

KANSAS BEHAVIORAL SCIENCES REGULATORY BOARD

Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

In the Matter of)
)
Amel Kevin Loop) Case No. 21-MA-007
Applicant for Licensure as a)
Master's Addiction Counselor)

ORDER

The above-captioned matter comes before the Kansas Behavioral Sciences Regulatory Board (Board) for consideration of the application filed by Amel Kevin Loop for licensure as a master's addiction counselor. His application was considered by the following Board members: David Anderson, Mary Jones, Ric Steele, Laura Shaughnessy, Cynthia Schendel, Jacqueline Lightcap, Deb Stidham.

After reviewing its administrative records, the evidence and testimony of the parties, the Board makes the following findings of fact, conclusions of law, and orders.

Findings of Fact

1. The Board received an application for licensure as a master's addiction counselor from Amel Kevin Loop (Applicant). On his application, he answered "yes" to the following question: "Have you ever been convicted of a felony?"

2. The Board reviewed the application submitted by Applicant, along with his supporting documentation. In a Summary Proceeding Order, the Board determined that Applicant has failed to show that he has been sufficiently rehabilitated after having been convicted of distributing child pornography, a felony offense, to warrant the public trust for licensure as a master's addiction counselor and denied his application for licensure as a master's addiction counselor. Applicant timely filed a request for hearing.

3. The hearing was held on August 29, 2022 and September 1, 2022 and was conducted virtually via Zoom. Applicant appeared in person and with counsel, Michael Studtmann. The Board appeared by and through its litigation counsel, Jane Weiler, Assistant Attorney General. The Board took administrative notice of its records regarding Applicant's application. All witnesses were sworn prior to their testimony.

4. Applicant was arrested on December 14, 2012, on the felony offense of distributing child pornography. Several days later, a press release by the Federal Bureau of Investigation (FBI) stated:

An agent's affidavit alleges that on September 11, 2012, a law enforcement officer engaged in an undercover chat session with another computer user through a peer-to-peer program. The individual said he was sexually interested in toddlers and that he had shared a boy with another adult male. He indicated he was willing "to share more than just pics."

Investigators followed the individual's electronic trail to a computer at a company . . . in Wichita. Investigators found a biographical summary on the company's website indicating that Loop was an employee of the company and a volunteer with Youth Horizons, a non-profit organization that provides mentors for children from single-parent homes.

Among the images investigators downloaded were photos of boys 8 to 12 years old in underwear or basketball uniforms.

In November 2012, an FBI agent downloaded 14 images from Loop that clearly depicted pre-pubescent children displaying their genitals and engaged in sexual acts. In one photo, a male toddler, 1 to 2 years old, lay on a yellow bedspread with his legs spread apart and his genitals exposed to the camera. An adult hand was visible holding the child's left knee.

Subscriber information for the IP address used by the individual who posted the child pornography showed Loop was the subscriber. Investigators served search warrants at Loop's home and his workplace. They identified a minor victim who told them that Loop had engaged in sexual contact with him approximately 11 years ago.

5. A person with the Youth Horizons told a local newspaper that the program had no record of Applicant ever being a mentor, volunteer, or donor with them. Applicant had falsely claimed in his biography to be a volunteer with Youth Horizons.

6. In January 2013, Applicant was indicted in federal court on two felony charges—distribution of child pornography and possession of child pornography. On December 18, 2013, Applicant accepted a plea agreement wherein he agreed to plead guilty to distribution of child pornography and, in exchange, the prosecution agreed to dismiss the charge of possession of child pornography. As part of that plea agreement, Applicant stipulated to the following factual basis for his guilty plea:

On November 5, 2012, the defendant Amel Kevin Loop distributed 14 images depicting minors engaged in sexually explicit conduct to [an FBI special agent.] At the time of the transfer, the defendant was located in Wichita, Kansas, and [the FBI special agent] was located in New Haven, Connecticut. The images were distributed by the internet, using an encrypted peer-to-peer network. The images included images of known children, and included an image depicting a male toddler (approx. 1-2 yo)

with his genitals being exposed to the camera by an adult, with the focus of the image being on the genitals of the minor.

7. On March 10, 2014, Applicant was sentenced on his conviction for distribution of child pornography. The court ordered a prison term of 60 months and, upon release from imprisonment, a supervised release term of 10 years.

8. Applicant was released from prison on May 11, 2017, and began his 10-year supervised release. The terms of his supervised release included registering as a sex offender, [REDACTED], abiding by all requirements and conditions of the program, not possessing or controlling any material that depicts sexually explicit conduct involving adults or minors, abiding by the probation offices' internet monitoring program, submitting to a search conducted by the probation office of any property under Applicant's control, completing a full psychological evaluation and following all recommendations in the evaluation, and refraining from any unsupervised contact with minors.

