

IN THE MATTER OF	*	BEFORE THE MARYLAND
Sophia V. Matthews, Radiographer,	*	STATE BOARD OF
Respondent.	*	PHYSICIANS
License Number: R10575	*	Case Number: 2218-0015A
* * * * *	*	* * * * *

FINAL DECISION AND ORDER

PROCEDURAL HISTORY

Sophia V. Matthews is a radiographer licensed by the Maryland State Board of Physicians (“Board”). On May 17, 1999, in the United States District Court for the District of Columbia, Ms. Matthews pled guilty to, and was found guilty of, Bank Embezzlement, in violation of Title 18 United States Code, Section 656. On August 23, 1999, Ms. Matthews was sentenced to five years of probation and ordered to pay \$4,300.00 in restitution. Ms. Matthews did not file an appeal, and the time for filing an appeal has passed.

On June 8, 2018, the Maryland Office of the Attorney General filed with the Board a Petition to Revoke Ms. Matthews’s license to practice radiography, pursuant to Health Occupations Article § 14-5B-14(c)(2), which provides:

- (2) After completion of the appellate process if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, a disciplinary panel shall order the revocation of a license on the certification by the Office of the Attorney General.

Attached to the Petition were certified copies of the criminal docket entries, criminal information, the judgment entered accepting the plea of guilty, and a show cause order mandating that Ms. Matthews show cause in writing by July 17, 2018 if there were any reasons why her license to practice radiography should not be revoked.

On July 10, 2018, Ms. Matthews filed a response to the Petition and show cause order and requested that the Petition be dismissed or that she be provided an opportunity for mediation and/or a Board-monitored program. Having reviewed and considered the entire record in this case, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (“Board”) issues this Final Decision and Order.

FINDINGS OF FACT

1. On May 5, 1999, Ms. Matthews was charged in the United States District Court for the District of Columbia, with one count of Bank Embezzlement, in violation of Title 18, United States Code, Section 656 (Case No CR99-0225M-01).¹ The Criminal Information alleged the following:

Between on or about November 3, 1998 and December 1, 1998, within the District Columbia, the defendant Sophia Matthews, an employee of Crestar Bank, with intent to injure and defraud Crestar Bank, an institution insured by the Federal Deposit Insurance Corporation, did knowingly embezzle, abstract and purloin less than \$1000 of the moneys and funds of Crestar Bank and moneys and funds [entrusted] to the custody and care of Crestar Bank by encoding withdrawals made by bank customers from their bank accounts in inflated amounts and depositing the difference between the true amount of the withdrawal and the inflated amount to the personal checking account of the defendant Sophia Matthews.

¹ 18 U.S.C. 656 provides:

Whoever, being an officer, director, agent or employee of, or connected in any capacity with any Federal Reserve bank, member bank, depository institution holding company, national bank, insured bank, branch or agency of a foreign bank, or organization operating under section 25 or section 25(a) of the Federal Reserve Act, or a receiver of a national bank, insured bank, branch, agency, or organization or any agent or employee of the receiver, or a Federal Reserve Agent, or an agent or employee of a Federal Reserve Agent or of the Board of Governors of the Federal Reserve System, embezzles, abstracts, purloins or willfully misapplies any of the moneys, funds or credits of such bank, branch, agency, or organization or holding company or any moneys, funds, assets or securities intrusted to the custody or care of such bank, branch, agency, or organization, or holding company or to the custody or care of any such agent, officer, director, employee or receiver, shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both; but if the amount embezzled, abstracted, purloined or misapplied does not exceed \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

2. On May 17, 1999, Ms. Matthews pled guilty to, and was found guilty of, Bank Embezzlement, in violation of Title 18, United States Code, Section 656.

3. On August 23, 1999, Ms. Matthews was sentenced to five years of probation, and ordered to pay \$4,300.00 in restitution.

4. Ms. Matthews did not appeal her conviction, and the guilty plea and conviction have not been set aside.

5. Ms. Matthews applied for licensure to practice as a Radiographer in Maryland on or about October 4, 2012. As part of her application for licensure as a radiographer, Ms. Matthews was asked the following question: "Have you ever been charged with or convicted of any criminal act for which you pled nolo contendere, could receive, or did receive, probation before judgment, or were sentenced to probation or confinement?" Ms. Matthews answered "No" on her application.

