

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

In the Matter of the Accusation Against:

**ANTHONY K. EDELL**  
4581 Warner Avenue #103  
Huntington Beach, CA 92649

Marriage and Family Therapist License Number  
MFC 32926

Respondent.

Case No. MF-2007-662

OAH No. 2008060256

**DECISION AND ORDER**

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

This Decision shall become effective on December 12, 2008.

It is so ORDERED November 12, 2008.

  
\_\_\_\_\_  
FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 G. MICHAEL GERMAN, State Bar No. 103312  
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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 **ANTHONY K. EDELL**  
4581 Warner Avenue #103  
14 Huntington Beach, CA 92649

15 Marriage and Family Therapist License No.  
16 MFC 32926

Respondent.

Case No. MF-2007-662

OAH No. 2008060256

**STIPULATED SETTLEMENT**  
**AND DISCIPLINARY ORDER**

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

20 PARTIES

21 1. Paul Riches (Complainant) is the Executive Officer of the Board of Behavioral  
22 Sciences (Board). He brought this action solely in his official capacity and is represented in this  
23 matter by Edmund G. Brown Jr., Attorney General of the State of California, by G. Michael  
24 German, Deputy Attorney General.

25 2. Anthony K. Edell (Respondent) is represented in this proceeding by attorney A.  
26 Steven Frankel, whose address is 3527 Mt. Diablo Blvd. #269, Lafayette, CA 94549.

27 3. On or about November 14, 1995, the Board issued Marriage and Family Therapist  
28 License Number MFC 32926 (license) to Respondent. The license expired on August 31, 1997,

1 due to non-payment of renewal fees, but was subsequently renewed on October 9, 1997, and will  
2 expire on August 31, 2009, unless renewed.

3 JURISDICTION

4 4. Accusation No. MF-2007-662 was filed before the Board, Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on April 7, 2008.  
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. MF-2007-662 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. MF-2007-662. Respondent has also carefully read,  
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
16 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
18 documents; the right to reconsideration and court review of an adverse decision; and all other  
19 rights accorded by the California 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 and every charge and allegation in  
24 Accusation No. MF-2007-662.

25 9. Respondent agrees that his Marriage and Family Therapist License Number MFC  
26 32926 is subject to discipline and he agrees to be bound by the Board's imposition of discipline  
27 as set forth in the Disciplinary Order below.

28 ///



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

6  
7 If Respondent is determined to be unable to practice independently and safely, upon notification,  
8 Respondent shall immediately cease practice and shall not resume practice until notified by the  
9 Board or its designee. Respondent shall not engage in any practice for which a license issued by  
10 the Board is required, until the Board or its designee has notified the Respondent of its  
11 determination that Respondent may resume practice.

12 **2. Supervised Practice.** Within 30 days of the effective date of this decision,  
13 Respondent shall submit to the Board or its designee, for its prior approval, the name and  
14 qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor  
15 shall be a current California licensed practitioner in Respondent's field of practice, who shall  
16 submit written reports to the Board or its designee on a quarterly basis verifying that supervision  
17 has taken place as required and including an evaluation of Respondent's performance. The  
18 supervisor shall be independent, with no prior business, professional or personal relationship  
19 with Respondent. Failure to file the required reports in a timely fashion shall be a violation of  
20 probation. Respondent shall give the supervisor access to Respondent's fiscal and client  
21 records. If the supervisor is no longer available, Respondent shall notify the Board within 15  
22 days and shall not practice until a new supervisor has been approved by the Board. All costs of  
23 the supervision shall be borne by Respondent. Supervision shall consist of at least one (1) hour  
24 per week in individual face-to-face meetings. The supervisor shall not be the Respondent's  
25 therapist.

26 **3. Psychotherapy.** Respondent shall participate in ongoing psychotherapy with a  
27 California licensed mental health professional who has been approved by the Board. Counseling  
28 shall be at least once a week unless otherwise determined by the Board. Respondent shall

1 continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by  
2 Respondent.

