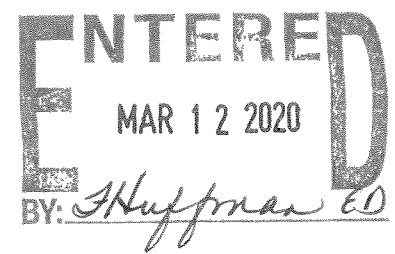


COMMONWEALTH OF KENTUCKY
BOARD OF SOCIAL WORK
AGENCY CASE NO. 19-03
ADMINISTRATIVE ACTION NO. 19-KBSW-0218



COMMONWEALTH OF KENTUCKY,
BOARD OF SOCIAL WORK

PETITIONER

V.

AGREED ORDER

TIMOTHY L. ALIFF (CSW)
CERTIFIED SOCIAL WORKER
LICENSE NO. 253830

RESPONDENT

COMES NOW the Kentucky Board of Social Work (hereinafter "the board"), and Timothy L. Aliff (hereinafter "Aliff" or "licensee"), and based upon their mutual desire to fully and finally resolve this matter without the need for an evidentiary hearing pursuant to KRS 335.155, hereby enter into the following AGREED ORDER with the intent that it be adopted as the Agency's Final Order in Administrative Action No. 19-KBSW-0218.

STIPULATED FINDINGS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. Aliff was a duly certified social worker (CSW) in the Commonwealth of Kentucky with the board having issued License No. 253830 to him on January 8, 2019.
2. On or about January 17, 2019, the board received a written complaint filed by Ramey-Estep representative Kelli McCormick alleging that Aliff was engaged in a dual relationship with the mother of two of his minor clients and abusing his position of power and authority with a vulnerable client family member, in violation of 201 KAR 23:080, Sections 1, 2, 3 and 11. The complaint alleged that during Aliff's employment with Ramey-Estep, he invited the mother of two of his minor clients to have dinner and a drink with him, which led to sexual interaction between the two and that Aliff made sexual advances that were unwanted by the clients' mother. The complaint further alleged that Aliff behaved in a sexually inappropriate manner towards co-

workers during his employment with Ramey-Estep. Aliff was terminated from employment with Ramey-Estep on January 24, 2019.

3. On or about March 6, 2019, Aliff responded to the complaint and admitted to the dual relationship of a sexual nature with his clients' mother.

4. A board investigator conducted an interview where Aliff again admitted that he engaged in a sexual relationship with his clients' mother. The investigator also interviewed co-workers who reported unwanted sexual advances and communications from Aliff while employed at Ramey-Estep. A final investigative report was submitted to the board.

5. On November 22, 2019, the board issued Administrative Complaint No. 19-KBSW-0218 against Aliff. The agency complaint states that Aliff violated the provisions of KRS 335.150(1)(g) and (6), as well as 201 KAR 23:080 Sections 1, 2, 3 and 11, by entering into a sexual relationship with the mother of his clients, which constitutes actions for which the Board may take disciplinary action against Aliff.

6. The case was assigned to Hearing Officer Michael Head, Administrative Hearings Branch, Office of the Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, KY. Multiple prehearing conferences were conducted and this matter was scheduled for an evidentiary hearing to occur on April 9, 2020. Prior thereto, on or about March 10, 2020, the parties reached a verbal agreement in full resolution of Administrative Action No. 19-KBSW-0218, the terms of which were memorialized in this Agreed Order.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. During the period from January 8, 2019 and January 24, 2019, Aliff's Kentucky social work license was active and subject to regulation and discipline by the board.

2. Pursuant to 201 KAR 23:080 Section 2(3), a client who directly receives social work services shall be deemed to continue to be a client for a period of five (5) years following the last date of service actually rendered.

3. Based upon the Stipulated Findings of Fact, Aliff has engaged in conduct which violates the provisions of KRS 335.150(1)(g) and 201 KAR 23:080, Sections 2 and 11. Accordingly, there are legal grounds for the parties to enter into this Agreed Order.

4. Pursuant to KRS 335.150(4), at any time during the investigative or hearing processes, the parties may enter into an agreement to satisfy the underlying agency complaint.

TERMS AND CONDITIONS

Based upon the foregoing Stipulated Findings of Fact and Stipulated Conclusions of Law, and upon the mutual desire to fully and finally resolve Administrative Action No. 19-KBSW-0218, the parties hereby agree to the following terms and conditions:

1. Aliff agrees to a suspension of his license and states that it is his understanding that the board shall treat the suspension of his license as if it was revoked.

2. The license to practice social work in the Commonwealth of Kentucky held by TIMOTHY L. ALIFF, LICENSE NO. 253830, is SUSPENDED FOR A PERIOD OF FIVE (5) YEARS, retroactively from the date of termination from Ramey-Estep on January 24, 2019; and effective immediately upon the entry of this order.

