

IN THE MATTER OF	*	BEFORE THE STATE
ERIN L. MARSDEN, LGSW	*	BOARD OF SOCIAL WORK
(A.K.A. ERIN L. COX)	*	EXAMINERS
Respondent	*	Case No. 12-1833
License Number: G11289	*	
* * * * *		

CONSENT ORDER

On April 12, 2013, the Maryland Board of Social Work Examiners ("the Board") issued a "Notice of Charges under the Maryland Social Work Act" to **ERIN L. MARSDEN, LGSW (A.K.A. ERIN L. COX) (the "Respondent") (D.O.B. 12/31/1978), License Number G11289**, based on alleged violations of the Maryland Social Work Examiners Act ("the Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

Based upon the allegations made in the Complaint and the Board's investigation, the Board charged the Respondent under the following provisions of the Act:

**H.O. § 19-311. Denials, reprimands, suspensions, and revocations—
Grounds.**

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee;

- (2) Fraudulently or deceptively uses a license;
- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work; [and]

- (7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board; to wit:

COMAR 10.42.03.03B The licensee may not: (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation [and] (3) Exploit a relationship with a client for personal advantage or satisfaction[.]

On May 16, 2013, the Respondent appeared before members of the Board and the Board's counsel for a Case Resolution Conference (CRC) to discuss the potential resolution of the Charges by consent. The Respondent was not represented by counsel. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant, the Respondent was and is a licensed graduate social worker. The Respondent was initially licensed on June 23, 2004. Her license is currently active and is scheduled to expire on October 31, 2014.
2. At all times relevant, the Respondent was employed as a social worker by the Baltimore County Department of Health and Human Services ("BCDHHS").
3. On or about December 5, 2012, the Board received a complaint from the Respondent self-reporting that she misappropriated her client's (the "client") money for

personal use. The Respondent stated that she disclosed her conduct to her supervisor, repaid the money to the client and resigned from her employment at BCDHHS.

4. According to the Respondent, she was the assigned social worker for the client, a 20-year-old male in foster care. The client had a diagnosis of bipolar disorder and had historically exhibited difficulty with managing his money.

5. The client had accrued \$1,628.51 from a previous foster care placement.

6. The Respondent suggested that she disperse the funds to the client in three monthly installments. This plan was discussed at a meeting in the presence of another social worker and the client's foster parent.

7. The Respondent deposited the client's money into her personal bank account.

8. On about October 25, 2012, the Respondent took the client to the bank where the client deposited the first installment of \$500 into his account.

9. On or about November 15, 2012, the client demanded that he receive the full balance of his money because he planned to move out of state the following day.

10. At this time, the Respondent disclosed to the client that she misappropriated his money for personal use.

11. The Respondent disclosed her misconduct to her supervisor.

12. On or about November 21, 2012, the Respondent paid the client the balance of his money (\$1,128.51).

13. On or about November 28, 2012, the Respondent resigned from her employment at BCDHHS.

14. The Respondent's conduct, as described above constitutes, in whole or in part, violation of H.O. §§ 19-311(2) Fraudulently or deceptively uses a license; (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work; (6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work; and (7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board; to wit: COMAR 10.42.03.03B The licensee may not: (1) Participate or condone dishonesty, fraud, deceit, or misrepresentation [and] (3) Exploit a relationship with a client for personal advantage or satisfaction.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concluded that, if proven true, the factual allegations would support a finding as a matter of law that the Respondent violated H.O. §§19-311(2), (4), (6), (7), to wit: COMAR 10.42.03.03B(1) and (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and the agreed upon terms of the resolution of the Charges by consent at the CRC, on this 12th day of July, 2013, by a majority of the full authorized membership of the Board considering this case, it is hereby

ORDERED that the Respondent's license to practice social work in the State of Maryland is **SUSPENDED** for a minimum **THREE (3) MONTHS**; and it is further

ORDERED that after at least three (3) months from the date of this Consent Order, and after the Respondent has decided to return to the practice of social work, the

Respondent may submit a written petition to the Board requesting that the suspension of her license be terminated. After consideration of the petition, the suspension may be terminated, through an order of the Board, or a designated Board committee; and it is further

ORDERED that the Respondent shall enroll in and successfully complete a one-to-one ethics tutorial. After the successful completion of the one-on-one ethics tutorial, the instructor shall provide the Board with a written report detailing the Respondent's participation in and completion of the course; and it is further

ORDERED that upon the termination of the suspension of the Respondent's license, and once the Respondent begins employment as a social worker, the Respondent shall be placed on Board-supervised probation for a period of at least **TWO (2) YEARS** and until the following terms and conditions are fully and satisfactorily complied with:

1. The Respondent's status as a social worker will be listed in the Board's computer records and website as being on "Probation";
2. The Respondent shall provide a copy of this Consent Order to her employer within **five (5) days** of commencing any employment;
3. The Respondent shall secure a Board-certified supervisor ("supervisor") who shall supply the Board with quarterly, written reports on the Respondent's practice. The Respondent shall provide the supervisor with a copy of this Consent Order prior to their initial meeting, and the Board may release to the supervisor any portion of the investigative file as is deemed necessary by the Board and/or supervisor, provided that a copy of the investigative file is also released to the Respondent;

4. A negative report from the Respondent's supervisor may result in a violation of this Consent Order and further sanctions at the Board's discretion, after notice and opportunity for hearing; and

5. The Respondent shall obey all state and federal laws. If the Respondent is charged with, convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any criminal charge(s), conviction(s), or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a criminal charge, conviction, or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Consent Order;

6. The Respondent shall practice social work according to the Maryland Social Work Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of social work; and it is further

ORDERED that after **TWO (2) YEARS** from the effective date of the Respondent's probationary period, of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

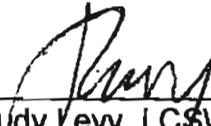
ORDERED that if the Respondent violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an

opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, lifting the stay of suspension, revocation and/or a monetary penalty, said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

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

ORDERED that this Consent Order is a **PUBLIC DOCUMENT**, pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.), and is reportable to any entity to which the Board is obligated to report.

7/12/13
Date



Judy Levy, LCSW-C, Board Chair
State Board of Social Work Examiners

CONSENT

I, Erin Marsden, acknowledge that I have made the decision not to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I

acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

6-11-13
Date


Erin Marsden, LGSW

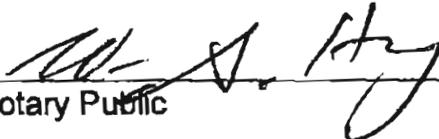
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Howard :

I HEREBY CERTIFY that on this 11 day of June, 2013, before me, a Notary Public of the foregoing State personally appeared Erin Marsden, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 06/12/2015