

**CONSENT AGREEMENT
BETWEEN
MELVIN D. JOHNSON
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD**

This CONSENT AGREEMENT is entered into by and between MELVIN D. JOHNSON, hereinafter, "**JOHNSON**," and the STATE OF OHIO COUNSELOR, SOCIAL WORKER AND MARRIAGE AND FAMILY THERAPIST BOARD, hereinafter "**BOARD**," the state agency charged with enforcing Chapter 4757 of the Ohio Revised Code and all rules promulgated therein.

JOHNSON hereby acknowledges that he has read and understands this CONSENT AGREEMENT and has voluntarily entered into it without threat or promise by the **BOARD** or any of its members, employees or agents.

JOHNSON is fully aware of his rights, including his right to be advised by counsel and his right to a hearing pursuant to Chapter 119 of the Ohio Revised Code on the issues which are the subject of this CONSENT AGREEMENT. Should **JOHNSON** fail to comply with any provisions of this CONSENT AGREEMENT, **JOHNSON** knowingly waives his rights under ORC Chapter 119 with respect to the claims in this agreement

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

1. **JOHNSON** is a professional counselor (C0003372) licensed in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of social work as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **JOHNSON** received his professional counselors license on June 11, 1988.
2. **JOHNSON** is employed as a private practitioner in Toledo, Ohio. From about April 2002 through May 2004 **JOHNSON** engaged in an inappropriate relationship, of a sexual nature with female client #1. This inappropriate conduct constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(D)(1) and (2)
3. **JOHNSON** failed to maintain complete and accurate records for client #1. **JOHNSON'S** records for client #1 were inadvertently shredded when he relocated his offices. This conduct constitutes a violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-5-01(I)(1) thru (4)
4. **JOHNSON ADMITS** the allegations referenced in paragraph 2 and 3 above.

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal disciplinary proceedings, **JOHNSON** knowingly and voluntarily agrees with the **BOARD** to the following terms and conditions:

1. **JOHNSON'S** license as an professional counselor is hereby **SUSPENDED** for a period of two (2) years beginning October 3, 2005
2. **JOHNSON** is required to complete and pass a college or university course in counseling ethics, at his expense. The course must be pre-approved by the **BOARD**. **JOHNSON** must contact the **BOARD'S** investigative unit to seek pre-approval. The course must be completed by December 2006.
3. **JOHNSON** will be on probation for a period of one (1) year. During the one year probationary period **JOHNSON** must be supervised in all aspects of his practice of counseling and receive face-to-face supervision one hour every two weeks. **JOHNSON'S** supervisor must be pre-approved by the **BOARD** and should not have a prior relationship with **JOHNSON**. If a previous relationship exists, **JOHNSON** must provide full disclosure of such a relationship in the request for supervisor approval. All cost associated with supervision will be at **JOHNSON'S** expense. The request for supervisor approval must be made in writing, include a copy of the supervisor's vita and be submitted no later than two weeks after the signing of this consent agreement. Supervision should focus on, but not be limited to, multiple relationships with clients, accurate and timely record keeping, conflicting roles and therapeutic techniques Supervision should be considered training in nature and should not be limited to simply approving and denying case plans. **JOHNSON'S** supervisor must submit quarterly reports to the **BOARD** for the entire one year period detailing topics discussed during supervision sessions, areas of concern, areas of improvement and make a recommendation with regards to **JOHNSON'S** suitability to practice. However, if **JOHNSON'S** supervisor is concerned with **JOHNSON'S** practice at any time during the probationary period the **BOARD** should be notified immediately. It is **JOHNSON'S** responsibility to ensure that the **BOARD** receives all supervisory reports.

It is hereby agreed by and between both parties that this **CONSENT AGREEMENT** hereby settles all issues concerning this matter.

By his signature on this **CONSENT AGREEMENT**, **JOHNSON** acknowledges that in the event the **BOARD**, in its discretion, does not approve this **CONSENT AGREEMENT**, this settlement offer is withdrawn and shall be of no evidentiary value and shall not be relied upon or introduced in any disciplinary action or appeal by either party. **JOHNSON** agrees that should the **BOARD** reject this **CONSENT AGREEMENT** and if this case proceeds to hearing, he will assert no claim that the **BOARD** was prejudiced by

its review and discussion of this CONSENT AGREEMENT or of any information relating thereto.

