

Aug. 7. 2006 7:48AM CSWMT BOARD

No. 8521 P. 3

Consent Agreement between Daniel L. Byerly and the State of Ohio Counselor, Social Worker, Marriage and Family
Therapist Board

BYERLY MADE APPLICATION TO THE BOARD ON MAY 11, 2006, TO BE LICENSED AS A PROFESSIONAL COUNSELOR. THE BOARD LEARNED THE BYERLY HAD BEEN PRACTICING COUNSELING WITHOUT A LICENSE IN HAMILTON, OHIO IN VIOLATION OF ORC 475.02 FROM FEBRUARY 1, 2005, THROUGH MARCH 4, 2006. BYERLY WAS UNDER THE IMPRESSION THAT HE HELD COUNSELOR TRAINEE STATUS WHICH HE DID NOT AND THAT HE COULD PERFORM COUNSELING UNDER SUPERVISION. Mr. Byerly completed the terms of this consent agreement as of 3/2/2007.

**CONSENT AGREEMENT
BETWEEN
DANIEL L. BYERLY
AND THE**

**STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This **CONSENT AGREEMENT** is entered into by and between **DANIEL L. BYERLY**, hereinafter, "**BYERLY**," and the **STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD**, hereinafter "**BOARD**," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

BYERLY hereby acknowledges that he has read and understands this **CONSENT AGREEMENT** and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

BYERLY is fully aware of his rights, including his right to be advised by counsel and his right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this **CONSENT AGREEMENT**. Should **BYERLY** fail to comply with any provisions of this **CONSENT AGREEMENT**, **BYERLY** knowingly waives his rights under ORC Chapter 119.

This **CONSENT AGREEMENT** contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this **CONSENT AGREEMENT**.

This **CONSENT AGREEMENT** is entered into on the basis of the following stipulations, admissions and understandings:

1. **BYERLY** made application to the Board on May 11, 2006, to be licensed as a professional counselor. The **BOARD** learned that **BYERLY** had been practicing counseling without a license in Hamilton, Ohio in violation of ORC 4757.02 from February 1, 2005, through March 4, 2006. **BYERLY** was under the impression that he held Counselor Trainee status which he did not and that he could perform counseling under supervision.
2. **BYERLY** admits the allegations referenced in paragraph 1 above.

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Therapist Board

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal disciplinary proceedings, **BYERLY** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

1. The **BOARD** will license **BYERLY** as a professional counselor at its September 22, 2006, meeting.
2. **BYERLY** must take six (6) hours of continuing counseling education in the area of professional ethics. These hours must be pre-approved in writing by the Board's Deputy Director or his designee. After **BYERLY** completes these hours, he must submit a copy of his attendance certificate(s) to verify his attendance for these hours. These hours must be completed and verification submitted no later than July 31, 2007. The credit earned from these hours may not be used toward the thirty (30) hours of continuing education required for license renewal. All costs associated with the continuing education hours are at the expense of **BYERLY**.

It is hereby agreed by and between both parties that this **CONSENT AGREEMENT** hereby settles all issues concerning this matter.

By his signature on this **CONSENT AGREEMENT**, **BYERLY** acknowledges that in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **BYERLY** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, he will assert no claim that the **BOARD** was prejudiced by its review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

BYERLY hereby releases the members of the **BOARD**, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This **CONSENT AGREEMENT** shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code 3123.41 et seq., the **BOARD** may be required to provide **BYERLY'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this **CONSENT AGREEMENT** into a formal journal entry at its September 22, 2006, meeting.

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No. 8521 P. 5

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This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:

Daniel Byerly
Daniel Byerly

8/7/06
Date

Theresa Cluse-Tolar
Theresa Cluse-Tolar, Ph.D., LISW
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

9-22-06
Date

P.R. Casey IV
Peter R. Casey, IV, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family Therapist Board

9/22/06
Date