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BY: \_\_\_\_\_

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
)  
**ANTHONY BENTON,** )  
**LAC #908,** )  
**Respondent** )

Case No. 16-AC-020

**SUMMARY PROCEEDING ORDER OF SUSPENSION**

NOW, on this 29 day of November, 2016, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board [Board] Complaint Review Committee [Committee].

**Findings of Fact**

The Committee finds that the following facts have been established by a preponderance of the evidence:

1. Anthony Benton, at all times relevant, has been a Licensed Addictions Counselor within the meaning of the Addictions Counselor Licensure Act, K.S.A. 65-6601, *et seq.*, and amendments thereto.

2. On August 26, 2015, the Board received a report of information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing the practice of addictions counseling in Kansas.

3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations.

He failed to respond to the Investigator's initial letter but did respond to a second request . .

4. As a result of the investigation, the Board finds that the following facts have been established by a preponderance of the evidence:

a. Complainant JD was a patient at Valley Hope in Moundridge, Kansas in 2012. At that time, Licensee was working there as an addictions counselor. He was an admissions counselor and did not have any direct participation in JD's treatment as an assigned individual or group counselor.

b. Several weeks after leaving Valley Hope, JD contacted Licensee on his cell phone during off-work hours and invited him to see a piano she was interested in selling. JD was married at that time.

c. JD and Licensee engaged in sexual relations at that time. Licensee denies that he initiated the contact or propositioned JD for sex. He states the sole encounter with JD was unplanned and unintended. He states he regrets his actions, lack of judgment and unprofessional conduct but questions why this complaint was filed three years after the incident and several months after he voluntarily resigned his employment as a counselor at Valley Hope.

d. Licensee has failed to cooperate with the Board for a period of six months despite receiving letters and emails proposing to resolve this complaint by Consent Agreement and Order sent May 16, 2016, and August 12, 2016.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statutes and regulations:

**A. K.S.A. 65-6615 (g).**

**B. K.A.R. 102-7-11-- Unprofessional Conduct.**

Each of the following acts shall be considered unprofessional conduct for a ... licensed clinical addiction counselor:

(x) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:

(1) has been a client within the past 24 months;

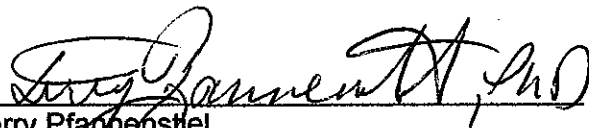
(h) failing to cooperate in a timely manner with any request from the Board for a response.

6. The Kansas Administrative Procedure Act, K.S.A. 77-537, provides for summary proceedings in situations where the statutory conditions are present. The Committee finds those conditions have been met in this proceeding.

#### **Sanction**

Based upon the above Findings of Fact and Conclusions of Law and pursuant to the authority granted by K.S.A. 65-6615 and the Kansas Administrative Procedure Act, K.S.A. 77-537, the Board finds that the Kansas Licensed Addictions Counselor license of Respondent Anthony Benton should be and is hereby suspended and not renewed until he can demonstrate compliance and further Order of the Board.

**IT IS SO ORDERED** this 29 day of November, 2016. This Summary Proceeding Order of Suspension is effective subject to Respondent's rights as set forth in the Notice of Relief below.

  
Terry Pfanhenstiel  
Chair, Complaint Review Committee  
Kansas Behavioral Sciences Regulatory Board

**NOTICE OF RELIEF**

Pursuant to K.S.A. 77-537, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must serve a written request for hearing upon:

Max Foster, Executive Director, BSRB  
700 SW Harrison St.  
Eisenhower State Office Building, Suite #420  
Topeka, KS 66603


with a copy to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
120 SW Tenth Ave., 2<sup>nd</sup> Floor  
Topeka, KS 66612

Any written request for hearing must be served within fifteen (15) days from the date indicated in the below Certificate of Service. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

**CERTIFICATE OF SERVICE**


This is to certify that on this 29 day of November, 2016, a true and correct copy of the above Summary Proceeding Order was deposited in the U.S. mail, first class postage prepaid, addressed to:

Anthony Benton  


and emailed to: 

and a copy sent by building mail to:

Marty M. Snyder  
Assistant Attorney General

  
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For the Board