KAMALA D. HARRIS
Attorney General of California
JOSE R. GUERRERO
Supervising Deputy Attorney General
KERRY WEISEL
Deputy Attorney General
State Bar No. 127522
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-5590
Facsimile: (415) 703-5480

Attorneys for Complainant

BEFORE THE
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **LINDSAY CHRISTINE GROFF** **Hearing Aid Dispenser License No. HA 7027** Respondent.	Case No. 1C-2011-12 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

1. Annemarie Del Mugnaio ("Complainant") brings this First Amended Accusation solely in her official capacity as the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board ("Board"), Department of Consumer Affairs.

2. On or about March 17, 2006, the then-titled Hearing Aid Dispensers Bureau issued Hearing Aid Dispenser License Number HA 7027 to Lindsay Christine Groff ("Respondent"). Unless it is renewed, the license will expire on March 31, 2014. There is no record of Board discipline against this license.

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JURISDICTION

3. This First Amended Accusation is brought before the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2531.06 provides that the Board has jurisdiction over the licensing and regulation of hearing aid dispensers.

5. Section 2531.05 creates a Hearing Aid Dispensing Committee.

6. Section 2533 provides that "[t]he Board may . . . suspend, or revoke, or impose terms and conditions upon the license of any licensee for any of the following causes:

"(a) conviction of a crime substantially related to the qualifications, functions, and duties of a speech-language pathologist or audiologist or hearing aid dispenser, as the case may be. The record of the conviction shall be conclusive evidence thereof.

". . . ."

7. Section 480 (a)(1) provides that a board may deny a license on the grounds that the applicant has "[b]een convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time 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, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

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

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FACTS

9. On May 11, 2011, the Napa County District Attorney's Office filed criminal complaint number NSC Number CR 156814 (NDA Number 200300387-02), against Respondent in the Napa County Superior Court.

10. On November 29, 2011, as part of a plea agreement, the Complaint was amended to add an additional count, a violation of Business and Professions Code section 17500, making false or misleading statements, a misdemeanor. Respondent pled nolo contendere to violating Business and Professions Code section 17500 and the other Counts were dismissed on motion of the District Attorney. Respondent was sentenced to three years of probation and one day in county jail with credit for time served; was ordered to pay a $180 booking fee, $70 in other fees, and a $100 restitution fine; and was ordered to stay away from M.K. In addition, the court ordered that any condition imposed upon Respondent's license by the "Speech Language Audiology Board" could be enforced by the Court and District Attorney under Penal Code section 1203.2.

FIRST CAUSE FOR DISCIPLINE
(Conviction of a Substantially Related Crime)

11. Respondent's license is subject to disciplinary action for violating 2533 subdivision (a) (conviction of a substantially related crime), in that she was convicted of violating Business and Professions Code section 17500 (false or misleading statements).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board issue a decision:

12. Revoking or suspending Hearing Aid Dispenser License Number HA 7027, issued to Lindsay Christine Groff;

13. Ordering Lindsay Christine Groff to pay the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: August 2, 2013

Kerry Weld for

ANNEMARIE DEL MUGNAIO
Executive Officer
Speech-Language Pathology and Audiology
and Hearing Aid Dispensers Board
Department of Consumer Affairs
State of California
Complainant

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