

IN THE MATTER OF \* BEFORE THE MARYLAND  
TORREY EDWARD BUTLER \* BOARD OF RESIDENTIAL CHILD  
Certificate Number Y00206 \* CARE PROGRAM PROFESSIONALS

\* \* \* \* \*

**FINAL ORDER OF SUSPENSION OF RESIDENTIAL CHILD AND YOUTH CARE  
PRACTITIONER CERTIFICATE FOR DELINQUENT CHILD SUPPORT**

On or about July 7, 2016, the Maryland State Board for Certification of Residential Child Care Program Professionals (the “Board”) received a written request from the Maryland Department of Human Resources, Child Support Enforcement Administration (the “Administration”) to suspend the residential child and youth care practitioner certificate (hereinafter “certificate”) of Torrey Edward Butler (the “Respondent”), certificate number Y00206, for delinquent child support by authority of the Annotated Code of Maryland § 10-119.3, Family Law Article (2006 Repl. Vol. & 2007 Supp.), which provides in pertinent part:

(e)(2) Except as provided in paragraph 3 of this subsection, upon notification by the Administration under this section, a licensing authority<sup>[1]</sup> shall:

- (i) suspend an individual’s license;<sup>[2]</sup> or
- (ii) deny the license of an individual who is an applicant for a license from the licensing authority.

<sup>1</sup> The Board for Certification of Residential Child Care Program Professionals is a unit within the Maryland Department of Health and Mental Hygiene. Md. Health-General Article § 2-101 & 2-106(a)(14) and a “licensing authority” within the meaning of Md. Code Ann., Family Law Article § 10-119.3(a)(3)(i)-(ii)(2) (“Licensing authority means a department, unit of a department, commission, board, office, or court of this State. Licensing authority includes: . . . the Department of Health and Mental Hygiene.”).

<sup>2</sup> “License” means any “license, certificate, registration, permit, or other authorization” that is issued by the Board for Certification of Residential Child Care Program Professionals. Md. Code Ann., Family Law Article § 119.3(a)(2) (emphasis added).

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(h) *Right to contest identity.* – (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall send written notice of the proposed action to the individual whose license is subject to suspension or denial, including notice of an individual's right to contest the identity of the individual whose license or application is to be suspended or denied.

...

(i) *Appeal; hearing.* –(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.

...

(k) *Reinstatement of license—Duty of licensing authority.* – A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

- (1) notified by the Administration that the license should be reinstated; and
- (2) the individual otherwise qualifies for the license.

On July 14, 2016, the Board sent an unexecuted copy of this Final Order of Suspension of Residential Child and Youth Care Practitioner Certificate for Delinquent Child Support to the Respondent's last known address registered with the Board. Accompanying the unexecuted Order was a cover letter giving the Respondent written notice of the Respondent's right to contest in writing within thirty days of the date of the letter, the Respondent's identity, that is, to contest that the Respondent was not the Torrey Edward Butler, certificate number Y00206, named by the Administration as the individual whose certification should be suspended for delinquent child support. In addition, the letter also gave the Respondent written notice that if the Respondent did not submit to the Board a written contest of mistaken identity on or before

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August 15, 2016, the Board would execute this Order as written. The Respondent did not submit a written contest regarding mistaken identity to the Board by August 15, 2016.

**FINDINGS OF FACT**

1. The Board issued a certificate to practice as a residential child and youth care practitioner to the Respondent on September 14, 2015. The Respondent's registration is currently active and will expire on September 30, 2017.

2. On or about July 7, 2016, the Board received a written request from the Maryland Department of Human Resources, Child Support Enforcement Administration (the "Administration"), entitled "Request to Suspend or Deny License for Delinquent Child Support" (hereinafter "Request to Suspend"), which requested that the Board suspend the Respondent's certificate to practice as a residential child and youth care practitioner for delinquent child support under the authority of Md. Code Ann., Family Law Article § 10-119.3. According to the Request to Suspend, the Respondent had an arrearage in separate Administration case number 320088067 with the arrearage amount totaling \$1,970.94

3. Md. Code Ann., Family Article § 10-119.3(e)(2) & (h)(1) requires that the Board suspend the license and/or certificate of a person upon notification by the Administration and after sending written notice to that person of the proposed suspension of the person's license and/or certificate and notice of the person's right "to contest the identity of the individual whose license is proposed to be suspended."

4. On July 14, 2016, the Board sent an unexecuted copy of this Final Order of Suspension of Residential Child and Youth Care Practitioner Certificate for Delinquent Child Support to the Respondent's last known address registered with the Board. Included with the

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unexecuted Final Order was a letter giving the Respondent's written notice of the Respondent's right to contest, in writing to the Board within thirty days of the date of the letter, the Respondent's identity, that is, to contest that the Respondent was not the Torrey Edward Butler, certificate number Y00206, named by the Administration as the individual whose registration should be suspended for delinquent child support. In addition, the letter also gave the Respondent written notice that if the Respondent did not submit to the Board a written contest of mistaken identity on or before August 15, 2016, the Board would execute this Order as written.

5. The Respondent did not submit to the Board a written contest regarding mistaken identity by August 15, 2016.

6. Having given the Respondent the statutorily required written notice of the Board's intent to suspend the Respondent's certificate and of the Respondent's right to contest identity pursuant to Md. Code Ann., Family Law Article § 10-119.3(h)(1) and receiving no written response or contest from the Respondent regarding mistaken identity, the Board is statutorily required by Md. Code Ann., Family Law Article § 10-119.3(e)(2) to suspend the Respondent's certificate to practice as a residential child and youth care practitioner in the State of Maryland.

**CONCLUSIONS OF LAW**

Based on the foregoing findings of fact, the Board concludes that it is statutorily required, pursuant to Md. Code Ann., Family Law Article § 10-119.3(e)(2)(i), to suspend the Respondent's certificate to practice as a residential child and youth care practitioner until the Board receives notification from the Administration that the Respondent's certificate should be reinstated and the Respondent is otherwise qualified to be certified, pursuant to Md. Code Ann., Family Law Article § 10-119.3(k)(1)-(2).

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**ORDER**


It is this hereby:

**ORDERED** that pursuant to the Md. Code Ann., Family Law Article, the certificate of the Respondent, Torrey Edward Butler, certificate number Y00206, to practice as a residential child and youth care practitioner in the State of Maryland is hereby **SUSPENDED**; and it is further

**ORDERED** that the Respondent's certificate shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the Department of Human Resources that the Respondent's certificate should be reinstated pursuant to Md. Code Ann., Family Law Article § 10-119.3(k)(1)-(2).

**ORDERED** that this is a Final Decision and Order of the Board and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions § 4-101 *et seq.*

8-17-16  
Date

  
Albert A. Zachik, M.D, Chair  
Maryland State Board for Certification of  
Residential Child Care Program Professionals

**NOTICE OF APPEAL RIGHTS**

The Respondent has a right to appeal this final decision of the Board pursuant to Md. Code Ann., Family Law Article § 10-119.3(i), which provides as follows:

(i) *Appeal; hearing.*—(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

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(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.