

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

<p>RACHEL BELL, <i>et al.</i>, Plaintiffs, vs. THE UNIVERSITY OF AKRON, Defendant.</p>	<p>Case No. CV-2018-10-4103 Judge Susan Baker Ross Plaintiffs' Brief in Opposition to Defendant's Motion for Summary Judgment</p>
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I. Introduction

Plaintiffs, who are all current students or graduates of Defendant University of Akron's College of Health Professions School of Counseling, enrolled in the University's unique dually accredited Counselor Education & Supervision, Marriage and Family Counseling/Therapy (MFC/T) doctoral program due to the University's promise that upon completion of the program they would receive doctoral degrees accredited by the respective accrediting bodies for the counseling (CACREP) and therapy (COAMFTE) professions. In the midst of their course of study, however, Provost Rex Ramsier, at the urging of Professor Robert Schwartz, made a deliberate decision to abandon the MFC/T program's CACREP accreditation. This decision was, unfortunately, primarily motivated by Schwartz's desire to vindicate a longstanding personal grudge against Dr. Karin Jordan, the Director for the School of Counseling and leader of the MFC/T program.

The evidence discussed below shows conclusively that as Schwartz carried out his plan to sabotage the MFC/T program's dual accreditation, he assured the faculty that the program would retain its CACREP accreditation, while, behind the scenes, he worked to persuade the Provost to withdraw his support for the dual accreditation. As a result of Schwartz's deception, the University engaged in various conduct against the Plaintiffs in violation of Ohio's Consumer Sales Practices Act (R.C. 1345.01, *et seq.*), including by having, (1) repeatedly and deliberately misled Plaintiffs into believing the University was still working to maintain the dual accreditation, even though the decision to relinquish the accreditation had already been made; (2) deliberately concealed CACREP's offer of the opportunity for currently enrolled students, including Plaintiffs, to be "grandparented" into the dual accreditation, while falsely representing that no "grandparenting" opportunity was available, and (3) misled incoming students, including Plaintiffs Eman Tadros and Michelle Cappetto, by failing to inform them that the MFC/T program's dual accreditation was no longer an option despite its specific knowledge that it had decided to permit the accreditation to expire.

Given these facts, as well as the evidence establishing substantial economic and non-economic damages sustained by Plaintiffs as a result, the University cannot possibly satisfy its Rule 56 burden to show that no reasonable jury could find that the University knowingly deceived Plaintiffs about the MFC/T program's CACREP accreditation in a manner prohibited by the CSPA. Indeed, in its motion for summary judgment, the University hardly tries to address the deceptive conduct that is actually at issue in this case. Thus, as set forth fully below, the motion should be denied.

II. Statement of Facts

A. Plaintiffs, seeking careers as professors in the counseling or therapy fields, enrolled at the University of Akron to obtain the benefits of its unique dually-accredited MFC/T doctoral degree, the special benefits of which were routinely touted by the University in its marketing.

The University's PhD program in Counselor Education & Supervision: Marriage and Family Counseling/Therapy (MFC/T) promised to provide successful graduates with a degree accredited by the respective accrediting bodies serving the counseling (CACREP) and therapy fields (COAMFTE). Jordan Tr., 21:19–21; Patton Tr., 15:10–14; Katafiasz Tr., 16:5–17:8.¹ The degree's COAMFTE accreditation offered students “training in regional and systemic therapy[,]” while the CACREP component offered more traditional counseling training. Patton Tr., 10:3–8, 16:21–17:3. The unique dual accreditation meant that “upon graduation students [will] have met the current standards in the field of marriage and family therapy and counseling.” Boyle Tr., Ex. 7 (MFC/T program advertisements) and would allow students to become “immersed in all that is systematic and relational counseling therapy.” Boyle Tr., 13:1–18; *See also* Patton Tr., 17:11–12 (“I would say having both, that dual identify, there's benefit to that, sure.”); Tefteller Tr., 11:19–24 (“[E]specially from a

¹ The deposition transcripts and deposition exhibits referred to herein have been contemporaneously filed with the Court separately, along with this opposition brief.

clinical standpoint, ... because MFT's didn't have all the regular clinical rights and privileges that other professions like [licensed social workers] and [professional counselors] had.”).

1. The University touted its MFC/T program to incoming students as a unique opportunity to obtain a uniquely marketable degree accredited by both COAMFTE and CACREP.

On the MFC/T program's page of the University's website, the University touted that the program's “dual[] accreditation by COAMFTE and CACREP” was a unique “benefit” that made the University one of “a select few universities in the nation [to] offer this type of accreditation.” Patton Tr., 19:22–10, 22:13–21, Ex. 2 (MFC/T program advertisements), p. 1. The University's written advertisements further represented that the MFC/T degree would signal to employers that graduates had “met the current standards in the field of marriage and family therapy and counseling” and thereby “insure[] marketability in a much broader range[] of employment opportunities,” including that the dual accreditation would enable graduates to “successfully find employment as teachers in academia...” Patton Tr., 23:15–18, Ex. 2 (MFC/T program advertisements), pp. 1–2. Consistent with any student's reasonable expectation in registering for an accredited degree program, the University never gave prospective or current students any reason to believe the MFC/T program's CACREP accreditation would shortly expire and not be renewed. The testimony of program faculty and administration, including Dr. Schwartz, Dr. Faii Sangganjanavanich, and Provost Rex Ramsier confirmed that this expectation by Plaintiffs was reasonable. Faii Tr., 50:12–15 (“Q: ... as you were a student ..., when you signed up ..., you expected to graduate from the CACREP accredited program, correct? A: Yes.”); Ramsier Tr., 181:3–6 (“Q: But [the students] had a reasonable expectation that they would be able to earn that dually accredited degree, did they not, when they enrolled? A: Yes.”); Schwartz Tr., 43:17–25, 45:1–12 (“Q: There's no notification anywhere on this page that this dual accreditation could or would or might expire, let alone that it was likely to, is there, sir? ... A: I do

not see a date, no. Q: Or anything about the accreditation expiring at all? A: I don't see that on this website.”), Ex. 4 (advertising materials).

2. In the counselor-education and therapist-education fields, employment in academia is highly dependent on graduating from a correspondingly CACREP-accredited program.

Naturally, graduating “from a CACREP-accredited university is a requirement” to obtain employment in a CACREP-accredited program. Boyle Tr., 42:6–9, Jordan Tr., 136:17–20 (“[N]ot coming from a dually-accredited program for the doc students means not having the ability [to] apply[] for positions that are CACREP specific.”); Schwartz Tr., 12:6–10 (Schwartz could “not recall” that there were any “professors teaching in the counselor education track that did not have a graduate degree from a CACREP-accredited program[.]”). Likewise, obtaining a teaching position in a COAMFTE-accredited program required a degree from a COAMFTE-accredited program. Jordan Tr., 26:22–27:4. The MFC/T program was special because it made graduates eligible to teach at both “CACREP and COAMFTE” institutions. Jordan Tr., 32:9–11. As is relevant to the MFC/T program’s loss of CACREP accreditation that is the subject of this lawsuit, the loss of the CACREP accreditation meant that Plaintiffs would lose out on a substantial number of employment opportunities, given that “there are nearly eight times more CACREP accredited programs than COAMFTE accredited programs[.]” Faii Tr., 63:19–64:6, Ex. 6 (list of the 866 CACREP programs), 64:11–65:3, Ex. 7 (list of the 128 COAMFTE programs), 97:20–23; Jordan Tr., 32:12–18; Boyle Tr., 80:10–13 (“[E]very other school that’s a counseling school requires a CACREP graduate from a CACREP accredited program. So if they wanted to go teach, all those schools are now off the table.”).

3. Plaintiffs enrolled in the MFC/T program because of the dual accreditation and the specific benefit that having a dually-accredited degree would provide them in their careers.

There is “no question” that Plaintiffs “were attracted to the University[’s] MFC/T program because of the dual accreditation[,]” given that the University “marketed it as such, that [students] could graduate getting that dual accreditation and it would make them more employable.” Jordan Tr., 28:2–9; *See also* Patton Tr., 17:19–23 (“I know a big piece of our ... what was on our website was that we’re dually accredited. What was often times reported by students in their applications is the dual accreditation, those kinds of things.”). During her tenure as the director for the University’s School of Counseling, as well as the interim director of the MFC/T program, Dr. Karin Jordan was “very aware” that students came to the University “precisely to obtain the dual accreditation” and the enhanced employment opportunities it would provide upon graduation. Jordan Tr., 13:25–14:21; 16:15–18; 150:24–151:4, 151:7–21; *See also* Katafiasz Tr., 24:16–17 (“[The dual accreditation] is what [the students] entered the program hoping for.”).

Each of the Plaintiffs came to the MFC/T program because of the dual accreditation and chose to remain at the University believing that the University would provide it. Ray Tr., 25:7–17 (“[S]ince I wanted to teach ... [the dual accreditation] became a big deal for me ... I sought that out specifically because of the teaching opportunities and that was when it was explained to me that CACREP has way more accredited programs and would offer more opportunities.”); Davis Tr., 21:13–15 (“I wanted to stay where I had both accreditations”); Goerke Tr., 34:5–15 (“[B]ased on what I was seeking to obtain with my own academic and career goals in teaching ... Akron had the dually accredited program, and so it met ... my personal requirements”); Dragomir Tr., 16:10–11 (“[W]hen comparing programs ... I looked at the accreditation”); Dawson Tr., 46:16–17 (“[P]robably my main reason for switching to the program was the uniqueness of this dually-accredited program.”); Cappelto Tr., 29:10–11 (“I chose Akron because of the dual accreditation.”); Bell Tr.,

21:14–15 (“I knew that the dual accreditation was going to be very valuable.”); Fye Tr., 19:16–18 (“[the university] really did mention a variety of times the dual accreditation, how that would make us marketable in our careers.”); Molla Tr., 16:17–20 (“[T]heir website saying that they still offer the dual accreditation was the main thing I was looking for and that’s why I decided.”); Pennington Tr., 22:4–5 (“The University ... had this wonderful distinction of being dually accredited.”); Smith Tr., 11:24–25 (“the dual accreditation ... was enticing.”).

B. A longstanding personal conflict between Dr. Robert Schwartz and School of Counseling Director Dr. Karin Jordan, fueled by repeated misconduct by Schwartz, came to a head during the CACREP-reaccreditation process in 2016 and 2017, giving rise to the deceptive conduct at issue in this case.

From 2001–2012, Schwartz held the role of “director for the clinic of individual and family counseling.” Schwartz Tr., 12:11–16. In July 2012, Dr. Karin Jordan, who served as the school of counseling’s director from 2007–2017, recommended in 2012 that the University remove Schwartz as director of the clinic based on her concerns with Schwartz’s performance, including that his “lack of responsiveness and communication has been an on-going concern” and that his poor performance had “been preventing [her] from doing [her] job as the administrator ... and ha[d] been creating potential liability for the Department and the University.” Jordan Tr., 6:11–24, Ex. 1 (Jordan CV), 18:12–23, 68:19–24, 70:22–72:14, Ex. 5 (removal memo); Schwartz Tr., 62:2–5, 62:21–63:11, Ex. 7 (same). Jordan was particularly alarmed that Schwartz took a trip overseas “for four weeks” in the summer of 2012 on University time and money, despite that his summer stipend was meant to ensure that he would “be readily available ... and responsive to [Jordan’s] email and voicemail requests for information or face-to-face meetings” in connection with his duties as clinic director. Jordan Tr., 71:17–72:14, 73:20–74:1, Ex. 5 (removal memo). Schwartz admittedly disagrees to this day that he should have been removed from the director position. Schwartz Tr. 63:22–64:7, 77:5–14, 80:17–81:2, 81:14–82:7, Ex. 11 (Schwartz Aff.), ¶ 19.

But even beyond the issues surrounding Schwartz's removal as clinic director, his repeated misconduct continued to be the subject of ongoing dialogue within the School of Counseling through 2016, when several members of the faculty approached Jordan with concerns that Schwartz had made things "so toxic ... that they had asked [her] to connect with [Ramsier] and set up a meeting, so that they could let [Ramsier] know that it was just very, very difficult working [Schwartz], and some action needed to be taken." Jordan Tr., 74:22–75:5. Accordingly, by October 31, 2016, Drs. Rikki Patton, Heather Katafiasz, Rebecca Boyle, and Delila Owens joined Jordan in writing a letter to Ramsier documenting their concerns with Schwartz's repeated misconduct. Patton Tr., 100:22–103:5, 104:15–105:21, Ex. 15 (10/2016 letter); Queener Tr., 41:22–43:11, Ex. 9 (same); Owens Tr., 79:17–81:15; 82:10–19; Boyle Tr., 85:16–22; Katafiasz Tr., 88:19–89:3. The faculty "drafted the points" of concern (Jordan Tr., 75:5–6), which included that

- "After being asked to step down as Clinic Director, Dr. Schwartz would not share electronic copies of any of the clinic paperwork with the new Clinic Director" (Jordan Tr., Ex. 6 (10/2016 letter), p. 3);
- "Counselor Education (CE) students report that they cannot attend anything that is not Counselor Education specific, as 'they will pay a price by Counselor Education faculty and students.' There is also a fear of being delayed or prevented from graduating, and potentially having other long-term professional implications." (*Id.*, pp. 3–4); Students have reported being delayed in graduating by more than a semester and afraid to speak up, as they are worried about what will be done to them regarding their professional reputation. (*Id.* p. 2);
- "Dr. Owens, an African American faculty member, was discouraged by Dr. Schwartz about coming to UA ...When Dr. Owens arrived, there was ongoing targeting and intimidation. She was often excluded from program events ... Her teaching has been criticized. She has not felt safe." (*Id.*, p. 4);
- Dr. Schwartz ... ridiculed, mocked, and imitated" senior faculty member Cynthia Reynolds, and "one faculty member [was] in trauma therapy because of having been targeted so much by [Schwartz]" (*Id.*);

- “Junior faculty members are not feeling safe. They have been told it was ‘a mistake to hire them’ and they ‘should give up their tenure’, and that their program’s accreditation is jeopardizing 5 programs’ well-being, and they should give up their program’s accreditation” (*Id.*, p. 5);
- “Dr. Schwartz ... has a Counselor Education doctoral student employed at his [own personal] online clinic ... rais[ing] ethical concerns about a dual relationship (*Id.*, p. 5);

After presenting this letter to Ramsier and meeting with him about Schwartz’s misconduct, the faculty “asked that [Schwartz] ... be moved ... out of the department ... because faculty felt so uncomfortable with him that [they] just wanted to have some space.” Jordan Tr., 76:13–20.

Additionally, faculty members testified as to both Jordan’s role as the essential caretaker and custodian of the unique dually accredited program, as well as Schwartz’s resentment of this program’s success, which drew a higher caliber of students than Schwartz’s programs, and also attracted students away from Schwartz’s programs, further fueling his resentment. Boyle Tr., 52:24–53:19 (“[T]here were constant disagreements between [Schwartz and Jordan]” including “a turf war of sorts between the counseling field and the therapy field.”); Jordan Tr., 60:14–21 (“Dr. Schwartz got very upset when we had students that were in his program and would actually move over to our programs because they realized that there were more employment opportunities, and that came up multiple times ... he told me that he was not happy that students had made the transition.”), 128:18–23 (the MFC/T program “was certainly one of [the] most marketable programs” and “was drawing a higher caliber of students from around the nation”).

Accordingly, various faculty and staff members, including Cindy Reynolds, Rebecca Boyle, and Sandy White, shared Jordan’s opinion that Schwartz was “untrustworthy.” Patton Tr., 109:18–25, Ex. 16 (Patton Aff.), ¶ 9. And it was no secret to the faculty that Jordan and Schwartz did not get along and that their ongoing conflict caused “chronic hostility” and “tension and negativity” that

was “very obvious” and “palatable.” Patton Tr., 98:22–24; 103:14–17, 103:21–24, 105:22–106:1, 107:8–17, Ex. 16 (Patton Aff.), ¶ 9; Katafiasz Tr., 95:7–9; Ramsier Tr., 103:24–104:1.

For his part, Schwartz maintains that Jordan was spearheading “a long-term character assassination” against him. Schwartz Tr., 77:5–14, 80:17–81:2, Ex. 11 (Schwartz Aff.), ¶ 19. And yet, despite the longstanding and well-known conflict between the two, the University allowed Schwartz to co-chair the committee and lead the vote concerning whether to reappoint Jordan to her position as School of Counseling director, which occurred in the midst of the CACREP reaccreditation process that is the subject of this lawsuit. Schwartz Tr., 68:8–15. Drs. Delila Owens, John Queener, and Ingrid Weigold also participated. Queener Tr., 46:11–24. Schwartz was one of the two votes against Jordan’s reappointment. Schwartz Tr., 70:23–71:2, 73:11–23, Ex. 9 (reappointment findings).² As a result of this vote, which took place on February 1, 2017, the University instructed Jordan “not to talk with anybody until ... June 30th” (Katafiasz Tr., 101:24–102:5), after the CACREP reaccreditation process had ended. Then, once Jordan was removed from the School of Counseling, Schwartz moved into Jordan’s office. Jordan Tr., 99:15–17. After Schwartz had succeeded in removing Jordan, she filed a charge of discrimination against the University based in large part on Schwartz’s conduct toward her. Jordan Tr., 89:18–90:6, Ex. 9 (OCRC charge). Jordan withdrew her OCRC charge due to a settlement she reached with the University after she had obtained a position at The Ohio State University as its Assistant Dean of Graduate Development

² At his deposition, despite that he could not remember any specific concerns of Jordan’s performance, Schwartz claimed that the decision not to reappoint Jordan was based on “a great deal of” unspecified and anonymous “feedback” from “students and faculty” that was both “positive” and “negative” and that in the end, according to Schwartz, the “negative feedback outweighed the positive feedback[.]” Schwartz Tr., 69:8–24, 69:25–70:9. But according to fellow committee member John Queener, Schwartz and Ramsier manufactured the negative feedback on which Jordan’s removal was based. Queener Tr., 45:7–46:8 (“I remember one year I was in charge of evaluating [Jordan] and it was mostly positive. They [Ramsier and Schwartz] were not happy with that evaluation ... So the next year they got students who were disgruntled with Dr. Jordan to write negative things in her evaluation ... I remember being called into [Ramsier]’s office and being asked where I stood in the division. Subsequently to my conversation with [Ramsier], he ended up getting rid of Dr. Jordan and siding with I guess, quote, ‘the other side.’”).

and Engagement for The Graduate School. Jordan Tr., 17:10–20, 64:13–65:4, Ex. 4 (settlement agreement), 189:1–12.

C. In 2017, after reviewing the University’s CACREP-accredited programs for reaccreditation, CACREP found that the MFC/T program met all measured CACREP standards.

In early 2017, as Jordan was being removed as the School of Counseling director, CACREP visited the University to evaluate its counseling programs for reaccreditation and provided a written report and instructions concerning next steps in the process. Ramsier Tr., 81:25–82:8, Ex. 12 (CACREP site visit report), Akron 5989. In its site visit report, CACREP representatives found that the MFC/T program “met” all CACREP specific standards for which it was reviewed. *Id.*, Ex. 12, Akron 6010; Schwartz Tr., 160:3–14 (“There may have been a box that they did not meet for one of the programs ... But I do recall that the [v]ast majority, if not all were checked[.]”); Patton Tr., 44:11–15 (“Q: ... it says that this program met all program specific standards, correct? A: Yes. Q: And it did, in fact, do that? A: That was our understanding.”). By contrast, Schwartz’s clinical mental health counseling program failed to meet 38 of those standards. Ramsier Tr., 82:6–8, 84:22–85:15, Ex. 12; Katafiasz Tr., 40:21–24.

While the report reflected that the MFC/T program satisfied all CACREP standards, it did note concerns regarding program identity, stating that “[w]hile site supervisors felt the graduates are strong in family, the students report belong[ing] and affiliating to AAMFT more tha[n] CACREP ... The team felt that the professional identity of the program is AAMFT and not CACREP.” *Id.*, Akron 6010. The faculty, however, simply viewed these identity concerns as a challenge inherent to the task of maintaining a unique dually accredited degree, as this concern had been raised during past accreditation cycles, but had never been suggested as a legitimate reason to to deny accreditation. Boyle Tr., 49:21–25 (“[I]t would only be natural for each accrediting body to be worried about whether the program is maintaining the identity of that ... field”); Jordan Tr., 41:13–22 (“So does

th[e identity] question come up at accreditation? Yes. Is that something we need to address? Yes ... [W]e have always successfully answered that, and that's no different at other institutions.”); *Id.* 42:2–5 (the University had “absolutely” been “able to successfully work through this professional identity concern”). Indeed, the program faculty unanimously testified that the site visitors never “expressed any concern or asked any of the faculty members or students about counseling identity” during the site visit. Queener Tr., 18:22–19:4; Patton Tr., 32:15–33:15, 34:14–35:12, Ex. 5 (CACREP response (“All five core MFCT faculty members confirm that the site team did not ask them any specific questions about counseling identity.”); Tefteller Tr., 32:14–20; Katafiasz Tr., 33:10–21. MFC/T students also confirm that the site visit team members apparently did not care to ask them about these “professional identity” issues. Davis Tr., 32:5–6 (“I answered I was a counselor with a systemic focus, and they stopped asking. They didn’t go around to the rest of the students.”).

D. Following CACREP’s visit, Dr. Schwartz vindicated his grudge against Dr. Jordan by sabotaging the MFC/T faculty’s efforts to obtain reaccreditation of their program.

On March 29, 2017, after the University received a report containing the CACREP feedback discussed above, Schwartz emailed the faculty and Provost Ramsier with an update on the reaccreditation process, and the need for the faculty to prepare a rejoinder to the CACREP report. Schwartz Tr., 100:25–101:13, Ex. 12 (“CACREP MFCT Update” emails). From here, a bizarre series of events ensued whereby Schwartz repeatedly misrepresented the objectives and wishes of the MFC/T program faculty (not to mention the students) in behind the scenes conversations with Ramsier, an effort to kill the dual accreditation, while at the same time misrepresenting to the faculty that he and the University fully supported its maintenance.

1. **Schwartz fraudulently conveyed to the MFC/T faculty that the University would support their reaccreditation efforts, knowing that he had already convinced Provost Rex Ramsier to relinquish the program's CACREP accreditation.**

Without ever discussing this subject or sharing his opinions with MFC/T faculty, Schwartz wrote to Ramsier that “withdrawing from CACREP reaccreditation and staying only with COAMFTE is the best route for them to maintain a strong and marketable program[.]” Schwartz Tr., 103:10–17, Ex. 12, p. 1, 104:25–105:3 (“Q: What input had you sought from the MFC/T faculty to support this decision at this point? A: I did not seek information from the MFT faculty specifically in order to reach my own opinion. ... [T]his opinion was mine.”); Katafiasz Tr., 53:14–21 (the faculty “disagreed” that the MFC/T program would “have a much stronger ... identity and that [that] would be the reason to withdraw from CACREP reaccreditation.”); Tefteller Tr., 53:1–24 (agreeing that “neither Dr. Schwartz, nor Dr. Ramsier, expressed this opinion of theirs to [him] that they believe that withdrawing from CACREP reaccreditation would be the best course”).

On April 5, despite that he had already represented to Ramsier that the MFC/T program should relinquish their CACREP accreditation—Schwartz emailed the MFC/T faculty “advising the[m] ... to start preparing a response” and informing them of relevant deadlines. Schwartz Tr., 112:5–113:17, Ex. 16 (“CACREP Institutional Response Timeline”). Based on Schwartz’s email, the MFC/T faculty naturally believed that they “had the University’s support” in seeking reaccreditation of their program. Patton Tr., 31:2–4; Katafiasz Tr., 26:8–18, 28:19–21 (“We felt like we were being supported at that point in whatever decision we decided to make for the MFC/T program.”); Tefteller Tr., 29:23–8; Queener Tr., 22:19–23:1; Owens Tr., 49:7–18. Accordingly, Dr. Rikki Patton, the MFC/T program’s current director, informed Schwartz that the

faculty have put a lot of thought into how to respond to the CACREP report. After much deliberation, we have decided to move forward with a rejoinder for both programs. We believe this is the best approach to do right by our current students, and this is our focus. We understand this may impact the overall planning for

response, and we will be involved in the process. We aren't sure how to proceed and will likely lean on the more experienced CACREP faculty for guidance.

Schwartz Tr., 115:11–23, Ex. 17 (“MFCT programs and CACREP” emails); Patton Tr., 25:15–27:9; Tefteller Tr., 25:24–26:13; Katafiasz Tr., 22:20–23. It was the faculty’s intent to defend the program’s dual accreditation, because they believed in it, and believed that maintaining the dually accredited program would be what was best for the students. Patton Tr., 29:9–19 (“It’s what our students wanted ... They see themselves as having that dual identify. So [the faculty] want[ed] ... to do right by them.”); Katafiasz Tr., 22:20–24:1, 24:7– (“[W]e felt like providing dual accreditation to our current students would continue to allow them those easier opportunities for employment ... and that would be the right thing to do for our students.”).

Yet at the same time Schwartz was soliciting the CACREP rejoinder from the MFC/T faculty and expressing his support for the same, he was emailing Ramsier to complain that,

[Jordan] was in the office all day again today. She met with MFT faculty and CP faculty privately, and this afternoon the email below was sent, shortened along with a list of questions about the MFT accreditations. This ‘decision’ was made without consulting other CACREP faculty as previously agreed to by MFT faculty, and will have major negative implications for all accreditations department-wide.

Can we speak on the phone ASAP as I have other information to share. I am available Thursday from 7am-10am.

Schwartz Tr., 116:21–117:9, Ex. 17 (emphasis in original), April 5, 2017, 4:21 PM.

Within hours of having sent this email to Ramsier expressing his opinion on the “major negative implications” of maintaining the MFC/T CACREP accreditation, Schwartz again emailed Patton to falsely express his support for the same: “If you would like to discuss other specifics please speak with me or other CACREP faculty so we can support you ... Best wishes as we all move forward.” Schwartz Tr., 119:20–120:22, Ex. 18 (“MFCT programs and CACREP” emails), p. 2.

2. **Based on Schwartz's false assurances, the MFC/T faculty began to prepare an institutional response in support of their program's continued reaccreditation, as it had successfully done in the past.**

As in past CACREP cycles, the faculty planned to submit an institutional response in support of reaccreditation of all counseling programs, including the MFC/T program. Patton Tr., 23:19–25:2, Ex. 3 (emails re: institutional response), PRR 304–305; Schwartz Tr., 112:5–113:17, Ex. 16 (same) (“[E]very program [in the School of Counseling] had responses that were needed.”). Consistent with that expectation, the MFC/T faculty worked diligently to prepare their program’s response because they recognized that this was “the best approach to do right by [the University]’s current students[.]” Patton Tr., Ex. 3 (“MFCT programs and CACREP” emails), p. PRR 303; Boyle Tr., 60:8–22, 62:18–24, 69:15–70:5. The MFC/T faculty “spent a lot of hours” developing their program’s written response, the end product of which was nearly 200 pages long with attachments. Patton Tr., 30:21–31:18, 33:8–15, Ex. 4 (MFC/T program institutional response); Katafiasz Tr., 38:17–24.

Because the MFC/T faculty knew that their program satisfied all requisite CACREP standards and remained committed to ensuring compliance with these standards, they were confident that CACREP would grant reaccreditation as they had done in the past, even despite the purported “professional identity” concerns. Patton Tr., 32:7–33:7, 37:19–38:3, 41:21–42:4, 43:6–10, 44:19–45:1, Ex. 4 (MFC/T program institutional response), 82:11–14 (“Q: ... but you were strongly of the opinion that those identity concerns ... were not warranted, correct? A: I think we met the standard [for reaccreditation] for sure.”); Katafiasz Tr., 23:10–21 (“Q. And you and your colleagues ... were confident that the program had demonstrated or could clearly demonstrate compliance with those standards and deserved to be reaccredited, correct? A: Yes.”); Tefteller Tr., 67:13–17, 69:9–17; Boyle Tr., 76:15–77:9 (“With the support of administration, no [the program] could have met those requirements.”). Even faculty outside of the MFC/T program believed that the MFC/T program

would have received reaccreditation and that there was no reason for the MFC/T program not to send a written response to CACREP in support of reaccreditation. Queener Tr., 37:10–17, 39:11–25 (“I’ve never had an adversarial relationship with any accrediting body ... there’s a tendency [to] try to work out something that’s in the best interest of all involved.”).

3. The MFC/T faculty is surprised to learn from Ramsier that the University will no longer support their program’s CACREP accreditation.

Knowing that he had already convinced Ramsier behind the scenes that the University should not permit the MFC/T programs to submit a response in support of their programs, Schwartz emailed Ramsier, copying the MFC/T faculty, to report that “all programs have voiced an intention to independently submit an institutional response to CACREP related to prior board feedback and the recent site visit recommendations.” Schwartz Tr., 121:15–22, 122:13–23, Ex. 19 (“CACREP Response” emails), 122:24–123:19, Ex. 17 (private emails between Schwartz/Ramsier). Within twenty-two minutes came the big reveal, with Ramsier responding that he would “not support the dual accreditation response as accreditation is an institutional commitment and responsibility ... COAMFTE will have to stand apart from CACREP.” Schwartz Tr., 123:20–124:8. Thus, consistent with their private plan, Ramsier would “not allow [the MFC/T faculty] to submit” their institutional response to CACREP. Ramsier Tr., 45:16–19; 104:4–14.

In light of their private discussions, Schwartz was not surprised by Ramsier’s decision. Schwartz Tr., 124:22–24. But the MFC/T faculty *were* surprised, fully aware that Ramsier’s “decision w[ould] have a significant impact on students in both MFCT programs.” Schwartz Tr., Ex. 19 (“CACREP response” emails); Patton Tr., 57:7–14 (the decision was “heavy” and a “big change”); Tefteller Tr., 45:19–24 (“I don’t recall having any kind of prior knowledge before the e-mail that we wouldn’t be getting the support.”); Katafiasz Tr., 42:8–25, 43:8–10 (“Q: Is it fair to say that you were all surprised by this news? A: Yes.”). Other counseling faculty were similarly surprised, including Dr. John Queener, who responded to Ramsier’s email with “Wow! This is news.” Schwartz Tr., 126:2–3,

Ex. 19 (“CACREP Response” emails); Queener Tr., 27:4–19, 27:22–28:6 (“[I]t came out of the blue to me ... I had not heard anything from anyone saying that it would be a negative for them to be reaccredited. So my ‘wow’ was I had not heard talk of this prior to that e-mail.”); Owens Tr., 52:16–20, 57:6–8.

E. Schwartz was so intent on punishing Jordan and so resentful of the MFC/T program’s success that he intentionally concealed CACREP’s invitation to submit a written request for a limited extension of accredited status that would have “grandfathered” currently enrolled students to allow them to graduate with a CACREP-accredited degree.

On April 11, 2017, one day after Schwartz and Ramsier finally disclosed their plan to allow the MFC/T program’s CACREP accreditation to lapse, Schwartz—as the CACREP liaison, whose duty it was to “communicate back and forth with CACREP” (Ramsier Tr., 74:13–15, 137:8–10) and “shar[e] any information [from] CACREP” (Schwartz Tr., 22:17–19)—emailed David Moran, CACREP’s Assistant Director of Accreditation, requesting information about the procedures involved with withdrawing a program from CACREP. Schwartz Tr., 150:20–151:2, Ex. 25 (Schwartz/Moran emails). On the same day, Moran advised Schwartz that when

a program is seeking to withdraw its accredited status and there are students the program would like to have considered graduates of an accredited program beyond the expiration date (i.e., August 31, 2017), the program may make a request to the Board. The request must include a rationale for this request, the program specialty area, a date of graduation and the names of the students who are graduating. I would suggest to include the request and pertinent information along with the program’s Institutional Response due April 24, 2017. If the program needs more time to gather all of the necessary information then the program has until June 1, 2017 to submit the request.

Schwartz Tr., 151:20–152:1, Ex. 25 (Schwartz/Moran emails), p. 1. At no time did Moran inform Schwartz that there was any limit on how long of a request CACREP would approve. Schwartz Tr., 152:2–3, 153:4–7. Despite that Schwartz “received emails from CACREP representatives informing [him] that there was an option for the University to make a special request on behalf of current

students” of the MFC/T program (Schwartz Tr., 147:3–8), “no request was ever submitted[.]”

Schwartz Tr., 152:16–17, 153:12–16; Faii Tr., 92:1–5; Owens Tr., 78:25–79:2.

- 1. Schwartz never shared with faculty the information he received directly from CACREP; instead he misled faculty, administration, and students about the options available to the MFC/T program’s current students.**

While Schwartz claims that he shared this information with faculty orally, the faculty have confirmed that Schwartz never made them aware—in any manner—of the option to protect currently enrolled students by extending the accreditation for them. Patton Tr., 75:5–16, 75:24–76:4, 76:20–77:1, 78:4 (“No, I didn’t know this was a thing.”); Tefeller Tr., 66:17–19 (“I don’t have any recollection of that being communicated.”); Ramsier Tr., 144:22–145:2 (“Q: ... But you never saw this? A: Certainly not at the time.”); Boyle Tr., 102:5–10 (“I did not know it was in existence until I saw the Complaint.”); Owens Tr., 78:13–15 (“Q: Did you ever know about this option or that this option was discussed among faculty? A: No.”); Queener Tr., 34:25–35:1 (“Q: Were you aware of this? A: No.”); Katafiasz Tr., 66:12–16, 69:7–15 (“I don’t recall receiving any emails to that effect.”); *See also*, Ramsier Tr., 75:6–11 (“[O]bviously the first thing we tried to do was, okay, can we grandfather the students in, can we get an extension, can we do something to hold the current students harmless, which is always the first ... thing you attempt to do”); 106:19–107:1, 134:14–23, Ex. 17 (“I want to see a plan that accomplishes this but holds current students harmless (i.e., a teach out plan).”). Boyle Tr., 99:21–23 (“I even see in an e-mail from [Ramsier] to [Schwartz], make sure that you're taking care of these ... students, yet nothing was done.”)

