

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSING OF MARRIAGE
AND FAMILY THERAPISTS
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105**

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12-12-12

**KENTUCKY BOARD OF LICENSING OF
MARRIAGE AND FAMILY THERAPY
vs.**

COMPLAINANT

**ROSE PENNINGTON, LMFT
(License No. 0507)**

RESPONDENT

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NO.	DESCRIPTION	AUTHOR	DATE
1	Administrative Complaint	MFT Board	
2	Notice of Administrative Hearing	MFT Board	03/26/2012
3	Order Assigning Case, Setting Filing Requirements, and Scheduling Prehearing Conference	Susan S. Durant	03/28/2012
4	Order Setting May 21, 2012 Conference	Susan S. Durant	04/13/2012
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6	Response	Katherine Hornback	04/20/2012
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**Commonwealth of Kentucky
Kentucky Board of Licensure of
Marriage & Family Therapists
Agency Case No. 2011-008
Administrative Action No. 12-KLMFT-_____**

**Kentucky Licensing Board of
Licensure of Marriage & Family Therapists**

Complainant

v.

Notice of Administrative Hearing

**Rose Pennington
(License No. KY-0507)**

Respondent

* * * * *

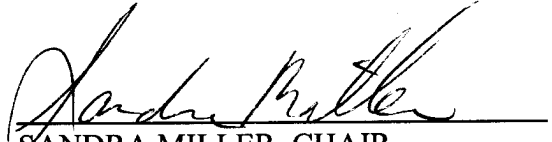
You are hereby notified pursuant to KRS 13B.050 and 335.350 that a hearing on the attached Complaint will be held in accordance with KRS 13B before the full Board of the Kentucky Licensing Board of Marriage & Family Therapists ("Board"), a panel of the Board or an Administrative Hearing Officer, at a time to be set by the Hearing Officer, at the office of the Board, 911 Leawood Drive, Frankfort, Kentucky 40601.

The Board Counsel and prosecutor in this case is Angela Evans, Assistant Attorney General, Civil Division, Capitol Building, Room 118, 700 Capitol Avenue, Frankfort, Kentucky 40601-3449. Her telephone number is (502) 696-5300. A Hearing Officer will be assigned by the Division of Administrative Hearings, 1024 Capital Center Drive, Frankfort, Kentucky 40601-8204. You may contact this Division by calling the docket clerk at (502) 696-5442. All original pleadings should be filed with the Board, P.O. Box 1360, Frankfort, KY 40602-0456, with copies sent to the Hearing Officer and Board Counsel.

You may appear individually or be represented by an attorney at the hearing at your own expense. You have a right to answer the charges, confront witnesses against you, subpoena witnesses, present such witnesses on your behalf, and to appeal any disciplinary action taken against your license at the hearing, as provided by KRS 13B.140(1) and KRS 335.350. You have the right to examine, at least five (5) days prior to the hearing, a list of witnesses the Board Counsel expects to call at the hearing, any evidence Board Counsel expects to introduce at the hearing, and any exculpatory information in the agency's possession.

Failure to respond to the allegations in the attached Complaint at or before the time of the hearing or failure to appear at the hearing may result in the Board taking the allegations in the attached complaint as true, the entry of default order pursuant to KRS 13B.080(6) and disciplinary action against your license pursuant to KRS 335.350.

On this the 22 day of March, 2012.


SANDRA MILLER, CHAIR
BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

**Commonwealth of Kentucky
Kentucky Board of Licensure for
Marriage & Family Therapists
Agency Case No. 2011-008
Administrative Action No. 12-KLMFT-_____**

**Kentucky Licensing Board for
Marriage & Family Therapists**

Complainant

v.

COMPLAINT

**Rose Pennington
(License No. KY-0507)**

Respondent

* * * * *

The Kentucky Board of Licensure for Marriage & Family Therapists (hereinafter “the Board”), for its complaint against the Respondent, Rose Pennington (hereinafter “Pennington”), states as follows:

1. Pennington is a licensed Marriage and Family Therapist in the Commonwealth of Kentucky, having been issued License No. KY-0507.
2. Pursuant to KRS 335, the Board is authorized to regulate and control matters related to marriage & family therapy, not delegated to another agency of the Commonwealth of Kentucky, and this matter has not been delegated to another agency of the Commonwealth.

Factual Allegations to Support Count 1

3. On or about July 19, 2008, the Board approved Pennington as the supervisor of record for L.V.
4. On or about April 8, 2010, the Board received an associate permit renewal application from L.V.
5. Associate’s renewal application reflected Pennington’s last session with L.V. was on March 24, 2010.
6. At no time prior to or after March 24, 2010, did Pennington notify the Board that the parties had or were in the process of terminating supervision.

Count 1

7. By not notifying the Board that the supervision contract with L.V. was terminated, Pennington violated 201 KAR 32:025 §2(5)(a).

Factual Allegations to Support Count 2

8. On or about February 27, 2009, Pennington became aware that L.V. was receiving additional supervision from another individual.

9. Pennington took no steps to confirm the individual was a Board-approved supervisor, which she was not.

Count 2

10. By allowing L.V. to receive supervision from and practice under a non-Board approved supervisor, Pennington violated 201 KAR 32:035§9 and 201 KAR 32:025§3(8).

Factual Allegations to Support Count 3

11. On or about January 26, 2012, the Board requested all of Pennington's records regarding the supervision of L.V.

12. On or about February 10, 2012, Pennington produced supervision logs that were inconsistent with L.V.'s statements to the Board and the supervision logs she submitted in her associate renewal application packet.

Count 3

13. Pennington misrepresented material facts regarding her supervision of L.V. when she provided supervision logs to the Board that were inconsistent with her supervisee's logs and statements to the Board, violating 201 KAR 32:050 §3(4).

Factual Allegations to Support Count 4

14. During the investigation of Pennington, L.V. presented the Board with a copy of the supervision log provided by Pennington and proceeded to recant her statements to the Board about her supervision with Pennington.

Count 4

15. Pennington failed to maintain the standards of professional integrity by encouraging supervisee to violate the code of ethics by misrepresenting a material fact in obtaining a permit, violating 201 KAR 32:050 §3(4).

Factual Allegations to Support Count 5

16. The records provided by Pennington did not include any notes from sessions with supervisee, did not reflect any discussions of issues addressed during sessions, critiques or

achievements of supervisee or any information reflecting supervisee was receiving proper supervision.

Count 5

17. By not having documentation reflecting supervision was focusing on the proper issues for clinical supervision, Pennington violated the Supervision Contract, violating 201 KAR 32:025 §3(8).

Please take notice that you are ordered to file a written response to the specific allegations contained herein within twenty (20) days of service thereof. Failure to respond may be taken as an admission of the charges. You shall file the original of your written response with the Board at Post Office Box 1360, Frankfort, Kentucky 40602-1360, with a copy to the Administrative Hearing Officer and a copy to Board Counsel, at their respective addresses listed above.

A handwritten signature in cursive script, appearing to read "Sandra Miller", is written over a horizontal line.

SANDRA MILLER, CHAIRMAN
KENTUCKY BOARD OF LICENSURE FOR
MARRIAGE & FAMILY THERAPISTS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Hearing and Complaint were mailed by certified mail, return receipt requested on this 26th day of March, 2012, to the following:

Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502

And by messenger mail to:

Division of Administrative Hearings
Office of the Attorney General
1024 Capital Center Drive
Frankfort, KY 40601

Angela Evans
Asst. Attorney General
Office of the Attorney General
700 Capitol Avenue, Ste. 118
Frankfort, KY 40601



Marcia Egbert, Board Administrator

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City, State, ZIP

Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502

PS Form 3800

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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Rose Pennington
3428 Milan Lane, #325A
Lexington, Ky 40502

2. Article Number
(Transfer from service label)

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PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502

2. Article Number
(Transfer from service label)

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City, State, ZIP+4

Rose Pennington
3428 Milan Lane # 325A
Lexington Ky 40502

See Instructions

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A. Signature ☒ Agent ☒ Addressee
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
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4. Restricted Delivery? (Extra Fee) ☐ Yes

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☒ Addressee
B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

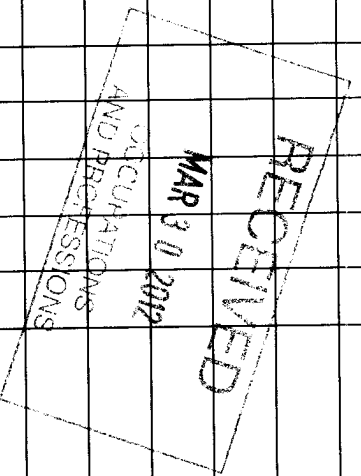
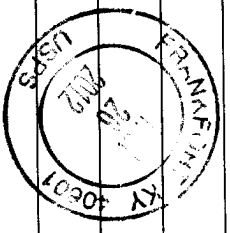
**THE KENTUCKY BOARD OF
MARRIAGE AND FAMILY THERAPISTS**
PO BOX 1360

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☐ Not Insured

Affix stamp here if issued as certificate of mailing, or for additional copies of this bill.
 Postmark, and Date of Receipt



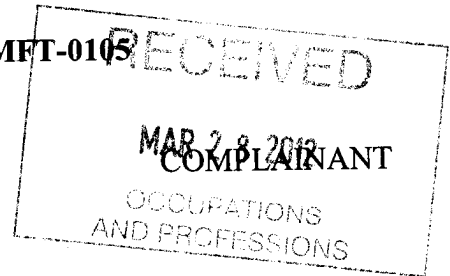
Line	Article Number	Address Name, Street, and PO Address	Postage	Fee	Handling Charge	Actual Value (If Reg.)	Insured Value	Due Sender If COD	RR Fee	DC Fee	SC Fee	SH Fee	SD Fee	RD Fee	Remarks
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Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)			The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional postal insurance. See Domestic Mail Manual R900, S913, and S921 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.									
1		1	[Signature]												

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

ROSE PENNINGTON
(License No. KY-0507)



RESPONDENT

* * * * *

NOTICE ASSIGNING CASE,
ORDER SETTING FILING REQUIREMENTS,
AND SCHEDULING PREHEARING CONFERENCE

* * * * *

The Kentucky Board of Licensing of Marriage and Family Therapists has requested that the Administrative Hearings Branch, Office of the Attorney General, assign a Hearing Officer to hear this case.

Therefore, IT IS HEREBY ORDERED:

1. This case is assigned to Hearing Officer Susan S. Durant, Administrative Hearings Branch, Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, KY 40601-8204 (telephone: 502-696-5442; FAX: 502-573-1009).
2. The Hearing Officer will conduct a telephonic prehearing conference in this matter on April 13, 2012, at 1:30 p.m., ET. **The Respondent is directed to notify this office by Thursday, April 12, 2012, of the telephone number where she may be reached for this conference call.** The Hearing Officer will place the conference call to the parties.
3. If either party is unable to attend this telephonic prehearing conference, the party may ask the Hearing Officer to reschedule the telephonic prehearing conference to another date.

