

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

In the Matter of the Statement of Issues
Against:

JAIME CRUZ
6895 Verades Lane
Palmdale, CA 93552

Marriage and Family Therapist Intern
Registration Applicant

Respondent.

Case No. 2002014000098

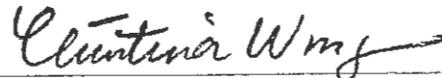
OAH No. 2014110853

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 July 15, 2015.

It is so ORDERED June 15, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
4 State Bar No. 223382
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2643
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

8 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:
JAIME CRUZ
12 **6895 Verades Lane**
Palmdale, CA 93552
13

Case No. 2002014000098

OAH No. 2014110853

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Marriage and Family Therapist Intern**
15 **Registration Applicant**

16 Respondent.
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20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Kim Madsen ("Complainant") is the Executive Officer of the Board of Behavioral
24 Sciences. She brought this action solely in her official capacity and is represented in this matter
25 by Kamala D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy
26 Attorney General.

27 2. Respondent Jaime Cruz ("Respondent") is representing himself in this proceeding and
28 has chosen not to exercise his right to be represented by counsel.

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Jaime Cruz that Marriage and Family Therapist Intern Registration will be issued and immediately revoked. The revocation will be stayed and the Respondent placed on five (5) years probation on the following terms and conditions. Probation shall continue on the same terms and conditions if Respondent is granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

1. Psychotherapy

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

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

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

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

1 Board.

2 If the treating psychotherapist finds that respondent cannot practice safely or independently,
3 the psychotherapist shall notify the Board within three (3) working days. Upon notification by
4 the Board, respondent shall immediately cease practice and shall not resume practice until
5 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter
6 engage in any practice for which a license issued by the Board is required until the Board or its
7 designee has notified respondent that he may resume practice. Respondent shall document
8 compliance with this condition in the manner required by the Board.

9 **2. Abstain from Controlled Substances / Submit to Biological Fluid Testing and**
10 **Samples**

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

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

17 **3. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples**

18 Respondent shall completely abstain from the use of alcoholic beverages during the period
19 of probation.

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

24 **4. Attend Dependency Support Program.** Respondent shall attend a dependency
25 support program approved by the Board no less than twice per week. Respondent shall provide
26 proof of attendance at said program with each quarterly report that Respondent submits during the
27 period of probation. Failure to attend, or to show proof of such attendance, shall constitute a
28 violation of probation.

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

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

18 6. **Obey All Laws**

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

27 7. **File Quarterly Reports**

28 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the

1 “Quarterly Report Form” (rev. 01/12/01). Respondent shall state under penalty of perjury
2 whether he has been in compliance with all the conditions of probation. Notwithstanding any
3 provision for tolling of requirements of probation, during the cessation of practice respondent
4 shall continue to submit quarterly reports under penalty of perjury.

5 **8. Comply with Probation Program**

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

9 **9. Interviews with the Board**

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

12 **10. Failure to Practice**

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

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

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

28 **12. Supervision of Unlicensed Persons**

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

4 **13. Notification to Clients**

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

10 **14. Notification to Employer**

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

17 **15. Violation of Probation**

18 If respondent violates the conditions of his probation, the Board, after giving respondent
19 notice and the opportunity to be heard, may set aside the stay order and impose the discipline
20 (revocation/suspension) of respondent's registration provided in the decision.

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

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1 **16. Maintain Valid Registration/License**

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

7 **17. Registration/License Surrender**

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

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

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

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

28 **19. Notification to Referral Services**

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

5 **20. Reimbursement of Probation Program**

6 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
7 ensure compliance for the duration of the probation period. Reimbursement costs shall be \$1,200
8 per year.

