

1 **BEFORE THE BOARD OF LICENSED**
2 **PROFESSIONAL COUNSELORS AND THERAPISTS**
3 **FOR THE STATE OF OREGON**

4 In the Matter of:

Agency Case No. 2010-059

5
6 **JAMES B. MILLS, LMFT,**

7 Respondent.

**FINAL ORDER BY DEFAULT
REVOKING LICENSE**

8 **HISTORY OF THE CASE**

9 On June 16, 2011 the Board of Licensed Professional Counselors and Therapists (Board)
10 issued a Notice of Intent to Revoke License and Right to Request Hearing (Notice) stating that
11 the Board intended to revoke James B. Mills' (Respondent) license as a Licensed Marriage and
12 Family Therapist.

13 The Notice was served on Respondent by regular and certified U.S. Mail addressed to
14 Respondent at Respondent's last known address – 1937 Westminister Place, Stayton, Oregon
15 97383 on June 16, 2011. The Notice informed Respondent of the opportunity for a hearing if
16 requested in writing and received within twenty-one (21) days of service of the Notice. The
17 Notice further informed Respondent that if a written request for hearing was not received within
18 this 21-day period, Respondent's right to a hearing shall be considered waived. The Board did
19 not receive a written request for a hearing from Respondent within the allotted time and has to
20 date not received any request for a hearing. Respondent is therefore in default.

21 The Notice also informed Respondent that if he failed to request a hearing, "the Board
22 may issue a Final Order by Default and revoke Respondent's license." The Notice further
23 informed Respondent that in the event the Board issues a Final Order by Default, the Board
designates it file on this matter for purposes of proving a *prima facie* case.

1 **NOW, THEREFORE**, after consideration of the records and files of the Board relating
2 to this matter, including all correspondences and other material received from Respondent, if
3 any, the Board enters the following Findings of Fact, Conclusions of Law, Opinion and Order.

4 **FINDINGS OF FACT**

5 1. The Board of Licensed Professional Counselors and Therapists (Board) is the
6 state agency responsible for licensing, regulating and disciplining licensed professional
7 counselors, licensed marriage and family therapists and interns. ORS 675.705 to
8 675.835; OAR 833-001-0000 to 833-120-0041.

9 2. James B. Mills (Respondent) is licensed as a Marriage and Family Therapist
10 (LMFT). The Board has jurisdiction over Respondent under ORS 675.705 to 675.835.

11 3. The Board has adopted a Code of Ethics (Code) that applies to all licensees. *See*
12 OAR 833, Division 100. The Code makes clear that violations of its standards are
13 subject to the highest level of discipline, including revocation.

14 4. Respondent was employed by the Oregon State Hospital (OSH) as a trainer and
15 was responsible for teaching courses to other OSH employees.

16 5. In November 2010, Respondent was teaching a course to other OSH employees
17 on motivational interviewing. While teaching the course, Respondent also viewed
18 pornographic material on his computer.

19 6. Although Respondent believed no one could see the material, his activities were
20 uncovered after several employees attending the course observed the pornographic
21 images on Respondent's computer and reported it to OSH Human Services. These
22 employees reported that they were unsettled by both the images they saw and the fact
23 Respondent was reviewing such images while teaching the course.

1 7. Respondent admits that he had been caught viewing pornographic material during
2 work on his work computer and resigned his OSH position because of this misconduct.

3 8. The Notice was served on Respondent on June 16, 2011 by certified and regular
4 mail.

5 9. Respondent failed to timely request a contested case hearing.

6 **CONCLUSIONS OF LAW**

7 1. Respondent is in default.

8 2. Respondent violated ORS 675.745(1)(e) and OAR 833-100-0031(2) when he
9 failed to take reasonable steps to avoid harming his coworkers when his
10 coworkers observed him viewing pornography on his computer while teaching a
11 course.

12 3. Respondent violated ORS 675.745(1)(e) and OAR 833-100-0041(1) when he
13 failed to act in accordance with the highest standards of professional integrity and
14 competence in his capacity as a professional therapist when he was observed
15 viewing pornographic material on his computer while teaching a course to his
16 coworkers.

17 4. Respondent violated ORS 675.745(1)(e) and OAR 833-100-0061(1) when he
18 failed to conform to higher standards of conduct and refrain from any conduct that
19 would bring discredit to the profession when he viewed pornographic images
20 from his computer while teaching a course to his coworkers.

21 5. The appropriate discipline for Respondent's misconduct is the revocation of his
22 LMFT license.

1 **FINAL ORDER**

2 **NOW THEREFORE**, the Board hereby **ORDERS** that:

- 3 1. Respondent James B Mills’ license as a Licensed Family and Marriage Therapist
4 is **REVOKED**; and
- 5 2. Respondent is **ASSESSED** the Board’s costs associated with this action,
6 including the Board’s attorney fees, in the amount of **\$406.90**, pursuant to ORS
7 675.745(7). The costs must be paid **30 days** from the date this Final Order is
8 issued by the Board.

9 **DATED AND ISSUED** this ____ day of December, 2011.

10 Oregon Board of Licensed Professional
11 Counselors and Therapists

12 By _____
13 Ryan Melton, Chair

14 **NOTICE OF RIGHT TO APPEAL**

15 You are entitled to judicial review of this Final Order Revoking License in accordance
16 with ORS 183.482. You may request judicial review by filing a petition with the Oregon Court
17 of Appeals in Salem, Oregon, within sixty (60) days from the date of service of this Final Order
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the ___ day of December, 2011, I served the foregoing **FINAL**
3 **ORDER BY DEFAULT REVOKING LICENSE** by depositing a true copy of the same in a
4 sealed envelope sent by regular mail, addressed as follows:

5
6 James B. Mills
7 1937 Westminster Place
8 Stayton, OR 97383
9
10

11 _____
12 Brian Johnson, Investigator
13 Board of Licensed Professional Counselors
14 and Therapists

15 cc: Kelly M. Gabliks, DOJ
16 Department of Justice
17 General Counsel/Business Activities Section
18 1162 Court Street NE
19 Salem OR 97310
20
21
22
23