

IN THE MATTER OF * **BEFORE THE MARYLAND**
TYLER ROBINSON, * **STATE BOARD OF**
LGPC APPLICANT, * **PROFESSIONAL COUNSELORS**
* **AND THERAPISTS**
* **Case Number: 2023-030**

* * * * *

FINAL ORDER OF DENIAL

I. PROCEDURAL BACKGROUND

On or about February 17, 2023, the Maryland State Board of Professional Counselors and Therapists (“the Board”) notified **TYLER ROBINSON** (the “Applicant”) of the Board’s intent deny his application to practice as a Licensed Graduate Professional Counselor (“LGPC”) under the Maryland Professional Counselors and Therapists Act, codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

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

Health Occ. § 17-509:

§ 17-509. Denial, suspension 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:

....

(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 [.]

In its Notice, the Board informed the Applicant of his right to an evidentiary hearing on the charges. On June 16, 2023, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The parties were unable to reach an agreement. On June 23, 2023, the Applicant, through Counsel, requested a formal evidentiary hearing before the Board.

On July 5, 2023, the Board served Applicant with a Notice of Administrative Hearing, which informed the Applicant that a virtual hearing had been scheduled in this matter for Friday, November 17, 2023, at 12:30 PM, via Google Meet.

On November 17, 2023, a quorum of the Board was present via Google Meet and the evidentiary hearing was held. Tracy Bull, Administrative Prosecutor, was present and presented the case on behalf of the State of Maryland. The Applicant was present and represented by counsel.

State’s Exhibits and Witnesses:

1. Board Report of Investigation, Case No. 2023-030, dated September 21, 2022
2. Applicant’s Licensed Graduate Professional Counselor Application, Received July 18, 2022
 - a. Applicant’s Maryland Professional Counselors and Therapists Law Assessment, dated July 13, 2022
 - b. Applicant’s Unofficial Transcript
 - c. Felony Judgment and Sentence – *Superior Court of Washington County of Skagit*
. *Tyler Isaiah Robinson*, Case No. 19-1091380-29, dated June 25, 2020
 - d. Warrant of Commitment – *Superior Court of Washington County of Skagit v.*
Tyler Isaiah Robinson, Case No. 19-1-01380-29, dated June 25, 2020

- e. Loss Restitution Worksheet – *Superior Court of Washington County of Skagit v. Tyler Isaiah Robinson*, Case No. 19-1-01380-29, dated June 25, 2020
- f. Case Summary – *State of Maryland v. Tyler Isaiah Robinson in the Circuit Court for Worcester County, MD.*, Case No. C-23-CR-17-000337, obtained July 21, 2022
- g. Probation/Supervision Order -- *State of Maryland v. Tyler Isaiah Robinson in the Circuit Court for Worcester County, MD*, Case No. C-23-CR-17-000337, dated September 13, 2017
- h. Criminal Indictment – *State of Maryland v. Tyler Isaiah Robinson in the Circuit Court for Worcester County, MD.*, Case No. C-23-CR-17-000337
- i. Case Assignment/Case Summary – *State of Maryland v. Tyler Isaiah Robinson in the Circuit Court for Worcester County, MD.*, Case No. C-23-CR-17-000198; Tracking No. 170001278403, obtained July 21, 2022
- j. Probation/Supervision Order -- *State of Maryland v. Tyler Isaiah Robinson in the Circuit Court for Worcester County, MD.*, Case No. C-23-CR-17-000198; Tracking No. 170001278403, dated September 13, 2017
- k. Charge Summary – *State of Maryland v. Tyler Isaiah Robinson in the District Court for Maryland, Worcester County*, Tracking No. 170001278403, dated April 15, 2017
- l. Statement of Charges -- *State of Maryland v. Tyler Isaiah Robinson in the District Court for Maryland, Worcester County*, Tracking No. 170001278403, dated April 15, 2017

- m. Statement of Probable Cause -- *State of Maryland v. Tyler Isaiah Robinson in the District Court for Maryland, Worcester County*, Tracking No. 170001278403, dated April 15, 2017
3. Email from Applicant to the Board, dated September 21, 2022
4. National Practitioner Data Bank – One-Time Query Response—Tyler Robinson, dated August 29, 2022
5. Applicant’s LinkedIn Profile Page, printed September 21, 2022
6. Arizona Judicial Branch – Public Access to Court Information Website, *State of Arizona v. Tyler Isaiah Robinson*, Case No. J-0905-CM-2019001064, printed January 25, 2023

