

IN THE MATTER OF
NATWAN LOGAN

Applicant

* BEFORE THE
* STATE BOARD OF
* PROFESSIONAL COUNSELORS
* AND THERAPISTS
* Case Number: 2018-064

* * * * *

FINAL ORDER

On July 30, 2018, the State Board of Professional Counselors and Therapists (the "Board"), notified NATWAN LOGAN (the "Applicant"), of the Board's intent to deny his Application to practice as an alcohol and drug trainee under the Maryland Board of Professional Counselors and Therapists Act (the "Act"), Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.).

The Board based its intent to deny on the following:¹

Health Occ. § 17-302. Qualifications --- Clinical alcohol and drug counselors.

(a) *In general.* -- To qualify for a license to practice clinical alcohol and drug counseling, and applicant shall be an individual who meets the requirements of this section.

(b) Good moral character. --- The applicant shall be of good moral character.

Also, the Board bases its intent to deny on the following regulations:

Code Md. Regs. § 10.58.07.03

A. To qualify for licensure as a clinical alcohol and drug counselor, the applicant shall:

...

¹ The Board recognizes the Applicant is applying as a trainee; good moral character, compliance with the Act and the Code of Ethics are implicit basic qualifications for trainee status.

- (10) Be of good moral character; and
- (11) Comply with:
 - (a) Health Occupations Article, Title 17, Annotated Code of Maryland; and
 - (b) The code of ethics as set forth in COMAR 10.58.03.

The relevant statutory provisions under **Health Occ. § 17-509** are:

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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;
- ...
- (8) Violates the code of ethics adopted by the Board;
- ...
- (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[.]

Pursuant to Health Occ. § 17-509(8), shown above, the relevant provision of the Code of Ethics adopted by the Board, provides:

Md. Code Regs. 10.58.03.04

...

B. A counselor may not:

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

In addition, the Board bases its intent to deny on the terms of the Trainee's Authorization, which provides:

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

FINDINGS OF FACT

The Board finds:

1. On or about December 29, 2017, the Board received the Applicant's Alcohol and Drug Trainee Application (the "Application"), in which he attested that, at the end of his trainee period, he intended to seek licensure as a licensed clinical alcohol and drug counselor ("LCADC").

2. The Applicant answered "no" to Question II.C. on the Application which asked:

Have you pled guilty, *nolo contendere* (*sic*), or been convicted of or received probation before judgment, or (*sic*) any criminal act (excluding traffic violations)?

3. Pursuant to § 17-501.1 of the Act, the Applicant submitted to a Criminal History Records Check ("CHRC"), which revealed that the Applicant had been convicted in the United States District Court for the District of Columbia on the charge of conspiracy to commit bank fraud.

- A. Specifically, on November 17, 2006, the Applicant pled guilty to Conspiracy to engage in bank fraud;
- B. The Court sentenced him to 15 months imprisonment;
- C. Upon release, he was placed on "supervised release" for a term of 18 months, where he had to submit to standard conditions of supervision, such as not leave the judicial district without the permission of the court or probation officer, and, not associate with any persons engaged in criminal activity;
- D. The Applicant was assessed a monetary penalty of \$100 due immediately.

4. On or about January 21, 2018, in response to notification from Board staff that his CHRC had revealed the aforesaid conviction, the Applicant submitted a written statement to the Board acknowledging he had written "no" on his application to the question regarding conviction and this was a "mistake." He acknowledged the 2006 conviction for fraud and explained that he and his police officer partner were depositing "bad" checks, for which he served a year in prison. He further indicated that since that time he has completed his bachelors, masters and doctorate in Education.²

BASIS OF DENIAL OF APPLICATION

Based on the foregoing FINDINGS of Fact, the Applicant's conduct, in whole or in part, is evidence of a lack of good moral character:

- A. The Applicant's false response to Question 2 on his Application constitutes, in whole or in part, that he fraudulently or deceptively is attempting to obtain a license;

² None of the educational portion of the application was filled out in the copy received by the Administrative Prosecutor; nor was the Supervisor portion completed.

- B. The Applicant's false response to Question 2 on his Application constitutes, in whole or in part, that he violated the code of ethics adopted by the Board, specifically, Md. Code Reg. § 10.58.03.04;
- C. The Applicant's conviction for conspiracy to engage in bank fraud constitutes, in whole or in part, evidence that he was convicted of or pled guilty or *nolo contendere* to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding was pending to have the conviction or plea set aside;
- D. The Applicant's false response to Question 2 on his Application constitutes evidence, in whole or in part, that he fraudulently or deceptively is attempting to obtain a license, in violation of Health Occ. § 17-509(1);
- E. The Applicant's false response to Question 2 on his Application constitutes, in whole or in part, that he violated the code of ethics adopted by the Board, specifically, Md. Code Reg. § 10.58.03.04, in violation of Health Occ. § 17-509(8);
- F. The Applicant's convictions for conspiracy to engage in bank fraud constitutes, in whole or in part evidence that he was convicted of or pled guilty or *nolo contendere* to a felony or a crime involving moral turpitude, in violation of Health Occ. § 17-509(10);
- G. The Applicant's conviction for conspiracy to engage in bank fraud constitutes, in whole or in part, that pursuant to Code of MD. Regs. § 10.58.07.03, the Applicant does not have good moral character.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law:

The Applicant's conduct demonstrates a lack of good moral character as required by Health Occ. §§ 17-509 (1), (8) and (10), Code Md. Regs. § 10.58.07.03 and § 10.58.03, and 10.58.03.04.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of December, 2018, by a majority of the Board considering this case:

ORDERED that the Applicant's Application to practice as an alcohol and drug trainee is the State of Maryland is **DENIED**; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC** document pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

12/21/18
Date

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

NOTICE OF RIGHT TO APPEAL.

Pursuant to § 17-512(a) of the Act, the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Decision and 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 & Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215

The Administrative Prosecutor is no longer a party to this case and need not be served or copied:

12/21/18
Date

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