



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

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ADJUDICATION ORDER
in the Matter of:

SHEILA BUELL
127 CALIFORNIA BLVD.
TOLEDO, OH 43612

**IN THE MATTER OF THE ELIGIBILITY OF SHEILA BUELL TO MAINTAIN
LICENSURE AS A SOCIAL WORKER IN THE STATE OF OHIO.**

THE MATTER OF SHEILA BUELL CAME BEFORE THE SOCIAL WORKER
PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR,
SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON
NOVEMBER 18, 2005.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Sheila Buell-Crowe-Trawinski by the Counselor, Social Worker, and Marriage and Family Therapist Board on November 22, 2004. An administrative hearing was held on September 19, 2005, at 9:00 a.m. in the offices of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board, 77 S. High Street, Columbus, Ohio 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Peter R. Casey, IV. Sheila Buell-Crowe-Trawinski was present and represented by legal counsel, David Grude.

The Social Worker Professional Standards Committee has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing, and attached to this Order. The Committee also reviewed the objections to the Hearing Officer Report and Recommendations filed by Ms. Buell. The Committee finds that Ms. Buell violated Ohio Revised Code Sections 4757.36(A)(1) and 4757.26 (C) and Ohio Administrative Code Sections 4757-5-01(B)(4), (C)(1), and (H)(2), and accepts the

Hearing Officer Report and Recommendations in its entirety. The Committee Orders that Ms. Buell's license to practice social work (S-0028304) is **REVOKED**.

This ORDER was approved by unanimous vote of the Members of the Committee who reviewed this case.

Motion carried by order of the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

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, 77 S. High Street, 16th Floor, 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

Nov 22, 2005

Date

Certified Mail Receipt #7002 2030 0000 7089 4884

STATE OF OHIO
COUNSELOR, SOCIAL WORKER AND
MARRIAGE AND FAMILY THERAPIST BOARD

CSWMFTB

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IN THE MATTER OF THE
LICENSURE OF

Sheila Buell

REPORT AND RECOMMENDATION OF
HEARING EXAMINER

AS A SOCIAL WORKER
IN THE STATE OF OHIO

October 18, 2005

FOR THE RESPONDENT:

David Grude
4253 Monroe Street
Toledo, OH 43606
419/472-5835

HEARING EXAMINER:

Ronda Shamansky
245 East Gay Street
Columbus, Ohio 43215-3210
614/224-9078

FOR THE BOARD:

P. R. Casey
Assistant Attorney General
Health & Human Services Section
30 E. Broad St., 26th Floor
Columbus, Ohio 43215
614/466-8600

FINDINGS OF FACT:

1. The hearing on this matter was held on Monday, September 19, 2005 commencing at 9:00 a.m. in a conference room at the offices of the Counselor, Social Worker, and Marriage and Family Therapist Board, 77 South High Street, Columbus, Ohio. The Board was represented by P.R. Casey, Assistant Attorney General, and Ms. Buell was represented by her counsel, David Grude. The hearing allowed full opportunity for direct and cross examination of witnesses, the submission of documents, and for arguments to be made. Because this case concerns the treatment of mental health clients, it was agreed by all parties at the hearing to use only the clients' first names, and that if a record is certified for an appeal, all references to the client names in the transcript will be redacted in a way that preserves their privacy.
2. The Board has proposed disciplinary action against Sheila Buell's license to practice social work because of alleged violations of the Ohio laws and rules governing social workers which appear in Chapter 4757 of the Revised Code. Specifically, the Board alleges that Ms. Buell engaged in the private practice of social work as an individual practitioner, which she cannot do as a licensed social worker ("LSW"), in violation of R.C. 4757.26(C). The Board also alleges that she violated Administrative Rules 4757-5-01(C)(1) and 4757-5-01(H)(2) by arranging for a client to clean her house in exchange for counseling services, and by hiring that same client and two of her friends to help her move when she changed residences. Finally, the Board alleges that Ms. Buell violated Administrative Rule 4757-5-01(B)(4) by sending correspondence to various individuals in which she disclosed the names of three clients and indicated that those clients had severe mental health diagnoses. The Board cites R.C. 4757.36(A)(1) as its authority to act against the license based on a violation of the laws or administrative rules governing the practice of counseling and social work. The Board's Notice of Opportunity for Hearing was issued November 22, 2004. (State's Exhibit A) Ms. Buell made a timely request for a hearing through her voicemail message to the Board on December 15, 2004. Ms. Buell received notice of the initial hearing date, notice of a continuance of that date, and notice of the hearing ultimately held on September 19, 2005. (State's Exhibits B, E)
3. At the start of the hearing, the State formally amended its Notice of Opportunity to drop the first charge that appeared in the original

Notice sent to Ms. Buell on November 22, 2004, and the State modified the final charge to allege a violation of Administrative Code Section 4757-5-01(B)(4) only. Mr. Grude stipulated to the authenticity of State's Exhibits A through F, and those documents were admitted into evidence. Mr. Casey stipulated to admitting Respondent's Exhibits 1 through 5, which are character letters written in support of Ms. Buell, and those documents became part of the record as well. Both Mr. Casey and Mr. Grude asked for a separation of witnesses, and that request was granted.

4. At the hearing, the State called Ms. Buell to testify as on cross-examination. Ms. Buell testified that she holds an associate's degree, a Bachelor's of Education, and a Master's of Education degree, with about 190 hours of additional coursework. She testified that she has been licensed as a Licensed Social Worker ("LSW") since 1990, and that she is currently working as a substitute teacher for the Monroe County Intermediate School District and the Anthony Wayne Local School District, most often teaching English. She acknowledged that prior to July 25, 2003, she was employed by Comprehensive Counseling, a group of psychiatrists, and that she had three supervisors: Marina Lung, M.D., Rowland Lowden, M.D., and Melchor Mercado, M.D. She first worked under Dr. Lowden, and then after he retired, she worked under the supervision of both Dr. Lung and Dr. Mercado. She indicated that in that position, she saw clients for psychotherapy, individually and in groups, and that she also conducted testing and family therapy. Ms. Buell testified that she was fired from her job with that office on July 25, 2003 and that Dr. Lung told her the reasons for her termination were suspicious billing practices, that she had lied to the staff about something Dr. Mercado had said, and that the staff had grown uneasy with her. Ms. Buell stated that she disputes those allegations.
5. Ms. Buell acknowledged in her testimony that she had bartered with her client "Angela" for housekeeping in exchange for counseling services, but she contended that it occurred only one time, and that she did it because the family was under extreme stress from the impending death of Angela's father. She acknowledged that individuals identified in the State's Exhibits as "Angela," "Linda," and "Sam" were her clients when she was with Dr. Lung's office.
6. Ms. Buell was asked if she could identify some documents, and she

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identified State's Exhibit G as her letter to the Board that she wrote to explain her position, responding to the complaint against her. She identified State's Exhibit H-1 as an email that she believed had been altered, indicating that she recognized the part inviting people to bring a guest for the Tom Jones Fundraiser, and the last two paragraphs at the bottom. She testified that the rest of the document had been altered. Ms. Buell identified State's Exhibit H-2 as an email from her, to several people who had been her clients at one time but were not clients at that time. She explained in response to follow-up questions that they were not clients at that time because she was "out of an office." She explained that usually she sends a "BCC" which she later compared to a "blind carbon copy" to selected recipients, but she testified that it appears on this email, she spelled out certain individual names.

7. Ms. Buell identified State's Exhibit H-3 as two separate documents that appeared to have been "cut and pasted," and she testified that the part below the line of asterisks is where the separate email begins. She acknowledged that she sent the first email. With respect to the second email that appears on the bottom half of the page, she testified that she wrote this, but not on the date indicated. Ms. Buell was asked if she could identify State's Exhibit H-4, and she testified that although she wrote the body of the email, the headers were wrong. She explained that it was a private email between her and one other person, a Toledo attorney, that she did not send it to the second person indicated, and that she never would have sent it to anyone else. Ms. Buell was directed to State's Exhibit H-5, and she testified that she recognized it, but that it was two separate emails. She was asked if this email was sent by her, and she replied that it could have been.
8. Ms. Buell was asked if she could identify State's Exhibit H-6, and she indicated that although the date on the header was incorrect, she did write the text below the header, and that she did write it after she had been terminated from her employment with Dr. Lung's office. Ms. Buell also identified State's Exhibit H-7 as an email that she wrote, but she stated that the handwritten words at the top of the page were not hers, and the handwritten marks in the margins were not hers. She explained that these emails were between her and Dana Dorsey, who was not a client, but someone who volunteered to play taps at some of her veteran-clients' funerals, and that she was confused how

they ever got into the Board's hands. Ms. Buell identified State's Exhibit H-8 as another one of her emails, except for the handwritten details which were not hers. She identified State's Exhibit H-9 as her email to "Bob," who had never been her client. She explained that the purpose of the email was to try to arrange a cookout to help some veterans grieve together, because it was just after a funeral of one of the veterans. Ms. Buell identified State's Exhibit H-10 as a document dated about a month after her termination from Marina Lung's office, and stated that she believed it had been altered because the date on the bottom was different than the date on the top of the page. She explained that she sent this message offering the women and children of the veterans the opportunity to meet at her house, because she wanted to let them know she cared.

