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

11 In the Matter of the Accusation Against:

12 **CHELSEA DAWSON MCPEAK, SP-L**

Case No. 11- 012-23

13 **1035 Haight Street**  
14 **San Francisco, CA 94117**

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

15 **Speech Pathologist License No. SP 11389**

16 Respondent.

17 Complainant alleges:

18 PARTIES

19 1. Breanne Humphreys ("Complainant") brings this Accusation solely in her official  
20 capacity as the Interim Executive Officer of the Speech-Language Pathology and Audiology and  
21 Hearing Aid Dispensers Board, Department of Consumer Affairs.

22 2. On or about August 13, 1999, the Speech-Language Pathology and Audiology and  
23 Hearing Aid Dispensers Board issued Speech-Language Pathologist License number SP 11389 to  
24 Chelsea Dawson McPeak, SP-L ("Respondent"). The Speech-Language Pathologist License was  
25 in full force and effect at all times relevant to the charges brought herein. The Speech-Language  
26 Pathologist License expired on January 31, 2013, and has not been renewed.  
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JURISDICTION

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

6       4.     Section 118 of the Code states, in relevant part:

7       "...

8       "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
9 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
10 order of a court of law, or its surrender without the written consent of the board, shall not, during  
11 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
12 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
13 provided by law or to enter or order suspending or revoking the license or otherwise taking  
14 disciplinary action against the licensee on any such ground."

15       5.     Section 2531.5 of the Code states:

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

18       6.     Section 2533 of the Code states, in relevant part:

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

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

25       "...

26       "(c)(1) The use or administering to himself or herself, of any controlled substance; (2) the  
27 use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the  
28 extent, or in a manner as to be dangerous or injurious to the licensee, to any other person, or to the

1 public, or to the extent that the use impairs the ability of the licensee to practice speech-language  
2 pathology or audiology safely; (3) more than one misdemeanor or any felony involving the use,  
3 consumption, or self-administration of any of the substances referred to in this section; or (4) any  
4 combination of paragraphs (1), (2), or (3). The record of the conviction shall be conclusive  
5 evidence of unprofessional conduct. ..."

6 7. Section 2533.1 of the Code states:

7 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
8 charge substantially related to the qualifications, functions, and duties of a speech-language  
9 pathologist or audiologist is deemed to be a conviction within the meaning of this article. The  
10 board may order a licensee be disciplined or denied a license as provided in Section 2533 when  
11 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or  
12 when an order granting probation is made suspending the imposition of sentence irrespective of a  
13 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or  
14 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
15 dismissing the accusation, information or indictment."

16 8. California Code of Regulations, title 16, section 1399.156, states, in pertinent part:

17 "Unprofessional conduct as set forth in Section 2533 of the code includes, but is not limited  
18 to the following:

19 "(a) Violating or conspiring to violate or aiding or abetting any person to violate the  
20 provisions of the Act or these regulations. ..."

21 9. California Code of Regulations, title 16, section 1399.156.1, states:

22 "For the purposes of denial, suspension or revocation of a license or registration pursuant to  
23 Division 1.5 (commencing with Section 475) of the code, a crime or act shall be considered to be  
24 substantially related to the qualifications, functions or duties of a person holding a license under  
25 the Act if to a substantial degree it evidences present or potential unfitness of a person holding a  
26 license to perform the functions authorized by his or her license or registration in a manner  
27 consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be  
28 limited to, those involving the following:



1 preliminary alcohol screening ("PAS") test, to which Respondent complied. The PAS test  
2 registered Respondent's blood alcohol concentration ("BAC") as 0.183%. The Officer then  
3 requested that the store clerk sign a citizen's arrest form, as he had seen Respondent driving while  
4 under the influence. The store clerk complied and the Officer then placed Respondent under  
5 arrest. .

