

IN THE MATTER OF * BEFORE THE MARYLAND STATE
HEATHER CASSANDRA GERRY,* BOARD OF PROFESSIONAL
ADT Applicant * COUNSELORS AND THERAPISTS
* CASE NUMBER: 2023-163

CONSENT ORDER

On or about November 20, 2023, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **HEATHER CASSANDRA GERRY**¹ (the “Applicant”) of the Board’s intent to deny her *Alcohol and Drug Trainee Application* (the “Application”) pursuant to the Maryland Professional Counselors and Therapists Practice Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2021 Repl. Vol. & 2022 Supp.).

Specifically, the Board based 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[.]

The Board also based its intent to deny on the following regulations:

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:

¹ The Applicant stated in her Application that her maiden name is Shepinski.

....

(5) Be of good moral character[.]

A Case Resolution Conference (“CRC”) was held in this matter before a Board Committee on November 20, 2023. The Respondent and the Administrative Prosecutor assigned to the case participated in the CRC. As a result of the negotiations at the CRC, the Respondent waived her right to an evidentiary hearing and 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:

I. Alcohol and Drug Trainee (“ADT”) Application

1. On or about January 9, 2023, the Board received the Applicant’s *Alcohol and Drug Trainee Application* (the “Application”).

2. In the Application, the Applicant answered “YES” to Question 2, which asked, “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)?”

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

4. The Applicant included a written explanation and criminal court documents with her Application.

II. Criminal History

5. On or about February 6, 2008, the Applicant was found guilty of one count of Malicious Destruction of Property (\$500.00) in the District Court of Maryland for Baltimore County (Case No. 5-C-00269302) and was sentenced to sixty (60) days incarceration.

6. On or about August 26, 2010, the Applicant plead guilty to one count of Disorderly Conduct in the District Court of Maryland for Baltimore County (Case No. 2-C-00324977). The Applicant received probation before judgment and was fined the sum of One Hundred Fifty Dollars (\$150.00).

7. On or about October 31, 2017, the Applicant plead guilty to, and was found guilty of, one count of Theft: Less Than \$1,000 in the Circuit Court of Maryland for Baltimore County (Case No. 03-K-17-002206) and was sentenced to five (5) months of jail with five (5) months suspended and was required to pay restitution.

III. Applicant's Explanation

8. The Applicant submitted an "Explanation of charges for Heather Gerry" ("Applicant's Explanation") with her Application. In the Applicant's Explanation, the Applicant stated:

- A. Mal. Destruction (2 counts) and 2nd degree arson – In my active addiction I was in a garage that I thought was abandoned. I was actively using and fell asleep next to a blanket. It caught fire. The arson charge was dropped because I did not purposely set the fire.
- B. 2nd degree assault and disorderly conduct – In my active addiction I was drinking at a local bar and got into a confrontation with another patron.²
- C. Disorderly conduct – In my active addiction I was drinking and got into a verbal disagreement with someone else.³

² According to court records submitted by the Applicant, on October 2, 2008, the Applicant pled not guilty to Assault - Second Degree and received probation before judgment.

³ The Statement of Probable Cause dated June 7, 2010 signed by O.F.C. J. M. Landsman states:

On 06/06/2010, at approximately 1910 hours while on routine patrol in the area of Baltimore ave. and Dundalk ave. I observed a white female standing in front of 90 Baltimore ave. yelling on her cell phone. I exited my police car and approached the female at which time she threw her cell phone at my car. It should be noted that the phone struck the wheel of the vehicle and did not cause any damage. It should be noted that the Defendant Sherpinski was highly intoxicated. I advised the female to sit on the curb while I gathered her information. She stated "you're a bitch" and "I'm not giving you my information." She continued yelling profanities at me. Several area residents were disturbed by the yelling and began looking out of windows and stepping out of their homes. The female was identified as Heather Cassandra Sherpinski by her prior police contacts. Defendant Sherpinski yelled "I don't have no fuckin warrants!" She asked if she could leave at which time I advised her to have a seat once again. Defendant Sherpinski yelled directly

