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

In the Matter of the Accusation Against: KHADIJAH GRANT Marriage and Family Therapist Intern, Registration No. IMF 70803 Respondent.	Case No. : IM-2013-10 OAH No. : 2014080914

DECISION

Pursuant to Government Code section 11517(c)(2)(C), the attached Proposed Decision is hereby adopted by the Board of Behavioral Sciences in the above-entitled matter as the final Decision in the above-entitled matter with the following technical changes:

(1) On Page 1, numbered paragraph 2 should read, 'On May 14, 2012, the Board of Behavioral Sciences (Board) issued Marriage and Family Therapist Intern Registration No. IMF 70803 to Khadijah Queen Justice Ali, aka Khadijah Grant (Respondent). The current registration expiration is May 31, 2015.'

This Decision shall be effective on January 16, 2015.

It is so ORDERED December 17, 2014.

Christina Wong

FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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STATE OF CALIFORNIA

In the Matter of the Accusation Against: KHADIJAH GRANT Marriage and Family Therapist Intern Registration No. IMF 70803 Respondent.	Case No. IM-2013-10 OAH No. 2014080914

PROPOSED DECISION

Administrative Law Judge Mary-Margaret Anderson, Office of Administrative Hearings, State of California, heard this matter on November 13, 2014, in Oakland, California.

Supervising Deputy Attorney General Diann Sokoloff represented Complainant Kim Madsen, Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

David A. Abella, Attorney at Law, Hanson Bridgett LLP, represented Respondent Khadijah Grant, who was present.

The record closed on November 13, 2014.

FACTUAL FINDINGS

1. Complainant Kim Madsen filed the Accusation in her official capacity as Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.

2. On May 14, 2012, the Board of Behavioral Sciences (Board) issued Marriage and Family Therapist Registration No. IMF 70803 to Khadijah Grant (Respondent). The current license expiration date is May 31, 2014.

Criminal conviction

3. On August 1, 2012, in the Alameda County Superior Court, Respondent was convicted by her plea of guilty to a felony violation of Penal Code section 487, subdivision (a), grand theft of personal property exceeding $950 ($185,302.60), from the 4C's[1] of Alameda County. The criminal complaint also charged Respondent with violations of Penal Code section 182, subdivision (a)(4), conspiracy to defraud another of property; Penal Code section 496, subdivision (a), receiving stolen property; Welfare and Institutions Code section 10980, subdivision (c)(2), obtaining over $950 in aid by misrepresentation, a felony; a second charge of grand theft ($4,482 in food stamps from the Alameda County Social Services Agency); and 16 felony violations of Penal Code section 118, subdivision (a), perjury by declaration. She was also charged with an enhancement pursuant to Penal Code section 12022.6, subdivision (a), in that the value of the stolen property exceeded $65,000.

4. Respondent was sentenced on January 8, 2013. She was placed on probation for five years pursuant to terms and conditions that included serving 42 days in county jail (with credit for time served of 42 total days, including 14 actual days and 28 good time/work time days). There is a restitution fine of $230, and a probation violation revocation restitution fine of $280 that is suspended. Other fees total $300, not including an additional illegible handwritten entry next to the Court Security fee. It appears that the total fines and fees ordered was approximately $530. Respondent represents that she pays $25 monthly towards the fines and fees, and is in compliance with the other requirements of her probation.

The record does not reflect an order that Respondent pay restitution to a victim, but there are references to restitution in the court minute orders. The August 1, 2012, Court Minute Order states "People in receipt of check in the amount of $21,000.00 in Atty. Noonan's Trust Acct., payable to Calif. Dept. of Education." The January 8, 2013, Court Minute Order states that Respondent "paid $93,539.62 towards restitution this date."

5. The record is unclear concerning the amount of money Respondent was ordered to pay and has paid in connection with her conviction. Court records reflect that Respondent has paid a total of $114,539.62 in victim restitution. In addition to testifying at hearing, Respondent submitted a lengthy declaration, signed on June 27, 2013, under penalty of perjury. She states in the declaration that while she was in custody due to an inability to afford bail, "the District Attorney offered me a plea bargain, which entailed . . . a fine of $125,000 . . . ." At hearing, she testified that she owes no more in restitution.

