



STATE OF MARYLAND

# DHMH Board of Professional Counselors and Therapists

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

December 24, 2008

## VIA CERTIFIED AND FIRST CLASS MAIL

Stanley Benn  
9204 Swiven Place  
Apt. 1-D  
Baltimore, MD 21237

**Re: Final Order**  
**Board Case Number: 2008-1**

Dear Mr. Benn:

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

Sincerely,

Aileen Taylor  
Administrator  
Board of Professional Counselors and Therapists

Enclosure

cc: Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor  
Noreen M. Rubin, Assistant Attorney General and Board Counsel  
Timothy J. Paulus, Deputy Counsel

IN THE MATTER OF	*	BEFORE THE STATE
STANLEY J. BENN, LCPC	*	BOARD OF EXAMINERS
RESPONDENT	*	OF PROFESSIONAL
CERTIFICATE NUMBER: LC1218	*	COUNSELORS AND THERAPISTS
	*	CASE NUMBER: 2008-1

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**FINAL ORDER TO REVOKE LICENSE TO PRACTICE PROFESSIONAL COUNSELING**

The State Board of Examiners of Professional Counselors and Therapists (“the Board”) notified **Stanley J. Benn, LCPC (“the Respondent”)**, D.O.B. 10/08/62, License Number: **LC1218**, of the Board’s intent to **REVOKE** the Respondent’s license to practice professional counseling, under the Maryland Professional Counselors and Therapists Act (the “Act”), Md. Health Occ. Code Ann. (“H.O.”) §§ 17-101 *et seq.*, (Repl. Vol. 2005). This Final Order revoking Respondent’s license is based on the following:

**FINDINGS OF FACT**

The Board finds that:

**BACKGROUND**

1. The Respondent was originally issued a license to practice professional counseling in the State of Maryland on June 13, 2001.
2. The Respondent’s license expired on December 31, 2004. The Respondent’s license has remained non-renewed.
3. On or about July 12, 2004, the Respondent was indicted by the Grand Jury of the State of Maryland for the Baltimore County for one count of Felony Medicaid Fraud, in

violation of Md. Crim. L. § 8-509 and one count of Theft over \$300 in violation of Md. Crim. L. § 7-104.

4. On March 7, 2005, the Respondent pled guilty to one Count of Felony Medicaid Fraud, in violation of Md. Crim. L. § 8-509, before Baltimore County Circuit Court Judge Susan Souder.

5. On May 11, 2005, the Respondent was sentenced by Judge Souder to three years in prison and ordered to make restitution in the amount of \$249,406.

6. As a result of the Respondent's felony Medicaid fraud conviction, the Board, on September 16, 2005, issued to the Respondent, a Notice of Intent to Revoke License to Practice Professional Counseling and an unexecuted Order of Revocation. The Board charged the Respondent with violating the following provisions of the Act:

**§ 17-3A-13. Denial, suspension, and revocation of license; other penalties.**

- (a) The Board, on an affirmative vote of a majority of its members then serving, may deny a license to an applicant, suspend or revoke a license of a licensee, reprimand a licensee, or place a licensee on probation, if the applicant or licensee has committed any of the acts proscribed in § 17-313 of this title, subject to the provisions in §§ 17-314 and 17-315 of this title.

**H.O. § 17-313. Denial, probation, suspension or revocation of certificate applicant or holder.**

Subject to the hearing provisions of § 17-314 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a certificate to any applicant, place any certificate holder on probation, reprimand any certificate:

- (6) 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 conviction or plea set aside;

7. A hearing on the charges was held on March 17, 2006.

8. On October 20, 2006, the Board issued a Final Decision and Order suspending the Respondent's license to practice professional counseling, after finding that the Respondent violated H.O § 17-313 (6) of the Act.

9. Under the terms of the Board's Final Decision and Order ("Order"), the Board suspended Respondent's license for two (2) years. The Board further ordered that the suspension of Respondent's license remain active for a minimum of two years and until the Respondent satisfied certain conditions.

