

**LOUISIANA STATE BOARD OF
SOCIAL WORK EXAMINERS**

**IN THE MATTER OF
TIMOTHY KEMERY
LICENSE NO. 1245**

COMPLAINT NO. 2024-31

CONSENT AGREEMENT AND ORDER

WHEREAS, Timothy Kemery (“Mr. Kemery” or “Respondent”) is a licensed social worker subject to the jurisdiction and the rules and regulations of the Louisiana State Board of Social Work Examiners (“Board” or “LABSWE”);

WHEREAS, on or about September 14, 2023, the Board received a complaint against Mr. Kemery alleging that he misplaced confidential and sensitive documents and a thumb drive given to him by the complainant;

WHEREAS, by letter dated October 10, 2023, the Board notified Respondent of the complaint filed against him, provided Respondent with a summary of the nature of the complaint, and requested that Respondent provide a response to the complaint;

WHEREAS, by letter dated November 7, 2023, Respondent responded to the complaint, giving his response to the allegations contained therein and informing the Board that he located the missing documents and thumb drive and was in the process of returning them to the complainant;

WHEREAS, the complainant informed the Board that after review of the thumb drive returned by Respondent, the complainant determined that the thumb drive contained information belonging to another client of Respondent;

Timothy Kemery #2024-31

Initial: TK
4975430

WHEREAS, pursuant to a complaint and an administrative investigation, Mr. Kemery has indicated his desire to resolve this matter through a Consent Agreement and Order as provided for in Rule No. 907 of the Board's Rules, Standards and Procedures and La. R.S. 49:975(D) of the Louisiana Administrative Procedure Act;

WHEREAS, Mr. Kemery has admitted to the following:

1. Respondent is a Licensed Clinical Social Worker ("LCSW") licensed by the Board to engage in the practice of social work in the State of Louisiana pursuant to the Social Work Practice Act, La. R.S. 37:2701 et. seq., as evidenced by License Number 1245.
2. Complainant is a former client of Respondent.
3. Respondent temporarily misplaced personal and confidential documents and a thumb drive containing additional documents provided to him by complainant.
4. Respondent gave the complainant a thumb drive that contained information belonging to another client of Respondent.
5. Respondent eventually found the paper documents and returned them to complainant.

WHEREAS, by providing the complainant with a thumb drive that contained information belonging to another client of Respondent, Mr. Kemery violated La. R.S. 37:2717(A)(5), (7), and (11), La. R.S. 37:2718(B), La. Admin Code tit. 46:XXV §107(B), 46:XXV §115(A).

WHEREAS, undersigned counsel, through counsel, has confirmed Mr. Kemery's desire to resolve this matter through a Consent Agreement and Order;

WHEREAS, Mr. Kemery agrees not to repeat the misconduct mentioned in this Consent Agreement and Order, and acknowledges that any further misconduct mentioned in this Consent Agreement and Order will be considered a violation of the terms of this Consent Agreement and Order and shall be cause for further disciplinary action;

Timothy Kemery #2024-31


Initial: TK
4975430

WHEREAS, Mr. Kemery recognizes his right to have an administrative adjudication of the charges outlined in the complaint and notice letter, at which time Mr. Kemery would be entitled to be represented by legal counsel, to call witnesses, and to present witnesses on his behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law in accordance with the Louisiana Administrative Procedure Act. Mr. Kemery nonetheless waives his right to formal adjudication and, pursuant to La. R.S. 49:975(D), consents to the entry of the Consent Agreement and Order set forth hereinafter. Mr. Kemery also acknowledges that he waives any rights to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951, et seq., or which he otherwise may be afforded by any law, to contest his agreement to, or the force and effect of this Consent Agreement and Order, in any Court or other forum.

