

<p>IN THE MATTER OF</p> <p>DECISLAVA DANIEL HERRIMAN AKA DESSI ANGELA DANIEL</p> <p style="padding-left: 40px;">Applicant</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND STATE</p> <p>BOARD OF PROFESSIONAL</p> <p>COUNSELORS AND THERAPISTS</p> <p>Case Number: 2021-014</p>
---	-------------------------------------	---

* * * * *

CONSENT ORDER

On or about February 19, 2021, the Maryland State Board of Professional Counselors and Therapists (the “Board”) notified **DECISLAVA DANIEL HERRIMAN AKA DESSI ANGELA DANIEL** (the “Applicant”), of the Board’s intent to deny her 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. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

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[.]

On April 16, 2021, the parties appeared at a Case Resolution Conference (“CRC”) before a committee of the Board. The Applicant, her attorney, Cory Silkman, Esq., 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:

I. Application

1. On or about June 11, 2020, the Board received the Applicant’s Alcohol and Drug Trainee Application (the “Application”).

2. In her 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 *certified* copy of the disciplinary/court document from the issuing agency.”

4. The Applicant included a written explanation and certified copies of court records for seven (7) criminal cases.

5. Based on the Applicant’s acknowledgment on the Application that she had a criminal history and her written explanations, the Board began an investigation.

II. First Criminal Conviction

6. In Case Number 6D00236305, in the District Court for Montgomery County, Maryland, the Applicant was charged with three counts of CDS Obtain by Making Forge Prescription. On or about May 19, 2011, the Applicant plead guilty to one count of CDS Obtain by Making Forge Prescription and the remaining two counts were placed on the Stet Docket.¹ The Applicant was sentenced to serve four (4) years of incarceration, of which, two (2) years and two-hundred twelve (212) days was suspended. The Applicant received credit for time served of one hundred twenty three days.

7. In her explanation for this case, the Applicant stated this was the first time she had “got in trouble for prescription fraud” and the court issued a bench warrant for her arrest. She stated that she had previously engaged in prescription fraud in Bulgaria² where young adults would not be incarcerated for such crimes and that she knows now how “immature” she was then and that her “addiction was blinding [her] from seeing reality.”

8. On or about March 18, 2015, in the Circuit Court for Montgomery County, Maryland, Case Number 126109C, the Applicant plead guilty and was found guilty of Count 1: Violation of Probation.

9. In her explanation for Case Number 126109C, the Applicant wrote that she violated probation when she was arrested on February 28, 2014 “in the Burger King

¹ The entry of a stet in a criminal case simply means that the State will not proceed against an accused on that charge at that time. A charge that receives a disposition by stet is placed on an inactive docket for one year, and may be rescheduled for trial at the request of either party within that year and only thereafter by order of the court for good cause shown.

² According to her explanation, the Applicant moved from Bulgaria to the United States when she was 16 years old.

parking lot by pleading guilty to CDS Admin Equip Poss/Dis.” The Applicant stated that the judge decided to close her case with “time served.”

III. Second Criminal Conviction

10. The Applicant was charged with two counts of CDS Obtain by Making Forged Prescription in the District Court of Montgomery County, Maryland, Case Number 2D00236329. On or about May 19, 2011, the Applicant plead guilty to one count of CDS Obtain by Making Forged Prescription and the remaining count was placed on the Stet Docket. The Applicant was sentenced to four (4) years of incarceration, of which, three years and two hundred and twelve (212) days was suspended. The Applicant received credit for time served: one hundred and twenty three days.

11. The Applicant explained that she was identified and arrested on January 17, 2011 for the charges in this case. She wrote that after her original arrest, her adoptive parents kicked her out of the house and she stayed with friends who only wanted her to come over if she shared drugs with them. The Applicant explained that she “felt that [she] had no choice but to keep doing what [she] was doing.”

IV. Third Criminal Conviction

12. In the District Court of Montgomery County, Maryland, Case Number 1D00262970, the Applicant was charged with Count 1, Credit Card: Stealing Another’s; Count 2, Credit Card/Another Charge less than \$500; Count 3, Use/Disclose Signature; Count 4, Use/Disclose Credit Card NOS; and, Count 5, Theft: Less \$1,000. On or about May 19, 2011, the Applicant plead guilty to Count 2, Credit Card/Another Charge less than \$500. The Applicant was sentenced to eighteen (18) months incarceration, of which,

thirteen (13) months and twenty seven (27) days was suspended. The Applicant received credit for one hundred and twenty three (123) days of time served. The remaining four charges were placed on the Stet Docket.

13. In her explanation statement, the Applicant stated that her adoptive mother refused to purchase clothes for her, called the police, and had a restraining order issued against her. She then “stole an unattended purse and took the credit cards” which she used to purchase a “new jacket, some replacement clothes, and a warm pair of shoes.” The Applicant stated that she was already in jail when the charges in this case were issued against her.

V. Fourth Criminal Conviction

14. In Case Number 6D00266111, in the District Court for Montgomery County, Maryland, the Applicant was charged with two counts of CDS: Possession-Not Marijuana; two counts of CDS Prescription Obtained by Fraud; two counts of Possession of Forged Prescription; and two counts of Issuing a Forged Prescription. On or about May 19, 2011, the Applicant pleaded guilty to one count of CDS Prescription Obtained by Fraud. The remaining seven (7) counts were placed on the Stet Docket. The Applicant was sentenced to two years of incarceration, of which, one year and two hundred and twelve (212) days was suspended. The Applicant received credit for one hundred twenty-three days of time served.

15. The Applicant did not provide details of this case in her explanation, but stated that while she was in jail awaiting [other] pending charges, the Montgomery County

police “continued to investigate any potential prescriptions [she] had written and found additional pharmacies.”

