

IN THE MATTER OF

*

BEFORE THE MARYLAND

JAMEL R. FREEMAN

*

BOARD OF PROFESSIONAL

ADT APPLICANT

*

COUNSELORS AND THERAPISTS

*

CASE NO.: 2024-014

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FINAL DECISION AND ORDER GRANTING APPLICATION FOR ALCOHOL AND DRUG TRAINEE STATUS AND ORDER OF PROBATION

On or about January 18, 2023, Jamel R. Freeman (the “Applicant”) applied to the Maryland Board of Professional Counselors and Therapists (the “Board”) to obtain a status to practice as an Alcohol and Drug Trainee (ADT”) in the State of Maryland. On February 16, 2024, the Board issued a “Notice of Intent to Deny Alcohol and Drug Trainee Application” (the “Charges”), which notified the Applicant that the Board voted to deny his application trainee status as an ADT and charge him with violations of the Maryland Professional Counselors and Therapists Practice Act, Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.), specifically:

§ 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 Respondent, 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 Respondent, 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[.]

The Charges also notified the Applicant of the opportunity to request an evidentiary hearing before the Board. The Applicant submitted a timely request for an evidentiary hearing.

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By letter dated August 8, 2024, the Board notified the Applicant that an evidentiary hearing was scheduled for September 20, 2024. This notice was sent via regular and certified mail, return receipt requested, to the Applicant's last known address of record pursuant to Health Occ. § 17-511(c) and Md. Code Ann., State Gov't § 10-208.

On September 20, 2024, the Board held an evidentiary hearing, and a quorum of the Board was present. An Administrative Prosecutor was present on behalf of the State. The Applicant appeared without counsel.

EVIDENCE PRESENTED

State's Exhibits

1. Notice of Hearing, dated August 8, 2024 (3 pages)
2. Charges:
 - o Letter of Procedure (3 pages)
 - o Notice of Intent to Deny, dated February 16, 2024 (9 pages)
 - o Unexecuted Order of Denial (10 pages)
3. Investigative Report (4 pages)
4. Applicant's Application File (34 pages)
5. Applicant's Pennsylvania Convictions
 - o Adams County Case No: CP-01-CR-0001275-2019 (16 pages)
 - o Franklin County Case No: CR-183-2020 (12 pages)
6. Applicant's Virginia Convictions
 - o City of Chesapeake Case Nos: 02-2366, 03-1085, 03-1086, CR-05-45, CR 05-45A, 08-3603, 08-4065 (43 pages)
 - o Virginia Beach Case Nos: CR00-2522, 810CR01001092-00 (2 pages)

State's Witnesses

1. Compliance Manager and Investigative Supervisor, Maryland Board of Professional Counselors and Therapists

Applicant's Exhibits

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1. Emails between the Applicant and Maryland State employees dated November 1-7, 2023 concerning the Applicant's application for ADT status. (20 pages)
2. Emails between the Applicant and Board staff and attachments regarding the Applicant's September 20, 2024 Evidentiary hearing. (20 pages)
3. Emails between the Applicant, various recipients and Maryland State employees dated November 1-7, 2023 and attachments concerning the Applicant's application for ADT status. (20 pages)
4. Emails between the Applicant, various recipients, Franklin County, PA employees and Maryland State employees and attachments concerning the Applicant's application for ADT status. (20 pages)
5. Emails between the Applicant and various recipients regarding court records. (8 pages)

Applicant's Witnesses

1. The Applicant
2. Mary Beth DeMartino, LCSW-C
3. Molly Aitken, DNP, PMHNP-BC
4. Agent Richard Schleigh, Md. Division of Parole and Probation
5. Honorable N. Scott Phillips, Maryland House of Delegates

FINDINGS OF FACT

1. On or about January 18, 2023, the Board received an Alcohol and Drug Trainee Application (the "Application") from the Applicant.

2. Under the section of the Application titled *Information Regarding Background*, the Applicant answered "YES" to question number two (2), which asks:

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. The Application instructs applicants who answered "YES" to question two (2) to "attach a separate page with a complete explanation of each occurrence (include date, time,

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location, disposition, etc.) and a certified copy of the disciplinary/court document from the issuing agency.”

