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

In the Matter of the Accusation Against:  
  
**RUBEN GABRIEL COLON**  
828 South Bascom Avenue, #100  
San Jose, CA 95128  
  
Licensed Clinical Social Worker License No.  
LCSW 29821  
  
Respondent.

Case No. 2002015001233

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about April 20, 2015, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Accusation No. 2002015001233 against Ruben Gabriel Colon (Respondent) before the Board of Behavioral Sciences. (Accusation attached as Exhibit A.)

2. On or about August 30, 2013, the Board of Behavioral Sciences (Board) issued Licensed Clinical Social Worker License No. LCSW 29821 to Respondent. The Licensed Clinical Social Worker License was in full force and effect at all times relevant to the charges brought in Accusation No. 2002015001233 and expired on March 31, 2015. It has not been renewed.

1           3.     On or about May 5, 2015, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 2002015001233, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
5 Code section 136, is required to be reported and maintained with the Board. Respondent's  
6 address of record was and is: 828 South Bascom Avenue, #100, San Jose, CA 95128.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

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

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

16          6.     Respondent failed to file a Notice of Defense within 15 days after service upon him,  
17 and therefore waived her right to a hearing on the merits of Accusation No. 2002015001233.

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

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

23          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
27 file at the Board's offices regarding the allegations contained in Accusation No. 2002015001233,  
28 finds that the charges and allegations in Accusation No. 2002015001233, are separately and  
severally, found to be true and correct by clear and convincing evidence.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Ruben Gabriel Colon has  
3 subjected his Licensed Clinical Social Worker License No. LCSW 29821 to discipline.

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

5 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Licensed  
6 Clinical Social Worker License based upon the following violations alleged in the Accusation  
7 which are supported by the evidence contained in the Default Decision Evidence Packet in this  
8 case:

9 a. Respondent has subjected his clinical social worker license to discipline for being  
10 convicted of substantially related crimes (Bus. & Prof. Code, § 490, subd. (a)). Respondent pled  
11 no contest to unlawfully causing a fire of property (Pen. Code, § 452, subd. (d)), a misdemeanor,  
12 and being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)),  
13 a misdemeanor.

14 b. Respondent has subjected his clinical social worker license to discipline for the  
15 unprofessional conduct of using any controlled substance to the extent, or in a manner, as to be  
16 dangerous or injurious to the person applying for a registration or license or holding a registration  
17 or license under this chapter, or to any other person, or to the public, or, to the extent that the use  
18 impairs the ability of the person applying for or holding a registration or license to conduct with  
19 safety to the public the practice authorized by the registration or license (Bus. & Prof. Code, §  
20 4992.3, subd. (c)). Respondent pled no contest to being under the influence of a controlled  
21 substance (Health & Saf. Code, § 11550, subd. (a)), a misdemeanor.

22 c. Respondent has subjected his clinical social worker license to discipline for the  
23 unprofessional conduct of failing to report a conviction to the Board within 30 days (Bus. & Prof.  
24 Code, § 4992.3, subd. (c); Cal. Code Regs., tit. 16, § 1881, subd. (s)(1)). Respondent did not  
25 report his January 22, 2015, misdemeanor convictions to the Board within 30 days.

26 ORDER

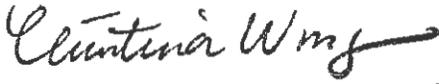
27 IT IS SO ORDERED that Licensed Clinical Social Worker License No. LCSW 29821,  
28 issued to Respondent Ruben Gabriel Colon, is revoked.

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

5 This Decision shall become effective on October 16, 2015.

6 It is so ORDERED September 16, 2015

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FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

90532583  
DOJ Matter ID: SF2015400514

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation No. 2002015001233

(Ruben Gabriel Colon)

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 GREGORY TUSS  
Deputy Attorney General  
4 State Bar No. 200659  
1515 Clay Street, 20th Floor  
5 Post Office Box 70550  
Oakland, California 94612-0550  
6 Telephone: (510) 622-2143  
Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:	Case No. 2002015001233
12 RUBEN GABRIEL COLON	<b>A C C U S A T I O N</b>
13 828 South Bascom Avenue, #100	
14 San Jose, California 95128	
15 Licensed Clinical Social Worker No. LCSW 29821,	
16 Respondent.	

17 Complainant Kim Madsen alleges:

18 PARTIES

- 19 1. Complainant brings this accusation solely in her official capacity as the Executive  
20 Officer of the Board of Behavioral Sciences (Board), Department of Consumer Affairs.
- 21 2. On or about August 30, 2013, the Board issued Licensed Clinical Social Worker  
22 No. LCSW 29821 to respondent Ruben Gabriel Colon. This license was in full force and effect at  
23 all times relevant to the charges brought in this accusation and will expire on March 31, 2015,  
24 unless renewed."