6 14. On January 20, 2011, a criminal complaint entitled *The People of the State of*  
7 *California v. Chelsea Dawson McPeak*, case number CRTR-11-0113 filed in Sutter County  
8 Superior Court, charged Respondent with violating VC sections 23152(a) [driving under the  
9 influence of an alcoholic beverage and/or any drug] and 23152(b) [driving under the influence  
10 with a BAC of 0.08% or greater], with enhancement to VC section 23578 [driving with a BAC of  
11 0.15% or greater], misdemeanors.

12 15. On February 8, 2011, Respondent was convicted by plea of no contest of violating VC  
13 sections 23152(b) with enhancement to VC 23578 and the remaining charge was dropped.  
14 Respondent was sentenced to 96 hours jail time, 36 months summary probation, a nine month  
15 drinking driver's program, and \$1,901.00 in fines.

16 16. On September 10, 2012, Respondent was arrested for violating probation in that she  
17 failed to complete the mandated drinking driver's program.

18 17. On December 6, 2012, Respondent was sentenced to one day in county jail and a nine  
19 month drinking drivers program. The Court's Judgment and Order Granting Probation indicates  
20 that Respondent's address is 1796 Bay Road East Palo Alto, CA 94303. Respondent failed to  
21 report a change of address of record with the Board as of May 21, 2014.

22 (November 30, 2011 Resisting Arrest Conviction)

23 18. On July 20, 2011, a Yuba City Police Office ("Officer") reported to a local gas station  
24 in response to complaints of a distraught female. The Officer arrived on the scene and observed  
25 Respondent wearing white pants, no shoes, and a blue bra, walking back and forth nervously. The  
26 Officer asked the Respondent if he could be of assistance, to which Respondent replied, "we can  
27 go to my house and I'll show you my bills." The Officer noted objective signs of intoxication.  
28 The Officer then asked Respondent for her name, to which she asked why that was important if

1 she just wanted a shirt. The Officer concluded that Respondent was unable to care for herself or  
2 others and placed Respondent under arrest for violating Penal Code ("PC") 647(f) [public  
3 intoxication]. The Officer again asked Respondent for her name, to which she indicated that her  
4 name was Sephany Dawson Kelly, date of birth February 12, 1974. The officer was unable to  
5 find a match for this name and explained that he needed to know who she was. Respondent  
6 replied with a rant about cleaning a slate in front of the principal, teachers, and the whole board.  
7 Respondent then indicated that she has been running her whole life and just realized that she  
8 needed to stop running and that is how she got to the gas station. The Officer then informed  
9 Respondent that if she was lying about her name, he would add an additional charge to her arrest.  
10 Respondent then indicated that her real name was Chelsea Dawson Cooke, date of birth February  
11 12, 1974. The Officer then instructed Respondent to sit in his patrol car, to which Respondent  
12 repeatedly refused until the Officer physically placed her in the patrol car. Once in the patrol car,  
13 Respondent said that her real name was Chelsea McPeak and her real date of birth was January  
14 15, 1974. The Officer then drove Respondent to the Sutter County Jail where she was booked for  
15 violating PC section 674(f), PC section 148(a)(1) [resisting arrest], and PC section 148.9(a) [false  
16 identification to a police officer].

17 19. On August 10, 2011, a criminal complaint entitled *The People of the State of*  
18 *California v. Chelsea Dawson McPeak*, case number CRM-11-1727, filed in Sutter County  
19 Superior Court, charged Respondent with violating PC sections 647(f), 148(a)(1), and 148.9(a).

20 20. On November 30, 2011, Respondent was convicted by plea of no contest for violating  
21 PC section 148(a)(1), and the remaining charges were dismissed. Respondent was sentenced to  
22 one day jail time, 24 months summary probation, completion of the National Council on  
23 Alcoholism and other Drug Addictions in-resident program and \$100.00 in fines.

#### 24 SECOND CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct - Failure to Report Change of Address)

26 21. Paragraphs 11 through 16 are incorporated herein.  
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