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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 )  
**KEVIN JOHN McGEENEY** ) **STIPULATION AND ORDER**  
TO PRACTICE AS A )  
SUBSTANCE ABUSE COUNSELOR ) **CASE NO. DOPL 2008- 260**  
IN THE STATE OF UTAH )

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**KEVIN JOHN McGEENEY** (“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 consulted  
with his attorney, Darin B. Goff, Stirba & Associates, and is satisfied with his attorney’s advice

4 Respondent understands that Respondent is entitled to a hearing before the Utah Substance Abuse Counselor Licensing Board (“Board”) or another Division Presiding Officer, at which time Respondent may present evidence on Respondent’s own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

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 and may be released to other persons and entities

7 Respondent admits the following facts are true

- a On or about October 2, 2003 Respondent was licensed as a substance abuse counselor (“LSAC”) in the State of Utah At no time was Respondent licensed to practice as a mental health therapist in the State of Utah
- b Respondent was employed as an LSAC at Positive Adjustments Corporation
- c On or about April 5, 2007, Respondent engaged in the practice of mental health therapy by developing a client treatment plan on client Jane Doe (identity withheld for purposes of confidentiality) Respondent developed the treatment plan without the involvement and supervision of his mental health supervisor a licensed clinical social worker Respondent’s supervisor signed the treatment plan LSAC’s may not engage in the practice of mental health therapy whether or not they are under the supervision of a mental health therapist

8 Respondent admits that Respondent’s conduct described above is unprofessional conduct as defined under Utah Code Ann § 58-1-501(2)(a),(b) and (j), and unlawful conduct under Utah Code Ann § 58-1-501(1) and §§ 58-60-101 through 511, and justifies disciplinary action against Respondent’s license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b)

Respondent agrees that an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), shall be entered in this matter providing that Respondent's license shall be publicly reprimanded

9 This Stipulation and Order, upon approval by the Division Director, 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 the Respondent waive any claim of bias or prejudice Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice

11 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

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for

1 completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13 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. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14 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

BY   
RICHARD J. OBORN  
Bureau Manager

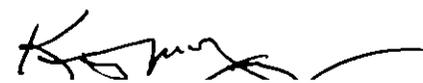
DATE 11/5/08

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
RON R. KUNZLER  
Counsel for the Division

DATE NOV. 6, 2008

RESPONDENT

BY   
KEVIN JOHN McGEENEY

DATE 10/31/08

APPROVED AS TO FORM

BY   
DARIN B. GOFF  
STIRBA & ASSOCIATES  
Counsel for the Respondent

DATE 10/31/08

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ORDER

THE ABOVE STIPULATION, in the matter of **KEVIN JOHN McGEENEY**, 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 license of **KEVIN JOHN McGEENEY** is hereby publicly reprimanded. 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). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 6 day of *November*, 2008

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
F DAVID STANLEY  
Director