

IN THE MATTER OF * BEFORE THE MARYLAND
KERRY L. MORRISON, LCPC * STATE BOARD OF
Respondent * PROFESSIONAL COUNSELORS
LICENSE NUMBER: LC1755 * CASE NUMBER: 2010-02

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On or about December 2, 2010, the Maryland State Board of Professional Counselors (the "Board") charged **KERRY J. MORRISON, LCPC** (the "Respondent") (D.O.B. 11/17/1970), license number **LC1755**, with violating the Maryland Professional Counselors and Therapists Act (the "Act") codified at Md. Code Ann., Health Occupations ("Health Occ.") §§ 17-101 *et seq.* (2009 Repl. Vol.). On January 20, 2011, the Respondent appeared before a Case Resolution Conference (the "CRC") of the Board in order to attempt to resolve the July 20, 2006 charges. As a result of the negotiations that occurred at the CRC, the Respondent agreed to enter into a Consent Order.

FINDINGS OF FACT

The Board finds the following:

I. Background

1. At all times relevant hereto, the Respondent was and is a Licensed Clinical Professional Counselor ("LCPC") certified to practice professional counseling in the State of Maryland. The Respondent was initially licensed to practice on July 28, 2004, having been issued license number LC1755. Her license is currently active and is due to expire on January 31, 2012.

2. The Respondent was employed at Sheppard Pratt Hospital in Towson, Maryland as a therapist, and also maintains a private practice.

ii. **Complaint**

3. On March 8, 2010, the Board received an anonymous complaint alleging that the Respondent was arrested in the State of Texas.

4. Thereafter, the Board initiated an investigation.

5. The Board's investigation revealed that the Respondent owned a business known as Fantasy Foreclosures, through which the Respondent would purchase tax-foreclosed properties in Texas and resell them to buyers in Texas.

6. The Board's investigation further revealed that the Respondent sold a tax-foreclosure property to Buyer A and began collecting payment.¹ The Respondent collected an amount in excess of \$28,000 from Buyer A. In order to raise funds to keep her business afloat, the Respondent then sold the property to a second buyer, while continuing to collect money from Buyer A.

7. In an interview with the Baltimore County Police Department, the Respondent admitted, with an explanation, to being involved in the sale of property to Buyer A.²

8. The Board's investigation further revealed that on January 27, 2010, in the 179th District Court, Harris County, Texas, the Respondent was indicted for Felony Theft – Aggregate of More than \$20,000 Less than \$100,000, which is a third degree felony.

¹ For purposes of confidentiality, the names of individuals, other than the Respondent, are not used in this document, but will be provided to the Respondent at her request.

² The Respondent explained that Fantasy Foreclosures went out of business and she had to liquidate the properties. The Respondent further explained that she intended to replace Buyer A's property with a substitute property, but was unable to acquire a substitute over a period of six months.

9. On June 2, 2010, the Respondent entered a plea of no contest to the felony charge.

10. An Order of Deferred Adjudication was issued, and a finding was made that the evidence substantiates the Respondent's guilt. The Respondent was placed on community supervision for two years, and ordered to pay court costs of \$203. The Respondent was ordered to participate in the Harris County Community Supervision and Corrections Department Community Service Restitution Program and perform a total of 40 hours (8 hours per month) beginning July 2, 2010. The Respondent's probation was transferred to Maryland.

11. The Respondent has, to date, complied with the conditions of her probation, including payment of the money owed to Buyer A.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. § 17-509(10) is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the plea or conviction set aside.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of February, 2011, by a majority of a quorum of the Board considering this case:

ORDERED that the Respondent's license to practice as a Licensed Clinical Professional Counselor ("LCPC") shall be **SUSPENDED** for a minimum period of

TWELVE (12) MONTHS, with all but THIRTY (30) DAYS of the SUSPENSION STAYED; and it is further

ORDERED that the active THIRTY (30) DAY SUSPENSION shall commence TWENTY (20) DAYS from the date the Board executes this Consent Order; and it is further

