

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

In the Matter of the Accusation Against:)
)
CHERRLYNN MONEAKA HUBBARD)
6924 Macarthur Blvd.)
Oakland, CA 94605)
)
Associate Clinical Social Work License No.)
ASW 15208)
Respondent.)
_____)

CASE NO. AS-2003-633

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 August 4, 2004.

IT IS SO ORDERED July 6, 2004.



Mark Burdick, Chair
FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF BEHAVIORAL SCIENCES**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 CHERRLYNN MONEAKA HUBBARD
13 6924 Macarthur Blvd.
Oakland, CA 94605
14 Associate Clinical Social Worker License No.
15 ASW 15208
16 Respondent.

Case No. AS-2003-633
**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:

20 PARTIES

- 21 1. Sherry Mehl (Complainant) is the Executive Officer of the Board of
22 Behavioral Sciences. She brought this action solely in her official capacity and is represented in
23 this matter by Bill Lockyer, Attorney General of the State of California, by Char Sachson, Deputy
24 Attorney General.
25 2. Cherrlynn Moneaka Hubbard (Respondent) is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.
27 3. On or about January 8, 2003, the Board of Behavioral Sciences issued
28 Associate Clinical Social Worker License No. ASW 15208 to Respondent. The License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. AS-2003-633
2 and will expire on January 31, 2005, unless renewed.

3 JURISDICTION

4 4. Accusation No. AS-2003-633 was filed before the Board of Behavioral
5 Sciences (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on April 2, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A
8 copy of Accusation No. AS-2003-633 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read and understands the charges and allegations
12 in Accusation No. AS-2003-633. Respondent has also carefully read and understands the effects
13 of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. AS-2003-633.

26 9. Respondent agrees that her Associate Clinical Social Worker License is
27 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
28 forth in the Disciplinary Order below.

1 following terms and conditions.

2 1. Obey all Laws: Respondent shall obey all federal, state and local
3 laws, all statutes and regulations governing the licensee, and remain in full compliance with any
4 court ordered criminal probation, payments and other orders. A full and detailed account of any
5 and all violations of law shall be reported by the respondent to the Board or its designee in
6 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
7 this term, respondent shall submit fingerprints through the Department of Justice and Federal
8 Bureau of Investigation within 30 days of the effective date of the decision, unless previously
9 submitted as part of the licensure application process. Respondent shall pay the cost associated
10 with the fingerprint process.

11 2. File Quarterly Reports: Respondent shall submit quarterly reports, to
12 the Board or its designee, as scheduled on the "Quarterly Report Form"(rev. 01/12/01).
13 Respondent shall state under penalty of perjury whether she has been in compliance with all the
14 conditions of probation. Notwithstanding any provision for tolling of requirements of probation,
15 during the cessation of practice respondent shall continue to submit quarterly reports under
16 penalty of perjury.

17 3. Comply with Probation Program: Respondent shall comply with the
18 probation program established by the Board and cooperate with representatives of the Board in
19 its monitoring and investigation of the respondent's compliance with the program.

20 4. Interviews with the Board: Respondent shall appear in person for
21 interviews with the Board or its designee upon request at various intervals and with reasonable
22 notice.

23 5. Tolling of Probation: Respondent shall notify the Board in writing within
24 10 days if Respondent leaves California to reside or practice in another state. The written notice
25 to the Board or its designee shall include the dates of departure from California and return.
26 Respondent shall notify the Board within 10 days upon return to California. The period of
27 probation shall be tolled during the time respondent is residing or practicing outside of
28 California.

1 6. Change of Place of Employment or Place of Residence: Respondent
2 shall notify the Board or its designee in writing within 30 days of any change of place of
3 employment or place of residence. The written notice shall include the address, the telephone
4 number and the date of the change.

5 7. Supervision of Unlicensed Persons: While on probation, respondent shall
6 not act as a supervisor for any hours of supervised practice required for any license issued by the
7 Board. Respondent shall terminate any such supervisory relationship in existence on the
8 effective date of this Decision.

