



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

ADJUDICATION ORDER
in the Matter of:

Charles W. Schneider
PO Box 110824
Cleveland, Ohio 44111

IN THE MATTER OF THE ELIGIBILITY OF CHARLES W. SCHNEIDER TO BE LICENSED AS A SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF CHARLES W. SCHNEIDER CAME BEFORE THE OHIO COUNSELOR AND SOCIAL WORKER BOARD AT ITS JANUARY 1998 MEETING.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Charles W. Schneider by the Counselor and Social Worker Board on July 22, 1997. An administrative hearing was held on November 12, 1997, at 10:05 a.m. in the offices of the Ohio Counselor and Social Worker Board, 77 S. High Street, Columbus, Ohio 43266, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Jonathan M. Bowman. Charles W. Schneider was present and represented by counsel, Geoffrey Smith.

The Board has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing, and submitted to the Board on December 11, 1997. The Board has also reviewed the Objections to the Hearing Officer Report and Recommendations submitted by Mr. Schneider through his counsel. The Board adopts in their entirety the Findings of Fact and Conclusions of Law. A copy of the Hearing Officer Report and Recommendations is attached to this Adjudication Order. The Board also adopts the Hearing Officer's recommendation to revoke Mr. Schneider's license to practice social work in the State of Ohio.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER and in the attached Hearing Officer Report and Recommendations which is hereby incorporated, by reference, into this ORDER, the license of Charles W. Schneider (S-3140) to practice as a Social Worker in the State of Ohio is REVOKED. This ORDER was approved by unanimous vote of the Members of the Board who reviewed this case.

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

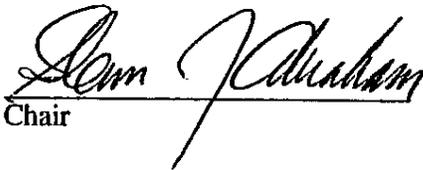
It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

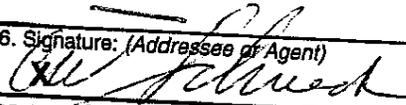
APPEAL RIGHTS

Pursuant to Section 119.12 of the 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.


Chair

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	3. Article Addressed to: Charles W. Schneider PO Box 110824 Cleveland, OH 44111		4a. Article Number P 348 908 989	
			4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
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STATE OF OHIO

COUNSELOR AND SOCIAL WORKER BOARD

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COUNSELOR AND SOCIAL
WORKER BOARD

IN THE MATTER OF THE
LICENSURE OF

Charles W. Schneider

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

AS A SOCIAL WORKER
IN THE STATE OF OHIO

December 11, 1997

FOR THE APPLICANT:

Geoffrey R. Smith
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440/933-3231

HEARING EXAMINER:

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FOR THE BOARD:

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Health & Human Services Section
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Columbus, Ohio 43215
614/466-8600

FINDINGS OF FACT:

1. The hearing on this matter was held on Wednesday, November 12, 1997 commencing at 10:05 a.m. in the offices of the Counselor and Social Worker Board, 77 South High Street, Columbus, Ohio. The Board was represented by Jonathan Bowman, Assistant Attorney General. The licensee, Charles Schneider, was represented by Geoffrey Smith of the law firm of Smith and Smith. The hearing allowed the opportunity for direct and cross examination of witnesses, the submission of documents, and for arguments to be made. State's Exhibits 1-23 were admitted into evidence by stipulation of counsel. (Tr. pp. 17-18) Counsel for both parties agreed to submit depositions that had been taken in a civil case concerning this same matter, so as to limit the need for lengthy and uncomfortable testimony. Although Mr. Schneider's counsel asked that the depositions be submitted in lieu of all testimony, the Assistant Attorney General objected, asking instead to have Ms. Perkins testify as a witness. This hearing examiner admitted the depositions, but allowed the Assistant Attorney General to put on additional testimony from Ms. Perkins, because this case may involve issues that the civil case is not concerned with, and because the Assistant Attorney General was not present at the depositions and did not have the opportunity to cross-examine witnesses. (Tr. pp. 6-11)
2. The Board has proposed disciplinary action against Mr. Schneider's social work license for violations of the Code of Ethics of the National Association of Social Workers, adopted by the Ohio Board at Rule 4757-21-01(B) of the Ohio Administrative Code. The Board alleges that between November 1989 and May 31, 1990, Mr. Schneider had a sexual relationship with Sherry Perkins, a client that he was treating while he was employed by the Lorain County Council of Alcohol and Drug Abuse ("LCCADA"). The Board claims that such a relationship violates Paragraphs II(F)(4) and II(F)(5) of the Code of Ethics of the National Association of Social Workers. Those paragraphs prohibit a social worker from engaging in sexual activities with clients and provide that the social worker should avoid relationships that conflict with clients' interests. (State's Exhibit 1)
3. The Board notified Mr. Schneider of its intention to take disciplinary action against his social work license through a Notice of Opportunity