- D. Theft of less than 1,000.00 -This charge is the charge that made me want to change the way I was living. I manipulated someone out of money to fund my drug addiction. I was sentenced to probation and restitution, I was having trouble paying the restitution a few times and was violated. This charge really changed my life. I have been clean since 2/28/2019 and have been maintaining the principles of recovery since. I have not been in trouble with the law since this charge and getting clean helped me find what I want to spend the rest of my life doing. I saw a new way of life once I got out of my own way, and I have a huge passion for helping people and showing them a new way of life is possible.

GROUND FOR DISCIPLINE

The Applicant's convictions for Malicious Destruction of Property (\$500) and Theft, Less Than \$1,000 and the Applicant's guilty plea for Disorderly Conduct constitute violations of Health Occ. § 17-509 (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 Applicant's actions also violate COMAR 10.58.07.03(A)(5) (be of good moral character).

The Board has taken aggravating and mitigating factors into consideration in reaching the disposition of this matter including the Respondent's previous criminal or administrative disciplinary history; the Respondent's full and voluntary admissions of misconduct to the Board and cooperation during Board proceedings; and the Respondent's rehabilitation or exhibition of rehabilitative potential.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated Health Occ. § 17-509 (10) and COMAR 10.58.07.03 A. (5).

in my face "you're a bitch!" Defendant Sherpinski was placed under arrest and transported to precinct 12 for processing.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of December, 2023, by a majority quorum 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 hereby **GRANTED** on the condition that the Applicant take and pass the required examinations and meet the requirements for the certification. Once the Applicant meets the requirements for certification, the certificate will be subject to the conditions of this Consent Order; and it is further

ORDERED that upon issuance of the ADT certificate, the Applicant's certificate shall be placed on **PROBATION** for the **entirety of her ADT period**. During probation, the Applicant shall comply with the following terms and conditions of probation:

- a. Within six (6) months of the effective date of the Consent Order, the Applicant shall enroll in and complete an **in-person course** in professional ethics, approved in advance by the Board, equivalent to at least four (4) continuing education (CE) credits;
- b. The Applicant shall obtain a Board-approved supervisor;
- c. Prior to signing a supervision agreement with any Board-approved supervisor, the Applicant shall present a complete copy of the Consent Order to the prospective supervisor;
- d. The Applicant shall authorize the Board to provide the Supervisor with the Consent Order and all of the relevant documentation in the investigative file, including the investigative report and its attachments;
- e. The Applicant shall meet with the Board-approved supervisor **WEEKLY** for at least **SIXTY (60) MINUTES**;
- f. The supervisor shall submit **quarterly written reports** to the Board during the entire duration of the probation detailing the supervision provided, outlining the topics discussed during each weekly supervision session;
- g. The supervisor shall submit every six (6) months an evaluation of the Applicant's knowledge, skills, and ability to practice as an ADT.

- h. The Applicant shall have the sole responsibility for ensuring that the supervisor submits the required reports to the Board in a timely manner;
- i. A negative report from the supervisor, or any failure to comply with the supervisor's recommendation shall be deemed a violation of the Consent Order;
- j. In the event that the Applicant's supervisor discontinues supervising during the Applicant's practice for any reason during the probationary period, the Applicant shall immediately notify the Board. The Applicant shall be solely responsible for submitting a request for a Board-approved replacement;
- k. The Applicant shall request Board approval of all positions/jobs. The Applicant shall submit a copy of the job offer and a position description to the Board for approval before accepting any position.
- l. Prior to accepting employment with any employment that involves counseling, the Applicant shall present a complete copy of the Consent Order to the prospective employer;
- m. The Applicant shall arrange for the Applicant's supervisor at the Applicant's place of employment to submit written quarterly work-site reports to the Board evaluating the Applicant's work performance and practice as an ADT;
- n. If the Applicant's employment terminates at any of the Applicant's place(s) of employment before the due date of a quarterly report, then a final work-site report is due on the last day of employment. It is the Applicant's responsibility to ensure that work-site reports are submitted to the Board and to notify the Applicant's supervisor when these reports are due;
- o. The Applicant shall report to the Board within forty-eight (48) hours any criminal charge filed against her, and keep the Board fully updated regarding the outcome of each charge, within forty-eight (48) hours of any disposition;