3  
4 Within 60 days of the effective date of this decision, Respondent shall submit to the Board or its  
5 designee for its prior approval the name and qualifications of one or more therapists of  
6 Respondent's choice. Such therapist shall possess a valid California license to practice and shall  
7 have had no prior business, professional, or personal relationship with Respondent, nor shall the  
8 psychotherapist be the Respondent's supervisor. Respondent shall provide the therapist with a  
9 copy of the Board's decision no later than the first counseling session. Upon approval by the  
10 Board, Respondent shall undergo and continue treatment until the Board or its designee  
11 determines that no further psychotherapy is necessary.

12  
13 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits  
14 quarterly written reports to the Board concerning Respondent's fitness to practice, progress in  
15 treatment, and to provide such other information as may be required by the Board. Respondent  
16 shall execute a Release of Information authorizing the therapist to divulge information to the  
17 Board.

18  
19 If the treating psychotherapist finds that Respondent cannot practice safely or independently, the  
20 psychotherapist shall notify the Board within three (3) working days. Upon notification by the  
21 Board, Respondent shall immediately cease practice and shall not resume practice until notified  
22 by the Board or its designee that Respondent may do so. Respondent shall not thereafter engage  
23 in any practice for which a license issued by the Board is required until the Board or its designee  
24 has notified Respondent that he/she may resume practice. Respondent shall document  
25 compliance with this condition in the manner required by the Board

26 **4. Rehabilitation Program.** Within fifteen (15) days from the effective date of the  
27 decision, Respondent shall submit to the Board or its designee for prior approval the name of one  
28 or more rehabilitation program(s). Respondent shall enter a rehabilitation and monitoring

1 program within fifteen (15) days after notification of the board's approval of such program.  
2 Respondent shall successfully complete such treatment contract as may be recommended by the  
3 program and approved by the Board or its designee. Respondent shall submit proof satisfactory  
4 to the Board or its designee of compliance with this term of probation. Respondent shall sign a  
5 release allowing the program to release to the Board all information the Board deems relevant.

6  
7 Components of the treatment contract shall be relevant to the violation and to the Respondent's  
8 current status in recovery or rehabilitation. The components may include, but are not limited to:  
9 restrictions on practice and work setting, random biological fluid testing, abstention from drugs  
10 and alcohol, use of worksite monitors, participation in chemical dependency rehabilitation  
11 programs or groups, psychotherapy, counseling, psychiatric evaluations, and other appropriate  
12 rehabilitation or monitoring programs. All costs of participating in the program(s) shall be borne  
13 by the Respondent.

14 **5. Education.** Respondent shall take and successfully complete the equivalency of  
15 three (3) semester units in the areas of alcohol and drug abuse. All course work shall be taken at  
16 the graduate level at an accredited educational institution. Classroom attendance must be  
17 specifically required; workshops are not acceptable. Course content shall be pertinent to the  
18 violation and all course work must be completed within the second year of Respondent's  
19 probation.

20  
21 Within 90 days of the effective date of the decision, Respondent shall submit a plan for prior  
22 Board approval for meeting these educational requirements. All costs of the course  
23 work shall be paid by the Respondent. Units obtained for an approved course shall not be  
24 used for continuing education units required for renewal of licensure.

25 **6. Abstain from Controlled Substances/Submit to Biological Fluid Testing and**  
26 **Samples.** Respondent shall completely abstain from the use or possession of controlled or illegal  
27 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

28

1 Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon  
2 request by the Board or its designee. The length of time and frequency will be determined by the  
3 Board. Respondent is responsible for ensuring that reports are submitted directly by the testing  
4 agency to the Board or its designee. There will be no confidentiality in test results. Any  
5 confirmed positive finding will be immediately reported to Respondent's current employer and  
6 shall be a violation of probation.

7 **7. Abstain from Use of Alcohol/Submit to Biological Fluid Testing and Samples.**

8 Respondent shall completely abstain from the use of alcoholic beverages during the period of  
9 probation.

10

11 Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon  
12 request by the Board or its designee. The length of time and frequency will be determined by the  
13 Board. The Respondent is responsible for ensuring that reports are submitted directly by the  
14 testing agency to the Board or its designee. There will be no confidentiality in test results. Any  
15 confirmed positive finding will be immediately reported to the Respondent's current employer  
16 and shall be a violation of probation.

