

1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Supervising Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2579
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. AS-2005-90

11 SCOTT MATTHEW PLEUNE
12 a.k.a. SCOTT MATHEW PLEUNE
15443 Huston Street
13 Sherman Oaks, CA 91403

**DEFAULT DECISION
AND ORDER**

14 Associate Clinical Social Worker
No. ASW 16088

[Gov. Code, §11520]

15 Respondent.
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18 FINDINGS OF FACT

19 1. On or about September 19, 2006, Complainant Paul Riches, in his official
20 capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer
21 Affairs, filed Accusation No. AS-2005-90 against Scott Matthew Pleune a.k.a. Scott Mathew
22 Pleune (Respondent) before the Board of Behavioral Sciences.

23 2. On or about September 24, 2003, the Board of Behavioral Sciences
24 (Board) issued Associate Clinical Social Worker No. ASW 16088 to Respondent. The Associate
25 Clinical Social Worker expired on September 30, 2004, and has not been renewed.

26 3. On or about October 4, 2006, Henrietta Gaviola, an employee of the
27 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
28 AS-2005-90, Statement to Respondent, Notice of Defense, Request for Discovery, and

1 Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record
2 with the Board, which was, and is, 15443 Huston Street, Sherman Oaks, CA 91403. A copy of
3 the Accusation is attached as "Exhibit A" and incorporated herein by reference.

4 4. Service of the Accusation was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c).

6 5. On or about October 20, 2006, the aforementioned documents were
7 returned by the U.S. Postal Service marked "Attempted, Not Known" and are incorporated herein
8 by reference.

9 6. Business and Professions Code section 118 states, in pertinent part:
10 "(b) The suspension, expiration, or forfeiture by operation of law of a license
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
12 board or by order of a court of law, or its surrender without the written consent of the board, shall
13 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
14 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
15 any ground provided by law or to enter an order suspending or revoking the license or otherwise
16 taking disciplinary action against the license on any such ground."

17 7. Government Code section 11506 states, in pertinent part:

18 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
20 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
21 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

22 8. Respondent failed to file a Notice of Defense within 15 days after service
23 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
24 Accusation No. AS-2005-90.

25 9. California Government Code section 11520 states, in pertinent part:

26 "(a) If the respondent either fails to file a notice of defense or to appear at the
27 hearing, the agency may take action based upon the respondent's express admissions or upon
28 other evidence and affidavits may be used as evidence without any notice to respondent."

Exhibit A

Accusation No. AS-2005-90

1 BILL LOCKYER, Attorney General
of the State of California
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

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Case No. AS-2005-90

12 SCOTT MATTHEW PLEUNE
a.k.a. SCOTT MATHEW PLEUNE
13 15443 Huston Street
Sherman Oaks, CA 91403
14 Associate Clinical Social Worker No. ASW 16088
15 Respondent.

A C C U S A T I O N

16
17 Complainant alleges:

18 PARTIES

19 1. Paul Riches (Complainant) brings this Accusation solely in his official
20 capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer
21 Affairs (Board).

22 License History

23 2. On or about September 24, 2003, the Board issued Associate Clinical
24 Social Worker No. ASW 16088 to Scott Matthew Pleune a.k.a. Scott Mathew Pleune
25 (Respondent).

26 3. On or about August 11, 2004, the Los Angeles Superior Court, Inglewood
27 Court, Case No. YA05913701, entitled *The People of the State of California v. Scott Pleune*
28 (*People v. Pleune*), issued an Order Re: Restrictions on Licensure prohibiting Respondent from

1 practicing, directly or indirectly, as an associate clinical social worker during the pendency of the
2 criminal case and the Board's disciplinary proceeding.

3 4. The Associate Clinical Social Worker Registration No. ASW 16088
4 expired on September 30, 2004, and has not been renewed.

5 JURISDICTION

6 5. This Accusation is brought before the Board, under the authority of the
7 following laws. All section references are to the Business and Professions Code unless otherwise
8 indicated.

9 6. Section 118, subdivision (b), provides that the suspension / expiration /
10 surrender / cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
11 disciplinary action during the period within which the license may be renewed, restored, reissued
12 or reinstated.

