

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

**WEST VIRGINIA BOARD OF
SOCIAL WORK EXAMINERS,**

Complainant,

v.

Case No. AA01-2011

**ANGELA ALLEN,
License No.: AP02943607,**

Respondent.

FINDINGS OF FACT AND CONCLUSION OF LAW AND ORDER OF THE BOARD

After due investigation of a written complaint, the West Virginia Board of Social Work Examiners (hereinafter "Board") determined that there was probable cause to believe that Angela Allen (hereinafter "Respondent") has exhibited unprofessional and unethical conduct in the practice of social work, in violation of the provisions of W. Va. Code § 30-30-1 *et seq.* and the Rules of the Board, W. Va. Code R. § 25-1 *et seq.* The Respondent was provided with written notice of the allegations against her and this matter was scheduled for hearing for which a hearing was held on October 17, 2011, pursuant to the rules of the Board and the laws of this State.

The Board appeared by and through Katherine A. Campbell, Assistant Attorney General, and the Respondent failed to appear. Testimony and exhibits were offered by the Board, and no evidence in any form was offered by the Respondent.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. The Board is a State entity created by W. Va. Code § 30-30-1 *et seq.* and is empowered to regulate the practice of social work.
2. The Respondent, Angela Allen, is a licensee of the Board, possessing License No. AP02943607, and is therefore subject to the license requirements of said Board.
3. The Board is empowered to investigate allegations of unprofessional or unethical conduct and to suspend, restrict, revoke or refuse to issue a license to practice social work under the authority granted to it by W. Va. Code § 30-30-1 *et seq.*
4. Judith Williams (Williams), Executive Director of the Board, testified on behalf of the Board.
5. On April 23, 2010, and on May 28, 2010, the Board received complaints against the Respondent from two social workers employed at Covenant House for obtaining client gas cards for her personal gain, for obtaining checks for client services then altering the checks for her personal gain, for making unauthorized purchases on her employer's credit card for personal gain, for permitting a client to live with her, and for removing client files and eventually destroying client files without authorization. *See* October 17, 2011, Record at 6-7 and Board Exhibit 1 (hereinafter "10/17/11 R. at ____").
6. Respondent was, at all times material hereto, employed as a Social Worker for Covenant House in Kanawha County, West Virginia. *See* 10/17/11 R. at 16.
7. Moreover, Covenant House terminated the Respondent's employment in April 2010, and upon investigation, discovered numerous ethical violations.

8. Williams testified that the Respondent is a licensee of the Board and was a licensee of the Board at the time of her employment with Covenant House; however, by *Order* dated September 30, 2010, the Board suspended the Respondent's license due to an immediate danger to the public. *See* 10/17/11 R. at 6-7 and Board Exhibit 1.

9. Williams testified that a licensee is required to maintain a current address with the Board. *See* 10/17/11 R. 7-8.

10. Williams testified that the last known address that the Board had for the Respondent was 1501 Lee Street, Charleston, West Virginia. *See* 10/17/11 R. at 7.

11. Williams testified that she sent via certified mail both complaints and the *Order* suspending her license to the Lee address; however, they were returned to the Board office. *See* 10/17/11 R. at 7-8.

12. Williams testified that the Board did not receive any type of response from the Respondent regarding these two complaints, and at that point the Board hired an investigator to review both of these complaints. *See* 10/17/11 R. at 10.

13. The investigator presented his findings to the Board and the Board issued the *Statement of Charges* dated February 18, 2011, based upon the investigator's findings. *See* 10/17/11 R. at 10-11 and Board Exhibit 2.

14. Williams testified that the *Statement of Charges* was sent to a different address from Lee Street that she had received from the Mason County Court. This new address was at 1765 Halleck Road, Morgantown, West Virginia. Moreover, Williams stated that she sent it both certified and regular mail with only the certified being returned to the Board office as "unclaimed." *See* 10/17/11 R. at 11-12.