10. The Board's Order also required that the Respondent complete the following conditions, while his license was actively suspended:

(A) Individual Tutorial in Professional Ethics

(1) Within thirty (30) days of the date of this Order, Mr. Benn shall enroll in a Board-approved individual educational tutorial<sup>1</sup> in professional ethics, specifically focused on ethical financial standards, billing, documentation, record-keeping and administrative counseling responsibilities. Mr. Benn shall first submit to the Board a written description of the particular tutorial he proposes as fulfillment of this condition. The proposed tutor shall not be connected with Mr. Benn through any current or past personal, collegial, professional or academic affiliation. The Board reserves the right to require Mr. Benn to provide further information regarding the tutorial he proposes, and further reserves the right to reject his proposed tutorial and require submission of an alternative proposal. The Board will approve a tutorial only if it deems the curriculum and the duration of the tutorial adequate to fulfill the need. Mr. Benn shall be responsible for all costs incurred in fulfilling these tutorial requirements.

(B) Pro-Bono Hours in Community Service

Within one (1) year of the date of this Order, Mr. Benn shall perform two hundred and forty nine (249) *pro-bono* hours in community service of non-counseling related activities at a

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<sup>1</sup> This tutorial shall consist of private instruction or study under the direction of a private tutor approved by the Board.

Board-approved agency or institution. Mr. Benn shall provide to the Board verification and documentation of the hours served.

The Board's Order also imposed the following condition, which provides:

"ORDERED that Mr. Benn shall practice in compliance with the Maryland Professional Counselors and Therapists Act and in accordance with all applicable laws, statutes, and regulations pertaining to the practice of counseling[.]"

**FACTS PERTAINING TO RESPONDENT'S FAILURE TO COMPLY WITH THE BOARD'S OCTOBER 20, 2006 ORDER**

A. Respondent's failure to comply with ethics tutorial requirement.

11. Under the terms of the Board's Order dated October 20, 2006, the Respondent was required to enroll in a Board-approved individual ethics tutorial, within thirty (30) days of the date of the Board's Order.

12. The Respondent did not enroll in an individual ethics tutorial, as required by **Condition A** of the Board's Order, until June 2007.

13. The Respondent also failed to complete an individual ethics tutorial. The Respondent's first and only meeting with the Board approved ethics tutor was on June 22, 2007. The Respondent was responsible for ensuring that the ethics tutor submit monthly reports to the Board detailing the Respondent's educational and ethical progress; for ensuring his own successful completion of the tutorial; and for ensuring that the tutor submit a report to the Board assessing the Respondent's performance, attendance, participation, and completion of assignments. The Respondent did not comply with these responsibilities.

B. Respondent's failure to comply with *pro-bono* community service requirement.

14. Under the terms of the Board's Order, the Respondent was required to **complete two hundred and forty nine (249) *Pro Bono*** hours in Community Service at an institution or agency approved by the Board, and provide documentation that he completed his *pro bono* community service, within one (1) year of the date of the Order.

15. Pursuant to his responsibility under the Board's Order, the Respondent failed to follow up with a Board-approved institution or agency to begin his *pro bono* community service.

16. As required by **Condition B** of the Board's Order, the Respondent failed to provide documentation to the Board within one (1) year of the date of the Board's Order, that he performed two hundred and forty nine (249) *pro-bono* hours in community service of non-counseling related activities.

C. Respondent's failure to comply with the Maryland Professional Counselors and Therapists Act.

17. Between October 2007 and March 2008, the Board received several reports that the Respondent was violating the Act.

18. Specifically, the Board received reports that the Respondent was attempting to practice professional counseling without a valid and active license, in violation of H.O. § 17-3A-11.

19. H.O. § 17-3A-11 states, in pertinent part, that:

(a) *Practice without a license: exceptions.*- (1) Except as otherwise provided in paragraph (2) of this subsection, an individual may not practice, attempt to practice, or offer to practice clinical alcohol and drug counseling, clinical marriage and family therapy, or clinical professional counseling in the State unless licensed by the Board.