To make such a request, the party shall discuss the matter with the opposing party, shall find several alternative dates and times that are convenient for both parties, and shall call the Hearing Officer's office and request a new date that is convenient to the parties and to the Hearing Officer.

4. This telephonic prehearing conference is scheduled pursuant to KRS 13B.070(1) to provide the opportunity for discussion of jurisdictional matters, settlement possibilities, preparation of stipulations, clarification of issues, rulings on witnesses, taking of evidence, issuance of subpoenas and orders, and other matters that will promote the orderly and prompt conduct of the hearing. Pursuant to KRS 13B.080(6):

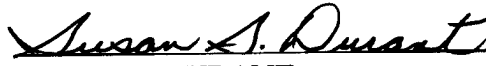
If a party properly served . . . fails to attend or participate in a prehearing conference, . . . the hearing officer may adjourn the proceedings and issue a default order granting or denying relief as appropriate, or may conduct the proceedings without the participation of the defaulting party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. A default order shall be considered a recommended order and shall be processed as provided in KRS 13B.110.

5. The parties shall file the **original** of all pleadings with the agency named in the heading of this Order, at the address listed for the agency in the Certificate of Service accompanying this Order. A **copy** of all pleadings shall be served on the Hearing Officer and on the opposing party.

6. Unless permitted by order of the Hearing Officer, parties in this administrative action shall **not** serve any documents on the Hearing Officer by email or facsimile. You may serve documents on the Hearing Officer by U.S. mail or other hard copy delivery service. If you are serving a document on the Hearing Officer that has a service deadline, your method of service must be postmarked by the deadline.

7. The Administrative Action Number found in the heading of this Order shall be included on every pleading or document sent to the Hearing Officer in this case.

SO ORDERED this 27th day of March, 2012.


SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 28th day of March,

2012, by messenger mail, to:


MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

ROSE PENNINGTON
3428 MILAN LN #325A
LEXINGTON KY 40502

and, by messenger mail, to:

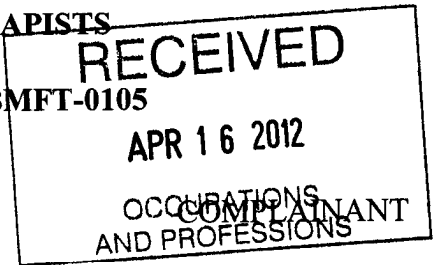
ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601



DOCKET COORDINATOR

120105as.ssd.wpd

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

ORDER SETTING May 21, 2012, CONFERENCE

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT


* * * * *

A telephonic prehearing conference was held in this matter on April 13, 2012. Angela Evans, Civil and Environmental Law Division, appeared for the Board. Katherine J. Hornback, Reinhardt & Associates, was present for Rose Pennington. The parties have begun discussions.

Having been sufficiently advised, IT IS HEREIN ORDERED that:

1. The Respondent's Answer to the charges shall be served on or before April 20, 2012.
2. A telephonic prehearing conference shall be held on May 21, 2012, at 1:30 p.m. E.T.

SO ORDERED this 13th day of April, 2012.



SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 13th day of April, 2012, by messenger mail, to:

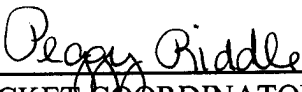
MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601



DOCKET COORDINATOR
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COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105

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OCCUPATIONS
AND PROFESSIONS

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

COMPLAINANT

vs.

ENTRY OF APPEARANCE

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

Comes Katherine J. Hornback, and enters her appearance for the Respondent, Rose Pennington. All future correspondence and pleadings should be mailed to her at the below listed address.

Respectfully Submitted,

REINHARDT & ASSOCIATES, PLC.



KATHERINE J. HORNBACK
449 Lewis Hargett Circle, Suite 210
Lexington, KY 40503
(859)277-7100
ATTORNEY FOR RESPONDENT,
ROSE PENNINGTON

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing has been served this the 12th day of April, 2012, to the following:

Susan S. Durant
Hearing Officer
Administrative Hearings Branch
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204
(via fax: 502-573-1009)

Marcia Egbert
Kentucky Board of Licensure of Marriage &
Family Therapists
911 Leawood Drive
Frankfort, KY 40601
(via U.S. Mail)

Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502
(via U.S. Mail)

Angela Evans
Civil & Environmental Law Division
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, KY 40601
(via fax: 502-564-2894)



ATTORNEY FOR RESPONDENT

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105

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APR 23 2012

OCCUPATIONS
AND PROFESSIONS

COMPLAINANT

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

ANSWER

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

Comes the Respondent, Rose Pennington, by counsel, and in response to the Complaint of the Kentucky Board of Licensure of Marriage and Family Therapists, states as follows:

FIRST DEFENSE

The Plaintiff's Complaint fails to state any claims or cause of action against this Defendant upon which relief could be granted and therefore, said Complaint must be dismissed.

SECOND DEFENSE

1. The Respondent admits the allegations contained in paragraphs 1, 2, 3 and 11 of the Complainant's Complaint.
2. The Respondent denies the allegations contained in paragraphs 6, 7, 8, 9, 10, 13, 15, 16 and 17 of the Complainant's Complaint.
3. The Respondent is without information such as to prove the truth or veracity of the allegations contained in paragraphs 4, 5, 12 and 14 of the Complainant's Complaint, and therefore denies same.
4. The Respondent denies any and all allegations not herein specifically admitted.

THIRD DEFENSE

The contract of supervision for LaToya Burns Vaughn was not terminated on March 25, 2010, but continued, and as of this date has been on hold due to the pending charges, but has not been terminated.

FOURTH DEFENSE

The Associate Permit Renewal Form submitted by LaToya Burns Vaughn and signed by supervisor Rose Pennington is dated March 25, 2010, and as of the date of Rose Pennington signing that document, she correctly stated the number of supervision hours she had to that date. As of the date of the signing of the aforementioned document, all hours were current and correct. After the associate took this Permit Renewal Form, Ms. Pennington had no further contact with this document or the renewal process for Ms. Vaughn. However, she continued to supervise her in her clinical supervisory role and continued to document those hours.

FIFTH DEFENSE

Ms. Pennington was never advised by the Kentucky Board of Licensure of Marriage and Family Therapists that LaToya Burns Vaughn's Associate Permit had been denied or was not current and active. She continued to serve as her supervisor, keeping logs after this Associate Permit Renewal Form was signed on March 25, 2010.

SIXTH DEFENSE

Rose Pennington was not notified until November 10, 2011 that LaToya Burns Vaughn's license was deferred, and she learned this from an e-mail sent by Marcia Egbert. Ms. Pennington had continued her supervision of LaToya Burns Vaughn until November 4, 2011.

SEVENTH DEFENSE

Rose Pennington was aware in February of 2009 that LaToya Burns Vaughn was receiving administrative/program supervision from an agency supervisor where she worked. It was discussed with Ms. Vaughn that this was not to be considered clinical supervision and could not be counted toward supervisory hours for her marriage and family therapist licensure. During this time period, Pennington continued her clinical supervision while Ms. Vaughn was also receiving administrative/program supervision from her agency's supervisor, both which are clearly and distinctly listed on all paperwork.

EIGHTH DEFENSE

A clinical supervisor does not have the authority to provide administrative program supervision and does not have the authority to inform the agency that they cannot provide administrative/program supervision to their staff.

NINTH DEFENSE

Rose Pennington provided supervision logs to the Board and to LaToya Burns Vaughn that are consistent as of the date they were prepared. The Associate Permit Renewal Form is dated March 25, 2010 and as of that date, the documents that are attached and signed by Ms. Pennington are correct as to that date. The contract of clinical supervision continued after that date and the additional documents that Ms. Pennington has provided to the Board that are after the date of this initial Associate Permit Renewal Form are correct and up to date. The Respondent is not certain why Ms. LaToya Burns Vaughn chose not to submit the supervisory hours after March 25, 2010, but the document dated March 25, 2010 is correct as of that date. When on January 26, 2012, Ms. Pennington was asked to provide all of her records regarding the supervision of LaToya Burns

Vaughn, she complied and produced all records including those after March 25, 2010. The fact that the updated records are different from documents that are signed and dated for March 25, 2010 should be apparent as this is almost two years of additional supervision that has occurred since the initial signed and dated document.

TENTH DEFENSE

The supervision log used by the Respondent was downloaded from the KAMFT website (<http://mft.ky.gov>), and is commonly used in the field.

ELEVENTH DEFENSE

The supervision contract between Rose Pennington and LaToya Burns Vaughn clearly states the nature of the Marriage of Family and Therapy supervision's detailed description of the nature of the work setting and of the nature, duration and frequency of the supervision pursuant to 201 KAR 32:025-3(8).

TWELFTH DEFENSE

There are no reporting requirements by KAMFT or in the Kentucky Administrative Regulations (including 201 KAR 32:025-3(8)) which require any additional documentation of specific subjects and topics for individual supervisory hours.

Wherefore, the Respondent, Rose Pennington, prays that the Complaint as asserted against her be dismissed and held for naught, for her costs herein expended, and for any and all other relief to which she may be entitled.

Respectfully Submitted,

REINHARDT & ASSOCIATES, PLC.



KATHERINE J. HORNBACK

449 Lewis Hargett Circle, Suite 210

Lexington, KY 40503

(859)277-7100

ATTORNEY FOR RESPONDENT,

ROSE PENNINGTON

CERTIFICATE OF SERVICE

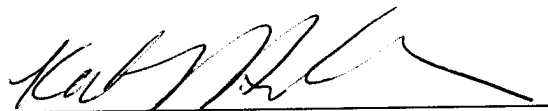
This will certify that a true and accurate copy of the foregoing has been served this the 20th day of April, 2012, to the following:

Susan S. Durant
Hearing Officer
Administrative Hearings Branch
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204
**(via fax: 502-573-1009
and U.S. Mail)**

Marcia Egbert
Kentucky Board of Licensure of Marriage &
Family Therapists
911 Leawood Drive
Frankfort, KY 40601
(via U.S. Mail)

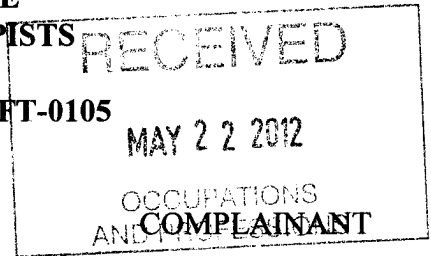
Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502
(via U.S. Mail)

Angela Evans
Civil & Environmental Law Division
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, KY 40601
**(via fax: 502-564-2894
and U.S. Mail)**



ATTORNEY FOR RESPONDENT

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

ORDER SETTING June 15, 2012, CONFERENCE

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

A telephonic prehearing conference was held in this matter on May 21, 2012. Angela Evans, Civil and Environmental Law Division, appeared for the Board. Katherine J. Hornback, Reinhardt & Associates, was present for Rose Pennington, who was attended. The parties have discussed settlement and desire to continue.

Having been sufficiently advised, IT IS HEREIN ORDERED that a telephonic prehearing conference shall be held on June 15, 2012, at 2:30 p.m. E.T.

SO ORDERED this 21st day of May, 2012.

A handwritten signature in cursive script, reading "Susan S. Durant", written over a horizontal line.

SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 21st day of May, 2012, by messenger mail, to:


MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601



DOCKET COORDINATOR
120105r02.ssd.wpd

**Commonwealth of Kentucky
Kentucky Board of Licensure of
Marriage & Family Therapists
Agency Case No. 2011-008
Administrative Action No. 12-KLMFT-105**

RECEIVED

MAY 31 2012

**OCCUPATIONS
AND PROFESSIONS**

**Kentucky Licensing Board of
Licensure of Marriage & Family Therapists**

Complainant

v.

**Amended Notice of
Administrative Hearing**

**Rose Pennington
(License No. KY-0507)**

Respondent

*** * * * ***

You are hereby notified pursuant to KRS 13B.050 and 335.350 that a hearing on the attached Complaint will be held in accordance with KRS 13B before the full Board of the Kentucky Licensing Board of Marriage & Family Therapists ("Board"), a panel of the Board or an Administrative Hearing Officer, at a time to be set by the Hearing Officer, at the office of the Board, 911 Leawood Drive, Frankfort, Kentucky 40601.

The Board Counsel and prosecutor in this case is Angela Evans, Assistant Attorney General, Civil Division, Capitol Building, Room 118, 700 Capitol Avenue, Frankfort, Kentucky 40601-3449. Her telephone number is (502) 696-5300. Susan Durant has been assigned as the Hearing Officer by the Division of Administrative Hearings, 1024 Capital Center Drive, Frankfort, Kentucky 40601-8204. You may contact this Division by calling the docket clerk at (502) 696-5442. All original pleadings should be filed with the Board, P.O. Box 1360, Frankfort, KY 40602-0456, with copies sent to the Hearing Officer and Board Counsel.

You may appear individually or be represented by an attorney at the hearing at your own expense. You have a right to answer the charges, confront witnesses against you, subpoena witnesses, present such witnesses on your behalf, and to appeal any disciplinary action taken against your license at the hearing, as provided by KRS 13B.140(1) and KRS 335.350. You have the right to examine, at least five (5) days prior to the hearing, a list of witnesses the Board Counsel expects to call at the hearing, any evidence Board Counsel expects to introduce at the hearing, and any exculpatory information in the agency's possession.

Failure to respond to the allegations in the attached Complaint at or before the time of the hearing or failure to appear at the hearing may result in the Board taking the allegations in the attached complaint as true, the entry of default order pursuant to KRS 13B.080(6) and disciplinary action against your license pursuant to KRS 335.350.

On this the 25th day of May, 2012.

A handwritten signature in cursive script that reads "Sandra L. Miller".

SANDRA MILLER, CHAIR
BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

**Commonwealth of Kentucky
Kentucky Board of Licensure for
Marriage & Family Therapists
Agency Case No. 2011-008
Administrative Action No. 12-KLMFT- 0105**

**Kentucky Licensing Board for
Marriage & Family Therapists**

Complainant

v.

AMENDED COMPLAINT

**Rose Pennington
(License No. KY-0507)**

Respondent

* * * * *

The Kentucky Board of Licensure for Marriage & Family Therapists (hereinafter “the Board”), for its complaint against the Respondent, Rose Pennington (hereinafter “Pennington”), states as follows:

1. Pennington is a licensed Marriage and Family Therapist in the Commonwealth of Kentucky, having been issued License No. KY-0507.
2. Pursuant to KRS 335, the Board is authorized to regulate and control matters related to marriage & family therapy, not delegated to another agency of the Commonwealth of Kentucky, and this matter has not been delegated to another agency of the Commonwealth.

Factual Allegations

3. On or about July 17, 2008, the Board approved Pennington as the supervisor of record for L.V.
4. On or about July 19, 2008, Pennington was notified that she was approved to supervise L.V. and the supervision contract between Pennington and L.V. was for a term of three (3) years and a renewal must be requested.
5. During the three years Pennington served as L.V.’s supervisor, the 201 KAR 32:025 § 2 stated:

Supervisory Contract. (1) Prior to beginning a course of supervision for the purpose of meeting licensure requirements, a marriage and family therapist associate shall contract with an approved supervisor in writing.

(2) The approved supervisor shall enter into a Plan of Supervision for Clinical Experience with a person who meets the criteria for becoming a marriage and family therapist associate.

(3) The approved supervisor shall be responsible for the marriage and family therapist associate's development and the welfare of the clients served by the marriage and family therapist associate in accordance with the code of ethics established in 201 KAR 32:050 and the provisions in 201 KAR 32:035.

(4) If a new supervisory contract is entered into with a different supervisor, approval shall be obtained from the board.

(5) (a) If a supervision contract is terminated, the approved supervisor shall, within thirty (30) days, notify the board in writing that he or she is no longer the supervisor of record.

(b) The marriage and family therapist associate has thirty (30) days from the date of termination to submit the new supervisory contract to the board.

5. On or about May 19, 2011, Pennington was notified that L.V.'s permit as a marriage and family therapist associate expired on April 17, 2011 and L.V. must reapply for a permit.

6. On or about June 20, 2011, the Board received an associate permit renewal application from L.V. that was denied due to L.V. no longer possessing a valid permit and listing an individual who was not a board-approved supervisor as her supervisor of record. The application listed supervision hours by the unapproved supervisor from March 24, 2010 to June 6, 2011. L.V. did not submit any supervision hours from Pennington as part of the application.

6. On or about July 6, 2011, the Board notified L.V. again directing her to cease and desist from marriage and family therapy, as she did not have a valid permit to practice.

7. On or about July 22, 2011, L.V. replied to the Board's letter in writing stating she had been under "direct supervision" by a board-approved supervisor since entering her marriage and family therapist program in 2002 and had ceased from providing therapeutic services.

8. On or about July 25, 2011, L.V. submitted a new application for a marriage and family therapist associate permit. The application listed the same unapproved supervisor as the supervisor of record from the previous application. The supervision logs attached included supervision provided by Pennington from February 27, 2009 to March 24, 2010 that totaled 37 hours of supervision.

9. On or about July 28, 2011, the Board denied the application again because the person listed and signing as the supervisor of record was not a board-approved supervisor.

10. On or about September 14, 2011, L.V. submitted another application as a marriage and family therapist associate. A copy of the previous supervision logs were submitted as part of the application, including the 37 hours of supervision from Pennington. Pennington

was listed as the supervisor of record and signed the "Supervisor of Record Statement" on September 9, 2011. This application was deferred to discuss L.V.'s supervision and ultimately approved on October 27, 2011.

11. Based on the Board's discussion with L.V. at the October 27, 2011 board meeting, an initial complaint was filed by the Board against Pennington on September 22, 2011, alleging neglect of her supervisory duties. In response to the complaint, Pennington provided additional supervision logs listing dates she claimed she provided supervision to L.V. This documentation included ten additional dates up to June 3, 2011.

12. On or about November 7, 2011, the Board received a letter from L.V. with a copy of the same documentation provided by Pennington. In the letter, L.V. stated she did not know why the additional logs were not included in her previous applications. She also stated, "Ms. Pennington and I have maintained consistent contact throughout this approved contract period...Ms. Pennington has always been available via telephone contact any time there was a concern regarding cases", which was inconsistent with her statements to the Board that she had stopped supervision with Pennington.

13. On or about February 6, 2012, as part of further investigation, Pennington and L.V. were requested to provide all documentation regarding the supervision of L.V.

14. Pennington and L.V. produced copies of their 2010 and 2011 calendars to the Board investigator. Both calendars reflected appointments between April 17, 2011 and October 27, 2011, the time period L.V. did not possess a marriage and family therapist permit.

15. The dates provided by Pennington in response to the complaint were compared to the calendars of Pennington and L.V. Four of the dates in Pennington's response could not be confirmed and three dates were off by a day in L.V.'s calendar.

16. Pennington did not possess any other records besides her calendar that documented L.V.'s supervision. Pennington explained to the Board investigator that her supervisory sessions consisted of reviewing of her supervisee's clients' charts and case consultation.

17. Pennington admitted to charging to provide supervision but did not have billing records of her sessions with L.V.

18. L.V. noted in her calendar payments to Pennington on May 20, 2011, June 10 & 17, 2011 and July 22, 2011. These are dates L.V. did not possess a valid permit.

Count 1

19. Based upon the allegations in paragraphs 1 through 18, Pennington misrepresented material facts regarding her supervision of L.V. when she provided supervision

logs to the Board that were inconsistent with her supervisee's logs and statements to the Board, violating 201 KAR 32:050 §3(4).

Count 2

19. Based upon the allegations in paragraphs 1 through 18, Pennington failed to maintain the standards of professional integrity by having a marriage and family therapist associate she supervised to violate the code of ethics by misrepresenting a material fact in obtaining a permit, violating 201 KAR 32:050 §3(4).

Count 3

20. Based upon the allegations in paragraphs 1 through 18, Pennington knowingly allowed L.V. to practice marriage and family therapy without a permit, failing to maintain the standards of professional competence and integrity, thus violating the code of ethics 201 KAR 32:050 §3.

Count 4

21. Based upon the allegations in paragraphs 1 through 18, Pennington permitted L.V. to continue to practice without a valid permit, neglecting her responsibility to foster professional competence of the marriage and family therapist associate under her supervision, violating 201 KAR32:035§9(2).

Count 5

22. Based upon the allegations in paragraphs 1 through 18, did not notify L.V.'s clients that L.V. was no longer able to provide services and failed to assist them in obtaining other therapeutic services, violating 201 KAR 32:050 §1(f).

Count 6

23. Based upon the allegations in paragraphs 1 through 18 Pennington neglected her responsibility to ensure clients received proper marriage and family services, violating 201 KAR 32:035 §9(1).

Count 7

24. Based upon the allegations in paragraphs 1 through 18, Pennington continued to enforce the supervision contract with L.V. that was no longer valid due to L.V. no longer meeting the requirements for supervision due to the expiration of her permit, violating 201 KAR 32:025 §2.

Count 8

25. Based upon the allegations in paragraphs 1 through 18, Pennington continued accept fees for supervision although L.V. no longer met the requirements to practice as a marriage and family therapist associate, exhibiting a lack of integrity, violating 201 KAR 32:050 §3.

Count 9

26. Based upon the allegations in paragraphs 1 through 18, Pennington exploited the trust of L.V. when she continued to accept payment for supervision session that were invalid, violating 201 KAR 32:050 §4(1).

Count 10

27. Based upon the allegations in paragraphs 1 through 18, Pennington did not maintain the required supervision documentation that is to reflect the frequency and type of supervision, the method of supervision utilized and instruction techniques employed, violating 201 KAR 32:035 §6.

Count 11

28. Based upon the allegations in paragraphs 1 through 18, Pennington did not conform to accepted professional practices when making financial arrangements for supervision, as she did not keep any financial records documenting payments received for supervision provided, violating 201 KAR 32:050 §5.

Please take notice that you are ordered to file a written response to the specific allegations contained herein within twenty (20) days of service thereof. Failure to respond may be taken as an admission of the charges. You shall file the original of your written response with the Board at Post Office Box 1360, Frankfort, Kentucky 40602-1360, with a copy to the Administrative Hearing Officer and a copy to Board Counsel, at their respective addresses listed above.



SANDRA MILLER, CHAIRMAN
KENTUCKY BOARD OF LICENSURE FOR
MARRIAGE & FAMILY THERAPISTS

CERTIFICATE OF SERVICE

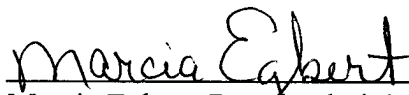
I hereby certify that a copy of the Notice of Hearing and Complaint were mailed by certified mail, return receipt requested on this 31st day of May, 2012, to the following:

Katherine J. Hornback
Reinhardt & Associates
449 Lewis Hargett Circle, Suite 210
Lexington, KY 40503
Counsel for Respondent

And by messenger mail to:

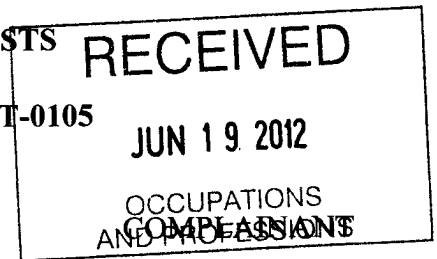
Hon. Susan Durant
Division of Administrative Hearings
Office of the Attorney General
1024 Capital Center Drive
Frankfort, KY 40601

Angela Evans
Asst. Attorney General
Office of the Attorney General
700 Capitol Avenue, Ste. 118
Frankfort, KY 40601
Counsel for KBLMFT



Marcia Egbert, Board Administrator

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105**



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

ORDER SETTING August 24, 2012, HEARING

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

A telephonic prehearing conference was held in this matter on June 15, 2012. Angela Evans, Civil and Environmental Law Division, appeared for the Board. Katherine J. Hornback, Reinhardt & Associates, was present for Rose Pennington. The parties agreed to a Hearing date. General prehearing and hearing matters were discussed. The parties also decided to discuss with their clients the possibility of mediation.

Having been sufficiently advised, IT IS HEREIN ORDERED that:

- (1) On or before June 22, 2012, the Respondent shall file an Answer to the Notice of Administrative Hearing.
- (2) On or before July 20, 2012, the Respondent shall provide CR 26.02 (4)(a)(i) information identifying any EXPERT WITNESS.
- (3) On or before July 30, 2012, the Complainant shall provide CR 26.02 (4)(a)(i) information identifying any EXPERT WITNESS.
- (4) On or before July 30, 2012, the Complainant shall identify its members who will sit as a panel to hear the evidence.
- (5) On or before August 10, 2012, the parties shall file and serve a PREHEARING MEMORANDUM which shall contain the following:

- (a) a listing of all exhibits the filing party intends to use at the hearing together with a copy attached of any previously **unexchanged** exhibits;
- (b) a listing of all witnesses the filing party intends to call at the hearing, together with a brief summary of the expected testimony of each witness.
- (c) a succinct statement of the questions of fact and questions of law;

Failure to comply with the above disclosure requirements may result in undisclosed witnesses and exhibits being excluded from the hearing.

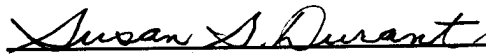
(6) Previously undisclosed exculpatory information in the possession of the agency is to be provided with the prehearing memorandum.

(7) The parties shall appear for an ADMINISTRATIVE HEARING on August 24, 2012, at the hour of 9:00 a.m. E.T., at the Kentucky Board of Licensure of Marriage and Family Therapists, 911 Leawood Drive, Frankfort, Kentucky. One day has been set aside for the Administrative Hearing. At the hearing, the parties shall have sufficient copies of any exhibit to be offered so that the hearing officer and Hearing panel have a copy in addition to the copy placed in the record—5 in total. The Agency shall be responsible for providing a COURT REPORTER or otherwise recording the hearing.

(8) All motions filed after the entry of this order shall precisely state the requested relief and, with the exception of routine motions, shall be accompanied by a supporting memorandum. Any party opposing a motion shall file a response, together with an accompanying memorandum, within ten (10) days from the date of service of the motion. If the Movant wishes to expedite an Order regarding the matter, the Movant shall affirmatively state that the non-Movant has been contacted and has no objection to the Movant's request. A reply memorandum may be filed within five (5) days from the date of service of the response. Prior to filing a request for a change

of any pre-hearing conference or hearing date, the Movant is requested to consult with the hearing officer's secretary and with the opposing party in order that mutually agreeable alternative dates can be included with the motion. Unscheduled telephonic conferences may be held at any time the Movant can get the parties and the hearing officer together. Intermediate deadlines may be altered by mutual consent without the intervention of the hearing officer.

SO ORDERED this 15th day of June, 2012.



SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 18th day of June, 2012, by messenger mail, to:

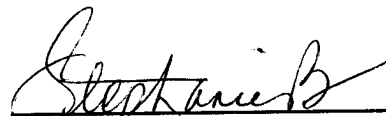
MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

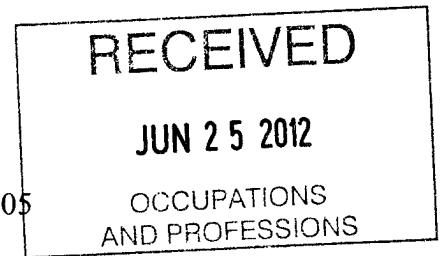
ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601



DOCKET COORDINATOR

120105r03.ssd.wpd

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

COMPLAINANT

vs.

ANSWER TO AMENDED COMPLAINT

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

Comes the Respondent, Rose Pennington, by counsel, and in response to the Amended Complaint of the Kentucky Board of Licensure of Marriage and Family Therapists, states as follows:

FIRST DEFENSE

The Plaintiff's Complaint fails to state any claims or cause of action against this Defendant upon which relief could be granted and therefore, said Complaint must be dismissed.

SECOND DEFENSE

1. The Respondent admits the allegations contained in paragraphs 1, 2, 3, and 4 of the Complainant's Amended Complaint.
2. The Respondent denies the allegations contained in paragraphs 5, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 of the Complainant's Amended Complaint.
3. The Respondent is without information such as to prove the truth or veracity of the allegations contained in paragraphs 6, 6, 7, 8, 9, 10, 11, 12, 13 and 15 of the Complainant's Complaint, and therefore denies same.
4. The Respondent denies any and all allegations not herein specifically admitted.
5. The Amended complaint is incorrectly numbered and has two paragraph "5"s and two paragraph "6"s. The Respondent is without sufficient knowledge as to truth of both

paragraphs' number "6" and therefore denies both. The Respondent admits to the first paragraph number "5" in such as it discusses 201 KAR 32:025 § 2 but denies the second paragraph number "5" regarding notification to Pennington that L.V's permit had expired.

THIRD DEFENSE

The contract of supervision for LaToya Burns Vaughn was not terminated on March 25, 2010, but continued, and as of this date has been applied for renewal but on hold due to the pending charges, but has not been terminated.

FOURTH DEFENSE

The Associate Permit Renewal Form submitted by LaToya Burns Vaughn and signed by supervisor Rose Pennington is dated March 25, 2010, and as of the date of Rose Pennington signing that document, she correctly stated the number of supervision hours she had to that date. As of the date of the signing of the aforementioned document, all hours were current and correct. After the associate took this Permit Renewal Form, Ms. Pennington had no further contact with this document or the renewal process for Ms. Vaughn. However, she continued to supervise her in her clinical supervisory role and continued to document those hours.

FIFTH DEFENSE

Ms. Pennington was never advised by the Kentucky Board of Licensure of Marriage and Family Therapists that LaToya Burns Vaughn's Associate Permit had been denied or was not current and active. She continued to serve as her supervisor, keeping logs after this Associate Permit Renewal Form was signed on March 25, 2010.

SIXTH DEFENSE

Rose Pennington was not notified until November 10, 2011 that LaToya Burns Vaughn's

license was deferred, and she learned this from an e-mail sent by Marcia Egbert. Ms. Pennington had continued her supervision of LaToya Burns Vaughn until November 4, 2011.

SEVENTH DEFENSE

Rose Pennington was aware in February of 2009 that LaToya Burns Vaughn was receiving administrative/program supervision from an agency supervisor where she worked. It was discussed with Ms. Vaughn that this was not to be considered clinical supervision and could not be counted toward supervisory hours for her marriage and family therapist licensure. During this time period, Pennington continued her clinical supervision while Ms. Vaughn was also receiving administrative/program supervision from her agency's supervisor, both which are clearly and distinctly listed on all paperwork.

EIGHTH DEFENSE

A clinical supervisor does not have the authority to provide administrative program supervision and does not have the authority to inform the agency that they cannot provide administrative/program supervision to their staff.

NINTH DEFENSE

Rose Pennington provided supervision logs to the Board and to LaToya Burns Vaughn that are consistent as of the date they were prepared. The Associate Permit Renewal Form is dated March 25, 2010 and as of that date, the documents that are attached and signed by Ms. Pennington are correct as to that date. The contract of clinical supervision continued after that date and the additional documents that Ms. Pennington has provided to the Board that are after the date of this initial Associate Permit Renewal Form are correct and up to date. The Respondent is not certain why Ms. LaToya Burns Vaughn chose not to submit the supervisory hours after March 25, 2010, but the

document dated March 25, 2010 is correct as of that date. When on January 26, 2012, Ms. Pennington was asked to provide all of her records regarding the supervision of LaToya Burns Vaughn, she complied and produced all records including those after March 25, 2010. The fact that the updated records are different from documents that are signed and dated for March 25, 2010 should be apparent as this is almost two years of additional supervision that has occurred since the initial signed and dated document.

TENTH DEFENSE

The supervision log used by the Respondent was downloaded from the KAMFT website (<http://mft.ky.gov>), and is commonly used in the field.

ELEVENTH DEFENSE

The supervision contract between Rose Pennington and LaToya Burns Vaughn clearly states the nature of the Marriage of Family and Therapy supervision's detailed description of the nature of the work setting and of the nature, duration and frequency of the supervision pursuant to 201 KAR 32:025-3(8).

TWELFTH DEFENSE

There are no reporting requirements by KAMFT or in the Kentucky Administrative Regulations (including 201 KAR 32:025-3(8)) which require any additional documentation of specific subjects and topics for individual supervisory hours.

THIRTEENTH DEFENSE

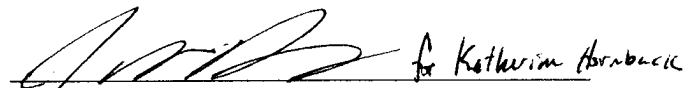
LaToya Burns Vaughn, at all times during the supervision performed by Ms. Pennington was a licensed Therapist operating under another license for drug and addiction Counseling and at NO TIME was she permitted to practice without a valid permit nor was she unable to provide therapeutic

services in violation of 201 KAR 32:050 §1(f)

Wherefore, the Respondent, Rose Pennington, prays that the Amended Complaint as asserted against her be dismissed and held for naught, for her costs herein expended, and for any and all other relief to which she may be entitled.

