

IN THE MATTER OF * **BEFORE THE MARYLAND STATE**
GARY JONES-RUSSELL * **BOARD FOR THE CERTIFICATION**
APPLICANT * **OF RESIDENTIAL CHILD CARE**
CASE NUMBER: 19-001 * **PROGRAM PROFESSIONALS**
* * * * *

CONSENT ORDER OF REPRIMAND

On or about October 26, 2017, Gary Jones-Russell (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. As a result, 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. On April 23, 2018, 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)(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 October 26, 2017, the Applicant submitted to the Board an initial certification application for Residential Child and Youth Care Practitioner (the “Application”).

2. On the certification application, the Applicant answered “YES” 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. On or about April 23, 2018, in response to a request from the Board, the Applicant submitted a narrative statement addressing his criminal history.

4. The narrative statement submitted to the Board and court records obtained by the Board revealed the following criminal history:

a. On or about June 12, 2003, in the District Court for Somerset County, Maryland, the Applicant was convicted of misdemeanor theft of less than \$500.00, a crime of moral turpitude. The Applicant was sentenced to twelve (12) months incarceration with eleven (11) months and twenty-eight (28) days suspended and one-year probation. In his narrative statement to the Board, the Applicant explained that he unknowingly used a stolen credit card while in college.

b. On or about June 12, 2006, in the Circuit Court for Montgomery County, Maryland, the Applicant was convicted of felony robbery with a dangerous weapon. The Applicant was sentenced to eight (8) years incarceration with six (6) years and six (6) months suspended and two (2) years supervised probation upon release. In

his narrative statement, the Applicant claimed that he did not participate in the actual crime but acknowledged that he knew of the crime being committed and did not report it.

c. On or about April 18, 2008, in the Superior Court of the District of Columbia, the Applicant pled guilty to and was convicted of felony unlawful possession of a firearm. On or about June 20, 2008, the Applicant was sentenced to thirty (30) months incarceration, with credit for time served, and two (2) years supervised probation. In his narrative, the Applicant claimed he was operating the vehicle of a friend when he was stopped by law enforcement. A search of the vehicle revealed a firearm in the car. The Applicant claimed that he was convicted of possession of a firearm because he was in possession of the vehicle.

d. On or about December 13, 2010, in the Circuit Court for Montgomery County, the Applicant was found to have violated the terms of his probation stemming from his felony robbery with a dangerous weapon conviction. For the violation of probation, the Applicant was sentenced to six (6) years and six (6) months incarceration with five (5) years suspended and two (2) years supervised probation upon release.

CONCLUSION OF LAW

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

- (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...

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

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.*

10/12/18
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.

9/27/18
Date


Gary Jones-Russell

NOTARIZATION

STATE: Washington, DC

CITY/COUNTY: _____

I HEREBY CERTIFY that on this 27 day of SEPTEMBER, 2018, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Gary Jones-Russell** and made oath in due form of law that signing the foregoing Consent Order of Reprimand was the voluntary act and deed of **Gary Jones-Russell**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Gary Jones-Russell
Notary Public

Notary Public

My Commission Expires:

3/31/2022