

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

In the Matter of the Accusation Against:

**JAMILA JOELLE BANKS,  
Aka JAMILA JOELLE ABDUL**

**Marriage and Family Therapist Intern  
Registration No. IMF 69839**

Respondent.

Case No. : IM-2012-1387

OAH No. : 2015020585

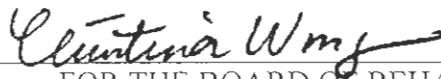
**DECISION AND ORDER**

Pursuant to Government Code section 11517 (c)(2)(C), the attached Proposed Decision is hereby Adopted by the Board of Behavioral Sciences as the final Decision in the above-entitled matter with the following technical changes:

- On page 2, paragraph 2, February 28, 2012 is changed to February 21, 2012
- On page 9, under the ORDER section, the word "Therapy" in the first line is replaced by the word "Therapist"
- On page 11, paragraph 6, line 2, the Business and Professions Code section 4908.02 is changed to 4980.02
- On page 14, paragraph 17, the last sentence is replaced with "Reimbursement cost shall be \$1,200 per year."

This Decision shall be effective on September 4, 2015.

It is so ORDERED August 5, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES  
DEPARTMENT OF CONSUMER AFFAIRS

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Case No. IM-2012-1387

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**PROPOSED DECISION**

Michael A. Scarlett, Administrative Law Judge (ALJ), Office of Administrative Hearings, heard this matter on April 30, 2015, at Los Angeles, California.

Desiree A. Tulleners, Deputy Attorney General, represented Steve Sodergren (complainant), Acting Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer Affairs.

Jamila Joelle Banks, a.k.a. Jamila Joelle Abdul, (respondent) was present at the hearing and represented herself.

Oral and documentary evidence was received and the record was held open to allow respondent to file an updated criminal record docket/minute order to show that her criminal probation had terminated, and a character reference letter from her employer. On May 21, 2015, respondent timely filed a certified Minute Order from the Superior Court of California, County of Los Angeles, in *People of the State of California vs. Jamila Joelle Banks*, Case No. NA091855, which was marked as respondent's Exhibit G. Respondent also filed an April 30, 2015 character reference letter from Mitchica McNear, LCSW-Owner, of Total Commitment Consulting Services, which was marked as respondent's Exhibit H. Complainant was given until May 28, 2015, to file a response or opposition, if any, to respondent's submissions. Complainant did not file an opposition to the two exhibits and both were admitted into evidence.<sup>1</sup>

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<sup>1</sup> Respondent included a cover letter dated May 21, 2015, with the minute order and character reference letter. In her cover letter she provided additional explanations and

## FACTUAL FINDINGS

1. On August 25, 2014, complainant filed the Accusation in his official capacity as the Acting Executive Officer of the Board. On September 25, 2014, respondent filed a Notice of Defense requesting a hearing. This hearing ensued.
2. On February 28, 2012, the Board issued original Marriage and Family Therapist Intern (MFTI) Registration Number IMF 69839 to respondent. The MFTI registration expired on February 28, 2014.<sup>2</sup>
3. On April 26, 2012, in the Superior Court of California, County of Los Angeles, in *People of the State of California vs. Jamila Joelle Banks*, Case No. NA091855-02, respondent was convicted on her plea of nolo contendere to violating Health and Safety Code section 11360, subdivision (a) (sale of marijuana), a felony. Imposition of sentence was suspended and respondent was placed on formal probation for a period of three years under specified terms and condition of probation. As a result of her plea to the felony sales of marijuana offense, respondent was required to register as a drug offender. On April 25, 2015, respondent's criminal probation terminated.
4. The facts and circumstances surrounding respondent's conviction are that on April 3, 2012, the Long Beach Police Department (LBPD), while conducting a drug investigation, set up a controlled buy of marijuana from respondent's husband using a police assistant (PA). On that evening, respondent and her husband, La-Ty Banks, were driving to a restaurant to celebrate starting a new non-profit corporation, Foster & Banks Walk in Faith Foundation. Respondent was driving the vehicle when her husband received a telephone call from a known acquaintance who was an LBPD PA. The PA asked respondent's husband to meet him at an agreed upon location to transact a marijuana purchase. Respondent drove her husband to the location designated by the PA and the PA purchased \$40 worth of marijuana from respondent's husband. During the marijuana sales transaction police officers noticed respondent and her husband were smoking marijuana in the vehicle. After the marijuana sales transaction was

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evidence related to the allegations in the Accusation. Respondent's cover letter is not considered and is not admitted as an exhibit. She was given leave only to supplement the record with an updated criminal record docket and character reference letter.

