

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

In the Matter of	)	Case Nos. 2023-157, 2023-173, 2024-015,
	)	2024-079
DEBBIE WHEELER	)	
	)	STIPULATED ORDER
Unlicensed	)	
	)	

## STIPULATION

1.

The Oregon Board of Licensed Professional Counselors and Therapists (Board) is the state agency responsible for licensing, regulating and disciplining licensed professional counselors (LPC) and licensed marriage and family therapists (LMFT) in the State of Oregon. Debbie Wheeler (aka Debra E. Wheeler) (Respondent) is an individual who is subject to the Board's jurisdiction when practicing counseling in the State of Oregon, pursuant to ORS 675.825(4)(a).<sup>1</sup>

2.

## FINDINGS OF FACT

2.1 Respondent has never been licensed by the Board to provide professional counseling services or other mental, emotional or behavioral health services in Oregon.

2.2 On October 11, 2022, the Board issued a final Stipulated Order in Case No. 2020-086 in which it determined that Respondent had engaged in the practice of counseling in Oregon without being a licensee or associate registered with the Board for an unknown period which included, at a minimum, August 2021 through at least February 14, 2022. To resolve the issue of her unlicensed practice, Respondent agreed to seek licensure with the Board, as described in the Stipulated Order. To date, Respondent has not completed the Board's licensure process.

2.3 On August 8, 2023, the Board issued a final Stipulated Order in Case No. 2022-154 in

<sup>1</sup> The Board has jurisdiction over Respondent pursuant to ORS 675.825(4)(a) and 675.715(1)(b).

1 which the Board determined, and Respondent admitted, that she had engaged in the practice of  
2 counseling in Oregon without being a licensee or associate registered with the Board between 2020  
3 and at least March 2023, a period that extended beyond the date that Respondent entered into the  
4 Stipulated Order with the Board in Case No. 2020-086.

5           2.4 Findings of Fact Specific to Case No. 2023-173:

6               2.4.1 On September 5, 2024, the Board issued a Notice of Intent to Impose Civil  
7 Penalty in Board Case No. 2023-173, under which the Board proposed to assess a \$55,000 civil  
8 penalty (plus costs up to \$100,000) against Respondent for unlicensed practice with Clients A, B and  
9 C between approximately November 2022 and November 2023. On October 8, 2024, the Board  
10 issued a Default Order which included findings of fact and conclusions of law, assessing the \$55,000  
11 civil penalty and imposing costs in the amount of \$1,100. The Default Order is incorporated into this  
12 Stipulated Final Order by this reference.

13           2.4.2 On October 17, 2024, the Board received a hearing request from Respondent,  
14 which was dated October 10, 2024, and postmarked October 15, 2024. October 17 was less than 60  
15 days after October 8, when the Default Order was issued. The Board interpreted the October 17,  
16 2024, communication as a late hearing request and requested additional information pursuant to OAR  
17 137-003-0528(1)(d). No demonstration was made that a timely hearing request had been served or  
18 that there was other good cause to accept a late hearing request.

19           2.4.3 On December 6, 2024, the Board voted to deny the late hearing request in  
20 Board Case No. 2023-173.

21           2.5 Findings of Fact Specific to Case No. 2024-015:

22               2.5.1 From approximately December 12, 2022, to approximately July 26, 2024, at  
23 her office in Scappoose, Oregon, Respondent provided professional counseling services to Client D, a  
24 minor, without being a licensee or associate registered with the Board. Respondent conducted a total  
25 of 54 professional counseling sessions with Client D during that time period.

26           2.5.2 On October 4, 2024, the Board voted to issue a Notice of Intent to Impose Civil  
27 Penalty in Board Case No. 2024-015, proposing assessment of a \$5,000 civil penalty (plus costs up to

1 \$100,000) against Respondent for unlicensed practice with Client D. On December 6, 2024, the  
2 Board voted to amend its prior vote to increase the proposed civil penalty to \$135,000 for alleged  
3 unlicensed practice with Client D between approximately December 2022 and July 2024.

4 2.6 Findings of Fact Specific to Case No. 2023-157:

5 2.6.1 On October 21, 2024, the Board issued a Notice of Intent to Impose Civil  
6 Penalty in Board Case No. 2023-157, under which the Board proposed to assess a \$22,500 civil  
7 penalty (plus costs up to \$100,000) against Respondent for unlicensed practice with Clients E and F  
8 between approximately May and November 2023. On November 11, 2024, the Board received  
9 through Respondent's counsel a timely request in writing for a hearing in Board Case No. 2023-157.

10 2.6.2 The Notice of Intent to Impose Civil Penalty is incorporated into this  
11 Stipulated Final Order by this reference. The Board finds that the factual allegations listed in Section  
12 3 of the Notice of Intent to Impose Civil Penalty are true and correct.

13 2.7 Findings of Fact Specific to Case No. 2024-079:

14 2.7.1 On October 21, 2024, the Board issued a Notice of Intent to Impose Civil  
15 Penalty in Board Case No. 2024-079, under which the Board proposed to assess a \$10,000 civil  
16 penalty (plus costs up to \$100,000) against Respondent for unlicensed practice with Clients G and H  
17 in approximately May and June 2024. On November 11, 2024, the Board received through  
18 Respondent's counsel a timely request in writing for a hearing in Board Case No. 2024-079.

