

**IN THE MATTER OF
RICHARD EDWARDS
CAC-AD APPLICANT**

*** BEFORE THE MARYLAND
* BOARD OF PROFESSIONAL
* COUNSELORS AND THERAPISTS
* OAG CASE NO. 11-BP-392**

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FINAL ORDER OF DENIAL OF APPLICATION

Based on information received, the Maryland State Board of Professional Counselors and Therapists (the “Board”) provided Richard Edwards (the “Applicant”), D.O.B. 12/29/1959, with Notice of Initial Denial of Application for Associate Counselor-Alcohol/Drug Certificate under the Maryland Professional Counselors and Therapists Act (the “Act”), Md. Health Occ. Code Ann. (“Health Occ.”) §§ 17-101 *et seq.* (2009 Repl. Vol.).

The Board notified the Applicant that this Final Order of Denial of Application (“Final Order”) would be executed thirty (30) days from the Applicant’s receipt of the Board’s notification, unless the Applicant requested a hearing.

On June 27, 2012, the Applicant received the Board’s Notice of Initial Denial of Application for certification. The Board notified the Applicant in the Notice that this Final Order would be executed thirty (30) days from the Applicant’s receipt of the Notice unless the Applicant requested a hearing. The Applicant’s written request was due on July 27, 2012. The Applicant did not request a hearing by July 27, 2012.

The Board makes the following findings of fact:

FINDINGS OF FACT

I. Background

1. By application signed August 30, 2010, (“Board Application”) the Applicant applied to the Board for certification as a Certified Associate Counselor – Alcohol and Drug (“CAC-AD”).

2. On his Board Application, the Applicant answered “yes” to the question: “Have you pled guilty, nolo contendere, or been convicted of or received probation before judgment of [sic] any criminal act (excluding traffic violations)?” On his Board Application, the Applicant reported that he was convicted of “Phone Harassment” in Seattle, Washington. The Applicant did not provide any more information on this conviction in his Board Application. Thereafter, the Board initiated an investigation.

II. Board Investigation

3. On or about October 16, 2006, the Applicant began working at an addiction treatment center (the “Facility”) in Crownsville, Maryland.
4. By application dated February 14, 2007, the Applicant applied for Alcohol and Drug Trainee Employment Status (“Trainee Application”). On his Trainee Application, the Applicant listed the director (the “Director”) of the Facility as his supervisor.
5. On his Trainee Application, the Applicant answered “no” to the question “Have you ever pled guilty, nolo contendere, or been convicted of or received probation before judgment or any criminal act?”.
6. By email dated September 19, 2007, an addictions therapist (the “Therapist”) at the Facility informed the Board that the Facility terminated the Applicant’s employment there. The Therapist wrote that the purpose of her email was to ensure that the Board was aware that the Applicant could no longer use the Director as the supervisor for his Alcohol and Drug Trainee Employment Status.
7. An investigation by the Board revealed that on:

January 24, 1997, the Applicant pleaded guilty to Telephone Misuse: Repeated Calls and to Harassment: A Course of Conduct in the District Court of Maryland for Prince George’s County.

A. Board Interview of the Therapist

8. On or about December 3, 2010, an investigator from the Board (the "Investigator") interviewed the Therapist via telephone regarding the Applicant's employment at the Facility. During the interview, the Therapist stated that in 2007 the Applicant worked as a Trainee Addictions Counselor at the Facility.
9. During the interview, the Therapist stated that the Applicant expressed a desire to date a parole and probation agent (the "Probation Officer") who conducted meetings with her in-patient clients at the Facility. The Therapist told Interviewer that she told the Applicant that the Probation Officer was married and was not interested in dating him. The Therapist further stated that she told the Applicant to stop soliciting the Probation Officer for a personal relationship.
10. The Therapist told Interviewer that sometime after she instructed the Applicant to stop pursuing the Probation Officer romantically, the Probation Officer came to the Facility and conducted interviews with her clients in the Therapist's office. The Therapist said that the Probation Officer later reported to her that the Applicant assaulted her in the office and prevented her from leaving.
11. During the interview the Therapist stated that the Applicant was terminated from the Facility. The Therapist further stated that when the Applicant was terminated the Director withdrew his supervisor status for the Applicant's Alcohol and Drug Trainee Employment Status. The Therapist reported that the Director is now deceased.

B. Board Interview of the Probation Officer

12. On or about December 3, 2010, the Investigator interviewed the Probation Officer via telephone regarding the Applicant. The Probation Officer stated that on May 10, 2007, she conducted interviews with her clients in the Therapist's office at the Facility. The

Probation Officer stated that when she had completed her interviews and was preparing to leave the Applicant entered the Therapist's office and closed the door.

13. The Probation Officer told the Investigator that the Applicant stood between her and the door to the office and refused to allow her to leave. The Probation Officer further stated that the Applicant hugged her and attempted to kiss her on the mouth. The Probation Officer stated that when she resisted the Applicant's advances, the Applicant told her that he had to try to "get some" and then turned and left the office.
14. During the interview, the Probation Officer stated that she reported the Applicant's misconduct towards her in the Therapist's office to staff at the Facility and to the State Commissioner's Office. The Probation Officer further stated that she had never had any social or personal interaction with the Applicant.
15. The Probation Officer told the Investigator that it was her understanding that the Applicant was charged with Assault and that he pleaded guilty to Assault in court. The Probation Officer stated that the incident between her and the Applicant upset her.

