

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case Number: 2001-08702

JEFFREY DORIAN, LCSW,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Health, hereinafter referred to as "Petitioner," by and through undersigned counsel, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling against JEFFREY DORIAN, LCSW, hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of clinical social work pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes (formerly Chapter 455, part II; see Chapter 2000-160, Laws of Florida), and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed Clinical Social Worker in the State of Florida, having been issued license number SW 3382.

3. The last address of record for the Respondent is Post Office Box 292553, Davie, Florida 33329.

4. From approximately January 1996 until May 1996, SF and her three children received family counseling at the Family Counseling Center at Bair Middle School. The Respondent was the family counselor.

5. In approximately June of 1997, the Respondent and SF began a sexual relationship.

6. The personal relationship between the Respondent and SF continued until approximately April 2001.

COUNT I

7. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein this Count I.

8. Section 491.009 (2)(k), Florida Statutes (2000), states that a licensee may be subject to discipline for committing any act upon a patient or client which would constitute sexual misconduct as defined in section 491.0111, Florida Statutes, and 64B4-10.002 (2), Florida Administrative Code. Section 491.0111, Florida Statutes, states that sexual misconduct shall be defined by rule. Rule 64B4-10.002(1), Florida Administrative Code, states:

It is sexual misconduct for a psychotherapist to engage, attempt to engage, or offer to engage a client in sexual behavior, or any behavior, whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by the psychotherapist or the client of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

9. The Respondent is subject to discipline for violating Section 491.009(2)(k), Florida Statutes (2000), by committing any act that is defined as sexual misconduct by Section 491.0111, Florida Statutes, and 64B4-10.002, Florida Administrative Code.

COUNT II

10. Petitioner realleges and incorporates paragraphs one (1) through six (6) as if fully set forth herein this Count II.

11. On June 27, 1998, Respondent was issued a trespass warning and was told to vacate the community in which SF resided. Later that evening, Respondent returned to the community and was arrested for trespassing. On March 8, 1999, Respondent was arrested for burglary after he was found in SF's apartment attempting to remove a chair. On April 4, 1999, Respondent was arrested for trespassing in SF's apartment complex.

12. SF filed police reports alleging that Respondent physically assaulted her. Reports were filed on January 8, 1998, January 9, 1998 and May 4, 1998.

13. Repeated arrests for trespassing and assault show a lack of integrity, good judgment, and emotional stability.

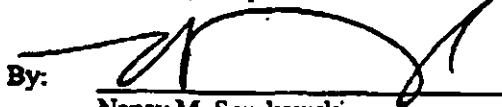
14. Entering into personal relationship with a former client creates an inappropriate dual relationship and does not meet the minimum standards of performance in professional activities.

15. The Respondent is subject to discipline for violating Section 491.009(2)(s), Florida Statutes (2000), failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance by engaging in sexual misconduct with a patient; engaging in inappropriate dual relationships with clients; and being repeatedly arrested.

WHEREFORE, Petitioner respectfully requests the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license; restriction of Respondent's practice; imposition of an administrative fine; assessment of the costs for investigation and prosecution of this matter; issuance of a reprimand; placement of the Respondent's license on probation for a period of time and subject to terms and/or conditions; corrective action; refund of fees billed and collected; remedial education; and/or any other relief which the Board deems appropriate

SIGNED this 19th day of June, 2002.


John O. Agwunobi, M. D., MBA
Secretary, Department of Health

By: 

Nancy M. Snurkowski
Chief Attorney
General Counsel's Office
Practitioner Regulation - Legal

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Vicki R. Keran
DATE 6/24/02

COUNSEL FOR PETITIONER:

Deborah B. Loucks 
Senior Attorney
Florida Attorney Number 0169889
Agency for Health Care Administration
Practitioner Regulation - Legal
Post Office Box 14229, Mail Stop #39
Tallahassee, Florida 32317-4229
(850) 487-9694

PCP: Ackord, Shyer + ZACHARY
DATE: APRIL 18, 2002

Exhibit "A"

DEPARTMENT OF HEALTH
BOARD OF MARRIAGE AND FAMILY THERAPY, LICENSED
CLINICAL WORK, AND MENTAL HEALTH COUNSELORS

DEPARTMENT OF HEALTH, ..

Petitioner.

v.

