

IN THE MATTER OF

*

BEFORE THE

JERMAINE ANTON WYATT, LCSW-C

*

STATE BOARD OF

License Number 17751

*

SOCIAL WORK

*

EXAMINERS

*

Case Number: 2014-2017

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FINAL DECISION AND ORDER OF REVOCATION

I. PROCEDURAL BACKGROUND

On or about February 24, 2014, the Board of Social Work Examiners (“the Board”) received a complaint alleging that Jermaine Anton Wyatt, LCSW-C (“the Respondent”) was convicted of a felony in the State of North Carolina and failed to disclose his criminal history to the District of Columbia Board of Social Work (the “D.C. Board”), who subsequently, suspended Respondent’s D.C. social work license. The Board conducted an investigation into these issues, and, as a result of that investigation, on July 12, 2016, the Board charged the Respondent with several violations of the Maryland Social Workers Act. Specifically, the Board charged the Respondent with violations of Md. Code Ann., Health Occ. (“HO”) § 19-311 (1), (2), (5), (6), (11) and (16) (2014), as well as violations of the Board’s regulations, COMAR 10.42.03.03.

On December 9, 2016, the Board issued an Evidentiary Hearing Notice to the parties, by first class mail, scheduling the matter before the Board for January 13, 2017 at 12:00 p.m. at 4201 Patterson Avenue, Baltimore, MD 21215. The United States Postal Service did not return the Respondent's copy of the notice, which the Board addressed to the Respondent's address of record at

 The notice stated that "if you do not appear at the

hearing..., the Board has the authority to hear and determine the matter in your absence, which my result in adverse action that could affect your ability to practice social work in the State of Maryland.” Neither the Respondent nor anyone authorized to represent him appeared for the Evidentiary Hearing. Tracee Orlove Fruman, Assistant Attorney General, Administrative Prosecutor, appeared for the State of Maryland. After waiting twenty minutes past the scheduled start time, the State moved for a default judgment. COMAR 28.02.01.23A provides that “[i]f, after receiving proper notice, a party fails to attend or participate in a prehearing conference, hearing, or other stage of a proceeding, the judge may proceed in that party's absence or may, in accordance with the hearing authority delegated by the agency, issue a final or proposed default order against the defaulting party.”

Evidentiary Exhibits and Witnesses

State’s Exhibits:

1. Online License Verifications
 - a. Maryland, printed January 3, 2017
 - b. District of Columbia, printed January 3, 2017
 - c. New York, printed January 3, 2017
2. Maryland Application for Social Licensure, received September 7, 2011
3. 2014 Maryland Online License Renewal Application, subtitled October 3, 2014
4. Complaint, October 22, 2014
5. Maryland Wage history Inquiry for Jermaine Wyatt, printed January 28, 2016
6. Jermaine Wyatt’s Personnel File from Hospital A, received January 29, 2015
7. Criminal History of Jermaine Wyatt, State of North Carolina, received April 15, 2016

8. Correspondence from Hospital A, received March 13, 2016
9. Subpoena ad testificandum for Jermaine Wyatt sent to Virginia address, dated February 4, 2016
10. Subpoena ad testificandum for Jermaine Wyatt sent to Employer A address, dated February 22, 2016
11. Transcript of Interview of Complainant, March 10, 2016
12. Subpoena ad testificandum for Jermaine Wyatt hand delivered to Employer A address, dated March 11, 2016
13. Return Receipt card, March 14, 2016
14. Jermaine Wyatt Personnel File from Employer A, received March 16, 2016
15. Jermaine Wyatt's Admission Application for University A, received April 25, 2016
16. District of Columbia Board of Social Work, Order Suspending License Immediately upon Service, July 24, 2013
17. Report of Investigation, April 19, 2016
18. Notice of Disciplinary Charges Under the Maryland Social Workers Act, July 12, 2016

FINDINGS OF FACT

The Board made the following Findings of Fact based upon the entirety of the record:

1. The Respondent was initially licensed as a licensed certified social worker-clinical ("LCSW-C") on or about February 8, 2012. At all times relevant, the Respondent was a LCSW-C in the State of Maryland.

2. The Respondent is also licensed as a clinical social worker in Washington, D.C. and New York. The Respondent was issued a license in Washington, D.C. on or about March 23, 2010. The Respondent's Washington, D.C. license is currently active. The Respondent was issued a

license in New York on July 17, 2012. The Respondent's New York license status is "NOT REGISTERED," indicating that the Respondent's license lapsed without explanation. (emphasis in original).

3. On or about September 7, 2011, the Board received the Respondent's Application for Social Work Licensure (the "Initial Application"). On the Initial Application, the Respondent answered "NO" to the following questions:

- a. "Have you pled guilty to, nolo contendere to, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?"
- b. "Has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement, renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation?"