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[1] 4C's is an acronym for the Community Child Care Coordinating Council of Alameda County.

6. An investigative report, dated November 8, 2011, was prepared by the Alameda County District Attorney's Office Special Investigations Unit, Public Assistance Fraud Division. The Summary section states in pertinent part:

> From 10/16/2002 to 09/15/2011, [Respondent] and Malik Ali,[2] individually and by conspiring together, intentionally defrauded the 4C's of Alameda County by misrepresenting and failing to report material facts in order to receive the benefit of childcare subsidies to which they were not entitled. During this period, [Respondent] misrepresented the addresses of her true residences and failed to report that she was married to Malik Ali, lived with Malik Ali, that Malik Ali was the father of her three children, that Malik Ali was employed, that Malik Ali had income and that she and Malik Ali purchased and resided at 338 Jack London Avenue in Alameda, CA.
>
> From August 2010 to February 2011, [Respondent] and Malik Ali, individually and by conspiring together, intentionally defrauded the Alameda County Social Services Agency by misrepresenting and failing to report material facts in order to receive the benefit of the Cal Fresh (formerly known as Food Stamps) program to which they were not qualified. During this period, [Respondent] misrepresented and failed to report material facts concerning her marriage to Malik Ali that they lived together, that they purchased and resided in their home at 338 Jack London Ave Alameda, CA, that they owned two vehicles, and that her husband had employment with and income from the Alameda County Sheriff's Office.

7. In response to a Board inquiry, Respondent submitted a statement dated January 2, 2013. As initially referenced above, she also signed a declaration on June 27, 2014, and testified at hearing. Asked at hearing about her criminal activity, Respondent stated that in hindsight, she "probably would have just not omitted information . . . that was my biggest mistake and I am really sorry. I was just trying to better myself but I didn't do it in the right way." When asked what she omitted, she stated that she "didn't tell them that I had a partner. I gave them an inaccurate address . . . I didn't tell them I lived with Mr. Ali." Respondent contends "At the time I was doing the best thing that I could for my children to make sure they had a safe place to go" for childcare. She stated "I do believe I took benefits from the state that I shouldn't have had." Respondent's testimony was credible, but she was not forthcoming about the factual circumstances surrounding her conviction. She appeared reluctant to provide important details.

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[2] Respondent's husband Malik Ali was a co-defendant in the criminal case, but charges against him were dismissed following Respondent's plea.

In the 2013 statement, Respondent wrote as follows about the facts surrounding her conviction:

> The main issues evolved in this case are my relationship with my children's father. When I applied for aid with the childcare subsided program and the food aid program, I omitted some things from my application. One was my relationship with my partner. Whom I have had a relationship with since before the birth of my children. In addition, when we met over 10 years ago, we both had the same last name. In 2005, we purchased a home together, where I was listed on the deed. However, we were not legally married until 2010.
>
> Nine months after self terminating for the subside program and after nine years, in July 2012, I was informed that I was not entitled to the benefits I received for all nine years and charged.
>
> [*Sic.*]

8. In the 2014 declaration, Respondent wrote as follows about the facts surrounding her conviction:

> I realize now that I made a serious mistake by omitting certain information from the 4 C's Program. In particular, in 2010 I married my partner, who is the father of my three children. In hindsight, I recognize that I should have provided this information to the 4 C's Program. I truly regret making this mistake.

9. In the 2014 declaration, Respondent discusses an accusation of fraudulent conduct by 4C's. She wrote:

> During the time I was receiving support from the 4 C's Program, I submitted the documentation they required, including wage statements, proof of employment, and proof of enrollment in my educational programs. In 2011, an administrator of the 4 C's Program accused me of presenting fraudulent documentation to the program. I appealed that accusation to the California Department of Education. After reviewing my case, the Department of Education determined that I had **not** engaged in fraudulent conduct, and that I was eligible to continue receiving child care through the program. I voluntarily left the Alameda 4 C's Program in September 2011 after I had completed my graduate school program. Attached as

> Exhibit A to this Declaration is a true and correct copy of the Department of Education's determination that I was eligible to remain in the Alameda 4 C's Program. [Emphasis in original.]

