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8
9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Petition to Revoke
Probation and Accusation Against:

Case No. D1-2004-645

13 **PETITION TO REVOKE PROBATION**
14 **AND ACCUSATION**

14 **LILA KAROUB**
2220 Del Mar Heights Road
15 Del Mar, CA 92014
Marriage and Family Therapist License No.
16 **MFC 36460**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Kim Madsen (Complainant) brings this Petition to Revoke Probation and Accusation
22 solely in her official capacity as the Executive Officer of the Board of Behavioral Sciences
23 (Board), Department of Consumer Affairs.

24 2. On or about January 27, 2000, the Board issued Marriage and Family Therapist
25 (MFT) license number MFC 36460 to Lila Karoub (Respondent). The MFT license was in full
26 force and effect at all times relevant to the charges brought herein and will expire on November
27 30, 2011, unless renewed.

28 3. In a disciplinary action entitled *In the Matter of Accusation Against Lila Karoub*,

1 Case No. MF 2004-645, the Board issued a Decision and Order (Order), effective July 8, 2007, in
2 which Respondent's MFT license was revoked. However, the revocation was stayed and
3 Respondent was placed on probation for a period of five years with certain terms and conditions.
4 A copy of that decision is attached as Exhibit A and is incorporated by reference.

5 **JURISDICTION**

6 4. This Petition to Revoke Probation and Accusation is brought before the Board under
7 the authority of the following laws. All section references are to the Business and Professions
8 Code unless otherwise indicated.

9 5. Section 118(b) of the Code states:

10 The suspension, expiration, or forfeiture by operation of law of a license
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by
12 order of the board or by order of a court of law, or its surrender without the written
13 consent of the board, shall not, during any period in which it may be renewed,
14 restored, reissued, or reinstated, deprive the board of its authority to institute or
continue a disciplinary proceeding against the licensee upon any ground provided by
law or to enter an order suspending or revoking the license or otherwise taking
disciplinary action against the licensee on any such ground.

15 6. Section 4982 of the Code states in relevant part:

16 The board may deny a license or registration or may suspend or revoke
17 the license or registration of a licensee or registrant if he or she has been guilty of
18 unprofessional conduct. Unprofessional conduct includes, but is not limited to, the
following:

19 (a) The conviction of a crime substantially related to the qualifications,
20 functions, or duties of a licensee or registrant under this chapter. The record of
21 conviction shall be conclusive evidence only of the fact that the conviction occurred.
22 The board may inquire into the circumstances surrounding the commission of the
23 crime in order to fix the degree of discipline or to determine if the conviction is
24 substantially related to the qualifications, functions, or duties of a licensee or
25 registrant under this chapter. A plea or verdict of guilty or a conviction following a
26 plea of nolo contendere made to a charge substantially related to the qualifications,
27 functions, or duties of a licensee or registrant under this chapter shall be deemed to be
28 a conviction within the meaning of this section. The board may order any license or
registration suspended or revoked, or may decline to issue a license or registration
when the time for appeal has elapsed, or the judgment of conviction has been
affirmed on appeal, or, when an order granting probation is made suspending the
imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the
Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not
guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
or indictment.

1 (c) Administering to himself or herself any controlled substance or using of any of the
2 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent,
3 or in a manner, as to be dangerous or injurious to the person applying for a
4 registration or license or holding a registration or license under this chapter, or to any
5 other person, or to the public, or, to the extent that the use impairs the ability of the
6 person applying for or holding a registration or license to conduct with safety to the
7 public the practice authorized by the registration or license, or the conviction of more
8 than one misdemeanor or any felony involving the use, consumption, or
9 self-administration of any of the substances referred to in this subdivision, or any
10 combination thereof. The board shall deny an application for a registration or license
11 or revoke the license or registration of any person, other than one who is licensed as a
12 physician and surgeon, who uses or offers to use drugs in the course of performing
13 marriage and family therapy services.

8 (d) Gross negligence or incompetence in the performance of marriage and
9 family therapy.