ORDERED that the Respondent shall be placed on PROBATION for a minimum period of TWO (2) YEARS, to begin upon completion of the active 30 day suspension period, subject to the following terms and conditions:

1. Within **twelve (12) months** of the date of the Board's execution of this Consent Order, the Respondent shall take and successfully complete a Board-approved comprehensive three (3) semester credit or five (5) quarter credit classroom course in business ethics at an accredited college or university. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the Respondent to provide further information regarding the course she proposes, and further reserves the right to reject her proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs;
 - a. This course shall be in addition to any course required to satisfy the continuing education requirements for the applicable two (2)-year licensure renewal period;
 - b. The Respondent shall be responsible for all costs incurred in fulfilling the business ethics course requirement and for submitting written documentary proof to the Board of her successful completion of the course;
2. Within **twelve (12) months** of the date of the Board's execution of this Consent Order, the Respondent shall also take and successfully complete a Board-approved three (3) semester credit or five (5) quarter credit classroom course in professional ethics at an accredited college or university. The Respondent shall submit the course description/syllabus to the Board for approval prior to enrolling in the course. The Board reserves the right to require the

Respondent to provide further information regarding the course she proposes, and further reserves the right to reject her proposed course and require submission of an alternative proposal. The Board will approve a course only if it deems the curriculum and the duration of the course adequate to fulfill the Respondent's ethical needs;

- a. This course shall be in addition to any course required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period;
 - b. The Respondent shall be responsible for all costs incurred in fulfilling the professional ethics course requirement and for submitting written documentary proof to the Board of her successful completion of the course;
3. The Respondent is responsible for ensuring that she completes the required ethics courses in a timely manner, and it is further

ORDERED that during the **ELEVEN (11)-MONTH** period of stayed suspension:

1. The Respondent's practice shall be supervised, at her own expense, by a Board-approved licensed clinical professional counselor with experience and expertise in the field;
2. As part of the approval process, the Respondent shall submit to the Board the name and professional credentials of a licensed clinical professional counselor to supervise her practice. The proposed supervising counselor shall not be associated with the Respondent through any current or past personal, collegial, professional or academic affiliation;
3. The Respondent shall provide the Board-approved supervising counselor with a copy of the criminal court documents from Harris County, Texas, the charging document, Consent Order, and whatever other written materials the Board deems relevant;
4. The supervising counselor shall notify the Board in writing of his/her acceptance of the supervisory role of the Respondent. The Respondent shall not resume the practice of clinical professional counseling until the Board approves her proposed supervising counselor. Supervision of the Respondent's practice shall commence following Board approval;
5. At a minimum, the supervising counselor shall meet with the Respondent twice a month for **TWO (2) HOURS** per month. The purpose of supervision shall be to monitor the Respondent's practice, and to focus on the development and maintenance of ethical business standards by (i)

reviewing information provided to clients by the Respondent and her clinical documentation; and (ii) verification of the Respondent's billing practices and marketing of services. The supervising counselor shall communicate at any time with the Board, if, in the discretion of the supervising counselor, such communication is needed;

6. The supervising counselor shall submit quarterly reports to the Board detailing the ethical issues discussed and the Respondent's progress. The report shall include, but not be limited to, a report of the Respondent's participation in the supervisory process. Upon completion of the supervision period, the Respondent shall ensure that the supervising counselor submit a final report to the Board assessing the Respondent's practice;
7. The Respondent has sole responsibility for ensuring that the supervising counselor submits the required quarterly reports and the final report in a timely manner;
8. The Board has sole authority over any changes in supervision and must approve and ratify any changes in supervision or the frequency of supervision;
9. In the event that the Respondent's supervising counselor discontinues supervising the Respondent's practice for any reason during the 11-month supervisory period, the Respondent shall immediately notify the Board. The Respondent shall be solely responsible for submitting a replacement candidate to serve as her supervisor under the terms specified above;
10. If the Respondent fails to complete the supervision in a timely manner as set out above, the Respondent will be deemed in violation of probation and this Consent Order;
11. An unsatisfactory report from the Respondent's supervisor may constitute a violation of this Consent Order; and it is further

