

STATE OF OHIO
COUNSELOR AND SOCIAL WORKER BOARD
77 SOUTH HIGH STREET, 16TH FLOOR
COLUMBUS, OHIO 43266-0340

IN THE MATTER OF THE HEARING OF:

SUSAN ANNE SUTTON-EVANS
5530 Allentown Road
Elida, Ohio 45807

Before the State of Ohio Counselor and Social Worker Board

ADJUDICATION ORDER

INTRODUCTION

The matter of Susan Anne Sutton-Evans came to hearing on October 16, 1992, at 77 S. High St., Columbus, Ohio, before hearing officer R. Kevin Kerns. The Board, at its January 16, 1993 Board meeting, reviewed the exhibits, transcripts and hearing officer report.

FINDINGS AND FACTS

On April 10, 1992, the Counselor and Social Worker Board issued a Notice of Proposed Revocation, or Suspension of Licensed Social Worker License. The notice advised that the Board's intention was to determine whether to issue a reprimand or suspend or revoke Ms. Sutton-Evans license. The Notice addressed the following areas:

- A. On June 10, 1991, Susan Anne Sutton-Evans was convicted in this state of at least a misdemeanor committed in the course of her work as a licensed social worker. That for a period of time prior to and leading up to the conviction on June 10, 1991, Ms. Sutton-Evans participated in, condoned, or was associated with dishonesty, fraud, deceit and/or misrepresentation, that Ms. Sutton-Evans did not act in accordance with the highest standards of professional integrity and impartiality; and that Ms. Sutton-Evans exploited her professional relationships for personal gain.

Such actions are in violation of Ohio Revised Code Section 4757.13 (G), and Ohio Administrative Code Sections 4757-27-01 and 4757-21-01 (B).

On May 4, 1992, Ms. Sutton-Evans requested a hearing before the Board relative to the Notice on October 10, 1992, the Board advised Ms. Sutton-Evans that her hearing would be heard on October 16, 1992. On December 7, 1992, the Hearing Officer submitted his report and recommendations. His report included the following:

Criminal Conviction

On June 10, 1991, a JUDGMENT ENTRY OF CONVICTION AND SENTENCING (BILL OF INFORMATION) was filed in the Common Pleas Court of Allen County, Ohio, wherein Ms. Sutton-Evans was adjudged guilty of the offense of:

COUNT 1 - ATTEMPTED GRAND THEFT, R.C. 2923.02 AND R. C. 2913.02, MISDEMEANOR 1;

COUNT 2 - ATTEMPTED FORGERY, R. C. 2923.02 AND R. C. 2913.31 (A) (1), MISDEMEANOR 1.

The convictions of Ms. Sutton-Evans were related to acts committed by Ms. Sutton-Evans during her employment at Family Resource Centers. Specifically, on numerous occasions from late 1986 through early 1991, Ms. Sutton-Evans wrongfully signed grocery vouchers for which she wrongfully received groceries and other items. The cost of these items were charged to Ms. Sutton-Evans' employer. The items wrongfully obtained by Ms. Sutton Evans were valued at approximately \$2,492.63.

Ms. Sutton-Evans was sentenced to the Allen County, Ohio Jail for a period of six (6) months, sentences to be served concurrent. Said sentences were suspended upon the following terms and conditions:

- (1) THAT THE DEFENDANT HAVE NO FURTHER VIOLATIONS OF LAW;
- (2) THAT THE DEFENDANT MAKE DIRECT RESTITUTION IMMEDIATELY OF \$2,492.63 TO THE FAMILY RESOURCE CENTER PLUS ANY OTHER BILLS SUBMITTED TO THE COURT BY JUNE 28, 1991 THAT ARE DETERMINED BY THE COURT TO BE DUE THE FAMILY RESOURCE CENTER;
- (3) THAT THE DEFENDANT CONTINUE AND SUCCESSFULLY COMPLETE ANY PSYCHOLOGICAL COUNSELING;
- (4) THAT THE DEFENDANT PERFORM 200 HOURS OF COMMUNITY SERVICE AT CROSSROAD CRISIS CENTER OR SAMARITAN HOUSE TO BE VERIFIED BY DEFENDANT'S ATTORNEY THROUGH THE ALLEN COUNTY PROSECUTOR'S OFFICE THAT SAID COMMUNITY SERVICE HAS BEEN COMPLETED.

