

## ***Counselor, Social Worker & Marriage and Family Therapist Board***

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### **ADJUDICATION ORDER in the Matter of:**

Eugene Burkhammer  
10571 Mayfield Road  
Chesterland, OH 44026

IN THE MATTER OF EUGENE BURKHAMMER TO PRACTICE AS A LICENSED PROFESSIONAL CLINICAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF EUGENE BURKHAMMER CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON NOVEMBER 15, 2012: MARY VENRICK, DR. TERRI HAMM, DR. OTHA GILYARD, MAUREEN COOPER, AND DR. CHRISTIN JUNGERS.

### **FINDINGS, ORDER, AND JOURNAL ENTRY**

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Eugene Burkhammer, by the Counselor Professional Standards Committee on September 21, 2012.

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, Mr. Burkhammer 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 November 15, 2012.

### **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 Mr. Burkhammer dated September 21, 2012.
3. Report of Investigation, dated August 7, 2012, with regard to Eugene Burkhammer
4. Statement dated August 25, 2012, from Mr. Burkhammer.

### **Conclusions of Law**

Ohio Revised Code Section 4757.36(C)(1) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has committed a violation of any provision of the Board's law and rules. Ohio Administrative Code Section 4757-6-01 states that the Board may discipline a licensee who inappropriately provides a custody recommendation to a client which s/he has an established therapeutic relationship.

### **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, Eugene Burkhammer did not request a hearing after receipt of his Notice for Opportunity for Hearing.

The Counselor Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Eugene Burkhammer inappropriately provided a custody recommendation in a case where he had an established therapeutic relationship. Based on this, the Committee orders that Mr. Burkhammer's license to practice as a professional clinical counselor (E.0008105) is, as of December 15, 2012, **RESTRICTED** in that Eugene Burkhammer is prohibited from providing counseling services to children or adolescents under the age of 18 either as individually indentified clients or in a family counseling setting. As Ordered by the Counselor Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board. Ms. Cooper recused herself from the discussion and vote on this case.

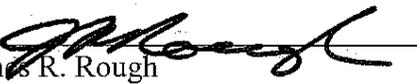
It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

### **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 place of business of the licensee is located or the county in which the licensee is a resident. If the party appealing from the order is not a resident of and has no place of business in this state, 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 filed with the Board and 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.

  
James R. Rough  
Executive Director

November 16, 2012  
Date

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