for Hearing dated July 22, 1997. (State's Exhibit 1) Mr. Schneider's counsel promptly requested a hearing through a letter dated July 31, 1997. (State's Exhibit 2) Mr. Schneider and his counsel received notices of the initial hearing date, two continuances of that date, and of the hearing ultimately held on November 12, 1997. (State's Exhibits 3-9) In addition, at the hearing, Mr. Schneider's counsel requested a continuance of this matter while the civil case is pending. Because the hearing had been scheduled at a date agreeable to Mr. Schneider's counsel prior to the hearing, and because there was no request for a continuance on those grounds prior to the morning of the hearing, the request was denied. (State's Exhibit 7, Tr. pp. 11-13)

4. At the hearing, the State called Sherry Perkins to testify. (Tr. p. 25) Ms. Perkins testified that she has a six-year old daughter, "Erin" whose father is Charles Schneider. (Tr. pp. 25-26) According to her testimony, she first met Mr. Schneider in November 1989 when she was ordered by a court to participate in an outpatient program run by the Lorain County Council on Alcohol and Drug Abuse ("LCCADA"). (Tr. pp. 26-27) At the time she came to LCCADA, she had a history of alcohol abuse. She had left home at the age of eighteen to escape the family stress caused by her father's alcoholism. (State's Exhibit 13, p. 26) She had been hospitalized for detoxification of alcohol and had undergone several different treatment programs for alcoholism. She had also used cocaine. (State's Exhibit 13, pp. 12, 14-15, 49) Finally, in 1989, she was criminally charged with shoplifting vodka and beer, and the court ordered her participation in the program conducted by LCCADA. State's Exhibit 13, p. 17)

5. Ms. Perkins testified that Mr. Schneider was her therapist for individual and group sessions at LCCADA. (Tr. p. 27) After only a couple weeks in counseling with Mr. Schneider, Ms. Perkins began to feel attracted to him. (Tr. pp. 27-29) A letter from psychologist Marc Pagano, Ph.D., admitted by stipulation of the parties, explains this kind of reaction in patients, known as "transference phenomenon." (State's Exhibit 20) Dr. Pagano indicates that in the phenomenon of transference, it is typical for the patient to experience strong positive or negative emotions for the therapist resulting from their own past experiences with significant others in their lives. In "positive transfer-

ence," Dr. Pagano explains that the patient may think that he or she has fallen in love with the therapist and may express those feelings. (State's Exhibit 20, p. 7)

6. Ms. Perkins testified that she told Mr. Schneider of her feelings for him in December 1989, just before the Christmas break. (Tr. pp. 27-29) According to her testimony, Mr. Schneider told her that he had the same feelings for her, and that they hugged and kissed that day. (Tr. pp. 28-29) She testified in a deposition that the kiss was not the kind of kiss she would give to a family member or social acquaintance, and that when they hugged, she was aware that he had an erection. (Tr. p. 45, State's Exhibit 14, p. 15) Mr. Schneider told her that they could meet in January to discuss how they were going to develop their relationship. (Tr. p. 29)
7. Ms. Perkins testified that she met Mr. Schneider at Friendly's Restaurant in the Midway Mall on January 2, 1990, and that he asked her if she still felt the same way. (Tr. p. 29) When she said that she did, they went to the Red Roof Inn in Westlake, Ohio, and had sexual intercourse. (Tr. pp. 29-31, State's Exhibit 13, pp. 38-40)
8. Ms. Perkins testified that in February 1990, Mr. Schneider suggested to her that she was becoming too dependent on a friend she was living with, and she then moved into her own apartment. (Tr. p. 31) After her move, she began to have sex with Mr. Schneider more frequently. (Tr. pp. 31-32) Around this same time, her use of alcohol "escalated out of control." (State's Exhibit 13, p. 33) She also testified that after beginning a sexual relationship with Mr. Schneider, her counseling sessions became more focused on her relationship with him. (State's Exhibit 13, pp. 41-42)
9. Ms. Perkins testified that in April 1990, she told Mr. Schneider that she had some concerns that she would like to discuss with a female therapist. (Tr. p. 35, 46) According to Ms. Perkins' testimony, Mr. Schneider discouraged Ms. Perkins from seeing a female therapist. (Tr. pp. 35-36, State's Exhibit 13, p. 52) It should be noted that the LCCADA document introduced as part of State's Exhibit 19 indicates

