

IN THE MATTER OF * BEFORE THE MARYLAND STATE
 BETHANY CUNNINGHAM * BOARD OF PROFESSIONAL
 ADT Applicant * COUNSELORS AND THERAPISTS
 * CASE NUMBER: 2023-155

* * * * *

CONSENT ORDER

On or about October 20, 2023, the Maryland State Board of Professional Counselors and Therapists (“the Board”) notified **BETHANY CUNNINGHAM** (“the Applicant”) of its intent to deny her application to practice as an alcohol and drug trainee 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 2022 Supp.).

Specifically, the Board based 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:

- (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[.]

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. On or about December 27, 2022, the Board received the Applicant's application to practice as an alcohol and drug trainee ("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. Per the application instructions, the Applicant provided true test copies of relevant court documents and a three-page letter explaining her criminal history and her efforts at rehabilitation and recovery.

4. The Applicant's criminal record includes:

- a. Case 6R00097215: In 2014, the Applicant was charged in the District Court of Maryland for Harford County with two counts of Theft Scheme. According to the charging document, between January 29, 2014 and June 12, 2014, the Applicant stole several pieces of jewelry from her grandmother and her aunt, which she later sold to a pawn shop. The Applicant also stole her grandmother's ATM card and withdrew \$150 without permission. On November 19, 2014, the Court placed the Applicant on supervision and ordered her to pay \$323 in restitution to her grandmother and \$2,600 to her aunt. On February 14, 2017, the Court found the Applicant in violation of the terms of her supervision and entered a conviction for one count of **Theft Scheme: \$1,000 to Under \$10,000** (a felony and a crime involving moral turpitude). The Court sentenced the Applicant to 18 months incarceration with 12 months suspended. The Court also ordered the Applicant to complete a term of supervised probation and to pay \$2,923 in restitution. Conditions of probation included attending counseling, maintaining a sponsor, and following a 12-step program.

- b. Case 6R00103690: In 2015, the Applicant was charged in the District Court of Maryland for Harford County with several counts of forgery and theft. According to the charging document, on November 5, 2015, the Applicant forged her grandmother's signature on several personal checks and used the counterfeit checks to withdraw money from her grandmother's bank account. On February 14, 2017, the Applicant was convicted of one count of **Forgery of Private Documents** (a felony and a crime involving moral turpitude) and one count of **Theft: Less Than \$1,000 Value** (a misdemeanor and crime involving moral turpitude). The Court imposed and suspended a five-year sentence and placed the Applicant on probation. The Court further ordered the Applicant to pay \$750.00 in restitution and to successfully participate in drug and alcohol treatment.
- c. Case 5C00426795: On April 6, 2017, in the District Court of Maryland for Baltimore County, the Appellant was convicted of one count of Prostitution and one count of CDS: Possession of Paraphernalia for conduct that occurred on or about April 27, 2016. The Court imposed and suspended a one-year sentence and placed the Applicant on probation.

5. In the three-page letter provided with the Application, the Applicant disclosed:

- a. "The criminal charges I have on my record are a direct result of my addiction."
- b. When she was 18, she stole her aunt's jewelry and sold it for money to "feed [her] heroin addiction."
- c. In 2015, she was charged with forgery and theft, charges that "were a direct result of [her] heroin addiction."
- d. In 2016, "[h]eroin led me to places I never would have gone, doing things I would never do [...] I was prostituting myself and working in bars to strictly feed my addiction."
- e. She did not attend several court dates because she was afraid to go through heroin withdrawal, and, as a result, she was eventually detained on a warrant for failing to appear in court.

- f. After she was convicted and spent six months in jail, she continued to use for two years following her release, violating the terms of her probation.
- g. In November 2018, she “went to detox” and moved into a sober living home. She maintained her sobriety for three months before relapsing. She used for one week and then went back to the detox program.
- h. Since then, she has been sober and in recovery from all mood- and mind-altering substances.
- i. She has spent the last three years participating in an active recovery program, attending college, obtaining a peer recovery coach certification, and working to help others struggling with addiction.

6. The Applicant was fully cooperative with the Board and provided the Board with the relevant court records in a timely and organized fashion. The Applicant has demonstrated that she has engaged in sincere and sustained efforts at rehabilitation since her last conviction in 2017. These efforts include maintaining her sobriety, participating in therapy, pursuing a college degree, obtaining a peer recovery coach certification, and working as a peer recovery coach.

