

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

In the Matter of the Accusation Against:

KATHLEEN ETTA PANTEA
P.O. Box 55764
Valencia, California 91385

Marriage and Family Therapist
No. MFC 33566

Respondent.

Case No. MF 1999-107

OAH No. L-2000080208

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, as its Decision in the above entitled matter.

This Decision shall become effective on November 21, 2001.

It is so ORDERED October 22, 2001.



FOR THE BOARD OF BEHAVIORAL SCIENCES
KAREN PINES, BOARD CHAIR

1 BILL LOCKYER, Attorney General
of the State of California
2 GUS GOMEZ, State Bar No. 146845
Deputy Attorney General
3 California Department of Justice
300 South Spring Street, Suite 1702
4 Telephone: (213) 897-2563
Facsimile: (213) 897-2804

5 Attorneys for Complainant
6

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

11 In the Matter of the Accusation Against:

12 KATHLEEN ETTA PANTEA
P.O. Box 55764
Valencia, California 91385

13 Marriage and Family Therapist
No. MFC 33566

14 Respondent.
15

Case No. MF 1999-107

OAH No. L-2000080208

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with
18 the public interest and the responsibility of the Board of Behavioral Sciences, Department of
19 Consumer Affairs ("Board"), the parties hereby agree to the following Stipulated Settlement and
20 Disciplinary Order which will be submitted to the Board for its approval and adoption as the
21 final disposition of the Accusation.

22 PARTIES

23 1. Complainant Sherry Mehl is the Executive Officer of the Board of
24 Behavioral Sciences. She brought this action solely in her official capacity and is represented in
25 this matter by Bill Lockyer, Attorney General of the State of California, by Gus Gomez, Deputy
26 Attorney General.

27 2. Respondent Kathleen Etta Pantea ("Respondent") is represented in this
28 proceeding by attorney Christopher J. Zopatti, Callahan, McCune & Willis, LLP, whose address

1 is 111 Fashion Lane, Tustin, California 92780.

2 3. On or about November 13, 1996, the Board of Behavioral Sciences issued
3 Marriage, Family and Child Counselor license number MFC 33566 to Kathleen Etta Pantea
4 ("Respondent").¹

5 JURISDICTION

6 4. Accusation No. MF 1999-107, was filed before the Board of Behavioral
7 Sciences ("Board"), and is currently pending against Respondent. The Accusation, together with
8 all other statutorily required documents, was duly served on Respondent on May 25, 2000, and
9 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
10 Accusation No. MF 1999-107 is attached as Exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read and discussed with her counsel the nature of
13 the charges and allegations in the Accusation and the effects of this Stipulated Settlement and
14 Disciplinary Order.

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

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

24 CULPABILITY

25 8. Respondent understands that the charges and allegations in the
26

27 ¹Effective July 1, 1999, the title "marriage, family and child counselor" was renamed
28 "marriage and family therapist." A reference in Accusation No. MF 1999-107 to "marriage,
family and child counselor" shall be deemed a reference to a "marriage and family therapist."

1 Accusation, if proven at a hearing, constitute cause for imposing discipline upon her Marriage
2 and Family Therapist license.

3 9. Respondent admits she engaged in unprofessional conduct, specifically by
4 engaging in an inappropriate dual relationship with patient M.H.

5 10. The foregoing admissions in paragraph 9 are made only for the purpose of
6 this proceeding and any subsequent proceedings between respondent and the Board, the Board of
7 Psychology, and any other governmental entity responsible for licensing or certifying marriage,
8 family and child counselors. The foregoing admissions in paragraph 9 shall not be deemed
9 admissions for any purpose in any other civil or criminal forum or proceeding.

10 11. Respondent agrees that her Marriage and Family Therapist license is
11 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set
12 forth in the Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to the approval of the Board. Respondent
15 understands and agrees that Board of Behavioral Sciences' staff and counsel for Complainant
16 may communicate directly with the Board regarding this stipulation and settlement, without
17 notice to or participation by Respondent or her counsel. If the Board fails to adopt this
18 stipulation as its Order, except for this paragraph the Stipulated Settlement and Disciplinary
19 Order shall be of no force or effect, it shall be inadmissible in any legal action between the
20 parties, and the Board shall not be disqualified from further action by having considered this
21 matter.

22 13. The parties agree that facsimile copies of this Stipulated Settlement and
23 Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as
24 the original Stipulated Settlement and Disciplinary Order and signatures.

25 14. In consideration of the foregoing admissions and stipulations, the parties
26 agree that the Board shall, without further notice or formal proceeding, issue and enter the
27 following Disciplinary Order:

28 //

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Marriage and Family Therapist license number MFC 33566 issued to Respondent Kathleen Etta Pantea is revoked. However, the revocation is stayed and Respondent is placed on probation for seven (7) years on the following terms and conditions.

1. **Actual Suspension.** Commencing from the effective date of this decision, Respondent shall be suspended from the practice of marriage and family therapy for a period of two (2) years.

