

1 KAMALA D. HARRIS
Attorney General of California
2 MARC GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
Deputy Attorney General
4 State Bar No. 171168
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2557
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. MF-2011-829

12 **ASHLEIGH VIRGINIE JOHNSTON-**
13 **BARTON**

13 431 E. Carrillo Street
14 Santa Barbara, CA 93101

A C C U S A T I O N

14 Marriage and Family Therapist License No.
15 MFC 39698

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 April 10, 2003, the Board issued Marriage and Family Therapist License
24 No. MFC 39698 to Ashleigh Virginie Johnston-Barton (Respondent). The Marriage and Family
25 Therapist License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on December 31, 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.

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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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1 SECOND CAUSE FOR DISCIPLINE

2 **(Dangerous Use of Alcohol)**

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

8 THIRD CAUSE FOR DISCIPLINE

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

10 11. Respondent is subject to disciplinary action under section 4982, subdivision (e), on
11 the grounds of unprofessional conduct, in that Respondent was engaged in acts that violated the
12 provisions of the Behavioral Sciences Act. Complainant refers to, and by this reference
13 incorporates, the allegations set forth above in paragraphs 9 and 10, inclusive, as though set forth
14 fully.

15 PRAYER

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

- 18 1. Revoking or suspending Marriage and Family Therapist License No. MFC 39698,
19 issued to Ashleigh Virginie Johnston-Barton;
- 20 2. Ordering Ashleigh Virginie Johnston-Barton to pay the Board the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3; and,

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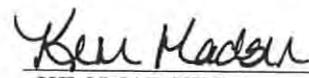
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3. Taking such other and further action as deemed necessary and proper.

DATED: December 20, 2012



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

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