17 **8. Reimbursement of Probation Program.** Respondent shall reimburse the Board  
18 for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of  
19 the probation period in the amount of \$1,200 per year.

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

1           **10. File Quarterly Reports.** Respondent shall submit quarterly reports, to the Board  
2 or its designee, as scheduled on the "Quarterly Report Form" (rev. 01/12/01). Respondent shall  
3 state under penalty of perjury whether he/she has been in compliance with all the conditions of  
4 probation. Notwithstanding any provision for tolling of requirements of probation, during the  
5 cessation of practice Respondent shall continue to submit quarterly reports under penalty  
6 of perjury.

7           **11. Comply with Probation Program.** Respondent shall comply with the probation  
8 program established by the Board and cooperate with representatives of the Board in its  
9 monitoring and investigation of the Respondent's compliance with the program.

10           **12. Interviews with the Board.** Respondent shall appear in person for interviews  
11 with the Board or its designee upon request at various intervals and with reasonable notice.

12           **13. Residing or Practicing Out-of-State.** In the event Respondent should leave the  
13 State of California to reside or to practice, Respondent shall notify the Board or its designee in  
14 writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as  
15 any period of time exceeding thirty calendar days in which Respondent is not engaging in any  
16 activities defined in Sections 4980.02, 4989.14 or 4996.9 of the Business and Professions Code.

17  
18 All time spent in an intensive training program outside the State of California which has been  
19 approved by the Board or its designee shall be considered as time spent in practice within the  
20 State. A Board-ordered suspension of practice shall not be considered as a period of non-  
21 practice. Periods of temporary or permanent residence or practice outside California will not  
22 apply to the reduction of the probationary term. Periods of temporary or permanent residence or  
23 practice outside California will relieve Respondent of the responsibility to comply with the  
24 probationary terms and conditions with the exception of this condition and the following terms  
25 and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

26  
27 Respondent's license shall be automatically cancelled if Respondent's periods of temporary or  
28 permanent residence or practice outside California total two years. However, Respondent's

1 license shall not be cancelled as long as Respondent is residing and practicing in another state of  
2 the United States and is on active probation with the licensing authority of that state, in which  
3 case the two year period shall begin on the date probation is completed or terminated in that  
4 state.

5 **14. Failure to Practice - California Resident.** In the event Respondent resides in  
6 the State of California and for any reason Respondent stops practicing in California, Respondent  
7 shall notify the Board or its designee in writing within 30 calendar days prior to the dates of  
8 non-practice and return to practice. Any period of non-practice within California, as defined in  
9 this condition, will not apply to the reduction of the probationary term and does not relieve  
10 Respondent of the responsibility to comply with the terms and conditions of probation. Non-  
11 practice is defined as any period of time exceeding thirty calendar days in which Respondent is  
12 not engaging in any activities defined in Sections 4980.02, 4989.14 or 4996.9 of the Business and  
13 Professions Code.

14 **15. Change of Place of Employment or Place of Residence.** Respondent shall  
15 notify the Board or its designee in writing within 30 days of any change of place of employment  
16 or place of residence. The written notice shall include the address, the telephone number and the  
17 date of the change.

18 **16. Supervision of Unlicensed Persons.** While on probation, Respondent shall not  
19 act as a supervisor for any hours of supervised practice required for any license issued by the  
20 Board. Respondent shall terminate any such supervisory relationship in existence on the  
21 effective date of this Decision.

22 **17. Notification to Clients.** Respondent shall notify all clients when any term or  
23 condition of probation will affect their therapy or the confidentiality of their records, including  
24 but not limited to supervised practice, suspension, or client population restriction. Such  
25 notification shall be signed by each client prior to continuing or commencing treatment.  
26 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of  
27 compliance with this term of probation.

