



Counselor, Social Worker & Marriage and Family Therapist Board

77 S. High Street, 24th Floor
Columbus, Ohio 43215
614-466-0912 & Fax 614-728-7790
<http://cswmft.ohio.gov> & cswmft.info@cswb.state.oh.us

ADJUDICATION ORDER in the Matter of:

Burton M. Griess
4658 Broadhurst Drive
Columbus, OH 43213

IN THE MATTER OF BURTON M. GRIESS TO PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF BURTON M. GRIESS CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON MAY 17, 2018: DR. MATHEW PAYLO, DR. RAYMOND LOSEY, DR. CHRISTIN JUNGERS, RYAN PICKUT AND SUE POHLER.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Burton M. Griess by the Counselor Professional Standards Committee on March 16, 2018.

Pursuant to R.C. 119.07 licensees are entitled to a hearing before the Board if such a hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing. In this case, Mr. Griess failed to make a timely request for such a hearing, therefore pursuant to *Goldman v. State Medical Board of Ohio*, 110 Ohio App.3d 124, 673 N.E.2d 677 (1996) the case was presented to the Counselor Professional Standards Committee on May 17, 2018.

Summary of Evidence

State's Exhibits

1. Affidavit prepared by William L. Hegarty, Deputy Director, State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.
2. Notice of Opportunity for Hearing to Mr. Griess dated March 16, 2018.

3. Certified court document from the Delaware County Court of Common Pleas relating to Mr. Griess
4. Evaluation/assessment documentation pertaining to Mr. Griess' fitness for duty dated July 21, 2017 (confidential under ORC 4757.38)

Conclusions of Law

Ohio Revised Code Sections 4757.36(C) (1) provides that the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board may take disciplinary action against a licensee who has violated any provision of the Board's statute or rules.

Discussion and Findings

As required in the case of *Goldman v. State Medical Board of Ohio*, 110 Ohio App3d 124, 673 N.E.2d 677 (1996) 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, Burton M. Griess did not request a hearing after receipt of his Notice for Opportunity for Hearing.

The Counselor Professional Standards Committee has reviewed the evidence prepared in this case. The Committee finds that in February 2018 Mr. Griess was convicted of a fifth degree felony in the Delaware Court of Common Pleas in violation of ORC 4757.36 (C)(5). The Committee further finds that Mr. Griess' ability to practice as a licensed professional counselor is impaired in violation of ORC 4757.36(C) (1) and Ohio Administrative Code 4757-11-02. Based on this, the Committee orders that Mr. Griess' license to practice as a licensed professional counselor (C.0007338) is **REVOKED**. As Ordered by the Counselor Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board. This decision was by a unanimous vote of the Board members who reviewed and voted on the case.

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

APPEAL RIGHTS

Ohio Revised Code Section 119.12 may authorize an appeal from this Order. Such an appeal must be commenced by the filing of a Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board and in the court of common pleas of the county in which the licensee is a resident. If the party appealing from the order is not a resident of any County, the party may appeal to the court of common pleas of Franklin County. The Notice of Appeal must set forth the order appealed from and state that the agency's order is not supported by reliable, probative, and substantial

evidence and is not in accordance with the law. The Notice of Appeal may, but need not, set forth the specific grounds of the party's appeal beyond the statement that the agency's order is not supported by reliable, probative, and substantial evidence and is not in accordance with law. Both Notices of Appeal must be received at the office of the Board and filed with the applicable court within fifteen (15) days after mailing of this notice of the agency's order, and in accordance with the provisions of Ohio Revised Code Chapter 119.12.

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



Brian Carnahan
Executive Director

May 18, 2018

Date

Certified Mail Receipt #7003 0500 0002 4316 3136