

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF HEALTH, BOARD OF
CLINICAL SOCIAL WORK, MARRIAGE
AND FAMILY THERAPY, AND MENTAL
HEALTH COUNSELING,

Petitioner,

vs.

Case No. 16-6322PL

KATHRYN LEE FRIEDMAN, LMHC,

Respondent.

_____ /

RECOMMENDED ORDER

On April 20, 2017, a duly-noticed hearing was held in West Palm Beach, Florida, before F. Scott Boyd, an Administrative Law Judge assigned by the Division of Administrative Hearings (DOAH).

APPEARANCES

For Petitioner: Elana J. Jones, Esquire
Candace R. Rochester, Esquire
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399

For Respondent: Richard H. Levenstein, Esquire
Kramer, Sopko & Levenstein
2300 Southeast Monterey Road, Suite 100
Stuart, Florida 34996

STATEMENT OF THE ISSUES

Whether Respondent failed to meet minimum standards in the performance of professional activities when measured against generally prevailing peer performance, in violation of section

491.009(1)(r), Florida Statutes (2012)^{1/}; and, if so, what is the appropriate sanction.

PRELIMINARY STATEMENT

On February 12, 2015, the Florida Department of Health (Department or Petitioner) filed an Administrative Complaint against Ms. Kathryn Lee Friedman^{2/} (Ms. Friedman or Respondent) on behalf of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (the Board), alleging that Respondent had violated section 491.009(1)(r) through her interactions with Patient M.M.

The case was set for hearing on January 5 and 6, 2017. After two motions for continuance were granted, the case was heard on April 20, 2017. At hearing, Petitioner presented the testimony of Patient M.M. and that of Dr. Oren Wunderman, executive director of the Family Resource Center of South Florida and licensed mental health counselor. Petitioner offered ten exhibits, P-1 through P-10, all of which were admitted without objection. Respondent testified on her own behalf and offered the testimony of Ms. Angie Rosillo, a licensed mental health counselor. Respondent's Exhibits R-1 through R-8, R-12, R-13, R-16, R-17, R-25 through R-28, R-34 through R-37, R-43, R-46, R-48, R-49, R-52, R-54, R-55, R-57, R-59, R-60, R-68, R-88, R-91, R-97, R-107, R-116 through R-118, R-132, R-134, R-137, R-140, R-149, R-151, and R-154 through R-156 were admitted without objection.

Exhibit R-161--a copy of a Release and Settlement Agreement in a related civil case between Patient M.M. and Respondent--was admitted as a late-filed exhibit, solely for consideration as to penalty if a violation was found, over objection of Petitioner. Respondent's Exhibits R-162 through R-164 were also late-filed, without authorization, and were rejected on that basis by a post-hearing Order issued on April 25, 2017.

The two-volume Transcript was filed on May 22, 2017. In response to Respondent's unopposed request at hearing, the deadline to file proposed recommended orders was set at 15 days after receipt and posting of the Transcript at DOAH.

Both parties timely filed proposed recommended orders, which were carefully considered.

FINDINGS OF FACT

1. The Department is the State agency charged with the regulation of the practice of mental health counseling pursuant to section 20.43 and chapters 456 and 491, Florida Statutes.

2. Pursuant to section 491.004(6), the Board carries out applicable provisions of chapter 456 with respect to discipline against mental health counselors under chapter 491.

3. Ms. Friedman is a licensed mental health counselor in the state of Florida, having been issued license MH 3430.

4. Ms. Friedman's address of record is 600 Sandtree Drive, No. 108, Palm Beach Gardens, Florida, 33403.

5. Patient M.M.'s son was born with a rare, aggressive brain tumor. Doctors told her that her son might not live beyond the age of two. A co-worker of Patient M.M.'s mentioned Ms. Friedman as a mental health counselor, and Patient M.M. began regularly seeing Ms. Friedman in about 2002 or 2003 to help her cope with the tragedy.