28

1           **18. Notification to Employer.** Respondent shall provide each of his or her current or  
2 future employers, when performing services that fall within the scope of practice of his or her  
3 license, a copy of this Decision and the Statement of Issues or Accusation before commencing  
4 employment. Notification to the Respondent's current employer shall occur no later than the  
5 effective date of the Decision or immediately upon commencing employment. Respondent shall  
6 submit, upon request by the Board or its designee, satisfactory evidence of compliance with this  
7 term of probation.

8           **19. Violation of Probation.** If Respondent violates the conditions of his probation,  
9 the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay  
10 order and impose the discipline (revocation) of Respondent's license provided in the decision.

11  
12 If during the period of probation, an accusation, petition to revoke probation, or statement of  
13 issues has been filed against Respondent's license or application for licensure, or the Attorney  
14 General's office has been requested to prepare such an accusation, petition to revoke probation,  
15 or statement of issues, the probation period set forth in this decision shall be automatically  
16 extended and shall not expire until the accusation, petition to revoke probation, or statement of  
17 issues has been acted upon by the board. Upon successful completion of probation, Respondent's  
18 license shall be fully restored.

19           **20. Maintain Valid License.** Respondent shall, at all times while on probation,  
20 maintain a current and active license with the Board, including any period during which  
21 suspension or probation is tolled. Should Respondent's license, by operation of law or  
22 otherwise, expire, upon renewal Respondent's license shall be subject to any and all terms of this  
23 probation not previously satisfied.

24           **21. License Surrender.** Following the effective date of this decision, if Respondent  
25 ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms  
26 and conditions of probation, Respondent may voluntarily request the surrender of his license to  
27 the Board. The Board reserves the right to evaluate the Respondent's request and to exercise  
28 its discretion whether to grant the request or to take any other action deemed appropriate and

1 reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall  
2 within thirty (30) calendar days deliver Respondent's license and certificate, and if applicable,  
3 wall certificate to the Board or its designee and Respondent shall no longer engage in any  
4 practice for which a license is required. Upon formal acceptance of the tendered license,  
5 Respondent will no longer be subject to the terms and conditions of probation.

6  
7 Voluntary surrender of Respondent's license shall be considered to be a disciplinary action and  
8 shall become a part of Respondent's license history with the Board. Respondent may not petition  
9 the Board for reinstatement of the surrendered license. Should Respondent at any time after  
10 voluntary surrender ever reapply to the Board for licensure, Respondent must meet all current  
11 requirements for licensure including, but not limited to, filing a current application, meeting all  
12 current educational requirements, and taking and passing any and all examinations required of  
13 new applicants.

14 **22. Instruction of Coursework Qualifying for Continuing Education.** Respondent  
15 shall not be an instructor of any coursework for continuing education credit required by any  
16 license issued by the Board.

17 **23. Notification to Referral Services.** Respondent shall immediately send a copy of  
18 this decision to all referral services registered with the Board in which Respondent is a  
19 participant. While on probation, Respondent shall send a copy of this decision to all referral  
20 services registered with the Board that Respondent seeks to join.

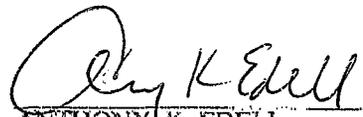
21 **24. Cost Recovery.** Respondent shall pay the Board \$3,000.00 as and for the  
22 reasonable costs of the investigation and prosecution of Case No. MF-2007-662 in the form of a  
23 certified check payable to the Board of Behavioral Sciences within ninety days of the effective  
24 date of the decision and shall indicate on the check that it is the cost recovery payment for Case  
25 No MF-2007-662. Any order for payment of cost recovery shall remain in effect whether or not  
26 probation is tolled. Probation shall not terminate until full payment has been made. Should any  
27 part of cost recovery not be paid in accordance with the outlined payment schedule, Respondent  
28 shall be considered to be in violation of probation. A period of non-practice by Respondent shall

1 not relieve Respondent of his or her obligation to reimburse the board for its costs.

