IN THE MATTER OF	*	**BEFORE THE MARYLAND STATE**
STERLING BARNES, ADT	*	**BOARD OF PROFESSIONAL**
Respondent	*	**COUNSELORS AND THERAPISTS**
Trainee Number: ADT1227	*	**Case Numbers: 2017-030, 2017-038, & 2018-039**

* * * * * * * * * * * * *

ORDER FOR SUMMARY SUSPENSION

The Maryland State Board of Professional Counselors and Therapists (the "Board") hereby **SUMMARILY SUSPENDS** the employment authorization of **STERLING BARNES, ADT** (the "Respondent"), Trainee Number ADT1227, to practice as an alcohol and drug trainee in the State of Maryland. (the "Authorization"). The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c) (2014 Repl. Vol. & 2017 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe the following facts are true: [1]

[1] The statements regarding the Board's investigative findings are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

BACKGROUND

1. At all times relevant hereto, the Respondent held an active employment authorization to practice as an alcohol and drug trainee in the State of Maryland. The Respondent was originally issued the Authorization on February 24, 2016, under Trainee Number ADT1227. The Respondent's alcohol and drug trainee employment authorization is current and is scheduled to expire on February 28, 2020.

COMPLAINTS

2. On or about June 6, 2017, the Board received a complaint filed by the CEO ("CEO")[2] of a substance abuse treatment facility ("Facility A") on behalf of a client ("Client A"). The complaint alleged that around Memorial Day 2017, while employed as a clinician providing group and individual sessions to clients enrolled in the partial hospitalization program at Facility A, the Respondent had sexual intercourse with Client A in the Respondent's residence.

3. After receiving the CEO's complaint, the Board initiated an investigation of the Respondent under Case Number 2017-030.

4. While investigating the CEO's complaint, the Board, on or about December 14, 2017, received a second complaint from a second client ("Client B"), and received a third complaint from a third client ("Client C"). Client B alleged while Client B was receiving counseling services from the Respondent at a substance abuse treatment facility

[2] For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and facilities referenced in this document by contacting the administrative prosecutor.

("Facility B"), the Respondent gave Client B money and the Respondent asked Client B to hang out with the Respondent outside of clinic hours. Client B further alleged that the Respondent used crack cocaine with Client B on two separate occasions. Client C alleged that while Client C was receiving services at Facility B, the Respondent used Client C's debit card to withdraw funds from Client C's social security express account without Client C's permission.

5. After receiving Client B's and Client C's complaints, the Board initiated investigations of the Respondent under Case Numbers 2017-038 and 2018-039, respectively.

BOARD INVESTIGATION

6. As part of its investigation, the Board subpoenaed the Respondent's personnel file from Facility A, conducted interviews, and received multiple text messages and photographs allegedly sent between the Respondent and Client A of a personal nature unrelated to counseling

7. The Respondent's personnel file from Facility A revealed that Client A reported to several employees at Facility A that she had sexual intercourse with the Respondent on or about Memorial Day in 2017 and the text messages between the Respondent and Client A revealed that the Respondent invited Client A to his residence on the date of the alleged sexual encounter. Staff at Facility A interviewed the Respondent on or about May 31, 2017, at which time, the Respondent denied having sex with Client A but did admit that Client A was in his home on the date of the alleged incident. The Respondent was terminated from Facility A on June 9, 2017.

8. On February 14, 2018, the Board's investigator interviewed the CEO of Facility A under oath. During the interview, the CEO stated that on May 31, 2017, she met with Client A, at which time, Client A reported that the Respondent had sexual intercourse with Client A on or about Memorial Day. The CEO further stated that an internal investigation by Facility A "showed that [the Respondent] had been using his position to prey on the women in [the] program," and that approximately five women reported that the Respondent acted inappropriately toward them. The CEO stated that Facility A's IT department found "inappropriate" information on the Respondent's work computer, including shirtless photographs of the Respondent and activity on dating websites. Finally, the CEO stated that the Respondent told her that he held a female client's EBT card and that he had held money for male clients before.

9. On March 19, 2018, the Board's investigator interviewed Client A, at which time, Client A stated:

a. The Respondent gave Client A money for cigarettes.

b. The Respondent propositioned Client A for sex.

c. On or around Memorial Day 2017, the Respondent sent a text message to Client A inviting her to his house. Client A went to the Respondent's home, where the Respondent engaged in sexual intercourse with her.

d. Client A felt compelled to agree to having sexual intercourse with the Respondent because "he's in a position of power over me"

e. Even after the Respondent was terminated from Facility A, the Respondent continued to contact Client A via text messages and Facebook video chat.

f. Client A showed the Board's investigator several text messages apparently sent to her by the Respondent. One of the messages, dated January 20, 2018, contained a message asking Client A to show him her

genitals. Another text message appeared to contain a photograph of the Respondent's penis.[3]

10. On February 28, 2018, the Board's investigator interviewed Client B, at which time, Client B stated:

a. In October 2015, Client B was a resident at Facility A as part of the Partial Hospitalization Program ("PHP") where the Respondent was Client B's counselor. After Client B received treatment from Facility A, she received treatment at Facility B where the Respondent also worked as a counselor.