10. The "Exhibit A" referenced by Respondent was offered by her and admitted in evidence. It is a decision letter dated June 17, 2011, to Respondent from Nancy Remley, Education Administrator, Child Development Division, California Department of Education. The subject is identified as "Decision Regarding Appeal of Notice of Action: Termination of Child Care and Development Services (PA 2011-278)."

Remley granted Respondent's appeal, but not because no fraud was found. It states:

> After reviewing and considering the documents submitted for this appeal, the CDD finds that the [Notice of Action] issued by the 4C's was insufficient and did not adequately explain how you violated the 4C's *Fraud Policy*. The 5 *CCR*, Section 18095 requires that a contractor's decision to change or terminate a family's services be communicated through a written statement . . . [that includes] a description of the action, a statement of the reason(s) for the changes, and a statement of the reason(s) for the termination. Due to the lack of information provided by your NOA, the CDD was unable to confirm that you violated the 4C's policy. [Emphasis in original.]

In other words, the notice of action issued by 4C's was defective as it did not comply with CDD's requirements. This is why Respondent's appeal was granted.

Respondent's background and present circumstances

11. Respondent's resume states that she received an Associate Degree, Social Science Degree in 2002 from Peralta Community College, a Bachelor of Arts in Humanities in 2008 from New College of California, and a Master of Arts in Counseling Psychology in 2011 from Argosy University. The Employment History section contains several entries that describe unpaid internships or volunteer activities, not employment.

12. Respondent has worked 1500 hours as an MFCC intern under clinical supervision. This work was done in 2011 and 2012 at Lincoln Child Center, a "level 14" facility for troubled children. Her current employment is as a Program Coordinator with Community Housing Partnership (CHP). In that position, she works as a trainer with people who have barriers to employment. Some of the barriers are similar to those she faces as someone who has a criminal record. In addition, her family was homeless for a time when they sold the family home to pay restitution. These experiences help Respondent relate to others who are struggling.

Respondent's other activities include seeking spiritual insight and guidance through prayer, meditation and helping others. She has formed healing circles for women who are struggling, and participates in other community activities. She volunteers with Girls, Inc., and 100 Black Men Community School. Since her conviction, she has engaged in therapy with psychologist Dr. Lorraine Schnurr, whom she has seen off and on over the years.

13. Respondent and her family are experiencing financial difficulties at present. She earns $18 per hour, and her husband is unemployed. The family includes three children, and they have no other income.

Support witnesses and letters

14. Dr. Lorraine Schnurr is a licensed psychologist. She has provided counseling and therapy to Respondent for at least 18 years, on an intermittent basis. She has seen Respondent in her private practice since 2013 "in the last go round." Respondent told Dr. Schnurr about the criminal charges "and how all of it had come about." She "owned the charge and did express regret." By owning the charge, Dr. Schnurr explained that Respondent "admitted she had done wrong." She opined that Respondent has always been a person with a lot of integrity and loyalty, who has done a lot for the community and her family. Respondent has struggled to obtain her degrees and has dealt with complex issues including loss, money, and her job.

15. Nasira Bledsoe is self-employed as an author of a cookbook. She has known Respondent since 1998, when they were both studying psychology at San Francisco City College. Respondent told Ms. Bledsoe that she had her children in daycare and did not report everything she was supposed to report. It is not clear whether Ms. Bledsoe was aware that this was illegal. She opined that Respondent is a responsible person who has "had challenges in the past but has shown they are not going to deter her."

Gregory Joe Bledsoe is married to Nasira Bledsoe, and is a retired teacher. Respondent has helped the Bledsoe's with cooking demonstrations and community activities associated with vegan cuisine. Mr. Bledsoe notes that he is encouraged by the way Respondent "smiles through adversity." In addition, he is impressed with the different community actions Respondent has been involved in.

