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BEFORE THE
BOARD OF CLINICAL SOCIAL WORKERS
STATE OF OREGON

In the Matter of the License to Practice as a
Clinical Social Worker of:
DAVID C. MEDLIN, LCSW,
Licensee.

CASE NO. 248-99-05
FINAL ORDER BY DEFAULT

THIS MATTER came before the Oregon Board of Clinical Social Workers (Board), the state agency responsible for licensing, disciplining and regulating clinical social workers in the State of Oregon, to consider the revocation of the license to practice as a social worker of David C. Medlin, LCSW (Licensee).

1.

On February 13, 1999, the Board received a complaint from a former client of Licensee (Client) alleging Licensee engaged in a relationship of a sexual nature with her while she was in therapy with Licensee and that Licensee also tried to continue the relationship after her therapy with Licensee had ended.

1.1 On March 13, 1999, the Board informed Licensee about the allegations against him and requested a response and complete explanation about his involvement with the client.

1.2 On April 23, 1999, Licensee responded to the Board and denied all allegations against him and offered to relinquish his license to resolve the matter.

1.3 On September 7, 1999, the Board served Licensee with a Notice of Proposed Disciplinary Action, for violations of OAR 877-30-0070(1) (dual relationship); OAR 877-30-0070(4) (sexual relationship); and ORS 675.540(1)(d) (unprofessional conduct), proposing to revoke Licensee's license to practice as a social worker in Oregon.

1.4 On September 17, 1999, Licensee wrote to the Board and again denied all the allegations against him. He resigned his license and did not request a hearing.

1 After consideration of the records and files of the Board relating to this matter, the Board
2 finds as a preliminary matter that Licensee did have adequate prior notice to request a contested
3 case hearing in this matter and he failed to do so. NOW THEREFORE, the Board makes the
4 following Findings of Fact, Opinion, Conclusions of Law, and Order.

5 FINDINGS OF FACT

6 1. On July 14, 1997, Client began a therapeutic relationship with Licensee for
7 counseling on domestic violence issues. Client was involved in a physically and emotionally
8 abusive relationship with a man. After therapy commenced, Licensee advised Client to end the
9 abusive relationship and encouraged her to transfer her feelings to Licensee as a technique of
10 therapy. Client found this approach to be very confusing.

11 2. The dual relationship began relatively innocuously, but became more serious over
12 time: Licensee and Client went to Powell's Books together. Licensee sent Client an e-mail
13 making a joking reference to her e-mail service "hotmail.com" as a "porn address" and that she
14 had "nice legs". Licensee told Client if she was not his client he would like to date her and that
15 Licensee had reviewed his Code of Ethics to see how long they would have to wait to do so.
16 Licensee took Client to the movies and out to dinner. Licensee presented Client with a birthday
17 gift. Licensee wanted to know more about Client's sex life and when Client declined, Licensee
18 asked what type of lingerie she wore, and did she wear garter belts and underwear. Licensee also
19 asked Client what kind of perfume she wore and told Client that she smelled good. Licensee told
20 Client he liked to see women in white T-shirts with slitted skirts. Licensee also complimented
21 her on her appearance.

22 3. In early March 1999, Licensee suggested visiting Client's home for dinner as a
23 method of making Client more comfortable with dating situations and Client agreed. They had
24 wine and dinner, went into Client's bedroom where Licensee began to kiss Client very
25 passionately and fondled her breasts. They did not engage in sexual intercourse. They went up
26 to the rooftop deck so Licensee could smoke and he continued to touch Client. Sometime during

1 the evening, Client's nephew (who was living with Client at the time) and his date came home.
2 Licensee told Client they probably would have had sexual intercourse had Client's nephew not
3 been there.

4 4. After a session with Licensee in April or May 1998, Client had to go back to her
5 office to finish some work and Licensee accompanied Client. They were alone. Licensee put his
6 hands up her skirt, fondled her breasts and asked if she wore WonderBras. Client said she was
7 wearing a bodysuit and Licensee said he liked the feel of it. Licensee continued to fondle Client
8 as they rode the elevator down from her office.

9 5. In late April or early May 1998, Licensee took Client for a motorcycle ride.
10 Client was scared and asked Licensee to slow down, but he did not. Afterwards, he explained it
11 was to help her overcome her fears, then he kissed and fondled Client in her car. At her next
12 session Licensee hypnotized her, told her it had been like a dream and had not really happened.

13 6. On April 30, 1998, at the end of the session, Client told Licensee she would not
14 be coming back and the dual relationship ended. After the session, Client was very upset and she
15 called Sarah Small who is her new counselor.

16 7. In August or September 1998 (about four or five months later) Licensee saw
17 Client again. He had bought a new house and asked her to go see it. Client agreed. No one else
18 was at the house. Licensee tried to kiss and fondle Client, but she rejected.

19 **OPINION and CONCLUSIONS OF LAW**

20 Although Licensee has offered to voluntarily surrender his license to practice as a clinical
21 social worker, he denies all the allegations against him and states to the Board in his letters of
22 April 23, 1999 and September 17, 1999, that he has never chosen, nor has he ever needed to
23 practice social work on a full-time basis; and that all the effort he put into becoming licensed was
24 of little benefit to him and considers it almost a detriment to his mental health. For these reasons
25 the Board has elected not to accept Licensee's surrender of license, but rather, to proceed with
26 revocation proceedings.

