

1 the assessment, diagnosis and treatment of mental, emotional and
2 behavioral disorders and the provision of counseling services to
3 address personal growth and wellness, provided through the
4 therapeutic relationship to individuals, couples, children, families,
5 groups and organizations, based on the principles of mental
6 health, behavioral science including statistical analysis, human
7 growth and development throughout the life span, career
8 development, group dynamics and cultural and social diversity,
9 and using cognitive, affective, behavioral and systemic
10 intervention strategies.

11 ORS 675.705(6)(a). ORS 675.825(3) provides that **each** violation of this section is a “separate
12 violation” and that the Board “may levy a civil penalty not to exceed \$2,500 for each separate violation”
13 (ORS 675.825(4)).

14 4.

15 ORS 676.705(5)(b) provides that “marriage and family therapy” may include, but is not limited
16 to:

- 17 (A) Application of counseling techniques for the purpose of
18 resolving intrapersonal and interpersonal conflict and changing
19 perceptions, attitudes, behaviors and interactional processes in
20 the area of human relationships and family life;
- 21 (B) Research activities, including reporting, designing or
22 conducting research in marriage and family therapy with
23 human subjects;
- 24 (C) Referral activities, including the referral of other specialists
25 when indicated to provide ethical treatment;
- 26 (D) Consulting activities that apply marriage and family therapy
27 procedures to provide assistance to organizations that support
28 or enrich marriage and family life; and
- 29 (E) Record keeping activities, including documentation of
30 counseling treatment, therapeutic services and clinical
31 supervision.

32 ORS 675.825(3) provides that **each** violation of this section is a “separate violation” and that the Board
33 “may levy a civil penalty not to exceed \$2,500 for each separate violation” (ORS 675.825(4)).

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5.

Not all persons practicing professional counseling or marriage & family therapy must be licensed. ORS 675.825(3) sets out exemptions to licensing requirements. These exceptions apply to persons who are: “(a) Licensed, certified, registered or similarly regulated under the laws of this state and who is performing duties within the authorized scope of practice of the license, certification, registration or regulation; (b) A recognized member of the clergy, provided that the person is acting in the person’s ministerial capacity; (c) Employed by a local, state or federal agency or any agency licensed or certified by the state to provide mental health or health services, if the person’s activities constituting professional counseling or marriage and family therapy are performed within the scope of the person’s employment; [and] (d) Authorized to provide addiction treatment services under the rules of the Department of Human Services.”

6.

Here, Respondent violated ORS 675.825(1)(b) and/or (1)(c) when he engaged in the practice of professional counseling and/or marriage and family therapy without being licensed or exempt from licensure.

7.

In spring 2009, Husband began receiving counseling services from Respondent. Respondent represented to Husband that he was a “trained counselor” and had a master’s degree in counseling. Each counseling session took place over the phone, and lasted approximately one hour. Respondent charged Husband \$95 for each session.

8.

The counseling sessions focused on Husband’s addiction issues. They explored incidents in his childhood, and how that related to Husband’s current issues. Respondent also counseled Husband on

1 dealing with emotional pain, stress, and anxiety, and worked with Respondent to develop coping
2 mechanisms to deal with these problems. After about six months, the focus of the counseling turned to
3 Husband's marital problems. Respondent suggested that Husband and his Wife participate in several
4 joint counseling sessions to address their problems, which they did.

5 9.

6 In the summer 2010, Wife also began individual counseling sessions with Respondent. Wife
7 participated in several all-day "intensive" counseling sessions with Respondent. Ultimately, Husband
8 ceased receiving counseling services from Respondent in the summer 2010, and the Wife ceased
9 receiving counseling service from Respondent late summer, 2011.

10 10.

11 Respondent also provided counseling services to Client A. Respondent represented to Client A
12 that he was an expert in treating sexual addiction, which was a concern in the marriage. Respondent,
13 who went by the name "Doug Michaels", began counseling Client A in March 2011. The counseling
14 sessions were scheduled for once a week over the phone, lasted approximately one hour and Respondent
15 charged Client A \$100 per session.

16 11.

17 After receiving counseling for several months, Client A asked Respondent about his credentials
18 to provide counseling. Respondent made numerous representations regarding his training, including,
19 but not limited to the following: he is "licensed"; he attended school at UCLA; he was "licensed as a
20 pastoral counselor who has a MA in counseling"; he has done "extensive training in the field" and that
21 he has "worked closely with hundreds of clients over the past years." Because Client A raised these
22 issues, Respondent terminated the counseling relationship.

23

12.

Based on the above, the Board proposes to impose discipline on Respondent for the following reasons:

- A. Respondent violated ORS 675.825(1)(b) and/or (1)(c) when he provided professional counseling services and/or marriage & family therapy to Husband without being licensed or exempt from licensure;
- B. Respondent violated ORS 675.825(1)(b) and/or (1)(c) when he provided professional counseling services and/or marriage & family therapy to Wife without being licensed or exempt from licensure;
- C. Respondent violated ORS 675.825(1)(c) when he provided marriage & family therapy to Husband and Wife without being licensed or exempt from licensure;
- D. Respondent violated ORS 675.825(1)(b) and/or (1)(c) when he provided professional counseling services and/or marriage & family therapy to Client without being licensed or exempt from licensure

13.

Given these alleged violations, the Board proposes that the following discipline be imposed:

- A. Respondent shall be assessed a civil penalty in the amount of \$2,500 for providing professional counseling services and/or marriage & family therapy to Husband without being licensed or exempt from licensure pursuant to ORS 674.745(4);
- B. Respondent shall be assessed a civil penalty in the amount of \$2,500 for providing professional counseling services and/or marriage & family therapy to Wife without being licensed or exempt from licensure pursuant to ORS 674.745(4);

- 1 C. Respondent shall be assessed a civil penalty in the amount of \$2,500 for providing
2 marriage & family therapy to Husband and Wife without being licensed or exempt from
3 licensure pursuant to ORS 674.745(4);
- 4 D. Respondent shall be assessed a civil penalty in the amount of \$2, 500 for providing
5 professional counseling services and/or marriage & family therapy to Client A without
6 being licensed or exempt from licensure pursuant to ORS 674.745(4); and
- 7 E. Respondent shall pay for all costs associated with this disciplinary process
8 pursuant to ORS 675.745(6).

