

IN THE MATTER OF

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BEFORE THE

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MARYLAND STATE BOARD OF

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SOCIAL WORK EXAMINERS

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License No. 24532

THOMAS JARRETT

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Case No. : 2020-2894

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FINAL ORDER OF REPRIMAND AND PROBATION

On June 8, 2022 the Maryland State Board of Social Work Examiners (the "Board") issued charges against Thomas Jarrett (the "Respondent"), Lic. No.: 24532, for violations of the Maryland Social Worker Act codified at Annotated Code of Maryland Health Occupations ("Md. Code Ann. H.O.") §§ 19-101 *et seq.*, and violations of the Board's regulations located in Code of Maryland Regulations ("COMAR") 10.42.01 *et seq.*

The charges alleged the Respondent violated H.O. §19-311(4), (5) and (6), and also violated COMAR 10.42.03.02, 10.42.03.05 and 10.42.03.06.

The Board sent the Respondent a hearing notice for a hearing on April 14, 2023. The Respondent filed a Motion for In-Person Hearing ("R. Motion for In-Person") and a Motion for Continuance ("R. Continuance") on March 31, 2023. The State, represented by an administrative prosecutor, filed an opposition to both motions.

The Board conducted a motions hearing via remote video conference on April 14, 2023. The Respondent was represented by counsel and an administrative prosecutor represented the State.

Following the motions hearing the Board sent the Respondent a hearing notice on April 18, 2023 advising the Respondent of a hearing on May 12, 2023. The Board conducted a hearing on May 12, 2023 in which the Respondent was represented by counsel and an administrative prosecutor represented the State.

On July 18, 2023 and August 9, 2023 the Board sent a notice to the Respondent for a continuation of the hearing on September 8, 2023 which was postponed. On October 25, 2023 the Board sent a notice to the Respondent for a continuation of the hearing on December 8, 2023. The Board held a continuation of the hearing on December 8, 2023 via remote video conference. The administrative prosecutor was present on behalf of the State. The Respondent and his attorney were not present during the December 8, 2023. The Respondent emailed a statement to the Board in advance of the December 8, 2023 hearing date indicating the statement was in lieu of testimony.

The Board conducted the hearing over the three hearing dates pursuant to COMAR 10.42.04 *et seq.* ("Rules of Procedure for Board Hearings").

In consideration of the evidence introduced at the hearing, the Board issues this Final Order of Reprimand and Probation pursuant to H.O. §1-607 containing the Findings of Fact, Conclusions of Law and Sanction.

EXHIBITS AND WITNESSES

The following witnesses testified on behalf of the State:

1. Stephanie Hamrick
2. Garcia Gilmore

The following witnesses testified on behalf of the Respondent:

None.

The State introduced the following exhibits into evidence:

State's Exhibit 1	State Board of Social Work Examiners - License Verification Form for Thomas Jarrett	Pg. 1-2
State's Exhibit 2	Maryland Board of Social Work Examiners Investigative Report for Case No. : 2020-2894 dated May 2, 2021	Pg. 3-9
State's Exhibit 3	Complaint Form dated October 11, 2020 Authorization for Release of Information Written Summarization of Complaint	Pg. 10-24
State's Exhibit 4	Treatment Records for S.H. Subpoena Duces Tecum - 25 Clinician Intake face sheet - 26 Clinician Psychotherapy Note November 7, 2019 - 27-28 Clinician Psychotherapy Note November 13, 2019 - 29-30 Treatment Plan November 13, 2019 - 31 Clinician Psychotherapy Note November 20, 2019 - 32-33	Pg. 25-52

	Clinician Psychotherapy Note November 27, 2019 - 34-35 Clinician Psychotherapy Note December 4, 2019 - 36-37 Clinician Psychotherapy Note December 11, 2019 - 38-39 Clinician Psychotherapy Note December 23, 2019 - 40-41 Closing Summary December 24, 2019 - 42 Bill for S.H. as of January 1, 2020 - 43 Release of Information for S.H. and E.H. - 44 Release of Information for E.H. dated August 27, 2019 - 45 Client Informed Consent Agreement dated November 21, 2019 - 46-48 Acknowledgement of Notice Privacy Practices - November 21, 2019 - 49 Client Information form (blank) - 50 "Thinking About Thinking" handout - 51-52	
State's Exhibit 5	Email Communication between S.H. and Respondent: Oct. 5, 2020 at 9:30 p.m. Email from S.V. to L.V. with forwarded emails:.....53 -54 ➤ Nov. 11, 2019 Email from Respondent to S.H. ➤ Nov. 9, 2019 Email from S.H. to Respondent ➤ Nov. 7, 2019 Email from Respondent to S.H. Oct. 5, 2020 at 9:31 p.m. Email from S.V. to L.V. with forwarded emails:.....55-56 ➤ Nov. 24, 2019 Email from S.H. to Respondent ➤ Nov. 21, 2019 Email from Respondent to S.H. ➤ Nov. 20, 2019 Email from S.H. to	Pg. 53-60

