

**BEFORE THE ALABAMA STATE BOARD  
OF SOCIAL WORK EXAMINERS**

<b>IN THE MATTER OF</b>	)	
	)	
<b>GERALD LAVENDER, LBSW,</b>	)	<b>CASE NO. 12-3844B-17</b>
	)	
<b>RESPONDENT.</b>	)	

**RECOMMENDATION OF ADMINISTRATIVE LAW JUDGE**

**ADMINISTRATIVE BACKGROUND**

This matter came before the Alabama State Board of Social Work Examiners (hereinafter the "Board") by a summons and complaint dated September 5, 2013, issued to Mr. Gerald Lavender (hereinafter Mr. Lavender) concerning his license to practice as a licensed social worker, pursuant to § 34-30-5, Code of Ala. 1975, and the Alabama Administrative Procedures Act. Said summons and complaint was mailed to Mr. Lavender's most recent address with the Board, which is 2417 7<sup>th</sup> Street, NW, Birmingham, AL 35215. A hearing was held was on November 15, 2013. The Board was present at the hearing and represented by Attorney Ellen Leonard. Mr. Lavender failed to appear. At all times relevant to the administrative complaint, Mr. Lavender was a licensed social worker with the Board.

**FINDINGS OF FACT**

The legal charge is based upon the Board's Administrative Code and Code of Ethics, and was clearly listed in the formal administrative complaint dated September 5, 2013. This complaint related to Mr. Lavender's committed acts in violation of the Code of Ethics and/or the Administrative Code provisions governing the practice of social work in the State of Alabama as follows:

1. While licensed by the Board to practice social work, Mr. Lavender worked as a social worker for AIDS Alabama. While working as a social worker, Mr. Lavender obtained cash and SSI disability debit cards from his clients.
2. From a period beginning April 2012 to August 2012, Y.C. had paid Mr. Lavender two hundred dollars (\$200.00) a month for the program fee. The actual amount that Mr. Lavender should have been collecting from Y.C. was one hundred twenty-five dollars (\$125.00) a month.
3. L.D. was required to pay a seventy-five dollar (\$75.00) deposit to Mr. Lavender to get into the Le project. There is no deposit fee to get into the Le project.
4. Mr. Lavender had possession of two clients' SSI benefit debit cards. This resulted in these clients not having funds to pay for a place to live or buy food.
5. Mr. Lavender admitted clients directly into the Reentry Program without staffing them with the treatment team.
6. While serving as a substance abuse counselor, Mr. Lavender used his position to intimidate clients to give him money and SSI debit cards. Mr. Lavender would threaten clients, stating that if they told the main office about his collecting money and debit cards from them, that they would "be sorry."

### **CONCLUSIONS OF LAW**

The Board has the authority to discipline its licensees pursuant to § 34-30-4, Code of Ala 1975. More particularly the Board may revoke any license upon proof that the person has engaged in unprofessional conduct. Sections 34-30-4(a)6 and 34-30-4(b) provide as follows:

- (a) The State Board of Social Work Examiners, after a hearing, may refuse to renew, may suspend or *may* revoke any license issued under this chapter upon proof that the person has engaged in unprofessional conduct within the last five years, including, but not limited to:

(6) Being found guilty *of* unprofessional conduct by the rules established by the Board of Social Work Examiners.

(b) In addition to the disciplinary powers provided in subsection (a), the board may levy and collect administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than \$500.00 for each violation. (Acts 1977, No. 652, p. 1102, § 9; Acts 1992, No. 92-121, p. 204, § 3.)

The Board's Administrative Code sets out several sections concerning the deceitful conduct. The relevant sections are as follows:

Section 850-X-9.01(1)(a)2 states that the social worker shall not participate in, condone, or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity.;

Section 850-X-9-.01(1)(d)2 states that the social worker shall not exploit professional relationships for personal gain;

Section 850-X-9-.01(2)(a)2 states that the social worker shall not exploit relationships with clients for personal advantage;

Section 850-X-10-.01(2)(d) prohibits a social worker from Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public;

Section 850-X-9-.01(1)(c) states that the social worker shall retain ultimate responsibility for the quality and extent of the service that individual assumes, assigns, or performs; and

Section 850-X-9-.01(2)(a)11 states that the social worker shall not use derogatory language in written or verbal communications to or about clients. The social worker shall use accurate and respectful language in all communications to and about clients.

See Alabama Board of Social Work Examiners Administrative Code, §§ 850-X-9.01(1)(a)2, 850-X-9.01(1)(d)2, 850-X-9-.01(2)(a)2, 850-X-10-.01(2)(d), 850-X-9-.01(1)(c) and 850-X-9-.01(2)(a)11.

The Board presented uncontested evidence regarding Mr. Lavender's conduct. James Depree, Jr., the Board's Investigator, set out a detailed summary of Mr. Lavender's receipt of

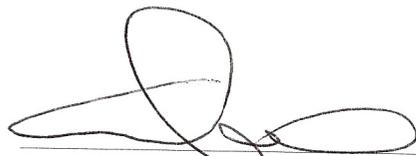
financial payments from multiple clients. Board's Exh. 2. Moreover, Mr. Lavender admitted to allowing his clients to have personal loans in a letter Mr. Lavender wrote to the Board.

**RECOMMENDATION**

The uncontested evidence presented against Mr. Lavender constitutes a violation of § 34-30-4(a)6, Code of Ala. 1975 and Rules §§ 850-X-9.01(1)(a)2, 850-X-9.01(1)(d)2, 850-X-9.01(2)(a)2, and 850-X-10.01(2)(d), Administrative Code, Alabama Board of Social Work Examiners.

Based on the facts and law as presented above, I hereby find that the revocation of Mr. Lavender's license to engage in the practice of social work in the State of Alabama is justified.

Done this 7<sup>th</sup> day of January, 2013.



Cleophus (J.R.) Gaines, Jr., Esq.  
Administrative Law Judge