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6
7 **BEFORE THE**
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against,

Case No. 11 2014 22

11 **KRISTIN RAWLINSON**

DEFAULT DECISION
AND ORDER

12 **1455 Galindo Street #2451**
13 **Concord, CA 94520**

[Gov. Code §11520]

14 **Speech-Language Pathologist License No.**
15 **SP 19002**

16 Respondent

17 **FINDINGS OF FACT**

18 1. On or about May 6, 2015, Complainant Paul Sanchez, in his official capacity as the
19 Executive Officer of the Speech-Language Pathology and Audiology and Hearing Aid Dispensers
20 Board (Board), Department of Consumer Affairs, filed Accusation No. 11 2014 22 against Kristin
21 Rawlinson (Respondent) before the Board.

22 2. On or about June 8, 2011, the Board issued Speech-Language Pathologist License
23 No. SP 19002 to Respondent. The Speech-Language Pathologist License expired on January 31,
24 2015, and has not been renewed. A true and correct copy of the License Certification is attached
25 as **Exhibit 1** in the separate accompanying "Default Decision Evidence Packet."¹

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27 ¹ The Exhibits referred to herein, which are true and correct copies of the originals, are
28 contained in the separate accompanying "Default Decision Evidence Packet."

1 3. On or about May 6, 2015, an employee of the Complainant Agency, served by regular
2 and certified mail a copy of Accusation No. 11-2014-22, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7
4 to Respondent's address of record with the Board, which was and is 1455 Galindo Street #2451,
5 Concord, CA 94520. A copy of the Accusation, the related documents, and Declaration of
6 Service are attached as **Exhibit 2** in the separate accompanying Default Decision Evidence
7 Packet.

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

10 5. Business and Professions Code section 118 states, in pertinent part:

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

18 6. Government Code section 11506 states, in pertinent part:

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

23 7. The Statement to Respondent informed her that she was required to file a Notice of
24 Defense within 15 days after receipt of the Accusation. Respondent failed to file a Notice of
25 Defense by May 21, 2015, which was 15 days after service of the Accusation. The Office of the
26 Attorney General served a Courtesy Notice of Default and another copy of the Accusation to
27 Respondent at three addresses known to the Board, via regular and certified mail:
28

1 a) Respondent's address of record, 1455 Galindo Street #2451, Concord, CA 94520. The
2 U.S. Postal service returned the regular and certified mail, stamped "Return to Sender Unable to
3 Forward."

4 b) The certified mail delivery to 2016 Blake Street #6, Berkeley, CA 94704-2621 was
5 returned marked "Unclaimed" and the regular mail has not been returned.

6 c) On June 4, 2015, Jeff Bor signed for the certified mail delivery to Respondent at Santa
7 Rita Jail, 5325 Broder Blvd, Dublin, CA 94568.

8 A true and correct copy of the Courtesy Notice of Default, proof of service, returned
9 envelopes, U.S. Postal Service Tracking printout and certified mail receipt are attached as
10 **Exhibit 3** in the separate accompanying Default Decision Evidence Packet.

11 8. California Government Code section 11520 states, in pertinent part:

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

15 9. The Declaration of Supervising Deputy Attorney General Jose R. Guerrero states that
16 to date, neither this office nor the Board has received Respondent's Notice of Defense. The
17 Declaration of Supervising Deputy Attorney General Guerrero is attached as **Exhibit 4** in the
18 separate accompanying Default Decision Evidence Packet.

19 10. True and correct certified copies of the criminal complaint titled *People of the State of*
20 *California vs. Kristin Amanda Rawlinson*, case no. 454559-4 filed in Alameda County Superior
21 Court, Clerk's Docket and Minutes, and Terms and Conditions of Probation are attached as
22 **Exhibit 5** in the separate accompanying Default Decision Evidence Packet. Respondent was
23 charged with one felony count of violating H&S Code section 11378, possession for sale of a
24 controlled substance, to wit, methamphetamine. On or about June 30, 2014, Respondent was
25 convicted on her plea of nolo contendere to a felony violation of H&S Code section 11378,
26 possession for sale of a controlled substance, to wit, methamphetamine.

