

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

**IN THE MATTER OF:**

**JOHN MICHAEL STEWART  
Respondent.**

**Case No. 2009-13**



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**FINAL DECISION AND ORDER**

THIS MATTER came before a quorum of the New Mexico Counseling & Therapy Practice Board ("Board") on May 11, 2012 for a decision pursuant to provisions of the Uniform Licensing Act ('ULA'), NMSA 1978, §§ 61-1-1 to -33 (as amended through 2003) and the Counseling and Therapy Practice Act, NMSA 1978, Section 61-9A-1 to -30 (1999, as amended through 2007). The Board members familiarized themselves with the record and voted, with Chairman Maestas abstaining, unanimously as follows:

**PROCEDURAL MATTERS**

Respondent did not appear at the February 14, 2012 hearing in Gallup. Respondent filed a 'Response to Hearing Officer's Report' on April 19<sup>th</sup>. There is no authority under the ULA or the Board's Practice Act to file a Response to a Hearing Officer's Report, and Respondent does not cite any. Respondent's Response is not in accordance with law.

**FINDINGS OF FACT**

The Board adopts the Hearing Officer's Report in its entirety, and adopts Findings of Fact numbered 1-24. A copy of the Hearing Officer's Report is attached hereto and incorporated by reference in the decision of the Board.

## CONCLUSIONS OF LAW

Based on the findings of fact, the Board reaches the following Conclusions of Law:

1. The Board has jurisdiction over Respondent and the subject matter.
2. The Board has complied with all notice and hearing requirements under the ULA and has afforded Respondent all due process rights required by law.
3. Section 61-9A-26 provides in relevant part that in accordance with procedures contained in the ULA, the board may deny, revoke or suspend any license or registration held or applied for under the Counseling and Therapy Practice Act.
4. The Board finds there is a preponderance of the evidence that Respondent engaged in deceitful conduct when he filed his application for a license with the Board, unprofessional and unethical conduct in violation of Section 61-9A-26(A)(1) and (4), and NMAC 16.27.18.12 by
5. The Board finds there is a preponderance of the evidence that Respondent disclosed confidential information about clients without their prior informed written consent, in violation of Section 61-9A-26(A)(8) and 16.27.18.17(A) NMAC.
6. The Board finds there is a preponderance of the evidence that Respondent violated 16.27.18.16(A) NMAC as he was not authorized by the church to provide ministerial counseling.
7. The Board finds there is a preponderance of the evidence that Respondent violated 16.27.18.18(D) and (P) NMAC when he counseled the Eastridges.
8. The Board concludes there is sufficient, conclusive evidence in the record to prove by a preponderance of the evidence that Respondent is guilty of unprofessional and unethical conduct in violation of Section 61-9A-26(A)(4) and (6) and 16.27.18.11 NMAC.

**ORDER**

Based upon the findings of fact and conclusions of law, the Board hereby orders that Respondent's LADAC license is hereby revoked.


Respondent will pay the hearing costs pursuant to NMSA 1978, Section 61-1-4 as evidenced by the attached Affidavit of the Board's administrator. Such payment will be made within sixty (60) days to the Board office addressed to: NM Counseling and Therapy Practice Board, Attention: Cynthia Martinez, Board Administrator, 2500 Cerrillos Rd., Santa Fe, New Mexico 87505.

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.

Respondent may seek judicial review of this Decision and Order pursuant to NMSA 1978, § 61-1-17 and NMSA 1978, § 39-3-1.1. The time within which to file an appeal is thirty days from the date of filing of the Board's Decision and Order.

**IT IS SO ORDERED.**

**Dated:** May 16, 2012

  
ANNA MARTINEZ, Vice-Chair  
NM Counseling & Therapy Practice Board

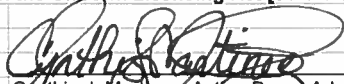
**New Mexico Counseling and Therapy Practice Board Affidavit for Costs**  
**John Michael Stewart Case**  
**Case No. 2009-13**

HEARING HELD ON May 11, 2011 and FEBRUARY 14, 2012

Date	Services/Witness Name	Witness Testimony Fee	Transcript Fee
5/11/12-2/29/12	Paul Baca Professional Court Reporters		\$ 1,812.67
2/14/2012	Larry Winn	\$ 95.00	
5/11/11 - 2/14/12	Honey Chavez	\$ 190.00	
5/11/11- 2/14/12	Michael Chavez	\$ 190.00	
<b>SubTotals</b>		\$ 475.00	\$ 1,812.67
		\$ -	<b>\$ 2,287.67</b>

**Note: Disciplinary Proceeding Costs to the Respondent are in accordance with the Uniform Licensing Act [61-1-4 G]**

**TOTAL: \$ 2,287.67**

  
 Cynthia J. Martinez, Acting Board Administrator