JOHNSON hereby releases the members of the BOARD, its officers and employees, jointly and severally, from any and all liability arising from the matter within.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43 of the Ohio Revised Code. Pursuant to 42 USC Section 132a-73(b), 5 USC Section 552a, 45 CFR part 61 and Ohio Revised Code Section 2301.373(E), the BOARD may be required to provide JOHNSON'S social security number to requesting governmental agencies.

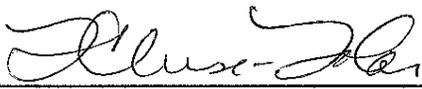
The BOARD shall incorporate this CONSENT AGREEMENT into a formal journal entry at its September 30, 2005, meeting.

This CONSENT AGREEMENT shall take effect upon the date of the last signature below:

THE OHIO COUNSELOR,
SOCIAL WORKER AND MARRIAGE AND
FAMILY THERAPIST BOARD


MELVIN D. JOHNSON, PC

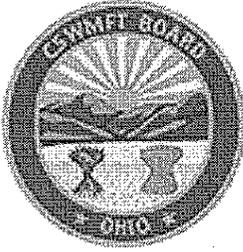
8/18/05
Date


Dr. Theresa Cluse-Tolar, LISW
Chair, Counselor, Social Worker and Marriage and
Family Therapist Board

9/30/05
Date


Peter R. Casey, Esq.
Assistant Attorney General
Counselor, Social Worker and Marriage and Family
Therapist Board

9/30/05
Date



Counselor, Social Worker & Marriage and Family Therapist Board

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Columbus, Ohio 43215-5919
614-466-0912 & Fax 614-728-7790
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ADJUDICATION ORDER

in the Matter of:

Melvin D. Johnson
Alternative Directions Counseling Center
2525 W. Bancroft
Toledo, OH 43607

IN THE MATTER OF THE ELIGIBILITY OF MELVIN D. JOHNSON TO MAINTAIN LICENSURE AS A PROFESSIONAL COUNELOR IN THE STATE OF OHIO.

THE MATTER OF MELVIN D. JOHNSON CAME BEFORE THE COUNSELOR PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD ON MARCH 20, 2008.

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Melvin D. Johnson by the Counselor, Social Worker, and Marriage and Family Therapist Board on May 19, 2007, and October 1, 2007. An administrative hearing was held on December 17, 2007, at 9:30 a.m. in the offices of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board, 50 West Broad Street, Columbus, Ohio 43215, pursuant to Chapter 119 and Section 4757 of the Ohio Revised Code. The State was represented by Assistant Attorney General Peter R. Casey, IV. Melvin D. Johnson was not present due to poor weather conditions but Mr. Johnson agreed to proceed with the hearing by means of a teleconference.

State's Exhibits

- 1a. Notice of Opportunity for Hearing dated May 19, 2007, to Mr. Johnson
- 1b. Notice of Opportunity for Hearing dated October 1, 2007, to Mr. Johnson

2. Letter dated October 29, 2007, to the Board from Mr. Johnson requesting a hearing.
- 3a. Letter dated November 1, 2007, from the Board to Mr. Johnson scheduling an administrative hearing and then continuing said hearing.
- 3b. Letter dated November 16, 2007, from the Board to Mr. Johnson scheduling an administrative hearing for December 17, 2007.
4. Consent Agreement entered into by the Board and Mr. Johnson dated September 30, 2005.
5. Letter dated April 18, 2007, from the Board to Mr. Johnson.
6. Letter dated August 18, 2005, from Mr. Johnson to the Board.
7. Letter dated August 2, 2005, from the Board to Mr. Johnson.