9
10 **NOTICE OF RIGHT TO REQUEST A HEARING**

11 14.

12 Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Respondent
13 has the right to request a hearing in this matter. A request for hearing must be submitted in
14 writing and must be received by the Board, at the following address, during regular business
15 hours, within twenty-one (21) days of the date on which this Notice is mailed:

16 Oregon Board of Licensed Professional Counselors and Therapists
17 3218 Pringle Road SE, Suite 250
18 Salem, OR 97302-6312

19 15.

20 Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a
21 hearing, Respondent is further required to file a written Answer with his request for a hearing
22 that includes a short, plain statement of each relevant affirmative defense you plan to assert.

23

1 the subject of this case automatically become part of the evidentiary record upon default for the
2 purpose of proving a *prima facie* case. ORS 183.417(4).

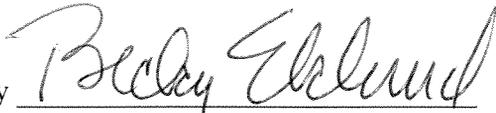
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4 DATED: July 11, 2012.

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Oregon Board of Licensed Professional
Counselors and Therapists

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By 
Becky Eklund, Executive Director

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1 **BEFORE THE BOARD OF LICENSED**
2 **PROFESSIONAL COUNSELORS AND THERAPISTS**
3 **FOR THE STATE OF OREGON**

4 In the Matter of:

Agency Case No. 2009-025

5
6 **VINCENT BRUNNING, LPC,**

7 Respondent.

**FINAL ORDER BY DEFAULT IMPOSING
DISCIPLINE**

8
9 **HISTORY OF THE CASE**

10 On March 24, 2010, the Board of Licensed Professional Counselors and Therapists
11 (Board) issued a Notice of Intent to Impose Discipline and Right to Request Hearing (Notice)
12 stating that the Board intended to impose discipline on Vincent Brunning (Respondent),
13 Licensed Professional Counselor, for numerous violations of the Board's Code of Ethics, OAR
14 833, Chapter 100.

15 The Notice was served on Respondent by regular and certified U.S. Mail
16
17 on March 24, 2010. The Notice informed Respondent of the opportunity for a hearing if
18 requested in writing and received within twenty-one (21) days of service of the Notice. The
19 Notice also informed Respondent that if a written request for a hearing is not received within the
20 21-day period, Respondent's right to a hearing shall be considered waived. To date, the Board
21 has received no request for a hearing from Respondent, and the time for requesting such a
22 hearing has passed. Respondent is therefore in default. The Notice further informed Respondent
23 that in the event the Board issues a Final Order by Default, the Board designates it file on this

1 matter for purposes of proving a *prima facie* case.

2 **NOW, THEREFORE**, after consideration of the records and files of the Board relating
3 to this matter, including various correspondences received from Respondent, the Board enters the
4 following Findings of Fact, Conclusions of Law, Opinion and Order.

5

6

FINDINGS OF FACT

7

1. The Board of Licensed Professional Counselors and Therapists (Board) is the
8 state agency responsible for licensing, regulating and disciplining licensed professional
9 counselors and licensed marriage and family therapists.

10

2. Vincent Brunning (Respondent) is licensed as a Licensed Professional Counselor
11 (LPC).

12

3. The Board has adopted a Code of Ethics (Code) that applies to all licensees. The
13 Code “constitutes the standards against which the required professional conduct of
14 licensed professional counselors and marriage and family therapists is measured.” OAR
15 833-100-0011(1). The Code’s goal is “the welfare and protection of the individuals and
16 groups with whom counselors and therapists work.” *Id.* The Code makes clear that
17 violations of its standards are subject to the highest level of discipline – “Violation of the
18 provisions of this code of ethics will be considered unprofessional or unethical conduct
19 and is sufficient reason for disciplinary action, including, but not limited to, denial of
20 license.” *Id.*

21

4. Respondent engaged in unprofessional and unethical conduct when he encouraged
22 a physical confrontation with a former client (Client A) and bragged to Client A that
23 Client A could not take him down.

1 5. Respondent violated the ethical and professional responsibilities he owed to his
2 clients when he made derogatory, demeaning and disparaging comments about his
3 clients. For example, in conversations with his coworkers, Respondent repeatedly
4 referred to his clients as “fat,” “overweight” or “disgusting.” Respondent also made
5 statements suggesting that fat people stink because they are so fat they can’t bathe
6 properly.

7 6. Respondent also violated his ethical and professional responsibilities when he
8 used language that could be interpreted as disdainful of his suicidal clients. For example,
9 Respondent used words to the effect that his suicidal patients were worthless, stupid and
10 that both he and his clients would be better off if the clients did commit suicide. He also
11 implied that if these clients didn’t want to live, why should he care about them.

12 7. Respondent’s disparaging and inappropriate comments were not limited to his
13 clients, as many were also directed at his coworkers. For example, Respondent admits
14 that he called a coworker “Humpty Dumpty” on several occasions, and mocked how this
15 coworker walked. Additionally, when a female coworker was asked to introduce herself
16 and inquired what information would be useful to the group, Respondent said he wanted
17 to know the coworker’s age, height and weight. Respondent also made fun of another
18 coworker’s difficulty with the English language.