b. When Client B was in the PHP at Facility A, the Respondent made her feel uncomfortable with his remarks about women and repeatedly asked her out on dates. Client B and the Respondent had several "altercations" over his remarks. The last "altercation" resulted in her leaving the PHP so that she would not have to see the Respondent again.

c. On one occasion, the Respondent gave Client B $10 and told her, "[h]ere, keep this to yourself. This is for you." Thereafter, Client B saw the Respondent periodically and he repeatedly asked her to meet him after 5:00 p.m. to "hang out," however, she declined.

d. On a date unknown, the Respondent picked up Client B at a gas station and they went back to the Respondent's house where the Respondent and Client B smoked crack cocaine and the Respondent drank alcohol. The Respondent asked Client B to stay the night, however, she refused because she found that the Respondent was acting "weird" as a result of the drugs.

e. On another occasion, the Respondent picked up Client B at a dollar store, and they used drugs twice that night at the Respondent's house. Client B later left the Respondent after they got into a disagreement.

f. The Respondent tried to get Client B to engage in sexual acts with him.

g. The Respondent sent text messages to Client B on several occasions stating that he wanted a relationship with her.

h. The Respondent repeatedly harassed Client B and asked her to "leave the program" so as to avoid issues with his job.

[3] The Board's investigator took possession of the text messages in the course of gathering evidence.

i. Sometime in January 2018, after Client B filed her complaint, the Respondent sent a text message to Client B asking her why she "crossed him." The Respondent also continued to contact Client B via text messages and would stop on the street and try to talk to her.

11. On June 6, 2018, the Board's investigator interviewed a counselor ("Counselor") employed at Facility B, at which time, the Counselor stated that Client B showed her text messages from the Respondent where the Respondent asked Client B to go out with the Respondent. The Counselor also stated that Client C told her that the Respondent offered to hold Client C's bank card for him.

12. On March 23, 2018, the Board's investigator interviewed the Respondent, at which time, the Respondent:

a. Denied that he had sexual intercourse with Client A or ever made sexual advances towards Client A.

b. He denied that he ever gave Client A money, but he admitted that Client A would borrow cigarettes from the Respondent.

c. He denied that he invited Client A to his residence. He stated that on or about Memorial Day, 2017, Client A came to the door of his residence intoxicated, however, he denied that Client A ever entered his residence. The Respondent stated that before Client A left, he gave Client A a hat and a hoodie because it was cold outside.

d. The Respondent denied calling or texting Client A on her cellphone. The Respondent admitted that the text messages sent to Client A were sent from the Respondent's cell phone, however, he claimed that they were sent by his roommate and that the penis in the photograph is his roommate's.

e. The Respondent also attempted to deflect responsibility from himself on to Client A by stating that at the time of the alleged sexual encounter, Client A was dating a male client in the program at Facility A, and that he believes Client A was coerced into making this complaint because she is vulnerable. The Respondent also deflected blame onto Facility A, which he claimed has a "vendetta" against him.

f. The Respondent denied ever having Client B in his car or at his residence.

g. The Respondent denied using drugs with Client B and stated that he last used crack cocaine on March 30, 2015.

h. The Respondent stated that he was employed by Facility B from July 2017 until he resigned on November 20, 2017. The Respondent claimed that Facility B also held a vendetta against him. The Respondent stated that he resigned from Facility B in the middle of the night because they had "too much unethical stuff going on there" with "a person who's a [*sic*] outreach worker sitting there coercing clients to build a case against me."

i. The Respondent attempted to deflect responsibility from himself onto Client B by stating that he believed the complaint was retaliatory and that Client B had a "vendetta" against him because he previously wrote up a "behavior contract" for Client B at Facility A, and claimed that "she's a prostitute."

j. The Respondent admitted to keeping a bank account card for Client C. However, the Respondent denied misusing the card or withdrawing funds from the account.

k. The Respondent attempted to deflect responsibility for his actions regarding Client C by stating "all these allegations are pumped up and trumped up by an individual" employed at Facility B (the "Employee"). He stated that he would often quarrel with Employee, and that "she was a lesbian."

CONCLUSION OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov't § 10-226 (c)(2) (2014 Repl. Vol. & 2017 Supp.).

ORDER

Based on the foregoing, it is by a majority of the Board considering this case:

ORDERED that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's employment authorization to practice as an alcohol and

drug trainee in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of service of this Order. The written request should be made to:

Kimberly Link, J.D., Executive Director
Maryland State Board of Professional Counselors & Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

Please copy:

Kelly Cooper, Assistant Attorney General
Maryland Office of the Attorney General
Health Occupations Prosecution & Litigation Division
300 West Preston Street, Suite 201
Baltimore, Maryland 21201

and

Rhonda Edwards, Assistant Attorney General
Maryland Office of the Attorney General
300 West Preston Street, Suite 302
Baltimore, Maryland 21201; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the Respondent's employment authorization will remain **SUSPENDED**; and it is further

ORDERED that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board, the Respondent's original Maryland trainee employment authorization **ADT1227;** and it is further

ORDERED that this is a Final Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

July 20, 2018
Date

Risa Ganel / KBL
Risa L. Ganel, LCMFT, Chair
Maryland State Board of Professional
Counselors and Therapists