

Marty M. Snyder, Supreme Court #11317
Kansas Attorney General's Office
120 SW 10th St, Second Floor
Topeka, KS 66612-1597

BEFORE THE BEHAVIORAL SCIENCES REGULATORY BOARD
712 South Kansas Avenue
Topeka, Kansas 66603-3817

In the Matter of)
)
Reita M. Kelly, LBSW)
License #6490)
Respondent)
_____)

Case No. 07-BS-78

SUMMARY PROCEEDING ORDER

NOW on this 13 day of October, 2007, the above-captioned complaint comes before the Complaint Review Committee of the Kansas Behavioral Sciences Regulatory Board [Board].

Findings of Fact

The Committee finds that the following facts have been established by clear and convincing evidence:

1. Reita M. Kelly is a Licensed Bachelor Social Worker, License #6490, which was issued by the Kansas Behavioral Sciences Regulatory Board.
2. At all times relevant to the complaint herein, Licensee was practicing as a Licensed Bachelor Social Worker within the meaning of the Kansas Licensure of Social Workers Act, K.S.A. 65-6301 *et seq.* and amendments thereto.

3. Licensee was charged in Lyon County, Kansas, with six criminal counts, including felony forgery connected with the embezzlement of funds from the Flint Hills Senior Fair Committee's checking account while licensee served as its treasurer.

4. On or about August 30, 2007, Licensee pled guilty to two felony counts of forgery and was found guilty by the district court judge in Lyon County. She was ordered to pay restitution on all counts. Sentencing is set for October 19, 2007. [Exhibit 1]

5. As a result of this incident, Licensee is no longer an employee of the South Central Regional Office of SRS, where she was employed as an Adult Protective Service Worker. However, Licensee failed to notify the Board of her loss of employment due to misfeasance, malfeasance or nonfeasance.

6. Licensee was contacted repeatedly by the Board's investigator for a response to this complaint, however Licensee declined to provide one, claiming advice of counsel regarding her rights pursuant to the 5th Amendment to the US Constitution. She agreed to have her attorney request a continuance of the investigation while her criminal prosecution was pending, however, no such request was ever received by the Board.

Conclusions of Law

The following conclusions of law are based on evidence the Board finds is clear and convincing:

1. The Kansas Administrative Procedure Act, K.S.A. 77-537 provides that a state agency may use summary proceedings, subject to a party's request for a hearing on the order, if the use of the proceedings in the circumstances does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.


2. The actions of Licensee Reita Kelly violate K.S.A. 65-6311(a)(1) and K.A.R. 102-2-7(b) (3) and (w) as well as K.S.A. 21-3701, K.S.A. 21-3710 and K.S.A. 21-3902.

Sanction

Based on the above Findings of Fact and Conclusions of Law, the Complaint Review Committee finds pursuant to K.S.A. 65-6311 and K.S.A. 77-537 that the Kansas Bachelor Social Worker license of Licensee Reita Kelly should be suspended indefinitely pending Licensee's cooperation with the investigation of this complaint and until further order of this Committee.

IT IS SO ORDERED.

Dated this 13 day of October, 2007.



Wesley Jones, Ph.D.
Chair, Complaint Review Committee

NOTICE OF RELIEF FROM THIS SUMMARY PROCEEDING ORDER

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Proceeding Order is subject to your request for a hearing. If you desire a hearing, you must direct a written request for hearing to:

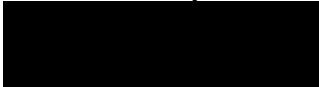
Phyllis Gilmore, Executive Director
Kansas Behavioral Sciences Regulatory Board
712 South Kansas Avenue
Topeka, KS 66603

This written request must be filed within fifteen (15) days of service of this Notice. If a hearing is not requested in the time and manner stated, this Summary Proceeding Order becomes final and effective upon the expiration of the time for requesting a hearing and will be a Final Order of the Board.

CERTIFICATE OF SERVICE

This is to certify that a copy of the above and foregoing Summary Proceeding Order was placed this 18th day of October, 2007, in the U.S. mail, first-class postage prepaid, addressed to:

Reita M. Kelly



[Respondent's attorney]

A handwritten signature in cursive script, reading "Marty M. Snyder", written over a horizontal dashed line.

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For the Board