6. Patient M.M. moved to Boston with her husband in 2008 to obtain specialized treatment for her son. Through the next few years, Patient M.M. continued to receive counseling and therapy from Ms. Friedman through the use of Skype transmissions on a couple of occasions and from scheduled appointments conducted when she periodically returned to Palm Beach County.

7. In April of 2012, Patient M.M. learned that her son's tumor had returned and metastasized throughout his body. Patient M.M.'s son passed away on June 29, 2012, and Patient M.M. moved back to Florida in August.

8. Patient M.M. began to have appointments with Ms. Friedman once or twice a week for assistance with her grief over the loss of her only child and with her marital problems. Conversations were not always strictly professional in nature, and their conversations also came to include discussions of Ms. Friedman's problems. They began to go out to eat together after appointments.

9. Patient M.M. had few friends and spent little time with them, due to their involvement with their own families. Patient M.M. considered her therapist as her friend. She described Ms. Friedman as her "lifeline."

10. Patient M.M.'s husband asked her for a divorce in October or November of 2012. Patient M.M. subsequently found out that he was having an affair. She discussed his infidelity with Ms. Friedman.

11. Ms. Friedman referred Patient M.M. to a friend who was an attorney. Patient M.M. disclosed to Ms. Friedman that she was worried about filing for divorce even though her husband had asked her for one, because she thought she might lose \$85,000 that she had started saving when she was in high school, her life's savings.

12. Ms. Friedman and Patient M.M. communicated often by text messaging. These communications involved health issues, marital relations, scheduling of meetings, business, and other topics. They appear to reflect a mutual friendship, with Ms. Friedman confiding in Patient M.M. and seeking personal advice from her.

13. Patient M.M. was very grateful to Ms. Friedman for the help that Ms. Friedman was giving her. She also listened and gave advice to Ms. Friedman on financial matters, Ms. Friedman's extra-marital affair, and other personal problems that Ms. Friedman was having. She told Ms. Friedman that she was

willing to "help back" for the assistance that Ms. Friedman was giving her.

14. The two now frequently made arrangements to have dinner together. Regarding these dinner engagements, Ms. Friedman testified as follows:

Q. So after [Patient M.M.'s] son died, you had dinner with her several times?

A. And only because she was losing weight and she didn't want to go home and I am an eating disorder specialist.

Q. So you never initiated any of these dinners for personal purposes?

A. Not at all. She asked me to go to dinner because she didn't want to go home. And she said it's late, it's eight o'clock, why don't we just go grab a bite, so we did. I shouldn't have, but I did. And I did it primarily because I wanted her to eat. She had lost ten pounds, she's not that big a woman.

Q. So you never initiated any of these dinner invitations?

A. I did not.

Ms. Friedman's testimony is not credible in light of all of the other evidence, especially the text messages by Ms. Friedman to Patient M.M. It is clear that Ms. Friedman and Patient M.M. had dinner together on numerous occasions at restaurants as well as at Ms. Friedman's home, not always following a therapy session, often planned long in advance, and sometimes initiated by Ms. Friedman.

15. On June 10, 2013, shortly before the anniversary of the passing of Patient M.M.'s son, Ms. Friedman messaged Patient M.M.:^{3/}

Good morning, I need some help and I'm going to ask you. This year as you know has been extremely stressful on me. I want to grow the business in some areas but lack the working capital to do so. I've applied for a business loan for 50,000. My credit is good but not quite strong enough from a business stand point and they are asking me to have a co-signer. If you will do this for me I would be so grateful. I never miss payments on anything. This money will give the business the ability to grow, but also give me some peace of mind.

I hope you don't mind me asking. You know I love you and would never not make good on this loan.

Hugs

16. In an e-mail dated June 12, 2013, to Patient M.M., Ms. Friedman reiterated her request for financial assistance. She further described her desire to "grow the business" as involving purchase of needed equipment and a change to electronic records. In the e-mail, she expanded the reasons for the loan to include increased personal expenses due to her husband's illness and due to her moving out, replenishment of her exhausted savings, and her own unmet medical and dental needs. Ms. Friedman assured Patient M.M. that she would always make the payment on the loan before anything else.

