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**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 200-2017-000628

**AMBER ROSE MORTON BEDELL
854 10th Street, Suite 202A
Arcata, CA 95521-6254**

DEFAULT DECISION AND ORDER

**Licensed Marriage and Family Therapist
License No. LMFT 46258**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 3, 2017, Complainant Kim Madsen, in her official capacity as the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs, filed Accusation No. 200-2017-000628 against Amber Rose Morton Bedell (Respondent) before the Board of Behavioral Sciences. (Accusation attached as Exhibit A.)

2. On or about August 29, 2008, the Board of Behavioral Sciences (Board) issued Licensed Marriage and Family Therapist License No. LMFT 46258 to Respondent. The Licensed Marriage and Family Therapist License was in full force and effect at all times relevant to the charges brought in Accusation No. 200-2017-000628 and will expire on November 30, 2019, unless renewed.

3. On or about October 13, 2017, Respondent was served by Certified and First Class

1 Mail copies of the Accusation No. 200-2017-000628, Statement to Respondent, Notice of
2 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
3 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
4 Professions Code section 136, is required to be reported and maintained with the Board.
5 Respondent's address of record was and is: 854 10th Street, Suite 202A, Arcata, CA, 95521-
6 6254.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. Government Code section 11506(c) states, in pertinent part:

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

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
18 waived her right to a hearing on the merits of Accusation No. 200-2017-000628.

19 7. California Government Code section 11520(a) states, in pertinent part:

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

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 200-2017-
000628, finds that the charges and allegations in Accusation No. 200-2017-000628, are separately
and severally, found to be true and correct by clear and convincing evidence.

1 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,205.00
2 as of February 22, 2018.

3 DETERMINATION OF ISSUES

4 1. Based on the foregoing findings of fact, Respondent Amber Rose Morton Bedell has
5 subjected her Licensed Marriage and Family Therapist License No. LMFT 46258 to discipline.

6 2. The agency has jurisdiction to adjudicate this case by default.

7 3. The Board of Behavioral Sciences is authorized to revoke Respondent's Licensed
8 Marriage and Family Therapist License based upon the violations alleged in the Accusation
9 which are supported by the evidence contained in the Default Decision Evidence Packet in this
10 case.

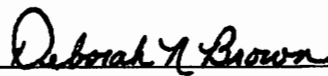
11 ORDER

12 IT IS SO ORDERED that Licensed Marriage and Family Therapist License No. LMFT
13 46258, heretofore issued to Respondent Amber Rose Morton Bedell, is revoked.

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

18 This Decision shall become effective on April 27, 2018.

19 It is so ORDERED March 28, 2018

20
21 

22 FOR THE BOARD OF BEHAVIORAL SCIENCES
23 DEPARTMENT OF CONSUMER AFFAIRS

24
25 Attachment:
26 Exhibit A: Accusation

Exhibit A

Accusation

(AMBER ROSE MORTON BEDELL)

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7
8 **BEFORE THE**
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 200-2017-000628

11 **AMBER ROSE MORTON BEDELL**
12 **854 10th Street, Suite 202A**
13 **Arcata, CA 95521-6254**

A C C U S A T I O N

14 **Licensed Marriage and Family Therapist**
15 **License No. LMFT 46258**

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Kim Madsen (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.
21 2. On or about August 29, 2008, the Board of Behavioral Sciences issued Licensed
22 Marriage and Family Therapist License Number LMFT 46258 to Amber Rose Morton Bedell
23 (Respondent). The Licensed Marriage and Family Therapist License was in full force and effect
24 at all times relevant to the charges brought herein and will expire on November 30, 2017, unless
25 renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board of Behavioral Sciences (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 118, subdivision (b), of the Code provides that the expiration of a license
3 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 **STATUTORY PROVISIONS**

6 5. Section 490 of the Code states:

7 (a) In addition to any other action that a board is permitted to take against a licensee, a
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a
9 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
10 or profession for which the license was issued.

11 (b) Notwithstanding any other provision of law, a board may exercise any authority to
12 discipline a licensee for conviction of a crime that is independent of the authority granted under
13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
14 of the business or profession for which the licensee's license was issued.

15 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
16 conviction following a plea of nolo contendere. An action that a board is permitted to take
17 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
18 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
19 made suspending the imposition of sentence, irrespective of a subsequent order under Section
20 1203.4 of the Penal Code.

