

IN THE MATTER OF	*	BEFORE THE
AARON CARTER	*	STATE BOARD OF
Alcohol and Drug Trainee	*	PROFESSIONAL COUNSELORS
Applicant	*	AND THERAPISTS
	*	Case No. 2021-027

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Professional Counselors and Therapists (the "Board"), and subject to Md. Code Ann., Health Occ. §§ 17-101, et seq., (2021 Repl. Vol.) (the "Act"), the Board issued a Notice of Intent to Deny the application for authorization to practice as an Alcohol and Drug Trainee ("A&D Trainee") of **AARON CARTER** (the "Applicant"), charging him with violations of the Act.

Specifically, the Board charged the Applicant with violation of the following:

The Board bases its denial on the following provisions of its Act:

Health Occ. § 17-509. Denial, probation, suspension or revocation of certificate applicant or holder.

Subject to the hearing provisions of §17-511 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny trainee status...to any applicant . . . if the applicant:

- (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the applicant, trainee, licensee, or certificate holder or for another;
- (10) Is convicted of or pleads guilty or nolo contendere to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the

conviction or plea set aside;

- (14) Is . . . convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes [;].

The Applicant was given notice of the issues underlying the Board's Notice by letter dated August 22, 2022. Accordingly, a Case Resolution Conference was held on November 18, 2022 and was attended by Board members, Board Staff and Counsel to the Board. Also, in attendance were the Respondent, who knowingly and voluntarily waived his right to an attorney, and the Administrative Prosecutor.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

#### **FINDINGS OF FACT**

1. The Applicant applied to be an A&D Trainee by application (the "Application") dated August 3, 2020.
2. Under the "Information and Background" section of the Application, Question 2 asks: "Have you pled guilty, *nolo contendere (sic)*, or been convicted of, received probation before judgment, or had a conviction set aside for any criminal act (excluding traffic violations)?" The Applicant answered "yes." A "yes" answer required a "complete explanation of each occurrence and a certified copy of the disciplinary/court document from the issuing agency."
3. As part of the Application, the Board received certified copies of the Applicant's court records and two letters of explanation. In addition, the Board conducted a

judicial case search.

4. On or about October 22, 2020, October 29, 2020, and November 26, 2020, the Board received from the Applicant certified copies of court documents including the following:

- A. Case No. 897129010, Circuit Court for Baltimore County: Handgun on Person, a misdemeanor, which by Order dated May 26, 1999, that the probation in the case be transferred to Drug Treatment Court Program and to the Drug Treatment Program Judge. By Order dated March 1, 2002, the Court Ordered that the case be terminated, that probation be terminated, and that the [Defendant] be graduated from the Program.
- B. Case No. 106102031, Circuit Court of Maryland for Baltimore County: Possession of Dangerous Substance; Possession with Intent to Manufacture/Distribute; Unlawful Possession. On February 10, 2014, the Applicant pled guilty and was sentenced to 15 years, and later given two years supervised probation including drug testing, treatment, education, evaluation and ordered to continue with aftercare treatment.
- C. Case No. 1B01770574 in the District Court of Maryland for Baltimore City: Controlled Dangerous Substance (Heroin); Possession for Sale and Related Case K-11-5771 for reduced sentence. On May 3, 2018, the Applicant was sentenced to 15 years imprisonment, with all but 10 years suspended, followed by two years supervised probation upon

release whereby he is to submit to, and successfully complete drug evaluation, testing, treatment, and education as directed by his supervising agent. On September 18, 2018, the sentence was modified to rehabilitation, and, on June 21, 2019, the Applicant was released from rehabilitation.

5. The Applicant stated that he had been in jail in Minnesota, but the Board's Investigator could find no evidence of any records of incarceration in that State and the Applicant failed to submit any, as required.

6. The Board's Investigator also found the following additional criminal case was not admitted to nor submitted by the Applicant:

Case 03-K-02-00053 in the Circuit Court of Maryland for Baltimore County: Burglary and Burglary, 3<sup>rd</sup> Degree, both Felonies; The Applicant was found guilty of both counts and sentenced to 13 months imprisonment on January 10, 2005.

