

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

In the Matter of the Statement of Issues  
Against:

Case No. 1000114557

**FERNANDO VILLEGAS**  
710 S. Myrtle Box 221  
Monrovia, CA 91016-342  
Marriage and Family Therapist License  
Applicant

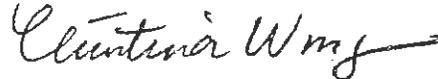
Respondent.

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 May 29, 2015.

It is so ORDERED April 29, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
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2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
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7  
8 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 1000114557

12 **FERNANDO VILLEGAS**  
710 S. Myrtle Box 221  
13 Monrovia, CA 91016-3423  
14 **Marriage and Family Therapist License**  
**Applicant**

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

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kim Madsen ("Complainant") is the Executive Officer of the Board of Behavioral  
21 Sciences. She brought this action solely in her official capacity and is represented in this matter  
22 by Kamala D. Harris, Attorney General of the State of California, by Christina Thomas, Deputy  
23 Attorney General. ("Board")

24 2. Respondent Fernando Villegas ("Respondent") is representing himself in this  
25 proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about July 22, 2013, Respondent filed an application dated July 15, 2013, with  
27 the Board of Behavioral Sciences to obtain a Marriage and Family Therapist License.

28 ///



CONTINGENCY

1  
2           11. This stipulation shall be subject to approval by the Board of Behavioral Sciences.  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
4 Behavioral Sciences may communicate directly with the Board regarding this stipulation and  
5 settlement, without notice to or participation by Respondent. By signing the stipulation,  
6 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
7 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
8 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
9 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
10 the parties, and the Board shall not be disqualified from further action by having considered this  
11 matter.

12           12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
13 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
14 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

15           13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
20 writing executed by an authorized representative of each of the parties.

21           14. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

DISCIPLINARY ORDER

24  
25           IT IS HEREBY ORDERED that Respondent Fernando Villegas be issued a Marriage and  
26 Family Therapist License. Said license shall be immediately revoked. The revocation will be  
27 stayed and Respondent will be placed on five (5) years probation on the following terms and  
28 conditions:

1 Probation shall continue on the same terms and conditions if Respondent is granted another  
2 registration or license regulated by the Board during the probationary period.

3           1.     **Psychotherapy**

4           Respondent shall participate in ongoing psychotherapy with a California licensed mental  
5 health professional who has been approved by the Board. Within 15 days of the effective date of  
6 this decision, Respondent shall submit to the Board or its designee for its prior approval the name  
7 and qualifications of one or more therapists of Respondent's choice. Such therapist shall possess  
8 a valid California license to practice and shall have had no prior business, professional, or  
9 personal relationship with Respondent, and shall not be the Respondent's supervisor. Counseling  
10 shall be at least once a week unless otherwise determined by the Board. Respondent shall  
11 continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by  
12 Respondent.

13           Respondent may, after receiving the Board's written permission, receive therapy via  
14 videoconferencing if Respondent's good faith attempts to secure face-to-face counseling are  
15 unsuccessful due to the unavailability of qualified mental health care professionals in the area.  
16 The Board may require that Respondent provide written documentation of his or her good faith  
17 attempts to secure counseling via videoconferencing.

18           Respondent shall provide the therapist with a copy of the Board's decision no later than the  
19 first counseling session. Upon approval by the Board, Respondent shall undergo and continue  
20 treatment until the Board or its designee determines that no further psychotherapy is necessary.

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

26           If the treating psychotherapist finds that Respondent cannot practice safely or  
27 independently, the psychotherapist shall notify the Board within three (3) working days. Upon  
28 notification by the Board, Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board or its designee that Respondent may do so. Respondent shall  
2 not thereafter engage in any practice for which a license issued by the Board is required until the  
3 Board or its designee has notified Respondent that he/she may resume practice. Respondent shall  
4 document compliance with this condition in the manner required by the Board.

5 **2. Relapse Prevention Program**

6 Within fifteen (15) days from the effective date of the decision, Respondent shall submit to  
7 the Board or its designee for prior approval the name of one or more programs for relapse  
8 prevention. Respondent shall enter the Relapse Prevention Program within 15 days after  
9 notification of the Board's approval of such program. Respondent shall successfully complete  
10 such treatment contract as may be recommended by the program and approved by the Board or its  
11 designee. Respondent shall submit proof satisfactory to the Board of compliance with the terms  
12 of probation. Respondent shall sign a release allowing the program to release to the Board all  
13 information the Board deems relevant. The Respondent shall take all necessary steps to ensure  
14 that relapse prevention program submits quarterly written reports to the Board addressing the  
15 Respondent's treatment and progress in the program.

