

BEFORE THE
BOARD OF BEHAVIORAL SCIENCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of:

SONIA CANTU LOPEZ
825 N. Divisadero Street
Visalia, CA 93291

Marriage and Family Therapist Intern
Registration No. IMF 38606,

Respondent.

File No. IM-2005-474

OAH No. N-2006050087

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Behavioral Science as its Decision in the above-entitled matter.

This Decision shall become effective on October 29, 2006.

IT IS SO ORDERED September 29, 2006.



A handwritten signature in black ink, appearing to read 'K. J. ...', is written over a horizontal line.

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BOARD OF BEHAVIORAL SCIENCES
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In the Matter of:

SONIA CANTU LOPEZ
825 North Divisadero Street
Visalia, CA 93921

Marriage and Family Therapist Intern
Registration No. IMF 38606,

Respondent.

Case No. IM-2005-474

OAH No. N2006050087

PROPOSED DECISION

This matter came on regularly for hearing before Jaime René Román, Administrative Law Judge, Office of Administrative Hearings, in Sacramento, California, on July 6, 2006.

Kent D. Harris, Deputy Attorney General, Department of Justice, State of California, represented complainant Paul Riches, Executive Officer, Board of Behavioral Sciences, Department of Consumer Affairs, State of California.

Sonia Cantu Lopez (respondent) appeared and represented herself.

Evidence was received and the matter submitted on July 6, 2006.

FACTUAL FINDINGS

1. On January 19, 2006, Paul Riches, Executive Officer, Board of Behavioral Sciences (Board), Department of Consumer Affairs, State of California, filed the Accusation solely in his official capacity against respondent.
2. On February 28, 2001, the Board issued Marriage and Family Therapist Intern Registration Number IMF 38606 to respondent. Said registration is in full force and effect.
3. On April 6, 2005, respondent, then age 38, was convicted, by plea, in the Superior Court of California, County of Tulare, of violating Penal Code section 32 (accessory

after the fact), a felony, and Penal Code section 148, subdivision (a)(1) (resisting or obstructing a peace officer), a misdemeanor, both crimes substantially related to the qualifications, functions or duties of a marriage family therapist or marriage family therapist intern. Respondent was placed on probation for a period of three years and ordered, inter alia, to serve 360 days in the county jail, and not be involved or associate with any person known to be a gang member, or possess any item of gang clothing or gang jewelry.

4. The facts and circumstances underlying respondent's convictions occurred on April 18, 2004. Respondent's 15-year old son had discharged a firearm while respondent was in the shower. Her son, a member of a gang, had been previously threatened by a rival gang. He had discharged the weapon in anticipation of a threat of harm to himself. Respondent was unaware that her son had discharged the weapon. She, with her son and three other children, resided in an area of Visalia known for gang activity. Aware of some commotion when she exited the shower, she directed her son to enter the house. While she was donning her clothing, police officers responded to her residence. Upon opening the door to the police officers, she was asked if she would consent to a search of her residence. Respondent, unaware of any reason not to permit their entry or consent, agreed to a search of her home. The officers found nothing within the home, but indicated to respondent that they were searching for her son. They asked if they could search the backyard. In the backyard, respondent has a small cottage that she rents. The officers asked for the key. Respondent indicated that she did not have the key and that the premises were being rented to other people. The officers broke down the door and found respondent's son and some other boys. While they were arresting her son, respondent relates that the officers were using excessive force and she acknowledges trying to get the officers to reduce their use of force on her son. She was arrested for accessory after the fact and obstructing the police officers in the performance of their duties.

5. Respondent, age 40, readily admits her convictions. She relates that she should have exercised prudential restraint. Her initial reactions were maternal. She has never been a member of a gang. While she was aware that her son belonged to a gang, she sought to dissuade him to no avail. Her son is in custody in the California Youth Authority. Respondent relates that her son's conduct was precipitated by two neighbors who were subsequently imprisoned in the State Prison. Respondent takes no pride in her convictions. She also volunteered having suffered two alcohol related convictions in 1989 (driving under the influence) and 1990 ("wet reckless"). She has no other criminal history.

