

**BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI**

<b>STATE COMMITTEE</b>	)	
<b>FOR SOCIAL WORKERS</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. 13-0079 SW
	)	
<b>ALBERT BARTON</b>	)	
	)	
Respondent.	)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARINGS BEFORE  
THE ADMINISTRATIVE HEARING COMMISSION AND STATE  
COMMITTEE FOR SOCIAL WORKERS, AND CONSENT ORDER  
WITH JOINT PROPOSED FINDINGS OF FACT AND CONCLUSIONS  
OF LAW**

Pursuant to the rules governing practice and procedure before the Administrative Hearing Commission (1 C.S.R. § 15-2.450(1)) and pursuant to the terms of § 536.060, RSMo (2000)<sup>1</sup>, as made applicable to the Administrative Hearing Commission by § 621.135, RSMo (2000), the parties waive the right to a hearing of the above-styled case before the Administrative Hearing Commission of the state of Missouri and, additionally, the right to a disciplinary hearing before the State Committee

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<sup>1</sup> All statutory citations herein are to the Revised Statutes of Missouri, 2012 Cumulative Supplement, unless otherwise noted.

for Social Workers under § 621.110, RSMo, and jointly stipulate to the facts and consent to the imposition of disciplinary action against the social worker license of Respondent for violation of the statutes set forth below.

Respondent acknowledges that he has received a copy of the Complaint filed by the State Committee for Social Workers with the Administrative Hearing Commission and the parties submit to the jurisdiction of the Administrative Hearing Commission.

Respondent acknowledges that he is aware of the various rights and privileges afforded him by law, including the right to appear and be represented by counsel; the right to have a copy of the Complaint to be filed against him prior to the Administrative Hearing Commission entering its order; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against him; the right to present evidence on his own behalf at the hearing; the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against him; and the right to a ruling on questions of law by an administrative hearing commissioner. Being aware of these rights provided him by operation of law, Respondent Albert Barton knowingly and voluntarily waives each and every one of

these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and agrees to abide by the terms of this document as they pertain to him.

I.

Based upon the foregoing, Petitioner and Respondent jointly stipulate to the following and request that the Administrative Hearing Commission adopt as its own the Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law as the Administrative Hearing Commission's Findings of Fact and Conclusions of Law:

**Joint Proposed Findings of Fact**

1. The State Committee for Social Workers ("the Committee") is an agency of the State of Missouri created and established pursuant to § 337.622, RSMo, for the purpose of upholding and carrying out the provisions of §§ 337.600 - .689 RSMo (2000), as amended, relating to social workers.

2. Albert Barton (“Respondent”) is licensed by the Committee as a licensed clinical social worker, License Number 000643 (“Respondent’s License”).

3. Respondent’s License was originally issued on or about May 20, 1991.

4. Respondent’s License was current and active at all relevant times herein.

5. At all relevant times herein Respondent maintained a practice and saw clients at an office located at 8420 Delmar Boulevard, Suite 209, in Saint Louis, Missouri 63124-2177.

6. Respondent met with client R.H.<sup>2</sup> approximately four (4) times in August and September 2010, thereby establishing a social worker/client relationship with R.H.

7. Respondent established a relationship of professional trust and confidence with R.H.

8. Respondent was aware of the relationship of professional trust and confidence he established with R.H.

9. R.H. informed Respondent that she had a history of being sexually abused.

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<sup>2</sup> To protect her privacy, R.H. is referenced herein by her initials.

10. Respondent felt that R.H. lacked self-esteem due to her history of sexual abuse.

11. During his sessions with R.H., Respondent made statements to R.H. and asked R.H. questions that were sexual in nature.

12. R.H. did not seek counseling from Barton for issues of a sexual nature or lack of self-esteem.

13. Respondent's statements and questions of a sexual nature directed to R.H. served no therapeutic purpose.

14. Respondent's statements and questions of a sexual nature directed to R.H. constitute a failure to provide the care a social worker of ordinary skill and knowledge would provide under the same or similar circumstances.

15. Respondent's statements and questions of a sexual nature directed to R.H. constitute misconduct.

16. Respondent's statements and questions of a sexual nature directed to R.H. constitute a violation of any professional trust and confidence.

17. Respondent's statements and questions of a sexual nature directed to R.H. constitute unethical conduct as defined in the ethical standards for clinical social workers.

## Joint Proposed Conclusions of Law

18. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045 and § 337.630.2, RSMo.

19. Administrative Rule 20 C.S.R. 2263-3.010(1), of the ethical standards and disciplinary rules for Missouri social workers, provides, in pertinent part, “[t]he ethical standards/disciplinary rules for members of the profession . . . are mandatory. The failure of a member of the profession to abide by any ethical standard/disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.”