17. Ms. Friedman and Patient M.M. continued to exchange numerous texts over the next month on various topics, including the loan. Patient M.M. indicated initial reluctance to co-sign and offered alternatives. Ms. Friedman repeated her request.

18. Patient M.M. agreed to co-sign a loan for Ms. Friedman. Patient M.M. believed that Ms. Friedman was obtaining the loan and would have legal responsibility to pay it back, and that, as co-signer, Patient M.M. would be asked to pay only if Ms. Friedman did not.

19. Ms. Friedman contacted Direct Business Lending through the Internet and subsequently began working with Shawn Kinney of Presta Funding Group.

20. Subsequent messages from Ms. Friedman to Patient M.M. asked for pay stubs, bank statements, W-2 forms, access information for Patient M.M.'s financial accounts, and similar information from Patient M.M. These requests are interspersed among texts that reflect plans for the two to have dinner, go to movies, and even spend the night. Patient M.M. gave Ms. Friedman information to complete a business credit application.

21. Ms. Friedman testified that her new business software "went live" on July 1, 2013. She testified that there were glitches and that because there was no billing, her "remittances went to zero" at that time. (In contrast, by letter dated

October 10, 2013, Ms. Friedman told Patient M.M. that her cash flow had "basically stopped" on the first of September.)

22. On July 16, 2013, Ms. Friedman received \$24,000 from the Navy Federal Credit Union (Navy). Ms. Friedman testified that she used this money to get out of personal debt, paying amounts owed on her rent, her car, and her daughter's car. The first minimum payment of \$482 was due on August 22, 2013.

23. On July 16, 2013, Ms. Friedman received a cash advance of \$19,500 from Pentagon Federal Credit Union (Penfed). The first minimum payment of \$391 was due on September 1, 2013.

24. On July 23, 2013, Ms. Friedman sent an e-mail to Patient M.M. asking her to call USAA and register to get a loan. Ms. Friedman explained to Patient M.M. that she had tried to get a loan approved online, but was unable to do so because USAA indicated that Patient M.M. already had an existing account. Ms. Friedman asked Patient M.M. to re-register and then provide Ms. Friedman with the account number, user name, and password.

25. A little over an hour later, Patient M.M. e-mailed Ms. Friedman the requested information, as well as answers to the security questions on the account. Patient M.M. then asked Ms. Friedman: "How much is total loan? How much from Navy? How much from USAA? Anywhere else?"

26. On August 2, 2013, Ms. Friedman received \$19,800 from USAA. The first minimum payment of \$400 was due on September 4, 2013.

27. Ms. Friedman spent money on major renovations to her home, as Patient M.M. was aware. On August 6, 2013, Ms. Friedman messaged Patient M.M. regarding a loan from Bank of America, urging her to contact the bank and tell them "the business is expanding." Several texts later, she messaged Patient M.M.: "Can we get this done B4 you leave If this falls through I can't finish my house. So I'm nervous." Shortly thereafter, Patient M.M. replied to Ms. Friedman: "Called. Done. Everything is good to go!"

28. On August 9, 2013, Ms. Friedman received \$19,000 from Bank of America. The first minimum payment of \$195 was due on September 19, 2013.

29. The credit card cash advance arrangements that were made in conjunction with the loans obligated only Patient M.M. to repay, and not Ms. Friedman. Patient M.M. was not a "co-signer" on the loans.

30. Ms. Friedman testified that she only received the money and did not know when the payments were due or how much they were. Her testimony that she could not have found out this information from the lenders or from Patient M.M. was not credible.

31. Although Patient M.M. had agreed to "co-sign" for a loan of \$50,000, Ms. Friedman received more than this amount.

Ms. Friedman testified:

Q. So Ms. Friedman, the amount of the loan that M.M. agreed to was to cosign for \$50,000, correct?

A. Correct.

Q. And she never authorizes the increase of that loan above that amount, did she?

A. Not that I know of.

Q. However, the amount that you end up borrowing through these cash advances ends being \$85,000, correct?

A. Yes, But I have to say that it was almost like kind of magical money, it wouldn't stop, and finally it stopped.

Q. I don't understand what you mean by magical money?

A. They said we could get this significant -- they just sent the money, it wasn't like you had a chance to say no, no, no, no. It was very little communication.

