



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER in the Matter of:

Bobbi J. Spilker
13295 West High Street
PO Box 262
Weston, OH 43569

IN THE MATTER OF BOBBI J. SPILKER TO PRACTICE AS A LICENSED SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF BOBBI J. SPILKER CAME BEFORE THE FOLLOWING MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON MARCH 17, 2006: GLENN ABRAHAM, ROCKY BLACK, JENNIFER RIESECK-LEE, DR. THERESA CLUSE-TOLAR, AND MOLLY MICHELBRINK.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Bobbi J. Spilker by the Social Worker Professional Standards Committee on January 23, 2006.

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, Bobby J. Spilker failed to make a timely request for such a hearing, therefore pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358 the case was presented to the Social Work Professional Standards Committee on March 17, 2006.

Summary of Evidence

State's Exhibits

1. Affidavit prepared by William L. Hegarty, Deputy Director, State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.
2. Notice of Opportunity for Hearing to Bobbi J. Spilker dated January 23, 2006 (State Exhibit A).
3. Consent Agreement entered into by the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board and Bobbi J. Spilker on March 21, 2003 (State Exhibit B).
4. Letter dated October 20, 2005, from Tammy Tingle, Board investigator, to Bobbi Spilker (State Exhibit C).
5. Copy of Computer Printout showing Ms. Spilker has been licensed as a social worker since July 19, 2002 (State Exhibit D).

Conclusions of Law

Ohio Revised Code Section 4757.36(A)(1) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has committed a violation of any provision of the Board's law and rules. Ohio Administrative Code Section 4757-11-01(C)(22) states that the Board may discipline a licensee who fails to adhere to any conditions set forth in a Board approved consent agreement.

Discussion and Findings

As required in the case of *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals 95APE10-1358, all cases where a Board issues a Notice for Opportunity for Hearing and the individual does not request a hearing, the Board still must review evidence presented to it and make specific findings of fact. In this case, Mr. Zlotnik did not request a hearing after receipt of his Notice for Opportunity for Hearing.

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Ms. Spilker did not complete the provisions of an agreed upon Consent Agreement by failing to take and pass a social work ethics course from an accredited college or university. There is no evidence Ms. Spilker has sought pre-approval for this course which she was to have completed by July 31, 2005. Based on this, the Committee orders that Ms. Spilker's license to practice social work (S-0029818) be **REVOKED**. As Ordered by the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

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

APPEAL RIGHTS

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

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 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.



Theresa Cluse-Tolar, Ph.D., LISW
Chairperson

Date

3/17/06

Certified Mail Receipt #7001 0360 0002 4138 8544

**CONSENT AGREEMENT
BETWEEN
BOBBI SPILKER
AND THE
STATE OF OHIO COUNSELOR AND SOCIAL WORKER BOARD**

10/2 3:33
COUNSELOR AND SOCIAL WORKER BOARD

This CONSENT AGREEMENT is entered into by and between BOBBI SPILKER, hereinafter, "**SPILKER**", and the STATE OF OHIO COUNSELOR AND SOCIAL WORKER BOARD, hereinafter "**BOARD**", the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated thereunder.

SPILKER hereby acknowledges that she has read and understands this CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

SPILKER is fully aware of her rights, including her right to be advised by counsel and her right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this CONSENT AGREEMENT. Should **SPILKER** fail to comply with any provisions of this CONSENT AGREEMENT, **SPILKER** knowingly waives her rights under ORC Chapter 119.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. **SPILKER** is a social worker (S-29818) licensed to practice social work in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **SPILKER** received her social work license on July 19, 2002.
2. **SPILKER** did her social work internship at the Northwest Community Corrections Center, Bowling Green, Ohio. Her internship ended April 21, 2002. During her internship, **SPILKER** was cautioned about inappropriate relationships with clients. After the internship ended, **SPILKER** began a personal romantic relationship with an ex-client. Pursuant to Ohio Administrative Code Section 4757-5-01(A)(2), the rules of ethical practice and conduct apply to the conduct of all licensees, including conduct during the period of education and training that is required for licensure. Entering into a sexual relationship with an ex-client within two years after terminating the professional relationship constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(D)(3).

3. **SPILKER ADMITS** the allegation referenced in paragraph 2 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal disciplinary proceedings, **SPILKER** knowingly and voluntarily agrees with **BOARD** to the following terms and conditions:

1. **SPILKER'S** license to practice social work is hereby **REPRIMANDED** and **SPILKER** agrees to adhere to all professional social work boundary laws and rules.
2. **SPILKER** must take and pass a social work ethics course from an accredited college or university. This course must be taken for credit and a grade. This course also must be pre-approved by the **BOARD'S** Investigative Supervisor, or his designee. An on-line course or other computer-based course will not be approved. At the end of the course, **SPILKER** must arrange for an official transcript to be sent to the Investigative Supervisor of the Board. The transcript, verifying completion must be received no later than July 31, 2005.
3. **SPILKER** must be supervised for all her social work responsibilities for two years by a pre-approved supervisor who will pay close attention to professional boundaries and other ethical concerns. **SPILKER** must submit the name and credentials of her proposed supervisor by April 1, 2003, to seek approval by the **BOARD**. The approved supervisor must submit evaluation reports to the Board's investigation unit every six months. The first report is due at the Board offices by October 1, 2003. It is **SPILKER'S** responsibility to ensure that all reports all submitted on time.

It is hereby agreed by and between both parties that this **CONSENT AGREEMENT** hereby settles all issues concerning this matter.

By her signature on this **CONSENT AGREEMENT**, **SPILKER** acknowledges that in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **SPILKER** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, she will assert no claim that the **BOARD** was prejudiced by its review and discussion of this **CONSENT AGREEMENT** or of any information relating thereto.

If, following notice and an evidentiary hearing, not an Ohio Revised Code Chapter 119 hearing, **SPILKER** is found by the **BOARD** to have violated any terms of this Consent Agreement, the **BOARD** may impose any penalty up to and including **REVOCATION** of **SPILKER'S** social work license based solely upon a violation of this Consent Agreement. **SPILKER** may not appeal this action.

SPILKER hereby releases the members of the **BOARD**, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61, and Ohio Revised Code Section 3123.41 et seq. the **BOARD** may be required to provide **SPILKER'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this CONSENT AGREEMENT into a formal journal entry at its March 21, 2003, meeting.

This CONSENT AGREEMENT shall take effect upon the date of the last signature below:

THE OHIO COUNSELOR AND
SOCIAL WORKER BOARD

Bobbi Spilker, LSW Frank L. O'Dell
Bobbi Spilker, SW Frank O'Dell, PCC

Chair, Counselor and Social Worker Board

2/24/03
Date

3-21-03
Date

Counsel for Ms. Spilker

Barbara Petrella, Esq.
Assistant Attorney General
Counselor and Social Worker Board

Date

Date