

IN THE MATTER OF * BEFORE THE MARYLAND STATE
ANTHONY BIELUCKE, APPLICANT * BOARD FOR THE CERTIFICATION
Respondent * OF RESIDENTIAL CHILD CARE
* PROGRAM PROFESSIONALS
* CASE NUMBER: 18-004

* * * * *

CONSENT ORDER

On or about June 8, 2018, the Maryland State Board for Certification of Residential Child Care Program Professionals (the "Board") issued a Notice of Deny Application to **ANTHONY BIELUCKE** (the "Respondent"), applicant, pursuant to the Maryland Certification of Residential Child Care Program Professionals Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 20-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.). The pertinent provisions under the Act provide the following:

§ 20-313. Investigations; complaints; sanctions; prohibited acts

- (b) Subject to the hearing provisions of § 20-314 of this subtitle, the Board may deny a certificate to any applicant, reprimand any certified program administrator or certified residential child and youth care practitioner, place any certified program administrator or certified residential child and youth care practitioner on probation, or suspend or revoke a certificate if the applicant, certified program administrator, or certified residential child and youth care practitioner:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a certificate for a program administrator or residential child and youth care practitioner, or for another;
 - (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

A Case Resolution Conference (“CRC”) was held with the Respondent and a member of the Board on July 16, 2018. Thereafter the Board and the Respondent agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

The Board bases its action on the following facts that the Board has reason to believe are true:

1. On or about December 15, 2017, the Respondent applied to the Board for Certification of Residential Child and Youth Care Practitioner (RCYCP).
2. The Respondent replied “No” to the following question on the application:
Have you pled guilty, nolo contendere, been convicted of, or received probation for judgment for any criminal act (excluding misdemeanor traffic violations)?
3. Further, the Respondent signed a notarized affirmation on the application, which states:

I hereby affirm that the information in this application contains no willful misrepresentation or falsification and that the information given to me is true and complete to the best of my knowledge and belief. I understand that the State Board may verify information on this application. I also understand that any willful misrepresentation is cause for immediate denial of the application or later revocation of the certification.
4. Pursuant to the Act, as part of the application, the Respondent was required to undergo a state and federal criminal history records check.
5. The check was conducted through the Criminal Justice Information System (“CJIS”).

6. The Board received a criminal background report from CJIS on or about December 28, 2017.
7. The CJIS report indicated that the Respondent had been found guilty of theft by unlawful taking in 1994 in and had been placed on probation for two years as a result.
8. Upon review of the CJIS report, Board staff requested the Respondent provide a written explanation to the 1994 arrest.
9. On January 29, 2018, the Board received the Respondent's explanation, wherein he states, in pertinent part, that:
 - a. during his last year of high school he and his girlfriend were living with his grandmother and that unbeknownst to him, his girlfriend stole \$26,000 in cash from his grandmother;
 - b. while his grandmother was reporting the incident to the police, his girlfriend revealed to him that she had stolen the money;
 - c. shortly thereafter, the police arrived, searched the bedroom and found the money; and
 - d. he served a two year probation for the offense.
10. Court records obtained from the Lackawanna County Courthouse in Scranton, Pennsylvania, where the incident occurred, state the following:
 - a. while the Respondent was in high school, he moved into his grandmother's home after his mother kicked him out for suspecting him of stealing;
 - b. the Respondent's girlfriend was suspended from school and was staying at

the grandmother's house with the Respondent;

- c. the Respondent's grandmother reported her money missing;
- d. the Respondent's girlfriend made a statement to the police alleging the Respondent and his girlfriend had previously sold three rolls of his grandmother's silver;
- e. since the grandmother was accusing them of stealing, the Respondent and his girlfriend located the money and decided to keep it;
- f. the Respondent's girlfriend admitted to storing the money in the grandmother's basement ceiling; and
- g. the police recovered \$26,074.00 upon a search of the grandmother's residence.

11. The Respondent's explanation regarding his criminal history also includes information about an August, 2012 arrest, which states in pertinent part that:

- a. he was arrested during a traffic stop when the police officer learned of an outstanding warrant for his arrest;
- b. the warrant pertained to a false accusation for assault (i.e. scratches and dragging) made by his current fiancée;
- c. he pleaded guilty to a disorderly person offense and received a 12-month probation; and
- d. the Respondent has paid the fines and completed the probation.

12. Court records obtained from the Camden County Superior Court in New Jersey state that the Respondent caused a bodily injury to another individual by dragging

the victim, resulting in scratches to her eye and other parts of her body.

13. At the Board investigator's request, on May 1, 2018, the Respondent provided a letter regarding why he had answered "No" to the criminal history question on the application.
14. The Respondent stated that he did not realize he had answered "No" and "must have misunderstood the question."
15. The Respondent's failure to answer "Yes" in response to the criminal history question on the RCYCP application constitutes fraud and/or deception in the attempt to obtain an RCYCP license in violation of Health Occ. § 20-313(b)(1).
16. The Respondent's guilty plea to theft by unlawful taking constitutes a crime of moral turpitude under Health Occ. § 20-313(b)(4).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that there are grounds for discipline of the Respondent's license pursuant to Health Occ. § 20-313(b)(1) and (4).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of September, 2018, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent's shall be issued a license to practice as a residential child care program professional; and it is further

ORDERED that the Respondent's license shall be **REPRIMANDED**; and it is further

ORDERED that the Respondent's license shall be immediately placed on **PROBATION** for a minimum period of **TWO YEARS**, to commence on the date the Board executes the Consent Order; and it is further

ORDERED that during the probationary period, the Respondent shall:

1. Ensure that his employer submits quarterly reports to the Board regarding any discipline to which he may have subjected as well as his work performance;
2. Successfully complete a Board-approved ethics course, which shall not count toward his continuing education credits for renewal; and it is further

ORDERED that the Respondent shall incur all costs associated with this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101, *et seq.* (2014 Repl. Vol. and 2016 Supp.)

9/14/2018
Date

Krystal Holland
Krystal Holland, Board Chair
Maryland Board for Certification of Residential
Child Care Program Professionals

CONSENT

I, Anthony Bielucke, acknowledge that I have had the opportunity to seek advice of counsel in this matter. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had 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 acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had the opportunity to be advised by counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

9/6/2018
Date



Anthony Bielucke
Respondent



NOTARY

STATE OF Maryland

CITY/COUNTY OF: Frederick

I HEREBY CERTIFY that on this 6 day of September, 2018, before me, a Notary Public of the State and County aforesaid, personally appeared Anthony Bielucke, 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.

Stephan Alexander Berbes

Notary Public



My commission expires: 12/13/2020