9. Applicant also submitted a criminal conviction disclosure form as part of his application. Applicant stated he was currently on post-release supervision and had completed all court-ordered treatment. In Part IV of the form, he stated his primary coping behavior and emotional support in life had been pornography; he was [REDACTED]. In response to a great deal of financial pressure in November 2012, Applicant said he isolated himself and used his coping behavior by downloading a directory of pornography that had hidden "a few illegal images. This was an FBI Sting." A month later, he was approached by the FBI and questioned. Applicant stated after the interview, [REDACTED]. He then realized he needed to face the consequences of his actions because it was his computer and he had downloaded the material. After his arrest, Applicant began asking himself "why" and he began to learn everything he could about [REDACTED] and how to break free. Applicant stated he took full responsibility for his crime and had plead guilty to it.

10. In Part V of the conviction disclosure form, Applicant stated he had taken the following steps toward rehabilitation. While in prison, he attended and became active in a [REDACTED] group and completed the [REDACTED] that was offered. After being released, he completed the [REDACTED], all court-ordered [REDACTED] and [REDACTED], became involved in the [REDACTED] community, co-founded a new [REDACTED] group at a church, participated in a [REDACTED] group that is facilitated by the probation office, and started and facilitated a [REDACTED] group. Although it was not court-ordered, Applicant voluntarily sees a therapist twice a month. He also and picks up food from two restaurants and distributes it to a group that provides it to the homeless. Applicant received his master's degree in Family & Human Services, Addiction Counseling in May 2021. He currently works at a facility providing intensive drug and alcohol rehabilitation that offers inpatient, outpatient, and detoxification services.

11. Applicant sent to the Board a letter explaining his crime. He stated he had been [REDACTED] in 2012 and was self-medicating with internet pornography and painkillers. During a time of [REDACTED] he turned to his coping behaviors and downloaded a directory of pornography that hid illegal images. He immediately realized someone else was on his computer taking files. Applicant terminated and blocked the connection. Applicant said he "had fallen into an FBI sting." About one month later, he was approached by the FBI. Afterwards, he was depressed and overdosed on pain killers in an attempt to eliminate his pain permanently. When he woke up two days later, Applicant decided to face what he had done.

12. Applicant also stated in his letter that he had not attempted to find or seek pornographic material since 2012. Upon his release from prison, Applicant sought professional help. He attends multiple [REDACTED] groups per week, and he sponsors, mentors, and helps other who are suffering from [REDACTED]. His goal is to be an addiction counselor so that he can help others. Applicant believes his life experiences and training will assist him in counseling others.

13. Applicant's therapist also provided a letter to the Board. She is licensed by the Board as a clinical marriage and family therapist and has been his therapist since February 2020. Applicant began therapy to address [REDACTED] in his life and [REDACTED]. Applicant's therapist stated Applicant continues to make progress in managing his [REDACTED] meeting short-term goals as well as moving toward meeting longer-term goals. While providing treatment, Applicant encountered stressful challenges and life transitions and consistently demonstrated his ability to use healthy coping skills that he has learned rather than his past [REDACTED]. She noted that Applicant has shown knowledge and compliance with the terms of his supervised release. In addition, Applicant volunteers to lead multiple small groups for males who struggle with [REDACTED] and has established his own network of support individuals who are aware of his background and can provide guidance and accountability. His therapist also stated Applicant had demonstrated his dedication to learning, researching, and writing about addiction while earning his master's degree and afterwards. Applicant's therapist supported Applicant receiving his license in addiction counseling.

14. Applicant submitted to the Board four professional reference forms wherein each reference recommended Applicant for licensure. All of Applicant's references were employed at the practice site where Applicant completed his practicum and is currently employed. Prior to asking for a recommendation, Part II.A. of the form lists the personal qualities in the definition of "merits the public trust" that is found in K.A.R. 102-3-1a(m). Part III.B. of the form asks each reference if they are "aware of any significant facts concerning the applicant's background that would reflect unfavorably on the applicant's character and fitness to practice master's addiction counseling."

15. The first reference was Applicant's on-site practicum supervisor who is licensed by the Board as a professional counselor and a master's addiction counselor. In giving her recommendation for licensure, the reference stated she was not aware of any

significant facts that reflected unfavorably on Applicant's character and fitness to practice master's addiction counseling. She did not provide a statement on whether she had any knowledge of Applicant's felony conviction.