19 8. Respondent also violated his ethical and professional responsibilities by using
20 coarse, profane and offensive language in front of clients and coworkers. Respondent
21 repeatedly used words such as “fuck,” “shit,” “shitty,” “bullshit,” “crap,” and “crappy.”
22 With the exception of “fuck,” Respondent admits using such language in the workplace.

1 9. Respondent failed to protect a suicidal client when he got into the client's car
2 instead of stopping the client from driving. Client B arrived at the office and announced
3 an intention to commit suicide by driving a car at high speed into a stationary object.
4 While coworkers notified the crisis team, Client B began to leave. Instead of stopping
5 Client B or talking to that client, Respondent got into the car with the suicidal client.
6 When asked what he would have done if Client B had tried to commit suicide,
7 Respondent's stated plan was to pull the emergency brake.

8 10. Respondent also failed to treat his clients in a "caring, fair, courteous and
9 respectful manner." In addition to the actions described above, Respondent was rude to
10 clients and did not spend enough clinical time with them. For example, one client
11 complained that Respondent's session with client consisted of contacting client, asking if
12 client was fine, and then moving on to the next client. Clients also complained that
13 Respondent did not show up for a group session and had not called to cancel.

14 11. The Notice was served on Respondent by certified and regular mail on March 24,
15 2010. To date, Respondent has never requested a hearing, so his opportunity for a
16 hearing has been waived.

17 12. The Notice provided that if Respondent failed to request a hearing, the Board may
18 issue a Final Order by Default and take the appropriate disciplinary action.

19 20 CONCLUSIONS OF LAW

- 21 1. Respondent is in default.
- 22 2. Respondent failed to act in accordance with the highest standards of professional
23 integrity and competence when he engaged in the conduct described above in

1 violation of ORS 675.745(1)(e), OAR 833-100-0041(1) and OAR 833-100-
2 0061(1).

3 3. Respondent failed to recognize that his primary professional responsibility is to
4 his clients and caused harm to his clients and coworkers by treating them in a
5 derogatory and demeaning manner in violation of ORS 675.745(1)(e), OAR 833-
6 100-0021(1), and OAR 833-100-0031(1), (2), (3) & (6).

7 4. Respondent treated his clients in a discourteous and disrespectful manner when he
8 failed to provide adequate counseling services to them in violation of ORS
9 675.745(1)(e) and OAR 833-100-0031(3).

10 5. The Board is entitled to recover all costs associated with pursuing this disciplinary
11 matter under ORS 675.745(7).

12
13 **OPINION**

14 Respondent has engaged in serious misconduct. It is clear to the Board that Respondent's
15 work needs to be subject to intense supervision to ensure that such misconduct does not occur
16 again. It is also clear that Respondent needs to receive additional training in suicide assessment
17 and intervention. Climbing into a car with a client who has voiced intent to commit suicide by
18 speeding is certainly not best practices, and could have resulted in serious injury to both the
19 client and Respondent.

20 Respondent also has problems interacting with his coworkers. No coworker should be
21 subject to taunts and other degrading comments about that coworker's physical appearance,
22 nationality or ability to speak English, especially from the mental health professional Respondent
23 professes to be. The Board will be reviewing the report prepared by Respondent's supervisor to

1 ensure that Respondent understands the effects of his misconduct and has taken the appropriate
2 steps to ensure no such conduct occurs in the future.

3

4

FINAL ORDER

5

NOW THEREFORE, the Board hereby **ORDERS** that:

6

1. Respondent Vincent Brunning, LPC, shall receive a written reprimand;

7

2. Respondent shall obtain a Board-approved supervisor within two (2) weeks after
8 this Final Order is signed. The supervisor's review will consist of two sessions a
9 month of at least one hour per session for a total of twenty-four (24) sessions.

10

These 24 sessions must be completed within one (1) year of the date the

11

supervisor is approved by the Board. The supervisor must prepare quarterly

12

reports for the Board addressing Respondent's ability to comply with all Oregon

13

statutes and rules;

14

3. Respondent shall be required to complete six (6) clock hours of training in suicide
15 assessment and intervention, no hours of which may be used to satisfy any
16 continuing education requirements. This course must be completed within one
17 year after this Final Order is signed;

18

4. Respondent shall be required to attend and complete a three (3) hour training
19 course in Social and Cultural Competency and Diversity in a clinical setting, no
20 hours of which may be used to satisfy any continuing education requirements.

21

This course must be completed within one year after this Final Order is signed;

22

and

23

1 3.3 In 1999, Respondent was arrested and charged with 6 separate crimes, all
2 felonies. These crimes include:

- 3 A. Conspiracy to Obstruct Justice;
- 4 B. Conspiracy to Commit a Crime;
- 5 C. Attempted Subornation of Perjury;
- 6 D. Solicitation to Commit a Crime;
- 7 E. Aid by Misrepresentation; and
- 8 F. Perjury by Declaration.

9 3.4 On September 22, 1999, Respondent was convicted of Felony Conspiracy to
10 Obstruct Justice and Felony Aid by Misrepresentation. Respondent was
11 sentenced to eight (8) months of prison, and ordered to pay a restitution fine to the
12 State of California and restitution to the California Department of Social Services
13 for the public assistance his wife's children illegally received.

14 4. Respondent was convicted of two counts of Insurance Fraud. To be convicted of
15 the first count, the state had to prove that Respondent "Knowingly presented[ed] or cause[d] to
16 be presented any false or fraudulent claim for the payment of a loss or injury, including payment
17 of a loss or injury under a contract of insurance." California Penal Code Section 550(a)(1). To
18 be convicted of the second count of Insurance Fraud, the state had to prove that Respondent
19 "Present[ed] or cause[d] to be presented any written or oral statement as part of, or in support of
20 or opposition to, a claim for payment or other benefit pursuant to an insurance policy, knowing
21 that the statement contained any false or misleading information concerning any material fact."
22 California Penal Code Section 550(b)(1). Respondent's other convictions contain similar intent
23 ////

1 requirements. See California Penal Code Section 182(a)(1) (Conspiracy); California Welfare and
2 Institutions Code Section 10980 (welfare fraud).

