

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI COMMITTEE FOR
PROFESSIONAL COUNSELORS AND VICTOR W. LANDERS, LPC**

Victor W. Landers, (“Landers”) and the Missouri Committee for Professional Counselors (“the Committee”) enter into this Settlement Agreement for the purpose of resolving the question of whether Landers’ license as a Licensed Professional Counselor will be subject to discipline.

Pursuant to the terms of § 536.060, RSMo,¹ the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri and, additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo (Cum. Supp. 2008), and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Landers acknowledges that he understands the various rights and privileges afforded him by law, including the right to a hearing of the charges against him; the right to appear and be represented by legal counsel; the right to have all charges against him proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against him; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against him and, subsequently, the right to a disciplinary hearing before the Committee at which time he may present evidence in mitigation of discipline; and the right to recover attorney’s fees

¹ All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

incurred in defending an action against his license. Being aware of these rights provided him by operation of law, Landers knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document, as it pertains to him.

Landers acknowledges that he has received a copy of the investigative report, and other documents relied upon by the Committee in determining there was cause for discipline, along with citations to law and/or regulations the Committee believes were violated. For the purpose of settling their dispute, Landers stipulates that the factual allegations contained in this Settlement Agreement are true and stipulates with the Committee that his license as a Licensed Professional Counselor, license number 2001022582, is subject to disciplinary action by the Committee in accordance with provisions of Chapters 621 and 337, RSMo, as amended.

The parties stipulate and agree that the disciplinary order agreed to by the Committee and Landers in the Joint Agreed Disciplinary Order herein is based only on the agreement set out in the Joint Stipulation of Facts and Joint Conclusions of Law herein. Landers understands that the Committee may take further disciplinary action against him based on facts or conduct not specifically mentioned in this document that are either now known to the Committee or may be discovered.

Joint Stipulations of Fact

1. The Committee is an agency of the State of Missouri created and established pursuant to § 337.535, RSMo (Cum. Supp. 2008), for the purpose of executing and enforcing the provisions of §§ 337.500 - .540, RSMo, as amended.
2. Landers is licensed by the Committee as a Professional Counselor, license number 2001022582 (“the License”). Landers’ License is, and was at all relevant times herein, current and active.
3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to §§ 621.045 and 337.525.2, RSMo (Cum. Supp. 2008).
4. On or about March 17, 2006, while suicidal, intoxicated and on his own property, Landers discharged at least two rounds from a handgun toward his neighbor’s property as law enforcement officers approached him.
5. Landers surrendered himself to the authorities, was arrested and taken to the Warren County Jail on or about March 17, 2006.
6. On or about June 6, 2006, in the Circuit Court of Warren County, Cause Number 06BB-CR00359-01, Landers pleaded guilty to the class C felony assault of a law enforcement officer in the second degree, in violation of § 565.082, RSMo (Cum. Supp. 2006), and to the class D felony of unlawful use of weapons, in violation of § 571.030, RSMo (Cum. Supp. 2006).
7. Pursuant to his guilty pleas, imposition of Landers’ sentences were suspended and he was placed on probation for five (5) years.

8. Section 565.082, RSMo (Cum. Supp. 2006), defines the crime of assault of a law enforcement officer in the second degree and states, in pertinent part: “[a] person commits the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the second degree if such person . . . [p]urposely or recklessly places a law enforcement officer, emergency personnel, or probation and parole officer in apprehension of immediate serious physical injury”

9. Section 571.030, RSMo (Cum. Supp. 2006), defines the crime of unlawful use of weapons and states, in pertinent part: “[a] person commits the crime of unlawful use of weapons if he or she knowingly . . . [p]ossesses or discharges a firearm or projectile weapon while intoxicated . . . [u]nlawful use of weapons is a class D felony . . . if the firearm is loaded”

10. In pleading guilty to the class C felony of assault of a law enforcement officer in the second degree, in violation of § 565.082, RSMo (Cum. Supp. 2006), Landers pleaded guilty to a crime of which an essential element is an act of violence.

11. In pleading guilty to the class C felony of assault of a law enforcement officer in the second degree, in violation of § 565.082, RSMo (Cum. Supp. 2006), Landers pleaded guilty to a crime involving moral turpitude.

12. In pleading guilty to the class D felony of unlawful use of weapons, in violation of § 571.030, RSMo (Cum. Supp. 2006), Landers pleaded guilty to a crime of which an essential element is an act of violence.

13. In pleading guilty to the class D felony of unlawful use of weapons, in violation of § 571.030, RSMo (Cum. Supp. 2006), Landers pleaded guilty to a crime involving moral turpitude.

Joint Conclusions of Law

14. Section 337.525, RSMo, states, in pertinent part:

2. The committee may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license required by sections 337.500 to 337.540 for any one or any combination of the following causes:

. . . .

(2) The person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of a professional counselor; for any offense an essential element of which is fraud, dishonesty or an act of violence; or for any offense involving moral turpitude, whether or not sentence is imposed;

. . . .

15. Cause exists for the Committee to discipline Landers’s license pursuant to § 337.525.2(2), RSMo, because Landers pleaded guilty to two offenses an essential element of which is an act of violence.

16. Cause exists for the Committee to discipline Landers’s license pursuant to § 337.525.2(2), RSMo, because Landers pleaded guilty to two offenses involving moral

turpitude.

Joint Agreed Disciplinary Order

Based upon 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 § 337.630.2, RSMo, and § 621.045.3, RSMo (Cum. Supp. 2008):

1. Landers' License as a Licensed Professional Counselor, License Number 2001022582, is immediately REVOKED. Landers shall immediately return all indicia of licensure to the Committee.
2. The parties to this Agreement understand that the Committee will maintain this Agreement as an open record of the Committee as provided in Chapters 337, 610, and 620, RSMo.
3. Each party agrees to pay their own fees and expenses incurred as a result of this case, its litigation, and its settlement.
4. The terms of this Agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Agreement nor any of its provisions may be changed, waived, discharged, or terminated except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.
5. Landers 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 attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, 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 litigation, or from the negotiation or execution of this Agreement. The parties acknowledge that this Paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement or any portion thereof void or unenforceable.

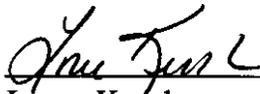
6. This Agreement shall become effective fifteen (15) days after the Executive Director of the Committee, Loree Kessler, has signed the Agreement.

LICENSEE

COMMITTEE



Victor W. Landers, ~~EPC~~
License Number 2001022582



Loree Kessler
Executive Director
Committee for Professional Counselors

Date: 5/7/09

Date: 5/10/09

Complaint No. 2004-002438

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