To the contrary, there is substantial evidence that Schwartz not only concealed the existence of this option, but also falsely represented to faculty that CACREP had expressly “rejected” the idea that the University could request that Plaintiffs be considered graduates of an accredited program beyond six months. Patton Tr., 69:4–16, 70:3–6 (“Q: Dr. Schwartz is the one that told you that CACREP rejected a request for a teach-out plan that would have lasted longer than six months? A:

That's what I remember.”). As discussed below, CACREP has expressly confirmed that there are no particular limits on any such request, and additional evidence shows that CACREP would have granted the necessary extension had the University simply asked for it, which it would have done had Schwartz not deliberately concealed that the opportunity was available.

2. A jury may conclude from the evidence that CACREP would have granted an extension of accreditation for the currently enrolled students had the University simply asked for it.

Despite the University's self-serving claims that an extension “was not pursued” because it was not a “viable” option (UA Br., 30), Dr. Robert Urofsky, CACREP's current vice president of accreditation and training, confirmed at his deposition that “[w]hen an institution like [the University of Akron] has received CACREP-accredited status for one of its programs but the program withdraws and allows the status to expire, the board of directors will consider reasonable requests from the institution for an extension of an accredited status that if granted would permit students to graduate with a degree from a CACREP accredited program.” Urofsky Tr., 101:4–13, Ex. 15 (Urofsky Aff.), ¶ 2. Urofsky has also confirmed that the CACREP “board would consider each [request] on a case-by-case basis based on whatever the institution was presenting as its rationale” (Urofsky Tr., 53:21–25), that there is no arbitrary “cap of six months on these requests”, and that CACREP would have duly considered any request from the University. *Id.*, 61:12–22, 114:17–21.

Additionally, Dr. Patricia Stevens, a former CACREP employee and board member who has “served in every position in the process of accreditation for [CACREP]” (Ex. 1, Stevens Report, p. 1), and who worked as a consultant for the University on the reaccreditation cycle at issue in this case, has issued a report stating that “it would have been standard practice for CACREP to consider [any such] request and make its decision based primarily on the ability of the institution to maintain substantial compliance with CACREP standards during the period of the extension.” Ex. 1, Stevens Report, p. 5, ¶ 1. It is Stevens' expert opinion, “based on [her] experience,” that “CACREP would

work with the [University] to do what was practicable to hold current students harmless under such circumstances.” *Id.* And due to her personal involvement in the University’s reaccreditation process, it was her expert opinion that “it [wa]s practically certain that CACREP would have granted approval of a teach-out plan for the then-enrolled MFC/T ... doctoral students based on the ... curriculum that existed at the time.” *Id.*, p. 5, ¶ 1–¶ 2.

The program’s faculty understood the same. For example, Dr. Patton testified as follows at her deposition:

Q: Dr. Patton, knowing what you knew at the time that you and Dr. Tefteller and Dr. Katafiasz were working on the institutional response for CACREP, had you been aware of the facts testified to in this affidavit, as well as the e-mail here ... where David Moran is asking for a request on University letterhead, it certainly would have been your belief that the program could have met CACREP standards for those currently enrolled students, at least for a couple of years until they graduate, correct?

A: That’s my understanding. We would have maintained the same curriculum, all of those pieces, so ...

Q: And you and your co-faculty members would have been committed to meeting those standards for those students, correct?

A: Correct.

Q: If you were aware of the opportunity to submit this request and that it would be considered on a case-by-case basis by CACREP, you would have done everything in your power to submit that request, would you not have?

A: ... knowing it was possible to submit documentation requesting for each of the students to maintain CACREP ... yes.

Patton Tr., 80:15–81:17, Ex. 9 (Schwartz/Moran emails), Ex. 10 (Urofsky Aff.). Patton was accordingly unaware “of any good reason why CACREP should not have approved a request for extension at least to meet those currently enrolled students and allow them to graduate given [the faculty’s] commitment to fulfilling the CACREP standards[.]” Patton Tr., 82:19–24.

And the other faculty members similarly confirmed that there is simply no excuse for Schwartz having concealed this opportunity or for the University having failed to pursue it. Patton Tr., 111:13–17 (“Q: And you can’t, sitting here today, identify any good reason why Dr. Schwartz should not have shared that information with the MFC/T faculty, can you? A: I would have to admit I’m struggling.”); Tefteller Tr., 69:18–70:1 (Tefteller was “not aware of any reason” as to “why CACREP would not have approved a teach-out plan for these students, had” the faculty shown commitment to CACREP standards); Katafiasz Tr., 73:21–74:5 (had Katafiasz been advised of “this information,” she “would have advocated for a request for an extension on the CACREP accreditation for currently enrolled students.”); Queener Tr., 40:24–41:1 (“[I]t sounds like what CACREP wrote that they did want something to be worked out so the student would not be placed at a disadvantage”); Owens Tr., 78:16–24 (“Q: Do you believe that it would have been reasonable for the University to request of CACREP special limited exemption or extension ... that would have allowed ... at least those currently enrolled students to graduate with the CACREP accredited degree? A: Absolutely.”); Boyle Tr., 101:2–15 (“[T]hat was just like a dagger because there’s no response ... e-mail from Dr. Schwartz to CACREP going this is what we’re going to do.”).

And not only that, but that Schwartz’s conduct throughout this process was “deceptive”, “dishonest,” and simply “unconscionable.” Patton Tr., 66:25–67:8 (“Q: And would you agree that this is deceptive behavior by Dr. Schwartz here? A: ... I can see how it can be seen that way very easily.”); Katafiasz Tr., 37:21–38:11, 53:7–13, 97:10–13 (“Q: ... Dr. Schwartz apparently was dishonest in an effort to undermine that dual accreditation, correct? A: Yes.”); Owens Tr., 60:25–61:9, 61:25–62:2 (“[W]hen you look at these e-mails, they look very deceptive ... I agree that that is very deceptive, to say one thing and then to go behind our back and then say another.”); Queener Tr., 31:17–18 (“Q: Do you believe [Schwartz’s conduct was] proper? A: In terms of transparency, no.”); Boyle Tr., 99:15– (“[T]he fact that [the University] did not provide a plan for these students,

they did not work with CACREP for this ... it's unconscionable. We're in the helping profession. I don't know how you leave these students high and dry.").

F. Contrary to Schwartz's claim, the decision to allow the MFC/T program's CACREP accreditation to lapse was based solely on his private communications with Ramsier and in no way reflected a "consensus" decision by the faculty.

Schwartz claims that the decision to deliberately permit the MFC/T program's CACREP accreditation to lapse was based on "a consensus" among the faculty and was "a collective faculty decision" reached at an April 18, 2017 meeting. Schwartz Tr., 51:19–20, 85:10–11, 85:17–18, 90:7–11, 93:6–94:3. But Schwartz's attempt to characterize this as a "consensus decision" is thoroughly refuted by the record. Even beyond the testimony cited above regarding Schwartz's concealment of the grandfathering opportunity, both Schwartz and Ramsier knew that the MFC/T faculty "wanted to file a rejoinder to in some way attempt to maintain accreditation." Schwartz Tr., 90:25–91:2; Ramsier Tr., 109:1–7. Moreover, the University has admitted that the decision not to support the MFC/T faculty's efforts to protect their students by submitting a response in support of reaccreditation was made by April 10, 2017, a full week before this supposed April 18 meeting. **Ex. 2**, UA's responses to First Set of Interrogatories, No. 12 ("This determination was made on or about April 10, 2017).

Other than Schwartz's self-serving testimony, the record is clear that the MFC/T faculty did not believe that this was a "consensus," but rather that the University simply would not permit them to continue advocating for their program. Patton Tr., 65:22–23 ("I think with lots of work we could meet the needs of both accreditors."), Ex. 6, p. PRR 388–391 ("[Dr. Tefsteller] and I prepared the response for both MFCT programs but it sounds like you will not need it as of now."); Katafiasz Tr., 22:20–23; Tefsteller Tr., 54:7–19; Boyle Tr., 65:20–66:9; Ramsier Tr., 109:1–3 ("Q: You're not aware that any single member of the MFC/T faculty supported [your] decision, are you? A: No.").

Nor did other counseling faculty believe that this was a “consensus” decision. Dr. John Queener, who was an “affiliate member” of the CACREP faculty, was unaware of “any occasion where Dr. Schwartz aired this opinion and obtained consensus for [his] opinion that seeking CACREP reaccreditation for these programs would have major negative implications” on the other CACREP-accredited programs. Queener Tr., 25:23–26:4. To the contrary, the conversations had been only about “how important it was for the students to receive reaccreditation.” Queener Tr., 9:22–10:5, 26:4–6, 28:13–19 (“Q: “[Th]e ... consensus of the faculty was actually the exact opposite of what Dr. Ramsier e-mailed, correct? A: Correct.”), 40:16–18 (“I don’t know anyone else who was against [reaccreditation] at the time. In fact, I thought everybody was for it.”); Owens Tr., 62:6–10 (“Q: When [Schwartz]’s telling [Ramsier] that he’s building consensus for a decision to not submit reaccreditation, [Schwartz] didn’t try to do that at all, did he? A: No, not to my knowledge.”).

G. When Plaintiffs began to ask questions about the reaccreditation process, the University responded by instructing them not to contact anyone outside the school of counseling.

On April 15, 2017, Plaintiff Rick Dawson emailed the University’s then-president, Matthew Wilson, about the MFC/T program’s CACREP accreditation. Schwartz Tr., 126:17–127:1, Ex. 20 (“MFT Program Reaccreditation” emails). After receiving notice of Dawson’s email from Mr. Wilson, Ramsier instructed Schwartz that the students “need[ed] to stand down.” Schwartz Tr., 127:14–18, Ex. 20. Schwartz, in turn, emailed MFC/T faculty about how their students “continue[d] to directly contact ... administration about questions and concerns related to accreditation and licensure ...” and instructed the MFC/T faculty to ensure that their students “do not contact anyone outside the school of counseling” including University administration and CACREP. Schwartz Tr., 128:5–129:1, Ex. 21 (“MFT Student Communication” emails).

H. On April 17, 2017, the University sent Plaintiffs a formal memorandum concerning the CACREP reaccreditation process in which it serially misrepresented the reaccreditation process and its conduct therein.

In a memorandum dated April 17, 2017, the University represented to Plaintiffs that they were “mak[ing] sure that everyone is made aware of what is going on at this point of the CACREP reaccreditation process.” Schwartz Tr., 133:3–8, Ex. 22 (April 17 memo). But despite that the University had already decided that it would intentionally permit the MFC/T program’s CACREP accreditation to lapse (Sections II.D., F., above), the University not only concealed this fact from the Plaintiffs, it misled them into believing the contrary. Schwartz Tr., 135:16–20; Patton Tr., 84:22–85:1; Tefteller Tr., 73:3–8.

Indeed, this April 17 memo misrepresented to Plaintiffs that the University was “advocating on [the students’] behalf ... to do what [wa]s best for” them by “working collaboratively with CACREP” (Schwartz Tr., 133:3–8, Ex. 22 (April 17 memo), 135:10–15, 136:23–137:1)), despite that there was no “direct action taken to communicate with CACREP to help students graduate with a dually-accredited degree[.]” Schwartz Tr., 146:16–19. And again, by this point, the University knew that it had no intentions of taking any action with CACREP other than to withdraw the program’s accreditation. Patton Tr., 86:7–12 (“Q: But at that point, the University ... was not going to advocate to keep the CACREP accreditation, was it? A: I believe that that is correct.”); Schwartz Tr., 137:24–138:24; Ramsier Tr. 128:18–129:5; Tefteller Tr., 77:13–24; 76:8–13, Ex. 11 (4/11/17 memo). Thus, it is apparent that the University deliberately concealed this key information from the students to prevent them from “mak[ing] different decisions than they would [have] ma[de] if they felt like [the University] had a lot of answers to the[ir] questions.” Katafiasz Tr., 60:13–18.

There is no dispute that the University did not advise Plaintiffs of its decision to relinquish the accreditation until April 28, when the University finally advised them in writing that “an institutional decision was made not to seek CACREP reaccreditation for the MFC/T” program.

Schwartz Tr., 139:24–140:10, Ex. 23 (April 28 memo); Patton Tr., 91:2–5. This was the “first time” that the University had made any indication that the MFC/T program would lose its CACREP accreditation. Schwartz Tr., 140:11–23; Tefteller Tr., 78:18–24; Owens Tr., 63:10–14; Katafiasz Tr., 65:1–8, Ex. 9 (April 28 memo).

I. For months, the University further failed to advise incoming students, including Plaintiffs Eman Tadros and Michelle Cappelto, that the University had decided to permit the MFC/T program’s CACREP accreditation to lapse.

Though the University knew that it would intentionally permit the program’s CACREP accreditation to lapse as of April 10, 2017, it made no attempt to inform incoming MFC/T students that the MFC/T program would no longer have CACREP accreditation until July 10, 2017. Patton Tr., 91:6–12, 91:24–92:2, 92:21–93:3, Ex. 13 (email to incoming students); Schwartz Tr., 167:12–13 (“I am not aware of what was shared with incoming students.”).

But by July, Plaintiff Eman Tadros had already purchased a home and relocated to Akron, Ohio, in order to attend the MFC/T program based on the University’s representations to her during her interview that the program offered a dually accredited degree. Tadros Tr., 50:13–16 (“I purchased property in May, when they had full knowledge that they weren’t going to be accredited, but that knowledge was not passed on to me or the new cohort.”), 51:1–4 (“I was told during the interview that we had dual accreditation. No other words were spoken otherwise that we wouldn’t, or else I wouldn’t have signed to come once accepted.”). The University similarly concealed from Plaintiff Michelle Cappelto this material information about the dual accreditation. Cappelto Tr., 63:12–14.

J. Plaintiffs were misled by the University’s deceptive and misleading statements and deliberate concealment of material information.

Plaintiffs’ deposition testimony confirms that the University’s statements in the April 17 memo—including its specific representation that it was still trying “to determine [the] best course of action” and that “specific plans” had not yet been made—misled them into believing not only that

the University was still working to maintain the accreditation, but also that the issue was outside of the University's control. *See, e.g.*, Bell Tr., 67:15–23 (“[W]hen we saw the records request, it appeared as though the decision had already been made when we were told that it was still kind of under negotiation.”), 68:17–69:8, Ex. H (April 17 memo) (“My understanding is according to our public records request, the decision had already been made.”); Dawson Tr., 81:22–82:12 (“It was only after the story kind of started to unfold that it came out that there was no loss of accreditation, that it was given up willfully.”); Goerke Tr., 94:11–16 (“I was under the understanding ... that it was [CACREP]’s recommendations, but I later came to find out that ... it was the [U]niversity’s decision”); Molla Tr., 47:1–15 (“[I]nitially we were led to believe that it wasn’t ... the University’s decision ... it was a we failed to meet the standards ... or something like that.”); Smith Tr., 65:1–4 (“[T]he false information that we didn’t ... that [the University] didn’t have a choice in the matter. And essentially that CACREP basically made the decision for us.”); Dragomir Tr., 87:1–16 (“[T]hey told us that everything was fine and they were working to advocate for us and I think at that point it had already been established that it was not an option.”); Fye Tr., 20:15–21:4 (“[A]t the time, we had lost the accreditation, and they had given us the impression that they were still advocating and working for us...”); Goerke Tr., 95:17–23 (“I was ... provided false information, because the decision had already previously been made”); Pennington Tr., 71:24–25 (“[The University] decided here, and then they drug it out for weeks saying we were still doing this, when in fact, they weren’t.”); Smith Tr., 65:5–19 (“[W]e were still under the impression that there was something that we could do ... or [the University was] still in the process of working with CACREP like the letter says ... [B]efore they corrected it with us and allowed us to try to figure out another plan and spin our wheels. They already knew it wasn’t going to happen.”).

The University’s misrepresentations also caused Plaintiffs to believe that there was no other option available for the University to take on Plaintiffs’ behalf, because it was not until this lawsuit

that Plaintiffs learned that “there w[ere] internal emails indicating that CACREP” had informed the University that it could “make a request for special provisions” on behalf of the currently enrolled students. Dawson Tr., 83:15–20; *See also* Cappetto Tr., 59:15–60:4 (“[W]e later found out that CACREP offered but [the University] did not tell us about ... we knew that this was an opportunity that we did not get.”); Davis Tr., 54:6–10 (“[W]e were also told there was no other opportunity to be grandfathered in.”); Fye Tr., 50:15–22 (“I think there was a period of time that we had the opportunity ... to be grandfathered in and that ... went amiss”); Pennington Tr., 69:14–18 (that the University did not “share[]” that “CACREP offered to be able to be grandfathered in and the fact that was withheld from us ... that was also false.”); Ray Tr., 58:12–20 (“[W]e asked since we had met the standards at the time we started the program ... if [grandfathering] would be something that was offered to us ... and we were told no.”); Smith Tr., 58:1–2 (CACREP’s grandfathering “option was never communicated to me.”).

K. Plaintiffs have suffered both noneconomic and economic damages due to the University’s deceptive acts.

Dr. Patricia Stevens, who, in addition to her experience with CACREP (Section II.E.2., above), was hired by the University as a consultant to “help [the MFC/T] program[] be[] successful in the site visit” (Jordan Tr., 38:1–9, 40:7–10) that is the subject of this lawsuit, has opined that “[t]he University’s failure to ensure that the affected MFC/T students graduated with a CACREP-accredited degree has substantially damaged the students in terms of ... diminished employment opportunities, including teaching positions at CACREP-accredited institutions, throughout their careers.” **Ex. 1**, Stevens Report, p. 6.

Consistent with Dr. Stevens’s findings, economists John Burke, Jr., and Harvey Rosen of Burke, Rosen & Associates have rendered opinions finding that because of the University’s deceptive conduct—which resulted in the University relinquishing the CACREP accreditation and concealing CACREP’s offer of the opportunity to protect the Plaintiffs with an extension of

accredited status (Sections II.D.–II.E., above)—Plaintiffs will suffer substantial economic damages. **Ex. 3**, Bell report, p. 1 (\$578,233 to \$632,137); **Ex. 4**, Cappetto report, p. 1 (\$569,760 to \$623,664); **Ex. 5**, Davis report, p. 1 (\$578,327 to \$632,231); **Ex. 6**, Dawson report, p. 1 (\$701,666 to \$755,570); **Ex. 7**, Dragomir report, p. 1 (\$292,333 to \$346,237); **Ex. 8**, Fye report, p. 1 (\$571,071 to \$624,975); **Ex. 9**, Goerke report, p. 1 (\$580,104 to \$634,008); **Ex. 10**, Molla report, p. 1 (\$469,141 to \$523,045); **Ex. 11**, Pennington report, p. 1 (\$573,840 to \$627,744); **Ex. 12**, Ray report, p. 1 (\$562,326 to \$616,230); **Ex. 13**, Smith report, p. 1 (\$656,004 to \$709,908); **Ex. 14**, Tadros report, p. 1 (\$624,142 to \$696,046).

Further, there is substantial evidence of non-economic damages suffered by the Plaintiffs, including recoverable emotional distress and anxiety resulting from the University's deception. *See, e.g.*, Bell Tr., 73:10–25 (“[To] not have the opportunities that are available to us that we thought would be available to us is pretty devastating. It’s all been ... just very, very stressful.”); Davis Tr., 60:24–61:10 (“I had a lot of time taken away from my studies, focusing on this, focusing on trying to brainstorm what I should do ... I felt more distracted, ... and unsure of the value of my program ... I actually had a lot of health things pop up from the stress.”); Dragomir Tr., 92:10–12, 92:22–25 (“[I]t was very stressful. It was very anxiety-provoking and disappointing and just being present within that environment was unsettling ... It was a very stressful time. It’s still stressful. It’s still upsetting. It was clear that we were treated differently, and that’s pretty upsetting.”); Ray Tr., 62:18–63:6 (“I actually took time off because I was so upset I was very confused as to what had happened and why there wasn’t further advocacy for us, and so it very much impacted me and my feelings just in being in this program ... because of everything that had taken place ... knowing what had taken place made me very anxious when I came back as well, because I didn’t know what to expect, I didn’t know what the aftermath would be”); Smith Tr., 73:12–17 (“[T]rying to navigate who I can talk to, who I can trust, what actually happened, what I actually believe ...I think that’s also something I

consider a loss in this process because of the way that it was handled. And that is still pretty stressful.”). *See also* Section III.C.2., below, citing *inter alia*, *Favors v. Burke*, 8th Dist. Cuyahoga No. 98617, 2013-Ohio-823, ¶ 7, citing *Whitaker v. M.T. Automotive, Inc.*, 111 Ohio St.3d 177, 2006-Ohio-5481, 855 N.E.2d 825, ¶ 21–¶ 22 (the consumer is entitled to recover noneconomic damages “for inconvenience, aggravation, frustration, humiliation, and mental distress caused by violations of the [CSPA].”).

III. Law and Argument

A. The Court may only grant summary judgment if, after construing all evidence and reasonable inferences in favor of Plaintiffs, no genuine issue of material fact remains to be litigated.

Under Civ.R. 56(C), summary judgment is proper only if

(1) no genuine issue as to any material fact remains to be litigated; (2) the moving party is entitled to judgment as a matter of law; and (3) it appears from the evidence that reasonable minds can come to but one conclusion, and viewing such evidence most strongly in favor of the party against whom the motion for summary judgment is made, that conclusion is adverse to that party.

Wicks v. Lover's Lane Mkt., 9th Dist. Summit No. 28925, 2019-Ohio-2614, ¶ 4, quoting *Temple v. Wean United, Inc.*, 50 Ohio St.2d 317, 327, 364 N.E.2d 267 (1977). “The movant bears the initial burden of demonstrating the absence of genuine issues of material fact concerning the essential elements of the nonmoving party’s case.” *Palmer v. Bowers*, 9th Dist. Lorain No. 17CA011137, 2019-Ohio-1274, ¶ 15, citing *Dresher v. Burt*, 75 Ohio St. 3d 280, 292, 662 N.E.2d 264 (1996). To satisfy its burden, “the moving party must support the motion by pointing to some evidence in the record of the type listed in Civ.R. 56(C).” *Id.*, citing *Dresher*, 75 Ohio St. 3d 280, 292-293. If “the moving party satisfies this burden, the nonmoving party has a ‘reciprocal burden’ to ‘set forth specific facts showing that there is a genuine issue for trial.’” *Id.*, citing *Dresher*, 75 Ohio St.3d 280, 293. But where “the moving party fails to satisfy its initial burden, the motion for summary judgment must be denied.” *Id.* Moreover, the “trial court does not have the liberty to choose among reasonable inferences in the context of

summary judgment, and all competing inferences and questions of credibility must be resolved in the nonmoving party's favor.” *Ebrlich v. Medina Cty. Aud.*, 9th Dist. Medina No. 18CA0029-M, 2019-Ohio-1149, ¶ 9, quoting *Kelvon Properties, Ltd. v. Medina Automotive, L.L.C.*, 9th Dist. Medina No. 18CA0062-M, 2019-Ohio-584, ¶ 4.

B. The University is not entitled to summary judgment on Plaintiffs' CSPA claims because there is substantial evidence showing that the University knowingly committed unfair and deceptive acts in connection with Plaintiffs' education.

In its motion for summary judgment, the University hardly tries to address the deceptive conduct that is actually at issue in this lawsuit, instead presenting its own self-serving version of the facts that fails to so much as acknowledge Schwartz's substantial role in the events at issue, let alone the deceptive and unconscionable nature of his conduct. While the University has every right to try and convince a jury that its bizarre misrepresentation of what happened is somehow truthful, the notion that “reasonable minds can come to but one conclusion, and viewing [the] evidence most strongly in favor of [Plaintiffs], that conclusion is adverse to [Plaintiffs],” is frankly absurd. *Wicks*, 2019-Ohio-2614, ¶ 4. To the contrary, Plaintiffs have submitted plenty of evidence from which a jury may conclude that the University committed “unfair” and “deceptive” acts by making misrepresentations and otherwise acting in a manner that caused Plaintiffs to form “a belief which [wa]s not in accord with the facts[.]” *Frey v. Vin Devers, Inc.*, 80 Ohio App.3d 1, 6, 608 N.E.2d 796 (6th Dist. 1992).

- 1. Under the CSPA, which is to be liberally construed in favor of the consumer, Plaintiffs need only prove that the University caused them to form a belief that was not in accord with the facts; Plaintiffs need not prove that the University intended to be unfair or deceptive.**

“The CSPA is remedial in nature, and is to be liberally construed in favor of the consumer.” *Dennie v. Hurst Constr., Inc.*, 9th Dist. Lorain No. 06CA009055, 2008-Ohio-6350, ¶ 8. Under the CSPA, it is unlawful for a supplier to “commit an unfair or deceptive act or practice in connection with a consumer transaction ... whether it occurs before, during, or after the transaction.” R.C.

1345.02(A). Generally, an “unfair” or “deceptive” act is one “that mislead[s] consumers about the nature of the product [that] they are receiving...” *Johnson v. Microsoft Corp.*, 106 Ohio St.3d 278, 2005-Ohio-4985, 834 N.E.2d 791, ¶ 24. The University does not dispute that it is a “supplier,” and that Plaintiffs are “consumers” under the statute. UA Br., 24 (“[A] consumer transaction exists between a student and a university...”).

To prove that a supplier has violated R.C. 1345.02(A)’s prohibition against unfair or deceptive acts, the “consumer is not required to demonstrate that a supplier intended to be unfair or deceptive.” *Hacker v. Natl. College of Business & Technology*, 186 Ohio App.3d 203, 2010-Ohio-380, 927 N.E.2d 38, ¶ 21 (2d Dist.), quoting *Mannix v. DCB Service, Inc.*, Montgomery App. No. 19910, 2004-Ohio-6672, ¶ 18. To the contrary, “[i]t is how the consumer views the act or statement which determines whether it is unfair or deceptive.” *Id.* When a supplier “does or says something, regardless of intent, which has the likelihood of inducing in the mind of the consumer a belief which is not in accord with the facts, then the act or statement is deceptive.” *Frey v. Vin Devers, Inc.*, 80 Ohio App.3d 1, 6, 608 N.E.2d 796 (6th Dist.1992). “Whether any given act or practice may be unfair or deceptive is an issue of fact to be decided from all the relevant facts and circumstances in the particular case.” *Hacker*, 2010-Ohio-380, ¶ 21, quoting *Mannix*, 2004-Ohio-6672, ¶ 18. *See also*, *Davis v. Hawley Gen. Contracting, Inc.*, 2015-Ohio-3798, 42 N.E.3d 276, ¶ 19 (6th Dist.) (“When a supplier knowingly commits a breach [of contract], the break is likely also an unfair or deceptive act.”), *accord Zimmerman v. U.S. Diamond & Gold Jewelers, Inc.*, 2d Dist. No. 14680, 1995 Ohio App. LEXIS 901, 1995 WL 100820 (Mar. 8, 1995); *Lucia v. West Hills Auto and Truck Center, Inc.*, Hamilton C.P. No. A0401606, 2005 WL 3875895 (July 19, 2005).

2. **Plaintiffs have established that the University knowingly committed unfair and deceptive acts concerning the loss of the MFC/T program's CACREP accreditation sufficient to establish liability under the statute.**

Contrary to the University's claim that "Plaintiffs cannot prove the elements of their case" because they have purportedly failed to "identify a single misrepresentation or misleading statement" made by the University (UA Br., 3), Plaintiffs have submitted substantial evidence that the University committed "unfair" and "deceptive" acts in connection with their enrollment in the MFC/T program. This includes the multiple documented misrepresentations to Plaintiffs as to why it could not provide them that dually-accredited degree, and whether it was even trying to do so; as well as its concealment of CACREP's offer of the opportunity to extend accredited status to protect the Plaintiffs. As explained below in Sections III.B.2.a–e., III.C., the University cannot meet its burden on summary judgment because Plaintiffs, who were each damaged by conduct that falls squarely within the CSPA, have sufficiently demonstrated that they sustained economic and non-economic harm as a result of the University's conduct.

- a. **The University's failure to provide Plaintiffs with the promised dually-accredited degree was in itself violative of the CSPA.**

The Ohio Attorney General has determined that "[i]t is a deceptive act or practice ... for a supplier, in the sale or offering for sale of goods or services, to make any offer in written or printed advertising or promotional literature without stating clearly and conspicuously in close proximity to the words stating the offer any material exclusions, reservations, limitations, modifications, or conditions." O.A.C. 109:4–3–02(A)(1). Accordingly, it has been held that an educational institutional commits "unfair" or "deceptive" acts under the CSPA where its "advertisements and sales representatives' presentations" promise a degree with a certain accreditation without including "statements of limitation" regarding the "possibility" that the accreditation would not ultimately be provided, and then fails to deliver the promised accredited degree. *Thomas v. Natl. College of Virginia, Inc.*, 901 F.Supp.2d 1022, 10331034 (S.D. Ohio 2012).

Similarly, in *Hacker*, two students “enrolled in a two-year course of study to become surgical technicians” and “completed all course work required” except for a “real-life ‘clinical’ or externship experience” that the school had promised to arrange. *Hacker*, 2010-Ohio-380, ¶ 3. The students “never returned to the school” after the school advised them that despite its promises, there were no externship sites available. *Id.*, ¶ 4–¶ 5. On appeal, the court reversed the trial court’s grant of summary judgment for the school, finding that its conduct was sufficiently “unfair” or “deceptive” under the CSPA because the school had “represented to incoming students that it would provide them with a course of study culminating in a required externship during the final term ... [and] a trier of fact reasonably might find that this representation was unfair or deceptive when viewed from the perspective of [the students].” *Id.*, ¶ 22.

And in *Krueck v. Youngstown State Univ.*, 2019-Ohio-3219, 131 N.E.3d 1030 (9th Dist.), a student enrolled in a four-year program seeking to obtain “certification as a nursing home administrator” which required a particular approval from “the Ohio Board of Executives of Long-Term Services and Supports (“BELTSS”).” *Id.*, ¶ 3. The university advertised that “graduates of the LCTA program are eligible to sit for the national and state licensure exams.” *Id.*, ¶ 5. Aware that BELTSS accreditation was required to sit for any such exams, the student understood this representation “to mean that [the] program was BELTSS approved.” *Id.*, ¶ 6. The trial court dismissed the student’s CSPA claim on the basis that “[b]eing eligible to take an exam ... was not synonymous with being guaranteed to take an exam[.]” *Id.*, 19. The Ninth District reversed, finding that “the trial court’s interpretation of the word ‘eligible’ ... may be reasonable” that did not mean “as matter of law” that the plaintiff’s “interpretation was unreasonable[.]” *Id.*, ¶ 20.

Here, the University represented without limitation to Plaintiffs that the successful completion of the MFC/T program would culminate in a degree accredited by COAMFTE and CACREP. Section II.A.1., citing evidence. The University’s representations never indicated that the

program's CACREP accreditation was subject to imminent expiration, nor gave Plaintiffs any reason to suspect that the University would deliberately permit the accreditation to lapse. Section II.A.1., citing evidence, including Schwartz Tr., 43:17–25, 45:1–12. This alone creates liability under the CSPA, even despite the University's continued misrepresentations to Plaintiffs that occurred after this decision was made. *Krueck*, 2019-Ohio-3219, ¶ 20; *Frey*, 80 Ohio App.3d 1; *Hacker*, 2010-Ohio-380, ¶ 22. See also *Hacker*, ¶ 23 (“[I]f a supplier is not in a position to determine [the subject of a representation] with accuracy, it should not make affirmative representations...”), citing *Knoth v. Prime Time Marketing Management, Inc.*, 2d Dist. Montgomery No. 20021, 2004-Ohio-2426, ¶ 26–¶ 31.

b. The University's knowing misrepresentations about its deliberate decision to relinquish the CACREP accreditation were violative of the CSPA.

As of April 10, 2017, due to the private communications of Dr. Schwartz and Provost Ramsier, the School of Counseling faculty knew that the University had made a deliberate decision to permit the MFC/T program's CACREP accreditation to lapse. Section II.F., citing evidence. Despite the faculty's knowledge of this decision, it proceeded to misrepresent to Plaintiffs in the April 17 memo that the University was still “working collaboratively” with CACREP and that the University had not yet made “specific plans” regarding the accreditation (Section II.H., citing evidence), and otherwise causing Plaintiffs to believe that CACREP had already denied accreditation or that the University had lost accreditation to conceal the University's responsibility for the decision. Section II.J., citing evidence, including Dawson Tr., 81:22–82:12 (“It was only after the story kind of started to unfold that it came out that there was no loss of accreditation, that it was given up willfully.”); Goerke Tr., 94:11–16 (“I was under the understanding ... that it was [CACREP]'s recommendations, but I later came to find out that ... it was the [U]niversity's decision”); Smith Tr., 65:1–4 (“[T]he false information that we didn't ... that [the University] didn't have a choice in the matter. And essentially that CACREP basically made the decision for us.”).

