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

12 In the Matter of the Accusation Against:

Case No. 1I-2015-40

13 **ARPI S. KADAKIA,**
14 **3732 Mentone Avenue, #11**
Los Angeles, CA 90034
15 **Speech Pathologist License No. SP 18449**

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Paul Sanchez (Complainant) brings this Accusation solely in his official capacity as
21 the Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid
22 Dispensers Board, Department of Consumer Affairs.

23 2. On or about August 19, 2010, the Speech-Language Pathology and Audiology and
24 Hearing Aid Dispensers Board issued Speech Pathologist License Number SP 18449 to ARPI S.
25 KADAKIA (Respondent). The Speech Pathologist License was in full force and effect at all
26 times relevant to the charges brought herein and will expire on March 31, 2016, unless renewed.

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1 “(e) Committing a dishonest or fraudulent act that is substantially related to the
2 qualifications, functions, or duties of a licensee.

3 “(f) Incompetence, gross negligence, or repeated negligent acts.

4 “(g) Other acts that have endangered or are likely to endanger the health, welfare, and
5 safety of the public.

6 “(h) Use by a hearing aid dispenser of the term "doctor" or "physician" or "clinic" or
7 "audiologist," or any derivation thereof, except as authorized by law.

8 “(i) The use, or causing the use, of any advertising or promotional literature in a manner
9 that has the capacity or tendency to mislead or deceive purchasers or prospective purchasers.

10 “(j) Any cause that would be grounds for denial of an application for a license.

11 “(k) Violation of Section 1689.6 or 1793.02 of the Civil Code.

12 “(l) Violation of a term or condition of a probationary order of a license issued by the board
13 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
14 Government Code.

15 “(m) Violation of a term or condition of a conditional license issued by the board pursuant
16 to this section.”

17 6. Section 2533.1 of the Code states:

18 “A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a
19 charge substantially related to the qualifications, functions, and duties of a speech-language
20 pathologist or audiologist is deemed to be a conviction within the meaning of this article. The
21 board may order a licensee be disciplined or denied a license as provided in Section 2533 when
22 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or
23 when an order granting probation is made suspending the imposition of sentence irrespective of a
24 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or
25 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
26 dismissing the accusation, information or indictment.”

27 7. California Code of Regulations, title 16, section 1399.156, states:

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

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

5 ". . . ."

6 8. California Code of Regulations, title 16, section 1399.156.1, states:

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

14 "(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
15 violation of, or conspiring to violate any provision or term of the Act.

16 ". . . ."

17 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 CAUSE FOR DISCIPLINE

22 (Conviction of Crimes)

23 10. Respondent is subject to disciplinary action under Code sections 2533, subdivision
24 (a), and 2533.1, and title 16 of the California Code of Regulations sections 1399.156 and
25 1399.156.1 in that she was convicted of crimes substantially related to the qualifications,
26 functions, and duties of a speech-language pathologist. The circumstances are as follows:

27 11. On or about August 31, 2015, in the matter entitled *The People of the State of*
28 *California v. Arpi Shashin Kadakia*, in Los Angeles County Superior Court Case No. 5MP06436,

1 Respondent was convicted of Driving With a Blood Alcohol Content (BAC) of .08% or greater ,
2 in violation of Vehicle Code section 23152(b), a misdemeanor ("2015 Conviction").

3 12. In a separate prior action, on or about April 28, 2011, in the matter entitled *The*
4 *People of the State of California v. Arpi Shashin Kadakia*, in Orange County Superior Court Case
5 No. 11WM03954, Respondent was also convicted of Driving With a Blood Alcohol Content
6 (BAC) of .08% or greater , in violation of Vehicle Code section 23152(b), a misdemeanor ("2011
7 Conviction").

8 13. For both the 2015 and 2011 convictions, Respondent was placed on probation,
9 ordered to pay fines and assessments, and to comply with standard terms and conditions of
10 probation.

11 PRAYER

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

- 15 1. Revoking or suspending Speech Language Pathologist License Number SP 18449
16 issued to Arpi S. Kadakia;
- 17 2. Ordering her to pay the Board the reasonable costs of the investigation and
18 enforcement of this case pursuant to Business and Professions Code section 125.3;
- 19 3. Ordering Arpi S. Kadakia, if placed on probation, to pay the costs of probation
20 monitoring; and
- 21 4. Taking such other and further action as deemed necessary and proper.

22
23 DATED: October 19, 2015



24 PAUL SANCHEZ
25 Executive Officer
26 Speech-Language Pathology and Audiology and Hearing
27 Aid Dispensers Board
28 Department of Consumer Affairs
State of California
Complainant

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