

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

In the Matter of the Accusation Against:

JACQUELINE LOUISE CLINGMAN
2254 Gaviota, #6
Signal Hill, CA 90755
Licensed Clinical Social Worker License No.
LCS 17782

Respondent.

Case No. LC-2010-60

OAH No. 2014050495

DECISION AND ORDER

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

This Decision shall become effective on August 27, 2015.

It is so ORDERED July 28, 2015.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. LC-2010-60

11 **JACQUELINE LOUISE CLINGMAN**
12 **2254 Gaviota, #6**
Signal Hill, CA 90755
13 **Licensed Clinical Social Worker License No.**
LCS 17782

OAH No. 2014050495

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Kim Madsen ("Complainant") is the Executive Officer of the Board of Behavioral
21 Sciences. She brought this action solely in her official capacity and is represented in this matter
22 by Kamala D. Harris, Attorney General of the State of California, by Antonio Lopez, Jr., Deputy
23 Attorney General.

24 2. Respondent Jacqueline Louise Clingman ("Respondent") is represented in this
25 proceeding by attorney Scott J. Harris, whose address is: 8383 Wilshire Blvd., Suite 830
26 Beverly Hills, CA 90211.

27 3. On or about November 20, 1995, the Board of Behavioral Sciences issued Licensed
28 Clinical Social Worker License No. LCS 17782 to Jacqueline Louise Clingman (Respondent).

1 The Licensed Clinical Social Worker License was in full force and effect at all times relevant to
2 the charges brought in Accusation No. LC-2010-60 and will expire on April 30, 2015, unless
3 renewed.

4 JURISDICTION

5 4. Accusation No. LC-2010-60 was filed before the Board of Behavioral Sciences
6 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
7 Accusation and all other statutorily required documents were properly served on Respondent on
8 October 4, 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

9 5. A copy of Accusation No. LC-2010-60 is attached as exhibit A and incorporated
10 herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. LC-2010-60. Respondent has also carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
15 Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 her own expense; the right to confront and cross-examine the witnesses against her; the right to
19 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents; the right to reconsideration
21 and court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

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

25 CULPABILITY

26 9. Respondent understands and agrees that the charges and allegations in Accusation
27 No. LC-2010-60, if proven at a hearing, constitute cause for imposing discipline upon her
28 Licensed Clinical Social Worker License.

1 of its determination that respondent may resume practice.

2 **2. Psychotherapy**

3 Respondent shall participate in ongoing psychotherapy with a California licensed mental
4 health professional who has been approved by the Board. Within 15 days of the effective date of
5 this decision, respondent shall submit to the Board or its designee for its prior approval the name
6 and qualifications of one or more therapists of respondent's choice. Such therapist shall possess a
7 valid California license to practice and shall have had no prior business, professional, or personal
8 relationship with respondent, and shall not be the respondent's supervisor. Counseling shall be at
9 least once a week unless otherwise determined by the Board. Respondent shall continue in such
10 therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

11 Respondent may, after receiving the Board's written permission, receive therapy via
12 videoconferencing if respondent's good faith attempts to secure face-to-face counseling are
13 unsuccessful due to the unavailability of qualified mental health care professionals in the area.
14 The Board may require that respondent provide written documentation of her good faith attempts
15 to secure counseling via videoconferencing.

16 Respondent shall provide the therapist with a copy of the Board's decision no later than the
17 first counseling session. Upon approval by the Board, respondent shall undergo and continue
18 treatment until the Board or its designee determines that no further psychotherapy is necessary.

19 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits
20 quarterly written reports to the Board concerning respondent's fitness to practice, progress in
21 treatment, and to provide such other information as may be required by the Board. Respondent
22 shall execute a Release of Information authorizing the therapist to divulge information to the
23 Board.

24 If the treating psychotherapist finds that respondent cannot practice safely or independently,
25 the psychotherapist shall notify the Board within three (3) working days. Upon notification by
26 the Board, respondent shall immediately cease practice and shall not resume practice until
27 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter
28 engage in any practice for which a license issued by the Board is required until the Board or its

1 designee has notified respondent that she may resume practice. Respondent shall document
2 compliance with this condition in the manner required by the Board.

