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

In the Matter of the Application for Licensure Renewal	))	FINAL ORDER BY DEFAULT

LYDIA M LORD
334 LONE OAK AVE
EUGENE, OR 97404

On or about July 2, 1993, a notice stating that the Board intended to refuse to renew profession counselor license C0525 was served upon LYDIA M LORD by certified mail. This notice alleged that LYDIA M LORD (licensee) failed to meet the conditions for renewal by not reporting completion of continuing education in accordance with OAR 833-25-050.

Pursuant to a written request for a refund, a hearing before the Board, as provided by ORS Chapter 183, was scheduled for August 27, 1993 at 1:45 pm in Room 137, State Capitol Salem, Oregon. Notice of date, time, and place of the hearing and information on procedures, right to representation, and the rights of parties relating to the conduct of the hearing was served upon LYDIA M LORD on or about August 9, 1993 by certified mail. Ms. LORD was not present nor represented by an attorney.

Now therefore, after consideration of the records and files of the board relating to this matter, a majority of the Board enters the following order:

FINDINGS OF FACT

1. Licensee did not dispute the allegations, nor appealed the decision.

2. Licensee requests refund of the $65 application for renewal fee, because she did not receive a renewed license.

3. Continuing education report submitted by licensee listed 48 hours of training taken between 4/26/91 and3/3/92 as well as one hour taken 7/15/92. Supplemental continuing education report submitted by licensee lists 31 hours taken between 7/15/92 and 3/2/93 with 24 hours identified a "print lessons" or distance learning.

4. All fees required by statute to be submitted to the Board, including application for renewal are non-refundable.

ULTIMATE FINDINGS OF FACT

1. Application fee is not refundable, prohibited by ORS 675.785(3).

2. License fee offsets the cost of processing application for renewal. Fee has been used to review report, follow up letters, provide notice of refusal, and, therefore, is not available for refund.

3. OAR 833-25-050(3)(e) allows a maximum of 10 hours or no more than half the education hours to be satisfied through receipt of distance learning. 24 is more than one half of 31 and, if maximum credit is given for 10, total approvable hours are reduced to 11, 9 less than minimum 20 hours.

CONCLUSIONS OF LAW

The number of hours of continuing education required for renewal by ORS 675.725(1)(d) and as defined by OAR 833-25-050 were not fulfilled.

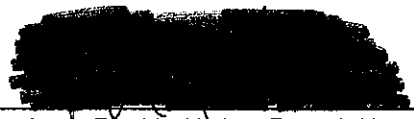
OPINION

The Board believes licensees, by seeking licensure, have agreed to abide by the regulations of the Board and are obligated to keep abreast of the regulations and must accept the responsibility for and consequences of not reading or studying Board rules and distributed information. The Board believes sufficient information has been distributed and opportunity for clarifications available.

ORDER

Not having met the conditions for renewal, thereby not renewing, the professional counselor license of LYDIA M LORD is expired and no longer eligible for renewal. The fee paid is not refundable.

Dated: September 17, 1993



Joshua D. Kadish, Presiding Officer
Board of Licensed Professional Counselors
and Therapists

Service by certified mail no. P 909 902 496 Mailed: 9-20-93

Appeal Rights

LYDIA M LORD is entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review with the Oregon Court of Appeals within 60 days from the service of this order after it becomes final, which will be accomplished by mailing. The appeal procedures are set forth in ORS 183.482.