

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

4 In the Matter of: ) Agency Case No. 2010-006  
5 )  
5 **GERALD E. MAGARO,** )  
6 ) **FINAL ORDER BY DEFAULT DENYING**  
6 Respondent. ) **LICENSURE**

7  
8 **HISTORY OF THE CASE**

9 On March 17, 2010, the Board of Licensed Professional Counselors and Therapists  
10 (Board) issued a Notice of Intent to Deny Licensure and Right to Request Hearing (Notice)  
11 stating that the Board intended to deny Gerald E. Magaro's (Respondent's) request for licensure  
12 as either a Licensed Professional Counselor or Marriage & Family Therapist.

13 The Notice was served on Respondent by regular and certified U.S. Mail addressed to  
14 Respondent at Respondent's last known address – 2098 NW Lakeside Place, Bend, Oregon  
15 97701 on March 13, 2010. The Notice informed Respondent of the opportunity for a hearing if  
16 requested in writing and received within twenty-one (21) days of service of the Notice.

17 Respondent failed to timely request a hearing, claiming he was out of the country until May and  
18 did not receive his mail. The Board asked Respondent to provide documentation supporting  
19 Respondent's claim, which Respondent failed to do.

20 The Notice provides that if Respondent fails to timely request a hearing that "the Board  
21 may issue a Final Order by Default and deny Respondent's application for licensure as either a  
22 Marriage and Family Therapist or as a Professional Counselor." As Respondent failed to timely  
23 request a hearing, Respondent is in default. The Notice further informed Respondent that in the

1 event the Board issues a Final Order by Default, the Board designates its file on this matter for  
2 purposes of proving a *prima facie* case.

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

6 **FINDINGS OF FACT**

7 1. The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the  
8 state agency responsible for licensing, regulating, and disciplining Licensed Professional Counselors  
9 and Licensed Marriage & Family Therapists in the State of Oregon.

10 2. The Board has the authority to issue licenses to those who qualify to practice as either a  
11 Marriage & Family Therapist or as a Professional Counselor under the applicable statutory requirements  
12 and Board rules. The Board is also authorized to set the academic and training standards necessary for  
13 those seeking licensure.

14 3. To qualify for licensure using the reciprocity application method, an applicant must  
15 document holding: (1) “A graduate degree in counseling, or marriage and family therapy or a related  
16 degree from a college or university that was regionally accredited at time of graduation that meets the  
17 requirements under OAR 833 division 60 Majority Standards for Graduate Degrees; and (2) “A current,  
18 active license in another state comparable to the Oregon license requested \* \* \*” OAR 833-020-  
19 0051(5)(a).

20 4. To qualify for licensure as either a LPC or LMFT, the graduate degree must include the  
21 required coursework listed in the Board’s rules.

22 5. If an applicant’s graduate degree is missing some required courses, the applicant may  
23 supplement his/her graduate degree by taking and successfully completing courses for “graduate credit

1 at an accredited college or university” OAR 833-060-0032(1).

2 6. Respondent received a MA in Transpersonal Counseling Psychology from John F.  
3 Kennedy University, located in California, in 1987. Respondent’s graduate degree satisfies an  
4 acceptable level of at least a majority of the Board’s degree standards, but is missing certain required  
5 courses. For licensure as a LPC, Respondent is missing the following courses: (1) Counseling Theory;  
6 (2) Human Growth & Life Span Development; (3) Group Dynamics; (4) Lifestyle & Career  
7 Development; (5) Research & Evaluation; (6) Professional Orientation; and (7) 16 credit hours of  
8 additional supporting coursework.

9 7. For licensure as a LMFT, Respondent is missing the following courses: (1) Human  
10 Development; (2) Marital and Family Theoretical Foundations; (3) Marital and Family Therapy  
11 Assessment; (4) Professional Studies; (5) Research Methods or Statistics; and (6) 13 credit hours of  
12 additional supporting coursework.

13 8. Respondent could still meet the reciprocity licensure education requirements if he had  
14 successfully completed additional graduate training at an accredited college or university but was unable  
15 to provide any documentation to support the completion of such graduate training.

16 9. The Notice was served on Respondent on March 17, 2010 by certified and regular US  
17 Mail. The Notice specifically provided that if Respondent fails to timely file a request for a hearing,  
18 that the Board may issue a Final Order by Default and deny Respondent’s application for licensure as  
19 either a LPC or LMFT.

20 10. Respondent failed to substantiate his claim that he was out of the country and unable to  
21 timely file his request for a hearing.

## 22 **CONCLUSIONS OF LAW**

23 1. Respondent is in default.



1 Here, Respondent's graduate degree is missing multiple requirement coursework. Given  
2 the importance of this requirement, the Board concludes the Respondent's application for  
3 licensure as either a Professional Counselor or Marriage & Family Therapist must be denied.

4 **FINAL ORDER**

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

- 6 1. Respondent Gerald E. Magaro's application for licensure as a Professional  
7 Counselor is denied;
- 8 2. Respondent's application for licensure as a Licensed Marriage & Family  
9 Therapist is denied; and
- 10 3. Respondent is **ASSESSED** the Board's costs associated with this action,  
11 including the Board's attorney fees, in the amount of **\$890.50**, pursuant to ORS  
12 675.745(7).

13  
14 **DATED AND ISSUED** this 25<sup>th</sup> day of August, 2010.

15  
16 Oregon Board of Licensed Professional  
17 Counselors and Therapists

18 By  \_\_\_\_\_  
19 Ryan Melton, Chair  
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21  
22  
23

1 **NOTICE OF RIGHT TO APPEAL**

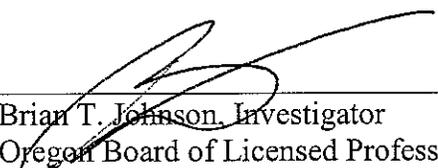
2 You are entitled to judicial review of this Final Order by Default. You may request  
3 judicial review by filing a petition for review with the Oregon Court of Appeals in Salem,  
4 Oregon within sixty (60) days from service of this Final Order. Judicial review is pursuant to the  
5 provisions of ORS 183.482.

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 26<sup>th</sup> day of August, 2010, I served the foregoing **Final**  
3 **Order by Default Denying Licensure** on Respondent Gerald E. Magaro by depositing a true  
4 copy in a sealed envelope sent by regular US Mail, addressed as follows:

5 Gerald E. Magaro  
6 2098 NW Lakeside Place  
7 Bend, OR 97701

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9  
10   
11 Brian T. Johnson, Investigator  
Oregon Board of Licensed Professional  
Counselors and Therapists

12 cc: Kelly M. Gabliks, Sr. AAG  
13 Department of Justice  
14 General Counsel/Business Activities Section  
15 1162 Court Street NE  
16 Salem OR 97310  
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