



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

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

Derek C. Whitmore  
1963 Laurel Hill Drive  
Cleveland, OH 44121-3755

IN THE MATTER OF DEREK C. WHITMORE TO PRACTICE AS A LICENSED  
SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF DEREK C. WHITMORE CAME BEFORE THE FOLLOWING  
MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS  
COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE  
AND FAMILY THERAPIST BOARD ON JANUARY 17, 2008: TIM BRADY,  
JENNIFER RIESECK-LEE, KAREN HUEY, ROBERT NELSON, AND MOLLY  
TUCKER.

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

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Derek C. Whitmore by the Social Worker Professional Standards Committee on October 19, 2007.

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. Whitmore 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 Social Work Professional Standards Committee on January 17, 2008.

### **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. Whitmore dated October 19, 2007.
3. Audit request and follow-up memo concerning Mr. Whitmore
4. Correspondence from Mr. Hegarty to Mr. Whitmore

### **Conclusions of Law**

Ohio Revised Code Section 4757.36(A)(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 4757-11-01(C)(21)(b) states that the Board may discipline a licensee who cannot present proof of thirty hours of approved continuing education when audited. Ohio Administrative Code Section 4757-11-01(C)(17) states that the Board may discipline a licensee who fails to submit any records, documents, written statements or explanations that have been requested by the Board.

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

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Mr. Whitmore did not comply with the audit requirement after renewing his social work license through March 2009, and did not submit the necessary requested documentation. Based on this, the Committee orders that Mr. Whitmore's license to practice as a social worker (S-0021211) is **REVOKED**. As Ordered by the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

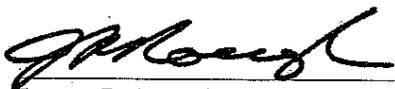
It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

**APPEAL RIGHTS**

Under the provisions of Ohio Revised Code Section 119.12, any party adversely affected by an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a license, or revoking or suspending a license, may appeal from the order of the agency to 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 any such party is not a resident of and has no place of business in Ohio, the party may appeal to the court of common pleas of Franklin County

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 50 West Broad Street, Suite 1075, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

By Order of the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.



James R. Rough  
Executive Director

1-18-08  
Date

Certified Mail Receipt #7005 2570 0002 1220 6704