32. Yet on July 25, 2013, an e-mail from Abigail Douglas of Presta Funding addressed to Ms. Friedman stated, "Total Funding as of today \$65,000"; indicated the subtotals from Navy, Penfed, and Bank of America; and asked regarding USAA, "Do you want me to submit for additional funding?" Ms. Friedman responded, "Yes, please, let's see what they will give us." Contrary to

Ms. Friedman's testimony, this was a clear opportunity to say "no."

33. While Ms. Friedman testified that she had previously talked to Patient M.M. about increasing the amount of the loan, this testimony was not credible. In a response to later messages from Patient M.M. pointing out that the loans from Navy, Bank of America, and USAA totaled \$63,000, stating that "63k is more than what I agreed to co-sign," and reminding Ms. Friedman that they had spoken about \$50,000, Ms. Friedman responded on August 26, 2013: "I didn't know that. I'm working on getting money to pay you back fast."

34. Patient M.M. testified that she started receiving notices from the loan and credit card companies that there had been non-payments and advising of late payment charges.

35. On September 7, 2013, after preparing dinner at Ms. Friedman's house, Patient M.M. messaged Ms. Friedman when she arrived back at home, referencing the payment due to Navy:

M.M.: Home. Thanks 4 a nice nite. Hv a good nite. I'm off to bed.

K.F.: Me too. Exhausted. Thanks for coming and cooking. I need a break. So I'll be out and about from 12:30. Getting nails done then may do some shopping before going to my friends, the Friedman's for dinner. Text if you want to meet. Love yo

M.M.: Just got notice of \$482 non payment 2 acct as of 9/2

K.F.: No I paid it

M.M.: When paid?

K.F.: 9/3 there was a problem with the account number Don't worry I'm on top of it.

M.M.: Good.

K.F.: Might

36. A week later, there was another text message conversation about loan payments:

M.M.: Hi. How r u? Can we do dinner a little bit earlier like 5:30 or 6? I've already made the mushroom gravy 4 steak tonight.

K.F.: No I don't think I'll get home till 6:00. It will have to be around 7:00. Can you still come We are buying you a steak and salad greens I just can't get back. I'm on my way to Hannah's

M.M.: Yes I come. I'll b there 6:30

K.F.: Ok great

M.M.: USAA sent me payment reminder

K.F.: Do you want a potatoe. The accounts are all paid

M.M.: No thanks on starch. Thanks 4 payment.

37. Patient M.M. credibly testified that she learned later that Ms. Friedman actually never made any payments on any of the loans. Ms. Friedman admitted at hearing that she lied to Patient M.M. about making payments on the loans. She testified that she did so because she was afraid to say that she could not pay them.

38. Ms. Friedman testified that the borrowed money was spent on several things:

The first check I got was, I don't know the exact date, but it was Navy Federal for, I think it was \$25,000, that check got me out of debt, personal debt. It paid off my rent and my landlord, it paid my cars. And then the next checks that came in, we worked on paying for the new billing system, we had to buy new computers and I was working with another person at the time. We just rent space. We rented space together. He had his own practice, I had my own practice, but I did all the billing. So we had to get new computers because we needed due spectts (as transcribed) Our computers were old.

I'm not going to tell you--I'll be very honest with you; some of this money was used for entertainment between M.M. and myself and my husband. So if she said she never enjoyed the money, she did.

39. Ms. Friedman testified that she did not have enough money to make even the minimum payments on the loans, in spite of her receipt of the four sizeable checks, because she had no income due to the billing system failure. This testimony was not credible.