7. Further Board investigation disclosed the following criminal convictions in Arlington, Virginia in the Arlington County Circuit Court: where the Applicant was sentenced to five years imprisonment, with three years suspended, followed by three years supervised Probation on December 21, 2012, to run concurrently for the following:

Case No. CR12000719-00 Obtain Credit Card Number by Larceny-Felony

Case No. CR12000720-00 Obtain Money by False Pretenses-\$200

Case No. CR12000721-00 Obtain Credit Card Number by Larceny-Felony

Case No. CR12000722-00 ID Theft to Defraud <\$200-Misdemeanor

Case No. CR12000723-00 ID Theft to Defraud <\$200 Misdemeanor

8. The Applicant's Baltimore City Probation Officer wrote the Board informing it that he was the "Senior Agent" for the Applicant supervising him for three cases since 7/15/19. He further informed the Board that the first case was for K115771 for CDS Possession with Intent to Distribute which began on 1/18/19 and expired on 1/18/21. The second case is CR12720-CR12722, which began on 1/18/19 and originated in Virginia for four counts of Credit Card Counterfeit. That case expires on 1/18/22. The last case does not have a case number. It originated through Motor Vehicle Administration. The start date is 12/5/20 for Driving, Attempting to Drive a Vehicle under the Influence of Alcohol. The case expired on 12/5/20.

#### BASES OF INTENT TO DENY APPLICATION

The Board intends to deny the Applicant's Application for the following reasons:

9. As set forth above, by being convicted of and pleading guilty to felonies and/or crimes of moral turpitude, as well as being disciplined for same, the Applicant is in violation of § 17-509 (1) Fraudulently or deceptively obtains or attempts to obtain trainee status, a license, or a certificate for the applicant, trainee, licensee, or certificate holder or for another; (10) (Is convicted of or pleads guilty or *nolo contendere* to a felony or a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside), and 17-509 (14) (Is . . . convicted or disciplined by a court of any state or country for an

act that would be grounds for disciplinary action under the Board's disciplinary statutes).

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated §§ 17-509 (1), (10), and (14) of the Act.

### ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16th day of December, 2022, by a majority of a quorum of the Board,

**ORDERED** that the Applicant's Authorization to practice as an Alcohol and Drug Trainee be GRANTED, subject to the following conditions:

1. The Applicant shall be placed on Probation for the length of the A&D Trainee period under the supervision of a Board-approved Supervisor, according to guidelines established by the Board;
2. The Applicant shall provide a copy of this Consent Order to said Supervisor and the Applicant shall provide to the Board within 14 days of receipt of the provision, a document containing the signature of said Supervisor attesting to the receipt of the Consent Order and agreement to provide supervision of the Applicant;
3. The Applicant also shall engage in therapy with a Board-approved therapist,

attending the sessions at least once a month.

4. The Applicant shall provide a copy of this Consent Order to the therapist and the Applicant shall ensure that the therapist document receipt of said Consent Order within 14 days of the provision of the receipt.
5. The Applicant shall sign all necessary releases in order that the Board may receive quarterly reports of the therapy sessions.
6. The Applicant shall provide copies of this Consent Order to any/all employers and document the receipt of same within 14 days of the receipt.
7. The Applicant shall bear all expenses of complying with the terms of this Consent Order.

**ORDERED** that, at the end of the second year of the probationary period, the Applicant may petition the Board to terminate the Probation, provided that he has fully complied with the terms of the Order and there are no outstanding complaints against him.; and be it further

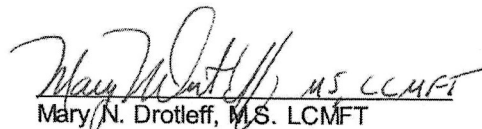
**ORDERED** that the Applicant shall practice in accordance with the laws and regulations governing the practice Alcohol and Drug Counseling in Maryland; and be it further

**ORDERED** that, should the Board receive information that the Applicant has violated the Act or if the Applicant violates any conditions of this Order or of Probation, after providing the Applicant with notice and an opportunity for a hearing, the Board may

take further disciplinary action against the Applicant, including suspension or revocation. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order or of Probation shall be on the Applicant to demonstrate compliance with the Order or conditions; and be it further

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

**ORDERED**, that for purposes of public disclosure, as permitted by Md. General Provisions, Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2019 and 2021 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

  
Mary N. Drotleff, M.S. LCMFT  
State Board of Professional Counselors  
and Therapists



**CONSENT OF AARON CARTER, Alcohol and Drug Trainee, Applicant**

I, AARON CARTER, Alcohol and Drug Trainee, Applicant, am not represented by counsel and have knowingly and voluntarily waived my right to counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after waiving my right to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

11-29-22  
Date

Aaron Carter  
Aaron Carter, Alcohol and Drug Trainee,  
Applicant