Minnesota Board of Marriage and Family Therapy

2829 UNIVERSITY AVENUE SE • SUITE 400 • MINNEAPOLIS, MINNESOTA 55414-3222 • (612) 617-2220
Fax: (612) 617-2221 • TTY: (800) 627-3529 • www.bmft.state.mn.us • mft.board@state.mn.us

PERSONAL AND CONFIDENTIAL

September 21, 2016

Michelle L. Kimman, LMFT

RE: In the Matter of Michelle L. Kimman, LMFT
License #2910

Dear Ms. Kimman:

Enclosed herewith and served upon you by U.S. mail, please find a copy of the Stipulation and Consent Order. The Stipulation and Consent Order was approved by the Board on September 16, 2016 and has been fully executed.

As payment of the $500 civil penalty has already been received, you have completed the requirements of the Stipulation and Consent Order.

Accordingly, the Board has closed its compliance investigation relating to this matter. This letter, noting your satisfactory completion of the terms of the Stipulation and Order, will be included in the mandatory posting of all public and disciplinary actions on the Board's website.

If you have questions, please contact me at the address or telephone number listed above, or via email at jennifer.mohlenhoff@state.mn.us.

Sincerely,

Jennifer Mohlenhoff
Executive Director

cc: Stipulation and Consent Order

BEFORE THE MINNESOTA

BOARD OF MARRIAGE AND FAMILY THERAPY

In the Matter of
Michelle L. Kimman, LMFT
License No. 2910

STIPULATION AND CONSENT ORDER

STIPULATION

Michelle L. Kimman, LMFT ("Licensee"), and the Minnesota Board of Marriage and Family Therapy Complaint Panel ("Complaint Panel") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

1. The Minnesota Board of Marriage and Family Therapy ("Board") is authorized pursuant to Minnesota Statutes sections 148B.01 to 148B.39 and Chapter 214.01 et seq. to license and regulate marriage and family therapists and to take disciplinary action as appropriate.

2. Licensee holds a license from the Board to practice marriage and family therapy in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

FACTS

The parties agree this Stipulation and Consent Order is based upon the following facts:

3. The Board granted Licensee a license to practice Marriage and Family Therapy on April 25, 2014

4. On December 31, 2015, Licensee renewed her license to practice Marriage and Family Therapy. As part of the renewal process, Licensee affirmed the following:

I attest that I have completed the continuing education required by Minnesota

Rule 5300.0320. If I am a LMFT Board-approved supervisor, I attest that I have completed the continuing education required by Minnesota Rule 5300.0170. I attest that I will maintain records of my continuing education activities for a minimum of five (5) years, as required by rule, and will provide copies of my continuing education records if I receive a notice of audit from the Board. I understand that falsely attesting to completion of continuing education requirements, or falsifying any documentation requested for audit, may result in disciplinary action against my license.

5. On March 2, 2016, the Board sent Licensee notice of audit and requested that Respondent provide copies of her continuing education records.

6. In response to the audit notice, (1) Licensee failed to provide documentation of sufficient hours completed, and (2) Licensee provided documentation of coursework that was not approved by the Board for continuing education for Marriage and Family Therapy licensees in the State of Minnesota.

IV.

LAWS

7. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minnesota Statutes section 148B.261, subdivision 1(2) and Minnesota Rules 5300.0320, subpts. 2, 4(B)(2), and 7 (2012) and justifies the disciplinary action described in section V. below.

V.

DISCIPLINARY ACTION

8. The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

The Board imposes upon Licensee a **CIVIL PENALTY** in the amount of $500 for the conduct described in section III. The civil penalty must be paid by cashier's check or money order made payable to the Minnesota Board of Marriage and Family Therapy and must be delivered personally or by mail to the Minnesota Board of Marriage and Family Therapy, c/o Jennifer Mohlenhoff, Executive Director, 2829 University Avenue SE, Suite 400, Minneapolis, Minnesota 55414, within 60 days of the date of this order.

VI.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

9. It is Licensee's responsibility to ensure payment of the civil penalty is submitted to the Board on or before the due date. Failure to submit payment of the civil penalty on or before the due date is a violation of this Stipulation and Consent Order.

10. If Licensee 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 will schedule a hearing before the Board. At least 20 days before the hearing, the Complaint Panel will mail Licensee a notice of the violation(s) alleged by the Complaint Panel. In addition, the notice will designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee must submit a written response to the allegations. If Licensee 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 the Licensee 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 Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Complaint Panel and Licensee may present oral argument. Argument may not refer to matters outside the record. The evidentiary record will be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Complaint Panel will have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee 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. Licensee's correction of a violation prior to the conference, hearing or meeting of the Board may be taken into account by the Board but will 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 will 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 this order is in effect.

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

f. Nothing herein will limit the Complaint Panel's or the Board's right to temporarily suspend Licensee's license pursuant to Minnesota Statutes Section 148B.175, subdivision 7 and 214.077, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein. Similarly, nothing herein will limit the Complaint Panel's or the Board's right to automatically suspend Licensee's license pursuant to Minnesota Statutes section 148B.175, subdivision 8.

VII.

ADDITIONAL INFORMATION

11. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

12. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

13. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter will constitute the entire record and may be reviewed by the Board in its consideration of this matter.

14. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

15. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

16. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee 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 it.

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

VIII.

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 13.41, 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.

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

CONSENT:

MICHELLE L. KIMMAN, LMFT
Licensee

Dated: July 29, 2016

BOARD OF MARRIAGE AND FAMILY THERAPY COMPLAINT PANEL

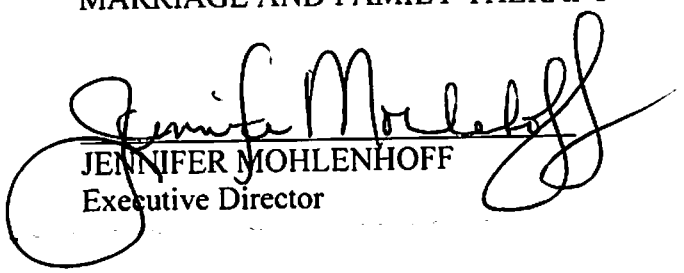
Board Member

Dated: 16 SEPT, 2016

ORDER

Upon consideration of this Stipulation, the Board issues Licensee a **CIVIL PENALTY** and adopts all of the terms described above on this 16 day of September, 2016.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY



JENNIFER MOHLENHOFF
Executive Director