

CITATION NUMBER: MF-2010-1066  
DATE OF ISSUANCE: **March 15, 2010**  
NAME: Michael John Heim  
ADDRESS: 127 Bear Flag Rd  
Sonoma, CA 95476

Pursuant to Section 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").

### Licensing History

The records of the Board reflect that on **February 1, 1991**, the Board issued Marriage and Family Therapist license number **MFC 28205** to **Michael John Heim**. Said license expired due to non-payment of renewal fees on January 31, 1993 and was subsequently renewed on February 2, 1993. Said license expired due to non-payment of renewal fees on January 31, 1999 and was subsequently renewed on February 1, 1999. Said license expired due to non-payment of renewal fees on January 31, 2007 and was subsequently renewed on May 17, 2007. Said Registration expires on **January 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

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."

## **CITATION ORDER**

Michael John Heim

March 15, 2010

### **Page Two**

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

"...A licensee shall accrue at least thirty-six (36) hours of continuing education courses as defined in Section 1887.4. A licensee may accrue no more than eighteen (18) hours of continuing education earned through self-study courses during a single renewal period."

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."

### **Cause for Citation**

The Board's records indicate that on or about November 13, 2008, 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 November 4, 2009, 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 February 1, 2007 through January 31, 2009. 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(a), whereas you submitted proof of completion of only 2 hours of approved continuing education taken during the aforementioned renewal period. On December 2, 2009, you submitted proof of completion of 28 hours of approved coursework, completed on November 28, 2009 and November 29, 2009 more than ten (10) months after you certified that you had met the continuing education requirements for renewal.

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 November 13, 2008, that you had completed all the required 36 hours of continuing education and mandatory coursework within the previous two-year renewal period, February 1, 2007 through January 31, 2009.

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.

### **Orders**

#### **(1) Order of Abatement:**

The Board of Behavioral Sciences orders you to:

1. Comply with the continuing education requirements.
2. Obey all laws governing your license as a Marriage and Family Therapist.

Within 30 days from the date of this citation, but no later than **April 14, 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.

## CITATION ORDER

Michael John Heim

March 15, 2010

Page Three

### **(2) Order to Pay Administrative Fine:**

In addition, you must pay an administrative penalty (fine) in the amount of **\$800.00**, within thirty (30) days from the date this citation was served, but no later than **April 14, 2010**. In assessing this penalty, the Board considered your failure to complete the required 36 hours of continuing education.

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.)

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. 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.

**CITATION ORDER**

Michael John Heim

March 15, 2010

Page Four

**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.**



KIM MADSEN  
Executive Officer

Date: March 15, 2010

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