

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

In the Matter of the Continuation)
of the Professional Counselor license of) **FINAL ORDER BY DEFAULT**
) **REFUSAL TO RENEW**
)

Sohi M. McCaw

On or about July 11, 2000, the State Board of Licensed Professional Counselors and Therapists (Board) served Notice stating that the Board intended to refuse to renew the professional counselor license (C0976) of Sohi M. McCaw (Respondent). The Notice was served by certified mail to the last known official address. The Notice alleged that Sohi McCaw failed to pay the late renewal fee by the statutory deadline of May 1, 2000. The Notice further granted Respondent an opportunity for hearing, if requested within 90 days of receipt of the Notice. No such request for hearing was received by the Board during the specified period. The Notice designated the Board's file on this matter as the record for purposes of default.

NOW THEREFORE, after consideration of the file of the Board relating to this matter at a meeting held October 20, 2000, the Board enters the following Order:

Findings of Fact

1. Respondent's filed an incomplete application for renewal on March 28, 2000. Respondent claimed no place of practice.
2. Respondent's application included a change to the residence address to a post office box number in Portland. The crossed-out address was the only address on file. No location address was provided for the new post office box. No notations or explanation accompanied the change.
3. Respondent was notified that the application was incomplete because she needed to file a location address for her place of residence when using a post office box. The letter also warned that corrective action needed to be taken and accepted on or before April 1 to avoid a late fee.
4. Respondent's response was a letter postmarked April 3, 2000 and an electronic mail message dated April 3, 2000. Both provided the location address.
5. Respondent did not take corrective action on or before April 1. Respondent took corrective action regarding the address on April 3.
6. Respondent was notified by letter dated April 10 that the late fee was required and warned that it needed to be submitted before May 1.
7. Respondent did not pay the \$50 late fee before May 1.

Ultimate Findings of Fact

Sohi McCaw did not qualify for renewal on or before April 1. Regulations allowed corrective action after April 1 but before May 1 if accompanied by the \$50 late fee. Sohi McCaw took corrective action regarding the location address on April 3, but did not pay the \$50 late fee. Ms. McCaw failed to meet the conditions for renewal:

Conclusions of Law

A. Respondent did not qualify for renewal by April 1 because Respondent, pursuant to ORS 675.745(d), failed to file a location address for her place of residence required by OAR 833-050-0010(1)(a).

B. Respondent, by not paying the \$50 late fee that allowed renewal between April 1 and April 30, did not meet the requirements for renewal by May 1, 2000, allowing her license to expire pursuant to ORS 675.725(3).

C. Respondent can no longer renew her license pursuant to ORS 675.725(3) that prohibits renewal of a license that expired for failure to meet the requirements for renewal by May 1.

Opinion

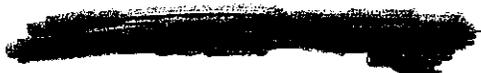
The Board recognizes and empathizes that Ms. McCaw was hindered from taking care of business because her mother's illness required her to remain on the East Coast and prevented timely receipt of the notices mailed by the Board. However, the Board notes (1) that the renewal deadlines are set in statute and cannot be changed or ignored by the Board, (2) the need for a location address when a post office box is used has been a long-standing requirement and was printed on the form filed by Ms. McCaw, and (3) an expedited re-licensure process is available for up to two years after expiration for just such cases.

Order

The professional counselor license of Sohi M. McCaw expired May 1, 2000 and can no longer be renewed.

Dated this 21st day of November, 2000

State Board of Licensed Professional
Counselors and Therapists



Carol F. Fleming, Administrator

NOTE: 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.

Certificate of Service

I certify that on November 21, 2000 I served the preceding Final Order Refusal to Renew in a sealed envelope, with postage prepaid, a copy addressed as follows:

Sohi M. McCaw
PO Box 10724
Portland, OR 97296



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