10 (e) Violating, attempting to violate, or conspiring to violate any of the
11 provisions of this chapter or any regulation adopted by the board.

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12 (i) Intentionally or recklessly causing physical or emotional harm to any
13 client.

14 (j) The commission of any dishonest, corrupt, or fraudulent act
15 substantially related to the qualifications, functions, or duties of a licensee or
16 registrant.

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17 (m) Failure to maintain confidentiality, except as otherwise required or
18 permitted by law, of all information that has been received from a client in confidence
19 during the course of treatment and all information about the client which is obtained
20 from tests or other means.

19 **STATUTORY PROVISIONS**

20 7. Section 482 of the Code states:

21 Each board under the provisions of this code shall develop criteria to
22 evaluate the rehabilitation of a person when:

- 23 (a) Considering the denial of a license by the board under Section 480; or
- 24 (b) Considering suspension or revocation of a license under Section 490.

25 Each board shall take into account all competent evidence of
26 rehabilitation furnished by the applicant or licensee.

26 8. Section 490 of the Code states:

27 (a) In addition to any other action that a board is permitted to take against
28 a licensee, a board may suspend or revoke a license on the ground that the licensee
has been convicted of a crime, if the crime is substantially related to the

1 qualifications, functions, or duties of the business or profession for which the license
2 was issued.

3 (b) Notwithstanding any other provision of law, a board may exercise any
4 authority to discipline a licensee for conviction of a crime that is independent of the
5 authority granted under subdivision (a) only if the crime is substantially related to the
6 qualifications, functions, or duties of the business or profession for which the
7 licensee's license was issued.

8 (c) A conviction within the meaning of this section means a plea or
9 verdict of guilty or a conviction following a plea of nolo contendere. Any action that
10 a board is permitted to take following the establishment of a conviction may be taken
11 when the time for appeal has elapsed, or the judgment of conviction has been
12 affirmed on appeal, or when an order granting probation is made suspending the
13 imposition of sentence, irrespective of a subsequent order under the provisions of
14 Section 1203.4 of the Penal Code.

15 (d) The Legislature hereby finds and declares that the application of this
16 section has been made unclear by the holding in *Petropoulos v. Department of Real*
17 *Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a
18 significant number of statutes and regulations in question, resulting in potential harm
19 to the consumers of California from licensees who have been convicted of crimes.
20 Therefore, the Legislature finds and declares that this section establishes an
21 independent basis for a board to impose discipline upon a licensee, and that the
22 amendments to this section made by Senate Bill 797 of the 2007-08 Regular Session
23 do not constitute a change to, but rather are declaratory of, existing law.

24 9. Section 493 of the Code states:

25 Notwithstanding any other provision of law, in a proceeding conducted
26 by a board within the department pursuant to law to deny an application for a license
27 or to suspend or revoke a license or otherwise take disciplinary action against a
28 person who holds a license, upon the ground that the applicant or the licensee has
been convicted of a crime substantially related to the qualifications, functions, and
duties of the licensee in question, the record of conviction of the crime shall be
conclusive evidence of the fact that the conviction occurred, but only of that fact, and
the board may inquire into the circumstances surrounding the commission of the
crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, and duties of the licensee in
question.

REGULATIONS

10 10. California Code of Regulations, title 16, (Regulations) section 1812 states:

11 For purposes of denial, suspension, or revocation of a license or
12 registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a
13 crime or act shall be considered to be substantially related to the qualifications,
14 functions or duties of a person holding a license under Chapter 17 of Division 3 and
15 Chapter 4 of Part 3 of Division 7 of the Code if to a substantial degree it evidences
16 present or potential unfitness of a person holding a license to perform the functions
17 authorized by his or her license in a manner consistent with the public health, safety
18 or welfare.

1 11. Regulation section 1814 states:

2 (a) When considering the suspension or revocation of a license, the board,
3 in evaluating the rehabilitation of such person and his or her eligibility for a license
4 will consider the following criteria:

5 (1) Nature and severity of the act(s) or crime(s) under consideration as
6 grounds for suspension or revocation.

