

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS  
CASE NO. 2022-LPC-00021

KENTUCKY BOARD OF LICENSED  
PROFESSIONAL COUNSELORS

PETITIONER

v.

MICHAEL ROGERS,  
LPCC, License No. 104458

RESPONDENT

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**AGREED ORDER**

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The Kentucky Board of Licensed Professional Counselors (the "Board"), and Michael Rogers, LPCC, License Number 104458, ("Respondent") hereby agree as follows:

1. On May 27, 2022, the Board received Complaint No. 2022-LPC-00021 from Julie Marchman. Ms. Marchman states in her complaint that she is a marriage and family therapist associate in Kentucky and her client reported that her friend's counselor, the Respondent, was in a romantic relationship with one of his clients.

2. Respondent received notice of the Complaint from the Board on or around June 6, 2022 and submitted a response to the complaint, dated June 20, 2022. In his response, Respondent affirms the information stated in the complaint is accurate and accepts responsibility for his actions. Respondent stated he understood it is the Board's responsibility to maintain the welfare of the citizens of the state of Kentucky and that his actions violate the Code of Ethics for Licensed Professional Counselors, that there are penalties, and that he is willing to learn from the Board as to the next steps to ensure that proper actions are taken.

3. Respondent, through counsel, has advised the Board he stopped accepting new patients as of June 2022.

4. Respondent, through counsel, has advised the Board he has engaged a personal therapist to help him better understand his actions and a marital therapist to assist in repairing the damage he has caused within his marriage and family.

5. Respondent, through counsel, has advised the Board his license expires December 31, 2023 and he does not plan to renew his license at this time.

6. Respondent, through counsel, has advised the Board he will close his practice December 31, 2023.

7. Respondent, through counsel, has advised the Board he had six (6) remaining clients. He has informed these clients he will be closing his practice by the end of the year. Further, he informed these clients that he is willing to assist them in finding a new therapist and/or making referrals by the end of 2023, and will provide their records to a new provider upon their request.

8. Based on the Respondent's admission to the allegations in the complaint, at its regularly scheduled meeting of November 17, 2023, the Board voted to offer an informal settlement as authorized by 201 KAR 36:050. Section 4. Settlement by Informal Proceedings. An informal settlement may be entered into at any time during the complaint management process.

9. The Board has determined that disciplinary action under the following statutes and regulations to be appropriate: KRS 335.540(1)(g) and 201 KAR 36:040 Section 1.(2)(b), (c), and (d). Respondent agrees the Board may take disciplinary action against him for the above-described violations.

10. Instead of pursuing a disciplinary hearing, the parties have mutually decided to resolve any potential disciplinary action by means of this Agreed Order.

**The Board and Respondent now therefore agree to this Agreed Order, which resolves Complaint No. 2022-LPC-00021 on the following terms and conditions:**

11. Respondent shall execute and return a copy of this Agreed Order to the Board within thirty (30) days of receipt of the Agreed Order or it shall be null and void, and the Board may institute further disciplinary action.

12. The agreed upon terms are as follows:

a. Respondent's LPCC license shall be suspended, and Respondent shall be ineligible to apply for license reinstatement for three (3) years from the date of approval of this Agreed Order by the Board; and

b. Upon reinstatement, Respondent shall be required to practice under supervision of a Board-approved supervisor for a period of one (1) year; and

c. Respondent shall be ineligible to act as a supervisor and resume LPCC-S services for a period of two (2) years following reinstatement.

13. Respondent agrees to commit no violations of statutes and regulations governing his license to practice as a Licensed Professional Clinical Counselor.

14. Respondent acknowledges the seriousness of the allegations contained within Complaint No. 2022-LPC-00021 and agrees that the allegations contained therein are wholly inappropriate between a Licensed Professional Counselor and a client.

15. Respondent understands that by signing this Agreed Order he has waived his hearing rights, which specifically include any right to a hearing, including the right to be present with counsel, to subpoena witnesses and to confront those against him, and the right to appeal the Board's decision as entered in this Agreed Order and the full

panoply of rights of hearing and appeal related to his mandatory certificate and as authorized by statute, regulation, and court decision.