VI Fifth Criminal Conviction

16. In the District Court for Montgomery County, Maryland, Case Number ID00266400, the Applicant was charged with two counts: Theft: Less \$1,000 Value and False Statement to an Officer. On or about May 19, 2011, the Applicant plead guilty to Theft: Less than \$1,000 Value and the remaining one count was placed on the Stet Docket. The Applicant was sentenced to three (3) years and three hundred twenty-six (326) days of incarceration, of which, three (3) years and two hundred twelve (212) days was suspended.

17. In her explanation for this conviction, the Applicant stated that she had taken her friend’s credit card, rented a hotel room for three days, and bought some groceries. She wrote, “I did understand that this was wrong, but I felt desperate.”

VII Sixth Criminal Conviction

18. In Case 0D00268177, in the District Court of Montgomery County, Maryland, the Applicant was charged with one count of CDS Obtained by Making Forged Prescription, one count of CDS Possession-Not Marijuana, and one count of CDS, Obtained by Altering Prescription. On or about October 11, 2011 the Applicant plead guilty to CDS: Possession-Not Marijuana. The Applicant was sentenced to four (4) years of incarceration, of which, three (3) years and two hundred twelve (212) days were suspended. The Applicant received credit for one hundred twenty-three (123) days of time served. The court entered a disposition of Nolle Prosequi on the remaining two (2) counts.

19. In her explanation for her conviction, the Applicant wrote that although she knew what she was doing was wrong that she “must do what [she] had to in order to survive” and that she had to have something to give to her "so-called friends” in order to stay with them.

VIII Seventh Criminal Conviction

20. In the District Court for Montgomery County, Maryland, Case Number 4D00313086, the Applicant was charged with three counts of CDS Possession-Not Marijuana, and one count of CDS Administration Equipment Possession/Distribution.

21. On or about September 9, 2014, the Applicant plead guilty to one count of CDS Administration Equipment Possession/Distribution. The Applicant was sentenced to four (4) years of incarceration, of which, all four (4) years was suspended. The court entered a disposition of *Nolle Prosequi* for the remaining three counts.

CONCLUSIONS OF LAW

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

The Applicant plead guilty and was convicted of stealing a credit card, theft, and in three separate cases, obtaining CDS by forged prescriptions which constitutes in whole or part: being convicted of 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).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of July 2021, 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 **GRANTED**; and it is further

ORDERED that the Applicant shall be placed on **PROBATION** for a **minimum** of **TWO (2) YEARS**, and shall be subject to the following probationary terms and conditions:

1. The Applicant shall obtain a Board approved supervisor.
2. Prior to signing a supervision agreement with any Board-approved supervisor, the Applicant shall present a copy of this Consent Order to the prospective supervisor;
3. The Applicant shall authorize the Board to provide the Supervisor with this Consent Order and all of the relevant documents in the investigative file, including the investigative report and its attachments;
4. The Applicant shall meet with the Board-approved Supervisor **WEEKLY** for at least **SIXTY (60) MINUTES**.
5. 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.

6. The Supervisor shall submit every six (6) months an evaluation of the Applicant's knowledge, skills, and abilities to practice as an ADT.
7. The Applicant shall have sole responsibility for ensuring that the Supervisor submits the required reports to the Board in a timely manner.
8. A negative report from the Supervisor or any failure to comply with the Supervisor's recommendations shall be deemed a violation of probation or of this Consent Order;
9. In the event that the Applicant's supervisor discontinues supervising 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;
10. The Applicant shall **remain in therapy** for the entire duration of the probation and this Consent Order. The Applicant's therapist **cannot** be the same individual as her Supervisor.
11. The Applicant shall, at all times, comply with the Act and all applicable laws, statues and regulations;
12. 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 this Consent Order;
13. In order to obtain further licensure and/or advanced licensure or certification from the Board, the Applicant must successfully complete the terms and

conditions of probation provided in this Consent Order, and submit written petition to the Board for termination of the probation;

ORDERED that there shall be no early termination of probation;

ORDERED that after **TWO (2) YEARS** from the effective date of this Consent Order has passed, the Board will consider a written petition for termination of the Applicant's probation, provided that the Applicant has been compliant with all of the probationary terms of this Consent Order;

ORDERED that if the Applicant allegedly fails to comply with any terms or conditions of this Consent Order, the Applicant shall be given notice and an 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 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.

ORDERED that after the appropriate hearing, if the Board determines the Applicant has failed to comply with any terms or conditions of the Consent Order, the Board may reprimand the Applicant, place the Applicant on additional probation, or suspend or revoke the Applicant's ability to practice as an ADT.

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 Consent Order is the date that is it 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).

July 16, 2021
Date

Jeffrey M. Galecki
Jeffrey M. Galecki, MS, LCADC, LCPC
Board Chair
Maryland State Board of Professional
Counselors and Therapists



CONSENT

I, **Decislava Daniel Herriman, aka, Dessi Angela Daniel**, 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 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 its conditions.
2. I am aware that I am entitled to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 17-511 (2014 Repl. Vol. and 2020 Supp.) 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 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.

04/29/2021

Date



Decislava Daniel Herriman, aka, Dessi Angela Daniel

*Decislava Daniel Herriman
AKA Dessi Angela
Daniel*

NOTARY

STATE OF Maryland

COUNTY OF St Mary's

I HEREBY CERTIFY that on this 29 day of April,
2021, before me, a Notary Public of the State and County aforesaid, personally appeared
DECISLAVA HERRIMAN, AKA, DESSI ANGELA DANIEL, applicant, and gave
oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

Melinda J. Wiggins
Notary Public

My Commission Expires: 2-3-2025

