



STATE OF MARYLAND

**DHMH**

Board of Professional Counselors and Therapists

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Robert L. Ehrlich, Jr., Governor — Michael S. Steele, Lt. Governor — S. Anthony McCann, Secretary

June 26, 2006

**VIA CERTIFIED AND FIRST CLASS MAIL**

Amy D. Fintrilis  
506-06 Eastview Terrace  
Abingdon, Maryland 21009

**Re: Final Order**  
**Board Case Number: 2006-13**

Dear Ms. Fintrilis:

Enclosed please find the Board of Professional Counselors and Therapists' Final Decision and Order in the above-referenced case.

Sincerely,

Aileen Taylor  
Executive Director  
Board of Professional Counselors and Therapists

Enclosure

cc: Sherrai V. Hamm, Assistant Attorney General, And Administrative Prosecutor  
Noreen M. Rubin, Board Counsel  
Timothy J. Paulus, Deputy Counsel  
Judith Williams, Director, West Virginia Board of Social Work Examiners  
Johns Hopkins Bayview – Center for Addiction & Pregnancy  
Office of Health Care Quality  
Alcohol and Drug Abuse Administration

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Web Site: [www.dhmh.state.md.us](http://www.dhmh.state.md.us)

**IN THE MATTER OF  
AMY D. FINTRILIS  
APPLICANT**

**\* BEFORE THE STATE  
\* BOARD OF PROFESSIONAL  
\* COUNSELORS AND THERAPISTS  
\* CASE NUMBER: 2006-13**

\* \* \* \* \*

**FINAL ORDER**

**FINDINGS OF FACT**

The Board finds that:

1. In or around December 2005, the Board received the Applicant's application for certification to practice as a certified associate counselor – alcohol and drug (a copy of the Applicant's application dated December 9, 2005, is attached hereto and incorporated herein as **Exhibit A**).

2. On her application for certification, the Applicant answered "Yes" to the question, "Has any state licensing or disciplinary board ever taken any action against your license and/or certification, including but not limited to limitations of practice, required education, admonishment, reprimand, revocation, suspension."

3. On her application for certification, the Applicant answered "Yes" to the question, "Has an investigation or charge ever been brought against you by any licensing or disciplinary board?"

4. On her application for certification, the Applicant answered "Yes" to the question, "Have you pled guilty, nolo contendere, or been convicted of or received probation before judgment of any criminal act (excluding traffic violations)?"

5. Further investigation of the Applicant's application for certification revealed the following:

**The Applicant's 2003 conviction.**

6. On or about November 13, 2003, the Applicant was charged in the Magistrate Court for Harrison County, West Virginia, with wilfully false swearing under oath, in violation of W. Va Code § 61-5-2 (a copy of the Criminal Complaint and the Arrest Warrant in *State of West Virginia v Amy Dionesia Elkins*, Case No. 03M-3700, are attached hereto and incorporated herein as **Exhibit B**).<sup>1</sup>

7. On November 18, 2003, the Applicant pled guilty in the Magistrate Court for Harrison County, West Virginia, to one count of wilfully false swearing under oath, in violation of W. Va. Code § 61-5-2 (a copy of the Guilty or No Contest Plea, in *State of West Virginia v Amy Dionesia Elkins*, Case No. 03M-3700, is attached hereto and incorporated herein as **Exhibit C**).

8. Magistrate Warren Davis of the Magistrate Court for Harrison County, West Virginia found the Applicant guilty of wilfully false swearing under oath.

9. Magistrate Davis sentenced the Applicant to forty-eight (48) hours imprisonment and ordered the Applicant to pay court costs and fees in the amount of three hundred and forty dollars (\$340.00) (a copy of the Amended Jail Commitment Order and the Criminal Case History, in *State of West Virginia v Amy Dionesia Elkins*, Case No. 03M-3700, are attached hereto and incorporated herein as **Exhibit D**).

10. The Applicant was convicted of willfully false swearing under oath.

11. Wilfully false swearing under oath is a crime involving moral turpitude.

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<sup>1</sup> Elkins was the Applicant's married name. The Applicant applied for certification using her maiden name.

### Disciplinary action taken by the West Virginia Board of Social Work

12. The Applicant was originally licensed to practice graduate social work in the State of West Virginia, on January 1, 2002.

13. In 2004, following an investigation into a written complaint regarding the Applicant's conduct, the State of West Virginia Board of Social Work Examiners ("the West Virginia Board") charged the Applicant with violating the West Virginia Code §§ 30-30-1 et seq. and the Rules of the West Virginia Board 25 CRS1, §§ 25-2-2 et seq.

