



Counselor, Social Worker & Marriage and Family Therapist Board

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ADJUDICATION ORDER in the Matter of:

Benjamin P. Kelch
6715 Wanamaker Drive
Reynoldsburg, OH 43068

IN THE MATTER OF BENJAMIN P. KELCH TO PRACTICE AS A LICENSED PROFESSIONAL COUNSELOR IN THE STATE OF OHIO.

THE MATTER OF BENJAMIN P. KELCH CAME BEFORE THE FOLLOWING MEMBERS OF THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON JULY 16, 2015: DR. TERRI HAMM, DR. CHRISTIN JUNGERS, DR. OTHA GILYARD, MATTHEW PAYLO AND MARY VENRICK.

FINDINGS, ORDER, AND JOURNAL ENTRY

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Benjamin Kelch by the Counselor Professional Standards Committee on March 20, 2015.

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. Kelch 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 Counselor Professional Standards Committee on July 16, 2015.

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. Kelch dated March 20, 2015.
3. Report of Investigation (Confidential under ORC 4757.38)
4. Order of the Ohio Chemical Dependency Professionals Board pertaining to Benjamin Kelch
5. Statement, dated February 12, 2015, from Theodore P. Shannon, Ph.D., LPCC

Conclusions of Law

Ohio Revised Code Section 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 committed a violation of any provision of the Board's law and rules.

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, Benjamin P. Kelch 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 Benjamin P. Kelch while employed in a community health and recovery center in Lancaster, Ohio, sexually harassed a female client. Based on this, the Committee orders that Mr. Kelch's license to practice as a professional counselor (C.0800038) is **Revoked**. As Ordered by the Counselor 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

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 P. Carnahan
Executive Director

July 16, 2015
Date

Certified Mail Receipt #7005 1160 0001 0337 7780