4. The Applicant provided a document titled *Franklin County District Attorney’s Office Prior Record Worksheet* that contained a list of ten (10) criminal cases from 1998 to 2019. The Applicant failed to provide the required written explanation and complete certified court records for any of these criminal occurrences.

5. In a letter dated June 14, 2023, the Board notified the Applicant that his Application was incomplete and could not be processed because of missing information.

6. The June 14, 2023 Letter stated that the Board could not process the Applicant’s Application until he submitted certified court records for each criminal occurrence that included the following: “Completion or Current Status of Court Ordered Probation; Supervision Docket; Statement of Facts/Statement of Charges; Arresting Officers Report; Sentencing Order/Report; Judgment and Commitment Order; [and] Copy of Docket Entries” within thirty (30) of the date of the letter.¹

7. In response the Applicant wrote an email on June 19, 2023 to the Board stating that he had provided certain certified court documents. In a June 21, 2023, email he submitted a short summary detailing his personal and family history. He did not provide information responsive to question 2 in his Application.

8. In several mailings between October 2023 through December 2023, the Board received certified criminal court records from the Applicant that he had requested from Virginia and Pennsylvania.²

¹ The letter was mailed by first class and certified mail to the address that the Applicant listed on the Application.

² The Applicant also provided a word document titled Disclosure of Criminal History that contained a list of 10 criminal cases dated between 1998 and 2020.

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9. The Board's review of the criminal court records revealed the following:

Pennsylvania Convictions

Case No.: CP-01CR-0001275-2019

10. On or about February 13, 2020, the Applicant pleaded guilty to DUI: High rate of alcohol (BAC .10 - < .16) 1st offense.

11. The Applicant was sentenced to partial confinement of not less than forty-eight (48) hours nor more than six (6) months.

12. The Applicant was placed on probation and ordered to undergo a drug and alcohol evaluation; participate and successfully complete drug and alcohol treatment; comply with all treatment recommendations; not possess or consume alcohol or nonprescription drugs; successfully complete an alcohol safe driving school; and pay a fine and court costs.

13. On or about July 15, 2020, the Applicant's probation was terminated.

Case No.: CR 183-2020

14. On or about July 15, 2020, the Applicant pleaded guilty to DUI Highest Rate of Alcohol BAC greater than .16% (2nd offense).

15. On or about September 9, 2020, the Applicant was sentenced to probation for sixty (60) months, with twelve (12) months of electronic alcohol monitoring. The Applicant was also ordered to undergo a drug and/or alcohol assessment and treatment; and pay restitution, a fine and court costs.

16. On or about April 10, 2023, the Applicant's probation was terminated.

Applicant's Criminal Convictions in Virginia

Case No.: 02-366

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17. On or about September 5, 2002, the Applicant pleaded guilty to one (1) count of misdemeanor Assault and Battery against a law enforcement officer, a crime of moral turpitude, in the Circuit Court of the City of Chesapeake. The Applicant was sentenced to twelve (12) months incarceration with all but one (1) month suspended. The Applicant was placed on probation for one (1) year and ordered to pay a fine and court costs.

Case Nos.: 03-1085 and 03-1086³

18. On or about June 30, 2003, the Applicant pleaded guilty in Case No. 03-1085 to Assault and Battery, a crime of moral turpitude. The Applicant was sentenced to twelve (12) months incarceration, which was suspended in its entirety, and placed on supervised probation for one (1) year. The Applicant also was ordered to undergo anger management and drug screening and treatment.

19. On or about June 30, 2003, the Applicant was found guilty following a bench trial in Case No 03-1086 to Possession of Marijuana. The Applicant was placed on supervised probation for one (1) year, subject to probationary terms and conditions including substance abuse counseling and/or drug testing, and payment of court costs.

Case No. CR05-45

20. On or about April 26, 2005, the Applicant pleaded guilty to Driving Under the Influence (DUI)-third offense within five (5) years.

21. On or about August 11, 2005, the Applicant was sentenced to four (4) years' incarceration with all but six (6) months suspended. The Applicant's privilege to operate a motor vehicle in the Commonwealth of Virginia was revoked.

³ These were companion cases.

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22. Following his incarceration, the Applicant was placed on indefinite supervised probation and ordered to refrain from ingesting drugs and/or alcohol; complete substance abuse screening, assessment, and treatment; and pay a fine and court costs.

