

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>FREDERICK HAMILTON,</b>	*	<b>STATE BOARD OF</b>
<b>CAC-AD</b>	*	<b>PROFESSIONAL COUNSELORS</b>
<b>RESPONDENT</b>	*	<b>AND THERAPISTS</b>
<b>CERTIFICATE NO. AC2984</b>	*	<b>Case Number: 2022-097</b>

\* \* \* \* \*

**FINAL ORDER**

**I. PROCEDURAL BACKGROUND**

On or about August 23, 2022, the Maryland State Board of Professional Counselors and Therapists (“the Board”) notified **FREDERICK HAMILTON, CAC-AD** (the “Respondent”) of the Board’s intent to revoke his certificate to practice as a Certified Associate Counselor – Alcohol and Drug (“CAC-AD”), under the Maryland Professional Counselors and Therapists Act (“the Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

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

Health Occ. § 17-509:

§ 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 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:

....

(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 counselor or therapy[.]

The relevant provisions of the code of ethics and regulations adopted by the Board provide:

COMAR 10.58.03.04 Ethical Responsibility:

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:

...

(2) Participate in dishonest, fraudulent, or deceitful activity in the capacity of a counselor; or

(3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

COMAR 10.58.03.05 The Counseling Relationship.

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; and

(b) Take appropriate measures, including but not limited to, informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs if a dual relationship can be avoided

In its Notice, the Board informed the Respondent of his right to an evidentiary hearing on the charges. The Notice also informed the Respondent of the Case Resolution Conference (“CRC”) schedule on his behalf on October 21, 2022, and included the link to the virtual meeting. Respondent did not attend the CRC.

On November 22, 2022, the Board served Respondent with a Notice of Administrative Hearing, via first class mail, certified mail, email, and personal process service. The Notice informed Respondent that the administrative hearing would be conducted virtually on January 20, 2023, at 12:30 pm, and included the link to the virtual hearing.

On January 20, 2023, a quorum of the Board was present via Google Meet and the evidentiary hearing was held. Kelly Cooper, Administrative Prosecutor, was present and presented the case on behalf of the State of Maryland. The Respondent was not present.

### **Evidentiary Exhibits and Witnesses:**

#### State’s Exhibits:

1. Complaint, received February 11, 2022
2. Personnel Records, Received from the director of the facility where Respondent was employed (“the Facility”).<sup>1</sup>
3. Director of Facility’s Interview Transcript, held on March 31, 2022
4. Respondent’s Interview Transcript, dated April 11, 2022
5. Email correspondence between Board Investigator and staff at the Facility;

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<sup>1</sup> For purposes of confidentiality, generic references are used in place of actual names.

6. Email correspondence between Board Staff and the Respondent, dated June 2022
7. Email correspondence between Respondent and Hacker 1, dated June 2022
8. Email correspondence between Respondent and Hacker 2, dated July 2022
9. Email correspondence between Respondent and Board staff, dated July 2022
10. Second email correspondence between Respondent and Hacker 1, dated July 2022
11. Email correspondence from Respondent's Employer with attachment, dated July 2022
12. Respondent's Licensing Unit Information
13. Board Investigator Report, dated March 31, 2022
14. Supplemental Board Investigation Report, dated July 22, 2022
15. Order for Summary Suspension, dated August 9, 2022
16. Affidavit of Service for Order for Summary Suspension, served on August 10, 2022
17. Affidavit of Service for Order for Summary Suspension, served on August 10, 2022
18. Charges Under the Maryland Professional Counselors and Therapists Act, dated August 19, 2022
19. Notice of Hearing, dated November 22, 2022
20. Affidavit of Service for Notice of Hearing, served on November 22, 2022

**State's Witness:**

1. Board Compliance Manager/Investigation Supervisor Shelly-Ann Barnes

**II. FINDINGS OF FACT**

The Board made the following findings of fact based upon the entirety of the record:

1. At all times relevant, the Respondent was authorized to practice certified associate counseling – alcohol and drug in the State of Maryland. The Respondent was originally

certified to practice as a CAC-AD in the State of Maryland on August 24, 2021, under Certificate Number AC2984. The Respondent's certified expired on January 31, 2023.

