

BEFORE THE NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF:

**MICHAEL L. PAHOS, LISW
(Licenses No. I-08565),**

Respondent.

Case No.: SW-12-02-03

SETTLEMENT AGREEMENT

WHEREAS, the New Mexico Board of Social Work Examiners ("Board") received a complaint regarding Michael Pahos, LISW ("Respondent"); and

WHEREAS, during the investigation of this complaint, the Board requested that Respondent provide a response to the complaint, but Respondent did not provide such a response; and

WHEREAS, the Board found sufficient reason to vote to issue a Notice of Contemplated Action ("NCA") against Respondent; and

WHEREAS, the NCA issued in this matter did not concern the allegations underlying the complaint received by the Board regarding Respondent, but rather concerned Respondent's failure to cooperate with the Board's investigation. Specifically, the NCA stated that Respondent violated the Rules of the Board, Sections 16.63.1.13(A) & (B) NMAC (as amended through 06/19/02);

WHEREAS, Respondent recognizes the seriousness of the Board's complaint and disciplinary processes, and recognizes the ethical and professional obligations set forth in the *Social Work Practice Act*, N.M. Stat. Ann. 1978, Section 61-31-1 *et seq.*, and the Rules of the Board; and

WHEREAS, the parties wish to resolve these matters in an amicable fashion without the need for a formal hearing and the time and expense involved in such a hearing.

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. **Jurisdiction.** Respondent is licensed under the *Social Work Practice Act* and is therefore subject to the jurisdiction of the Board. The Board has jurisdiction over Respondent and the subject matter of this action.

2. **Waivers.**

a. Respondent enters into this Settlement Agreement and knowingly, intentionally, and voluntarily waives his right to a hearing and appeal provided by the *New Mexico Uniform Licensing Act*, N.M. Stat. Ann. 1978, Sections 61-1-1 to -31. This waiver includes, without limitation, Respondent's right to a full evidentiary hearing on the charges in the NCA, his right to confront and cross-examine witnesses, and his right to appeal any decision of the Board following such a hearing.

b. Respondent knowingly, intentionally, and voluntarily waives all rights to have this matter heard within the timeframe set by the *Uniform Licensing Act* so that the Board may review and take action regarding this Settlement Agreement.

3. **Discipline.** To resolve this matter, and if the Board accepts this Agreement, Respondent agrees to submit to the following disciplinary action:

a. Respondent shall provide a written response to the allegations in the complaint filed with the Board in this action, within ten (10) calendar days of the Board's acceptance of this Agreement in an open public meeting; and

b. Respondent shall take and pass the Board's jurisprudence exam with a grade of no less than 70%, within thirty (30) calendar days of the Board's acceptance of this Agreement in an open public meeting; and

c. Respondent shall accept a letter of reprimand from the Board regarding his failure to cooperate with the Board's investigation. This letter may be considered against Respondent in connection with any future disciplinary action, but shall not on its own preclude Respondent's renewal of his license.

4. **Public Records.** The Complaint, Notice of Contemplated Action, and this Agreement in this action are public records within the meaning of the *Inspection of Public Records Act*, N.M. Stat. Ann. 1978, Section 14-2-6(E) (2011).

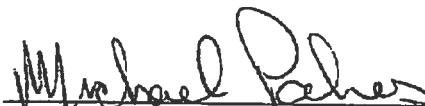
5. **Reporting.** The parties understand that this Agreement may be reported to governmental agencies and professional associations requiring notice of adverse action, including the National Practitioner Data Bank (NPDB) and National Association of Social Workers (NASW).

6. **Contingent on Board Approval.** This Agreement is subject to approval by the Board. If this agreement is rejected by the Board, this matter will be considered at a hearing on the merits at a time, date, and place noticed by the Board. If the Board rejects this Agreement, the terms of this Agreement shall not be used against Respondent in any future hearing before the Board.

7. **Full and Complete Settlement.** The Board agrees that the resolution of this case is a settlement in full and final satisfaction of case number SW-12-02-03, and it resolves all matters raised by the NCA in this action.

8. **No Admission.** By agreement of the parties, no admission of wrongdoing on the part of Respondent is implied nor should be inferred by this agreement.

6/19/14
Date



Michael Pahos, LISW, Respondent

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ORDER

This matter having come before the New Mexico Board of Social Work Examiners upon request of the parties for consideration of the foregoing Settlement Agreement and with a quorum present and voting in the affirmative, the foregoing Settlement Agreement is:

Accepted

Rejected

Date: 30 July '14



Chairperson, New Mexico Board of
Social Work Examiners