40. Ms. Friedman testified that by October 2013, she again had money coming in.

41. The actions of Ms. Friedman in borrowing \$85,000 from Patient M.M. and not paying it back impacted Patient M.M. financially, damaged her credit, and prevented her from obtaining credit cards.

42. Patient M.M. filed a lawsuit against Ms. Friedman sometime around January 2014, because Ms. Friedman had still not made any payments on any of the loans.

43. Patient M.M.'s divorce was final in August 2014.

44. In a Release and Settlement Agreement entered into between Ms. Friedman and Patient M.M. on February 25, 2015, Patient M.M. received payment from Respondent's professional negligence insurance in full settlement and discharge of Patient M.M.'s claims. Patient M.M. testified that she has not used any of the money she received to pay off the loans and that they remain unpaid. There was no evidence that Ms. Friedman ever made any payments on the loans or personally gave back any of the \$85,000 that she received.

45. An Administrative Complaint was filed against Ms. Friedman in February 2015.

46. In July 2016, Ms. Friedman completed a three-hour online course entitled "Ethics and Boundaries."

47. In September 2016, Ms. Friedman participated in a three-day course on professional boundaries and ethics provided by Professional Boundaries, Inc. She testified that she continues to participate in weekly telephone conferences offered by this company.

48. Ms. Friedman testified that she could not remember if any of the ethics courses that she was required to periodically

take throughout the years of her licensure covered boundary violations.

49. Dr. Oren Wunderman credibly testified that it is substantially below the minimum professional standard for a mental health counselor to solicit or borrow money from her patient, a conclusion shared by Ms. Rosillo. Dr. Wunderman discussed the concept of transferential gratitude, and explained that it is not uncommon for a patient to become profoundly grateful to her therapist and desire to find ways to "repay" the therapist for the help that has been provided. He noted that a therapist must observe her fiduciary responsibilities. A therapist must ensure that she is "advocating for the client's wellbeing above the therapist's wellbeing" and cannot allow an additional relationship, such as debtor or friend, to overlay the therapist-patient relationship.

50. While the evidence here showed that Ms. Friedman solicited a loan from Patient M.M., as Dr. Wunderman explained, even had Ms. Friedman not solicited the loan, it was improper for her to accept it.

51. Ms. Friedman failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance by soliciting a loan from Patient M.M. She also failed to meet those minimum standards in accepting a loan from Patient M.M.

52. No evidence was introduced that Ms. Friedman has ever received any prior discipline.

CONCLUSIONS OF LAW

53. The Division of Administrative Hearings has jurisdiction over the subject matter and the parties to this proceeding under sections 120.569 and 120.57(1), Florida Statutes (2016).

54. Petitioner seeks to take disciplinary action against the mental health counseling license of Respondent. A proceeding to impose discipline against a professional license is penal in nature, and Petitioner bears the burden to prove the allegations in the Administrative Complaint by clear and convincing evidence. Dep't of Banking & Fin. v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996); Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

55. Clear and convincing evidence has been said to require:

[T]hat the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and explicit and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

In re Henson, 913 So. 2d 579, 590 (Fla. 2005) (quoting Slomowitz v. Walker, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)).

56. Disciplinary statutes and rules "must always be construed strictly in favor of the one against whom the penalty would be imposed and are never to be extended by construction." Griffis v. Fish & Wildlife Conserv. Comm'n, 57 So. 3d 929, 931 (Fla. 1st DCA 2011). Any ambiguities must be construed in favor of the licensee. Lester v. Dep't of Prof'l Reg., 348 So. 2d 923, 925 (Fla. 1st DCA 1977).

57. Section 491.009(1)(r) provided:

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

* * *

(r) Failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificateholder is not qualified by training or experience.

58. In the Administrative Complaint, it was alleged that Respondent failed to meet minimum standards in two ways: by soliciting Patient M.M. to help her financially; and by borrowing funds from Patient M.M.

59. As Dr. Wunderman testified, Respondent's conduct in soliciting and borrowing money from Patient M.M. fell substantially below the minimum professional standard for a mental health counselor.