16 **3. Attend Dependency Support Program.**

17 Respondent shall attend a dependency support program approved by the Board no less than  
18 twice per week. Respondent shall provide proof of attendance at said program with each  
19 quarterly report that Respondent submits during the period of probation. Failure to attend, or to  
20 show proof of such attendance, shall constitute a violation of probation

21 **4. Abstain from Controlled Substances / Submit to Biological Fluid Testing and**  
22 **Samples**

23 Respondent shall completely abstain from the use or possession of controlled or illegal  
24 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

25 Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon  
26 request by the Board or its designee. The length of time and frequency will be determined by the  
27 Board. There will be no confidentiality in test results. Any confirmed positive finding will be  
28 immediately reported to Respondent's current employer and shall be a violation of probation.

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

2           Respondent shall completely abstain from the use of alcoholic beverages during the period  
3 of probation.

4           Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon  
5 request by the Board or its designee. The length of time and frequency will be determined by the  
6 Board. There will be no confidentiality in test results. Any confirmed positive finding will be  
7 immediately reported to the Respondent 's current employer and shall be a violation of probation.

8           **6. Obey All Laws**

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

17           **7. File Quarterly Reports**

18           Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the  
19 "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury  
20 whether he/she has been in compliance with all the conditions of probation. Notwithstanding any  
21 provision for tolling of requirements of probation, during the cessation of practice Respondent  
22 shall continue to submit quarterly reports under penalty of perjury.

23           **8. Comply with Probation Program**

24           Respondent shall comply with the probation program established by the Board and  
25 cooperate with representatives of the Board in its monitoring and investigation of the  
26 Respondent's compliance with the program.

27           **9. Interviews with the Board**

28           Respondent shall appear in person for interviews with the Board or its designee upon

1 request at various intervals and with reasonable notice.

2 **10. Failure to Practice**

3 In the event Respondent stops practicing in California, Respondent shall notify the Board or  
4 its designee in writing within 30 calendar days prior to the dates of non-practice and return to  
5 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which  
6 Respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or  
7 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this  
8 condition, will not apply to the reduction of the probationary term and will relieve Respondent of  
9 the responsibility to comply with the probationary terms and conditions with the exception of this  
10 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly  
11 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost  
12 Recovery. Respondent's license/registration shall be automatically cancelled if Respondent's  
13 period of non-practice total two years.

14 **11. Change of Place of Employment or Place of Residence**

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

18 **12. Supervision of Unlicensed Persons**

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

22 **13. Notification to Clients**

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

28 ///

1           **14.       Notification to Employer**

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

8           **15.       Violation of Probation**

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

12           If during the period of probation, an accusation, petition to revoke probation, or statement  
13 of 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, or  
15 statement of issues, the probation period set forth in this decision shall be automatically extended  
16 and shall not expire until the accusation, petition to revoke probation, or statement of issues has  
17 been acted upon by the board. Upon successful completion of probation, Respondent's license  
18 shall be fully restored.

19           **16.       Maintain Valid License**

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

24           **17.       License Surrender**

25           Following the effective date of this decision, if Respondent ceases practicing due to  
26 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of  
27 probation, Respondent may voluntarily request the surrender of his/her license to the Board. The  
28 Board reserves the right to evaluate the Respondent's request and to exercise its discretion

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

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

14 **18. Instruction of Coursework Qualifying for Continuing Education**

15 Respondent shall not be an instructor of any coursework for continuing education credit  
16 required by any license issued by the Board.

17 **19. Notification to Referral Services**

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

22 **20. Reimbursement of Probation Program**

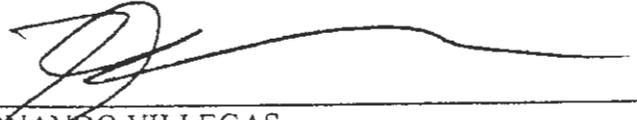
23 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to  
24 ensure compliance for the duration of the probation period. Reimbursement costs shall be  
25 \$1,200.00 per year.

26 ACCEPTANCE

27 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
28 stipulation and the effect it will have on my Marriage and Family Therapist License. I enter into

1 this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and  
2 agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

3  
4 DATED: 4/16/15

  
FERNANDO VILLEGAS  
Respondent

6  
7  
8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Behavioral Sciences.

