

**STATE OF NEW MEXICO  
COUNSELING AND THERAPY PRACTICE BOARD**

**IN THE MATTER OF  
JEFFERY SCOTT DAVIS  
License No. 0066712**

**Case No. 2009-01**

**Respondent.**

**FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND FINAL ORDER**

**THIS MATTER** came before a quorum of the New Mexico Board of Counseling and Therapy (“Board”) at a special meeting on December 2, 2010 at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, New Mexico. This matter came for hearing on October 19, 2010 at the New Mexico Construction Industries Division Conference Room, 505 South Main Street, Suite 150, Las Cruces, New Mexico, before Stuart Stroufe, Hearing Officer appointed by the New Mexico Counseling and Therapy Practice Board (“Board”). The Board, having familiarized itself with the record, including the Hearing Officer’s Report, voted as follows:

**FINDINGS OF FACT**

The Board members voted (6-1), with Board member Stewart Stroufe recused, to adopt the Hearing Officer’s Findings of Fact:

1. The Board has jurisdiction over Respondent Jeffery Scott Davis.
2. A Notice of Contemplated Action was issued on August 3, 2010 and served on Respondent on or about August 4, 2010.
3. Respondent is a licensed counselor holding license No. 0066712.

4. Respondent was first licensed in 1999.
5. On January 7, 2009, the Board received a complaint alleging that Respondent had sexual relations with a client, S.L., back in 2002.
6. While employed by Boarder Area Mental Health Services, Respondent provided counseling services to S.L. from July 12, 2002 through August 16, 2002.
7. In late August 2002, Respondent engaged in a sexual relationship with S.L.
8. The relationship lasted until September 2003.
9. Respondent does not contest the allegations and did not deny them at any time.
10. Respondent realizes how wrong this relationship was.
11. Respondent cared about S.L. very much, thought that he loved her and that they had the potential for a long term personal relationship.
12. Respondent testified he was sorry about the pain he caused S.L.
13. Since the end of this relationship, Respondent did not violate any board rule on dual relationship.
14. Respondent realized he made a mistake and is remorseful about it, having had eight years to reflect on the incident.
15. Respondent has been in therapy for seven years, attending weekly sessions since 2006 with Dr. Wynne Broms, a clinical psychologist.

#### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction over Respondent Jeffery Scott Davis under the Counseling and Therapy Practice Act, NMSA 1978, §§ 61-9A-1 *et seq.* (as amended through 1999) and the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 *et seq.* (as amended through 2003).
2. Respondent was afforded all due process as required by law.

# ZUR INSTITUTE, LLC

Ofer Zur, Ph.D., Director  
Sonoma Medical Plaza, 181 Andrieux St. Suite 211  
Sonoma, CA 95476

Phone: (707) 935-0655  
E-Mail: info@zurinstitute.com

Fax: (707) 736-7045  
Website: www.ZurInstitute.com

JUN 10 2011

## CERTIFICATE OF COMPLETION

**Jeffrey Davis, M.A.**

~ Lic. # NM 0066712 ~

Has completed, in its entirety, the following continuing education activity  
sponsored by the Zur Institute, LLC:

Distance Learning Course - Online Course

### **Course Title: Dual Relationships: The Ethical Way**

Number of CE Credits: 6

Date of Completion: June 4, 2011

- The Zur Institute is approved by the American Psychological Association (APA) to sponsor continuing education for psychologists. The Zur Institute maintains responsibility for this program and its content.
- This online course meets the qualifications for 6 ce credits for MFCCs and LCSWs as required by the California Board of Behavioral Sciences (BBS). Provider # PCE 6.
- The Zur Institute, provider #1113, is approved as a provider for social work continuing education by the Association of Social Work Boards (ASWB), www.aswb.org, phone: 1-800-225-6880, through the Approved Continuing Education (ACE) program. The Zur Institute maintains responsibility for the program. Social workers participating in this course will receive 6 continuing education clock hours.
- The Zur Institute is recognized by the National Board for Certified Counselors, Provider # 6036, to offer continuing education for National Certified Counselors. We adhere to NBCC Continuing Education Guidelines.
- Provider approved by the California Board of Registered Nursing. Provider # CEP 14826, for 6 Contact Hours. This document to be retained by the licensee for a period of four years after the course concludes.
- Provider approved by the State of Kansas Behavioral Sciences Regulatory Board. Provider # 08-001.
- Provider approved by NAADAC, The Association for Addiction Professionals. Provider # 603.
- Provider approved by CA Board of Vocational Nursing & Psychiatric Technicians.
- Provider approved by the Florida Board of Psychology. Provider # 50-10793.
- Provider approved by the Florida Board of Social Work, Marriage & Family Therapy & Mental Health Counseling. Provider # 50-10794.
- Provider approved by the Texas Board of Examiners of Professional Counselors. Provider # 1020.
- Provider approved by CFAAP/CAADAC. Provider # 4N-08-116-0511 for 10CEH.
- Provider approved by the Ohio Counselor, Social Worker & Marriage and Family Therapist Board. Provider # RCST031101.
- Zur Institute has been approved to offer CE credit for Certified Addiction Specialists (CAS) in accordance with the American Academy of Health Care Providers in the Addictive Disorders. Approval # 10-1380.



Director, Zur Institute, LLC

- CA Psychologists: Submit a copy of the certificate with a CE report to MCEPAA.

3. The Notice of Contemplated Action was properly served on Respondent.
4. A preponderance of the evidence showed that Respondent engaged in physical intimacies with a client in violation of NMAC 16.27.18.16(B)(1).
5. The Board concludes that there is sufficient evidence in the record to prove that Respondent is guilty of unprofessional or unethical conduct having violated the Counseling and Therapy Practice Act, § 61-9A-26(A)(4) and (6) and NMAC 16.27.18.16(B)(1).
6. Under the ULA and the Counseling and Therapy Practice Act, § 61-9A-26(A)(4) and (6), the Board has authority to place a licensee on probation upon satisfactory proof that respondent is guilty of unprofessional or unethical conduct or has violated any provision of the Counseling and Therapy Practice Act or rules and regulations adopted by the board.

### ORDER

1. Respondent Jeffrey Scott's license No. 0066712 shall be on probation for one (1) year from the date this Order is signed. *rd*
2. Respondent shall pay a \$ 2,000 (two thousand) fine for violating the Board's statute and rules and regulations. Such payment will be made by check payable to the NM Counseling and Therapy Practice Board, P.O.Box 25101, Santa Fe, NM 87504-5101 within sixty days from the date this Order is signed.
3. Within six months from the date this Order is signed, Respondent shall take and submit proof to the board of having attended six CEU's on dual relationship. *ok June 9, 2011*
4. Thirty days before the end of the probationary period, Respondent's clinical psychologist shall provide the NM Counseling and Therapy Practice Board, P.O.Box 25101, Santa Fe, NM 87504-5101 with a letter speaking to the nature of the infraction, and whether Respondent poses any risks to current or potential clients. *Rec'd 11/17/11,*

5. This Decision and Order constitutes disciplinary action and is a public record subject to disclosure under the Inspection of Public Records Act. The disciplinary action shall be reported to the appropriate entities.

**IT IS SO ORDERED.**

**FOR THE NEW MEXICO COUNSELING & THERAPY PRACTICE BOARD**

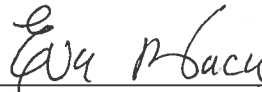
Dated: 12/10/10

  
\_\_\_\_\_  
MICHAEL G. MAESTAS, Chair

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the Final Order was served on Jeffery Scott Davis, Respondent, at 4955 Galina, Galena, NM 878012 by certified mail, return receipt requested, and on Gloria Lucero, Assistant Attorney General, 111 Lomas Blvd., NW, Suite 300, Albuquerque, New Mexico 87102, by first class mail, postage pre-paid. *As well as:*

12/10/10  
Dated:

  
\_\_\_\_\_  
Eva Baca  
Board Administrator

*As well as:*  
*Jeffery Scott Davis, Esq.*  
*Kevin Smith, LPA*  
*221 N. Kansas St. # 1700*  
*El Paso, TX*  
*79901-1401*

**STATEMENT OF RIGHTS**

**§ 61-1-17 Petition for review**

A person entitled to a hearing provided for in the Uniform Licensing Act [61-1-1 NMSA 1978], who is aggrieved by an adverse decision of a board issued after hearing, may obtain a review of the decision in the district court pursuant to the provision of Section 39-3-1.1 NMSA 1978.

**§ 39-3-1.1. Appeal of final decisions by agencies to district court; application; scope of review; review of district court decisions**

A. The provisions of this section shall apply only to judicial review of agency final decisions that are placed under the authority of this section by specific statutory reference.

B. Upon issuing a final decision, an agency shall promptly:

- (1) prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order;
- (2) file the written decision with the official public records of the agency; and
- (3) serve a document that includes a copy of the written decision and the requirements for filing an appeal of the