3 **3. Law and Ethics Course**

4 Respondent shall take and successfully complete the equivalency of two semester units in
5 law and ethics. Course work shall be taken at the graduate level at an accredited or approved
6 educational institution that offers a qualifying degree for licensure as a marriage and family
7 therapist, clinical social worker, educational psychologist, professional clinical counselor as
8 defined in Sections 4980.40, 4996.18, 4999.32 or 4999.33 of the Business and Professions Codes
9 and Section 1854 of Title 16 of the California Code of Regulations or through a course approved
10 by the Board. Classroom attendance must be specifically required. Within 90 days of the effective
11 date of this Decision, respondent shall submit a plan for prior Board approval for meeting this
12 educational requirement. Said course must be taken and completed within one year from the
13 effective date of this Decision. The costs associated with the law and ethics course shall be paid
14 by the respondent. Units obtained for an approved course in law and ethics shall not be used for
15 continuing education units required for renewal of licensure.

16 **4. Obey All Laws**

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

25 **5. File Quarterly Reports**

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

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

3 **6. Comply with Probation Program**

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

7 **7. Interviews with the Board**

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

10 **8. Failure to Practice**

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

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

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

26 **10. Supervision of Unlicensed Persons**

27 While on probation, respondent shall not act as a supervisor for any hours of supervised
28 practice required for any license issued by the Board. Respondent shall terminate any such

1 supervisory relationship in existence on the effective date of this Decision.

2 **11. Notification to Clients**

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

8 **12. Notification to Employer**

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

15 **13. Violation of Probation**

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

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

26 **14. Maintain Valid License**

27 Respondent shall, at all times while on probation, maintain a current and active license with
28 the Board, including any period during which suspension or probation is tolled. Should

1 respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license
2 shall be subject to any and all terms of this probation not previously satisfied.

3 **15. License Surrender**

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

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

21 **16. Instruction of Coursework Qualifying for Continuing Education**

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

24 **17. Notification to Referral Services**

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

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18. 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. Reimbursement costs shall be \$1200.00 per year.

19. Cost Recovery

Respondent shall pay the Board \$4,550.00, as and for the reasonable costs of the investigation and prosecution of Case No. LC-2010-60. Respondent shall make payments pursuant to a payment plan outlined by the Board. Respondent shall make all checks or money orders payable to the Board of Behavioral Sciences and shall indicate on the checks or money orders that it is the cost recovery payment for Case No. LC-2010-60. 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.

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Exhibit A

Accusation No. LC-2010-60

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ANTONIO LOPEZ, JR.
Deputy Attorney General
4 State Bar No. 206387
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2536
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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11 In the Matter of the Accusation Against:

Case No. LC-2010-60

12 **JACQUELINE LOUISE CLINGMAN**
2254 Gaviota, #6
13 Signal Hill, CA 90755

A C C U S A T I O N

14 Licensed Clinical Social Worker License No.
15 LCS 17782

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 20, 1995, the Board of Behavioral Sciences (Board) issued
23 Licensed Clinical Social Worker License No. LCS 17782 to Jacqueline Louise Clingman
24 (Respondent). The Licensed Clinical Social Worker License was in full force and effect at all
25 times relevant to the charges brought herein and will expire on April 30, 2013, unless renewed.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender,
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
4 action during the period within which the license may be renewed, restored, reissued or
5 reinstated.

6 5. Section 490 provides, in pertinent part:

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

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

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

21 6. Section 4992.3 provides, in pertinent part:

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

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

25 "(a) The conviction of a crime substantially related to the qualifications, functions, or
26 duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive
27 evidence only of the fact that the conviction occurred. The board may inquire into the
28 circumstances surrounding the commission of the crime in order to fix the degree of discipline or

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

11

12 "(f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation
13 adopted by the board.

