

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

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BY: \_\_\_\_\_

**BEFORE THE KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD**

In the Matter of )  
)  
JOANN PECKHAM, )  
LMSW License #2750 )  
Respondent )  
\_\_\_\_\_ )

**Case No. 18-MS-012**

**CONSENT AGREEMENT AND ORDER**

NOW, on this 5 day of June, 2018, 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 JoAnn Peckham [Licensee / Respondent], by and through counsel Richard J. Peckham, Esq., and the Board for the purpose of resolving the above-captioned case.

Licensee hereby acknowledges the following facts:

1. JoAnn Peckham has been a Licensed Masters Social Worker within the meaning of the Kansas Social Workers Licensure Act, K.S.A. 65-6301, *et seq.*, at all times relevant.
2. On August 1, the Board received a report of information concerning Licensee's conduct alleging Licensee may have violated certain statutes and regulations governing unprofessional conduct.
3. The Board conducted an investigation concerning Licensee's alleged violations of statutes and regulations. During the investigation, Licensee was informed of the

reported information and did respond to the Board Investigator's letter requesting a written response in a 13-page letter dated September 13 and received September 20, 2017.

4. As a result of the investigation, the Board has found that the following facts have been established by a preponderance of the evidence:

- a. At all relevant times, Licensee and her husband have been the owners and operators of a licensed Kansas adoption agency, Adoption Connections. Richard Peckham is the Director and General Counsel.
- b. The Complainants live in Michigan and were referred to Adoption Connections by a Michigan agency to handle an adoption.
- c. A prospective birth mother 'SD' contacted the Peckhams while incarcerated at the Sedgwick County jail in Wichita, Kansas. She stated she was pregnant and was interested in having the baby and putting it up for adoption through their agency.
- d. Discussions began with a conference call February 2, 2017, including SD, the Complainants and Licensee. Over the next five months, Complainants had dozens of communications with the Peckhams, made two trips to Wichita from Michigan and advanced \$8,200 in support for the birth mother.
- e. While waiting in Wichita with all the legally required relinquishment and adoption documents, Complainants learned that the "birth mother" had never been pregnant and was merely scamming the Complainants and the adoption agency for money and better living conditions. Complainants were heart-broken and angry.

- f. During this entire time, Licensee failed to obtain medical certifications that SD was pregnant and failed to verify personally that there was, in fact, a pregnancy and a childbirth. She forwarded false reports of the progress of the pregnancy and the out-of-state birth to Complainants. While Licensee appears to be another victim of SD's scam, she was the one in a position to uncover the truth. Complainants relied on her as a licensed masters level social worker and co-owner of a state-licensed adoption agency to document and verify the pregnancy and birth properly.
- g. Complainants requested copies of expenditures of their funds and documentation of the claimed counseling sessions between SD and Licensee. However, Licensee merely provided a list of claimed cash payments with no receipts and stated none of the counseling sessions were documented. Their expenses were refunded in full by Licensee.

### **Conclusions of Law**

The Complaint Review Committee concludes there is probable cause to find the following violations based upon the above facts, which are established by a preponderance of persuasive evidence.

**K.S.A. 65-6311. Grounds for suspension, limitation, revocation or refusal to issue or renew license; procedure.**

- (a) The board may suspend, limit, revoke, condition or refuse to issue or renew a license of any social worker upon proof that the social worker:
  - (9) has been found guilty of unprofessional conduct as defined by rules established by the board;

**K.A.R. 102-2-7. Unprofessional Conduct.** Any of the following acts by a licensee . . . shall constitute unprofessional conduct:

- (j) performing services clearly inconsistent or incommensurate with one's training, education, and experience and with accepted professional standards for social work.

However, Licensee and the Board mutually desire to enter a Consent Agreement and Order [CAO] 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 [KAPA] in relation to Case No. 18-MS-012.

WHEREFORE, Licensee waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Judicial Review Act [KJRA] in relation to Case No.18-MS-012.

WHEREFORE, the Board and Licensee consent and agree to enter a Consent Agreement and Order [CAO] for a period of one year so long as Licensee meets the following terms and conditions:

- (a) Licensee shall obtain an extra six CEUs on Ethics focusing on the role and responsibility of an adoption social worker within six months of the effective date of this Consent Agreement and Order and provide proof of completion to the Board's Investigator. The CEUs may be taken online.

- (b) Licensee shall write a ten-page paper in APA format on the role and responsibility of an adoption social worker and submit the paper to the Board's investigator within six months of the effective date of this Consent Agreement and Order.
- (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 above conditions could result in a determination that Licensee's Kansas Licensed Masters Social Worker license should be suspended or revoked.
- (e) 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 and as otherwise required by law, including but not limited to the Kansas Open Records Act.
- (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.
- (g) This Consent Agreement and Order constitutes the entire agreement between the Licensee and the Behavioral Sciences Regulatory Board and may be modified or amended only by written agreement signed by Licensee and a designee of the Board.

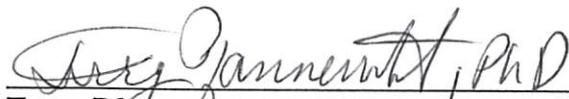
WHEREFORE, Licensee consents to the submission of this Consent Agreement and Order to the Board's Complaint Review Committee and understands that, upon approval by the Complaint Review Committee, this Consent Agreement and Order will

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. 65-6311 and K.A.R. 102-2-7 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 this 30<sup>th</sup> day of May, 2018.


  
Terry Pfannenstiel, Ph.D., ~~LCB~~ LCMFT  
Chair, Complaint Review Committee

**APPROVED AND CONSENTED TO:**

  
JoAnn Peckham, LMSW  
Licensee / Respondent

5-19-18  
Date

**APPROVED BY:**

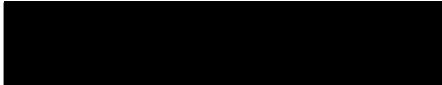
  
Richard J. Peckham, Esq.  
Counsel for Licensee / Respondent

5-19-18  
Date

**CERTIFICATE OF SERVICE**

This is to certify that on this 5 day of June, 2018, 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:

JoAnn Peckham, LMSW



Richard J. Peckham, Esq.  
Adoption Connections, Inc.  
105 E. Rhondda  
Andover, KS 67002

and a copy delivered via interoffice mail to:

Marty M. Snyder, Esq.  
Assistant Attorney General  
*Disciplinary Counsel for the Board*

*Cindy D'Ercole*  
For the Behavioral Sciences Regulatory Board