

By: Alina Styer
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.: 2005-68207

License No.: MH 8356

IVAN ARSENAULT, L.M.H.C.

Respondent.

_____ /

FINAL ORDER

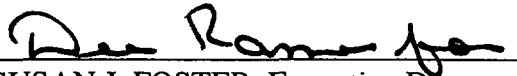
This matter appeared before the Board OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY, AND MENTAL HEALTH COUNSELING pursuant to Sections 120.569 and 120.57(4), Florida Statute, at a duly-noticed public meeting on July 28, 2006, in Tallahassee, Florida, for consideration of a Voluntary Relinquishment of License (attached hereto as Exhibit "A") executed by Respondent. Petitioner was represented by Denise O'Brien, Assistant General Counsel. Respondent was not present.

Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 28th day of August, 2006.


SUSAN J. FOSTER, Executive Director
For the Board of Clinical Social Work,
Marriage and Family Therapy, and Mental
Health Counseling

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **IVAN ARSENAULT, P.O. Box 40, San Mateo, Florida 32187**; by interoffice mail to Joy A. Tootle, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Lynette Norr**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 30 day of August, 2006.


Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,
Petitioner,**

v.

DOH Case No. 2005-68207

**IVAN ARSENALT, L.M.H.C.
Respondent.**

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent IVAN ARSENALUT, L.M.H.C., license number MH 8356, hereby voluntarily relinquishes Respondent's license to practice mental health counseling in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure under Chapter 491, Florida Statutes.
3. Respondent agrees to voluntarily cease practicing mental health counseling immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of mental health counseling until such time as this Voluntary

Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. Respondent Acknowledges that an Administrative Complaint has been filed against the Respondent alleging violation of Florida Statutes Section 491.009(1)(a).

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

The remainder of this page intentionally left blank.

DATED this 10th day of June, 2006.

DR. IVAN

Ivan Arsenault, L.M.H.C.
DOH Case No. 2005-68207
Voluntary Relinquishment of License MH 8356

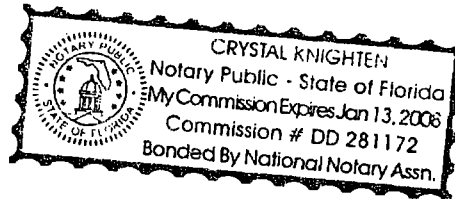
STATE OF FLORIDA
COUNTY OF Putnam

Before me personally appeared Ivan H. Arsenault, whose identity is known to me by personal knowledge or by presentation of FL DL as identification (type of identification), and who acknowledges that his or her signature appears above.

Sworn to or affirmed before me this 10th day of June, 2006.

Crystal Knighten
Notary Public

January 13, 2008
My Commission Expires



ATTORNEY FOR PETITIONER:
Lynette Norr, Ph.D., J.D.
Assistant General Counsel
Florida Bar Number 0010717
Department of Health
Prosecution Services Unit
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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2005-68207

IVAN HOLIDAY ARSENAULT, L.M.H.C.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health (Department), by and through its undersigned counsel, and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) against IVAN HOLIDAY ARSENAULT, L.M.H.C., and alleges:

1. Petitioner is the state agency charged with regulating the practice of clinical social work, marriage and family therapy, and mental health counseling pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, an applicant for licensure as a mental health counselor or licensed mental health counselor in the State of Florida, having been issued license number MH 8357 on May 27, 2005.

3. Respondent's address of record is PO Box 40, San Mateo, Florida 32187.

4. On Respondent's application for licensure as a mental health counselor in the state of Florida, signed and dated December 19, 2004, Respondent indicated that his education included a July 2000 Ph.D. in Psychology from the University of Zurich; a

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June 1996 M.A. in Philosophy from the University of Zurich; a June 1990 B.A. in Criminology from Concordia University; and a June 1987 A.S. in computer Science from McKay College.

5. Respondent provided clinical counseling to inmates at the Union Correctional Institution, Union County, Florida, from on or about June 17, 2005, until Respondent's resignation on or about October 19, 2005.

6. Respondent was not required to be licensed by the state of Florida to provide clinical counseling for the Department of Corrections, but Respondent was required to provide documentation of Respondent's credentials to perform clinical counseling.

7. Respondent provided the Department of Corrections with a Credentials Evaluation Report from World Educational Services (WES) verifying Respondent's Ph.D. in psychology from the University of Zurich.

8. At the request of the Department of Corrections, Mr. Lembo, Manager, Academic Services, World Education Services (WES), reviewed a copy of the of the Credentials Evaluation Report, reference number A-8304, submitted by Respondent to the Department of Corrections for his employment at the Union Correctional Institution.