14. The Applicant was charged by the West Virginia Board with developing a personal and sexual relationship with a client; failing to immediately terminate her professional and personal relationship with the client when she was originally advised to do so by her supervisor; terminating services to a client to pursue a social and sexual relationship with the client; and making false statements and misrepresentations while testifying under oath in a court of law.

15. In lieu of a hearing, the Applicant agreed to enter into a Consent Agreement with the West Virginia Board (a copy of the Agreement and Order dated November 30, 2004, in West Virginia Board of Social Work Examiners v. Amy Fintrilis Elkins, is attached hereto and incorporated as **Exhibit E**).

16. The Board found that the Applicant's conduct violated the Rule of the West Virginia Board and sections 4.03, 4.04, and 4.06 of the National Association of Social Workers' Code of Ethics.<sup>2</sup>

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<sup>2</sup> The West Virginia Board adopted the National Association of Social Workers' Code of Ethics, as the West Virginia Board's Code of Ethics. The West Virginia Board defines misconduct to include a social worker's failure to comply with the Code of Ethics of the National Association of Social Workers.

17. Under the terms of the Consent Agreement and Order dated November 30, 2004, the Applicant's license to practice social work in West Virginia was suspended for a period of three (3) years.

18. The Applicant was order to undergo therapy and provide the West Virginia Board with the name of her therapist or counselor.

19. The Applicant's conduct, as determined by the West Virginia Board, constitutes grounds for disciplinary action in the State Maryland under H.O. § 17-313 (4), (6), (10), and (12), and Code Md. Regs. tit. 10, § 58.03 as set forth above.

**The Applicant's employment application.**

20. On or about October 11, 2004, the Applicant completed an application for employment with Johns Hopkins Bayview Medical Center ("Bayview"), located in Baltimore, Maryland.

21. On her application for employment at Bayview, the Applicant indicated that she had been employed as an addiction therapist at United Summit Center located in Clarksburg West Virginia.

22. The Applicant falsely stated on her Bayview application for employment that she had been laid off from United Summit Center.

23. The Applicant was fired from United Summit Center in or around October 2003.

24. The allegations as set forth in paragraphs 6-23 indicated that the Applicant lacks good moral character and the allegations set forth in paragraphs 6-23 constitute

grounds for denial of the Applicant's application for a certification to practice as a certified associate counselor – alcohol and drug under H.O. § 17-302 (a) and (b).

25. The allegations set forth in paragraphs 6-23 are grounds for discipline in Maryland and constitutes grounds for denial of the Applicant's application for certification to practice as a certified associate counselor – alcohol and drug under H.O. § 17-313 (4), (6), and (10), and (12), Code Md. Regs. tit. 10, § 58.03.04 B (2), Code Md. Regs. tit. 10, § 58.03.05 B (1) (a), and Code Md. Regs. tit. 10, § 58.03.09 A (1), (2), (3), (4) and (5) and B (1) and (2).

### CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes that the Applicant fails to meet the requirements for certification under Md. Health Occ. Code Ann § 17-302 (a) and (b). The Board also concludes that the Applicant conduct as set forth in the findings of fact is a violation of H.O. § 17-131 (a) (4), (6), (10), (12), Code Md. Regs. tit. 10, § 58.03.04 B (2), Code Md. Regs. tit. 10, § 58.03.05 B (1) (a); Code Md. Regs. tit. 10, § 58.03.09 A (1), (2), (3), (4) and (5) and B (1) and (2).

### ORDER

After reviewing the application of Amy D. Fintrilis for certification to practice as a certified associate counselor – alcohol and drug in the State of Maryland, it is this 23<sup>RD</sup> day of June, 2006,

**ORDERED** that the Applicant's application for certification to practice as a certified associate counselor-alcohol and drug in the State of Maryland be and hereby is **DENIED**; and be it further

**ORDERED** that this is a Final Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Govt. Code Ann. §§ 10-611 et seq. (2004 Repl. vol.).

June 23, 2006  
Date

Joanne Faber  
Joanne Faber, J.Ed., LCPC, Chair  
Board of Professional Counselors and  
Therapists

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. § 17-315 (2005 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of the Final Order and shall be made as provided for judicial review of a final decision, in the Md. State Govt. Code Ann. §§ 10-201 et seq. (2004 Repl. Vol.), and Title 7, Chapter 200 of the Maryland Rules.