20. On or about October 1, 2007, the Board received a complaint from the clinical director at Building Communities Today for Tomorrow, Inc. ("BCTT") located in Baltimore, Maryland.

21. BCTT provides a variety of services, including counseling, to at-risk children, adolescents, adults, and seniors.

22. The complaint alleged that in September 2007, the Respondent submitted an application for a therapist position and represented on his application that he held a current and active license to practice as a professional counselor in Maryland.

23. A Board investigation revealed that on or about September 26, 2007, the Respondent submitted a cover letter and curriculum vitae to BCTT for a therapist position.

24. BCTT required that applicants for the position that the Respondent applied for hold a current, active, and valid license.

25. In a cover letter and curriculum vitae that he submitted to BCTT, the Respondent indicated that he was a licensed professional counselor.

26. However, the Respondent did not inform BCTT that his license to practice professional counseling had been suspended in October 2006. The Respondent also failed to inform BCTT that his license had expired in December 2004.

27. After reviewing the Respondent's application for employment, BCTT verified on the Board's web site that the Respondent's license had been suspended.

28. The Respondent's application was subsequently withdrawn for consideration for the therapist position.

29. On or about January 16, 2008, the Board received a complaint from the Executive Director of Family & Children Services of Central Maryland ("Family and

Children's Services") alleging that when applying for the therapist position, the Respondent fraudulently represented himself.

30. A Board investigation revealed that on or about January 7, 2008, the Respondent submitted a cover letter, curriculum vitae, and a copy of his license to practice clinical professional counseling dated June 2001, to Family and Children's Services, for a position as a licensed therapist.

31. In his cover letter to Family and Children's Services, the Respondent indicated that he "was interested in applying for the Therapist position".

32. The position that the Respondent sought with Family and Children's Services required that the individual selected for the position, provide individual and family therapy and case management, for children attending Harford County public schools.

33. The position that the Respondent sought with Family and Children's Services also required a current and active license or certification to practice professional counseling in the State of Maryland.

34. In or around January 7, 2008, the Respondent interviewed for the therapist position at Family and Children's Services. During his interview, the Respondent failed to inform the interviewer that his license was suspended. The Respondent also failed to inform the interviewer that his license had expired in December 2004.

35. On January 11, 2008, the Respondent was contacted by Family and Children's Services and offered the therapist position. However, Family and Children's Service rescinded its job offer, when Family and Children Services discovered that the Respondent's license to practice professional counseling was suspended.

36. On or about March 6, 2008, the Board received a complaint from the Director of Human Resources at Anne Arundel County Department of Health.

37. The complaint alleged that the Respondent misrepresented himself when he applied for a therapist position with Anne Arundel County Department of Health.

38. Anne Arundel County Department of Health provides a range of health services, including mental health and counseling services to Anne Arundel County residents.

39. A Board investigation revealed that on or about February 21, 2008, the Respondent submitted a cover letter, curriculum vitae, and a copy of his license to practice clinical professional dated June 2001, for a position as a licensed therapist.

40. The Respondent indicated in his cover letter that he was a "Professional Counselor". The Respondent further stated in his cover letter that he was "interested in applying for the Professional Counselor position with your agency being advertised in the Sun Newspaper".

41. The therapist position that the Respondent sought with Anne Arundel County Department of Health required that the person selected for the position, provide clinical behavioral health services to children, adolescents, and their families.

42. The therapist position that the Respondent sought with the Anne Arundel County Department of Health also required that applicants for the position hold a valid and active license in professional counseling.

43. As part of the application process, Anne Arundel County Department of Health checked the status of the Respondent's license on the Board's website.

44. Once Anne Arundel County Department of Health discovered that the Respondent's license was suspended, the Respondent's application was removed from consideration for the therapist position.

#### Conclusion

45. The Respondent violated the Board's Order when he failed to comply with the ethics tutorial requirements.

46. The Respondent violated the Board's Order when he failed to comply with the *pro bono* hours community service requirements.

