

<p><b>IN THE MATTER OF</b></p> <p><b>STERLING BARNES, ADT</b></p> <p style="padding-left: 40px;"><b>Respondent</b></p> <p><b>Trainee Number: ADT1227</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND STATE</b></p> <p><b>BOARD OF PROFESSIONAL</b></p> <p><b>COUNSELORS AND THERAPISTS</b></p> <p><b>Case Numbers: 2017-030, 2017-038, &amp; 2018-039</b></p>
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**FINAL ORDER**

On or about July 20, 2018, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **STERLING BARNES** (the “Respondent”), of the Board’s intent to rescind his “Alcohol and Drug Trainee Employment Authorization” (the “Authorization”), Trainee Number ADT1227, under the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 17-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

Specifically, the Board based its intent to rescind on the following provisions of the Act:

§ 17-509. Denial, suspension 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 a license or certificate to any applicant, place any licensee or certificate holder on probation, reprimand any licensee or certificate holder, or suspend or revoke a license of any licensee or a certificate of any certificate holder if the applicant, licensee, or certificate holder:

- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;

- (13) Violates any rule or regulation adopted by the Board;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also based its intent to rescind on the following provisions of the Code of Ethics adopted by the board, codified at Md. Code Regs. (“COMAR”) 10.58.03 *et seq.*, in particular:

COMAR 10.58.03.04

- A. A counselor shall:
  - (11) Be familiar with and adhere to this chapter;
  - (14) Take reasonable precautions to protect clients from physical or psychological trauma.
- B. A counselor may not:
  - (3) Enter into relationships that could compromise a counselor’s objectivity or create a conflict of interest.

COMAR 10.58.03.05

- A. Client Welfare and Rights.
  - (2) A counselor may not:
    - (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public;

....

- B. Dual Relationships.
  - (1) A counselor shall:

- (a) Avoid dual relationships with clients[.]

COMAR 10.58.03.09

A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:

- (1) Inappropriate sexual language;
- (2) Sexual exploitation;
- (3) Sexual harassment;
- (4) Sexual behavior;

.....

B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:

- (1) A client;

.....

E. Sexual Harassment.

- (1) A counselor may not sexually harass a:

- (a) Client[.]

In addition, the Board based its intent to rescind on the terms of the Respondent's Authorization, which provides:

AUTHORIZED TRAINEES WHO VIOLATE THE MARYLAND PROFESSIONAL COUNSELORS AND THERAPISTS CODE OF ETHICS MAY NOT RECEIVE FURTHER CONSIDERATION FOR CERTIFICATION OR LICENSURE.

**FINDINGS OF FACT**

The Board makes the following Findings of Fact:

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.

2. The Respondent was originally issued the Authorization on February 24, 2016, under Trainee Number ADT1227.

3. The Respondent's alcohol and drug trainee employment authorization is current and is scheduled to expire on February 28, 2020.

4. In May 2017, the Respondent was employed as a substance abuse counselor at a substance abuse treatment facility ("Facility A") where he provided group and individual therapy sessions to clients enrolled in the partial hospitalization program at Facility A.

5. A client at Facility A ("Client A") attended group and individual therapy sessions led by the Respondent in his office.

6. During his interactions with Client A, the Respondent frequently joked to Client A about exchanging sexual favors with him for money and cigarettes; gave Client A his personal cell phone number; texted a photo of himself to Client A that he had previously posted on his internet dating profile; texted a nude photo of his genitalia to Client A; demanded that Client A kiss him while standing outside of his office; demanded that Client A kiss him a second time after giving Client A a ride home in his personal vehicle; and had sexual intercourse with Client A while Client A was heavily intoxicated.

7. The Respondent was fired from Facility A.

8. On or around June 6, 2017, a complaint was filed by the CEO of Facility A with the Board.

9. Between September 2017 and June 2018, the Respondent was employed as a substance abuse counselor at a different substance abuse treatment facility ("Facility B").

10. The Respondent provided group and individual therapy sessions to clients at Facility B.

11. While employed at Facility B, the Respondent counseled Client B, a former client from Facility A.

12. During the time that Client B met with the Respondent for therapy sessions at Facility A, the Respondent made inappropriate remarks about women in Client B's presence and repeatedly asked Client B to go out on dates.

13. The Respondent and Client B had several "altercations" over the Respondent's remarks. The last "altercation" resulted in Client B leaving Facility A to receive treatment at Facility B so that she would not have to see the Respondent again.