16. Respondent acknowledges that this Agreed Order, after his execution of same, shall be presented to the Board with a recommendation for approval from the Board's Counsel at the next regularly scheduled meeting of the Board following receipt of the executed agreement. The Agreed Order shall not become effective until it has been approved by the Board and endorsed by the Chair of the Board. Respondent understands the Board is under no obligation to accept or reject this Agreed Order, and hereby waives any right he may have had to challenge, based upon the presentation of this Agreed Order to the Board, the impartiality of the Board to hear an administrative action if this Agreed Order is rejected. If this Agreed Order is rejected by the Board, it shall be regarded as null and void, and of no effect. No statement or term contained in this Agreed Order will be regarded as evidence in any subsequent disciplinary hearing, nor shall any inference be taken from Respondent's willingness to enter into this Agreed Order.

17. Upon approval of this Agreed Order by the Board, the Board shall dismiss Complaint No. 2022-LPC-00021. Any violation by Respondent of the terms of this agreement shall be grounds for further action by the Board, including but not limited to the reopening of this complaint.

18. Respondent recognizes that if this matter was to proceed to an Administrative Hearing, there may exist sufficient evidence to sustain a disciplinary action against him. Respondent nevertheless desires to settle this matter in an expeditious manner without resorting to an administrative hearing.

19. Respondent acknowledges that at all times he has had the opportunity to obtain legal counsel of his choosing.


20. Respondent acknowledges, once adopted by the Board, this Agreed Order is considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act. Further, Respondent understands the Board is free to make any use it deems appropriate of the contents of this Agreed Order, which shall include the Board's ability to share the content of this Agreed Order with any governmental or professional board or organization, publication of a summary in the Board's newsletter, reporting under federal law, and availability via the Board's web site.

21. All parties and their undersigned representatives warrant and represent that they have the requisite power and authority to enter into this Agreed Order and to effectuate the purposes herein, and that this Agreed Order shall be legally binding and enforceable against each party in accordance with terms of the Agreed Order.

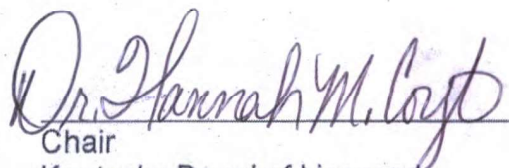
22. This Agreed Order shall be governed in all respects by the laws of the Commonwealth of Kentucky. Any disputes arising under this Agreed Order shall be resolved in the Circuit Court of Franklin County, Kentucky; the parties' consent and agree to the *in personam* jurisdiction of such Court.

23. This Agreed Order may not be modified except by a written agreement executed by all parties.

**HAVE SEEN AND AGREED:**

  
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Michael Rogers, LPCC-S  
License No. 104458  
Respondent

12/12/2023  
Date

  
Chair  
Kentucky Board of Licensed  
Professional Counselors

12/15/23  
Date

### CERTIFICATE OF SERVICE

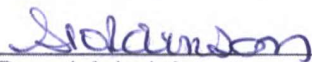
I hereby certify that a copy of the Agreed Order was mailed this 18 day of December 2023 by electronic mail, and on the 18 day of December, 2023, mailed by regular first-class mail and to:

Michael Rogers  
1813 Bimini Road  
Lexington, Kentucky 40502  
[vitalivingcounseling@gmail.com](mailto:vitalivingcounseling@gmail.com)  
*Respondent*

Hon. Katherine Kerns Vesely  
O'Bryan, Brown & Toner  
401 South Fourth Street  
Suite 2200  
Louisville, Kentucky 40202  
[veselyk@obtlaw.com](mailto:veselyk@obtlaw.com)  
*Counsel for Respondent*

And via electronic mail to:

Sara Boswell Janes, Staff Attorney III  
Department of Professional Licensing  
Public Protection Cabinet  
Office of Legal Services  
500 Mero Street  
Frankfort, Kentucky 40601  
[Sara.janes@ky.gov](mailto:Sara.janes@ky.gov)  
*Board Counsel*

  
Board Administrator