14

15 "(k) The commission of any dishonest, corrupt, or fraudulent act substantially related to
16 the qualifications, functions, or duties of a licensee or registrant."

17 7. Section 4996.11 of the Code states that "[t]he board may suspend or revoke the
18 license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings
19 for the suspension or revocation of licenses under this article shall be conducted in accordance
20 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
21 Government Code, and the board shall have all the powers granted in that chapter."

22 **REGULATORY PROVISIONS**

23 8. California Code of Regulations, title 16, section 1881 provides, in pertinent part:

24 "The board may suspend or revoke the license of a licensee or may refuse to issue a license
25 to a person who:

26

27 "(e) Commits any dishonest, corrupt, or fraudulent act which is substantially related to the
28 qualifications, functions or duties of a licensee. . . ."

1 COST RECOVERY

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

6 FIRST CAUSE FOR DISCIPLINE

7 (Conviction of a Substantially-Related Crime)

8 10. Respondent is subject to disciplinary action under sections 490, and 4992.3,
9 subdivision (a), on the grounds of unprofessional conduct, in that on or about December 13, 2010,
10 Respondent was convicted of a crime that was substantially related to the qualifications, functions
11 or duties of a licensed clinical social worker, as follows:

12 a. On or about December 13, 2010, a jury trial found Respondent *guilty*, and convicted
13 Respondent of one misdemeanor count of violating Penal Code section 148.5, subdivision (a)
14 [false report of a crime], in the criminal proceeding entitled *The People of the State of California*
15 *v. Jacqueline Louise Clingman* (Super. Ct. Los Angeles County, 2008, No. 9LG04112). The
16 court placed Respondent on probation for a period of 3 years, ordered her to perform 120 days of
17 community service, and fined her. The circumstances surrounding the conviction are that on or
18 about December 30, 2008, two Signal Hill Police Officers were dispatched to the station lobby
19 regarding a possible identity theft report by Respondent. Respondent reported to the officers that
20 someone with her same name purchased a \$58,000 Mercedes-Benz and was financed through
21 Bank of America. During an extensive investigation, Respondent admitted to Detectives that she
22 signed the documents to purchase two vehicles for a company because she thought that the
23 vehicle payments would be made. Respondent admitted to the Detectives that, "she made the
24 mistake of her life." Respondent knowingly filed a false credit application to obtain a vehicle
25 loan to purchase two Mercedes Benz and a Jaguar. Respondent knowingly purchased the vehicles
26 for a made up company. The vehicles were purchased by Respondent and later distributed to
27 unknown people for an unknown profit. Respondent received an unknown amount in exchange
28 for making the purchase. Respondent was contacted by the finance company to repossess the

1 vehicles, and Respondent filed a false identity theft report to avoid any legal responsibility for the
2 vehicles. Respondent was subsequently convicted of violating Penal Code section 148.5,
3 subdivision (a) [false report of a crime].

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and/or Corruption)**

6 11. Respondent is subject to disciplinary action under section 4992.3, subdivision (k), in
7 conjunction with California Code of Regulations, title 16, section 1881, subdivision (e), on the
8 grounds of unprofessional conduct, in that Respondent committed dishonest, corrupt, or
9 fraudulent acts. Complainant refers to and by this reference incorporates the allegations set forth
10 above in paragraph 10, subparagraph (a), inclusive, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct-Violate Act)**

13 12. Respondent is subject to disciplinary action under section 4992.3, subdivision (f), in
14 that Respondent violated the provisions of the Behavioral Sciences Act when she was convicted
15 of a crime involving a false report of a crime. Complainant refers to and by this reference
16 incorporates the allegations set forth above in paragraph 10, subparagraph (a), inclusive, as
17 though set forth fully.

18 **PRAYER**

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

21 1. Revoking or suspending Licensed Clinical Social Worker License No. LCS 17782,
22 issued to Jacqueline Louise Clingman;

23 2. Ordering Jacqueline Louise Clingman to pay the Board the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3; and

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

DATED: September 20, 2012



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

LA2011600928