

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF CLINICAL SOCIAL WORK, MARRIAGE  
AND FAMILY THERAPY AND MENTAL HEALTH COUNSELING

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO. 90-11694

EDWIN R. AILES, JR.,

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, against EDWIN R. AILES, JR., hereinafter referred to as "Respondent", and alleges:

1. Petitioner, Department of Professional Regulation, is the State agency charged with regulating the practice of clinical social work, marriage and family therapy and mental health counseling, pursuant to Section 20.30, Chapter 455, and Chapter 491, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed marriage and family therapist, license number MT 140, whose address of record is 311 Williams Avenue, Port St. Joe, Florida 32456.

3. The Respondent diagnosed and made assessments for Patient #1, a minor child.

4. The Respondent's diagnosis and assessment of Patient #1 was lacking, in that:

a. When Patient #1 was staffed by the Port St. Joe School Board Exceptional Education group on or about August 8, 1986, the Respondent's report contained a diagnosis of Special Learning Disability and Emotionally Handicapped. Approximately one (1) month later, on or about September 16, 1986, another staffing report indicated Patient #1 was now "severely emotionally handicapped" and referred to the Gulf Coast Guidance Clinic for placement.

b. The Respondent did not provide an intake evaluation for Patient #1 until on or about March 30, 1987, approximately six (6) months after referral to Gulf Coast Guidance Clinic.

c. A social worker's intake interview revealed a diagnosis for Patient #1 of Attention Deficit Disorder with Hyperactivity. The Respondent's evaluation of December, 1987 made no reference to this diagnosis, nor the specific learning disability and emotionally handicapped classification noted on the August 16, 1986 contract for services for Patient #1 between Gulf Coast Guidance Clinic and the School Board.

d. The Respondent failed to meet the minimum standards of his profession by either not conducting a thorough evaluation of Patient #1 himself before placement at the Gulf Coast Guidance Clinic, or by not requesting a consultation for such an evaluation.

e. The Respondent failed to meet the minimum standards of performance in his profession by not clearly informing the parents of Patient #1 of their options regarding his treatment.

f. The Respondent failed to adequately monitor his clinic's support staff in that a Time-out Room was not utilized appropriately.

COUNT I

5. The Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

6. Based upon the foregoing, the Respondent has violated Section 491.009(2)(s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance by failing to insure a current evaluation of Patient #1 was performed prior to entering into a contract for treatment for this patient.

COUNT II

7. The Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

8. Based upon the foregoing, the Respondent has violated Section 491.009(2)(s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance by conducting an improper evaluation of Patient #1 for placement in the Severely Emotionally Disturbed Program.

COUNT III

9. The Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

10. Based upon the foregoing, the Respondent has violated Section 491.009(2)(s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when

measured against generally prevailing peer performance by failing to ensure informed consent by the parents of Patient #1.

COUNT IV

11. The Petitioner realleges and incorporates by reference the allegations set forth in the above paragraphs.

12. Based upon the foregoing, the Respondent has violated Section 491.009(2)(s), Florida Statutes, by failing to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance by failing to adequately monitor his support staff's utilization of the Time out Room at the clinic.

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 the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief the Board deems appropriate.

SIGNED this 24th day of May, 1991.

George Stuart  
Secretary

**FILED**  
Department of Professional Regulation  
AGENCY CLERK

S. D. Wilson

CLERK

DATE

5-24-91

[Signature]  
BY: Charles F. Tunnicliff  
for Chief Attorney

COUNSEL FOR DEPARTMENT:

Laura P. Gaffney  
Senior Attorney  
Department of Professional  
Regulation  
Northwood Centre  
1940 North Monroe Street  
Suite 60  
Tallahassee, Florida 32399-0792  
904/488-0062

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STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY  
AND MENTAL HEALTH COUNSELING

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

DPR CASE NO.: 90-11694

EDWIN R. AILES, JR.,

Respondent.

