

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
THOMAS DRAKE, III	*	BOARD FOR THE CERTIFICATION
APPLICANT	*	OF RESIDENTIAL CHILD CARE
CASE NUMBER: 18-0013	*	PROGRAM PROFESSIONALS

* * * * *

CONSENT ORDER OF REPRIMAND

On or about July 18, 2017, Thomas Drake, III (the “Applicant”) submitted an initial certification application for Residential Child and Youth Care Practitioner to the Maryland Board for the Certification of Residential Child Care Program Professionals (the “Board”). Upon completion of a criminal history record check as required by Md. Code Ann. Health Occ. Article (“H.O.”) § 20-302, the Board discovered that the Applicant had a criminal history and the Board initiated an investigation. Based on information received by the Board during the investigation, the Board requested that the Applicant submit a narrative explanation of his criminal history by email dated September 12, 2017. On October 6, 2017, the Applicant submitted to the Board a narrative statement and subsequently provided supporting documentation regarding his arrests, charges, and convictions.

Based upon the Applicant’s certification application, the court documents acquired during the Board’s investigation, and the Applicant’s narrative statement, the Board voted to offer a Consent Order of Reprimand to the Applicant, in lieu of issuing Charges for violations of the Maryland Residential Child Care Program Professionals Act (the “Act”), H.O. § 20-101 *et seq.* Specifically, the Board finds that the Applicant appears to have violated H.O. §§ 20-313(b)(1) (“Fraudulently or deceptively obtains or attempts to obtain a certificate for a...residential child

and youth care practitioner...”) and (4) (“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”). As a result of that offer, the Applicant and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. On or about July 18, 2017, the Applicant submitted to the Board an initial certification application for Residential Child and Youth Care Practitioner (the “Application”).
2. On the Application, the Applicant answered “NO” to Question 4: “Have you pled guilty, to, [sic] nolo contendere, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?”
3. Court records obtained by the Board show that the Applicant had the following criminal convictions:
 - a. On or about January 10, 1991, in the Circuit Court for Baltimore City, Docket No. 324407B6, the Applicant was convicted of felony Robbery with a Deadly Weapon/Street (for \$2,460.00). The Applicant was sentenced to ten (10) years, with all but four (4) years suspended, and ordered to three (3) years supervised probation upon release.
 - b. On or about August 29, 2000, in the Circuit Court for Baltimore City, Docket No. 991001654101, the Applicant was convicted of felony Illegal Possession of a Pistol. The Applicant was sentenced to eighteen (18) months incarceration.
 - c. On or about April 7, 2003, in the Circuit Court for Baltimore City, Docket No. 021001574230, the Applicant was convicted of felony Possession of Controlled Dangerous Substance (Cocaine) with Intent to Manufacture/Distribute. The Applicant was sentenced to four (4) years, with all but one (1) year suspended, and ordered to three (3) years supervised probation upon release.

4. On or about October 6, 2017, in response to the September 12, 2017 request by the Board, the Applicant submitted a narrative dated August 19, 2016 to the Board addressing his criminal history.¹ The Applicant stated that he realized that he “wasn’t thinking about the outcome, but [he] lea[r]ned so much for [sic] that it’s not fair to take from people,” and that possessing a handgun “was a bad decision.”

5. When asked why the Applicant answered “NO” to Question 4, the Applicant stated that he “[m]ust have overlooked that spot” and indicated that he provided supportive documentation of his criminal history.²

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Applicant violated Md. Code Ann., Health Occ. § 20-313(b):

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for a program administrator or residential child and youth care practitioner, or for another; ...
- (6) 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.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the request by the Applicant for certification to practice as a residential child and youth care practitioner in the State of Maryland is hereby **GRANTED**; and it is further

¹ The narrative document is a form from Building Communities Today for Tomorrow, Inc. entitled “Disposition Form Criminal Arrest or Conviction (Felony or Misdemeanor).”

² The Applicant did not provide documentation until after the Board requested the documents on May 22, 2018.

child and youth care practitioner in the State of Maryland is hereby **GRANTED**; and it is further

ORDERED that the Board shall **ISSUE** to the Applicant a certification to practice as a residential child and youth care practitioner in the State of Maryland; and it is further

ORDERED that the certification of the Applicant to practice as a residential child and youth care practitioner in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Applicant shall comply with the Maryland Residential Child Care Program Professionals Act, Md. Code Ann., Health Occ. §§ 20-101 *et seq.*, and all federal and State laws and regulations governing the practice as a residential child and youth care practitioner in Maryland; and it is further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-101, *et seq.*

9/14/2018
Date

Krystal Holland
Krystal Holland, Chair
Maryland State Board for the Certification of Residential
Child Care Program Professionals

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. 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 legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

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

7-13-18
Date


Thomas Drake, III

NOTARIZATION

STATE: MARYLAND

CITY/COUNTY: HARFORD

I HEREBY CERTIFY that on this 13 day of JULY, 2018, before me,
a Notary Public of the State and City/County aforesaid, personally appeared **Thomas Drake, III**
and made oath in due form of law that signing the foregoing Consent Order of Reprimand was
the voluntary act and deed of **Thomas Drake, III**.

AS WITNESSETH my hand and Notarial Seal.



Michael V. Vaughn Sr.

Notary Public

My Commission Expires: MAY 16, 2019