	Respondent Oct. 5, 2020 at 9:32 p.m. Email from S.V. to L.V. with forwarded emails:.....57 ➤ Dec. 3, 2019 Email from Respondent to S.H. ➤ Dec. 2, 2019 Email from S.H. to Respondent Oct. 5, 2020 at 9:32 p.m. Email from S.V. o L.V. with forwarded email:.....58-60 ➤ Dec. 31, 2019 Email from Respondent to S.H.	
State's Exhibit 6	Email between S.H. and Respondent from June, July, and August 2020 Oct. 6, 2020 at 8:39 p.m. Email from S.V. to L.V. with forwarded emails:.....61-62 ➤ June 12, 2020 at 10:32 a.m. Email from Respondent to S.H. ➤ June 12, 2020 at 10:17 a.m. Email from Respondent to S.H. ➤ June 12, 2020 at 3:36 a.m. Email from S.H. to Respondent Oct. 6, 2020 at 9:33 p.m. Email from S.V. to L.V. with forwarded emails:.....63-64 ➤ July 14, 2020 at 2:19 p.m. Email from Respondent to S.H. ➤ July 14, 2020 at 7:02 a.m. Email from S.H. to Respondent Oct. 5, 2020 at 9:33 p.m. Email from S. V. to L.V. with forwarded emails:.....65 ➤ July 14, 2020 at 1:02 p.m. Email from Respondent to S.H. ➤ July 14, 2020 at 9:12 a.m. Email from S.H. to Respondent Oct. 5, 2020 at 9:35 p.m. Email from S.V. to L.V. with forwarded emails:.....66-69 ➤ Aug. 6, 2020 at 4:50 p.m. Email from S.H. to Respondent ➤ Aug. 6, 2020 at 4:24 p.m. Email from Respondent to S.H. ➤ Aug. 6, 2020 at 3:30 p.m. Email from S.H. to Respondent ➤ Aug. 6, 2020 at 2:58 p.m. Email from	Pg. 61-69

	Respondent to S.H. ➤ Aug. 6, 2020 at 2:57 p.m. Email from S.H. to Respondent ➤ July 31, 2020 at 4:10 p.m. Email from Respondent to S.H. ➤ July 24, 2020 at 10:49 p.m. Email from S.H. to Respondent	
State's Exhibit 7	"Treatment Summary and Risk Factors for E. H." – signed by Thomas A. Jarrett LCSW-C/DCSW/BDC – August 31, 2020	Pg. 70-72
State's Exhibit 8	Emails regarding K.M.G.'s report Oct. 5, 2020 at 9:30 p.m. Email from S.V. to L.V. with forwarded emails: ➤ Sept. 1, 2020 at 7:21 a.m. Email from to S.V.....73 ➤ Aug. 31, 2020 at 10:50 p.m. Email from Respondent to K.M.G., L.P., E.H., J.R., and S.V.....73-74 ➤ Aug. 28, 2020 at 8:19 p.m. Email from K.M.G.....74 ➤ Aug. 28, 2020 at 20:04 Email from Respondent to K.M.G.....74-75 ➤ Aug. 25, 2020 at 11:16 a.m. Email from K.M.G. to Respondent.....75-77 ➤ Aug. 25, 2020 at 07:56 Email from R.H. to K.R. with forwarded embedded email.....77-78 ➤ Aug. 21, 2020 at 11:52 a.m. Email from E.H. to R. H. with embedded forwarded email.....78 ➤ Aug. 20, 2020 at 11:04 p.m. Email from Respondent to E.H. and Fr. J.H. with forwarded email embedded.....78 ➤ Aug. 20, 2020 at 4:48 p.m. Email from Respondent to J.K.H. with forwarded email from Respondent to K.L.M.G.....78 - 81	73-81
State's Exhibit 9	Transcript of Interview with S.H. held on April 26, 2021	82-105
State's Exhibit 10	Transcript of Interview with E.H. held on April 29, 2021	106-118
State's Exhibit 11	Transcript of Interview with J.K.H. held on April 30, 2021	119-133

State's Exhibit 12	Transcript of Interview with Respondent held on April 28, 2021	134-164
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The Respondent introduced the following exhibits into evidence:

None.