<sup>2</sup> The expiration of a license issued by a Board shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the Board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground. (Bus. & Prof. Code § 118, subd. (b).)

completed, respondent drove off and LBPD officers stopped respondent's vehicle and arrested both respondent and her husband.

5. The arresting officers noticed a strong odor of marijuana emitting from respondent's vehicle. Respondent's husband admitted to the arresting officers that he and respondent had been "hot boxing" in the vehicle with the windows up (smoking marijuana in an enclosed area) (Exh. 5). LBPD officers recovered the folded paper bindle containing buds of marijuana that was sold to the PA; two green plastic vials containing buds of marijuana from the husband's backpack which was in the vehicle; a functional black digital scale found in plain view on the center console of the vehicle; and \$374 in cash found in respondent's purse on the back seat of the vehicle.

6. Respondent told one of the arresting officers during her booking that she had a seven month-old child and that she had just opened a business. The arrest report indicates that an officer asked respondent if that's why she was selling "weed," and respondent stated "yeah, it helps pay for the diapers and food." (Exh. 5.) She admitted to police that she used to smoke marijuana but that she had recently quit because of her child. Respondent also told officers that her husband still smoked marijuana and that he had a medical marijuana card. Respondent testified that her husband told her that he used the digital scale to insure that the weight of the medical marijuana he purchased was correct and that he was not being cheated by the marijuana dispensaries. Respondent also denied telling LBPD officers that she sold marijuana to help pay for diapers and food. She stated that she told the officers that her husband sold compact disc music to help pay for daycare and diapers.

7. On May 3, 2012, respondent submitted a letter to the Board explaining her April 3, 2012 arrest and her subsequent conviction. Respondent stated that she and her husband were out celebrating their new business when her husband asked her to make a stop on the way to the restaurant so that he could speak with a friend. Respondent stated that she had no idea her husband was making a marijuana sales transaction that evening or that he had ever sold marijuana. She denied being involved in any drug sale or drug deal. When she was arrested, respondent did not have marijuana or the \$40 in marked LBPD money that the PA paid respondent's husband for the marijuana in her possession. Respondent further stated that she was aware that her husband smoked marijuana, but that he had a medical marijuana license which allowed him to legally smoke marijuana. Respondent stated that she initially intended to fight the criminal charges but after being told by the District Attorney that she and her husband's cases would not be severed, respondent accepted the District Attorney's plea deal to avoid risking her husband being sentenced to five years in prison. Respondent did not want to risk the long prison sentence because of their young children. Consequently, respondent reluctantly accepted the plea to a felony conviction for selling marijuana.

8. Respondent admitted that she was smoking marijuana on April 3, 2012, when she was arrested by the LBPD. She testified that in April 2012, she was on

disability leave from her job due to depression associated with her pregnancy and child birth, and that she smoked marijuana to help with her depression. However, respondent denied that she sold any drugs and that she was aware that her husband was transacting a marijuana sale. Respondent testified that her husband had a medical marijuana certificate/permit to purchase marijuana for his personal medical use, but did not produce evidence of a medical marijuana certificate or permit for her husband or herself. Although respondent denied she had any role in the marijuana sales transaction, she admitted that selling marijuana was wrong and accepted the conviction imposed by the court. Respondent credibly testified that she has learned from this experience, that she no longer smokes marijuana, and that she wants to continue her career as a marriage and family therapist intern.

9. Respondent has been married to La-Ty Banks for almost five years and has three children, ages nine, three and three months. Respondent received her undergraduate Bachelor of Science degree in Political Science and Psychology from the University of Southern California in 2004. She obtained her Masters Degree in Marriage and Family Therapy from the University of La Verne in 2011. Respondent was raised by a single mother and worked multiple jobs during school to pay for her education.

10. Respondent worked as a Service Coordinator/Counselor at the Harbor Regional Center in Torrance, California from approximately 2007 until 2012. From 2013 until January 2015, respondent worked with Total Commitment Consulting Services in San Bernardino, California as a therapist providing group therapy to at-risk male youth. Respondent provided group therapy through Total Commitment Consulting Services at three different group homes. She counseled at-risk youth regarding drug use and abuse in addition to providing other intervention services.

