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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  
**KATHRYN LOUISE PARMLEY**  
TO PRACTICE AS A  
SPEECH-LANGUAGE PATHOLOGIST  
IN THE STATE OF UTAH

**NOTICE OF AGENCY ACTION**

Case No. DOPL-2007-198

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THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO  
Kathryn Louise Parmley ("Respondent"), Layton UT  
84040

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action. Said action is based upon the Verified Petition of John Schroen, Investigator, State of Utah, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein is to be conducted on a formal basis. **Within thirty (30) days of the mailing date of this Notice, you are required to file a written response with this Division.** 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 and until that Entry of Appearance is filed, the presiding officer will deal directly with you.

You are entitled by law to an evidentiary hearing to determine whether your license to practice as a speech-language pathologist in the State of Utah should be subject to a disciplinary action. Unless otherwise specified by the Director of the Division, the Speech-Language Pathology and Audiology

Board will serve as fact finder in the evidentiary hearing. You will be notified by separate notice of the date, time, and place of that evidentiary hearing and of any other hearings.

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.

Counsel for the Division in this case is Karl G. Perry, Assistant Attorney General at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872. Within ten (10) days after the filing of your response, Mr. Perry will request the scheduling of a prehearing conference.

You, or if you have an attorney, your attorney, may attempt to negotiate a settlement of the case without proceeding to a hearing by contacting Mr. Perry.

Should you fail to timely file a response, as set forth above, or fail to attend or participate in any scheduled hearing in this case, including 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 the Verified Petition may be imposed against you. The maximum administrative sanction in this case is revocation of licensure.

Please conduct yourself accordingly.

Dated this 19<sup>th</sup> day of September, 2007

  
\_\_\_\_\_  
Dan S. Jones  
Bureau Manager



The allegations against Respondent in this Petition are based upon information and belief arising out of that investigation

Each cause of action in this Petition shall be deemed to incorporate by reference the allegations set forth in the other paragraphs of the Petition

#### PARTIES

1 The Division is a division of the Department of Commerce of the State of Utah as established by UTAH CODE ANN § 13-1-2 (West 2004)

2 At all times material to the allegations contained herein, Respondent was licensed by the Division as a Speech – Language Pathologist under the Speech – Language Pathology and Audiology Licensing Act

#### STATEMENT OF ALLEGATIONS

3 On or about May 14, 2007 Respondent was convicted on a plea of guilty in the Second Judicial District Court, State of Utah of two charges of Sexual Battery (UCA 76-9-702 3), both charges being Class A misdemeanors

4 The charges that Respondent pled guilty to are a result of instances of improper sexual contact that Respondent had with G S (name withheld to preserve confidentiality) G S was a minor child suffering with mild retardation that Respondent was tutoring and assisting with his reading difficulties

#### APPLICABLE LAW

5 UTAH CODE ANN § 58-1-401(1) (West 2004) authorizes the Division to "revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title "

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6 UTAH CODE ANN § 58-41-5 (West 2004) provides in pertinent part

To obtain and maintain a license as a speech – language pathologist or audiologist, the applicant must

(2) be of good moral character[ ]

6 The Division may revoke, suspend or restrict the license of any licensee who

(a) has engaged in unprofessional conduct, as defined by statute or rule under this title[ ]

UTAH CODE ANN § 58-1-401(2) (West 2004)

7 “Unprofessional conduct” includes

(c) engaging in conduct that results in conviction of, or a plea of nolo contendere to, a crime of moral turpitude or any other crime that, when considered with the functions and duties of the occupation or profession for which the license was issued or is to be issued, bears a reasonable relationship to the licensee's or applicant's ability to safely or competently practice the occupation or profession,

UTAH CODE ANN § 58-1-501(2)(c) (West 2004)

FIRST CAUSE OF ACTION

FAILURE TO MAINTAIN LICENSE QUALIFCAITONS

9 Respondent was convicted of a crime that demonstrates a lack of good moral character Therefore, Respondent has failed to continue to meet the qualifications for licensure Accordingly, an appropriate basis exists to take action against her license under UTAH CODE ANN § 58-1-401(1) (West 2004)

SECOND CAUSE OF ACTION

UNPROFESSIONAL CONDUCT

11 Respondent was convicted of a crime that, when considered with the functions and duties of a Speech – Language Pathologist bears a reasonable relationship to Respondents ability to act safely in her professional practice, as described in Paragraph 3 Therefore, Respondent has engaged in “unprofessional conduct” as defined under UTAH CODE ANN § 58-1-501(2)(c) (West 2004), invoking sanctions against his license pursuant to UTAH CODE ANN § 58-1-401(2)(a) (West 2004)

WHEREFORE, the Division requests the following relief

1 That Respondent be adjudged and decreed to have engaged in the acts alleged herein,

2 That by engaging in the above acts, Respondent be adjudged and decreed to have violated the provisions of the Division of Occupational and Professional Licensing Act, and the Speech – Language Pathology and Audiology Licensing Act, and

3 That an Order be issued revoking Respondent’s license to practice as a Speech – Language Pathologist or for any other appropriate sanctions against Respondent’s license to practice as a Speech – Language Pathologist in the State of Utah in accordance with the provisions of Utah Code Ann § 58-1-401(2)(a)(West 2004 as the Court deems just and reasonable

DATED this 17<sup>th</sup> day of September, 2007

MARK L SHURLEFF  
UTAH ATTORNEY GENERAL

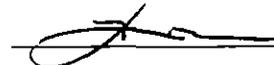
  
KARL G PERRY  
Assistant Attorney General

STATE OF UTAH )  
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 ) SS  
 )  
COUNTY OF SALT LAKE )

On the 19 day of September, 2007, personally appeared before me  
John Schroen, an investigator with the Utah Division of Occupational and  
Professional Licensing, who after being duly sworn, deposes and says that he  
has read the foregoing Petition and knows the contents thereof, that the same is  
true to the best of his knowledge except as to matters stated on information and  
belief and that, as to those matters, he believes them to be true

  
\_\_\_\_\_  
John Schroen

SWORN AND SUBSCRIBED to before me this 19 day of September, 2007

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires  
4/1/2011