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STIPULATION

Pursuant to Section 120.57(3), Florida Statutes, the above-named parties hereby offer this stipulation to the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, as disposition of the Administrative Complaint attached hereto as exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Stipulation is issued by the Board and filed. In considering this Stipulation, the Board may review all investigative materials regarding this case. If this Stipulation is rejected, it, and its presentation to the Board, shall not be used against either party.

STIPULATED FACTS

1. Respondent neither admits nor denies the allegations of fact contained in the administrative complaint.
2. For all times pertinent herein, Respondent was a licensed marriage and family therapist in the State of Florida, having been issued license number MT 140.

STIPULATED LAW

3. Respondent neither admits nor denies that the stipulated facts constitute violations of law as charged in the Administrative Complaint.

STIPULATED DISPOSITION

4. The Respondent shall be present when this Stipulation is presented to the Board, and under oath shall answer questions by the Board concerning this case and the disposition thereof.

5. Respondent hereby waives any rights to appeal or further review of the Stipulation made herein.

6. Respondent hereby waives any claims for attorneys fees generated by this case.

7. Respondent shall not violate Chapters 455 and 491, Florida Statutes, or the Rules promulgated thereunder.

8. The Respondent shall pay Administrative Costs of five hundred dollars (\$500) to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health within thirty (30) days of the filing of a Final Order adopting this Stipulation. These costs are specifically not dischargeable in bankruptcy.

9. The Respondent no longer engages in educational assessments. Prior to engaging in such activities in the future, he shall attend and successfully complete twenty (20) hours of continuing education in the field of educational assessment.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

John R. Allen  
RESPONDENT

Dec 4, 1991  
Date Signed

Sworn to and subscribed  
before me this 4<sup>th</sup> day of  
December, 1991.

W. J. Park  
Notary Public  
My Commission Expires July 11, 1994  
BONDED THRU GENERAL INS. UND.

Approved this 6<sup>th</sup> day of December, 1991.

George Stuart  
Secretary

Charles F. Tunnick  
BY: Charles F. Tunnick  
Chief Attorney

16  
LPG/pr  
5/21/91

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY THERAPY  
AND MENTAL HEALTH COUNSELING

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

DPR CASE NO.: 90-11694

EDWIN R. AILES, JR.,

Respondent.

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**COUNTER-STIPULATION**

Pursuant to Section 120.57(3), Florida Statutes, the above-named parties hereby execute this Counter-stipulation offered by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, as disposition of the Administrative Complaint attached hereto as exhibit "A", in lieu of any other administrative proceedings. The terms herein become effective only if and when a Final Order accepting this Counter-stipulation is issued by the Board and filed. In considering this Counter-stipulation, the Board has reviewed all investigative materials regarding this case.

**STIPULATED FACTS**

1. Respondent neither admits nor denies the allegations of fact contained in the administrative complaint.
2. For all times pertinent herein, Respondent was a licensed marriage and family therapist in the State of Florida, having been issued license number MT 140.

**STIPULATED LAW**

3. Respondent neither admits nor denies that the stipulated facts constitute violations of law as charged in the Administrative Complaint.

**STIPULATED DISPOSITION**

4. The Respondent was present when this Counter-stipulation was offered by the Board, and under oath answered questions by the Board concerning this case and the disposition thereof.

5. Respondent hereby waives any rights to appeal or further review of the Counter-stipulation herein.

6. Respondent hereby waives any claims for attorneys fees generated by this case.

7. Respondent shall not violate Chapters 455 and 491, Florida Statutes, or the Rules promulgated thereunder.

8. The Respondent shall pay Administrative Costs of five hundred dollars (\$500) to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health within thirty (30) days of the filing of a Final Order adopting this Counter-stipulation. These costs are specifically not dischargeable in bankruptcy.