20. Administrative Rule 20 C.S.R. 2263-3.020, of the ethical standards and disciplinary rules for Missouri social workers, concerning moral standards, sets forth the moral obligations of the ethical standards and disciplinary rules for Missouri social workers. Rule 20 C.S.R. 2263-3.020 provides in pertinent part: “(2) [n]o member of the profession shall - (A) [v]iolate any ethical standard/disciplinary rule . . . (6) [a] member of the profession shall not engage in any activity that exploits clients . . . including, but not limited to . . . (F) [c]omments, gestures or physical contacts of a sexual nature.”

21. Cause exists for Petitioner to take disciplinary action against Respondent's license under § 337.630.2(5), (6), (13), and (15), RSMo, which provides in relevant part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621 against any holder of any license required by sections 337.600 to 337.689 or any person who has failed to renew or has surrendered the person's license for any one or any combination of the following causes:

...

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a social worker licensed pursuant to this chapter;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.600 to 337.689, or of any lawful rule or regulation adopted pursuant to sections 337.600 to 337.689;

...

(13) Violation of any professional trust or confidence;

...

(15) Being guilty of unethical conduct as defined in the ethical standards for clinical social workers adopted by the committee by rule and filed with the secretary of state.

....

## II. Joint Agreed Disciplinary Order

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the Disciplinary Order entered by the Committee in this matter under the authority of § 621.110, RSMo. This Disciplinary Order will be effective immediately upon the issuance of the Consent Order of the Administrative Hearing Commission without further action by either party:

1. Respondent's clinical social worker license, number 000643, is hereby immediately placed on PROBATION for a period of two (2) years ("the Disciplinary Period"). The terms of the probation shall be:

### A. REQUIREMENTS REGARDING SUPERVISED PRACTICE

(1) During the Disciplinary Period, Respondent's practice as a licensed clinical social worker shall be supervised on a monthly basis by a licensed clinical social worker approved by the Committee. Within twenty (20) business days of the effective date of this Disciplinary Order, Respondent shall submit no fewer than five (5) names of Missouri licensed clinical social workers who will agree to provide supervision to Respondent. The Committee may approve one of the

licensed clinical social workers or may require additional names to be submitted, which Respondent shall submit within twenty (20) business days of the Committee's request. Respondent must begin supervision within one (1) week of the Committee's approval. Respondent must immediately notify the Committee, in writing, of the start date of supervision. If Respondent has failed to secure a supervisor within twenty (20) business days from the start of his probation, he shall cease practicing social work until a supervisor is secured. Respondent shall be responsible for any payment associated with the supervision.

Supervision includes, but is not limited to, monthly on site face-to-face review of cases, and review, approval, and co-signing of written reports such as case notes, intake assessments, test reports, treatment plans, and progress reports.

- (2) In the event the supervising social worker becomes unable or decides not to continue serving in his/her capacity as a supervising social worker or otherwise ceases to serve as a

supervising social worker during the Disciplinary Period then Respondent shall:

a. within three (3) business days of being notified of the supervising social worker's inability or decision not to continue serving as the supervising social worker, or otherwise learning of the need to secure a supervising social worker, advise the Committee in writing that he needs to secure another supervising social worker and the reasons for such change; and

b. within twenty (20) business days of being notified of the supervising social worker's inability or decision not to continue serving as the supervising social worker, or otherwise learning of the need to secure a supervising social worker, secure a new supervising social worker pursuant to and in accordance with the terms and conditions set forth in this agreement.

After twenty (20) business days, Respondent shall not practice if he has not secured another supervisor.

(3) The supervising social worker shall be vested with the administrative authority over all matters affecting the

provision of clinical social work services provided by Respondent so that the ultimate responsibility for the welfare of every client is maintained by the supervising social worker.

- (4) During the Disciplinary Period, Respondent's supervisor must submit a written report to the Committee at least once every three (3) months regarding Respondent's compliance with the terms of this Joint Stipulation. Reports must be received before March 1, June 1, September 1, and December 1 of each year. It is Respondent's responsibility to ensure that these reports are provided to the Committee in a timely manner.

**B. REQUIREMENTS REGARDING CONTINUING EDUCATION**

- (1) During the Disciplinary Period, Respondent shall complete six (6) hours of training in Post-Traumatic Stress Disorder ("PTSD") counseling. Respondent shall submit documentation of attendance in PTSD counseling training to the Committee during the Disciplinary Period. The documentation shall indicate the course(s) attended by Respondent during the Disciplinary Period and shall

include a pamphlet, brochure, or other materials which indicate the content of the course(s). The PTSD counseling training course(s) required herein shall be in addition to and shall not count toward the regular continuing education hours necessary to meet Respondent's licensure renewal requirements. All continuing education units or contact hours required herein shall be completed, and the documentation submitted to the Committee at least six (6) weeks prior to the date the Disciplinary Period is scheduled to be completed. Failure to complete the required course(s) and/or submit the required documentation in a timely manner shall result in a violation of the terms of discipline.

