

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

**PROBABLE CAUSE PANEL MEETING MINUTES
TELECONFERENCE CALL**

**MEET ME NUMBER: 1 (888) 585-9008
PARTICIPATION CODE: 744469610
MARCH 11, 2020
9:00 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 Wednesday, June 10, 2020 at 9:07 a.m. by Sandra Barlow, Chairperson.

A. ROLL CALL

Roll call was conducted by Ashleigh Irving, Program Operations Administrator. Those present for all or part of the meeting included the following:

COURT REPORTER:

For The Record
Phone: (850) 222-5491
Fax: (850) 224-5316

PROSECUTION SERVICES:

Mary Wessling, Esq Asst General Counsel
Ryan Sandy, Esq. Asst General Counsel
John Bischof, Esq, Asst General Counsel
Chad Dunn, Esq., Section Manager

MEMBERS PRESENT:

Sandra Barlow, PhD, LCSW-Chairperson
Jamie Buller, LCSW-Vice Chair
Susan Gray, LCSW-Panel Member

BOARD STAFF

Ashleigh Irving, Program Operations Administrator

BOARD COUNSEL:

Timothy Frizzell, Esq. – Assistant
Attorney General & Board Counsel

II. OPENING REMARKS BY THE CHAIRPERSON

Dr. Barlow had no opening remarks.

III. OPENING REMARKS BY BOARD COUNSEL

Mr. Frizzell introduced himself and asked that all questions concerning procedures,



authority, Florida Statutes, and Practice Act Rules be directed to him and questions concerning the facts of the case, the matter in which it was investigated and the reasons for the Department's recommendation be directed to the Department's attorney. Mr.

Frizzell asked the panel the following questions:

Did you receive all materials for today's meeting in advance of the meeting?

Dr. Barlow: Yes.

Ms. Buller: Yes.

Ms. Gray: Yes.

Did you have enough time to thoroughly review the materials and familiarize yourself with the information presented within?

Dr. Barlow: Yes.

Ms. Buller: Yes.

Ms. Gray: Yes.

Were there any problems with the materials received such as missing pages, illegible copies or any other issues should be taken up at this time?

Dr. Barlow: Yes.

Ms. Buller: Yes.

Ms. Gray: Yes.

Are you aware of any reason that would disqualify you from making a decision on the case?

Dr. Barlow: Yes.

Ms. Buller: Yes.

Ms. Gray: Yes.



Mr. Frizzell reminded the panel that they were not there to determine the guilt or innocence of the person who is the subject of each case, but to decide if the facts of the record disclosed constitute probable cause for the Department to proceed formal charges probable cause exists.

He asked the Department's attorney to list all materials provided for the meeting today.

IV. OPENING REMARKS BY THE AGENCY'S ATTORNEY

Ms. Wessling introduced herself and stated that all members have been provided with a memo from the Department attorney addressing the requested action, a draft closing order regarding the Administrative Complaint, a copy of the original Administrative Complaint, and any other materials from the file deemed appropriate by the attorneys that supports the requested action. Additionally, Ms. Wessling stated any materials received submitted by the licensee or counsel in reply to the proposed department action were enclosed.

V. RECONSIDERATIONS

RN-01 Rosa Caban, P.C.S.W. (CO) 2015-30811

Mary Wessling presented the case to the panel. The investigation is predicated upon a complaint received from a disabled veteran and former patient, who alleged that he engaged in a personal and sexual relationship while a patient. Subsequent to the probable cause panel authorizing the filing of the administrative complaint, further investigation has revealed that the complainant was convicted of misdemeanor domestic battery and violation of domestic violence injunction, as well as felony aggravated stalking. The respondent was the victim in all three of criminal charges. In addition to other criminal penalties, the court ordered the complainant and respondent not to have contact.



While grounds to find probable cause existed at the time the Administrative Complaint was filed, the Department recommends this complaint be dismissed with not further prosecution in light of the complainant's criminal convictions and the respondent's license being expired.

After discussion, the panel took the following action:

Motion: Ms. Buller to accept the recommendation to dismiss given the provisional license has expired and facts and reasons of charges. Ms. Buller also requests the Board be made aware if Mr. Cabon reapplies.

Second: Ms. Gray.

Vote: unanimous.

RN-02 Dimitri A. Johnson, R.M.H.C.I. (CO) 2016-24022

Mary Wessling presented the case to the panel. The Department previously filed an Administrative Complaint against Mr. Johnson for failing to meet the minimum standards of performance in professional activities when he initiated Baker Act proceedings against his patient on or about August 24, 2016. Upon further review of the file, Mr. Johnson was not licensed as a Registered Mental Health Counselor Intern until November 2, 2016. Therefore, the Department does not have jurisdiction to proceed in this matter.

Additionally, Mr. Johnson's attorney provided additional material on or about February 15, 2017, for the panel to review however, those materials were not provided to the panel at the time the Administrative Complaint was originally reviewed. The materials consisted of a letter of support from Mr. Johnson's supervisor at the time of the incident who believes Mr. Johnson behaved appropriately. Also included in the materials was an expert opinion of Jeffrey Danzinger, M.D.,



who opined that Mr. Johnson met the minimum standards of performance in professional activities.

Since Mr. Johnson was not licensed at the time of the incident, and since there appears to be a reasonable conflict of opinions as to whether or not his actions were appropriate, the Department would not likely be able to prove this case with clear and convincing evidence.

Motion: Ms. Buller to accept the recommendation for reconsideration based on the facts stated.

Second: Ms. Gray.

Vote: unanimous.

RN-03 Alicia C. Latty, L.M.H.C. (CO) 2017-18463

Ryan Sandy presented the case to the panel. The Department previously filed an Administrative Complaint alleging violation of section 456.072(1)(c), Florida Statutes (2017). On or about August 14, 2018 Ms. Latty pled guilty to one count of Grand Theft in the Nineteenth Circuit in and for Indian County, Florida, in case number 312017CF001230. Since then the renewal of her license has been denied. Since her license was denied renewal, continued prosecution of this case would not serve any public purpose. Therefore, in the interest of judicial efficiency, and pursuant to Section 456.073(4), Florida Statutes, the Department recommends closure of this case.

Motion: Ms. Buller to accept the recommendation for reconsideration based on the facts stated.

Second: Ms. Gray

Vote: unanimous.

VI. ADJOURNMENT

The meeting adjourned at 9:23 a. m

