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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**

12 In the Matter of the Accusation Against,

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

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

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

17 Respondent.

Case No. 11-2012-23

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

18
19 FINDINGS OF FACT

20 1. On or about June 9, 2014, Complainant Paul Sanchez, in his official capacity as the
21 Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers
22 Board, Department of Consumer Affairs, filed Accusation No. 11-2012-23 against Chelsea
23 Dawson McPeak, SP-L ("Respondent") before the Speech-Language Pathology and Audiology
24 and Hearing Aid Dispensers Board.

25 2. On or about August 13, 1999, the Speech-Language Pathology and Audiology and
26 Hearing Aid Dispensers Board ("Board") issued Speech-Language Pathologist License No. SP
27 11389 to Respondent. The Speech-Language Pathologist License was in full force and effect at
28 all times relevant to the charges brought herein. The Speech-Language Pathologist License

1 expired on January 31, 2013. A copy of the Certificate of Licensure is included as Exhibit A in
2 the separately considered exhibit package and is incorporated herein by reference.

3 3. On or about June 9, 2014, Patty Rodriguez, an employee of the Complainant Agency,
4 served by Certified Mail a copy of the Accusation No. 11-2012-23, Statement to Respondent,
5 Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and
6 11507.7 to Respondent's address of record with the Board, which was and is 1035 Haight Street
7 San Francisco, CA 94117. A copy of the Accusation, the related documents, and Declaration of
8 Service are included as Exhibit B in the separately considered exhibit package and are
9 incorporated herein by reference.

10 4. Accusation No. 11-2012-23 alleged that Respondent's license is subject to
11 disciplinary action under Business and Professions Code ("Code") sections 2533(a), 2533(c), and
12 2533.1, as well as California Code of Regulations ("CCR"), title 16, section 1399.156.1 for
13 sustaining a conviction for violating Vehicle Code ("VC") sections 23152(b) with enhancement
14 to VC 23578 for driving under the influence with a blood alcohol concentration ("BAC") greater
15 than 0.15% on February 8, 2011. A copy of the certified record of the February 8, 2011
16 conviction is included as Exhibit C in the separately considered exhibit package and is
17 incorporated herein by reference. Accusation No. 11-2012-23 further alleged that Respondent's
18 license is subject to disciplinary action under Code sections 2533(a), 2533(c), and 2533.1, as well
19 as 16 CCR section 1399.156.1 for sustaining a conviction for violating Penal Code ("PC") section
20 148(a)(1) for resisting arrest on November 30, 2011. A copy of the certified record of the
21 November 30, 2011 conviction is included as Exhibit D in the separately considered exhibit
22 package and is incorporated herein by reference. Finally, Accusation No. 11-2012-23 alleges that
23 Respondent's license is subject to disciplinary action under Code sections 2531.95 and 16 CCR
24 sections 1399.157.2 and 1399.156 for failing to report a change of address to the Board within the
25 statutorily prescribed period. A copy of a declaration of the Board's custodian of records in
26 support of this Default Decision and Order is included as Exhibit E in the separately considered
27 exhibit package and is incorporated herein by reference.

1 4. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c).

3 On or about June 20, 2014, the aforementioned documents were returned by the U.S. Postal
4 Service marked "Unable to Forward." A copy of the envelope returned by the post office is
5 included as Exhibit F in the separately considered exhibit package and is incorporated herein by
6 reference.

7 5. Government Code section 11506 states, in pertinent part:

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

12 Respondent failed to file a Notice of Defense within 15 days after service upon her of the
13 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 11-2012-
14 23.

15 6. California Government Code section 11520 states, in pertinent part:

16 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
17 agency may take action based upon the respondent's express admissions or upon other evidence
18 and affidavits may be used as evidence without any notice to respondent."

19 7. On or about June 24, 2014, Anh Ho, an employee of the California Attorney
20 General's Office, served by Certified Mail a Notice of Default to Respondent's address of record
21 with the Board, which was and is 1035 Haight Street San Francisco, CA 94117. A copy of the
22 Notice of Default is included as Exhibit G in the separately considered exhibit package and is
23 incorporated herein by reference.

24 On or about July 1, 2014, the aforementioned document was returned by the U.S. Postal
25 Service marked "Not Deliverable as Addressed – Unable to Forward." A copy of the envelope
26 returned by the post office is included as Exhibit H in the separately considered exhibit package
27 and is incorporated herein by reference.

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1 Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on
3 Respondent's express admissions by way of default and the evidence before it, contained in
4 Exhibits A, B, C, D, E, F, G, H, and I finds that the allegations in Accusation No. 11-2012-23 are
5 true.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Chelsea Dawson McPeak, SP-L
8 has subjected her Speech Pathologist License No. SP 11389 to discipline.

9 2. A copy of Exhibits A through I, including the Accusation and the related documents
10 and Declaration of Service are in the separately considered exhibit package.

11 3. The agency has jurisdiction to adjudicate this case by default.

12 4. The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
13 is authorized to revoke Respondent's Speech Pathologist License based upon the following
14 violations alleged in the Accusation:

15 a. Pursuant to Business and Professions Code sections 2533(a), 2533(c), 2533.1
16 and California Code of Regulations, title 16, section 1399.156.1 for substantially related
17 convictions and/or the dangerous use of alcohol, in that Respondent has been convicted of driving
18 under the influence and resisting arrest, crimes that are substantially related to the qualifications,
19 functions, or duties of a speech-language pathologist.

20 b. Pursuant to Business and Professions Code section 2531.95 and California
21 Code of Regulations, title 16, sections 1399.157.2 and 1399.156, in that Respondent failed to
22 report a change of address to the Board within 30 days of changing her mailing address.

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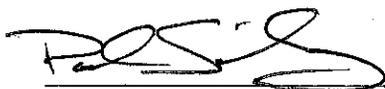
ORDER

IT IS SO ORDERED that Speech-Language Pathologist License No. SP 11389, heretofore issued to Respondent Chelsea Dawson McPeak, SP-L, is revoked.

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

This Decision shall become effective on June 18, 2015.

It is so ORDERED May 19, 2015



FOR THE SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY AND
HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS

Accusation No. 11 2012 23

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11 In the Matter of the Accusation Against:

12 **CHELSEA DAWSON MCPEAK, SP-L**
13 **1035 Haight Street**
14 **San Francisco, CA 94117**
15 **Speech Pathologist License No. SP 11389**
16 Respondent.

Case No. 11- 012-23

ACCUSATION

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.
27
28

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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