

October 6, 2003

Mr. Amos D. Martinez, Program Administrator
State Board of Licensed Professional Counselor Examiners
1560 Broadway, Suite 1370
Denver, Colorado 80202

Re: Complaint No. 03-015(C) Cynthia A. Duckworth, LPC of Maria Droste Services.

Dear Mr. Martinez:

At the scheduled hearing on May 21, 2003 in El Paso County District Court-Division 6 under Judge Steven Pelican (Case No. 01DR2408), I as Respondent conducted a two-hour cross-examination of Cynthia Duckworth of Maria Droste Services. The following summary briefly details the results of this cross-examination and may be confirmed by your Board's review of a transcript of said hearing. I have requested that Judge Pelican forward a copy of the [May 21st transcript of said hearing](#) to your Board and that he grant your Board jurisdiction as you requested. With the budget problems and staffing shortages in El Paso County District Court, however, Judge Pelican may only respond following a direct request from your Board.

1. Said cross examination revealed that Ms. Duckworth's actions, testimony, and report were in violation of: the "Client Therapist Agreement" executed by Ms. Duckworth and Respondent on January 14, 2002; Federal Law as set-forth in Maria Droste Services standard "Consent" form; 12-43-218 C.R.S. (Disclosure of Confidential Communications); 13-90-107 C.R.S. (Who May Testify Without Consent); and 14-10-127 C.R.S. (Evaluation And Reports) respectively. The Petitioner's inference that Respondent fraudulently alleged Ms. Duckworth was his individual therapist is totally refuted by the aforementioned cross-examination of Ms. Duckworth and submission of the "Client Therapist Agreement" dated 01/14/02 to the Court at said hearing. Respondent entered into a Client-Therapist relationship with Ms. Duckworth on 01/14/02 in an effort to obtain personal counseling for himself and the daughter. Pursuant to 14-10-127 C.R.S.: the Court did not take an active role in the selection of the Therapist, Ms. Duckworth's qualifications were never submitted to the Court for the Court's approval under Subsection (4), the costs of an evaluation and report were never assessed and collected by the Court, and the Court did not issue an order approving Ms. Duckworth's qualifications and instructing her to commence a parenting evaluation. As previously stated, pursuant to 12-43-218 C.R.S. and 13-90-107 C.R.S., Ms. Duckworth did not have written consent from her client to disclose confidential communications to Petitioner or the Court. Under the ethics of Ms. Duckworth's profession, and Federal and State law, all of the aforementioned would necessarily have to be accomplished prior to the initial counseling session that occurred on 01/14/02. Ms. Duckworth was prohibited from performing a parenting evaluation and report subsequent to the initial counseling session on 01/14/02 due to the unavoidable conflict of interest that would arise as her client's personal counselor. Also, Ms. Duckworth admitted that her appearance in this Case was not due to any concern for the emotional or physical health of the daughter as provided for in paragraph 2 of the aforementioned "Client-Therapist Agreement".

2. The aforementioned cross-examination of Ms. Duckworth also revealed that pursuant to 14-10-127 C.R.S., Ms. Duckworth fraudulently concealed the

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existence of her report and the fact that she had released a rough draft to Petitioner on May 13, 2002 in her: May 20, 2002 Letter to Magistrate Erler in Division V; and June 6, 2002 response to Respondent and his Attorney, Roger Larsen's May 22, 2002 formal request for discovery. Ms. Duckworth also failed to disclose the fact that Petitioner, who was and remains a legal adversary to her client, wrongfully elicited the aforementioned actions of Ms. Duckworth by offering to pay her for a report as evidenced in paragraph 5 of page 4 of Ms. Duckworth's October 18, 2002 letter to the State Board of Licensed Professional Counselor Examiners. In that same letter, Ms. Duckworth also admits that she attempted to withdraw from this case when she learned that Petitioner had decided she was not going to pay for the report in paragraph 6 of page 4. Ms. Duckworth also fraudulently states that she "was withdrawing from the role of court-appointed evaluator" in that same paragraph as previous evidence has shown that her appearance in this case was without the knowledge or consent of her client or the Court.

