

**BEFORE THE BOARD OF SOCIAL WORK
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Case No. SW-22-17-COM

**Mark Ramirez
License No. 15836,**

Respondent.

FINAL DECISION AND ORDER

This matter was presented to the New Mexico Board of Social Work (“Board”) during a regular meeting held on September 26, 2024, for a Decision and Order pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to –34 (2021) (“ULA”) and the Social Work Practice Act, NMSA 1978, Sections 61-31-1 to -25 (2006).

At the regular meeting on September 26, 2024, a quorum of the Board, having familiarized themselves with the record, including the Amended Hearing Officer’s Report, participated in the deliberation and decision in this matter. A copy of the Amended Hearing Officer’s Report contained within is incorporated by reference. With a quorum present and by a vote of 5 – 0 in the affirmative, the Board adopted the Amended Hearing Officer’s Report, with the exception of the Recommended Decision, and reaches the following Decision and Order:

I. Adoption of amended Hearing Officer’s Report

The Board hereby adopts the Amended Hearing Officer’s Report in this matter, however, the Board substitutes its own decision regarding discipline.

II. Conclusions of Law

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to –34 (2021) (“ULA”) and the Social Work Practice Act, NMSA 1978, Sections 61-31-1 to -25 (2006).
2. Respondent, Mark Ramirez, was licensed with the Board of Social Work as an LMSW, license number M-10324 (expired).
3. Service of the NCA upon Respondent via certified mail was accomplished in accordance with Sections 61-1-4 and 61-1-5 of the ULA.
4. The Board has complied with all notice and other procedural requirements of the Social Work Practice Act and the ULA.
5. The Board may impose fines, costs, education requirements or any other penalty authorized by NMSA 1978, Section 61-1-3.
6. The Board may take notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within their specialized knowledge. NMSA 1978, Section 61-1-11(B).
7. The board has adopted the finding of facts as listed in the Amended Hearing Officers Report.

III. ORDER

Based on the above, and the findings of fact in the attached Amended Hearing Officer’s Report, the Board renders this Order:

IT IS ORDERED that Mark Ramirez shall receive a formal letter of reprimand. In addition, Mr. Ramirez shall complete a 6-hours ethics course specific to conflict of interest within 3 months of this signed order.

NOTICE: Pursuant to Section 61-1-17 of the Uniform Licensing Act and NMSA 1978, Section 39-3-1.1, a person aggrieved by an adverse decision of the Board issued after a hearing may obtain a review of the decision in the district court of Santa Fe County or in the district court of any county in which a hearing on the matter was conducted. To obtain such review, a notice of appeal must be filed in the proper district court within thirty (30) days after the date of the Board's decision. Failure to file a notice of appeal within the time stated herein shall operate as a waiver of the right to judicial review and shall result in the decision of the Board becoming final. The procedures for filing an appeal from the Board to the district court are governed by Rule 1-074 of the Rules of Civil Procedure for the District Courts.

Date: 10/10/2024

FOR THE NEW MEXICO
BOARD OF SOCIAL WORK EXAMINERS

/s/ John Tourangeau
John Tourangeau, Chairperson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 10th day of October 2024, I filed the *Final Decision and Order* a true and correct copy of the foregoing, which caused all Parties entitled to notice in this case to be served.

I hereby certify that a true and correct copy of the foregoing was e-mailed to:

Mark Ramirez
8609 Gunnison Pl NW
Albuquerque, NM 87120
Certified Mail:
Email: ramirez.mark.a@gmail.com

Antoinette Sanchez-Romero
Hearing Officer
E-mail: tntzone@msn.com

Erica Schiff, AAG
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Sandra Gardner, AAG
Counsel to Board
E-mail: sgardner@nmdoj.gov

/s/ Kathleen Roybal

Kathleen Roybal
Board Hearing Clerk

**BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

**Case No. SW-22-17-COM
NMREC No. 21-11-05-069**

**MARK A. RAMIREZ,
License No. M-10324,**

Respondent.

HEARING OFFICER’S FINDINGS AND FURTHER RECOMMENDATIONS

Hearing Officer Antoinette Sanchez-Romero, pursuant to Section 61-1-7(A) of the Uniform Licensing Act (“ULA”), hereby submits her proposed findings of fact and recommendations in the above referenced matter, as follows:

I. Proposed Findings of Fact:

A. General and Procedural Findings of Fact:

1. The Chairperson of the Real Estate Commission (“Commission”), Ms. Connie Hettinga, issued a notice of contemplated action (“NCA”) on or about December 27, 2023.

Prosecution Exhibit 11.

2. Commission staff served the NCA upon the respondent Mark A. Ramirez (“Respondents) by certified mail on December 27, 2023. *Prosecution Exhibit 11.*

3. After Respondent requested a hearing and notice thereafter issued, an evidentiary hearing was held before the hearing officer on March 27 and April 26, 2024. Assistant Attorney General, Erica E. Schiff, prosecuting on behalf of the Board of Social Work Examiners (“the Board”). The hearing was held on a virtual platform. Respondent appeared without representation.

