

IN THE MATTER OF	*	BEFORE THE
MATTHEW C. CAMARDESE, LCSW-C	*	MARYLAND STATE BOARD
Respondent	*	OF SOCIAL WORK EXAMINERS
License Number 15453	*	Case Number 2015-2055

\* \* \* \* \*

**FINAL DECISION AND ORDER**

On October 14, 2015, the Maryland State Board of Social Work Examiners (“the Board”) issued Charges under the Maryland Social Work Practice Act (the “charges”) against Mr. Matthew Camardese (“Respondent”). The charges alleged that Respondent committed acts of misconduct in the practice of social work, violating a regulation governing the practice of social work and violating a regulation in the Board’s Code of Ethics. *See* Health Occ. (“H.O”) § 19-311(4) and (6), and COMAR 10.42.03.04B.

Respondent requested an evidentiary hearing on the charges. The Board delegated to the Office of Administrative Hearings (“OAH”) the case for an evidentiary hearing and a proposed decision. OAH held the evidentiary hearing before an administrative law judge (“ALJ”) on January 9 and 10, 2016.

On February 9, 2017, the ALJ issued a proposed decision (“P.D.”). The ALJ recommended that the charges under the Maryland Social Work Practice Act be upheld and that the Respondent’s license to practice clinical social work be revoked. Respondent filed exceptions.

On April 14, 2017, a hearing on the Respondent’s exceptions was held before the full Board.

## FINDINGS OF FACT

Unless otherwise specifically noted in this decision, the Board adopts the findings of fact and discussion set forth in the ALJ's Proposed Decision (pages 3-7), which are incorporated by reference into this decision. The ALJ's proposed decision is attached as **Exhibit 1**. The findings of fact were proven by the preponderance of the evidence.

### Summary of Facts

Respondent was employed as an LCSW-C at the Department of Veterans Affairs, Maryland Health Care System's ("VAMD") in the Trauma Recover Program on West Fayette Street. This program provided treatment to Veterans with stress related disorders, such as Post-Traumatic Stress Disorder ("PTSD") and Adjustment Disorder. The Complainant is a veteran of the Gulf War and suffered from untreated PTSD, as well as other mental health issues for many years after his service in the Marine Corps. The Complainant was hired by VAMD in 2013 to act as a liaison between VAMD's clinicians and patients suffering from PTSD and related disorders in order to help clinicians better relate to the patients.

On Friday, December 19, 2014, the Respondent and a co-worker, Dr. B., met with the Complainant at a local restaurant. A verbal altercation ensued at the restaurant between Complainant. Subsequently, Respondent and Dr. B. left the restaurant for Respondent's apartment. The Complainant later arrived outside Respondent's apartment where he proceeded to yell at him.

When the Respondent saw the Complainant at work the following Monday, December 22, 2014, he told Complainant, "We need to talk", at which time he took Complainant's elbow and led Complainant into Respondent's office. Respondent closed the door to his office where

he demanded an apology from Complainant for the incident that occurred between the two of them the previous Friday night. When Complainant refused to apologize, the Respondent got into Complainant's face and said, "I figured you out. You need help. I've blown your cover." Complainant took a step back to leave the room.

As Complainant began to leave Respondent's office, Complainant heard Respondent drop keys on the floor. Respondent asked the Complainant to pick up the keys for him. When Complainant complied with the request, the Respondent struck the Complainant on the back of the head with a blunt object. The Complainant was knocked backward into a wall and fell onto the floor. Respondent proceeded to hold the Complainant down with his knees and strike the Complainant repeatedly in the face and head with his fists, and pushed on Complainant's eyes. Eventually, the Respondent got up and ran out of the office, screaming, "[the Complainant] is trying to kill me." Respondent continued running down the hallway and through a back door.

Seven or eight employees were present during this altercation and could hear banging and muffled voice noises coming from the Respondent's office. The employees entered the Respondent's office and found Complainant lying on the floor with blood and abrasions on his forehead, cheek and temple, along with a swollen and bleeding lip. An office physician noted that the Complainant had a contusion on his head. The Complainant was dazed and fearful that the Respondent would return. The office was in disarray. Books, broken glass and a broken statue were lying on the floor. One of the employees contacted campus and local police who arrived later and took witness statements.

A VAMD officer, a Training Corporal ("TC"), responded to the scene. The TC observed that the Complainant had bruising on his face, and also noted he was shaken and in shock. Consequently, the TC urged him to go to the Emergency Department which was located in

another building. The Complainant agreed, took the elevator to the lobby and proceeded to exit the building. As Complainant and the TC were exiting the elevators, Respondent was speaking with Baltimore City Police Officers. When Respondent saw the Complainant exit the elevator, he initiated a verbal altercation with Complainant. Respondent came at the Complainant as if he still wanted to fight, and said, “You want some more, [expletive]”, and “What’s up, motherfucker?” The two police officers needed to restrain the Respondent with their hands and put handcuffs on him. One officer threatened to Taser the Respondent if he did not stop, and ultimately, took a Taser gun out.