**Application #CAC-1**  
**Certified Associate Counselor – Alcohol & Drug (CAC-AD)**  
**Board of Examiners of Professional Counselors**  
**4201 Patterson Avenue**  
**Baltimore, Maryland 21215**  
[www.dhmh.state.md.us/bopc/](http://www.dhmh.state.md.us/bopc/)

General Information

Application Date: \_\_\_\_\_

Name: (Mr.) (Ms.) (Ms.) Amy D. Fintrilis

Maiden or Previous Name, if different from above: previously Elkins - divorced now

Address: 506-06 Eastview Terrace Abingdon, MD 21009

Social Security No. [REDACTED] Date of Birth: 01-31-76

Telephone: (Home) 410.652.9410 (Work) 410.550.3037

E-mail: afintri1@jhmi.edu

I am applying for certification as a:

Certified Associate Counselor, Alcohol and Drug (CAC-AD)

**SECTION I.**

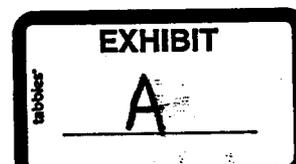
Academic History and Credentials

Criteria:

**CAC-AD = Bachelors Degree in a Health or Human Services Counseling field**

Directions: Please list your relevant educational history below, beginning with your most recent college education. **Official Transcripts are required.**

College or University	Date(s) of Attendance	Degree Awarded/Major
CCBC- Dundalk	Summer 2005	1 credit - ethics
West Virginia University	Jan. 2000 - May 2001	Master of Social Work
Frostburg State University	Aug. 96 - May 99	Bachelor Social Work



SECTION II

Supervised Experience in Alcohol and Drug Counseling

Criteria: 3 years of work experience in alcohol and drug counseling, 2 years must be after the award of BA degree.

Directions: List your work experience in Alcohol and Drug Counseling.

Pre-Degree

1. Name of Agency/Employer \_\_\_\_\_
2. Your Job Title/Position: \_\_\_\_\_
3. Dates of Employment (month/year) \_\_\_\_\_
4. Your supervisor's Name and Position: \_\_\_\_\_

1. Name of Agency/Employer Preston Addiction Treatment Center
2. Your Job Title/Position: Addiction Therapist
3. Dates of Employment: (month/year) 12/2001 - 11/2002
4. Your supervisor's Name and Position Susan Kirkendall - Director of TX.

Post Degree

1. Name of Agency/Employer United Summit Center
2. Your Job Title/Position Adolescent Addiction Therapist
3. Dates of Employment (month/year) 12/2002 - 10/2003
4. Your supervisor's Name and Position James Teeey - Clinical Director

1. Name of Agency/Employer Johns Hopkins Bayview - Center for Addiction & Pregnancy
2. Your Job Title/Position Mental Health Therapist
3. Dates of Employment (month/year) 11/2004 - present
4. Your supervisor's Name and Position Tammy Roberts - Director of Treatment

Documentation: You must provide written documentation for employment listed above. Acceptable documentation includes letters(s) from supervisor, personnel departments or Human Resource Offices.

SECTION III

Examination

All applicants must pass the ICRC/AODA written examination and the Maryland State Law Test.

I have passed the ICRC/AODA examination?        Yes        No

I have passed the ICRC/AODA examination, please include official results.

I have not taken the test yet.

Additional Information

A. Have you ever been denied initial application reinstatement or renewal of a license and/or certification by any state licensing or disciplinary board?        Yes      No  
If "yes" explain reasons

B. Has any state licensing or disciplinary board ever taken any action against your license and/or certification, including but not limited to limitations of practice, required education, admonishment, reprimand, revocation, suspension?      Yes        No  
If yes, explain circumstances

My socialwork license was suspended in WV for 3 yrs in 2003.

C. Has an investigation or charge ever been brought against you by any licensing or disciplinary board?      Yes        No  
If yes, please explain

I was "charged" w having a dual relationship by the WV Board of SW Examiners (along w a couple similar "charges").

D. Have you pled guilty, nolo contendere, or been convicted of or received probation before judgement of any criminal act (excluding traffic violations)?      Yes        No

If "yes" provide the following information: Date of conviction: November 2003 (misdemeanor)  
Where convicted Harrison Co, WV Charge false swearing.

If conviction was set aside, give date and explain using additional pages if necessary. Include required information on all felony convictions attaching additional sheets behind this page if necessary.

I was called to testify, after being told I would not be. I was very nervous and stated, when asked, my place of employment (for past 10 mos had been uss). I answered uss when in fact I had not worked there in 10 days to 2 wks. I told on myself after court, was nervous. I never had to go to court or anything. I took the charge. It was my first and last one.

**PLEASE READ CAREFULLY**

In making this application to the Maryland State Board of Professional Counselors and Therapists for the issuance of a certificate, I agree to abide by the rules and regulations of the Maryland State Board and to take all examinations necessary for the processing of my application. Upon issuance of a certificate, I agree to be bound by the Code of Ethics of the Maryland State Board of Examiners of Professional Counselors.