3 5. Licensed Marriage and Family Therapists generally have to interact with
4 insurance companies on a daily basis. Clients look to their therapist to provide truthful, accurate
5 and complete information to these entities.

6 6. As part of its investigation, a Board investigator also interviewed Respondent.
7 During this interview, Respondent made numerous false and misleading statements to the
8 investigator, including but not limited to the following:

9 6.1 Respondent originally represented that he was convicted of false impersonation
10 because "I trusted my wife with the paperwork, when it came to dealing with the
11 welfare benefits she would just tell me sign the paper and that she was taking care
12 of everything else." However, Respondent was convicted because he signed
13 *another name*, not his own, to the welfare application forms that needed to be
14 turned in on a monthly basis.

15 6.2 Respondent originally represented that he had only signed the welfare forms
16 "once" with his wife's ex-husband's name. After pointing out to Respondent that
17 his wife had received benefits for two years, Respondent then stated that he was
18 on "serious medication" and wasn't sure how many times he had signed the
19 forms. Ultimately, Respondent admitted that he had signed the forms with his
20 wife's ex-husband's name "12 or 24 times."

21 6.3 Although Respondent admitted that he had been arrested twice, he represented
22 that the "charges were all together." A review of his criminal record indicates
23 that this representation is false. Instead, Respondent was convicted of multiple

1 felonies from two separate, unrelated criminal activities – Insurance Fraud and
2 Welfare Fraud.

3 7. The Application also provides that when an applicant signs that document, the
4 applicant is certifying “that all representations made in this application are true and correct to the
5 best of my knowledge. I understand that my failure to provide complete and accurate
6 information on my application forms may result in civil penalty, denial, or suspension or
7 revocation of licensure.”

8 8. The Application instructs that if an applicant answers “yes” to any of the
9 questions, the applicant must provide an explanation of the answer.

10 9. Although Respondent answered “yes” to Question #9, Respondent’s explanation
11 was incomplete and failed to provide any specifics regarding his criminal activity.

12 10. On June 30, 2009, Board personnel instructed Respondent to provide a more
13 complete explanation of what led to his arrests and convictions, which he also failed to provide.

14 11. On October 29, 2009, the Board issued to Respondent a Notice of Intent to Deny
15 Request for Licensure. Respondent had 30 days from the date the Notice was issued to request a
16 hearing.

17 12. Respondent failed to timely request a hearing.

18 CONCLUSIONS OF LAW

19 1. Respondent is in default.

20 2. Respondent has been convicted of crimes that brings into question his competence
21 in the role of therapist in violation of ORS 675.745(1)(a).

22 3. Respondent attempted to obtain a license by making numerous fraudulent
23 representations to the Board in violation of ORS 675.825(1)(a).

**BEFORE THE BOARD OF LICENSED
PROFESSIONAL COUNSELORS AND THERAPISTS
STATE OF OREGON**

In the Matter of:)	Case No. 2011-048
)	
MICHAEL IRVIN,)	
)	FINAL ORDER BY DEFAULT
Respondent.)	IMPOSING CIVIL PENALTIES

HISTORY OF THE CASE

On August 13, 2012, the Board of Licensed Professional Counselors and Therapists (Board) issued a Notice of Intent to Impose Discipline and Right to Request Hearing (Notice) stating that the Board intended to impose discipline on Michael Irvin (Respondent) for misconduct.

The Notice was served on Respondent by regular and certified U.S. Mail addressed to Respondent at Respondent's last known address.

The Notice informed Respondent of the opportunity for a hearing if requested in writing and received within twenty-one (21) days of service of the Notice. The Notice further informed Respondent that if a written request for hearing was not received within this 21-day period, Respondent's right to a hearing shall be considered waived. The Board did not receive a written request for a hearing from Respondent within the allotted time and has to date not received any request for a hearing. Respondent is therefore in default.

The Notice also informed Respondent that if he failed to request a hearing, "the Board may issue a Final Order by Default and impose the proposed discipline." The Notice further informed Respondent that in the event the Board issues a Final Order by Default, the Board

designates its file on this matter for purposes of proving a *prima facie* case.

NOW, THEREFORE, after consideration of the records and files of the Board relating to this matter, including all correspondences and other material received from Respondent, if any, the Board enters the following Findings of Fact, Conclusions of Law, Opinion and Order.

FINDINGS OF FACT

1. The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating, and disciplining Licensed Professional Counselors (LPC) and Licensed Marriage and Family Therapists (LMFT) in the State of Oregon.
2. Michael Irvin (Respondent) currently resides in Beaverton, Oregon and was formerly registered as an LPC Intern. The Board has jurisdiction over Respondent under ORS 675.705 to 675.835. The last address obtained for Respondent by the Board is 9160 SW 161st Avenue, Beaverton, Oregon 97007.
3. Respondent engaged in the practice of professional counseling and/or marriage and family therapy without being licensed or exempt from licensure.
4. Respondent was formerly registered as an LPC Intern. His internship expired in January 2010. Despite this expiration, Respondent continued to provide counseling services to clients in Oregon.
5. Respondent advertised both himself and his counseling business – “Making Sense Together Counseling Services” on the “Find-a-Therapist” website, noting that he has been practicing for four years. Respondent’s advertising specifically states that he provides “Individual Therapy” and lists his “Areas of Expertise” as “Clinical Depression, Compulsive Behaviors, Compulsive Gambling, Deaf/Hearing Impaired, Depressive Disorders, Divorce Issues, Domestic Violence-offended, Domestic Violence-victim, Gay and Lesbian Issues, HIV, *

* ** as well as other areas of expertise.

