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JAN 24 2011
DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING

**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)
DAVID EMMETT TO PRACTICE AS A)
A LICENSED CLINICAL SOCIAL WORKER)
IN THE STATE OF)
UTAH)

**SURRENDER STIPULATION
AND ORDER**

Case No. DOPL- 2011-29
UTAH DEPT. OF COMMERCE
JAN 23 2011

David Emmett ("the Respondent") and the Division of Occupational and Professional Licensing ("Division") of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. The Respondent admits the jurisdiction of the Division over the Respondent and over the subject matter of this action.
2. The Respondent acknowledges that he enters into this Surrender Stipulation and Order ("Stipulation") knowingly and voluntarily.
3. The Respondent has been represented by Loni Deland in this matter, and his signature below signifies that the Respondent is no longer represented by Mr. Deland, and that the Respondent still agrees to all of the provisions in this Stipulation.
4. The Respondent understands that he is entitled to be served with a Petition and a Notice of

Agency Action in this matter, and that he is further entitled to a hearing before the State of Utah Social Worker Licensing Board ("the Board"), or other Division Presiding Officer, at which time the Respondent may present evidence on his own behalf, call witnesses, confront adverse witnesses and address adverse evidence. The Respondent acknowledges that by executing this document he is receiving a de facto Petition and Notice of Agency Action, and he is waiving his right to answer the de facto Petition and Notice of Agency Action, to participate in a hearing, to present witnesses and evidence at a hearing, to confront adverse witnesses and adverse evidence at a hearing, and to any other rights to which he may be entitled in connection with said hearing. The Respondent further understands that by signing this Stipulation he hereby waives all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Admin. Code R151-46b-12 through R151-46b-15. The Respondent and the Division hereby express their intent that this matter be resolved expeditiously through a stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. The Respondent acknowledges that this Stipulation, if adopted by the Division Director, will be classified as a public document and may be released to other persons and entities.

6. The Respondent admits to the following facts:

- a. While the Respondent was employed by the Division of Child and Family Services, an Agency within the State of Utah, he claimed reimbursement for non-business related use of State vehicles, and per diem for which he was not entitled.
- b. On or about March 16, 2010, the Respondent entered into a Diversion Agreement with the Eighth Judicial District Court in Utah to address a second degree felony theft charge.
- c. On or about March 30, 2010, the Respondent paid restitution in the approximate amount of \$30,785.59 to the State of Utah for the conduct described in provision 6(a) of this Stipulation. The criminal charge has been dismissed.

7. The Respondent admits that his actions described above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (b), and (h); Utah Admin. Code R156-60a-502(24),

and the National Association of Social Workers Code of Ethics Ethical Standards 3.09 (failing to adhere to commitments made to an employer), 4.04 (participating in deceptive and fraudulent conduct), and 5.01 (failing to uphold the values and ethics of the profession). The Respondent further admits that said conduct justifies disciplinary action against his professional license pursuant to Utah Code Ann. § 58-1-401(2)(a) (2010). Therefore, the Respondent agrees that an Order shall be entered in this matter as follows:

a. **Surrender of License on May 1, 2011:** The Respondent's licensed clinical social worker license, number 128918-3501, shall be surrendered on May 1, 2011 for a period of twenty (20) years. The surrender period shall commence on May 1, 2011, but this Stipulation's binding effect shall take place on the effective date of this Stipulation, which is the date the Division Director signs the Stipulation.

b. **Conditional Renewal of License:** The Division will conditionally renew the Respondent's Licensed Clinical Social Worker License until April 30, 2011. This will allow the Respondent time to properly close his existing business and give existing clients notice and time to find a new therapist/practitioner.

8. This Stipulation, upon approval by the Division Director, shall be the final compromise and settlement of this matter. The Respondent acknowledges that the Director is not required to accept the terms of this Stipulation, 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 the Respondent might have with regard to the Director by virtue of the Director having reviewed this Stipulation, and this waiver shall survive such nullification.

9. The 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.

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. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11. The terms and conditions of this Stipulation become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. The 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. This means that the Respondent's license will be surrendered for 20 years on May 1, 2011.

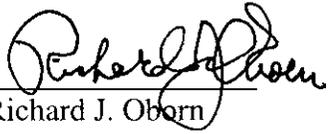
12. If the Respondent violates any term or condition of this Stipulation and Order, the Division may take action against the Respondent, including imposing appropriate sanctions in the manner provided by law. Such sanctions may include the immediate revocation or suspension of the Respondent's conditional license renewal or other appropriate sanctions.

13. The Respondent has read each and every paragraph contained in this Stipulation. He understands each and every paragraph contained in this Stipulation, he has no questions about any paragraph or provision contained in this document, and he agrees with every paragraph and provision contained in this Stipulation.

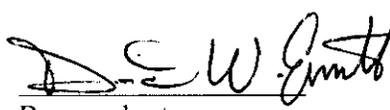
14. The Respondent agrees and states that he was not coerced, unduly influenced, prejudiced or bullied in any way into entering into this Stipulation.

**DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING**

RESPONDENT

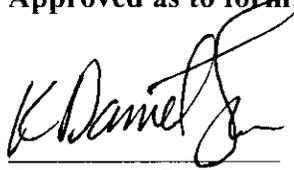

Richard J. Oborn
Bureau Manager

Jan. 24, 2011
Date


Respondent

Jan 21, 2011
Date

Approved as to form:


Asst Attny Gen.

1/26/11
Date

ORDER

THE ABOVE SURRENDER STIPULATION AND ORDER, in the matter of David Emmett, 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 a disciplinary action against the Respondent pursuant to Utah Admin. Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of this Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 2 day of February, 2011.

DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING


Mark B. Steinagel
DIRECTOR