

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF COUNSELING
DISCIPLINARY SUBCOMMITTEE

In the Matter of

JACK D. WOODBURN, L.P.C.
License No. 64-01-000326,
Respondent.

File No. 64-18-152597

FINAL ORDER

On February 20, 2020, the Department of Licensing and Regulatory Affairs executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

Based upon Respondent's conviction as set forth in the Complaint, the Department summarily suspended Respondent's license to practice as a licensed professional counselor in the state of Michigan by Order of Summary Suspension dated February 21, 2020.

The Complaint notified Respondent that, pursuant to MCL 333.16231, Respondent's failure to respond to the Complaint within 30 days from the date of receipt would be treated as an admission of the allegations contained in the Complaint and would result in transmittal of the Complaint directly to the Michigan Board of Counseling Disciplinary Subcommittee (DSC) for imposition of an appropriate sanction.

Contrary to MCL 333.16231, Respondent failed to provide a written response to the allegations set forth in the Complaint within 30 days from the date of receipt.

The DSC, having read the Complaint and Order of Summary Suspension, considered this matter at a regularly scheduled teleconference meeting held on May 8, 2020, and imposed a sanction pursuant to MCL 333.16231. Therefore,

The Summary Suspension dated February 21, 2020, is DISSOLVED, as of the effective date of this Order.

IT IS ORDERED that for violating MCL 333.16221(a), (b)(v) and (b)(vi):

Respondent's license to practice as a licensed professional counselor in the state of Michigan is REVOKED, commencing on the effective date of this Order.

Reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with MCL 333.16245 and 333.16247.

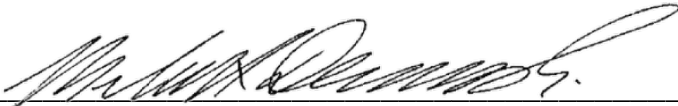
This Order is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*, and this action will be reported to the National Practitioner Data Bank, and any other entity as required by state or federal law.

If Respondent violates any provision of this Order, or fails to complete any terms of the order, the DSC may take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

This Order shall be effective on the date signed by the DSC's Chairperson or authorized representative, as set forth below.

Dated: May 14, 2020

**MICHIGAN BOARD OF COUNSELING
DISCIPLINARY SUBCOMMITTEE**

By: 
Michael Draminski, Manager
Compliance Section
Bureau of Professional Licensing
Authorized Representative

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DISCIPLINARY SUBCOMMITTEE

In the Matter of

JACK D. WOODBURN, L.P.C.
License No. 64-01-000326

Complaint No. 64-18-152597

ORDER OF SUMMARY SUSPENSION

An administrative complaint has been issued against Respondent as provided by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*.

Section 16233(5) of the Public Health Code compels the Department to find that the public health, safety and welfare requires emergency action if a licensee is convicted of a felony or a misdemeanor punishable by imprisonment for a maximum term of two years or a misdemeanor involving the illegal delivery, possession or use of a controlled substance.

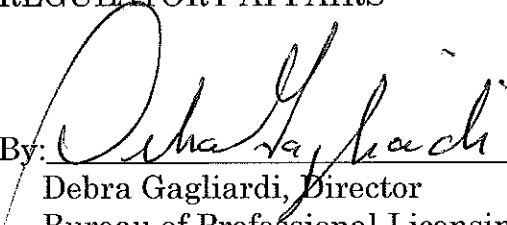
Based on Respondent's conviction, as set forth in the administrative complaint, the Department concludes that the public health, safety and welfare requires emergency action.

THEREFORE, IT IS ORDERED that Respondent's professional counselor license shall be SUMMARILY SUSPENDED commencing on the date this order is served.

Under Mich Admin Code, R 792.10702, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, Michigan 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, P.O. Box 30758, Lansing, Michigan, 48909.

Questions concerning the Order of Summary Suspension may be directed to (517) 335-7569. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

By: 
Debra Gagliardi, Director
Bureau of Professional Licensing

Dated: 2-21-2020

LF: 2020-0280001-A\Woodburn, Jack D., L.P.C., 152597\Pleading – Order of Summary Suspension – 2020-02-20

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
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In the Matter of

JACK D. WOODBURN, L.P.C.
License No. 64-01-000326

Complaint No. 64-18-152597

ADMINISTRATIVE COMPLAINT

Attorney General Dana Nessel, through Assistant Attorneys General Bridget K. Smith and Jennifer Fitzgerald, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Jack D. Woodburn, L.P.C. (Respondent), alleging upon information and belief as follows:

1. The Board of Counseling, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent is currently licensed as a professional counselor pursuant to the Public Health Code. At all times relevant to this complaint, Respondent was the director for Colonial Woods Christian Counseling Center located in Port Huron, Michigan.

3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice as a licensed professional counselor.

4. Section 16221(b)(v) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for conviction of a felony. A certified copy of the court record is conclusive evidence of the conviction.

5. Section 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for lack of good moral character, defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq*, as the “propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.”

6. Section 16233(5) of the Public Health Code provides for the summary suspension of a license, reading, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws. If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2

years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, shall summarily suspend the licensee's license or the registrant's registration.

7. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the Disciplinary Subcommittee determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

ALLEGATIONS

8. On January 15, 2020, Respondent pled guilty to Producing, Attempting to Produce Child Pornography in the United States District Court for the Eastern District of Michigan. (Case Number 2:18-cr-20554).

9. Respondent's conviction was based on evidence that from at least April 2016 until February 2018, Respondent used the internet to entice, manipulate, and coerce at least three underage girls ranging in age from 9 to 13, to disrobe, sexually penetrate themselves and produce pornography for adult men. The Court sentenced Respondent to 204 months in prison.

COUNT I

10. Respondent's conduct as described above constitutes conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice as a licensed professional counselor in violation of section 16221(a) of the Code.

COUNT II

11. Respondent's conduct as described above constitutes conviction of a felony in violation of Section 16221(b)(v) of the Code.

COUNT III

12. Respondent's conduct as described above constitutes a lack of good moral character in violation of section 16221(b)(vi) of the Code.

THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as a professional counselor in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act and section 16233(5) of the Public Health Code for the reason that, based upon the allegations set forth herein, to permit Respondent to continue to practice the profession constitutes a danger to the public health, safety and welfare requiring emergency action.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from receipt of this complaint to

submit a written response to the allegations contained in it. Pursuant to section 16192(2) of the Code, Respondent is deemed to be in receipt of the complaint 3 days after the date of mailing listed in the attached proof of service. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(9) of the Code, failure to submit a written response within the 30 day-period shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

DANA NESSEL
Attorney General



Bridget K. Smith (P71318)
Jennifer Fitzgerald (P60109)
Assistant Attorneys General
Licensing & Regulation Division
P.O. Box 30758
Lansing, Michigan 48909
(517) 335-7569

Dated: February 20, 2020

LF: 2020-0280001-A\Woodburn, Jack D., L.P.C., 152597\Pleading – Administrative Complaint – 2020-02-20