

IN THE MATTER OF

*

BEFORE THE

*

BRANDY MOBIN¹

*

MARYLAND STATE BOARD OF

*

SOCIAL WORK EXAMINERS

License No. 10668

*

CASE : 2019-2726

FINAL ORDER OF REPRIMAND AND PROBATION

On November 19, 2021 the Maryland State Board of Social Work Examiners (the "Board") issued charges against Brandy T. Mobin (the "Respondent"), Lic. No: 10668, a LCSW-C, for violations of the Board's act codified in Annotated Code of Maryland Health Occupations ("Md. Code Ann. H.O.") §§ 19-101 *et seq.*

The charges alleged the Respondent violated H.O. §19-311(4), (5),(6),(7),(11), and (20). The charges also alleged violations of the Board's regulations located at Code of Maryland Regulations ("COMAR") 10.42.01 *et seq.*, specifically violations of 10.42.03.03(A)(5)(b)-(c); (B)(1); and 10.42.03.06(A)(7).

The Administrative Hearing

On July 12, 2023 and July 20, 2023 the Office of Administrative Hearings conducted a hearing via video conference pursuant to COMAR 28.02.01.20(B) and H.O. §19-312. The Respondent was present and represented by counsel. An administrative prosecutor was present and represented the State.

The Administrative Law Judge (the "ALJ") conducted the hearing pursuant to the contested case provisions of the Administrative Procedures Act, the Rules of Procedures for Board Hearings, and the Rules of Procedure of the Office of Administrative Hearings. See State Gov't §§10-201 through 10-226, COMAR 10.42.04 *et seq.* and COMAR 28.02.01 *et seq.*

On October 17, 2023 ALJ Alecia Frisby Trout mailed the Proposed Decision (the "Proposed Decision") to the Respondent, the State and the Board. The ALJ found the Respondent violated H.O. §19-311(4), (6),(7),(11), and (20); as well as 10.42.03.03(A)(5)(b)-(c);

¹ The Respondent advised the Administrative Law Judge her surname is "Kolenbrander" and not "Mobin". The record at the Office of Administrative Hearings reflects both surnames were used. The Administrative Law Judge styled the case "Mobin" for continuity and the Board has done the same.

(B)(1); and 10.42.03.06(A)(7). The ALJ found that the Respondent did not violate H.O. §19-311(5).

The ALJ proposed a sanction of a six (6) month suspension followed by a period of probation for a minimum of two (2) years during which the Respondent would meet with a Board approved supervisor for random audits of charts and discussion. The ALJ also proposed a \$1,000.00 fine.

Exceptions Taken After the Administrative Hearing

Both parties filed exceptions to the Proposed Decision. In its November 1, 2023 filing the State argued the ALJ erred in finding the Respondent did *not* violate H.O. §19-311(5) (“a course of conduct inconsistent with the generally accepted professional standards in the practice of social work....”) (State’s Exceptions pg. 2)

In her November 2, 2023 filing the Respondent, through counsel, argued the ALJ erred by (1) admitting certain exhibits into evidence over objections, (2) denying the Respondent the ability to enter exhibits into evidence, (3) proposing Findings of Fact that were “inconsistent” with exhibits and testimony, (4) proposing Conclusions of Law that were not supported by the record, and (5) proposing sanctions that were unduly harsh and severe. (Respondent’s Exceptions pg. 1-2)

On November 12, 2023 the State responded in writing requesting the Board strike the Respondent’s Exceptions because the Respondent failed to file exceptions by November 1, 2023², fifteen days after the proposed decision was mailed. See COMAR 10.42.04.06(D). The State further argued the Respondent’s Exceptions were vague and did not meet the requirements for exceptions under the Board’s regulations. (State’s Response and Motion to Strike, pg. 2-4, 6) See *a/so* COMAR 10.42.04.06(D)(3). The Board did not take action on the State’s Response and Motion to Strike prior to the scheduled hearing date.

