STATE OF OREGON
BOARD OF LICENSED PROFESSIONAL COUNSELORS AND THERAPISTS

In the Matter of the Unauthorized Use of the Title Licensed Professional Counselor	))))	**FINAL ORDER BY DEFAULT ASSESSMENT OF CIVIL PENALTY**

To: **Steven Fogelman**

On or about September 15, 2000, the State Board of Licensed Professional Counselors and Therapists (Board) served Notice stating that the Board intended to assess a civil penalty of $750 against Steven Fogelman. The Notice was served by certified mail. The Notice alleged that Steven Fogelman offered the practice of counseling under the title "Licensed Professional Counselor" without possessing a valid licensed issued under ORS 675.705 to 675.835. The Notice further granted Fogelman an opportunity for hearing, if requested within 30 days from receipt of the Notice. No such request for hearing was received by the Board during the specified period. A waiver of his right to a hearing was received on October 6, 2000. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of the records and files of the board relating to this matter at a meeting held October 20, 2000, the Board enters the following Order.

Findings of Fact

1. Steven Fogelman applied for licensure as a professional counselor to the Board on June 17, 1997 and received two extensions of time in which to complete the application process; the most recent through academic spring term 2000 so that he could complete a course in group counseling needed for licensure. The extension allowed Fogelman time to successfully complete and document the course by having an official transcript mailed to the Board.

2. Fogelman knew in November 1999 that he would not be licensed until he enrolled and documented completion of a group counseling course at Southern Oregon University during Spring term 2000.

3. Fogelman knew in mid-June 2000 that licensure was dependent upon receipt of an official transcript by the Board followed by his receiving and passing, and the Board grading the required law and rules examination. .

4. In or about early calendar year 2000, Fogelman authorized an advertisement in the US West Dex for Medford – Ashland yellow pages, listing himself as a "Licensed Professional Counselor."

5. In mid- to late June 2000, Fogelman authorized a second advertisement in the local Ashland telephone directory to include the "LPC", licensed professional counselor, designation.

6. In anticipation of licensure prior to publication, Fogelman placed advertisements claiming to be licensed when he did not possess a valid license as a professional counselor, placed the advertisements claiming to be licensed knowing he was not licensed, and placed the advertisements without knowing exactly when he could or would be issued a license.

Ultimate Findings of Fact

In Oregon, Fogelman purported, through publication in two telephone books, to be engaged in practice under the title Licensed Professional Counselor.

Conclusions of Law

Steven Fogelman violated ORS 675.825(1)(b) on two separate occasions. Each violation is a separate violation per ORS 675.825(3). The Board may levy a civil penalty not to exceed $1,000 for each separate violation.

Opinion

Steven Fogelman violated the title act twice: placing two separate yellow pages advertisements. Although the Board could have levied a penalty in the amount of $2,000, the Board chose to recognize Mr. Fogelman's cooperation, ongoing efforts to obtain licensure, and that he was under the impression he would be licensed before the publications would be distributed by proposing a penalty of $750.

Order

1. A civil penalty in the amount of $750 is hereby levied against Steven Fogelman.
2. The Board hereby acknowledges payment of said civil penalty by Fogelman on October 6, 2000.

DATED this 20th day of November 2000.

Board of Licensed Professional Counselors and Therapists

Carol F. Fleming, Administrator

NOTICE: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the Oregon Court of Appeals.

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CERTIFICATE OF SERVICE

I certify that on November 20, 2000, I served the attached Final Order by Default, Assessment of Civil Penalty, by mailing via first class mail in a sealed envelope, with postage prepaid, a copy addressed as follows:

Steven Fogelman
Kolpia Counseling Services Inc
111 Genessee St
Medford, OR 97504

Connie L. Brown, Administrative Assistant
Board of Licensed Professional Counselors and Therapists