I agree to hold the Maryland State Board of Examiners of Professional Counselors, its members, officers, agents, and examiners free from any damage or claim for damage or complaint by reason of any action they or any one of them take in connection with this application, the attendant examination, the grades with respect to any examination, and/or failure of the Board to issue me a certificate. I hereby grant permission to the Board to seek any information or references it deems fit in securing my credentials pertinent to this application.

I further agree that if issued a certificate, upon the revocation, suspension or cancellation of that certificate, I shall return the said certificate to the Board.

The information that I have provided in this application is truthful. I understand that giving the Board false information of any kind may result in the voiding of this application and my failing to be granted a certificate.

I further agree that all documents and the fee submitted with this application are property of the Board and are non-refundable.

12-9-05  
Date

Amy D. Fintrilis  
Signature of Applicant

**Notary**

State of MARYLAND  
City/County of BALTIMORE

I HEREBY CERTIFY that on this 09 day of DECEMBER, before me, a Notary Public of the State and City/County aforesaid, personally appeared AMY D. FINTRILIS, and made oath in due form that the facts and statements therein contained are true to the best of his/her knowledge and belief.

Notary Public Sharon R. [Signature]  
Commission Expires JULY 29, 2006



STATE OF WEST VIRGINIA

v. Amy Dionesia Elkins Case No. 03M-3700  
Defendant  
8404 Overlook Dr Clarksburg WV 26301  
Address  
[REDACTED] F188634  
Social Security No. Driver's License No.  
01/31/76  
Date of Birth

- Misdemeanor
- Felony

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 11/3/03 in Harrison County, West Virginia, in violation of W.Va. Code (cite specific section, subsection, and/or subdivision as applicable) 61-5-2

the defendant did (state statutory language of offense)  
Willfully swear falsely, under oath or affirmation lawfully administered in a trial of the witness, concerning a matter or thing not material, on any occasion - is false swearing

I further state that this complaint is based on the following facts: On 11/3/03 at approx 0900hr the accused did give false testimony in Harrison 16 Circuit Court Division I, Judge Marks under oath or affirmation which was lawfully administered in Circuit Court Case 03-M-15-1.

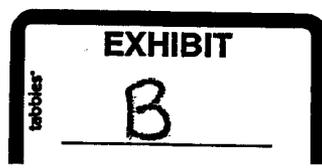
Continued on attached sheet?  yes  no

Complainant (who appears before magistrate):  
Greg Scolopio  
Name  
420 Buckhannon Pike  
Address  
North Fort WV 26301 624-8555  
Telephone  
Deputy Sheriff  
Office of title, if any  
[Signature]  
Complainant Signature

On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

- Probable cause found
- Summons issued
- Warrant issued
- Warrantless arrest
- No probable cause found

[Signature]  
Magistrate Signature  
11-13-03  
Date

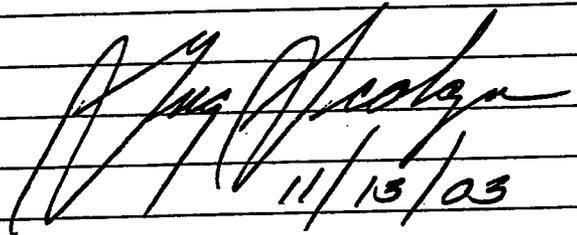


White - return  
Green - defendant  
Yellow - file  
Pink - complainant

(Criminal Complaint Continued)

Specifically the accused did testify on behalf of one Michael Scott Tresize as a certified addictions counselor. The accused gave testimony that she was currently employed at the United Summit Center Clarksburg WV. The investigation revealed that she had been terminated on or about October 14, 2003 from USC.

Based on the following information the accused is charged w/ false swearing in violation of 61-5-2. This all taking place in Harrison County Clarksburg WV 26301.

  
11/13/03

**WARRANT FOR ARREST**

State of West Virginia

Case No(s) 03M-3700

v.

False Swearing

Amy Dionesia Elkins

Defendant

8404 Overlook Drive

Address

Clarksburg, WV 26301

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, Amy Dionesia Elkins, did commit an offense or offenses in this County on the 3rd day of November, 2003, previous to the issuance of this Warrant, by unlawfully [State statutory language of offense(s)] willfully swear falsely, under oath or affirmation lawfully administered in a trial of the witness, concerning a matter or thing not material, on any occasion is false swearing

In violation of Chapter 61, Article 5, Section 2 of teh code of West Virginia

against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to apprehend the above-named defendant and bring that person before any magistrate in this County, to be dealt with in relation to the charge(s) according to law. This arrest warrant is to be executed in the following manner (check one):

- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): \_\_\_\_\_

Given under my hand this 14th day of November, 2003

Maude Bink  
Magistrate

Executed by: [Signature] in Harrison

County, W.Va. on 11/18/03  
(Date)

IN THE MAGISTRATE COURT OF HARRISON COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

Criminal Case No. OBM-3200

v.