2 ACCEPTANCE

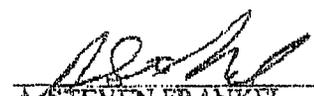
3 I have carefully read the above Stipulated Settlement and Disciplinary Order and have  
4 fully discussed it with my attorney, A. Steven Frankel. I understand the stipulation and the  
5 effect it will have on my Board of Behavioral Sciences Marriage and Family Therapist License  
6 Number MFC 32926. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
8 Behavioral Sciences.

9 DATED: 8/30/08

  
\_\_\_\_\_  
ANTHONY K. EDELL  
Respondent

11 I have read and fully discussed with Respondent Anthony K. Edell the terms and  
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
13 Order. I approve its form and content.

14 DATED: 8/29/08

  
\_\_\_\_\_  
A. STEVEN FRANKEL  
Attorney for Respondent

18 ENDORSEMENT

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

22 DATED: September 4, 2008

EDMUND G. BROWN JR., Attorney General  
of the State of California

  
\_\_\_\_\_  
G. MICHAEL GERMAN  
Deputy Attorney General  
Attorneys for Complainant

27  
28 DOJ Matter ID: SD2007803172  
EDELL - Settlement Stip

**Exhibit A**

**Accusation No. MF-2007-662**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 G. MICHAEL GERMAN, State Bar No. 103312  
Deputy Attorney General  
4 California Department of Justice  
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7 Telephone: (619) 645-2617  
Facsimile: (619) 645-2061

8 Attorneys for Complainant  
9

10 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
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14 **ANTHONY K. EDELL**  
4581 Warner Avenue #103  
15 Huntington Beach, CA 92649  
16 Marriage and Family Therapist License No.  
MFC 32926  
17 Respondent.

Case No. MF-2007-662  
**ACCUSATION**

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Paul Riches (Complainant) brings this Accusation solely in his official capacity as  
22 the Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer  
23 Affairs.  
24 2. On or about November 14, 1995, the Board issued Marriage and Family Therapist  
25 License Number MFC 32926 (license) to Anthony K. Edell (Respondent). The license expired  
26 on August 31, 1997, due to non-payment of renewal fees, but was subsequently renewed on  
27 October 9, 1997, and will expire on August 31, 2009, unless renewed.

28 ///

1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 490 states:

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

15 5. Section 492 states:

16 Notwithstanding any other provision of law, successful completion of any  
17 diversion program under the Penal Code, or successful completion of an alcohol  
18 and drug problem assessment program under Article 5 (commencing with Section  
19 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit  
20 any agency established under Division 2 (commencing with Section 500) of this  
21 code, or any initiative act referred to in that division, from taking disciplinary  
22 action against a licensee or from denying a license for professional misconduct,  
23 notwithstanding that evidence of that misconduct may be recorded in a record  
24 pertaining to an arrest.

25 This section shall not be construed to apply to any drug diversion program  
26 operated by any agency established under Division 2 (commencing with Section  
27 500) of this code, or any initiative act referred to in that division.

28 6. Section 493 states:

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

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7. Section 4982 states in part pertinent:

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

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the 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.

....

(c) Administering to himself or herself any controlled substance or using of any of the dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

....

8. California Code of Regulations, title 16, (Regulation) section 1812 states:

For purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapter 17 of Division 3 and Chapter 4 of Part 3 of Division 7 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.

1 9. Regulation, section 1814 states:

2 (a) When considering the suspension or revocation of a license, the board,  
3 in evaluating the rehabilitation of such person and his or her eligibility for a  
license will consider the following criteria:

4 (1) Nature and severity of the act(s) or crime(s) under consideration  
as grounds for suspension or revocation.

5 (2) Evidence of any act(s) committed subsequent to the act(s) or  
6 crime(s) under consideration as grounds for suspension or revocation under  
Section 490 of the Code.

7 (3) The time that has elapsed since commission of the act(s) or  
8 crime(s) giving rise to the suspension or revocation.

9 (4) Whether the licensee has complied with any terms of probation,  
10 parole, restitution or any other sanctions lawfully imposed against such person.

