

<p>IN THE MATTER OF</p> <p>STEPHEN DONOVAN</p> <p>LGPC APPLICANT</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE STATE</p> <p>BOARD OF PROFESSIONAL</p> <p>COUNSELORS AND THERAPISTS</p> <p>Case No.: 2019-017</p>
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FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Professional Counselors and Therapists (the "Board"), and subject to Md. Code. Ann., Health Occ §§ 17-101 *et seq.* (2014 Repl. Vol. & 2018 Supp. (the "Act")), the Board charged **STEPHEN DONOVAN**, (the "Applicant"), with violations of the Act. Specifically, the Board charged the Applicant with violation of the following:

Health Occ. § 17-509. Denial, probation, suspension or revocation of certificate applicant or holder. 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 . . . if the applicant

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or certificate for the applicant, licensee, or certificate holder or for another;
- (9) Knowingly violates any provision of this title;
- (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;
- (14) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes [;].

The Applicant violated the following provisions of the Act:

§17–304. *Qualifications – Clinical professional counselors.*

- (a) Except as provided in § 17–307 of this subtitle, to qualify for a license to practice clinical professional counseling, an applicant shall be an individual who meets the requirements of this section.
- (b) The applicant shall be of good moral character. [Emphasis added]

The Applicant was given notice of the issues underlying the Board's charges by a letter dated September 20, 2019. Accordingly, a Case Resolution Conference was held on November 15, 2019, and was attended by Board Members, the Board's Executive Director and Board Counsel. Also, in attendance was the Applicant, who knowingly and voluntarily waived his right to an attorney, and the Administrative Prosecutor.

Following the Case Resolution Conference, the Board and the Applicant agreed to resolve the matter by way of settlement. The Board and the Applicant agreed to the following:

FINDINGS OF FACT

1. On or about July 19, 2018, the Applicant submitted to the Board an Application (the "Application") for licensure as a Licensed Graduate Professional Counselor ("LGPC").
2. Question D of the Application asks: "Have you pled guilty, *nolo contendere* [*sic*], or been convicted of or received probation before judgment or [*sic*] any criminal act?" The Applicant replied "Yes" and disclosed that he was convicted of "Theft" in March 2004.
3. Based on the Applicant's response on the Application, the Board conducted an investigation and discovered that the Applicant failed to disclose the following criminal

convictions:

A. On or about December 21, 2006, in the Superior Court of the District of Columbia (Case # 2006CMD025584), the Applicant pled guilty to one count of Attempted Possession of a Controlled Substance, a misdemeanor. The Applicant was sentenced to serve 120 days in jail with the entire sentence suspended. The Applicant was placed on 12 months of supervised probation and ordered to pay a \$500.00 fine. The Applicant was ordered to submit to alcohol and drug testing and treatment as recommended, stay away from the southwest quadrant in the District of Columbia, and stay out of all automobiles until January 5, 2007.

B. On or about February 19, 2004, in the Circuit Court of Alexandria, Virginia (Case # CF04000034), the Applicant pled guilty to Robbery and Possession of Cocaine, both felonies. The Court sentenced the Applicant to incarceration for a term of five years for the Robbery and 12 months incarceration for Possession of Cocaine. The Court suspended all but two years of the Robbery sentence and all 12 months of the Possession of Cocaine sentence. The Applicant was placed on five years of supervised probation and ordered to complete any substance abuse screening, assessment, testing and treatment as directed. The Applicant was also ordered to pay costs of \$860.00 plus attorney's fees;

On or about February 8, 2007, the Court found that the Applicant was in violation of his probation and was sentenced to serve six months of his previously suspended sentence.

C. On or about June 18, 2003, in the US District Court for the Eastern District of Virginia, the Applicant was charged with one count of Possession of cocaine; one count of Possession of Oxycodone; one count of Driving Under the Influence of Alcohol and Drugs; and three minor traffic counts. On or about August 15, 2003, the applicant entered into a plea agreement where he would plead guilty to two minor traffic counts and the rest of the counts would be dismissed. The Applicant was ordered to pay \$100.00 fine per count.