Case No: CR05A-45

23. On or about April 28, 2009, the Applicant pleaded guilty to violating the terms of his probation in Case No. CR05-45. The Applicant was sentenced to three (3) years and six (6) months incarceration with two (2) years suspended.

Case Nos: 08-3603 and 08-4065⁴

24. On or about October 17, 2008, the Applicant was found guilty of felony DUI 4th or Subsequent Conviction and Driving on Revoked License-Endangerment.

25. The Applicant was sentenced to a combined total of ten (10) years incarceration with all but eight (8) years suspended for both the DUI 4th or Subsequent Offense and Driving on a Revoked License-Endangerment.

26. Following his period of incarceration, the Applicant was placed on indefinite supervised probation. The Applicant was also ordered to undergo drug and/or alcohol treatment; submit to regular urine screening; regularly attend Alcoholics Anonymous Meetings; and pay a fine and court costs.

27. On or about February 27, 2014, the Applicant was released from supervised probation, but all other conditions of his probation remained in effect.

Case No.: CR00-2522

28. On or about September 21, 2000, the Applicant was convicted of reckless driving in the Circuit Court of Virginia Beach.

⁴ Companion cases.

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29. The Applicant was sentenced to a six (6) month period of incarceration with all but five (5) months suspended. The Applicant's driver's license was suspended for twelve (12) months. The Applicant was placed on probation for twelve (12) months and ordered to pay court costs.

Case No.: 81CR01001092-00

30. On or about August 9, 2001, the Applicant was convicted of reckless driving in the Circuit Court of Virginia Beach. The Applicant was sentenced to a six (6) month period of incarceration with all but ten (10) days suspended. The Applicant's driver's license was suspended for thirty (30) days and he was ordered to pay a fine and court costs.

DISCUSSION

Upon consideration of the foregoing Findings of Fact, the Board finds, by a preponderance of the evidence, that the Applicant's convictions, as set forth above, constitute a violation of the Maryland Professional Counselors and Therapists Act under Health Occ. §17-509 (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...). Further, the Board finds that the Applicant's violation of the Practice Act falls within the Board's sanctioning guidelines. *See* COMAR 10.58.09.06B(10). The range of potential disciplinary sanctions under category B(10) is reprimand to revocation or denial of license or certificate, and the range of monetary penalties is \$500.00 to \$5,000.00. *Id.*

In light of this violation, the Board must determine whether to grant the Applicant's application for ADT status or to deny a status to the Applicant. Factors relevant to the Board's analysis include: (1) the age at which the crime was committed; (2) the circumstances surrounding the crime; (3) the length of time that has passed since the crime; (4) subsequent work history; (5)

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employment and character references; and (6) any other evidence that demonstrates whether the applicant poses a threat to the public health or safety. *See* HO § 17-503(d)(1); *see also* Md. Code Ann., Criminal Procedure § 1-209.

The Board has a statutory duty to protect the public health, safety, and welfare. To fulfill that duty, the Board must have confidence that an individual issued an ADT status by the Board can be trusted to perform the responsibilities of a trainee in an honest, reliable manner; to provide safe care to dependent and vulnerable client populations; and to maintain professional boundaries.

The Applicant does not dispute the facts in this case, and the Board finds that he has taken affirmative steps to address his prior criminal behavior and substance use disorder. The Applicant stated that, at the time of the hearing, he was almost five years sober. (Transcript, p. 34). In recognizing the importance of the Applicant's focus on his recovery and commitment to working in the field of substance use and mental health, the Applicant's character witnesses all testified at the evidentiary hearing that the Applicant has made great strides in overcoming past challenges. One witness testified that, with regard to the Applicant's 2023 conviction and subsequent probation, the Applicant was "a model probationer" who had been recommended for early termination of his probation term. (Transcript, pp. 63-65). One witness stated that the Applicant attended an intensive outpatient and treatment program and has maintained his recovery. (Transcript, pp. 30-31). The Applicant has participated in several community outreach programs, including becoming a Board member, has a passion for working with people suffering from substance abuse issues and is continuing to work diligently toward making a career in the substance abuse field. (Id.). One of the Applicant's witnesses described him as a much-needed voice within the mental health and substance abuse profession and described the Applicant as being committed to his sobriety. (Transcript, pp. 42, 50).

