

BEFORE THE NEW MEXICO
COUNSELING AND THERAPY PRACTICE BOARD

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)	
IN THE MATTER OF:)	
)	
DOMINIC CAGLIOSTRO)	
)	CASE No. 2011-18
Respondent.)	
)	
LICENSE NO.: 0115511)	
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SETTLEMENT AGREEMENT, WAIVER OF HEARING, AND CONSENT TO DISCIPLINE

I, Dominic Cagliostro ("Respondent"), propose to settle this matter before New Mexico Counseling and Therapy Board ("Board") without a hearing under the Uniform Licensing Act, NMSA 1978, Section 61-1-1 et seq., ("ULA"), on the following terms/conditions:

1. This agreement is subject to Board approval and upon approval is binding on the Board and the Respondent. If the Board rejects this Settlement Agreement, this matter will be heard at a later time, date and place to be set by the Board, and any statements made by either party in support of this Settlement Agreement may not be used at a hearing before the Board.

2. In order for the Board to have adequate time to consider this Settlement Agreement, Respondent waives the right to have this matter heard and decided within the time frame set by the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -31. If necessary, Respondent further agrees to consent to the filing of a continuance/motion to vacate a setting so that the Board can consider this settlement agreement at a regularly scheduled meeting before any scheduled hearing.

3. At all relevant times the Respondent was a licensee of the Board and the Board has jurisdiction over the Respondent and the subject matter of this action.

4. Respondent acknowledges he is familiar with the complaint and that the Board has filed an NCA against him for engaging a dual financial and sexual relationship with a client of the counseling firm where he was actively employed. Such conduct, if established at a hearing, forms the basis of violations of the Counseling and Therapy Practice Act ("Practice Act"), NMSA 1978, § 61-9A-26(A) (4), (6) and (8), and also constitutes ethical violations under Rule Regulation 16.27.18.16(B)(1) & (2) NMAC (7-1-04).

5. For the purposes of resolving this complaint amicably without the expense and uncertainty of further proceedings, Respondent does not contest, and gives up any right to contest, that the allegations contained in the complaint form a factual basis to impose discipline under the ULA and the Practice Act.

6. Further, for the purposes of resolving this matter amicably, Respondent waives all his right to a hearing or appeal under the ULA.

7. Respondent and the Board agree to the following terms of discipline under Uniform Licensing Act, NMSA 1978, Section 61-1-3:

- a. *Respondent's license will be suspended for 90-days, commencing 14-days after the Board's adoption of this agreement.*
- b. *Respondent will pay a fine of \$750 within six months of the Board's adoption of this settlement.*
- c. *Respondent's license will be on probation for 2-years. During that time, Respondent may only practice under the supervision of a clinical supervisor. The clinical supervisor will submit quarterly reports to Board about the Respondent's ethical and professional conduct/progress.*

d. Respondent will undertake a course of therapy with a Board-approved counselor addressing dual relationships, boundaries, and power dynamics in counseling.

e. Respondent will submit six additional CEU's related to dual relationship and ethics within 90 days commencing 14 days after the Board's adoption of this agreement.

8. Respondent fully understands that any violations of these conditions forms a new and separate basis for the imposition of further discipline, ranging from additional fine, reprimand, CEU's, to suspension or revocation of Respondent's license.

9. Respondent fully and completely understands that the proposed discipline is a "disciplinary action." Respondent acknowledges that this disciplinary action is reported to the Healthcare Integrity & Protection Data Bank (HIPDB) or other professional disciplinary organizations as required by the Board.

10. The complaint, Respondent's written response to the complaint, the Notice of Contemplated Action, and this Settlement, Waiver, and Consent to Discipline are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6 (E) (1993).

11. Respondent waives all actions known or unknown against the Board and any of its members as a result of the approval of this Settlement, Waiver, and Consent to Discipline.

12. Upon execution of this Settlement, Waiver, and Consent to Discipline, Respondent releases the Board from any and all claims arising out of the Board's decision to investigate the complaint and take the actions prescribed therein.

13. This Settlement, Waiver, and Consent to Discipline is a settlement of the Board case number articulated above and only the specific allegation made in that case.

14. Respondent understands and acknowledges that he has a right, at his own expense, to consult with an attorney of his own choosing about this proposed settlement before entering into this settlement, and that the Board's prosecutor so advised Respondent.

15. Respondent understands that the entire terms of settlement are contained in this document, and no other promises or representations exist outside of the terms of this document.

16. Respondent has read this entire agreement and fully understands each provision. His signature below acknowledges that he knowingly, intelligently and freely agrees with the terms and conditions of this Settlement, Waiver, and Consent to Discipline and consents thereto.

Signature of Acceptance:


Respondent Dominic Cagliostro

011.5511
License No

3/23/12
Date

Prepared as to form by the Board Prosecutor:


Brian VanDuzen, Assistant Attorney General

3/26/12
Date

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IN THE MATTER OF:)	
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DOMINIC CAGLIOSTRO)	
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ORDER

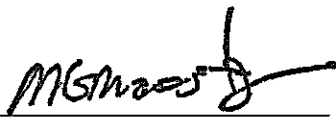
This matter comes before the Board upon receipt of proposed Settlement Agreement, Waiver, and Consent to Discipline. With a quorum present and a majority voting, this Settlement Agreement, Waiver, and Consent to Discipline is:

_____ <i>X</i> _____	Accepted
_____	Rejected

If accepted, the terms of this Settlement, Waiver, and Consent to Discipline are fully adopted and incorporated by this Order, and are fully binding on the parties. If rejected, the parties should request a hearing pursuant to the Uniform Licensing Act.

3/29/12
DATE

+ 14 days
+ 6 mos



Michael G. Maestas, Chairperson
Counseling and Therapy Practice Board