

Consent Agreement between Carl Rak and the State of Ohio Counselor, Social Worker, Marriage and Family Therapist Board

**CONSENT AGREEMENT
BETWEEN
CARL RAK
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between CARL RAK, hereinafter, "RAK," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER, 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.

RAK 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.

RAK 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.

This CONSENT AGREEMENT contains the entire agreement between the parties, based on the Board's investigation, 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. RAK is a professional clinical counselor (E-0000570-5) licensed to practice counseling in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of counseling as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. RAK received his professional clinical counselor license on June 11, 1988.
2. While working at an agency in Lakewood Ohio, RAK, entered into a sexual relationship with a client from December 2016 through March 2017. This action constitutes a violations of O.R.C. 4757.36 (C) (1), and O.A.C. 4757-5-04.

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

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1. RAK'S license to practice as a clinical counselor (E-0000570-S) is suspended from December 31, 2017, for a minimum of three years. RAK must continue to renew his LPCC if he intends to return to practice.
2. At the end of the three years of suspension RAK shall undergo a professional assessment to determine his fitness to return to practice by an independently licensed provider approved in writing by the Board's Deputy Director, or his designee. Based on the results of the evaluation the Board may lift the suspension. All costs associated with the assessment are the expense of RAK.

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, RAK 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. RAK 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.

RAK 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 RAK'S social security number to requesting governmental agencies.

The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its November 17, 2017 meeting. This CONSENT AGREEMENT shall take effect upon the date of the Board Chair's signature below:

Carl F Rak
Carl Rak, LPCC-S

Erin Michel
FOR Erin Michel, MA, LSW
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

11-17-17
Date

11-17-17
Date

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David C Schweighofer
David Schweighofer, Esq.
Mr. Rak's Attorney

11/17/17
Date

Melissa L. Wilburn
Melissa L. Wilburn, Esq.
Assistant Attorney General
Counselor, Social worker, Marriage and
Family Therapist Board

11-17-2017
Date