THE APRIL 14, 2023 MOTIONS HEARING

Respondent's Request for an In-Person Hearing

Respondent, in a Motion for In-Person Hearing, asserted that the "circumstances of this case render it critically necessary for the Board to see and hear at least the Respondent, as well as the Complaining Witness in person so that the Board can make an assessment of their testimony...." (R. Motion for In-Person, pg.2) Respondent cited a then-recent Maryland slip opinion asserting that an appellate court reinstated a murder conviction after the victim's brother was only permitted to testify via video link. *Lee v. State*, 257 Md.App. 481 (2023) Respondent's Counsel argued that the complainant "needs to look [the Respondent] in the eye with some of the allegations that she's making." (14 April 23 Tr. pg 7, ln. 4-6)

The State opposed the request, writing that video conferencing was permitted under statute and did not violate due process in the administrative context. (State Opp. to R. Motion for In-Person, pg.3) see Maryland Annotated Code State Government ("Md. Code Ann. State Gov't.") §10-211; *Lopez v. NTI*, 748 F. Supp. 2d. 417, 480 (D. Md. 2010); *United States v. Baker*, 45 F.3d 837, 845 (4th Cir. 1995). The State also argued the Respondent's interpretation of *Lee* was incorrect, citing lack of sufficient notice to the victim's brother living in California and the denial of a postponement request which would have allowed an in-person appearance is what ultimately persuaded the Court to reinstate the conviction. (St. Opp. to R. Motion for In-Person, pg. 5-6)

The Board heard oral argument on April 14, 2023 via Google Meet. The Board found that the method of video conferencing was permitted by statute and that the Respondent, as the moving party, had not successfully demonstrated the need to hold the hearing on a virtual platform. (14 April 23 Tr. pg. 11, ln 15-21) State Gov't §10-211.

Respondent's Request for a Continuance

Respondent based his postponement request on the unavailability of witness "Fr. J.H."¹, a member of the clergy. (R. Continuance, pg. 1) "Fr. J.H.'s" denomination was celebrating a

¹ For privacy purposes, names of individuals and locations have not been included in this Order. The Respondent and State were in possession of the actual names of individuals and locations referenced in this Order.

major holiday on April 14, 2023 and as a member of the clergy, Respondent asserted that “Fr. J.H.” would be unavailable due to leading services and attending to members of the congregation. (R. Continuance, pg. 1) Respondent further argued that he intended to call “Fr. J.B.W.” another member of the clergy who was unavailable between April 23, 2023 and April 29, 2023 writing “Respondent assumes that the current date will be postponed, and in a spirit of cooperation, wishes to give opposing counsel and the Board (sic) proverbial ‘heads up.’” (R. Continuance, pg. 3)

The State opposed the continuance arguing the Respondent failed to provide the Board with any “proof or specificity of the times or schedule” of “Fr. J.H.” demonstrating the conflict. (State Opp. to R. Continuance, pg. 1)

The Board heard oral argument on the request and denied Respondent’s Request for a Continuance. (14 April 23 Tr., p. 17, ln. 11-15) Due to time constraints, the Board continued the hearing to a second date, scheduled for May 12, 2023. (14 April 23 Tr., pg. 90, ln. 1-18) Prior to adjourning the hearing on April 14, 2023, the Board Chair reminded all participants not to discuss the contents of the hearing. (14 April 23 Tr., pg. 90, ln. 22-23)

ACTIONS BETWEEN THE FIRST AND SECOND HEARING DATES

In advance of the May 12, 2023 hearing date, the Board requested witness lists and exhibits from both parties by May 1, 2023. (State Motion to Quash, pg. 3 and Attachment D)

On April 28, 2023 the Respondent sent a document styled “Continuance of Hearing, Thomas A. Jarrett, LCSW-C” (“R. Continuance 28 April 23”) (12 May 23 Tr., pg. 7, ln. 5-13) The Respondent through counsel, advised he intended to call four witnesses but declined to provide exhibits in advance, writing in part “it is impossible, absent a crystal ball or a preternatural power of precognition, to determine in advance what exhibits, if any might be necessary to conduct a defense of Mr. Jarrett.” (12 May 23 Tr., pg. 7, ln. 5-13; State Motion to Quash, pg. 3 and Attachment E)

The April 28, 2023 correspondence Respondent’s counsel filed made references to the events of the April 14, 2023 hearing date and was also copied to “Named Witnesses” pursuant to a notation on the bottom of the second page. (R. Continuance 28 April 23, pg. 2; 12 May 23 Tr. pg. 8, ln. 2-7)

Respondent’s counsel advised the Board in a May 5, 2023 email, that he reserved his right to “introduce or rely upon any documents previously part of the investigation....” (State Motion to Quash, pg. 3 and Attachment F)

Respondent’s counsel provided two documents to the administrative prosecutor as part of discovery but did not identify other documents the Respondent intended to introduce in his case-in-chief. (State Motion to Quash, pg. 4)

The State filed a Motion to Quash arguing that allowing the Respondent to use any documents beyond the documents disclosed in discovery would be a violation of the Board’s regulations. (State Motion to Quash, pg. 4); COMAR 10.42.04.05D(5).

