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Board of Marriage & Family Therapy

**BEFORE THE MINNESOTA  
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of  
Paul D. Vogel, Applicant

**STIPULATION AND CONSENT ORDER  
FOR REFUSAL TO GRANT LICENSE**

IT IS HEREBY STIPULATED AND AGREED by Paul D. Vogel, LMFT ("Applicant"), and the Minnesota Board of Marriage and Family Therapy ("Board") as follows:

1. Applicant has been subject to the jurisdiction of the Board from which he applied for a license to practice marriage and family therapy in the State of Minnesota for all times material herein.

**I. FACTS**

2. For the purpose of this Stipulation and Consent Order, the Board may consider the following facts as true:

**MARRIAGE AND FAMILY THERAPY TRAINING AND APPLICATION**

a. In October of 2013, Applicant received a Master of Arts degree in Marriage and Family Therapy from Argosy University in Eagan, Minnesota.

b. In or about February 2014, Applicant submitted an application to the Board to sit for the Marriage and Family Therapy-National Examination and the Board approved Applicant's application to sit for the National Examination. In July 2014, Applicant passed the National Examination.

c. On or about July 30, 2014, Applicant submitted an application for Licensed Associate Marriage and Family Therapist ("July 2014 Application").

d. As a part of the July 2014 Application, Applicant disclosed certain conduct which prompted an investigation.

## **INVESTIGATED CONDUCT**

e. In September 1997, Applicant received a Bachelor of Arts degree in Law Enforcement from Western Illinois University and in September 1999, Applicant received a Master of Science degree in Recreational Therapy from Western Illinois University.

f. In 1999, based on his background in law enforcement and his education in recreational therapy, Applicant began working as the Assistant Director of Adventure Programming at a facility for at-risk youth in Itasca County, Minnesota ("Camp").

g. Applicant lived at the Camp and his duties included managing a 21-day wilderness program serving at-risk youth and facilitating individual and group therapy for the adolescents at the Camp.

h. While living and working at the Camp, Applicant, in 2002, viewed and downloaded from a work-related computer pornographic images of adolescents.

i. Since the 2002 incident, Applicant worked with vulnerable adolescents or adults in the following instances:

(1) In 2004, Applicant worked for two weeks at a facility that provided specialized services for individuals with mental disabilities or mental illnesses where he worked with vulnerable adults;

(2) In 2006, Applicant worked for two months at another facility that provided services to individuals with employment barriers where he worked with vulnerable adults;

(3) In 2012 and 2013, as part of a practicum for Applicant's marriage and family therapy master's degree, Applicant, under the supervision of a licensed marriage and family therapist, worked with adolescents at a youth camp near Plymouth, Minnesota.

j. In all the instances referenced in subparagraph 2(i), Applicant disclosed to his supervisors or persons in charge of the programs the conduct referenced in paragraph 2(h) above.

## **II. LAWS**

3. Licensee acknowledges that conduct described in Section I constitutes a violation of Minn. Stat. § 148B.37, subd. 1(3) (violating Board enforced statutes or rules), Minn. R. 5300.0350, subp. 4 (professional integrity and competence), Minn. R. 5300.0350, subp. 4.S (unprofessional conduct), and Minn. R. 5300.0350, subp. 5.B (exploiting the trust and dependency of clients), and justifies the disciplinary action described below.

## **III. DISCIPLINARY ACTION**

4. The Board **REFUSES** to grant Applicant his license to practice marriage and family therapy.

5. Effective immediately, Applicant shall not practice, attempt to practice, offer to practice, or advertise or hold himself out as authorized to practice marriage and family therapy in Minnesota and shall not use the credentials Licensed Marriage and Family Therapist (LMFT) or Licensed Associate Marriage and Family Therapist (LAMFT) or titles of marriage and family therapist, marriage and family counselor, professional therapist, professional counselor, or any other designation which indicates licensure as a licensed marriage and family therapist.

6. Applicant may not apply for a license to practice marriage and family therapy for a period of five (5) years.

## **CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS**

7. If Applicant fails to comply with or violates this Stipulation and Consent Order, the Complaint Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Complaint Panel shall schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel shall mail Applicant a notice of the violation(s) alleged by the Complaint Panel. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Applicant shall submit a written response to the allegations. If Applicant does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Complaint Panel, in its discretion, may schedule a conference with Applicant prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Complaint Panel and Applicant may submit affidavits and written argument in support of their positions. At the hearing, the Complaint Panel and Applicant may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Complaint Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Applicant has failed to submit a timely response to the allegations, Applicant may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Applicant waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Applicant's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Complaint Panel not to seek discipline when it first learns of a violation shall not waive the Complaint Panel's right to later

seek discipline for that violation, either alone or in combination with other violations, at any time while Applicant's license is in a limited and conditional status.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including, but not limited to, additional conditions or limitations on Applicant's practice, suspension, or revocation of Applicant's license.

f. Nothing herein shall limit the Complaint Panel's or the Board's right to pursue all of its legal remedies, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

8. In the event the Board at its discretion does not approve this settlement, this Stipulation and Consent Order is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party to this Stipulation and Consent Order, except that Applicant agrees that should the Board reject this Stipulation and Consent Order and this case proceeds to hearing, Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to this matter.

9. Any appropriate court may, upon application of the Board, enter its decree enforcing the order of the Board.

10. Applicant has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. The Complaint Panel is represented by Jennifer Coates, Assistant Attorney General.

11. Applicant waives all formal hearings on this matter and all other procedures before the Board to which Applicant may be entitled under the Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the Stipulation and Consent Order shall be the final order herein.

12. This Stipulation and Consent Order does not limit the Board's authority to proceed against Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Applicant which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

13. Applicant hereby knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees, and representatives which may otherwise be available to Applicant under the Americans With Disabilities Act or the Minnesota Human Rights Act relative to the action taken or authorized against Applicant's license to practice as a licensed marriage and family therapist under this stipulation.

14. Applicant hereby acknowledges that he has read, understands, and agrees to this Stipulation and Consent Order and has freely and voluntarily signed this Stipulation and Consent Order without threat or promise by the Board or any of its members, employees, or agents. When signing this Stipulation and Consent Order, Applicant acknowledges he is fully aware the Stipulation and Consent Order is not binding unless and until it is approved by the Board. The Board may either approve the this Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Applicant, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect.

15. This Stipulation and Consent Order constitutes a disciplinary action against Applicant.

16. This Stipulation and Consent Order is a public document and will be sent to all appropriate data banks and entities consistent with Board policy.

17. This Stipulation and Consent Order contains the entire agreement between the parties there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation and Consent Order.

**IV. DATA PRACTICES NOTICES**

18. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 1p3.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

**APPLICANT**

**FOR THE COMPLAINT PANEL**

  
\_\_\_\_\_  
PAUL D. VOGEL

  
\_\_\_\_\_  
HERB GRANT, PH.D. LMFT

Dated: 9/28/15

Dated: 10/13/2015

**ORDER**

Upon consideration of this Stipulation and Consent Order and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that the Board REFUSES to grant Applicant his license to practice marriage and family therapy and that all other terms of this Stipulation and Consent Order are adopted and implemented by the Board this 13 day of October, 2015.

MINNESOTA BOARD OF  
MARRIAGE AND FAMILY THERAPY

  
JENNIFER MOHLENHOFF  
EXECUTIVE DIRECTOR