

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P O Box 14674
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF
THE INVESTIGATION OF
KEITH ALVIN WEBER

:
: NOTICE OF AGENCY ACTION
:
: Case No. DOPL-2003-151

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO
Keith Alvin Weber ("Respondent"), 50 South 200 West, Springville
UT 84663:

The Division of Occupational and Professional Licensing
("the Division") hereby files this Notice of Agency Action. Said
action is based upon the Verified Petition of Dee Thorell,
Investigator, State of Utah, a copy of which is attached hereto
and incorporated herein by reference.

The adjudicative proceeding designated herein is to be
conducted on a formal basis. Within thirty (30) days of the
mailing date of this Notice, you are required to file a written
response with this Division. The response you file may be
helpful in clarifying, refining or narrowing the facts and
violations alleged in the Verified Petition.

You may represent yourself or be represented by legal
counsel, at your own expense, at all times while this action is
pending. Your legal counsel shall file with the Division an
Entry of Appearance and until that Entry of Appearance is filed,
the presiding officer will deal directly with you.

You are entitled by law to an evidentiary hearing to
determine whether a cease and desist order should enter
restraining you from the unauthorized practice of marriage/family
therapy and/or mental health therapy in the State of Utah.
Unless otherwise specified by the Director of the Division, the
Marriage and Family Therapy Board will serve as fact finder in
the evidentiary hearing. You will be notified by separate notice

of the date, time, and place of that evidentiary hearing and of any other hearings.

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder. After the hearing, unless otherwise specified by the Director of the Division, the fact finder will issue findings of fact, conclusions of law and a recommended order to the Director of the Division of Occupational and Professional Licensing for his review and action.

The presiding officer for purposes of conducting hearings will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701. His telephone number is (801) 530-6648.

Counsel for the Division in this case is Judith Jensen, Assistant Attorney General at (801) 366-0300 or P O Box 140872, Salt Lake City, UT 84114-0872. Within ten (10) days after the filing of your response, Ms. Jensen will request the scheduling of a prehearing conference.

You, or if you have an attorney, your attorney, may attempt to negotiate a settlement of the case without proceeding to a hearing by contacting Ms. Jensen.

Should you fail to timely file a response, as set forth above, or fail to attend or participate in any scheduled hearing in this case including prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of the Verified Petition may be imposed against you. The maximum administrative sanction in this case is a cease and desist order.

Please conduct yourself accordingly.

Dated this 10th day of July, 2003.

W. Ray Walker
W. Ray Walker
Regulatory &
Compliance Officer

JUDITH A. JENSEN (4603)
Assistant Attorney General
MARK L. SHURTLEFF(4666)
UTAH ATTORNEY GENERAL
Attorneys for the Utah Department of
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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF
THE INVESTIGATION OF
KEITH ALVIN REBER

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**P E T I T I O N
FOR ORDER TO CEASE AND DESIST**
Case No. DOPL 2003-151

PRELIMINARY STATEMENT

These causes of action were investigated by the Division of Occupational and Professional Licensing (the "Division") upon complaints that Keith Alvin Reber ("Respondent") has engaged in acts and practices which constitute violations of the Division of Occupational and Professional Licensing Act, Utah Code Ann. §§ 58-1-101 to 58-1-504 (1993) and the Mental Health Professional Practice Act, Utah Code Ann. §§ 58-60-101 to 58-60-510 (1998). The allegations against Respondent in this Petition are based upon information and belief arising out of the investigation conducted by the Division under its authority as set forth in Utah Code Ann. § 58-1-106.

Each count in this petition shall be deemed to incorporate by reference the allegations set forth in the other paragraphs of the petition.

PARTIES

1. The Division is a division of the Department of Commerce of the State of Utah and is established by virtue of Utah Code Ann. § 13-1-2 (2)(a) (2001).
2. Respondent is an individual residing in Utah.

