

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

In the Matter of the Petition to Revoke  
Probation Against:

TIFFANY CURTIS YATES, aka  
TIFFANY MARIE CURTIS

Licensed Marriage and Family Therapist  
License Number LMFT 41944,

Respondent.

Case No.: D1-2010-1239

OAH No.: 2014100409

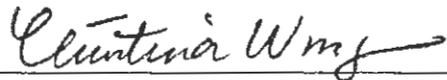
DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Behavioral Sciences as its Decision in the above-entitled matter.

This Decision shall become effective September 10, 2015.

IT IS SO ORDERED August 11, 2015.

DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF BEHAVIORAL SCIENCES  
STATE OF CALIFORNIA

By 

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

In the Matter of the Petition to Revoke  
Probation Against:

TIFFANY CURTIS YATES, aka TIFFANY  
MARIE CURTIS,

Licensed Marriage and Family Therapist  
license number LMFT 41944

Respondent.

Case No. D1-2010-1239

OAH No. 2014100409

**PROPOSED DECISION**

Administrative Law Judge Ralph B. Dash heard this matter in Los Angeles, California on May 18, 2015.

Nancy A. Kaiser, Deputy Attorney General, represented Kim Madsen (Petitioner.)

Tiffany Curtis Yates, also known as Tiffany Marie Curtis<sup>1</sup> (Respondent), represented herself.

Evidence having been received and the matter having been submitted, the Administrative Law Judge makes the following Proposed Decision.

**FACTUAL FINDINGS**

1. Petitioner filed the Petition to Revoke Probation in her official capacity as the Executive Officer of the Board of Behavioral Sciences (Board).

2. The Board issued Licensed Marriage and Family Therapist license number LMFT 41944 to Respondent on April 29, 2005. The license has been renewed until June 30, 2016.

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<sup>1</sup> Tiffany Marie Curtis is Respondent's maiden name. She signed her Notice of Defense (part of Exhibit 1) under her married name, Tiffany Curtis Yates. During her testimony Respondent stated that she was in divorce proceedings, but it was unclear whether a final decree had been issued. Respondent referred to herself as Tiffany Marie Curtis.

3. In its Decision effective August 30, 2012, case number MF-2010-1239, the Board revoked Respondent's license, stayed the revocation, and placed Respondent on probation for a period of three years on certain terms and conditions. This action was made pursuant to a stipulation after an accusation had been filed against Respondent based on her conviction for driving with a blood alcohol content of 0.19 percent. The terms of the probation relevant to these proceedings are:

**2. Education.** Respondent shall take and successfully complete the equivalency of three (3) semester units or equivalent in the area of alcohol and substance abuse. All course work shall be taken at the graduate level at an accredited or approved educational institution that offers a qualifying degree for licensure as a marriage and family therapist, clinical social worker, educational psychologist, or professional clinical counselor or through a course approved by the Board. Classroom attendance must be specifically required. Course content shall be pertinent to the violation and all course work must be completed within one year from the effective date of this Decision. Within 90 days of the effective date of the decision respondent shall submit a plan for prior Board approval for meeting these educational requirements. All costs of the course work shall be paid by the respondent. Units obtained for an approved course shall not be used for continuing education units required for renewal of licensure.

**4. Abstain from Use of Alcohol / Submit to Biological Fluid Testing and Samples.** Respondent shall completely abstain from the use of alcoholic beverages during the period of probation. Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon request by the Board or its designee. The length of time and frequency will be determined by the Board. There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to the Respondent's current employer and shall be a violation of probation.

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

4. At hearing, Respondent admitted that she violated each of the foregoing terms of her probation. On September 18, 2013, Respondent submitted a urine sample which tested positive for Ethyl Glucuronide<sup>2</sup> in a concentration of 26,147 nanograms per milliliter (Exhibit

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<sup>2</sup> Ethyl Glucuronide (EtG) is a direct metabolite of alcohol (ethanol). Its presence in urine may be used to detect recent alcohol consumption, even after ethanol is no longer measurable. The presence of EtG in the tested concentration here is a definitive indicator

4). On October 1, 2013, Respondent's probation monitor, Julie McAuliffe, informed Respondent of her positive test and requested an explanation. Two days later, Ms. McAuliffe notified Respondent that she must immediately cease practice as a Marriage and Family Therapist under the provisions of Business and Professions Code section 315.2.<sup>3</sup> Respondent, who was then working for Ventura County Behavioral Health, immediately complied with the order.

