

**BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Case Nos. SW-19-12-COM

**Cassandra Carrillo
License No. C-09035
Respondent.**

HEARING OFFICER REPORT

This matter came before duly appointed Hearing Officer Roxroy A. Reid upon the filing of the Notice of Contemplated Action (“NCA”) dated May 25, 2021, by the New Mexico Board of Social Work Examiners (the “Board”). Cassandra Carrillo (“Respondent”) received the NCA and requested a formal hearing on the matter. An evidentiary hearing was held on August 12, 2021 at 9:00 a.m. via the WebEx online platform. The online platform was necessitated by the COVID-19 public health emergency. The Hearing Officer presided over the hearing, and was advised by the Board’s counsel, Karla Soloria. The state appeared through administrative prosecutor Assistant Attorney General Kaythee Hlaing. Respondent appeared and was not represented by counsel

The Hearing Officer submits this report pursuant to the New Mexico Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2019) (“the ULA”), and hereby submits the following proposed finds of fact.

Summary of Allegations

1. On July 5, 2019, the Board received a Complaint from Ms. Marla Anaya of Anaya Counseling & Consultation Services (SW-19-12-COM) alleging that Respondent instigated and engaged in sexual relationship with client Daniel Mendoza while she was acting as Mr. Mendoza’s counselor while he was on Federal Probation. The relationship continued over a period of several years.

2. On April 19, 2019, per complainant report, Anaya Counseling Service (The Agency) received a call from Federal [Parole Board] Contract Administrator Kathy Gonzales regarding investigation of contract therapist Casandra Carrillo who had been practicing at The Agency since June 26, 2015. Contracts Administrator Kathy Gonzales indicated that Respondent was “under investigation for inappropriate conduct with undisclosed client” and that all contact with Federal clients by the respondent should cease pending outcome of investigation. Per report, Ms. Gonzales also indicated that there was “sufficient evidence thus far to substantiate the allegations” See Exhibit 1.
3. In addition to the allegations of the sexualized relationship between provider and client, the above complaint summary (SW-19-12-COM) alleges the following misconduct by Respondent:

“Complainant states she replaced the Respondent by taking on the client with whom she had a relationship with and reported the allegations. The client signed releases granting the Complainant to disclose his experience with the Social Work Board. The client reported that the Respondent would put money into his account when he was in different prisons. They would drink and use marijuana together. They lived together and their relationship was known by their families. The Respondent would disclose other client’s information to him. Respondent would have the client sign-in for therapy each month even though she no longer was providing formal counseling.”

4. In her responses to the above Complaints, Respondent did not deny any sexual activity but admitted having developed an inappropriate relationship with client Daniel Mendoza, over time while he was her client at The Agency in the Federal Parole program. She denies

allegations of the allegations of purchasing alcohol or drugs for the client and did not use substances with him. Respondent denies allegations of sharing confidential information.

5. The above information presented potential cause for suspending, revoking, or taking other action against Respondent's license in accordance with the ULA, the Social Work Practice Act ("Act"), NMSA 1978, §§ 61-31-1 through -25, and the Board's Rules ("Rules"), 16.63.16 NMAC, on the following alleged regulatory violations:

a. 16.63.16.8(A) Commitment to clients.

Social workers' primary responsibility is to promote the well being of clients. In general, clients' interests are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients shall be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)

b. 16.63.16.8 (G) Conflicts of interest.

(3) Social workers shall not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers shall take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in 36 more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

16.63.16.8(J) Sexual relationships

(1) Social workers shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

c. 16.63.16.11 (C) Private Conduct.

