

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M Wells Building  
160 East 300 South  
P O Box 146741  
Salt Lake City UT 84114-6741  
Telephone (801) 530-6628

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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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IN THE MATTER OF THE LICENSE OF	.	NOTICE OF AGENCY ACTION
PATRICIA JEAN MOUNTEER	.	AND ORDER TO
TO PRACTICE AS A	.	SHOW CAUSE HEARING
SUBSTANCE ABUSE COUNSELOR	.	
IN THE STATE OF UTAH	.	Case No DOPL-OSC-2006-25

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THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO  
Patricia Jean Munteer ("Respondent"), , Woods  
Cross UT 84087

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action and Order to Show Cause Hearing. Said action is based upon the Division's Verified Motion for Order to Show Cause, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein shall be conducted on a formal basis. It is maintained under the jurisdiction and authority of the Division as set forth in §58-1-401(2). Pursuant to Utah Code Ann §§ 63-46b-6(1) and 63-46b-1(9), and for good cause appearing, **you are required to file a written response with the Division within twenty (20) days of the mailing date of this notice.** The response you file may be helpful in clarifying, refining or narrowing the facts and violations alleged in the Verified Petition.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance of Counsel and until that Entry of Appearance is filed, the presiding officer will deal directly with you.

Based upon the allegations in the Division's Verified Motion for Order to Show Cause that you have violated an Order of the Division and have thereby engaged in unprofessional conduct, and good cause appearing, you are hereby ordered to appear at the date, time and place set forth below to show cause why your license to practice as a substance abuse counselor in the State of Utah should not be suspended, revoked, or subjected to further disciplinary action

You are entitled by law to an evidentiary hearing regarding this Order to Show Cause as to why your license to practice as a substance abuse counselor in the State of Utah should not be suspended, revoked or subjected to further disciplinary action. Unless otherwise specified by the Director of the Division, the Substance Abuse Counselor Licensing Board will serve as fact finder in the evidentiary hearing

Notice is hereby given that said hearing will be held on the following date and time in Conference Room 475, of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

November 7, 2007

10:00 a.m

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder. After the hearing, unless otherwise specified by the Director of the Division, the fact finder will issue findings of fact, conclusions of law and a recommended order to the Director of the Division of Occupational and Professional Licensing for his review and action

The presiding officer for purposes of conducting hearings will be J Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701. His telephone number is (801) 530-6648

Upon your timely filing of a written response to this Notice of Agency Action and Order to Show Cause as set forth above, Judge Eklund will conduct a prehearing conference with you or your attorney and counsel for the Division at the request of either party. At that prehearing conference Judge Eklund will determine the extent to which this action is contested and will make such orders as deemed appropriate

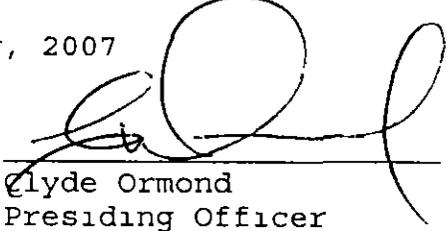
Counsel for the Division is Shelley Wismer, Assistant Attorney General, at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872

You or your attorney may attempt to negotiate a settlement of this case without proceeding to a hearing by contacting Ms Wismer

Should you fail to timely file a written response as set forth above, or fail to attend or participate in any scheduled hearing in this case, including any prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of this Order to Show Cause may be imposed against you. The maximum administrative sanction in this case is revocation of licensure.