STATEMENT OF ALLEGATIONS

3. Between the dates of September 15, 1995, and May 4, 2001, Respondent held a Temporary Marriage and Family Therapist License in the State of Utah. Subsequent to May 4, 2001, Respondent has not been licensed in the State of Utah as a Temporary Marriage and Family Therapist, a Marriage and Family Therapist, or under any other license with the State of Utah that would entitle him to practice mental health therapy.
4. On or about August 9, 1999, the State of Oregon granted Respondent a license to practice as a Licensed Marriage and Family Therapist in the State of Oregon.
5. On or about July 12, 2001, the State of Oregon filed, in the matter of the license of Keith A. Reber to practice as a Licensed Marriage and Family Therapist, a Notice of Proposed License Revocation before the Board of Licensed Professional Counselors and Therapists for the State of Oregon, Case No. BCT 2001 0007. A copy of the Third Amended Notice of Proposed License Revocation is attached hereto as Exhibit A and by this reference made a part hereof.
6. At all times relevant to the present allegations, Case No. BCT 2001 0007

was and remains pending in the State of Oregon.

7. Beginning in or about December 2001, the Cascade Center for Family Growth, 1145 East 800 North, Orem, Utah employed Respondent as a W-2 status employee. Said Cascade Center for Family Growth is owned by Lawrence L. Van Bloem and Jennie Murdock Gwilliam.

8. On or about December 31, 2001, Respondent submitted an incomplete application for license to practice as a Marriage and Family Therapist in the State of Utah, having failed to submit the required Marriage and Family Therapist Qualifying Questionnaire. The required form, Marriage and Family Therapist Qualifying Questionnaire, is attached hereto as Exhibit B and by this reference made a part hereof. On January 9, 2002, the Division notified Respondent that his application was incomplete with respect to the Qualifying Questionnaire; that the Division had received notification from the State of Oregon of the pending action for revocation of Respondent's license in Oregon; and, that subsequent to the Division's receipt of a complete application from Respondent, the Division would schedule an interview at the next regular meeting of the Utah Marriage and Family Therapist Licensing Board (the "Board") in March 2002 to review Respondent's application including the pending case for revocation of license in the State of Oregon.

9. On or about January 14, 2002, Respondent made application by the Internet for ordination as a minister of the Universal Life Church and obtained a certificate which stated, among other things, that he had the "Credentials of Ministry" and that "Reverend Keith Alvin Reber has been ordained this Monday, January Fourteenth, 2002 and has all rights and privileges to perform all duties of the Ministry."

10. In or about January 2002, Respondent and Lawrence Van Bloem signed a two-page document on letterhead of the Cascade Center for Family Growth, 1145 East 800 North, Orem, Utah, entitled "Proposal for respite and in home tracking". The purpose of said document is to request funding to cover clinical fees of a child client, Alisa (name withheld for the purposes of confidentiality), for (a) attendance in the Cascade Center Respite Program and (b) employment of a Cascade Center staff member in the home of Alisa for a fee of \$5,170 per month.

Respondent and Lawrence Van Bloem both signed said document, with signatures positioned adjacent to each other on the same line. Respondent signed said document as "Keith Reber" above the typed signature line, "Keith A. Reber L.M.F.T. (Oregon)." Van Bloem entered his signature as "Lawrence L. Van Bloem L.C.S.W."

Said document incorporates, among other information, the following:

- a. an evaluation of conditions of mental health, mental illness and/or emotional disorders pertaining to Alisa, including, but not limited to, information pertaining to the child's history, background and presenting problems;
- b. the establishment of diagnoses pertaining to Alisa including three clinical disorders designated on Axis I; diagnosis deferred on Axis II; no general medical conditions as designated on Axis III; psychosocial and/or environmental problems and/or conditions listed on Axis IV; and designation of score for the Global Assessment of Functioning Scale on Axis V;
- c. the prescription of a plan for the treatment of said conditions of mental illness or emotional disorder including, but not limited to, continued counseling at the Cascade Center twice per week, attendance in the Cascade Center Respite Program during the work week and employment of a "tracker" in Alisa's home during Alisa's waking hours.

11. In or about 2002, Respondent and Lawrence Van Bloem signed two

separate documents on letterhead of the Cascade Center for Family Growth, 1145 East 800 North, Orem, Utah, entitled "Proposal for Respite and in home tracking" (the "Proposal") and "Request for Therapeutic Day Treatment School" (the "Request"). The purpose of said documents is to request funding to cover clinical fees of a child client, Joshua (name withheld for the purposes of confidentiality), for (a) attendance in the Cascade Center Respite Program in the amount of \$1650 per month and (b) employment of a Cascade Center staff member in the home of Joshua in the amount of \$800 per month.

