

Marty M. Snyder, KS S.Ct. #11317
Assistant Attorney General
120 SW 10th Avenue, Second Floor
Topeka, KS 66612-1597

**BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, KS 66603-3817**

In the Matter of)

DAVID DETTWILER,)
LPC #814)
_____)

Case No. 10-PC-0146

CONSENT AGREEMENT AND ORDER

NOW, on this 3rd day of January, 2011, the above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board), by and through Assistant Attorney General Marty M. Snyder, by agreement of David Dettwiler (Licensee) and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following:

1. David Dettwiler, Licensee, at all times relevant, was a Licensed Professional Counselor within the meaning of the Professional Counselors Licensure Act, K.S.A. 65-5801 *et seq.*, and amendments thereto.
2. On May 19, 2010, the Board received information concerning Licensee's conduct, alleging Licensee may have violated certain statutes and regulations governing his license as a professional counselor.
3. The Board conducted an investigation concerning Licensee's alleged violation of statutes and regulations. During the investigation, Licensee was informed of the reported information and was given the opportunity to respond to the allegations. Licensee responded by letter received via fax on June 28, 2010.

4. As a result of the investigation, the Board finds probable cause that the following facts have been established by clear and convincing evidence:

a. On May 19, 2010, BSRB received an Application for Reinstatement from Licensee. Licensee's license had expired on April 30, 2010.

b. Licensee thought he had previously renewed online. When he received his cancellation letter, he found he had not renewed.

c. Licensee's LPC license was reinstated on June 3, 2010.

5. The Complaint Review Committee of the Board finds that probable cause exists to believe Licensee has violated the following statute and regulation:

A. K.S.A. 65-5803. Licensure required prior to certain acts and representations; violations misdemeanor.

(a) No person shall engage in the practice of professional counseling or represent that such person is a licensed professional counselor. . . without having first obtained a license as a professional counselor under the professional counselors licensure act.

B. K.A.R. 102-3-12a. Unprofessional Conduct.

(b) Any of the following acts by a licensed professional counselor, a licensed clinical professional counselor, or an applicant for a professional counselor license or a clinical professional counselor license shall constitute unprofessional conduct:

(53) practicing professional counseling or clinical professional counseling after one's license expires.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order in lieu of adjudicative proceedings to resolve the report of alleged violations.

WHEREFORE, Licensee waives all rights to an adjudication of facts and law which could be determined pursuant to a hearing conducted in accordance with the Kansas Administrative Procedure Act in relation to Case No. 10-PC-0146.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act in relation to Case No. 10-PC-0146.

WHEREFORE, the Board and Licensee agree to the following terms and conditions:

(a) Licensee shall refund any fees earned while practicing as a licensed professional counselor from May 1, 2010 through June 2, 2010, during the time his LPC license was expired, and shall provide proof to the Board of refunds of fees earned within 30 days of the effective date of this Consent Agreement and Order.

(b) Licensee shall attend six (6) hours of continuing education on ethics and the important of licensure within six months of the effective date of this Agreement and shall provide a copy of his certificate(s) of attendance to the Board upon completion. Such continuing education shall be attended in person and not on-line, shall be in addition to licensure requirements, and shall be at Licensee's expense.

(c) Licensee shall be responsible for any costs and expenses incurred in satisfying the terms of this Consent Agreement and Order.

(d) Evidence of Licensee's breach, violation or failure to comply with any of the conditions will result in a hearing, with notice and opportunity to be heard, to determine whether Licensee has in fact breached, violated or failed to comply with any conditions. Upon determination at such hearing that Licensee has breached, violated or failed to comply with any condition, Licensee understands and agrees that his Kansas Licensed Professional Counselor license could be suspended until such time as Licensee can demonstrate compliance with all terms and conditions of this Consent Agreement and Order to the satisfaction of the Board.

(e) Licensee acknowledges that proof submitted to the Board by affidavit or other form of competent evidence that Licensee has breached, violated or failed to meet the conditions of this Consent Agreement and Order shall be good and sufficient evidence to support an alleged violation of breach, violation or non-compliance.

(f) Licensee acknowledges an affirmative duty to notify the Board within five (5) days of any changes in personal or professional status which would inhibit compliance with any condition of this Consent Agreement and Order. In such event, a designee of the Board is authorized to modify or amend this Consent Agreement and Order in writing.

(g) Licensee understands that a notification of this Consent Agreement and Order shall be provided to any other state licensing board if Licensee is also licensed, registered or certified in another state.

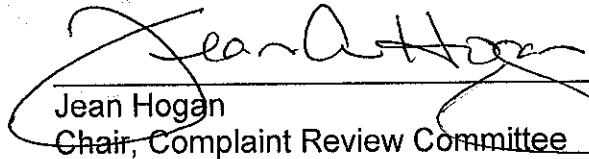
(h) This Consent Agreement and Order constitutes the entire agreement between Licensee and the Board and may be modified or amended only by written agreement signed by Licensee and the Board or a designee of the Board.

WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will become a Final Order of the Board. The Board has authorized the Complaint Review Committee to determine approval of this Consent Agreement and Order.

WHEREFORE, the Board agrees that, so long as Licensee complies with the above conditions, the Board will not initiate further disciplinary action against Licensee in relation to violations of K.S.A. 65-5803 and K.A.R. 102-3-12a as a result of this proceeding.

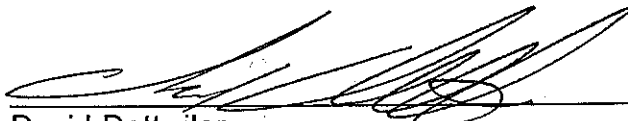
WHEREFORE, the foregoing provisions are consented to, are hereby made the final Order of the Kansas Behavioral Sciences Regulatory Board and become effective on the date indicated in the Certificate of Service below.

IT IS SO ORDERED.



Jean Hogan
Chair, Complaint Review Committee

APPROVED AND CONSENTED TO:



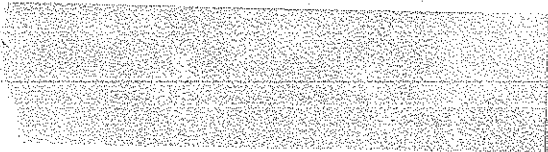
David Dettwiler
Licensee

12/23/10

Date

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of January, 2011, a true and correct copy of the above Consent Agreement and Order was deposited in the U.S. mail, first class postage prepaid, addressed to:



Marty M. Snyder
Assistant Attorney General
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612



For the Board

April 26, 2011

David Dettwiler

Re: Consent Agreement and Order 10-PC-0146

Dear Mr. Dettwiler,

This letter is to confirm that you complied with all of the conditions set forth in the Consent Agreement and Order dated January 3, 2011. You completed those conditions and all above mentioned cases were closed on April 25, 2011.

You are now unconditionally licensed to practice as a LPC.

Thank you for your cooperation in this matter.

Sincerely,

Carol Baldwin
Special Investigator