SETTLEMENT AGREEMENT BETWEEN MISSOURI COMMITTEE FOR PROFESSIONAL COUNSELORS AND JANIS RAGSDALE

Janis Ragsdale ("Licensee"), and the Missouri Committee for Professional Counselors ("Committee"), enter into this settlement agreement ("Agreement") for the purpose of resolving the question of whether the Licensee's license as a 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 before the Administrative Hearing Commission of the State of Missouri ("AHC") regarding cause to discipline the Licensee's license, and additionally, the right to a disciplinary hearing before the Committee under § 621.110, RSMo.

Licensee acknowledges that Licensee understands the various rights and privileges afforded Licensee by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf at the hearing; the right to a decision upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee and, subsequently, the right to a disciplinary hearing before the committee at which time Licensee may present evidence in mitigation of discipline; and the right to recover attorney's fees incurred in defending this action against this license. Being aware of these rights provided Licensee by operation of law, Licensee 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 they pertain to Licensee.

Licensee acknowledges that Licensee has received a copy of the investigative report and other documents relied upon by the Committee in determining there was cause to discipline Licensee's license, along with citations to law and/or regulations the Committee believes were violated.

For the purpose of settling this dispute, Licensee stipulates that the factual allegations contained in this settlement agreement are true and stipulates with the Committee that Licensee's license, numbered 2000175805 is subject to disciplinary action by the Committee in accordance with the provisions of Chapters 621 and 337, RSMo.

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[1] All statutory references are to Missouri Revised Statutes 2000, as amended, unless otherwise indicated.

Joint Stipulation of Fact and Conclusions of Law

1. The Missouri Committee for Professional Counselors is an agency of the State of Missouri, created and existing pursuant to § 337.535, RSMo, for the purpose of carrying out the provisions of §§ 337.500 through 337.540, RSMo.

2. Janis Ragsdale is a natural person licensed by the Committee as a professional counselor, license number 2000175805. Licensee's professional counselor license was not at all times relevant herein, but is now, current and active. Licensee's license expired on June 30, 2013 due to non-renewal. The Committee renewed Licensee's license on June 5, 2014.

3. On or about May 30, 2014, the Committee received a complaint regarding Licensee. The complainant stated that in the process of annual performance reviews for employees of Provident, Licensee's employer, Provident was unable to find Licensee's license information in the Missouri Division of Professional Registration database. Provident met with Licensee on May 19, 2014 at 6:15 p.m. In the meeting, Licensee acknowledged lettering her license lapse "due to being behind on her taxes." The complaint also stated that because Licensee's license expired on June 30, 2013, Licensee provided licensure supervision and student practicum supervision "under the pretenses that she [was] a Licensed Professional Counselor." The complaint stated Licensee did not report the information to her supervisor or communicate it to her students or supervisees. The complaint stated Licensee continued to send emails with her credentials behind her name and signed paperwork "with various universities for practicum supervision that require a LPC." The complaint stated Licensee failed to abide by the ethical codes, put the agency's "integrity, reputation, contracts, fellow coworkers and callers at risk" and hindered a supervisee from completing her licensure requirements on time.

4. On or about July 3, 2014, Licensee provided a written response to the complaint. She admitted knowing that her license was expired and stated she hoped to correct the matter before it was discovered by Provident. She stated she was "sick that [her] supervision of students and especially my license candidate has created major problems for them." She also stated that physical and depression issues contributed to her problems, as well as problems with her taxes.

5. The Committee also initiated an investigation into the allegations of the complaint. On July 9, 2014, Missouri Division of Professional Registration Central Investigative Unit Investigator James McMullin spoke

with both the complainant and the licensee. The complainant also provided a list of students Licensee supervised as well as a list of changes implemented at Provident to avoid another occurrence of an expired licensee practicing. The complainant provided the lists on July 10, 2014. On or about July 11, 2014, Investigator McMullin spoke with Licensee. She stated that she did not mention in her written response to the complaint that she is a hoarder and her home is "full of papers and assorted items and she could not locate the papers she needed to file her income taxes." She stated she corrected her tax problems and renewed her license. She stated that since Provident terminated her, she has not worked. She stated she only worked at Provident while her license was expired.

