

IN THE MATTER OF

* BEFORE THE MARYLAND STATE

ANGELA TOCCI

* BOARD OF PROFESSIONAL

Applicant

* COUNSELORS AND THERAPISTS

* CASE NUMBER: 2024-009

* * * * *

CONSENT ORDER

On or about September 15, 2023, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified ANGELA TOCCI (the “Applicant”) of its intent to deny her Application to practice as an alcohol and drug trainee under the Maryland State Board of Professional Counselors and Therapists Practice Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 17-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

Specifically, the Board bases its intent to deny on the following:¹

§ 17-509 Denials, suspensions, or revocation of license

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, a license or, a certificate to any applicant, place any trainee, licensee or certificate holder on probation, reprimand any trainee, licensee, or certificate holder, or suspend, rescind, or revoke the status of any trainee, a license of any licensee, or a certificate of any certificate holder if the applicant, trainee, licensee, or certificate holder:

....

- (9) Knowingly violates any provision of this title [or]

¹ The Board recognizes that the Applicant is applying as a trainee; good moral character, compliance with the Act and the Code of Ethics are implicit basic qualifications for trainee status.

- (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[.]

The Board also bases its intent to deny on the following regulation:

COMAR 10.58.07.03 Application Process for Certification, Licensure, and Trainee Status.

- A. In order to obtain a certificate or license or to be eligible for trainee status, an applicant shall:

.....

- (5) Be of good moral character[.]

On January 19, 2024, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Applicant and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC, the parties agreed to the following Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

- 1. The Applicant is not currently authorized, licensed, or certified to practice as an Alcohol and Drug Trainee in the State of Maryland.
- 2. On or about April 12, 2023, the Board received the Applicant’s Alcohol and Drug Trainee Application (the “Application”).
- 3. In the Application, the Applicant answered “YES” to Question 2 regarding background information, which asked the following:

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)?

4. The Applicant included in her Application court records regarding her criminal conviction.

5. Court records stated that on or around February 6, 1998, the Applicant pled no contest, and was found guilty, of Child Abuse-Intentionally Cause Harm, a felony and a crime of moral turpitude, in the Circuit Court of Dane County in the State of Wisconsin, following an incident with a minor relative on December 3, 1997. The Applicant was sentenced to three years of probation.

6. According to the Criminal Complaint:

[O]n December 3, 1997, at about 5:30 p.m. [the minor family member] went into the freezer at home looking for frozen ice cream treats. . . . [The minor family member] went downstairs into his room. [The Applicant] came into his room, grabbed him by the right ear and escorted him upstairs into the kitchen; she asked him what he thought he was looking for in the freezer. He lied to [the Applicant] and told her that he was looking for juice. She became enraged and told him not to lie to her and hit him in the face, causing him to fall to the floor. [The Applicant] then got on top of him and continued to strike him in the face with the heel of her hand. She then stomped on him with her foot in the area of his back. She called him an “a[**]hole” and a “mother[*****]” while she was striking him. All of her blows hurt him. . . . that child’s face was bruised on the right side from his eyelid down to his neck.

7. The Applicant mailed the Board a written explanation regarding her affirmative response to Question 2. Among other things, the Applicant provided additional details regarding the incident with the minor family member leading to the conviction and the “significant steps” she subsequently took to “turn [her] life around.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that the Applicant's conduct as described above constitutes a violation of the Act, specifically:

The Applicant's criminal conviction for Child Abuse-Intentionally Cause Harm constitutes: knowingly violates any provision of this title, in violation of Health Occ. § 17-509(9).

The Applicant's criminal conviction for Child Abuse-Intentionally Cause Harm constitutes: 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, in violation of Health Occ. § 17-509(10).

The Applicant's actions also violate COMAR 10.58.07.03(A)(5) which states that in order to be eligible for trainee status, an applicant shall be of good moral character.

ORDER

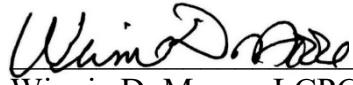
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of February , 2024, by a majority of the Board considering this case:

ORDERED that the Applicant's Application to practice as an Alcohol and Drug Trainee ("ADT") in the State of Maryland is DENIED; and it is further

ORDERED that the effective date of this Consent Order is the date that it is signed by the Board; and it is further

ORDERED that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101-4-601 (2014).

02/16/2024
Date


Winnie D. Moore, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists

CONSENT

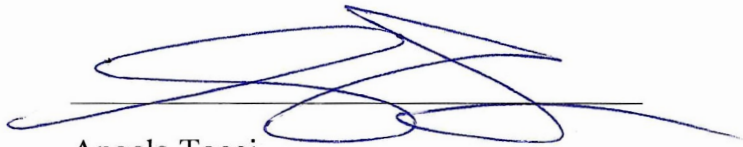
I, **Angela Tocci**, by affixing my signature hereto, acknowledge that:

1. I have had an opportunity to consult with counsel in this matter, before signing this document. I knowingly and voluntarily agreed to enter 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.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 17-511 (2021 Repl. Vol.) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2014 Repl. Vol. and 2020 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have 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 as provided by the law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my ability to practice as an alcohol and drug trainee in Maryland.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

2/5/2024

Date



Angela Tocci

Consent Order
Angela Tocci, ADT Applicant

NOTARY

STATE OF Maryland

CITY/COUNTY OF Cecil

I HEREBY CERTIFY that on this 5th day of February 2024, before me, a Notary Public of the State and County aforesaid, personally appeared Angela Tocci, applicant, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESSTH my hand and notarial seal.



Autumn Katlyn Henry
Notary Public Autumn Katlyn Henry

My commission expires: 11/9/2024