THE MAY 12, 2023 HEARING DATE

Ruling on the State’s Motion to Quash

Prior to resuming testimony on May 12, 2023, the Board heard oral argument on the State's Motion to Quash. (12 May 23 Tr., pg. 9, ln 21-24) The State moved to exclude any documents outside the documents the Respondent's counsel provided in discovery.² (12 May 23 Tr., pg. 10, ln 9-13) The State also asked the Board to preclude testimony from two individuals not originally included in the Respondent's witness list, but who were identified as witnesses in the Respondent's April 28, 2023 correspondence to the Board. (12 May 23 Tr., pg.11, ln 23-25; pg. 12, ln 1-11)

The Respondent, through counsel, argued that "the notion of due process trumps the COMAR regulations" and that the Board could not preclude witnesses in the Respondent's case-in-chief "based on the fact the Respondent cannot glance in a crystal ball...." (12 May 23 Tr., pg. 14, ln. 7-11)

The Potential Breach of the Board's Order of Sequestration and Board's Ruling

The Board questioned Respondent's counsel on the possible breach of confidentiality, which Respondent's counsel denied. (12 May 23 Tr., pg. 15, ln. 2-25) Respondent's counsel did admit to copying the witnesses named in the April 28, 2023 correspondence to the Board, a document that the Board found quoted testimony from the April 14, 2023 motions hearing. (12 May 23 Tr., pg. 17, ln. 4-20)

The Board granted the State's Motion to Quash and, based on a finding of Respondent's counsel's "clear and serious violation" of the Order of Sequestration, excluded testimony from all of the witnesses copied on the Respondent's April 28, 2023 correspondence with the Board. (12 May 23, 2023 Tr., pg. 19, ln. 12-20) The Board continued the hearing to a third date after a medical emergency. (12 May 23 Tr., pg. 32-33)

THE DECEMBER 8, 2023 HEARING DATE

The Board continued the hearing on December 8, 2023. The Board notified the Respondent of the December 8, 2023 hearing date and sent links for the Respondent and his attorney to attend. (8 December 23 Tr., pg. 5, ln. 16-20) The Respondent was not present during the December 8, 2023 hearing. (8 December 23 Tr., pg. 5, ln. 7-20)

The Respondent sent the Board a written statement in lieu of live testimony. (8 December 23 Tr., pg. 5, ln. 21-24) The State objected to the Board considering the Respondent's written statement claiming the Respondent was attempting to avoid cross examination. (8 December 23 Tr., pg 5, ln. 25; pg. 7, ln. 1-16)

FINDINGS OF FACT

The Board makes the following Findings of Fact based on the entirety of the record:

² As part of discovery, Respondent's counsel provided the State with a 16-page PDF from Maryland Judiciary Case Search referencing the family court case between S.H. and E.H. The case number is not reproduced in this Order.

1. The Board issued the Respondent a license to practice social work on December 6, 2018³ which was active and in good standing at all times relevant to this Order. (State's Ex. 1)
2. The Respondent provided marriage counseling to S.H. and her then-husband E.H. between November 7, 2019 and December 23, 2019 (14 April 23 Tr., pg. 31, ln. 13-25; pg. 32, ln. 1; State's Ex. 12, pg. 137)
3. The Respondent conducted the marriage counseling for S.H. and E.H. at Practice V (14 April 23 Tr. pg. 31, ln. 17)
4. Only the Respondent, E.H. and S.H. were present during the marriage counseling sessions at Practice V. (14 April 23 Tr., pg. 32, ln. 10-14)
5. S.H. sent an email to Respondent on December 2, 2019 advising the E.H. would not be attending an upcoming appointment in December 2019. (State Ex. 5, pg. 57)
6. S.H. continued corresponding with Respondent between June 12, 2020 and August 6, 2020 via email after leaving marriage counseling at Practice V. (State's Ex. 6; 14 April 23 Tr. pg. 37, ln. 9-25; pg. 38, ln. 1-21)
7. S.H. emailed the Respondent at an email address associated with Practice V. (State's Ex. 6, pg. 61; 14 April 23 Tr., pg. 71, ln. 2)
8. The Respondent replied to S.H. but did not offer S.H. the opportunity to return to Practice V for counseling or refer S.H. to another licensee. (14 April 23 Tr., pg. 72, ln. 2-11)
9. The Respondent continued to correspond with S.H. using an email address associated with Practice V and a signature block identifying the Respondent as an employee of Practice V, with the designation "LCSW-C/DCSW/BCD" (State's Ex. 6; 14 April 23 Tr., pg. 72, ln. 12-16)
10. S.H. contacted the Respondent on June 12, 2020 in light of "facts that came out that were pertinent to our sessions back when I was attending marriage counseling...." (14 April 23 Tr. pg. 39, ln. 2-5)
11. The Respondent replied to S.H.'s June 12, 2020 email inviting her to call him and writing in part "YOU, anyway, were an excellent client. I always thought you were similar to Kate Winslet." (State's Ex. 6, pg. 61")
12. S.H. testified that she learned her then-husband E.H. was having an affair while they were seeing the Respondent for marriage counseling and wanted to share that information with the Respondent. (14 April 23 Tr. pg. 40, ln. 3-9)
13. Between June 12, 2020 and July 14, 2020 S.H. learned that E.H.'s parents, her former in-laws, and E.H.'s sister, C.H., were seeing the Respondent for counseling. (14 April 23 Tr. pg. 40, 20-23; pg. 41-42)
14. While the Respondent was seeing E.H.'s parents and C.H. for counseling, the Respondent was still communicating with S.H. via phone and email. (14 April 23 Tr., pg. 42, ln. 15-19)

³ The Respondent's license expired on October 31, 2022, but was active and in good standing at all times relevant to this Order.

