



BEFORE THE STATE OF OREGON
BOARD OF LICENSED SOCIAL WORKERS

In the Matter of)	Case No. 2011-65
)	
DEBRA O. GARCIA, MSW)	SETTLEMENT AGREEMENT &
CSWA #1634)	STIPULATED FINAL ORDER
)	<i>(Civil Penalties)</i>
Respondent.)	

1.

The Board of Licensed Social Workers (hereafter referred to as "Board") is the state agency responsible for licensing, regulating and disciplining regulated social workers in the State of Oregon, including but not limited to Licensed Clinical Social Workers, pursuant to ORS 675.510 to 675.600 and OAR Chapter 877.

2.

At all times material herein, Respondent Debra O. GARCIA, MSW, CSWA, (hereafter referred to as "Respondent"), was licensed by certificate with the Board as a Clinical Social Worker Associate (CSWA), Certificate No. A1634, and subject to the full jurisdiction of the Board. Respondent has been a certificate holder of the Board since being granted her Clinical Social Worker Associate certificate in May 2004.

As a certificate holder, Respondent had a duty to report a conviction, pursuant to OAR 877-030-0040(2)(a)(A) [2010], and other applicable authority.

3.

Respondent failed to provide appropriate notification to the Board, subsequent to Respondent's 12/06/2010, conviction of Theft 2, a misdemeanor, within ten (10) days of said conviction. Respondent's conduct violates OAR 877-030-0040(2)(a)(A).

4.

Based on the foregoing, the Board finds and Respondent admits to the aforementioned

1 conduct as a Clinical Social Worker Associate. Respondent and the Board desire to resolve this
2 matter by entry into this Stipulated Agreement and issuance of the Final Order below, pursuant to
3 ORS 183.417(3), that provides for assessing a civil penalty under the authority of ORS
4 675.540(1)(f), (2)(c) and ORS 675.595(9).

5 **5.**

6 Respondent understands, acknowledges, stipulates, and agrees to the following:

7 **5.1** This Stipulated Agreement (hereafter "agreement") and the Final Order below
8 (Hereafter "Order") will be submitted to the Board for approval and is subject to and
9 conditioned upon approval by the full Board. If approved and adopted by the Board,
the Order may be issued and entered.

10 **5.2** Respondent is assessed a civil penalty in the sum of \$500.00 (five hundred dollars) for
11 the above violation, pursuant to the above authority. Respondent requests that payment
12 of the civil penalty be suspended for two years based on the undue financial hardship it
13 would cause Respondent at present and for the anticipated next two years, as
represented in the sworn financial statement and documentation submitted by
Respondent dated December 28, 2011.

14 In approving this agreement and issuing the Order below, which includes suspension of
15 payment of the civil penalty, Respondent understands that the Board is relying upon
16 said representations by Respondent being true, accurate, and complete. Respondent
17 agrees that if any of the information submitted to the Board is hereafter determined by
18 the Board in its sole discretion, to be materially incorrect or incomplete, or that
Respondent's financial situation materially changes such that payment of the civil
penalty would not be an undue financial hardship, then the civil penalty shall become
immediately due and payable.

19 Respondent also agrees that if she does not fully and completely comply with each and
20 every term of this agreement or the Order, or in the next two years engages in any
21 activity that violates ORS 675.510 to 675.600 or OAR Chapter 877, then the total civil
22 penalty assessed in the Order, *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.

23 **5.3** The Order below, once issued, is a Final Order.

24 **5.4** This agreement and Order are a public document and a matter of public discipline,
25 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.

5.5 This agreement and the Order in no way limit or prevent further remedies, sanctions, or actions which may be available to the Board under Oregon law for conduct or actions of Respondent not covered by this agreement or Order, or against a party not covered by this agreement or Order, or for Respondent's failure to comply with the terms of this agreement or Order.

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

5.7 Respondent has fully read this agreement and Order and understands them completely. Respondent has consulted with an attorney regarding this agreement and 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 agreement and issuance of the Order.

5.8 Respondent enters into this agreement and agrees to issuance of the 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 agreement and agree to issuance of the Order.

5.9 Respondent understands that Respondent 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 agreement or the Order.

IT IS SO STIPULATED AND AGREED TO this 28th day of January, 2012, by:

SIGNATURE ON FILE

~~Debra O. GARCIA~~, MSW, CSWA, (Respondent)

FINAL ORDER

6.

NOW, THEREFORE, based on the stipulations and agreement by Debra O. Garcia above, and pursuant to ORS 183.417(3), 675.540, and 675.595, **IT IS HEREBY ORDERED** that:

- 1 6.1 The above agreement and stipulations for civil penalty assessment submitted by
2 Respondent are accepted and incorporated herein by this reference.
- 3 6.2 Respondent is assessed a civil penalty in the amount of five hundred (\$500.00) dollars for
4 the above violation of OAR 877-030-0040(2)(a)(A), pursuant to ORS 678.540(1)(f),
5 (2)(c) and ORS 675.595(9).
- 6 6.3 Payment of the civil penalty assessed in section 6.2 above is suspended for a period of
7 two years from the date of issuance of this Order based on the representations and
8 information in the sworn financial statement and documentation provided by Respondent
9 dated December 28, 2011, being true, accurate, and complete, and conditioned on
10 Respondent fully and completely complying with all terms of this Order and not hereafter
11 engaging in any conduct, act, or practice that violates the statutes and rules administered
12 or enforced by the Board (ORS 675.510 to 675.600 and OAR Chapter 877).

13 If the Board in its sole discretion determines hereafter that:

- 14 (a) Any of the information provided by Respondent is materially incorrect or
15 incomplete,
- 16 (b) Respondent's financial situation materially changes such that payment of the
17 civil penalty would not be an undue financial hardship,
- 18 (c) Respondent does not fully and completely comply with each and every term of
19 this Order or the above agreement, or
- 20 (d) Respondent engages in any activity that violates ORS 675.510 to 675.600 or
21 OAR Chapter 877; then the total civil penalty assessed in the Order, *plus*
22 interest owed at the legal rate of interest from the effective date of this Order,
23 pursuant to ORS 82.010, becomes immediately due, payable, and collectable.

24 IS SO ORDERED this 10th day of February, 2012.



25 SEAL

BOARD OF LICENSED SOCIAL WORKERS
State of Oregon

SIGNATURE ON FILE

By: [Signature]
Martin Pittioni, Executive Director

Date of Mailing: February 13, 2012