In addition to testifying, the Bledsoes authored a letter of support that describes Respondent as "organized, efficient, extremely competent," and in possession of outstanding communication skills. In addition, they note that she has "worked very hard to make a difference in the community by supporting women who want to empower themselves."

16. Jeff Lamie is a purchasing agent for a large construction group. He met Respondent in 2011 in a spiritual group, and they interact every three months. He describes Respondent as "someone who is totally focused on the truth." He would refer clients to her for counseling, as he has seen her display strength, courage, and "groundedness."

17. Carolyn A. Cornelius, M.S., is an adjunct faculty member and counselor/instructor at Laney College. She has known Respondent for four years and authored a letter of support dated April 30, 2014. Respondent has served as a guest lecturer for Cornelius's counseling courses on topics such as personal growth and development. She describes her qualities and skills as including leadership, intelligence, and integrity. It is not apparent that Cornelius is aware of Respondent's criminal conviction.

18. Iris Castillo-Mugwanya, LMFT, has known Respondent for over five years. They met at Argosy University. Castillo-Mugwanya authored a letter of support dated April 30, 2014. In part, she wrote that Respondent:

> Informed me of the unfortunate situation she was involved in, which resulted in severe repercussions. In the face of this drastic challenge, I have seen [Respondent's] strength and resilience as she has had to learn to continue living her life despite the many closed doors she has encountered.

Castillo-Mugwanya opined that Respondent "was born to be a healer," and that "She is willing to jump through as many hoops [as] she will need to in order to achieve her ultimate goal to become a licensed clinician." Despite the reference to an unfortunate situation, it is not apparent that Castillo-Mugwanya is aware of Respondent's criminal conviction, and she offers no opinion relevant to the issue of rehabilitation.

19. Mark Ostaplak's position is Program Coordinator, Community Housing Partnership. He authored a letter of support dated May 12, 2014, and met Respondent in February 2014, "when she assumed the role of Program Coordinator of the Lobby Services Training Program" at CHP. He is very impressed with all that Respondent has accomplished in the position. He describes her as a dedicated and honest person. It is not apparent that Ostaplak is aware of Respondent's criminal conviction.

Costs

20. Supervising Deputy Attorney General Diann Sokoloff submitted a declaration certifying that the Department of Justice has billed the Board $3,130 for work performed in the investigation and enforcement of this matter. She also declared her "good faith estimate that the following additional hours were or will be incurred and billed to the Board of Behavioral Sciences for the further preparation of the case up to the commencement of the hearing." The estimate resulted in an additional amount of $1,190. For reasons discussed below, the additional estimated amount is not accepted. The amount of $3,130 is found to represent the reasonable costs of investigation and enforcement.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4982 authorizes the Board to suspend or revoke the registration of a marriage and family therapist intern for unprofessional conduct. Pursuant to section 4982, subdivision (a), unprofessional conduct includes "The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter." In addition, Business and Professions Code section 490 provides that a licensing "board may suspend or revoke a professional license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued."

California Code of Regulations, title 16, section 1812, provides that a crime will be considered substantially related "if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare."

Cause for license discipline exists pursuant to Business and Professions Code section 4982, subdivision (a), unprofessional conduct/substantially related criminal conviction, and Business and Professions Code section 490, by reason of the matters set forth in Findings 3 through 6.

2. Pursuant to Business and Professions Code section 4982, subdivision (e), unprofessional conduct includes committing acts that violate the Licensed Marriage and Family Therapist Act. Cause for license discipline exists under this section by reason of the matters set forth in Findings 3 through 6.

3. Pursuant to Business and Professions Code section 4982, subdivision (j), unprofessional conduct includes dishonest, corrupt, or fraudulent acts substantially related to the qualifications, functions, or duties of a registrant. Cause for license discipline exists under this section by reason of the matters set forth in Findings 3 through 6.

