

IN THE MATTER OF
DARRELL WALLACE, LGPC
Respondent

License Number: LGP9687

*** BEFORE THE MARYLAND STATE**
*** BOARD OF PROFESSIONAL**
*** COUNSELORS AND THERAPISTS**
*** Case Number: 2020-036**

* * * * *

CONSENT ORDER

On February 4, 2019, the Maryland State Board of Professional Counselors and Therapists (the “Board”) issued an “Order for Summary Suspension” which notified **DARRELL WALLACE, Licensed Graduate Professional Counselor (“LGPC”)** - License Number: LGP9687 (the “Respondent”), that the Board had summarily suspended his LGPC license, pursuant to Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2019 Supp.) and Md. Code Regs. (“COMAR”) 10.58.04.10, concluding that there is substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare. The Order for Summary Suspension also informed the Respondent that the Respondent had the opportunity to appear before the Board for a post-deprivation show cause hearing if the Respondent requested a show cause hearing within thirty days.

On February 4, 2019, the Board also issued the Respondent a “Notice of Intent to Revoke Licensure” which charged the Respondent with violating various provisions of the Maryland Professional Counselors and Therapists Act (the “Act”), codified at Md. Code Ann., Health Occ. §§ 17-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

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Specifically, the Board charged the Respondent with violating 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 charged the Respondent with violating the following provisions of the Code of Ethics adopted by the board, codified at COMAR 10.58.03 *et seq.*, in particular:

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;

B. Dual Relationships.

(1) A counselor shall:

- (a) Avoid dual relationships with clients[.]

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:

- (1) Inappropriate sexual language;
(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[.]

On or about March 7, 2020, after requesting a hearing on the Order for Summary Suspension and the Notice of Intent to Revoke Licensure, the Respondent, submitted a waiver of the right to a post-deprivation show cause hearing within 30 days pursuant to COMAR 10.58.04.10(D)(2)(b). An evidentiary hearing for the Order for Summary Suspension and the Notice of Intent to Revoke Licensure was scheduled for May 15, 2020.

Prior to the evidentiary hearing on the Order for Summary Suspension and the Notice of Intent to Revoke Licensure, the Respondent, represented by counsel, and the Administrative Prosecutor entered into negotiations to resolve the case in lieu of an evidentiary hearing. As a result of negotiations, 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. BACKGROUND

1. At all times relevant, the Respondent was authorized to practice graduate professional counseling in the State of Maryland. The Respondent was originally certified to practice as an LGPC in the State of Maryland on July 10, 2019, under License Number LGP9687. The Respondent's license is scheduled to expire on July 31, 2021.

II. COMPLAINT

2. On or about November 12, 2019, the Board received a complaint filed by a mental health counselor (the "Counselor") of a treatment facility ("Facility A") on behalf of a client (the "Client"). The complaint alleged that on or about November 4, 2019, the Client reported to the Counselor that she was involved in a romantic and sexual relationship with the Respondent who was her counselor at a different treatment facility ("Facility B").

3. After receiving the Counselor's complaint, the Board initiated an investigation of the Respondent under Case Number 2020-036.

III. BOARD INVESTIGATION

4. As part of its investigation, the Board subpoenaed the Respondent's personnel file from Facility B, the Client's treatment records from Facility B, conducted interviews, and received multiple text messages and photographs allegedly sent between the Respondent and the Client.¹

5. According to the Respondent's personnel file from Facility B, the Respondent was hired on or about July 31, 2019, as a mental health therapist.

6. According to the Client's records received from Facility B, the Client had diagnoses of attention-deficit/hyperactivity disorder, unspecified insomnia disorder, and generalized anxiety disorder. The Client received mental health therapy services from the Respondent at Facility B on September 14, 2019; October 5, 2019; and October 9, 2019. According to the progress notes for October 9, 2019, drafted by the Respondent, the Client was to continue with her current therapist, which was the Respondent, and to follow-up in one to two weeks or earlier if needed. The records further revealed that the next session the Client had scheduled with the Respondent was for October 12, 2019, however, the appointment was canceled.² The last appointment the Client attended at Facility B was the appointment on October 9, 2019, and then she was discharged on December 3, 2019 for failing to participate in additional sessions.

