



COPY

**STATE OF OHIO  
COUNSELOR AND SOCIAL WORKER BOARD**

ADJUDICATION ORDER  
in the Matter of:

Michael J. Cullinan  
3821 Hanlin Way  
Weirton, WV 26062

IN THE MATTER OF MICHAEL J. CULLINAN TO PRACTICE AS A LICENSED SOCIAL WORKER IN THE STATE OF OHIO.

THE MATTER OF MICHAEL J. CULLINAN CAME BEFORE THE FOLLOWING MEMBERS OF THE SOCIAL WORKER PROFESSIONAL STANDARDS COMMITTEE OF THE OHIO COUNSELOR AND SOCIAL WORKER BOARD: JANE A. DAROFF, GLENN ABRAHAM, ROCKY BLACK, CHESTER PARTYKA, AND PENNY WYMAN.

**FINDINGS, ORDER, AND JOURNAL ENTRY**

This matter came for consideration after a Notice of Opportunity for Hearing was issued to Michael J. Cullinan at his official address by the Social Work Professional Standards Committee on November 22, 1999.

Pursuant to R.C. 119.07 licensees are entitled to a hearing before the Board if such a hearing is requested within thirty days of the mailing of the Notice of Opportunity for Hearing. In this case, Michael J. Cullinan failed to make a timely request for such a hearing, therefore pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358 a hearing was held before the Social Worker Professional Standards Committee on March 16, 2000. At this hearing the Board by and through their Assistant Attorney General, David V. Patton, presented evidence in support of the Notice of Opportunity for Hearing. Michael J. Cullinan was not present.

**Summary of Evidence**

State's Exhibits

1. Notice of Opportunity for Hearing to Michael J. Cullinan, dated November 22, 1999, and copy of Certified Mail Receipt Z337619493.

2. Letter dated February 1, 2000, from the Board to Mr. Cullinan scheduling a hearing on March 16, 2000, pursuant to *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals, 95 APE 10-1358 and copy of Certified Mail Receipt #P848 701 361.
3. Copy of the court Indictment from the United States District Court for the Southern District of Ohio in the case of *United States of America vs. Michael J. Cullinan*.
4. Copy of the Plea Agreement from the United States District Court for the Southern District of Ohio in the case of *United States of America vs. Michael J. Cullinan*.
5. Copy of the Judgment in a Criminal Case from the United States District Court for the Southern District of Ohio in the case of *United States of America vs. Michael J. Cullinan*.
6. Copy of Unites States Code Annotated Title 18, Chapter 47, Section 1035 - False Statement Relating to Health Care Matters - and copy of Ohio Revised Code Annotated Chapter 2913, Section 2913.47 - Insurance Fraud.
7. Copy of a News Release from the Office of the United States Attorney Southern District of Ohio dated May 11, 1999, concerning Michael J. Cullinan.
8. Copy of a March 5, 1999, newspaper article from *The Intelligencer* of Wheeling, West Virginia concerning Michael J. Cullinan.
9. Testimony of William L. Hegarty, Investigative Supervisor, for the Ohio Counselor and Social Worker Board.

### **Findings of Fact**

Michael J. Cullinan was indicted of 52 counts in the United States District Court for the Southern District of Ohio. On May 7, 1999, a Plea Agreement was entered into between the Office of the United States Attorney and Mr. Cullinan whereby Mr. Cullinan would enter a plea of guilty to Count 1 of the Indictment and agree to other provisions and the remaining 51 counts of the Indictment would be dropped. On September 27, 1999, Mr. Cullinan pled guilty and was found guilty of False Statements Relating to Healthcare Matters, 18 USC Section 1035. Mr. Cullinan was convicted at the federal level of a crime that would be a felony in the State of Ohio.

### **Conclusions of Law**

Ohio Revised Code Section 4757.36(A)(5) provides that the Ohio Counselor and Social Worker Board may take disciplinary action against a licensee who has been convicted of any crime that is a felony in the State of Ohio.

### **Discussion**

The Committee, prior to rendering its decision, considered all the documentary evidence and testimony provided in the case. Mr. Cullinan is licensed as a social worker in the State of Ohio and as such the Committee has jurisdiction to discipline the license of Mr. Cullinan.

As required in the case of *Goldman v. State Medical Board* (March 29, 1996) Franklin County Court of Appeals 95APE10-1358, all cases where a Board issues a Notice for Opportunity for Hearing and the individual does not request a hearing, the Board still must review evidence presented to it and make specific findings of fact. In this case, Mr. Cullinan did not make a timely request for a hearing after receipt of his Notice for Opportunity for Hearing.

THEREFORE, it is hereby ORDERED that for the reasons outlined in this ORDER, the social work license of Michael J. Cullinan (S-20930) is REVOKED. This ORDER was approved by unanimous vote of the Members of the Social Work Professional Standards Committee who heard this case.

Motion carried by order of the Counselor and Social Worker Board

It is hereby certified by this Board that the above language is incorporated into the Board's journal in this matter.

#### APPEAL RIGHTS

Pursuant to Section 119.12 of the Ohio Revised Code, you may appeal from this Order. Such an appeal may be taken to the court of common pleas in the county in which your place of business is located or to the court in the county in which you reside. If you do not have a place of business in Ohio and are not a resident of Ohio, you may appeal to the Court of Common Pleas in Franklin County, Ohio.

Such an appeal, setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State of Ohio Counselor and Social Worker Board and the appropriate Court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

By Order of the State of Ohio Counselor and Social Worker Board.

  
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Chester Partyka  
Chairman