Respondent and Lawrence Van Bloem signed said Proposal and Request, with Respondent's signature line positioned above the signature line for Van Bloem in both of said documents. Respondent signed the Proposal as "Keith Reber (Oregon)" at the typed signature line, "Keith A. Reber LMFT." Respondent signed the Request as "Keith A. Reber MA Oregon" at the typed signature line, "Keith A. Reber LMFT." Van Bloem entered his signature as "Lawrence L. Van Bloem LCSW."

Said Proposal and Request both incorporate, among other information, the following:

- a. an evaluation of conditions of mental health, mental illness and/or emotional disorders pertaining to Joshua, including, but not limited to, information pertaining to the child's history, background and presenting problems;
- b. the establishment of diagnoses pertaining to Joshua including four clinical disorders designated on Axis I; diagnosis deferred on Axis II; two medical conditions as designated on Axis III; psychosocial and/or environmental problems and/or conditions listed in Axis IV; and designation of score for the Global Assessment of Functioning Scale on Axis V;

- c. the prescription of a plan for the treatment of said conditions of mental illness or emotional disorder including, but not limited to, continued therapy at the Cascade Center as much as twice per week, attendance in the Cascade Center Respite Program five days per week and employment of a "tracker" in Joshua's home during Joshua's waking hours.

12. Neither the "Proposal for respite and in home tracking" pertaining to Alisa nor the "Proposal for Respite and in home tracking" and "Request for Therapeutic Day Treatment School" pertaining to Joshua identify Respondent as a member of the clergy for the Universal Life Church or for any other religious affiliation or in any manner indicate that in signing said documents Respondent was functioning in a ministerial capacity.

13. Upon receipt by the Division of Respondent's completed Marriage and Family Therapist Qualifying Questionnaire, the Division scheduled an interview with Respondent before the Utah Marriage and Family Therapist Licensing Board for March 2002. On March 22, 2002, during Respondent's interview by the Board, Respondent made representations to the Board regarding his application for license in the State of Utah. Respondent initially represented to the Board that he had previously sent a letter to the Board of Licensed Professional Counselors in Oregon, dated March 14, 2002, which included, among other information, the following statement: "This will confirm that I do not intend to renew that license (#T0368) as I am currently living and practicing in Utah." Respondent provided a copy of said letter to the Board at the time of his hearing. When questioned by the Board, Respondent retracted (a) his claim to have previously sent this letter to the Board in Oregon and (b) his claim that he was practicing in Utah.

14. On March 22, 2002, the Utah Marriage and Family Therapist Licensing

Board recommended that Respondent's application for license be denied due to the disciplinary action pending against Respondent in Oregon.

15. On March 26, 2002, the Division concurred with the recommendation of the Board and by letter advised Respondent that his application for license to practice as Marriage and Family Therapist in the State of Utah had been denied due to the disciplinary action pending against Respondent in Oregon.

16. On or about May 20, 2002, and June 6, 2002, Respondent claimed, among other information, the following to an Investigator for the Division:

- a. Respondent claimed that he performs administrative duties for the Cascade Center and that the Cascade Center pays him a monthly stipend for said administrative duties. Respondent claimed said administrative duties include setting up contracts and a manual regarding the Cascade Center, copying, "getting things straightened out," obtaining signatures, and making sure that Medicaid matters are in order.
- b. Respondent claimed that he attended therapy sessions as a "support" person. Respondent claimed that the therapist would do the work and he would sit there as support for the client.
- c. Respondent claimed that he provides ecclesiastical counseling at the Cascade Center under an ecclesiastical license. Respondent claimed that said ecclesiastical counseling services are free and that he "donates" his time. Respondent stated that he accepts "donations" from his "ecclesiastical" clients to be paid to an organization titled "Hope for the Children."

Respondent stated that the "Hope for the Children" office is located in the basement of the Cascade Center and leases the space from the Cascade Center.

Respondent stated that he is the Executive Director of "Hope for the Children" and that, as the Executive Director, he receives a percentage of the moneys that "Hope for the Children" acquires.

