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By: Susan C. Berger
Deputy Attorney General
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FILED
December 16, 2011
STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
ALCOHOL AND DRUG COUNSELOR COMMITTEE
Erin L. DeMar

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
ALCOHOL AND DRUG COUNSELOR
COMMITTEE OF THE STATE BOARD OF
MARRIAGE AND FAMILY THERAPY
EXAMINERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE CERTIFICATION OF

STEPHEN PINKS, CADC
Certification No. 37CA00074000

TO PRACTICE ALCOHOL AND DRUG
COUNSELING IN THE
STATE OF NEW JERSEY

Administrative Action

PROVISIONAL ORDER
OF DISCIPLINE

This matter was opened before the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners ("the Committee") upon receipt of information which the Committee has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a Certified Alcohol and Drug Counselor in the State of New Jersey, and has been certified at all times relevant hereto. (Exhibit A, Certification of Elaine DeMars, Executive Director, attached and made a part hereto).

2. On or about August 15, 2011, the Executive Director of the Committee, mailed a letter to respondent's address of record by regular mail directing respondent to testify before the Committee on August 26, 2011 regarding respondent's arrest and conviction for possession of a controlled dangerous substance.

(Exhibit A, and Exhibit B, August 15, 2011 letter, attached and made a part hereto).

3. The regular mailing was not returned and respondent has not notified the Committee of a change of address. (Exhibit A).

4. Respondent failed to attend the scheduled proceeding as directed and failed to submit any evidence showing good cause for his failure to appear. (Exhibit A).

5. On or about September 1, 2011, six days after failing to appear before the Committee, respondent called the Committee office. Respondent stated that he had received the letter directing him to appear before the Committee on August 26, 2011 and requested an adjournment. Respondent did not provide any reason for failing to appear on August 26, 2011 and did not submit any documentation. Respondent provided a telephone number, the same number he had provided in his application for certification. (Exhibit A and Exhibit B, Certification of Vivian Lopez, Committee staff member, attached and made a part hereto).

6. On or about September 1, 2011 a Committee staff member called the telephone number that respondent had provided; however, the telephone number provided by respondent had been disconnected. (Exhibits A and B).

7. On or about September 7, 2011 a Committee staff member again tried to call respondent. The staff member was able to leave a message asking respondent to call the Committee office. (Exhibits A and B).

8. To date, respondent has not contacted the Committee office or provided a reason for his failure to appear. (Exhibit A).

CONCLUSIONS OF LAW

Respondent's failure to appear before the Committee constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, which constitutes professional misconduct pursuant to N.J.S.A. 45:1-21(e).

ACCORDINGLY, IT IS on this day of , 2011,

ORDERED that:

1. Respondent's New Jersey Alcohol and Drug Counselor Certification is hereby provisionally suspended until he appears before the Committee and cooperates in the Board's investigation.

2. A \$250.00 civil penalty is hereby provisionally imposed for respondent's violation of N.J.S.A. 45:1-21(e).

3. The within Order shall be subject to finalization by the Committee at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

a) Submitting a written request for modification or dismissal to Elaine DeMars, Executive Director, Alcohol and Drug Counselors Committee of the State Board of Marriage and Family Therapy Examiners, P.O. Box 45040, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed or arguments in mitigation.

c) Submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

4. Any submissions will be reviewed by the Committee, and the Committee will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by respondent during the thirty-day period, or if the Committee is not persuaded that submitted materials merit further consideration, a Final Order of Discipline will be entered.

5. In the event that respondent's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Committee shall not be limited to the findings, conclusions and sanctions herein.

ALCOHOL AND DRUG COMMITTEE OF THE NEW
JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

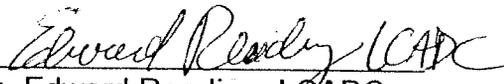

By: Edward Reading, LCADC
Committee Chair

EXHIBIT A

controlled dangerous substances on June 16, 2009 and that he had pled guilty to the charge on October 7, 2010.

5. I sent Mr. Pinks a letter requesting an explanation about his arrest.

6. The Committee received a response from Mr. Pinks and a copy of the disposition showing that on October 7, 2010 he had been found guilty of possession of controlled dangerous substances and was sentenced to among other penalties, four years of probation.

7. On August 15, 2011 I sent Mr. Pinks a letter on behalf of the Committee directing him to appear before the Committee on August 26, 2011 at 3:00 p.m. The letter was sent to his address of record.

8. The letter was not returned.

9. Mr. Pinks did not appear on August 26, 2011 and the Committee did not receive any response from Mr. Pinks on or before August 26, 2011.

10. The Committee has not received a request from Mr. Pinks to change his address of record.

11. On September 1, 2011, six days after the date respondent was scheduled to appear before the Committee, respondent called my office and spoke with a staff member, Vivian Lopez. Respondent confirmed with Ms. Lopez that he received the letter directing that him to appear before the Committee on August 26, 2011. Respondent requested additional time to respond. He did not provide any reason for not appearing on August 26, 2011 nor did he provide any reason for not previously responding to the Committee. To date respondent

has not submitted any reason for not appearing or any documentation regarding his failure to appear.