15. Williams testified that the Board offered the Respondent a *Consent Agreement*; however, the Board did not hear from the Respondent regarding the offer. *See* 10/17/11 R. at 13-14.

16. The Board when hearing no response regarding the *Consent Agreement* issued a *Notice of Hearing* dated August 29, 2011. This *Notice* was sent to yet another address received from the Mason County Court at 123 Main Street, Apartment B, Granville, West Virginia. It was sent via certified mail and was returned “attempted three times.” Moreover, it was sent regular mail as well. *See* 10/17/11 R. at 13-15 and Board Exhibit 3.

17. David Bennett (Bennett), Programs Director at Covenant House, testified on behalf of the Board.

18. Bennett testified that he was the Respondent’s direct supervisor while she was employed at Covenant House as a social worker. She was hired in December 2009 to work the HOPWA Program which is the Housing Opportunities for People With Aids. Bennett testified that he had previously worked that program before his promotion to Programs Director. *See* 10/17/11 R. at 19-20.

19. Bennett testified that the HOPWA program is a grant program that tries to maintain stable housing for those with AIDS. The Respondent was responsible for 11 southern counties including a portion of Kanawha County. Another individual was hired at the same time as the Respondent and she was responsible for the other 11 southern counties along with the other half of Kanawha County. *See* 10/17/11 R. at 19-21.

20. Bennett testified that it was more hands on training for the Respondent and that at Covenant House there was no formal probationary period of employment. *See* 10/17/11 R. 20-22.

21. Bennett testified that the Respondent's last day of employment with Covenant House was April 12, 2010. He stated that she was going to be fired on April 13, 2011, but that she did not return to the office after April 12, 2010. *See* 10/17/11 R. at 23-27.

22. Bennett testified that once the Respondent was fired from her position at Covenant House that it was discovered when reviewing her caseload numerous discrepancies in the payments made through the HOPWA program along with other discrepancies. *See* 10/17/11 R. at 28-29.

23. On April 12, 2010, the Respondent was assigned to mail out approximately thirteen checks to clients for payment of utilities and rent; however, it was discovered in the following days that the clients did not receive these checks. Moreover, it was discovered by Covenant House that the Respondent had since March 2010 obtained checks from Covenant House for the utility or rental needs of current clients, but had the checks issued to a false landlord name or issued to the utility company itself, then the Respondent would alter the checks and cash them herself. *See* 10/17/11 R. at 29-57 and Board Exhibits 4-16.

24. Bennett testified that he was familiar with the Respondent's signature which was on these "Financial Assistance Request Forms." Moreover, Bennett investigated each of these requests to determine the validity of these requests, and he determined that these thirteen requests were not valid requests. *See* 10/17/11 R. at 40 and 53 and Board Exhibits 4-16.

25. Approximately \$7,000-10,000 was ultimately taken by the Respondent from the HOPWA program. *See* 10/17/11 R. at 56-57.

26. During the months of March and April 2010, the Respondent made unauthorized purchases, including gift cards, rental vehicles, and rental of U-Haul vehicle, on Covenant House's

credit card to be used for client services; however, no client ever received any of these services or purchases. *See* 10/17/11 R. at Board Exhibits 17-19.

27. Bennett testified that Covenant House had three key members who held corporate credit cards including the Executive Director of which Bennett would use often himself. Moreover, Bennett stated that this would be the credit card used by the Respondent if needed. *See* 10/17/11 R. at 57-58.

28. Bennett further explained that businesses such as Enterprise Rent-A-Car had the credit card number on file and would know the Covenant House employees by name and face, including the Respondent. However, the Respondent was only to rent a car for her travel within the state while on business. *See* 10/17/11 R. at 58-60.

29. Bennett testified that there may have been occasions that the Respondent would have used the corporate credit card for purchases such as one occasion the Respondent cleared a purchase of a bathroom tub. However, the purchase ended in a gift card for \$500 with no way of knowing what the money was actually used for, but it was not used for any client services. *See* 10/17/11 R. at 60-61.

