

**FILED** *Ed of Social Work Examiners*  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF THE LICENSE OF:

**ADAM MALEK**  
License No. 44SL04649700

TO PRACTICE SOCIAL WORK  
IN THE STATE OF NEW JERSEY

Administrative Action

**CONSENT ORDER**

This matter was opened to the New Jersey State Board of Social Work Examiners (the "Board") upon receipt of information indicating that respondent Adam Malek had been arrested for invasion of privacy, and subsequently plead guilty to one count of fourth degree observing another's intimate parts or sexual contact without the other's consent, in violation of N.J.S.A. 2C:14-9A. By Judgment of Conviction dated March 24, 2006, respondent was sentenced to two years probation, conditioned upon undergoing a psychological evaluation and complying with the course of treatment recommended by the evaluator, plus payment of costs. The facts of the crime, as set forth in the sentencing rationale of the Judgment of Conviction, are that respondent followed at least one juvenile

victim into a restroom of a local public park, and watched victim[s] through a crack in the bathroom partition. Respondent admitted to engaging in the behavior for his own sexual gratification.

Respondent advised the Board of his conviction, and sent letters and information from his therapists concerning his ongoing therapy and his ability to continue to practice as a licensed social worker. Following a review of that information, the Board requested that respondent be evaluated by Philip Witt, Ph.D., a psychologist with extensive experience in the evaluation of sexual offenders. Dr. Witt provided a report to the Board that summarized his interview with respondent, his review of treatment reports, and test results. Dr. Witt noted that respondent's behavior was both "bizarre and to some extent still . . . unexplained," even following test results and therapy reports. He is uncertain why respondent "chose this peculiar (and illegal) method of coping with stress." However, based on all the information presented, Dr. Witt concluded that respondent could return to work as a social worker under certain conditions. He recommended that respondent return to work with senior citizens (an area which in which respondent expressed interest and had previously worked) and that respondent's therapist, and possibly his supervisor, submit quarterly reports of respondent's progress to the Board.

Respondent appeared with counsel, Steven F. Wukovits, Esq., at an inquiry before the Board on November 29, 2006 to explain further the circumstances surrounding his arrest and conviction. Respondent testified that he was going through major stresses in his life at the time, including some issues at work at the death of his great-aunt, to whom he was very close. He stated that he was having issues dealing with women, and as a result, he was attracted to boys at the time. Respondent admitted that he went to the park,

"view[ed] the younger boy going into the bathroom, urinating in the bathroom. . . . I did masturbate in the bathroom." Respondent admitted to this behavior on two occasions, although he claimed to have been in the park on other occasions just to rest. When asked the reason for his behavior, respondent explained that he was dealing with stress through arousal and this was his release at that time. He also explained that he had always been "treated like a kid" so he felt as if he was observing his peers or "relating to my friend."

Respondent also testified that he had other impulse control problems in the past, including a gambling addiction, but that he had not gambled in thirteen years. He believed that therapy was helping him address other issues, including ego problems and stress in relationships, that would prevent recurrence of the incidents that led to his arrest.

Having reviewed the entire record, it appears to the Board that the behavior that led to respondent's arrest was exceedingly inappropriate, and the reason for the behavior has not been explained to the Board's satisfaction. Respondent and his treating therapists contend that the behavior was a response to stress that was occurring in his life. They, and Dr. Witt, assert that the behavior is unlikely to recur, particularly if respondent continues in therapy.

Respondent's conviction and the nature of the underlying offense provides a basis for discipline pursuant to N.J.S.A. 45:1-21(f). Based on the therapists' reports, and particularly Dr. Witt's report and recommendations, the Board believes that a period of suspension is warranted, after which respondent may practice as a licensed social worker under certain restrictions which will ensure the protection of the public health, safety, and welfare. Respondent desiring to resolve this matter without recourse to formal proceedings and for good cause shown:

IT IS ON THIS 7<sup>th</sup> DAY OF June, 2007  
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice social work shall be and hereby is suspended for a period of at least 30 months. The first six months of the suspension shall be a period of active suspension, and the remainder shall be stayed and served as a period of probation, contingent on compliance with the terms of this Order and the laws governing social work in the State of New Jersey. The active period of suspension shall commence nunc pro tunc November 29, 2006, the date on which respondent appeared for inquiry and informed the Board that he was not engaged in the practice of social work. During the period of active suspension, respondent shall not engage in the practice of social work. Periods of time during which respondent is not employed as a practicing social worker shall be excluded from the computation of time to be served on probation. Respondent may not resume the unrestricted practice of social work without further order of the Board, and pursuant to the requirements set forth in paragraph 10 herein.

2. In the event the Board receives information which the Board in its sole discretion deems reliable that respondent has failed to comply with any of the terms of this Consent Order, the Board may immediately enter an order making respondent's period of stayed suspension active. Respondent shall have the right to apply to the Board to request a hearing, on seven (7) days' notice, for removal of the automatic suspension, but the application shall be limited to a showing that the information submitted to the Board was false or inaccurate.

3. Respondent shall not hereafter treat or provide any mental health or social work services to anyone under the age of eighteen years.