Since her conviction on June 10, 1991, Ms. Sutton-Evans has successfully completed the terms and conditions set forth by Allen County Common Pleas Court when the Court suspended Ms. Sutton-Evans' sentences. Specifically, Ms. Sutton-Evans has had no further violations of the law to date. Ms. Sutton-Evans has made restitution of \$2,492.63 to the Family Resource Centers. Prior to and since her convictions, Ms. Sutton-Evans has been in therapy at Comprehensive Psych Services, Inc. relative to her inappropriate conduct. In the opinion of Michael D. Griffith, M.S. and John W. Mize, Ph.D. of Comprehensive Psych Services, Inc., Ms. Sutton-Evans' "contribution and

commitment to personal change was sincere and she successfully resolved difficulties with behavioral insight and emotional honesty." Ms. Sutton-Evans has performed the required 200 hours of community service at Crossroads Crisis Center and continues to volunteer there periodically.

Circumstances surrounding Criminal Acts of Ms. Sutton-Evans

At the time she committed the criminal acts at issue, Ms. Sutton-Evans was employed as a counselor with Family Resource Centers. It was during the course of this employment that she learned of the grocery voucher system utilized by Family Resource Centers. With this knowledge, Ms. Sutton-Evans committed the criminal acts for which she was convicted.

At the time the acts were committed and presently, Ms. Sutton-Evans was married with two (2) children. At times during this period, Ms. Sutton-Evans and her husband, Trevor Evans, had financial difficulties. According to Ms. Sutton-Evans' testimony, the financial difficulties were due, in part, to Mr. Evans' periodic unemployment. Throughout this time period, Ms. Sutton-Evans was responsible for managing the financial affairs of the family. Ms. Sutton-Evans felt isolated with this responsibility and personally pressured herself to insure that the financial commitments of the family were met.

Current Employment Status of Ms. Sutton-Evans

Following the discovery in January, 1991 of the thefts committed by her, Ms. Sutton-Evans was fired from her employment with Family Resource Centers. After her firing, Ms. Sutton-Evans contacted Bruce C. Maag, MS, LSW, LPC, Executive Director, Specialized Alternatives For Youth of Ohio ("SAFY") regarding possible employment. On June 10, 1991, Ms. Sutton-Evans was hired by SAFY as Affiliated Projects Director. Ms. Sutton-Evans' current job title is Director of Affiliated Programs.

At the time she was hired, SAFY was fully aware of her criminal convictions and the circumstances surrounding them. In this regard, it should be noted that Ms. Sutton-Evans testified that Mr. Maag contacted Robert M. Nagle, Ph.D., Program Director, Family Resource Centers, to discuss the circumstances of her firing. In fact, Dr. Nagle, in a letter to the Board dated July 16, 1992, stated:

Ms. Evans has been working successfully as a supervisor in the Lima Community for S.A.F.Y., apparently without a reoccurrence of her difficulties. Therefore, in an effort to temper "justice with mercy" and to further Ms. Evans rehabilitation, I am requesting that the Licensure Review Board consider putting Ms. Evans license on a probationary status, rather than suspending or revoking it. My initial inclination was one of taking revenge for the harm that Ms. Evans brought to this agency, but upon reflection, feel that assisting Ms. Evans rehabilitation as a useful member of the social service community would be more in line with the purpose of Family Resource Centers as a children/family treatment agency. Thank you for your consideration.

On June 30, 1992, Ms. Sutton-Evans received her one-year employee evaluation at SAFY. A review of the evaluation reveals that Ms. Sutton-Evans' job performance has been at or above the expected level in all categories. In the Comments Section of the evaluation, it was noted that "[o]verall Suzie has done an excellent job. Her ability to endure past personal problems while adjusting to a new position surprises me."