6. Section 337.505, RSMo, states, in relevant part:

> No person shall use the title of "professional counselor", "counselor" or "provisional licensed professional counselor" or engage in the practice of professional counseling in this state unless the person is licensed as required by the provisions of sections 337.500 to 337.540[.]

7. Regulation 20 CSR 2095-1.062(1) states, in relevant part:

> A license shall be renewed on or before the expiration of the license by submitting the renewal notice and fee pursuant to 20 CSR 2095-1.040(1)(D). Renewals shall be postmarked no later than the expiration of the license to avoid the late fee as defined in 20 CSR 2095-1.020(1)(D)1. and 2.

8. Regulation 20 CSR 2095-3.010 states, in relevant part:

> ...
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> (4) A counselor shall not misrepresent his/her licensure status or educational credentials.

9. Licensee's conduct, as described above in paragraphs 3 through 5 constitutes obtaining or attempting to obtain a fee by fraud deception or misrepresentation; misconduct, misrepresentation or dishonesty in the performance of the functions or duties of a professional; violation of provisions of sections 337.500 to 337.540 and lawful rules and regulations promulgated pursuant to sections 337.500 to 337.540; impersonation of a person holding a license; a violation of professional trust or confidence; and violation of the ethical rules for counselors adopted by the Committee.

10. Cause exists for the Committee to take disciplinary action against Licensee's license under § 337.525.2(4), (5), (6), (7), (13) and (15), RSMo, which states in pertinent 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 337.500 to 337.540 or any person who has failed to renew or has surrendered his license for any one or any combination of the following causes:

. . .

(4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance of the functions or duties of a professional counselor;

(6) Violation of, or assisting or enabling any person to violate, any provision of sections 337.500 to 337.540, or of any lawful rule or regulation adopted pursuant to sections 337.500 to 337.540;

(7) Impersonation of any person holding a license or allowing any person to use his or her license or diploma from any school;

. . .

(13) Violation of any professional trust or confidence;

. . .

(15) Being guilty of unethical conduct as defined in the ethical standards for counselors adopted by the division and filed with the secretary of state[.]

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 § 621.045.3, RSMo.

11. The terms of discipline shall include that the professional counselor license of Janis Ragsdale, license number 2000175805, is hereby **CENSURED.**

12. 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 324, RSMo.

13. The terms of this settlement agreement are contractual, legally enforceable, and binding, not merely recital. Except as otherwise provided herein, neither this settlement 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.

14. Licensee, together with her heirs and assignees, and his attorneys, do hereby waive, release, acquit and forever discharge the Committee, its respective members and any of its employees, agents and attorneys, including any former Committee members, employees, agents and attorneys of, and 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, arising out of, or relate to any of the matters raised in this case, its settlement, or from the negotiation or execution of this settlement agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this settlement agreement in that it survives in perpetuity even in the event that any court of law deems this settlement agreement or any portion thereof to be void or unenforceable.

15. If no contested case has been filed against the Licensee, Licensee has the right, either at the time the settlement agreement is signed by all parties or within fifteen days thereafter, to submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement agreement constitute grounds for denying or disciplining the license of the Licensee. **If Licensee desires the Administrative Hearing Commission to review this Agreement, Licensee may submit this request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.**

16. If licensee has requested review, Licensee and the Committee jointly request that the Administrative Hearing Commission determine whether the facts set forth herein are grounds for disciplining Licensee's license and issue findings of fact and conclusions of law stating that the facts agreed to by the parties are grounds for disciplining Licensee's license. Effective the date of the Administrative Hearing Commission determines that the agreement sets forth cause for disciplining Licensee's license, the agreed upon discipline set forth herein shall go into effect.

17. If the licensee does not request review by the Administrative Hearing Commission, the agreement will become effective thirty (30) days after the agreement is signed by the committee's Executive Director.

LICENSEE

Janis Ragsdale

Date: ~~10/17/14~~ 10/22/14 jrag

COMMITTEE

Loree Kessler, Executive Director
Missouri Committee for Professional Counselors

Date: 10/17/14