9. Mr. Lembo identified the Evaluation Report, reference number A-8304, submitted by Respondent as a forged document for the following reasons:

- a. The Evaluation Report provided by the Respondent was not on WES paper;
- b. WES has no record in their system for an individual with Respondent's name;

- c. Canadian and US equivalencies are never stated on the same evaluation, while the Evaluation Report provided by the Respondent had both equivalencies stated;
- d. WES standardized wording for an equivalency in this case is "earned doctorate (PhD) in psychology from a regionally accredited institution," while Respondent's document used the wording "Ph.D. degree in psychology from a regional accredited institution";
- e. The Credentials Evaluation Report provided by the Respondent included reference number A-8304, but WES never uses a combination of letters and numbers in their reference numbers;
- f. A genuine WES report always lists the name of the credential in the language of origin with the English equivalent in parentheses, while the Credentials Evaluation Report provided by the Respondent stated the credential as "Doctor of Philosophy" in English;
- g. There is no course work involved in the indicated doctorate, which is earned through research and dissertation, and a genuine Credentials Evaluation Report would have included a one page report document rather than the number of course credits completed and a course-by-course evaluation as presented in the document provided by the Respondent;
- h. All WES evaluations have a WES official stamp affixed to the lower right corner, whereas the document Respondent provided lacked an official

stamp and instead had a handwritten note that the original document had a WES stamp in the lower left corner.

10. As part of Respondent's application for licensure in Florida as a mental health counselor, Respondent submitted a Credentials Evaluation Report from World Education Services (WES) verifying Respondent's Ph.D. from the University of Zurich.

11. WES is an approved institution used by the Department for the verification of academic credentials of licensure applicants who have received their degrees from institutions outside of the United States or Canada.

12. The Credentials Evaluation Report submitted by Respondent to the Department of Corrections and faxed by the Department of Corrections to WES for review is a copy of the same Credentials Evaluation Report submitted by Respondent to the Department for verification of Respondent's credentials for licensure as a mental health counselor.

13. In a document signed by the Respondent and dated December 19, 2004, Respondent certified that his answers and all statements made by the Respondent therein are true and correct, and that Respondent agreed that furnishing any false information on the application shall constitute cause for denial, suspension, or revocation of any license to practice in the State of Florida for the profession for which he is applying.

14. The Department reviewed Respondent's licensure application, but did not identify the WES Credentials Evaluation Report submitted by the Respondent as a forgery.

COUNT ONE

15. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth in this count.

16. Section 491.009(1)(a), Florida Statutes (2004), provides that attempting to obtain, obtaining, or renewing a license, registration, or certificate under this chapter by bribery or fraudulent misrepresentation or through an error of the board or the department, constitutes grounds for disciplinary action by the Board.

17. Respondent violated Section 491.009(1)(a) Florida Statutes (2004) by fraudulently misrepresenting that Respondent held a Ph.D. degree in psychology from the University of Zurich.

18. Respondent violated Section 491.009(1)(a) Florida Statutes (2004) by obtaining a license to practice mental health counseling through an error by the Department or the Board which occurred when the Department accepted Respondent's Credentials Evaluation Report as genuine, when it was not genuine.

19. Based on the foregoing, Respondent violated Section 491.009(1)(a), Florida Statutes (2004), by obtaining a license under this chapter by fraudulent misrepresentation or through an error of the board or the department.

COUNT TWO

20. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth in this count.

21. Section 456.072(1)(o), Florida Statutes (2004, 2005), provides that practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the

licensee is not competent to perform, constitutes grounds for disciplinary action by the Board.

22. Respondent knew that Respondent did not have the academic credentials required to perform clinical counseling, because Respondent forged documents used to verify Respondent's academic credentials.

23. Respondent provided clinical counseling to inmates at the Union Correctional Institution when the Respondent did not have the academic training required to provide clinical counseling.

24. Based on the foregoing, Respondent violated Section 456.072(1)(o), Florida Statutes (2004), by accepting and performing professional responsibilities the licensee knows or has reason to know the licensee is not competent to perform.


WHEREFORE, the Petitioner respectfully requests that the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 10th day of May, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Jhensia McLean*
DATE 5-11-06

By:


Lynette Norr, Ph.D.
Assistant General Counsel
Florida Bar Number 0010717
Department of Health
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 245-4640
(850) 245-4682 FAX

PCP Date: April 20, 2006
PCP-2 Members: Zachary, Shyers, Adejokun-Ojo

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.