

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

In the Matter of the Accusation Against:

LORIE ELIZABETH HILL
2 Anchor Drive # 290
Emeryville, CA 94608

Marriage and Family Therapist License No.
MFC 8417

Respondent.

Case No. : DP-2012-830

OAH No. : 2014090061

DECISION AND ORDER

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

This Decision shall be effective on February 9, 2015.

It is so ORDERED February 9, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
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2 JOSHUA A. ROOM
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9 **STATE OF CALIFORNIA**

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13 **Emeryville, CA 94608**

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14 **Marriage and Family Therapist License No.**
MFC 8417

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

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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 Brett A. Kingsbury, Deputy
23 Attorney General.

24 2. Lorie Elizabeth Hill (Respondent) is represented in this proceeding by attorney
25 Daniel R. Peshkin, whose address is 235 Montgomery Street, Suite 600; San Francisco, CA
26 94104.

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ENDORSEMENT

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

Dated: Dec. 31, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General



BRETT A. KINGSBURY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. DP-2012-830

1 KAMALA D. HARRIS
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A C C U S A T I O N

14 **Marriage and Family Therapist License No.**
MFC 8417

15 Respondent.

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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 September 27, 1976, the Board of Behavioral Sciences issued Marriage
22 and Family Therapist License Number MFC 8417 to Lorie Elizabeth Hill (Respondent). The
23 Marriage and Family Therapist License expired on August 31, 2013, and has not been renewed.

24 **JURISDICTIONAL & STATUTORY PROVISIONS**

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 (Code) unless otherwise indicated.

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1 4. Section 4982 states:

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

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

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

20 ". . . .

21 "(c) Administering to himself or herself any controlled substance or using of any of the
22 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a
23 manner, as to be dangerous or injurious to the person applying for a registration or license or
24 holding a registration or license under this chapter, or to any other person, or to the public, or, to
25 the extent that the use impairs the ability of the person applying for or holding a registration or
26 license to conduct with safety to the public the practice authorized by the registration or license.
27 The board shall deny an application for a registration or license or revoke the license or

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1 registration of any person, other than one who is licensed as a physician and surgeon, who uses or
2 offers to use drugs in the course of performing marriage and family therapy services.

3"

4 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
5 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
6 disciplinary action during the period within which the license may be renewed, restored, reissued
7 or reinstated. Pursuant to sections 4984.1 and 4984.4 of the Code, an expired license may be
8 renewed within 3 years after its expiration.

9 COSTS

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

16 FIRST CAUSE FOR DISCIPLINE

17 (Criminal Conviction)

18 7. Respondent is subject to disciplinary action under section 4982(a) of the Code in that
19 Respondent was convicted of a crime substantially related to the qualifications, functions, or
20 duties of a licensee.

21 8. In late 2012, in the Superior Court of California for the County of Contra Costa, in the
22 case entitled *People of the State of California v. Lorie Elizabeth Hill*, No. 1-1593953, Respondent
23 pled no contest to and was convicted of violating California Vehicle Code section 23152(b)
24 (driving with blood-alcohol greater than .08%), a misdemeanor. The circumstances were that on
25 or about December 18, 2011, Respondent was pulled over after making a u-turn across double
26 parallel yellow lines. Blood testing indicated Respondent's blood-alcohol content was .20%.

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SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

9. Respondent is subject to disciplinary action under section 4982(c) of the Code in that Respondent used alcohol in a manner dangerous to herself, to another, or to the public. The circumstances are described above in the First Cause for Discipline.

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 8417, issued to Lorie Elizabeth Hill;
2. Ordering Lorie Elizabeth Hill 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: May 19, 2014



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

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