

**STATE OF TENNESSEE  
DEPARTMENT OF HEALTH  
BEFORE THE BOARD OF PROFESSIONAL COUNSELORS,  
MARITAL AND FAMILY THERAPISTS, AND CLINICAL PASTORAL THERAPISTS**

**In The Matter of:** )  
)  
**ADOLPHUS H. PELLEY,** ) **Docket No. 17.39-232223A**  
**C.P.C Certificate No. 699,** )  
)  
**Respondent.** )

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**FINAL ORDER**

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This matter came to be heard before the Tennessee Board of Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists (Board) on the 6<sup>th</sup> day of October, 2023, pursuant to a Notice of Hearing and Charges and Memorandum for Assessment of Civil Penalties (“Notice of Charges”) filed against Adolphus H. Pelley, (“Respondent”). Presiding at the hearing was the Honorable D. Kim Summars, Administrative Law Judge, assigned by the Secretary of State. The state was represented by Katherine Trawick, Associate General Counsel. Respondent was present and represented himself.

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**FINDINGS OF FACT**

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1. At all times material hereto, Respondent was a Certified Professional Counselor having been granted license number 699 to practice as a Certified Professional Counselor (“C.P.C.”) designation in Tennessee on November 24, 1986, which currently has an expiration date of January 31, 2024.
2. Respondent was employed as a counselor with Heal and Hope Counseling Services (HHCS), in Cleveland, Tennessee.

3. Client C.B. attended only two counseling sessions with Respondent, August 13, 2021 and August 17, 2021. And on August 19, 2021, Client C.B. sent an email to Glyndora Condon, owner of HHCS detailing several sexually inappropriate comments Respondent made to C.B.
4. Client C.B. would not go back to HHCS even with the offer of a new, female counselor.
5. Respondent violated the American Counseling Association 2014 Code of Ethics when he
  - a. made inappropriate comments that were sexual in nature to client C.B.,
    1. such as telling her to stand in front of a mirror, grab her breasts and shake them, and exclaim that she's "a hot piece of ass", and then wanted her to demonstrate in front of him,
    2. and pointing to her vagina, telling her not to sleep around,
  - b. imposed his religious values on client C.B. by going on a rant when he asked if she went to church and she admitted that she did not,
6. Respondent also demeaned C.B.'s job, telling her she should go back to school and get a real job.
7. Respondent's employment with HHCS was terminated on August 20, 2021, for lack of professionalism, lack of professional competency, and violation of ethical codes.

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### CONCLUSIONS OF LAW

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The Board, having jurisdiction over this matter, finds the facts in this Order are sufficient to establish that the Respondent has violated the following provisions of Tenn. Code Ann. § 63-22-101, *et seq.* and the Official Compilation Rules and Regulations of the State of Tennessee for the Board of Tennessee Board of Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists (Tenn. Comp. R. & Regs.) 0450-01-.01, *et seq.*:

8. The facts stipulated in paragraphs three (3) through (6) constitute violations of Tenn. Code Ann. § 63-22-110(b):

- (3) Violating the rules and regulations adopted by the board; and
- (4) Engaging in professional misconduct, unethical or unprofessional conduct, including, but not limited to, willful acts, negligence and conduct likely to deceive, defraud or harm the public or engaged in such conduct.

9. The facts stipulated in paragraphs three (3) through (6) constitute violations of Tenn. Comp. R. & Regs. 0450-01-.13:

**0450-01-13 PROFESSIONAL ETHICS.** All licensees and certificate holders shall comply with the current code of ethics adopted by the American Counseling Association, except to the extent that it conflicts with the laws of the state of Tennessee or the rules of the Board. If the code of ethics conflicts with state law or rules, the state law or rules govern the matter. Violation of the code of ethics or state law or rules may subject a licensee or certificate holder to disciplinary action.

- (1) The certified professional counselor and licensed professional counselor and anyone under his supervision shall conduct their professional practice in conformity with the legal, ethical and professional standards promulgated by the Board under its current statutes and rules and regulations.
- (2) Each applicant and certificate holder or licensee is responsible for being familiar with and following this code of ethics.

10. The facts stipulated in paragraphs three (3) through (6) violate the 2014 American Counseling Association Code of Ethics principles:

**A.4. Avoiding Harm and Imposing Values**

**(a) Avoiding Harm:** Counselors act to avoid harming their clients, trainees, and research participants and to minimize or to remedy unavoidable or unanticipated harm.

**C.6. Public Responsibility**

**(a) Sexual Harassment:** Counselors do not engage in or condone sexual harassment. Sexual harassment can consist of a single intense or severe act, or multiple persistent or pervasive acts.

