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

In the Matter of the Accusation Against:

MIMI SHEVITZ
1629 San Antonio Avenue
Alameda, CA 94501

Marriage and Family Therapist License No.
MFC 25839

Respondent.

Case No. MF-2010-642

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 28, 2011, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Accusation No. MF-2010-642 against Mimi Shevitz (Respondent) before the Board of Behavioral Sciences. (Accusation attached as Exhibit A.)
2. On or about January 12, 1990, the Board of Behavioral Sciences (Board) issued Marriage and Family Therapist License No. MFC 25839 to Respondent. The Marriage and Family Therapist License will expire on November 30, 2011, unless renewed.
3. On or about October 3, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. MF-2010-642, Statement to Respondent, Request for Discovery, Notice of Defense (2 copies) and Discovery Statutes at Respondent's address of record

1 which, pursuant to Business and Professions Code section 136, is required to be reported and
2 maintained with the Board, which was and is:

3 1629 San Antonio Avenue
4 Alameda, CA 94501.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about October 24, 2011, the aforementioned documents were returned by the
9 U.S. Postal Service marked "Unclaimed."

10 6. Government Code section 11506 states, in pertinent part:

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. MF-
18 2010-642.

19 8. California Government Code section 11520 states, in pertinent part:

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. MF-2010-642,
finds that the charges and allegations in Accusation No. MF-2010-642, are separately and
severally, found to be true and correct by clear and convincing evidence.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Mimi Shevitz has subjected her
3 Marriage and Family Therapist License No. MFC 25839 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Marriage and
6 Family Therapist License based upon the following violation alleged in the Accusation which are
7 supported by the evidence contained in the Default Decision Evidence Packet in this case:

8 a. Business and Professions Code section 821: Failure to Cooperate with Psychiatric
9 Examination.

10 ORDER

11 IT IS SO ORDERED that Marriage and Family Therapist License No. MFC 25839,
12 heretofore issued to Respondent Mimi Shevitz, is revoked.

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

17 This Decision shall become effective on January 5, 2012.

18 It is so ORDERED December 6, 2011

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21 FOR THE BOARD OF BEHAVIORAL SCIENCES
22 DEPARTMENT OF CONSUMER AFFAIRS

23
24 default decision LIC.rtf
25 DOJ Matter ID:SF2011202568
26 Attachment:
27 Exhibit A: Accusation
28

Exhibit A

Accusation

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

10 In the Matter of the Accusation Against:

Case No. MF-2010-642

11 **MIMI SHEVITZ**
12 **1629 San Antonio Avenue**
13 **Alameda, CA 94501**

ACCUSATION

14 **Marriage and Family Therapist License No.**
15 **MFC 25839**

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 January 12, 1990, the Board of Behavioral Sciences issued Marriage and
22 Family Therapist License Number MFC 25839 to Mimi Shevitz (Respondent). The Marriage and
23 Family Therapist License is currently inactive and will expire on November 30, 2011, unless
24 renewed.

25 **JURISDICTION**

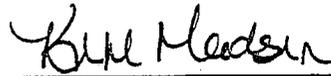
- 26 3. This Accusation is brought before the Board of Behavioral Sciences (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

PRAYER

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 or suspending Marriage and Family Therapist License Number MFC 25839, issued to Mimi Shevitz; and
2. Taking such other and further action as deemed necessary and proper.

DATED: September 28, 2011



KIM MADSEN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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