5. On October 4, 2013, Respondent sent the Board a letter of explanation (part of Exhibit 7, which contains all of the letters referenced in this Finding). In that letter, Respondent denied that she had consumed alcohol and suggested that the caterer of the reception after her mother-in-law's funeral may have used alcohol in the food he had prepared. On October 7, 2013, Respondent notified the Board that because of the financial hardship of unemployment caused by the cease practice order, she "will no longer be continuing to test or seek individual therapy services until my hearing." On October 9, 2009, Respondent notified the Board that "after consulting with an attorney regarding my case, I was advised at this time to continue to test and remain in therapy . . . although this presents an extreme financial strain on me and my husband . . . ." On October 30, 2013, Respondent notified the Board that, in essence, she was "quitting probation."<sup>4</sup> Ms. McAuliffe notified the drug/alcohol company that did the urine testing to close Respondent's on-line account. On July 8, 2014, 34 days after this Petition to Revoke Probation was filed, Respondent notified the Board she would like to "reactivate" her drug testing account and that "the Attorney General's office has been sent notification of appeal [of the Petition to Revoke Probation]." Ms. McAuliffe re-activated the urine testing program (four monthly random samples); Respondent resumed the testing and has not had another alcohol-positive result as of the date of this hearing.

6. At the hearing of this matter, Respondent learned from Complainant's expert that the amount of alcohol found in her urine could only have been ingested, either intentionally or unintentionally, through consumption of an alcoholic beverage. She testified that during the period she provided the alcohol-positive sample, she had been arranging a funeral for her mother-in-law, complete with a fully catered dinner reception, and she had no idea how she came to give the positive sample. She acknowledged that she had tested positive, which meant she had consumed an alcoholic beverage, and accepted responsibility for the ingestion, but she

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that alcohol was ingested in a beverage and not ingested "incidentally" such as from mouthwash containing alcohol or from food cooked with alcohol.

<sup>3</sup> Subdivision (a) of this code section provides that a board "shall order a licensee of the board to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee's probation . . ." Under subdivision (c) of this code section, a "cease practice" order does not constitute a disciplinary action.

<sup>4</sup> Respondent did continue, and still continues, with her regularly scheduled therapy.

could “not explain the positive test.”

7. From the date her probation began through the date of hearing, Respondent had earned only seven and one-half hours of continuing education credit in the area of “alcohol and substance abuse.” She was to have completed 45 hours (which is the equivalent of three semester units) during the first year of her probation. Respondent testified that she did not complete the education courses because she found them very difficult to find near her home (she cares for her infant child), and those she did find were distant and expensive. Respondent testified that she had recently found courses that would earn her 18 hours of drug/alcohol specific credit at a local community college. She has not yet enrolled in them but intends to do so in time for the July-August session.

8. No one disputes that Respondent is a good and conscientious therapist, nor is there any indication that Respondent’s consumption of alcohol has ever had an untoward effect on any of her clients or patients. There was no evidence at all that Respondent is an alcoholic or that she is drug-dependent. She testified that she now only drinks water, keeps no alcohol in the home, and is “getting divorced from an alcoholic drug addict.” As part of her effort to show her rehabilitation, an issue that is always addressed in these types of proceedings, Respondent submitted a glowing reference letter from Holly F. Hartson, Ph.D., of Ventura County Behavioral Health. In that letter, Dr. Hartson, who is aware of Respondent’s alcohol-related conviction, as well as these proceedings, writes, in part:

I have worked with Ms. Yates for several years at Ventura County Behavioral Health (VCBH), in the capacity of colleague as well as clinical team leader, before she transferred voluntarily to another clinic in our system which was closer to home. Ms. Yates was actively recruited by the clinic administrator of that program due to her strong reputation in our county system.