Circumstances in Aggravation

6. Respondent is presently on probation.
7. Respondent's convictions occurred less than two years ago.
8. Respondent's convictions occurred while a Board registrant.
9. Although respondent presented laudable reference letters and work performance evaluations, such documentation antedated her convictions.

Circumstances in Mitigation

10. Respondent is successfully participating with her Superior Court probation.
11. Respondent, limited in fiscal resources, resides in a high-crime vicinity. She has repeatedly sought police intervention.
12. Respondent is highly interested in children, particularly disadvantaged children. She has had various employment opportunities in mental health. She is forthcoming about her past and seeks to retain her registration to undertake a profession she finds particularly and personally fulfilling.
13. Respondent, a single mother, has three children she continues to support. Relying solely on her own resources and efforts, respondent undertook and completed an A.A. degree, a bachelor's degree program at California State University, Stanislaus, and her master's degree at National University. She commenced a doctorate program but was unable to complete it because of geography and finances. She has nevertheless pursued additional continuing education to be a highly trained and qualified mental health professional. Respondent relates that she believes she has completed all necessary hours¹ and is imminently ready to undertake her examinations for licensure as a marriage family therapist.
14. It is quite evident that respondent has undertaken a multitude of obligations related to her children, her incarcerated son, her extended family, ongoing professional education, and occupational opportunities. Such obligations, to include the recent death of her father, have impacted respondent's emotional wellbeing. She would clearly benefit by some psychotherapeutic counseling.
15. Respondent was totally candid and cooperative with the Board in disclosing her conviction and the circumstances underlying her conviction.

COSTS FINDINGS

16. The Board has incurred reasonable enforcement costs in this matter in the sum of \$2,395.50.

LEGAL CONCLUSIONS

1. Cause exists to revoke respondent's Board registration for a criminal conviction pursuant to the provisions of Business and Professions Code section 4982, subdivision (a), and as set forth in Findings 2 through 5.

¹ Business and Professions Code section 4980.43.

2. *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 sets forth the factors to be considered in determining the reasonableness of costs pursuant to statutory provisions like Business and Professions Code section 125.3. The factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay and whether the scope of the investigation was appropriate to the alleged misconduct. Respondent was unsuccessful in getting any allegations dismissed. There was no evidence presented relating to respondent's financial ability to pay the costs sought. The amount sought appears to reflect that the scope of investigation was appropriate to the misconduct. Accordingly, cause exists to order respondent to reimburse the Board its costs of enforcement pursuant to Business and Professions Code section 125.3 and as set forth in Legal Conclusion 1 and Finding 16.

3. The objective of a disciplinary proceeding is to protect the public and the licensed occupation, maintain integrity and high standards, and preserve public confidence in Department licensure.² Indeed, the statutes relating to Department licensed facilities are designed to protect clientele from any potential risk of harm.³

Respondent's culpability is readily established.

At issue, however, is whether discipline should be imposed and, if so, the manner, extent or nature of such discipline.

In meting discipline, I am guided by competing interests between protection of the public against respondent's capacity for rehabilitation. In this regard, respondent bears the burden of establishing a capacity for reformation. She has done so. In making such determination, I considered, inter alia, (1) the nature of the crime including, but not limited to, whether it involved violence or a threat of violence, (2) the period of time that has elapsed, (3) the number of crimes, (4) circumstances surrounding the crime's commission, (5) activities since conviction, including employment or participation in therapy or education, (6) character references, (7) evidence of honesty, and (8) the purpose of her registration.

Respondent's convictions arose from a single event against an otherwise laudable life. Surrounded by several police officers, her conduct did not portend violence. It arose from a maternal concern for the safety and wellbeing of her son. The subsequent conviction of the claimed victims of her son's firearm discharge gives credence to the unusual circumstances attendant to her neighborhood. Further, the effect of the Superior Court's intervention, combined with her evident maturity, circumspection, and personal rehabilitation have reduced her potential for recidivism. She has maintained gainful employment. She seeks continued registration to advance her professional and career development and qualification for licensure as a marriage family therapist to provide a benefit to particularly disadvantaged people.

² *Camacho v. Youde* (1975) 95 Cal.App.3d 161, 165; *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 816.

