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Attorneys for Complainant
7

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

12 In the Matter of the Petition to Revoke
Probation Against:
13 **JESSICA LIN JOHNSON**
14 **PO Box 199**
Ventura, CA 93002-0199
15 **Licensed Marriage and Family Therapist**
License No. LMFT 78185

Case No. 2002015000115

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

16
17 Respondent.
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19 FINDINGS OF FACT

20 1. On or about October 23, 2014, Complainant Steve Sodergren, in his official capacity
21 as the Acting Executive Officer of the Board of Behavioral Sciences, filed Petition to Revoke
22 Probation No. 2002015000115 against Jessica Lin Johnson (Respondent) before the Board. The
23 Petition to Revoke Probation is attached as Exhibit A.

24 2. On or about December 26, 2013, the Board issued Licensed Marriage and Family
25 Therapist License No. LMFT 78185 to Respondent. The Licensed Marriage and Family
26 Therapist License was in full force and effect at all times relevant to the charges brought in
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1 Petition to Revoke Probation No. 2002015000115, expired on June 30, 2015, and has not been
2 renewed.

3 3. On or about October 29, 2014, Respondent was served by Certified and First Class
4 Mail copies of the Petition to Revoke Probation No. 2002015000115, Statement to Respondent,
5 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
6 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
7 and Professions Code section 136, is required to be reported and maintained with the Board.

8 Respondent's address of record was and is:
9 P.O. Box 199
10 Ventura, CA 93002.

11 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
13 Code section 124.

14 5. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
22 Petition to Revoke Probation No. 2002015000115.

23 7. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 8. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
2 2002015000115, finds that the charges and allegations in Petition to Revoke Probation No.
3 2002015000115, are separately and severally, found to be true and correct by clear and
4 convincing evidence.

5 9. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$2,067.50 as of May 27, 2015.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Jessica Lin Johnson has
10 subjected her Licensed Marriage and Family Therapist License No. LMFT 78185 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Board is authorized to revoke Respondent's Licensed Marriage and Family
13 Therapist License based upon the following violations alleged in the Petition to Revoke Probation
14 which are supported by the evidence contained in the Default Decision Evidence Packet in this
15 case:

16 a. Violation of probation terms and conditions by testing positive for the presence of a
17 controlled substance during mandatory biological fluid testing on June 11, 2014;

18 b. Failure to comply with probation terms and conditions requiring Respondent to
19 abstain from the use of controlled substances; and

20 c. Failure to comply with probation terms and conditions by not submitting to biological
21 fluid testing when instructed.

22 ORDER

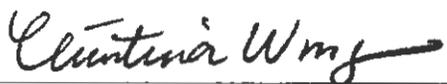
23 IT IS SO ORDERED that Licensed Marriage and Family Therapist License No. LMFT
24 78185, heretofore issued to Respondent Jessica Lin Johnson, is revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
26 written motion requesting that the Decision be vacated and stating the grounds relied on within
27 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
28 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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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

Attachments:

Exhibit A: Petition to Revoke Probation

Default Decision Evidence Packet

Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 2002015000115

13 **JESSICA LIN JOHNSON**
14 P.O. Box 199
Ventura, CA 93002
15 Licensed Marriage and Family Therapist
License No. LMFT 78185

PETITION TO REVOKE PROBATION

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about December 26, 2013, the Board issued Licensed Marriage and Family
24 Therapist license No. LMFT 78185 to Jessica Lin Johnson (Respondent). The Licensed Marriage
25 and Family Therapist license was in effect at all times relevant to the charges brought herein and
26 will expire on June 30, 2015, unless renewed.

27 3. In a disciplinary action entitled "*In the Matter of Statement of Issues Against Jessica*
28 *Lin Johnson*," Case No. AP-2011-1879, the Board, issued a Decision, effective December 25,

1 2013, in which Respondent's Licensed Marriage and Family Therapist license was issued and
2 immediately revoked. However, the revocation was stayed and Respondent's Licensed Marriage
3 and Family Therapist license was placed on probation for a period of three (3) years with certain
4 terms and conditions. A copy of that Decision is attached as Exhibit A and is incorporated by
5 reference.

