



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

50 West Broad Street, Suite 1425
Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.state.oh.us

ADJUDICATION ORDER
in the Matter of:

James R. Baker
9091 State Route 83
Holmesville, OH 44633

IN THE MATTER OF JAMES R. BAKER TO PRACTICE AS A LICENSED SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF JAMES R. BAKER CAME BEFORE THE FOLLOWING MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD: DR. TERRY CLUSE-TOLAR, GLENN ABRAHAM, ROCKY BLACK, JENNIFER RIESBECK-LEE, AND MOLLY MICHELBRINK.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to James R. Baker by the Social Work Professional Standards Committee on October 1, 2005.

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, James R. Baker did not sign for the certified mailing of the Notice of Opportunity for Hearing so the Board, pursuant to Ohio Revised Code Section 119, published the Notice one day for three consecutive weeks in the Wooster Daily Record and Mr. Baker would have had thirty days from the last day of publishing to request a hearing. James R. Baker 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 a hearing was held before the Social Worker Professional Standards Committee on January 20, 2006.

Summary of Evidence

State's Exhibits

1. Affidavit of William Hegarty, Deputy Director, Ohio Counselor, Social Worker, and Marriage and Family Therapist Board
2. Notice of Opportunity for Hearing to James R. Baker dated October 1, 2005. (State's Exhibit A)
3. Affidavit from the Wooster Daily Record showing proof of publishing of the Notice of Opportunity for Hearing. (State's Exhibit B)
4. Court documents obtained from the Wayne County Court of Common Pleas concerning Mr. Baker. (State's Exhibit C)
5. Board computer printout concerning Mr. Baker. (State's Exhibit D)

Findings of Fact

In July 2005, James R. Baker was convicted of Theft, a violation of Ohio Revised Code Section 2913.02, a felony of the fifth degree, and of Theft, a violation of Ohio Revised Code Section 2913.02, a misdemeanor of the first degree, in the Wayne County Court of Common Pleas, Wooster, Ohio.

Conclusions of Law

Ohio Revised Code Section 4757.36(A)(5) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has been convicted of any crime that is a felony in the State of Ohio. Ohio Revised Code Section 4757.36(A)(7) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has been convicted in Ohio of a misdemeanor committed in the course of practice as a social worker,

Discussion

The Committee, prior to rendering its decision, considered all the documentary evidence provided in the case. Mr. Baker is licensed as a social worker in the State of Ohio and as such the Committee has jurisdiction to discipline the license of Mr. Baker. Mr. Baker has

been duly convicted in court for theft resulting in a felony and misdemeanor conviction. Both charges arise out of his social work practice in an agency setting.

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. Baker did not make a timely request for a hearing after the publishing of the Notice for Opportunity for Hearing.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER, the social work license of James R. Baker (S-0027595) is REVOKED. This ORDER was approved by unanimous vote of the Members of the Social Work Professional Standards Committee who heard this case.

Motion carried by order of the Counselor, Social Worker, and Marriage and Family Therapist Board

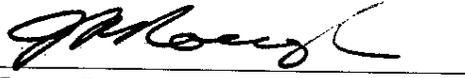
It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

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 1425, 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

January 23, 2006
Date

Certified Mail Receipt #7001 0360 4138 8131