L. MITCHELL JONES (U.S.B. 5979)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
Box 146741
Salt Lake City, UT 84114-6741
Telephone: (801) 366-0310

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	)	**SURRENDER**
YURI HERNA PEREZ-ALVAREZ	)	**STIPULATION AND ORDER**
TO PRACTICE AS A LICENSED	)	
SUBSTANCE ABUSE COUNSELOR	)	CASE NO. DOPL 2009-395
IN THE STATE OF UTAH	)	

YURI HERNA PEREZ-ALVAREZ ("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 Substance Abuse Counselor 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 R151-46b-12 through R151-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4102(4).

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) Respondent was first licensed as a licensed substance abuse counselor in the State of Utah on or about December 1, 2000.

(b) In July 2009 Respondent conducted a substance abuse evaluation for an individual hereafter referred to as "John Doe." Respondent performed the evaluation at the office of John Doe's attorney.

(c) On or about July 3, 2009 Respondent authored a document entitled "Evaluation" that included an assessment, diagnosis, and treatment recommendations for John Doe.

(d) Respondent signed the "Evaluation" and included the initials "LSAC" on the "Evaluation."

(e) Respondent was paid $300.00 (three-hundred dollars) for performing and authoring the "Evaluation." Respondent initially told a Division investigator that Respondent had not been paid for performing the evaluation, but did it only as a favor for a friend.

(f) Respondent's employment at a substance abuse counseling agency was terminated after ten years of employment after his employer learned that Respondent utilized the employer's computer to generate the "Evaluation" and printed the "Evaluation" on his employer's letterhead. The employer had no prior knowledge of Respondent's actions.

(g) Respondent desires to surrender Respondent's license to practice as a licensed substance abuse counselor in the State of Utah, along with all residual rights pertaining to 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), (h), (i), and (j), and Principles 4 and 5 of the NAADAC Code of Ethics; and is unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(a) Administrative Code R156-60-502(1), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's license to practice as a licensed substance abuse

counselor in the State of Utah, along with all residual rights pertaining to 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) and (b). Respondent agrees not to reapply for licensure in mental health therapy in the State of Utah for a period of two years from the date the Division Director signs this Stipulation and Order. The Division does not guarantee than 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 substance abuse counselor 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

BY: _____
RICHARD J. OBORN
Bureau Manager

DATE: 12/21/09

RESPONDENT

BY: _____
YURI HERNA PEREZ-ALVAREZ

DATE: 12/21/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: _____
L. MITCHELL JONES
Counsel for the Division

DATE: 21 Dec 2009

ORDER

THE ABOVE STIPULATION, in the matter of **YURI HERNA PEREZ-ALVAREZ**, 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 22ND day of December, 2009.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

W. Ray Walker, Acting Director
for **MARK B. STEINAGEL**
Director

Investigator: Dee Thorell