30. Bennett testified that his notations on Board Exhibit 17 and 18 which consisted of circles around certain entries were found to be unauthorized transactions by the Respondent. Most of the unauthorized transactions occurred during the months of March and April 2010. *See* 10/17/11 R. at 61-64.

31. Bennett testified that the Walmart gift card purchases were not authorized by Covenant House and were unauthorized as shown on Board Exhibit 18 and 19. Bennett stated that sometimes that through the HOPWA program gift cards would be purchased for clients to make

purchases for food and other such items, but none of these gift cards had been authorized for any Covenant House clients. *See* 10/17/11 R. 64-69.

32. On April 12, 2010, gas cards were issued to several clients that were supposed to have \$10.00 on each gas card; however, it was discovered that several of the cards had no balances or less than a \$2.00 balance remaining. Moreover, it was determined after Covenant House conducted an audit that the Respondent had misappropriated approximately \$380.00.

33. Bennett testified that the Respondent was given gas cards in amounts of \$10 to be used by clients for travel expenses when traveling to Charleston for medical appointments. However, after the Respondent was fired from her position, Covenant House began to receive calls from clients that the gas card(s) given to them had no money on them. It was discovered that the Respondent had used these cards for her own personal benefit, and she would place the valid cards with a balance on them on top of the stack in order to conceal her fraud. *See* 10/17/11 R. at 71-74.

34. On April 19, 2010, it was discovered that the Respondent permitted a current client to live with her for approximately one week. *See* 10/17/11 R. at 74-76.

35. Upon the Respondent's dismissal from Covenant House, it was discovered that the Respondent had removed approximately 35 confidential client files from Covenant House without any authorization. It was later learned that these files had been destroyed by the Respondent, and the files have not been recovered by Covenant House. *See* 10/17/11 R. at 76-80.

36. Bennett testified that the client who had lived with the Respondent witnessed the Respondent destroy case files taken from Covenant House. *See* 10/17/11 R. at 76-77.

37. Respondent's actions constituted violations of W. Va. Code. §§ 30-30-7(a)(2), (3), and (6) and W. Va. Code R. §§ 1.06(b) and (c), 1.07(I) and (n), 3.09(a), 4.03, 4.04, 4.05(a), 4.06, and 4.07(a), and that these violations are grounds for disciplinary action by the Board.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice social work, pursuant to W. Va. Code § 30-30-7.
3. That the Board has adopted, at W. Va. Code R. § 25-1-4.1, the National Association of Social Workers Code of Ethics.
4. Respondent's actions constitute violations of W. Va. Code. §§ 30-30-7(a)(2), (3), and (6) and W. Va. Code R. §§ 1.06(b) and (c), 1.07(I) and (n), 3.09(a), 4.03, 4.04, 4.05(a), 4.06, and 4.07(a), and that these violations are grounds for disciplinary action by the Board.
5. That at its regularly scheduled Board meeting, by unanimous vote, the Board determined there was sufficient probable cause to warrant further proceedings and that further action should be taken against the Respondent.
6. Licensees are required to maintain a current address with the Board and are required to notify the board of any address changes within thirty days of any change. W. Va. Code R. § 25-1-7.1.
7. That on February 3, 2011, the Board issued a Notice of Hearing and Complaint to the Respondent sent via certified mail at her last known address. The proof of delivery was received

back to the Board offices, and the matter was scheduled for hearing on October 17, 2011, at 9:30 a.m.

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent's license to practice social work is hereby REVOKED effective immediately, and Respondent is hereby ORDERED to return all licenses to the Board office immediately upon receipt of this Order.
2. That Respondent shall reimburse the Board for all of the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.

Dated this 31st of January, 2012.



RITA M. BROWN, CHAIRPERSON
WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS