

BEFORE THE WEST VIRGINIA BOARD OF SOCIAL WORK EXAMINERS

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

Complainant,

v.

Case No. MPF412-06

**MATTHEW T. POWELL,
License No.: BP02943181,**

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 Matthew T. Powell (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 him 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.

The Board adopts the following findings in this matter:

1. That the Board is a State entity created by W. Va. Code § 20-30-1 et seq. and is

empowered to regulate the practice of social work

2. That the Respondent, Matthew T. Lewis, is a licensee of the Board

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19. That the Respondent, Matthew T. Lewis, is a licensee of the Board

20. That the Respondent, Matthew T. Lewis, is a licensee of the Board

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That 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. That the Respondent, Matthew T. Powell, is a licensee of the Board, possessing License No. BP02943181, and is therefore subject to the license requirements of said Board. Moreover, by *Order* dated March 17, 2011, the Respondent's license to practice social work in the state of West Virginia was immediately suspended pursuant to W. Va. Code R. § 25-10-7. *See* October 17, 2011, Record at 5 and 6 (hereinafter "10/17/11 R. at ____") and Board Exhibit 4.
3. That 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 (Willlliams), Executive Director of the Board, testified on behalf of the Board.
5. Williams testified that the Board received a complaint against the Respondent when he was employed as a Social Worker for McDowell Nursing & Rehabilitation Center, Inc. in McDowell County, West Virginia, on September 9, 2010. 10/17/11 R. at 5-6, and 8 and Board Exhibit 1.
6. Williams testified that this complaint was forwarded to the Respondent pursuant to the Board's regulations for the Respondent's response; however, no response was received from the Respondent. This complaint had been forwarded to him with his renewed license which was received by the Respondent. 10/17/11 R. at 6-7 and Board Exhibit 1.

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doi:10.1371/journal.pone.0156969.g002

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10. *How do you think the current political climate in the United States affects the environment?*

1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

301. 100-443881-1002. A document in German and English dated 1944, titled "The German Government's Position on the Jewish Question" (The German Government's Position on the Jewish Question), which was a response to the "Final Solution" of the Jewish Question. The document was signed by the German Minister of Propaganda, Joseph Goebbels, and was distributed to the German people. It was a propaganda document that sought to justify the German position on the Jewish Question and to encourage the German people to support the German government's policies. The document was written in a clear and concise manner, and it was designed to be easily understood by the German people. It was a key document in the German propaganda campaign during the Second World War.

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11. The above information was obtained from the records of the Bureau of the Census, Department of Commerce, and is not to be used for any purpose other than that for which it was originally collected.

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

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DOI: 10.1177/1056492613500911
<http://jmi.sagepub.com>

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7. Williams testified that it is the licensee's responsibility to maintain a current address with the Board. Moreover, Williams used the most current address as listed by the Respondent on his renewal application at 104 Bee Street in Princeton, West Virginia. 10/17/11 R. at 7.

8. Williams testified that the Board received another complaint in December 2010, regarding the Respondent when he was employed as a Social Worker for the Maples in Bluefield, West Virginia. 10/17/11 R. at 8 and Board Exhibit 2.

9. This second complaint was forwarded to the Respondent for a response on January 18, 2011; however, no response was received by the Board. 10/17/11 R. at 9.

10. Moreover, Williams testified that at the time of the receipt of the second complaint the Board was still in the process of investigating the first complaint received by the Board. 10/17/11 R. at 8-9.

11. Williams testified that the Board at its March 17, 2011, meeting received the investigative report on both complaints and found probable cause on both of these matters to proceed with a hearing and disciplinary action against the Respondent. Moreover, Williams testified that the Board voted to immediately suspend the Respondent's license based upon the immediate threat to the public. 10/17/11 R. at 9-10 and Board Exhibit 4.

12. Notice of the immediate suspension was sent to the Respondent via letter dated March 23, 2011. *See* 10/17/11 R. at 10-11 and Board Exhibit 3.

13. The *Complaint* was sent to the Respondent via certified and regular mail via a letter dated July 22, 2011. *See* 10/17/11 R. at 11 and Board Exhibit 5. Williams testified that the *Complaint* was sent under separate letter due to inadvertence of leaving it out of a previous mailing

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of the Board offered *Consent Agreement*. Moreover, the only address that the Board had on file for the Respondent was at 104 Bee Street, Princeton, West Virginia. *See* 10/17/11 R. at 11-13

14. The Board did not hear from the Respondent regarding any of the mailings including the complaints or Consent Agreement. *See* 10/17/11 R. at 12-13.

15. The Board sent out the *Notice of Hearing* in this matter which was received by the Respondent as evidenced by the signature on the green card receipt. *See* 10/17/11 R. at 13-14 and Board Exhibit 6.

16. The Board sent a letter dated September 22, 2011, to the Respondent changing the location of the Board meeting to the hotel next door from the previous location. *See* 10/17/11 R. at 14-15 and Board Exhibit 7.

17. Williams testified that she did speak via the telephone with the Respondent after he had received the first complaint in September 2010. Respondent indicated when questioned by Williams that he believed the complaint was taken care of whereupon Williams explained that the complaint was still pending before the Board. *See* 10/17/11 R. at 16-17.

18. Shelia Stewart (Stewart), Executive Director of McDowell Nursing and Rehabilitation Center (McDowell Center) testified on behalf of the Board.

19. Stewart testified that the Respondent worked at McDowell Center as social worker for approximately two years from July 2008 until May 2010 until he resigned from this position. *See* 10/17/11 R. at 19-20.

20. Stewart testified that soon after he left she discovered discrepancies with the Resident Council's checking account. Stewart also testified that the Resident Council's checking account is

Virginia located on behalf of the Board.

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funds that are raised by the residents of McDowell Center to conduct special projects or outings. *See* 10/17/11 R. at 20-21.

21. Stewart testified that she was able to obtain a print out from the bank, Pioneer Community Bank, where the checking account funds were lodged which showed numerous checks being written to the Gary Bantam Market which is a local supermarket. None of the charges on this printout were authorized by the Resident Council which occurred between January through April 2010. *See* 10/17/11 R. 21-23.

22. Stewart testified that the Respondent had access to the checks from the Resident Council during the January through February 2010 time period after the departure of a supervisory employee who had yet to be replaced by the McDowell Center. Moreover, the Respondent began to volunteer to pick up the mail where he would intercept the monthly bank statement in order to hide his illegal actions. *See* 10/17/11 R. at 22-24.

23. Once it was discovered that these funds were taken illegally by the Respondent, Stewart testified that she contacted the Respondent who admitted to her that he had taken these monies without authorization. The full amount taken was \$1,539.25. *See* 10/17/11 R. at 24-27 and Board Exhibit 9.

24. Stewart testified that he agreed to repay the monies into the Resident Council fund, but made only one \$100 payment. Stewart testified she contacted him via letter dated August 25, 2010, demanding repayment of the remaining amount of \$1,439.25; however, she failed to hear from the Respondent again. *See* 10/17/11 R. at 25-26 and Board Exhibit 10.

25. Brenda Epperson (Epperson), Administrator, at the Maples in Bluefield, West Virginia testified on behalf of the Board.

26. Epperson testified that the Respondent worked for the Maples from approximately June 2010 to November 2010 as a social worker. *See* 10/17/11 R. at 30-31.

27. Epperson testified that the Respondent was fired from his position for work performance issues, such as failing to show up for work. However, it was discovered after he was fired that the Respondent had written checks on accounts of three residents of the Maples without authorization. Respondent had illegally obtained approximately \$2,750.00 from these residents. *See* 10/17/11 R. at 31-32.

28. Epperson testified that one of the residents, Martha Bowling, had checks written without her authorization from approximately July 2010 through November 2010. *See* 10/17/11 R. at 32 and Board Exhibit 12.

29. Epperson testified another resident, Albert Alexander, had one check written in the amount of \$100 in November 2010 without his authorization. *See* 10/17/11 R. at 33 and Board Exhibit 11.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the findings of unprofessional and/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 on July 21, 2011, the Board issued a Statement of Charges to the Respondent sent via letter dated July 22, 2011, certified mail at his last known address. On August 29, 2011, the Board issued a Notice of Hearing which was sent via certified mail with the proof of delivery indicating that the Respondent received and signed for it on September 6, 2011.

4. 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.

5. That the Respondent's acts constitute conduct, practices or acts resulting in professional negligence. Specifically, the Respondent violated W. Va. Code. §§ 30-30-7(a)(2), (3), and (6) and W. Va. Code R. §§ 1.06(b) and (c), 3.04, 3.09, 4.03, and 4.04.

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