Respectfully Submitted,

REINHARDT & ASSOCIATES, PLC.

A handwritten signature in cursive script, appearing to read "Katherine J. Hornback", is written over a horizontal line.

KATHERINE J. HORNBACK
449 Lewis Hargett Circle, Suite 210
Lexington, KY 40503
(859)277-7100
ATTORNEY FOR RESPONDENT,
ROSE PENNINGTON

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing has been served this the 22nd day of June, 2012, to the following:

Susan S. Durant
Hearing Officer
Administrative Hearings Branch
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204
**(via fax: 502-573-1009
and U.S. Mail)**

Marcia Egbert
Kentucky Board of Licensure of Marriage &
Family Therapists
911 Leawood Drive
Frankfort, KY 40601
(via U.S. Mail)

Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502
(via U.S. Mail)

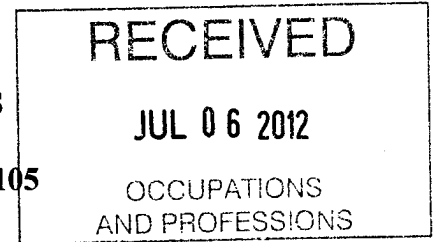
Angela Evans
Civil & Environmental Law Division
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, KY 40601
**(via fax: 502-564-2894
and U.S. Mail)**



ATTORNEY FOR RESPONDENT

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COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

COMPLAINANT

vs. **ORDER SETTING July 10, 2012, PREHEARING CONFERENCE**

ROSE PENNINGTON
(License No. KY-0507)


RESPONDENT

* * * * *

Katherine J. Hornback, Reinhardt & Associates, has requested a prehearing conference to discuss a new hearing date because of a conflict in a witness' schedule.

Having been sufficiently advised, IT IS HEREIN ORDERED that a telephonic prehearing conference shall be held on July 10, 2012, at 2:30 p.m.

SO ORDERED this 3rd day of July, 2012.


SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 5th day of July, 2012, by messenger mail, to:

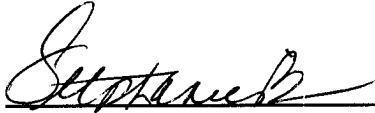
MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601

A handwritten signature in black ink, appearing to read "Katherine J. Hornback", written over a horizontal line.

DOCKET COORDINATOR

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**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105**



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs. **ORDER RESCHEDULING HEARING TO August 30, 2012**

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

A telephonic prehearing conference was held in this matter on July 10, 2012. Angela Evans, Civil and Environmental Law Division, appeared for the Board. Katherine J. Hornback, Reinhardt & Associates, was present for Rose Pennington. The parties agreed to another Hearing date to accommodate Ms. Pennington's teaching schedule. The parties also decided that a mediation should be scheduled. The Hearing Officer stated that Peggy Riddle would contact them to determine a convenient date. The hearing date will remain tentative until the mediation date is set.


Having been sufficiently advised, IT IS HEREIN ORDERED that:

(1) The dates to identify expert witnesses will remain as scheduled. On or before July 20, 2012, the Respondent shall provide CR 26.02 (4)(a)(i) information identifying its expert witness. On or before July 30, 2012, the Complainant shall provide CR 26.02 (4)(a)(i) information identifying its expert witness.

(2) All other dates will remain as previously scheduled unless the mediation date impinges. On or before July 30, 2012, the Complainant shall identify its members who will sit as a panel to hear the evidence. On or before August 10, 2012, the parties shall file and serve the prehearing memoranda.

(7) The parties shall appear for an ADMINISTRATIVE HEARING on August 30, 2012, at the hour of 9:00 a.m. E.T., at the Kentucky Board of Licensure of Marriage and Family Therapists, 911 Leawood Drive, Frankfort, Kentucky. One day has been set aside for the Administrative Hearing. At the hearing, the parties shall have sufficient copies of any exhibit to be offered so that the hearing officer and Hearing panel have a copy in addition to the copy placed in the record—5 in total. The Agency shall be responsible for providing a court reporter or otherwise recording the hearing.

SO ORDERED this 10th day of July, 2012.


SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 10th day of July, 2012, by messenger mail, to:


MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

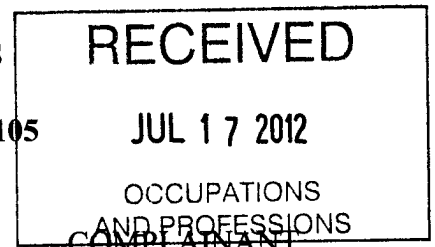
ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601

A handwritten signature in cursive script that reads "Brenda Edwards". The signature is written in black ink and is positioned above a horizontal line.

DOCKET COORDINATOR

120105r05.ssd.wpd

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

ORDER CONCERNING NEXT CONFERENCE

ROSE PENNINGTON
(License No. KY-0507)


RESPONDENT

* * * * *

A mediation is scheduled to be held on August 30, 2012, in this matter. The mediation scheduler suggested that a prehearing conference to set another hearing date be held on July 23. The Hearing Officer, however, has decided that it would be more efficient to have a conference to reschedule the hearing, if necessary, after the mediation. In that way we can take up any issue that develops during the mediation.

Having been sufficiently advised, IT IS HEREIN ORDERED Angela Evans is to contact Administrative Hearings to schedule a prehearing conference after the mediation, if necessary. Otherwise, she is to send a copy of the Final Order of the Board to the Hearing Officer.

SO ORDERED this 16th day of July, 2012.


SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 17th day of July, 2012, by messenger mail, to:

MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601


DOCKET COORDINATOR
120105r06.ssd.wpd



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KENTUCKY 40601

MEMORANDUM

RECEIVED

JUL 20 2012

**OCCUPATIONS
AND PROFESSIONS**

TO: Parties and Counsel

RE: Kentucky Board of Licensing of Marriage and Family Therapists v. Rose Pennington,
License No. 0507
Administrative Action No. 12-KBMFT-0231-M

FROM: Michael Head *MH*
Mediator

DATE: July 18, 2012

SUBJECT: Mediation Referral

With the agreement of the parties, the above-referenced administrative actions have been referred to mediation.

A mediation conference has been scheduled for **August 30, 2012, 9:00 a.m. to 12:30 p.m.**, at the offices of the Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky.

Mediation is a process of assisted, informal negotiation which uses a neutral third party, the mediator, to aid the parties in exploring the possibility of settlement. The mediator is not a judge and will not make decisions about the dispute. Rather, the mediator will endeavor to help the parties reach a mutually agreeable resolution of their dispute.

Mediation conferences, like settlement negotiations, are conducted privately and are not open to the public. Only those individuals necessary to resolve the dispute should plan to attend. Witnesses are not necessary. An understanding of witnesses' potential testimony, however, may be vital in explaining a party's position.

Before the mediation conference begins, all participants will be expected to sign an "Agreement to Mediate," a copy of which is also attached. The Agreement to Mediate is



designed to facilitate the mediation process by ensuring that the parties engage in informed, confidential, and good faith settlement negotiations.

Understanding the following three components, essential to effective mediation, may aid in preparing for the mediation conference.

- 1) **Parties must negotiate in good faith.** Parties should be prepared to engage in good faith efforts to resolve the dispute upon mutually satisfactory terms and must not attempt to use the mediation process for any other purpose.
- 2) **Parties must have sufficient information about their case to facilitate settlement discussions.** Parties should be prepared to discuss openly as much of their case as possible and to explain the interests underlying their stated positions.
- 3) **Participants must have adequate authority to negotiate.** Mediation participants must have full authority to negotiate on behalf of the parties whose interests they represent. Ideally, the participants should have the discretion to alter a party's position as information is developed about the case. Counsel may attend the mediation conference, but are not required to do so. Counsel who attend the mediation conference without their clients must have full authority to negotiate on their clients' behalf.

Should the parties reach a settlement understanding during the mediation conference, a summary of that understanding will be reduced to writing or an agreement will be written and signed by the parties. Ultimately, the Board must issue a Final Order approving the agreement. **No understandings reached as a result of mediation shall be binding unless and until incorporated into a Final Order and signed by the Board.**

The Commonwealth has identified mediation as a method for resolving cases without the need for a formal administrative hearing. Should the case fail to settle, however, the formal administrative hearing will be held in this matter as scheduled.

Questions regarding mediation should be directed to Michael Head at 1024 Capital Center Drive, Frankfort, Kentucky. Phone: (502) 696-5442.

cc:

MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601

KENTUCKY BOARD OF LICENSING OF MARRIAGE AND FAMILY THERAPISTS
AGREEMENT TO MEDIATE
Administrative Action No. 11-KBMFT-0231-M
KBLMFT v. Rose Pennington, License No. 0507

The participants in this mediation agree as follows:

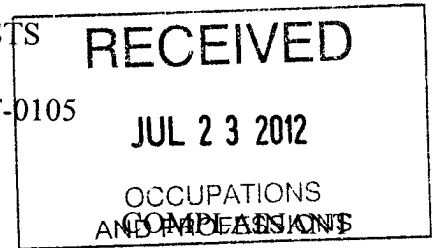
- (1) We have full authority to negotiate on behalf of and enter into a settlement for ourselves and the party or parties whom we represent.
- (2) We understand that the mediation process requires good faith efforts to be successful. We will pursue settlement of our dispute through the mediation process in good faith, and we will use our best efforts to settle all our disputes.
- (3) All mediation documents and communications made during mediation conferences are both privileged and confidential. They are not subject to disclosure through discovery or any other process, and are not admissible into evidence in any judicial or administrative proceeding. No part of a mediation proceeding is considered public record. No part of a mediation proceeding is subject to either the Kentucky Open Meetings Act or the Kentucky Open Records Act.
- (4) The mediation participants and the Mediator have a duty not to disclose and a right to prevent any other person from disclosing any communications or documents produced or generated during mediation proceedings. No participant will subpoena the Mediator to testify concerning the mediation session. Any mediation participant who tries to subpoena the Mediator as a witness, or compel the production of any documents from the Mediator, or to do the same regarding any of the Mediator's agents or employees, shall be liable for all reasonable costs and attorney's fees incurred by the Mediator, or his agents or employees, in defending any such action or quashing any such motion.
- (5) We acknowledge that the Mediator does not provide legal, financial, counseling, or other professional advice during the mediation.
- (6) We will not hold the Mediator, the Division of Administrative Hearings, the Office of the Attorney General, or the Kentucky Board of Licensing of Marriage and Family Therapists liable for the results of mediation, whether or not we resolve our dispute.
- (7) We understand that the Mediator is a trained mediator who is also a hearing officer in the Division of Administrative Hearings, Office of the Attorney General. We understand that if mediation is not successful the case will proceed to a hearing conducted by a different hearing officer employed by the Office of the Attorney General.
- (8) We understand that no agreement is final until the Kentucky Board of Licensing of Marriage and Family Therapists issues a Final Order.
- (9) Notwithstanding the foregoing, nothing in this agreement permits any participant in mediation to obtain immunity from prosecution for criminal conduct.