6 JURISDICTION

7 4. This Petition to Revoke Probation is brought before the Board under the authority of
8 the Board's Decision and Order.

9 5. Condition 16 of the Decision and Order, entitled "Violation of Probation," states:

10 If Respondent violates the conditions of his probation, the Board, after giving Respondent
11 notice and the opportunity to be heard, may set aside the stay order and impose the
12 discipline of Respondent's license [or registration] provided in the decision.

13 If during the period of probation, an accusation, petition to revoke probation, or statement
14 of issues has been filed against Respondent's license [or registration] or application for
15 licensure, or the Attorney General's office has been requested to prepare such an
16 accusation, petition to revoke probation, or statement of issues, the probation period set
17 forth in this decision shall be automatically extended and shall not expire until the
18 accusation, petition to revoke probation, or statement of issues has been acted upon by the
19 board. Upon successful completion of probation, Respondent's license [or registration]
20 shall be fully restored.

21 6. Grounds exist to revoke Respondent's probation under the authority of Condition 16
22 of the Decision and Order. Respondent did not comply with the terms and conditions of her
23 probation, as more particularly set forth below.

24 FIRST CAUSE TO REVOKE PROBATION

25 **(Failure to Abstain from Controlled Substances/Submit to Biological Fluid Testing)**

26 7. At all times after the effective date of Respondent's probation, Condition 8 stated:
27 Respondent shall completely abstain from the use of or possession of controlled or illegal
28 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

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

5 8. Respondent's probation is subject to revocation because Respondent failed to comply
6 with Probation Condition 8, referenced above. On or about June 11, 2014, Phamatech
7 Laboratories analyzed the sample Respondent provided that resulted in a positive reading for
8 Marijuana. On or about June 20, 2014, the Board sent Respondent a probation violation letter.
9 Respondent provided a response admitting use of the illegal substance. On or about July 1 and 3,
10 2014, Respondent was selected to submit to biological fluid testing and failed to do so. Due to
11 Respondent's positive biological fluid test result, the Board ordered Respondent to immediately
12 cease practice effective July 22, 2014, pursuant to Business and Professions Code section 315.2.

13 **SECOND CAUSE TO REVOKE PROBATION**

14 **(Failure to Comply with Board's Probation Program)**

15 9. At all times after the effective date of Respondent's probation, Condition 6 stated:
16 Respondent shall comply with the probation program established by the Board and cooperate with
17 representatives of the Board in its monitoring and investigation of the Respondent's compliance
18 with the program.

19 10. Respondent's probation is subject to revocation because Respondent failed to comply
20 with the Board's probation program. Complainant refers to and by this reference incorporates the
21 allegations set forth above in paragraphs 7-8, inclusive, as though set forth fully.

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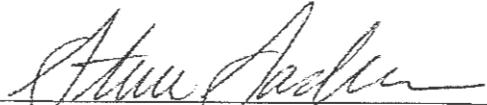
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PRAYER

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

1. Revoking the probation that was granted by the Board in Case No. AP-2011-1879 and imposing the disciplinary order that was stayed thereby revoking Licensed Marriage and Family Therapist license No. LMFT 78185 issued to Jessica Lin Johnson;
2. Revoking or suspending Licensed Marriage and Family Therapist license No. LMFT 78185, issued to Jessica Lin Johnson; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/23/14


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

LA2014512364

Exhibit A

Decision and Order; Statement of Issues

Board of Behavioral Sciences Case No. AP-2011-1879

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

In the Matter of the Statement of Issues
Against:

Case No. AP-2011-1879

JESSICA LIN JOHNSON
P.O. Box 199
Ventura, CA 93002-0199

Marriage and Family Therapist Initial
License Application

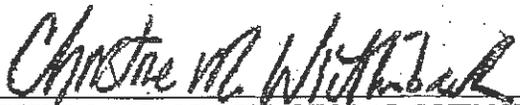
Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board
as its Decision in this matter.

This Decision shall become effective on December 25, 2013.

It is so ORDERED. November 25, 2013


FOR THE BOARD OF BEHAVIORAL SCIENCES

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

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

Case No. AP-2011-1879

12 **JESSICA LIN JOHNSON**
P.O. Box 199
13 Ventura, CA 93002-0199

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Marriage and Family Therapist Initial
License Application**

15
16 Respondent.