9. Ms. Buell identified State's Exhibit I-1 as a letter that she wrote to the Board's executive director at that time, Beth Farnsworth, and the Board's investigator, Tamara Tingle. She testified that although the letter is addressed to her Internet server, Buckeye Express, and specifically to "Rebecca," whom she identified as a Buckeye Express Internet tech, she did not actually send the letter to Buckeye Express. She explained that when she saw the email documents Tamara Tingle presented to her, she believed that some of those emails had been "doctored" due to someone's having "hacked into" her computer. She testified that she explained this to Tamara Tingle, and Tamara told her that she should contact her Internet provider to see if there was any evidence of the hacking, such as tapes of her emails. Ms. Buell testified that she contacted Buckeye Express and spoke to several techs, including a woman who went by the name of "Gus," and was finally told that no such records existed. She explained that she wrote this letter and also the letter that appears at State's Exhibit I-3, but after discussing them with her husband, she decided not to send them to Buckeye Express. She testified that she sent them only to the Board, in an attempt to explain what she believed was happening. She testified that she was never able to get any evidence that her email had been "hacked," because she was told that the records she wanted did not exist.
10. With respect to the letter addressed to Captain Rob Bomia of the Sylvania Township Police Department, marked State's Exhibit I-2, Ms. Buell likewise testified that she faxed this letter only to the Board and

not to the police department. Finally, Ms. Buell identified State's Exhibit I-4 as a letter she sent to Dr. Lowden and to the Board. She acknowledged that a client's full name is used in the first paragraph of this letter, but explained that this client was also Dr. Lowden's client.

11. In response to follow-up questions by counsel and by this hearing examiner, Ms. Buell testified that State's Exhibit H-1 was sent several weeks after she had lost her office, and that some of the men who had been clients in her veterans' support group had asked her to meet because they needed each other's camaraderie. She testified that she was not paid when she attended these meetings, but that sometimes the men would bring food or fill her car with gas. She also stated that sometimes if she had printed documents for the men from the Veterans' Administration website, they might reimburse her for copying or give her money to buy new ink cartridges or paper. She testified that her clients were not notified when she was fired from Dr. Lung's office. She testified that although she told these clients they could see another social worker, they had been with her for three years and they trusted her. She stated that she met with them as a volunteer because they needed someone to hold them together.
12. Ms. Buell testified that after her termination from Dr. Lung's office, she had a break in her employment from July 2003 until the spring of 2004 when she started getting contracts with schools to teach as a substitute. She testified that she lived on savings during that time, and that she got no unemployment compensation because her claim for it had been denied. Ms. Buell testified that she intends to begin work with Allied Mental Health in October, and that Dr. Melchor Mercado will again be her supervisor. She indicated that she plans to teach during the day to save money for her malpractice insurance, and then work weekends with Allied Mental Health. The State asked that the record be left open for a letter from Dr. Mercado, indicating whether or not he was going to be her supervisor. There was no objection from Ms. Buell's counsel, and it was decided to leave the record open for 7 days. However, later in the hearing, a motion was granted to leave the record open for additional evidence related to a different issue, and it was determined that three weeks was a more appropriate time to hold the record open.
13. Finally, in response to my question about whether she felt as though she was becoming personally involved with any of these former clients,

she stated that she didn't think of them as her friends, and therefore, was more able to handle their grief. She referred to the fact that several of the men she had known from the veterans' support group had died, but explained that it was not at all comparable to her recent loss of a family member.

14. The State's next witness was Tamara Tingle, who testified that she has been employed by the Board as an investigator for the past 18 years, and that she was the investigator assigned to this case. She explained that her job is to review information received from complainants, and that there had been several in this case. After interviewing the complainants, she met with Ms. Buell at a Bob Evans restaurant in Toledo in June or July of 2004. She told Ms. Buell that the Board had received emails indicating that she was practicing out of her house, and showed her some of the emails and some of the correspondence from Dr. Lung. Ms. Tingle testified that it was a long meeting, but it went well. She indicated that she told Ms. Buell that the Board wanted to hear her response to the allegations, and that she could send any letters of explanation or evidence to the Board. She followed up the meeting with a letter asking her to attempt to get that information to the Board within 30 days.
15. Ms. Tingle identified State's Exhibit G as part of Ms. Buell's response to the interview. She testified that the emails communications at State's Exhibits H-1 through H-10 had been given to her by Ms. Buell's client, Linda, except for H-6 which came from Dr. Lung. Ms. Tingle explained that most of the emails she received centered around setting up dates and times of future meetings, and that Ms. Buell cannot be in private practice as a social worker because she has only an LSW license, and not the LISW (Licensed Independent Social Worker) license needed for independent practice. Ms. Tingle identified State's Exhibits I-1 through I-3 as faxes she received from Sheila Buell in response to her request for additional information. She indicated that Ms. Buell had told her she was not the author of some of the emails and that she believed her computer had been "hacked into." Ms. Tingle testified that she told Ms. Buell that the Board would be interested if she could show them evidence of such tampering, but that all she had ever received was Ms. Buell's correspondence purporting to be her letters to her Internet server. Ms. Tingle testified in reference to State's Exhibit I-1 and I-3 that she had no evidence that Ms. Buell

actually sent the letters to Buckeye Express. When asked if she had any evidence that Ms. Buell had actually sent the letter at State's Exhibit I-2 to the Sylvania Township Police Department, Ms. Tingle said that she did not, but that she believed Ms. Buell had told her during her interview that she had made police reports. Ms. Tingle testified that she assumed these letters were copies of correspondence that Ms. Buell had actually sent to the individuals indicated on the letters, and that it was of concern because the letters contain client names and confidential information about their mental health conditions.

16. On cross-examination, Ms. Tingle testified that when she first contacted Sheila Buell, Ms. Buell suggested meeting in her home to discuss the allegations, and that she suggested the Bob Evans instead. They met in the main dining area of the Bob Evans, and Ms. Tingle showed Ms. Buell the documents involved in the investigation, which she contended were not necessarily privileged. She acknowledged again that she had no evidence that Ms. Buell had actually sent the letters to Buckeye Express and to the Sylvania Township Police Department, and conceded that if they were not actually sent, it would not be a violation of the law. She was asked if she had any information that Ms. Buell was paid for any work that she did after she was fired, and she testified that a client, "Bill," had indicated that he paid her cash, but did not have receipts.
17. The State's next witness was Ms. Buell's client, "Linda." Linda testified that she has lived in Toledo all her life and that she is not currently employed, but last worked as a hairdresser. She stated that she has a daughter, "Angela," who is 33 years old and has a 12-year old son, and that her husband died two years ago. Linda testified that she and her husband, as well as Angela and her son have all been in counseling with Ms. Buell. The family was referred to Ms. Buell in 2001 when she was in practice with Dr. Lowden's office at Comprehensive Counseling. Her husband, Bernie, was a Vietnam Veteran and was having post-traumatic stress disorder ("PTSD") problems, and had also been diagnosed with lung cancer. He saw Dr. Lowden for medical checkups, and Linda sought counseling for issues related to her husband's PTSD, and also to try to improve her relationship with her daughter, Angela. Linda testified that her husband's health became worse, with a brain tumor discovered ten months later, and cancer eventually being found in his spleen, liver, and kidneys. Linda testified that her husband died

on August 19, 2003.

