

FILED

13 April 2014

STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

Melagros Bullock

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Therapy Examiners Professional Counselor Examiners Committee

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS PROFESSIONAL
COUNSELOR EXAMINERS COMMITTEE

IN THE MATTER OF THE SUSPENSION OR	:	
REVOCATION OF THE LICENSE OF	:	ADMINISTRATIVE ACTION
	:	
	:	<input type="checkbox"/> PROVISIONAL ORDER OF
	:	DISCIPLINE
NICOLE ZITO	:	
License No. 37PC0045760	:	<input checked="" type="checkbox"/> FINALIZED BY DEFAULT
	:	
	:	
TO PRACTICE AS A PROFESSIONAL COUNSELOR	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Marriage and Family Therapy Examiners Professional Counselor Examiners Committee (the "Committee") upon receipt of information which the Committee has reviewed and on which the following findings of fact and conclusions of law are made:

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6 July 2016

STATE OF NEW JERSEY
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FINDINGS OF FACT

1. Nicole Zito ("Respondent") is licensed to practice as a Professional Counselor at all times hereto. (Exhibit A).

2. On or about January 27, 2016, the Committee received a complaint from Respondent's employer alleging that Respondent reported to her supervisor that Respondent had an intimate relationship with a client. It is alleged that the relationship began while Respondent was providing services to the client and continued after the client completed treatment. (Exhibit B).

3. In response to the complaint, Respondent admitted that she engaged in an intimate relationship with her client from July 8, 2015 through December 30, 2015 and that he was her client until September 30, 2015. (Exhibit C).

CONCLUSIONS OF LAW

Respondent's admission to engaging in an intimate relationship with a client is in violation of N.J.A.C. 13:34-19.3 (b) and constitutes professional misconduct under N.J.S.A. 45:1-21(e) providing a basis for disciplinary action against Respondent.

ACCORDINGLY, IT IS on this 13 day of April, 2016,

ORDERED that:

1. Upon the filing of a FINAL ORDER OF DISCIPLINE,

Respondent's license to practice as a professional counselor will be suspended for a minimum of five (5) years from the date of filing of any FINAL ORDER OF DISCIPLINE. After the expiration of one (1) year of suspension, Respondent may apply for reinstatement of her license and appear before the Committee to establish that she is fit and competent to practice as a professional counselor. The Committee may then determine to stay the remaining four (4) years of her suspension and permit Respondent to serve them as a period of probation.

2. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall refrain from engaging in the practice as a professional counselor and shall not represent herself as a professional counselor until such time as her license is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Upon the filing of a FINAL ORDER OF DISCIPLINE, Respondent shall, within 5 (five) days, mail her license to practice as a professional counselor to Milagros Collazo, Executive Director, State Board of Professional Counselor Examiners Committee, State Board of Marriage and Family Therapy Examiners, 124 Halsey Street, Newark, New Jersey 07101.

4. Respondent shall, within two weeks of the date of the

filing of any FINAL ORDER OF DISCIPLINE, notify her clients that she is terminating services and provide for the transfer or referral of her clients, in compliance with the requirements of N.J.A.C. 13:34-18.7.

5. Upon any reinstatement of Respondent's license the Committee reserves the right to impose restrictions upon Respondent's license.

6. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within thirty (30) days of the date this Provisional Order is filed by:

- a) Submitting a written request for modification or dismissal to Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy Examiners Professional Counselor Examiners Committee, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.
- b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.
- c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

7. Any submissions will be reviewed by the Committee and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty (30) day period, or if the Committee is not persuaded that the

submitted materials merit further consideration, a Final Order will be entered.

8. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Committee shall not be limited to the findings, conclusions and sanctions stated herein.

9. In the event that the Committee receives no written request for modification or dismissal within thirty (30) days following entry of this Provisional Order of Discipline, without further Committee review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Committee. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional

sanction and/or penalty.

NEW JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS PROFESSIONAL
COUNSELOR EXAMINERS COMMITTEE

By: William Green LRC
William Green L.R.C.
Committee Chair