

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
WILLIAM MONK	*	BOARD FOR THE CERTIFICATION
Respondent	*	OF RESIDENTIAL CHILD CARE
License Number: Applicant	*	PROGRAM PROFESSIONALS
	*	Case Number: 2011-003

* * * * *

**FINAL ORDER TO DENY APPLICATION TO SERVE
AS ACTING PROGRAM ADMINISTRATOR**

On June 28, 2011, the Maryland State Board for the Certification of Residential Child Care Program Professionals ("the Board") notified **WILLIAM MONK** (the "**Applicant**") of the Board's intent to deny his application to serve as Acting Program Administrator, under the Maryland Certification of Residential Child Care Program Professionals Act ("the Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 20-101 *et seq.* (2009 Repl. Vol. and 2010 Supp.). The pertinent provisions of the Act are as follows:

H.O. § 20-302. Qualifications.

- (a) *Required.* – To qualify for a certificate as a program administrator, an applicant shall be an individual who meets the requirements of this section.
- (b) *Moral Character.* – The applicant shall be of good moral character.

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 . . . if the applicant . . . :
 - (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.

H.O. § 20-401. Performing duties without certification prohibited; attempts; aiding, supervising, etc.

Except as otherwise provided in this title, an individual may not:

- (1) Perform duties of, attempt to perform the duties of or offer to perform the duties of a program administrator or residential child and youth care practitioner in this State unless certified by the Board[.]

The Board notified the Applicant that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Board's notification, unless the Applicant requested a hearing.

On July 8, 2011, the Applicant received the Board's Notice of Intent to Deny his Application to Serve As Acting Program Administrator (the "Notice."). The Board notified the Applicant in that Notice that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Notice unless the Applicant requested a hearing. The Applicant's written request was due on August 8, 2011. The Applicant did not request a hearing by that date.

FINDINGS OF FACT

The Board finds the following:

1. On or about January 6, 2011, the Applicant submitted an Acting Capacity Application to serve as Acting Program Administrator for Williams Life Center ("WLC"), a non-profit corporation that operates a residential program and a child placement program. WLC serves youth and families in the Washington Metropolitan area.¹
2. A criminal background check revealed that on or about April 20, 2001,

¹ Included with the application was a letter from a WLC Board Member, who erroneously stated that in 2007 the Board had certified the Applicant as a Program Administrator for For Youth Enterprises, Inc. The Board has no record of the Applicant having applied for certification in 2007 or at any other time.

the Applicant was arrested and charged with embezzlement in the Alexandria General District, Commonwealth of Virginia.² The Applicant was found guilty of misdemeanor embezzlement and sentenced to 180 days in prison with 150 days suspended.

3. Furthermore, on February 3, 2009, the Board issued a Cease and Desist letter to the Applicant when it came to the Board's attention that he was performing the duties of a Program Administrator at Holy Care Group Homes, Inc. without being certified.

4. The Applicant's actions, as described above, constitute, in whole or in part, a lack of good moral character. Further, the Applicant's actions, as described above, constitute, in whole or in part, a violation of Health Occ. § 20-313(b)(4).

5. The Applicant's lack of moral character and violation of the relevant statutory provision constitute a ground for denial of his application under the Act.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant fails to meet the requirements for licensure under Md. Health Occ. Code Ann. § 20-302(b)(2009 Repl. Vol. and 2010 Supp.) which provides that the applicant shall be of good moral character. The Board also concludes that the Applicant is in violation of Md. Health Occ. Code Ann. § 20-313(b)(4).

² The background check also revealed that in March 1989 the Applicant was charged with misdemeanor theft in the District Court of Maryland for Prince George's County. That charge was not prosecuted.

ORDER

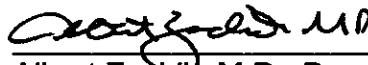
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of August 2011, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Applicant's Application to Serve as Acting Program Administrator in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol. and 2010 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol. and 2010 Supp.).

08/16/2011
Date



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

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §19-313 (2009 Repl. Vol. and 2010 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2010 Supp.), and Title 7, Chapter 200 of the Maryland Rules.