2. **Obey all Laws.** Respondent shall obey all federal, state and local laws, and obey all statutes and regulations governing the licensee. 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.

3. **File Quarterly Reports.** Respondent shall submit quarterly reports as scheduled on the "Quarterly Report Form" (original, no revision date) required by the Board to the Board or its designee. Respondent shall state under penalty of perjury whether there has been compliance with all the conditions of probation.

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. **Tolling of Probation.** Respondent shall notify the Board in writing within 10 days if Respondent leaves California to reside or practice in another state. The written notice to the Board or its designee shall include the dates of departure from California and return. Respondent shall notify the Board within 10 days upon return to California. The period of probation shall not run during the time Respondent is residing or practicing outside of California.

Respondent shall notify the Board in writing, within 10 days, of any leave of

1 absence from the practice of marriage and family counseling in California. The written notice to
2 the Board or its designee shall include the beginning and ending dates of such leave of practice.
3 Respondent shall notify the Board within 10 days prior to resumption of practice in California.
4 The period of probation shall not run during the time Respondent takes a leave of absence from
5 practice for more than twelve consecutive weeks.

6 7. **License Surrender.** Following the effective date of this decision, if
7 Respondent ceases practicing due to retirement or health reasons, or is otherwise unable to
8 satisfy the terms and conditions of probation, Respondent may voluntarily surrender her license
9 to the Board. The Board reserves the right to evaluate the Respondent's request and to exercise
10 its discretion whether to grant the request or to take any other action deemed appropriate and
11 reasonable under the circumstances. Upon formal acceptance of the tendered license,
12 Respondent will no longer be subject to the terms and conditions of probation.

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

20 8. **Change of Place of Employment or Place of Residence.** Respondent
21 shall notify the Board or its designee in writing within 30 days of any change of place of
22 employment or place of residence. The written notice shall include the address, the telephone
23 number and the date of the change.

24 9. **Supervision of Unlicensed Persons.** While on probation, Respondent
25 shall not act as a supervisor for any hours of supervised practice required for any license issued
26 by the Board. Respondent shall terminate any such supervisory relationship in existence on the
27 effective date of this Decision.

28 10. **Notification to Clients.** Respondent shall notify all current and potential

1 clients of any term or condition of probation which will affect their therapy or the confidentiality
2 of their records. Such notification shall be signed by each client prior to continuing or
3 commencing treatment. Respondent shall submit, upon request by the Board or its designee,
4 satisfactory evidence of compliance with this term of probation.

5 **11. Notification to Employer.** Respondent shall notify all current and
6 potential employers of any term or condition of probation which will affect their employment.
7 Respondent shall provide a copy of the decision to each employer during the length of probation.
8 Such notification shall be signed by each employer. Respondent shall submit, upon request by
9 the Board or its designee, satisfactory evidence of compliance with this term of probation.

10 **12. Violation of Probation.** If Respondent violates the conditions of her
11 probation, the Board, after giving Respondent notice and the opportunity to be heard, may set
12 aside the stay order and impose the discipline (revocation) of Respondent's license provided in
13 the decision.

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

21 **13. Supervision of Respondent's Practice.** No later than 60 days before the
22 end of the actual suspension period (condition 1), Respondent shall submit to the Board or its
23 designee, for its prior approval, the name and qualification of one or more proposed supervisors
24 and a plan by each supervisor. The supervisor shall be a current California licensed practitioner
25 in Respondent's field of practice, who shall submit written reports to the Board or its designee on
26 a quarterly basis verifying that supervision has taken place as required and including an
27 evaluation of Respondent's performance. The supervisor shall be independent, with no prior
28 business, professional or personal relationship with Respondent. Failure to file the required

1 reports in a timely fashion shall be a violation of probation. Respondent shall give the supervisor
2 access to Respondent's fiscal and client records.

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

9 **14. Psychotherapy.** Respondent shall participate in ongoing psychotherapy
10 with a California licensed mental health professional who has been approved by the Board.
11 Counseling shall be at least once a week unless otherwise determined by the Board. Respondent
12 shall continue in such therapy at the Board's discretion. Cost of such therapy is to be borne by
13 Respondent.

14 Within 60 days of the effective date of this decision, Respondent shall submit to
15 the Board or its designee for its prior approval the name and qualifications of one or more
16 therapists of Respondent's choice. Such therapist shall possess a valid California license to
17 practice and shall have had no prior business, professional, or personal relationship with
18 Respondent, nor shall the psychotherapist be the Respondent's supervisor. Respondent shall
19 provide the therapist with a copy of the Board's decision no later than the first counseling
20 session. Upon approval by the Board, Respondent shall undergo and continue treatment until the
21 Board or its designee determines that no further psychotherapy is necessary.