11. On April 23, 2012, respondent and her husband filed Articles of Incorporation with the Office of the Secretary of State incorporating their nonprofit public benefit corporation, Foster & Banks Walk in Faith Foundation. Respondent and her husband organized the nonprofit corporation to provide supports and services to at-risk children, adolescents and young adults in crisis, and individuals with developmental or learning disabilities. Since the formulation of the nonprofit in 2012, respondent has been active in providing community outreach services in the Los Angeles area such as youth life skill programs, tutoring and mentoring children in area schools, teaching elementary age children and parents about nutritional education and exercise, and participating in community resource fairs. Respondent has volunteered a significant number of hours to community service in the Los Angeles area each year since 2012. Respondent has also been actively involved in her church, Committed to Christ Christian Center, in Compton, California since 2005, and has been studying for the Christian ministry for about three years. Within her own church, and other churches in the Los Angeles area, respondent has participated in numerous food and clothing drives for the underprivileged and homeless and has organized recycling

drives to educate children and the community about the importance of environmental initiatives.

12. Respondent offered several character reference letters that attested to both her professional experience and community involvement. LaKieya Patterson, BSW, Children’s Counselor with the Harbor Regional Center, stated that respondent showed outstanding experience and dedication in coordinating services at the regional center on behalf of high risk, infant and developmentally disabled children. (Exh. A.) Ms. Patterson has known respondent for over seven years and worked with her at the Harbor Regional Center for five years. Mitchica McNear, LCSW-Owner, of Total Commitment Consulting Services wrote a letter on respondent’s behalf stating that she was aware that respondent had broken the law, but that her organization looked beyond respondent’s criminal record and would welcome her back as a group therapist if respondent wanted to return to work. Ms. McNear has known respondent for two years and stated that respondent was “honest, reliable, and has very good integrity.” (Exh. H.) She attested to respondent’s “tremendous growth in therapeutic skills” during the period she was employed with Total Commitment Consulting Services, stating that respondent’s “background actually added some life experience” that was useful in working with her clients. Ms. McNear stated that she hired respondent enthusiastically without reservation knowing her criminal background, which respondent fully disclosed in her application for employment and during her interview with Total commitment Consulting Services. Ar’Lisa Foster, the After-School Program Director for Budlong Elementary School, has known and worked with respondent since 2011. Ms. Foster stated that respondent contributed more than 120 days of her volunteer time between 2012 to 2014 mentoring and tutoring students at Budlong Elementary School. She described respondent as “a person of great character and integrity.” (Exh. A.) Ms. Foster stated that “Jamila is very hardworking, dedicated, carries herself very professionally and enjoys making positive working relationships with everyone she interacts with. Students and colleagues have nothing but good words to characterize interactions with her. I strongly believe she is a valuable addition to any program or agency.”

13. Respondent has no prior criminal convictions or disciplinary actions taken against her by the Board.

14. The Board incurred \$2,210 in prosecutorial costs in this matter. The costs are reasonable.

### LEGAL CONCLUSIONS

1. Business and Professions Code<sup>3</sup> section 490 provides in pertinent part:

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<sup>3</sup> All further statutory references are to the Business and Professions Code unless otherwise specified.

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

2. Section 4982 provides that:

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the

imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

3. California Code of Regulations, title 16, section 1812 provides:

For purposes of denial, suspension, or revocation of a license or registration pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16 of Division 2 of the Code if to a substantial degree it evidences present or potential unfitness of a person holding a license to perform the functions authorized by his or her license in a manner consistent with the public health, safety or welfare.

4. Cause exists to revoke respondent's MFTI registration, pursuant to Business and Professions Code sections 490, subdivision (a), and 4982, subdivision (a), and California Code of Regulations, title 16, section 1812, based upon her felony conviction for the sale of marijuana, a conviction that is substantially related to the licensed activity, by reason of Factual Findings 3 through 8, and Legal Conclusions 1 through 6.

5. "Marijuana" is a Schedule I Controlled Substance as defined in Health and Safety Code section 11054, subdivision (d)(13), and is categorized as a dangerous drug pursuant to section 4022. Convictions of crimes involving substance abuse and controlled substances are generally found to be substantially related to the health care profession. (See *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757.) The Board's regulations further provide that a crime is substantially related to the qualifications, functions or duties of the licensee "if to a substantial degree it evidences present or potential unfitness" to perform the licensed activity in a manner consistent with the public health, safety or welfare. (Cal. Code Regs., tit. 16, § 1812.) Respondent's felony conviction for sale of marijuana, a controlled substance and dangerous drug, evidences present or potential unfitness to perform her duties as a marriage and family therapist intern in a manner consistent with the public health, safety and welfare.

