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

In the Matter of the Accusation Against:
ANTHONY NORIEGA RAMIREZ
1977 N. Garey Ave # 1
Pomona, CA 91767
**Marriage and Family Therapist Intern
Registration No. IMF 65883**

Respondent.

Case No. IM-2013-64
DEFAULT DECISION AND ORDER

[Gov. Code, §11520.]

FINDINGS OF FACT

1. On May 11, 2015, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Accusation Number IM-2013-64 against Respondent Anthony Noriega Ramirez before the Board of Behavioral Sciences. The Accusation is attached as Exhibit A.

2. On January 12, 2011, the Board issued Marriage and Family Therapist Intern Registration Number IMF 65883 to Respondent. The registration expired on January 31, 2012, and has not been renewed.

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1 3. On May 26, 2015, Complainant served a copy of the Accusation, a Statement to
2 Respondent, a Notice of Defense form, Complainant's Request for Discovery, and a copy of the
3 discovery statutes (Gov. Code, §§ 11507.5–11507.7). Service was made by Certified Mail
4 addressed to Respondent's address of record, which was and is 1977 North Garey Avenue,
5 Number 1, Pomona, California 91767. Respondent is required to maintain a valid address on file
6 with the Board at all times pursuant to Business and Professions Code section 136.

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

9 5. On or about June 8, 2015, the documents identified in paragraph 3 were returned by
10 the United States Postal Service marked "Refused—not at this address." The address on the
11 returned envelope was the same as the address on file with the Board. Respondent failed to
12 maintain an updated address with the Board, has not made himself available for service and
13 therefore, has not availed himself of his right to file a Notice of Defense and contest the charges.

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
21 of the Accusation, and therefore he waived his right to a hearing on its merits.

22 8. California Government Code section 11520 states, in pertinent part:

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing. The Board takes
official notice of all relevant investigatory reports, exhibits and statements on file with the Board.
Based on the officially noticed materials and the evidence in the Default Decision Evidence

1 Packet, the Board finds by clear and convincing evidence that allegations in Accusation Number
2 IM-2013-64 are separately and severally true and correct.

3 DETERMINATION OF ISSUES

4 1. Based on the Board's findings of fact, Respondent Anthony Noriega Ramirez has
5 subjected his Marriage and Family Therapist Intern Registration Number IMF 65883 to
6 discipline.

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

8 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Marriage and
9 Family Therapist Intern Registration based upon the following violations alleged in the
10 Accusation which are supported by the evidence contained in the Default Decision Evidence
11 Packet in this case:

12 4. Respondent suffered a conviction that is substantially related to the qualifications,
13 functions and duties of a Marriage and Family Therapist Intern. (Bus. & Prof. Code, § 490, 4982,
14 subd. (a), Cal. Code Regs., tit. 16, § 1812.)

15 a. On August 31, 2012, the Los Angeles County Superior Court convicted Respondent
16 of driving under the influence of alcohol with a blood alcohol content equal to or greater than
17 0.08 percent (Veh. Code, § 23152, subd. (b)). The court suspended sentencing and placed
18 Respondent on summary probation for three years. Pursuant to the terms of his probation,
19 Respondent was required to pay fines and restitution totaling \$1,704 and complete a three-month
20 first-offender alcohol and other drug education and counseling program. (*People v. Anthony*
21 *Noriega Ramirez* (Super. Ct. L.A. County, 2012, No. 2WA23501 [plea of *nolo contendere*]).)

22 b. Respondent's conviction stems from conduct occurring on July 18, 2012. Shortly
23 before eight o'clock on a Thursday evening, Respondent drove drunk and hit three cars. He failed
24 to stop and exchange information and determine if other motorists were injured (they were not).
25 Police discovered Respondent in a parking lot, stumbling next to his car. The car exhibited
26 frontend and rear-bumper damage. Respondent was shirtless and smelled of vomit. He told the
27 arresting officer that he "d[id]n't know what happened." He struggled to complete field sobriety
28 tests and refused the Romberg test because he was "too drunk." Respondent had 0.11 percent

1 alcohol, by weight, in his blood two hours after driving.

2 5. Respondent committed unprofessional conduct by using alcohol to the extent, or in a
3 manner, as to be dangerous to himself and others. (Bus. & Prof. Code, § 4982, subd. (c).)

4 **ORDER**

5 IT IS SO ORDERED that Marriage and Family Therapist Intern Registration No. IMF
6 65883, heretofore issued to Respondent Anthony Noriega Ramirez, is revoked.

