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

11 In the Matter of the Accusation Against:

Case No. MF-2011-628

12 **CHARLES H. STROLE**
42525 Rancho Mirage Lane
13 Rancho Mirage, CA 92270

A C C U S A T I O N

14 Marriage and Family Therapist License No.
15 MFC 18086

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 10, 1982, the Board issued Marriage and Family Therapist
24 License No. MFC 18086 to Charles H. Strole (Respondent). The Marriage and Family Therapist
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on September 30, 2014, unless renewed.

27 **JURISDICTION**

28 3. This Accusation is brought before the Board, under the authority of the following

1 laws. All section references are to the Business and Professions Code unless otherwise indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 118, subdivision (b), states that the suspension, expiration, surrender, or
4 cancellation of a license shall not deprive the Board jurisdiction to proceed with a disciplinary
5 action during the period within which the license may be renewed, restored, reissued or
6 reinstated.

7 5. Section 477 states, in pertinent part:

8 "As used in this division:

9

10 "(b) 'License' includes certificate, registration or other means to engage in a business or
11 profession regulated by this code."

12 6. Section 490 states, in pertinent part:

13 "(a) In addition to any other action that a board is permitted to take against a licensee, a
14 board may suspend or revoke a license on the ground that the licensee has been convicted of a
15 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
16 or profession for which the license was issued.

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

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

27 7. Section 4982 states, in pertinent part:

28 "The board may deny a license or registration or may suspend or revoke the license or

1 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

2 Unprofessional conduct includes, but is not limited to, the following:

3 "(a) The conviction of a crime substantially related to the qualifications, functions, or
4 duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive
5 evidence only of the fact that the conviction occurred. The board may inquire into the
6 circumstances surrounding the commission of the crime in order to fix the degree of discipline or
7 to determine if the conviction is substantially related to the qualifications, functions, or duties of a
8 licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a
9 plea of nolo contendere made to a charge substantially related to the qualifications, functions, or
10 duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the
11 meaning of this section. The board may order any license or registration suspended or revoked, or
12 may decline to issue a license or registration when the time for appeal has elapsed, or the
13 judgment of conviction has been affirmed on appeal, or, when an order granting probation is
14 made suspending the imposition of sentence, irrespective of a subsequent order under Section
15 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not
16 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
17 indictment.

18

19 "(c) Administering to himself or herself any controlled substance or using of any of the
20 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a
21 manner, as to be dangerous or injurious to the person applying for a registration or license or
22 holding a registration or license under this chapter, or to any other person, or to the public, or, to
23 the extent that the use impairs the ability of the person applying for or holding a registration or
24 license to conduct with safety to the public the practice authorized by the registration or license.
25 The board shall deny an application for a registration or license or revoke the license or
26 registration of any person, other than one who is licensed as a physician and surgeon, who uses or
27 offers to use drugs in the course of performing marriage and family therapy services."

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

....

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

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially-Related Crimes)

9. Respondent is subject to disciplinary action under sections 490, and 4982, subdivision (a), on the grounds of unprofessional conduct, in that Respondent was convicted of crimes that are substantially related to the qualifications, functions, and duties of a licensee, as follows:

a. On or about January 31, 2008, after pleading *guilty*, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol and / or drugs], and one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having 0.08% and more, by weight, of alcohol in his blood], in the criminal proceeding entitled *The People of the State of California v. Charles Henry Strole* (Super. Riverside County, 2007, No. INM175663). The court sentenced Respondent to serve 30 days in jail, placed him on probation for a period of 60 months, and fined him. The circumstances surrounding the conviction are that on or about February 17, 2007, a Cathedral City Police Department Officer, while on duty, observed a disabled vehicle in the number two lane with two flat tires, in Cathedral City, California. The officer contacted the driver, later identified as the Respondent, who was in the driver's seat of the vehicle. The officer smelled a strong odor of an alcoholic beverage emitting from Respondent's mouth and person. The officer

1 also observed Respondent to have bloodshot and glassy eyes. Respondent could not recall how
2 his two tires were flattened. The Respondent showed objective symptoms of intoxication and
3 admitted to the officer that he had just finished drinking "Mixed Liquor Drinks." Respondent
4 stepped out of the vehicle and almost fell onto the street when the officer caught him.
5 Respondent agreed to a series of field sobriety tests which he failed to complete satisfactorily.
6 Respondent subsequently gave a blood sample with a result of .024% BAC.