that Ms. Perkins had appointments with someone named "Tess," but did not keep them. However, there is not sufficient evidence to indicate whether she did miss appointments, and if so, why she missed the appointments. In Ms. Perkins's deposition at State's Exhibit 14, she refers to someone named "Mary Kay" as a female therapist at LCCADA. "Tess" is identified in other documents as Tess Gardner in the initial admissions department. (State's Exhibit 14, pp. 26-27, State's Exhibit 15, p. 28)

10. Various documents admitted as State's Exhibits indicate that Ms. Perkins was hospitalized on two different occasions in April and May of 1990 after attempting suicide. (State's Exhibits 20, 23)
11. Ms. Perkins testified that she eventually told her sister, Shirley Perkins, that she was involved in an affair with Mr. Schneider, and that Shirley then told their mother. (Tr. pp. 36-38) State's Exhibit 19, admitted by stipulation of the parties at the hearing, appears to be an internal report of the LCCADA dated May 30, 1990 and documenting a telephone call by Genieve Perkins to inform the agency that her daughter, Sherry Perkins, was having an affair with Charles Schneider. According to Ms. Perkins's testimony, Mr. Schneider then instructed her to "clean up the situation" by denying the existence of the sexual relationship. (Tr. p. 38) At the hearing, Ms. Perkins was presented with a document dated May 31, 1990 and bearing her signature. (State's Exhibit 19, Tr. pp. 37-40) The document says "I understand that my mother, Genieve Perkins, has verbally accused Chuck Schneider and I of having an affair. My signature below attests to the fact that this is not true." (State's Exhibit 19, Emphasis in original) Mr. Schneider claims that this document demonstrates that the affair did not begin until after May 31, 1990. However, Ms. Perkins testified that she was indeed having a sexual affair with Mr. Schneider at that time and was lying when she signed this document because Mr. Schneider had told her to do this. (Tr. pp. 39-40) Ms. Perkins relates that Schneider told her that they had to make sure no one else knew about their relationship because others would "try to make something ugly out of something beautiful." (State's Exhibit 13, p. 77) Ms. Perkins also testified in a deposition that she "couldn't bear the stress of thinking that she could be responsible for his losing his job." (State's Exhibit 13, p. 77)

12. In late May or early June 1990, Ms. Perkins left LCCADA because she could not stay sober, and continued sobriety was a requirement for participation in the program. (Tr. p. 30, State's Exhibit 13, pp. 53-54) She testified that she continued to see Mr. Schneider personally and that in October 1990, she became pregnant by him. (State's Exhibit 13, pp. 52-54) Ms. Perkins testified that Mr. Schneider initially appeared happy when she told him of her pregnancy and told her he would help financially. (State's Exhibit 13, p. 57) She claims that he only began to deny paternity once he learned that she had consulted a lawyer. (Tr. p. 47)
13. Ms. Perkins testified that her relationship with Mr. Schneider ended in March 1991. (Tr. pp. 42-44) For one week in late June 1991, just prior to the birth of her daughter, Ms. Perkins was hospitalized for protective observation because she could no longer cope with her impulses to abuse alcohol and was having thoughts of suicide. (State's Exhibit 20, p. 3) Ms. Perkins's daughter, Erin, was born on July 5, 1991.
14. According to Ms. Perkins, after she filed a complaint for paternity against Mr. Schneider, she called him to request his help with a list of personal items that the baby needed. (State's Exhibit 14, p. 36.) According to her testimony, Schneider told her that she should get back to him in a couple of days to see how he was able to do with the list, but when she called back, he refused to take her call. (State's Exhibit 14, p. 36.)
15. The documents admitted by stipulation demonstrate that Mr. Schneider repeatedly denied paternity, saying that he had never had any sexual relationship with Ms. Perkins. (State's Exhibits 16, 21) However, genetic tests completed in April 1992 indicate that Mr. Schneider is in fact Erin's father, and Mr. Schneider's counsel indicated at the hearing that Schneider now admits having had a sexual relationship with Ms. Perkins. (State's Exhibit 21, Tr. p. 66) Nearly one year after the genetic testing, Mr. Schneider withdrew his answer to the complaint filed against him in the Lorain County Juvenile Court to establish pa-

