



## STATE OF OHIO COUNSELOR AND SOCIAL WORKER BOARD

ADJUDICATION ORDER  
in the Matter of:

Gary Kovacik, #379992  
Madison Correctional Institute  
PO Box 740  
London, Ohio 43140

IN THE MATTER OF GARY KOVACIK TO PRACTICE AS A LICENSED PROFESSIONAL CLINICAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF GARY KOVACIK CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR AND SOCIAL WORKER BOARD: JOHN BEGALA, MICHAEL DAVIS, HANNAH DIXON, FRANK O'DELL, AND CHESTER PARTYKA.

### FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Gary Kovacik by the Counselor Professional Standards Committee on March 15, 2000.

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, Gary Kovacik 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 a hearing was held before The Counselor Professional Standards Committee of the Ohio Counselor and Social Worker Board on July 20, 2000. At this hearing the Board by and through their Assistant Attorney General, David V. Patton, presented evidence in support of the Notice of Opportunity for Hearing. Gary Kovacik was not present.

### Summary of Evidence

#### State's Exhibits

1. Notice of Opportunity for Hearing to Gary Kovacik, dated March 15, 2000, and copy of Certified Mail Receipt P848701372.
2. Letter dated June 5, 2000, from the Board to Mr. Kovacik scheduling a hearing on July 20, 2000, pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358.

3. Letter dated June 19, 2000, from the Board to Mr. Kovacik scheduling a hearing on July 20, 2000, pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358.
4. Judgment Entry from the Court of Common Pleas, Carroll County, Ohio in *State of Ohio vs. Gary L. Kovacik*
5. Count One Certificate from the Court of Common Pleas, Carroll County, Ohio in *State of Ohio vs. Gary L. Kovacik*
6. Count Fifteen Certificate from the Court of Common Pleas, Carroll County, Ohio in *State of Ohio vs. Gary L. Kovacik*
7. Carroll County Sheriff's Department Offense/Incident Report concerning Gary L. Kovacik
8. Copy of Ohio Revised Code Section 2907.31, Disseminating Matter Harmful to Juveniles
9. Copy of Ohio Revised Code Section 2907.05, Gross Sexual Imposition
10. Testimony of William L. Hegarty, Investigative Supervisor, for the Ohio Counselor and Social Worker Board.

### **Findings of Fact**

Gary L. Kovacik was convicted on or about December 27, 1999, in the Court of Common Pleas for Carroll County, Ohio to a charge of Gross Sexual Imposition, a felony of the third degree, and to a charge of Disseminating Matter Harmful to Juveniles, a felony of the fourth degree.

### **Conclusions of Law**

Ohio Revised Code Section 4757.36(A)(5) provides that the Ohio Counselor and Social Worker Board may take disciplinary action against a licensee who has been convicted in Ohio of any crime that is a felony in Ohio.

### **Discussion**

Mr. Kovacik is licensed as a professional clinical counselor in the State of Ohio and as such the Committee has jurisdiction to discipline the license of Mr. Kovacik.

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, Mr. Kovacik did not request a hearing after receipt of his Notice for Opportunity for Hearing.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER, the counselor license of Gary Kovacik (E-2781) is REVOKED. This ORDER was approved by unanimous vote of the Members of the Counselor Professional Standards Committee who heard this case.

Motion carried by order of the Counselor Professional Standards Committee of the Ohio Counselor and Social Worker Board

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

### APPEAL RIGHTS

Pursuant to Section 119.12 of the Ohio Revised Code, you may appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to the court in the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State of Ohio Counselor and Social Worker Board and the appropriate Court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

By Order of the State of Ohio Counselor and Social Worker Board.

  
Chester Partyka  
Chairman