4. During interviews with the Board's investigators, the Applicant disclosed the

following criminal convictions:

- A. On or about November 16, 2001, the Applicant was found guilty of DWI in a Federal Court¹ and given probation;
- B. On or about January 15, 2004 in a Federal court, the Applicant pled guilty to fleeing to elude and to DUI/DWI—a felony, for which he was sentenced to four months incarceration, followed by two years' probation, with the necessity of having to drive with an Interlock Device the first year of probation;²

BASIS OF INTENT TO DENY APPLICATION

The Board intends to deny the Applicant's Application for the following reasons:

5. As set forth above, by listing only one of his criminal convictions, the Applicant violated H.O. §17-509 (1) (fraudulently or deceptively...attempts to obtain a license or certificate for the applicant).

4. As set forth above, by being convicted of and pleading guilty to felonies, as well as being disciplined for same, the Applicant is in violation of § 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) and 17-509 (14) (Is disciplined ... by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes).

5. As set forth above, by falsifying his application, having pled guilty to and being convicted of felonies, the Applicant lacks the moral character for licensure, in

¹ In later interviews with Board Investigators, the Applicant explained that he was unable to obtain the documentation which would have provided detailed information regarding the exact court data regarding his criminal cases, such as whether the location was in Washington, D.C., Virginia or Maryland, because the Federal records were destroyed after five years.

accordance with §17-304(b) (The applicant shall be of good moral character).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Applicant violated Health Occ. §§ 17-509 (1), (9), (10) and (14) and §17-304 (a)(b).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17th day of January 2020, by a majority of a quorum of the Board,

ORDERED that the Applicant's application to be licensed as a Licensed Graduate Professional Counselor is hereby GRANTED, subject to the following condition:

That the Applicant attend/engage in individual psychotherapy with an individual psychotherapist licensed in Maryland or Washington, D.C., in good standing, for 26 one-hour session for at least 12 months at his own expense, with a treatment summary provided to the Board following the 26th session recommending that the Applicant practice as a Licensed Clinical Professional Counselor (LCPC). Should the psychotherapist not make such a recommendation, the LCPC licensure shall be denied.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it


ORDERED that, should the Board receive a report that the Applicant's practice is a

² An ignition interlock device or breath alcohol ignition interlock device (IID or BAID) is a breathalyzer for an individual's vehicle. It requires the driver to blow into a mouthpiece on the device before starting the vehicle. Once an IID is installed, the vehicle won't start until someone breathes into the IID with an alcohol-free breath.

threat to the public health, welfare and safety, the Board may take immediate action against the Applicant, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Applicant in a reasonable time thereafter. Should the Board receive information that the Applicant has violated the Act or if the Applicant violates any conditions of this Order, after providing the Applicant with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Applicant, including suspension or revocation. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order shall be on the Applicant to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Applicant shall practice in accordance with the laws and regulations governing the practice of professional counseling in Maryland; and be it further

ORDERED that for purposes of public disclosure, as permitted by Md. Code Ann., Gen'l Prov. §§ 4-101 *et seq.* (Vol. 2014 and 2019 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Risa Ganel, LCMFT, Chair
Board of Professional Counselors &
Therapists

CONSENT OF STEPHEN DONOVAN, LGPC APPLICANT

I, **STEPHEN DONOVAN, LGPC APPLICANT**, by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney, and have knowingly and voluntarily waived my right to same;

2. I am aware that without my consent, my license to practice as a LGPC _ in this State cannot be limited except pursuant to the provisions of § 17-509 of the Act and the Administrative Procedure Act (APA), Md. Code Ann., State Gov't §§10-201, *et seq.*, (2014 Repl. Vol and 2019 Supp.)

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 17-511 of the Act and §§10-201, *et seq.*, of the APA, and any right to appeal as set forth in § 17-512 of the Act and §§10-201, *et seq.*, of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice as a LGPC in the State of Maryland.



12/26/2019

Date
STATE OF MARYLAND

Stephen Donovan

CITY/COUNTY OF Montgomery :

I HEREBY CERTIFY that on this 26th day of December, 2019,
before

me. Gerardo G. Gimenez Silva, a Notary Public of the foregoing State and
(City/County),

(Print Name)

personally appeared **STEPHEN DONOVAN, LGPC Applicant**, and made oath in due
form of law that signing the foregoing Consent Order was his voluntary act and deed, and
the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: 07-24-2021