¹ The copy of the text messages and photographs sent between the Respondent and the Client were received with the complaint and subsequently authenticated by the Client and the Respondent in their interviews with the Board's investigator.

² The Client also had a prior appointment scheduled with the Respondent for September 21, 2019, which was canceled.

7. The text messages attached to the complaint revealed the Respondent and the Client had conversations of a personal nature unrelated to counseling, including but not limited to the following:

October 9, 2019

- a. After the Respondent shared information with the Client about his legal situation, the Client told the Respondent she would be praying for him because she wanted him to continue as her therapist. In response, the Respondent assured her it would be okay and that he would be able to remain her therapist.
- b. The Respondent admitted that it was peaceful and reassuring to have someone to talk about his personal issues with.
- c. The Respondent told the Client that he was watching videos on a pornographic website.
- d. When the Respondent and the Client were discussing different methods of finding companions for relationships, the Respondent admitted that he knew that the Board's code of ethics "say [he and the Client] can't talk" and that he could lose his license for it.

October 10, 2019

- a. The Client again expressed to the Respondent that she was concerned that the Respondent would no longer be allowed to be a therapist because of his personal situation. In response, the Respondent assured her it would be okay and that he would be able to remain her therapist.

October 11, 2019 and October 12, 2019

- a. The Respondent invited the Client to "Come live a little" and then at approximately 10:52 p.m. the Respondent again asked the Client "Are you still coming out" and sent a GPS location³ to the Client for her to meet the Respondent at a specific location.⁴ The Client responded that she would be there at 11:40 p.m.

³ On an iPhone a user can share their location with another individual via iMessage for a specified period of time or indefinitely in order to allow the other individual to upload the location to the Maps application and follow directions to the location.

⁴ The GPS location the Respondent sent corresponded with a gas station in Millersville, Maryland.

- b. After the Client informed the Respondent that she had arrived, the Client stopped sharing her GPS location with the Respondent at 12:28 a.m. on October 12, 2019.
- c. The Respondent subsequently stopped sharing his GPS location with the Client on October 12, 2019 at 5:22 a.m. and then at 9:02 a.m. he sent a text message to the Client reminding her to “don’t forget to cancel” her appointment with him.

October 14, 2019

- a. The Respondent asked the Client when they were “hanging out again” and asked the Client to send him pictures of her. The Respondent reciprocated in sending pictures of himself to the Client.

October 15, 2019

- a. When the Client told the Respondent that he left “kisses” on her neck, the Respondent told her that he was surprised because he “didn’t realize it.”

October 23, 2019

- a. The Respondent asked the Client to come see him at his other job. The Client acquiesced to the invitation and sent a text message upon her arrival.

October 24, 2019

- a. The Respondent asked the Client if he could “get right,” to which the Client said, in return she wanted the Respondent to give her a chance. The Respondent then told the Client she could get a chance with him “[f]or some head.”

October 26, 2019

- a. The Respondent asked the Client to come to his house and asked the Client to bring condoms⁵ with her. He also told her that the door would be unlocked for her. The Client accepted the invitation and sent a text message to the Respondent upon her arrival.

⁵ In a follow-up text message, the Respondent specified the type of condoms he wanted.

8. On November 22, 2019, the Board’s investigator interviewed the Client, at which time, the Client stated the following:

- a. The third session she had with the Respondent, which was on October 9, 2019, was not a previously scheduled session, it was a crisis session – she called his office number and asked if she could come in to the office and see him sooner than her next scheduled appointment because she “was having urges” and she needed help. The Respondent told her to come into the office that day. When she arrived at the office that evening, she explained her problem to the Respondent and “[h]e pretty much dismissed what I said and said, oh, I got bigger things going on with me that are worse than yours.” The Respondent then proceeded to tell her that he may lose his job and that he has a pending gun charge as a result of “something [that] happened with his baby-mom . . . [t]here was some type of altercation and something about how the police came and the gun ended up at his house.”⁶
- b. After the Respondent disclosed his issues with his pending gun charge, the Client said she “was trying to figure out whether I should still move on with [the Respondent] or not because I’m tired of seeing people that’s not really committed to helping me with my treatment plan.” She stated she asked the Respondent if she should find another therapist and “[h]e said, no, no, that’s okay, I’m going to be fine, you know, nothing is going to happen to me . . . I’m always going to be here . . . you don’t have to worry about that.”
- c. During this crisis session, the Client explained that she was going through a financial situation and it was hard to find childcare and a job that would work with her school schedule and her childcare schedule. The Respondent, in response, gave the Client \$50.
- d. The Client started communicating with the Respondent via text message when the Respondent “randomly” sent her a text message after the crisis session.