Social workers shall not permit their private conduct to interfere with their ability to fulfill their professional responsibilities

d. 16.63.16.12(A) Integrity of profession

(1) Social workers shall work toward the maintenance and promotion of high standards of practice

(2) Social workers shall uphold and advance the values, ethics, knowledge, and mission of the profession. Social workers shall protect, enhance, and improve the integrity of the profession through appropriate study and research, active discussion, and responsible criticism of the profession

Summary of Proceedings

The state's administrative prosecutor introduced the following exhibits:

1. Exhibit 1: Bates 1 to 10: The Complaint.
2. Exhibit 2: Bates 11 to 15: issued Notice of Contemplated Action.
3. Exhibit 3: Bates 16 to 48: Facebook Messenger messages between Respondent and alleged victim.
4. Exhibit 4: Bates 49 to 54: emails between Respondent and alleged victim.
5. Exhibit 5: Bates 55 to 182: phone text messages between Respondent and alleged victim.
6. Exhibit 6: ~~Voice~~email message left by Respondent; and (Unclear w/ no relevance)

7. Exhibit 7: ~~Screenshot of voicemail message notification.~~ (Unclear w/ no relevance)

Witnesses

1. Marla Anaya
Counselor,
2. Gina Mendoza
Sister of Alleged Victim
3. Cassandra Carrillo
Respondent

Proposed Findings of Fact

1. Respondent has been a licensed social worker for 27 years in the State of New Mexico.

2. At the time relevant to the underlying complaint giving rise to the NCA, Respondent was employed at Anaya Counseling & Consultation Services, (ACCS). as a Contract therapist, having begun her employment there on June 26, 2015. *See* Ex. 1.

Testimony by Complainant Marla Anaya

3. Complainant, Marla Anaya testifies that her and her husband Melvin Anaya are joint owners of Anaya Counseling and Consultation Services located in Roswell, NM. Ms. Anaya says she received complaint or the Respondent's alleged misconduct on April 19, 2019, when she received a phone call from the Federal [Probation] Contracts Administrator, Kathy Gonzales. *See* Ex 1.

4. Prosecutor Assistant Attorney General Kaythee Hlaing, asked Ms. Anaya (after sworn) to attest to the truthfulness and affirm her statements in her complaint of Exhibit 1. Ms. Anaya confirmed and attested to the veracity of exhibit 1.

5. Ms. Anaya's testimony was primarily a highlighting of the timeline of the allegations and the main points of the complaints against the respondent.

6. Hearing officer asked the Complainant how long she had been aware of the allegations before she acted to file a complaint? She said she started her own internal investigation when she was called by the Federal probation contract administrator (April 19, 2019) as she was not aware the relationship was going on for as long as it had been. She contacted Ms. Carrillo after the phone call from probation administrator Kathy Gonzales to enquire of what she knew about the allegations. Ms. Carrillo denied knowing who the client was that could be making the allegations against her or that the allegations were true.

7. The next Day April 20, 2019, the respondent told Ms. Anaya that she thought she knew that the client was Daniel Mendoza because he was angry with Ms. Carrillo for allegedly reporting to his probation officer that he was using alcohol.

8. Complainant (Ms. Anaya) also refers to other complexities of jealousy between respondent and the alleged victims' new girlfriend and Ms. Carrillo's Fiancé who is cousin to Mr. Mendoza's girlfriend was trying to cause trouble for respondent. *See Ex. 1.*

9. On April 22, 2019 complainant met with probation agency to further discuss the case. Allegations against the respondent was such that probation agency pulled the client from The Agency and requested that respondent not see anymore federal clients or perform any other therapeutic services through The Agency. Complainant indicated that this is when she was made aware that the relationship between client/victim and respondent had been going on for years.

10. Probation agency reported to complainant that Mr. Mendoza provided transcripts of ongoing text messages between he and respondent that supported allegations of inappropriate relationship between the two.

11. When Ms. Anaya confronted respondent again after meeting with probation agency and getting the facts of the investigation, Ms. Carrillo denied having any "inappropriate

relationship with client and inquired of what else was said and that “any proof” they had was fabricated. It appears that Ms. Anaya, in her testimony, is highlighting the fact that Ms. Carrillo denies the allegations until incontrovertible evidence is presented to her.

12. There was a point of Ms. Anaya’s testimony where she reported another client who allegedly reported that Ms. Carrillo had had “inappropriate relationships with other client(s).” This part of the testimony borders on hearsay more than verifiable facts. Nonetheless, it is here stated in the record and in Exhibit 1.