³ *Lopez v. McMahon* (1988) 205 Cal.App.3d 1510, 1516.

as a marriage family therapist to provide a benefit to particularly disadvantaged people.

It has not escaped either the Attorney General or the undersigned that by virtue of her conviction as set forth in Findings 2 through 5, cause also exists to deny respondent's licensure, upon passing her written Board examinations, as a marriage family therapist pursuant to Business and Professions Code section 4980.40, subdivision (h). The Attorney General seeks an Order that will consider both the conduct of respondent with respect to her imminent licensure and recent efforts toward rehabilitation.

Our law looks favorably on one who has reformed. Respondent has demonstrated an insight that compels salutary consideration. On the other hand, her recent conviction compels a modest but ongoing Board scrutiny whether as a registrant or licentiate.⁴ Accordingly, mindful of the conduct underlying the Accusation (Legal Conclusion 1), and the circumstances in aggravation (Findings 6 through 9) and mitigation (Findings 10 through 15); the public interest will not be adversely affected by the issuance of a properly conditioned registration or license to respondent.

ORDER

1. Marriage Family Therapist Intern Registration Number IMF 38606 issued to respondent Sonia Cantu Lopez by the Board of Behavioral Sciences is revoked pursuant to Legal Conclusions 1 and 3. However, the revocation of respondent's registration is stayed, and placed on probation for a period of 5 years,⁵ subject to the following terms and conditions:

- A. Within 90 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologist(s) or psychiatrist(s) as are appointed by the Board. The cost of such evaluation(s) shall be borne by respondent. Failure to pay for the report(s) in a timely fashion constitutes a violation of probation.

Such evaluator(s) shall furnish a written report or written reports to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator(s) to release all

⁴ Mindful that respondent is eligible, or soon to be eligible, to commence the examinations for licensure as a marriage family therapist; and, upon passage, her registration would expire by operation of law, this Decision and Order seeks to avoid subjecting her to a Statement of Issues for the conduct set forth in Legal Conclusion 1 by fashioning a Disciplinary Order applicable to the issuance of a marriage family therapist license to respondent.

⁵ The placing of respondent's registration for a period of probation of five years is not intended to avoid the statutory limitation imposed by Business and Professions Code section 4980.50, subdivision (g).

If a psychological or psychiatric evaluation indicates a need for supervised practice, respondent, within 30 days of notification by the Board, shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor by which the respondent's practice will be supervised.

If respondent is determined to be unable to practice independently and safely, respondent, upon notification, shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

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

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

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

If the treating psychotherapist finds that respondent cannot practice independently and safely, the psychotherapist shall notify the Board within three (3) working days. Upon notification by the Board, respondent shall immediately cease practice and shall not resume practice until notified by the Board or its designee that respondent may

do so. Respondent shall not thereafter engage in any practice for which a license issued by the Board is required until the Board or its designee has notified the respondent that she may resume practice. Respondent shall document compliance with this condition in the manner required by the Board.

- C. Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.
- D. Respondent, at her expense, shall take and successfully complete the equivalency of two semester units in law and ethics. Coursework shall be taken at the graduate level at an accredited educational institution as defined in Business and Professions Code sections 4980.40 and 4996.18, and California Code of Regulations, title 16, section 1854. Classroom attendance must be specifically required; workshops are not acceptable. Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. Units obtained for an approved course in law and ethics shall not be used for continuing education units required for renewal of licensure.
- E. Respondent shall obey all federal, state and local laws, all statutes and regulations governing her registration, and remain in full compliance with any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent, at her expense, shall submit fingerprints through the California Department of Justice and the Federal Bureau of Investigation within 30 days of the effective date of the Decision, unless previously submitted as part of the licensure application process.
- F. Respondent shall submit quarterly reports to the Board or its designee as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.
- G. Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring

and investigation of the respondent's compliance with the program.

- H. Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
- I. In the event respondent should leave the State of California to reside or to practice, respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty (30) calendar days in which respondent is not engaging in any activities defined in Business and Professions Code sections 4980.02, 4986.10 or 4996.9.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in practice within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if respondent's periods of temporary or permanent residence or practice outside California total two years. However, respondent's license shall not be cancelled as long as respondent is residing and practicing in another State of the United States and is on active probation with the licensing authority of that State, in which case the two-year period shall begin on the date probation is completed or terminated in that State.