9 8. Notification to Clients: Respondent shall notify all clients of any
10 term or condition of probation which will affect their therapy or the confidentiality of their
11 records. Such notification shall be signed by each client prior to continuing or commencing
12 treatment. Respondent shall submit, upon request by the Board or its designee, satisfactory
13 evidence of compliance with this term of probation.

14 9. Notification to Employer: Respondent shall provide each of her
15 employers, when performing services that fall within the scope of practice of marriage and family
16 therapy, licensed clinical social work, or licensed educational psychology, a copy of this Decision
17 and the Statement of Issues or Accusation before commencing employment. Notification to the
18 respondent's current employer shall occur no later than the effective date of the Decision.
19 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of
20 compliance with this term of probation.

21 10. Violation of Probation: If respondent violates the conditions of her
22 probation, the Board, after giving respondent notice and the opportunity to be heard, may set
23 aside the stay order and impose the discipline (revocation/suspension) of Respondent's license [or
24 registration] provided in the decision.

25 If during the period of probation, an accusation, petition to revoke probation, or
26 statement of issues has been filed against respondent's registration or application for licensure, or
27 the Attorney General's office has been requested to prepare such an accusation, petition to revoke
28 probation, or statement of issues, the probation period set forth in this decision shall be

1 automatically extended and shall not expire until the accusation, petition to revoke probation, or
2 statement of issues has been acted upon by the board. Upon successful completion of probation,
3 respondent's registration shall be fully restored.

4 11. Law and Ethics Course: Respondent shall take and successfully
5 complete the equivalency of two semester units in law and ethics. Course work shall be taken at
6 the graduate level at an accredited educational institution. (Sections 4980.40 and 4996.18 of the
7 Business and Professions Codes and Section 1854 of Title 16 of the California Code of
8 Regulations.) Classroom attendance must be specifically required; workshops are not acceptable.
9 Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior
10 Board approval for meeting this educational requirement. Said course must be taken and
11 completed within one year from the effective date of this Decision. The costs associated with the
12 law and ethics course shall be paid by the respondent. Units obtained for an approved course in
13 law and ethics shall not be used for continuing education units required for renewal of licensure.

14 12. Maintain Valid License: Respondent shall, at all times while on
15 probation, maintain a current and active license with the Board, including any period during
16 which suspension or probation is tolled. Should respondent's license, by operation of law or
17 otherwise, expire, upon renewal respondent's license shall be subject to any and all terms of this
18 probation not previously satisfied.

19 13. License Surrender: Following the effective date of this decision, if
20 respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy
21 the terms and conditions of probation, respondent may voluntarily surrender her license to the
22 Board. The Board reserves the right to evaluate the respondent's request and to exercise its
23 discretion whether to grant the request or to take any other action deemed appropriate and
24 reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent
25 will no longer be subject to the terms and conditions of probation.

26 Voluntary surrender of respondent's license shall be considered to be a
27 disciplinary action and shall become a part of respondent's license history with the Board.
28 Respondent may not petition the Board for reinstatement of the surrendered license. Should

1 respondent at any time after voluntary surrender ever reapply to the Board for licensure,
2 respondent must meet all current requirements for licensure including, but not limited to, filing a
3 current application, meeting all current educational requirements, and taking and passing any and
4 all written and oral examinations required of new applicants.

5 14. Instruction of Coursework Qualifying for Continuing Education:

6 Respondent shall not be an instructor of any coursework for continuing education credit required
7 by any license issued by the Board.

8 15. Notification to Referral Services: Respondent shall immediately send a

9 copy of this decision to all referral services registered with the Board in which respondent is a
10 participant. While on probation, respondent shall send a copy of this decision to all referral
11 services registered with the Board that respondent seeks to join.

12 16. Psychotherapy: Respondent shall participate in ongoing

13 psychotherapy with a California licensed mental health professional who has been approved by
14 the Board. Counseling shall be at least once a week unless otherwise determined by the Board.
15 Respondent shall continue in such therapy at the Board's discretion. Cost of such therapy is to be
16 borne by respondent.

