

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSED PROFESSIONAL COUNSELORS
COMPLAINT NO. 2021-LPC-00022

Kentucky Board of Licensed Professional Counselors, Petitioner;
v.
Maja Cupać, LPCC-S, License No. 104514, Respondent.

AMENDED AGREED ORDER

The Kentucky Board of Licensed Professional Counselors (the "Board"), and Maja Cupać, LPCC license #104514, (the "Respondent") hereby enter into the following Amended Agreed Order:

STIPULATIONS

1. The Board received Complaint No. 2021-LPC-00022, *inter alia*, alleging Respondent engaged in an inappropriate dual relationship with a client, and during the Board's investigation into the complaint, the Board further determined the Respondent failed to maintain documentation necessary for rendering professional services, and failed to obtain proper informed consent for distance counseling during her practice of professional counseling with the client, as follows:
2. From 2017 to July 2021, Respondent provided counseling services to a client with a history of substance use issues. The client was referred to Respondent in 2017 by a person at the facility where the client was for residential treatment.
3. During the first half of 2021, Respondent and her family visited the client's home on two occasions, brought the client flowers, drove the client to a restaurant and ate brunch with the client and the Respondent's family and/or the client's family on two occasions in 2021, failed to document client files to support important client information which Respondent later asserted

in her defense of the complaint, and failed to properly obtain informed consent as it relates to distance counseling.

4. Upon review of all available information, the Board concluded that there is substantial evidence that Respondent violated the Board's Code of Ethics, specifically 201 KAR 36:040 Section 1. (1), Section 1.(2)(b) and (c), Section 2.(1), (2), (19), (25), and (28), and Section 6.(3).

5. The Board is authorized under KRS 335.515(7) and 335.540(1) to take disciplinary action against licensees.

6. The Board and Respondent entered into an Agreed order on May 4, 2022, in settlement of this matter without resorting to an Administrative Hearing.

7. Respondent successfully completed all terms of the May 4, 2022, Agreed Order.

8. The May 4, 2022, Agreed Order resulted in consequences by third parties who were not parties to the Agreed Order, and which consequences were not intended, nor anticipated, by the Board.

9. As a result of said consequences, Respondent filed a Motion to Vacate the Agreed Order, which was denied by the Board.

10. Respondent then filed Petition for Judicial Review in the Franklin Circuit Court, 22-CI00904, on November 18, 2022.

11. The parties now desire to settle this matter in an expeditious manner and have mutually decided to resolve this Complaint and pending litigation by means of this Amended Agreed Order.

The Board and Respondent now therefore agree to this Agreed Order, which resolves Complaint Number 2021-LPC-00022 on the following terms and conditions:

FINDINGS

12. Respondent admits the facts set forth in the above-referenced Stipulations. Respondent acknowledges that the Board could find by a preponderance of the evidence that she engaged in conduct that violates the provisions of KRS 335.540(1)(g) and 201 KAR 36:040 Section 1. (1), (2)(b) and (c), Section 2. (1), (2), (19), (25), and (28), and Section 6. (3).

VOLUNTARY WAIVER OF RIGHTS

13. Respondent has had the opportunity at all times to seek advice concerning this matter from competent counsel of her choice. Respondent has not been coerced in any respect to enter into this Amended Agreed Order, nor have any promises been made other than those reflected in this Amended Agreed Order.

14. Respondent freely and voluntarily enters into this Amended Agreed Order for the purposes of resolution of the issues presented herein and has executed this Amended Agreed Order only after a careful reading and understanding of all of its terms.

15. Nothing in this Amended Agreed Order prohibits the Board from taking action on new information not previously disclosed to the Board by the Respondent or received by the Board from any other individual.

JURISDICTION

16. Respondent acknowledges that the Board has jurisdiction over Respondent and the conduct which has precipitated this Amended Agreed Order. Respondent also acknowledges that the Board has the legal power to take disciplinary action up to and including revocation of Respondent's license to practice professional counseling in Kentucky. Respondent acknowledges the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Amended Agreed Order have been met to the satisfaction of the Board.

PUBLICATION

17. Respondent acknowledges that, once adopted by the Board, this Amended 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 Amended Agreed Order, which shall include the Board's ability to share the content of this Amended 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.

18. The Board acknowledges that, once adopted by the Board, the May 4, 2024, Agreed Order will be removed from the website and this Amended Agreed Order will replace the May 4, 2022, Agreed Order and be published on the Board's website. Further, the Board will report the Order Vacating the May 4, 2022, Agreed Order, and further report the entry of this Amended Agreed Order, to the National Practitioner Data Bank.

