

IN THE MATTER OF	*	BEFORE THE STATE
BERNELL A. MING, LGSW	*	BOARD OF
RESPONDENT	*	SOCIAL WORK EXAMINERS
LICENSE NUMBER: G11284	*	CASE NUMBER: 07-1125

* * * * *

**ORDER OF REVOCATION OF
LICENSE TO PRACTICE SOCIAL WORK**

On or about July 1, 2008, the State Board of Social Work Examiners (“the Board”) notified **Bernell Ming, LGSW**, (“the Respondent”), License Number: **G11284** D.O.B. **11/30/58**, of the Board’s intent to **REVOKE** his license to practice as a social worker under the Maryland Social Workers Act (“the Act”), Md. Health Occ. Code Ann. (“H.O.”) §§ 19-101 *et seq.* (Repl. Vol. 2005 and Supp. 2006). The pertinent provisions state:

§ 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:

- (1) Obtained or attempted to obtain a license for the applicant or licensee or for another through fraud, deceit, or misrepresentation;
- (8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (10) Is disciplined by a licensing or disciplinary authority of any state, country, or branch of the armed services, or the

Veterans' Administration for an act that would be grounds for disciplinary action under this section;

- (12) Knowingly makes or files a false report or record in the practice of social work.

The underlying grounds for disciplinary action under H.O. § 19-311

(10) are as follows

- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Knowingly violates any provision of this title;
- (6) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (7) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board.

The Board advised the Respondent that if he did not contact the Board and request a hearing within 30 days of receiving notice of the Board's intended action to revoke Respondent's license, then the Board would sign this Order of Revocation. More than 30 days have passed, and the Respondent has not contacted the Board.

FINDINGS OF FACT

The Board finds that:

1. The Respondent was licensed to practice social work in Maryland on June 23, 2004, having been issued license number G11284.
2. On or about June 21 2004, the Board received the Respondent's application for licensure.

3. On his application for licensure, the Respondent failed to indicate on his application for licensure that he was licensed in the State of New York.

4. On or about October 31, 2006, the Board received the Respondent's application for renewal of his license to practice social work.

5. On his renewal application, the Respondent falsely answered "No" to question number 2A:

Has any State Licensing or Disciplinary Board or comparable body in the Armed Services denied you application for licensure, reinstatement, or renewal or taken any action against your license, including but not limited to reprimand, suspension, or revocation?

6. On his renewal application, the Respondent falsely answered "No" to question number 2B:

"Have you surrendered or failed to renew a license in any state?"

7. On his renewal application, the Respondent falsely answered "No" to question number 5:

"Have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?"

8. On his 2004 application for licensure and his 2006 renewal application, the Respondent affirmed that the information that he provided on both applications was correct (a copy of application for licensure dated June 2004 and renewal of license dated October 23, 2006 are attached hereto and incorporated herein as **(Exhibit A)**).

9. A subsequent investigation revealed the following:

FACTS PERTAINING TO THE RESPONDENT'S CRIMINAL CONVICTION

10. On or about January 21, 2002, the Respondent was charged with rape in the 1st degree (Forcible Compulsion), a class B felony, in violation of section 130.35 of the Penal Law of the State of New York (a copy of the felony complaint in *State of New York vs. Bernell A. Ming*, is attached hereto and incorporated herein as (**Exhibit B**).

11. On August 12, 2002, the Respondent pled guilty to one count of sexual misconduct in the Superior Court of the State of New York County of Suffolk, in violation of section 130.20 of the penal law of State of New York (a copy of the transcript of the plea and sentencing in *State of New York vs. Bernell A. Ming* , is attached hereto and incorporated herein as (**Exhibit C**).

12. Judge Carol Mackenzie sentenced the Respondent to six (6) months incarceration.

FACTS PERTAINING TO DISCIPLINARY ACTION TAKEN AGAINST RESPONDENT'S NEW YORK LICENSE

13. On or about February 6, 2006, the Respondent's license to practice social work in the State of New York was revoked (a copy of statement of charges, report of the regents review committee, and the order, *In the Matter of Bernell Ming*, case number: 21227, are attached hereto and incorporated herein as (**Exhibit D**).

14. The State of New York's decision to revoke the Respondent's license was based on the Respondent's August 2002 conviction for sexual misconduct.

SUMMARY

15. The disciplinary action taken by the State of New York constitutes disciplinary action by a licensing or disciplinary authority for acts that are grounds for

disciplinary action against the Respondent's license to social work under H.O. §19-311 (4), (5), (6), (7), and (10).

16. The Respondent violated H.O § 19-311(1) and (12) when he falsely answered questions on his application for licensure and renewal application and when he failed to indicate on his application for licensure that he was also licensed to practice social work in the New York State.

17. Sexual misconduct is a crime involving moral turpitude.

18. The Respondent violated H.O § 19-311(8) when he pled guilty to and was convicted of a crime involving moral turpitude.

CONCLUSIONS

19. Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that the Respondent violated Md. Health Occ. Code Ann § 19-311 (1), (4), (5), (6), (7), (8), (10), and (12).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of October 2008, by a majority of the full authorized membership of the Board, hereby:

ORDERED that the Respondent's license to practice social work in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that this Order shall be effective on the date that it is signed by the Board; and it is further

ORDERED that upon presentation and receipt of this Order, signed by the Board, the Respondent immediately shall have delivered to the Board the display license and

wallet-sized license to practice social work in the State of Maryland previously issued by the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (Repl. Vol. 2004 and Supp. 2007), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and be it further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2004 Repl. Vol.).

24 Oct 08
Date

Cherie Cannon, LCSW-C
Cherie Cannon, LCSW-C Chair
Board Social Work Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §19-313 (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 this 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 2006 Supp.), and Title 7, Chapter 200 of the Maryland Rules.