

IN THE MATTER OF

*

BEFORE THE MARYLAND STATE

ROBERT GRAHAM

*

BOARD OF PROFESSIONAL

Applicant

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COUNSELORS AND THERAPISTS

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Case Number: 2022-085

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CONSENT ORDER

On or about August 22, 2022, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **ROBERT GRAHAM** (the “Applicant”), of the Board’s intent to deny his application to practice as a Certified Supervised Counselor – Alcohol and Drug under the Maryland State Board of Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2021 Repl. Vol.).

Specifically, the Board based its intent to deny on the following provisions:

Health Occ. § 17-509. Denial, probation, suspension or revocation of trainee status, license, or certificate.

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[.]

Pursuant to Health Occ. §17-509 (8) & (13), shown above, the Board also based its action on the following provisions of the Code of Regulations adopted by the board, codified at Md. Code Regs. (“COMAR”) 10.58 *et seq.*, in particular:

COMAR 10.58.03.04 Ethical Responsibilities.

A. A counselor shall:

(11) Be familiar with and adhere to this chapter;

(13) Cooperate with investigations, proceedings, and other requirements of the Board;

COMAR 10.58.09.07 Payment of Penalty

A. A licensee or certificate holder shall pay to the Board a penalty imposed under this chapter as of the date the Board's order is issued, unless the Board's order specifies otherwise.

On or about May 5, 2023, the Respondent, represented by counsel, the Administrative Prosecutor, and representatives of the Board attended a Case Resolution Conference (“CRC”). As a result of negotiations at the CRC, the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. CSC-AD Application

1. On or about April 23, 2021, the Board received the Applicant’s Certified Supervised Counselor – Alcohol and Drug Application (the “CSC-AD Application”).

2. In the CSC-AD Application, the Applicant answered “yes” to question 1, which asked: “Has any state licensing or disciplinary board ever taken any disciplinary action against your license or certification, including, but not limited to, charges, admonishment, reprimand, revocation, or suspension?”

3. A review of the Board’s disciplinary records revealed that on April 20, 2018, the Board executed a Consent Order wherein the Applicant was reprimanded and placed on probation with several conditions.

II. Consent Order

4. On April 20, 2018, under case number 2018-019, the Board executed a Consent Order, which found the following: that the Applicant falsely answered on his Alcohol & Drug Trainee (ADT) Application that he had “no felonies” despite his conviction for felony rape; that the Applicant falsely answered on his CSC-AD Application that his only criminal history consisted of “assault” despite his history of numerous criminal charges and convictions; that the Applicant’s conviction for 2nd degree rape constitutes being convicted a felony; and that the Applicant’s false answers on his ADT Application and his CSC-AD Application and his extensive criminal history demonstrate that he lacks good moral character.

5. Pursuant to the Consent Order, the Board ordered that the Applicant be reprimanded. The Board further ordered that the Applicant be fined in the amount of \$500, payable in installments of \$50/month for ten months. The Board further ordered that the Applicant be placed on probation for a period of at least five (5) years, and continuing until the Applicant has successfully completed the probationary conditions. The probationary

conditions included enrolling in and completing within six (6) months of the effective date of the Consent Order an in-person course in professional ethics, approved in advance by the Board.

III. Violation of Consent Order

7. A review of the Board's records for compliance with the Consent Order revealed that the Applicant failed to timely pay the fine within the time period required by the Consent Order and that he failed to provide proof of completion of the ethics course.

8. On January 14, 2022, after the Board requested proof of compliance with the Consent Order from the Applicant. The Applicant acknowledged that he had not complied with the terms of the Consent Order. In an email to the Board, the Applicant stated, "I paid up to about three hundred dollars." The Board's records of receipts show that the Applicant made five (5) payments of \$50 installments spanning from May 2018 to December 2018. On or about February 4, 2022, the Board received a check for \$350.00 from the Applicant.

9. The Applicant also stated "[c]oncerning the Ethics course, I am enrolled for my graduate students (*sic*), and am requesting that I have the Ethics course to start out with this coming January 24, 2022.

10. On January 25, 2023, the Board received an email from the Respondent. The body of Respondent's email contained a screenshot of a portion of Respondent's "Unofficial Transcript" from Respondent's Bachelor of Science in Applied Psychology program. However, the Respondent did not submit any of the courses listed in the

transcript for Board approval prior to the January 25, 2023, email. Additionally, the classes which Respondent included in the transcript screenshot were taken in Fall of 2022.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Applicant failed to timely pay the fine as stipulated in the Consent Order and failed to timely enroll and complete the ethics course required by the Consent Order, which constitutes, in whole or in part: violating the code of ethics adopted by the Board, in violation of Health Occ. § 17-509(8); knowingly violating any provision of this title in violation of Health Occ. § 17-509(9); and violating any rule or regulation adopted by the Board, in violation of Health Occ. § 17-509(13), COMAR 10.58.03.04 (A)(11) and (13), and COMAR 10.58.09.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of July, 2023, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the 2021 CSC-AD Application is hereby **DENIED**; and it is further

ORDERED that the Board will not consider another application from the Applicant, **ROBERT GRAHAM**, for certification as a certified supervised counselor - alcohol and drug counselor in the State of Maryland until **ONE (1) year from the effective date of this Order** has passed; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019).

07/21/2023

Date



Winnie Moore, LCPC

Board Chair

Maryland State Board of Professional
Counselors and Therapists

CONSENT


I, Robert Graham, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, Richard Bloch, Esquire, and I have consulted with counsel in this matter. 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 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.
3. 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 Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol.).
4. 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.

5. 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 against me. 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.
6. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions.
7. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/19/23
Date


Robert Graham

NOTARY

STATE OF

Maryland

CITY/COUNTY OF

City of Baltimore

I HEREBY CERTIFY that on this

19th

day of

June

2023, before me, a Notary Public of the State and City/County aforesaid, personally appeared Robert Graham, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Vickie Ann Burks
Notary Public

My Commission Expires:

Oct 23, 2023

VICKIE ANN BURKS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires October 23, 2023