

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

In the Matter of the Accusation Against:

Case No. LC-2013-1892

**KIRSTEN MEREDITH LYDERS HORAK**  
2011 Buchanan Street  
Seaside, CA 93955-3428

Licensed Clinical Social Worker License No.  
LCS 20046

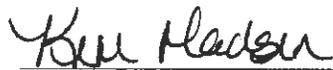
Respondent.

**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 become 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  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
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8 **BEFORE THE**  
**BOARD OF BEHAVIORAL SCIENCES**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

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11 **KIRSTEN MEREDITH LYDERS HORAK**  
12 **2011 Buchanan Street**  
13 **Seaside, CA 93955-3428**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Licensed Clinical Social Worker License No.**  
**LCS 20046**

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 Brett A. Kingsbury, Deputy  
23 Attorney General.

24 2. Kirsten Meredith Lyders Horak (Respondent) is representing herself in this  
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about December 5, 2000, the Board of Behavioral Sciences (Board) issued  
27 Licensed Clinical Social Worker License No. LCS 20046 to Respondent. The Licensed Clinical  
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1 Social Worker License was in full force and effect at all times relevant to the charges brought in  
2 Accusation No. LC-2013-1892 and will expire on September 30, 2016, unless renewed.

3 JURISDICTION

4 4. Accusation No. LC-2013-1892 was filed before the Board, Department of Consumer  
5 Affairs, and is currently pending against Respondent. The Accusation and all other statutorily  
6 required documents were properly served on Respondent on August 26, 2014. Respondent timely  
7 filed her Notice of Defense contesting the Accusation. A copy of Accusation No. LC-2013-1892  
8 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and understands the charges and allegations in  
11 Accusation No. LC-2013-1892. Respondent also has carefully read and understands the effects of  
12 this Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. LC-2013-1892, agrees that cause exists for discipline, and hereby surrenders her Licensed  
25 Clinical Social Worker License No. LCS 20046 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue  
27 an order accepting the surrender of her Licensed Clinical Social Worker License without further  
28 process.

1 CONTINGENCY

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

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

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

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

22 ORDER

23 IT IS HEREBY ORDERED that Licensed Clinical Social Worker License No. LCS 20046,  
24 issued to Respondent Kirsten Meredith Lyders Ilorak, is surrendered and accepted by the Board  
25 of Behavioral Sciences.

26 1. The surrender of Respondent's Licensed Clinical Social Worker License and the  
27 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
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1 against Respondent. This stipulation constitutes a record of the discipline and shall become a part  
2 of Respondent's license history with the Board of Behavioral Sciences.

3 2. Respondent shall lose all rights and privileges as a Licensed Clinical Social Worker  
4 in California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her wall license and her current  
6 renewal certificate on or before the effective date of the Decision and Order.

7 4. Respondent may not apply for licensure with the Board for three years from the  
8 effective date of the Decision and Order. Respondent further understands and agrees that the  
9 Board's adoption of the license surrender precludes her from petitioning the Board for  
10 reinstatement of the surrendered license. Should the Respondent at any time after this surrender  
11 ever reapply to the Board for licensure, the Respondent must meet all current requirements for  
12 licensure including, but not limited to, filing a current application, meeting all current educational  
13 and experience requirements, and taking and passing any and all examinations required of new  
14 applicants.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
16 amount of \$1,910.00 prior to issuance of a new license or registration.

17 6. If Respondent should ever apply or reapply for a new license, registration or  
18 certification by any other health care licensing agency in the State of California, all of the charges  
19 and allegations contained in Accusation No. LC-2013-1892 shall be deemed to be true, correct,  
20 and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding  
21 seeking to deny or restrict licensure.

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ACCEPTANCE

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

DATED: 12-11-14

*Kirsten Meredith Horak*  
KIRSTEN MEREDITH HORAK  
Respondent

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: 12/18/14

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

*Brett Kingsbury*  
BRETT A. KINGSBURY  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. LC-2013-1892**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 BRETT A. KINGSBURY  
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*Attorneys for Complainant*  
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13 **Seaside, CA 93955-3428**

**A C C U S A T I O N**

14 **Licensed Clinical Social Worker License No.**  
15 **LCS 20046**

Respondent.

