

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS
Supervising Deputy Attorney General
4 State Bar No. 94811
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. MF-2008-552

11
12 **MARK ALAN ERICKSON**

DEFAULT DECISION AND ORDER

13
14 Respondent.

[Gov. Code, §11520]

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16
17 **FINDINGS OF FACT**

18 1. On or about January 15, 2009, Complainant Paul Riches, in his official capacity as
19 the Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer
20 Affairs, filed Accusation No. MF-2008-552 against Mark Alan Erickson (Respondent) before the
21 Board.

22 2. On or about July 28, 2004, the Board issued Marriage and Family Therapist License
23 Number MFC 40903 to Respondent. The Marriage and Family License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on August 31, 2009,
25 unless renewed.

26 3. On or about January 27, 2009, Henrietta Gaviola, an employee of the Department of
27 Justice, served by Certified and First Class Mail a copy of the Accusation No. MF-2008-552,
28 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is:

3 15000 Seventh St., #211, Victorville, CA 92395. A copy of the Accusation and the pleading
4 documents are attached as Exhibit A, and is incorporated herein by reference.

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

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

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

12 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
13 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. MF-
14 2008-552.

15 6. California Government Code section 11520 states, in pertinent part:

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

20 7. The post office returned the mailing described above in paragraph No. 3 and attached
21 as Exhibit A. The returned envelope is attached as Exhibit B, and is incorporated herein by
22 reference. The post office apprized the Office of the Attorney General of respondent's new
23 address, which was and is:

24 18850 Chapae Ln, Apple Valley, CA 92307. (See Exhibit A.)

25 8. On or about March 9, 2009, Henrietta Gaviola, an employee of the Department of
26 Justice, served by Certified and First Class Mail a copy of the Accusation No. MF-2008-552,
27 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
28 sections 11507.5, 11507.6, and 11507.7 to Respondent's new address, which was and is:

1 18850 Chapae Ln, Apple Valley, CA 92307.

2 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
3 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. MF-
4 2008-552.

5 9. The post office returned the mailing described above in paragraph No. 8 and attached
6 as Exhibit A. The returned envelope is attached as Exhibit C, and is incorporated herein by
7 reference.

8 10. Pursuant to its authority under Government Code section 11520, the Board finds
9 Respondent is in default. The Board will take action without further hearing and, based on the
10 evidence on file herein, finds that the allegations in Accusation No. MF-2008-552 are true.

11 11. The total costs for investigation and enforcement in connection with the Accusation
12 are one thousand and eight dollars (\$1,008.00) as of August 28, 2009.

13 **DETERMINATION OF ISSUES**

14 1. Based on the foregoing findings of fact, Respondent Mark Alan Erickson has
15 subjected his Marriage and Family Therapist License Number MFC 40903 to discipline.

16 2. A copy of the Accusation is attached.

17 3. The agency has jurisdiction to adjudicate this case by default.

18 4. The Board of Behavioral Sciences is authorized to revoke Respondent's Marriage and
19 Family Therapist License based upon the following violations alleged in the Accusation:

20 a. Business and Professions Code sections 480, subdivision (a)(3), 490, 4982,
21 subdivision (a) – was convicted of a crime substantially related to the qualifications,
22 functions or duties of a marriage and family therapist.

23 ///

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25 ///

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28 ///

1 ORDER

2 IT IS SO ORDERED that Marriage and Family Therapist License Number MFC 40903
3 heretofore issued to Respondent Mark Alan Erickson, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on November 20, 2009.

9 It is so ORDERED October 21, 2009

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12 *Renee B. Fournier*
13 FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

14 Attachment:

15 Exhibit A: Accusation No. MF-2008-552

16 Exhibit B: Returned Envelope

17 Exhibit C: Returned Envelope

18 60449226.DOC
19 DOJ docket number:LA2009602916
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Exhibit A

Accusation No. 3322

Exhibit A

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
4 300 So. Spring Street, Suite 1702
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5 Telephone: (213) 897-2540
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 MARK ALAN ERICKSON
15000 Seventh St., #211
13 Victorville, CA 92395
14 Marriage and Family Therapist
License No. MFC 40903
15
16 Respondent.

Case No. MF-2008-552

ACCUSATION

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about July 28, 2004, the Board of Behavioral Sciences (Board)
23 issued Marriage and Family Therapist License Number MFC 40903 to Mark Alan Erickson
24 (Respondent). The Marriage and Family Therapist License was in full force and effect at all
25 times relevant to the charges brought herein and will expire on August 31, 2009, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the
28 following laws. All section references are to the Business and Professions Code (Code) unless

1 otherwise indicated.

2 **STATUTORY PROVISIONS**

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

7 5. Section 480 states, in pertinent part:

8 "(a) A board may deny a license regulated by this code on the grounds that the
9 applicant has one of the following:

10 "(1) Been convicted of a crime. A conviction within the meaning of this
11 section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
12 Any action which a board is permitted to take following the establishment of a conviction may be
13 taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on
14 appeal, or when an order granting probation is made suspending the imposition of sentence,
15 irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

16 "(3) Done any act which if done by a licentiate of the business or profession in
17 question, would be grounds for suspension or revocation of license."