Please conduct yourself accordingly

Dated this 17 day of September, 2007

  
Clyde Ormond  
Presiding Officer

SHELLEY K WISMER (3824)  
Assistant Attorney General  
MARK L SHURTLEFF (4666)  
UTAH ATTORNEY GENERAL  
Commercial Enforcement Division  
P O Box 140872  
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Salt Lake City, Utah 84114-0872  
Telephone. (801) 366-0310  
FAX Number (801) 366-0315

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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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<p><b>IN THE MATTER OF THE LICENSE OF PATRICIA MOUNTEER TO PRACTICE AS A SUBSTANCE ABUSE COUNSELOR IN THE STATE OF UTAH</b></p>	<p><b>VERIFIED MOTION FOR ORDER TO SHOW CAUSE</b></p>
	<p>Case No DOPL OSC 2006-25</p>

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The State of Utah, Department of Commerce, Division of Occupational and Professional Licensing (the "Division"), through Shelley K Wismer, Assistant Attorney General, moves for an order requiring Patricia Munteer ("Respondent"), to appear at a time and date certain and to show cause, if any, as to why the probation of Respondent's license should not be revoked and why Respondent's residual right to reinstate her expired license to practice as a Substance Abuse Counselor in the State of Utah should not be revoked for Respondent's failure to comply with the terms and conditions of the Memorandum of Understanding and Order (the "MOU") entered in the

above-entitled matter on February 7, 2006. The factual allegations in this Motion are based upon the Division's information and belief arising out of its tracking of Respondent's probation and Respondent's compliance or lack thereof with the February 7, 2006 Memorandum of Understanding and Order. This motion is based on the factual allegations and legal argument set forth below.

#### FACTUAL ALLEGATIONS

1 Pursuant to the MOU entered on February 7, 2006, the Division issued Respondent a probationary license to act as a Substance Abuse Counselor in the State of Utah, subject to specified terms and conditions in effect for a period of two years. A copy of that MOU is attached as "Exhibit A" and incorporated herein by reference.

2 The MOU provides that if Respondent violates any term or condition of the MOU, the Division may, after giving Respondent notice and the opportunity to be heard, revoke Respondent's probation and proceed against Respondent, including imposing appropriate sanctions on Respondent's license, in the manner provided by law. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

3 Respondent did not complete the continuing education required to renew her Substance Abuse Counselor license and did not apply to renew that license, which license then expired on May 31, 2007.

4 Respondent has not been working in the field of Substance Abuse Counseling for more than a year.

5 Respondent has violated the terms and conditions of the February 7, 2006 MOU in the following respects

a Respondent has not completed the 10 hours of Board-approved continuing education that she was ordered to complete in addition to the required amount of continuing education for license renewal,

b Respondent has failed to submit monthly reports since April 6, 2006, and

c Respondent did not comply with the instruction from the Licensed Substance Abuse Counselor Licensing Board ("the Board") that she submit to the Board a letter from First Step House terminating her employment with that facility

#### LEGAL ARGUMENT

Because Respondent has violated the terms and conditions of the February 7, 2006 Memorandum of Understanding, she has engaged in "unprofessional conduct" as provided in Utah Code Ann § 58-1-501(2)(a) The law further provides that the Division may revoke, suspend, restrict, place on probation, or otherwise act upon the license of an individual who has engaged in "unprofessional conduct " Utah Code Ann § 58-1-401(2)(a)

The Division has shown good cause for this motion If Respondent fails to show why Respondent's probation and her residual right to reinstate her expired license to practice as a Substance Abuse Counselor in the State of Utah should not be revoked,

the Division requests that a subsequent order be issued revoking Respondent's residual right to reinstate her expired license

DATED this 13th day of September, 2007

MARK L SHURTLEFF  
ATTORNEY GENERAL

  
SHELLEY K WISMER  
Assistant Attorney General

VERIFICATION

STATE OF UTAH            )  
  ss  
COUNTY OF SALT LAKE )

Noel Taxin, first being duly sworn, states as follows

1       I am a Bureau Manager for the Utah Division of Occupational and Professional Licensing and am assigned to oversee matters of State administration and regulation pertaining to Substance Abuse Counselors

2       I have read the foregoing motion including the section entitled "Factual Allegations " All of the factual allegations contained in that "Factual Allegations" section are true to the best of my knowledge, information, and belief

DATED this 13 day of September, 2007

  
NOEL TAXIN  
Bureau Manager  
Division of Occupational and  
Professional Licensing

Subscribed and sworn to before me this 13 day of September, 2007

*Carol W Inglesby*

NOTARY PUBLIC

2006-25-OSC