19 2.7.2 The Notice of Intent to Impose Civil Penalty is incorporated into this  
20 Stipulated Final Order by this reference. The Board finds that the factual allegations listed in Section  
21 3 of the Notice of Intent to Impose Civil Penalty are true and correct.

22 2.8 As of the date of this Stipulated Order, the Board is actively investigating additional  
23 allegations of unlicensed practice by Respondent (Board Case No. 2023-155). The Board has not yet  
24 made a determination or issued a notice with regard to Board Case No. 2023-155.

25 3.

26 CONCLUSIONS OF LAW

27 3.1 The Board makes the following conclusion of law specific to the late hearing request

1 in Board Case No. 2023-173: the Board may not accept the late hearing request pursuant to OAR  
2 137-003-0528(1)(b)(A).

3 3.2 The Board makes the following conclusions of law specific to Board Case No. 2024-  
4 015: that by engaging in the conduct set forth in section 2.5, above, Respondent engaged in conduct  
5 that violated ORS 675.825(1)(d)(A) in that Respondent engaged in the practice of professional  
6 counseling in Oregon without being a licensee or associate registered with the Board on 54 occasions;  
7 that each of those occasions is a separate violation of ORS 675.825(1)(d)(A); that each of those  
8 violations is an adequate basis for a separate \$2,500 civil penalty; and that the Board by order below  
9 imposes a \$2,500 civil penalty for each violation, resulting in total civil penalties of \$135,000.

10 3.3 The Board makes the following conclusions of law specific to Board Case No. 2023-  
11 157: that the nine violations listed in Section 4 of the Notice of Intent to Impose Civil Penalty are  
12 true and correct and that Respondent violated ORS 675.825(1)(d)(A) as stated in Section 4 of the  
13 Notice of Intent to Impose Civil Penalty; that, as stated in Section 5.3 of the Notice of Intent to  
14 Impose Civil Penalty, each of the nine violations is an adequate basis for a separate \$2,500 civil  
15 penalty; and that the Board by order below imposes a \$2,500 civil penalty for each violation,  
16 resulting in total civil penalties of \$22,500.

17 3.4 The Board makes the following conclusions of law Specific to Board Case No. 2024-  
18 079: that the four violations listed in Section 4 of the Notice of Intent to Impose Civil Penalty are  
19 true and correct and that Respondent violated ORS 675.825(1)(d)(A) as stated in Section 4 of the  
20 Notice of Intent to Impose Civil Penalty; that, as stated in Section 5.3 of the Notice of Intent to  
21 Impose Civil Penalty, each of the four violations is an adequate basis for a separate \$2,500 civil  
22 penalty; and that the Board by order below imposes a \$2,500 civil penalty for each violation,  
23 resulting in total civil penalties of \$10,000.

24 4.

25 Respondent understands, acknowledges, stipulates, and agrees to the following:

26 4.1 This Stipulated Order will be submitted to the Board for approval and is subject to and  
27 conditioned upon approval by the full Board.

1           4.2     The Order below, once issued, is a Final Order.

2           4.3     The Board has authority to investigate complaints and alleged violations under ORS  
3 675.785(5). The Board has jurisdiction over Respondent pursuant to ORS 675.825(4)(a) (*see also*,  
4 ORS 675.715(1)(b)(C), OAR 833-030-0011(3) and OAR 833-040-0011(2)). The Board has authority  
5 to impose a civil penalty and to assess the costs of the disciplinary process, including attorney fees,  
6 pursuant to ORS 675.745(4) and (7) and ORS 675.825(6).

7           4.4     Respondent and the Board desire to settle these matters by entry of this Stipulated  
8 Final Order. Respondent has fully read this Stipulated Final Order and understands it completely.  
9 Respondent has consulted with an attorney regarding this Stipulated Final Order and has been fully  
10 advised in regards thereto or waives any and all rights to consult with an attorney prior to signing this  
11 Stipulated Final Order. Respondent stipulates to issuance of this Stipulated Final Order voluntarily  
12 and without any force or duress. Respondent states that no promises or representation not stated  
13 herein have been made to induce Respondent to sign this Stipulated Final Order. Respondent fully,  
14 finally and forever waives any right to appeal or otherwise challenge this Stipulated Final Order and  
15 its entry into the Board's records.

16          4.5     Respondent fully and finally waives any right to appeal the Board's order below that  
17 denies her late hearing request in Board Case No. 2023-173. Respondent fully and finally waives any  
18 right to challenge the Board's Default Order in Board Case No. 2023-173.

19          4.6     Respondent acknowledges that, for Board Case Nos. 2024-015, 2023-157 and 2024-  
20 079 Respondent has the right to notice and contested case hearings under the Administrative  
21 Procedures Act (Chapter 183), Oregon Revised Statutes, and fully, finally and forever waives any and  
22 all such rights and any rights to appeal or otherwise challenge this Stipulation and Order. Respondent  
23 admits and the Board agrees and finds that Respondent engaged in the conduct described above  
24 (sections 2.5 – 2.7 Findings of Fact) and that this conduct violated the statutes and rules as set forth  
25 above (section 3, Conclusions of Law).

