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

IN THE MATTER OF THE LICENSE OF	)	<b>SURRENDER</b>
<b>STEPHEN DALE MATHERLY</b>	)	<b>STIPULATION AND ORDER</b>
TO PRACTICE AS A LICENSED	)	
CLINICAL SOCIAL WORKER	)	CASE NO DOPL 2008-- 177
IN THE STATE OF UTAH	)	

**STEPHEN DALE MATHERLY** ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows

1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily

3 Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter

4 Respondent understands that Respondent is entitled to a hearing before the State of Utah's Social Worker Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent hereby waives all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R156-46b-12 through R156-46b-15

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent, to other persons and entities

7 Respondent admits the following facts are true

- (a) On Respondent was first licensed as a licensed clinical social worker in the State of Utah on or about June 27, 1997

- (b) From 2004 until about November 2005 Respondent had a therapeutic clinical relationship with and provided mental health therapy to his client Jane Doe (name withheld for purposes of confidentiality), a person born on August 16<sup>th</sup> (for purposes of future identification)
- (c) Respondent diagnosed Jane Doe with depression Jane Doe receives disability payments related to her mental health condition and has been hospitalized numerous times for mental breakdowns and a suicide attempts
- (d) During their clinical relationship Respondent and Jane Doe engaged in sexual activity several times at Respondent's office, in Respondent's car, and at Jane Doe's residence
- (e) Following the termination of the therapeutic clinical relationship in November 2005, Respondent continued to engage in a dual relationship and maintain inappropriate boundaries with Jane Doe by buying Jane Doe meals and personal gifts such as a TV antenna, a space heater, and make-up, making frequent telephone calls, home visits, and transporting Jane Doe places
- (f) Respondent resumed engaging in sexual activity with Jane on multiple occasions beginning in approximately August 2007
- (g) Respondent understands and acknowledges that Jane Doe is a former client of his who is especially vulnerable or susceptible to being disadvantaged because of Jane Doe's personal history, Jane Doe's current mental status, and conditions which could reasonably be expected to place Jane Doe at a disadvantage recognizing the power imbalance which exists between Respondent and Jane Doe
- (h) Respondent is still currently involved in a dual relationship with Jane Doe and intends to continue a romantic relationship with her
- (i) Respondent desires to surrender Respondent's license to practice as a licensed clinical social worker in the State of Utah, along with all residual rights regarding said license

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a), (b), and (k), Utah Administrative Code R156-60-502(1), R156-60-502(9), (10), (11), (12), (14) and (24), and Provisions 1 06(c), 1 09(a)

and (b), 1 10, 1 11, and 5 01(a) and (b) of the Code of Ethics of the National Association of Social Workers (NASW), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) Respondent hereby surrenders Respondent's license to practice as a licensed clinical social worker in the State of Utah, along with all residual rights regarding said license Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)(a) Respondent agrees not to reapply for licensure in a mental health therapy occupation in the State of Utah for a period of five years from the date the Division Director signs this Stipulation and Order The Division does not guarantee that any future application by Respondent for licensure will be granted If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a licensed clinical social worker in the State of Utah Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division

9 This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment Respondent might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or

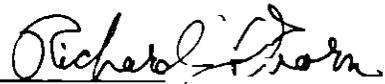
agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

12 Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

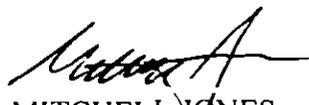
BY   
RICHARD J. OBORN  
Bureau Manager

BY   
STEPHEN DALE MATHERLY

DATE 9/3/08

DATE 9 3 08

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
L. MITCHELL JONES  
Counsel for the Division

DATE 3 Sep 2008

**ORDER**

THE ABOVE STIPULATION, in the matter of **STEPHEN DALE MATHERLY**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)(a) and (b). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 3 day of *September*, 2008

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING



F DAVID STANLEY  
Director

Investigator Brittany Butsch