

IN THE MATTER OF
BRENDAN O'GRADY, CAC
Respondent
License No. AC2267

* BEFORE THE
* STATE BOARD OF
* PROFESSIONAL COUNSELORS
* AND THERAPISTS
* Case No. 2019-079

* * * * *

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. and 2019 Supp.) (the "Act"), the Board issued a Notice of Intent to Revoke the Certified Associate Counselor License of **BRENDAN O'GRADY, CAC**, (the "Respondent"), charging him with violations of the Act and Code Md. Regs. ("COMAR") 10.58.03 *et seq.*

Specifically, the Board charged the Respondent with violation of the following:

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

Subject to the hearing provisions of Section 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;
- (11) Is professionally... incompetent;

- (11) Is professionally... incompetent;
- (13) Violates any rule or regulation adopted by the Board;
- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

In addition, the Board charges the Respondent with a violation of its Code of Ethics, in particular:

COMAR 10.58.03.02 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (2) Client.
 - (a) "Client" means an individual.... to whom a counselor is rendering professional service.

COMAR 10.58.03.04

- A. A counselor shall:
 - (11) Be familiar with and adhere to this chapter;
 - (14) Take reasonable precautions to protect clients from physical or psychological trauma.
- B. A counselor may not:
 - (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

COMAR 10.58.03.05

- A. Client Welfare and Rights.
 - (2) A counselor may not:
 - (a) Place or participate in placing clients in positions that may result in damaging the interests and the

welfare of clients, employees, employers, or the public;

B. Dual Relationships.

(1) A counselor shall:

(a) Avoid dual relationships with clients[.]

COMAR 10.58.03.09 Sexual Misconduct.

A. A counselor may not engage in sexual misconduct with a client...
Sexual misconduct includes but is not limited to:

- (1) Inappropriate sexual language;
- (2) Sexual exploitation;
- (4) Sexual behavior; and
- (5) Therapeutic deception.

C. Relationship with Former Clients.

(1) Except as set forth in §C (3) of this regulation, a counselor may not engage in sexual behavior with a former client.

The Respondent was given notice of the issues underlying the Board's Notice by letter dated October 16, 2020. Accordingly, a Case Resolution Conference was held on December 18, 2020 and was attended by Board members, Board Staff and Counsel to the Board. Also, in attendance were the Respondent and his attorney, and the Administrative Prosecutor

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

FINDINGS OF FACT

BACKGROUND

1. At all times relevant to the charges herein, Respondent was licensed to practice as a Certified Associate Counselor¹ in the State of Maryland. The Respondent was first issued a license on June 27, 2016². His license expires on January 31, 2022.

2. At all times relevant herein, the Respondent served as a counselor for a drug treatment center (“Center”) in Harford County, Maryland.

COMPLAINT

3. On or about October 15, 2018, the Board received a complaint (the “Complaint”) from a therapist at the Center (the “Complainant”). The Complainant informed the Board that an individual (“Client”) who received services from the Center stated that she had engaged in a sexual relationship with the Respondent after she completed treatment. The Client disclosed that in April 2014, on her last day in aftercare at the Center, the Respondent told her to call him in “a few months”. In July 2014, the Client contacted the Respondent and updated him regarding her recovery. On the following day, the Client received a Facebook friend request from the Respondent which she accepted. The Respondent later told the Client that while she was in aftercare, he found her “attractive” and wanted to get to know her better. The communication progressed into a sexual relationship that, according to the Client, lasted approximately two years.

¹ § 17-403. Requirements for certified associate counselor - Alcohol and drug.

(4) (i) Practice alcohol and drug counseling under the supervision of a certified professional counselor-alcohol and drug or another health care provider approved by the Board.