**C.1. Knowledge of and Compliance With Standards:** Counselors have a responsibility to read, understand, and follow the ACA Code of Ethics and adhere to applicable laws and regulations.

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### REASONS FOR THE DECISION

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It is the duty of the Tennessee Board of Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists to protect the citizens of Tennessee which includes ensuring licensees adhere to directives of the Board. The Board found this professional counselor's unethical conduct violated the 2014 American Counseling Association Code of Ethics. As such, revocation of his certificate to practice professional counseling is the appropriate discipline.

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### ORDER

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**THEREFORE**, it is **ORDERED** as follows:

11. Respondent's license to practice as a professional counselor in Tennessee, pursuant to the authority vested in the Board under Tenn. Code Ann. §§ 63-22-110, shall be and is hereby **REVOKED**.
12. The Board has found the Respondent guilty of unethical conduct in violation of the 2014 American Counseling Association Code of Ethics principles for making inappropriate comments that were sexual in nature and for imposing his religious values on a client. As such, the Respondent is hereby assessed **two (2) Type A Civil Penalties** in the amount of **one thousand dollars (\$1,000.00) each**, for a total of **two thousand dollars (\$2,000.00)**, in accordance with Tenn. Comp. R. & Regs. 0450-01-.15(4), which must be paid within **twenty-four (24) months** from the date of ratification of this Order.
13. Respondent shall pay the costs of this action pursuant to Tenn. Code Ann. § 63-1-144. These costs will be established by an Assessment of Costs prepared by counsel for the

Department. The Assessment of Costs shall not exceed **ten thousand dollars (\$10,000.00)** and shall be paid in full within **twenty-four (24) months** from the issuance of the Assessment of Costs.

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**NOTICE**

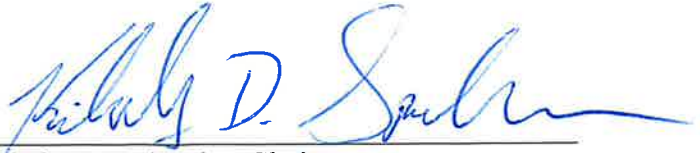
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14. This revocation and civil penalties are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB).
15. Civil penalties are hereby assessed pursuant to Tenn. Comp. R. & Regs. 0450-01-.15(4) and Tenn. Code Ann. § 63-1-134(c), which states in particular:
  - (1) Civil penalties assessed pursuant to this section are final, due and payable as of the date shown on the certificate of filing below.
  - (2) If the violator fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.
16. All costs and civil penalty payments shall be paid in ***certified funds only*** (**certified check, cashier's check, or money order**) to the **State of Tennessee**, which shall be mailed or delivered to:

**Office of General Counsel  
Attn: Disciplinary Coordinator  
Tennessee Department of Health  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243**

Respondent's name, Adolphus Pelley, and case number, **2021021341**, must be on each instrument of payment.

**SO ORDERED** this 6<sup>th</sup> day of October, 2023, by the Tennessee Board for Professional Counselors, Marital and Family Therapists, and Clinical Pastoral Therapists.



Chairperson/Acting Chairperson  
Board for Professional Counselors, Marital and  
Family Therapists, and Clinical Pastoral Therapists

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**RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW**

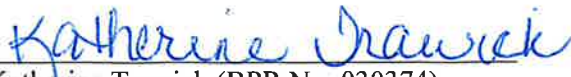
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Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken by the Board within twenty (20) days of filing of the petition, it is deemed denied. Tenn. Code Ann. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. Tenn. Code Ann. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County, Tennessee, or a court of competent jurisdiction, in accordance with Tenn. Code Ann. § 4-5-322, within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period. Tenn. Code Ann. § 4-5-322. However, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. Tenn. Code Ann. § 4-5-317.

**PREPARED FOR ENTRY:**



Katherine Trawick (BPR No. 030374)  
Associate General Counsel  
Tennessee Department of Health  
Office of General Counsel  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243  
(615) 741-1611

**CERTIFICATE OF FILING**

Filed in the Administrative Procedures Division, Office of the Secretary of State, this the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Director, Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document has been served upon the Respondent, Adolphus H. Pelley, 155 Morning Point Lane, Athens, Tennessee 37303, by delivering same in the United States regular mail and United States certified mail, number **7022 2410 0001 1540 4012**, return receipt requested, with sufficient postage thereon to reach its destination.

This 9th day of October, 2023.



Katherine Trawick  
Associate General Counsel

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