

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

In the Matter of the Accusation Against:

Case No. 2002015001638

**PAMELA HEFFERMAN
4204 Terrace Street
Oakland, CA 94611**

**Licensed Marriage and Family Therapist
License No. LMFT 33171**

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 DIANN SOKOLOFF
Supervising Deputy Attorney
4 State Bar No. 161082
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2212
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 2002015001638

12 **PAMELA HEFFERMAN**
13 **4204 Terrace Street**
14 **Oakland, CA 94611**

15 **Licensed Marriage and Family Therapist**
License No. LMFT 33171

STIPULATED SURRENDER OF
LICENSE AND ORDER

16 Respondent.

17
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. On or about April 30, 1996, the Board of Behavioral Sciences (Board) issued Licensed
23 Marriage and Family Therapist License No. LMFT 33171 to Pamela Hefferman (Respondent).
24 The Licensed Marriage and Family Therapist License was in full force and effect at all times
25 relevant to the charges brought in Accusation No. MF-2013-1290 and will expire on October 31,
26 2015, unless renewed.

27 2. On October 30, 2013, Complainant filed Accusation No. MF-2013-1290 solely in her
28 official capacity, against Respondent for unprofessional conduct. Complainant is represented in

1 this matter by Kamala D. Harris, Attorney General of the State of California, by Diann Sokoloff,
2 Supervising Deputy Attorney General.

3 **JURISDICTION**

4 3. On or about October 31, 2014, the Board adopted a Stipulated Settlement and
5 Disciplinary Order entered into by the parties, which placed Respondent on probation. The
6 Decision became effective December 1, 2014. Pursuant to the Stipulated Settlement and
7 Disciplinary Order, Respondent's Licensed Marriage and Family Therapist License No. LMFT
8 33171 was revoked, the revocation stayed and Respondent's license was placed on probation for a
9 period of three years under certain terms and conditions. A copy of the Stipulated Settlement and
10 Disciplinary Order No. MF-2013-1290 is attached as Exhibit A and incorporated by reference.

11 4. On or November 15, 2014, Respondent submitted a letter to the Board in which she
12 requested that the Board accept the voluntary surrender of her license.

13 5. Pamela Hefferman (Respondent) is representing herself in this proceeding and has
14 chosen not to exercise her right to be represented by counsel.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read and understands the effects of the Stipulated Surrender
17 of License and Order.

18 7. Respondent is fully aware of her legal rights in this matter, including the right to a
19 hearing on a Petition to Revoke Probation to be filed if she fails to fully comply with each and
20 every term and condition of Exhibit A, including the right to be represented by counsel, at her
21 own expense; the right to confront and cross-examine the witnesses against her; the right to
22 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
23 compel the attendance of witnesses and the production of documents; the right to reconsideration
24 and court review of an adverse decision; and all other rights accorded by the California
25 Administrative Procedure Act and other applicable laws.

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

28 ///

1 CULPABILITY

2 9. Respondent understands and agrees that should the Board adopt this Stipulated
3 Surrender of License and Order, that it will constitute the imposition of discipline against
4 Respondent. Respondent further understands and agrees that cause exists for her surrender of
5 Licensed Marriage and Family Therapist License No. LMFT 33171, for the Board's formal
6 acceptance. Respondent understands and agrees that by signing this stipulation she enables the
7 Board to issue an order accepting the surrender of her Licensed Marriage and Family Therapist
8 License without further process.

9 CONTINGENCY

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

20 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Surrender of License and Order, including Portable Document Format
22 (PDF) and facsimile signatures thereto shall have the same force and effect as the originals.

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

1 8. Prior to issuance of a new registration or license, Respondent shall pay the Board
2 \$1,576.25 as an for the reasonable costs of the investigation and prosecution of Case No. MF-
3 2013-1290, pursuant to Business and Professions Code section 125.3.

4 ACCEPTANCE

5 I have carefully read the Stipulated Surrender of License and Order. I understand the
6 stipulation and the effect it will have on my Licensed Marriage and Family Therapist License. I
7 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
8 intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral
9 Sciences.

10 DATED:

May 5, 2015


PAMELA HEFFERMAN
Respondent

11
12
13 ENDORSEMENT

14 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
15 for consideration by the Board of Behavioral Sciences of the Department of Consumer Affairs.

16 Dated:

5/19/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General


DIANN SOKOLOFF
Supervising Deputy Attorney General

Attorneys for Complainant

Exhibit A

Stipulated Settlement and Disciplinary Order No. MF-2013-1290

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

In the Matter of the Accusation Against:

PAMELA HEFFERMAN
4204 Terrace Street
Oakland, CA 94611

Marriage and Family Therapist License No.
MFC 33171

Respondent.

Case No. MF-2013-1290

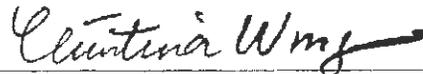
OAH No. 2014050377

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 December 1, 2014.

It is so ORDERED October 31, 2014.



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 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
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. MF-2013-1290

12 **PAMELA HEFFERMAN**
13 **4204 Terrace Street**
Oakland, CA 94611

OAH No. 2014050377

14 **Marriage and Family Therapist License No.**
15 **MFC 33171**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

17
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 Susana A. Gonzales, Deputy
24 Attorney General.

