

BEFORE THE BOARD OF [NAME]  
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

Yvonne Nunez,  
License No. CMH0158451,

Case No. CT-18-23-COM &  
CT-18-34-COM

Respondent.

**SETTLEMENT AGREEMENT**  
**PROPOSED PRIOR TO REFERRAL FOR ADMINISTRATIVE PROSECUTION**

WHEREAS, Yvonne Nunez (hereafter, "Respondent") is licensed in New Mexico under the Title 16 Chapter 27 Act ("the Act"), and is therefore subject to the jurisdiction of the New Mexico Counseling & Therapy Practice ("Board"); and

WHEREAS, the Board has received a formal complaint alleging that Respondent has violated the Act; and

WHEREAS, Respondent wishes to resolve this matter before the complaint is reviewed and possibly referred to the Board's administrative prosecutor at the Office of the Attorney General for the issuance of formal charges through the issuance of a Notice of Contemplated Action ("NCA"); and

WHEREAS, this Settlement Agreement ("Agreement") is entered into voluntarily; and

WHEREAS, Board staff or committee of the Board believe a settlement agreement would be in the best interest of the Board; and

WHEREAS, if the Agreement is rejected by Respondent or not accepted by the Board, the formal complaint in this matter will be forwarded to the Board for further consideration, which may include referral to the Office of the Attorney General for issuance of an NCA, and initiation of a formal disciplinary action, which could result in discipline by the Board up to and including revocation of the license; and

WHEREAS, Respondent is willing to resolve this matter without the need for, and time and expense of, a formal hearing that may occur if the matter is referred for administrative prosecution and an NCA is issued.

THEREFORE, IT IS AGREED AS FOLLOWS:

1. Jurisdiction: Respondent is licensed by the Board or otherwise subject to the Act and jurisdiction of the Board.


2. **Voluntary Agreement:** Respondent enters into this Agreement knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondent understands that the Board has not, at this time, taken any formal disciplinary action against Respondent, and that if Respondent rejects this agreement there is no certainty that the matter will be referred for prosecution or that any disciplinary action will occur.
3. **Board Approval:** This Agreement requires Board approval. If the Board rejects this Agreement, the matter will be further investigated and may be referred to the Board for additional disciplinary proceedings, including a request for the issuance of a Notice of Contemplated Action by the Board's administrative prosecutor at the Office of the Attorney General and a full evidentiary hearing on the matter. If the Board rejects this Agreement, the terms of this Agreement or statements made by Respondent in support of this Agreement shall not be used against Respondent in a subsequent hearing. The approval shall be effective the date this Agreement is signed by the Board or its designee.
4. **Waivers:** If this Agreement is accepted by the Board, Respondent agrees to waive any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017), including but not limited to the right to an evidentiary hearing, the right to discovery, the right to present evidence, the right to call and cross examine witnesses, and the right to judicial review.
5. **Violations:** Respondent admits to the following violation(s) of the Act or Board's rules:
  - a. 16.27.18.12 NMAC: **INTEGRITY:** A licensed or registered individual is expected to behave according to the standards of professional integrity and competence as defined by rule or law. A licensed or registered individual must not condone, associate with, or participate in dishonest, fraudulent, or deceitful behavior. A licensed or registered individual must not misrepresent themselves, their training, or their services. It is the responsibility of licensees and registered mental health counselors to be completely informed about this code of ethics by which they are governed.
  - b. 16.27.18.17 A NMAC: **CONFIDENTIALITY AND DATA PRIVACY:** The counselor or therapist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional services. This includes a counselor or therapist's employees and professional associates as defined by law. The counselor or therapist shall disclose confidential information to others only with the informed written consent of the client.
6. **Sanctions and Conditions:** Respondent agrees to the following disciplinary sanctions and conditions:

- a. **Supervision:** Respondent shall practice under a Board approved supervisor for two (2) years. Supervisor shall provide bi-annual status reports. Respondent shall be restricted for providing supervision during the two (2) years.
7. **Reportable Discipline:** Respondent understands that this Agreement DOES NOT constitute formal disciplinary action by the Board. If this Agreement does constitute formal discipline, the Board will report the action to the applicable professional licensing national database, if any.
8. **Non-Compliance:** Respondent understands and agrees that failure to comply with the terms of this Agreement will result in further Board action. Any violation of this Agreement will result in the immediate, automatic filing of an administrative Notice of Non-Compliance by Board staff. Upon the filing of a Notice of Non-Compliance, the matter shall be scheduled for the next public meeting of the Board, at which time the Board shall hear from Board staff regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant argument or evidence regarding the reasons for non-compliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Board meeting. Any presentation regarding the Notice of Non-Compliance shall be limited to evidence surrounding Respondent's alleged failure to comply with the Agreement. Upon finding such violation occurred, the Board may suspend Respondent's license(s), provided that this suspension may only remain in effect until such time as the Respondent has complied with the terms of this agreement, or take other enforcement action as permitted by law. If Respondent's non-compliance constitutes acts that are prohibited under the Board's statute or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.
9. **Contact Information:** Respondent shall notify the Board within ten (10) calendar days if there is a change in employment or home address during the term of discipline or prior to completion of any conditions stated herein.
10. **Public Record:** This Agreement and the original complaint are public records and may be provided for inspection if requested, pursuant to the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended through 2018). The Board may also publish this Agreement or a summary of the Agreement to the public, which may include posting to the Board's website.
11. **Full Compliance and Final Disposition:** Upon Respondent's satisfactory completion of the terms of this agreement, the case will be deemed closed for administrative purposes without the filing of an order or official vote of the Board. However, this matter may still constitute disciplinary action as provided herein for purposes of Respondent's record with the Board.


I understand and have read this document and hereby agree to the terms of this Agreement freely and voluntarily. I understand that by entering into this Agreement I am giving up my rights under

the Uniform Licensing Act, including my right to an evidentiary hearing on the merits of the alleged violations.

I understand that if the Board accepts this Agreement, I am required to comply with the terms stated herein, and that failure to comply with the Agreement may subject me to further discipline, including temporary suspension of my license(s).

  
Respondent

11/7/2018  
Date

  
Respondent's Attorney (if any)

11/7/2018  
Date

ORDER

This document is not valid unless it is accepted by vote of the Board. Having come before the Board during a properly scheduled public meeting, with a quorum present and majority voting in the affirmative, this Agreement is:

X ACCEPTED

IT IS SO ORDERED.

  
Stewart Sroufe, Chair  
Counseling & Therapy Practice Board

11/7/18  
Date