BEFORE THE BOARD OF COUNSELORS

STATE OF IDAHO

In the Matter of the License of:	)	ORIGINAL
	)	
ERIC FOSTER JONES, License No. LPCP-32,	)	Case No. COU-P4-03-98-007
	)	
	)	**STIPULATION AND FINAL ORDER**
Respondent.	)	
	)	

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WHEREAS, information having been received by the Idaho State Board of Counselors (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Eric Foster Jones (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of counseling in the State of Idaho in accordance with title 54, chapter 34, Idaho Code.

2. Respondent Eric Foster Jones is a licensee of the Idaho State Board of Counselors and holds License No. LPCP-32 to practice counseling in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 34, Idaho Code.

3. On or about September 22, 1998, Respondent prepared a report on a custodial evaluation he performed on Lindee L. Hendrix (hereinafter "the report").

4. On or about September 25, 1998, Respondent's secretary, Dana L. Jimenez, gave Ms. Hendrix's ex-husband, Terry Robinson, a copy of the report.

5. Respondent did not obtain Ms. Hendrix's prior permission before supplying a copy of the report to Mr. Robinson.

6. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of counseling, specifically Idaho Code § 54-3407(5), IDAPA 24.15.01.350, and ACA Code of Ethics and Standards of Practice A.3.a, B.1.a, B.1.g, B.1.h, B.4.b, and B.4.e. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice counseling in the State of Idaho.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, agrees to the discipline against his license as set forth in Section C below.

B.

I, Eric Foster Jones, by affixing my signature hereto, acknowledge that:

1. I have read and admit to the facts as stated above in section A, but deny that such facts constitute a violation of statute or rule of the Board. I recognize that my office staff, who was under my supervision, may have made a missasumption that the report released was not subject to the rules governing confidentiality. I understand, however, that the allegations, if proven, would constitute cause for disciplinary action upon my license to practice counseling in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of counseling in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent agrees to accept a reprimand by the Board for failure to ensure that his office staff were aware of and complied with the Board's rules regarding confidentiality of patient information;

2. Respondent shall pay an administrative fine for recovery of investigative and legal costs in the amount of One Hundred Fifty and No/100 Dollars ($150.00) to the Board within twenty (20) days of the date of execution of the Board's Order.

3. Respondent shall take six (6) hours of continuing education in ethics and confidentiality within six (6) months from the date of entry of the Board's Order. Said 6 hours of continuing education shall be in addition to any continuing education Respondent is required to obtain to maintain his license.

4. Respondent must obey all laws and rules governing the practice of counseling in the State of Idaho.

5. The violation of any of the terms of this stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this stipulation.

D.

1. It is hereby agreed between the parties that this settlement agreement shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this settlement agreement, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive

any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this settlement agreement is rejected.

3. If the settlement agreement is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the settlement agreement will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-3407. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. While the Board shall have the right to make full disclosure of this Stipulation and Consent Order to any state, agency or individual who has made a request for such material pursuant to the Idaho Public Records Act, Idaho Code §§ 9-337- 349, it is understood and agreed that the Idaho State Board of Counselors and its agents and employees shall not upon its/their own volition or initiative volunteer the contents of this Stipulation and Order; nor enter or submit this Stipulation and Consent Order or the underlying facts for publication in any newspaper, magazine, journal, newsletter, public computer network, or public data bank unless required to do so by applicable federal or state law.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

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I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 13 day of September, 1999.

Eric Foster Jones
Respondent

Approved as to form.

DATED this _____ day of September, 1999.

CRABTREE & EMERY

By _____
Douglas D. Emery
Attorney for Respondent

I concur in this stipulation and order.

DATED this 16 day of September, 1999.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Kirsten Wallace
Kirsten L. Wallace
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-3404, the foregoing is adopted as the decision of the Board of Counselors in this matter and shall be effective on the 5 day of October, 1999. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF COUNSELORS

By Richard Craig
Richard Craig, ED.D., Chair

CERTIFICATE OF SERVICE

I certify that on this 6 day of October, 1999, I caused to be served a true and correct copy of the foregoing STIPULATION AND FINAL ORDER addressed as follows:

Eric Foster Jones C/o Douglas D. Emery Emery & Kershaw, P.C. P.O. Box 2497 Twin Falls, Idaho 83303-2497	X U.S. Mail, postage prepaid ___ Certified U.S. Mail, return receipt ___ Hand Delivery ___ Overnight Mail ___ Facsimile:_____ ___ Statehouse Mail

Kirsten Wallace

KIRSTEN L. WALLACE
Deputy Attorney General