

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

**GENERAL BUSINESS MEETING MINUTES**

**TELECONFERENCE CALL  
MEET ME NUMBER: 1 (888) 585-9008  
PARTICIPATION CODE: 744469610**

**JUNE 4, 2019  
10:00 A.M. EST**

**Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.**

**I. CALL TO ORDER**

The meeting was called to order on Tuesday, June 4, 2019 at 10:02 a.m. by Lisa Bolhouse, Chair.

**A. Roll Call**

Roll call was conducted by Janet Hartman, Interim Executive Director. Those present for all or part of the meeting included the following:

**MEMBERS PRESENT**

Lisa Bolhouse, LCSW, Chair  
Denny Cecil-Van Den Heuvel, PhD, LMFT, LMHC  
Helen Douglas, RDH

**STAFF PRESENT**

Janet Hartman, Interim Executive Director  
Ashleigh Irving, Program Operations Admin.

**MEMBERS ABSENT**

Jamie Buller, LCSW, Vice-Chair (excused)  
William Day, PhD, LMCH (excused)

**BOARD COUNSEL**

Marlene Stern, Sr. Asst. Attorney General

**COURT REPORTER**

American Court Reporting

**PROSECUTION SERVICES**

Mary Iglehart, Esq. Assistant General Counsel  
Chad Dunn, Esq. Assistant General Counsel  
John Wilson, Esq. Deputy General Counsel

**II. DISCIPLINARY PROCEEDINGS**

**A. Recommended Order**

**i. Gabriel L. Tito, Registered Marriage and Family Therapy Intern,**  
DOH Case No. 2016-08678  
DOAH Case No. 18-03636PL  
(PCP: Buller, Day, and Roberts)  
Represented by counsel

Mr. Tito was present and represented by counsel, Howard Hochman, Esq. Mary Iglehart presented the following case to the board: An administrative complaint filed September 27, 2017 alleged violation of section 491.009(1)(r), Florida Statutes (F.S.) (2012-2016) through a violation of rule 64B4-9.001(1), Florida Administrative Code (F.A.C.), section 491.009(1)(w), F.S.,

through a violation of section 491.0045(4), F.S. and section 491.009 (1)(w) Florida Statutes, through a violation of section 491.005(3)(c), F.S. Mr. Tito received the administrative complaint on or about October 23, 2017. The Department received Mr. Tito's request for a formal hearing before the Division of Administrative Hearings (DOAH) on or about November 20, 2017, 28 days after receiving the administrative complaint. Since the request was not received within 21 days of receipt of the administrative complaint pursuant to rule 28-106.111(2), F.A.C, the request for a hearing was denied due to untimeliness. On July 16, 2018 the Department referred the case to DOAH on the issue of whether the request for an administrative hearing was untimely. The final hearing was held on September 21, 2018. On November 9, 2018, the presiding Administrative Law Judge issued a Recommended Order recommending that the Board deny Mr. Tito's request for an administrative hearing as it was untimely. On November 19, 2018 Mr. Tito filed exceptions to the Recommended Order. On November 21, 2018, the Department filed responses to Mr. Tito's exceptions. Mr. Tito has waived the right to dispute any material facts contained within the administrative complaint. Therefore, there are no disputed issues of material fact to be resolved by the Board.

Ms. Buller and Dr. Day were recused due to participation in the probable cause panel.

Mr. Hochman presented to the Board the fact that Mr. Tito did not read the entire packet received and the request for a hearing should not be dismissed due to an excusable circumstance of ignorance. Mr. Tito did not know that the request had to be submitted within 21 days. Mr. Hochman stated if Mr. Tito would have known he would have faxed the document and not send it through certified mail.

After discussion, the Board took the following action:

Motion: by Ms. Douglas to deny the request because the Administrative Law Judge's conclusion of law is as or more reasonable than that of Mr. Tito.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

Motion: by Ms. Douglas to accept the finding of facts as set forth in the administrative complaint.  
Second: by Dr. Cecil-Van Den Heuvel.  
Vote: unanimous.

Motion: by Dr. Cecil-Van Den Heuvel to adopt the allegations of law in the administrative complaint as the Board's conclusion of law and the conclusions of law in the recommended order.  
Second: by Ms. Douglas.  
Vote: unanimous.

Motion: by Ms. Douglas to accept the recommendations of the Administrative Law Judge.  
Second: by Dr. Cecil-Van Den Heuvel  
Vote: unanimous.

### **III. ADJOURNMENT**

After no further discussion, the meeting adjourned at 10:30 a.m.