

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

In the Matter of the Accusation Against:

Case No. MF-2010-1376

James Daniel Hatton

**Marriage and Family Therapist License
No. MFC 32120**

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Behavioral Sciences, as its Decision in this matter.

This Decision shall become effective on July 7, 2012.

It is so ORDERED June 7, 2011.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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

11 In the Matter of the Accusation Against:

12 **JAMES DANIEL HATTON**
13 **5665 Oberlin Drive #201**
San Diego, CA 92121

14 **Marriage and Family Therapist License**
15 **No. MFC 32120**

16 Respondent.

Case No. MF-2010-1376

OAH No. 2011100105

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Behavioral Sciences of the Department of
19 Consumer Affairs the parties hereby agree to the following Stipulated Surrender of License and
20 Order which will be submitted to the Board for approval and adoption as the final disposition of
21 the Accusation.

22 **PARTIES**

23 I. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral
24 Sciences. She brought this action solely in her official capacity and is represented in this matter
25 by Kamala D. Harris, Attorney General of the State of California, by Lauro A. Paredes, Deputy
26 Attorney General.

27 ///

28 ///

CULPABILITY

1
2 8. Respondent understands that the charges and allegations in Accusation No. MF-2010-
3 1376, if proven at a hearing, constitute cause for imposing discipline upon his Marriage and
4 Family Therapist License.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation and that those charges constitute cause for discipline.
8 Respondent hereby gives up his right to contest that cause for discipline exists based on those
9 charges.

10 10. Respondent understands that by signing this stipulation he enables the Board to issue
11 an order accepting the surrender of his Marriage and Family Therapist License without further
12 process.

CONTINGENCY

13
14 11. This stipulation shall be subject to approval by the Board of Behavioral Sciences.
15 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
16 Behavioral Sciences may communicate directly with the Board regarding this stipulation and
17 settlement, without notice to or participation by Respondent or his counsel. By signing the
18 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
19 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
20 to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary
21 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
22 action between the parties, and the Board shall not be disqualified from further action by having
23 considered this matter.

24 12. Respondent fully understands that when the Board adopts the license surrender of
25 respondent's license, respondent will no longer be permitted to practice as a Marriage and Family
26 Therapist in California. Respondent further understands that the license surrender of his license,
27 upon adoption, shall be considered to be a disciplinary action and shall become a part of
28 Respondent's license history with the Board.

1 I have read and fully discussed with Respondent James Daniel Hatton the terms and
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I
3 approve its form and content.

4
5 DATED: _____

4/26/12


6 KEITH E. ZWILLINGER
7 Attorney for Respondent

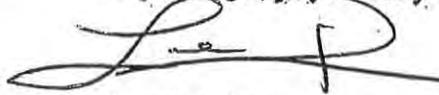
8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board of Behavioral Sciences of the Department of Consumer Affairs.

11 Dated:

Respectfully submitted,

12 KAMALA D. HARRIS
13 Attorney General of California
14 LINDA K. SCHNEIDER
15 Supervising Deputy Attorney General



16 LAURO A. PAREDES
17 Deputy Attorney General
18 Attorneys for Complainant

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BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

12 **JAMES DANIEL HATTON**
13 **5665 Oberlin Drive #201**
San Diego, CA 92121

14 **Marriage and Family Therapist License No.**
15 **MFC 32120**

Respondent.

Case No. MF-2010-1376

A C C U S A T I O N

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 November 23, 1994, the Board of Behavioral Sciences issued Marriage
22 and Family Therapist License Number MFC 32120 to James Daniel Hatton (Respondent). The
23 Marriage and Family Therapist License was in full force and effect at all times relevant to the
24 charges brought herein and will expire on July 31, 2012, unless 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.

1 4. Section 118 of the Code states:

2 ...

3 (b) The suspension, expiration, or forfeiture by operation of law of a
4 license issued by a board in the department, or its suspension, forfeiture, or
5 cancellation by order of the board or by order of a court of law, or its
6 surrender without the written consent of the board, shall not, during any
7 period in which it may be renewed, restored, reissued, or reinstated, deprive
8 the board of its authority to institute or continue a disciplinary proceeding
9 against the licensee upon any ground provided by law or to enter an order
10 suspending or revoking the license or otherwise taking disciplinary action
11 against the licensee on any such ground.

8 ...

10 5. Section 4982 states:

11 The board may deny a license or registration or may suspend or revoke
12 the license or registration of a licensee or registrant if he or she has been
13 guilty of unprofessional conduct. Unprofessional conduct includes, but is not
14 limited to, the following:

14 ...

15 (d) Gross negligence or incompetence in the performance of marriage
16 and family therapy.

16 ...

17 (i) Intentionally or recklessly causing physical or emotional harm to
18 any client.

19 ...

20 (k) Engaging in sexual relations with a client, or a former client within
21 two years following termination of therapy, soliciting sexual relations with a
22 client, or committing an act of sexual abuse, or sexual misconduct with a
23 client, or committing an act punishable as a sexually related crime, if that act
24 or solicitation is substantially related to the qualifications, functions, or
25 duties of a marriage and family therapist.