16. Applicant's second professional reference was licensed by the Board as a master's addiction counselor and had been his work supervisor for 2 years. She opined that Applicant possessed the moral standards and fitness required for working as a master's addiction counselor and recommended him for licensure. This reference did not indicate that she had any knowledge of Applicant's felony conviction.

17. Applicant's third professional reference was not licensed by the Board but held a doctorate degree in psychology. She had known him for less than one year. This reference was not aware of any significant facts concerning Applicant's background that reflected on his character and fitness to practice as a LMAC. Although she did not specifically mention Applicant's felony conviction in 2014 for distribution of child pornography, she provided the following statement.

[Applicant] has been honest and forthcoming with me from the beginning of his practicum experience with our organization, especially with regard to his personal background. He wanted to put safeguards in place before we asked. . . . [Applicant] has given me no reason to believe he would be anything but an exceptional and caring counselor. He has been honest, has learned from his past and will be able to better relate to clients' struggles because of his own. Highly recommend.

18. The last professional reference was licensed by the Board as a master's addiction counselor. She had been Applicant's mentor while he completed his practicum and had known him for 1 year. This reference answered she was aware of significant facts concerning Applicant's character and fitness to practice as an LMAC. She provided a letter with the following statements about Applicant's conviction:

. . . I am fully aware of [Applicant's] legal and addiction history, including a felony charge for pornography in 2012. I understand that he is still on probation, and this poses as a barrier for him getting his LMAC. I, along with several other of my coworkers, have seen [Applicant] live far beyond his past through addiction. People who suffer from [redacted] make mistakes, which unfortunately they have to deal with now that they are [redacted] [Applicant] has been free of [redacted] for 9 years and been a true leader in the addiction field today.

. . . When [Applicant] disclosed this information to me about his past, he was tearful and shows obvious remorse. He asked for my forgiveness. The [Applicant] that I know, was nothing like he had described. [Applicant] is powerful, respected, relatable, hardworking, willing, and highly intelligent. He has spent 9 years to get his life on track to where he wants it. [Applicant]

has dedicated his life to helping those suffering from addiction, just like he did.

19. Applicant also provided letters of personal recommendation from 17 other individuals. Four of these individuals had known Applicant prior to his felony conviction. One of those four was his aunt and the other three had known Applicant and his family for most of his life. Each one expressed their belief in Applicant's desire and ability to help others and recommended him for licensure. The remaining 13 individuals had only known Applicant since his release from prison. They described Applicant's compassion, knowledge, and dedication to help others who are struggling with addiction. The background of these personal references varied—recovering addicts, a licensed addiction counselor, church members, a past employer, or a couple seeking his guidance because a family member was facing the same type of criminal charges as Applicant had. All 17 references recommended Applicant for licensure as an addiction counselor.

Hearing

20. At hearing, Applicant offered the testimony of [REDACTED] and Applicant testified personally. On August 29, 2022 all witnesses testified and Applicant begun his testimony before the hearing had to be bifurcated due to time constraints. On August 29, 2022 witness were sequestered prior to their testimony. On September 1, 2022 no witness appeared and Applicant concluded his testimony.

21. During the witnesses' testimony, it was apparent Applicant had not provided a detailed or a truthful account of the facts that led to his arrest and conviction. Although the witnesses were aware of his [REDACTED] he failed to disclose and minimized his crime was related to child pornography. Applicant repeatedly described to his witnesses that he had downloaded a cache of pornography and the cache happened to contain images of child pornography. He described the action as inadvertent, not intentional. [REDACTED] testified Applicant indicated to him that he had not looked at child pornography images. [REDACTED] described Applicant as being "bewildered" with the charges that he "didn't even know what the images were" and that Applicant had never expressed any interest in child pornography to him. [REDACTED] was asked whether Applicant indicated to him he was seeking the images or had inadvertently come across them. [REDACTED] replied he "didn't know if he could answer that". [REDACTED] was aware of Applicant's conviction for child pornography but indicated Applicant has told her he bought a "porn pack" that included images of children.

22. On August 29, 2022 Applicant testified under oath. On August 29, 2022 Applicant testified he was not intentionally looking for child pornography, that he downloaded 200 images and 14 were child pornography. He testified he did not go through the images, did not know what images were contained and that he immediately shut down his computer when he detected someone had accessed his computer.

23. The hearing resumed on September 1, 2022. No witnesses appeared. Applicant resumed his testimony and was again sworn in. Applicant advised the Board he was deceptive in his August 29, 2022 testimony. He advised downloading the child pornography was not inadvertent or accidental. He testified he was wrong, was overtly minimizing, that he had treated his Application for licensure like a job application. Applicant acknowledged being vague to witnesses to avoid pain and embarrassment. Applicant acknowledged that everything in the FBI press release was correct. Applicant acknowledged he was not ready for licensure, that he needs some more work with his therapist.