CONCLUSION OF LAW

In the Notice of Proposed Revocation or Suspension of Licensed Social Worker License sent to her by the Board, Ms. Sutton-Evans was advised that the acts committed by her which formed the bases of the June 10, 1991 convictions were in violation of Section 4757.13 (G) of the Ohio Revised Code and Section 4757-27-01 and 4757-21-01 (B) of the Ohio Administrative Code. Section 4757.13, Ohio Revised Code, in pertinent part, states:

The counselor and social worker board may, in accordance with Chapter 119, of the Revised Code, refuse to issue or renew, or may suspend or revoke, any license or certificate of registration applied for or issued under this chapter and rules adopted under it if the person has:

(G) Been convicted in this state or in any other state of a misdemeanor committed in the course of his work as a professional counselor, counselor assistant, social work assistant, social worker, or independent social worker.

Section 4757-25-01 of the Ohio Administrative Code, in pertinent part, provides:

The board may refuse to admit for examination, issue, renew, or may suspend, any license or certificate of registration applied for or issued under Chapter 4757, of the Revised Code, or may take other disciplinary action against any licensee or registrant, if that person has:

(B) Violated any provision of the code of ethics or committed any other violation of professional behavior contained in these rules; and/or,

(C) Committed a violation of any provision of Chapter 4757, of the Revised Code, or of rules adopted under it, including the following provisions of section 4757.13 of the Revised Code:

(6) Been convicted in this state or any other state of a misdemeanor committed in the course of his/her work as a professional counselor, counselor assistant, social work assistant, social worker, or independent social worker.

Section 4757-21-01 of the Ohio Administrative Code, in pertinent part, states:

* * *

Preamble: Counselors and social workers have a belief in the inherent worth, integrity, and dignity of each individual and his/her right of self-determination.

(B) For person engaged in social work, the board hereby adopts the code of ethics of the "National Association of Social Workers" as the standard for professional and ethical behavior. Said code of ethics is included as appendix B of this rule...

In the instant case, Ms. Sutton-Evans was convicted of Attempted Grand Theft and Attempted Forgery, both classified as misdemeanors in Ohio. The acts which formed the bases of these convictions were committed by Ms. Sutton-Evans in the course of her work as a social worker. Specifically, through her work at Family Resources Centers, Ms. Sutton-Evans obtained knowledge of the grocery voucher system which enabled her to wrongfully receive groceries and other items.

As a result of the foregoing, the Hearing Officer found that Ms. Sutton-Evans had been convicted in the State of Ohio of a misdemeanor committed in the course of her work as a social worker. Therefore, pursuant to Section 4757.13 (G), Ohio Revised Code, and Section 4757-27-01 (C) (6) of the Ohio Administrative Code, the Hearing Officer found that the Board had the authority to suspend, revoke or take other disciplinary action against the social worker license held by Ms. Sutton-Evans.

With respect to the actions of Ms. Sutton-Evans which formed the bases of the misdemeanor convictions, the Hearing Officer further found that Ms. Sutton-Evans is subject to the discipline of the Board based upon Section 4757-21-01 of the Ohio Administrative Code which adopts by reference the Code of Ethics of the National Association of Social Workers. In this regard, Section 4757-27-01 (B) of the Ohio Administrative Code provides that the Board may take disciplinary action against a licensee that violates their profession's code of ethics. The Social Worker Code of Ethics specifically provides that a social worker shall not participate in dishonesty, fraud, deceit, or misrepresentation; that a social worker should act in accordance with the highest standards of professional integrity and impartiality; and that a social worker should not exploit professional relationships for personal gain (see Sections I (A) (2), I (D) and I (D)(2) of the Social Worker Code of Ethics, attached hereto as Appendix A). In the instant case, the Hearing Officer found that Ms. Sutton-Evans did participate in dishonesty, fraud, deceit and misrepresentation; did not act in accordance with the highest standards of professional integrity; and did exploit professional relationships for personal gain. As a result, the Hearing Officer found that Ms. Sutton-Evans is also subject to disciplinary action by the Board pursuant to Section 4757-27-01 (B) of the Ohio Administrative Code.