The Mediator agrees as follows:

- (1) Although the Mediator in this mediation is employed by the Office of the Attorney General as a hearing officer, the Mediator will not serve as the hearing officer at the hearing, and the Mediator will keep confidential any of the discussions of the parties and other information disclosed in the mediation session, unless to comply with a court order, or as otherwise required by law, including KRS 209.030 (concerning reporting adult abuse) and KRS 620.030 (concerning reporting child abuse).

On this _____ day of August, 2012.

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0105



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

vs.

PLAINTIFFS' RULE 26.02 (4)(a) (i) DISCLOSURE

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT


Comes the Respondent, Rose Pennington, by and through counsel, and tenders the following as her compliance with Rule 26 (4) (a) (i) Disclosures and the Court's Scheduling Order and states as follows:

1. That pursuant to Rule 26 (4) (a) (i) , the identities of those individuals who may be used as an expert at trial are as follows:

(A) M. O'Neal Weeks, Ph.D., Retired ECU Professor, Dept. Child and Family Services. Dr. Weeks is expected to testify about marriage and family therapist licensure and supervision. Additional information regarding Dr. Weeks history as an expert witness and a list of publications authored by him will be supplemented when this information becomes available.

Respectfully Submitted,

REINHARDT & ASSOCIATES, PLC.


KATHERINE J. HORNBACK
449 Lewis Hargett Circle, Suite 210
Lexington, KY 40503
(859)277-7100
ATTORNEY FOR RESPONDENT,
ROSE PENNINGTON

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing has been served via US Mail this the 20th day of July, 2012, to the following:

Susan S. Durant
Hearing Officer
Administrative Hearings Branch
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Marcia Egbert
Kentucky Board of Licensure of Marriage &
Family Therapists
911 Leawood Drive
Frankfort, KY 40601

Rose Pennington
3428 Milan Lane, #325A
Lexington, KY 40502

Angela Evans
Civil & Environmental Law Division
Office of the Attorney General
700 Capital Avenue, Suite 118
Frankfort, KY 40601


ATTORNEY FOR RESPONDENT

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**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE FOR
MARRIAGE & FAMILY THERAPISTS
ADMINISTRATIVE ACTION NO. 12-KBMFT-105**

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

COMPLAINANT

vs.

**NOTICE OF HEARING PANEL
AND EXPERT WITNESS**

ROSE PENNINGTON (Lic. # KY-0507)

RESPONDENT

* * * * *

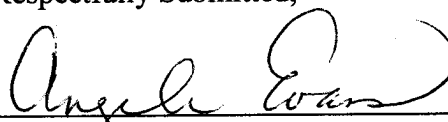
Comes the Complainant, Kentucky Board of Marriage and Family Therapists, by and through counsel, and pursuant to the Hearing Officer's Pre-Hearing Conference Order dated July 10, 2012, hereby informs Respondent that should mediation be unsuccessful, the case will be heard by a panel, consisting of three (3) of the six (6) following Board members:

Richard Hamon
Carolyn Miller-Cooper
Sandra Miller
Jane Prouty
Dr. Thomas Robbins

Since a date for the hearing has not been scheduled due to pending mediation, Complainant's counsel is unable to identify the exact members who will serve on the panel if necessary.

Furthermore, in accordance with the July 10, 2012 Order, counsel for the Kentucky Board of Licensure for Marriage and Family Therapists will not be calling an expert witness to testify for the Board should the hearing be held.

Respectfully Submitted,



ANGELA EVANS, Assistant Attorney General

Office of the Attorney General
700 Capitol Ave., Ste. 118
Frankfort KY 40601
Phone: 502.696.5300
Board Counsel

CERTIFICATE OF SERVICE

I hereby certify that the original of the Notice of Hearing Panel and Expert Witness was hand delivered to Marcia Egbert, Administrator, for filing in the administrative record, and that a copy of the document herein was served as indicated below, this 30th day of July, 2012 to the following:

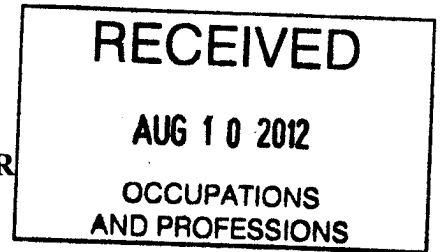
Via mail, first class, postage pre-paid:

Katherine J. Hornback
449 Lewis Hargett Circle, Suite 210
Lexington, KY 40503
Attorney for Respondent

A handwritten signature in cursive script, appearing to read "Angela Evans", is written over a horizontal line.

ANGELA EVANS
Board Counsel

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE FOR
MARRIAGE & FAMILY THERAPISTS
ADMINISTRATIVE ACTION NO.**



KENTUCKY BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

COMPLAINANT

vs.

PRE-HEARING MEMORANDUM

ROSE PENNINGTON
LMFT NO. KY-0507

RESPONDENT

* * * * *

Comes the Complainant, Kentucky Board of Marriage and Family Therapists, by and through counsel, and pursuant to the Hearing Officer's Pre-Hearing Conference Order dated July 15, 2012, hereby informs Respondent that the case will be heard by a panel, consisting of three (3) Board members and offers the following witness and exhibit list for the administrative hearing on the matter herein:

WITNESS LIST

Witnesses that may be called on behalf of the Complainant are as follows:

1. Marcia Egbert
KY Board of Licensure for Marriage & Family Therpatists
Board Administrator
911 Leawood Drive
Frankfort, KY 40601
(502) 564-3296

Ms. Egbert is the Board Administrator and will be called as fact witness to testify as to Respondent's licensure status, the licensure history of Ms. Vaughn and the certification of the Board's records of Respondent and Ms. Vaughn.

2. LaToya Vaughn
3460 Woodspring Drive
Lexington, KY 40515

Ms. Vaughn will be called as a fact witness to testify regarding her supervision with the Respondent.

3. Dr. John N. Kravic, LMFT
111 S. Sherrin Ave.
Louisville, KY 40207
(502) 895-9999

Dr. Kravic is a Licensed Marriage and Family Therapist and the Board's investigator who will be called as a fact witness to testify as to the documents produced by and statements made by Respondent and Ms. Vaughn

4. Mr. Tony Watkins
15 Old Sweet Own Road
Owenton, KY 40359

Mr. Watkins is a Licensed Marriage and Family Therapist and a member of the Application Committee who will be called as a fact witness to testify as to the applications submitted by LaToya Vaughn.

5. Ms. Rose Pennington
600 Brownsboro Park Blvd.
Louisville, KY 40207
(502) 897-2100

Ms. Pennington will be called as a fact witness to testify regarding her supervision of LaToya Vaughn.

6. Any and all witnesses who may be called to testify by the Respondent in this matter.
7. Any other witness necessary to rebut the testimony of any witness called by the Respondent.

EXHIBIT LIST

The following exhibits may be used by the Board during the Administrative Hearing in the matter herein:

1. The initial complaint and all supporting documents, filed with the Board by Sandy Miller on behalf of the Board;
2. The Reply and all supporting documents and correspondence filed with the Board by Respondent and Ms. Vaughn regarding Respondent's supervision of Ms. Vaughn;

3. The Associate applications and renewal application(s) submitted to the Board by Ms. Vaughn;
4. The licensure file of Respondent;
5. The copy of Respondent's and Ms. Vaughn's 2011 and 2012 calendars previously subpoenaed by the Board;
6. Notice of Hearing and Amended Notice of Hearing filed in the matter herein, previously served on Respondent;
7. Any other exhibit listed by the Respondent;
8. Any other exhibit necessary to rebut the testimony of any witness called by the Respondent or any other exhibit introduced into evidence.

QUESTIONS OF FACT

Did Respondent know L.V. had not timely renewed her permit?

Did Respondent meet with L.V. for the purpose of supervision during the time L.V.'s permit was expired?

Were the supervision logs provided by Respondent inconsistent with logs and statements provided by L.V.?

These are all the facts believed to be in question. However, the scheduled mediation might result in an awareness of additional disputed facts and the Board would request permission to amend should it determine it is necessary.

QUESTIONS OF LAW

Is Respondent responsible for knowing the status of her supervisee's permit?

Did Respondent misrepresent Ms. Vaughn's supervision in order for her to gain a valid permit, thus violating 201 KAR 32:050 Section 3(4)?

Did Respondent fail to maintain the standards of professional integrity by having Ms. Vaughn corroborate the additional dates of supervision that Respondent submitted, thus violating 201 KAR 32:050 Section 3(4)?

Did Respondent fail to maintain the standards of the professional competence and integrity and neglect her responsibility to foster professional competence of an associate by allowing Ms. Vaughn to practice marriage and family therapy without a valid permit, violating 201 KAR 32:050 Section 3?

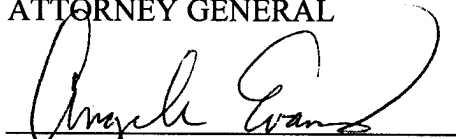
Did Respondent neglect her responsibility to ensure Vaughn's clients received proper marriage and family therapy services from a properly credentialed individual?

Did Respondent continuing to abide by the invalid supervision contract exhibit a lack of integrity and exploit L.V., violating 201 KAR 32:050 Section 3 and Section 4(1)?

Did Respondent's documentation of L.V.'s supervision and financial arrangements violate 201 KAR 32:035 Section 6 and 201 KAR 32:050 Section 5?

Respectfully Submitted,

JACK CONWAY
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Angela Evans", is written over a horizontal line.

Angela Evans
Assistant Attorney General
Office of the Attorney General
700 Capitol Ave., Ste. 118
Frankfort KY 40601
Phone: 502.696.5600
Board Counsel

CERTIFICATE OF SERVICE


I hereby certify that the original of the Prehearing Memorandum was hand delivered to Marcia Egbert, Board Administrator, for filing in the administrative record, and that a copy of the document herein was served as indicated below, this 10th day of August, 2012 to the following:

Via mail, first class, postage pre-paid:

Katherine Hornback
Reinhardt & Associates, PLC
449 Lewis Hargett Circle, Suite 210
Lexington, KY 40503
Counsel for Respondent

Via messenger mail:

Susan Durant
Hearing Officer
Office of the Attorney General
Administrative Hearings Branch Division
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601



Angela Evans
Board Counsel

RECEIVED

AUG 31 2012

OCCUPATIONS
AND PROFESSIONS

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION NO. 12-KBMFT-0231-M**

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE AND FAMILY THERAPISTS

COMPLAINANT

vs.

MEDIATION REPORT


ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

A mediation was held in this matter on August 30, 2012, at the offices of the Office of the Attorney General, 1024 Capital Center Dr., Frankfort, KY. Angela Evans, Assistant Attorney General, appeared as counsel for the Kentucky Board of Licensure of Marriage and Family Therapists, along with Board member Tony Watkins. Katherine J. Hornback appeared as counsel for the Respondent, Rose Pennington. The parties signed a memorandum of understanding, which the parties' attorneys intend to reduce to a written settlement agreement that will be submitted to the Board for its approval. The parties agreed that all further proceedings in the companion complaint case before the Board can be canceled.

