

<p><b>IN THE MATTER OF</b></p> <p><b>ASHLEY K. KING</b></p> <p style="padding-left: 100px;"><b>Applicant</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>BEFORE THE MARYLAND STATE</b></p> <p><b>BOARD OF PROFESSIONAL</b></p> <p><b>COUNSELORS AND THERAPISTS</b></p> <p><b>CASE NUMBER: 2020-013</b></p>
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**FINAL ORDER**

On or about November 19, 2019, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **ASHLEY K. KING** (the “Applicant”) of its intent to deny her *Application for Alcohol and Drug Trainee Authorization* (the “Application”) pursuant to the Maryland Professional Counselors and Therapists Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 17-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The Board bases its action on the following provisions of the Act:<sup>1</sup>

**Health Occ. § 17-406. Practice clinical alcohol and drug counseling without license.<sup>[2]</sup>**

(b)(1) An individual may practice clinical alcohol and drug counseling without a license for a limited period of time, as determined by the Board, if the individual is working as a trainee under the supervision of an approved alcohol and drug supervisor while fulfilling the experiential or course of study requirements under § 17-302 of this title or § 17-403 or § 17-404 of this subtitle.

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<sup>1</sup> 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.

<sup>2</sup> The purpose behind Health Occ. § 17-406 is to authorize an unlicensed or uncertified individual to practice clinical or non-clinical alcohol and drug counseling under approved supervision *while fulfilling the experiential or course of study requirements* under § 17-302 of this title or § 17-403 or § 17-404 of this subtitle. For that reason, alcohol and drug trainee applicants who do not meet the minimum good moral character under §§ 17-302, 17-403, or 17-404, are subject to denial of their approval status.

- (2) An individual may practice alcohol and drug counseling without certification for a limited period of time, as determined by the Board, if the individual is working as a trainee under the supervision of an approved alcohol and drug supervisor while fulfilling the experiential or course of study requirements under § 17-302 of this title or § 17-403 or § 17-404 of this subtitle.

**Health Occ. § 17-404. Certification; supervised counselor—alcohol and drug.**

- (a) *In general.* – To qualify as a certified supervised counselor-alcohol and drug, an applicant shall:
- (1) Be of good moral character;

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

**COMAR 10.58.07.07**

- D. To qualify for certification as a supervised counselor-alcohol and drug, an applicant shall:
- ....
- (8) Be of good moral character; and
- (9) Comply with:
- (a) Health Occupations Article, Title 17, Annotated Code of Maryland[.]

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

**§ 17-509 Denials, suspensions, or revocation of license**

Subject to the hearing provisions of § 17-511 of this title, the Board, on the affirmative vote of a majority of its members may deny trainee status, a license or, a certificate to any applicant, place any trainee, licensee or certificate holder, or suspend, rescind, or revoke the status of an trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

- (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[.]

### FINDINGS OF FACT

The Board finds the following facts:

1. The Applicant is not currently authorized, licensed, or certified to practice as an Alcohol and Drug Trainee in the State of Maryland.
2. On or about June 14, 2019, the Board received the Applicant's Application, in which she attested that at the end of her trainee status period she intended to seek certification as a certified supervised counselor – alcohol and drug (“CSC-AD”).
3. In the Application, the Applicant answered “YES” to Question C, which asks the following:

Have you pled guilty, nolo contendere, or been convicted of or received probation before judgment or any criminal act (excluding traffic violations)?
4. The Applicant included in her Application the court records regarding her criminal conviction.
5. The records show that the Applicant was charged in Baltimore City, Maryland with Arson in the Second Degree after an incident that occurred on December 14, 2013.

6. The court records further show that on February 20, 2014 the Applicant pled guilty to Arson in the Second Degree in the Baltimore City Circuit Court, and was sentenced to ten (10) years of incarceration, suspending all but six (6) months with three (3) years of probation upon her release.

7. The Board obtained the related police report that indicates that the Baltimore City Fire Department responded to a report of a vehicle fire and found a vehicle that was unoccupied, parked on a City street, and on fire.

8. The Arson Unit of the Baltimore City Police Department responded and determined that the fire originated in the rear bench seat with ordinary combustibles.

9. The Applicant provided a written explanation related to her affirmative response to Question C and included her description of the events that led to her arrest and subsequent conviction. She explained, in relevant part:

- a. She bought a car and it wouldn't start.
- b. This added to a number of frustrations she was experiencing, she was at her breaking point and "reacted very poorly."

10. The crime of Arson in the Second Degree is a felony in the State of Maryland.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant's conduct as described above constitutes violations of the Act and a basis on which to deny the Application.

Specifically:

The Applicant's plea to and criminal conviction for Arson in the Second Degree constitutes a violation of 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) and Health Occ. § 17-404(a)(1) (be of good moral character). Moreover, the Applicant's statement that she "reacted very poorly" when she committed the arson indicates she knowingly committed the arson in violation Health Occ. § 17-509 (9) (knowingly violates any provision of this title). Finally, the Applicant's actions violate COMAR 10.58.07.07 (D)(8) (Be of good moral character) and (9)(a) (Comply with Health Occupations Article, Title 17, Annotated Code of Maryland).

### **ORDER**

Based on the foregoing, it is this 19th day of June 2020, by the Board hereby:

**ORDERED** that the Applicant's Application for Authorization as an Alcohol and Drug Trainee is hereby **DENIED**; 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 repl. Vol. & 2019 Supp.).

### **NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. §17-512(b), 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 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:

Danielle M. Vallone, Acting Executive Director  
Maryland State Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
Phone: 410-764-4732  
Fax: 410-358-1610

At this point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

June 19, 2020

Date



Jeffrey M. Galecki, MS, LCADC, LCPC  
Board Chair  
Maryland State Board of Professional  
Counselors and Therapists

