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BEFORE THE
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation Against: **CHRISTINE STANTON PETERSEN** **445 Enclave Circle #305** **Costa Mesa, CA 92626** **Speech-Language Pathologist License No. SP 9045** Respondent.	Case No. 11-2012-55 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about March 9, 1994, the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board issued Speech-Language Pathologist License Number SP 9045 to Christine Stanton Petersen (Respondent). The Speech-Language Pathologist License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2017, unless renewed.

JURISDICTION

3. This First Amended Accusation is brought before the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2531.5 of the Code states:

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

5. Section 2531.02 of the Code states:

"Protection of the public shall be the highest priority for the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

6. Section 2533 of the Code states:

"The board may refuse to issue, or issue subject to terms and conditions, a license on the grounds specified in Section 480, or may suspend, revoke, or impose terms and conditions upon the license of any licensee if he or she has been guilty of unprofessional conduct. Unprofessional conduct shall include, but shall not be limited to, the following:

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

". . ."

"(c) (1) The use or administering to himself or herself, of any controlled substance; (2) the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in a manner as to be dangerous or injurious to the licensee, to any other person, or to the public, or to the extent that the use impairs the ability of the licensee to practice speech-language pathology or audiology safely; (3) more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section; or

(4) any combination of paragraph (1), (2), or (3). The record of the conviction shall be conclusive evidence of unprofessional conduct.

"..."

7. Section 2533.1 of the Code states:

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

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

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

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

"..."

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

10. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

11. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

12. Respondent is subject to disciplinary action under section 2533, subdivision (a), in that she was convicted of crimes substantially related to the qualifications, functions and duties of a speech-language pathologist. The circumstances are as follows:

13. On or about June 11, 2012, a four-count complaint was filed in *The People of the State of California v. Christine Stanton Petersen*, Orange County Superior Court Case No. 12HM07354. Respondent was charged with: (1) Child abuse and endangerment by placing a child in conditions likely to produce great bodily harm and while having the care and custody of the child, willfully causing or permitting that child to be placed in a situation where his or her person or health is endangered, in violation of Penal Code section 273a, subdivision (a); (2) Driving under the influence of alcohol or drugs, in violation of Vehicle Code section 23152,

subdivision, (a), a misdemeanor; (3) Unlawfully driving vehicle while having a blood-alcohol concentration of 0.08 percent or more, in violation of Penal Code Section 23152, subdivision (b); and (4) Being a driver of and owner of a vehicle involved in an accident resulting in damage to property, unlawfully failing to stop her vehicle immediately and take appropriate steps (Hit and Run with Property Damage), in violation of Vehicle Code section 20002, subdivision (a). Additionally, as to the second and third counts, Respondent was alleged to have had a blood alcohol concentration of 0.20 percent and more, by weight, in violation of Vehicle Code section 23538, subdivision (b)(2).

14. The circumstances underlying the criminal charges occurred about two months earlier. Specifically, on Saturday, April 14, 2012, around 11:00 a.m., Respondent drove on Orange Avenue in Costa Mesa in a blue Lexus SUV with her nine-year-old son. While trying to parallel park, she was seen sideswiping a parked white Nissan Maxima in front and nearly hitting a black Infinity 4-door sedan behind. A bystander then observed Respondent perform a U-turn and park across the street. A police officer arrived and Respondent denied hitting the white car, insisting that the fresh white paint on her SUV had been there before. The officer saw Respondent swaying back and forth, smelled a heavy odor of alcohol coming from her, and heard Respondent slur her speech as she spoke. A breathalyzer initially recorded Respondent's blood-alcohol content as 0.32 percent and then, on a subsequent test, recorded it at 0.30 percent. Respondent's son was left with the friend who Respondent had driven to visit and Respondent was taken to jail.

