

IN THE MATTER OF

DENNIS M. JAMES, RCCPA

RESPONDENT

Certificate Number A 00085

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BEFORE THE

MARYLAND STATE BOARD  
FOR THE CERTIFICATION OF  
RESIDENTIAL CHILD CARE  
PROGRAM PROFESSIONALS

Case Number: 2010-018

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

**INTRODUCTION**

Protection of the public health, safety and welfare is a primary function of the Maryland State Board For The Certification of Residential Child Care Program Professionals (the "Board"). In furtherance of that objective, the Board may take a range of disciplinary actions—including imposition of a fine, reprimand, suspension or revocation of a license—against a certificate holder found to have violated the Maryland Residential Child Care Program Professionals Act (the "Act"), *Md. Health Occ. ("H.O.") Code Ann. § 20-313, et seq.* Pursuant to the Act, *Md. Code Ann., Health Occ. ("H.O.") §20-313(a), §20-313(a), (2009 replacement Volume)* the Board hereby renders the following final decision and order.

The Board, pursuant to its statutory authority, H.O. §20-313(a), initiated an investigation of the Respondent when a Criminal Justice Information System ("CJIS") report indicated that he was the subject of pending criminal charges for assault and kidnapping in Massachusetts. This conflicted with a subsequent search which indicated that the Respondent had no criminal history. Following

the investigation, on or about May 12, 2012, the Board charged the Respondent under H.O. §20-313 of the Act as follows:

H.O. § 20-313- Investigations; complaints; sanctions; prohibited acts.

(b) Complaints; sanctions; prohibited acts. – Subject to the hearing provisions of § 20-314 of this subtitle, the Board may deny a certificate to any applicant, reprimand any certified program administrator or certified residential child and youth care practitioner, place any certified program administrator or certified residential child and youth care practitioner on probation, or suspend or revoke a certificate if the applicant, certified program administrator, or certified residential child and youth care practitioner:

- (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;
- (3) Otherwise fails to meet substantially the standards for certification adopted by the Board under § 20-205 of this title;
- (3) Willfully makes or files a false report or record while performing the duties of a program administrator or residential child and youth care practitioner.

The Board further charged the Respondent with violating its Code of Ethics, Code of Maryland Regulations (COMAR) Title 10. § 57.05.03.C(1) for participating in dishonest behavior.

### **HISTORICAL FACTS**

1. The Respondent was initially certified by the Board as a Residential Child Care Program Administrator on June 6, 2008.
2. The Respondent filed a renewal application with the Board on March 21, 2010.
3. The Respondent answered "NO" to Question (14.13) which asked if there were criminal charges pending against the Respondent.

4. On or about June 14, 2010 the Board granted renewal of the Respondent's certification.
5. A required criminal history records check indicated pending criminal charges.
6. A subsequent criminal history records check indicated no criminal history.
7. Due to inconsistent results from criminal history records check, the Board initiated an investigation of the Respondent.
8. On September 12, 2009, criminal charges were filed against the Respondent.
9. Criminal charges were pending against the Respondent at the time he filed his renewal application with the Board.
10. The Board, via certified mail, mailed the Respondent notice of charges and of the scheduled hearing.
11. Respondent failed to appear at a hearing in this matter scheduled and held before a full quorum of the Board on July 13, 2012.
12. Pursuant to H.O. § 20-314(e), the Board may, after due notice, conduct a hearing and make determinations without the Respondent present.

#### **SYNOPSIS OF THE CASE**

Although there were criminal charges pending against him on March 21, 2010, the Respondent filed an application with the Board to renew his

certification as a Residential Child Care Program Administrator answering "NO" to an application question asking whether there were felony or misdemeanor charges currently pending.

## **EXHIBITS**

**State # 1-8**

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

1. At all times relevant the Respondent was certified in this State as a Residential Child Care Program Administrator.
2. The Respondent answered "NO" to renewal application Question (14.13), which asks whether there were felony or misdemeanor charges currently pending against him.
3. Prior to filing his renewal application on the Respondent, on or about September 12, 2009, was charged in Baltimore County Circuit Court with theft in excess of \$500 in value; and two counts of fraud in excess of \$300. These charges were pending when he filed his application for certification renewal on March 21, 2010.
4. On or about May 2, 2012, the Board initially issued charges against the Respondent. On two separate occasions, May 2, 2012 and June 8, 2012, the Board mailed the Notice of Charges and Hearing, via certified mail, to the Respondent's last known addresses.

5. The Board complied with the notice requirements of H.O. § 20-314(b), with COMAR 10.57.05.01.B, and with the Administrative Procedure Act, Md. Code Ann., State Gov't Article, §§ 10-207 and 10-208

6. At no time prior the issuance of charges, did the Respondent notify the Board of a change of address.

### **OPINION**

The evidence presented supports the State's assertions that the Respondent falsified his renewal application when he answered "NO" to Question (14.13) when in fact three were criminal charges pending against him at that time.

### **CONCLUSIONS OF LAW**

Based upon the foregoing, the Board finds as a matter of law that the Respondent violated H.O. § 20-313(b)(1), (3) and (8) and COMAR 10.57.05.03C when he failed to truthfully answer a renewal application question regarding pending criminal charges.

