

BEFORE THE NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF:

**NATHAN MATTHEW PADILLA, LMSW
(License No. M-07249, Applicant for LISW),**

Respondent/Applicant.

Case No.: SW-12-10-15-APP

SETTLEMENT AGREEMENT

WHEREAS, Nathan Matthew Padilla ("Applicant") possesses a license as a master social worker (LMSW No. M-07249). On or about March 16, 2012, Applicant submitted an application to the New Mexico Board of Social Work Examiners for a license as an independent social worker (LISW); and

WHEREAS, the New Mexico Board of Social Work Examiners ("Board") issued a Notice of Contemplated Action (NCA) against Applicant, proposing to deny Applicant's application for a LISW license; and

WHEREAS, the basis of the NCA was that while Applicant was licensed as an alcohol and drug counselor (LADAC) by the New Mexico Counseling and Therapy Practice Board, two disciplinary actions were brought against him. These disciplinary actions resulted in a settlement agreement, entered into on January 20, 2012, in which Applicant surrendered his license to practice Counseling and Therapy and agreed not to perform any act requiring a license to practice "Counseling and Therapy" and not to apply for a Counseling and Therapy license in New Mexico for five years; and

WHEREAS, the NCA issued in this matter did not contemplate disciplinary action against Applicant's current LMSW license, which remains active, subject to any potential future disciplinary actions; and

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WHEREAS, Applicant recognizes the seriousness of the Board's complaint and disciplinary processes, and recognizes the ethical and professional obligations set forth in the *Social Work Practice Act*, N.M. Stat. Ann. 1978, Section 61-31-1 *et seq.*, and the Rules of the Board; and

WHEREAS, the parties wish to resolve these matters in an amicable fashion without the need for a formal hearing and the time and expense involved in such a hearing.

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

1. **Jurisdiction.** Applicant is licensed under the *Social Work Practice Act* and is therefore subject to the jurisdiction of the Board. The Board has jurisdiction over Applicant and the subject matter of this action.

2. **Waivers.**

a. Applicant enters into this Settlement Agreement and knowingly, intentionally, and voluntarily waives his right to a hearing and appeal provided by the *New Mexico Uniform Licensing Act*, N.M. Stat. Ann. 1978, Sections 61-1-1 to -31. This waiver includes, without limitation, Applicant's right to a full evidentiary hearing on the charges in the NCA, his right to confront and cross-examine witnesses, and his right to appeal any decision of the Board following such a hearing.

b. Applicant knowingly, intentionally, and voluntarily waives all rights to have this matter heard within the timeframe set by the *Uniform Licensing Act* so that the Board may review and take action regarding this Settlement Agreement.

3. **Course of Action.** To resolve this matter, and if the Board accepts this Agreement, Respondent agrees to submit to the following course of action:

- a. Applicant shall withdraw his application for a license as a licensed independent social worker (LISW).
- b. Applicant shall not apply for or otherwise seek a license as a licensed independent social worker (LISW) until January 20, 2017.

4. **Public Records.** The Complaint, Notice of Contemplated Action, and this Agreement in this action are public records within the meaning of the *Inspection of Public Records Act*, N.M. Stat. Ann. 1978, Section 14-2-6(E) (2011).

5. **No Reporting Required.** The Board and Applicant understand, acknowledge and agree that the action proposed in the NCA was not based on any allegation that Applicant violated any provision of the *Social Work Practice Act* or the Rules and Regulations of the Board of Social Work Examiners, and that this Agreement does not impose any disciplinary action upon Applicant. Accordingly, the Board and Applicant understand, acknowledge and agree that this Agreement will not be reported as an adverse action against Applicant to governmental agencies and professional associations requiring notice of adverse action, including the National Practitioner Data Bank (NPDB) and the National Association of Social Workers (NASW).

6. **Contingent on Board Approval.** This Agreement is subject to approval by the Board. If this agreement is rejected by the Board, this matter will be considered at a hearing on the merits at a time, date, and place noticed by the Board. If the Board rejects this Agreement, the terms of this Agreement shall not be admissible or used for any purpose in any future hearing before the Board.

7. **Full and Complete Settlement.** The Board agrees that the resolution of this case is a settlement in full and final satisfaction of case number **SW-12-10-15-APP**, and it resolves all matters raised by the NCA in this action.

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ORDER

This matter having come before the New Mexico Board of Social Work Examiners upon request of the parties for consideration of the foregoing Settlement Agreement and with a quorum present and voting in the affirmative, the foregoing Settlement Agreement is:

Accepted

Rejected

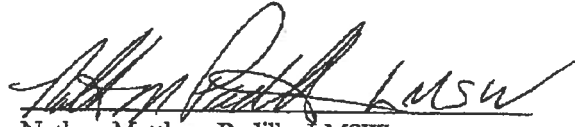
Date: 7-August 2014



Chairperson, New Mexico Board of
Social Work Examiners

8. **No Admission.** By agreement of the parties, no admission of wrongdoing on the part of Applicant is implied nor should be inferred by this agreement.

7-31-14
Date


Nathan Matthew Padilla, LMSW,
Respondent/Applicant

Date

Chairperson, New Mexico Board of
Social Work Examiners