Because Plaintiffs have testified that this misinformation did, in fact, cause them to form “a belief which was not in accord with the facts” (*Frey*, 80 Ohio App.3d 1, 6), there is plenty of evidence that the University committed an unfair or deceptive act by attempting to conceal the University’s responsibility for the loss of the MFC/T program’s accreditation from Plaintiffs. *See Thomas*, 901 F.Supp.2d 1022, 1034 (“[F]actual disputes exist as to whether [the school]’s conduct may have delayed the CAAHEP accreditation process.”).

According to the University, Plaintiffs cannot establish a CSPA violation based on the April 17 memo because the memo purportedly “makes no representations regarding accreditation or actions that the University ... will or will not take.” UA Br., 29. But as discussed in Section II.H., above, the April 17 memo represented to Plaintiffs that it was “important that [the students] allow [the faculty] to continue working and advocating on [their] behalf ... to do what [wa]s best for all of [them].” Scharzt Tr., 133:3–8, Ex. 22. The memo further represented that the University was “working collaboratively with CACREP”, “doing all [it could] to determine [the] best course of action,” “that [the students] w[ould] be notified as soon as more information is available and specific plans are made”, and that the faculty would “let [the students] know more as [the University] kn[ew] more[.]” *Id.*

Regardless of the University’s self-serving interpretation of this memo, there is substantial evidence that the representations contained in the April 17 memo were not only *likely* to “induc[e] in the mind of [Plaintiffs] a belief which [wa]s not in accord with the facts” (*Frey*, 80 Ohio App.3d 1, 6); those statements *actually* caused Plaintiffs to believe that the University had not intentionally relinquished the accreditation and that the faculty and administration were taking affirmative action to support the accreditation when the opposite was true. Schwartz Tr., 146:16–19 (“At that point, I do not believe that there was any direct action taken to communicate with CACREP to help students graduate with a du[all]y-accredited degree ... there weren’t options to advocate for

necessarily.”); Patton Tr., 86:7–12 (as of the April 17 memo, “the University ... was not going to advocate to keep the CACREP accreditation”); Section II.J., citing evidence, including Fye Tr., 20:15–21:4 (“[W]e had lost the accreditation, and [the University] had given us the impression that they were still advocating and working for us”); Smith Tr., 65:5–19 (“[W]e were still under the impression that ... [the University was] still in the process of working with CACREP like the letter says...”).

Thus, a reasonable jury could find that the University’s conduct in misleading Plaintiffs into believing that the faculty was working to obtain the accreditation despite its admission that it was not doing anything in support of the accreditation and that it had already made its plan to give up the accreditation, “were not accurate and ... induce[d] in Plaintiffs’ minds impressions that were not in accord with the facts.” *Thomas*, 901 F.Supp.2d 1022, 1033–1034 (“[The school] represented that it was in the process of securing programmatic CAAHEP accreditation and was hopeful it would be granted ... Such representations were not accurate and could be found to induce in Plaintiffs’ minds impressions that were not in accord with the facts.”); *See also Behrend v. State*, 55 Ohio App.2d 135, 140, 379 N.E.2d 617 (10th Dist.1977) (“Although the college had lost its accreditation ... the staff of the college, as well as the dean, continued to convey the thought to these student plaintiffs that every effort would be made to again be accredited.”).

c. The University’s concealment of CACREP’s offer of the opportunity to extend accredited status to the Plaintiffs was violative of the CSPA.

There is no dispute that CACREP expressly advised Dr. Schwartz, the University’s CACREP liaison, that if the MFC/T program was “seeking to withdraw its accredited status and there are students the program would like to have considered graduates of an accredited program beyond the expiration date (i.e., August 31, 2017), the program [could] make a request to the [CACREP] Board.” Schwartz Tr., 151:20–152:1, Ex. 25 (Schwartz/Moran emails), p. 1. Despite having received this information directly from CACREP, there is substantial evidence that (1)

Schwartz never shared this email with any of the faculty or administration (Patton Tr., 75:5–16; Tefteller Tr., 66:17–19; Katafiasz Tr., 66:12–16, 69:7–15; Ramsier Tr., 144:22–145:2; Owens Tr., 78:13–15; Queener Tr., 34:25–35:17; Boyle Tr., 102:5–10), (2) no request was ever submitted to CACREP (Schwartz Tr., 152:16–17, 153:12–16; Faii Tr., 92:1–5; Owens Tr., 78:25–79:2), and (3) despite Schwartz’s actual knowledge of this “grandfathering” option, Plaintiffs had to file a public records request to learn that it existed. Dawson Tr., 83:15–20 (“[I]t wasn't until the public records request that this specifically came out that apparently, ... there w[ere] internal emails indicating that CACREP said something to the effect of, hey, give us the names of the people currently in your Ph.D. program and you can make a request for special provisions for them.”).

While it is notable that the University does not make any attempt to defend this conduct in its motion for summary judgment (UA Br., 29–30), it cannot seriously be disputed that “when viewed from the perspective of [Plaintiffs’] (*Hacker*, 2010-Ohio-380, ¶ 22), a jury could reasonably find that the University engaged in “unfair” and “deceptive” conduct by concealing this information from Plaintiffs and essentially waiving it on their behalf without ever informing them of its existence.³ *Frey*, 80 Ohio App.3d 1, 6 (“If the supplier does or says something, regardless of intent, which has the likelihood of inducing in the mind of the consumer a belief which is not in accord with the facts, then the act or statement is deceptive.”); *Mannix*, 2004-Ohio-6672, ¶ 18 (“Whether any given acts or practice may be unfair or deceptive is an issue of fact to be decided from all the relevant facts and circumstances in the particular case.”). There is further no dispute that the University, which specifically entrusted Schwartz with responsibility to be its designated “liaison”

³ In addition to a finding that this conduct is “unfair” and “deceptive,” a jury could also reasonably find that the substantial evidence of the University’s conduct here is “unconscionable” under R.C. 1345.03(A), because the University knowingly “manipulat[ed] [Plaintiffs’] understanding of the nature of the transaction at issue” (*Microsoft Corp.*, 2005-Ohio-4985, ¶ 24), by knowingly concealing from Plaintiffs that this option existed, waiving it on their behalf, and then *still* failing to inform Plaintiffs what the University had done until Plaintiffs discovered it on their own through a formal public records request. Section II.E., J., citing evidence.

with CACREP, is liable for his intentional deceptive conduct undertaken in that role. *Brown v. Deacon's Chrysler Plymouth, Inc.*, 8th Dist. Cuyahoga No. 39399, 14 O.O.3d 436 (1979), citing Restatement of Agency, 2d, § 140 (“The acts of an agent are considered the acts of the principal when such acts are within the scope of the agent’s actual or apparent authority ... to allow an employer to escape liability under the Consumer Sales Practices Act on the claim that it did not know of a specific violation committed by its employee would frustrate the Act itself.”); *Gayer v. Ohio Business Trading Assn.*, 8th Dist. Cuyahoga No. 54892, 1988 Ohio App. LEXIS 2684, *5–6 (July 7, 1988) (an employer “[n]ecessarily” “commit[s] a deceptive sales act as a result of [the employee]’s representations”).

d. The University’s continued representations to Plaintiffs Tadros and Cappetto that the MFC/T program maintained its dual accreditation, despite that the University had known for months that it had deliberately chosen to relinquish the accreditation, were violative of the CSPA.

The CSPA provides that a supplier has committed unfair or deceptive acts if it represents “[t]hat the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits that it does not have” (R.C. 1345.02(B)(1)), or that the product has “a sponsorship, approval, or affiliation that it did not have.” R.C. 1345.02(B)(9). Such misrepresentations, as set forth in R.C. 1345.02(B) “are deceptive *per se*.” *Thompson v. Jim Dixon Lincoln Mercury*, 12th Dist. Butler No. 82-11-0109, 1983 Ohio App. LEXIS 11955, at *3 (Apr. 27, 1983).

Here, the University represented to Plaintiffs Tadros and Cappetto during their student interviews that they would have the opportunity to graduate from a dually-accredited program, despite knowing that the University had already made a decision to relinquish the accreditation. Tadros Tr., 51:1–4 (“I was told during the [May 2017] interview that we had dual accreditation. No other words were spoken otherwise that we wouldn’t, or else I wouldn’t have signed to come once accepted.”); Cappetto Tr., 63:12–14 (“I thought I was getting a dually accredited degree, and once I

enrolled in classes I found out I was not.”). And it is undisputed that the University did not alert the incoming students, including Tadros and Cappelto, of its decision to relinquish the accreditation until July 10, 2017. Patton Tr., 91:6–92:5, Ex. 13 (“[T]here have been some transitions within the program since your admission and I would like to fill you in on those. We will be transitioning to a pure MFT program and our CACREP accreditation will lapse this August.”). A reasonable jury could thus easily find that the University knowingly represented to Tadros and Cappelto that the MFC/T program “had the approval, performance, characteristics, or benefits that it did not have” as well as “a sponsorship, approval, or affiliation that it did not have” (*Thomas*, 901 F.Supp.2d 1022, 1033, citing R.C. 1345.02(B)(1); (9)), thereby “misleading [them] about the nature of the product [that] they [would] receiv[e].” *Microsoft Corp.*, 2005-Ohio-4985, ¶ 24.

C. Plaintiffs’ evidence of economic and non-economic damages resulting from the University’s violations of the CSPA respectively and independently preclude summary judgment.

The CSPA provides that if “the violation was an act prohibited by section 1345.02 ... the consumer may ... recover the consumer’s actual economic damages plus an amount not exceeding five thousand dollars in noneconomic damages.” R.C. 1345.09(A). Plaintiffs have submitted plenty of evidence from which a jury may conclude that they have suffered both economic and non-economic damages as a result of the University’s violations of the CSPA, as discussed below.

1. Plaintiffs’ evidence of economic damages resulting from the University’s violations of the CSPA precludes summary judgment.

Despite agreeing that “the appropriate measure of damages in deception cases relates to ... what the consumer expected to receive from the contract if the goods or services had been as represented” (UA Br., 34), the University claims that it is entitled to summary judgment on Plaintiffs’ CSPA claims because “[n]one of the Plaintiffs has articulated an actual loss suffered because of the change in CACREP accreditation.” UA Br., 35. But Plaintiffs have each submitted an expert report providing a specific estimate of the economic damages they have suffered as a result of

the University's deceptive conduct—including its failure to deliver the promised dually accredited degree, and its concealment of the opportunity for the extension of the accreditation—as well as the basis for the calculation of those damages. Section II.K (citing evidence). While the University is free to challenge those reports or provide its own expert reports, the University's conclusory arguments do not entitle it to summary judgment because it has failed to demonstrate “the absence of genuine issues of material fact concerning” Plaintiffs damages. *Palmer*, 2019-Ohio-1274, ¶ 15.

The University is also incorrect that it is entitled to summary judgment on the basis that Plaintiffs have purportedly “failed to mitigate any damages that they are alleging” against the University. UA Br., 36. It is well-settled that a party's supposed “[f]ailure to mitigate damages only reduces the amount recoverable; it does not bar recovery.” *Van Beusecum v. Continental Builders, Inc.*, 5th Dist. Delaware No. 06CAE12-0095, 2008-Ohio-2141, ¶ 72. Nor does Ohio law “require a party to make extraordinary efforts, or to do what is unreasonable or impracticable” (*AB & B, Inc. v. Banfi Prods., Inc.*, 71 Ohio App.3d 650, 657, 594 N.E.2d 1151 (11th Dist.1991), quoting 30 Ohio Jurisprudence 3d, Damages, § 17 (1981)), but rather requires only that a party mitigate those damages that could “by reasonable effort, have been avoided or reduced without undue risk or expense.” *MidAm Bank v. Dolin*, 6th Dist. Lucas No. L-04-1033, 2005-Ohio-3353, ¶ 101, citing *F. Enterprises v. Kentucky Fried Chicken Corp.*, 47 Ohio St.2d 154, 351 N.E.2d 121 (1976).

Here, it would have been “extraordinary”, “unreasonable”, and “impracticable” for Plaintiffs to withdraw from the MFC/T program and immediately pursue a CACREP-accredited degree elsewhere. *Banfi Prods.*, 71 Ohio App.3d 650, 657. Plaintiffs were not required to engage in the sort of “extraordinary” efforts suggested by the University in order to receive compensation for the damage they have suffered as a result of the University's deliberate conduct.

2. Plaintiffs' evidence of non-economic damages resulting from the University's violations of the CSPA precludes summary judgment.

The CSPA also entitles a consumer to “an amount not exceeding five thousand dollars in noneconomic damages.” R.C. 1345.09(A). The Ohio Supreme Court has held that under this provision, with some “evidence show[ing] intentional ... action on the part of [the supplier], [the consumer] may recover damages for mental anguish or emotional distress as part of his CSPA remedy.” *Whitaker v. M.T. Automotive, Inc.*, 111 Ohio St.3d 177, 2006-Ohio-5481, 855 N.E.2d 825, ¶ 31; *Favors v. Burke*, 8th Dist. Cuyahoga No. 98617, 2013-Ohio-823, ¶ 7, citing *Whitaker*, 2006-Ohio-5481, ¶ 21-¶ 22 (the consumer is entitled to recover noneconomic damages “for inconvenience, aggravation, frustration, humiliation, and mental distress caused by violations of the [CSPA].”).

For purposes of the CSPA, “knowingly” or “intentionally” refers to the supplier having “actual awareness, but such awareness may be inferred where objective manifestations indicate that the individual involved acted with such awareness.” R.C. 1345.01(E). To show that the supplier acted knowingly, the consumer need only show that the supplier intended to “do the act that violates the CSPA, not that the supplier “know[s] that [its] conduct violates the law[.]” *Fleischer v. George*, 9th Dist. Medina No. 09CA0057-M, 2010-Ohio-3941, ¶ 34, quoting *Einborn v. Ford Motor Co.*, 48 Ohio St.3d 27, 30, 548 N.E.2d 933 (1990); *Prince v. Campbell Roofing & Sheet Metal*, 2d Dist. Montgomery No. 19007, 2002-Ohio-3809, ¶ 7, citing *Einborn*, 48 Ohio St.3d 27, 30 (“[T]he knowledge requirement concerns a defendant’s knowing commission of an act, not knowledge that his act is contrary to law.”); *Charvat v. Ryan*, 116 Ohio St.3d 394, 2007-Ohio-6833, 879 N.E.2d 765, ¶ 28 (“[A] plaintiff need not prove that the defendant knew that conduct violated the law but only that the defendant knew the underlying facts of the conduct.”).

Here, there is plenty of evidence that the University intentionally engaged in the conduct at issue in this lawsuit because it is clear that the University had “actual awareness” of the actions it was

taking regarding the MFC/T program's accreditation, as well as its communications with Plaintiffs, as required under R.C. 1345.01(E). It is essentially undisputed that the University made a deliberate choice to permit the MFC/T program's CACREP accreditation to lapse (Section II.D., F., citing evidence), despite repeatedly representing to Plaintiffs—both when they were incoming students and throughout the program—that successful graduates would receive the substantial and unique benefits of having a degree dually accredited by CACREP and COAMFTE. Section II.A., citing evidence. From there, the University knowingly made a series of misrepresentations to Plaintiffs, including that (1) the accreditation was lost because of CACREP's conduct, rather than as a result of the University's intentional choice to give up the accreditation (Section II.H., J.), (2) the University was “working collaboratively” with CACREP, despite admitting that it was doing nothing in support of continued accreditation (*Id.*), and (3) no “grandfathering” options existed, when the University's CACREP liaison had received express confirmation that there *was* such an option (*Id.*, Section II.E.).

In addition, with respect to Plaintiffs Tadros and Cappelto, who were incoming students at the time, the University intentionally misrepresented in May 2017 that the MFC/T program was still dually-accredited while it had known since April 10, 2017 that incoming students would have no option to receive the dual accreditation. Section III.B.2.e., citing evidence; Patton Tr., 92:21–24 (“Q: And there's no reason that these students could not have been advised of this news as of, at very least, April 28th, correct? A: Correct.”). Moreover, even apart from these misrepresentations, the record is clear that the University, through Dr. Schwartz, knowingly concealed the existence of the opportunity for the University to request an extension of accredited status to allow Plaintiffs to graduate from a CACREP-accredited program and obtain the dual accreditation that the University had repeatedly promised them. Section II.E.; Section III.B.2.d., citing evidence.⁴

⁴ Despite the University's argument to the contrary (UA Br., 37), this evidence also entitles Plaintiffs to seek an award of attorney's fees because of the University's having “knowingly committed an act ... that violates [the CSPA].” R.C. 1345.09(F)(2).

This evidence is more than sufficient for a reasonable jury to conclude that the University's conduct was done knowingly and intentionally. Therefore, Plaintiffs are each entitled to seek an award of \$5,000 to compensate them for the non-economic damages they all sustained, as well as an award of attorney's fees, to compensate them for their resulting "inconvenience, aggravation, frustration" and other emotional distress. *Favors*, 2013-Ohio-823, ¶ 7; Section II.K., above, citing evidence of Plaintiffs' non-economic damages sustained).

IV. Conclusion

The University has not come close to meeting its burden to show both that "reasonable minds can come to but one conclusion" on the facts at issue, and that "viewing [the] evidence most strongly in favor of [Plaintiffs], that conclusion is adverse to [Plaintiffs]." *Wicks*, 2019-Ohio-2614, ¶ 4. The voluminous evidence submitted by Plaintiffs of the University's various deceptive acts taken amidst its disastrous and vindiction-fueled handling of the 2017 CACREP reaccreditation process is plenty from which a jury may conclude, under the "liberally construed" CSPA, that the University repeatedly caused Plaintiffs to form "a belief which [wa]s not in accord with the facts[.]" *Frey v. Vin Devers, Inc.*, 80 Ohio App.3d 1, 6, 608 N.E.2d 796 (6th Dist. 1992). The University's motion for summary judgment should, accordingly, be denied.

Respectfully submitted,

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Certificate of Service

The foregoing document was filed on September 25, 2020, using the Court's e-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos
Attorney for Plaintiffs

**Summary of Facts and Findings re:
Rachel Bell, et al., vs. The University of Akron
Summit County C.P. No. CV-2018-10-4103
Ohio Court of Claims No. 2018-01347JD**

**Patricia W. Stevens, Ph.D. Licensed Professional Counselor (CO)
Clinical Fellow, American Association of Marriage and Family Therapy**

May 11, 2020

Over the course of my 35+-year career, I have served as a licensed counselor, counselor education professor, department chair, and member of both the American Counseling Association (ACA) and the American Association of Marriage and Family Therapy (AAMFT). I have also served in every position in the process of accreditation for Council for Accreditation of Counseling and Related Educational Programs (CACREP) from writing self-studies to serving on the CACREP Board from 1994-2000. I served as Chair of the Team Member Training, Site Visitor and Team Training (1991), served on the External Relations Committee (1997-2000), was Chair of the Showcase of Programs Committee for 1995 Conference, Chair of the Committee on Internship Accreditation (1995), and Chair of the Committee on Training (1995). I served on the Board during one full revision cycle. After leaving the Board, I have served as a site team member, a site team chair, and a consultant for universities seeking accreditation. During my years as a professor and Chair I assisted four (4) universities in the accreditation process; three (3) of which were accredited and one (1) which withdrew from the accreditation process. Since retirement, I have worked with approximately 10 universities as a consultant for their accreditation process. The state of Colorado approved my on site and online Jurisprudence training course for all counselors in the state from 1995 – 2000 when the requirement was discontinued. I have written multiple external reviews and program development documents for universities.

I am currently licensed in the state of Colorado as a Licensed Professional Counselor and certified as a Child and Family Investigator. I have held licenses, now inactive, in the state of Alabama as a Licensed Professional Counselor, a Licensed Professional Counseling Supervisor, a Marriage and Family Therapist, and a Marriage and Family Therapy Supervisor, in the states of Utah and Kentucky as a Licensed Professional Counselor in Utah and Kentucky.

I have served as Chair of the Ethics Committee for the International Association of Marriage and Family Counselors, a division of ACA (1996-2000), and as a member of the ACA Professional Standards Committee (2003-2004), the ACA Ethics Committee (2002-2003) and the ACA Ethics Appeal Committee (2004-2006).

Additionally, I have served on a variety of professional boards and committees from local to national, presented at professional conferences from local to international. I have written numerous articles for referred professional counseling journals, chapters in books, and non-referred articles from conference presentations. My service includes professional committee positions from state to national venues. In 1997, I was a Fulbright Scholar in Malaysia tasked with developing a counseling program for the country's counselors at the Universiti Kebangsaan in Bangui, Malaysia. (Curriculum Vitae, **Exhibit A**).

I am qualified to render an opinion on this matter due to my extensive experience in the counseling and counselor education fields and with the CACREP accreditation process. This provides me with

EXHIBIT 1

the experience of evaluating programs. My professional work as faculty and administration in universities seeking accreditation also provide perception from the outlook of programs seeking accreditation. Further, I have been involved with both the American Counseling Association and the American Association for Marriage and Family Therapy in multiple capacities for over 30 years.

I formulated the opinions in this report after reviewing the following documents:

1. The action filed with the Court of Claims of Ohio on October 9, 2018 with all attached exhibits
2. The email correspondence between Dr. Karin Jordan and Robert Urofsky on January 25, 26, and 27, 2017 and on March 1, 2017
3. The site team report to the Counsel for Accreditation of Counseling and Related Education Programs (CACREP) dated March 16, 2017
4. The memorandum from the School of Counseling Faculty dated April 28, 2017
5. The letter from Peter Pattakos to M. Celeste Cook, Office of the General Council for Akon University dated May 11, 2018
6. The affidavit from Robert Urofsky dated February 26, 2020 with attached exhibits
7. The CACREP 2009 Standards
8. The CACREP 2009 (Revised February 2012) Policy Document
9. The CACREP website accessed on April 6, 2020
(<https://www.cacrep.org/program/counselor-education-and-supervision-34/>)
10. The School of Counseling Self Study report submitted December 1, 2015

Background

In June of 2016 I was contracted as a consultant for the programs in the School of Counseling. This contract included reviewing the self-study, assisting with updates, a mock site visit, and continuing support for necessary program changes and rewriting of self-study, addendums and responses to the site visit report. As part of this process I had numerous conversations with students, graduates, and faculty, reviewed the program's curriculum, and observed procedures at the Community Clinic operated by the School of Counseling which served as a training ground and supervision site for the students.

My professional observations at that time were in some respects limited by the lack of preparation that had taken place for the accreditation study in the Clinical Mental Health Program and the School Counseling program as well as the lack of cooperation by Dr. Robert Schwartz, the liaison with CACREP for the accreditation study. Dr. Schwartz stated that the information would be gathered in time and there was no reason for this mock visit to assist with the process. Further, the department presented each program's information separately, including the core standards information which applies to all counseling programs in a unit. There was no cooperation between the counseling programs in this department. Each program acted separately, and the School Counseling program and the Clinical Mental Health essentially failed to provide substantial input for the mock site-visit process.

In contrast, the Marriage and Family Counseling/Therapy program was extensively reviewed with Dr. Karin Jordan and the MFC/T faculty and suggestions were made for syllabi reformatting, evaluation and outcome clarity in the mock site-visit process, including with respect to how and where the student counseling identity was being reinforced. Additionally, I visited Community Clinic on the university campus, which had been established as a practicum/internship site for students and to serve the public's counseling needs.

Further, in my exit interview, I encouraged the faculty to work together as a department. Dr. Schwartz had no interest in integrating his Clinical Mental Health program with the other programs and stated that in the meeting. There was clear animosity toward Dr. Jordan and the MFC/T faculty in his responses both to Dr. Jordan and to me. For example, the School Counseling program had no evaluation process or data available. When I volunteered to assist, Dr. Schwartz informed me that he was the CACREP liaison and would handle the matter.

This unit was fragmented and territorial, as noted later in the site visit review. One faculty member, Dr. Rikki Patton, told me in an individual meeting that she would not discuss Dr. Schwartz because he was on her tenure committee.

Per the emails between Dr. Jordan and Dr. Schwartz and others, dated February 8, 2017, little of the supporting MFC/T documentation was included in the original self-study and Dr. Jordan requested that they be included in the response. I have no documentation of a reply to Dr. Jordan from Dr. Schwartz.

The site visit took place on February 26 – March 1, 2017. The schedule for the team included the normal components of the visit. (See Exhibit 5 from Complaint).

After the site visit, Dr. Jordan and I discussed concerns over various irregularities in the site visit. I advised her to contact CACREP for clarity on these matters, and she did so. **(Exhibit B)**.

The CACREP site visit report was sent to Dr. Matthew Wilson, President of the University of Akron on March 16, 2017. The letter indicates, as per CACREP procedure, that a response can be sent to the Board by April 24, 2017, to address any unmet standards or comments from the site team. It also states that the next Board meeting, when the final decision for accreditation will be made, is July 13-15, 2017.

The site visit report (See Exhibit 5 of Complaint) has no mention of the MFC/T doctoral track in its standards report. However, in an email from CACREP representative Yvette Pena, dated March 28, 2017, she stated, “The doctoral program was reviewed as a whole and the MFC/T track was included in the review at the time of the site review” (See Exhibit 6 of Complaint). While Ms. Pena further states that the team mentions professional identity concerns, these concerns did not reach the level of a “not met” standard at the doctoral level if, as she states, both programs were evaluated together.

The exhibits that were provided with the Complaint show a pattern of emails indicating Dr. Schwartz’s intent to undermine the reaccreditation of the MFT master’s program as well as the doctoral degree. On April 5, 2017, Dr. Schwartz emailed Dr. Rex Ramsier including an email from Dr. Rikki Patton stating that the MFC/T faculty had decided to “move forward with a rejoinder for both programs” (i.e., MFC/T master’s and doctoral program). Dr. Schwartz informs Dr. Ramsier that “this is will have negative implications for all accreditation department-wide” (See Exhibit 8 Complaint). Dr. Schwartz also asked for a phone conversation with Dr. Ramsier in this report.

On April 10, 2017, there is an email conversation between Dr. Schwartz and Dr. Ramsier in which Dr. Schwartz asks for clarification on what programs should be included in the response to the site visit. Dr. Ramsier stated “Having individual submissions goes to the heart of the matter.” He further stated that he “will not support dual accreditation” and “I want to see a plan that accomplishes this but holds the current students harmless (i.e., a teach out plan). Students new to the program would be given an option for a MFT or CACREP program.” (See Exhibit 9 Complaint). I have no documentation that the April 11, 2017, information from CACREP was ever communicated by Dr. Schwartz to Dr. Ramsier.

On April 11, 2017, Dr. Schwartz received a response from CACREP clearly stating that the university could make a special request for current students in the MFC/T program for an extension of the CACREP designation after the withdrawal of accreditation. The end date of the accreditation was August 31, 2017. The email stated this extension should be submitted prior to the board meeting in July, 2017.

On April 16, 2017, Dr. Schwartz sent an email to MFC/T faculty giving them no information about the CACREP extension process and in fact asking them "Thoughts on how to move forward asap?" (Exhibit 17, Complaint)

On April 19, 2017, Dr. Rikki Patton wrote an email and copied Dr. Schwartz with the options that the MFC/T faculty are considering. I have no documentation or any other information showing a response from Dr. Schwartz informing the faculty of the CACREP extension possibility.

On April 28, 2017, a memo was sent to all master's and doctoral students from the School of Counseling faculty that has no mention of the possibility of an extension for the current students. The memo states: "All MFC/T students who graduate before August 31, 2017 will graduate from a dually accredited CACREP and COAMFTE program. After August 31, 2017, CACREP accreditation will lapse and the degree will be listed on the CACREP website as 'previously accredited'" (See Exhibit 14 of Complaint).

Relevant Accreditation Standards and Ethical Standards

The CACREP Procedure for Accreditation:

The procedure required for accreditation is as follows:

1. The university completes a Self-Study of all programs to be considered for accreditation. A faculty liaison is appointed. The responsibility of this person is to assure that all material presented in the self-study is current and complete. The person has the responsibility of communicating with CACREP if there are questions or concerns. This person manages the schedule for the site visitors.
2. The self-study is reviewed at the CACREP office and a determination made whether the university is ready for a site visit (i.e., appears to meet most or all standards).
3. The university is provided the opportunity to submit an Addendum if necessary
4. A site visit is scheduled and the visitors confirm the information in the self-study to be accurate. Standards are decided to be "met" or "not met". Specific recommendations are made for standards that are "not met". Suggestions are also given that are not standard specific and discuss both strengths and possible changes the program might make to strengthen the program. Suggestions are not relevant to meeting a standard.
5. The Team Chair submits a report to the CACREP office with a recommendation for accreditation.
6. CACREP reports this information to the university who then has the opportunity to submit another addendum with information to respond to any "unmet" standards.

7. The University may submit an Institutional Response to the Board.
8. The CACREP Board meets biyearly and decides on the accreditation of each university program based on the Team Report and any Addendums sent by the university. Only programs that meet all standards receive an 8-year accreditation. If there are standards not met, the Board can grant a 2-year accreditation to allow the university and program to make adjustments to meet the unmet standards.
9. This decision is communicated to the university.
10. The university has the option at any time to withdraw their application and/or to not renew their accreditation. **(Exhibit C)**

ACA Ethical Code, 2014, Section D.1.a. through Section D.1.i.

This section of the ACA ethical code speaks to the relationships with other professionals. While not rising to a legal standard, my opinion is that this Section of the Ethical Code is pertinent to the behavior of Dr. Schwartz before, during, and after the accreditation process. His failure to act in an ethical manner created a dysfunctional and hostile work environment for the faculty and at best, an uncomfortable if not hostile environment for the students. **(Exhibit D)**

Findings

Based on my professional experience, including my role as a CACREP consultant for the School of Counseling in 2017, and the additional documentation reviewed as listed above, I have concluded the following:

1. Had the University submitted a request to CACREP to allow the students who were then enrolled in the MFC/T masters and doctoral programs to be considered graduates of a CACREP-accredited program beyond the accreditation's 2017 expiration date, pursuant to a CACREP-approved teach-out plan, it would have been standard practice for CACREP to consider that request and make its decision based primarily on the ability of the institution to maintain substantial compliance with CACREP standards during the period of the extension. It is my understanding, based on my experience, that CACREP would work with the institution to do what was practicable to hold current students harmless under such circumstances.
2. Based on my familiarity with the MFC/T program's faculty and curriculum as of 2017, as well as with CACREP policies and procedures and the site visit and site-visit report from 2017, it is practically certain that CACREP would have granted approval of a teach-out plan for the then-enrolled MFC/T masters and doctoral students based on the MFC/T programs' curriculum that existed at the time. The MFC/T programs had clearly demonstrated compliance with CACREP standards and there was no reason to believe the programs could not have maintained such compliance to allow the enrolled students to graduate with a CACREP-accredited degree had the University remained committed to doing so.
3. It is apparent from my involvement with the CACREP reaccreditation process and my review of the documentation referenced above that Dr. Schwartz abused his position as CACREP liaison to undermine the re-accreditation of the MFC/T masters and doctoral programs, including by (a) withholding information regarding the MFC/T programs from CACREP, (b) failing to ensure adequate

communication among the various School of Counseling programs seeking reaccreditation, (c) engaging in improper ex parte conversations with site-visit team members, (d) failing to timely and accurately inform students of the programs' intent to withdraw from accreditation per CACREP requirements (**Exhibit E**), (e) demanding that the students not contact CACREP regarding their concerns about the withdrawal of accreditation of the MFC/T program, in violation of CACREP policy (**Exhibit E**), and (f) withholding information from the administration, faculty, and students concerning the possibility of an extension for current students to graduate with the CACREP accreditation.

4. The University's failure to ensure that the affected MFC/T students graduated with a CACREP-accredited degree has substantially damaged the students in terms of diminished licensure options outside the State of Ohio and diminished employment opportunities, including teaching positions at CACREP-accredited institutions, throughout their careers.

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Council for Accreditation of Counseling and Related Education Programs (2009). *2009 Standards*. Alexandria, VA.

CURRICULUM VITA

February 2019

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EDUCATION

<u>Institution</u>	<u>Date</u>	<u>Degree</u>	<u>Major</u>
Mississippi State University	1990	Ph.D.	Counselor Education
University of Alabama at Birmingham	1987	M.A.	Agency Counseling
University of Alabama at Birmingham	1988	Certification	Marriage and Family
Spring Hill College	1983	B.S.	Psychology

PROFESSIONAL EXPERIENCE

2010 -	Adjunct Faculty, Canisius College, Buffalo, NY
2010 -	Academic Consultant, Louisville, CO
2010 -	Private Clinical Practice, Colorado Certified Child and Family Investigator, Parenting Coordinator. Louisville, CO
2013 - 2015	Adjunct Faculty, Capella University, Minneapolis, MN
2006 - 2009	Director, Women's Center for Lifelong Learning and Reentry Student Center, Utah State University
2003 - 2006	Professor, Chair, and Program Leader, Counseling, Leadership, Adult, Higher and Secondary Education, Morehead State University; Director, MAT Program
2001 - 2003	Professor and Chair, Counseling and Educational Leadership, Program Coordinator, Counseling and Educational Psychology (2003), Eastern Kentucky University
1997-2001	Associate Professor, Counseling Psychology and Counselor Education; Program Director, Marriage and Family Training, University of Colorado at Denver

EXHIBIT A

- 1990-1997 Assistant Professor, Counseling Psychology and Counselor
Education Program Director, Marriage and Family Training,
University of Colorado at Denver; Director, Counseling and Family Therapy Center,
UCD (1992-1994)
- 1990-2001 Private Practice of Psychotherapy (part-time), Denver, CO
Supervisor for Licensure - Colorado
- 1989-1990 Executive Director, American Association of State Counseling Boards
- 1988-1990 Doctoral Student and Graduate Assistant, Department of Counselor
Education, Mississippi State
- 1987-1988 Program Coordinator, Substance Abuse Treatment, Caradale Lodge,
Sylacauga, AL.
- 1986-1988 Private Counseling Practice, Cotton & Associates, Birmingham, AL.
- 1985-1988 Substance Abuse Counselor, Caradale Lodge, Sylacauga, AL.
Residential Treatment
- 1985-1986 Rape Response Counselor, Birmingham-Jefferson County Crisis Center,
Birmingham, AL.
- 1983-1985 Mental Health Worker II, Charter Southland, Mobile, AL.