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The Board is supportive of the Applicant's past efforts and continuing focus on recovery and overcoming the challenges of his past criminal background. Therefore, considering the Applicant's demonstrated commitment, the Board finds that he is a suitable candidate for an ADT status, subject to probationary terms and conditions. Accordingly, the Board will grant the Applicant a status to practice as an Alcohol and Drug Trainee in Maryland, but it shall be placed on probation for a term of two (2) years, with the condition that the Applicant may request termination of his probation after one year from the effective date of this order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated Md. Code Ann., Health Occ. § 17-509:

Health Occ. §17-509.

Denial, probation, suspension or revocation of training 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:

.....

(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[.]

ORDER

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Based upon the foregoing Findings of Fact, Discussion, and Conclusions of Law, it is hereby:

ORDERED that the Applicant's status to practice as an Alcohol and Drug Trainee in the State of Maryland is hereby **GRANTED**; and it is further

ORDERED that the Applicant's status to practice as an Alcohol and Drug Trainee in the State of Maryland is hereby placed on **PROBATION** for a **MINIMUM OF TWO (2) YEARS** beginning on the effective date of this Order, subject to the following terms and conditions:

1. The Applicant's status to practice as an alcohol and drug trainee will be listed in the Board's computer records and website with the status of "**Probation**";
2. The Applicant shall immediately notify all employers of the probationary status of the Applicant's ADT status and arrange for all employers to submit, in writing, confirmation that they have reviewed this Order;
3. The Applicant shall arrange for the Applicant's Board approved supervisor at the Applicant's place of employment to submit written **quarterly** supervision reports to the Board evaluating the Applicant's work performance and ADT practice. If the Applicant's employment terminates at any of the Applicant's place(s) of employment before the due date of a quarterly report, then a final supervision report is due on the last day of employment. It is the Applicant's responsibility to ensure that supervision reports are submitted to the Board and to notify the Applicant's supervisor when these reports are due. An unsatisfactory report will be considered a violation of probation and this Order;
4. The Applicant shall maintain therapy with a substance-abuse treatment provider for a minimum of **TWO (2) sessions per month**. Within **TWO (2) WEEKS** of the effective date of the Order, the Applicant is responsible for ensuring that his treatment provider

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submits written verification that the treatment provider has reviewed this Order to the Board;

5. The Applicant shall comply with all terms and conditions set by the treatment provider;

6. The Applicant shall arrange for the Applicant's treatment provider to submit **written quarterly reports** to the Board evaluating the Applicant's compliance and progress toward maintaining his sobriety. It is the Applicant's responsibility to notify all treatment providers when these reports are due;

7. The Applicant shall maintain treatment throughout the probationary period unless the Applicant is formally discharged from treatment before the end of the probationary period. A discharge summary is to be submitted to the Board within **TWO (2) WEEKS** of discharge from treatment. In the event the Applicant stops treatment before discharge by the treatment provider, the Applicant shall immediately notify the Board;

ORDERED that the Applicant shall obey all state and federal laws. If the Applicant is convicted of, or pleads guilty to, any crime(s), whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Applicant shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Order; and it is further

ORDERED that the Applicant shall be responsible for paying all costs required to comply with the all the terms and conditions of this Order; and it is further

ORDERED that after **ONE (1) YEAR** from the effective date of this Order has passed, the Board will consider a petition for termination of the Applicant's probationary status, provided


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that the Applicant has been compliant with all of the probationary terms and conditions in this Order; and it is further

ORDERED that if the Applicant violates any of the terms and conditions of this Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing, may impose, by further order of the Board, any sanction(s) authorized by Health Occ. § 17-509 and COMAR 10.58.09, including reprimand, additional probation, suspension, revocation, and/or monetary penalty; and it is further

ORDERED that this is a Final Decision and Order of the Maryland Board of Professional Counselors and Therapists and, as such, is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

12/03/2024
Date



Winnie Moore, Chair
Maryland Board of Professional Counselors and
Therapists

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Ann. Code, Health Occ. § 17-509 may take a direct judicial appeal within thirty (30) days of the date this Order is mailed, as provided by Md. Ann. Code, Health Occ. § 17-512, Md. Ann. Code, State Gov't § 10-222, and Maryland Rule 7-203(a)(2) ("Time for Filing Action").