

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

In the Matter of the Accusation Against:

Case No. MF-2013-1292

MARTY CHRISTINE JOHNSON
P.O. Box 1643
Mendocino, CA 95460-1643
Marriage and Family Therapist License No.
MFC 14010

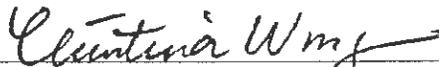
Respondent.

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 JOSHUA A. ROOM
Supervising Deputy Attorney General
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4 State Bar No. 284646
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Attorneys for Complainant

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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. MF-2013-1292

11 **MARTY CHRISTINE JOHNSON**
12 **P.O. Box 1643**
Mendocino, CA 95460-1643
13 **Marriage and Family Therapist License No.**
MFC 14010

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondent.
15

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

18 PARTIES

19 1. Kim Madsen (Complainant) is the Executive Officer of the Board of Behavioral
20 Sciences (Board), Department of Consumer Affairs. She brought this action solely in her official
21 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
22 California, by Rosailda Perez, Deputy Attorney General.

23 2. Respondent Marty Christine Johnson (Respondent) is represented in this proceeding
24 by attorney Christopher J. Zopatti, whose address is: 2601 Main Street, Suite 800, Irvine, CA
25 92614.

26 3. On or about August 20, 1979, the Board issued Marriage and Family Therapist
27 License No. MFC 14010 to Respondent. The Marriage and Family Therapist License was in full
28 force and effect at all times relevant to the charges brought in Accusation No. MF-2013-1292 and

1 will expire on April 30, 2016, unless renewed.

2 JURISDICTION

3 4. Accusation No. MF-2013-1292 was filed before the Board and is currently pending
4 against Respondent. The Accusation and all other statutorily required documents were properly
5 served on Respondent on August 1, 2014. Respondent timely filed her Notice of Defense
6 contesting the Accusation.

7 5. A copy of Accusation No. MF-2013-1292 is attached as exhibit A and incorporated
8 herein by reference.

9 ADVISEMENT AND WAIVERS

10 6. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. MF-2013-1292. Respondent has also carefully read,
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

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

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

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. MF-2013-1292.

26 10. Respondent agrees that her Marriage and Family Therapist License is subject to
27 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
28 Disciplinary Order below.

1 1. **Psychotherapy**

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

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

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

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

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

1 2. **Attend Dependency Support Program**

2 Respondent shall attend a dependency support program approved by the Board no less than
3 two times per week. Respondent shall provide proof of attendance at said program with each
4 quarterly report that Respondent submits during the period of probation. Failure to attend, or to
5 show proof of such attendance, shall constitute a violation of probation..

6 3. **Abstain from Controlled Substances / Submit to Biological Fluid Testing and**
7 **Samples**

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

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

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

15 Respondent shall completely abstain from the use of alcoholic beverages.

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

20 5. **Obey All Laws**

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

1 **6. File Quarterly Reports**

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

7 **7. Comply with Probation Program**

8 Respondent shall comply with the probation program established by the Board and
9 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
10 compliance with the program.

11 **8. Interviews with the Board**

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

14 **9. Failure to Practice**

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

26 **10. 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 **11. Change of Place of Employment or Place of Residence**

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

7 **12. Supervision of Unlicensed Persons**

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

11 **13. Notification to Clients**

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

17 **14. Notification to Employer**

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

24 **15. Violation of Probation**

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

28 ://

1 If during the period of probation, an accusation, petition to revoke probation, or statement
2 of issues has been filed against respondent's license or application for licensure, or the Attorney
3 General's office has been requested to prepare such an accusation, petition to revoke probation, or
4 statement of issues, the probation period set forth in this decision shall be automatically extended
5 and shall not expire until the accusation, petition to revoke probation, or statement of issues has
6 been acted upon by the board. Upon successful completion of probation, respondent's license
7 shall be fully restored.

8 **16. License Surrender**

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

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

26 **17. Instruction of Coursework Qualifying for Continuing Education**

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

1 18. **Notification to Referral Services**

2 Respondent shall immediately send a copy of this decision to all referral services registered
3 with the Board in which respondent is a participant. During probation, Respondent shall send a
4 copy of this decision to all referral services registered with the Board respondent seeks to join.

