

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS
ADMINISTRATIVE ACTION NO. 2019-KBLPC-0009
AGENCY ACTION NO. 2019LPC00013**

**KENTUCKY BOARD OF LICENSED
PROFESSIONAL COUNSELORS**

PETITIONER

v.

JENNIFER BRAMMER

RESPONDENT

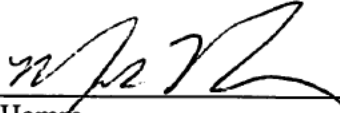
FINAL ORDER

This matter came before the Kentucky Board of Licensed Professional Counselors on a Recommended Order issued by the Hearing Officer on November 13, 2019. Copy attached. No exceptions have been filed. Pursuant to KRS 13B.120, the Board has considered the record including the recommended order (Respondent having filed no exceptions to the recommended order) and hereby orders as follows:

- (1) The Board accepts the recommended order of the Hearing Officer and adopts it as the Board's Final Order;
- (2) Respondent's Licensed Professional Counsel Associate credential, license no. 127746, is hereby revoked for a period of five years, after which Respondent may reapply for a credential with the Board; and
- (3) Under KRS 13B.140, this Final order shall be subject to appeal within 30 days after the order is mailed.

Wherefore, the Board issues this Final Order revoking Jennifer Brammer's Licensed Professional Counsel Associate credential, license no. 127746, for a period of five years, after which Ms. Brammer may reapply for a credential with the Board.

Date: December 20, 2019

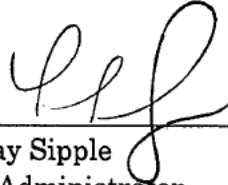


Mark Hamm
Board Chair

CERTIFICATE OF SERVICE

I certify that today, I mailed via certified mail, return receipt requested, a true and accurate copy of this pleading upon: Jennifer Brammer, [REDACTED]; and by personal service upon Hon. Patrick Flannery, Office of Administrative Hearings, 500 Mero Street, 218 NC, Frankfort, KY 40601 and Bryan D. Morrow, Board Attorney, 500 Mero Street, 218 NC, Frankfort, KY 40601.

Date: 12/27/2019



Lyndsay Sipple
Board Administrator

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PETITIONER

JENNIFER BRAMMER

RESPONDENT

RECOMMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This matter is a result of an administrative action filed by the Board. The Hearing Officer being fully and sufficiently advised enters the following recommended disposition.

FINDINGS OF FACTS

On July 2, 2017, Respondent began employment at Addiction Recovery Care, LLC, (ARC) a provider of addiction recovery services. Respondent was hired as a clinical counselor.

During November 2018, ARC personnel noticed that Respondent was spending an inordinate amount of time with a client. Respondent provided counseling services to this client. On November 7, Respondent received a verbal warning by the director of ARC for having the client in her office after hours. Respondent was directed not to work with the client.

On November 19, Respondent was seen working with the client in her office after hours with no other employees present.

On this same date, and against medical advice, the client withdrew from treatment.

On November 21, Respondent received an official write up for failing to comply with the November 7 verbal warning.

On November 26, a coworker presented ARC with a picture of the client in front of a Christmas tree that appeared to be the same Christmas tree in Respondent's home.

On November 27, Respondent's immediate supervisor discussed concerns about the inordinate amount of time she was spending with the client. During the discussion with her supervisor, Respondent resigned her position.

On March 6, 2019, Todd Dials, Human Resources Director for ARC, filed a complaint with the Kentucky Board of Licensed Professional Counselors alleging that Respondent resigned after being confronted with the conduct with the client.

A copy of the complaint was mailed to Respondent, and she responded to the complaint on April 19. According to Respondent, she planned on giving her two-weeks' notice at the November 27 meeting because she had obtained new employment. ARC accepted her resignation and made it effective on that same date. In her response, Respondent did not deny the fact of her relationship with the client.

On May 16, Complainant filed a rebuttal to Respondent's response and provided additional documentation.

On July 19, the Board voted to initiate an administrative action in this case. According to the Administrative Complaint, Respondent violated KRS 335.540(1)(e) by engaging in a sexual, romantic interaction, or intimate relationship with a current or a former client for five years following the termination of counseling which is a violation of 201 KAR 36:040, Section 1(2)(d). The Board urged the Hearing Officer to recommend the revocation of Respondent's license for five years, at which time Respondent could reapply for a credential with the Board. A copy of the Administrative Complaint was served on Respondent on July 30.