Our VCBH program is the centralized assessment and referral unit which is the gateway for mental health services with Ventura County. The formal program name is STAR (Screening, Triage, Assessment, and Referral). Ms. Yates worked with this program completing comprehensive psychosocial and diagnostic assessments, and her work was outstanding. While with STAR, Ms. Yates worked mental health clients across the full age spectrum, from the 0-5 age group through elder adults. In this capacity she was responsible for conducting a full and complete assessment of each scheduled client, including a thorough history of the client's symptoms and situational factors, substance abuse assessment, risk assessment, mental status exam, screening of medical issues, determination of extent of functional impairment across a number of categories. Each evaluation culminated in a meticulous diagnostic assessment which included differential diagnosis ruling out other possible conditions by providing detailed, DSM-based reasoning. Each case formulation was then formally

presented to a multi-disciplinary treatment team, which would collaborate with Ms. Yates in determination of appropriate treatment match and recommendations for that specific client. Ms. Yates also provided linkage to resources and supports that were relevant to each client and family. With all these tasks, Ms. Yates performed admirably and consistently well. STAR serves the most severe and chronically mentally ill clients in Ventura County, and Ms. Yates has a demonstrated capacity to work effectively with these clients, including the most challenging clients with co-occurring Axis substance abuse, personality disorder, and/or developmental disabilities. She is a skilled and adaptable assessor and very knowledgeable about the DSM, as well as local resources for almost any need.

While with the STAR program, Ms. Yates was known as a dependable, positive team member with a strong work ethic. She works well with colleagues from multiple different disciplines. She completed her work in a timely manner with a high level of quality, and frequently accepted additional assignments from management. She brought several areas of professional expertise to the team, such as her knowledge of developmental delays and autism spectrum disorders in children. She was willing to share this expertise with her team-mates, including being available for individual case consultations and presenting to the entire program staff as part of our internal training series called "Comparing Notes."

Ms. Yates was also exemplary in the routine, practical aspects of her work. She had regular work attendance, was on time for meetings and client appointments, and always presented a professional yet stylish appearance. Ms. Yates provided open and direct communication with management to engage in problem-solving whenever that was needed. Regarding her social interactions with her team-mates, Ms. Yates was very well-liked at STAR. She has excellent social skills and is supportive of others. She has good personal stability and boundaries. She encourages others to seek ways to improve their work performance, efficiency, and quality of their assessment product.

In sum, Ms. Yates served as an excellent member of the VCBH STAR clinical team during her work here, and to my knowledge, has been an asset to every other team she has worked with as well. She is an ethical, highly skilled mental health practitioner and I have never observed or heard of any difficulties, either personal or professional, which would in any way impact her performance. I have, rather, observed her to be a clinician of exceptional proficiency and dedication, whom I would recommend without hesitation in any professional situation.

## LEGAL CONCLUSIONS

1. The purpose of administrative license discipline is not to punish, but to protect the public by eliminating practitioners who are dishonest, immoral, disreputable or incompetent. (*Fahmy v. Medical Board of California* (1995) 38 Cal.App.4th 810, 817.)

2. While a licensing board is required to prove the allegations in an accusation by clear and convincing evidence, a licensing board is only required to prove the allegations in a petition to revoke probation by a preponderance of the evidence. (*Sandarg v. Dental Bd. of California* (2010) 184 Cal.App.4th 1434, 1442.)

3. A “preponderance of the evidence” is usually defined in terms of “probability of truth,” for example, as evidence that, “when weighed with that opposed to it, has more convincing force and the greater probability of truth.” In deciding whether a party has met his or her burden of proof, courts consider both direct and circumstantial evidence, and all reasonable inferences to be drawn from both kinds of evidence, giving full consideration to the negative and affirmative inferences to be drawn from all of the evidence, including that which has been produced by the opposing party. (*Leslie G. v. Perry & Associates* (1996) 43 Cal.App.4th 472, 482-483.)

4. The Board is responsible for consumer protection through the regulation of Licensed Marriage and Family Therapists, Licensed Clinical Social Workers, Licensed Educational Psychologists, Licensed Professional Clinical Counselors, Marriage and Family Therapist Interns, Associate Clinical Social Workers, and Professional Clinical Counselor Interns. Protection of the public is the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Bus. & Prof.Code, § 4990.16.)

5. Complainant has established by a preponderance of the evidence that Respondent has violated the terms of her probation, by reason of Findings 3 and 4. The preponderance of the evidence also established that, rather than revocation of Respondent’s license, an extension of Respondent’s probation, with a brief period of suspension of her license, would serve to adequately protect the public as well as serve notice to Respondent that she must adhere to the terms of her probation. (Finding 8.)