25 2. Respondent Pamela Hefferman ("Respondent") is represented in this proceeding by
26 attorney Scott J. Harris, Esq., whose address is: SJ Harris Law, 8383 Wilshire Blvd., Suite 830
27 Beverly Hills, CA 90211.
28

1 treatment, and to provide such other information as may be required by the Board. Respondent
2 shall execute a Release of Information authorizing the therapist to divulge information to the
3 Board.

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

11 **2. Education**

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

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

23 **3. Attend Dependency Support Program.**

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

28 ///

1 4. **Abstain from Controlled Substances / Submit to Biological Fluid Testing and**
2 **Samples**

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

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

9 5. **Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples**

10 Respondent shall completely abstain from the use of alcoholic beverages during the period
11 of probation.

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

16 6. **Obey All Laws**

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

25 7. **File Quarterly Reports**

26 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the
27 "Quarterly Report Form" (rev. 01/12/01). Respondent shall state under penalty of perjury
28 whether she has been in compliance with all the conditions of probation. Notwithstanding any

1 provision for tolling of requirements of probation, during the cessation of practice respondent
2 shall continue to submit quarterly reports under penalty of perjury.

3 **8. Comply with Probation Program**

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

7 **9. Interviews with the Board**

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

10 **10. Failure to Practice**

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

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

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

26 ///

27 ///

28 ///

1 **12. Supervision of Unlicensed Persons**

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

5 **13. Notification to Clients**

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

11 **14. Notification to Employer**

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

18 **15. Violation of Probation**

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

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

1 **16. Maintain Valid License**

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

6 **17. License Surrender**

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

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

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

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

27 ///

28 ///

1 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
2 Decision and Order of the Board of Behavioral Sciences.

3
4 DATED: September 9, 2014


PAMELA HEFFERMAN
Respondent

6 I have read and fully discussed with Respondent Pamela Hefferman the terms and
7 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
8 I approve its form and content.

9 DATED: 9.11.14


Scott J. Harris, Esq.
Attorney for Respondent

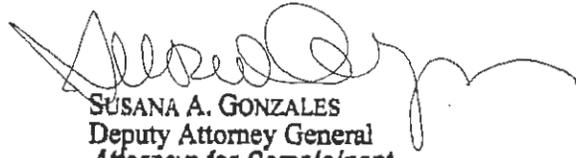
11
12 ENDORSEMENT

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

15
16 Dated: 9/11/14

Respectfully submitted,

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


SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

17
18
19
20
21
22
23
24
25 SF2013901842
90426696.doc

Exhibit A

Accusation No. MF-2013-1290

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 CAROL ROMEO
Deputy Attorney General
4 State Bar No. 124910
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2141
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. MF-2013-1290

12 **PAMELA HEFFERMAN**
4204 Terrace Street
13 Oakland, CA 94611

A C C U S A T I O N

14 **Marriage and Family Therapist License No.**
15 **MFC 33171**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about April 30, 1996, the Board of Behavioral Sciences issued Marriage and
22 Family Therapist License Number MFC 33171 to Pamela Hefferman (Respondent). The
23 Marriage and Family Therapist License was in full force and effect at all times relevant to the
24 charges brought in this Accusation and will expire on October 31, 2015, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Behavioral Sciences (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

FIRST CAUSE FOR DISCIPLINARY ACTION
(Unprofessional Conduct: Substantially Related Conviction)
(Bus. & Prof. Code §§4982, subd. (a) and 490)

9. Respondent has subjected her Marriage and Family Therapist License to disciplinary action under sections 4982, subdivision (a), and 490, in that she was convicted of a crime substantially related to the qualifications, functions, of duties of a Marriage and Family Therapist. Specifically, on or about February 13, 2013, in the Superior Court of California, Alameda County, Case No. 584121, entitled *The People of the State of California v. Pamela Hefferman*, Respondent pled no contest and was convicted of violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content of 0.08 percent or more), a misdemeanor. The imposition of sentence was suspended and Respondent was placed on probation for 36 months upon terms and conditions, which included, but were not limited to: serving 2 days in jail, through a weekend work program, with 1 day credit for time served; obeying all law and conducting herself well; attending and completing a 3-month Drinking Driver Program; paying a fine of \$1,964.00; and not driving any motor vehicle unless lawfully licensed and insured.

10. The factual circumstances of the conviction are as follows:

a. On or about November 9, 2012, in Oakland, California, an Oakland Police Department (OPD) officer observed Respondent rear-end another vehicle parked at a gas pump. The OPD officer noticed that Respondent's movements were slow and deliberate and that her dexterity appeared impaired. The OPD officer smelled alcohol on Respondent and asked her if she had anything to drink that night. Respondent admitted that she had drank a glass of wine earlier that evening. Respondent performed poorly on the Field Sobriety Tests (FST's). Respondent took two Preliminary Alcohol Screening (PAS) tests, which showed that her blood alcohol content (BAC) was .185% at 8:33 p.m., and .189% at 8:35 p.m. Based on Respondent's objective symptoms of alcohol intoxication, her poor performance of the FSTs, and her PAS results, the OPD officer concluded that Respondent was driving under the influence of alcohol, in violation of Vehicle Code section 23153, subdivision (a).

///

///