17 Within 60 days of the effective date of this decision, respondent shall submit to
18 the Board or its designee for its prior approval the name and qualifications of one or more
19 therapists of respondent's choice. Such therapist shall possess a valid California license to
20 practice and shall have had no prior business, professional, or personal relationship with
21 respondent, nor shall the psychotherapist be the respondent's supervisor. Respondent shall
22 provide the therapist with a copy of the Board's decision no later than the first counseling session.
23 Upon approval by the Board, respondent shall undergo and continue treatment until the Board or
24 its designee determines that no further psychotherapy is necessary.

25 Respondent shall take all necessary steps to ensure that the treating
26 psychotherapist submits quarterly written reports to the Board concerning respondent's fitness to
27 practice, progress in treatment, and to provide such other information as may be required by the
28 Board. Respondent shall execute a Release of Information authorizing the therapist to divulge

1 information to the Board.

2 If the treating psychotherapist finds that respondent cannot practice safely or
3 independently, the psychotherapist shall notify the Board within three (3) working days. Upon
4 notification by the Board, respondent shall immediately cease practice and shall not resume
5 practice until notified by the Board or its designee that respondent may do so. Respondent shall
6 not thereafter engage in any practice for which a license issued by the Board is required until the
7 Board or its designee has notified respondent that she may resume practice. Respondent shall
8 document compliance with this condition in the manner required by the Board.

9 17. Supervision of Respondent's Practice: Within 30 days of the
10 effective date of this decision, respondent shall submit to the Board or its designee, for its prior
11 approval, the name and qualification of one or more proposed supervisors and a plan by each
12 supervisor. The supervisor shall be a current California licensed practitioner in respondent's field
13 of practice, who shall submit written reports to the Board or its designee on a quarterly basis
14 verifying that supervision has taken place as required and including an evaluation of respondent's
15 performance. The supervisor shall be independent, with no prior business, professional or
16 personal relationship with respondent. Failure to file the required reports in a timely fashion
17 shall be a violation of probation. Respondent shall give the supervisor access to respondent's
18 fiscal and client records.

19 Respondent shall not practice until she has received notification that the Board has
20 approved respondent's supervisor. If the supervisor is no longer available, respondent shall
21 notify the Board within 15 days and shall not practice until a new supervisor has been approved
22 by the Board. All costs of the supervision shall be borne by respondent. Supervision shall
23 consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall
24 not be the respondent's therapist.

25 18. Cost Recovery: Applicant shall pay the Board \$1,045.00 as and for the
26 reasonable costs of the investigation and prosecution of Case No. AS-2003-633. Applicant shall
27 make payments as approved by the Board. Applicant shall make the check or money order
28 payable to the Board of Behavioral Sciences and shall indicate on the check or money order that

1 it is the cost recovery payment for Case No. AS-2003-633. Any order for payment of cost
2 recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate
3 until full payment has been made. Should any part of cost recovery not be paid in accordance
4 with the outlined payment schedule, Applicant shall be considered to be in violation of probation.

5
6 ACCEPTANCE

7 I have carefully read the Stipulated Settlement and Disciplinary Order. I
8 understand the stipulation and the effect it will have on my Associate Clinical Social Worker
9 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
10 and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral
11 Sciences.

12 DATED: 5/28/04

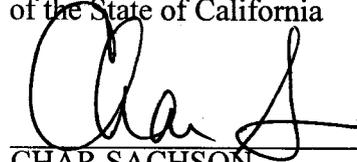
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14 
15 CHERRLYNN MONEAKA HUBBARD
Respondent

16
17
18 ENDORSEMENT

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

22 DATED: 6/2/04

23 BILL LOCKYER, Attorney General
of the State of California

24 

25
26 CHAR SACHSON
27 Deputy Attorney General
Attorneys for Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
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Telephone: (415) 703-5558
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 **BEFORE THE**
8 **BOARD OF BEHAVIORAL SCIENCES**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. AS-2003-633