3. The aforementioned cross-examination also resulted in Ms. Duckworth admitting to having released said rough-draft to Petitioner on May 13, 2002 because she wanted Petitioner "to check her grammar and spelling."

4. Ms. Duckworth also admitted during cross-examination that her motion for a restraining order against Respondent contained no allegations that violence or the threat of violence were ever perpetrated upon her and was therefore frivolous. Said admission is contradictory to the fraudulent statement that Ms. Duckworth made in paragraph 2 of page 5 of her October 18, 2002 letter to the State Licensing Board which reads "He then made a threatening phone call to Maria Droste about me, which has ultimately prompted me to motion the Court to obtain a restraining order." Ms. Duckworth was obviously attempting to divert the Court's and the Board's attention away from her fraudulent, unethical, and unlawful actions in this case.

5. Ms. Duckworth could not produce any consent form, executed by Respondent, authorizing her to release confidential and personal counseling information to either Petitioner or El Paso County District Court pursuant to 12-43-218 C.R.S. and 13-90-107 C.R.S. Similarly, Ms. Duckworth could not produce the original January 14, 2002 "Consent" form naming Michael Thynne, Attorney as recipient. A Xerox copy of a fax copy of said "Consent" form produced by Ms. Duckworth at the October 10, 2002 hearing in Division V unexplainably contained the name of Petitioner's second Attorney, Dianna Harris despite the fact that Ms. Harris did not enter an appearance in this Case until nearly one-month later on February 11, 2002. It is the opinion of Respondent that Ms. Duckworth forged the name of Dianna Harris, Attorney onto the aforementioned "Consent" form and that is why she could not produce the original document. Regardless, the language of said "Consent" form expressly states that disclosure of confidential information is regulated by Federal Law and that recipients under said consent form are prohibited from releasing confidential information to any other person without the express written consent of the person to whom it applies.

6. Ms. Duckworth's actions, testimony, and report have been proven to be the joint effort of Ms. Duckworth and the Petitioner as they conspired to perpetrate further fraudulent, unethical, and unlawful testimony upon the daughter, Respondent, and Court. As the Court and GAL can readily ascertain from the December 19, 2001 transcript of the hearing on Final Orders and Petitioner's December 18, 2001 Ex Parte Motion which are in the Court's file, Petitioner and her then Attorney committed fraud if not perjury at the hearing on Final Orders as their testimony concealed the existence of,

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and totally contradicted the statements made in, their "Ex Parte Motion" filed the day before.

7. Following the aforementioned cross-examination of Ms. Duckworth at the hearing in Division 6, Judge Pelican ruled that Ms. Duckworth's appearance, testimony, and report had been called into serious question by the Respondent and that the Court would place no confidence in her testimony or report. As stated earlier, Respondent has since expressed the opinion to the Court that they should forward a copy of the transcript of the May 21, 2003 hearing in Division 6 to the State Board of Licensed Professional Counselor Examiners and grant jurisdiction to said Board for investigation into the many ethics violations including violation of client confidentiality that have been committed by Cynthia Duckworth, Therapist of Maria Droste Services in this Case.

Counsel has expressed the opinion to me that your Board always has jurisdiction over the unethical and unlawful misconduct of individuals employed within your profession. Ms. Cynthia Duckworth has displayed a blatant disregard for all applicable Colorado and Federal laws and ethics governing her appearance in this Case. Her fraudulent and unlawful actions have helped the Petitioner to perpetuate nonvisitation between the daughter, her father, and her entire family this past year and a half. The emotional damage that she has conspired to inflict upon my seven-year old daughter and everyone involved is immeasurable and inexcusable. I know that your Board will take the appropriate steps to revoke Ms. Duckworth's professional license following your examination of the May 21st transcript and I would like to be informed of your decision.

Respectfully Submitted,

Dale Kim Thorup

Cc: American Civil Liberties Union
U.S. Dept. of Justice-Civil Rights Commission