

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

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

Case No. 2002015000090

LYNN D. GARDINER  
386 Glenwood Avenue  
San Carlos, CA 94070

Licensed Marriage and Family Therapist  
License No. LMFT 31328

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 October 16, 2015.

It is so ORDERED September 16, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ASPASIA A. PAPAVALASSILIOU  
Deputy Attorney General  
4 State Bar No. 196360  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation and Petition to  
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Case No. 2002015000090

13 LYNN D. GARDINER  
14 386 Glenwood Avenue  
San Carlos, CA 94070

STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER

15 Licensed Marriage and Family Therapist  
16 License No. LMFT 31328

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 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 Aspasia A. Papavassiliou,  
25 Deputy Attorney General.

26 2. Respondent Lynn D. Gardiner (Respondent) is representing herself in this proceeding  
27 and has chosen not to exercise her right to be represented by counsel.

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1 CULPABILITY

2 10. Respondent admits the truth of each and every charge and allegation in Accusation  
3 and Petition to Revoke Probation No. 2002015000090.

4 11. Respondent agrees that her Licensed Marriage and Family Therapist license is subject  
5 to discipline and she agrees to be bound by the Board's probationary terms as set forth in the  
6 Disciplinary Order below.

7 CONTINGENCY

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

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

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

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2. Cost Recovery

Respondent shall reimburse the Board \$1,656.25 as and for the reasonable costs of investigation and prosecution of Case No. 20020150000090. Respondent shall make such payments as outlined by the Board. Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. 20020150000090. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, Respondent shall be considered to be in violation of probation. A period of non-practice by Respondent shall not relieve Respondent of her obligation to reimburse the board for its costs.

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

ACCEPTANCE

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

Dated: 6-27-15

  
LYNN D. GARDINER  
Respondent

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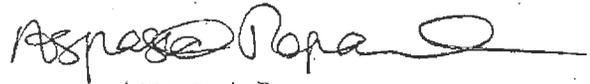
ENDORSEMENT

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

Dated: 8.5.2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General



ASPASIA A. PAPA VASSILIOU  
Deputy Attorney General  
*Attorneys for Complainant*

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Exhibit A

Accusation and Petition to Revoke Probation No. 2002015000090

1 KAMALA D. HARRIS  
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2 DIANN SOKOLOFF  
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3 SHANA A. BAGLEY  
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Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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11 In the Matter of the Accusation and Petition to  
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13 LYNN D. GARDINER  
386 Glenwood Avenue  
San Carlos, CA 94070  
14  
15 Marriage and Family Therapist License No.  
LMFT 31328  
16  
17 Respondent.

Case No. 2002015000090  
**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

18 Complainant alleges:

19 **PARTIES**

- 20 1. Kim Madsen (Complainant) brings this Accusation and Petition to Revoke Probation  
21 solely in her official capacity as the Executive Officer of the Board of Behavioral Sciences,  
22 Department of Consumer Affairs.  
23 2. On or about June 6, 1994, the Board of Behavioral Sciences issued Marriage and  
24 Family Therapist License Number LMFT 31328 to Lynn D. Gardiner (Respondent). The  
25 Marriage and Family Therapist License was in full force and effect at all times relevant to the  
26 charges brought in this Accusation and Petition to Revoke Probation and will expire on July 31,  
27 2015, unless renewed.  
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1 sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code  
2 allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or  
3 setting aside the verdict of guilty, or dismissing the accusation, information, or  
4 indictment.

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

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

16 For purposes of denial, suspension, or revocation of a license or registration  
17 pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act  
18 shall be considered to be substantially related to the qualifications, functions or duties  
19 of a person holding a license under Chapter 17 of Division 3 and Chapter 4 of Part 3  
20 of Division 7 of the Code if to a substantial degree it evidences present or potential  
21 unfitness of a person holding a license to perform the functions authorized by his or  
22 her license in a manner consistent with the public health, safety or welfare.

#### 23 COST RECOVERY

24 8. Code section 125.3 provides, in part, that the Board may request the administrative  
25 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
26 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
27 case.

#### 28 FIRST CAUSE FOR DISCIPLINE

##### (Unprofessional Conduct: Substantially Related Convictions)

9 Respondent's license is subject to discipline because she was convicted of offenses  
10 substantially related to the qualifications, functions, or duties of a marriage and family therapist,  
11 within the meaning of California Code of Regulations, title 16, section 1812. (Bus. & Prof. Code,  
12 § 4982, subd. (a).) The circumstances are as follows:









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

DATED: 10/31/14

*Kim Madsen*

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

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