

IN THE MATTER OF

VAUGHN PHILLIPS

APPLICANT

CASE NUMBER: 19-003

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BEFORE THE MARYLAND STATE

BOARD FOR THE CERTIFICATION

OF RESIDENTIAL CHILD CARE

PROGRAM PROFESSIONALS

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CONSENT ORDER OF REPRIMAND

On or about July 2, 2018, Vaughn Phillips (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. Based on information received by the Board during the investigation, the Board requested that the Applicant submit a narrative explanation of his criminal history. On August 16, 2018, the Applicant submitted to the Board a narrative statement and subsequently provided supporting documentation regarding his arrests, charges, and convictions.

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...") and (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”). 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 2, 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 the Applicant had the following criminal convictions:

a. On or about October 23, 2008, in the District Court for Baltimore County, Case No. 4C00276287, the Applicant was convicted of fraud by theft of personal identity information. The Applicant received probation before judgment and sentenced to eighteen (18) months, with all suspended, and ordered to a two (2) year probation term.

b. On or about February 7, 2008, in the District Court for Baltimore County, Case No. 5C00270898, the Applicant was convicted of CDS: possession of paraphernalia. The Applicant received probation before judgment.

c. On or about September 20, 2010, in the Circuit Court for Baltimore County, Case No. o3-K-10-000263, the Applicant was convicted of second- degree assault. The Applicant was sentenced to five (5) years, with all suspended, and ordered to a five (5) year probation term.

4. On or about August 16, 2018, the Applicant submitted a narrative to the Board

addressing his criminal history. Regarding the Applicant's October 2008 fraud conviction, the Applicant explained that a trusted friend "convinced [him] to commit fraud by taking someone's information" and that he was suffering from depression at the time of the incident. The Applicant explained that his September 2010 assault conviction was the result of a physical altercation with a friend. The Applicant stated that he has undergone counseling to better cope with and de-escalate difficult situations.

5. The Applicant's narrative statement did not address why he answered "NO" to Question 4 on his Application.

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 convictions on his Application.

The Board also concludes that the Applicant violated Md. Code Ann., Health Occ. § 20-313(b)(6) ("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") in that he was convicted of fraud by theft of personal identity information, a crime of moral turpitude.

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.*

12/14/18
Date

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

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.

12-12-18
Date



Vaughn Phillips

NOTARIZATION

STATE: Maryland

CITY/COUNTY: Baltimore

I HEREBY CERTIFY that on this 12th day of December, 2018, before me, a Notary Public of the State and City/County aforesaid, personally appeared **Vaughn Phillips** and made oath in due form of law that signing the foregoing Consent Order of Reprimand was the voluntary act and deed of **Vaughn Phillips**.

AS WITNESSETH my hand and Notarial Seal.

SEAL

Florence M Johnston

FLORENCE M JOHNSTON
Notary Public-Maryland
Baltimore County
My Commission Expires
April 10, 2019

Notary Public

My Commission Expires: _____