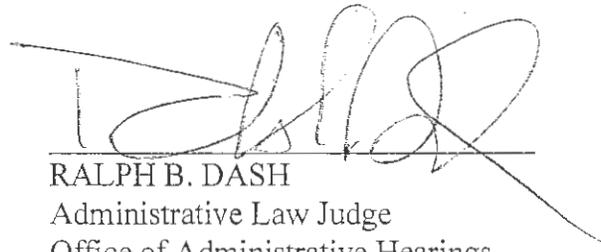
## ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The probation of Licensed Marriage and Family Therapist license number LMFT 41944, issued to Tiffany Curtis Yates, also known as Tiffany Marie Curtis, is extended for two

years so that the total length of probation is five years from August 30, 2012, the original effective date of the Decision in case number MF-2010-1239. Provided, however, that said license shall be suspended for a period of 30 days from the effective date of this Decision. The period to complete the education requirements of Probation Term 2 shall be one year from the effective date of this Decision. All other terms and conditions of probation remain unchanged. The cease practice order is dissolved.

Date: 5-28-15



RALPH B. DASH  
Administrative Law Judge  
Office of Administrative Hearings

1 KAMALA D. HARRIS  
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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 Petition to Revoke  
13 Probation Against:

Case No. D1-2010-1239

14 **TIFFANY CURTIS YATES**  
15 **aka TIFFANY MARIE CURTIS**  
16 1048 Elfstone Court  
17 Westlake Village, CA 91361

**PETITION TO REVOKE PROBATION**

18 Marriage and Family Therapist License  
19 No. MFC 41944

20 Respondent.

21 Complainant alleges:

22 **PARTIES**

23 1. Kim Madsen (Complainant) brings this Petition to Revoke Probation solely in her  
24 official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of  
25 Consumer Affairs.

26 2. On or about April 29, 2005, the Board of Behavioral Sciences (Board) issued  
27 Marriage and Family Therapist License No. MFC 41944 to Tiffany Curtis Yates, also known as  
28 Tiffany Marie Curtis (Respondent). The Marriage and Family Therapist License was in effect at  
all times relevant to the charges brought herein and will expire on June 30, 2014, unless renewed.

3. In a disciplinary action entitled *In the Matter of Accusation Against: Tiffany M. Curtis*  
*a.k.a., Tiffany Marie Curtis*, Case No. MF-2010-1239, the Board issued a Decision, effective

1 August 30, 2012, in which Respondent's Marriage and Family Therapist License was revoked.  
2 However, the revocation was stayed and Respondent's Marriage and Family Therapist License  
3 was placed on probation for a period of three (3) years with certain terms and conditions. A copy  
4 of that decision is attached as Exhibit A and is incorporated by reference.

#### 5 JURISDICTION

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

8 5. Condition 17 of the Decision and Order, entitled "Violation of Probation," states:  
9 "If Respondent violates the conditions of his probation, the Board, after giving  
10 Respondent notice and the opportunity to be heard, may set aside the stay order and  
11 impose the discipline (revocation/suspension) of Respondent's license provided in the  
12 decision. If during the period of probation, an accusation, petition to revoke probation, or  
13 statement of issues has been filed against Respondent's license or application for licensure,  
14 or the Attorney General's office has been requested to prepare such an accusation, petition  
15 to revoke probation, or statement of issues, the probation period set forth in this decision  
16 shall be automatically extended and shall not expire until the accusation, petition to revoke  
17 probation, or statement of issues has been acted upon by the board. Upon successful  
18 completion of probation, Respondent's license shall be fully restored."

19 6. Grounds exist to revoke Respondent's probation under the authority of Condition 17  
20 of the Decision and Order. Respondent did not comply with the terms and conditions of her  
21 probation, as more particularly set forth below.

#### 22 FIRST CAUSE TO REVOKE PROBATION

##### 23 (Failure to Comply with Educational Requirements)

24 7. At all times during probation, Respondent was subject to the following condition:

25 2. **Education.** Respondent shall take and successfully complete the equivalency of three  
26 (3) semester units or equivalent in the area of alcohol and substance abuse. All course work  
27 shall be taken at the graduate level at an accredited or approved educational institution that  
28 offers a qualifying degree for licensure as a marriage and family therapist, clinical social

1 worker, educational psychologist, or professional clinical counselor or through a course  
2 approved by the Board. Classroom attendance must be specifically required. Course content  
3 shall be pertinent to the violation and all course work must be completed within one year from  
4 the effective date of this Decision. Within 90 days of the effective date of the decision  
5 respondent shall submit a plan for prior Board approval for meeting these educational  
6 requirements. All costs of the course work shall be paid by the respondent. Units obtained for  
7 an approved course shall not be used for continuing education units required for renewal of  
8 licensure.