7 b. On or about May 13, 2004, after pleading *nolo contendere*, Respondent was
8 convicted of one misdemeanor count of violating Penal Code section 273.5, subdivision (a)
9 [inflicting corporal injury to: spouse/cohabitant]; and one misdemeanor count of violating Penal
10 Code section 591 [damage/use to power lines], in the criminal proceeding entitled *The People of*
11 *the State of California v. Charles Henry Strole* (Super. Ct. Riverside County, 2003, No.
12 SWM023712). The court sentenced Respondent to serve 15 days in jail, placed him on probation
13 for a period of 36 months, and fined him. The circumstances surrounding the conviction are that
14 on or about December 13, 2003, a Riverside Sheriff's Department Officer, while on duty, was
15 dispatched to Respondent's residence to investigate a 911 hang up telephone call. The officer
16 arrived at the residence and was flagged down by the victim, later identified as Respondent's
17 girlfriend, stating that Respondent had been abusive towards her and punched her on the right
18 side of her face with a closed left fist during an altercation. The victim stated that Respondent
19 grabbed her by the throat and pushed her up against the wall choking her. The victim also went
20 to the Riverside Sheriff's Office on or about December 15, 2003, to have photographs taken of her
21 injuries which had developed into bruises. The officers also observed a a large bruise on her left
22 thigh, a small bruise on the left side of the victim's lower jaw, a redness and slight swelling on the
23 left side of her upper chest, a small bruise on the outer surface of her upper left arm, and a small
24 bruise on the inner surface of her upper right arm. Respondent was subsequently convicted of
25 violating Penal Code sections 273.5, subdivision (a) and 591.

26 c. On or about September 16, 1999, after pleading *guilty*, Respondent was convicted of
27 one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while
28 having 0.08% and more, by weight, of alcohol in his blood], in the criminal proceeding entitled

1 *The People of the State of California v. Charles Henry Strole* (Super. Ct. Los Angeles County,
2 1998, No. 8VN0266001). The court sentenced Respondent to serve 13 days in jail, placed him on
3 probation for a period of 36 months, and fined him. The circumstances surrounding the
4 conviction are that on or about June 12, 1998, Respondent unlawfully and willingly drove a
5 vehicle while under the influence of an alcoholic beverage, having a blood alcohol level of 0.08%
6 or more, by weight in his blood. Respondent was subsequently convicted of violating Vehicle
7 Code section 23152, subdivision (b).

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 10. Respondent is subject to disciplinary action under section 4982, subdivision (c), on
11 the grounds of unprofessional conduct, in that Respondent consumed alcoholic beverages to an
12 extent or in a manner that was dangerous or injurious to himself, another person, or the public.
13 Complainant refers to, and by this reference incorporates, the allegations set forth above in
14 paragraph 9, subparagraphs (a) and (c), inclusive, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Dishonest, Corrupt, or Fraudulent Act)**

17 11. Respondent is subject to disciplinary action under section 4982, subdivision (j), on
18 the grounds of unprofessional conduct, in that Respondent committed a dishonest, corrupt, or
19 fraudulent act when he failed disclose his convictions on his 2004 and 2008 renewal applications.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct/ Violate Act)**

22 12. Respondent is subject to disciplinary action under section 4982, subdivision (e), on
23 the grounds of unprofessional conduct, in that Respondent was engaged in acts that violated the
24 provisions of the Behavioral Sciences Act. Complainant refers to, and by this reference
25 incorporates, the allegations set forth above in paragraphs 9 through 11, inclusive, as though set
26 forth fully.

27 **PRAYER**

28 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,

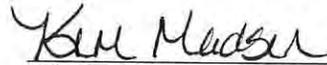
1 and that following the hearing, the Board issue a decision:

2 1. Revoking or suspending Marriage and Family Therapist License No. MFC 18086,
3 issued to Charles H. Strole;

4 2. Ordering Charles H. Strole to pay the Board the reasonable costs of the investigation
5 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

6 3. Taking such other and further action as deemed necessary and proper.
7

8 DATED: December 20, 2012



9 KIM MADSEN
10 Executive Officer
11 Board of Behavioral Sciences
12 Department of Consumer Affairs
13 State of California
14 *Complainant*

12 LA2011505194
13 accusation.rtf
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