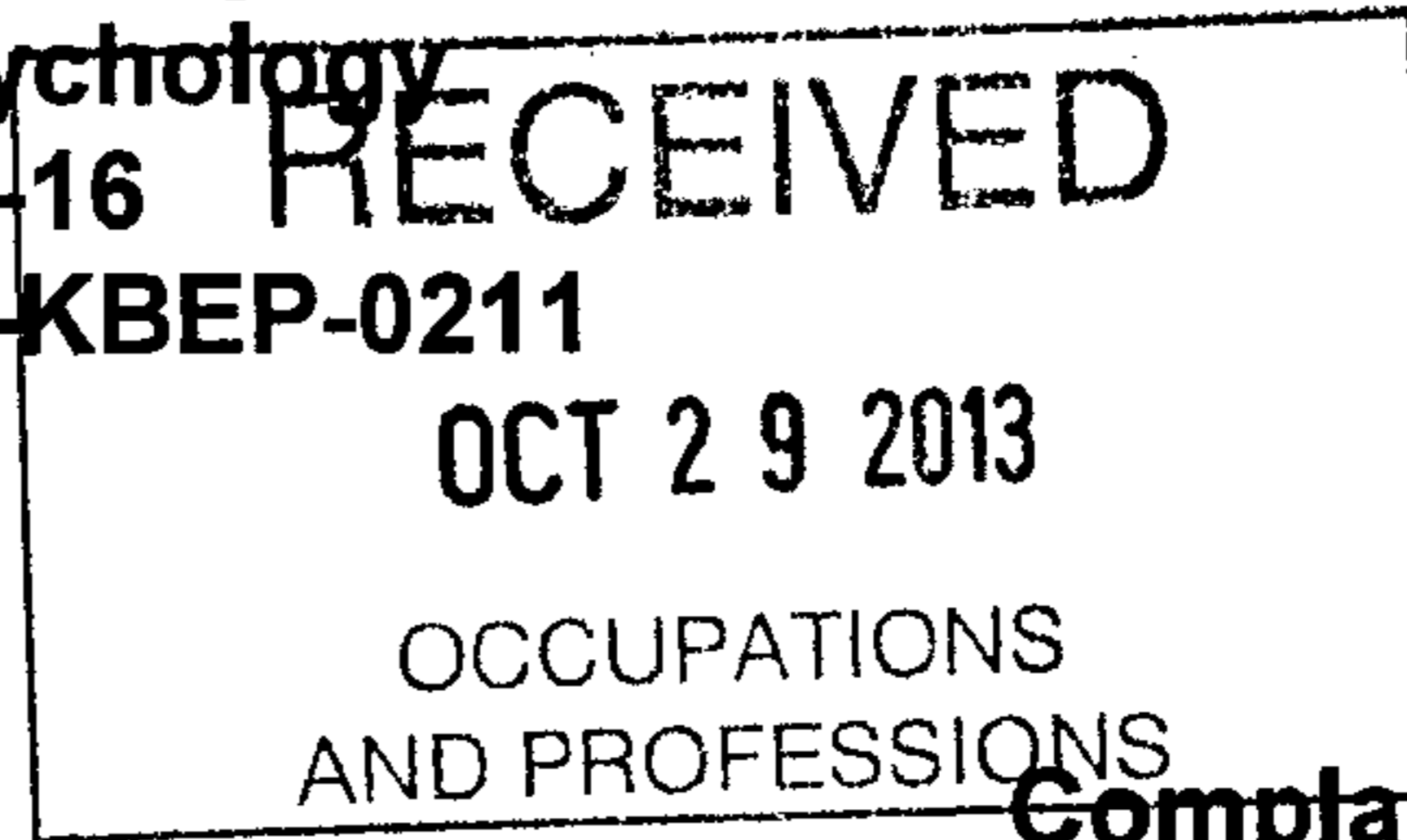


Commonwealth of Kentucky  
Board of Examiners of Psychology  
Agency Case No. 11-16  
Administrative Action No. 13-KBEP-0211



Commonwealth of Kentucky,  
Board of Examiners of Psychology

Complainant

v.

**FINAL ORDER**

Fantom Shakeria Smith,  
(License Psychologist No. 0959)

Respondent

\*\*\*\*\*

This matter is before the Kentucky Board of Examiners of Psychology pursuant to KRS 13B.120. Having reviewed the Recommended Order entered by the Hearing Officer on August 30, 2103, to which no exceptions were filed thereto, I hereby adopt as the Board's own the decision of the Hearing Officer. Fantom Shakeria Smith is found to be in **DEFAULT**, and her license is hereby revoked.