State’s Witness:

1. Board Compliance Manager/Investigation Supervisor Shelly-Ann Barnes

Applicant’s Witnesses:

1. Tyler Robinson, Applicant

II. FINDINGS OF FACT

The Board made the following findings of fact based upon the entirety of the record:

1. On or about July 30, 2022, the Board received the Applicant’s application for licensure as a Licensed Graduate Professional Counselor (the “Application”).
2. In his 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 in any state, territory, or jurisdiction (excluding minor 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 certified copy of the disciplinary/court document from the issuing agency.”
4. The Board received court records from the Applicant that showed the following:

State of Maryland v. Tyler Isaiah Robinson - Case Nos. C-23-CR-17-000337 and C-23-CR-17-000198

- a. According to the Statement of Probable Cause, on April 14, 2017 at 10:50 p.m., the Applicant was a front seat passenger in a vehicle stopped by the Maryland State Police for speeding in Worcester County, Maryland. As a result of a probable cause search of the vehicle¹ and passengers, the police found a baggie with LSD² and MDMA³ in the Applicant’s wallet. The police found in the Applicant’s backpack 1 clear plastic baggie containing 5 sheets of LSD “dots”; “1 clear plastic baggie containing 62 small baggies used to store and contain CDS for distribution”; 1 clear plastic baggie containing 5 smaller baggies, each containing 10 Alprazolam⁴ (Xanax) tablets imprinted with “G 3722” (A total of 50 tablets); 1 clear plastic baggie with 11 small containers containing THC Wax(Dab); 1 clear plastic baggie containing 12 small containers, containing THC Wax (Dab); 1 clear plastic baggie containing folded paper containing THC Wax (Dab)(26.5 grams); and 1 clear plastic baggie containing one brownish “rock” of “Bath Salts” weighing 23 grams.
- b. On or about, September 13, 2017, in the Circuit Court for Worcester County, Maryland, Case Number C-23-CR-17-000337, the Applicant entered an Alford plea⁵ and was found guilty of CDS: Possession with Intent to Distribute/Manufacture methylenedioxymethamphetamine (MDMA), a felony. The

¹ The driver of the vehicle admitted to police that she had marijuana and pipes in a bag in the front seat area of the vehicle.

² Lysergic acid diethylamide (LSD) is a hallucinogenic and Schedule I controlled substance.

³ Methylenedioxymethamphetamine (MDMA), also known as Ecstasy or Molly, is a phenylpropanolamine with structural similarities to both amphetamine and mescaline and is a Schedule I controlled substance.

⁴ Alprazolam, trade name Xanax, is a benzodiazepine and Schedule IV controlled substance.

⁵ An Alford Plea is a form of guilty plea where the defendant does not admit guilt or admit to the crime but acknowledges that the prosecutor has sufficient evidence to obtain a conviction.

Applicant was sentenced to 1 year of incarceration, all of which was suspended. The Applicant was placed on 2 years of supervised probation.

- c. On or about, September 13, 2017, in the Circuit Court for Worcester County, Maryland, Case Number C-23-CR-17-000198, the Applicant entered an Alford plea and was found guilty as to Count 2, CDS: Possession with Intent to Distribute/Manufacture, lysergic acid diethylamide (LSD), a felony; and, to Count 6, CDS: Possession Not marijuana, (alprazolam). The Applicant was sentenced to 30 days of incarceration for each count, all of which was suspended. The Applicant was placed on 2 years of supervised probation. The Applicant's sentence in Case Number C-23-CR-17-000198 was to run concurrent with his sentence in Case Number C-23-CR-17-000337.

State of Washington v. Tyler Isaiah Robinson, Case No. 19-1-01380-29

- d. On or about June 25, 2020, in the Superior Court of Washington, County of Skagit, Case Number 19-1-01380-29, the Applicant plead guilty to Count 1, Attempting to Elude Pursuing Police Vehicle – For Crimes Committed on or after July 17, 2003, a felony; and Count 2, Driving Under the Influence. The Applicant was sentenced to 30 days incarceration as to Count 1 and 364 days of incarceration, of which 334 days was suspended, as to Count 2, to run concurrently. The Applicant was ordered to pay a fine in the amount of \$1,491.

