

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

In the Matter of the Continuation) FINAL ORDER
of licensure)

Edward W. Surman
2113 Woodlawn Drive *
Corona, CA 91720

On or about November 3, 1993, a notice stating that the Board intended to suspend professional counselor and marriage and family therapist licenses number C0049 and T0022 was served upon Edward W. Surman by certified mail. This notice alleged that Edward W. Surman (licensee) violated the rules of the Board by not documenting meeting the annual continuing education requirements during license year 1993-94.

Pursuant to a written request for hearing as provided by ORS Chapter 183, a hearing before the Board was scheduled for December 10, 1993 at 1:45 pm in the Conference Room of the State Archives Building, 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 Edward W. Surman on or about November 22, 1993 by certified mail. The licensee was not present and not represented by an attorney, but had submitting information for inclusion in the record.

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. On or about June 14, 1993, a request for documentation supporting continuing education was sent to the official address filed by the licensee. No response was received.
2. Licensee responded to request for documentation by mailing copies of continuing education papers to the Board.
3. Melinda Mehring was aware of licensee's compliance.
4. Theresa Surman witnessed the mailing of the materials in June 1993.
5. Licensee provided copy of letter to University of California requested a rush transcript in June 1993.
6. Licensee submitted verification of 15 hours of supervision and grade card for 10 hours of classwork at the University of California.

ULTIMATE FINDINGS OF FACT

1. Licensee complied with audit request for materials in a timely manner.
2. Licensee met the continuing education requirements.

CONCLUSIONS OF LAW

The number of hours of continuing education required for renewal by ORS 675.725(1)(d) were fulfilled to the satisfaction of the Board and the licensee did respond to the request information.

OPINION

The Board noted that rules require the license to have the documentation at time of the continuing education report is filed. In this case, the efforts to obtain the proof when audited do provide reasonable proof that the licensee complied with the audit request. However, the Board believes that sufficient information has been distributed setting forth the regulations. Further, the Board has stated that it is not setting precedent by recognizing a first-time situation and may not accept similar arguments in the future.

ORDER

Providing sufficient evidence that the minimum standards and requirements for annual continuing education were met and the licensee did respond to the audit request, the professional counselor and marriage and family therapist licenses of Edward W. Surman will not be suspended.

Dated:

1/25/94


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

Service by certified mail no. P909 902 546 Mailed: 1-28-94

Appeal Rights

Edward W. Surman 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.