13. Ms. Anaya feels all he her report included in Exhibit 1 is true and substantial enough to have the board take action against the respondent’s license. She said she is saddened by her discovery of the allegations but feels (in consultation with the probation agency) that it is her ethical responsibility to report their investigative findings to the board for protection of future clients.

14. The following allegations, charges and summary of evidence against the respondent are what Ms. Anaya is testifying to and affirming in this hearing:

15. a. Complainant runs a counseling service that contracted with Respondent to provide counseling for clients on federal probation.

16. b. Complainant alleges a client reported he had had a sexual relationship with Respondent while she was acting as his counselor while he was on federal probation.

17. c. Respondent instigated a sexual relationship with him, which continued over the course of several years.

18. d. Respondent had given money to the client while he was in prison, and had signed prison books wherein she identified herself as his wife.

19. e. Respondent manipulated the client into secrecy to protect her job.

20. f. Though he was in recovery and subject to probation restrictions regarding drugs and alcohol use, client alleges Respondent provided him with drugs and alcohol which led to his relapse and revocation of probation.

21. g. Respondent used her position of authority to control the client and to try to ensure he did not report their relationship.

22. h. Though Respondent was instructed to cease all contact with the client, Respondent continued to reestablish and maintain communication with him, to his detriment.

23. i. When confronted with the allegations, Respondent denied any such relationship was taking place. However, once confronted with text messages between her and the client, Respondent admitted to the relationship

Testimony by Gina Mendoza

24. Ms. Mendoza apologizes for being under the weather. She testifies that she is the sister of the victim, Mr. Daniel Mendoza. She states that she knew of the relationship for approximately 4 years as her and her brother are very close, and he shares many things about his life with her to include when he and the respondent started this relationship. She also indicates that her and the respondent were friends.

25. Ms. Mendoza admits to her brother asking her to download text messages and conversations between he and the respondent which she has done. She admits that while she and the respondent were at onetime friendly, things between them eroded and the relationship between respondent and her brother ended due to alleged infidelity of respondent when she cheated on her (Ms. Mendoza's) brother.

26. Ms. Mendoza (Gina, hereafter) testifies that Ms. Carrillo may have something to do with her brother's being barred from becoming a social worker due to her connections in the

social work community. Respondent “Objects” to that notion stating that she has nothing to do with Mr. Mendoza’s being barred from practicing social work or being admitted into social work school.

27. Gina, acknowledged that she had provided the voice mail (stricken Exhibit 6 and 7) but admitted that it was not clear enough for her to fully understand what was being said.

28. Overall, Gina’s testimony corroborated the timeline of the relationship and provided strong evidence of the romantic/sexual nature of the relationship between her brother and the respondent.

29. Gina id affirm that the documents put forth in evidence containing emails and text messages were in fact those between her brother and the complainant. *See* Exhibits 3,4 and 5.

Testimony by Respondent

30. In the face of the evidence brought forth thus far, respondent acknowledges the following:

31. Respondent states acknowledging that she and a client had an inappropriate relationship from 2015 to 2017.

32. Respondent and client both began conversations during their sessions that were other than his reason for receiving therapy.

33. The sexual relationship began once the client was no longer a client of the counseling service. The relationship developed into more and over time the two began living together.

34. Respondent denies the allegations of purchasing alcohol or drugs for the client and did not use substances with him.
35. Respondent denies allegations of sharing confidential information. Respondent states that clients are familiar with each other and talk amongst each other.
36. Respondent states she is no longer in a therapist role, nor does she plan to be employed in the future in that capacity.
37. Respondent is now working for Blue Cros Blue Shield insurance but is not having any client contact other than telehealth contact for the purposes of billing.
38. Respondent reminds hearing officer that she has had no other formal complaints made against her other than the incident involving Mr. Mendoza. When Hearing Officer asked, her why she “didn’t do better when knowing better?” She had no definitive response other than “I am not making any excuses for my [actions].”.
39. Respondent says “ethically, I was wrong.” She is not denying that there was in an inappropriate relationship with Mr. Mendoza nor is she “making any excuses” for her behavior.
40. Respondent was asked what she would like the Board to do considering the allegations and her acknowledgement of her misconduct?
41. Respondent says she knows that she must have actions taken against her license by the board but that she would ask for leniency and not have her license revoked. She feels like she has learned an important lesson and does not intend on repeating the misconduct. She is resting her defense on that concluding statement.