11 Dated:

Respectfully submitted,

12  
13 KAMALA D. HARRIS  
Attorney General of California  
14 MARC D. GREENBAUM  
Supervising Deputy Attorney General

15  
16 CHRISTINA THOMAS  
17 Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 1000114557**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 CHRISTINA THOMAS  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 1000114557

13 **FERNANDO VILLEGAS**

**STATEMENT OF ISSUES**

14 Marriage and Family Therapist License  
15 Applicant

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Steve Sodergren (Complainant) brings this Statement of Issues solely in his official  
20 capacity as the Acting Executive Officer of the Board of Behavioral Sciences, Department of  
21 Consumer Affairs (Board).

22 2. On or about July 22, 2013, the Board received an application for a Marriage and  
23 Family Therapist License from Fernando Villegas (Respondent). On or about July 15, 2013,  
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on January 17, 2014.

26 ///

27 ///

28 ///

1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 480 states, in pertinent part:

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

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

15 . . . .

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

18 "(B) The board may deny a license pursuant to this subdivision only if the crime or act  
19 is substantially related to the qualifications, functions, or duties of the business or profession for  
20 which application is made.

21 "(b) Notwithstanding any other provision of this code, no person shall be denied a license  
22 solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
23 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
24 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
25 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
26 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
27 Section 482."  
28

1           5.     Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
2 on the ground that the licensee has been convicted of a crime substantially related to the  
3 qualifications, functions, or duties of the business or profession for which the license was issued.

4           6.     Section 4982 states, in pertinent part:

5           "The board may deny a license or registration or may suspend or revoke the license or  
6 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

7 Unprofessional conduct includes, but is not limited to, the following:

8           "(a) The conviction of a crime substantially related to the qualifications, functions, or  
9 duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive  
10 evidence only of the fact that the conviction occurred. The board may inquire into the  
11 circumstances surrounding the commission of the crime in order to fix the degree of discipline or  
12 to determine if the conviction is substantially related to the qualifications, functions, or duties of a  
13 licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a  
14 plea of nolo contendere made to a charge substantially related to the qualifications, functions, or  
15 duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the  
16 meaning of this section. The board may order any license or registration suspended or revoked, or  
17 may decline to issue a license or registration when the time for appeal has elapsed, or the  
18 judgment of conviction has been affirmed on appeal, or, when an order granting probation is  
19 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
20 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not  
21 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
22 indictment."

23           ....

24           "(c) Administering to himself or herself any controlled substance or using of any of the  
25 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a  
26 manner, as to be dangerous or injurious to the person applying for a registration or license or  
27 holding a registration or license under this chapter, or to any other person, or to the public, or, to  
28 the extent that the use impairs the ability of the person applying for or holding a registration or

1 license to conduct with safety to the public the practice authorized by the registration or license.  
2 The board shall deny an application for a registration or license or revoke the license or  
3 registration of any person, other than one who is licensed as a physician and surgeon, who uses or  
4 offers to use drugs in the course of performing marriage and family therapy services.

5 7. Section 4982.25 states, in pertinent part:

6 "The board may deny an application, or may suspend or revoke a license or registration  
7 issued under this chapter, for any of the following:

8 ....

9 "(b) Revocation, suspension, or restriction by the board of a license, certificate, or  
10 registration to practice as a marriage and family therapist, clinical social worker, professional  
11 clinical counselor, or educational psychologist shall also constitute grounds for disciplinary action  
12 for unprofessional conduct against the licensee or registrant under this chapter."

13 **FIRST CAUSE FOR DENIAL OF APPLICATION**

14 **(Conviction of Substantially Related Crimes)**

15 8. Respondent's application is subject to denial under sections 4982, subdivision (a) and  
16 480, subdivision (a)(1), in that Respondent was convicted of crimes substantially related to the  
17 qualifications, functions or duties of a licensed marriage and family therapist as follows:

18 a. On or about February 2, 2010, after pleading nolo contendere, Respondent was  
19 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
20 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal  
21 proceeding entitled *The People of the State of California v. Fernando Villegas* (Super. Ct. L.A.  
22 County, 2010, No. 9PK08352.) The Court sentenced Respondent to serve 96 hours in Los  
23 Angeles County Jail, ordered him to enroll and complete an 18-month licensed second offender  
24 alcohol and other drug education and counseling program, and placed him on 36 months  
25 probation, with terms and conditions.