5. At the hearing on March 27, 2024, Respondent waived his rights to the deadlines mandated pursuant to Section 61-1-7(A) and Section 61-1-13(B) of the ULA.

6. All exhibits proffered by either side were admitted without objection.

7. The prosecution called the following witnesses: Ashley Collins, Rick Garcia, Maureen Yates, and Pat Ergolino. Respondent testified on his own behalf and called no other witnesses.

8. Respondent is deaf and testified through a sign language interpreter provided by Respondent. A second sign language interpreter translated the testimony of the prosecution's witnesses. At all times during the hearing, Respondent was able to both understand all witnesses and speak through an interpreter.

B. Additional findings of fact not disputed by the parties:

1. At all times relevant to the findings below, Respondent was licensed by the Board as a licensed master of social work ("LMSW"). *Testimony of respondent; prosecution Exhibit 1.*

2. At all times relevant to this matter, J.H. ("J.H.") was a minor in the legal custody of the State of New Mexico Children, Youth & Families Department ("CYFD"). *Testimony of Collins.*

3. At all times relevant to the findings below Respondent was employed by the New Mexico School for the Deaf ("NMSD") from 2017 under November 2019. *Prosecution Exhibit 2; testimony of Respondent.*

4. Prior to November 2019, Respondent served as J.H.'s social worker at NMSD. Respondent's *Exhibit T.*

C. A Preponderance of the Evidence supports the following proposed findings of a dual relationship between Respondent and a minor child:

1. From November 15, 2019, until August 3, 2020, Respondent had physical custody of J.H. as the child's foster parent. Prosecution *Exhibit 2*.

2. Respondent maintained a friendly relationship with J.H. after J.H. went to live with his grandmother in 2020, and then with Ashley Collins in May of 2021. *Testimony of Ashley Collins*.

3. On November 1, 2021, Ms. Valdez told Maureen Yates, the principal of NMSD, that Respondent was not allowed to be in contact with J.H., and that Respondent should not be allowed to be alone with J.H. Prosecution *Exhibit 2*.

4. In December 2021, Respondent sent J.H. an email containing an Instagram address, "faze.up.cali." Prosecution *Exhibit 7*.

5. Respondent used the Instagram account to interact secretly with J.H., and to arrange meetings and video chats with J.H. Prosecution *Exhibit 7*.

6. Other members of NMSD staff expressed concern to Ms. Yates about the unusual amount of contact between Respondent and J.H. *Testimony of Yates; Prosecution Exhibit 2*.

7. Respondent was informed that, as J.H.'s former foster parent, he had a "dual relationship," which meant that Respondent had a conflict of interest and could not ethically provide social work services to J.H. anymore. *Testimony of Yates, Ercolino; Exhibit T*.

8. J.H. often requested to be released from class to see Respondent. *Testimony of Collins*.

9. J.H. was often seen looking into Respondent's office. *Exhibit T*.

10. J.H. often would show up to class or events late because he was with Respondent. *Testimony of Collins*.

11. J.H.'s grades declined significantly during the events of this case. *Testimony of Collins*

12. On December 28, 2021, Ms. Collins filed a human resources complaint against Respondent, which noted that CYFD expressed concerns its concerns to Ms. Collins that Respondent's actions were not beneficial to J.H. and were potentially harmful. *Exhibit G*

13. On January 11, 2022, Ms. Valdez told Rick Garcia, the Director of Human Resources at NMSD, that Respondent was not following the boundaries that were previously discussed with him, and that Respondent was fully aware that he was not supposed to have contact with the student inside or outside of school. *Testimony of Rick Garcia; Prosecution Exhibit 6.*

14. On January 12, 2022, Missy Lamb, lead coordinator of the Whole Child Support Team, and Pat Ercolino, Respondent's direct supervisor, met with Respondent and advised Respondent again that he was not to have contact with J.H. *Testimony of Ercolino; Prosecution Exhibit 2.*

15. In that meeting, Respondent asserted that he was allowed to provide services to J.H. because J.H. was 14 years old and could choose his counselor. *Prosecution Exhibit 13; Exhibit T.*

16. Mr. Ercolino advised Respondent that such was not the case. *Testimony of Ercolino; Prosecution Exhibit 13.*

17. On January 24, 2022, Ms. Yates again instructed Respondent to cease all contact with J.H. *Testimony of Yates; Prosecution Exhibit 2.*

18. That very day, Respondent met alone in his office with J.H., and again on January 25, 2022. *Prosecution Exhibit 13.*

19. Respondent admitted to Ms. Lamb that he had met with J.H. in his office on January 24, after school hours. *Testimony of Yates; Testimony of Garcia; Prosecution Exhibit 2.*

20. On February 8, 2022, NMSD wrote a disciplinary letter against Respondent, again instructing Respondent to cease contact with J.H. *Prosecution Exhibit 13.*