25 JURISDICTION

- 26 3. This accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.  
28 ///



1           8.     Section 4992.3 states in part:

2           “The board may deny a license or a registration, or may suspend or revoke the license or  
3 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.

4 Unprofessional conduct includes, but is not limited to, the following:

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

19           ...  
20           “(c) Administering to himself or herself any controlled substance or using any of the  
21 dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner,  
22 as to be dangerous or injurious to the person applying for a registration or license or holding a  
23 registration or license under this chapter, or to any other person, or to the public, or, to the extent  
24 that the use impairs the ability of the person applying for or holding a registration or license to  
25 conduct with safety to the public the practice authorized by the registration or license.”

26           9.     California Code of Regulations, title 16, section 1812, states in part:

27           “For purposes of denial, suspension, or revocation of a license or registration pursuant to  
28 Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be

1 substantially related to the qualifications, functions or duties of a person holding a license under  
2 Chapter[] . . . 14 . . . of Division 2 of the Code if to a substantial degree it evidences present or  
3 potential unfitness of a person holding a license to perform the functions authorized by his or her  
4 license in a manner consistent with the public health, safety or welfare.”

5 10. California Code of Regulations, title 16, section 1881, states in part:  
6 “As used in Section 4992.3 of the code, unprofessional conduct includes, but is not limited  
7 to:

8 . . .  
9 “(s) Failure to report to the board within 30 days any of the following:  
10 “(1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety  
11 Code sections 11357 (b), (c), (d), (e), or 11360 (b). A conviction includes any verdict of guilty,  
12 or plea of guilty or no contest.”

13 COST RECOVERY

14 11. Section 125.3, subdivision (a), states:  
15 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
16 proceeding before any board within the department or before the Osteopathic Medical Board,  
17 upon request of the entity bringing the proceedings, the administrative law judge may direct a  
18 licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
19 to exceed the reasonable costs of the investigation and enforcement of the case.”

20 DRUGS

21 12. Marijuana is a Schedule I controlled substance under Health and Safety Code  
22 section 11054, subdivision (d)(13).

23 13. MDMA, also known as Ecstasy or Molly, is a Schedule I controlled substance  
24 under Health and Safety Code section 11054, subdivision (d)(6). It provides a psychedelic  
25 amphetamine experience. It is occasionally taken with other psychedelic drugs, such as  
26 psilocybin mushrooms, or even common drugs such as marijuana.

27 14. Methamphetamine is a Schedule II controlled substance under Health and Safety  
28 Code section 11055, subdivision (d)(2). It is a highly addictive recreational drug.

1 FACTUAL BACKGROUND

2 15. On January 16, 2015, police were called to respondent's residence in Santa Clara,  
3 California. The caller reported that a man was waving a machete, cutting trees, and dancing  
4 around.

5 16. The police arrived and found respondent slamming a chair on the ground.  
6 Respondent smiled and waived at the officers. He said that he wanted the police to take his  
7 weapons from him but wanted a guitar in exchange. However, respondent was concerned about  
8 the police seeing a picture in his house because he then would lose his top secret clearance.

9 17. He said that he was using his machete to do yard work and gather firewood. A  
10 nearby orange tree had gouges on the trunk and branches.

11 18. These and respondent's other bizarre statements and behaviors, along with his  
12 physical symptoms, led the police to believe that he was under the influence of a controlled  
13 substance. Respondent said that he last used methamphetamine and MDMA about two months  
14 before. He used to smoke the MDMA but then began to snort it because the neighbors  
15 complained of the smell. He claimed to have a medical marijuana card.

16 19. Smoke was coming from respondent's apartment. Inside the apartment, logs and  
17 broken furniture were burning in the fireplace. A branch, which was sticking out of the fireplace  
18 about five feet, was on fire and beginning to burn the floor. Soot marks were up the fireplace  
19 facing. Burnt tamales were on the kitchen floor. Marijuana on a baking sheet was in  
20 respondent's bathroom.

21 20. Respondent was taken into custody under Welfare and Institutions Code section  
22 5150.

23 21. On or about January 22, 2015, in *The People of the State of California v. Ruben*  
24 *Gabriel Colon*, Santa Clara County Superior Court Case No. C1502254, respondent pled no  
25 contest to unlawfully causing a fire of property (Pen. Code, § 452, subd. (d)), a misdemeanor, and  
26 being under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)), a  
27 misdemeanor. Sentencing was suspended, and respondent was placed on probation for two years.  
28 Probation conditions included 30 days' incarceration.