4. As cause for discipline has been established, it remains to be determined the appropriate form such discipline should take. The Board's guidelines provide that the maximum discipline in these circumstances is revocation, and the minimum discipline is a five-year probationary period with numerous terms and conditions. The Board's criteria of rehabilitation for use in evaluating the rehabilitation of a licensee following a criminal conviction or dishonest act are set forth at California Code of Regulations, title 16, section 1814. They are: nature and severity of the act or crime; acts committed subsequent to the crime; lapse of time since the act or crime; compliance with terms of probation, restitution, or other sanctions; expungement pursuant to Penal Code section 1203.4; and evidence of rehabilitation submitted by the licensee.

Over a period of years, Respondent stole a total of over $185,000 in public funds. She is still on criminal probation; if no violations occur, the probationary term will end in 2018. She will not be eligible to apply for expungement until she has, at least, concluded her term of probation. To her credit, Respondent has paid a considerable amount of restitution, and is making monthly payments towards the fines and fees. And she presented evidence of rehabilitation.

All of the evidence has been carefully considered and weighed against the Board's criteria of rehabilitation. It is determined that the evidence of mitigation and rehabilitation is outweighed by the severity (including the length of time she engaged in the fraudulent activity) and recent date of the conviction. Respondent's contention that the crime was caused and/or mitigated by her struggles as a single mother was not supported by the evidence. Rather than give a forthcoming account of her criminal acts, Respondent focused on her need for funds, and was not forthcoming about her circumstances during the relevant time period. For example, although they were not yet married, her children's father was employed by the Alameda County Sherriff's Office and they purchased a house together in 2005. Her failure to provide this information to 4C's was one of the facts underlying her conviction. It is clear that Respondent and her family were punished, in that she served time in jail and the family home was sold to pay restitution. Nonetheless, it is not clear that Respondent fully appreciates and accepts the wrongfulness of stealing public funds that are earmarked for those who have established a bona fide need of financial support. She continually refers to her "mistake," as if she made a clerical error. Respondent attempted to show that the California Department of Education found that she had not committed fraud, when this was not the case. It was also disingenuous for Respondent to write that she "self-terminated" from 4C's, when this action followed her investigation for fraud, and the initiation of criminal proceedings. And there are other indications of lack of commitment to the truth. For example, she listed unpaid positions in the employment section of her resume. Considered together with the theft of thousands of dollars, a pattern appears. Respondent's character witnesses are very supportive of her, but most were not aware, apparently, of her conviction, and their opinions emphasize their admiration of her strength and determination. These are wonderful qualities. But it is essential for the protection of the public that therapists, whether registered interns or fully licensed, be honest persons of integrity and serious concerns exist regarding Respondent's honesty and integrity. It is concluded that Respondent did not demonstrate that her continued registration as a marriage and family therapist intern, even on a probationary basis, would be in the public interest at this time.

5. Business and Professions Code section 125.3 provides that a licensee may be ordered to pay the Board "a sum not to exceed the reasonable costs of the investigation and enforcement of the case." An agency that seeks to recover its costs must submit declarations "that contain specific and sufficient facts to support findings regarding actual costs incurred and the reasonableness of the costs . . . ." (Cal. Code Regs., tit. 1, § 1042.) The declaration or billing records must "describe the general tasks performed, the time spent on each task and the hourly rate or other compensation for the service." (Cal. Code Regs., tit. 1, § 1042, subd. (b).) In the instant case, counsel requests that an additional $1,190 be awarded for costs

based upon her good faith estimate of future costs. An estimate of future costs is insufficient to support a cost award under the applicable statute and regulations. Therefore, as stated in Finding 20, the amount of the reasonable costs recoverable pursuant to Business and Professions Code section 125.3 is $3,130.

The case of *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 sets forth the factors to be considered in determining whether the cost award should be less than the actual, reasonable costs. Those factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct. Respondent's declaration contains assertions of financial difficulty that were not controverted; a reduction due to these circumstances is warranted. Accordingly, Respondent shall be required to reimburse the Board $1,500 for its costs of investigation and enforcement.