SO ORDERED this 30 day of August, 2012.



MICHAEL HEAD, MEDIATOR
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KENTUCKY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

CERTIFICATE OF SERVICE

I hereby certify that the original of this MEDIATION REPORT was mailed this 31st

day of August, 2012, by messenger mail, to:

MARCIA EGBERT
KY BD OF LICENSURE OF MARRIAGE
& FAMILY THERAPISTS
911 LEAWOOD DR
FRANKFORT KY 40601

for filing; and a true copy was sent by first-class mail, postage prepaid, to:

KATHERINE J HORNBACK
REINHARDT & ASSOCIATES
449 LEWIS HARGETT CIR STE 210
LEXINGTON KY 40503

and, by messenger mail, to:

ANGELA EVANS
CIVIL & ENVIRONMENTAL LAW DIV
OFFICE OF THE ATTORNEY GENERAL
700 CAPITOL AVE STE 118
FRANKFORT KY 40601

Peggy Riddle
DOCKET COORDINATOR

120231 Mediation Report.mh.rtf

**KENTUCKY BOARD OF LICENSING OF MARRIAGE AND FAMILY THERAPISTS
AGREEMENT TO MEDIATE**

**Administrative Action No. 11-KBMFT-0231-M
KBLMFT v. Rose Pennington, License No. 0507**

The participants in this mediation agree as follows:

(1) We have full authority to negotiate on behalf of and enter into a settlement for ourselves and the party or parties whom we represent.

(2) We understand that the mediation process requires good faith efforts to be successful. We will pursue settlement of our dispute through the mediation process in good faith, and we will use our best efforts to settle all our disputes.

(3) All mediation documents and communications made during mediation conferences are both privileged and confidential. They are not subject to disclosure through discovery or any other process, and are not admissible into evidence in any judicial or administrative proceeding. No part of a mediation proceeding is considered public record. No part of a mediation proceeding is subject to either the Kentucky Open Meetings Act or the Kentucky Open Records Act.

(4) The mediation participants and the Mediator have a duty not to disclose and a right to prevent any other person from disclosing any communications or documents produced or generated during mediation proceedings. No participant will subpoena the Mediator to testify concerning the mediation session. Any mediation participant who tries to subpoena the Mediator as a witness, or compel the production of any documents from the Mediator, or to do the same regarding any of the Mediator's agents or employees, shall be liable for all reasonable costs and attorney's fees incurred by the Mediator, or his agents or employees, in defending any such action or quashing any such motion.

(5) We acknowledge that the Mediator does not provide legal, financial, counseling, or other professional advice during the mediation.

(6) We will not hold the Mediator, the Division of Administrative Hearings, the Office of the Attorney General, or the Kentucky Board of Licensing of Marriage and Family Therapists liable for the results of mediation, whether or not we resolve our dispute.

(7) We understand that the Mediator is a trained mediator who is also a hearing officer in the Division of Administrative Hearings, Office of the Attorney General. We understand that if mediation is not successful the case will proceed to a hearing conducted by a different hearing officer employed by the Office of the Attorney General.

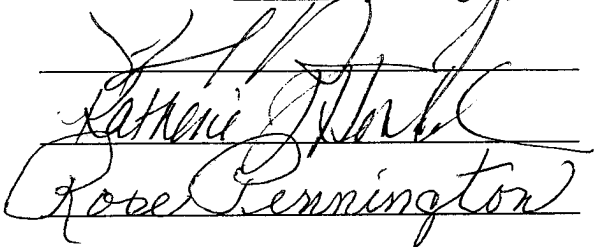
(8) We understand that no agreement is final until the Kentucky Board of Licensing of Marriage and Family Therapists issues a Final Order.

(9) Notwithstanding the foregoing, nothing in this agreement permits any participant in mediation to obtain immunity from prosecution for criminal conduct.

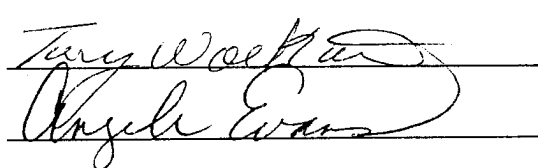
The Mediator agrees as follows:

(1) Although the Mediator in this mediation is employed by the Office of the Attorney General as a hearing officer, the Mediator will not serve as the hearing officer at the hearing, and the Mediator will keep confidential any of the discussions of the parties and other information disclosed in the mediation session, unless to comply with a court order, or as otherwise required by law, including KRS 209.030 (concerning reporting adult abuse) and KRS 620.030 (concerning reporting child abuse).

On this 30 day of August, 2012.



Rose Pennington



Taryn Woelfel

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION ON. 12-KBMFT-0231**

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

COMPLAINANT

vs.

SETTLEMENT AGREEMENT

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

Parties

Come the Petitioner, the Kentucky Board of Licensure of Marriage and Family Therapists (hereinafter the "Board"), by counsel and the Respondent, Rose Pennington, LMFT, (hereinafter "Pennington") in person and with counsel, and both parties being duly informed states as follows:

Jurisdiction

The Board has jurisdiction over this matter pursuant to KRS Chapter 335 and the related administrative regulations.

History

On or about May 19, 2011 to October 27, 2011 Pennington was providing supervision for the purpose of licensure as a marriage and family therapist to L.V., who no longer possessed a valid associate permit. Pennington admits that she violated 201 KAR 32:035 Section 9(2) by failing to know or advise supervisee, L.V., that her Marriage and Family Therapist associate permit had expired.

~p

The parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing;

IT IS HEREBY AGREED that Pennington shall:

Forego permanently being a clinical supervisor for marriage and family therapist associates in the Commonwealth of Kentucky;

Pay costs in the amount of \$1,000, to be paid in monthly installments of at least \$42.00 over the next two years. Payments shall be made payable to the Kentucky State Treasurer and mailed to the Board at: P.O. Box 1360, Frankfort, KY 40602. Payments shall be received by the board no later than the 30th of each month and;

Retain her license to practice as a marriage and family therapist, Kentucky License number 0507.

Voluntary Waiver of Rights

Respondent has carefully reviewed the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to her under KRS Chapter 335 and the accompanying regulations and no coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

The Respondent is fully aware of her rights in an administrative proceeding. These rights include: representation by an attorney at the Respondent's own expense, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the accusation and the right to obtain judicial review of the Board's decision. All of these rights are being

voluntarily waived by the Respondent in exchange for the Board's acceptance of this Settlement Agreement.


Publication of Settlement Agreement

The Respondent acknowledges that, once adopted by the Board, this document is considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. This Settlement Agreement and a Final Order shall be listed as one document on the Board's website and Respondent may request they be removed upon Respondent's completion of all the terms of this Settlement Agreement.

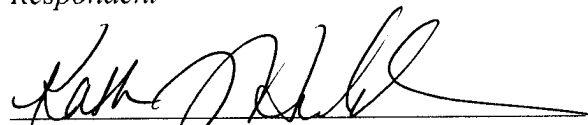
Complete Agreement

This Settlement Agreement consists of three (3) pages and embodies the entire agreement between the Kentucky Board of Licensure of Marriage and Family Therapists and Rose Pennington, LMFT. It may not be altered, amended or modified without the express written consent of both parties.

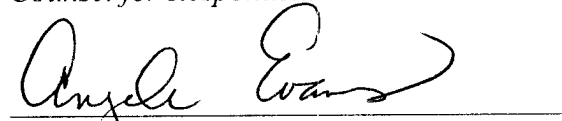
Have Seen, Understood and Approved:


ROSE PENNINGTON
Respondent

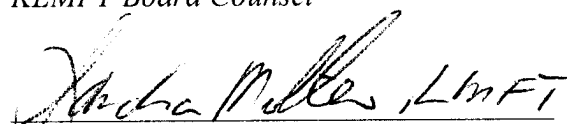
10-31-12
Date


KATHERINE HORNBACK
Counsel for Respondent

10-31-12
Date


ANGELA EVANS
KLMFT Board Counsel

12-6-12
Date


SANDRA MILLER, LMFT
KLMFT Chair

12-6-12
Date

rp

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION ON. 12-KBMFT-0231**

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

COMPLAINANT

vs.

FINAL ORDER

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

This matter having come before the Kentucky Board for Marriage and Family Therapists (hereinafter referred to as "the Board") on December 6, 2012, and the Board having been sufficiently advised, hereby **ADOPTS** the Settlement Agreement signed by Respondent on October 31, 2012.

IT IS SO ORDERED

Dated this 6 day of December, 2012.

Kentucky Board of Licensing for
Marriage & Family Therapists


Sandra Miller, Board Chairman

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Final Order was mailed, first class postage prepaid, this 12th day of December, 2012 to:

KATHERINE J. HORNBACK
REINHARDT & ASSOCIATES, PLC
449 LEWIS HARGETT CIRCLE, SUITE 210
LEXINGTON, KY 40503
Counsel for Respondent

By messenger mail:

Susan Durant
Division of Administrative Hearings
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204
Hearing Officer

Angela Evans
Office of the Attorney General
Capitol Building, Suite 118
Frankfort, KY 40601
Board Counsel



Marcia Egbert, Board Administrator



KENTUCKY BOARD OF LICENSURE OF MARRIAGE & FAMILY THERAPISTS

Steven L. Beshear
Governor

P. O. Box 1360
Frankfort, Kentucky 40602
Phone (502) 564-3296, ext. 234
Fax (502) 696-5849
<http://mft.ky.gov>

June 6, 2014

Marcheta Rose Pennington
3428 Milam Lane #325A
Lexington, KY 40502

RE: Complaint #2011-008 - Administrative Action 12-KBMFT-0231 – Final Order

Dear Ms. Pennington:

This is to notify you that, according to final legal order #12-KBMFT-0231, you are required to pay the complete settlement fine no later than December 6, 2014. If payment isn't completed at that time you will be in violation of the order and the Board will pursue further action.

If you have any questions regarding this matter, please feel free to call our office.

Sincerely,

A handwritten signature in cursive script that reads "Jane Prouty".

