

**BOARD OF CLINICAL SOCIAL WORK, MARRIAGE & FAMILY THERAPY, AND
MENTAL HEALTH COUNSELING
PROBABLE CAUSE PANEL MEETING MINUTES**

**MICROSOFT TEAMS
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**THURSDAY, OCTOBER 06, 2022
1:00 P.M. EST**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

I. CALL TO ORDER

The meeting was called to order on Thursday, October 6, 2022, at 1:00 P.M. EST by Dr. Claudia Vicencio, Chair.

A. ROLL CALL

Roll call was conducted by Dr. Claudia Vicencio. Those present for all, or part of the meeting included the following:

MEMBERS PRESENT:

Claudia Vicencio, PhD, LCSW, LMFT, Chair
Denise Cecil-Van Den Heuvel, PhD, LMFT,
LMHC, NCC

BOARD COUNSEL:

Diane Guillemette, Esq. – Assistant
Attorney General

COURT REPORTER:

For the Record
Phone: (850) 222-5491
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PROSECUTION SERVICES:

Chase E. Den Beste – Asst. General Counsel
Collie Nolen, Esq. – Asst. General Counsel
Christina Shideler, Esq. – Chief Legal Counsel

BOARD STAFF:

Ashleigh Irving, Executive Director



II. OPENING REMARKS BY BOARD COUNSEL

(TS 00:03:05 Minutes) Ms. Guillemette introduced herself and stated that there was one public case on the agenda for which the Respondent has not appeared. Ms. Guillemette asked that all questions regarding the reasons for the Department's recommendation be directed to the Department's Prosecution Services Unit. Ms. Guillemette then stated that all questions concerning Florida Statutes, duty, or authority should be directed to her.

Ms. Guillemette then asked the panel the following questions and received the responses listed below:

Did you have an opportunity to review the materials prior to today's meeting?

Dr. Vicencio: Yes.

Dr. Cecil-Van Den Heuvel: Yes.

Ms. Guillemette asked that the panel members discuss the facts of the case prior to making a determination of probable cause.

III. OPENING REMARKS BY THE AGENCY'S ATTORNEY

(TS 00:04:20 Minutes) Mr. Den Beste introduced himself and stated that the panel has been provided with a memo from the Department's attorney addressing the requested action, a draft of the amended Administrative Complaint, a copy of the original Administrative Complaint, and any other materials from the file deemed appropriate by the attorney that supports the requested action. Mr. Den Beste added that any materials timely submitted by the licensee or counsel in reply to the proposed department action were enclosed, and that because there has been a finding of probable cause in the case, the case is public, and all proper notice requirements have been complied with.

IV. RECONSIDERATION

A. Susan Shelton, Licensed Mental Health Counselor, Case 2019-05643

(TS 00:05:10 Minutes) Mr. Den Beste presented the details of the case. Mr. Den Beste stated that on December 12, 2019, probable cause was found in Case 2019-05643, and a two-count Administrative Complaint (AC) was filed against Ms. Susan Shelton's license as a licensed mental health counselor. Mr. Den Beste then stated that the AC alleged that Respondent violated sections 456.072(1)(v), Florida Statutes (2018), and/or section 491.009(1)(k), Florida Statutes (2018), by engaging in sexual misconduct with a patient D.R. Mr. Den Beste added that the AC also alleged that Respondent violated section 456.072(1)(m), Florida Statutes, by fraudulently altering patient D.R.'s treatment records.

Mr. Den Beste explained that on or about February 25, 2022, the Department referred this case to the Division of Administrative Hearings, and that the Department took Respondent's deposition on April 19, 2022, and on May 4, 2022. Mr. Den Beste noted that after taking Respondent's deposition and after further preparation for final hearing, the Department has determined that the AC should be amended in order to provide more precise and comprehensive allegations against Respondent. Mr. Den Beste also noted that this case was relinquished back to the Department on August 8, 2022, and that the Department has incorporated its recommended changes to the alleged facts in the AC into the attached First Amended Administrative Complaint.



(TS 00:08:02 Minutes) Dr. Cecil-Van Den Heuvel stated that after reviewing all of the provided materials, the relationship between the therapist (Ms. Shelton) and the client (D.R.) appeared to be very intimate and sexual. Dr. Cecil-Van Den Heuvel further noted that Ms. Shelton did not seem to show any concerns for the client, and that even with the amount and the depth of the documentation and evidence provided, there still seems to be extensive denials from Ms. Shelton.

(TS 00:09:02 Minutes) Dr. Vicencio agreed with Dr. Cecil-Van Den Heuvel's statements and further stated that based on the pictures, videos, and other information provided, there was substantial probable cause, in her opinion, to continue prosecuting this case. Dr. Vicencio further stated that there seemed to be a premeditated component to this case, and that Ms. Shelton first entered a dual relationship with the client once she requested for him to repair her cell phone.

(TS 00:10:46 Minutes) Dr. Cecil-Van Den Heuvel noted that the phone call which was included in the materials that took place between client D.R. and Ms. Shelton's mother acted as evidence to show that Ms. Shelton's mother knew that Ms. Shelton and client D.R. were involved in a relationship.

(TS 00:11:23 Minutes) Dr. Cecil-Van Den Heuvel stated that Ms. Shelton's denial that anything happened between herself and client D.R. did not add up. Dr. Vicencio noted her agreement with this, adding that despite Ms. Shelton's claims that the pictures and videos of herself and client D.R. in intimate situations had been doctored by client D.R., they appeared to be legitimate.

(TS 00:12:30 Minutes) Dr. Cecil-Van Den Heuvel added that she believed Ms. Shelton appeared to act belligerently towards the law enforcement officers involved in the case, as shown by the material evidence of the booking. Dr. Vicencio stated that there was a lack of consideration for the client D.R. and if there was a relationship between Ms. Shelton and client D.R., a claim which the State was alleging and there seemed to be substantial evidence to support, Ms. Shelton was not taking responsibility for her actions and was instead concocting a very elaborate story. Dr. Vicencio stated that not only did Ms. Shelton endanger the client D.R. by having a sexual relationship with him, but additionally did not show any consideration for D.R.'s well-being and how he might have been affected based on that.

(TS 00:14:30 Minutes) Dr. Vicencio noted that she believed the amended Administrative Complaint did a good job of detailing in a very factual manner a case that seems very complicated but has volumes of evidence behind it.

(TS 00:14:55 Minutes) Ms. Guillemette stated that the panel discussed the amended Administrative Complaint in more than sufficient detail in order to make a motion.

(TS 00:15:13 Minutes) After discussion, the following action was taken:

Motion: by Dr. Cecil-Van Den Heuvel to move forward with the probable cause and the amended Administrative Complaint.
Second: by Dr. Vicencio.
Vote: passed unanimously.

Mr. Den Beste thanked the panel members for taking the time for this Probable Cause Panel and stated that Prosecution Services Unit would be filing the amended Administrative Complaint at that time as well as continuing prosecution. Mr. Den Beste thanked the panel members for their comments as providing feedback is helpful to Prosecution Services. Dr. Vicencio thanked Mr. Den Beste for the thoroughness of the case presentation as well as the evidence that went along with it.



V. ADJOURNMENT @ approximately 1:17 P.M. EST

After discussion, the following action was taken:

Motion: by Dr. Vicencio to adjourn the Probable Cause Panel.

Second: by Dr. Cecil-Van Den Heuvel.

Vote: passed unanimously.