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17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 5, 2000, the Board of Behavioral Sciences issued Licensed  
24 Clinical Social Worker License Number LCS 20046 to Kirsten Meredith Lyders Horak  
25 (Respondent). The Licensed Clinical Social Worker License was in full force and effect at all  
26 times relevant to the charges brought herein and will expire on September 30, 2014, unless  
27 renewed.

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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 unless otherwise indicated.

5 4. Section 4996.11 of the Code states that "[t]he board may suspend or revoke the  
6 license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings  
7 for the suspension or revocation of licenses under this article shall be conducted in accordance  
8 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the  
9 Government Code, and the board shall have all the powers granted in that chapter."

10 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
11 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
12 disciplinary action during the period within which the license may be renewed, restored, reissued  
13 or reinstated. Pursuant to section 4996.6, subdivisions (c) and (d), an expired license may be  
14 renewed within 3 years after its expiration.

15 STATUTORY PROVISIONS

16 6. Section 4992.3 of the Code states:

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

20 "(a) The conviction of a crime substantially related to the qualifications, functions, or duties  
21 of a licensee or registrant under this chapter. The record of conviction shall be conclusive  
22 evidence only of the fact that the conviction occurred. The board may inquire into the  
23 circumstances surrounding the commission of the crime in order to fix the degree of discipline or  
24 to determine if the conviction is substantially related to the qualifications, functions, or duties of a  
25 licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a  
26 plea of nolo contendere made to a charge substantially related to the qualifications, functions, or  
27 duties of a licensee or registrant under this chapter is a conviction within the meaning of this  
28 section. The board may order any license or registration suspended or revoked, or may decline to

1 issue a license or registration when the time for appeal has elapsed, or the judgment of conviction  
2 has been affirmed on appeal, or, when an order granting probation is made suspending the  
3 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code  
4 allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the  
5 verdict of guilty, or dismissing the accusation, information, or indictment.

6 ". . . .

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

18 ". . . ."

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

### 23 COSTS

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

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Criminal Conviction)**

5 9. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),  
6 and 4992.3, subdivision (a), in that Respondent was convicted of an offense substantially related  
7 to the qualifications, functions, or duties of a licensed clinical social worker.

8 10. On or about November 27, 2013, in the Superior Court of California for the County of  
9 Monterey, in the case entitled *The People of the State of California v. Horak, Kirsten Lyders*,  
10 Case No. MS313000A, Respondent pled no contest to and was convicted of violating California  
11 Vehicle Code section 23152, subdivision (b) (driving with blood alcohol greater than .08%), a  
12 misdemeanor, with an enhancement under Vehicle Code section 23578 for blood alcohol greater  
13 than .15%, and an enhancement under Vehicle Code section 23572, subdivision (a), for having a  
14 minor in the vehicle. The circumstances of the conviction were that on or around May 31, 2013,  
15 Respondent drove while intoxicated with her two daughters in the vehicle, one of whom called  
16 911 out of fear for her safety. The result of a blood test indicated Respondent's blood alcohol  
17 level to be .19%.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Dangerous Use of Alcohol)**

20 11. Respondent is subject to disciplinary action under Code section 4992.3, subdivision  
21 (c), in that Respondent used alcohol to an extent or in a manner dangerous to herself, to another,  
22 or to the public. The circumstances are described above in the First Cause for Discipline.

23 **PRAYER**

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

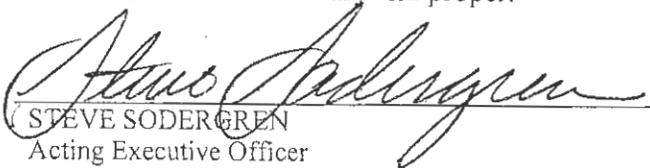
26 1. Revoking or suspending Licensed Clinical Social Worker License Number LCS  
27 20046, issued to Kirsten Meredith Lyders Horak;

28 ///

1           2.     Ordering Kirsten Meredith Lyders Horak to pay the Board of Behavioral Sciences the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3;

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

5  
6 DATED: 8/14/14



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

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