

BEFORE THE SOCIAL WORK EXAMINERS
FOR THE STATE OF NEW MEXICO

IN THE MATTER OF:

Case No. SW-2024-00896-COM
& SW-2024-00944-COM

Chelsea Gutierrez
License No. 09343

Respondent.

STIPULATION AND SETTLEMENT AGREEMENT

WHEREAS the Social Work Examiners has evidence that Chelsea Gutierrez (hereafter, "Respondent") violated the Social Work Practice Act NMSA 978, § 61-31-1 et seq., and/or the rules promulgated pursuant thereto (collectively the "Act"); and

WHEREAS Respondent is subject to the Social Work Examiners jurisdiction; and

WHEREAS the Social Work Examiners voted in a duly noticed public meeting to issue a Notice of Contemplated Action (NCA) against Respondent, which would initiate an administrative prosecution (AP); and

WHEREAS the Social Work Examiners voted in a duly noticed public meeting to defer referring disciplinary matters against Respondent to an administrative prosecutor for preparation of an NCA pending Respondent's acceptance or rejection of an offer of settlement; and

WHEREAS Respondent wishes to accept the offer of settlement proposed below and resolve this matter before the Social Work Examiners issues an NCA; and

WHEREAS the Social Work Examiners believes a settlement with Respondent would be in the best interest of the parties and the State of New Mexico; and

WHEREAS Respondent is willing to resolve this matter without the need for, and time and expense of, a formal hearing that may occur if this matter is not settled;

THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Jurisdiction:** Respondent is subject to the Act and to the jurisdiction of the Social Work Examiners.
2. **Voluntary Agreement:** Respondent enters into this Agreement knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondent understands that the Social Work Examiners voted to approve issuing an NCA. NCA proceedings have been stayed pending negotiation with Social Work Examiners staff.

3. **Approval:** This Agreement shall be effective the date that it is signed by the Respondent.
4. **Waivers:** If Respondent accepts this Agreement, Respondent waives any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended), including but not limited to the right to an evidentiary hearing, the right to discovery, the right to present evidence, the right to call and cross examine witnesses, and the right to judicial review.
5. **Misconduct:** Respondent stipulates that he engaged in these Acts:

In case SW-2024-00896-COM, Respondent provided services to the complainant from August 19, 2019 to March 21, 2021. Upon termination of professional services the Respondent entered into a personal than romantic relationship with the complainant.

In case SW-2024-00944-COM the counselor for the complainant in the case above also reported the dual relationship between the Respondent and her former patient.

6. **Violations:** Respondent stipulates that by committing the Acts, he violated these laws:

16.63.16.8 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO CLIENTS: G. Conflicts of interest. (1) Social workers shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers shall inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client. (2) Social workers shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests. (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 more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

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.

7. **Penalty:** Respondent stipulates that the foregoing Violation(s) would authorize the Board of Social Work to impose a fine of up to \$1,000.00, and/or issuance of an NCA that may result in the suspension or revocation of the license.
8. **Sanctions:** Respondent stipulates agrees to the following disciplinary sanctions: The matter will be referred to the Department of Justice for the issuance of a Notice of Contemplated Action.
9. **Abeyance:** Imposition of the Sanctions shall be stayed pending a 60-day period of abeyance, which shall begin upon the effective date of this Agreement. The Social Work Examiners shall waive and not enforce the Sanctions if Respondent complies with these terms of Abeyance
 - a. **Continuing Education:** Respondent shall successfully complete the continuing education course(s) listed below. Respondent shall obtain prior written approval (email confirmation of such approval is sufficient) for the course(s) from the Board's administrator or designee before taking any course. The course(s) shall not be credited toward any other continuing education requirements for Respondent's licensure and Respondent is responsible for any associated costs. Respondent shall submit evidence of the successful completion of any course within 60-days from the effective date of this Agreement. The required courses are:
 - i. Ethics and Dual Relationships, minimum of 6 hours
 - b. **Compliance:** Respondent shall not violate any statute, rule or regulation within the purview of the Social Work Examiners during the period of Abeyance.
 - c. **Non-Compliance:** Failure to comply with any terms of the agreement will result in the automatic suspension of the license, until full compliance is met.
10. **Reportable Discipline:** Respondent understands that this Agreement Does constitute formal disciplinary action by the Board. The Social Work Board will report the action to:

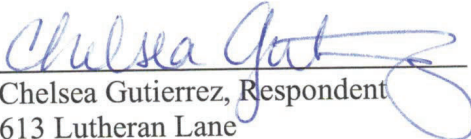
The National Practitioners Data Bank
11. **Non-Compliance:** Respondent understands and agrees that failure to comply with the Abeyance terms may result in further Social Work Examiners action. Any violation of an Abeyance term may result in the issuance of an Order to Show Cause for non-compliance with this Agreement requested by Social Work Examiners staff or issued by the Social Work Examiners on its own motion. After issuing and effecting service of an Order to Show Cause, the matter shall be scheduled for a hearing by the Board, which shall occur at least 20 days after service of the Order. At the hearing, the Social Work Examiners shall hear from Respondent and Social Work Examiners staff

regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant argument or evidence regarding the reasons for non-compliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Social Work Examiners meeting. Any presentation regarding the Order to Show Cause shall be limited to evidence surrounding Respondent's alleged failure to comply with the Abeyance terms. Upon finding such non-compliance, and without issuing a new NCA, the Social Work Examiners may either (A) establish new Abeyance terms, (B) impose the Sanctions and set associated deadlines, or (C) impose alternative sanctions that are less severe than the agreed Sanctions. If Respondent's non-compliance constitutes an act(s) prohibited under any law within the purview of the Board, the Social Work Examiners may also initiate a new NCA and refer that matter for administrative prosecution, subject to the laws governing such proceedings.

12. **Contact Information:** Respondent shall notify the Social Work Examiners within ten (10) calendar days if there is a change in any contact information specified in this Order during the term of Abeyance.
13. **Public Record:** This Agreement is a public record and may be provided for inspection if requested, pursuant to the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended). The Social Work Examiners may also publish this Agreement or a summary of its terms to the public, which may include posting to the Board's website.
14. **Full Compliance and Final Disposition:** Unless Social Work Examiners staff asks the Social Work Examiners to issue an Order to Show cause within 60 days of the expiration of the period of abeyance, Respondent shall be deemed to have successfully completed abeyance terms. At such time, the Social Work Examiners shall have no authority to issue an Order to Show Cause relating to Respondent's compliance with this Agreement, this case will be deemed closed for administrative purposes without the filing of an order or official vote of the Board, and all of Respondent's rights under law shall be restored. However, this matter may still constitute disciplinary action as provided herein for purposes of Respondent's record with the Board.


I understand and have read this document and hereby agree to the terms of this Agreement freely and voluntarily. I understand that by entering into this Agreement I am giving up my rights under the Uniform Licensing Act, including my right to an evidentiary hearing on the merits of the alleged violations.

I understand that I am required to comply with the terms stated in this Agreement, and that failure to comply with those terms may subject me to further discipline as stated herein.


Chelsea Gutierrez, Respondent
613 Lutheran Lane

1.16.2025
Date

Las Vegas, NM 87701



Respondent's Attorney
DAVID SILVA

01/06/2025

Date

APPROVAL

Having come before the Social Work Examiners during a properly scheduled public meeting, with a quorum present and majority voting in the affirmative, the Social Work Examiners approves this Agreement.



John Tourangeau, Chair

1/7/2025

Date