

IN THE MATTER OF
SEAN THOMAS TIMMONS
Applicant

* BEFORE THE MARYLAND STATE
* BOARD OF PROFESSIONAL
* COUNSELORS AND THERAPISTS
* Case Number: 2021-047

* * * * *

FINAL ORDER

On or about August 22, 2022, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified SEAN THOMAS TIMMONS (the “Applicant”), of the Board’s intent to deny his Application to practice as an alcohol and drug trainee under the Maryland State Board of Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17101 *et seq.* (Repl. Vol. 2021).

The Notice also informed the Applicant that, unless he requested a hearing in writing within thirty (30) days of service of the Notice, the Board would sign the Final Order, which was enclosed. More than thirty (30) days have elapsed, and the Applicant failed to timely request a hearing.

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

Health Occ. § 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:

- (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[.]

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. ADT Application

1. On or about May 29, 2020, the Board received the Applicant’s application for Alcohol and Drug Trainee authorization (“ADT Application”).

2. In his ADT Application, the Applicant answered “yes” to question 2, which asked: “Have you pled guilty, nolo contendere, or been convicted of, received probation before judgment, or had a conviction set aside for any criminal act (excluding traffic violations)?”

3. The ADT Application instructed the Applicant to “attach a separate page with a complete explanation of each occurrence (include date, time, location, disposition, etc.) and a certified copy of the disciplinary/court document from the issuing agency, if applicable.”

4. The Applicant included a written explanation dated March 21, 2020, with his ADT Application, but failed to include the proper court documents. As part of his written explanation, he disclosed the following:

.....

My journey as a substance abuse user begin [*sic*] when I was just 16 years old...I started using and instantly became addicted to crack cocaine...In 1988, I became a convicted felon for driving the getaway car in a bank robbery which started a long criminal history. Being incarcerated after many years of my life, in and out of substance abuse centers, I decided I no longer wanted to spend my life on drugs [.]

5. The Applicant provided the Board with a list (the “List”) of 19 criminal case numbers¹ with dates ranging from March 14, 1990, to July 1, 2019. The Applicant wrote on the top of the List, “All these charges were committed under the influence of drugs. Further explanation upon request.” However, the Applicant did not provide the Board with corresponding court documents for all the cases he referred to on the List and only included CJIS² documents for 2 criminal cases:

- a. Baltimore City Circuit Court Case Number 211326003.³
- b. Baltimore County District Court Case D-08-CR-19-015044 Line indicating that the State’s Attorney declined to go forward with prosecution. (1 page)

6. On August 12, 2020, the Board received a second written explanation from the Applicant in which he wrote the following:

...I was asked to get a copy of my charges from my Parole & Probation from 2/13/2015. The office of Parole and Probation

¹ The Applicant did not indicate in which courts (City, County, State) the cases were adjudicated, nor did he indicate the plea or dispositions in each of the cases listed. The Applicant did not provide the Board with corresponding court records for all 19 case numbers. Some of the case numbers are duplicative in that they refer to the District Court Case Number and Circuit Court Case Number for the same case.

² Maryland's Criminal Justice Information System (CJIS), like its counterpart in every other State, is a computerized repository of “criminal history record information” (CHRI) governed by the Code of Federal Regulations (28 CFR 20) on which Maryland's statute (Article 27, § 742—755) and regulations (COMAR 12.15. 01, , .02, .03) are modeled.

³ According to the court records, the defendant’s name in Case Number 211326003 is Sean Timmons, but the date of birth for the defendant is 1986 and does not correspond with the defendant’s date of birth in 1969.

records is [*sic*] archived after 5 years. Due to Covid-19 the archive office is closed. I was instructed to get the records from the court.

In my previous letter, I explained from the age of 16 years old until about 7 years ago, I was arrested many times, primarily for drug-related crimes. The last arrest was in 2013, for Drug Possession [*sic*] and Theft by Taking.

...At that time, I struggled with addiction. After my 2013 conviction, I served my time and was placed on Parole and Probation which has ended. I also entered a residential drug treatment program[.]

7. By emails sent to the Respondent on September 29, 2020 and March 22, and a letter sent on July 21, 2021, the Board notified the Applicant that the Application he submitted was incomplete because he did not provide complete certified copies of the court records for each criminal offense. The Board notified the Applicant that he was to provide certified copies of the following court records for each conviction: Statement of Facts/Statement of Charges/Arresting Officers Report/Sentencing Order/Report/Judgment and Commitment Order/Records of Completion or Current Status of Court Ordered Probation/Supervision Docket.

8. On or about October 15, 2021, the Board received a letter from the Applicant and CJIS⁴ documents for the following cases that indicated that:⁵

- a. On or about April 19, 2000, in the Circuit Court for Baltimore City, Maryland, Case Number 299335034⁶, the Applicant plead guilty to and was convicted of CDS: Possession with Intent to

⁴ The CJIS documents are printouts containing the case numbers, charges, pleas, verdicts and sentences. The Applicant did not provide the Board any police reports, statement of charges, statement of probable cause, and/or parole or probation records in the documents received on October 15, 2021.