17. In or about May 2002, Respondent faxed two (2) letters to an agent of the

Office of Service to Children and Families (SCF) in Oregon pertaining to a client (identity not disclosed to protect confidentiality). Respondent addressed said letters upon letterhead of the Cascade Center for Family Growth, 1145 East 800 North Orem, Utah 94097 and signed said letters as "Keith A. Reber LMFT" and "Keith A. Reber MFT." In said letters, Respondent made a request for funding from SCF and made additional representations to SCF including, but not limited to, the following information:

- a. the request on behalf of said client for funding from SCF for thirty (30) sessions of psychotherapy by Keith A. Reber LMFT with an option for funding for additional therapy based on the need of the client;
- b. the statement that Respondent, at the time of the letters, had worked with said client for over two (2) years, and continued to have telephone contact with said client at least three (3) to four (4) times per week;
- c. the statement of a list of mental health issues which said client has previously addressed in therapy and of the current existence of many of the symptoms of Post Traumatic Stress Disorder; and
- d. the statement that the cost of therapy for thirty (30) sessions at a reduced rate is \$1,800.00, with each session of sixty (60) minutes charged at a rate of \$60.00.

18. In or about spring 2002, the parents of Julia (names withheld for the purposes of confidentiality), a child less than five (5) years of age, contacted the Cascade Center for Family Growth seeking mental health treatment for Julia. An initial appointment was scheduled at the Cascade Center for Julia and her parents to meet with Respondent. Respondent conducted said appointment from 4:30 p.m. to 6:00 p.m. No licensed therapist or any other staff member of the Cascade Center was present during said appointment. Respondent signed the Progress Note for said appointment

as "Therapist." During said appointment, Respondent engaged in conduct including, but not limited to, the following:

- a. Respondent engaged in and/or represented that he would engage in the practice of mental health therapy and/or marriage and family therapy.
- b. Respondent practiced as and/or represented himself as a mental health therapist and/or marriage and family therapist.
- c. Respondent conducted an evaluation and/or represented that he had conducted an evaluation of Julia's condition of mental health, mental illness, or emotional disorder, including, but not limited to, the following:
 - (1) interview of Julia's parents regarding Julia's history, her past treatment, her behaviors, and the parents' observations and concerns with Julia's behaviors;
 - (2) personal contact with and interview of Julia and assessment of her responses; and
 - (3) identification of symptoms in Julia including, but not limited to, symptoms of Reactive Attachment Disorder and dissociation.
- d. Respondent established a diagnosis and/or represented that he had established a diagnosis for Julia of a mental illness and/or emotional disorder.
- e. Respondent prescribed a plan for the treatment of a condition of mental illness or emotional disorder in Julia and/or represented that he had established said plan for treatment, including, but not limited to, the following:
 - (1) Respondent identified treatment options for Julia including, but not limited to, one (1) to two (2) weeks of "intensive therapy" at the Cascade Center. Said "intensive therapy" was to be conducted for three (3) hours per day, five (5) days per week and would consist of "holding therapy" and other procedures. The first week of said "intensive therapy" for Julia was scheduled and assigned appointment dates at the Cascade Center for five (5) consecutive days.

- (2) Pending the initiation of "intensive therapy" on Julia at the Cascade Center, Respondent advised Julia's parents to administer procedures on Julia and/or utilize parenting techniques in accordance with Respondent's recommendations.

19. Julia's parents report that during said spring 2002 appointment Respondent engaged in conduct and made representations to Julia's parents including, but not limited to, the following:

- a. Respondent stated to Julia's parents he was a very experienced, licensed therapist in Oregon who specialized in RAD children and that he expected to be licensed in the State of Utah soon. Respondent claimed that, although he was a member of the L.D.S. Church, he had obtained a "pastor's license," which he also claimed entitled him to practice legally while he awaited his license. Respondent did not inform Julia's parents that there was a pending disciplinary action against his license in Oregon.
- b. During said spring 2002 appointment, Respondent neither agreed to provide nor provided Julia or her parents with religious advice or counseling.
- c. Respondent informed Julia's parents that the bill for his evaluation and services during the spring 2002 appointment was in the amount of ninety dollars (\$90). Respondent instructed Julia's parents that payment was due at the time of the service and that insurance would not cover said initial payment. Respondent directed that said check be made payable to "Hope for the Children." Respondent stated that fees for future treatment could be made to the Cascade Center and possibly made through insurance. Julia's parents paid said bill at the time of said appointment and received a receipt noting payment for "Consult w/ Keith."