21 (d) The Legislature hereby finds and declares that the application of this section has been
22 made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th
23 554, and that the holding in that case has placed a significant number of statutes and regulations
24 in question, resulting in potential harm to the consumers of California from licensees who have
25 been convicted of crimes. Therefore, the Legislature finds and declares that this section
26 establishes an independent basis for a board to impose discipline upon a licensee, and that the
27 amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change
28 to, but rather are declaratory of, existing law.

1 offers to use drugs in the course of performing marriage and family therapy services.

2 ...

3 (e) Violating, attempting to violate, or conspiring to violate any of the provisions of this
4 chapter or any regulation adopted by the board.

5 ...

6 7. California Code of Regulations, Title 16, section 1845, states, in pertinent part:

7 As used in Section 4982 of the code, unprofessional conduct includes, but is not limited to:

8 ...

9 (f) Failure to cooperate and participate in any board investigation pending against the
10 licensee or registrant. This subsection shall not be construed to deprive a licensee, registrant, or a
11 consumer of any rights or privilege guaranteed by the Fifth Amendment to the Constitution of the
12 United States, or any other constitutional or statutory rights or privileges. This subsection shall
13 not be construed to require a licensee or registrant to cooperate with a request that would require
14 the licensee, registrant, or a consumer to waive any constitutional or statutory rights or privilege
15 or to comply with a request for information or other matters within an unreasonable period of
16 time in light of the time constraints of the licensee's or registrant's practice. Any exercise by a
17 licensee or registrant of any constitutional or statutory rights or privilege shall not be used against
18 the licensee or registrant in a regulatory or disciplinary proceeding against the licensee or
19 registrant.

20 (g) Failure to report to the board within 30 days any of the following:

21 (1) A conviction of any felony or misdemeanor, which is not subject to Health & Safety
22 Code sections 11357(b), (c), (d), (e) or 11360(b). A conviction includes any verdict of guilty, or
23 plea of guilty or no contest.

24 (2) Any disciplinary action taken by another licensing entity or authority of this state or of
25 another state or an agency of the federal government or the United States military.

26 (h) Failure to provide, within 30 days of a request, documentation to the Board regarding
27 the arrest of the licensee or registrant, except for records of convictions or arrests protected under
28 Penal Code section 1000.4, or Health and Safety Code sections 11361.5 and 11361.7.

1

...

2 **COSTS**

3 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licensee found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 **FACTUAL SUMMARY**

8 9. On or about March 23, 2017, in Humboldt Superior Court case number CR1604942,
9 Respondent was convicted of having violated California Vehicle Code section 23152(a) (driving
10 while under the influence of alcohol), and admitted that at the time of the offense her blood
11 alcohol level was at or above .15%. The conviction was based on an arrest on September 24,
12 2016, resulting from incident during which Respondent drove a vehicle at 88 miles per hour while
13 her blood alcohol level was .29%.

14 10. Respondent failed to report the above-described arrest and conviction to the Board
15 within 30 days as required by law.

16 11. On or about March 29, 2017 and June 30, 2017, the Board sent letters to Respondent
17 requesting that she provide information about the above-described arrest and conviction.
18 Respondent failed to respond and failed to cooperate with the Board's investigation.

19 **FIRST CAUSE FOR DISCIPLINE**

20 (Criminal Conviction)

21 12. Respondent is subject to disciplinary action under Code sections 490(a) and 4982(a)
22 in that she has been convicted of a crime substantially related to the qualifications, functions, or
23 duties of a licensee, as set forth above in paragraph 9.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Dangerous Use of Alcohol)

26 13. Respondent is subject to disciplinary action under Code section 4982(c) in that she
27 used alcohol to the extent, or in a manner, as to be dangerous or injurious to herself, or to any
28 other person, or to the public, as set forth above in paragraph 9.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Failure to Report Conviction and Cooperate with Investigation)


3 14. Respondent is subject to disciplinary action under Code section 4982(e) and under
4 California Code of Regulations, Title 16, section 1845, subsections (f), (g) and (h), in that
5 Respondent failed to timely report her arrest and conviction to the Board, and failed to cooperate
6 with the Board's investigation, and failed to provide documents as requested by the Board, as set
7 forth above in paragraphs 9-11.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Behavioral Sciences issue a decision:

- 11 1. Revoking or suspending Licensed Marriage and Family Therapist License Number
12 LMFT 46258, issued to Amber Rose Morton Bedell;
- 13 2. Ordering Amber Rose Morton Bedell to pay the Board of Behavioral Sciences the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: October 3, 2017


19 KIM MADSEN
20 Executive Officer
21 Board of Behavioral Sciences
22 Department of Consumer Affairs
23 State of California
24 Complainant