7. On November 20, 2023, a Case Resolution Conference (“CRC”) was held before a committee of the Board. At the conclusion of the CRC, the Respondent agreed to the resolution of this matter according to the terms of this Consent Order.

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 the Board may deny the Application. Specifically, the Applicant’s criminal convictions for felony forgery and felony theft scheme constitute grounds to deny the Application under Health

Occ. § 17-509(10) (is convicted of 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).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th, day of December, 2023, by a majority of the Board considering this case, hereby:

ORDERED that the Applicant's application to practice as an alcohol and drug trainee is hereby **GRANTED**; and it is further

ORDERED that the Applicant's certificate to practice as an alcohol and drug trainee in the State of Maryland is placed on **PROBATION** for the length of the alcohol and drug trainee period; and it is further

ORDERED that during the probationary period:

1. The Applicant shall obtain a Board-approved supervisor;
2. The Applicant shall provide written copies of the Consent Order to the supervisor and to her employer and provide documentation of their receipt;
3. The Applicant shall meet with the Board-approved supervisor at a minimum of one session per month, for a minimum of one hour per session;
4. The Supervisor shall submit quarterly written reports to the Board detailing the supervision provided and evaluating the Applicant's practice;
5. The Applicant shall ensure that the quarterly reports are submitted to the Board in a timely manner;

6. In the event that the Board-approved supervisor discontinues supervising the Applicant's practice for any reason during the probationary period, the Applicant shall notify the Board within five days of the change. The Applicant shall be solely responsible for securing a new Board-approved supervisor and providing the Board with the new supervisor's contact information and documentation of the new supervisor's receipt of the Consent Order;
7. In the event that the Applicant's employment changes for any reason during the probationary period, the Applicant shall notify the Board within five days of the change. Upon obtaining new employment, the Applicant shall provide the Board with the new employer's contact information and documentation of the new employer's receipt of the Consent Order;
8. The Applicant shall, at all times, comply with the Act and all applicable laws, statutes and regulations;
9. The Applicant shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned investigator, in the monitoring, supervision, and investigation of the Applicant's compliance with the terms and conditions of the Consent Order;
10. If the Board determines that the terms or conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Applicant's probation, upon notice to the Applicant;

11. A negative report from the Supervisor or any failure to comply with the Supervisor's recommendations shall be deemed a violation of probation or of this Consent Order;
12. If the Applicant allegedly fails to comply with any term or condition of the Consent Order, the Applicant shall be given notice and an opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Applicant shall be given a show cause hearing before the Board;
13. If, after the appropriate hearing, the Board determines that the Applicant has failed to comply with any term or condition of the Consent Order, the Board may reprimand the Applicant, continue the probationary status with appropriate terms and conditions, or suspend or revoke the Applicant's certificate to practice as an alcohol and drug trainee in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Applicant; and it is further

ORDERED that the Applicant shall be responsible for all costs incurred under the terms and conditions of the Consent Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

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

12/15/2023

Date



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

CONSENT

I, Bethany Cunningham, by affixing my signature hereto, acknowledge that:

1. I have knowingly and voluntarily agreed to enter into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 17-511 (2021 Repl. Vol. and 2022 Supp.) and Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. and 2022 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 am waiving those procedural and substantive protections.
4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Notice of Intent to Deny Application to Practice as an Alcohol and Drug Trainee. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

11/27/2023
Date

Bethany Cunningham
Bethany Cunningham, ADT Applicant

NOTARY

STATE OF MARYland

CITY/COUNTY OF HARFord

I **HEREBY CERTIFY** that on this 27th day of November, 2023, before me, a Notary Public of the State and City/County aforesaid, personally appeared Bethany Cunningham, ADT Applicant, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Julie A. Stratton
Notary Public

My Commission Expires: 7-7-24



Bethany Cunningham

Project Chesapeake

185 Admiral Cochrane Drive

Suite 120

Annapolis, MD 21401

bcunningham@projectchesapeake.com

To whom it may concern, please accept this as confirmation the board ordered consent order has been submitted to my board-approved supervisor and her contact information is,

Rebekha Rogers, LCSW-C

Email- rrogers@projectchesapeake.com

Phone- 443-440-5780 (Office) 443-440-5968 (Direct)

185 Admiral Cochrane Drive, Suite 225

Annapolis, MD 21401

11/27/23

Date

11/27/23

Date

R. Rogers LCSW-C

Supervisor Signature

Bethany Cunningham

Applicant Signature