SELECTED CONSULTING – Last 5 years

ACCREDITATION CONSULTATIONS

University of Alabama, Birmingham
Western Kentucky University, Bowling Green, KY
University of Akron, Akron, OH
Canisius College, Buffalo, NY
Mercy College, Hobbs Ferry, NY
Hofstra University, Hempstead, NY
Manhattan College, Manhattan, NY

NEW PROGRAM DEVELOPMENT/PROGRAM REVIEW

Mercy College, Hobbs Ferry,, NY, 2014
University of Akron, Akron, OH
Canisius (Ph. D. program), Buffalo, NY
University of British Columbia
Mercy College, Hobbs Ferry, NY - 2019

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- 1997 Stevens, P. Comprehensive Program Manual for a Master's and Certification Program in Marriage and Family Counseling. Universiti Kebangsaan Malaysia.
- 1996 Stevens-Smith, P. Student Handbook for Counseling Psychology and Counselor Education. (Revised). Division of Counseling Psychology and Counselor Education, University of Colorado at Denver.
- 1995 Stevens-Smith, P. Marriage and family counseling knowledge base requirements for NCATE Accreditation Report, School of Education, University of Colorado at Denver.
- 1994 Smith, R. L., & Stevens-Smith, P. Family systems approach to substance abuse. In W. Evraiff, (Ed.), Proceedings of the Fourth International Conference on Counseling in the 21st Century (pp. 153-158). Vancouver, British Columbia, Canada: Northern California Graduate University.
- 1993 Smith, R. L., & Stevens-Smith, P. Interim Accreditation Report for the Marriage and Family Training Program. Counseling Psychology and Counselor Education Division, University of Colorado at Denver.
- 1993 Stevens-Smith, P. Student Handbook for Practicum. Division of

Counseling Psychology and Counselor Education, University of
Colorado
at Denver.

- 1993 Stevens-Smith, P. Student Handbook for Counseling Psychology and Counselor Education. (Revised). Division of Counseling Psychology and Counselor Education, University of Colorado at Denver.
- 1991 Stevens-Smith, P., & Helwig, A. Student Handbook for Counseling, Division of Counseling Psychology and Counselor Education, University of Colorado at Denver.
- 1991 Stevens-Smith, P. (1991). Student Handbook for Marriage and Family Training. Counseling Psychology and Counselor Education, University of Colorado at Denver.

VIDEO TAPES/AUDIO VISUAL/INTERNET MATERIALS

- 2005 The state of school counseling in KY, Interview, Morehead Public Radio, April 4, 2005, The Morning Show
- 2003 Step Parenting, Interview, National Public Radio, October
- 2000 Stevens, P. Introduction to Systemic Counseling, Online Course, American Counseling Association, Alexandria, VA.
- 1998 Stevens, P. & Smith, R. Distinguished Presenters Series, International Association of Marriage and Family Counselors, Videotape Presentation and Demonstration of “Integrative Family Therapy”.
- 1998 Stevens, P. Colorado Jurisprudence Workshop Online, Department of Regulatory Agencies, Denver, CO. Available at <http://www.digitalceu.com>
- 1993 Stevens-Smith, P., & Smith, R. Healthy Family Functioning. Ann Arbor: University of Michigan Press.

COURSE PREPARATIONS

Capella University

Systemic Approaches to Gender and Sexuality
Theories and Techniques in Couple’s Therapy
Personality and Diagnostic Psychopathology: An MFT Perspective
Treatment of Mental and Emotional Disorders in Family Systems
Partner, Spousal and Child Abuse in Counseling

Invited Workshop for A Counselors' View of Italy, foreign study program sponsored by University of New Orleans

- 2004 "Traditional and Non-traditional Healing: An International Perspective", International Counseling Conference, Anchorage Alaska (accepted)
- 2002 "Gender Issues in Multicultural Counseling, International Counseling Conference, Ho Chi Minh City, Vietnam
- 2000 "Integrating the systems approach into a school setting". International Counseling Conference, San Jose, Costa Rica
- 1998 "What Exactly is a Family?", International Counseling Conference, Sydney, Australia
- 1997 "The Practice of Family Counseling", Kuala Lumpur, Malaysia
- 1997 "Solution Focused/Brief Therapy Training", Non-Government Organizations' Workshop, Kuala Lumpur, Malaysia
- 1997 "Parenting Issues in Malaysia, Sponsored by New Straits Times, Kuala Lumpur, Malaysia.
- 1997 "Parenting Issues in Malaysia", Universiti Kebangsaan Malaysia, Bangui, Malaysia.
- 1997 "Solution Focused Therapy in the School System", Universiti Kebangsaan Malaysia, Bangi, Malaysia.
- 1994 "Family Systems Approach to Substance Abuse", Counseling in the 21st Century International Conference, Vancouver, British Columbia, Canada.

National

- 2013 "Family Therapy and Aging", American Counseling Association, Cincinnati, OH
- 2007 "Will you still love me when I'm 64?" Caregiving across the lifespan" AADA regional Conference, Beaumont, TX
- 2004 "The effect of classroom structure on student success" American Counseling Association, Kansas City, KS
- 2004 "The Meaning of Leadership", Invited Key Note Speaker for Chi Sigma Iota at Canisius College

- 2002 "Using Systems Theory in Schools and Agencies, University of New Orleans, New Orleans, LA
- 2001 "Gender Issues in Counseling" University of New Orleans, New Orleans, LA.
- 2001 Developing a web-based class in marriage and family counseling. Web Net Conference, Orlando, FL
- 2001 Systemic Work in the Schools, American School Counselors Association, Portland, OR
- 2000 "Integrating Systems Theory into the School Setting", Association for Marriage and Family Therapy, Denver, CO
- 1999 "Culture, Counseling, & Spirituality: Implications of the Ireland Conference", Association for Counselor Education and Supervision, New Orleans, LA
- 1999 "Revision of the IAMFC Ethical Code", Association for Counselor Education and Supervision, New Orleans, LA
- 1998 "Integrative Family Therapy", Distinguished Presenter Series, American Counseling Association, Indianapolis, IN
- 1997 "Working with Difficult Couples". American Counseling Association, Orlando, FL
- 1995 "Defining the Concept of Family", American Counseling Association, Denver, CO.
- 1995 Mentoring for RTP, Women's Interest and Mentoring Network, American Counseling Association, Denver, CO.
- 1994 "Women in Higher Education: RTP or Alternative Options", American Counseling Association, Minneapolis, MN.
- 1994 "Family Counseling with Alternative Family Systems", American Counseling Association, Minneapolis, MN.
- 1993 "Gender and Counseling", Association for Adult Development and Aging, New Orleans, LA. (Invited)
- 1993 "Gender Issues in Marriage and Family Counseling", American Counseling Association, Atlanta, GA.
- 1993 "The Women's Summit: Diversity, Dignity, and Development", American Counseling Association, Atlanta, GA. (Invited)

- 1992 "Accreditation and Training Standards in Marriage and Family Counseling", Association for Counselor Education and Supervision, San Antonio, TX.
- 1992 "Healthy Family Functioning", International Association of Marriage and Family Counselors, Breckenridge, CO
- 1992 "Counseling Today's Families", American Counseling Association National Workshop, Sacramento, CA. (Invited)
- 1992 "Counseling Today's Families", American Counseling Association National Workshop, Seattle, WA. (Invited)
- 1992 "Counseling Today's Families", American Counseling Association National Workshop, San Diego, CA. (Invited)
- 1992 "State Licensure and Effective Government Relations", American Association for Counseling and Development, April, 1992, Baltimore, MD.
- 1992 "Development of Ethical Standards for the International Association of Marriage and Family Counselors", American Association for Counseling and Development, April, 1992, Baltimore, MD.
- 1989 "Genograms in Substance Abuse Treatment," American Association for Marriage and Family Therapy Annual Conference, 1989, San Francisco, CA.

State and Region

- 2011 Family Therapy and Aging, Old Dominion, Norfolk, VA
- 2005 "Working with Difficult People", Kentucky Adult Education Academy, Bowling Green, KY
- 2005 "Gender Differences in Learning", Kentucky Counseling Association, Louisville, KY
- 2005 "Single Sex Classrooms: Are They the Solution" (Final Study Results), Kentucky School Counselors Association, Lexington, KY
- 2004 "Single Sex Classrooms: Are They the Solution" (Pilot Study Results), Kentucky School Counselors Association, Lexington, KY
- 2004 "Solution Focused Counseling: Assisting your Students to Success", Kentucky School Counselors Association, Lexington, KY
- 2003 "The Effect of Classroom Structure on School Success", Kentucky Counseling Association, Louisville, KY

- 2003 Counselor “Systems Concepts in the School Setting”, Kentucky School Association, Lexington, KY
- 2002 “Using Solution Focused Brief Therapy”, Kentucky Counseling Association, Louisville, KY
- 2001 Luncheon Presenter, Alabama Association for Marriage and Family Counselors, Birmingham, AL
- 2001 “Family Counseling in the Schools”, Alabama Association for Marriage and Family Counselors, Birmingham, AL
- 2000 “Integrating Systems Theory into School and Agency Settings, University of New Orleans, New Orleans, LA
- 2000 “Integrating Systems Therapy into the School Setting, Alabama Counseling Association Conference, Birmingham, AL
- 2000 Luncheon Presenter, Alabama Association for Marriage and Family Counselors, Birmingham, AL
- 2000 “Integrating Systems Therapy into the School Setting, Colorado Counseling Association, Denver, CO
- 2000 “Looking Ahead to the New CACREP Standards”, Rocky Mountain Association for Counselor Education and Supervision, Jackson, WY
- 1999 “The Truth about Men and Women: What Counselors Need To Know, University of New Orleans, New Orleans, LA
- 1998 "Gender Issues in Family Counseling", University of New Orleans, New Orleans, LA
- 1997 “Gender Issues in Counseling”, Montana State University, Bozeman, Montana
- 1996 “Ethical and Legal Issues in Marriage and Family Counseling”, Colorado Counseling Association, Denver, CO.
- 1993 "Feminist Family Therapy", Colorado Association for Marriage and Family Therapy, Denver, CO.
- 1992 "Gender and the Family", Colorado Counseling Association, Colorado Springs, CO.
- 1991 "Issues in the Accreditation of Marriage and Family Counseling Programs," Western Association for Counselor Education and Supervision, 1991, San Diego, CA.

- 1991 "Family Health and Pathology," Colorado Association for Counseling and Development
- 1991 "Ethical Issues Associated with Brief Family Therapy," Colorado Association for Marriage and Family Therapy
- 1989 "Basic Communication Skills," Mississippi Alcohol Safety Education Program, Natchez, MS.
- 1989 "Group Dynamics," Mississippi Alcohol Safety Education Program, Natchez, MS.
- 1989 "Bridges and Fences: The Use of Family Maps In Substance Abuse Treatment," Alabama Council for Community Mental Health, Birmingham, AL.
- 1986 "The Exploded Nuclear Family," Alabama Council for Community Mental Health, Birmingham, AL.

Local

- 2015 Women in Transition, Louisville recreational Center, Louisville, CO
- 2006 Introducing the Women's Center. Women in Real Estate, Logan, Utah.
- 2005 Boys and Girls Learn Differently: Approaches to Teaching Same Sex Classrooms, Robertson County Schools, Mt. Olivette, KY
- 2004 Managing your Stress: A workshop for MSU employees, April, Morehead, KY
- 2002 Solution Focused Brief Therapy, Eastern Kentucky University, Richmond, KY
- 2000 Jurisprudence Workshop: The Law and Counseling in Colorado" Approved Presenter for the State Board of Regulatory Agencies, Denver, CO. Online course.
- 1999 Jurisprudence Workshop: The Law and Counseling in Colorado" Approved Presenter for the State Board of Regulatory Agencies, Denver, CO. Online course.
- 1998 "Family Therapy Techniques", University of Colorado at Denver, Workshop

- 1998 Jurisprudence Workshop: The Law and Counseling in Colorado”
Approved Presenter for the State Board of Regulatory Agencies, Denver, CO.
Workshops held monthly. Developed online course for national use.
- 1997 Jurisprudence Workshop: The Law and Counseling in Colorado”
Approved Presenter for the State Board of Regulatory Agencies, Denver,
CO. Workshops held monthly.
- 1997 “Ethical and Legal Issues in Marriage and Family Therapy”, Colorado
Association for Marriage and Family Therapy, Denver, Co.
- 1996 Jurisprudence Workshop: The Law and Counselors in Colorado”
Approved Presenter for the State Board of Regulatory Agencies, Denver,
CO. Workshops held monthly.
- 1995 “Jurisprudence Workshop: The Law and Counselors in Colorado”
Approved Presenter for the State Board of Regulatory Agencies, Denver,
CO. Workshops held monthly.
- 1995 "Jurisprudence Workshop: The Law and Counselors in Colorado", Maria
Droste Agency, Denver, CO.
- 1995 "Family Therapy with Adolescent Residential Clients", Excelsior Youth
Center, Two-Part Series, (Invited)
- 1994 "Introduction to Family Therapy". Excelsior Youth Center, Three-Part
Series, (Invited)
- 1992 "The Context of Substance Abuse: Adolescents and the School", Trainer
for Project COPE, Denver Public School System (Invited)
- 1992 "Research and the Art of Having Your Work Published", University of
Colorado at Denver
- 1992 "The Use of Film in the Classroom" Brownbag Series, University of
Colorado at Denver
- 1992 "Women in the Workforce and their Status Today," YWCA, Boulder, CO.
(Invited)
- 1990 "Contemporary Family Issues," Department of Corrections, Staunton
Correctional Center, Staunton, VA. (Invited)
- 1987 "Communication Skills," Talladega County Board of Education,
Talladega, AL.
- 1987 "Drugs in the Workplace," City of Sylacauga Utility Board, Sylacauga,
AL.

- 1987 "Stress Management," Sylacauga Hospital, 1987, Sylacauga, AL.
- 1986 "Stress Management," ICU Nursing Staff, Sylacauga Hospital, Sylacauga, AL.
- 1986 "Building Self-Esteem," The Alabama Cooperative Extension Service, Talladega, AL.

RECOGNITIONS, HONORS, ETC.

- Senior Fulbright Scholar, Pending
- Outstanding Mentoring and Training Award, International Association of Marriage and Family Counseling, March, 2000
- Fulbright Scholarship, July to December 1997, Universiti Kebangsaan Malaysia. Kuala Lumpur, Malaysia.
- Outstanding Service to the Division, Colorado Association of Marriage and Family Counselors, October 1996
- Outstanding Service Award, School of Education, University of Colorado at Denver, 1994.
- Outstanding Service Award, Counseling Psychology and Counselor Education Division, 1994.
- Outstanding Marriage and Family Program, Colorado Association for Marriage and Family Therapy, 1994
- Outstanding Research Award, School of Education, University of Colorado at Denver, 1993.
- Outstanding Research Award, Counseling Psychology and Counselor Education Division, 1993.
- Outstanding Junior Scholar, School of Education, University of Colorado at Denver, 1992.
- Outstanding Research Award, Counseling Psychology and Counselor Education Division, 1992.
- Outstanding Teacher Award, School of Education, University of Colorado at Denver, 1991.
- Outstanding Teacher Award, Counseling Psychology and Counselor Education, University of Colorado at Denver, 1991.
- Outstanding Graduate Teaching Assistant Award, Mississippi State University, 1990.
- Chi Sigma Iota, Counseling Honorary
- Phi Delta Kappa, Educational Honorary
- Who's Who Among Students in American Universities and Colleges, 1990.

PROFESSIONAL ORGANIZATIONS

- Fulbright Association (current)
- Colorado Association for Marriage and Family Therapy (current)
- American Counseling Association (current)

Association for Counselor Education and Supervision (past member)
 American School Counselor Association (past member)
 Association for Adult Development and Aging (past member)
 Counselors for Social Justice (past member)
 Chi Sigma Iota (lifetime member)
 American Association for Marriage and Family Therapy
 Clinical Fellow (current)
 American Association for Marriage and Family Therapy
 Approved Supervisor (thru 2014)
 Colorado Counseling Association (past member)
 Colorado Association of Marriage and Family Counselors (past member)
 Kentucky Counseling Association (past member)
 Alabama Counseling Association (past member)
 National Family Health Care Coalition (past member)

OTHER INDICATORS OF SCHOLARSHIP

Research Support

2006	Kentucky Child Assault Prevention Grant, State of Kentucky. Funded (\$114,000)
2005	Kentucky Child Assault Prevention Grant, State of Kentucky. Funded (\$100,000)
2003	The Effect of Same Sex Classroom Structure on Academic Success at Beaumont Middle School, Eastern Kentucky University. Funded (\$3,581)
2003	The Effect of Same Sex Classrooms on Self Esteem, Academic Perception, and Acts of Violence, College of Justice and Safety, Eastern Kentucky University. Funded (\$7,997)
1998	Violence Prevention Programs for Middle School Children, Centers for Disease Control Grant. Not Funded
1996	Levels and Psychological Correlates of Youth Risk Behaviors, School of Education Mini-Grant. Funded.
1995	Levels and Psychological Correlates of Youth Risk Behaviors, Faculty Grant, UCD. Funded.
1993	Understanding the Concept of Family. Junior Faculty Development Awards, UCD. Not Funded.
1992	Understanding the Concept of Family. Junior Faculty Development Awards, UCD. Not Funded.
1991	High Risk Behaviors in Colorado Adolescents. Junior Faculty

Development Awards, UCD. Not Funded.

LICENSES AND CERTIFICATIONS

Child and Family Investigator, Colorado
 Licensed Professional Counselor, State Board of Regulatory Agencies,
 Denver, Colorado
 Licensed Marriage and Family Therapist, State Board of Regulatory Agencies, AL
 (inactive)
 Licensed Marriage and Family Therapy Supervisor, Board of Regulatory Agencies, AL
 (inactive)
 Clinical Fellow, American Association for Marital and Family Therapy
 Approved Supervisor, American Association for Marital and Family Therapy (inactive)
 National Certified Counselor, National Board of Certified Counselors,
 Greensboro, North Carolina. (inactive)
 Licensed Professional Counselor, Kentucky (relinquished at move)
 Licensed Professional Counselor, Utah (relinquished at move)
 Licensed Professional Counselor, Alabama Board of Examiners in Counseling,
 Birmingham, Alabama (inactive)
 Licensed Clinical Supervisor, Alabama Board of Examiners in Counseling,
 Birmingham, Alabama (inactive)
 Certified Family Therapist, National Academy of Certified Family Therapists,
 Denver, CO. (1995-1999)

SERVICE

National

Board Member at Large, Association for Adult Development and Aging, 2013-2014
 President-Elect, Association for Adult Development and Aging, 2007-2008
 Co-Chair, AADA Strategic Planning Committee, 2004-2005
 Member, AADA Competencies Committee, 2004-2005
 Member, ACA Professional Development Committee, 2004-2007
 Chair, ACA Professional Standards Committee, 2005-2006
 Red Cross, Mental Health Provider, 2005 –
 Red Cross, Disaster Action Team, Utah, 2006-2009
 Member-at-Large Elect, Association for Adult Development and Aging (AADA),
 2005-2006
 Program Reviewer, Association for Adult Development and Aging for American
 Counseling Association conference, Montreal, 2006
 Chair, ACA Professional Standards Committee, 2005-2006
 Editorial Board, Counselor Education and Supervision, 2004-2007
 Member, ACA Ethics Appeal Committee, 2004-2006
 Member, ACA Division and Organizational Affiliate Task Force, 2003-2004
 Member, ACA Professional Standards Committee, 2003-2004
 Member, ACA Ethics Committee, 2002-2003
 Program Reviewer, American Association for Marriage and Family Therapy, 2001,
 2002.

Editorial Board, Counseling and Human Development, 2000-2002
 Board of Directors, International Association of Marriage and Family Counselors, 1998-2003.
 President, International Association of Marriage and Family Counselors, 2000-2002 .
 President-Elect, International Association of Marriage and Family Counselors, 1999-2000.
 Chair, Ethics Committee, International Association of Marriage and Family Counselors, 1996-1998; 1998-2000.
 Program Reviewer, American Association for Marriage and Family Therapy, 2000, 2001.
 National Conference in Denver, CO.
 Editorial Board, Human Development, 1999-2000.
 Editorial Board, AdultSpan Journal, 1999-2007
 Member, Joint Council on Family Relations, Washington, D.C., 1994 - 1996.
 Representative for the International Association of Marriage and Family Counselors to the Council for Accreditation of Counseling and Related Educational Programs (CACREP), 1994- 2000.
 External Relations Committee, CACREP, 1997-2000
 Chair, Showcase of Programs Committee for 1995 Conference, CACREP, 1995
 Chair, Committee on Internship Accreditation, CACREP, 1995
 Chair, Committee on Training, CACREP, 1995
 Special Editor, Gender and Ethnic Issues in Counselor Training, Counselor Education and Supervision, June, 1995
 Co-Chair, Women's Interest and Mentoring Network, Association for Counselor Education and Supervision, 1991-1993.
 Member, Advisory Council on Preservice HIV/AIDS and STD Teacher Training, Centers for Disease Control and Prevention
 Editorial Board, Journal of Counseling and Development, 1993-1995
 Editorial Board, The Family Journal, 1991-1994; 1994-1997, 1997-2000, 2001-2003.
 Book Review Board, The Family Journal, 1991-1994, 1999-2002.
 Book Reviewer, The Journal of Marital and Family Therapy
 National Board of Certified Counselors, CACREP/NCC Coordinator, 1991-2001
 CACREP Team Member Training, Site Visitor and Team Chair, 1991 - present
 American Association for Counseling and Development, Licensure Committee, 1991-1992.
 International Association of Marriage and Family Counselors, Government Relations Committee, 1992-1994; 1994-1996.

State

Utah Governor's Taskforce on Women's Issues, 2007-2009
 Utah Commission on Children and Families, 2006-2009
 Kentucky Taskforce for Revision of School Counseling Standards, 2003-2005
 Kentucky Human Resources Workgroup, Cabinet for Health Services, 2002-2006
 Kentucky Counseling Association
 Kentucky Association for Mental Health Counselors

Colorado Association of Marriage and Family Counselors, Board Member, 2000-2002

Colorado Association of Marriage and Family Counselors, Board Member, 1994-1998

Colorado Association of Marriage and Family Counselors, President, 1992-1994

Colorado Counseling Association, Chair: By-Laws Committee, 1993-1997

University

Chair, AA/EO Appeals Committee, Utah State University, 2007- 2008

Member, Tri-Council on Women's Issues, 2006-2009

Member, Bennion Board of Directors, 2006-2009

Member, University Retention Committee, 2006-2009

Member, COE Dean's Search Committee, Morehead State University, 2005

Member, Women's Studies Council, 2003-2005

Member – Chair's Forum, 2003-2005

Member, University Chairs' Steering Committee, Eastern Kentucky University,
2001 - 2003

Member, Faculty Assembly, UCD, 1999-2000

Member, University Curriculum Committee, UCD, 1998-1999

Member, University Faculty Review Committee, UCD, 1996-1997

Vice-Chair, Faculty Assembly, UCD, 1996-1997

System Wide Graduate Council, University of Colorado at Denver Representative, 1995-1999

Graduate Council Representative, School of Education, 1995-1998

Member, Conflict of Interest Committee, University of Colorado at Denver, 1995-

Academic Personnel Committee, University of Colorado at Denver, 1994-1997

Chair, 1995-1997.

School/College

Member, Search Committee, Wellness Coordinator, 2007

Chair, Alcohol Ad Hoc Committee, Student Services, Utah State University, 2006-2007

Member, Student Service Assistance Team, 2006-2009

Member, College Technology Committee, 2002 -2003

Member, Teacher Education Committee, 2002 -2003

Member, College Curriculum Coordinating Committee, 2002-2003

Member, Teacher Education Committee, College of Education, 2002-2003

Chair, Future Initiatives Committee, School of Education, 1999-2000.

Member, Faculty Advisory Committee, School of Education, University of Colorado at
Denver, 1999-2000

Chair, Future Initiatives Task Force, School of Education, University of Colorado at
Denver, 1999-2000.

Chair, Curriculum Committee, School of Education, University of Colorado at
Denver, 1998-1999.

Faculty Assembly Representative, School of Education, 1994 - 1997

Organization and Governance Committee, School of Education, University of
Colorado at Denver, 1992.

Search Committee, Associate Dean School of Education, University of Colorado at Denver, 1992.
Curriculum Committee, School of Education, University of Colorado at Denver, 1994-1996.
Curriculum Committee, School of Education, University of Colorado at Denver, 1992-1994.
Workload Equity Committee, School of Education, University of Colorado at Denver, 1992.
Retreat Committee, School of Education, University of Colorado at Denver, 1991.

Division/Department

Member, Contract Renewal and Tenure Committee, 2004-2006
Member, Program Revision Committee, 2004 -2006
Program Leader, Counseling Program, 2004-2006
Chair, Evaluation Committee, 2001-2003
Director, Marriage and Family Training Program, 1992-2001
Clinical Consultant, Counseling and Family Therapy Center, Counseling Psychology and Counselor Education Division, 1994-2001
Director, Counseling and Family Therapy Center, Counseling Psychology and Counselor Education Division, 1992 – 1994.
Curriculum Committee, Counseling Psychology and Counselor Education Division, 1992-2001
Comprehensive Examination Committee, Chair, Counseling Psychology and Counselor Education, 1992-1993.
Student Screening and Monitoring Committee, Chair, Counseling Psychology and Counselor Education Division, 1992-1994.
Marriage and Family Counseling Advisory Board Committee, Chair, 1991 - 2001
Doctoral Student Advisory Council, Graduate School, Mississippi State University
Committee for Curriculum Revision for CACREP Accreditation, Student Representative, Department of Counselor Education, Mississippi State University
Counselor Education Student Association, President, 1989-1990, Department of Counselor Education, Mississippi State University

RE: follow-up from CACREP

RU

Robert Urofsky <rurofsky@cacrep.org>

Today, 1:18 PM

Jordan, Karin B

Reply all |

Inbox

To help protect your privacy, some content in this message has been blocked. To re-enable the blocked features, [click here](#).

To always show content from this sender, [click here](#).

Karin:

Thank you for reaching out to me with your questions and concerns. I know you had a chance to discuss some of these considerations with Yvette and that she clarified the process. At this point we have not yet received the report from the team. Once that is received and formatted by the CACREP staff, copies of it will be sent to the President, Dean, Department Chair and CACREP Liaison. The institution is provided 30 days in which to respond to the report. The Institutional Response is an opportunity for the institution/program to communicate directly with the CACREP Board of Directors in relation to any standards or policies cited by the site team as not met. If you feel that the information that the team includes in its report is inaccurate, the Institutional Report affords an opportunity for you to make that case and provide additional supporting documentation for the Board's review.

I hope this information is helpful.

Sincerely,
Robert Urofsky

Robert I. Urofsky, Ph.D.
Vice President of Accreditation and Training
Council for Accreditation of Counseling and Related Educational Programs (CACREP)
1001 North Fairfax Street, Suite 510
Alexandria, VA 22314

phone: 703.535.5990
fax: 703.739.6209
email: rurofsky@cacrep.org
website: [www.cacrep.org]www.cacrep.org

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Jordan

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EXHIBIT B

CACREP is a recognized accrediting agency by the Council for Higher Education Accreditation (CHEA) and holds full membership status with the Association of Specialized and Professional Accreditors (ASPA) and the International Network of Quality Assurance Agencies in Higher Education (INQAAHE).

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From: Jordan, Karin B [mailto:kj25@uakron.edu]
Sent: Wednesday, March 1, 2017 8:54 PM
To: Robert Urofsky
Subject: Re: follow-up from CACREP

Hi Robert,

I wanted to contact you regarding some concerns regarding our site visit. The team made it clear that we had the right to voice concerns.

First, let me say that everyone was cordial, but all of us realized that there was little time spend asking questions, beyond the original meeting, which was an hour less than scheduled. Our MFC/T coordinators spent another 20-30 minutes separately with a team member. The team member that was assigned to review the Counselor Education and Supervision (Counselor Education track and MFC/T track spent time doing a Skype interview with the CE Coordinator, but did not go to the internship site of the MFC/T program.

The real concerns are:

1. Our faculty had arranged that team members were transported to and from the hotel by one faculty member each morning and evenings. Dr. Hendricks however, was repeatedly transported separately by Dr. Schwartz, which raised concerns by several faculty.

2. We were given the exit review with the feedback that our master's MFC/T program meets all standards, however there was no clear counseling identity by students. Our students however, have reported that they had communicated their clear counseling identity (as they indeed have the counseling identity and many will get their LPCC license). Please know that the "counseling identity" issue was raised only once during the faculty meeting, in regard to memberships. At no time was the faculty asked how they communicate counseling identity or commitment to the counseling profession. I have been an ACA/IAMFC member for over 20 years. I am active at ACA conference (I am not active at AAMFT), I was on the last President's Special Task Force, have been leading the ACA trauma interest group for many years, annually attend ACA conferences and present a pre-conference workshop each year.

3. The team reported they could not evaluate our Counselor Education and Supervision: MFC/T track. However, this program has not changed much since it was accredited 7 years ago when we passed with "flying colors". Our students are strongly grounded in the counseling professions and take classes with the students in the other track. Please know we presently have CMHC in our doctoral program who not only have the counseling foundation, but also have a strong

counseling identity. The students reported that their counseling identity was never brought up as a question when they met with the team. So our students are very puzzled, as are we.

4. The team also suggested that the MFC/T programs (master's and doctoral) be moved out of the School of Counseling.

Having served as a faculty member or a chair in counseling departments for over 30 years, I can say that it is not unusual to have various programs in one School or one Department.

5. We were also told that our teaching load needed to be lowered to a 2/2 load from a 3/3 load, and to be aligned with another program, however there is justification for the difference in teaching requirements, which was not addressed.

Finally, I should let you know that I tried to reach you by phone before I was told that you were out today. I spoke with Yvette, who I believe has been working with our CACREP liaison, and she told me that we had been informed of concerns about the MFC/T program's counseling identity multiple times. I only found one reference to this in the most recent correspondence (fall 2016). Perhaps we missed something?.

I did speak with our consultant, Patricia Stevens, who encouraged me to contact you and voice my own and my faculty's concerns.

I would appreciate it if further communication can occur only with me directly.

Thanks
Karin

Dr. Karin Jordan
Professor and Director, School of Counseling
Associate Dean, College of Health Professions

302 Buchtel Common,
Akron, OH 44325
330.972.5515

[http://share.uakron.edu/global/includes/
images/poly/UAOPU_Horiz.png](http://share.uakron.edu/global/includes/images/poly/UAOPU_Horiz.png)

From: Robert Urofsky <rurofsky@cacrep.org>
Sent: Friday, January 27, 2017 2:41 PM
To: Jordan, Karin B
Subject: RE: follow-up from CACREP

Karin:

I have reached out to Dr. Locke and let Liz know of the need to identify a different team chair for the visit. She will let the other team members that we are headed in that direction. As indicated in our phone conversation, due to the procedural considerations, if additional costs are involved with scheduling a different chair at this point, they will need to be incurred by the institution.

Regards,
Robert

Robert I. Urofsky, Ph.D.
Vice President of Accreditation and Training
Council for Accreditation of Counseling and Related Educational Programs (CACREP)
1001 North Fairfax Street, Suite 510
Alexandria, VA 22314

phone: 703.535.5990
fax: 703.739.6209
email: rurofsky@cacrep.org
website: [www.cacrep.org]www.cacrep.org

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From: Jordan, Karin B [<mailto:kj25@uakron.edu>]
Sent: Thursday, January 26, 2017 3:31 PM
To: Robert Urofsky
Subject: Re: follow-up from CACREP

Just called your office and was told you are out sick today. I am sorry to hear that.

I will be in meetings tomorrow morning, but can be available after 1:00 PM.

Perhaps if you are feeling better we can connect then.

Karin

Dr. Karin Jordan
Professor and Director, School of Counseling
Associate Dean, College of Health Professions

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From: Robert Urofsky <rurofsky@cacrep.org>
Sent: Wednesday, January 25, 2017 3:29 PM
To: Jordan, Karin B
Cc: 'Robert'
Subject: follow-up from CACREP

Dr. Jordan:

I am writing in follow-up to your conversation earlier in the week with Jenny Gunderman in the CACREP office in which you raised some questions about the personnel for the upcoming site visit. I called and left voice messages but I wanted to be sure to touch base via email as well in the hopes we can set up a time to talk. This is a bit time sensitive as the chair is waiting on further information from me about how to proceed with the visit. If you could let me know some days and times you could be available for a call, I would greatly appreciate it. If your time is limited, if you would like to send me information via email, that would be helpful as well.

