



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER in the Matter of:

Mandy Ervin
224 Burlington Road
Jackson, OH 45640

IN THE MATTER OF MANDY ERVIN TO PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF MANDY ERVIN CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON SEPTEMBER 18, 2014: MAUREEN COOPER, DR. OTHA GILYARD, DR. TERRI HAMM, MARY VENRICK, AND CHRISTIN JUNGERS.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Mandy Ervin by the Counselor Professional Standards Committee on July 18, 2014.

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, Ms. Ervin 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 September 18, 2014.

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 Ms. Ervin dated July 18, 2014.

3. Board impairment orders regarding Ms. Ervin.

Conclusions of Law

Ohio Revised Code Sections 4757.36(C) (1) and (6) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has violated any provision of the Board's statute or rules as well as failing to perform properly as a licensed professional counselor due to the use of alcohol or other drugs. Ohio Administrative Code Section 4757-11-02(C) states that the failure of a licensee to submit to a mental or physical examination order by the Professional Standards Committee constitutes an admission of the allegations against the licensee unless the failure is due to circumstances beyond the individual's control.

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, Mandy Ervin did not request a hearing after receipt of her Notice for Opportunity for Hearing.

The Counselor Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Many Ervin failed to obtain a mental health/substance abuse impairment evaluation after being ordered by the Committee to do so. Under the Board's rule, Ms. Ervin's failure to obtain the ordered evaluation is an admission of the underlying impairment. There is no evidence to support that her failure to obtain the evaluation was due to circumstances beyond her control. Based on this, the Committee orders that Ms. Ervin's license to practice as a licensed professional counselor (C.0900245) is **REVOKED**. As Ordered by the Counselor Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board. This decision was by a unanimous vote of the Board members who reviewed and voted on the case. Ms. Cooper recused herself from the vote and discussion on this case.

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

APPEAL RIGHTS

Ohio Revised Code Section 119.12 may authorize an appeal from this Order. Such an appeal must be commenced by the filing of a Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board and in the court of common pleas of the county in which the licensee is a resident. If the party appealing from the

order is not a resident of any County, the party may appeal to the court of common pleas of Franklin County. The Notice of Appeal must set forth the order appealed from and state that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with the law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. Both Notices of Appeal must be received at the office of the Board and filed with the applicable court within fifteen (15) days after mailing of this notice of the agency's order, and in accordance with the provisions of Ohio Revised Code Chapter 119.12.

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



Brian Carnahan
Executive Director

Date

10/11/14

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