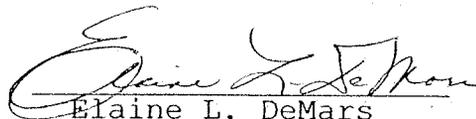
12. Respondent left a return telephone number (908) 397-0771, the same number that he previously provided in his application for certification.

13. Ms. Lopez called respondent on September 1, 2011 and heard a message stating that the telephone number had been disconnected.

12. On September 7, 2011 I directed Ms. Lopez to again call respondent at (908) 397-0771 and ask him to provide a reason for not appearing. Respondent did not answer the telephone but Ms. Lopez was able to leave a message asking respondent to call the Committee office.

13. To date, respondent has not again called the Committee office nor has he provided the Committee with another telephone number or a reason for failing to appear on August 26, 2011.

I certify that the foregoing statements made by me are true and that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Elaine L. DeMars

Dated: ~~September~~ , 2011

December 16, 2011

EXHIBIT B



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

COPY



PAULA T. DO
Attorney General

THOMAS R. CALC.
Director

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Marriage and Family Therapy Examiners
Alcohol and Drug Counselor Committee
124 Halsey Street, 6th Floor, Newark, NJ 07102

August 15, 2011

Mailing Address:
P.O. Box 4504
Newark, NJ 071
(973) 504-6582

~~SECRET~~
17 Berkeley Terrace
Plainfield, New Jersey 07062

Dear Mr. Pinks:

The Alcohol and Drug Counselor Committee ("the Committee") has not received your response to the July 1, 2011 Consent Order that was mailed to you. The Committee has determined that further inquiry is required as authorized by N.J.S.A. 45:1-18 et seq.

You are, therefore, directed to appear before the Committee to discuss your application on **Friday, August 26, 2011 at 3:00 p.m.** at 124 Halsey Street, 6th floor, Newark, New Jersey.

The purpose of this appearance is to enable the Committee to make an appropriate inquiry by affording you the opportunity of discussing this matter with members of the Committee and with the Deputy Attorney General. Please bring with you seven (7) copies of your current curriculum vitae.

A court reporter will be present at the Investigative Inquiry and you will be placed under oath. You may be accompanied by an attorney, if you so desire, provided your attorney is admitted to practice in this State. If you choose to retain counsel please provide your attorney with ample notice of the date.

If you desire additional procedural information prior to the date listed, please contact Deputy Attorney General Susan Berger at (973) 648-4876. Kindly call me at (973)504-6582 to confirm your appearance **no later than August 20, 2011.**

Directions to the State office building are enclosed.

Sincerely,

Elaine L. DeMars
Executive Director

ELD/cp
Encl.

cc: Susan Berger, Deputy Attorney General

EXHIBIT C

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIR
ALCOHOL AND DRUG COUNSELOR COMMITTEE
OF THE STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS

IN THE MATTER OF THE	:	Civil Action
SUSPENSION OR REVOCATION OF	:	
THE CERTIFICATION OF	:	CERTIFICATION
	:	
STEPHEN PINKS, CADC	:	
CERTIFICATION NO. 37CA00074000	:	
	:	
TO PRACTICE ALCOHOL AND DRUG	:	
COUNSELING IN THE	:	
STATE OF NEW JERSEY	:	

I, Vivian Lopez, of full age, certify as follows:

1. I am staff member of the Alcohol and Drug Counselor Committee of the New Jersey State Board of Marriage and Family Therapy Examiners ("the Committee"), with offices located at 124 Halsey Street, Newark, New Jersey 07102.

2. Elaine DeMars is my supervisor.

3. On September 1, 2011, respondent called the Committee office and spoke with me. Respondent advised me that he received a letter from the Committee directing that him to appear before the Committee on August 26, 2011. Respondent requested additional time to respond. Respondent did not provide any reason for not appearing on August 26, 2011 nor did he provide any reason for not previously responding to the Committee.

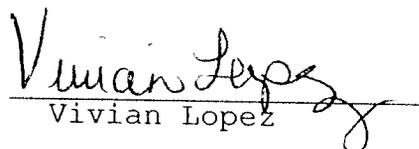
4. Respondent left a return telephone number (908) 397-0771.

5. I tried calling respondent later that day at the telephone number he had provided and heard a message stating that the telephone number had been disconnected.

6. On September 7, 2011 Ms. DeMars directed me to again call respondent at (908) 397-0771 and ask him to provide a reason for not appearing. Respondent did not answer the telephone but I was able to leave a message asking respondent to call the Committee office.

7. To date, I have not spoke with respondent subsequent to September 1, 2011.

I certify that the foregoing statements made by me are true and that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


Vivian Lopez

Dated: September 26, 2011