

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

In the Matter of the Accusation Against:

DIANA NAPOLIS
5575 Baltimore Drive, #105-PMB 146
La Mesa, CA 91942

Case No. MF-2003-530

OAH No.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 10, 2004.

It is so ORDERED February 9, 2004.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMES M. LEDAKIS, State Bar No. 132645
Deputy Attorney General
3 California Department of Justice
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7
8 Attorneys for Complainant

9 **BEFORE THE**
10 **BOARD OF BEHAVIORAL SCIENCES**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:
14 DIANA NAPOLIS
5575 Baltimore Drive, #105-PMB 146
La Mesa, CA 91942
15 License No. MFC 36844
16 Respondent.

Case No. MF-2003-530
OAH No.
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

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21 PARTIES

22 1. Sherry Mehl (Complainant) is the Executive Officer of the Board of
23 Behavioral Sciences. She brought this action solely in her official capacity and is represented in
24 this matter by Bill Lockyer, Attorney General of the State of California, by James M. Ledakis,
25 Deputy Attorney General.

26 2. DIANA NAPOLIS (Respondent) is representing herself in this proceeding
27 and has chosen not to exercise her right to be represented by counsel.
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my MFC license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

DATED: 1/9/04

Diana Napolis
DIANA NAPOLIS
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences of the Department of Consumer Affairs.

DATED: December 30, 2003

BILL LOCKYER, Attorney General
of the State of California

James M. Ledakis
JAMES M. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

DOJ Docket/Matter ID Number: SD2003AD0013
Stipulation.wpd

Exhibit A

Accusation No. MF-2003-530

1 BILL LOCKYER, Attorney General
of the State of California
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3 California Department of Justice
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9 **BEFORE THE**
10 **BOARD OF BEHAVIORAL SCIENCES**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. MF-2003-530

13 DIANA NAPOLIS
5575 Baltimore Drive, #105-PMB 146
14 La Mesa, CA 91942

A C C U S A T I O N

15 License No. MFC 36844

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Sherry Mehl (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer
22 Affairs.

23 2. On or about June 23, 2000, the Board of Behavioral Sciences issued
24 License No. MFC 36844 to DIANA NAPOLIS (Respondent). Said license expired November
25 30, 2001, and has not been renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Behavioral Sciences
28 (Board), Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

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

6 5. Section 4982 states:

7 The board may refuse to issue any registration or license, or may suspend or
8 revoke the license or registration of any registrant or licensee if the applicant,
9 licensee, or registrant has been guilty of unprofessional conduct. Unprofessional
conduct shall include, but not be limited to:

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

19 6. Section 118 of the Code states:

20 (a) The withdrawal of an application for a license after it has been filed
21 with a board in the department shall not, unless the board has consented in writing
22 to such withdrawal, deprive the board of its authority to institute or continue a
23 proceeding against the applicant for the denial of the license upon any ground
24 provided by law or to enter an order denying the license upon any such ground.

23 (b) The suspension, expiration, or forfeiture by operation of law of a
24 license issued by a board in the department, or its suspension, forfeiture, or
25 cancellation by order of the board or by order of a court of law, or its surrender
26 without the written consent of the board, shall not, during any period in which it
27 may be renewed, restored, reissued, or reinstated, deprive the board of its authority
28 to institute or continue a disciplinary proceeding against the licensee upon any
ground provided by law or to enter an order suspending or revoking the license or
otherwise taking disciplinary action against the licensee on any such ground.

27 (c) As used in this section, 'board' includes an individual who is
28 authorized by any provision of this code to issue, suspend, or revoke a license, and
'license' includes 'certificate,' 'registration,' and 'permit.'