7 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
8 under consideration as grounds for suspension or revocation under Section 490 of the
9 Code.

10 (3) The time that has elapsed since commission of the act(s) or crime(s)
11 giving rise to the suspension or revocation.

12 (4) Whether the licensee has complied with any terms of probation,
13 parole, restitution or any other sanctions lawfully imposed against such person.

14 (5) If applicable, evidence of expungement proceedings pursuant to
15 Section 1203.4 of the Penal Code.

16 (6) Evidence, if any, concerning the degree to which a false statement
17 relative to application for licensure may have been unintentional, inadvertent or
18 immaterial.

19 (7) Efforts made by the applicant either to correct a false statement once
20 made on an application or to conceal the truth concerning facts required to be
21 disclosed.

22 (8) Evidence, if any, of rehabilitation submitted by the licensee.

23 **COST RECOVERY**

24 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case.

28 **I. PETITION TO REVOKE PROBATION**

FIRST CAUSE TO REVOKE PROBATION

(Failure to Submit to Supervision of Respondent's Practice)

13. At all times after the effective date of Respondent's probation, Probation
Condition No. 2 stated:

1 **Supervised Practice.** Within 30 days of the effective date of this decision,
2 Respondent shall submit to the Board or its designee, for its prior approval, the
3 name and qualification of one or more proposed supervisors and a plan by each
4 supervisor. The supervisor shall be a current California licensed practitioner in
5 Respondent's field of practice, who shall submit written reports to the Board or its
6 designee on a quarterly basis verifying that supervision has taken place as required
7 and including an evaluation of Respondent's performance. The supervisor shall be
8 independent, with no prior business, professional or personal relationship with
9 Respondent. Failure to file the required reports in a timely fashion shall be a
10 violation of probation. Respondent shall give the supervisor access to Respondent's
11 fiscal and client records.

12 Respondent shall not practice until she has received notification that the
13 Board has approved Respondent's supervisor. If the supervisor is no longer
14 available, Respondent shall notify the Board within fifteen (15) days and shall not
15 practice until a new supervisor has been approved by the Board. All costs of the
16 supervision shall be borne by Respondent. Supervision shall consist of at least one
17 (1) hour every other week in individual face to face meetings. The supervisor shall
18 not be the Respondent's therapist.

19 14. Respondent's probation is subject to revocation because she failed to comply with
20 Probation Condition No. 2, referenced above, in that she has failed to participate in regular bi-
21 monthly supervised practice and subject her files to in-office review since April 2008.

22 **SECOND CAUSE TO REVOKE PROBATION**

23 **(Failure to Reimburse Costs for Probation Program)**

24 15. At all times after the effective date of Respondent's probation, Probation
25 Condition No. 6 stated:

26 Respondent shall reimburse the Board for the duration of the probation
27 period for the hourly costs it incurs in monitoring the probation to ensure
28 compliance in the amount of \$1,200 per year.

1 16. Respondent's probation is subject to revocation because she failed to comply with
2 Probation Condition No. 6, referenced above, in that she failed to pay reimbursement of the
3 probation program fees. Respondent was to pay \$1,200.00 per year for the five years of her
4 probation, totaling \$6,000.00, as required in the Board's Order, effective July 8, 2007. To date,
5 Respondent has not made any payments toward the reimbursement fees and owes at least the
6 amount of \$3,600.00 for unpaid probation monitoring costs.

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THIRD CAUSE TO REVOKE PROBATION

(Failure to Participate in Psychotherapy)

17. At all times after the effective date of Respondent's probation, Probation Condition No. 9 stated:

Psychotherapy. Respondent shall participate in ongoing psychotherapy with a California licensed mental health professional who has been approved by the Board. Counseling shall be face-to-face and at least once a week unless otherwise determined by the Board. Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by Respondent.

Within 60 days of the effective date of this decision, Respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of Respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with Respondent, nor shall the psychotherapist be the Respondent's supervisor. Respondent shall provide the therapist with a copy of the Board's decision no later than the first counseling session. Upon approval by the Board, Respondent shall undergo and continue face-to-face treatment until the Board or its designee determines that no further psychotherapy is necessary.