ORDERED that no earlier than **TWELVE (12) MONTHS** from the effective date of the period of active suspension, and only if the Respondent has satisfactorily complied with all of the above conditions, the Respondent may file with the Board a written request for termination of the suspension of her LCPC license. The Respondent shall appear before a panel of the Board and establish, to the satisfaction of the Board, her completion of the business and professional ethics courses and the supervision of

her practice. The Respondent shall also provide satisfactory evidence to the Board that she has gained significant insights into the motivations that caused her criminal conduct; and it is further

ORDERED that the Respondent shall not petition the Board for early termination of her stayed suspension or two (2)-year probation or the terms of this Consent Order; and it is further

ORDERED that the Respondent may submit a written petition to the Board requesting termination of her probation no earlier than two (2) years from the date of commencement of the probationary period, but only if she has fully and satisfactorily complied with all of the terms and conditions of this Consent Order, including all terms and conditions of probation, and including the expiration of the two (2)-year period of probation, and if there any no pending complaints against her related to the issues in this case; and it is further

ORDERED that the Respondent's failure to comply with any of the conditions of this Consent Order, shall be considered a violation of probation and a violation of this Consent Order; and it is further

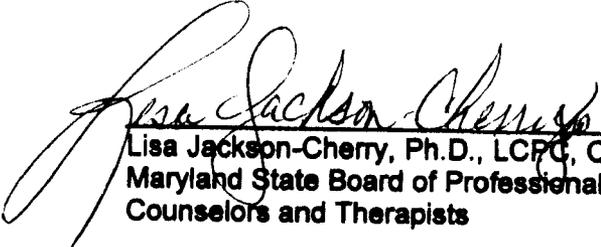
ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any other disciplinary sanctions that the Board may have imposed in this case, including additional probationary terms and conditions, reprimand, suspension, revocation and/or monetary penalty; and it is further

ORDERED that the Respondent shall comply with the Maryland Professional Counselors and Therapists Act and all applicable laws, statutes and regulations; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2009 Repl. Vol. and 2010 Repl. Vol.).

2/21/11
Date


Lisa Jackson-Cherry, Ph.D., LCPC, Chair
Maryland State Board of Professional
Counselors and Therapists

CONSENT

I, **KERRY MORRISON, LCPC** acknowledge that I have had the opportunity to consult with counsel before signing this document.

I am aware that I am entitled to a formal evidentiary hearing before the Board or before an Administrative Law Judge at the Office of Administrative Hearings. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections. I understand and agree that this Consent Order results from formal disciplinary action and is, therefore, a public document.

NOTARY

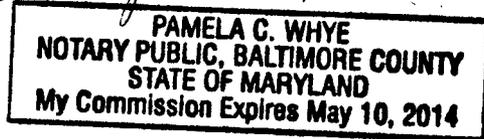
STATE OF MARYLAND

CITY/COUNTY of Baltimore

I HEREBY CERTIFY that on this 4 day of February, 2011,
before me, a Notary Public of the State and County aforesaid, personally appeared
Kerry Morrison, LCPC, and made oath in due form of law that the foregoing was her
voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Pamela C. Whye
Notary Public



I voluntarily enter into and agree to abide by the foregoing Findings of Fact, Conclusions of Law and Order, and I agree to abide by the terms and conditions as set forth herein as a resolution of this case based on the foregoing Findings of Fact and Conclusions of Law. I acknowledge and understand that the Board has entered into this Consent Order in lieu of proceeding with a formal evidentiary hearing. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order, consisting of ten (10) pages.

2/4/11
Date

Kerry Morrison LCPC
Kerry Morrison, LCPC
Respondent

Read and approved:

Gertrude Bartel
Gertrude Bartel, Esq.
Attorney for Ms. Morrison