13 7. Section 490 states:

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

23 8. Section 726 states:

24 "The commission of any act of sexual abuse, misconduct, or relations with a
25 patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary
26 action for any person licensed under this division, under any initiative act referred to in this
27 division and under Chapter 17 (commencing with Section 9000) of Division 3.

28 ///

1 "This section shall not apply to sexual contact between a physician and surgeon
2 and his or her spouse or person in an equivalent domestic relationship when that physician and
3 surgeon provides medical treatment, other than psychotherapeutic treatment, to his or her spouse
4 or person in an equivalent domestic relationship."

5 9. Section 4992.3 states, in pertinent part:

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

10 "(a) The conviction of a crime substantially related to the qualifications, functions,
11 or duties of a licensee or registrant under this chapter. . . ."

12

13 "(i) Intentionally or recklessly causing physical or emotional harm to any client.

14

15 "(k) Engaging in sexual relations with a client or with a former client within two
16 years from the termination date of therapy with the client, soliciting sexual relations with a client,
17 or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act
18 punishable as a sexually related crime, if that act or solicitation is substantially related to the
19 qualifications, functions, or duties of a clinical social worker. . . ."

20 10. Section 125.3 provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations
22 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

24 FIRST CAUSE FOR DISCIPLINE

25 (Conviction of Substantially Related Crime)

26 11. Respondent is subject to disciplinary action under Sections 490 and
27 4992.3, on the grounds of unprofessional conduct as defined in Section 4992.3, subdivision (a),
28 in that on or about November 23, 2005, Respondent was convicted of a crime substantially

1 related to the qualifications, functions or duties of a associate clinical social worker, as follows:

2 a. On or about November 23, 2005, in *People v. Pleune*, Respondent was
3 convicted on his plea of nolo contendere for violating Penal Code section 647.6 (annoy/molest
4 children under 18), a misdemeanor. Respondent was ordered by the court to register pursuant to
5 Penal Code section 290 as a convicted sex offender and to stay away from M.B., a child under
6 age fourteen, and D.M., a child under age eighteen.

7 b. The circumstances surrounding the conviction are that on or about July 15,
8 2004, Respondent committed a lewd and lascivious act upon and with the body and certain parts
9 and members of child, M.B., and did unlawfully annoy and molest child, D.M.

10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct - Commission of Sexually Related Crime)

12 12. Respondent is subject to disciplinary action under Section 4992.3, on the
13 grounds of unprofessional conduct as defined in Section 4992.3, subdivision (k), in that on or
14 about July 15, 2004, Respondent committed an act punishable as a sexually related crime,
15 substantially related to the qualifications, functions, or duties of a licensee, as more fully
16 described above in paragraph 11.

17 THIRD CAUSE FOR DISCIPLINE

18 (Sexual Misconduct with Client)

19 13. Respondent is subject to disciplinary action under Sections 726 and
20 4992.3, on the grounds of unprofessional conduct as defined in Section 4992.3, subdivision (k),
21 in that Respondent engaged in acts of sexual contact with client children, as more specifically
22 described above in paragraph 11.

23 FOURTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct - Physical or Emotional Harm to Client)

25 14. Respondent is subject to disciplinary action under Section 4992.3, on the
26 grounds of unprofessional conduct as defined in section 4992.3, subdivision (i), in that
27 Respondent's acts as described above in paragraph 11 intentionally or recklessly caused
28 emotional harm to client children M.B. and D.M.

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PRAYER

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

1. Revoking or suspending Associate Clinical Social Worker No. ASW 16088, issued to Scott Matthew Pleune a.k.a. Scott Mathew Pleune.

2. Ordering Scott Matthew Pleune to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: September 19, 2006



PAUL RICHES
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California

Complainant

1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Supervising Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2579
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6 Attorneys for Complainant

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

10
11 In the Matter of the Accusation Against:

12 SCOTT MATTHEW PLEUNE
13 A.K.A. SCOTT MATHEW PLEUNE,

14 Respondent.

Case No. AS-2005-90

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

15
16 TO RESPONDENT:

17 Enclosed is a copy of the Accusation that has been filed with the Board of
18 Behavioral Sciences of the Department of Consumer Affairs (Board), and which is hereby served
19 on you.

