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

12 In the Matter of the Accusation Against:

Case No. 11 2014 22

13 **KRISTIN RAWLINSON**  
14 **1455 Galindo Street #2451**  
15 **Concord, CA 94520**

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

16 **Speech-Language Pathologist License No.**  
17 **SP 19002**

Respondent.

18 Complainant alleges:

**PARTIES**

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

22 2. On or about June 8, 2011, the Board issued Speech-Language Pathologist License  
23 Number SP 19002 to Kristin Rawlinson (Respondent). The Speech-Language Pathologist  
24 License expired on January 31, 2015, and has not been renewed.

**JURISDICTION**

25 3. This Accusation is brought before the Board, Department of Consumer Affairs, under  
26 the authority of the following laws. All section references are to the Business and Professions  
27 Code unless otherwise indicated.  
28

1           4.       Section 2531.5 of the Code states:

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

4           5.       Section 118 of the Code states, in pertinent part:

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

12           "(c) As used in this section, 'board' includes an individual who is authorized by any  
13 provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,'  
14 'registration,' and 'permit.'"

15           6.       Section 2533 of the Code states, in pertinent part:

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

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

22           "(e) Committing a dishonest or fraudulent act that is substantially related to the  
23 qualifications, functions, or duties of a licensee.

24           "(g) Other acts that have endangered or are likely to endanger the health, welfare, and safety  
25 of the public.

26           7.       Section 2533.1 of the Code states:

27           "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
28 charge substantially related to the qualifications, functions, and duties of a speech-language

1 pathologist or audiologist is deemed to be a conviction within the meaning of this article. The  
2 board may order a licensee be disciplined or denied a license as provided in Section 2533 when  
3 the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or  
4 when an order granting probation is made suspending the imposition of sentence irrespective of a  
5 subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or  
6 her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
7 dismissing the accusation, information or indictment."

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

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

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

14 9. CCR, title 16, section 1399.156.1, states, in pertinent part:

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

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

#### 24 COST RECOVERY

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

1 CAUSE FOR DISCIPLINE

2 (Substantially-related conviction)

3 11. Respondent is subject to disciplinary action under Code section 2533(a), section  
4 2533.1 [substantially-related conviction], CCR 1399.156 and CCR 1399.156.1 in that she was  
5 convicted of a felony violation of Health and Safety (H&S) Code section 11378, possession for  
6 sale of a controlled substance, methamphetamine. The circumstances are as follows:

7 12. On or about January 24, 2014, Respondent and R.U., an adult male, were renting a  
8 property in a residential neighborhood in Hayward, California. B.M., the owner of the residence,  
9 reported to the Hayward Police Department that he had conducted a check of the property  
10 pursuant to a 24-hour notice he had posted, and that, in the residence, he found drug  
11 paraphernalia. B.M. stated that, based on his observations, he believed that Respondent and R.U.  
12 were operating a methamphetamine lab in the garage on the property.

13 13. Hayward Detective Thomas and other Hayward officers responded to the location.  
14 Respondent and R.U. were inside the residence and detained while a protective sweep was  
15 conducted before the landlord continued his inspection. Officers observed in plain view various  
16 chemicals throughout the residence, a water hose leading into the garage, a heat source, and items  
17 that led them to believe the location was used to manufacture methamphetamine. The officers  
18 also observed in plain view multiple baggies containing a substance suspected to be  
19 methamphetamine, as well as a bowl that appeared to be used to smoke methamphetamine, and  
20 loaded syringes of unknown chemicals or drugs.

21 14. Since the chemicals throughout the residence presented a danger of exploding in the  
22 residential neighborhood, the Hayward Fire Department, Alameda County Fire HAZMAT team,  
23 two Drug Enforcement Agency (DEA) agents and additional Hayward Police officers were called  
24 to the scene.

25 15. Hayward Detective Thomas obtained and executed a search warrant of the property.  
26 Detective Thomas, the HAZMAT team and the DEA agents entered the front door of the  
27 residence and checked the living room area. They observed a letter addressed to Respondent in  
28 the living room. In the kitchen, the officers observed a propane torch on the counter. The

1 downstairs bathroom toilet had a green leafy substance that had absorbed all the water in the toilet  
2 bowl. Based on Detective Thomas' training and experience, it appeared that the substance was  
3 marijuana. In an upstairs bedroom, he located a California driver's license in Respondent's name,  
4 as well as a cell phone with text messages addressed to R.U.. He reviewed the text messages and  
5 saw "Put all drugs in your closet lock closet and come to my room. Phone about to die. Kristin."  
6 Inside the bedroom in plain view, the officers observed a substance suspected to be  
7 methamphetamine packaged individually in small baggies. A total of 46.41 grams of a substance  
8 which tested positive for methamphetamine and 57.5 grams of a substance which tested positive  
9 for marijuana were located throughout the residence. Six \$20.00 bills were located in the  
10 bedroom near the baggies as well as an operable digital scale. In the garage, the officers  
11 observed in plain view various chemicals, heat source and fire extinguisher, leading them to  
12 believe that the garage was used as a methamphetamine lab.

