

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

In the Matter of the Accusation Against:

MIKE RANDEL BREWER, MFT  
1201 Glen View Drive  
Fullerton, CA 92835

Marriage and Family Therapist License No.  
MFC 31297

Respondent.

Case No. MF-2006-642

OAH No. L2006050841

DECISION AND ORDER

The attached Stipulated Revocation of License and 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 25, 2006.

It is so ORDERED July 26, 2006.



FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 BILL LOCKYER, Attorney General  
 of the State of California  
 2 SUSAN FITZGERALD, State Bar No. 112278  
 Deputy Attorney General  
 3 California Department of Justice  
 110 West "A" Street, Suite 1100  
 4 San Diego, CA 92101

5 P.O. Box 85266  
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 7

8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 MIKE RANDEL BREWER, MFT  
 1201 Glen View Drive  
 13 Fullerton, CA 92835  
 14 Marriage and Family Therapist License No.  
 MFC 31297

15 Respondent.

Case No. MF-2006-642

OAH No. L2006050841

**STIPULATED REVOCATION OF  
 LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
 18 proceeding that the following matters are true:

19 PARTIES

20 1. Paul Riches (Complainant) is the Executive Officer of the Board of Behavioral  
 21 Sciences. He brought this action solely in his official capacity and is represented in this matter  
 22 by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy  
 23 Attorney General.

24 2. Mike Randel Brewer, MFT (Respondent) is represented in this proceeding by  
 25 attorney Robert Dunn, Esq., whose address is 74-090 El Paseo, #208, Palm Desert, CA 92260.

26 3. On or about June 6, 1994, the Board of Behavioral Sciences issued Marriage and  
 27 Family Therapist License No. MFC 31297 to Mike Randel Brewer, MFT. The license was in full  
 28 force and effect at all times relevant to the charges brought in Accusation No. MF-2006-642 and

1 will expire on June 30, 2007, unless renewed.

2 JURISDICTION

3 4. Accusation No. MF-2006-642 was filed before the Board of Behavioral Sciences  
4 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
5 Accusation and all other statutorily required documents were properly served on Respondent on  
6 May 9, 2006. Respondent timely filed his Notice of Defense contesting the Accusation. A copy  
7 of Accusation No. MF-2006-642 is attached as exhibit A and incorporated herein by reference.

8 ADVISEMENT AND WAIVERS

9 5. Respondent has carefully read, fully discussed with counsel, and understands the  
10 charges and allegations in Accusation No. MF-2006-642. Respondent also has carefully read,  
11 fully discussed with counsel, and understands the effects of this Stipulated Revocation of License  
12 and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each charge and allegation in Accusation No.  
24 MF-2006-642; agrees that cause exists for discipline; and stipulates to revocation of his  
25 Marriage and Family Therapist License No. MFC 31297.

26 CONTINGENCY

27 9. This stipulation shall be subject to approval by the Board of Behavioral Sciences.  
28 Respondent understands and agrees that counsel for Complainant and the staff of the Board of

1 Behavioral Sciences may communicate directly with the Board regarding this stipulation without  
2 notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent  
3 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
4 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
5 as its Decision and Order, the Stipulated Revocation and Order shall be of no force or effect,  
6 except for this paragraph, it shall be inadmissible in any legal action between the parties, and the  
7 Board shall not be disqualified from further action by having considered this matter.

8 OTHER MATTERS

9 10. Costs of investigation and enforcement of this action total to \$1,350.50 through  
10 May 26, 2006.

11 11. The parties understand and agree that facsimile copies of this Stipulated  
12 Revocation of License and Order, including facsimile signatures thereto, shall have the same  
13 force and effect as the originals.

14 12. In consideration of the foregoing admissions and stipulations, the parties agree  
15 that the (Board) may, without further notice or formal proceeding, issue and enter the following  
16 Order:

17 ORDER

18 IT IS HEREBY ORDERED that Marriage and Family Therapist License No. MFC  
19 31297, issued to Respondent Mike Randel Brewer, MFT is revoked.

20 Pursuant to Business and Professions Code section 4982.2(a)(1), Respondent shall be  
21 eligible to apply for reinstatement of his marriage and family therapist license three (3) years  
22 from the effective date of the decision herein.

23 Respondent shall pay the Board its costs of investigation and enforcement in the amount  
24 of \$1,350.50 before such time, if ever, as his license is reinstated.

25 ACCEPTANCE

26 I have carefully read the above Stipulated Revocation of License and Order and  
27 have fully discussed it with my attorney, Robert Dunn, Esq.. I understand the stipulation and the  
28 effect it will have on my Marriage and Family Therapist License. I enter into this Stipulated

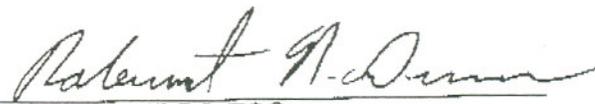
1 Revocation of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
2 by the Decision and Order of the Board of Behavioral Sciences.

3 DATED: 6-13, 2006.

4  
5   
6 MIKE RANDEL BREWER, MFT  
7 Respondent

8 I have read and fully discussed with Respondent Mike Randel Brewer, MFT the  
9 terms and conditions and other matters contained in this Stipulated Revocation of License and  
10 Order. I approve its form and content.

11 DATED: 6-13, 2006.

12   
13 ROBERT DUNN, ESQ.  
14 Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Revocation of License and Order is hereby respectfully  
17 submitted for consideration by the Board of Behavioral Sciences of the Department of Consumer  
18 Affairs.