IT IS HEREBY ORDERED that in consideration of the foregoing and pursuant to the authority vested in the Board by La. R.S. 49:975(D), the Board orders and Mr. Kemery accepts the following administrative action which is a final decision pursuant to La. R.S. 49:977:

1. The LCSW license of Timothy Kemery to be engaged in the practice of social work in the State of Louisiana, as evidenced by license number 1245 shall be, and is hereby REPRIMANDED.
2. Mr. Kemery shall complete a total of six (6) hours of continuing education in ethics focusing on privacy and confidentiality. These hours are to be pre-approved by the Board prior to completion. These continuing education hours must be completed in addition to all standard renewal requirements for his LCSW licensure. Mr. Kemery shall provide the Board with evidence of attendance within twelve (12) months after all parties sign this Consent Agreement and Order.

Timothy Kemery #2024-31

Initial: 
4975430

3. Mr. Kemery shall reimburse legal and investigative costs associated with Complaint No. 2024-31 in the amount of SIX HUNDRED FIFTY-TWO AND 50/100 DOLLARS (\$652.50) within one (1) year from the date all parties sign this Consent Agreement and Order. The payments shall be made on a quarterly basis with the first payment due within ninety (90) days from the date all parties sign this Consent Agreement and Order. Payment shall be made by credit card, certified check, or money order.
4. Mr. Kemery shall pay a fine in the amount of TWO HUNDRED AND FIFTY AND 00/100 DOLLARS (\$250.00) within one (1) year from the date all parties sign this Consent Agreement and Order. The payments shall be made on a quarterly basis with the first payment due within ninety (90) days from the date all parties sign this Consent Agreement and Order. Payment shall be made by credit card, certified check, or money order.
5. Mr. Kemery specifically acknowledges that failure to comply with the terms of this Consent Agreement and Order may result in a denial, revocation, or suspension of any license, certificate, or registration issued by, or applied for, in accordance with La. R.S. 37:2717.
6. Mr. Kemery further acknowledges that failure to reimburse the fees set forth above at Paragraphs 3 and 4 will require the Board to take further action in collection of this debt. Respondent has twelve (12) months to reimburse the expenses before the debt will be considered final and transferred to the Louisiana Office of Debt Recovery (ODR). After transfer, the debt is subject to an additional collection fee

Timothy Kemery #2024-31

Initial: TK
4975430

of up to twenty-five percent (25%) of the total debt liability, as provided for in La R.S. 47:1676(E).


7. Mr. Kemery shall report the terms of this Consent Agreement and Order to any board or agency with which he is licensed or registered.
8. By agreeing to the terms of this Consent Agreement and Order, Mr. Kemery waives all rights to appeal this adjudication.

Effect of Non-Acceptance of Agreement. Mr. Kemery acknowledges that this Consent Agreement and Order is subject to the approval of the Board. He further acknowledges and agrees that if the Board rejects this Consent Agreement and Order, it will be void, and an Administrative Complaint may be filed relative to the allegations contained herein. If this Consent Agreement and Order is rejected by the Board, it will not constitute a waiver of Mr. Kemery's right to a hearing on the matters alleged in an Administrative Complaint and the admissions contained herein will have no effect. He further agrees that if the Board rejects this Consent Agreement and Order, the members of the Board may decide the matter after a hearing, and their consideration of this Consent Agreement and Order shall not alone be grounds for recusal of any member of the Board, including any claims that the Board is biased against him, that it cannot fairly decide the case, or that it has received ex parte communication.

Address of Board. All payments ordered and any reports required by this Consent Agreement and Order shall be addressed to: Louisiana State Board of Social Work Examiners, 18550 Highland Road, Suite B, Baton Rouge, Louisiana 70809.

IT IS HEREBY FURTHER ORDERED that this Consent Agreement and Order shall take effect immediately upon its adoption by the Board and is a public record of the Board. The terms of this Consent Agreement and Order may be published and reported in, including but not

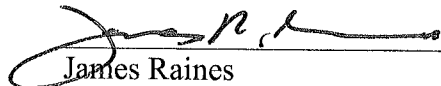
Timothy Kemery #2024-31

Initial: 
4975430

limited to, the LABSWE Newsletter, the Association of Social Work Boards (ASWB), and the National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB).

