

IN THE MATTER OF	*	BEFORE THE MARYLAND
PATRICK WARREN O'CONNOR	*	BOARD OF SOCIAL WORK
APPLICANT	*	EXAMINERS
	*	Case Number: 11-1738

* * * * *

CONSENT ORDER

On January 13, 2012 the Maryland Board of Social Work Examiners ("the Board") notified **PATRICK WARREN O'CONNOR** (the "Applicant") (D.O.B. **01/07/1965**), of the Board's intent to deny his Application for Social Work Licensure by Examination, under the Maryland Social Workers Act ("the Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 19-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.). The pertinent provisions of the Act are as follows:

H.O. § 19-302. Qualifications of applicants.

- (a) *In general.* – To obtain a license, an applicant shall demonstrate to the satisfaction of the Board that the applicant:
 - (3) Is of good moral character.

H.O. § 19- 311. Denials, reprimands, suspensions, and revocations - Grounds.

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:

- (8) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

On April 26, 2012, the Applicant appeared before members of the Board and the

Board's counsel for a Case Resolution Conference (CRC) to discuss the potential resolution of the case. At the conclusion of the CRC, the Applicant agreed to enter into this Consent Order. The Applicant and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds the following:

1. On May 4, 2011, the Board received the Applicant's Application for Social Work Licensure ("the application") dated May 2, 2011. On the application, the Applicant answered "yes" to the following questions:

4. Have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?

5. Have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for driving while under the influence of alcohol, while under the influence of alcohol per se, while impaired by alcohol, or while impaired by a drug, a combination of drugs, a combination of one or more drugs and alcohol, or while impaired by a controlled dangerous substance?

2. The Board requested a certified copy of the court documentation, which the Applicant provided along with a letter of explanation.

3. In his letter of explanation, the Applicant stated the following:

In 1987, I was a senior at a college in Delaware. On a Saturday night, after excessive drinking of alcohol, I went to a party in the dorm. In one of the rooms where the party was taking place, a fellow student had passed out. I made a very bad decision and decided to take advantage of the situation. I had intercourse with her. During the intercourse, she woke up. She told me to get off of her and I did. She asked me to leave and I did.

4. As a result of the Applicant's actions, he was arrested and charged with

Unlawful Sexual Intercourse, 1st Degree, and Burglary, 2nd degree.

5. On or about September 13, 1988, in the Superior Court of the State of Delaware in and for Kent County, after a jury trial, the Applicant was found guilty of Unlawful Sexual Intercourse, 1st Degree, and Burglary, 2nd degree.¹ For Unlawful Sexual Intercourse, 1st Degree, the Applicant was sentenced to life in prison, with the first 20 years of the sentenced served without benefit of probation, parole or any other reduction. For Burglary, 2nd degree, the Applicant was sentenced to two years in prison, to be served consecutively.

6. On May 13, 1992, the court entered a *nolle prosequi* on the Burglary, 2nd degree charge and the sentences in the case were vacated. According to a plea agreement, the Applicant pleaded guilty to Unlawful Sexual Intercourse, 2nd Degree.

7. On January 22, 1993, according to the plea agreement, the Applicant was sentenced to 15 years incarceration. In 1997, after serving 10 years in prison, the Applicant was placed on supervised probation for four years, which he successfully completed.

8. The Applicant also stated in his explanation to the Board that in 1987, he was convicted of Driving While Under the Influence (DWI) in North Carolina. He stated that upon moving to Maryland, he was required to complete a course on drunk driving. His Maryland driver's license is in good standing and does not reflect any information regarding his previous DWI conviction.

9. The Applicant's actions, as described above, may constitute, in whole or in part, a lack of good moral character. Further, the Applicant's actions, as described

¹ The Applicant stated that he was offered the opportunity to plead guilty to Unlawful Sexual Intercourse, 3rd degree with two years in jail, but he declined that offer.

above, constitute, in whole or in part, a violation of Health Occ. § 19-311(8).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law the Applicant violated H.O. §19-311(8), as set forth at the outset of this Order. The Board further finds that the Applicant meets the moral character requirement under the Act.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of September 2012, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Applicant shall be granted the right to take the Licensed Graduate Social Work Examination (the "Examination") in the State of Maryland; and it is further

ORDERED that if the Applicant successfully passes the Examination to practice as a licensed graduate social worker, he shall be placed on **PROBATION** for a period of at least **FIVE (5) YEARS**, subject to the following terms and conditions:

1. The Applicant shall provide a copy of this Consent Order to his employer within **five (5) days** of commencing any employment;
2. The Applicant's supervisor shall provide the Board with written, quarterly reports addressing the Applicant's employment for the first three years and semiannually for the next two years;
3. The Applicant shall immediately report to the Board if he is the subject of any criminal investigation;

4. The Applicant shall continue his current level of participation with NA/AA meetings, and shall provide written documentation to the Board of his attendance at the meetings. The Applicant shall also provide written documentation indicating the name of his NA/AA sponsor;
5. Within **THREE (3) MONTHS** from the effective date of this Order, the Applicant shall undergo a psychiatric and/or psychological evaluation. The Board will select the licensed provider who will conduct the evaluation(s). The Board-approved evaluating licensed provider shall receive a copy of this Consent Order and may receive other relevant materials in the Board's possession at the discretion of the Board. The Applicant shall sign any consent or release forms necessary or required to authorize disclosure of the evaluating licensed provider's written report(s) to the Board. The Applicant shall be given a copy of the report at the same time it is provided to the Board. Failure of the Applicant to undergo an evaluation as ordered by the Board and sign any required consent forms authorizing disclosure of the evaluating licensed provider's written report(s) to the Board shall constitute a violation of probation and of this Order; and be it further

ORDERED that the Applicant shall at all times cooperate with the Board in the monitoring, supervision, and investigation of his compliance with the terms and conditions of this Order; and it is further

ORDERED that the Applicant shall practice social work according to the Act and

in accordance with all applicable laws, statutes and regulations pertaining to the practice of social work; and it is further

ORDERED that the Applicant shall be responsible for the costs associated with fulfilling the terms and conditions of this Consent Order; and it is further

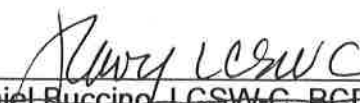
ORDERED that after five (5) years from the date of this Consent Order, the Applicant may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Applicant has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

ORDERED that if the Applicant violates any of the terms and conditions of Probation and this Consent Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any sanction which the Board may have imposed in this case, including a probationary term and conditions of probation, reprimand, suspension, revocation and/or a monetary penalty, said allegations of violation of the terms and condition of this Consent Order shall be proven by a preponderance of the evidence; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

9/14/12
Date

Judy Levy
LCSW-C


Daniel Buccino, LCSW-C, BCD, Board Chair
Maryland Board of Social Work Examiners


CONSENT

I, Patrick Warren O'Connor, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I waive my right to appeal any adverse ruling of the Board that might have followed any such hearing.

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

6/23/12
Date



Patrick Warren O'Connor, Applicant

Reviewed and approved by:

Paul D. Shelton, Esq.
Attorney for the Respondent

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 23rd day of June, 2012, before me, a Notary Public of the foregoing State personally appeared Patrick Warren O'Connor 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: 2/24/14