

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

In the Matter of:

) Case No. 2009-014
) DOJ File No. 108001-GB0658-09
)

JUDITH S. VERGAMINI, LPC, LMFT,

Respondent.

) **SETTLEMENT AGREEMENT AND**
) **STIPULATED FINAL ORDER**

SETTLEMENT AGREEMENT

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

2. At all relevant times material herein, Judith S. Vergamini (Respondent) has been licensed with the Board as a Licensed Professional Counselor and as a Licensed Marriage and Family Therapist. The Board has jurisdiction over the Respondent under ORS 675.705 to 675.835. Hereinafter Respondent and the Board are collectively referred to as the "Parties."

3. On October 15, 2009, the Board issued a Notice of Intent to Revoke License on Respondent (which by this reference is incorporated herein), who timely requested a contested case hearing. Since that time, the Board has issued an Amended Notice of Intent to Revoke License and a Second Amended Notice of Intent to Impose Discipline. The Notice governing this Settlement Agreement and Stipulated Final Order (Agreement) is the Second Amended Notice of Intent to Impose Discipline (Notice).

4. The Parties desire to settle this matter and, pursuant to ORS 183.415(3), stipulate and agree as follows in full and complete settlement of the matter currently pending, subject to final approval by the Board:

4.1 This Settlement Agreement is conditioned upon and subject to final approval by the Board;

4.2 In 2008, Respondent was retained by Client A (Father) and Client B (Mother) to assist the parents in developing an appropriate parenting plan to provide Father with access to Minor Child.

4.3 When Respondent prepared her Parenting Time Report for the court, Respondent failed to include Mother's criminal past, but did include Father's DUI conviction

4.4 Respondent later prepared an Addendum to her Original Report. Although the Addendum contained Mother's arrest and conviction records, it does not include a discussion of the nature of Mother's arrests and convictions, which were relevant to the custody evaluation. This despite the fact that the Original Report contained detailed discussions of alleged improprieties committed by Father.

4.5 Although Respondent conducted a home study of Father's residence to ensure it provided a safe and appropriate living environment for Minor Child, Respondent never conducted a home visit of Mother's residence.

4.6 In preparing her Original Report and all Addendums, Respondent never addressed Mother's housing situation and how that might influence the custody decision.

4.7 Respondent denies the allegations set out in the earlier Notice of Intent to Revoke License and Amended Notice of Intent to Revoke License but admits the allegations set out in the Second Amended Notice of Intent to Impose Discipline as set forth above.

4.8 Respondent intends to retire from her active practice of professional counseling and marriage/family therapy.

4.9 Based on the above, Respondent committed the following violations:

A. Respondent failed to include Mother's criminal background in her Original Report but included Father's DUI in violation of ORS 675.745(1)(e), OAR 833-060-0021(1), OAR 833-060-0031(3), and OAR 833-060-0061(2);

B. When Mother did prepare an Addendum to her Original Report to include Mother's arrests and convictions, she failed to include a discussion of the nature of Mother's arrests and convictions despite the fact the Original Report contained detailed discussions of alleged improprieties of Father in violation of ORS 675.745(1)(e), OAR 833-060-0021(1), and OAR 833-060-0031(3);

C. Respondent conducted a home study of Father's residence but not of Mother's residence in violation of ORS 675.745(1)(e), OAR 833-060-0021(1) and OAR 833-060-0031(3);

D. None of Respondent's Reports or Addendums addressed Mother's housing situation in violation of ORS 675.745(1)(e), OAR 833-060-0021(1) and OAR 833-060-0031(3); and

E. Respondent failed to act in accordance with the highest standards of professional integrity and competence when she engaged in the conduct described above in violation of ORS 675.745(1)(e), OAR 833-060-0041 and OAR 833-060-0061(1) and (2);

4.10 The Final Order below may be issued and entered;

4.11 This Settlement Agreement and Stipulated Final Order is a public document;

4.12 Respondent has been fully advised of her right to a contested case hearing under the Oregon Administrative Procedures Act (ORS Chapter 183), and fully and finally waives all such rights and any rights to appeal or otherwise challenge this Settlement Agreement and Stipulated Final Order;

4.13 Respondent acknowledges by her signature below that she fully understands the terms of this Settlement Agreement and Stipulated Final Order. Respondent declares that she has carefully reviewed the terms of this Settlement Agreement and consents to the issuance and entry of the Final Order below, that she knows the contents thereof, that she has had adequate opportunity to consult with others of her choosing, including legal counsel, and that she has voluntarily accepted the terms set forth herein; and

4.14 Entry of the Final Order below in no way limits or prevents further remedies, sanctions, or actions that may be available to the Board to enforce the Final Order, for violations of the Final Order, for conduct or actions of Respondent not covered by the Final Order, or against a party not covered by the Final Order.

5. This Agreement constitutes the entire agreement between the Parties in accordance with Oregon law. No waiver, consent, modification or change of terms of this Agreement shall bind any party unless in writing and signed by all parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements or representations, oral or

written, not specified herein regarding this Agreement. The Board and Respondent, by their signatures, hereby acknowledge that they have read this Agreement, understand it, and agree to be bound by its terms and conditions.

IT IS SO STIPULATED AND AGREED TO BY:

~~Judith S. Vergamini, LPC, LMFT~~

Dated: July 30, 2010

Approved as to form:

~~Connie McKelvey, Counsel for Respondent~~

Dated: July 22, 2010

**BOARD OF LICENSED PROFESSIONAL
COUNSELORS AND THERAPISTS
State of Oregon**

By: ~~Ryan Melton, Chair~~

Dated: August 13, 2010

FINAL ORDER

Based on the stipulation and settlement between the Parties set forth above, which is incorporated herein by this reference, pursuant to ORS 675.745(1) and OAR 833-050-0040, it is hereby **ORDERED**:

1. Judith S. Vergamini will surrender her license as a Professional Counselor and Licensed Marriage and Family Therapist effective July 30, 2010;

2. Respondent agrees that she will never reapply or seek reinstatement of her license as a professional counselor or as a Licensed Marriage and Family Therapist in the State of Oregon;

3. Respondent agrees that she is prohibited from using the title of, purporting to be, or practicing as a Licensed Professional Counselor or Licensed Marriage and Family Therapist, or using any other title that includes those words; and

4. Respondent shall pay \$1,000 toward the costs incurred by the Board in pursuing this action pursuant to ORS 675.745(7).

DATED and ISSUED this 3rd day of August, 2010.

**BOARD OF LICENSED PROFESSIONAL
COUNSELORS AND THERAPISTS
State of Oregon**

By: _____

~~Ryan~~ Melton, Chair