9. The Respondent no longer engages in evaluations of educational assessment. Prior to engaging in such activities in the future, he shall attend and successfully complete appropriate graduate level coursework - a minimum of three (3) semester hours in regard to evaluation of educational assessments. Evaluations of educational assessments are only those evaluations of educational assessments conducted by other persons.

WHEREFORE, the parties hereto request the Board to enter a Final Order accepting and implementing the terms contained herein.

Edwin R. Ailes  
RESPONDENT

2/20/92  
Date Signed


Sworn to and subscribed  
before me this 20<sup>th</sup> day of  
February, 1992.

Shawn E. Evans  
Notary Public  
My Commission Expires: 5/21/92

Approved this 25<sup>th</sup> day of February, 1992.

George Stuart  
Secretary

Charles F. Tunnicliffe  
BY: Charles F. Tunnicliffe  
Chief Attorney

  
LPG/pr  
5/21/91-2/3/92

~~CONFIDENTIAL~~

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF CLINICAL SOCIAL WORK, MARRIAGE AND FAMILY  
THERAPY AND MENTAL HEALTH COUNSELING

80a.  
**FILED**  
Department of Professional Regulation  
AGENCY CLERK

CLERK \_\_\_\_\_  
*E. J. Wilson*

DATE 3-27-92

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

DPR CASE NO.: 90-11694

EDWIN R. AILES, JR.,

Respondent.

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FINAL ORDER

Respondent, Edwin R. Ailes, Jr., holds Florida License Number: MT 140, as a marriage and family therapist. Petitioner has filed an administrative complaint seeking suspension, revocation, or other action against the license.

Petitioner and Respondent stipulated to a disposition of this case and the stipulation was presented to the Board at a meeting held on January 31, 1992, in Orlando, Florida. The Board rejected the stipulation and offered a counter-stipulation. The Petitioner and Respondent have each signed and accepted this counter-stipulation. The counter-stipulation is attached to and made a part of this order. This proceeding is therefore informally disposed of pursuant to Section 120.57(3), Florida Statutes and it is ORDERED as provided in the counter-stipulation, that:

1. Respondent shall pay administrative costs of five hundred dollars (\$500) to the Executive Director of the Board of Clinical Social Work, Marriage and Family Therapy, and Mental

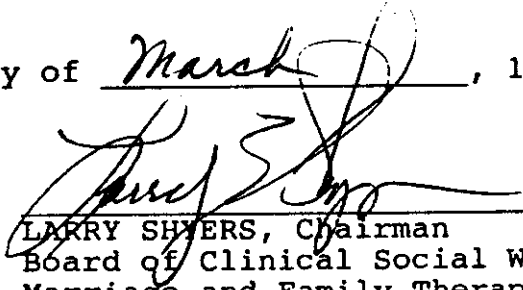
Health within thirty (30) days of the filing of the Final Order adopting this Counter-stipulation. These costs are specifically not dischargeable in bankruptcy.

2. Respondent shall no longer engage in evaluations of educational assessment. Prior to engaging in such activities in the future, he shall attend and successfully complete appropriate graduate level coursework, that is, a minimum of three (3) semester hours in regard to evaluation of educational assessments. Evaluations of educational assessments are only those evaluations of educational assessments conducted by other persons.

This order shall become effective upon filing with the clerk of the Department of Professional Regulation.

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that they may appeal this final order by filing one copy of a notice of appeal with the clerk of the agency and by filing the filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty (30) days of the date this order is filed.

DONE AND ORDERED this 20th day of March, 1992.

  
LARRY SHYERS, Chairman  
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 order has been sent to Edwin R. Ailes, Jr., 311 Williams Avenue, Port St. Joe, Florida 32456 and William J. Rish, Esquire, 303 4th Street, Port St. Joe, Florida 32456 by United States Mail and to Laura P. Gaffney, Esquire, Department of Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0774, at or before 5:00 p.m., this 30<sup>th</sup> day of March, 1992.

Shawn Grant