20 Unless a written request for a hearing signed by you or on your behalf is delivered
21 or mailed to the Board, represented by Supervising Deputy Attorney General Marc D.
22 Greenbaum, within fifteen (15) days after a copy of the Accusation was personally served on you
23 or mailed to you, you will be deemed to have waived your right to a hearing in this matter and the
24 Board may proceed upon the Accusation without a hearing and may take action thereon as
25 provided by law.

26 The request for hearing may be made by delivering or mailing one of the enclosed
27 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided
28 in section 11506 of the Government Code, to

1 **Marc D. Greenbaum**
2 **Supervising Deputy Attorney General**
3 **Ronald Reagan Building**
4 **300 South Spring Street, Suite 1702**
5 **Los Angeles, CA 90013.**

6 You may, but need not, be represented by counsel at any or all stages of these
7 proceedings.

8 The enclosed Notice of Defense, if signed and filed with the Board, shall be
9 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any
10 objection to the form of the Accusation unless you file a further Notice of Defense as provided in
11 section 11506 of the Government Code within fifteen (15) days after service of the Accusation
12 on you.

13 If you file any Notice of Defense within the time permitted, a hearing will be held
14 on the charges made in the Accusation.

15 The hearing may be postponed for good cause. If you have good cause, you are
16 obliged to notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los
17 Angeles, California 90013, within ten (10) working days after you discover the good cause.
18 Failure to notify the Office of Administrative Hearings within ten (10) days will deprive you of a
19 postponement.

20 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
21 enclosed.

22 If you desire the names and addresses of witnesses or an opportunity to inspect
23 and copy the items mentioned in section 11507.6 of the Government Code in the possession,
24 custody or control of the Board you may send a Request for Discovery to the above designated
25 Supervising Deputy Attorney General.

26 **NOTICE REGARDING STIPULATED SETTLEMENTS**

27 It may be possible to avoid the time, expense and uncertainties involved in an
28 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
settlement is a binding written agreement between you and the government regarding the matters
charged and the discipline to be imposed. Such a stipulation would have to be approved by the

1 Board of Behavioral Sciences but, once approved, it would be incorporated into a final order.

2 Any stipulation must be consistent with the Board's established disciplinary
3 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the
4 Board's Disciplinary Guidelines will be provided to you on your written request to the state
5 agency bringing this action.

6 If you are interested in pursuing this alternative to a formal administrative hearing,
7 or if you have any questions, you or your attorney should contact Supervising Deputy Attorney
8 General Marc D. Greenbaum at the earliest opportunity.

9 *****

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1 BILL LOCKYER, Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
Supervising Deputy Attorney General
3 California Department of Justice
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8 **BOARD OF BEHAVIORAL SCIENCES**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 SCOTT MATTHEW PLEUNE
13 A.K.A. SCOTT MATHEW PLEUNE,
14 Respondent.

Case No. AS-2005-90
REQUEST FOR DISCOVERY
[Gov. Code § 11507.6]

15 TO RESPONDENT:

16 Under section 11507.6 of the Government Code of the State of California, parties
17 to an administrative hearing, including the Complainant, are entitled to certain information
18 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
19 Government Code concerning such rights is included among the papers served.

20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
21 ARE HEREBY REQUESTED TO:

- 22 1. Provide the names and addresses of witnesses to the extent known to the
23 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
- 24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
25 the following in the possession or custody or under control of the Respondent:
 - 26 a. A statement of a person, other than the Respondent, named in the initial
27 administrative pleading, or in any additional pleading, when it is claimed that the act or
28 omission of the Respondent as to this person is the basis for the administrative

1 proceeding;

2 b. A statement pertaining to the subject matter of the proceeding made by any
3 party to another party or persons;

4 c. Statements of witnesses then proposed to be called by the Respondent and
5 of other persons having personal knowledge of the acts, omissions or events which are the
6 basis for the proceeding, not included in (a) or (b) above;