18. Linda testified that she was a former "ladies' group member," and that she attended a couple of the group sessions at Ms. Buell's office, where the purpose was to help the women to deal with their husbands' or boyfriends' PTSD problems. Linda testified that she became aware that Ms. Buell had been fired when it was "put out on the Internet." She explained that she was in the veterans' email group and received emails from Ms. Buell. Linda testified that after Ms. Buell was fired, she continued to get emails from her saying where and when she would hold the women's group meeting and the men's group meeting. She testified that she attended one such meeting at Ms. Buell's house, and that her daughter went with her. When asked how the meeting in her home differed from the meeting in Ms. Buell's office, Linda testified that the meeting in her home was more social, and that Ms. Buell drank alcoholic beverages during the women's group session in her home. She indicated that there was no drinking at the office meetings.
19. Linda identified State's Exhibits H-1 through H-10 as documents she sent to Tamara Tingle at the Board after she received them as emails. She testified that she received State's Exhibits H-10 directly from Sheila Buell, and that she was blind carbon-copied on others, except for State's Exhibit H-8 which she did not receive from Ms. Buell. Linda testified that Exhibit H-10, dated August 31, 2003, is an email with the details of the women's group meeting she attended at Ms. Buell's house. Linda testified that she was aware that Ms. Buell was also conducting meetings of the men's group at VFW Post 2510 because she has been a member there since 1969. She stated that she also received emails from Ms. Buell indicating that there would be meetings at the boat docks.
20. Linda testified that she stopped seeing Ms. Buell because she thought boundaries had been crossed. She testified that when her husband was ill, she knew he was dying and was not "in denial," yet Ms. Buell kept sending emails telling people he was dying and to pray for them. She testified that Ms. Buell visited her husband in the hospital and broke down crying, and that it was difficult to deal with Sheila's crying because she was already dealing with the fact that her husband was dying. Linda testified that after her husband died, Ms. Buell telephoned her on the day of the viewing before the funeral. Linda testified that although the first hour of the viewing was to be for fam-

ily only, Ms. Buell said she was going to be there anyway, because the family needed her. Linda testified that she told her not to come then, because it was a time for family only, but that Ms. Buell came anyway and stayed the whole day. Linda testified that Ms. Buell introduced herself to guests as the family's therapist, and that she was told that Ms. Buell passed out business cards.

21. Linda testified that after the funeral, Ms. Buell kept calling her house, trying to convince Linda that she (Linda) was too hurt to talk to her. Linda stated that at that point, she confronted her on the telephone about passing out business cards at the funeral. She testified that Ms. Buell denied it. Linda testified that Ms. Buell told her "You may be playing the part of the grieving widow, but I loved him too." Linda acknowledged that she engaged in some name-calling at that point and ended the conversation. She testified that Ms. Buell called again a week later and told her that if her husband knew how she was acting, he would turn over in his grave.
22. On cross-examination, Linda described the one meeting she attended at Ms. Buell's house as "more social than business." She testified that she believes she paid her "co-pay" of \$15 to Sheila, since Sheila couldn't file with the insurance company. She did not object to paying. She stated that this meeting was at the beginning of August, and she went to the meeting for support for her daughter and her daughter's son. Her daughter did not pay any co-payment. Linda testified that there was food at the meeting, and it had a more social feel than she expected, adding "It was hard to differentiate a social meeting versus a meeting for therapy." She explained that when she attended meetings at the office, they would sit down together and if anyone had any problems, they would discuss them, with Ms. Buell acting as the leader of the discussion. After the office meetings, the women would go out to have something to eat together. She testified that on one occasion, she and her husband attended a potluck at Ms. Buell's office in celebration of her husband's silver rose award, and that she received insurance papers showing that insurance had been billed \$120 each for her and her husband's attendance at that meeting. She testified that the potluck was strictly social and there was no discussion of problems at that event. Linda conceded that she had no personal knowledge of any men's group meetings at VFW Post 2510 nor those on the boat dock, and that although she had received emails about them, she had

not actually attended any of those meetings.

23. The State's next witness was "Angela," who testified that she was 33 years old and that "Linda" is her mother. Angela testified that she is not currently employed, because she is off work due to back injuries from a car accident and from "normal wear and tear." Her last employment was with Checker Cab. Angela testified that she is a former client of Ms. Buell's, as is her son, who is almost 12 years old. She testified that she began seeing Ms. Buell for counseling in 2001 because her parents knew Sheila. Her parents paid cash for her son's counseling, and Ms. Buell agreed that she could work on a barter system to pay for her counseling. Angela testified that Ms. Buell was working for Marina Lung's office at that time, and although she did have insurance, it would not cover her services. According to Angela's testimony, they agreed that Angela would clean Ms. Buell's house in exchange for counseling, although they never set up a schedule of how many cleanings would equal how many counseling sessions. She testified that she "knew for sure" she had cleaned Ms. Buell's home at least five times, explaining that when Ms. Buell moved from Holland, Ohio to Sylvania, Ohio, she cleaned her new apartment only twice. Angela testified that when Ms. Buell moved, she hired Angela, Angela's fiance', William, and one of their friends to pack her belongings and move them to her new apartment. She testified that they only packed paperwork and not heavy things. The move took place over a three-day period, and Ms. Buell paid them \$100 per day that the three of them divided among themselves. Angela acknowledged that she was the only one of the three "movers" who was Ms. Buell's client at that time.
24. Angela testified that she attended one group session at Marina Lung's office, and one group therapy session two weeks prior to her father's death. Angela testified that this meeting took place at Ms. Buell's home because she had been fired and did not have an office anymore. She testified that the meeting at her home was more of a social gathering, but they did discuss "grievance," which she later clarified to mean issues relating to mourning or grieving over a loss. On cross-examination, she added that the group session at Ms. Buell's home was a potluck dinner, and that it started out like a group session, but later, there were drinks and it took on a different character. She was asked how she knew about the meeting, and she responded that Ms.

Buell had ordered it. Angela testified that this meeting was about her dad and his impending death, and that she attended because she wanted to be able to speak to her dad before he died. She rode along with her mother and her Godsister to Ms. Buell's house, and she did not bring a dish because she didn't want to. She explained that she felt like she had enough to deal with at that time.

25. Angela testified that she stopped seeing Ms. Buell because she "threw things up in her face" when she called, things that Angela had told her in confidence during counseling with her. She testified that she had seen Ms. Buell passing out business cards at her father's funeral, and that this was another reason she chose to stop seeing her. Angela testified that even after she was no longer a client, Ms. Buell kept calling her. Finally, Angela contacted Ms. Buell's daughter via email to ask her to have her mom stop calling, and she was not contacted anymore after that. Angela testified that she is now in counseling with another therapist, but that it was hard for her to trust another therapist because of concerns over confidentiality. She testified that her new therapist gave her a phone number she could call if she ever found that her confidentiality had been violated.
26. On cross-examination, Angela was asked if she paid any money to Ms. Buell for the meeting at her house, and she testified that she did not because "that was the barter." With respect to helping Ms. Buell move, Angela testified that she boxed up what she was told were client files, but that she could not recall if she had seen any names or notes on those files. She also clarified on cross-examination that the bartering took place after Ms. Buell had been fired from Dr. Lung's office, and that she bartered for all of her sessions. She stated on cross-examination that she cleaned Ms. Buell's new apartment on Rodeo Drive only once.
27. The State's next witness was Robert Newbold, who testified that he goes by the nickname "Rocky." Mr. Newbold testified that he served in Vietnam from 1969 to 1972, followed by service in the National Guard and Desert Storm, and that he is now retired from the military and has worked for the U.S. Postal Service since 1993. He testified that he is a member of VFW Post 2510, and that he was elected as the commander of that post in June 2004. Mr. Newbold testified that he has never been a client of Sheila Buell's.

28. Mr. Newbold testified that there are a couple entrances to the VFW building, and that the one used most often goes into a bar area. An area in the back of the building can be opened or closed off from the bar with dividers. When groups want to use the area in the back for meetings, they contact the wife of the canteen manager, who checks with Mr. Newbold before scheduling the meetings. Most groups pay a fee to use the meeting room, but Mr. Newbold testified that he would never charge a fee to a veterans' group. Mr. Newbold testified that he was aware that Ms. Buell was meeting with veterans in that room, but he initially assumed that she was doing so without payment. He testified that when it came to his attention that she was being paid, he was concerned about the fact that they were drinking, and the issue of the post's legal liability.
29. Mr. Newbold testified that he would occasionally see Ms. Buell and about 4 or 5 veterans at the post, and he remembered her and her men coming to the bar to get alcoholic drinks. He testified that Ms. Buell usually got a mixed drink before she went into the meeting. He got the emails about when the meetings would take place, and he recalled giving Ms. Buell priority over a neighborhood group who also wanted to use the meeting room. Mr. Newbold testified that he met with Ms. Buell when he took over as the commander of the post. She identified herself as a social worker and told him that she was acting as a therapist. He later testified on cross-examination that she did not actually use the word "therapist," but that was his impression of her role. He testified that she showed him her college transcripts and a copy of her college degree, and that his understanding was that Ms. Buell was volunteering to help these veterans through their family problems and helping them apply for disability and other benefits.
30. Mr. Newbold testified that quite some time after Ms. Buell began using the meeting room, he had a conversation with Terry Kidwell, the canteen manager, who said that he had been to a meeting but couldn't afford to go anymore. Mr. Newbold testified that he was upset that he did not know Ms. Buell was being paid. The leaders of the post then met and decided that Ms. Buell could no longer use the hall. In late fall of 2004, Mr. Newbold became aware that Ms. Buell had started using VFW Post 606 instead. He testified that he contacted the commander of that post to let him know that Ms. Buell might be charging a fee and that he should look into liability issues.