11 (5) If applicable, evidence of expungement proceedings pursuant to  
Section 1203.4 of the Penal Code.

12 (6) Evidence, if any, concerning the degree to which a false  
13 statement relative to application for licensure may have been unintentional,  
inadvertent or immaterial.

14 (7) Efforts made by the applicant either to correct a false statement  
15 once made on an application or to conceal the truth concerning facts required to  
be disclosed.

16 (8) Evidence, if any, of rehabilitation submitted by the licensee.

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18 **COSTS**

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

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – June 25, 2007 DUI Conviction)**

25 11. Respondent is subject to discipline under sections 490, 492, 493 and 4982 (a), and  
26 section 1812 of the Regulations in that he sustained a criminal conviction that is substantially  
27 related to his qualifications, functions and duties as a marriage and family therapist. On or about  
28 June 25, 2007, in a criminal proceeding entitled *People v. Anthony Keith Edell*, in Orange County

1 Superior Court, Case Number 07CM01974, Respondent was convicted by plea of guilty of  
2 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of  
3 alcohol/drugs with two priors], and subdivision (b) [driving with measurable blood alcohol], a  
4 misdemeanor. The circumstances are as follows:

5 a. On or about January 11, 2007, Respondent unlawfully drove a vehicle  
6 while having a blood alcohol count (BAC) level of 0.15 percent and more, by weight, in his  
7 system, in violation of Vehicle Code sections 23152 (a) and (b), as enhanced by operation of  
8 Vehicle Code section 23578, within ten years of two prior convictions of violating Vehicle Code  
9 section 23103 [reckless driving], section 23152 [DUI], and 23153 [DUI and causing bodily  
10 injury to another], as more fully detailed in Matters in Aggravation, paragraphs 13 and 14, below.

11 b. On or about June 25, 2007, Respondent was sentenced as follows: five  
12 years informal probation; pay a total of \$777.00 in fines and fees; to violate no laws and obey all  
13 laws, orders, rules and regulations of the Court; to not drive with a measurable level of alcohol in  
14 his system, or without a valid license and liability insurance; to use his true name and date of  
15 birth at all times; to submit to any test at a peace officer's request for detection of alcohol and/or  
16 drugs; to cooperate with Probation Officer in any plan for any program of counseling or  
17 treatment; to serve 270 days in the Cornerstone Alternative Sentencing Recovery Program in lieu  
18 of in the Orange County Jail; attend and complete an eighteen-month Multiple Offender Alcohol  
19 Program, and a MADD Victim Impact's Panel; and be designated a Habitual traffic Offender.

20 c. The Santa Ana Police Department officer who arrested Respondent on  
21 January 11, 2007, noted the following in his report: On Thursday, January 11, 2007, at or about  
22 2200 hours, Respondent was driving on the wrong side of the road southbound on Harbor Blvd.  
23 and came to a stop at the northwest corner of Harbor Blvd. and Croddy Way. Respondent's shirt  
24 was covered with vomit, his speech was slurred, his gait unsteady, his eyes watery and droopy,  
25 his breath smelled of alcohol, and he almost fell while exiting his vehicle. While Respondent  
26 agreed to submit to a blood test, he failed the nystagmus, Rhomberg, one-leg stand, and walk and  
27 turn Field Sobriety Tests administered to him at the scene.

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1 or near City of Industry, California. When the officer activated his red light and siren,  
2 Respondent drove into the shoulder and back into the Grand Avenue off-ramp, before stopping  
3 on southbound Grand Avenue north of the I-10. Respondent exited his vehicle before directed to  
4 do so, and the officer noticed a strong odor of alcohol on his breath. Respondent's speech was  
5 slurred, he was unsteady on his feet and swayed while standing, his eyes were watery and droopy,  
6 and his breath smelled of alcohol. While Respondent agreed to submit to a breath test at 0930  
7 and 0940 hours on his January 15, 2004 arrest date, his BAC was measured at .16 BAC and he  
8 performed poorly on the Field Sobriety Tests administered to him at the scene.

