

FILED

17 July 2015

STATE OF NEW JERSEY
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS
PROFESSIONAL COUNSELOR EXAMINERS COMMITTEE

Richard S. Kelly

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

IN THE MATTER OF THE SUSPENSION OR :
 REVOCATION OF THE LICENSE OF : ADMINISTRATIVE ACTION
 :
 : FINAL ORDER OF DISCIPLINE
 THOMAS FLAHERTY :
 License No. 37PC00041000 :
 :
 :
 TO PRACTICE AS A PROFESSIONAL COUNSELOR :
 IN THE STATE OF NEW JERSEY :

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

FINDINGS OF FACT

1. Thomas Flaherty ("Respondent") is the holder of license number 37PC00041000 and is licensed to practice as a Professional Counselor at all times relevant hereto.

2. On or about August 19, 2014, the Committee received a flagging notice advising that Respondent was arrested on June 18, 2014 by the Camden County Police Department for violation of N.J.S.A. 2C:33-2.1B, Loiter to Obtain/Sell Controlled Dangerous Substance in Public. On August 18, 2014, Respondent was found

guilty of local ordinance violations and assessed a fine of \$608.00.

3. Upon receipt of the flagging notice, on or about June 23, 2014, the Committee sent a letter to Respondent requesting certain information and submission of documents, to Respondent's address of record in Woodbury, New Jersey.¹ The letter was sent by regular and certified mail. The regular mail was not returned and the certified mail was unclaimed.

4. To date, Respondent has not provided a response to the Committee's request for information.

CONCLUSIONS OF LAW

Respondent's failure to respond to the Committee's request for information constitutes a failure to cooperate with a Committee investigation, in contravention of N.J.A.C 13:45C-1.2,-1.3, in violation of N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A 45:1-21 (h).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking the suspension of respondent's license to practice as a professional counselor in

¹ The POD incorrectly stated respondent's address of record as being in Liberty Corner rather than Woodbury. The error was of no significance, however, as record reflects that the letter was correctly sent to respondent's address of record in Woodbury, and he responded to the POD.

the State of New Jersey and a civil penalty of \$250 was entered on November 7, 2014. A copy was forwarded to respondent's last known address by means of both regular and certified mail. The certified mailing was returned unclaimed; the regular mail was not returned. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent provided a letter in response to the POD. In the letter, respondent repeated his answers to questions from the renewal application, attached a criminal complaint and charge disposition, and explained why he was unable to acquire the police report in the matter. No personal narrative was included in the response. Indeed, respondent's letter concludes with the statement that "the matter has been adjudicated with a conviction of 'Improper Behavior,' a Disorderly Persons offense. I do not have any additional information to add at this time."

Although respondent calls the letter an "explanatory

letter," in fact, the letter explains nothing. The initial letter to Respondent that gave rise to the filing of the POD requests that a narrative statement regarding Respondent's version of the underlying conduct which gave rise to the underlying crime or offense for which he was arrested be provided. Respondent has again failed to provide that information, so that the Committee does not have sufficient information to evaluate the facts and determine whether any discipline is warranted based on respondent's conduct.

The Committee has determined that the Respondent's response to the Provisional Order of Discipline was insufficient and, accordingly, has decided to finalize the order on adoption without modification.

ACCORDINGLY, IT IS on this 17 day of July, 2015,

ORDERED that:

1. Respondent's license to practice as a Professional Counselor is suspended until such time as Respondent cooperates fully with the Committee's investigation by providing the Committee with the information requested in the Committee's June 23, 2014 letter, specifically, a narrative statement explaining respondent's version of the conduct which gave rise to the arrest and conviction. Respondent shall refrain from engaging in the practice of professional counseling and shall not

represent himself as a professional counselor until such time as his license is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

2. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$250.00. Payment shall be made by money order, bank cashier check or certified check, made payable to the State of New Jersey or by wire transfer, direct deposit or credit card payment delivered or mailed to Milagros Collazo, Executive Director, State Board of Marriage and Family Therapy Examiners Professional Counselor Examiners Committee, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making payment. Payment shall be due no later than fifteen (15) days after the filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

NEW JERSEY STATE BOARD OF MARRIAGE AND
FAMILY THERAPY EXAMINERS PROFESSIONAL
COUNSELOR EXAMINERS COMMITTEE

By: _____


William Green L.R.C.
Committee Chair