

**BEFORE THE
BOARD OF CLINICAL SOCIAL WORKERS
OF THE STATE OF OREGON**

In the Matter of

CHARLENE POWELL,

Respondent.

**STIPULATION FOR VOLUNTARY
SURRENDER OF CLINICAL SOCIAL
WORKER LICENSE IN LIEU OF
REVOCATION and FINAL ORDER**

Case No. 2009-05

1.

The Board of Clinical Social Workers (Board) is the agency responsible for licensing, regulating, and disciplining Licensed Clinical Social Workers in the State of Oregon.

2.

At all times material herein, Charlene Powell, LCSW, License No. L3803 (Respondent), was a Licensed Clinical Social Worker (LCSW) in the State of Oregon and subject to the jurisdiction of the Board. Respondent's address of record is P.O. Box 1728, McMinnville, Oregon, 97128.

3.

The Board opened an investigation of Respondent's conduct after Respondent's report on her licensure renewal form that Respondent was under criminal investigation by a Yamhill County Grand Jury regarding her handling of the affairs on an elderly dependent person named Marie Cummings.

4.

On June 29, 2009, Respondent plead guilty and was convicted in Yamhill County Circuit Court on a count of Theft in the First Degree, ORS 164.055, a Class C Felony, and a count of Theft in the Second Degree, ORS 164.045, a Class A Misdemeanor, related to her handling of affairs for Ms. Cummings.

5.

The Board considers Respondent's felony theft conviction alone is grounds for revocation under ORS 675.540(1)(b) and (2)(a). Respondent further stipulates that her conduct also constitutes serious violations of: OAR 877-030-0070(1)(a), (1)(c), and (1)(d) [2005] and OAR 877-030-0070(1)(a), (1)(c), and (1)(d) [2008]; and OAR 877-030-0040(2) [2005] and OAR 877-030-0040(2) [2008].

6.

The parties desire to settle this matter by entering into this Stipulation and entry of the Final Order below, pursuant to ORS 183.417(3), ORS 675.510 and 675.600, and OAR Chapter 877.

7.

Respondent acknowledges, understands, and agrees to the following:

7.1 Respondent surrenders her license as a clinical social worker. This voluntary surrender in lieu of revocation is subject to and conditioned upon acceptance and approval by the full Board. If accepted by the full Board, the surrender will be effective as of the date of issuance of the Final Order below.

7.2 If the Board accepts the surrender of Respondent's license: (a) Respondent may not apply for a license or certification with the Board for at least three years after the date the surrender was accepted by the Board, pursuant to OAR 877-020-0036(2) [2009]; (b) In the event that Respondent applies for licensure or certification with the Board after this three year period, the Board may as part of any review, consideration, or decision on her application, consider her conduct in this matter and her compliance with the terms of her criminal probation in addition to any other information obtained as part of the application process; and (c) This Stipulation and

Final Order does not in any way restrict or limit the Board as part of its review, consideration, and decision on any application submitted by Respondent.

7.3 Respondent is prohibited after issuance of this Final Order from using the title of, or purporting to be, a Licensed Clinical Social Worker, or using any other title that includes those words.

7.4 Respondent will not engage in the practice of clinical social work within the meaning of ORS 675.510(2) [2007] in the State of Oregon or with an Oregon resident without being appropriately licensed with the Board and otherwise in compliance with all the requirements for practicing social work in Oregon.

7.5 This Stipulation and Final Order is a public document and a matter of public discipline, pursuant to OAR 877-020-0031 and other applicable authority. This document must be disclosed, published and reported in accordance with ORS 676.175 (5)(a)(D), OAR 877-040-0050, and Oregon Public Records Law. In particular, in accordance with OAR 877-040-0050(2), notice of this action will be sent to the Oregon Chapter of the National Association of Social Workers (NASW) and published in the next edition of the Directory of Clinical Social Work Associates and Licensed Clinical Social Workers, the official newspaper of the county where the Licensee practices and in Marion County, and the Association of Social Work Boards (ASWB) Disciplinary Action Reporting System (DARS).

7.6 Any violation of this Stipulation and Final Order is grounds for further action against Respondent. The Board has the right to take action against Respondent to enforce this Stipulation and Final Order, for any violations of thereof, or for other violations of ORS 675.510 to 675.600 or OAR Chapter 877 not stated herein.

7.7. Respondent has fully read this Stipulation and Final Order and understands it completely. Respondent has consulted with an attorney regarding this Stipulation and Final Order and has been fully advised in regards thereto, or waives any and all rights to consult with an attorney prior to entering into this Stipulation and the issuance and entry of the Final Order below.

7.8 Respondent enters into this Stipulation and consents to issuance of the Final Order below voluntarily and without any force or duress. Respondent states that no promises or representation not stated herein have been made to induce Respondent to sign this Stipulation.

7.9 Respondent understands that she has the right to notice and a contested case hearing under the Administrative Procedures Act (ORS Chapter 183), and fully and finally waives any and all such rights and any rights to appeal or otherwise challenge this Stipulation and Final Order.

IT IS SO STIPULATED AND AGREED TO this 20 day of October, 2009, by:



Charlene Powell, Respondent

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FINAL ORDER

NOW, THEREFORE, based on the Stipulation by Charlene Powell (Respondent) above, which is incorporated herein by this reference, and pursuant to ORS 183.417(3), ORS 675.540, ORS 675.595, and OAR 877-020-0031, it is hereby **ORDERED** that:

- (1) The above Stipulation for Voluntary Surrender of Clinical Social Work License in Lieu of Revocation submitted by Respondent is accepted;
- (2) Respondent shall within ten (10) calendar days surrender to the Board Respondent's Licensed Clinical Social Worker (LCSW) license; and
- (3) Respondent is, effective immediately, prohibited from using the title of, purporting to be, or practicing as a Licensed Clinical Social Worker, or using any other title that includes those words.

ISSUED and **EFFECTIVE** this 4th day of November, 2009.

**BOARD OF CLINICAL SOCIAL WORKERS
State of Oregon**

By 
Becky Rasmussen, Chair