

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

In the Matter of the Accusation Against:

NATALIE ANNA RICHARDS  
Marriage and Family Therapist  
License No. MFC 46067,

Respondent.

OAH No.: 2010020585

Case No.: MF-2010-97

DECISION

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

This Decision shall become effective November 18, 2010.

IT IS SO ORDERED October 21, 2010.

BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By *Renee B. Fournier*

mjn

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

**In the Matter of the Accusation Against:**

**Case No. MF-2010-97**

**NATALIE ANNA RICHARDS  
Marriage and Family Therapist  
License No. MFC 46067,**

**OAH No. 2010020585**

**Respondent.**

**PROPOSED DECISION**

Howard W. Cohen, Administrative Law Judge (ALJ) with the Office of Administrative Hearings (OAH), heard this matter on July 26, 2010, in Los Angeles, California.

Michelle McCarron, Deputy Attorney General, appeared on behalf of Kim Madsen (Complainant), Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer Affairs, State of California.

Respondent Natalie Anna Richards appeared on her own behalf.

Oral and documentary evidence was received, the record was closed, and the matter was submitted on July 26, 2010.

**FACTUAL FINDINGS**

1. On January 25, 2010, Complainant filed the Accusation in her official capacity. Respondent timely filed a notice of defense. On July 12, 2010, Complainant filed the First Amended Accusation in her official capacity.

2. On July 17, 2008, the Board issued Original Marriage and Family Therapist License Number MFC 46067 to Respondent. The license expired on October 31, 2009. The expiration of a license issued by the Board does not deprive the Board of its authority to institute or continue a disciplinary proceeding against the licensee or take disciplinary action against the licensee. (Bus. & Prof. Code, § 118, subd. (b).)

*Respondent's Convictions*

3. On November 10, 2009, in the Superior Court of the State of California, County of Ventura, Case No. 2009041150 M A, Respondent pled guilty and was convicted of violating Penal Code section 242 (battery), a misdemeanor. On February 4, 2010, the court suspended

imposition of sentence. The court placed Respondent on formal probation for 36 months under terms and conditions including that Respondent pay fees totaling \$85, pay restitution as determined by further order of the court, participate in the Multi Agency Referral & Recovery Treatment (MARTT) program, take prescribed medications as ordered by the court, and serve 90 days in the Ventura County Jail, concurrent with the sentence imposed in Case No. 2009026659. (See Factual Finding 5, below.)

4. The circumstances underlying the conviction are that on July 23, 2009, Respondent approached a woman with four children in an outdoor food court in Simi Valley, yelled that there was a fire, picked up one of the children, and attempted to walk away with her. When the child's mother told Respondent to let her child go, Respondent pulled the mother's hair. When the mother freed the child from Respondent's arms, Respondent left the area, yelling that there was a fire.

5. On February 4, 2010, in the Superior Court of the State of California, County of Ventura, Case No. 2009026659 M A, Respondent pled guilty and was convicted of violating Penal Code section 148, subdivision (a)(1) (resist, obstruct, delay peace officer), a misdemeanor. The court suspended imposition of sentence. The court placed Respondent on formal probation for 36 months under terms and conditions including that Respondent pay fees totaling \$60, participate in the MARTT program, take prescribed medications as ordered by the court, and serve 90 days in the Ventura County Jail.

6. The circumstances underlying the conviction are that, on July 21, 2009, officers from the Simi Valley Police Department responded to Respondent's residence on a disconnected 911 call. When the officers arrived at her home, Respondent, who was wearing a blood-stained bathrobe, told the officers to leave unless they had a warrant, rapidly approached the police officers, and tried to push the police officers back. The officers handcuffed Respondent while they investigated whether anyone in the house was injured. Respondent shouted expletives at the officers, twisted her hand so that the handcuffs caused pain to one officer, continued to struggle with the officer, resisted being walked to the police car and, once in the car, continued to try to escape from the handcuffs.