Thanks so much,
Robert Urofsky

Robert I. Urofsky, Ph.D.
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2. Policies Governing Timelines

e. **Voluntary Withdrawal of Accreditation Status.** A program may withdraw from any status of accreditation at any time by forwarding such notice, in writing, to CACREP. In addition, if a program is an applicant for initial accreditation, the application for accreditation may be withdrawn by the institution at any time prior to final action being taken by the CACREP Board. The request for application withdrawal must be made in writing by an authorized institutional representative.

Retrieved from : <https://www.cacrep.org/for-programs/cacrep-policy-document/>
May 2, 2020

D.1. Relationships With Colleagues, Employers, and Employees

D.1.a. Different Approaches Counselors are respectful of approaches that are grounded in theory and/or have an empirical or scientific foundation but may differ from their own. Counselors acknowledge the expertise of other professional groups and are respectful of their practices.

D.1.b. Forming Relationships Counselors work to develop and strengthen relationships with colleagues from other disciplines to best serve clients.

D.1.c. Interdisciplinary Teamwork Counselors who are members of interdisciplinary teams delivering multifaceted services to clients remain focused on how to best serve clients. They participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the counseling profession and those of colleagues from other disciplines.

D.1.d. Establishing Professional and Ethical Obligations Counselors who are members of interdisciplinary teams work together with team members to clarify professional and ethical obligations of the team as a whole and of its individual members. When a team decision raises ethical concerns, counselors first attempt to resolve the concern within the team. If they cannot reach resolution among team members, counselors pursue other avenues to address their concerns consistent with client well-being.

D.1.e. Confidentiality When counselors are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, they clarify role expectations and the parameters of confidentiality with their colleagues.

D.1.f. Personnel Selection and Assignment When counselors are in a position requiring personnel selection and/or assigning of responsibilities to others, they select competent staff and assign responsibilities compatible with their skills and experiences.

D.1.g. Employer Policies The acceptance of employment in an agency or institution implies that counselors are in agreement with its general policies and principles. Counselors strive to reach agreement with employers regarding acceptable standards of client care and professional conduct that allow for changes in institutional policy conducive to the growth and development of clients.

D.1.h. Negative Conditions Counselors alert their employers of inappropriate policies and practices. They attempt to effect changes in such policies or procedures through constructive action within the organization. When such policies are potentially disruptive or damaging to clients or may limit the effectiveness of services provided and change cannot be affected, counselors take appropriate further action. Such action may include referral to appropriate

certification, accreditation, or state licensure organizations, or voluntary termination of employment.

D.1.i. Protection From Punitive Action Counselors do not harass a colleague or employee or dismiss an employee who has acted in a responsible and ethical manner to expose inappropriate employer policies or practices.

American Counseling Association (2014). ACA Code of Ethics.

Alexandria, VA: Author.

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

RACHEL BELL, et al.,	:	
	:	
Plaintiffs,	:	
v.	:	CASE NO. CV-2018-10-4103
	:	
THE UNIVERISTY OF AKRON,	:	JUDGE SUSAN BAKER ROSS
	:	
Defendant.	:	

DEFENDANT THE UNIVERSITY OF AKRON’S RESPONSES TO PLAINTIFF
RACHEL BELL’S FIRST SET OF INTERROGATORIES AND
REQUESTS FOR THE PRODUCTION OF DOCUMENTS

Defendant University of Akron’s (“Defendant”) responses to Plaintiffs’ First Set of Interrogatories and Requests for the Production of Documents (“Discovery Requests”) as set forth below, including the “Instructions” referenced therein, are subject to the General Objections and Explanations that follow. These objections form a part of each of Defendant’s responses to the Discovery Requests though they may not be specifically referred to in each and every response. Failure to incorporate any of these General Objections in any specific response should not be construed as a waiver of same. These responses are made for the sole purpose of this action and are subject to all objections to competence, relevance, authenticity, materiality, propriety, admissibility, and any and all other objections or grounds which would or could require or permit the exclusion of any document or statement herein from evidence, all of which objections and grounds are reserved and may be interposed at the time of the trial.

Defendant objects to, and has disregarded the "Instructions" preceding the Discovery Requests to the extent that they impose any additional duties or requirements on Defendant beyond those imposed by the Ohio Rules of Civil Procedure and/or the Local Rules. The documents will be sent via mail or email or as agreed among counsel, and will be produced in a manner consistent with Defendant's obligations under the Ohio Civil Rules.

General Objections and Explanations

1. **Privilege.** Defendant objects to the Discovery Requests to the extent they seek documents that mention, discuss, or refer to information protected by the attorney-client privilege or work product doctrine, the right of privacy of any person or entity, or any other applicable privilege or protection. Defendant deems such privileged communications not intended to be within the scope of the Discovery Requests and will not, and do not intend by these responses to waive the privilege afforded such privileged communications.

EXHIBIT 2

2. **Scope of Permissible Discovery.** Defendant objects to the Discovery Requests to the extent they are inconsistent with or expand the scope of permissible discovery under the Ohio Rules of Civil Procedure. Defendant will only respond to the Discovery Requests pursuant to its obligations under the Ohio Rules of Civil Procedure.

3. **Overly Broad, Unduly Burdensome.** Defendant objects to the Discovery Requests to the extent that the categories contained therein are overly broad, unduly burdensome, oppressive, vague, ambiguous, and/or seek documents that are not reasonably accessible.

4. **Duplication.** Defendant objects to the Discovery Requests to the extent it is duplicative, and to the extent that it seeks the production of documents already in the possession and/or control of Plaintiff.

5. **Relevance.** Defendant objects to the Discovery Requests on the grounds that it seeks documents that are neither relevant to the subject-matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

6. **Objections Not Waived.** Defendant's responses are made without waiving any objections to relevance, privilege, or admissibility of any information provided in response to the Discovery Requests in any subsequent proceeding or at the hearing or trial of this or any other action. A partial answer to any categories of the Discovery Requests that has been objected to in whole or in part is not a waiver of that objection. By asserting various objections, Defendant does not waive any other objections that may become applicable.

7. **Time Period.** Defendant objects to the categories contained within the Discovery Requests that are not confined to a relevant time period because they are overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. The responses herein are limited to the time period of January 1, 2017 through June 8, 2019 (the "Relevant Time Period" or "Litigation Period") unless otherwise specified.

8. **Possession, Custody, and Control.** Defendant's agreement to supply documents in response to the Request is not a representation or admission that any document is in fact in Defendant's possession, custody or control, but is instead an agreement to produce such non-privileged documents, if any, as Defendant located in its possession, custody, or control. Defendant objects to the extent that the Discovery Requests seek documents outside of Defendant's possession, custody, and control or seeks documents that are more readily or equally available to Plaintiff.

9. **Available Information.** Defendant objects to the Discovery Requests to the extent that they request documents that have been filed in any court of record or are otherwise publicly available.

10. **Inadvertent Production.** Inadvertent production of any document that is confidential or privileged shall not constitute a waiver of any privilege or any other ground for objection to discovery of such document, the information contained therein, or the subject matter thereof, or of Defendant's right to object to the use of such document or the information contained therein.

11. **Confidential and Proprietary Information.** Defendant objects to each request that seeks information that is confidential and proprietary or protected by statute, such as FERPA.

12. **Supplementation.** Discovery is ongoing and not all information has been gathered by the parties. These responses are based on current information in the possession of Defendant's counsel and Defendant reserves the right to amend, revise, clarify, or supplement any and all responses at any time in accordance with the Ohio Rules of Civil Procedure. If Plaintiff requests that these responses be supplemented with after-acquired information, Defendant agrees only to reasonably supplement consistent with discovery deadlines and prior to trial subject to all of the objections above. To the extent, Plaintiff's general instructions say otherwise, these Objections apply.

13. **Acronyms.** Throughout its responses, Defendant may rely on acronyms associated with relevant programs or designations. These include the following: Clinical Mental Health Counseling (CMHC); Counselor Education and Supervision Doctoral Program—Counselor Education Track (PhD CES); Counselor Education and Supervision Doctoral Program—Marriage and Family Counseling/Therapy Track (PhD MFC/T); Master's Program in Marriage and Family Counseling/Therapy (MFC/T); School Counseling (SC); Counseling Psychology Doctoral Program (PhD/CP).

Interrogatories

1. Identify all individuals with knowledge of the facts alleged in the Complaint, and the subject of each individual's knowledge.

RESPONSE:

Name	Rank and Title	Program Affiliation	Subject Knowledge
Yue Dang	Assistant Professor of Instruction	SC; PhD CES	Awareness of MFC/T and PhD MFC/T CACREP accreditation lapse and the complaint/lawsuits filed by current/former PhD MFC/T students
Karin Jordan	Professor (resigned March 31, 2018) Director, School of Counseling (until April 2017) Associate Dean, College of Health Professions (until	MFC/T; PhD MFC/T	Unknown

	April 2017)		
Heather Katafiasz	Assistant Professor MFC/T Coordinator	MFC/T; PhD MFC/T	In-depth knowledge and understanding on MFC/T and PhD MFC/T CACREP accreditation lapse and on the complaint/lawsuits filed by current/former PhD MFC/T students
Julie Lenyk	Assistant Professor of Instruction	CMHC; PhD CES	Awareness of MFC/T and PhD MFC/T CACREP accreditation lapse and the complaint/lawsuits filed by current/former PhD MFC/T students
Katie Logsdon	Administrative Assistant	N/A	Awareness of MFC/T and PhD MFC/T CACREP accreditation lapse and the complaint/lawsuits filed by current/former PhD MFC/T students
Dana Matthews	Assistant Professor of Instruction (resigned May 14, 2019)	SC; PhD CES	Awareness of MFC/T and PhD MFC/T CACREP accreditation lapse and the complaint/lawsuits filed by current/former PhD MFC/T students
Delila Owens	Associate Professor SC Coordinator	SC; PhD CES	In-depth knowledge and understanding on MFC/T and PhD MFC/T CACREP accreditation lapse and on the complaint/lawsuits filed by current/former PhD MFC/T students
Rikki Patton	Associate Professor	MFC/T; PhD MFC/T	In-depth knowledge and understanding on MFC/T and PhD

	PhD MFC/T Coordinator		MFC/T CACREP accreditation lapse and on the complaint/ lawsuits filed by current/former PhD MFC/T students
Rex Ramsier	Executive Vice President/Chief Administrative Officer	N/A	In-depth knowledge and understanding of MFC/T and PhD MFC/T CACREP accreditation lapse and of the complaint/lawsuits filed by current/former PhD MFC/T students
Varunee Faii Sangganjanavanich	Professor PhD CES Coordinator Interim Director, School of Counseling (appointed September 20, 2017)	CMHC; PhD CES	In-depth knowledge and understanding on MFC/T and PhD MFC/T CACREP accreditation lapse and on the complaint/ lawsuits filed by current/former PhD MFC/T students
Robert Schwartz	Professor CMHC Coordinator Associate Dean, College of Health Professions	CMHC; PhD CES	In-depth knowledge and understanding on MFC/T and PhD MFC/T CACREP accreditation lapse and on the complaint/ lawsuits filed by current/former PhD MFC/T students
David Tefteller	Assistant Professor of Instruction	MFC/T; PhD MFC/T	In-depth knowledge and understanding on MFC/T and PhD MFC/T CACREP accreditation lapse and on the complaint/ lawsuits filed by current/former PhD

			MFC/T students
Dr. Don T. Basse	Adams State University	CACREP Visiting Team Chair	Knowledge and understanding of the CACREP accreditation process and standards and Defendant's reaccreditation process and CACREP's response
Dr. Heather Trepal	University of Texas at San Antonio	CACREP Visiting Team Member	Knowledge and understanding of the CACREP accreditation process and standards and Defendant's reaccreditation process and CACREP's response
Dr. Michelle Mitcham	Florida A&M State University	CACREP Visiting Team Member	Knowledge and understanding of the CACREP accreditation process and standards and Defendant's reaccreditation process and CACREP's response
Dr. Bret Hendricks	Texas Tech University	CACREP Visiting Team Member	Knowledge and understanding of the CACREP accreditation process and standards and Defendant's reaccreditation process and CACREP's response
Yvette Peña Walkinshaw	Assistant Director of Accreditation	CACREP	Knowledge and understanding of the CACREP accreditation process and standards and Defendant's reaccreditation process and CACREP's response

CACREP Board Member(s) – To be determined	Member Board of Trustees	CACREP	Knowledge and understanding of the CACREP accreditation process and standards and Defendant's reaccreditation process and CACREP's response
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2. Identify all individuals you anticipate calling as witnesses at any stage of the litigation and, with respect to each, state the general subject matter of the individual's knowledge that relates to the facts alleged in the Complaint.

RESPONSE: Akron may call any of the individuals identified in response to Interrogatory No. 1 above, the named plaintiffs, and any other witnesses identified during the course of discovery or identified by plaintiffs. Consistent with the Rules of Civil Procedure, Defendant will supplement this response as necessary as discovery continues.

3. Identify all employees of Defendant's School of Counseling, specifying the job title, general duties, and responsibilities of each such person.

RESPONSE: Objection. Interrogatory No. 3 is vague and ambiguous in that it does not specify a time frame relative to the request. Subject to and without waiving the foregoing objections, Defendant identifies the employees currently employed by the School of Counseling:

Dr. Varunee Faii Sangganjanavanich Professor & Interim Director	Dr. Yue Dang Visiting Assistant Professor of Instruction
Dr. Robert C. Schwartz Professor and Associate Dean, College of Health Professions	Dr. Julie Lenyk Assistant Professor of Instruction
Robert Clapp Director, Clinic for Individual and Family Counseling	Dr. Rikki A. Patton Associate Professor
Dr. Heather Katafiasz Assistant Professor	Dr. David Tefteller Assistant Professor of Instruction
Dr. Delila Owens Associate Professor	Katherine M. Logsdon Administrative Assistant
Rose Resler Coordinator, Clinic for Individual and Family Counseling	

4. Identify all persons, agents, or employees of Defendant who have communicated, whether in person, by telephone, or in writing, with Plaintiffs since October, 2018.

RESPONSE: Objection. Plaintiffs are aware of the communications that they have had

with people since October, 2018 and are in a better position than Defendant to answer this question. Subject to and without waiving the foregoing objection, Defendant assumes that Plaintiffs may have communicated with some of the faculty members identified in response to Interrogatory No. 3. To the extent known to Defendant, see any and all documents produced by any party during the course of discovery in this case. This response may be supplemented within a reasonable time prior to trial

5. Identify all facts and documents supporting ¶ 13 of Defendants' Answer in the above-captioned matter, which states that "it was determined that it was in the college's best interest to permit the CACREP accreditation for the PhD program to lapse."

RESPONSE: This decision was based on an understanding of COAMFTE and CACREP requirements, the accreditation process of both bodies, the needs of students and the School of Counseling, and distribution of finite resources. This conclusion was made following consideration of CACREP's responses from initial reviewers, site team visitors, and the CACREP Board of Directors indicating that the MFT PhD program did not establish clear evidence of compliance with various standards throughout the multi-stage review process demonstrating substantial risk of denial of accreditation. Per the CACREP policy, accreditation "is granted for a specified period of time" and accreditation expires at the end of that time period if a program is not accredited again due to the accreditation time period lapsing, or a program voluntarily withdrawing from accreditation, or the CACREP Board of Directors denying accreditation "when, in the professional judgment of the CACREP Board of Directors, the counseling program specialty has been unable to establish clear evidence that it is in substantial compliance with the standards."

Voluntary withdrawal could have shortened the expiration of the MFT PhD program's accredited status (beginning on the date of withdrawal). The indicators leading to denial of accreditation were clear and consistent, including but not limited to site visitors' conclusions that the MFT programs should not pursue CACREP accreditation (focusing instead on COAMFTE accreditation). In either of these scenarios current students, the future of the programs, and the university were likely to experience greater negative consequences than allowing the current accreditation cycle to lapse. And in both of these scenarios per CACREP written policy "students in a CACREP accredited program for which accreditation is withdrawn or denied must graduate before or in the academic term during which accreditation is withdrawn or denied to be recognized as graduates of a CACREP program" (See <https://www.cacrep.org/for-programs/program-faqs-2/> and <https://www.cacrep.org/for-programs/cacrep-policy-document/#policy2.e>).

Defendant's decision afforded all current MFT students with the most favorable outcome by allowing the current accreditation to expire while notifying students of this decision and offering students academic options and faculty support. In fact, although the MFT accreditation period officially ended August 31, 2017, current students were permitted to extend their graduation from a CACREP accredited program until December 2017 because Fall 2017 semester began a few days before the end-accreditation date arrived. CACREP honored the 'academic term' wording in their policy related to "the academic

terms during which accreditation is withdrawn or denied...” allowing additional time for MFT doctoral students to complete their degree.

Additional facts and supporting documentation may be found in the documents produced in response to these interrogatories.

6. Identify all criteria used, relied upon, or consulted to determine, as stated in ¶ 13 of Defendant’s Answer in the above-captioned matter, “that it was in the college’s best interest to permit the CACREP accreditation for the PhD program to lapse.”

RESPONSE: Objection. Interrogatory No. 6 is vague and ambiguous in that “criteria” is not defined. Subject to and without waiving the foregoing objections, Defendant, refers back to the information provided in response to Interrogatory No. 5, and further states that it relied upon the CACREP 2009 Standards for master’s programs accreditation. These standards included three sections: learning environment, professional identity, and professional practice. Section I outlines the learning environment including structure and evaluation of the institution and program in order to comply with CACREP requirements in terms of curriculum, FTE, and faculty (including professional identity). Section II describes CACREP foundational knowledge (also known as CACREP 8 core areas) linked to student learning outcomes. Section III outlines requirements for practicum and internship experience as well as each program specialty linked to student learning outcomes.

Based on the initial findings presented by the site visit team during the exit interview and the site team final report, it was clear that although MFC/T programs met other training standards (section II and III), they failed to comply with foundational and important standards listed in Section I—professional identity. At the time, the issue was that a majority of full time/core faculty members did not meet most of the requirements listed under Faculty and Staff in Section I. The site visitors made it clear that this was their major concern and all SOC BUF and administration were aware of such a concern.

Per the CACREP 2009 Standards, programs are required to provide evidence that they meet every single standard in order to obtain a full cycle accreditation (8 years). If at least one standard was not met, the program would only be considered for either a probationary accreditation status (2 years) or denied accreditation decision. If the program was issued a probationary accreditation status, the program would be required to address unmet standards within the two year period (first year for implementation and second year for report preparation. In addition, unlike other School of Counseling graduate programs, MFC/T programs were the only two programs (of six programs) accredited by two accrediting bodies. It was believed that by allowing CACREP accreditation to lapse, students and graduates would still benefit from having COAMFTE accredited programs which better aligned with their professional identity and career goals.

7. Identify all persons who were involved in, participated in, or contributed in any manner to the decision, as stated in ¶ 13 of Defendant’s Answer in the above-captioned matter, “that it was in the college’s best interest to permit the CACREP accreditation for the PhD program to lapse,” including the specific role and contribution that each such person played or made.

RESPONSE: The following individuals all participated in the CACREP reaccreditation process:

Name	Program	Role	Contribution
Heather Katafiasz	MA/MS MFC/T	Program Coordinator	Participated in meetings/conversations leading to the decision
Delila Owens	MA/MS SC	Program Coordinator	Participated in meetings/conversations leading to the decision
Rikki Patton	PhD MFC/T	Program Coordinator	Participated in meetings/conversations leading to the decision
Rex Ramsier	N/A	Senior Vice President and Provost	Participated in meetings/conversations leading to the decision Facilitated communication between faculty and university higher administration when needed Ultimately responsible for the final decision to withdraw from CACREP
Varunee Faii Sangganjanavanich	PhD CES	Program Coordinator	Participated in meetings/conversations leading to the decision
Robert Schwartz	MA CMHC	Program Coordinator; CACREP Liaison	Participated in meetings/conversations leading to the decision Facilitated communication between faculty and Provost Ramsier Communicated with and received communication from CACREP on behalf of

			the University
David Tefteller	MA/MS and PhD MFC/T	Program Faculty	Participated in meetings/conversations leading to the decision

8. Identify the reasons why Defendant instructed students to refrain from “reach[ing] out directly to higher-level administrators at the university, or to other entities such as CACREP or the state licensing board,” as reflected in Exhibit 1, Letter to Doctoral and Master’s Students from School of Counseling faculty dated 4/17/2017.

RESPONSE: The basis for this request is clearly explained in the document itself. Defendant was attempting to work through the issues at hand and believed that it was in the best interest of the School of Counseling and its students to have a unified and strategic approach to communication rather than a series of uncoordinated communications.

9. State the tasks, duties, responsibilities, and obligations of the Defendant’s CACREP liaison from 2015 to the current day. If such tasks, duties, responsibilities, or obligations have changed, please identify when, why, and how they have been changed.

RESPONSE: CACREP guidelines outline the responsibilities of the CACREP liaison. Those guidelines are available online <http://www.cacrep.org/wp-content/uploads/2012/10/CACREP-Liaison-Responsibilities-7.2015.pdf> (Last visited 8/13/2019).

10. Identify the “various other roles” that Dr. Schwartz has held at Defendant’s institution since 2000 as indicated in ¶ 15 of Defendant’s Answer in the above-captioned matter.

RESPONSE: In addition to the official employment roles and titles reflected on Dr. Schwartz’s CV, Dr. Schwartz has also served in various unofficial elected or appointed roles not listed on certificates of appointment or personnel action forms, such as CACREP liaison (elected unanimously by faculty) and reaccreditation chair (appointed by Dr. Jordan).

11. Identify the facts underlying Dr. Schwartz’s removal from his position as the head of the Defendant’s Clinic for Individual and Family Counseling, including without limitation the date of his removal.

RESPONSE: This decision was made by Dr. Karin Jordan, who served as the Chair of the Department of Counseling at that time. Dr. Jordan’s position on this issue was described in her letter to Dr. Schwartz dated July 3, 2012. Upon realizing that this letter was included in his personnel file, Dr. Schwartz drafted a letter in response.

12. Identify the date as of which Defendant contends that Defendant decided, determined, or chose to permit CACREP accreditation of the PhD program to lapse.

RESPONSE: This determination was made on or about April 10, 2017.

13. Identify the reasons why Defendant withdrew from or permitted the PhD’s accreditation

from CACREP to lapse instead of withdrawing from or permitting the PhD's accreditation from COAMFTE to lapse.

RESPONSE: See Defendant's response to Interrogatory No. 5 above. In addition, COAMFTE accreditation was linked to the MFT program's primarily Ohio licensure and current MFT students and faculty had a stronger MFT (versus counselor) professional identity.

14. Identify any agreement or consensus, formal or informal, among "MFT faculty" that matters relating to accreditations for the PhD program would not be determined "without consulting other CACREP faculty as previously agreed to by MFT faculty," as reflected in PRR17-08-11-60 000125.

RESPONSE: MFT faculty and non-MFT faculty in CACREP accredited programs agreed to discuss and draw collaborative decisions regarding recommendations for how to respond to CACREP's MFT program conclusions. However, documents suggest that some MFT faculty met separately with other non-CACREP counseling psychology faculty and independently determined a different course for proceeding. This is evidenced through documentation provided in response to these Interrogatories.

15. Identify every person, including their full name, title or position, and employer if not employed by Defendant, who attended a meeting on or about April 14, 2017, whether in person or by any other means, during which any information was discussed relating to the allegations in this lawsuit.

RESPONSE: It appears, based on email communication regarding a meeting held on April 14, 2017 that the following individuals may have been in attendance:

Name	Program Affiliation	Rank and Title
Sid Foster	N/A	Associate Vice President Faculty Relations
Margo Gregor	PhD CP	Assistant Professor
Heather Katafiasz	MFC/T; PhD MFC/T	Assistant Professor
Delila Owens	SC; PhD CES	Associate Professor SC Program Coordinator
Rikki Patton	MFC/T; PhD MFC/T	Assistant Professor PhD MFC/T Program Coordinator
John Queener	PhD CP	Professor PhD CP Co-Training Director
Rex Ramsier	N/A	Senior Vice President and Provost

Varunee Faii Sangganjanavanich	CMHC; PhD CES	Associate Professor PhD CES Program Coordinator
Robert Schwartz	CMHC; PhD CES	Professor CMHC Program Coordinator CACREP Liaison
David Tefteller	MFC/T; PhD MFC/T	Assistant Professor of Instruction
Ingrid Weigold	PhD CP	Professor
Sandra White	N/A	Coordinator of Departmental Operations

16. Identify the “warning signs” that Defendant purportedly “ignored” relating to continued CACREP accreditation of the PhD program as reflected in PRR17-08-11-60 000049.

RESPONSE: This statement refers to the MFT programs’ modifications needed per CACREP’s revised standards before reaccreditation was sought and responses from initial reviewers, site team visitors, and the CACREP Board of Directors throughout the years-long review process indicating that the MFT PhD program did not establish clear evidence of compliance with various standards demonstrating substantial risk of denial of accreditation.

17. Identify the specific accreditation “standards” that Defendant believes were “coming in 2018,” as reflected in PRR17-08-11-60 000049.

RESPONSE: This statement refers to the MFT programs’ modifications needed as outlined in CACREP’s various official responses from initial reviewers, site team visitors, and the CACREP Board of Directors throughout the years-long review process.

18. Identify every person, including their full name, title or position, and employer if not employed by Defendant, who attended a meeting on or about April 18, 2017, whether in person or by any other means, during which any information was discussed relating to the allegations in this lawsuit.

RESPONSE: At this time, Defendant does not have complete knowledge of this meeting. However, email produced by faculty suggests that there was a meeting on or about April 18, 2017 that was attended by various faculty members. Defendant will supplement this response in the event that information about this meeting becomes available.

19. During the time period of January 1, 2017 to July 31, 2017, identify each and every meeting, whether formal or informal, relating to CACREP accreditation of the PhD program. For each meeting identified, please include the date the meeting was held; every person who attended the meeting, whether in person or by any other means; and the

location of the meeting.

RESPONSE: At this time, Defendant is aware of the following meetings: 1) 1/27/17 CACREP site visit preparation meeting with all CACREP faculty in the School of Counseling building; 2) 2/9/17 current student CACREP site visit preparation meeting via web video conference; 3) 2/26/17 - 3/1/17 CACREP site visit involving all School of Counseling CACREP faculty and site visitors in the School of Counseling building; and 4) 3/22/17 CACREP follow up meeting with any School of Counseling faculty available in the School of Counseling building. At this time, Defendant is unable to identify any informal meetings that may have been held, the identity of “every person who attended the meeting[s]” identified, or the specific location of the meetings. However, ongoing communication about the accreditation process is included in the emails produced in response to these Interrogatories.

20. Identify all facts documents that support Defendant’s fifth affirmative defense, as stated in ¶ 45 of Defendant’s Answer in the above-captioned matter, that “Plaintiffs have failed to mitigate any alleged damages.”

RESPONSE: See documents being provided along with these responses. In addition, see any and all documents produced by any party during the course of discovery in this case. This response may be supplemented within a reasonable time prior to trial.

21. Identify all facts and documents that support Defendant’s request, as stated in Defendant’s Answer in the above-captioned matter, that the Court award Defendant “all costs and attorney fees as permitted by R.C. 1345.09(F)(1).”

RESPONSE: See documents being provided along with these responses. In addition, see any and all documents produced by any party during the course of discovery in this case. This response may be supplemented within a reasonable time prior to trial.

22. Identify all communications that you had with the Plaintiffs regarding the determination to permit the CACREP accreditation for the PhD program to lapse, and all documents consisting of or relating to all such communication.

RESPONSE: Objection. Plaintiffs are aware of the communications that they have had with people on this subject and are in a better position than Defendant to answer this question. Subject to and without waiving the foregoing objection, see documents being provided along with these responses. In addition, see any and all documents produced by any party during the course of discovery in this case. This response may be supplemented within a reasonable time prior to trial.

23. Identify all communications or interactions that you had with or relating to Plaintiff Eman Tadros before or during the interview or enrollment process for Defendant’s PhD program, whether such communication or interaction occurred in person, by telephone, or in writing. Please include in your response to this interrogatory the date of each such communication or interaction; every person who was present for or privy to such communication or interaction; and the general subject of the communication or interaction.

RESPONSE: Objection. Plaintiff Tadros is aware of the communications that she had with people on this subject and is in a better position than Defendant to answer this question. Subject to and without waiving the foregoing objection, see documents being provided along with these responses. In addition, see any and all documents produced by any party during the course of discovery in this case. This response may be supplemented within a reasonable time prior to trial

24. If your response to any Request for Admission is anything other than an unqualified “admit,” identify all facts and documents that support your response.

RESPONSE: See documents being provided along with these responses. In addition, see any and all documents produced by any party during the course of discovery in this case. This response may be supplemented within a reasonable time prior to trial.

25. State whether Defendant submitted the document produced as PRR18-05-11-438 Pattakos 002836-46 to CACREP in relation to the re-accreditation process that is the subject of the above-captioned lawsuit. If your response to this interrogatory is in the affirmative, please state the date such document was sent to CACREP.

RESPONSE: Information related to this course as part of the MFT program was part of the self-study report dated December 1, 2015, self-study addendum #1 dated September 1, 2016, and self-study addendum #2, which was not dated.

26. Identify any and all conversations, interactions, discussions, talks, or dialogues concerning the removal of Dr. Schwartz as Director of the School of Counseling clinic before, during, and after such removal.

RESPONSE: Beyond the Response to Interrogatory No. 11, Defendant is aware of only one meeting that was called by Dr. Jordan and Associate Dean Susan Olson during which Dr. Elizabeth Kennedy was present as AAUP grievance officer.

27. State all facts and reasons why Defendant promoted, appointed, or otherwise changed the employment of Dr. Schwartz to Program Coordinator of Clinical Mental Health Counseling in May 2018 as reflected in PRR18-05-11-438 Pattakos 004040.

RESPONSE: Dr. Schwartz’s position as program coordinator of the clinical mental health counseling master’s degree did not change in May 2018. A monetary stipend, as reflected in a personnel action form included in Dr. Schwartz’s personnel file, was submitted for that position along with the same monetary stipend for all program coordinators in the School of Counseling, per a school-wide administrative compensation policy.

28. Identify each and every document sent to CACREP on behalf of the PhD program in relation to the re-accreditation process that is the subject of the above-captioned lawsuit, and please state the date each such document was sent to CACREP.

RESPONSE: An initial self-study report dated December 1, 2015; self-study addendum #1 dated September 1, 2016; self-study addendum #2, which is not dated; and the institutional response dated April 21, 2017.

Requests for the Production of Documents

Please produce the following:

1. All documents identified, referred to, or relied upon in answering the foregoing Interrogatories or Requests for Admission.

RESPONSE: See AKRON 000001-007994.

2. All documents that support any of your responses to the foregoing Interrogatories or Requests for Admission.

RESPONSE: See AKRON 000001-007994.

3. All documents that you intend to introduce as evidence at any stage of this litigation.

RESPONSE: Objection. Defendant has not yet determined what documents it will rely upon as evidence in this litigation. Defendant will supplement this response as required by the Rules of Civil Procedure.

4. All documents relating to, reflecting, or concerning interaction between Dr. Schwartz and any person affiliated with CACREP from 2016 to date.

RESPONSE: Specifically, see AKRON 000001-000022 and AKRON 005894-006441. Additional documents may also be found in AKRON 000001-007994.

5. All letters or other documents sent, or drafted but not sent, to the Ohio Counselor, Social Worker and Marriage & Family Therapist Board ("CSWMFT") relating to the PhD program as reflected in PRR17-08-11-60 000508 and PRR17-08-11-60 000517.

RESPONSE: See specifically AKRON 006550-006559 and AKRON 006734-006737. Additional documents may also be found in AKRON 000001-007994.

6. All documents relating to conversations, talks, dialogues, or discussions, between Dr. Schwartz and Dr. Ramsier between January 1, 2017, and July 31, 2017, whether occurring through text message, phone call, or in person, during which any information was discussed relating to the allegations in this lawsuit.

RESPONSE: See documents included at AKRON 006478-006765. Additional documents may also be found in AKRON 000001-007994.

7. All documents, including without limitation agendas, plans, outlines, or itineraries, relating to a meeting held on or about April 14, 2017, during which any information was discussed relating to the allegations in this lawsuit.

RESPONSE: To the extent such information is available, it has been included with AKRON 000001-007994.

8. All documents, including without limitation, agendas, plans, outlines, or itineraries, relating to a meeting held on or about April 18, 2017, relating in any way to the allegations in this lawsuit.

RESPONSE: A discussion of this meeting is included in AKRON 006786 and 007162.

9. A full and unredacted copy of the document reflected in PRR17-08-11-60 000134. If you claim or intend to claim that the redacted material is privileged, please state the specific privilege claimed and why you believe that specific privilege applies.

RESPONSE: See AKRON 000051.

10. All versions, including without limitation previous drafts, notes, or edits of the April 26, 2017 document entitled "CACREP Reaccreditation Update" reflected in PRR17-08-11-60 000052-000055.

RESPONSE: See AKRON 006508-006512 and AKRON 006612-006617 and AKRON 006794-006797.

11. All documents relating to withdrawing or not renewing CACREP accreditation of the PhD program, including without limitation documents sent, or documents drafted but not sent, to any person affiliated with CACREP as reflected in PRR17-08-11-60 000056. This request specifically includes documents containing any expression of Defendant's intent to withdraw the PhD program from consideration of re-accreditation by CACREP.

