

**IN THE MATTER OF** \* **BEFORE THE MARYLAND STATE**  
**BRANDON CLARK, CSC-AD** \* **BOARD OF PROFESSIONAL**  
**Respondent** \* **COUNSELORS AND THERAPISTS**  
**Certificate Number: SC2296** \* **Case Number: 2022-034**

\* \* \* \* \*

**FINAL ORDER**

On or about October 24, 2022, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **BRANDON CLARK, CSC-AD** (the “Respondent”), of the Board’s intent to revoke their certificate to practice as Certified Supervised Counselor – Alcohol and Drug (“CSC-AD”), Certificate Number: SC2296, under the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2021 Repl. Vol.).

Specifically, the Board based its intent to revoke on the following provisions of the Act:

§ 17-509. Denial, probation, suspension or revocation of trainee status, license, or certificate.

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:

- (8) Violates the code of ethics adopted by the Board;
- (9) Knowingly violates any provision of this title;
- (13) Violates any rule or regulation adopted by the Board;

- (16) Commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy[.]

Pursuant to Health Occ. § 17-509(8) and (13), shown above, the Board also based its action on the following provisions of Md. Code Regs. (“COMAR”):

COMAR 10.58.03.04

- A. A counselor shall:
  - (11) Be familiar with and adhere to this chapter;
  - (14) Take reasonable precautions to protect clients from physical or psychological trauma.
- B. A counselor may not:
  - (3) Enter into relationships that could compromise a counselor's objectivity or create a conflict of interest.

COMAR 10.58.03.05

- A. Client Welfare and Rights.
  - (2) A counselor may not:
    - (a) Place or participate in placing clients in positions that may result in damaging the interests and the welfare of clients, employees, employers, or the public[.]

COMAR 10.58.03.09

- A. A counselor may not engage in sexual misconduct with a client or supervisee. Sexual misconduct includes but is not limited to:
  - (2) Sexual exploitation;
  - (3) Sexual harassment;
  - (4) Sexual behavior;

- B. Concurrent Sexual Relationships. A counselor may not engage in either consensual or forced sexual behavior with:
  - (1) A client;
- C. Relationship with Former Clients.
  - (1) Except as set forth in §C(3) of this regulation, a counselor may not engage in sexual behavior with a former client.
- E. Sexual Harassment.
  - (1) A counselor may not sexually harass a:
    - (a) Client[.]

### **FINDINGS OF FACT**

The Board makes the following Findings of Fact:

#### **I. BACKGROUND**

1. At all times relevant, the Respondent was authorized to practice certified supervised counseling – alcohol and drug in the State of Maryland. The Respondent was originally licensed to practice as a CSC-AD in the State of Maryland on October 4, 2016, under Certificate Number SC2296. The Respondent’s certificate status is non-renewed and expired on January 31, 2022.

#### **II. COMPLAINT**

2. On or about September 16, 2021, the Board received a complaint filed by a client (the “Client”)<sup>1</sup> alleging that the Respondent was her substance abuse counselor for four years and began a personal and sexual relationship with her. The Client stated that,

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<sup>1</sup> For purposes of ensuring confidentiality, proper names have been omitted and replaced with generic placeholders. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

“[the Respondent] was controlling and abusive and manipulative during our relationship.” The complaint further alleged that the Respondent was seeing other clients while they were together.

3. After receiving the complaint, the Board initiated an investigation of the Respondent under Case Number 2022-034.

### **III. BOARD INVESTIGATION**

4. As part of its investigation, the Board obtained personnel records from the Respondent’s employer (the “Employer”), treatment records from the Employer for the Client, and text messages and emails exchanged between the Client and the Respondent. The Board also interviewed the Client and the Respondent.

5. At all times relevant, the Respondent practiced as a therapist at the Employer from on or about September 6, 2016 until August 16, 2021. The Respondent’s personnel records from the Employer reveal that in August 2021 the Respondent was under investigation based upon a complaint from a patient who reported that she and the Respondent had been in an inappropriate relationship including spending nights at the Respondent’s apartment. On August 16, 2021, the Respondent notified the Employer that he resigned from his position effective immediately.

6. A review of the Client’s records from the Employer revealed the Client first presented at the Employer on April 1, 2013, for treatment of substance abuse and addiction. The Respondent was the Client’s counselor from November 2, 2016 to July 31, 2019. The Client was assigned to the Respondent and participated in 29 individual therapy sessions, all with the Respondent – July 31, 2019; June 6, 2019; May 7, 2019; April 9, 2019;

February 13, 2019; January 4, 2019; December 18, 2018; November 6, 2018; September 25, 2018; August 28, 2018; July 18, 2018; July 3, 2018; June 19, 2018; May 22, 2018; April 10, 2018; March 27, 2018; March 13, 2018; February 13, 2018; January 29, 2018; November 14, 2017; October 31, 2017; September 5, 2017; August 22, 2017; August 8, 2017; May 16, 2017; March 21, 2017; February 21, 2017; December 13, 2016; and November 2, 2016. The Client also participated in treatment plan reviews with the Respondent on April 9, 2019; January 4, 2019; October 9, 2018; July 3, 2018; April 10, 2018; January 25, 2018; October 3, 2017; July 11, 2017; April 4, 2017; and January 3, 2017.