Pursuant to KRS 13B.140(1), a party may institute an appeal of this Final Order by filing a petition in the appropriate court of venue within thirty (30) days after the Final Order is mailed or delivered by personal service.

Issued this 29<sup>th</sup> day of October, 2013.

A handwritten signature in cursive script, appearing to read "E. R. Markham".

---

DR. EVA ROBERTS MARKHAM  
Chairperson  
Kentucky Board of Examiners of Psychology

**CERTIFICATE OF SERVICE**

Served by certified mail, return receipt requested, and by regular mail to:

Fantom S. Smith  
1114 South Green Street  
Glasgow, Kentucky 42141  
*Respondent*

And by messenger mail to:

Hon. Brian T. Judy  
Assistant Attorney General  
Civil & Environmental Law  
Office of the Attorney General  
Capitol Building, Suite 118  
700 Capitol Avenue  
Frankfort, Kentucky 40601-3449  
*Attorney for the Board*

Stuart Cobb  
Administrative Hearings Branch  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601-8204  
*Hearing Officer.*

This 29<sup>th</sup> day of October 2013.



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ROBIN VICK  
Division of Occupations and Professions  
Phone: (502) 564-3296  
Fax: (502) 564-4818

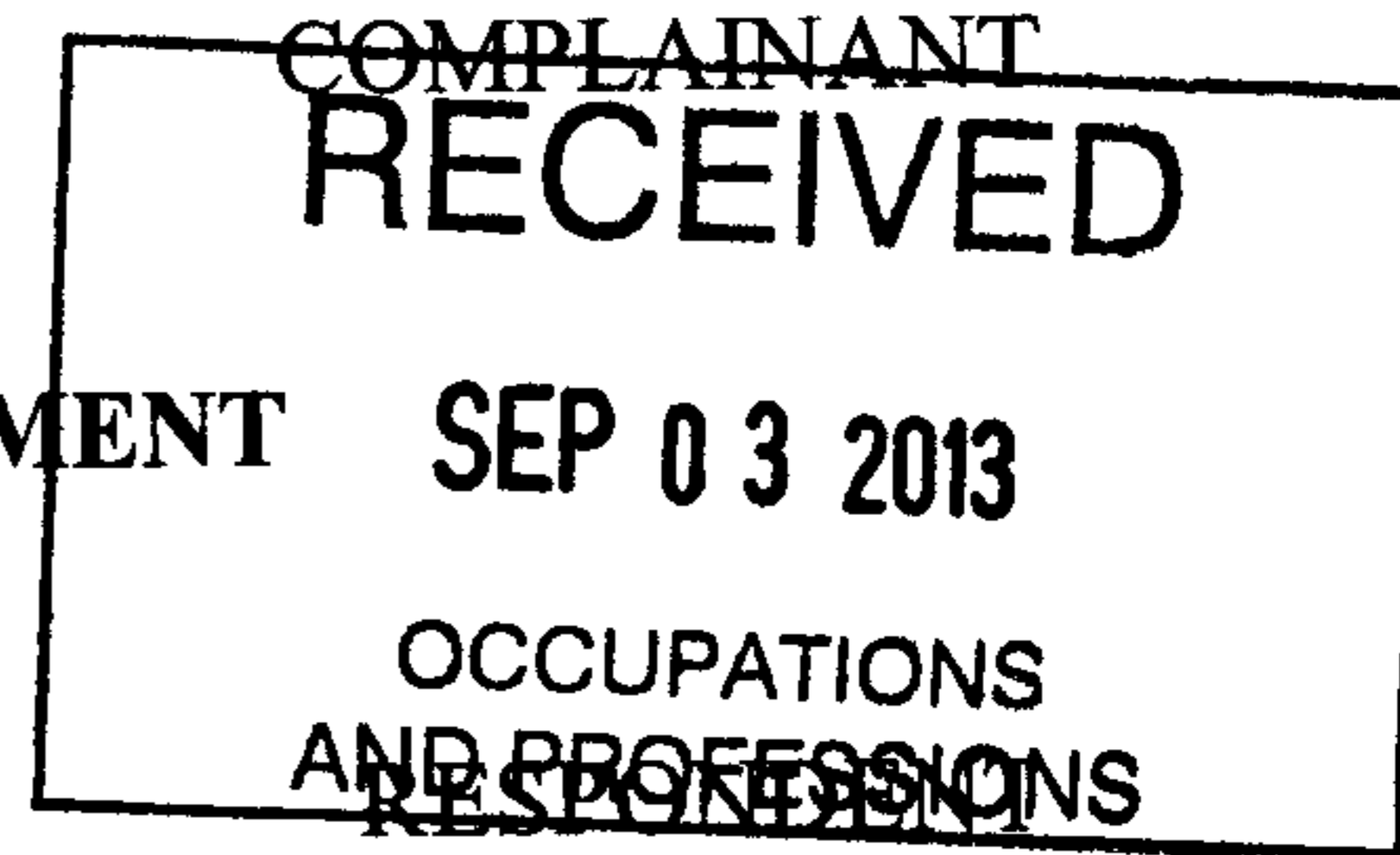
**COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF EXAMINERS OF PSYCHOLOGY  
AGENCY CASE No. 11-16  
ADMINISTRATIVE ACTION NO. 13-KBEP-0211**