RESPONSE: To the extent such information is available, it has been included with AKRON 000001-007994.

12. All documents relating to how to discuss, characterize, or respond to comments or inquiries about the PhD program's CACREP accreditation during the interview or admissions process of prospective students for the PhD program, including without limitation Eman Tadros.

RESPONSE: To the extent such information is available, it has been included with AKRON 000001-007994.

13. All documents relating to Defendant's 2017 institutional response to CACREP, including drafts, notes, edits, and revisions.

RESPONSE: To the extent such information is available, it has been included with AKRON 000001-007994.

29. All documents relating to communications or interactions identified in your response to Interrogatory No. 26.

RESPONSE: See AKRON 004652-004653 and AKRON 004655-004656.

30. All documents relating to, supporting, or concerning your response to Interrogatory No. 32.

RESPONSE: Interrogatory No. 32 is nonexistent; therefore, no documents are responsive to this request.

31. All documents relating to, supporting, or concerning your response to Interrogatory No. 33.

RESPONSE: Interrogatory No. 33 is nonexistent; therefore, no documents are responsive to this request.

32. All documents relating to, supporting, or concerning your response to Interrogatory No. 34.

RESPONSE: Interrogatory No. 34 is nonexistent; therefore, no documents are responsive to this request.

33. All documents relating to or concerning the resignation or separation of Dr. Rebecca Boyle from employment by Defendant.

RESPONSE: See Akron 007235-007239.

34. All documents relating to or concerning the resignation or separation of Dr. Karin Jordan from employment by Defendant, including without limitation documents relating to or concerning Ohio Civil Rights Commission Charge No. AKR73 (39153) 08242017, as reflected in PRR18-05-11-438 Pattakos 004022.

RESPONSE: See Akron 007240-007994.

35. All documents relating to or concerning communications any representative of Defendant, including without limitation Dr. Schwartz, had with prospective or potential students about the subject of accreditation of the PhD program from January 1, 2016 to date.

RESPONSE: To the extent such information is available, it has been included with AKRON 000001-007994.

36. All documents relating to an institutional response prepared by David Tefteller and Rikki Patton on behalf of the PhD program, as reflected in an email sent from Rikki Patton to Dr. Schwartz on 4/10/2017 at 3:04 PM, PRR17-08-11-60 000388.

RESPONSE: Email communications related to this topic can be found at AKRON 007039-007121.

As to objections:

/s/ Kristine L. Hayes
KRISTINE L. HAYES (0069778)
JEFFREY KNIGHT (0086649)
Counsel for Defendant The University of Akron

Respectfully submitted,

MIKE DEWINE (0009181)
Ohio Attorney General

/s/ Kristine L. Hayes
KRISTINE HAYES (0069778)
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Counsel for Defendant The University of Akron

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Defendant The University of Akron's Responses to Plaintiff Rachel Bell's First Set of Interrogatories and Requests for Production of Documents served upon the following by email this 16th day of August, 2019:

Peter Pattakos
peter@pattakoslaw.com
Rachel Hazelet
rhazelet@pattakoslaw.com
The Pattakos Law Firm, LLC
101 Ghent Road
Fairlawn, Ohio 44333
Counsel for Plaintiffs

/s/ Kristine L. Hayes
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Harvey S. Rosen, Ph.D.

h.rosen@burkerosen.com

June 1, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Rachel Bell

Dear Attorney Pattakos:

Rachel Bell is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Bell is currently 35.7 years old with a statistical work life expectancy of 21.2 years to age 56.9.

Ms. Bell was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Bell is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in August 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Bell's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Bell would suffer a loss of \$578,233 to \$632,137. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 3

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Bell and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Bell would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

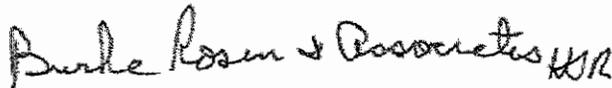
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period. is \$428,982.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Bell faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Bell's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Rachel Bell

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 1, 2020

Personal Data Sheet

Name:	Rachel Bell	
Date of Birth:	8/20/1984	
Date of Incident	8/1/2017	(41.64% of 2017 Remains)
Age on:	8/1/2017	32.9 Years
Work Life Expectancy from Age 32.9		23.2 Years (78.36% of 2040)*
Age at Expiration of Work Life Expectancy:		56.1 Years Old
Life Expectancy from: 8/1/2017		49.3 Years (88.49% of 2066)**
Age at Expiration of Life Expectancy:		82.2 Years Old
Age on: 5/1/2020		35.7 Years
Work Life Expectancy from: 5/1/2020		21.2 Years (53.15% of 2041)*
Age at Expiration of Work Life Expectancy:		56.9 Years Old
Life Expectancy from: 5/1/2020		46.7 Years (3.29% of 2067)**
Age at Expiration of Life Expectancy:		82.4 Years Old
Occupation:	Counselor	
Employer:	Strongsville Family Counseling	
Date of Hire:	November 2018	
Education Level:	Advanced Degree	

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates,
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu
Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7,
Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 248,752
b. Out-of-State (Living On Campus)	\$ 366,202
C. In-State (Living Off Campus)	\$ 238,413
b. Out-of-State (Living Off Campus)	\$ 355,863

B. 6 Years	
a. In-State (Living on Campus)	\$ 149,251
b. Out-of-State (Living On Campus)	\$ 219,721
C. In-State (Living Off Campus)	\$ 143,048
b. Out-of-State (Living Off Campus)	\$ 213,518

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (356,044)	\$ 719,759
B. 6 Years	\$ 585,487	\$ (156,504)	\$ 428,982

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 968,510
b. Out-of-State (Living On Campus)	\$ 1,085,960
C. In-State (Living Off Campus)	\$ 958,172
b. Out-of-State (Living Off Campus)	\$ 1,075,622
B. 6 Years	
a. In-State (Living on Campus)	
b. Out-of-State (Living On Campus)	\$ 578,233
C. In-State (Living Off Campus)	\$ 648,703
b. Out-of-State (Living Off Campus)	\$ 572,030
	\$ 642,500

3b

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (NATIONAL AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	272,942	
b. Out-of-State (Living On Campus)	\$	338,592	
c. In-State (Living Off Campus)	\$	262,603	
b. Out-of-State (Living Off Campus)	\$	328,253	
B. 6 Years			
a. In-State (Living on Campus)	\$	163,765	
b. Out-of-State (Living On Campus)	\$	203,155	
c. In-State (Living Off Campus)	\$	157,562	
b. Out-of-State (Living Off Campus)	\$	196,952	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (356,044)	\$ 719,759
B. 6 Years	\$ 585,487	\$ (156,504)	\$ 428,982
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)		\$	992,700
b. Out-of-State (Living On Campus)		\$	1,058,350
c. In-State (Living Off Campus)		\$	982,362
b. Out-of-State (Living Off Campus)		\$	1,048,012
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)		\$	592,747
c. In-State (Living Off Campus)		\$	632,137
b. Out-of-State (Living Off Campus)		\$	586,544
		\$	625,934

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Rachel Bell.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Rachel Bell.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2015 through 2030 for Rachel Bell.

Year	Year of program	Annual Income (a)
2015	1	\$ 5,764
2016	2	\$ 12,963
2017	3	\$ 16,135
2018	4	\$ 17,334
2019	5	\$ 44,849
2020	6	\$ 44,849 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2021	1	\$ 5,764.02		0.21% real
2022	2	\$ 13,017.23		0.00% real
2023	3	\$ 16,236.75		
2024	4	\$ 17,479.61		
2025	5	\$ 45,322.08		
2026	6	\$ 45,417.25		
2027	7	\$ 45,512.63		
2028	8	\$ 45,608.21		
2029	9	\$ 45,703.98		
2030	10	\$ 45,799.96		

(a) Taken from Ms. Bell's w-2 forms.

(b) 2020 estimated to be same as 2019.

(c) Assumes Ms. Bell earns similar wages to when she was enrolled in the University of Akron COAMFTE Program. Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 7-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Rachel Bell, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 5,764	\$ 534	\$ 6,298	\$ 6,298
2022	2	\$ 13,017	\$ 1,206	\$ 14,223	\$ 20,521
2023	3	\$ 16,237	\$ 1,504	\$ 17,741	\$ 38,262
2024	4	\$ 17,480	\$ 1,619	\$ 19,099	\$ 57,360
2025	5	\$ 45,322	\$ 4,198	\$ 49,520	\$ 106,880
2026	6	\$ 45,417	\$ 4,207	\$ 49,624	\$ 156,504
2027	7	\$ 45,513	\$ 4,216	\$ 49,728	\$ 206,232
2028	8	\$ 45,608	\$ 4,224	\$ 49,833	\$ 256,065
2029	9	\$ 45,704	\$ 4,233	\$ 49,937	\$ 306,002
2030	10	\$ 45,800	\$ 4,242	\$ 50,042	\$ 356,044
		\$ 325,862	\$ 30,183	\$ 356,044	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Rachel Bell.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Bell starts as Full time Clinical Counselor in 2021, after graduation in summer 2020, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Rachel Bell, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

<u>Year</u>	<u>Daily Treasury Real Yield Curve Rates</u>	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 5/29/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU2016200000000I	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	<u>1.75%</u>
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

h.rosen@burkerosen.com

June 23, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Michelle Cappelto

Dear Attorney Pattakos:

Michelle Cappelto is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Cappelto is currently 31.3 years old with a statistical work life expectancy of 24.3 years to age 55.6.

Ms. Cappelto was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Cappelto is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in Summer 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Cappelto's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Cappelto would suffer a loss of \$569,760 to \$623,664. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 4

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Cappetto and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Cappetto would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

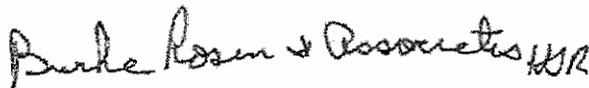
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period. is \$420,509.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Cappetto faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Cappetto's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Michelle A. Cappetto

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 23, 2020

Personal Data Sheet

Name: Michelle Cappetto
 Date of Birth: 1/4/1989
 Date of Incident: 8/1/2017 (41.64% of 2017 Remains)
 Age on: 8/1/2017 28.6 Years
 Work Life Expectancy from Age 28.6 26.1 Years (68.49% of 2043)*
 Age at Expiration of Work Life Expectancy: 54.7 Years Old
 Life Expectancy from: 8/1/2017 53.5 Years (8.49% of 2071)**
 Age at Expiration of Life Expectancy: 82.1 Years Old
 Age on: 5/1/2020 31.3 Years
 Work Life Expectancy from: 5/1/2020 24.3 Years (63.29% of 2044)*
 Age at Expiration of Work Life Expectancy: 55.6 Years Old
 Life Expectancy from: 5/1/2020 50.9 Years (23.29% of 2071)**
 Age at Expiration of Life Expectancy: 82.2 Years Old
 Occupation: Marriage and Family Therapist/ Counselor/ Supervis
 Employer: Healing Pathways Cle
 Date of Hire: 2018
 Education Level: Advanced Degree

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates,
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu
Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7,
Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
C. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
C. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (249,698)	\$ 826,105
B. 6 Years	\$ 585,487	\$ (164,978)	\$ 420,509
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,074,856
b. Out-of-State (Living On Campus)			\$ 1,192,306
C. In-State (Living Off Campus)			\$ 1,064,518
b. Out-of-State (Living Off Campus)			\$ 1,181,968
B. 6 Years			
a. In-State (Living on Campus)			\$ 569,760
b. Out-of-State (Living On Campus)			\$ 640,230
C. In-State (Living Off Campus)			\$ 563,557
b. Out-of-State (Living Off Campus)			\$ 634,027

3b

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (NATIONAL AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 272,942
b. Out-of-State (Living On Campus)	\$ 338,592
C. In-State (Living Off Campus)	\$ 262,603
b. Out-of-State (Living Off Campus)	\$ 328,253
B. 6 Years	
a. In-State (Living on Campus)	\$ 163,765
b. Out-of-State (Living On Campus)	\$ 203,155
C. In-State (Living Off Campus)	\$ 157,562
b. Out-of-State (Living Off Campus)	\$ 196,952

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (249,698)	\$ 826,105
B. 6 Years	\$ 585,487	\$ (164,978)	\$ 420,509

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,099,046
b. Out-of-State (Living On Campus)	\$ 1,164,696
C. In-State (Living Off Campus)	\$ 1,088,708
b. Out-of-State (Living Off Campus)	\$ 1,154,358
B. 6 Years	
a. In-State (Living on Campus)	\$ 584,274
b. Out-of-State (Living On Campus)	\$ 623,664
C. In-State (Living Off Campus)	\$ 578,071
b. Out-of-State (Living Off Campus)	\$ 617,461

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Michelle Cappetto.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Michelle Cappetto.

NATIONAL AVERAGE

		Accumulated Totals (a)			
Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2017 through 2030 for Michelle Cappetto.

Year	Year of program	Annual Income (a)
2017	1	\$ 47,031
2018	2	\$ 26,859
2019	3	\$ 19,042
2020	4	\$ 19,042 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program		
2021	1	\$ 47,129.77	Growth Rate	0.21% real
2022	2	\$ 26,971.93	Discount Rate	0.00% real
2023	3	\$ 19,162.22		
2024	4	\$ 19,202.46		
2025	5	\$ 19,242.78		
2026	6	\$ 19,283.19		
2027	7	\$ 19,323.69		
2028	8	\$ 19,364.27		
2029	9	\$ 19,404.93		
2030	10	\$ 19,445.68		

(a) Taken from Ms. Cappetto's social security earnings statement.

(b) 2019 taken from Ms. Cappetto's form 1040 US income tax return.
2020 estimated to be same as 2019.

(c) Assumes Ms. Cappetto earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.
Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 6-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Michelle Cappetto, while in CACREP program.

Year	Year In CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 47,130	\$ 4,365	\$ 51,495	\$ 51,495
2022	2	\$ 26,972	\$ 2,498	\$ 29,470	\$ 80,965
2023	3	\$ 19,162	\$ 1,775	\$ 20,937	\$ 101,902
2024	4	\$ 19,202	\$ 1,779	\$ 20,981	\$ 122,883
2025	5	\$ 19,243	\$ 1,782	\$ 21,025	\$ 143,909
2026	6	\$ 19,283	\$ 1,786	\$ 21,069	\$ 164,978
2027	7	\$ 19,324	\$ 1,790	\$ 21,114	\$ 186,091
2028	8	\$ 19,364	\$ 1,794	\$ 21,158	\$ 207,249
2029	9	\$ 19,405	\$ 1,797	\$ 21,202	\$ 228,452
2030	10	\$ 19,446	\$ 1,801	\$ 21,247	\$ 249,698
		\$ 228,531	\$ 21,168	\$ 249,698	

- (a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)
(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Michelle Cappetto.

Post-Incident: Clinical Counseling (IMFT-S, LPCC-S), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)
 Growth Rate (real) 0.21%
 Discount Rate (real) 0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Cappetto starts as Full time Clinical Counselor in 2021, after graduation in summer 2020, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Michelle Cappetto, through year 10.

Full-Time Clinical Counseling (IMFT-S, LPCC-S), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

- (a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).
 (b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id: CIU20162000000001 CAGR ECI (Q4 2009 to Q4 2019) 1.97%
 Not Seasonally Adjusted CAGR CPI-U (DEC 09 to DEC 19) 1.75%
 Series Title: Total compensation for Private industry workers in Health care and social assistance, Index Real Rate of Growth ECI 0.21%

Ownership: Private industry workers
 Component: Total compensation
 Occupation: All workers
 Industry: Health care and social assistance
 Subcategory: All workers
 Area: United States (National)
 Periodicity: Index Number

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

h.rosen@burkerosen.com

June 1, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Jennifer Davis

Dear Attorney Pattakos:

Jennifer Davis is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Davis is currently 52 years old with a statistical work life expectancy of 9.6 years to age 61.6.

Ms. Davis was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Davis is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in December 2021, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Davis's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Davis would suffer a loss of \$578,327 to \$632,231. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 5

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Davis and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Davis would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

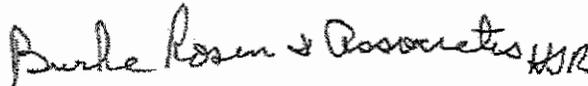
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period. is \$429,076

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Davis faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Davis's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Jennifer Davis

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 1, 2020

Personal Data Sheet

Name: Jennifer Davis
 Date of Birth: 4/29/1968
 Date of Incident: 8/1/2017 (41.64% of 2017 Remains)
 Age on: 8/1/2017 49.3 Years
 Work Life Expectancy from Age 49.3 11.4 Years (98.36% of 2028)*
 Age at Expiration of Work Life Expectancy: 60.7 Years Old
 Life Expectancy from: 8/1/2017 34.1 Years (68.49% of 2051)**
 Age at Expiration of Life Expectancy: 83.4 Years Old
 Age on: 5/1/2020 52.0 Years
 Work Life Expectancy from: 5/1/2020 9.6 Years (93.15% of 2029)*
 Age at Expiration of Work Life Expectancy: 61.6 Years Old
 Life Expectancy from: 5/1/2020 31.6 Years (93.42% of 2051)**
 Age at Expiration of Life Expectancy: 83.6 Years Old
 Occupation: Counselor; PT Instructor
 Employer: Phoenix Rising; The University of Akron; Kent
 Date of Hire: March 2018; August 2018
 Education Level: Advanced Degree

As of 5/1/2020

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Life Expectancy</u>
W. Bradley Vincent	Husband	2/14/1963	57.2	24 Years
Anna E. Richkowski	Daughter	12/27/2005	14.3	67.4 Years

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates, February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 248,752
b. Out-of-State (Living On Campus)	\$ 366,202
C. In-State (Living Off Campus)	\$ 238,413
b. Out-of-State (Living Off Campus)	\$ 355,863
B. 6 Years	
a. In-State (Living on Campus)	\$ 149,251
b. Out-of-State (Living On Campus)	\$ 219,721
C. In-State (Living Off Campus)	\$ 143,048
b. Out-of-State (Living Off Campus)	\$ 213,518

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,078,082	\$ (309,741)	\$ 768,341
B. 6 Years	\$ 586,727	\$ (157,651)	\$ 429,076

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,017,093
b. Out-of-State (Living On Campus)	\$ 1,134,543
C. In-State (Living Off Campus)	\$ 1,006,754
b. Out-of-State (Living Off Campus)	\$ 1,124,204
B. 6 Years	
a. In-State (Living on Campus)	\$ 578,327
b. Out-of-State (Living On Campus)	\$ 648,797
C. In-State (Living Off Campus)	\$ 572,124
b. Out-of-State (Living Off Campus)	\$ 642,594

3b

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (NATIONAL AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 272,942
b. Out-of-State (Living On Campus)	\$ 338,592
C. In-State (Living Off Campus)	\$ 262,603
b. Out-of-State (Living Off Campus)	\$ 328,253
B. 6 Years	
a. In-State (Living on Campus)	\$ 163,765
b. Out-of-State (Living On Campus)	\$ 203,155
C. In-State (Living Off Campus)	\$ 157,562
b. Out-of-State (Living Off Campus)	\$ 196,952

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,078,082	\$ (309,741)	\$ 768,341
B. 6 Years	\$ 586,727	\$ (157,651)	\$ 429,076

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,041,283
b. Out-of-State (Living On Campus)	\$ 1,106,933
C. In-State (Living Off Campus)	\$ 1,030,944
b. Out-of-State (Living Off Campus)	\$ 1,096,594
B. 6 Years	
a. In-State (Living on Campus)	\$ 592,841
b. Out-of-State (Living On Campus)	\$ 632,231
C. In-State (Living Off Campus)	\$ 586,638
b. Out-of-State (Living Off Campus)	\$ 626,028

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Jennifer Davis.

*STATE OF OHIO AVERAGE

		Accumulated Totals (a)			
Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2022	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2023	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2024	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2025	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2026	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2027	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2028	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2029	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2030	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2031	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2020 taken from Table 1. Years after 2020 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Jennifer Davis.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2022	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2023	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2024	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2025	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2026	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2027	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2028	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2029	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2030	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2031	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2020 taken from Table 1. Years after 2020 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2016 through 2031 for Jennifer Davis.

Year	Year of program	Annual Income (a)
2016	1	\$ 5,870
2017	2	\$ 12,629
2018	3	\$ 22,009
2019	4	\$ 34,041
2020	5	\$ 34,041
2021	6	\$ 34,112 (b)

Forecasted Annual Wage, 2021 through 2031 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2022	1	\$ 5,894.28	0.21% real	0.00% real
2023	2	\$ 12,708.73		
2024	3	\$ 22,194.46		
2025	4	\$ 34,399.93		
2026	5	\$ 34,472.17		
2027	6	\$ 34,617.11		
2028	7	\$ 34,689.81		
2029	8	\$ 34,762.65		
2030	9	\$ 34,835.66		
2031	10	\$ 34,908.81		

- (a) 2016-2017 taken from w-2s; 2018-2019 taken from Ms. Davis's social security earnings statement.
2020 estimated to be same as 2019. 2021 is grown from 2020 at 0.21% real and discounted at 0.0% real.
- (b) Ms. Davis states she expects to complete ph.d by December 2021.
- (c) Assumes Ms. Davis earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.
Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 7-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Jennifer Davis, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2022	1	\$ 5,894	\$ 546	\$ 6,440	\$ 6,440
2023	2	\$ 12,709	\$ 1,177	\$ 13,886	\$ 20,326
2024	3	\$ 22,194	\$ 2,056	\$ 24,250	\$ 44,576
2025	4	\$ 34,400	\$ 3,186	\$ 37,586	\$ 82,163
2026	5	\$ 34,472	\$ 3,193	\$ 37,665	\$ 119,828
2027	6	\$ 34,617	\$ 3,206	\$ 37,823	\$ 157,651
2028	7	\$ 34,690	\$ 3,213	\$ 37,903	\$ 195,554
2029	8	\$ 34,763	\$ 3,220	\$ 37,983	\$ 233,537
2030	9	\$ 34,836	\$ 3,227	\$ 38,062	\$ 271,599
2031	10	\$ 34,909	\$ 3,233	\$ 38,142	\$ 309,741
		\$ 283,484	\$ 26,257	\$ 309,741	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Jennifer Davis.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)							
Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile	
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00	
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39	
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74	
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59	
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95	
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81	
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17	
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04	
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41	
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29	
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68	
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58	
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98	
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90	
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33	
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28	
2035	16	\$ 41,886.62	\$ 61,209.98	\$ 78,707.59	\$ 97,830.43	\$ 115,169.74	
						(b)	
						Growth Rate (real)	0.21%
						Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Davis starts as Full time Clinical Counselor in 2022, after graduation in December 2021, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Jennifer Davis, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2022	1	\$ 76,572	\$ 20,699	\$ 97,271	\$ 97,271
2023	2	\$ 76,734	\$ 20,743	\$ 97,477	\$ 194,748
2024	3	\$ 76,897	\$ 20,787	\$ 97,684	\$ 292,432
2025	4	\$ 77,060	\$ 20,831	\$ 97,891	\$ 390,323
2026	5	\$ 77,223	\$ 20,875	\$ 98,098	\$ 488,421
2027	6	\$ 77,386	\$ 20,920	\$ 98,306	\$ 586,727
2028	7	\$ 96,392	\$ 26,057	\$ 122,449	\$ 709,176
2029	8	\$ 96,596	\$ 26,112	\$ 122,709	\$ 831,885
2030	9	\$ 96,801	\$ 26,168	\$ 122,969	\$ 954,853
2031	10	\$ 97,006	\$ 26,223	\$ 123,229	\$ 1,078,082
		\$ 848,666	\$ 229,416	\$ 1,078,082	

- (a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).
 (b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates. 12

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 5/26/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

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Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	<u>1.75%</u>
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

h.rosen@burkerosen.com

June 24, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Richard Dawson

Dear Attorney Pattakos:

Richard Dawson is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Mr. Dawson is currently 50.5 years old with a statistical work life expectancy of 14.2 years to age 64.7.

Mr. Dawson was expecting that, upon completion of the programs at the University of Akron, he would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Mr. Dawson is currently finishing the program in Marriage and Family Therapy and is expected to receive his Ph.D. in August 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Mr. Dawson's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Mr. Dawson would suffer a loss of \$701,666 to \$755,570. The loss consists of what it would cost him to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time he would be a full-time student. The low end of the range assumes he attends an in-state university; whereas the high end of the range assumes he attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 6

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if he attends an out of state program). The typical full-time program requires six to ten years as a student, including the internship. It was assumed that he would complete the program in six years.

In addition, to the direct cost of the program, Mr. Dawson would lose six years of full-time employment and earnings less whatever part time earnings he could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

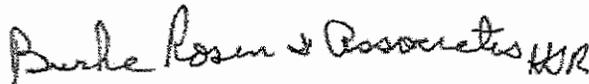
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income he earned while a Ph.D. candidate at the University of Akron. My findings indicate that his lost opportunity income (less part-time earnings) for the six-year period. is \$552,415

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Mr. Dawson faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Mr. Dawson's academic employment opportunities. If he were fortunate to find academic employment with his COAMFTE only degree, it would be difficult to determine whether he would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Richard Dawson

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 24, 2020

Personal Data Sheet

Name: Richard Dawson
 Date of Birth: 11/16/1969
 Date of Incident: 8/1/2017 (41.64% of 2017 Remains)
 Age on: 8/1/2017 47.7 Years
 Work Life Expectancy from Age 47.7 16.5 Years (8.49% of 2034)*
 Age at Expiration of Work Life Expectancy: 64.2 Years Old
 Life Expectancy from: 8/1/2017 31.9 Years (48.22% of 2049)**
 Age at Expiration of Life Expectancy: 79.6 Years Old
 Age on: 5/1/2020 50.5 Years
 Work Life Expectancy from: 5/1/2020 14.2 Years (53.42% of 2034)*
 Age at Expiration of Work Life Expectancy: 64.7 Years Old
 Life Expectancy from: 5/1/2020 29.5 Years (83.29% of 2049)**
 Age at Expiration of Life Expectancy: 80.0 Years Old
 Occupation: Therapist
 Employer: Family Connection of Wadsworth
 Date of Hire: 07/08/2018
 Education Level: Advanced Degree

As of 5/1/2020

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Life Expectancy</u>
Kristen Dawson	Wife	8/25/1970	49.7	33.7 Years
John	Son	5/14/2004	16.0	61.0 Years
Katerine	Daughter	12/9/2005	14.4	67.3 Years
Lauren	Daughter	12/9/2005	14.4	67.3 Years
Madeleine	Daughter	7/11/2008	11.8	69.9 Years

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates.
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

MW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
c. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
c. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (66,173)	\$ 1,009,630
B. 6 Years	\$ 585,487	\$ (33,072)	\$ 552,415
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,258,381
b. Out-of-State (Living On Campus)			\$ 1,375,831
c. In-State (Living Off Campus)			\$ 1,248,043
b. Out-of-State (Living Off Campus)			\$ 1,365,493
B. 6 Years			
a. In-State (Living on Campus)			\$ 701,666
b. Out-of-State (Living On Campus)			\$ 772,136
c. In-State (Living Off Campus)			\$ 695,463
b. Out-of-State (Living Off Campus)			\$ 765,933

3b

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (NATIONAL AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 272,942
b. Out-of-State (Living On Campus)	\$ 338,592
C. In-State (Living Off Campus)	\$ 262,603
b. Out-of-State (Living Off Campus)	\$ 328,253
B. 6 Years	
a. In-State (Living on Campus)	\$ 163,765
b. Out-of-State (Living On Campus)	\$ 203,155
C. In-State (Living Off Campus)	\$ 157,562
b. Out-of-State (Living Off Campus)	\$ 196,952

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (66,173)	\$ 1,009,630
B. 6 Years	\$ 585,487	\$ (33,072)	\$ 552,415

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,282,571
b. Out-of-State (Living On Campus)	\$ 1,348,221
C. In-State (Living Off Campus)	\$ 1,272,233
b. Out-of-State (Living Off Campus)	\$ 1,337,883
B. 6 Years	
a. In-State (Living on Campus)	\$ 716,180
b. Out-of-State (Living On Campus)	\$ 755,570
C. In-State (Living Off Campus)	\$ 709,977
b. Out-of-State (Living Off Campus)	\$ 749,367

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Richard Dawson.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Richard Dawson.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2014 through 2030 for Richard Dawson.

Year	Year of program	Annual Income (a)
2014	1	\$ 5,261.31
2015	2	\$ 8,038.16
2016	3	\$ 5,407.55
2017	4	\$ 2,923.00
2018	5	\$ 990
2019	6	\$ 7,440
2020	7	\$ 7,440 est. (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2021	1	\$ 5,272.36		0.21% real
2022	2	\$ 8,071.96		0.00% real
2023	3	\$ 5,441.69		
2024	4	\$ 2,947.63		
2025	5	\$ 1,000.44		
2026	6	\$ 7,534.24		
2027	7	\$ 7,550.06		
2028	8	\$ 7,565.91		
2029	9	\$ 7,581.80		
2030	10	\$ 7,597.72		

(a) Taken from Mr. Dawson's w-2 and 1099-misc forms.

(b) 2020 estimated to be same as 2019.

(c) Assumes Mr. Dawson earns similar wages to when he was enrolled in the University of Akron COAMFTE Program. Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 8-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Richard Dawson, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 5,272	\$ 488	\$ 5,761	\$ 5,761
2022	2	\$ 8,072	\$ 748	\$ 8,820	\$ 14,580
2023	3	\$ 5,442	\$ 504	\$ 5,946	\$ 20,526
2024	4	\$ 2,948	\$ 273	\$ 3,221	\$ 23,747
2025	5	\$ 1,000	\$ 93	\$ 1,093	\$ 24,840
2026	6	\$ 7,534	\$ 698	\$ 8,232	\$ 33,072
2027	7	\$ 7,550	\$ 699	\$ 8,249	\$ 41,321
2028	8	\$ 7,566	\$ 701	\$ 8,267	\$ 49,588
2029	9	\$ 7,582	\$ 702	\$ 8,284	\$ 57,872
2030	10	\$ 7,598	\$ 704	\$ 8,301	\$ 66,173
		\$ 60,564	\$ 5,610	\$ 66,173	

- (a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)
 (b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Richard Dawson.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Mr. Dawson starts as Full time Clinical Counselor in 2021, after graduation in August 2020, earning at Median rate

Assumes that in 7 years he would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Richard Dawson, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecac.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

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Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	<u>1.75%</u>
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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June 1, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Renne Dragomir

Dear Attorney Pattakos:

Renne Dragomir is a Ph.D. graduate of the University of Akron's College of Health Professions School of Counseling. Dr. Dragomir is currently 49 years old with a statistical work life expectancy of 11.6 years to age 60.6.

Dr. Dragomir was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Dr. Dragomir recently finished the program in Marriage and Family Therapy and received her Ph.D. in May 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Dr. Dragomir's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Dr. Dragomir would suffer a loss of \$292,333 to \$346,237. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 7

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Dr. Dragomir and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Dr. Dragomir would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

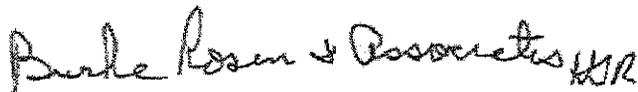
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period, is \$143,082.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Dr. Dragomir faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Dr. Dragomir's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Renne Dragomir

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 1, 2020

Personal Data Sheet

Name: Renne Rodriguez Dragomir
 Date of Birth: 4/23/1971
 Date of Incident: 8/1/2017 (41.64% of 2017 Remains)
 Age on: 8/1/2017 46.3 Years
 Work Life Expectancy from Age 46.3 13.5 Years (8.49% of 2031)*
 Age at Expiration of Work Life Expectancy: 59.8 Years Old
 Life Expectancy from: 8/1/2017 36.8 Years (38.36% of 2054)**
 Age at Expiration of Life Expectancy: 83.1 Years Old
 Age on: 5/1/2020 49.0 Years
 Work Life Expectancy from: 5/1/2020 11.6 Years (93.42% of 2031)*
 Age at Expiration of Work Life Expectancy: 60.6 Years Old
 Life Expectancy from: 5/1/2020 34.3 Years (63.29% of 2054)**
 Age at Expiration of Life Expectancy: 83.3 Years Old
 Occupation: Counselor
 Employer: Center for Innovative Practices; Relationship Cent
 Date of Hire: 2007; 2018
 Education Level: Advanced Degree

As of 5/1/2020

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Life Expectancy</u>
Michael Dragomir	Husband	9/4/1970	49.7	30.2 Years
Jessica Dragomir	Daughter	4/9/1995	25.1	56.9 Years

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates, February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 248,752
b. Out-of-State (Living On Campus)	\$ 366,202
C. In-State (Living Off Campus)	\$ 238,413
b. Out-of-State (Living Off Campus)	\$ 355,863

B. 6 Years	
a. In-State (Living on Campus)	\$ 149,251
b. Out-of-State (Living On Campus)	\$ 219,721
C. In-State (Living Off Campus)	\$ 143,048
b. Out-of-State (Living Off Campus)	\$ 213,518

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (791,279)	\$ 284,524
B. 6 Years	\$ 585,487	\$ (442,404)	\$ 143,082

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 533,276
b. Out-of-State (Living On Campus)	\$ 650,726
C. In-State (Living Off Campus)	\$ 522,937
b. Out-of-State (Living Off Campus)	\$ 640,387
B. 6 Years	
a. In-State (Living on Campus)	
b. Out-of-State (Living On Campus)	\$ 292,333
C. In-State (Living Off Campus)	\$ 362,803
b. Out-of-State (Living Off Campus)	\$ 286,130
	\$ 356,600

3b

Summary Sheet

			Present Value
I. Cost of CACREP Program (NATIONAL AVERAGE)			Program Cost
A. 10 Years			
a. In-State (Living on Campus)		\$	272,942
b. Out-of-State (Living On Campus)		\$	338,592
C. In-State (Living Off Campus)		\$	262,603
b. Out-of-State (Living Off Campus)		\$	328,253
B. 6 Years			
a. In-State (Living on Campus)		\$	163,765
b. Out-of-State (Living On Campus)		\$	203,155
C. In-State (Living Off Campus)		\$	157,562
b. Out-of-State (Living Off Campus)		\$	196,952
II. Lost Wages			
		Part-Time Wages	Present Value
	Full-Time Wages	while in CACREP	Net Loss
		Program	
A. 10 Years	\$ 1,075,803	\$ (791,279)	\$ 284,524
B. 6 Years	\$ 585,487	\$ (442,404)	\$ 143,082
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)		\$	557,466
b. Out-of-State (Living On Campus)		\$	623,116
C. In-State (Living Off Campus)		\$	547,127
b. Out-of-State (Living Off Campus)		\$	612,777
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)		\$	306,847
C. In-State (Living Off Campus)		\$	346,237
b. Out-of-State (Living Off Campus)		\$	300,644
		\$	340,034

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Renne Dragomir.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Renne Dragomir.

