
CSWMFTB

2003 NOV 19 P 12:13

**CONSENT AGREEMENT
BETWEEN
ROBERT FINNERTY
AND THE
STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND
FAMILY THERAPIST BOARD**

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

FINNERTY 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.

FINNERTY 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 FINNERTY fail to comply with any provisions of this CONSENT AGREEMENT, FINNERTY knowingly waives his rights under ORC Chapter 119.

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. FINNERTY is a professional clinical counselor (E-3060) licensed to practice counseling in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of counseling as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. FINNERTY received his professional clinical counselor license on September 17, 1999.
2. On or about October 8, 2003, FINNERTY was convicted in the Trumbull County Court of Common Pleas of Counts 1-6 Rape (F1) in violation of ORC 2907.02(A)(2) &(B), Counts 7-9 Gross Sexual Imposition (F3) in violation of ORC 2907.05(A)(4) &(B) and Counts 10-11 Gross Sexual Imposition (F4) in violation of ORC 2907.05(A)(1) &(B). Counts 1-6 being felonies of the first degree subject to a presumption in favor of a prison term under Section 2929.23(D) of the Ohio Revised Code. FINNERTY was sentenced to a prison term of eight (8) years on each count as to Counts 1 through 6 to be served concurrently to each other;

one (1) year each as to Counts 7-9 sentences to be served concurrently to each other and concurrently to sentences imposed in counts 1-6; and twelve (12 months on each count as to Counts 11-12 sentences to be served concurrently to each other and concurrently to the sentences imposed in Counts 1-9 for a total incarceration of eight (8) years.

3. **FINNERTY ADMITS** the allegations referenced in paragraphs 1 and 2 referenced above.

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

1. The **BOARD** will allow **FINNERTY** to permanently surrender his professional clinical counselor license, with the understanding the surrender is in lieu of potential disciplinary action. **FINNERTY** will not be allowed to reapply for a counselor license in the State of Ohio, nor will he be allowed to apply for a social work or a marriage and family therapist license in the State of Ohio. This surrender will take effect November 21, 2003.

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**, **FINNERTY** 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. **FINNERTY** 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.

If, following notice and an evidentiary hearing, not an Ohio Revised Code Chapter 119 hearing, **FINNERTY** is found by the **BOARD** to have violated any terms of this Consent Agreement, the **BOARD** may impose any penalty up to and including **REVOCATION** of **FINNERTY'S** professional clinical counselor license based solely upon a violation of this Consent Agreement. **FINNERTY** may not appeal this action.

FINNERTY 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 3123.41 et seq, the **BOARD** may be required to provide **FINNERTY'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this **CONSENT AGREEMENT** into a formal journal entry at its November 21, 2003, meeting.

This **CONSENT AGREEMENT** shall take effect upon the date of the Board Chair's signature below:

Robert Finnerty, PCC
Robert Finnerty, PCC
11-7-03
Date

Michael M. WPCU
Rose Quinones-DelValle, PCC
Chair, Counselor Professional Standards Committee
11-21-03
Date

Counsel for Mr. Finnerty

Date

Barbara Petrella, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family
Therapist Board

Date