2. On or about February 11, 2022, the Board received a complaint from the director of the facility ("the Facility") where Respondent was employed. The Complaint alleged that an unidentified client of the Facility notified staff that she had engaged in a relationship with the Respondent during his employment. The Complaint further alleged that the client had participated in the Respondent's group therapy sessions, but was not assigned to the Respondent's personal caseload.
3. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2022-097.
4. As part of the Board's investigation, the Board interviewed the Complainant, the director of the Facility, under oath. The Complainant stated that she had received complaints from multiple clients that the Respondent was not available, and that during group sessions he would show videos instead of actively facilitating treatment.
5. The Complainant also stated that the Respondent did not show up for supervision with her.
6. As a result of the complaints and Respondent's failure to participate in supervision sessions, the Complainant scheduled a meeting with Respondent on February 8, 2022.
7. During the meeting, Respondent informed the Complainant that "he could not keep up with what was going on at work" and "he decided to quit then and there."
8. As a part of the Board's investigation, the Board obtained a copy of the Respondent's resignation letter, dated February 8, 2022, effective February 8, 2022. Respondent's

listed reason for resignation was for “personal reasons which caused an inability for him to do his job as assigned.”

9. The day after Respondent resigned, the Facility received a call stating that “a female client here came into the office manager’s space and informed her in tears that she had been having an affair with [the Respondent] and that he had called and told her that he lost his job because of her.”
10. During the client’s interview with the office manager and the Complainant, the Respondent texted the client’s phone.
11. The Complainant also reported that after the incident, she received reports from the community that the Respondent was “picking [the client] up from her recovery house and taking her to open meetings.”
12. On or about April 11, 2022, the Board’s investigator interviewed the Respondent under oath, at which time, the Respondent stated the following:
  - a. As part of his job at the Facility, he had an active caseload and ran group sessions every day.
  - b. “There was so many things occurring within my personal life and professional life that I felt like I couldn’t do my job and...I couldn’t provide the care that the clients needed that I was assigned to.”
  - c. Respondent admitted he sent “a lot of emails” to the client while he was employed at the Facility.
  - d. Respondent also admitted to an incident where he had a dual relationship with a client. “I felt that before I crossed any lines, that I needed to take a step back....I felt that there were things in the emails that I would not – and here’s how I

gauged it, am I communicating with every client as much as I'm communicating with this person? And the truth was, no, I was not communicating with other clients as much."

- e. Respondent admitted that he eventually realized that he was in a dual relationship with the client and characterized it as "a colossal deal, because there's someone else involved in all this...that's in early recovery and trying to navigate their own life."
13. On July 20, 2022, at 6:49 AM, the Board's Compliance Manager received an email from the Respondent's email address<sup>2</sup> with the subject line "FW: Hamilton, Frederick Walter." The email included a transcript of correspondence between the Respondent and a computer hacker ("Hacker #1), which showed that the Respondent attempted to engage the services of Hacker #1 to hack into the Board's website and change the information on the Board's license verification portal.
- a. On July 17, 2022 at 5:09 PM, Respondent wrote:

"Great, should I just ask via email what I am seeking information on. It is of a delicate nature, and something not above board per se."<sup>3</sup>
  - b. On July 17, 2022 at 4:21 PM, Respondent wrote:

I guess I will get right into it and then we can go from there. I'm a certified counselor through the MD Board of Professional Counselors and therapists, however I found out my certification is going to be suspended for a year. Nowadays the only way individuals know about their licenses and certifications is to check the Boards website. I know it's crazy probably, but I'm trying to find a skilled hacker who can keep my certification active at least for another several months while I figure out my next career move. If this is too much, I understand, if you can't assist maybe you know someone who can.

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<sup>2</sup> Respondent had previously used the same email address to communicate with the Compliance Manager.

<sup>3</sup> All emails are reproduced here with the original grammar, spelling, and punctuation.

I appreciate your discretion and assistance.”