11 **CHERRLYNN MONEAKA HUBBARD**
6924 Mac Arthur Blvd.
12 Oakland, CA 94605

AMENDED ACCUSATION

13 Associate Clinical Social Worker License No.
ASW 15208

14 Respondent.
15

16 Complainant alleges:

17 PARTIES

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

21 2. On or about January 8, 2003, the Board of Behavioral Sciences issued
22 Associate Clinical Social Worker License Number ASW 15208 to Cherrlynn Moneaka Hubbard
23 (Respondent). The Associate Clinical Social Worker License was in full force and effect at all
24 times relevant to the charges brought herein and will expire on January 31, 2005, unless renewed.
25

26 JURISDICTION

27 3. This Accusation is brought before the Board of Behavioral Sciences
28

1 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 4992.3 of the Code states:

4 "The board may refuse to issue a registration or a license, or may suspend or
5 revoke the license or registration of any registrant or licensee if the applicant, licensee, or
6 registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not
7 limited to:

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

22 professional qualifications, or professional affiliations to any person or entity. For purposes of
23 this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the
24 person's qualifications as an adoption service provider pursuant to Section 8502 of the Family
25 Code.

26 ...

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

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5. Section 490 of the Code states:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

6. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

“As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and ‘registration.’”

7. California Code of Regulations, title 16, section 1881 states:

“The board may suspend or revoke the license of a licensee or may refuse to issue a license to a person who:

...

“(e) Commits any dishonest, corrupt, or fraudulent act which is substantially

1 related to the qualifications, functions or duties of a licensee.”

2
3 8. Section 118, subdivision (b), of the Code provides that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
5 period within which the license may be renewed, restored, reissued or reinstated.

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

10 FIRST CAUSE FOR DISCIPLINE

11 (Criminal Convictions)

12 10. Respondent is subject to disciplinary action under sections 4992.3(a)
13 and/or 490 in that on or about July 22, 2003, in a criminal proceeding entitled *People v.*
14 *Cherrlynn Moneaka Magee-Hubbard* in San Francisco Superior Court, Case Number 363439,
15 Respondent was convicted by a plea of no contest of violating Penal Code section 487(a) (Theft),
16 a misdemeanor. On or about July 22, 2003, Respondent was sentenced to three years probation.
17 The circumstances giving rise to the conviction are described in paragraph 12, below.

18 11. Respondent is subject to disciplinary action under sections 4992.3(a)
19 and/or 490 in that on or about September 26, 2003, in a criminal proceeding entitled *People v.*
20 *Cherrlynn Magee-Hubbard* in San Mateo Superior Court, Case Number NM331886, Respondent
21 was convicted by a plea of nolo contendere of violating Penal Code section 487(a) (Theft), a
22 misdemeanor, and of violating Penal Code section 242 (Battery), a misdemeanor. On or about
23 September 26, 2003, Respondent was sentenced to two years probation, five days in county jail,
24 and ordered to pay a fine of \$317.50, \$110.00 to the State Restitution Fund, and \$80.00 in
25 restitution. The circumstances giving rise to the conviction are described in paragraph 13, below.

26 SECOND CAUSE FOR DISCIPLINE

27 (Acts Involving Dishonesty)

28 12. Respondent is subject to disciplinary action under sections 4992.3(j)

1 and/or California Code of Regulations, title 16, section 1881(e) in that on or about February 2,
2 2003, at the Target store in San Leandro, California, Respondent attempted to steal various
3 merchandise totaling \$496.98 in value.

4 13. Respondent is subject to disciplinary action under sections 4992.3(j)
5 and/or California Code of Regulations, title 16, section 1881(e) in that on or about July 7, 2003,
6 at the Target store in Daly City, California, Respondent attempted to steal various merchandise
7 totaling \$126.64 in value. While being held by Target security personnel, Respondent assaulted
8 a Target security officer.