1 22. To date, respondent has not reported his conviction to the Board.

2 CAUSES FOR DISCIPLINE

3 **FIRST CAUSE FOR DISCIPLINE**

4 **Conviction**

5 **Business and Professions Code section 490, subdivision (a)**

6 23. The allegations of paragraphs 15-22 are realleged and incorporated by reference as  
7 if fully set forth.

8 24. Respondent has subjected his clinical social worker license to discipline for being  
9 convicted of a crime (Bus. & Prof. Code, § 490, subd. (a)). Respondent pled no contest to  
10 unlawfully causing a fire of property (Pen. Code, § 452, subd. (d)), a misdemeanor, and being  
11 under the influence of a controlled substance (Health & Saf. Code, § 11550, subd. (a)), a  
12 misdemeanor.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **Unprofessional Conduct: Conviction**

15 **Business and Professions Code section 4992.3, subdivision (a)**

16 25. The allegations of paragraphs 15-22 are realleged and incorporated by reference as  
17 if fully set forth.

18 26. Respondent has subjected his clinical social worker license to discipline for the  
19 unprofessional conduct of being convicted of a crime (Bus. & Prof. Code, § 4992.3, subd. (a)).  
20 Respondent pled no contest to unlawfully causing a fire of property (Pen. Code, § 452, subd. (d)),  
21 a misdemeanor, and being under the influence of a controlled substance (Health & Saf. Code,  
22 § 11550, subd. (a)), a misdemeanor.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **Unprofessional Conduct: Using Controlled Substances**

25 **Business and Professions Code section 4992.3, subdivision (c)**

26 27. The allegations of paragraphs 15-22 are realleged and incorporated by reference as  
27 if fully set forth.

28 28. Respondent has subjected his clinical social worker license to discipline for the  
unprofessional conduct of using any controlled substance to the extent, or in a manner, as to be  
dangerous or injurious to the person applying for a registration or license or holding a registration  
or license under this chapter, or to any other person, or to the public, or, to the extent that the use

1 impairs the ability of the person applying for or holding a registration or license to conduct with  
2 safety to the public the practice authorized by the registration or license (Bus. & Prof. Code,  
3 § 4992.3, subd. (c)). Respondent pled no contest to being under the influence of a controlled  
4 substance (Health & Saf. Code, § 11550, subd. (a)), a misdemeanor.

#### 5 **FOURTH CAUSE FOR DISCIPLINE**

6 **Unprofessional Conduct: Failure to Report Conviction to the Board**  
7 **Business and Professions Code section 4992.3; Cal. Code Regs., tit. 16, § 1881, subd. (s)(1).**

8 29. The allegations of paragraphs 15-22 are realleged and incorporated by reference as  
9 if fully set forth.

10 30. Respondent has subjected his clinical social worker license to discipline for the  
11 unprofessional conduct of failing to report a conviction to the Board within 30 days (Bus. & Prof.  
12 Code, § 4992.3, subd. (c); Cal. Code Regs., tit. 16, § 1881, subd. (s)(1)). Respondent did not  
13 report his January 22, 2015, misdemeanor convictions to the Board within 30 days.

#### 14 **OTHER DISCIPLINARY CONSIDERATIONS**

15 31. On or about October 13, 2014, respondent called the police to report violence to  
16 his family that was taking place in his building. However, respondent's family does not live in  
17 Santa Clara. He also reported that he cut himself on broken glass. Respondent had broken glass  
18 to use as a weapon against people who were trying to kill him. (The police report noted that  
19 respondent had made numerous reports that were found to be the result of delusions.)  
20 Respondent resisted when the officers tried to take him into custody under Welfare and  
21 Institutions Code section 5150. The police found mushrooms being cultivated in respondent's  
22 apartment.

23 32. On August 27, 2013, respondent's wife reported to the police that on August 17,  
24 2013, respondent told her that she was going to die. When she asked him what he meant,  
25 respondent said, "Nothing, never mind. It is not about you." Respondent's wife also reported  
26 that respondent grows a certain type of mushroom that causes him to hallucinate.

#### 27 **PRAYER**

28 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
accusation, and that following the hearing, the Board of Behavioral Sciences issues a decision:

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1. Revoking or suspending Licensed Clinical Social Worker No. LCSW 29821 issued to Ruben Gabriel Colon;
2. Ordering Ruben Gabriel Colon to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case under Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: April 20, 2015



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

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