9 8. Respondent's probation is subject to revocation because she failed to submit a plan  
10 for approval nor did she complete the required remedial education. Respondent was to submit a  
11 remedial education plan by November 30, 2012 and complete the education by August 30, 2013.

12 **SECOND CAUSE TO REVOKE PROBATION**

13 **(Failure to Abstain from Use of Alcohol/Submit to Biological Fluid Testing and Sample)**

14 9. At all times during probation, Respondent was subject to the following condition:

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

16 Respondent shall completely abstain from the use of alcoholic beverages during the period of  
17 probation. Respondent shall immediately submit to biological fluid testing, at Respondent's  
18 cost, upon request by the Board or its designee. The length of time and frequency will be  
19 determined by the Board. There will be no confidentiality in test results. Any confirmed  
20 positive finding will be immediately reported to the Respondent's current employer and shall  
21 be a violation of probation.

22 10. Respondent's probation is subject to revocation because Respondent failed to comply  
23 with Probation Condition 4, referenced above. On or about September 18, 2013, Phamatech  
24 Laboratories analyzed the sample Respondent provided that resulted in a positive reading for  
25 Ethyl Glucuronide (Alcohol). On or about October 1, 2013, the Board sent Respondent a  
26 probation violation letter. Respondent provided a response and also sent 4 letters regarding her  
27 continuing to comply with the terms and conditions of her probation. Respondent has failed to  
28 call in and/or log onto Phamatech since October 31, 2013 and has failed to have biological fluid

1 testing since October 30, 2013. Due to Respondent's positive biological fluid test result, the  
2 Board ordered Respondent to immediately cease practice effective October 3, 2013, pursuant to  
3 Business and Professions Code section 315.2.

4 **THIRD CAUSE TO REVOKE PROBATION**

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

6 11. At all times during probation, Respondent was subject to the following condition:

7 **9. Comply with Probation Program.** Respondent shall comply with the probation  
8 program established by the Board and cooperate with representatives of the Board in its  
9 monitoring and investigation of the Respondent's compliance with the program.

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

13 **PRAYER**

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

16 1. Revoking the probation that was granted by the Board in *The Matter of the*  
17 *Accusation Against: Tiffany M. Curtis a.k.a., Tiffany Marie Curtis*, Case No. MF-2010-1239 and  
18 imposing the disciplinary order that was stayed, thereby revoking Marriage and Family Therapist  
19 License No. MFC 41944 issued to Tiffany Curtis Yates, aka Tiffany Marie Curtis;

20 2. Revoking or suspending Marriage and Family Therapist License No. MFC 41944,  
21 issued to Tiffany Curtis Yates, aka Tiffany Marie Curtis; and

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: June 4, 2014



24 KIM MADSEN  
25 Executive Officer  
26 Board of Behavioral Sciences  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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## **Exhibit A**

**Stipulated Settlement and Disciplinary Order, Accusation**

**Board of Behavioral Sciences Case No. MF-2010-1239**

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

In the Matter of the Accusation Against:

**TIFFANY M. CURTIS, AKA TIFFANY  
MARIE CURTIS**

P.O. Box 7261  
Westlake Village, CA 91359

**Marriage and Family Therapist License No.  
MFC 41944**

Respondent.

Case No. MF-2010-1239

DECISION AND ORDER

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

This Decision shall become effective on August 30, 2012.

It is so ORDERED July 31, 2012.

  
\_\_\_\_\_  
FOR THE BOARD OF BEHAVIORAL SCIENCES

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
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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. MF-2010-1239

13 **TIFFANY M. CURTIS, AKA TIFFANY**  
14 **MARIE CURTIS**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 P.O. Box 7261  
16 Westlake Village, CA 91359

**Marriage and Family Therapist License No.**  
**MFC 41944**

Respondent.

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Behavioral Sciences, the parties hereby agree to the  
20 following Stipulated Settlement and Disciplinary Order, which will be submitted to the Board for  
21 approval and adoption as the final disposition of the Accusation.

22 PARTIES

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

27 2. Respondent Tiffany M. Curtis, aka Tiffany Marie Curtis (Respondent) is representing  
28 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.