ternity and waived jury trial, at which time the court declared him to be Erin's father and ordered him to pay child support in the amount of \$20 per week. (State's Exhibit 12) Ms. Perkins testified that Mr. Schneider has paid child support since the court's determination that he is Erin's father, although he has no visitation with her. (Tr. pp. 42, 46) Erin was at one time in foster care with Lorain County Children's Services, but now resides with her maternal grandparents. (State's Exhibit 13, p. 8, Tr. p. 26.)

16. Mr. Schneider did not testify at the hearing, although he was present during Ms. Perkins's testimony. The deposition admitted by stipulation as State's Exhibit 15 details Mr. Schneider's account of the facts in this case. According to Mr. Schneider's testimony in the deposition, he believes his sexual relationship with Ms. Perkins began in the summer of 1990, after Ms. Perkins made several calls to him at LCCADA asking him to see her. (State's Exhibit 15, pp. 9-10, 16-17) He testified that she called to talk to him about problems, usually her dissatisfaction with other therapists. (State's Exhibit 15, p. 18) Mr. Schneider testified that he couldn't remember the date when Ms. Perkins first demonstrated romantic feelings for him, but he was sure it was not while he was counseling her at LCCADA. (State's Exhibit 15 pp. 19-23, 37) He testified that Ms. Perkins never indicated to him while he was her counselor that she might like to see a different counselor because of her feelings for him. (State's Exhibit 15, pp. 37-38) In his deposition, Mr. Schneider acknowledged that he knew while he was working at LCCADA that if he became involved with a patient, he would probably be terminated from his employment. (State's Exhibit 15, p. 47) Mr. Schneider resigned from his employment at LCCADA through a letter dated March 1, 1991. (State's Exhibit 17)

DISCUSSION

The sole question to be answered in this case is whether or not Mr. Schneider engaged in a sexual relationship with Sherry Perkins while he was providing therapy to her, specifically between November 1989 and May 1990. Ms. Perkins testified that the sexual relationship did take place during that time period, and Mr. Schneider contends that it began only after May 1990, when Ms. Perkins was no longer his client. Thus, as the trier of fact, I must decide whom to believe.

I had the opportunity to observe Sherry Perkins's testimony, as well as the opportunity to read two depositions that had been taken of her prior to this hearing. I find that she is a credible witness, and that her testimony about the events at issue is consistent throughout the depositions and the testimony at the hearing.

Although Mr. Schneider did not testify at the hearing, I gained an understanding of his account of the facts through the documents admitted as State's Exhibits, particularly through his deposition admitted as State's Exhibit 15. I find Mr. Schneider to have no credibility. My review of the documents strongly suggests to me that Mr. Schneider has been untruthful again and again and again in this matter. A review of the timeline of events demonstrates why I find his testimony completely unreliable. In February 1992, Mr. Schneider underwent genetic tests by Roche Biomedical Laboratories to determine whether or not he was the father of Erin Perkins. (State's Exhibit 21) The tests determined that he was indeed the father, and the cover letter indicates that those results were available by May 1, 1992. Ms. Perkins's depositions even indicate that two paternity tests were performed. Yet in November 1992, Mr. Schneider swore under oath in an affidavit submitted to a court of law that he could not possibly be the father of Sherry Perkins's child because he had never engaged in sexual intercourse or activities of any kind with her that would enable her to become pregnant with his child. (State's Exhibit 21) Likewise, in Mr. Schneider's letter to the Board dated September 21, 1996, he writes, "In conclusion, I was not in any sexual relationship with this person." (State's Exhibit 16) Thus, more than *four years* after paternity tests showed that he was the father of Ms. Perkins's child, he was still denying ever having had sex with her.

