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

In the Matter of the Accusation Against:  
  
**JAMES ELLIS**  
178 W. Twain Avenue  
Fresno, California 93704  
  
Marriage and Family Therapist License No.  
MFC 6984  
  
Respondent.

Case No. MF-2013-1317

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 17, 2014, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Accusation No. MF-2013-1317 against James Ellis (Respondent) before the Board of Behavioral Sciences. (Accusation attached as Exhibit A.)
2. On or about October 7, 1975, the Board of Behavioral Sciences (Board) issued Marriage and Family Therapist License No. MFC 6984 to Respondent. The Marriage and Family Therapist License expired on November 30, 2013, and has not been renewed.
3. On or about January 15, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. MF-2013-1317, Statement to Respondent, Notice of Defense,

1 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
2 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
3 Code section 136, is required to be reported and maintained with the Board. Respondent's  
4 address of record was and is:

5 178 W. Twain Avenue  
6 Fresno, California 93704.

7 4. The First Class mailing was not returned. In or about March 2015, the certified  
8 mailing was returned marked "Unclaimed". The street number "178" for the address had been  
9 crossed out and the street number "187" was handwritten next to it, with notations on the  
10 envelope indicating that notice was left by the postal delivery person on 1/20/15 at 4:23 pm. On  
11 the certified mailing return receipt card still affixed to the back of the envelope, under the Section  
12 D asking "Is delivery address different from Item 1? If YES, enter delivery address below:", the  
13 address "187 W. Twain" was handwritten in the box. "Item 1" refers to the section on the return  
14 receipt titled "Article Addressed to:", which contained Respondent's address of record.

15 5. On April 7, 2015, the Accusation and accompanying documents, as set forth above in  
16 paragraph 3, were re-served on Respondent at 187 W. Twain Avenue, Fresno California 93704.  
17 Neither the First Class nor Certified Mail were returned.

18 6. As of May 21, 2015, the aforementioned documents have not been returned by the  
19 U.S. Postal Service and are deemed to have been received.

20 7. Service of the Accusation was effective as a matter of law under the provisions of  
21 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
22 124.

23 8. Government Code section 11506 states, in pertinent part:

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



1 b. Code section 4982(j): Respondent committed theft, which is a dishonest, corrupt, or  
2 fraudulent act substantially related to the qualifications, functions, or duties of a marriage and  
3 family therapist licensee.

4 c. Code section 4982: Respondent engaged in general unprofessional conduct based on  
5 the fact that in 2002, while working for the Santa Cruz County Health Services Agency,  
6 Respondent took home a box containing 193 individual mental health assessments, where it  
7 remained until his estranged wife found them in 2013.

8 ORDER

9 IT IS SO ORDERED that Marriage and Family Therapist License No. MFC 6984,  
10 heretofore issued to Respondent James Ellis, is revoked.

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

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

16 It is so ORDERED August 5, 2015

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

21 11749122.DOC  
22 DOJ Matter ID:SA2014116782

23 Attachment:  
24 Exhibit A: Accusation  
25  
26  
27  
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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-8311  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. MF-2013-1317

12 **JAMES ELLIS**  
178 W. Twain Avenue  
13 Fresno, California 93704

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

14 **Licensed Marriage and Family Therapist**  
15 **No. LMFT 6984**

16 Respondent.

17 Kim Madsen ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about October 7, 1975, the Board issued Marriage and Family Therapist  
22 License Number LMFT 6984 to James Ellis, also known as James Clell Ellis ("Respondent"). The  
23 marriage and family therapist license expired on November 30, 2013, and has not been renewed.

24 **STATUTORY PROVISIONS**

25 3. Code section 118(b) provides that the expiration of a license shall not deprive the  
26 Board of jurisdiction to proceed with a disciplinary action during the period within which the  
27 license may be renewed, restored, reissued or reinstated.

28 4. Business and Professions Code ("Code") section 4982 states, in pertinent part:

1 The board may deny a license or registration or may suspend or revoke the  
2 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  
3 following:

4 (a) The conviction of a crime substantially related to the qualifications,  
5 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.  
6 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  
7 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  
8 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  
9 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  
10 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,  
11 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.

12 (j) The commission of any dishonest, corrupt, or fraudulent act substantially  
13 related to the qualifications, functions, or duties of a licensee or registrant.

#### 14 COST RECOVERY

15 5. Code 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  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
19 included in a stipulated settlement.

#### 20 FIRST CAUSE FOR DISCIPLINE

21 (Criminal Conviction)

22 6. Respondent is subject to disciplinary action under Code section 4982(a), in that he was  
23 convicted of a crime substantially related to the qualifications, functions, or duties of a licensee.  
24 Specifically, on or about February 13, 2013, in the matter entitled *People v. James Clell Ellis*,  
25 Santa Cruz County Superior Court, Case No. M71313, Respondent was convicted on his plea of  
26 guilty of violating Penal Code section 484(a) (petty theft), a misdemeanor. The circumstances of  
27 the crime are that on or about December 24, 2012, Respondent loaded groceries totaling \$210.62  
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1 into a shopping cart at Safeway in Santa Cruz, California. He transferred the merchandise into his  
2 reusable bags and exited the store without paying for the merchandise. When an officer with the  
3 Santa Cruz County Sheriff's Office questioned Respondent about his motives, Respondent  
4 responded that he does things spontaneously and without reason when under stress.

5 SECOND CAUSE FOR DISCIPLINE

6 (Dishonest, Corrupt, or Fraudulent Act)

7 7. Respondent is subject to disciplinary action under Code section 4982(j), in that, as set  
8 forth in paragraph 6, above, Respondent committed theft, a dishonest, corrupt, or fraudulent act  
9 substantially related to the qualifications, functions, or duties of a marriage and family therapist  
10 licensee.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct)

13 8. Respondent is subject to disciplinary action under Code section 4982, in that, he is  
14 guilty of unprofessional conduct. Specifically, Respondent worked for the Santa Cruz County  
15 Health Services Agency ("SCCHSA") from sometime prior to 2002 until his resignation on or  
16 about February 22, 2013. On or about May 23, 2013, Respondent's wife reported to SCCHSA  
17 that she found a box containing 193 individual mental health assessments in the house she  
18 previously shared with Respondent. Respondent explained that he took the box containing mental  
19 health assessments home in 2002, where it remained until his estranged wife found them.

20 PRAYER

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

23 1. Revoking or suspending Marriage and Family Therapist Number LMFT 6984, issued  
24 to James Ellis, also known as James Clell Ellis;

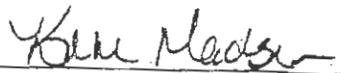
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1           2.    Ordering James Ellis, also known as James Clell Ellis, to pay the Board of Behavioral  
2 Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to  
3 Business and Professions Code section 125.3; and,

4           3.    Taking such other and further action as deemed necessary and proper.  
5

6 DATED: December 17, 2014



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

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