7 d. All writings, including but not limited to reports of mental, physical and
8 blood examinations and things which the Respondent now proposes to offer in evidence;

9 e. Any other writing or thing which is relevant and which would be
10 admissible in evidence, including but not limited to, any patient or hospital records
11 pertaining to the persons named in the pleading;

12 f. Investigative reports made by or on behalf of the Respondent pertaining to
13 the subject matter of the proceeding, to the extent that these reports (1) contain the names
14 and addresses of witnesses or of persons having personal knowledge of the acts,
15 omissions or events which are the basis for the proceeding, or (2) reflect matters
16 perceived by the investigator in the course of his or her investigation, or (3) contain or
17 include by attachment any statement or writing described in (a) to (e), inclusive, or
18 summary thereof.

19
20 For the purpose of this Request for Discovery, "statements" include written
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
23 and written reports or summaries of these oral statements.

24
25 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
26 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
27 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
28 work product.

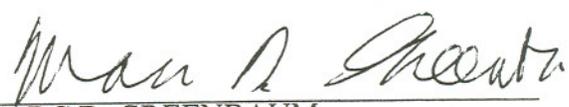
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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 10/4/06

BILL LOCKYER, Attorney General
of the State of California


MARC D. GREENBAUM
Supervising Deputy Attorney General
Attorneys for Complainant

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**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

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

In the Matter of the Accusation Against:

SCOTT MATTHEW PLEUNE
A.K.A. SCOTT MATHEW PLEUNE

Respondent.

Case No. AS-2005-90

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Accusation Against:

SCOTT MATTHEW PLEUNE
A.K.A. SCOTT MATHEW PLEUNE

Respondent.

Case No. AS-2005-90

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

DECLARATION OF SERVICE

(Certified & First Class Mail (separate mailing))

In the Matter of the Accusation Against:
Scott Matthew Pleune aka Scott Mathew Pleune

Board of Behavioral Sciences Case No. AS-2005-90

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 So. Spring St., Los Angeles, CA 90013

I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On October 4, 2006, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery, and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery, and Discovery Statutes** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General, addressed as follows:

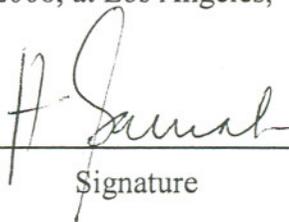
SCOTT MATTHEW PLEUNE
15443 Huston Street
Sherman Oaks, CA 91403

Certified Article No.
7001 0360 0003 2703 9339

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 4, 2006, at Los Angeles, California.

Henrietta Gaviola

Typed Name



Signature

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0000 2703 9339

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		

Sent To **SCOTT MATTHEW PLEUNE**
Street, A **15443 Huston Street**
or PO Box **Sherman Oaks, CA 91403**
City, State, ZIP + 4

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SCOTT MATTHEW PLEUNE
15443 Huston Street
Sherman Oaks, CA 91403

2. Article Number (Copy from service label)

7001 0360 0003 2703 9339

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

Agent
 Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below: Yes
 No

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes



02 1A
 004616886
 MAILED FROM ZIP CODE 90013
 OCT 04 2006
 9 03-12

7001 0360 0003 2703 9339



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE
CERTIFIED MAIL

SCOTT MATTHEW PLEUNE
15443 Huston Street
Sherman Oaks, CA 91403

Marc Greenbaum, DAG
 STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
 OFFICE OF THE ATTORNEY GENERAL
 300 SOUTH SPRING STREET, SUITE 500
 LOS ANGELES, CA 90013

ATTEMPTED DELIVERY
 NOT KNOWN
 10/4/06
 10:14 AM
 91403



Marc Greenbaum, DAG
 STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
 OFFICE OF THE ATTORNEY GENERAL
 300 SOUTH SPRING STREET, SUITE 500
 LOS ANGELES, CA 90013

SCOTT MATTHEW PLEONE
 15443 Huston Street
 Sherman Oaks, CA 91403

ATTEMPTED, NOT KNOWN
 ATTEMPTED, NOT KNOWN

FIRST CLASS MAIL
FIRST CLASS MAIL