1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. MF-2010-1239.

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

7 CONTINGENCY

8 11. 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 surrender, 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 Surrender and Disciplinary Order shall be  
15 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 OTHER MATTERS

19 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
20 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
21 effect as the originals.

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



1 other information as may be required by the Board. Respondent shall execute a Release of  
2 Information authorizing the therapist to divulge information to the Board. If the treating  
3 psychotherapist finds that Respondent cannot practice safely or independently, the  
4 psychotherapist shall notify the Board within three (3) working days. Upon notification by the  
5 Board, Respondent shall immediately cease practice and shall not resume practice until notified  
6 by the Board or its designee that Respondent may do so. Respondent shall not thereafter engage  
7 in any practice for which a license issued by the Board is required until the Board or its designee  
8 has notified Respondent that he/she may resume practice. Respondent shall document  
9 compliance with this condition in the manner required by the Board.

10       2.   **Education.** Respondent shall take and successfully complete the equivalency of  
11 three (3) semester units or equivalent in the area of alcohol and substance abuse. All course work  
12 shall be taken at the graduate level at an accredited or approved educational institution that offers  
13 a qualifying degree for licensure as a marriage and family therapist, clinical social worker,  
14 educational psychologist, or professional clinical counselor or through a course approved by the  
15 Board. Classroom attendance must be specifically required. Course content shall be pertinent to  
16 the violation and all course work must be completed within one year from the effective date of  
17 this Decision. Within 90 days of the effective date of the decision respondent shall submit a plan  
18 for prior Board approval for meeting these educational requirements. All costs of the course work  
19 shall be paid by the respondent. Units obtained for an approved course shall not be used for  
20 continuing education units required for renewal of licensure.

21       3.   **Abstain from Controlled Substances / Submit to Biological Fluid Testing and**  
22 **Samples.** Respondent shall completely abstain from the use or possession of controlled or illegal  
23 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.  
24 Respondent shall immediately submit to biological fluid testing, at Respondent's cost, upon  
25 request by the Board or its designee. The length of time and frequency will be determined by the  
26 Board. There will be no confidentiality in test results. Any confirmed positive finding will be  
27 immediately reported to Respondent's current employer and shall be a violation of probation.  
28

1           4.       **Abstain from Use of Alcohol / Submit to Biological Fluid Testing and**  
2 **Samples.** Respondent shall completely abstain from the use of alcoholic beverages during the  
3 period of probation. Respondent shall immediately submit to biological fluid testing, at  
4 Respondent's cost, upon request by the Board or its designee. The length of time and frequency  
5 will be determined by the Board. There will be no confidentiality in test results. Any confirmed  
6 positive finding will be immediately reported to the Respondent's current employer and shall be a  
7 violation of probation.

8           5.       **Cost Recovery.** Respondent shall pay the Board **one thousand and eighty-seven**  
9 **dollars and fifty cents (\$1,087.50)** as and for the reasonable costs of the investigation and  
10 prosecution of Case No. MF-2010-1239. Respondent shall make such payments pursuant to a  
11 payment plan outlined by the Board. Respondent shall make the check or money order payable to  
12 the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost  
13 recovery payment for Case No. MF-2010-1239. Any order for payment of cost recovery shall  
14 remain in effect whether or not probation is tolled. Probation shall not terminate until full  
15 payment has been made. Should any part of cost recovery not be paid in accordance with the  
16 outlined payment schedule, Respondent shall be considered to be in violation of probation. A  
17 period of non-practice by Respondent shall not relieve Respondent of his or her obligation to  
18 reimburse the board for its costs. Cost recovery must be completed six months prior to the  
19 termination of probation. A payment plan authorized by the Board may be extended at the  
20 discretion of the Enforcement Manager based on good cause shown by the probationer.

21           6.       **Reimbursement of Probation Program.** Respondent shall reimburse the Board  
22 for the hourly costs it incurs in monitoring the probation to ensure compliance for the duration of  
23 the probation period. Reimbursement costs shall be \$1,200 per year.

24           7.       **Obey All Laws.** Respondent shall obey all federal, state and local laws, all  
25 statutes and regulations governing the licensee, and remain in full compliance with any court  
26 ordered criminal probation, payments and other orders. A full and detailed account of any and all  
27 violations of law shall be reported by the Respondent to the Board or its designee in writing  
28 within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this term,

1 Respondent shall submit fingerprints through the Department of Justice and Federal Bureau of  
2 Investigation within 30 days of the effective date of the decision, unless previously submitted as  
3 part of the licensure application process. Respondent shall pay the cost associated with the  
4 fingerprint process.