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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 Antonio Lopez, Jr., Deputy
24 Attorney General.

25 2. Respondent Jessica Lin Johnson (Respondent) is represented in this proceeding by
26 attorney Christopher Zopatti, whose address is: 2601 Main Street, Suite 800
27 Irvine, CA 92614
28

1 videoconferencing if respondent's good faith attempts to secure face-to-face counseling are
2 unsuccessful due to the unavailability of qualified mental health care professionals in the area.
3 The Board may require that respondent provide written documentation of his or her good faith
4 attempts to secure counseling via videoconferencing.

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

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

13 If the treating psychotherapist finds that respondent cannot practice safely or independently,
14 the psychotherapist shall notify the Board within three (3) working days. Upon notification by
15 the Board, respondent shall immediately cease practice and shall not resume practice until
16 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter
17 engage in any practice for which a license issued by the Board is required until the Board or its
18 designee has notified respondent that he/she may resume practice. Respondent shall document
19 compliance with this condition in the manner required by the Board.

20 **2. Alcoholics Anonymous (AA) Meetings.** Respondent shall attend Alcoholics
21 Anonymous (AA) Meetings at the rate of two meetings per week and must keep records of such
22 meetings for compliance review by the Board Probation Monitor.

23 **3. Reimbursement of Probation Program.** Respondent shall reimburse the Board for
24 the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of the
25 probation period in the amount of \$1,200.00 per year.

26 **4. Obey All Laws.** Respondent shall obey all federal, state and local laws, all statutes
27 and regulations governing the licensee, and remain in full compliance with any court ordered
28 criminal probation, payments and other orders. A full and detailed account of any and all

1 violations of law shall be reported by the respondent to the Board or its designee in writing within
2 seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term,
3 respondent shall submit fingerprints through the Department of Justice and Federal Bureau of
4 Investigation within 30 days of the effective date of the decision, unless previously submitted as
5 part of the licensure application process. Respondent shall pay the cost associated with the
6 fingerprint process.

7 **5. File Quarterly Reports.** Respondent shall submit quarterly reports, to the Board
8 or its designee, as scheduled on the "Quarterly Report Form"(rev. 01/12/01). Respondent shall
9 state under penalty of perjury whether she has been in compliance with all the conditions of
10 probation. Notwithstanding any provision for tolling of requirements of probation, during the
11 cessation of practice Respondent shall continue to submit quarterly reports under penalty of
12 perjury.

13 **6. Comply with Probation Program.** Respondent shall comply with the probation
14 program established by the Board and cooperate with representatives of the Board in its
15 monitoring and investigation of the Respondent's compliance with the program.

16 **7. Interviews with The Board.** Respondent shall appear in person for interviews
17 with the Board or its designee upon request at various intervals and with reasonable notice.

18 **8. Abstain from Controlled Substances / Submit to Biological Fluid Testing and**
19 **Samples.** Respondent shall completely abstain from the use or possession of controlled or illegal
20 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

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

25 **9. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and**
26 **Samples.** Respondent shall completely abstain from the use of alcoholic beverages during the
27 period of probation.

28 Respondent shall immediately submit to biological fluid testing, at respondent's cost, upon

1 request by the Board or its designee. The length of time and frequency will be determined by the
2 Board. There will be no confidentiality in test results. Any confirmed positive finding will be
3 immediately reported to the respondent's current employer and shall be a violation of probation.

4 **10. Residing or Practicing Out of State.** In the event respondent should leave the
5 State of California to reside or to practice, respondent shall notify the Board or its designee in
6 writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any
7 period of time exceeding thirty calendar days in which respondent is not engaging in any
8 activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and
9 Professions Code.

10 All time spent in an intensive training program outside the State of California which has
11 been approved by the Board or its designee shall be considered as time spent in practice within
12 the State. A Board-ordered suspension of practice shall not be considered as a period of non-
13 practice. Periods of temporary or permanent residence or practice outside California will not
14 apply to the reduction of the probationary term. Periods of temporary or permanent residence or
15 practice outside California will relieve respondent of the responsibility to comply with the
16 probationary terms and conditions with the exception of this condition and the following terms
17 and conditions of probation: Obey All Laws; Probation Unit Compliance; and Cost Recovery.

