



Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(C).

3. **MERTENS** failed to keep proper records of her contact with Complainant. The **BOARD** finds that such conduct is a violation of Ohio Administrative Code Section 4757-5-01(I)(1), (4).
4. **MERTENS ADMITS** the allegations referenced in paragraphs 2 and 3 referenced above.

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

1. **MERTENS'** license to practice counseling is **REPRIMANDED**
2. **MERTENS** must take and pass a college or university ethics course. Said course must be pre-approved by the Counselor Professional Standards Committee, or its designee. Said course must be taken for credit after which **MERTENS** will ensure that a transcript of passing the course is provided to the Board. This course must be completed by December 2001, unless **MERTENS** is able to prove to the **BOARD's** satisfaction that such a course was unavailable in the local geographic area.

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

By her signature on this **CONSENT AGREEMENT**, **MERTENS** 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in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be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. **MERTENS** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, she will assert no claim that the **BOARD** was prejudiced by its review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

If, following notice and an evidentiary hearing, not an ORC Chapter 119 hearing, **MERTENS** is found by the **BOARD** to have violated any terms of this Consent Agreement, the **BOARD** may impose any penalty up to and including **REVOCATION** of **MERTENS'** professional clinical counselor license based solely upon a violation of this Consent Agreement. **MERTENS** may not appeal this action.

**MERTENS** 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 Section 2301.373(E), the **BOARD** may be required to provide **MERTENS'** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this **CONSENT AGREEMENT** into a formal journal entry at its July, 2000, meeting.

This CONSENT AGREEMENT shall take effect upon the date of the last signature below:

THE OHIO COUNSELOR AND SOCIAL WORKER BOARD

Monica L. Mertens  
Monica L. Mertens

Chester Partyka  
Chester Partyka  
Chair, Counselor and Social Worker Board

June 22, 2000  
Date

July 21, 2000  
Date

Brian M. Kneafsey, Jr.  
Brian M. Kneafsey, Jr., Esq.  
Counsel for Ms. Mertens

David V. Patton, Esq.  
David V. Patton, Esq.  
Assistant Attorney General  
Counselor and Social Worker Board

6/23/00  
Date

7-19-00  
Date