24 **STATUTORY AND REGULATORY PROVISIONS**

25 6. Section 4982.26 of the Code states:

26 The board shall revoke any license issued under this chapter upon a
27 decision made in accordance with the procedures set forth in Chapter 5
28 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
Government Code, that contains any finding of fact that the licensee or
registrant engaged in any act of sexual contact, as defined in Section 729,

1 when that act is with a patient, or with a former patient when the relationship
2 was terminated primarily for the purpose of engaging in that act. The
3 revocation shall not be stayed by the administrative law judge or the board.

4 COSTS

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

9 FIRST CAUSE FOR DISCIPLINE

10 **(Unprofessional Conduct –Recklessly Causing Emotional Harm to a Client)**

11 8. Respondent is subject to discipline for unprofessional conduct under section 4982,
12 subdivision (i) of the Code in that Respondent recklessly caused emotional harm to a client. The
13 circumstances are as follows.

14 a. Client B.E. came to Respondent in the summer of 1999 seeking therapeutic
15 services for obsessive compulsive disorder. Respondent accepted B.E. as a client and began
16 treating her in a group setting. From 1999 thru 2002 Respondent continued to provide
17 professional counseling services to B.E in a group setting.

18 b. In the summer of 2002, B.E. began to see Respondent for individual therapy
19 sessions. Sometime in June, or July of 2002, B.E. told Respondent that she had developed
20 romantic feelings for him. Respondent told B.E. that the romantic attraction was mutual. Some
21 days later Respondent and B.E. met in a mall parking lot; Respondent and B.E. kissed open
22 mouth, inside of a parked car.

23 c. Later in the summer of 2002, Respondent informed B.E. that he was divorced
24 and that he was available to have a relationship with her. B.E. spent the night at Respondent's
25 home, in Respondent's bed, and engaged in a physical relationship. Respondent repeatedly
26 informed B.E. that he cared for her and that he would take care of her. At some point in 2002,
27 Respondent and B.E. began a regular sexual relationship.
28

1 d. In counseling sessions and personal conversation B.E. told Respondent about
2 the techniques her abusive father had used to manipulate her. B.E. told Respondent that her
3 father would threaten suicide in order to control her. When the romantic/sexual relationship
4 between Respondent and B.E. began; Respondent began using the same techniques to manipulate
5 B.E. Respondent went as far as to threaten suicide after an argument with B.E.

6 e. B.E. felt Respondent was abusing her all over again but she could not leave the
7 relationship because as her lover and counselor, Respondent knew her better than anyone and her
8 world would fall apart without him. B.E. felt completely dependent on Respondent. B.E.
9 believes that the romantic/physical relationship with Respondent contributed to the breakup of
10 B.E.'s marriage.

11 e. From 2002 thru 2007, Respondent and B.E. continued a client/counselor
12 relationship, as well as a romantic/sexual relationship. Respondent provided B.E. financial
13 support. In 2007, B.E. became pregnant with Respondent's child. Respondent did not want to
14 father a child out of wedlock and pressured her into having an abortion. Respondent went as far
15 as to drive B.E. to a medical office to have the abortion conducted.

16 e. In 2007, the romantic/sexual relationship between B.E. and Respondent ended.
17 At the time of the breakup Respondent was in possession of B.E.'s dog. Respondent took B.E.'s
18 dog to the pound instead of returning it to B.E. causing severe emotional distress to B.E.

19 **SECOND CAUSE FOR CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct –Engaging in a Sexual Relationship with a Client)**

21 9. Respondent is subject to discipline for unprofessional conduct under section 4982,
22 subdivision (k) of the Code in that Respondent engaged in a sexual relationship with a client, as
23 described in paragraph 9 above.

24 **THIRD CAUSE FOR CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct –Gross Negligence)**

26 10. Respondent is subject to discipline for unprofessional conduct under section 4982,
27 subdivisions (d) of the Code in that Respondent was grossly negligent in the counseling of B.E.,
28 as described in paragraph 9 above.

1 FOURTH CAUSE FOR CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct –Incompetence)

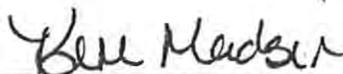
3 11. Respondent is subject to discipline for unprofessional conduct under section 4982,
4 subdivisions (d) of the Code in that Respondent was incompetent in the counseling of B.E., as
5 described in paragraph 9 above.

6 PRAYER

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

- 9 1. Revoking or suspending Marriage and Family Therapist License Number MFC
10 32120, issued to James Daniel Hatton;
- 11 2. Ordering James Daniel Hatton to pay the Board of Behavioral Sciences the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.
- 15
16
17

18 DATED: August 9, 2011



19 KIM MADSEN
20 Executive Officer
21 Board of Behavioral Sciences
22 Department of Consumer Affairs
23 State of California
24 Complainant

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