15. The Respondent advised S.H. that he would not share any information from S.H.'s marriage counseling sessions at Practice V with E.H.'s parents during the parents' counseling sessions. (14 April 23 Tr. pg. 42, ln. 20-24)
16. S.H. believed that she was acting as "an informant" to the Respondent to "bring up concerns" she hoped the Respondent would address in sessions with E.H. (14 April 23 Tr. pg. 44, ln. 4-15)
17. In a July 24, 2020 email to the Respondent, S.H. wrote "I know you do not like a paper trail..." (State's Ex. 6, 67; 14 April 23 Tr. pg. 46, ln. 2-14)
18. The Respondent encouraged S.H. not to put things in writing but did not tell her why. (State's Ex. 6, 67; 14 April 23 Tr. pg. 46, ln. 2-14)
19. The Respondent offered to connect S.H. with a "colleague" who would help "settle our (divorce) case out of court without lawyers in a much cheaper manner" and had referred to attorneys as "blood sucking and only making the situation worse..." (14 April 23 Tr. pg. 47, ln. 16-20)
20. In an August 6, 2020 email to S.H., the Respondent wrote "when I met with the entire family, I did my best to convey all the salient points, without quoting you..." (State's Ex. 6, pg. 67)
21. During divorce proceedings, the Court ordered both S.H. and E.H. to undergo an alcohol evaluation with court appointed evaluator K.M.G. (14 April 23 Tr., pg. 48, ln 19-23; pg. 49, ln 1-4)
22. As part of the evaluation K.M.G. interviewed S.H., E.H., other members of the family and, following S.H. signing a release, the Respondent. (14 April 23 Tr., pg. 49, ln. 6-20)
23. S.H. spoke with the Respondent and learned from the Respondent that K.M.G. intended to diagnose E.H. as an alcoholic. (14 April 23 Tr., pg. 49, ln 21-25)
24. S.H. was unsure how the Respondent obtained a copy of K.M.G.'s evaluation that was only released to S.H.'s attorney, E.H.'s attorney and the judge presiding in the divorce case. (14 April 23 Tr., pg 53, ln. 14-17)
25. On August 20, 2020 the Respondent forwarded an email to Fr. J.H., and E.H.'s father, that the Respondent originally wrote to K.M.G. objecting to K.M.G. quoting the Respondent in the alcohol evaluation report. (State's Ex. 8, pg. 78-81, 14 April 23 Tr., pg. 51, ln. 13-25; pg. 52, ln. 1-17)
26. On August 25, 2020 K.M.G. replied to the Respondent's complaint, writing in part that "[u]nder no circumstances was this evaluation disseminated to anyone except those named in the court order to receive it: the court and counsel." (State's Ex. 8, pg. 76; 14 April 23 Tr., pg 53, ln. 3-8)
27. On August 31, 2020 the Respondent produced his own evaluation on behalf of E.H. (14 April 23 Tr., pg. 54, ln. 8-11; 8 December 23 Tr., pg. 17, ln. 19-25; State's Ex. 7)
28. The Respondent signed the August 31, 2020 using the "LCSW-C" designation. (State's Ex. 7, pg. 72)
29. The Respondent wrote that E.H. "experiences both situational and anxiety depression" and that the Respondent had "resumed my formal clinical support role..." (State's Ex. 7; 8 December 23 Tr., pg. 23, ln. 1-7, 17-23)

30. The Respondent had not previously diagnosed E.H. with anxiety or depression while E.H. was receiving services from the Respondent at Practice V. (8 December 23 Tr., pg 24, ln. 13-17)
31. The Respondent could not provide any clinical records for E.H. after December 2019 when marriage counseling at Practice V concluded. (8 December 23 Tr., pg. 24, ln. 13-21)
32. S.H. filed a complaint against the Respondent in October 2020 alleging concerns regarding “confidentiality and dual relations”. (14 April 23., Tr. pg. 33, ln. 18-22; pg. 34, ln. 1-4; State’s Ex. 3)