Complaint Date \_\_\_\_\_

AMY D. ELKINS  
Defendant

GUILTY OR NO CONTEST PLEA

1. The magistrate has informed me that I am charged with the offense(s) of FALSE SWEARING

and that the possible penalties are: NOT \$1,000 @ AND, IN COURT'S DISCRETION  
NOT 1 YEAR  
(state mandatory minimum penalty, if any, and maximum penalty). I understand the charge(s) and the penalties that the court may impose.

2. The magistrate has informed me that I have the right to be represented by an attorney at every stage of the proceeding, and that if I cannot afford to hire an attorney and I qualify, one will be appointed to represent me. I understand this right, and further understand that if I decide to represent myself I cannot later claim that I was deprived of my right to be represented by an attorney.

**DEFENDANT MUST INITIAL THE APPROPRIATE LINE:**

- (a) I give up my right to have any attorney represent me.
- de (b) I have an attorney, who is present and is representing me.
- (c) I want to hire an attorney to represent me.
- (d) I want an attorney appointed to represent me.

**NOTE:** If I have initialed (c) or (d), I request that this plea proceeding be postponed so that I can talk with an attorney and have an attorney representing me for the rest of this proceeding.

3. The magistrate has informed me that I have the right to plead not guilty ( or to maintain a plea of not guilty if it has already been made). I understand this right.

4. The magistrate has informed me that I have a right to be tried by a jury or by a magistrate without a jury, and at that trial I have the right to be represented by an attorney, the right to confront and cross-examine witnesses against me, the right not to be forced to incriminate myself, the right to call witnesses on my own behalf, and the right to testify on my own behalf or to be silent. I understand these rights.

5. The magistrate has informed me, and I understand, that if I plead guilty or no contest I give up my right to a trial.

6. The magistrate has informed me, and I understand, that if I plead guilty or no contest, the court may ask me questions while I am under oath about the offense(s) to which I plead. I further understand that if I answer these questions under oath, my answers may later be used against me in a prosecution for false swearing.



Amy Elkins  
Defendant's Signature  
(Continued on next page)

7. The magistrate has informed me, and I understand, that the magistrate may neither entertain nor grant a request to withdraw this plea once the magistrate has accepted it.

8. I am entering this plea voluntarily, and not as a result of force or threats or of promises apart from a plea agreement. I have informed the magistrate of any prior discussions between the prosecuting attorney and me or my attorney that led to my willingness to plead guilty or no contest.

9. I plead as follows (*initial one*): AE guilty; \_\_\_\_\_ no contest.

11-18-03  
Date

Amy Elkins  
Defendant's Signature

[Signature]  
Counsel's Signature (if applicable)

A. Bechly, Atty

I have addressed the defendant personally in open court and have informed the defendant of the matters set out above, and find that the defendant understands. I find further that the foregoing waiver of rights and plea are made knowingly and voluntarily by the defendant, and I accept the defendant's plea.

11-18-03  
Date

[Signature]  
Magistrate's Signature

FBARS - 200<sup>02</sup> 140<sup>00</sup>

IN THE MAGISTRATE COURT OF Harrison COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

Case No(s). 0311-3700

Charge(s): FALSE SUBORN

AMY D. ECKINS

Felony

Misdemeanor

AMENDED

**JAIL COMMITMENT ORDER**

The court hereby ORDERS commitment of the above-named defendant to the custody of the county/regional jail

Until \$ \_\_\_\_\_ bail is posted.

To await court action. Hearing date: \_\_\_\_\_

For a period of 48 HRS - 11-19-03 AT 8:00 AM, as sentence upon conviction.

11-18-03  
Date

1:30 P.m.  
Time

Sharon E. Paul  
Magistrate

Received and executed by \_\_\_\_\_  
Officer Taking Custody Date Time .m.

and/or \_\_\_\_\_  
Jail Officer Date Time .m.

**JAIL RELEASE ORDER**

The court hereby ORDERS release of the above-named defendant from the custody of the county/regional jail for the following reason:

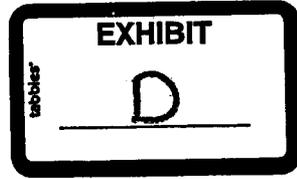
Bail has been posted. Hearing date: \_\_\_\_\_

Charge has been dismissed.

Time served as of the date of judgment has satisfied the sentence imposed.

\_\_\_\_\_  
Date Time .m. Magistrate

Received and executed by \_\_\_\_\_  
Jail Officer Date Time .m.