7. At the administrative hearing, Respondent admitted the facts underlying both convictions. She testified, however, that her actions were due to a manic episode of bipolar disorder. She had never experienced any symptoms of bipolar disorder prior to the incidents giving rise to her convictions, and she had not been diagnosed with that disorder prior to the incidents in July 2009. The sudden onset of her illness rendered her unable to judge correctly what she was doing, and the experience is humiliating for her.

8. Respondent's testimony was corroborated by that of the police officer who arrested her on July 23, 2010. That officer, Travis Coffee, testified at the hearing that Respondent appeared quite calm while he was interviewing her at the time of her arrest, but that she said things to him that made no sense. He testified that she said she had smelled smoke, and that the patrons of the food court were acting like "zombies." Respondent could not explain

why she did not return the child to her mother and why she pulled the mother's hair. This testimony is consistent with Officer Coffee's police report.

9. Complainant does not contest that, at the time of her arrests, Respondent had been experiencing an episode of a previously undiagnosed bipolar disorder.

10. No evidence was submitted as to whether Respondent has paid all fees and restitution and served all jail time. She is currently still on formal probation, which will not terminate until February 2013 in both cases.

#### *Employment and Rehabilitation*

11. Respondent is 45 years old. She lives with her 15 year old son, who will be starting 10th grade this fall. Respondent is her son's sole support. Respondent is unemployed; her sole source of income since her arrest has been disability insurance.

12. In compliance with the terms and conditions of probation, Respondent has been participating in the MARTT program since her conviction. Upon her release from jail in November 2009, she immediately sought treatment, and began receiving psychotherapy from Blanche McWane, LMFT, at the Ventura County Behavioral Health Department (VCBHD). In December 2009, she also started receiving treatment from Rekha Tailor, M.D., staff psychiatrist for VCBHD. Respondent complies with her psychiatrist's orders, and is taking medication for bipolar disorder daily. She expects to take the medication for the rest of her life.

13. Respondent obtained a master's degree in Marriage and Family Therapy in June 1999. She completed 3,000 hours of supervised practice in 2003 or 2004. She practiced as an intern, while raising her son, until 2007, when she went to work as an intern for Jewish Family Services. Respondent obtained her license and practiced at Jewish Family Services from February 2008 to July 2009, working with the elderly in various settings—at home, in assisted living facilities, and at board and care facilities. She enjoyed her practice, and felt that she was helpful to her clients. In July 2009, prior to the incidents leading to her arrests and convictions, she went on family leave. She has not resumed her practice, though she informed her former supervisor, Penny Greenblatt, of her convictions when she finished her jail term. If her license is not revoked, Respondent intends to seek employment in an agency, and would apply to work again at Jewish Family Services.

14. Since January 2010, Respondent has been volunteering four hours per day, one day per week, for the National Alliance on Mental Illness (NAMI) in Camarillo. There she performs administrative duties, working with mental health providers and their clients.

15. Respondent was credible in her testimony at the hearing, both in terms of her demeanor, which was straightforward and direct, and in her ready admission of the facts and circumstances of her conviction. She testified that she committed the crimes for which she was convicted while experiencing her first and only bipolar disorder episode, and that her medication has controlled her illness since those incidents occurred.

16. Respondent submitted three recent character reference letters. Her psychiatrist, Dr. Taylor, wrote that Respondent is compliant with her treatment for bipolar disorder. Her psychotherapist, Ms. McWane, wrote that Respondent "has been cooperative and compliant with treatment." Ratan Bhavnani, Executive Director of NAMI Ventura County, wrote

to support Natalie Richards in her quest to regain her MFT license and allow her to continue her practice. Natalie has been a dedicated volunteer with NAMI Ventura County, and I have worked with her since January 2010. I was made aware of Natalie's situation last year, and have been tracking her recovery closely.

Natalie has been a very stable and solid citizen, and has been using her time effectively by performing some volunteer service; she has also enrolled in and graduated from NAMI's Provider Education Program, which has given her a strong understanding of serious mental illness in order to help her clients. This program has awarded her 30 Continuing Education Units toward her MFT license.

