
CITATION NUMBER: LC-2007-195
DATE OF ISSUANCE: May 27, 2010
NAME: Stephen Edward Schaefer
ADDRESS: PO Box 86020
San Diego, CA 92138

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

Registration/Licensing History

The records of the Board reflect that on **November 15, 1983**, the Board issued Licensed Clinical Social Worker license number **LCS 10551** to **Stephen Edward Schaefer**. Said license expires on **July 31, 2011**, unless renewed.

Citation

A citation containing a fine and Order of Abatement is hereby issued to you in accordance with Title 16, California Code of Regulations Sections 1886, 1886.20, 1886.30, and 1886.40 for the violation(s) described below.

Applicable Statutes and Regulations

Violation of section **4992.3(k)** of the business and Professions Code which reads as follows:

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

Violation of section **4992.3(s)** of the Business and Professions Code which reads as follows:

"...Unprofessional conduct shall include, but not be limited to: ...(s) Any conduct in the supervision of any registered associate clinical social worker, intern, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board."

Violation of section **1870(a)(4)(A)** of the California Code of Regulations, which reads as follows:

"...The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates..."

Cause for Citation

Investigation revealed you employed a registered associate clinical social worker (ASW) at Puente de Vida on or between February 2006 and August 2006.¹ You requested said ASW complete an online supervision certification course on your behalf. Completion of said course was required for you to be an eligible supervisor.

¹ The Board has previously notified you as to the identity of the registrant. Registrant's full name will be made available to you upon request.

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The ASW complied with your demand fearing you would refuse to sign for hours toward licensure and terminate her employment termination.

It was substantiated that although you paid for the supervision course, the ASW completed the test, you reviewed the test with her and you reviewed the answers to the questions she missed. You then instructed the ASW to submit the completed test online.

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

Orders

(1) Order of Abatement:

The Board of Behavioral Sciences orders you to:

1. Familiarize yourself with the statutes and regulations governing the supervision of trainees, interns and associates;
2. Ensure that you meet the requirements of supervision;
3. Cease requiring anyone to complete any required coursework on your behalf; and
4. Obey all laws governing your license as a Licensed Clinical Social Worker.

Within thirty (30) days from the date of this citation, but no later than **June 26, 2010**, you **must** submit proof that you have brought yourself into compliance with the order imposed by the Board of Behavioral Sciences as stated above. Proof of compliance should be sent to the Board to the attention of the Enforcement Unit at 1625 North Market Blvd., Suite S200, Sacramento, CA 95834.

(2) Order to Pay Administrative Fine:

In addition, you must pay an administrative penalty (fine) in the amount of **\$2,500.00**, within thirty (30) days from the date this citation was served, but no later than **June 26, 2010**. In assessing this penalty, the Board considered that you evaded your supervisor responsibilities by requiring a registrant to complete required coursework on your behalf and that you have had no prior violations for the same offense.

Payment of the administrative penalty should be made to the Board of Behavioral Sciences (BBS), 1625 North Market Blvd., Suite S200, Sacramento, CA 95834. Please note your citation number on the check or money order.

You may contest this citation, or any portion thereof, by requesting either an Informal Citation Conference or a Formal Administrative Hearing, or both (Title 16, CCR Section 1886.70). Any request you make either for the formal or informal hearing or for both of them must be in writing and must be submitted to the Board within (30) calendar days after service of the citation. If you request both an Informal Citation Conference and a Formal Administrative Hearing, and an Informal Citation Conference is held, your request for a Formal Administrative Hearing shall be deemed 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 written request with the Board for a Formal Administrative Hearing within (30) calendar days after service of the affirmed or modified citation. The Formal Administrative Hearing shall be held pursuant to the Administrative Procedures Act, Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. (Please refer to the enclosed Instructions to Cited Person for additional appeal information.)

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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 at any time 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. If the citation is not contested, or if the citation is contested and you do not prevail, failure to abate the violation or to pay the assessed fine within the time allowed shall constitute a violation and a failure to comply with the citation or order of abatement.

Further, failure to timely comply with an order of abatement or pay an assessed fine may result in disciplinary action being taken by the board or other appropriate judicial action being taken against you. If you have been issued an order of abatement and you are unable to complete the correction(s) within the time set forth in the citation because of conditions beyond your control after the exercise of reasonable diligence, you may request an extension of time in which to complete the correction from the executive officer of the board. Such a request shall be in writing and shall be made within the time set forth for abatement. (Title 16, CCR section 1886.60.)

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

Date: May 27, 2010

KIM MADSEN
Executive Officer

- 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