6. Although respondent testified that she has never sold marijuana and that she was unaware that her husband was conducting a marijuana sales transaction on April 3, 2012, respondent may not attempt to impeach or collaterally attack her felony conviction in this disciplinary proceeding. (See *Robbins v. Davi* (2009) 175 Cal.App.4th 118, 126; *Leslie v. Board of Med. Quality Assur.* (1991) 234 Cal.App.3d 117, 120.) The underlying facts and circumstances of respondent's arrest and conviction established that respondent was driving the vehicle in which the marijuana sales transaction occurred, she admitted that she was smoking marijuana with her husband when the transaction occurred, her husband gave the PA the marijuana through the front passenger window of the vehicle in exchange for the \$40 in marked money, and in plain view in the vehicle, there was a digital scale that is typically

used in weighing marijuana or other drugs when respondent was arrested. Consequently, respondent's assertion that she was unaware that a marijuana sales transaction occurred in her vehicle on April 3, 2012, is not supported by the evidence.

*Rehabilitation*

7. California Code of Regulations, title 16, section 1814 provides:
  - (a) When considering the suspension or revocation of a license, the board, in evaluating the rehabilitation of such person and his or her eligibility for a license will consider the following criteria:
    - (1) Nature and severity of the act(s) or crime(s) under consideration as grounds for suspension or revocation.
    - (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.
    - (3) The time that has elapsed since commission of the act(s) or crime(s) giving rise to the suspension or revocation.
    - (4) Whether the licensee has complied with any terms of probation, parole, restitution or any other sanctions lawfully imposed against such person.
    - (5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.
    - (6) Evidence, if any, concerning the degree to which a false statement relative to application for licensure may have been unintentional, inadvertent or immaterial.
    - (7) Efforts made by the applicant either to correct a false statement once made on an application or to conceal the truth concerning facts required to be disclosed.
    - (8) Evidence, if any, of rehabilitation submitted by the licensee.

8. Respondent has met several of the rehabilitation criteria, by reason of Factual Findings 3, and 6 through 13. Although respondent suffered a felony conviction for sale of marijuana, the facts and circumstances underlying the conviction revealed that her husband was the primary perpetrator of the criminal offense. The facts also show that the amount of marijuana involved in the sales transaction was a relatively small amount and there is no evidence that respondent had been involved in prior marijuana sales transactions.

Respondent suffered no prior or subsequent criminal convictions or arrest for unlawful offenses involving drug sales or other criminal activity. Respondent's criminal offense occurred in April 2012, over three years ago, and she successfully complied with the terms and conditions of her probation, which terminated on April 25, 2015.

9. Although, respondent only recently completed her probation, she has an impressive record of community service and involvement. In 2012, she started a nonprofit corporation, the Foster & Banks Walk in Faith Foundation, through which she and her husband have been involved in providing community services and supports to at-risk youth, adolescents and young adults in the greater Los Angeles area. Respondent has volunteered significant time mentoring and tutoring youth at local schools, and she is actively involved in her church. Even though respondent continued to deny a primary role in the marijuana sales transaction that resulted in her conviction, she admitted that selling marijuana was wrong, and accepted the penalty imposed by the court. Respondent no longer smokes marijuana and credibly testified that she is not involved in the dealing or sale of drugs. Respondent has diligently pursued her profession as a marriage and family therapist as evidenced by her work with Total Commitment Consulting Services as a group therapist providing services to three different group homes for at-risk youth. If allowed to retain her MFTI registration, this agency would continue to employ respondent in that capacity. Finally, respondent provided multiple character reference letters attesting to her professionalism as a therapist and her honesty, sincerity and integrity in the performance of her community work with at-risk youth.

10. Based on the totality of the evidence, respondent has established that she is sufficiently rehabilitated from her criminal conviction, such that allowing her to retain a properly restricted probationary MFTI registration would not pose a significant risk to the public health, safety and welfare.

#### *Cost Recovery*

11. The Board is entitled to recover its costs of prosecution in the amount of \$2,210, pursuant to Business and Professions Code section 125, by reason of Factual Findings 14. Complainant prevailed on the allegations contained in the Accusation, and the Board's costs are determined to be reasonable. Respondent provided no evidence to establish that she is unable to pay the cost of prosecution incurred by Board. Accordingly, respondent will be ordered to pay the costs of prosecution in this case in the amount of \$2,210.

