

**STATE OF NEW HAMPSHIRE
OFFICE OF PROFESSIONAL
LICENSURE AND CERTIFICATION**

**BOARD OF LICENSING FOR ALCOHOL AND
OTHER DRUG USE PROFESSIONALS**

**In Re: Jasmine Harnden,
CRSW #0366**

Docket No.: 2022-ALC-004

FINAL DECISION AND ORDER OF 11/10/22

I. ATTENDEES

**Kelly M. Luedtke, MLADC, Board Chair and Member
Alexandra H. Hamel, MLADC, Member
Jessica G. Parnell, CRSW, Member
Joni O'Brien, MLADC, Member
Traci Weber, Board Administrator
Shane Goulet, Board Counsel
Nikolas Frye, Esq., Presiding Officer of the Board
John Garrigan, Esq., Hearing Counsel
Eric Goulet, OPLC Investigator (witness)**

II. CASE SUMMARY/PROCEDURAL HISTORY

On 12/16/21, the Office of Professional Licensure and Certification ("OPLC") received on behalf of the Board of Licensing for Alcohol and Other Drug Use Professionals ("Board") a written complaint from Nicole Covey ("Complainant") against Jasmine Harnden ("Licensee"). The complaint alleged Licensee 1) was under the influence of drugs and/or alcohol while working at the SOS Recovery Community Organization (SOSRCO) in Rochester, New Hampshire in November of 2021 and 2) and had failed to report pending criminal charges against her during the application process for licensure/certification. After an investigation, the Board voted on 06/09/22 to commence an

adjudicative/disciplinary proceeding in this matter. The final adjudicatory hearing occurred on 11/10/22. This Final Order and Decision follows.

III. SUMMARY OF THE EVIDENCE

The Board received the following evidence pursuant to RSA 541-A:33 and Alc Rule 212.03 ("Rules"):

- a. Exhibits were submitted by Hearing Counsel, numbered as follows:
 1. 06/03/22 Report of Investigation
 2. 11/2021 Complaint
 3. Application for Certified Recovery Support 07/22/21
 4. 09/20/21 Letter from Board to Licensee
 5. 09/22/21 Letter from Licensee to Board
 6. WITHDRAWN
 7. 07/18/21 *State v. Jasmine Harnden* Criminal complaints and arrest reports
 8. 05/11/22 Response to Complaint
 9. 06/01/22 Summary of Interview with Licensee
 10. *State v. Jasmine Harnden*, Docket #470-20210CR01107 Case Summary
 11. Audio of trial in *State v. Jasmine Harnden*, Part 1
 12. Audio of trial in *zState v. Jasmine Harnden*, Part #2
- b. Exhibits were submitted by Licensee as follows:
 1. None.
- c. Sworn testimony was received from:
 1. Eric Goulet, OPLC Investigator (called by Hearing Counsel, conducted via offer of proof)

IV. CONDUCT OF THE HEARING AND EVIDENCE PRESENTED

The Licensee failed to appear for the hearing, which was available via in-person attendance and Zoom. The Board took administrative notice of its file in this matter. The Board's file shows the Board Administrator mailed the Licensee a Notice of Hearing via certified mail, return receipt requested at the last known address she provided to the Board, which was delivered and accepted more than 15 days before the hearing date. The Notice of Hearing contains the date, time, and location of the adjudicatory hearing, as well as the items required by RSA 541-A:31, III and RSA 330-C:29, II. It also informs the recipients that the Board's action was initiated based upon a complaint and provides the complainant with the ability

to intervene. The Notice of Hearing was also sent to the Licensee's address by first class mail and to the email she has on file with the Board. Hearing Counsel represented that he had received no correspondence from the Licensee despite making multiple attempts to reach her throughout the course of the disciplinary proceeding.

Based upon the foregoing, the Board finds that it has complied with the service requirements under RSA 330-C:29, II. The Board additionally finds that it has provided "notice reasonably calculated, under all the circumstances, to apprise ... [the Licensee] ... of the pendency of the action and afford ... [her] ... an opportunity to present ... [her] ... objections." See, i.e., *Jones v. Flowers*, 547 U.S. 220, 225-26 (2006). Although not necessarily required in this situation, the Board also finds its record and Hearing Counsel's offer of proof demonstrate that the Board took "additional reasonable steps" to provide notice to the Licensee. See *Id.* For these reasons, the Presiding Officer recommended to the Board that it move forward with the hearing in absentia (without the Licensee present), pursuant to Rule 210.02(c). The Board voted unanimously in favor of this recommendation.