The prosecutor acknowledges negotiation and preparation of this Consent Agreement and Order in order to resolve, with prejudice, all matters for which the social worker could be charged under Complaint 2024-31, and further certifies that this Consent Agreement and Order is consistent with the evidence, adequately addresses the complaint, and represents a true and correct statement of that which could be proven at a hearing of this matter.

DATED: 3/21/24

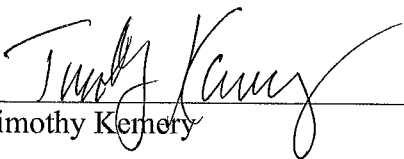

James Raines
Prosecutor

Timothy Kemery #2024-31

Initial: TK
4975430

I, Timothy Kemery, have read the Consent Agreement and Order, understand it, and agree to be bound by its terms and conditions. I specifically acknowledge that failure to comply with the terms of the Consent Agreement and Order may result in revocation or suspension of my license. The admissions contained herein will be considered proven and the only issue will be failure to follow the terms of the Consent Agreement and Order. I make these acknowledgements and waivers in support of a final disposition of the pending investigation of Complaint No. 2024-31 by Consent Agreement and Order pursuant to La. R.S. 49:975(D), in lieu of the institution and prosecution of formal administrative proceedings, and accordingly consent to the entirety of the Order set forth above and further waive any right to which I may be entitled under the Louisiana Administrative Procedure Act or any other law to contest, in any court, my agreement to this Order. By my subscription hereto, I also hereby authorize the Prosecutor to present this Order to the LABSWE for its consideration and to disclose to and discuss with the LABSWE the nature and results of the investigation of this matter. I herein waive any objection to such disclosure based on due process of law under either the State or Federal Constitution or under State statutory law, including La. R.S. 49:977.2. I expressly acknowledge that the disclosure of such information to the LABSWE shall be without prejudice to the Prosecutor's authority to file a formal Administrative Complaint, or the LABSWE's capacity to adjudicate such Administrative Complaint, should the LABSWE decline to approve this Consent Agreement and Order. I further acknowledge my awareness that should the LABSWE approve this Consent Agreement and Order that the Consent Agreement and Order will become a matter of public record.

DATED: March 17, 2024



Timothy Kemery

Timothy Kemery #2024-31

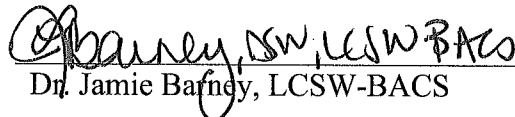
Initial: TK
4975430

ORDER

The Louisiana State Board of Social Work Examiners, having examined the Consent Agreement and Order, Case No. 2024-31, adopted the Consent Agreement and Order in this matter.

DATED this 12th day of April, 2024, in Baton Rouge, Louisiana.

LOUISIANA STATE BOARD OF SOCIAL
WORK EXAMINERS

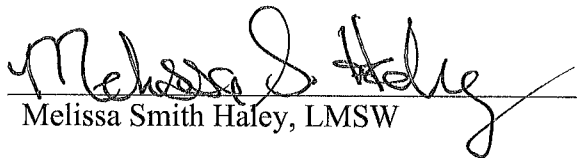


Dr. Jamie Barney, LCSW-BACS

Evan Bergeron, Esq., Consumer Member



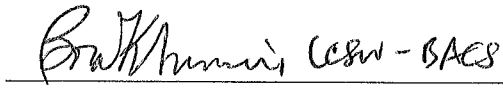
Dr. Hyacinth McKee, LCSW-BACS



Melissa Smith Haley, LMSW



Trinity George, RSW



Bora Sunseri, LCSW-BACS

Candice Sorapuru, LCSW-BACS

Timothy Kemery #2024-31

Initial: TK
4975430