

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE FOR
MARRIAGE AND FAMILY THERAPISTS**

**KENTUCKY BOARD OF LICENSURE
FOR MARRIAGE AND FAMILY THERAPISTS**

COMPLAINANT

v.

AGREED ORDER OF SETTLEMENT AND RELEASE

**HAROLD TOKLE
MFT License # 0479 - 105525**

RESPONDENT

* * * * *

This Agreed Order of Settlement and Release (“Agreed Order”) is entered into by and between the **KENTUCKY BOARD OF LICENSURE FOR MARRIAGE AND FAMILY THERAPISTS** (“Board”) and **HAROLD TOKLE** (“Respondent”) (collectively, the “Parties”).

WHEREAS, the Board was created and established as an agency of state government charged with the responsibility for regulatory oversight and the establishment of sound policies and procedures governing marriage and family therapy within the Commonwealth of Kentucky;

WHEREAS, the Respondent, Harold Tokle, is a resident of Kentucky, and is a licensed marriage and family therapist in the Commonwealth of Kentucky, having been assigned the marriage and family therapist license number 0479 - 105525;

WHEREAS, pursuant to KRS 335.325(5), the Board may suspend or revoke licenses, impose supervisory or probationary conditions upon licensees, impose administrative disciplinary fines, issue written reprimands or admonishments, or any combination thereof;

WHEREAS, the Board may impose such disciplinary action against a licensee for *inter alia* proof that a licensee has committed any act of dishonesty or corruption, if in accordance with KRS Chapter 335B. If resulting in a criminal conviction, the judgment and sentence are presumptive evidence of guilt in the event of a hearing;

WHEREAS, on or about February 15, 2017, in Mercer Circuit Court, Mercer County, Kentucky, Respondent entered an Alford plea to the crime of Theft by Unlawful Taking, \$500 or more, complicity; and Intent to Defraud/Scheme/Artifice to Obtain Benefits, a Class D Felony under the laws of the Commonwealth;

WHEREAS, on April 13, 2017, Respondent was convicted of Theft by Unlawful Taking, \$500 or more, complicity; and Intent to Defraud/Scheme/Artifice to Obtain Benefits and ordered to pretrial diversion for a period of five (5) years during which time he is subject to supervision, home visits, and drug testing by Probation and Parole and ordered to pay restitution of \$6,000.00. In the event Respondent fails to successfully complete pretrial diversion, he may be subject to one (1) year and six (6) months' confinement;

WHEREAS, KRS 335.348(4) authorizes the Board to enter into an agreed order or accept an assurance of voluntary compliance with the licensee that effectively deals with the complaint;

WHEREAS, Respondent's plea and ensuing conviction are valid grounds for disciplinary action by the Board pursuant to KRS 335.348;

WHEREAS, Respondent acknowledges that he has the following rights in this matter: the right to a hearing on this matter if the Board votes to impose discipline against his license; the right to have counsel appear at the hearing; the right to confront and cross-examine witnesses; and the right to present witnesses on his behalf;

WHEREAS, rather than pursue a hearing on this matter, the Parties now desire to compromise, settle, and resolve this matter by means of this Agreed Order without the need for a formal hearing. Respondent acknowledges that the Board is free to accept or reject this Agreed Order and Respondent hereby agrees to waive any right he may have to challenge the

impartiality of the Board, based solely on the presentation of this Agreed Order, to hear the administrative action, if after review by the Board, this Agreed Order is rejected.

WHEREFORE, IT IS HEREBY AGREED AND ORDERED THAT:

A. Respondent's license # 0479 – 105525 is voluntarily surrendered as if revoked and he may not apply for reinstatement sooner than one (1) year and six months from the date that this Agreed Order is accepted by the Board;

C. During this period of voluntary surrender, Respondent agrees to neither hold himself out as a licensed marriage and family therapist nor use any terms, titles, or abbreviations that express, infer, or imply that he is licensed as a marriage and family therapist. This includes removing any such reference from any public source, including print, social media or online;

D. Respondent further agrees that, during this period of voluntary surrender, he will not engage in the practice of marriage and family therapy as defined by KRS 335.300;

E. Respondent shall abide by all terms and conditions of his pretrial diversion and will promptly notify the Board if his pretrial diversion is modified or terminated, or a motion to set aside his plea is filed with the Mercer Circuit Court or other court of competent jurisdiction;

F. Respondent understands that failure to comply with any requirements as stated in this Agreed Order may constitute a disciplinary offense pursuant to KRS 335.348 and may be cause for further disciplinary action against his license after notice and an opportunity to be heard;

G. In consideration of the commitments set forth in this Agreed Order, Respondent hereby releases the Board, its members, employees, legal representatives, agents, successors, assigns, guarantors, sureties, and insurers, and their respective agents, successors, assigns, officers, directors, employees, attorneys, guarantors, sureties, insurers, and any other person acting on their behalf, from any and all injuries, losses, damages, liabilities, defenses, claims, actions, causes of action, suits, debts, promises, demands or agreements, of whatever nature or kind, known or unknown, whether based in law or in equity, that Respondent ever had or now

has or that any one on Respondent's behalf may have or claim to have, which could have been raised or asserted against the Board at any time prior to the execution of this Agreed Order;

H. Respondent shall sign, date, and return this Agreed Order Board within fifteen (15) days of receipt of this Agreed Order;

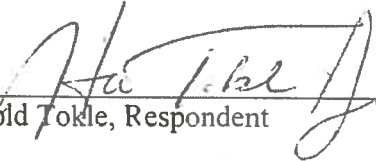
I. Respondent acknowledges and understands that this Agreed Order is subject to disclosure under the Kentucky Open Records Act to include;

J. Respondent enters into this Agreed Order knowingly, willingly, voluntarily, and after having reviewed the due process rights afforded Respondent under KRS Chapter 13B, KRS Chapter 335, and KRS Chapter 355B, and the accompanying regulations thereunder; and

K. By signing this Agreed Order, Respondent understands that he has waived the right to a hearing on this matter, including the right to be at a hearing with counsel, to subpoena witnesses and to confront those against Respondent, the right to appeal the board's decision as entered in the Agreed Order, and the full panoply of rights of hearing and appeal as authorized by statute, regulation, and court decision.


L. This Agreed Order shall be effective on the date that the Board Chair affixes her signature below.

Thank you!



Harold Togle, Respondent

3-12-2018
Date



Mary Badami, Chair
Kentucky Board of Licensure
Of Marriage and Family Therapists
KAREN WESTBROOKS

4/19/2018
Date