#### ORDER

Marriage and Family Therapy Intern Registration Number IMF 69839 issued to respondent Jamila Joelle Banks , a.k.a., Jamila Joelle Abdul, is revoked. The revocation will be stayed and respondent placed on five years probation with the following terms and conditions. Probation shall continue on the same terms and conditions if respondent is

granted a subsequent registration, becomes licensed, or is granted another registration or license regulated by the Board during the probationary period.

**1. Actual Suspension**

Commencing from the effective date of this decision, respondent shall be suspended from the practice of Marriage and Family Therapist Intern for a period of 60 days.

**2. Obey All Laws**

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

**3. File Quarterly Reports**

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

**4. 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.

**5. Interviews with the Board**

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

**6. Failure to Practice**

In the event respondent stops practicing in California, respondent shall notify the Board or its designee in writing within 30 calendar days prior to the dates of non-practice and return to practice. Non-practice is defined as any period of time

exceeding thirty calendar days in which respondent is not engaging in any activities defined in Sections 4908.02, 4989.14, 4996.9, or 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this condition, will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; File Quarterly Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost Recovery. Respondent's license/registration shall be automatically cancelled if respondent's period of non-practice total two years.

#### **7. Change of Place of Employment or Place of Residence**

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

#### **8. Supervised Practice**

Within 30 days of the effective date of this decision, respondent shall submit to the Board or its designee, for its prior approval, the name and qualification of one or more proposed supervisors and a plan by each supervisor. The supervisor shall be a current California licensed practitioner in respondent's field of practice, who shall submit written reports to the Board or its designee on a quarterly basis verifying that supervision has taken place as required and including an evaluation of respondent's performance. The supervisor shall be independent, with no prior business, professional or personal relationship with respondent.

If respondent is unable to secure a supervisor in his or her field of practice due to the unavailability of mental health care professionals in the area, then the Board may consider the following options for satisfying this probationary term:

- (1) Permitting the respondent to receive supervision via videoconferencing; or,
- (2) Permitting respondent to secure a supervisor not in the respondent's field of practice.

The forgoing options shall be considered and exhausted by the Board in the order listed above. The Board may require that respondent provide written documentation of his or her good faith attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a mental health professional that is licensed in the respondent's field of practice.

Failure to file the required reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor access to respondent's fiscal and client records. Supervision obtained from a probation supervisor shall not be used as experience gained toward licensure.

If the supervisor is no longer available, respondent shall notify the Board within 15 days and shall not practice until a new supervisor has been approved by the Board. All costs of the supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per week in individual face to face meetings. The supervisor shall not be the respondent's therapist.

#### **9. Supervision of Unlicensed Persons**

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

#### **10. Notification to Clients**

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

#### **11. Notification to Employer**

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

#### **12. Violation of Probation**

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

If during the period of probation, an accusation, petition to revoke probation, or statement of issues has been filed against respondent's license [or registration] or application for licensure, or the Attorney General's office has been requested to prepare such an accusation, petition to revoke probation, or statement of issues, the probation period set forth in this decision shall be automatically extended and shall

not expire until the accusation, petition to revoke probation, or statement of issues has been acted upon by the board. Upon successful completion of probation, respondent's license [or registration] shall be fully restored.

### **13. Maintain Valid License**

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

### **14. License Surrender**

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

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

### **15. Instruction of Coursework Qualifying for Continuing Education**

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

### **16. Notification to Referral Services**

Respondent shall immediately send a copy of this decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this decision to all referral services registered with the Board that respondent seeks to join.

**17. Reimbursement of Probation Program**

Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Annual reimbursement costs shall be determined by the Board.

**18. Abstain from Controlled Substances / Submit to Biological Fluid Testing and Samples**

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

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.

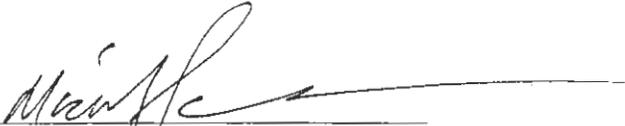
There will be no confidentiality in test results. Any confirmed positive finding will be immediately reported to respondent's current employer and shall be a violation of probation.

