CSWMFTB

2006 MAR 16 P 1: 14

# CONSENT AGREEMENT BETWEEN DAVID KELNER AND THE STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD

This CONSENT AGREEMENT is entered into by and between **DAVID KELNER**, hereinafter, "**KELNER**" , 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 therein.

**KELNER** 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.

**KELNER** 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 **KELNER** fail to comply with any provisions of this CONSENT AGREEMENT, **KELNER** 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. **KELNER** is a marriage and family therapist (M-0000008) licensed to practice marriage and family therapy in the State of Ohio, and is subject to the laws and rules of Ohio regulating the practice of marriage and family therapy as outlined in Ohio Revised Code Chapter 4757 and Ohio Administrative Code Chapter 4757. **KELNER** received his marriage and family therapist license September, 17, 2004.

2. **KELNER** entered into a consent agreement with the Board, under which he was required to receive supervision and have supervision reports submitted to the Board, on September 17, 2004. **KELNER** did not comply with the consent agreement, a violation of Ohio Revised Code Section 4757.36(A) (1) and Ohio Administrative Code Section 4757-11-04 (O) (1) (j).

3. **KELNER ADMITS** the allegations referenced in paragraphs 2 above.

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

1. **KELNER'S** license to practice marriage and family therapy (M-0000008) is REPRIMANDED.

2. **KELNER** must pass the examination for marriage and family therapist licensure prior to applying for his IMFT license. **KELNER** must work under supervision while meeting the requirements for IMFT licensure, with a minimum of one hour of face-to-face supervision per week. The supervisor must be pre-approved by the Board Deputy Director or his designee. The supervisor must submit quarterly reports regarding the supervision. Supervision should focus on, but not be limited to, areas of concern, areas for improvement, record keeping practices, and ethical decision making. **Quarters consist of the following dates: Jan.-Mar, Apr.-Jun., Jul.-Sept., and Oct.-Dec.** In order to meet the requirements of this agreement, the reports must be received for each quarter. If **KELNER'S** supervisor is concerned with **KELNER'S** practice at any time the Board should be notified immediately. All cost associated with the supervision is the responsibility of **KELNER.** Once **KELNER** passes the examination, **KELNER** is responsible for the submission of the license application and materials to the Board.

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, **KELNER** 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. **KELNER** 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.

**KELNER** 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 **KELNER'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this CONSENT AGREEMENT into a formal journal entry at its 3-17, 2006, meeting.

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

David Kelner, MFT

2/1/06
Date

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

3/17/06
Date

PR Casey IV

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

3-17-06
Date

CSWMFTB
2004 AUG 30 P 12: 37

# CONSENT AGREEMENT BETWEEN DAVID J. KELNER AND THE STATE OF OHIO COUNSELOR, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST BOARD

This CONSENT AGREEMENT is entered into by and between David J. Kelner, hereinafter, "**KELNER,**" 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 therein.

**KELNER** 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.

**KELNER** 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 **KELNER** fail to comply with any provisions of this CONSENT AGREEMENT, **KELNER** 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. **KELNER** was a social worker licensed to practice social work in the State of Ohio, and was 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. **KELNER** received his social work license on November 15, 1996.

2. **KELNER** allowed his social work license to lapse on November 16, 1998, and continued to practice social work without a license in Shaker Heights and Chagrin Falls, Ohio, in violation of Ohio Revised Code Section 4757.36(A)(1) and Ohio Administrative Code Section 4757-7-02.

3. On July 13, 2004, **KELNER** applied for licensure as an Independent Marriage and Family Therapist (IMFT).

4. On August 6, 2004, **KELNER** requested in writing and under notary seal

to have his IMFT application withdrawn and to have the application to be considered as an application for a Marriage and Family Therapist (MFT)

5. **KELNER ADMITS** the allegation and statements referenced above.

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

1. **KELNER** will be licensed as a Marriage and Family Therapist at the **BOARD'S** September 17, 2004, meeting. **KELNER** must receive face-to face supervision, by an individual pre-approved by the **BOARD**, one-hour every week for a period of 1 year. **KELNER** must disclose any previous relationship with the supervisor in the request for supervisor approval. The 1-year supervision period will not begin until **KELNER'S** supervisor is approved. Supervision should focus on, but not be limited to, **KELNER'S** role in professional relationships, ethical decision-making, and proper record keeping. **KELNER'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 1-year supervised period, **KELNER'S** supervisor will make a final report encompassing the 1 year of supervision. If **KELNER'S** supervisor is concerned with **KELNER'S** practice at any time the **BOARD** should be notified immediately. It is **KELNER'S** responsibility to ensure that the **BOARD** receives the supervisor's reports. All costs associated with the supervision are at the expense of **KELNER.**

2. The **BOARD** will count the one-year of supervised experience that **KELNER** received in California. The **BOARD** also agrees to waive the AAMFTRB examination if **KELNER** receives and completes the required supervision and applies for the Independent Marriage and Family Therapist license before October 1, 2005.

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, **KELNER** 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. **KELNER** 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.

**KELNER** 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 **KELNER'S** social security number to requesting governmental agencies.

The **BOARD** shall incorporate this CONSENT AGREEMENT into a formal journal entry at its September 17, 2004, meeting.

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

David J. Kelner

8/26/04
Date

Rose Quinones-DelValle, PCC
Chair, Counselor, Social Worker, Marriage and Family Therapist Board

Date

Juliane E. Barone, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family Therapist Board

9-19-04
Date

CSWMFTB
2004 AUG 30 P 12:37

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Date

Juliane E. Barone, Esq.
Assistant Attorney General
Counselor, Social Worker, Marriage and Family Therapist Board

9-17-04
Date