The issues presented in this disciplinary adjudicatory hearing were delineated in the Notice of Hearing at Section II.c. Pursuant to Rule 212.01, Hearing Counsel has the burden of proving its case by a preponderance of the evidence. At the outset of the hearing, the Presiding Officer determined all proposed exhibits were material and relevant and admitted them as full exhibits. The Presiding Officer also determined that testimony from Eric Goulet would provide material and relevant evidence. The credible evidence presented at the hearing allows the Board to find the following facts.

Offer of Proof

Hearing Counsel delivered an offer of proof on behalf of Eric Goulet, OPLC Investigator, who was sworn in under oath. On 07/18/21 the Licensee was arrested in Portsmouth, New Hampshire on three misdemeanor charges in criminal docket # 470-2021-CR-1107. On 07/21/22, the Licensee submitted

an application to the Board to become a CRSW. In the application, she represented to the Board that she did not have any pending criminal charges and that she had no additional criminal involvement since her past convictions in 2019. Upon reviewing the application, the Board requested additional information from the licensee in relation to her criminal history. Specifically, it sent her a letter on 09/20/21 asking “please provide an explanation as to your arrest history. For example, when was your last arrest.” On 09/22/21, the Licensee responded to the request by an 09/22/21 letter stating her most recent arrest was in July of 2020 in relation to a domestic dispute.

In November of 2021, the Board received a complaint from Nicole Covey, alleging the Licensee had lied to the Board about her recent criminal activity in July of 2021. Eric Goulet interviewed the Licensee on 06/01/22 in relation to the complaint. The Licensee initially told the Investigator that the July 2021 charges had been nolle processed. Investigator Goulet later learned from the prosecuting police agency that the charges had in fact not been nolle processed. When pushed on the incident by Investigator Goulet, the Licensee admitted to the charges but stated the prosecutor had not filed against her and she was only focused on criminal convictions. On 08/09/22, the Licensee was convicted on one of the three misdemeanor charges from the July 2021 incident. Despite attempts, Investigator Goulet has had no contact with the Licensee since the 06/01/22 interview.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the evidence and accounting for the presentation and demeanor of the witness, the Board finds, by a preponderance of the evidence, that the Licensee has committed professional misconduct. Central facts that establish the Licensee committed professional misconduct are clear and undisputed: On 07/18/21 she was arrested on three criminal misdemeanor charges. Approximately three days later she submitted an application to the Board to become a CRSW in which she omitted mentioning those arrests, despite the fact she was asked those questions directly on the application. She then later

omitted the information in further inquiries from the Board related to her criminal history. Not until June of 2022, when pressed by an OPLC Investigator, did she finally admit to the arrests in 2021. Two months later, she was tried on those three charges.

In addition to the findings of facts and conclusions of law already made herein, the Board specifically finds the following facts and makes the following conclusions of law based upon the evidence presented:

- 1) The Board find and concludes the Licensee violated RSA 330-C:27, III(a) (*see* RSA 330-C:27, III(c) and/or Rule 502.01(c)(12)(b)) when during the course of applying to be a CRSW in 2021, she failed to report to the Board pending criminal charges against her with knowledge that she had been arrested on 07/18/21 by the Portsmouth Police Department and charged with three misdemeanors.;
- 2) The Board finds and concludes the Licensee violated RSA 330-C:27, III(c) when during the course of applying to be a CRSW in 2021, she failed to report to the Board pending criminal charges against her with knowledge that she had been arrested on 07/18/21 by the Portsmouth Police Department and charged with three misdemeanors. and;
- 3) The Board finds and concludes the Licensee violated RSA 330-C:27(III)(a) (*See* Rule 502.01(b) with respect to NAADAC Code of Ethics III-2, III-5, and/or III-6) when during the course of applying to be a CRSW, she failed to report to the Board pending criminal charges against her with knowledge that she had been arrested on 07/18/21 by the Portsmouth Police Department and charged with three misdemeanors. and;
- 4) Upon a finding of misconduct under RSA 330-C:27, III, the Board takes the following disciplinary action against the Licensee:
 - a. Pursuant to RSA 330-C:27, IV(a), the Licensee's Certification is **REVOKED**.
- 5) In assessing the sanctions in Paragraph 4 above, the Board considered and applied the enumerated factors in Rules 413.02(f), (g), and (h).

VI. ORDER

The Board concludes the Licensee has committed professional misconduct and **REVOKES** her Certificate as a CRSW.

SO ORDERED.

DATED: 11/17/2022

/s/ Nikolas K. Frye, Esq.
Nikolas K. Frye, Presiding Officer
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