Mr. Newbold testified that he continued to get the emails about when the veterans' meetings would take place, which were not addressed to him individually, but that he was on a mailing list. He identified State's Exhibit H-5 as an email he had received, and State's Exhibit H-8 as an example of the kind of emails he got about the veterans' meetings.

31. On cross-examination, Mr. Newbold admitted that he did not sit in on any of Ms. Buell's meetings with the veterans, and that he never saw any money change hands. He was asked if there was a problem with the men buying drinks, and he testified that his concern came about when he found out that their counselor was drinking with them. He acknowledged that at one of the post's earlier meetings, two of Ms. Buell's men, who were upset about the neighborhood watch group getting priority for the meeting room, came to tell the members about how Ms. Buell had helped them with their alcoholism. Mr. Newbold testified that Ms. Buell left the post before he had a chance to discuss his concerns about the post's liability with her. He testified that he believed she had "gotten wind" of the fact that the post voted to have her leave the hall.
32. The State's final witness was Ms. Buell's client, "Bill." He testified that he served in the military from 1967-1970, including a tour of duty in Vietnam from January 1968 to January 1969. Bill testified that he has been retired from his employment since 1990 due to post-traumatic stress disorder ("PTSD") resulting from his service in Vietnam, and that his PTSD is the reason he is not working now. Bill was asked how his PTSD affects him, and he stated that he has nightmares and problems with his short-term and his long-term memory. He testified that he compensates for his memory problems by keeping a daily log of his appointments.
33. Bill testified that he began seeing Ms. Buell for individual and group therapy because he needed help with his PTSD. Referring to calendars that he brought with him, Bill testified that his first meeting with Ms. Buell was at Dr. Lung's office on April 19, 2001, and that he had private insurance that paid for that meeting. He testified that after Ms. Buell was fired from Dr. Lung's office, he saw her on an individual basis. The first time was a meeting at Olander Park in Sylvania on August 12, 2003 at 10:30. He testified that it was supposed to be a group meeting, but that he was the only one who came. He testified

that he had to pay \$2.50 to get into the park. Bill stated that he continued to see Ms. Buell at her home after she no longer had an office because he still needed help. Eventually, he told her that he was uncomfortable coming to her home and that he would come back when she had an office with a psychiatrist. On cross-examination, he was asked why he felt uncomfortable, and he explained, "it just wasn't professional" because he was coming to a lady's house and he was married. He testified that the last date he saw her as a counselor was at her home on September 29, 2003. She came to his house one time after that without calling ahead and brought him his written records.

34. Bill testified that while he was seeing Ms. Buell at Dr. Lung's office, he paid with his insurance. After she was fired, he paid her cash for his sessions. He testified that she asked for cash, but never asked for a specific amount, and he was free to pay her what he wanted. Bill testified that he usually paid her \$20.
35. On cross-examination, Bill was asked if he was sure he paid Ms. Buell for the meeting at Olander Park. He replied that he was sure he had paid her, but that he was not sure of the amount. He believes it was \$20. Bill was asked if he takes any medications that could affect his memory. At that point, he took a list from his wallet, explaining that he keeps a list in case he ever has a medical emergency, and listed the following medications: Depakote and Clonazepam, which he identified as psychiatric medications, a bloodthinner, Norvasa and Zocor for high blood pressure and high cholesterol, Nexium for acid reflux, Flomax, which he began taking after surgery for a urinary problem, Proscar, Verelan PM and Propox-N with APAP for back pain.
36. In response to my question about how many times he had seen Ms. Buell at her home, Bill referred to his calendars and gave the following dates in 2003: August 12, August 26, September 1, September 8, September 15, September 22, and September 29. He testified that the meetings at her home "felt more like a social setting," but that she did "help [him] out" at those sessions.
37. In the presentation of her case in chief, Ms. Buell took the witness stand. She testified that she had entered into the bartering agreement with Linda and Angela's family, but that the housecleaning took place only one time and it was before her firing from Dr. Lung's office. She acknowledged that she did meet with clients who contacted *her*

and asked *her* to stay involved. She testified that she attempted to keep it on a casual level, and that it was not her intent to provide therapy. She testified that she received no payment for her services. She contends that although there may be "technical findings" that she did not comply with some of the rules, there is nothing warranting a suspension of her license.

38. The next witness for the respondent was "Luke," who testified that he is retired after working 36 years with a union of elevator constructors. Luke testified that he is a Vietnam veteran with two service-related disabilities and nine other injuries from combat wounds. He testified that he suffers from PTSD and sensory poly-neuropathy, a disease on the list of those caused by exposure to Agent Orange. Luke testified that Sheila was his therapist from October 2001 to July 2003. During that time, he saw Ms. Buell at her office at Comprehensive Counseling, Dr. Lung's office. Luke testified that after she lost her job, he kept a relationship with her. Sometime after her termination, some of the men that were seeing Ms. Buell formed a support group, which met at VFW Post 2510. He was contacted by "Neal," a member of the group, about joining.
39. Luke testified that the group eventually changed the place of its meetings to VFW Post 606. He explained that he had been a member of VFW Post 2510, but that the group had gotten word that their support group was interfering with the meetings that a Ladies' Auxiliary block watch group wanted to hold. He testified that at this time, there were about 8 men in the support group and that Ms. Buell was involved because she knew a lot about working with the Veterans' Administration and assisted them in filing their claims. Luke testified that there was a meeting at VFW 2510, and the support group was assured that they would be allowed to use the meeting room. However, he testified that the ladies' auxiliary group was making them feel uncomfortable, as though they were imposing by using it. He testified that one of the members of the ladies' auxiliary group was "Linda," the client who testified earlier in the hearing. Around that time, another group member, Neal, started looking into using VFW Post 606 instead, and the group changed the place of their meetings to Post 606. Luke testified that the meetings at Post 606 were more informal. There is a bar in the main room, and the support group could occupy a corner of the main room and seemed to be welcomed by the post.

40. Luke testified that he was not expecting professional treatment from these support group meetings. He explained that it was just a group of veterans who became friends and supported each other. He indicated that occasionally, in the summer, they would meet at the marina where two of the men have boats. They would eat hot dogs and drink beer, and talk about politics. He testified that he never saw any money change hands between the men in the support group and Ms. Buell. However, he stated that some of the men have bought her drinks and some have given her gas money. He testified that Ms. Buell never asked him for money. Luke testified that he is aware of Ms. Buell's intent to work as a social worker in the future because he had received materials about the new practice being started by his psychiatrist, Dr. Mercado.
41. On cross-examination, Luke explained that the reason he felt uncomfortable with the ladies' auxiliary group was that they were coming into the same room to have their meeting, and the support group had been assured that they could have their meetings uninterrupted. He testified that he did not know of any meeting where a vote was taken not to allow the support group to meet at Post 2510 any longer, but that he should have been informed of it, since he was a member there. Luke indicated that he never met with Ms. Buell at her home, except one time when she locked herself out of her car, he came to her home to pick her up and take her to a meeting. Finally, he was asked to characterize the nature of the support group meetings. He testified that the meetings were "more or less" social gatherings, but they did discuss their claims and problems they had had trying to file claims, but that they "didn't really" discuss PTSD problems.
42. The next witness for Ms. Buell was her husband, Walter Trawinsky, who was also referred to during the hearing as "Wally." Mr. Trawinsky testified that he works as a service manager for the Toledo Beach Marina Rack and Launch facility, and that he has been married to Sheila since October 18, 2003. He testified that he first met her in the summer of 1996, but that they began their relationship the day after she was fired. As to his knowledge of housekeeping services by Angela, Mr. Trawinsky testified that he never met Angela. He stated that a cleaning service had come to clean up after a chimney fire at the apartment on Rodeo Drive, but after that, there was no one else who came in to clean.