26 b. The circumstances surrounding the conviction are that on or about November 5,  
27 2009, Respondent drove a vehicle while having 0.08% or more of alcohol in his blood.

1 c. On or about October 11, 2002, Respondent was convicted of one misdemeanor  
2 count of violating Vehicle Code section 23152, subdivision (a)[ driving under the influence of  
3 alcohol or drugs] in the criminal proceeding entitled *The People of the State of California v.*  
4 *Fernando Villegas* (Super. Ct. L.A. County, 2002, No. 2WL02816.) The Court sentenced  
5 Respondent to serve 20 days in Los Angeles County Jail, ordered him to enroll and complete an  
6 18-month licensed second offender alcohol and other drug education and counseling program, and  
7 placed him on 60 months probation, with terms and conditions.

8 d. The circumstances surrounding the conviction are that on or about August 23,  
9 2002, the Los Angeles Police Department responded to a call of traffic collision. Respondent hit  
10 a tow truck that was backing out of a driveway. While speaking to Respondent, the officer could  
11 smell a heavy odor of an alcoholic beverage emitting from his mouth. He was observed to have  
12 bloodshot, watery eyes, and slurred speech. Respondent submitted to a series of field sobriety test  
13 which he was unable to successfully complete. Respondent was subsequently arrested for driving  
14 under the influence of alcohol.

15 e. On or about December 18, 2001, after pleading nolo contendere, Respondent  
16 was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision  
17 (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal  
18 proceeding entitled *The People of the State of California v. Fernando Villegas* (Super. Ct. L.A.  
19 County, 2001, No. 1BH01518). The Court ordered Respondent to enroll and complete a 3-month  
20 licensed first offender alcohol and other drug education and counseling program and placed him  
21 on 36 months probation, with terms and conditions.

22 f. The circumstances surrounding the conviction are that on or about September 2,  
23 2001, Respondent drove a vehicle while having 0.08% or more of alcohol in his blood.

#### 24 SECOND CAUSE FOR DENIAL OF APPLICATION

#### 25 (Dangerous Use of Alcohol)

26 9. Respondent's application is subject to denial under section 4982, subdivision (c), in  
27 that on or about November 5, 2009, August 23, 2002 and September 2, 2001, Respondent used  
28 alcohol to an extent or in a manner dangerous or injurious to himself or others when he operated a

1 vehicle while having 0.08% or more of alcohol in his blood. Complainant refers to, and by this  
2 reference incorporates, the allegations set forth above in paragraph 8, subparagraphs (b), (d) and  
3 (f) inclusive, as though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Disciplinary Action by the Board)**

6 10. Respondent's application is subject to denial under sections 4982.25, subdivision (b),  
7 in that in a disciplinary action entitled, "*In the Matter of the Accusation Against: Fernando*  
8 *Andrew Villegas*, Case No. IM-2010-620," the Board issued a decision, effective July 10, 2011, in  
9 which Respondent's Marriage and Family Therapist Intern Registration No. IMF 53040 was  
10 revoked. The causes for discipline underlying the accusation are as alleged above in paragraph 8,  
11 subparagraphs (a) and (b), inclusive, as though set forth fully.

12 **FOURTH CAUSE FOR DENIAL OF LICENSURE**

13 **(Acts Warranting Denial of Licensure)**

14 11. Respondent's application is subject to denial under section 480 subdivision (a)(3)(A)  
15 and (a)(3)(B) in that Respondent committed acts which if done by a licentiate would be grounds  
16 for suspension or revocation of his license. Respondent was convicted of crimes substantially  
17 related to the qualifications, functions, or duties of a marriage and family therapist which to a  
18 substantial degree evidence his present or potential unfitness to perform the functions authorized  
19 by his license in a manner consistent with the public health, safety, or welfare, in violation of  
20 sections 4982, subdivision (a) and 490. Complainant refers to, and by this reference incorporates,  
21 the allegations set forth above in paragraph 8, as though set forth fully.

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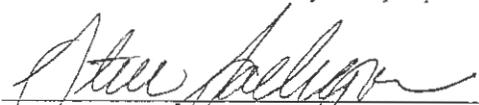
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PRAYER

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

1. Denying the application of Fernando Villegas for a Marriage and Family Therapist License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 10/17/14

  
STEVE SODERGREN  
Acting Executive Officer  
Board of Behavioral Sciences  
Department of Consumer Affairs  
State of California  
*Complainant*

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