



ADJUDICATION ORDER
in the Matter of:

FREDERICK SINAY

IN THE MATTER OF THE ELIGIBILITY OF FREDERICK SINAY TO MAINTAIN
LICENSURE AS A PROFESSIONAL CLINICAL COUNSELOR IN THE STATE OF
OHIO.

THE MATTER OF FREDERICK SINAY CAME BEFORE THE COUNSELOR
PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR,
SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON
JULY 22, 2005.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Frederick Sinay by the Counselor, Social Worker, and Marriage and Family Therapist Board on July 19, 2004. An administrative hearing was held on May 25, 2005, at 9:00 a.m. in the offices of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board, 77 S. High Street, Columbus, Ohio 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Peter R. Casey, IV. Frederick Sinay was not present and was not represented by counsel.

The Counselor Professional Standards Committee has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing, and attached to this Order. The Committee finds that Mr. Sinay violated Ohio Revised Code Section 4757.36(A)(5). The Committee Orders that Mr. Sinay's license to practice counseling (E-0001314) is REVOKED.

This ORDER was approved by unanimous vote of the Members of the Committee who reviewed this case.

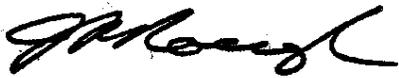
Motion carried by order of the Counselor Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

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, 77 S. High Street, 16th Floor, 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 22, 2005
Date

Certified Mail Receipt #7002 2030 0000 7089 4013

STATE OF OHIO

COUNSELOR, SOCIAL WORKER AND
MARRIAGE AND FAMILY THERAPIST BOARD 7: 39
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IN THE MATTER OF THE
LICENSURE OF

Frederick J. Sinay

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

AS A PROFESSIONAL CLINICAL COUNSELOR
IN THE STATE OF OHIO

May 26, 2005

FOR THE RESPONDENT:

No appearance

HEARING EXAMINER:

Ronda Shamansky
245 East Gay Street
Columbus, Ohio 43215-3210
614/224-9078

FOR THE BOARD:

P. R. Casey
Assistant Attorney General
Health & Human Services Section
30 E. Broad St., 26th Floor
Columbus, Ohio 43215
614/466-8600

FINDINGS OF FACT:

1. The hearing on this matter was held on Wednesday, May 25, 2005 commencing at 9:00 a.m. in the offices of the Counselor and Social Worker Board, 77 South High Street, Columbus, Ohio. The Board was represented by Assistant Attorney General P.R. Casey. The licensee, Frederick J. Sinay, did not appear, and did not submit any written documents explaining his position. The hearing allowed the opportunity for direct and cross examination of witnesses, the submission of documents, and for arguments to be made.
2. The Board has proposed disciplinary action against Mr. Sinay's license to practice as a professional clinical counselor ("LPCC") for alleged violations of the Ohio Revised Code pertaining to the practice of counseling. Particularly, the Board alleges that on April 28, 2004, Mr. Sinay was sentenced for a conviction of Corrupting Another with Drugs, a second degree felony, in the Montgomery County Court of Common Pleas. The Board cites R.C. 4757.36(A)(5) as its authority to take action against his counseling license, based on his being convicted of a felony.
3. The Board notified Mr. Sinay of its intention to take action against his license through its Notice of Opportunity for Hearing dated July 19, 2004. (State's Exhibit A) Mr. Sinay made a timely request for a hearing through his attorney's letter dated July 23, 2004. (State's Exhibit B) Mr. Sinay was given notice of the initial hearing date, notice of a continuance of that date, and notice of the hearing ultimately held on May 25, 2005. (State's Exhibits C, D, and E)
4. At the hearing, the State introduced into evidence State's Exhibits A through M. The Board's Deputy Director and records custodian, William Hegarty, testified that he was involved in this investigation. He testified that the Montgomery County Probation Department facilitated delivery of the hearing notices because Mr. Sinay's address had changed after his prison term, but that he had not updated his address with the Board. According to his testimony, the Montgomery County Court's Probation Department would not release Mr. Sinay's new address. However, because Mr. Sinay was required to report to

the Probation Department periodically, the letter notifying Mr. Sinay of the May 25 hearing date was sent to the Adult Probation Department. (State's Exhibit F) The Board received a letter dated April 22, 2005, from Kristen Williams, a probation officer, confirming that she gave Mr. Sinay the scheduling letter when he reported to the department on April 21, 2005. (State's Exhibit G) Mr. Hegarty testified that he received a call from Mr. Sinay, who said that he no longer wished to have a hearing and that he was going to give up his license. (State's Exhibit H) Mr. Hegarty testified that he asked Mr. Sinay to send the Board a written statement to that effect, but that the Board did not receive anything in writing from Mr. Sinay.

5. The State offered into evidence State's Exhibit J, which is a copy of the Montgomery County Court's five count indictment of Mr. Sinay, on charges of illegal use of a minor in nudity-oriented material or performance; inducing or facilitating a minor to engage in sexual activity for hire; two counts of furnishing Vicodin, a controlled substance, to a minor; and tampering with evidence. (State's Exhibit J) The State introduced the Court's March 30, 2004 Entry showing Mr. Sinay's guilty plea to the charge of corrupting another with drugs, a juvenile, which is a second degree felony. (State's Exhibit K) The State also introduced the Montgomery County Court's Termination Entry, sentencing Mr. Sinay to 2 years in prison and suspending his driver's license for six months. (State's Exhibit L) Finally, the State introduced into evidence the Court's entry relating to Mr. Sinay's Motion to suspend the rest of his sentence and place him on community control instead. The Court granted the motion, releasing him from prison early, and putting him on community control for five years with intensive supervision. Other requirements of the court's entry are that Mr. Sinay not be permitted to be a counselor for adults or juveniles, and that he not have any direct or indirect contact with juvenile females other than family members. (State's Exhibit M)
6. Mr. Hegarty identified State's Exhibit I as a copy of the Board's licensure records. This document shows that Mr. Sinay's license as a counselor lapsed without renewal on January 20, 2004. Mr. Hegarty testified that although the license has expired, according to statute Mr. Sinay is still eligible to renew the license without reapplying or

taking the test again until January 20, 2006. He testified that for this reason, the Board determined that an action against his license was necessary.

DISCUSSION

The facts in this matter are not in dispute. Mr. Sinay entered a guilty plea to the second degree felony of corrupting a another with drugs, and the court's documents indicate that he provided Vicodin to a minor. He has served time in prison, and was released early with the court requiring that he no longer work as a counselor for children or adults. On this basis, R.C. 4757.36(A)(5) clearly provides ample authority for the Board to revoke his license.

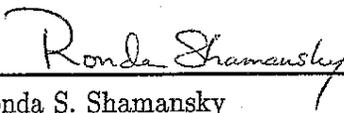
Mr. Sinay did not appear at the hearing, nor did he submit anything in writing that would offer any mitigating evidence. Under these circumstances, all of the evidence favors the State's position that his license should be revoked.

CONCLUSION OF LAW

I conclude that Frederick Sinay has been convicted of corrupting another with drugs, a second degree felony, in the Montgomery County Court of Common Pleas. Based on this felony conviction, the Board has the authority pursuant to R.C. 4757.36(A)(5) to revoke his license to practice counseling.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board revoke Frederick Sinay's license to practice counseling.



Ronda S. Shamansky
Hearing Examiner