27 ///

28 ///

1 11. A true and correct redacted, certified copy of Hayward Police Department case report
2 number 2014-00006318 is attached as **Exhibit 6** in the separate accompanying Default Decision
3 Evidence Packet, and alleges as follows:

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

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

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

22 15. Hayward Detective Thomas obtained and executed a search warrant of the property.
23 Detective Thomas, the HAZMAT team and the DEA agents entered the front door of the
24 residence and checked the living room area. They observed a letter addressed to Respondent in
25 the living room. In the kitchen, the officers observed a propane torch on the counter. The
26 downstairs bathroom toilet had a green leafy substance that had absorbed all the water in the toilet
27 bowl. Based on Detective Thomas' training and experience, it appeared that the substance was
28 marijuana. In an upstairs bedroom, he located a California driver's license in Respondent's name,

1 as well as a cell phone with text messages addressed to R.U.. He reviewed the text messages and
2 saw "Put all drugs in your closet lock closet and come to my room. Phone about to die. Kristin."
3 Inside the bedroom in plain view, the officers observed a substance suspected to be
4 methamphetamine packaged individually in small baggies. A total of 46.41 grams of a substance
5 which tested positive for methamphetamine and 57.5 grams of a substance which tested positive
6 for marijuana were located throughout the residence. Six \$20.00 bills were located in the
7 bedroom near the baggies as well as an operable digital scale. In the garage, the officers
8 observed in plain view various chemicals, heat source and fire extinguisher, leading them to
9 believe that the garage was used as a methamphetamine lab.

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

16 17. The costs of enforcement and prosecution of this case is \$3,525.00. See **Exhibit 7** in
17 the separate accompanying Default Decision Evidence Packet.

18 18. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent is in default. The Board will take action without further hearing and, based on
20 Respondent's express admissions by way of default and the evidence before it, contained in
21 Exhibits 1, 2, 3, 4, 5, 6 and 7, finds that the allegations in Accusation No. 11 2014 22 are true.

22 DETERMINATION OF ISSUES

23 1. Based on the foregoing findings of fact, Respondent Kristin Rawlinson has subjected
24 her Speech-Language Pathologist License No. SP 19002 to discipline.

25 2. A copy of the Accusation and the related documents and Declaration of Service are
26 attached.

27 3. The agency has jurisdiction to adjudicate this case by default.
28

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

4 Respondent was convicted of a felony violation of Health and Safety (H&S) Code section
5 11378, possession for sale of a controlled substance, methamphetamine, in violation of Business
6 and Professions Code sections 2533(a), section 2533.1 [substantially-related conviction], CCR
7 1399.156 and CCR 1399.156.1.

8 ORDER

9 IT IS SO ORDERED that Speech-Language Pathologist License No. SP 19002, heretofore
10 issued to Respondent Kristin Rawlinson, is revoked.

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

15 This Decision shall become effective on August 9, 2015.

16 It is so ORDERED July 10, 2015

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

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8 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:

Case No. 11 2014 22

11 **KRISTIN RAWLINSON**
12 **1455 Galindo Street #2451**
Concord, CA 94520

A C C U S A T I O N

13 **Speech-Language Pathologist License No.**
14 **SP 19002**

15 Respondent.

16
17 Complainant alleges:

18 **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.

25 **JURISDICTION**

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

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.

CAUSE FOR DISCIPLINE

(Substantially-related conviction)

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

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

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

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

15. Hayward Detective Thomas obtained and executed a search warrant of the property. Detective Thomas, the HAZMAT team and the DEA agents entered the front door of the residence and checked the living room area. They observed a letter addressed to Respondent in 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.]

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PRAYER

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

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

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

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

DATED: May 6, 2015



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

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