The Exceptions Hearing

² Any party adversely affected by the proposed decision is entitled to file written exceptions with the Board within fifteen (15) days after issuance of the decision. COMAR 1042.04.06(D). The ALJ’s proposed decision was mailed on October 17, 2023. The State argued that the fifteen day period in which to file exceptions had lapsed prior to the Respondent’s November 2, 2023 filing *and* that the filing itself was impermissibly vague. (State’s Response and Motion to Strike, pg 2-4, 6) At the hearing Respondent’s Counsel argued that the filing was timely under Maryland Rule 1-203(c) which states if “service is made by mail, three days shall be added to the prescribed period.” (Ex. Tr. pg. 35, ln. 19-25) Respondent’s Counsel raised the “cite of the Lemley case” during the hearing with respect to the “particularity” requirement but did not make any specific argument as to the holding of the case or provide the Board with a complete citation of the “Lemley” case during either oral argument or in the written exceptions. (Ex. Tr. pg. 36, ln.2)

The Board conducted an Exceptions Hearing on March 8, 2024. A quorum of the Board was present. The State was present and represented by the administrative prosecutor. The Respondent was present and represented by counsel. The Board conducted the Exceptions Hearing pursuant to COMAR 10.42.04.06D(8). The Board issues this Final Order of Reprimand and Probation pursuant to COMAR 10.42.04.06E .

EXCEPTIONS REGARDING THE PROPOSED FINDINGS OF FACT

The State did not file any exceptions with respect to the Proposed Findings of Fact. The Respondent's written Exceptions alleged three errors connected to the Proposed Findings of Fact: admitting certain exhibits into evidence over the objection of the Respondent, denying the Respondent the ability to admit certain exhibits into evidence, and proposing Findings of Fact that were "inconsistent with the Exhibits and Testimony as to several material issues." (Respondent's Exceptions, pg. 2). The Respondent did not provide any additional argument beyond the allegations of error.

At the March 8, 2024 Exceptions Hearing, Respondent's Counsel raised the issue of the ALJ erroneously admitting the State's Exhibits into evidence, but did not provide any examples. The Respondent's Counsel acknowledged the evidentiary standards governing administrative hearings. (Ex. Tr., pg.15, ln. 9-15) See also State Gov't §10-213.

Respondent's Counsel raised the issue of the ALJ excluding certain exhibits from the Respondent, specifically patient records other than patient records introduced in the State's case. (Ex. Tr., pg. 15, ln. 20-22; pg. 17, ln. 14-22) Respondent's Counsel argued that the ALJ's refusal to admit multiple examples of patient files other than the State's exhibits was an error. However, the Administrative Procedure Act makes clear that the presiding officer may exclude evidence that is "unduly repetitious." State Gov't §10-213(d)(4). The ALJ made it clear that the Respondent's counsel had "made the point" with respect to the additional patient records the Respondent attempted to move into evidence and that the court did not "need to go through eight additional exhibits for [Respondent's Counsel] to further make the point." (OAH Transcript pg. 279, ln. 7-14)

Even assuming, *arguendo*, the ALJ erred in not permitting the Respondent to enter additional unduly repetitious exhibits into evidence, the Board does not find the error was prejudicial. See *Rotwein v. Bogart*, 227 Md. 434, 437 (1962) (Appeals Court will only reverse for an error below if the error was both "manifestly wrong and substantially injurious.")

The ALJ made it clear to both parties that Respondent's Counsel did not need to enter eight additional records into evidence in order to make a specific point. (OAH Transcript pg.

279, In. 7-14) The ALJ was aware of what the Respondent was attempting to demonstrate through admitting similar records. (OAH Transcript pg. 279, In. 7-14) Respondent failed to successfully show any prejudice from the eight additional records not being entered into evidence. As a result, the Board will hold any possible error in refusing to admit the Respondent's exhibits as harmless.

Finally, the Respondent argues that the Proposed Findings of Fact are inconsistent with the exhibits and testimony. (Exceptions Hearing Tr. pg. 21, Ln. 8-12) Respondent's Counsel acknowledged the ALJ's authority to weigh credibility of witnesses, but claimed there were "two witnesses that testified" who were not mentioned in the Proposed Decision as proof that the Proposed Findings of Fact were inconsistent with the testimony. The Board disagrees. The presiding officer, in this case the ALJ, is free to place whatever weight she believes is appropriate on any individual piece of evidence or any witnesses' testimony. Presiding officers are entitled to find some, all, or none of a witnesses' testimony credible. The ALJ found "ample documentary evidence supporting the State's position" and cited multiple specific examples from patient records in the Proposed Decision. (Proposed Decision, pg. 15-19) The absence of witnesses listed in the Proposed Decision does not detract from the abundance of credible evidence the ALJ used as the basis for the Proposed Decision. Therefore, any error that may have occurred by not including the names of the witnesses, would have been harmless. See *also Boehm v. Anne Arundel County*, 54 Md. App. 497, 506 (1983).

