

<p>IN THE MATTER OF</p> <p>DESHAWN A. MITCHELL,</p> <p>RCYCP APPLICANT</p> <p>CASE NUMBER 19-0015</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p>BEFORE THE MARYLAND STATE</p> <p>BOARD FOR THE CERTIFICATION</p> <p>OF RESIDENTIAL CHILD CARE</p> <p>PROGRAM PROFESSIONALS</p>
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CONSENT ORDER OF REPRIMAND

On or about July 11, 2018, DeShawn A. Mitchell (the “Applicant”) submitted an initial certification application for Residential Child and Youth Care Practitioner to the Maryland Board for the Certification of Residential Child Care Program Professionals (the “Board”). Upon completion of a criminal history record check as required by Md. Code Ann., Health Occ. Article (“H.O.”) § 20-302, the Board discovered that the Applicant had a criminal history. The Board initiated an investigation. The Applicant submitted to the Board a narrative statement and subsequently provided supporting documentation regarding his charges and disposition.

Based upon the Applicant’s certification application, the court documents acquired during the Board’s investigation, and the Applicant’s narrative statement, the Board voted to offer a Consent Order of Reprimand to the Applicant, in lieu of issuing Charges for violations of the Maryland Residential Child Care Program Professionals Act (the “Act”), H.O. § 20-101 *et seq.* Specifically, the Board finds that the Applicant violated H.O. §§ 20-313(b)(1) (“Fraudulently or deceptively obtains or attempts to obtain a certificate for a...residential child and youth care practitioner...”). As a result of that offer, the Applicant and the Board agreed to the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. On or about July 11, 2018, the Applicant submitted to the Board an initial certification application for Residential Child and Youth Care Practitioner (the "Application").

2. In the character and fitness portion of the Application, the Applicant answered "NO" to Question 4: "Have you pled guilty, to, [sic] nolo contendere, been convicted of, or received probation before judgment for any criminal act (excluding misdemeanor traffic violations)?"

3. Court records obtained by the Board show that on August 3, 2006, in the County Court for Marion County Florida, the Applicant pled guilty to and was convicted of possession of an open container of alcohol. The Applicant was sentenced to two days incarceration. Court records also indicate that on August 3, 2006, the Applicant pled guilty to and received probation before judgment for possession of cannabis, less than 20 grams. The Applicant was ordered to submit to six (6) months supervised probation, complete a substance abuse class and community service.

4. In a narrative statement submitted to the Board dated December 29, 2018, the Applicant acknowledged his history but did not address the issue of his failure to disclose his convictions on his application for certification as a child and youth care practitioner.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Applicant violated

Md. Code Ann., Health Occ. § 20-313(b)(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...”), in that the Applicant did not disclose his criminal history on his Application for certification.

ORDER

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

ORDERED that the request by the Applicant for certification to practice as a residential child and youth care practitioner in the State of Maryland is hereby **GRANTED**; and it is further

ORDERED that the Board shall **ISSUE** to the Applicant a certification to practice as a residential child and youth care practitioner in the State of Maryland; and it is further


ORDERED that the certification of the Applicant to practice as a residential child and youth care practitioner in the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Applicant shall comply with the Maryland Residential Child Care Program Professionals Act, Md. Code Ann., Health Occ. §§ 20-101 *et seq.*, and all federal and State laws and regulations governing the practice as a residential child and youth care practitioner in Maryland; and it is further

ORDERED that this document is a **PUBLIC DOCUMENT** under Md. Code Ann., General Provisions § 4-101, *et seq.*

4/12/19

Date



Krystal Holland, Chair
Maryland State Board for the Certification of Residential

CONSENT

By this Consent, I acknowledge that I have read this Consent Order in its entirety and I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Consent Order and its conditions. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. 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 legal counsel authorized to practice law in Maryland, to confront witnesses, to give testimony, to request subpoenas for witnesses, to call witnesses on my own behalf, to introduce testimony and evidence on my own behalf, and to all other substantive and procedural protections provided by law. I waive these rights, as well as any appeal rights under Maryland Code Annotated, State Government Article § 10-222.

I sign this Consent Order after having an opportunity to consult with an attorney, voluntarily and without reservation, and I fully understand and comprehend the language, meaning, terms, and effect of this Consent Order.

3/25/19

Date



DeShawn A. Mitchell

**CHERIE N KEITH
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
MY COMMISSION EXPIRES JULY 12, 2021**



NOTARIZATION

STATE: Maryland

CITY/COUNTY: Washington

I HEREBY CERTIFY that on this 25 day of March, 2019, before me, a Notary Public of the State and City/County aforesaid, personally appeared **DeShawn A. Mitchell** and made oath in due form of law that signing the foregoing Consent Order of Reprimand was the voluntary act and deed of **DeShawn A. Mitchell**.

AS WITNESSETH my hand and Notarial Seal.

SEAL



Notary Public

My Commission Expires: 7-12-2021