Respondent's Exhibits

- A. Letter, with 9 attachments, dated December 19, 2007, from Mr. Johnson to the Board

FINDINGS, ORDER, AND JOURNAL ENTRY

The Counselor Professional Standards Committee has reviewed the Hearing Officer Report and Recommendations prepared in this case following the administrative hearing. Mr. Johnson did not present any objections to the Hearing Officer Report and Recommendations. The evidence was made available to the Committee to review. The Committee finds that Mr. Johnson violated Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-11-01(C)(22) since he did not fulfill all of the terms of a Consent Agreement previously entered into by Mr. Johnson and the Board. The Committee accepts the Findings of Fact and Conclusions of Law presented in the Hearing Officer Report and Recommendations in their entirety. Due to the underlying facts of the case and the seriousness of the original Consent Agreement, the Committee modifies the Recommended Order of the Hearing Officer Report and Recommendations by the following:

The Committee Orders the following with regard to Mr. Johnson's license to practice counseling (C-0003372):

1. Mr. Johnson's license to practice counseling is suspended for one year beginning April 1, 2008, through March 31, 2009. Mr. Johnson is responsible for all licensure renewal obligations during this period of time.

2. After Mr. Johnson serves his suspension and returns to work as a counselor, he must receive face-to face supervision, by an individual pre-approved by the Board, in writing, one-hour every week for a period of 3 years. Mr. Johnson should not select a supervisor with which he has a prior relationship. If any previous relationship with the supervisor exists, Mr. Johnson must provide full disclosure of such a relationship in the request for supervisor approval. The 3-year supervision period will not begin until Mr. Johnson supervisor is approved. Supervision should focus on, but not limited to, Mr. Johnson's role in professional relationships and ethical decision-making. Mr. Johnson's supervisor is required to submit a report to the Board, quarterly, detailing topics discussed during supervision sessions, areas of concern, and areas for improvement. At the end of the 3-year supervised period, Mr. Johnson's supervisor will make a final report encompassing the 3 years of supervision. If Mr. Johnson's supervisor is concerned with Mr. Johnson's practice at any time the Board should be notified immediately. It is Mr. Johnson's responsibility to ensure that the Board receives the supervisor's reports. All costs associated with the supervision are at the expense of Mr. Johnson.

3. Mr. Johnson must take and pass a graduate level counseling ethics course. The course must be taken for credit, part of a counseling program from an accredited university, and pre-approved in writing by the Board's Investigation Unit. Mr. Johnson must receive at least a grade of "B-" or its equivalent. Once Mr. Johnson successfully completes this course, he must ensure official transcripts are sent directly from the university to the attention of the Investigation Unit at the Board office. The transcript verifying completion is due in the Board office no later than July 1, 2009. The credit earned from the course may not be used toward the thirty (30) hours of continuing education required for license renewal. All costs associated with the course are at the expense of Mr. Johnson.

4. Mr. Johnson's supervision credential is suspended during the time of his suspension and supervision. At the end of the supervised period of time, Mr. Johnson may re-apply for the supervision credential.

This ORDER was approved by unanimous vote of the Members of the Committee who voted on this case. Dr. Susan Huss recused herself from the vote and did not participate in any discussion of the case.

Motion carried by order of the Social Worker Professional Standards Committee of the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.

APPEAL RIGHTS

Under the provisions of Ohio Revised Code Section 119.12, any party adversely affected by an order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a license, or revoking or suspending a license, may appeal from the order of the agency to the court of common pleas of the county in which the place of business of the licensee is located or the county in which the licensee is a resident. If any such party is not a resident of and has no place of business in Ohio, the party may appeal to the court of common pleas of Franklin County

This *Order* may be appealed in accordance with Section 119.12 of the Ohio Revised Code by filing the original Notice of Appeal with the Ohio Counselor, Social Worker, and Marriage and Family Therapy Board, 50 West Broad Street, Suite 1075, Columbus, Ohio 43215, and also a copy of that Notice of Appeal with the Court of Common Pleas in the county of the party's place of business, or in the county in which the party is a resident. The Notice of Appeal shall set forth the Order appealed from and the grounds of the Party's appeal. Such Notice of Appeal and copy shall be filed and must be delivered within fifteen (15) days after the mailing of this *Adjudication Order*.

By Order of the State of Ohio Counselor, Social Worker, and Marriage and Family Therapist Board.



James R. Rough, Executive Director

3/21/08
Date

Certified Mail Receipt #7005 1160 0004 7285 5445