- (2) During the Disciplinary Period, Respondent shall audit a course on the topic of women's issues at a local college or university. Readings courses, correspondence courses or independent study courses are unacceptable. Such course must be completed within one (1) year of the effective date of this Joint Stipulation.

C. GENERAL REQUIREMENTS

- (1) During the Disciplinary Period, Respondent shall comply with all provisions of Chapter 337, RSMo (2000), as amended, as it relates to social workers; all regulations of the Committee, and all state and federal criminal laws. "State" here includes all states and territories of the United States.
- (2) During the Disciplinary Period, Respondent may not serve as a supervisor for any trainee, social work intern, social work resident, social work assistant, or any person undergoing supervision during the course of obtaining licensure as a social worker, psychologist, professional counselor, or behavior analyst.
- (3) During the Disciplinary Period, Respondent shall keep the Committee informed of his current work and home telephone numbers and addresses. Respondent shall notify the Committee in writing within ten (10) days of any change in this information.
- (4) During the Disciplinary Period, Respondent shall timely renew his license and timely pay all fees required for

licensing and comply with all other Committee requirements necessary to maintain his license in a current and active state.

- (5) During the Disciplinary Period, Respondent shall accept and comply with unannounced visits from the Committee's representatives to monitor his compliance with the terms of this Joint Stipulation.
- (6) During the Disciplinary Period, Respondent shall appear in person for interviews with the Committee or its designee upon request.
- (7) Respondent shall notify all facilities where he practices of his disciplinary status with fifteen (15) days of the effective date of this Joint Stipulation. Notification shall be in writing and Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.
- (8) For purposes of this Joint Stipulation, all reports, documentation, evaluations, notices, or other materials that must be submitted to the Committee shall be

forwarded to the State Committee for Social Workers, Post Office Box 1335, Jefferson City, Missouri 65102, unless otherwise specified in this Joint Stipulation.

2. The parties to this Joint Stipulation understand that the Committee will maintain this Joint Stipulation as an open and public record of the Committee as provided in Chapters 324, 337, and 610, RSMo (2000), as amended.

3. Failure to comply with any of the terms of this Joint Stipulation shall be deemed a violation of this Joint Stipulation and shall be cause for further discipline.

4. Upon the Committee's determination that Respondent has failed to comply with the terms of this Joint Stipulation, it may revoke Respondent's license or may take such other or additional action against Respondent's license as it deems appropriate. No order shall be entered by the Committee pursuant to this Paragraph without notice and an opportunity for hearing before the Committee in accordance with the provisions of Chapter 536, RSMo (2000), as amended.

Upon the successful completion of the Disciplinary Period, Respondent's license as a Missouri licensed clinical social worker shall be fully restored if all other requirements of the law have been satisfied.

If the Committee determines that Respondent has violated a term or condition of this Joint Stipulation, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in circuit court, the Committee may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Joint Stipulation in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Joint Stipulation occurs during the Disciplinary Period, the Committee may choose to conduct a hearing before it either during the Disciplinary Period or as soon thereafter as a hearing can be held to determine whether a violation has occurred and, if so, may impose further discipline. The Committee retains jurisdiction to hold a hearing to determine if a violation of this Joint Stipulation has occurred.

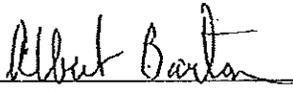
Each party agrees to pay all their own fees and expenses incurred as a result of this case, its litigation, and its settlement.

The terms of this Joint Stipulation are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Joint Stipulation nor any of its provisions may be changed, waived, discharged, or terminated, except by a written instrument signed by the party against whom enforcement of the change, waiver, discharge, or termination is sought.

Respondent hereby waives and releases the Committee, its members, and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo (2000), or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this Joint Stipulation, or from the negotiation or execution of this Joint Stipulation. The parties acknowledge that this Paragraph is severable from the remaining portions of this Joint Stipulation in that it survives in perpetuity even in the event that any court of law deems it or any portion thereof void or unenforceable.

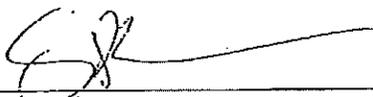
In consideration of the foregoing, the parties consent to the entry of record an approval of this Joint Stipulation of Facts, Waiver of Hearings Before the Administrative Hearing Commission and State Committee for Social Workers, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law and to the termination of any further proceedings before the Administrative Hearing Commission based upon the Complaint filed by the Committee in the above-styled action.

LICENSEE

  
Albert Barton

12/19/13  
Date

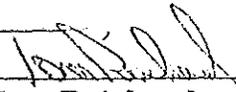
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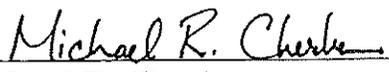
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