9 14. On or about February 20, 2003, in a criminal proceeding entitled *People v.*  
10 *Anthony Keith Edell*, in Orange County Superior Court, Case Number 02NM013316MA,  
11 Respondent was convicted by plea of guilty of violating Vehicle Code section 23152, subdivision  
12 (a) [driving under the influence of alcohol/drugs with two priors], and subdivision (b) [driving  
13 with measurable blood alcohol], a misdemeanor. The circumstances are as follows:

14 a. On or about August 25, 2002, Respondent unlawfully drove a vehicle  
15 while having a blood alcohol level of 0.08 percent and more, by weight, in his system; in  
16 violation of Vehicle Code sections 23152 (a) and (b).

17 b. On or about February 20, 2003, Respondent was sentenced as follows:  
18 three years informal probation; to be restricted in driving to and from, and during work, and to  
19 and from his treatment program for a period of 90 days; pay a total of \$577.00 in fines and fees;  
20 to violate no laws and obey all laws, orders, rules and regulations of the Court; to not drive with a  
21 measurable level of alcohol in his system, or without a valid license and liability insurance; to  
22 use his true name and date of birth at all times; to submit to any test at a peace officer's request  
23 for detection of alcohol and/or drugs, and to disclose terms and conditions of probation when  
24 asked by any law enforcement or probation officer; to cooperate with Probation Officer in any  
25 plan for any program of counseling or treatment; and to attend and complete a three-month First  
26 Offender Alcohol Program.

27 c. Subsequent to his February 20, 2003 conviction/sentencing, Respondent  
28 twice admitted violating the terms of his probation. The first occurred on September 23, 2003,

1 arising out of an arrest that occurred in or about June 2003, and resulted in his probation being  
2 modified to include completion of thirty days community service. The second occurred on April  
3 22, 2004, arising out of another DUI arrest that occurred in or about March 2004, and resulted in  
4 his probation being modified to include completion of 120 days at Cornerstone Alternative  
5 Sentencing Recovery Program, of which 60 days minimum was to be in a monitored residential  
6 program, in lieu of time in the Orange County Jail; follow up treatment as recommended by  
7 Cornerstone, to include random alcohol testing; and to not consume any alcoholic beverages and  
8 avoid any establishment where the primary items for sale are alcoholic beverages. On June 14,  
9 2004, the court permitted Respondent to transition to lower level treatment.

10 d. The CSU Fullerton Public Safety (CSU) officer who arrested Respondent  
11 on January 11, 2007, noted in his report that on August 25, 2002, at or about 2046 hours,  
12 Respondent made an unsafe lane change directly in front of a patrol car being drive by a  
13 Fullerton Police Department (FPD) officer while driving southbound on State College Blvd. just  
14 south of Bastanchury Road. The FPD officer ordered Respondent to stop, and when he did,  
15 observed Respondent to have very constricted pupils and a lethargic demeanor. The CSU officer  
16 observed that Respondent's speech was slurred, his gait unsteady and his coordination staggered,  
17 his eyes bloodshot, watery, red, and droopy, his breath smelled of alcohol, and his clothing was  
18 disheveled. While Respondent agreed to submit to a blood test at 2215 hours on the same  
19 August 25, 2002 arrest date, his BAC level was determined to be .08%, and he failed the Field  
20 Sobriety Tests administered to him at the scene. While inventorying the contents of respondent's  
21 vehicle, the CSU officer found a prescription receipt for Hydrocodone/APAP dated August 23,  
22 2002, and a plastic baggie in which several kinds of pills were stored, which Respondent  
23 identified as the Hydrocodone, Soma muscle relaxers, anti-depressants, and a stool softener.  
24 Respondent told the CSU officer that he had taken one of the Hydrocodone pills about 4 hours  
25 earlier, and that he had taken a 30 mg. Soma pill with a glass of wine about an hour before being  
26 arrested.

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PRAYER

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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 Marriage and Family Therapist Number MFC 32926 issued to Anthony K. Edell;
2. Ordering Respondent 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: April 1, 2008

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