DISCUSSION

The State’s Evidence

The State presented testimony and documentary evidence indicating the Respondent was providing social work services to both E.H. and S.H. in 2019. (14 April 23 Tr., pg. 31, ln. 13-25; pg. 32, ln. 1; State’s Ex. 12, pg. 137) The Respondent resumed contact with S.H. in June 2020 when S.H. reached out wanting to discuss new information S.H. learned about E.H. (14 April 23 Tr. pg. 39, ln. 2-5; State’s Ex. 6, pg. 61-62) The Respondent maintained contact with S.H. via email while also providing counseling to E.H. and other members of E.H.’s family and sharing information S.H. provided with E.H.. (14 April 23 Tr. pg. 40, 20-23; pg. 41-42; State’s Ex. 6, pg. 67)

The State also presented evidence that the Respondent somehow obtained a copy of a court ordered alcohol evaluation that was only provided to the court and the two attorneys involved in E.H. and S.H.’s divorce case. (14 April 23 Tr., pg 53, ln. 14-17) The Respondent objected to the contents of the court ordered evaluation and ultimately produced his own evaluation for E.H. in August 2020. (14 April 23 Tr., pg. 54, ln. 8-11; 8 December 23 Tr., pg. 17, ln. 19-25; State’s Ex. 7) The Respondent’s August 2020 evaluation included a clinical diagnosis despite the Respondent maintaining that his interactions with E.H. were for pastoral counseling and the absence of any prior clinical diagnosis the Respondent made for E.H. during the 2019 marriage counseling at Practice V. (State’s Ex. 12; (8 December 23 Tr., pg 24, ln. 13-21) The Respondent also maintained that although he provided “pastoral counseling” to E.H. and members of E.H.’s family, S.H. was not a pastoral counseling client and the Respondent did not provide services “directly” to S.H. (8 December 23 Tr., pg. 28, ln. 9-19; State’s Ex. 12, pg. 139)

The Respondent’s Evidence

The Respondent was notified of the December 8, 2023 hearing date and chose not to attend. The Respondent presented no evidence at the hearing. The Respondent did provide a document to the Board between the second and third hearing dates, with a request the Board accept the document in lieu of his testimony. (8 December 23 Tr., pg 5, ln. 25; pg. 7, ln. 1-16)

The State objected to the inclusion of the Respondent’s letters to the Board. (8 December 23 Tr., pg. 5, ln. 25) The State argued that the Respondent’s emails to the members

of the Board and Board staff constituted both ex parte communication and an attempt to offer evidence outside of the hearing itself. (8 December 23 Tr., pg. 6, ln. 5-25) The State further argued that the Respondent's email correspondence was an attempt to testify without being under oath, not subject to cross examination and after the Board made evidentiary rulings in the case. (8 December 23 Tr., pg. 7; ln. 1-8)

Pursuant to Board regulations, parties are entitled to mandatory discovery and have an ongoing duty to supplement disclosures of witnesses and documents. COMAR 10.42.04.05D(2); COMAR 10.42.04.05D(4). Parties may not add witnesses or documents to the list of disclosures after a prehearing conference, if the Board schedules one, or fifteen days before the hearing *unless* there are unforeseen circumstances which would otherwise impose an extraordinary hardship on a party. COMAR 10.42.04.05D(5). The Respondent's correspondence with the Board in between hearing dates places it outside the timeframe of either a prehearing conference or fifteen days before the hearing. In order to be added to the list of documents, the Respondent would have to satisfy the regulatory requirements of unforeseeable circumstances that imposed an extraordinary hardship. COMAR 10.42.04.05D(5). The Respondent failed to make such an argument.

Even assuming *arguendo* the Respondent successfully demonstrated an extraordinary hardship, the Board must consider whether his correspondence would be excluded on other grounds. The Board has no regulations addressing prefiled direct testimony and must look to the regulations governing the Office of Administrative Hearings ("OAH") for guidance. COMAR 28.02.01 *et seq.* Pursuant to OAH regulations, an Administrative Law Judge may accept prefiled direct testimony under the following circumstances:

"(1) At the request of a party or on the ALJ's initiative, direct testimony may be received in writing in either question and answer or narrative format.

(2) The testimony shall be under oath or affirmation and be filed and served on all other parties as ordered by the ALJ or, in the absence of an order, not later than 10 days before the hearings.

(3) Any party who submits prefiled testimony shall ensure that the witness is available, either remotely or in-person, for cross-examination at the hearing.

(4) The filing of prefiled direct testimony does not preclude any party from presenting rebuttal testimony."

COMAR 28.02.01.21F

The Respondent's correspondence, to the extent it functions as prefiled direct testimony, would not be admissible under 28.02.01.21F because he failed to follow the procedure for submitting prefiled testimony. The testimony was not under oath or affirmation. The Respondent was not present either remotely or in person for cross examination. In fact, the Respondent contended he submitted his correspondence specifically to *avoid* participation in the hearing. (R. Letter to Board dated June 13, 2023) The Board is prohibited from considering the Respondent's correspondence as testimony in this matter and will exclude it accordingly.

The Respondent was in Violation of the Practice Act

The State's evidence paints a picture of the Respondent as a licensee who was willing to use his status as a social worker when it suited him, but retreated into the realm of "pastoral

counseling” when acting as a social worker became inconvenient. The Respondent cannot have it both ways.

