

1 8. The Notice was served on Respondent by certified and regular mail on December 23,
2 2009. Respondent failed to timely request a hearing and has to date never requested a
3 hearing.

4 9. The Notice provided that if Respondent failed to request a hearing, the Board may issue a
5 Final Order by Default and impose the discipline proposed in the Notice.

6 **CONCLUSIONS OF LAW**

7 1. Respondent is in default.

8 2. Respondent falsely represented on the CLCS website that he was a Licensed Professional
9 Counselor in Oregon and used the LPC designation.

10 3. Respondent falsely represented on the www.zoominfo.com/people website that he was a
11 Licensed Professional Counselor in Oregon and used the LPC designation.

12 4. Respondent falsely represented on the NPI Boost Technologies webpage that he was a
13 LPC in Oregon.

14 5. The Board is entitled to recover all costs associated with pursuing this disciplinary matter
15 under ORS 675.745(7).

16 **OPINION**

17 The law is clear that no one may “Purport to the public to be engaged in the practice of
18 professional counseling under the title ‘Licensed Professional Counselor’ unless the person possesses a
19 valid license to practice professional counseling” ORS 675.825(1)(b). This is especially critical in cases
20 such as this, where Respondent used to be licensed, but allowed his license to lapse because he was
21 facing disciplinary action – “Regarding my license, I was being challenged in April (Revocation) and
22 seeing that this has passed, I am re-applying for my LPC in the state of Oregon.”

23 Respondent admits, as he must, that the CLCS website listed him as an LPC, but attempted to

1 excuse this error because he was allegedly unaware of the site and never received any referrals from it.
2 As the site's administrator, it was squarely Respondent's responsibility to make sure that the website
3 contained accurate information, which he failed to do here. As such, the Board finds that the maximum
4 civil penalty of \$1000 must be imposed for this violation.

5 Regarding the other two violations, Respondent again admits that the two websites contained
6 inaccurate licensure information, but argued that he had no control over these websites without
7 providing more information. The Board is unconvinced that Respondent bears no responsibility for this
8 misinformation. Even Respondent concedes that the information may well have been taken from the
9 inaccurate CLCS website he controlled – "I believe the other two listings mentioned were spawned from
10 my outdated website." However, the Board is willing to reduce the civil penalty for these violations to
11 \$500 per violation.

12 As more people search for information and providers on the Internet, the need to update websites
13 becomes critical. Potential clients have the right to know whether the counselors they are considering
14 are licensed, having obtained the commensurate requirements and responsibilities such licensure entails.
15 Respondent's failure to maintain accurate information on his website misleads the public into believing
16 that he too is licensed when that is clearly not the case. Thus, the Board concludes that Respondent has
17 committed serious violations and must be disciplined accordingly.

18 FINAL ORDER

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

- 20 1. Respondent Brett J. Prunty is assessed a civil penalty of **\$1,000** for the false licensure
21 representations made on the CLCS website in violation of ORS 675.825(1)(b) and OAR
22 833-050-0001, pursuant to ORS 675.825(3) & (4);
23

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 8th day of March, 2010, I served the foregoing **Final**
3 **Order by Default Imposing Civil Penalties and Costs** on Respondent Brett J. Prunty by
4 depositing a true copy in a sealed envelope sent by regular mail, addressed as follows:

5 Brett J. Prunty
6 2974 NW Cabernet Lane
7 Bend, OR 97701

8 _____
9
10 ~~Brian T. Johnson~~, Investigator
11 Oregon Board of Licensed Professional
12 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