¶ . . . ¶

I strongly believe that Natalie's license should not be suspended, and that she should be allowed to get back her full license privileges. Natalie is a terrific therapist, and she will be an even more effective counselor at this time.

#### *Costs*

17. Complainant submitted evidence of costs of prosecution of this matter. Ms. McCarron's declaration and an attachment, with a breakdown of dates, hours, and tasks performed, reflect that the Department of Justice has compiled billing entries in this matter from December 4, 2009, through July 23, 2010, in the total amount of \$12,627.50,<sup>1</sup> summarized as follows: 67.75 hours by various Deputies Attorney General at \$170 per hour, subtotal \$11,517.50; and 9.25 hours by a paralegal at \$120 per hour, subtotal \$1,110. No request for or evidence of costs of investigation was submitted.

### LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke Respondent's Marriage and Family Therapist License under Business and Professions Code sections 490 and 4982, subdivisions (a) and (e), on the ground that Respondent was convicted twice in 2009 of crimes substantially related to

---

<sup>1</sup> Ms. McCarron states in her declaration that for the relevant time period, the Department of Justice billed the Board \$13,945. The supporting documentation, however, reflects a total bill of \$12,627.50.

the qualifications, functions, or duties of a Marriage and Family Therapist, based on Factual Findings 3 through 10.

2. Respondent's convictions were for "substantially related" crimes because the crimes to a substantial degree evidence "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." (Cal. Code Regs., tit. 16, § 1812.)

3. The Board publishes recommended disciplinary orders and guidelines that are designed to offer guidance on possible outcomes in license discipline cases such as these. These guidelines are incorporated by reference in California Code of Regulations, title 16, section 1888. The guidelines identify criteria to evaluate when considering the suspension or revocation of a license. Relevant criteria include the nature and severity of the acts or crimes under consideration as grounds for suspension or revocation, the time that has elapsed since commission of the acts or crimes, whether the licensee has complied with the terms of probation, evidence of expungement proceedings under Penal Code section 1203.4, and evidence of rehabilitation. (Cal. Code Regs., tit. 16, § 1814.)

4. Considering all the relevant criteria in the guidelines, suspension or revocation of Respondent's license is warranted. Only one year has passed since Respondent's convictions. Respondent has not yet successfully completed probation for her convictions; probation is scheduled to terminate in February 2013. Although the circumstances under which Respondent committed the crimes for which she was convicted were the result of a previously unmanifested and undiagnosed mental illness, and Respondent has, with the aid of psychotherapy and her regular regimen of medication, managed to control that illness for the past year, Respondent still has more than two years of probation to serve. Not enough time has passed since the convictions to assure that the public health, safety, and welfare will be protected should Respondent's license not be suspended or revoked. Nor has Respondent established sufficient rehabilitation to avoid suspension or revocation of her license at this time. Although Respondent's psychotherapist and psychiatrist each wrote that she has been compliant with treatment thus far, and Respondent intends to remain compliant, no evidence was offered as to Respondent's prognosis for controlling her illness or as to her ability to perform her duties as a licensee. (See Factual Finding 16.)

5. Cause exists, under Business and Professions Code section 125.3, to order Respondent to pay the Board's reasonable costs of enforcement in this matter, by reason of Factual Finding 17. The amount claimed, \$12,627.50, is found to be reasonable. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Supreme Court rejected a constitutional challenge to a cost regulation similar to Business and Professions Code section 125.3. In so doing, however, the Court directed the administrative law judge and the agency to evaluate several factors to ensure that the cost provision did not deter individuals from exercising their right to a hearing. Among other things, an agency must not assess full costs without considering a respondent's subjective good faith belief in the merits of his or her position and whether the respondent has raised a colorable challenge; nor may it assess full costs without considering a respondent's ability to pay. (*Id.* at p. 45).