The Respondent resumed contact with S.H. in June 2020 when S.H. reached out wanting to discuss E.H.’s newly discovered infidelity. (14 April 23 Tr. pg. 39, In. 2-5; State’s Ex. 6, pg. 61-62) The Respondent maintained contact with S.H. via email while also providing counseling to E.H. and other members of E.H.’s family *and* sharing information S.H. provided with E.H.. (14 April 23 Tr. pg. 40, 20-23; pg. 41-42; State’s Ex. 6, pg. 67) The Respondent did not ask S.H. to resume a clinical or therapeutic relationship, but shared information S.H. disclosed to him with E.H. and members of E.H.’s family. (14 April 23 Tr. pg. 40, 20-23; pg. 41-42; State’s Ex. 6, pg. 67)

Respondent may claim he acted in his role as a pastoral counselor, but found no issues making a formal diagnosis for E.H. during divorce proceedings with no records Respondent made the diagnosis while E.H. was a social work client *or* that Respondent formally resumed social work services for E.H. in order to conduct an evaluation and render a diagnosis. Respondent’s actions demonstrate such poor decision making that it can only be characterized as incompetence or misconduct.

Maintaining contact with S.H. after the end of the clinical relationship is a violation of the Board’s Code of Ethics which prohibits nonsexual relationships unless the prior professional contact was either “brief, peripheral, or indirect” or did not constitute a therapeutic relationship. COMAR 10.42.03.05 The Respondent provided marriage counseling to S.H. and her then-husband E.H. between November 7, 2019 and December 23, 2019 (14 April 23 Tr., pg. 31, In. 13-25; pg. 32, In. 1; State’s Ex. 12, pg. 137) The professional contact could not be described as brief, peripheral or indirect which made the Respondent’s continued interactions with S.H. via email a violation of the Code of Ethics. COMAR 10.42.03.05

The Board’s Code of Ethics acts as a benchmark for accepted professional standards in the practice of social work, and ethical violations are proof that the Respondent engaged in a course of conduct inconsistent with generally accepted professional standards in the practice of social work. Moreover, the Respondent’s attempted deception by holding himself out as a pastoral counselor only to use his professional license to lend credibility to his evaluation of E.H., including the diagnosis referenced in the evaluation, can only be characterized as misconduct. The Respondent found himself approached by a former client, he could have resumed service or made a referral. He chose to do neither and soon found himself enmeshed in E.H.’s divorce case, ultimately making a diagnosis of an individual without any records demonstrating E.H. had resumed social work services with Respondent’s practice. (14 April 23 Tr., pg. 54, In. 8-11; 8 December 23 Tr., pg. 17, In. 19-25; State’s Ex. 7; 8 December 23 Tr., pg. 24, In. 13-21)

The burden of proof for cases before the Board is a preponderance of the evidence. COMAR 28.02.02.21K(1). The State provided overwhelming evidence that exceeded the preponderance standard. The Board finds the Respondent violated H.O. § 19-311(4), (5) and (6).

CONCLUSIONS OF LAW

Based on the preceding analysis, the Board makes the following Conclusions of Law that Respondent violated the following portions of H.O. §19-311:

- (4) Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;
- (5) Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work;
- (6) Violates any provision of this title or regulations governing the practice of social work adopted and published by the Board;

With respect to the Conclusion of Law that the Respondent violated H.O. §19-311(6), the Board makes the additional Conclusion of Law that Respondent violated COMAR 10.42.03.02, COMAR 10.42.03.05 and COMAR 10.42.03.06 by violating the Board's Code of Ethics.

DETERMINATION OF SANCTIONS

The Board must review whether any mitigating or aggravating factors exist in the instant case. COMAR 10.42.09.05. The Board finds that the licensee lacked any prior disciplinary record as a mitigating factor in his favor. The Board also finds the following aggravating factors were present, the violation was committed with gross negligence or recklessness and the violation was part of a pattern of detrimental conduct. COMAR 10.42.09.05 Although the Board finds there are a greater number of aggravating factors than mitigating factors, the Board places great weight on the mitigating factor of no prior disciplinary record and considers the factors balanced, if not slightly in Respondent's favor.

The Board's sanctioning guidelines for the relevant statutes set a minimum sanction of probation with a fine of \$1,000 and a maximum sanction of revocation and a \$10,000 fine. The Board's consideration of the aggravating and mitigating factors, as well as the expired nature of the Respondent's license suggest sanctions on the minimum end of the guidelines is appropriate. The Board believes that a public reprimand and probation effective if and when the Respondent resumes his status as a licensee is sufficient.