18 6. Section 490 of the Code provides, in pertinent part, that a board may
19 suspend or revoke a license on the ground that the licensee has been convicted of a crime
20 substantially related to the qualifications, functions, or duties of the business or profession for
21 which the license was issued.

22 7. Section 4982 states:

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

27 "(a) The conviction of a crime substantially related to the qualifications,
28 functions, or duties of a licensee or registrant under this chapter. The record of conviction shall

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

14 COST RECOVERY

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

19 FIRST CAUSE FOR DISCIPLINE

20 (Conviction of a Substantially Related Crime)

21 9. Respondent is subject to disciplinary action under section 480, subdivision
22 (a)(3), in conjunction with section 490 and 4982, subdivision (a), in that Respondent was
23 convicted of a crime substantially related to the qualifications, functions or duties of a Marriage
24 and Family Therapist, as follows:

25 a. On or about August 13, 2008 Respondent was convicted by the Court on a
26 plea of guilty for violating Penal Code 508 (embezzlement), a felony, in the criminal proceeding
27 entitled *The State of California v. Mark A. Erickson* (Super. Ct. San Bernardino County, 2008,
28 No. FV1702538). The circumstances surrounding the conviction are that from 2005 through

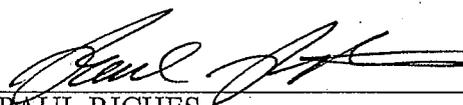
1 2007, Respondent stole approximately \$115,000 which included cash payments not reported and
2 fraudulent reimbursements while working at the High Desert Center in Victorville, California.
3 Respondent admitted accepting cash payments from his clients without reimbursing the High
4 Desert Center. On October 31, 2007, a search warrant was issued to search Respondent's
5 residence. During the search of Respondent's house, a computer tower and monitor from High
6 Desert Center was located. Serial numbers from the equipment matched the one's reported
7 stolen. Respondent was arrested by San Bernardino Sheriff's Department.

8 **PRAYER**

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

- 11 1. Revoking or suspending Marriage and Family Therapist License Number
12 MFC 40903, issued to Respondent;
- 13 2. Ordering Respondent to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code
15 section 125.3, and
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: January 15, 2009

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22 PAUL RICHES
23 Executive Officer
24 Board of Behavioral Sciences
25 Department of Consumer Affairs
26 State of California
27 Complainant

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st(12-16-08)

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 GLORIA A. BARRIOS, State Bar No. 94811
Supervising Deputy Attorney General
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

11 MARK ALAN ERICKSON

12 Respondent.

Case No. MF-2008-552

STATEMENT TO RESPONDENT

[Gov. Code §§ 11504, 11505(b)]

13
14 TO RESPONDENT:

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

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

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

26 **Gloria A. Barrios**
Supervising Deputy Attorney General
27 **Ronald Reagan Building**
300 South Spring Street, Suite 1702
28 **Los Angeles, CA 90013.**

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

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

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

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

15 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
16 enclosed.

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

21 **NOTICE REGARDING STIPULATED SETTLEMENTS**

22 It may be possible to avoid the time, expense and uncertainties involved in an
23 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
24 settlement is a binding written agreement between you and the government regarding the matters
25 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
26 Board of Behavioral Sciences but, once approved, it would be incorporated into a final order.

27 Any stipulation must be consistent with the Board's established disciplinary
28 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the

1 Board's Disciplinary Guidelines will be provided to you on your written request to the state
2 agency bringing this action.

3 If you are interested in pursuing this alternative to a formal administrative hearing,
4 or if you have any questions, you or your attorney should contact Supervising Deputy Attorney
5 General Gloria A. Barrios at the earliest opportunity.

6 DATED: January 26, 2009.

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

9 KAREN B. CHAPPELLE
10 Supervising Deputy Attorney General

11 
12 GLORIA A. BARRIOS
13 Supervising Deputy Attorney General

14 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

11 MARK ALAN ERICKSON

12 Respondent.

Case No. MF-2008-552

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

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14
15 TO RESPONDENT:

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

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

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

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

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

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

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

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

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

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

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

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

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

DATED: January 26, 2009.

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

KAREN B. CHAPPELLE
Supervising Deputy Attorney General



GLORIA A. BARRIOS
Supervising Deputy Attorney General

Attorneys for Complainant

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LA2008602079

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

SECTION 11507.5: Exclusivity of discovery provisions

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

SECTION 11507.6: Request for discovery

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

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

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

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

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

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

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

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

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

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

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

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

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

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

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

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

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

In the Matter of the Accusation Against:

MARK ALAN ERICKSON

Respondent.

Case No. MF-2008-552

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

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

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

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

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

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

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

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

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

In the Matter of the Accusation Against:

MARK ALAN ERICKSON

Respondent.