6. In this case, Complainant submitted no evidence to show that it considered either Respondent's good faith in opposing suspension or revocation of her license or Respondent's ability to pay. The evidence supports a conclusion that Respondent in good faith opposed the Accusation with a colorable challenge. Moreover, the only evidence of Respondent's ability to pay costs is Respondent's testimony that she is the sole support of her household, that she is unemployed, and that her sole source of income is disability insurance. She is, therefore, presently unable to pay the Board's costs of prosecution.

**ORDER**

Marriage and Family Therapist License Number MFC 46067, issued to Respondent Natalie Anna Richards, is revoked.

Complainant's request for costs of prosecution is denied.

DATED: August 25, 2010



HOWARD W. COHEN  
Administrative Law Judge  
Office of Administrative Hearings

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 KIMBERLEY J. BAKER-GUILLEMET  
Deputy Attorney General  
4 State Bar No. 242920  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2533  
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-2010-97

11 **NATALIE ANNA RICHARDS**  
12 **3153 N. Peoria Ave.**  
13 **Simi Valley, CA 93063**  
14 **Marriage and Family Therapist**  
**License No. MFC 46067**

**FIRST AMENDED ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as  
20 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

21 2. On or about July 17, 2008, the Board of Behavioral Sciences issued Marriage and  
22 Family Therapist License Number MFC 46067 to Natalie Anna Richards (Respondent). The  
23 Marriage and Family Therapist License expired on October 31, 2009, and has not been renewed.

24 **JURISDICTION**

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

28 ///



1           9.     On or about November 10, 2009, in the Superior Court of California, County of  
2     Ventura, in the case entitled, *People of the State of California v. Natalie Richards* (Super. Ct.  
3     Ventura County, 2009, No. 2009041150), Respondent was convicted on her plea of guilty of  
4     violating Penal Code section 242 (battery), a misdemeanor.

5           10.    The circumstances of the crime are that on or about July 23, 2009, Respondent  
6     approached a woman standing with four children, one of which was the victim, a one year-old,  
7     female minor, in an outdoor eating area. After approaching the group, Respondent allegedly  
8     yelled that there was a fire and pointed north. When the woman supervising the children looked  
9     north, Respondent picked up the victim and attempted to walk away with her. The mother of the  
10    victim then approached the Respondent and told Respondent to let her child go. Respondent  
11    reached around the mother of the child and pulled her hair in an effort to get by. The mother of  
12    the child was able to pull the victim from Respondent's arms, at which point Respondent walked  
13    away from the scene, yelling that there was a fire.

14          11.    On or about February 4, 2010, in the Superior Court of California, County of  
15    Ventura, in the case entitled, *People of the State of California v. Natalie Richards* (Super. Ct.  
16    Ventura County, 2009, No. 2009026659), Respondent was convicted on her plea of guilty of  
17    violating Penal Code section 148, subdivision (a)(1) (willfully and unlawfully resisting,  
18    obstructing, and delaying of a peace officer), a misdemeanor.

19          12.    The circumstances of the crime are that on or about July 20, 2009, officers from the  
20    Simi Valley Police Department responded to Respondent's residence on a disconnected 911 call.  
21    The officers were aware that this was the residence of Respondent, her son and her grandmother  
22    because the Simi Valley Police Department had been to the residence several times over the past  
23    three days. Once the officers arrived at Respondent's home, Respondent emerged wearing only a  
24    bath robe and told them to get out of her house unless they had a warrant. Respondent had  
25    something metallic in her hand. Respondent approached one of the officers. The officer told her  
26    to stop and to drop whatever was in her hand. Respondent refused and continued coming toward  
27    the officer quickly. The officer saw that Respondent had wire-framed eyeglasses in her hand,  
28    which she then put on the table to the left of the officer.