20. During said week of "intensive therapy" on Julia, Respondent attended all five (5), three-hour "intensive therapy" sessions. Cascade Center staff Jennie Murdock Gwilliam, Kerry Max Park, and Lawrence Van Bloem each attended one or more of said sessions. During said "intensive therapy" sessions, Respondent administered

procedures as therapy and engaged in conduct including, but not limited to, the following:

- a. During the course of Julia's therapy, Respondent issued commands to Julia for verbal and/or physical performance, criticized Julia for her performance, and/or engaged in physical contact with Julia, including, but not limited to, (1) "rubbing Julia's ribs" and/or "tickling" to evoke feelings or emotions in Julia and (2) the administration of physical restraint.
- c. During the course of Julia's therapy, Respondent provided Julia's parents with his opinion and/or advice regarding their conduct towards Julia.

21. In or about September 2002, Respondent submitted an application for employment in the position of "Therapist" at a youth crisis center located in Utah. On or about September 13, 2002, Respondent appeared for the personal interview on his application for said position. Said position as Therapist included provision of mental health services to child clients of the crisis center, a residential treatment facility. Said position as "Therapist" included the requirement of a current clinical license with State of Utah. Duties required in said position as "Therapist" included, but were not limited to, direct and indirect services, assessment, treatment and discharge planning, individual therapy and caseload management, group therapy, documentation, and staffing.

APPLICABLE LAW

22. Utah Code Ann. § 58-1-401 (1998) provides in relevant part as follows:

- (4) The Division may issue cease and desist orders:
 - (a) to a licensee or applicant who may be disciplined under Subsection (1) or (2);
 - (b) to any person who engages in or represents himself to be engaged in an occupation or profession regulated under this title; and

- (c) to any person who otherwise violates this title or any rules adopted under this title.

23. Utah Code Ann. § 58-1-501 (1998) (amended 2001) provides in relevant part as follows:

- (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and includes:
 - (a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring licensure under this title if the person is:
 - (i) not licensed to do so or not exempted from licensure under this title;

24. Utah Code Ann. §58-60-102 (1998) (amended 1999) provides in relevant part as follows:

- (5) "Mental health therapist" means an individual licensed under this title as:
 - (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
 - (b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
 - (c) a psychologist qualified to engage in the practice of mental health therapy;
 - (d) a clinical social worker;
 - (e) a certified social worker;
 - (f) a marriage and family therapist; or
 - (g) a professional counselor.
- (6) "Mental illness" means a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (5).
- (7) "Practice of mental health therapy" means treatment or prevention of mental illness, including:
 - (a) conducting a professional evaluation of an individual's

condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (5);

- (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (5).
- (c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
- (d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (5).

25. Utah Code Ann §58-60-103 (1998) (amended 2001) provides in relevant part as follows:

- (1) An individual shall be licensed under this chapter; Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act; Chapter 31b, Nurse Practice Act; Chapter 61, Psychologist Licensing Act; or exempted from licensure under this chapter in order to:
 - (a) engage in or represent he will engage in the practice of mental health therapy, clinical social work, certified social work, marriage and family therapy, or professional counseling; or
 - (b) practice as or represent himself as a mental health therapist, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, or registered psychiatric mental health nurse specialist.

26. Utah Code Ann. §58-60-107 (1998) (amended 2001) provides in relevant part as follows:

58-60-107. Exemptions from licensure.

(3) a recognized member of the clergy while functioning in his ministerial capacity as long as he does not represent himself as or use the title of a license classification in Subsection 58-60-102 (5).

27. Utah Code Ann. § 58-60-109 (1998) (amended 2001) provides in relevant part as follows:

As used in this chapter, "unlawful conduct" includes:

- (1) practice of the following unless licensed in the appropriate classification or exempted from licensure under this title:
 - (a) mental health therapy;
 - ...
 - (d) marriage and family therapy;
- (3) representing oneself as or using the title of any of the following unless currently licensed in a license classification under this title:
 - (d) mental health therapist;
 - ...
 - (g) marriage and family therapist;

28. Utah Code Ann. § 58-60-302 (1998) provides in relevant part as follows:

- (3) "Practice of marriage and family therapy" includes:
 - (a) the process of providing professional mental health therapy including psychotherapy to individuals, couples, families, or groups;
 - (b) utilizing established principles that recognize the interrelated nature of individual problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional and behavioral disorders;
 - (c) individual, premarital, relationship, marital, divorce, and family therapy;
 - (d) specialized modes of treatment for the purpose of diagnosing and treating mental, emotional, and behavioral

disorders, modifying interpersonal and intrapersonal dysfunction, and promoting mental health; and

- (e) assessment utilized to develop, recommend, and implement appropriate plans of treatment, dispositions, and placement related to the functioning of the individual, couple, family, or group.