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

27 If the treating psychotherapist finds that Respondent cannot practice safely or
28 independently, the psychotherapist shall notify the Board within three (3) working days. Upon

1 notification by the Board, Respondent shall immediately cease practice and shall not resume
2 practice until notified by the Board or its designee that Respondent may do so. Respondent shall
3 not thereafter engage in any practice for which a license issued by the Board is required until the
4 Board or its designee has notified Respondent that she may resume practice. Respondent shall
5 document compliance with this condition in the manner required by the Board.

6 15. **Cost Recovery.** Respondent shall pay the Board \$10,000.00 of costs as
7 and for the reasonable costs of the investigation and prosecution of Case No. MF 199-107.
8 Respondent shall make such payments as follows: 48 monthly payments in the amount of
9 \$208.33 each, commencing no later than 30 days after the end of the actual suspension period
10 (condition 1), until the amount of \$10,000.00 shall be paid in full. Respondent shall make the
11 check or money order payable to the Board of Behavioral Sciences and shall indicate on the
12 check or money order that it is the cost recovery payment for Case No. MF 1999-107. Should
13 any part of cost recovery not be paid in accordance with the outlined payment schedule,
14 Respondent shall be considered to be in violation of probation.

15 16. **Reimbursement of Probation Program.** Respondent shall reimburse the
16 Board for the hourly costs it incurs in monitoring the probation to ensure compliance for the
17 duration of the probation period.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed the terms and conditions and other matters contained therein with my attorney Christopher J. Zopatti. I understand the effect this stipulation will have on my Marriage and Family Therapist license. I enter into this Stipulated Settlement voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary Order and Decision of the Board of Behavioral Sciences. I further agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order, including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 7/28/01

Kathleen Etta Pantea
KATHLEEN ETTA PANTEA
Respondent

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

DATED: 7/28/01

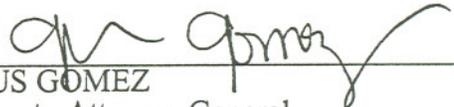
Christopher Zopatti
CHRISTOPHER J. ZOPATTI
Attorney for Respondent

ENDORSEMENT

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

DATED: 8/6/01.

BILL LOCKYER, Attorney General
of the State of California



GUS GOMEZ
Deputy Attorney General

Attorneys for Complainant

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Exhibit A:
Accusation Case No. MF 1999-107

1 BILL LOCKYER, Attorney General
of the State of California
2 GUSTAVO GOMEZ, State Bar No. 146845
Deputy Attorney General
3 Department of Justice
300 South Spring Street, Suite 1702
4 Los Angeles, California 90013
Telephone: (213) 897-2563

5 Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF BEHAVIORAL SCIENCES**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. MF 1999-107

12 KATHLEEN ETTA PANTEA
13 P.O. Box 55764
Valencia, California 91385

ACCUSATION

14 Marriage, Family and Child Counselor
15 No. MFC 33566

16 Respondent.
17

18 Sherry Mehl, as cause for discipline action, alleges:
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20 **PARTIES**

21 1. Complainant Sherry Mehl makes and files this Accusation in her official
22 capacity as Executive Officer of the Board of Behavioral Sciences (hereinafter "Board"),
23 Department of Consumer Affairs, State of California.

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28 ///

1 him.

2 b. During the following session, Respondent and patient M. H. discussed
3 meeting in a restaurant parking lot located "off Malibu." During this meeting,
4 Respondent engaged in touching, kissing and expressing feelings of caring for patient
5 M. H. Three days later, Respondent once again met patient M. H. at the same location.
6 They then went to Respondent's home and engaged in sexual intercourse.

7 c. Subsequently, Respondent and patient M. H. would meet at least twice
8 a week or more, and engage in sexual intercourse. On occasion, patient M. H. stayed
9 overnight at Respondent's home and would have dinner with her family every other
10 Sunday. Respondent introduced patient M. H. to her two ex-husbands and mother as
11 her "significant other."

12 d. On one occasion, Respondent and patient M. H. went to a local tattoo
13 shop and patient M. H. purchased a tattoo for Respondent.

14 e. During the course of their relationship, Respondent and patient M. H.
15 would engage in holding hands, kissing and embracing one another during therapy
16 sessions. Respondent also gave patient M. H. seven to eight romantic greeting cards
17 during the therapy sessions.

18 PRAYER

19 WHEREFORE, Complainant prays that a hearing be held and that following said
20 hearing the Board make its order:

- 21 1. Revoking or suspending Marriage, Family and Child Counselor License
22 Number MFC 33566 issued to Respondent Kathleen Etta Pantea.
- 23 2. Issuing an order compelling the Respondent to reimburse the Board for
24 the reasonable costs of its investigation, enforcement and prosecution of
25 this matter, up to the day of hearing; and

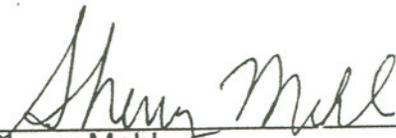
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3. Taking such other and further action as the Board deems proper.

DATED: 5-18-2000



Sherry Mehl,
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California

Complainant

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