- J. In the event respondent resides in the State of California and for any reason she stops practicing in California, respondent shall notify the Board or its designee in writing within thirty (30) calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty (30) calendar days in which respondent is not engaging in any activities defined in Business and Professions Code sections 4980.02, 4986.10 or 4996.9.

- K. Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.
- L. Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon required by the Board or its designee, satisfactory evidence of compliance with this term of probation.
- M. Respondent shall provide each of her current or future employers, when performing services that fall within the scope of her registration, a copy of this Decision and the Accusation before commencing employment. Notification to the respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this term of probation.
- N. If respondent violates the conditions of her probation, the Board, after giving her notice and opportunity to be heard, may set aside the stay order and impose the revocation of respondent's registration provided in the Decision.
- If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's registration, or application for licensure, or the Attorney General's Office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this Decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the Board. Upon successful completion of probation, respondent's registration shall be fully restored.
- O. Respondent shall, at all times while on probation, maintain a current and active registration or license with the Board, including any period during which suspension or probation is tolled. Should respondent's registration or license, by operation of law or otherwise, expire, upon renewal respondent's registration or license, as applicable, shall be subject to any and all terms of this probation not previously satisfied.
- P. Following the effective date of this Decision, if respondent ceases

practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of her registration to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within thirty (30) calendar days deliver her registration and certificate and wall certificates, if applicable, to the Board or its designee and respondent shall no longer engage in any practice for which a registration is required. Upon formal acceptance of the tendered registration, respondent shall no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's registration shall be considered to be a disciplinary action and shall become part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered registration. Should respondent at any time after voluntary surrender ever reapply to the Board for registration or licensure, respondent must meet all current requirements for registration or licensure including, but not limited to, filing a current application, meeting all then-extant educational requirements, and taking and passing any and all examinations required of new applicants.

- Q. Respondent shall not be an instructor of any coursework for educational requirements or education credit required by any license issued by the Board.
- R. Respondent shall immediately send a copy of this Decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this Decision to all referral services registered with the Board that respondent seeks to join.
- S. Respondent, if a member, shall send a copy of this Decision to the California Association of Marriage Family Therapists.

2. Provided respondent Sonia Cantu Lopez is otherwise qualified for licensure by the Board of Behavioral Sciences as a marriage family therapist⁶ within the period allowed by law for a registrant,⁷ such license shall, upon issuance, be revoked pursuant to Legal Conclusion 3. However, the revocation of respondent's license is stayed, and placed on

⁶ The purpose of this condition is to allow respondent exam admission pursuant to Business and Professions Code section 4980.40, subdivision (b).

⁷ Business and Professions Code section 4980.50, subdivision (g).

probation from the effective date of its issuance for a period of 5 years, subject to the following terms and conditions:

- A. On a periodic basis as may be required by the Board or its designee, respondent shall complete a psychological or psychiatric evaluation by such licensed psychologist(s) or psychiatrist(s) as are appointed by the Board. The cost of such evaluation(s) shall be borne by respondent. Failure to pay for the report(s) in a timely fashion constitutes a violation of probation.

Such evaluator(s) shall furnish a written report or written reports to the Board or its designee regarding respondent's judgment and ability to function independently and safely as a counselor and such other information as the Board may require. Respondent shall execute a Release of Information authorizing the evaluator(s) to release all information to the Board. Respondent shall comply with the recommendations of the evaluator(s).

If a psychological or psychiatric evaluation indicates a need for supervised practice, respondent, within 30 days of notification by the Board, shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor by which the respondent's practice will be supervised.

If respondent is determined to be unable to practice independently and safely, respondent, upon notification, shall immediately cease practice and shall not resume practice until notified by the Board or its designee. Respondent shall not engage in any practice for which a license issued by the Board is required, until the Board or its designee has notified the respondent of its determination that respondent may resume practice.

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

Within 60 days of the effective date of this Decision, respondent shall submit to the Board or its designee for its prior approval the name and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a valid California license to practice and shall have had no prior business, professional, or personal relationship with respondent, nor shall the psychotherapist be the respondent's

supervisor. Respondent shall provide the therapist with a copy of the Board's Decision no later than the first counseling session. Upon approval by the Board, respondent shall undergo and continue treatment until the Board or its designee determines that no further psychotherapy is necessary.