14. While at Facility B, the Respondent gave Client B \$10; gave Client B his personal cell phone number; texted Client B messages stating that he wanted a relationship with her; picked Client B up at various locations in the community in his personal vehicle; and invited Client B to his personal residence where they smoked crack cocaine and drank alcohol.

15. Client B reported to Facility B staff that at one point she lived in the Respondent's home.

16. Client B reported to Facility B staff that the Respondent purchased drugs from a Facility B client on two occasions and that the Respondent and Client B used those drugs together in his home.

17. While employed 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 knowledge or permission.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct as described above constitutes violations of the Act and a basis on which to rescind the Respondent's drug and alcohol trainee employment authorization. Specifically:

The Respondent's actions including engaging in sexual intercourse with Client A while she was receiving professional services from the Respondent; utilization of inappropriate sexual language with Client A and Client B; requesting Client B to socialize with the Respondent outside of clinic hours; sexual harassment of Client A and Client B; giving money to Client A and Client B; utilizing illicit drugs with Client B on more than one occasion; and possession of clients' financial account access cards and/or money, including, but not limited to, Client C's debit card, and utilizing Client C's debit card without Client C's permission constitutes violations of Health Occ. § 17-509 (8) (violates the code of ethics adopted by the Board), (9) (knowingly violates any provision of this title), (13) (violates any rule or regulation adopted by the Board), and (16) (commits an act

of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy).

The specific acts and the grounds for disciplinary action under the Board's disciplinary statutes, as referenced in the preceding paragraph, constitute violations of Health Occ. § 17-509 (8) and (13), as follows: entering into relationships that could compromise a counselor's objectivity or create a conflict of interest in violation of COMAR 10.58.03.04(B)(3); placing or participating in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public in violation of COMAR 10.58.03.05(A)(2)(a); engaging in dual relationships with clients in violation of COMAR 10.58.03.05(B); engaging in sexual misconduct with a client, including, but not limited to inappropriate sexual language, sexual exploitation, sexual harassment, and/or sexual behavior in violation of COMAR 10.58.03.09(A); engaging in consensual or forced sexual behavior with a client in violation of COMAR 10.58.03.09(B); and sexually harassing a client in violation of COMAR 10.58.03.09(E)(1)(a).

The Respondent's violation of the Code of Ethics adopted by the Board, as described above, constitutes a violation of the Respondent's Authorization, which provides:

**AUTHORIZED TRAINEES WHO VIOLATE THE MARYLAND PROFESSIONAL COUNSELORS AND THERAPISTS CODE OF ETHICS MAY NOT RECEIVE FURTHER CONSIDERATION FOR CERTIFICATION OR LICENSURE.**

**ORDER**

Based on the foregoing, it is this 25<sup>th</sup> day of February, 2019, by the Board hereby:

**ORDERED** that the Respondent's Trainee Authorization is hereby **RESCINDED**; 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 Repl. Vol. & 2017 Supp.).

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 17-512(b), the Respondent 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:

Kimberly Link, J.D., Executive Director  
Maryland State Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
Phone: 410-764-4732  
Fax: 410-358-1610

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



February 25, 2019  
Date

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

IN THE MATTER OF  
STERLING BARNES,  
RESPONDENT

TRAINEE NUMBER: ADT1227

\* BEFORE THE MARYLAND  
\* BOARD OF PROFESSIONAL  
\* COUNSELORS AND THERAPISTS  
\* Case Numbers: 2017-030  
\* 2017-038  
\* 2018-039


\* \* \* \* \*

**DISPOSITION ORDER**

On July 20, 2018, the Maryland State Board of Professional Counselors and Therapists (the "Board") ordered the summary suspension of the Respondent, Sterling Barnes, trainee status (Trainee Number: ADT1227). A post-deprivation show cause hearing was held on September 21, 2018.

Upon consideration of the arguments presented by the parties at the hearing, it is on this 21st day of September, 2018, **ORDERED** that the order of summary suspension dated July 20, 2018, is **AFFIRMED**.

The Respondent may request an evidentiary hearing within 10 days after the Board issues the post-deprivation show cause hearing disposition order.

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

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

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**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:<sup>1</sup>

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<sup>1</sup> 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")<sup>2</sup> 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

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<sup>2</sup> 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.<sup>3</sup>

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.

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<sup>3</sup> 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