

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

In the Matter of the Accusation Against:

Case No. LC-2013-1589

GEORGE PRESKO
229 Monte Vista
San Clemente, CA 92672
Licensed Clinical Social Worker License No.
LCSW 21746

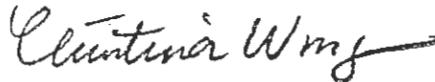
Respondent.

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 15, 2015.

It is so ORDERED April 15, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

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Attorney General of California
2 GREGORY J. SALUTE
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8
9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. LC-2013-1589

13 **GEORGE PRESKO**
14 **229 Monte Vista**
San Clemente, CA 92672

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Licensed Clinical Social Worker License**
16 **No. LCSW 21746**

17 Respondent.

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

20 **PARTIES**

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

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

27 3. On or about November 14, 2003, the Board of Behavioral Sciences issued Licensed
28 Clinical Social Worker License No. LCSW 21746 to Respondent. The Licensed Clinical Social

1 Worker License was in full force and effect at all times relevant to the charges brought in
2 Accusation No. LC-2013-1589 and will expire on January 31, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. LC-2013-1589 was filed before the Board of Behavioral Sciences
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
6 Accusation and all other statutorily required documents were properly served on Respondent on
7 December 29, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A
8 copy of Accusation No. LC-2013-1589 is attached as Exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. LC-2013-1589. Respondent has also carefully read, and understands the effects
13 of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. LC-2013-1589.

26 9. Respondent agrees that his Licensed Clinical Social Worker License is subject to
27 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
28 Disciplinary Order below.

1 registration or license with the Board.

2 **1. Psychotherapy**

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

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

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

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

25 If the treating psychotherapist finds that respondent cannot practice safely or independently,
26 the psychotherapist shall notify the Board within three (3) working days. Upon notification by
27 the Board, respondent shall immediately cease practice and shall not resume practice until
28 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter

1 engage in any practice for which a license issued by the Board is required until the Board or its
2 designee has notified respondent that he may resume practice. Respondent shall document
3 compliance with this condition in the manner required by the Board.

4 **2. Relapse Prevention Program**

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

15 Components of the treatment contract shall be relevant to the violation and to the
16 respondent's current status in recovery or rehabilitation. The components may include, but are
17 not limited to: restrictions on practice and work setting, random biological fluid testing,
18 abstention from drugs and alcohol, use of worksite monitors, participation in chemical
19 dependency rehabilitation programs or groups, psychotherapy, counseling, psychiatric
20 evaluations, and other appropriate relapse prevention program(s). All costs of participating in the
21 program(s) shall be borne by Respondent.

22 **3. Attend Dependency Support Program.**

23 Respondent shall attend a dependency support program approved by the Board no less than
24 two (2) times per week. Respondent shall provide proof of attendance at said program with each
25 quarterly report that Respondent submits during the period of probation. Failure to attend, or to
26 show proof of such attendance, shall constitute a violation of probation.

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1 4. **Abstain from Controlled Substances / Submit to Biological Fluid Testing and**
2 **Samples**

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

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

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

10 Respondent shall completely abstain from the use of alcoholic beverages during the period
11 of probation.

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

16 6. **Obey All Laws**

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

25 7. **File Quarterly Reports**

26 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the
27 "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury
28 whether he has been in compliance with all the conditions of probation. Notwithstanding any

1 provision for tolling of requirements of probation, during the cessation of practice respondent
2 shall continue to submit quarterly reports under penalty of perjury.

3 **8. Comply with Probation Program**

4 Respondent shall comply with the probation program established by the Board and
5 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
6 compliance with the program.

7 **9. Interviews with the Board**

8 Respondent shall appear in person for interviews with the Board or its designee upon
9 request at various intervals and with reasonable notice.

10 **10. Failure to Practice**

11 In the event respondent stops practicing in California, respondent shall notify the Board or
12 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
13 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
14 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
15 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
16 condition, will not apply to the reduction of the probationary term and will relieve respondent of
17 the responsibility to comply with the probationary terms and conditions with the exception of this
18 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly
19 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost
20 Recovery. Respondent's license/registration shall be automatically cancelled if respondent's
21 period of non-practice total two years.

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

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

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1 **12. Supervision of Unlicensed Persons**

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

5 **13. Notification to Clients**

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

11 **14. Notification to Employer**

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

18 **15. Violation of Probation**

19 If respondent violates the conditions of his probation, the Board, after giving respondent
20 notice and the opportunity to be heard, may set aside the stay order and impose the revocation of
21 respondent's license or registration provided in the decision.

22 If during the period of probation, an accusation, petition to revoke probation, or statement
23 of issues has been filed against respondent's license or registration, or application for licensure, or
24 the Attorney General's office has been requested to prepare such an accusation, petition to revoke
25 probation, or statement of issues, the probation period set forth in this decision shall be
26 automatically extended and shall not expire until the accusation, petition to revoke probation, or
27 statement of issues has been acted upon by the board. Upon successful completion of probation,
28 respondent's license or registration shall be fully restored.

1 **16. Maintain Valid License**

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

6 **17. License Surrender**

7 Following the effective date of this decision, if respondent ceases practicing due to
8 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
9 probation, respondent may voluntarily request the surrender of his license to the Board. The
10 Board reserves the right to evaluate the respondent's request and to exercise its discretion whether
11 to grant the request or to take any other action deemed appropriate and reasonable under the
12 circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar
13 days deliver respondent's license and certificate and if applicable wall certificate to the Board or
14 its designee and respondent shall no longer engage in any practice for which a license is required.
15 Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms
16 and conditions of probation.

17 Voluntary surrender of respondent's license shall be considered to be a disciplinary action
18 and shall become a part of respondent's license history with the Board. Respondent may not
19 petition the Board for reinstatement of the surrendered license. Should respondent at any time
20 after voluntary surrender ever reapply to the Board for licensure respondent must meet all current
21 requirements for licensure including, but not limited to, filing a current application, meeting all
22 current educational and experience requirements, and taking and passing any and all examinations
23 required of new applicants.

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

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

27 **19. Notification to Referral Services**

28 Respondent shall immediately send a copy of this decision to all referral services registered

1 with the Board in which respondent is a participant. While on probation, respondent shall send a
2 copy of this decision to all referral services registered with the Board that respondent seeks to
3 join.

4 **20. Reimbursement of Probation Program**

5 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
6 ensure compliance for the duration of the probation period. Reimbursement costs shall be
7 \$1,200.00 per year.

8 **21. Cost Recovery**

9 Respondent shall pay the Board \$456.25 as and for the reasonable costs of the investigation
10 and prosecution of Case No. LC-2013-1589. Respondent shall make such payments pursuant to a
11 payment plan outlined by the Board. Any order for payment of cost recovery shall remain in
12 effect whether or not probation is tolled. Probation shall not terminate until full payment has
13 been made. Should any part of cost recovery not be paid in accordance with the outlined payment
14 schedule, respondent shall be considered to be in violation of probation. A period of non-practice
15 by respondent shall not relieve respondent of his obligation to reimburse the board for its costs.

16 Cost recovery must be completed six months prior to the termination of probation. A
17 payment plan authorized by the Board may be extended at the discretion of the Enforcement
18 Manager based on good cause shown by the probationer.

19 **ACCEPTANCE**

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
21 stipulation and the effect it will have on my Licensed Clinical Social Worker License. I enter
22 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
23 and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

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25 DATED: 2/5/15


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GEORGE PRESKO
Respondent

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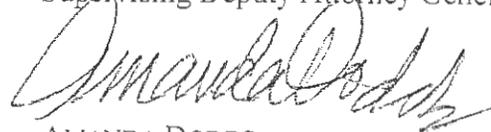
ENDORSEMENT

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

Dated: 2/17/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

SD2014708053

Exhibit A

Accusation No. LC-2013-1589

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2 GREGORY J. SALUTE
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9 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. LC-2013-1589

13 **GEORGE PRESKO**
229 Monte Vista
14 San Clemente, CA 92672

A C C U S A T I O N

15 Licensed Clinical Social Worker License
No. LCSW 21746

16
17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about November 14, 2003, the Board of Behavioral Sciences issued Licensed
24 Clinical Social Worker License Number LCSW 21746 to George Presko (Respondent). The
25 Licensed Clinical Social Worker License was in full force and effect at all times relevant to the
26 charges brought herein and will expire on January 31, 2015, unless renewed.

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28 ///

1 JURISDICTION

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

5 4. Section 118(b) of the Code provides that the suspension, expiration, surrender, or
6 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
7 action during the period within which the license may be renewed, restored, reissued or
8 reinstated. Section 4996.6 of the Code provides, in pertinent part, that a license may be renewed,
9 restored, reinstated or reissued within three years of its expiration date.

10 5. Section 4996.11 of the Code states, in pertinent part, that the board may suspend or
11 revoke the license of any person who is guilty on the grounds set forth in Section 4992.3.

12 STATUTORY PROVISIONS

13 6. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to evaluate
15 the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or
- 17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation
19 furnished by the applicant or licensee.

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

23 8. Section 493 of the Code states:

24 Notwithstanding any other provision of law, in a proceeding conducted by a
25 board within the department pursuant to law to deny an application for a license or to
26 suspend or revoke a license or otherwise take disciplinary action against a person who
27 holds a license, upon the ground that the applicant or the licensee has been convicted
28 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

1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 4992.3 of the Code states:

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

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

26

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

.....

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1812 states:

For purposes of denial, suspension, or revocation of a license or registration
pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act
shall be considered to be substantially related to the qualifications, functions or duties

1 of a person holding a license under Chapter 17 of Division 3 and Chapter 4 of Part 3
2 of Division 7 of the Code if to a substantial degree it evidences present or potential
3 unfitness of a person holding a license to perform the functions authorized by his or
4 her license in a manner consistent with the public health, safety or welfare.

4 11. California Code of Regulations, title 16, section 1814 states:

5 (a) When considering the suspension or revocation of a license, the board, in
6 evaluating the rehabilitation of such person and his or her eligibility for a license will
7 consider the following criteria:

7 (1) Nature and severity of the act(s) or crime(s) under consideration as
8 grounds for suspension or revocation.

8 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s)
9 under consideration as grounds for suspension or revocation under Section 490 of the
10 Code.

10 (3) The time that has elapsed since commission of the act(s) or crime(s)
11 giving rise to the suspension or revocation.

12 (4) Whether the licensee has complied with any terms of probation, parole,
13 restitution or any other sanctions lawfully imposed against such person.

14 (5) If applicable, evidence of expungement proceedings pursuant to Section
15 1203.4 of the Penal Code.

15 (6) Evidence, if any, concerning the degree to which a false statement
16 relative to application for licensure may have been unintentional, inadvertent or
17 immaterial.

17 (7) Efforts made by the applicant either to correct a false statement once
18 made on an application or to conceal the truth concerning facts required to be
19 disclosed.

19 (8) Evidence, if any, of rehabilitation submitted by the licensee.

20

21 COSTS

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

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (June 4, 2012 Criminal Conviction for DUI on February 17, 2012)

3 13. Respondent has subjected his license to disciplinary action under sections 490 and
4 4992.3(a) of the Code in that he was convicted of a crime that is substantially related to the
5 qualifications, functions, and duties of a Licensed Clinical Social Worker. The circumstances are
6 as follows:

7 a. On June 4, 2012, in a criminal proceeding entitled *People of the State of*
8 *California v. George Presko*, in San Diego County Superior Court, case number CN304736,
9 Respondent was convicted of violating Vehicle Code section 23152(b), driving with a blood
10 alcohol concentration (BAC) of .08 percent or more, a misdemeanor.

11 b. As a result of the conviction, Respondent was granted summary probation for
12 five years. He was ordered to complete a First Conviction Program and MADD Victim Impact
13 Panel session, complete three days of community service, pay fees and fines, and comply with
14 standard DUI probation conditions.

15 c. The facts that led to the conviction are that on the evening of February 17,
16 2012, Respondent was traveling in the number one lane of northbound Interstate-5 when he lost
17 control of his vehicle, veered across three lanes of traffic, side-swiped a truck, then veered back
18 across the freeway, and collided with the center guard rail before coming to a stop. A California
19 Highway Patrol (CHP) officer met with Respondent at a local hospital where he had been
20 transported following the collision. The officer noted that there was a distinct odor of an
21 alcoholic beverage emitting from Respondent's breath and person, his eyes were red and watery,
22 and his speech was slurred. Respondent stated he had consumed two beers prior to driving.
23 Respondent provided two breath samples which were analyzed by the preliminary alcohol
24 screening device with a BAC of .14 and .16 percent. A blood sample taken by the hospital was
25 analyzed with a BAC of .159 percent. Respondent was cited for driving under the influence and
26 released to the hospital.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

3 15. Respondent has subjected his license to disciplinary action under section 4992.3(c) of
4 the Code for unprofessional conduct in that on February 17, 2012, and November 23, 2013, as
5 described in paragraphs 13 and 14, above, he drove a motor vehicle while impaired by alcohol,
6 conduct that was dangerous and injurious to himself, to others, and the public, and is substantially
7 related to the qualifications, functions, and duties of a licensed clinical social worker.

8 PRAYER

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

- 11 1. Revoking or suspending Licensed Clinical Social Worker License Number LCSW
12 21746, issued to George Presko;
- 13 2. Ordering George Presko to pay the Board of Behavioral Sciences the reasonable costs
14 of the investigation and enforcement of this case, pursuant to Business and Professions Code
15 section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17

18 DATED: December 16, 2014



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

25 SD2014708053

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