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

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

14       10.      **Interviews with the Board.** Respondent shall appear in person for interviews  
15 with the Board or its designee upon request at various intervals and with reasonable notice.

16       11.      **Residing or Practicing Out-of-State.** In the event Respondent should leave the  
17 State of California to reside or to practice, Respondent shall notify the Board or its designee in  
18 writing 30 calendar days prior to the dates of departure and return. Non-practice is defined as any  
19 period of time exceeding thirty calendar days in which Respondent is not engaging in any  
20 activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the Business and  
21 Professions Code. All time spent in an intensive training program outside the State of California  
22 which has been approved by the Board or its designee shall be considered as time spent in  
23 practice within the State. A Board-ordered suspension of practice shall not be considered as a  
24 period of non-practice. Periods of temporary or permanent residence or practice outside  
25 California will not apply to the reduction of the probationary term. Periods of temporary or  
26 permanent residence or practice outside California will relieve Respondent of the responsibility to  
27 comply with the probationary terms and conditions with the exception of this condition and the  
28 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and

1 Cost Recovery. Respondent's license shall be automatically cancelled if Respondent's periods of  
2 temporary or permanent residence or practice outside California total two years. However,  
3 Respondent's license shall not be cancelled as long as Respondent is residing and practicing in  
4 another state of the United States and is on active probation with the licensing authority of that  
5 state, in which case the two year period shall begin on the date probation is completed or  
6 terminated in that state.

7       12.     **Failure to Practice - California Resident.** In the event Respondent resides in the  
8 State of California and for any reason Respondent stops practicing in California, Respondent shall  
9 notify the Board or its designee in writing within 30 calendar days prior to the dates of non-  
10 practice and return to practice. Any period of non-practice within California, as defined in this  
11 condition, will not apply to the reduction of the probationary term and does not relieve  
12 Respondent of the responsibility to comply with the terms and conditions of probation. Non-  
13 practice is defined as any period of time exceeding thirty calendar days in which Respondent is  
14 not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or 4999.20 of the  
15 Business and Professions Code.

16       13.     **Change of Place of Employment or Place of Residence.** Respondent shall notify  
17 the Board or its designee in writing within 30 days of any change of place of employment or  
18 place of residence. The written notice shall include the address, the telephone number and the  
19 date of the change.

20       14.     **Supervision of Unlicensed Persons.** While on probation, Respondent shall not  
21 act as a supervisor for any hours of supervised practice required for any license issued by the  
22 Board. Respondent shall terminate any such supervisory relationship in existence on the  
23 effective date of this Decision.

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

1 compliance with this term of probation. (FYI: Respondents should seek guidance from Board  
2 staff regarding appropriate application of this condition).

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

10       17.     **Violation of Probation.** If Respondent violates the conditions of his probation, the  
11 Board, after giving Respondent notice and the opportunity to be heard, may set aside the stay  
12 order and impose the discipline (revocation/suspension) of Respondent's license provided in the  
13 decision. If during the period of probation, an accusation, petition to revoke probation, or  
14 statement of issues has been filed against Respondent's license or application for licensure, or the  
15 Attorney General's office has been requested to prepare such an accusation, petition to revoke  
16 probation, or statement of issues, the probation period set forth in this decision shall be  
17 automatically extended and shall not expire until the accusation, petition to revoke probation, or  
18 statement of issues has been acted upon by the board. Upon successful completion of probation,  
19 Respondent's license shall be fully restored.