6. Respondent admitted that he has been providing professional counseling and/or marriage and family service while unlicensed. He admits that he provided counseling services to a client from March 1, 2011 until September 9, 2011 while unlicensed or exempt from licensure.

7. Respondent represented on the “Find-a-Therapist” website that he was a “Licensed Professional Counselor.”

8. The Notice was served on Respondent on August 13, 2012 by certified and regular mail.

9. Respondent failed to timely request a contested case hearing.

CONCLUSIONS OF LAW

1. Respondent is in default.

2. Respondent violated ORS 675.825(1) when he provided professional counseling services and/or marriage & family therapy to Client without being licensed or exempt from licensure.

3. Respondent violated ORS 675.825(1)(c) when he represented that he was a “Licensed Professional Counselor” on his website when he knew he was not so licensed.

4. The appropriate discipline for providing professional counseling services and/or marriage & family therapy to Client without being licensed or exempt from licensure is a civil penalty in the amount of \$2,500 pursuant to ORS 675.825(6).

5. The appropriate discipline for representing that he was a “Licensed Professional Counselor” when Respondent was not so licensed is a civil penalty in the amount of \$2,500, pursuant to ORS 674.825(6).

6. Respondent shall pay for all costs associated with this disciplinary process pursuant to ORS 675.745(6).

OPINION

The Board considers unlicensed activity to be a serious offense and the pursuit of a remedy for such offenses is critical to the Board's mission of consumer protection and the regulation of the practice of qualified mental health counselors and marriage and family therapists. Such regulation goes a long way to assuring public confidence in mental health counselors and therapists.

Here, Respondent had been formerly registered as an LPC Intern, so was very familiar with the legal prohibitions against unlicensed activity and his inability to use the LPC title or represent he was providing professional counseling services. As such, his misconduct is even more troubling.

Given the seriousness of his misconduct, the Board concludes that the imposition of the maximum civil penalty is warranted. Therefore, the Board imposes a \$2,500 civil penalty for Respondent's unlicensed counseling activity and an additional \$2,500 civil penalty for improper use of the LPC title.

FINAL ORDER

NOW THEREFORE, the Board hereby **ORDERS** that:

1. Respondent Michael Irvin is **ASSESSED** a civil penalty of **\$2,500** for his violation of ORS 675.825(1)(d) pursuant to ORS 675.825(6); and
2. Respondent is **ASSESSED** a civil penalty of **\$2,500** for his violation of ORS 675.825(1)(c) pursuant to ORS 675.825(6), for a total amount assessed of **\$5,000** in civil penalties; and

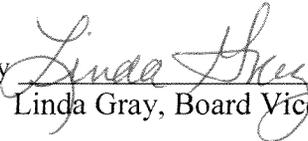
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3. Respondent is **ASSESSED** the Board's costs associated with this action, including the Board's attorney fees, in the amount of **\$457.60** pursuant to ORS 675.745(7).

DATED: October 12, 2012

Oregon Board of Licensed Professional
Counselors and Therapists

By _____
Linda Gray, Board Vice-Chair

NOTICE OF RIGHT TO APPEAL

You are entitled to judicial review of this Final Order by Default Denying License Application in accordance with ORS 183.482. You may request judicial review by filing a petition with the Oregon Court of Appeals in Salem, Oregon, within sixty (60) days from the date of service of this Final Order

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

STATE OF OREGON, Acting by and through
the State Board of Psychologist Examiners, and
the Oregon Board of Licensed Professional
Counselors and Therapists,

Plaintiff,

v.

RICHARD KING,

Defendant.

Case No. 11C18684

GENERAL JUDGMENT GRANTING
PERMANENT INJUNCTION AGAINST
DEFENDANT RICHARD KING

This matter was tried before the Court from July 31, 2012 through August 2, 2012. The plaintiff, State of Oregon, Acting by and through the State Board of Psychologist Examiners and the Oregon Board of Licensed Professional Counselors and Therapists, seeks an injunction against defendant Richard King to prohibit him from engaging in the practice of psychology, professional counseling and marriage and family therapy and to prohibit him from using the title “doctor” in connection with the practice of a health care profession.

At the conclusion of the trial, the Court took the matter under advisement. In a letter opinion dated August 24, 2012, the Court determined that the full injunction sought by plaintiff would be allowed. A copy of this letter opinion is attached hereto and is incorporated herein by reference. The Court, having considered the parties’ pleadings, the testimony presented at trial and the exhibits admitted into evidence, and being otherwise fully advised,

FINDS THAT:

1 1. Defendant does not possess a license issued by the Oregon Board of Psychologist
2 Examiners that would allow him to engage in the “practice of psychology” as defined in ORS
3 675.010(4).

4 2. Defendant has acted in violation of ORS 675.020(1)(a) by unlawfully practicing
5 psychology in the State of Oregon without a license. Defendant has unlawfully engaged in the
6 practice of psychology by rendering consultation, evaluation and therapy services to individuals
7 and groups for the purpose of diagnosing and treating behavioral, emotional and mental
8 disorders. He has done so by:

9 a) Administering psychological tests and instruments and interpreting the results.
10 These tests and instruments include but are not limited to the Millon Adolescent Clinical
11 Inventory, the Kaufman Brief Intelligence Test—Second Edition (KBIT-2) and the Mini-Mental
12 States Examination (MMSE).

13 b) Preparing or causing others to prepare psychosexual and psychological
14 evaluations, assessments and reports. These reports include but are not limited to those received
15 into evidence as plaintiff’s Exhibit Two and Exhibit Nineteen. In his evaluations, assessments
16 and reports, the defendant engaged in the practice of psychology by interpreting psychological
17 tests and instruments, rendering diagnoses of behavioral, emotional and mental disorders, and
18 making recommendations for treating these disorders.