ORDER

Based upon the Findings of Fact and Conclusions of Law it is hereby

ORDERED that the Respondent's license to practice Social Work in the State of Maryland, Lic. No: **24532**, is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall pay a fine of \$1,000.00 with in **ONE HUNDRED AND EIGHTY DAYS (180) OF THE EFFECTIVE DATE OF THIS ORDER**; and it is further

ORDERED that the Respondent's license is placed on **PROBATION** for a minimum period of **TWO (2) YEARS**; and it is further

ORDERED that all terms and conditions of **PROBATION** are **STAYED** unless and until the Respondent returns to active status as a Board licensee; and it is further

ORDERED that during the probationary period, the Respondent shall be supervised by a Board-approved supervisor ("Probation Supervisor"); and it is further

ORDERED that, subject to Board approval, the Respondent shall engage the services of a Probation Supervisor within **TEN (10) DAYS** of his return to active status as a Board licensee; and it is further

ORDERED that the Respondent shall meet at least once a month, for a minimum of one hour, with the Probation Supervisor; and it is further

ORDERED that the Respondent shall provide the Probation Supervisor with a copy of this Order prior to their initial meeting, and the Board may release to the Probation Supervisor any portion of the investigative file as is deemed necessary by the Board and/or the Probation Supervisor; and it is further

ORDERED that the Respondent shall ensure that the Probation Supervisor provides the Board with written quarterly reports on the Respondent's progress during the supervisory period, which shall include but not be limited to the issues discussed and his/her assessment of the Respondent's practice; and it is further

ORDERED that the Respondent is responsible for ensuring that the Probation Supervisor submits the required quarterly reports to the Board in a timely manner; and it is further

ORDERED that a negative report from the Probation Supervisor, as determined in the sole discretion of the Board, constitutes a violation of this Order; and it is further

ORDERED that the Respondent shall abide by any and all recommendations made by the Probation Supervisor. Failure to cooperate and failure to abide by the Probation Supervisor's recommendations shall be deemed a violation of this Order; and it is further

ORDERED that the Board has sole authority to implement any changes in the supervision and retains all authority to approve any changes in the supervision; and it is further

ORDERED that in the event that the supervisor discontinues supervising the Respondent for any reason, the Respondent shall immediately notify the Board and submit a replacement candidate to serve as his supervisor under the terms specified above; and it is further

ORDERED that within six (6) months of the date of the Respondent's return to active status, the Respondent shall enroll in and complete a Board-approved course in professional

ethics, approved in advance by the Board. Any credits earned by completing this course shall not be used by the Respondent to satisfy continuing education requirements for renewal; and it is further

ORDERED that within six (6) months of the date of the Respondent's return to active status, the Respondent shall enroll in and complete a course on billing and documentation practices, approved in advance by the Board. Any credits earned by completing this course shall not be used by the Respondent to satisfy continuing education requirements for renewal; and it is further

ORDERED that within six (6) months of the date of the Respondent's return to active status, the Respondent shall provide the Board with written documentation of successful completion of the courses required by this Order; and it is further

ORDERED that to seek the Board's preapproval for the required coursework and supervisor, the Respondent may contact the Board's Director of Compliance; and it is further

ORDERED that pursuant to COMAR 10.42.08.03, the Respondent shall not serve as a Board-Approved Social Work Supervisor; and it is further

ORDERED that at the conclusion of the probationary period, the Respondent may file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions resulting from this disciplinary action, provided that the Respondent has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent; and it is further

ORDERED that the Board, or its successor, shall have sole discretion in evaluating, granting or denying, in whole or in part, the Respondent's written petition for termination of the probationary status; and it is further

ORDERED that failure to comply with the terms and conditions of this Order constitutes a violation of the Order. The Board, in its discretion, after notice and an opportunity for a Show Cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further

ORDERED that the Respondent shall bear all costs associated with this Order; and is further

ORDERED that the Respondent shall comply with the Maryland Social Workers Practice Act and all laws, statutes and regulations pertaining thereof; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §4-333(b)(7).

September 24, 2026

Date

Jamie Wilson, LCSW-C

Jamie Wilson, LCSW-C
Board Chair

NOTICE OF APPEAL RIGHTS

If the Respondent is aggrieved by a Final Decision of the Board, under Md. Code Ann., H.O. §19-311 they may file a petition for judicial review in the Circuit Court within thirty (30) days pursuant to Md. Code Ann. H.O. §19-313, State Gov't §10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

If the Respondent files an appeal, the Board is a party and must be served with the court's process at the following address :

Karen Richards
Executive Director
Maryland State Board of Social Work Examiners
4201 Patterson Avenue
Baltimore, Maryland 21215
Tel: 410-764-4788
Fax: 410-358-2469

If the Respondent files an appeal, the Administrative Prosecutor is no longer a party to the case and does not require service or a copy of the notice of appeal.

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a Final Decision of the Board under Md. Code Ann., H.O. §19-311 may file a petition for judicial review in the Circuit Court within thirty (30) days pursuant to Md. Code Ann. H.O. §19-313, State Gov't §10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").