## DISCUSSION

### Exceptions

#### **A. Credibility of Respondent**

Respondent contends that the ALJ applied a different standard to assess the credibility of the Respondent and the Complainant. The Board finds this argument is not supported by the P.D. of the ALJ. The ALJ made credibility determinations based on the demeanor of the witnesses and the consistency of their testimony with their prior statements. The ALJ also compared their testimony with the testimony of two other witnesses. The P.D. states, “I found the Complainant’s testimony to be credible. His demeanor was honest, confident and straightforward...The Complainant explained the facts in a sincere and non-judgmental manner...The Complainant’s testimony was also consistent with his earlier accounts of what happened...In addition, it was consistent with the testimony of two other witnesses, the TC and Dr. O...” (See P.D. at page 8)

The Respondent also asserts that the ALJ failed to consider Dr. B’s prior statements and that this alleged failure to consider Dr. B’s statements contributed to the ALJ’s finding regarding

Respondent's credibility. The ALJ understandably was not persuaded by Dr. B's prior out of court statements because Dr. B recanted the prior statement. The Board, likewise, does not find Dr. B's prior statements convincing.

### **B. Consideration of Photographic Evidence**

Respondent argues that the ALJ's decision failed to consider the photographs of bruises to Respondent, which, the Respondent argues, proves Complainant fought back. The Respondent argues that this contradicts prior testimony of the Complainant. The Complainant testified that after being dazed he realized he needed to protect himself. Although Complainant may have eventually defended himself, the ALJ found, "...the subsequent physical altercation, instigated by the Respondent...was unconscionable...The Respondent's actions were also a clear violation of an important boundary between the Respondent's personal life and his professional one...The scene that the Respondent instigated was certainly traumatic for all concerned...the Respondent's behavior constituted misconduct and intimidation of the Complainant as well as to his other colleagues." (P.D. at pages 12,13) Thus, based on the appropriate weighing of the evidence presented at the hearing, the ALJ found that the Respondent instigated the altercation and that his actions constituted misconduct and intimidation. The bruises on the Respondent indicated the Complainant attempted to defend himself. This does not negate the misconduct of the Respondent, who instigated the altercation.

### **C. Consideration of Testimony Regarding Second Incident**

Regarding the second altercation, the Respondent argues Witness 1's testimony differed from Complainant's and the TC's in that Witness 1 testified Respondent took one or two steps in the direction of the Complainant. The Respondent contends the ALJ gave insufficient weight to witness 1's testimony. The ALJ observed the witnesses and found the Complainant's testimony

and the TC's testimony to be more credible. In addition, the ALJ also considered the Respondent's own testimony in the P.D.: "At the hearing, the Respondent admitted that when he saw the Complainant step off the elevator, he 'took two steps in his direction and stated, 'What's up mother fucker.'" (P.D. at page 14) The Board accepts the ALJ's credibility determination.

#### **D. Consideration of Respondent's Ethical Responsibilities**

Respondent asserts that the ALJ failed to consider possible ethical responsibilities of the Respondent. Respondent failed to cite a specific statute or regulation addressing any ethical responsibility that would justify how he handled the matter with his colleague. The ALJ heard the Respondent's testimony, as well as the rest of the evidence presented, and correctly concluded that the Respondent did, in fact, intimidate a colleague. The ALJ stated, "He has an ethical obligation to refrain from displaying anger, obscenities and violence in a mental health setting, and yet he came after the Complainant to such an extent that police intervention was necessary...This behavior constituted misconduct in the practice of social work as well as intimidation against colleagues." (P.D. at page 15) The Respondent's exceptions are denied.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 19-311(4) and (6):

- (4) Commits any acts of gross negligence, incompetence, or misconduct in the practice of social work; [and]
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board[.]

COMAR § 10.42.03.04 Responsibilities to Colleagues:

- B. Licensees may not...intimidate...colleagues.

## SANCTION

The ALJ recommended the revocation of Respondent's social work license. Due to the severity of Respondent's actions, the Board accepts the ALJ's proposed sanction. Physical violence and intimidation are not acceptable responses to work-place conflicts. By employing the use of physical violence against the Complainant, Respondent not only harmed the Complainant, a colleague, he also put others at risk, as the ALJ noted, "...particularly the vulnerable patients that populate the mental health clinic." The actions of the Respondent were deliberate and unconscionable. Thus, in considering an appropriate sanction for the Respondent's license, the Board found his conduct to be so egregious as to warrant the revocation of his license to practice social work in the State of Maryland. The Board finds that the Respondent's demonstrated disregard for professional conduct and patient safety, as well as Respondent's disregard for the statutes and regulations in place to ensure that safety, makes him unfit to practice as a licensed clinical social worker. The Board finds that the Respondent has lost the Board's and the public's confidence to maintain licensure as a licensed social worker in the State of Maryland. No disciplinary sanction short of revocation of the Respondent's license can adequately protect the public.

**ORDER**

It is, on the affirmative vote of a majority of the quorum of the Board, hereby  
**ORDERED** that the Respondent's license to practice as a licensed clinical social worker  
in the State of Maryland, license number 15453, is hereby **REVOKED**; and it is further  
**ORDERED** that this is a public document.



11/06/2017

Date

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Denise Capaci, LCSW-C, Chair  
Maryland State Board of Social Work Examiners

**NOTICE OF APPEAL RIGHTS**

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. §§ 19-313 may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 17-512, Md. Code Ann., State Gov't § 10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").