



**STATE OF OHIO
COUNSELOR AND SOCIAL WORKER BOARD**

**ADJUDICATION ORDER
in the Matter of:**

James E. Davis, III
ADAPT Counseling Services
825 East High Street
PO Box 2283
Springfield, Ohio 45501

THE MATTER OF JAMES E. DAVIS, III CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR AND SOCIAL WORKER BOARD: GLENN ABRAHAM, ROBERT MOORE, CHRISTY NORVELL, CHESTER PARTYKA, C. JOE SAUNDERS, DONALD J. SMITH, AND CARL F. GRAF. CHRISTY NORVELL ABSTAINED FROM THE VOTE DUE TO HER POSITION AS INVESTIGATING MEMBER OF THE BOARD. THE BOARD WAS REPRESENTED BY ASSISTANT ATTORNEY GENERAL ELIZABETH Y. COLLIS.

Summary of Evidence

State's Exhibits:

1. Notice of Opportunity for Hearing that was sent to Mr. Davis on July 22, 1996, by certified mail based on the following allegations: that on or about April 7, 1995, he submitted a letter and Professional Disclosure Statement to the Mental Health Service of Logan and Champaign Counties (Consolidated Care, Inc.) in response to an advertisement for the position of Director of Clinical Service. Mr. Davis signed his name and used the initials LPCC and LSW in violation of R.C. 4757.02 (A), Ohio Administrative Code 4757- 19-01 (D) and 4757-23-02; In the April 7, 1995, letter, Mr. Davis enclosed his resume which listed under the heading "Licenses: State of Ohio: Licensed Professional Clinical Counselor #E731 and Licensed Social Worker License #S1264 in violation of R.C. 4757.02(A),(C), Ohio Administrative Code 4757-19-01(D) and 4757-23-02; Mr. Davis held the position of Clinical Director of the Alcohol and Drug Division of Consolidated Care, Inc. from September 1, 1995, until he was terminated on October 20, 1995. In that position he held himself out as a professional clinical counselor and social worker and he misrepresented the status of his credentials at the time of application and hire in violation of R.C. 4757.13 (A), Ohio Administrative Code 4757-21-01 (B) specifically Appendix A, Code of Ethics of the American Association for Counseling and Development, Section (A)(4) and Appendix B, Code of Ethics of the National Association of Social Workers, Section (I)(2); on or about December 10, 1994, through October 19, 1995, Mr. Davis practiced professional clinical

counseling on his expired Professional Clinical Counseling License at ADAPT Counseling Services in violation of R.C. 4757.02(A); and on or about March 14, 1995, through October 19, 1995, Mr. Davis practiced social work on his expired social worker license at ADAPT Counseling Services in violation of R.C. 4757.02(B).

2. A letter dated August 26, 1996, and amended September 9, 1996, sent to Mr. Davis by certified mail scheduling a hearing on Thursday, September 19, 1996, pursuant to *Goldman v. State Medical Board of Ohio*, (March 29, 1996), Franklin County Court of Appeals, 95APE10-1358 (unreported).
3. A letter dated April 7, 1995, from Mr. Davis to the Mental Health Services of Logan and Champagne Counties responding to an employment advertisement for the position of Director of Clinical Services where Mr. Davis indicates on the attached resume that he is currently licensed as an LPCC and LSW.
4. The job description from Consolidated Care, Inc. for the position of Clinical Director of the Alcohol and Drug Division that indicates the qualifications for the position include having current licensure as a LISW or LPCC.
5. Mr. Davis's August 25, 1995, letter to Consolidated Care, Inc. accepting the position as Clinical Director of the Alcohol and Drug Division.
6. An October 20, 1995, letter signed by William E. Crider, President of Consolidated Care, Inc., terminating Mr. Davis's employment with Consolidated Care, Inc.
7. A November 23, 1995, letter from Mr. Davis indicating he was employed at ADAPT Counseling Services from October 10, 1995, to the present (November 23, 1995).
8. Testimony by Ms. Fossett, Social Worker Investigator, concerning the evidence concerning Mr. Davis.

Findings of Fact

1. James E. Davis is currently licensed as an LSW and LPCC with the Board having renewed his LPCC and LSW licenses on October 19, 1995.
2. From December 10, 1994, until October 19, 1995, Mr. Davis held himself out and practiced as a Licensed Professional Clinical Counselor under an expired license in violation of R.C. 4757.02(A).
3. From March 14, 1995, until October 19, 1995, Mr. Davis held himself out and practiced as a Licensed Social Worker under an expired license in violation of R.C. 4757.02(B).

Conclusions of Law

- A. R.C. Section 4757.02(A) states that
- Except as provided in section 4757.16 of the Revised Code, no person shall engage in or hold himself out as engaging in the practice of professional counseling under the title of "professional counselor" or "counselor assistant" or any other title or description incorporating the word "counselor" for a fee, salary, or other consideration unless he is currently licensed as a professional counselor or registered as a counselor assistant under this chapter and rules adopted under it.
- B. The exceptions to R.C. Section 4757.02 outlined in R.C. Section 4757.16 are not applicable in these circumstances.
- C. R.C. Section 4757.02(B) states that
- No person shall practice or hold himself out as practicing social work for a fee, salary, or other consideration unless he is currently licensed as a social worker or independent social worker or registered as a social work assistant under this chapter and rules adopted under it.

Discussion

The Board prior to rendering its decision, reviewed all the exhibits and testimony that was provided by the State of Ohio.

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 some evidence presented to it and make specific findings of fact. In this case, Mr. Davis did not request a hearing after receipt of his Notice for Opportunity for Hearing. Pursuant to the ruling in *Goldman*, Mr. Davis was not permitted to testify or offer evidence to the Board.

Therefore, the Board finds after reviewing all exhibits and testimony that Mr. Davis violated the requirements of R.C. Section 4757.02(A) and (B) by holding himself out as a Licensed Professional Clinical Counselor and Licensed Social Worker. Therefore, it is Ordered, Adjudicated and Decreed by the State of Ohio Counselor and Social Worker Board that Mr. Davis

1. will have his LPCC and LSW licenses suspended for 120 days beginning November 1, 1996.
2. may present evidence by January 1, 1997, of enrollment in a Board approved, graduate level course in ethics that is taken for credit. If Mr. Davis presents such evidence, the remainder of his suspension will be stayed.
3. must successfully complete the course described in paragraph 2 by December 31, 1997, and must present to the Board an official transcript from the individual university indicating a passing grade.

4. will have his LPCC and LSW licenses revoked if he elects to enroll in the course described in paragraph 2 and does not successfully complete the course with a passing grade.

This ORDER was approved by unanimous vote, with one abstention, of the Members of the Board who heard this case.

Motion carried by order of the Counselor and Social Worker Board.

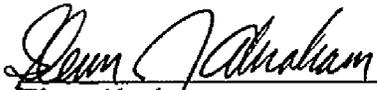
It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

Appeal Rights

Pursuant to Section 119.12 of the 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 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 Revised Code.

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



Glenn Abraham
Chair