43. Mr. Trawinsky testified that he spent the entire Labor Day weekend with Sheila in 2003, except that he may have gone out "to the store or something," but that Bill, the client who testified earlier, would be incorrect if he claimed to have met with Sheila during that weekend. He testified that after Labor Day weekend, Sheila moved in with him to his residence on California Drive. On cross-examination, he indicated that he was not there during the day on Monday through Friday because he was employed fulltime.
44. Mr. Trawinsky testified that he and Ms. Buell have been harrassed by phone calls, and that they have received large quantities of junk mail brochures and samples through the mail that they did not request, as well as "an alarming incident" when shredded newspaper was dumped in their yard. He testified that the only people he and Ms. Buell have had any problems with are her former clients, Linda and Angela.
45. Mr. Trawinsky was directed to State's Exhibit I-1, Ms. Buell's letter that purports to be to Buckeye Express Internet service. He testified that this is a letter that Sheila prepared, but never sent to Buckeye Express. He explained that he and Sheila suspected that someone was "hacking into" their Internet because information was coming back to them from people who would have had no way to get the original information, and that Sheila had been asked to get evidence of that hacking. With respect to State's Exhibit I-2, which purports to be a letter from Ms. Buell to the Sylvania Township Police Department, Mr. Trawinsky testified that this letter was prepared because Sheila was concerned about the fact that her name was listed on a police report, but that he believes it was never sent. Concerning State's Exhibit I-3, which purports to be another letter from Ms. Buell to Buckeye Express Internet service, Mr. Trawinsky testified that to his knowledge, this letter was never sent. He stated that this letter was prepared to try to prove to the Board that someone was intercepting Ms. Buell's emails.
46. On cross-examination, Mr. Trawinsky was asked if someone who received one of Ms. Buell's emails could have simply hit the "forward" button to send one of Ms. Buell's emails on to someone else who was not an intended recipient, and he acknowledged that that was possible. He was asked if he knew why Ms. Buell prepared the letters to Buckeye Express and to the Sylvania Police Department if she did not send them to the parties indicated, and he testified that she did it to

explain her position to the Board. Finally, he testified that in August of 2003, his wife would not have had any business cards to pass out because her business materials were locked in Dr. Lung's office. He indicated that Sheila has business cards for her new job with Allies Mental Health, and that she is currently employed there but does not yet have any clients.

47. Ms. Buell was called again as a witness at the end of her case. She testified that she has a master's degree from the University of Toledo, and that she did shrink it down to show it as well as her transcripts to Rocky Newbold at VFW Post 2510 because she wanted to show him that she "wasn't some lunatic."
48. With respect to the bartering charge, Ms. Buell testified that Angela's parents, Linda and Bernie, had come to her and suggested the bartering arrangement for Angela's counseling. She testified that Angela cleaned her house only one time—at her apartment in Holland, Ohio, and that no housekeeping took place in July or August 2003. She testified that Linda and Angela's family were very good clients, but that they had financial difficulties, so she had medical billing "write off" their fees. She testified that she did not bill their insurance company for the potluck that they attended at her office, and that any charges that may have "slipped through from a secretary" were later written off. She explained that *she* didn't submit a bill, but she didn't know if the office did. Ms. Buell stated that when Bernie became ill, the family requested that she come to the hospital, and the family would introduce her to other relatives as "the family therapist." She testified that she would never introduce herself as someone's therapist because it would be embarrassing to them and would constitute a breach of confidentiality, and she believes that this family's grief has caused them to misconstrue the situation.
49. Concerning the testimony about her attendance at Bernie's funeral, Ms. Buell testified that Linda had specifically asked her to be there all day in case someone needed her. She testified that she went to the funeral, took cold cuts for the entire family, arranged for a chaplain and for Dana Dorsey to play taps, called other veterans to tell them about the funeral, and that she arranged for a 21-gun salute from the Northwood VFW. She stated that she also went to the wake for a very short time. She testified that she had no business cards to pass out at the time of Bernie's death because they were all locked up

in Dr. Lung's office, and that in any event, those cards would have referred to her previous office where she was no longer employed. She indicated that she had had some new business cards prepared with her credentials to use for teaching so that she could leave them with teachers.

50. Ms. Buell stated that she does not know what happened to her relationship with Linda and Angela's family. On cross-examination, I asked her if she attended the first hour of the calling hours, the time that was for family only, and she replied that she did not remember. I also asked her why this family would have the grudge she claims they have against her if all she did was go to the funeral and take food. She again replied that she did not know.
51. Ms. Buell testified about the men's support group meetings, and indicated that "Neal" had called her and asked her to sit in on the meetings because the men didn't want to meet without her. She testified that she felt she owed this to them because two of the group members had died and several others had health problems. Ms. Buell testified that Dr. Lung's office did not continue with the support group after she was fired, and that although there was a letter saying they could have a new therapist, Dr. Lung did not provide any other documents to show how they would continue. Ms. Buell testified that she gave the men several names of other therapists, but they did not want to go to another therapist, nor to the Veterans' Administration because most of them did not like the VA. She stated that she was hoping she would get another office soon because the men desperately needed therapy.
52. Ms. Buell testified that the men's group meetings consisted of support and assistance with VA paperwork. She explained that she would encourage them to file for benefits if an illness was on the list of presumptive illnesses caused by Agent Orange, for example, and that the men would support each other and go to funerals together. Ms. Buell described the men's group format as follows: they would say hello to each other, then discuss politics and ask each other what they had heard from the VA. Sometimes appeals were suggested if they had been denied benefits, and if someone was dying, they would talk about that and plan to attend the funeral. Then they would tell war stories or talk politics. She testified that one time they celebrated the fact that one of the men they had been concerned about had received a long-awaited liver transplant. She stated that she was reimbursed through

food, Cokes, and beers, and was given money to cover her expenses for gas, copies made, and printer ink cartridges.

53. Ms. Buell testified that "Bill," who had earlier testified that he paid her cash for meetings in her home, was "a very confused person," and that he had memory problems. She testified that Bill never paid her, although she confirmed that he had paid to get into Olander Park. She also denied ever charging anyone money to attend a women's group meeting, and she stated that the purpose of that group was to help these women go through the grieving process and to help another woman who was soon to be widowed. She testified that alcohol was served at the first women's group meeting, and that she believed later meetings were "BYOB."
54. Concerning the change in VFW posts, Ms. Buell testified that one reason for the change was that the Ladies' Auxiliary had had an election and the new president was "Bernie's" cousin. She explained that she didn't want these men involved in any controversy that the Ladies' Auxiliary had with her because its members didn't like her. Another reason was that she had heard of some personal attacks in the area, and did not feel safe meeting there. She testified that she mentioned this to the men in the group, and Neal suggested that they try VFW Post 606, since he was a member there.
55. Ms. Buell testified that Board investigator Tamara Tingle presented Luke's medical records to her when they met in Toledo. She identified Respondent's Exhibit 6 as a "medical records letter" by Dr. Mark Loomus regarding Luke's condition. She indicated that Luke's medical records that came to her before she was fired indicated that he had severe neuropathy, and that it was recommended that he see a neurologist. She was asked if she knew a good one, and she suggested that he see a neurologist who had treated her, Dr. Mark Loomus. She testified that when this letter was written, Dr. Loomus did not know she had been fired, and that the reason it was sent to her at her home was that Dr. Loomus did not know she had been fired. She testified that she and Tamara Tingle discussed this letter, and why it would be addressed to her independently if she was not practicing at her home. She stated that there was no privacy for their meeting at the Bob Evans, because they were seated at a 2-person booth during the noon lunch rush. She testified that Ms. Tingle said Luke's name during that meeting, and that she has a tape of the meeting.

56. With respect to the letters at State's Exhibits I-1 through I-3, Ms. Buell again testified that she did not send these letters to anyone but the Board, and that the reason she prepared them was that Ms. Tingle had asked her for documentation as to why the Board kept receiving the emails purportedly from her. Ms. Buell testified that she did send the letter at State's Exhibit I-4 to Dr. Lowden and to the Board, concerning a client "Sam." She indicated that she sent this letter to Dr. Lowden because he was Sam's treating psychiatrist, explaining that she did the counseling and he did the medical management.
57. On cross-examination, Ms. Buell acknowledged that after she was fired, she was permitted to go back to the office to pick up her personal items such as books, couches, and cards, sometime in September. She stated that she did not recall how many counseling sessions she provided in exchange for her client's cleaning of her apartment. The Assistant Attorney General asked her to explain why some of the emails that appear as State's Exhibits H-1 through H-10 seem to indicate that she was providing counseling, despite her claim that she was providing only social support and help with paperwork. She was asked why State's Exhibit H-6 refers to her taking "individual appointments" for the "loyal clients that have stuck with" her, and she testified that she made a poor choice of words. Likewise, she testified that when she referred to working on the veterans' "issues of depression and PTSD" in State's Exhibit H-7, she made a poor choice of words. She also indicated that when she was working with Dr. Mercado, she had to tell him about the Vietnam war because he was from the Phillipines and did not know anything about Vietnam.
58. Ms. Buell testified that she did not know about the rules against bartering, and that she did not know she could not practice out of her home without supervision. However, she stated that in any event, she was not actually practicing as a social worker. She was asked to explain her email appearing at State's Exhibit H-6 in which she assured clients that she had checked with the licensure boards and found that it is "perfectly legal" for her to work out of her own home. She explained that she had not actually checked with this licensing board, but that she had asked David Cislo, a psychologist who had previously served on the Psychology Board.
59. With respect to her claim that someone had been "hacking into" her computer, Ms. Buell testified that she suspected it was Angela, the

client who had cleaned her house. She testified that Angela wouldn't have needed a password because her Buckeye Express internet account stays on all the time. I asked her why Angela still had a key, if she had cleaned only one time at her old apartment and never at her new residence. She testified that Angela had helped with her move to the new address, and could have had a copy of the key made. She clarified that she moved in early to mid-April 2002 from her apartment in Holland, Ohio to a condo in Sylvania.