⁵ The Applicant provided CJIS records for 8 separate cases. Of the 8 cases, the Applicant was found guilty in 5 cases; 1 case was placed on the STET docket; and in 2 cases, the court entered a disposition of Nolle Prosequi. The cases that were placed on the STET docket or received a disposition of Nolle Prosequi are not listed under paragraph 10.

⁶ This case originated in Baltimore City District Court under District Court Case number 0B00388934.

Distribute/Manufacture (a felony). The Applicant was sentenced to 9 years of incarceration.⁷

- b. On or about September 11, 2008, in the Circuit Court for Baltimore City, Maryland, Case Number 808254038⁸, the Applicant plead guilty to and was convicted of CDS- Unlawful Possession. The Applicant was sentenced to 4 years of incarceration, of which 3 years, 8 months, and 3 days were suspended. The Applicant was placed on 3 years of supervised probation.
- c. On or about July 20, 2012, in the Circuit Court for Baltimore City, Maryland, Case Number 812145032⁹, the Applicant plead guilty and was convicted of CDS – Unlawful Possession for an incident that occurred on or about March 22, 2012. The Applicant was sentenced to 3 years of incarceration, of which, 2 years, 11 months, and 29 days were suspended and upon release, he was placed on supervised probation for 1 year and 6 months. On or about September 11, 2014, the Applicant plead guilty to Violation of Probation and was sentenced to 2 years of incarceration.
- d. On or about October 5, 2012, in the Circuit Court for Baltimore City, Maryland, Case Number 812261027,¹⁰ the Applicant plead guilty and was convicted of CDS-Unlawful Possession for an incident that occurred on May 30, 2012. The Applicant was sentenced to 1-day of incarceration.
- e. On or about September 11, 2014, in the Circuit Court for Baltimore City, Maryland, Case Number 113266054¹¹, the Applicant plead guilty to Burglary-First Degree (a felony) arising out of an incident that occurred on or about March 25, 2013. The Applicant was sentenced to two years of incarceration.

⁷ The district court case number was 0B00388934 Statement of charges issued 10/15/1999. On September 4, 2001 Post Conviction Relief was granted.

⁸ This case originated in the District Court of Baltimore City, Case Number 6B01951403, and was transferred to Circuit Court when the Applicant prayed a jury trial.

⁹ This case originated in the District Court of Baltimore City, Case Number 2B02164710, and was transferred to Circuit Court when the Applicant prayed a jury trial.

¹⁰ This case originated in the District Court of Baltimore City, Case Number 2B02174363, and was transferred to Circuit Court when the Applicant prayed a jury trial.

¹¹ This case originated in the District Court for Baltimore City under District Court Case number 2B02205359.

9. In addition, on November 3, 2021, the Board received from the Applicant a letter stating that he was unable to obtain court documents for the 1988 case in Anne Arundel County¹² but included with the letter a court docket sheet for the following criminal case that indicated that:

On or about December 17, 1991, in the Circuit Court for Baltimore City, Case Number 291273019, the Applicant plead guilty and was convicted of a narcotics crime¹³ and sentenced to 4 years of incarceration.

10. On March 25, 2022, the Applicant provided the court documents for the following case that indicated that:

On or about June 1, 1988, in the Circuit Court for Howard County, Maryland, Case Number 17551, the Applicant was found guilty of Robbery (a felony). On or about October 20, 1988, the Applicant was sentenced to 10 years of incarceration, all of which was suspended, and he was placed on probation for 5 years.

On May 22, 1991, the Applicant plead guilty to Violation of Probation and was sentenced to 10 years of incarceration, of which 5 years was suspended. Upon release, the Applicant was to be placed on 2 years of supervised probation. On April 14, 1992, the Court dismissed the Violation of Probation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law:

The Applicant's guilty pleas and convictions of Burglary-First Degree, a felony; CDS-Possession with Intent to Distribute, a felony; and Robbery, a felony, in whole or in part constitutes being convicted of a felony or a crime involving moral turpitude, whether

¹² The Board never received documents for a case from Anne Arundel County. However, the Applicant did provide court documents for a 1991 case from Baltimore City.

¹³ The records provided by the Applicant do not specify what type of narcotics crime he was convicted.

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).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of November 2022, by a majority of the Board considering this case:

ORDERED that the Applicant's Application to practice as an alcohol and drug trainee in the State of Maryland is **DENIED**; 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).

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 17-512(a), the Applicant 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 Applicant files an appeal, the Board is a party and should be served with the court's process at the following address:

Laura Berg, MSW, LCSW-C
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.

11/18/2022

Date



Mary N. Drotleff, M.S. LCMFT

**Board Chair
Maryland State Board of Professional
Counselors and Therapists**