13 16. B.M. showed Detective Thomas photos of the residence that B.M. had taken a few  
14 hours before Hayward Police Department had arrived. The photos showed a plastic container in  
15 the garage with chemical glass containers and goggles, a heating unit with a glass ash tray, an  
16 oven, crock pot, pliers, and gas mask. These items were not on the property when Hayward  
17 Police Department arrived. Based on Detective Thomas' training and experience, he believed that  
18 the location was used to manufacture methamphetamine.

19 17. On or about January 28, 2014, a criminal complaint titled *People of the State of*  
20 *California vs. Kristin Amanda Rawlinson*, case number 454559-4 was filed in Alameda County  
21 Superior Court. Respondent was charged with one felony count of violating H&S Code section  
22 11378, possession for sale of a controlled substance, to wit, methamphetamine.

23 18. On or about June 30, 2014, Respondent was convicted on her plea of nolo contendere  
24 to a felony violation of H&S Code section 11378, possession for sale of a controlled substance, to  
25 wit, methamphetamine. She was placed on five years formal probation with terms and conditions,  
26 including nine days in Alameda County Jail. Respondent was given credit for nine days served.  
27 She was ordered to submit to education, counseling, treatments or tests as directed by the  
28 Probation Department including, but not limited to, urinalysis. She was ordered to stay at least

1 100 yards away from the Hayward residence where the arrest took place, and to register as a drug  
2 offender pursuant to H&S Code section 11590. If Respondent had no new arrests within three  
3 years of the conviction date and completed 80 hours of volunteer work, the violation would be  
4 reduced to a misdemeanor.

5 19. Therefore, Respondent's license is subject to discipline based on her felony  
6 conviction for violating H&S Code section 11378, possession for sale of a controlled substance,  
7 to wit, methamphetamine, in violation of Code sections 2533(a), section 2533.1 [substantially-  
8 related conviction], CCR 1399.156 and CCR 1399.156.1.

9 OTHER CONSIDERATIONS

10 January 22, 2015 Arrest

11 20. On or about January 22, 2015, the Berkeley Police Department Special Enforcement  
12 Unit conducted a probation search of Respondent's apartment. The officers found 74 grams of  
13 methamphetamine, 15 oxycodone pills, packaging materials, a digital gram scale with  
14 methamphetamine residue, \$22,261.00, cell phone containing text messages suggesting drug  
15 sales. The officers also found equipment to alter and encode credit cards, five point-of-sale  
16 devices, receipts indicating in excess of \$22,000.00 in fraudulent refunds from point-of-sale  
17 devices, blank credit cards, PVC cards for creating false identifications, and 32 fraudulent and/or  
18 altered credit cards.

19 21. On or about January 28, 2015, a Petition to Revoke Probation was filed against  
20 Respondent in Alameda County Superior Court, Docket number H56011B. The Petition alleged  
21 that Respondent violated the terms and conditions of probation in that she violated H&S code  
22 section 11378, possession for sale of a controlled substance, to wit, methamphetamine, Penal  
23 Code (PC) section 530.5(a), willfully obtaining personal information of another person for an  
24 unlawful purpose, PC 530.5(c)(3), acquiring personal information of 10 or more persons with  
25 intent to defraud, and PC 4849(c) [detention of a parolee.] Respondent is in custody pending her  
26 criminal court appearance scheduled for May 5, 2015.

27 22. Respondent's acts constitute a violation of Code sections 2533(e) [dishonest acts] and  
28 2533(g) [acts endangering the public health, safety or welfare.]

1 PRAYER

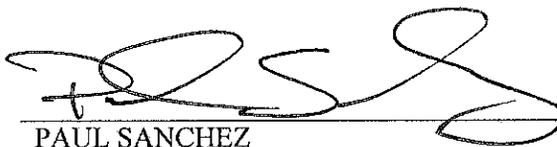
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Speech-Language Pathology and Audiology and Hearing Aid  
4 Dispensers Board issue a decision:

5 1. Revoking or suspending Speech-Language Pathologist License Number SP 19002,  
6 issued to Kristin Rawlinson;

7 2. Ordering Kristin Rawlinson to pay the Speech-Language Pathology and Audiology  
8 and Hearing Aid Dispensers Board the reasonable costs of the investigation and enforcement of  
9 this case, pursuant to Business and Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

11  
12  
13 DATED: May 6, 2015



14 PAUL SANCHEZ  
15 Executive Officer  
16 Speech-Language Pathology and Audiology and Hearing  
17 Aid Dispensers Board  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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