

**Joseph Robert James**

Date: MARCH 5, 2010

Cherie Cannon, LCSW-C, Chair  
Maryland Board of Social Work Examiners  
4201 Patterson Avenue  
Baltimore, Maryland 21215

RE: Surrender of License to Practice Social Work  
License Number: 02748  
Case Number: 09-1414

Dear Ms. Cannon and Members of the Board:

Please be advised that I have decided to **SURRENDER** my license to practice social work in the State of Maryland, License Number 02748 (D.O.B. 09/11/1950).

I understand that I may not give social work advice or treatment to any individual, with or without supervision and/or compensation, cannot counsel, diagnose or provide therapy to people or otherwise engage in the practice of clinical social work, as it is defined in the Social Work Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 19-101 *et seq.* (2009 Repl. Vol.). In other words, I understand that as of the effective date of this Letter of Surrender, the surrender of my license means that I am in the same position as an unlicensed individual.

In addition, I will refrain from identifying myself as a practitioner of social work; I will remove all signs or similar advertisements that indicate authority to practice social work; and I will not use letterhead or business cards indicating authority to practice social work.

As of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland. I understand that this Letter of Surrender is a **PUBLIC** document and on the Board's acceptance becomes a **FINAL ORDER** of the Board.

My decision to surrender my license to practice social work in the State of Maryland has been prompted by an investigation of my licensure by the Maryland State Board of Social Work Examiners (the "Board") and the Office of the Attorney General and resulting charges under the following provisions of the

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Act, H.O. 19-311:

Subject to the hearing provisions of § 19-312 of this subtitle, the Board may deny a license to any applicant, fine a licensee, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

Commits any act of gross negligence, incompetence, or misconduct in the practice of social work;

Knowingly violates any provision of this title;

Engages in a course of conduct that is inconsistent with generally accepted professional standards in the practice of social work; and

(7) Violates any provision of this title or regulations governing the practice of social work adopted and published by this Board[.]

The charges allege that I violated the following regulations:

Code Md. Regs. tit. 10 § 42.03.04 Sexual Misconduct.

A. The licensee may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:

(1) Inappropriate sexual language;

(2) Sexual exploitation;

(4) Sexual behavior[.]

B. Concurrent Sexual Relationships. The licensee may not engage in either consensual or forced sexual behavior with:

A client[.]

C. Relationships with Former Clients.

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

(2) The licensee may not terminate professional services or a professional relationship with a client in

order to enter into a nonprofessional, social, or sexual relationship with the client or an individual with whom the client has a close personal relationship.

The investigation was based on a complaint to the Board alleging that I engaged in a personal and sexual relationship with a client. According to the investigation, in 1999 I began treating Patient A, and that several months into the therapeutic relationship, the relationship became personal and sexual in nature. Thereafter, the investigation revealed that I terminated my professional relationship with Patient A and I engaged in a personal and sexual relationship with her until approximately 2002. As a result of the investigation, on January 4, 2010, the Board issued "Charges Under the Maryland Social Workers Act," in Board Case Number 09-1414.

I have decided to surrender my license to practice social work in the State of Maryland to resolve this matter and to avoid prosecution of the charges against me by the Board. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. I acknowledge that the Office of the Attorney General has legally sufficient evidence to prove by a preponderance of the evidence at an administrative hearing that I violated the act as detailed herein.

I understand that by executing this Letter of Surrender I am waiving any right to contest any charges that would issue from the Board's investigative findings and its vote to issue charges in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and all other substantive and procedural protections provided by law, including the right to appeal.

I acknowledge that on or before the effective date of this Letter of Surrender, I shall present to the Board my Maryland clinical social work license, including any renewal certificates and wallet-sized renewal cards.

I understand that the Board will advise the Association of State Boards of Social Work, the National Practitioner's Data Bank, and the Health Care Integrity Data Bank, and any other required entities of this Letter of Surrender, and in response to any inquiry, will advise that I have surrendered my license in lieu of disciplinary action under the Act as a resolution of the matters pending against me. I also understand that, in the event that I would apply for licensure in any form in any other state or jurisdiction, that this Letter of Surrender, and all underlying documents, may be released or published by the Board to the same extent as a Final Order that would result from disciplinary action pursuant to Md. State Gov't Code Ann. § 10-611 *et seq.* (2009 Repl. Vol.). Finally, I understand that this Letter of Surrender is considered a disciplinary action by the Board.

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I further recognize and agree that by submitting this Letter of Surrender my license will remain surrendered for a **minimum of three (3) years** and until such time as I apply for new licensure and comply with the following terms and conditions set forth in this Letter of Surrender and those determined by the Board subsequent to my application:

1. The Board will not consider reinstatement of my license unless and until I have completed a Board-approved professional ethics course with a concentration on boundary violations;
2. The Board will not consider reinstatement of my license unless and until I have completed a Board-approved one-on-one ethics tutorial focusing on the specific facts and issues of this case;
3. The Board will not consider reinstatement of my license unless and until I have been evaluated by a Board-approved mental health professional that addresses my fitness to practice social work and recommends that my license be reinstated;
4. The Board will not consider reinstatement of my license unless and until I complete all continuing education requirements as mandated for renewal; and
5. If and when my license is reinstated by the Board, I agree that my license will be placed on probation for a period of **at least two (2) years**, during which time my practice will be supervised by a Board-approved mentor, and I will be required to comply with other conditions to be determined by the Board at that time.

I understand that I will bear the costs associated with my compliance with the above terms and conditions. I also understand that if I apply for reinstatement or a new Maryland license, I bear the burden of demonstrating to the Board that I am professionally and mentally competent to practice social work under the Act and that I possess good moral character, as required under H.O. § 19-302(a)(3). I understand that when applying for reinstatement or new licensure, I approach the Board in the same posture as one whose license has been revoked based on the facts contained herein and that my application may be accepted or denied by the Board in its sole discretion.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have consulted with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

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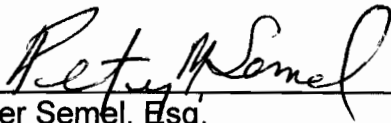
I acknowledge that this Letter of Surrender becomes effective on July 1, 2010.

Sincerely,



Joseph Robert James

Read and approved:



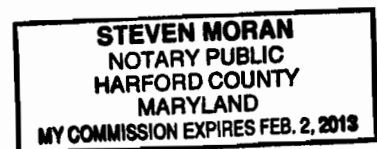
Peter Semel, Esq.

Attorney for Joseph Robert James

**NOTARY SEAL**

STATE OF MARYLAND  
CITY/COUNTY:

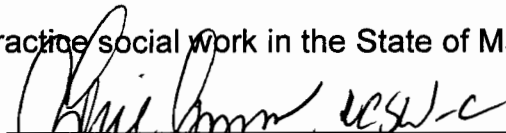
I HEREBY CERTIFY that on this 5 day of March, 2010, before me, a Notary Public of the State and City/County aforesaid personally appeared Joseph Robert James and declared and affirmed under the penalties of perjury that signing the foregoing Letter of Surrender was his voluntary act and deed.

  
Notary Public

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**ACCEPTANCE**

On behalf of the Maryland Board of Social Work Examiners, on this 12th  
day of March, 2010, I accept Joseph Robert James' **PUBLIC**  
**SURRENDER** of his license to practice social work in the State of Maryland.

  
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Cherie Cannon, LCSW-C, Chair  
Maryland Board of Social Work Examiners

For confidentiality purposes, the patient's name has not been identified in this Letter of Surrender. The identity of Patient A is known to me and to the Board.

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