60. Concerning the claims about her attendance at Linda's husband's funeral, Ms. Buell testified that she did not recall if she had gone to the viewing during the first hour or not. She testified that when she arrived at the funeral home that day, she went to the kitchen and set up food there.
61. With respect to her client, Bill, Ms. Buell testified that she had met with him only one time, and that it was at Olander Park. She marveled at the fact that he remembered paying \$2.50 for admission to the park, but insisted that his list of meetings with her are all false except for the one at Olander Park. She indicated that after that meeting, she suggested to Bill that he see another therapist. She testified that she did not meet with him at her home, and that she would have felt uncomfortable doing so.
62. The State re-called Tamara Tingle as a rebuttal witness, and she was shown Respondent's Exhibit 6. She testified that this document looked like it could be an original of a document she had received from Dr. Lung, but that in the one she received, the patient's name had been redacted. Ms. Tingle testified that when she met with Ms. Buell in Toledo at the Bob Evans, she showed her the redacted letter. Ms. Tingle was also asked about the letters at State's Exhibits I-1 through I-3 that the Board received from Ms. Buell. She testified that she did not know if these faxes came with coversheets saying that they had not really been sent to the recipients stated on them (i.e, the Sylvania Township Police Department and Buckeye Express Internet service.) She testified that the office received "hours and hours" of faxes from Ms. Buell and she could not verify if there was a coversheet on each one, but she indicated that some of the coversheets might still be in the case file.
63. At that point in the hearing, I asked Ms. Tingle to submit any such

coversheets that she might find in the week during which the record would be left open for the submission of Dr. Mercado's information. Ms. Buell stated that she had the coversheets and asked if she could submit those. I allowed that. In addition, the State suggested that the most reliable way to determine if they were actually sent would be to contact Buckeye Express Internet Service and the Sylvania Township Police Department and ask them to forward any such letters they might have received. Over objection by Ms. Buell's counsel, I determined that that information should be admitted as well. The State asked for three weeks of time to leave the record open instead of one, because of the fact that subpoenas might be needed, and the request was granted.

64. Following the hearing, the State submitted documents now marked State's Exhibits J-1, J-2, K-1, K-2, and L and moved for their admission into evidence, along with State's Exhibits A through I. The motion is granted, and those documents are now a part of the record. Exhibits J-1, J-2, K-1, and K-2 indicate that Buckeye Express Internet and the Sylvania Township Police Department, respectively, did receive the letters which appear at State's Exhibits I-1 and I-2. The Exhibit which is now marked as State's Exhibit L is an affidavit from Dr. Melchor Mercado, dated September 29, 2005, indicating that he ceased to be Ms. Buell's supervisor as of July 25, 2003, and that he has never agreed to be Ms. Buell's supervisor at Allies in Mental Health and will not become her supervisor in the future.
65. From Ms. Buell, I received a letter from Skeeter Hunt, LSW, LPC, and Larry Harris, LPC Supervisor of Allies in Mental Health, LLC in Bowling Green, Ohio. This letter indicates that Ms. Buell entered into an agreement with that agency on July 14, 2005 to be a therapist under the supervision of Larry Harris and Dr. Melchor Mercado. It states that on the morning of Tuesday, September 20 (the day following the public hearing), Dr. Mercado telephoned to indicate that because of certain events that were unfolding, he was not comfortable supervising Sheila at this time. The letter indicates that Larry Harris has also withdrawn from being her supervisor for her CP licensure. It states that at the time of the hearing, Ms. Buell did have the support and supervision of Dr. Mercado. That document is now marked as Respondent's Exhibit 7. I also received from Ms. Buell an additional letter of support from a former client. Although the record was

left open for the limited purpose of obtaining additional information on two isolated issues, because this is an administrative hearing with more relaxed rules, I will admit the letter even though it is outside the scope of information for which the record was left open. The letter of support from her former client, "John," is now admitted to the record as Respondent's Exhibit 8. Finally, I received from Ms. Buell's counsel an additional character letter from a friend of Ms. Buell's, which will be admitted to the record as Respondent's Exhibit 9.

DISCUSSION

The hearing in this case was very long and there was a great deal of evidence to consider, including conflicting witness testimony. I will explain my conclusion to each of the charges against Ms. Buell, and describe what evidence persuaded me to reach each conclusion.

The first charge against Ms. Buell is that she engaged in the private practice of social work as an individual practitioner from July 26, 2003 until the present, in violation of R.C. Section 4757.26(C). That section provides as follows:

(C) A person licensed under this chapter to practice as a social worker shall not engage in the private practice of social work as an individual practitioner or as a member of a partnership or group practice. A social worker shall not engage in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work unless the social worker is supervised by a psychologist, psychiatrist, professional clinical counselor, independent social worker, or registered nurse who holds a master's degree in psychiatric counseling."

The preceding subsection, R.C. 4757.26(B) authorizes a person licensed as an *independent* social worker (LISW) to engage in private practice as an individual practitioner, but Ms. Buell is licensed only as a licensed social worker (LSW), and therefore, she cannot practice independently without supervision.

The State presented more than adequate evidence that Ms. Buell did practice social work as an individual practitioner, in violation of that section. The most damaging piece of evidence for Ms. Buell's case is the email

appearing as State's Exhibit H-6, which she admits that she wrote after she was fired from Comprehensive Counseling. The relevant parts of that Exhibit that lead me to this conclusion are as follows:

"To those of you wishing to make appointments with Melchor Mercado here's the scoop. If we can get these appointments scheduled on the same date, I'll go with you to help you all in your case presentation. Mercado respects me and will still allow me to sit in on your sessions to share the vital diagnostic information, VN stressors and current life stressors affecting you from your service in Vietnam.

Remember, and I want to stress to all of you that while I am a therapist without an office, I have my licensing credentials intact and it is perfectly legal for a therapist, psychologist, psychiatrist to work out of their own home. I have checked with the licensure boards and actually know some professionals that enjoy working out of their own homes. My current license is not an independent license which would allow me to bill your insurance companies from this location. All I need is to study for the independent licensure test, have the couple thousand dollars that the state requires for [sic] licening application, test facilities processing the license and study guides and bone up on statistics and I'll be set. I have all my PhD course work completed, so I won't need to take additional college course work, thank goodness, 9+ years of education is quite enough for me. The continuing education requirements are costly and time consuming enough! LOL

Remember, you need this updated psychiatric information for your VA and SSD claims. I can write the psychological info, however the VA looks for consistent treatment when they are determining whether or not to deny or approve your claim.

I can't bill through your insurance companies when I accompany you to your appointments in Bowling Green, that is why it is necessary for you all to schedule on the same day. I simply don't have the funds for gasoline costs and I need to clear my schedule for the few individual appointments that I have left (I need those appointments for the small cash donations, as much as the loyal clients that have stuck with me [sic] needs my psychological services."

Ms. Buell admitted at the hearing that she wrote the text of that email,

and although she disputed the date, she conceded that it was written after she had been fired from her job with Dr. Marina Lung at Comprehensive Counseling. In this email, Ms. Buell refers to herself as a "therapist without an office," and assures her clients that it is "perfectly legal" for her to work out of her home. It gives clients a false impression that the only difference between an LSW and an LISW is that the independent social worker may bill insurance for his or her services. In actuality, the LSW may not practice independently at all. I believe this document shows that she was providing counseling services because she refers to "the few individual appointments that I have left" and to her contention that she needs to clear her calendar for these appointments as much as "the loyal clients who have stuck with me [sic] needs my psychological services." Finally, the document indicates that she can write "the psychological info" on VA and SSD claims, which suggests that she was preparing psychological write-ups or assessments.