⁶ A review of court records confirmed that the Respondent was charged with: 1) Firearm Possession With Prior Conviction of Crime of Violence, 2) Regulated Firearm: Illegal Possession, and 3) Illegal Possession of Ammunition in the District Court of Maryland for Anne Arundel County (Case Number D-07-CR-19-001235) on or about August 18, 2019. The case was forwarded to the Circuit Court for Anne Arundel County, Maryland (Case Number C-02-CR-19-002266) on or about September 27, 2019. According to the Application for Statement of Charges, the charges stemmed from an incident where the police responded to the Respondent’s house for a verbal domestic incident. Upon arrival, the police located a .40 caliber Smith & Wesson MP Sub Compact “with a ten round magazine inside the well loaded with 10 rounds of hollow point ammunition” inside the Respondent’s house. The Respondent was a person prohibited from possessing firearms or ammunition at the time due to having a prior conviction for second-degree assault. The case is currently pending a hearing which is scheduled for March 5, 2020.

- e. In addition to the text messages, the Respondent would call the Client “a lot” and would Facetime the Client “a lot.”
- f. As their conversations progressed, the Client felt like she became the Respondent’s “therapist, in a way. Like, the role kind of switched.”
- g. On Friday, October 11, 2019, the Respondent invited the Client out and said, “come live a little.” The Client stated that she agreed to hang out with the Respondent because she felt “pressure[d]” and “felt like I had to because, you know, my therapist is helping me and if I don’t show up, if I don’t come, then he would stop helping me.” She met the Respondent and his cousin at a gas station before riding with them to a liquor store and a hotel. When they got to the hotel, the Respondent tried “to come on to” the Client and he kissed the Client. The Client said she told the Respondent “I can’t do this, you know, you’re my therapist.” But the Respondent kept saying “you think I would risk my job for this? . . . if I’m risking this, you should be grateful.” After they left the hotel, the Respondent and the Client engaged in sexual intercourse in the car.
- h. The Client had a session scheduled for the next morning with the Respondent, but she canceled it.
- i. A few days after the Client canceled her session with the Respondent, the Respondent asked her to meet him at his other job. When she went into his office, the Respondent tried to engage in sexual behavior with her.
- j. The Client met the Respondent again, on Saturday October 26, 2019, when the Respondent invited her to his house, told her to stop at the store and buy condoms, and told her his house door was unlocked. When she arrived at his house he was lying in bed and they had sexual intercourse.

9. On January 3, 2020, the Board’s investigator interviewed the Respondent, at which time, the Respondent stated the following:

- a. He has been working as a therapist providing individual counseling at Facility B since July 2019.
- b. He saw the Client at Facility B two or three times at the end of September or beginning of October 2019.
- c. When the Respondent was asked what his response to the allegations in the complaint is, the Respondent replied, “They’re funny.”
- d. The Respondent admitted that he “befriended somebody I shouldn’t have. . . . I thought about crossing those lines with her. . . . I should have known better.”