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

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

- C. Respondent shall reimburse the Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period.
- D. Unless this condition has been previously satisfied incident to the probation relative to her registration, respondent, at her expense, shall take and successfully complete the equivalency of two semester units in law and ethics. Coursework shall be taken at the graduate level at an accredited educational institution as defined in Business and Professions Code sections 4980.40 and 4996.18, and California Code of Regulations, title 16, section 1854. Classroom attendance must be specifically required; workshops are not acceptable. Within 90 days of the effective date of this Decision, respondent shall submit a plan for prior Board approval for meeting this educational requirement. Said course must be taken and completed within one year from the effective date of this Decision. Units obtained for an approved course in law and ethics shall not be used for continuing education units required for renewal of licensure.
- E. Respondent shall obey all federal, state and local laws, all statutes and regulations governing her license, and remain in full compliance with

any court ordered criminal probation, payments and other orders. A full and detailed account of any and all violations of law shall be reported by respondent to the Board or its designee in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term, respondent, at her expense, shall submit fingerprints through the California Department of Justice and the Federal Bureau of Investigation within 30 days of the effective date of the Decision, unless previously submitted as part of her registration probation or the licensure application process.

- F. Respondent shall submit quarterly reports to the Board or its designee as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury whether she has been in compliance with all the conditions of probation. Notwithstanding any provision for tolling of requirements of probation, during the cessation of practice respondent shall continue to submit quarterly reports under penalty of perjury.
- G. Respondent shall comply with the probation program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the program.
- H. Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.
- I. In the event respondent should leave the State of California to reside or to practice, respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the dates of departure and return. Non-practice is defined as any period of time exceeding thirty (30) calendar days in which respondent is not engaging in any activities defined in Business and Professions Code sections 4980.02, 4986.10 or 4996.9.

All time spent in an intensive training program outside the State of California which has been approved by the Board or its designee shall be considered as time spent in practice within the State. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California will not apply to the reduction of the probationary term. Periods of temporary or permanent residence or practice outside California will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

Respondent's license shall be automatically cancelled if respondent's periods of temporary or permanent residence or practice outside California total two years. However, respondent's license shall not be cancelled as long as respondent is residing and practicing in another State of the United States and is on active probation with the licensing authority of that State, in which case the two-year period shall begin on the date probation is completed or terminated in that State.

- J. In the event respondent resides in the State of California and for any reason she stops practicing in California, respondent shall notify the Board or its designee in writing within thirty (30) calendar days prior to the dates of non-practice and return to practice. Any period of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary term and does not relieve respondent of the responsibility to comply with the terms and conditions of probation. Non-practice is defined as any period of time exceeding thirty (30) calendar days in which respondent is not engaging in any activities defined in Business and Professions Code sections 4980.02, 4986.10 or 4996.9.
- K. Respondent shall notify the Board or its designee in writing within 30 days of any change of place of employment or place of residence. The written notice shall include the address, the telephone number and the date of the change.
- L. While on probation, respondent shall not act as a supervisor for any hours of supervised practice required for any license issued by the Board. Respondent shall terminate any such supervisorial relationship in existence on the effective date of this Decision.
- M. Respondent shall notify all clients when any term or condition of probation will affect their therapy or the confidentiality of their records, including but not limited to supervised practice, suspension, or client population restriction. Such notification shall be signed by each client prior to continuing or commencing treatment. Respondent shall submit, upon required by the Board or its designee, satisfactory evidence of compliance with this term of probation.
- N. Respondent shall provide each of her current or future employers, when performing services that fall within the scope of her license, a copy of this Decision and the Accusation before commencing employment. Notification to the respondent's current employer shall occur no later than the effective date of the Decision or immediately upon commencing employment. Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of compliance with this

term of probation.

- O. If respondent violates the conditions of her probation, the Board, after giving her notice and opportunity to be heard, may set aside the stay order and impose the revocation of respondent's license provided in the Decision.