COMMONWEALTH OF KENTUCKY,  
BOARD OF EXAMINERS OF PSYCHOLOGY

vs.

**RECOMMENDED ORDER OF DEFAULT JUDGMENT**

FANTOM SHAKERIA SMITH  
(Licensed Psychologist No. 0959)



\* \* \* \* \*

THIS MATTER came on for a telephonic Prehearing Conference as scheduled on August 30, 2013, pursuant to KRS 13B.070 and 201 KAR 26:140. Brian Judy, Assistant Attorney General, appeared for the Petitioner, Kentucky Board of Examiners of Psychology, hereinafter “the Board.” The Respondent, Fantom Shakeria Smith, did not appear. Ms. Smith also failed to appear for the previous telephonic prehearing conference on August 23, 2013, after which the hearing officer entered an Order stating that the hearing officer may enter a recommended order of default judgment if Ms. Smith failed to appear for the August 30, 2013 prehearing conference. The Board has filed a motion for default judgment showing that Ms. Smith was served the Notice of Administrative Hearing and Complaint on August 2, 2013 by first-class mail, return receipt requested.

Therefore, being otherwise sufficiently advised, IT IS HEREBY RECOMMENDED that the Board enter a final order finding the Respondent, Fantom Shakeria Smith, in default; finding that the allegations in the Notice of Administrative Hearing and Complaint are true by reason of Respondent’s default; concluding that the Respondent committed the violations as charged; and



ordering a disposition consistent with these findings and conclusions and as permitted by law.

**NOTICE TO PARTIES OF EXCEPTION  
AND APPEAL RIGHTS**

Pursuant to KRS 13B.110(4):

a copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

Pursuant to KRS 13B.120(2):

the agency head may accept this recommended order and adopt it as the agency's final order, or it may reject or modify, in whole or in part, the recommended order, or it may remand the matter, in whole or in part, to the hearing officer for further proceedings as appropriate.

Pursuant to KRS 13B.120(4):


the agency head shall render a final order in an administrative hearing within ninety (90) days after the hearing officer submits a recommended order to the agency head, unless the matter is remanded to the hearing officer for further proceedings.

Pursuant to KRS 13B.140:

All final orders of an agency shall be subject to judicial review in accordance with the provisions of KRS Chapter 13B. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, in a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served when filing an appeal petition in the Circuit Court.

SO RECOMMENDED this 30 day of August, 2013.



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STUART W. COBB  
HEARING OFFICER  
ADMINISTRATIVE HEARINGS BRANCH  
OFFICE OF THE ATTORNEY GENERAL  
1024 CAPITAL CENTER DR., STE. 200  
FRANKFORT, KENTUCKY 40601-8204  
(502) 696-5442  
(502) 573-1009 - FAX

**CERTIFICATE OF SERVICE**

I hereby certify that the original of this ORDER was served this 30<sup>th</sup> day of August, 2013, by messenger mail, to:

ROBIN F VICK  
BOARD ADMINISTRATOR  
BD OF EXAMINERS OF PSYCHOLOGY  
911 LEAWOOD DR  
PO BOX 1360  
FRANKFORT KY 40602

for filing; and a true copy was served by first-class mail, postage prepaid, to:

FANTOM S SMITH  
1114 S GREEN ST  
GLASGOW KY 42141

and, by messenger mail, to:

BRIAN T JUDY  
CIVIL & ENVIRONMENTAL LAW DIVISION  
OFFICE OF THE ATTORNEY GENERAL  
CAPITOL BLDG STE 118  
700 CAPITOL AVE  
FRANKFORT KY 40601-3449

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DOCKET COORDINATOR