RECOMMENDATION

In light of the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommended that the social worker license held by Susan Anne Sutton-Evans be **SUSPENDED** by the Counselor and Social Worker Board for a period of two (2) years. The Hearing Officer further recommended that said suspension be **STAYED**, subject to the following **PROBATIONARY** terms, conditions, and limitations for a period of two (2) years.

A. Ms. Sutton-Evans shall obey all federal, state, and local laws, and all rules governing the practice of Social Work in the State of Ohio.

B. Ms. Sutton-Evans shall submit quarterly declarations under penalty of perjury stating that there has been compliance with all terms of **PROBATION**.

C. Ms. Sutton-Evans shall appear in person for interviews before the full Board or its designated representative at six (6) month intervals or as otherwise directed by the Board.

D. Ms. Sutton-Evans shall perform a minimum of ten (10) hours per month of volunteer work at the Crossroads Crisis Center. At six (6) month intervals, Ms. Sutton-Evans shall insure that verification of completion of the volunteer work is submitted to the Board by the Crossroad Crisis Center. Should the Crossroad Crisis Center go out of existence during the probationary period, Ms. Sutton-Evans shall continue to perform volunteer work at a minimum of ten (10) hours per month for another agency or program to be approved by the Board.

E. At six (6) month intervals, Ms. Sutton-Evans shall insure that written reports concerning her employment performance be submitted to the Board by Specialized Alternatives for Youth of Ohio. In the event that the employment status of Ms. Sutton-Evans changes during the period of probation, Ms. Sutton-Evans shall immediately advise the Board and insure that written reports concerning her employment performance be submitted by her new employer.

The Hearing Officer further recommended that if Ms. Sutton-Evans violates the terms of the PROBATION in any respect, or fails to timely comply Section B,C,D, and E, above, the Board, after giving her notice and an opportunity to be heard, may set aside the stay order and impose the suspension of Ms. Sutton-Evans' license to practice social work in Ohio for a period of two (2) years beginning on the date the Board sets aside the stay order.

The Hearing Officer further recommended that, upon successful completion of the PROBATION, Ms. Sutton-Evans license be fully restored.

ORDER

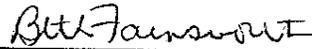
That the Board at its January 16, 1993 meeting hereby accepts the Hearing Officer's Report and Recommendations with the following modification: that, if during the probationary period, the Board should become aware of any infractions of Section 4757 of the Ohio Revised Code committed by Ms. Sutton Evans, that immediate suspension will be imposed after which an investigation will be made as to the revocation of Ms. Sutton-Evans license pursuant to Ohio Revised Code 119 and 4757.

APPEAL RIGHTS

The Board's Adjudication Order may be appealed pursuant to Section 119.12 of the Ohio Revised Code to the Court of Common Pleas of the appropriate county by filing a notice of appeal with the Board, setting forth the order appealed from and grounds for the appeal. A copy of such notice must also be filed with the Court of Common Pleas to which you take your appeal. Such notice of appeal must be filed within fifteen (15) days after the effective date of the Final Order in this matter.

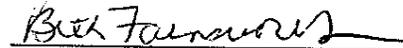


H. BRENEMAN BLAINE
Chairman, State of Ohio
Counselor and Social
Worker Board



BETH FARNSWORTH
Executive Secretary
State of Ohio
Counselor and Social Worker Board

I hereby certify that a true and accurate copy of this Adjudication Order of the State of Ohio Counselor and Social Worker Board was mailed, Certified Mail Number P 645 739 818, Return Receipt Requested to Susan Sutton-Evans, 5530 Allentown Road, Elida, Ohio 45807, and Anthony L. Geiger, Esq., 211 N. Elizabeth Street, Lima, Ohio 45801, this 12th day of March, 1993.



BETH FARNSWORTH

cc: Lili Kaczmarek
Assistant Attorney General

RECEIVED

MAR 15 1993

APPLIED SOLUTIONS INC.