TERMS

19. Based on the foregoing Stipulations, and in consideration of the mutual promises, covenants, and agreements contained herein, the adequacy and sufficiency of which are hereby acknowledged, the parties hereby agree to the following terms:

a. Respondent shall execute and return a copy of this Amended Agreed Order to the Board within thirty (30) days of receipt of the Amended Agreed Order or it shall be null and void, and the May 4, 2022, Agreed Order shall remain effective.

b. All disciplinary terms set forth in the May 4, 2022, Agreed Order were met by the Respondent. Therefore, the Board will accept the completion of all disciplinary terms under the May 4, 2022, Agreed Order to fulfill the disciplinary terms of this Amended Agreed Order, including:

- i. Respondent's proof of completion of a course on counselor-client dual relationships; and
 - ii. Respondent weekly meetings with a Board-approved supervisor for a period of one (1) year.
 - c. Respondent agrees to commit no violations of statutes and regulations governing her license to practice as a Licensed Professional Clinical Counselor.
 - d. The Board has dismissed Complaint No. 2021-LPC-00022, subject to the terms of the May 4, 2022 Agreed Order.
 - e. Upon entry of this Amended Agreed Order, the Board agrees as follows:
 - i. To vacate the May 4, 2022, Agreed Order;
 - ii. To remove the May 4, 2022, Agreed order from the Board's website;
 - iii. To report the Order Vacating the May 4, 2022 Agreed Order, to the National Practitioner Data Bank;
 - iv. To publish this Amended Agreed Order on the Board's website; and
 - v. To report the Amended Agreed Order to the National Practitioner Data Bank.
20. The Respondent agrees to Dismiss the Petition for Judicial Review in Franklin Circuit Court, Civil Action Number 2022-CI-00904, with Prejudice.
21. Upon the Franklin Circuit Court's Order of Dismissal of the Petition for Judicial for Judicial Review with Prejudice, in Franklin Circuit Court Case Number 2022-CI-00904, the Board agrees the following:
 - a. To approve this Amended Agreed Order; and

- b. To vacate the May 4, 2022, Agreed Order, remove it from the Board's website, and report the Order Vacating the May 4, 2022 Agreed Order to the National Practitioner Data Bank.
22. 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 Complaint No. 2021-LPC-00022.
23. All parties agree to take all actions necessary that would cause the conditions and obligations under this Amended Agreed Order to become effective upon the effective date of this Amended Agreed Order, or, in the event that additional documents may need to be executed after the effective date of this Amended Agreed Order, the parties agree to cooperate with each other and execute such additional documents to effectuate the purposes as stated herein.

ACCEPTANCE BY THE BOARD

24. Respondent acknowledges that this Amended Agreed Order, after her 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 Amended 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 Amended Agreed Order, and hereby waives any right she may have had to challenge, based upon the presentation of this Amended Agreed Order to the Board, the impartiality of the Board to hear an administrative action if this Amended Agreed Order is rejected. If this Amended 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 Amended 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 Amended Agreed Order.

ENFORCEABILITY

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

EFFECTIVE DATE

26. The effective date of this Amended Agreed Order shall be the date it is accepted by the Board and signed by the Chair of the Board.

27. In no event shall the effective date of this Amended Agreed Order precede a dismissal of Franklin Circuit Court Case No. 2022-LPC-00904 with prejudice.

CHOICE OF LAW, VENUE, AND TRIAL RIGHTS

28. This Amended Agreed Order shall be governed in all respects by the laws of the Commonwealth of Kentucky. Any disputes arising under this Amended 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. The parties agree that trial of any such litigation shall be by bench trial only, and each party hereby waives its right to jury trial in any dispute arising from this Amended Agreed Order.

COSTS

29. The parties shall bear their respective costs:

MODIFICATION

30. This Amended Agreed Order may not be altered, amended, or modified except by a written agreement executed by all parties.

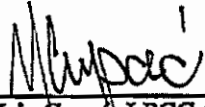
RELEASE OF LIABILITY

31. In consideration of execution of this Amended Agreed Order, Respondent and Respondent's executors, administrators, successors and assigns hereby release and forever discharge the Commonwealth of Kentucky, the Board, and the Public Protection Cabinet, and each of their members, agents, and employees in their individual and representative capacities from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Respondent ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this Amended Agreed Order, or its administration.

COMPLETE AGREEMENT

32. This Amended Agreed Order embodies the entire agreement between the Board and Respondent. This Amended Agreed Order shall constitute a binding contract between Respondent and the Board, subject only to approval by the Board as set forth above. Respondent shall not rescind, revoke, withdraw, or seek to modify this Amended Agreed Order prior to or during its presentation to the Board at a regularly scheduled meeting of the Board.

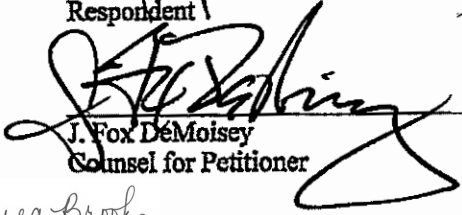
HAVE SEEN AND AGREED:



 Maja Cupac, LPCC-S, License No. 104514
 Respondent

10/2/2024

 Date



 J. Fox DeMoisey
 Counsel for Petitioner

10/16/2024

 Date

Andrea Brooks

~~Dr. Hannah Coyt~~

 Dr. Andrea Brooks, Board Chair
 Kentucky Board of Licensed Professional Counselors

12/20/2024

 Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Amended Agreed Order was mailed today by certified mail, return receipt requested and via electronic mail to:

Maja Cupac, LPCC-S
 306 Middletown Park Place
 Louisville, Kentucky 40243
 majacupac@yahoo.com
 Respondent

And via electronic mail to:

Fox DeMoisey
 7241 Fox Harbor Road
 Prospect, Kentucky 40059
 Counsel for Respondent

Sara Boswell Janes
 Kentucky Board of Licensed Professional
 Counselors
 500 Mero Street
 2 SW 19
 Frankfort, Kentucky 40602
 sara.janes@ky.gov
 Board Counsel



 Board Administrator
 Date: 12/20/2024