On July 31, the Honorable Patrick Flannery was assigned as the Hearing Officer on this case.

A telephonic prehearing conference was held on August 15. During that conference, Respondent acknowledged that the allegations were founded in truth and that she does not want to contest the matter. Respondent acknowledged that the relationship giving rise to the complaint and administrative action had continued.

On August 16, the Hearing Officer entered an Order directing the Board's counsel to send a proposed punishment to him in this matter. On November 11, the Board's counsel filed the Board's proposed punishment: that Respondent's license be revoked for five years, at which time Respondent may reapply for a credential with the Board.

This matter is now ripe for a recommendation.

CONCLUSIONS OF LAW

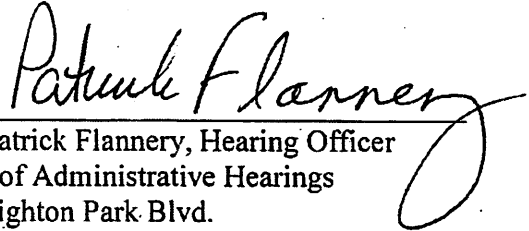
Under KRS 335.515(7) and KRS 335.540, the Board is authorized to suspend, revoke, impose probationary conditions upon, impose an administrative fine, or issue a written reprimand or admonishment for certain acts. Specifically, the Board may impose sanctions against a credential holder who violates the code of ethics. KRS 335.540(1)(e). Under the Board's Code of Ethics, a professional counselor shall not engage in a sexual, romantic interaction, or an intimate relationship with a current client or with a former client for five years following the termination of counseling. 201 KAR 36:040, Section 1(2)(d).

Under the facts presented by the Board and Respondent's acknowledgment that the allegations were founded in truth and that she did not want to contest the matter, it is hereby concluded that the Board proved a violation of KRS 335.540(1)(e) and 201 KAR 36:040, Section 1(2)(d).

RECOMMENDED ORDER

IT IS THEREFORE RECOMMENDED that the Board revoke Respondent's license for five years, at which time Respondent may reapply for a credential with the Board.

RECOMMENDED this 13th day of November, 2019.



Hon. Patrick Flannery, Hearing Officer
Office of Administrative Hearings
128 Brighton Park Blvd.
Frankfort, KY 40601
(502) 782-7658
Patrick.Flannery@ky.gov

NOTICE OF APPEAL RIGHTS

Pursuant to KRS 13B.110(4), any aggrieved Party has a right to file Exceptions to this Recommended Order. Such Exceptions must be in writing and be submitted to the Kentucky Board of Licensed Professional Counselors no more than fifteen (15) calendar days from the date this Recommended Order is mailed. Specific reasons for disagreement with the Recommended Order must be provided in the Exceptions, along with citations to any documentation, witness statements, testimony, or any other evidence presented at the administrative hearing. Failure to file exceptions may be considered to be a failure to exhaust all administrative remedies, so as to bar any appellate review by the courts.

This Recommended Order is not a final decision by the Kentucky Board of Licensed Professional Counselors. A Final Ruling will be rendered after all Parties have had an opportunity to file Exceptions. The Board will then consider the Recommended Order, along with any Exceptions that have been filed, and render its final decision.

APPEAL TO CIRCUIT COURT

Pursuant to KRS 13B.140(1) and KRS 335.550, a Final Ruling of the Kentucky Board of Licensed Professional Counselors may be appealed by filing a Petition for Judicial Review in Franklin Circuit Court, in accordance with KRS 13B.140, within 30 days from the Final Ruling. Only after the Board renders a Final Ruling in this matter may an aggrieved Party appeal to the Circuit Court with proper appellate jurisdiction.

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2019, the original of the foregoing was sent by regular mail to Lyndsay Sipple, Board Administrator, Board of Licensed Professional Counselors, 911 Leawood Drive, Frankfort, KY 40601; and a copy to Jennifer Brammer, [REDACTED]
[REDACTED]
[REDACTED]; and Bryan D. Morrow, Public Protection Cabinet, 656 Chamberlin Ave., Suite B, Frankfort, Kentucky 40601; Bryan.Morrow@ky.gov.


Patrick Flannery