26          4.7     This Stipulation and Order in no way limit or prevent further remedies, sanctions, or  
27 actions which may be available to the Board under Oregon law for conduct or actions of Respondent

not covered by this Stipulation and Order, or against a party not covered by this Stipulation and Order.

4.8 Respondent acknowledges that, pursuant to ORS 293.231, the Board may refer delinquent accounts for collection by the Department of Revenue or a private collection agency within 90 days of delinquency. Final amounts due may include collection fees imposed by the collector and the accrual of interest, up to the statutory maximum permitted by ORS 82.101, in addition to the unpaid principal amount. The Board may record an unpaid penalties or costs with the county clerk of any county in this state, pursuant to ORS 205.125 and 205.126.

## 5.

### FINAL ORDER

NOW, THEREFORE, based on the above stipulations by Debbie Wheeler, and pursuant to ORS 183.417(3), ORS 675.785, ORS 675.745, ORS 675.825, and other applicable authority, IT IS HEREBY ORDERED that::

5.1 The above stipulations by Respondent are accepted and incorporated herein by this reference.

5.2 No later than March 1, 2025, Respondent must close and dissolve her counseling business, Zebra Stripes Family Counseling Services. As part of this process, Respondent must file the necessary documents to dissolve her counseling business with the Secretary of State. A copy of all documents relating to the closure and dissolution of the business must be provided to the Board and the Board's attorney of record no later than March 1, 2025.

5.3 No later than March 1, 2025, Respondent must have completed referral of all clients to licensed mental health professionals in the state of Oregon. Respondent must cooperate in any manner necessary to effectuate the transition of those clients to the new treatment providers, including providing all records requested by the new treatment provider.

5.4 No later than March 1, 2025, Respondent must notify the Columbia County Circuit Court in writing that she is no longer able to accept any referrals for mental health treatment services. A copy of all documents relating to this notification to the Columbia County Circuit Court must be

1 provided to the Board and the Board's attorney of record within ten (10) days of Respondent's  
2 production of such documents. If Respondent receives any communication from the Columba  
3 County Circuit Court in response to her notification, she must provide a copy of the communication  
4 to the Board and the Board's attorney of record within ten (10) days of receipt.

5       5.5     Respondent is prohibited after issuance of this Order from engaging in marriage and  
6 family therapy or in professional counseling as defined by ORS 675.705 (or any successor statute) at  
7 any time in the future unless and until Respondent is licensed or registered by the Board.

8       5.6     Respondent shall pay a civil penalty of \$10,000 to the Board within thirty (30) days of  
9 the effective date of this Order. Respondent's payment of the remaining civil penalty amounts for  
10 Board Case Nos. 2023-173, 2024-015, 2023-157 and 2024-079 (\$212,500) and the outstanding costs  
11 in Board Case No. 2023-173 (\$1,100) is stayed provided that Respondent complies fully and  
12 completely with all the terms of this Order and does not engage in unlicensed practice of any mental,  
13 behavior or emotional health profession in the future in Oregon or with an Oregon resident.

14 Respondent further understands and agrees that as part of any future application for licensure or  
15 registration Respondent must have paid all of these stayed civil penalty amounts and costs in full and  
16 that Respondent's application will be considered incomplete until civil penalty amounts and costs are  
17 paid in full. Respondent further understands that if Respondent does not fully and completely comply  
18 with each and every term of this Order or in any way engages in activity hereafter that violates ORS  
19 675.825 (or any successor statute), then the total amount of stayed civil penalties and costs assessed  
20 in this Order plus interest owed at the legal rate of interest from the effective date of this Order  
21 pursuant to ORS 82.010 minus any amounts paid becomes immediately due, payable, and collectable.

22       5.7     Board Case No. 2023-155 is dismissed without prejudice. However, the Board will  
23 not reopen Case No. 2023-155 unless, after the effective date of this Order, a forum of competent  
24 jurisdiction determines that Respondent engaged in the unlicensed practice of any mental, behavior or  
25 emotional health profession.


26       5.8     The late hearing request filed in Board Case No. 2023-173 is denied.

27       5.9     Nothing in this Stipulated Final Order restricts Respondent from applying to the Board

1 for licensure or registration in the future. Respondent shall be permitted to pursue a professional  
2 license in the state of Oregon through the Board at a future date, subject to Board requirements in  
3 effect at the time of her future application, including compliance with the terms of this Order.

4 5.10 This Order is a public document that is reportable to the National Practitioner  
5 Databank. The Order becomes effective on the date it is signed by the Board's designee.

6  
7 IT IS SO STIPULATED on this 28 day of January 2025.

8  
9   
10 \_\_\_\_\_  
11 Debbie (Debra E.) Wheeler

12 IT IS SO ORDERED on this 11th day of February 2025.

13  
14 Oregon Board of Licensed Professional  
15 Counselors and Therapists

16 By   
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18 Daniel Reeser, LMFT  
19 Board Chair  
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