47. The Respondent violated the Board's Order that he complied with H.O. § 17-3A-11 as set forth in paragraphs 18 through 44.

48. At a hearing before the Board on December 19, 2008, the Respondent admitted to Board members that he (1) failed to comply with the ethics tutorial requirements and; (2) failed to comply with the *pro bono* hours community service requirements, as these requirements are set forth in the Board's Oct. 20, 2006 Final Decision and Order. In response to questions from Board members, the Respondent further conceded that he had misrepresented his licensure status on employment application documents after the Board's suspension of his LCPC license.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, and having considered Mr. Benn's arguments and written submissions at the December 19, 2008 hearing, as well as the arguments submitted by the Administrative Prosecutor for the State, the Board concludes that the Respondent violated the Board's Order dated October 20, 2006.

## ORDER

It is this 19 day of December, 2008, by a majority of the members of the Board:

**ORDERED** that the license of Stanley J. Benn to practice clinical professional counseling in the State of Maryland, License No. LC 1218, is hereby **REVOKED** for a minimum of **FIVE (5) YEARS**, commencing on the date that the Board executes this Final Order; and it is further

**ORDERED** that the Board will not entertain a petition for reinstatement from Mr. Benn any earlier than **FIVE (5) YEARS** from the date of this Final Order, which petition may be granted or denied by the Board at its sole discretion; and it is further

**ORDERED** that after **FIVE (5) YEARS**, Mr. Benn may petition the Board in writing for reinstatement of his license, and shall appear before a reinstatement panel of the Board to establish that he has fully complied with the terms and conditions of the Board's Final Decision and Order dated October 20, 2006, as determined by the Board. Mr. Benn shall also have the burden of providing satisfactory evidence to the Board that he has gained significant insights into his ethical shortcomings and that he is competent to practice clinical professional counseling safely, as determined by the Board; and it is further

**ORDERED** that if the Board reinstates his license, the Board may place Mr. Benn on probation, and impose specific terms and conditions of probation; and it is further

**ORDERED** that Mr. Benn shall not petition the Board for early termination of his revocation; and it is further

**ORDERED** that Mr. Benn is prohibited from practicing, attempting to practice, or offering to practice clinical professional counseling in the State of Maryland; and it is further

**ORDERED** that Mr. Benn is prohibited from representing to the public by title, by description of services, methods, or procedures, or otherwise, that he is licensed by the Board as a clinical professional counselor in the State of Maryland; and it is further

**ORDERED** that Mr. Benn is prohibited from using any title, abbreviation, sign, card, or other representation that he is licensed by the Board as a clinical professional counselor in the State of Maryland; and it is further

**ORDERED** that Mr. Benn is prohibited from using the title "L.C.P.C." or "LCPC," or the words "licensed clinical professional counselor" with the intent to represent that he is licensed to practice clinical professional counseling; and it is further

**ORDERED** that Mr. Benn shall immediately surrender to the Board his original license and any display and/or pocket licenses; and it is further

**ORDERED** that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617 (Repl. Vol. 2004), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and that the Board may also disclose to any national reporting bank or other to whom the Board is mandated to report; and it is further

**ORDERED** that this is a Final Order of the Maryland Board of Professional Counselors and Therapists and as such is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 *et seq.*(Repl. Vol. 2004).

12/23/08

Date

Lisa Jackson-Cherry

Lisa Jackson-Cherry, Ph.D., L.C.P.C.  
Chairperson

Maryland Board of Professional Counselors  
And Therapists

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Health Occ. Code Ann. § 17-512, Mr. Benn has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. State Gov't Code Ann., § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Mr. Benn files an appeal, the Board is a party and must be served with the court's process at the following address:

**Maryland State Board of Professional Counselors & Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215**

In addition, Mr. Benn should send a copy to the Board's counsel:

**Noreen M. Rubin, Esquire  
Office of the Attorney General,  
300 W. Preston Street, Suite 302,  
Baltimore, Maryland 21201.**

The Administrative Prosecutor is no longer a party to these proceedings at this point and need not be served or copied.