White - return  
Green - defendant  
Yellow - file  
Pink - Jail  
Goldenrod - Officer

IN THE MAGISTRATE COURT OF

HARRISON

COUNTY, WEST VIRGINIA

CASE NUMBER 03K-3700

APR - 4 2003

CRIMINAL CASE HISTORY

Felony Misdemeanor

BOND INFORMATION

Bond set at: Type: Bond received from: Date: Mag: Amount: \$ Date pauper's affidavit filed: Notes/Comments:

Defendant, name, address, tel.

FALSE SWEARING

AMY DIONESIA ELKINS 8404 OVERLOOK DRIVE CLARKSBURG WV 26301

Offense: Offense date: 11/03/2003 W.V. Code: 61-5-2 Summons date: Sum. app. date: Warrant date: 11/14/2003 Rearrest issued: Case reference: Worthless check aml: \$ Issuing mag: M. GORBY Assigned mag: DAVIS Transf. to: Transf. to: Trial mag: DAVIS

Def. birth date: 6/13/76 55 # Complainant name, address, tel.

GREG SCOLAPID 420 BUCKHANNON PIKE NUTTER FORT WV 26301 623-6655

Pros.: Counsel: Court-appointed?: Affidavit of prejudice date: Disp:

FISCAL DATA

Fine \$ 200.00 Court costs \$ 20.00 Arrest fee \$ 40.00 RJA fee \$ 2.00 LET fee \$ 10.00 CVC fee \$ 45.00 Worthless check notice JPD \$ 5.00 Other CSF Total due: \$ 340.00

Date 6/17/04 Mag. Wal Rec. # 04-05373 Amount 340.00

FIRST APPEARANCE / PLEAS - MISDEMEANOR

Arrest date: Arraignment (plea) date: Re-arrest date: Date released: Date committed: Defendant status: [ ] Pro se [ ] Counsel [ ] Jury trial waived [ ] Defendant failed to appear by summons or notice Plea: [ ] Not guilty [ ] No contest [ ] Guilty

Hearing Dates

Def. P-T motions filed: Pros. P-T motions filed: Jury trial?: Pre-trial conf.: Original trial: Prelim. hearing: Time: Time: Time: Time: Time: Time:

Continuances

By: To: Time: By: To: Time: By: To: Time: By: To: Time:

PRELIMINARY HEARING

Defendant status: [ ] Pro se [ ] Counsel Preliminary hearing date: Date to Circ. Ct.: [ ] Waiver of preliminary [ ] Probable cause found, bound over to Circuit Court [ ] No probable cause found, defendant and bond discharged [ ] Bond disbursed to: [ ] Circ. Ct. [ ] Defendant [ ] Other: [ ] Surety [ ] Other Magistrate

DISPOSITION ACTIVITY AND JUDGMENT ORDER

Pre-trial dismissal date: 11/18/2003 Trial: [ ] Bench [ ] Jury [ ] Mistrial Verdict or plea: GP Sentence is imposed as follows: Fine: \$ 200.00 Costs & fees: \$ 140.00 Jail term: 48 HOURS Other: PAYMENT SCH So ordered and entered this 18th day of November 19 2003 by Stephen E. Davis, Magistrate

POST-JUDGMENT ACTIVITIES

Set-aside hearing date: Status: [ ] Granted [ ] Denied Appeal filed date: Appearance bond amount: \$ Type: Date bond posted: Appeal forwarded to Circuit Court date: Writs: Execution: Suggestion: Suggestee Execution: Other:

May Walker

CERTIFICATION BY CLERK

hereby certify that the above is a true and complete record of all proceedings in the above criminal action.

**COPY**

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

WEST VIRGINIA BOARD OF SOCIAL  
WORK EXAMINERS,

Complainant,

v.

AMY FINTRILIS ELKINS,  
Licensed Graduate Social Worker  
Licensed Number: BP00941422

Respondent.

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CONSENT AGREEMENT AND ORDER

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After due investigation of written complaints, the West Virginia Board of Social Work Examiners (hereinafter "Board") determined that there was probable cause to believe that Amy Fintrilis Elkins ( hereinafter referenced as the "Respondent") had exhibited unprofessional and unethical conduct in the practice of social work, in violation of the provisions of *West Virginia Code* §§ 30-30-1 *et seq.* and the Rules of the Board, 25 CSR 1, §§ 25-1-1 *et seq.* The Respondent was provided with written notice of the allegations against her and this matter was scheduled for hearing, pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties have reached an agreement for the resolution of the issues pending between them and the parties agree to entry of the following Order in disposition of this matter.