Jane Prouty
Board Chair

JP/mme

PENNINGTON, ROSE

BD OF MARRIAGE AND FAMILY THERAPISTS

STATE LICENSURE ACTION

Date of Action: 12/06/2012

Initial Action

Basis for Initial Action

- LIMITATION OR RESTRICTION ON LICENSE

- ALLOWING OR AIDING UNLICENSED PRACTICE

A. REPORTING ENTITY

Entity Name: BD OF MARRIAGE AND FAMILY THERAPISTS

Address: P.O. BOX 1360

City, State, Zip: FRANKFORT, KY 40602

Country:

Name of Office: KY BRD OF MARRIAGE & FAMILY THERAPISTS

Title or Department: KY BRD OF MARRIAGE & FAMILY THERAPISTS

Telephone: (502) 564-3296 Ext. 225

Entity Internal Report Reference:

Type of Report: INITIAL

B. SUBJECT IDENTIFICATION INFORMATION (INDIVIDUAL)

Subject Name: PENNINGTON, ROSE

Other Name(s) Used:

Gender: FEMALE

Date of Birth: 09/17/1939

Organization Name: BLUEGRASS FAMILY PRESERVATION

Work Address: 2311 FORTUNE DRIVE, SUITE 201

City, State, ZIP: LEXINGTON, KY 40509

Organization Type: MENTAL HEALTH/SUBSTANCE ABUSE GROUP/PRACTICE (366)

Home Address: 3428 MILAM LANE

City, State, ZIP: LEXINGTON, KY 40502

Deceased: NO

Federal Employer Identification Numbers (FEIN):

Social Security Numbers (SSN): ***-**-6525

Individual Taxpayer Identification Numbers (ITIN):

National Provider Identifiers (NPI):

Professional School(s) & Year(s) of Graduation: UNIVERSITY OF KENTUCKY (1961)

Occupation/Field of Licensure (Code): MARRIAGE AND FAMILY THERAPIST

State License Number, State of Licensure: 0507, KY

Drug Enforcement Administration (DEA) Numbers:

Unique Physician Identification Numbers (UPIN):

Name(s) of Health Care Entity (Entities) With Which Subject Is Affiliated or Associated (Inclusion Does Not Imply Complicity in the Reported Action.):

BLUEGRASS FAMILY PRESERVATION

Business Address of Affiliate: 2311 FORTUNE DRIVE, SUITE 201

City, State, ZIP: LEXINGTON, KY 40502

Nature of Relationship(s): SUBJECT IS EMPLOYEE OF AFFILIATE OR ASSOCIATE (200)

DCN: 5500000079300153
Process Date: 01/03/2013
Page: 2 of 3
PENNINGTON, ROSE
For authorized use by:
BD OF MARRIAGE AND FAMILY THERAPISTS

C. INFORMATION REPORTED

Type of Adverse Action: STATE LICENSURE
Basis for Action: ALLOWING OR AIDING UNLICENSED PRACTICE (G2)
Name of Agency or Program That Took the Adverse Action Specified in This Report: MARRIAGE FAMILY THERAPISTS
Adverse Action Classification Code(s): LIMITATION OR RESTRICTION ON LICENSE (1147)
Date Action Was Taken: 12/06/2012
Date Action Became Effective: 12/06/2012
Length of Action: PERMANENT
Total Amount of Monetary Penalty, Assessment and/or Restitution: \$ 1,000.00
Is Subject Automatically Reinstated After Adverse Action Period Is Completed?: YES
Description of Subject's Act(s) or Omission(s) or Other Reasons for Action(s) Taken and Description of Action(s) Taken by Reporting Entity: ON OR ABOUT MAY 19 2011 TO OCTOBER 27 2011 RESPONDENT WAS PROVIDING SUPERVISION FOR THE PURPOSE OF LICENSURE AS A MARRIAGE AND FAMILY THERAPY TO AN INDIVIDUAL WHO NO LONGER POSSESSED A VALID ASSOCIATE PERMIT. RESPONDENT ADMITS THAT SHE VIOLATED 201 KAR 32:035 SECTION 9(2) BY FAILING TO KNOW OR ADVISE INDIVIDUAL THAT HER MARRIAGE AND FAMILY THERAPIST ASSOCIATE PERMIT HAD EXPIRED. IT IS HEREBY AGREED THAT RESPONDENT SHALL: FORGO PERMANENTLY BEING A CLINICAL SUPERVISOR FOR MARRIAGE AND FAMILY THERAPIST ASSOCIATES IN THE COMMONWEALTH OF KY. PAY COSTS IN THE AMOUNT OF 1000.00 TO BE PAID IN MONTHLY INSTALLMENTS OF AT LEAST 42.00 OVER THE NEXT TWO YEARS. PAYMENTS SHALL BE MADE TO THE KY STATE TREASURER AND MAILED TO THE BOARD AT P. O. BOX 1360, FRANKFORT, KY 40602. PAYMENTS SHALL BE RECEIVED BY THE BOARD NO LATER THAN THE 30TH OF EACH MONTH AND RETAIN RESPONDENTS KENTUCKY'S LICENSE TO PRACTICE AS A MARRIAGE AND FAMILY THERAPIST

☐ Subject identified in Section B has appealed the reported adverse action.

D. SUBJECT STATEMENT

If the subject identified in Section B of this report has submitted a statement, it appears in this section.

E. REPORT STATUS

Unless a box below is checked, the subject of this report identified in Section B has not contested this report.

- ☐ If box is checked, this report has been disputed by the subject identified in Section B.
- ☐ If box is checked, at the request of the subject identified in Section B, this report is being reviewed by the Secretary of the U.S. Department of Health and Human Services to determine its accuracy and/or whether it complies with reporting requirements. No decision has been reached.
- ☐ If box is checked, at the request of the subject identified in Section B, this report was reviewed by the Secretary of the U.S. Department of Health and Human Services. The Secretary's decision is shown below:

the DataBank

P.O. Box 10832
Chantilly, VA 20153-0832

<http://www.npdb-hipdb.hrsa.gov>

DCN: 5500000079300153
Process Date: 01/03/2013
Page: 3 of 3
PENNINGTON, ROSE
For authorized use by:
BD OF MARRIAGE AND FAMILY THERAPISTS

Date of Original Submission:	01/03/2013
Date of Most Recent Change:	01/03/2013

This report is maintained under the provisions of: Section 1921 (NPDB), Section 1128E (HIPDB)

The information contained in this report is maintained by the National Practitioner Data Bank for restricted use under the provisions of Section 1921 of the Social Security Act as codified in 45 CFR Part 60; and the Healthcare Integrity and Protection Data Bank for restricted use under the provisions of Section 1128E of the Social Security Act as codified in 45 CFR Part 61. All information is confidential and may be used only for the purpose for which it was disclosed. Disclosure or use of confidential information for other purposes is a violation of Federal law. For additional information or clarification, contact the reporting entity identified in Section A.

END OF REPORT

Barbara

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION ON. 12-KBMFT-0231

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

COMPLAINANT

vs.

FINAL ORDER

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

This matter having come before the Kentucky Board for Marriage and Family Therapists (hereinafter referred to as "the Board") on December 6, 2012, and the Board having been sufficiently advised, hereby **ADOPTS** the Settlement Agreement signed by Respondent on October 31, 2012.

IT IS SO ORDERED

Dated this 6 day of December, 2012.

Kentucky Board of Licensing for
Marriage & Family Therapists


Sandra Miller, Board Chairman

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Final Order was mailed, first class postage prepaid, this 12th day of December, 2012 to:

KATHERINE J. HORNBACK
REINHARDT & ASSOCIATES, PLC
449 LEWIS HARGETT CIRCLE, SUITE 210
LEXINGTON, KY 40503
Counsel for Respondent

By messenger mail:

Susan Durant
Division of Administrative Hearings
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204
Hearing Officer

Angela Evans
Office of the Attorney General
Capitol Building, Suite 118
Frankfort, KY 40601
Board Counsel



Marcia Egbert, Board Administrator

The parties mutually desire to settle the issues in an expeditious manner, without the need for a formal hearing;

IT IS HEREBY AGREED that Pennington shall:

Forego permanently being a clinical supervisor for marriage and family therapist associates in the Commonwealth of Kentucky;

Pay costs in the amount of \$1,000, to be paid in monthly installments of at least \$42.00 over the next two years. Payments shall be made payable to the Kentucky State Treasurer and mailed to the Board at: P.O. Box 1360, Frankfort, KY 40602. Payments shall be received by the board no later than the 30th of each month and;

Retain her license to practice as a marriage and family therapist, Kentucky License number 0507.

Voluntary Waiver of Rights

Respondent has carefully reviewed the Agreed Order herein and enters into this Agreed Order knowingly, willingly and voluntarily and after having reviewed the due process rights afforded to her under KRS Chapter 335 and the accompanying regulations and no coercion has been exerted upon the Respondent, nor have any promises been made other than those reflected in this Agreed Order.

The Respondent is fully aware of her rights in an administrative proceeding. These rights include: representation by an attorney at the Respondent's own expense, the right to confront and cross-examine witnesses called to testify against the Respondent, the right to present evidence on the Respondent's own behalf, the right to testify on his own behalf, the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the accusation and the right to obtain judicial review of the Board's decision. All of these rights are being

voluntarily waived by the Respondent in exchange for the Board's acceptance of this Settlement Agreement.


Publication of Settlement Agreement

The Respondent acknowledges that, once adopted by the Board, this document is considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act, and may be reportable under federal law. This Settlement Agreement and a Final Order shall be listed as one document on the Board's website and Respondent may request they be removed upon Respondent's completion of all the terms of this Settlement Agreement.

Complete Agreement

This Settlement Agreement consists of three (3) pages and embodies the entire agreement between the Kentucky Board of Licensure of Marriage and Family Therapists and Rose Pennington, LMFT. It may not be altered, amended or modified without the express written consent of both parties.

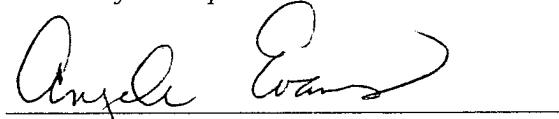
Have Seen, Understood and Approved:


ROSE PENNINGTON
Respondent

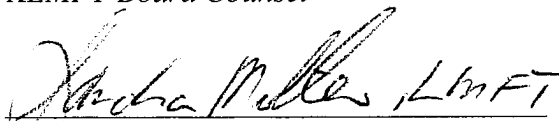
10-31-12
Date


KATHERINE HORNBACK
Counsel for Respondent

10-31-12
Date


ANGELA EVANS
KLMFT Board Counsel

12-6-12
Date


SANDRA MILLER, LMFT
KLMFT Chair

12-6-12
Date

rp

**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE
OF MARRIAGE AND FAMILY THERAPISTS
AGENCY CASE NO. 2011-008
ADMINISTRATIVE ACTION ON. 12-KBMFT-0231**

KENTUCKY BOARD OF LICENSURE OF
MARRIAGE & FAMILY THERAPISTS

COMPLAINANT

VS.

SETTLEMENT AGREEMENT

ROSE PENNINGTON
(License No. KY-0507)

RESPONDENT

* * * * *

Parties

Come the Petitioner, the Kentucky Board of Licensure of Marriage and Family Therapists (hereinafter the "Board"), by counsel and the Respondent, Rose Pennington, LMFT, (hereinafter "Pennington") in person and with counsel, and both parties being duly informed states as follows:

Jurisdiction

The Board has jurisdiction over this matter pursuant to KRS Chapter 335 and the related administrative regulations.

History

On or about May 19, 2011 to October 27, 2011 Pennington was providing supervision for the purpose of licensure as a marriage and family therapist to L.V., who no longer possessed a valid associate permit. Pennington admits that she violated 201 KAR 32:035 Section 9(2) by failing to know or advise supervisee, L.V., that her Marriage and Family Therapist associate permit had expired.

rp