COUNT I

29. Respondent practiced or engaged in, represented himself to be practicing or engaging in, or attempted to practice or engage in occupations or professions of mental health therapy and/or marriage and family therapy when Respondent was not licensed to do so and was not exempted from licensure under Title 58, through conduct as described in Paragraphs 3 through 21.

30. Based on the foregoing, Respondent has engaged in "unlawful conduct" in violation of Utah Code Ann. § 58-1-501 (1).

31. Sufficient basis exists for the issuance of a Cease and Desist Order against Respondent pursuant to Utah Code Ann. § 58-1-401(4).

COUNT II

32. Respondent practiced mental health therapy and/or marriage and family therapy when Respondent was not licensed to do so and was not exempted from licensure under Title 58, through conduct as described in Paragraphs 3 through 21:

33. Based on the foregoing, Respondent has engaged in "unlawful conduct" in violation of Utah Code Ann. § 58-60-109 (1).

34. Sufficient basis exists for the issuance of a Cease and Desist Order against Respondent pursuant to Utah Code Ann. § 58-1-401 (4).

COUNT III

35. Respondent represented himself as and/or used the title of mental health therapist and/or marriage and family therapist when Respondent was not licensed to do so, through conduct as described in Paragraphs 3 through 21.

36. Based on the foregoing, Respondent has engaged in "unlawful conduct" in violation of Utah Code Ann. § 58-60-109 (3).

37. Sufficient basis exists for the issuance of a Cease and Desist Order against Respondent pursuant to Utah Code Ann. § 58-1-401 (4).

WHEREFORE, the Division requests the following relief:

1. That Respondent be adjudged and decreed to have engaged in the acts alleged herein;

2. That by engaging in said acts, Respondent be adjudged and decreed to have engaged in unlawful conduct as defined in Utah Code Ann. § 58-1-501 (1) and Utah Code Ann. § 58-60-109 (1) and (3);

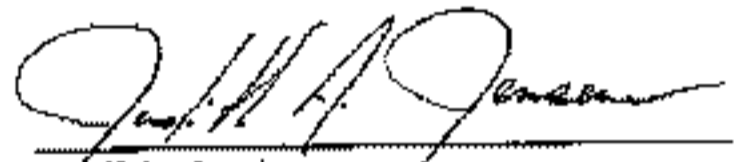
3. That pursuant to Utah Code Ann. § 58-1-401 (4) an Order be issued directing Respondent to cease and desist from practicing or engaging in, representing himself to be practicing or engaging in, or attempting to practice or engage in the professions of mental health therapy and marriage and family therapy in the State of Utah, unless licensed to do so or exempted from licensure under Title 58, in violation of Utah Code Ann. § 58-1-501 (1);

4. That pursuant to Utah Code Ann. § 58-1-401 (4) an Order be issued directing Respondent to cease and desist from engaging in the practice of mental health therapy and marriage and family therapy in the State of Utah, unless

licensed to do so or exempted from licensure under Title 58, in violation of Utah Code Ann. § 58-60-109 (1); and

5. That pursuant to Utah Code Ann. § 58-1-401 (4) an Order be issued directing Respondent to cease and desist from representing himself in the State of Utah as a mental health therapist and as a marriage and family therapist and to cease and desist from using the title of mental health therapist and marriage and family therapist in the State of Utah unless licensed to do so, in violation of Utah Code Ann. § 58-60-109 (3).

Dated this 9th day of July, 2003.


Judith A. Jensen
Assistant Attorney General

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

Dee Thorell, being first duly sworn, states as follows:

1. I am an Investigator for the Bureau of Investigation, Division of Occupational and Professional Licensing, and have been assigned to investigate this case.


2. I have read the foregoing Petition and am familiar with the contents thereof. All of the factual allegations in the Petition are true to the best of my knowledge, information and belief.



Dee Thorell
Investigator
Division of Occupational &
Professional Licensing

SWORN TO AND SUBSCRIBED to before me this 10th day of

July, 2003.


NOTARY PUBLIC