- c. After Hacker #1 requested more information, Respondent provided the Board’s website and explained how and where to find the license lookup portal.
  - d. After discussing the cost of Hacker #1’s services, Respondent replied to Hacker #1 on July 17, 2022, at 9:51 PM by stating:

So how does this work exactly? And what assurances will I have this is completed appropriately? The board website hasn’t been updated yet, but rest assured it will be updated this week.
  - e. Hacker #1 replied to the Respondent on July 17, 2022, at 4:57 PM, stating:

We will have to hack into the boards website

We will make your license invisible for them to suspend

Anytime they try suspending it they will end up suspending someone else license

Your job will be done perfectly you don’t need to be worried
  - f. On July 18, 2022, at 12:49 AM, the Respondent wrote:

I still don’t quite understand that explanation, and please forgive my questions. I am new to this and am being transparent with my general ignorance towards the whole process.

If it is invisible to suspend, then will I be able to look up my own status? What if my employer randomly checks the Boards website? If it is invisible [*sic*], it is invisible to everyone? You can see how this is confusing.
  - g. On July 18, 2022, at 12:24 AM Hacker #1 replied to the Respondent:

What I mean is that they won’t be able to suspend your license it won’t work that’s why I said invisible Your license will be very visible for everyone to see on the website.
14. On July 20, 2022, at 7:46 AM, Board staff received an email from the Respondent’s email address with the subject line “FW: [External] Re: Seeking information about



offered services.” The email was a forwarded correspondence between the Respondent and a second hacker (Hacker #2), which showed the Respondent’s attempts to engage the services of Hacker #2 to hack the Board’s website and change information on the Board’s license verification portal.

- a. On July 17, 2022, at 3:59 PM, the Respondent wrote:

I guess I will get right into it and then we can go from there. I’m a certified counselor through the MD Board of Professional Counselors and therapists, however I found out my certification is going to be suspended for a year. Nowadays the only way individuals know about their licenses and certifications is to check the Board’s website. I know it’s crazy probably, but I’m trying to find a skilled hacker who can keep my certification active at least for another several months while I figure out my next career move. If this is too much, I understand, if you can’t assist maybe you know someone who can. I appreciate your discretion and assistance.

- b. Hacker #2 replied to the Respondent on July 17, 2022 at 11:47 AM:

Yes, I can help you.

I will be able to keep your certification active for some months, I will have to purchase an access token from the darkweb to do the hack.

I will use that hack tool to get access to the boards website remotely.

It cost \$2600 To get it done and it will completed in the next 2 hours.

All you need to provide is the website and your certification details so I can identify you on the site.

- c. The Respondent replied to Hacker #2 on July 17, 2022, at 5:14 PM with the link to the Board’s Licensing Verification Portal and the additional information:

They haven’t actually suspended it yet per the website, but it will be indefinitely [sic] changed sometime this week. They haven’t

updated the board site yet because the decision was just made Friday afternoon. But they absolutely will.

<https://health.maryland.gov/bopc/Pages/index.aspx>

It's under the LICENSE VERIFICATION INFORMATION link if the link above doesn't provide the necessary information. Please let me know if this helps and what else you may need.

### **III. 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 revoke the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug. Specifically:

The Respondent's conduct, as set forth above, constitutes violations of: Health Occ. § 17-509(8) (Violates the code of ethics adopted by the Board); § 17-509(9) (Knowingly violates any provision of this title); § 17-509(13) (Violates any rule or regulation adopted by the Board); § 17-509(16) (Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy) in that the Respondent violated COMAR 10.58.03.04(A)(11), COMAR 10.58.03.04(A)(14), COMAR 10.58.03.04(B)(2), COMAR 10.58.03.04(B)(3), COMAR 10.58.03.05(A)(2)(a), COMAR 10.58.03.05(B)(1)(a-b).

### **IV. ORDER**

Based on the foregoing, it is this 17<sup>th</sup> day of February, 2023, by the Board hereby:

**ORDERED**, that the Respondent's certificate to practice as a Certified Associate Counselor – Alcohol and Drug is hereby **REVOKED**, 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).

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

Laura J. Berg, Executive Director  
Maryland State Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, MD 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.

02/17/2023  
Date

  
Mary N. Drotleff, M.S. LCMFT

Maryland State Board of  
Professional Counselors and Therapists  
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