4. On the Initial Application, in response to the question, "List ALL Social Work Licenses (Active, Inactive or Non-Renewed) HELD in ANY state including Maryland," the Respondent disclosed that he holds a Washington, D.C. social work license. (emphasis in original).

5. The Respondent also disclosed that in 2007 he earned a Masters of Social Work from a university ("University A") in Washington, D.C.¹

6. The Respondent signed the Initial Application under an affidavit that states, "I do hereby affirm that all statements made herewith are true and correct to the best of my knowledge and belief."

¹ In order to maintain confidentiality, the names of individuals and entities are not used in these Charges.

7. On or about October 3, 2014, the Respondent submitted an Application For Renewal of LCSWC-Certified-Clinical (the "Renewal Application"). On the Respondent's Renewal Application, the Respondent answered "NO" to the question, "Within the last two years, has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement, renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation?"

8. On the Respondent's Renewal Application, the Respondent also affirmed that the "information [the Respondent has] given in answer to these questions is true and correct to the best of [the Respondent's] knowledge and belief."

9. On or about October 22, 2014, the Board received a complaint from an individual (the "Complainant") who alleged that her former supervisor, the Respondent, is a convicted felon and was incarcerated in North Carolina. The Complainant and the Respondent previously worked together at a hospital ("Hospital A") in Virginia.

10. The Complainant further alleged that the Respondent failed to disclose his criminal history to the District of Columbia Board of Social Work (the "D.C. Board") and, as a result, the D.C. Board suspended the Respondent's D.C. social work license.

11. Thereafter, the Board initiated an investigation.

12. On or about January 28, 2016, the Board obtained the Respondent's wage history from the Maryland Department of Labor, Licensing, and Regulation ("DLLR"). According to DLLR, the Respondent's most recent earnings are from a Baltimore health care entity ("Employer A").

13. On or about January 29, 2015, the Board obtained copies of the Respondent's personnel file from Hospital A, which contained the Respondent's resume. According to the Respondent's resume, the Respondent is licensed to practice social work in Washington, D.C., New York, and Maryland.

14. According to the Respondent's personnel file from Hospital A, the Respondent was employed as the Behavioral Health Division Director at Hospital A. The Respondent's job description did not specifically require a social work license; however, the job description required a Master's Degree in a health care related field and "current licensure as appropriate."

15. On or about February 3, 2016, the Board obtained a report of the Respondent's criminal history. According to the report:

- a. On or about April 22, 1998, the Respondent was charged with misdemeanor forgery, for which the Respondent violated probation on February 22, 1999 and was sentenced to 45 days in Wake County Jail (Wake County, NC).
- b. On or about July 28, 1999, the Respondent was arraigned on financial card fraud charges. The DA in Wake County dismissed these charges on September 8, 1999.
- c. On or about August 16, 1999, the Respondent was convicted of felony financial card theft and felony financial card fraud, for which the Respondent violated probation and was sentenced to six to eight months in the Department of Corrections in Wake County, NC.
- d. On or about September 30, 1999, the Respondent was convicted on two counts of misdemeanor obtaining property in return for a worthless check.
- e. On or about November 20, 1999, the Respondent was charged with misdemeanor failure to return rental property. The DA dismissed these charges in Wake County, NC.
- f. On or about June 12, 2000, the Respondent was charged with a violation of probation with regard to his misdemeanor obtaining

property in return for a worthless check. These charges were dismissed in Palm Beach, Florida.

- g. On or about March 2, 2004, the Respondent was convicted of felony obtaining property by false pretenses in Wake County, NC and sentenced to eight to ten months in jail.
- h. On or about March 11, 2008, the Respondent was charged in the District of Columbia as a "fugitive from justice" with regards to a pending charge in North Carolina. The Respondent turned himself in to police in the District of Columbia and returned to North Carolina to face this charge.

16. On or about February 23, 2016, the Board issued a second subpoena *duces tecum* to Hospital A requesting additional information from the Respondent's personnel file, including but not limited to the Respondent's employment history, the name of the Respondent's supervisor, counseling, disciplinary actions, complaints, and performance evaluations for the Respondent. In response to the subpoena, Hospital A stated that the Respondent was not an employee of Hospital A, but rather, performed work responsibilities at Hospital A through an outpatient services company located in Tennessee. Hospital A did not provide any additional documents to the board.

17. On or about February 4, 2016, the Board issued a subpoena *ad testificandum* by certified mail to the Respondent's Arlington, Virginia address, the Respondent's address on record with the Board. The subpoena requested that the Respondent appear for an interview at the Board's office on February 18, 2016.

18. On or about February 18, 2016 the subpoena *ad testificandum* was returned to the Board undelivered. The Respondent failed to appear at the requested interview on February 18, 2016.