19 c) Using the Fourth Edition of the Diagnostic and Statistical Manual of Mental
20 Disorders (DSM IV) to diagnose behavioral, emotional and mental disorders. This constituted
21 the practice of psychology even when the defendant rendered provisional or deferred diagnoses.

22 d) Defendant has billed, or caused others to bill for psychological testing,
23 psychological evaluations and psychosexual evaluations conducted, administered and interpreted
24 by defendant.

25

26

1 3. Defendant has also representing himself to be a psychologist, as defined in ORS
2 675.020(2), by rendering services that are included in the practice of psychology. In doing so, he
3 has acted in violation of ORS 675.020(1)(b).

4 4. Defendant does not possess a license issued by the Oregon Board of Licensed
5 Professional Counselors and Therapists that would allow him to engage in the practice of
6 “professional counseling” or “marriage and family therapy” as defined in ORS 675.705(5) and
7 (6). Prior to December 8, 2008, defendant possessed a license issued by the Oregon Board of
8 Licensed Professional Counselors and Therapists that allowed him to practice professional
9 counseling. However, he permanently surrendered this license effective December 8, 2008.

10 5. Since December 8, 2008, defendant has acted in violation of ORS 675.825(1)(d)
11 by engaging in the practice of professional counseling in the State of Oregon without a license.
12 Defendant has engaged in the practice of professional counseling by assessing, diagnosing and
13 treating mental, emotional and behavioral disorders. He has also provided counseling services
14 that address personal growth and wellness through the therapeutic relationship to individuals and
15 groups based on the principles of mental health, behavioral science, group dynamics and using
16 cognitive, affective, behavioral and systemic intervention strategies. He has done so by:

17 a) Administering psychological tests and instruments to individuals and interpreting
18 the results. These tests and instruments include but are not limited to the Millon Adolescent
19 Clinical Inventory, the Adolescent Psychopathology Scale, the Kaufman Brief Intelligence
20 Test—Second Edition (KBIT-2) and the Mini-Mental States Examination (MMSE).

21 b) Preparing or causing others to prepare psychosexual and psychological
22 evaluations, assessments and reports. These reports include but are not limited to those received
23 into evidence as plaintiff’s Exhibit Two and Exhibit Nineteen. In his evaluations, assessments
24 and reports, the defendant engaged in the practice of professional counseling by interpreting
25 psychological tests and instruments, rendering diagnoses of mental, emotional and behavioral
26 disorders, and making recommendations for treating these disorders.

1 c) Using the Fourth Edition of the Diagnostic and Statistical Manual of Mental
2 Disorders (DSM IV) to assess and diagnose mental, emotional and behavioral disorders. This
3 constituted the practice of professional counseling even when the defendant rendered provisional
4 or deferred diagnoses.

5 e) Facilitating or co-facilitating group therapy sessions, individual counseling
6 sessions, and Emotional Control Group sessions in which he has provided therapy and
7 counseling services to persons who were adjudicated or convicted of committing sex crimes and
8 sexual offenses. He has offered therapy and counseling services for the purpose of diagnosing
9 and treating mental, emotional and behavioral disorders.

10 6. Defendant does not possess any other license or certificate issued by the State of
11 Oregon or any of its health professional regulatory boards that would allow him to conduct the
12 activities described in paragraphs 2, 3 and 5 above.

13 7. In some of his billing statements admitted into evidence as plaintiff's Exhibit 21,
14 defendant has used the title "doctor" to identify himself when billing for psychological testing
15 and psychosexual evaluations. In doing so, he has acted in violation of ORS 676.110(1) which
16 prohibits using the title "doctor" in connection with the practice of a health care profession,
17 unless one is licensed by the appropriate health professional regulatory board.

18 8. Plaintiff has no adequate remedy at law.

19 9. Pursuant to ORS 675.150, plaintiff is entitled to an injunction against defendant
20 that permanently enjoins and restrains him from unlawfully engaging in the practice of
21 psychology, from conducting the activities described in paragraphs 2 and 3 above and from
22 representing himself to be a psychologist.

23 10. Pursuant to ORS 675.835 plaintiff is entitled to an injunction against defendant
24 that permanently enjoins and restrains him from unlawfully engaging in the practice of
25 professional counseling, from conducting the activities described in paragraph 5 above and from
26 holding himself out to be a licensed professional counselor.

1 NOW, THEREFORE, it is hereby ordered and adjudged that:

2 1. Defendant Richard King is permanently enjoined and restrained from engaging in
3 the “practice of psychology” as defined in ORS 675.010(4). Defendant is permanently enjoined
4 and restrained from rendering supervision, consultation, evaluation or therapy services to
5 individuals or groups for the purpose of diagnosing or treating behavioral, emotional or mental
6 disorders. Defendant is also permanently enjoined and restrained from representing himself to
7 be a psychologist.

8 2. Defendant Richard King is permanently enjoined and restrained from engaging in
9 the practice of “professional counseling” and “marriage and family therapy” as defined in ORS
10 675.705(5) and (6). Defendant is permanently enjoined and restrained from assessing,
11 diagnosing and treating mental, emotional and behavioral disorders and from providing therapy
12 and counseling services to individuals and groups.

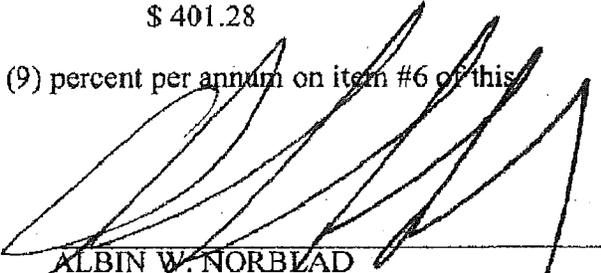
13 3. Defendant is permanently enjoined and restrained from conducting mental health
14 interviews, testing, assessments and evaluations. Defendant is permanently enjoined and
15 restrained from administering and interpreting psychological tests and instruments, including but
16 not limited to the Millon Adolescent Clinical Inventory, the Kaufman Brief Intelligence Test—
17 Second Edition (KBIT-2), the Mini-Mental States Examination (MMSE) and the Adolescent
18 Psychopathology Scale.