1           13. Respondent then continued walking toward the officer quickly with her left hand  
2 concealed in her pocket. Respondent removed her hand and the officer saw that she was holding a  
3 cellular phone. At that time, the officer saw that blood was staining the sleeve of Respondent's  
4 robe. The officer then holstered his firearm, at which point, Respondent tried to push him  
5 backward. The officer grabbed her wrist and placed her in a control hold. Respondent  
6 immediately tried to spin around the officer with her right arm. The officer maneuvered away  
7 and was able to get Respondent's right arm behind her back. When the officer looked down, he  
8 noticed more blood on Respondent's robe and felt that the robe sleeve was soaked in water. The  
9 officer did not observe any injuries on Respondent.

10           14. The officer was aware that Respondent's fourteen year-old son and elderly  
11 grandmother were also in the home. He told his partner that he was concerned for their safety.  
12 The officer believed that Respondent may have hurt someone in the house so he handcuffed her.  
13 The officer explained to Respondent that she was not under arrest at that time, rather she was  
14 being detained while the officers investigated. Respondent resisted being handcuffed and  
15 repeatedly tried to pull her arms away. She repeatedly yelled expletives. Immediately after being  
16 handcuffed by the officer, Respondent twisted her hand causing the handcuff chain to squeeze the  
17 joint at the base of the officer's left thumb. The officer said to Respondent, "Ouch, stop twisting  
18 the cuffs[.] [Y]ou are hurting me." Respondent responded by twisting them harder causing the  
19 officer more pain.

20           15. Once the officer was able to free his hand, Respondent grabbed his uniform shirt with  
21 her hands and tried twisting to pull him down. Respondent pulled the officer off balance but the  
22 officer was able to gain control, at which point he attempted to get her to sit down on the couch so  
23 that he and his partner could check the rest of the residence. At that time, Respondent's son  
24 emerged from the hallway crying. He appeared disheveled. Respondent continued struggling  
25 with the officer and effectively delaying the officers from searching the residence. Since  
26 Respondent would not calm down, the officer decided to place her in the patrol car. As the  
27 officer walked Respondent to the patrol car, she hooked her feet on furniture and on the door to  
28

1 prevent him from taking her out of the house. The officer's partner had to remove her leg from  
2 the iron gate near the front door.

3 16. Once the officer had placed Respondent in the patrol car, Respondent refused to talk  
4 to the officer and attempted to slide her hands out of the handcuffs. The officer's partner  
5 interviewed Respondent's son who reported that his mother had called 911 because he had  
6 refused to get her a cigarette from a neighbor. Respondent's son also stated that he and his  
7 mother had been engaged in a physical altercation, during which, Respondent grabbed her son's  
8 hair and punched him. The officer noticed a small bruise under Respondent's left eye.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 17. Respondent is subject to disciplinary action under section 4982, subdivision (a) in  
12 that she engaged in unprofessional conduct as set forth in paragraphs 9-16, above. Complainant  
13 refers to, and by this reference incorporates the allegations set forth above in paragraphs 9-16,  
14 inclusive, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Violation of Board Regulations)**

17 18. Respondent is subject to disciplinary action under section 4982, subdivision (e) of the  
18 Code in that she violated regulations and laws adopted by the Board of Behavioral Sciences, as  
19 set forth in paragraphs 9-16, above. Complainant refers to, and by this reference incorporates the  
20 allegations set forth above in paragraphs 9-16, inclusive, as though set forth fully.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **PRAYER**

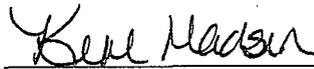
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Behavioral Sciences issue a decision:

4 1. Revoking or suspending Marriage and Family Therapist License Number MFC  
5 46067, issued to Natalie Anna Richards.

6 2. Ordering Natalie Anna Richards to pay the Board of Behavioral Sciences the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3;

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

10  
11  
12 DATED: July 1, 2010



13 KIM MADSEN  
14 Executive Officer  
15 Board of Behavioral Sciences  
16 Department of Consumer Affairs  
17 State of California  
18 *Complainant*

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
LA2009604722  
50679343.doc