Respondent shall take all necessary steps to ensure that the treating psychotherapist submits quarterly written reports to the Board concerning Respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. Respondent shall execute a Release of Information authorizing the therapist to divulge information to the Board.

If the treating psychotherapist finds that Respondent cannot practice safely or independently, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, Respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that Respondent may do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified Respondent that she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

18. Respondent's probation is subject to revocation because she failed to comply with Probation Condition No. 9, referenced above, in that she failed to receive regular weekly psychotherapy since the April 2008 quarterly reporting period, as required in the Board's Order.

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FOURTH CAUSE TO REVOKE PROBATION

(Failure to Obey All Laws)

19. At all times after the effective date of Respondent's probation, Probation Condition No. 12 stated:

1 bills are to be issued unless there is a corresponding document signed by the client in
2 support thereof. The billing system service shall submit quarterly written reports
3 concerning Respondent's cooperation with this system. The cost of the service shall
4 be borne by Respondent. Respondent shall maintain the original documents signed
5 by the patients for the full length of Respondent's probation and shall make these
6 documents available for inspection by the Board or its designee on request.
7 Respondent's billing system administrator shall also keep and maintain its records for
8 the full length of Respondent's probation and shall make them available to the Board
9 or its designee on request.

10 24. At all times after the effective date of Respondent's probation, Probation
11 Condition No. 8 stated:

12 **Monitor Billing System Audit.** Within 60 days of the effective date of this
13 decision, Respondent shall provide to the Board or its designee the names and
14 qualifications of three auditors. The Board or its designee shall select one of the
15 three auditors to annually audit Respondent's billings for compliance with the
16 Billing System condition of probation. During said audit, randomly selected client
17 billing records shall be reviewed in accordance with accepted auditing/accounting
18 standards and practices. The cost of the audits shall be borne by Respondent.
19 Failure to pay for the audits in a timely fashion shall constitute a violation of
20 probation.

21 25. Respondent's probation is subject to revocation because she failed to comply with
22 Probation Conditions Nos. 7 and 8, referenced above, in that she failed to obtain the services of
23 an independent billing system to monitor and document her client visits; to ensure that the system
24 submit quarterly written reports; to provide the Board with the names and qualifications of three
25 Certified Public Accountant auditors; to provide the required annual audit for the April 2009
26 through April 2010 audit period; and to allow the monitor and auditor to randomly select and
27 review client billing records in accordance with accepted auditing/accounting standards and
28 procedures.

29 II. ACCUSATION

30 FACTS

31 26. The Board received an online complaint dated May 6, 2008, from L.Y., one of
32 Respondent's patients, alleging that Respondent breached her confidentiality, acted in a dual
33 capacity (therapist and child custody evaluator), and caused L.Y. emotional harm by insisting that
34 she live in fear with her husband and pressuring her into dropping a restraining order against him.
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1 27. The Board's investigation revealed that prior to commencing divorce proceedings,
2 L.Y. and her husband, C.S., had received marital counseling through a therapist with whose
3 assessment C.S. did not agree, leading him to commence counseling with Respondent. The
4 couple counseled with Respondent approximately three times over a period of one month in the
5 Summer of 2006. After L.Y. subsequently left C.S. in August 2006, she saw Respondent once for
6 individual counseling on October 12, 2006.

7 28. L.Y. felt that Respondent's agenda during the time she counseled with her was to
8 gather information helpful to C.S., and told the Board's investigator that Respondent told her that
9 the problems she and C.S. were having were all L.Y.'s fault. L.Y. told the investigator that after
10 she left C.S., Respondent sought her out by telephone calls and emails, which she believed
11 Respondent did so she could diagnose L.Y. with Borderline Personality Disorder (BPD). L.Y.
12 told the investigator that Respondent told the mediator things about her that were not true, which
13 resulted in custody of their children being set at 50/50. L.Y. told the investigator that Respondent
14 attempted to get her to drop her restraining order against C.S., telling her that she and C.S. could
15 not work on their custody issues until the restraining order was resolved, and that L.Y.'s
16 continuing counseling with her would benefit the children.