6. Ms. Matthews was granted a license to practice radiography in the State of Maryland on November 2, 2012. Ms. Matthews's license is currently active through April 30, 2019.

7. Since the date of initial licensure, Ms. Matthews filed with the Board two license renewal applications, in 2013 and 2015, and an application for reinstatement of her license, in 2017. As part of each of those applications, Ms. Matthews was asked the following question: "Have you pleaded guilty or nolo contendere to any criminal charge, or have you been convicted of a crime or placed on probation before judgment because of a criminal charge?" Ms. Matthews answered "No" to this question on each application.

8. The Board discovered, as part of the criminal history records check required for the 2017 reinstatement application, that Ms. Matthews had the prior undisclosed conviction.²

DISCUSSION

Ms. Matthews does not deny that she pled guilty to Bank Embezzlement and does not dispute that the crime is one involving moral turpitude. Rather, Ms. Matthews asks the panel to consider the length of time that has passed since her conviction and dismiss the Petition to revoke or allow for an opportunity for mediation and/or a Board-monitored program. Pursuant to COMAR 10.32.02.07 E(2), a response to a show cause order must be limited to the following issues: “(a) Lack of conviction or plea; (b) Whether the crime is one involving moral turpitude; (c) Misidentity of the respondent with the defendant in the criminal matter; and (d) Other relevant issues, if any, other than mitigation.” The panel has no discretion to consider the length of time that has passed or an alternative disposition.

“[I]t is settled that whatever else [moral turpitude] may mean . . . a crime in which an intent to defraud is an essential element is a crime involving moral turpitude. It is also settled that the related group of offenses involving intentional dishonesty for purposes of personal gain are crimes involving moral turpitude[.]” *Attorney Grievance Comm’n of Md. v. Walman*, 280 Md. 453, 459-60 (1977). When a conviction does not, on its face, establish moral turpitude, the determination of moral turpitude “hinges on the facts present in the individual case at hand.” *Id.* at 462. It is well established that “in the context of a licensing board’s review of the conduct of its licensee, the concept of moral turpitude is rather broad.” *Oltman v. Maryland State Bd. of Physicians*, 162 Md. App. 457, 483 (2005).

² Effective October 1, 2016, pursuant to Health Occupations Article § 14-5B-12(g)(1)(ii), each former licensee who files for reinstatement is required to submit to a criminal history records check.

The facts supporting Ms. Matthews's guilty plea are that she knowingly embezzled money from her bank employer, with the intent to injure and defraud the bank, by encoding withdrawals made by bank customers from their bank accounts in inflated amounts and depositing the difference between the true amount of the withdrawal and the inflated amount into her personal checking account. The crime of bank embezzlement that Ms. Matthews pled guilty to, therefore, involves intentional dishonesty for purposes of personal gain. *See Walman*, 280 Md. at 460 ("It is also settled that the related group of offenses involving intentional dishonesty for purposes of personal gain are crimes involving moral turpitude").

CONCLUSION OF LAW

Panel A concludes that Ms. Matthews's conviction for Bank Embezzlement is a crime involving moral turpitude. Ms. Matthews did not file an appeal of the conviction and the time for filing an appeal has passed. As a result, the revocation of Ms. Matthews's license to practice radiography is required under Health Occ. § 14-5B-14(c)(2).

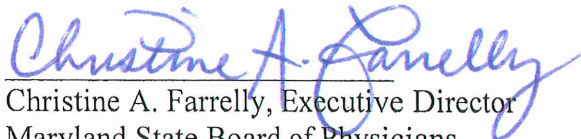
ORDER

It is, thus, by Board Disciplinary Panel A, hereby:

ORDERED that the license of Sophia V. Matthews to practice radiography in Maryland, license number R10575, is **REVOKED**; and it is further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. § 4-101 *et seq.* (2014).

08/20/2018
Date


Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

NOTICE OF RIGHT TO PETITION FOR JUDICIAL REVIEW

Pursuant to Md. Code Ann., Health Occ. § 14-408, Ms. Matthews has the right to seek judicial review of this Final Decision and Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order. The cover letter accompanying this final decision and order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If Ms. Matthews files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

**Christine A. Farrelly, Executive Director
Maryland State Board of Physicians
4201 Patterson Avenue
Baltimore, Maryland 21215**

Notice of any petition for judicial review should also be sent to the Board's counsel at the following address:

**Stacey M. Darin, Assistant Attorney General
Office of the Attorney General
Maryland department of health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201**