9 **21. Cost Recovery**

10 Respondent shall pay the Board \$3,332.50 as and for the reasonable costs of the
11 investigation and prosecution of Case No. 2002014000098. Respondent shall make such
12 payments pursuant to a payment plan outlined by the Board. Respondent shall make the check or
13 money order payable to the Board of Behavioral Sciences and shall indicate on the check or
14 money order that it is the cost recovery payment for Case No. 2002014000098. Any order for
15 payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall
16 not terminate until full payment has been made. Should any part of cost recovery not be paid in
17 accordance with the outlined payment schedule, respondent shall be considered to be in violation
18 of probation. A period of non-practice by respondent shall not relieve respondent of his or her
19 obligation to reimburse the board for its costs.

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

23 **ACCEPTANCE**

24 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
25 stipulation and the effect it will have on my Marriage and Family Therapist Intern Registration.
26 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
27 intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral
28 Sciences.

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DATED: 5/12/15



JAIME CRUZ
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: 5/12/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

LA2014511698
51764940.doc

Exhibit A

Statement of Issues No. 2002014000098

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
4 State Bar No. 223382
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2643
6 Facsimile: (213) 897-2804
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 2002014000098

13 **JAIME CRUZ**
14 Marriage and Family Therapist Intern
Registration Applicant

STATEMENT OF ISSUES

Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about August 29, 2013, the Board of Behavioral Sciences (Board) received an
24 application for registration as a Marriage and Family Therapist Intern from Jaime Cruz
25 (Respondent). On or about August 27, 2013, Jaime Cruz certified under penalty of perjury to the
26 truthfulness of all statements, answers, and representations in the application. The Board denied
27 the application on February 27, 2014.
28

1 JURISDICTION

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 STATUTORY PROVISIONS

6 4. Section 480 states, in pertinent part:

7 “(a) A board may deny a license regulated by this code on the grounds that the applicant
8 has one of the following:

9 “(1) Been convicted of a crime. A conviction within the meaning of this section means a
10 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
11 board is permitted to take following the establishment of a conviction may be taken when the time
12 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an
13 order granting probation is made suspending the imposition of sentence, irrespective of a
14 subsequent order under the provisions of Section 1203.4 of the Penal Code.

15

16 “(3) (A) Done any act that if done by a licentiate of the business or profession in question,
17 would be grounds for suspension or revocation of license.

18 (B) The board may deny a license pursuant to this subdivision only if the crime or act
19 is substantially related to the qualifications, functions, or duties of the business or profession for
20 which application is made.”

21 5. Section 490 states, in pertinent part:

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

26 “(b) Notwithstanding any other provision of law, a board may exercise any authority to
27 discipline a licensee for conviction of a crime that is independent of the authority granted under
28

1 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
2 of the business or profession for which the licensee's license was issued.

3 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
4 conviction following a plea of nolo contendere. Any action that a board is permitted to take
5 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
6 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
7 made suspending the imposition of sentence, irrespective of a subsequent order under the
8 provisions of Section 1203.4 of the Penal Code.”

9 6. Section 493 states:

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

20 7. Section 4982 states, in pertinent part:

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

24 “(a) The conviction of a crime substantially related to the qualifications, functions, or
25 duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive
26 evidence only of the fact that the conviction occurred. The board may inquire into the
27 circumstances surrounding the commission of the crime in order to fix the degree of discipline or
28 to determine if the conviction is substantially related to the qualifications, functions, or duties of a

1 licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a
2 plea of nolo contendere made to a charge substantially related to the qualifications, functions, or
3 duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the
4 meaning of this section. The board may order any license or registration suspended or revoked, or
5 may decline to issue a license or registration when the time for appeal has elapsed, or the
6 judgment of conviction has been affirmed on appeal, or, when an order granting probation is
7 made suspending the imposition of sentence, irrespective of a subsequent order under Section
8 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not
9 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
10 indictment.

11

12 “(c) Administering to himself or herself any controlled substance or using of any of the
13 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a
14 manner, as to be dangerous or injurious to the person applying for a registration or license or
15 holding a registration or license under this chapter, or to any other person, or to the public, or, to
16 the extent that the use impairs the ability of the person applying for or holding a registration or
17 license to conduct with safety to the public the practice authorized by the registration or license.
18 The board shall deny an application for a registration or license or revoke the license or
19 registration of any person, other than one who is licensed as a physician and surgeon, who uses or
20 offers to use drugs in the course of performing marriage and family therapy services.

21

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

24 **REGULATORY PROVISION**

25 8. California Code of Regulations, title 16, section 1812 states, in pertinent part:

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

1 Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences
2 present or potential unfitness of a person holding a license to perform the functions authorized by
3 his or her license in a manner consistent with the public health, safety or welfare.”

4 **FIRST CAUSE FOR DENIAL OF APPLICATION**

5 **(Substantially Related Criminal Conviction)**

6 9. Respondent’s application is subject to denial under section 480, subdivision (a)(1)
7 and section 4982, subdivision (a), in conjunction with California Code of Regulations, title 16,
8 section 1812 in that Respondent was convicted of a crime substantially related to the
9 qualifications, functions and duties of a Marriage and Family Therapist Intern, as follows:

10 ***January 14, 2013 Conviction***

11 a. On or about January 14, 2013, after pleading nolo contendere, Respondent was
12 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
13 [driving while having a 0.08% or more, by weight, of alcohol in his blood] in the criminal
14 proceeding entitled *The People of the State of California vs. Jaime Cruz* (Super. Ct., L.A. County,
15 2013, No. 2SY09363). Respondent admitted to his prior DUI convictions in 2004 and 2007. The
16 Court sentenced Respondent to serve 120 days in the Los Angeles County Jail and placed him on
17 3 years probation, with terms and conditions, and ordered him to obey all laws, and to enroll,
18 participate and complete an 18-month second-offense alcohol and other drug education and
19 counseling program, complete the Victim Impact Program (VIP) of Mothers Against Drunk
20 Driving (MADD) program, not to operate any vehicle without an installed ignition interlock
21 device for a period of one year and submit proof of completion, and attend one Alcohol
22 Anonymous (AA) meeting per day until enrolled in the alcohol program. Respondent was
23 advised and understood that being under the influence of alcohol or drugs, or both, impairs his
24 ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive
25 while under the influence of alcohol or drug, or both. Respondent was further advised that if he
26 continues to drive while under the influence of alcohol or drug, or both, and as a result of his
27 driving, someone is killed, Respondent can be charged with murder.

1 b. The circumstances surrounding the conviction are that on or about December 22,
2 2012, Torrance Police Department observed Respondent standing outside of his vehicle adjacent
3 to the driver's door with fresh traffic collision damage to the front end of the vehicle. Officers
4 contacted Respondent, immediately detected the strong odor of an alcoholic beverage emitting
5 from his breath and person and noted that Respondent's eyes were red and watery, and that he had
6 an unsteady gait. Respondent admitted that he was involved in an accident and that he had rear
7 ended another vehicle. Due the fact that Respondent was involved in a rear end collision that
8 resulted in an air bag deployment, Field Sobriety Tests (FST) were not conducted at the scene for
9 his safety. While at the scene, Respondent submitted to a Preliminary Alcohol Screening Test
10 (P.A.S.) that resulted in a breath-alcohol content level of 0.204% and 0.190%.

11 ***October 24, 2008 Conviction***

12 c. On or about October 24, 2008, after pleading nolo contendere, Respondent was
13 convicted of one misdemeanor count of violating Penal Code section 240 [assault] in the criminal
14 proceeding entitled *The People of the State of California vs. Jaime Cruz* (Super. Ct., L.A. County,
15 2018, No. 8AV09726). The Court placed Respondent on 36 months probation, with terms and
16 conditions. The court ordered him to obey all laws, to attend 52 AA meetings at a rate of 2
17 meetings each week and to submit proof of completion by May 22, 2009. On May 22, 2009, the
18 court issued a Bench Warrant in the amount of \$40,000 against the Respondent, for failure to
19 complete the 52 AA meetings by the deadline of May 22, 2009. Subsequently, the Bench Warrant
20 was recalled.