17 29. L.Y. provided the investigator with two letters Respondent wrote that expressed what
18 Respondent thought of her, in which Respondent effectively acted as a child custody evaluator.
19 L.Y. told the investigator that the court-appointed child custody evaluator, Dr. S., spoke with
20 Respondent and quoted her in his report, in which Dr. S. referred to Respondent as L.Y.'s
21 therapist.

22 30. L.Y. provided the investigator with a "To Whom It May Concern" letter dated January
23 10, 2007, from Respondent, which referred to L.Y. as her client and disclosed confidential
24 information about L.Y., by stating that L.Y. displayed symptoms consistent with a diagnosis of
25 BPD; and recommended 50/50 child custodial visitation arrangements. Though Respondent's
26 January 10, 2007 letter indicated that L.Y. repeatedly contacted Respondent, in fact, it was
27 Respondent who repeatedly contacted L.Y. Respondent went beyond the role of a therapist by
28 writing letters and making telephone calls on C.S.'s behalf, as shown by documents from the

1 couple's divorce proceedings in San Diego Superior Court case number DN143066, where
2 Respondent is mentioned, and which C.S. tried to use to get others to believe things about her to
3 prove his case. Those court documents also indicate that Respondent supported C.S.'s contact
4 with his children; that C.S. had spoken with Respondent about L.Y. having borderline personality
5 disorder; and contain a letter from C.S. to Dr. S., in which he advises that Respondent, "our last
6 marriage counselor and presently therapist for my family and me, has expressed the opinion that
7 L.Y.s' mental illness is so severe that she would not be surprised if L.Y. poisoned or sexually
8 abused [our daughters], such as by intentionally inflicting damage to their genital areas, in order
9 to frame me for a crime." In a second "To Whom It May Concern" letter written by Respondent
10 dated January 15, 2008, Respondent described her therapeutic relationship with C.S., and noted
11 that "C.S.'s individual sessions focus on his anxiety that started with traumatic stress from years
12 of marital domestic violence in the form of psychological, emotional and verbal abuse and are
13 now being exacerbated by the divorce process."

14 31. L.Y. told the investigator that Respondent encouraged her to stay with C.S., despite
15 knowing that L.Y. left C.S. because of previous instances in which he had physically harmed her;
16 and by failing to confront C.S. with his repeated attempts to harm her through the internet.

17 32. When interviewed by the Board's investigator in the presence of her counsel,
18 Respondent confirmed that she provided marital counseling for L.Y. and her husband C.S.
19 Respondent stated she met with L.Y. and C.S. separately to gather information from them, and
20 believes she may have met with L.Y. three to four times. Respondent admitted that C.S. later
21 became a patient of hers, and claimed that L.Y. also wanted to be a patient of hers, but she
22 declined to accept her as one, because Respondent felt this created a conflict. Respondent denied
23 that she diagnosed L.Y. with BPT, but stated that L.Y. exhibited behaviors (splitting) associated
24 with this diagnosis, and admitted that she did not have enough time to complete her assessment
25 and develop a direction to go with regard to counseling L.Y. and C.S. Respondent admitted
26 contacting L.Y. by e-mail, but claimed L.Y. would seek her out for advice on her relationship
27 with C.S. Respondent denied ever acting in the capacity of a child custody evaluator for L.Y. and
28 C.S., but admitted that she had answered questions from and spoken with one of Child Protective

1 Services' (CPS) staff, whom Respondent told that she felt both L.Y. and C.S. were good parents
2 and should share parenting responsibilities.

3 33. Respondent admitted writing the letters dated January 10, 2007 and January 15, 2008,
4 but was uncertain who asked her to write the 2007 letter or to whom she provided it, stating that
5 the person who requested it could have been C.S. or his attorney, or CPS. Her purpose in writing
6 the letter was to convey her assessment of what type of parent C.S. is and she admitted it was
7 written on C.S.'s behalf. Respondent stated the 2008 letter was written at the request of C.S.'s
8 attorney, to whom she provided the letter, and that she addressed the letters "To Whom It May
9 Concern" because they could go to a number of people and she did not know who were going to
10 read them. Respondent claimed that D.O., who was C.S.'s psychiatrist, helped her write a portion
11 of the 2008 letter.