NATIONAL AVERAGE					
Accumulated Totals (a)					
Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2016 through 2030 for Renne Dragomir.

Year	Year of program	Annual Income (a)
2016	1	\$ 68,069
2017	2	\$ 53,474
2018	3	\$ 44,983
2019	4	\$ 78,414
2020	5	\$ 78,414 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program		
2021	1	\$ 68,211.94		
2022	2	\$ 53,698.83	Growth Rate	0.21% real
2023	3	\$ 45,266.99	Discount Rate	0.00% real
2024	4	\$ 79,074.76		
2025	5	\$ 79,240.81		
2026	6	\$ 79,407.22		
2027	7	\$ 79,573.97		
2028	8	\$ 79,741.08		
2029	9	\$ 79,908.53		
2030	10	\$ 80,076.34		

(a) Taken from Ms. Dragomir's social security earnings statement.

(b) 2020 estimated to be same as 2019.

(c) Assumes Ms. Dragomir earns similar wages to when she was enrolled in the University of Akron COAMFTE Program. Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 5-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Renne Dragomir, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 68,212	\$ 6,318	\$ 74,530	\$ 74,530
2022	2	\$ 53,699	\$ 4,974	\$ 58,673	\$ 133,203
2023	3	\$ 45,267	\$ 4,193	\$ 49,460	\$ 182,662
2024	4	\$ 79,075	\$ 7,324	\$ 86,399	\$ 269,061
2025	5	\$ 79,241	\$ 7,340	\$ 86,580	\$ 355,642
2026	6	\$ 79,407	\$ 7,355	\$ 86,762	\$ 442,404
2027	7	\$ 79,574	\$ 7,370	\$ 86,944	\$ 529,349
2028	8	\$ 79,741	\$ 7,386	\$ 87,127	\$ 616,476
2029	9	\$ 79,909	\$ 7,401	\$ 87,310	\$ 703,786
2030	10	\$ 80,076	\$ 7,417	\$ 87,493	\$ 791,279
		\$ 724,200	\$ 67,079	\$ 791,279	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Renne Dragomir.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Dragomir starts as Full time Clinical Counselor in 2021, after graduation in summer 2020, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Renne Dragomir, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

<u>Year</u>	<u>Daily Treasury Real Yield Curve Rates</u>	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 5/26/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

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Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	1.75%
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

h.rosen@burkerosen.com

June 22, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Janelle Fye

Dear Attorney Pattakos:

Janelle Fye is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Fye is currently 31.6 years old with a statistical work life expectancy of 30.8 years to age 62.4.

Ms. Fye was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Fye is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in December 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Fye's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Fye would suffer a loss of \$571,071 to \$624,975. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 8

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Fye and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Fye would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

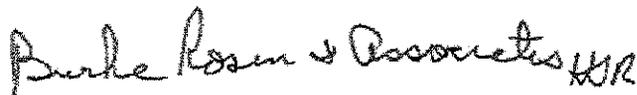
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period. is \$421,820.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Fye faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Fye's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Janelle M. Fye

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 22, 2020

Personal Data Sheet

Name:	Janelle M. Fye	
Date of Birth:	9/17/1988	
Date of Incident	8/1/2017	(41.64% of 2017 Remains)
Age on:	8/1/2017	28.9 Years
Work Life Expectancy from Age 28.9		33.3 Years (88.49% of 2050)*
Age at Expiration of Work Life Expectancy:		62.2 Years Old
Life Expectancy from: 8/1/2017		48.9 Years (48.49% of 2066)**
Age at Expiration of Life Expectancy:		77.8 Years Old
Age on: 5/1/2020		31.6 Years
Work Life Expectancy from: 5/1/2020		30.8 Years (13.42% of 2051)*
Age at Expiration of Work Life Expectancy:		62.4 Years Old
Life Expectancy from: 5/1/2020		46.4 Years (73.42% of 2066)**
Age at Expiration of Life Expectancy:		78.0 Years Old
Education Level:	Advanced Degree	

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates,
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu
Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7,
Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

MW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
c. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
c. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (297,880)	\$ 777,923
B. 6 Years	\$ 585,487	\$ (163,667)	\$ 421,820
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,026,675
b. Out-of-State (Living On Campus)			\$ 1,144,125
c. In-State (Living Off Campus)			\$ 1,016,337
b. Out-of-State (Living Off Campus)			\$ 1,133,787
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)			\$ 571,071
c. In-State (Living Off Campus)			\$ 641,541
b. Out-of-State (Living Off Campus)			\$ 564,868
			\$ 635,338

3b

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (NATIONAL AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	272,942	
b. Out-of-State (Living On Campus)	\$	338,592	
C. In-State (Living Off Campus)	\$	262,603	
b. Out-of-State (Living Off Campus)	\$	328,253	
B. 6 Years			
a. In-State (Living on Campus)	\$	163,765	
b. Out-of-State (Living On Campus)	\$	203,155	
C. In-State (Living Off Campus)	\$	157,562	
b. Out-of-State (Living Off Campus)	\$	196,952	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (297,880)	\$ 777,923
B. 6 Years	\$ 585,487	\$ (163,667)	\$ 421,820
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,050,865
b. Out-of-State (Living On Campus)			\$ 1,116,515
C. In-State (Living Off Campus)			\$ 1,040,527
b. Out-of-State (Living Off Campus)			\$ 1,106,177
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)			\$ 585,585
C. In-State (Living Off Campus)			\$ 624,975
b. Out-of-State (Living Off Campus)			\$ 579,382
			\$ 618,772

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Janelle Fye.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Janelle Fye.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2016 through 2030 for Janelle Fye.

Year	Year of program	Annual Income (a)
2016	1	\$ 28,956
2017	2	\$ 14,163
2018	3	\$ 15,006
2019	4	\$ 30,166
2020	5	\$ 30,166 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program		
2021	1	\$ 29,016.81	Growth Rate	0.21% real
2022	2	\$ 14,222.55	Discount Rate	0.00% real
2023	3	\$ 15,100.74		
2024	4	\$ 30,420.19		
2025	5	\$ 30,484.08		
2026	6	\$ 30,548.09		
2027	7	\$ 30,612.24		
2028	8	\$ 30,676.53		
2029	9	\$ 30,740.95		
2030	10	\$ 30,805.51		

(a) 2016-2019 taken from Ms. Fye's annual tax returns.

(b) 2020 estimated to be same as 2019.

(c) Assumes Ms. Fye earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 6-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Janelle Fye, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 29,017	\$ 2,688	\$ 31,704	\$ 31,704
2022	2	\$ 14,223	\$ 1,317	\$ 15,540	\$ 47,244
2023	3	\$ 15,101	\$ 1,399	\$ 16,499	\$ 63,744
2024	4	\$ 30,420	\$ 2,818	\$ 33,238	\$ 96,982
2025	5	\$ 30,484	\$ 2,824	\$ 33,308	\$ 130,289
2026	6	\$ 30,548	\$ 2,829	\$ 33,378	\$ 163,667
2027	7	\$ 30,612	\$ 2,835	\$ 33,448	\$ 197,115
2028	8	\$ 30,677	\$ 2,841	\$ 33,518	\$ 230,632
2029	9	\$ 30,741	\$ 2,847	\$ 33,588	\$ 264,221
2030	10	\$ 30,806	\$ 2,853	\$ 33,659	\$ 297,880
		\$ 272,628	\$ 25,252	\$ 297,880	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Janelle Fye.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Fye starts as Full time Clinical Counselor in 2021, after graduation in December 2020, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Janelle Fye, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

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Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

<u>Year</u>	<u>Daily Treasury Real Yield Curve Rates</u>	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	1.75%
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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June 24, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Jennifer Goerke

Dear Attorney Pattakos:

Jennifer Goerke is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Goerke is currently 34.5 years old with a statistical work life expectancy of 22.1 years to age 56.6.

Ms. Goerke was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Goerke is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in May 2021, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Goerke's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Goerke would suffer a loss of \$580,104 to \$634,008. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 9

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Goerke and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Goerke would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

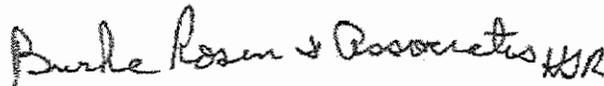
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period. is \$430,853.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Goerke faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Goerke's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Jennifer Goerke

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 24, 2020

Personal Data Sheet

Name:	Jennifer Goerke	
Date of Birth:	11/7/1985	
Date of Incident	8/1/2017	(41.64% of 2017 Remains)
Age on:	8/1/2017	31.7 Years
Work Life Expectancy from Age 31.7		24.0 Years (58.36% of 2041)*
Age at Expiration of Work Life Expectancy:		55.7 Years Old
Life Expectancy from: 8/1/2017		50.5 Years (8.22% of 2068)**
Age at Expiration of Life Expectancy:		82.2 Years Old
Age on: 5/1/2020		34.5 Years
Work Life Expectancy from: 5/1/2020		22.1 Years (43.29% of 2042)*
Age at Expiration of Work Life Expectancy:		56.6 Years Old
Life Expectancy from: 5/1/2020		47.9 Years (23.01% of 2068)**
Age at Expiration of Life Expectancy:		82.4 Years Old
Occupation:	Counselor	
Employer:	Family Connection of Wadsworth	
Education Level:	Advanced Degree	

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates,
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu
Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7,
Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
C. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
C. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,078,082	\$ (282,397)	\$ 795,685
B. 6 Years	\$ 586,727	\$ (155,874)	\$ 430,853
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,044,437
b. Out-of-State (Living On Campus)			\$ 1,161,887
C. In-State (Living Off Campus)			\$ 1,034,099
b. Out-of-State (Living Off Campus)			\$ 1,151,549
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)			\$ 580,104
C. In-State (Living Off Campus)			\$ 650,574
b. Out-of-State (Living Off Campus)			\$ 573,901
			\$ 644,371

3b

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (NATIONAL AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	272,942	
b. Out-of-State (Living On Campus)	\$	338,592	
C. In-State (Living Off Campus)	\$	262,603	
b. Out-of-State (Living Off Campus)	\$	328,253	
B. 6 Years			
a. In-State (Living on Campus)	\$	163,765	
b. Out-of-State (Living On Campus)	\$	203,155	
C. In-State (Living Off Campus)	\$	157,562	
b. Out-of-State (Living Off Campus)	\$	196,952	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,078,082	\$ (282,397)	\$ 795,685
B. 6 Years	\$ 586,727	\$ (155,874)	\$ 430,853
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,068,627
b. Out-of-State (Living On Campus)			\$ 1,134,277
C. In-State (Living Off Campus)			\$ 1,058,289
b. Out-of-State (Living Off Campus)			\$ 1,123,939
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)			\$ 594,618
C. In-State (Living Off Campus)			\$ 634,008
b. Out-of-State (Living Off Campus)			\$ 588,415
			\$ 627,805

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Jennifer Goerke.

*STATE OF OHIO AVERAGE

Accumulated Totals (a)					
Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2022	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2023	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2024	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2025	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2026	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2027	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2028	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2029	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2030	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2031	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2022 taken from Table 1. Years after 2022 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Jennifer Goerke.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2022	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2023	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2024	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2025	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2026	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2027	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2028	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2029	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2030	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2031	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2022 taken from Table 1. Years after 2022 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2015 through 2031 for Jennifer Goerke.

Year	Year of program	Annual Income (a)
2015	1	\$ 28,347
2016	2	\$ 15,445
2017	3	\$ 16,615
2018	4	\$ 24,107
2019	5	\$ 28,378
2020	6	\$ 28,378 est (b)
2021	7	\$ 28,378 est (b)

Forecasted Annual Wage, 2022 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2022	1	\$ 28,465.73		0.21% real
2023	2	\$ 15,542.69		0.00% real
2024	3	\$ 16,754.54		
2025	4	\$ 24,361.41		
2026	5	\$ 28,737.56		
2027	6	\$ 28,797.91		
2028	7	\$ 28,858.38		
2029	8	\$ 28,918.98		
2030	9	\$ 28,979.71		
2031	10	\$ 29,040.57		

(a) 2015-2019 taken from w-2s and 1099 forms.

(b) 2020-2021 estimated to be same as 2019.

(c) Assumes Ms. Goerke earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 8-10.

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Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Jennifer Goerke, while in CACREP program.

Year	Year In CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2022	1	\$ 28,466	\$ 2,637	\$ 31,102	\$ 31,102
2023	2	\$ 15,543	\$ 1,440	\$ 16,982	\$ 48,085
2024	3	\$ 16,755	\$ 1,552	\$ 18,306	\$ 66,391
2025	4	\$ 24,361	\$ 2,256	\$ 26,618	\$ 93,009
2026	5	\$ 28,738	\$ 2,662	\$ 31,399	\$ 124,408
2027	6	\$ 28,798	\$ 2,667	\$ 31,465	\$ 155,874
2028	7	\$ 28,858	\$ 2,673	\$ 31,531	\$ 187,405
2029	8	\$ 28,919	\$ 2,679	\$ 31,598	\$ 219,003
2030	9	\$ 28,980	\$ 2,684	\$ 31,664	\$ 250,667
2031	10	\$ 29,041	\$ 2,690	\$ 31,730	\$ 282,397
		\$ 258,457	\$ 23,939	\$ 282,397	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Jennifer Goerke.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)	
Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Goerke starts as Full time Clinical Counselor in 2022, after graduation in summer 2021, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Jennifer Goerke, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2022	1	\$ 76,572	\$ 20,699	\$ 97,271	\$ 97,271
2023	2	\$ 76,734	\$ 20,743	\$ 97,477	\$ 194,748
2024	3	\$ 76,897	\$ 20,787	\$ 97,684	\$ 292,432
2025	4	\$ 77,060	\$ 20,831	\$ 97,891	\$ 390,323
2026	5	\$ 77,223	\$ 20,875	\$ 98,098	\$ 488,421
2027	6	\$ 77,386	\$ 20,920	\$ 98,306	\$ 586,727
2028	7	\$ 96,392	\$ 26,057	\$ 122,449	\$ 709,176
2029	8	\$ 96,596	\$ 26,112	\$ 122,709	\$ 831,885
2030	9	\$ 96,801	\$ 26,168	\$ 122,969	\$ 954,853
2031	10	\$ 97,006	\$ 26,223	\$ 123,229	\$ 1,078,082
		\$ 848,666	\$ 229,416	\$ 1,078,082	

- (a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).
 (b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

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Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

<u>Year</u>	<u>Daily Treasury Real Yield Curve Rates</u>	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	<u>1.75%</u>
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%

Ownership: Private industry workers
 Component: Total compensation
 Occupation: All workers
 Industry: Health care and social assistance
 Subcategory: All workers
 Area: United States (National)
 Periodicity: Index Number

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

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June 19, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Elizabeth Molla

Dear Attorney Pattakos:

Elizabeth Molla is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Molla is currently 32.9 years old with a statistical work life expectancy of 20.1 years to age 53.0.

Ms. Molla was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Molla is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in August 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Molla's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Molla would suffer a loss of \$469,141 to \$523,045. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 10

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Molla and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Molla would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

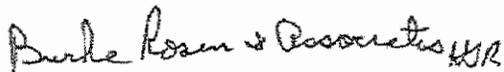
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period, is \$319,890.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Molla faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Molla's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Elizabeth T. Molla

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 19, 2020

Personal Data Sheet

Name:	Elizabeth Molla	
Date of Birth:	6/4/1987	
Date of Incident	8/1/2017	(41.64% of 2017 Remains)
Age on:	8/1/2017	30.2 Years
Work Life Expectancy from:	8/1/2017	21.7 Years (28.49% of 2039)*
Age at Expiration of Work Life Expectancy:		51.9 Years Old
Life Expectancy from:	8/1/2017	52.0 Years (58.36% of 2069)**
Age at Expiration of Life Expectancy:		82.2 Years Old
Age on:	5/1/2020	32.9 Years
Work Life Expectancy from:	5/1/2020	20.1 Years (43.29% of 2040)*
Age at Expiration of Work Life Expectancy:		53.0 Years Old
Life Expectancy from:	5/1/2020	49.4 Years (73.15% of 2069)**
Age at Expiration of Life Expectancy:		82.3 Years Old
Occupation:	Counselor	
Employer:	The Relationship Center and The Azalea Institute	
Date of Hire:	June 2018	

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates.
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 248,752
b. Out-of-State (Living On Campus)	\$ 366,202
C. In-State (Living Off Campus)	\$ 238,413
b. Out-of-State (Living Off Campus)	\$ 355,863
B. 6 Years	
a. In-State (Living on Campus)	\$ 149,251
b. Out-of-State (Living On Campus)	\$ 219,721
C. In-State (Living Off Campus)	\$ 143,048
b. Out-of-State (Living Off Campus)	\$ 213,518

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (522,327)	\$ 553,477
B. 6 Years	\$ 585,487	\$ (265,597)	\$ 319,890

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 802,228
b. Out-of-State (Living On Campus)	\$ 919,678
C. In-State (Living Off Campus)	\$ 791,890
b. Out-of-State (Living Off Campus)	\$ 909,340
B. 6 Years	
a. In-State (Living on Campus)	
b. Out-of-State (Living On Campus)	\$ 469,141
C. In-State (Living Off Campus)	\$ 539,611
b. Out-of-State (Living Off Campus)	\$ 462,938
	\$ 533,408

3b

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (NATIONAL AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	272,942	
b. Out-of-State (Living On Campus)	\$	338,592	
C. In-State (Living Off Campus)	\$	262,603	
b. Out-of-State (Living Off Campus)	\$	328,253	
B. 6 Years			
a. In-State (Living on Campus)	\$	163,765	
b. Out-of-State (Living On Campus)	\$	203,155	
C. In-State (Living Off Campus)	\$	157,562	
b. Out-of-State (Living Off Campus)	\$	196,952	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (522,327)	\$ 553,477
B. 6 Years	\$ 585,487	\$ (265,597)	\$ 319,890
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 826,418
b. Out-of-State (Living On Campus)			\$ 892,068
C. In-State (Living Off Campus)			\$ 816,080
b. Out-of-State (Living Off Campus)			\$ 881,730
B. 6 Years			
a. In-State (Living on Campus)			\$ 483,655
b. Out-of-State (Living On Campus)			\$ 523,045
C. In-State (Living Off Campus)			\$ 477,452
b. Out-of-State (Living Off Campus)			\$ 516,842

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Elizabeth Molla.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Elizabeth Molla.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2016 through 2030 for Elizabeth Molla.

Year	Year of program	Annual Income (a)
2016	1	\$ 25,049
2017	2	\$ 13,668
2018	3	\$ 29,136
2019	4	\$ 57,703
2020	5	\$ 57,703 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2021	1	\$ 25,101.87	0.21% real	0.00% real
2022	2	\$ 13,725.04		
2023	3	\$ 29,319.55		
2024	4	\$ 58,189.45		
2025	5	\$ 58,311.64		
2026	6	\$ 58,434.10		
2027	7	\$ 58,556.81		
2028	8	\$ 58,679.78		
2029	9	\$ 58,803.01		
2030	10	\$ 58,926.49		

(a) 2016-2019 taken from Ms. Molla's W-2 and 1099-MISC forms.

(b) 2020 estimated to be same as 2019.

(c) Assumes Ms. Molla earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 6-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Elizabeth Molla, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 25,102	\$ 2,325	\$ 27,427	\$ 27,427
2022	2	\$ 13,725	\$ 1,271	\$ 14,996	\$ 42,423
2023	3	\$ 29,320	\$ 2,716	\$ 32,035	\$ 74,458
2024	4	\$ 58,189	\$ 5,390	\$ 63,579	\$ 138,038
2025	5	\$ 58,312	\$ 5,401	\$ 63,713	\$ 201,750
2026	6	\$ 58,434	\$ 5,412	\$ 63,847	\$ 265,597
2027	7	\$ 58,557	\$ 5,424	\$ 63,981	\$ 329,578
2028	8	\$ 58,680	\$ 5,435	\$ 64,115	\$ 393,692
2029	9	\$ 58,803	\$ 5,447	\$ 64,250	\$ 457,942
2030	10	\$ 58,926	\$ 5,458	\$ 64,385	\$ 522,327
		\$ 478,048	\$ 44,279	\$ 522,327	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Elizabeth Molla.

Post-Incident: Clinical Counseling (IMFT, LPCC-S, MA), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Molla starts as Full time Clinical Counselor in 2021, after graduation in August 2020, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Elizabeth Molla, through year 10.

Full-Time Clinical Counseling (IMFT, LPCC-S, MA), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

- (a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).
 (b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecac.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates. 12

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

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Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU2016200000000I	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	<u>1.75%</u>
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

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June 1, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Michael Pennington

Dear Attorney Pattakos:

Michael Pennington is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Mr. Pennington is currently 33.1 years old with a statistical work life expectancy of 29.5 years to age 62.6.

Mr. Pennington was expecting that, upon completion of the programs at the University of Akron, he would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Mr. Pennington is currently finishing the program in Marriage and Family Therapy and is expected to receive his Ph.D. in December 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Mr. Pennington's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Mr. Pennington would suffer a loss of \$573,840 to \$627,744. The loss consists of what it would cost him to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time he would be a full-time student. The low end of the range assumes he attends an in-state university; whereas the high end of the range assumes he attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 11

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if he attends an out of state program). The typical full-time program requires six to ten years as a student, including the internship. It was assumed that he would complete the program in six years.

In addition, to the direct cost of the program, Mr. Pennington would lose six years of full-time employment and earnings less whatever part time earnings he could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

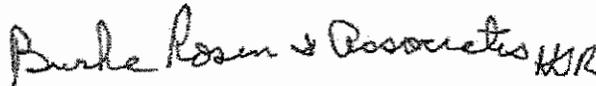
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income he earned while a Ph.D. candidate at the University of Akron. My findings indicate that his lost opportunity income (less part-time earnings) for the six-year period. is \$424,589

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Mr. Pennington faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Mr. Pennington's academic employment opportunities. If he were fortunate to find academic employment with his COAMFTE only degree, it would be difficult to determine whether he would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Michael Pennington

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 1, 2020

Personal Data Sheet

Name: Michael Pennington
 Date of Birth: 3/26/1987
 Date of Incident: 8/1/2017 (41.64% of 2017 Remains)
 Age on: 8/1/2017 30.4 Years
 Work Life Expectancy from Age 30.4 31.9 Years (48.22% of 2049)*
 Age at Expiration of Work Life Expectancy: 62.3 Years Old
 Life Expectancy from: 8/1/2017 47.6 Years (18.36% of 2065)**
 Age at Expiration of Life Expectancy: 78.0 Years Old
 Age on: 5/1/2020 33.1 Years
 Work Life Expectancy from: 5/1/2020 29.5 Years (83.29% of 2049)*
 Age at Expiration of Work Life Expectancy: 62.6 Years Old
 Life Expectancy from: 5/1/2020 45.1 Years (43.29% of 2065)**
 Age at Expiration of Life Expectancy: 78.2 Years Old

Education Level: Advanced Degree

As of 5/1/2020

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Life Expectancy</u>
Heather Mauk	Wife	10/1/1991	28.6	53.5 Years

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates, February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

MW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
c. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
c. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (346,971)	\$ 728,833
B. 6 Years	\$ 585,487	\$ (160,898)	\$ 424,589
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)		\$	977,584
b. Out-of-State (Living On Campus)		\$	1,095,034
c. In-State (Living Off Campus)		\$	967,246
b. Out-of-State (Living Off Campus)		\$	1,084,696
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)		\$	573,840
c. In-State (Living Off Campus)		\$	644,310
b. Out-of-State (Living Off Campus)		\$	567,637
		\$	638,107

3b

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (NATIONAL AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 272,942
b. Out-of-State (Living On Campus)	\$ 338,592
C. In-State (Living Off Campus)	\$ 262,603
b. Out-of-State (Living Off Campus)	\$ 328,253
B. 6 Years	
a. In-State (Living on Campus)	\$ 163,765
b. Out-of-State (Living On Campus)	\$ 203,155
C. In-State (Living Off Campus)	\$ 157,562
b. Out-of-State (Living Off Campus)	\$ 196,952

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (346,971)	\$ 728,833
B. 6 Years	\$ 585,487	\$ (160,898)	\$ 424,589

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,001,774
b. Out-of-State (Living On Campus)	\$ 1,067,424
C. In-State (Living Off Campus)	\$ 991,436
b. Out-of-State (Living Off Campus)	\$ 1,057,086
B. 6 Years	
a. In-State (Living on Campus)	
b. Out-of-State (Living On Campus)	\$ 588,354
C. In-State (Living Off Campus)	\$ 627,744
b. Out-of-State (Living Off Campus)	\$ 582,151
	\$ 621,541

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Michael Pennington.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Michael Pennington.

NATIONAL AVERAGE

		Accumulated Totals (a)			
Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2014 through 2030 for Michael Pennington.

Year	Year of program	Annual Income	
		Grad Assistant (a)	Clinical Internship/ Part-Time Job (b)
2014		\$ 3,282.00	
2015	1	\$ 9,189.00	
2016	2	\$ 8,598.00	
2017	3	\$ 5,261.00	\$ 2,275
2018	4		\$ 36,925.35
2019	5		\$ 41,822.16
2020	6		\$ 41,822.16

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2021	1	\$ 9,189.00		0.21% real
2022	2	\$ 8,634.15		0.00% real
2023	3	\$ 7,583.58		
2024	4	\$ 37,236.50		
2025	5	\$ 42,263.14		
2026	6	\$ 42,351.89		
2027	7	\$ 42,440.83		
2028	8	\$ 42,529.96		
2029	9	\$ 42,619.27		
2030	10	\$ 42,708.77		

(a) Taken from Mr. Pennington's tax returns and w-2s.

(b) 2017 taken from schedule c of tax returns; 2018-2019 taken from 1099s. 2020 estimated to be same as 2019.

(c) Assumes Mr. Pennington earns similar wages to when he was enrolled in the University of Akron COAMFTE Program.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 5-10.

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Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Michael Pennington, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 9,189	\$ 851	\$ 10,040	\$ 10,040
2022	2	\$ 8,634	\$ 800	\$ 9,434	\$ 19,474
2023	3	\$ 7,584	\$ 702	\$ 8,286	\$ 27,760
2024	4	\$ 37,237	\$ 3,449	\$ 40,686	\$ 68,446
2025	5	\$ 42,263	\$ 3,915	\$ 46,178	\$ 114,623
2026	6	\$ 42,352	\$ 3,923	\$ 46,275	\$ 160,898
2027	7	\$ 42,441	\$ 3,931	\$ 46,372	\$ 207,270
2028	8	\$ 42,530	\$ 3,939	\$ 46,469	\$ 253,739
2029	9	\$ 42,619	\$ 3,948	\$ 46,567	\$ 300,306
2030	10	\$ 42,709	\$ 3,956	\$ 46,665	\$ 346,971
		\$ 317,557	\$ 29,414	\$ 346,971	

- (a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)
 (b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Michael Pennington.

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Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Mr. Pennington starts as Full time Clinical Counselor in 2021, after graduation 12/2020, earning at Median rate

(Note that Mr. Pennington indicated that he earns \$40,000 partime and expects to double that when he is fulltime. Assumes that in 7 years he would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Michael Pennington, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecac.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

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<u>Year</u>	<u>Daily Treasury Real Yield Curve Rates</u>	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 5/26/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	1.75%
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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Harvey S. Rosen, Ph.D.

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June 26, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Amber Ray

Dear Attorney Pattakos:

Amber Ray is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Ray is currently 33 years old with a statistical work life expectancy of 23.1 years to age 56.1.

Ms. Ray was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Ray is currently finishing the program in Marriage and Family Therapy and is expected to receive her Ph.D. in August 2020, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Ray's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Ray would suffer a loss of \$562,326 to \$616,230. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 12

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Ray and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Ray would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

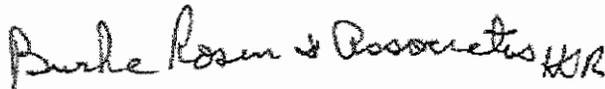
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period, is \$413,075.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Ray faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Ray's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,

Handwritten signature in cursive script that reads "Burke, Rosen & Associates" followed by the initials "HR".

Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Amber Ray

Prepared for

Peter Pattakos

Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.

Harvey S. Rosen, Ph.D.

Economists

June 26, 2020

Personal Data Sheet

Name:	Amber Ray	
Date of Birth:	5/13/1987	
Date of Incident	8/1/2017	(41.64% of 2017 Remains)
Age on:	8/1/2017	30.2 Years
Work Life Expectancy from Age	30.2	25.1 Years (68.49% of 2042)*
Age at Expiration of Work Life Expectancy:		55.3 Years Old
Life Expectancy from:	8/1/2017	51.9 Years (48.22% of 2069)**
Age at Expiration of Life Expectancy:		82.1 Years Old
Age on:	5/1/2020	33.0 Years
Work Life Expectancy from:	5/1/2020	23.1 Years (43.29% of 2043)*
Age at Expiration of Work Life Expectancy:		56.1 Years Old
Life Expectancy from:	5/1/2020	49.3 Years (63.29% of 2069)**
Age at Expiration of Life Expectancy:		82.3 Years Old
Occupation:	Therapist/ P-T faculty	
Employer:	Summit Psychological Associates; Kent State	
Date of Hire:	June 2019; August 2019	
Education Level:	Advanced Degree	

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates.
February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
C. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
C. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (297,993)	\$ 777,810
B. 6 Years	\$ 585,487	\$ (172,411)	\$ 413,075
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)		\$	1,026,562
b. Out-of-State (Living On Campus)		\$	1,144,012
C. In-State (Living Off Campus)		\$	1,016,224
b. Out-of-State (Living Off Campus)		\$	1,133,674
B. 6 Years			
a. In-State (Living on Campus)		\$	562,326
b. Out-of-State (Living On Campus)		\$	632,796
C. In-State (Living Off Campus)		\$	556,123
b. Out-of-State (Living Off Campus)		\$	626,593

3b

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (NATIONAL AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	272,942	
b. Out-of-State (Living On Campus)	\$	338,592	
C. In-State (Living Off Campus)	\$	262,603	
b. Out-of-State (Living Off Campus)	\$	328,253	
B. 6 Years			
a. In-State (Living on Campus)	\$	163,765	
b. Out-of-State (Living On Campus)	\$	203,155	
C. In-State (Living Off Campus)	\$	157,562	
b. Out-of-State (Living Off Campus)	\$	196,952	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (297,993)	\$ 777,810
B. 6 Years	\$ 585,487	\$ (172,411)	\$ 413,075
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)		\$	1,050,752
b. Out-of-State (Living On Campus)		\$	1,116,402
C. In-State (Living Off Campus)		\$	1,040,414
b. Out-of-State (Living Off Campus)		\$	1,106,064
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)		\$	576,840
C. In-State (Living Off Campus)		\$	616,230
b. Out-of-State (Living Off Campus)		\$	570,637
		\$	610,027

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Amber Ray.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Amber Ray.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2016 through 2030 for Amber Ray.

Year	Year of program	Annual Income (a)
2016	1	\$ 20,255
2017	2	\$ 18,534
2018	3	\$ 33,106
2019	4	\$ 28,226
2020	5	\$ 28,226 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program	Growth Rate	Discount Rate
2021	1	\$ 20,297.19	0.21% real	0.00% real
2022	2	\$ 18,611.92		
2023	3	\$ 33,315.43		
2024	4	\$ 28,463.87		
2025	5	\$ 28,523.64		
2026	6	\$ 28,583.54		
2027	7	\$ 28,643.57		
2028	8	\$ 28,703.72		
2029	9	\$ 28,763.99		
2030	10	\$ 28,824.40		

(a) 2016-2019 taken from Ms. Ray's tax returns and w-2 forms.

(b) 2020 estimated to be same as 2019.

