



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER in the Matter of:

Frank Porter
4859 Shadwell Drive
Trotwood, OH 45416

IN THE MATTER OF FRANK PORTER TO PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF FRANK PORTER CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON JULY 19, 2012: DR. TERRI HAMM, MAUREEN COOPER, AND MARY VENRICK

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Frank Porter by the Counselor Professional Standards Committee on May 18, 2012.

Pursuant to R.C. 119.07 licensees are entitled to a hearing before the Board if such a hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing. In this case, Mr. Porter failed to make a timely request for such a hearing, therefore pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358 the case was presented to the Counselor Professional Standards Committee on July 19, 2012.

Summary of Evidence

State's Exhibits

1. Affidavit prepared by William L. Hegarty, Deputy Director, State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.
2. Notice of Opportunity for Hearing to Mr. Porter dated May 18, 2012.

3. Report of Investigation pertaining to Mr. Porter.

Conclusions of Law

Ohio Revised Code Section 4757.36(C)(1) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has committed a violation of any provision of the Board's law and rules. Ohio Administrative Code Section 4757-11-01(C)(18) states that the Board may discipline a licensee who fails to cooperate in any investigation concerning allegations to their license.

Discussion and Findings

As required in the case of *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals 95APE10-1358, all cases where a Board issues a Notice for Opportunity for Hearing and the individual does not request a hearing, the Board still must review evidence presented to it and make specific findings of fact. In this case, Frank Porter did not request a hearing after receipt of his Notice for Opportunity for Hearing.

The Counselor Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Frank Porter did not cooperate as required by rule in an investigation into allegations concerning his licensure as a professional counselor. Based on this, the Committee orders that Mr. Porter's license to practice as a professional counselor (C.0001964) is **REVOKED**. As Ordered by the Counselor Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

APPEAL RIGHTS

Under the provisions of Ohio Revised Code Section 119.12, any party adversely affected by an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a license, or revoking or suspending a license, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any such party is not a resident of and has no place of business in Ohio, the party may appeal to the court of common pleas of Franklin County

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 50 West Broad Street, Suite 1075, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

By Order of the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.



James R. Rough
Executive Director

July 20, 2012
Date

Certified Mail Receipt #7005 1160 0001 0334 9251