15. On or about December 6, 2012, Respondent pled guilty to and was convicted of all four counts. The Court stayed sentence pursuant to Penal Code 654 on count 3. As to counts 1, 2 and 4, imposition of sentence was suspended and Respondent was placed on four years of informal probation with numerous terms and conditions, including, among others:

a. Attend and complete 18 months Multiple Offender Alcohol Program as to count 2, to be concurrent to case 12HM10306;

b. Attend and complete Child Abuser's Treatment Program as to count 1;

c. Pay restitution in the amount as determined and directed by Victim Witness as to

counts 1, 2 and 4; and

d. Pay numerous fees and fines.[1]

SECOND CAUSE FOR DISCIPLINE

(Conviction of a Crime)

16. Respondent is subject to disciplinary action under section 2533, subdivision (a), in that she was convicted of crimes substantially related to the qualifications, functions and duties of a speech-language pathologist. The circumstances are as follows:

17. On or about August 14, 2012, a three-count complaint was filed in *The People of the State of California vs. Christine Lee Stanton, aka Christine Stanton Petersen, Christine Stanton Peterson, Christine L. Stanton*, Orange County Superior Court No. 12HM10306. Respondent was charged with, on August 12, 2012: (1) Driving under the influence of alcohol[2] or drugs, in violation of Vehicle Code section 23152, subdivision (a), a misdemeanor; (2) Child abuse and endangerment by placing a child in conditions likely to produce great bodily harm and while having the care and custody of the child, willfully causing or permitting that child to be placed in a situation where his or her person or health is endangered, in violation of Penal Code section 273a, subdivision (a); and (3) Driving at a time when her driving privilege was suspended and revoked for driving under the influence of an alcoholic beverage and a drug and their combined influence, in violation of Vehicle Code section 23152 or 23153, and when she had knowledge of said suspension and revocation, in violation of Vehicle Code section 14601.2, subdivision (a).

18. On or about December 6, 2012, Respondent pled guilty to all counts and signed a declaration testifying as to the following factual basis of her plea: "On or about August 12, 2012, in Orange County, I willfully, unlawfully and knowingly drove a motor vehicle on a highway while was under the influence of alcohol and placed a child in a situation likely to produce bodily injury and drove on a suspended license that was suspended due to a DUI conviction." On a hot

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[1] Subsequently, on August 1, 2013, upon Respondent's motion, the Court modified probation to require 43 hours of community service in lieu of fines.

[2] The front of the Complaint stated ".17" on the right-hand side of the caption, presumably representing Respondent's tested blood alcohol content in the underlying incident.

Sunday morning, August 12, 2012, Respondent had picked up her eleven-year-old son from a friend's house and was driving him home in her SUV. She was drinking cold champagne out of a plastic cup. A police officer located it within the center console. Respondent denied that she had been drinking alcohol. After her son's father arrived to take her son, she was given field sobriety tests and taken to the police station where she provided a blood sample.

19. On or about December 6, 2012, Respondent was convicted of all three counts and sentenced to five years of informal probation with the following terms and conditions, among others:

a. Serve 120 days in Orange County Jail as to Count 1;

b. Attend and complete 18 month Multiple Offender Alcohol Program as to Count 1 (to be attended and completed concurrently with the sentence in case number 12HM07354);

c. Serve 10 days in Orange County Jail as to Count 3 (to be served concurrently with 120 days as to Count 1);

d. Pay numerous fines, penalties and fees.

THIRD CAUSE FOR DISCIPLINE

(Dangerous Use of Alcoholic Beverages)

20. Respondent is subject to disciplinary action under section 2533, subdivision (c), in that she used alcoholic beverages to the extent and in a manner as to be dangerous or injurious to herself, her son and the public, and in that she received more than one misdemeanor conviction involving the consumption of alcohol. The circumstances as alleged in paragraphs 13 through 15 and 17 through 19 above are incorporated herein.

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 9045, issued to Christine Stanton Petersen;

2. Ordering Christine Stanton Petersen 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: July 31, 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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