

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

IN THE MATTER OF:

Case No. SW-12-05-07

LAWRENCE L. LUCERO,
License No. I-1135,
Respondent.

FINAL DECISION AND DEFAULT ORDER

THIS MATTER came before a quorum of the Board of Social Work Examiners (the “Board”) at an open public meeting held on July 24, 2014, at 2550 Cerrillos Rd, Santa Fe, NM 87505, based on a complaint filed with the Board alleging that Lawrence L. Lucero (hereinafter “Respondent”) violated the Social Work Practice Act, NMSA 1978, 61-31-1 to -25 (1993, as amended through 2017) (“Act”). Respondent did not request a hearing and the matter was presented to the Board as a default action. Upon review of the matter, the Board voted to issue a revoke the Respondent’s license (#I-1135). Pursuant to the Act, and the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017) (“ULA”), the Board issues the following:

FINDINGS OF FACT

1. Respondent was licensed as a Licensed Independent Social Worker (LISW) under license number I-1135.
2. The Board voted to issue a Notice of Contemplated Action (NCA) against Respondent stating that the Board had sufficient evidence to justify revoking or taking other disciplinary action against Respondent’s license based on alleged violations of the Act.
3. While licensed as a social worker, Respondent worked as a federal contractor at Veterans Affairs Community Based Outpatient Clinics in Espanola and Las Vegas, New Mexico.

4. During the Department of Veterans Affairs' 01 A) routine monitoring of the use of its computers, its Office of Inspector General (OIG) discovered evidence that two work computers used by Respondent had been used to access child pornography on the internet.
5. The VA OIG further investigated Respondent's use of these computers, including by seizing the computers and interviewing Respondent. During this interview, Respondent admitted that he had used his work computers to access child pornography.
6. On Respondent's computers, the VA OIG found ninety-one (91) sexually-explicit images of pre-pubescent females and several stories describing incestuous acts \with children.
7. While this investigation was pending, Respondent resigned his employment and surrendered his social work license.
8. Respondent was indicted for the receipt and possession of child pornography and charged with violations of 18 U.S.C. §§ 2252(a)(2) and (a)(4)(b). Indictment, United States v. Lucero, Case No. 1:12-cr-1662 (D.N.M. July 10, 2012), attached hereto as Exhibit A.
9. Respondent pleaded guilty to these charges, and was sentenced to 78 months in prison. Judgment, United States v. Lucero, Case No. 1:12-cr-1662 (D.N.M. Apr. 4, 2013), attached hereto as Exhibit B.1
10. Respondent's receipt and possession of child pornography, and his violation of federal laws prohibiting the receipt and possession of child pornography, constitute unethical, unprofessional, and incompetent behavior that serves as grounds to revoke Respondent's license as a Licensed Independent Social Worker.
11. The NCA stated that, unless explained or rebutted at a formal hearing, the alleged conduct justified the Board in taking disciplinary action, including suspending or revoking Respondent's license.

12. The Board mailed the NCA to Respondent, via certified mail, return receipt requested, to the address on file with the Board.
13. All licensees are required to maintain a current address with the Board, and pursuant to the ULA, notice “shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice.” NMSA 1978, § 61-1-5.
14. The ULA provides if a licensee “does not mail a request for a hearing within the time and in the manner required by this section, the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review.” NMSA 1978, § 61-1-4(E).
15. Respondent failed to request a hearing in response to the NCA.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent, Respondent’s license, and the subject matter of this proceeding pursuant to the Act and the ULA.
2. In accordance with Sections 61-1-4 and -5 of the ULA, Respondent was deemed to be served with the NCA on the date of delivery or last attempted delivery of the notice.
3. The Board has complied with all notice and other procedural requirements of the Act and the ULA.
4. The Board may proceed to take the action contemplated in the NCA and such action shall be final and not subject to judicial review, as provided by Section 61-1-4 of the ULA.
5. The Board finds by a preponderance of the evidence that Respondent violated 16.63.16.11 NMAC and 16.63.16.13 NMAC when he was charged and pled guilty to the of receipt and possession of child pornography and charged with violations of 18 U.S.C. §§ 2252(a)(2) and (a)(4)(b). *See* NCA.

6. Having reviewed the matter at its regular meeting on July 24, 2014, the Board finds there is sufficient evidence to justify taking disciplinary action against Respondent as contemplated in the NCA.

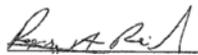
ORDER

Based on these Findings of Fact and Conclusions of Law, a quorum of the Board voted to revoke Respondent's license.

IT IS THEREFORE ORDERED that Respondent's license (I-1135) is revoked.

IT IS ULTIMATELY ORDERED that failure to comply with the terms of this Order will result in further Board action. Any violation of this Order will result in the immediate, automatic filing of an administrative Notice of Non-Compliance by Board staff. Upon the filing of a Notice of Non-Compliance, the matter shall be scheduled for the next public meeting of the Board, at which time the Board shall hear from Board staff regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant argument or evidence regarding the reasons for non-compliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Board meeting. Any presentation regarding the Notice of Non-Compliance shall be limited to evidence surrounding Respondent's alleged failure to comply with the Order. Upon finding such violation occurred, the Board may suspend Respondent's license(s), provided that this suspension may only remain in effect until such time as Respondent has complied with the terms of this agreement, or take other enforcement action as permitted by law. If Respondent's non-compliance constitute acts that are prohibited under the Board's statute or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.

IT IS SO ORDERED.



Roxroy A. Reid, Chair
New Mexico Board of Social Work Examiners

6/17/19

Date

JUDICIAL REVIEW

This Order constitutes a final decision for purposes of initiating any contemplated judicial review. An aggrieved party may request review of this Order by filing a Petition for Writ of Certiorari under Rule 1-075 NMRA within thirty (30) days of the date of this final decision. A default order issued pursuant to NMSA 1978, Section 61-1-4(E) is not subject to judicial review as a matter of

right under the ULA or the Act but is a matter of discretion made only by the District Court. Any pleadings filed should be served on the Board's counsel, Assistant Attorney General Angela Macdonald, amacdonald@nmag.gov, at the New Mexico Office of the Attorney General.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed by certified mail on the date below to:

Lawrence Lucero
PO Box 2645
Española, NM 87532

6/17/19
Date

Certified Mail No. 9171 9690 0935 0079 1178 55

Sheila Harris, Compliance Liaison

6/17/19
Date