12 34. Respondent admitted that her assessment notes indicated that L.Y. told her she was in
13 fear of C.S., but claimed that L.Y.'s erratic behavior made it difficult for her to assess whether or
14 not L.Y.'s fear was warranted. Respondent stated she never dismissed L.Y.'s fear of C.S., and
15 stated she had some knowledge that L.Y. and C.S. were both victims of domestic violence, but
16 denied that she tried to persuade L.Y. to drop her restraining order against C.S. Respondent
17 acknowledged that she e-mailed information to L.Y. on how to drop her restraining order against
18 C.S., because L.Y. would ask her via telephone and e-mail for assistance with reconciling with
19 C.S. Respondent stated she corresponded with L.Y. several times without payment and then
20 decided to advise L.Y. she needed to make an appointment if she was serious about her desire to
21 reconcile. Respondent also stated that at this point C.S. and L.Y. wanted to consider mediation
22 instead of going through the court for their divorce and that Respondent was willing to serve as
23 their mediator.

24 35. Progress Notes provided by Respondent to the Board's investigator dated August
25 15, 2006, August 18, 2006, and October 12, 2006, show that L.Y. provided Respondent with her
26 history with C.S. The notes reflect that L.Y. reported arguments occurring daily between her and
27 C.S., and that C.S. swore and yelled at her, which Respondent noted as "Threats of husband-
28 fears."

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Gross Negligence/Incompetence)**

3 36. Respondent is subject to disciplinary action for unprofessional conduct under
4 section 4982, subdivision (d) in that she was grossly negligent and/or incompetent, as detailed in
5 paragraphs 26-35, above, in the following respects:

- 6 a. by breaching L.Y.'s confidentiality in writing the two "To Whom It May Concern"
7 letters;
- 8 b. by advocating for C.S.'s interests to the detriment of L.Y.'s interests;
- 9 c. by attempting to act as a mediator between L.Y. and C.S. during October-November
10 2006, thereby disregarding proper professional boundaries; and
- 11 d. by purporting to diagnose L.Y. as suffering from BPT on the basis of insufficient
12 information received solely from C.S.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct - Intentionally or Recklessly Causing Emotional Harm to Client)**

15 37. Respondent is subject to disciplinary action for unprofessional conduct under
16 section 4982, subdivision (i) in that she intentionally or recklessly caused emotional harm to a
17 client, as detailed in paragraphs 26-35 above, in the following respects:

- 18 a. by breaching L.Y.'s confidentiality in writing the two "To Whom It May Concern"
19 letters;
- 20 b. by advocating for C.S.'s interests to the detriment of L.Y.'s interests;
- 21 c. by attempting to act as a mediator between L.Y. and C.S. during October-November
22 2006, thereby disregarding proper professional boundaries; and
- 23 d. by purporting to diagnose L.Y. as suffering from BPT on the basis of insufficient
24 information received solely from C.S.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct - Engaging in Dishonest, Corrupt, or Fraudulent Acts)**

27 38. Respondent is subject to disciplinary action for unprofessional conduct under
28 section 4982, subdivision (j) in that she engaged in dishonest, corrupt, or fraudulent acts

1 substantially related to the qualifications, functions, or duties of a licensee, as detailed in
2 paragraphs 26-35 above, in the following respects:

- 3 a. by breaching L.Y.'s confidentiality in writing the two "To Whom It May Concern"
4 letters;
- 5 b. by advocating for C.S.'s interests to the detriment of L.Y.'s interests; and
- 6 c. by purporting to diagnose L.Y. as suffering from BPT on the basis of insufficient
7 information received solely from C.S.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Failure to Maintain Confidentiality)**