In State's Exhibit H-7, another email that Ms. Buell admitted she wrote, she invites Dana Dorsey to consider joining the men's group that met on Wednesday nights in the summer, telling him, "It is a wonderful soothing experience for the combat vet wounded (by bullets and agent orange) to [sic] grief the loss of the fellow VNV's and to work on their issues of depression and PTSD that remains ever alive since Vietnam.... I am so lucky to be their facilitator." She was asked at the hearing if that email indicated that she was treating the clients' depression, and she responded that she just made a poor choice of words. On the second page of that document, she also refers to some of the veterans who had died as "fallen warriors who had been a part of our [sic] counseling group." This document, like the other, indicates that she was working with these people on issues of depression and PTSD, and she referred to the Wednesday night event as a "counseling group." In State's Exhibit H-3, she also referred to the women's group as "our regular [sic] Veteran's wives and significant other therapy/support group," and indicates that "besides agent orange injuries, we need to be focusing on the PTSD, and depression issues that affect the family of war veterans." Ms. Buell admitted at the hearing that it was "more than likely" that she wrote this, and that she simply made a poor word choice in calling it a therapy group.

Finally, the testimony of Rocky Newbold supports the conclusion that Ms. Buell was practicing social work at the men's group meetings held at the VFW. I found Mr. Newbold to be a very forthright, confident witness, and there appeared to be no issue of personal animosity between him and

Ms. Buell. Mr. Newbold testified that when he first met with Ms. Buell concerning the meetings after taking over as commander of the post, she presented him with her college transcripts and a copy of her college degree. He testified that it was his understanding that she was acting as a therapist, although she did not use that word. Ms. Buell acknowledged in her testimony that she had indeed shown Mr. Newbold her transcripts and her degree. Her claim that she did this "just to prove that she wasn't some lunatic" is not convincing. If she was intending the meetings to be strictly social gatherings, there would have been no need for her to present any educational credentials.

That evidence was corroborated by the testimony of several witnesses at the hearing. Although Ms. Buell's clients, Linda and Angela, testified that the meeting they attended at her home was a potluck dinner and that it had a social feel, Angela testified that the purpose of this meeting was to discuss the impending death of her father. Linda testified that she believes she paid a co-pay of \$15 to Ms. Buell at that meeting, and Angela testified that she was bartering for that counseling by providing housekeeping. Ms. Buell contends that Linda's and Angela's grief is causing them to misconstrue the events. Also, although at times Ms. Buell claimed that Linda and Angela are biased against her and have been harrassing her, she could offer no reason why they would have a vendetta against her. Moreover, I could reach this same finding without relying on the testimony from Linda, as Ms. Buell's testimony about the State's Exhibits that she admits she wrote is sufficient. Therefore, I need not make any determination about whether there is any merit to Ms. Buell's claim that Linda is biased against her, because Linda's testimony was not critical to any part of my findings. The only part of Angela's testimony that I relied upon in reaching my findings was her testimony that she had cleaned Ms. Buell's house in exchange for counseling services.

Ms. Buell's client, Bill, also testified that he saw her individually at Olander Park on one occasion, and at her home on six other occasions during the months of August and September 2003. He testified that although the sessions in her home "felt more like a social setting," he acknowledged that she did "help him out." He testified that although he was not asked for a specific amount, he paid her \$20 for each session. Although Ms. Buell contends that Bill's memory is impaired, and Bill himself acknowledged that he had memory problems, I was impressed by his careful records that he referred to on his calendar, explaining that he has to keep written records or

he forgets things. Likewise, when he was asked on cross-examination about any medications he takes that could affect his memory, he spontaneously pulled a detailed list from his wallet and was able to recite them all. There was some mild amusement in the room as Bill bristled over having to pay \$2.50 for entrance into Olander Park, and even Ms. Buell marveled, "Wow, I can't believe he remembered that" towards the end of the hearing. Bill struck me as the kind of person who remembers where his money goes, and I believe that if he remembers paying \$2.50 for entrance into the park, he remembers paying \$20 for his meetings with Ms. Buell.

The testimony from Bill that he was free to pay whatever amount he wanted is consistent with Ms. Buell's language in State's Exhibit H-6 where she stated that she needed to clear her schedule for the few individual appointments she had left because, in her words, "I need those appointments for the small cash donations as much as the loyal clients that have stuck with me [sic] needs my psychological services." I note that in Respondent's Exhibit 5, a character letter from Ms. Buell's client "Robert," it also appeared that Ms. Buell asked for voluntary contributions. Robert writes, "After not finding a job, Ms. Buell said she couldn't come out [sic] cause of no gas, or able to [sic] buy food. I make a good living and didn't want the group to end." Finally, even Ms. Buell's own witness, Luke, and her client "Neal," in his letter at Respondent's Exhibit 1 indicated that she received "gas money," demonstrating that she accepted some kind of voluntary contributions.

The second charge against Ms. Buell is that she made a bartering arrangement with a client to clean her house in exchange for counseling services, and that she hired that same client, the client's boyfriend, and another friend of theirs to help her move from her personal residence. The Board claims that this conduct violates Ohio Administrative Code Rules Rules 4757-5-01(C)(1) and 4757-5-01(H)(2), which make up part of the profession's Code of Ethical Conduct. Rule 4757-5-01(C)(1) provides in pertinent part as follows:

- (1) Counselors, social workers, or marriage and family therapists should avoid multiple relationships and conflicts of interest with any client/consumer of services which might impair professional judgment or increases the risk of client/consumer of services exploitation.

Rule 4757-5-01(H)(2) provides as follows:

(2) Counselors, social workers, and marriage and family therapists should not accept goods or services as payment for professional services. Bartering arrangements, particularly involving services, create the potential for conflicts of interest, exploitation, and inappropriate boundaries in counselors' and social workers' relationships with clients. Counselors, social workers, and marriage and family therapists may explore and may participate in bartering only in very limited circumstances when it can be demonstrated that such arrangements are an accepted practice among professionals in the local community, considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Counselors, social workers, and marriage and family therapists who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this arrangement will not be detrimental to the client or the professional relationship.

Ms. Buell admits that she entered into a bartering arrangement, at the request of Angela's parents, providing that Angela would clean her home in exchange for counseling. Because Angela was to provide services rather than goods for her part of the barter, the Rule cited above cautions that such an arrangement particularly creates the potential for exploitation and inappropriate boundaries. Housekeeping seems to be a potentially demeaning form of service for a client to provide, and therefore more likely to exploit the client. Also, the fact that Angela was given a key to the apartment, and her testimony that she helped pack client files at the time of Ms. Buell's relocation presents the likelihood of inappropriate client/counselor boundaries.

There was a conflict in the testimony about how often the housekeeping occurred. Ms. Buell insisted that it was only one time, and Angela testified that it was at least five times. At one point late in the hearing, Ms. Buell testified that she suspected that it was Angela who had gained access to her computer to tamper with her files "because she had a key." I asked her why Angela had a key to her new residence, if she had cleaned only the former residence. She stated that Angela had helped her move. I then asked her why she let Angela keep the key, and she replied that she didn't *let* her keep it, but she had helped with the move and could have had a copy made then. Ms. Buell's testimony that Angela had a key to the new residence leads me to believe that the cleaning did occur more than once. Ms. Buell presented

no evidence that bartering is an accepted practice among professionals in the local community, so as to meet the requirement of the very limited instances when bartering may be permissible under Rule 4757-5-01(H)(2)

Although Ms. Buell claims that hiring friends of a client, who were not clients themselves, to help her move should not be a violation of any rule, my interpretation of Rule 4757-5-01(C)(1) is different. Hiring a client's friends to perform services that they are not in the business of providing suggests the possibility that Ms. Buell was using her client as an "employment agency" to find inexpensive labor. I believe this presents a very real possibility of client exploitation that the Rule warns against. There was a difference of opinion on whether Ms. Buell got a good bargain, with Ms. Buell contending that she "must have been really stupid" because she paid them \$300 to help with the move and her impression was that she overpaid. Angela's testimony was that the three people together were paid \$300, which they divided among themselves, and that the move took place over a three day period. Based on this testimony, each worker was earning about \$33 a day, and that suggests the possibility that Ms. Buell had found a source of inexpensive labor in her client's friends. Though there was no testimony about how many hours each worker actually put in each day, Ms. Buell could have simply hired the moving service to do this part of the move as well, thereby eliminating any perception that she may have been using a client to save money on her move.