5 19. **Reimbursement of Probation Program**

6 Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to
7 ensure compliance for the duration of the probation period. Reimbursement costs shall be
8 \$1,200.00 per year.

9 20. **Cost Recovery**

10 Respondent shall pay the Board \$1,167.50 as and for the reasonable costs of the
11 investigation and prosecution of Case No. MF-2013-1292. Respondent shall make such
12 payments pursuant to a payment plan outlined by the Board. Respondent shall make the check or
13 money order payable to the Board of Behavioral Sciences and shall indicate on the check or
14 money order that it is the cost recovery payment for Case No. MF-2013-1292. Any order for
15 payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall
16 not terminate until full payment has been made. Should any part of cost recovery not be paid in
17 accordance with the outlined payment schedule, respondent shall be considered to be in violation
18 of probation. A period of non-practice by respondent shall not relieve respondent of her
19 obligation to reimburse the board for its costs.

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

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Christopher J. Zopatti. I understand the stipulation and the effect it will have on my Marriage and Family Therapist License and any subsequent registration or license I might be issued during probation. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

DATED: 3/30/15 Marty Christine Johnson
MARTY CHRISTINE JOHNSON
Respondent

I have read and fully discussed with Respondent Marty Christine Johnson the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3/31/15 CJ Zopatti
CHRISTOPHER J. ZOPATTI
Attorney for Respondent

ENDORSEMENT

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

Dated: 5/27/15 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General
Rosailda Perez
ROSAILDA PEREZ
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. MF-2013-1292

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 ROSAILDA PEREZ
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Attorneys for Complainant

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9 STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. MF-2013-1292

11 MARTY CHRISTINE JOHNSON
12 P.O. Box 1643
Mendocino, CA 95460

A C C U S A T I O N

13 Marriage and Family Therapist License No.
14 MFC 14010

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about August 20, 1979, the Board issued Marriage and Family Therapist
22 License Number MFC 14010 to Marty Christine Johnson (Respondent). The Marriage and Family
23 Therapist License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on April 30, 2016, unless renewed.

25 JURISDICTION

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

1 dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a
2 manner, as to be dangerous or injurious to the person applying for a registration or license or
3 holding a registration or license under this chapter, or to any other person, or to the public, or, to
4 the extent that the use impairs the ability of the person applying for or holding a registration or
5 license to conduct with safety to the public the practice authorized by the registration or license.
6 The board shall deny an application for a registration or license or revoke the license or
7 registration of any person, other than one who is licensed as a physician and surgeon, who uses or
8 offers to use drugs in the course of performing marriage and family therapy services.

9 "..."

10 COST RECOVERY

11 7. Code section 125.3 provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Substantially Related Conviction)

17 8. Respondent is subject to disciplinary action under section Code sections 490, and
18 4982, subdivision (a), in that on or about January 8, 2013, in Mendocino County Superior Court
19 case number MCTM-CRTR-12-70585, Respondent was convicted of having violated Vehicle
20 Code section 23152 (driving under the influence). Imposition of sentence was suspended in favor
21 of a five-year probation term. The conviction arose from Respondent's conduct on or about
22 November 3, 2012, when the Fort Bragg Police Department arrested Respondent for driving under
23 the influence. Respondent's BAC was measured at .25% and .23 %.

24 SECOND CAUSE FOR DISCIPLINE

25 (Dangerous and/or Injurious Use of Alcohol)

26 9. Respondent is subject to disciplinary action under Code section 4982, subdivision (c),
27 in that Respondent drove while under the influence of alcohol, as described in paragraph 8, above.

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PRAYER

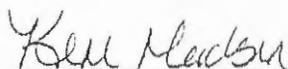
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Behavioral Sciences issue a decision:

1. Revoking or suspending Marriage and Family Therapist License Number MFC 14010, issued to Marty Christine Johnson;

2. Ordering Marty Christine Johnson to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: July 29, 2014



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

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