

By *Quita Joseph*

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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 2015 60

13 **KERRY DENISE NAU**

14 **1051 Meadow Way**  
15 **Arroyo Grande, CA 93420**

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

16 **Speech-Language Pathologist License No.**  
17 **SP 20285**

Respondent.

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 (Board), Department of Consumer Affairs.

23 2. On or about November 1, 2012, the Board issued Speech-Language Pathologist  
24 License Number SP 20285 to Kerry Denise Nau (Respondent). The Speech-Language Pathologist  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on December 31, 2017, unless renewed.

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JURISDICTION

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

5           4.     Section 2530 of the Code states: "This act may be cited as the 'Speech-Language  
6 Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act.'"

7           5.     Section 2530.1 of the Code states:  
8           "The Legislature finds and declares that the practice of speech-language pathology and  
9 audiology and hearing aid dispensing in California affects the public health, safety, and welfare  
10 and there is a necessity for those professions to be subject to regulation and control."

11          6.     Section 2531.5 of the Code states: "The board shall issue, suspend, and revoke  
12 licenses and approvals to practice speech-language pathology and audiology as authorized by this  
13 chapter."

14          7.     Section 2533 of the Code states, in relevant part:  
15           "The board may refuse to issue, or issue subject to terms and conditions, a license on the  
16 grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon  
17 the license of any licensee for any of the following:

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

21           "....

22           "(2) The use of any of the dangerous drugs specified in Section 4022, or of alcoholic  
23 beverages, to the extent, or in a manner as to be dangerous or injurious to the licensee, to any  
24 other person, or to the public, or to the extent that the use impairs the ability of the licensee to  
25 practice speech-language pathology or audiology safely.

26           "...

27           "The record of the conviction shall be conclusive evidence of unprofessional conduct."

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1 11. California Code of Regulations, title 16, section 1399.156(h)(2), states, in pertinent  
2 part:

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

5 ...

6 "(h) Failure to report to the board within 30 days any of the following:

7 ...

8 (2) The arrest of the licensee."

9 FIRST CAUSE FOR DISCIPLINE

10 (Substantially-Related Conviction)

11 12. Respondent is subject to disciplinary action under Code section 2533(a) [conviction  
12 of a crime]; and/or Code section 2533(c)(2) [use of alcoholic beverages in a manner dangerous to  
13 self or others] in that in 2015, she was convicted of a misdemeanor violation of driving under the  
14 influence of alcohol. The circumstances are as follows:

15 13. On or about April 17, 2015 at approximately 11:55 p.m., Arroyo Grande Police  
16 Officer Justin Dodson was on patrol in a marked Police Department vehicle. Officer Dodson  
17 observed an adult female (later identified as Respondent) driving a vehicle in front of him. He  
18 observed Respondent swerve into the bicycle lane several times. He also observed the vehicle's  
19 driver side tires travel over the center solid double yellow line several times. Using a  
20 speedometer, he observed that Respondent was traveling 50 miles per hour in a 35 mile per hour  
21 zone. He then observed Respondent drive across the double yellow lines and into the westbound  
22 lanes for approximately 60 feet before traveling back into her lane. When Respondent drove on  
23 the wrong side of the roadway, he initiated his emergency lights. Respondent continued driving  
24 without yielding to the curb. He then used the patrol vehicle's Public Address system and  
25 requested that Respondent pull to the right. Respondent made a right turn at the intersection and  
26 continued driving for awhile before coming to a stop.

27 14. Officer Dodson stood at the driver side door of Respondent's vehicle and while  
28 speaking to her, he smelled a strong odor of alcohol on her person. He observed that

1 Respondent's eyes were red and watery. He noticed that Respondent was not able to form  
2 complete sentences several times; she stopped mid-sentence and stared. Based on her objective  
3 symptoms of alcohol intoxication, Officer Dodson asked Respondent to exit the vehicle. As she  
4 walked to the sidewalk, he noticed that her gait was unsteady.

5 15. Respondent admitted that she drank three glasses of wine at her house with dinner  
6 from 8:00 p.m. until 9:00 p.m. Based on her statement, the officer's observations of her driving  
7 and her objective symptoms of alcohol intoxication, Officer Dodson requested that Respondent  
8 perform a series of Field Sobriety Tests (FSTs).

9 16. Respondent was unable to perform the FSTs in a satisfactory manner. She refused to  
10 submit to a preliminary alcohol screening test. Based on the officer's observations of  
11 Respondent's driving, her admission to drinking three glasses of wine earlier in the evening, and  
12 her performance on the FSTs, Officer Dodson determined that Respondent was driving under the  
13 influence of alcohol. He arrested her for violating Vehicle Code (VC) section 23152(a) [driving  
14 under the influence of alcohol.] Respondent chose to provide a blood sample, and Officer  
15 Dodson transported her to the Arroyo Grande Hospital Emergency room for the blood draw.

16 17. On or about June 2, 2015, a criminal complaint titled *People of the State of California*  
17 *vs. Kerry Denise Nau* was filed in San Luis Obispo County Superior Court Case No. 15M-05209.  
18 Count 1 of the Complaint alleged a misdemeanor violation of VC section 23152(a) [driving  
19 under the influence of alcohol and/or drugs]; Count 2 alleged a misdemeanor violation of VC  
20 section 23152(b) [driving with a 0.08% or more BAC].

21 18. On or about August 25, 2015, Respondent was convicted upon her plea of no contest  
22 to a violation of VC section 23152(a) [driving under the influence of alcohol]. She was found not  
23 guilty of Count 2 by Court Trial. She was sentenced to three years bench-court supervised  
24 probation with terms and conditions including, but not limited to: required attendance and  
25 completion of a three month driving under the influence program; two days jail time with credit  
26 for two days served; and she was ordered to pay fines and fees.

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