

1 5. Based upon conviction for False Certification and Official Misconduct, the Washington
2 State Department of Health Counselors imposed a two-year probation on Fabian's
3 registration with the agency. Under terms of the probation Fabian was required to pay
4 a fine of \$2,500 (with \$2,000 suspended on condition of compliance with the
5 probation). Fabian was also required to complete three quarter hours of credit in
6 college level courses on the subject of law and ethics within two years of the effective
7 date of the order. Fabian is required to submit semi-annual reports to the Washington
8 State Department of Health under oath verifying compliance with the terms of the
9 order and to file disclosure information to clients. While on probation, Fabian is
10 required to notify the Washington State Department of Health in writing of departure
11 from and return to the State of Washington. Fabian is also required to obey all
12 Washington State laws and regulations governing or relating to the practice of
13 counseling or, hypnotherapy.

14 6. On behalf of her client, Barbara J. Black, Attorney at Law, has entered a certificate of
15 discharge on August 15, 1997 to vacate the judgment against Fabian on the conviction
16 for False Certification and Official Misconduct. This matter is on the docket for
17 September 5, 1997, and it is anticipated that the conviction will be set aside. If the
18 judgment is vacated, Fabian will be entitled to answer "no" as relates to this case on
19 employment questions relative to prior convictions for misdemeanors.

20 7. Fabian reported the convictions and the probation by the Washington State Department
21 of Health on TSPC's Application Form C-1 and provided the required explanation and
22 copies of the court documents.

23 This Stipulation and the Proposed Order of Probation are contingent upon approval by the full
24 Commission at the Commission's next meeting. If the Commission does not approve this
25 Stipulation, the matter will be returned for a hearing and neither Fabian nor the Commission
26 shall be bound by any matters in this Stipulation. The parties acknowledge that upon
27 execution of this Stipulation, the Commission will enter into an Order placing Micki J. Fabian
28 on Probation from the date of stipulation to June 28, 1998, (a period equal to the probation
29 imposed by the Washington State Department of Health) and with the conditions of probation
30 set forth in the order below.

31 IT IS SO STIPULATED:

32 Micki J. Fabian
33 Micki J. Fabian

9-22-97
Date

34 David V. Myton
35 David V. Myton, Executive Secretary
36 Teacher Standards and Practices Commission

9/2/97
Date

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ULTIMATE FINDINGS OF FACT

Micki J. Fabian was convicted for False Certification and Official Misconduct in Grant County (WA) Superior Court in 1995. Based upon that conviction, the Washington State Department of Health Counselors placed Fabian on probation for two years effective June 20, 1996.

CONCLUSIONS OF LAW

Conviction for misdemeanors is a basis for denial of licensure under ORS 342.143 and OAR 584-20-040(5).

ORDER

The Commission imposes a period of probation on the Basic Personnel Service License with counselor endorsement of Micki J. Fabian from the date of this Stipulation through June 28, 1998.

The probationary status is subject to the following conditions:

a) Micki J. Fabian shall comply with conditions of probation pertaining to the conviction for False Certification and Official Misconduct imposed by the Washington State Department of Health and dated June 20, 1996.

b) Micki J. Fabian shall conduct herself as a law abiding citizen.

c) Micki J. Fabian shall report in writing within 10 days to the Executive Secretary of the Commission any arrests or citations she receives for any felony, misdemeanor, or major traffic violation.

d) Micki J. Fabian shall comply with the Standards for Competent and Ethical Performance of Oregon Educators under OAR 584, Division 20.

e) Micki J. Fabian shall report to TSPC upon termination of the probation by the Washington State Department of Health dated June 20, 1996.

Violation of any of the terms of probation shall constitute an independent basis for the Commission to review Fabian's fitness to serve as an educator and may constitute grounds to impose other discipline after first providing Fabian with notice and an opportunity for hearing.

Dated this 31st day of October, 1997.

TEACHER STANDARDS AND PRACTICES COMMISSION

By: David V. Myton
David V. Myton, Executive Secretary