Conclusions of Law

The Addiction Counselor Licensure Act (Act), K.S.A. 65-6607 *et seq.*, authorizes the Board to issue a master's addiction counselor license to applicants who meet the qualifications set forth in K.S.A. 65-6610(b). The Act also provides that the Board may refuse to grant a license or may condition or limit a license if it finds that an applicant "has been convicted of a felony offense and has not demonstrated to the Board's satisfaction that such person has been sufficiently rehabilitated to merit the public trust." K.S.A. 65-6615(a)(2).

24. The term "merits the public trust" means an applicant possesses the high standard of good moral character and fitness required to practice addiction counseling as demonstrated by the following personal qualities:

- (1) Good judgement;
 - (2) integrity;
 - (3) honesty;
 - (4) fairness;
 - (5) credibility;
 - (6) reliability;
 - (7) respect for others;
 - (8) respect for the laws of the state and the nation;
 - (9) self-discipline;
 - (10) self-evaluation;
 - (11) initiative; and
 - (12) commitment to the addiction counseling profession values and ethics.
- K.A.R. 102-7-1(m).

25. Because he has applied for licensure as a master's addiction counselor and has a felony conviction, the Board has jurisdiction over Applicant and this matter.

26. Administrative proceedings under the Act are conducted in accordance with the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* K.S.A. 65-6615(c). Under the KAPA, the Board may use summary proceedings to issue an order, subject to a party's request for a hearing. The Board finds that the use of summary

proceedings in this matter does not violate any law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than the parties. K.S.A. 2022 Supp. 77-537.

27. Applicant has taken steps toward rehabilitation—complying with court orders, completing the [REDACTED] having his internet usage monitored, and being subjected to searches by the probation office; obtaining a master's degree in addiction counseling; continuing treatment with his therapist; providing community service; and maintaining employment. Additionally, he provided numerous references recommending him for licensure. While his progress is commendable, there are aggravating factors that must also be considered.

28. Applicant was convicted of a serious felony offense—distribution of child pornography. At the time of his conviction, he lacked all the personal traits listed in K.A.R. 102-7-1(m). His conviction occurred less than seven years ago and he was released from prison less than four years ago. He remains on supervised release and will continue on supervised release for more than five years. In other words, Applicant has not yet completed half of the 10-year term of his supervised release. Most of the conditions of his supervised release are directed at decreasing recidivism and increasing rehabilitation. If he should fail to comply with one or more conditions of his supervised release, Applicant faces the possibility of having the supervised release extended or being returned to prison. See 18 U.S.C. § 3583(3)(2)-(3). In such instances, it is difficult to ascertain whether the changes in Applicant's behavior are the result of being rehabilitated or complying with the terms of supervised release to avoid negative consequences.

29. Additionally, it is not clear whether all of Applicant's professional references had knowledge of his felony conviction or the factual basis of it. Two of the licensed references stated Applicant possessed the traits listed in K.A.R. 102-7-1(m) and did not mention any knowledge of Applicant's felony conviction. Arguably, an individual would consider a person who has a felony conviction for distributing child pornography lacks the qualities of good judgement, fairness, respect for others, respect for the laws of the state and nation, self-discipline, and self-evaluation. The unlicensed professional reference did not expressly state she was aware of Applicant's felony conviction for distribution of child pornography but stated Applicant had been honest and forthcoming with her and Applicant wanted to have "safeguards in place before we asked." She did not indicate what those safeguards were, but they were likely those required by the conditions of his supervised release—i.e., monitoring his use of the internet and no unsupervised contact with minors.

30. The licensed last professional reference did state she was aware of significant facts concerning Applicant's character and fitness to practice as an LMAC. She expressly mentioned his felony conviction "for pornography." The factual basis for Applicant's conviction was more serious than pornography—his felony conviction was for *distribution of child pornography*. She also refers to Applicant being "free of [REDACTED] for 9 years." However, Applicant was imprisoned for 5 of those years; thus, the opportunity to refrain

from his illegal conduct was not self-imposed. Another concern is the reference to Applicant's [REDACTED]. Applicant mentioned his overdose of pain killers, but not any use of [REDACTED]. Thus, it is uncertain whether Applicant has a [REDACTED] that could reflect on his commitment to the addiction counseling profession values and ethics.