Hearing Officers concluding Thoughts

42. By the exhibits and witness testimonies presented in this hearing pertaining to this case, it is this officers conclusion that the prosecutor named above has proven the charges against

the respondent by the “Preponderance of Evidence” standard. The Respondent, Cassandra Carrillo has heard again; the allegations brought against her and does not deny the more serious ones that has placed her license in jeopardy. While she is asking the board for leniency, she is fully aware of the egregious nature of the breach of her practice ethics. This case will now be brought to the full board for final decision and action(s).

Respectfully Submitted,

8/23/2021

DATE

/s/ Roxroy A Reid

Roxroy A. Reid

HEARING OFFICER

**BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Case Nos. SW-19-12-COM

**Cassandra Carrillo
License No. C-09035
Respondent.**

DECISION AND ORDER BASED ON HEARING

THIS MATTER comes before the New Mexico Board of Social Work Examiners (“Board”) upon the filing of the Notice of Contemplated Action (“NCA”) dated May 25, 2021. Cassandra Carrillo (“Respondent”) received the NCA and requested a formal hearing on the matter. An evidentiary hearing was held on August 12, 2021 via the WebEx online platform.

Pursuant to the New Mexico Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2019) Board members, having familiarized themselves with the record, met at a properly noticed meeting on September 13, 2021 to consider the Hearing Officer’s report. At such Board meeting, a quorum of the Board decided upon the following:

FINDINGS OF FACT

1. The Board adopts the Findings of Fact proposed in the Hearing Officer’s Report dated August 23, 2021, which is attached hereto and incorporated herein.

CONCLUSIONS OF LAW

Based on the above findings, the Board reaches the following Conclusions of Law:

1. The Board, having reviewed the NCA and the allegations and evidence on record, finds by a preponderance of the evidence that Respondent violated the following Board regulations: 16.63.16.8(A) Commitment to clients; 16.63.16.8(G) Conflicts of interest;

16.63.16.8(J) Sexual relationships; 16.63.16.8(K) Physical contact; 16.63.16.11(E) Impairment; 16.63.16.12 (A) Integrity of the profession.

2. Accordingly, the Board is justified in taking the contemplated action against Respondent.

ORDER

Based on these Findings of Fact and Conclusions of Law, the Board renders the following:

Respondent's license is REVOKED as of the date of this Order.

IT IS SO ORDERED.

NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

/s/ Sandra Turner
Sandra Turner
Chair

9/15/21
Date

STATEMENT OF RIGHT TO JUDICIAL REVIEW

A person entitled to a hearing provided for in the Uniform Licensing Act, who is aggrieved by an adverse decision of a board issued after hearing, may obtain a review of the decision in the district court pursuant to the provisions of Section 39-3-1.1 NMSA 1978. A person aggrieved by a final decision may appeal the decision to district court by filing in district court a notice of appeal within thirty days of the date of filing of the final decision. See NMSA 1978 § 39-3-1.1.

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the foregoing was e-mailed and mailed by certified mail, 7019 1640 0000 7891 0535 return receipt requested to:

Cassandra Carrillo
1503 S. Michigan Avenue
Roswell, NM 88203

Via e-mail at: carmith14@gmail.com
Respondent

Kaythee Hlaing, Assistant Attorney General
Via e-mail at: khlaing@nmag.gov
Administrative Prosecutor

Karla J. Soloria, Assistant Attorney General
Via e-mail at: ksoloria@nmag.gov
Counsel for the Board



Sheila Harris
Compliance Liaison
Regulation and Licensing Department
P.O. Box 25101
Santa Fe, NM 87504

Dated this 15th day of September, 2021.