Case No. MF-2008-552

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

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

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

DATED: _____

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

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

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

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

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

DECLARATION OF SERVICE

(Certified & First Class Mail (separate mailing))

Case Name: MARC ALAN ERICKSON

Case No. MF-2008-552

I declare:

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

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

On January 27, 2009, I served the attached **Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7; Complainant's Request for Discovery; and two copies of a Notice of Defense** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7; Complainant's Request for Discovery; and two copies of a Notice of Defense** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General, addressed as follows:

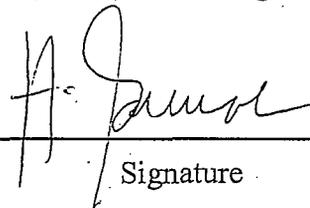
**MARK ALAN ERICKSON
15000 Seventh St., #211
Victorville, CA 92395**

Certified Article No.
7001 0360 0003 6741 6787

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on January 27, 2009, at Los Angeles, California.

Henrietta Gaviola

Typed Name



Signature

DECLARATION OF SERVICE

(Certified & First Class Mail (separate mailing))

Case Name: MARC ALAN ERICKSON

Case No. MF-2008-552

I declare:

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

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

On March 9, 2009, I served the attached **Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7; Complainant's Request for Discovery; and two copies of a Notice of Defense** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7; Complainant's Request for Discovery; and two copies of a Notice of Defense** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General, addressed as follows:

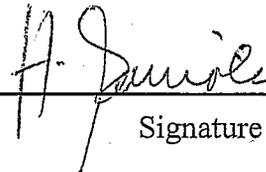
**MARK ALAN ERICKSON
18850 Chapae Ln
Apple Valley, CA 92307**

Certified Article No.
7001 0360 0003 6742 0647

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 9, 2009, at Los Angeles, California.

Henrietta Gaviola

Typed Name



Signature

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

7001 0360 0000 0960 T001
 6787 6742 6742 6742 6742 6742 6742 6742 6742 6742

OFFICIAL USE

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

Sent To **MARK ALAN ERICKSON**

Street, Apt. No., or PO Box No. **15000 Seventh St., #211**

City, State, ZIP+ 4 **Victorville, CA 92395**

PS Form 3800, January 2001 See Reverse for Instructions

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

7001 0360 0000 0960 T001
 0647 6742 6742 6742 6742 6742 6742 6742 6742 6742

OFFICIAL USE

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

Sent To **MARK ALAN ERICKSON**

Street, Apt. No., or PO Box No. **18850 Chapae Ln**

City, State, ZIP+ 4 **Apple Valley, CA 92307**

PS Form 3800, January 2001 See Reverse for Instructions

Exhibit B

- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARK ALAN ERICKSON
15000 Seventh St., #211
Victorville, CA 92395

C. Signature

X

- Agent
- Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- Yes
- No

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

- Yes

2. Article Number (Copy from service label)

7001 0360 0003 6741 6787

PS Form 3811, July 1999

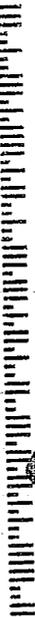
Domestic Return Receipt

102595-00-M-0952

TO

GLORIA BARRIOS, SDAG
DEPARTMENT OF JUSTICE
Office of the Attorney General
300 South Spring Street
Los Angeles, California 90013

ERIC000# 923953820
NOTIFY SENDER OF NEW ADDRESS
ERICKSON MARK LN
18850 CHAPAR LN
APPLE VALLEY CA 92520-1608

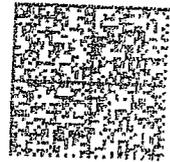


7001 0360 0003 6741 6787



CERTIFIED MAIL

POST OFFICE AT THE RIGHT
FOR RETURN ADDRESS (POST OFFICE IN)



02 1M
0054235953
MAILED FROM ZIP CODE 90013



\$ 05.830

UNCLAIMED



MLC
2/10
2/23

Exhibit C

SENDER COMPLETE THIS SECTION

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

1. Article Addressed to:

MARK ALAN ERICKSON
 18850 Chapae Ln
 Apple Valley, CA 92307

2. Article Number (Copy from service label)

7001 0360 0003 6742 0647

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature X Agent
 Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

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

4. Restricted Delivery? (Extra Fee) Yes

TO
 GLORIA A. BARRIOS, SDAG
 DEPARTMENT OF JUSTICE
 Office of the Attorney General
 300 South Spring Street
 Los Angeles, California 90013

MARK ALAN ERICKSON
 18850 Chapae Ln
 Apple Valley, CA 92307

CLAIMED

2/17
 3/1/09

7001 0360 0003 6742 0647



CLAIMED MAIL

PLACE STICKER AT TOP OF ENVELOPE FOR THE RIGHT OF THE MAIL ADDRESS FOR RETURN TO THE SENDER

3/27/09
 4/11/09
 4/11/09

CLAIMED

UNITED STATES POSTAGE

02 1M
 0074355953
 \$ 05.830
 MAILED FROM ZIP CODE 92307