21. Emails on February 10, 2022 show J.H. and Respondent arranging to meet twice. *Testimony of Yates; Testimony of Garcia; Prosecution Exhibit 2.*

22. On March 10, 2022, J.H. told Ms. Yates, Ms. Collins and Ms. Valdez that, throughout the month of January 2022, Respondent and J.H. met secretly. *Testimony of Yates; Testimony of Garcia; Prosecution Exhibit 2.*

23. Respondent did not credibly contradict the statements of J.H., as testified through the prosecution's witnesses. *Testimony of Respondent.*

24. Respondent's testimony that he was not given clear direction by the administration at NMSD regarding his boundaries with J.H. are not credible. *Testimony of Respondent.*

25. Respondent engaged in a dual relationship or in multiple relationships with J.H. in an educational setting where there was a risk of potential harm to J.H. and failed to set clear, appropriate and culturally sensitive boundaries.

26. Respondent inappropriately used social media and technology for personal and non-professional communications with J.H.

27. Respondent failed to exercise proper professional judgment in his communications with J.H.

D. A preponderance of the evidence supports the following proposed findings that Respondent provided CBD and marijuana to a minor child:

1. On multiple separate occasions, J.H. told family members, law enforcement officers, staff at the Solace Crisis Treatment Center, and staff at NMSD that Respondent repeatedly provided marijuana products to him, including a vape pen and CBD pills, both inside

and outside of school. *Testimony of Garcia; testimony of Yates; testimony of Collins; prosecution exhibits 2, 14 and 15.*

2. Texts and emails between Respondent and J.H. corroborate such actions of Respondent. *Testimony of Yates; Prosecution Exhibits 10 and 14.*

3. Respondent did not credibly refute such actions, or even testify to the contrary regarding such actions. *Testimony of Respondent.*

4. Respondent's own admitted possession and use of marijuana and CBD products further tends to corroborate such actions. *Testimony of Respondent.*

E. Admissions by Respondent:

1. Non-hearsay admissions by Respondent in an interview on March 17, 2022, with Ms. Yates, Mr. Garcia and Ms. Lamb corroborate the above findings in **B** through **D**, above. *Prosecution Exhibit 3; testimony of Garcia; testimony of Yates.*

2. Non-hearsay admissions by Respondent at an NMSD disciplinary hearing on April 26, 2024, corroborate the above findings in **B** through **D**, above. *Prosecution Exhibit 3; testimony of Garcia; testimony of Yates.*

3. These non-hearsay admissions, and Respondent's own testimony, further reflect that Respondent does not acknowledge any significant wrongdoing with respect to his interactions with J.H. while employed at NMSD.

4. In his testimony and in his written, post-hearing proposed findings of fact, Respondent attributes any transgressions either to the actions of J.H. to initiate communications with Respondent, to the uniqueness of this situation between himself and J.H., and to the social and cultural considerations of the deaf community. *Testimony of Respondent; Respondent's Findings of Fact.*

II. Recommended Discipline:

The hearing officer recommends revocation of Respondent's license.

Antoinette Sanchez-Romero

3. Respondent did not credibly refute such actions, or even testify to the contrary regarding such actions. *Testimony of Respondent.*

4. Respondent's own admitted possession and use of marijuana and CBD products further tends to corroborate such actions.

E. Admissions by Respondent:

1. Non-hearsay admissions by Respondent in an interview on March 17, 2022, with Ms. Yates, Mr. Garcia and Ms. Lamb corroborate the above findings in **B** through **D**, above.

Prosecution Exhibit 3; testimony of Garcia; testimony of Yates.

2. Non-hearsay admissions by Respondent at an NMSD disciplinary hearing on April 26, 2024, corroborate the above findings in **B** through **D**, above. *Prosecution Exhibit 3;*

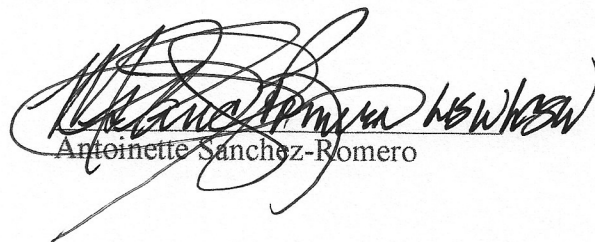
testimony of Garcia; testimony of Yates.

3. These non-hearsay admissions, and Respondent's own testimony, further reflect that Respondent does not acknowledge any significant wrongdoing with respect to his interactions with J.H. while employed at NMSD.

4. In his testimony and in his written, post-hearing proposed findings of fact, Respondent attributes any transgressions either to the actions of J.H. to initiate communications with Respondent, to the uniqueness of this situation between himself and J.H., and to the social and cultural considerations of the deaf community. *Testimony of Respondent; Respondent's Findings of Fact.*

II. Recommended Discipline:

The hearing officer recommends revocation of Respondent's license.


Antoinette Sanchez-Romero