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's registration, license, or application for licensure, or the Attorney General's Office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this Decision shall be automatically extended and shall not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the Board. Upon successful completion of probation, respondent's license shall be fully restored.

- P. Respondent shall, at all times while on probation, maintain a current and active registration or license with the Board, including any period during which suspension or probation is tolled. Should respondent's registration or license, by operation of law or otherwise, expire, upon renewal respondent's registration or license, as applicable, shall be subject to any and all terms of this probation not previously satisfied.
- Q. Following the effective date of this Decision, if respondent ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may voluntarily request the surrender of her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within thirty (30) calendar days deliver her license and certificate and wall certificates, if applicable, to the Board or its designee and respondent shall no longer engage in any practice for which a license is required. Upon formal acceptance of the tendered license, respondent shall no longer be subject to the terms and conditions of probation.

Voluntary surrender of respondent's license shall be considered to be a disciplinary action and shall become part of respondent's license history with the Board. Respondent may not petition the Board for reinstatement of the surrendered license. Should respondent at any time after voluntary surrender ever reapply to the Board for licensure, respondent must meet all current requirements for licensure including, but not limited to, filing a current application, meeting all then-extant

educational requirements, and taking and passing any and all examinations required of new applicants.

- R. Respondent shall not be an instructor of any coursework for educational requirements or education credit required by any license issued by the Board.
- S. Respondent shall immediately send a copy of this Decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this Decision to all referral services registered with the Board that respondent seeks to join.
- T. Respondent, if a member, shall send a copy of this Decision to the California Association of Marriage Family Therapists.

3. Respondent Sonia Cantu Lopez shall pay to the Board the sum of \$2,395.50 for its costs of investigation and prosecution pursuant to Legal Conclusion 2. Respondent shall make such payment(s) as designated by the Board or its designee. Respondent shall make her payment(s) payable to the Board of Behavioral Sciences and shall indicate on the check(s) or money order(s) that it the cost recovery payment for Case No. IM-2005-474. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. A period of non-practice by respondent shall not relieve her of the obligation to reimburse the Board for its costs.

Dated: July 17, 2006


JAIME RENE ROMAN
Administrative Law Judge
Office of Administrative Hearings

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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. IM-2005-474

11 SONIA CANTU LOPEZ
825 N. Divisadero St.
12 Visalia, CA 93291
Marriage and Family Therapist Intern
13 Registration No. IMF 38606

ACCUSATION

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

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

21 2. On or about February 28, 2001, the Board of Behavioral Sciences issued
22 Marriage and Family Therapist Intern Registration Number IMF 38606 to Sonia Cantu Lopez
23 (Respondent). The Registration will expire on February 28, 2006, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Behavioral Sciences
26 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.

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

5 5. Section 4982 states, in pertinent part:

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

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

20 CAUSE FOR DISCIPLINE

21 (Conviction of a Crime)

22 6. Respondent is subject to disciplinary action under section 4982 (a) in that
23 on or about April 6, 2005, in Tulare County Superior Court Case no. F-4-80615-1, respondent
24 was convicted of violation of Penal Code section 32 (felony accessory after the fact to assault
25 with a deadly weapon) and Penal Code section 148(A) (1) (misdemeanor resisting or obstructing
26 justice). The court sentenced respondent to three years formal probation, with 360 days jail time.
27 As a condition of probation, respondent may not be involved in or associate with any person

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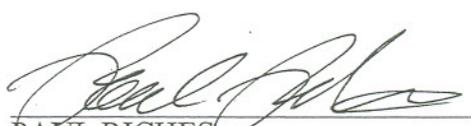
1 known to her to be a gang member, and may not possess any item of gang clothing or gang
2 jewelry.

3 PRAYER

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

- 6 1. Revoking or suspending Marriage and Family Therapist Intern
7 Registration Number IMF 38606, issued to Sonia Cantu Lopez;
- 8 2. Ordering Sonia Cantu Lopez to pay the Board of Behavioral Sciences the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3; and
- 11 3. Taking such other and further action as deemed necessary and proper.

12 DATED: January 19, 2006

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14 
15 PAUL RICHES
16 Executive Officer
17 Board of Behavioral Sciences
18 Department of Consumer Affairs
19 State of California
20 Complainant

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