18 Respondent's license shall be automatically cancelled if respondent's periods of temporary
19 or permanent residence or practice outside California total two years. However, respondent's
20 license shall not be cancelled as long as respondent is residing and practicing in another state of
21 the United States and is on active probation with the licensing authority of that state, in which
22 case the two year period shall begin on the date probation is completed or terminated in that state.

23 **11. Failure to Practice-California Resident.** In the event respondent resides in the
24 State of California and for any reason respondent stops practicing in California, respondent shall
25 notify the Board or its designee in writing within 30 calendar days prior to the dates of non-
26 practice and return to practice. Any period of non-practice within California, as defined in this
27 condition, will not apply to the reduction of the probationary term and does not relieve respondent
28 of the responsibility to comply with the terms and conditions of probation. Non-practice is

1 defined as any period of time exceeding thirty calendar days in which respondent is not engaging
2 in any activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and
3 Professions Code.

4 12. **Change of Place of Employment or Place of Residence.** Respondent shall notify
5 the Board or its designee in writing within 30 days of any change of place of employment or
6 place of residence. The written notice shall include the address, the telephone number and the
7 date of the change.

8 13. **Supervision of Unlicensed Persons.** While on probation, Respondent shall not
9 act as a supervisor for any hours of supervised practice required for any license issued by the
10 Board. Respondent shall terminate any such supervisory relationship in existence on the
11 effective date of this Decision.

12 14. **Notification to Clients.** Respondent shall notify all clients when any term or
13 condition of probation will affect their therapy or the confidentiality of their records, including
14 but not limited to supervised practice, suspension, or client population restriction. Such
15 notification shall be signed by each client prior to continuing or commencing treatment.
16 Respondent shall submit, upon request by the Board or its designee, satisfactory evidence of
17 compliance with this term of probation.

18 15. **Notification to Employer.** Respondent shall provide each of her current or future
19 employers, when performing services that fall within the scope of her practice, a copy of this
20 Decision and the Statement of Issues or Accusation before commencing employment.
21 Notification to the respondent's current employer shall occur no later than the effective date of the
22 Decision or immediately commencing employment. Respondent shall submit, upon request by
23 the Board or its designee, satisfactory evidence of compliance with this term of probation.

24 16. **Violation of Probation.** If Respondent violates the conditions of her probation,
25 the Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay
26 order and impose the discipline of Respondent's license [or registration] provided in the decision.

27 If during the period of probation, an accusation, petition to revoke probation, or statement
28 of issues has been filed against Respondent's license [or registration] or application for licensure,

1 or the Attorney General's office has been requested to prepare such an accusation, petition to
2 revoke probation, or statement of issues, the probation period set forth in this decision shall be
3 automatically extended and shall not expire until the accusation, petition to revoke probation, or
4 statement of issues has been acted upon by the board. Upon successful completion of probation,
5 Respondent's license [or registration] shall be fully restored.

6 **17. Maintain Valid License.** Respondent shall, at all times while on probation,
7 maintain a current and active license with the Board, including any period during which
8 suspension or probation is tolled. Should Respondent's license, by operation of law or otherwise,
9 expire, upon renewal Respondent's license shall be subject to any and all terms of this probation
10 not previously satisfied.

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

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

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1 19. **Instruction of Coursework Qualifying for Continuing Education.** Respondent
2 shall not be an instructor of any coursework for continuing education credit required by any
3 license issued by the Board.

4 20. **Notification to Referral Services.** Respondent shall immediately send a copy of
5 this decision to all referral services registered with the Board in which Respondent is a
6 participant. While on probation, Respondent shall send a copy of this decision to all referral
7 services registered with the Board that Respondent seeks to join.

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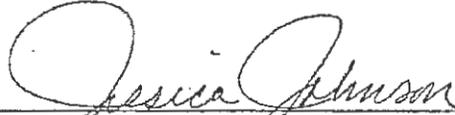
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1 ACCEPTANCE

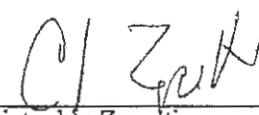
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Christopher Zopatti. I understand the stipulation and the effect it
4 will have on my Marriage and Family Therapist License Application, and Marriage and Family
5 Therapist Intern Registration. I enter into this Stipulated Settlement and Disciplinary Order
6 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
7 Board.

