

BEFORE THE ALABAMA STATE BOARD
OF SOCIAL WORK EXAMINERS

IN THE MATTER OF)

BRITTANY MICHELLE TINDLE)
RESPONDENT)

CASE NO. 15-3211G-13)
)
)

ORDER

This cause comes before the Alabama Board of Social Work Examiners (the Board), pursuant to the attached Hearing Officer's Recommendation and the entire administrative records. For good cause shown, it is hereby ORDERED:

THAT the attached Hearing Officer's Recommendation is hereby adopted in its entirety except the Board declines to tax the Respondent with the cost of the proceedings.

THAT the Respondent is guilty of violating Section 34-30-4 (a) 6 Code of Alabama, 1975 and Rules 850-X-9-.01 (1) (a) 2 and 850-X-09-.01 (1) (d).

THAT the license of the Respondent is REVOKED.

THAT the Respondent is ordered to pay a fine totaling \$500.00 to the Board of Social Work Examiners within six (6) months of the date of this order.

Done this the 13th day of April 2016.



Brenda W. Holden
Executive Director
For the Board of Social Work
Examiners

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BRITTANY MICHELLE TINDLE,) **CASE NO. 15-3211G - 13**
)
RESPONDENT.)

RECOMMENDATION OF THE HEARING OFFICER

I. Procedural Posture

Brittany Michelle Tindle (hereinafter “Respondent”) was, heretofore, licensed by the Alabama State Board of Social Work Examiners (hereinafter “Board”), as a licensed social worker. Respondent at all times pertinent in the Board’s complaint was and is subject to the Board’s jurisdiction.

Respondent was notified of a formal hearing to be held on January 22, 2016.¹ The Complaint and Order of Formal Hearing were sent to Respondent at her address of record in the Board’s file by certified mail and by regular mail through the United States Postal Service. Respondent acknowledged receipt of the Complaint and Order of Formal Hearing.² Respondent did not attend the hearing. Pursuant to ALA. CODE

¹ Board Exhibit 6.

² Board Exhibit 7.

§ 41-22-12(c) (1975) the Board elected to proceed with the hearing without Respondent's presence.

The Board, pursuant to ALA. ADMIN. CODE r. 850-X-10-.06(4), engaged James Jerry Wood to act as a hearing officer in this matter. The undersigned conducted the hearing on January 22, 2016, at 10:30 a.m. Six Board Members were present. Ellen Leonard, Esq., represented the Board. Board Exhibits 1 – 7 were admitted without objection.

II. Findings of Fact

The Board's complaint against Respondent was admitted into evidence.³ Pursuant to ALA. ADMIN. CODE r. 850-X-10-.09, in Respondent's absence a plea of "not guilty" was entered for her by the hearing officer.

The Board's only witness was Brenda Holden ("Holden"), Executive Director, Alabama State Board of Social Work Examiners. Holden testified that the Board had received a complaint against the Respondent. The Complaint alleged Respondent had been duly issued a license to practice as a social worker by the Board and at all times relevant to the Complaint was licensed to practice as a social worker in Alabama. While being so licensed, Respondent was employed by SouthernCare Hospice. In this role Respondent visited patients' homes. At one home, Respondent

³ Board Exhibit 6.

took a deceased patient's credit card and used it for her personal purchases. A Clarke County Grand Jury indicted Respondent on August 6, 2015.⁴ On September 23, 2015, Respondent entered a guilty plea to theft of property in the third degree for her use of the patient's credit card. Respondent was ordered by the Court to pay restitution to the victim in the amount of two thousand five hundred dollars (\$2,500.00)⁵ pursuant to a plea agreement in the Circuit Court of Clarke County.⁶

Respondent advised the Board that all investigation and charges against her had been dropped and that it had been "... determined that there was no wrong doing on my part."⁷ The Respondent subsequently admitted she had not been "forthcoming" and had not advised the Board that she had entered a "best interest" plea to third degree theft of property.⁸

Respondent explained in her correspondence that she was in dire circumstances. She stated that her income was the only household income, she was pregnant, her husband had been laid off from his job, and she had a mortgage and student loans to pay. Respondent asked for an informal resolution of this matter

⁴ Board Exhibit 2.

⁵ Board Exhibit 4.

⁶ Board Exhibit 3.

⁷ Board Exhibit 5.

⁸ Board Exhibit 7.

asking the Board to consider her history and her situation. Respondent asked the Board for mercy and another chance to demonstrate she can properly perform as a licensed social worker.⁹

III. Conclusions of Law

Based on the testimony and documentary evidence, the Respondent violated ALA. ADMIN. CODE r. 850-X-9-.01(1)(a)2 which states: *the social worker shall not participate in, condone or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity.* The Respondent also violated ALA. ADMIN. CODE r. 850-X-9-.01(1)(d)2 which prohibits a social worker from exploiting a professional relationship for personal gain.

The testimonial and documentary evidence establishes, by a preponderance of the evidence, Respondent engaged in behavior that is unlawful, dishonest and inappropriate in clear violation of the requirements of her professional licensure as a social worker.

IV. Recommendation

The undersigned recommends that Respondent's license to practice as a social worker be revoked, that she be ordered pay the maximum applicable fines, and be taxed with the costs of this proceeding.

⁹ Board Exhibit 7.

Respectfully submitted this 4th day of March, 2016.



James Jerry Wood
Administrative Law Judge
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Alabama State Personnel Department
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VIA CERTIFIED AND FIRST CLASS MAIL

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VIA FIRST CLASS MAIL

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