



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF LICENSING & REGISTRATION
COMPLAINTS & INVESTIGATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

JOHN ELIAS BALDACCIO
GOVERNOR

ANNE L. HEAD
DIRECTOR

October 23, 2009

Donald B. Mendell, Jr
[REDACTED]
[REDACTED]

Re: Complaint # [REDACTED]
License [REDACTED]
License expiration date: [REDACTED]

NOTICE OF COMPLAINT

Dear Mr. Mendell:

Ann [REDACTED] has filed a complaint against the license issued to you by the Board of Social Worker Licensure. A copy of the complaint is enclosed. Please mail to this office a detailed response to the complaint within 30 days of your receipt of this letter.

A copy of your response will be forwarded to the complainant. A complete description of the complaint process is included in the Administrative Complaint Procedures enclosed with this letter.

If you have any questions, feel free to call me. **Do not** contact any members of the board. This prohibition is necessary to prevent board members bias.

Sincerely,

Cathy L. Neumann
Complaint Coordinator

cc: Robert Perkins, Assistant Attorney General
Torrey Gray, Board Administrator



PRINTED ON RECYCLED PAPER

PHONE: (207)624-8660 (Voice)

FAX: (207)624-8637

(888) 577-6690 (TTY)
OFFICES LOCATED AT: 76 NORTHERN AVENUE,
GARDINER, MAINE

Neumann, Kaidena L

From: [REDACTED]
Sent: Monday, October 19, 2009 7:51 PM
To: Neumann, Kaidena L; Neumann, Kaidena L
Subject: Professional Licensing Complaint email: Social Workers

Licensing Board: Social Workers

Date: October, October 19, 19, 2009, 2009

Licensee Information:

Mr. Donald Mendell

Palmyra, ME 04965

Phone:

License number: [REDACTED]

Complaint text: Don Mendell is a Licensed Social Worker at Nokomis Regional High School. Don has a history of being unsupportive of GLTBQ issues. Recently Don appeared in a Vote YES On One commercial in which he implied that if the Marriage Equality Law was not overturned, schools would soon be forced to teach about homosexual marriage. Unfortunately, this has implications beyond Don Mendell's personal beliefs, which of course he is entitled to. The NASW Code of Ethics speaks to this issue in several places.

To begin with, NASW Ethical Principals state "social workers elevate service to others above self interest." While Mr. Mendell is entitled to his own personal opinion, he does not have the right as a licensed social worker to make public comments that can endanger or promote discrimination.

Section 2.01 states that "Social workers treat colleagues with respect and ...should avoid unwarranted negative criticism of colleagues in communications." Don Mendell references a fellow teacher in the same building as a "gay activist" which certainly creates some negative perceptions toward this teacher and what she is speaking up for.

Section 4.2 Discrimination

"Social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, or mental or physical disability.

Section 6.04

"Social Workers should act to prevent and eliminate domination of, exploitation of, and discrimination against any group or class on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigrations status, or mental or physical disability.

Don Mendell has a long history of being unsupportive of GLBTQ issues. When Nokomis High staff assisted students in beginning the Gay Straight Alliance, Don was very vocal in opposition to this group. He actively opposed the formation and continuation of this group. He has refused to allow to be posted in his area signs that students have created to bring awareness to the effects of negative language.

Don Mendell's recent appearance in the Vote Yes commercial makes more public his opposition to the support of GLBTQ issues. His negative statements regarding homosexuality help contribute to an environment of negativity that already exists among students. Our schools work hard to promote respect and dignity for all, regardless of one's personal beliefs. Mr. Mendell's choice to appear in such a public way in opposition to the Maine Marriage Equality law has consequences for the students he works with in ways that he may not have intended, yet could be dire just the same. As a social worker in the

school, many students look to him for guidance and emotional safety. This act is completely out of keeping with Social Worker's ethics to eliminate discrimination.

Since the ad has aired, some students have made the following comments:

A student speaking to another school social worker- "I didn't know Mr. Mendell was racist against gays did you?"

A group of students overheard saying things like- " Yay! Mendell says gays don't deserve to get married"

In an email sent to another school social worker by a student- "now...I do understand why Mendell might do such a thing (as being in the ad) but really...I can't condone it...because I have been on the flip side...and in my opinion...his offense was even worse than hers...she might be a person a few kids ran to...he's the counselor...he's supposed to be the safe and accepting one...god I sure hope some poor kid that loves and respects him hasn't been struggling with their own sexuality and thinking about coming out to him...god only knows how that broadcast effected their decision. Some kid listening to some Vote YES on one commercial that sees Mendell...isn't going to think well he still loves me and accepts me and my choices...they're going to think..."great, he hates me too."

This last student comment speaks most clearly to this dilemma. How many students have not been able to seek support and guidance from Don or worse yet, have heard his negative comments and internalized these. GLBTQ youth don't need any help feeling bad about themselves. They turn to us Social Workers for support in these difficult life issues. Regardless of our own views, it is imperative that we provide support and safety.

As a human being Don has a right to voice his personal opinions in the public arena. As a Social Worker, he has a greater responsibility, one of acceptance and safety to the young people he serves. His decisions on this issue greatly undermine that responsibility.

Complainant:
Ms Ann [REDACTED]
[REDACTED]
[REDACTED]

United States

Daytime phone: [REDACTED]
Evening phone: [REDACTED]
Fax:

Email: [REDACTED]
Email OR: Kaidena.L.Neumann@maine.gov, Kaidena.L.Neumann@maine.gov

Hello Mr. Mendell:

Please accept this email as it is intended - with professionalism and respect. Also, please know that our telephone calls and emails are sent with much sincerity while as colleagues, we realize that this is a difficult and complex dilemma. That being said, both executive boards of the Maine School Counseling Association and the Maine Counseling Association have labored over what appears to be ethical violations that were breached in terms of the advertisement that was aired on behalf of the Vote Yes on One campaign. More specifically, you were featured in an television advertisement and identified as a school counselor in support of voting yes on this issue. Therefore, it was decided through board votes to submit a disclaimer on our behalf to Mr. Braun, Mr. Shorey, the MPA, the MSMA, the Commissioner of Education and four of the larger newspapers in Maine. In the disclaimer, the ethical guidelines were outlined that were affected by this advertisement.

Yesterday, both Bernadette Willette and President of MeCA and I tried unsuccessfully to talk to speak with you via telephone, further extending professional courtesies regarding letting you know of the actions that we would be taking today and giving you an opportunity to send your own message back to our boards. Please let us know if there is anything that you would like to convey to our boards or if you need anything else from us.

In the meantime, thank you for your time and best regards as fall starts making its turn towards winter.

Bernadette Willette
President: MeCA

David Klippert
President: MESCA