CASE NUMBER: 2001-08702
LICENSE NUMBER: SW 3382

JEFFREY DORIAN,

Respondent.

_____ /

VOLUNTARY RELINQUISHMENT OF LICENSE

To avoid the necessity of further administrative proceedings in this case, the Respondent herein files this Voluntary Relinquishment of his license to practice as a licensed Clinical Social Worker in the State of Florida, as action taken against the license, with the understanding that the Respondent will never reapply for licensure as a Clinical Social Worker in the State of Florida.

The Respondent authorizes the Board to review and examine all materials contained in the investigative file prior to or in conjunction with consideration of this relinquishment.

Should this relinquishment be rejected by the Board, it is agreed that presentation of this matter and materials to the Board shall not prejudice the Board or any of its members from further participation, consideration, or resolution of any further proceedings herein.

Upon the Board's adoption of this Voluntary Relinquishment, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the relinquishment and the Final Order of the

Board incorporating the Relinquishment. Further, the parties hereby agree that each party will bear their own attorney's fees and costs resulting from prosecution or defense of this matter.

DATED this 19th day of September, year of 2001.

Jeffrey Dorian
Jeffrey Dorian

STATE OF Florida

COUNTY OF Broward

Before me, personally appeared Jeffrey Dorian, whose identity is known to me by FL. D.L. (type of identification) and who acknowledges that his signature appears above. Sworn to or affirmed by Respondent before me this 19th day of Sept., year of 2001.

 Anthony Spina
MY COMMISSION # 00084749 EXPIRES
April 24, 2005
BONDED THRU TROY FARM INSURANCE, INC.

NOTARY PUBLIC - STATE OF Florida

Anthony Spina
Type or Print Name of Notary

By: Vicki R. Kenon
Deputy Agency Clerk

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

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2001-08702

JEFFREY DORIAN,

Respondent.

FINAL ORDER ACCEPTING VOLUNTARY RELINQUISHMENT

THIS MATTER came before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling (hereinafter the "Board") at a duly-noticed public meeting held on July 30, 2002, in Tallahassee, Florida, pursuant to Section 120.57(4), Florida Statutes, for consideration of the Administrative Complaint (attached hereto as Exhibit A) and Respondent's Voluntary Relinquishment of License (attached hereto as Exhibit B) entered into between the parties in the above styled case.

Upon consideration of the Administrative Complaint and the Voluntary Relinquishment of License in this matter, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED:

1. Respondent's Voluntary Relinquishment of License is hereby approved, adopted, and incorporated herein by reference.

2. This Order shall be placed in and become a part of Respondent's official records and shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 27th day of August, 2002.

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



Susan J. Foster
Executive Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified mail to: Jeffrey Dorian, Post Office Box, 292553, Davie, Florida 33329; Deborah Loucks, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; Lisa Pease, Senior Attorney, Agency for Health Care Administration, P.O. Box 14229, Tallahassee, Florida 32317-4229; and Edward A. Tellechea, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on this 28th day of August, 2002.





Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary

October 19, 2004

Office of the State Attorney
Seventeenth Judicial Circuit
Michael J. Satz
201 Southeast 6th Street
Fort Lauderdale, Florida 33301

Complaint #2001-08702

Subject: Jeffrey Dorian

Dear Mr. Satz:

Enclosed is a copy of a complaint and/or document that may indicate a criminal violation by a licensee regulated by the Department of Health. Pursuant to 456.066, Florida Statutes this information is being forwarded to your office for your review and disposition. This complaint was investigated by the Department of Health for a possible violation of 456.063(1) and 491.0111, Florida Statutes and Florida Administrative Code 64B4-5.001(1)(k).

Please be advised that pursuant to section 456.073(10), Florida Statutes this complaint and all information obtained during the Department's investigation are confidential and exempt from section 119.07(1), Florida Statutes, until ten (10) days after probable cause has been found to exist or the subject of the investigation waives his/her right of confidentiality, whichever occurs first. We are required, pursuant to section 456.057 (8), Florida Statutes to maintain confidentiality, at all times, of patient names, patient records and any documents that may identify the patient by name.

Please do not hesitate to contact me if I can be of further assistance to you.

Sincerely,

A handwritten signature in cursive script that reads "Sondra N. Allen".

Sondra N. Allen
Regulation Specialist III
Consumer Services Unit
Division of Medical Quality Assurance

/sna

Enclosure