BEFORE THE
BOARD OF LICENSED SOCIAL WORKERS
OF THE STATE OF OREGON

In the Matter of **JAMES J. KNIPLER, MSW, LCSW** Respondent.	**STIPULATED FINAL ORDER OF VOLUNTARY SURRENDER IN LIEU OF REVOCATION AND ASSESSING CIVIL PENALTIES** Case No. 2010-02

STIPULATION

1.

The Board of Licensed 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, James J. Knipler, LCSW, License No. L3325 (Respondent), was a Licensed Clinical Social Worker (LCSW) in the State of Oregon and subject to the jurisdiction of the Board.

3.

The Board opened an investigation of Respondent after receiving a self-report and complaint that alleged Respondent engaged in unethical conduct with employees that he supervised or worked with at his place of employment, ProtoCall Services Inc. (ProtoCall)

4.

On February 17, 2010, Respondent entered into an Interim Order Prohibiting Clinical Social Work Practice (Interim Order), pending further order of the Board.

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5.

The Board finds and Respondent admits to the following:

a. While a supervisor at ProtoCall, Respondent directly supervised one or more employees engaged in the practice of clinical social work within the meaning of ORS 675.510(2).

b. Respondent directly solicited and obtained both at and off the workplace, marijuana and controlled substance narcotics that were unlawful from one or more of the employees he supervised at ProtoCall.

c. In engaging in the above conduct, Respondent entered into a dual relationship with a supervisee that: (i) impaired Respondent's professional judgment in violation of OAR 877-030-0070(1)(c) as applied to supervisors under OAR 877-030-0080(1); (ii) increased the risk of exploitation of the supervisee for the advantage of Respondent, in violation of OAR 877-030-0070(1)(d) as applied to supervisors under OAR 877-030-0080(1); and (iii) had the potential for exercising undue influence on the supervisee, in violation of OAR 877-030-0070(1)(f) as applied to supervisors under OAR 877-030-0080(1).

d. The above described conduct by Respondent also compromised the fulfillment of Respondent's professional responsibilities as a Licensed Clinical Social Worker and supervisor of clinical social work practice, in violation of OAR 877-030-0040(1).

6.

The Board considers very important the requirements of OAR 877-030-0070(1) as applied to supervisors under OAR 877-030-0080(1) for supervisors of clinical social work practice not to enter into a dual relationship with a supervisee and that the nature and extent of such conduct in this case alone merits revocation and substantial civil penalties. The Board also

considers very serious the compromise of Respondent's professional responsibilities by engaging in the unlawful conduct described above and that such a compromise also by itself warrants revocation and substantial civil penalties.

7.

Respondent desires to resolve this matter through issuance of this Stipulated Final Order of Voluntary Surrender in Lieu of Revocation and Assessing Civil Penalties (the "Order") that provides for voluntary surrender of Respondent's LCSW license, prohibits Respondent from practicing clinical social work in the State of Oregon as provided herein, and assesses civil penalties against Respondent for the violations committed above, pursuant to ORS 183.417(3), 675.540, and 675.595, and OAR Chapter 877.

8.

Respondent stipulates, agrees, understands, and acknowledges as follows:

8.1 Respondent voluntarily surrenders his clinical social work license and requests the Board accept his surrender. This voluntary surrender is in lieu of revocation and is subject to and conditioned upon acceptance and approval by the full Board. If accepted by the full Board, this voluntary surrender will be effective as of the date of the issuance of the Final Order (Order) below.

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

8.3 Respondent may not after issuance of this Order engage in the practice of clinical social work within the meaning of ORS 675.510(2) [2009] 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.

8.4 Respondent may not apply for a license or certification with the Board for at least three years after the effective date of this Order. 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 his application, consider his conduct in this matter and compliance with the terms of this Order in addition to any other information obtained as part of the application process. This 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.