3. During the suspension term, Aliff shall be subject to the following terms and conditions of restriction until further orders of the board:

- a) Licensee SHALL NOT seek reinstatement of his Kentucky certified social worker license to practice social work or apply for another category of social work licensure in Kentucky.
- b) Licensee SHALL remit a total of two thousand five hundred dollars (\$2,500) in fines to the Board; \$500 of which is due within thirty (30) days of entry of this Agreed Order and the remaining balance paid in \$500 installments due by the 31st day of December of each calendar year 2020 through 2023.
- c) In addition to number of continuing education (CE) hours required by the board for licensure renewal established in 201 KAR 23:075, Licensee SHALL complete a total of forty-five (45) hours of CE by the end of suspension term; these additional CE hours shall be relevant to the practice of social work and provided by CE providers or sponsors approved by the board.

d) Licensee SHALL NOT engage in the practice of social work or otherwise provide social work services unless and until approved to do so by this board.

e) Licensee SHALL NOT violate any provision of KRS 335.010 – 335.160, KRS 335.990, and 201 KAR 23:080.

4. Pursuant to KRS 335.150 (2), Aliff may petition the board for reinstatement no sooner than five (5) years from the effective date of his suspension. The board shall investigate the petition and may reinstate the license upon a finding that Aliff has complied with terms prescribed by the board and is able to engage competently and ethically in the practice of social work. As part of any petition for reinstatement, Aliff SHALL include copies of certificates of completion for the additional forty-five (45) hours of CE and voluntarily undergo a Risk Assessment by a provider chosen by the board. Aliff SHALL disclose the underlying facts of this administrative matter to the provider as well as provide a copy of the Complaint and this Agreed Order. If licensure is reinstated, Aliff SHALL complete thirty (30) hours of CE every three years thereafter.

5. Aliff acknowledges that he freely and voluntarily enters into this Agreed Order, motivated by a desire to resolve the issues addressed herein, and has executed this Agreed Order only after a careful reading of it, and consultation with an attorney of his choosing should he so desire, and a full understanding of all of its terms; that he is fully aware of and expressly waives the right to contest charges in a formal hearing pursuant to KRS 335.155, the right to obtain judicial review of the board's decision, and the right to appeal any final order of the board to the Franklin Circuit Court as otherwise allowed by KRS 335.155(3).

6. Aliff acknowledges the board has jurisdiction over the licensee and the conduct which precipitated this Agreed Order; that the board has the legal power to take disciplinary action up to and including revocation of the licensee's license to practice social work in Kentucky; and the licensee further acknowledges the board shall retain jurisdiction over this matter until all terms and conditions set forth in this Agreed Order have been met to the satisfaction of the board.

7. This Agreed Order is considered a public document, available for inspection at any time by any member of the public under the Kentucky Open Records Act.

8. This matter shall constitute disciplinary action that may be reportable under state or federal law.

9. Aliff expressly understands that any violation of the terms of this Agreed Order shall provide the legal basis for additional disciplinary action, and shall constitute failure to comply with an order of the board under KRS 335.150(1)(f), and for which the board may impose additional penalties available under law after notice and an opportunity to be heard.

10. This Agreed Order shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, in accordance with the laws of the Commonwealth of Kentucky. Furthermore:

- a) Any dispute arising hereunder shall be settled by a state court of appropriate jurisdiction in Franklin County, Kentucky. The parties irrevocably consent to the personal jurisdiction and venue of such court.
- b) This Agreed Order may not be modified except by a written agreement signed by the parties.

11. In consideration of execution of this Agreed Order, Aliff, his executors, administrators, successors and assigns, hereby release and forever discharge the Commonwealth of Kentucky, the Board of Social Work, and each of its members, agents, and employees in their individual and representative capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, the licensee ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this Agreed Order, or its administration.

Upon consideration thereof, it is hereby ORDERED that the terms of this Agreed Order are approved and adopted on this 12 day of March 2020.

Jay Miller, CSW

HAVE SEEN AND AGREED TO:

Timothy L. Aliff
TIMOTHY L. ALIFF, LICENSEE

03/12/20
Date

Jay Miller
JAY MILLER, CSW, PhD
CHAIR, KENTUCKY BOARD OF SOCIAL WORK

3/12/20
Date

Nicole S. Bearse
HON. NICOLE S. BEARSE
ATTORNEY, BOARD OF SOCIAL WORK

3/12/2020
Date

CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing Agreed Order were mailed
by regular first-class mail on this 24th day of March 2020 to:

Timothy L. Aliff
106 Margaret Street
South Point, OH 45680

Michael Head
Hearing Officer
Administrative Hearings Branch
Office of the Attorney General
1024 Capital Center Drive, Ste. 200
Frankfort, KY 40601

Florence Kuyfman
BOARD ADMINISTRATOR