10 39. Respondent is subject to disciplinary action for unprofessional conduct under section
11 4982, subdivision (m) in that she failed to maintain confidentiality of all information received
12 from a client in confidence during the course of treatment and information about the client
13 obtained from other means, in writing the two "To Whom It May Concern" letters, and
14 advocating for C.S.'s interests to the detriment of L.Y.'s interests, as detailed in paragraphs 26-
15 35, above.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct - Conviction for Alcohol-Related Reckless Driving)**

18 40. Respondent is subject to disciplinary action for unprofessional conduct under
19 section 4982, subdivision (a) in that Respondent was convicted of a crime substantially related to
20 the qualifications, functions, and duties of a licensed MFT. The circumstances are as follows:

21 a. On or about January 19, 2010, in a criminal proceeding titled *People v. Lila*
22 *Marion Karoub* (San Diego Superior Court, Case No. M089290), Respondent pled guilty to
23 violating Vehicle Code (VC) section 23103(a) (reckless driving with alcohol in system), per VC
24 23105 (plea bargain), as a lesser included offense of VC section 23152(a) (driving under the
25 influence (DUI) of alcohol).

26 b. The facts that led to the conviction are that on August 7, 2009, at about
27 9:18 p.m., a San Diego Police Department (SDPD) officer noticed a large pickup truck driving
28 northbound on Westonhill Drive approaching its intersection with Hillery Drive in San Diego.

1 The officer described the intersection as “very dark,” and the truck “had no lights on at all.” The
2 truck stopped about 25’ south of the stop sign limit line and did not move until the officer put his
3 spotlight on the truck and it proceeded forward, “and drove straight through the stop sign.” The
4 officer followed the truck, which proceeded to the red light at 8700 Mira Mesa Blvd. in San
5 Diego, and remained there after the light turned green, until it finally turned left on Mira Mesa,
6 just clearing the traffic light and then swinging widely to the right, with its headlights still off.
7 The officer activated his lights and pulled over the truck, and determined Respondent was the
8 driver, accompanied by her 10-year-old daughter in the passenger seat. Respondent smelled of
9 alcohol and slurred her words. Another officer arrived and attempted to conduct field sobriety
10 tests on Respondent, who exhibited eye nystagmus before 45 degrees, but she was unable to stand
11 and posed a danger to herself, swayed from side-to-side and waved her arms for balance, and
12 staggered and fell while attempting to set her cell phone down so the tests were terminated,
13 Respondent was arrested for driving under the influence and child endangerment, and taken to
14 SDPD headquarters for processing. There, Respondent declined to have a blood or urine sample
15 taken, but was given an intoxilyzer test, which yielded BAC results of .09 at both 10:17 p.m., and
16 10:21 p.m. that date. Respondent was charged with violating VC section 23152(a) (DUI with
17 child passenger) and VC section 223152(b) (DUI w/ child passenger and BAC of 0.09 or more).

18 41. Respondent was sentenced to three years summary probation, with standard relevant
19 alcohol conditions, and ordered to pay \$946 in fines, perform five days public service (stayed),
20 enroll in and complete a three-month first conviction and MADD programs, and complete a
21 parenting class.

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Administering Alcohol in a Dangerous Manner)

22
23
24 42. Respondent is subject to disciplinary action for unprofessional conduct under
25 section 4982, subdivision (c) in that she used and administered alcohol to herself in a manner
26 dangerous or injurious to herself, or to any other person, or to the public, as detailed in paragraphs
27 40 and 41, above.

PRAYER

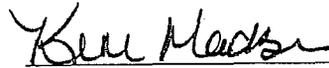
1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
2 and that following the hearing, the Board issue a decision:

3 1. Revoking the probation that was granted by the Board in Case No. MF 2004-645 and
4 imposing the disciplinary order that was stayed thereby revoking Marriage and Family Therapist
5 License No. MFC 36460 issued to Respondent Lila Marion Karoub;

6 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
7 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

8 3. Taking such other and further action as deemed necessary and proper.
9

10 DATED: March 23, 2011



KIM MADSEN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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