² The Respondent was first issued a Certified Supervised Counselor Certificate on March 19, 2014, which was changed to the CAC-AD on June 27, 2016. He was initially granted an Alcohol and Drug Trainee Status on

BOARD INVESTIGATION

4. The Board determined the following:
 - a. In May 2019, the Board received Facebook messages between the Respondent and the Client dated July 23, 2014 through July 11, 2015 which contained sexually explicit messages;
 - b. On September 11, 2019, the Board received the Client's treatment records from the period 10/24/-11/21/13 which showed that the Client was admitted to the 28-day in-patient program at the Center;

The Respondent was listed as the Client's counselor. The Client's first aftercare appointment was on 11/21/13, but no treatment records were received for the aftercare program;
 - c. The Client stated that she paid the Respondent in cash for the aftercare program but received no receipts. The Client stated that the program was in a group format;
 - d. The Board Investigator interviewed the Client under oath on May 15, 2019, who stated that the Respondent was her counselor from October 2013 to April 2014, from inpatient through aftercare. She stated that they had a two-year sexual relationship;
 - e. The Board received an email from an Investigator from the Board of Social Work Examiners who interviewed the Respondent because that Board also received a complaint regarding the same issue and the Respondent is licensed by that Board, as well. In that interview, conducted under oath, the Respondent admitted engaging in a sexual relationship with the Client, but for a shorter time period than the Client claims. The Respondent acknowledges that that he knew that his actions were wrong.

GROUND FOR DISCIPLINE

10. By engaging in a sexual relationship with someone with whom he rendered professional services, as set forth above, the Respondent violated the following provisions of the Act and regulations: §17-509(8) (Violates the code of ethics adopted by the Board); §17-509(11)(Is professionally...incompetent); and, (16) (Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.] The Respondent violated §17-509(13)(Violates any rule or regulation adopted by the Board); in that the Respondent violated COMAR 10.58.03.04 A. A counselor shall: (11) Be familiar with and adhere to this chapter; (14) Take reasonable precautions to protect clients from physical or psychological trauma. B. A counselor may not: (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest; COMAR 10.58.03.05 A. Client Welfare and Rights. (2) A counselor may not: (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public; B. Dual Relationships. (1) A counselor shall: (a) Avoid dual relationships with clients; COMAR 10.58.03.09(A) Sexual Misconduct. A counselor may not engage in sexual misconduct with a client... Sexual misconduct includes but is not limited to: (1) Inappropriate sexual language; (2) Sexual exploitation; (4) Sexual behavior; and (5) Therapeutic deception. Relationship with Former Clients. (1) Except as set forth in §C (3) of this regulation, a counselor may not engage in sexual behavior with a former client.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated §§ 17-509(8), (11), (13), and (16) of the Act and COMAR 10.58.03.04 A. (11) and (14) and B. (3); and COMAR 10.58.03.05 A. (2) (a); COMAR 10.58.03.09(A)(1), (2), (4), and (5), (B)(1), and (C)(1) and (2).

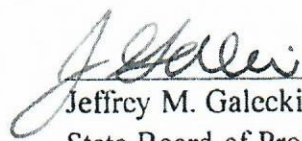
ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 15th day of January, 2021, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice as a Certified Associate Counselor is hereby REVOKED.

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

ORDERED, that for purposes of public disclosure, as permitted by Md. General Provisions, Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), 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.

 1/19/2021
Jeffrey M. Galecki, MS, LCADC, LCPC, Chair
State Board of Professional Counselors and
and Therapists


CONSENT OF BRENDAN O'GRADY, CAC

I, **BRENDAN O'GRADY, CAC**, am represented by counsel, Cory Silkman, Attorney, and have consulted with counsel before entering 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.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

1/8/21
Date



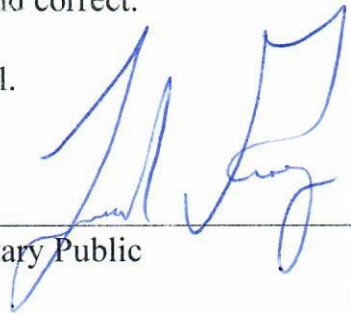
BRENDAN O'GRADY, CAC

STATE OF Maryland :

CITY/COUNTY OF Harford :

I HEREBY CERTIFY that on this 8 day of January 2021, before me, Tyrel Pearsey, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared **BRENDAN O'GRADY, CAC**, License No. AC2267, 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: 10.19.24

TYREL M PEARSEY
Notary Public-Maryland
Harford County
My Commission Expires
October 19, 2024

BOARD OF PROFESSIONAL

JAN 11 2021

COUNSELORS & THERAPISTS