ORDER

1. Marriage and Family Therapist Intern Registration No. IMF 70803, issued to Khadijah Grant, is revoked.

2. Respondent shall pay the Board's costs of investigation and enforcement in the amount of $1,500.

DATED: November 24, 2014

MARY-MARGARET ANDERSON
Administrative Law Judge
Office of Administrative Hearings

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

In the Matter of the Accusation Against: **KHADIJAH GRANT,** **A.K.A. KHADIJAH ALI, KHADIJAH QUEEN JUSTICE ALI, CHANNETTE SHANNON KING** **P.O. Box 347** **Oakland, CA 94604** **Marriage and Family Therapist Intern Registration No. IMF 70803** Respondent.	Case No. IM-2013-10 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about May 14, 2012, the Board of Behavioral Sciences issued Marriage and Family Therapist Intern Registration Number IMF 70803 to Khadijah Grant, also known as Khadijah Ali, Khadijah Queen Justice Ali, and Channette Shannon King (Respondent). The Marriage and Family Therapist Intern Registration was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on May 31, 2014, unless renewed.

JURISDICTION

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

STATUTORY PROVISIONS

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

5. Section 477 of the Code states, in pertinent part:

"As used in this division:

. . . .

"(b) 'License' includes certificate, registration or other means to engage in a business or profession regulated by this code."

6. Section 490 of the Code states, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the

provisions of Section 1203.4 of the Penal Code."

7. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question." As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

8. Section 4982 states:

"The board may deny a license or registration or may suspend or revoke the 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 following:

"(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is

made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

. . . .

"(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

. . . .

"(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant."

COST RECOVERY

9. Section 125.3 of the Code 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.

FIRST CAUSE FOR DISCIPLINE
(Conviction of a Substantially-Related Crime)
(Bus. & Prof. Code §§ 490 and 4982, Subd. (a))

10. Respondent has subjected her registration to disciplinary action under sections 490, and 4982, subdivision (a), of the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, and duties of a registrant.

a. On or about January 8, 2013, in a criminal proceeding entitled *The People of the State of California v. Khadijah Ali,* Alameda County Superior Court Case Number 169599, Respondent was convicted by a plea of guilty to one felony count of violating Penal Code section 487, subdivision (a) (grand theft). The Court sentenced Respondent to serve 42 days in county jail and placed her on 60 months probation, with various terms and conditions.

b. The circumstances surrounding the conviction are that Respondent was arrested and convicted of grand theft. According to the Special Investigations Unit of the Alameda County

District Attorney's Office, Respondent intentionally defrauded Alameda County by misrepresenting and failing to report material facts in order to receive the benefit of child care subsidies.

SECOND CAUSE FOR DISCIPLINE
(Unprofessional Conduct/ Violation of Act)
(Bus. & Prof. Code §§ 4982, Subd. (e))

11. Complainant realleges the allegations contained in paragraph 9 and its subparts, above, and incorporates them by reference as if fully set forth.

12. Respondent has subjected her registration to disciplinary action under section 4982, subdivision (e), on the grounds of unprofessional conduct, in that Respondent was engaged in acts that violated the provisions of the Licensed Marriage and Family Therapist Act.

THIRD CAUSE FOR DISCIPLINE
(Unprofessional Conduct/ Fraudulent or Dishonest Act)
(Bus. & Prof. Code §§ 4982, Subd. (j))

13. Complainant realleges the allegations contained in paragraph 9 and its subparts, above, and incorporates them by reference as if fully set forth.

14. Respondent has subjected her registration to disciplinary action under section 4982, subdivision (j), on the grounds of unprofessional conduct, in that Respondent was engaged in dishonest, corrupt, or fraudulent acts substantially related to the qualifications, functions, or duties of a licensee or registrant.

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 Intern Registration Number IMF 70803, issued to Khadijah Grant, also known as Khadijah Ali, Khadijah Queen Justice Ali, and Channette Shannon King (Respondent);

2. Ordering Respondent 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; and

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

DATED: February 6, 2014

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