

STATE OF SOUTH DAKOTA  
SOUTH DAKOTA DEPARTMENT OF COMMERCE  
BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE PROFESSIONAL LICENSE OF: RUSSELL C. SUNDERLAND	STIPULATION FOR SUSPENSION
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The South Dakota Board of Social Work Examiners (hereinafter Board), by and through its attorney, Karen E. Cremer, Assistant Attorney General, and Russell C. Sunderland (hereinafter Sunderland), personally and through his counsel, Harvey A. Oliver, Jr., Attorney at Law, hereby stipulate as follows:

1. That during all times herein, Sunderland has been and now is subject to the jurisdiction of the Board from which he holds a valid South Dakota Social Work license, CSW-PIP, No. 206, originally issued June 30, 1976, and approved for relicensure on December 19, 1991.
2. That the Board received a complaint on February 3, 1993, reporting numerous instances of sexual contact by Sunderland.
3. That upon completion of its investigation, the Board sent Sunderland Notice of Hearing scheduling a hearing for June 8, 1993.
4. That the purpose of the hearing was to determine whether Sunderland had violated SDCL 36-26-32(6), SDCL 36-26-32(10), and

the NASW Code of Ethics § 11(F)(5)(1990) by engaging in sexual activities with a client. (See, Exhibit A, Notice of Hearing)

5. That upon the request of Sunderland the hearing was rescheduled to August 10, 1993.
6. That upon the request of Sunderland the hearing was again rescheduled for August 25, 1993.
7. The parties have agreed to negotiate a stipulation for the suspension of Sunderland's social work license.
8. That upon the Board's approval of this Stipulation, the license revocation proceeding commenced in regard to the citations noted in the Notice of Hearing dated May 7, 1993, a copy of which is attached hereto, marked Exhibit A, and by this reference incorporated herein, will be stayed. This stay will remain in effect, and Sunderland's existing license will be suspended until such time as Sunderland complies with the following terms and conditions:
  - a. That Sunderland agrees to secure psychological services from Dr. John Gonsiorek, Minneapolis, Minnesota, or another counselor approved by the Board and Sunderland.
  - b. That Sunderland hereby authorizes Dr. Gonsiorek, or the counselor agreed upon by the parties, to divulge progress reports to the Board at all reasonable times and places during the term of this Stipulation. The Board desires to receive a final report from the counselor upon

the successful completion of treatment, or in the event treatment is unsuccessful, at the conclusion of treatment.

- d. That Sunderland reports the status of his license to all professional groups to which he belongs, proof of such notification to be filed with the Board and thereafter remain as a part of the Board's file.
  - e. That Sunderland not engage in the practice of counseling, therapy, or any similar act which is subject to state regulation and licensure until such time as the Board may remove the suspension status from Sunderland's license.
9. That if at the end of three (3) years from the date of the Order of Suspension, Sunderland has not complied with terms of the Stipulation, the Board may move to revoke Sunderland's license for failure to comply with the Stipulation.
10. That if it is determined that Sunderland is not amenable to treatment or if it is determined that he is unfit to engage in the practice of social work, the Board shall reinstitute the license revocation proceedings that are currently stayed.
11. That upon written notification by the counselor chosen by the parties that Sunderland has successfully completed therapy prior to the end of the three (3) years contemplated in #9, above, and upon Sunderland's written request to the Board's administrative secretary requesting that the suspension be removed from his license, that the



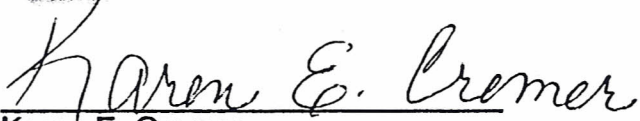
Board's complaint officers shall review Sunderland's file, progress reports from the counselor, and any other such evidence deemed necessary to determine whether or not such suspension of Sunderland's license shall be removed.

12. That upon completion of this review by the complaints officer, he/she shall submit to the Board a written recommendation and the reasons for such recommendation. The complaints officer shall not participate as a Board member in voting on the status of the suspension, but may testify.
13. That the action of the Board shall be by majority vote of the Board.
14. That Sunderland shall surrender his South Dakota license certificates to the Board within ten (10) days of service of this Stipulation of Suspension and Order for Suspension. Service is complete upon mailing the aforementioned documents to Sunderland at his last known address or upon his attorney.
15. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced by either party in a disciplinary action undertaken pursuant to the allegations necessitating this Stipulation except that Sunderland agrees that should the Board reject this Stipulation and the case proceeds to hearing, Sunderland will assert no claim that the Board

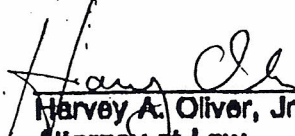
was prejudiced by its review and discussion of this Stipulation or any records relating hereto.

16. That Sunderland understands that pursuant to SDCL 36-26-38 the status of his license and the contents of the file is a matter of public record.
17. That Sunderland understands his right to a hearing before the Board on this matter, and other rights set forth in Exhibit A, and that he voluntarily, knowingly, intelligently, and without further notice, waives these rights for purposes of this Stipulation and without hearing or other proceeding, agrees to the conditions of this Stipulation.
18. That Sunderland and the Board agree that the Order for Suspension to be entered pursuant to the Stipulation shall be an intermediate order herein.

Dated this 8<sup>th</sup> day of December, 1993.

  
Karen E. Cremer  
Assistant Attorney General  
Attorney for Board

Dated this 7 day of December, 1993.

  
Harvey A. Oliver, Jr.  
Attorney at Law  
Attorney for Sunderland

Dated this 7 day of December, 1993.

  
Russell C. Sunderland

STATE OF SOUTH DAKOTA  
SOUTH DAKOTA DEPARTMENT OF COMMERCE  
BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE  
PROFESSIONAL LICENSE OF:  
RUSSELL C. SUNDERLAND

ORDER  
FOR  
SUSPENSION

Upon consideration of the Stipulation for Suspension dated the 8<sup>th</sup> day of December, 1993, attached hereto and incorporated herein, and all of the files, records and proceedings herein, it is hereby

ORDERED, that the terms of the aforementioned Stipulation for Suspension are adopted and implemented and Russell C. Sunderland's social work license, CSW-PIP No. 206, to practice social work in the State of South Dakota is SUSPENDED by the Board of Social Work Examiners.

Dated this 9<sup>th</sup> day of December, 1993.

SOUTH DAKOTA BOARD OF  
SOCIAL WORK EXAMINERS

  
Walter Schaefer  
President