19 4. Defendant is permanently enjoined and restrained from preparing or causing
20 others to prepare psychological and psychosexual evaluations, assessments and reports;
21 including those in which he interprets psychological tests and instruments, renders a regular,
22 provisional or deferred diagnosis of a behavioral, emotional and mental disorder or makes a
23 recommendation for treating such disorders. This injunction also prevents the defendant from
24 preparing or causing others to prepare evaluations, assessments or reports similar to those
25 received into evidence as Plaintiff’s Exhibits Two and Nineteen.

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- 2) Judgment Debtor: Richard King
 a) Address: P.O. Box 113
 Marylhurst, OR 97036
 b) Date of Birth: N/A
 c) Social Security Number: N/A
 d) Driver's License No. N/A
 State of Issuance: N/A
- 3) Other persons or public body entitled to a portion of payment: None
- 4) Principal Amount of Judgment: N/A
- 5) Attorney fees: N/A
- 6) Costs and disbursements: \$ 401.28
- 7) Post-judgment interest at the rate of nine (9) percent per annum on item #6 of this judgment until it is paid-in-full.

Dated: SEP 24, 2012.



ALBIN W. NORBLAD
 CIRCUIT COURT JUDGE

Albin W. Norblad

SUBMITTED BY:
 Michael W. Grant #982404
 Assistant Attorney General
 Attorney for Plaintiff
 Oregon Department of Justice
 1162 Court Street NE
 Salem, OR 97301
 Telephone: (503) 934-4400
 Fax: (503) 373-7067
 Email: michael.w.grant@doj.state.or.us

1
2 **BEFORE THE BOARD OF LICENSED**
3 **PROFESSIONAL COUNSELORS AND THERAPISTS**
4 **STATE OF OREGON**

5 In the Matter of:) Agency Case No.2009-037
6 JEANETTE LARSEN,)
7 Respondent.) **FINAL ORDER BY DEFAULT**
) **DENYING LICENSE APPLICATION**

8 **HISTORY OF THE CASE**

9 On May 17, 2011, the Board of Licensed Professional Counselors and Therapists (Board)
10 issued a Notice of Intent to Deny License Application and Right to Request Hearing (Notice)
11 stating that the Board intended to deny Jeanette Larsen's (Respondent) application for licensure
12 as a Professional Counselor (LPC).

13 The Notice was served on Respondent by regular and certified U.S. Mail addressed to
14 Respondent at Respondent's last known address
15 on May 17, 2011. The Notice informed Respondent of the opportunity for a hearing if requested
16 in writing and received within twenty-one (21) days of service of the Notice. The Notice further
17 informed Respondent that if a written request for hearing was not received within this 21-day
18 period, Respondent's right to a hearing shall be considered waived. The Board did not receive a
19 written request for a hearing from Respondent within the allotted time and has to date not
20 received any request for a hearing. Respondent is therefore in default.

21 The Notice also informed Respondent that if she failed to request a hearing, "the Board
22 may issue a Final Order by Default and revoke Respondent's license." The Notice further
23 informed Respondent that in the event the Board issues a Final Order by Default, the Board

1 of a counselor or marriage and family therapist with reasonable skill and safety?" to
2 which Respondent checked the "No" box.

3 5. Shortly after Respondent submitted her Application, the Board received
4 information suggesting that Respondent had a long history of suicidal behavior. By letter
5 dated December 23, 2009, the Board asked Respondent to address their concerns that
6 such behavior could negatively impact Respondent's ability to safely and effectively
7 provide services to her clients.

8 6. By letter dated January 21, 2010, Respondent disclosed that she has been
9 diagnosed with a serious mental health condition. Respondent stated that she was seeing
10 a therapist for counseling and a psychiatrist for counseling and medication management.
11 Respondent conceded that she had been hospitalized, but stated it was only to make
12 adjustments to her medication. Respondent's response included no comments about
13 suicidal thoughts or tendencies.

14 7. The Board determined that more information was needed before it could make an
15 informed decision on Respondent's Application. Board staff made repeated attempts to
16 contact Respondent to obtain additional information. However, Respondent did not
17 respond to any of the Board's numerous emails or telephone calls, and letters sent to
18 Respondent using the address she provided in her Application were returned as
19 undeliverable.

20 8. By letter dated September 12, 2010, the Board attempted one last contact with
21 Respondent. The letter provided in part: "This letter represents the Board's final attempt
22 to reach you by mail. If the Board is ultimately unable to reach you and has not had
23 contact from you by October 14, 2010, a final determination on your application will be

1 made in the absence of the requested additional information.” The Board has had no
2 further contact with Respondent.

3 9. The Notice was served on Respondent on May 17, 2011 by certified and regular
4 mail.

5 10. Respondent failed to timely request a contested case hearing.

6 **CONCLUSIONS OF LAW**

7 1. Respondent is in default.

8 2. Respondent is unable to safely perform the duties of professional counseling
9 because of an impairment as defined in ORS 676.303, pursuant to ORS
10 675.745(1)(c).

11 **OPINION**

12 When reviewing applications, the Board must make sure an applicant satisfies all
13 licensure requirements. One such requirement includes an applicant’s ability to safely perform
14 the duties of professional counseling. Licensees provide services to a vulnerable population,
15 which requires the Board to ensure that licensees can perform their duties in a safe manner, for
16 both themselves and the clients they serve.

17 The Board made repeated attempts to ascertain whether Respondent was able to meet this
18 requirement, to no avail. Because Respondent failed to demonstrate she could safely perform the
19 duties of professional counseling, the Board concludes that Respondent’s application for
20 licensure must be denied.