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

25       19.     **License Surrender.** Following the effective date of this decision, if Respondent  
26 ceases practicing due to retirement or health reasons, or is otherwise unable to satisfy the terms  
27 and conditions of probation, Respondent may voluntarily request the surrender of his license to  
28 the Board. The Board reserves the right to evaluate the Respondent's request and to exercise its

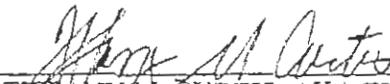
1 discretion whether to grant the request or to take any other action deemed appropriate and  
2 reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent shall  
3 within 30 calendar days deliver Respondent's license and certificate and if applicable will  
4 certificate to the Board or its designee and Respondent shall no longer engage in any practice for  
5 which a license is required. Upon formal acceptance of the tendered license, Respondent will no  
6 longer be subject to the terms and conditions of probation. Voluntary surrender of Respondent's  
7 license shall be considered to be a disciplinary action and shall become a part of Respondent's  
8 license history with the Board. Respondent may not petition the Board for reinstatement of the  
9 surrendered license. Should Respondent at any time after voluntary surrender ever reapply to the  
10 Board for licensure Respondent must meet all current requirements for licensure including, but  
11 not limited to, filing a current application, meeting all current educational requirements, and  
12 taking and passing any and all examinations required of new applicants.

13 20. **Instruction of Coursework Qualifying for Continuing Education.** Respondent  
14 shall not be an instructor of any coursework for continuing education credit required by any  
15 license issued by the Board.

16 21. **Notification to Referral Services.** Respondent shall immediately send a copy of  
17 this decision to all referral services registered with the Board in which Respondent is a  
18 participant. While on probation, Respondent shall send a copy of this decision to all referral  
19 services registered with the Board that Respondent seeks to join.

20 ACCEPTANCE

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

25  
26 DATED: 5/19/2012   
27 TIFFANY M. CURTIS, AKA TIFFANY MARIE  
28 CURTIS  
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: 5/16/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. MF-2010-1239**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
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Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. MF-2010-1239

14 **TIFFANY M. CURTIS**  
15 **a.k.a., TIFFANY MARIE CURTIS**  
16 **a.k.a., TIFFANY SHEFFER**  
P.O. Box 7261  
Westlake Village, CA 91359

**A C C U S A T I O N**

17 **Marriage and Family Therapist License**  
18 **No. MFC 41944**

Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about April 29, 2005, the Board of Behavioral Sciences issued Marriage and  
25 Family Therapist License No. MFC 41944 to Tiffany M. Curtis, also known as Tiffany Marie  
26 Curtis and Tiffany Sheffer (Respondent). The Marriage and Family Therapist License was in full  
27 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
28 2012, unless renewed.



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

14 . . . .

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

24 **COST RECOVERY**

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

1 FIRST CAUSE FOR DISCIPLINE

2 *(Conviction of a Substantially Related Crime)*

3 6. Respondent's license is subject to disciplinary action under sections 4982, subdivision  
4 (a), and 490, in that Respondent was convicted of a crime substantially related to the  
5 qualifications, functions or duties of a licensed marriage and family therapist. On or about June 7,  
6 2010, after pleading guilty, Respondent was convicted of one misdemeanor count of violating  
7 Vehicle Code 23152, subdivision (b) [driving while having a 0.08% and more, by weight, of  
8 alcohol in her blood] in the criminal proceeding entitled *The People of the State of California vs.*  
9 *Tiffany Marie Curtis* (Super. Ct. Ventura County, 2010, No. 2010008244MA). The Court  
10 sentenced Respondent to serve 5 days in Ventura County Jail and placed her on 36 months  
11 probation, with terms and conditions. The circumstances surrounding the conviction are that on  
12 or about March 6, 2010, during an enforcement stop by the California Highway Patrol,  
13 Respondent was contacted. While speaking to Respondent, the officers detected an odor of  
14 alcohol emitting from the vehicle. When asked if she had drank any alcoholic beverages,  
15 Respondent stated, "Only one beer and one martini." During the booking procedure, Respondent  
16 submitted to a breath test that resulted in a blood-alcohol content of 0.19% on the first reading  
17 and a 0.18% on the second reading.

18 SECOND CAUSE FOR DISCIPLINE

19 *(Dangerous Use of Alcohol)*

20 7. Respondent's license is subject to disciplinary action under section 4982, subdivision  
21 (c), in that on or about March 6, 2010, Respondent used alcoholic beverages to an extent or in a  
22 manner that was dangerous or injurious to herself, another person, or the public, when she  
23 operated a vehicle while having a blood-alcohol content of approximately 0.19%. Complainant  
24 refers to, and by this reference incorporates, the allegations set forth above in paragraph 6, as  
25 though set forth fully.

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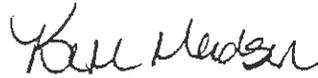
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PRAYER

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 or suspending Marriage and Family Therapist License No. MFC 41944, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: November 21, 2011



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

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