ORDERED that there shall be no early termination of probation; and it is further

ORDERED that the Applicant shall, at all times, comply with the Act, and all applicable laws, statutes, and regulations; and it is further

ORDERED that the Applicant shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision, and

investigation of the Applicant's compliance with the terms and conditions of the Consent Order, and it is further

ORDERED that in order to obtain further certification, licensure and/or advanced certification or licensure from the Board, the Applicant must successfully complete the terms and conditions of probation as provided in this Consent Order, submit a written petition to the Board for termination of the probation, and be approved by the Board; and it is further

ORDERED that after consideration of the written petition for termination of probation, the probation may be terminated through an order of the Board. The Board, at its discretion may grant termination if the Applicant has fully and satisfactorily complied with all the terms and conditions of the Consent Order, there are no pending investigations or complaints against the Applicant, the Supervisor recommends termination of the probation, and the Board deems termination of probation appropriate; and it is further

ORDERED that if the Applicant fails to make any such petition, then the probationary period status may continue indefinitely, subject to the conditions set forth in this Order; and it is further

ORDERED that if the Board determines that the terms and conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Applicant's probation, upon notice to the Applicant; and it is further

ORDERED that if the Applicant allegedly fails to comply with any term or condition of the Consent Order, the Applicant shall be given notice and opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Applicant shall be given a show cause hearing before the Board; and it is further


ORDERED that after an appropriate hearing, if the Board determines that the Applicant has failed to comply with any term or condition of the Consent Order, the Board may reprimand the Applicant, place the Applicant on probation with appropriate terms and conditions, or suspend or revoke the Applicant's certificate(s) and/or licenses in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Applicant; and it is further

ORDERED that the Applicant shall be responsible for all costs incurred under the terms and conditions of the Consent Order; and it is further

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

ORDERED that this Consent Order is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§4-101 *et. seq.* (2021 Repl. Vol).

12/15/2023
Date



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

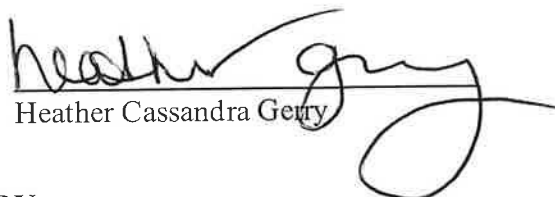
CONSENT

I, Heather Cassandra Gerry, by affixing my signature hereto, acknowledge that:

1. I have been advised that I may consult with an attorney and be represented by an attorney in this matter, before signing this document;
2. I am not represented by an attorney and have knowingly and willingly waived my right to the same;
3. I have 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 conditions;
4. 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 2022 Supp) and Md. Code Ann., State Gov't §§ 10-201 *et. seq.* (2014 Repl. Vol. and 2020 Supp).
5. 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 law. I am waiving those procedural and substantive protections.
6. I voluntarily enter into and agree to abide by the terms and conditions set forth herein as a resolution of the Notice of Intent to Deny against me. I waive my 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.

7. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to further disciplinary actions, which may include revocation of my ability to practice as an alcohol and drug trainee in Maryland.
8. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

11/27/23
Date


Heather Cassandra Gerry

NOTARY

STATE OF Maryland
CITY/COUNTY OF Carroll County

I HEREBY CERTIFY that on this 27th day of November, 2023, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Heather Cassandra Gerry**, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My Commission Expires: March 21, 2025