Now, Mr. Schneider admits that he did indeed have a sexual relationship with Ms. Perkins. (State's Exhibit 15) However, he insists that it began not when Ms. Perkins says it did, but that it began after she was no longer his client. This is an important distinction because the relevant ethical rules regarding sexual relationships with clients do not specifically speak to "former clients," but only to "clients." Mr. Schneider contends that because she was a former client at the time he says the sexual relationship began, he did not violate the Code of Ethics.

Because of the evidence that he has repeatedly tried to deny responsibility for this relationship and for the child resulting from it, I do not find

his account of the facts credible. Moreover, his version of the facts simply is not plausible. There is no dispute that Ms. Perkins's mother complained to LCCADA in May 1990 about an alleged affair that her daughter was having with Mr. Schneider. I believe Ms. Perkins's testimony that she was persuaded by Mr. Schneider to deny the existence of the affair at that time. Mr. Schneider indicated in his deposition that he knew at that time that having such a relationship would jeopardize his employment at LCCADA, and therefore I find that he had a motive to exert such an influence upon her. (State's Exhibit 15, p. 47) Mr. Schneider asks the Board to believe that it was only *after* Ms. Perkins's mother made these false allegations attacking his professional ethics that he chose to begin an affair with her. Such a story makes no sense. One would think that he would avoid Ms. Perkins at all costs after such a damaging false accusation had been made against him by her mother.

In addition, after carefully reading all of the depositions as well as the transcript of the administrative hearing, it is my determination that Ms. Perkins has consistently recounted the events of her relationship with Mr. Schneider and the dates on which those events took place. She has remained steadfast in her assertion that they first engaged in sexual intercourse on January 2, 1990, which she claims was an important event for her because it was her first sober sexual experience. (Tr. pp. 29-31, State's Exhibit 13 pp. 38-40, State's Exhibit 14 pp. 19-24) Finally, Ms. Perkins's testimony in the depositions appears direct and forthright, as it was at the administrative hearing. In contrast, Mr. Schneider's testimony in his deposition at State's Exhibit 15 appears obstinate and evasive.

For all of these reasons, I am overwhelmingly compelled to believe that Mr. Schneider engaged in a sexual affair with Ms. Perkins between November 1989 and May 31, 1990, while Ms. Perkins was still his client. Therefore, I find that Mr. Schneider violated paragraphs II(F)(4) and II(F)(5) of the Code of Ethics of the National Association of Social Workers, adopted by this Board as the standard for its social workers at Rule 4757-21-01.

As for the matter of what kind of action is appropriate, I find that Mr. Schneider's mistake in his treatment of this client was so incomprehensively gross that the only responsible sanction I can recommend is the revocation of his license to practice social work. I understand and do not doubt that Mr. Schneider has already suffered the costs of this mistake both personally and financially. However, his mistake likely caused much greater suffering

to his client and to the child for whom he has taken little responsibility. I am also aware that Mr. Schneider's bachelor's degree is in business and not in social work or counseling or psychology, such that he would have received specific training relevant to the "transference phenomenon." (State's Exhibit 15, pp. 43-44) Whatever the cause of his mishandling this client's case, the fact that such a serious mistake occurred indicates that Mr. Schneider is not competent to practice social work in a professional and ethical manner. For these reasons, I recommend that the Board revoke his license.

CONCLUSION OF LAW

I find that Mr. Schneider violated paragraphs II(F)(4) and II(F)(5) of the Code of Ethics of the National Association of Social Workers, adopted and incorporated into the Ohio laws and rules at Rule 4757-21-01 of the Ohio Administrative Code. Therefore, the Board is authorized pursuant to R.C. 4757.13(A) to revoke his license to practice social work.

RECOMMENDATION

For the reasons detailed in this report, I recommend that Charles W. Schneider's social work license be revoked.



Ronda S. Shamansky
Hearing Examiner