

IN THE MATTER OF * **BEFORE THE MARYLAND**
KIMBERLY DENNIS * **BOARD OF PROFESSIONAL**
ADT Applicant * **COUNSELORS AND THERAPISTS**
* **CASE NUMBER: 2024-092**

* * * * *

FINAL ORDER

On or about March 19, 2024, the Maryland Board of Professional Counselors and Therapists (“the Board”) notified **KIMBERLY DENNIS** (“the Applicant”) of its intent to deny her Application to practice as an Alcohol and Drug Trainee (“ADT”) pursuant to the Maryland Professional Counselors and Therapists Practice Act (“the Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

The Notice also informed the Applicant that, unless she requested a hearing in writing within thirty (30) days of service of the Notice, the Board would sign the Final Order, which was enclosed. More than thirty (30) days have elapsed, and the Applicant failed to timely request a hearing.

The Board bases its action on the following provisions of the Act:

§ 17-509 Denial, suspensions, or revocation of license

Subject to the hearing provisions of § 17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny trainee status, a license or, a certificate to any applicant, place any trainee, licensee or certificate holder on probation, reprimand any trainee, licensee, or certificate holder, or suspend, rescind, or revoke the status of any trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

- (9) Knowingly violates any provision of this title;

- (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 conviction or plea set aside;
- (13) Violates any rule or regulation adopted by the Board, *to wit*:
 - COMAR 10.58.07.03 Application Process for Certification, Licensure, and Trainee Status
 - A. In order to obtain a certificate or license or to be eligible for trainee status, an applicant shall:
 - (5) Be of good moral character[.]

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. On or about September 11, 2023, the Board received the Applicant’s Alcohol and Drug Trainee Application (“the Application”).
2. In the Application, the Applicant answered “yes” to question 2, which asked: “Have you pled guilty, *nolo contendere* [*sic*], or been convicted of, received probation before judgment, or had a conviction set aside for any criminal act (excluding traffic violations)?”
3. The application instructed, “***If YES***, attach a separate page with a complete explanation of each occurrence (include date, time, location, disposition, etc.) and a ***certified*** copy of the disciplinary/court document from the issuing agency, if applicable.”
4. Per these instructions, the Applicant provided a one-page letter of explanation and certified copies of court documents relating to her criminal conviction. Subsequently, after the Board notified the Applicant that the documentation was not

sufficient, the Applicant submitted certified copies of additional, more detailed, court records.

5. The court records show that in United States District Court for the District of Maryland Case Number ELH-1-13-CR-00151-006, the Applicant pled guilty pursuant to a plea agreement with the United States Attorney's Office for the District of Maryland and was convicted of one count of **Racketeering Conspiracy** (a felony and a crime involving moral turpitude). Per the plea agreement, the Applicant stipulated to the following statement of facts:

The Defendant Kimberly Dennis worked as a Correctional Officer (CO) at Baltimore City Detention Center ("BCDC") from 2006 to 2013. She entered into personal and sexual relationships with Black Guerilla Family ("BGF") inmates [Inmate 1] and [Inmate 2]. Dennis participated in the smuggling of quantities of contraband, including marijuana, tobacco and prescription pills, into BCDC on behalf of [Inmate 2] who would then sell that contraband to BCDC inmates who were members of BGF. Dennis also smuggled contraband into BCDC for inmate and BGF leader [Inmate 3]. Dennis was well-aware that Inmate 3 was a BGF leader and assisted in furthering the racketeering enterprise. Dennis also worked with other CO's to assist in the smuggling, such as [CO 2]. Dennis obtained contraband from others, including [CO 3].

On March 13, 2015, the Honorable Ellen. L. Hollander sentenced the Applicant to 24 months' imprisonment (with credit for time served from November 11, 2013). The Court further ordered that the Applicant be on supervised release for a term of two years following her release from imprisonment with conditions including satisfactorily participating in a substance use treatment program, a mental health treatment program, and a vocational or educational program.

6. In her letter of explanation, the Applicant stated that when she was arrested in 2013, she was 24 years old and had been experimenting with drugs. She stated that she was in an extremely abusive relationship with her former partner, whom she was arrested with, and that she “was charged and found guilty by association.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant’s conduct as described above constitutes a basis on which to deny the Application. Specifically, the Applicant’s criminal conviction for **Racketeering Conspiracy** (a felony and a crime involving moral turpitude) constitutes grounds to deny the Application under Health Occ. § 17-509 (9) (knowingly violates any provision of this title), § 17-509 (10) (is convicted of a felony or a crime involving moral turpitude), and § 17-509 (13) (violates any rule or regulation adopted by the Board, *to wit*: COMAR 10.58.07.03(A)(5) (be of good moral character).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th, day of May 2024, by a majority of the Board considering this case:

ORDERED that the Applicant’s Application to practice as an Alcohol and Drug Trainee is hereby **DENIED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§4-101 - 4-601 (2014).

05/17/2024

Date



Winnie D. Moore, LCPC, Board Chair
Maryland State Board of Professional
Counselors and Therapists

NOTICE OF RIGHT TO APPEAL

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

If the Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:¹

Shelly-Ann Barnes, Acting Executive Director
Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

¹ At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.