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8 **BEFORE THE**  
9 **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID**  
10 **DISPENSERS BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1C-2015-059

12 **JACIE DEE ROSS-FREDERICK**

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

13 Center For Better Hearing Aids  
14 5406 Thornwood Drive #145  
15 San Jose, CA 95123

16 Hearing Aid Dispenser License No. HA 7893

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Paul Sanchez (Complainant) brings this Accusation solely in his official capacity as  
22 the Executive Officer of the Speech-Language Pathology & Audiology & Hearing Aid  
23 Dispensers Board.

24 2. On or about September 8, 2014, the Speech-Language Pathology & Audiology &  
25 Hearing Aid Dispensers Board (Board) issued Hearing Aid Dispenser License Number HA 7893  
26 to Jacie Dee Ross-Frederick (Respondent). The Hearing Aid Dispenser License was in full force  
27 and effect at all times relevant to the charges brought herein and will expire on September 30,  
28 2016, unless renewed.

JURISDICTION

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

4. Section 2531.02 of the Code states:

"Protection of the public shall be the highest priority for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

5. Section 2531.5 of the Code states:

"The board shall issue, suspend, and revoke licenses and approvals to practice speech-language pathology and audiology as authorized by this chapter."

6. Section 2533 of the Code states:

"The board may refuse to issue, or issue subject to terms and conditions, a license on the grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon the license of any licensee for any of the following:

"(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.

"(c)

"(1) The use or administering to himself or herself of any controlled substance.

"(2) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent or in a manner as to be dangerous or injurious to the licensee, to any other person, or to the public, or to the extent that the use impairs the ability of the licensee to practice speech-language pathology or audiology safely.

"(3) More than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section.

"(4) Any combination of paragraph (1), (2), or (3).

"The record of the conviction shall be conclusive evidence of unprofessional conduct."



1           11. On or about October 2, 2015 at approximately 7:13 p.m., San Jose Police Department  
2 officers were dispatched to a non-injury vehicle collision at Capitol Expressway in San Jose.  
3 According to witnesses, Respondent's vehicle rear-ended Victim A's vehicle as it was stopped at  
4 a red traffic light. Victim A's vehicle was struck a second time by Respondent's vehicle when  
5 the traffic signal turned green. Victim A proceeded to pull over her vehicle following the two  
6 collisions, but Respondent continued past her on eastbound Capitol Expressway and left the  
7 scene.

8           12. Shortly after, Respondent's vehicle rear-ended a second vehicle occupied by Victim  
9 B. Respondent and Victim B exited their vehicles following the collision at which time  
10 Respondent, identified as the driver, was observed having extreme difficulty standing and not  
11 making sense while she spoke.

12           13. Police officers investigated Respondent for driving under the influence of alcohol  
13 and/or drugs. Respondent displayed objective signs of intoxication: she was unable to maintain  
14 her balance and continually swayed; her speech was barely audible; she was unable to formulate  
15 sentences and was not making sense; she appeared very tired. In addition, her performance of a  
16 field sobriety test in conjunction with the objective symptoms of intoxication indicated that she  
17 was under the influence of a drug. Respondent explained to law enforcement that she did not  
18 know that she had collided with the other two vehicles and she must have been "zoning out."

19           14. Located in Respondent's vehicle were two pill bottles, both devoid of labels, and  
20 contained the following: 9 Codeine pills; 22 Xanax pills; and 7.5 Hydrocodone pills. Respondent  
21 admitted she did not possess a prescription for the medication and had obtained the pills from an  
22 individual she located online and subsequently met at a shopping mall parking lot.

23           15. Respondent was arrested for driving under the influence of a drug and possession of  
24 narcotics and transported to the local jail.

25           16. Respondent was charged in the Santa Clara County Superior Court, Case Number  
26 151124562, with five misdemeanor counts: 1) Health and Safety Code section 11375(b)(2) –  
27 Possession of a Designated Substance without a Prescription, Alprazolam; 2) Health and Safety  
28 Code section 11350(a) – Possession of a Controlled Substance, Hydrocodone; 3) Health and

1 Safety Code section 11350(a) – Possession of a Controlled Substance, Codeine; 4) Health and  
2 Safety Code section 11550(a) – Under the Influence of a Controlled Substance; and 5) Vehicle  
3 Code section 23152(e) – Driving Under the Influence of a Drug.

4 17. On or about July 7, 2016, Respondent was convicted of each of the five misdemeanor  
5 counts and was sentenced to the following: three years probation; thirty days jail; three-month  
6 Drinking and Driving Program; and standard terms and conditions.

7 18. Respondent’s July 7, 2016 criminal convictions, including driving under the influence  
8 of a drug and possession of controlled substances, are substantially related to the qualifications,  
9 functions and duties of a hearing aid dispenser and constitutes unprofessional conduct pursuant to  
10 the Code sections enumerated above.

#### 11 SECOND CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct: Use of a Dangerous Drug/Controlled Substance)

13 19. The allegations of Paragraphs 10 through 18, above, are incorporated herein by  
14 reference as if fully set forth.

15 Respondent is subject to disciplinary action for unprofessional conduct under Code sections  
16 2533(c)(1) (Use of a Controlled Substance), 2533(c)(2) (Use of a Dangerous Drug), and  
17 2533(c)(4) (Combination of Violations) in that Respondent was under the influence of a  
18 dangerous drug/controlled substance at the time of her arrest.

#### 19 THIRD CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct: Failure to Report Convictions)

21 20. The allegations of Paragraphs 10 through 18, above, are incorporated herein by  
22 reference as if fully set forth.

23 21. Respondent is subject to disciplinary action for unprofessional conduct under  
24 California Code of Regulations, title 16, sections 1399.130(e)(3) (Failure to Report Criminal  
25 Conviction) based on the following circumstances:

26 22. On October 26, 2015, Respondent replied to the Board’s inquiry regarding her  
27 October 2, 2015 arrest, at which time Respondent indicated she would forward all court  
28 documentation to the Board related to her criminal case.

