



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER

in the Matter of:

David A. Caldwell
1867 Pannell Avenue
Columbus, OH 43207

IN THE MATTER OF DAVID A. CALDWELL TO PRACTICE AS A REGISTERED
SOCIAL WORK ASSISTANT IN THE STATE OF OHIO.

THE MATTER OF DAVID A. CALDWELL 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 MAY 19, 2006: GLENN ABRAHAM,
ROCKY BLACK, JENNIFER RIESECK-LEE, THERESA CLUSE-TOLAR, Ph.D.,
AND MOLLY MICHELBRINK.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to David A. Caldwell by the Social Worker Professional Standards Committee on March 18, 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, David A. Caldwell 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 May 19, 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 David A. Caldwell dated March 18, 2006 (State Exhibit A).
3. Consent Agreement entered into by the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board and David A. Caldwell on September 17, 2004 (State Exhibit B).
4. Letter dated January 4, 2006, from Tammy Tingle, Board investigator, to David A. Caldwell (State Exhibit C).
5. Copy of Computer Printout showing Mr. Caldwell has been registered as a social work assistant since September 22, 2000 (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 registrant 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 registrant 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. Caldwell did not request a hearing after receipt of his Notice for Opportunity for Hearing.

The Social Worker Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that Mr. Caldwell did not complete the provisions of an agreed upon Consent Agreement by failing to take 8 hours of pre-approved continuing education hours in the area of sexual harassment. There is no

evidence Mr. Caldwell has sought pre-approval for these continuing education hours which he was to have completed by December 31, 2005. Based on this, the Committee orders that Mr. Caldwell's registration to practice as a social work assistant (W-00001286) 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, 50 West Broad Street, Suite 1425, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

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



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

Date

5-19-06

Certified Mail Receipt #7001 0360 0002 4138 8742

**CONSENT AGREEMENT
BETWEEN
DAVID A. CALDWELL
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between DAVID A. CALDWELL, hereinafter, "CALDWELL," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "BOARD," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

CALDWELL hereby acknowledges that he 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.

CALDWELL is fully aware of his rights, including his right to be advised by counsel and his 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 CALDWELL fail to comply with any provisions of this CONSENT AGREEMENT, CALDWELL knowingly waives his 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. CALDWELL is a social work assistant (W-1286) registered 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. CALDWELL received his social work assistant registration on September 22, 2000.
2. CALDWELL was employed at Southeast Recovery and Mental Health Services, Inc., Columbus, Ohio, as a case manager. From about August 7, 2000, through July 25, 2003, CALDWELL made several inappropriate remarks of a sexual nature to female clients. These inappropriate sexual comments constitute a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(B)(6).
3. CALDWELL, also while employed at Southeast, touched two female clients in an inappropriate manner. These actions constitute a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(B)(8)(a).

4. CALDWELL ADMITS the allegations referenced in paragraphs 2-3 above.

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

1. CALDWELL'S registration as a social work assistant is hereby SUSPENDED for a period of one (1) year beginning October 1, 2004..
2. CALDWELL will take, at his own expense, 8 hours of continuing education workshops focused on sexual harassment issues. The workshops must be pre-approved by the BOARD'S Deputy Director or his designee. These 8 hours will not count toward the thirty (30) continuing education hours needed for renewal of his registration as a social work assistant. CALDWELL must send copies of his attendance certificates of these workshops upon completion to the Investigation Unit of the BOARD. CALDWELL will have until December 31 2005, to complete and submit verification to the BOARD office.

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

By his signature on this CONSENT AGREEMENT, CALDWELL 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. CALDWELL agrees that should the BOARD reject this CONSENT AGREEMENT and if this case proceeds to hearing, he will assert no claim that the BOARD was prejudiced by its review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

CALDWELL 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 2301.373(E), the BOARD may be required to provide CALDWELL'S social security number to requesting governmental agencies.

The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its September 17, 2004, meeting.

Consent Agreement between David A. Caldwell and the State of Ohio Counselor, Social Worker and Marriage and Family Therapist Board

CSWMFTB

This CONSENT AGREEMENT shall take effect upon the date ~~2004 AUG 25~~ ^{signature} ~~A 11:23~~
below:

THE OHIO COUNSELOR,
SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD



David A. Caldwell, SWA

8-25-04
Date



Rose Quinones-DelValle, PCC
Chair, Counselor, Social Worker and Marriage and
Family Therapist Board

9-17-04
Date



Juliane E. Barone, Esq.
Assistant Attorney General
Counselor, Social Worker and Marriage and Family
Therapist Board

9-17-04
Date