
CITATION NUMBER: MF-2007-1154
DATE OF ISSUANCE: June 8, 2007
NAME: Bryan William Silva
ADDRESS: 14065 Nordhoff St
Arleta, CA 91331

Pursuant to Sections 125.9 of the Business and Professions Code, and Title 16, California Code of Regulations section 1886, PAUL RICHES issues this citation in his official capacity as the Executive Officer for the Board of Behavioral Sciences (hereinafter referred to as the "Board").

Registration/Licensing History

The Board's records indicate that on **May 15, 1997**, the Board issued marriage and family therapist license number **MFC 33922** to **Bryan William Silva**; said license expired on **October 31, 2000**, due to non-payment of renewal fees, and was renewed **November 20, 2000**; said license expires on **October 31, 2008**, unless renewed.

Citation

A citation is hereby issued to you in accordance with the California Code of Regulations for the violation(s) described below.

Applicable Laws

Pursuant to Business and Professions Code Section 4980.54 "...(c)(1) Except as provided in subdivision (e), on and after January 1, 2000, the board shall not renew any license pursuant to this chapter unless the applicant certifies to the board, on a form prescribed by the board, that he or she has completed not less than 36 hours of approved continuing education in or relevant to the field of marriage and family therapy in the preceding two years, as determined by the board."

Pursuant to Business and Professions Code Section 4980.54 "...(d) The board shall have the right to audit the records of any applicant to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a minimum of two years and shall make these records available to the board for auditing purposes upon request."

Violation of section **4982(e)** of the Business and Professions Code, which reads as follows:

"...Unprofessional conduct shall include, but not be limited to: ...(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board."

Violation of section **1887.1(b)** of the California Code of Regulations, which reads as follows:

"...A licensee who falsifies or makes a material misrepresentation of fact when applying for license renewal or who cannot verify completion of continuing education by producing a record of course completion, upon request by the board, is subject to disciplinary action under Sections 4982(b) and 4992.3(b) of the Code."

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Violation of section **1887.3(d)** of the California Code of Regulations, which reads as follows:

“...Any person renewing his or her license on and after January 1, 2004, shall have completed not less than six (6) hours of continuing education in the subject of law and ethics for each renewal period. The six (6) hours shall be considered part of the thirty-six (36) hour continuing education requirement.”

Violation of section **4980.395(a)** of the Business and Professions Code, which reads as follows:

“...A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care during his or her first renewal period after the operative date of this section and shall submit to the board evidence, acceptable to the board, of the person's satisfactory completion of the course.”

Cause for Citation

The Board's records indicate that on or about August 16, 2006, you submitted an application for license renewal. You signed the renewal form certifying under penalty of perjury that you had completed the required hours of continuing education to obtain an active license. On January 16, 2007, the Board sent you an audit letter requesting copies of continuing education course certificate(s) and/or college transcript(s) for education completed during the renewal period of November 1, 2004 through October 31, 2006. The Board's audit letter requested that this information be submitted within 30 days of the date of the letter.

The Board's audit revealed you violated California Code of Regulations section 1887.3(d) and Business and Professions Code section 4980.395(a), whereas you submitted proof of completion of 46 hours of approved continuing education, but failed to submit proof of completion of the mandatory coursework in aging and long-term care. Further, the coursework submitted regarding law and ethics indicates that you only completed two (2) hours of law and ethics rather than the six (6) hours required. In a letter dated February 22, 2007, the Board requested that you submit proof of completion of the mandatory coursework. To date, no response has been received.

You also violated California Code of Regulations section 1887.1(b) by making a material misrepresentation of fact when applying for license renewal when you certified on or about August 16, 2006, that you had completed all the required 36 hours of continuing education and mandatory coursework within the previous two-year renewal period, November 1, 2004 through October 31, 2006.

Cause exists for the Board to take enforcement action against your license. Accordingly, a citation, which includes a fine, has been ordered for this violation of the Business and Professions Code and California Code of Regulations as stated in this citation.

Order

You must pay an administrative penalty (fine) in the amount of **\$500.00**, within thirty (30) days from the date this citation was served, but no later than **July 8, 2007**.

Payment of the administrative penalty must be submitted to the Board of Behavioral Sciences, 1625 North Market Boulevard, Suite S200, Sacramento, CA 95834. Note your citation number on the check or money order and complete the enclosed Acknowledgment of Receipt of Citation/Payment of Fine with your payment.

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You must submit proof of completion of four (4) hours of law and ethics and a three (3) hour course in aging and long-term care, to be used towards the renewal cycle of November 1, 2004 through October 31, 2006. The verification must be received by the Board, attention Citation and Fine Program, 1625 North Market Boulevard, Suite S200, Sacramento, CA 95834, within sixty (60) days.

You may appeal this citation or any portion thereof, by requesting either an Informal Citation Conference or a formal Administrative Hearing, or both. If you request both an Informal Citation Conference and a formal Administrative Hearing, and an Informal Citation Conference is held, your request for an Administrative Hearing shall be deemed to be withdrawn. Following the conclusion of the Informal Citation Conference, the Executive Officer shall either, affirm, modify or dismiss the citation. If the citation is affirmed or modified you will then have the opportunity to contest it by filing a request for a formal hearing to the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code). Your request for an Informal Citation Conference must be in writing and be submitted to the Board within thirty (30) calendar days after service of the citation. The request for a formal Administrative Hearing must also be in writing and be submitted to the Board within thirty (30) calendar days. (Please refer to the enclosed Instructions to Cited Person for additional appeal information.)

You may withdraw a Request for Informal Citation Conference at any time prior to the date of the conference. You may withdraw a Request for Administrative Hearing anytime prior to the date of the hearing.

Failure to request an Informal Citation Conference or Administrative Hearing in a timely manner will waive your right to contest this citation.

Pursuant to Business and Professions Code section 125.9, if you do not request a formal Administrative Hearing, payment of the fine does not constitute an admission of the violation(s) alleged. Further, where a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

IF YOU NEITHER PAY THE FINE NOR REQUEST AN INFORMAL CITATION CONFERENCE OR ADMINISTRATIVE HEARING WITHIN THE ALLOTTED TIME FRAME, YOUR LICENSE WILL NOT BE RENEWED FOR THE NEXT RENEWAL PERIOD UNTIL THE FINE IS PAID.

Original Signed by

PAUL RICHES
Executive Officer

June 8, 2007
Date

Attachments: Statement of Rights
Section 125.9, Business and Professions Code
Section 1886.70, Title 16, California Code of Regulations
Notice of Appeal
Acknowledgment Receipt of Citation form