19 DATED: June 13, 2006

20  
21 BILL LOCKYER, Attorney General  
22 of the State of California

23   
24 SUSAN FITZGERALD  
25 Deputy Attorney General  
26 Attorneys for Complainant  
27  
28

**Exhibit A**

**Accusation No. MF-2006-642**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
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7 Attorneys for Complainant  
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9  
10 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. MF-2006-642

13 MIKE RANDEL BREWER, MFT  
299 El Camino Way  
14 Palm Springs, CA 92264  
and  
15 c/o 1201 Glen View Dr.  
Fullerton, CA 92835  
16 Marriage and Family Therapist License No.  
17 MFC 31297

**A C C U S A T I O N**

18 Respondent.  
19

20 Complainant alleges:

21 PARTIES

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

24 2. On or about June 6, 1994, the Board of Behavioral Sciences issued Marriage and  
25 Family Therapist License Number MFC 31297 to Mike Randel Brewer, MFT (Respondent).

26 The Marriage and Family Therapist License was in full force and effect at all times relevant to  
27 the charges brought herein and will expire on June 30, 2007, unless renewed.

28 ///

JURISDICTION

1  
2           3.       This Accusation is brought before the Board of Behavioral Sciences (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5           4.       Section 4982 states:

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

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

25           “ . . .

26           “(c) Administering to himself or herself any controlled substance or using of any of the  
27 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a  
28 manner, as to be dangerous or injurious to the person. . . holding a registration or license under

1 this chapter, or . . .the conviction of more than one misdemeanor or any felony involving the use,  
2 consumption, or self-administration of any of the substances referred to in this subdivision, or  
3 any combination thereof. . .

4 “ . . . ”

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

9 **CHARGES AND ALLEGATIONS**

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct: Criminal Conviction - Sept. 13, 2004 (04NM11418))**

12 6. Respondent is subject to disciplinary action under section 4982(a) and (c) in that  
13 on or about September 13, 2004, in *People v. Michael Brewer [DOB:12/7/53]* in Orange County  
14 Superior Court, Respondent pled guilty to a misdemeanor violation of Penal Code §647(f)  
15 (public intoxication) based on an August 7, 2004 incident in which he was found by the  
16 Fullerton police department passed out on the sidewalk and unable to stand at approximately  
17 6:53 p.m.

18 Respondent was ordered to pay various fines and a restitution amount.

19 The crime is substantially related to the qualifications, functions, or duties of a marriage  
20 and family therapist (MFT), and it shows that Respondent was so drunk at the date and time of  
21 his arrest that he could not care for himself.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct: Criminal Conviction - June 2, 2005 (INF051063))**

24 7. Respondent is subject to disciplinary action under section 4982(a) and (c) in that  
25 on or about June 2, 2005, in *People v. Mike Brewer aka Mike Randel Brewer [DOB:12/7/53]* in  
26 Riverside County Superior Court - Indio, Respondent pled guilty to a violation of Vehicle Code  
27 §23152(A) (DUI) and of Health & Safety Code §11350 (illegal possession of heroin).

28 Respondent was placed on three years summary probation; sentenced to four days in jail

1 with credit for four days served; required to pay various fines and restitution; required to enter a  
2 First Offender DUI program; and have no controlled substances or drug paraphernalia, among  
3 other terms and conditions.

4 The facts and circumstances underlying this conviction were that on or about May 3,  
5 2005, Respondent was observed to be drinking and driving, swerving on the roadway. When  
6 questioned by the Riverside County Sheriff's deputies, Respondent's speech was slurred and he  
7 could not pass Field Sobriety Tests. During a search incident to his arrest, he was found to  
8 possess heroin.

9 The crime is substantially related to the qualifications, functions, or duties of a marriage  
10 and family therapist (MFT), and it shows that Respondent was a danger to himself (and others)  
11 at the date and time of his arrest.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct: Criminal Conviction - Feb. 2, 2006 (INF053255))**

14 8. Respondent is subject to disciplinary action under section 4982(a) and (c) in that  
15 on or about February 2, 2006 in *People v. Michael Randel Brewer [DOB:12/7/53]* in Riverside  
16 Superior Court-Indio, Respondent pled guilty to a felony violation of Health & Safety Code  
17 §11350(a) (possession of cocaine) and to violation of probation on criminal case no. INF051063.

18 Respondent was sentenced, among other terms and conditions, to thirty-six months  
19 formal probation, to enter and complete a substance abuse program, to attend Narcotics or  
20 Alcoholics Anonymous, and to pay various fines and costs.

21 Respondent stipulated to the police report of the incident being the factual basis for his  
22 guilty plea. The facts and circumstances underlying this conviction are that Respondent  
23 vandalized a Rite-Aid store in Palm Springs on or about December 23, 2005; was perceived by  
24 the arresting officer to have alcohol on his breath, thick and slurred speech, and he had to sit on  
25 the ground to balance himself. Respondent had 7.3 grams of cocaine and a hypodermic needle  
26 on his person at the time of his arrest.

27 The crime is substantially related to the qualifications, functions, or duties of a marriage  
28 and family therapist (MFT), and it shows that Respondent was a danger to himself (and others)

1 at the date and time of his arrest.

2 PRAYER

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

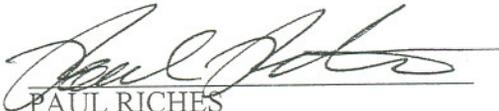
5 1. Revoking or suspending Marriage and Family Therapist License Number MFC  
6 31297, issued to Mike Randel Brewer, MFT;

7 2. Ordering Mike Randel Brewer, MFT to pay the Board of Behavioral Sciences the  
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 125.3;

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

11 DATED: May 4, 2006

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