## FINDINGS OF FACT

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The West Virginia Board of Social Work Examiners makes the following findings:

1. The Board is created for the purpose of regulating the social work profession in the State of West Virginia. *W. Va. Code* § 30-30-1.
2. The Respondent, Amy Fintrilis, is a licensee of the Board, having been issued License No. BP00941422, and is therefore subject to the license requirements of said Board. The Respondent was previously licensed under the name of Amy Elkins, but she now goes by Amy Fintrilis as her legal name and this is the name by which she will be referenced in this Order.
3. The Board is empowered to suspend, revoke or otherwise discipline an individual's social work license under the authority granted to it by *W. Va. Code* § 30-30-7 and §30-30-8.
4. The Board has adopted the National Association of Social Workers' Code of Ethics, effective January 1, 1997, as its Code of Ethics and has defined professional misconduct to include a social worker's failure to comply with the Code of Ethics of the National Association of Social Workers. Code of State Rules §§ 25-1-4 and 25-1-10.1.8.
5. In the year 2003, while employed as an addiction therapist for the United Summit Center in Clarksburg, WV, the Respondent, Amy Fintrilis, began work with a client

who was seeking counseling for drug and alcohol dependency. For protection of the confidentiality of the client, this person will be identified herein as "M.S.T."

6. In the course of his counseling and treatment, the client and the Respondent developed a personal relationship, socializing after meetings and at other times outside of the regular client contacts. By July of 2003, this became a physical and sexual relationship. Throughout this period, M.S.T. continued as a client of the Respondent.

7. The Respondent's supervisor became aware of this relationship and advised Amy Fintrillis to terminate the professional and personal relationship with M.S.T. This supervisor then reported the Respondent's conduct to the Board for investigation.

8. In written communications to the Board, the Respondent admitted that she was not able to stop seeing this client when she was originally advised to do so by her supervisor and that she terminated the professional relationship with the client M.S.T. in order to pursue a romantic relationship with him.

9. Sexual contact or a sexual relationship with a current client and the continuation of a sexual relationship after terminating the client relationship constitute violations of sections 1.09(a) and (c) of the Ethical Standards of the *Code of Ethics* of the National Association of Social Workers.

10. The termination of services to a client in order to pursue a social and sexual relationship with him is a violation of section 1.16(d) of the Ethical Standards of the *Code of Ethics* of the National Association of Social Workers.

11. On November 3, 2003, the Respondent appeared in the Circuit Court of Harrison County, West Virginia, in the matter of a criminal proceeding against M.S.T. for an offense involving the operation of a motor vehicle while he was under the influence of alcohol. The Respondent testified under oath on behalf of the Respondent, represented herself as the defendant's counselor, and recommended that the Court be lenient in imposition of sentence upon the defendant for his successful rehabilitation.

12. While testifying under oath, the Respondent did not disclose her personal, romantic relationship with the defendant and stated that she was employed by United Summit Center when, in fact, her employment had been terminated the previous month.

13. Failure to make necessary and clear distinctions between statements made, and actions engaged in, as a private individual and as a representative of the social work profession is a violation of section 4.06(a) of the Ethical Standards of the *Code of Ethics* of the National Association of Social Workers.

14. The Court later learned of the false statements and misrepresentations of the Respondent and recalled the case to impose a much more severe penalty on the defendant, M.S.T. The Respondent was also subsequently charged with the criminal offense of false swearing.

15. Dishonesty and deception to a court of law is a violation of section 4.04 of the Ethical Standards of the *Code of Ethics* of the National Association of Social Workers.

16. Permitting one's private conduct to interfere with the performance of one's professional responsibilities is a violation of section 4.03 of the Ethical Standards of the *Code of Ethics* of the National Association of Social Workers.

### CONCLUSIONS OF LAW

1. A violation of the National Association of Social Workers' Code of Ethics constitutes a violation of the current code of ethics adopted by the Board and, pursuant to West Virginia Code §30-30-7(a)(6), such violation grounds for the suspension, revocation, or denial of a license.

2. By entering into a sexual relationship with client, terminating services to a client in order to pursue a sexual relationship with the client, failing to make clear distinctions between statements made as a private individual and as a representative of the social work profession, and by participating in dishonesty toward a court of law, Amy Fintrilis has breached the National Association of Social Workers' Code of Ethics

3. The acts of the Respondent, described above, constitute acts of unprofessional and unethical conduct as defined by the Rules promulgated by the Board and the Respondent is guilty of unprofessional and unethical conduct in the practice of social work. These acts are grounds for the suspension or revocation of the Respondent's license under *W. Va. Code* §§ 30-30-7(a)(3) and (6).