60. Respondent maintained that it was Patient M.M. who first expressed a general desire to "help back" Respondent, suggesting that if Patient M.M. did so, then no solicitation by Respondent took place. But the evidence was clear that even if Patient M.M. made such an offer months earlier, Respondent's message of June 10, 2013, and her e-mail of two days later, clearly constituted a direct solicitation from Respondent to Patient M.M. to help her financially. Further, even if Respondent had not solicited the loan, it would have been below professional standards for her to accept it.

61. Respondent stood in a position of professional trust and confidence with respect to Patient M.M. throughout all of their financial interactions. Respondent continued this patient-counselor relationship with Patient M.M. during a time when Patient M.M. was experiencing extreme stress from the loss of her only child and a divorce, while Respondent solicited and improperly obtained significant financial transfers to herself. Respondent failed to meet the minimum standards of performance of a mental health counselor as measured against generally prevailing peer performance.

62. Petitioner proved by clear and convincing evidence that Respondent violated section 491.009(1)(r).

Penalties

63. Section 456.079 provided that each board shall adopt by rule and periodically review the disciplinary guidelines applicable to each ground for disciplinary action which may be imposed by the board pursuant to the respective practice acts.

64. The Board adopted Florida Administrative Code Rule 64B4-5.001(1)(s). The rule provided, in part, that the penalty for a first offense of failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, in violation of section 491.009(1)(r) shall normally range from a minimum of \$250 fine and reprimand to a \$5,000 fine and/or probation, one year suspension then probation, or permanent revocation.

65. Rule 64B4-5.001(3) provided:

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

- (a) The danger to the public;
- (b) The length of time since the date of the violation(s);
- (c) Prior discipline imposed upon the licensee;
- (d) The length of time the licensee has practiced;

- (e) The actual damage, physical or otherwise, to the patient;
- (f) The deterrent effect of the penalty imposed;
- (g) The effect of the penalty upon the licensee's livelihood;
- (h) Any efforts for rehabilitation;
- (i) The actual knowledge of the licensee pertaining to the violation;
- (j) Attempts by the licensee to correct or stop violations or failure of the licensee to correct or stop violations;
- (k) Related violations against the licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;
- (l) Any other mitigating or aggravating circumstances.

66. There was no evidence of previous disciplinary history, and Respondent has practiced a long time. In a Release and Settlement Agreement entered into between Respondent and Patient M.M., Patient M.M. received payment from Respondent's professional negligence insurance in full settlement and discharge of Patient M.M.'s claims. Respondent has also completed continuing education courses after these events. On the other hand, Patient M.M. suffered emotional and financial damage, and Respondent received direct and lasting pecuniary benefit from her actions.

67. The mitigating and aggravating circumstances here do not warrant deviation from the wide range of penalties already permitted within the guidelines.

68. Section 456.072(4) provided that in addition to any other discipline imposed for a violation of a practice act, the Board shall assess costs related to the investigation and prosecution of the case.

RECOMMENDATION

Upon consideration of the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that a final order be entered by the Department of Health, Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling:

Finding Kathryn Lee Friedman in violation of section 491.009(1)(r), Florida Statutes, as charged in the Administrative Complaint; revoking her license to practice as a mental health counselor; and assessing reasonable costs related to investigation and prosecution of the case.

DONE AND ENTERED this 19th day of June, 2017, in
Tallahassee, Leon County, Florida.

F. Scott Boyd

F. SCOTT BOYD
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 19th day of June, 2017.

ENDNOTES

^{1/} Except as otherwise indicated, references to statutes and rules are to versions in effect during the summer and fall of 2013, when the incidents are alleged to have taken place. No changes to the relevant provisions of Florida Statutes (2012) were enacted during this time.

^{2/} During her relationship with Patient M.M., Respondent was also known as Kathryn Sloan. In the interest of simplicity, she is consistently referred to as Ms. Friedman in this Recommended Order.

^{3/} All text messages are set forth verbatim as they appeared, without any attempt to correct grammar or put them in standard English.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.