FINDINGS OF FACT

Based on the preceding analysis, the Board adopts in full the Proposed Findings of Fact numbered 1 through 23. (Proposed Decision, pg. 7-11) These facts are supported by substantial evidence in the record and are incorporated by reference into the body of this document as if set forth in full.

EXCEPTIONS REGARDING THE PROPOSED CONCLUSIONS OF LAW

The State filed an exception with respect to the ALJ's finding the Respondent did not violate H.O. §19-311(5) because the State failed to produce expert documentary evidence or testimony on which "accepted professional standards" were violated. (Proposed Decision, pg. 13) The State argues that expert documentary evidence or testimony was not required because the Respondent's actions did not relate to "technical matters within the knowledge of medical practitioners, but to circumstances where common knowledge and the experience of reasonable

persons can evaluate the conduct of professionals.” *Suburban Hosp. Ass’n., Inc. v. Hadary*, 22 Md. App. 186, 194 (1974).

The State also argues that a Conclusion of Law the Respondent did *not* violate H.O. §19-311(5) would be inconsistent with the other Conclusions of Law in the Proposed Order, specifically the finding the Respondent violated the Board’s regulations with respect to required documentation standards. For the foregoing reasons, the Board agrees with the State’s argument.

There is no question that the alleged violations in the case involved common knowledge, specifically documentation and backdating documentation. One need not be an expert in the finer points of social work to recognize that backdating documentation for potential monetary gain is inconsistent with professional standards. The Board is persuaded that the ALJ erred in finding the Respondent was not in violation of H.O. §19-311(5).

The Respondent’s written exceptions with respect to the Proposed Conclusions of Law merely stated that the Proposed Conclusions of Law were “not supported by the record.” (Respondent’s Exceptions, pg. 2) The Board cannot make a decision based on a conclusory statement alone.

At the hearing, Respondent’s Counsel argued that the record contained “substantial doubt” as to whether the Respondent was “guilty”. (Ex. Tr. pg. 25, ln. 15-17) The Board is not persuaded by this argument. The Board incorporates its analysis of the Proposed Findings of Facts into this section by reference.

CONCLUSIONS OF LAW

Based on the preceding analysis, the Board will adopt the Proposed Conclusions of Law in part, specifically that the Respondent violated the following portions of the Practice Act: H.O. §19-311(4), (6),(7),(11), and (20), and that the Respondent violated COMAR 10.42.03.03(A)(5)(b)-(c); (B)(1); and 10.42.03.06(A)(7).

Based on the preceding analysis, the Board will reject, in part, the Proposed Conclusion of Law, and find that the Respondent by a preponderance of the evidence did violate H.O. §19-311(5), by failing to adhere to the generally accepted professional standards governing the practice of social work.

SANCTION

Respondent’s Counsel argued at the Exceptions Hearing that the sanction, specifically the proposed suspension, was unduly harsh. (Ex. Tr. pg. 26, ln. 1-5)

The Board examined both the mitigating and aggravating factors located at COMAR 10.42.09.05. The Board agrees that there were four aggravating factors applicable to the facts: the deliberate nature of the violation, the potential to cause or actually cause serious patient or public harm, the violation being a pattern of detrimental conduct, and a lack of insight into the wrongfulness of the conduct. The Board also agrees that one mitigating factor was present, specifically the lack of a prior disciplinary record.

However, the Board does not agree that a harsher sanction should result purely because of the imbalance between the number of mitigating and aggravating factors. Therefore, the Board will not impose a period of suspension, but will impose a public reprimand with a period of probation.

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: 10668, is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent's license is placed on **PROBATION** for a minimum period of **ONE (1) YEAR**; 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 thirty (30) days of the effective date of the Order; 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 effective date of the Order, 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 effective date of the Order, 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 effective date of the Order, 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

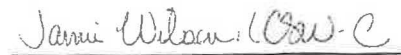
ORDERED that the Respondent shall comply with the Maryland Social Workers Practice Act and all laws, statutes and regulations pertaining thereof; and it is further

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).

9/15/2026

Date



Jamie Wilson, LCSW-C
Board Chair

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").