this matter.

d. Report on Course from Instructors. Licensee shall cause to be submitted to the Complaint Panel a report from the instructor of the courses listed in paragraph 2(a) and 2(b). The report shall address:

i) The extent of Licensee's participation in the course; and  
ii) The instructor's assessment of Licensee's knowledge obtained from the course, comprehension of the material issues, and opinion as to Licensee's ability to engage in the practice of marriage and family therapy.

e. Additional Information. Licensee shall provide any additional relevant information reasonably requested by the Complaint Panel.

f. Licensure Requirements. Licensee shall meet all licensure requirements in effect at the time of her application for licensure, including but not limited to completing the appropriate application, paying requisite fees, and completing any necessary continuing education requirements.

g. Burden of Proof. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that she is capable of practicing marriage and family therapy in a fit and competent manner.

13. Licensee shall meet with the Complaint Panel of the Board after submitting her application for licensure in order to consider Licensee's application for licensure. The Complaint Panel shall review and discuss with Licensee her application and supporting evidence.

14. The Board may, at any regularly scheduled meeting following Licensee's application pursuant to paragraph 2 above, take any of the following actions:

- a. Issue a license to practice marriage and family therapy to Licensee;
- b. Issue a license to practice marriage and family therapy to Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice;

or

- c. Deny Licensee's application for licensure.

15. IT IS FURTHER ORDERED that Licensee's violation of this Order shall constitute violation of a Board order for purposes of Minnesota Statutes section 148B.37, and provide grounds for further disciplinary action.

## **VI.**

### **CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

16. If Licensee fails to comply with or violates this Stipulation and Consent Order the Complaint Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

- a. The Complaint Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel shall mail Licensee a notice of the violation(s) alleged by the Complaint Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the date of the notice, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

- b. The Complaint Panel, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Complaint Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Complaint Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Complaint Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Complaint Panel not to seek discipline when it first learns of a violation shall not waive the Complaint Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a limited and conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including, but not limited to, additional conditions or limitations on Licensee's practice, suspension, or revocation of Licensee's license.

#### **ADDITIONAL MATTERS**

17. In the event the Board at its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this stipulation, except that Licensee agrees that should the Board reject this stipulation and this case proceeds to hearing, Licensee will assert no claim that the

Board was prejudiced by its review and discussion of this stipulation or of any records relating to this matter.

18. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

19. Licensee waives all formal hearings on this matter and all other procedures before the Board to which Licensee may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein.

20. Licensee hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Licensee under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Licensee's license to practice as a licensed marriage and family therapist under this stipulation.

21. Licensee hereby acknowledges that she has read, understands, and agrees to this stipulation and has freely and voluntarily signed the stipulation without threat or promise by the Board or any of its members, employees, or agents. When signing the stipulation, Licensee acknowledges she is fully aware the stipulation is not binding unless and until it is approved by the Board.

22. This Stipulation and Consent Order constitutes a disciplinary action against Licensee.

23. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

24. This Stipulation and Consent Order contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this stipulation.

LICENSEE

*Carolyn Thomas*  
Carolyn Thomas

FOR THE COMPLAINT PANEL

*Debra Nelson*  
Board Member

Dated: 3/7/16

Dated: 11 MARCH 2016

**ORDER**

Upon consideration of this stipulation and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the Board accepts the Stipulation and Consent Order and that all other terms of this stipulation are adopted and implemented by the Board this 11 day of March, 2016.

MINNESOTA BOARD OF MARRIAGE AND FAMILY THERAPY

*John Seymour*  
JOHN SEYMOUR  
Board Chair