

<p>IN THE MATTER OF</p> <p>Joseph Daley Timmerman</p> <p>Alcohol and Drug Trainee</p> <p>ADT1148</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND STATE</p> <p>BOARD OF PROFESSIONAL</p> <p>COUNSELORS & THERAPISTS</p> <p>CASE NOS.: 630129982</p>
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ORDER OF SUSPENSION
FOR DELINQUENT CHILD SUPPORT

BACKGROUND

On or about June 9, 2017, the Maryland Board of Professional Counselors and Therapists (the “Board”) received a written request from the Anne Arundel County Office of Child Support Enforcement (the “Administration”) to suspend the trainee authorization letter held by Joseph Daley Timmerman (the “Respondent”), ADT1148, for delinquent child support. This action was to be taken by authority of Md. Code Ann., Fam. Law § 10-119.3 (2012 Repl. Vol.), which provides, in pertinent part:

(e)(2) Except as provided in paragraph (3) of this subsection, upon notification by the Administration under this section, a licensing authority¹ shall:

(i) suspend an individual’s license; or

(ii) deny the license of an individual who is an applicant for a license from the licensing authority.

* * *

(h) *Right to contest identity.* – (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall send written notice of the proposed action to the individual whose license is subject to suspension or denial, including notice of an individual’s right to

¹ The Maryland Board of Professional Counselors and Therapists is a unit within the Maryland Department of Health and Mental Hygiene, Md. Code Ann., Health-Gen. §§ 2-101 & 2-106(a)(18), and is therefore a “licensing authority” within the meaning of Md. Code Ann., Fam. Law § 10-119.3(a)(3)(i) and (ii)(2).

contest the identity of the individual whose license or application is to be suspended or denied.

* * *

(i) *Appeal; hearing.* –(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual’s license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.

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(k) *Reinstatement of license—Duty of licensing authority.* – A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

- (1) notified by the Administration that the license should be reinstated; and
- (2) the individual otherwise qualifies for the license.

On June 28, 2017, the Board sent an unexecuted copy of this Order of Suspension to the Respondent. Accompanying the unexecuted Order of Suspension was a cover letter notifying the Respondent of his right to contest his identity in writing within thirty days of the date of the letter and notifying the Respondent that if he did not submit a signed, written appeal to the Board on or before July 31, 2017, the Board would execute this Order of Suspension as written.

FINDINGS OF FACT

1. The Board issued an authorization letter to the Respondent and his trainee status is currently active and is scheduled to expire on.
2. On or about June 9, 2017, the Board received a written request from the Administration, entitled “Request to Suspend or Deny License for Delinquent Child Support” (the “Request”), which requested that the Board suspend letter of authorization held by the Respondent for delinquent child support under the authority of Md. Code Ann., Fam. Law §10-119.3. The Request

stated that, as of June 1, 2017, the arrearage amount of child support that the Respondent owed was \$4,925.89, in the Administration's case numbered 630129982.

3. As noted above, Md. Code Ann., Fam. Law §10-119.3(e)(2) & (h)(1) requires that the Board suspend the letter of authorization of the Respondent upon notification by the Administration and after sending written notice to the Respondent of the proposed suspension and of his right "to contest the identity of the individual whose [certificate] is to be suspended."

4. On June 28, 2017, the Board sent an unexecuted copy of this Order of Suspension to the Respondent's last known address registered with the Board. Included with the unexecuted Order of Suspension was a letter notifying Respondent of his right to contest his identity, in writing to the Board, within thirty days of the date of the letter; that is, to contest that he was not the Joseph Daley Timmerman, named by the Administration as the individual whose should be suspended for delinquent child support. In addition, the letter also gave Respondent written notice that if he did not submit to the Board a signed, written appeal on or before July 31, 2017, the Board would execute this Order of Suspension as written.

5. The Respondent did not submit a written contest of identity to the Board by July 31, 2017; nor was the Board notified that the Respondent arranged to pay the arrears in full.

6. Having given the Respondent the statutorily required written notice of the Board's intent to suspend and of his right to contest identity pursuant to Md. Code Ann., Fam. Law §10-119.3(h)(1), and having not received a written response or appeal from the Respondent, the Board is statutorily required to suspend the Respondent's letter of authorization, pursuant to Md. Code Ann., Fam. Law § 10-119.3(e)(2).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that, pursuant to Md. Code Ann., Fam. Law §10-119.3(e)(2)(i), it is statutorily required to suspend the Respondent's letter of authorization until the Board receives notification from the Administration that the Respondent's certificate should be reinstated pursuant to Md. Code Ann., Fam. Law §10-119.3(k)(1)-(2), provided that the Respondent is otherwise qualified for authorization for trainee status.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, on this 18th day of August, 2017, by a quorum of the Maryland State Board of Professional Counselors and Therapists, it is hereby:

ORDERED that the authorization to practice as a alcohol and drug trainee held by the Respondent, Joseph Daley Timmerman, is **SUSPENDED**; and it is further,

ORDERED that the Respondent's certificate shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the Department of Human Resources that the Respondent's authorization should be reinstated pursuant to Md. Code Ann., Fam. Law §10-119.3(k)(1)-(2), provided that the Respondent is otherwise qualified for authorization; and it is further,

ORDERED that this is a Final Order of the Maryland State Board of Professional Counselors and Therapists and, as such, is a **PUBLIC** document pursuant to Md. Code Ann., Gen. Prov., §4-333.



Carol A. Deel, Ph.D., LCMFT, LCPC

Chair

Board of Professional Counselors and Therapists

NOTICE OF APPEAL RIGHTS

The Respondent has a right to appeal this Final Order of the Board pursuant to Fam. Law § 10-119.3(i), which provides as follows:

(i) *Appeal; hearing.*—(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.