I was not convinced of any claims that someone had "hacked into" Ms. Buell's computer. Ms. Buell testified that she suspected Angela had tampered with her computer, but my impression of Angela was that she was neither resourceful enough nor savvy enough to be able to do such a thing. The more likely explanation for how some people who were not intended recipients of Ms. Buell's emails nonetheless received them is that a designated recipient simply forwarded the email to someone else outside the loop of intended readers. Mr. Trawinsky acknowledged the plausibility of that explanation during his cross-examination. However, regardless of whether any tampering occurred, nearly all of the documents I relied on in reaching my conclusions were documents that Ms. Buell admitted she wrote. Moreover, Ms. Buell acknowledged that she was never able to provide the Board with any proof that her computer or her email account had been tampered with. Finally, Ms. Buell's credibility, which diminished with the length of her testimony, diminished even further with the admission of the additional

documents concerning the third charge against her.

The third charge against Ms. Buell was that she sent various forms of correspondence to various individuals including Kraft Nabisco, Sylvania Township Police Department, and Buckeye Express Internet Server in which she disclosed the names of three clients and indicated that these clients have severe mental health diagnoses. The State alleges that this conduct violates Rule 4757-5-01(B)(4), which provides as follows:

(4) Confidentiality

Counselors, social workers, and marriage and family therapists shall have a primary obligation to protect the client's right to confidentiality as established by law and the professional standards of practice. Confidential information shall only be revealed to others when the client or other persons legally authorized to give consent on behalf of the clients, have given their informed consent, except in those circumstances in which failure to do so would violate other laws or result in clear and present danger to the client or others. Unless specifically contraindicated by such situations, clients shall be informed and written consent shall be obtained before the confidential information is revealed.

At the hearing, Ms. Buell identified State's Exhibits I-1 and I-3 as letters to Buckeye Express Internet Server that she prepared but did not send to Buckeye Express. She identified State's Exhibit I-2 as a letter she prepared, but did not send, addressed to Captain Rob Bomia of the Sylvania Township Police Department. She emphatically stated several times that she sent those letters only to the Board. She explained that she talked these letters over with her husband, Wally, and decided not to send them to the police or to Buckeye Express, but only to send them to the Board to explain her theories of what was happening.¹

Following the hearing, Buckeye Express and the Sylvania Township Police Department were contacted and asked for any correspondence they had received from Ms. Buell. The document now marked as State's Exhibit J-1 is an affidavit from the Vice President of Information Technology at

¹No correspondence purporting to be with Kraft/Nabisco was presented. It appears that Kraft/Nabisco may have been involved in the charge that was dropped, the reference to the second subsection of 4757-5-01, when the State amended its Notice of Opportunity at the start of the hearing. No evidence was presented indicating that Ms. Buell had disclosed any confidential information to Kraft/Nabisco.

Buckeye Internet, which states that the attached document, now marked as State's Exhibit J-2, was faxed to Buckeye Internet from Sheila Buell, and was placed in her file regarding customer complaints. The document is identical to State's Exhibit I-1, dated August 16, 2004. Likewise, the information submitted by the State following the hearing includes an affidavit from Robert Boehme of the Sylvania Township Police Department, now marked as State's Exhibit K-1. It indicates that the attached letter, now marked as State's Exhibit K-2, was faxed to the police department's fax machine from Sheila Buell-Trawinski. This letter is identical to State's Exhibit I-2, which Ms. Buell firmly stated that she sent only to the Board and not to the police department.

State's Exhibit I-1, in particular, goes beyond merely disclosing the full names of clients and indicating that they are mental health clients. The letter disparages the clients, indicating that they have "a range of severe mental health diagnoses, two of them have spent time in jail for various offenses." (State's Exhibit I-1) In the same letter, she accuses one of the clients of engaging in bribery and even implies that VA benefits might not have been rightfully awarded:

"I have heard that one of the above parties, who has a sizable income \$5,000 a month tax free for a Veterans Administration disability, he claims he suffered in Vietnam, has often paid employees of companies such as yours to gain information that he desires. This employee is antisocial personality disordered and is armed at all times."

Since only one of the three named clients is male, it is evident which client Ms. Buell is referring to in the above paragraph. If Ms. Buell was simply trying to get information about whether her Internet account had any suspicious activity, she could have asked the relevant questions of Buckeye Express without disparaging her former clients.

Because Ms. Buell insisted under oath that she had never sent those documents to Buckeye Express nor to the Sylvania Township Police Department, and the new information shows that she did in fact send them, she has very little credibility. Likewise, her husband, Wally's testimony that she did not send these documents diminishes his credibility, or at least suggests that he was not very aware of her activities. The State has provided more than adequate evidence that Ms. Buell violated her clients' confidentiality

and in doing so, committed a clear violation of Rule 4757-5-01(B)(4).

Ms. Buell's claim that she was unaware of these rules, especially as that claim relates to the code section prohibiting individual unsupervised practice by an LSW, is disingenuous. The critical difference between being licensed as a licensed social worker (LSW) and being licensed as a licensed independent social worker (LISW) is that the LISW may practice independently, as the title of the license states. Ms. Buell testified at the hearing that she holds a master's degree with 190 hours of additional coursework, and that she has been licensed as an LSW since 1990. She referred to her extensive continuing education in State's Exhibit H-6, and she indicates in that same document that she has completed all of her Ph.D coursework and that although her current license is not the independent license which would allow her to bill clients' insurance, all she needs is to study for the test, save the money for the testing fee, and "bone up on statistics." She had apparently done some investigation into what would be required for her to acquire the LISW license. This fact, taken together with her 15 years of practice and all of the coursework she describes as well as her extensive continuing education leads to the conclusion that she could not possibly have been unaware of the law requiring LSW's to practice under supervision.

Although the parties disputed the issue of whether Dr. Mercado was intending to be Ms. Buell's future supervisor when she begins her work with Allies in Mental Health in the future, I found the issue to be less critical than anticipated. The affidavit signed by Dr. Mercado indicates that he never agreed to be her supervisor at Allies in Mental Health and that he ceased being her supervisor as of July 25, 2003. (State's Exhibit L) The letter from Skeeter Hunt and Larry Harris of Allies in Mental Health indicates that Dr. Mercado had originally agreed to supervise Ms. Buell under the contract that she entered into with Allies on July 14, 2005, but that he changed his mind following the public hearing on this matter and withdrew his support the following morning. (Respondent's Exhibit 7) In any event, it is clear that for the two-year period from July 25, 2003 when Ms. Buell was fired from her job at Comprehensive Counseling until July 14, 2005 when she contracted with Allies in Mental Health to be a mental health therapist, she was not under the supervision of Dr. Mercado nor anyone else.

I did read and consider the letters submitted by some of Ms. Buell's former clients, and by friends. The letters indicate that some of these clients believe Ms. Buell helped them a great deal with personal problems, in-

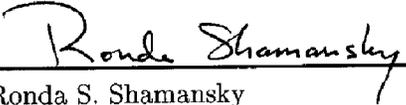
cluding one client whose depression was so severe that he was suicidal at times. Ms. Buell seems to have a great interest in working with veterans, particularly Vietnam veterans, and some of those clients wrote to tell how she had helped them. Although the authors of those letters do not appear to be entirely clear on how Ms. Buell was licensed (the writer of Respondent's Exhibit 2 indicates that he knows her "in her professional capacity as a psychologist") the letters appear to be sincere and heartfelt, and they do lead me to believe that Ms. Buell offered significant help to some of her clients. However, she did not do so in a way consistent with the licensure law. Just as an unlicensed person could not lawfully practice medicine, even if his "patients" thought he was very helpful to them, an LSW is not permitted to practice independently under the licensure laws, as enacted by the General Assembly. Ms. Buell's practice beyond the scope of her LSW license is a serious violation.

CONCLUSION OF LAW

I conclude that Ms. Buell violated R.C. 4757.26(C) by practicing social work as an independent practitioner without supervision, thereby exceeding the scope of her LSW license. I also conclude that she violated Ohio Administrative Code Rule 4757-5-01(C)(1) and (H)(2) by bartering with a client for housekeeping services in exchange for counseling, and by hiring the client and the client's friends to help her move from one residence to another. Finally, I find that Ms. Buell violated Ohio Administrative Code Rule 4757-5-01(B)(4) by disclosing the names of clients and details about their mental health conditions in letters she wrote to Buckeye Express Internet Server and to the Sylvania Township Police Department. The Board has the authority under R.C. 4757.36(A) to take whatever action it finds appropriate against her license, based on the violation of these rules.

RECOMMENDATION

For the reasons detailed in this report, I recommend that the Board take action against Ms. Buell's license, although I must defer to the Board as to whether a suspension or revocation is more appropriate. If the Board is inclined to suspend the license, then I recommend a suspension of 2 to 5 years.


Ronda S. Shamansky
Hearing Examiner