

IN THE MATTER OF	*	BEFORE THE
SARITA SPINKS	*	MARYLAND STATE BOARD
Respondent	*	OF SOCIAL WORK EXAMINERS
License Number: Not Licensed	*	Board Case Number 12-1818
* * * * *	*	* * * * *

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

On December 14, 2012, the Maryland State Board of Social Work Examiners (the "Board") sent a Notice of Intent to Deny Application for Social Work Licensure (Notice) to Sarita Spinks (Respondent) for charges of violations of the Social Work Practice Act, Md. Code Ann., Health Occ. § 19-311(2009).

The Board sent notice of the charges to the Respondent by regular and certified mail at the Respondent's address of record with the Board. This notice included a scheduled date of a case resolution conference ("CRC") on January 30, 2013. The charges were not returned by mail. In addition, there were several phone calls and emails between the Board and the Respondent concerning the Notice and the Respondent failed to attend the CRC and advised the Board that she would be moving to Ohio. As such, the CRC was canceled since Respondent failed to confirm her attendance.

On March 15, 2013, the Office of Administrative Hearings ("OAH") sent notice to the Respondent informing her that a pre-hearing conference was scheduled for 9:30am for April 18, 2013. This letter was not returned to the Board. Another notice was sent to the Respondent informing her of a hearing on the merits scheduled for 9:30am on May 20, 2013. This notice was not returned to the Board.

On April 18, 2013, a pre-hearing conference was held at OAH in Hunt Valley, Maryland at which neither the Respondent nor anyone authorized to represent her appeared. However, the Administrative Prosecutor, Ms. Francesca Gibbs, appeared and, in lieu of moving for a Default Order against the Respondent, Ms. Gibbs stated that she would attempt to notify the Respondent of the upcoming hearing on the merits.

In light of the Respondent's failure to appear at the pre-hearing conference, the Administrative Law Judge (ALJ) imposed sanctions against the Respondent pursuant to Code of Maryland Regulations (COMAR) 28.02.01.11B(13). The Prehearing Order was mailed to the Respondent.

The hearing convened, as scheduled, on May 20, 2013 at which neither the Respondent nor anyone authorized to represent her appeared. Ms. Gibbs and her witness appeared and after waiting twenty minutes for the Respondent to appear, made a Motion for Default against the Respondent. This motion was supported by a written Motion for Proposed Default which included documentation in support, against the Respondent. The Administrative Law Judge ("ALJ") granted the Motion for Proposed Default.

On March 22, 2013, the ALJ issued a Proposed Default Order proposing that (1) Respondent be found in default; (2) the issues be limited to the Legal Issues Presented as stated in the Board's Prehearing Statement and the Allegations of Fact as stated in the Notice be deemed stipulated by the Respondent and are the Findings of Fact; (3) the Board's Notice of Intent to Deny Application for Social Work Licensure, issued on December 14, 2012, for violations of the Maryland Social Workers Act, Md. Code Ann., H.O. §§ 19-302(a)(3), 19-311(7) and (8) be upheld; (4) Respondent's application for a license to practice social work in the State of Maryland be denied; and (5) all further proceedings be terminated. After considering the

entire record, the Board issues this Final Decision and Order as the Board's final decision on this case.

FINDINGS OF FACT

The Board affirms the ALJ's proposed decision of default as set forth in the ALJ's Proposed Default Order, as well as the ALJ's proposed decision that the Board's charges for violations of H.O. §§ 19-302(a)(3), 19-311(7) and (8) are uncontested, and the termination of all further proceedings in this case. (The ALJ's Proposed Default Order is incorporated into this decision and appended as Attachment A). Ms. Spinks was duly notified of the Board's investigation, of the charges, of the CRC, of the prehearing conference, and of the evidentiary hearing scheduled in her case. Ms. Spinks failed to respond to the Notice or to cooperate with the Board's investigation, and failed to appear in person or through counsel for the CRC or the prehearing conference scheduled on April 18, 2013.

The Board also adopts as findings of fact all of the Allegations of Fact, numbered in the Board's charging document issued in this case. (The Board's charging document is incorporated into this Final Decision and Order and appended as Attachment B). Due to Ms. Spink's default, the Board finds that the factual allegations and charges are unrefuted.

In the Board's view, the totality of Ms. Spink's conduct involved unprofessional conduct in the practice of social work, and failure to cooperate with the lawful investigation conducted by the Board. In the absence of any evidence to the contrary, the Board adopts these charging allegations as factual findings, and further adopts the ALJ's proposed sanction of denial.

CONCLUSIONS OF LAW

The Board concludes that Ms. Spinks (1) was convicted of or plead guilty to a felony or to a crime involving moral turpitude, in violation of H.O. §§ 19-311(8). Further, the Board concludes that Ms. Spinks was in default with respect to answering the charges, thus she has lost the right to contest them.

ORDER

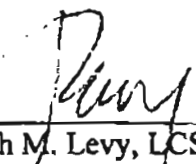
It is hereby **ORDERED** by the Maryland State Board of Social Work Examiners that the Charges under the Maryland Social Work Practice Act issued against Sarita Spinks, be **UPHELD**; and it is further

ORDERED that Sarita Spinks' application for licensure be **DENIED**; and it is further

ORDERED that this is a Final Decision and Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. § 10-611 *et seq* (Repl. Vol. 2009).

7/12/13

Date



Judith M. Levy, LCSWC-C, Board Chair
Maryland State Board of Social Work Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 19-313(b), Ms. Spinks has the right to take a direct judicial appeal. Any appeal shall be filed with thirty (30) days from the receipt of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. State Gov't Code Ann. § 10-222 and Title 7, Chapter 200 of the Maryland rules of Procedure.

If Ms. Spinks files an appeal, the Board is a party and should be served with the court's process at the following address:

**Maryland State Board of Social Work Examiners
c/o James Merrow, Executive Director
4201 Patterson Avenue
Baltimore, Maryland 21215**

In addition, Ms. Spinks should send a copy to the Board's counsel:

**Ari S. Elbaum, Esquire
Office of the Attorney General
300 W. Preston Street, Suite 302
Baltimore, Maryland 21201**

The Administrative Prosecutor is no longer a party to this case and need not be served or copied.