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

In the Matter of the Accusation Against:

Case No. AS-2013-782

STACEY FARQUHAR
P.O. Box 577915
Modesto, California 95357-7915

DEFAULT DECISION AND ORDER

Associate Clinical Social Worker
Registration No. ASW 28043

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about June 13, 2014, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Accusation No. AS-2013-782 against Stacey Farquhar (Respondent) before the Board of Behavioral Sciences. (Accusation attached as Exhibit A.)

2. On or about April 19, 2010, the Board of Behavioral Sciences (Board) issued Associate Clinical Social Worker Registration No. ASW 28043 to Respondent. The Associate Clinical Social Worker Registration was in full force and effect at all times relevant to the charges brought in Accusation No. AS-2013-782 and expires on April 30, 2015. unless renewed.

3. On or about June 19, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. AS-2013-782, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 136, is required to be reported and maintained with the Board. Respondent's address of
4 record was:

5 2001 Boston Way
6 Modesto, California 95355.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about July 15, 2014, the aforementioned documents were returned by the U.S.
11 Postal Service marked "Addressee Unknown."

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. AS-
20 2013-782.

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

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. AS-2013-782,

1 finds that the charges and allegations in Accusation No. AS-2013-782, are separately and
2 severally, found to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$935 as of September 3, 2014.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Stacey Farquhar has subjected
8 her Associate Clinical Social Worker Registration No. ASW 28043 to discipline.

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

10 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Associate
11 Clinical Social Worker Registration based upon the following violations alleged in the
12 Accusation which are supported by the evidence contained in the Default Decision Evidence
13 Packet in this case.:

14 a. Business and Professions Code section 4992.3, subdivision (a) (conviction of a
15 substantially related crime); and,

16 b. Business and Professions Code section 4992.3, subdivision (c) (use of alcohol in a
17 dangerous of injurious manner).

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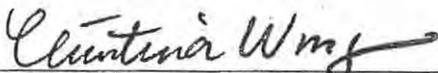
ORDER

IT IS SO ORDERED that Associate Clinical Social Worker Registration No. ASW 28043, heretofore issued to Respondent Stacey Farquhar, is revoked.

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

This Decision shall become effective on January 16, 2015.

It is so ORDERED December 17, 2014



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:SA2014115107

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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3 JANICE K. LACHMAN
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Attorneys for Complainant

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. AS-2013-782

11 **STACEY FARQUHAR**
12 2001 Boston Way
13 Modesto, California 95355

A C C U S A T I O N

14 **Associate Clinical Social Worker**
Registration No. ASW 28043

15 Respondent.

16
17 Kim Madsen ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about April 19, 2010, the Board issued Associate Clinical Social Worker
22 Registration Number ASW 28043 to Stacey Farquhar ("Respondent"). The Associate Clinical
23 Social Worker Registration expired on April 30, 2014 and has not been renewed.

24 **STATUTORY PROVISIONS**

25 3. Business and Professions Code ("Code") section 4992.3 states, in pertinent part:

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

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

17 (c) Administering to himself or herself any controlled substance or using any
18 of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the
19 extent, or in a manner, as to be dangerous or injurious to the person applying for a
20 registration or license or holding a registration or license under this chapter, or to any
21 other person, or to the public, or, to the extent that the use impairs the ability of the
22 person applying for or holding a registration or license to conduct with safety to the
23 public the practice authorized by the registration or license. The board shall deny an
24 application for a registration or license or revoke the license or registration of any
25 person who uses or offers to use drugs in the course of performing clinical social
26 work. This provision does not apply to any person also licensed as a physician and
27 surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act
28 who lawfully prescribes drugs to a patient under his or her care.

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

COST RECOVERY

5. Code section 125.3 provides, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

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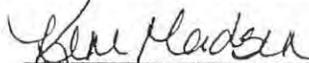
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2. Ordering Stacey Farquhar to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: June 13, 2014


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

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