

Final Order No. DOH-07-2512-5-MOA
FILED DATE - 11-20-07
Department of Health
By: Rebecca PS
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.: 2007-02804

License No.: MH 1237

HERBERT B. WETTLIN, 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 October 26, 2007, in Tampa, Florida, for consideration of a Voluntary Relinquishment of License (attached hereto as Exhibit "A") executed by the Respondent in this cause. 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 otherwise being 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 take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 19th day of November, 2007.

Cynthia Ritter for

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 **HERBERT B. WETTLIN, L.M.H.C., 2104 E. 54th St., Sioux Falls, SD 57103-5419** and **c/o Jodeen Hobbs, Esq., 1818 Market St., Ste. 3402, Philadelphia, PA 19103**; by interoffice mail to **Joy A. Tootle**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Cynthia Jakeman**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 this 20th day of November, 2007.

Jackie Ryce

Deputy Agency Clerk

McKenzie, Robin L

From: Foster, Sue
Sent: Monday, November 19, 2007 11:13 AM
To: Robison, Helaine; Sanders, Sylvia (MQA)
Cc: Robison, Stephanie; Ramer, Dee; McKenzie, Robin L; Ritter, Cynthia
Subject: Delegated Authority

While I am out of the office on November 19, 2007, Cindy Ritter is delegated authority to act on my behalf.

Susan J. Foster, Executive Director
Department of Health-Medical Quality Assurance
850/245-4474-telephone
850/921-5389-fax
www.doh.state.fl.us/mqa
sue_foster@doh.state.fl.us

How am I communicating? [Please contact my manager](#)

Learn more about MQA's online services by visiting us at www.flhealthsource.com

Mission: Promote, protect and improve the health of all people in Florida.

Vision: A healthier future for the people of Florida.

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2007-02804

HERBERT B. WETTLIN, L.M.H.C.,

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Herbert B. Wettlin, L.M.H.C., license number, MH 1237, hereby voluntarily relinquishes Respondent's license to practice as a mental health counselor 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 as a licensed mental health counselor in the State of Florida immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from practicing as a licensed mental

health counselor until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10), Florida Statutes.

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.

DATED this 25 day of August, 2007.


Herbert B. Wettlin, L.M.H.C.

STATE OF:
COUNTY OF:

Before me, personally appeared _____, whose identity is known to me by _____ (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this _____ day of _____, 2007.

NOTARY PUBLIC

My Commission Expires:

Name L. Shaker Title Case Manager
Authorized by Act of July 7, 1955
As Amended to Administer Oaths
(18 USC 4004)



**STATE OF FLORIDA
DEPARTMENT OF HEALTH
INVESTIGATIVE REPORT**

Office: Area VI Tampa		Date of Complaint: 01-30-07		Complaint Number: LMT 2007-02804	
Subject: HERBERT BROOKS WETTLIN, L.M.T. 2104 E. 54 TH Street Sioux Falls, SD 57103-5419*			Source: JAMES M. REINACH, L.M.T. 309 S. Fielding Avenue Tampa, FL 33606 PH: 813 251-2922		
Prefix: LMT	License #: 1237	Profession: Licensed Mental Health Counselor	Board: Licensed Mental Health Counselor	Report Date: 04-24-07	
Period of Investigation: 02-09-07 through 04-24-07			Type of Report: FINAL		
<p>Alleged Violation: F.S. 456.072(1(x) and 491.009(1)(c) (r): Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. ...Being convicted or found guilty of a crime in any jurisdiction which directly relates to the practice of his or her profession...Failing to meet the minimum standards of performance in professional activities...</p>					
<p>Synopsis: This investigation is predicated upon receipt of a U. C. F. based upon a complaint from JAMES M. REINACH, a sixty year old male, who alleges WETTLIN has failed to meet the standards of performance in professional activities, due to being convicted or found guilty of, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of his profession. On 11-20-06, WETTLIN pled guilty to two counts of a Federal Indictment which charged him with health care fraud and mail fraud in the United States District Court in Sioux Falls, South Dakota. In December of 2006, REINACH received a call from WETTLIN asking him to become a subcontractor counselor for his company, "A Center for Positive Growth". WETTLIN offered REINACH terms similar to those described in the court case from South Dakota.</p>					
<p>WETTLIN was notified of the investigation by letter (Exhibit #2), dated 02-09-07 to the address of record and address developed. He was provided a copy of the U.C.F. and complaint (Exhibit #1).</p>					
<p>A check of DOH computer licensure records revealed that WETTLIN is currently licensed as a Licensed Mental Health Counselor, license delinquent and inactive. A copy of WETTLIN'S licensure certificate printout is attached (Exhibit #3).</p>					
<p>WETTLIN is currently represented by JODEEN M. HOBBS, Miller, Alfano & Raspanti, P.C., 1818 Market Street, Suite 3402, Philadelphia, PA 19103, PH: 215 972-6400. (Exhibit #7)</p>					
<p>On 04-10-07, Investigator WILLIAMS received via facsimile and U. S. Mail a letter of response from HOBBS/WETTLIN. In summary, the allegations were admitted. (Exhibit #8)</p>					
<p>*-Additional addresses developed: 1865 B. Higby Drive, Stow, Ohio, 44224.</p>					
Related Complaints: None					
Investigator/Date: 04-24-07 James L. Williams, Jr. Medical Malpractice Investigator TI-120			Approved By/ Date: Richard Hess Investigation Manager		
HQ/ISU			<p align="right">RECEIVED APR 26 2007 Investigative Services DOH - MQA - MQ</p>		
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