8.5 Respondent as part of the issuance of this Order is assessed civil penalties in the amount of $3000.00 for each of the 4 violations described above for a total of $12,000.00 in civil penalties, pursuant to ORS 675.540(2)(c) and 675.595(9) [2009] and other applicable authority. The Board suspends payment of $8,500.00 of that amount provided that Respondent fully complies with all terms of this Order and Respondent does not hereafter engage in any conduct, act, or practice that violates the statutes and rules administered or enforced by the Board (ORS 675.510 to 675.600 and OAR Chapter 877). The payment of the portion of the civil penalties not suspended under the terms of this Order in the sum of $3500.00 is due and payable within Thirty (30) days of issuance of this Order unless a payment plan is proposed, accepted, and approved as provided in paragraph 6.6.

8.6 Within Thirty (30) days of the effective date of this Order, Respondent may propose to pay the civil penalties through a payment plan not to exceed 2 years in length. If the payment plan is accepted and approved by the Board or its designee, which is in the sole discretion of the

Board or its designee, then noncompliance with any part of the payment plan shall be a violation of this Order.

8.7 If Respondent does not fully and completely comply with each and every term of this Order, including but not limited to, the timely payment of the civil penalties, or engages in any activity that violates ORS 675.510 to 675.600 or OAR Chapter 877, then the total amount in civil penalties assessed in this Order minus any amounts paid by Respondent *plus* interest owed at the legal rate of interest from the effective date of this Order, pursuant to ORS 82.010, will become immediately due, payable, and collectable.

8.8 This Order is a public document and a matter of public discipline, pursuant to ORS 675.540 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.

8.9 Any violation of the terms of this Order shall be grounds for disciplinary action under ORS 675.540 and other applicable authority. The Board has the right to take action against Respondent to enforce this Order, for any violation thereof, or for other violations of ORS 675.510 to 675.600 or OAR Chapter 877 not stated herein.

8.10 As part of the consideration for entering into this Order, the Board will not assess against Respondent the costs of this disciplinary process, including the Board's legal costs.

8.11 Respondent has fully read this Order and understands it completely. Respondent has consulted with an attorney regarding this 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 issuance of this Order.

8.12 Respondent enters into this Order 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 and agree to issuance of this Order.

8.13 Respondent understands that he has the right to notice and a contested case hearing under the Administrative Procedures Act (ORS Chapter 183) and Civil Penalty Procedures of ORS 183.745, and fully and finally waives any and all such rights and any rights to appeal or otherwise challenge this Order.

IT IS SO STIPULATED AND AGREED TO this 24th day of June, 2010, by:

James J. Knipler, Respondent

FINAL ORDER

8.

NOW, THEREFORE, based on the stipulation by James J. Knipler above and pursuant to ORS 183.417(3), 675.540 and 675.595, **IT IS HEREBY ORDERED** that:

9.1. The above stipulation for license surrender in lieu of revocation and assessing civil penalties submitted by Respondent is accepted and incorporated herein by this reference.

9.2 Respondent's voluntary surrender in lieu of revocation of his Licensed Clinical Social Worker (LCSW) license is accepted and effective as of the date of this Order below and Respondent shall within ten (10) calendar days return his original license certificate to the Board.

9.3 Respondent is prohibited as of the effective date of this Order from using the title of, or purporting to be, a Licensed Clinical Social Worker, or using any other title that includes those words.

9.4 Respondent may not after issuance of this Order engage in the practice of clinical social work within the meaning of ORS 675.510(2) [2009] 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.

9.5 Respondent may not apply for a license or certification with the Board for at least three years after the effective date of this Order. 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 his application, consider his conduct in this matter and compliance with the terms of this Order in addition to any other information obtained as part of the application process. This 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.

9.6 Respondent is assessed civil penalties in the amount of $3000.00 for each of the 4 violations described above for a total of $12,000.00 in civil penalties, pursuant to ORS 675.540(2)(c) and 675.595(9) [2009] and other applicable authority.

9.7 The Stipulated Interim Order Prohibiting Clinical Social Work Practice issued in this case on February 19, 2010, is withdrawn and no longer effective as of the date of issuance of this Stipulated Final Order.

ISSUED and EFFECTIVE this 13 day of July, 2010.

BOARD OF LICENSED SOCIAL WORKERS
State of Oregon

By: _____
Becky Rasmussen, Chair