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

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13 This Decision shall become effective on September 4, 2015.

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16 It is so ORDERED August 5, 2015

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20 FOR THE BOARD OF BEHAVIORAL SCIENCES
21 DEPARTMENT OF CONSUMER AFFAIRS

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25 Attachment:
26 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 MATTHEW A. KING
Deputy Attorney General
4 State Bar No. 265691
300 So. Spring St., Suite 1702
5 Los Angeles, CA 90013
matthew.king@doj.ca.gov
6 (213) 897-7446

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. IM-2013-64

12 **ANTHONY NORIEGA RAMIREZ**
13 1977 N. Garey Ave # 1
14 Pomona, CA 91767

A C C U S A T I O N
(Gov. Code, § 11503.)

15 **Marriage and Family Therapist Intern**
Registration No. IMF 65883

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

23 2. On January 12, 2011, the Board issued Marriage and Family Therapist Intern
24 Registration Number IMF 65883 to Respondent Anthony Noriega Ramirez. The registration
25 expired on January 31, 2012, and has not been renewed. Notwithstanding the registration's
26 expiration, the Board has continuing jurisdiction in this matter pursuant to Business and
27 Professions Code section 118, subdivision (b).

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

8 STATUTES

9 5. Code Section 490 provides that a board may suspend or revoke a license on the
10 ground that the licensee has been convicted of a crime substantially related to the qualifications,
11 functions, or duties of the business or profession for which the license was issued.

12 6. Code Section 4982 states, in pertinent part:

13 The board may deny a license or registration or may suspend or revoke the license or
14 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:

15 (a) The conviction of a crime substantially related to the qualifications, functions,
16 or duties of a licensee or registrant under this chapter [Licensed Marriage and Family
Therapist Act].

17 ...

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

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REGULATIONS

7. California Code of Regulations, title 16, section 1812 states:

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.

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COST RECOVERY

8. Section 125.3 permits the Board to request the administrative law judge to direct a licentiate found to have committed a violation of the Licensed Marriage and Family Therapist Act to pay the reasonable costs of the investigation and enforcement of the case.

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FIRST CAUSE FOR DISCIPLINE

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(Conviction of a Substantially Related Crime)

9. Respondent is subject to disciplinary action under Code sections 490 and 4982, subdivision (a), in conjunction with California Code of Regulations, title 16, section 1812, on the grounds of unprofessional conduct because he was convicted of a crime that is substantially related to the qualifications, functions, or duties of a Marriage and Family Therapist Intern.

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a. On August 31, 2012, the Los Angeles County Superior Court convicted Respondent of driving under the influence of alcohol with a blood alcohol content equal to or greater than 0.08 percent (Veh. Code, § 23152, subd. (b)). The court suspended sentencing and placed Respondent on summary probation for three years. Pursuant to the terms of his probation, Respondent was required to pay fines and restitution totaling \$1,704 and complete a three-month first-offender alcohol and other drug education and counseling program. (*People v. Anthony Noriega Ramirez* (Super. Ct. L.A. County, 2012, No. 2WA23501 [plea of *nolo contendere*]).)

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b. Respondent's conviction stems from conduct occurring on July 18, 2012. Shortly before eight o'clock on a Thursday evening, Respondent drove drunk and hit three cars. He failed to stop and exchange information and determine if other motorists were injured (they were not). Police discovered Respondent in a parking lot, stumbling next to his car. The car exhibited front-end and rear-bumper damage. Respondent was shirtless and smelled of vomit. He told the

1 arresting officer that he “d[id]n’t know what happened.” He struggled to complete field sobriety
2 tests and refused the Romberg test because he was “too drunk.” Respondent had 0.11 percent
3 alcohol, by weight, in his blood two hours after driving.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Alcohol)**

6 10. Respondent is subject to disciplinary action under section 4982, subdivision (c), for
7 unprofessional conduct because he used an alcoholic beverage to the extent, or in a manner, as to
8 be dangerous or injurious to himself and to the public. Complainant realleges paragraph 9.

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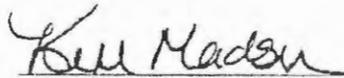
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PRAYER

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 Intern Registration Number IMF 65883, issued to Anthony Noriega Ramirez;
2. Ordering Anthony Noriega Ramirez to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: May 11, 2015



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

LA2014511102