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7
8 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. MF-2012-1420

11 **CAREN PETERS ARMSTRONG**
12 **1547 Palos Verdes Mall, #192**
13 **Walnut Creek, CA 94597**

ACCUSATION

14 **Marriage and Family Therapist License No.**
15 **MFC 34696**

Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about July 3, 1998, the Board of Behavioral Sciences issued Marriage and
22 Family Therapist License Number MFC 34696 to Caren Peters Armstrong (Respondent). The
23 Marriage and Family Therapist License was in full force and effect at all times relevant to the
24 charges brought herein and will expire on May 31, 2014, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Behavioral Sciences (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 4982 states:

2 "The board may deny a license or registration or may suspend or revoke the license or
3 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

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

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

20 "(b) Securing a license or registration by fraud, deceit, or misrepresentation on any
21 application for licensure or registration submitted to the board, whether engaged in by an
22 applicant for a license or registration, or by a licensee in support of any application for licensure
23 or registration.

24 "(c) Administering to himself or herself any controlled substance or using of any of the
25 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a
26 manner, as to be dangerous or injurious to the person applying for a registration or license or
27 holding a registration or license under this chapter, or to any other person, or to the public, or, to
28 the extent that the use impairs the ability of the person applying for or holding a registration or

1 license to conduct with safety to the public the practice authorized by the registration or license.
2 The board shall deny an application for a registration or license or revoke the license or
3 registration of any person, other than one who is licensed as a physician and surgeon, who uses or
4 offers to use drugs in the course of performing marriage and family therapy services.

5 ..."

6 5. Section 490 of the Code provides, in pertinent part, that a board may suspend or
7 revoke a license on the ground that the licensee has been convicted of a crime substantially
8 related to the qualifications, functions, or duties of the business or profession for which the
9 license was issued.

10 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
12 within which the license may be renewed, restored, reissued or reinstated.

13 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.

19 DRUGS

20 8. Clonazepam (Klonopin) is a Schedule IV controlled substance as designated by
21 Health and Safety Code section 11057(d)(7) and is a dangerous drug per Code section 4022, used
22 for anxiety.

23 FIRST CAUSE FOR DISCIPLINE

24 (CRIMINAL CONVICTION)

25 9. Respondent is subject to disciplinary action under sections 4982(a) and/or 490 in that
26 on or about May 12, 2011, in a criminal proceeding entitled *The People of the State of California*
27 *v. Caren Peters Armstrong*, in Contra Costa County Superior Court, Case Number 149055-06,
28 Respondent was convicted by her plea of no contest of violating Vehicle Code section 23103

1 (reckless driving). Respondent was sentenced to probation for two years and ordered to pay a fine
2 in the amount of \$1,040.00. The circumstances were that on or about January 26, 2010,
3 Respondent was arrested after rear-ending another vehicle at the intersection of Oak Hill Road
4 and Mt. Diablo Blvd. in Lafayette, California. Respondent failed field sobriety tests and appeared
5 to be under the influence of narcotics.

6 SECOND CAUSE FOR DISCIPLINE

7 (DANGEROUS USE OF CONTROLLED SUBSTANCE)

8 10. Respondent is subject to disciplinary action under section 4982(c) in that she used a
9 controlled substance in a manner dangerous to herself or others, as alleged above in paragraph 8.
10 Further, Respondent tested positive for Clonazepam after her arrest on January 26, 2010.

11 THIRD CAUSE FOR DISCIPLINE

12 (FAILURE TO DISCLOSE CONVICTION ON APPLICATION FOR LICENSE RENEWAL)

13 11. Respondent is subject to disciplinary action under section 4982(b) in that she made a
14 false statement on her renewal application. The circumstances are that on or about May 30, 2012,
15 Respondent signed a Manual License Renewal Application immediately below a certification
16 under penalty of perjury as to the truthfulness and accuracy of all answers given. The application
17 was received by the Board on June 1, 2012. The application asked "Subsequent to your last
18 renewal, have you been convicted of, pled guilty to, or pled nolo contendere to a misdemeanor or
19 felony, or have you had any disciplinary action taken by any regulatory or licensing board in this
20 or any other state, subsequent to the last renewal?" Respondent checked the box indicating "No."
21 In fact, on May 12, 2011 Respondent was convicted of violating Vehicle Code section 23103 as
22 alleged in paragraph 9 above.

23 PRAYER

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Behavioral Sciences issue a decision:

26 1. Revoking or suspending Marriage and Family Therapist License Number MFC
27 34696, issued to Caren Peters Armstrong;

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2. Ordering Caren Peters Armstrong to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: December 10, 2012



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

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