

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2006-42503

RICHARD CHARLES, L.M.F.T.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, 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 Richard Charles, L.M.F.T., 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, a licensed marriage and family therapist in the State of Florida, having been issued license number LMT 2029.

3. Respondent's address of record is 3608 SW 58th Avenue, Hollywood, Florida, 33023.

10/22/07

4. On or about December 4, 2006, Respondent was employed by Jewish Community Services working as a therapist in Ms. D's classroom at Horace Mann Middle School.
5. The Respondent's duties involved providing individual and group counseling services to all students enrolled in 3 EH classrooms at Horace Mann Middle School.
6. The Respondent was asked by the Behavior Management Teacher to spend some time in a Ms. D's classroom to redirect students' misbehaviors as they occurred.
7. On or about December 4, 2006, AV, a student in Ms. D's classroom, got out of his chair, went to the teacher's desk, took the Respondent's folder, and hid it while the Respondent was not looking.
8. AV had taken the Respondent's folder several times in the past.
9. When the Respondent realized that his folder was missing, the Respondent asked AV where he had placed the Respondent's folder.
10. AV advised the Respondent that he had put the Respondent's folder on the floor, under a desk.
11. The Respondent asked AV to pick up the Respondent's folder and put it back on the teacher's desk.
12. AV then picked up the Respondent's folder from under the desk and then dropped the folder on the floor on purpose several times while laughing and saying "look, it keeps falling on the floor."

13. The Respondent, in an attempt to be firm and to get AV to discontinue his behavior, went towards AV and held AV's head area, and told AV not to touch the Respondent's "stuff."

14. AV then became upset at the Respondent and began trying to hit the Respondent.

15. The Respondent then held AV's shoulders so that none of AV's punches would hit the Respondent.

16. Section 491.009(1)(r), Florida Statutes (2006) provides that failure to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee, registered intern, or certificate holder is not qualified by training or experience, constitutes grounds for disciplinary action by the Board.

17. Respondent failed to meet minimum standards of performance in professional activities when measured against generally prevailing peer performance when he placed his hands around AV's head and shoulder area.

18. Based on the foregoing, Respondent violated Section 491.009(1)(r), Florida Statutes (2006), by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance.

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 22nd day of October, 2007.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

Cynthia L. Jakeman

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Reginald Cotton*
DATE 10/22/07

PCP Date: 10-11-07
PCP Members: Zachary/Adejokun-ojo/shyers

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.