



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

**ATTORNEY GENERAL OPINION
2016-318A**

Richard Pierson, Executive Director
Oklahoma Board of Licensed Alcohol
and Drug Counselors
101 NE 51st Street
Oklahoma City, Oklahoma 73105

May 31, 2016

Dear Executive Director Pierson:

This office has received your request for a written Attorney General Opinion regarding agency actions that the Oklahoma Board of Licensed Alcohol and Drug Counselors intends to take pursuant to a consent agreement with respect to Board complaint 444-0715. The licensee was arrested and charged in January 2014 with driving under the influence of alcohol, an improper license plate display, and obstructing or resisting officers. The licensee pled guilty to the alcohol and obstruction charges in February 2014, but the alcohol charge was eventually amended downward to only improper license plate display after the licensee took courses, obtained a substance abuse assessment, and completed a special work assignment.

The licensee failed to disclose the arrest, charges, or conviction on a license renewal application completed in August 2014. The licensee specifically answered "no" to questions about whether the licensee had been arrested, charged, or convicted for a broad category of crimes and for crimes related to alcohol. The licensee also denied having obtained a substance abuse assessment.

The proposed action is to require payment of a \$250 fine, require completion of a 500-word essay on the ethical duties of a licensed alcohol and drug counselor, require evidence of the completion of the 180-day ignition interlock requirement on licensee's driver's license, and follow the treatment recommendations included in the licensee's mental health and substance abuse assessment.

The Licensed Alcohol and Drug Counselors Act, 59 O.S.2011 & Supp.2015, §§ 1870–1885, authorizes the Board to discipline licensees after they have been "convicted of or pleaded guilty or nolo contendere to a misdemeanor of such a nature as to render the person convicted unfit to practice," if they engage in "unprofessional conduct as defined by rules promulgated by the Board," or if they have "[m]isrepresented any information required in obtaining a certificate or license," 59 O.S.2011, § 1881(A)(2), (6), (8). The Board's rules require that licensees "shall not participate in, condone, or be associated with dishonesty, fraud, sexual harassment, deceit or misrepresentation." OAC 38:10-3-2(d). The Board could reasonably believe that licensee's

August 2014 renewal application amounted to misrepresentation and unprofessional conduct. Further, the Board could reasonably believe that pleading guilty to driving under the influence of alcohol involves criminal conduct that undermines the licensee's fitness to practice alcohol and drug counseling. Finally, the Board could reasonably believe that treatment and a minor fine will adequately deter future violations and effectively rehabilitate the licensee so that the licensee can continue to provide alcohol and drug counseling.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Licensed Alcohol and Drug Counselors has adequate support for the conclusion that these actions advance the State of Oklahoma's policies prohibiting deceitful behavior and upholding minimum standards of professionalism among licensed drug and alcohol counselors.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a horizontal line extending to the right from the end of the signature.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA