

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

IN RE: MATTER OF ROBERT WAYNE THORNTON

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND ORDER OF THE BOARD**

BACKGROUND: The Board of Social Work Examiners after a finding of probable cause, brought a Statement of Charges against Respondent, Robert Wayne Thornton, in December 1999. A Notice of Hearing set those charges for hearing on February 4, 2000 pursuant to W. Va. Code § 30-28-1 et seq. and W. Va. Code § 29A-5-1 et seq. A motion for a continuance from Respondent was granted and the hearing was reset for February 18, 2000. A second motion for continuance was denied.

A hearing was held on February 18, 2000, before a quorum of the Board. The Board appeared through its counsel, the Attorney General's Office, the Respondent failed to appear in person but did appear by counsel who represented Respondent and cross-examined the complainant. Witnesses were presented by the Board. No witnesses were presented by Respondent.

FINDINGS OF FACT

1. That the reliable and substantial evidence taken at the hearing demonstrated that:

(A) Mr. Thornton undertook a professional therapeutic relationship with a client in 1997 to counsel her about resolving issues concerning family difficulties and personal difficulties;

(B) That Mr. Thornton entered into a sexual relationship with this client during the therapeutic relationship;

(C) That Mr. Thornton disclosed confidential treatment file information on another client to complainant; received money from complainant for his personal purposes and indicated that he was charging insurance companies for services not rendered;

(D) That these acts violated the standard of care expected of licensees and violated sections 1.06, 1.07 and 1.09 of the Code of Ethics of the National Association of Social Workers which have been accepted as regulations by the Board, violated the provisions of W. Va. Code § 30-30-7(3) and the legislative rules for the Board in that such conduct by Mr. Thornton was unprofessional, unethical and crossed the appropriate boundaries of the therapist/client relationship.

CONCLUSIONS OF LAW

1. That the Board has authority under W. Va. Code § 30-30-7, -8 and § 30-1-8 to place a license on probation, suspend a license, limit or restrict a license or revoke a license.

2. That Mr. Thornton is a licensee of this Board and his licensure status is subject to renewal.

3. That the Board finds that facts support a finding of violations of W. Va. Code § 30-30-7, the legislative rules of this Board and the Code of Ethics of the National Association of Social Workers.

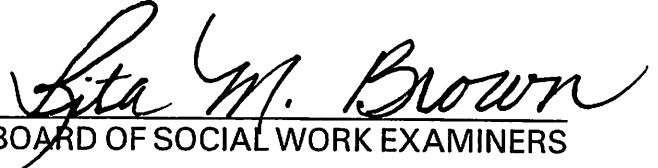
4. That the Board finds that the appropriate penalty for this misconduct is revocation of Mr. Thornton's license and a refusal of renewal of that license effective as of the date of this Order.

ORDER

It is ORDERED that the license to practice social work of Robert Wayne Thornton is hereby revoked effective on the date of this Order. It is further ORDERED that Mr. Thornton pay the costs associated with his disciplinary case.

An appeal of this decision may be made to the Circuit Court of Kanawha County or in the circuit court of the county in West Virginia in which you live or do business. This appeal must be filed within 30 days after receiving notice of this decision.

Dated this 25th of February, 2000.


BOARD OF SOCIAL WORK EXAMINERS

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IN RE: MATTER OF ROBERT WAYNE THORNTON

**To: Robert Wayne Thornton
 Post Office Box 16185
 Chapel Hill, North Carolina 27516**

STATEMENT OF CHARGES

Now comes the Board of Social Work Examiners, by counsel and finds that it has probable cause to bring charges of misconduct and rule violations against Respondent, Robert Wayne Thornton. The charge is as follows:

1. That the Board of Social Work Examiners is a duly appointed agency of the State of West Virginia directed by statute to supervise and regulate persons licensed as social workers.

2. Under W. Va. Code § 30-30-1 et seq. the Board has the power to refuse to issue or renew a license, revoke or suspend a license and take other actions against licenses to regulate the profession including setting of certain standards of conduct and to protect the public.

3. That Robert Wayne Thornton is a licensee of the Board of Social Work Examiners.

4. That in 1997, Robert Wayne Thornton undertook a professional relationship with a client to counsel her as to resolving issues about substantial family

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NOTICE OF HEARING

You are hereby notified that on February 4, 2000, at 10:00 a.m. the West Virginia Board of Social Work Examiners will conduct a hearing before a duly certified hearing examiner or the Board at the Board's office at State Capitol, Building 1, Room WB-9, Charleston, West Virginia 25305, to determine whether the Board of Social Work Examiners should suspend, revoke or otherwise discipline your license to practice social work in West Virginia for allegations stated in the Statement of Charges served herewith. This hearing shall be public.

You are notified to appear, with your attorney if so desired, to testify or show cause why discipline should not be imposed. You have the right to cross-examine witnesses or offer witnesses. This hearing will be conducted consistent with West Virginia Code §§ 30-9-1 et seq. and Code §§ 29A-5-1 et seq.

Dated this 22nd day of December, 1999.



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problems and other problems. During this therapeutic relationship lasting until September, 1998, Robert Wayne Thornton entered into a sexual relationship with A.D. (name of client known to respondent), borrowed money from her and prepared incorrect insurance claim forms as to the nature of services to her.

5. That Robert Wayne Thornton also from November, 1997 to September 1998 told A.D. (name of client known to respondent) of information from treatment files belonging to other clients.

6. That the aforesaid acts violate subsections (3), (9), of W. Va. Code § 30-30-7 and Rules 11.1.7 and 11.1.8 of the Legislative Rules, § 25 C.S.R. § 1-1 and 1.06, 1.07 and 1.09 of the Code of Ethics of the National Association of Social Workers.

7. That such acts are unethical, unprofessional and cross the appropriate boundaries for a professional relationship with a client generally recognized in this field.

8. That you may appear on the date on the Notice of Charges to defend this matter. You may have legal counsel to represent you and you have the right to cross-examine witnesses and offer evidence if you desire. The proceedings will be transcribed by a court reporter.

9. The Board or a hearing examiner will conduct the hearing.

10. That the Board has the power to place on probation, suspend a license, reprimand a licensee or take other disciplinary action under W. Va. Code § 30-1 et seq.

11. That this hearing will continue until evidence is fully submitted and the Board, or its hearing examiner, will recommend findings of fact and conclusions of law

which may be approved or disapproved or modified by the Board or by the hearing examiner if one is used. In the event guilt is found, disciplinary action may occur which can include the imposition of costs and expenses of this proceeding.

Dated this 22 day of December, 1999.


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