**19. Cost Recovery**

Respondent shall pay the Board \$2,210 as and for the reasonable costs of the investigation and prosecution of Case No. IM-2012-1387. Respondent shall make such payments as specified and agreed to by the Board. Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. IM-2012-1387. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve respondent of her obligation to reimburse the Board for its costs.

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

Dated: July 1, 2015

  
MICHAEL A. SCARLETT  
Administrative Law Judge  
Office of Administrative Hearings

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE A. TULLENERS  
Deputy Attorney General  
4 State Bar No. 157464  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2578  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. IM-2012-1387

12 **JAMILA JOELLE BANKS**  
**aka JAMILA JOELLE ABDUL**  
13 7839 Dalton Avenue  
14 Los Angeles, CA 90047

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

15 Marriage and Family Therapist Intern  
Registration No. IMF 69839

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about February 21, 2012, the Board of Behavioral Sciences (Board) issued  
24 Marriage and Family Therapist Intern Registration No. IMF 69839 to Jamila Joelle Banks, also  
25 known as Jamila Joelle Abdul (Respondent). The Marriage and Family Therapist Intern  
26 Registration was in full force and effect at all times relevant to the charges brought herein, but  
27 will expire on February 28, 2015, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 STATUTORY PROVISIONS

5 4. Section 118, subdivision (b), provides, in pertinent part, that the expiration of a  
6 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
7 period within which the license may be renewed, restored, reissued or reinstated.

8 5. Section 490 states, in pertinent part:

9 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
10 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
11 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
12 or profession for which the license was issued.

13 (b) Notwithstanding any other provision of law, a board may exercise any authority to  
14 discipline a licensee for conviction of a crime that is independent of the authority granted under  
15 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
16 of the business or profession for which the licensee's license was issued.

17 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
18 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
19 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
20 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
21 made suspending the imposition of sentence, irrespective of a subsequent order under the  
22 provisions of Section 1203.4 of the Penal Code."

23 6. Section 4982 states:

24 "The board may deny a license or registration or may suspend or revoke the license or  
25 registration of a licensee or registrant if he or she has been guilty of unprofessional conduct.  
26 Unprofessional conduct includes, but is not limited to, the following:

27 (a) The conviction of a crime substantially related to the qualifications, functions, or  
28 duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive

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 COST RECOVERY

15 7. Section 125.3 provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 8. CONTROLLED SUBSTANCE

20 "Marijuana," is a schedule I controlled substance as defined in Health and Safety Code  
21 section 11054, subdivision (d)(13), and is categorized a dangerous drug pursuant to section 4022.

#### 22 FIRST CAUSE FOR DISCIPLINE

##### 23 *(Conviction of a Substantially Related Crime)*

24 9. Respondent is subject to disciplinary action under sections 4982, subdivision (a) and  
25 490, in that, Respondent was convicted of a crime substantially related to the qualifications,  
26 functions or duties of a licensed marriage and family therapist intern, as follows:

27 a. On or about April 26, 2012, after pleading *nolo contendere*, Respondent was  
28 convicted of one felony count of violating Health and Safety Code section 11360, subdivision (a)

1 [sale of marijuana], in the criminal proceeding entitled *The People of the State of California v.*  
2 *Jamila Joelle Banks* (Super. Ct. Los Angeles County, 2012, No. NA091855-02). The Court  
3 placed Respondent on 3 years formal probation under certain terms and conditions.

4 b. The circumstances surrounding the conviction are that on or about March 3, 2012, the  
5 Long Beach Police Department, while conducting a drug investigation, set up a controlled buy of  
6 marijuana using a police assistant. Respondent was observed driving and parking a vehicle at the  
7 specified location for the buy. The police assistant walked up to the vehicle and saw that it was  
8 filled with smoke and noticed a strong odor of marijuana. The police assistant observed that  
9 respondent was smoking, and the passenger admitted to "hot boxing" the car. The passenger  
10 exchanged a bindle that contained buds of marijuana for \$40.00. Both the respondent and the  
11 passenger were subsequently arrested for violating Health and Safety Code section 11360,  
12 subdivision (a) [sale of marijuana]. During the booking procedure, Respondent indicated that she  
13 had a 7 month old child, and she had just opened a business. The officer asked Respondent if that  
14 is why she was selling "weed." Respondent stated, "yeah, it helps pay for the diapers and food."  
15 Respondent admitted to a police officer that it was wrong to sell marijuana.

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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 Intern Registration No. IMF 69839, 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/25/14

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