5. After the Board received his application, the Applicant sent an email to the Board on September 21, 2022, with a written explanation of his criminal history in which he disclosed the following:

...In the Worcester Circuit Court case I was traveling to Ocean City with four other people. At the time of my arrest I was a passenger in the car and we were pulled over for speeding. Once we were pulled over we were searched and I was detained for possession of various amounts of illicit substances. The substances I possessed and the quantity that I was charged with was based on my excessively high tolerance at the time and for distribution amongst other individuals I intended to party with...

The Washington and Arizona State cases are somewhat intertwined. During a mental health crisis I made an attempt to drive across the country to rekindle my relationship with my significant other at the time. In Washington I eluded the police by refusing to stop for a traffic stop. ...I was mentally unwell and was afraid of being pulled over in a foreign state. Once I was detained I was charged with DUI due to having marijuana in my system at the time of my arrest. After I was released from police custody I attempted to make my way back to Florida to meet my family for Christmas. While driving back I was pulled over in Arizona.

6. Applicant's Court records from Washington State revealed that the Applicant pled guilty to one count of Attempting to Elude Pursuing Police Vehicle – For Crimes Committed On or After July 27, 2003, and one count of Driving Under the Influence. As part of his sentencing, the Applicant was involuntarily committed to a public mental health facility for a period of 30 days.

7. The Applicant did not provide the Board any criminal court records for a case in Arizona.⁶ However, the Applicant testified that he was pulled over by a police officer while driving on “a backroad in Arizona.” The Applicant was asked to drive up to a local gas station. The Applicant stated that when he arrived at the gas station, “I got out of my car. I peed in front of my car there. And I got back in the car. The Police Officer came up. HE started arguing with me about why I got out of the car, why I peed in front of the car. And I was like, I've been driving on this backroad through Arizona, like, looking for

⁶ According to the Arizona Judicial Branch website, on or about June 19, 2020, in State of Arizona v. Tyler Isaiah Robinson, Case Number J-0905-CM-2019001064, the Applicant plead guilty to Count 1, Drug Paraphernalia- Possession/Use and Count 2, Indecent Exposure to person GT 15 years. The Applicant was sentenced on July 16, 2020, but the website does not indicate the specific sentence. The indecent exposure count may have originally been charged as Urinating or Defecating in Public in a lower court under Case Number M-0945-LC-2019001516.

somewhere to stop...So we got into an argument about me peeing and it—that’s –it just blew out of proportion.”

8. Applicant testified that he was technically committed to only one institution. “Washington state has a record of me being admitted to the institution in Arizona because that happened afterwards. I guess they counted my rehabilitation as part of the...sentencing for the Washington state once I went back to...jail.”

9. Applicant was voluntarily admitted to a state hospital in Arizona for two weeks. Applicant was then involuntarily committed to stay at the same facility for another two weeks. While at the facility, Respondent received medication management services and on-site counseling.

10. Once discharged, Applicant participated in individual counseling for “roughly nine months.” However, Applicant has not engaged in any individual counseling, therapy, or substance-use related treatment or support groups since that time. Applicant stated that “I don’t engage in those services because I think they have had a negative impact on my life so far...my first time being arrested was for marijuana possession, and that was expunged....like this small, tiny bit of marijuana possession...I was requested to go to AA, to go to NA...By the time I was done with that [program], I had been introduced to plenty of other substances and a whole different lifestyle that I think, like, otherwise I wouldn’t have been part of...I think for me what’s helpful is to not be part of the substance use world in that atmosphere at all. I didn’t like AA. I didn’t find it to be supportive. And so, I have troubles kind of introducing myself to that again.”

III. 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 violations of the Act, specifically, Md. Code Ann., 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).

IV. **ORDER**

Based on the foregoing, it is this 15th day of March, 2024, by the Board
hereby:

ORDERED, that the Applicant's Application to practice as a Licensed Graduated Professional Counselor ("LGPC") in the State of Maryland is hereby **DENIED**; and it is further

ORDERED, that the effective date of this Final 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).

NOTICE OF RIGHT TO APPEAL

Pursuant to Md Code Ann., Health Occ. § 17-512(b), 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.


Tyler Robinson, LGPC Applicant
Final Order

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

Shelly-Ann Barnes, Acting Executive Director
Maryland State Board of Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, MD 21215-2299
Phone: 410-764-4732
Shelly-ann.barnes@maryland.gov

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

03/15/2024
Date



Winnie D. Moore, LCPC, Board Chair
Maryland State Board of
Professional Counselors and Therapists
4201 Patterson Avenue
Baltimore, Maryland 21215-2299