19. On or about February 22, 2016, the Board issued a subpoena *ad testificandum* to the Respondent at Employer A's Baltimore address for an interview on March 4, 2016. The Respondent failed to appear at the requested interview on March 4, 2016, although the subpoena was not returned to the Board.

20. On or about March 10, 2016, the Board interviewed the Complainant, who stated that:

- a. The Complainant is a social worker in the Commonwealth of Virginia.
- b. At Hospital A, the Respondent supervised the Complainant and signed off on the Complainant's clinical hours.
- c. According to the Complainant, the Respondent also supervised other social workers.
- d. A colleague notified the Complainant of the Respondent's criminal history. The Complainant later performed an internet search of the Respondent's name from her home computer and verified the Respondent's criminal history.
- e. The Complainant felt it was her duty to report the Respondent when she learned that he had fraudulently obtained his licensure, was wanted on warrants, and was a convicted felon who was incarcerated in North Carolina.

21. On or about March 14, 2016, the Board personally served a subpoena *ad testificandum* to the Respondent at Employer A's address for an interview on March 25, 2016. The Respondent refused to sign the return receipt, and Board staff subsequently prepared an affidavit of service.

22. The Respondent failed to appear at the March 25, 2016 interview.

23. On or about March 15, 2016, the Board obtained a copy of the Respondent's personnel file from Employer A. The Respondent's employee profile and the background screening

results attached within the Respondent's personnel file indicate that he was born on August 2, 1980. However, both the Respondent's initial application and his renewal application indicate that the Respondent was born on August 2, 1981. In addition, the documents provided by the Clerk of the Superior Court of Wake County, North Carolina detailing the Respondent's criminal history indicate on some of the charges that the Respondent was born on August 2, 1979, and on others that the Respondent was born on August 2, 1981.

24. Furthermore, on the Respondent's employment application for Employer A, the Respondent answered "yes" to the question "Have you ever been convicted of a felony?" The Respondent also disclosed "Expunged 2002 Obtaining Property False Pretense." The Respondent failed to disclose his other previous criminal history on this employment application.

25. On or about April 25, 2016, pursuant to a subpoena issued by the Board, the Board received copies of the Respondent's admissions application ("admissions application"), received by University A on October 20, 2004, and official graduate transcript from University A. On the Respondent's admissions application, the Respondent answered "no" in response to the questions, "Have you been arrested?" and "Have you been convicted of any crime (other than traffic violations) or been sentenced to a correctional or penal institution?"

26. Further investigation revealed that on or about July 24, 2013, the D.C. Board issued an order (the "D.C. Order") suspending the Respondent's D.C. license to practice as a LCSW-C after finding that the Respondent filed "multiple statements with the [DC] Board that [the Respondent] knew or should have known were false or misleading." The D.C. Board found that the Respondent answered "no" on multiple D.C. license applications in response to questions asking whether the Respondent has "ever been convicted or arrested for a crime or misdemeanor (other than minor

traffic violations). . ." when in fact, the Respondent was arrested in "Washington, D.C. in 2008 and in Raleigh, NC in 1998, 1999, 2002, 2004, and 2008."

27. The D.C. Order also notes that "[i]t was further determined by the North Carolina State Superior Court that the Respondent was convicted in Raleigh, NC in 2002 upon a plea of guilty to a charge of embezzlement and obtaining property by False Pretenses."

28. On or about July 29, 2014, the D.C. Board lifted the Respondent's suspension and restored the Respondent's license as expired. The Respondent's license to practice as an LCSW-C in Washington, D.C. is currently active and will expire on July 31, 2017.

29. The Respondent failed to cooperate with or respond to the Board's repeated attempts to obtain information from the Respondent throughout the entirety of the investigation.

30. The Board finds that the Respondent's conduct, as described above violates Health Occ. §§ 19-311(1)(Obtains license through fraud, deceit, misrepresentation); (2)(Fraudulently or deceptively uses a license); (5)(Engages in unprofessional conduct); (6)(Violates provisions or regulations governing the practice of social work) specifically COMAR 10.42.03.03(a) and (b); (7)(Is convicted of a felony or crime of moral turpitude); (11)(Makes or files a false report or record in the practice of social work); and (16)(Fails to cooperate with lawful Board investigation).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Applicant violated HO § 19-311(1), (2), (5), (6), (7), (11), (16) and COMAR 10.42.03.03(a) and (b).

ORDER


Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of Jermaine Anton Wyatt, License No. 17751 to practice as a

licensed clinical social worker in Maryland is hereby **REVOKED**; and it is further

ORDERED that this document is final order of the Board and is public under Md. Code Ann., General Provisions §§ 4-101 *et seq.*

4/14/2017
Date



Denise Capaci, LCSW-C, Chair
State Board of Social Work Examiners

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 19-311 may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 19-313, Md. Code Ann., State Gov't § 10-222, and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 (“Time for Filing Action”).