C. Board Interview of the Applicant

16. On or about December 7, 2010, the Applicant contacted the Investigator about the status of his CAC-AD application. The Investigator informed the Applicant that the Board was in receipt of charges against him that he did not disclose on his Board Application. The Applicant stated that he had been flirtatious with a woman and he thought he was dating her but then she married someone else. The Applicant further stated that he went to court without counsel and pleaded guilty to an Assault charge. The Applicant further stated that he was on probation for one (1) year and completed domestic violence sessions.

17. On or about January 10, 2011, the Applicant met with the Investigator for a sworn interview. During the interview the Investigator asked the Applicant about the Telephone Harassment charges in Seattle, Washington, that the Applicant disclosed on his Board Application. The Applicant told the Investigator that the charges stemmed from when he and his ex-wife were divorcing and he persistently called her house. The Applicant stated that the judge in his case put a "don't call, no contact order" in place and thought that he "violated it once or twice."
18. During the interview, the Investigator asked the Applicant about the incident between him and the Probation Officer at the Facility. In response to these questions, the Applicant stated that he was under the impression that the Probation Officer was interested in him so he asked her on a date. The Applicant further stated that the Probation Officer accepted his invitation for a date. The Applicant said that before the date with the Probation Officer took place he "stated getting letters in the mail from lawyers' offices." The Applicant said that he opened one of the letters and he believes the letter was about a misdemeanor. The Applicant stated, "I saw all these letters and didn't think anything of it. And quite honestly, I just threw them in the trash."
19. The Applicant told the Investigator that one day police came to his workplace to summons him to appear in court. The Applicant said that he was charged with making advances towards another person that were sexual and assaultive in nature. The Applicant said he went to court without a lawyer. The Applicant stated, "They charged me. I didn't have a lawyer. They told me to cop a plea. I said, well does this mean I'm guilty? They said, no. I copped. As soon as I copped a plea, everything was out the window. Got fired."

20. During the interview, the Applicant informed the Investigator that he likely has charges against him in the State of Montana but is not certain of the nature of these possible charges. The Applicant told the Investigator that he was arrested five (5) times in one (1) day in Montana and that he believes all of the arrests were related to telephone harassment. The Applicant also informed the Investigator that he believes he has most likely been arrested in every state in America that he has been but that most of these arrests would have occurred ten (10) years ago or longer.
21. With respect to the incident at the Facility involving him and the Probation Officer, the Applicant told the Investigator that he asked the Probation Officer to go on a date with him and that he had no idea that doing this would get him in so much trouble. The Applicant denied that he prevented the Probation Officer from leaving the office where this incident took place but did admit that he hugged her. The Applicant told the Investigator that no one from the Facility mentioned this incident to him until approximately one (1) week after it occurred.

D. The Applicant's Employee File at Facility

22. A review of the Facility's employee file on the Applicant reveals that:
- a. A memorandum dated July 3, 2007, detailing an incident that occurred on June 25, 2007, when a member of the Facility's staff confronted a patient about his negative behavior at an amusement park. The memorandum states that the Applicant interrupted the confrontation of the patient and proceeded to indirectly threaten the patient stating, "If I was not a staff member, I would beat the s**t out of you." The memo states that staff at the Facility spoke with the Applicant about his unprofessional behavior.

b. A handwritten, signed statement from a patient ("Patient A") at the Facility, dated August 8, 2007, discussing an incident that occurred between her and the Applicant. In the statement, Patient A stated that the Applicant told her that a patient at the Facility told him that she and another patient ("Patient B") were involved in a sexual relationship. Patient A stated that the Applicant stated that he had heard that she let Patient B "f**k [her] up the ass and cum in [her] mouth." Patient A told the Applicant that what he had been told was false and that he was being disrespectful and unprofessional. Patient A stated that the Applicant continued to ask her about the information he was told even after she stated it was untrue. Patient A stated that eventually she had to walk away from the Applicant.

23. On or about August 15, 2007, the Facility terminated the Applicant's employment.

II. Board Investigation Conclusions

24. The Applicant's failure to truthfully disclose all known criminal acts to which he pleaded guilty, nolo contendere or was convicted of, is evidence of deceptively attempting to obtain a certificate, in violation of Health Occ. § 17-509(1).

25. The Applicant's two recorded incidents of behavior, in which he threatened to beat a patient and in which he harassed a patient regarding her alleged sexual relationship with another patient, are evidence of unprofessional conduct in the practice of clinical or nonclinical counseling or therapy, in violation of Health Occ. § 17-509(16).

26. The Board may deny a certificate to an individual who:

a. Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another; and

- b. Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes as a matter of law that the Applicant engaged in prohibited acts under the Act, having knowingly violated any provision of the Act, in violation of H.O. § 17-509(1) and having committed an act of immoral or unprofessional conduct in the practice of counseling in violation of H.O. § 17-509(16). Therefore, under Health Occ. § 17-509, which provides that the Board may deny a certificate to an applicant for any of the grounds listed in Health Occ. § 17-509, the Board concludes as a matter of law that it may deny a certificate to the Applicant.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of August, 2012, by an affirmative vote of a majority of its members then serving,

ORDERED that the Applicant's Application for Certification as a Supervised Counselor – Alcohol/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 Gov't Code Ann § 10-611 *et seq.* (2009 Repl. Vol.).

8/10/12
Date



Richard M. Hann, LCPC

Chair

Maryland State Board of Professional Counselors
and Therapists

NOTICE OF RIGHT OF APPEAL

Pursuant to Health Occ. Code Ann. § 17-512(b), the Applicant has the right to take a direct judicial appeal as allowed by the Administrative Procedure Act.