8
9 DATED: 03/01/13


10 JESSICA LIN JOHNSON
Respondent

11 I have read and fully discussed with Respondent Jessica Lin Johnson the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: 3-11-13


15 Christopher Zopatti
16 Attorney for Respondent

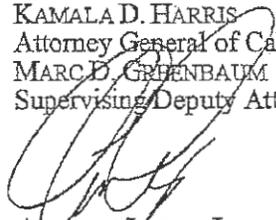
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board.

20 Dated: 5/7/13

21 Respectfully submitted,

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


24 ANTONIO LOPEZ, JR.
25 Deputy Attorney General
26 Attorneys for Complainant

27
28 LA2011601233

Exhibit A

Statement of Issues No. AP-2011-1879

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

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:

Case No. AP-2011-1879

13 JESSICA LIN JOHNSON
P.O. Box 199
Ventura, CA 93002

STATEMENT OF ISSUES

14 Applicant

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about January 5, 2011, the Board of Behavioral Sciences, Department of
23 Consumer Affairs (Board) received an application for a Marriage and Family Initial License
24 Issuance from Jessica Lin Johnson (Respondent). On or about December 27, 2010, Jessica Lin
25 Johnson certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on June 9, 2011.

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

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

23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 **(Criminal Convictions)**

25 6. Respondent's application is subject to denial under section 480, subdivision (a)(1), in
26 conjunction with section 4982, subdivision (a), in that Respondent was convicted of crimes
27 substantially related to the qualifications, functions or duties of a Marriage and Family Therapist
28 License, as follows:

1 a. On or about March 4, 2011, after found guilty by jury, Respondent was convicted of
2 two misdemeanor counts of violating Vehicle Code section 23152(a) [driving under the influence
3 of alcohol] and 23152(b) [driving while having blood alcohol content greater than 0.8%], in the
4 criminal proceeding entitled *The People of the State of California vs. Jessica Lin Johnson* (Super.
5 Ct. County of Ventura, 2011, No. 2010041625). The Court sentenced Respondent to 30 days in
6 custody and ordered her to attend two alcohol classes per week and to pay fines, and placed her
7 on probation for a period of 60 months with certain terms and conditions. The circumstances
8 surrounding the convictions are that on or about November 21, 2010, officers of the Ventura
9 Police Department arrested Respondent for driving under the influence of alcohol or drugs.

10 b. On or about February 1, 2008, after pleading guilty, Respondent was convicted of one
11 misdemeanor count of violating Vehicle Code section 23152(b) [driving while having blood
12 alcohol content greater than 0.8%], in the criminal proceeding entitled *The People of the State of*
13 *California vs. Jessica Lin Johnson* (Super. Ct. County of Ventura, 2008, No. 2007037125). The
14 Court sentenced Respondent to 5 days in custody and ordered her to attend a 90 day First
15 Offender Alcohol Program and to pay fines. In addition, Respondent was placed on probation for
16 a period of 36 months with certain terms and conditions. The circumstances surrounding the
17 conviction are that on or about September 28, 2007, officers of the Ventura Police Department
18 arrested Respondent for driving under the influence of alcohol or drugs.

19
20 **SECOND CAUSE FOR DENIAL OF APPLICATION**

21 **(Dangerous Use of Alcohol)**

22 7. Respondent's application is subject to denial under section Code section 4982,
23 subdivision (c), on the grounds of unprofessional conduct, in that Respondent used alcoholic
24 beverages to an extent or in a manner dangerous or injurious to herself, to any person, or the
25 public. Complainant refers to, and by this reference incorporates, the allegations set forth in
26 paragraph 6, subparagraph (a) and (b), as though set forth fully herein.

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PRAYER

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

1. Denying the application of Jessica Lin Johnson for a Marriage and Family Therapist Initial License Issuance; and
2. Taking such other and further action as deemed necessary and proper.

DATED: April 25, 2012

Kim Madsen

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

LA2011601233