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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 Accusation Against:

Case No. MF-2012-8

13 **SANDRA ELIZABETH PETERSEN**
14 **44813 Cornish Ave.**
Hemet, CA 92544

A C C U S A T I O N

15 **Marriage and Family Therapist License No.**
MFC37270

16 Respondent.

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 (Board), Department of Consumer
21 Affairs.

22 2. On or about December 20, 2000, the Board issued Marriage and Family Therapist
23 License No. MFC37270 to Sandra Elizabeth Petersen (Respondent). The Marriage and Family
24 Therapist License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on August 31, 2014, unless renewed.

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1 **JURISDICTION/STATUTORY PROVISIONS**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

8 5. Section 4982 states:

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

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

12 ". . . .

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

14 ". . . .

15 "(i) Intentionally or recklessly causing physical or emotional harm to any client.

16 ". . . .

17 "(k) Engaging in sexual relations with a client, or a former client within two years following
18 termination of therapy, soliciting sexual relations with a client, or committing an act of sexual
19 abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related
20 crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of
21 a marriage and family therapist.

22 ". . . .

23 6. Section 4982.26 of the Code states:

24 "The board shall revoke any license issued under this chapter upon a decision made in
25 accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1
26 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the
27 licensee or registrant engaged in any act of sexual contact, as defined in Section 729, when that
28 act is with a patient, or with a former patient when the relationship was terminated primarily

1 for the purpose of engaging in that act. The revocation shall not be stayed by the administrative
2 law judge or the board.”

3 7. Section 728 of the Code states:

4 “....

5 “(1) ‘Psychotherapist’ means . . . a marriage and family therapist . . .

6 “....”

7 8. Code Section 729 of the Code states in relevant part:

8 “(a) Any . . . psychotherapist. . . who engages in an act of sexual intercourse, sodomy, oral
9 copulation, or sexual contact with a patient or client . . . is guilty of sexual exploitation by a . . .
10 psychotherapist . . .

11 “(b) Sexual exploitation by a . . . psychotherapist . . . is a public offense:

12 “(1) An act in violation of subdivision (a) shall be punishable by imprisonment in a county
13 jail for a period of not more than six months, or a fine not exceeding one thousand dollars
14 (\$1,000), or by both that imprisonment and fine.

15 “(2) Multiple acts in violation of subdivision (a) with a single victim, when the offender has
16 no prior conviction for sexual exploitation, shall be punishable by imprisonment in a county jail
17 for a period of not more than six months, or a fine not exceeding one thousand dollars (\$1,000),
18 or by both that imprisonment and fine.

19 “(3) An act or acts in violation of subdivision (a) with two or more victims shall be
20 punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a
21 period of 16 months, two years, or three years, and a fine not exceeding ten thousand dollars
22 (\$10,000); or the act or acts shall be punishable by imprisonment in a county jail for a period of
23 not more than one year, or a fine not exceeding one thousand dollars (\$1,000), or by both that
24 imprisonment and fine.

25 “(4) Two or more acts in violation of subdivision (a) with a single victim, when the
26 offender has at least one prior conviction for sexual exploitation, shall be punishable by
27 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16
28 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10, 000); or the

1 act or acts shall be punishable by imprisonment in a county jail for a period of not more than one
2 year, or a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and
3 fine.

4 “(5) An act or acts in violation of subdivision (a) with two or more victims, and the
5 offender has at least one prior conviction for sexual exploitation, shall be punishable by
6 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of 16
7 months, two years, or three years, and a fine not exceeding ten thousand dollars (\$10, 000).

8 “For purposes of subdivision (a), in no instance shall consent of the patient or client be a
9 defense. . . .

10 “(c) For purposes of this section:

11 “(1) “Psychotherapist” has the same meaning as defined in Section 728.

12 “. . . .

13 “(3) “Sexual contact” means sexual intercourse or the touching of an intimate part of a
14 patient for the purpose of sexual arousal, gratification, or abuse.

15 “(4) “Intimate part” and “touching” have the same meanings as defined in Section 243.4 of
16 the Penal Code.

17 “. . . .”

18 9. Penal Code section 243.4 states in relevant part:

19 “. . . .

20 “(2) As used in this subdivision, “touches” means physical contact with another person,
21 whether accomplished directly, through the clothing of the person committing the offense, or
22 through the clothing of the victim.

23 “(f) . . . “touches” means physical contact with the skin of another person whether
24 accomplished directly or through the clothing of the person committing the offense.

25 “(g) As used in this section, the following terms have the following meanings:

26 “(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the
27 breast of a female.

28 “. . . .”

1 COSTS

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case. If a case settles, recovery of investigation and enforcement costs may be
6 included in a stipulated settlement.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Engaging in Repeated Sexual Exploitation of a Client)**

9 11. Respondent is subject to disciplinary action under Code section 4982, subdivision (k),
10 for unprofessional conduct for engaging in sexual exploitation of a client in violation of Code
11 section 729. The circumstances are as follows:

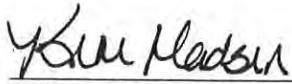
12 12. Beginning in March 2010, W.T. and her husband attended weekly marriage
13 counseling sessions with Respondent. In or about September or October 2010, W.T.'s husband
14 stopped attending the marriage counseling sessions. W.T., however, continued to attend weekly
15 counseling sessions with Respondent. W.T. and Respondent began to socialize outside of the
16 counseling sessions. After a couple of months of socializing, W.T.'s counseling sessions were
17 moved from day to evening hours. In February or March 2011, W.T.'s husband attempted to
18 rejoin the sessions, but Respondent refused. During one of their sessions, Respondent suggested
19 they speak about the "elephant in the room." At that point, W.T. told Respondent of her
20 "feelings" for Respondent. Respondent explained that those feelings were called "transference."
21 Respondent recommended that W.T. read a book titled, "In Session." After W.T. read the book,
22 she told Respondent that her feelings were not "motherly," but rather "sexual." Respondent
23 seemed pleased by this disclosure. Respondent had begun to sit close to her during their sessions.
24 W.T. noticed that Respondent was dressing nicer, and now wore make-up. Also, as they ended
25 their sessions each night, Respondent would hug W.T., and the hugs were getting a little longer
26 each time. Respondent then added a kiss on the cheek at the end of their sessions, and began to
27 compliment W.T. Respondent also made comments about how lonely she felt.

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

DATED: February 22, 2013



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

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