

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

In the Matter of the Accusation Against:

ERIC ALEXANDER VALLADARES
397 Imperial Way # 101
Daly City, CA 94015
Marriage and Family Therapist Intern
Registration No. IMF 64639

Respondent.

Case No. 2002014000701

OAH No. 2014120428

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

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

12 In the Matter of the Accusation Against:

13 **ERIC ALEXANDER VALLADARES**
14 **397 Imperial Way # 101**
Daly City, CA 94015

15 **Marriage and Family Therapist Intern**
16 **Registration No. IMF 64639**

17 Respondent.

Case No. 2002014000701

OAH No. 2014120428

18 **STIPULATED SETTLEMENT AND**
19 **DISCIPLINARY ORDER**

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

21 PARTIES

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

26 2. Respondent Eric Alexander Valladares ("Respondent") is representing himself in this
27 proceeding and has chosen not to exercise his right to be represented by counsel.

28 3. On or about September 13, 2010, the Board of Behavioral Sciences issued Marriage

1 and Family Therapist Intern Registration No. IMF 64639 to Respondent. The Marriage and
2 Family Therapist Intern Registration was in full force and effect at all times relevant to the
3 charges brought in Accusation No. 2002014000701 and will expire on September 30, 2015,
4 unless renewed.

5 JURISDICTION

6 4. Accusation No. 2002014000701 was filed before the Board of Behavioral Sciences
7 (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The
8 Accusation and all other statutorily required documents were properly served on Respondent on
9 November 25, 2014. Respondent timely filed his Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 2002014000701 is attached as Exhibit A and incorporated
11 herein by reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, and understands the charges and allegations in
14 Accusation No. 2002014000701. Respondent has also carefully read, and understands the effects
15 of this Stipulated Settlement and Disciplinary Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 2002014000701.

28 10. Respondent agrees that his Marriage and Family Therapist Intern Registration is

1 subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in
2 the Disciplinary Order below.

3 CONTINGENCY

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

14 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

23 14. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following
25 Disciplinary Order:

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Marriage and Family Therapist Intern Registration No.
3 IMF 64639 issued to Respondent Eric Alexander Valladares is revoked. However, the revocation
4 is stayed and Respondent is placed on probation for three (3) years on the following terms and
5 conditions.

6 Probation shall continue on the same terms and conditions if respondent is granted a
7 subsequent registration, becomes licensed, or is granted another registration or license regulated
8 by the Board during the probationary period.

9 **1. Psychotherapy**

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

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

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

26 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits
27 quarterly written reports to the Board concerning respondent's fitness to practice, progress in
28 treatment, and to provide such other information as may be required by the Board. Respondent

1 shall execute a Release of Information authorizing the therapist to divulge information to the
2 Board.

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

10 2. Education

11 Respondent shall take and successfully complete the equivalency of two (2) semester units
12 in alcohol abuse. All course work shall be taken at the graduate level at an accredited or
13 approved educational institution that offers a qualifying degree for licensure as a marriage and
14 family therapist, clinical social worker, educational psychologist, or professional clinical
15 counselor or through a course approved by the Board. Classroom attendance must be specifically
16 required. Course content shall be pertinent to the violation and all course work must be completed
17 within one year from the effective date of this Decision.

18 Within 90 days of the effective date of the decision respondent shall submit a plan for prior
19 Board approval for meeting these educational requirements. All costs of the course work shall be
20 paid by the respondent. Units obtained for an approved course shall not be used for continuing
21 education units required for renewal of licensure.

22 3. Attend Dependency Support Program

23 Respondent shall attend a dependency support program approved by the Board no less than
24 three (3) 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.

27 4. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples

28 Respondent shall completely abstain from the use of alcoholic beverages during the period

1 of probation.

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

6 **5. Abstain from Use of Controlled Substances/ Submit to Biological Fluid Testing**
7 **and Samples**

8 Respondent shall completely abstain from the use of controlled substances during the
9 period of probation.

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

14 **6. Obey All Laws**

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

23 **7. File Quarterly Reports**

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

1 **8. Comply with Probation Program**

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

5 **9. Interviews with the Board**

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

8 **10. Failure to Practice**

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

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

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

24 **12. Supervision of Unlicensed Persons**

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

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1 **13. Notification to Clients**

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

7 **14. Notification to Employer**

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

14 **15. Violation of Probation**

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

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

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

26 Respondent shall, at all times while on probation, maintain a current and active
27 registration/license with the Board, including any period during which suspension or probation is
28 tolled. Should respondent's registration/ license, by operation of law or otherwise, expire, upon

1 renewal respondent's registration/license shall be subject to any and all terms of this probation
2 not previously satisfied.

3 **17. Registration/License Surrender**

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

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

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

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

24 **19. Notification to Referral Services**

25 Respondent shall immediately send a copy of this decision to all referral services registered
26 with the Board in which respondent is a participant. While on probation, respondent shall send a
27 copy of this decision to all referral services registered with the Board that respondent seeks to
28 join.

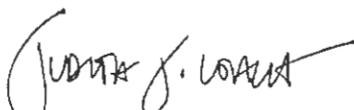
1 ENDORSEMENT

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

4 Dated: *April 1, 2015*

5 Respectfully submitted,

6 KAMALA D. HARRIS
7 Attorney General of California
8 FRANK H. PACOE
9 Supervising Deputy Attorney General

10 
11 JUDITH J. LOACH
12 Deputy Attorney General
13 *Attorneys for Complainant*

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Exhibit A

Accusation No. 2002014000701

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12 In the Matter of the Accusation Against:

Case No. 2002014000701

13 **ERIC ALEXANDER VALLADARES**
397 Imperial Way # 101
14 Daly City, CA 94015

ACCUSATION

15 **Marriage and Family Therapist Intern**
Registration No. IMF 64639

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

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

22 2. On or about September 13, 2010, the Board of Behavioral Sciences issued Marriage
23 and Family Therapist Intern Registration Number IMF 64639 to Eric Alexander Valladares
24 ("Respondent"). The Marriage and Family Therapist Intern Registration was in full force and
25 effect at all times relevant to the charges brought herein and will expire on September 30, 2015,
26 unless renewed.

27 ///

28 ///