9 DISCIPLINE CONSIDERATIONS

10 14. To determine the degree of discipline, if any, to be imposed on
11 Respondent, Complainant alleges that Respondent has been convicted of two prior felonies as
12 follows:

13 a. On or about July 10, 1992, Respondent was convicted of violating Health
14 and Safety Code section 11352 (a) (Sale/Transportation/Offer to Sell Controlled Substance) in
15 San Francisco Superior Court.

16 b. On or about July 10, 1992, Respondent was convicted of violating Health
17 and Safety Code section 11351.5 (Possession for Sale of Cocaine Base) in San Francisco
18 Superior Court.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

22 1. Revoking or suspending Associate Clinical Social Worker License
23 Number ASW 15208, issued to Cherrlynn Moneaka Hubbard.

24 2. Ordering Cherrlynn Moneaka Hubbard to pay the Board of Behavioral
25 Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to
26 Business and Professions Code section 125.3;

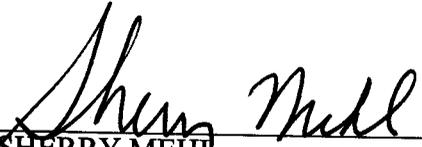
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3. Taking such other and further action as deemed necessary and proper.

DATED: May 6, 2004



SHERRY MEHL
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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40018957.wpd

1 BILL LOCKYER, Attorney General
of the State of California
2 CHAR SACHSON, State Bar No. 161032
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
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5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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12 6924 Mac Arthur Blvd.
Oakland, CA 94605

ACCUSATION

13 Associate Clinical Social Worker License No.
14 ASW 15208

Respondent.

16 Complainant alleges:

17 PARTIES

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

21 2. On or about January 8, 2003, the Board of Behavioral Sciences issued
22 Associate Clinical Social Worker License Number ASW 15208 to Cherrlynn Moneaka Hubbard
23 (Respondent). The Associate Clinical Social Worker License was in full force and effect at all
24 times relevant to the charges brought herein and will expire on January 31, 2005, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Behavioral Sciences
27
28

1 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 4992.3 of the Code states:

4 “The board may refuse to issue a registration or a license, or may suspend or
5 revoke the license or registration of any registrant or licensee if the applicant, licensee, or
6 registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not
7 limited to:

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

22 professional qualifications, or professional affiliations to any person or entity. For purposes of
23 this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the
24 person's qualifications as an adoption service provider pursuant to Section 8502 of the Family
25 Code.

26 . . .

27 “(j) The commission of any dishonest, corrupt, or fraudulent act substantially
28 related to the qualifications, functions, or duties of a licensee or registrant.”

1 related to the qualifications, functions or duties of a licensee.”

2

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

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

10

FIRST CAUSE FOR DISCIPLINE

11

(Criminal Conviction)

12

13 10. Respondent is subject to disciplinary action under sections 4992.3(a)
14 and/or 490 in that on or about July 22, 2003, in a criminal proceeding entitled *People v.*
15 *Cherrlynn Moneaka Magee-Hubbard* in San Francisco Superior Court, Case Number 363439,
16 Respondent was convicted by a plea of no contest of violating Penal Code section 487(a) (Theft),
a misdemeanor. On or about July 22, 2003, Respondent was sentenced to three years probation.

17

SECOND CAUSE FOR DISCIPLINE

18

(Acts Involving Dishonesty)

19

20 11. Respondent is subject to disciplinary action under sections 4992.3(j)
21 and/or California Code of Regulations, title 16, section 1881(e) in that on or about February 2,
22 2003, at the Target store in San Leandro, California, Respondent attempted to steal various
merchandise totaling \$496.98 in value.

23

24 12. Respondent is subject to disciplinary action under sections 4992.3(j)
25 and/or California Code of Regulations, title 16, section 1881(e) in that on or about July 7, 2003,
26 at the Target store in Daly City, California, Respondent attempted to steal various merchandise
27 totaling \$126.64 in value. While being held by Target security personnel, Respondent assaulted
a Target security officer.

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