FILED

23 December 2013
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MARRIAGE AND FAMILY
THERAPY EXAMINERS PROFESSIONAL
COUNSELOR EXAMINERS COMMITTEE

IN THE MATTER OF THE SUSPENSION OR
REVOCATION OF THE LICENSE OF

ADMINISTRATIVE ACTION

PROVISIONAL ORDER OF DISCIPLINE

MICHAEL CLAY
License No. 37AC00120100

☑ Finalized by Default on: 23, December, 2013

TO PRACTICE AS AN ASSOCIATE COUNSELOR
IN THE STATE OF NEW JERSEY

This matter was opened to the New Jersey State Board of Marriage and Family Therapy Examiners Professional Counselor Examiners Committee (the "Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Michael Clay ("Respondent") is the holder of license number 37AC00120100 and is licensed to practice as an Associate

Counselor at all times hereto. (See L2K Printout attached hereto as Exhibit A).

2. On or about July 24, 2013, the Committee received a flagging notice advising that Respondent was arrested on October 14, 2012 by the Willingboro Township Police Department for violation of one (1) count of N.J.S.A. 2C:33-4A, Harassment and was found guilty on July 23, 2013 of one (1) count of N.J.S.A. 2C:40-26B, Operating Motor Vehicle During Subsequent Period of Suspension. (Exhibit B).

3. Upon receipt of the flagging notice, on or about July 30, 2013, the Committee sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address of record in Willingboro, New Jersey, via regular mail on or about July 30, 2013. (Exhibit C). A response was due within ten (10) days. The regular mailing was not returned.

4. To date, Respondent has not provided a response to the Committee's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Committee's request for information constitutes a failure to cooperate with a Committee investigation, in contravention of N.J.A.C 13:45C-1.2,-1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A 45:1-21 (h).

ACCORDINGLY, IT IS on this 23 day of December, 2013,

ORDERED that:

1. Respondent's license to practice as a licensed associate counselor be and herby is provisionally suspended until such time as Respondent cooperates fully with the Committee's investigation by providing the Committee with the information requested in the Committee's letter of inquiry and a valid address of record.

2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of $250.00 by certified check or money order payable to the State of New Jersey, delivered to Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy Examiners Professional Counselor Examiners Committee, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15 days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Committee may bring such other proceedings as authorized by law.

3. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within thirty (30) days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy Examiners Professional Counselor Examiners Committee, 124 Halsey Street, Sixth Floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore or offered in mitigation of penalty.

4. Any submissions will be reviewed by the Committee and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Committee is not persuaded that the submitted materials merit further consideration, a Final Order will be entered.

5. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law

contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Committee shall not be limited to the findings, conclusions and sanctions stated herein.

6. In the event that the Committee receives no written request for modification or dismissal within thirty (30) days following entry of this Provisional Order, without further Committee review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Committee. Thereafter, Respondent's failure to comply with any sanction or penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21 (e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS PROFESSIONAL
COUNSELOR EXAMINERS COMMITTEE

By: W F Green LRC
William Green L.R.C.
Committee Chair