21 d. The circumstances surrounding the conviction are that on or about August 25, 2008,
22 Respondent unlawfully attempted to commit a violent injury on the person of another.

23 ***September 12, 2007 Conviction***

24 e. On or about September 12, 2007, after pleading nolo contendere, Respondent was
25 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
26 [driving while having a 0.08% or more, by weight, of alcohol in his blood] in the criminal
27 proceeding entitled *The People of the State of California vs. Jaime Cruz* (Super. Ct., L.A. County,
28 2007, No. 7MP09114). Respondent admitted to his prior DUI conviction in 2004. The Court

1 sentenced Respondent to serve 96 hours in the Los Angeles County Jail and placed him on 5 years
2 (60 months) probation, with terms and conditions. He was ordered to obey all laws, to enroll,
3 participate and complete an 18-month second-offense alcohol and other drug education and
4 counseling program. Respondent was advised and understood that being under the influence of
5 alcohol or drugs, or both, impairs his ability to safely operate a motor vehicle, and it is extremely
6 dangerous to human life to drive while under the influence of alcohol or drug, or both.

7 Respondent was further advised that if he continues to drive while under the influence of alcohol
8 or drug, or both, and as a result of his driving, someone is killed, Respondent can be charged with
9 murder.

10 f. The circumstances surrounding the conviction are that on or about June 30, 2007,
11 Respondent drove a vehicle while having a 0.08% or more, by weight, of alcohol in his blood.

12 ***December 27, 2004 Conviction***

13 g. On or about December 27, 2004, after pleading nolo contendere, Respondent was
14 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
15 [driving while having a 0.08% or more, by weight, of alcohol in his blood] in the criminal
16 proceeding entitled *The People of the State of California vs. Jaime Cruz* (Super. Ct., L.A. County,
17 2004, No. 4MT12380). The Court placed Respondent on 36 months probation, with terms and
18 conditions. He was ordered to obey all laws, to enroll, participate and complete a 3-month first-
19 offender alcohol and other drug education and counseling program.

20 h. The circumstances surrounding the conviction are that on or about December 23,
21 2004, Respondent drove a vehicle while having a 0.08% or more, by weight, of alcohol in his
22 blood.

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**

24 **(Dangerous Use of Alcoholic Beverages)**

25 10. Respondent's application is subject to denial under section 4982, subdivision (c), in
26 that Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to
27 himself, others, and the public. Complainant refers to, and by this reference incorporates, the
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1 allegations set forth above in paragraph 9, subparagraphs (a)-(b), and (e)-(h), inclusive, as though
2 set forth fully.

3 **THIRD CAUSE FOR DENIAL OF APPLICATION**

4 **(Conduct Warranting Discipline of Licensee)**

5 11. Respondent's application is subject to denial under section 480, subdivisions
6 (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a licentiate of the
7 business and profession, would be grounds for suspension or revocation of his license, as follows:

8 a. Respondent was convicted of a crime substantially related to the qualifications,
9 functions, or duties of a Marriage and Family Therapist Intern in violation of section 4982,
10 subdivision (a) and section 490, in conjunction with California Code of Regulations, title 16,
11 section 1812. Complainant refers to, and by this reference incorporates, the allegations set forth
12 above in paragraph 9, subparagraphs (a) through (h), inclusive, as though set forth fully.

13 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or
14 injurious to himself, others, and the public, in violation of section 4982, subdivision (c).
15 Complainant refers to, and by this reference incorporates, the allegations set forth above in
16 paragraph 9, subparagraphs (a)-(b), and (e)-(h), inclusive, as though set forth fully.

17 c. Respondent violated the provisions of the licensing chapter in violation of section
18 4982, subdivision (e). Complainant refers to, and by this reference incorporates, the allegations
19 set forth above in paragraph 9, as though set forth fully.

20 **PRAYER**

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

23 1. Denying the application of Jaime Cruz for a Marriage and Family Therapist Intern
24 Registration; and

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

DATED: 10/22/14



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

LA2014511698