7. On November 3, 2021, the Board's investigator interviewed the Client under oath, at which time, the Client stated the following:

- a. The Respondent was her counselor from roughly 2016 to 2019. She would see the Respondent no more than two times per month.
- b. About a year after she left treatment, she began to exchange emails with the Respondent, including sharing artwork and some of the things she was making. Some time after, she contacted the Respondent to ask his opinion for something, and the Respondent began to contact her during off hours from the office from his personal phone and email. She exchanged text messages and spoke to the Respondent by phone. By April 2021, she was staying at the Respondent's home at least three days a week. The Respondent gave her a key to his home.

- c. In April 2021, her relationship with the Respondent became intimate including sexual contact. The Respondent bought her gifts and took her out to dinner. She was living at the Respondent's home and doing household things including cleaning up and buying groceries.
- d. In August 2021, her relationship with the Respondent ended following an incident that occurred at the Respondent's home. While she was at the Respondent's home, another client ("Client 2") walked into the home and stated that she was dating the Respondent.

8. As part of the Board's investigation, the Board obtained text messages exchanged between the Respondent and the Client from August 8, 2020 through August 5, 2021. In the messages the Respondent stated the following to the Client:

- a. "Call when you get there and we'll let ya up" following a message including his address to the Client.
- b. "You can come over anytime. Just want you to feel safe and happy[.]"
- c. "Come over tomorrow with some of your things if you can stay or you can wear some of my clothes....if u just can be next to me for a bit that works [*sic*] be nice too [*sic*]....if you stay the only thing I ask is to get some chores done while I'm gone and make sure I get up to work. I promise you'll never have to cook a meal in your life[.]"
- d. "You're good at laundry and and [*sic*] DEEP CLEANING. That's my love language."

- e. “Let’s go out to dinner tonight there’s no food there [*sic*] and can go to Walmart and make you a key[.]”
- f. “Do you still have the keys[?]”

9. On January 25, 2022, the Board’s investigator interviewed the Respondent under oath, at which time, the Respondent stated the following:

- a. He resigned from the Employer due to the “reality of a future in the field.”
- b. He was familiar with the Client because she was a former client at the Employer. He admitted to communicating with the Client outside of the treatment center by telephone but denied having a personal relationship with her. He denied having a sexual relationship with the Client.
- c. He denied that the Client has ever been to his home. He denied that the Client came to his home, took care of his children, and cleaned his apartment. He denied giving the Client a key to his apartment.
- d. He is no longer friends with the Client due to a disagreement with his girlfriend and the Client.
- e. When shown a text message exchange between him and the Client which stated his address and a message that said “[c]all when you get there and we’ll let ya up,” he denied that it was him communicating these messages.

## CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct as described above constitutes violations of the Act and a basis on which to revoke the Respondent's certificate to practice as a Certified Supervised Counselor – Alcohol and Drug. Specifically:

The Respondent's actions, as set forth above, including but not limited to, engaging in sexual misconduct with a client, constitutes violations of: Health Occ. § 17-509(8) (violates the code of ethics adopted by the Board); § 17-509(9) (knowingly violates any provision of this title); § 17-509(13) (violates any rule or regulation adopted by the Board); and/or § 17-509(16) (commits an act of immoral or unprofessional conduct in the practice of clinical or nonclinical counseling or therapy) in that the Respondent violated COMAR 10.58.03.04(A)(11), (A)(14), and/or (B)(3), and/or COMAR 10.58.03.05(A)(2)(a), and/or COMAR 10.58.03.09(A)(2)-(4), (B)(1), and/or (C)(1), and (E)(1)(a).

## ORDER

Based on the foregoing, it is this 20th day of January, 2023, by the Board hereby:

**ORDERED** that the Respondent's certificate to practice as a Certified Supervised Counselor – Alcohol and Drug is hereby **REVOKED**; 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 (2019).

## NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 17-512(b), the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the



date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

Laura J. Berg, Executive Director  
Maryland State Board of Professional Counselors and Therapists  
4201 Patterson Avenue  
Baltimore, Maryland 21215-2299  
Fax: 410-358-1610

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

01/20/2023

Date



Mary N. Drotleff, M.S. LCMFT

Board Chair

Maryland State Board of Professional  
Counselors and Therapists