- e. The Respondent further admitted that he and the Client sent text messages to each other that were “inappropriate” and some of them were “flirty.” The Respondent explained, “[a]t first they were . . . friendly. I could see that they became more at one point and that’s when I pulled myself out of it, at some point.”
- f. The Respondent denied sexually exploiting the Client, giving the Client any money, harassing the Client, or having a sexual relationship with the Client.
- g. The Respondent admitted that he sent text messages to the Client on October 11, 2019, where he invited the Client to “hang out.” The Respondent explained that he “considered [the Client] a friend.” He stated that he “invited her to Dave & Buster’s” but they ended up meeting at a gas station instead and then they rode in the same car “to the lounge at the [Hotel].” He stated that while they were at the hotel, “[s]he was kissing on me . . . [s]he was all on me.” They stayed at the hotel until “3:00 or 4:00 in the morning” and he told the Client “look, I’m tired, I’m not going to work, I’m tired. And I told her I didn’t want to be the one to call. I told her, that’s your problem. . . . So, she said, remind me in the morning. . . . I woke up the next morning, and I just texted her, don’t forget to cancel her session in the morning.”
- h. Subsequently, October 26, 2019, was the last time he asked the Client to come over to his house. Regarding this encounter, he “thought” about having sex with the Client and he admitted he asked her to bring a box of condoms, but he alleged he did not have sex with her.
- i. The Respondent asserted that the Client was not a client when he started text messaging her or when he “asked her to meet up.”
- j. At the time of the incidents he did not know it was inappropriate to have a personal relationship with a client, but “[g]oing through this proceeding, I found out that I wasn’t supposed to even do that.”
- k. He also did not know the procedure for discharging a client because he never discharged a client from Facility B.
- l. The Respondent asserted that the areas he needs to work on are detaching himself, “I find that, with my clients, I tend to overly involve myself. For instance, this case.” He also stated he needs to work on knowing state and federal laws.
- m. He believes the only sanction he should receive is a requirement to take ethics training and a sexual harassment course because he “read cases that the Board reviewed where . . . someone was a pastoral therapist or counselor and they was accused of way worse than what I was, and . . . they walked away with a fine and some type of light sanction.”

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 license to practice as a Licensed Graduate Professional Counselor. Specifically:

The Respondent's engaging in sexual misconduct with an individual with whom he rendered professional services, as set forth above, 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 (B)(3), and COMAR 10.58.03.05(A)(2)(a) and (B)(1)(a), and COMAR 10.58.03.09(A)(1)-(4), (B)(1) and/or (C)(1), and (E)(1)(a).

The Respondent's conduct, as set forth above, including his relationship with the Client that went beyond the professional client-counselor relationship 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 (B)(3), and COMAR 10.58.03.05(A)(2)(a), and (B)(1)(a).

ORDER

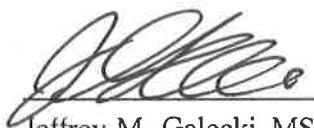
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of June, 2020, by a majority of the quorum of the Board considering this case hereby:

ORDERED that the **SUMMARY SUSPENSION** of the Respondent's license to practice as a Licensed Graduate Professional Counselor, as ordered by the Board in its February 4, 2020, Order for Summary Suspension is hereby **LIFTED AND TERMINATED**; and be it further

ORDERED that the Respondent's license to practice as a Licensed Graduate Professional Counselor 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 (2014).

June 19, 2020
Date



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



CONSENT

I, Darrell Wallace, LGPC, License No. LGP9687, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel, Akia Embry, Esquire, and I have consulted with counsel in this matter. 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 2017 Supp.) and Md. Code Ann., State Gov't, §§ 10-201 *et seq.* (2014 Repl. Vol. and 2019 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 Order for Summary Suspension and the Notice of Intent to Revoke Licensure 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 further disciplinary actions.
6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

6/10/2020
Date


Darrell Wallace, LGPC

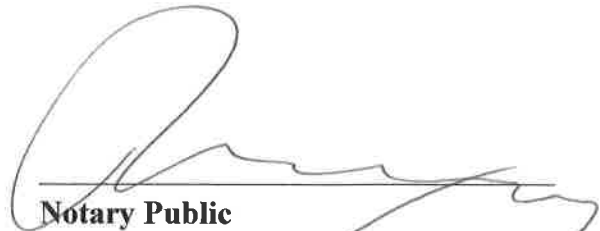
NOTARY

STATE OF Maryland

COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 10th day of June, 2020, before me, a Notary Public of the State and County aforesaid, personally appeared Darrell Wallace, LGPC, License Number: LGP9687, 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.


Notary Public

My Commission Expires: January 25, 2022

WILLIAM THOMAS EDGERLY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 25, 2022