(c) Assumes Ms. Ray earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 6-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Amber Ray, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 20,297	\$ 1,880	\$ 22,177	\$ 22,177
2022	2	\$ 18,612	\$ 1,724	\$ 20,336	\$ 42,513
2023	3	\$ 33,315	\$ 3,086	\$ 36,401	\$ 78,914
2024	4	\$ 28,464	\$ 2,636	\$ 31,100	\$ 110,015
2025	5	\$ 28,524	\$ 2,642	\$ 31,166	\$ 141,180
2026	6	\$ 28,584	\$ 2,648	\$ 31,231	\$ 172,411
2027	7	\$ 28,644	\$ 2,653	\$ 31,297	\$ 203,708
2028	8	\$ 28,704	\$ 2,659	\$ 31,362	\$ 235,070
2029	9	\$ 28,764	\$ 2,664	\$ 31,428	\$ 266,499
2030	10	\$ 28,824	\$ 2,670	\$ 31,494	\$ 297,993
		\$ 272,731	\$ 25,262	\$ 297,993	

- (a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)
 (b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Amber Ray.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Ray starts as Full time Clinical Counselor in 2021, after graduation in August 2020, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Amber Ray, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecac.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rates per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	1.75%
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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June 1, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Symphonie Smith

Dear Attorney Pattakos:

Symphonie Smith is a Ph.D. candidate at the University of Akron, who is enrolled in the University of Akron's College of Health Professions School of Counseling. Ms. Smith is currently 34.3 years old with a statistical work life expectancy of 22.2 years to age 56.5.

Ms. Smith was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Ms. Smith is finished the program in Marriage and Family Therapy and received her Ph.D. in May 2018, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Ms. Smith's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Ms. Smith would suffer a loss of \$656,004 to \$709,908. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 13

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Ms. Smith and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Ms. Smith would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

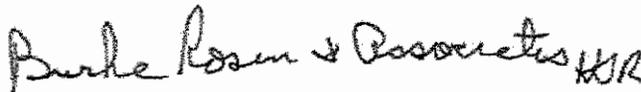
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period. is \$506,753.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Ms. Smith faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Ms. Smith's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Symphonie Smith

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 1, 2020

Personal Data Sheet

Name: Symphonie Smith
 Date of Birth: 1/10/1986
 Date of Incident: 8/1/2017 (41.64% of 2017 Remains)
 Age on: 8/1/2017 31.6 Years
 Work Life Expectancy from Age 31.6 24.1 Years (68.49% of 2041)*
 Age at Expiration of Work Life Expectancy: 55.7 Years Old
 Life Expectancy from: 8/1/2017 48.5 Years (8.49% of 2066)**
 Age at Expiration of Life Expectancy: 80.1 Years Old
 Age on: 5/1/2020 34.3 Years
 Work Life Expectancy from: 5/1/2020 22.2 Years (53.42% of 2042)*
 Age at Expiration of Work Life Expectancy: 56.5 Years Old
 Life Expectancy from: 5/1/2020 45.9 Years (23.29% of 2066)**
 Age at Expiration of Life Expectancy: 80.2 Years Old
 Occupation: Mental Health Therapist/ Adjunct Faculty
 Employer: Ascension Counseling & Therapy Serv/ Virginia Tech
 Date of Hire: 10/2017; 08/2019
 Education Level: Advanced Degree

As of 5/1/2020

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>	<u>Age</u>	<u>Life Expectancy</u>
Kevin Gay	Husband	9/6/1986	33.7	41.2 Years
Amari Gay	Daughter	2/18/2010	10.2	69.2 Years
Huey Gay	Son	9/5/2018	1.7	71.2 Years

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates, February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

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3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
C. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
C. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (159,194)	\$ 916,610
B. 6 Years	\$ 585,487	\$ (78,733)	\$ 506,753
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)			\$ 1,165,361
b. Out-of-State (Living On Campus)			\$ 1,282,811
C. In-State (Living Off Campus)			\$ 1,155,023
b. Out-of-State (Living Off Campus)			\$ 1,272,473
B. 6 Years			
a. In-State (Living on Campus)			\$ 656,004
b. Out-of-State (Living On Campus)			\$ 726,474
C. In-State (Living Off Campus)			\$ 649,801
b. Out-of-State (Living Off Campus)			\$ 720,271

3b

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (NATIONAL AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 272,942
b. Out-of-State (Living On Campus)	\$ 338,592
C. In-State (Living Off Campus)	\$ 262,603
b. Out-of-State (Living Off Campus)	\$ 328,253
B. 6 Years	
a. In-State (Living on Campus)	\$ 163,765
b. Out-of-State (Living On Campus)	\$ 203,155
C. In-State (Living Off Campus)	\$ 157,562
b. Out-of-State (Living Off Campus)	\$ 196,952

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,075,803	\$ (159,194)	\$ 916,610
B. 6 Years	\$ 585,487	\$ (78,733)	\$ 506,753

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,189,551
b. Out-of-State (Living On Campus)	\$ 1,255,201
C. In-State (Living Off Campus)	\$ 1,179,213
b. Out-of-State (Living Off Campus)	\$ 1,244,863
B. 6 Years	
a. In-State (Living on Campus)	
b. Out-of-State (Living On Campus)	\$ 670,518
C. In-State (Living Off Campus)	\$ 709,908
b. Out-of-State (Living Off Campus)	\$ 664,315
	\$ 703,705

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Symphonie Smith.

*STATE OF OHIO AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of- State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of- State Tuition (Live Off Campus)
2021	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2022	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2023	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2024	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2025	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2026	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2027	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2028	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2029	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2030	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Symphonie Smith.

NATIONAL AVERAGE					
Accumulated Totals (a)					
Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2021	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2022	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2023	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2024	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2025	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2026	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2027	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2028	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2029	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2030	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2021 taken from Table 1. Years after 2021 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2013 through 2030 for Symphonie Smith.

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Year	Year of program	Annual Income (a)
2013	1	\$ 10,466
2014	2	\$ 12,475
2015	3	\$ 10,466
2016	4	\$ 12,475
2017	5	\$ 9,757
2018	6	\$ 15,870 * finished Ph.D.
2019		\$ 18,084
2020		\$ 18,084 est (b)

Forecasted Annual Wage, 2021 through 2030 (c)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program		
2021	1	\$ 10,487.98		
2022	2	\$ 12,527.45	Growth Rate	0.21% real
2023	3	\$ 10,532.07	Discount Rate	0.00% real
2024	4	\$ 12,580.12		
2025	5	\$ 9,859.78		
2026	6	\$ 16,071.43		
2027	7	\$ 18,351.99		
2028	8	\$ 18,390.53		
2029	9	\$ 18,429.15		
2030	10	\$ 18,467.85		

(a) Taken from Mrs. Smith's w-2 forms, 1099-misc and social security earnings statement.

(b) 2020 estimated to be same as 2019.

(c) Assumes Ms. Smith earns similar wages to when she was enrolled in the University of Akron COAMFTE Program and the two years after she graduated.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 8-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Symphonie Smith, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 10,488	\$ 971	\$ 11,459	\$ 11,459
2022	2	\$ 12,527	\$ 1,160	\$ 13,688	\$ 25,147
2023	3	\$ 10,532	\$ 976	\$ 11,508	\$ 36,655
2024	4	\$ 12,580	\$ 1,165	\$ 13,745	\$ 50,400
2025	5	\$ 9,860	\$ 913	\$ 10,773	\$ 61,173
2026	6	\$ 16,071	\$ 1,489	\$ 17,560	\$ 78,733
2027	7	\$ 18,352	\$ 1,700	\$ 20,052	\$ 98,785
2028	8	\$ 18,391	\$ 1,703	\$ 20,094	\$ 118,879
2029	9	\$ 18,429	\$ 1,707	\$ 20,136	\$ 139,015
2030	10	\$ 18,468	\$ 1,711	\$ 20,178	\$ 159,194
		\$ 145,698	\$ 13,495	\$ 159,194	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Symphonie Smith.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Smith starts as Full time Clinical Counselor in 2021, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Symphonie Smith, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2021	1	\$ 76,410	\$ 20,656	\$ 97,066	\$ 97,066
2022	2	\$ 76,572	\$ 20,699	\$ 97,271	\$ 194,337
2023	3	\$ 76,734	\$ 20,743	\$ 97,477	\$ 291,814
2024	4	\$ 76,897	\$ 20,787	\$ 97,684	\$ 389,498
2025	5	\$ 77,060	\$ 20,831	\$ 97,891	\$ 487,388
2026	6	\$ 77,223	\$ 20,875	\$ 98,098	\$ 585,487
2027	7	\$ 96,188	\$ 26,002	\$ 122,190	\$ 707,677
2028	8	\$ 96,392	\$ 26,057	\$ 122,449	\$ 830,126
2029	9	\$ 96,596	\$ 26,112	\$ 122,709	\$ 952,835
2030	10	\$ 96,801	\$ 26,168	\$ 122,969	\$ 1,075,803
		\$ 846,872	\$ 228,931	\$ 1,075,803	

(a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).

(b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/eccec.t01.htm>

Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates. 12

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 5/29/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

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Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

Series Catalog:

Series Id:	CIU20162000000001	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	1.75%
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.

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June 23, 2020

Peter Pattakos, Esq.
The Pattakos Law Firm LLC
101 Ghent Road
Fairlawn, OH 44333

Re: Eman Tadros

Dear Attorney Pattakos:

Eman Tadros is a Ph.D. graduate of the University of Akron's College of Health Professions School of Counseling. Dr. Tadros is currently 28 years old with a statistical work life expectancy of 26.5 years to age 54.4.

Dr. Tadros was expecting that, upon completion of the programs at the University of Akron, she would obtain a degree in Counselor of Education and Supervision and Marriage and Family Counseling and Therapy ("MFC/T") with dual accreditation from the Council for Accreditation of Counseling and Related Educational Programs ("CACREP") and the Commission on Accreditation for Marriage and Family Therapy Education ("COAMFTE") from the joint Doctoral program at the University.

In August 2017, the University allowed the CACREP accreditation to lapse without a provision to allow those students who were already enrolled in the program to complete their degree with dual accreditation. Dr. Tadros finished the program in Marriage and Family Therapy and received her Ph.D. in December 2019, with an accreditation from COAMFTE, but not with the joint CACREP accreditation.

You have asked for my opinion as to Dr. Tadros's economic loss due to not obtaining a CACREP accredited Ph.D. degree. My findings indicate that Dr. Tadros would suffer a loss of \$642,142 to \$696,046. The loss consists of what it would cost her to acquire a Ph.D. with CACREP accreditation plus the loss of full-time employment and earnings during the time she would be a full-time student. The low end of the range assumes she attends an in-state university; whereas the high end of the range assumes she attends an out of state university.

It is my opinion that it would cost \$149,251 in state (\$203,155 out of state) to obtain a Ph.D. with the CACREP accreditation. The costs include tuition, books and room and board (relocation expenses are not included).

EXHIBIT 14

These costs are based upon average cost data to obtain the degree at a public university in Ohio with a CACREP program (or national data if she attends an out of state program). The typical full-time program based upon the experience of Dr. Tadros and others enrolled in the University of Akron program, required about six years to complete the program as a student, including the internship. It was assumed that she would complete the program in six years. I have also included an estimate of the losses based upon a ten-year completion, which is the maximum time permitted by most Universities to complete a Ph.D. program.

In addition, to the direct cost of the program, Dr. Tadros would lose six years of full-time employment and earnings less whatever part time earnings she could earn over the same time period. The earnings loss was calculated based upon the median earnings of licensed professional counselors.

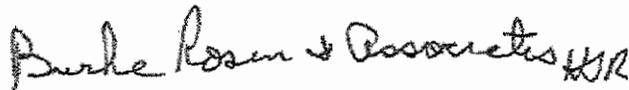
In order to arrive at my opinion, it was necessary to subtract any part time employment earnings. Most Doctoral programs restrict the number of hours per week a student can work which is usually limited to 10 to 20 hours per week. The deduction for part-time earnings is based upon the income she earned while a Ph.D. candidate at the University of Akron. My findings indicate that her lost opportunity income (less part-time earnings) for the six-year period, is \$492,891.

The impact of future inflation on the above losses have not been taken into account. To be consistent a real discount rate was utilized when the above losses were reduced to present value.

Finally, Dr. Tadros faces a much lower probability of finding employment as an academic without the CACREP accreditation. There are currently 873 CACREP programs in the United States and 49 in Ohio, compared to only 127 COAMFTE programs in the United States and only 2 in Ohio, which clearly limits Dr. Tadros's academic employment opportunities. If she were fortunate to find academic employment with her COAMFTE only degree, it would be difficult to determine whether she would experience a diminished earning capacity. Published academic data is by academic rank and does not distinguish between the salaries of academics with different accreditations for a specific discipline.

My findings are detailed in this report.

Sincerely yours,



Burke, Rosen & Associates
Economists
JFB:HSR:MA

Preliminary Report

concerning the

**Loss of Earning Capacity &
The Cost of Obtaining a CACREP Ph.D. Degree**

of

Eman Tadros

Prepared for

Peter Pattakos
Attorney at Law

Prepared by:

John F. Burke, Jr., Ph.D.
Harvey S. Rosen, Ph.D.
Economists

June 23, 2020

Personal Data Sheet

Name:	Eman Tadros	
Date of Birth:	5/24/1992	
Date of Incident	8/1/2017	(41.64% of 2017 Remains)
Age on:	8/1/2017	25.2 Years
Work Life Expectancy from Age 25.2		28.5 Years (8.49% of 2046)*
Age at Expiration of Work Life Expectancy:		53.7 Years Old
Life Expectancy from: 8/1/2017		56.8 Years (38.36% of 2074)**
Age at Expiration of Life Expectancy:		82.0 Years Old
Age on: 5/1/2020		27.9 Years
Work Life Expectancy from: 5/1/2020		26.5 Years (83.29% of 2046)*
Age at Expiration of Work Life Expectancy:		54.4 Years Old
Life Expectancy from: 5/1/2020		54.1 Years (43.29% of 2074)**
Age at Expiration of Life Expectancy:		82.0 Years Old
Education Level:	Advanced Degree	

Note: As of 5/1/2020 66.85% of 2020 Remains

*Length of Working Life for Men and Women, 1979-80, Worklife Estimates, February 1986, Bureau of Labor Statistics, U.S. Department of Labor.

**Expectation of Life at Single Years of Age, by Race, and Sex: U.S., 2017, Arias, E., Xu Jiaquan. United States Life Tables, 2017. National Vital Statistics Reports; Vol 68 No. 7, Hyattsville, MD: National Center for Health Statistics, June 24, 2019 pgs.18-27.

FW

3a

Summary Sheet

		Present Value Program Cost	
I. Cost of CACREP Program (STATE OF OHIO AVERAGE)			
A. 10 Years			
a. In-State (Living on Campus)	\$	248,752	
b. Out-of-State (Living On Campus)	\$	366,202	
C. In-State (Living Off Campus)	\$	238,413	
b. Out-of-State (Living Off Campus)	\$	355,863	
B. 6 Years			
a. In-State (Living on Campus)	\$	149,251	
b. Out-of-State (Living On Campus)	\$	219,721	
C. In-State (Living Off Campus)	\$	143,048	
b. Out-of-State (Living Off Campus)	\$	213,518	
II. Lost Wages			
	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,073,529	\$ (141,004)	\$ 932,525
B. 6 Years	\$ 584,249	\$ (91,358)	\$ 492,891
III. Total Loss (Cost + Lost Wages)			
A. 10 Years			
a. In-State (Living on Campus)		\$	1,181,277
b. Out-of-State (Living On Campus)		\$	1,298,727
C. In-State (Living Off Campus)		\$	1,170,938
b. Out-of-State (Living Off Campus)		\$	1,288,388
B. 6 Years			
a. In-State (Living on Campus)			
b. Out-of-State (Living On Campus)		\$	642,142
C. In-State (Living Off Campus)		\$	712,612
b. Out-of-State (Living Off Campus)		\$	635,939
		\$	706,409

3b

Summary Sheet

	Present Value Program Cost
I. Cost of CACREP Program (NATIONAL AVERAGE)	
A. 10 Years	
a. In-State (Living on Campus)	\$ 272,942
b. Out-of-State (Living On Campus)	\$ 338,592
C. In-State (Living Off Campus)	\$ 262,603
b. Out-of-State (Living Off Campus)	\$ 328,253
B. 6 Years	
a. In-State (Living on Campus)	\$ 163,765
b. Out-of-State (Living On Campus)	\$ 203,155
C. In-State (Living Off Campus)	\$ 157,562
b. Out-of-State (Living Off Campus)	\$ 196,952

II. Lost Wages

	Full-Time Wages	Part-Time Wages while in CACREP Program	Present Value Net Loss
A. 10 Years	\$ 1,073,529	\$ (141,004)	\$ 932,525
B. 6 Years	\$ 584,249	\$ (91,358)	\$ 492,891

III. Total Loss (Cost + Lost Wages)

A. 10 Years	
a. In-State (Living on Campus)	\$ 1,205,467
b. Out-of-State (Living On Campus)	\$ 1,271,117
C. In-State (Living Off Campus)	\$ 1,195,128
b. Out-of-State (Living Off Campus)	\$ 1,260,778
B. 6 Years	
a. In-State (Living on Campus)	\$ 656,656
b. Out-of-State (Living On Campus)	\$ 696,046
C. In-State (Living Off Campus)	\$ 650,453
b. Out-of-State (Living Off Campus)	\$ 689,843

Table 1: Schedule Showing the Projected cost of attending a CACREP Ph.D. Program in Ohio

CACREP PH.D. Programs in Ohio (a)					
School (b)	In-State Tuition	Out-of-State Tuition	Book & Supplies	In-State Total Cost	Out-of-State Total
Kent State University	\$ 10,602.00	\$ 19,478.00	\$ 1,200.00	\$ 11,802.00	\$ 20,678.00
Ohio State University	\$ 11,084.00	\$ 32,061.00	\$ 1,245.00	\$ 12,329.00	\$ 33,306.00
Ohio University	\$ 12,612.00	\$ 22,406.00	\$ 962.00	\$ 13,574.00	\$ 23,368.00
University of Akron	\$ 11,636.00	\$ 17,765.00	\$ 1,000.00	\$ 12,636.00	\$ 18,765.00
University of Cincinnati	\$ 11,660.00	\$ 26,994.00	\$ 1,200.00	\$ 12,860.00	\$ 28,194.00
University of Toledo	\$ 10,650.00	\$ 20,010.00	\$ 1,180.00	\$ 11,830.00	\$ 21,190.00
Ohio Average	\$ 11,374.00	\$ 23,119.00	\$ 1,131.17	\$ 12,505.17	\$ 24,250.17
National Average (c)	\$ 13,793.00	\$ 20,358.00	\$ 1,131.17	\$ 14,924.17	\$ 21,489.17
School	On Campus Living Cost	Off Campust Total			
Kent State University	\$ 11,706.00	\$ 11,706.00			
Ohio State University	\$ 12,748.00	\$ 11,700.00			
Ohio University	\$ 13,332.00	\$ 13,332.00			
University of Akron	\$ 12,296.00	\$ 12,291.00			
University of Cincinnati	\$ 11,668.00	\$ 11,668.00			
University of Toledo	\$ 12,470.00	\$ 7,320.00			
Average	\$ 12,370.00	\$ 11,336.17			
OHIO:					
In-State (Tuition + Board)	\$ 24,875.17	\$ 23,841.33			
Out-of-State (Tuition + Board)	\$ 36,620.17	\$ 35,586.33			
NATIONAL					
In-State (Tuition + Board)	\$ 27,294.17	\$ 26,260.33			
Out-of-State (Tuition + Board)	\$ 33,859.17	\$ 32,825.33			

(a) Costs for programs taken from collegetuitioncompare.com- 2020 Tuition Comparison between Colleges in Ohio- Graduate Programs.

(b) Per CACREP website- Find Program, these are the 6 institutions in OHIO with CACREP Ph.D. Degree.

(c) National average taken from collegetuitioncompare.com- Counselor Education/ School Counseling and Guidance Services Program 2020 Average Tuition Costs.

* the Book & Supply and Living costs taken as the Ohio averages.

Table 2: Schedule Showing the Accumulated Present Value of Ohio Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Eman Tadros.

*STATE OF OHIO AVERAGE

Accumulated Totals (a)

Year	Number of Years in Program	Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2020	1	\$ 24,875	\$ 36,620	\$ 23,841	\$ 35,586
2021	2	\$ 49,750	\$ 73,240	\$ 47,683	\$ 71,173
2022	3	\$ 74,626	\$ 109,861	\$ 71,524	\$ 106,759
2023	4	\$ 99,501	\$ 146,481	\$ 95,365	\$ 142,345
2024	5	\$ 124,376	\$ 183,101	\$ 119,207	\$ 177,932
2025	6	\$ 149,251	\$ 219,721	\$ 143,048	\$ 213,518
2026	7	\$ 174,126	\$ 256,341	\$ 166,889	\$ 249,104
2027	8	\$ 199,001	\$ 292,961	\$ 190,731	\$ 284,691
2028	9	\$ 223,877	\$ 329,582	\$ 214,572	\$ 320,277
2029	10	\$ 248,752	\$ 366,202	\$ 238,413	\$ 355,863

(a) 2020 taken from Table 1. Years after 2020 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 3: Schedule Showing the Accumulated Present Value of National Average Tuition and Board cost for CACREP Ph.D. Program Completion, for Eman Tadros.

NATIONAL AVERAGE

Year	Number of Years in Program	Accumulated Totals (a)			
		Present Value Total In-State Tuition (Live On Campus)	Present Value Total Out-of-State Tuition (Live On Campus)	Present Value Total In-State Tuition (Live Off Campus)	Present Value Total Out-of-State Tuition (Live Off Campus)
2020	1	\$ 27,294	\$ 33,859	\$ 26,260	\$ 32,825
2021	2	\$ 54,588	\$ 67,718	\$ 52,521	\$ 65,651
2022	3	\$ 81,883	\$ 101,578	\$ 78,781	\$ 98,476
2023	4	\$ 109,177	\$ 135,437	\$ 105,041	\$ 131,301
2024	5	\$ 136,471	\$ 169,296	\$ 131,302	\$ 164,127
2025	6	\$ 163,765	\$ 203,155	\$ 157,562	\$ 196,952
2026	7	\$ 191,059	\$ 237,014	\$ 183,822	\$ 229,777
2027	8	\$ 218,353	\$ 270,873	\$ 210,083	\$ 262,603
2028	9	\$ 245,648	\$ 304,733	\$ 236,343	\$ 295,428
2029	10	\$ 272,942	\$ 338,592	\$ 262,603	\$ 328,253

(a) 2020 taken from Table 1. Years after 2020 are grown at 0% real and discounted at 0.00% real. Costs are accumulated annually.

Table 4: Schedule Showing the Actual & Projected Income for the Years 2017 through 2029 for Eman Tadros.

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Year	Year of program	Annual Income (a)
2017	1	\$ 15,336
2018	2	\$ 23,171
2019	3	\$ 11,182

Forecasted Annual Wage, 2020 through 2030 (b)

Year	Year in CACREP PROGRAM	Annual Wage during CACREP Program		
2020	1	\$ 15,336.00		
2021	2	\$ 23,219.66	Growth Rate	0.21% real
2022	3	\$ 11,229.01	Discount Rate	0.00% real
2023	4	\$ 11,252.59		
2024	5	\$ 11,276.23		
2025	6	\$ 11,299.91		
2026	7	\$ 11,323.63		
2027	8	\$ 11,347.41		
2028	9	\$ 11,371.24		
2029	10	\$ 11,395.12		

(a) 2017-2018 taken from tax returns. 2019 taken from social security statement.

(b) Assumes Ms. Tadros earns similar wages to when she was enrolled in the University of Akron COAMFTE Program.

Years after grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9). Assumes same earning levels for years 5-10.

Table 5: Schedule Showing the Present Value of Earnings and Fringe Benefits for Eman Tadros, while in CACREP program.

Year	Year in CACREP PROGRAM	Wages while in CACREP Program(a)	Present Value Fringe Benefits (b)	Total	Accumulator
2020	1	\$ 15,336	\$ 1,420	\$ 16,756	\$ 16,756
2021	2	\$ 23,220	\$ 2,151	\$ 25,370	\$ 42,127
2022	3	\$ 11,229	\$ 1,040	\$ 12,269	\$ 54,396
2023	4	\$ 11,253	\$ 1,042	\$ 12,295	\$ 66,691
2024	5	\$ 11,276	\$ 1,044	\$ 12,321	\$ 79,011
2025	6	\$ 11,300	\$ 1,047	\$ 12,347	\$ 91,358
2026	7	\$ 11,324	\$ 1,049	\$ 12,372	\$ 103,731
2027	8	\$ 11,347	\$ 1,051	\$ 12,398	\$ 116,129
2028	9	\$ 11,371	\$ 1,053	\$ 12,424	\$ 128,553
2029	10	\$ 11,395	\$ 1,055	\$ 12,451	\$ 141,004
		\$ 129,051	\$ 11,953	\$ 141,004	

(a) Taken from Table 4, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9)

(b) Fringe Benefits are calculated as legally required payments from Table 8. Calculated as annual lost wages x respective legally required percentages. 2019 percentage (9.26%) is used for all future years.

Table 6: Schedule Showing the Projected Income for the Years 2019 through 2034 for Eman Tadros.

Post-Incident: Clinical Counseling (IMFT, LPC), Ph.D

Forecasted Annual Wage, 2019 through 2034 (a)

Year	Year	10th Percentile	25th Percentile	Median	75th Percentile	90th Percentile
2019	0	\$ 39,690.00	\$ 58,000.00	\$ 74,580.00	\$ 92,700.00	\$ 109,130.00
2020	1	\$ 40,577.92	\$ 59,297.54	\$ 76,248.46	\$ 94,773.83	\$ 111,571.39
2021	2	\$ 40,663.88	\$ 59,423.16	\$ 76,409.98	\$ 94,974.59	\$ 111,807.74
2022	3	\$ 40,750.02	\$ 59,549.04	\$ 76,571.85	\$ 95,175.79	\$ 112,044.59
2023	4	\$ 40,836.35	\$ 59,675.19	\$ 76,734.06	\$ 95,377.41	\$ 112,281.95
2024	5	\$ 40,922.85	\$ 59,801.60	\$ 76,896.61	\$ 95,579.46	\$ 112,519.81
2025	6	\$ 41,009.55	\$ 59,928.29	\$ 77,059.51	\$ 95,781.93	\$ 112,758.17
2026	7	\$ 41,096.42	\$ 60,055.24	\$ 77,222.75	\$ 95,984.84	\$ 112,997.04
2027	8	\$ 41,183.48	\$ 60,182.46	\$ 77,386.34	\$ 96,188.17	\$ 113,236.41
2028	9	\$ 41,270.72	\$ 60,309.95	\$ 77,550.28	\$ 96,391.94	\$ 113,476.29
2029	10	\$ 41,358.15	\$ 60,437.71	\$ 77,714.56	\$ 96,596.13	\$ 113,716.68
2030	11	\$ 41,445.76	\$ 60,565.74	\$ 77,879.19	\$ 96,800.76	\$ 113,957.58
2031	12	\$ 41,533.56	\$ 60,694.04	\$ 78,044.17	\$ 97,005.83	\$ 114,198.98
2032	13	\$ 41,621.55	\$ 60,822.62	\$ 78,209.50	\$ 97,211.32	\$ 114,440.90
2033	14	\$ 41,709.72	\$ 60,951.46	\$ 78,375.18	\$ 97,417.26	\$ 114,683.33
2034	15	\$ 41,798.08	\$ 61,080.58	\$ 78,541.21	\$ 97,623.62	\$ 114,926.28

(b)

Growth Rate (real)	0.21%
Discount Rate (real)	0.00%

(a) 2019 annual wages taken from Bureau of Labor Statistics for SOC Code 193031- Clinical, Counseling, and School Psychologists.

**Assumes Ms. Tadros starts as Full time Clinical Counselor in 2020, after graduation in December 2019, earning at Median rate

Assumes that in 7 years she would earn at the 75th percentile and 7 years later at the 90th.

(b) 2020 is grown at 2.24% nominal (Table 10). Years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.00% real (Table 9).

Table 7: Schedule Showing the Present Value of Full-time Earnings and Fringe Benefits for Eman Tadros, through year 10.

Full-Time Clinical Counseling (IMFT, LPC), Ph.D

Year	Year in CACREP PROGRAM	Present Value Full- Time Wages (a)	Present Value Fringe Benefits (b)	Total	Accumulator
2020	1	\$ 76,248	\$ 20,612	\$ 96,860	\$ 96,860
2021	2	\$ 76,410	\$ 20,656	\$ 97,066	\$ 193,926
2022	3	\$ 76,572	\$ 20,699	\$ 97,271	\$ 291,197
2023	4	\$ 76,734	\$ 20,743	\$ 97,477	\$ 388,674
2024	5	\$ 76,897	\$ 20,787	\$ 97,684	\$ 486,358
2025	6	\$ 77,060	\$ 20,831	\$ 97,891	\$ 584,249
2026	7	\$ 95,985	\$ 25,947	\$ 121,932	\$ 706,181
2027	8	\$ 96,188	\$ 26,002	\$ 122,190	\$ 828,371
2028	9	\$ 96,392	\$ 26,057	\$ 122,449	\$ 950,820
2029	10	\$ 96,596	\$ 26,112	\$ 122,709	\$ 1,073,529
		\$ 845,082	\$ 228,447	\$ 1,073,529	

- (a) Taken from Table 6, years after 2020 are grown at 0.21% real (Table 10) and discounted at 0.0% real (Table 9).
 (b) Fringe Benefits are calculated as average benefits from Table 8. Calculated as annual lost wages x respective total fringe benefit percentages. 2019 percentage (27.03%) is used for all future years.

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Table 8: Schedule Showing Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Wages and Salaries Plus Paid Leave for All Workers, for Selected Benefits.

Year	Legally Required Payments	Retirement & Savings	Medical Benefits	Total Payments
2002	9.67%	4.26%	8.21%	22.14%
2003	9.90%	4.55%	8.89%	23.33%
2004	10.16%	5.30%	9.18%	24.64%
2005	10.23%	5.38%	9.56%	25.17%
2006	10.06%	5.53%	9.74%	25.33%
2007	10.00%	5.56%	9.91%	25.47%
2008	9.80%	5.57%	9.97%	25.33%
2009	9.76%	5.54%	10.31%	25.61%
2010	9.80%	5.67%	10.61%	26.08%
2011	9.83%	5.79%	10.67%	26.29%
2012	9.90%	5.94%	10.81%	26.65%
2013	9.82%	6.02%	10.71%	26.55%
2014	9.67%	6.74%	10.71%	27.13%
2015	9.68%	6.64%	10.59%	26.91%
2016	9.42%	6.87%	11.18%	27.47%
2017	9.32%	6.74%	11.13%	27.19%
2018	9.32%	6.83%	11.07%	27.22%
2019	9.26%	6.72%	11.05%	27.03%

Source: Employer Cost per Hour Worked for Employee Compensation and Costs, as Percent of Total Compensation: Civilian workers, by major occupational and industry group, 2002-2019 economic news releases, last modified December 18, 2019. U.S. Department of Labor, U.S. Bureau of Labor Statistics, Sept. 2019. Percentages reported above have been converted from percentages of total compensation to percentages of wages and salaries plus paid leave and supplemental pay.

<http://www.bls.gov/news.release/ecec.t01.htm>

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Table 9: Schedule Showing the Real Discount Rates Based on the Daily Treasury Real Yield Curve Rates.

Year	Daily Treasury Real Yield Curve Rates	
0 - 10	0.00%	*
11 - 29 Years	0.00%	*
30 - Thereafter	0.00%	*

*Note: A 0.00% discount rate is utilized in place of negative rate per Author.

Source: Rates are taken as the Daily Treasury Real Yield Curve Rates. They are as of 6/15/2020 and are from the web site http://www.ustreas.gov/offices/domestic-finance/debt-management/interest-rate/real_yield.shtml. The 0 - 10 year rate is taken as the 7 year rate, the 11-29 year rate is taken as the 20 year rate, while the 30- thereafter rate is taken as the 30 year rate.

Table 10: Schedule Showing the Employment Cost Index for Health Care and Social Assistance Occupations from the Bureau of Labor Statistics.

13

Series Catalog:

Series Id:	CIU2016200000000I	CAGR ECI (Q4 2009 to Q4 2019)	1.97%
Not Seasonally Adjusted		CAGR CPI-U (DEC 09 to DEC 19)	<u>1.75%</u>
Series Title:	Total compensation for Private industry workers in Health care and social assistance, Index	Real Rate of Growth ECI	0.21%
Ownership:	Private industry workers		
Component:	Total compensation		
Occupation:	All workers		
Industry:	Health care and social assistance		
Subcategory:	All workers		
Area:	United States (National)		
Periodicity:	Index Number		

Data:

Year	Qtr1	Qtr2	Qtr3	Qtr4	Q4 % Change
2009	111.5	111.9	112.5	112.8	
2010	113.3	113.7	114.2	114.6	1.60%
2011	115.0	115.5	115.8	116.4	1.57%
2012	117.6	118.1	118.5	118.9	2.15%
2013	119.4	119.9	120.5	121.1	1.85%
2014	121.4	122.0	122.4	123.2	1.73%
2015	123.8	124.3	124.7	125.3	1.70%
2016	125.9	126.5	127.1	127.6	1.84%
2017	128.5	129.2	129.5	130.2	2.04%
2018	131.4	132.1	133.2	134.1	3.00%
2019	134.8	134.6	136.4	137.1	2.24%

Source: Bureau of Labor Statistics web site at <http://www.bls.gov/data/>. The data is under the Pay & Benefits section, Employment Cost Index.