31. More important, the Applicant lacked candor with the Board, and perhaps with his references, about his conduct that led to his conviction. There was a significant difference in the description of his felonious conduct Applicant provided to the Board when compared to the description given by the FBI and stated in the stipulated facts of his plea agreement. In his criminal conviction disclosure form, Applicant stated he downloaded a directory that hid "a few illegal images" and he became a part of "an FBI Sting." In his letter, Applicant similarly stated he downloaded a directory of pornography that hid illegal images. Upon realizing someone else was taking files on his computer, he terminated and blocked the connection. He "had fallen into an FBI sting."

32. In contrast, the FBI agent's affidavit stated, in a chat session with a law enforcement officer, Applicant said he was sexually interested in toddlers and willing to share more than pictures. The FBI downloaded images from Applicant that included 14 images clearly depicting pre-pubescent children displaying their genitals and engaging in sexual acts; one image was a young toddler exposing his genitals. Similarly, the facts that Applicant stipulated to in the plea agreement stated Applicant distributed through the internet images of known children, including a young male toddler exposing his genitals to the camera.

33. Applicant's claim that he downloaded a "few illegal images" clearly understates the fact that Applicant possessed fourteen images of pre-pubescent children in sexually explicit poses or acts. Similarly, Applicant's reference to a directory that "hid" those images infers that he did not know what those images depicted. Likewise, his reference to an "FBI sting" infers that Applicant was not susceptible to child pornography until he interacted with the FBI. His statements show he was not forthcoming about his illegal conduct and he was not taking responsibility for his illegal conduct.

34. At hearing, Applicant continues his lack of candor with the Board by testifying, under oath, that his actions were inadvertent, consistent with his Application's version of events. Applicant later acknowledges he lied under oath to the Board during his August 29, 2022 testimony.

35. Applicant's lack of candor to the Board about his conduct leading to his conviction is very troublesome. It indicates he has not taken full responsibility for his criminal conduct. It also shows he does not possess the personal qualities listed in K.A.R. 102-7-1(m). Specifically, he lacks integrity, honesty, credibility, reliability, respect for others, self-evaluation and commitment to the values and ethics of the addiction counseling profession.

36. After considering the totality of the evidence, the Board concludes that Applicant has failed to show that he has been sufficiently rehabilitated after having been convicted of distributing child pornography, a felony offense, to warrant the public trust for licensure as a master's addiction counselor. Therefore, Board determines that the application filed by Amel Kevin Loop for licensure as a master's addiction counselor should be denied.

Order

WHEREFORE, after consideration of the above findings of fact and conclusions of law, it is the decision of the Board and the order of the Board that the application filed by Amel Kevin Loop for licensure as a master's addiction counselor should be denied.

IT IS SO ORDERED.

Kansas Behavioral Sciences Regulatory Board



Mary Jones, Board Chair and Presiding Officer

NOTICE OF ADMINISTRATIVE RELIEF

The above Order is a final order. Pursuant to K.S.A 77-529, a party may file with the Board a petition for reconsideration within 15 days from the date noted below in the Certificate of Service. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review.

Pursuant to K.S.A. 77-528, a party may file, if applicable, a petition for stay of effectiveness of the order prior to the expiration of the time in which to file a petition for judicial review. The filing of a petition for a stay of effectiveness is not a prerequisite for seeking judicial review.

NOTICE OF JUDICIAL RELIEF

If a petition for reconsideration is not filed pursuant to K.S.A. 77-613, a party may file within 30 days from the date noted below in the Certificate of Service a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*

The designee who may receive service of a petition for reconsideration, a petition

for stay, or a petition for judicial review on behalf of the Board is:

David Fye, Executive Director
Behavioral Sciences Regulatory Board
Eisenhower State Office Building
700 SW Harrison, Suite 420
Topeka, Kansas 66603-3240

CERTIFICATE OF SERVICE

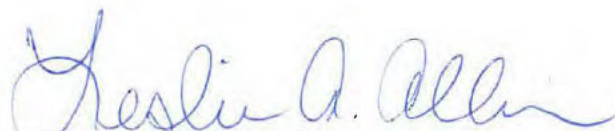
There is to certify that on December 12th, 2022 a copy of the above and foregoing Order and Notices was placed in the U.S. mail, first-class postage prepaid, addressed to:

Amel Kevin Loop


Michael Studtmann
6235 W Kellogg
Wichita, KS 67209
Attorney for Applicant

The undersigned further certifies a true and correct copy of the Order was delivered by interoffice mail to:

Jane Weiler, Assistant Attorney General
Office of the Attorney General
Civil Division
120 SW 10th Avenue, 2nd Floor
Topeka, Kansas 66612
Litigation Counsel



Staff, Behavioral Sciences Regulatory Board