

Marty M. Snyder, KS S Ct #11317  
Kansas Attorney General's Office  
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**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
 )  
CULLE VANDEGARDE, LSCSW )  
License #2419, )  
Respondent )  
\_\_\_\_\_ )

Case No. 12-CS-110

**CONSENT AGREEMENT AND ORDER**

NOW on this 12 day of January, <sup>2016</sup>~~2015~~, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board] by agreement of Culle VandeGarde [Licensee], by and through counsel Carol Ruth Bonebrake, Simpson, Logback, Lynch, Norris, PA, and the Board, by and through counsel Assistant Attorney General Marty M. Snyder, for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following facts:

1. Culle VandeGarde, at all times relevant, was a Licensed Clinical Specialist Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, and amendments thereto.
2. On or about June 14, 2012, the Board received a complaint forwarded from the Missouri State Committee for Social Workers concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of social work related to her job as a Licensed Clinical Specialist Social Worker.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was given the opportunity to respond in writing to the possible violations. Licensee did respond by letter from counsel dated September 10, 2012, with updates dated December 28, 2012 and February 11, 2013.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:

a. Licensee was the therapist for D and B (husband and wife) for therapy related to marital infidelity, sexual addiction and co-addiction and trust.

b. When D informed Licensee he was attracted to her sexually, she realized she was exactly the type that fit his sexual arousal template but believed her boundaries were in place. Licensee claims she discussed the transference and counter-transference with her own therapist but did not seek an alternative therapist for D or for the couple. Instead, she prepared 'star charts' to assess D's compatibility with his wife (Licensee's client B) and then his compatibility with the Licensee, informing him that he was romantically compatible with both his wife and Licensee.

c. Licensee took a photograph (later deleted) of D's eyeglasses to keep during the time of transition to a different therapist and gave him 'angel cards' as a gift for 'spiritual guidance / grounding tool as his inpatient treatment had awakened new avenues of spirituality in him.'

d. In her subsequent attempt to recommend another therapist, Licensee inadvertently revealed the identity of a client who was already known to D but not known to B without that client's authorization.

5. The Complaint Review Committee of the Board finds that Licensee has violated the following statute and regulations:

**A. K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

(h) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(s) revealing information, a confidence or secret of any client ...

(pp) failing to terminate the social work services when it is apparent that the relationship no longer serves the client's needs or best interests

(tt) engaging in a dual relationship with a client, supervisee or student;

**B. K.S.A. 65-6311. Grounds for suspension, limitation, revocation or refusal to issue or renew license; procedure.**

(a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:

(4) has been found guilty of unprofessional conduct as defined by rules established by the board;

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE, Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act in relation to Case No. 12-CS-110.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 12-CS-110.

WHEREFORE, the Board and Licensee agree that Licensee's Specialist Clinical Social Worker license shall not be restricted, conditioned or limited as long as she fulfills the following terms and requirements:

(a) Licensee shall continue her personal therapy as recommended by the therapist and focus on boundaries, transference and counter-transference.

(b) Licensee shall research and write a ten-page paper, APA format, on whether and how to deal with sex addicts as clients and the proper response when boundaries are challenged. The paper shall be submitted to the Board within three months of the effective date of this Consent Agreement and Order.

(c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(d) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that her Kansas Licensed Specialist Clinical Social Worker license may be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(e) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

(f) Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this CAO in writing.

(g) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-6311 as defined by K.A.R. 102-2-7 as a result of this proceeding.

WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED this 6<sup>th</sup> day of January, <sup>2016</sup>~~2015~~.

  
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Terry Pfannenstiel, Ph.D.  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

Culle VandeGarde  
Culle VandeGarde, LSCSW  
Respondent / Licensee

12/28/15  
Date

**REVIEWED BY:**

Carol Ruth Bonebrake  
Carol Ruth Bonebrake, Esq.  
Simpson, Logback, Lynch, Norris, PA  
Counsel for Respondent / Licensee

12/29/15  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 12 day of January, <sup>2016</sup>~~2015~~, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Culle VandeGarde  


Carol Ruth Bonebrake, Esq.  
Simpson, Logback, Lynch, Norris, PA  
107 SW Sixth Ave., Suite 210  
Topeka, KS 66603

and a copy sent by building mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General

Cindy DeVries  
For the Behavioral Sciences Regulatory Board