## CONSENT OF LICENSEE

I, Amy Fintrilis, have read this document and, by signing my name to it, I acknowledge the following:

1. I have retained legal counsel and have considered the advice of my counsel before signing this document.

2. I have received proper and sufficient notice of the charges against me in this proceeding.

3. I am fully aware that, before any disciplinary action can be taken against my license, I have a right to a formal hearing and, that if I assert my right to a hearing, I would have the following rights and protections:

- a. The Board would have the burden to prove the allegations stated in the Complaint by a preponderance of evidence;
- b. I would have the right to be represented by my own counsel throughout the proceeding;
- c. I would have the right to cross-examine any witnesses who may testify against me;
- d. Though I am not obligated to present evidence or prove any facts, I would have the right to present evidence in my defense. I would be able to compel the production of documents and to subpoena witnesses. I could also testify in my own behalf, if I so chose; and
- e. If, after a hearing, the Board would rule against me, I would have the right to have this decision reviewed by a Circuit Court.

4. I am aware that, by waiving my right to a hearing and consenting to the entry of this order, I am giving up all of the rights listed above.

5. I voluntarily waive my right to a hearing on the allegations contained in the Complaint against me.

6. I admit that I have exhibited unprofessional and unethical conduct in the practice of social work and I have violated the Rules of the Board.

7. I consent to the entry of this order and I agree to the terms set out below.

### TERMS OF ORDER

1. The West Virginia Board of Social Work Examiners hereby SUSPENDS the license, previously granted to Amy Fintrilis, to practice social work in the State of West Virginia. Amy Fintrilis is hereby ORDERED to surrender her license certificate to the Board forthwith. The Board will not reinstate this license or grant a new license to Amy Fintrilis for a period of three (3) years from the date that her license certificate is received at the Board's office.

2. At the conclusion of the period mentioned above, Amy Fintrilis may be considered for reinstatement of her license and return to the practice of social work if, in addition to the regular requirements for the issuance of a license, she satisfies the following conditions:

a. During her period of suspension she will participate in a program of personal counseling and therapy, at her own expense, with a licensed counselor, psychologist or psychiatrist. The duration of this program and the frequency of the appointments or sessions would be determined at the discretion counselor or therapist.

b. If the Respondent participates in such program, the Respondent would identify this counselor or therapist to the Board and she would authorize the submission of regular reports from the counselor or therapist to the Board, describing the status and progress of such counseling or therapy and the Respondent's accomplishments in addressing the

issues that gave rise to the breaches of her ethical and professional responsibilities. These requirements would also apply in equal respect with regard to any new counselor or therapist if the Respondent pursues counseling or therapy with a different licensed professional.

c. The Board may provide the Respondent's counselor or therapist with additional materials relating to the practice of social work that, in the opinion of the Board, may be useful to the therapist in understanding and addressing the problems identified in or arising out of the acts described in the complaints against the Respondent.

d. The Respondent will reimburse the Board in the total amount of \$626.50 for the administrative and legal expenses incurred in the course of investigating and bringing this case to resolution before the Board. The Respondent may make payments of portions of the total amount as she is financially able to do so, provided that she shall, at a minimum, pay off at least one third of the total amount due during each year of the three years of her suspension.

4. The Board hereby acknowledges and confirms that its action herein is a suspension of an existing license. If the Respondent meets all the other terms and qualifications for application as indicated by this Order, she may apply for reinstatement of this license without the need to satisfy the college training or testing requirements established for first-time licensees.

3. Technical compliance with, or mere completion of, the conditions listed above shall not entitle the Respondent to an automatic reinstatement of her license. The grant or denial of a license to the Respondent will be entirely within the discretion of the Board, after

consideration of evidence of the Respondent's character, personal initiative, and correction of the problems that gave rise to the breaches of her ethical and professional duties.

5. If the Board approves reinstatement of the license of Amy Fintrilis, she would be subject to reasonable terms and conditions of probation for a period of up to two (2) additional years. The Board reserves the right and authority to determine the complete terms of such probation at the time of issuance of the license and these terms or conditions may include additional counseling or therapy and additional education or contact hours of training in professional ethics.

So ORDERED this 30<sup>th</sup> day of November, 2004.

WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

by: Rita M. Brown  
Chairperson, RITA BROWN

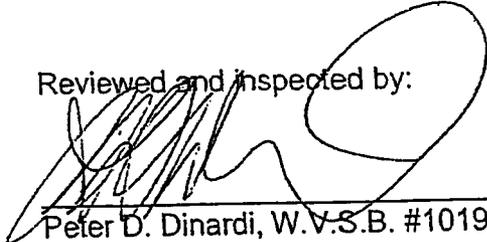
RESPONDENT'S ACKNOWLEDGMENT

I have read the terms of this Consent Order and Agreement, and I consent to the entry of this Order and its terms.

Signed: Amy D. Fintrilis  
Date: 11-20-04

COUNSEL'S REVIEW

Reviewed and inspected by:



Peter D. Dinardi, W.V.S.B. #1019  
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