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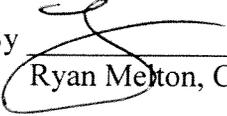
1 **FINAL ORDER**

2 **NOW THEREFORE**, the Board hereby **ORDERS** that:

3 Respondent Jeanette Larsen's application for licensure as a Professional Counselor is
4 **DENIED.**

5 **DATED AND ISSUED** this 10th day of February, 2012.

6
7
8 Oregon Board of Licensed Professional
Counselors and Therapists

9
10 By 

11 _____
12 Ryan Melton, Chair

13 **NOTICE OF RIGHT TO APPEAL**

14 You are entitled to judicial review of this Final Order by Default Denying License
15 Application in accordance with ORS 183.482. You may request judicial review by filing a
petition with the Oregon Court of Appeals in Salem, Oregon, within sixty (60) days from the
date of service of this Final Order

1 at least one client, Client A.

2 4.1 Client A saw Respondent's counseling advertisement and contacted Respondent about
3 his services. The advertisement, posted at sacredcircledance.org, asked the consumer a series of
4 questions – “Are you longing for: -Deeper connect and understanding within yourself? -Ease
5 and clarity in relationships? -Relief from emotional pain and suffering?” If so, then the
6 consumer could contact Respondent for Counseling at the “Introductory Price” of \$25/session.
7 Respondent also specifically described himself as a “Counselor.”

8 4.2 Client A sent an email to Respondent regarding his advertisement, stating a belief that
9 Client A might need professional assistance to address a particular problem. Respondent asked
10 Client A to provide a more detailed description of the problem and welcomed the opportunity to
11 work with Client A. Respondent told Client A that the meeting would be confidential, and
12 promised he would provide the client with his confidentiality policy and an intake form before
13 the appointment or at the session.

14 4.3 Client A attended the session at Respondent's office, described the problem and
15 associated depression. Client paid Respondent \$25 for the session.

16 5.

17 As noted above, Respondent advertises that he provides professional counseling services,
18 despite the fact he is not licensed or exempt from licensure. For example, on the website
19 www.sharedwitnessing.org/counseling, Respondent states that he is available to provide “Private
20 Counseling Services” in person (if the client is located in or near Portland) or by telephone or Skype.
21 “Please call or email Eric Sucher for rates and available times.”

22 6.

23 Based on the above, the Board proposes to impose discipline on Respondent for the following

1 reasons:

- 2 A. Respondent provided professional counseling services to Client A without being licensed
- 3 or exempt from licensure in violation of ORS 675.825(1)(d); and
- 4 B. Respondent falsely represented himself as a counselor able to provide “private
- 5 counseling services” on his Shared Witnessing website in violation of ORS
- 6 675.825(1)(b).

7 7.

8 Given these alleged violations, the Board proposes the following discipline be imposed:

- 9 A. A civil penalty in the amount of \$2,500 shall be assessed for providing counseling
- 10 services to Client A without being licensed or exempt from licensure pursuant to
- 11 ORS 675.825(5) &(6);
- 12 B. Respondent shall pay all costs associated with this disciplinary process, including
- 13 attorney fees pursuant to ORS 675.745(7).

14 **NOTICE OF RIGHT TO REQUEST A HEARING**

15 8.

16 Pursuant to the Oregon Administrative Procedures Act, ORS Chapter 183, Respondent

17 has the right to request a hearing in this matter. A request for hearing must be submitted in

18 writing and must be received by the Board, at the following address, during regular business

19 hours, within twenty-one (21) days of the date on which this Notice is mailed:

20 ///

21 Oregon Board of Licensed Professional Counselors and Therapists
3218 Pringle Road SE, Suite 250
22 Salem, OR 97302-6312

23

1 9.

2 Pursuant to OAR 833-001-0010 and OAR 833-001-0015, if Respondent requests a
3 hearing, Respondent is further required to file a written Answer with his request for a hearing
4 that includes a short plain statement of each relevant affirmative defense you assert.

5 **NOTICE OF CONSEQUENCES OF FAILURE TO FILE AN ANSWER**

6 10.

7 Pursuant to OAR 833-001-0015(3), if Respondent fails to file an Answer, the following
8 consequences will occur:

9 (a) Respondent's failure to raise a particular defense in his Answer shall be
10 considered a waiver of such defense;

11 (b) New matters alleged in Respondent's Answer (affirmative defenses) are presumed
12 to be denied by the Board; and

13 (c) Evidence shall not be taken on any issue not raised in the Notice or Respondent's
14 Answer.

15 11.

16 If Respondent requests a hearing, Respondent will be notified of the time and date of the
17 hearing. The hearing will be conducted according to the contested case procedures described in
18 ORS 183.411 to ORS 183.500 and OAR 137-003-0501 to 0700. Respondent has the right to
19 represent himself at such hearing or to be represented by legal counsel. Attached is information
20 on procedures, right of representation and other rights of Respondents relating to the conduct of
21 the hearing as required by ORS 183.413(2) (Notice of Contested Case Rights and Procedures).

22 12.

1 In the event Respondent fails to request a hearing, withdraws his request for a hearing,
2 notifies the Board or the Administrative Law Judge assigned to this matter that Respondent does
3 not intend to appear for the hearing, or fails to appear for the hearing on this matter, the Board
4 may issue a Final Order by Default and impose the proposed discipline. Respondent's
5 submissions to the Board regarding the subject of this matter and all information in the Board's
6 files relevant to the subject of this case automatically become part of the evidentiary record upon
7 default for the purpose of proving a *prima facie* case. ORS 183.417(4).

8

9 DATED: April 23, 2013

10

Oregon Board of Licensed Professional
Counselors and Therapists

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By Becky Eklund
Becky Eklund, Executive Director

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