4. Respondent's social work services shall be supervised weekly by a New Jersey licensed mental health professional, pre-approved by the Board following submission of his or her credentials to the Board. The prospective supervisor shall be provided with a copy of this Consent Order. He or she shall submit to the Board a curriculum vitae along with a signed copy of this Consent Order, indicating that he or she has read the Order and agrees to comply with its terms. Respondent and his supervisor, who must be on site, shall meet face-to-face a minimum of one hour per week to review all social work services provided by respondent to clients, including a review of all client progress notes. The supervisor shall provide quarterly progress reports regarding supervision of respondent for the period of probation. An unfavorable report may be considered a violation of this Consent Order. In the event the supervisor becomes aware of a boundary violation by respondent, or in the event of an arrest for inappropriate behavior, the supervisor shall notify the Board by telephone and in writing within twenty-four hours of learning of the events.

5. Respondent shall remain in psychotherapy during the period of probation at a frequency to be determined by the therapist but not less than once per week. Requests for a decrease in the frequency of therapy to less than once per week must be made to the Board, and be supported by a letter from the treating therapist providing the rationale for the requested decrease. Respondent may continue in therapy with his current psychotherapist, Andrew Roth, Ph.D. Unilateral cessation of therapy by respondent shall constitute a violation of this Order. In the event respondent ceases therapy with his approved therapist, respondent shall notify the Board in writing within three (3) days of cessation of treatment with the reasons therefor and shall submit the credentials of an

alternate psychotherapist to the Board for approval within ten (10) days thereafter. During the probationary period, respondent's psychotherapist shall provide the Board with quarterly reports expounding upon respondent's progress in therapy including his impulse control and responses to stress, and his competence to engage in the practice of social work. An unfavorable report may be considered a violation of this Consent Order. Respondent's psychotherapist may not serve as his supervisor, whose responsibilities are set forth in paragraph 4. Respondent shall provide all therapists with a copy of this Consent Order and shall provide the Board with a signed copy indicating that he or she has read the Order and agrees to comply with its terms. Periods of time during which respondent is not in therapy shall be excluded from the computation of time to be served as probation. In the event the therapist becomes aware of a boundary violation by respondent, or in the event of an arrest for inappropriate behavior, the therapist shall notify the Board by telephone and in writing within twenty-four hours of learning of the events.

6. Respondent is hereby assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$500 for the conduct described herein. Payment of the civil penalties shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Kay McCormack, Executive Director, Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, P.O. Box 45033, Newark, New Jersey 07101, and sent to the Board simultaneously with the signing of this Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

7. Respondent shall be assessed the costs of the State's investigation in this matter in the amount of \$1,533. Payment of costs shall be made by certified check or

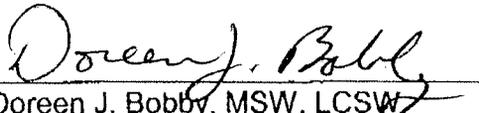
money order, made payable to the State of New Jersey, and sent to Kay McCormack at the address in paragraph 6 above within thirty (30) days of the entry of this Order.

8. During his period of probation herein, respondent shall inform each employer of the terms of this Order immediately upon beginning employment and provide the employer with a copy of the Order. Respondent shall cause his employer to acknowledge in writing that the employer has received and reviewed a copy of this Order. Respondent shall provide a copy of each such acknowledgment to the Board within ten (10) days of signature. Respondent shall also inform the Board of any changes in employment and/or duties of employment.

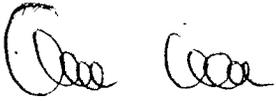
9. Respondent shall report to the Board when he has completed his period of court-ordered probation, and shall provide a letter from his probation officer attesting to respondent's compliance with all the conditions of probation.

10. Upon completion of the period of probation provided herein, respondent may submit to the Board a request for a reduction in the restrictions on his social work license after demonstrating compliance with the conditions of probation set forth in this Order. Respondent shall appear before the Board or a committee of the Board, if so requested by the Board. Regardless of whether respondent is required to appear before the Board or a committee, the burden shall be upon respondent to produce evidence acceptable to the Board that reduction in the restrictions are appropriate, he is fit and competent to practice social work and that he is capable of discharging the functions of a licensed social worker in a manner consistent with the health, safety and welfare of the public.

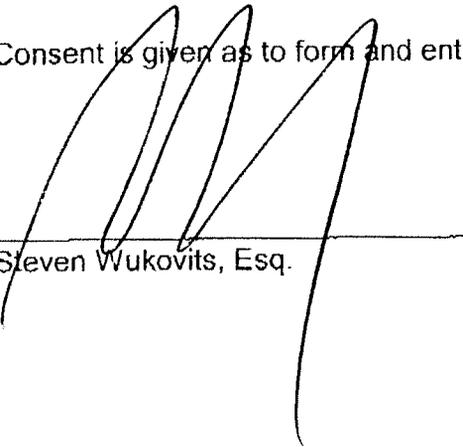
NEW JERSEY BOARD OF SOCIAL WORK EXAMINERS

By:   
Doreen J. Bobby, MSW, LCSW  
Board President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

  
Adam Malek

Consent is given as to form and entry of this Order:

  
Steven Wukovits, Esq.